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STAFF REPORT

NEW BEDFORD HISTORICAL COMMISSION MEETING

April 2, 2018

CASE #2018.09: CERTIFICATE OF APPROPRIATENESS
34 Union Street (Map 47, Lot 39)

APPLICANT/ Barry Flynn
OWNER: 46 Lakeside Avenue
N Dartmouth, MA 02747

OVERVIEW: The applicant is 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. A Certificate of Appropriateness (CA #2015.03) issued in April 2015 for the installation of a sidewalk café was not acted upon and is no longer valid. In addition the applicant is seeking to paint the storefront trim *Benjamin Moore* "Essex Green".



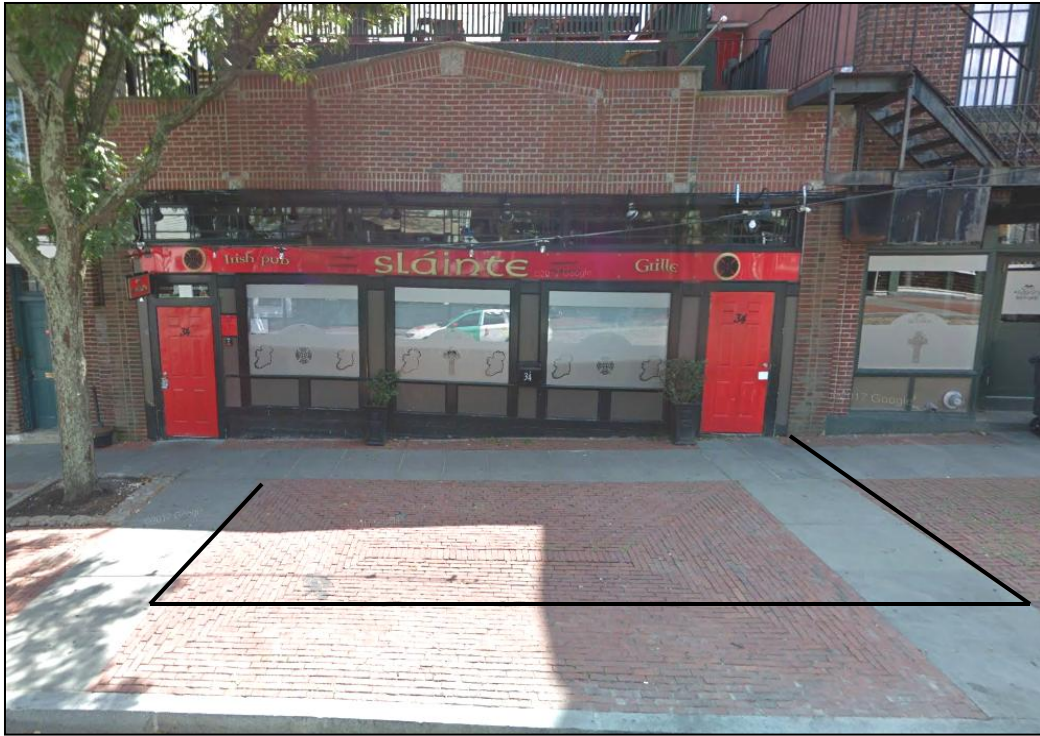
SLAINTE IRISH PUB LOCATED ON THE SOUTH SIDE OF UNION STREET

EXISTING CONDITIONS: The site is located on the south side of Union Street between J.F.K. Boulevard and Water Street. In 2014, the lower part of Union Street at which Slainte is located, was redesigned and the sidewalks substantially widened to encourage and accommodate café seating. The proposed café seating area will be located along the Slainte portion of the building façade which has an unobstructed brick paved sidewalk area approximately 18'-6" in depth.

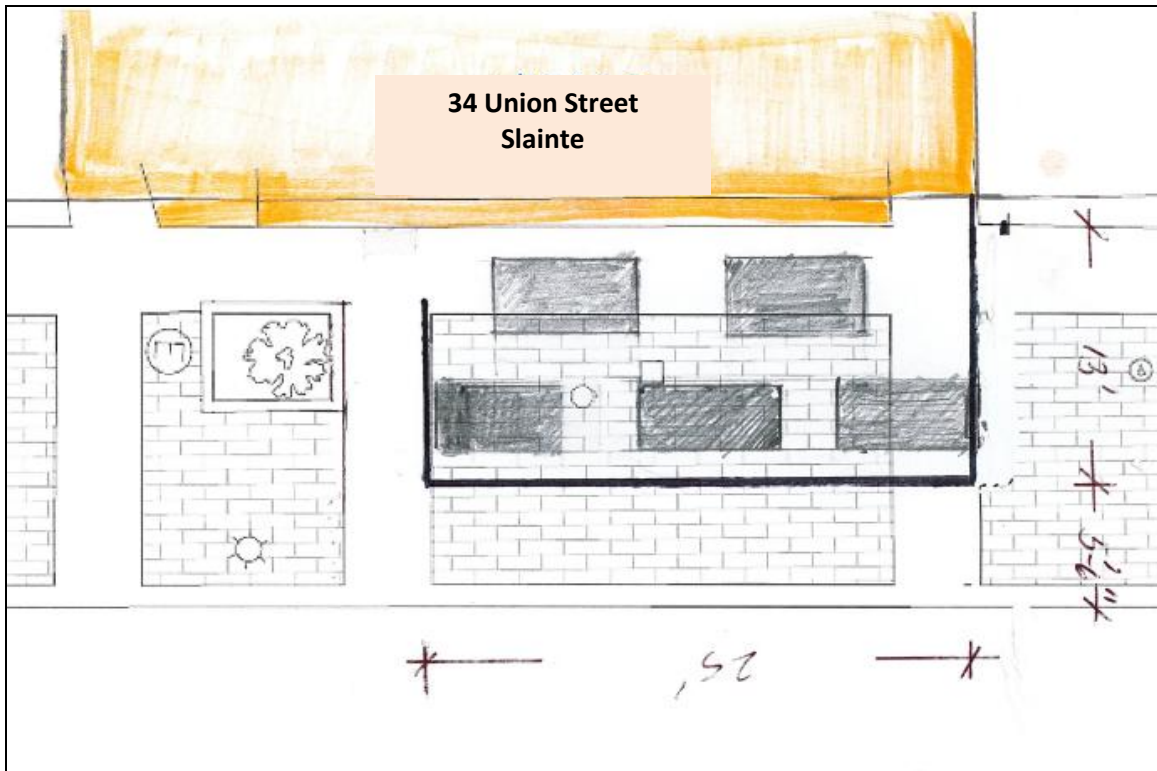
PROPOSAL: The proposed seating area is approximately 25'W X 13'D in dimension and would include seating to accommodate approximately 30 people. Specific design elements would include:

- **Barrier and String Lighting:** The applicant is proposing to install a solid panel barrier with aluminum posts, similar to what was installed at the Cultivator located across the way at 35 Union Street. The barrier would consist of custom-made 42" high wood panels with vertical planking and a cap moulding stained dark green. Aluminum posts, painted dark green, will be used to stabilize the barrier panels and to allow for the attachment of string lighting from the posts to the building façade.
- **Seating:** The applicant proposes five (5) picnic style tables having attached seating designed to accommodate the slope of the site. The picnic tables will be quality wood and be 60" X 72" in dimension, to be stained a dark green or black. Cloth umbrellas with weighted bases will be utilized in conjunction with the picnic tables.

The proposed barrier installation entails the removal of brick paving and the use of post anchors into a concrete footing. Staff discussion with the City's Department of Inspectional Services (DIS) relative to installation methods is ongoing and Staff will collaborate with DIS in the field to ensure that installation methods and materials meet the design aesthetics of the District.



Location of Proposed Café Seating Barrier





EXAMPLE OF SOLID WOOD BARRIER IN SIMILAR LAYOUT AS PROPOSED AT SLAINTE



EXAMPLE OF STRING LIGHTING IN CAFÉ SETTING

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:



BARRIER PANEL DESIGN TO MIMIC CULTIVATOR DESIGN

- 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.

STAFF RECOMMENDATION:

The proposed sidewalk café falls not only within the local historic district but also along a main corridor and gateway for the downtown. The sidewalk café will activate the lower part of Union Street as the new sidewalk layout intended, and will mimic the design of the successful Cultivator sidewalk café, minus the sail shade structure.

The 42" high wood barrier is proposed as a means to mitigate the noise and close proximity to vehicular traffic. The stained wood barrier with painted aluminum posts to support string lighting will seamlessly blend, and not detract from the aesthetic of the District nor obstruct the view of the Edward T. Caswell Building.

Due to the site's significant grade change, the use of standard table bases and chairs is difficult and presents a hardship. The use of the picnic tables, similar to Cultivator, accomodates the site's significant grade change. The tables would not be highly visible to anyone driving by the site as they would be located behind solid barriers, and staff recommends approval of this style table in this location provided a dark stain is used (to achieve the look depicted in the noted illustration).

The use of string lighting will provide additional illumination to the sidewalk and enhance the security to the adjacent areas of the café. Staff recommends that the café's string lighting be of commercial grade and match the existing municipal string lighting along lower Union Street.

The proposed change of color for the storefront's trim from its current Black color to Essex Green will enhance the building and is recommended by Staff.

Relative to installation, staff recommends that all exposed concrete be dyed to match the brick pavers and that all post anchors be encased in wood. Staff further recommends that the Commission consider conditioning the approval upon the following: that the applicant secure any other permitting required for the barrier, that the applicant work with staff to ensure installation methods and materials adhere to the the design aesthetics of the District, and if substantal changes are required through additional permitting, the applicant may be required to seek a modification to the Certificate.

Staff recommends the approval of the application and the issuance of a Certificate of Appropriateness with the conditions so noted. Sidewalk Café Seating requires permitting through the Planning and Licensing Boards and any modification arising from future City Board review and action shall be evaluated by Staff to determine whether a modification of the Certificate of Appropriateness is necessitated.

