



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

May 19, 2009

Dear Councillors:

The Committee on Government Operations held a hearing to discuss an ordinance regarding sidewalk café lease periods. This matter was sponsored by Councillor Ross, referred to this Committee on Wednesday, March 25, 2009, and heard at a public hearing on Tuesday, April 28, 2009 at which public comment was taken.

Currently, the Department of Public Works, along with the Public Improvement Commission, have regulations governing sidewalk cafes in the City. These regulations prohibit anyone from leasing public space for a sidewalk café outside of May 1st through October 30th. The proposed ordinance would eliminate these date restrictions in hopes to allow business owners the opportunity to take advantage of good weather that often occurs outside of these restricted dates.

At the hearing representatives from the restaurant industry, community members, the Public Improvement Commission, Public Works and Licensing Board all testified. Some community members testified about the negative effects café patios can have on surrounding neighborhoods, but many of these were limited to certain areas and/or the late hour of the night at which alcohol is served. The Public Works Department and Public Improvement Commission testified to the fact that these leases have already been extended to April, but had some concerns about allowing cafes in winter months. However, business owners thought it should be longer given that nice weather can often occurs throughout the year.

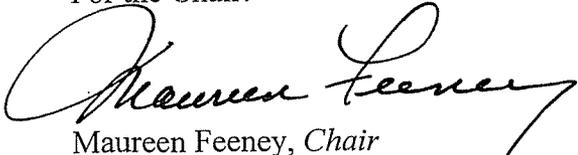
In light of public testimony, the revised proposed draft seeks to extend the lease period dates, yet reiterate that the licensing authority may still impose special conditions during winter months to ensure sidewalk access and address other winter-related concerns. The revised draft would allow cafés year-round, but nothing would prohibit the regulatory authority from imposing certain snow-related conditions on such licenses.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0440 An ordinance regarding sidewalk café lease periods

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter **ought to pass in a new draft.**

For the Chair:


Maureen Feeney, *Chair*
Committee on Government Operations

Offered by Councillor MICHAEL ROSS, *atunipity, Cincinhan, Flapstone, LaMasa*
Youn, Turner, Jarvey, Pearsby, Cronimo, Connolly

CITY OF BOSTON



IN THE YEAR TWO THOUSAND NINE

**AN ORDINANCE REGARDING SIDEWALK CAFÉ
LEASE PERIODS**

WHEREAS, The Commissioner of Public Works implemented regulations pursuant to stated authority under City of Boston Code 11-6.3 governing sidewalk cafes in the City; and,

WHEREAS, These regulations govern the conditions of leasing public space for the use of an outdoor café, including the lease period; and,

WHEREAS, Section ten of the regulations limit the length of such leases from May 1st through October 30th of each year. No café operator is currently permitted from operating an outdoor café outside of these dates; and,

WHEREAS, These arbitrary lease dates are unduly hampering local business operators' abilities to attract customers in this difficult economic time. The weather in Boston may easily reach higher temperatures prior to May 1st and prohibiting restaurateurs from having the opportunity to open sidewalk cafes earlier in the season or remain open later is unnecessary and harmful to our local business owners and patrons who want to enjoy the atmosphere of the City while dining;
NOW, THEREFORE

Be it ordained by the City Council of Boston, as follows:

Section 1.
CBC Chapter XI is hereby amended by appending the following after the last sentence in section 11-6.3:- "However, the Commissioner shall not establish rules or regulations restricting the dates of the temporary lease period for the use of public space for sidewalk cafes."

Section 2.
The provisions of these sections shall become effective immediately upon passage.

In City Council REFERRED TO
COMMITTEE ON

MAR 25 2009

Government Operations

CITY OF BOSTON
IN CITY COUNCIL

May 19 2009

THE COMMITTEE/CHAIR of Government Operations
RESPECTFULLY REPORTS THAT THE MATTER
WITHIN OUGHT TO PASS IN THE ACCOMPANYING
NEW DRAFT.

Harvey Lee
CHAIR

ACCEPTED,

CITY CLERK

Offered by Councillor MICHAEL ROSS, Murphy, Linehan, Flaherty,
LaMattina, Yoon, Turner, Yancey, Feeney, Ciommo, Connolly

CITY OF BOSTON

IN THE YEAR TWO THOUSAND NINE

AN ORDINANCE REGARDING SIDEWALK CAFÉ
LEASE PERIODS



WHEREAS, The Commissioner of Public Works implemented regulations governing sidewalk cafes in the City; and,

WHEREAS, These regulations govern the conditions of leasing public space for the use of an outdoor café, including the lease period; and,

WHEREAS, Section ten of the regulations limit the length of such leases from May 1st through October 30th of each year. No café operator is currently permitted from operating an outdoor café outside of these dates; and,

WHEREAS, These arbitrary lease dates are unduly hampering local business operators' abilities to attract customers in this difficult economic time. The weather in Boston may easily reach higher temperatures prior to May 1st and prohibiting restaurateurs from having the opportunity to open sidewalk cafes earlier in the season or remain open later is unnecessary and harmful to our local business owners and patrons who want to enjoy the atmosphere of the City while dining;
NOW, THEREFORE

Be it ordained by the City Council of Boston, as follows:

Section 1.

CBC Chapter XI is hereby amended by appending the following after the last sentence in section 11-6.3:- "When establishing rules or regulations for the dates of temporary license periods for the use of public space for sidewalk cafes, the Commissioner shall make licenses available year-round. However, nothing herein shall be construed to prevent the Commissioner from imposing additional requirements on year-round licenses."

Section 2.

The provisions of these sections shall become effective immediately upon passage.