



Division of Development Administration and Review

City of Pittsburgh, Department of City Planning
412 Boulevard of the Allies
Pittsburgh, Pennsylvania 15219

Staff Report

Staff Report for Case 172 of 2025 – 256 McKee Place

Date of Hearing: February 5, 2026
Zone Case: 172 of 2025
Address: 256 MCKEE PL, Pittsburgh, PA 15213
Lot and Block: Parcel Number 28-F-308
Zoning Districts: R-MU
Neighborhood: Central Oakland

Request: Variance

Application: DCP-ZDR-2024-02267

Variance	Section 907.04	Request for a variance from the Inclusionary Housing Overlay District standards to have zero inclusionary zoning units, in lieu of the 16 required.
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Staff Report:

Application # DCP-ZDR-2024-02267

1. The Subject Property is on the southwest corner of McKee Place and Louisa Street in the R-MU (Residential Mixed Use) District in the Oakland neighborhood.
2. The Applicant proposes to construct an 11-story mixed use building on the Subject Property with 160 units of housing.
3. The Subject Property is located within the Inclusionary Zoning Overlay District. Subject to the standards from Code Section 907.04, the project is required to provide 10 percent of the 160 units (16 units) as designated affordable units.
4. The site has been subject to two recent zoning map amendments. On March 1, 2023, The Subject Property was rezoned from the OPR (Oakland Public Realm) District to the UC-E (Urban Center – Employment) District (CB 2022-0592). On October 10, 2024, the Subject Property was rezoned to R-MU (CB 2023-2330).
5. On March 19, 2024, the Applicant submitted the Zoning Development Review application DCP-ZDR-2024-02267 for construction of a new 11-story residential, mixed-use building, which the Planning Commission reviewed and approved on November 12, 2024.

6. On August 12, 2024., the Applicant held a Development Activities Meeting with the Oakland Planning and Development Corporation and Oakland Business Improvement District.
7. In ZBA Case 129 of 2024, the Board granted the Applicant a variance from the Code’s height standard for accessory structures to allow construction of parking carousels that would be accessory to the proposed development.
8. To construct an 11-story/120 ft. High building, the Applicant was required to obtain three (3) performance points, with each point equaling 15 ft. extra permitted height above the 85’ permitted by-right. The applicant achieved (1) performance point for Rainwater and (2) performance points for Zero Energy and Zero Carbon Buildings for a total of (3) performance points.
9. The Applicant would have been able to use the affordable housing performance points if they had chosen to, as projects subject to the IZ standards are not precluded from also using the affordability performance points.
10. The Applicant provided an Inclusionary Zoning Commitment Letter dated May 16, 2025, from Goldberg, Kamin & Garvin, agreeing to the terms of the Inclusionary Zoning Ordinance. A document entitled “Restrictive Covenant Agreement” was also included as an attachment to the commitment letter. These documents are attached to this staff report.
11. The Record of Zoning Approval (ROZA) was then issued on May 27, 2025. As part of the ROZA, one of the conditions was that the applicant record a deed restriction allowing the City and eligible households to enforce the on-site inclusionary standards and related City regulations prior Certificate of Occupancy issuance. A copy of the ROZA is attached to this staff report.
12. On November 25, 2025, the Department of City Planning reopened the application (DCP-ZDR-2024-02267) to accommodate the Applicant’s request for a variance from the Inclusionary Zoning standards.

Inclusionary Zoning and the Oakland Plan

13. On February 28, 2023, Pittsburgh City Council adopted Council Bill 2025-0592, which expanded the Inclusionary Zoning Overlay to include portions of the North, Central and South Oakland Neighborhoods.
14. The expansion of the Inclusionary Zoning Overlay District resulted from the passage of the Oakland Plan, which was adopted in 2022 as the official neighborhood plan for the Oakland Neighborhood. Several of the goals and policies in the plan highlight the importance of affordable housing, including the need for housing that serves a wide range of income levels. The plan envisions affordable housing units accommodating frontline and low-income workers

who make up a significant cohort of Oakland's healthcare and university employees. The Plan's existing conditions reports (excerpts attached) found that employees with the lowest earnings are less likely to live near Oakland (within 10 miles) and more likely to live over 50 miles from Oakland. This is in part due to Oakland's critical issue of limited housing availability, with only a handful of units available for low-income renters.

15. Specific goals, policies, and projects in the Oakland Plan relating to housing affordability are outlined below. The expansion of Inclusionary Zoning to Oakland and the establishment of new mixed-use zoning districts codified these aspects of the Oakland Plan. These aspects of the Oakland Plan were a result of an extensive community engagement process with residents, community leaders and stakeholders, including representatives of local businesses, developers, and institutions.

GOALS:

- *D4.A Housing: **Jobs and housing for all.*** Residents have access to career services and opportunities that allow them to work in good paying jobs in their neighborhood, and Oakland's low-income employees and students have access to affordable housing that allows them to walk to work or school.
- *D4.C Housing: **Housing Diversity.*** Ensure a mix of rental and for-sale owner-occupied housing is available for residents at a wide range of income levels, providing a variety of affordable options for all residents.
- *D3.B Equitable Economic Opportunity: **Buildings that overcome inequities.*** The construction, rehabilitation, and tenancing of buildings are opportunities to overcome inequities experienced by residents, entrepreneurs, and employees.

POLICIES:

- *D4 Housing: **Transit oriented housing.*** Build and maintain affordable housing within walking distance of transit stations.
- *D4 Housing: **Frontline and low income worker housing.*** Create housing that meets the needs of Oakland's frontline and low income workers.
- *D4 Housing: **Students housing.*** Student housing is safe and affordable and as close to campus as possible or on-campus where possible.

PROJECTS:

- **D-4. Inclusionary zoning.** Apply Inclusionary Zoning regulations to Oakland through rezonings.

16. In addition to the above, the D-18 Land Use Strategy includes mandatory inclusionary zoning as one of the project goals and components, recommending all buildings providing 20 or more units to meet established criteria for affordability based on Area Median Income.



RECORD OF ZONING APPROVAL # DCP-ZDR-2024-02267

PROPERTY INFORMATION

Applicant: Mark Hensler

Property Address: 246 MCKEE PL #1, Pittsburgh, PA 15213-

Parcel ID: 0028F00302000000, 0028F00304000000, 0028F00306000000, 0028F00308000000,
0028F00310000000, 0028F00314000000

Neighborhood: Central Oakland, Central Oakland,
Central Oakland, Central Oakland,
Central Oakland, Central Oakland

Landslide Prone Overlay: No

Zoning District: R-MU, R-MU, R-MU, R-MU, R-
MU, R-MU

Undermined Overlay: No

25% Slope Overlay: Yes

City Historic Landmark: No

Baum-Centre Overlay: No

City Historic District: No

Floodplain: No

ZONING APPROVAL

This document verifies the receipt of a Zoning Application and the fulfillment of all Zoning Code (Title Nine) requirements.

Date Approved: May 27, 2025

Zoning Plan Reviewer: Joseph Fraker

Zoning Approved Scope: NEW CONSTRUCTION OF MIXED USE RESIDENTIAL BUILDING

USE OF 11 STORY STRUCTURE AS MULTI-UNIT RESIDENCE FOR 160 DWELLING UNITS (INCLUDING 16 AFFORDABLE INCLUSIONARY ZONING UNITS) AND GROUND LEVEL CORE AND SHELL SPACE FOR THREE RETAIL TENANTS. SIXTY (60) PARKING SPACES PROVIDED IN TOTAL WITHIN FOUR, 61' TALL SCREENED PARKING CAROUSELS (4 TUCK-IN SURFACE ADA SPACES PROVIDED) AND ONE (1) LOADING SPACE INTERNAL TO THE BUILDING AT NORTHWESTERLY SIDE. BIKE PARKING WITHIN BIKE ROOM AND EXTERIOR RACKS. URBAN OPEN SPACE PROVIDED ON MCKEE PL. FRONTAGE TO HAVE 24-HR ACCESS. TWELVE (12) STREET TREES PROVIDED ALONG MCKEE PLACE FRONTAGE AND SEVEN (7) PROVIDED ON LOUISA FRONTAGE. 114 INCHES OF TREES REMOVED TO BE REPLACED ON SITE.

2 Bonus Points for Zero Energy or Zero Carbon Buildings

1 Bonus Point for Rainwater Capture

Conditions of Approval:

1. Applicant to provide update to Building Energy Model (originally submitted 4/28/2025) demonstrating compliance with ASHRAE Standard 90.1-2019

2. Prior to building occupancy, applicant to provide final performance-based commissioning report and/or a building energy model reflecting the as-built condition showing International Energy Conservation Code Section C407 Total Building Performance criteria or ASHRAE Standard 90.1-2019 Appendix G Building Performance Rating Method. Applicant to provide documentation of Zero Energy or Zero Carbon Buildings prior to Certificate of Occupancy (Per Performance Points summary letter dated 1.23.25, and Allen + Shariff Energy Modeling services agreement dated 1.21.25.

3. A Deed restriction is recorded allowing the City and Eligible Households to enforce the on-site inclusionary standards and related City regulations prior to Certificate of Occupancy.

ZBA 129 OF 2024

PC APPROVAL 11/12/2024

ASSOCIATED APPROVALS

Zoning Board of Appeals:

Planning Commission: PC-2025-00052

Art Commission:

Pre-application Review Meeting:

Approval Type

Approvals

Zoning Board of Adjustment

ZBA-2024-00198



GOLDBERG, KAMIN & GARVIN, LLP
ATTORNEYS AT LAW

1806 FRICK BUILDING
437 GRANT STREET
PITTSBURGH, PA 15219
TEL: 412-281-1119
FAX: 412-281-1121

From the desk of
JONATHAN M. KAMIN,
ESQUIRE
jonathank@gkgattorneys.com

May 16, 2025

VIA EMAIL

Corey Layman, AICP
Chief Zoning Officer and Zoning Administrator
412 Boulevard of the Allies, Suite 201
Pittsburgh, PA 15219

In re: Commitment Letter Regarding DCP-ZDR 2024-02267 From Walnut Capital-McKee, L.P., a Pennsylvania limited partnership (“WCM”) for property located at 294 McKee Place, Pittsburgh, Pennsylvania 15213 (Block and Lot No. 28-F-208)

Dear Corey:

This office represents Walnut Capital–McKee, L.P., a Pennsylvania limited partnership (“WCM”). WCM is constructing a 160 unit multi-unit residential project known as the “Caroline” in the 4th Ward of the City of Pittsburgh at 294 McKee Place, Pittsburgh, Pennsylvania 15213 (the “Project”). The property is zoned R-MU.

The purpose of this letter to provide you with the requested additional detail and confirmation about how WCM plans to comply with the On-Site Inclusionary Zoning Standards as set forth in Section 907.04.A.6(e) through (j) of the City of Pittsburgh Zoning Code (the “Inclusionary Ordinance”). Initially, I would note that WCM is aware that there are multiple zoning ordinances pending before City Council regarding the Inclusionary Ordinance, inclusionary zoning, as well as a Federal Challenge to the legality of the same that is pending in the United States District Court for the Western District of Pennsylvania at Docket No. 2:22-CV-706: Builder’s Association of Metropolitan Pittsburgh v. City of Pittsburgh (the “Bamp Case”). The commitments contained herein are premised upon the understanding that the Inclusionary Ordinance will continue to remain as valid, enforceable, and as the applicable law of the City of Pittsburgh. To the extent that the Inclusionary Ordinance is repealed, altered, declared invalid, or unenforceable by the Bamp Case or other legal proceedings, then the commitments contained herein shall not be binding upon the Project.

In accordance with the terms of the Inclusionary Ordinance, WCM agrees to the following:

1. Number of Units. As WCM is proposing to construct 159 Units, WCM agrees that a total of 16 Units will be “Inclusionary Units”(sometimes referred to as “IZ Units”) in accordance with the terms of the Inclusionary Ordinance. Section 907.04.A.6(e);
2. Units to Remain Affordable. I have attached to this letter a copy of the proposed Restrictive Covenant which WCM will record prior to the issuance of a Certificate of Occupancy for the Project. This Restrictive Covenant is in compliance with the Inclusionary Ordinance. Section 907.04.A.6(f);
3. Units to be Integrated with the Building. There will not be specific units which will be earmarked as “affordable” within the Project. Rather, WCM will adjust the location of the IZ Units within the Project in order to align with market demands and to avoid prolonged vacancies. IZ Units will be integrated throughout the Project. Section 907.04.A.6(g)
4. Units to be Equivalent. In accordance with WCM’s statement in Paragraph 3 hereof, as the IZ Units will be spread throughout the Project, and not specifically designated, they will comport with the requirements of Section 907.04.A.6(h).
5. Access to Amenities. All units, including IZ Units, will have equal access to resident amenity areas including co-working spaces, gym, and the pool. Charges for these amenities will be levied in accordance with the IZ Ordinance. Section 907.04.A.6(i).
6. IZ Units To Match Unit Types. The mix of IZ Units will be consistent with the mix of Units that are located within the Project and shall be in accordance with Section 907.04.A.6(j).

Please consider this letter to be part of the zoning file on this Project. If you have any questions, please do not hesitate to contact me.

Very truly yours,

JONATHAN M. KAMIN

JMK:djh

Enc.

cc: Todd E. Reidbord (via Email)
Gregg M. Perelman (via Email)
Joseph Fraker (via Email)
Tom Price (via Email)

Mail To:

Jonathan M. Kamin, Esquire
Goldberg, Kamin & Garvin, LLP
1806 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6101
(412)281-1119

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT, (this "Agreement") is made as of this _____ day of _____ 202___, by WALNUT CAPITAL - MCKEE, L.P., a Pennsylvania limited partnership, who has a business address 5500 Walnut Street, Suite 200, Pittsburgh, Pennsylvania 15232 (hereinafter referred to as "WCM").

WITNESSETH:

WHEREAS, by virtue of the Deed dated January 25, 2025 and recorded on February 3, 2025 in the Allegheny County Department of Real Estate in Deed Book Volume 19939, Page 001 WCM is the fee simple owner of all that certain property located in the 4th Ward of the City of Pittsburgh, County of Allegheny, and Commonwealth of Pennsylvania being known and designated as Lot 1 in the Upper McKee Plan A Lot Consolidation Plan recorded on December 20, 2024, in the Allegheny Department of Real Estate in Plan Book Volume 324, Page 92 (referred to herein as the "Property"). The Parcel is also known in the Allegheny County Office of Deed Registry as Block and Lot No. 28-F-308; and

WHEREAS, in consideration of certain municipal approvals, WCM has agreed to subject the Property to certain covenants, restrictions, and limitations more particularly described herein.

NOW, THEREFORE, with the foregoing recitals incorporated herein by this reference, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, WCM hereby covenants and agrees as follows:

1. Covenant/Restriction/Limitation. WCM does hereby covenant, promise, and agree that commencing as of date of the issuance of the Certificate of Occupancy for the building to be constructed on the Property known as 294 McKee Place, Pittsburgh, Pennsylvania 15213, the Property shall be subject to compliance with Section 907.04 of the City of Pittsburgh Code of Ordinances, Pittsburgh Zoning Code, Title Nine, as in effect as of the date hereof to the extent the same is applicable.

2. Covenants Running with the Land. The covenants, limitations and restrictions hereby imposed shall be covenants and restrictions running with the land and shall be binding upon WCM in accordance with the applicability of Section 907.04 of the City of Pittsburgh Code of Ordinances, Pittsburgh Zoning Code, Title Nine. Upon the earlier of the expiration of the time

periods set forth in Section 907.04 of the City of Pittsburgh Code of Ordinances, Pittsburgh Zoning Code, Title Nine, or the repeal, termination, or invalidity of Section 907.04, the covenants, limitations, and restrictions herein shall be deemed legally null and void and of no further force or effect.

3. Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to its subject matter and expresses the entire agreement of the parties. All prior understandings and agreements, whether oral or written, are hereby merged into this Agreement. This Agreement may only be modified by an instrument signed by all the parties hereto.

4. Headings. The headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

5. Governing Laws. This Agreement shall be construed in accordance with by the internal laws of the Commonwealth of Pennsylvania, without regard to principals of the conflicts of laws thereof.

6. Recordation. WCM shall record this Agreement in the Department of Real Estate of Allegheny County, Pennsylvania prior to the issuance of a Certificate of Occupancy for the building to be located on the Property. WCM shall pay all recording costs necessary to record this Agreement in the public records.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties have hereunto caused this Agreement to be executed as of the day and year first written above.

WITNESS:

WALNUT CAPITAL - MCKEE, L.P.,
a Pennsylvania limited partnership

By: Walnut Capital-McKee Management, Inc.,
a Pennsylvania corporation
Its: General Partner

By: _____
Name: Todd E. Reidbord
Title: President / Authorized Signatory

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF ALLEGHENY :

On this _____ day of _____, 2025, before me, a Notary Public, the undersigned officer, personally appeared Todd E. Reidbord who acknowledged himself to be the President / Authorized Signatory of Walnut Capital-McKee Management, Inc., a Pennsylvania corporation, which is the General Partner of Walnut Capital – McKee, L.P., a Pennsylvania limited partnership, who stated that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

CERTIFICATE OF RESIDENCE

I do hereby certify that the **Tax Billing**
Address of the within named grantee/s is

Name or Mortgage Company

Address

City, State and Zip Code

I do hereby certify that the **Owner Mailing**
Address of the within names grantee/s is

Name

Address

City, State and Zip Code

Mail To:

Jonathan M. Kamin, Esquire
Goldberg, Kamin & Garvin, LLP
1806 Frick Building
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a Pennsylvania limited partnership

By: Walnut Capital-McKee Management, Inc.,
a Pennsylvania corporation

Its: General Partner

By: _____
Name: Todd E. Reidbord
Title: President / Authorized Signatory

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF ALLEGHENY :

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IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

CERTIFICATE OF RESIDENCE

I do hereby certify that the **Tax Billing**
Address of the within named grantee/s is

I do hereby certify that the **Owner Mailing**
Address of the within names grantee/s is

Name or Mortgage Company

Name

Address

Address

City, State and Zip Code

City, State and Zip Code



Division of Development Administration and Review

City of Pittsburgh, Department of City Planning

200 Ross Street, Third Floor

Pittsburgh, Pennsylvania 15219

ZONING BOARD OF ADJUSTMENT

Date of Hearing: September 12, 2024
Date of Decision: October 15, 2024

Zone Case: 129 of 2024
Address: 262 McKee Place
Lot and Block: 28-F-314, 310, 308, 306, 304, 302
Zoning Districts: UC-E
Ward: 4
Neighborhood: Central Oakland
Owner: Pitt Blue Holdings LP
Applicant: Mark Hensler
Request: Accessory parking carousels

Application: DCP-ZDR-2024-02267

Variance	Section 912.04.E	20' maximum height for accessory structures; 61' proposed
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Appearances:

Applicant: Ryan Wotus

Observing: Katie Emmert

Findings of Fact:

1. The Subject Property is located at 262 McKee Place in the UC-E (Urban Center, Employment) District in Central Oakland.
2. The Subject Property is comprised of Parcel Nos. 28-F-314, 310, 308, 306, 304, and 302.
3. Multi-unit residential buildings are located on Parcel Nos. 28-F-310, 308, 306, 304 and 302.
4. An office building is located on Parcel No. 28-F-314.
5. The rear of the property Subject Property slopes downward significantly and is adjacent to an unimproved paper way.
6. The 1892 McKee Place Plan of Lots imposes a 40' set back from McKee Place that applies to all development on the Subject Property.

7. The Applicant proposes to demolish the existing structures, consolidate the lots that comprise the Subject Property and construct an 11-story mixed use building.
8. As proposed, the 11-story building would be used for 5,000 sf of retail space and 159 dwelling units.
9. The height of the 11-story building would be 114' from grade.
10. The Department of City Planning determined that the minimum number of off-street parking spaces required for the proposed mixed-use building is 60.
11. The Applicant proposes to provide 56 off-street parking spaces with four 61' high automated, rotary parking carousels. Each parking carousel would have the capacity to accommodate 14 cars. The Applicant also proposes to provide 4 parking spaces in a surface parking area, which would be located behind the building, for a total of 60 on-site spaces.
12. The parking carousels would have access from a curb-cut on McKee Place.
13. The Applicant proposes to install screening to limit the visibility of parked cars from the right-of-way and nearby properties.
14. The Applicant presented evidence and testimony regarding the proposed height of the parking carousels in the context of the 11-story/114' building and demonstrated that the proposed 61' height for the carousels would not exceed the height of the new building. With the proposed location behind the building, the visual impact of the parking carousels on the surrounding properties would be limited.
15. The Applicant asserted that the 40' setback imposed by the McKee Place Plan of Lots and the topography of the Subject Property are unique conditions that preclude the development of off-street parking on the site in compliance with the Code's standards.
16. The Applicant also noted that the project would increase the availability of on-street parking in the area and described other efficiencies associated with the proposed parking carousels.
17. Katie Emmert appeared at the hearing on behalf of Oakland Planning and Development Corporation to provide a summary of a Development Activities Meeting that was held on August 12, 2024.
18. No one appeared at the hearing to oppose the request.

Conclusions of Law:

1. The Applicant seeks a variance from Section 912.04.E, the Code's maximum 20' height limitation for accessory structures in the RIV-MU District, to allow for the proposed 61' height for the parking carousels, which would be accessory to the primary mixed-use structure.
2. Section 922.09.E sets forth the standards the Board is to consider with respect to variances, which the Pennsylvania Supreme Court has summarized as: 1) unique

circumstances or conditions of a property would result in an unnecessary hardship; 2) no adverse effect on the public welfare; and that 3) variance proposed is the minimum variance that would afford relief with the least modification possible. *Marshall v. City of Philadelphia and Zoning Bd. of Adj.*, 97 A.3d 323, 329 (Pa. 2014); see also *Hertzberg v. Zoning Bd. of Adj. of the City of Pittsburgh*, 721 A.2d 43 (Pa. 1998), citing *Allegheny West Civic Council v. Zoning Bd. of Adj. of the City of Pittsburgh*, 689 A.2d 225 (Pa. 1997).

3. A less restrictive standard is appropriate when considering requests for dimensional variances, which require only for a reasonable adjustment of the zoning regulations to accommodate a use that is permitted, though the applicant still bears the burden of presenting evidence demonstrating that a proposed variance is warranted under the applicable standards. See *Hertzberg*, 721 A.2d at 47-48.
4. The Applicant provided credible evidence that unique conditions of the property limit how off-street parking can be provided on the site.
5. The Applicant presented sufficient substantial evidence to demonstrate that the proposed 61' height for the accessory structures would be less than the height of the proposed 11-story/114' building and, as installed behind the structure and within the height of the structure, would not have a significant impact on the surrounding properties.
6. In addition, the parking carousels would provide sufficient parking spaces to accommodate the parking demand for the uses on the Subject Property.
7. For these reasons and consistent with the evidence and testimony presented and the applicable legal standards governing variances, the Board concludes that approval of the requested variance is appropriate.

Decision: The Applicant's request for a variance from Section 912.04.E to allow the construction of four 61' high parking carousels on the Subject Property, as described to the Board, is hereby APPROVED.

RECUSED

Alice B. Mitinger, Chair

s/Lashawn Burton-Faulk
LaShawn Burton-Faulk

s/ John J Richardson
John J. Richardson

Note: Decision issued with electronic signatures, with the Board members' review and approval.

HEARING AND ACTION REPORT

APPLICATION: DCP-ZDR-2024-02267
PROPERTY: 262 McKee Place, Parcels 28-F-313 (310, 306, 304, 302)
PROPERTY OWNER: Walnut Capital
ZONING DISTRICT: Residential Mixed Use (R-MU)
RCO AND DAM: Oakland Planning and Development Corporation, Oakland Business Improvement District
PROPOSAL: Construction of new 11-story mixed-use residential building
COUNCIL DISTRICT: District 3, Councilman Bob Charland
MEETING DATE: November 12, 2024

FINDINGS OF FACT

1. Project Development Plan Application DCP-ZDR-2024-02267 was filed by Strada LLC, on behalf of Walnut Capital, the property owners, for the construction of a new 11-story, 120 ft. mixed-use residential building in the Central Oakland neighborhood. The building will contain 169 units, ground level retail space, tenant amenity space, and public open space along the building frontage on McKee Place and green buffers along Louisa St. and at the rear of the property.
2. Prior to submitting for this proposal, the applicant received approval for a Zoning Map Amendment to change the underlying zoning from UC-E to R-MU. The Planning Commission made a positive recommendation on the zone change to City Council on March 19, 2024, and City Council voted to approve the project on October 2, 2024 as part of DCP-MPZC-2024-00046 / Council Bill 2023-2330.
3. Per Section 904.10.D.2 of the Zoning Code, Planning Commission review and approval as a Project Development Plan is required for all new construction of fifteen thousand square feet or more in gross floor area within the R-MU district.
4. The project parcel sits along an existing 40 ft. easement that extends along all parcels on both sides of McKee Place, stretching from Iroquois Way on the western end to Bates St. on the eastern end. The easement creates a unique setback condition on the block.
5. In the R-MU district, at least 60% of the building frontage must be within the build-to zone, which is imposed between zero (0) and twenty (20) feet inward from the property line. The 40 ft. easement on the McKee frontage precludes compliance with this requirement. Therefore, the proposed building frontage will be up to the 40 ft. easement line.
6. The R-MU also imposes a 10 ft. stepback at 45 ft. For this project, the building will meet this required stepback at ground level (Permitted via Section 904.10.C.1.C.2.a.iii). In addition, the portion of the building above 65 ft. in height must either have an additional 10 ft. stepback or occupy no more than 80 percent of the building footprint (904.10.C.1.C.2.a.ii.B). The project meets this requirement at ground level and will be occupying 78% of the building footprint.
7. A height reduction zone overlays this parcel for 20 ft. at the rear (Per 922.15.k). Structures or portions of structures in this zone may not exceed the maximum height permitted in the adjacent zoning district plus twenty (20) feet.
 - a. The building is setback 27'-5" from the adjacent R3-M zoning district, so the building is outside the required height reduction zone.
8. Projects in the R-MU are limited to a horizontal building length of 300 ft. (922.15.C). The

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project is compliant with a building length of 300 ft. on McKee Place.

9. The project proposes 12 street trees along the parcel frontage on McKee Place and four (4) street trees along Louisa Street, in compliance with the code.
10. Ten (10) ft. sidewalks are required in R-MU. Applicant is providing 12 ft. sidewalks on McKee Place and 10 ft. sidewalks on Louisa St.
11. The maximum height permitted at the site is 85 ft. with an allowance of up to 120 ft. with performance points. Each performance point equals 15 ft. of additional height in the RM-U district (904.10.C.6.a). The applicant is seeking the following points:
 - a. One (1) point for Zero Energy or Zero Carbon Buildings (915.07.D.1). The applicant has provided a letter of intent to comply with the code provisions, as required in 915.07.E.1.A.1. This letter is attached.
 - b. Two (2) points for Affordable Housing (915.07.D.4). At least 5-14.9% of units for rent are affordable housing for persons at or below 60% AMI. As a note, the Inclusionary Zoning standard imposes a more restrictive compliance threshold of 10% affordability, which will be met.
 - i. The applicant will need to provide staff a matrix that documents the unit count and includes AMI of occupants and identify in writing all subsidies and/or financing programs the project will utilize in the provision of affordable housing, and provide letters of commitment for any subsidies and/or financing secured (915.07.E.1.b.2). This will be required prior to zoning approval.
12. In addition to the Performance Point criteria, all projects pursuing bonus options in the R-MU must also meet the following two requirements (Per 904.10.C.6).
 - a. All projects seeking Performance Points must show satisfactory efforts made to meet City of Pittsburgh policies regarding minority and women business enterprises found in Section 177A.02 of the City Code.
 - b. All projects seeking Performance Points must meet the standards for the lowest point of the relevant energy consumption point for the project type. The applicant will be utilizing the Zero Energy or Zero Carbon Building point.
13. The project includes 64 parking spaces, four (4) of which will be ADA accessible. The ADA spaces will be surface level and located underneath a building overhang at the westerly side. The remaining spaces will be within four parking carousels also located at the westerly side of the building. The parking carousels are to be 60 ft. high and will hold 14 cars each. The carousels required a variance for accessory structure height exceeding 20 ft., which was granted by the ZBA. The parking was otherwise compliant with the code requirements (922.15.A), which require 59 spaces total when utilizing the bike parking reduction (Permitted under 914.05.E.2).
 - a. Per 922.15.3, all spaces within the carousel system will be Electric Vehicle (EV) charging capable, meeting the requirement that 20% of spaces be EV capable.
14. The code prohibits surface parking within the R-MU, but permits it in certain cases, such as when the parking is tuck-in parking (Code section 922.15.A.2.a). The four (4) ADA spaces will be tucked underneath a building overhang in compliance with this code requirement. The applicant previously had surface spaces within the required Green Buffer (not permitted under 926.34.1) on Louisa Street and within the 40 ft. easement (accessory structures not

HEARING AND ACTION REPORT

permitted in easements via 912.04.D) on McKee Place that planning staff had the applicant relocate to be in compliance.

15. The project requires one (1) bike parking spot per every three (3) units. The applicant will be providing a total of 124 bike parking spaces, the majority of which will be within a 987 sq. ft. bike room at the ground level at the rear of the building. There will be 24 outdoor bike parking spaces that will serve tenants and retail users.
16. In the R-MU district, a 15 ft. Green Buffer is required when a new primary structure has a maximum height of more than twice the average height of an existing adjacent primary Structure. The project includes a 15 ft. green buffer along the easterly property line on Louisa Street and along the rear property line, in compliance with (904.10.C.1.C.2.a.b and 926.34). The green buffer along Louisa St. will be for pedestrian access and use and the buffer at the rear will be for ecological benefit (in compliance with section 926.34)
17. The application is compliant with the Urban Open Space provision requiring that 10% of the lot area be dedicated to open space (904.10.C.5) (922.15.B). A total of 14,106 sq. ft. of open space is proposed.
 - a. This space will correspond with the existing easement along McKee Place.
 - b. The open space will assist with both pedestrian circulation and will provide a plaza and informal activity area.
 - c. The open space will be ADA accessible and open to the public 24 hours per day.
18. The project will include a Cool Roof system with a white roof membrane of either EPDM or TPO, in compliance with the code standard.
19. Per code section 922.15.H, Bird Safe Glazing is encouraged. The applicant has agreed to provide Bird Safe Glazing on windows below the 7th floor.
20. The project is within the Inclusionary Zoning Overlay district. Per 907.04.A.5 of the zoning code, new construction of buildings with 20 or more units within the Overlay must include affordable units. These units must meet the inclusionary zoning standards in 907.04.A.6. Please see select standards below:
 - a. A minimum of ten (10) percent of units shall be Inclusionary Units.
 - b. Rental and Owner-Occupied Inclusionary Units will remain affordable for a minimum of thirty-five (35) years.
 - c. Inclusionary Units must be integrated within, and distributed throughout, each building, except for
 - i. Inclusionary Units are not required to be placed on the top floor in buildings of less than six (6) stories.
 - ii. In buildings of six (6) stories or more, Inclusionary Units are not required to be placed on the top three (3) floors.
 - d. Except as provided in Section 902.04.A.5(j), on-site Inclusionary Units shall be equivalent to market-rate units within the building in all ways, including appliances,

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finishes, and square footage.

- e. Core building and Development Project amenities, such as a gym, pool or parking space, must be shared with no additional charges or restrictions to residents in Inclusionary Units unless those charges are subtracted from rent or HOA dues for all residents regardless of unit or rental price.
 - f. The percentage of inclusionary Units that are also Family-sized Units shall be equal or greater to the percentage of Market-Rate Units that are also Family-sized Units.
21. The project was reviewed by the Contextual Design Advisory Panel (CDAP). The panel provided recommendations on the front facade treatment, screening of the parking carousels, and on landscaping. A copy of the CDAP Summary is attached.
 22. The applicant has submitted a Whole Building Life Cycle Report as required per 922.15.L. A copy is attached to this report.
 23. The site includes six parcels that are to be consolidated. The parcels are currently occupied by four low-rise apartment buildings as well as an office building that has since been raised.
 24. The site is located within the Oakland Plan geography. A Plan of Compliance is attached to this report.
 25. The applicant held a Development Activities Meeting (DAM) with the Oakland Business Improvement District and Oakland Planning and Development Corporation on August 12, 2024. A copy of the DAM report is attached.
 26. The application received approval for a variance from 912.04.E of the Zoning Code for the proposed parking carousels, which will be approximately 60 ft. in height while the maximum permitted is 20 ft. A copy of the ZBA decision is attached.
 27. The project was granted an exemption to the off-street loading standard in 914.10.A to allow one space in lieu of the three required per code section 914.11.B.2.
 28. The conceptual stormwater management plan was submitted on approved on November 4, 2024.
 29. The Traffic Impact Study (TIS) for the project has been approved by DOMI.
 30. Under Section 922.10.E.2 the Planning Commission shall review a Project Development Plan according to the below criteria. The applicant's written responses to the review criteria are attached to this report.
 - a. The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;
 - b. The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses in existing residential areas;
 - c. The proposed development must make provision for adequate parking, considering available transit alternatives and support services, and make provision for adequate vehicle access and loading areas in relation to street capacity, functional classification, and land use patterns, such that any vehicular access points do not create congestion on public streets or create hazardous conditions for pedestrians;
 - d. The proposed development must adequately address traffic generation characteristics

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in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable increased traffic to be directed away from congested areas;

- e. The proposed development must adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including, but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on and off site, and provision for pedestrian circulation patterns which do not substantially alter existing patterns and which enhance desired patterns where possible;
- f. The proposed development must adequately address access to public transportation facilities, including, but not limited to, provision for safe pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and the provision of on site facilities for alternative means of transportation such as bicycles or van pools;
- g. The proposed development must adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures; retention and reuse of significant structures, provided that such preservation requirements may be waived if the applicant shows that use of such structure is no longer economically or physically viable; and retention and reuse of structures which contribute to the character of an historically significant area;
- h. The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;
- i. The proposed development must adequately address microclimate effects of proposed development, including, but not limited to, wind velocities, sun reflectance and sun access to streets, existing buildings, and public and private open space;
- j. The proposed development must adequately address protection of views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks, open spaces, or riverfronts;
- k. The proposed development must adequately address the location, development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of existing open spaces which serve these same purposes;
- l. The proposed development must address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission and designated by the Department of City Planning, which address Downtown area development;
- m. If the proposed application includes a building(s) that exceeds fifty thousand (50,000) square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6

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RECOMMENDED MOTION:

That the Planning Commission of the City of Pittsburgh **APPROVES** the Project Development Plan DCP-ZDR-2024-02267 based on the application filed by Strada LLC on behalf of Walnut Capital, the property owners, with the following conditions.

1. The Department of Mobility and Infrastructure shall review and approve all DOMI Permits and the Construction Management Plan prior to issuing the Record of Zoning Approval.
2. The Applicant shows satisfactory efforts made to meet City of Pittsburgh policies regarding minority and women-owned business enterprises (MWBE) found in Section 177A.02 of the City Code.
3. The final construction plans, including site plans and elevations shall be reviewed and approved by the Zoning Administrator prior to issuing the final Record of Zoning Approval.

SUBMITTED BY: _____

Joseph Fraker, Senior Planner (Commissions and Code Development)

Development Activities Meeting Report (Version: 06/24/2020)

This report created by the Neighborhood Planner and included with staff reports to City Boards and/or Commissions.

Logistics	Stakeholders
Project Name/Address: New Multi-Unit Residential Development/ 262 McKee Place	Groups Represented (e.g., specific organizations, residents, employees, etc. where this is evident): Oakland Business Improvement District (OBID) Oakland Planning & Development Corporation (OPDC) Area stakeholders/residents City Planning staff
Parcel Number(s): 28-F-314, 28-F-310, 28-F-308, 28-F-306, 28-F-304, and 28-F-302	
ZDR Application Number: DCP-ZDR-2024-02267	
Meeting Location: Zoom	
Date: August 12, 2024	
Meeting Start Time: 5:30 PM	
Applicant: Walnut Capital	Approx. Number of Attendees: 21
Boards and/or Commissions Request(s): Zoning Board of Adjustment (ZBA) review for the height of parking carousels; Planning Commission (PC) review for entire project	

How did the meeting inform the community about the development project?

Ex: Community engagement to-date, location and history of the site, demolition needs, building footprint and overall square footage, uses and activities (particularly on the ground floor), transportation needs and parking proposed, building materials, design, and other aesthetic elements of the project, community uses, amenities and programs.

<p>The presentation was led by Jon Kamin, legal counsel for the developer Walnut Capital, along with project architects. The applicant began by providing an overview of the site location and existing conditions with aerial maps and street-level photos. The proposed development will include primarily multi-unit residential along with some ground floor retail space. Some basic building metrics of the proposed development were shared, including the following:</p> <ul style="list-style-type: none"> • 26,027 sq ft building footprint (of 67,230 sq ft total site area) • 226,737 sq ft – gross building area (5,000 sq ft retail area) • Building height - 114 ft (11 stories) – 120 ft max. permitted by the zoning • 159 – total housing units (60 parking spaces) <p>A site plan was presented. At the front of the building, there exists a 40-foot deeded setback which runs along portions of McKee Pl to the south and aligns with existing development. This area will be utilized as an attractive and active public realm, including walking paths, seating, and plantings/landscaping which will function as a linear park between the street and the building. The site plan also includes parking carousels in the rear at the northern portion of the site. There is also an outdoor amenity space for tenants at the rear of the building.</p> <p>The applicant shared renderings from multiple aerial and street-level perspectives, illustrating the proposed building as a design concept.</p> <p>The applicant further explained the parking carousels, which is a parking program that has been successful in other cities in urban settings, including the Strip District here in Pittsburgh. They will help free up space on the site for open space and landscape buffering and limit the space for vehicle access to one entry point to the street. Without a structured parking lot, this is a much greener approach that also saves on costs and has less interference with the neighbors. The parking carousels are completely electric-powered with EV-charging and operated by an app for users</p>

to access their vehicles. The parking carousels will require a variance since the maximum height permitted for accessory structures in the R-MU (Residential - Mixed Use) zoning district is 20 feet and the carousels are 60 feet.

Input and Responses

Questions and Comments from Attendees	Responses from Applicants
Can you share where cars will enter/exit the development?	The proposed site drive will hold all vehicular traffic on the side towards Forbes/Fifth. It is wide enough for two-way traffic and turn-around space by the parking carousels.
Do you have a shadow study in the direction of Coltart Ave?	Yes, we did a shadow study for the ZDR application. There was no significant overcast to neighboring buildings. Most shadows will be towards the northwest towards Forbes/Fifth.
How many residential units?	159
What does the layout look like? How many people per unit?	We haven't fully figured out exactly how we are going to program the units at this point.
What is the population you are targeting/what are the income ranges?	We have not developed it fully enough to know exactly who we are going to attract as tenants. We do envision that the people living here will be able to walk in and around Oakland.
What would the price range of units be? And would they be at a price that is affordable for students, since they are a significant portion of people living in Oakland.	Pricing is all going to be a function of cost, so it is probably too early to say.
How many vehicles are in each parking carousel?	14 cars per carousel. The carousel is double-wide and holds vehicles side by side as they circulate around.
Is there a materials palette for the building cladding?	As we get to Planning Commission we will have that information, but don't have it at this point. We are looking at masonry (red and black color as seen on the rendering), commercial grade fiber cement, and a granite or salt-resistant base.
Do you have a program for the building layout and how the 5000 sf of ancillary uses fit into the structure?	To be determined. Don't know if it will be restaurant or amenity space. Our focus is on having street level activity, but it's a bit of a wait and see as to how it will actually be programmed.
Will there be lighting around the landscape area?	Yes, landscaping will be lighted. We want it to be warm, inviting, and safe.
Is there a tentative timeline for the project	Our aim is to get our approvals by the fall and start next year. A lot of things need to come into place in terms of

Questions and Comments from Attendees	Responses from Applicants
	approvals and finance, but hopefully have things started in 2025 about year from now.
Given how many questions aren't answered will there be another DAM?	DCP: That need for another DAM would have to be determined by the zoning team. Applicant: To clarify, the only thing going to the ZBA is the parking carousel. There will be a Planning Commission meeting to review the entire project as a whole, at a later time. We would be happy to share updates with the two RCOs as they happen.
Regarding my previous question and the cost per unit and the number of people per unit, when will the public be able to see that information and will it be before approval?	Unit costs are not open to public approval. Generally, the code limits the units to 3 people maximum, but we have not determined our unit mix at this time.
How many vehicle carousels will there be?	4 carousels. Based on analysis by our traffic engineer, there are reductions you can take due to being in Oakland and allowing for bike parking. The number of required parking spaces per code would be less than 60. We plan to accommodate 60 parking spaces on site.
With the fire station across the street, you may want to consider the tree programming and make sure the trucks can back out with no potential for accidents.	If something comes up from DOMI's reviews we would be happy to accommodate.

Other Notes

This project site was part of a recently proposed zoning change from the existing UC-E (Urban Center- Employment) to the proposed R-MU (Residential-Mixed Use) (DCP-MPZC-2024-00046; Council Bill 2023-2330). The current project proposal will apply under the R-MU zoning.

Planner completing report: Shoshana Davidson & Christian Umbach



CITY OF PITTSBURGH, DEPARTMENT OF CITY PLANNING
Contextual Design Advisory Panel

Re: CDAP Summary for DCP-ZDR-2024-02267 - 262 McKee Place

Thank you for bringing this project to the Contextual Design Advisory Panel (CDAP). The Panel had the following comments and suggestions:

- The Panel commented favorably towards the following:
 - Activation of the large plaza on McKee Place will bring energy to this part of Oakland.
 - Car carousels are an innovative solution to tight parking conditions.
 - The breakdown of the massing into four pieces helps this building fit into the surrounding context.
- The Panel expressed concerns regarding the following items:
 - Because of the tripartite coloration, the building reads as horizontally striped. Consider only defining the top or the bottom in the darker brick.
 - Adding fins around the windows would limit solar gain and create shadow lines for articulation.
 - Consider a decorative soldier course or precast lintel at the window header to add verticality.
 - Consider longer tree pits to provide the most hospitable environment for the trees planted there.
 - Plantings in the plaza should be carefully selected and mature enough to provide shade.
 - Because it is very visible from the ROW, the screening material and artwork/patterning on the car carousels should be carefully considered.
- Staff Notes:
 - *Some non-standard tree pits may require DOMI Encroachment Permits and PACD Commission approval.*

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Strada

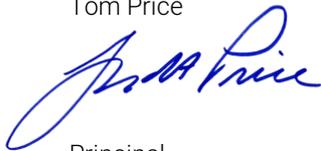
June 19, 2024

Joseph Fraker,
100 Ross Street
Pittsburgh, PA 15219

Dear Mr. Fraker,

To achieve the performance point 915.07.D.1.a Zero Energy or Zero Carbon Buildings; the Upper McKee Development will be designed to comply with the 2018 International Energy Conservation Code (IECC) section C407. Energy modeling will be performed by the MEP engineers to ensure all equipment meets the building performance rating. Additionally, the building exterior envelope and fenestrations will be designed and selected to conform with the 2018 IECC code requirements and will be included in the energy modeling to ensure the whole building is meeting the requirements of the 2018 IECC, Section C407. A ComCheck will also be submitted for the building during the building permit process and will use the 2018 IECC requirements.

Sincerely yours,
Tom Price



Principal
Strada LLC



November 6, 2024

Joseph Fraker
100 Ross Street
Pittsburgh, PA 15219

Dear Mr. Fraker,

Below is our Whole-Building Life-Cycle Assessment for the project at 262 McKee Place (DCP-ZDR-2024-02267). This outlines our strategy for reducing carbon emissions from the building and the study of the site to improve stormwater management, maintain and provide open green space and vegetation, and create an open and active urban environment that is available for the whole neighborhood. Please review this assessment as required by Zoning code section 922.15.L, we have listed the projects goals and design strategies relative to the sections requirements in the bold text below.

Thank you.

§922.15.L Whole-Building Life-Cycle Assessment

All projects requiring Planning Commission Review and Approval under §904.08.D.2, §904.09.D.2, §904.10.D.2, shall submit an initial draft Whole-Building Life-Cycle Assessment as part of application materials, except building demolitions and new open spaces.

The intent of the study is to have those proposing new buildings or significant additions to identify pathways to reducing to zero (0) the net carbon emissions from the project. The study will allow the applicant to understand what would be required to meet that goal, and clearly show through the application review process what recommendations from the study are being incorporated into the project, what are not, and why.

The study must include the following elements:

1. Embodied carbon in existing structures. Includes consideration of how existing structures can be reused in whole through rehabilitation or in part through retaining components of the building or reusing significant portion of the building materials (e.g., bricks, timber, stonework).

a Project team considered reuse of existing 2 story wood frame and masonry structures on site and determined that the ability to create a high density development needed by the community outweighed the value of reusing the existing structures.

2. Carbon capture value of existing trees on the site. Includes options for development that retain existing and mature trees already on the site in addition to inclusion of new trees and vegetation that would be added through development. Specifically, how can the building be



shaped and massed around existing trees in ways that maintain their health and environmental function?

a The mature stand of trees to the south of the site are being preserved by the shape and placement of the building, and the minimum number of trees are being removed and replaced as part of the landscape space design. In addition, the inclusion of biodiverse rain garden plantings will contribute to carbon sequestration.

3. Zero Carbon energy sourcing. How can the project's construction and operation result in zero net carbon emissions? How can energy for building operation be sources through on- or off-site renewables?

a **Building will be all electric and will use zero fossil fuel sources for all equipment. Additionally, roof top solar is being considered as a source of on-site renewable energy. The financial ability to provide the solar array is still being considered relative to the overall project budget.**

Sincerely yours,
Thomas Price
Principal
Strada LLC



MEMORANDUM

TO: Dr Jamil Bey, Director of City Planning, and Corey Layman, AICP, Zoning Administrator

FROM: Christian Umbach, Senior Planner, Department of City Planning

DATE: November 5, 2024

RE: Determination of Neighborhood Plan Compliance for the Project Development Plan (PDP) (DCP-ZDR-2024-02267) – Construction of new 11-story mixed-use residential building at 262 McKee Place

The subject site is located within the North Oakland neighborhood at 262 McKee Place. The *Oakland Plan* is the official neighborhood plan (adopted June 2022) that applies to this project. In this memo, Department of City Planning staff have reviewed the Project Development Plan (PDP) [DCP-ZDR-2024-02267] to determine whether it conforms and aligns with the adopted plan.

This memo consists of two elements:

1. Summary: Includes staff's determination that the proposal is or is not in conformance with the neighborhood plan and the relevant elements of the neighborhood plan considered.
2. Detailed Analysis: Staff's in-depth review of the proposal against the vision statement as well as relevant goals and policies of the adopted neighborhood plan, upon which the determination of the conformance is based.

1. Plan Conformance Summary

Staff determines that the Project Development Plan is in conformance with the adopted neighborhood plan. This assessment is based on the proposal, as submitted, and relevant elements of the Oakland Plan, including:

- Goal D1.B (Land use policy and regulations) Land use addresses community needs.

- Goal D2.A (Urban sustainable design) High performing buildings.
- Goal D2.B (Urban sustainable design) Prioritizing green.
- Goal D2.C (Urban sustainable design) Excellent urban design
- Goal D4.C (Housing) Housing Diversity.
- Goal M2.B (Pedestrian access, safety, circulation) Circulation.
- Policy D1. Land use policy and regulations
 - Managed density.
 - Reduce negative externalities.
- Policy D2. Urban sustainable design
 - Excellence in sustainability
- Policy D4. Housing
 - Transit-oriented housing
- Policy C2. Cultural heritage and preservation
 - Blend historic and new development
 - Preserve Oakland’s distinct character
- Policy C3. Public art
 - Increase art installations throughout Oakland.

2. Detailed analysis

A. Consistency with the Plan’s Vision

The proposed PDP is consistent with the Oakland Plan’s Vision, as the proposed development aligns with the Plan’s vision that “Oakland invests in and supports inclusive housing choices.” The proposed development aids in the growth of housing opportunities and provides affordably-priced units.

B. Consistency with the Plan’s Goals

The proposed PDP is consistent with the following plan Goal(s) relevant to the proposal:

- Goal D1.B (Land use policy and regulations) *Land use addresses community needs*. The use of private and public land, including the rights-of-way,

consider the needs of current and future Oaklanders.

Explanation: The proposed development aids in the growth of housing opportunities, a major theme of the Oakland Plan, by providing a greater density of housing units on the site than currently exists, which may help to meet the current and future demands for housing in Oakland.

- Goal D2.A (Urban sustainable design) *High performing buildings*. Buildings reduce energy, water, and other resources used in construction, materials, management, and across their life cycle.

Explanation: The applicant intends to achieve a performance point for Zero Energy or Zero Carbon Buildings, in accordance with zoning standards.

- Goal D2.B (Urban sustainable design) *Prioritizing green*. Buildings in all areas of Oakland incorporate green features to improve the comfort and livability of Oakland for people and other animals.

Explanation: The open space provided along the front of the building plans to include landscaped trees and other vegetation that will add greenery to the site.

- Goal D2.C (Urban sustainable design) *Excellent urban design*. Building design incorporates high-quality materials, values Oakland's unique character and outstanding architectural heritage, and contributes to the public realm.

Explanation: The majority of the façade is masonry (i.e. brick), which complements the masonry facades common to many Oakland buildings. For further analysis, see notes from the Contextual Design Advisory Panel (CDAP). The linear open space along the front of the building adds to and greatly enhances the public realm.

- Goal D4.C (Housing) *Housing Diversity*. Ensure a mix of rental and for-sale owneroccupied housing is available for residents at a wide range of income levels, providing a variety of affordable options for all residents.

Explanation: The proposed development aids in the growth of housing opportunities and provides affordably-priced units. To better align with this item, the applicant may consider how providing a broader mix of unit sizes and configurations may accommodate a wider demographic variety of residents, including growing families and older adults.

- Goal M2.B (Pedestrian access, safety, circulation) *Circulation*. Accessways through and between buildings and open spaces follow pedestrian desire lines

Explanation: The open space along the front of the building exhibits permeability by allowing for multiple entryways. To better align with this item, the applicant may consider how the activity zones appear to block a potential desire line to traverse the open space linearly from end to end.

C. Consistency with the Plan's Policies

The proposed PDP is consistent with the following plan Policies relevant to the proposal:

- Policy D1. Land use policy and regulations
 - *Managed density*. Locate dense development in appropriately designed buildings and in locations near transit and other supportive amenities.

Explanation: The development site is close to transit, specifically within walking distance of the University Line bus rapid transit line along Forbes and Fifth Ave, as well as other neighborhood services and amenities.

- *Reduce negative externalities*. Design new buildings to internalize or otherwise address nuisance issues to avoid increasing conflict between residents.

Explanation: The site adequately accommodates space for such externalities (e.g. loading, parking, and waste management) by placing them to the side and rear of the site. Existing trees/vegetation along the rear of the site helps to provide a visual and auditory buffer between surrounding residential buildings.

- Policy D2. Urban sustainable design
 - *Excellence in sustainability.* Incorporate sustainability principles and best practices into public spaces, buildings, and infrastructure.

Explanation: Given the development's location in proximity to transit and walkable surroundings, the use of non-car modes of mobility is encouraged. This is reinforced by the project's limited space dedicated to parking by the use of car carousels. The site plan also conserves existing trees and vegetation as part of a green buffer along the rear portion of the site. For building sustainability elements see Goal D2.A.

- Policy D4. Housing
 - *Transit-oriented housing.* Build and maintain affordable housing within walking distance of transit stations.

Explanation: A portion of units are affordably-priced and the development is close to transit, specifically within walking distance of the University Line bus rapid transit line along Forbes and Fifth Ave.

- Policy C2. Cultural heritage and preservation
 - *Blend historic and new development.* Development projects reuse existing buildings whenever possible including building onto and around structures as part of larger-scale developments. Resulting structures maintain Oakland's existing character and fabric while allowing development that meets modern needs.

Explanation: As mentioned above, the proposed design and materials aim to complement Oakland's existing character and fabric.

- *Preserve Oakland's distinct character.* Thoroughly study and preserve existing art outside and inside historic buildings in Oakland. This could be traditional historic preservation of buildings, but also the reuse and repurposing of building elements and artistic features.

Explanation: To better align with this item, the applicant may consider the historic value of existing buildings on the site proposed for demolition as part of the development, and possibilities to reuse or repurpose building elements and artistic features. (Note: Based on the Oakland Historic Architecture Inventory Report (2020), existing buildings on site were assigned *medium* historic integrity. None were identified as potential for individual historic eligibility.)

- Policy C3. Public art
 - *Increase art installations throughout Oakland.* Public and private investments incorporate art into public spaces, buildings, and infrastructure.

Explanation: To better align with this item, the applicant may consider incorporating public art into the project design.

922.10.E.2 Review Criteria

In reviewing applications for Project Development Plan approval, the Planning Commission shall consider the extent to which the Project Development Plan addresses the following criteria. The Planning Commission shall not approve any Project Development Plan that, in the determination of the Planning Commission, does not adequately address one (1) or more of these criteria in accordance with objectives contained in general or site specific policy documents adopted by the Planning Commission.

(a) The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;

a **Retail program is planned for the project, see proposed site plan.**

(b) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses in existing residential areas;

a **The proposed site plan provides for open urban space that is programmed to support activities compatible with the residential area.**

(c) The proposed development must make provision for adequate parking, considering available transit alternatives and support services, and make provision for adequate vehicle access and loading areas in relation to street capacity, functional classification, and land use patterns, such that any vehicular access points do not create congestion on public streets or create hazardous conditions for pedestrians;

a **All parking and loading for the project will be provided on site and away from pedestrian walkways. Please see presentation for traffic and parking analysis of the site.**

(d) The proposed development must adequately address traffic generation characteristics in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable increased traffic to be directed away from congested areas;

a **Please see the traffic analysis included in the application.**

(e) The proposed development must adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including, but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on and off site, and provision for pedestrian circulation patterns which do not substantially alter existing patterns and which enhance desired patterns where possible;

a **The proposed site plan will widen the existing sidewalk along McKee Place, as well as, providing additional accessible pedestrian routes within the 40 foot setback along McKee.**

(f) The proposed development must adequately address access to public transportation facilities, including, but not limited to, provision for safe pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and the provision of on site facilities for alternative means of transportation such as bicycles or van pools;

a **Please see the TMD Plan provided in the application.**

(g) The proposed development must adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures; retention and reuse of significant structures, provided that such preservation requirements may be waived if the applicant shows that use of such structure is no longer economically or physically viable; and retention and reuse of structures which contribute to the character of an historically significant area;

a **N/A, there are no historically designated structures on the site.**

(h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;

a **The building is designed to break down the massing along McKee Place to fit with the residential rhythm of the existing residential structures. The building is set back 40 feet from the front property line, matching the adjacent building siting. The materials selected for the building are appropriate for a residential structure, and are consistent with existing materials in the area. Please see the application for rendered images illustrating the building within the context of the site.**

(i) The proposed development must adequately address microclimate effects of proposed development, including, but not limited to, wind velocities, sun reflectance and sun access to streets, existing buildings, and public and private open space;

a **Solar study of the project was submitted during ZDR review and presented no issues with sun access to adjacent properties.**

(j) The proposed development must adequately address protection of views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks, open spaces, or riverfronts;

a **Please see application for street level perspectives with the building in context.**

(k) The proposed development must adequately address the location, development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of existing open spaces which serve these same purposes;

a **Please see the site plan provided in the application and the eye level perspectives illustrating the open space that is provided as part of this development.**

(l) The proposed development must address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission and designated by the Department of City Planning, which address Downtown area development;

a **The project is in compliance with known plans for the area.**

(m) If the proposed application includes a building(s) that exceeds fifty thousand (50,000) square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6.

a **N/A, building footprint is less than 50,000 sqft.**

922.15.L Whole-Building Life-Cycle Assessment

All projects requiring Planning Commission Review and Approval under 904.08.D.2, 904.09.D.2, 904.10.D.2, shall submit an initial draft Whole-Building Life-Cycle Assessment as part of application materials, except building demolitions and new open spaces.

The intent of the study is to have those proposing new buildings or significant additions to identify pathways to reducing to zero (0) the net carbon emissions from the project. The study will allow the applicant to understand what would be required to meet that goal, and clearly show through the application review process what recommendations from the study are being incorporated into the project, what are not, and why.

The study must include the following elements:

1. Embodied carbon in existing structures. Includes consideration of how existing structures can be reused in whole through rehabilitation or in part through retaining components of the building or reusing significant portion of the building materials (e.g., bricks, timber, stonework).

a **Project team considered reuse of existing 2 story wood frame and masonry structures on site and determined that the ability to create a high density development needed by the community outweighed the value of reusing the existing structures.**

2. Carbon capture value of existing trees on the site. Includes options for development that retain existing and mature trees already on the site in addition to inclusion of new trees and vegetation that would be added through development. Specifically, how can the building be shaped and massed around existing trees in ways that maintain their health and environmental function?

a **The mature stand of trees to the south of the site are being preserved by the shape and placement of the building, and the minimum number of trees are being removed and replaced as part of the landscape space design. In addition, the inclusion of biodiverse rain garden plantings will contribute to carbon sequestration.**

3. Zero Carbon energy sourcing. How can the project's construction and operation result in zero net carbon emissions? How can energy for building operation be sources through on- or off-site renewables?

a **Building will be all electric and will use zero fossil fuel sources for all equipment. Additionally, roof top solar array is being considered to provide an on-site renewable**

energy source to be used by the building.

For rental properties, the most critical issue in Oakland is the relative lack of housing availability. Rents of multi-bedroom homes are comparatively high, likely because of students renting by the bedroom.

Based on a November 2019 snapshot of the rental market, only 26 units were available for rent. This is less than half of one percent of the total rental housing units in the neighborhood and less than 0.3% of the total housing units.

Such a low level of availability indicates a very tight housing market. The available units ranged in price from \$600-\$1285 for a one bedroom; \$830-\$3,500 for a two-bedroom, \$1,295-\$3,150 for a three-bedroom, \$2,000 for a four-bedroom, \$2,000-\$3,500 for a five-bedroom, and \$2,100-\$2,495 for a six-bedroom.

Approximately half of the units listed on the open rental market are affordable to households making 80% of Area Median Income (AMI).

The City of Pittsburgh Affordable Housing Task Force analyzes housing affordability based on households earning 30%, 50%, and 80% of AMI. The 2016 Affordable Housing Task Force report envisions establishing an affordable housing trust fund that would target 50% of funds to households earning at or below 30% AMI, 25% of funds to households earning at or below 50% AMI, and 25% of funds to households earning at or below 80% AMI. The report also envisions

Pittsburgh Income Limits (HUD) and Rents

Household Size	Extremely Low Income 30% AMI Rent at 30%	Very Low Income 50% AMI Rent @ 30%	Low Income 80% AMI Rent @ 30%
1	\$420.00	\$700.00	\$1,118.75
2	\$480.00	\$800.00	\$1,278.75
3	\$540.00	\$900.00	\$1,438.75
4	\$643.75	\$998.75	\$1,597.50
5	\$754.25	\$1,078.75	\$1,726.25
6	\$864.75	\$1,158.75	\$1,853.75

that inclusionary housing should be targeted at households at or below 50% AMI for rental units and households at 80% AMI for homeownership.

Of the housing units listed as available at the time of the analysis, none of the units are affordable to very low income households earning 30% AMI or below. One unit listed at the time of this analysis is affordable to a 1 or 2 person households at 50% AMI; six units are affordable to a 1-2 person household at 80% AMI. Four units are affordable to a 3-4 person household at 80% AMI.

7 units are affordable to a 3 person household at 80% AMI; 9 units are affordable to a 4 person household at 80% AMI.

Approximately 28% of workers in Oakland live in the City of Pittsburgh.

The number of workers living in the City of Pittsburgh has fell in recent years. In 2010, approximately 30% of employees that work in Oakland lived in the city.

Of the Oakland employees that live in the city, more live in the adjacent neighborhoods to the east of Oakland. Squirrel Hill has the zip code where the highest percentage of Oakland employees live – nearly 5%.

A higher percentage of Oakland's workers live in the city as compared to the Pittsburgh innovation neighborhoods. The Central Business District, which has almost 21,000 more jobs than

Oakland, has 17,000 workers who live in the city, or 23%, compared to 13,000 in Oakland, or 28%.

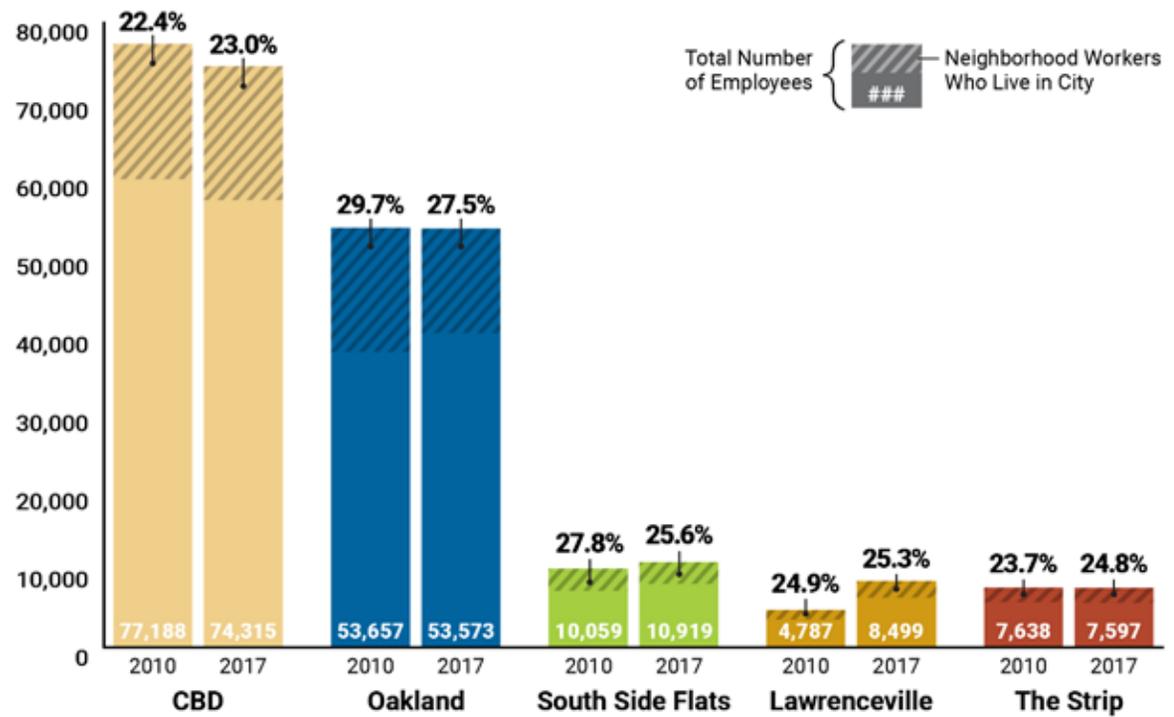
Lawrenceville, which had dramatic growth in employment from 2010 to 2017, nearly doubling the number of jobs and growing employees by over 3,700, added an additional 952 employees who live in the city over the same time period. Lawrenceville is known for its high quality of life.

Top 10 Zip Codes for Where Oakland Workers Live | Primary Workers | 2017

Zip Code	Neighborhood/Place	% of Workers
15217	Squirrel Hill South	4.6%
15206	Larimer	3.9%
15221	Wilkinsburg Borough	3.0%
15237	McKnight (Ross Township)	2.7%
15235	Penn Hills	2.5%
15213	North Oakland	2.4%
15218	Swissvale Borough	1.9%
15232	Shadyside	1.9%
15227	Brentwood	1.8%
15236	West Mifflin Borough	1.7%

Source: LEHD Origin-Destination Employment Statistics

Workers Who Live in the City | Oakland and Pittsburgh Innovation Neighborhoods | 2010 and 2017



Source: LEHD Origin-Destination Employment Statistics as modified by W-ZHA, LLC.

63% of employees who work in Oakland live within 10 miles of Oakland.

This is a decrease from 2010, when 71% of employees lived within 10 miles of Oakland.

The number of Oakland employees residing over 50 miles away from Oakland has increased from 1,400, or 4.3%, in 2010 to over 4,000, or 7.5%, in 2017. People who work in Oakland live in areas widely dispersed throughout the region.

Central Oakland, where there is a higher proportion of employees with earnings below \$15,000 per year, has the highest proportion, 12.6%, of its workforce traveling over 50 miles to work.

The North Oakland area has the greatest share and number of workers earning over \$40,000 per month. 68% of employees in North Oakland live within 10 miles.

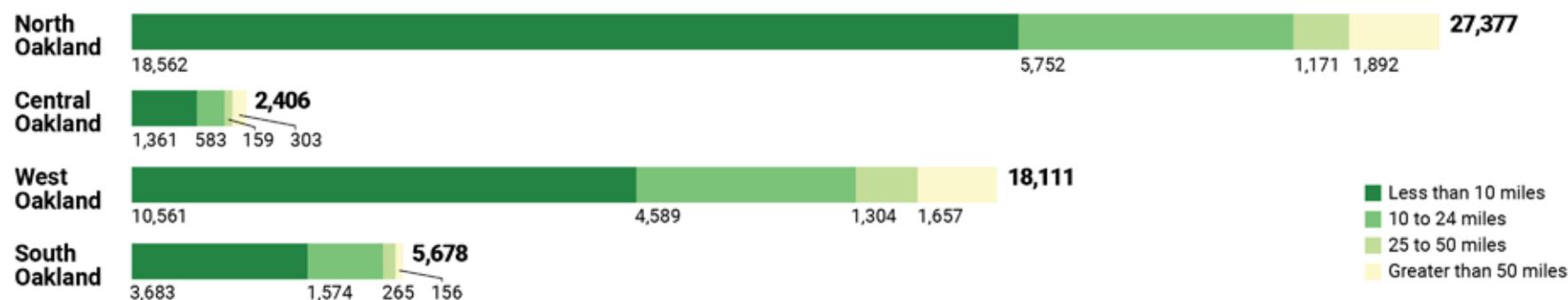
Top 10 Places for Where Oakland Employees Live | All Primary Workers | 2017

Place	2002		2010		2017	
	Employees	%	Employees	%	Employees	%
Pittsburgh City	10,984	30.7%	15,863	29.7%	14,985	28.2%
Monroeville Municipality	288	0.8%	817	1.5%	784	1.5%
Plum Borough	691	1.9%	678	1.3%	696	1.3%
West Mifflin Borough	482	1.3%	596	1.1%	596	1.1%
Bethel Park Municipality	461	1.3%	680	1.3%	667	1.3%
Wilkinsburg Borough	588	1.6%	874	1.6%	759	1.4%
Allison Park CDP ¹	483	1.4%	548	1.0%	582	1.1%
Baldwin Borough	382	1.1%	355	0.7%	400	0.8%
Franklin Park Borough	408	1.1%	357	0.7%	423	0.8%
Swissvale Borough	227	0.6%	276	0.5%	260	0.5%

¹ Census designated place.

Source: LEHD Origin-Destination Employment Statistics as modified by W-ZHA

Home's Distance from Employee's Work | Employees in Oakland Area Neighborhoods | 2017



Source: LEHD Origin-Destination Employment Statistics

Oakland employees with the lowest earnings are less likely to live within 10 miles of Oakland and more likely to live 50+ miles from Oakland.

The percentage of Oakland employees residing over 50 miles away from Oakland has increased from 4.3% in 2010 to 7.5% in 2017.

POINT OF DISCUSSION

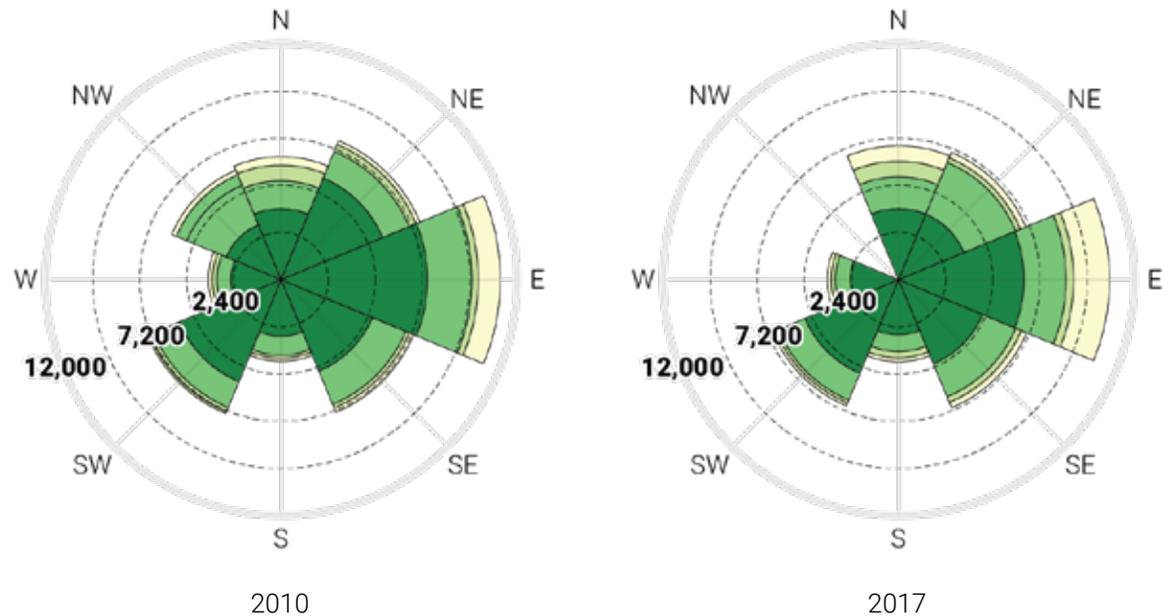
How can Oakland provide opportunities for those who make the least to live nearer to their jobs?

Home's Distance from Employee's Work | Employees in the Oakland Area | 2002, 2010, 2017

	2002		2010		2017	
SHARE OF TOTAL JOBS	39,573	100%	53,657	100%	53,573	100%
Less than 10 miles	27,929	70.6%	35,924	67.0%	34,167	62.9%
10 to 24 miles	8,134	20.6%	12,455	23.2%	12,498	24.1%
25 to 50 miles	2,108	5.3%	2,957	5.5%	2,899	5.5%
Greater than 50 miles	1,402	3.5%	2,321	4.3%	4,008	7.5%

Source: LEHD Origin-Destination Employment Statistics

Job Counts by Distance/Direction | All Workers



Home's Distance from Employee's Work | Oakland Employees by Earnings | 2017

	< \$1,250		\$1,251-\$3,333		\$3,333+	
SHARE OF TOTAL JOBS	5,127	9.1%	14,504	26.3%	37,977	64.6%
Less than 10 miles	3,031	58.2%	9,687	66.2%	24,192	62.2%
10 to 24 miles	1,121	22.4%	2,741	19.1%	9,687	26.4%
25 to 50 miles	284	5.8%	829	5.9%	1,950	5.3%
Greater than 50 miles	691	13.7%	1,247	8.7%	2,148	6.1%

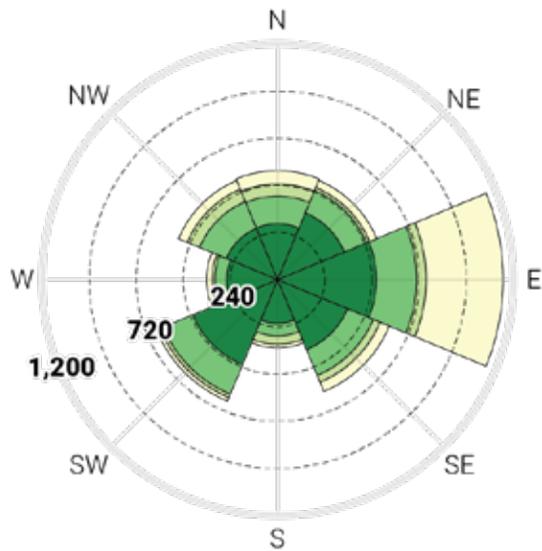
Source: LEHD Origin-Destination Employment Statistics

<\$15,000
part time worker

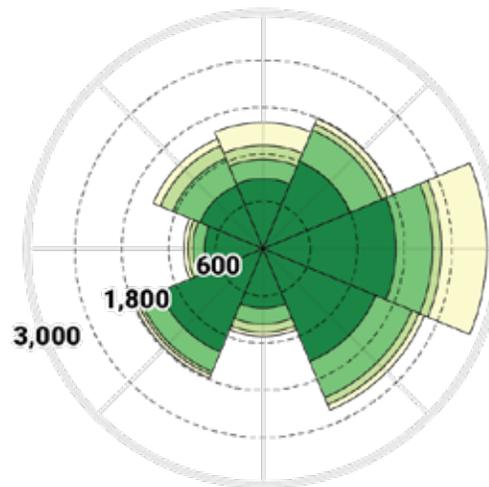
\$15,001-\$39,999
waiter (City mean wage \$25,670)

\$40,000+
lab tech, nurse

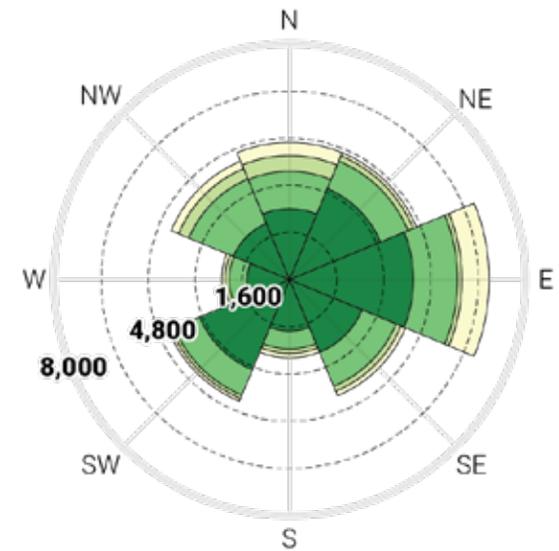
Job Counts by Distance/Direction in 2017



\$1,250 per month or less



\$1,251-\$3,333 per month



\$3,333 per month or more