

MEMORANDUM

City of Philadelphia
Office of Transportation, Infrastructure and Sustainability

December 21, 2021

TO: Holders of Temporary Licenses Allowing Outdoor Dining in the Right of Way
FROM: Michael Carroll, Deputy Managing Director OTIS
SUBJECT: Overview of Transition of Outdoor Dining Requirements, beginning January 1, 2022

City Council has passed, and Mayor Kenney has signed, bills governing outdoor dining in the public right of way after December 31, 2021. Note that under the City Council bills, sidewalk cafes and streeteries will now be licensed separately and treated differently from one another.

1. Bill no. 210776 authorizes and establishes standards for permanent streeteries in parking lanes in limited areas of the City, and
2. Bill no. 210798 extends temporary licenses for sidewalk cafés throughout the city through the end of 2022.

We strongly advise all interested parties to thoroughly review these ordinances.

There are several key differences between what will be legal under the new law and what occurred under the emergency regulations. Under the new law it will not be allowable to:

- Extend Streeteries in front of adjacent properties;
- Place Streeteries in any Travel Lane, including a bike lane; and
- Place Streeteries in a manner which obstructs intersections and pedestrian crossings.

Furthermore, the Temporary Street Closure Program has ended. Any Streeteries that did not obtain a streetry license because they were within areas permitted for street closures will need to obtain a permanent license once the process has been established.

Establishments offering outdoor dining in the right of way are expected to be proactive in modifying existing placements to conform with all requirements outlined in the law and reiterated in this memo. The City's approach will be to prioritize the public's health and safety, and to minimize nuisances.

A. SIDEWALK CAFES

By January 1, 2022, L&I will have updated all temporary sidewalk café licenses in eCLIPSE to reflect that these licenses remain in effect through December 31, 2022. *Temporary license holders need not and cannot take any action to extend their sidewalk café licenses.*

It is important to highlight that sidewalk cafes must leave at least 6-feet of clearance, free from obstruction, for pedestrian travel, and not encroach upon any curb ramps or crosswalks, to avoid citation.

B. STREETERIES

The effective date of Council Bill 210776 is March 2022.

At that time:

1. The law requires streeter operators to obtain permanent streeter licenses once they become available.
 - The Streets Department will notify stakeholders when permanent streeter license applications are available.
 - Streeter operators will be required to demonstrate full compliance with requirements for permanent streeteries, as set forth in the bill and in upcoming regulations promulgated thereunder. Please note that under Bill 210776, streeteries will be no longer be allowed to extend in front of neighboring properties.
2. Under the new law passed by City Council, permanent streeteries will be limited to certain geographic areas of the city (see attached).
3. Outside of these limited geographic areas:
 - Restaurant owners will need a City Council ordinance to legally operate a streeter. Owners should contact their district Council Member promptly about obtaining such an ordinance.
 - Restaurant owners must obtain documentation from City Council Offices indicating a Streeter outside the pre-approved area is being considered for an enabling ordinance by March 1st to avoid citation.

Interim Conditions:

- City Council did not pass legislation extending any existing streeter licenses beyond December 31, 2021.
- Nevertheless, the City will **not** require removal of streeteries that are in areas authorized for permanent streeteries, if they meet the other requirements presented in this memorandum.
- Streeteries located outside the pre-approved boundaries are subject to removal, except that:
 - The City will take into consideration any documentation that can be provided from City Council Offices that demonstrate consideration for an encroachment ordinance.
 - Locations under consideration by Council must also comply with the requirements identified in this memo.
 - A history of violations and verified complaints **will** increase the likelihood of the City requiring removal of locations outside the pre-approved areas.
- Regardless of location, Streeteries that do **not** conform to design, placement, and other safety requirements established in the new law **will** be a priority for enforcement, including removal.
- We strongly recommend that all restaurants familiarize themselves with the criteria outlined in this memo and take prompt measures to rectify any deficiencies to avoid citations and/or removal.
- In implementing the legislation passed by City Council, the City intends to prioritize health and safety, such as:
 1. Removal of obstructions to travel lanes, including bike lanes.
 2. Removing the danger of fire hazards, especially due to:
 - Use of heating elements in enclosed spaces.
 - Use of propane on street surface or otherwise outside of sidewalk areas.
 - Inappropriate storage of propane.
 3. Citation of streeteries violating state and local health requirements.
 4. Citation and possible removal of locations lacking adequate crash safety measures including:
 - Creating less than 12-foot clear space for any adjacent travel-lane.

- Elements creating obstructions to universal pedestrian access or creating tripping hazards.
5. Citation and possible removal of streeteries placed:
 - As an extension in front of an adjacent property
 - In front of a public or private driveway.
 - In violation of the PA Vehicle Code (Title 75):
 - Within 15 feet of a fire hydrant.
 - Within 20 feet of a crosswalk at an intersection.
 - Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the site of a roadway.
 - Adjacent to or across the street from Fire, Police, or emergent care medical facilities.
 6. Citation and removal of locations with a history of violations and verified complaints.

If there are questions or comments on this information, please send them by email to streeter@phila.gov.

ATTACHMENT A:
Geographic Areas Authorized for Streeteries
Under City Council Bill 210776

The following areas have been authorized for the placement of Streeteries:

- i. Within the area bounded by the Delaware River, the south houseline of South Street, the center line of Third Street, the south houseline of Bainbridge Street, the Schuylkill River and the south houseline of Spring Garden Street;
- ii. Within the geographic boundaries of the following Special Services and Business Improvement Districts:
 - a. Fishtown Kensington Area BID
 - b. South Street Headhouse District
 - c. Old City Special Services District
 - d. East Passyunk Avenue BID
 - e. Center City District
 - f. Northern Liberties BID
- iii. Both sides of Fairmount Avenue between 15th street and 25th Street;
- iv. On Broad Street, between Bainbridge Street and the north houseline of Washington Avenue;
- v. Within the geographic boundaries of the Third Council District;
- vi. On East Passyunk Avenue, both sides, between Broad Street and Federal Street;
- vii. On Ninth Street, both sides, between Christian Street and Federal Street;
- viii. On Germantown Avenue, both sides, from Creshiem Valley Road to Rex Avenue;
- ix. On Wadsworth Avenue, both sides, Michener to Cedarbrook Avenue;
- x. On Main Street, both sides, Shurs Lane to Green Lane.

Outside of these geographic areas, any streeteries must be authorized by City Council ordinance. Businesses outside of these geographic areas should [contact their District Councilperson](#).