

## Legislation Text

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**File #:** 010109, **Version:** 0

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Authorizing Neil Stein, d/b/a Meal Ticket, owner of the Avenue B Restaurant, tenant of the property located at 260 South Broad Street, Philadelphia, PA 19102, to construct and maintain various encroachments in, on, over and under the west footway of Broad street and the north footway of Spruce street adjacent to the property 260 South Broad street, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Permission is hereby granted to Neil Stein d/b/a Meal Ticket owner of the Avenue B Restaurant a tenant of the property 260 South Broad Street, Philadelphia, PA 19102 (owned by ITW Realty Fund III, L.P. 1528 Walnut Street, 9th Floor, Philadelphia, PA 19102, c/o Jones Lange LaSalle America Inc. Mezzanine Level, 260 South Broad Street, Philadelphia, PA 19102), to construct and maintain the following encroachments adjacent to the property 260 South Broad street:

(a) An electrified marquee with icon sign located over the west footway of Broad street with an approximate length of fifteen feet (15'), with the centerline located approximately forty-one feet (41') north of the north curb line of Spruce street, projecting a maximum of approximately seven feet, six inches (7'-6") over the west footway of Broad street, with the lowest point being approximately eight feet, seven inches (8'-7") above the footway, and with the highest point being approximately twenty-one feet above the footway, for an overall height of approximately twelve feet (12');

(b) Two (2) rigid awnings, projecting a maximum of approximately six feet (6') over the west footway of Broad street; each with an approximate length of twelve feet (12'), an approximate overall height of five feet (5'), and a minimum vertical clearance of eight feet, six inches (8'-6") above the footway. The centerline of each rigid awning will be offset north of the north curb line of Spruce street at the following distances:

- i. twenty-five feet (25')
- ii. fifty-seven feet (57');

(c) Six (6) rigid awnings projecting a maximum of approximately six feet (6') over the north footway of Spruce street; each with an approximate length of twelve feet (12'), an approximate overall height of five feet (5'), and a minimum vertical clearance of eight feet, six inches (8'-6") above the footway. The centerline of each rigid awning will be offset west of the west curb line of Broad street at the following distances:

- i. thirty-three feet (33')
- ii. forty-nine feet (49')
- iii. eighty-three feet (83')
- iv. one hundred and one feet (101')
- v. one hundred and nineteen feet (119')
- vi. one hundred and twenty-eight feet (128');

(d) Two (2) infrared heating units, mounted on the building façade under each rigid awning over the west footway of Broad street. Each infrared heating unit will project a maximum of approximately one foot (1') over the footway with an approximate minimum vertical clearance of twelve feet (12') above the footway. The

centerline of each heating unit will be offset north of the north curb line of Spruce street at the following distances:

- i. twenty-five feet (25')
- ii. fifty-seven feet (57');

(e) Six (6) infrared heating units, mounted on the building façade under each rigid awning over the north footway of Spruce street. Each infrared heating unit will project a maximum of approximately one foot (1') over the footway with an approximate minimum vertical clearance of twelve feet (12') above the footway. The centerline of each heating unit will be offset west of the west curb line of Broad street at the following distances:

- i. thirty-three feet (33')
- ii. forty-nine feet (49')
- iii. eighty-three feet (83')
- iv. one hundred and one feet (101')
- v. one hundred and nineteen feet (119')
- vi. one hundred and twenty-eight feet (128');

(f) Two (2) custom iron flower boxes mounted to the building façade over each rigid awning over the west footway of Broad street. Each flower box will project a maximum of approximately one foot, three inches (1'-3") over the footway with an overall length of approximately twelve feet, two inches (12'-2") and an overall height of approximately ten inches (10"). The minimum vertical clearance of each flower box will be approximately thirteen feet, two inches (13'-2") above the footway. The centerline of each flower box will be offset north of the north curb line of Spruce street at the following distances:

- i. twenty-five feet (25')
- ii. fifty-seven feet (57');

(g) Six (6) custom iron flower boxes mounted to the building façade over each rigid awning over the north footway of Spruce street. Each flower box will project a maximum of approximately one foot, three inches (1'-3") over the footway with an overall length of approximately twelve feet, two inches (12'-2") and an overall height of approximately ten inches (10"). The minimum vertical clearance of each flower box will be approximately thirteen feet, two inches (13'-2") above the footway. The centerline of each flower box will be offset west of the west curb line of Broad street at the following distances:

- i. thirty-three feet (33')
- ii. forty-nine feet (49')
- iii. eighty-three feet (83')
- iv. one hundred and one feet (101')
- v. one hundred and nineteen feet (119')
- vi. one hundred and twenty-eight feet (128');

(h) Six (6) iron planters located on the north footway of Spruce street against the building façade, projecting approximately three feet (3') into and on the north footway of Spruce street. Each planter will have any approximate length of three feet (3'), approximate width of three feet (3') and approximate height of three feet (3'). The centerline of each planter will be offset west of the west curb line of Broad street at the following distances:

- i. forty feet (40')
- ii. fifty-seven feet (57')
- iii. seventy-three feet (73')
- iv. ninety-one feet (91')
- v. one hundred and seven feet (107')
- vi. one hundred and twenty-four feet (124');

(i) Six (6) iron trellis decorative panels mounted to the building façade along Spruce street above each iron planter and projecting approximately three inches (3") over the north footway of Spruce street. Each trellis will have an approximate length of three feet (3') and an approximate overall height of ten feet (10'). Each trellis will be mounted to the building façade with the lower edge being approximately three feet (3') above the footway. The centerline of each trellis will be offset west of the west curb line of Broad street at the following distances:

- i. forty feet (40')
- ii. fifty-seven feet (57')
- iii. seventy-three feet (73')
- iv. ninety-one feet (91')
- v. one hundred and seven feet (107')
- vi. one hundred and twenty-four feet (124');

(j) Three (3) wood service stand counters, located on the north footway of Spruce street next to three (3) of the iron planters, projecting a maximum of approximately three feet (3') over the north footway of Spruce street. Each counter will have an approximate length of three feet (3'), an approximate width of three feet (3') and an approximate height of three feet (3'). The centerline of each wood service stand counter will be offset west of the west curb line of Broad street at the following distances:

- i. forty feet (40')
- ii. ninety-one feet (91')
- iii. one hundred and twenty-four feet (124');

(k) Three (3) electrical/cable junction boxes located above the north footway of Spruce street beside three (3) of the iron planters. Each electrical/cable box will project a maximum of approximately six inches (6") over the footway and be approximately one foot (1') above the footway. The conduit will run from each junction box through the sidewalk slab at each location to an existing building areaway under the footway for a distance of approximately four feet (4') and then run into the building wall to a junction box in the basement of the building. The centerline of each electrical/cable box will be offset west of the west curb line of Broad street at the following distances:

- i. forty feet (40')
- ii. ninety-one feet (91')
- iii. one hundred and twenty-four feet (124')

SECTION 2. Before exercising any rights or privileges under this Ordinance, Neil Stein d/b/a Meal Ticket must first obtain all required permits, licenses and approvals from all appropriate City 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 or privileges under this Ordinance, Neil Stein, d/b/a Meal Ticket shall

enter into an agreement (“Agreement”) with the appropriate City department(s), in a form satisfactory to the City Solicitor, to provide that Neil Stein, d/b/a Meal Ticket shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the City Solicitor to insure compliance with all the terms and conditions of this Ordinance and the 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 encroachments authorized in Section 1 of this Ordinance;

(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) insure that the encroachments authorized in Section 1 of this Ordinance do not project in, on, above or under the public right-of-way at dimensions different than that which is specified in Section 1;

(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 City Solicitor;

(f) remove any or all of the various encroachments in or on the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) obtain confirmation in a form acceptable to the City Solicitor from the owners of the property 260 South Broad street that the owners have no objection to the erection of the encroachments authorized by this Ordinance.

SECTION 3. The City Solicitor shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 4. The permission granted to Neil Stein, d/b/a Meal Ticket to construct and maintain various encroachments in, on, above and under the west footway of South Broad street and the north footway of Spruce street shall expire without any further action by the City of Philadelphia if Neil Stein, d/b/a Meal Ticket has not entered into the Agreement and satisfied all requirements of the Agreement and this Ordinance that are listed in Section 2 of the Ordinance 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.