

## Legislation Text

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**File #:** 000681, **Version:** 0

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Authorizing McCormick & Schmick Seafood Restaurant, a tenant of the property One South Broad street, to construct and maintain an electrified marquee with an icon sign over the south footway of South Penn square, and to construct and maintain five rigid awnings at various locations over the south footway of South Penn square and the east footway of the unit block of 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 McCormick & Schmick Seafood Restaurant, a tenant of the property One South Broad street, owned by One South Broad LTD Partners, to construct and maintain:

(a) One electrified marquee with an icon sign and support bracket anchored to the South Penn square façade of the building One South Broad street, projecting a maximum of approximately eight feet (8') over and above the south footway of South Penn square, with the lowest point approximately ten feet, three inches (10'-3") above the footway and the highest point approximately seventeen feet (17') above the footway for an overall height of approximately seven feet (7'). The marquee will be approximately eleven feet, five inches wide (11'-5") and it will be located from a point approximately sixty-eight feet (68') east of the east curb line of South Broad street, to a point approximately seventy-nine feet, five inches (79'-5") east of the east curb line of South Broad street; and

(a) Five awnings, each projecting approximately two feet, six inches (2'-6") over the footway; each having a minimum vertical clearance above the footway of approximately twelve feet, six inches (12'-6"); and each having an overall height of approximately five feet, six inches (5'-6").

(i) Two (2) rigid awnings will be located over the south footway of South Penn square. Each of these awnings will have a width of approximately eleven feet, six inches (11'-6"). The centerlines for the two (2) awnings will be located at fifty-five feet, three inches (55'-3") east of the east curb line of South Broad street, and ninety-two feet (92') east of the east curb line of South Broad street.

(ii) Three (3) rigid awnings will be located over the east footway of South Broad street. Each of these awnings will have a width of approximately thirteen feet (13'). The centerlines of the three awnings will have the following locations: thirty-one feet, two inches (31'-2") south of the south curb line of South Penn square; fifty-one feet, eight inches (51'-8") south of the south curb line of South Penn square; and seventy-one feet, eight inches (71'-8") south of the south curb line of South Penn square.

SECTION 2. Before exercising any rights or privileges under this Ordinance, McCormick & Schmick Seafood Restaurant 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, before exercising any rights or privileges under this Ordinance, McCormick & Schmick Seafood Restaurant shall enter into an agreement (“Agreement”) with the appropriate City department(s), in a form satisfactory to the City Solicitor, to provide that McCormick & Schmick Seafood Restaurant shall each, *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 the 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 construction and maintenance of electrified marquee with an icon sign and support bracket, and the five rigid awnings 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 electrified marquee with icon sign and support bracket and five rigid awnings authorized in Section 1 of this Ordinance do not project over the public rights-of-way at dimensions different from those which are 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 the electrified marquee with icon sign and support bracket and any of the five rigid awnings from over and above the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) Remove the electrified marquee with icon sign and support bracket and any of the five rigid awnings from over and above the public rights-of-way listed in Section 1 of this Ordinance when the electrified marquee with icon sign and support bracket and any of the five rigid awnings are no longer used for the purpose authorized by this Ordinance or existing law.

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 McCormick & Schmick Seafood Restaurant to construct and maintain an electrified marquee with icon and support bracket and five rigid awnings over and above the south footway of South Penn square and the east footway of south Broad street adjacent to the building One South Broad street shall expire without any further action by the City of Philadelphia if McCormick & Schmick Seafood Restaurant 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), toward the costs thereof, is paid into the City Treasury with sixty (60) days after this Ordinance becomes law.