



COVID - 19

# OUTDOOR SEATING GUIDELINES & CHECKLIST FOR RESTAURANTS

JUNE 8, 2020



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## **GOVERNOR BAKER EXECUTIVE ORDER**

On June 1, 2020, Governor Charlie Baker issued an Order Clarifying the Progression of the Commonwealth's Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening Preparations at Phase II Workplaces, which, in part, lays out the process for reopening establishments for on-premises consumption. The text of the Governor's Order can be found [here](#).

On Saturday, June 6, 2020, the Governor declared that the Commonwealth has entered Phase II of its Phased Workplace Reopening plan and all licensees for on-premises consumption of alcohol may commence outdoor table service only. Indoor service will remain prohibited until further order from the Governor. The Governor's Order also grants the local licensing authorities ("LLA" or "Licensing Commission") the authority to expand alcohol licensees' licensed premises for outdoor seating in an expedited process.

## **SOMERVILLE CITY COUNCIL ORDER AND MAYOR'S EXECUTIVE ORDER**

Pursuant to City Ordinance Sec. 12-14, you must obtain a permit before placing any items on or over a sidewalk or street in Somerville. Generally, a permit is required for anyone who places outdoor seating, A-frame signs, planters, merchandise, or other goods on a public sidewalk. On June 11, 2020 the City Council will vote on whether or not to approve an order temporarily waiving this requirement for new licensees. If approved, an establishment that receives the appropriate food and beverage licenses from the City's Licensing Commission will not need to go the extra step of receiving a sidewalk permit until November 1, 2020 or until the Governor rescinds his order No. 35.

In addition, on June 8th, 2020 the Mayor signed an executive order waiving applicable zoning requirements for outdoor seating until November 1, 2020.

## CITY OF SOMERVILLE RE-OPENING STRATEGY FOR RESTAURANTS

Following the Governor's Executive Order, the City of Somerville has developed the following guidelines to ensure a safe opening of restaurants in Somerville for customers, workers and operators by identifying clear standards, processes and timelines to occupy public and private outdoor spaces.

The Mayor formed a working group of 26 Somerville restaurant owners and operators to review the Commonwealth's guidelines for reopening. The Working Group met to tighten up selected guidelines, advised the City on designing a flexible process for permitting outdoor dining and developed a set of recommendations for supporting the restaurant industry in Somerville throughout the crisis and during recovery.

These workplace safety standards for restaurants are posted in response to the Governor's initiation of Phase II to provide restaurants the necessary guidelines to operate **outdoors only** in compliance with State and City health and safety standards. Restaurants will be authorized at a later date and by a subsequent Phase II Order to commence indoor table service if the public health data reflects continued positive progression.

### PERMITTING PROCESS

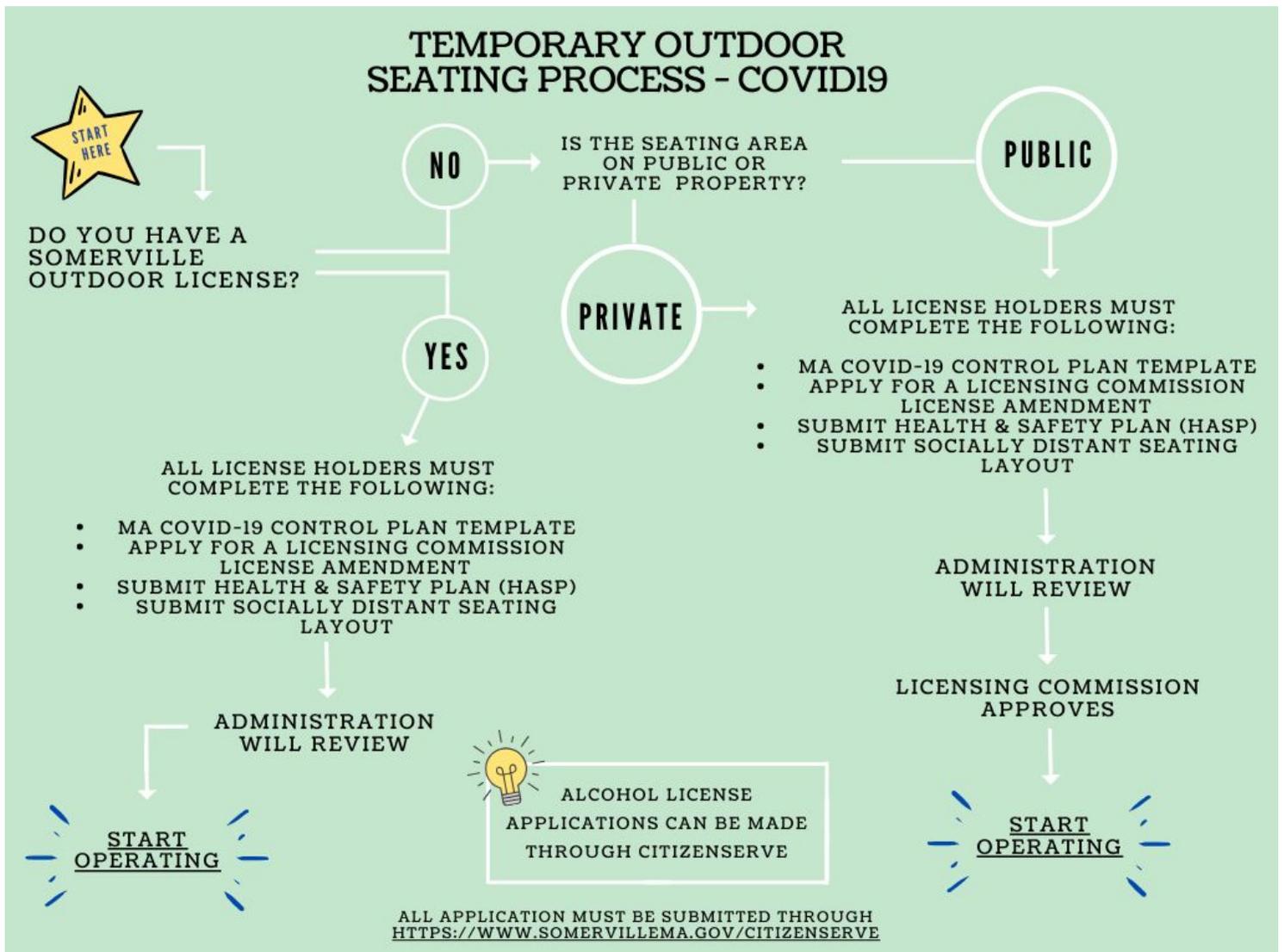
In an effort to streamline the permitting process, the City Council will consider waiving the requirement for a permit for outdoor seating on the public way on June 11, 2020, so long as the Establishment is duly authorized by the Licensing Commission for food and beverage service outdoors.

The City commits to an expedited staff review period and more frequent Licensing Commission meetings for all new applications or for existing

applications that seek to expand their outdoor dining footprint to open quickly and safely:

- ❖ All applications from **existing outdoor seating permit holders** will be fast-tracked, which may allow them to receive permission to open as soon as Wednesday, June 10, 2020, so long as the Licensing Commission License Amendment application is complete and your layout conforms to the new social distancing requirements within the footprint that was previously approved. Priority will be given to existing Somerville outdoor dining license holders.
  
- ❖ All **new applications for temporary outdoor dining permits and applications which request an expansion of the area of an existing permit** can submit a Licensing Commission License Amendment application right away and will be reviewed by staff. These applications will be considered by the Licensing Commission starting on Friday, June 12, 2020, pending City Council decision on June 11, 2020.
  
- ❖ **Applications which contemplate a significant expansion of outdoor seating onto public property** (closing a street, expanding into a public parking area) will be forwarded to OSPCD staff for consultation and review. As these types of interventions are more complex, it will likely take longer to approve.
  - Restaurants are in desperate need to identify more space to allow them to safely host dining customers. One important option is to repurpose street space traditionally used for curbside parking as either circulation space or dining space. Many cities around the country and the world have quickly deployed cones, movable barriers and temporary ramps to create protected dining areas in the street. Others have used this equipment to establish safe and accessible paths of travel for pedestrian circulation in the street, allowing additional sidewalk space to be converted to outdoor dining space.

- Closing off street segments or public parking lots for safe use for outdoor dining will require a longer review process. We encourage creative ideas that could potentially create needed space and help to draw customer attention to safe, spacious outdoor dining options, and help Somerville’s restaurants manage this public health and economic crisis. We strongly encourage nearby restaurants to collaborate and propose the most efficient use of public spaces.



## **FEE WAIVER**

These past few weeks have been some of the most challenging to our Somerville businesses, resulting in reductions in business activity and adversely impacting the local commercial sector that supports the community's economic vitality. To further help relieve some of this pressure, the City will temporarily waive the following:

- ❖ Municipal permit fees, meter fees, and annual license renewals will be waived for outdoor seating pending City Council approval on Thursday, June 11, 2020.
  - Not applicable for establishments that have previously paid their renewal fees during the renewal process for the 2020 licenses.
- ❖ Application timelines and administrative review will be expedited with more frequent Licensing Commission meetings ensuring a quicker turnaround.

## **GUIDELINES FOR TEMPORARY PUBLIC AND PRIVATE OUTDOOR SEATING AND DINING**

The following COVID -19 submittal and safety guidelines are intended for any outdoor dining and cafes on City-owned public streets or property, or on private streets or private property including sidewalks, roadways, or parking spaces.

The Somerville Restaurant Working Group and City staff have reviewed the [State COVID-19 workplace safety standards](#) in detail and developed a list of additional, clarified, or strengthened safety standards that will apply to all restaurants in Somerville and have been incorporated into the [COVID-19 Health and Safety Plan \(HASP\) for Outdoor Dining](#). Applicants should use this guideline as a template for developing their COVID-19 Health and Safety Plan (HASP) and Dining Layout Plan to submit to the City through CitizenServe.

- ❖ HASP is mandatory for all restaurant operators and will be required to be submitted as part of your application.

- ❖ Dining Layout Plan is also mandatory for all restaurant operators and must be approved by staff before operating outdoors.

The City is taking these steps to ensure businesses have the ability to operate safely and successfully during the COVID-19 economic recovery using available private and public right-of-way.

## **OUTDOOR SEATING ON PRIVATE PROPERTY**

Restaurants establishments with access to private sidewalks, private streets or private parking may utilize these areas for dining services, in accordance with the safety guidelines outlined in this document, provided the consent of the landlord or property-owner is obtained, a Health and Safety Plan and Dining Layout Plan is submitted.



## **OUTDOOR SEATING ON PUBLIC PROPERTY**

These areas are limited to all sidewalk areas and adjacent on-street parking spaces (if available) on City owned property. State roads are excluded from this as the City does not regulate State rights-of-way.

Minimum life safety requirements, and Americans with Disability Acts (ADA) and Massachusetts Architectural Access Board (MAAB) must still be met as described in the Checklist Access & Signage section of this document. It shall be the responsibility of the business to ensure that these requirements are maintained at all times while the business is operating within the public right-of-way.

It is recommended that a restaurant measure the clear area of sidewalk in front of their establishment for a sidewalk cafe. Restaurants with less than 16 feet of clear space will need to think creatively about how to safely space out the tables to meet the Social Distancing requirements, ADA

requirements, and keep a clear space for pedestrians passing by the establishment. In cases of limited clear sidewalk it is recommended to consider utilizing a parklet or speak with City Staff with other ideas.

## **ALCOHOL LICENSE**

The Governor's Order grants the local licensing authorities ("LLA" or "Somerville Licensing Commission") the authority to expand alcohol licensees' licensed premises for outdoor seating in an expedited process. Pursuant to the Governor's Order, the Licensing Commission may alter the description of the licensee's licensed premises to expand for outdoor seating that the Commission deems "reasonable and proper."

The permit for service of alcoholic beverages at outdoor seating will be temporary, only effective through November 1, 2020, or until the Order is rescinded, whichever is sooner, and revert to their original licensed premises on that date.

Alcoholic Beverage Control Commission (ABCC) approval is not required on these applications however continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order:

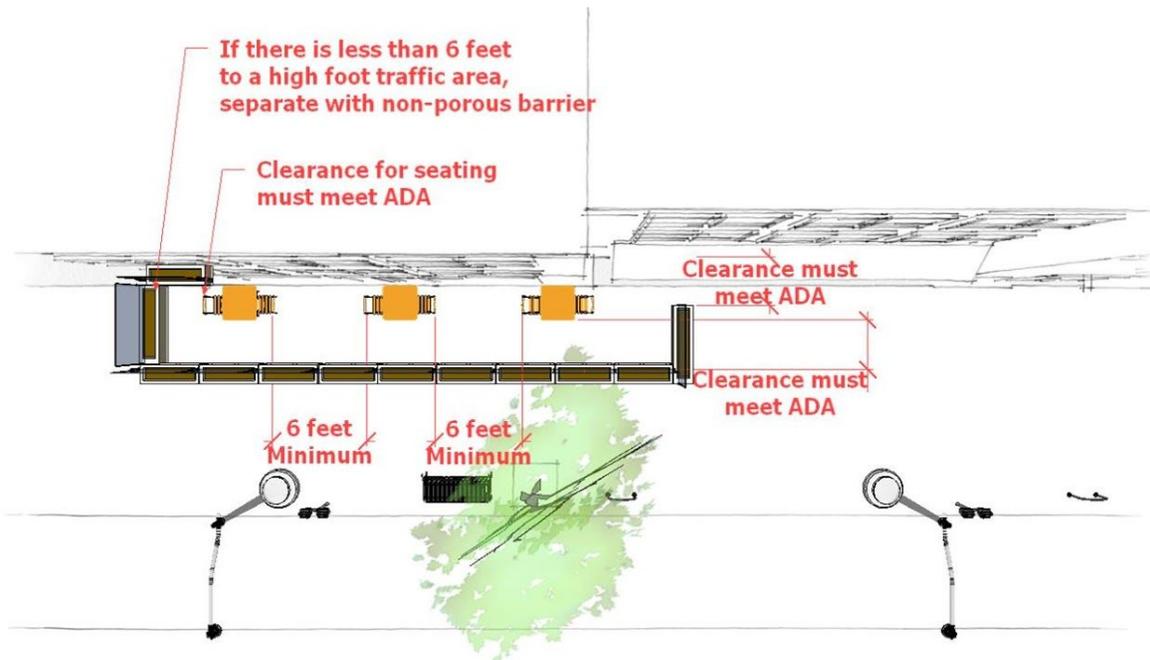
- ❖ It is essential that the licensee have control of the area in order to preclude service to underage persons, to intoxicated persons, etc.
- ❖ The premises must be enclosed by a fence, rope or other means to prevent patrons or members of the public from wandering in and out.
- ❖ On duty manager required if not in view of establishment
- ❖ As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.



## SIDEWALK CAFE EXAMPLE - PERSPECTIVE VIEW WITH BARRIERS



## SIDEWALK CAFE EXAMPLE - LAYOUT PLAN VIEW WITH BARRIERS



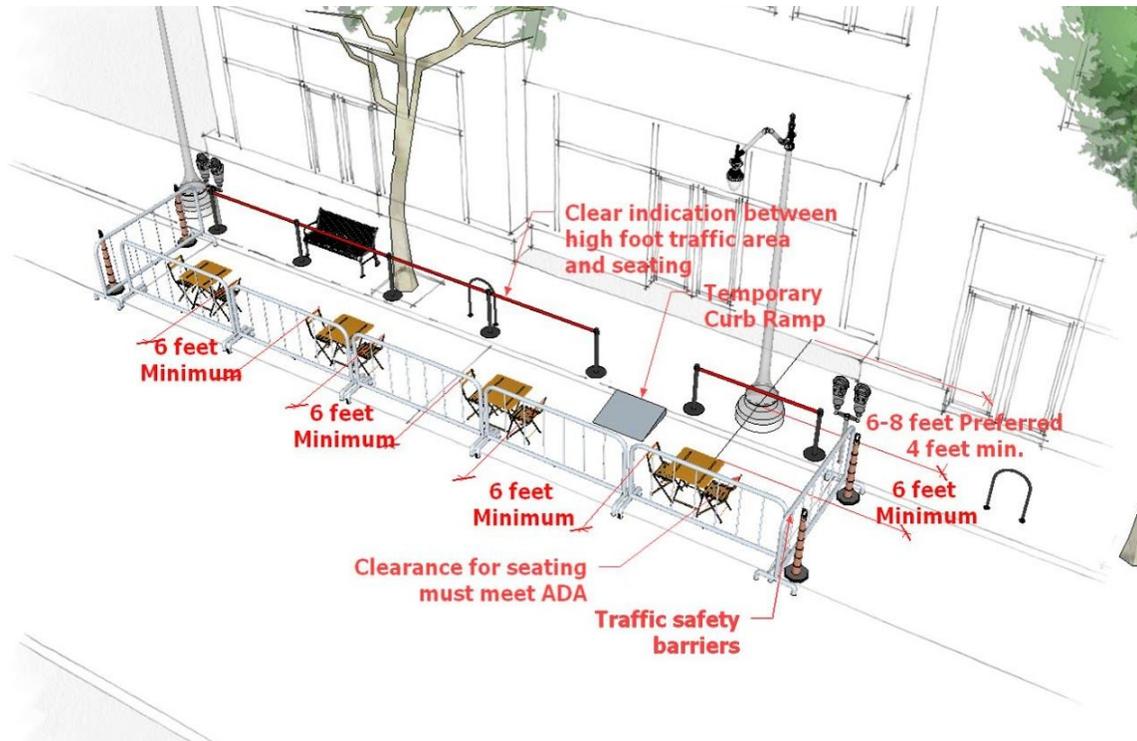
## PARKLETS

Parklets are on-street parking spaces that have been temporarily converted for other uses, such as expanded outdoor dining areas. Parklets can be used by one or more businesses, and don't require streets to be closed.

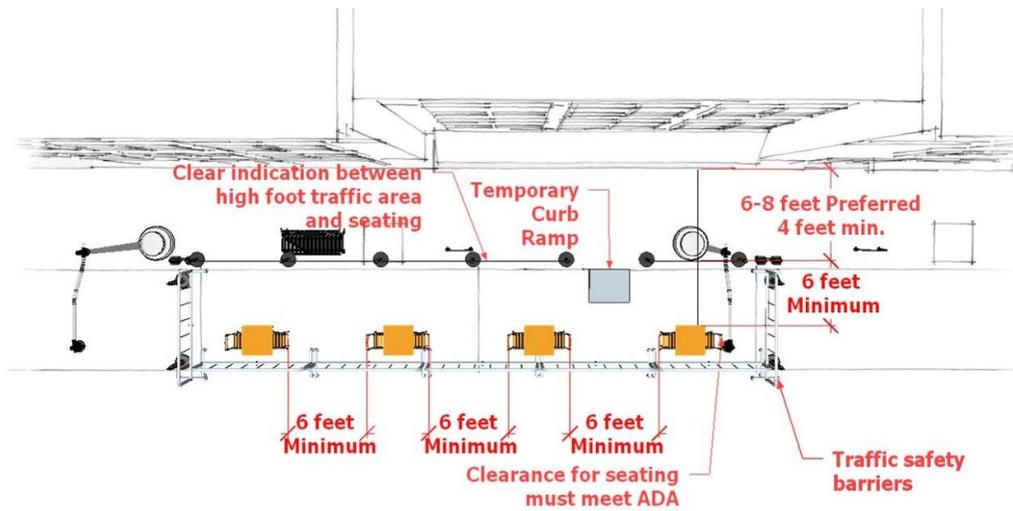
- ❖ Metered parking spaces must be requested and approved in advance
- ❖ Traffic & Parking Department will bag spaces at no cost to the operators to temporarily use the additional space for restaurant use.



## PARKLET EXAMPLE - PERSPECTIVE VIEW

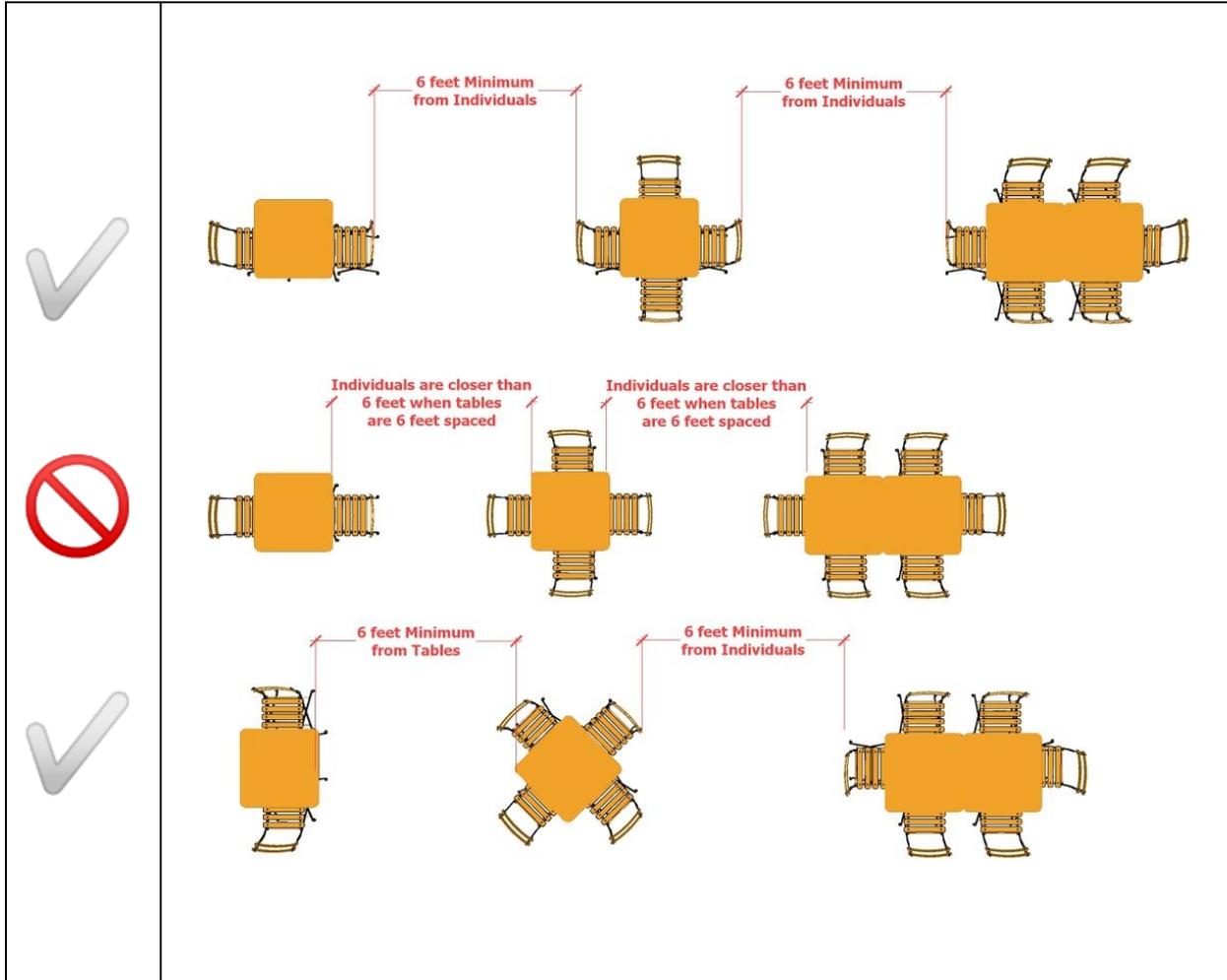


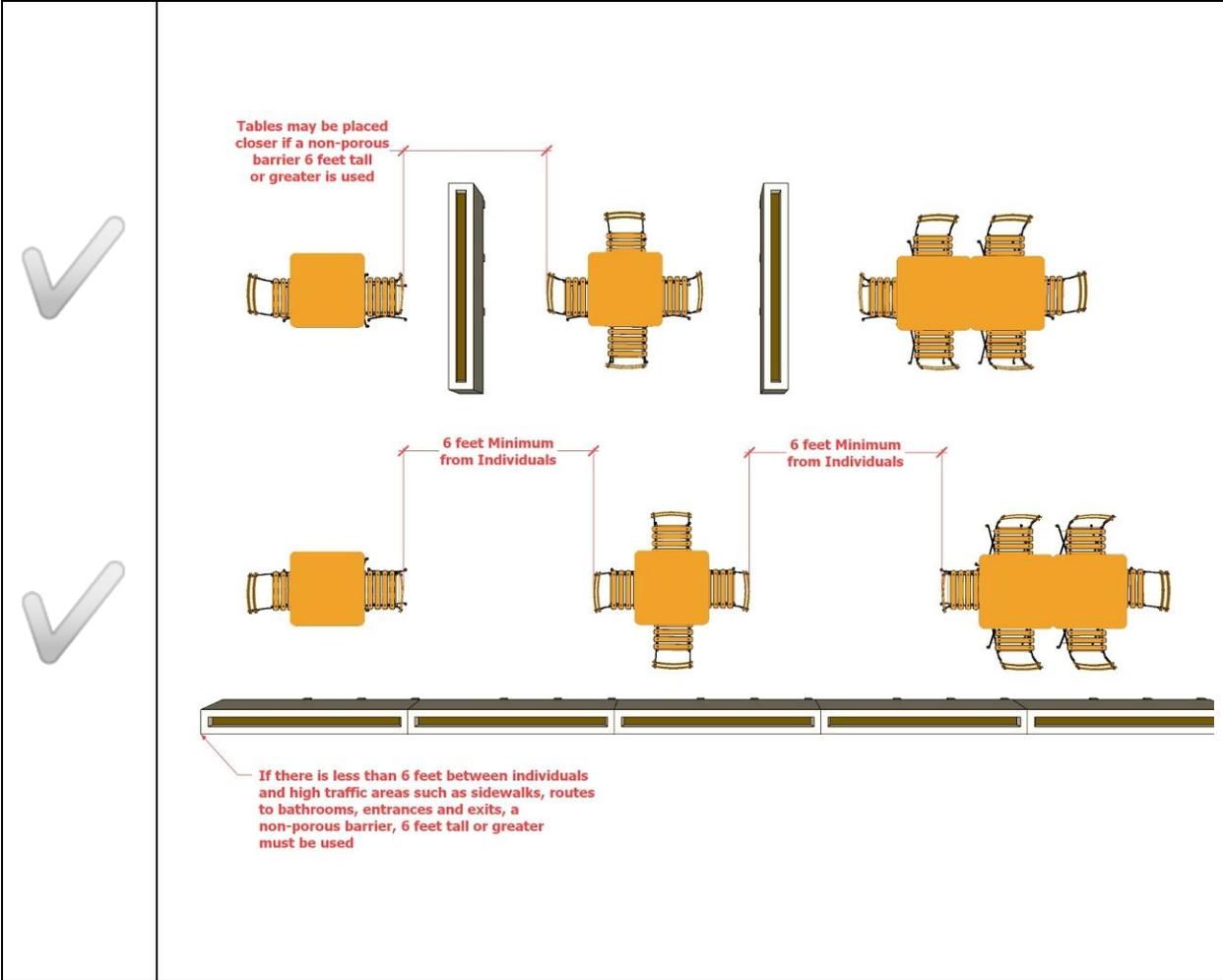
## PARKLET EXAMPLE - LAYOUT PLAN VIEW



# SOCIALLY DISTANT SEATING LAYOUT DIAGRAMS

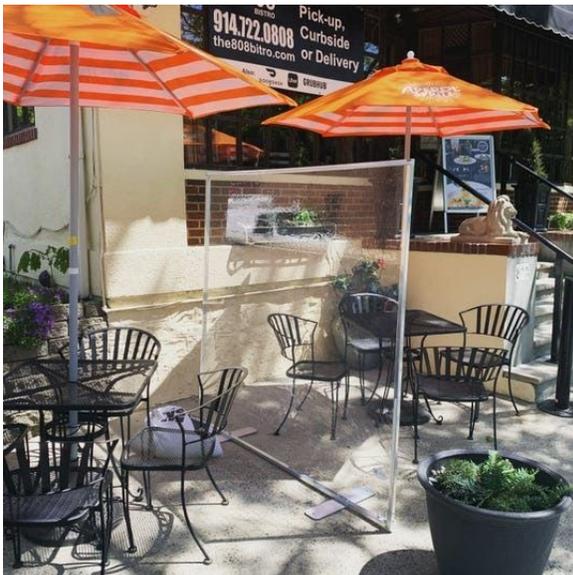
All outdoor dining must arrange their tables and chairs to comply with both State and City safety standards. The following are visual examples to demonstrate the social distancing requirements for table layout.





## TEMPORARY “NON-POROUS” BARRIERS

Temporary protective, non-porous barriers can be positioned as a safety measure to prevent the passage of COVID droplets between tables and high foot traffic areas as well as in between tables where social distancing space is limited. These barriers may also be used for clearer spatial guidance to bathrooms, entrances and exits, and staff locations. Safe pedestrian pathways between barrier walls and furniture must meet accessibility regulations for seating and clear routes of travel.



## Tents and Other Shade Structures

Tents that are 10 feet by 10 feet in size or smaller may be erected in parking spaces to provide shade for the dining area.

The following requirements shall apply to use of tents or shade structures within public spaces:

- ❖ The maximum size tents that may be placed within sidewalks and parking spaces will be 10-foot by 10-foot.
- ❖ No staking of tents is permitted in public rights-of-way.
- ❖ All tent legs must be weighted
- ❖ Each leg must have a minimum of 40lbs.
- ❖ Weights must be securely attached to canopy roof and canopy leg separately
- ❖ Ropes and straps should be high quality
- ❖ Bungee or rubber straps are prohibited
- ❖ Weights must be on the ground and not dangling
- ❖ Weights and lines must not pose a hazard and be clearly visible
- ❖ For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed. Do not leave unsecured tents at any time.
- ❖ Heaters of any kind shall not be used under tents or umbrellas.
- ❖ Smoking is prohibited under tents and shade structures.
- ❖ Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.
- ❖ Tents larger than 120 square feet require a building permit and must meet all applicable building code requirements.

## CHECKLIST

Outdoor café seating operations within sidewalks and public rights of way must provide the following documentation as part of their Licensing Commission License Amendment application:

**DOCUMENTS REQUIRED** (*Upload the following documents as part of your application*):

### LAYOUT

- A site plan showing the location and dimensions of the existing and proposed items on the sidewalk or public way, including any signs, trees, or other obstructions (e.g. parking meters, bike racks, manholes).
  - Dimensions must show compliance with Social Distancing requirements and use of protective barriers.
- Tables and chairs must not block entrances, exits, fire lanes, hydrants, handicapped access.
- Location shall be adjacent to host business or parking spaces adjacent in the case of a parklet.
- Provide renderings, product details and/or images of tables, chairs, barriers, etc.
- If you will allow dogs in an outdoor seating area, a scaled site plan showing the location of the dog area
- Engineering or OSPCD will provide base plan if available
- All furnishings in the public right-of-way shall be temporary and secured at the end of each workday and whenever the Restaurant is not in operation. Perimeter fencing and/or barriers may stay in place unless asked by the City for maintenance purposes.
- Dining area should be within the right-of-way to the extent possible along the restaurant's frontage or has the written permission of the abutting property owner/abutting business.

## **ACCESS & SIGNAGE:**

- ❑ ADA/MAAB clearances, 48” minimum, 60” at turns, 36” for isolated locations, remaining walkway must be the most ADA compliant surface in the public way. Wider minimum walkways may be required at the discretion of the City Reviewers to permit social distancing of pedestrians.
- ❑ ADA/MAAB grade changes, no steps are permitted, including existing curb stones. Temporary curb ramps may be installed at each pedestrian crossing of the curb line.
- ❑ Establishments shall demarcate social distancing spaces in waiting areas and customer flows with tape or paint on the floor as well as signage.
- ❑ Establishments should consider designating separate entrances and exits for customers, where practicable, to promote one-way customer traffic.
- ❑ Toilet Facility Requirements:
  - ❑ Establishments are required to make adjustments to promote social distancing within toilet facilities. The quantity of sinks in a restroom will determine the number of toilets and urinals permitted for use. Clearly indicate which fixtures are closed and note the limit of occupancy for each restroom.
  - ❑ Establishments clean commonly touched surfaces in toilet facilities (e.g. toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines.
- ❑ If access to an outdoor seating area (e.g. a deck or patio) requires walking through the interior of an establishment, this is permitted, provided that the establishment adequately maintains social distancing standards and minimizes the amount of time spent indoors.
- ❑ Does not obstruct access or damage other street facilities, including items in the furniture zone, parking, bus stops, etc.

- Does not obstruct emergency access, including EMT stretcher access, to building entrances, sidewalk and outdoor seating areas.
- Establishments shall maintain all tables, chairs, equipment, signs, markings, etc. in the public street in clean and working condition.
- Notify the City of any operational changes to the approved plan in writing. Minor changes will be reviewed for approval administratively if possible.

## **TEMPORARY LICENSE CONDITIONS**

- It shall be the responsibility of the business to activate the spaces described in this section with temporary materials such as tables and chairs, umbrellas, and visual/physical barrier materials as needed per site specific conditions.
- The Workers' Compensation Insurance Affidavit (download the form when you apply).
- The License is not transferable.
- The Licensee agrees to indemnify the City against any claims that arise out of the Licensee's use of the public way
- The Licensee agrees to use only those items described in the description and attached plan, and place all items on the sidewalk or public way in such a manner as not to obstruct pedestrian traffic and to permit an unobstructed path of travel in accordance with applicable federal and state law.
- The Licensee agrees to maintain the minimum clearance in the approved plan, and as described above of 42" on the sidewalk or public way at all times.
- The Licensee agrees to comply at all times with 248 CMR 10.10 (minimum toilet facilities), and hereby certifies that the Licensee has sufficient toilet facilities to accommodate the maximum indoor and outdoor seating capacity.
- In order to satisfy social distancing requirements for adjacent restaurants offering outdoor seating, all outdoor seating must be at

least 3 feet from the containment system if another restaurant's outdoor seating is immediately adjacent.

- ❑ The Licensee agrees to close all outdoor seating no later than 10:00 PM, unless otherwise permitted by the Commission.
- ❑ The Licensee agrees to the regular maintenance, hygiene and sanitation per State and CDC COVID recommendations including placement and regular maintenance of a trash receptacle on the sidewalk or public way in front of the business, and regular sweeping of the seating area and adjacent walkways / roadway.
- ❑ For outdoor seating in which dogs will accompany their owners:
  - ❑ Every dog must be leashed and licensed.
  - ❑ Establishments should provide bowls of water for the sole use of dogs.
  - ❑ Employees are not allowed to touch, pet, or handle dogs.
  - ❑ Dogs are not allowed on furniture.
  - ❑ Dogs are not allowed to eat from plates.
  - ❑ A conspicuous sign must be posted to designate the outdoor dog area.
  - ❑ A dog may be present in an interior corridor only if there can be no direct access to the outdoor dog area. That interior corridor shall meet the requirements of the Somerville Food Code at all times.

# APPLICATION

## Step 1: Complete the Required Commonwealth of Mass Self-Certifications for All Businesses

- ❖ **[Restaurant Safety Standards and Checklists](#)**: Review and Complete the Commonwealth of Massachusetts Safety Standards for Restaurants.
- ❖ **[COVID-19 Control Plan Template](#)**: Fill it out, then print it out and keep in on hand in your place of business.
- ❖ **[Compliance Attestation Poster](#)**: Print it out, sign it and post in an area within your business premises that is visible to workers and visitors.
- ❖ **[Employer Poster](#)**: Print out one or more copies of the poster and display them in a visible area of your business to describe the rules for maintaining social distancing, hygiene protocols, and cleaning and disinfecting.
- ❖ **[Worker Poster](#)**: Print out one or more copies and display them in a visible area of your business to describe the rules for maintaining social distancing, hygiene protocols, and cleaning and disinfecting.

## Step 2: Complete the City of Somerville Requirements for Restaurants During Covid19

- ❖ **Review the City of Somerville COVID-19 Outdoor Seating Guidelines and Checklist**
- ❖ **Apply at:** <https://www.somervillema.gov/citizenserve>
- ❖ **Submit a Licensing Commission License Amendment application through CitizenServ and attach:**
  - MA COVID19 Control Plan Template
  - Somerville COVID19 Health & Safety Plan (HASP)
  - Revised Layout Plan for seating that conforms to Commonwealth and City COVID 19 guidelines