



# Future of Outdoor Dining (FOOD) Study

NAOIP Update

June 14, 2023



# 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 '23

## Phase 3

### Information Sharing

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

**Aug 15, 2023**

TOSA Program  
Ending

New Outdoor  
Dining  
Regulations in  
Effect

# FOOD Study Purpose & Primary Goals

- Incorporate aspects of the Temporary Outdoor Seating Areas (TOSA) program into Arlington's framework for "permanent" outdoor cafés
- Inform other changes to current regulations for managing outdoor cafés
- Create a clear pathway forward for current TOSA permit holders looking to transition to/update permanent outdoor cafes

## Overarching Study Themes:

- Restaurants as a Public Good
- Restaurant Recovery & Resiliency
- Different Places & Spaces



# Recommended Framework- Key Elements

## 1. Zoning Ordinance Amendments

- Permit allowing outdoor seating in public spaces via administrative review
- Ability for County Board modification of parking requirements for seats located on required private parking spaces
- Other amendments to further study goals & recommendations

**Subjects of  
June RTA**

## 2. Encroachment Ordinance & Outdoor Café License (New County Code Chapter)

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

## 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

**Administrative  
Document  
(no County  
Board action)**



A photograph of an outdoor cafe patio. The scene is filled with wooden tables and chairs arranged under large blue and red umbrellas. In the background, there are buildings and a rainbow flag flying. The entire image has a blue tint. A large white text overlay is centered on the image.

# Zoning Ordinance Regulations & Guidance for Outdoor Cafes



# Background

## Outdoor Cafes- Current Approval Process

- **Guidelines for Outdoor Cafes (2013)**
  1. **Private Property-** Administrative approval
  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



# Applicable Policies and Regulations for Outdoor Cafes

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



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, and a rainbow flag is visible in the background. The scene is set against a clear blue sky. The image has a blue tint and a semi-transparent white text overlay.

# 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
    - Interdepartmental staff review team
    - Approved by County Manager through Continuity of Governance Ordinance
- **Approx. 100 TOSAs (public & private)**
- **TOSAs will expire August 15<sup>th</sup>, 2023**





# Outdoor Café – TOSA Examples





# Outdoor Café- TOSA Examples

**TOSAs in private parking spaces**



**TOSAs with pedestrian path in street parking lane**



# Phase 1 Engagement- What we heard

## Overview of Community Priorities and Considerations w/ TOSAs

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



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, and a rainbow flag is visible in the background. The scene is set against a clear blue sky. The text "Zoning Ordinance Amendments" is overlaid in white on the image.

# Zoning Ordinance Amendments



# Staff Analysis & Recommendations

## Existing & Proposed Process

Approval Path	Existing Standards	Proposed Standards
By-right (administrative)	1) Private property, unencumbered by public easements	1) Private property, unencumbered by public easements 2) Public sidewalks within rights-of-way <ul style="list-style-type: none"> <li>• Includes utility/street easements</li> <li>• Excludes travel-way or parking space</li> </ul>
County Board Use Permit	2) Public rights-of-way; public easements on private property, including 3) POPS	3) Privately owned public spaces (POPS)

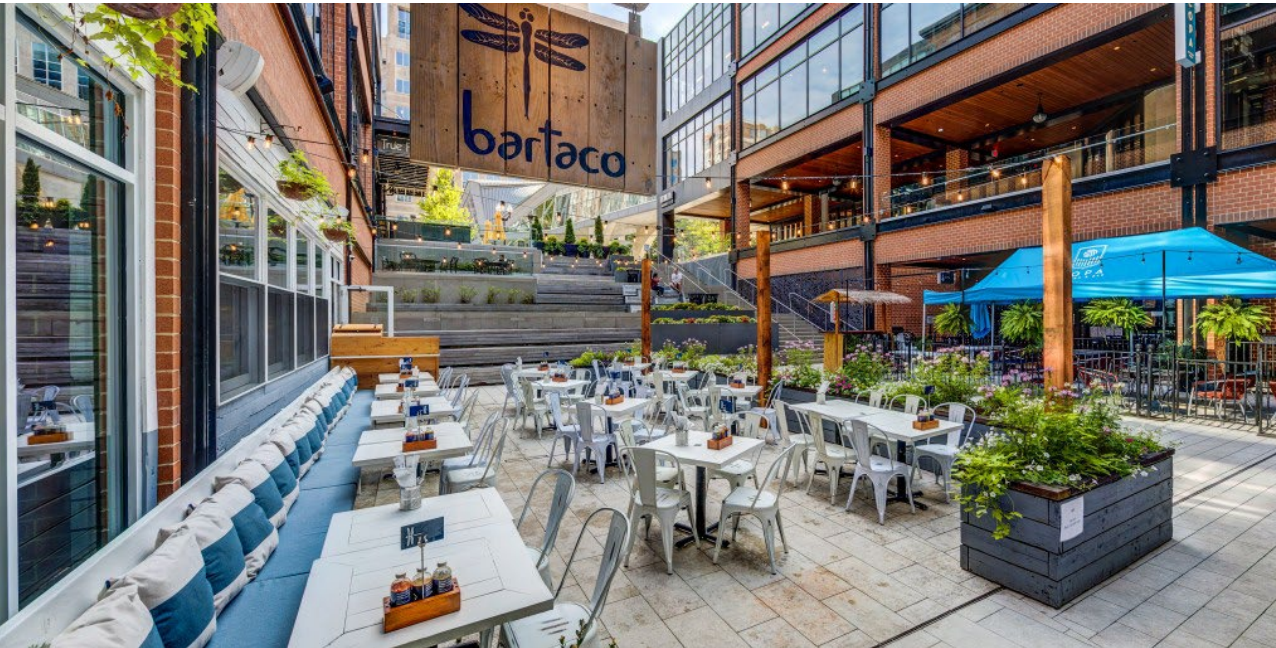




# Privately-Owned Public Spaces (POPS)

## Examples of Outdoor Cafes in POPS/ Public Access Easement Areas

- Approved as Use Permit by County Board

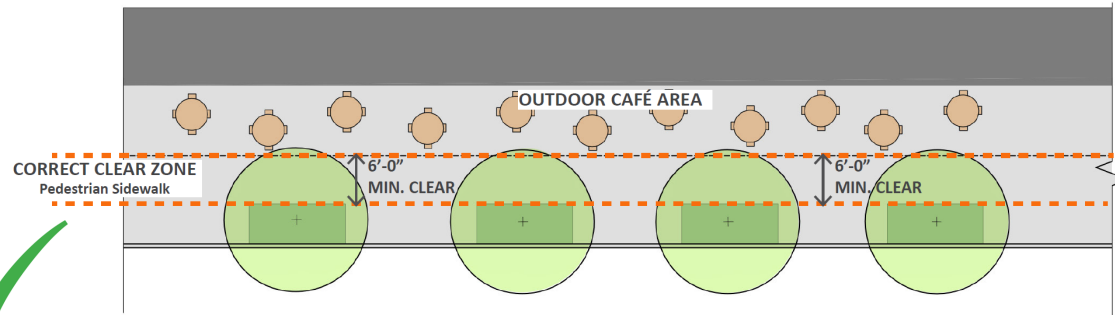




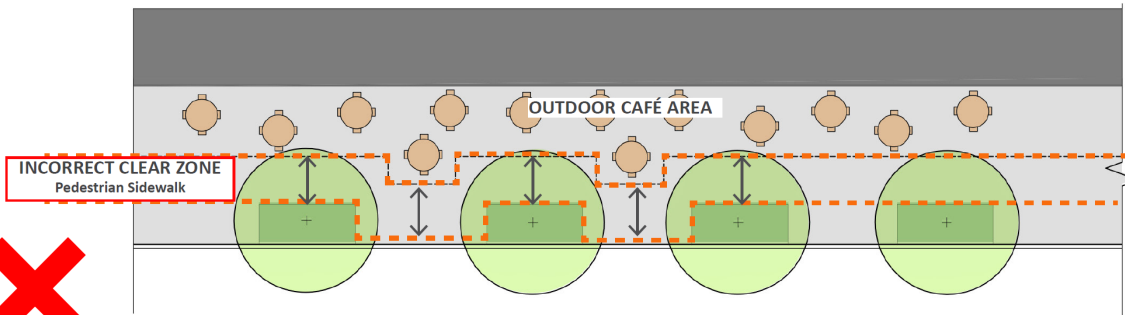
# Summary of Recommendations- Public Property

## Clear Sidewalk

- 6' straight, unobstructed pedestrian clear zone must be maintained (*unless greater as required by site plan*)



The Clear Zone is measured in a consistently straight path from the closest obstructions on both sides. Six feet minimum must be left clear for pedestrians. Site Plan Conditions or Sector Plans may call for a wider clear zone.



The Clear Zone must be a straight path. The Clear Zone cannot zigzag or be measured from varied obstruction points along the pedestrian path.





# Summary of Proposed Zoning Amendments

## Proposed Text Changes:

- **Article 12 Outdoor Cafes** to reflect proposed changes for the approval process:
  1. **Privately-owned Public Spaces (POPS)**
    - Requirement for outdoor café license (new Chapter 70)
    - Meets ACZO use standards
  2. **Public Property (sidewalks)**
    - Requirement for outdoor café license (new Chapter 70)
    - Meets ACZO use standards
    - Clear sidewalk dimension of 6-feet (or site plan requirement, if greater)
    - Location in front of restaurant
    - Sound/ entertainment not permitted adjacent to residential\*
  3. **Private Property**
    - Use of AZCO required parking for outdoor café by use permit approval when use standards are met



# Summary of Proposed Zoning Amendments

## Proposed Text Changes:

- **Articles 7 & 8 Commercial & Industrial Districts Use Tables-** Editorial changes to reflect proposed changes for the approval process for outdoor cafés
- **Article 14-Parking-** Editorial changes to resolve regulatory conflicts with allowing outdoor cafes in off-street parking spaces
  - Use permit for outdoor cafes located on ACZO required parking spaces subject to use standards
- **Article 18: “Public space, privately owned-** New Definition to distinguish POPS from other public easement areas (sidewalks)
  - Use permit for outdoor cafe(current practice)



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.

# County Code Chapter 70 Encroachment into Public Spaces



# Chap. 70 of County Code - Encroachment into Public Spaces

## Purpose of Chapter 70 of County Code

- Will facilitate administrative review and approval process for certain encroachments meeting required standards
- Simplifies and accelerates approval process for specified encroachments by avoiding the need to obtain an encroachment ordinance
- Provides a list of features that are permitted without an ordinance of encroachment or license

# Chap. 70 of County Code - Encroachment into Public Spaces

**Physical encroachments that will not require an Ordinance or compensation, if standards are met:**

- Canopies
- Awnings
- Projecting Signs
- Architectural Features
- Stoops/Stairs
- Planters, fencing, tables, chairs, benches and other similar items
- Bicycle racks, street furniture

**All other features that don't meet standards will still require an Encroachment Ordinance through County Board approval process**



# Chap. 70 of County Code - Encroachment into Public Spaces

## Outdoor Café Licensing Administrative Process

- An Outdoor Café License will be required for cafés located within a Public Space
- The café must meet the design requirements set forth in Chap. 70
  - No elements permanently affixed to the real property
  - Low barriers/fences can be attached, if surface can be capped/made flush
  - Not located within fire lanes, bicycle lanes, travel ways, loading docks, transit stops or emergency vehicle access areas
- Must have Building Permit and Occupancy Permit
- Must submit application with consent of owner (if different from Applicant) with detailed plans of café area and pay \$150 Application Fee
- Will require payment of Annual License Fee based on square footage of café area, per schedule of fees to be adopted by the County Board starting in FY 2025.

# Commission Review

- ✓ 5/9- Zoning Committee
- ✓ 5/25- Transportation Commission (info)
- ✓ 6/5- Pedestrian Advisory Committee
- ✓ 6/6- Zoning Committee Meeting
- ✓ 6/7- Chamber of Commerce
- ✓ 6/13- Economic Development Commission
- ✓ 6/13- County Board Request to Advertise
  - ✓ Zoning Ordinance Amendments
  - ✓ Encroachment Ordinance
- **6/14- NAOIP**
- **6/20- Park and Recreation Commission**
- **6/29- Transportation Commission (action)**
- **7/3- Planning Commission**
- **7/15- County Board- Action**
  - Zoning Ordinance Amendments
  - Encroachment Ordinance





# Engagement & Communications

- **Time Period:** June 15 – August 15

COMMUNICATION & ENGAGEMENT PRODUCTS/TASKS	PRODUCT/MATERIAL	TIMING
<b>Categorize Outdoor Café by 6 Types</b>	Spread sheet with staff assignments <ul style="list-style-type: none"> <li>• Use as an outreach tracker post-Board action</li> </ul>	In progress
<b>Notification of RTA</b>	<ul style="list-style-type: none"> <li>• Email newsletter; Letter to owner of record- Potential information to include:</li> <li>• TOSA categories and how to determine which they are in</li> <li>• How to follow the Board review process</li> <li>• How information will be shared with them after Board action</li> </ul>	After June 13
<b>Website Updates</b>	<ul style="list-style-type: none"> <li>• Links to relevant presentations</li> <li>• FAQ (as it is ready)</li> <li>• Category information</li> <li>• Link from AED website</li> </ul>	After June 13
<b>In-person delivery to individual TOSA holders</b>	Individual packets tailored to the different TOSA scenarios with information on steps restaurants need to take to maintain their outdoor seating/TOSA after Aug. 15- <b>CPHD/AED/BizLaunch “Street Team”</b>	After July 15
<b>Email electronic copy of all material</b>	Include links to required documents and <b>intake form for questions</b> /and consultation appointments	After July 15
<b>Virtual Q&amp;A information sessions</b> (if needed based on intake form)	Teams, Facebook Live, other	TBD: (Tuesday afternoon and Saturday morning)
<b>Consultations</b>	Teams Meetings (or potentially in-person options)	Aug. 15 and beyond to facilitate business becoming compliant

# Anticipated Activity Post July CB Meeting

- In-person direct engagement with restaurants with TOSAs (mid/late July)
- Interested restaurants file pertinent applications (by August 15)
- Continuity of Government Ordinance Ends (August 15)
- Interdepartmental staff works to review applications (est. 90-120 days)
- Anticipated decisions made on administrative/use permit applications (late 2023)



# 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](mailto:bhwallace@arlingtonva.us)

A photograph of an outdoor dining area, likely a patio or terrace, featuring several tables and chairs. Large blue umbrellas with the 'Cuervo' logo are prominent. A rainbow flag flies on a pole in the background. The scene is set against a clear blue sky. The text 'Thank you' is overlaid in white in the center of the image.

Thank you



