

# 24HRPHL

## PHILADELPHIA VENUE STARTER PLAYBOOK



PennPraxis

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**“I want to create a venue for live music or entertainment in Philadelphia, but have no clue where to start? Can you help me?” Community members at 24HrPHL have heard this question many times. There are many people in Philadelphia looking to build unique places for community, music and art. If you want to get a Special Assembly Occupancy License - the typical license for nightclubs and other entertainment venues, you’re going to have to navigate a tangled web of city websites, codes and documents to figure out what to do. You’ll have to learn about zoning, licensing, and much more. The City of Philadelphia doesn’t provide a detailed set of instructions - only broad outlines, so 24HrPHL community members created this Playbook to help you understand some of the things you’ll need to know in order to get all the approvals and permits needed to open a performance space.**

**24HrPHL is a civic engagement project within Philadelphia's nightlife arts and culture community. It is a collective that provides community support and creates informational resources for people in the nightlife community. Focusing on topics such as safety, inclusivity, transportation, regulations and culture - 24HrPHL seeks to articulate a vision for a better, more progressive Philly nightlife.**

**This document was assembled by 24HrPHL community members with in-kind assistance from PennPraxis, the University of Pennsylvania Weitzman School of Design's arm for community engagement. Photos were provided by Conrad Benner - @streetsdept. Information is current as of December, 2019. See the legal disclaimer in Section 5 for terms of use.**

### 3. HOW TO USE THIS PLAYBOOK

**This document is designed to help anybody in the City of Philadelphia interested in obtaining a Special Assembly Occupancy License understand the application process. There is an intimidating list of things to do and concepts to understand in order to create a performance space that is to code and properly licensed. This toolkit explains each step in simple terms and provides links to relevant resources. This document does not cover anything related to liquor licenses.**

**A Special Assembly Occupancy License allows non-profit and for-profit businesses to operate “an establishment where 50 or more people regularly congregate primarily for entertainment purposes in the form of dancing or live or recorded music. . . such establishments may include, but are not limited to, discotheques, cabarets, private clubs, banquet halls, and similar places of assembly.”**

**This license allows for the most unrestricted operation of a performance venue, but it is a difficult license to acquire. It is valid for two years before you need to renew. There are alternative ways to open a performance space or put on events that are not covered by this toolkit. If you don't think a Special Assembly Occupancy License is right for you - turn to Section 12 and look at some alternatives.**

## 4. PROCESS OVERVIEW

**Section 6 of the Playbook introduces some city planning and real-estate terms that will be used throughout the process.**

**Section 7 spells out some things to think about before you start. Before you can apply for a Special Assembly Occupancy License, you have to have a range of other legal requirements and permissions in order. You should have a business plan, vision and legal structure in place. You should understand the zoning and permitted uses for the space you are interested in using and whether you would need to have its designation changed. You should contact local officials, community organizations and public safety authorities to understand if they would object to a project such as yours.**

NOTES:

**Creating and licensing a venue involves serious legal and financial risk. Many people choose to retain an attorney to help them through the process.**

## 5. "DISCLAIMER"

The information provided in this 24HrPHL Venue Playbook (the “Playbook”) does not, and is not intended to, constitute legal or other professional advice. Information in this Playbook may not constitute the most up-to-date legal or other information. Instead, all information, content, and materials available in this Playbook are for general informational purposes only and should not be relied on as a substitute for the informed opinion of legal or other professionals. Additionally, this Playbook contains links to other third-party websites. Such links are only for the convenience of the reader, user or browser; 24PHL, its agents, and its members do not recommend or endorse the contents of the third-party sites.

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NOTES:

This image shows a vertical rectangular sheet of white paper. It features approximately 20 evenly spaced horizontal blue lines running from left to right, typical of standard primary or secondary school notebook paper. The lines are thin and light blue, providing a guide for handwriting. There is no text, drawings, or other markings on the page.

**Registered Community Organization** - a neighborhood association that has a voice at zoning hearings.



**A license is required for restaurants, bars, catering halls, night clubs and other gathering places with dancing and a lawful occupancy of over 50 people. Theaters with fixed seating do not need this license. It is valid for two years.**

**The activity happening in a building or on a lot. Use is sometimes talked about in broad categories, like residential, commercial, educational, etc. For example, “assembly” is the “use” for gatherings of people. it includes concerts, religious services, etc.**

**The Zoning Board of Adjustment is the review board that deals with all applications to change zoning. The ZBA is not involved if the proposed use of a building is "by-right."**

**Zoning is the framework cities use to regulate land use. Every lot of land is assigned a zone that controls the size and shape of the building as well as the activities that are allowed inside it.**

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## 7. BEFORE YOU START

### 7.1. Have a Plan

A venue without programming in it is just a building. Start by nailing down some particulars about your project and your operation.

- Do you have a vision or statement of purpose for your project? You will need this as you explain it to neighbors, contractors and officials.
- What kind of space are you trying to start or legitimize?
- Have you looked into the best practices for creating and operating such a space?
- Do you have a business plan or formal business entity?
- Is a Special Assembly Occupancy License what you need?

### 7.2 Understanding Your Building

So you have a building in mind that can house your dream. What do you need to know about it?

- What is the current zoning and what are the restrictions on that land? Section 9' of the Playbook deals with zoning - skip ahead to learn where to find information.
- Are there adequate safety systems in place - sprinklers, fire exits and so on?
- Do you have to do major renovations? If so, do you have a team and budget mapped out?
- Were any licenses previously approved for this building?



## 7.3 Understanding Your Neighborhood

**First, do some research. Take a look at the history of prior development and zoning changes in your neighborhood. Who do you need to talk to and who do you need on your side? What are the other venues or art spaces in the neighborhood? How did the community react to those being opened? Or if there are older venues, try to get a sense or ask what kinds of complaints they most commonly receive.**

**Next, do some legwork to try to generate “community buy-in” to your project. You should understand your unique neighborhood’s primary concerns and notify those that help gauge and persuade the public:**

- **Talk to your councilperson about issues that may arise (issues that may concern neighbors: parking, noise, gentrification, and crime.)**
- **Locate your RCO and ask for a meeting with the board.**
- **Ideally in collaboration with the RCO, strategize a constructive way to bring your plans to the neighborhood. Use this opportunity to get feedback from the participants.**
- **Identify strategic partnerships, such as local nonprofits or public schools who may have an interest in your success. Many public schools and local arts organizations are in search of performance spaces, so allowing them to (one day) use the venue space can open up collaborative opportunities.**
- **Join the fun! Set up a table at a block party or community event and make yourself available to answer questions.**
- **Have a clear vision, and make that clear vision available to all. Make a simple website or Facebook page, print flyers to place at local gathering spots, or work with a local paper to write a short article.**
- **Ultimately, neighbors want to be informed more than anything else. Making the community feel like part of the process is the goal.**

## LINKS

LOOK UP YOUR RCO:

<https://atlas.phila.gov/>

**LOOK UP YOUR COUNCILPERSON:**

[https://www.philadelphiavotes.com/index.php?option=com\\_voterapp&tmpl=component#elected-officials](https://www.philadelphiavotes.com/index.php?option=com_voterapp&tmpl=component#elected-officials)

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## 8. PRIOR APPROVAL

### 8.1 Federal Tax Identification Number

The first step in this process is the creation of a legal entity with a Federal Tax Identification number or EIN. If you are setting up a legal entity like an LLC from scratch, consider having a lawyer or legal services company do it for you. You can also apply for one directly with the IRS. Though it's not necessary for licensing a venue in Philadelphia, you should also get a similar ID number with the Commonwealth of Pennsylvania. You can also use your Social Security Number to apply for Philadelphia tax accounts and licenses, but having a legal entity associated with your venue offers you some protections from financial and legal risk.

#### LINKS

Apply for EIN:

<https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>

### 8.2 City of Philadelphia Tax Account Number

Once you have your Federal EIN, you can apply online for a Business Income and Receipts Tax ID with the Philadelphia Department of Revenue. You will be required to file taxes yearly with the City, whether or not you earn revenue in a given year.

#### LINKS

Apply for BIRT Number:

<https://www.phila.gov/services/payments-assistance-taxes/get-a-tax-account/>



## 8.3 Commercial Activity License

A Commercial Activity License is needed to conduct business in Philadelphia. once you have a Philadelphia Tax ID you can apply for this online. There is no fee for this one-time-only-license.

### LINKS

Apply for a Commercial Activity License:

<https://www.phila.gov/services/permits-violations-licenses/get-a-license/business-licenses-permits-and-approvals/get-a-commercial-activity-license/>

NOTES:

## 8.4 Criminal Background Check

You may apply for a criminal history record by calling the Department of Records, Room 168, City Hall (215-686-2262) and request a Criminal History Record Check (Form 75-343).

### LINKS

Criminal Records Directive:

<https://www.phillypolice.com/assets/directives/D5.18-CriminalRecords.pdf>



## NOTES:

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## 9. PROOF OF ZONING

### 9.1 What is zoning?

Zoning is the framework cities use to regulate land use. Every lot of land is assigned a zone that controls the size and shape of the building as well as the activities that are allowed inside it.

There are also “overlays” which are areas that have specific zoning requirements based on the existing characteristic of the neighborhood. These overlays may have other regulations or prohibited uses.

#### LINKS

Philadelphia Zoning Quick Reference Guide:

[https://www.phila.gov/media/20190305124635/Philadelphia-Zoning-Code\\_Quick-Reference-Manual.pdf](https://www.phila.gov/media/20190305124635/Philadelphia-Zoning-Code_Quick-Reference-Manual.pdf)

### 9.2 How is my property of interest zoned?

You can check Atlas Philadelphia to see how your property is zoned. The zoning districts where Assembly/Entertainment are allowed by-right are *CMX-4*, *CMX-5*, *CA-2* and *ICMX*. These are mixed-use districts primarily located in dense areas in Center City or along major commercial corridors. Zones designated *CMX-2*, *CMX-2.5*, *CMX-3* and *IRMX* allow Assembly/Entertainment with a “special exception.” Assembly/Entertainment are prohibited in all other districts - if your property is not zoned appropriately, you will need to alter the zoning through a complex process detailed in this section.

#### LINKS

Philadelphia Zoning Atlas:

<https://atlas.phila.gov/>



## 9.3 Apply for a zoning permit

An L&I plans examiner reviews an initial zoning permit application. If Assembly/Entertainment is by-right on that property (per the base zoning district and any zoning overlays), they issue you a zoning permit and, barring any appeals within 30 days of you posting that permit on your property, you're done with this process.

If your property is not zoned for Assembly/Entertainment, you will receive a “refusal” (if the use is prohibited and you need a zoning variance) or a “referral” (if it needs a special exception). By responding to the refusal or referral, you trigger a process that results in a hearing before the ZBA and a notification of your RCO, which will help you hold a mandatory public meeting where you can meet with community members and present your plans. You will probably need architectural drawings on hand if you are doing major renovations. Having a letter of support from your RCO or a petition signed by your neighbors will help the appeal.

Typically parties retain a lawyer when going through the zoning process.

### LINKS

Use Registration Permit Form:

<https://business.phila.gov/media/Zoning-Use-Registration-Permit-Application.pdf>

Zoning/Use Registration Permit Checklist:

<https://business.phila.gov/media/permit.checklist.zoning.use-registration-02.2016.pdf>

NOTES:

## 9.4 Pre-requisite approvals

Depending on the nature of your project, other City departments may need to give you their approval.

Streets Department if:

- Changing parking lot or curb cuts
- Any encroachment on the public footway/ right-of way, including overhangs (Section 14-900 compliant signs are exempt)

City Planning Commission if:

- Any subdivision or lot adjustment (relocation of lot lines).
- Landscaping for parking lots.
- Facade changes within the Center City Overlay

## NOTES:

- Work impacting a building exterior in the Neighborhood Conservation Overlay District (14-504; Queen Village & Overbrook Farms)
- Construction within the Wissahickon Watershed (14-510),
- Construction within Steep Slope Protection Area or Flood Plain (14-704)
- Changes in use or construction within the Special Purpose - Institutional District (*SP-INS*) - zoning guide page 28

## Art Commission if:

- Projecting signs extending over the public right-of-way.
- Signs installed in certain districts or overlays as required by the Zoning Code.
- Building identification signs.

## Parks & Recreation Dept if:

- Property is in Fairmount Park

## Water Department if:

- Construction within 50' of a drainage right-of-way.
- Construction on a site greater than 15,000 square feet in area.

There is a 20 business day review period for L&I to give you a response. The application fee is \$100 and is non-refundable, but will be credited towards permit fees. You can view the fees for the different permits at the link below.

## LINKS

### Permit Fees:

<https://business.phila.gov/media/Summary-of-Building-Permit-Fees.pdf>



## 10. CERTIFICATE OF OCCUPANCY

**The City says that “a Certificate of Occupancy is required as a condition of a change in the use and occupancy of a space in accordance with the International Building Code. Certificates of Occupancy are also required for all new construction and building additions.” You need a Certificate of Occupancy if you are changing the occupancy of the building regardless of whether alterations are required.**

**A Certificate of Occupancy is required to show that your building is up to various safety codes. Unless you are moving into a space that has been previously used as a night club or dance hall, you will probably be making physical alterations to the space that require building permits and pre-construction approvals. These permits cost money - and licensed contractors can file them for you. If you are doing major renovation or new construction, this will be a complex process and you will need the help of legal, contracting and architectural professionals. Approved building permits will include the Certificate of Occupancy.**

**You will need certifications that your fire alarms, electrical systems, mechanical systems and emergency exits are up to code in order to be eligible for the Certificate. The specific certifications you need vary depending on the nature of your space (e.g. an elevator certification). The City licenses contractors who are allowed to perform permitted work, search for them online (the link is at the end of this section). The permits you may need include the following:**

- **Fire Alarm Certification**
- **Fire Suppression Certification**
- **Special Inspection Final Compliance**
- **Final Electrical Certification**
- **Mechanical Balance Reports**
- **Emergency Lighting**
- **Emergency Generator Certifications**
- **Domestic Water Sterilization Report**
- **Elevator State Certification**
- **Roof Certification**

**Confusingly, the building permit form is used to apply for a certificate of occupancy whether or not you are doing any construction. The Certificate of Occupancy costs \$200 if you don't need a building permit, or it will be included on the cost of the building permit.**

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## NOTES:

You will need to submit 3 sets of building plans with the application that contain the information required for the Certificate of Occupancy and the Lawful Occupancy Sign. You can find those requirements in the links below.

You will get a lawful occupancy sign along with the certificate of occupancy, which will give you the Lawful Occupancy Number. This is the maximum number of people allowed to be in the space at one time. There is no cost for the Lawful Occupancy Sign when you apply for it at the same time as the Certificate of Occupancy, but it is \$150 on its own. Replacement signs are \$25.

## LINKS

Find Licensed Professionals:

<https://www.phila.gov/li/find-a-licensed-contractor/>

Certificate of Occupancy:

<https://www.phila.gov/services/permits-violations-licenses/get-a-certificate/get-a-certificate-of-occupancy/>

Lawful Occupancy Sign:

<https://www.phila.gov/services/permits-violations-licenses/get-a-certificate/get-a-lawful-occupancy-sign/>





## NOTES:

### **11.2 Police Department Approval**

When you submit your application to L&I, they directly create assignments for the Police Department to approve or disapprove of your project, so you don't need to do anything to initiate this approval. However, it is helpful to reach out to the police to make sure the assignment has been issued. The police have 10 days after filing to raise any objections based on history of crime and nuisance in your venue's area.

Make sure you have reached out to the Police and Fire Departments well in advance of this stage of the process so there aren't any surprises.

### **11.3 Commercial & Industrial (C&I) Fire Check**

The Code Enforcement Unit of L&I will automatically initiate this check for fire code compliance once the police have given approval.



<https://www.philadelphiastreet.com/newsroom/news-item-detail/city-streamlines-block-party-application-process>

## NOTES:

## TEMPORARY OCCUPANCY PERMIT FOR SPECIAL EVENT

If you intend to use a building for fewer than 15 days and the building is not approved for assembly use, you can apply for a temporary occupancy permit. Organizations such as the Fringe Festival have used this permit for "pop-up" and short-term events. The process has some similarities to the Special Assembly Occupancy License but it is simplified and streamlined. Your space must meet several criteria in order to be eligible for this permit. You also must commit to providing certain signs and staffing to ensure the safety of the space. Consult the L&I Code Bulletin (below) to understand what is required of your space and what safety plans and precautions are necessary.

You will need to determine the occupancy of your space and create an emergency exit plan. Your application needs to include floor plan noting exits, and you must calculate the occupant load per floor. According to the International Building Code, excluding circulation area, highly concentrated standing space requires five square feet per person, concentrated seating seven square feet per person. Assemblies of more than 49 people require multiple exits. Consult IBC literature to understand these ratios (see link below). You will be required to post occupancy limit signs and provide for access for disabled persons.

A Fire Watch team will be needed to staff your event. They have no other task than to execute the fire safety procedures outlined in the L&I Code Bulletin. It helps your application if your space has alarms and sprinklers. On-premises cooking and temporary electrical wiring would necessitate additional licenses from the Department of Public Health and L&I, respectively. You must provide restrooms at ratios specified in the Bulletin.

Bring your application to the Permit and License Center at the Municipal Services Building (1401 JFK Blvd) in person more than 10 working days prior to the event. The permit has fees totaling \$513.50.

## LINKS

Code Bulletin - Temporary Certificate of Occupancy for Short-Term Events

<http://legacy.phila.gov/li/pdf/Code%20Bulletins/tempcoo.pdf>

Temporary Occupancy Permit Application

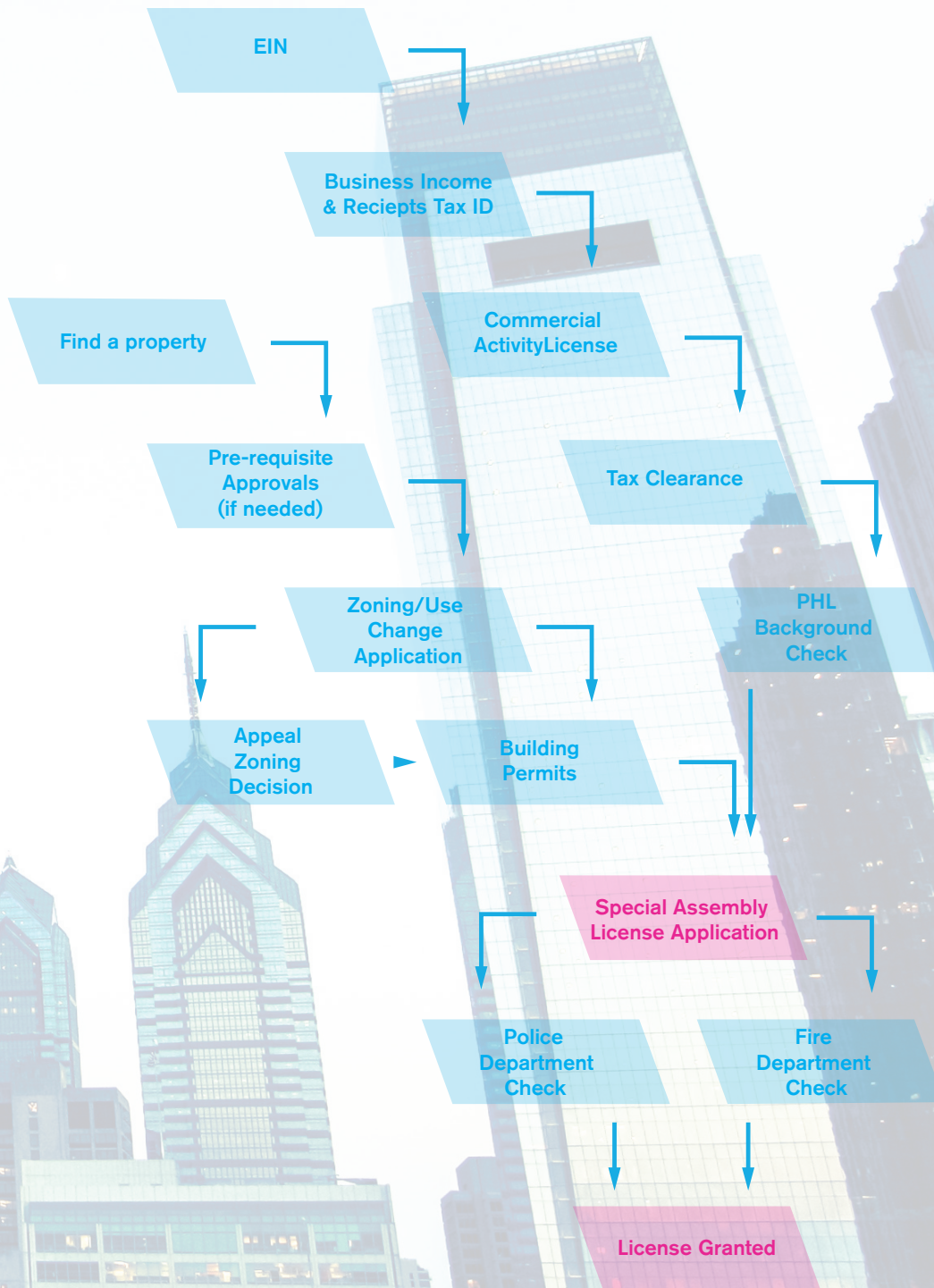
<https://www.phila.gov/media/20190923141251/Administrative-Permit-Application-Final.pdf>

2015 International Building Code - Chapter 10: Means of Egress

<https://codes.iccsafe.org/content/IBC2015/chapter-10-means-of-egress>



## 13. SPECIAL ASSEMBLY OCCUPANCY LICENSE PROCESS OVERVIEW





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