

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, JANUARY 14, 2013

Present: Ald. Johnson (Chairman), Lennon, Swiston, Sangiolo, Yates, Danberg, Baker and Kalis

Also Present: Ald. Crossley

Others Present: Candace Havens (Director, Planning and Development), James Freas (Chief Long Range Planner), John Lojek (Commissioner, Inspectional Services), Dori Zaleznik (Commissioner, Health and Human Services), Maura O'Keefe (Assistant City Solicitor), Karyn Dean (Committee Clerk)

Re-appointment by His Honor the Mayor

#6-13 JACK LEADER, 613 California Street, Newton, re-appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire November 7, 2015 (60 days 03/07/13) [12/13/12 @ 10:36 AM]

ACTION: **HELD 4-0-1 (Ald. Kalis abstaining; Ald. Lennon, Danberg and Baker not voting)**

NOTE: Ald. Yates said there is a lot of activity at the Economic Development Commission. He would like Mr. Leader to join the Committee at their January 28th meeting for an update on that activity.

The Committee voted to hold this appointment with Ald. Kalis abstaining.

Re-appointment by His Honor the Mayor

#405-12 WILLIAM McLAUGHLIN, 117 Hammond Street, Chestnut Hill, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire November 7, 2015 (60 days 02/01/13) [11/19/12 @ 9:51 AM]

ACTION: **APPROVED 4-0-1 (Ald. Yates abstaining; Ald. Lennon, Danberg and Baker not voting)**

NOTE: Mr. McLaughlin joined the Committee. Ald. Johnson said there was interest in understanding how his experience as a long-time developer played into his role on the Zoning Board of Appeals (ZBA). She asked him to describe the role of the ZBA as he understood it. Mr. McLaughlin said he has been an alternate member of the ZBA or a number of years and ultimately a permanent member. He said he sees his role as a practical technical expert. Most issues that come before the ZBA including land use, reading plans, dimensional requirements, etc. are within his comfort zone knowledge. The ZBA sees the exceptions to the rules and there is an enormously complex set of by-laws. He feels the Board interprets that and applies the law in conjunction with common sense. It is a fairly high standard that they hold people to in order

to get a variance approved. It's not a by-right use and it's not a special permit, the variance is the highest standard of all land use requirements. He feels they weigh the evidence carefully to come to good decisions.

Ald. Kalis asked Mr. McLaughlin what his perspective was on development and over-development. Mr. McLaughlin said they mostly see cases similar to porch additions on single-family, owner-occupied homes. He has developed \$5-6 billion worth of real estate, with 2 communities in Newton which are typical of what his company does. The ZBA has seen a 40(b) or two over the years, an area in which he said he has expertise, but most cases are simpler. He said he has concerns about over development and people who look for loopholes to build in areas where they are not a long-term, vested interested party. He also sees people who come in who live in the neighborhood for 30 years and always believed their garage, for example, was conforming and did not realize certain aspects. He said he was not a zealot for builder rights and that abutters have an important role in development. Most people arrive at the ZBA having worked with their neighbors already and they hear both sides of an issue. He also said he believes that if a variance is granted and a structure is built, and someone moves into a neighborhood after that and doesn't like that structure, he is not all that sympathetic to any argument against an existing porch, garage, etc.

Ald. Yates explained that a parcel has to have a hardship that is unique to that parcel in order to be granted a variance. He said virtually all variances in the state are probably illegal under that interpretation. Mr. McLaughlin replied that that would be a very strict interpretation of the word "unique". He feels that if it's unique to the standard of the immediate district or area, then that would fit the description. He did not feel that it meant unique in the entire City. About 50% of the cases that come before the ZBA have unique situations that lead to a hardship. Ald. Yates said he has heard very different. He also asked about two 40(b) parcels that were developed in the City and Mr. McLaughlin stated that he was not on the Board at that time. He said the reason he is on the Board is that he felt Newton's Board was the least functional he had seen. The former Mayor got in touch with him after he volunteered his services if they were ever needed.

Ald. Yates noted that Mr. McLaughlin's resume listed him as an advisor of CAN-DO. He explained that he is not on the Board of Directors but he is a part of an honorary advisory board that consults for real estate issues. Ald. Yates asked if Mr. McLaughlin should recuse himself should a CAN-DO project come before the ZBA. Mr. McLaughlin said he would indeed recuse himself and he believes it's the right thing to do.

Ald. Yates asked Mr. McLaughlin to comment on the standards of when a substandard lot is merged with an adjacent substandard lot. Ald. Yates made reference to a case in which a building permit was given by ISD and was then challenged by abutters. Three of the 5 ZBA members said the permit should be rescinded. Since a super-majority was needed, the revocation did not stand. The original decision was then appealed to the Land Court and the judge said the permit should not have been given. That decision has been taken to the Court of Appeals. Mr. McLaughlin said he did not sit on this case and vaguely remembers hearing about it. He said the more routine cases are pretty straightforward, and for cases that end up being more litigious, the Board relies upon the city experts in the Inspectional Services Department and the Law

Department. Ald. Yates said the higher courts overturned the opinions of both those departments, therefore, he urged the ZBA to have a healthy skepticism of them in the future.

The Committee voted to approve Mr. McLaughlin's appointment with Ald. Yates abstaining.

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]

ACTION: **HELD 7-0 (Ald. Baker not voting)**

NOTE: Candace Havens, Director of Planning and Development, presented this item. A memo from the Planning Department had been provided with the agenda and is attached to this report. Please refer to it for more detailed descriptions. A handout showing some examples of current restaurants is also attached. The Commissioner of Public Works is currently responsible for the placement of furniture on sidewalks and granting licenses. After reviewing ordinances in many other communities, the Economic Development Cluster concluded it would be best to designate the Health and Human Services Department to accept applications and work with the Board of License Commissioners to process licenses. Ms. Havens summarized the Program Features as follows. Comments on each feature are included.

Accessibility: In all cases there must be a clear, unobstructed path of sidewalk area at a minimum of four feet. Ald. Johnson asked if there were in fact many sidewalks that had that kind of width. Ms. Havens noted that there are a limited number but she will explain some ways of making some changes to that as the summary progresses.

Ald. Crossley felt that 4 feet was quite narrow and would be very tight in many instances. Barbara Lischinsky, member of the Commission on Disabilities, said she was pleased that everyone was concerned about accessibility. The Commission is concerned about the difficult passage on sidewalks in Newton. She loves sidewalk cafes and keeps her dog under her feet so as not to impede passage. She noted that there are no 4 feet sidewalks in Newton, unfortunately, and she really did not want to see anybody get hurt by any obstacles on sidewalks. Rosemary Larking, who is also on the Commission on Disabilities, said she was concerned about people sitting in the chairs spilling further out into the sidewalk and making the 4 feet area, less than 4 feet. She described an accident she had trying to negotiate a sidewalk with a cyclist and she was thrown from her wheelchair. Ms. Havens said they could require barriers in all cases so that it is very clear where the designated area ends and does not spill onto the sidewalk.

Ald. Crossley said that bicycles on sidewalks are allowed in the City, but she feels they should not be allowed in village centers. She believes there should be a dismount area before entering the centers.

Parking: The Planning Department's suggestion is to allow restaurants with parking that conforms to City standards to have as many 8 new chairs out front, or up to 10% of the number of chairs that they are allowed legally, whichever is greater, without requiring new parking spaces.

Alcohol: If a restaurant has a license to sell alcohol inside, it would be allowed to serve it in the outside area. If they did, a barrier would be required to delineate the area where the restaurant ends on the sidewalk and where the serving and consumption of alcoholic beverages must end. Commissioner Zaleznik said this would require an appearance before the Licensing Commission to request an extension of the premises. Once they got the extension, it would become part of the renewal process. They are also suggesting there be an unobstructed view from the inside of the restaurant to the outside to monitor alcohol leaving that area. A sign would also be posted that alcohol could not leave that area. Commissioner Zaleznik said that everything they are proposing regarding alcohol consumption complies with ABCC. Ald. Sangiolo asked where one might bring a complaint. Commissioner Zaleznik said a complaint can go to the Police Department. It can also go before the Licensing Board and a process for filing a complaint that would go into the Rules and Regulations of the Licensing Board.

Ald. Kalis wondered if the license should be valid for more than one year, especially if a business is investing in barriers, umbrellas, awnings etc.

Designated Dining Area: If alcohol is not being served, a barrier may be used but is not required. Only spaces immediately adjacent to the restaurant may be used.

Maintenance: The surrounding area must be free of litter and debris and food from the café cannot be disposed in City containers.

Sun Protection: The current ordinance does not allow umbrellas or awnings, but they felt for health reasons, it would be a good thing to have sun protection and also provide a colorful streetscape. Building permits may be required for awnings so they would make restaurants aware of that.

Sidewalks Expansion: This is a concept, where feasible, sidewalks could be expanded in order to allow the café furniture. This would be at the owner's expense, subject to the approval by Traffic Council if parking is removed, the Planning and Development Director and the Commissioner of Public Works. DPW would have responsibility for installing the sidewalk extensions. Ald. Yates said that perhaps an outside contractor could do the installation overseen by the City Engineers. DPW may not be able to get to the installations in a timely manner considering their other obligations. Ms. Havens said that it would simply be under the oversight of DPW.

Ald. Sangiolo wondered if there was some way to find areas for shared space for bumpouts for several restaurants in an area like the one near Terry O'Reilly's. They could all share the cost of building the bumpout. Commissioner Havens said it would be an intriguing idea. Ald. Sangiolo said Neighborhood Area Councils might be able to work in the neighborhood to raise awareness

and interest for this concept and find good spaces for it. Ms. Havens said they have been talking internally at places where more width could be made possible.

Administration: A permit application would be filled out and sent to the Health and Human Services Department. HHS would then route that application around to all the involved Departments, such as Police, Fire, DPW, ISD and Planning. Each Department may recommend conditions or terms of approval of the application. When they have been met, the Commissioner of HHS may grant the permit. This makes the application process simpler for the applicant. Commissioner Zaleznik envisions in the future an online shared database, so that as each department conducts their review, they can then sign off on the application and keep it efficient. They don't have that right now, so they will send this out as an email to all departments with a timeframe for all departments to do their review.

Commissioner Lojek explained that there is a joint co-enforcement task force in place that can troubleshoot particular problems that may come up on an application to help resolve them as a group. Ald. Sangiolo would like to have that referenced as an option in the process.

Current Process/Licenses

Ald. Johnson mentioned that restaurants with large front windows that can be opened to create an open space feel without actually spilling onto the sidewalks would be an interesting idea. She noted that it is a popular design in Boston and in other parts of the world as well. There are a couple examples of that currently in the City. Ms. Havens said it is something that could be added to a handout as a suggestion.

Right now there are 26 restaurants that have sidewalk café permits. These expire on March 31st of each year and need to be re-submitted (without the site plans, etc.) They are proposing a \$100 filing fee for initial submissions, and \$50 for renewals.

Ms. Zaleznik said the City's current process does not conform to the ordinance and that's the biggest problem. Their hope was to make a process that is easy for the proprietors to follow and not be in violation. This is an attempt to streamline the process and add some new features that are desirable. Ald. Sangiolo said that there are businesses that are putting tables that clearly do not conform to the 4 foot standard. Commissioner Zaleznik said some of them may not have a permit at all. Ald. Johnson asked for the list of 26 establishments that most recently held licenses.

Commissioner Lojek, said he has not signed one sidewalk permit because they are all in violation of zoning. This is an exercise that the Economic Development Cluster decided to take on and his department encourages it in the village centers. They do have to qualify with the tables, chairs and still have the 4 feet of unobstructed passage, along with other requirements. They require a diagram that will be verified. They don't want to put anything out there that is not safe.

Enforcement

Ms. Havens said that as far as enforcement after a license has been issued, ongoing enforcement of terms and conditions will be under the jurisdiction of the appropriate departments. Any complaint would come through HHS and they would route it appropriately. Ald. Kalis was concerned about resources for enforcement.

Notice

Ald. Sangiolo wants there to be some sort of public notice if a restaurant is applying so that neighbors are aware and have an opportunity to weigh in if there are concerns.

Follow Up

Ms. Havens said this issue has to go to Programs & Services, Public Facilities and then a separate item on fees to Finance Committee. She would like to incorporate any comments from this Committee into their presentations to the remaining Committees. They would have to come back to Zoning and Planning after that because they would technically be making a change to the parking requirement for these businesses and a public hearing would be necessary. She would like to have the reforms in place in time for the next renewal period of April 1.

The Committee had discussions regarding the following issues. There will be a more detailed report on the discussion items forthcoming.

- Discussion regarding Village Vitality
- Update on Zoning Reform Phase I
- Discussion with the Commissioner of Inspectional Services regarding development

Respectfully Submitted,

Marcia Johnson, Chairman



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone **#316-12**
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

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
1000 Commonwealth Avenue Newton, Massachusetts 02459

SIDEWALK CAFÉ PERMIT APPLICATION

ATTACHMENT A

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

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:

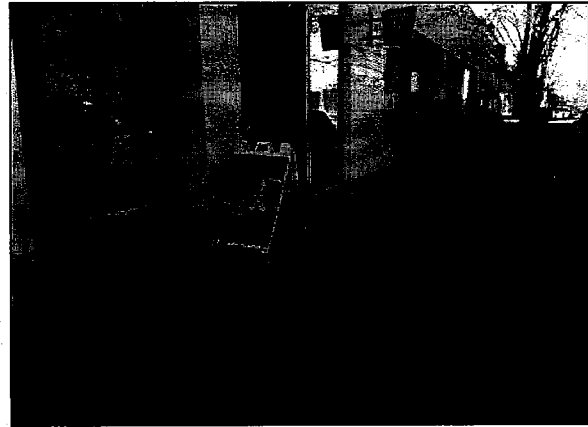
- Health and Human Services _____ Public Works _____ Planning _____
- Inspectional Services _____ Fire _____ Police _____

ACTION: Approved Denied Date _____ BY _____

	Deluxe Station Diner	Panera Bread	Johnny's Luncheonette	Subway	Sweet Tomatoes
Address	70 Union Street	1241 Centre Street	30 Langley Road	1185 Centre Street	47 Langley Road
Number legal seats	90	105 (summer) 80 (winter)	88	12	9
8 or 10%	9	8-10	8	8	8
Frontage (façade facing front sidewalk)	80 feet	~50 feet (building 70 feet)	~ 30 feet (building 108 feet)	~ 20 feet (building 108 feet)	~20 feet (building 125 feet)
Width of sidewalk	5 ½ - 10 feet, (some benches already within the 10 ft width)	10 feet + 5 foot wide inset section at front door (plus private back patio)	~ 7 feet (10 feet, then magazine racks and tree pits make it close to 7)	5 ½ - 6 feet	5- 7 feet (curb ramp directly in front)



Deluxe Station Diner



Panera Bread



Johnny's Luncheonette



Subway



Sweet Tomatoes



Additionally, some properties have private patios (Jumbo Seafood, above left) or are adjacent to large public patio spaces (Terry O'Reilly's Irish Pub, above right).