Getting Government Moving:
The City's Response to Mitigate the Impact on the Restaurant Community

Outdoor Dining

City of Philadelphia

Exercise of Emergency Authority

Administrative Declarations

- March 11, 2020, Mayor's Declaration of Extraordinary Circumstance

Philadelphia Public Facing Orders

- March 17, 2020, Closure of Non-Essential City Services and Non-Essential Businesses revised March 22, 2020 (Stay at Home Order).
- May 29, 2020, Allowing Limited Reopening of Businesses, Advising Philadelphians That They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening effective June 5, 2020.
- July 3, 2020, Modified Green Phase Order which amended the previous emergency order allowing additional activities.
- November 16, 2020, Emergency Order Concerning Additional Limitations on Visiting, Gatherings, Events, and Businesses for Fall/Winter 2020-21. Amended on December 30, 2021 extending the Fall/Winter Order with certain amendments through January 15, 2021.
- January 16, 2021, the Mayor and Health Commissioner determined that it was appropriate to allow indoor dining, movie theaters, and performance spaces to resume operations.
- February 27, 2021, Spring 2021 Safer at Home Order. Second amendment on March 31, 2021 (effective April 4, 2021) extending the Spring Order with certain amendments through April 30, 2021.

Restrictions on the Restaurant Industry

Studies have indicated and public health experts have concluded that indoor dining is a significant driver of the COVID-19 pandemic, in part because it is not possible to wear a mask while eating or drinking.

Many of the health mitigation measures therefore impacted restaurants.

- March 16, 2020—restaurants closed except for take-out & delivery.
- June 12, 2020—outdoor dining permitted
- June 15, 2020—expanded outdoor dining options become available.
- September 8, 2020— indoor dining allowed to resume at 25% capacity.
- October 2, 2020— indoor dining capacity increased to 50%.
- November 20, 2020—indoor dining prohibited again.
- January 16, 2021—indoor dining allowed to resume at 25% capacity.
- February 27, 2021—indoor dining capacity increased to 50% with a certified HVAC system.

Impact on the Restaurant Industry

Philadelphia businesses are a vital part of our communities and restaurants power our local economy making the success of the restaurant industry important to the economy of Philadelphia overall.

The Pennsylvania Restaurant & Lodging Association (PRLA) said, of the 500 full-service restaurants in Philadelphia, more than 200 are closed right now, with 50 of them permanently.
https://6abc.com/philadelphia-restaurants-indoor-dining-covid-19-restrictions-whats-open/9585262/ (January 13, 2021)

Other responses/Financial Assistance https://www.phila.gov/departments/covid-19-recovery-office/timeline-and-updates

Prior to COVID-19 Outdoor Dining Options

Private Patio/Lot Space

- Part of an establishment's use/zoning permit.

Sidewalk Café

- The Philadelphia Code Section 9-208.
- Allowed by right in certain geographic locations (Center City).
- Establishments located outside the by-right area could get one through an individual ordinance.

Closure of Streets for Special Events

- Festivals, block parties, fairs, etc.
- Special events cancelled through February 28, 2021.

City's Mitigation Response—Expansion of Outdoor Dining Options

1. Sidewalk Café



- Daily use of sidewalk area in front of business for restaurant seating.

2. Streetery



- Street level or platform that converts curbside parking into restaurant seating.

3. Temporary Street Closure



- Temporary closure of streets for restaurant seating.
- Street closures can be "full closures" or "partial closures."

4. Temporary Use Permit

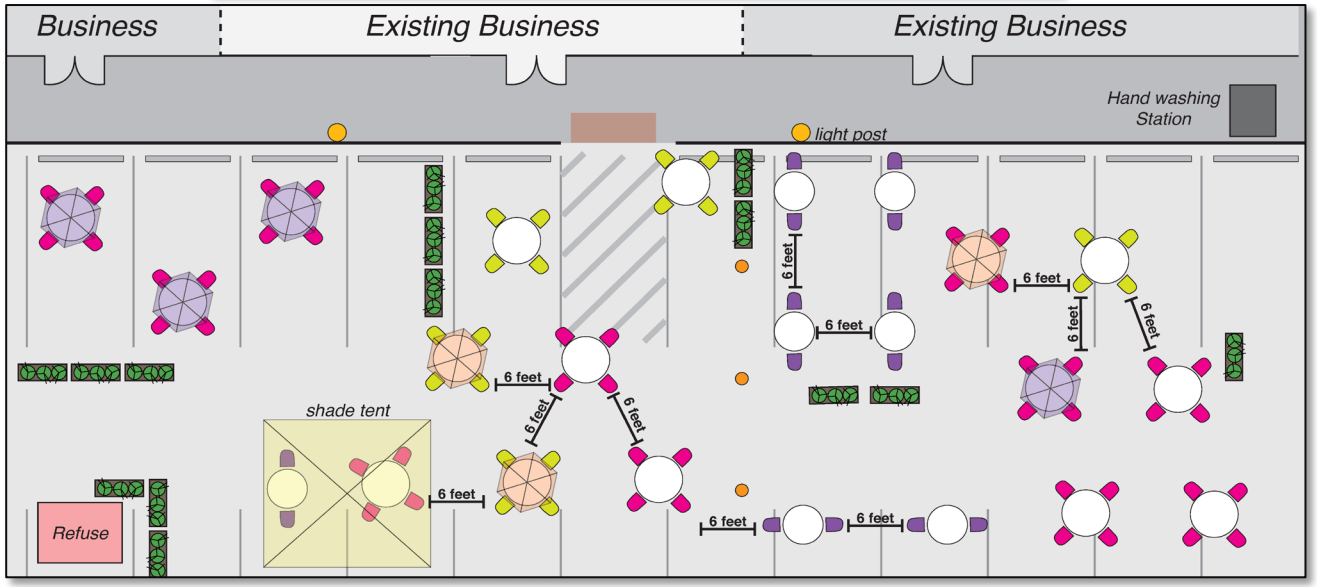


- Temporary use of adjacent private lots for restaurant seating.

Temporary Use Permit

Temporary closure of privately owned lot for outdoor dining, retail or personal services





Sources of Authority:

- Mayor's Declaration of Extraordinary Circumstance.
- Philadelphia Code Section A-301.2.5(4) Temporary Uses.
- Emergency Regulation(s) effective June 10, 2020 – Dec. 31, 2021 (as amended)

Permit & License Requirements:

- A Temporary Use Permit is required.

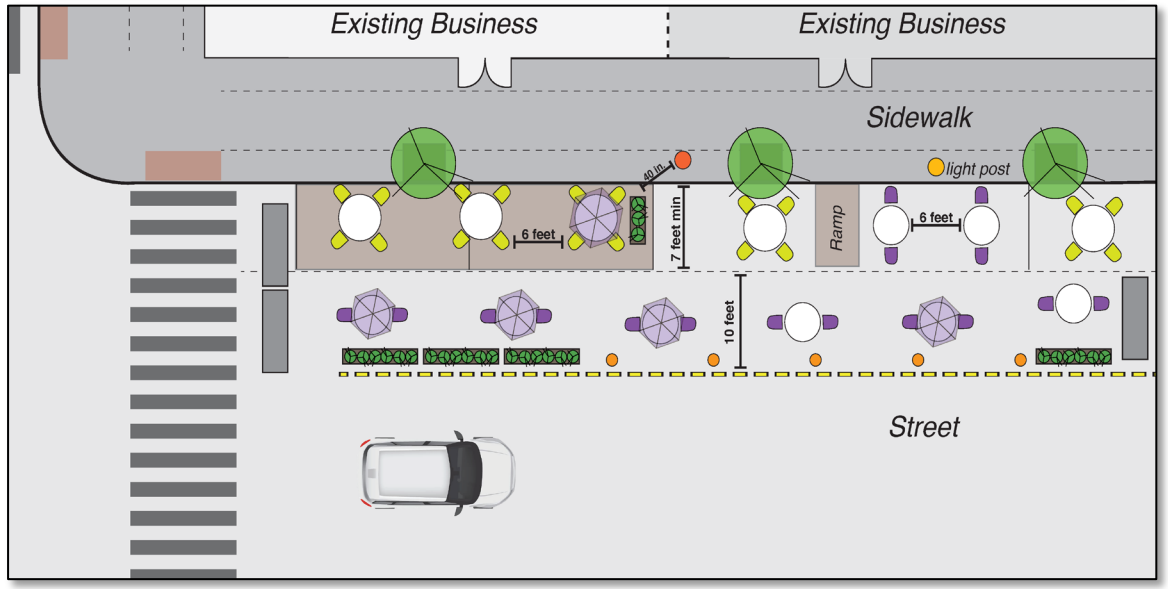
Processing Time & Fees

- Applications for Temporary Use Permits are reviewed in **3 business days.**
- **$30 permit fee**, due at time of application.

Temporary Street Closure

Scheduled full closure of blocks for restaurant seating





Sources of Authority:

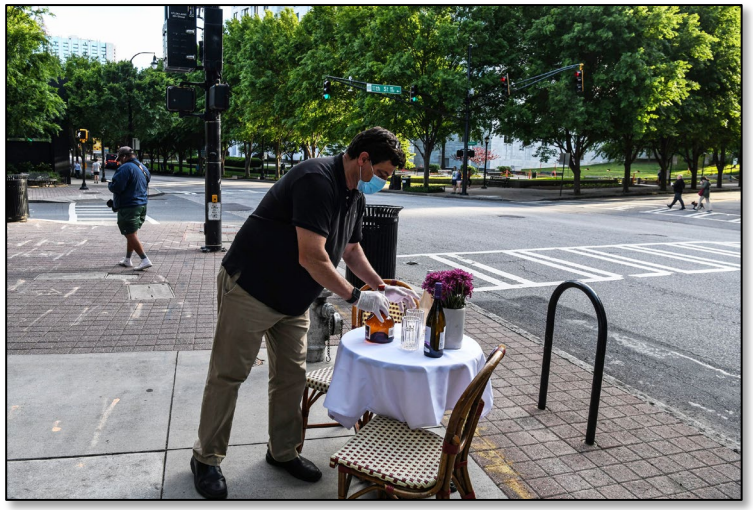
- Mayor's Declaration of Extraordinary Circumstance.
- Mayor's Safer At Home Order.
- Emergency Regulation(s) effective June 9, 2020.
- Based on the Mayor's Emergency Orders—authorization expires when emergency lifted.

Participation:

- Priority given to a coordinating/sponsor organization representing multiple establishments, with capacity to manage the closure. Individual restaurants may be permitted in some cases.
- Sponsor organizations must plan for and manage all on-site operations and logistics.
- Periodic attendance from a closure sponsor at regular virtual City briefings is required.
- Closures on State Routes will require additional approval by PennDOT.
- Must manage use of bathrooms and avoid crowding during rain or severe weather.
- Permits are issued short-term (1- to 2-week periods), continued renewal is required.

Temporary Sidewalk Café License

Daily use of sidewalk for restaurant seating





Sources of Authority:

- City Ordinance
  - Bill No. 200351 (approved August 24, 2020) as amended by Bill No. 200497 (approved December 1, 2020).
- Mayor's Declaration of Extraordinary Circumstance.
- Emergency Regulations
  - August – December 2020
  - January – December 2021

Permit & License Requirements:

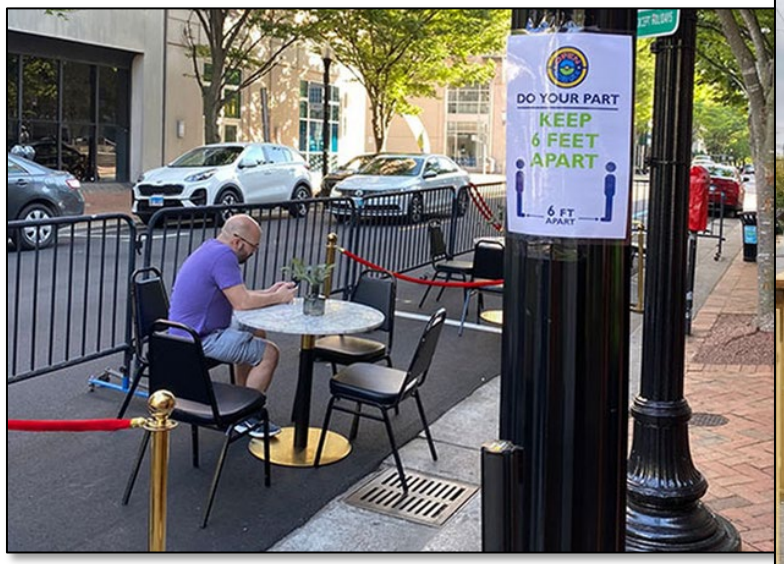
- A **Temporary Sidewalk Café License** is required.

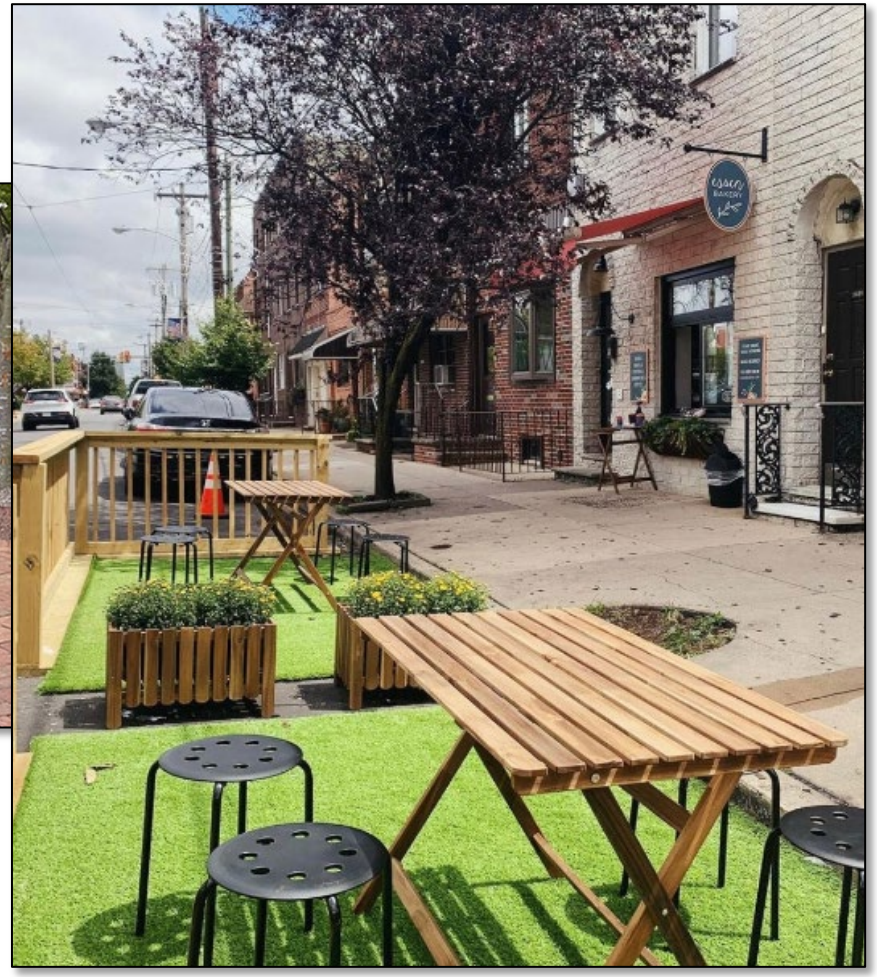
Processing Time & Fees

- Applications for Temporary Sidewalk Cafes are reviewed in **3 business days.**
- There is **no fee** associated with this License.

2 – Temporary Streetery License

Converts curbside parking into outdoor dining or take-away food and beverages





Sources of Authority:

- City Ordinance
  - Bill No. 200352 (approved June 26, 2020) as amended by Bill No. 200498 (adopted December 1, 2020)
- Mayor's Declaration of Extraordinary Circumstance.
- Emergency Regulations
  - August – December 2020
  - January – December 2021

Permit & License Requirements:

- A **Streetery License** is required. The license will indicate whether the streetery is approved for a platform or street level only.

Processing Time & Fees

- Most applications for Temporary Sidewalk Cafes are reviewed in **3 business days.** Some streets require additional review time. Click here for more information.
- There is **no fee** associated with this License.

Temporary Sidewalk Café/Streetery License Application

Sections 1 and 2:

- Sections 1 and 2 should be completed for ALL applications.

Section 3:

- Section 3 should only be completed if a Temporary Sidewalk Café License is proposed.

Section 4:

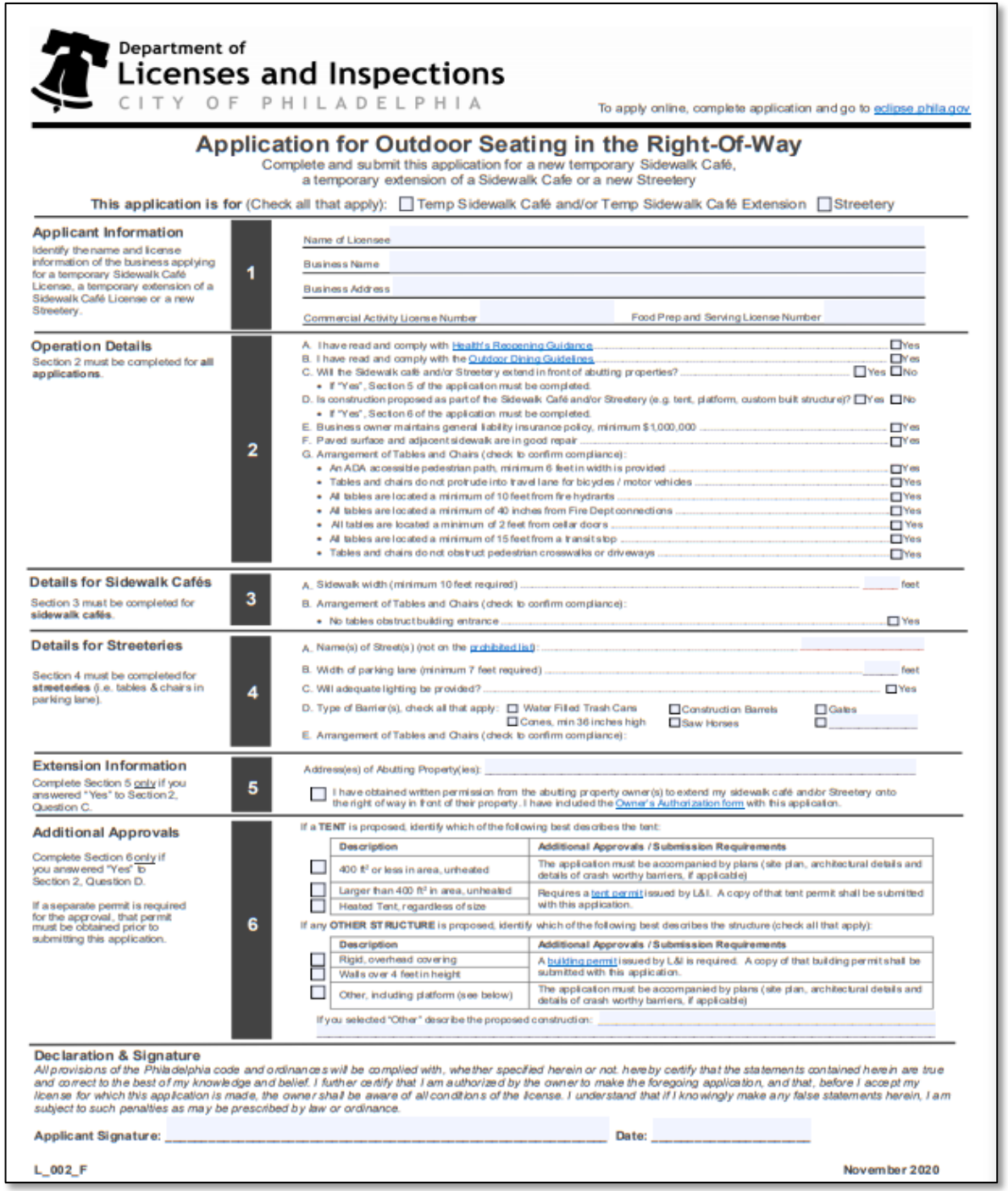
- Section 4 should only be completed if a Temporary Streetery License is proposed.

Section 5:

- Section 5 should only be completed if you are proposing to extend your license in front of the adjacent property(ies). If you are proposing to extend your seating area, the Owner's Authorization Form should also be submitted.

Section 6:

- Section 6 should be completed if any structure, tent, or platform is proposed. This section will outline is additional permits or plans must be submitted.



Department of
Licenses and Inspections
CITY OF PHILADELPHIA

To apply online, complete application and go to eclipse.phila.gov

Application for Outdoor Seating in the Right-Of-Way

Complete and submit this application for a new temporary Sidewalk Café, a temporary extension of a Sidewalk Cafe or a new Streetery

This application is for (Check all that apply): ☐ Temp Sidewalk Café and/or Temp Sidewalk Café Extension ☐ Streetery

Applicant Information — Identify the name and license information of the business applying for a temporary Sidewalk Café License, a temporary extension of a Sidewalk Café License or a new Streetery. **1**

Name of Licensee
Business Name
Business Address
Commercial Activity License Number
Food Prep and Serving License Number

Operation Details — Section 2 must be completed for **all applications**. **2**

A. I have read and comply with Health's Reopening Guidance ☐Yes
B. I have read and comply with the Outdoor Dining Guidelines ☐Yes
C. Will the Sidewalk café and/or Streetery extend in front of abutting properties? ☐Yes ☐No
- If "Yes", Section 5 of the application must be completed.

D. Is construction proposed as part of the Sidewalk Café and/or Streetery (e.g. tent, platform, custom built structure)? ☐Yes ☐No
- If "Yes", Section 6 of the application must be completed.

E. Business owner maintains general liability insurance policy, minimum $1,000,000 ☐Yes
F. Paved surface and adjacent sidewalk are in good repair ☐Yes
G. Arrangement of Tables and Chairs (check to confirm compliance):
- An ADA accessible pedestrian path, minimum 6 feet in width is provided ☐Yes
- Tables and chairs do not protrude into travel lane for bicycles / motor vehicles ☐Yes
- All tables are located a minimum of 10 feet from fire hydrants ☐Yes
- All tables are located a minimum of 40 inches from Fire Dept connections ☐Yes
- All tables are located a minimum of 2 feet from cellar doors ☐Yes
- All tables are located a minimum of 15 feet from a transit stop ☐Yes
- Tables and chairs do not obstruct pedestrian crosswalks or driveways ☐Yes

Details for Sidewalk Cafés — Section 3 must be completed for **sidewalk cafés**. **3**

A. Sidewalk width (minimum 10 feet required) ____ feet
B. Arrangement of Tables and Chairs (check to confirm compliance):
- No tables obstruct building entrance ☐Yes

Details for Streeteries — Section 4 must be completed for **streeteries** (i.e. tables & chairs in parking lane). **4**

A. Name(s) of Street(s) (not on the prohibited list):
B. Width of parking lane (minimum 7 feet required) ____ feet
C. Will adequate lighting be provided? ☐Yes
D. Type of Barrier(s), check all that apply: ☐ Water Filled Trash Cans ☐ Cones, min 36 inches high ☐ Construction Barrels ☐ Saw Horses ☐ Gates ☐ ____
E. Arrangement of Tables and Chairs (check to confirm compliance):

Extension Information — Complete Section 5 only if you answered "Yes" to Section 2, Question C. **5**

Address(es) of Abutting Property(ies):
☐ I have obtained written permission from the abutting property owner(s) to extend my sidewalk café and/or Streetery onto the right of way in front of their property. I have included the Owner's Authorization form with this application.

Additional Approvals — Complete Section 6 only if you answered "Yes" to Section 2, Question D. **6**

If a separate permit is required for the approval, that permit must be obtained prior to submitting this application.

If a **TENT** is proposed, identify which of the following best describes the tent:

	Description	Additional Approvals / Submission Requirements
☐	400 ft² or less in area, unheated	The application must be accompanied by plans (site plan, architectural details and details of crash worthy barriers, if applicable)
☐	Larger than 400 ft² in area, unheated	Requires a tent permit issued by L&I. A copy of that tent permit shall be submitted with this application.
☐	Heated Tent, regardless of size	

If any **OTHER STRUCTURE** is proposed, identify which of the following best describes the structure (check all that apply):

	Description	Additional Approvals / Submission Requirements
☐	Rigid, overhead covering	A building permit issued by L&I is required. A copy of that building permit shall be submitted with this application.
☐	Walls over 4 feet in height	
☐	Other, including platform (see below)	The application must be accompanied by plans (site plan, architectural details and details of crash worthy barriers, if applicable)

If you selected "Other" describe the proposed construction:

Declaration & Signature

All provisions of the Philadelphia code and ordinances will be complied with, whether specified herein or not. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I further certify that I am authorized by the owner to make the foregoing application, and that, before I accept my license for which this application is made, the owner shall be aware of all conditions of the license. I understand that if I knowingly make any false statements herein, I am subject to such penalties as may be prescribed by law or ordinance.

Applicant Signature: _____ **Date:** _____

L_002_F November 2020

Coordinated Effort and Response

- City departments and partner agencies are working together to safely expand options to businesses for outdoor seating and dining.
- Meet weekly internally several times a week.
- Meet with restaurant industry representatives weekly including members of the PRLA.
- Meet with BIDS regarding street closures weekly.
- Publish and update Guidelines as needed.

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Tip:
You'll see a "home" button on each page, click it to come back to the Table of Contents.

Results

- Prior to COVID-19 there were 250 establishments with sidewalk cafes.
- Since June 2020 the City has issued 764 temporary sidewalk cafe and/or streetery licenses.
- Since June 2020 the City has issued 68 temporary use permits:
  - Eating and Drinking Establishments - Sit-Down Restaurant 57
  - Eating and Drinking Establishments - Take-Out Restaurant 2
  - Retail Sales - Food, Beverages, and Groceries - Farmer's Market 4
  - Public, Civic, and Institutional - Community Center 1
  - Public, Civic, and Institutional - Educational Facilities 2
  - Retail Sales - Wearing Apparel and Accessories 1
  - Personal Services 1

“Without that, we would not have survived,” he said. “[Our outdoor dining] has turned into a destination spot for a lot of people.” Jeremy Page, General Manager of the West Philadelphia staple Booker’s Restaurant
https://whyy.org/articles/philly-restaurateurs-celebrate-move-to-let-different-households-dine-outside-together/ (March 1, 2021)

Links

The Philadelphia Code: https://codelibrary.amlegal.com/codes/philadelphia/latest/overview

Regulations:

- Temporary Sidewalk Café/Streetery

https://regulations.phila-records.com/pdfs/2021%20Regulations%20for%20Temporary%20Sidewalk%20Cafes%20and%20Streeteries.pdf

- Temporary Use Permit

https://regulations.phila-records.com/pdfs/Temporary%20uses%20year%20extension%20rev_2.pdf

- Street Closure

https://regulations.phila-records.com/pdfs/20200609%20Emergency%20Reg%20Street%20Closure%20JCK%20JBD%20Signed.pdf

Guidelines:
https://www.phila.gov/programs/coronavirus-disease-2019-covid-19/guidance/guidance-documents/