

# **BEFORE THE ZONING HEARING BOARD OF THE CITY OF BETHLEHEM**

## **SUPPLEMENTAL STATEMENT**

### **I. BACKGROUND**

Pennrose, LLC (“Pennrose”) is the equitable owner of properties located at 1400 4<sup>th</sup> Street and 1414-1416 4<sup>th</sup> Street in the City of Bethlehem within the CL (Limited Commercial) Zoning District (jointly “Property”). Pennrose has entered into an Agreement of Sale to purchase the Property. Pennrose is proposing to develop the Property with multi-family dwellings which are a use permitted by right in the CL Zone. Pennrose requests variances from the following: i) Section 1306.01(a)(4)’s density requirements; ii) Section 1306.01(a)(4) and 1318.13(a)’s front yard setback requirements; and iii) to the extent necessary, from the commercial use first floor requirement of Section 1305.01(a) (Footnote 1).

### **II. REQUESTED RELIEF**

Since 1971, Pennrose has been working to improve the lives of working families by creating safe, secure housing communities where residents can build fulfilling lives. Today, Pennrose is nationally acclaimed for developing and managing high-quality affordable, conventional planned communities. Pennrose is proposing to develop the Property with multi-family dwellings which are permitted by right in the CL Zone as per Ordinance Section 1305.01. The development of the multi-family dwellings is proposed in two phases. Phase 1 would include 60 multi-family units and one parking space per unit for a total of 62 spaces including four ADA accessible spaces. Phase 2 would consist of 60 multi-family units with 56-76 parking spaces provided including 2 ADA spaces. The proposed parking meets the Ordinance requirements. The layout of the multi-family buildings on the Property includes a 44-unit mid-rise multi-family building at the corner of East 4<sup>th</sup> Street and Williams Street, a 44-unit mid-rise apartment building along East 4<sup>th</sup> Street towards the East 4<sup>th</sup> Street Bridge, and two 16-unit low-rise apartment buildings along East 5<sup>th</sup> Street.

Residential uses that are permitted by right in the CL Zoning District are required to meet the RT District requirements for setbacks and other building requirements. Multi-family dwellings require side yards of 15 feet when they are more than 2 ½ stories in height and for each 1 foot in height over 35 feet, the side and rear yards must be increased by not less than 1/2 foot. This requires an additional 5 feet of side yard and rear yard setback, which is met. The proposed height of 45 feet complies with the Ordinance. Zoning Ordinance Section 1306.01(b)(2)(a) requires that the RT Zone density and lot area maximum apply. This requires a minimum lot area of 9,000 square feet and 1,200 square feet per unit maximum density allowed. Proposed Lot 1/Phase 1 is to be 1.5434 acres in size resulting in a maximum permitted unit density of 56 units. Proposed Lot 2/Phase 2 is to be 2.1118 acres in size resulting in a maximum permitted unit density of 76 units. For Lot 1, 1,120.5 square feet per unit is proposed, so a variance from 1,200 square feet is requested. When applying the required ratio using the acreage allotted to each Phase, Phase 1 permits a maximum of 56 units where 60 units are proposed, and Phase 2 permits a maximum of 76 units where 60 units are proposed. Because Pennrose is proposing to develop the Property in phases, it is necessary to obtain a variance from the density requirement for proposed Lot 1/Phase 1. The Property permits a maximum of 132 units where only 120 total units are proposed so the density is not exceeded when considering the entire acreage. The zoning relief for the density is necessitated by requiring an internal lot line for financing purposes for PHFA tax credit funding. Accordingly, a variance from Ordinance Section’s 1306.01(a)(4) density requirements is requested.

Ordinance Sections 1306.01(a)(4) and 1318.13(a) require a minimum front yard of 10 feet. The Property has three front yards - along Williams Street, East 4<sup>th</sup> Street, and East 5<sup>th</sup> Street. The building proposed at the corner of William and East 4<sup>th</sup> Street requires a variance from the front yard setback requirement as the 10-foot setback is not met along the entire frontage. The low-rise multi-family buildings along East 5<sup>th</sup> Street maintain various front yard setbacks. Pennrose requests a variance from the front yard

setback requirement to allow the buildings along East 5<sup>th</sup> Street to maintain a 0 foot front yard setback as portions of the buildings including the stoops are proposed at a 0 foot setback less than the required 10 feet. Notably, Section 1318.13(a) provides that where there is an existing building on each of two lots adjacent on either side to a lot on which a proposed buildings to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere in the Ordinance, the average is allowed to be used to establish the minimum required front yard depth on which the proposed building is to be erected. In this case, Pennrose should be permitted a reduced setback as the adjacent existing homes from the corner of East 5<sup>th</sup> and Williams Streets to the Property do not meet the setback requirements and most maintain a 0-foot setback. Accordingly, a variance should be granted as the proposed setback is in keeping with the surrounding area.

To the extent necessary, a variance is requested to not require commercial use to be incorporated into all the multi-family dwelling buildings. Zoning Ordinance Section 1305.01(a)(Footnote 1) states that "Such housing shall be located in the same building as a principal commercial use that is on the front street level. This requirement for street-level commercial use shall not apply to buildings fronting on local streets". Pennrose requests a variance to not require principal commercial use on the ground floor of all the multi-family buildings to the extent the surrounding roads are not local streets. Pennrose is providing approximately 1,200 square feet of commercial on the first floor of the building proposed at the corner of East 4<sup>th</sup> Street and William Street. Pennrose requests that this commercial be determined sufficient for the Property. Given the location of the Property, having commercial on the first floor of every multi-family building dwelling should not be required. Moreover, this footnote requirement does not specify the amount of commercial required especially a project with multiple buildings. In the alternative, a variance should be granted.

Pennrose submits that the proposed development is suitable for the Property. Given the uniqueness of the Property and the financing requirements, there is not an ability to meet the required density, front yard setback and commercial use requirements. The proposed use provides an opportunity for an affordable housing project in the City. The use will not substantially injure neighboring property values and is not otherwise detrimental to the welfare of the community. In fact, having Pennrose develop the Property is a benefit to the community. The use will be designed and located so that public health, safety, welfare, and convenience are protected. Granting the requested relief will not create a safety hazard and will not alter the essential character of the neighborhood or district where the Property is located. Pennrose is requested the minimum relief necessary to develop its project on this irregularly shaped Property.


### III. CONCLUSION

For the aforementioned reasons, the requested relief should be granted.

Respectfully submitted,

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