



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN
DIRECTOR

STAFF REPORT

PLANNING BOARD MEETING

June 14, 2017

APPLICATION FOR SIDEWALK CAFÉ LICENSE

Applicants seek approval from the Planning Board under **Article VI.-Planning Board Licenses and Permits §15-100.-Sidewalk Café Permit** for the use of city public rights-of-way for outdoor dining, and regulation of the placement of temporary tables and chairs and appurtenant street furniture for use as outdoor cafes on public ways by licensed restaurants. Conditions and standards are provided at the end of this report for the board's reference.

Greasy Luck opened as a brewery restaurant business offering live entertainment and event space in December 2016 and submits a new application for the Planning Board's consideration. Brick Pizzeria, Café Europa, and Slainte are again submitting their renewal for Sidewalk Café License. Applicants have each been asked to attend the Planning Board meeting and present their proposals to the board.

NEW APPLICATION

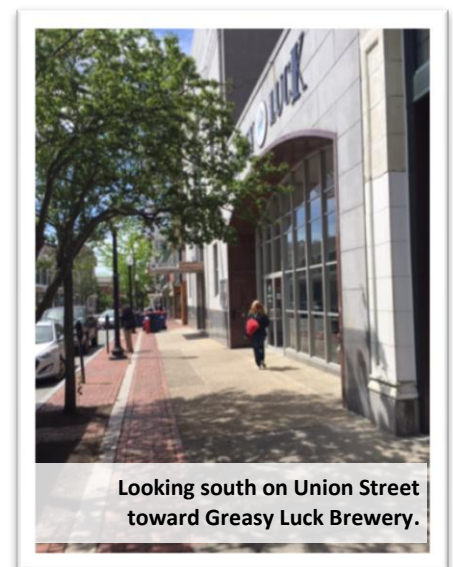
Case # 20-17: Greasy Luck Brewery

791-797 Purchase Street
Map 52, Lot 292

Applicant: Mark Martino, Manager
Vault, DBA Greasy Luck Brewery
& 791 Purchase Street, LLC
791 Purchase Street
New Bedford, MA 02740

Existing Conditions:

This restaurant is located on the west side of Purchase Street between Union and William Streets in the Mixed Use Business zoning district, Downtown Business Overlay District (DBOD), and Central Business District. This unique venue is an adaptive reuse which previously hosted the former research library of the New Bedford Whaling Museum after functioning during an earlier period in history as a bank. The 10+/- SF by 60+/- SF outdoor café would encompass approximately 600+/- SF.



The proposed linear design features six (6) 36" square tables constructed of synthetic teak and powder coated aluminum framing supported by powder-coated cast iron bases with four (4) seats each table top. The applicant will introduce planter barriers to protect the dining area from the public walkway along Purchase

Street at the Planning Board meeting. The applicant has secured all licensing and insurance requirements by the City of New Bedford to serve alcohol with food in the enclosed outdoor dining area as per stipulations of the ordinance.

Staff finds that the design layout as presented is limited by site constraints. Staff suggests the applicant rotate the three (3) tables in front of the Smart Brew system window 45 degrees to increase space between seated guests and servers. Staff also suggests the seating area between the canopy shielding the venue entrance and main entry door be modified to feature three (3) two-top tables instead of three (3) four-top tables as shown on the design layout plan.

RENEWAL APPLICATION

Case # 17-17: Brick Pizzeria

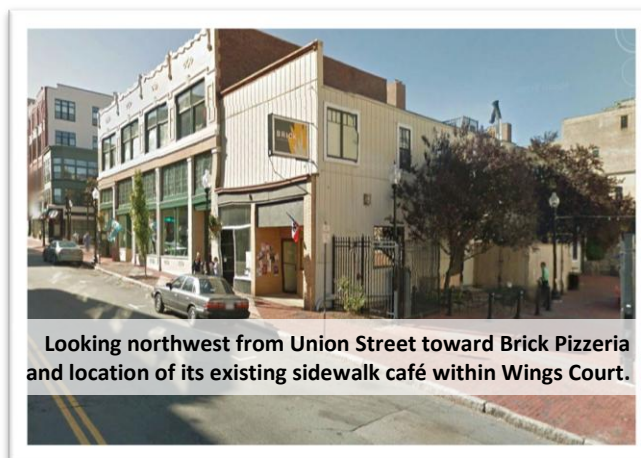
163 Union Street

Map 53, Lot 134

Applicant: John F. Goggin
163 Union Street
New Bedford, MA 02740

Existing Conditions:

The subject area is located in the Mixed Use Business (MUB) zoning district, Downtown Business Overlay District (DBOD), and Central Business District on the north side of Union Street, east of Purchase Street, and directly adjoining Wings Court which serves as the site for the outdoor dining patio. The outdoor café measures 750+/- SF. The design plan features three (3) round, 4- foot diameter table tops which seat four (4) guests of the pizzeria. Stanchions posts and chains in black finish will provide the barrier to separate the private dining area from the public walkway. The applicant has secured all licensing and insurance requirements by the City of New Bedford to serve alcohol with food in the enclosed outdoor dining area as per stipulations of the ordinance.



RENEWAL APPLICATION

Case # 18-17: Café Europa

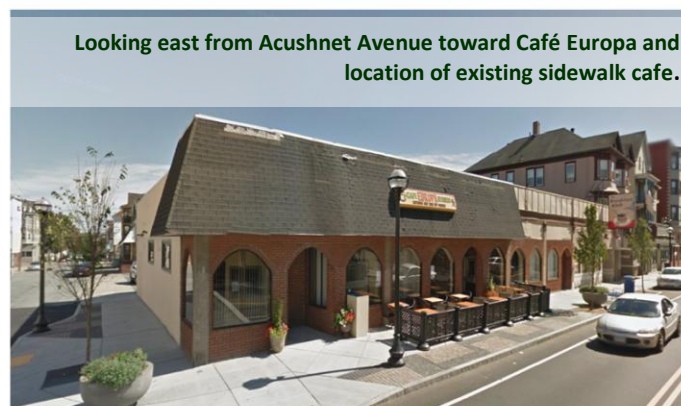
1256 Acushnet Avenue

Map 93, Lot 11

Applicant: Peter Ferreira
Café Europa
90 Front Street
New Bedford, MA 02746

Existing Conditions:

The subject area is located in the Acushnet Avenue International Marketplace District on the east side of Acushnet Avenue, between Holly and Sawyer Streets in the Mixed Use Business zoning district. The outdoor café measures 432+/- SF. Design layout features eight (8) square table tops which seat four (4) guests of the restaurant anchored in linear plan. Lattice fence will provide the barrier to separate the private dining area from the public walkway. The applicant has secured all licensing and insurance requirements by the City of New Bedford to serve alcohol with food in the enclosed outdoor dining area as per stipulations of the ordinance.



RENEWAL APPLICATION

Case 19-17: **Slainte Irish Pub**
34 Union Street
New Bedford, MA 02740
Map 47, Lot 39

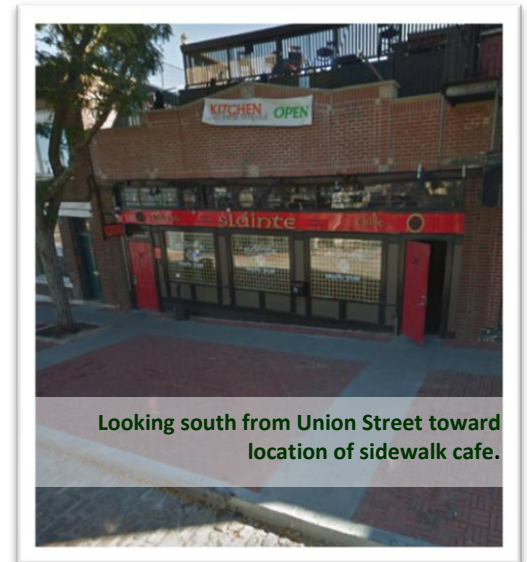
Applicant: Barry Flynn
34 Union Street
New Bedford, MA 02740

Existing Conditions:

The site area is located in the Industrial A (IA) zoning district and Downtown Business Overlay District (DBOD), and Bedford Landing Historical District at 32 Union Street one block east of the State Pier. The applicant last hosted sidewalk dining in 2015.

The design plan for the 378 +/-SF dining area features eight (8) round, 4-foot diameter table tops which seat four (4) guests of the pub. Stanchions posts and chains in black finish will provide the barrier to separate the private dining area from the public walkway.

The applicant has secured all licensing and insurance requirements by the City of New Bedford to serve alcohol with food in the enclosed outdoor dining area as per stipulations of the ordinance. The New Bedford Historical Commission has issued a Certificate of Appropriateness for the proposed design.



Conditions and standards for a license to operate an outdoor café on a city public right-of-way

- ☐ 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. The license is available only to a holder of a common victualler license and the sidewalk café must be in front of the place of business where the common victualler license is used.
- ☐ Public process. Every application for a sidewalk café will be subject to approval by the planning board.
- ☐ Location of sidewalk café. The sidewalk café must be appurtenant to a licensed restaurant facility located on a street level. The sidewalk 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.
- ☐ Service of alcohol. If alcohol is served at a sidewalk café, necessary permits and/or licenses from the licensing board must be obtained. In an area where liquor is served, the seating area must be at least six (6) feet wide and the sidewalk café must be separated from the pedestrian walk space with a system of enclosure, such as decorative fencing, planters or removable bollards.

Conditions and standards for a license to operate an outdoor café on a city public right-of-way, cont'd.

- ☐ No portion of a sidewalk café may be used for any purpose other than seated dining or circulation. Outdoor cafés must serve dinners. No one shall be seated in an outdoor café for the sole purpose of drinking alcohol, nor can the sidewalk café be used as a place for patrons to drink while standing.
- ☐ The sidewalk café area cannot be used for smoking.
- ☐ All sidewalk café areas shall be maintained in good order and no refuse and no refuse containers are allowed within the area.
- ☐ All outdoor activity must cease at the close of business or midnight; or in the event that the outdoor dining area is within five hundred (500) feet of a residential area immediately adjacent to any residential area, all outdoor activity must cease by 10:00 p.m.
- ☐ Table umbrellas, if used, shall not impede pedestrian flow. The design of and the use of advertising on table umbrellas are subject to the approval of the planning board and, where appropriate, the historic commission.
- ☐ All sidewalk cafés must comply with all applicable federal, state and local laws and regulations, including the Americans with Disabilities Act. A minimum unobstructed passageway from end of use (parallel to street) of not less than four (4) feet in width at all points will be required.
- ☐ The historic commission shall have aesthetic review responsibility for café enclosures, tables, chairs and accessories in areas under their jurisdiction. All proposals shall be subject to City of New Bedford Planning Board Design Review. It shall be the applicant's responsibility to provide to the planning board, written proof that it has obtained all requisite permits, approval from relevant agencies and boards.
- ☐ The applicant who applies for a sidewalk café license shall bear all financial responsibility for any and all improvements necessary to the public space, both within and surrounding the sidewalk café area. At no time and for no reason shall public funds be expended for improvements designed to benefit the licensee. The license shall address liability, liability insurance, maintenance and trash removal concerns, and set forth the rental cost for the licensing of the public space.
- ☐ Commercial general liability insurance must be procured and maintained on an "occurrence basis" in such amounts as the city solicitor's office shall from time to time determine to be required. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members as an additional insured. This coverage must be primary, and any other insurance maintained by the additional insured shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty-day advance written notice of cancellation or non-renewal to be sent to the city solicitor and the city planner. The city on a yearly basis shall determine the fee for the license. The certificate of insurance will be provided to the planning board prior to the issuance of license.
- ☐ Vaults. The department of public infrastructure shall determine whether there is a vault under the sidewalk area proposed to be used for the outdoor café. In the event that there is an underground vault, the applicant shall not obtain a license for the sidewalk café until such time as the applicant has obtained a certification from a licensed structural engineer that the sidewalk over the vault is structurally strong enough to support the use as a café.
- ☐ Length of license agreement. The license agreement for the use of the public space shall be seasonal from May 1st through October 30th, of each year.

Conditions and standards for a license to operate an outdoor café on a city public right-of-way, cont'd.

- ☐ Fee for licensing public space. The planning board is authorized to promulgate rules and regulations governing the operation of sidewalk cafés including the license fee for use of the public space. The fee is subject to change on a yearly basis.
- ☐ Licenses issued for sidewalk cafés by the planning board will require that the user adhere to all applicable rules, regulations and laws governing the use of public space, and the operation of the café. Licenses will be subject to renewal on a yearly basis. The planning board reserves the right to revoke the license for any reason and at any time.
- ☐ By accepting a license issued pursuant to this section, the licensee shall be solely responsible for any and all costs of whatever kind and nature relating to the outdoor café and for maintaining the outdoor café. The city shall not be responsible or liable for any such costs or be requested to reimburse the licensee for such costs in any respect or to any extent.
- ☐ Every table or service area shall be suitably monitored by an employee of the business or organization operating the outdoor café in order to keep the area free from litter or food being left outside for extended periods of time.

Attachments:

1. Greasy Luck Plan for Outdoor Dining with Supporting Graphics
2. Brick Pizzeria Plan for Outdoor Dining with Supporting Graphics
3. Café Europa Plan for Outdoor Dining with Supporting Graphics
4. Slainte Plan for Outdoor Dining with Supporting Graphics

MAP 52 LOT 289
N/F
QUEEQUEG
PROPERTIES, LLC

EXISTING
BUILDING

PARTY
WALL

FIRE SUPPRESSION
HOOKUP

GLASS
FACADE

6' WIDE GLASS
DOUBLE DOOR

ENTER/EXIT

CONCRETE SIDEWALK

6" TREE IN 4'X4'
PLANTER BED
(TYPICAL)

PROPOSED
SIDEWALK
CAFE
AREA=670 S.F.

PARKING METER
(TYPICAL)

PURCHASE STREET
~PUBLIC - 60' WIDE~

PROPOSED
4-TOP TABLE
& CHAIRS
(6-TYPICAL)

ASSESSORS
MAP 52 LOT 292
(9,281± S.F.)

#791-797
PURCHASE STREET
EXISTING BUILDING

5.5' WIDE GLASS
DOUBLE DOOR

CANOPY

OVERHEAD
FLAG POLE
(TYPICAL)

PARKING SPOT
MARKINGS
(TYPICAL)

FIRE
HYDRANT

LIGHT POLE
(TYPICAL)

WALL MOUNTED
LIGHT

CONCRETE

FIRE
ALARM

WALL MOUNTED
LIGHT

CONCRETE

BOLLARD

BRICK

SEARS

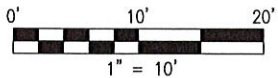
~PUBLIC - 10' WIDE~

COURT

CONCRETE

MAP 52 LOT 297
N/F
ROBERT J.
SALTMARSH

EXISTING
BUILDING



TRASH
RECEPTACLE

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SIDEWALK CAFE PLAN
791-797 PURCHASE STREET
ASSESSORS MAP 52 LOT 292
NEW BEDFORD, MASSACHUSETTS



www.FarlandCorp.com
401 COUNTY STREET
NEW BEDFORD, MA 02740
P.508.717.3479
OFFICES IN:
•TAUNTON
•MARLBOROUGH
•WARWICK, RI

PREPARED FOR:
791 PURCHASE STREET, LLC
222 FIELD STREET
NEW BEDFORD, MA 02740

PLANNING
MAY 12 2017
DEPARTMENT

ATTACHMENT 1



SCALE: 1"=10'

MAY 12, 2017

JOB NO: 16-666



PLANNING

MAY 12 2017

DEPARTMENT

CASE 20-17




PLANNING

MAY 12 2017

DEPARTMENT

CHAC 10-17
REPRESENTATIVE SAMPLE



Product Details:

Our Mason Collection can be seen on the patios of some of the most popular restaurants and hotels across the country. The materials and construction exceed the highest of industry standards and make our commercial outdoor furniture virtually maintenance free.

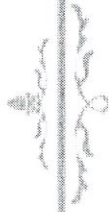
Powder coated frames on the table and chairs prevent rust and corrosion. The wide 4 - prong bases add additional stability, and are made with cast iron coated with an outdoor epoxy. The bottom slats on the chairs are reinforced with powder coated aluminum bars for extra support, and the chairs are equipped with bumpers to prevent scratching when stacked.

Specifications:

Table Measurements - 36"W x 36"L x 30"H

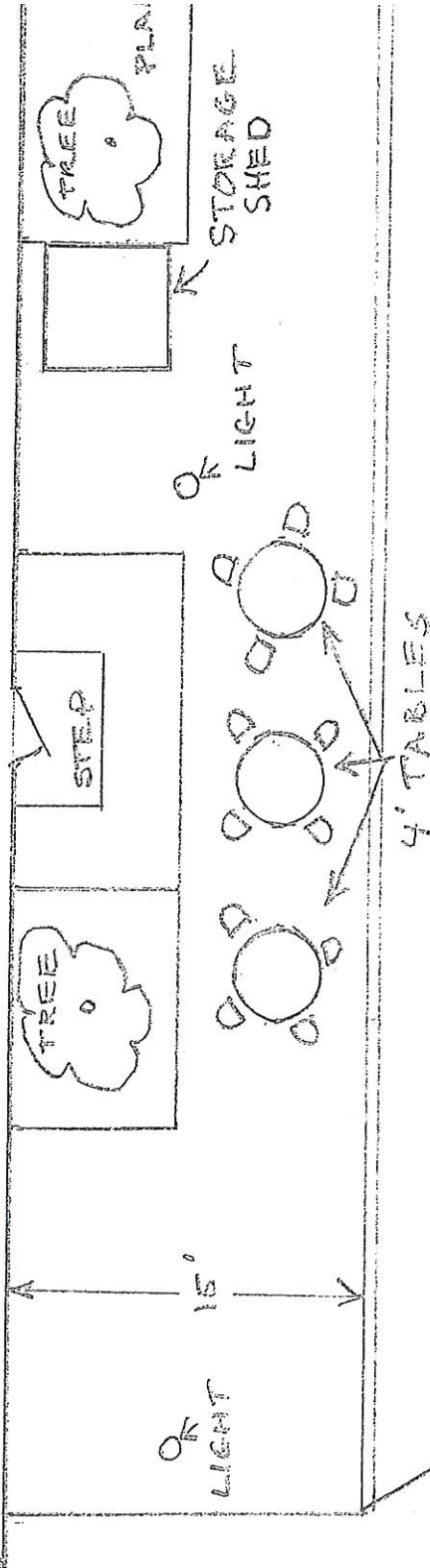
Chair Measurements - 19"W x 23"D x 33"H

Seat Height - 17.3"



BRICK PIZZERIA
163 UNION ST

UNION ST.



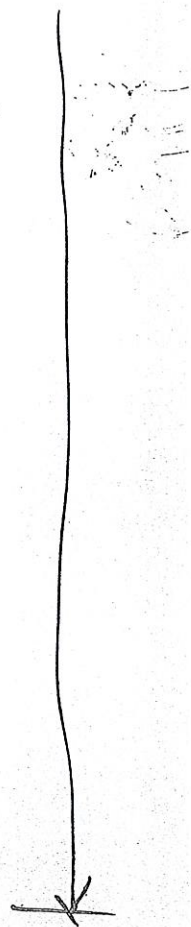
WINGS CT.

3/24/2017
SCALE
DATE
7600





37"



DATE: 11/14/15
 CASE: 14-15

- Monsters
- new side walk
- Removable/Portable Fence Panels
- Garbage cover Bin
- Set & Clean station
- 390' SF occupied space

Oceanside AVENUE

Indoor Dining Room

Cafe / Bar

CAFE EUROPA
 1350 Oceanside Ave.
 San Diego 92104



PLANNING
 MAY 09 2017
 DEPARTMENT



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MAY 09 2017
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Hide image

Riverside

8: ROUND TABLES
w/ 2 CHAIRS

34 Union Street CAFE SEATING

