

City of Philadelphia



(Bill No. 050200)

AN ORDINANCE

Granting permission to Popi's Enterprises, Ltd. located at 3120 – 3132 South 20th Street, Philadelphia, PA 19145, to construct, use and maintain a building encroachment, entrance addition, north and south roof embellishments, rigid fabric awnings, canopy, pedestrian lights, underground electrical conduit and open air sidewalk café on, under and over the west footway of South 20th Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Popi's Enterprises, Ltd. located at 3120 – 3132 South 20th Street, Philadelphia, PA 19145, to construct, use and maintain a building encroachment, entrance addition, north and south roof embellishments, rigid fabric awnings, canopy, pedestrian lights, underground electrical conduit and open air sidewalk café on, under and over the west footway of South 20th Street as follows:

Building Encroachment

The length of the existing building is approximately one hundred and twenty-nine feet six inches (129'-6"). The face of the building, which encroaches nine inches (9") into the public right-of-way, is located approximately seventeen feet three inches (17'-3") west of the west curblineline of South 20th Street. The south end of the building is located approximately three hundred and nine feet (309') north of the north curblineline of Geary Street. The building is composed of one section that is one story high and another section that is two stories high. The one story section starts at the south end of the building and is approximately eighty-one feet six inches (81'-6") long; the two story section is approximately forty-eight feet (48') long. The height of the structure varies from approximately twenty feet (20') to approximately thirty-two feet (32').

Entrance Addition

A one story masonry addition with roof is located approximately three hundred and nine feet (309') north of the projected north curblineline of Geary Street. The addition is approximately thirteen feet six inches (13'-6") in length by three feet (3') wide by twenty feet (20') high. The addition encroaches approximately three feet nine inches (3'-9") onto the west footway of South 20th Street leaving fourteen feet three inches (14'-3") of clear unobstructed footway.

South Roof Embellishment

A mansard roof overhang begins approximately three hundred and twenty three feet (323') north of the projected north curblineline of Geary Street. The roof is approximately twenty-nine feet six inches (29'-6") in length by seven feet high (7') and projects two feet

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six inches (2'-6") from the building face. The roof overhang encroaches approximately three feet three inches (3'-3") over the west footway of South 20th Street leaving fourteen feet nine inches (14'-9") of clear unobstructed footway. The roof overhang is approximately ten feet six inches (10'-6") above the sidewalk.

Rigid Fabric Awnings

Three (3) rigid fabric awnings are located at the following approximate distances measured from the projected north curblineline of Geary Street to the centerline of each awning: three hundred and sixty-two feet (362') north, three hundred and seventy-two feet (372') north, and three hundred and eighty-two feet (382') north. The center awning is approximately six feet (6') in length by four feet (4') high and projects one foot six inches (1'-6") from the building face. The remaining two awnings are approximately ten feet (10') in length by four feet (4') high and project one foot six inches (1'-6") from the building face. The awnings encroach approximately two feet three inches (2'-3") over the west footway of South 20th Street leaving fifteen feet nine inches (15'-9") of clear unobstructed footway. The awnings are approximately seven feet five inches (7'-5") above the sidewalk.

North Roof Embellishment

The roof overhang begins approximately three hundred and ninety feet (390') north of the projected north curblineline of Geary Street. The roof is approximately forty-eight feet (48') in length by four feet (4') high and projects two feet (2') from the building face. The roof overhang encroaches approximately two feet nine inches (2'-9") over the west footway of South 20th Street leaving fifteen feet three inches (15'-3") of clear unobstructed footway. The roof overhang is approximately ten feet six inches (10'-6") above the sidewalk.

Canopy

The centerline of the canopy is located approximately four hundred and twenty-five feet (425') north of the projected north curblineline of Geary Street. The canopy is approximately nine feet (9') wide, projects sixteen feet (16') from the building face and is a minimum of eight feet (8') above the west footway of South 20th Street.

Pedestrian Lights

Five (5) pedestrian lights are located on the west footway of South 20th Street at the following approximate distances measured from the projected north curblineline of Geary Street to the centerline of each light: three hundred and twenty-three feet (323') north, three hundred and forty-six feet (346') north, three hundred and sixty-six feet (366') north, three hundred and eighty-seven feet (387') north and four hundred and twenty feet (420') north. The pedestrian lights are approximately nine feet six inches (9'-6") high and are located approximately three feet (3') west of the west curblineline of South 20th Street. Each light sits on a concrete footing approximately eighteen inches (18") deep by twelve inches (12") diameter.

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Underground Electrical Conduit

The five (5) pedestrian lights are powered via a ¾" diameter underground service conduit approximately three feet six inches (3'-6") below grade. The conduit starts at the building face located approximately three hundred and eighteen feet (318') north of the projected north curblines of Geary Street. The conduit proceeds east beneath the west footway of South 20th Street for approximately fifteen feet (15') to a point located approximately three hundred and eighteen feet (318') north of the projected north curblines of Geary Street. The conduit proceeds north, connecting each light, for approximately one hundred and two feet (102') and terminates approximately four hundred and twenty feet (420') north of the projected north curblines of Geary Street.

Open Air Sidewalk Café

The open air sidewalk café will consist of ten (10) tables approximately three feet (3') square with chairs and two (2) tables approximately three feet (3') diameter with chairs to accommodate a total of forty-eight (48) occupants encroaching a maximum of seven feet nine inches (7'-9") onto the west footway of South 20th Street, leaving a minimum of nine feet five inches (9'-5") clear footway for pedestrians.

The first table is located approximately three hundred and twenty-six feet (326') north of the projected north curb line of Geary Street and the last table is located approximately four hundred and six feet (406') north of the projected north curb line of Geary Street.

The existing fixed wrought iron railing is approximately three feet (3') high and is installed in two segments of approximately forty-four feet (44') and thirty-three feet (33'). The railing will be altered to become removable. A cap plate flush with the sidewalk grade will be installed at the post holes when the railing is removed from the sidewalk.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Popi's Enterprises, Ltd. 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, Popi's Enterprises, Ltd. shall enter into an agreement ("Agreement") with the appropriate City department(s), satisfactory to the Law Department, to provide that Popi's Enterprises, Ltd. shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure compliance with all of the terms and conditions of this ordinance and the aforementioned agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for

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damages which may arise directly or indirectly as a result of the construction, use or maintenance of the entrance addition, north and south roof embellishments, rigid fabric awnings, canopy, pedestrian lights, underground electrical conduit and open air sidewalk café on, under and over the west footway of South 20th Street;

(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) agree in writing that when, at the determination of the City of Philadelphia, the entrance addition, north and south roof embellishments, rigid fabric awnings, canopy, pedestrian lights, underground electrical conduit and open air sidewalk café on, under and over the west footway of South 20th Street necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Popi's Enterprises, Ltd. will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) remove the entrance addition, north and south roof embellishments, rigid fabric awnings, canopy, pedestrian lights, underground electrical conduit and open air sidewalk café on, under and over the west footway of South 20th Street within thirty (30) days upon service of lawful written notice from the Streets Department;

(f) 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 Popi's Enterprises, Ltd. 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;

(g) insure that the entrance addition, north and south roof embellishments, rigid fabric awnings, canopy, pedestrian lights, underground electrical conduit and open air sidewalk café on, under and over the west footway of South 20th Street encroach on the west footway of South 20th Street no more than the dimensions listed in Section 1, 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; and

(h) 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 3. The Law Department shall include in the Agreement such other terms and

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conditions as shall be deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Popi's Enterprises, Ltd. to construct, use and maintain the entrance addition, north and south roof embellishments, rigid fabric awnings, canopy, pedestrian lights, underground electrical conduit and open air sidewalk café on, under and over the west footway of South 20th Street shall expire without any further action by the City of Philadelphia if Popi's Enterprises, Ltd., 3120 – 3132 South 20th Street, Philadelphia, PA 19145 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) is paid into the City Treasury within sixty (60) days after 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 April 21, 2005. The Bill was Signed by the Mayor on May 4, 2005.



Patricia Rafferty
Chief Clerk of the City Council