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STAFF REPORT

NEW BEDFORD HISTORICAL COMMISSION MEETING

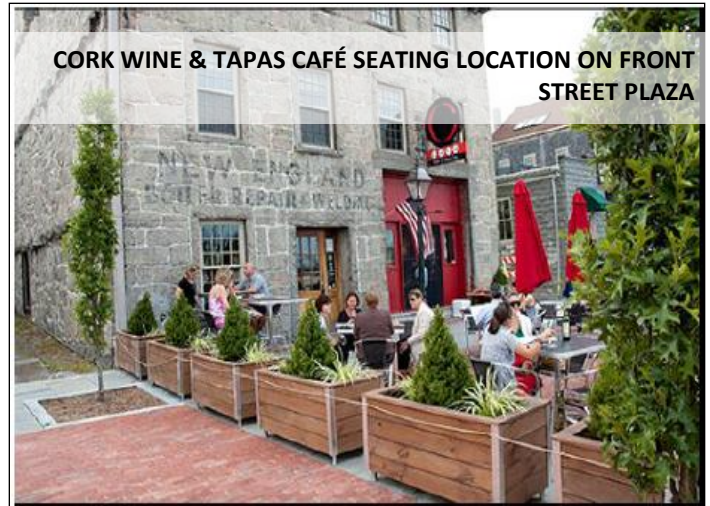
May 1, 2017

Case #2017.06: CERTIFICATE OF APPROPRIATENESS

90 Front Street
New Bedford, MA 02740

Applicant/ Cork Wine and Tapas
Owner: Jason Lanagan
35 Union Street
New Bedford, MA 02740

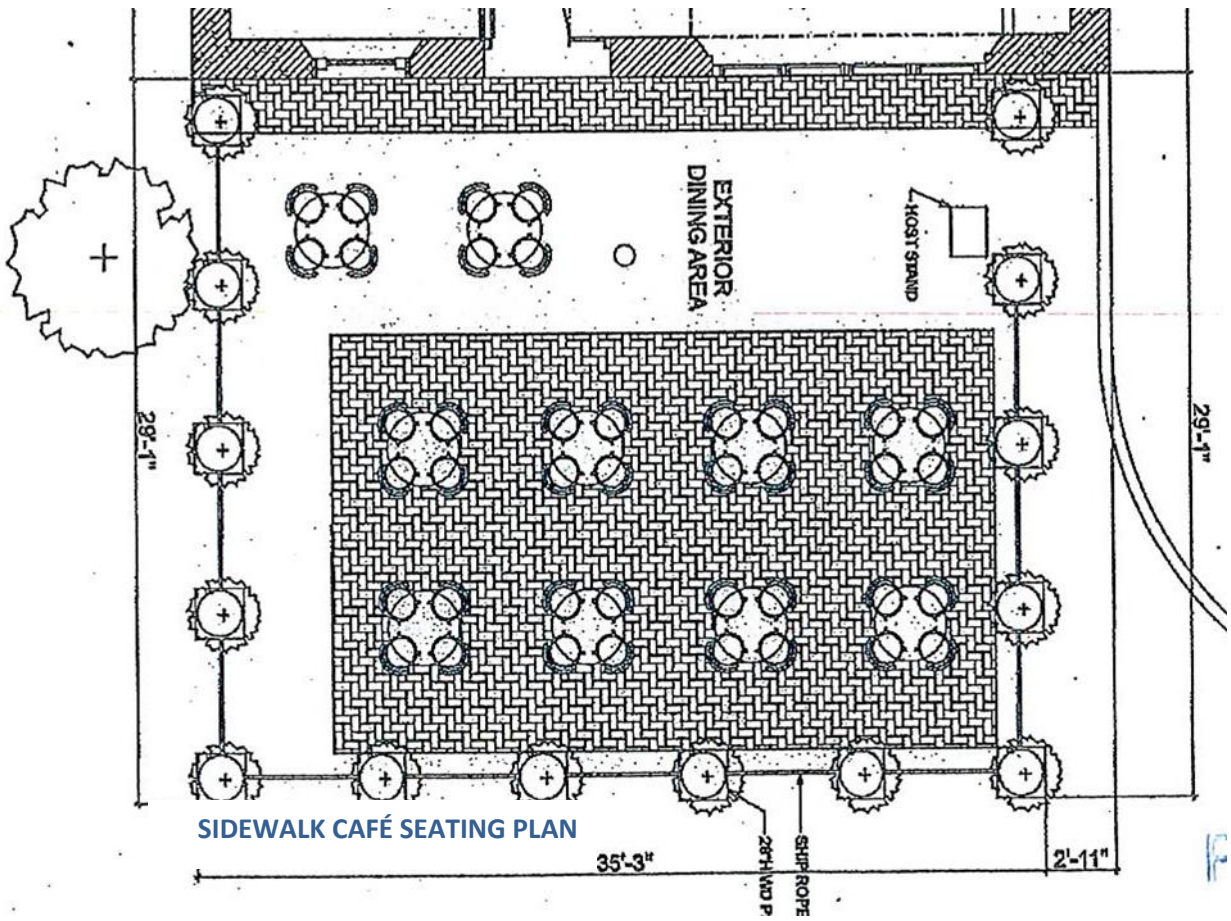
Overview: The applicant is seeking a Certificate of Appropriateness for a sidewalk café pursuant to the City of New Bedford's Code of Ordinances §15-100 granting licenses for the use of city public rights-of-way for outdoor dining, as well as the regulation of the placement of temporary tables, chairs 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 Front Street Plaza, between Union Street and Rose Alley. The existing café seating area measures 35' X 29" and currently features ten (10) aluminum tables with aluminum and chairs seating 40 patrons, with the use of cloth umbrellas,. The current barrier consists of wood planters and ship rope.

Proposal: The applicant is proposing to change the current café seating barrier, and in place of the current umbrellas, a sail shade is being proposed to provide cover to the café seating area. The number and type of furnishings will remain the same. Specific design elements will include:

- **Barrier:** In an effort to mitigate the traffic noise which emanates from its proximity to the J.F. K. Boulevard the applicant is proposing the addition of a custom-made 42" high natural wood fence with vertical planking, in addition to the use of the existing planters placed in front of the fence.
- **Sail Shade:** In place of table umbrellas or an attached building awning, the applicant is proposing the use of a sail shade which would attach to permanent poles on the plaza. The proposed sail shade would be installed by a professional sail company and is currently being designed and engineered. The current conceptual design has the sail attached to the building with the use of hooks. The proposed color(s) being considered for the sail are off white or red to match the building's color elements..



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:

- 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 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.
- 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.
- 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.
- 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.

Staff Recommendation:

The proposed sidewalk café falls not only within the local historic district but along a gateway for the downtown. The location is a highly visible stretch of sidewalk connecting commercial areas with the waterfront and thus its design is of particular importance within the District and to the downtown.

BARRIER: The addition of a 42” wood fence with the continued use of the existing wood planters will seamlessly blend, and not detract from the aesthetic of the plaza. Staff recommends the fence barrier and has discussed the use of vertical plant specimens, such as bamboo, to aid in sound absorption.



SAIL SHADE: The use of a sail shade in place of an awning or umbrellas will be unique to the downtown and to the District. Increasingly, sail shade structures have been used as part of the urban placemaking language, and the City is currently developing its use for other areas in the downtown. Staff recommends the use of a temporary sail shade in this location and further recommends that the Commission consider conditioning this allowance upon the following: that the applicant secure any other permitting needed for the sailshade, that the applicant work with staff to ensure installation methods do not harm and minimally obstruct the historic resource and that staff shall act on the Commission’s behalf in approving the final sail shade design.

For the reasons so noted, staff therefore recommends the approval of the application and the issuance of a Certificate of Appropriateness with the conditions so noted.