

# City of Philadelphia



(Bill No. 200602)

## AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by amending certain provisions of Chapter 14-500, entitled “Overlay Zoning Districts,” by creating the “/TSO, 30th Street Overlay District”; by revising certain provisions of Section 14-702, entitled “Floor Area, Height, and Housing Unit Density Bonuses”; and amending the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Chestnut Street, 30th Street, Walnut Street, and 31st Lower Level Street.

*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 14-500. OVERLAY ZONING DISTRICTS

\* \* \*

§ 14-526. */TSO, 30th Street Overlay District.*

(1) *Applicability.*

*The 30th Street Overlay District shall apply to Residential House Projects on lots within the CMX-5 zoning district located within the area bounded by Chestnut Street, 30th Street, Walnut Street, and 31st Lower Level Street.*

(2) *Definition of a Residential Housing Project.*

*For the purposes of this §14-526, a Residential Housing Project is any development located within the 30th Street Overlay District where at least 25% of gross floor area will be in residential use, which for purposes of calculating total units shall also include any dwelling units provided to satisfy the requirements of subsections § 14-526(3)(a)(.2) or § 14-526(3)(b) below. Developments with any of the following conditions shall not be deemed to meet the definition of a Residential Housing Project:*

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- a) *Any development in which all dwelling units are developed by an educational institution for the exclusive use and occupancy of such institution's students or other institution-affiliated persons such as resident advisors or house masters;*
- b) *Any development in which all dwelling units are constructed fully within an existing structure; or*
- c) *Any development where Personal Care Home is the principal use.*

### *(3) Use Regulations.*

*The following standards shall apply to all Residential Housing Projects in addition to those of the base zoning district, as indicated in § 14-602(4):*

- a) *At least 20% of all dwelling units (rounded up, if fractional) shall be provided and maintained as affordable, as regulated in § 14-526(6) (Affordability), and must meet the following conditions:*

- (.1) At least 10% of all dwelling units (rounded up, if fractional) shall be provided and maintained as affordable and located on the same site as the majority of other dwelling units included in the Residential Housing Project;*

- (.2) All dwelling units provided to meet the requirements of this subsection (a) must be located within 1.5 miles of the majority of dwelling units included in the Residential Housing Project*

- (.3) Dwelling units provided pursuant to this subsection (a) may not be used to satisfy the requirements of subsection (b), below.*

- b) *For each 5,000 sq. ft. of floor area of group living provided, at least one dwelling unit shall be provided and maintained as affordable, as regulated in § 14-526(6) (Affordability), within 1.5 miles of the site where the group living use is provided. Dwelling units provided pursuant to this subsection (b) may not be used to satisfy the requirements of subsection (a), above.*

- c) *Provided, however, subsections (3)(a) and (3)(b), shall not apply if the owner or owners of the Residential Housing Project enters into a binding agreement with the Department of Planning and Development pursuant to which the owner or owners will agree to pay the City a payment in lieu of providing affordable housing in accordance with the following requirements:*

- (.1) The payment shall be calculated as 1% of Hard Construction Costs (as defined in Section 17-108) for construction of the Residential Housing Project, and paid in two installments;*

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*(.2) The first installment payment shall be equal to a good faith estimate by the owner or owners of the Residential Housing Project of 80% of 1% of Hard Construction Costs for the construction of the Residential Housing Project. This first payment shall be paid prior to the issuance of a building permit. At the time of the payment, the owner or owners of the Residential Housing Project shall sign a declaration of the good faith estimate of the Hard Construction Costs for the construction of the Residential Housing Project and provide a construction budget to support the calculation of the good faith estimate of Hard Construction Costs;*

*(.3) The second installment shall be paid prior to the issuance of a certificate of occupancy for the Residential Housing Project, and shall be equal to the difference between the first payment and 1% of the actual Hard Construction Costs incurred for the construction of the Residential Housing Project. At the time of the payment, the owner or owners of the Residential Housing Project shall sign a declaration of the actual Hard Construction Costs incurred for the construction of the Residential Housing Project, provide a construction budget to support the calculation of the actual Hard Construction Costs incurred and deliver a third-party certification, from a professional with expertise in managing construction budgets for similar projects, of the amount of the actual Hard Construction Costs incurred; and*

*(.4) The Department of Planning and Development shall agree to use such money for the purposes set forth in § 21-1605 (Trust Fund Assets Held in the Non-Recording Fee Sub-Fund) or § 21-1603 (Creation, Distribution and Use of the Trust Fund's Assets).*

*(d) Further provided, subsections (3)(a) and (3)(b), shall not apply to any development that has received or will receive government financial assistance conditioned upon the provision of 51% or more total units in a Residential Housing Project meeting affordability standards of a government program.*

*(4) Development Standards.*

*(a) The maximum floor area ratio, not including any floor area bonuses earned, is 2,000% of lot area.*

*(b) All other development standards are as indicated elsewhere in the Zoning Code.*

*(5) Motor Vehicle Parking Ratios.*

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(a) For household living, parking shall be provided at a rate of one parking space per five dwelling units, rounded to the nearest whole number of spaces.

(b) All other development standards are as indicated elsewhere in the Zoning Code.

## (6) Affordability.

Affordable dwelling units required by § 14-526(3) shall be provided and maintained as affordable at the Low Income level of affordability as defined and regulated in § 14-702(7)(a) (Affordability) in the same manner as if a bonus was earned.

(a) The standards of §14-702(7)(b)(.2) through (.5) shall apply in the same manner as if a bonus was earned, except that:

(.1) Off-site development pursuant to subsection of §14-702(7)(b)(.3) shall be permitted without a showing of exceptional circumstances or a substantial public benefit; and

(.2) The Department of Planning and Development may waive the requirements of 14-702(7)(b)(.3) and §14-702(7)(b)(.4) for any dwelling units that are provided pursuant to § 14-526(3)(b).

(b) Compliance check, remedies, and regulations of § 14-702(7)(d) through (g) shall apply in the same manner as if a bonus was earned.

## (7) Applicability of the Mixed Income Housing Bonus

Bonuses available under the provisions of § 14-702(7) (Mixed Income Housing) may be earned only under the following conditions:

(a) A development is not a Residential Housing Project under the definition provided in § 14-526(2); or

(b) A Residential Housing Project meets the requirements of § 14-702(7)(b) in addition to, and not including, any dwelling units or payments in-lieu provided pursuant to the requirements of this section § 14-526.

\* \* \*

## CHAPTER 14-700. DEVELOPMENT STANDARDS.

\* \* \*

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§ 14-702. Floor Area, Height, and Housing Unit Density Bonuses.

\* \* \*

(7) Mixed Income Housing.

\* \* \*

(g) *Applicability of /TSO, 30th Street Overlay District (/MIN).*

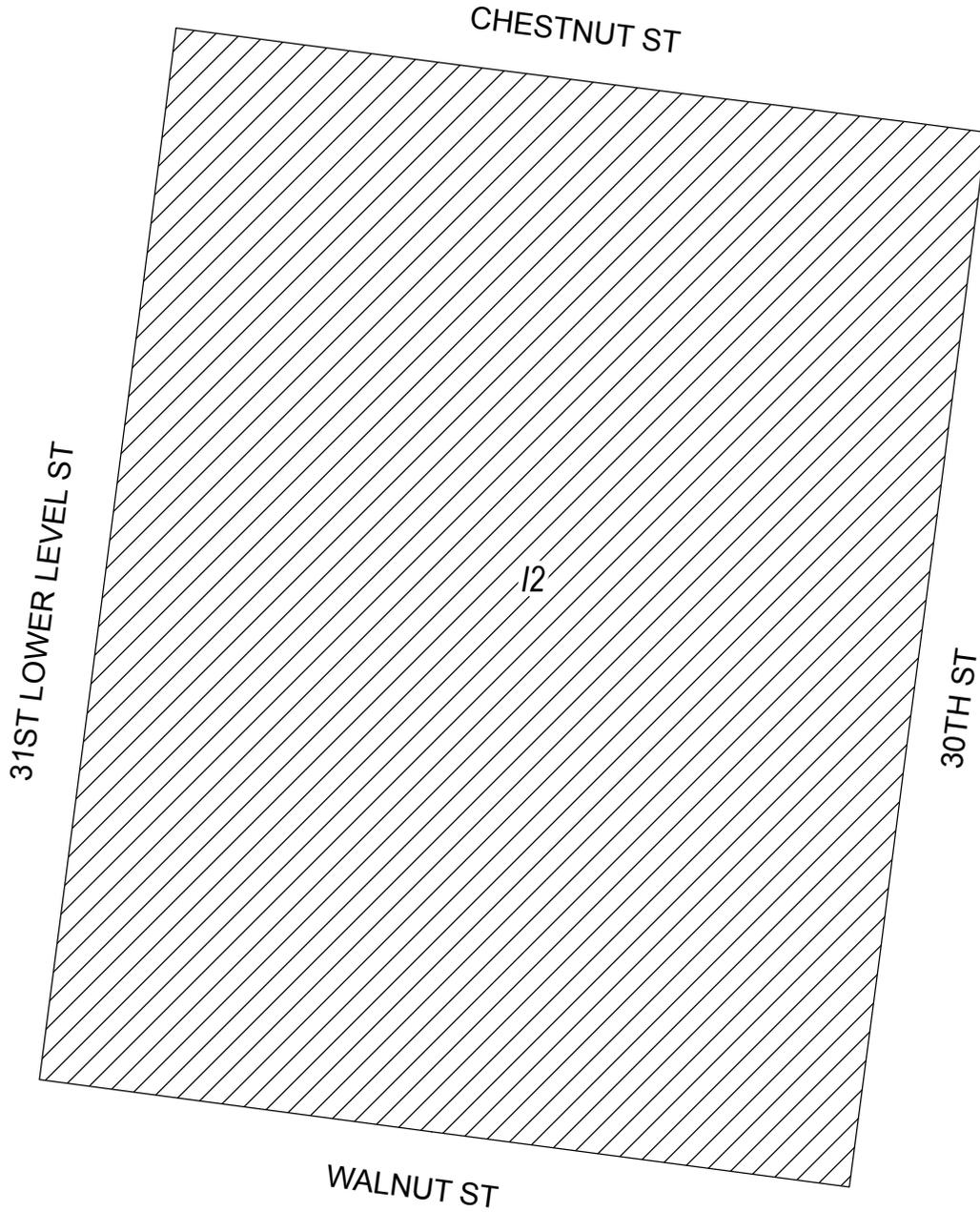
*The terms and conditions of this section § 14-702 (Mixed Income Housing) shall not apply to Residential Housing Projects within the /TSO, 30th Street Overlay District, as defined in §14-526(2), except as otherwise provided by section §14-526 (30th Street Overlay District).*

\* \* \*

SECTION 2. Pursuant to Section 14-106 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 Chestnut Street, 30th Street, Walnut Street, and 31st Lower Level Street 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. This Ordinance shall take effect immediately following its enactment.

# Map A Existing Zoning



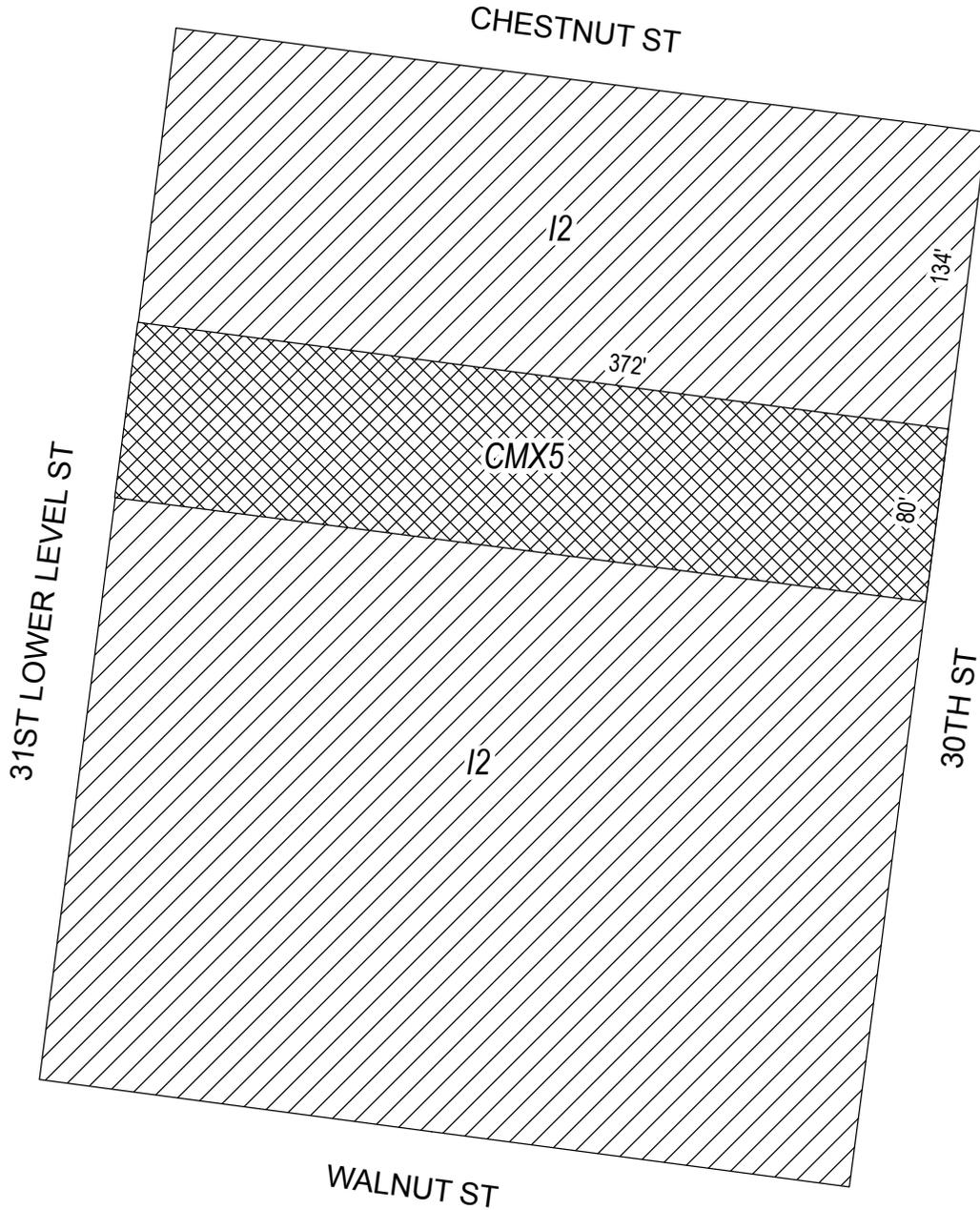
## Zoning Districts



I-2, Medium Industrial  
City of Philadelphia



# Map B Proposed Zoning



## Zoning Districts



I-2, Medium Industrial



CMX-5, Commercial Mixed-Use

City of Philadelphia



Project name: The Standard at Philadelphia  
Name of developer: The Standard at Philadelphia, LLC // Landmark Properties, Inc  
Headquarters location: Athens, GA  
No. employees: 562 Full-time Employees  
Annual revenues: \$10,000,000.00  
Project budget (construction): \$85,000,000.00  
Project budget (professional services): \$8,000,00.00

EOP version March 17, 2017

**City of Philadelphia**  
**Economic Opportunity Plan**  
**The Standard at Philadelphia**

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## I. Introduction and Definitions

The City of Philadelphia strongly encourages the use of certified Minority ("MBE"), Women ("WBE"), Disabled ("DSBE") and Disadvantaged ("DBEs") Business Enterprises (collectively, "M/W/DSBEs") and minority and female workers in all aspects of Standard of Philadelphia (the "Project") located at 120 S 30<sup>th</sup> Street, Philadelphia PA 19104 ("the Site") which may include financial investment, design, construction, and operations. <sup>1</sup> In support of this objective, the City of Philadelphia will require that The Standard at Philadelphia LLC., (the "Owner") 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 the owners of the Standard of Philadelphia.

The Owner hereby verifies that all information submitted to the Office of Economic Opportunity ("OEO") in response to this Plan is true and correct and takes 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 efforts of firms that are certified as M/W/DSBEs by an OEO-approved certifying agency will be eligible to receive credit as a Best and Good Faith Effort. <sup>2</sup> 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](http://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 Project and a commitment is made to employ a diverse workforce as enumerated herein.

## II. Project Scope

Multi-family apartment building. Approximately 18 Stories & 275 units.

## III. Goals

### A. 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 entire 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

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

<sup>2</sup> A list of "OEO approved certifying agencies" can be found at [www.phila.gov/oeo](http://www.phila.gov/oeo)

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 Project and the availability of MBEs, WBEs, and DSBEs to participate in this development.

The following contract goals have been set for the Project:

Contracts	Minority Owned	Female Owned	DSBE	Total
Construction	25-30%	10-15%	BGFE	35-45%
Professional Services	10-15%	10-15%	BGFE	20-30%

**B. Employment Goals**

The Owner agrees to exhaust its Best and Good Faith Efforts to employ minority persons, by race and ethnicity, and females in its workforce of apprentices and journeypersons at the following levels:

- African American journeypersons: 22% of all journey hours worked across all trades
- Asian journeypersons: 3% of all journey hours worked across all trades
- Hispanic journeypersons: 15% of all journey hours worked across all trades
- Female journeypersons: 2% of all journey hours worked across all trades

- Minority apprentices: 50% of all hours worked by all apprentices
- Female apprentices: 5% of all hours worked by all apprentices

<b>Local Residents</b>
<b>50%</b>

The Owner will be required to submit to the City, no later than seven (7) days before the starting date of work on any such contract, a Workforce Diversity Goal Plan which shall include specific availability and utilization strategies for meeting the Workforce Diversity goals. The City's Labor Standards Unit shall have the responsibility of administering oversight of these Workforce Diversity Goals including evaluating the sufficiency of the Workforce Diversity Goal Plan, and monitoring the successful Bidder's Best and Good Faith Efforts towards realization of the goals throughout the duration of the contract.

**IV. Equity Ownership**

The Philadelphia Code 17-1603 requires that each Economic Opportunity Plan include information concerning the Equity Ownership (as defined) of (1) the contractor, developer and/or recipient of financial assistance required to submit the Plan; (2) participants (as defined) engaged by the contractor, developer and/or recipient of financial assistance; and (3) the eventual owner or owners of the project or contract to which the Plan relates; and requiring periodic reports for the purpose of updating Equity Ownership information; all under certain terms and conditions.  
Identify the current equity owners of the project.

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Type of Ownership	% Minority Owned	% Women-Owned	% Disabled Persons
Sole Proprietorship			
Partnership	0%	0%	0%
Corporation			

If the project is privately owned, the following individuals will become the anticipated Equity Owners upon completion.

Type of Ownership	% Minority Owned	% Women-Owned	% Disabled Persons
Sole Proprietorship			
Partnership	0%	0%	0%
Corporation			

Following the completion of the project, the project owner is responsible for meeting the reporting guideline identified in the Philadelphia Code.<sup>3</sup>

**V. Diversity Practices**

In compliance with Chapter 17-1603, the Economic Opportunity Plan shall contain a statement from the contractor, developer, and/or recipient of financial assistance summarizing past practices by identifying and describing examples of processes used to develop diversity at any/all levels of its organization including, but not limited to, Board and managerial positions. This statement shall also summarize strategic business plans specific to current or past practices of M/W/DSBE utilization on government and non-government projects and procurement.

1. Describe employment and recruitment policies used to achieve diversity in your workforce.

Landmark is an equal opportunity employer and recruits qualified candidates for over 70 property locations within 30 States. Landmark posts all open jobs on its website and utilizes all of the leading national and local job sites with various organizations to find diverse candidates. Landmark also recruits student interns and graduates from local colleges and universities where it has property locations.

<sup>3</sup> Per The Philadelphia Code 17-1603: *Continuing Reporting Requirements.*

(i) Within 30 days of each anniversary of the date that the Plan is finally certified, the contractor, developer and/or recipient of financial assistance shall file with the Chief Clerk of Council and the certifying agency an addendum to the original Plan that provides the Equity Ownership information required in subsection (g)(2), updated so that it is accurate as of the anniversary date. This requirement shall continue until the project is completed.

(ii) The final EOP report required pursuant to § 17-1604(2)(a) shall include updated Equity Ownership information that is accurate as of the date of the final report.

(iii) After the final EOP report has been filed, the owner or owners of the completed project shall have a continuing obligation to file a Statement of the owner's or owners' Equity Ownership within 30 days of each anniversary of the date that the final EOP report is submitted. The Statement shall be accurate as of the relevant anniversary date, and shall be filed with the Chief Clerk of Council and the certifying agency. No Statement shall be required if the completed project is not privately-owned.

2. Provide the race, gender, and residential (local) status of your:

A. Directors	(2) White Males, located in Athens, GA
B. Management	Landmark's corporate office is located in Athens, GA, which is in close proximity to Atlanta. A significant number of management resides in Georgia, however Landmark also has area and regional management residing within other key property markets such as PA, TX, FL, NC, IL, NJ, etc. Landmark management is made up of 25% Female employees and 15% employees who identify themselves as Minorities.
C. General Workforce	Landmark has employees working in over 70 property locations, across 30 States, with 75% of employees residing outside of the Athens/Atlanta, GA area. Landmark's total workforce represents 42% Female employees and 25% Minority employees.

3. Identify your organization's methods of solicitation and utilization of Minority, Woman and Disabled Businesses (M/W/DSBEs). Please be specific in describing outreach and any procurement policies that are focused on creating or sustaining business relationships with M/W/DSBEs.

**We will partner with a 3<sup>rd</sup> party general contractor for this project and will ensure they comply with the EOP requirements. We cannot speak to their practices at this time as the GC is TBD.**

4. What percentage of your company's total spend with vendors and suppliers is attributable to M/W/DSBEs? Please include a list of the largest M/W/DSBEs used by your organization in the last 12 months.

**NONE**

5. Describe any initiatives made by your organization to increase investment and promote equity ownership by minorities and women.

**Our CEO is extremely aware of the benefits of a diverse workforce and recently hired a new head of HR, in part to recruit a more diverse workforce.**

**VI. Responsiveness**

A. The owner shall identify M/W/DSBE commitments and other agreements evidencing their 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 the Owner has 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 dollar/percentage amounts set forth. In calculating the percentage of M/W/DSBE participation, the standard mathematical rules apply in rounding off numbers. In the event of inconsistency between the dollar and percentage amounts listed on the form, the percentage will govern.

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B. 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 become part of and an exhibit to the Agreement resulting from the RFP.

C. OEO will review the owner's commitments for the purpose of determining whether Best and Good Faith Efforts have been made. OEO reserves the right to request further documentation and/or clarifying information at any time during the construction and development of the Project.

## **VII. Compliance and Monitoring of Best and Good Faith Efforts**

A. The owner agrees to cooperate with OEO in its compliance monitoring efforts, and to submit, upon the request of OEO, documentation relative to its implementation of the Plan, including the items described below:

- Copies of signed contracts and purchase orders with M/W/DSBE subcontractors
- Evidence of payments (cancelled checks, invoices, etc.) to subcontractors and suppliers to verify participation; and
- Telephone logs and correspondence relating to M/W/DSBE commitments.
- To the extent required by law, the Owner 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.

### **B. Prompt Payment of M/W/DSBEs**

The owner agrees and shall cause its contractors to ensure that M/W/DSBEs participating on the Project receive prompt payment for their work or supply effort within five (5) days after receipt of payment from the project owner.

### **C. Oversight Committee**

For this Project, an Oversight Committee ("Committee") must be established if the project budget exceeds five million dollars. With the sole discretion of the City, an oversight committee may consist of representatives from the Owner, representatives of the building trades, the construction manager, and the City which may include the Project site's district councilperson, OEO, and appropriate community organizations. The Committee will meet regularly to provide advice for the purpose of facilitating compliance with the Plan.

### **D. Reporting**

The owner 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, the Owner 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) utilization of M/W/DSBEs, 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.

## **VIII. Remedies and Penalties for Non-Compliance**

A. The owner 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 the Owner 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.

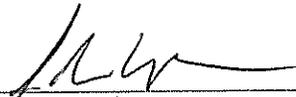
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10/24/19

Date

Aaron Stange  
Development Manager  
Landmark Properties, Inc.



10/29/19

Date

Iola Harper<sup>4</sup>  
Deputy Commerce Director for the Office of Economic Opportunity  
Department of Commerce  
City of Philadelphia

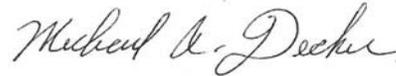
<sup>4</sup> Pursuant to Section 17-1603 (2) of The Philadelphia Code, the representative of the City of Philadelphia's Office of Economic Opportunity, the "certifying agency", certifies that the contents of this Plan are in compliance with Chapter 17-1600.

# City of Philadelphia

*BILL NO. 200602 continued*

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 10, 2020. The Bill was Signed by the Mayor on January 27, 2021.



Michael A. Decker  
Chief Clerk of the City Council