



Future of Outdoor Dining (FOOD) Study

Zoning Committee

May 9, 2023

Presentation Outline

1. Study Purpose & Goals
2. Study Schedule
3. Existing Regulations & Guidelines
4. Background of Outdoor Cafes & Temporary Outdoor Seating Areas (TOSAs)
5. Community Engagement
6. Preliminary Recommendations
7. Next Steps



Study Schedule

Aug 15, 2022

County
Manager
Removal of
Emergency
Order

FOOD Study
Launch

Sept- Nov '22

Phase 1

Information Gathering

- § Review of TOSAs & existing policies
- § Research benchmark communities
- § Community Engagement
 - Online Feedback Form (approx., 2,000 responses)
 - Virtual Roundtable Events (2)

Dec- Feb/Apr '23

Phase 2

Information Gathering/ Community Review

- § Synthesize findings from Phase 1
- § County Board extension of COGO (Jan 2023)

§ **Develop & Release Draft Framework with recommendations**

§ **Additional Community Engagement Opportunities**

May- July/Aug '23

Phase 3

Information Sharing

- § Zoning Ordinance Amendments
- § Updates to Outdoor Café Guidelines
- § Request to Advertise
- § Commission Review
- § Planning Commission
- § County Board

Aug 15, 2023

TOSA Program
Ending

New Outdoor
Dining
Regulations in
Effect

Study Purpose & Goals

The study will:

- § Examine which aspects of the TOSA program should be incorporated into two approval pathways for “permanent” outdoor cafés (*by right, and special exception*)
- § Inform other changes to current regulations for managing outdoor cafés, including those located within public space or rights-of-way
- § Take lessons learned from the TOSA experience and use them to improve the outdoor café framework, balancing business and public interests

Overarching Study Themes

Restaurants as a Public Good

An economically viable food service sector is a critical component of sustainable and active mixed-use neighborhoods.

- A critical placemaking element for residents, office workers and visitors
- Supports a balanced fiscal base...and return to work efforts
- Significant driver of locally-generated taxes
- Supports a diverse economic base and labor force

Restaurant Recovery and Resiliency

Expanded outdoor dining options with fewer regulatory hurdles will assist in recovery from pandemic-related losses and adaptation to a longer-term "new normal".

- Indoor seating densities supported by consumer behavior may never reach pre-pandemic
- A significant decline in seating capacity stresses restaurant economics
- Expanded, permanent outdoor seating keeps restaurants in business – and for customers to not seek out choices outside of Arlington

Different Places and Spaces

Expanded outdoor dining is not one-size fits all – different neighborhoods and the public realm within those neighborhoods may be more appropriate for outdoor dining than others.

- Embracing concept of an appropriate level of urban messiness
- Some neighborhoods, or parts of neighborhoods, are more appropriate for expanded outdoor dining than others
- Need to reflect upon a changing nature of the public realm within this context

Guiding Principles

- Safety
- Accessibility
- Equity
- Adaptability
- Aesthetics



Example Diagram

A photograph of an outdoor cafe patio, overlaid with a semi-transparent blue filter. The patio features several wooden tables and chairs, some with blue umbrellas. A rainbow flag is visible in the background. A chalkboard sign in the foreground reads "McN... Happy... 50% OFF bar drinks M-F 3pm-5PM".

Outdoor Cafes- Existing Regulations & Guidance

Background

Outdoor Cafes- Current Approval Process

§ Guidelines for Outdoor Cafes (2013)

1. Private- administrative approval-
Zoning Ordinance
2. Public R.O.W. or Public Spaces- Site
Plan or Use Permit approved by
County Board

ARLINGTON COUNTY GUIDELINES FOR OUTDOOR CAFÉS

August 10, 2012
Updated: May 18, 2013



Existing Guidance for Outdoor Cafes

Policies & Regulations:

- § Guidelines for Outdoor Cafes (last updated in 2013)
- § Arlington County Zoning Ordinance- Section 14 & 12.9.15
- § Arlington County Retail Plan (2015)
- § Master Transportation Plan (MTP) Pedestrian Element (2011)
- § Public Spaces Master Plan (2019)

ARLINGTON COUNTY
GUIDELINES FOR OUTDOOR CAFÉS

Zoning Ordinance
Arlington County, Virginia

Arlington County Retail Plan

**Master
Transportation
Plan**

**Public Spaces
Master Plan**
Adopted April 25, 2019

Other Regulations for Outdoor Cafes

- § Virginia Statewide Universal Building Code (VASUBC)
- § Virginia Statewide Fire Prevention Code (VAFPC)
- § Virginia Alcoholic Beverage Control Authority (VA ABC)
- § Guidance for Tents and Heaters
- § Encroachment Ordinance (Public ROW)



Zoning Ordinance Regulations- Overview

Definition of Outdoor Café- “an area that contains portable seating and tables, intended solely for the consumption of food and beverages that are also included in the standard menu of the restaurant, outside the exterior walls of the restaurant (excluding rooftops).”

Outdoor Cafes are an accessory use to the main use of a property as a restaurant

§12.9.15 Use Standards (Private Property):

- Fixtures cannot be permanently affixed to the ground
- Café cannot be enclosed
- Restrictions on sound, audio or visual entertainment *
- Should have fewer seats than the indoor portion of the restaurant *

* Can be modified by County Board by use permit

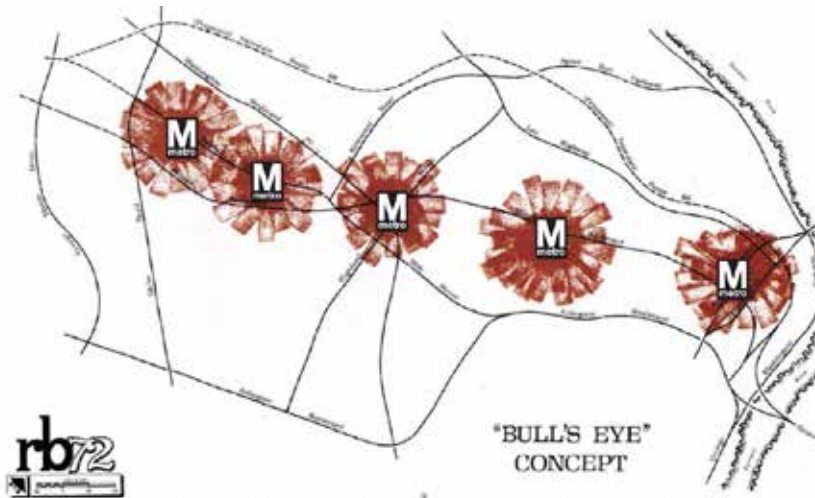
§12.9.15 Use Standards (Public Right-of-way or areas with easement for public use):

- Subject to approval of use permit by the County Board

Changes in 2017 to enable use permit modifications for certain standards

Zoning Ordinance Regulations- Private Property

- Currently outdoor cafes on private property can be approved by-right
- Parking ratio for restaurants- No changes since 1960
 - 1 parking space/ 6 seats inside restaurant
- Restaurants exempted from parking if within 1,000 feet of Metro
 - County Board can modify parking by use permit
- The ACZO mandates that parking spaces be available to cars, without obstructions



Arlington Retail Plan (2015)

- Outdoor cafes enlivens streetscape
- Provides passive surveillance on the street
- **Action Plan encourages an administrative license process to use public ROW**



<p>Study the application of a process that licenses the use of the public realm, with sufficient criteria to best accommodate outdoor cafes, design elements, merchandise displays, vendors and food trucks.</p> <p>Amend the Zoning Ordinance, if warranted, to facilitate such a process including outdoor seating and the outdoor display of merchandise.</p>	<p>Study a licensing process for use of the public realm;</p> <p>Amend Zoning Ordinance, if warranted</p>	<p>Short - Long term</p>	<p>AED CPHD DES DPR</p>
--	---	--------------------------	--

Master Transportation Plan- Pedestrian Element

Adopted Policy Guidance

Policy 4 (4): Encourage sidewalk cafes and other streetscape enhancements in the sidewalk. Locate private encroachments in the sidewalk area with sensitivity to sidewalk width, to historic structure and to other obstructions, and subject to periodic review. Safe and convenient pedestrian travel should not be impeded.

Sidewalk Design

- Clear Zones may be specified by County sector plans, streetscape standards, or site plan conditions, and in many cases the specified width will exceed the six-foot minimum



Clear Zones

The clear zone is the portion of the public sidewalk space provided expressly for accessible pedestrian mobility. It is usually located between the “landscape & utility” zone and the building shy or “café” zone. This space is unobstructed and is constructed of materials and patterns that provide a relatively smooth surface that complies with ADA-accessibility standards.

All sidewalks shall provide a continuous clear zone of not less than—

- Six feet in commercial, mixed-use, or other high-density areas.

Public Spaces or Privately-Owned Public Spaces

Adopted Policy Guidance

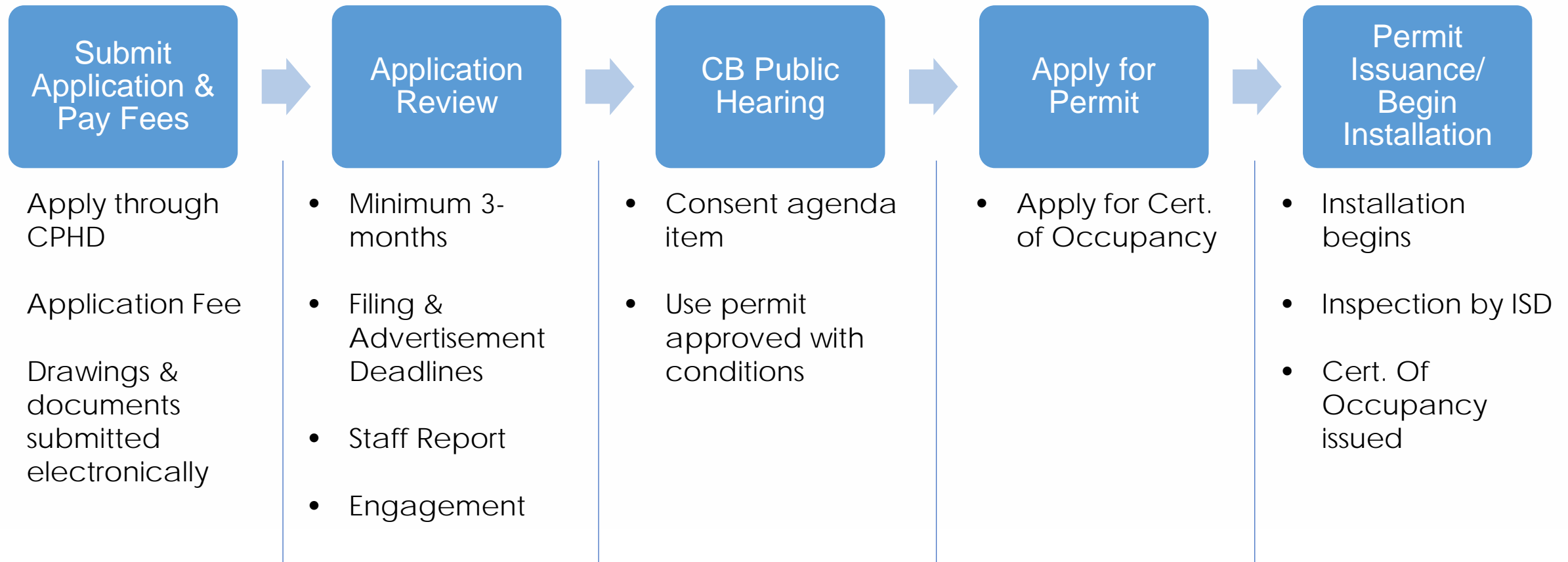
Several goals are identified in the Public Space Master Plan (PSMP) that talk about outdoor dining in parks and privately owned public spaces.

- **Goal 1.5.18** identifies that private businesses are appropriate in POPS in certain contexts, but that they should be identified early in the process, not retrofitted through a later program.
- **Goal 1.10.1** encourages activation of POPS, though mostly as one-off events, rather than permanent outdoor seating.



Current Permitting & Approval Process for Outdoor Cafes in the Public Space

Use Permit Approved by County Board (minimum of 3 months)



A photograph of an outdoor dining area, likely a patio or deck, featuring several wooden tables and chairs. Large blue umbrellas are open over the tables. In the background, there are buildings, a rainbow flag, and a sign that says "JACK LIVES HERE". A chalkboard sign in the foreground reads "Namara's 50% OFF bar drinks M-F 3pm-5PM". The entire image has a blue tint.

Temporary Outdoor Seating Areas (TOSAs)

TOSA Overview

- § TOSAs were established in 2020 to help restaurants and businesses during the COVID-19 pandemic
- § Flexible Design & Operational Guidelines established
- § Online submission process- no application fee
 - § Interdepartmental staff review team
 - § Approved by County Manager
- § Approx. 145 TOSAs (public & private)
- § TOSAs will expire August 15th, 2023



Outdoor Café – TOSA Examples



Outdoor Café- TOSA Examples



A photograph of an outdoor dining area, likely a patio or terrace, featuring several wooden tables and chairs. Large blue umbrellas are open over the tables. In the background, there are buildings and a rainbow flag flying. The scene is overlaid with a semi-transparent blue filter. The text "Community Engagement" is centered in white.

Community Engagement

Phase 1 Engagement- What we heard

Overview of Community Priorities and Considerations w/ TOSAs

Priorities	Concerns
Support for local businesses	<ul style="list-style-type: none">• Varying demands/needs for different types of restaurants & neighborhoods as well as the need for recovery & resiliency within the restaurant industry
Enjoyment of outdoor dining options that provide for vibrant streetscapes	<ul style="list-style-type: none">• Safety while dining in streets or parking areas• Congested sidewalks• ADA & accessible routes not clear
Provide adequate space for safe, accessible pedestrian circulation	
Support for TOSAs and reduction of parking for expanded outdoor dining options on private property	<ul style="list-style-type: none">• Parking availability if used for circulation or outdoor dining• Safety and protection from vehicles• Cleanliness, maintenance of spaces
Streamline the process	<ul style="list-style-type: none">• Costly & Lengthy review time

Feedback Form Analysis

OPEN-ENDED COMMENTS OVERVIEW

 **992 Comments Received**

General Comment Sentiment



69%

POSITIVE



19%

NEUTRAL



12%

NEGATIVE

Additional Concerns



83

Weather Accommodations



54

Noise



25

Cleanliness

Common Themes

650

Outdoor Dining

378

Parking

198

Streets

115

COVID/Health

97

Safety

93

Pedestrian Accessibility

57

More Regulations

55

Streamline Process

A photograph of an outdoor cafe patio, likely in Arlington, Virginia. The scene is filled with wooden tables and chairs, many of which are shaded by large blue umbrellas. Some umbrellas have the word 'Cervo' on them. In the background, there are buildings, a rainbow flag, and a thatched roof structure. A chalkboard sign in the foreground reads 'Mellonara Home 50% off bar drinks M-F 3pm-5pm'. Another sign to the left says 'JACK LIVES HERE! Thank for the lucky'. The entire image has a blue color overlay.

Framework & Key Work Elements

Recommended Framework- Key Work Elements

1. Encroachment Ordinance & Outdoor Café License (New County Code)

- Administrative process/ requirements for outdoor café license, application and fee

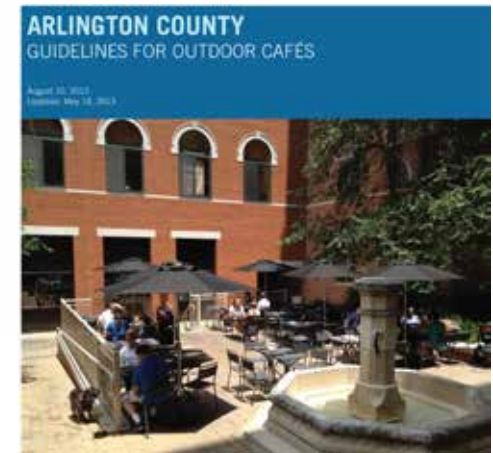
2. Zoning Ordinance Amendments

- Permit allowing outdoor seating in public spaces via administrative review and revocation for noncompliance
- Addition of clear and objective design standards regulating placement of seats in public spaces and on private property, permitted through Zoning Administrator administrative review
- Ability for County Board modification of parking requirements for seats located on required private parking spaces

3. Update the County's Outdoor Café Guidelines (last updated in 2013)

to include the following elements:

- § Introduction, Purpose & Goals
- § Application & Permit Process
- § Guidance for clear sidewalk widths
- § Pedestrian Safety, ADA & Accessibility
- § Fire & Building Code, Tents & Heaters



What's NOT in the Draft Framework?

- § Changes to the Virginia Statewide Universal Building Code (VASUBC)
- § Changes to the Virginia Statewide Fire Prevention Code (VAFPC)
- § Changes to the Virginia Alcoholic Beverage Control Authority (VA ABC)
- § Guidance for Tents and Heaters

A photograph of an outdoor cafe patio, likely at McNamara's, featuring wooden tables and chairs, large blue umbrellas, and a chalkboard sign. The scene is set in a public space with buildings and a rainbow flag visible in the background. The entire image has a blue color overlay.

Outdoor Cafes on Public Space

Encroachment Ordinance/ Outdoor Café License

County Code Initiative

- County license for private outdoor café use of any public space.
- Provides an Administrative process/requirements for café application, approval and renewal.
- Application Fee, plus an Annual License Fee, based on café square footage.
- Would be in addition to any requirements for cafés under the Zoning Ordinance
- Recommendations to be considered with FOOD Study recommendations to County Board

Approval Process- Preliminary Recommendations

Outdoor Cafes in the Public Space

- **Streamlined Administrative Process proposed**
- **Use Permit Background**
 - 2015- 2020- average of five use permits approved per year & six renewals (av.)
 - 3- month process with filing & advertisement deadlines
 - Public hearing- typically on consent agenda
 - Costs- approx. \$2,000 plus additional costs for applicant
- **Administrative Review Process- Benefits**
 - Streamlines the Review Process
 - Reduced Costs, Time and Resources for staff and applicant
 - Could improve enforcement/ inspection
 - County Board use permit approval for outdoor cafes in public access easement areas (POPS) or for requested modification of standards

A photograph of an outdoor cafe patio, likely at a private property. The scene is filled with wooden tables and chairs, many of which are shaded by large blue umbrellas. Some umbrellas have the word "Cervo" on them. In the foreground, a chalkboard sign reads "McNamara's Happy Hour 50% OFF bar drinks M-F 3pm-5PM". To the left, another sign says "JACK LIVES HERE". A rainbow flag is visible in the background. The entire image has a blue tint.

Outdoor Cafes on Private Property

Private Parking (off-street)

Existing TOSAs located within required parking



Rhodeside Grill (2019)



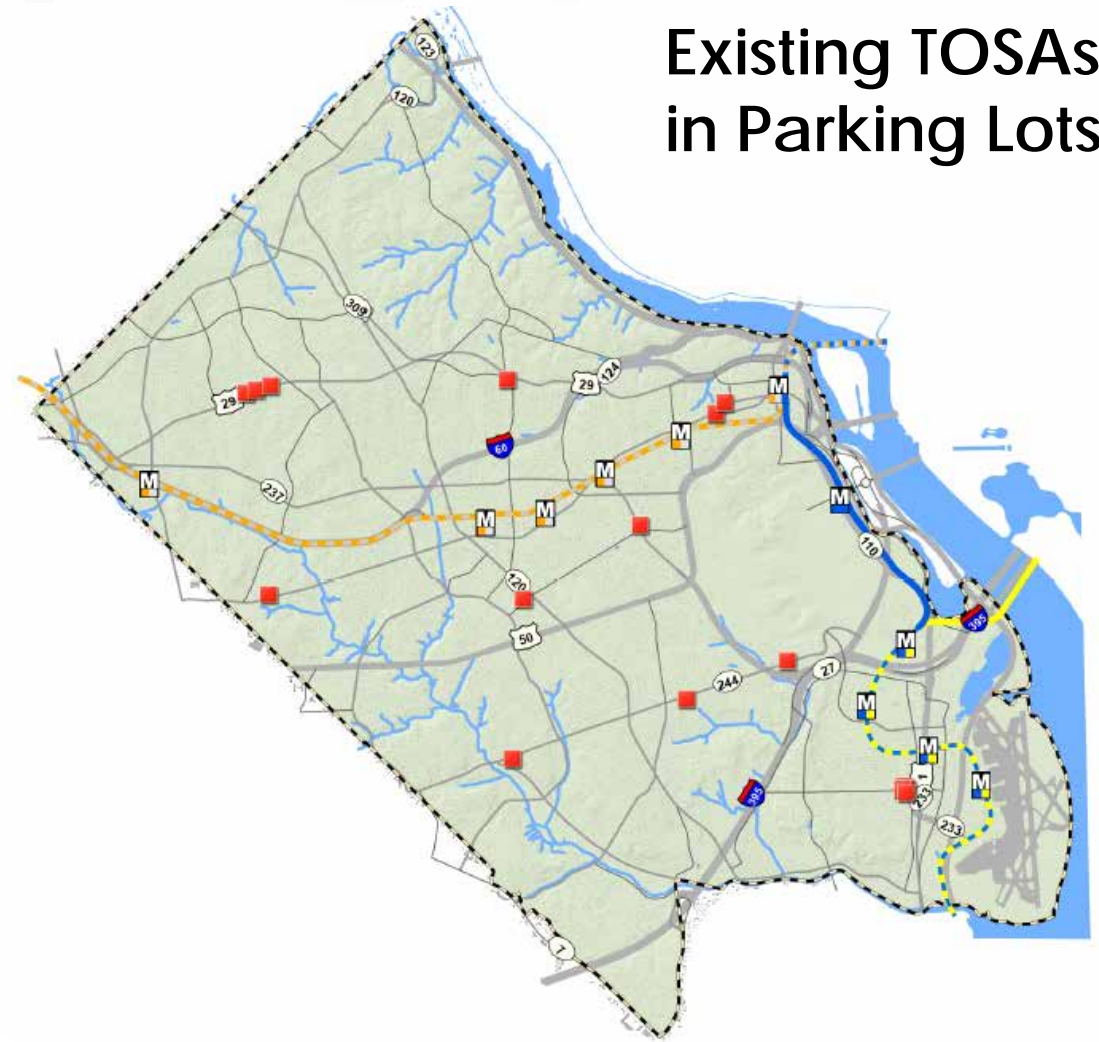
Rhodeside Grill (2022)

Private Parking (off-street)

Inventory of TOSAs

- **Approx. 145 TOSAs total**
 - Approx. 10 of Private TOSAs on off-street parking areas
 - TOSA typically occupies 4-5 parking spaces
 - 3 using shared parking lots
 - 23rd St. (Restaurant Row) in National Landing

Existing TOSAs in Parking Lots



■ TOSA

Outdoor Cafes on Private Property- Preliminary Recommendations

Zoning Ordinance Amendments to permit outdoor dining on ACZO required parking spaces subject to use permit approval by County Board

Considerations:

- Amend §12.9.15- *Outdoor Cafes*
- No changes to §14.3- *Parking*
 - Future Study for ACZO regulations for commercial parking as a whole- not just for restaurants
- Applications can be filed following County Board adoption
- Would impact approx. 10-12 TOSAs using parking spaces for outdoor dining
- Include design standards to aid in staff review of future use permits

A photograph of an outdoor dining area, likely a patio or deck, with several tables and chairs. The area is covered by large blue umbrellas, some of which have the word "Cervo" written on them. In the background, there are buildings and a rainbow flag flying. The image has a blue tint. The text "Schedule/ Next Steps" is overlaid in white in the center.

Schedule/ Next Steps

Schedule/ Next Steps

- **Focused Engagement w/ Key Stakeholders** (Now thru July)
- **Zoning Committee Meeting** (May 9 & June 6)
- **Commission Review** (May-June)(TC, PRC, PAC, EDC)
- **Planning Commission** (May 31) / **County Board- Request to Advertise** (June 10)
 - Zoning Ordinance Amendments
 - Encroachment Ordinance & Fee schedule
- **Planning Commission** (July 3) / **County Board- Action** (July 15)
 - Zoning Ordinance Amendments
 - Encroachment Ordinance & Fee schedule

Submit your feedback



- Provide your feedback, comments or questions by visiting the project page or by contacting staff

<https://www.arlingtonva.us/Government/Programs/Building/FOOD-Study>

Staff Contact: Brett Wallace, bhwallace@arlingtonva.us

A photograph of an outdoor dining area, likely a patio or terrace, featuring several wooden tables and chairs. Large blue umbrellas are open over the tables. In the background, a rainbow flag is visible on a pole. The scene is set against a clear blue sky. The text "Thank you!" is overlaid in white on the image.

Thank you!