



## **STANDARDS FOR OUTDOOR DINING AREAS ON 8<sup>th</sup> STREET**

ADOPTED BY THE CCDC BOARD OF COMMISSIONERS

ORIGINAL ADOPTION:      APRIL 10, 2006  
REVISION:                    AUGUST 12, 2013

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### **Introduction**

CCDC owns the 8<sup>th</sup> Street right-of-way from Bannock Street to Main Street (see Figure 1). In the early 1990s the agency improved 8<sup>th</sup> Street so that the street width is narrower and the sidewalks are wider than is typical in downtown. CCDC installed high-quality furnishings including brick pavers, historic street lights, benches, planters, bike racks and trash receptacles. The color of the bricks on the sidewalk defined three areas: merchant (dark brick), pedestrian (red brick) and furnishing (dark brick) zones. The intent was to promote downtown vitality by allowing sufficient room on the sidewalks for outdoor dining areas, which were expected to locate in the merchant zone delineated by dark bricks. The result has been a high concentration of restaurants or café district. The restaurant owners regard outdoor space is a key factor in the success of their businesses. Both CCDC and restaurant owners feel that maintaining a high standard for how the cafés look and how the street functions is important to creating a good business climate and a distinctive and attractive place in downtown.

The café district is considered to be one of the most vibrant areas in downtown Boise. It is a gathering place in the evenings and on weekends where friends meet and people enjoy good food and drink, music and people-watching. It is an important part of the economic vitality and energy of downtown.

### **Purpose and Intent**

These Standards for Outdoor Dining Areas on 8<sup>th</sup> Street (“Standards”) as set forth herein and as hereinafter amended, establish requirements for outdoor dining areas on 8<sup>th</sup> Street on property owned by or subject to an easement or license to CCDC. They are intended to:

- Create a balance between preserving a safe, attractive and functional pedestrian passageway on the sidewalk and the desire of the restaurants to expand the size of the cafés in response to customer demand.
- Define the area on the sidewalk where outdoor dining areas are allowed.
- Address the type and quality of fences enclosing outdoor dining areas and placement of furnishings relative allowed Outdoor Dining Area Limits.

- Address the use and design quality of umbrellas, awnings, canopies, trashcans, planters, signage and decorative lighting in outdoor dining areas.

### Applicability

CCDC, as the Boise City urban renewal agency, is allowed by Idaho statute to own property in any of Boise City’s urban renewal districts. Figure 1 shows property owned by CCDC on 8<sup>th</sup> Street between Bannock and Main streets where these Standards apply. Outdoor dining areas are permitted on the east and west side 8<sup>th</sup> Street between Bannock and Idaho streets, and on the west side of 8<sup>th</sup> Street between Idaho and Main streets. The sidewalk on the east side of 8<sup>th</sup> between Idaho and Main is narrower than the other sidewalks—15’10” —because of the placement of the Capitol Terrace retail building, and is not wide enough to allow outdoor dining areas.

A café owner/operator may use alternatives to these Standards with written approval from CCDC.

Previous guidelines adopted by the CCDC Board of Commissioners by Resolution #901 on October 15, 2002 are no longer applicable to 8<sup>th</sup> Street between Bannock and Main streets.

### Requirements for Use of Sidewalk

Granting permission for outdoor dining areas is at CCDC’s discretion and requires a **patio license agreement** with the building owner, who leases building space to the business offering outdoor dining and a **patio tenant agreement** with the business owner or operator. Building or business owners desiring to establish an outdoor dining area should contact Max Clark, CCDC Parking & Facilities Manager for more information and for copies of sample agreements.

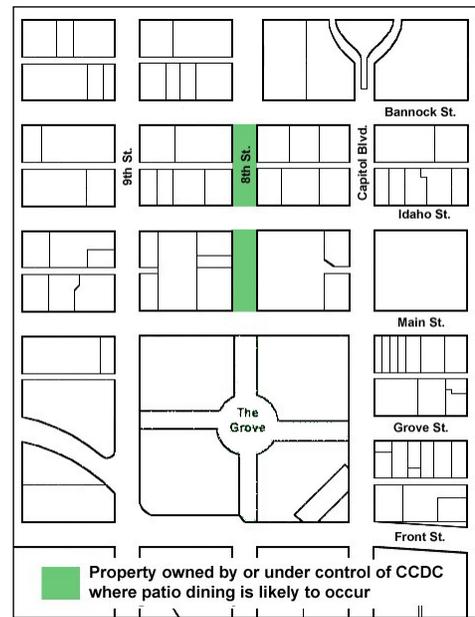


Figure 1: Map of CCDC Property where 8<sup>th</sup> Street Outdoor Dining Area standards apply.

### Definitions

1. Café Owner/ Operator: The individual or company holding a patio tenant agreement approved by CCDC for operating an outdoor dining area on property owned by CCDC on 8<sup>th</sup> Street.
2. Furnishing Zone: For sidewalks on the east and west sides of 8<sup>th</sup> Street between Bannock and Main, an area measuring approximately five feet wide that lies between the street side edge of the sidewalk and the edge of the tree grates parallel to and furthest from the curb, and running the full length of the block, where historic street lights, street trees and grates, bicycle racks, benches, planters, trash receptacles and other street furnishings are typically located (see Figure 2 below).

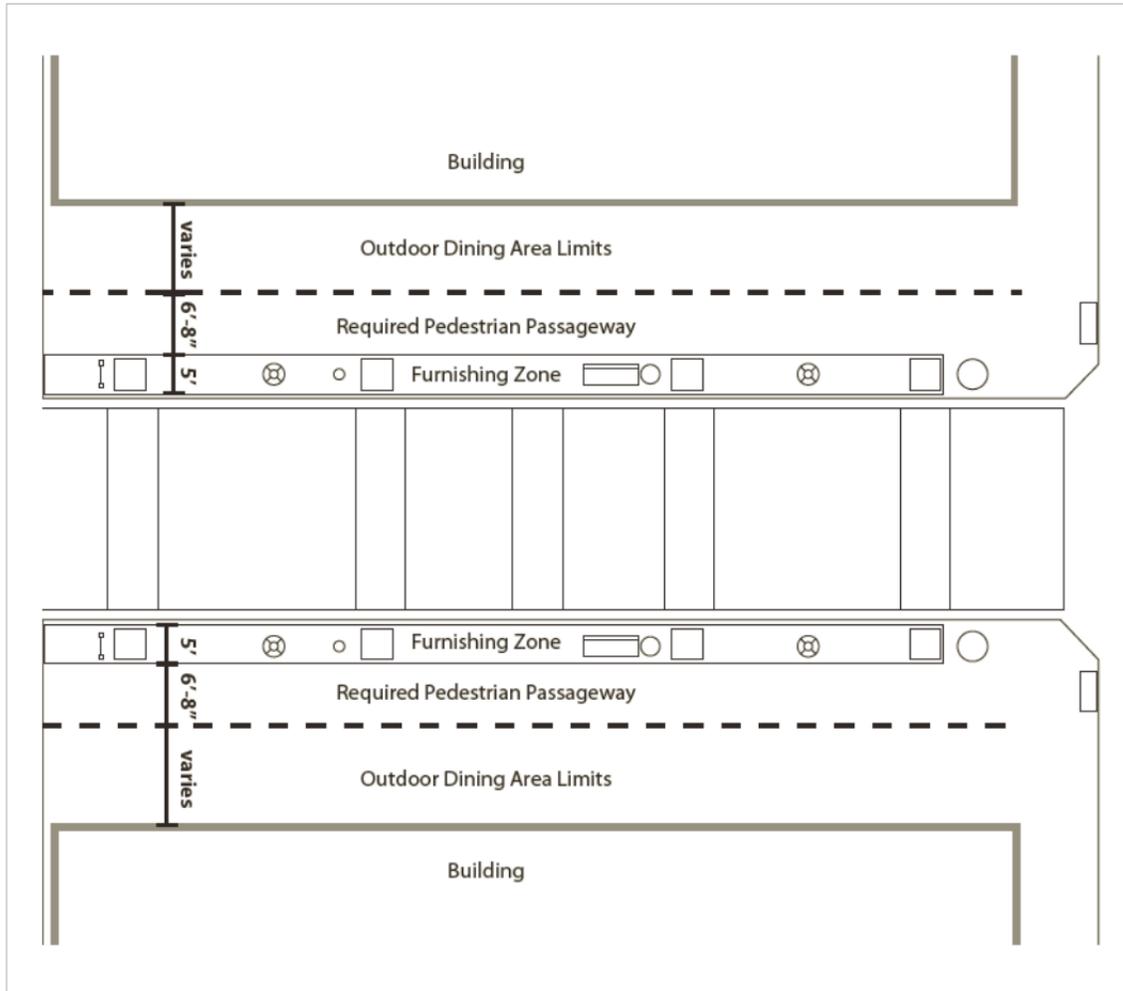


Figure 2: Location of Furnishing Zone, Required Pedestrian Passageway and Outdoor Dining Area Limits on 8<sup>th</sup> Street between Bannock and Main streets.

3. **Outdoor Dining Area Limits:** An outdoor dining area may be located on the sidewalk on the east or west sides of 8<sup>th</sup> Street from Bannock to Main, provided it is situated immediately adjacent to the storefront of the restaurant with which it is associated and is outside of any Required Pedestrian Passageway and Furnishing Zone as defined by these Standards (see Figure 2 above). Outdoor dining areas and any related furnishings such as but not limited to umbrellas or shade structures shall not encroach into any Required Pedestrian Passageway or Furnishing Zone except as provided by these Standards. A restaurant may extend its Outdoor Dining Area in front of an additional storefront as long as the expanded Outdoor Dining Area is contiguous with the existing Outdoor Dining Area and the restaurant owner has express written permission from the tenant who occupies and the building owner who owns the additional storefront. The restaurant shall provide CCDC with a copy of these written permissions prior to expanding its Outdoor Dining Area.
4. **Patio License Agreement:** An agreement between a building owner, whose building is immediately adjacent to the 8<sup>th</sup> Street sidewalk owned by CCDC, and CCDC for use of a

defined portion of the 8<sup>th</sup> Street sidewalk for outdoor dining by the owner or a tenant in the owner's building.

5. **Patio Tenant Agreement:** An agreement between CCDC and a tenant in a building, where the building owner has a patio license agreement with CCDC, allowing the tenant use of a defined portion of the 8<sup>th</sup> Street sidewalk owned by CCDC for outdoor dining.
6. **Perimeter Fence:** A fence enclosing an outdoor dining area, which may be on the edge the Required Pedestrian Passageway which is closest to the storefront associated with the outdoor dining area (or additional storefronts as allowed by Item #3 above) or between the Required Pedestrian Passageway and the storefront(s), but shall not be located in the Required Pedestrian Passageway or the Furnishings Zone.
7. **Required Pedestrian Passageway:** For sidewalks on the east and west sides of 8<sup>th</sup> Street between Bannock and Main streets, a pedestrian passageway measuring at a minimum 6 feet 8 inches wide and continuing the entire length of the block shall be maintained free of obstructions and improvements other than sidewalk surfacing. The street side edge of the pedestrian passageway shall be approximately five feet from the seam between the sidewalk and the curb and coincidental with the line formed by the edge of the tree grates parallel to and furthest from the curb (see Figure 2 above). Nothing in this definition shall be construed to limit the use of the sidewalks on 8<sup>th</sup> Street between Bannock and Main streets to pedestrians only. All legal uses of these sidewalks may continue to be permitted as long as unobstructed travel for pedestrians is maintained.

### **Other Regulations**

Boise City and the State of Idaho have adopted regulations that may apply to outdoor dining areas. These include, but may not be limited to:

#### Boise City

- Alcoholic Beverages (Chapter 5-05)
- Sidewalk Café Regulations (Chapter 5-06)
- Noise Regulations (Chapter 6-20)
- Zoning Ordinance (Title 11)
- Sign Regulations (Chapter 11-11)

#### State of Idaho

- Alcoholic Beverages (Title 23)

References are made to some of these regulations in these standards for information purposes only. ***References are in italics.*** Not all regulations are referenced. Business owners should consult Boise City and State of Idaho regarding regulations and license requirements. For purposes of these Standards, where CCDC requirements are more restrictive than State of Idaho or Boise City requirements, CCDC requirements shall govern.

## Specific Standards

### Placement of Cafes

- For the sidewalks on the east and west sides of 8<sup>th</sup> Street from Bannock to Main, any outdoor dining area of these frontages shall be located between the Outdoor Dining Area Limits (see Figure 2). Placement of outdoor dining areas shall also comply with the distance requirements in the Boise City Sidewalk Café Regulations, Ch. 5-06-05 if stricter than these Standards. Where the Boise City Code requirements and these Standards conflict, the more restrictive requirement shall govern.

### Placement of Fences & Furnishings

- **Placement of perimeter fences**

Any fence used to enclose a café shall be within the Outdoor Dining Area Limits, and shall not encroach into the Required Pedestrian Passageway or Furnishing Zone except as provided in these Standards. The location of side fences, which are perpendicular to the building face, shall be controlled by the patio license agreement or patio tenant agreement. Bases on support posts for fences may extend an additional one (1) foot into the Required Pedestrian Passageway if the base lies flat on the sidewalk.



Figure 3: Umbrellas within Outdoor Dining Area Limits

- **Placement of furnishings**

All furnishings except certain umbrella shades, awning or canopy extensions and planters shall be placed within the perimeter fence surrounding an outdoor dining area, if a fence is required or provided, or within the Outdoor Dining Area Limits if no fence is required. These furnishings include but are not limited to benches, chairs, tables, umbrella bases and poles, awnings and canopies, planters, trash and cigarette receptacles, heaters and misters. Furnishings shall not encroach into the Required Pedestrian Passageway or Furnishings Zone except as provided in these Standards.

Umbrella stands and any umbrella shade that is less than six (6) feet, eight (8) inches in height at its lowest point from the sidewalk shall be located inside the perimeter fence and the Outdoor Dining Area Limits. If an umbrella shade is at least six (6) feet, eight (8) inches in height at its lowest point from the sidewalk, then the umbrella shade may extend outside the perimeter fence and into the Required Pedestrian Passageway.

Planters owned by café owner/operator are permitted inside or outside the perimeter fence at the discretion of the café owner/operator as long as they are within the Outdoor Dining Area Limits. If a café owner/operator desires planters outside the perimeter fence or suspended from the outside edge of the perimeter fence, the fence shall be placed or configured so both the fence and the planters are within the Outdoor Dining Area Limits (see Figure 4).



Figure 4: Planters are allowed outside perimeter fence if within Outdoor Dining Area Limits.

Awnings and canopies that are attached to the building and extend from the building face to the Required Pedestrian Passageway may include an extension that encroaches into the Required Pedestrian Passageway if the extension is at least seven (7) feet in height from the sidewalk. Extensions shall not exceed one and one-half (1.5) feet into the Required Pedestrian Passageway.

## Design Standards

### a. Fences

Each outdoor dining area where alcohol is served shall have a continuous fence around the perimeter except for one opening as required by Idaho State Code.<sup>1</sup> Fences installed on 8<sup>th</sup> Street, whether required by Idaho State Code or optional shall be black metal and shall be similar in design to Figure 5 in these Standards. Fences shall be well-crafted and have a durable, professional finish. Prior to installing a fence, the café owner/operator shall obtain written approval from CCDC for the design, materials and construction specifications to be used for the fence.



Figure 5: Examples of black metal fences

Fences shall have sturdy support poles and bases that can withstand heavy jostling and bumping. The bases and fence layout shall be designed to create a stable enclosure without anchoring the

<sup>1</sup> *Idaho Alcohol Commission requires that outdoor dining areas where alcohol is served must be separated from pedestrian areas by a continuous enclosure except for one entry point. Such outdoor dining areas must also be immediately adjacent to the establishment serving alcohol. Signage must be posted that alcohol cannot be taken off-premises.*

fence to the bricks. Attaching the fence to the bricks is not allowed. Connections at corners shall be made so fence does not pull apart under normal use. Fences shall not create a continuous barrier more than four (4) feet in height.<sup>2</sup> Fences shall be removable to accommodate events and change in seasons.

Fences that run more or less parallel to the curb line shall be equidistant from the curb line with allowances for indentations at entrance points and for planters. Where no curb line exists, the fence should be equidistant from the building face. Where brick pavers or scored concrete are installed, the parallel lines in the sidewalk should be used as a guide for the placement of the fence supports. Fence placement shall not be slipshod. CCDC may require a café owner/operator to adjust fence alignment to meet these Standards.

Bases on support posts for fences may encroach one (1) foot into the Required Pedestrian Passageway if the base lies flat on the sidewalk. Combining a fence with a support structure for an overhead awning or canopy is allowed if approved in writing by CCDC.

Outdoor dining areas where alcohol is not served are not required to have a continuous fence, but may use furnishings such as tables to delineate the Outdoor Dining Area Limits (see Figure 6). All furnishings other than umbrella shades and awning or canopy extensions shall be placed within the Outdoor Dining Area Limits. (See placement of cafes and placement of fences and furnishings above.)



Figure 6:  
Furniture may be used to delineate Outdoor Dining Area Limits rather than fence if no alcohol is served in café area.

- **Umbrellas, awnings and canopies**

Umbrellas, awnings and canopies shall be of cloth, use solid colors with colors chosen from a subdued, earth-tone palette (e.g. tan, green, etc). Umbrellas and freestanding awnings or canopies shall be plain with no writing, graphics or advertising permitted. Umbrellas shall be securely anchored in stands.

Awnings and canopies attached to the building may include the name of the business if this signage is approved by CCDC and Boise City as an allowed tenant identification sign.

Awnings and canopies that are attached to the building and extend from the building face to the Outdoor Dining Area Limits may include an encroachment into the Required Pedestrian Passageway as provided in the section of placement of furnishings.

- **Planters**

The design of planters owned by café owner/operator is at the discretion of the café owner/operator as long as they are placed within the Outdoor Dining Area Limits. (See the section on placement of furnishings for additional requirements regarding placement of planters.)

- **Trash and cigarette receptacles**

Each outdoor dining area shall have a trash receptacle and a cigarette receptacle within the Outdoor Dining Area Limits.

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<sup>2</sup> State of Idaho regulations for enclosure of alcohol-serving areas require a minimum height of three (3) feet.

- **Signage**

Signage shall not be posted on fencing surrounding outdoor dining areas except for signs required by law or for small informational signs such as “No smoking on patio.” Sign banners are not permitted. A-frame and T-frame signs shall be located within the Outdoor Dining Area Limits for the outdoor dining area to which they belong or in the furnishing zone directly in front of the outdoor dining area. *(All other signage shall comply with Boise City regulations.)*

- **Decorative lighting**

Lighting on fencing is permitted if the intent is to add a festive, decorative element and not to attract attention. Lighting shall be white or clear in color and shall be understated. Flashing lights are not allowed. Light strands shall be kept in good repair and burned-out bulbs shall be replaced.

### **Maintenance**

Café owner/operators shall be responsible for maintaining fences and furnishings in such a manner that these improvements present a high quality image. Any fences or furnishings showing signs of wear, damage or failure shall be promptly refurbished, repaired or replaced.

### **Required Agreements; Compliance with Standards**

Granting permission for outdoor dining areas on 8<sup>th</sup> Street between Bannock and Main streets (“8<sup>th</sup> Street”) is at CCDC’s discretion. A building owner that intends to operate an outdoor dining area or that leases building space to a business that intends to operate outdoor dining area on 8<sup>th</sup> Street shall obtain CCDC’s approval for a patio license agreement prior to placement of furnishings for outdoor dining and offering outdoor dining on CCDC’s property. If the business owner intending to operate an outdoor dining area is a tenant, the business owner shall obtain CCDC’s approval for a patio tenant agreement prior to placement of furnishings for outdoor dining and offering outdoor dining on CCDC’s property. An outdoor dining area operated under a patio license agreement and/or patio tenant agreement (“Agreements”) shall comply with these Standards during the entire term of the Agreements.

Failure to comply with these Standards is a cause for termination of a patio license agreement and a patio tenant agreement as stated in the Agreements.

Building or business owners desiring to establish an outdoor dining area should contact Max Clark, CCDC Parking & Facilities Manager for more information and for copies of sample agreements.

[Signature signifying Board approval appears on following page.]

**Questions?**

If you have questions about these requirements, please contact Max Clark, CCDC Parking and Facilities Director, at 384-4264 or send an email to [mclark@ccdcboise.com](mailto:mclark@ccdcboise.com).

Adopted: CCDC Board of Commissioners  
April 10, 2006 by Resolution #1055

Revised: CCDC Board of Commissioners  
August 12, 2013 by Resolution #1323-A

  
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John Hale, Chairman

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Minor revisions by Executive Director as allowed by Resolution #1055:

- Required height for canopy extensions modified from seven (7) feet, two (2) inches to seven (7) feet on April 14, 2006 by Executive Director Phillip K. Kushlan. See page 5, last paragraph under placement of furnishings.