



Future of Outdoor Dining (FOOD) Study

Park & Recreation Commission

June 20, 2023

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

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



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 deck, 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 15th, 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

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



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

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 the 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)**

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"> • 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)



Privately Owned Public Spaces (POPS)

Public Spaces Master Plan adopted (2019) defines privately-owned public space as:

“a privately developed space that remains under private ownership but has an easement or license that guarantees it is open and accessible to the public.”

- **Typically dedicated/ recorded with deed of public access easement or by site plan condition**
- **POPS Inventory**
 - Approx. 75 POPS throughout the County
 - Approx. 800,000 SF (~18 acres)
- **PSMP Design Guidelines for POPS**

Design Guidelines

DESIGN GUIDELINES FOR
ARLINGTON COUNTY'S
PRIVATELY-OWNED PUBLIC
SPACES



PUBLIC SPACES VISION

Arlington County envisions a network of publicly- and privately-owned public spaces that connect the County's established neighborhoods and growing corridors to natural areas, protect valuable natural resources, provide opportunities for structured and casual recreation, and ensure access to the Potomac River, Four Mile Run, and their tributaries.

Public Spaces Master Plan (2019)

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.

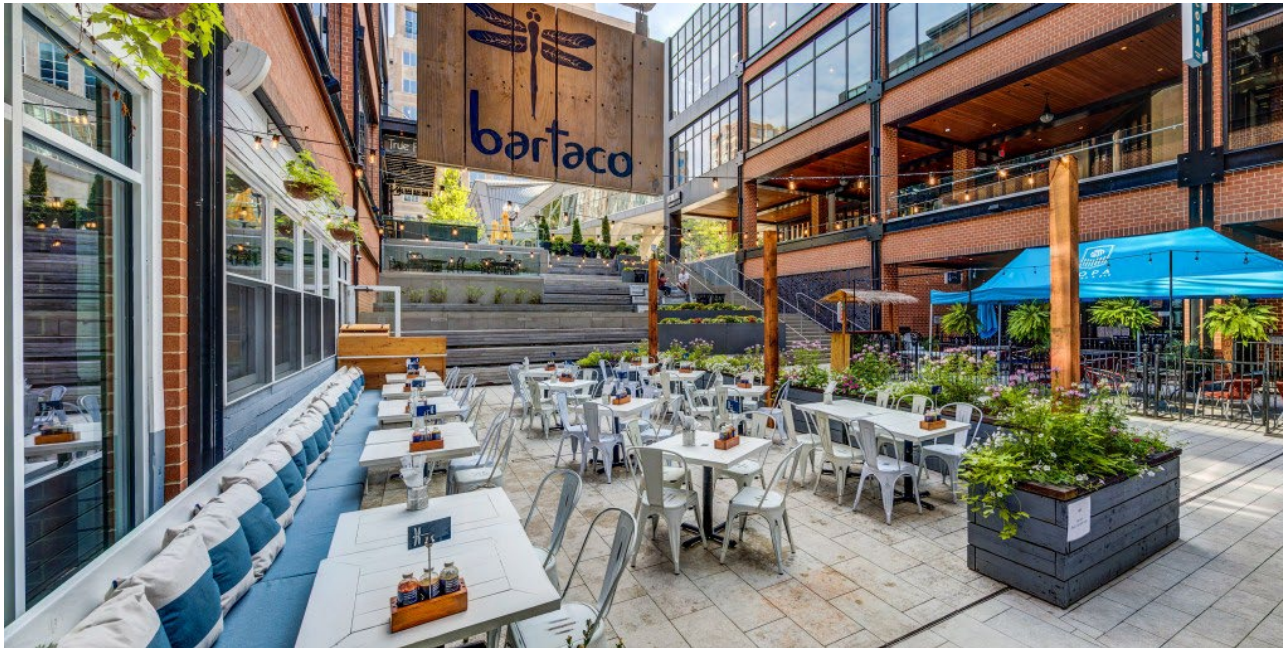
- **Goal 1.5.18** identifies that private businesses are appropriate in POPS in certain contexts, but that they should be identified early in the process, not retrofitted through a later program.
- **Goal 1.10.1** encourages activation of POPS, though mostly as one-off events, rather than permanent outdoor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



Privately-Owned Public Spaces (POPS)

Examples of Outdoor Cafes in POPS/ Public Access Easement Areas

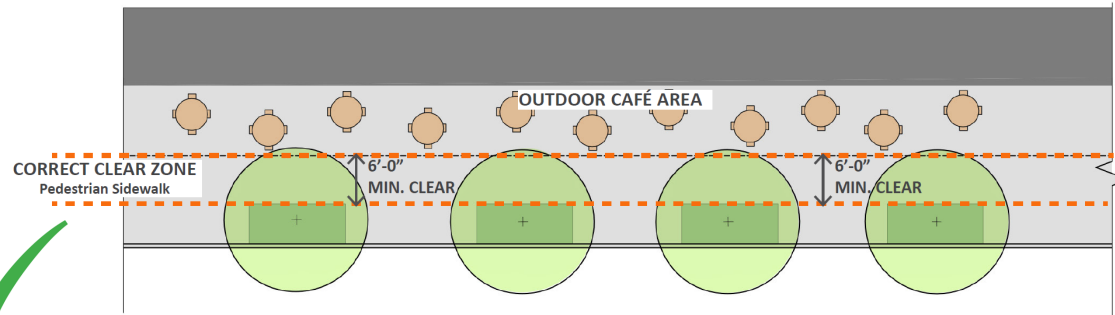
- Approved as Use Permit by County Board



Summary of Recommendations- Public Property

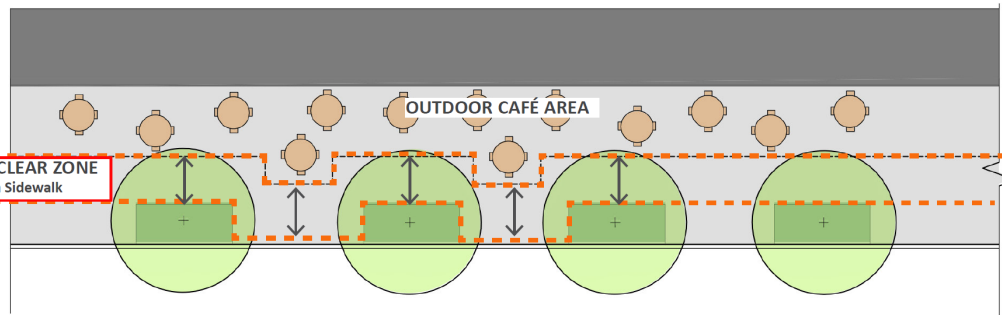
Clear Sidewalk

- 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.

INCORRECT CLEAR ZONE
Pedestrian Sidewalk



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. **Private Property**
 - Use of AZCO required parking for outdoor café by use permit approval when use standards are met
 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. **Privately-owned Public Spaces (POPS)**
 - Requirement for outdoor café license (new Chapter 70)
 - Meets ACZO use standards

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 cafe patio. 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 on a pole, and utility wires. A chalkboard sign in the foreground reads 'M M Monday Happy hour 50% off bar drinks M-F 3pm-5pm'. Another sign to the left says 'JACK LIVES HERE We're good Thanks for Mucking'. The entire image has a blue tint.

County Code Chapter 70 Encroachment into Public Spaces

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>
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Encroachment Ordinance/ Outdoor Café License

County Code Chapter 70

- 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

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
- **6/20- Park and Recreation Commission**
- **6/29- Transportation Commission (action)**
- **7/3- Planning Commission**
- **7/15- County Board- Action**
 - Zoning Ordinance Amendments
 - Encroachment Ordinance

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 (COGO) 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

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