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# Making Space for Restaurant and Retail Recovery

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## EXPANDED SIDEWALKS GUIDE

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## Quick Reference: Forms & Contacts

Application requirements are described in detail on page 7 of this Guide. All applications are available online at [www.burlingtonvt.gov/resources](http://www.burlingtonvt.gov/resources).

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- ⇒ Encumbrance Permit Application
- ⇒ Construction Self-Certification Checklist, if needed
- ⇒ Tent Permit Application, if needed (will be routed to Fire Marshall Barry Simays)

Lori Olberg, Licensing, Voting, & Records Coordinator  
865-7136 | [lolberg@burlingtonvt.gov](mailto:lolberg@burlingtonvt.gov)

- ⇒ Outdoor Consumption Permit and/or Liquor License

Vermont Agency of Natural Resources, Dept. of Environmental Conservation  
828-1535

- ⇒ [Wastewater Service Permit Application](#), if needed

# Introduction

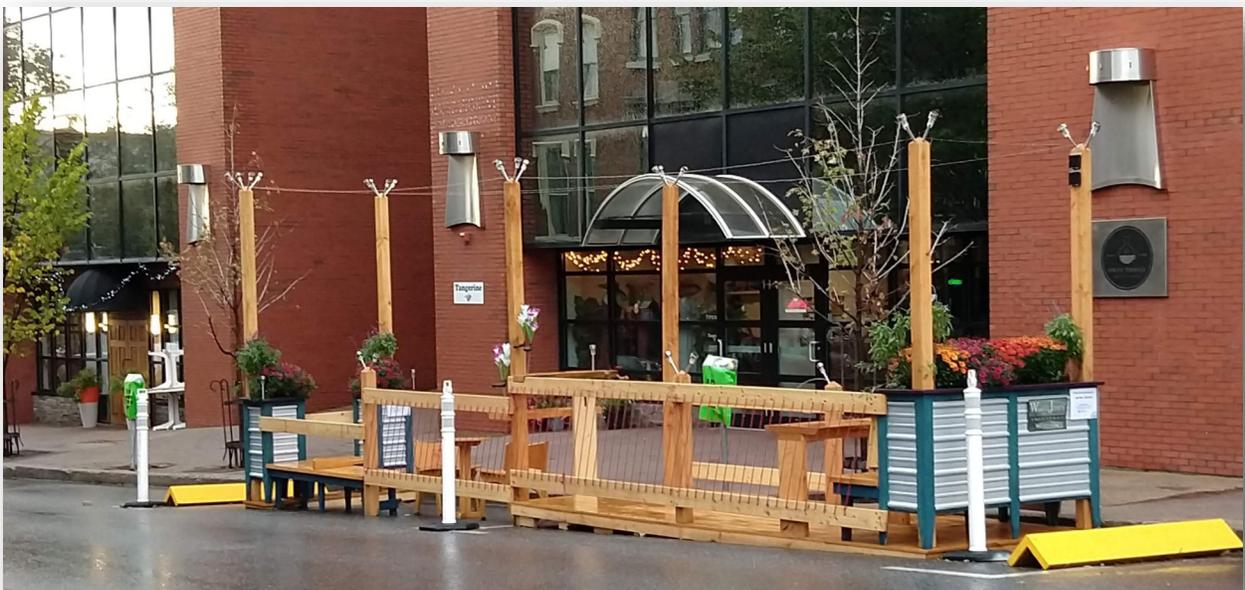
COVID-19 is a potentially deadly respiratory disease thought to spread mainly by person-to-person contact. The best way to prevent the spread of this highly infectious disease is social distancing, which means keeping at least six feet away from other people. Physical distancing best practices had a significant impact on small businesses in early 2020 and continue to have an impact on queuing, dining, and retail services.

The City of Burlington has modeled this Expanded Sidewalks Guide on the Street Seats & Parklet program. New opportunities are needed to make space for business and help our local restaurants and retail recover in 2020:

- Municipal permit fees have been waived for expanded sidewalk encumbrances
- Barrier safety elements will be provided and installed by the city
- Application timelines will be expedited and allow administrative review and approval by City staff

## Sidewalk Expansion Options

Expanded sidewalks could be used for Street Seats, which extend the pedestrian zone into the parking lane and provide a space for people to sit, eat, gather, and socialize. Unseated options are also available for retailers or to provide extra passing room or queuing space beyond the sidewalk. All options should support physical distancing, community engagement and enjoyment of public space, encourage walkability and active use of the street, and provide opportunities for businesses to expand their space and aesthetic.



# Site Selection

*What are the best sites for a quick application process?*

- ✓ Replaces parallel or angled on-street parking and/or uses frontage zone (i.e. tree belt, meter zone)
- ✓ For Street Seats or tents with side panels, at least one parking space away from an intersection, street corner, or driveway to maintain visibility
- ✓ For Street Seats, provides a stable surface with a grade of 5% or less
- ✓ Can be accessible to everyone
- ✓ Preference for 1 parking space unless the proposal clearly demonstrates adequate use of 2 parking spaces
- ✓ Proposals that include multiple businesses have a clear point of contact and lead applicant.
- ⊗ Avoids fire hydrants, bus stops, accessible parking spaces, loading zones, or time restricted parking spaces. (Requests to relocate these spaces must be considered by the Public Works Commission, which meets monthly.)
- ⊗ If using a platform, it leaves clear access for utility providers to reach utility panels, manhole covers, storm drains, or fire hydrant shut-off valves.
- ⊗ If using a tent, it will not impact street trees or encroach into the vehicle or pedestrian travel lanes.
- ⊗ No more than 33% of on-street parking has already been encumbered. The DPW Director will consider case-by-case requests to encumber no more than 50% of parking per block.

Depending on your location, the existing sidewalk may be considered for your encumbrance by proposing to relocate the sidewalk into the parking lane. Allow additional time for staff to consider such requests on a case-by-case basis and evaluate potential constraints and accessibility (e.g. street trees, parking meters, signs, bike parking, accessible ramps).

# Footprint

## Required Safety Elements

To expedite this program and reduce costs for sponsoring businesses, the Department of Public Works will provide and install the required safety elements for parking space encumbrances, including but not limited to 42” cones (4 per parking space). Water-filled jersey barriers may be installed for sites on roadways that have higher traffic volumes and higher speeds.

## Available Space

- Replacing parallel parking? Spaces are 7.5’ to 8’ wide and 18’ to 20’ long, depending on your location.
- Replacing angled parking? Spaces are generally 18’ long and 8’ wide.
- Adding seating? Leave 2’ space to the travel lane and consider planters or barriers.



# Design Requirements

Modified from [Great Streets BTV](#) to provide low-cost options in 2020

## Accessibility

Businesses must comply with the Americans with Disabilities Act (ADA). While businesses may seek to construct platforms and ramps, they need not do so, so long as:

- 1) services provided are the same across both indoor and outdoor spaces, and
- 2) 5% of all tables (dining, banquet, and bar) or at least one (if less than 20 tables), remain available inside the business for disabled patrons and their companions.

For more information, please reference:

- [Guidance on the 2010 ADA Standards for Accessible Design](#), Section 221 Assembly Areas, Wheelchair Spaces / Companion Seats (pp. 110-111)
- [2010 ADA Standards for Accessible Design](#), Sections 221 (pp. 78-81) and 802 (pp. 202-206)
- [ADA Guide for Small Businesses](#), Fixed Seating and Tables (p. 13)

## Placement

- ✓ Multiple points of entry along the curbside
- ✓ Seating is set back 2' from traffic

## Platforms (if used)

- ✓ Threshold with sidewalk must be less than 1/2"
- ✓ Slip-resistant surface
- ✓ Substructure designed for a minimum of 50 lbs./s.f.
- ✓ Allows curbside drainage of stormwater & uses screens at either end to prevent debris buildup beneath the platform
- ✓ Constructed off-site and assembled in less time on-site
- ⊗ Not bolted into the surface of the road; includes a restoration plan if bolted into the curb

## Tents (if used)

- ✓ Anchored to a weight that meets or exceeds 35 pounds in at least 4 different locations. DPW may require additional weights or tie-downs.
- ✓ Within site limits and height adjustable between the street / curb
- ✓ If 200 s.f. or larger, has an approved Tent Permit
- ⊗ Not staked into the ground

## Enhancements

For more low-cost ideas, visit [www.tacticalurbanismguide.com](http://www.tacticalurbanismguide.com)

- ✓ No platform? Painted pavement will be considered with a restoration plan. Rugs, turf, and other removable elements must still provide an accessible surface.
- ✓ Removable barriers and movable landscaping or planters are allowed.
- ✓ If used, lighting is solar powered (or has an approved Electric Permit)
- ✓ If used, the cable railing follows Building Codes for spacing between cables (no more than the diameter of a tennis ball)
- ⊗ No overhead elements or running wires that span the sidewalk
- ⊗ Avoid tropical hardwood and virgin redwood
- ⊗ No continuous or opaque walls above 42" (allowing views from either side of the street and reducing potential graffiti)

## Wood Pallets



## Spray Chalk / Tempera Paint



## Plants



## Crates



## Shade



# Application Guidance

## Conflicts with City Projects

Neither platforms nor relocated sidewalks should be installed when roadway construction work or other significant construction is scheduled for that season. The city's [construction portal](#) is a useful tool but may not be indicative of all projects that will be constructed during a season.

## Site Plan & Photos

Site plans and photos need to clearly communicate:

- Location of existing street fixtures (utility poles, parking meters, trees, sign posts, bike racks, etc.) and their distance from your site
- Width of the adjacent sidewalk and greenbelt (if present)
- Distance from your site to the nearest crosswalk or intersection
- Name of adjoining streets
- Dimensions of the proposal
- Describe proposed features (seating, plantings, lighting, materials, bike racks, etc.)

## Use, Maintenance & Budget

- Demonstrate an ability to activate the space at least 25 hours each week in order to retain your Encumbrance Permit.

- Applicants are responsible for maintenance and must describe the daily and ongoing cleaning as well as the plan and budget for repairs, replacements, etc.
- Applicants are encouraged to keep the space accessible to the public outside of business hours

## Enhancements & Partnerships

Any plans to enhance barriers or pavement must be clearly described, including the colors and materials to be used and any restoration plans.

Partnerships are encouraged. One application form may be used and that applicant will be responsible for all activity under their permit.

## Platform Resources

- Neighborhood Planning Assemblies or City Council discretionary funds
- Jacob Mushlin, [Yestermorrow Design/Build School](#)
- Andrew Jope, ReSOURCE YouthBuild Program, [ajope@resourcevt.org](mailto:ajope@resourcevt.org), (802) 343-3450
- Pre-fab platforms and adjustable platform supports e.g. [DERO](#), [Bison](#), [Streetlife](#)

# Approval Process

Applications may be submitted at any time in the 2020 season for review and approval by the DPW Excavation Inspector. Applications received by 3pm on Wednesdays could receive a permit the following Friday.

## Mandatory

- [Encumbrance Permit Application](#)
  - Insurance policy with \$1,000,000 general aggregate coverage
  - Certificate of Liability with the holder as the “CITY OF BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401”.
  - Endorsement to Insurance Policy listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
  - Endorsement to Insurance Policy specifically listing the City as Additional Insured
  - Sketch, photo, or blueprint of what you are proposing and where it is located
  - Meets design requirements, includes maintenance plan, and describes proposed enhancements

Encumbrance fees for this program will be waived for the 2020 season.

All application forms are available online:

<https://www.burlingtonvt.gov/covid-19/Making-Space>

## You May Need

### *Outdoor Consumption Permit*

⇒ Contact: [Lori Olberg](#) at the City Clerk’s Office

Already have a liquor license? Apply for an outdoor consumption permit (fees waived for this program).

Need a liquor license and outside consumption permit? First contact Lori Olberg then visit the [Vermont Division of Liquor Control’s website](#) for forms, fees, and procedures. State fees must still be remitted.

### *Wastewater Service Permit*

If outdoor table service will exceed the capacity authorized in your current permit, submit an application to the State of Vermont ([online only](#)).

### *Construction Self-Certification Checklist*

If constructing a platform or ramp, submit the Self-Certification Checklist to DPW upon completion of construction and installation.

### *Tents*

Tents 200 square feet or larger require a tent permit from the Fire Department. Requirements are established in Ch. 25 of the NFPA 1, Fire Prevention Code. Fees will be waived for this program.