

APPLICATION FOR ADMINISTRATIVE APPROVAL FOR TEMPORARY OUTDOOR SEATING AREA (TOSA)

Planning Department - Department of Community & Economic Development
435 Hamilton Street, Allentown, PA 18101
Phone (610) 437-7611
TOSA@allentownpa.gov



Filing Instructions

For businesses that qualify for the creation or expansion of a TOSA during the emergency related to COVID-19, applications and supplemental documents may be emailed to TOSA@allentownpa.gov

1. Read all applicable TOSA guidelines and complete application
2. Prepare all supporting materials listed under 'Checklist of Additional Submission Materials'
3. Submit application and supporting materials via email to email address listed above
4. Questions? Email TOSA@allentownpa.gov or call us at (610) 437-7611

TEMPORARY OUTDOOR SEATING AREA Application		
Business Name:		Date:
Type of Business / Use:		
Is business an existing food or beverage service establishment with approved Certificate of Occupancy? (required) <input type="checkbox"/> Yes <input type="checkbox"/> No		
Business Address:	RPC # (Real Property Code):	
Other Property Identifiers:	Zoning District:	
Applicant Information		
Name:	Relation to Business:	
Address:	Phone #:	
Email Address:	Back Up Contact Name and Phone #:	
Special Exception, Certificate of Occupancy, and Parking Details		
Does restaurant have current Use Permit or Site Plan approval for outdoor seating? <input type="checkbox"/> Yes <input type="checkbox"/> No	Use Permit # / Site Plan # (if applicable):	
Existing Interior Certificate of Occupancy Permit #:	Max. Occupancy Load (interior):	Existing Outdoor Certificate of Occupancy Permit # (if applicable):
Describe customer parking arrangements. Does restaurant have designated parking spaces? If so, where are these spaces located? Are they within a parking garage or in a parking lot?		

Outdoor Seating

Note: carefully read through the TOSA guidelines before filling this section out

Describe location of proposed outdoor seating (sidewalk, parking lot, parking space etc.):

Is this an expansion of an existing outdoor seating area?

Yes No

Is the proposed seating area in the public right-of-way or in public space (e.g., sidewalk, street, parking space)?

Yes No

Seating area size (square feet):

Seating area dimensions (length x width):

Proposed number of seats:

Proposed number of tables:

Will alcohol be served in TOSA?

Yes No

Are any of the following streetscape items currently within the proposed seating area (check all that apply):

Tree Pit

Street Light

Permanent Signage

Telephone / Electrical Pole

Fire Hydrant

Bike Rack

Parking Meter

Trash Can

Newspaper Stand

Other

Does restaurant offer take-out and delivery options:

Yes No

Describe (current and/or proposed) location of temporary parking for food delivery drivers and take out customers:

Checklist of Additional Submission Materials

Note: clearly label all drawings, maps, and photos

Provide the following items that depict the **EXISTING** site, including area where outdoor seating is proposed:

Aerial map

Photographs

If available, a survey plat, drawings, or plans

Provide a Plat/Site Plan that depicts the **PROPOSED** TOSA. The Plat/Site Plan shall be inclusive and show the following:

___ Existing site conditions, including any streetscape items previously listed (tree pits, etc.)

___ Location and number of seats and tables

___ Clearly defined entry and exit points

___ Dimensions of TOSA (length x width)

___ Minimum distance of 6 feet between tables

___ Minimum clear sidewalk width of 6 feet for pedestrian passage on public sidewalk and in public space

Other temporary elements such as canopies, umbrellas, planters, etc.

Provide the following only if TOSA is on private property not owned by business:

Statement of Consent from Property Owner to include owner's name, title, address, phone number and email

Not applicable

If available, please also provide the following to assist with City staff's review (do not contact City for this information):

Copy of existing Certificate of Occupancy and Capacity Certificate for interior restaurant

If applicable, copy of existing Certificate of Occupancy, Capacity Certificate, and seating chart for outdoor dining area

Requirements and Guidelines for Temporary Outdoor Seating Area (TOSA)

Application and Operation

In order to ensure the health and safety of restaurant patrons and the general public, restaurants that would like to open a TOSA will need to adhere to certain guidelines, which are outlined below and vary based on the location of the proposed TOSA.

MANDATORY REQUIREMENTS FOR ALL TOSAS

- 1. In addition to these TOSA guidelines, businesses must abide by all other federal, state, and local laws and regulations, including temporary measures that have been created in response to the COVID-19 crisis, which include, but are not limited to, the Governor's Phased Reopening Plan and Guidance for Businesses in the Restaurant Industry Permitted to Operate during the COVID-10 Disaster Emergency to Ensure the Safety and Health of Employees and the Public.**
- 2. TOSAs are only permitted for existing restaurants or food/beverage service establishments with approved Certificates of Occupancy.**
- 3. Tables and seating must be spaced at least six feet apart and permit parties of no greater than 10 people.**
- 4. The total maximum occupancy is calculated using the following two methods. The more restrictive number must be used:**

Method 1: Limit to 50% of stated fire capacity or 12 people per 1,000 square feet if there is not a fire code number available. When no fire code number is available for outdoor dining, the 12 people per 1,000 square feet number should be applied.

Method 2: Arrange the restaurant or retail food service business so that customers sitting at a table are not within six feet of any customers sitting at another table in any direction and calculate the maximum number of customers that can be accommodated.
- 5. Live entertainment, gaming activities, TVs, and piped-in music within a TOSA are not allowed.**
- 6. Restaurant patrons seated in a TOSA must have clear access to restroom facilities within the restaurant.**
- 7. TOSA must comply with all relevant PLCB regulations. Expansion of outdoor licensed area may be necessary from PLCB.**
- 8. TOSAs utilizing tents are required to obtain a zoning permit and Allentown Fire Department permit.**
- 9. TOSAs are to remain *temporary* structures (no fixtures permanently anchored to surface) and uses until their expiration. The allowance of TOSAs does *not* supersede the requirements of the Pennsylvania Uniform Construction Code (UCC).**
- 10. Applicants which hold a PLCB brewpub license must offer food for on-premises consumption if offering beer for on-premises consumption. Additional guidance is available from PLCB regarding Prepared Beverages and Mixed Drinks To Go and Breweries, Wineries and Distilleries.**

TOSA GUIDELINES ON PUBLIC SIDEWALKS (PUBLIC RIGHT-OF-WAY)

- 1. Expanded or new TOSAs may extend into the public sidewalk provided that all tables are spaced a minimum of six feet apart.
- 2. All tables, chairs and barriers must be placed on a paved and flat surface and should not block entrances, exits, fire lanes, hydrants, sprinkler connection points, drive aisles, pedestrian or handicapped access.
- 3. All tables and associated furnishings must fit within the existing streetscape and should not impact any utilities, parking meters, signs, street lights or street trees.
- 4. A five-foot-wide clear path should be provided from the building entrance to the curb to maintain delivery and curbside pick-up operations.
- 5. Umbrellas, canopies, or awnings should not hang over adjacent clear paths designated for public circulation.
- 6. A minimum six-foot-wide ADA-accessible sidewalk must be maintained for pedestrian passage.

TOSA GUIDELINES IN PRIVATE PROPERTY AREAS

- 1. TOSAs may be located in outdoor private property areas (i.e. plazas, courtyards, etc.) with owner’s permission.
- 2. TOSAs may be located in off-street parking spaces in outdoor parking lots on private property with owner’s permission when parking lot is not exclusively controlled (leased) by the business.
- 3. Tables, chairs, and associated furnishings must be placed on a paved surface and should not block drive aisles, fire lanes, or entry/exit points to a building or parking lot.
- 4. If possible, TOSAs should be located in the corner of a parking lot to minimize conflict between pedestrians and vehicular traffic.

Applicant Disclosure Agreements

- The undersigned attests that all of the information herein provided is true, correct, and accurate to the best of their knowledge.
- The undersigned acknowledges that approval of the TOSA is temporary, is subject to periodic review, and may be terminated at any time by City of Allentown.
- The undersigned agrees to comply with all TOSA Mandatory Requirements and Guidelines that pertain to the specific location of the TOSA as outlined in this application document. Failure to comply may result in the revocation of TOSA approval and removal of the TOSA.
- The undersigned agrees to comply with all requirements set forth in all applicable federal, state, and local laws, ordinances, and regulations, including, by way of illustration and not limitation, those administered by the Governor of Pennsylvania, the Pennsylvania Liquor Control Board, and the following City of Allentown departments: the Department of Community and Economic Development, the Department of Public Works, the Police Department, and the Fire Department.

Applicant Signature

Date