

## Legislation Text

**File #: 240249, Version: 0**

Amending Title 14 of the Philadelphia Code by amending Section 14-702, entitled “Floor Area, Height, and Dwelling Unit Density Bonuses” to amend provisions related to the Transit Improvements bonus 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

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

\* \* \*

#### (3) Floor Area Bonus Options Summary Table.

The following table summarizes the floor area bonus options in this section. In the event of conflict between the provisions of Table 14-702-1 and the text of this Zoning Code, the text shall govern.

**Table 14-702-1: Floor Area Bonus Summary**

Bonus Category	Additional Gross Floor Area, as Percent of Lot Area (see § 14-701(2) (Residential District Dimensional Tables) and § 14-701(3) (Commercial Districts Dimensional Table) for the maximum allowed base floor area ratios for each district.)									
	RM-2	RM-3, RMX-1	RM-4	RMX-2	IRMX	RMX-3	CMX-3 as in § 14-702 (except in D only)	CMX-3 (within /TC)	CMX-4	CMX-5
* * *										
Transit Improvements (§ 14-702(8))	N/A	N/A	N/A	{N/A} Up to 100%	{N/A} Up to 100%	{N/A} Up to 100%	{N/A} Up to 100%	Up to 100%	Up to 200%	Up to 400%
* * *										

#### (3.1) Building Height Bonus Options Summary Table.

The following table summarizes the building height bonus options in this section. In the event of

conflict between the provisions of Table 14-702-2 and the text of this Zoning Code, the text shall govern.

**Table 14-702-2: Building Height Bonus Summary**

Bonus Category	Additional Building Height		
	/CDO	/ECO	RM-1, CMX-1, CMX-2, CMX-2.5
* * *			
Transit Improvements (§ 14-702(8))	Up to 72 ft.	{N/A} Up to 72 ft.	N/A
* * *			

\* \* \*

(8) Transit Improvements.

*The bonus for transit improvements is a mechanism for expanding and improving access to and use of public transit infrastructure. Qualifying improvements encourage the increased use of public transit, not only by future occupants of the development, but also by other residents, workers, and visitors to the area.*

(a) Criteria.

A floor area bonus or building height bonus, as applicable, may be earned by *constructing, improving, connecting or significantly improving access* to [constructing or extending] a public [rail, subway, or trolley] transit *facility* [station or stop, concourse, or water taxi station,] provided that the project meets the [following standards:] *standards below. For the purposes of this section, a public transit facility includes any rail stop or station, including any underground concourses or connections that provide access to that station; any water taxi stop; any intercity bus station; and any bus or trolley stop that is located within 500 feet of a rail stop or station, includes permanent structures outside of the right-of-way, or includes dedicated passenger infrastructure.*

(.1) The applicant shall submit a *signed agreement* [letter] from the appropriate transit authority [confirming that the transit authority approves the portion of the project that will be constructed on its property.]. *Such agreement shall include a description of the qualifying improvements, a construction schedule for such improvements by the applicant or transportation partner, the total hard costs for the development, the total cost of the qualifying improvement, and (if different from the total cost), the amount of funding that the applicant will provide toward the total cost of the project.*

(.2) Qualifying improvements made by the applicant may include any of the following:

(a) New access easements or improvements to connecting passageways, mezzanines, or concourse areas;

(b) Constructing a new [rail, subway, trolley] *rail* transit or water taxi station;

(c) Extending the concourse of an existing [rail, subway, or trolley transit station or expanding an existing water taxi station] *public transit facility*;

(d) Permanent structural *improvements* [improvements, not including routine maintenance or repairs,] to an existing [rail, subway, trolley] *public transit facility or dedicated accessway to such a facility*, [transit, or water taxi station or stop,] *including, but not limited to, the introduction of significant public amenities (subject to approval by the Commission), and not including routine maintenance or repairs; [or]*

(e) *Permanent streetscape* [Streetscape] *improvements or permanent roadway improvements* in excess of the minimum code requirements that *are explicitly designed to enhance pedestrian and bicycle connections to an existing [rail, subway, trolley transit, or water taxi] public transit facility or improve the speed or safety of transit operations at an existing public transit facility.* [station or stop.]

(i) Streetscape improvements provided to earn the transit improvement bonus shall be approved by the Commission for the provision *or substantial enhancement* of safe and attractive pedestrian and bicycle routes to transit.

(ii) *Roadway improvements provided to earn this bonus shall be approved by both the Commission and the appropriate transit authority for the substantial enhancement of transit access to the public transit facility.*

(iii) *No zoning permit shall be issued for any development that earns a bonus under the conditions of this paragraph (e) unless a maintenance agreement for the qualifying improvement has been executed by the applicant and approved by the Law Department and the entity responsible for providing the maintenance.*

(iv) *No zoning permit shall be issued for any development that earns a bonus under the conditions of this paragraph (e) unless the Art Commission either approves the permanent streetscape or roadway improvement or confirms that the improvement is not subject to its review.*

(3) *Qualifying improvements must be located within 1,320 ft of the lot, or a portion of the lot, earning this bonus, except within [For] the /CDO overlay district, where [transit] qualifying improvements [may] must be located within 1,320 ft. of the boundaries of the overlay district.*

(4) The applicant shall *agree, in form satisfactory to the Department of Planning and Development, to post a bond or letter of credit in an amount equal to one hundred percent (100%) of the estimated cost of constructing the transit [improvements] improvements. No building permit shall be issued until the applicant posts said bond or letter of credit*

in a form and with financial entities acceptable to the City or its designee. [The required transit improvements must be completed upon issuance of the] *The Certificate of Occupancy shall not be issued for the first permanent structure on the property [property,] unless the qualifying improvement is completed, as certified by the appropriate transit authority; in such case, the bond or letter of credit must be kept in force until the completion of the required improvements. Alternatively, if the qualifying improvement is to be constructed by the transportation partner, the Certificate of Occupancy for the first permanent structure on the property shall not be issued until that partner certifies that the applicant has provided all agreed-upon funding for that project.*

*(.5) Failure to comply with any provision of a signed agreement required by § 14-702(8)(a)(.4) shall, in addition to any other remedies available by law, be grounds for:*

*(.a) Revocation of any building permit, certificate of occupancy or rental license and the prohibition of renewal of any such permits, certificates, or licenses.*

*(.b) A fine of five hundred dollars (\$500) per day of noncompliance.*

(b) Bonus Floor Area or Building Height.

The additional gross floor area or building height earned by providing transit improvements is:

Additional Gross Floor Area, as Percentage of Lot Area			Additional Building Height
<i>RMX-2, RMX-3, IRMX, CMX-3 {(within /TOD only)}</i>	<i>CMX-4</i>	<i>CMX-5</i>	<i>/ECO, /CDO</i>
25% of lot area per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 100% of lot area	50% of lot area per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 200% of lot area	100% of lot area per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 400% of lot area	12 ft. per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 72 ft.

(c) *Reductions in Parking Minimums.*

*(.1) For any lot that earns a Transit Improvements bonus, any parking requirement otherwise applicable under § 14-802(2) (Required Parking in Residential Districts), § 14-802(3) (Required Parking in Commercial Districts), or §14-802(4) (Required Parking in Industrial Districts) shall be reduced by five spaces or by fifty percent (50%), whichever reduction is greater.*

*(.2) For any lot that earns a Transit Improvements bonus and is located within the /TOD, Transit Oriented Development Overlay District, the /MIN, Mixed-Income Neighborhoods Overlay District, or both, any parking requirement otherwise applicable under § 14-802(2) (Required Parking in Residential Districts), § 14-802(3) (Required Parking in Commercial Districts), or § 14-802(4) (Required Parking in Industrial*

*Districts) shall instead be zero.*

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CHAPTER 14-800. PARKING AND LOADING

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§ 14-802. Motor Vehicle Parking Ratios.

\* \* \*

(8) Adjustments and Alternatives.

The minimum parking requirements listed in this Chapter 14-800 may be adjusted as follows:

\* \* \*

(e) *Transit Improvements*

*In addition to the parking adjustments permitted in subsections (a) through (d), above, further reductions in the number of required spaces are available under Section § 14-702 (8) for lots that earn a bonus for the provision of Transit Improvements.*

(f) Provision of Bicycle Parking.

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SECTION 2. This Ordinance shall take effect immediately.