

Bay 41 Community Meeting Notes | December 4, 2018 | 6:30 | Stephen Foster
Community Center | Approximately 30 people in attendance

Overview of Ground Rules – Review of Community Process

Bay 41 is seeking a change in occupancy. They currently seek special event permits for events in their space. Because they were applying so frequently for each special event, the city suggested applying for a limited general assembly—meaning they can host events without having to ask for a temporary occupancy permit each time. Maximum capacity for guests is 500.

Alex Simakas, Fort Willow Developer: I've been working in the neighborhood since October 2000. We found the old warehouse there. A substantial change in the neighborhood occurred from 2000-2011 and at that time, I wasn't ready to agree with all the Allegheny Riverfront content from the city. I wanted to lease the warehouse as is and see what happened. It would have been a continued industrial use. In the past, 10-15 tractor-trailers a day would drive by. In 2013, I was ready to change focus and master planned the entire site. In December 2014, I met in Lawrenceville Corporation's conference room and I had just invited the Willow Street residents to that meeting.

It used to be heavily industrial and now is a better addition to the neighborhood. We've got community space, and it's a more consistent use with what you all do which is live here. We had a larger community meeting where we rolled out plan, and we tried to answer most of the concerns.

We changed the project significantly but Bay 41 was a piece we did without being asked. Developers told us we should use that space to pack in more residential, but I didn't want to scrape the entire side for all residential. I wanted to do something that was unique and make attractive to prospective tenants. A place where you could walk your dogs. People are in there taking pictures for prom and weddings. If Green Boulevard had happened, there would be a way for people to get through with a multi modal pathway to the river. We are now 17-18 months in of doing events there, starting in May 2017. We'll continue to make mistakes and learn from them, certain things we tried that we'll never try again. It's rare when someone from the neighborhood calls or emails, but rest assured the people in The Foundry at 41st are in the same position you are. They don't want noise or activity in there either. If they're happy, you're probably happy.

We hosted Art All Night there for four years. For big events, based on what we're trying to achieve, we would still have to go to a city for a special permit. We can't do whatever we want whenever we want. We are just trying to streamline the process so certain events are already approved. We don't have a ZBA hearing scheduled because we want to have your input. Larger events means anything over 100 people. 100 people up to 2000 people for larger concerts.

In July, we had a Lettuce concert, which is what sort of started this process for us. We face things toward the river now to mitigate the impact of sound.

Comment: "You moved it up, but it's by the street now, and I can hear it. My windows vibrated Sunday during your event. It's nerve wracking. I walked over to Walter's and you could hear nothing there but it was vibrating as soon as you got to the street on 41st."

Jenna Date: It's not about the noise always; it's about the population for any amount of time in mass. People are urinating on houses. Garbage is everywhere, people are screaming down Willow Street and doing wolf calls to each other and children sleep here. The most frustrating thing is when is it enough? Why are we doing these events? It's hard enough to have 230 new souls without enough parking and blaring their music. How much music do you have to make? This is not working for our neighborhood.

There were people walking through the neighborhood and those people were still coming from Taste of Lawrenceville. They're parked in your lot.

Alex: We'll make sure we know where people are coming from and we're here to get your feedback and understand better.

Ben is going to go over what's been happening in Bay 41 over the last 18 months. This site could have been more residential units, but it was set aside to be an asset and maybe it's not for everyone but it was a giveback to the community. We could use it as a donation drop off, or and all sorts of things that we plan to do. If we'd rather not have it, we can find another use for it, but Ben can talk now about what we've been doing there.

Ben Herring: I am the Bay 41 manager and have been there for 2 years now. I focus on strictly on Bay 41 for the most part. Just to be clear, when we did temporary occupancy for Lettuce concert, we've been in close communication with city, and we said, how could we make this whole process easier?

And they said that they reviewed what we have and we qualified for a special exception for a limited general assembly. Part of this process was to have a public meeting, but it was not a requirement. We could have booked the board meeting and skipped public but we wanted to run it by the community. We've had four meetings with you all. This is quadruple the amount of people we've got at any of those meetings. Happy that people are here and happy regardless of what you think.

I know the first concern is that the possibility of people coming from our events causing a commotion. Those types of events I can understand and I will look into that. But there are other things. We're offering yoga, fitness, sometimes for free. I want to support the local businesses in the neighborhood. Sunday's Taste of Lawrenceville: Miracle on 41st was a free event with some tasting areas and pay as

you go for food. We had kids, Santa, etc. We're not looking to have events where we make people pay, it's about balancing paying our bills but also giving back with what the community wants. We feel that we have done a fairly good job on that and figured out stuff that we can't be doing and figured out things that we can't continue to do. The music, we always will be here to take that feedback and my door is always open. There's a group of neighbors I talk with on a consistent basis. I always welcome that conversation. If you see me you can come and talk to me.

Someone asked for Ben's email, which is ben@fortwillowdevelopers.com.

We want to have smaller private events and make them accessible because it helps us grow. We are in the process of our application and we put this overview together and how they'll be rolled out in the next year. More public meetings with a recap one year afterwards. This is a proposal. We institute a 10 p.m. curfew, even though the city's noise ordinance is 11. We were not forced to do that. Shut off by 10. Rare that we have one up until 10 pm. Once the TechMill is done, we will have access to 161 parking spaces during the evenings and weekends. We will have a lot more parking than most areas are able to offer. We also leased 200 spaces for big events like Lettuce, from Buncher and the Ice House, and only about 70 were used. We put up a map and signs and had signs on two streets. We charged \$5 for the parking, which was to cover my parking lot attendants. We had 800 attend that concert, around 850.

Alex Simakas: The world is changing with people driving cars, like I came in from out of town to that show and Ubered and didn't want to worry about driving home so between public transportation and ride share, I was shocked at how few spaces were used.

Comment: That's because the rest of the neighborhood is free parking. People aren't going to pay to park when they see a free spot across the street. On a night where there's no event, tenants of The Foundry are still parked on the street.

Ben: Concerts, any amount of concerts, we will always do police and security. We did used to mark an Uber drop off. Uber does not let you mark off a drop off anymore, so what we did is use the Ice House lot so people can turn around there and people can walk on the sidewalk if they're being dropped off by ride share. Want to avoid congestion along Willow Street.

Weddings: We're not going to turn into a banquet hall but we will entertain if those do come. We keep on getting approached and we do plan to do some of those this upcoming year. We're keeping that at 6.

Private Events: curated in house or local persons. Private as in free or charged or invite via ticketing. Vendors all pay a rental fee. People all have to sign a vendor agreement fee. An example of an event like that is the GRL PWR membership dinners we've hosted.

In House curated partnership: Bay 41 or Bay 41 and a partner. We partnered with a PR company, A Faye PR, on Taste of Lawrenceville. An idea that came from myself as well as some local restaurant owners.

Another example of that is Bay 41 – Lettuce show. We produced that show. Go towards a larger demographic. We're going to have a maximum of 25 of those types of events.

Nonprofit events: local and national nonprofits can use the space. Discounted price for those. Keep those at 25. Venture outdoors has done stuff there. We raised money for tree of life at Taste of Lawrenceville. Things like that.

Community neighborhood event: multiple people want to have yard sales, or community meet ups or actual neighborhood events and being able to use that space for other things and not use it as a walk through. Please bring those ideas to me. I welcome them.

Andrea Lavin-Kossis, Neighborhood Planner: Surprised to see events in November and December. How do you pull off cold weather events? Up to 6 weddings, and up to 25 of some of the others...

Ben: It can last up to the entire year. We can tent or use heat. We aren't saying no to the colder months even though it's an open air venue.

Heather Mallak, 41st Street: Is it gonna be condensed, in terms of the number of events? If you were to max out, it would be an event every 3 or 4 days. Part of what I understood is that the charm is we can access when there's not an event. If we have it so often, are you planning on storing equipment and things like that in the space?

Also, if you have 161 parking spots at Tech Mill, that's if everyone leaves at 5, unfair for us to imagine that there would be 161 open spots because people who lease those spots surely won't be required to leave the spot by 5 every day.

Alex Simakas: Obviously practically speaking there's only so many things we can do. The events are going to be weekend heavy. It's not going to be an every weekend sort of thing. As for storage, we are prohibited from having permanent structures in that space. It would be store in our office or somewhere in the Foundry. In most cases it would be rented, in and out. You are correct, we won't have those 161 spaces all the time, but, we do have a backup of Ice House folks.

Robert, 41st Street: Sunday's event. Promoted as family event. Was there alcohol? Does there have to be? Has a survey been done to see where people are coming from, like is it really people in the neighborhood? During Creative Drinks, the bass and music and noise set off my APHID monitor.

Ben: I mean there doesn't always have to be alcohol. We will have kids only, but to me that's a parent discretion thing. Is the community participating in these? We've never done a specific study but through our website and through social media we target the neighborhood and I personally tag houses to invite neighbors. I have not done research on where people are coming from, but we can.

Comment: My concern is the music and noise and the vibration. It's terrible. I invite you to come sit in my house. I live on 41st Street, not even Willow.

There's a big difference between 1700 people coming in and out over a day and a concert where everyone is coming at the same time at 6 or 7. What made it go from farmer's market type events to concerts?

The concerts set off everything. All these people at once. Loud music. Drinking. Screaming. That's why it is not such a happy place for residents to live next to. The community space is wonderful but the 2000 person events will be too much.

Alex: We don't have to do anything, and as far as initial meetings, and even going back to when we first started talking about Bay 41, it was always clear that there were public and private events and live music was always mentioned and talked about. It was always a thing that we were going to intend to have.

Question: To that degree though?

Alex: Yes, to that degree. Not a steady diet of those but we have to abide by all noise ordinances. We shut down at 10, the stage crew wanted to break down after the show and I told them no, wait until the next day.

Comment: Let's talk about changing your occupancy? What do you have now?

Alex: We are going for a special exception for a limited general assembly. Currently, we are granted a temporary occupancy permit to do events

And the question is moving forward, if they are doing programming, what is permanent zoning designation that they should have for that site? They should go after public assembly limited, and it was a suggestion, even if you don't get that change, you can still do temporary ones.

Alex: The city says yes. They do require security when hosting events and we had many city police officers as well as hiring private security guards.

Lynn Glover, Fisk Street: I think we're at an overall neighborhood capacity for events, you are not too far from Thunderbird which opens soon, and Belvedere's, you're going to be bringing in 2000 people 6 times a year and only have 161 parking spaces which is inadequate. My comment is the neighborhood as a whole is being

overburdened by this and it's a quality of life issue for residents. If you're seeking a special exception are there parking minimums?

Alex Simakas: No, unlike the Foundry, where there is a code requirement, no parking minimum for events. Based on what I've heard today, we're going to revisit that 2000 number, that's why we're here and hearing it loud and clear. 100 might be offensive to some too, but trying to be fair and responsible. We'll revisit the bigger number.

Bruce, Willow street: I've been in the neighborhood the longest and I always sit outside and watch 'em come and go. I watched the mill and I see and since I know these people I always get questions. Alex is being blamed for a lot of parking when he's only involved with one quarter of it. Is anyone here going here to Butler Street to complain to the business whose employees are parking down here? Is anyone going to all our neighbors and blaming them for parking?

Comment: This has been going on before he moved in with his apartments but not to this extent.

Dave Breingan (LU) explains Noise Ordinances: Noise ordinances are on books at the city, but currently the police have no actual way of enforcing because they don't have the necessary equipment. The extreme end is that the PLCB, they have an ordinance for liquor license and you can't have amplified noise beyond property line. Liquor control enforces that. Bay 41 does not have a liquor license. They have temporary liquor licenses for their events. The police take softer approaches to the noise, and its pretty few and far between. Work is being done to address that.

Alex: In fairness, this is a conversation and we need to figure out if there's a balance that can be attained. No impending zoning approval; this is about a conversation. Revisiting this document to see what concessions might be mad. Embracing or tolerating this use. This community process is real, we eliminated units, we added parking, I am here to listen and will act. Will I satisfy everyone? No, but I will do my best.

Paul: Many of the biz on butler are designed for 50-100 person occupancy and there's a need to have commerce there but what I find objectionable is with the 1000-2000. Would you be willing to eliminate huge concerts? How about soundproofing the place? Maybe put some boards up?

Alex: yes, can put up soundboards, we can do that. We can revisit these numbers but I can't promise totally eliminating larger concerts.

Michael Linn: Banner Way, I've been at all of Alex's meetings and I think he's bent over backwards, and Alex is trying just like Thunderbird, I think he's within reason of holding these events, noise ordinance is such a major thing.

Question: Why can't you create a parking garage?

Alex: The city and each councilperson has a different view. There are folks that think parking garages are awful and they say don't put in a parking lot. I didn't seek a variance for the office building, did we add to the parking problem? Yes, but we tried to take steps to mitigate. If we disappeared tomorrow, there would still be a parking problem. That doesn't mean we shouldn't try to mitigate but it's hard. Designated visitor parking which we're working on. We're trying to make an effort.

Mahoney: are you a private company? Have you considered another entrance?

Alex: Bay 41 is owned by Fort Willow developers. My family. I hear your comments. We have to use 40th and 43rd, can't get to the venue on 41st because it's one way. Tech mill parking lot is only accessible from 40th. To refresh, back from 2000-2010, trucks were going down there. Is there a perfect solution for access? No. It's meant to be walked to. We're also going to be getting a bike share station.

Mahoney: For the next 10 yeas, you guys are screwed because you can't make a loop. Any traffic that comes in there is locked.

Alex: We added a sidewalk from 41st – 40th. The bay has a sidewalk in front of it that wasn't there previously. We've completed the sidewalks on all ends. 40-43. Matt (LC) is working on an extension on Willow Street, meaning it would mitigate some of those concerns.

Holly: live on 41st, a really long time. The trucks that used to be there were not as disruptive as the large events. I do appreciate what you've done, I know how late you can keep something open, I know you close at 10, noticed you had strike the day after which was nice. I do appreciate all of those things. However, when you try to put so many people in a space that is meant to be residential, the problem is even though you guys are conscientious, the people who come in are not. They don't care. They don't care that people are trying to sleep. People will park up on my sidewalk so close to my porch I practically have to shimmy over their car to get in my own front door. Sunday – so much trash. Men have no problem peeing in my flower boxes. These are suburban people. I would love it if you had a farmers market. And people aren't gonna uber if they see parking.

People leave their cars overnight and don't come back for days at a time even if they Uber. The event brings them here, and then they go up to Butler and get more drunk and come back to their cars and our houses.

Dave, 41st Street: The development of fort willow and the advertisements of fort willow were a draw to me to move here and I have participated in your events and haven't seen anything with my house and I've got security cameras on my house if someone does do something, my only concern is parking. I own a truck it's hard to

find parking. I don't want the parking traffic from TechMill. And will some of the street be paved over to fix the construction?

Alex: We can't mandate that people working there can park there but we're involved discussion about residential permit parking. You can't mandate public parking.

Dave B (LU): We've been in touch with Councilwoman Gross around RPP changes and parking enhancement district. The idea is to add RPP to areas below Butler that don't have it and perhaps change the hours to better reflect when residents come home from work and when visitors come to the neighborhood. But RPP is a contentious issue among neighbors. Looking to move on that in 2019, but if you want that, it would be great to have you talk to your neighbors to build support.

Alex Simakas: With the Foundry, I committed to supporting the effort for RPP, but that's all we could really do.

Mary Coleman: I need clarification. 161 new parking spaces for the tech center. Why wouldn't they park in that parking lot? I would. It's free for them.

Alex: There may be a fee. It depends on what companies do when leasing. I mean, it's just like going downtown to work and paying to park in a garage or on the street.

Jenna Date: I don't understand how we can help build empathy for our cause. We're shocked that people want to do things that pollute the air. The neon sign on Bay 41 pollutes the area with lighting all night. I would love to come to the end of your street and put something like that up. I don't see the give back to the community. I watched a little boy watch you fill that pool but never be allowed to use it, and I've seen 2 or 3 people use that gym but none of us can buy memberships. I don't think you understand what it's like to live here. Multiple people have talked about urinated flower pots. I don't think you understand how bad it is. Could you help us help you tone it down, take off the 1000-2000 people concerts, turn off the light at 9 at night, keep the decibels down to 55?

Alex: we've helped by being here, and I do understand and have empathy. We're listening to your comments and will take them back and think about it.

Dave Breingan (relaying a question received): Could you use a shuttle for larger events?

Alex: Never done, but we could look into it.

Ben: These are good things to hear. It gives us more work but it means we can come to an agreement. Thank you all for coming out and know that at the end of the day, we're not coming out to screw you over. We're going to need your help to tweak this and make it work.

Closed Door Portion and Outstanding Questions:

Which specific use? Public assembly limited caps at 500. That's what they've indicated. Some of the numbers they shared don't exactly match that, so need to look into that and confirm that's what the use would be. For a public assembly limited, that would be a special exception with the Zoning Board. Public assembly general would be a higher burden of proof [Note: this is not true because the zoning district is RIV not Urban Industrial – public assembly general is also treated as a special exception in RIV].

The temporary permit doesn't work; can they keep getting that indefinitely? I don't mind the small events but 1000 is a lot.

Appreciate that they enumerated what they intend to do. Their transparency is earnest and gives us ability to say what which events are too much.

Owen: right now, they can have a small assembly and they don't need a temporary one. By getting the limited one, does that allow them to have ones up to 500? Anything over that would require a temporary occupancy?

Dave Breingan: Limited is the key word; public assembly general is for capacity above 500.

Resident: But what about the fact that this is residential there?

- Dave Breingan: It's not zoned residential; it's zoned urban industrial. [Note: this is incorrect. The zoning changed when the RIV zoning was adopted]. There are residential compatibility standards because it's adjacent to residential.
- Andrea Lavin Kossis: Bay 41 is in the riverfront zoning industrial mixed use.

Dave Breingan: Enforcement issues we've all identified. We can provide some additional information for what you can do. Many events are liquor license events, which have higher standards, but not exactly sure how that plays out in terms of temporary liquor licenses. This is the first time I'm hearing a lot of these complaints. I expected to have 50 voicemails on our machines after the Lettuce concert, but I got none, so please let us know when you're having issues so that we can document them and relay them to Fort Willow Developers.

Matt Galluzzo: Our negotiation on Bay 41 was to include that as a public space, but I think it's an overstatement that it was always intended as a venue space. In the spirit of what performance of scale? That was talked about but not a dozen a year.

Andrea LK: For every use we have in code, there's an accompanying set of standards, I can send on these standards and the zoning board will look at these standards. [Please see below for these use standards]

Perhaps there could be some provisions in the vendor agreements that could address these issues? Needing to clean up within a certain radius after an event, etc. Having cops follow guests to their cars. People are leaving with red cups. Making sure people don't leave, corralling guests.

- Dave Breingan: that's a good idea about vendor agreements. In the past, we have built agreements or conditions into the actual occupancy approval.

Next Steps: Bay 41 is obviously going to have to recalibrate, LC and LU will liaise with them, and we're going to want to have another community meeting before they go to the zoning board.

Meeting adjourned.

Use standards for public assembly (limited) in RIV-IMU:

911.04.A.5 - Standards for public assembly, limited

(a) In ... RIV-IMU ... Public (Limited) uses shall be subject to the following standards:

1. A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
2. Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts; and
3. The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation.
4. The proposed uses shall be subject to the Site Plan Review Procedures of Section 922.04