

City of Cambridge Department of Public Works

Owen O'Riordan, Commissioner

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September 8, 2015

To: Restaurant Operators

From: Owen O'Riordan, Commissioner, DPW

cc: Elizabeth Lind, Chair, License Commission

Re: Outdoor Dining -- Guidelines and Permitting Process

Background

- The City strongly supports the increase in outdoor dining for its ability to
 - Increase street life.
 - Create a vibrant street atmosphere.
 - Make the sidewalk more interesting and amenable for pedestrians.
 - Support businesses.
 - Enhance sidewalk plantings.
- The City is committed to managing the outdoor dining program in a way that works for businesses, is consistent with other city sidewalk requests, retains the strong support of numerous groups, provides sidewalks that are comfortable for people and supports the movement of pedestrians, bicycle and vehicular traffic, and other street activities.



Permitting Process (No Alcohol):

1. Schedule a preliminary feasibility walk with DPW Superintendent of Streets and Sidewalks. If a pop-up cafe is involved, Traffic, Parking and Transportation should also be involved in the preliminary feasibility.
2. Apply to the License Commission for a change of premise description application and procedure, include a detailed plan showing sidewalk area to be used in relation to the restaurant. www.cambridgema.gov/license
3. Obtain zoning approval and sign offs from the Inspectional Services Department for the sidewalk seats.
4. Obtain a DPW sidewalk obstruction permit, \$75 per year. Permit is renewed every 2 years.
5. Appear at a License Commission hearing for approval.
6. Apply to the City Council for a sidewalk use permit.

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4. Obtain a DPW sidewalk obstruction permit, \$75 per year. Permit is renewed every 2 years.
5. Appear at a License Commission hearing for approval.
6. Apply to the City Council for a sidewalk use permit.
7. Sign a Sidewalk Use License Agreement with the City Manager for use of the sidewalk area, the fee is \$750 per year.
8. The Sidewalk Use License Agreement will be renewable annually so long as there are no changes to the premises, problems or disciplinary hearings, upon payment of the annual Sidewalk Use License fee and provisions of all required certificates of insurance to the License Commission.
9. Receive State Alcoholic Beverages Control Commission (ABCC) approval for change of premise description.

State ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas (Alcohol), Revised July 28, 2015



Deborah B. Goldberg
Treasurer and Receiver General

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114*

Kim S. Gainsboro, Esq.
Chairman

GUIDELINES FOR EXTENSION OF PREMISES TO PATIO AND OUTDOOR AREAS

1. Alcoholic beverages cannot be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved.
2. An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy.
3. The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway.
4. 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.
5. The applicant must have a lease or documents for the right to occupy the proposed area.
6. The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
7. Preferred are outdoor areas where alcohol is served to patrons who are seated at the tables and where food is also available.

Approved July 28, 2015 (superseding August 22, 1989, Guidelines)



Placement Guidance

- Seating is generally limited to the area immediately adjacent to the business.
 - in some circumstances, where alcohol is not served, the outdoor dining can extend to in front of adjacent businesses. Adjacent property owners and tenants must approve.

- Curb side location is generally preferred, as it maintains the primary sidewalk area for pedestrians. Outdoor dining adjacent to the building will be considered where it would not negatively impact the pedestrian route of travel.

Previously approved setups will be required to evaluate relocating to the curb side.

- Dining must retain
 - 4' minimum, 5' desired sidewalk width, clear of any obstructions.
 - $\frac{1}{2}$ of the available sidewalk width for pedestrian use. ***Previously approved setups may require modifications to maintain the sidewalk width.***

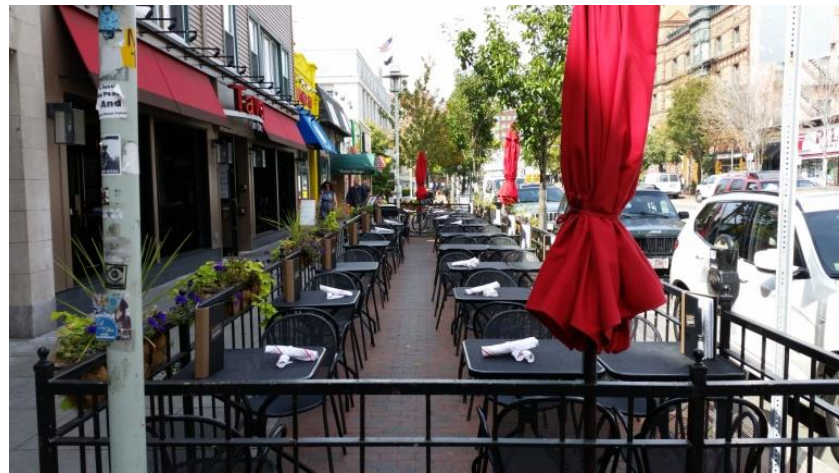


Sidewalk Width (18')

Retain a min of $\frac{1}{2}$ the width (9') for pedestrians

Design Guidance

- Enclosures -- attractive, inviting, maintain sightlines into and out of the outdoor dining area.
 - May consist of fences, railing or planters and should be self-supporting and easily removed from the sidewalk.
 - Height: 36" to 42".
 - Enclosures are required if alcohol is served.
 - Non-moveable enclosures may be required in areas where the outdoor dining has a tendency to expand beyond its permitted area.
- A sign identifying the restaurant is allowable on the enclosure (up to 8 sq ft), but no product advertising on any structure associated with the outdoor dining (umbrellas, enclosures, etc.).



Accessible Seating Requirements

Dining must be accessible and meet ADA and Massachusetts Architectural Access Board's regulations. http://www.mass.gov/Eeops/docs/dps/aab_regs/521017.doc

521 CMR 17.00: RESTAURANTS

17.2 SEATING

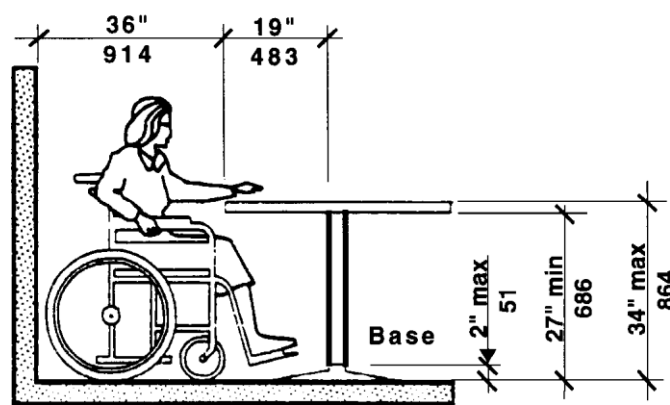
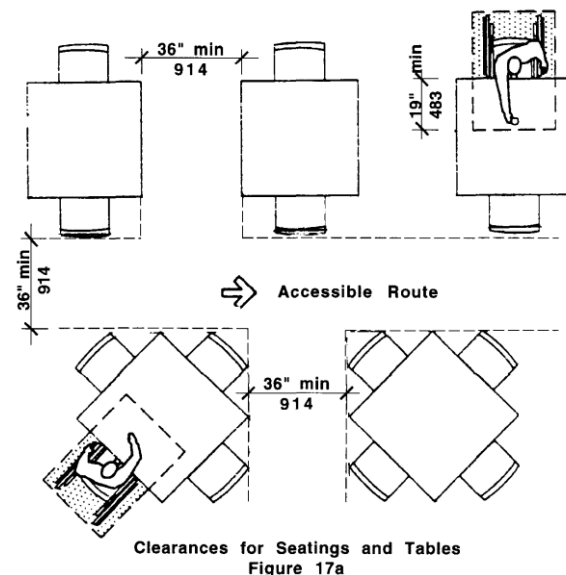
At least 5% but not less than one, of the tables shall be *accessible*, be on an *accessible route*, and in compliance with the following:

17.2.2 A 36 inch (36" = 914mm) *access aisle* shall be provided between all *accessible* tables. No seating shall overlap the *access aisle*. See Fig. 17a.

17.2.3 *Clear floor space* as defined in **521 CMR 5.00: DEFINITIONS** shall be provided at each seating space. Such *clear floor space* shall not overlap knee space by more than 19 inches (19" = 483mm). See Fig. 17a.

17.2.4 Knee Clearances: If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 inches (27" = 686mm) high, 30 inches (30" = 762mm) wide, and 19 inches (19" = 483mm) deep shall be provided. See Fig. 17b.

17.2.5 Height of Tables or Counters: The tops of *accessible* tables and counters shall be from 28 inches to 34 inches (28" to 34" = 711mm to 864mm) above the finish floor or ground. See Fig 17b.



Pop-up Cafe -- Additional Considerations

- Parking spaces may be used for outdoor dining.
- Pay for parking spaces.
- State ABCC has indicated that they would not permit alcohol to be served.
- Maintain access to utilities and curbside drainage.

Designs

- Attractive, sturdy and accessible.
- Provide a minimum distance of 2' between adjacent parking space and pop-up cafe.
- Install concrete curb stops at each end to protect pop-up cafe from adjacent parking.
- Provide sturdy enclosure between the edge of the pop-up café and the adjacent travel lane.

Accessibility for Pedestrians

- Must meet federal, state and local accessibility standards.
- The platform must be flush with the sidewalk.
- Maximum ¼" lip.
- Stable, firm and slip resistant flooring material.
- Less than 2% cross-slope.

