

Legislation Text

File #: 150571, Version: 1

Authorizing Liberty Property 18th & Arch, LP to install, own and maintain two newsstands on the 1800 block of Arch Street and to construct, use and maintain conduits in, under and across Arch Street for the purpose of supplying electrical, telephone, water and sewer service to the newsstands, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Liberty Property 18th & Arch, LP, its successors and assigns (the "Owner"), to install, own and maintain two newsstands (the "1800 Newsstands") on the 1800 block of Arch Street in the locations more particularly shown on the plan attached hereto as Exhibit A, and to construct, use and maintain conduits in, under and across Arch Street for the purpose of supplying electrical, water, sewer and telecommunication services to the newsstands. The Department of Licenses and Inspections shall issue a newsstand license and license identification plate for each of the 1800 Newsstands upon Owner's compliance with the terms and conditions of Section 9-212 of The Philadelphia Code, as the same are modified with respect to the 1800 Newsstands by this Ordinance.

SECTION 2. Notwithstanding anything contained to the contrary in Section 9-212 of The Philadelphia Code:

- (a) The provisions of Section 9-212(3) of The Philadelphia Code shall not apply to the 1800 Newsstands. In addition to the sale of newspapers, magazines and periodicals, and, incidental to such business, paperback books, tobacco products, wrapped candy, factory pre-wrapped snack food items for immediate consumption, bottled non-alcoholic beverages, including water, soft drinks and juices, and State Lottery tickets as provided for by the "State Lottery Law", the 1800 Newsstands shall be permitted to sell other food and non-alcoholic beverages when operated in connection with, or as part of, a mixed-use office and hotel skyscraper on the same blockface as the 1800 Newsstands.
- (b) Section 9-212(4)(g) of The Philadelphia Code shall not apply to the 1800 Newsstands.
- (c) The provisions of Section 9-212(5)(a) of The Philadelphia Code shall not apply to the 1800 Newsstands. The 1800 Newsstands shall not exceed seven feet six inches (7'-6") in width, sixteen feet (16') in length, or ten feet (10') in height, except the roof may overhang those permitted dimensions by not more than four inches (4") on the curb side, twenty four inches (24") on the sidewalk side, and twelve inches (12") on the other two sides, provided that the roof overhang allows a minimum vertical clearance of eight feet (8') above the sidewalk. Notwithstanding the fact that Section 9-212(5)(a) does not apply to the 1800 Newsstands, the advertising permitted by Section 9-212(5)(f) shall be permitted on the 1800 Newsstands.
- (d) The 1800 Newsstands shall be permitted to contain racks, shelves and shields anywhere inside the footprint of the 1800 Newsstands provided they are covered when the newsstands are not in use and do not interfere with the minimum pedestrian right-of-way required by Section 9-212(4)(b)(4) of The Philadelphia Code.
- (e) Notwithstanding Section 9-212(5)(f)(.2)(iv) of The Philadelphia Code, advertising on the sidewalk side of each 1800 Newsstand may contain two (2) electronic video monitor signs/digital display media screens which are four feet (4') in width and eight feet (8') in height; provided that such electronic or digital media shall not operate between the hours of 12:00 midnight and 6:00 AM, Monday through Friday, or between 2:00 AM and 6:00 AM, Saturday and Sunday.
- (f) The provisions of Section 9-212(5)(g) of The Philadelphia Code, and the other provisions of Section 9-212

requiring the painting and coating of newsstands with an anti-graffiti coating system, including Sections 9-212(5)(d) (.4) and 9-212(6)(a), shall not apply to the 1800 Newsstands. However, the design of the 1800 Newsstands shall be reviewed and approved by the Art Commission pursuant to Section 5-903 of The Philadelphia Home Rule Charter.

SECTION 3. The 1800 Newsstands shall be exempt from the provisions of Section 9-204 and Section 9-205 of The Philadelphia Code.

SECTION 4. The construction, use, and maintenance of the 1800 Newsstands and the conduits in, under and across Arch Street described and 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 Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the dimension limits in Section 1 and Section 2, within standard tolerances of current engineering practice.

SECTION 5. Before exercising any rights or privileges under this Ordinance, Owner 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 provision of law governing the issuance of such permits, licenses or approvals except as expressly provided in this Ordinance. In addition, before exercising any rights and privileges under this Ordinance, Owner shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, to provide that Owner *inter alia*:

- (a) agree that upon one hundred eighty (180) days notice from the City, it shall remove the conduits without cost or expense to the City and shall restore the cartway and footways of Arch 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 conduits or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Owner 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 placement and installation of the 1800 Newsstands and conduits;
- (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 Owner 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
- (f) 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 6. 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 7. The permission granted to Owner to construct, own and maintain the 1800 Newsstands and conduits described in Section 1 shall expire without any further action by the City of Philadelphia if Owner has not entered into an Agreement and satisfied

all requirements of the Agreement that are listed in Section 3 of this Ordinance within four (4) years after this Ordinance becomes law.

SECTION 8. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.

EXHIBIT A

Plan of Newsstands

(see attached)