



CITY OF NEW BEDFORD
Department of Planning, Housing & Community Development
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STAFF REPORT

NEW BEDFORD HISTORICAL COMMISSION MEETING

June 3, 2019

**CASE #2017.08: CERTIFICATE OF APPROPRIATENESS
MODIFICATION**
31-35 Union Street (Map 47, Lot 37)

APPLICANT/ Cultivator Shoals
OWNER: Jason Lanagan

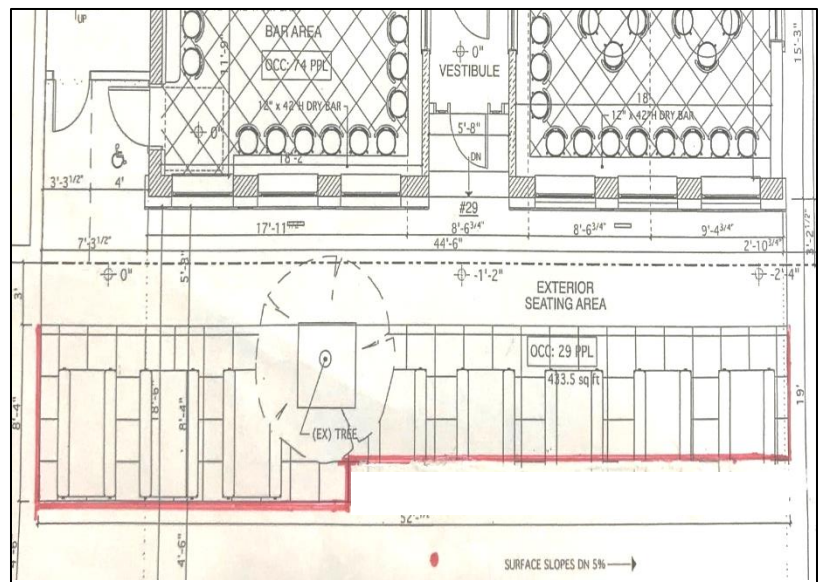
OVERVIEW: The applicant is seeking a modification to a previously issued Certificate of Appropriateness for a sidewalk café pursuant to the City of New Bedford's Code of Ordinances §15-100 granting licenses for the use of city public rights-of-way for outdoor dining, as well as the regulation of the placement of temporary tables, chairs and appurtenant street furniture on public ways by licensed restaurants. Approval by other regulating entities under the city ordinance is also required including Planning Board and Licensing Board.



EXISTING CONDITIONS: The site is located on the north side of Union Street, between Front and Water Streets which has a brick and bluestone sidewalk area approximately 17'-6" in depth. The building has two storefronts with a central entrance/vestibule and a Certificate for café seating was issued in May 2017 for the #35 storefront which operates as the Cultivator Shoals. This existing café seating area features three wooden picnic tables and wood bar top circling the tree. The barrier consists of painted wood planters and 36"-39" high painted wood vertical slat panels with metal posts supporting a sail shade attached to the storefront cornice.

PROPOSAL: The Cultivator Shoals is expanding into the #31 storefront and the applicant is proposing to expand the footprint of the café seating area to be contiguous with the entire building façade. The furniture type and barrier style will remain the same with an additional sail shade attached to the #31 storefront in an identical manner as previous.

The current seating area is approximately 26' in length and 13'-6" in depth. The east side of the current barrier will be removed to allow for the expansion. Due to the location of an existing light post, the barrier jogs inwards approximately two feet at the eastern end of the existing barrier. The proposed barrier footprint will continue approximately 26' east along the jog, providing the additional seating area with a depth of approximately 11'-6".



Proposed Cafe Seating Area Barrier Location



Outline Footprint of Proposed Café Seating Expansion

Barrier Post Installation: The previous barrier posts were installed by a method in which brick pavers were removed and the metal posts set in concrete. This method may no longer be approved by DPI and posts must be installed utilizing a post anchor. All alterations to the sidewalk require DPI review and approval through DIS permitting.



Previous Installation method with posts set in concrete



Preferred Installation using post anchors

STATEMENT OF APPLICABLE GUIDELINES:

The Bedford Landing District Design Guidelines state the following relative to this proposal:

SIDEWALK CAFÉ SEATING

Seating arrangement and placement shall be approved by the Historical Commission. Temporary bollards or other means of cordoning off the seating area shall be reviewed and approved by the Commission. A uniform design for cordoning off café seating areas throughout the District is strongly encouraged.

City of New Bedford's Code of Ordinances §15-100 state the following relative to this proposal:

For those within a Historic District. The New Bedford Historical Commission shall have aesthetic review through its Certificate of Appropriateness process for café enclosures, tables, chairs signage, and accessories in areas regulated by Massachusetts General Law Chapter 40C districts. It shall be the applicant's responsibility to provide written proof that it has obtained a certificate of appropriateness and all requisite permits, and/or approvals from relevant agencies and boards to the Department of Inspectional Services, prior to the issuance of a permit.

- Every outdoor café on a city public right-of-way shall be temporary in nature and designed so that the entire café structure and its appurtenances including, but not limited to, chairs, tables, fencing, bollards and planters can be easily removed during periods of non-use. There will be no permanent fixtures in the public right-of-way. Furthermore, the city reserves the right to require the user to remove the sidewalk café if and when it determines it to be necessary, even during the term of the license.
- **Location of sidewalk café.** The sidewalk café must be contiguous to a licensed restaurant facility located on a street level. The outdoor café area may not extend beyond the frontage and or side faces of the licensed restaurant. There must be at least four (4) feet of free unimpeded pedestrian passageway on the sidewalk. However, the city reserves the right to require that more than four (4) feet of sidewalk be made available during certain hours of the day, or days of the week in order to accommodate pedestrian traffic.
- Length of license agreement. The license agreement for the use of the public space shall be an annual license that shall expire December 31st of each year.

STAFF RECOMMENDATION: The extension of the café seating area complies with the City's Outdoor Café ordinance and does not impede pedestrian access. The proposed café seating does not detract from the District in its size, location or finishes. Staff recommends the application's approval and the issuance of a Certificate of Appropriateness with the following condition:

The applicant secures any other permitting required for the sidewalk café, that the applicant work with staff to ensure installation methods and materials adhere to the design aesthetics of the District, and if substantial changes are required through additional permitting, the applicant may be required to seek a modification to the Certificate.