



Future of Outdoor Dining (FOOD) Study

Planning Commission

July 6, 2023

Recommended Framework- Key Elements

1. Adoption of Zoning Ordinance Amendments related to the FOOD Study

- 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 the study goals & recommendations

#1 Subject
of July PC
Meeting

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

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

#1 & #2
Subjects of
July CB
Meeting

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

Administrative
Document
(no County
Board action)

Study Schedule

Aug 15, 2022

County
Manager
Removal of
Emergency
Order

FOOD Study
Launch

Sept- Nov '22

Dec- Feb/Apr '23

May- July/Aug '23

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)

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

Phase 3

Information Sharing

- Zoning Ordinance Amendments
- Updates to Outdoor Café Guidelines

June

- Request to Advertise
- Commission Review

July

- Planning Commission
- County Board

August

- Initial Application Period
- Restaurant Consultations

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



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 15th, 2023**



Phase 1 Engagement- What we heard

Overview of Community Priorities and Considerations w/ TOSAs

- Support for local businesses
- Enjoyment of outdoor dining
- Provide safe, accessible pedestrian circulation
- Support for reduced parking for expanded outdoor dining
- Streamline the process



Proposed Zoning Ordinance Amendments

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"> • Includes utility/street easements • Excludes travel-way or parking space
County Board Use Permit	2) Public rights-of-way; public easements on private property, including 3) POPS	3) Privately owned public spaces (POPS)



Summary of Proposed Zoning Amendments

1. Private Property

- Use of ACZO required parking for outdoor café by use permit approval when use standards are met
- Permit fixtures and furnishings in the outdoor café to be affixed to the ground
- Sound/ entertainment not permitted adjacent to R & RA districts*
- Requirement for lighting to be arranged and/or hooded & confined within outdoor café area

2. Public Property (sidewalks)

- Requirement for outdoor café license (Chapter 70 of County Code)
- Clear sidewalk dimension of 6-feet (or site plan requirement, if greater)

3. Privately-owned Public Spaces (POPS)

- Use permit required
- Requirement for outdoor café license (Chapter 70 of County Code)

Summary of Proposed Zoning Amendments

- **Articles 6, 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 café (current practice)

Encroachment Ordinance/ Outdoor Café License

New County Code Chapter 70 (subject to another staff report)

- 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
 - Fees TBD in FY2025 Budget- Anticipated effective July 2024
- Would be in addition to any requirements for cafés under the Zoning Ordinance
- Recommendations to be considered with FOOD Study recommendations to County Board in July 2023

Commission Review

- ✓ 5/9- Zoning Committee
- ✓ 5/25- Transportation Commission (info)
- ✓ 6/5- Pedestrian Advisory Committee
- ✓ 6/6- Zoning Committee
- ✓ 6/7- Chamber of Commerce
- ✓ 6/13- Economic Development Commission
- ✓ 6/13- County Board Request to Advertise
 - ✓ Zoning Ordinance Amendments
 - ✓ Encroachment Ordinance
- ✓ 6/20- Park and Recreation Commission
- ✓ 6/29- Transportation Commission (action)- Voted 7-2 to defer
- **7/6- Planning Commission**
 - Zoning Ordinance Amendments
- **7/15- County Board- Action**
 - Zoning Ordinance Amendments
 - County Code Chapter 70- Encroachments into Public Spaces

Implementation

Infrastructure and Framework

- **Develop by October 16, 2023 (approx. 90-days after adoption of ZOAs)**
 - Establish the administrative process necessary to receive, review, and process applications for outdoor cafés
 - Staff will work with applicants to prepare submissions
 - Materials to develop may include:
 - Completing updates to the Outdoor Café Design Guidelines administrative document
 - Generating step-by-step guides, how-to videos, FAQs
 - Making updates to applicable web pages



Engagement & Communications

- Time Period: July-October

Timing	Method	Purpose/ Information
July (after County Board meeting)	Email	<ul style="list-style-type: none"> Summary of County Board actions Inform restaurants there is nothing they need to do before Aug. 15 Share POC/ place for questions
August (around time of COGO expiration)	Email	<ul style="list-style-type: none"> Provide additional details ahead of Oct. 16 go live Form with the details of their TOSA Complete the Design Guidelines document Info on how to submit questions & request consultations Checklist of what decisions they need to make before applying Chart of different TOSAs and necessary approvals (licenses/permits)
September	In person (and email follow up)	Provide specific information that restaurants need before applying <ul style="list-style-type: none"> All of August info in hard copy Details about how to apply (FAQ, flowcharts, videos, etc.)
October 16 and on		Application & Review

C.M. Recommendations

1. **Adopt the proposed amendments to Articles 6, 7, 8, 12, 14 and 18 of the ACZO, to permit outdoor cafés to reflect proposed changes for the approval process in public rights-of-way by administrative review, and to permit outdoor cafés to be located within private parking spaces required by the ACZO by use permit,** to permit outdoor cafés as an accessory use to food establishments, to permit outdoor cafés associated with a food establishment as an accessory use within privately owned public spaces by use permit, to permit fixtures and furnishings associated with outdoor cafés on private property to be affixed to the ground, to prohibit sound, audio or visual entertainment from being piped into or played so as to be visible or audible from an outdoor café on private property when located in a side or rear yard abutting or across from an alley from an R or RA district, to permit outdoor cafés as an accessory use to a food establishment in the RA8-18 and RA6-15 districts, to amend §18.2 (General Terms Defined) to establish a new definition for public spaces that are privately owned, require any lighting located within or immediately adjacent to the outdoor café area to be hooded to substantially confine all direct light within the boundaries of the outdoor café area, and other items noted in the staff report as part of the Future of Outdoor Dining (FOOD) Study.

C.M. Recommendations

2. **Authorize the County Manager to direct staff to establish by October 16, 2023, the administrative implementation infrastructure and framework necessary to operationalize the future receipt, review, and processing of applications for outdoor cafés in accordance with the recommended ACZO amendments (Attachment 2) (and the proposed new Chapter 70 of the County Code regarding Encroachments into Public Spaces, subject to a separate report for the July 15, 2023, County Board Meeting).**

A photograph of an outdoor dining area, likely a patio or terrace, featuring several wooden tables and chairs. Large blue umbrellas with the 'Cuervo' logo are positioned over the seating. A rainbow flag flies on a pole in the background. In the foreground, a chalkboard sign reads 'McNamara's Happy Hour 50% OFF bar drinks M-F 3pm-5pm'. Other signs include 'JACK LIVES HERE We're good Thanks for Masking' and 'WE'. The scene is set against a backdrop of buildings and utility poles under a clear sky.

Thank you