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CITY of BOSTON

2023 Permanent Outdoor Dining Program

Interdepartmental Guidance

Overview of the Guidance

The following interdepartmental guidance (the “Guidance”) is meant to assist Licensees requesting an **extension of premise** onto outdoor space as a part of the 2023 Outdoor Dining Program. Extensions made through the 2023 Outdoor Dining Program will be made on a non-precedent setting basis. **This Guidance may be amended from time to time without notice at the City’s discretion.**

Please note, submission of an online application for the 2023 Outdoor Dining Program in no way constitutes approval of an extension of premise onto outdoor space.

For **private property requests**, please read pages 4-8 and 11-22 of the Guidance.

For **public property requests**, please read pages 4-22 of the Guidance.

Additional Information

Visit <https://www.boston.gov/economic-opportunity-and-inclusion/outdoor-dining-program> for more information about the 2023 Permanent Outdoor Dining Program and ongoing updates.

Once you are ready to submit an application for an extension of premise onto outdoor space as a part of the 2023 Outdoor Dining Program, please visit <https://onlinepermitsandlicenses.boston.gov/licensing/portal> to submit your application. ***Please note: your login credentials will be the same for all City of Boston Permit or License portals. If you have an existing log in, you can use it for Outdoor Dining!***

Please direct any questions to Outdoordining@boston.gov.

Translation

A translated version of this Guidance is available upon request. To request a translated version, please reach out to kristen.shelley@boston.gov

ARABIC	"تُتاح نسخة مترجمة من هذه الإرشادات عند الطلب. يُرجى التواصل على البريد الإلكتروني kristen.shelley@boston.gov لطلب نسخة مترجمة."
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VIETNAMESE	Bản dịch của Hướng dẫn này sẽ được cung cấp khi có yêu cầu. Vui lòng liên lạc kristen.shelley@boston.gov để yêu cầu bản dịch.

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Licensing Board (BLB) Guidance

Licensees seeking to operate an outdoor patio as part of the 2023 Temporary Outdoor Dining Program (pending state legislative approval), please follow the instructions below

Temporary Licensing Board Requirements

- Food and/or alcoholic beverages cannot be served outside of the licensed premise, even on a temporary basis, without the written permission by the Board. If approved for the requested temporary extension, the permit must be posted conspicuously inside the licensed premise.
- **The use of the public way is a privilege and must be shared by businesses, residents, visitors, and special events. The City may ask the licensee to remove their patio at any time.**
- Any request for a temporary extension of the licensed premise must be contiguous, meaning it physically touches the existing licensed premise. A Licensee seeking to operate in space that is not contiguous to the licensed premise can apply for a [Special One Day License](#).
- The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively (b) the licensee may commit to providing management personnel dedicated to the area.
- The **closing hour** of the Single-season, 2023-only Extension is:
 - 9:30 p.m. Sunday through Thursday (all patrons off by 10:00 p.m.)
 - 10:30 p.m. Friday and Saturday (all patrons off by 11:00 p.m.).
- **Entertainment is not permissible** on the extension including background music, television, or other forms of live or non-live entertainment.
- The single-season, 2023-only extension must be enclosed to ensure the area is clearly identified and there is no access from the adjacent public realm. An extension on the public way will be subject to more stringent requirements as detailed herein.
- The City assumes no responsibility, financial or otherwise, for rentals or purchases made for the temporary patio extensions.
- Outdoor dining may be temporarily suspended during bad weather such as high winds, thunderstorms, or snow. Licensees shall secure and anchor all equipment or bring them inside the restaurant.
- If an approved licensee removes their extension prior to the end date of the program, the licensee shall notify the Outdoor Dining team at OutdoorDining@boston.gov. Unused extensions may be deemed abandoned and the restaurant must remove them. The City may remove abandoned property after providing sufficient notice.

Permission to Use Extension

- The Licensee must have the **legal right to occupy** the temporary extension.
- Restaurants with proposed outdoor seating on private property, or on public property that extends in front of adjacent licensed premises, must submit:

- (1) the address of any abutter(s) **and**;
- (2) proof of consent by the respective property owner, manager, or other entity with the legal right to occupy the premises. Such proof of consent may include a letter or other document permitting the applicant to occupy the requested patio space.
- Please note, the City will review these approvals for any existing “Use of Premise” permits issued as these spaces may already be permitted for other uses.
- A letter from the property manager, entity, or condominium association allowing a restaurant to use **public** space that is maintained by the landlord is not sufficient. **Only the City may authorize use on public spaces.**
- If the licensed premise frontage is shared with other businesses, the applicant should obtain letters of approval from each owner/landlord of the units that you share the frontage with. (Ex. 3 unit building on Newbury Street; the first floor is a cafe, the second floor is a retail store, and the third floor is a residence. The applicant should obtain a letter from the landlord of the retail space and the residential unit.)
- If the frontage is shared with a condominium, a letter from the condominium association will suffice. If there is no condominium association, then a letter from each unit’s owner will be required. Approvals may be granted only if the applicant has obtained approval from more than 50% of the units.

Animals on outdoor extensions

Animals are not permitted on the outdoor extensions per Health Code and [state law](#) with the exception of service dogs for persons with disabilities. Generally, service animals must be harnessed, leashed, or tethered unless such devices interfere with the animal's work or the customer's disability.

Liability / Insurance Requirement

The Restaurant Owner/ Manager shall purchase and maintain during the term of the Agreement and will assure that subcontractors carry similar and appropriate coverage. These requirements shall not be construed to limit the liability of the Restaurant Owner / Manager or its insurer. Insurance will be issued by insurance companies licensed to write insurance in the Commonwealth of Massachusetts and will have a current Best rating of A- VII or above. Insurance Certificates on Acord Form 25 evidencing all requirements listed below, will be delivered to the Official prior to activity commencing, with renewal certificates delivered 5 days prior to binding.

Insurance Requirements:

- **Commercial General Liability** with coverage no less than ISO CGL Form, CG00 01 0413, for one million (\$1,000,000) per occurrence and three million (\$3,000,000) annual aggregate. The limit must apply on a per-location basis. If preferable, the Applicant can meet this requirement by adding Umbrella Liability on top of its Commercial General Liability.
- The City of Boston will be named as **Additional Insured** on this policy or policies.

- **Note:** The insurance requirements to participate in this outdoor dining program do not replace requirements that are already established for restaurants (e.g. Workers Compensation, Full Liquor Liability, Automobile Insurance, etc.)

Guidelines and Regulations

The Licensee must abide by all city, state, and federal guidelines, advisories, orders, laws, and regulations as they may be issued or amended from time to time. **Any Single-season, 2023-only Extension granted by the Board is on a non-precedent setting basis and may be rescinded by the Board at any time.**

Licensees seeking to operate a PERMANENT outdoor patio, please follow the instructions below

Licensing Board Permanent Patio Guidance

Food and/or alcoholic beverages cannot be served outside of the licensed premise without the written permission by the Board. In order to update the Licensing Board license to permit food and/or alcohol service on the proposed patio, the Applicant will be required to submit an application depending on the **type** of license held:

- A. On-premise (**§12**) license holder with alcoholic beverages
- B. Common Victualler license holder without alcoholic beverages

A. On-premise (§12) license holder with alcoholic beverages application process

1. Applicants who hold a **license with alcoholic beverages** must complete the MA's Alcoholic Beverages Control Commission (ABCC) [Alteration of Premises](#) Application. The Application must then be submitted to the Boston Licensing Board through the City's [Online Application Portal](#). Please note: The Licensing Board submits applications to the ABCC on the Applicant's behalf.
2. Applicants will be required to submit a \$200 fee directly to the ABCC [here](#). The \$200 payment must be completed before submitting the Alteration of Premises Application to the Licensing Board.
3. The Applicant will be scheduled for a hearing date before the Licensing Board if the Application is complete and does not require more information or documentation. There is a \$100 hearing fee.
4. **Public Legal Ad:** Per state law, all applications for an Alteration of Premises must be publicly advertised. Licensing Board staff will create a legal advertisement to run in the Boston Herald. The Applicant will pay a \$170 advertising fee directly to the Herald. This must be completed at least ten days prior to the scheduled hearing before the Licensing Board.
5. **Abutter's Notifications:** State law also requires that each direct abutter be notified in writing of an application for an Alteration of Premises. The Applicant will send the legal advertisement to all abutters via certified mail. Notifications must be mailed within three days of the legal advertisement running in the Boston Herald. Licensing Board staff will provide detailed instructions on the notification to abutters.

6. The Applicant will appear at the Licensing Board hearing, and should be prepared to present the details of their proposed patio to the Board. Members of the public will have an opportunity to testify as well.
7. If the patio is approved by the Boston Licensing Board, the decision will be sent to the ABCC for further review. The ABCC may require further information from the Applicant and may need to conduct a site visit.
8. Upon the ABCC's approval, the Applicant and Boston Licensing Board will be notified.
9. The Licensing Board will then issue an amended license to the Applicant allowing the use of a permanent patio. **Please note:** There may be additional permits required for before the Licensing Board can issue an updated license. (i.e. Certificate of Inspection, Boston Fire Department Place of Assembly Permits, and Public Improvement Commission (PIC) License, Maintenance, and Indemnification (LMI) Agreement.)

B. Common Victualler license holder without alcoholic beverages application process

1. Applicants who have a **Common Victualler license without alcohol** must submit a [Request for Change to License / Corporation Application](#) then submit it via email to LicensingBoard@boston.gov.
2. The Applicant will be scheduled for a hearing date before the Licensing Board if the Application is complete and does not require more information or documentation. There is a \$100 hearing fee.
3. **Public Legal Ad:** Per state law, all applications for an Alteration of Premises must be publicly advertised. Licensing Board staff will create a legal advertisement to run in the Boston Herald. The Applicant will pay a \$170 advertising fee directly to the Herald. This must be completed at least ten days prior to the scheduled hearing before the Licensing Board.
4. **Abutter's Notifications:** State law also requires that each direct abutter be notified in writing of an application for an Alteration of Premises. The Applicant will send the legal advertisement to all abutters via certified mail. Notifications must be mailed within three days of the legal advertisement running in the Boston Herald. Licensing Board staff will provide detailed instructions on the notification to abutters.
5. The applicant will appear at a hearing before the Licensing Board, and should be prepared to present the details of their proposed patio to the Board. Members of the public will have an opportunity to testify as well.
6. If the patio is approved by the Licensing Board, an amended license will be issued to the Applicant allowing the use of a permanent patio. **Please note:** There may be additional permits required for before the Licensing Board can issue an updated license. (i.e. Certificate of Inspection, Boston Fire Department Place of Assembly Permits, Public Improvement Commission (PIC) License, Maintenance, and Indemnification (LMI) Agreement., and Liquor Liability Insurance)

General Licensing Board Requirements

- Licensees must post the Licensing Board issued licenses in a clear and conspicuous place at the licensed premise.

- The use of the public way is a privilege and must be shared by businesses, residents, visitors, and special events. The City may ask the licensee to remove their patio at any time at the expense of the Licensee.
- Any request for an extension of the licensed premise must be **contiguous**, meaning it physically touches the existing licensed premise with either: (a) a clear view of the area from inside the premises, or, alternatively (b) the licensee may commit to providing management personnel dedicated to the area.
- A Licensee seeking to operate in space that is not contiguous to the licensed premise can apply for a [Special One Day License](#).
- The **closing hour** shall be determined by what is issued and approved on the Common Victualler License.
- **Licensees may submit an application to request entertainment on the patio.** Please note, a neighborhood process may be required depending on the type of entertainment requested and location. Please contact the Entertainment Division at MOCAL@boston.gov. Applications are available [here](#).
- The City assumes no responsibility, financial or otherwise, for rentals or purchases made for the patio extensions.
- Outdoor dining may be temporarily suspended during inclement weather such as high winds, thunderstorms, or snow. Licensees shall secure and anchor all equipment or bring them inside the licensed premises.
- Unused extensions may be deemed abandoned and the restaurant must remove them. The City may remove abandoned property after providing sufficient notice.

Permission to Use Extension

- The Licensee must have the **legal right to occupy** the extension.
- Restaurants with proposed outdoor seating on private property, or on public property that extends in front of adjacent licensed premises, must provide proof of notification of abutters via certified mail prior to the scheduled Boston Licensing Board hearing.
- A lease or other form of proof showing that patio space is permitted by the landlord or property owner must be provided. **Only the City may authorize use on public spaces.**

Liquor Liability Insurance

The Restaurant Owner/ Manager shall purchase and maintain during the term of the Agreement and will assure that subcontractors carry similar and appropriate coverage. These requirements shall not be construed to limit the liability of the Restaurant Owner / Manager or its insurer. Insurance will be issued by insurance companies licensed to write insurance in the Commonwealth of Massachusetts and will have a current Best rating of A- VII or above. Insurance Certificates on Acord Form 25 evidencing all requirements listed below, will be delivered to the Official prior to activity commencing, with renewal certificates delivered 5 days prior to binding.

Insurance Requirements: (Common Victualler License With Alcohol Only)

- Liquor Liability Insurance - Coverage should be for bodily injury or death, a minimum amount of \$250,000 on account of injury to or death of 1 person; and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. The proof of liability must specifically state that it is for the licensed premises, it is liquor liability coverage, and the exact amount of liquor liability coverage provided.

Guidelines and Regulations

The Licensee must abide by all city, state, and federal guidelines, advisories, orders, laws, and regulations as they may be issued or amended from time to time.

Layout Options

#1 Parklet

This option requires building decking in the roadway which is level with the sidewalk. It is the preferred option for street seating and can be used by restaurants with a range of approved size areas.

Parklets must be built completely flush with the curb. There can be no step up or down, any lip, or any other level change from the sidewalk. Gaps between the sidewalk and decking should be minimized to the greatest extent possible. If the height of the curb or other geography of the road creates a lip, please use a transition threshold.

#2 Roadway and Sidewalk Seating

Accessible seating on sidewalk

This option allows you to provide accessible seating on the sidewalk without building a ramp to access roadway seating. This option is only available to restaurants located on sidewalks that are a minimum of 8 feet wide, and where you are approved to deploy seating in both the sidewalk and the roadway.

If selecting this option, restaurants must deploy fully accessible tables on the sidewalk (see Appendix). In addition, restaurants should include the International Symbol of Accessibility on these tables, leave these tables open for people with disabilities, and allow patrons with disabilities to specifically reserve these tables even if you don't generally take reservations.

[Please review the templates for this design.](#) Your architect or engineer can use these to create drawings that are specific to the conditions at your location.

#3 Extended Tables over Curb

This option allows you to provide accessible seating on the sidewalk without building a ramp to access roadway seating. This option is only available to restaurants located on sidewalks that are a minimum of 8 feet wide, and where you are approved to deploy seating in both the sidewalk and the roadway.

If selecting this option, restaurants must procure tables that are able to straddle the level change from the sidewalk to the roadway. This can be accomplished in several ways, including for example tables with adjustable legs (lengthening the legs on the roadway side), or building additional supports for the legs in the roadway. Tables must have knee and toe space (27 inches high and 19 inches deep, see templates) to allow for wheelchairs to fit underneath. In addition, restaurants should include the [International Symbol of Accessibility](#) on these tables, leave these tables open for people with disabilities, and allow patrons with disabilities to specifically reserve these tables even if you don't generally take reservations.

[Please review the templates for this design.](#) Your architect or engineer can use these to create drawings that are specific to the conditions at your location.

#4 Ramp with Standard Seating and Bar

This option requires building a ramp from the sidewalk to roadway seating that is permanently deployed during the outdoor dining season. It is an option for restaurants that are approved to deploy in at least 2 parking spaces.

The ramp slope must be no steeper than 1 inch in height for each 1 foot in length.

Bar height seating must be constructed to provide edge protection.

An accessible table must be provided at the foot of the ramp (see templates).

[Please review the templates for this design.](#) Your architect or engineer can use these to create drawings that are specific to the conditions at your location.

#5 Ramp with Bar Seating Only

This option requires building a ramp from the sidewalk to roadway seating that is permanently deployed during the outdoor dining season. It is an option for restaurants that are approved to deploy in at least 2 parking spaces.

The ramp slope must be 1 in 12 (maximum).

Bar height seating must be constructed to provide edge protection along the ramp.

The remaining of the seating is provided in a single running bar around the roadway seating area. This accessible bar seating (34 inches high) closest to the ramp should be labeled with the International Symbol of Accessibility and reserved for people with disabilities.

[Please review the templates for this design.](#) Your architect or engineer can use these to create drawings that are specific to the conditions at your location.

Note Regarding Compliance:

Your outdoor dining deployment must be compliant with the Massachusetts building code, including the accessibility requirements of 521 CMR (Massachusetts Architectural Access Board). All of the layouts in this guidance document are compliant or are operating under an approved MAAB variance. If none of these layouts work for you, you must receive a variance from the Massachusetts Architectural Access Board (MAAB) and provide the approved application and approval letter from the Board to the City of Boston before you can deploy.

Inspectional Services Department (ISD) & Boston Fire Department (BFD) Guidance

Food Preparation/Cooking

If outdoor food preparation/cooking is requested for the temporary extension, the operator must submit an operational/food safety plan to ISD Health and shall obtain the acquired Health Permits. **Please note, food preparation/cooking will not be permitted on the *public way* (sidewalk or on-street).** It *may* be permitted on private property. More information about how to submit that plan can be found [here](#).

Smoking

- Per the order of the Boston Public Health Commission, smoking and vaping are prohibited on all outdoor dining patios.

Structures

- Other than approved decking, structures of any sort will not be permitted on the public way.
- Decking that is not flush with the curb may require additional permits from ISD.

Tents & Umbrellas

Public Property Requests

- **TENTS AND CANOPIES ARE NOT PERMITTED ON THE PUBLIC WAY.**
- This applies to both streets and sidewalks. No exceptions will be made.
- Umbrellas are allowed on the public way if they are secured and brought inside when not in operation.
- Umbrellas are not permitted to project over boundaries of approved cafe zones and should not obstruct sightlines for vehicles or pedestrians.

Private Property Requests

- Tents on private property are permitted **only** once you have secured approval from the Inspectional Services Department and the Boston Fire Department. Requirements for tents on private property include:
 - A Short Form building permit is required for tents on private property that equal 10' x 10' or larger dimensions. Short Form permit applications are available online via [ISD's permitting portal](#). All tents are required to be inspected.
- For tents with sidewalls, emergency exit lighting and signage is required. A separate permit from BFD may also be required for tents with sidewalls.
- Umbrellas are permitted on private property and shall not impede on the public way if adjacent to the public way.
- Igloos or other structures shall be approved and permitted through ISD and BFD.
- More information can be found [here](#).

Heaters

Heaters are permitted **only** once you have secured approval from the Inspectional Services Department and/or the Boston Fire Department.

- **Propane Heaters:**
 - Propane heaters may be permitted but require a BFD Temporary Heater Permit. This is required for both public and private property. If interested, apply through the [Fire Prevention Customer Portal](#) and select “Temp Heat.” In order to process and schedule an inspection in a timely manner, put the restaurant name in the job description of the online “Temp Heat” application.
 - Once the application intake and special hazard review are approved, an inspector from the Special Hazards Unit will conduct a site visit. All permits applied for online will be paid for online and the customer will be able to print their permit.
- **Electric heaters & generators:**
 - Electric heaters that are hardwired require an electrical permit (available online via [ISD's permitting portal](#))
 - Portable electric heaters are allowed, provided that cords do not impede egress nor pose any other safety risk. The City is **temporarily** allowing one cord to run across the public realm (for example, a sidewalk) with the following conditions:
 - [Covered by sturdy plastic casings](#)
 - Secured firmly to the ground (no drilling or other surface penetrations)
 - High visibility and high contrast in color
 - Low profile in height
 - Cords and covers shall be removed from the sidewalk when the seating is not in use
 - No more than one cord crossing the sidewalk per restaurant (an extension cord may be used in the dining area to allow for more electric heaters; cords must be safely secured to prevent patrons from tripping)

- Generators require electrical permits (available online via [JSD's online permitting portal](#)) and a Portable Generator (Temporary) permit from the BFD (available online via [BFD's Fire Prevention Customer Portal](#))

Fire Hydrants / Fire Department Connections

- On-street patios shall be a minimum of 10 feet away from either side of fire hydrants.
- Patios or patio equipment shall not block access to fire department connections or fire escapes.
- On-street cafe zones will not exceed thirty-two (32) feet in length. This measurement includes the area taken up by the barrier. This restriction in no way prohibits a license from having multiple on-street cafe zones. There should be an exact 4-foot gap in-between zones.
- All applicants shall complete this [Evacuation Plan](#) in the event of an emergency and shall submit the completed form with the application.

Boston Transportation Department (BTD)

This portion of the document outlines requirements and considerations for the set-up, maintenance, and operation of outdoor cafe zones. In order to be approved to set up an outdoor cafe zone on public property through the 2022 Outdoor Dining Program, you must adhere to the guidelines outlined below where you will find:

On-Street Cafe Zone

Location

Applicants must provide a list of curb regulations and signage the on-street cafe will overlap.

An on-street cafe may not overlap any of the following curb regulations and uses:

- Less than 10' clearance on either side of a fire hydrant
- No stopping
- Fire access lane
- Bike lane
- Bus lane
- Bus stop, shuttle stop, tour bus
- Peak restricted travel lane
- HP-DV accessible parking
- Bike share station
- Adjacent to an electric vehicle charging station
- Parking reserved for police, fire, and other first responders
- Street Light hand hole pull box access

An on-street cafe that overlaps the following curb regulations and uses will be considered on a case by case basis, and may be denied if it is determined it will impact the free flow of travel and/or impose a safety hazard.

- Less than 20' from an intersection
- Less than 20' from a crosswalk
- Adjacent to a bike share station

- Areas signed no parking, including loading zones, pick-up/drop-off zones, and food takeout zones
- Parking reserved for a specific use such as city vehicles, car share, and consular corps
- Residential permit parking

An on-street cafe that overlaps with the following curb regulations and uses will require the applicant to detail where this activity will otherwise take place. An application may be denied if this activity will be forced to take place from the travel lane or illegally at the curb due to the removal of an existing zone. Note that valet may only be considered for relocation where more than one business will utilize the service from a single location

- Valet
- Loading zone
- Commercial vehicles only
- Pick-up/drop-off
- Curbside pick-up/food takeout
- 15 minute and 30 minute parking

Cafe Zone Barriers

For roadway cafe zones all barriers shall be **either concrete jersey barriers or commercially available water-filled barriers** and additionally conform to the following:

- Required Barrier Dimensions:
 - Length - minimum 72"
 - Height - minimum 32" and maximum 36"
 - Width - minimum 18"
- **Barriers may not be more than 7.5' from the curb to the outer edge of the barrier**, or extend beyond a striped line for a parking lane, bike lane, or travel lane, even if this is less than 7.5'. This measurement includes the area taken up by the barrier. No object (decorations, umbrellas, etc.) will extend out past the barrier
- **Individual on-street cafe zones will not exceed thirty-two (32) feet in length.** This measurement includes the area taken up by the barrier. This restriction in no way prohibits a license from having multiple on-street cafe zones. There should be an exact 4-foot gap in-between zones.
- If two on-street cafe zones are adjacent to each other, each cafe zone should be separated by a 4 feet gap. This area will be kept clear so that uninhibited access to and egress from the sidewalk will be maintained at all times.
- Cafes shall be completely enclosed (with the exception of the side facing the sidewalk) in approved barriers.
- Barriers will not be installed on the sidewalk side of the on-street dining area.
- Dining tables, chairs, etc. will be positioned so that free access to and egress from the dining area will be maintained at all times.
- Water-filled barriers must be completely filled at all times.
- All other furniture, built items, planters, etc. should be located within the barriers and conform to the Outdoor Dining requirements. **No roadway barriers may be privately fabricated.**
- All barriers shall have reflective elements on the exterior for road safety. This can be accomplished with reflective tape or a series of plastic reflectors.

- All barriers shall be in a high contrast color to the roadway. The exterior of barriers should **never** be painted black or other dark colors as they are difficult to see at night and can be dangerous to vehicles.
- Barriers, approved decking, or any materials cannot be placed over utility access points on the street or in a way that interferes with storm drains. Any utility access point must be accessible at all times.
- These barriers must be fully connected and form a solid wall, no gaps permitted unless authorized by the City.
- **Not permitted for on-street barriers:** planters, ropes, chains, stanchions, pallets, privately fabricated barriers, and/or metal crowd control fencing.
- All barriers are subject to review and modification as required by the City.
- Campaign-related signage is not permitted on outdoor patios on public property.
- Please see examples of barriers in the [Appendix](#).
- Street Light hand hole pull box access is required.

Design, Operations, and Maintenance

Cafe Zone Design

- Tents and canopies **are not permitted** in the public way.
- Umbrellas are allowed on the public way if they are secured and brought inside when not in operation. Umbrellas are not permitted to project over the boundaries of the approved cafe zone and should not obstruct sightlines for vehicles or pedestrians.
- The street surface in the cafe zone may be decorated or covered with temporary materials including chalk, temporary paint, and outdoor surface coverings.
- Water needs to flow freely, so keep a gap at the curb edge and be sure not to cover any storm drains. Be aware of how these treatments are impacted by rain and damp weather so you are not creating a hazardous surface that may become slippery.
- Barriers can be decorated, plants can be placed on the barriers, and other materials may be allowed with approval so long as the maximum height does not exceed 36 inches in total. All treatments must maintain the required reflective surface.
- **Decking can be built if approved by the city.** If you are interested in building decking for your on-street cafe zone please indicate so in the 2022 application. Please note, decking will require additional approval and may prolong application review and processing. **Decking or other installations are not permitted unless explicitly approved.**
- Street Light hand hole pull box access is required

Cafe Zone Operations

- **On request of the City, all approved equipment and furniture must be removed from the public way to accommodate utility work, street maintenance, construction and special events. The City reserves the right to require that equipment and furniture be moved for any reason, including inclement weather or emergencies.**
- Maintain a clear path on the sidewalk for pedestrians. The minimum clear width for compliance is 5 feet for most neighborhood sidewalks, and 8 feet for larger commercial areas (typically 1 or 2 sidewalk panels wide, depending on the restaurant location). No operations may take place on

the sidewalk that impedes pedestrian flow. Operations should only happen within the cafe zone and other approved spaces.

Cafe Zone Maintenance

- **Licensees are responsible for daily maintenance and cleaning of the area** inside and around the outside of the cafe zone. The area must be kept clean of trash, food, and other debris. Licensees are responsible for removing graffiti from barriers and for replacing barriers should they become damaged.
- **Barriers must be maintained within the allotted space and any movement of the barriers should be corrected.**
- Tables, chairs, and other materials must be secured to ensure they cannot be easily moved by persons or weather, and will not enter the street, sidewalk, or other public rights-of-way. **Tables and chairs should be locked together when not in use.**

Sidewalk Cafe Zones

Requests will be reviewed on a case-by-case basis. Licensees are required to adhere to the following guidelines when requesting outdoor seating on a sidewalk cafe zone:

- **Outdoor seating on sidewalks must be enclosed by fencing, planters, or other barriers to ensure the area is clearly identified and there is no access from the adjacent public realm.**
- Barriers **may not** penetrate the surface of the public way.
- Licensees must maintain a clear, unobstructed path on the sidewalk for pedestrians. The width must be compliant with what has been previously approved by the Boston Licensing Board.
 - **The minimum clear width for compliance is 5 feet for most neighborhood sidewalks, and 8 feet for larger commercial areas.**
 - In measuring the width of the clear, unobstructed path, Licensees must consider streetlights, lamp posts, and other obstructions.
- Licensees should provide wheelchair accessibility within the seating area. Please see the [Disabilities Commission guidance](#) below for more details.
- Outdoor seating on sidewalks may not extend past the restaurant frontage unless permission is granted by your impacted neighbor(s) and you receive approval from the City to do so. These requests will be reviewed on a case-by-case basis.
- The outdoor seating area may not enclose fire hydrants and the seating area must be located at least 10 feet away from any fire hydrants.
- No tables, chairs, barriers, etc. may be placed within an open tree pit and shall not interfere with curb ramps or access to buildings.
- Tents and canopies are not permitted on the public way.
- The licensee may not remove any City property already installed on the sidewalk and/or curb lane in front of their establishment or on the requested extension area without prior approval and authorization.
- Licensee may not drill items into the sidewalk. There are gas pipes and utility connections underneath the ground.
- Campaign-related signage is not permitted on outdoor patios on public property.

Site Plan Requirements

The Licensee must submit a professionally rendered site plan of the proposed extension area with the application. **Licensees should keep in mind that the clarity, accuracy, and completeness of these site plans will have a direct correlation to review timeline.** The more information that is included, and the more accurate that information is, may help streamline City personnel's review.

This site plan should generally conform, but are not limited to the below guidelines:

- Must be rendered by a professionally architect or engineer
- Should include the exact locations of all of the following (as applicable) - [Click for sample pictures of items listed below](#):
 - Building facades
 - Buildings entrances (doors)
 - Limits of the subject restaurant's building frontage
 - Building fire standpipe connections
 - Curb-lines
 - Street trees (including the edges of tree pits)
 - Hydrants
 - Street lights - Street Light hand hole pull box access is required
 - Utility poles
 - Parking meters, parking restrictions and other signs
 - Drainage structures (e.g. catch basins)
 - Utility covers (e.g. manholes, handholes, vaults, etc.)
 - Bike Lanes
- Should show the desired seating area in relation to all those features noted above
- **The following dimensions should be included:**
 - Total length and width of the proposed seating area in feet (if the site plan is for an on-street patio, this should include the cement or water-filled jersey barriers).
 - Width in feet of the unobstructed sidewalk space **open** to the public way. **Please note:** there should be **no items** in this path including host stands, A-frame boards, trash receptacles, or any other objects
 - Width of clearance between tables (minimum 3' clearance)
- At least one (and up to 3) recent site photograph is required. This may also help streamline review.
- **Upon approval, the location of barriers may not be modified from the approved design without an additional request and approval. Any unapproved modifications may result in the revocation of the extension.**

Public Works Guidance

- Access to all utility boxes shall be available 24/7 to both City agencies as well as all utility companies. Patio equipment shall not block any utility boxes.
- The licensee shall allow for access to residential trash/recycling collection.
- The licensee is responsible for the general cleaning and maintenance of temporary extensions and surrounding areas.
- Power source requirements of the outdoor dining design is the responsibility of the requesting party. The Street Lighting system should not be considered a power source for outdoor dining structures or associated equipment.
- Any attachment (banners, etc) requests must be submitted to the PWD Permits Division

Parks Department Guidance

- **Any Licensee seeking to extend into or operate in a City of Boston-owned park must undergo a site visit to ensure the use is not detrimental to the space.**
- All tables and chairs must be set up on paved areas in parks rather than on grass.
- All tables and chairs must be situated a minimum of three (3) feet from any existing tree pits and no tables or chairs may be leaned or placed against trees or tree pits as doing so may damage the roots.
- Any area must be roped/fenced from the other space within the park.
- Any damage or impact to the turf of any portion of the park must be remediated.
- No cooking will be permitted in any park.
- Licensee must acknowledge and agree that any extension onto or allowance to operating within parkland is temporary and not precedent-setting, and is to be halted when no longer necessitated by the impacts of the Covid-19 pandemic.
- Licensee must agree to keep Parks Department property including but not limited to parkland and tree pits free of any trash or other debris.
- Licensee must agree that nothing is to be attached to or hung from any tree, including but not limited to decorations, lighting, etc. without the written consent of the Parks Department.

Mayor's Commission for Persons with Disabilities Guidance

Accessibility of Outdoor Seating on Private Property

- For outdoor areas on private property, the ground must be firm, stable, smooth, and have a level slope.
- No crushed stone, gravel, wood chips, or other inaccessible materials may be used for the surface of outdoor dining areas on private property.
- Also, include an option for customers to request wheelchair access in your online reservation system.

Minimum Space & Table Requirements

- Maintain a clear path on the sidewalk for pedestrians. The minimum clear width for compliance is 5 feet for most neighborhood sidewalks, and 8 feet for larger commercial areas (typically 1 or 2 sidewalk panels wide, depending on the restaurant location).
- A minimum 3 feet clearance must be maintained throughout the dining area (around tables and chairs) for patron access.
- At least 5% of a restaurant's total number of seats must be accessible for persons with disabilities (with a minimum of 1 table).
 - This applies to outdoor seating set up. Also, accessible tables must be located in each area of the restaurant - for example, you cannot have all high-top tables in the new seating section you've just set up in a parking space.

- Examples of accessible tables include: standard height tables with knee clearance underneath; picnic tables with at least one removable bench, and picnic tables with an elongated top that creates space for a wheelchair to sit under. For more information, see the [Appendix](#).
- Please refer to the following [Accessibility Kit for Restaurants](#) for additional information and materials.

APPENDIX: Accessible Tables

Please contact Disabilities Commission staff at ada@boston.gov for additional assistance.



An accessible dining table is 28-34" high, and has 4 legs, instead of one center post. There must be at least 30" of width between the legs.



There are several options for an accessible picnic table. This picnic table has a removable bench to allow for a wheelchair to fit underneath.



This option for an accessible picnic table has two separate wheelchair spaces. The first wheelchair space is underneath the extended tabletop. The second wheelchair space is on one side of the picnic table. A wheelchair space is 36" minimum wide.

On-Street: Barrier Examples

Sample Photos of Acceptable Barriers



Water-filled jersey barriers
To be filled with water by Licensee



Concrete jersey barriers

