



CITY OF SOMERVILLE, MASSACHUSETTS  
JOSEPH A. CURTATONE  
MAYOR

September 9, 2021

Honorable City Council President McLaughlin and Members of the City Council:

At the Land Use Committee meeting held on Wednesday, September 1, 2021 it was requested that additional information be provided to the City Council to address questions regarding ADA compliance for outdoor seating. Responses to those questions, which were informed by the Directors of OSPCD, Engineering and ISD, are below-

1. Who is responsible for reviewing outdoor seating proposals for accessibility (ADA/MAAB) and how is that review accomplished?

The Engineering Division reviews all outdoor seating proposals for safety and accessibility within the public street. These reviews are conducted in collaboration with Zoning, Economic Development, Mobility, Fire Department, Public Works, Water & Sewer, and Inspectional Services, according to the impacts of the proposal. Typically, the License Commission proceeds after Engineering approves the proposal. However, for proposals that have minor technical revisions, we have recommended the Licensing Commission to provide conditional approval to allow License issuance between Commission meetings. Engineering also attends Commission meetings at the Commission's request.

2. Is outdoor seating inspected for ADA/MAAB compliance after installation?

Very early in the pandemic, as staff shifted to emergency response roles and prioritized pandemic-related public health concerns, capacity issues and limited resources made it difficult to have ISD inspect each individual outdoor seating installation as they were set up. At the time, efforts were focused on getting each restaurant up and running as quickly as possible, and the City accepted and reviewed drawings of the proposed set-ups. As the summer of 2020 continued, it became clear that some of those set-ups needed adjustments due to MAAB compliance issues.

Now in 2021, ISD has been checking each site as they have opened, conducting initial set-up inspections within the first week of them being put out. ISD has also been following up when complaints are filed- thus far 8 complaints have been filed and addressed by ISD since March 1, 2021. A more permanent system for outdoor seating is being developed, and as this system is established the work will continue to be refined.

3. How can reports of noncompliance be provided by the public and how are violations addressed?

Noncompliance issues should always be reported through 311, which allows them to be tracked and referenced. In order to ensure ISD is made aware of a complaint, they must be made to 311. Otherwise, ISD will not receive the complaint and it may go unaddressed. Once a violation is observed, the owner will be given a set amount of time to correct the violation(s)- most of which can be fixed immediately. If the violation persists, additional enforcement actions are taken until compliance is achieved.

