



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

**BILL NO. 130060
(As Amended, 3/13/13)**

Introduced January 31, 2013

Councilmember Jones

**Referred to the
Committee on Rules**

AN ORDINANCE

To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Belmont Avenue, Monument Avenue, Ford Road, and Edgley Avenue (extended) and by amending §14-404 of the Zoning Code entitled SP-INS, Institutional (Special Purpose) District, by amending §14-404(3) regarding Area Regulations, exclusively with regard to the area bounded by Belmont Avenue, Monument Avenue, Ford Road and Edgley Avenue (extended), all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-400. BASE ZONING DISTRICTS.

* * *

§14-404. SP-INS, Institutional (Special Purpose) District.

* * *

(3) Area Regulations

* * *

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(d) Yards

* * *

(.2) If an SP-INS-zoned lot is adjacent to a lot in a Residential district, the minimum required front setback for a building or portion of a building located on the SP-INS lot shall be the minimum front setback required in the most restrictive adjacent Residential district, *except in the area bounded by Belmont Avenue, Monument Avenue, Ford Road and Edgley Avenue (extended).*

* * *

SECTION 2. Pursuant to §14-304(3) of The Philadelphia Code, the Philadelphia Zoning Maps are hereby amended by changing the zoning designations of certain areas of land within an area bounded by Belmont Avenue, Monument Avenue, Ford Road, and Edgley Avenue (extended) from the existing zoning designations indicated on Map “A” set forth below to the zoning designations indicated on Map “B” set forth below.

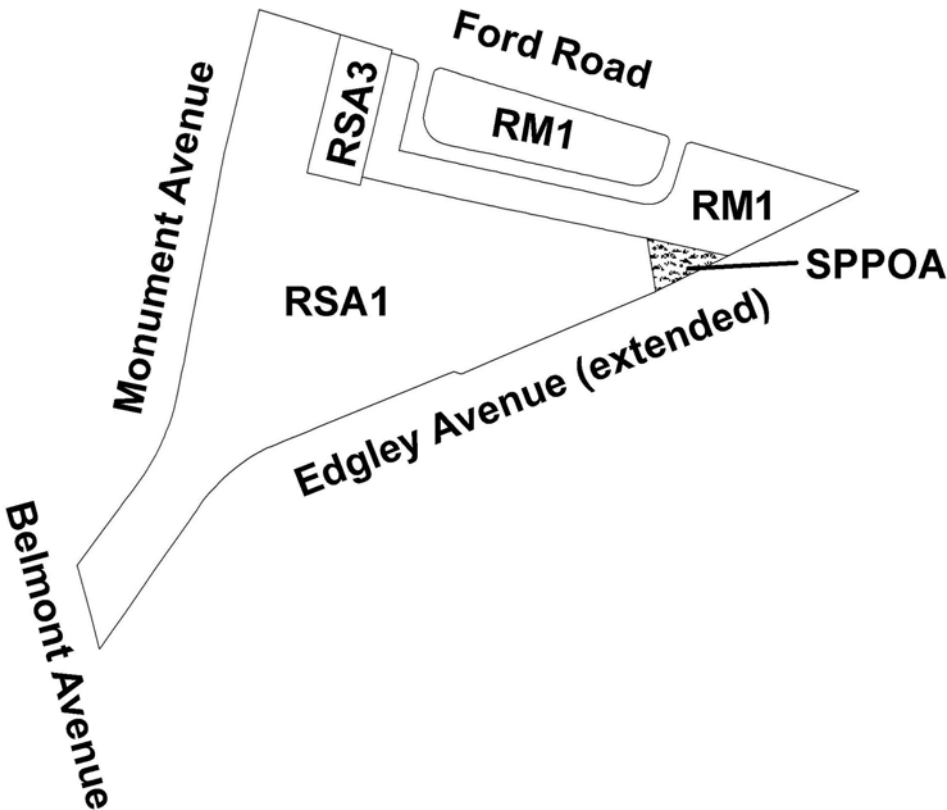
SECTION 3. Pursuant to §14-304(3) of The Philadelphia Code, the SP-INS Institutional (Special Purpose) District Master Plan of Simpson House is hereby adopted as set forth in Exhibit “A”, on file with the Chief Clerk’s Office and a copy of which is attached hereto for reference.

SECTION 4. This Ordinance shall become effective immediately.

Explanation:

Italics indicate new matter added.

Map A - Existing Zoning

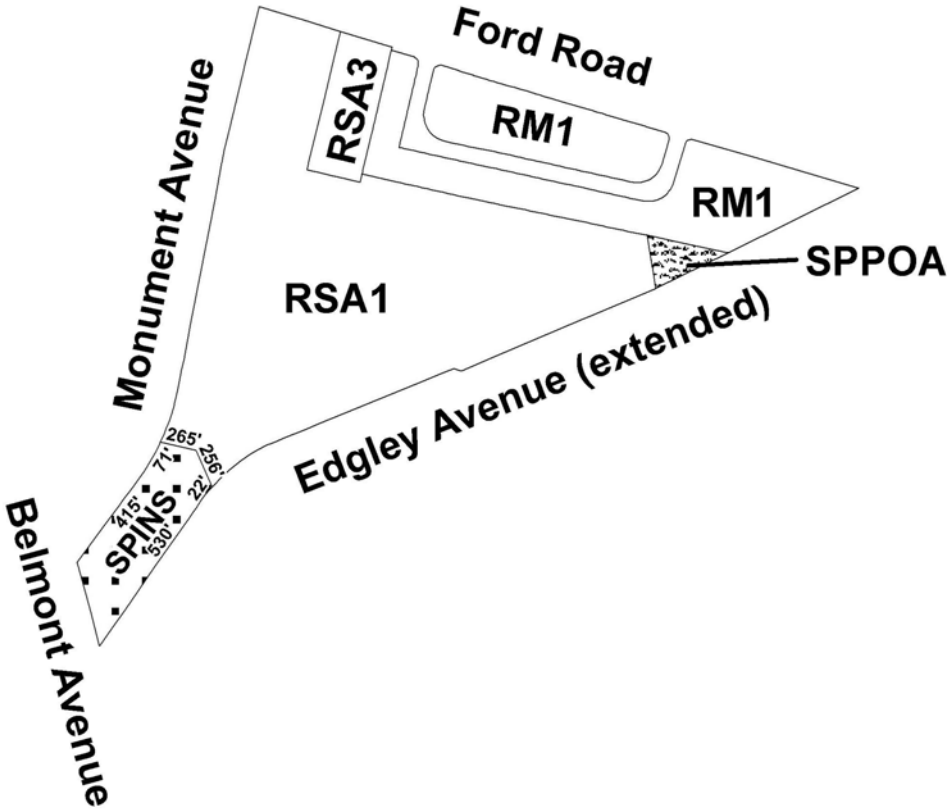


Legend

- RM1** Residential Multi-Family
- RSA1** Residential Single-Family Attached
- RSA3** Residential Single-Family Attached
- SPPOA** Active Parks and Open Space



Map B - Proposed Zoning

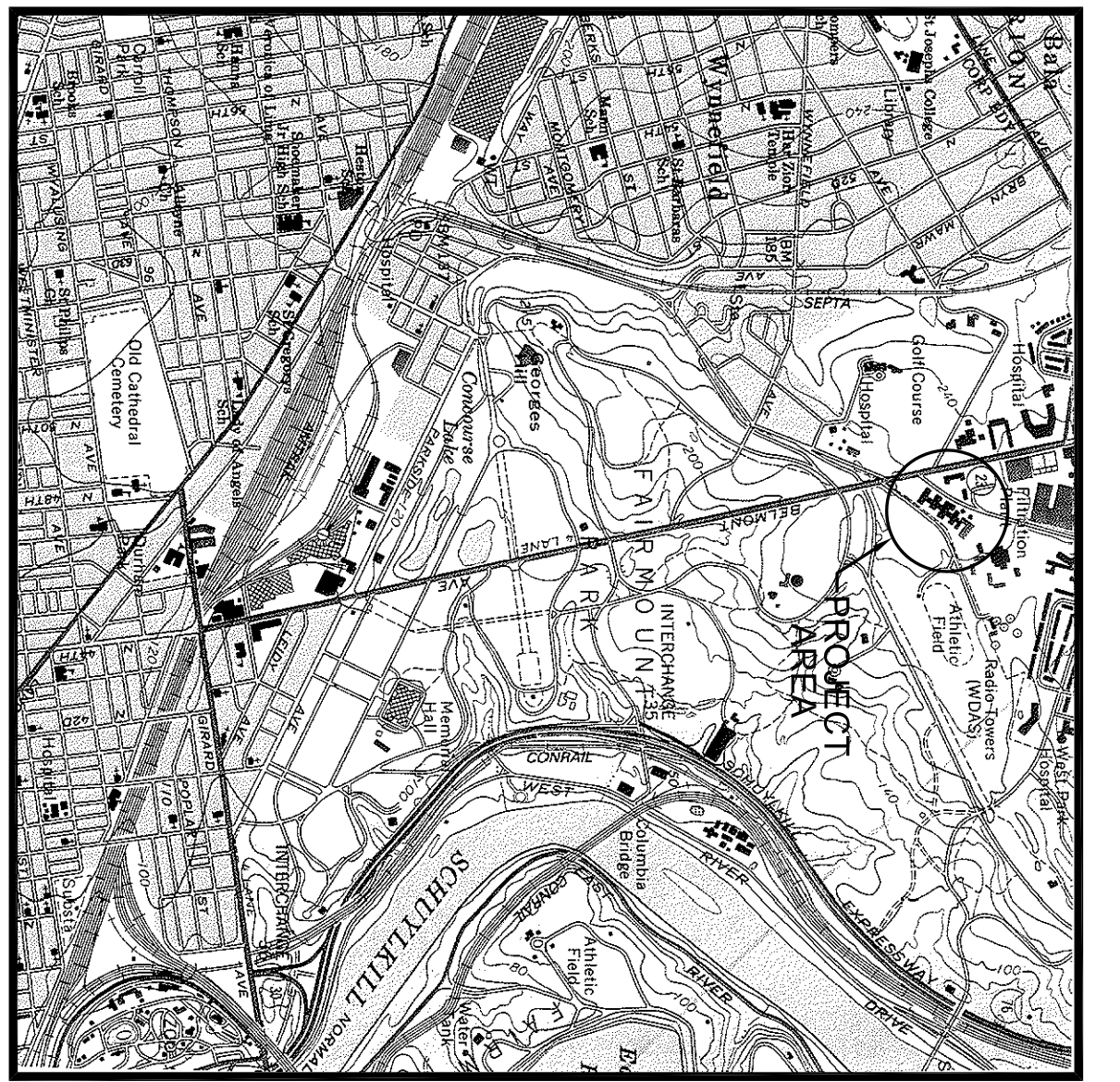


Legend

- RM1** Residential Multi-Family
- RSA1** Residential Single-Family Attached
- RSA3** Residential Single-Family Attached
- SPINS** Institutional (Special Purpose)
- SPPOA** Active Parks and Open Space



EXHIBIT "A"



LOCATION MAP
USGS PHILADELPHIA QUADRANGLE
SCALE: 1" = 400'

BUILDING AREA TABULATION

BUILDING NO.	BUILDING	EXISTING USE	PROPOSED USE	NO. STY.	EXIST. BLDG. AREA (SF)	PROG. MAX. BLDG. AREA (SF)	EXISTING AREA (SF)	PROPOSED AREA (SF)	TOTAL AREA (SF)	
1	OLD MAIN	RESIDENTIAL	RESIDENTIAL	2-4	72'-9"	SAME	33,567	98,294	33,567	
2	CONNECTOR GREENHOUSE	N/A	TO BE DEMOLISHED	2	14'-0"	-	1,261	2,522	0	
3	BENNETT	PERSONAL CARE	TO BE DEMOLISHED	4	40'-6"	-	6,507	26,028	0	
4	BARNES	PERSONAL CARE	RESIDENTIAL	2	25'-5"	40'-0"	8,868	17,736	8,868	
5	CARSON	PERSONAL CARE	RESIDENTIAL	4	59'-10"	SAME	5,449	21,796	0	
6	FLANAGAN	SHARED MULTIFAMILY & ACCESSORY	SHARED MULTIFAMILY & ACCESSORY	2-4	40'-2"	SAME	24,012	84,998	24,012	
7	OLD MAIN CANOPY	N/A	TO BE DEMOLISHED	1	14'-0"	-	510	510	0	
20	CARSON CANOPY	N/A	TO BE DEMOLISHED	1	14'-0"	-	510	510	0	
21	CARSON CANOPY	N/A	TO BE DEMOLISHED	1	14'-0"	-	510	510	0	
PROPOSED					EXISTING BUILDING TOTALS					222,824
8	INDEPENDENT LIVING	RESIDENTIAL	RESIDENTIAL	4	60'-0"	0	0	23,019	92,076	
9	SMALL MARKETING CANOPY	N/A	N/A	1	14'-0"	0	0	55	55	
10	MAIN ENTRY (OLD MAIN)	N/A	N/A	1	20'-0"	0	0	82	82	
11	NEW CANOPY (OLD MAIN)	N/A	N/A	1	18'-0"	0	0	709	709	
12	REAR LINK	N/A	N/A	1	18'-0"	0	0	290	290	
13	KITCHEN ADDITION	RESIDENTIAL	RESIDENTIAL	1	18'-0"	0	1,273	1,273	1,273	
14	CARSON CANOPY	N/A	N/A	1	14'-0"	0	203	203	203	
15	NEW BENNETT	RESIDENTIAL	RESIDENTIAL	4	60'-0"	0	14,504	61,160	61,160	
16	BARNES ENTRANCE	RESIDENTIAL	RESIDENTIAL	1	28'-0"	0	105	105	105	
17	BARNES CANOPY	N/A	N/A	1	20'-0"	0	707	707	707	
18	BARNES ADDITION	N/A	N/A	1	18'-0"	0	1,582	1,582	1,582	
19	INDOOR POOL	ACCESSORY	ACCESSORY	1	30'-0"	0	2,000	2,000	2,000	
22	FLANAGAN COVERED WALKWAY	N/A	N/A	1	15'-0"	0	2,047	2,047	2,047	
PROPOSED BUILDING TOTALS					80,710	252,420	46,576	162,289	162,289	
GRAND TOTALS					80,710	252,420	118,472	162,289	385,113	

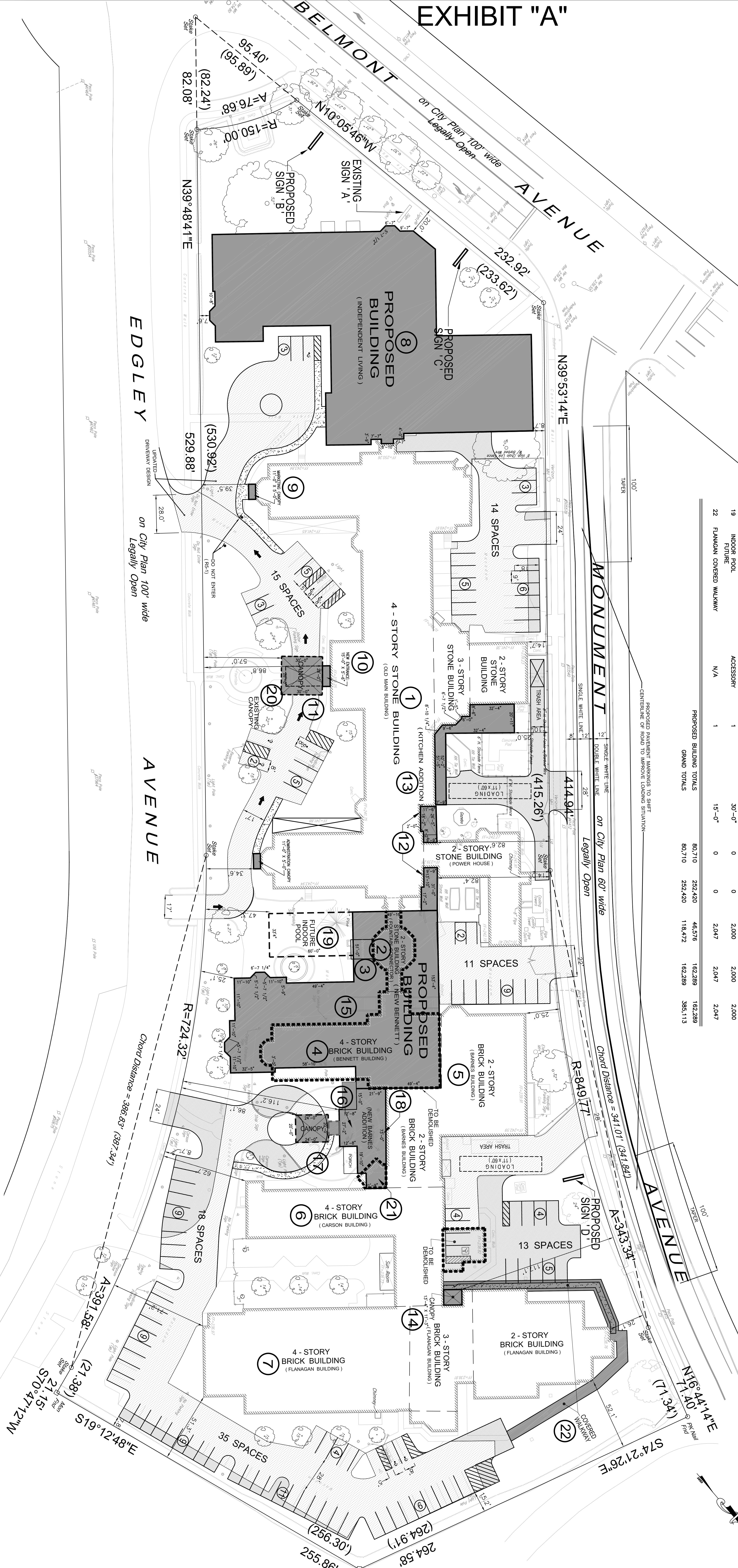
ZONE - SP-INS: SPECIAL PURPOSE INSTITUTIONAL DISTRICT

REQUIREMENT	EXISTING	PROPOSED
LOT AREA (AC.)	5 ACRES MIN.	6.50 AC.
GROSS FLOOR AREA	400X MAX.	89.5X
OCCUPIED AREA	70X MAX.	28.4X
YARD AREAS (FT)	N/A	N/A
BLOC. HT. (FT)	N/A	N/A
IMPERVIOUS COVERAGE	N/A	150,000 SF or 53.9%
PARKING	1 P.S./4000 SF GFA	ON-SITE = 89 SPACES
		385,113 GFA X 1 P.S./4000 SF = 97 P.S. REQUIRED
		ON-SITE = 109 SPACES



EXISTING SIGN 'A' - TO BE REMOVED
(90 SF)
(PROPOSED SIGNS 'B', 'C', & 'D'
(90 SF EACH = 270 SF TOTAL)

PAVING LEGEND



NO.	DATE	REVISION	BY
3-8-13		INDEPENDENT LIVING BUILDING	CWB
1-18-13		PLANNING COMMISSION SUBMISSION	JFH

CHARLES E. SHOEMAKER, INC.
 ENGINEERS & SURVEYORS
 1007 EDGE HILL ROAD ABINGTON, PA. 19001
 PHONE: 215-887-2165 FAX: 215-576-7791
 E-MAIL: staff@ceshoemaker.com
 SCALE: 1" = 30'

MASTER PLAN FOR SIMPSON HOUSE
 EDGLEY & BELMONT AVENUE
 PHILADELPHIA, PA. 19131

DATE: NOVEMBER 19, 2012
 DWG NO: Phil.A-392
 JOB NO: 26052
 SHEET NO: 1 OF 2

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City of Philadelphia Economic Opportunity Plan Simpson House Implementation of Master Plan Improvements

I. Introduction, Definitions and Goals.

The City of Philadelphia strongly encourages the use of certified Minority ("MBE"), Women ("WBE"), Disabled ("DSBE") and Disadvantaged¹ ("DBEs") Business Enterprises (collectively, "M/W/DSBEs") and minority and female workers in various aspects of the design and construction of certain improvements (the "Project") at the existing facility known as Simpson House (the "Site"). In support of this objective, the City of Philadelphia will require that the owners of Simpson House commit to this Economic Opportunity Plan ("EOP" or "Plan").

This Plan contains ranges of projected M/W/DSBE utilization and goals for the employment of minority and female workers in connection with the Project at the Site. This Plan shall be a part of and incorporated into the resulting agreement(s) with Simpson House.

Simpson House hereby verifies that all information submitted to the Office of Economic Opportunity ("OEO") in response to this Plan, is true and correct and take notice that the submission of false information is subject to the penalties of 18 PA C. S. Section 4904, relating to unsworn falsification to authorities and 18 PA C. S. Section 4107.2 (a)(4), relating to fraud in connection with minority business enterprises or women's business enterprises.

For the purposes of this Plan, MBE, WBE, DBE and DSBE shall refer to certified businesses so recognized by OEO. Only the work or supply effort of firms that are certified as M/W/DSBEs by an OEO approved certifying agency² will be eligible to receive credit as a Best and Good Faith Effort. In order to be counted, certified firms must successfully complete and submit to the OEO an application to be included in the OEO Registry which is a list of registered M/W/DSBEs maintained by the OEO and available online at www.phila.gov/oeo/directory.

For this Plan, the term "Best and Good Faith Efforts," the sufficiency of which shall be in the sole determination of the City, means: efforts, the scope, intensity and appropriateness of which are designed and performed to foster meaningful and representative opportunities for participation by M/W/DSBEs and an appropriately diverse workforce and to achieve the objectives herein stated. Best and Good Faith Efforts are rebuttably presumed met when commitments are made within the M/W/DSBE participation ranges established for the improvements and a commitment is made to employ a diverse workforce as enumerated herein.

II. Project Scope.

The Project consists of the design and construction of certain improvements to be made to the existing facility by Simpson House. The Project will be constructed by Simpson House in the City of Philadelphia, in an area of the City located at 4360 Monument Road. Simpson House will

¹ Disadvantaged Business Enterprises ("DBEs") are those socially or economically disadvantaged minority and woman owned businesses certified under 49 C.F.R. Part 26.

² A list of "OEO approved certifying agencies" can be found at www.phila.gov/oeo

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improve the Site, subject to various approvals necessary for the construction of the Project. Participants shall include certain design or other professional service providers and their respective consultants, the general contractor or construction manager (hereinafter referred to as the "General Contractor") retained by Simpson House to construct the Project (collectively, the "Participants").

III. Goals.

1. M/W/DSBE Participation Ranges.

As a benchmark for the expression of "Best and Good Faith Efforts" to provide meaningful and representative opportunities for M/W/DSBEs in the Project, the following participation ranges have been established. These participation ranges represent, in the absence of discrimination in the solicitation and selection of M/W/DSBEs, the percentage of MBE, WBE and DSBE participation that is reasonably attainable through the exercise of Best and Good Faith Efforts. These percentages relate to the good faith estimated cost of the Project. In order to maximize opportunities for as many businesses as possible, a firm that is certified in two or more categories (e.g., MBE and WBE and DSBE or WBE and DSBE) will only be credited toward one participation range as either an MBE or WBE or DSBE. The ranges are based upon an analysis of factors such as the size and scope of the improvements and the availability of MBEs, WBEs, DSBEs and DBEs to participate in the improvements:

The following Professional Services contract goals have been set for the Project:

Contracts	Minority, Female and/or Disabled Owned
Professional Services	12% - 15%

The following Construction contract goals have been set for the Project:

Contracts	Minority Owned	Female Owned	Disabled Owned
Construction	20% - 25%	8% - 10%	Best efforts

The objectives set forth in the Plan shall be incorporated in applicable requests for proposals, bid packages and solicitations for the Project and communicated to relevant participants from the date of the execution of this EOP.

2. Employment Goals.

Simpson House agrees to exhaust Best and Good Faith Efforts to employ minority persons and females in its workforce of apprentices and journeymen at the following levels³:

³ These goals, which have been adopted by the Economic Opportunity Cabinet, are the recommendations of the Mayor's Commission on Construction Industry Diversity.

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Minority Apprentices - 50% of all hours worked by all apprentices.
Minority Journeymen - 32% of all journey hours worked across all trades.
Female Apprentices - 7% of all hours worked by all apprentices.
Female Journeypersons - 7% of all hours worked across all trades.

IV. Responsiveness.

1. Simpson House and relevant participants shall identify M/W/DSBE commitments and other agreements evidencing its intent to use Best and Good Faith efforts to employ minority persons and females at the levels stated herein. The identified commitments constitute a representation that the M/W/DSBE is capable of providing commercially useful goods or services relevant to the commitments and that Simpson House and participants have entered into legally binding commitments or other legally binding agreements with the listed M/W/DSBEs for the work or supply effort described and the percentage amounts set forth. In calculating the percentage of M/W/DSBE participation, the standard mathematical rules apply in rounding off numbers.

2. M/W/DSBE commitments are to be memorialized in a written subcontract agreement. Letters of intent, quotations, contracts, subcontracts and any other documents evidencing commitments with M/W/DSBEs, including the M/W/DSBE Participation and Workforce Commitments Form, become part of and an exhibit to the Agreement.

3. OEO reserves the right to request further documentation and/or clarifying information at any time during the construction of the Project.

V. Compliance and Monitoring of Best and Good Faith Efforts.

1. To the extent required by law, Simpson House shall ensure that its on-site contractors maintain certified payrolls which include a breakout of hours worked by minority and female apprentices and journeypersons. These documents are subject to inspection by OEO.

2. Prompt Payment of M/W/DSBEs. Simpson House agrees and shall cause its contractors to ensure that M/W/DSBEs participating in the Project receive prompt payment for their work or supply after receipt of a proper invoice following satisfactory performance.

3. Oversight Committee. Simpson House and the City of Philadelphia, in consultation with the appropriate agencies and entities, will establish and identify the members of a Project Oversight Committee, including representatives from Simpson House, the Developer and/or the General Contractor and Construction Manager, the Office of Economic Opportunity, City Council, community organizations and the Building Trades. Participants will engage in monitoring, reporting and problem solving activities which are to include regular meetings to address all matters relevant to further development of the Plan, carrying out its implementation and the successful completion of the Project.

4. Reporting. Simpson House agrees to file an annual report with the City of Philadelphia and City Council concerning the performance of the Economic Opportunity Plan through the duration of the Project. In addition, during construction, Simpson House will provide "snapshot" reports containing updates for certain categories of information contained in its annual report on a monthly basis during construction. Snapshot reporting will include: (i)

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utilization of M/W/DSBEs and/or DBEs, and (ii) the hiring and employment of minorities and females. All reports (quarterly & annually) provided to the City under this section will also be provided to the Office of Economic Opportunity.

VI. Remedies and Penalties for Non-Compliance.

1. Simpson House agrees that its compliance with the requirements of this Plan is material to the Agreement. Failure to comply with the Plan may constitute a substantial breach of the Agreement and is subject to the remedies and penalties contained therein or otherwise available at law or in equity. Notwithstanding the foregoing, no privity of contract exists between the City and any M/W/DSBE identified in any contract resulting from implementation of the Plan. Neither Simpson House nor the City intends to give or confer upon any such M/W/DSBE any legal rights or remedies in connection with subcontracted services under any law or policy or by any reason of any contract resulting from implementation of the Plan except such rights or remedies that the M/W/DSBE may seek as a private cause of action under any legally binding contract to which it may be a party.



Kim Williams, for Simpson House⁴ March 12, 2013
DATE



ANGELA DOWD-BURTON, Executive Director, Office of Economic Opportunity⁵ March 12, 2013
DATE

⁴ The Owner's Representative is required to sign and date, but the City reserves the right to obtain the Owner's Representative signature thereon at any time prior to Plan certification. The Owner Representative will receive from the City a certified copy of its Plan which should be filed with the Chief Clerk of City Council within fifteen (15) days of the issuance and published by OEO, in a downloadable format, on the OEO website.

⁵ Pursuant to Section 17-1603 (2) of The Philadelphia Code, the representative of the City of Philadelphia's Office of Economic Opportunity, the "certifying agency", certifies that the contents of this Plan are in compliance with Chapter 17-1600.

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