

City of Philadelphia



(Bill No. 070867)

AN ORDINANCE

Authorizing Brandywine Cira South, L.P., owner and developer for the Cira Centre South, bounded by Walnut Street, 30th Street, Chestnut Street and Schuylkill Avenue, to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development, under certain terms and conditions.

WHEREAS, Brandywine Cira South, L.P. located at 2929 Arch Street, Philadelphia, PA 19104 is the owner and developer for the Cira Centre South building located at 2970 Chestnut Street, Philadelphia, PA; and

WHEREAS, Brandywine Cira South, L.P. has requested permission to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development and streetscape project; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Brandywine Cira South, L.P., its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

Building Encroachments

Rigid Canopy on Chestnut Street:

The proposed canopy is approximately ten feet (10') wide, and has a minimum height of approximately twelve feet (12'). The canopy projects approximately ten feet (10') onto the south footway of Chestnut Street leaving approximately eight feet (8') clear from the curbline. The centerline of the canopy is located approximately one hundred and twenty feet (120') east of the east curbline of 30th Street.

Rigid Canopy on 30th Street:

The proposed canopy is approximately ten feet (10') wide, and has a minimum height of approximately twelve feet (12'). The canopy projects approximately ten feet (10') onto the east footway of 30th Street leaving approximately two feet (2') clear from the curbline. The centerline of the canopy is located approximately one-hundred and seventy-two feet (172') south of the south curbline of Chestnut Street.

Architectural Entrance Canopy On Walnut Street:

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At the entrance to the Walnut Street side of the development, an architectural entrance assembly is proposed. This canopy is at various widths with the most at approximately eighteen feet (18') located at the centerline with a minimum height of approximately seventeen feet (17'). The centerline of the canopy is located approximately one-hundred and fifteen feet (115') east of the east curbline of 30th Street.

Sidewalk Café:

The proposed open-air sidewalk café, located at the southeast corner of 30th and Walnut Streets, will consist of twelve (12) tables to accommodate forty-eight (48) occupants. The tables are approximately four feet (4') long by two feet (2') wide. The tables may be placed at locations chosen by the owner, but shall leave sufficient clear footway as determined by the Streets Commissioner, in his or her sole discretion.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Brandywine Cira South, L.P. must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provision of law governing the issuance of such permits, licenses or approvals. In addition, Brandywine Cira South, L.P. shall enter into an agreement ("Agreement") with the appropriate City department(s), satisfactory to the Law Department, to provide that Brandywine Cira South, L.P. shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure compliance with all of the terms and conditions of this Ordinance and the aforementioned agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the construction, use or maintenance of the canopies and an open-air sidewalk café on, under and over the footway of Chestnut, 30th and Walnut Streets;

(c) comply with the provisions of The Philadelphia Code, thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

(d) agree in writing that when, at the determination of the City of Philadelphia, the canopies and the open-air sidewalk café on, under and over the footway of Chestnut, 30th and Walnut Streets necessitates relocation and/or removal of any utility or structure, either publicly or privately owned, Brandywine Cira South, L.P. will absorb all costs and expenses for the performance of such work at no cost to the City;

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(e) remove the canopies and open-air sidewalk café on, under and over the footway of Chestnut, 30th and Walnut Streets within thirty (30) days upon service of lawful written notice from the Streets Department;

(f) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that Brandywine Cira South, L.P. is self-insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania; and

(g) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public right-of-way of any affected streets aforesaid.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Brandywine Cira South, L.P. to construct, use and maintain canopies and an open-air sidewalk café on, under and over the footway of Chestnut, 30th and Walnut Streets shall expire without any further action by the City of Philadelphia if Brandywine Cira South, L.P. has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this Ordinance becomes law.

SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00) is paid into the City Treasury within one hundred and twenty (120) days after this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 15, 2007. The Bill was Signed by the Mayor on November 29, 2007.

A handwritten signature in black ink, reading "Patricia Rafferty". The signature is written in a cursive style with a large, stylized "P" and "R".

Patricia Rafferty
Chief Clerk of the City Council