



City of Philadelphia

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

BILL NO. 080588

Introduced June 19, 2008

Councilmember Clarke

**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 Arch Street, 18th Street, Cuthbert Street, and 19th Street, by amending Section 14-305 of the Zoning Code entitled "C-4" Commercial and "C-5" Commercial District and by amending Section 14-1611 of the Zoning Code, entitled "Benjamin Franklin Parkway Controls", under certain terms and conditions.

WHEREAS, the 1800 block of Arch Street has been a parking lot for more than 25 years; and

WHEREAS, MEPT partners have proposed the development of this block with an iconic, world class building to be known as the American Commerce Center; and

WHEREAS, this site has been zoned for high rise commercial development since the City of Philadelphia adopted its first Zoning Code; and

WHEREAS, the American Commerce Center development includes an office tower, a hotel, retail space and off-street parking; and

WHEREAS, the a Floor Area Ratio of the proposed American Commerce Center is 27.5, exceeding the current requirements of the Zoning Code; and

WHEREAS, over 45,000 square feet of public space at various levels of the building is included in the development plan; and

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WHEREAS, that public space also includes an elevated public plaza that includes sculpture, a fountain and is located immediately adjacent to an all weather public exhibition space; and

WHEREAS, the American Commerce Center development includes the construction of an extension of the existing SEPTA public transit concourse, providing new public connections to the concourse at 18th Street and 19th Street as well as to the American Commerce Center; and

WHEREAS, the development includes a proposal to close the 1800 block of Cuthbert Street to provide for better access to and management of the loading and servicing areas for the American Commerce Center and the Sterling apartment building; and

WHEREAS, the American Commerce Center includes the development of a five star hotel which will support the expansion of the Pennsylvania Convention Center; and

WHEREAS, the American Commerce Center development includes over 300,000 square feet of new retail commercial space to serve residents of the community, occupants of the building as well as the general public; and

WHEREAS, the American Commerce Center will provide all of its parking underground; and

WHEREAS, the American Commerce Center has been designed by the world renowned architecture firm of Kohn, Pederson, Fox, world leaders in the design of tall, monumental buildings; and

WHEREAS, the American Commerce Center is designed to meet LEED Gold specifications and includes such building design elements as greywater recycling, stormwater capture and use, sustainable materials, bicycle racks and showers, improved indoor air quality, advanced daylighting, green power, urban plazas and active streetscapes; and

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WHEREAS, the construction of the American Commerce Center will provide over 1,000 construction jobs for a period of 36 months; and

WHEREAS, the development of the American Commerce Center provides the City of Philadelphia with an opportunity to attract new office tenants and new jobs to the City of Philadelphia; and

WHEREAS, prior to any public hearing on this Ordinance, MEPT Partners shall provide to City Council documentation of all meetings held with the community to ensure that the community process has been thorough; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-300 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 14-300. COMMERCIAL DISTRICTS.

* * *

§14-305. “C-4” Commercial and “C-5” Commercial Districts.

* * *

(4) Area Regulations. These regulations are intended to encourage mixed-use development that is sympathetic to and compatible with the existing pattern of development. Their goal is to protect and reinforce the historic scale of certain areas and to ensure the continuity of use and architectural scale in other areas. These regulations recognize that some areas of Center City are more appropriate than other areas for the erection of tall, dense buildings and, therefore, encourage such development in some areas while discouraging it in others. These regulations are intended to ensure that new development creates lively, well lit, attractive and useable sidewalks and public spaces and to encourage the creation of unique and exciting new areas of public enjoyment.

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* * *

(c) Open Area Above Ground Level. In order to prevent the entire street and adjoining sidewalks and public spaces from being placed in constant shadow, buildings should occupy less of the area of the lot as they become taller. These controls should be established to enhance the utility of public space as well as the public sidewalk by providing for the penetration of sunlight and air. Therefore, development controls which require that the upper floors of buildings occupy no more than thirty percent (30%) to seventy-five percent (75%) of the lot area, are imposed as follows, provided, that when lots are located in areas which are subject to other more restrictive height and bulk controls set forth in other Sections of this Title, the most restrictive regulations shall apply:

* * *

(.2) Buildings in excess of the basic allowable gross floor area, as provided herein, (on lots designated class "C-4" Commercial, exceeding a F.A.R. of five hundred percent (500%) and on lots designated class "C-5" Commercial, exceeding a F.A.R. of one thousand two hundred percent (1,200%) and which are over three hundred feet in height above the average ground level:

* * *

(e) From seven hundred feet above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than thirty percent (30%) of the lot, or buildings, including mechanical space, over seven hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot, shall not exceed forty percent (40%) of the lot, *provided, that in the area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street, buildings, including mechanical space, over seven hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot shall occupy no more than forty-eight and one-half percent (48.5%) of the lot.*

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(10) Incentive Floor Area.

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(a) Conditions. In order to obtain incentive floor area all of the following conditions must be met;

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(.2) The lot must have frontage along one of the following streets:

* * *

(.e) The south side of Arch Street between 18th Street and 19th Street.

(.3) Incentive gross floor area may be aggregated by meeting more than one (1) of the following requirements, provided, that the amount of incentive gross floor area permitted on any lot shall not exceed a ratio greater than four hundred percent (400%) of the lot area, *provided that in the area bounded by Arch Street, 18th Street, Cuthbert Street and 19th Street, the amount of incentive gross floor area permitted on any lot shall not exceed a ratio greater than seven hundred fifty percent (750%) of the lot area.*

(b) Exceptional Public Benefit. The following listed spaces when provided on a lot as part of the development of the lot, shall be considered to be of exceptional public benefit when the space complies with all of the requirements imposed upon it, as set forth herein, provided that incentive gross floor area shall be permitted on the lot only at the ratios listed below:

* * *

(.8) Construction of New Connections to the Public Transit Concourse. The creation of new connections to the Public Transit Concourse from the block bounded by Arch Street, 18th Street, Cuthbert Street and 19th Street shall be permitted incentive gross floor area in the amount of three hundred and eighty percent (380%) of the lot area;

(.9) Sustainable Development Features. In order to facilitate the construction of the block bounded by Arch Street, 18th Street, Cuthbert Street and 19th Street, incentive gross floor area shall be permitted in accordance with the following requirements:

(.a) Language satisfactory to the Law Department and the Philadelphia City Planning Commission that the proposed development will earn at least a LEED Gold rating or a substantially equivalent standard shall be included in the Plan of Development at such time the Plan is considered by the Planning Commission;

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(.b) A development containing 100% of the following sustainable building features shall receive incentive gross floor area in the amount of two hundred percent (200%) of the lot area:

Healthy Building Features:

- *Advanced Daylighting*
- *Improved Indoor Air Quality*
- *Improved Indoor Environmental Air Quality*
- *Maximum Open Space*

Energy Efficiency and Conservation:

- *Energy Efficient Building Systems*
- *High Performance Façade*
- *High Efficiency Lighting*
- *Building Controls and Monitoring*
- *Green Power*
- *Green Tenant Guideline*

Community Connectivity:

- *Public Amenities*
- *Urban Plaza*
- *Active Streetscape*
- *Green Building Education*

Water Resources:

- *Low-flow Fixtures*
- *Greywater Recycling*
- *Stormwater Capture and Use*
- *Water Retention and Filtration*

Materials and Resources:

- *Recycled Content*
- *Recycling Program*
- *Regional Materials*

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- Sustainable Material Selection
- Construction Waste Management

Sustainable Transportation:

- Public Transportation Access
- Alternative Transportation Facilities

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SECTION 2. Chapter 14-1600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 14-1600. MISCELLANEOUS.

* * *

§14-1611. Benjamin Franklin Parkway Controls.

* * *

(3) Special Height Control District.

(a) No building within the following boundaries shall exceed one hundred twenty-five (125) feet in height:

(.1) The area bounded by the Schuylkill River, John F. Kennedy Boulevard, North 23rd Street, Arch Street, North 22nd Street, Walden Street, North 21st Street, Cuthbert Street, North 18th Street, Vine Street, Franklin Town Boulevard, North 17th Street, Brandywine Street, North 21st Street, Fairmount Avenue, North 22nd Street, and Aspen Street, following a line extending from the center line of Aspen Street west to the Schuylkill River;

(.a) The area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street shall not be subject to the provisions of paragraph 14-1611(3)(a)(.1) above;

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SECTION 3. No zoning permits shall issue with respect to any property rezoned by this Ordinance unless:

(1) The applicant shall have first submitted to the City Planning Commission, and the City Planning Commission shall have approved, a Plan of Development in accordance with this Ordinance, which shall be approved by the Commission only if such Plan of Development includes an impact study and the Commission, in its discretion, has determined that the Plan of Development provides for development appropriate in scale, density, character and use within the surrounding community.

(2) The City Planning Commission certifies that the requested permits are in conformity with the approved Plan of Development.

SECTION 4. Economic Opportunity Plan. An Economic Opportunity Plan, comporting with the requirements of Chapter 17-1600 of The Philadelphia Code, shall be submitted.

SECTION 5. Sunset provision.

(1) This Ordinance shall lapse on June 16, 2010, unless, on or before such date, either:

(a) A building permit has been issued pursuant to a Plan of Development approved pursuant to Section 3 hereof; provided, further, that, should such building permit or any zoning permit issued pursuant to an approved Plan of Development expire due to a failure to construct, this Ordinance shall lapse at such time; or

(b) The City Planning Commission has granted an extension of up to one (1) year upon a determination by the Commission that the applicant is making substantial progress toward completion of the approved Plan of Development.

SECTION 6. This Ordinance shall not take effect with respect to any parcel re-zoned by this Ordinance until the City Planning Commission certifies to the Department of Licenses and Inspections and the Chief Clerk of Council that the Commission has approved a Plan of Development for such parcel.

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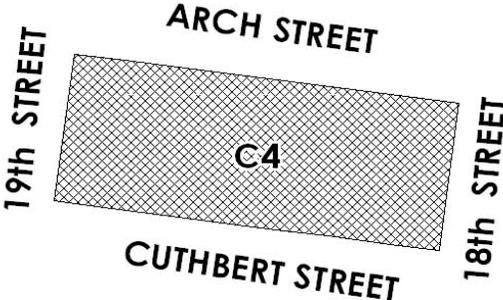
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SECTION 7. Pursuant to Section 14-103 of The Philadelphia Code, The Philadelphia Zoning Maps are hereby amended by changing the zoning designations of certain areas of land within an area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street, from the existing zoning designations indicated on Map “A” set forth below to the zoning designations indicated on Map “B” set forth below.

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MAP A EXISTING ZONING



Legend

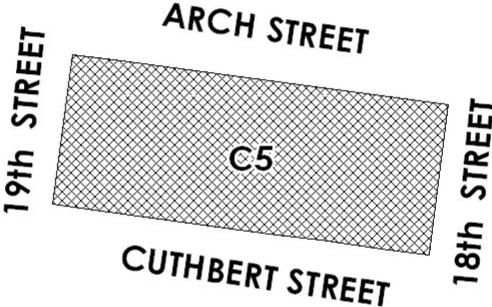
 C4 Commercial



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MAP B PROPOSED ZONING



Legend

 C5 Commercial



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Explanation:

Italics indicate new matter added.