

ORDINANCE NO.: 2013-105

Granting an encroachment to Cantina 76 - Main LLC for placement and maintenance of seven (7) tables and twenty-eight (28) chairs for use by its patrons for outdoor dining during normal business hours within the sidewalk right of way immediately adjacent to its business at 1301 Main Street and 1100 block of Lady Street

WHEREAS, Cantina 76 - Main LLC, (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area immediately adjacent to its business at 1301 Main Street and 1100 block of Lady Street for placement and maintenance of seven (7) tables and twenty-eight (28) chairs for use by its patrons for outdoor dining during its normal business hours of 6:00 a.m. and midnight Sunday through Saturday, as shown on the attached picture; and,

WHEREAS, the tables and chairs shall be placed immediately adjacent to the front and side of the building of their business to prohibit obstruction of pedestrian movement and vehicle parking and the tables and chairs shall be removed and stored inside the building when not in use; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement or the parking lane and disturbance of existing trees and roots shall be prohibited; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 1st day of October, 2013, that Grantee, is hereby granted the right to utilize a portion of the sidewalk right of way area immediately adjacent to its business at 1301 Main Street and 1100 block of Lady Street for placement and maintenance of seven (7) tables and twenty-eight (28) chairs for use by its patrons for outdoor dining during its normal business hours of 6:00 a.m. and midnight Sunday through Saturday, as shown on the attached picture.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee shall be maintained by the Grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. No item shall be placed that creates a visual impediment to persons safely entering or exiting the building, adjoining driveway, parking spaces or walking along the sidewalk. The City reserves the right to remove any item located within the right of way which it deems to be a safety hazard; and,
2. The location of tables and chairs shall not impede the path of travel for the assigned exit discharge of the adjoining building or parking spaces; and,
3. To prohibit the business from overcrowding, the posted capacity allowed within the business at the time of enactment of the encroachment ordinance shall include the total number of patron seating approved for the encroachment area, if not already included in the posted capacity allowable, so that patrons relocating from the inside of the business to the outside, or from the outside of the business to the inside shall not cause the posted capacity to be exceeded; and,
4. Use of the encroachment area is strictly limited to the serving of food and/or beverages to the patrons of the business during the normal business hours reflected in the encroachment ordinance at the time of enactment of

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the encroachment ordinance; and,

5. Any changes to the hours for use of the encroachment area, items allowed within the encroachment area or allowable patron capacity shall require an amendment to the encroachment ordinance; and,

6. The seven (7) tables and twenty-eight (28) chairs shall be placed immediately adjacent to the front of the business to allow five (5') feet of passageway along the sidewalk at all times and not obstruct pedestrian movement, vehicle movement and parking, and shall be of durable material and weighted to withstand strong winds; and,

7. The tables and chairs shall be removed and stored inside the building when not in use; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement or the parking lane and disturbance of existing trees and roots shall be prohibited; and,

8. Grantee shall provide a cigarette receptacle for patrons; and,

9. Any items for which a Certificate of Design Approval has not been granted shall be submitted for design review prior to installation; and,

10. All outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of the outdoor dining area to residential properties.

11. Streetscape planters will not be disturbed in any way.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee.

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:


Cantina 76 - Main LLC


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 9/17/2013
Final Reading: 10/1/2013

**CITY COUNCIL
ENCROACHMENT SUMMARY
2013-105**



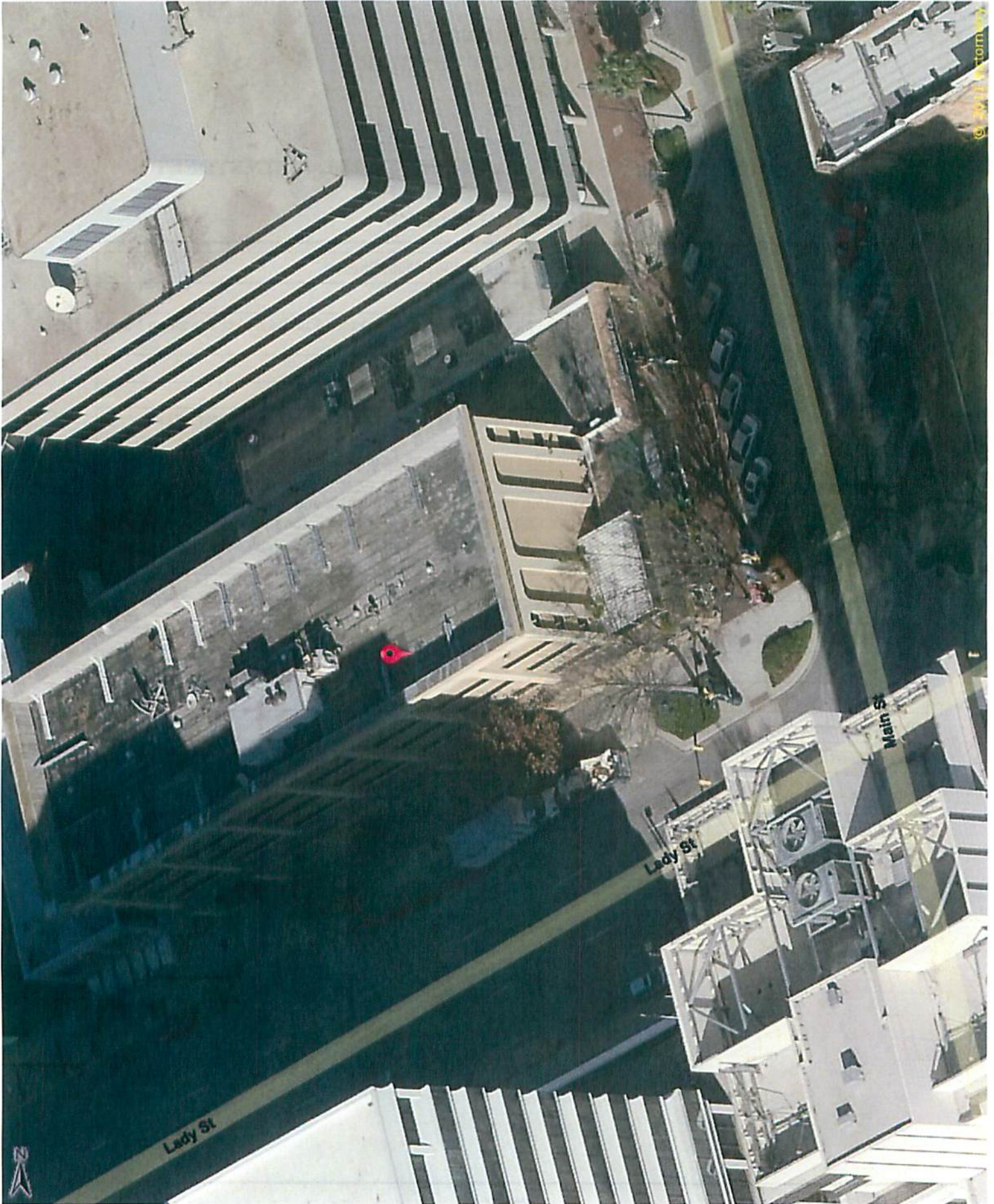
**1100 BLOCK OF LADY STREET ADJACENT TO 1301 MAIN STREET
CANTINA 76 – MAIN, LLC
TABLES AND CHAIRS**

Subject Property:	1100 block Lady Street adjacent to 1301 Main Street
Council District:	2
Proposal:	Request approval for the placement and maintenance of tables and chairs along Main and Lady Streets
Applicant:	Cantina 76 – Main LLC
Staff Recommendation:	Recommend Approval.
Conditions:	<ol style="list-style-type: none"> 1. Certificate of Design Approval (CDA) from Design/Development Review staff; and 2. Standard conditions regarding outdoor dining within the ROW.

Detail:	The applicant is requesting approval for the placement and maintenance of seven (7) tables and twenty-eight (28) chairs for use by its patrons for outdoor dining during its normal business hours of 6:00 a.m. and midnight Sunday through Saturday, as shown on the attached picture.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval.
Streets	Recommend Approval.
Utilities & Engineering	Recommend Approval.
Traffic Engineering	Recommend Approval.
Fire Department	Recommend Approval. Tables and chairs shall not impede entrance to building.
Forestry	Recommend Approval. Streetscape planters will not be disturbed in anyway (trash, foreign liquids etc.).
Land Development	Recommend Approval.



Lady St

Lady St

Main St

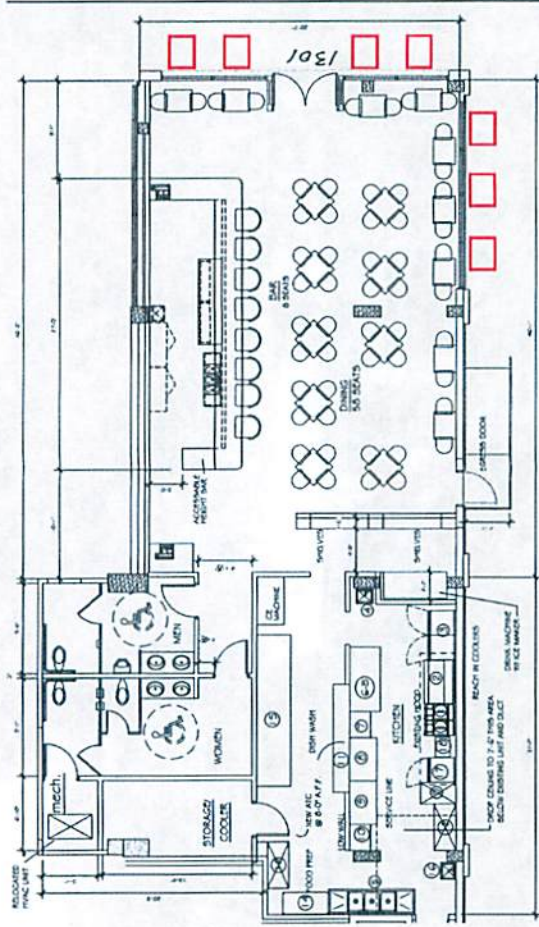
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MAIN ST.



LADY ST.



search:

SOLID #824

Designer: Aldo Ciabatti

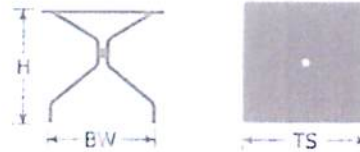
Patented

DETAILS RELATED SHIPPING

- new
- side chairs
- arm chairs
- barstools
- tables
- lounges
- shade
- complements
- special offers
- catalogs



more views:



H	TS	Lbs
29.5"	36" Sq	39.5

Outdoor/Indoor Umbrella Table

Umbrella Hole Dia. 1 9/16"

E-coated powder coat finish

Made in Italy

Top: Solid Steel

Base: Tubular Steel Legs

Assembly Required: Yes

Quick Ship Finishes:



Special Order Ship Finishes:





search:

SARA #1101

Designer: emuamericas

Patented

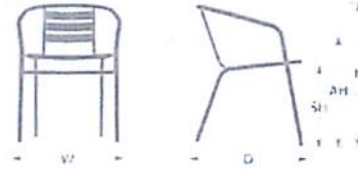
DETAILS

RELATED

SHIPPING

INSTALLATION

- new
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- shade
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- special offers
- catalogs



H	W	D	SH	AH	Lbs
28.5"	21.5"	22.5"	18"	26"	9

Outdoor/Indoor Stacking Armchair

Frame: Tubular Aluminum

Seat/Back: Aluminum Slats

Stackability: 6

Quick Ship Finishes:



more views:



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Columbia, SC
390 Harbison Blvd.

We use your store location to provide current pricing and inventory. It'll also be the location for in-store pickups.



Garden Treasures 8-ft 10-in Red Round Market Umbrella

Item #: 401987 | Model #: USB38278-RED



\$80.00

FREE Store Pickup

Your order can be available for pickup in Lowe's Of Irmo, SC today

FREE Lowe's Truck Delivery

Your order will be ready for delivery to you from your selected store.

Parcel Shipping

Sent by carriers like UPS, FedEx, USPS, etc.

Garden Treasures 8-ft 10-in Red Round Market Umbrella **\$80.00**

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Description

8-ft 10-in Red Round Market Umbrella

- Steel pole with 8 steel ribs
- Crank mechanism without tilt

Specifications

Umbrella Type	Market	Frame Material	Metal
Canopy Shape	Round	Fabric Type	Polyester
Canopy Width (Inches)	106.0	Opening Mechanism	Crank
Canopy Length (Inches)	106.0	Color/Finish Family	Red/Pink
Warranty	1-year frame	UV Protected	No
Fabric Color	Red	Weatherable	No
Frame Finish	Brown	Finish Family	Steel-Painted
		Height (Inches)	97.0

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