



### **Temporary Outdoor Seating Area Permit & Yellow Phase Operations**

Temporary Outdoor Seating Areas (TOSAs) are newly created or expanded exterior spaces at restaurants, bars, or cafés where food and/or beverages may be served. These temporary spaces will assist businesses with serving more customers while complying with mandatory requirements of Governor Wolf's and Secretary of Health Dr. Rachel Levine's Phased Reopening Plan for the Commonwealth of Pennsylvania. Beginning June 5<sup>th</sup> 2020, restaurants and retail food service businesses located in counties designated as being in the yellow phase are permitted to add dine-in service in outdoor seating areas so long as they strictly adhere to the requirements of the guidance, including maximum occupancy limits:

- Indoor areas, including bar areas, of restaurants and retail food service businesses must be closed to customers except for through-traffic. Non-bar seating in outdoor areas (i.e. tables or counter seats that do not line up to a bar or food service area) may be used for customer seating.
- Customers being served must be seated at a table.
- TOSAs must be contiguous with or within 100 feet from the subject restaurant.

#### **Eligibility**

- All existing restaurants, bars, and cafes with a valid certificate of occupancy may apply.
- Existing outdoor seating is not a prerequisite.
- Expansion of an existing outdoor seating area requires a TOSA Permit for the expanded area.
- Existing, permitted outdoor seating areas that are not expanding do not require a TOSA Permit.
- Rooftop spaces are not eligible.

#### **Submission Requirements**

- Complete a [Temporary Outdoor Seating Area Permit Application](#).
- Email the application and supporting materials to [TOSA@allentownpa.gov](mailto:TOSA@allentownpa.gov)

Include supporting materials with your application:

- A depiction of the existing site, including an aerial map, photographs, and if available, a survey plat, drawings or plans.
- A depiction of the proposed TOSA, including a plat or site plan that shows:

- Site conditions, including any streetscape items (tree pits, light poles, hydrants, fixed benches, parking meters, etc.)
- Dimensions of TOSA (length x width)
- Distance between TOSA and restaurant entrance (must be less than 100 feet)
- Number and location of tables and seats (min. six-foot distance between tables)
- Points of access/egress
- Dimension of clear sidewalk for pedestrian passage on public sidewalks (min. six feet)
- Other temporary elements such as canopies, umbrellas, planters, etc.
- Any parking restriction requests.
- If applicant has access, include a copy of existing Certificate of Occupancy and Capacity Certificate for interior restaurant (seating chart not required).
- If applicable and applicant has access, include a copy of existing Certificate of Occupancy, Capacity Certificate, and seating chart for outdoor dining area.
- If the creation or expansion of the TOSA will be located on private property not currently controlled by the business, provide a Statement of Consent from the property owner to include owner's name, title, address, phone number, and email.

Each TOSA application should be submitted as a separate email.

## **Review Process and Approvals**

TOSAs will be administratively reviewed by the City of Allentown Bureau of Planning & Zoning, the Health Bureau, and Department of Public Works:

- Applications received for TOSA on private property:
  - The City will issue a temporary approval in an expedited timeframe.
  - Use of TOSA may not begin while the City completes the review process.
  - Successful applications will be issued a TOSA Permit along with any applicable accompanying City permits.
- Applications received for TOSA on public property:
  - The City will complete a review of applications on public property and notify applicants if a temporary Right-of-Way Permit or other permit application is required. The review of both will happen concurrently to meet faster turnaround times.
  - Successful applications will be issued a TOSA Permit along with any applicable accompanying City permits.
  - Use of the TOSA may begin after the City completes the review process.
- Applicants will receive a permit placard by email.
- Placards must be printed by the applicant and posted in a visible location at the TOSA.

## **Fees**

The City is not charging any fees to review and process TOSA applications.

## **Yellow Phase Operation Requirements**

In addition to following all requirements outlined in the Food Code, all businesses and employees in the restaurant and retail food service industry authorized to conduct in-person activities as of June 5, 2020 are required to adhere to the following:

### **General**

- Indoor areas, including bar areas, of restaurants and retail food service businesses must be closed to customers except for through-traffic.
- Non-bar seating in outdoor areas (i.e., tables or counter seats that do not line up to a bar or food service area) may be used for customer seating.
- Customers being served must be seated at a table.
- Follow all applicable provisions of the [Guidance for Businesses Permitted to Operate During the COVID19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public](#).
- Require all customers to wear masks while entering, exiting, or otherwise traveling throughout the restaurant or retail food service business. Face coverings may be removed while seated.
  - Individuals who cannot wear a mask due to a medical condition (including children under the age of two years per CDC guidance) are not required to wear masks and are not required to provide documentation of such medical condition.

### **Social Distancing**

- Maximum occupancy is calculated using the following two methods. The more restrictive number must be used. Ensure maximum occupancy limits for indoor and outdoor areas are posted and strictly enforced.
  - Limited to 50% of stated fire capacity or 12 people per 1,000 square feet if there is not a fire code number available, AND,
  - Arrange the outdoor dining space so that customers sitting at a table are not within six feet of any customers sitting at another table in any direction.
- Provide at least six feet between parties at tables, (i.e., the six feet cannot include the space taken up by the seated guest). If tables or other seating are not movable, seat parties at least six feet apart.
- Spacing must also allow for physical distancing from areas outside of the facility's control (i.e. such that pedestrians on a sidewalk can pass with at least six feet of distance to customer).
- Don't use shared tables among multiple parties unless the seats can be arranged to maintain six feet of distance between parties.
- Close or remove amenities and congregate areas non-essential to the preparation and service of food or beverages such as dance floors, child play areas, interactive games, and video arcades.

- Encourage customers ordering take-out to wait in their vehicles after ordering.
- Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in lines or waiting for seating or in line for the restroom.
- Where possible, stagger workstations to avoid employees standing adjacent or next to each other.
- Where six feet of separation is not possible, consider spacing options that include other mitigation efforts such as the use of barriers with increased frequency of cleaning and sanitizing surfaces.
- Establish a limit for the number of employees in shared spaces, including break rooms, and offices to maintain at least a six-foot distance.
- Ensure employees do not share equipment to the extent possible (e.g., cooking equipment, trays, etc.).

### **Employee Hygiene & Sanitation**

- Train all employees on the importance and expectation of increased frequency of handwashing, the use of hand sanitizer with at least 60% alcohol, and provide clear instructions to avoid touching hands to face.
- Assign employee(s) to monitor and clean high touch areas frequently while in operation including entrance doors, bathroom surfaces, host stands etc., and continue to regularly clean all other areas of the restaurant or retail food service businesses.
- Clean and disinfect any shared items with which customers will come in contact such as tabletops, digital menus, check presenters, and digital payment devices after each customer use.
- Implement procedures to increase cleaning and sanitizing frequency in the back of house.
- Provide non-medical masks for employees or notify employees that they are responsible for providing their own face cover to wear at all times and make it mandatory to wear masks while at the restaurant or retail food service business.
  - An employee does not need to wear a mask if it impedes their vision, if they have a medical condition, or if it would create an unsafe condition in which to operate equipment or execute a task.
- The following activities are strictly prohibited for restaurants operating in the Yellow Phase:
  - Using self-service food or drink options, such as buffets, salad bars, and condiments.
  - Condiments must be removed from tables and dispensed by employees upon the request of a customer.
  - Using reusable menus, other than digital menus sanitized after each use.
  - Refilling food and beverage containers brought in by customers.

### **Yellow Phase Operation Recommendations:**

- Establish a written, worksite-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas, and designate a person to implement the plan.
- Prior to each shift, ask that the employees self-measure their temperature and assess symptoms.
- Utilize reservations for dining on premises to maintain records of all appointments, including contact information for all customers.

- Use staff-facilitated seating where appropriate. If seating is not staff facilitated and tables cannot be moved to meet the physical distancing requirements outlined above, tables that should not be used must be clearly marked as out of service.
- Allow no more than 10 people at a table, unless they are a family from the same household.
- Use single-use disposable menus (e.g., paper) and discard after each customer, or utilize a written posting such as a chalkboard or whiteboard to relay menu information.
- Use technology solutions where possible to reduce person-to-person interaction, including mobile ordering; text or phone app technology to alert customers when their table is ready to avoid use of “buzzers;” and contactless payment options.
- Install physical barriers, such as sneeze guards and partitions at point of sale terminals, cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.
- Consider methods to make point of sale terminals safer, including use of no contact applications, placement of a glass or clear plastic barrier between the employee and the customer, and providing a hand sanitizer station for customer and employee use after handling credit/debit cards, PIN terminals, or exchange of cash.
- Consider installing touchless door and sink systems or providing single-use barriers (e.g., deli tissues, paper towels) for use when touching door and sink handles.
- Schedule closure periods throughout the day to allow for cleaning and disinfecting, including bathrooms (i.e., after lunch service).
- Servers should avoid touching items on tables while customers are seated to the extent possible.
- Dedicated staff should remove all items from the table when customers leave.
- Use separate doors to enter and exit the establishment when possible.
- When protective equipment such as face coverings are used, launder daily and wash hands after touching/adjusting face covering while working.

### **Expiration and Terminations**

- This guidance does not authorize any specific external area near or adjacent to a business in the restaurant industry for outdoor dining. Businesses must obtain any permits or other authorization, as required, to serve food and beverages outside of physical indoor service areas.
- TOSA Permits may be revoked at any time for non-compliance with TOSA Operation Requirements.
- The City of Allentown’s TOSA Permits are valid until the City determines otherwise. They will be subject to periodic review, and may be terminated at any time, especially if detrimental impacts to neighboring properties and the broader community cannot be effectively mitigated. These requirements shall be monitored by staff and customers. The Allentown Health Bureau will respond to complaints that detail any violation to these requirements. Assistance from Allentown Police Dept. or other City Bureaus may be requested.