



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, September 18, 2019

6:30 PM

Council Chambers

Public Hearing

Public Hearing to take public testimony on Bill 48

Roll Call

Present: 6 - Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

Excused: 1 - Candida Affa

The meeting was Called To Order at 6:30 PM

[15-3061](#)

Bill 48 CEDC, Forwarded Favorably, 2-1
Amending the Zoning Code, Article 1327 of the Codified Ordinances of the City of Allentown, Re: Additional Requirements for Specific Uses by reducing the amount of storage required in new multi-family dwelling units.

Attachments: [Bill 48 Storage Space Ordinance](#)

[Letter from Irene Woodward from Planning Department regarding](#)

[Amending the Zoning Code - Storage Area](#)

[Referral Letter from Mike Hanlon regarding Bill 48 Amending the Zoning Code Additional Requirements for Specific Uses by reducing the amount of storage required](#)

[Letter from Mike Hanlon regarding Rezoning on Multi-Family Dwellings Storage Space](#)

[Letter from Irene Woodward from the Planning Department Storage Area Contained Inside Multi Family Business Dwelling Units Ordinance #15560](#)

Mr. Roger MacLean asked if there were any comments on Bill 48 from the public.

Enactment No: 15560

Public Testimony

Mr. Dennis McCarthy stated that he is an attorney in Allentown representing City Center Investment Corp. We can start the process with this amendment. He stated with him is Robert Di'Lorenzo who is a project

manager. He stated that he thinks Council might have remembered seeing them in the previous meetings. By way of background, they proposed this amendment to a really minor part of the zoning ordinance that applies to the apartment units that actually has a rippling effect. So let's talk about what we are asking for and where we are starting. So right now the Zoning Ordinance requires that if you have a multi-unit, five or more units in an apartment building you are required to provide for every unit 35 square feet of storage area outside of the unit. So a storage locker in a basement or somewhere else in the building is required. What the proposed amendment does is, it says that if a unit is more than 700 square feet you do not need a storage locker at all. If it is less than 700 square feet, a storage locker is required, but it is only 16 square feet, not 35 square feet. So that is the impact of it. So if you have five or more dwelling units in a building every unit below 700 you have to provide a 16 square foot storage locker, for every unit more than 700 square feet, no storage locker is required. You might ask how did you come up with those numbers. Why do you think they make sense? If you look in the zoning ordinance, 700 square feet is the minimum size for two bedroom units. So the thinking was at a certain point an apartment unit is big enough that you are not required outside storage and 700 seems to be a good break point. Why 16 square feet? When you are buying storage lockers, an industry standard storage locker that is very efficient to buy and install is a 4 x 4 x 4 storage locker which our experience is that's big enough for suitcases and TV boxes and things that people might want to get out of their units and put in a storage locker. That's how we came up with the terms of this amendment. We think it would ensure that tenants have appropriate storage space. It will eliminate the need for landlords and developers to seek variances from this requirements. He stated that he will get to in a second. And, they thought it would actually be fairly easy for the zoning folks to administer. They don't have to measure storage and units. They are looking at something that they are already looking at with the size of the unit. So that's the rationale behind it. Why does this make sense? The first thing to think about, is it even necessary for the city to regulate the storage for apartments. And, he stated that he knows that the zoning staff took a look at this and can speak to it. But, we did a survey of municipalities in Pennsylvania, and Allentown is the only one with this very broad storage locker requirement. Nobody else regulates storage for apartments other than Reading and they only regulate it for high rise apartment buildings. So Allentown is a real outlier. It begs the question, is this something that is really subject to regulation. Is this appropriate for it. Another issue and really from our perspective or maybe from the city's perspective, it seems like a minor requirement, but it really is an impediment to development. Let me give an example. City Center has developed nine apartment buildings here in Allentown. In eight of the nine buildings, we only had to seek relief on one issue, storage lockers. This is only variance we needed.

And, from a developers point of view, any time we had to seek relief to get a variance it creates risk to the whole project. What if you don't get it? Does it stop a 200 unit apartment building from being built? What if you get it and somebody appeals? It has a real potential of derailing all of that. So it has a not so obvious impact on development, but has a real impact on development and risk. Fortunately, they have gone to the Zoning Hearing Board nine times and gotten nine variances because they understand that all the properties have unique issues and they appreciate that we are providing storage just in different ways. We have big units and over the minimum size. We have bike storage rooms and things like that. Next point to make is it is really kind of a discreet issue. There was some talk in some of the meetings to wait until there is a comprehensive overhaul of the Zoning Ordinance and let's kind of deal with it there. Don't know if there is a huge ripple effect in the Zoning Ordinance. Not a huge policy implication. It is just a really practical issue. You can argue that the whole thing could be stricken. The city shouldn't be in the business of regulating storage. That wasn't our position. We thought that the amendment that we proposed would make it appropriate and more manageable for landlords. Last point, stating that he knows the Hearings go quick. Something to consider when you are having apartment buildings. If you are an owner of an apartment building or developing an apartment building you need to maximize the number of square feet in a building that are devoted to rentable space versus non-rentable. It is called an efficiency factor. And, if you talk to people in the industry really where you want to be is 80 - 85 percent of your building is rentable square feet and maybe 15 - 20 percent is nonrentable. Think about that in that nonrentable, you got to put hallways, trash rooms, elevators and in today's market tenants are asking for lots of amenities. They want fitness centers, they want meeting rooms, places to store their groceries that are being delivered. Our buildings have pet spots. We have to devote space in the city for parking. So you have all these competing interests for that common space. That unrentable space. So for a landlord having to take a big chunk of it out and devote it to storage lockers, one: the market is not demanding it, and two: it doesn't really make the best product for the tenants. There is a lot of background there, and he appreciates the attention. He asked if there were any questions, he will be happy to answer them.

Mr. Roger MacLean stated that there might be some questions. He stated that he will open it up to the public as well as the members of Council. He asked if there were any questions from the public on Bill 48.

Mr. Lewis Shupe, 814 Walnut Street, asked the purpose of the storage requirements that was originally installed by a previous Council in the first place. He stated that obviously it predates him so he doesn't know. He stated that he could imagine that there was a reason at the time when this

was first drafted up. He stated that he would be curious to know from those people at the time what they thought.

Mr. Roger MacLean stated that he thinks it predates a lot of them in the room. He asked if there were any other questions from the public. He stated that he will open it up to Council.

Mr. Ed Zucal stated that first of all it needs to be stricken. He stated that he doesn't think it is Council's position to be telling people what they can have and cannot have in their apartments. It is not a Council's decision. It is a landlords decision to regulate what's in the house and what's not. Whether it is a fire hazard, whether it's not. Whether it is overcrowded or whether it's not. We already have zoning officers that can't keep up with the workload and now we want to tasks them with having to give them another assignment. He stated that he can tell them that he will be voting yes.

Mr. Courtney Robinson stated that even though he holds his colleague to the right and the honorable gentleman with high esteem, he could not disagree with him more. Why are we here if not to regulate these things. We regulate what a fire hazard is. We regulate what a building hazard is. What regulate what a road hazard is. We have ordinances and laws that are our entire purpose for being here. He said otherwise he doesn't know why they are sitting here on a Wednesday afternoon when we could be home with our families. He stated but, that being said he will be voting no on this. And that will not come as a surprise to anyone who was here for the CED hearing in July because he thinks this is a very poor choice of public policy. Mr. McCarthy stated that we are the only city other than Reading who has something like this. Well, there was a time when Allentown was also one of the only cities in the Commonwealth to have a Human Relations Ordinance. We were one of the first. Being an outlier in trying to provide for your residents is not a point of division, it is a point of pride, in his personal opinion. And, would ask of his colleagues of the administration, specifically when was the last time you rented an apartment. He stated that for him it was less than two and a half years ago. He stated that he can tell them that he is a millennial as Mr. Di'Lorenzo said back in July that millennials don't want storage. He stated that he is a millennial that does want storage because he has possessions. He has a life and has things that have come with him through his years and know quite a lot of people in his generation that do feel the same way. Maybe we don't attract as much as everyone else does, but we attract some things. He doesn't believe that a comment was made and he brought this up in July that there was a very strict statement from the administration specially from Mr. Lightner that there will be no consideration of zoning changes until the Comprehensive Plan was done. Yet, the administration got right on board with this and got behind this and he is disappointed in the administration,

Community and Economic Development specifically for not standing by its original intent, it would only have been another one or two months until the Comprehensive Plan.

Mr. Roger MacLean stated if he could interrupt Mr. Robinson real quick. This is for public testimony. He stated that he was just informed by the Solicitor that Council will have their chance to talk about this when the Bill comes up before them.

Mr. Courtney Robinson stated to Mr. MacLean that he did not realize that he was so scared of debate.

Mr. Roger MacLean stated that was uncalled for. He never said he was scared of debate. He was just informed that this was for public testimony. So if there are any others from the public that want to speak on it, that's fine. If not, they will move on to the next hearing.

ADJOURNED: 6:43 PM