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CITY PLANNING COMMISSION

Minutes of the Meeting of October 11, 1977

*To: Bob b
John*

The regular meeting of the City Planning Commission was held in the Commission's Conference Room, Seventh Floor, Public Safety Building, First Avenue and Grant Street, Pittsburgh, Pennsylvania 15219 at 12:00 NOON.

PRESENT OF THE COMMISSION:

Rosemary D'Ascenzo, Chairman
 Sister Wellinger, Messrs:
 McClung, Sullivan, Sutton,
 Whitehill, Williams and Young

PRESENT OF THE STAFF:

Director Lurcott, Deputy Director
 Reaves, Brown, LaFrance, Nascone
 Nist, Reiswig, Stephenson, Swiss,
 Young, and Ms Holt

1. Action on the Minutes of the Meeting of September 27, 1977

On the motion duly moved and seconded the minutes of the meeting of September 27, 1977 were approved.

2. PUBLICLY-HELD PROPERTY

Mr. Nist presented the Commission a list of 14 parcels and recommended approval for sale of all 14 parcels.

MOTION: That the sales of these properties BE APPROVED because there is no known need for their retention in public ownership; that the advertisements of sales and deeds contain a stipulation that the properties are sold subject to all zoning, building and subdivision laws and ordinances, and any previous Commission action contrary to this action is hereby rescinded.

<u>WARD</u>	<u>BLOCK & LOT</u>	<u>LOT SIZE</u>	<u>STREET ADDRESS</u>
18	15-S-142	2400 sq. ft.	816 Estella Avenue
23	24-N-35	3224 sq. ft.	802-04 Madison Avenue
5	26-K-101	2890 sq. ft.	3430 Monroe Street
5	26-K-112	2811 sq. ft.	3448 Monroe Street
5	26-K-117	2800 sq. ft.	3458 Monroe Street
19	35-B-71	3000 sq. ft.	1517 Belasco Avenue
19	35-B-72	3000 sq. ft.	1515 Belasco Avenue
19	35-B-73	3000 sq. ft.	1513 Belasco Avenue
19	35-D-131	3000 sq. ft.	1437 Orangewood Avenue
19	35-D-132	3000 sq. ft.	1435 Orangewood Avenue
19	35-D-182	3000 sq. ft.	1510 Princess Avenue
26	47-A-98	9600 sq. ft.	2526 Norris Street
32	139-H-135	21960 sq. ft.	290 Georgette Street
13	231-J-74	3020 sq. ft.	1047 Lawndale Street

Moved by Mr. Whitehill; Seconded by Mr. Young

CARRIED

3. PLAN OF LOTS

- (1) Wylie-Hollace Plan of Lots (Wylie Avenue, Hollace Street and Morgan Street) 5th Ward.

MOTION: That the Wylie-Hollace Urban Plan of Lots (Wylie Avenue, Hollace Street and Morgan Street) 5th Ward, City of Pittsburgh, prepared for the Urban Redevelopment Authority by Edeburn, Cooper & Company, Robert C. Finlay, Registered Surveyor, dated August, 1977, received by the Planning Commission on October 11, 1977, BE APPROVED and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

Moved by Mr. Williams; Seconded by Mr. Sutton

CARRIED

4. Discussion of Group Home Proposed Amendment



Chairman D'Ascenzo commented that since group homes have become a fact of life, she feels the Commission must come to some sort of agreement on the matter in order to make a recommendation to City Council. Since this is something that will affect our City for years to come, the Commission must think of it in two segments; the group that will be served by living in this home, and the neighbors in the community. With reference to the definition proposed for group homes, which she read:

B. Definition:

A dwelling occupied by not more than eight persons who are residents by virtue of receiving health, social or housing services provided by the Commonwealth of Pennsylvania, the County of Allegheny or their licensed or certified agents, or another responsible agent, and also occupied by staff as required by the Commonwealth or County and as described below; the total number of residents including staff and family of staff shall not exceed ten persons.

This definition shall not include facilities for the care or treatment of persons released from or under the care of the Pennsylvania Bureau of Corrections or its institutions.

Miss D'Ascenzo felt that the wording should be more explicit than another responsible agency. She further noted that her biggest objection was under supervision.

1. Supervision

A Group Home must have full-time supervision in the home who meet requirements of the County or Commonwealth or, if such do not exist, possessing personal and professional requirements can be demonstrated by the applicant.

Her objection to this was that in her opinion there should be a period after COMMONWEALTH and there should be no other alternative.

D

Mr. Young asked if the County of Allegheny had a system that licenses or is a system of this type needed. It was also his opinion that the type of group home had to be better defined.

Director Lurcott stated that the correction related facilities are excluded from the definition of group homes.

Mr. Young stated his feelings about group homes by saying we are relieving the State of their responsibility.

Director Lurcott indicated that it is the State's responsibility to supervise these homes. The City is accepting a new system and in some people's mind, it is an improvement over the old system of large institutional type facilities. What the staff is proposing is to minimize the impact on the community. At the present time we have no guidelines for group homes.

Mr. Whitehill felt it necessary to have an inspection such as that given restaurants where a yearly rating is given.

Mr. Williams suggested that guidelines for group homes be set up under the Conditional Use procedure.

Mr. Sullivan interjected that this proposal is full of loop holes. It should be kept under the Conditional Use provision of the Zoning Ordinance. Group Homes should specifically be put under the Conditional Use so that each one is considered on its own merits. He further does not feel that City Council wants to divorce itself from all of its authority in approving group homes; which is what the proposed amendment would do. Under this proposal it would be the responsibility of the Zoning Board of Adjustment. Mr. Sullivan feels the Commission has the basics of group homes as an institutional use and guidelines should be set up not an ordinance.

Mr. Lurcott commented that the issue is guidelines, such as, what are the things that determine whether a group home comes under a Conditional Use, can we deal with supervision under the Condition Use, do we get into the business of supervising these operations or do we set standards for supervision, etc.

Mr. Sullivan commented that you could deal with it better under the Conditional Use because each applicant has to come before an agency that can deal with both sides of the issue. The agency then has the right to exercise its judgement after hearing both sides. The idea of forcing this into the Zoning Board of Adjustment and indicating that the Zoning Board SHALL grant permission if the applicant meets the conditions as outlined, which, are the easiest conditions to meet is wrong. The Zoning Board would have no authority to exercise any judgement in the matter at all. He further did not agree with the enforcement of supervision being the responsibility of the Bureau of Building Inspection. Building Inspection has not been able to do anything about the ones they know about. Furthermore, these inspectors are trained to look for structural violations in buildings, and could not evaluate the supervision of the operation.

Director Lurcott noted that Building Inspection was not expected to do this. Each year, the funding agency would inspect the operation and recertify them. This system is set up to make it possible for the community to object if there is no adequate supervision. If there are a significant number of complaints

then it is up to the certifying agency to do something about the supervision, and inform the home that they may lose Occupancy Permit.

Mr. Sutton stated that some of the group homes that he has visited do not have fire escapes and adequate lavatory facilities. There is nothing in the proposed amendment about health and safety factors of the child in the home.

Sister Wellinger commented that we need standards set up for these homes from the agency sponsoring these homes. She agreed with Mr. Sullivan that these homes should be evaluated on an individual basis.

Mr. Sullivan remarked that the Commission had to look at it realistically. What is the basis of all the present excitement about group homes? Several months ago, the Commission gave approval to some group homes and Council has not acted on them yet. If City Council would like some guidelines, it should not be put in a proposed ordinance, but rather an explanation of how the Commission makes its decisions on group homes. Possibly Council would like to have one of the Commissioners attend one of their meetings and tell them how the Commission evaluates group homes. In his opinion, neither the State nor the County has done their homework on group homes as far as setting up regulations for the licensing that is mentioned in the proposed amendment and regulations for inspecting and withdrawing licenses. What happens after the community and the agency is notified that a group is up for recertification? Does the Zoning Board of Adjustment revoke the license if it is found to lack supervision?

Director Lurcott replied that is what is intended.

Mr. Sullivan suggested that the entire proposed ordinance is irrelevant to the issue. Each proposed home should be required to show that their operation is going to be what is described as a group home in the amendment. However the decision to approve or disapprove should be made by the Planning Commission and ultimately by City Council.

Director Lurcott noted that the intention of the amendment was not to make it easy to set up a group home, but rather to indicate that this type of use must be controlled. The proposal is a result of extended discussions with people on both sides of the issue. He further stated that he feels it is important to set up standards and guidelines in order to control the situation.

Mr. Young agreed with Sister Wellinger, that the sponsoring agency should supply the Commission with a set of their standards and regulations. This should be made a part of the application to the Commission for a Conditional Use for group homes

Mr. Sullivan stated that the sponsoring agency whether it be State, County, the correction systems does not set up standards for these operations, then the Commission has nothing to justify their admitting them in neighborhoods where they would be damaging. We are up against the effect of these new concepts of group homes which were not instituted by the City. The State and the courts instituted group homes because they do not know what to do with these people. The State and the court should make the definition and City then can say whether they can go into certain neighborhoods. This is not within the scope of the Commission's authority.

AD

Mr. Reaves stated that the licensing agency already exists. The State, the County, the Office of Child Welfare, Mental Health and Mental Retardation all have their own standards and regulations.

Miss D'Ascenzo asked why we were involved in this if Standards and Regulations already exist. Mr. Reaves replied to prevent impaction.

Mr. Young indicated that the City ends up with something to approve that the State or another sponsoring agency has already funded. He feels that any approval should be done by an independent organization that would represent the people in the community. The community has to have some central place to go with their complaints and he does not feel it should be the Bureau of Building Inspection.

Mr. Sutton asked if any of these discussions were being held in the County. Mr. Reaves stated they were. There are several communities in the County that have these facilities such as: Mt. Lebanon, Duquesne, Homestead, Braddock, Wilkinsburg, Duquesne, McKeesport, Moon Township, Mt. Pleasant and others.

Miss D'Ascenzo stated that she has never seen a copy of the guidelines set up by these sponsoring agencies and would like to see what these agencies expect. It was her feeling that before the Commission can approach their guidelines they must know what the sponsoring agency expects of these homes.

Mr. Young pointed out that the Commission also needs to know the length of funding.

Mr. Whitehill stated that it appears to him that we are dealing with something in two phases. Unlike the other larger institutions this has a monetary, mercenary program where an individual stands to make money on human beings. If the cost of living and maintenance goes up and no additional funds are forthcoming, then the services to these individuals residing in the homes are going to decrease. There has to be a way to make sure that the standards are maintained. The sponsoring agency has to be directly responsible for maintaining these standards at a certain level. As he sees it, there should be an inspection whereby the operator of the home realizes that they could lose their license if it is not kept to a certain standard.

Director Lurcott pointed out that the proposed amendment states that their license would be up for renewal each year. What they are saying is that we do not feel that the City has the capacity or the expertise to rate the quality of service in these homes. The only thing we can deal with is the impaction in the community and you have to leave the responsibility of supervision to the agency that is funding the home. Maybe we will have to say that to apply for a group home use you must supply a set of standards of operation from the sponsoring agency along with the application.

Miss D'Ascenzo stated that she is sure that the funding agency has standards and guidelines. However, she feels that if these homes were operating according to these standards and guidelines, we would not be faced with this problem today. She further stated that she does not feel the Bureau of Building Inspection can handle this added responsibility.

Miss D'Ascenzo asked if the Commission would like to see the standards of the sponsoring agency. The Commission indicated they would.

Mr. Young said that the way the radius worked out you could have two within a one-quarter mile radius. It was his feeling that it should be one within one-half mile radius. He further stated that this should include any type of institutional used within that one-half mile radius. None should be within 800 feet of another institution with the exception of a church or hospital. It should also be stipulated that there be a minimum of two (2) full time staff members on the premises. Mr. Young also noted that the definition for group homes should be expanded to explain just what is a group home and the types of homes included in this definition of group homes.

Miss D'Ascenzo stated that the Commission would continue the discussion at some other meeting.

5. ZONING

(1) Proposed Text Amendment on Financial Institutions in the "IC" Districts

This item was deferred for a later meeting

(2) ZONE CHANGE PETITION NO. 463 & "RP" APPLICATION NO. 54

A Zone Change Petition and an "RP" Application have been filed by Metro Works Company, perspective owners, for authority to construct a planned residential unit development.

PETITION NO. 463 is a request to rezone from "R3" Multiple-Family Residence District to "RP" Planned Residential Unit Development District certain property containing 1.5 acres of land abutting Grandview Park and the water tanks with frontage on Beltzhoover Avenue, Science Street, Pedro Way and Tank Way, 18th Ward.

"RP" APPLICATION NO. 54 is a request for approval to construct five 4 1/2 story apartment buildings containing a total of 40 dwelling units with on site parking for 61 cars. Also certain streets are proposed to be vacated.

This item was deferred for a later meeting.

(3) CONDITIONAL USE APPLICATION NO. 423 - For Discussion

A Conditional Use Application has been filed by Damianos & Pedone Architects and agents for Carnegie-Mellon University for authority to construct one 4-story and two 3-story structures to serve as student housing complex to accommodate 192 students. The property involved is located at 5138 Margaret-Morrison Street, 14th Ward

Director Lurcott pointed out to the Commission some of the things that the staff is discussing with the developer, such as the removal of some doors, switching entrances and the fire access road. The staff would

like to know whether the University is planning to buy the remaining residential property in that immediate area.

Mr. Brown noted that the Fire Chief has some concern about the fire lane and the fact that the building is not sprinklered.

Mr. McClung asked who owned the houses beside the proposed dorms. Director Lurcott answered there were two private residential homes on the street.

Mr. Brown noted that he has sent the developer to the Fire Chief to work out those concerns.

(4) PUBLIC HEARING: CONDITIONAL USE APPLICATION NO. 421
2:00 P.M. 

A Conditional Use Application has been filed by the Children's Aid Home for Special People, Inc. (a non-profit corporation) to occupy an existing residential structure located at 6620 Dalzell Place as a group home for eight mentally retarded and/or physically handicapped young adults with two houseparents.

Mr. Gilbert Gerber, attorney for the Children's Aid Home for Special People, apprised the Commission that they have appeared before the Board of Standards and Appeals and have received their permission to use this facility provided that they can comply with certain standards of health and safety regulations. They also have the support of the Squirrel Hill Urban Coalition. He then introduced Mrs. Dalia Gerber, the President and Chairman of the Board of the organization involved.

Mrs. Gerber stated that she would like to show a brief film before the presentation.

Mr. Del Ziegler, an attorney representing some of the neighbors objected to the showing of a professional film. He asked if they could ask questions about the movie. Miss D'Ascenzo explained that only the Commission has the right to ask questions. She explained the Commission's procedure for conducting a public hearing. After this explanation, Mrs. Gerber showed the movie.

Mr. Gerber called upon Mr. Stanley Arnheim, a real estate broker, to make some comments about the property value in the area.

Mr. Arnheim read the following statement:

I have been asked to express an opinion as to the effect on the market value of real estate located in the two block area of Dalzell Place between Dallas and Beechwood Blvd. resulting from the proposed use of a dwelling at 6620 Dalzell Place as a home for retarded children.

I have looked at the neighborhood and I have talked to Mrs. Gilbert Gerber about the proposed use of the property and on the basis of my investigation of this matter, I have reached the conclusion that the use of this property for such a purpose would not have an adverse effect on the market value of the homes on this street.

Dalzell Place is a street containing various types of dwellings including single-family detached houses, row houses, duplexes and doubles which are selling at prices ranging from \$25,000 to \$46,000. Some of the individual lot sizes are as narrow as 20 feet and a few are as wide as 50 feet. Although the majority of the dwellings are at least 50 years to 75 years old and a few show signs of neglect of exterior maintenance, most have been well maintained and a few are quite modern. Some are on level lots and some are on fairly high terraces.

It is a street heavily populated with children who enjoy playing on the lawns, sidewalks and streets because it is a safe place for them to play since there is not a great deal of through-traffic on this street. It is for this reason that this would be a good location for this home.

The property is in an R-3 zoning which permits multiple-family dwellings, one and two-family dwellings, day nurseries, nursing homes and row houses.

The house in question is a large two-and-a-half-story older type structure which would lend itself to many of the permitted uses.

In order to study the effect of the proposed use of this property on the selling prices of neighboring real estate it is necessary to see what effect such related uses have had on the values of other houses in neighborhoods where such a use has been instituted or has existed over a long period of time. There are several examples in the general east end area and I would like to point out just a few.

The Home for Crippled Children is located on Denniston and Northumberland. It is fairly near Dalzell Place. Sales of homes on Shady Avenue, Northumberland, Denniston and Beechwood Boulevard have been taking place at about the same rate of acceleration in price as other residential property in the 14th ward. Children who are residents of this home walk on the neighboring streets and are very much in evidence in the community.

Horizon Home at 1212 N. Negley Avenue was approved as a home for retarded children although there was concern expressed by the neighbors as to its effect on the value of their homes. Properties in this general area continue to be in demand and there is no apparent decline in values resulting from this occupancy.

There was concern expressed when the Children's Home of Pittsburgh was erected on South Negley at Kentucky in the Shadyside area. We manage the Kentley House condominium located directly across Kentucky from this home. I can attest that the selling prices for these condominium units have been increasing at about the same rate as other condominiums despite its new institutional neighbor.

It is not unusual for home owners to fear decline in property values with any change in neighborhood use or occupancy, whether it be a different residential, institutional or commercial occupancy. Yet if we look at houses such as those on LeRoi Road in the Point Breeze district where there is a church at one end of the street and a repair garage, grocery store and a public school at the other end of this short street, houses here continue to sell at record prices. The anticipation of change is usually greater than the realization of change.

It is understandable that neighbors would feel uncomfortable at seeing disadvantaged children in the neighborhood and we all would prefer to eliminate such confrontation if we could, just as we wish we could eliminate the problem of retardation itself. This feeling of discomfort is difficult to express publicly

and so the alternate route of the alleged effect on property values is put forth. I must express my professional opinion that I do not think it is justified in this instance. I further suggest that the discomfort that they seek to avoid would not be the feelings shared by their own children who play on this street and who would be associating to some extent with the occupants of this home.

If the property in question is properly maintained, both inside and outside, if the other neighboring properties correct the deferred maintenance observable in some of the houses, and if the real estate market continues at its present level, I see no reason why there should be any decrease in the value of houses on Dalzell Place resulting from the proposed use of this property.

Rabi Rudolph Jacob stated he was speaking as past president of the Horizon Home, a group home for retarded children. He noted that the general use of the Horizon Home is the same type of use proposed by the Children Aid Home for Special People. The children they received at Horizon Home were all classified as severely retarded. Some could not eat or dress themselves. Now they can do all of these things. Some of the children were returned home, some were adopted, and some have been tested and found to be normal except for being deaf. It is expected that the neighbors have a fear of new concepts. They are the same fears expressed by the neighbors in the area of the Horizon Home. They were worried about their property values going down, noise, and the safety of their children. Now, many of the neighbors have come to accept the home and work there along with their children. The neighborhood children have accepted these children and play very nicely with them. They have maintained their property. The Children's Aid Society is a fine group and will do all they can for the children and the neighborhood.

Mr. Williams asked Rabi Jacob if he was saying that in the State facilities the children did not get proper care and adequate medical attention. Rabi Jacob replied all have very severe problems when they come to the home. Some of these problems were not diagnosed at the State institution. Mr. Williams asked if any of these problems could have caused death and Rabi Jacobs replied no, but they would have been institutionalized for the rest of their life.

Mr. Charles Peters representing Mental Health and Mental Retardation stated that at the present time they have 300 mentally retarded persons living in Allegheny County in houses such as the one proposed. 160 of these are outside of the City of Pittsburgh and 140 of these persons are housed within the City. Last year they spent \$1.8 million and are proposing to spend \$2.5 million in the new year. He noted that most people overlook the fact that most of the mentally retarded are already living in the community, only one of 25 are in institutions. The problem for people in the community arises when six or seven of these mentally retarded people are living in one home. Two and one-half years ago, he was asked if living in these institutions did not constitute a hazard to the health, safety and welfare of the residents in the institution. The answer is yes. For example, Marcy was converted into a mental retardation center, three women had to have mastectomies, two had tuberculosis, and about 35 died of pneumonia. Living in an institution is definitely hazardous. The problem is there are mentally retarded individuals who can and should be living in the community. All of the things we

hear about happening in group homes are true, but nothing more happens to these people in the community than happens in the institution.

Lawrence Kaplan , representing the Squirrel Hill Urban Coalition (SHUC) stated that they have a very difficult position to take, making statements on this type of use in their community. At the S.H.U.C. meeting of February last year when the Children's Aid Society (CAS) brought their proposal for a group home in an "R1" area to them. it was their feeling that they could not give approval for this type of use in an "R1" area. At that time, they asked the Executive Director to write a letter to the board of C.A.S. and advise them that the Squirrel Hill Urban Coalition felt the Squirrel Hill area was appropriate for this type of institution as long as it was in an area properly zoned; however, they opposed the placing of this type of facility in an "R1" area and advised them that there were 19 streets in the 14th Ward that are zoned properly for this type of use. Included in those 19 streees is Dalzell Place. Today, the position they voiced at the last hearing no long applies because C.A.S. has followed their advice. Therefore, they are in favor of the Children's Aid Home for Special Children locating in this area.

Robert Melkin spoke for the Association for Mentally Retarded and as a resident of the City of Pittsburgh. He first met C.A.S. in 1970 when they were running a preschool for retarded children in the Regent Square School. They have been in existence in the community for over 50 years. He felt they would be good neighbors as well as good sponsors of a home for the mentally retarded children and adults. There has been an effort made to make sure that these homes are located in the County and the City. Since the last time they came before the Planning Commission and City Council in 1970, they have started their own organization and have four homes in operation at the present time and are starting on the fifth home. He noted that these homes could not be a success if they are all in certain neighborhoods. It was his opinion that it is the responsibility of all neighborhoods and the load should not be placed on certain areas. In the operation of their homes and all other homes the same concerns have been raised. He has not heard one new concern nor has he heard one that could not be worked out. He believes that such a responsible group as the C.A.S. will make sure that it works. Each time a new home is proposed, they have this struggle and there are a lot of bitter feelings which take time to heal. However, they heal and the homes become good neighbors and he believes this one will also. The alternative to accepting a responsible group such as this one in a properly zoned area, is getting boarding homes that are illegal occupying property and sliding in through various legal technicalities. It is their opinion that the Commission should accept this Conditional Use Application and adopt the proposal that has been developed between the City staff and various other organizations that would assure two things; that mentally retarded persons could be accepted into any community no matter how it is zoned and secondly, protect the neighborhood by making sure they would not be oversaturated.

Mr. Williams asked if there were any other group homes located close to this proposed location and the reply was no. The closest would be the Home for Crippled Children. Mr. Williams asked if there was any other type of home close to Dazell Place and the reply was no.

Mr. Gerber stated that Dalzell Place runs into Dallas Avenue which is the border of the cemetery. There are no other legal type of group homes operating in that entire area.

Mrs. Janet Kreisman of 6645 Dalzell Place, read the following statement:

My name is Janet Kreisman. I've live at 6645 Dalzell Place for 14 years. I've raised two fine daughters on the street. I'm a businesswoman and a Democratic Committeewoman.

I first heard about the proposed group home from neighbors who opposed it...neighbors I'm fond of. My initial gut response and comment was, "If group homes are good for the retarded, then somebody has to say its OK on my street". I said I would withhold judgement until I knew the facts. For a week, I listened off and on to objections. Then I started to hear the other side and I could no longer remain neutral. One objection was that this was supposed to be wealthy parents dumping their retarded children with no professional or continuing supervision. Then I discovered that the home will be staffed by professionals with standards set by County and State Mental Health and Retardation programs. I might also say, what's wrong with parents contributing to a home for their handicapped offspring? What better way to spend money?

Then there was a letter circulated by the opposition to the home, which, among other things included a comment concerning fear for the children in the neighborhood. These retarded people are supervised and are no threat. Let children know there are human beings different from them. Let the children know how fortunate they are. Perhaps it will make them better adults.

People expressed concern about additional cars parking on the street. I have been told that there will be off street parking for some of the staff, but , frankly, I believe concern for handicapped people is more important than concern for parking spaces.

And then there's the argument that Dalzell Place already has enough problems. This could mean many things, but I do know that my house was just accessed for double the price we paid 13 years ago. Values are obviously not going down. Yes, we may have too many apartments on this street, but the group home will maintain the appearance of a single-family house. I just can't see how it can possibly downgrade the street.

And finally, if we believe that the warehousing of retarded people away from the City is outdated, if we agree that parents have a legitimate worry over what happens to their retarded children when they are dead, if we believe that group homes are the way to go, somebody besides parents of the retarded has to say, "It's OK on my street" and I say, "Welcome to my street."

Mr. Young asked how the agency would receive its funds. Mr. Gerber answered they will be purchasing the structure with money from private individuals and private corporations. They will also receive funding for operation from Allegheny County. Mr. Young then asked if they had any guarantee of continued funding and Mr. Gerber replied as much as any other organization.

As there was no further testimony in favor of the proposal, the Chairman called for testimony in opposition.

Mr. Dell Ziegler representing residents of Dalzell Place asked if he could ask for a show of hands from those in favor that live on Dalzell Place which the Chairman permitted.

Mr. Ziegler continued that under a Conditional Use for group homes, the Zoning Ordinance classifies it as an institutional facility. He directed the Commission's attention to the requirement in the ordinance under institutional facilities; (b) "The buildable area of the lot shall be not nearer than thirty (30) feet to any lot line which is not a street line." Therefore, in his opinion, no Conditional Use can be granted. He believes this thirty foot requirement was placed in the ordinance to provide some open space for an institutional use which would have greater density. The house they are proposing to purchase is a single-family resident and will eventually hold eight residents, maybe two temporary residents and two houseparents plus an addition staff of four. The real issue is not whether people have sympathy for the retarded. That is not the issue; it is whether the Commission should grant an exceptional use under the ordinance and if the Commission did, whether that will adversely affect this particular block on Dalzell Place. He stated that he would hope the Commission would understand that this block is not usual for Squirrel Hill. They have a real parking problem. This area has changed from single-family to multiple-family dwellings and has a lot of absentee landlords. He asked that when the Commission considers the future of the retarded to also consider the future of the children on Dazell Place. The addition of an institutional facility on this street will tip the balance of the neighborhood down. He invited the Commission to drive by the Horizon Home. It has a very substantial backyard and a place for the kids to play. This house has a parking pad in the backyard. Also, across the street from Horizon Home is a large estate where the children can play. There is no comparison to Horizon Home and this house on Dalzell Place. He noted that there have been references made to the standards set up by the County. He asked the County for a copy of those standards and received them. He pointed out that the County's first priority is the child be placed in the parents home. The second priority is a foster home and the third priority is the group home. They also give guidelines for groups that want to set up this type of facility and one is that they go into the neighborhood and meet with the neighbors and do everything in their power alleviate their fears. No such meetings were held until a week ago. Thirdly, he looked at a sample contract and these homes are funded if the money is there. He then submitted the County standards to the Commission.

Mr. Lee Weinberg, 6640 Northumberland Street stated that he was elected to the Board of the Squirrel Hill Urban Coalition subsequent to the February meeting. No meetings have been held and no vote has been taken on the subject at all. It was specifically stated that the Coalition takes no position in support of this specific proposal. The specifics of this case have never been taken up at a meeting of the Executive Board since he has been a member. The issue here is not whether it is desirable to have a group home for retarded children. He personally was in favor of the one proposed for Beechwood Boulevard. The argument has been raised, that all people worry about is their property values. That may be a problem, but the main concern is there are a number of apartments and multiple family dwellings and this group home will only accelerate this situation. It is not, however, the discomfort of seeing retarded children as has been suggested. Their

community has not been selected because it has the right zoning. Group homes as it is now, are only in "R3" and "R4" areas. This is not fair. Furthermore, along these same lines, the State and City are considering legislation to include all areas including "R1". The State has already passed this bill and the City should wait and see what the outcome of this is going to be. You do not try to slide people into these neighborhoods. No attempt to contact any people in the neighborhood was made until they invited the people to come in. At that time they indicated to the residents that the Squirrel Hill Urban Coalition was behind them and he maintains this is not true. Many of them supported the home for Beechwood Boulevard and are not opposed to group homes in the Squirrel Hill area.

Daniel Benstock, 6611 Dalzell Place, noted that he has lived in his home for 13 years. When looking for a home they looked for a quiet place where he could raise children. Shortly after he moved, the owner of the property next door to him sold it, and now there are six people next door. Now this same owner intends to sell a property to a group home. The density of people and cars in the neighborhood have increased drastically since he moved in. He can no longer sit on the porch and read. He has been forced to move inside because of the noise. He has heard people on the street say they are going to move. Even though he is not a native to the City, he has been here 40 years. He is very active in County government, and chairs the Air Pollution Advisory Commission. They are trying to upgrade the City's environment and we are forcing people to move because of the density of neighborhoods. He does not want to see neighborhoods destroyed. They want to maintain and preserve a way of life. This could be the final blow that will shatter this neighborhood. He asked the Commission to consider this carefully and not destroy their neighborhood.

Laura Labishak, 6641 Dalzell Place stated there are 27 children on their street, 16 of which are under the age of 12. There is no room for children to play, and playing in the street conflicts with cars. It is crowded on their street already.

Harold Hoffman, 6651 Dalzell Place noted that it has been stated that the Squirrel Hill Urban Coalition is in favor of this plan. However, he must emphasize that the problem is not mentally retarded people, but the main problem is people against people, the majority against the minority. They have signatures on a petition with over 200 people who would be opposed and 80 people who would be directly affected by this decision. He stated that Mr. Kaplan has stated that the Coalition has decided that this would be a good place for the home. However, the gentleman that is selling the property is an officer of the Coalition and his wife is a worker in the coalition. Mr. Kaufman could not get a phenominal price and more or less decided that this is the best way to sell the house.

Lee Aaronson, 6626 Dalzell Place stated that he lives across the street from the proposed group home. Both her family and husband have been involved with children and have worked with mentally retarded individuals. Ordinarily, she would be for it but not in this particular case. She personally called Mrs. Gerber and asked her what it was all about and after talking with her, she was in favor. When she looked across the street,

she found that they would not have the things Mrs. Gerber had said they would. There should be a place for privacy. She was also told that the parking lot would be placed in the rear, as well as an addition to the house. She further found out that there would be no fence. She was told that the children could play in the parking lot. She received a phone call from Mr. Gerber who was a little annoyed with her and said she had been misled and that she was not a good Jew. She asked why this particular street, and was told to mind her own business. There was only one meeting held with the neighbors. She asked about having a meeting with the community and was told they did not feel it was necessary. There was very little neighborhood involvement in this proposal.

Mr. Edward J. Duckett, 6632 Dalzell Place stated he has lived there for 27 years. His wife and he looked for a house that would be on a quiet street conducive to raising children, near a good Catholic school, and close to transportation. In other words, a solid community. They had six children. His concern is the change which is occurring, and they can see Dalzell Place being the recipient of that change. They are still trying to get acclimated to the changes that have already occurred. When they first went there, they like Dalzell Place. The house they chose was not in the greatest of shape and they spent a good deal of money to bring it up to their standards. Now they can see these deficiencies getting closer together. Pittsburgh needs good neighborhoods and he trusts the Commission will think of them as a group of people that want to preserve their neighborhood and do not want anything to change its character. He feels that there has to be something done for these people but also feels that Dazell Place is not the solution.

Lee Ernst, 6225 Dalzell Place stated they have two children. He is not opposed to mentally retarded children that might go across the street. His parents are very involved with these kinds of kids. He is not prejudiced against them. He is a doctor at Children's Hospital. He does not feel this area is safe for the children. Furthermore you do not present a petition to the community by nailing it to a tree. There has been a lack of sufficient planning for this institution. He feels there was inappropriate support by the Squirrel Hill Urban Coalition since they were for the home in any other zone rather than "R1" or "R2". It is listed on the Coalitions record that they were concerned about losing the support from people in the "R1" and "R2" areas. The children will have to play in the street. They are concerned about the welfare of the kids in the street. If this house had adequate space they would support it now. He is also upset about the insults Mr. Gerber put his wife through.

A gentleman residing at 6656 Northumberland Street noted he was not opposed to the purpose. He believes in mental health. He asked the Commission to not only consider the mental health of the people involved but also of the people in the area. The Commission may have an obligation to consider whether this is an appropriate place for such a home and what the children are going to do in this small space. Children need room and when they do not have it they invade other peoples territorial space. He would like to help find an appropriate place for this home.

Judy Charlson, 6628 Dalzell Place, noted that she has collected 234 signatures on a petition opposing the Conditional Use. She only canvased within the immediate area. Eighty-three of the signatures are from Dalzell Place. They did not canvas areas not directly affected by this proposal. She explained that Dalzell Place is only two blocks. There are three different zones on this street. There was a hearing Friday in which the owner of property at 6620 Dalzell Place was requesting permission for a variance to use property as a multiple-family use. At that time she collected 207 signatures against this multiple-family use. They are trying to have their street rezoned to "R2". There are only three apartments on the street and 35 to 40 homes. Someone at the hearing on Friday did not know their zoning had been changed in 1958. They were very surprised at this. They would like to maintain their neighborhood or up grade it if possible. They feel that this site was not properly looked into. This location would not be good for a group home nor the immediate surrounding neighborhood. She understands that there is legislation pending and feels it would make more sense to look at the community as a whole and not restrict it to zoning.

W.M.Crow, 6616 Dalzell Place stated that he lives two doors from this home and has been a property owner for over forty years. She is very much opposed to this proposal. They wanted to put a Jewish School in the very same home. She feels that if this home gets in on their street it will be because many people who belong to the Coalition are working to have this home put there. She feels sorry for the mentally retarded, but Dalzell Place is not place for a home for retarded children. They have a traffic problem on this street as it is. If that home is sold it is because they are getting a good sum of money out of it. The Squirrel Hill Urban Coalitition is behind it because the people selling the house work for the Coalition. If the Commission wants to keep residential streets, they should try to support them.

Mr. Wayne Collier, 6623 Dalzell Place stated he is neither for nor against. He does not own property in the area. He is in favor of the home but is concerned about what is best for the children they are talking about. There are 27 children on their street 16 years of age and under. Many of the neighbors question whether more children can be absorbed in the neighborhood. If they can it would be the best thing for the neighborhood. If the degree of retardation is such that the children will have to be kept in doors and cannot play with the other children on the street, then he feels it would be wrong. He also questions why the coalition did not ask him to come and see the degree of retardation of these children.

Mr. Ziegler summed up that the issue is not mentally retarded, but the issue is density and what affect the institution will have on that block.

Mr. Sullivan stated he did not appreciate persons giving testimony identifying themselves as holding various political positions.

The hearing was adjourned.