

Let's Talk... Zoning

Minutes: October 20, 2021

Featured Speakers: Andrea Boykowycz and Wanda Wilson

History and Background

This month's Let's Talk topic is Bill 2021-1906, the proposed Oakland Public Realm Subdistrict E, which would re-zone 17+ acres of Central and South Oakland. Andrea began by summarizing the history of the proposed zoning ordinance, from its introduction on September 17 until the present day. City Council voted on October 12 to send the bill to the Planning Commission.

The Planning Commission has until January 11, 2022 to complete its assessment of the bill, including a required public hearing. The bill would then be returned to City Council, another public hearing would occur, and City Council could then vote to approve or reject the change.

What is an Oakland Public Realm District?

The Oakland Public Realm zoning district (OPR) was designed to regulate the development and growth of Oakland, to preserve the mixed-use nature of the community while enhancing the sense of place within Oakland's public areas.

The Oakland Improvement Strategy of 1998, a comprehensive plan for the development, improvement, and zoning of Oakland's public corridors, housing, and commercial areas, identified the need to create zoning standards reflective of the areas of Oakland used and seen by the general public. The Oakland Public Realm includes four subdistricts that accentuate each area's positive attributes, and protect and enhance the fine qualities of Oakland.

The existing Oakland Public Realm District D (the Boulevard of the Allies) was designed to:

- enhance and protect Oakland's special character;
- protect the character of less intensive uses from impacts of more intensive units;
- provide a guide to non-residential and residential development to encourage growth that will be both pedestrian-friendly and compatible with the existing neighborhood; and
- encourage mixed-use development that allows non-residential and residential uses to co-exist without conflict.

The OPR-E has three sub-districts within it, designated by A, B, and C.

Subdistrict A: McKee Place is currently zoned residential, which allows apartments, which it has today. OPR-E is looking to turn this space into mixed-use zoning. New uses could include parking structures, fast food restaurants, utility plants, wastewater treatment plants, classrooms, laboratories, and research buildings that could be up to 20,000 square feet, etc. It would be absolutely out of context with the residential use that exists today on McKee PI. The height of these buildings would be up to 108 feet, which is approximately ten stories. This section also gets rid of rear-yard setbacks.

Subdistrict B: Halket Street is currently zoned residential. It's a moderate density subdistrict that permits three-unit dwellings, and has height restrictions of 30 feet. OPR-E proposes to add large-scale commercial uses as of right, allowing similar uses as Sub District A, including parking garages, utilities, large-scale retail and education/classroom space, a hotel, etc. Height

allowances could be up to 120 feet with bonuses, which is 12 stories; Subdistrict B also gets rid of rear-yard setbacks.

Subdistrict C: Boulevard of the Allies and Halket Street is currently zoned as a mixed-use commercial district, denoted OPR-D. OPR-E adds college and university campuses, educational classroom spaces, utility, parking structures, and research development services to the permitted uses, and removes residential uses other than multi-family. The proposed re-zoning explicitly removed housing for the elderly as a permitted use. These buildings could be up to 150 feet tall. They also take out residential compatibility standards.

Miscellaneous provisions the bill actively disregards

OPR-E would provide a schedule of bonuses (including LEED certification, rainwater-capture mechanisms, etc.), which could qualify a development to earn extra height. The bonus schedule conspicuously omits any bonuses that promote affordable housing. However, affordable housing and inclusionary zoning are priorities in the Oakland Plan draft goals, and are considered a high priority in this community.

Walk to Work

“Walk to Work” is a phrase used in the zoning ordinance that appears to support housing that allows occupants to walk to work in Oakland. Most of Oakland meets this criterion today. The language appears to give the idea that it is supporting affordable housing. However, the provision is vaguely worded and does not include any requirements to provide housing affordable to lower wage workers, the only way to truly ensure affordability. The text merely states that some portion of the residential units should be affordable to the people renting them (regardless of their income level). We have great examples of inclusionary zoning in other parts of Pittsburgh, and certainly other cities. We are not fooled; this is not a policy to ensure affordable housing in the zoned area.

OPDC’s objections to this bill have been criticized in some corners: some have said that OPDC is anti-change and that the organization and the neighborhood have no positive vision. This is untrue. Many hundreds of people have participated in both the ongoing Oakland Plan process, and in the planning process that produced *Oakland 2025*. OPDC reflects public input prioritizing affordable home ownership and community-serving amenities like a grocery store be included in the redevelopment of the Quality Inn site. The Department of City Planning included a community design charrette for this site in the Oakland Plan process, and this produced many ideas for mixed-use development, but with Halket Street homes still intact and with Zulema Parklet still in existence.

Questions, Comments, and Concerns from the Public:

Comment: I think the most important thing that happened tonight is for you to dispel everything that has come out about Oakland Crossings in the paper and with all the pretty pictures. They all mean nothing because it’s about just zoning. You have emphasized that after zoning happens, anything can happen. That’s very much appreciated; it was very much needed for the public, so thank you for that.

Q: I want to support my neighbors in Oakland against this as much as I can. I wondered if there was a way I could see the presentation or have a copy sent to me as I’m tuning in on my phone?

A: Of course. That’s not a problem at all. We can email it to you or send you a paper copy if that’s what you prefer.

Q: Do you have any thoughts on what sorts of actions Oakland's neighbors in the surrounding community could take, other than calling our Council members and representatives? How can we help support you?

A: Contacting your City Council Representatives is one of the most important things you can do at this point. In addition, this serves as a great reminder that none of us is alone in this and that we are in the same boat here. This proposed zoning is a function that threatens all of us, not just Oakland. It's vital that across districts, we reach out to all of our respective representatives and argue that community-driven zoning is way more integral than these private, written behind-closed-doors deals that are currently going on.

A: In addition, we'll be hosting a formal Development Activities Meeting (DAM) for this proposed ordinance, and it would be great if the public came and provided feedback during it, as those comments get recorded as a part of the official record that City Planning provides for the Commission. The tentative date for it is Monday, November 29, via [Zoom](#).

Comment: I might be the odd one out here, but I'm super excited about this proposal. I can speak to that because I live right in the middle of the development. I feel it's a little disingenuous to present this information as though sewage treatment plants would be showing up in this space when many sustainable green building elements have wastewater treatment and energy generation on them. That is just not noticeable from the public eye. Still, those are some of the greenest specs a building can have. I think we've bundled many things in our conversation tonight, which can agitate people not to make good decisions. I understand that this may not be the appropriate way to push something through, which is a separate discussion. But, to me, development is going to happen. I'm all for increasing density—the idea of people living where they're working on a sustainable solution. Look at people living in New York. Many of them live without cars. It's a beautiful concept. How we make it work and make it affordable to a broader range of people are great questions to ask. But today was very one-sided in terms of looking at the positive things that could come from redeveloping an area. Imagine if we took Louisa Street from Halket and over to Atwood and turned it into a beautiful pedestrian area. Right now, Forbes is not comfortable walking on. But what if Louisa was reimagined entirely? I think the potential is here. I'm all for a public process and talking about it, but development in itself is not a bad thing. We need to break up the argument a bit. What are we doing here? Do we need a better public process? Great. Here are the concerns we have with x, y, and z.

Comment: The trouble here is that the legislation, as written, is so clumsy and so broad that it permits all uses that have no specific sustainability standards. There might be height bonuses for a hotel. Still, similarly, there can be enormous parking structures, and there's no requirement that they pay attention to precisely those green standards like energy use or the footprint of the building. Certainly, there is no provision in there to be able to account for affordability in the neighborhood. I think there are elements that Walnut Capital has drawn up that are certainly attractive, much like the pretty pictures in the paper that were mentioned, but that is not the content of the zoning bill.

Comment: I think that your presentation was good. I don't think any of us are expecting a giant wastewater treatment plant on that property. I think what's clear is that Walnut Capital, through Peduto, is proposing a wholesale change of the zoning without the proper processes. They're going to get rid of control; they're going to turn McKee Place into a commercial zone where they can build 12 story buildings with whatever they want in them. They're going to turn the Boulevard and Zulema Street into another commercial and institutional zone with 16 story buildings. They're going to put some residential on Halket, which are not going to be affordable. They're going to sandwich Coltart Street and eventually push that out too. I think this whole

proposal should be thrown out and should go through the normal procedures of city planning and zoning.

Comment: As an Oakcliffe resident, I have some experiences with this I'd like to add. We had Oxford's proposal to develop a 100-unit apartment building on the old Allman Cadillac site. They were adamant they could build that even though some of it was zoned residential. Both City Planning and Oxford Development didn't believe the community when we told them. We had to go down to the City Council and dig up records from 2002 to show that part of that site was still zoned residential. We had to do their homework for them, and that's the only reason there's not a 100-unit apartment building across from my street. Developers will build what they want to develop according to what's in the code, so we have to be very careful about the code. Another comment I wanted to add was that Walnut Capital has a website for this project, Oakland Crossings PGH. They have all of their projects and drawings there, but the last page is a plea to write to your city council representatives in favor of their development. So, we need to do the same, whether you're for it or against it. Another comment I wanted to make was about Zulema Street. We need to keep Zulema Street residential. They can have Forbes, but we need Zulema Street to get down to the post office and go to Squirrel Hill. We use it all the time. If we ignore stuff like that, the amenities we have, they're going to be gone forever. We know that developers don't like to have to talk to neighbors. They don't like to have to go in front of the Zoning Board of Adjustment. That's why they want this OPR-E. They want to shut community members out. We all have standing here, though.

Comment: I want to reassure everybody that standing is not an issue in this particular case that we're concerned about. Even though this proposed zoning change is entirely located within Councilman Kraus's District, he is deferring to interests outside of his district.

Comment: My point is that a developer and their attorney will take any opportunity to silence community input. By having an OPR-E, as you know, that you just described, these are all things they can do right now. They will build to rule, regardless of standing.

Comment: I think one of the biggest notions we have to dispense is the anti-development argument. As an OPDC board member, which I am proud to be, we are planning and development. That means that planning is an essential part of what we examine. I want to thank my colleagues, Andrea and Wanda, for all their work on this. We are about inclusion and equity. When we're talking about a university and density, we need to look at the process. Community members, who have lived here every day for years, will always better understand the community's needs more than any private developer. We know because we live here. If we are vacated from the process, how can anyone reconcile calling us anti-development? It's disingenuous! We are very pro-development, and we need to have a harmonious relationship. In the first chapter, the book that I just recently finished by Davarian Baldwin called "In the Shadow of the Ivory Tower" mentions the University of Pittsburgh and Carnegie Mellon. In our own ways, we've all recognized how our neighborhoods can become what I've dubbed neighbor-versities. Let's start building relationships with each other and come together. This is my call to everyone here this evening. Thank you for joining us and asking what you can do. I think the greatest thing we can do is join together. I believe the people who are proposing this will reap ill benefits if this thing goes through without the sniff test along the way. I think they're going to live to regret it. We need to look at who's vulnerable and why they are vulnerable, and we need to respect the will of the people. This bill is the most egregious attack I've witnessed in my life on this community, and it has to cease. The only way it's going to, while we may differ in our opinions, is if we join together and come up with a platform to deal with this. I encourage people to put on their thinking caps. While we all may not agree with the same premise about

individual zoning or topic or building, I think we all agree that process is very important. It's vital that we're not treated dismissively, with such disdain and disrespect for who we are as individuals and constituents. [It's critical] to not be treated as if we're full of ignorance. Development should welcome our input. They should've come to us asking, "What would you like to do? What do you want?" When people point to blight they need to be reminded that a lot of the blight has been caused by leaving people out of the process. All because we were considered dispensable? We're not dispensable at all. We're all critical, and I thank each and every one of you; regardless of what perspective you come from, I think it's time we come together. As Professor Baldwin talks about univer-CITIES, we need to look at how that process has been unfolding across our nation, leaving cities vulnerable and dictating policies. This is not just about being inconvenienced in a street that we use or memories we've had in the past. This is about our heart and soul, it's about what we've come to learn and know, and because of that, what we have to contribute. We are not anti-development. We are pro-inclusion.

Q: It seems clear to me that the developers, Walnut Capital, are pushing this bill with the help of Mayor Peduto before he exists office in January. I'm wondering, one, if that's true if that's why they're trying to push this so quickly, as to do it before (we hope) Gainey takes office. And my second question, Is there a way, then, to reach out to the Gainey campaign and ask them if he would be willing to slow down the current process until he gets into office and look at this and discuss it publically? Have any thoughts been proposed in reaching out to Gainey as a potential ally in all of this?

A: Until the election, Gainey has been rather cagey about where it is that he stands on a lot of different issues, pretty understandably so. It's not clear where his administration will come down on this issue. In the meantime, procedurally, this bill is in Council's lap, and Council is not changing its membership next year. The new mayor does get to appoint new members to the Planning Commission, and there may be some hiccup there. But Planning Commission will hold the hearing in January. So there is no way for them to get it done before December. The Oakland Plan is an iterative process. It's an ongoing plan; a city-run, city-funded, city-driven, community public process for producing a comprehensive plan for Oakland. The expectation is that there will be a first draft of this plan sometime in February. With revisions from the public, with the next iterative set of inputs to that first draft, the final draft will be done by summer for City Council to review.

Comment: I want first to thank Janice for her remarks. I agree with her. I think this is an egregious attack. I've served on the Oakland Plan Committee, and we've been working on this for two years. Candidly, I think that almost everything that we've been talking about has been ignored. I would also like to remind the people who say the solution is calling our City Council that the vote was 8 to 0. We're not going to get anywhere with City Council. I have some alternatives, however. If we want widespread opposition to this, we have to get more than the 40 people on the call. We need to gain widespread support here. I had a nice conversation today with Andy Sheehan from KDKA. We had some talks about how we can best target widespread support.