

## **Attachment 13: Historic Review Process for Civic Arena**

The Civic Arena was constructed in 1961 as part of an urban renewal initiative in which a large portion of the Lower Hill neighborhood was demolished to create space for the arena. The arena was originally intended to be used for light opera and other musical performances, and was later converted to use for professional ice hockey.

By the early 2000s, the Civic Arena had become outmoded as a sports facility. In 2007, SEA entered into an agreement with the owners of the Pittsburgh Penguins professional ice hockey team. The agreement called for construction of a new arena on an adjacent site and redevelopment of the Civic Arena site. The plan to redevelop the Civic Arena site was consistent with the City of Pittsburgh's own urban redevelopment plans, which called for reconnecting the street grid between downtown and the Lower Hill neighborhood.

Following an extensive public process, the SEA authorized the demolition of the Civic Arena in September 2010. Work on taking down the arena began in August 2011 and was completed in May 2012. This attachment summarizes the key events that occurred during the public process that preceded the demolition of the Civic Arena and redevelopment of the arena site.

### **I. Initial Determinations regarding Historic Status of the Civic Arena**

In August 2001, the Pennsylvania Historical and Museum Commission ("PHMC") determined the Civic Arena to be eligible for the National Register of Historical Places based on its "association with a major period of urban renewal in the City of Pittsburgh" and as an "important example of a large multi-purpose sports/entertainment facility of the era."<sup>1</sup> No further action was taken to cause the structure to be listed.

In May 2002, two local groups - Preservation Pittsburgh and the Pittsburgh History & Landmarks Foundation - submitted a nomination to the City of Pittsburgh's Historic Review Commission, requesting designation of the Civic Arena as a City Designated Historic Structure.

- The Historic Review Commission held a public hearing in July 2002 and in August 2002 voted not to recommend designation to City Council.
- In September 2002, Planning Commission of the City of Pittsburgh held a briefing and public hearing and in October 2002 voted not to recommend designation to City Council.
- Legislation was then sent to City Council in November 2002, and a public hearing was held in February, 2003 before the March, 2003 vote that defeated the legislation (such that the building was not designated).

### **II. SEA's Public Process**

In 2010, with the new arena approaching completion, the SEA decided to initiate a public process for deciding the future of the 28-acre Civic Arena site. The SEA wanted to allow ample

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<sup>1</sup> See Letter from Jean Cutler to Gary English, dated August 2, 2001, available here: [http://www.pgh-sea.com/images/LHR\\_CivicCenterEligibilityLetter.pdf](http://www.pgh-sea.com/images/LHR_CivicCenterEligibilityLetter.pdf).

opportunity for the public to provide input on redevelopment options for the site, including options that would retain and reuse the Civic Arena.<sup>2</sup>

One of the SEA's first steps was to file an application with PHMC asking to initiate Section 106 consultation.<sup>3</sup> Because there was no federal involvement, the SEA was unable to proceed with Section 106 consultation.<sup>4</sup> Therefore, with the advice of the PHMC, the SEA decided to follow a process that mirrored the requirements of Section 106 and went above and beyond the requirements of the applicable State law, Chapter 5 of the Pennsylvania State History Code.<sup>5</sup>

The SEA's public process included the following actions over an eight-month period in 2010:

- The SEA extended invitations to 48 individuals and organizations known to be interested in the future of the Civic Arena site ("Interested Parties").
- At the first Interested Party meeting, SEA encouraged participants to forward the invitation to others who may want to participate. The SEA also invited additional participants by posting information about the process on its website.
- The SEA approved every request to participate in the process; no individual or organization was turned away. Altogether, 69 individuals and organizations participated regularly in the process.
- The process included eight Interested Party meetings and one open house meeting over a seven-month period, from January 2010 through July 2010. The SEA's public website was continually updated with information about the process, including copies of meeting presentations and meeting summaries, along with additional reference documentation.<sup>6</sup>
- As part of the public process, the SEA prepared a Development Options Comparison Report, which evaluated a range of development options for the site, including options that preserved the Civic Arena. The SEA circulated two drafts of that report to the Interested Parties for review and comment. In addition, the SEA prepared an Effects Report, which assessed the effects of each of the options on historic properties, including the Civic Arena.
- At the conclusion of this process, the SEA released a final report recommending a redevelopment option that included demolition of the Civic Arena. The report concluded

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<sup>2</sup> For a full chronology of this public process, as well all reports and meeting materials, refer to the Civic Arena/Development Process page on the SEA's website: <http://www.pgh-sea.com/LHRHistoricProcess.htm>.

<sup>3</sup> The SEA's application to initiate Section 106 consultation is available here: <http://www.pgh-sea.com/images/Request.To.Initiate.Consultation.pdf>.

<sup>4</sup> During the SEA's public process, the PHMC asked the Federal Highway Administration ("FHWA") to conduct Section 106 consultation on the project, based on the potential for FHWA funding. Letter from J. Cutler, PHMC, to R. Sigel, FHWA, dated June 14, 2010. FHWA declined to become involved, citing the absence of any federal funding. Letter from R. Sigel, FHWA, to J. Cutler, PHMC, dated July 7, 2010. Both letters are available here: <http://www.pgh-sea.com/LHRHistoricProcess.htm>.

<sup>5</sup> Under State law, SEA was required only to consult with the PHMC; the SEA instead followed a process that included extensive public involvement as well as ongoing consultation with PHMC.

<sup>6</sup> Materials from this process continue to be available at: <http://www.pgh-sea.com/LHRHistoricProcess.htm>.

that all of the options involving reuse of the arena would require a significant, permanent subsidy and therefore were not economically viable.<sup>7</sup>

- In August 2010, the SEA provided an additional public comment opportunity at an SEA board meeting, where the public was invited to comment on the SEA's proposal to proceed with demolition of the Civic Arena. The SEA provided notice of this meeting in local newspapers and other media outlets, as well as SEA's own website. Forty-six members of the public spoke at that meeting.
- In a letter dated August 12, 2010, and in earlier correspondence dated June 15, 2010, the PHMC concurred that the process had fully satisfied the requirements of the State History Code, and confirmed that Section 106 requirements did not apply.<sup>8</sup>
- In September 2010, at the public meeting where the vote was taken to proceed with demolition, the SEA provided an additional opportunity for public testimony. Ten members of the public spoke at that meeting.
- On September 16, 2010, the SEA's Board voted *unanimously* to proceed with demolition of the Civic Arena as part of comprehensive plan to redevelop the arena site and reconnect the Lower Hill neighborhood to downtown.

### **III. Additional Public Process**

Following the SEA's process, there were four additional opportunities for public participation as part of the local approval process:

- On November 23, 2010, the city's Planning Commission held a public hearing regarding a proposed project development plan for the site, which included demolition of the arena. The hearing included an opportunity for public comment, and many people testified. At the conclusion of the meeting, the Planning Commission unanimously approved the plan.
- On February 2, 2011, the city's Historic Review Commission held a public hearing regarding a second attempt to designate the arena as a landmark. Forty-two people testified at that hearing. On March 2, 2011, the Commission voted unanimously not to designate the arena as a landmark.
- On March 22, 2011, the city's Planning Commission held a public hearing, at which 21 people testified, regarding the proposal to designate the arena as a landmark. At the conclusion of the meeting, the Commission unanimously recommended to the City Council that the arena not be designated as a landmark.
- On May 23, 2011, the City Council held a public hearing to consider the recommendations of the Historic Review Commission and the Planning Commission.

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<sup>7</sup> The draft and final versions of the Development Options Comparison Report and the Effects Report, as well as related meeting materials are available at: <http://www.pgh-sea.com/LHRHistoricProcess.htm>.

<sup>8</sup> These PHMC letters are available at <http://www.pgh-sea.com/LHRHistoricProcess.htm>.

Sixty-six people testified at that hearing. On June 1, 2011, the City Council held a televised, five-hour meeting, where the Council members discussed the issue of landmark designation, but did not vote. Finally, on June 28, 2011, the City Council voted not to designate the arena as a landmark. Public comment was received at each of these meetings.

With the approval of these local bodies, the public process was concluded, and only then was SEA authorized to proceed with demolition.

In July 2011, a local preservation group filed a lawsuit against the FHWA and the SEA in federal court, claiming that FHWA had a legal obligation to review the demolition of Civic Arena under the NEPA and Section 106 of the NHPA, based on the potential for future FHWA funding of road improvements on the arena site. The preservation group sought an injunction to halt demolition. The U.S. district court denied the injunction and dismissed the case. *Preservation Pittsburgh v. Conturo*, 2011 WL 4025731 (W.D. Pa. Sept. 9, 2011). The U.S. Court of Appeals for the Third Circuit also declined to issue an injunction, allowing the demolition to proceed, and later dismissed the case as moot. *Preservation Pittsburgh v. Conturo*, 477 Fed. Appx. 918 (April 27, 2012).

Since demolition, the SEA has proceeded with redevelopment planning for the site, including development of design plans for road infrastructure improvements. The SEA's redevelopment plans for the Civic Arena site have received broad public support, including support from groups - such as the Pittsburgh History & Landmarks Foundation - that previously had opposed the SEA's redevelopment plans.<sup>9</sup>

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<sup>9</sup> See Letter from A. Ziegler, PHLF, to Hon. Anthony Foxx, dated April 24, 2014, available here: [http://www.lowerhilltiger.com/LowerHillTigerAttachment11/images/Pittsburgh\\_History\\_and\\_Landmarks\\_Foundation.pdf](http://www.lowerhilltiger.com/LowerHillTigerAttachment11/images/Pittsburgh_History_and_Landmarks_Foundation.pdf).