

City of Philadelphia



(Bill No. 070263)

AN ORDINANCE

Authorizing Northern Star Developments LLC, 5 Eiker Road, Cranberry, NJ 08512, owner of the property at 1617 N. 2nd Street, Philadelphia, PA 19122, to construct, own and maintain multi-level bays and balconies as part of the Oxford Mews residential development project, under certain terms and conditions.

WHEREAS, Northern Star Developments LLC owns the property located at 1617 N. 2nd Street, Philadelphia, PA 19122; and

WHEREAS, Northern Star Developments LLC's proposal for the multi-level bays and balconies exceed the dimensional requirements contained in the Philadelphia Code at Title 11, Chapter 11-600, Section 11-603(4); and

WHEREAS, Northern Star Developments LLC has requested permission to construct, own and maintain multi-level bays and balconies as part of the Oxford Mews residential development project, which is located at 1617 N. 2nd Street, Philadelphia, PA 19122; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Northern Star Developments LLC, owner of the property at 1617 N. 2nd Street, Philadelphia, PA 19122, is hereby authorized to construct, own and maintain multi-level bays and balconies as part of the Oxford Mews residential development, located at 1617 N. 2nd Street, Philadelphia, PA 19122. The proposed multi-level bays and balconies exceed the dimensional requirements in The Philadelphia Code at Title 11, Chapter 11-600, Section 11-603(4). Pursuant to this ordinance, Northern Star Developments may construct, own and maintain multi-level bays and balconies as follows:

N. Hancock Street between Oxford Street and Turner Street (Lots 1, 2, 11, 12, and 13)

The multi-level bays and balconies project a maximum of approximately two feet six inches (2'-6") over the public sidewalk at the second and third story levels at a maximum length of approximately sixteen feet (16'-0").

N. Hancock Street between Oxford Street and Turner Street (Lots 3, 4, 5, 6, 7, 8, 9, and 10)

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The multi-level bays and balconies project a maximum of approximately three feet (3'-0") over the public sidewalk at the second and third story levels at a maximum length of approximately eighteen feet (18'-0").

**W. Oxford Street between Hanock Street and N. 2nd Street
(Lots 14, 15, 16, 17, 18, and 19)**

The multi-level bays and balconies project a maximum of approximately two feet six inches (2'-6") over the public sidewalk at the second and third story levels at a maximum length of approximately fifteen feet six inches (15'-6").

**W. Oxford Street between Hanock Street and N. 2nd Street
(Lot 22)**

The multi-level bays and balconies project a maximum of approximately three feet (3'-0") over the public sidewalk at the second, third and fourth story levels at a combined maximum length of one hundred and forty-three feet (143'-0").

**N. 2nd Street between Oxford Street and Turner Street
(Lot 22)**

The multi-level bays and balconies vary in projection from approximately one foot (1'-0") to three feet (3'-0") over the public sidewalk at the second, third, and fourth story levels at a combined maximum length of one hundred and forty-three feet (143'-0").

SECTION 2. The construction, use and maintenance of the multi-level bays and balconies listed in Section 1 shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections and the Department of Streets, provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Northern Star Developments LLC must first obtain or have their contractor(s) 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, before exercising any rights and privileges under this Ordinance, Northern Star Developments LLC shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the Law Department, to provide that Northern Star Developments LLC, *inter alia*:

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- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the multi-level bays and balconies without cost or expense to the City and shall restore the cartway and footways of N. Hancock Street, W. Oxford Street and N. 2nd Street at no cost and expense to the City of Philadelphia when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the multi-level bays and balconies or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Northern Star Developments LLC self-assumes liabilities and obligations normally covered by Surety Bond;
- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. 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;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may be necessary by the reason of the construction of the multi-level bays and balconies;
- (e) 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 Northern Star Developments LLC 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;
- (f) insure that all construction contractors for the multi-level bays and balconies carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be reasonably satisfactory to the Law Department; and

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- (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.

SECTION 4. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to Northern Star Developments LLC to construct, own and maintain the multi-level bays and balconies described in Section 1 shall expire without any further action by the City of Philadelphia if Northern Star Developments LLC has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date 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 June 14, 2007. The Bill was Signed by the Mayor on September 20, 2007.



Patricia Rafferty
Chief Clerk of the City Council