



City of Philadelphia

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

BILL NO. 210474-A
(As Amended on Floor 6/24/2021)

Introduced May 20, 2021

Councilmembers Quiñones Sánchez and Gauthier

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by revising certain provisions of Section 14-702, entitled “Floor Area, Height, and Housing Unit Density Bonuses”; and by making related changes, 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 14-700. DEVELOPMENT STANDARDS.

* * *

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

* * *

(2.1) Eligibility for Height Bonuses.

In order to be eligible for any height bonuses pursuant to this section,

- (a) The property must be located in the /ECO overlay district and be subject to the height restrictions of § 14-519(4)(b);

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(b) The property must be located in the /CDO overlay district and be subject to the height restrictions of § 14-507(6)(b); or

(c) The development [project] must:

(.1) [result] *Result* in the construction of at least three residential dwelling [units] *units*;

(.2) *Meet the conditions of § 14-702(7) by including affordable units on-site in a quantity that satisfies § 14-702(7)(b)(.1); and*

(.3) *The property must be located:*

[.1] (.a) [in] *In an RM-1, or CMX-2 [CMX-2, or CMX-2.5] zoning district; or*

[.2] (.b) [in] *In a CMX-1 zoning district and be subject to a base height limit of 38 feet or less.*

* * *

(7) Mixed Income Housing.

(b) Criteria.

A floor area, height, or dwelling unit density bonus, as applicable, may be earned for developments where at least fifty percent (50%) of the gross floor area will be in residential use (i) by providing affordable housing, provided that the project meets the standards set forth in subsections (.1) through (.5), below; or (ii) if the owner of the property enters into a payment-in-lieu agreement that meets the standards set forth in subsection (.6), below, [except that a development on a lot within both an RM-1 zoning district and the 19146 zip code may not earn a bonus via payment-in-lieu agreement.] *provided that no development with fewer than ten dwelling units may earn these bonuses by entering into any such payment in-lieu agreement.* For [developments] *any development* where less than fifty percent (50%) of gross floor area will be in residential use, these bonuses may be earned, as applicable, if the owner of the property enters into a payment-in-lieu agreement that meets the standards set forth in subsection (.6), below. [This bonus], *The bonuses provided for in this subsection (7) ("Mixed Income Housing") [is] are not available [for developments] to any development that does not meet all applicable standards of this Zoning Code that require the inclusion of one or more non-residential uses on the lot.* [of subsidized housing where fifty-one percent (51%) or more of the dwelling units will be affordable under any of the definitions set forth in subsection (a) ("Affordability"), above.]

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* * *

(.6) The applicable bonus shall be available to a property if the owner enters into a binding agreement with the Department of Planning and Development pursuant to which the owner has tendered to the City, prior to the issuance of a building permit, a payment in lieu of providing affordable housing; and the Department of Planning and Development has agreed, for any development where at least fifty percent (50%) of the gross floor area will be in residential use, to use such money for the purposes set forth in Section 21-1605 ("Trust Fund Assets Held in the Non-Recording Fee Sub-Fund"), and, for any development where less than fifty percent (50%) of the gross floor area will be in residential use, for the purposes set forth in Section 21-1603 ("Creation, Distribution and Use of the Trust Fund's Assets"). The payment shall be calculated as follows:

(.a) For properties located in an RM-2, RM-3, RM-4, RMX-1, RMX-2, RMX-3, IRMX, CMX-3, CMX-4, or CMX-5 zoning district earning a floor area or height bonus, *except for properties that meet the conditions of (.b) or (.c), below*: by multiplying the maximum [additional] total gross floor area allowed (not including any floor area earned through bonuses other than this mixed income housing bonus), [that would be earned through this bonus,] (measured in sq. ft.), by [twenty-five] *eleven dollars and thirty cents* [(\$25,)] (\$11.30), if the owner is seeking the moderate-income bonus, and by [thirty] *fourteen dollars and sixty cents* [(\$30,)] (\$14.60), if the owner is seeking the low-income bonus.

(.b) *For properties located in an RM-2, RM-3, RM-4, RMX-1, RMX-2, RMX-3, IRMX, CMX-3, CMX-4, or CMX-5 zoning district earning a height bonus that are entirely or partially located within a Special Flood Hazard Area: by multiplying the total gross floor area (measured in sq. ft.), by eleven dollars and thirty cents (\$11.30), if the owner is seeking the moderate-income bonus, and by fourteen dollars and sixty cents (\$14.60), if the owner is seeking the low-income bonus.* [For properties located in the /CDO, Central Delaware River Overlay District or the /ECO, East Callowhill Overlay District earning a height bonus:

(.i) For each building, if the owner is seeking the moderate-income bonus, the gross floor area (measured in sq. ft.) of the median story (by gross floor area), multiplied by the additional height that would be earned through the bonus (measured in ft.), multiplied by two dollars (\$2);

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for each building, if the owner is seeking the low-income bonus, the gross floor area (measured in sq. ft.) of the median story (by gross floor area), multiplied by the additional height that would be earned through the bonus, multiplied by two dollars and cents (\$2.50).

(ii) Any addition or expansion that would increase the gross floor area of the median story (by gross floor area) subsequent to the receipt of payment shall require a recalculation based on the new gross floor area of the median story; if the recalculated payment is greater than the sum of the payments already tendered, the owner shall make an additional payment prior to the issuance of a building permit in the amount of the recalculated payment less the sum of the payments already tendered.

(iii) For the purposes of this § 14-702(7)(b)(.6)(b), if there is an even number of stories, the median story shall be calculated by taking the mean of the two stories that are closest to the middle (by gross floor area).

(.c)] (.c) *For properties earning a floor area bonus pursuant to a development that is reviewed in accordance with the provisions of § 14-507(12) (Optional Special Standards, Review, and Exemptions): by multiplying the maximum additional gross floor area that would be earned through this bonus (measured in sq. ft.), by twenty-five dollars (\$25), if the owner is seeking the moderate-income bonus, and by thirty dollars (\$30), if the owner is seeking the low-income bonus.*

(.d) For properties located in an RM-1, CMX-1, CMX-2, or CMX-2.5 zoning district, the [greater of the following:

(i) The lot area of the property, measured in square feet, multiplied by twenty dollars (\$20), if the owner is seeking the moderate-income bonus, and by twenty-four dollars (\$24), if the owner is seeking the low-income bonus;

(ii) The maximum additional] *total number of residential dwelling units allowed, (not including any dwelling units earned through bonuses other than this mixed income housing bonus), [earned through this bonus, after applying all other bonuses earned,] multiplied by [twenty-five] thirteen thousand six hundred dollars [(\$25,000),] (\$13,600), if the owner is seeking the moderate-income*

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bonus, and by [thirty] *seventeen thousand seven hundred*
dollars [(\$30,000),] (*\$17,700*), if the owner is seeking the
low-income bonus.

(c) Bonus Floor Area, Building Height, and Dwelling Unit Density.

* * *

(.2) Dwelling Unit Density Bonuses in this § 14-702 shall be calculated and applied [after] *before* any other bonuses are applied and rounded as indicated in the applicable sections. Whenever the calculation of permitted number of dwelling units, following the application of a bonus described in this § 14-702, results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number.

(.3) Mixed Income Housing Bonus Tables.

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		Additional Building Height		
		/CDO	/ECO	RM-1, CMX-1, CMX-2 {CMX-2, CMX-2.5}
Mixed Income Housing (§ 14-702(7))	Moderate Income	48 ft.	48 ft.	7 ft.
	Low Income	60 ft.	60 ft.	7 ft.

* * *

SECTION 2. Effective date. This Ordinance shall take effect immediately.

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