

## 5150 Community Meeting Notes

April 4, 2018

Taken by Jessica Cook

Presenters: Michael Sundo of Longboat Enterprises (developer), Ben Maguire (architect)

BDC Staff: Christina Howell and Jessica Cook

### SECTION I: Welcome and Ground Rules

Christina Howell (Christina), facilitator:

- We have these meetings to promote a clear and transparent process, we're doing this one with Friendship Community Group
- Discussing construction at 5150 Liberty Ave. We discussed having a meeting in January and decided not to with neighbors and the developer, and we regret not having this meeting then. We're still learning our process to respond to community needs effectively.

### SECTION II: Presentation from Development Team

Michael Sundo (MS):

- Thanks for the opportunity to talk with you today. Longboat enterprises is a small, family office, owned by the Weiner family, based in Fox Chapel. The Weiners wanted to move into the city of Pittsburgh, and identified this lot as a place they wanted to move into with a 3-4 unit building.
- Ben our architect has made changes to the original plan.

Ben Maguire (BM):

- This lot is at the corner of Osceola and Liberty. It's about 125x25.
- 4 story, 4 car internal garage in the rear. 4 apartments and one large commercial space that would face Liberty.
- 35 ft. rear set back. We eliminated the height and the top story, so now it's 3 stories, 1 apartment per floor.
- Ground floor is the smallest because of two car garage, and there will be 3 exterior parking spaces.
- Each apartment has either 1,2 or 3 balconies.
- Those (second and third floor apartments) are two bedroom suites, so each bedroom has its own private balcony that will be 50-60 sq ft.
- Top floor with access to small roof deck, 25x25. They're the only ones able to access that top floor.

### SECTION III: Q&A

BM: Ben Maguire

CH: Christina Howell

MS: Michael Sundo

Audience 1: Can you show profile from my side? Mine is the most immediate building on Liberty Avenue. The one there at the right, at the bottom. The grey part is my house and the other is your building.

CH: Do you have a question relating to the proportion?

Audience 1: Yes, if you notice the scale, its the size of my house in length. It's still towering over the peak of my house. That's just a stark wall, and I have no orientation towards Osceola at all.

Audience 2: If this is the house to the left of the lot-- I live on Osceola, my neighbor's house is behind that. Is it taller than my neighbor's house?

BM: This would definitely be higher. This is a commercial lot so there are different regulations for that. We're probably 15 or 12 feet taller than most of the houses.

CH: Does that 12 to 15 feet include that...box? At the top of the roof?

BM: Yes

CH: How about the facade materials, is that brick?

BM: Polished facade, synthetic wood. Looks like a cedar or a stained teak.

CH: Where in the business district have you seen that material?

BM: I have seen it many places.

CH: I mean on this stretch of Liberty Ave. It isn't contextual to the neighborhood, we'd prefer materials that you can find here

BM: If there's a list of materials you have that you find acceptable, we could look at that list.

CH: Can you tell us about your plans for stormwater, stormwater retention... and landscaping?

BM: 5 trees are required by city.

CH: How will those be maintained?

BM: We would own them, we would maintain them.

CH: Water retention?

BM: 3 parking spots will be paved, doesn't require stormwater plan.

CH: What is the square footage of each unit, and is parking assigned to each unit?

BM: 1st floor is 1100 sq ft, 1500 sq ft for floors 2 & 3. There are 2 parking spots for top 2 floors, 1 for bottom floor.

CH: Any accommodation for bikes?

BM: No separate bike storage.

CH: Where is the garbage kept?

BM: Rear trash cans.

Audience 1: I know it's property in a commercial district, but you're going to be building all the way up to the property line?

BM: For this block its different, but not for rest of Liberty Ave.

Audience 1: The houses on this block predate that, 25-31 feet from sidewalk, that's where houses originally were.

Audience 3: Can you give us an idea of where this stands in the Court of Appeals? Is there a settlement?

BM: Court hearing is primarily about front yard setback. What we're asking for is regarding the front set back. What we're here for is to see if the community is OK with the new design.

Audience 1: What changes have you made from original drawings? They were always to the property line? There has not been a change since August.

BM: We did go before the zoning board and there was an issue about safety with the plans going to property line.

Audience 1: They can't grandfather parking into the front of their building. Other buildings have parking in front. If they have that building to the sidewalk, it's a major blind spot. No one to this point, with that openness, has been hurt or killed. They only have one entrance, and its right next to my driveway.

Audience 1: Osceola is a one way. All parking (for proposed development) is in the rear. People are going to drive into my driveway for loading and unloading since the entrance is right on that corner. It's going to add to the safety issue with cars are pulling in and out. My neighbor works late, people pulling in and out could be dangerous.

BM: We will have rear parking and will have something on Liberty. We're always going to have a front door and parking in the rear (to have Liberty Avenue address).

Audience 1: Osceola is a one way street, people aren't going to want to come and leave in the back to get back on Liberty, I see an inherent problem and I don't want that, or to have to build a fence. Each entrance we (neighbors on Liberty Ave) have was coordinated with each other, they're all to the right. And (in this plan) instead of that, it's now next to my entrance (to the left).

Audience 4: Why is street parking not an option?

BM: Typically residents like (developers) offering parking spots. Up to 8 people could live here, and we would be losing two spots (with street parking) and gaining 5 (with 3 spot parking pad and 2 spot internal garage), so it's a net positive. We still think we're providing benefit.

Audience 5: Not questions, just some thoughts. I own building to the left of Stuart. The set back is definitely an issue. In terms of aesthetics, the modern structure versus what's there, if we had took an old building and tried to restore it that would be a big point to look at if it's not too late. The off street parking, in my opinion, is a good idea. That would be my main comment, is there any way to design the exterior to look like something more historically that looks like it belongs in that block?

CH: We've asked developers to do that before (i.e. Milhaus).

BM: We don't want anything to stick out like a sore thumb, we want this to be a well-thought out architecturally sound building

CH: What is the grey that wraps around the porches?

BM: A stucco panel that is smooth

CH: I know stucco doesn't hold up well and isn't a sustainable building material, could you use something else?

BM: My position on all materials that we need to adhere to, we'll look at it. Again, if theres a list we'll adhere to it.

Audience 6: Quick question for developer. Anyone who is familiar with walking to Post Office knows the 3-story wall of this building will be visually daunting. I also know there's a lot of code violations involved with incorporating a window in some way. Have you looked at some kind of treatment so instead of windows there something in that plane?

BM: Technically not just about code, we need to have windows, and we could make it work from a fire stand point. Lentils maybe. But at the exact same position on adjacent corner on North side of the street, there's a big brick wall.

Audience 6: He's talking about Best Made Shoes.

BM: There's a lot of buildings with brick walls, it's very common.

Audience 6: That's the other side of the street, and they're kind of a vintage look. It isn't like a new construction. Would you consider putting some kind of public art on the wall?

BM: Sure, yeah.

Audience 5: You might be onto something there in terms of compromise #1 which is drastic, to get the facade to look like something that fits better here. Even the balconies with spindles to change the look. Opening it up for the sight line. Anyone driving by is not going to see there's a dentist there, coming from downtown it wouldn't be seen at all. But 10 feet...

BM: I think moving the building down 10 feet is something a neighbor didn't want. Trimming it a few feet here and there 6-7 foot setback, moving where we have the stairwell.

Audience: So the zoning board wanted 25 feet?

Audience 1: Its 31 feet 8 inches.

CH: Is there a shade study?

BM: We don't have a shade study at this time

Audience: So we don't have any idea how this affects neighbors on either side

BM: We are requesting 0 setback, and we just agreed tonight to move back to 6 or 7. Whether that's enough for you is another question.

MS: I understand the city has issues with the setbacks. Neighbors don't want it pushed back any more than necessary. So we need a halfway point between being on the sidewalk and something else. Moving building back 10 feet to take up rear parking spot...we could and would consider a couple ideas that have floated around, like opening up area where these balconies are now, to make more of straight line from the street or the neighboring properties.

CH: Is there anyone here from the property directly behind? Have they discussed taking away a spot are you in favor?

Audience: No for them to move that they won't compromise by shrinking the building, they can shrink the front but won't compromise by setting the whole building back.

CH: Have you investigated taking 10 feet off the front of the building?

MS: We're right around 6000 sq. ft.. Shrinking the building, that's kind of not feasible... 2 ft, 10 ft, anything is possible but that's getting into the leasable square feet.

BM: We're trying to develop this into a three unit residential. The feedback we received was keep it residential.

CH: Would you be willing to disclose percentage of profit and what it would become if you took 10 ft off?

MS: Sure, we'd be looking at, in terms of percentage-wise... 15-25% less profit in the project

CH: So you're saying that we have to assume that you're starting at 50% profit and coming down to 30%?

MS: I dont have the exact numbers in front of me now, you're looking at \$200-225 per square foot.

CH: What are you estimating what rent is in the area?

MS: New construction buildings rent at approximately \$2.15 per square foot. Also, to clarify about the rear set back, sliding it back does create a problem for us due to the set back.

Audience 1: Where can you back the set back up to? That first grey box? This is Dr Wong's property.

BM: 15 foot setback for 50 feet which eliminates this entire area (referring to slides).

CH: But have you considered backing the building up and making internal parking?

BM: To slide it back in, we'd infringe even more.

Audience 7: Just to be clear, one of the reasons we have an issue with this coming to Kim's property is because the rest of Bloomfield has Mitre Way (as a buffer between larger, commercial buildings on Liberty). We just don't have a separation, and the height is a huge issue because it's right in your side windows.

BM: There's 11 blocks on Liberty. I've looked at every single block, it's just extremely typical what we're proposing.

Audience 7: They do go right to the back to the property line, but there's an alley to separate (on every other block).

Audience 1: In a previous meeting someone asked the numbers for a rental property... the plan for the price per square foot made me think rental? Are you going to sell them as condo units?

MS: It's an option.

CH: We're dealing with that with another building. Condo units are something BDC would typically be happy to see. In our plan from 2015, more homeownership is one of our priorities.

Audience 8: Have you gotten your permit for curb cuts?

BM: We do not. We do have a curb cut for an existing garage. Yes we are adding an additional curb cut and we haven't gone yet.

CH: For record, we usually oppose additional curb cuts, as they are unsafe for pedestrians.

Audience 1: One other thing-- in the design of this building... theoretically you could put a partition and make 6 units, and then there's 6 units, and now it'll be 6 one bedroom apartments.

BM: We're staying with a 3 unit building, more units would trigger rezoning. If we did want to have 6 units, we'd have to start this whole process again

Audience 9: Are you considering shortening this building? It's massive.

CH: You do have a balcony off of each bedroom, are they truly necessary? Getting rid of them is an opportunity to shorten the front.

BM: We think those are very desirable amenities.

CH: Could you estimate the sq. ft. of balconies?

BM: 50-60 each. They're very small, they call these smoking balconies.

CH: Are you going to provide cigarette butt receptacles to keep litter at bay?

BM: People have to adhere to the laws of the area.

Audience: Where's the kitchen?

BM: This entire area here is kitchen living dining. Staircase (to roof deck) is on the rear side and only this unit can access it out there. It's probably 25 by 25 feet. There's a hallway along the side and the stairway is in the middle. These are bathrooms.

Audience: If that is not an entrance for apartments, what are those doors?

BM: I realize the neighbors are very concerned about the location of the entrance. The original concept was that the garage was for the third floor tenant.

Audience: So there is a plan for the elevator?

BM: Yes and it would serve the second and third floors

Audience: So what compromises are you making? One neighbor doesn't want building to go back, and you've accepted that. Others mention design, which you're willing to do. Most others mention building all the ways to property line...

BM: I don't see a compromise the other direction either. If I would say 5-10 feet on the front, 5-10 feet off the back. We can't lose 20 feet off the front.

Audience: The point is we weren't asking about 20 feet. I think the question is how much would you be willing to take off the building?

BM: I could probably go 10 ft. but not 20. Shrinking it a couple feet, moving a couple feet, maybe shrinking the stairwell to help do that. Is that a compromise?

Audience: Do they have to have that terrace on the roof?

BM: We would certainly look at that if we could have the 0 foot front setback, the 4th floor is something we're allowed.

Audience 1: You haven't even changed the front thing and you know that's going to be an issue for me forever. If I'm coming from West Penn I can see everything and pull in safely, now I'm leaving my driveway and I don't know what's on the other side of that wall.

BM: The 4th story is allowed, it is permitted under current zoning, if we're willing to get rid of something we're allowed, could we get some credit for something else? It could get us more leasable square footage.

CH: Are people opposed raising the building up another story

Show of Hands, About 1/2 are opposed to building up another story.

Audience 1: It's 24 feet wide by 48 inches. You want to keep this Liberty Ave address where it is, which depends on where the front entrance is. If the front entrance for the first floor were in the front, would you be able to cut out that wall so you could see around it and move the parking garage to the back so you would still have access where the entrance possibly can be?

BM: Can we do that and move the building back a couple feet?

CH: Are you willing to compromise on losing another parking space?

BM: We strongly feel that having these 5 off street spots are a net benefit.

BM: We would get rid of one, there's going to be more cars on your street. I think more parking options are better for you and for us.

CH: Would you be willing to have people agree that they can't apply for residential parking if your providing spots?

BM: Eliminating one of the parking spots and shortening the curb cut is a combination of moving building back a few feet.

Audience 1: Just about the parking issue, just a footnote that there is no parking on Liberty in front of the building which exacerbates my issue. If they can't park on Osceola-- I have been on the Ave 30 years myself and I know those issues.

BM: Historically there have been 5 parking spots on this spot, including the garage, two indoor and 3 outdoor

Audience 1: But the building wasn't that long.

CH: (Notes time) I know you don't have to attend these, we thank you (BM and MS) and now we will move on to community discussion.

#### SECTION IV: Community Discussion

CH: We've never been in the situation where this is already in the court of common pleas. We are, as an organization, thinking through what to do here. I want to make sure that any position we take honors those people living around there or I will often tell my board that we should take no position and just take the facts of the development and neighbors experience and submit that to zoning. We can say we want x parking spaces, or y materials. If you have any questions, please let me know.

Audience: You mentioned a shade study? Is that required?

CH: Not required but it's something developers typically come to us with. They often meet with city planning and they say you should bring this this, this, and this. I think the shade study is usually included in that. We will request that.

Audience: I asked them and didn't get an answer, is there a date for next hearing?

CH: No

Audience: Would it be possible to ask about removing parking space all together? Removing the garage would give the first floor more liveable space and reduce the curb cut.

Audience: Yes, there are no issues finding parking on Osceola.

Audience: I'm far enough down that I don't know that it will impact me. But with the height, I'm wondering how it might change the light on the street.

CH: During the summer, it will affect mostly Stuart and in winter it would affect Liberty Ave. I've spent a lot of time looking at shade studies. As long as you've signed in we can get a shade study to you

Audience: Originally it was a business in that building, and the teardown was horrific. It looked like we were being torn down too. A lot of our clients were older and were afraid to even come, with all the bricks and mold.

CH: I agree that whole tear down was bad, talked to Deb Gross, it was a shame there wasn't something in place to keep it from happening.

Audience 1: I don't know your impression, but it seems like they don't want to give an inch. A lot of lip service but a lot of grey area in here.

CH: They have offered several compromises here tonight, it's up to us to come back with an ask.

Audience 5: I think we could be here all night, the bottom line is they're going to go with what's legally possible-- they can go right up to the sidewalk, as high as they want, if they get the variance. They're going to go as far as they can. Our protest is that they make it less modern, which they may or may not, and be set back as far as possible.

Audience: If they could go back 10 feet, I don't think that's unreasonable.

CH: It does appear from a safety perspective, speaking from experience, so I've experienced that safety issue from walking to the park with my kids.

Audience: It's going to be 14x14 salt box if they don't get the variances. They will do just that to build something.

Audience: They seem to be willing to move on front door issue

Audience: I think they said this is already before Judge James. But there was no ruling yet.

CH: Once they triggered that appeal, city lawyers were called in defending zoning.

Audience: What stops them from saying "It's not worth it, let's just tell Judge James to make a ruling." So anything is moot, unless we're allowed to have a say there.

CH: Can self represent at these hearings if you register as your own lawyer. Again BDC has not done this before so we're trying to decide if we would hire a lawyer, or I'd register as the lawyer, or if we'd simply submit a letter.

Audience: What I'm just saying is if we pursue too much, then sometimes you get nothing. They're within their rights at this point to go do that, and they'd be taking a risk, but we're also taking a risk. Even though it was handled incorrectly from the beginning.

CH: Judge James mandated they have a meeting

Audience: Judge James told them to come back and have a meeting and now we've had it and the meeting doesn't mean anything to judge?

Audience: Judge wants this to be worked out without him having to make a ruling, from a historical legal perspective, they would probably get that 0ft set back. The city tries not to go to court for issues related to zoning appeals. They try everything in their power to settle. So most likely what will potentially happen is that if we don't hand in a recommendation from this meeting today, the city will meet them in the middle and give them one or two variances they're after. The developer has the right to build, so they will most likely settle with the developer before going to court. A similar process before Judge James led to a similar compromise. At least one neighbor has joined this suit before Judge James?

Audience: It's me.

Audience: You filed an intervention? You have lawyer? That makes it like Penn Plaza...better off taking a sure thing than seeing what the judge will say. The understanding was if Judge James made the appeal, this would go on for years. If there is some kind of a middle ground that the city says "No we like this," developer says "We like this..." If someone is not happy, the appeal will go forward. You are the only people who interject in this, and you have a lot of leverage.

CH: Judge James will respond to briefs and arguments.

Audience: They have produced or modified anything either

Audience: If the developer gets any kind of positive feedback, it's up to the developer to say here's what we're willing to do. We'll deal with the parking, we'll deal with that, etc.

Audience: So the question is what have they changed? Lets see some evidence, its all talk.

CH: If we do come to some compromises, we'd list those, create a legally binding document, present to that to Judge James.

Audience: When you write this letter that encapsulates the situation here, I assume they should have a concrete response?

CH: If we're asking them to agree to something we'd first negotiate and then put it in writing.

Audience: How much and in what way?

CH: Let's get to what compromise you might be willing to make

CH: I've heard from neighbors in the back you're not willing to give up that setback. They ask for two variances. Those are for parking?

Audience: Property line to 50 feet with a 15 foot side yard setback. We already compromised by giving 15 feet in the back, that's what he asked. We OKed it and we cannot give anymore.

CH: There's probably 100 sq feet in terraces that could be removed. I'm trying to understand, what is the setback in the front the group would be willing to agree to?

Audience: The balconies you mentioned, they're not moving if you cut in the front, make it living space, and they still have three parking spots. Also the balconies in the back, you want a view of the front, not the back.

CH: Would everyone here be able to have a few more cars on the street to get rid of two parking spots?

Audience: I think the issue with the garage, there's living space above it for the other two units. The only access to the elevator is through the garage, too.

CH: There are options here to ask for square footage. Even options that don't affect their price per square foot. Is 10 square feet ok?

[discussion around asking for 15 vs 10 feet and the merits of both - audience member brought up that going to 6-7 feet is not a compromise when the total amount is 25 - 12.5 is the true compromise]

Audience: I think they made it clear that they were not willing to do 10, 6 or 7.

CH: If we highlight ways they can save square footage, we can ask for the bigger setback. It's our experience with these types of apartments that tenants just don't have cars (Morrow Park), there have been no complaints (about not providing parking). I think it's very reasonable to say look at your neighbors, we don't need 5 spaces for 3 units.

Audience: There's nowhere on Osceola with a balcony.

CH: So I'm going to sit on this for tonight and start putting together recommendations. I will go back to the developer. Request a 15 ft set back, I'll settle for 10. Our community plan maximizes pedestrian safety which means minimizing curb cuts. I'll ask for 3 outdoor spots instead of 5 total (no garage). Not just materials to be more relevant to Bloomfield, that show infill development that's more sensitive to the neighborhood. Rooflines, even the facade. Move entrance from left to right side and create more transparency in the entryway.

Audience: Again mine's 30 feet in, that's half way up to the street

Audience: That's not happening.

Audience: They seem like they're doing us a favor to give up a couple feet.

Audience: What about the balconies?

CH: These can be useful in finding more livable square footage. We can point to 614 Edmond (which has one outdoor parking spot per unit). One of the things they put out to us is that they're trying to compete with the amenities of other new construction in the area.

CH: How sensitive to the blank wall facing Post Office is everyone? How do you feel about a glass wall, windows, or stairways completely open?

Audience: Even the dialysis place was built shorter and set back. I'd have to see clearer plans

CH: Not required or able to give perfect plans at this stage in planning. After they close on the property, after this hearing, some of the details are going to change. [to the neighbor immediately adjacent on Liberty] are willing to agree to transparency on that wall, maybe some windows on each floor?

Audience: They spent a lot of time telling me about Florida and all this stuff weren't sure they could get enough money out of this place with rentals . [group explains how air rights work on a building like this and how they are transferred]

CH: An agreement on adding windows would be part of the zoning for the building, they would have to sign off on it, and then its enforceable

CH: So no to glass transparency?

Audience: In that big huge wall?

CH: Any transparency, anything on that side [trying to understand if neighbor would permit windows added]?

Audience: It isn't like they say "Do you want it forward or back?" It's not about that, the building is too big.

CH: You're still going to have the wall

Audience: Certainly that would be better than a stark block

CH: [explains that owner would be presented with clear plans that they could negotiate with or agree to] agree, so we'll address the desire for windows in our letter

Audience: I don't think anyone is against them building something, we just want them to be reasonable. [everyone agrees, there is a desire to have something built]

Final consensus:

1. Front setback to 15 feet (down to 10 max),
2. Front door moved to right (remove garage and 2 balconies),
3. More contextual materials, such as red brick,
4. Design elements that match adjacent Victorian architecture more closely, with change in roofline, addition of details around windows, doors, and porches;
5. Break up facade facing east with windows
6. Parking down to 3 spots