

City of Boston Implements Permanent Outdoor Dining Program

By Adam Barnosky on March 1, 2023



Outdoor dining throughout Boston increased as a response to pandemic restrictions and, over the course of the past three years, further proliferated as customers, restaurant operators, and local officials realized the social and economic benefits of outdoor dining space. Even as concerns related to COVID-19 subside, customers continue to seek the diversity of options offered by outdoor dining and, according to the National Restaurant Association, forty percent of customers are more likely to choose a restaurant with an option for al fresco seating.

In the City of Boston, the popular temporary program – which allowed annual license extensions for outdoor dining – is set to expire, prompting the Mayor's Office to develop a permanent program.

According to a press release published by the Mayor's Office:

"The permanent program creates a predictable, streamlined process for business owners that will expedite application review and allow for annual renewals. It incorporates the activation of public space enjoyed during the temporary program, but addresses issues such as barriers to accessibility and concerns from public safety officials. The application to participate in the permanent program will be made available later this month with the goal of restaurant patios opening as early as May 1. The new program will include a monthly fee for all participants to help fund efforts to further expand outdoor dining more equitably across the City."

Beginning on February 23, 2023, restaurant owners were able to submit applications for the Permanent Outdoor Dining Program. Here are a few of the details related to the program:

- **Online Submission:** Applications will be submitted through an online portal, where businesses can track application progress and renew the Outdoor Dining Permit annually
- **Site Plans:** Professionally engineered site plans are required for outdoor dining proposals located on the street and sidewalk.
- **State Building Code Compliance.** The prior temporary program allowed for hand-drawn site plans and portable ramps under a temporary variance from the Massachusetts Architectural Access Board (MAAB). The new program requires formal site plans and compliance with all requirements under the state building code. According to a press release from the Mayor's Office, the City has prepared multiple sample templates, which have been informed by the Disabilities Commission and approved by the MAAB and has designated a staff member to help restaurant owners with technical assistance on engineering plans.
- **ABCC Approval.** Restaurants licensed under M.G.L.c. 138 Sec. 12 will be required to

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obtain approvals from both the City of Boston Licensing Board and Alcoholic Beverages Control Commission in order to permanently expand outdoor dining.

Please note that the North End is subject to additional restrictions as part of the Outdoor Dining Program, due to traffic, sanitation, and accessibility issues cited by the Mayor's Office.

The full press release from Boston Mayor Michelle Wu's Office can be found here:
<https://www.boston.gov/news/mayor-wu-announces-citywide-permanent-outdoor-dining-program>

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