

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JANUARY 23, 2013

Present: Ald. Salvucci, Lennon, Albright, Crossley, Danberg, Laredo, and Lappin

Absent: Ald. Gentile

Also present: Ald. Linsky, Johnson, Hess-Mahan, Blazar, Baker and Fischman

#10-13 NSTAR ELECTRIC petitioning for a grant of location to install one new pole (100/9A) in GREEN PARK on the northerly side 70' ± west of Waverley Avenue. (Ward 7) [12/20/12 @ 11:56 AM]

ACTION: **APPROVED 5-0 (Lennon, Danberg not voting)**

NOTE: NStar Permit Representative Maureen Carroll presented the petition for a grant of location to install a new pole in Green Park to the Committee. The new pole is necessary due to a 140' span between two existing poles on Green Park and Waverley Avenue. The wires between the two poles are hanging low and creating a safety issue. NStar generally places poles 100' apart to avoid low-hanging wires. The new pole would be placed between the poles equidistant from the two existing poles. The public hearing was opened and no one spoke for or against the petition. The Department of Public Works has reviewed the petition and recommended approval. Ald. Lappin moved approval of the item, which carried unanimously.

#9-13 NATIONAL GRID requesting a grant of location to install and maintain 80' ± of 4" gas main in DOROTHY ROAD from the existing 4" gas main at 34 Dorothy Road southerly to 45 Dorothy Road. (Ward 8) [12/13/12 @ 9:24 AM]

ACTION: **APPROVED 5-0 (Lennon, Danberg not voting)**

NOTE: National Grid Permit Representative Dennis Regan presented the petition to extend a 4" gas main in Dorothy Road to provide gas service to 45 Dorothy Road. The public hearing was opened and no one spoke for or against the petition. The Department of Public Works has reviewed the petition and recommended approval with the standard conditions on the street opening permit. A Committee member moved approval of the petition, which carried unanimously.

REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES

#316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @3:17 PM]

PROG & SERV APPROVED SUBJECT TO SECOND CALL 4-0-1 (Baker abstaining) on 01/23/13

ACTION: **APPROVED SUBJECT TO SECOND CALL 6-0 (Lennon not voting)**

NOTE: Candace Havens began the discussion by reviewing the attached memo on the licensing of sidewalk café furniture dated January 11, 2013. The administration is interested in enhancing village vitality and one of the ways to do that is to encourage restaurant businesses to consider sidewalk cafes. It would be helpful to have a one-step process for licensing café furniture. The Executive Department through the Economic Development Cluster developed a proposal that includes the input of the Health Department, Fire Department, Public Works Department, and Inspectional Services Department on each proposed license but still streamlines the licensing process for the restaurant owner.

Ms. Havens reviewed the proposed process for licensing café furniture on sidewalks, as stated in the memo. She highlighted the proposed requirements for obtaining a license, which include a minimum of 4' of unobstructed sidewalk between the outdoor dining area and the curbside. If a restaurant cannot meet the accessibility requirement and was located where an expansion of a sidewalk would be complementary to the streetscape, it could request an expansion of the sidewalk at their expense to meet the 4' minimum requirement. Restaurants that have a license to serve alcohol would also be allowed to serve alcohol outside but would need to go before the Board of License Commissioners to extend their premises to include the sidewalk café. Restaurants that serve alcohol would also be required to separate the sidewalk café from the public way with a barrier that is at least 3' in height, which clearly delineates the café area. In addition, restaurants serving alcohol must post signs stating that it is illegal to remove alcohol from the boundaries of the restaurant and there must be a clear line of site to the sidewalk café from inside the restaurant. The license requirements also address maintenance of the area around the sidewalk café and a restriction that food and other garbage from the outside café cannot be disposed of in City trash receptacles. Although the current ordinances do not allow the use of umbrellas, the proposal does allow for fastened, weighted and stable umbrellas.

There are also parking requirements related to the zoning ordinances, which restaurants must meet. Restaurants with parking that follow the City requirements could request up to eight chairs or 10% more seating than the maximum allowed by the Zoning Ordinances. If a restaurant wanted additional outside seating than what is permitted by right, it may require a special permit to waive the parking requirements. No additional parking would be required if legally allowed seats from inside the restaurant were moved outside; however, the additional eight chairs or 10% more seating allowed outside cannot be moved inside to increase the number of inside seats. The Zoning and Planning Committee will be holding a public hearing and will continue to discuss the required amendments to the Zoning Ordinances.

The current ordinance for licensing sidewalk café furniture states that the Commissioner of Public Works has the authority to grant licenses for café furniture. The proposal is to move that authority under the Health and Human Services Department. Health and Human Services Department staff would check the application for completeness and forward it to the applicable departments for review, possible recommendations and conditions by the Police Chief, Fire Chief, Commissioner of Public Works, Commissioner of Inspectional Services, and Director of Health and Human Services. The sidewalk café licenses would be renewed on an annual basis and the licenses would run from April 1 to March 31. If there is a change of ownership, the license may transfer as long as all the license requirements are met.

The Health and Human Services Department would receive complaints regarding outside cafes but Inspectional Services Department would be responsible for enforcing all requirements of the license with input from all other departments involved in the licensing. If a restaurant is found to be in violation of a requirement, they will receive a warning for the first violation and if there were a second violation, the restaurant would appear before the Health Commissioner, who could revoke the license. All departments involved in the licensing process could request revocation of the license through the Health and Human Services Commissioner.

The Administration is also filing a docket item to amend the ordinances to increase the fee for a sidewalk café furniture license. The current fee is set at \$25 and the proposed fee would set a fee of \$100 for the initial application and an annual fee of \$50 for renewal. The Health and Human Services Department would collect the fees.

The Programs and Services Committee and the Public Facilities Committee is essentially approving the transfer of licensing authority from the Commissioner of Public Works to the Commissioner of Health and Human Services. The Committees were both in favor of the transfer but raised concerns that they would like addressed during the Zoning and Planning Committee discussions. The concerns were related to the enforcement of the licensing requirements after hours, whether it was a good idea to expand sidewalks for a business that could close at any time, whether there should be different hours of operation for the outside seating in consideration of neighbors, and whether there could be some leeway for restaurants regarding the accessibility requirement. It was pointed out that there might be opportunities for restaurants that do not have the space for outdoor seating to install frontage that opens to the streetscape without impeding on the sidewalk. It would be good to investigate the requirements for open windows with the Health and Human Services Department. In addition, the Administration may want to consider requiring the removal of any delineation device at the end of each season. There was also a request for an analysis of the current restaurants that have licenses to determine whether they would meet the new requirements.

There was some concern that there was not a draft ordinance available for the Committees to review. Ms. Havens explained that there would be draft ordinance before the full Board took any action on the item. By waiting to draft the language, suggestions from the Committees can be incorporated into the draft. Members of both committees felt that they would like ample opportunity to review the draft language. Therefore, Ald. Danberg and Ald. Hess-Mahan moved approval subject to second call in their respective committees.

REFERRED TO PUBLIC FACILITIES AND PROG & SERV COMMITTEES

#231-12 RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration. for “garbage,” which is addressed in Sec. 11-5.

PROG & SERV HELD 5-0 on 01/23/13

ACTION: HELD 6-0 (Lennon not voting)

NOTE: The Committee met jointly with the Programs and Services Committee on the above item. Members of both Committees felt that it was important to have a representative of the Law Department present during discussion of the item. As there was no member of the Law Department available to participate in the discussion, motions to hold the item in both Committees were made and carried unanimously.

Re-appointment by the President of the Board of Aldermen

#36-13 ARVIN GRABEL, 259 Otis St., West Newton, re-appointed as a member of the ENERGY COMMISSION for a term to expire December 31, 2015. [01/07/13 @ 2:11 PM]

ACTION: **HELD 5-0 (Lennon and Danberg not voting)**

NOTE: Ald. Crossley requested that the Committee hold Mr. Grabel's re-appointment to the Energy Commission. The Chair of the Energy Commission has not been able to confirm that Mr. Grabel wishes to serve on the Energy Commission. Ald. Albright moved hold, which carried unanimously.

Appointment by the President of the Board of Aldermen

#37-13 MICHAEL GEVELBER, 166 Melrose Street, Auburndale, appointed as a member of the ENERGY COMMISSION to fill the remaining term of John Bliss, which expires on December 31, 2014. [01/07/13 @ 2:11 PM]

ACTION: **APPROVED 7-0**

NOTE: Michael Gevelber was present for the discussion of his appointment to the Energy Commission. He is an Associate Professor in the Department of Mechanical Engineering at Boston University and previously worked for the United States Department of Energy. He is the Co-chair of the University's Energy Conservation Working Group. The mission of the group is to identify goals, best practices, and opportunities to reduce the amount of energy used by the University. Mr. Gevelber is also a member of the University's Sustainability Steering Committee that is charged with advising University leadership on matters pertaining to the campus environment and sustainability. His experience with both of these groups has been a real learning experience. Mr. Gevelber stated that he believes that there is an enormous opportunity to save energy throughout the United States.

Mr. Gevelber is excited to get involved with the Newton Energy Commission. He has already started working with Josh Morse and Maciej Konieczny of the Public Buildings Department regarding remote operation of the mechanical systems at Newton North High School to determine the most efficient way to run the mechanicals. He feels that there are a number of areas where there are opportunities for Newton to become more energy efficient.

The Committee thanked Mr. Gevelber for his willingness to serve and added that the City was lucky have someone with his expertise on the Energy Commission. Ald. Albright moved approval, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#44-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Reserve for Removal of Snow & Ice to two accounts within the Department of Public Works as follows:

- Regular Overtime.....\$125,000
(0140110-513001)
- Rental Vehicles\$375,000
(0140110-5273) [01/14/13 @ 5:34 PM]

ACTION: **APPROVED 6-0 (Lennon not voting)**

NOTE: Public Works Commissioner Dave Turocy presented the request to transfer a total \$500,000 from the snow reserve to two accounts within the Department of Public Works’ budget. The Public Works Department carries \$1 million in its fiscal year budget for snow and ice removal. There is a reserve of \$1.5 million set aside for snow and ice removal once the \$1 million within the Public Works Department’s budget is depleted. The Public Works Department has spent over \$700,000 of its snow and ice removal budget. It is important that funds are available for future storms; therefore, the request is to replenish the department’s overtime account and rental vehicle account from the reserve.

The \$700,000 was spent on vehicle maintenance, rental costs for sidewalk plows and response to six snow events. Many of the storms required the Public Works Department to call in personnel in the evening resulting in significant overtime costs. Committee members requested that the Commissioner make an effort to pinpoint when to call in personnel, as once personnel are called in they receive a minimum of four hours overtime pay. The Commissioner explained that he works with the Deputy Commissioner to determine how much of the workforce is needed to address a storm but he can only base those decisions on the weather predictions. With that, Ald. Lappin moved approval, which carried unanimously.

#241-12(2) CLERK of the BOARD of ALDERMEN requesting that the Board of Aldermen re-vote His Honor the Mayor’s request for a water main extension through a proposed easement across the private way portion of BOULDER ROAD, which was approved November 19, 2012. A re-vote is necessary because the city did not record the taking order within the 30-days required in GL chapter 70, §3.

ACTION: **APPROVED 6-0 (Lennon not voting)**

NOTE: The Board originally voted this item on November 19, 2012. Unfortunately, all of the information necessary to record the order at the Registry of Deeds was unavailable within the thirty days required in Massachusetts General Law Chapter 70, §3. Therefore, a revote of the item was required. Committee members inquired whether all of the necessary information had been obtained in order to record the item with the Registry of Deeds. All of the necessary documentation is available and the order will be registered within the required thirty days. The Committee recommended approval of the item unanimously.

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#170-12 ALD. SANGIOLO, BAKER, BLAZAR , JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

PROGRAMS & SERVICES VOTED NO ACTION NECESSARY 3-1-0

(Ald. Linsky opposed) on 01/09/13

ACTION: NO ACTION NECESSARY 6-0 (Lennon not voting)

NOTE: The Programs & Services Committee voted the item no action necessary on January 9, 2013, as Ald. Sangiolo spoke to the Chairman of the School Committee, who stated that the School Committee would not be addressing the naming rights issue in the near future. The issue may be revisited in the future and at that point, the above item would be re-docketed. Therefore, Ald. Crossley made a motion for no action necessary, which carried unanimously

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]

ACTION: HELD 6-0 (Lennon not voting)

NOTE: The above item was held without discussion.

Respectfully submitted,

Anthony J. Salvucci, Chairman



Setti D. Warren
Mayor

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Department of Planning and Development
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Candace Havens
Director

MEMORANDUM

DATE: January 11, 2013

TO: Marcia Johnson, Chair of Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
John Lojek, Commissioner of Inspectional Services
Bob Rooney, Chief Operating Officer
Dori Zaleznik, Commissioner of Health and Human Services

SUBJECT: Sidewalk Cafés

MEETING DATE: January 14, 2013

CC: Bruce Proia, Fire Chief
Dave Turocy, Commissioner of Public Works
Chief Mintz, Police Department
Donnalyn Kahn, City Solicitor
Linda Plaut, Director of Cultural Affairs
Ana Gonzalez, Director of Community Engagement

BACKGROUND

Over the summer of 2012, department heads from Planning, ISD, Health and Human Services, and the Executive Office (Economic Development Cluster) met to discuss the potential for sidewalk cafés to enliven our streetscapes and enhance the vitality of our commercial areas. Consistent with other current initiatives of the Mayor, the Zoning and Planning Committee and Economic Development Commission, as well as the objectives of the *Comprehensive Plan*, the Economic Development Cluster has developed a proposal that also incorporates the health, safety and general welfare interests of various City departments, which could be crafted into ordinance language, if supported by the Zoning and Planning Committee.

Several City departments oversee activities that occur on City sidewalks, particularly with regards to restaurants. The Department of Health and Human Services monitors licensing of food and liquor sales, as well as “extensions of premises” through the Board of License Commissioners. The Commissioner of Public Works is generally responsible for maintenance of City sidewalks and for anything placed on them. The Fire Department oversees occupancy limits and fire safety features, especially in restaurant kitchens. The Planning Department evaluates allowed uses, with

particular attention paid to parking requirements that may be triggered by additional seating. Inspectional Services staff enforces compliance with the zoning and building codes, including accessibility standards.

The Economic Development Cluster reviewed sidewalk café ordinances from Boise, ID; Chicago, IL; Charleston, SC; Hoboken, NJ; San Luis Obispo, CA; Port Huron, MI; Lodi, CA; San Francisco, CA; Philadelphia, PA; Brookline, MA; Banff, Alberta; and several boroughs in Manhattan, NY. The group identified some common characteristics and gained insights into the kinds of controls others have used to oversee their cafés. After thorough review of these documents, the group concluded it would be best to designate one department to accept the applications and obtain feedback from the other departments noted previously. Because the Health and Human Services Commissioner is the liaison to the Board of License Commissioners, all agreed that the Health and Human Services Department would be an appropriate place for restaurateurs to apply for sidewalk café permits. The Commissioner of HHS would route proposals to Police, Fire, DPW, ISD, and Planning and schedule appropriate reviews for licensing before the Licensing Board, and would make a determination as to whether all agreed-upon standards are met.

PROGRAM FEATURES

Accessibility. There must be a minimum of four feet of unobstructed sidewalk to allow clear access for people of all abilities between the outdoor dining area (including tables, chairs, umbrellas, signs, and other dining amenities that are placed on the sidewalk adjacent to the eatery) and any other permanent or temporary structures or devices (including but not limited to trees, parking meters, utility poles, bike racks, trash cans, flower beds, or other items that may be placed between the building and the curb line).

Parking. Restaurants with parking that conforms to City standards may request up to eight chairs or 10% more seating than the maximum allowed by the Zoning Regulations, whichever is greater. If the restaurant desires more than this number of seats, parking must be provided in conformance with the City's parking regulations and may be subject to a special permit. The staff of the Departments of Planning or Inspectional Services can assist applicants in determining the parking required for a business, as well as ways to meet the requirement. No new parking spaces will be required if legally allowed seats from inside the restaurant are moved outside, and no more than eight new seats or 10% more seating than allowed by ordinance are added in order for the restaurant to begin operations; however, the "extra" outdoor spaces may not be moved inside, thus increasing their total interior seat count without requiring a recalculation of the parking requirement and assessment as to whether the extra seating triggers a requirement for additional parking and/or a special permit.

Serving of Alcohol. A restaurant that has a license to sell alcohol inside the premises may also serve alcohol outdoors within an approved area designated for restaurant service. Prior to selling alcohol outside, the restaurant must appear before the Board of License Commissioners to request an extension of the premises. All legal requirements for sale of alcohol must be honored. Such establishments must post a sign at all exits that reads, "*It is unlawful to consume alcoholic beverages not purchased on the premises or to remove them from the boundaries of this sidewalk café.*" There must also be an unobstructed view of the outdoor seats from inside the restaurant.

Designated dining area. Where alcohol is served, the area where it is consumed and/or served must be clearly delineated with a barrier such as a planter, rope, handrail, or other feature that separates it from the sidewalk or publicly accessible way and is no less than three feet in height, stable, removable, and not fastened to the sidewalk. No alcohol may be served or carried beyond this designated area. Where alcohol is not served, such barriers are allowed, but not required. Only those areas immediately adjacent to the building where the restaurant is located may be used for outdoor dining and dining may not spill over to areas in front of adjacent properties.

Maintenance. The area surrounding the café shall be free of litter, debris, food, and wrappers and sidewalks shall be washed down on a daily basis. Food from the café shall not be disposed of in city containers.

Sun protection. Umbrellas and awnings that offer protection from the elements and enliven the streetscape are encouraged, and must be fastened, weighted, and stable. Building permits may be required for awnings, so applicants should provide a rendering of any proposed awning to the Department of Inspectional Services to make that determination in advance of ordering or installing such features.

Sidewalk expansions. Restaurants located on a corner, by a mid-block crosswalk, or where an expansion of the sidewalk would be complementary to the physical design of the streetscape, may request permission to expand the sidewalk at their own expense in order to create additional seating outdoors. The applicant shall be responsible for designing the proposed expansion subject to the approval of the Traffic Council (if parking is removed), the Planning and Development Director, and the Commissioner of Public Works. Plans for the sidewalk extension shall be submitted with the application to the Commissioner of Health and Human Services, who will route the plans to the Engineering Division of the Public Works Department for review. The Department of Public Works will be responsible for installing such sidewalk extensions, if plans meet with the approval of the aforementioned departments. The cost of installations will vary, but would be charged at the current rate of construction.

ADMINISTRATION

Permit Required. A sidewalk café permit shall be required to allow sales and consumption of food and/or beverages at a sidewalk café. To be eligible for a permit, applicants must comply with the requirements listed below. Failure to comply with these requirements may result in denial of the application. Once issued, a permit is valid for one year and expires at midnight on March 31 of each year unless application for annual renewal has been made prior to the expiration date.

Renewals. Sidewalk Café permits must be renewed annually to remain in effect and are due on April 1 of each year. If conditions change, a new application must be submitted to the Commissioner of Health and Human Services, noting the changes requested, including change of ownership.

Filing Fee. A filing fee is required at the time of application for sidewalk café permit and is nonrefundable. Thereafter, an annual renewal fee shall be required. Both fees shall be as established by the Board of Aldermen.

Permit Determination. The Health and Human Services Department shall be given the authority to process, grant or deny all sidewalk café applications. The Department shall review the application for completeness, then will route the request to the Police Chief, Fire Chief, Commissioner of Public Works, Commissioner of Inspectional Services, Director of Planning and Development, and Commissioner of Health and Human Services. Each of the departments may recommend conditions or terms for approval that may be necessary to carry out the policies of the City and to protect the health, safety and welfare of the public, or to prevent disturbance or nuisance. In considering whether to approve an application, the Commissioner of Health and Human Services or designee shall verify that the applicant is qualified to apply, that all application requirements have been met, and all departments noted have been consulted and have recommended approval, with or without conditions.

Transferability. Sidewalk café permits may be transferred only to the successor in interest to any licenses or permits issued to the permittee, provided that the transferee has verified that s/he and the café meet application requirements.

Termination and Enforcement. Restaurants are expected to comply with the provisions of the ordinance. Violations will be enforced by Inspectional Services, which will contact other departments as needed to assure compliance with public health and safety violations. The restaurant will receive a warning upon the first violation; upon a second violation, the applicant must appear before the Health and Human Service Commissioner, who will consider revocation of the license and will have authority to take final action on permit approvals and renewals. Any

department shall have the authority to request revocation of a sidewalk café permit for failure to comply with the conditions of their permit or the requirements of the sidewalk café ordinance.

Liability insurance. The applicant shall be required to provide general liability insurance with limits of not less than \$500,000 for the term of the sidewalk café permit, which names the City as additional insured.

The ED Cluster also recommends a sidewalk café ordinance include:

Intent of Sidewalk Café Ordinance. Sidewalk cafes can enhance the use of public space and complement businesses operations from fixed premises, as well as to promote overall social and economic activity in the City’s villages and other commercial areas. They shall be allowed subject to the provisions of the Sidewalk Café Ordinance for legally established restaurants.

Sidewalk Café Definition. A sidewalk café is an outdoor dining or sitting area of a food retailer, contiguous to the food retailer’s premises, which is located in whole or in part on a sidewalk and containing removable tables, chairs, barriers, planters, or related appurtenances.

Sidewalk Definition. That portion of the public right of way, which is between the curb lines and adjacent property lines, and is designed for, improved, and ordinarily used for pedestrian travel.

At the present time, there are approximately 400 licensed food establishments in the City, many of which are not candidates for sidewalk seating, due to lack of frontage with sidewalks or due to the nature of the businesses. There are 26 restaurants that have requested sidewalk seating permits to date; a one-stop application process and some of the features of the ordinance are likely to incentivize other restaurants to consider setting out tables, chairs and benches in nice weather, so it is possible this number could double. Provided that the recommended standards are followed, the Economic Development Cluster does not anticipate any problems associated with this increase, particularly since seating will be limited by the space available on the sidewalks.

PREVIOUS REVIEW

In May 2012, the Zoning and Planning Committee considered two related proposals: one to waive parking requirements for outdoor seating and the other to allow additional seating in restaurants. The Board concurred that no action was necessary at that time, given that staff was reviewing parking, generally, and that the concept of sidewalk cafés merited considerations from various departments whose interests could be integrated into a more comprehensive approach.

NEXT STEPS

Staff welcomes the Board’s feedback on the proposed concept. If the Committee is generally satisfied with this proposal, staff can begin crafting suitable implementing language. If the Committee wishes to have additional information, it would be helpful to the working group if the Committee could identify their concerns so staff can perform the necessary research to further shape an appropriate ordinance. The Licensing Board normally hears requests for annual permits in April, and it would be ideal if an ordinance were in place for the upcoming requests this year.

Attachment A: Sample one-stop application





Setti D. Warren
Mayor

City of Newton, Massachusetts
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SIDEWALK CAFÉ PERMIT APPLICATION

ATTACHMENT A

Telephone
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To applicants: Sidewalk cafés are an outdoor dining or sitting area of an existing indoor eating establishment which is located in whole or in part on a sidewalk and containing removable furnishings and dining amenities. A sidewalk café permit is required to allow sales of food and drink and may be issued by the Department of Health and Human Services provided that the sidewalk café meets all the requirements (listed on a separate sheet). Applicants should review the requirements, complete this application, and submit with the items noted below:

- Completed Application Form.** The fee shall be set by the Board of Aldermen. The recommended current fee is \$100 for a new application and \$50 for renewals.
- Explanation of Proposal.** A letter should be submitted with the application that describes the business, indicates proposed hours of operation, explains how additional required parking will be provided, and how the dining area will be separated from the public walkway. The explanation shall also include a detailed description of the type, color, and material of all proposed outdoor furniture, such as tables, chairs, barriers, planters, umbrellas, signs, lighting, and heaters; and any new construction of the façade of the facility or adjacent sidewalk to accommodate the sidewalk café.
- Site Plan.** The site plan should show property lines, structures on the property, layout and dimensions of the outdoor dining area, proposed number and location of tables, chairs and other furnishings to be included in the dining area; the relationship of the outdoor dining area to the indoor dining area; and all permanent and temporary fixtures or objects between the curb line and the restaurant (such as trees, utility poles, trash cans, bike racks, signs, etc.). Applicant shall submit three copies on 1"=10' minimum scaled with one set reduced to an 8 ½" x 11" sheet.
- License(s) to sell food and/or alcohol.** Existing licenses to sell food or alcohol must be in place before selling alcohol; the facility must apply for an extension of premises and appear before the Board of License Commissioners.
- Proof of Liability Insurance.** Liability insurance must meet City standards, naming the City as additionally insured for the term of the permit to the approval of the City Solicitor's Office.

Applicant's Name _____ Phone _____ E-mail _____

Address _____

Property Owner's Signature _____

STAFF USE ONLY

Please return to the Department of _____ by ____ (date) _____.

Please initial and date of sign-off in space beside department below, and attach any addition comments or conditions:

- Health and Human Services _____ Public Works _____ Planning _____
- Inspectional Services _____ Fire _____ Police _____

ACTION: Approved Denied Date _____ BY _____