

**CITY OF BOSTON**

# **OUTDOOR DINING PROGRAM**

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# **APPLICATION GUIDE**



City of Boston  
Economic Opportunity  
and Inclusion

**2024**

**B**

## Translation

A translated version of this Guidance is available upon request. To request a translated version, please reach out to [adam.leskow@boston.gov](mailto:adam.leskow@boston.gov)

ARABIC	"تُتاح نسخة مترجمة من هذه الإرشادات عند الطلب. يُرجى التواصل على البريد الإلكتروني <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> لطلب نسخة مترجمة."
CAPE VERDEAN	Un version traduzidu di es Guia sta disponivel medianti solisitason. Porfavor entra en kontatu ku <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> pa solisita un version traduzidu.
CHINESE SIMPLIFIED	本指南的翻译版本可应要求提供。请联系 <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> 以请求翻译版本。
CHINESE TRADITIONAL	本指南的翻譯版本可應要求提供。請聯絡 <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> 以請求翻譯版本。
HAITIAN CREOLE	Yon vèsyon tradwi Gid sa a disponib sou demann. Tanpri kontakte <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> pou w mande vèsyon ki tradwi a."
FRENCH	Une version traduite de ces directives est disponible sur demande. Veuillez écrire à <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> pour l'obtenir.
PORTUGUESE	Uma tradução desta Orientação está disponível mediante solicitação. Entre em contato com <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> para solicitar a versão traduzida.
RUSSIAN	Переведённая версия настоящего Руководства предоставляется по запросу. Пожалуйста, свяжитесь с нами по следующем адресу электронной почты: <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> , чтобы запросить переведённую версию.
SPANISH	Previa solicitud, contamos con la versión traducida de esta Guía. Por favor envíe un correo electrónico a <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> solicitando la versión traducida de la Guía.
VIETNAMESE	Bản dịch của Hướng dẫn này sẽ được cung cấp khi có yêu cầu. Vui lòng liên lạc <a href="mailto:adam.leskow@boston.gov">adam.leskow@boston.gov</a> để yêu cầu bản dịch.



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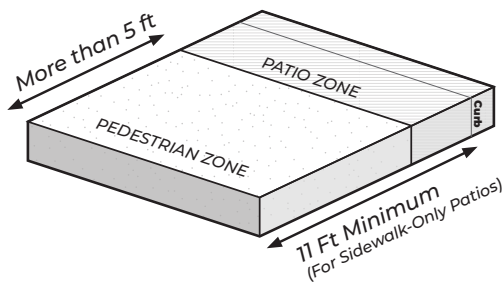


## THE BASICS

# “SHOULD I SUBMIT AN APPLICATION?”

Before you begin the application and design process, confirm your patio will meet the minimum requirements below.

### KEY CRITERIA



For all patios:

- Will your patio leave more than **5ft** for pedestrians?

For sidewalk only patios:

- Is your sidewalk at least **11ft wide, not including the curb?**

**YES**



**Submit an application!**

But first, read this guide.  
(meeting the above conditions doesn't guarantee approval.)

#### **Returning Applicants:**

If you were approved for Outdoor Dining in 2023, and are reusing the same site plan,\* the application process is shorter for you this year!

[See Page 08](#)

**NO**



**Do not submit** an application. Your location isn't eligible for Outdoor Dining.

\*When we say “the same”, we mean it: no material changes, design changes, location shifts, etc. Even moving your patio an inch counts as a change.

# THE BASICS

## The 2024 Outdoor Dining Program Guide

**Please note:**

*These guidelines are subject to the State's legislative approval process.*

**This guide** is meant to assist you in applying for the 2024 Outdoor Dining Program. This year, we've included a range of new features including: outdoor dining consultations, accessible design templates, real-time application tracking, office hours, site visits, and annual license renewals.

The 2024 Outdoor Dining Program is subject to pending legislative action and therefore any application fees paid will be refunded if the legislation enabling this program is not approved. This guide may be amended from time to time without notice at the City's discretion. Please note, submission of an online application for the 2024 Outdoor Dining Program in no way constitutes approval of an extension of premise onto outdoor space. The City retains the right to deny any application as appropriate

Applicants seeking to operate an outdoor patio as part of the 2024 Outdoor Dining Program (pending state legislative approval), please follow the instructions below.

### FEES

CV License with Alcohol:  
**\$399 per month**

2024 Outdoor Dining Program Fee:  
**\$199 per month**

*The **total fee** for the season will be due in June for patio operations between May 1, 2024 to October 31, 2024. You won't be able to participate in the program with unpaid fees.*

### KEY DATES

**February 5th 2024:**

*Application Portal Opens*

**February - April 2024:**

*Application Reviews, Open Office Hours, and Site Visits*

**April 1st:**

*State Legislative Deadline for the Program*

**May 1st - October 31st 2024**

*Outdoor Dining Season is Open!*

### APPLICATION PORTAL

[Click here](#) to submit your application

**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!

### CITY-REVIEW TIMELINE

**2-4 weeks** For returning applicants reusing their City approved site plan from 2023.

**3-6 weeks** For new applicants or returning applicants making design changes.

## HAVE QUESTIONS?

[VISIT OUR WEBSITE! \(LINK\)](#)

[SCHEDULE A SITE VISIT FOR HANDS-ON ANSWERS \(LINK\)](#)

[ATTEND OUR WEEKLY OFFICE HOURS \(LINK\)](#)

[EMAIL OUTDOORDINING@BOSTON.GOV](mailto:OUTDOORDINING@BOSTON.GOV)

# APPLICATION PROCESS

## THE STEPS

- 1** Read This Guide
- ↓
- 2** Assemble Your Documents
- ↓
- 3** Submit Your Application Online  
Portal Opens: February 5th, 2024
- ↓
- 4** City Review  
February 2024 - April 2024
- ↓
- 4a** City Requests Changes
- ↓
- 4b** Submit Updated Documents
- ↓
- 5** City Approval or Denial
- ↓
- 6** Display City-Provided Outdoor Dining Signage
- ↓
- 7** Install Your Outdoor Dining!  
May 1st, 2024 - Oct 31st, 2024
- ↓
- 8** Site Visit to Check For Rule Compliance

## HAVE QUESTIONS?

- > Email Outdoor Dining at: [outdoordining@boston.gov](mailto:outdoordining@boston.gov)
- > Attend our weekly office hours ([Link](#))
- > Schedule a site visit to get hands-on answers ([Link](#))

## ALREADY HAVE A LIQUOR LICENSE AND WANT TO INCLUDE OUTDOOR DINING?

**Currently**, a temporary state law extends your liquor license to cover patio space approved by the City's Outdoor Dining Program without any further action on your part. However, that law may expire.

Adding outdoor dining to your liquor license will mean that you can continue to serve alcohol on the patio space approved through the City's Outdoor Dining Program, even if the temporary state law expires.

**Keep in mind:** Going through the process to permanently add a patio to your liquor license may trigger more extensive design regulations (like adding more bathrooms). It will also require State review, and can take several months.

- > Submit Your License Application Online & Attend The Licensing Transactional Hearing
- > [Click Here](#) for More Info

# FIRST TIME APPLICANTS

## WHAT YOU'LL NEED TO APPLY

These are the documents you'll be asked to submit to the City as part of your outdoor dining application. This check-list is only for first time applicants. If you were approved for outdoor dining in 2023, see the next page.


### FIRST TIME APPLICANTS

- 01 ..... Professionally rendered site plan\*
  - 02 ..... Common Victualler and Alcohol License
  - 03 ..... Certificate of Inspection
  - 04 ..... Evacuation Plan ([Link](#))
  - 05 ..... Certificate of Authority ([Link](#))
  - 06 ..... Proof of Commercial General Liability Insurance\*\*
- (if applicable)**
- 07 ..... Proof of Umbrella Liability Insurance\*\*
  - 08 ..... Support Letter(s) from building owner and/or abutters\*\*
  - 09 ..... *(if using the sidewalk)* [Areaway/vault Letter](#) from a Professional Engineer or Architect



\* If you require financial or technical assistance in preparing your plans, contact:  
[OutdoorDining@boston.gov](mailto:OutdoorDining@boston.gov)

\*\* See detailed information on [Pages 24-25](#)



*In 2023, due to reasons including the North End's high density of restaurants and foot traffic, narrow streets and sidewalks, resident parking scarcity, and other related considerations, the City issued permits in the neighborhood for compliant sidewalk patios, but did not issue permits for on-street outdoor dining. In 2024, the City intends to continue those policies in the North End and may craft additional neighborhood-specific guidelines as the program advances.*

# RETURNING APPLICANTS

## WHAT YOU'LL NEED TO APPLY

These are the documents you'll be asked to submit to the City as part of your outdoor dining application. [This check-list is only for applicants who were approved for outdoor dining in 2023.](#)

### RETURNING APPLICANTS: MAKING DESIGN CHANGES


*If you are making changes to your City approved site plan from 2023, you will need to submit the following:*

- 01 ..... Professionally rendered site plan\*
- 02 ..... Evacuation Plan ([Link](#))
- 03 ..... Certificate of Authority ([Link](#))
- 04 ..... Proof of Commercial General Liability Insurance \*\*
- 05 ..... **(if applicable)** Proof of Umbrella Liability Insurance\*\*
- 06 ..... **(if using the sidewalk)** [Areaway/vault Letter](#) from a Professional Engineer or Architect

### RETURNING APPLICANTS: NOT MAKING DESIGN CHANGES


*If you are not making changes to your City approved site plan from 2023, you will only need to submit the following:*

- 01 ..... Certificate of Authority ([Link](#))
- 02 ..... Proof of Commercial General Liability Insurance \*\*
- 03 ..... **(if applicable)** Proof of Umbrella Liability Insurance\*\*



\* If you require financial or technical assistance in preparing your plans, contact:  
[OutdoorDining@boston.gov](mailto:OutdoorDining@boston.gov)

\*\* See detailed information on [Pages 24-25](#)



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## THE RULES

# UNIVERSAL DO'S AND DON'T'S



### HOURS

Sunday–Thursday closing hours are: 9:30 (Patrons off by 10pm); Friday/Saturday 10:30 (Patrons off by 11pm).



### ACCESSIBLE SEATING

A minimum 3 feet clearance must be maintained throughout the dining area. At least 5% of total seats must be accessible – 1 table at minimum. (See [Page 29](#) for details)



### ENTERTAINMENT

NO live or non-live entertainment, (e.g., background music, television, etc).



### SIGNS

No campaign-related signage on patios on public property. Any attachments (banners, etc.) must be approved [here](#).



### TENTS & UMBRELLAS

No tents or canopies on public sidewalks or streets. Umbrellas must be secured and brought inside when not in use, and may not extend beyond patio boundaries or obstruct sightlines. For private property, see [Page 28](#) for details.



### TREES

All tables and chairs must be a minimum of three (3) feet from any tree pits. Do not attach or hang anything from any tree.



### SMOKING

Smoking and vaping are prohibited on all outdoor dining patios



### POWER

Power source requirements are your responsibility. The Street Lighting system cannot be used. The City is temporarily allowing one cord to run across the sidewalk (See [Page 28](#) for details)



### ANIMALS

We are happy to welcome dogs - apply [here](#)! (Service dogs are always welcome and require no approval.)



### HEATING

Heaters require approval from the Inspectional Services Department and/or the Boston Fire Department. (See [Page 28](#) for details)



### MAINTENANCE

Permittees are responsible for daily maintenance and cleaning of the area inside and around the outside of the patio zone, and securing all furniture when not in use. (See more on [Page 25](#))



### COOKING

No food prep or cooking on public streets & sidewalks. For outdoor dining on private property, apply [here](#).

## THE RULES

**GIVE THIS  
TO YOUR  
ENGINEER OR  
ARCHITECT!**

# SITE PLANS

You **MUST** submit a site plan drawn and stamped by a registered Engineer or Architect. Site plans should conform with (but are not limited to) the below guidelines:

### When we review your drawings, we will be looking for EXACT locations of the following (as applicable):

(For sample pictures [click here](#))

- Building facades
- Buildings entrances (doors)
- Limits of the subject restaurant's building frontage
- Curb-lines
- Cross Walks
- Bike Lanes
- Street trees (including tree pits)
- Traffic Lights
- Street lights
- Parking meters
- Parking signs (with details)
- Utility poles
- Utility covers (e.g., manholes, handholes, utility vaults, etc.)
- Pedestrian Curb Ramps
- Drainage structures (e.g., catch basins)
- Manholes
- Building fire standpipe connections
- Hydrants

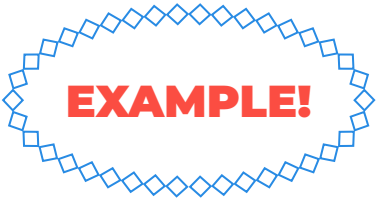
### The following dimensions and details must be included:

- 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).
- Quantity of tables & total number of seats
- Number of accessible seats & tables

### Photos

At least one recent site photograph is required for the plan document. You may submit up to three. The photos should include parking and curb-access street signage.

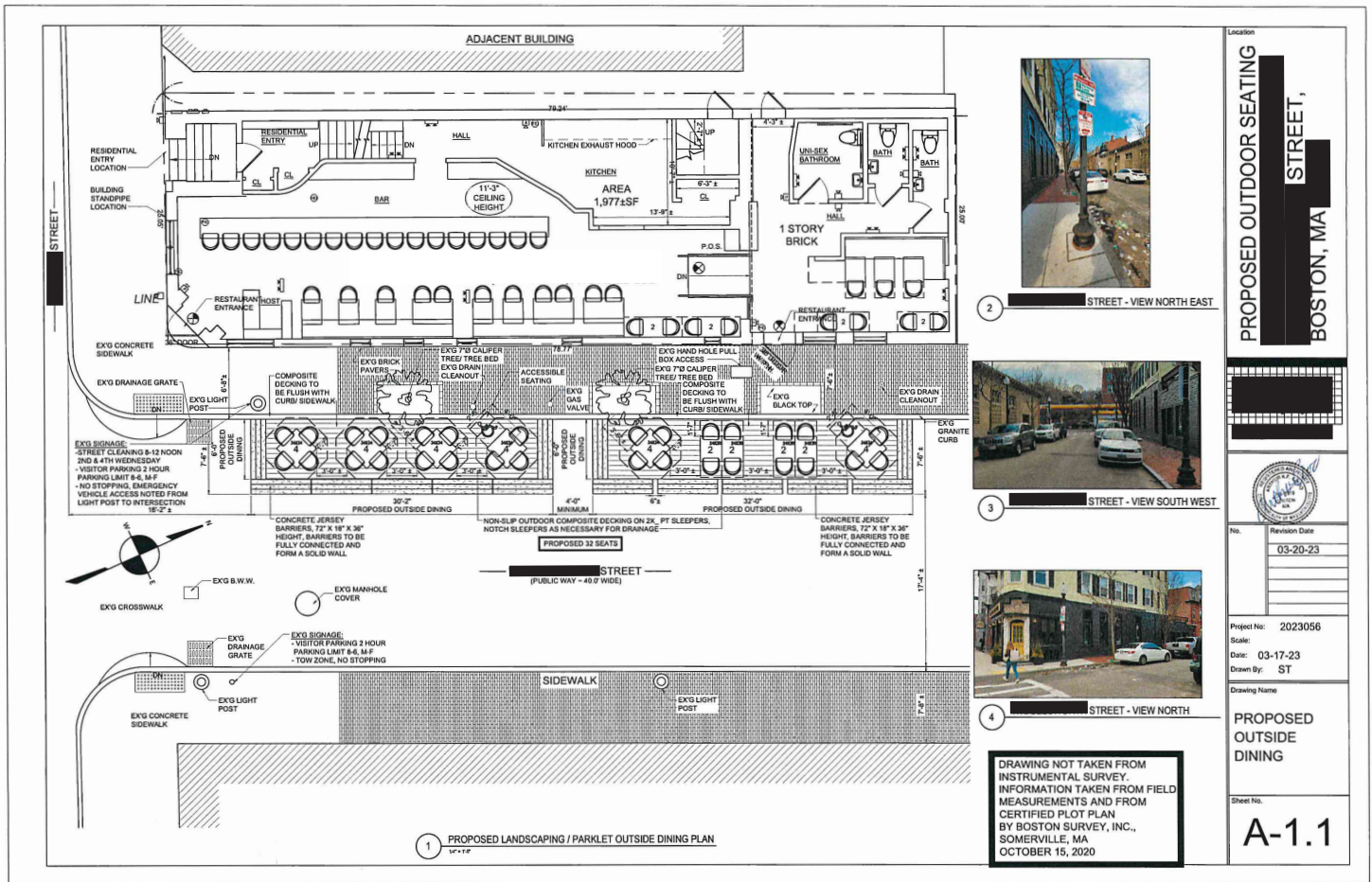
**NOTE:** Upon approval, no changes may be made to your plan without an additional request and approval. Any unapproved modifications may result in the revocation of your permit.




# THE RULES

# SITE PLANS

You **MUST** submit a site plan drawn and stamped by a registered Engineer or Architect.





\* If you require financial or technical assistance in preparing your plans, contact:  
[OutdoorDining@boston.](mailto:OutdoorDining@boston)

**NOTE:** Upon approval, no changes may be made to your plan without an additional request and approval. Any unapproved modifications may result in the revocation of your permit.

# THE RULES

## ON-STREET PATIOS

An “On-Street Patio” is an outdoor dining space that is fully or partially located on a public street. See the layout options for more details. The City retains the right not to grant permission to occupy any particular location or locations within its streets, even for locations that conform with these guidelines.

### LOCATION DETAILS

**#1 STREET POLICIES: NOT ALLOWED.** An on-street patio **may not overlap with the following designated areas.**

- No Stopping signs
- No Parking signs (except as described below)
- Bus stop, shuttle stop, tour bus stop
- Peak restricted travel lane, bus lane, and bike lane
- On-Street Accessible Parking (HPDV)
- Parking reserved for authorized vehicles
- Electric vehicle charging
- Car share
- On-street bike parking
- Less than 10’ clearance from a fire hydrant

**#2 STREET POLICIES: CASE-BY-CASE.** The following location scenarios will be **considered on a case-by-case basis** and may be denied if it is determined that there will be an impact to the free flow of travel, creation of a safety hazard, or any other appropriate reason.

- Areas signed as No Parking Except Commercial Vehicles, Loading Zones, Pick-Up/Drop-Off & Delivery Zones, 5 Minute Food Takeout Zones, Pick-Up/Drop-Off zones, or any other short term access zone
- Less than 20’ from an intersection or crosswalk
- Adjacent to a bike share docking station or a bike parking rack
- Residential Permit Parking

**#3 HISTORIC DISTRICTS:** Outdoor dining within a designated local historic district is subject to additional design regulations. Check this map to see if these rules will apply to you ([Link](#)). More on these rules can be found on [Page 26](#).

**#4 PARKS:** Outdoor dining within a City-owned park is subject to additional regulations. More on these rules can be found on [Page 27](#).

**#5 VALET:** If your patio is located in a space reserved for valet, you will not be able to operate valet services unless an alternative site for valet operations has been approved.

**#6 BIKE LANES:** An on-street patio may be located where there is a bike lane adjacent to the curb that is separated from the travel lane by a parking lane. In this scenario the on-street patio is placed in the bike lane, adjacent to the curb and the bike lane is diverted around the on-street patio area through the parking lane. More details, and a design template can be found on [Page 31](#).

## THE RULES

# ON-STREET PATIOS

An “On-Street Patio” is an outdoor dining space that is fully or partially located on a public street. See the layout options for more details.

## DIMENSIONS & MATERIALS

\*see diagram on following page

### #1 PATIO DIMENSIONS:

An on-street patio area cannot be larger than: **32' long X 7'6" wide** (measurements are taken from the outside of all barriers; width is measured from the curb line to the outside of the jersey wall). If building multiple on-street patio areas, or if you are adjacent to another patio you must maintain a **4ft gap** between them. This gap must be kept clear.

### #2 BARRIERS:

On-street patios must have protective barriers in place to reduce the potential for injury and death from a moving vehicle colliding with the patio area. All barriers are subject to review and modification as required by the City. **Barriers and other materials cannot be placed over utility access points or street light pull boxes or in a way that interferes with storm drains.** See barrier examples and resources on [Page 30](#).

#### Materials:

- **Barriers must be either concrete jersey barriers or commercially available water-filled barriers.** No other barriers may be used. Water filled barriers must be kept full at all times.
- **Barriers must have reflective elements on the exterior to increase visibility** to vehicles and other road users. This can be accomplished with reflective tape, plastic reflectors, or other types of reflective material. Barriers must never be painted black.
- **Barriers can be decorated** or enclosed in decorative boxes, plants can be placed on the barriers, and other materials may be allowed with approval. No treatment may interfere with the barrier's required reflective surface, and no object (decorations, umbrellas, etc.) may extend out past the edge of the barrier wall, or above the maximum height of 36".

#### Barrier Dimensions:

- Minimum dimensions are: **48" long x 32" high x 18" deep**. Maximum height is: **36"**.
- Protective barriers must enclose the patio area on three sides. No barrier should be placed along the curb between the patio area and the sidewalk.
- If there is a painted line for a parking lane, bike lane, or travel lane, the barrier may not extend past that line, even if the line is less than 90" from the curb.

### #3 GROUND & FLOOR MATERIALS:

The street surface in the cafe zone may be decorated or covered with temporary materials including chalk, temporary paint, and outdoor surface coverings. **Decking can be built if approved by the City** (see layout [Option 1](#)). No crushed stone, gravel, wood chips, or other inaccessible materials may be used.



## THE RULES

# ON-STREET PATIOS

### Key Dimensions Continued

#### #4

#### SIDEWALK WIDTH:

If you use the sidewalk for seating, you must maintain a clear path for pedestrian travel.

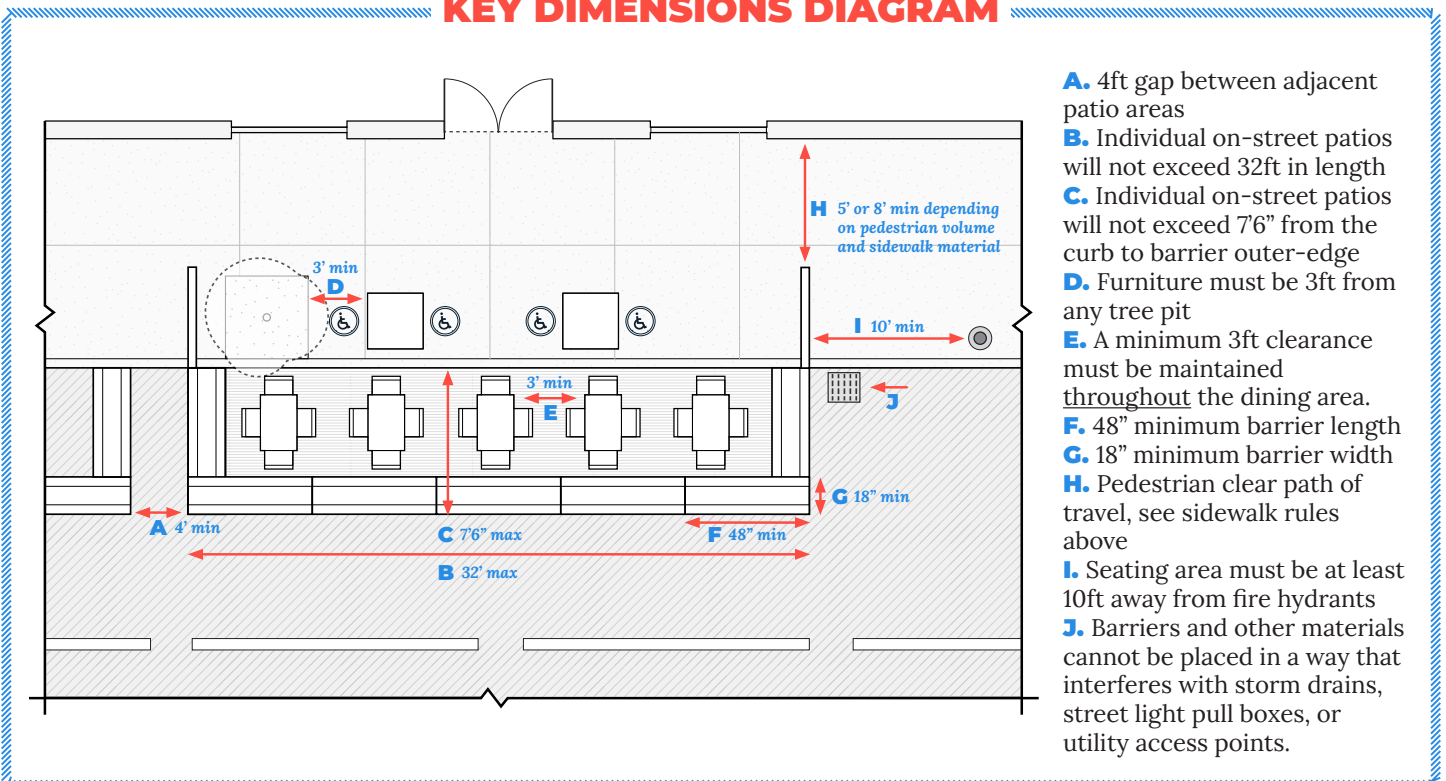
**Note:** The clear path of travel is measured from the outside edge of the dining area to the building edge, at the narrowest point.

**The width required to ensure Accessibility depends on pedestrian volume and sidewalk material. The City will use these guidelines when reviewing your design:**

- An **8ft** clear path on a concrete sidewalk is likely to be approved; materials other than concrete and widths less than 8ft will be reviewed on a case-by-case basis.
- Anything less than a **5ft clear path** will not be approved.
- For sidewalks wider than 12 ft, no more than 50% of the sidewalk width can be used as patio space.
- Sidewalk seating should not restrict access to public infrastructure such as a multi-space parking meter pay station.

*\*\*Please note any safety concerns in your site plan and application, for example: uneven surface, missing bricks, missing or broken utility covers, large cracks, sidewalk lifts due to tree roots, steep slopes.*

### KEY DIMENSIONS DIAGRAM



**YOU MUST  
CHOOSE ONE OF  
THESE OPTIONS**

## THE RULES

# ON-STREET PATIOS

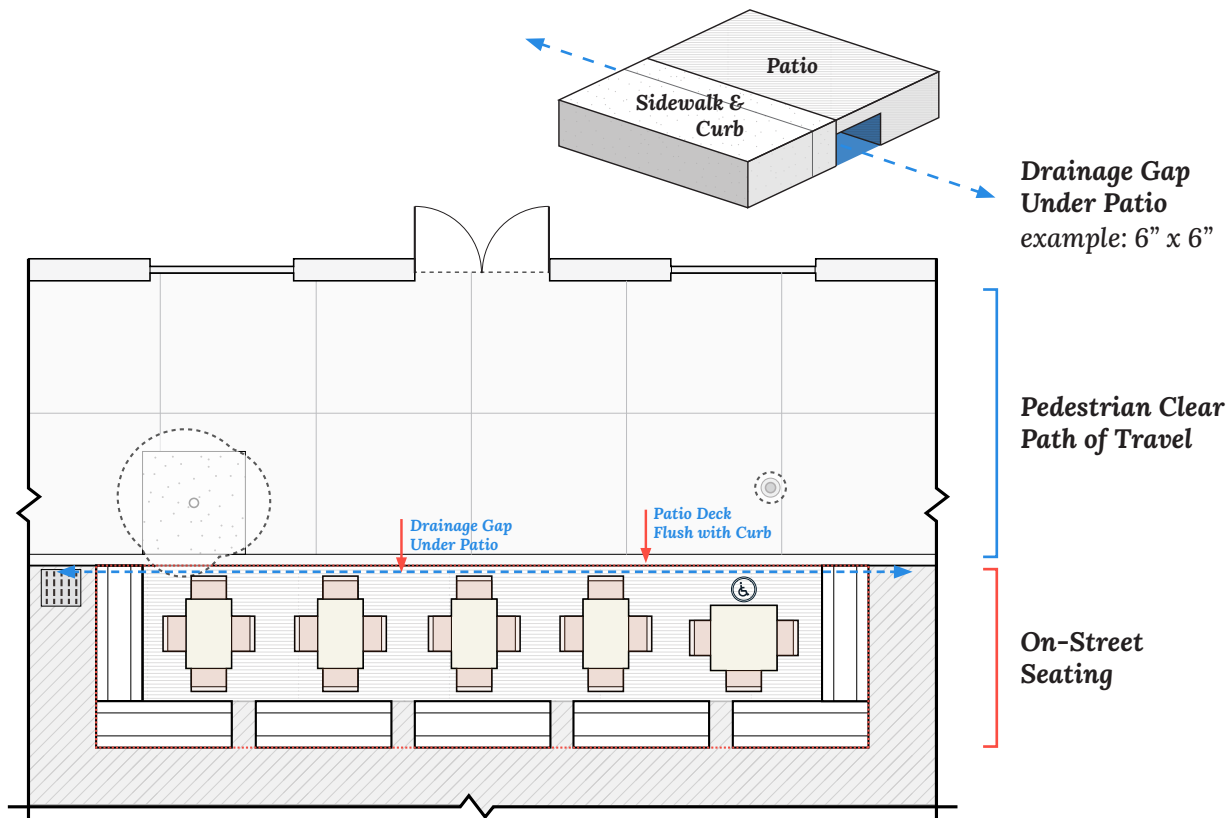
## 5 LAYOUT OPTIONS

Your patio 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 guide 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 build your patio.

### #1 DECKED PATIO - FLUSH WITH SIDEWALK

#### On-Street Seating

This option requires installing decking in the street which is level with the sidewalk. Otherwise known as a 'parklet', this is the **preferred option for on-street seating**. 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. If the height of the curb or other geography of the street creates a lip or small gap between the sidewalk and decking, a transition threshold is required. See [Page 32](#) for examples. **This option also requires accommodations for water flow.**



\*this is a diagram only, it does not qualify as a site plan

# THE RULES

## ON-STREET PATIOS

Layout Options Continued

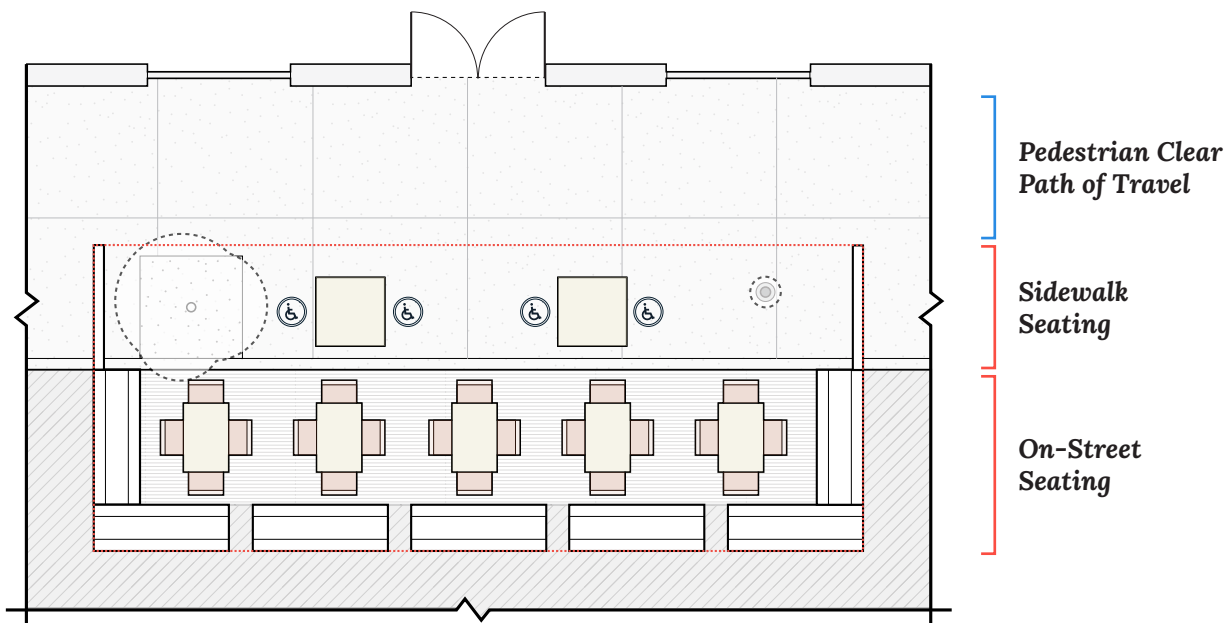
### #2 ACCESSIBLE SEATING ON THE SIDEWALK

#### On-Street and Sidewalk Seating

This option allows you to deploy seating on both the sidewalk and the street. For this option: you must provide accessible seating on the sidewalk; the on-street portion of your patio is not required to be accessible.

**If selecting this option:** accessible tables on the sidewalk should include the [International Symbol of Accessibility](#), be seated last, leaving them open for people with disabilities until no other seating options are available, and allow patrons with disabilities to reserve these tables even if the restaurant does not typically take reservations.

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



*\*this is a diagram only, it does not qualify as a site plan*



## THE RULES

# ON-STREET PATIOS

*Layout Options Continued*

### #3 ACCESSIBLE SEATING WITH EXTENDED TABLES OVER CURB

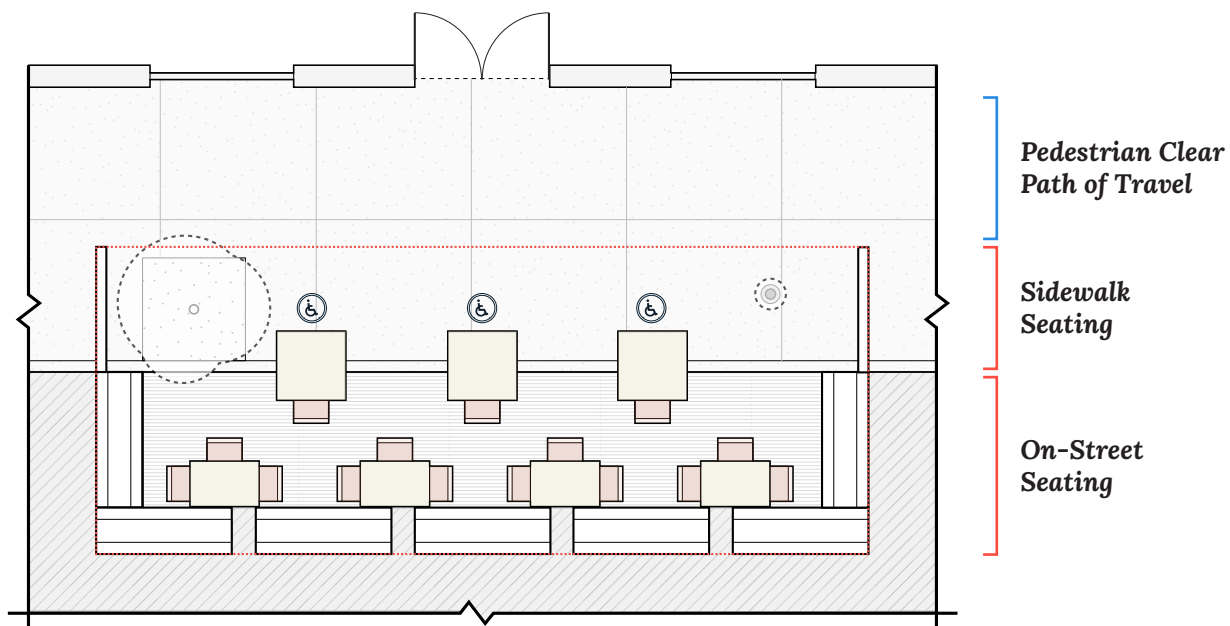
#### *On-Street and Sidewalk Seating*

This option allows you to deploy seating on both the sidewalk and the street. For this option: you must provide accessible seating on the sidewalk; the on-street portion of your patio is not required to be accessible.

**If selecting this option:** you must install tables that are able to straddle the level change from the sidewalk to the street. This can be accomplished in several ways, including for example tables with adjustable legs (lengthening the legs on the street side), or building additional supports for the legs in the street. Tables must have knee and toe space (27 inches high and 19 inches deep) to allow for wheelchairs to fit underneath.

Accessible tables on the sidewalk should include the [International Symbol of Accessibility](#), be seated last, leaving them open for people with disabilities until no other seating options are available, and allow patrons with disabilities to reserve these tables even if the restaurant does not typically take reservations.

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



*\*this is a diagram only, it does not qualify as a site plan*

## THE RULES

# ON-STREET PATIOS

*Layout Options Continued*

## #4 RAMP WITH STANDARD SEATING AND BAR SEATING

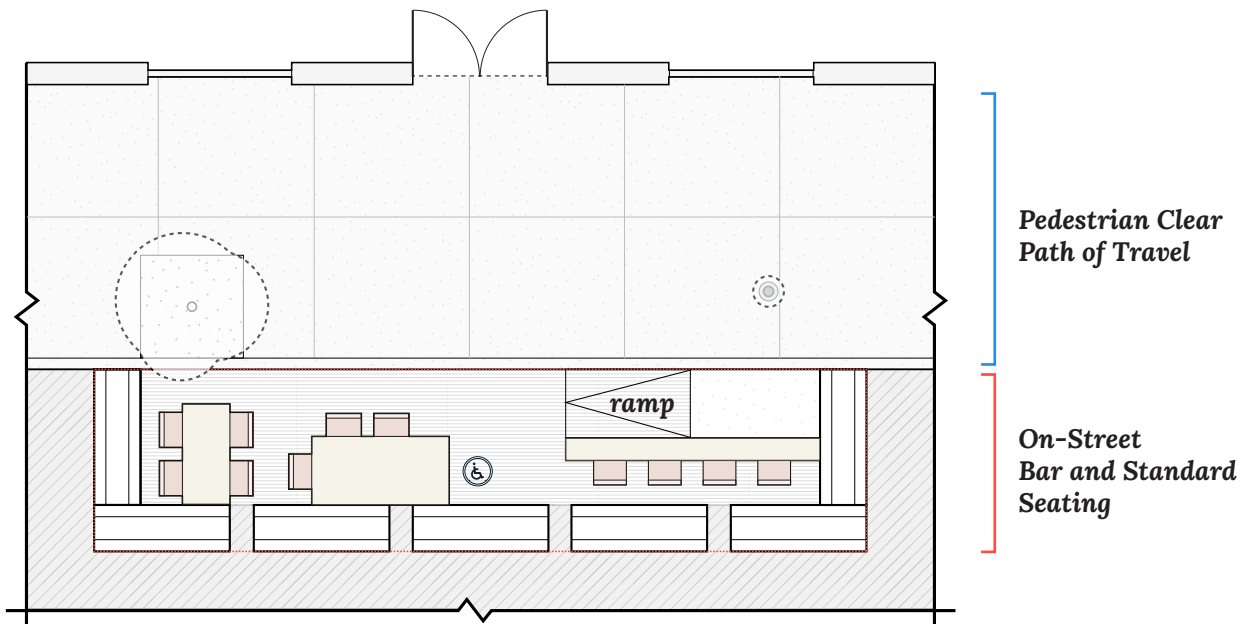
### *On-Street Seating*

This option allows restaurants to have on-street seating without building and installing a parklet. Tables are deployed on the street to create an on-street seating area that is enclosed by approved barriers.

**If selecting this option:** you must build a ramp from the sidewalk to the street seating area. The ramp slope must be no steeper than 1 inch in height for each foot in length, and the ramp must remain in place for the duration of the dining season. In addition to standard table seating, bar seating can be provided. Bar seating must be constructed to serve as edge protection for the ramp.

Accessible tables on the sidewalk should include the [International Symbol of Accessibility](#), be seated last, leaving them open for people with disabilities until no other seating options are available, and allow patrons with disabilities to reserve these tables even if the restaurant does not typically take reservations.

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



*\*this is a diagram only, it does not qualify as a site plan*

# THE RULES

## ON-STREET PATIOS

Layout Options Continued

### #5 RAMP WITH BAR SEATING ONLY

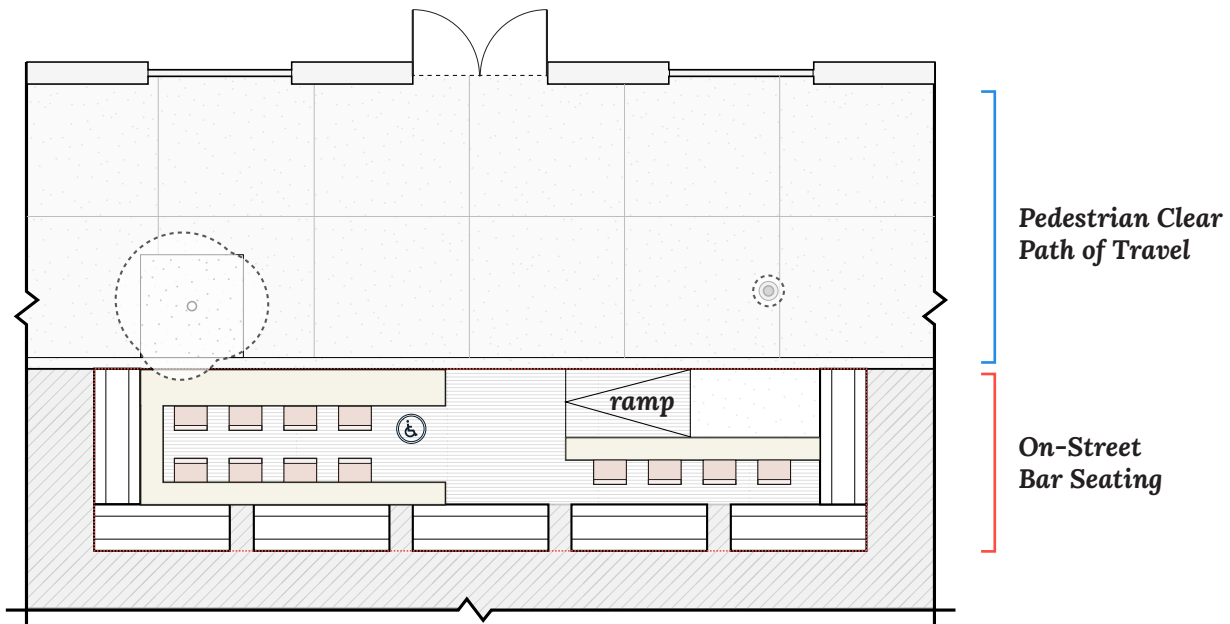
#### On-Street Seating

This option allows restaurants to have on-street seating without building and installing a parklet. Tables are deployed on the street to create an on-street seating area that is enclosed by approved barriers.

**If selecting this option:** you must build a ramp from the sidewalk to the street seating area. The ramp slope must be no steeper than 1 inch in height for each foot in length, and the ramp must remain in place for the duration of the dining season.

All seating is provided in a single running bar around the street seating area. Bar seating must be constructed to act as edge protection for the ramp. Accessible bar seating (34 inches high) must be located closest to the ramp, marked with the [International Symbol of Accessibility](#), be seated last, leaving it open for people with disabilities until no other seating options are available, and allow patrons with disabilities to reserve these seats even if the restaurant does not typically take reservations.

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



\*this is a diagram only, it does not qualify as a site plan

## THE RULES

# SIDEWALK PATIOS

A “Sidewalk Patio” is an outdoor dining space that is fully located on a public sidewalk. The City retains the right not to grant permission to occupy any particular location or locations within its streets, even for locations that conform with these guidelines.

## KEY DIMENSIONS & LOCATION DETAILS

*\*see diagram on following page*

### #1 ENTRANCES:

- The entrance to the sidewalk patio zone must be at least **4ft wide**.

### #2 BARRIERS:

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 sidewalk.

- Barriers must be cane detectable (have a leading edge that is < 27” from the ground).
- Barriers cannot be the jersey barriers used for on-street dining.
- Barriers may not penetrate the surface of the public way.
- See barrier examples and resources on [Page 32](#).

### #3 SIDEWALK WIDTH:

You must maintain a clear path for pedestrian travel. **Note:** The clear path of travel is measured from the outside edge of the dining area to the building edge, at the narrowest point.

**The width required to ensure Accessibility depends on pedestrian volume and sidewalk material. The City will use these guidelines when reviewing your design:**

- For a sidewalk-only patio, with no adjacent on-street section, the sidewalk must be a minimum of **11ft wide, not including the curb**.
- An **8ft** clear path on a concrete sidewalk is likely to be approved; materials other than concrete and widths less than 8ft will be reviewed on a case-by-case basis.
- Anything less than a **5ft clear path** will not be approved.
- For sidewalks wider than 12 ft, no more than 50% of the sidewalk width can be used as patio space.
- Sidewalk seating should not restrict access to public infrastructure such as a multi-space parking meter pay station.

*\*\*Please note any safety concerns in your site plan and application, for example: uneven surface, missing bricks, missing or broken utility covers, large cracks, sidewalk lifts due to tree roots, steep slopes.*

# THE RULES

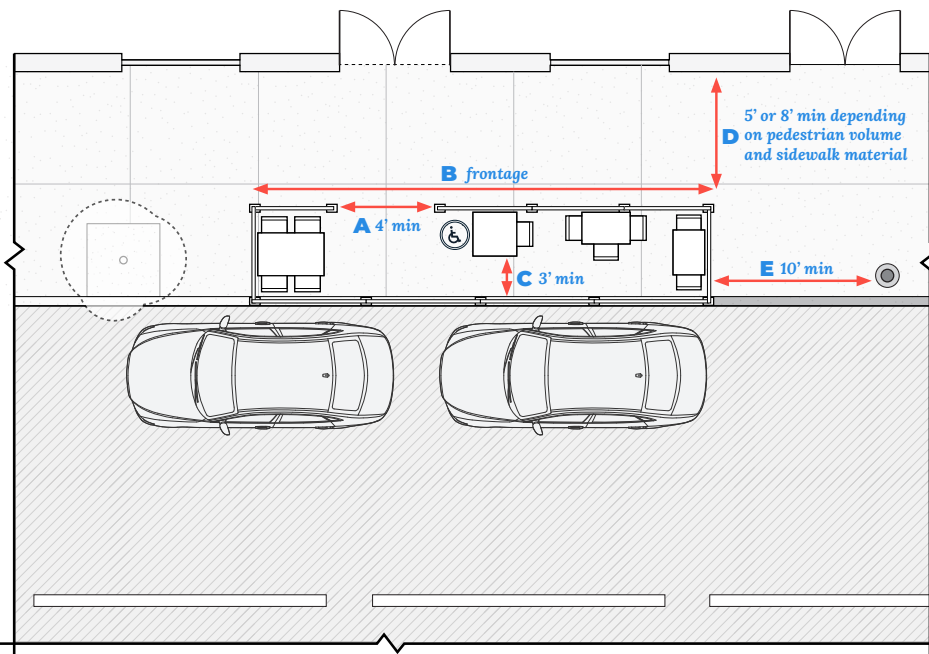
## SIDEWALK PATIOS

A “Sidewalk Patio” is an outdoor dining space that is fully located on a public sidewalk.

### #4 LOCATION:

- **Frontage:** 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.
- **Hydrants:** 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.
- **Access:** Tables, chairs, barriers, etc. shall not interfere with curb ramps or access to buildings, or access to Boston Fire Dept connections or fire escapes.
- The permittees 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 from the Public Works Department.
- **PERMITTEES MAY NOT DRILL ITEMS INTO THE SIDEWALK.** There are gas pipes and utility connections underneath the ground.
- **Ground:** Tables and chairs should be on paved surfaces only: no grass, woodchips, gravel, etc.
- **Historic Districts:** Outdoor dining within a designated historic district is subject to additional regulations. Check this map to see if these rules apply to you ([Link](#)). For more on these rules, see [Page 26](#).

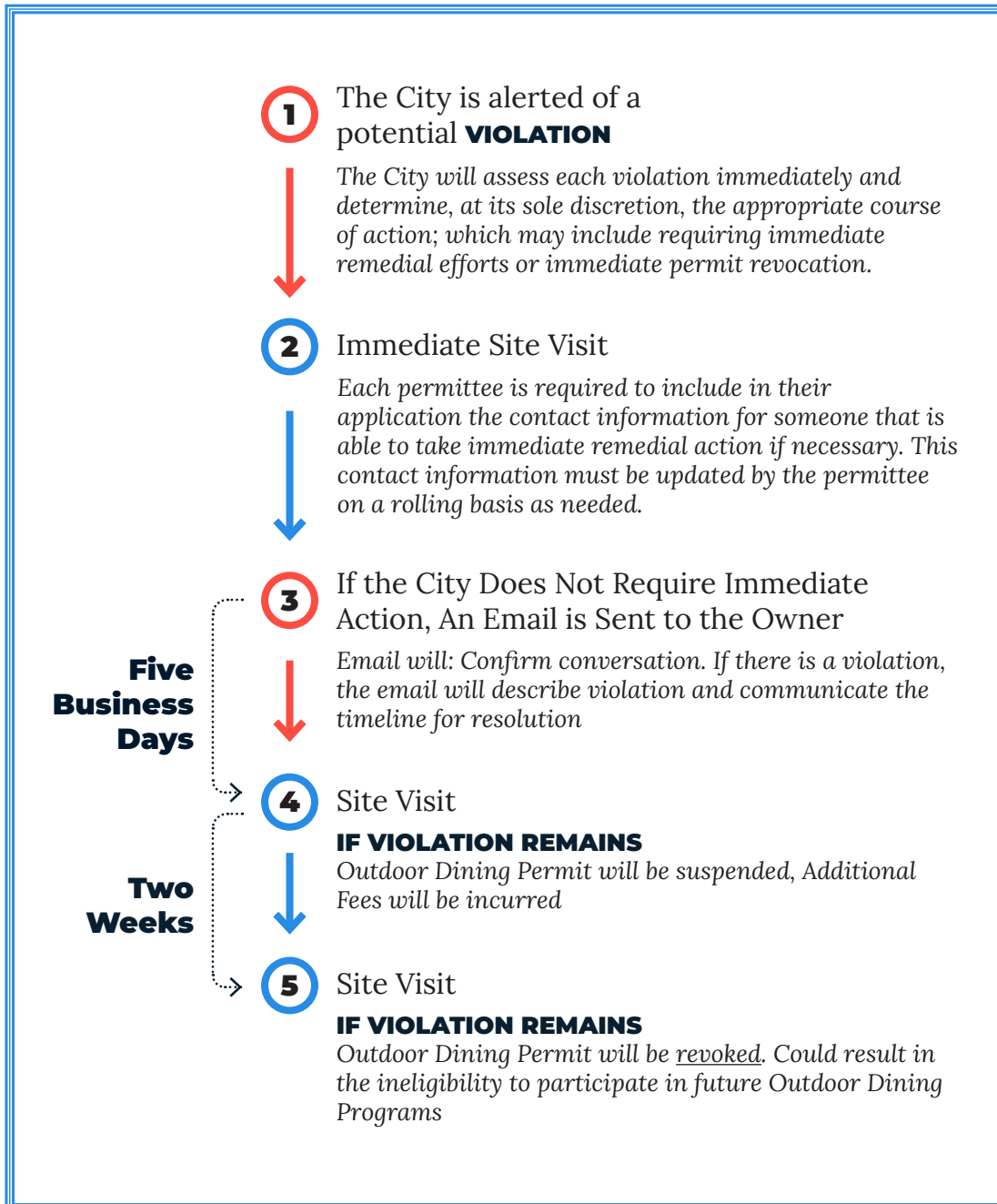
### KEY DIMENSIONS DIAGRAM



- A.** Entrance to the dining area must be 4ft or more
- B.** Outdoor seating on sidewalks may not extend past the restaurant frontage unless permission has been obtained
- C.** A minimum 3ft clearance must be maintained throughout the dining area.
- D.** Pedestrian clear path of travel, see sidewalk rules above. 5ft or 8ft min depending on pedestrian volume and sidewalk material
- E.** Seating area must be at least 10ft away from fire hydrants

# RULE ENFORCEMENT

**This is what will happen if your installed outdoor patio is non-compliant with the **Outdoor Dining** rules**



**At any time, the City, at its sole discretion, may enforce or revoke the permit as it deems appropriate.** The City assumes no responsibility, financial or otherwise, for rentals or purchases made for patio extension. The City reserves the right to require that equipment and furniture be moved for any reason, including inclement weather or emergencies.

Questions? Email [OutdoorDining@boston.gov](mailto:OutdoorDining@boston.gov)

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## **APPENDIX**

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# LICENSING BOARD (BLB) GUIDANCE

## LETTERS FROM LANDLORDS AND ABUTTERS

**Restaurants with proposed outdoor seating on private property, or on public property that extends in front of adjacent licensed premises, must submit:**

- the address of any abutter(s) and;
- 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.

**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.
  - Example: 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.

## TEMPORARY LICENSING BOARD REQUIREMENTS

- Food and/or alcoholic beverages cannot be served outside of the licensed premise, even on a temporary basis, without the issuance of an Outdoor Dining permit. If approved for the requested temporary extension, the permit must be posted conspicuously inside the licensed premise.
- The outdoor area should 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 Licensee must have the legal right to occupy\* the temporary extension.
- 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.**

*\* 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.*



## PROOF OF INSURANCE DETAILS

### 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.
- **Umbrella Liability:** 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 **Additionally 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.)*

## MAINTENANCE AND DISCLOSURES

- **Permittees are responsible for daily maintenance and cleaning of the area** inside and around the outside of the patio zone. The area must be kept clean of trash, food, and other debris. Permittees 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. Maintain the clear path on the sidewalk for pedestrians. Prevent barriers, tables, etc from drifting into the pedestrian zone, and prevent customers from blocking the sidewalk.
- 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.**
- **The permittee shall allow for access to residential trash/recycling collection.**
- If an approved permittee removes their extension prior to the end date of the program, the permittee shall notify the Outdoor Dining team at [OutdoorDining@boston.gov](mailto:OutdoorDining@boston.gov).
- Unused extensions may be deemed abandoned and the restaurant must remove them. The City may remove abandoned property.
- Outdoor dining may be temporarily suspended during bad weather such as high winds, thunderstorms, or snow. Permittees shall secure and anchor all equipment or bring them inside the restaurant.
- **The City assumes no responsibility**, financial or otherwise, for rentals or purchases made for the temporary patio extensions.

## MAINTENANCE AND DISCLOSURES CONTINUED...

- **All applicants occupying the public right** way pursuant to the City's Outdoor Dining Program must keep the occupied public right of way in good repair and safe condition at all times during their permitted timeframe and shall indemnify and save harmless the City against any and all damages, costs, expenses or compensation which it may sustain or be required to pay, by reason of such permitted occupation.
- **The Applicant shall at all times** observe and comply with all federal, state, and local ordinances, regulations or laws, and shall defend, hold harmless, and indemnify the City, its officers, agents and employees against any claim or liability arising from or based on the violations of such ordinances, regulations or laws, caused by the negligent actions or omissions of the Applicant, its agents, or employees.

## HISTORIC DISTRICT RULES

### BOSTON LANDMARKS COMMISSION GUIDANCE

If your patio is in a designated historic district, follow the additional design rules below.

[Map of designated local historic districts.](#)

#### Barriers:

- A perimeter treatment (metal railings, bollards and chains, planters or some combination thereof) must be provided on all exposed sides.
- The perimeter treatment may take the form of sectional metal railings (similar in scale and design to the traditional wrought-iron front-yard fences found throughout the district), metal bollards and chains, or planter boxes.
- **When jersey barriers are required** for protection from vehicular traffic they must be maintained and fully disguised with planters that are planted with live material (synthetic plantings are not allowed) or solid wood boards that conceal the interior and exterior faces of the barriers. Wood boards must be painted or stained a brown color, or left to naturally weather.
- Signage is not permitted on barriers.

#### Furniture:

- Patio furniture must be freestanding (i.e., not secured into the ground or attached to other streetscape features such as trees or street lamps).
- Tables and chairs should match each other in material, style and color. High-quality, durable materials such as metal, or wood seats and backs on metal frames, are preferred. Dark colors and finishes are recommended. Plastic furniture is inappropriate.
- At the daily close of business during the outdoor-dining season, furniture should be secured with heavy-duty cable and locks. Furniture should be secured together and not to objects such as street lamps, trees, or the enclosure itself.

#### Host stands:

- Host stands and menu boards shall complement the perimeter treatment and furniture. These features shall not protrude into the public way or obstruct pedestrian circulation outside the outdoor dining area.
- Menu boards are most appropriately integrated into the patio enclosure. Sandwich-board signs are not permitted.

## HISTORIC DISTRICT RULES CONTINUED...

### **Umbrellas:**

- Umbrellas should be made of matte canvas, typically of acrylic material and size appropriate for its proposed location.
- Third-party signage on umbrellas is not allowed. Appropriately sized company name and logo are allowed.

### **String Lighting:**

- String lighting over dining areas are permitted as long as they can be mounted without physical alterations to a building (e.g., damage to historic masonry) and properly maintained to avoid sagging.
- White or off-white lights that are dimmable are preferred, with a light temperature between 2700-3200 Kelvin. Flashing lights are not permitted. All string lighting designs are subject to review and require approval prior to installation.
- Approved string lighting must be removed at the end of the City mandated outdoor dining season.

### **Below are examples of “appropriate” and “inappropriate” Outdoor Dining setups in Landmark Districts**



“Appropriate”



“Inappropriate”

## PARK RULES

### **Any Permittee 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.
- Permittees 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.
- Permittees must agree to keep Parks Department property including but not limited to parkland and tree pits free of any trash or other debris.
- Permittees 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.

## HEATER & POWER DETAILS

**Heaters are permitted only if you have secured approval from the Inspectional Services Department (ISD) and the Boston Fire Department (BFD).**

### **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 are required to be paid online, from there, the customer will be able to print their permit from the portal.

### **Electric heaters & generators:**

- Electric heaters that are hardwired require an electrical permit (available online via [ISD's online permitting portal](#)). **Portable electric heaters are allowed**, provided that cords do not impede egress nor pose any other safety risk.

### **Power:**

- 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.
- 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](#)
  - Must meet accessibility standards for cord covers
  - Secured firmly to the ground (no drilling or other surface penetrations)
  - High visibility and high contrast in color, and 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 [ISD's online permitting portal](#)) and a Portable Generator (Temporary) permit from the BFD (available online via [BFD's Fire Prevention Customer Portal](#))

## TENTS & UMBRELLAS

### **Private Property:**

**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.
- For tents with sidewalls, emergency exit lighting and signage is required. A separate permit from BFD may also be required for tents with sidewalls.
- Igloos or other structures shall be approved and permitted through ISD and BFD.
- Umbrellas are permitted on private property and shall not impede on the public way.
- More information can be found [here](#).

## TENTS & UMBRELLAS CONTINUED...

### Public Property:

- 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 if they are secured and brought inside when not in operation.
- Umbrellas are not permitted to project over patio boundaries and should not obstruct sightlines for vehicles or pedestrians.

## ACCESSIBILITY DETAILS

Please contact Disabilities Commission staff [ada@boston.gov](mailto:ada@boston.gov) for additional assistance.

### Ground Materials and Ramps:

- No crushed stone, gravel, wood chips, or other inaccessible materials may be used for the surface of outdoor dining areas. The ground must be firm, stable, smooth, and have a level slope.
- **Where ramps are required:** The ramp slope must be no steeper than 1 inch in height for each foot in length, and the ramp must remain in place for the duration of the dining season.
  - Portable ramps are not allowed for on-street dining.

### Accessible Seating:

- **At least 5% of seats must be accessible for persons with disabilities (with a minimum of 1 wheelchair accessible table).**
  - This table must meet accessibility requirements. High tops are not an acceptable accessible table.
  - If there is bar seating, a portion of the bar must be at an accessible height (28-34" high)
- Accessible tables on the sidewalk should include the [International Symbol of Accessibility](#), be seated last, leaving them open for people with disabilities until no other seating options are available, and allow patrons with disabilities to reserve these tables even if the restaurant does not typically take reservations.
- Please refer to the following [Accessibility Kit for Restaurants](#) for additional information and materials.

### EXAMPLES & RESOURCES:

Please see examples below to help clarify guidelines shared by various departments throughout the guidance.



**An accessible dining table** is 28-34" high, and has four legs with 30" between them, instead of one center post.



**An accessible picnic table** has a removable bench or is built out longer to allow a wheelchair to fit underneath



# BARRIER WALL RESOURCES

## The following is a list of barrier resources for on-street patios:

These are vendor sites that you can refer to for clarity. The City does not require you to purchase or rent from these companies, or any specific company. These are being shared solely for ease of reference as examples of items that match the specifications discussed in the Guidance above.

### WATER-FILLED JERSEY BARRIERS

#### Rental:

- <https://www.unitedrentals.com/>
- [InterstateRental.com](https://www.interstaterental.com/)
- <https://www.dmsesports.com/>

#### Purchase:

- [https://www.uline.com/BL\\_568/Traffic-Barriers?keywords=barriers](https://www.uline.com/BL_568/Traffic-Barriers?keywords=barriers)
- <https://www.crowdcontrolwarehouse.com/>

### CONCRETE JERSEY BARRIERS

#### Rental:

- <https://sheaconcrete.com/>
- <https://www.unitedrentals.com/>

### JERSEY BARRIER EXAMPLES



**Water-filled jersey barrier:** to be filled with water by Permittee



**Concrete jersey barrier**

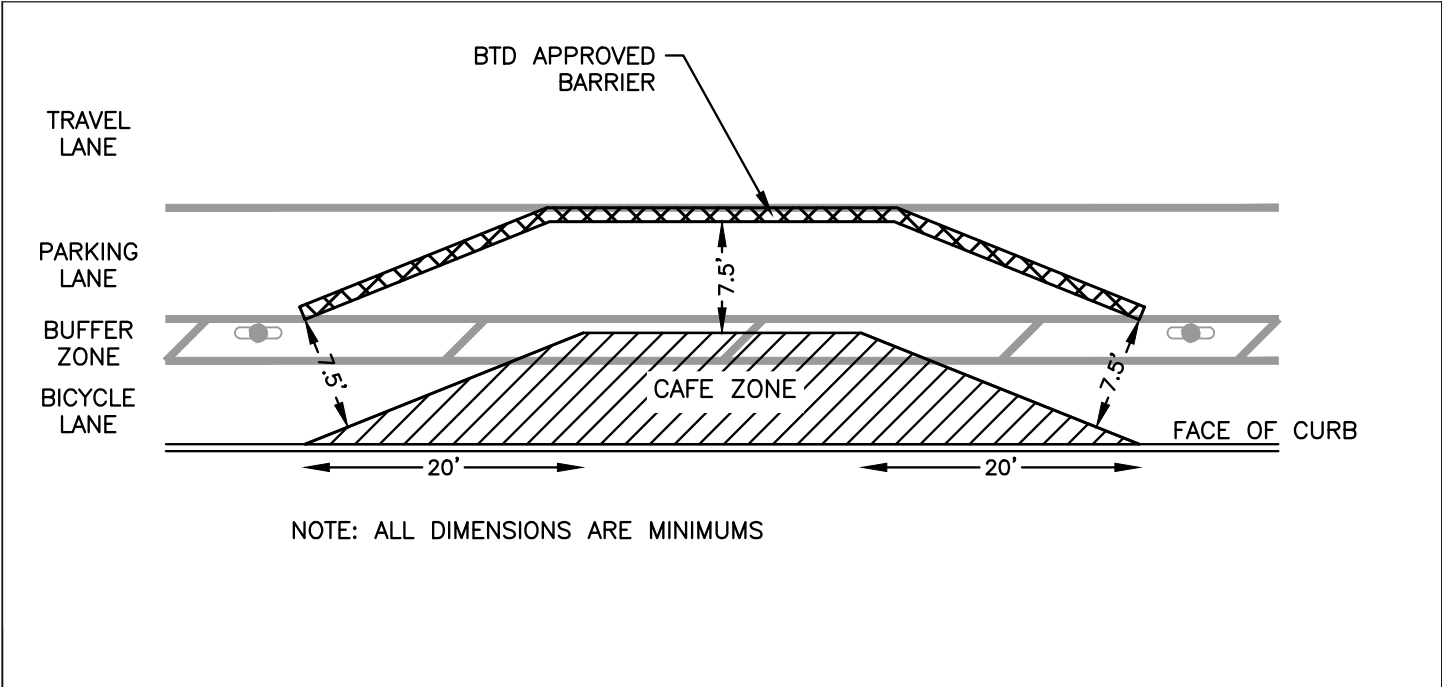
# BIKE LANE DETAILS



**An on-street patio may be located where there is a bike lane adjacent to the curb that is separated from the travel lane by a parking lane.** In this scenario the on-street patio is placed in the bike lane, adjacent to the curb and the bike lane is diverted around the on-street patio area through the parking lane.

**Please review this template for the design below:**

- The 20' dimension is for the shift on either end of the structure. The triangular area can be used by businesses.
- 7.5ft minimum, must be maintained between the patio barrier and the bike lane barrier.
- **The maximum width of the patio** will be determined by how wide the parking, buffer zone, and bike lanes are. All of the structures need to stay out of the existing travel lanes and still meet the minimums shown in the plan



<b>CAFE SEATING BIKE DETOUR</b>				
 <small>BOSTON TRANSPORTATION DEPARTMENT</small>	 <small>BOSTONIA CONSTITUTUM 1630</small>	<small>SCALE: NOT TO SCALE</small>	<small>DATE: 8/1/22</small>	<small>DETAIL NO. <b>AXXX</b></small>

# SIDEWALK-ONLY PATIO BARRIERS

## BARRIER EXAMPLES

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 must be cane detectable (have a leading edge that is < 27" from the round).
- Barriers cannot be the jersey barriers used for on-street dining.
- Barriers may not penetrate the surface of the public way.



This is not allowed! It lacks cane-detectable leading edge.



This is great! It has a cane-detectable leading edge.



This is great! It has a cane-detectable leading edge.

*Note: Try and find barriers with either no feet or small feet.*

# DECKED PATIO THRESHOLDS

## THRESHOLD EXAMPLES

Decked on-street patios should be flush with the sidewalk. At times, you may need a threshold filler to bridge a gap. See some good and bad examples below.



This is great!  
Nice and flat.



Not allowed! Decked patios must be flush with the sidewalk.  
No ramps to decked patios.



## APPLICATION PORTAL

[Click here](#) to submit your application

**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!

## HAVE QUESTIONS ABOUT THE OUTDOOR DINING PROGRAM?

[VISIT OUR WEBSITE! \(LINK\)](#)

[SCHEDULE A SITE VISIT FOR HANDS-ON ANSWERS \(LINK\)](#)

[ATTEND OUR WEEKLY OFFICE HOURS \(LINK\)](#)

[EMAIL OUTDOORDINING@BOSTON.GOV](mailto:OUTDOORDINING@BOSTON.GOV)

