

City of Philadelphia



(Bill No. 040516)

AN ORDINANCE

Granting permission to Starbucks Coffee Company, tenant of the property located at 2201-19 S. Broad Street, to operate and maintain an open air sidewalk café on the east footway of S. Broad Street south of Jackson Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Starbucks Coffee Company, 1055 West Lakes Drive, Suite 300, Berwyn, PA 19312, tenant of the property located at 2201-19 S. Broad Street, to operate and maintain an open air sidewalk café as follows:

Four (4) circular tables approximately thirty inch (30") diameter with closeable umbrellas approximately five feet (5') square encroach approximately seven feet (7') onto the east footway leaving approximately fifteen feet (15') of clear footway for pedestrians. The first table is located approximately two hundred and ten feet (210') south of the south curb line of Jackson Street and the last table approximately two hundred and thirty feet (230') south of the south curb line of Jackson Street. The ADA table is approximately three feet (3') long by two feet (2') wide and will be placed within the café area as needed.

SECTION 2. Before exercising any rights or privileges under this ordinance, Starbucks Coffee Company 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, Starbucks Coffee Company shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the Law Department that shall:

- 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 from damages which may arise directly or indirectly as a result of the open air sidewalk cafe;
- c) submit documentation in a form acceptable to the Law Department that

City of Philadelphia

BILL NO. 040516 continued

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the owner of the property located at 2201-19 S. Broad Street, has no objection to Starbucks Coffee Company operating and maintaining an open air sidewalk café on the footways adjacent to the property 2201-19 S. Broad Street, Philadelphia, PA 19102.

d) 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;

e) agree in writing that when, at the determination of the City of Philadelphia, the open air sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Starbucks Coffee Company will absorb all costs and expenses for the performance of such work at no cost to the City;

f) insure that the four (4) tables for the open air sidewalk cafe encroach no more than a maximum of approximately two feet (2') onto the east footway of S. Broad Street, adjacent to 2201-19 S. Broad Street;

g) 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; and

h) remove the open air sidewalk cafe within thirty (30) days upon service of lawful written notice from the Streets Department.

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

SECTION 4. The permission granted to Starbucks Coffee Company to maintain and operate an open air sidewalk cafe on the east footway of S. Broad Street, adjacent to the property at 2201-19 S. Broad Street, shall expire without any further action by the City of Philadelphia if Starbucks Coffee Company has not entered into the Agreement and satisfied all requirements of the Agreement 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), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this ordinance becomes law.

City of Philadelphia

BILL NO. 040516 continued

Certified Copy

City of Philadelphia

BILL NO. 040516 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 3, 2004. The Bill was Signed by the Mayor on June 21, 2004.



Patricia Rafferty
Chief Clerk of the City Council