

June 2020 - Expanded Outdoor Dining Ordinance

Lawrence, MA

Last Update –06/08/2020

The City of Lawrence is creating a temporary program to allow restaurants to operate in outdoor settings adjacent to their businesses. The intent of the program is to allow for greater physical distancing and safety for patrons when the Commonwealth’s public health orders allow restaurants to resume sit-down service. While final rules and regulations are still in development, proposals could include expansion into designated outdoor areas such as adjacent parking lots, wide sidewalks and linear parking spaces on the following streets: Essex Street, Broadway and Union Street.

Eligible businesses can use the [online form](#) to submit an outdoor expansion proposal for the city to review. Note; New users must create a new user profile. Considerations for every proposal will include safety, mobility, local and emergency access as well as compliance with the [Commonwealth's Reopening Proposal](#).

Eligible Businesses:

The following types of businesses may be eligible for this program: restaurants, cafes, coffee shops, and other similar places of public accommodation offering food and alcoholic beverages for on-premises consumption. Food must be accompanied with the consumption of any alcoholic beverages. Businesses must have been licensed with the City prior to the state’s stay-at-home order on March 23, 2020. While this program does not apply to mobile food trucks/carts, these businesses have been able to serve, and can continue serving, “to-go food” while following social distancing, sanitary and hygiene practices.

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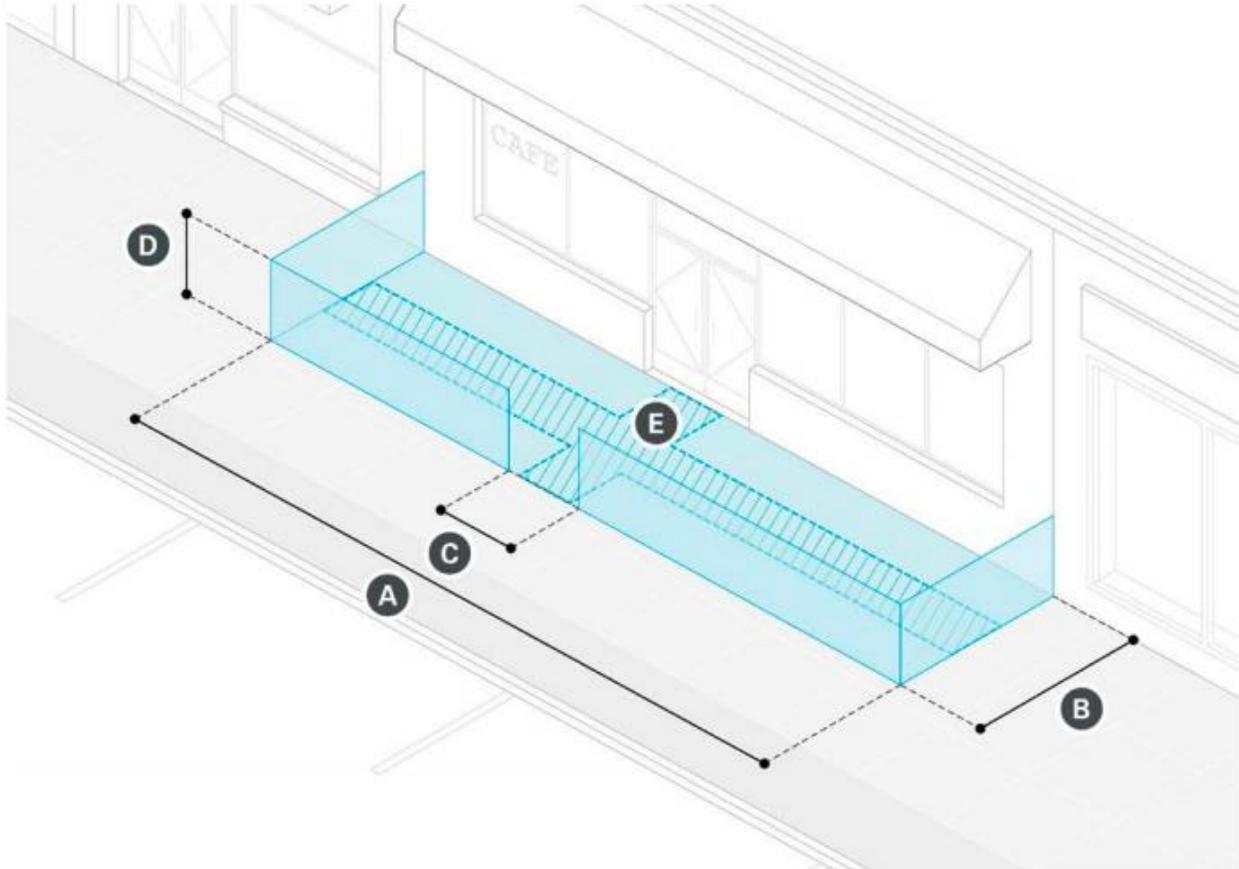
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Eligible Outdoor Areas:

Under this program, eligible businesses may be able to temporarily expand into the following types of outdoor areas, wide sidewalks allowing for ADA access, public roadways and private parking lots. Design details for each allowable accommodation is outlined below:

1. **Facade Seating:** Cafe style seating directly in front of the eligible business. Seating may not exceed the width of the business facade and must adhere to the design and placement protocol outlined below:



Facade Seating: Design and Placement

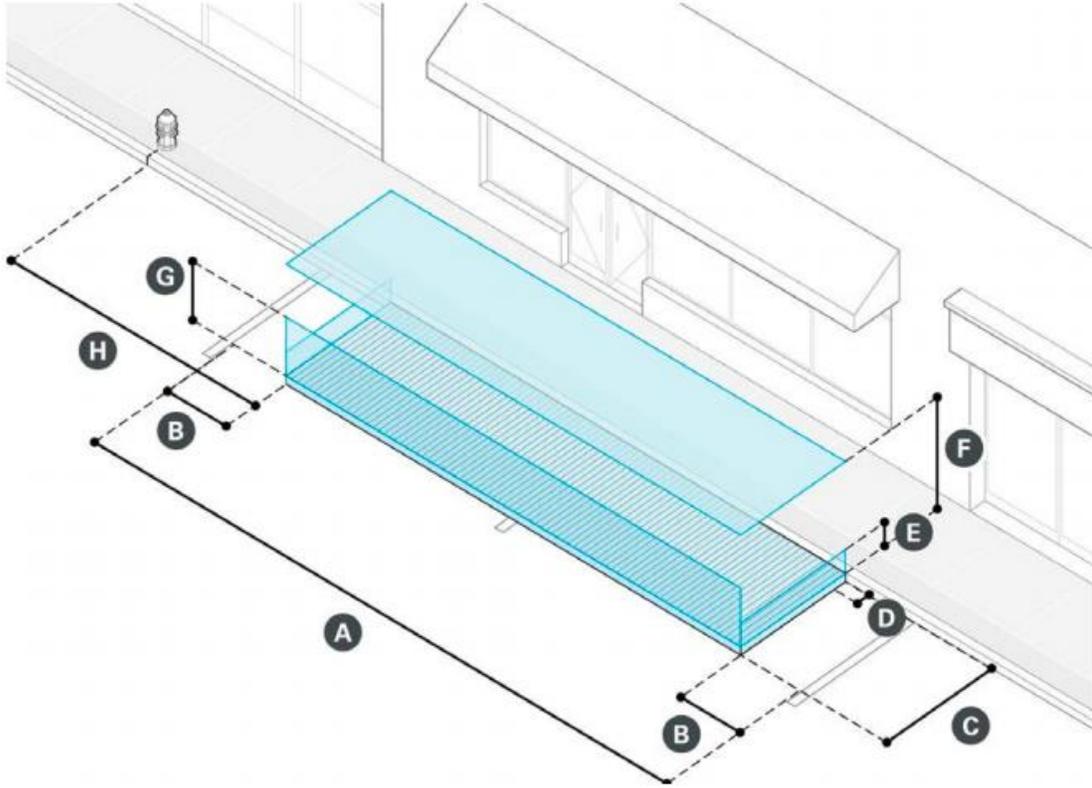
A	Seating Area Length	May not exceed beyond restaurant facility
B	Seating Area Width	May not exceed 50% of total sidewalk width
C	Entry Threshold	48" minimum clear zone at each entry
D	Enclosure Height	Fencing or chain and bollards: 36"-48" Planter boxes: 18"min.-24"
E	Circulation	36" wide minimum circulation path to entrance

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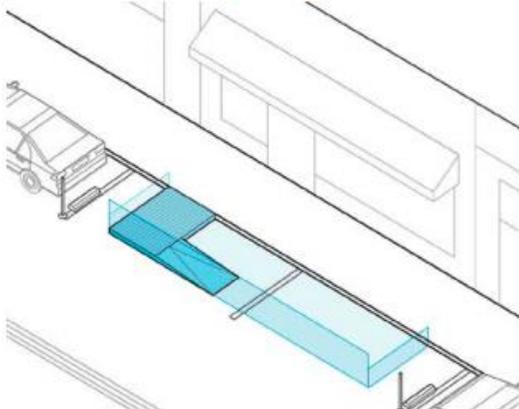
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2. **Roadway Seating:** This accommodation includes sidewalks and linear street parking spaces. The length of a seating area on the street can not exceed three parking spaces and must adhere to the below design and placement protocol.



An accessible curb ramp and platform can also be used to create a Parklet directly on the pavement:



Design and Placement

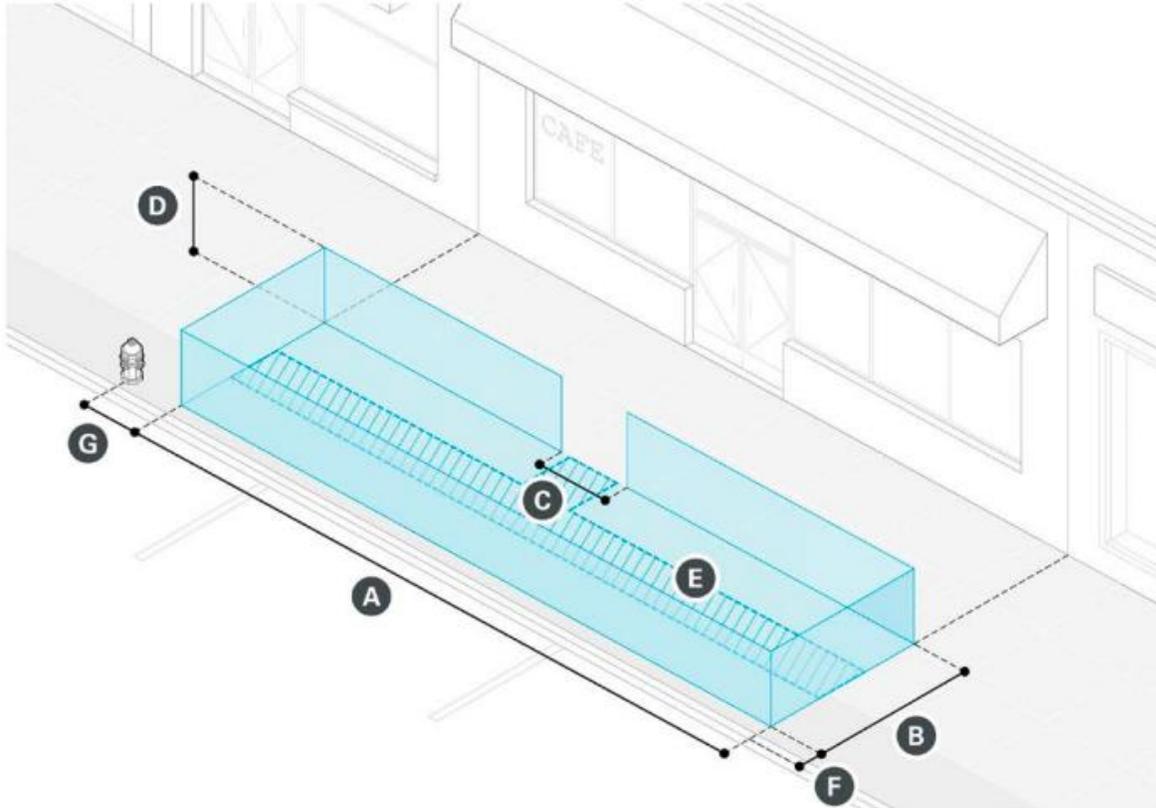
A	Typical width occupied along street	2 parking spaces
B	Distance from platform to wheel stop	3'
C	Maximum parklet width from curb	7'
D	Platform is flush with curb and maintains curblane drainage	
E	Minimum side edge height	17"
F	Minimum overhead clearance	80"
G	Street edge height	36-42"
H	Minimum distance from fire hydrant to Parklet	15'

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3. **Curbline Seating:** Cafe style seating along the curb must provide enclosure on all sides of the seating area and adhere to the design and placement protocol outlined below:



Curbline Seating: Design and Placement

A	Seating area length	May not exceed beyond restaurant facility
B	Seating area width	May not exceed 50% of total sidewalk width
C	Entry threshold	48" minimum clear zone at each entry
D	Enclosure height	Fencing or chain and bollards: 36"-48" Planter boxes (non-street sides): 18"-24"
E	Circulation	36" wide minimum circulation path
F	Without parking meter	On curb edge
	With parking meter	18" minimum from parking meter
G	Distance from fire hydrant	3' minimum

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4. **Private Property**, including off-street parking lots near or directly adjacent to eligible business with the property owner's consent.

In these four scenarios, some limitations apply, as summarized below:

Limited Program Area:

This program is limited to the commercial districts on and abutting Essex Street, Broadway, Union. Occupancy of the eating area will be determined by the limitations of the space which will be reviewed on a case-by-case basis.

Roadway Seating:

Proposals to expand into the public right-of-way, or “roadway seating” will require that a building inspector visit the business location and consider the closure proposal from a mobility and safety perspective. An inspector may be able to approve a simple inspection in the field and issue an approval the following business day. The Building Commissioner with feedback from the Fire Chief and Police Chief will issue same-day temporary (30 day renewable) occupancy permits for most locations. However, more complex requests may require an additional review period and will be reviewed for the following:

- Safety: ensuring any closure of the public right of way is done safely
- Mobility: considering impacts to people’s ability to get around the closure by foot, bike, wheelchair and car and how the proposal mitigates impacts with a traffic control plan, if necessary
- Local and emergency access: local access to adjacent businesses must be maintained
- Once a temporary patio is established, a building inspector will do a final inspection

Patio Furnishings:

The City will procure the patio barriers and tables and chairs for the approved businesses. The patio barriers will be free, and the tables and chairs will be sold at cost. Applicants can also opt to use their own furniture, so long as the furniture is weather resistant, e.g. umbrellas or canopies/tents. All furnishings and lighting must be easily removed at the end of the program period.

All seating areas must be easily visible and cannot have visual obstructions, i.e. siding on tents, privacy barriers added, additional coverings as to block view of the eating area, etc.

Patio lighting must be firmly secured and installed. Loose cords and connectors cannot obstruct walkways or public sidewalks or create safety hazards.

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Conditions and Restrictions: *Note: All conditions and restrictions below apply to the new, temporary outdoor patio space only.*

Per Fire Chief: BRIAN F. MORIARTY, Chief of Department

1. Any tenting should be of a flame proof material with a certificate provided.
2. Erecting some type of anchor system so the wind does not create flying hazards that could injure someone
3. No cooking allowed under any type of tent.
4. No sides allowed on tents.
5. The plan should include a sketch of the proposed location including the number of seats proposed and the occupant load posted in a clearly visible location.
6. Safety measure implemented to ensure patron safety from vehicular traffic. For example, Jersey Barriers.
7. Proper lighting which will need to be inspected and approved by the electrical inspector.
8. Restricted access/egress is allowed in accordance with NFPA 101 Life Safety Code.
9. Emergency action plan. NFPA 101 ch 12.7.6.1. This plan should also include the activation of the fire alarm system inside the occupancy should a fire start notifying the workers to escape.
10. Must not impede fire department access or block a FDC, (fire department connection)
11. No heat producing devices unless approved beforehand by AHJ. (Fire Chief)
12. Approved fire extinguisher within 75 feet of tent.
13. Inside hood and suppression systems' must be up to date and tagged with a proper inspection sticker. Many of these places have been closed for some time and have not kept up with their inspections. Consequently, their certificate of inspection may be out of date.
14. If generators are used should be a safe distance from any temporary structures.
15. Acceptance and periodic safety inspections.

Program Expiration:

This is a temporary program to support our local eateries and area residents.

It will be available for the duration of the outdoor summer dining season (April 1 to November 24, 2020), at which time the city may evaluate a potential extension of the program and/or the creation of a formal parklet program. Currently, businesses will have one week (through November 30, 2020) to remove any fixtures from their outdoor area. Program details are subject to change at the discretion of the city.

Hours of Operation:

Outdoor patios opened under this program must close by **10 p.m****. on Sundays - Thursdays and by **11 p.m.** on Fridays and Saturdays.

****Patrons should be out of the establishment by 10 PM Sundays-Thusdays and by 11PM Fridays and Saturdays.**

Allowed Uses of the Patio:

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Outdoor patios established under this program can only be used for sit-down dining or customer pick-up and carry-out service. An employee of the establishment must be observant and vigilant of the space at all times. They cannot be used for activities that would promote congregating, involve shared equipment, or amplify sound, including but not limited to:

- Standing areas
- Live music
- Outdoor games
- Music over speakers
- Movies
- Broadcast sports
- Loudspeaker call systems
- Pets, except as provided in the Americans with Disabilities Act

Sharing Patio Space:

Businesses may not share outdoor premises, because it will make performing contact tracing very difficult. Each establishment must maintain control of its operations and food and beverage service within its own outdoor premises.

Cost of Program Materials and Installation:

In an effort to best support businesses, the City of Lawrence has committed to cover the cost of materials, permits, area borders, and installation of borders. Border materials vary depending on the business site and the type of seating appropriate. Below are examples of barriers and seating types along with estimates of materials:

1. Concrete “Jersey” barriers (estimated \$1,800-\$2,000)
 - Ideal for roadway seating (on-street parking)
 - High level of visibility and security
 - Not lightweight



2. Portable metal/vinyl barriers (estimated \$1,000- \$1,200)
 - Ideal for curbline or façade seating
 - Lightweight and modular
 - Lower durability



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3. Portable open rail or steel/canvas barriers
(estimated \$1,500- \$1,600)

- Ideal for curblineline or façade seating
- Lightweight and modular
- Increased durability



4. In-ground ornamental aluminum (estimated \$1,500- \$1,700)

- Ideal for roadway, curblineline, or façade seating
- Lightweight
- High durability
- Higher level of visibility and security



Additional COVID-19 Health and Safety Requirements:

More detailed guidance on how restaurants and bars must adhere to social distancing and health and safety protocols for resuming both indoor and outdoor dining is under development.

Submit Your Proposal:

City staff will begin reviewing proposals immediately. However, patio areas cannot be opened for sit-down service until allowed by local and state public health orders (**June 18, 2020**). If approved to open, patio areas can remain in place through **November 30, 2020**, subject to local and state health guidelines. Eligible businesses [apply here](#).

Once a business proposal is submitted and reviewed, the appropriate inspectors will review the site, in-person, before and after build-out to ensure the eating area is in compliance of established food and public health and safety regulations.

Sources:

“Temporary Outdoor Expansions Program” Denver, Colorado (2020)

“Boston Tactical Public Realm Guidelines” City of Boston, Massachusetts (2018)