



TOWN OF ARLINGTON

MASSACHUSETTS 02476

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DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

MEMORANDUM TO: Board of Selectmen, Town Manager
FROM: Carol Kowalski, Director
DATE: May 6, 2015
RE: Recommendations on outdoor seating
Cc: Michael Byrne, Director of Inspectional Services

To aid the Board of Selectmen in considering permit applications for outdoor dining on Town-owned public spaces, in particular Broadway Plaza, I offer the following recommendations on siting, size of seating area, insurance, and term of the permit. These recommendations are intended to work with the existing sidewalk seating regulations, excerpted on the following page. This memorandum concludes with recommendations for allowing outdoor seating for the Common Ground and Madrona Tree restaurants in Broadway Plaza. These recommendations assume that applicants' outdoor seating requests do not exceed the number of seats allowed by code as determined by the Director of Inspectional Services.

Siting seating areas

“Outdoor Seating Area” includes any planters or other fixtures placed by the restaurant as part of their seasonal outdoor use of the public way. I recommend the Board request that forty-eight (48) inches of unobstructed passage way be preferred, but in no instance less than thirty-six (36) inches of unobstructed passageway be maintained on Arlington sidewalks or Broadway Plaza around outdoor seating areas to meet requirements of the Americans with Disabilities Act (ADA).

A minimum of thirty-six (36) inches of unobstructed passageway also should be maintained between both the outdoor seating areas of adjacent establishments and any physical barriers that would prevent pedestrian circulation around the seating area.

A seating area should generally be located out of the natural path of pedestrian travel for accessing storefronts. There is no ADA requirement that a straight right-of-way be maintained (it may curve).

I recommend that the Board allow outdoor seating to be positioned either close to the building façade, or with the near edge of the outdoor seating area positioned no greater than twelve (12) feet from the food service door of the establishment.

Whether the outdoor seating area may be approved adjacent to the storefront, grouped at a distance from the storefronts, or allowed in both positions, could be allowed by the Board if the Board finds the following standards are met based on a scaled plan showing dimensions:

- a) The location creates the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and
- b) the location not extend beyond the side edges of the business, however, up to 10 feet of latitude could be allowed in cases where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises, and
- c) no more than 256 square feet of the public way be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36” to the nearest barrier,

would not impede circulation, and would not preclude other allowed desirable uses for the public space. (Note for example, Town regulations prohibit street performers within 20' of outdoor dining.), and

- d) the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.

Establishments serving liquor must have the seating area cordoned off, consistent with the Board's existing alcohol policy.

I also suggest that the Board consider increasing the amount of insurance coverage the applicant must carry for outdoor seating where alcohol is served from \$25,000 to \$1,000,000 naming the Town as additionally insured. I recommend the Board withhold issuance of the permit or renewal until the insurance certificate is provided.

I recommend that the Board limit the term of permits to a calendar year and require a renewal each year. This will allow for changes in in business tenancy and allow flexibility for the Board and the business owner to adapt to maintain the highest standards. Annual applications for renewal is common practice in other municipalities. I urge the Board to require applicants to submit scaled drawings showing dimensions and photographs indicating the proposed location of the seating area demonstrating that the Board's standards are met. This could be done either by professionals, or by a lay-person using graph paper.

I believe these recommendations are consistent with the Town's current sidewalk café regulations:

"The location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. Tables, chairs, benches and food and beverage carts and equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of four (4) feet of unobstructed passage for pedestrian traffic.

In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained within five (5) feet of any marked or unmarked crosswalk or handicapped ramp.

Also, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained within five (5) feet of any fire hydrant, fire lane, fire call box, mail box, or bus stop.

Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.

No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café.

Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.

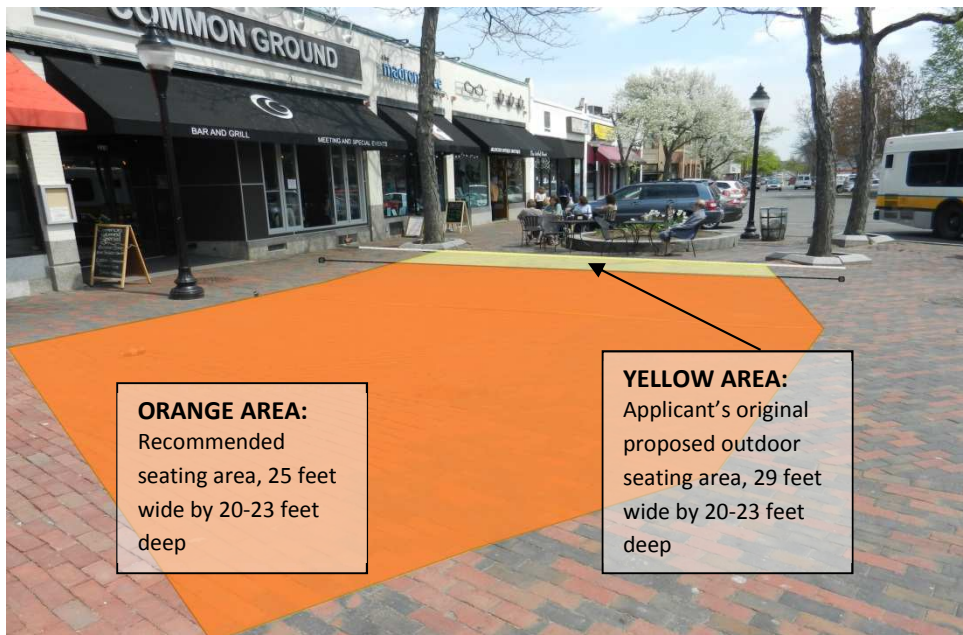
Well-designed physical barricades surrounding/framing sidewalk cafés are strongly encouraged, and are required for establishments serving alcohol. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height."

Common Ground, Madrona Tree

Common Ground has submitted an application, and the Department sent its Inspection Report on April 17. Madrona Tree is expected to soon submit an application. Economic Development Planner Ted Fields discussed with Madrona Tree their intended location for outdoor tables. The distance between fixtures installed in the Plaza was measured. To accommodate both restaurants, I recommend that Common Ground's outdoor seating area enclosure and planters be located not closer than 8 feet from the granite planter in front of the Madrona Tree (see photo below).



Correspondingly, I recommend that the seating area for Common Ground be allowed to extend beyond the west edge of the restaurant façade (i.e., extend in front of CVS by 8-10').



It is important to note that these recommendations are made dependent upon the Director of Inspectional Services finding that the number of additional outdoor seats does not violate codes.

I would be happy to provide further information or assistance as the Board considers outdoor seating applications.

