



City of Philadelphia

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

**BILL NO. 190356
(As Amended, 6/12/19)**

Introduced May 2, 2019

Councilmember Johnson

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," to revise certain provisions of Chapter 14-500, entitled "Overlay Zoning Districts," by creating an overlay district entitled "/WOA, West Oregon Avenue Overlay District," 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 14-500. OVERLAY ZONING DISTRICTS

* * *

§ 14-524. /WOA, West Oregon Avenue Overlay District

* * *

(1) Boundaries.

This overlay shall apply to all lots zoned either CMX-3 or CA-1 within an area bounded by Passyunk Avenue, Ritner Street, 22nd Street, Oregon Avenue, Vare Avenue, and 24th Street.

City of Philadelphia

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(2) *Signs.*

The requirements of Section 14-904(1) pertaining to accessory signs shall apply, except as follows:

(a) *Accessory Sign Controls*

(.1) Wall sign area shall not exceed a short-side maximum of 12 square feet per linear foot of building frontage, and shall not exceed a long-side maximum of 9 square feet per linear foot of building frontage;

(.2) Three freestanding signs shall be permitted per building, with maximum heights of 70, 65, and 40 feet, respectively;

(3) *Parking Landscaping and Screening.*

The requirements of Section 14-803(5) pertaining to parking landscaping and screening shall apply, except as follows:

(a) Trees must be provided within the required landscaped area at a rate of at least one tree per 45 ft. of linear frontage. Such trees may be placed at regular or irregular intervals, provided that there is at least 15 ft. of space between tree trunks; and

(b) Internal landscaped areas shall be dispersed on the site to break up the perception of large uninterrupted expanse of pavement. Landscaped areas shall be a minimum of six feet wide. In surface parking lots containing more than 50 parking spaces, interior landscaped areas should be used to break up those spaces into groups of no more than 30 contiguous parking spaces.

* * *

SECTION 2. Zoning designations.

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 Passyunk Avenue, Ritner Street, 22nd Street, Oregon Avenue, Vare Avenue, and 24th Street, from the existing zoning designations indicated on Map A set forth below to the zoning designations indicated on Map B set forth below.

City of Philadelphia

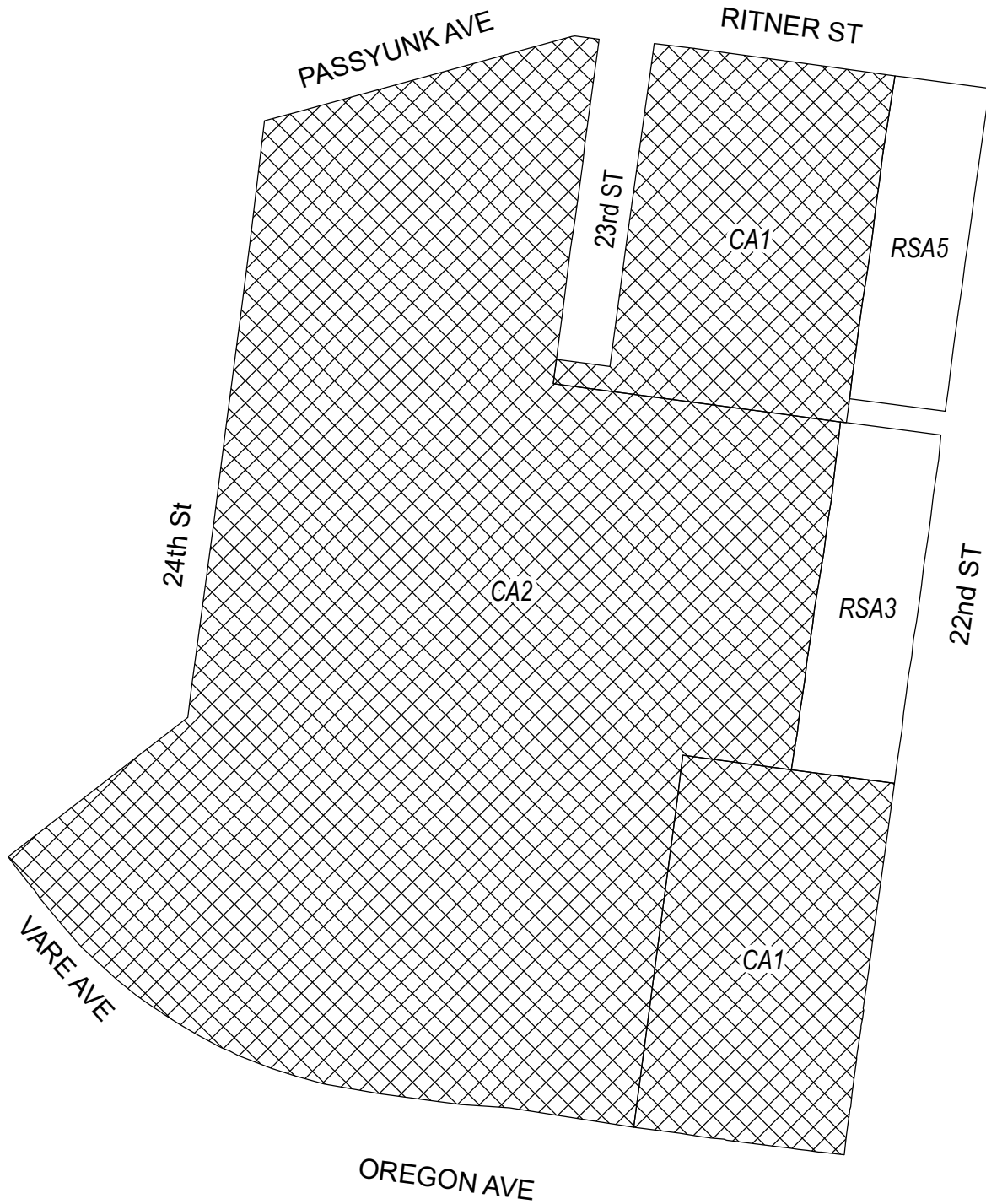
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SECTION 3. This Ordinance shall take effect immediately.


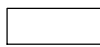
Explanation:

Italics indicate new matter added.

City of Philadelphia Map A Existing Zoning

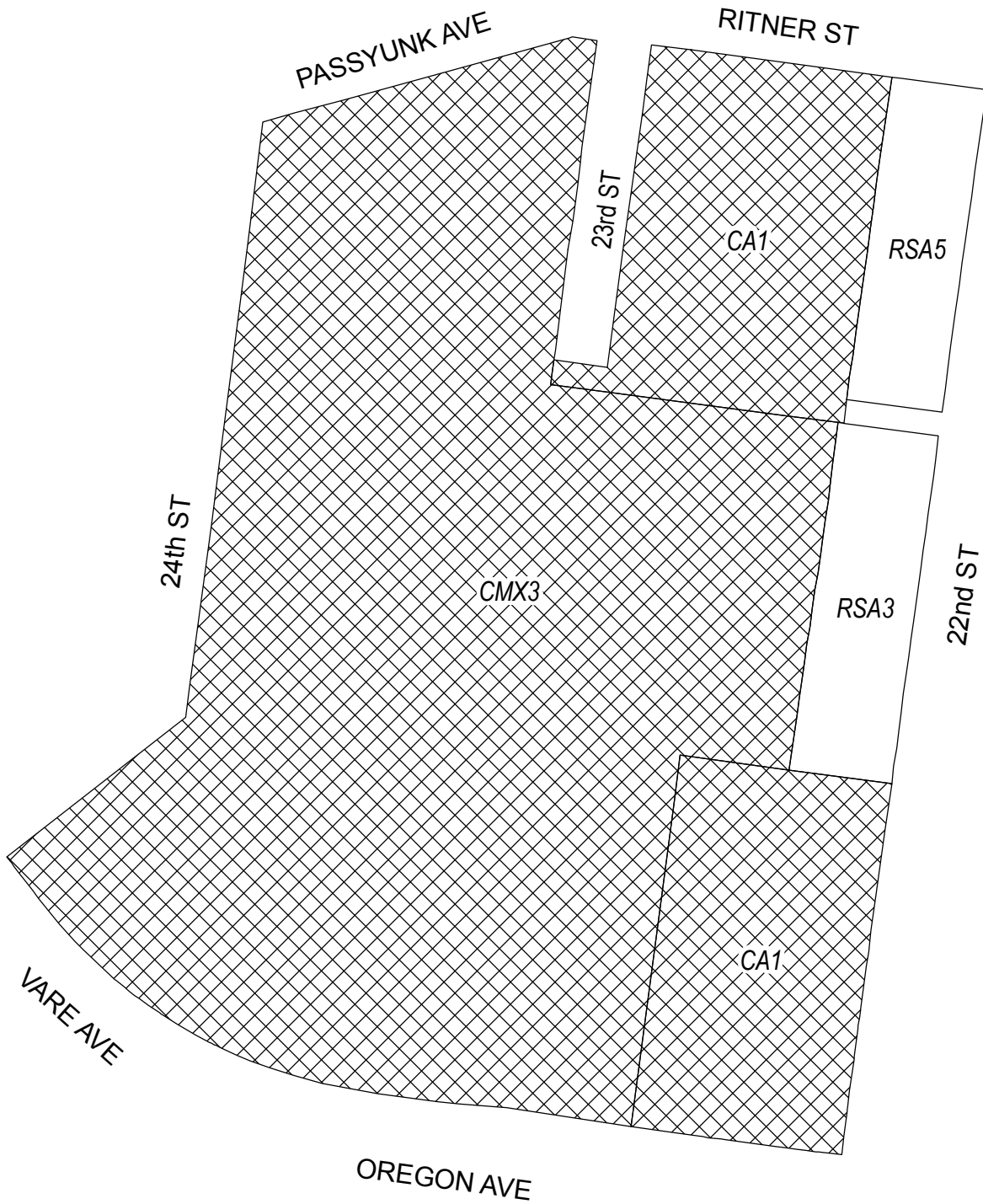


Zoning Districts


-  CA-1/CA-2 Auto-Oriented Commercial
-  RSA-3/RSA-5 Residential Single-Family Attached




Map B Proposed Zoning



Zoning Districts

 CA-1 Auto-Related Commercial; CMX-3 Commercial Mixed-Use

 RSA-3/RSA-5 Residential Single-Family Attached



Project name: South Quarter Crossing
Name of developer: Cedar South Philadelphia, LLC
Headquarters location: 44 South Bayles Avenue, Suite 304, Port Washington, NY 11050
No. employees: 76
Annual revenues: \$3,935,520
Project budget (construction): \$75,000,000
Project budget (professional services): \$4,500,500

**City of Philadelphia
Economic Opportunity Plan**

**SOUTH QUARTER
CROSSING**

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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 **South Quarter Crossing** (the "Project") located at 2301 Oregon Avenue ("the Site") which may include financial investment, design, construction, and operations.

¹ In support of this objective, the City of Philadelphia will require that "**Cedar South Philadelphia**" (comprising Cedar-South Philadelphia I, LLC and Cedar-South Philadelphia II, LLC) (collectively, 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 Owner of the Project..

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. ² 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 <https://phila.mwdsbe.com/>.

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

The property is a 17.26+ acre shopping center, consists of 8 structures, 31 tenant spaces, and 910 accessory, on-site parking spaces, The proposed project involves demolition of all or almost all of the existing structures, and the construction of a collection of new, modern buildings and related existing tenants, the placement of new tenants, and the creation of an on-site, multi-family residential rental component, creating a true mix use commercial, retail, and residential uses.

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

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

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 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	20-25%	15-20%	BGFE	35-45%
Professional Services	15-20%	10-15%	BGFE	25-35%

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: 5% 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

Local Residents
32%

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.

Type of Ownership	% Minority Owned	% Women-Owned	% Disabled Persons
Sole Proprietorship			
Partnership	N/A	N/A	N/A
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	N/A	N/A	N/A
Corporation			

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

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.

The company's diverse workforce is a great asset, and the Company values diversity as a key element of its long-term success. The company recognizes that "diversity" encompasses an infinite range of individual characteristics and experiences. The Company's goal is to create a work environment in which each member of the workforce is treated fairly and with respect and dignity. The Company is firmly committed to providing equal opportunity in all aspects of employment and will not tolerate unlawful discrimination in the workplace. The Company is committed to providing equal employment opportunity to all employees and applicants regardless of race, color, creed, religion, sex, sexual orientation, gender identity, gender

³ 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.

expression, national origin, alienage or citizenship status, age, disability, military or veteran status, marital status, genetic predisposition or carrier status, ancestry, or any other basis protected by applicable law. In addition, the Company is committed to comply with all federal, state, and local laws.

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

A. Directors*	83% White, 17% Black or African American 67% Male, 33% Female Residential Status: All local to corporate and regional office locations
B. Management*	86% White, 14% Black or African American 29% Female, 71% Male Residential Status: All local to corporate and regional office locations
C. General Workforce	Residential Status: All local to corporate and regional office locations

*Percentages refer to independent directors and executive management of Cedar Realty Trust, Inc., the indirect parent of the Owner.

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.

All of the members involved in the project have previous experience in working with methods of solicitation and utilization of Minority, Woman, and Disabled Businesses. We will use best efforts to outreach and procure policies that will create and sustain business relationships with M/W/DSBEs.

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.

N/A

A. Identify the type of goods or services purchased.	N/A
B. Amount of the contract.	N/A
C. Indicate if any of these M/W/DSBEs are listed in the City of Philadelphia's Office of Economic Opportunity Registry.	N/A
D. Are these companies certified as M/W/DSBEs? Do you rely on any particular certifying agency?	N/A
E. If there is no previous M/W/DSBE utilization, the Plan shall contain a statement that explains the reason for the lack of M/W/DSBE participation in past contract(s) or project(s).	N/A

5. The Plan shall contain a statement from the contractor, developer or recipient of financial assistance identifying all City contracts and financial assistance entered into or received by the entity and by any related corporate entities in the three years before execution of the EOP, or such greater amount of time as may be set forth in the record retention requirement of an applicable EOP, that were subject to an EOP that contained M/W/DSBE goals and/or workforce diversity goals. For purposes of this subsection (f.1), "related corporate entities" means any business entity controlled by a person or business with a majority interest in the business agreeing to the EOP.

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.

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
- Correspondence relating to M/W/DSBE commitments (i.e. telephone logs, emails, letters).
- 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 journeymen. 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.



Robin Zeigler
Executive Vice President and Chief Operating Officer
Cedar Realty Trust
44 South Bayles Avenue, Port Washington, NY 11050

6-3-19

Date

Iola Harper⁵

Deputy Commerce Director for the Office of Economic Opportunity
Department of Commerce
City of Philadelphia

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.

City of Philadelphia

BILL NO. 190356, as amended continued