

## **ZONING MAP CHANGE AND TEXT AMENDMENT REPORT**

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### **RIVERFRONT ZONING (RIV) TEXT AND MAP AMENDMENTS**

<b>PROPERTY:</b>	2,961 parcels that are in the low-lying areas and bounded by the Allegheny, Monongahela, and Ohio Rivers; and by topographic features, infrastructure, and surrounding neighborhood fabric
<b>NEIGHBORHOODS:</b>	Marshall-Shadeland, Chateau, North Shore, Troy Hill, Esplen, Elliott, South Shore, South Side Flats, Hays, Glen Hazel, Hazelwood, South Oakland, Bluff, Central Business District, Strip District, Lawrenceville (Lower, Central, and Upper), Morningside, Highland Park, and Lincoln-Lemington-Belmar
<b>PROPOSED ZONING:</b>	Riverfront Zoning (RIV)
<b>ACTION REQUIRED:</b>	Public Hearing and Recommendation to City Council on the Proposed Zone Change, including maps and text change
<b>COUNCIL DISTRICTS:</b>	1, 2, 3, 5, 6, 7, 9; Councilmembers Darlene Harris, Theresa Kail-Smith, Bruce Kraus, Corey O'Connor, R. Daniel Lavelle, Deborah Gross, and Ricky V. Burgess
<b>DATE:</b>	March 6, 2018
<b>SUBMITTED TO:</b>	The Planning Commission of the City of Pittsburgh
<b>FROM:</b>	The Zoning Administrator

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#### **FINDINGS OF FACT**

1. In 2016, after more than 40 meetings with the public and stakeholders, City Council adopted the Riverfront Interim Planning Overlay District (R-IPOD) that applied to 3,268 parcels within Marshall-Shadeland, Chateau, North Shore, Troy Hill, Esplen, Elliott, South Shore, South Side Flats, Hays, Glen Hazel, Hazelwood, South Oakland, Bluff, Central Business District, Strip District, Lawrenceville (Lower, Central, and Upper), Morningside, Highland Park, and Lincoln-Lemington-Belmar. The R-IPOD was based in more than thirty years of riverfront planning done by multiple organizations.
2. The R-IPOD created interim controls that provided adequate balances between competing land uses, development pressures and regional economic factors for an area of the City that was studied over the past two years in a community-informed process to develop permanent riverfront zoning. The zoning standards in the R-IPOD were intended to encourage quality development by protecting existing uses and encouraging new uses; protecting and enhancing the area's architecture; allowing for a community process; providing a riverfront setback to contribute to improving the health of Pittsburgh's rivers; protecting regular public access to the riverfront; and enhancing public safety.
3. Currently the R-IPOD is in effect and the geographical boundaries are similar to the current area to be rezoned. The R-IPOD became effective in June 2016 and is set to expire June 2018.
4. The Department of City Planning proposes Zoning Code text and map amendments in this report that have been developed through a thorough community planning process. The project team assembled a Steering Committee, representing community members, developers, residents, advocacy and environmental groups, and other public agencies, to develop the RFP, review responses, interview firms and select a consultant. 33 cohorts representing 70 groups provided advice and input during in Stakeholder Interviews. In March 2017, the Department hosted a Waterfronts that Work Summit, featuring speakers from five cities and drawing 100 attendees. It invited over 90 groups to participate in focus group sessions in September and December of 2017. It held two public meetings in September 2017, and three in December 2017 that were advertised via postcard invitations mailed to 2,431 recipients along the riverfront. The Project Manager maintained an email list of over 500 people who received updates prior to every public engagement opportunity.

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5. The process provided reports at every segment of the project, including an Assessment Report, released February 2017; an Economic Impact Report released May 2017; and a Zoning Recommendations Report released in August / September 2017.
6. The intent of the Riverfront rezoning proposal is to acknowledge the valuable cultural and ecological resources of city-wide and regional significance that contribute to the public's economic, environmental, recreational, and aesthetic well-being. These regulations intend to improve the ecological health of the rivers and riverfront while allowing high-quality, sustainable development and preservation of the diverse character of the City's riverfronts.
7. Mailed notice was sent to each impacted property owner, as well as owners with property within 150 feet of the proposed zone change. Notice posters were placed in each impacted neighborhood.
8. Since January 1<sup>st</sup>, 2018 City Planning Staff hosted more than 20 meetings with stakeholders, including residents and community groups; industrial users; developers; and advocacy groups.
9. The Riverfront rezoning proposal includes new and amended zoning code text; new zoning base districts and sub-district maps; and new height maps. The new zoning sub-districts are:
  - a. RIV-RM Mixed Residential Subdistrict. The RIV-RM Mixed Residential Subdistrict is intended for areas of higher density residential development.
  - b. RIV-MU Mixed-Use Subdistrict. The RIV-MU Mixed-Use Subdistrict is intended to foster a vibrant, connected mixed-use environment that may be designed either vertically within a single development or horizontally within a larger area.
  - c. RIV-NS North Shore Subdistrict. The RIV-NS North Shore Subdistrict is intended specifically to address the North Shore and its unique mix of large-scale sports, entertainment, and cultural uses. As a mixed-use district, high density residential development is also allowed.
  - d. RIV-GI General Industrial Subdistrict. The RIV-GI General Industrial Subdistrict is intended to address a variety of industrial uses. The district accommodates both general industrial uses, as well as heavier industrial uses that may produce external impacts such as smoke, noise, glare, or vibration. Outdoor storage and related outdoor activities may also be included in the operation of such uses. The subdistrict is structured to prevent encroachment of non-industrial uses, accommodate site design elements related to public safety, and maintain compatibility with surrounding uses.
  - e. RIV-IMU Industrial Mixed-Use Subdistrict. The RIV-IMU Industrial Mixed-Use Subdistrict is intended to address areas of the riverfront that are diversifying from their original, strictly industrial nature. It accommodates a variety of higher intensity uses, including light industrial, commercial, and high density residential development. The RIV-IMU Subdistrict is also intended for industrial areas that are focused on research and development and technology-oriented industries.
10. The Riverfront rezoning proposal includes new and amended Zoning Code text.
  - a. Section one adds the Riverfront Zoning District (RIV) into the Establishment of Zoning Districts and removes districts and overlays to be removed such as the Downtown Riverfront and the Riverfront Interim Planning Overlay.
  - b. Section two amends the zoning map to adopt the new proposed RIV subdistrict and height maps.
  - c. Section three amends the Special Purpose Districts to create Section 905.05 for the RIV. Included in this section are dimensional standards and design standards by subdistricts; regulations on accessory structures; riparian and screening buffer requirements; and the allowance to the performance points system in Section 915 for additional height and reduced riparian buffer.
  - d. Section four amends Environmental Overlay Districts to remove the Riverfront Overlay District, replaced with the RIV base zoning districts in Section 905.05.

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- e. Section five amends Chapter 907, Development Overlay Districts. The proposed changes remove the expired Interim Planning Overlay Districts (IPOD), including the Riverfront, Uptown, and Walnut Street.
  - f. Section six amends Chapter 909, Planned Development Districts, to remove Washington's Landing and the Public Safety Complex.
  - g. Section seven amends Chapter 910, Downtown Districts, to remove the Downtown Riverfront (DR), to be replaced by the RIV North Shore subdistrict.
  - h. Section eight amends Chapter 911, Primary Uses, to include the RIV subdistricts in the use table 911.02 and removes the Downtown Riverfront from the use table.
  - i. Section nine amends Chapter 911, Primary Uses, to include any necessary Use Standards for the RIV.
  - j. Section ten amends Chapter 913, Administrator Exceptions, Special Exceptions and Conditional Uses, to remove the Riverfront Overlay District and the Downtown Riverfront District.
  - k. Section 11 amends Chapter 914, Parking and Loading Access, to reduce the required parking minimum in the RIV to 50 percent of the current requirement. The parking maximum in the RIV is now proposed at the current minimum parking requirement. This section also changes the requirements for active uses on parking garages for all zoning districts. The proposed change will change the "commercially leasable floor space" to "active uses", defined more broadly as "user-occupied areas".
  - l. Section 12 amends Chapter 915, Environmental Performance Standards, to allow projects in certain portions of the RIV district to use the Bonus Goals and Points for increased height or decreased riparian buffer. It also proposes new bonuses for Riverfront Public Access Easements, Trails, and Amenities; Neighborhood Ecology; and Public Art and Urban Fabric.
  - m. Section 13 amends Chapter 916, Residential Compatibility Standards, to exempt RIV from the Residential Compatibility Standards and remove the reference to the Downtown Riverfront Zoning District.
  - n. Section 14 amends Chapter 919 to add the RIV districts to the sign code. Generally, RIV-MU and RIV-IMU follow the regulations for LNC and UNC; RIV-GI follows GI; RIV-NS follows the previous DR. The section also replaces the "riverfront overlay district" with "RIV Zoning District" in the section on prohibited locations for electronic advertising signs.
  - o. Section 15 amends Chapter 920, Child Care Regulations, to remove the reference to Downtown Riverfront district.
  - p. Section 16 amends Chapter 922, Review and Enforcement, to remove the reference to the Downtown Riverfront and clarify that Project Development Plan criteria apply in all instances a Project Development Plan is required.
  - q. Section 17 amends Chapter 925, Measurements and Definitions, to prohibit Contextual setbacks from applying to the Riparian Buffer. For Contextual Height, where a project can use Contextual Height in the RIV District, the project must first use the bonuses in Section 915 before the use of Contextual Height is permitted.
11. Since its presentation to Planning Commission at briefing, revisions have been made to the proposed RIV legislation including:
- a. Replacement of "Ordinary High Water Line" with "Project Pool Elevation." Change applied throughout document;
  - b. Removal of SP-1 and SP-5 zoning districts, and Hatfield Street between 47th and 51st Streets, from the RIV boundary;
  - c. Updated language to exempt equipment associated with basic industry, assembly and manufacturing uses from Planning Commission review (Section 905.04.C.2);
  - d. Base building height now 55 feet throughout the RIV except where the Height Map indicates 45 feet;
  - e. Removed Impervious Surface Coverage restrictions;

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- f. For Build-To Zone, clarified that for lots that construct any portion of a 10-foot sidewalk on its own parcel, the build-to zone shall begin at the back of that sidewalk; and
  - g. Removed requirements for residential transparency.
12. Since the Planning Commission's hearing on February 20, 2018, scrivener's errors have been corrected.
13. As requested at the February 20<sup>th</sup> hearing, outlined here are options for Planning Commission to consider during deliberations. These are based on key comments and questions related to use, height, building length, setbacks, and options for additional bonus points heard during the public hearing and raised in written correspondence to Planning Commission.
- a. Map Adjustment: Change from RIV-IMU to RIV-MU the area located in Morningside on the south shore of the Allegheny River and bounded by Butler Street to the south, the Allegheny River to the north, and the Highland Park Bridge to the east.
  - b. Building length for stadiums: Building length is limited to a maximum of 500 feet except where the structure is a stadium use.
  - c. Contextual setback in Riparian Buffer: Buildings may encroach into the Riparian Buffer, within 50' and 95' of the Project Pool Elevation (PPE), when the following conditions are met:
    - i) Abutting a parcel with a building that is already encroaching into the Riparian Buffer, within 50' and 95' of the PPE;
    - ii) Building footprint occupies no more than 30% of the area between 50' and 95' of the PPE;
    - iii) Building footprint extends into the Riparian Buffer no further than the building on the abutting parcel;
    - iv) Earn at least two (2) bonus points from Section 905.07.D.7, Riparian Public Access Easements, Trails & Amenities.
  - d. Map Adjustment: Increase maximum height from 150' to 250' for southernmost portion of the Chateau neighborhood, limited to parcels located between the West End Bridge and West North Avenue, achievable through use of bonus points.
  - e. Allow larger building footprints for tower buildings: Building footprints of up to 65,000 square feet permitted for tower buildings over 85' high when including one or more towers. Cumulative tower footprint of no more than 50% of the base. Tower must also maintain the upper-story setbacks, as required for all buildings over 65 feet.
  - f. Addition of Transit-Oriented Bonuses to Section 915.07
    - i) 1 POINT – Site is within ½ mile networked walkshed of rapid service routes.
    - ii) 3 POINTS – On-site transit station for rapid service routes, designed as an integral part of the development project and to meet Port Authority standards for transit stations.

### Additions to Section 905.04.B, Definitions

- iii) Rapid Services – All modes of transit which use an exclusive right of way or have at least 75% of route miles along a fixed guideway.
- iv) Networked Walkshed – The land area within a defined walking range, traversable on established streets or pathways.
- g. Addition of an Administrator Exception in RIV-NS to allow an alternative location for the build-to zone to provide additional open space along the public street, within the following criteria:
  - i) The additional open space shall be within 200 feet of a stadium;
  - ii) The building(s) shall maintain a minimum of 80% of the building frontage or façade located with the alternative build-to zone;
  - iii) The street level along the open space shall include restaurant, retail, or other publicly accessible uses not to extend onto the public right of way; and
  - iv) The open space shall be designed to include outdoor seating and other furniture to promote pedestrian activity.

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14. In accordance with Section 922.05.F, the Planning Commission shall review Zoning District Map or Zoning Code text amendments based on the following criteria:
- a. The consistency of the proposal with adopted plans and policies of the City;
  - b. The convenience and welfare of the public;
  - c. The intent and purpose of the Zoning Code;
  - d. Compatibility of the proposal with the zoning, uses and character of the neighborhood;
  - e. The suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
  - f. The extent to which approval of the proposed zoning map amendment will detrimentally affect nearby property;
  - g. The length of time the subject property has remained vacant as zoned;
  - h. Impact of the proposed development on community facilities and services; and
  - i. The recommendations of staff.

Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision.

### **RECOMMENDED MOTION**

That the Planning Commission of the City of Pittsburgh **Recommends Approval** to City Council of the Riverfront Zoning Amendment, including sub-district maps, height maps, and Zoning Code text amendments, as stated in the ordinance and illustrated in the maps attached herein.

### **SUBMITTED BY:**

Andrea Lavin Kossis, Riverfront Development Coordinator

### **APPROVED BY:**

Corey Layman, Zoning Administrator