

# City of Cambridge Outdoor Dining Policy for 2022-2023 of November 9, 2021

## FACT SHEET

The following are highlights of the City's Outdoor Dining Policy ("Outdoor Policy") issued on November 9, 2021, in effect for Years 2022 and 2023 which has the purpose of offering continued COVID-19 relief for restaurants. Restaurants seeking to extend their licensed premises should make sure to consult the full Outdoor Dining Policy for complete details. The Outdoor Dining Policy applies to new and existing restaurant businesses which are seeking to extend their licensed premises to a new or expanded outdoor area (public, private or a combination of both). This does NOT apply to outdoor dining areas which were approved and are operating pursuant to temporary licenses and permits issued by the City in response to the COVID-19 pandemic, which expire as of April 1, 2022.

- The outdoor dining season on the public way extends from April 1 through November 30. The City will be evaluating the extension of the outdoor dining season post 2021-2022 to determine the future of winter outdoor dining in the public way. If allowed, additional approvals, permits and fees will be required.
- The outdoor dining patio area must be contiguous to the brick-and-mortar licensed premises. A patio that is on the curbside side of a sidewalk and/or in a parking lane falls under the definition of contiguous.
- Restaurants will be allowed up to two contiguous parking spaces for patio use.
- Sidewalk patios must be curbside (existing restaurants with outdoor dining patio areas against the building will need to discuss with DPW and the License Commission the process on how to move the patio area to curbside).
- Access to utilities, utility access points, catch basins and manholes must be maintained and accessible in the outdoor dining patio area. The gutter line along the curb in and around the patio area must remain free of debris.
- Extending into a private way may be possible if the proposed area is contiguous and the use is permitted under the Cambridge Zoning Ordinance.
- An applicant must provide a stamped architectural/engineer floor plan of the outdoor dining area, except if there is no service of alcohol on the public way and the proposal is for less than 10 seats.
- Restaurants seeking to offer outdoor dining must comply with applicable Plumbing Code requirements which limit the number of overall restaurant seats, including those in the outdoor area, based on the bathroom facilities as well as any other applicable legal requirements.
- Restaurants must ensure that outdoor dining areas remain accessible to the public in accordance with the Americans with Disabilities Act (ADA) requirements.
- Patio barriers shall be temporary in nature and limited in height. A solid barrier can be no more than 42 inches high. In certain instances, the City may require lower barriers for traffic or public safety purposes.
- Businesses looking to add additional height and/or a roof/canopy will need additional approvals including but not limited to:
  - A building permit from the Inspectional Services Department;
  - Abutter notification; and

- Approval and sign-off from the Traffic, Parking & Transportation and Public Works Departments.
- Cost for the use of the public way:
  - For businesses serving alcohol on the public way, there is a \$750 annual fee in addition to related licensing and permits fees.
  - For use of the public sidewalk or street there is annual fee of \$75 in addition to related licensing and permit fees (applies to alcohol and non-alcohol).
  - For businesses extending into a parking/travel lane, there is an annual usage fee of \$250 per parking space in addition to related licensing and permit fees.
  - If serving alcohol on a private area, there is a \$250 annual fee in addition to related licensing and permit fees.
  - Restaurants that enter into a Restaurant Patio License, Maintenance and Indemnification Agreement in order to provide outdoor dining with alcohol on public sidewalks or streets are required to maintain certain insurance coverage. Specifically:
    - General Liability \$1m/occurrence + \$2m/aggregate, Assault & Battery cannot be excluded and shall be provided for the full policy limit
    - Liquor Liability \$1m/occurrence + \$2m/aggregate, Assault & Battery cannot be excluded and shall be provided for the full policy limit
    - Workers' compensation insurance \$500K/accident + \$500K/illness
    - Umbrella \$1m/occurrence + \$1m/aggregate

Please note that the layout of many streets in Cambridge, including commercial corridors, will change in the future due to street design projects that change the function and operation of City streets in a range of ways. This includes (but is not limited to) improvements required by the City's Cycling Safety Ordinance (Amended 10/5/2020), which mandates the installation of 25 miles of separated bike lanes in the next five to seven years. As a result, streets that can currently accommodate in-street outdoor dining may not be able to accommodate dining after they are redesigned. If you have any questions as to your area, please address them to the Traffic, Parking and Transportation Department at [bmckenna@cambridgema.gov](mailto:bmckenna@cambridgema.gov).

Dated: \_\_\_\_\_

11/9/21

  
 Louis A. DePasquale, City Manager