



July 13, 2023

Christian Dorsey
Arlington County Board
2100 Clarendon Blvd, Suite 300
Arlington, VA 22201

Dear Chair Dorsey,

The Arlington Chamber of Commerce strongly supports Items 58 and 59 on the Agenda, Zoning amendments to establish regulations for outdoor cafes in public rights-of-way and on private property, and to authorize owners or occupants of property abutting public spaces or property own and maintain certain structures such as outdoor cafes.

The Chamber has advocated over the past three years for operators of Temporary Outdoor Seating Areas (TOSAs) to have the ability to permanently retain them after the expiration of the temporary regulations introduced due to the pandemic. We also have championed a straightforward permitting process for retaining TOSAs as permanent additions to restaurants.

We urge the County Board to adopt these proposed Zoning amendments. We anticipate the proposed permitting process to work well for both operators of existing TOSAs and for operators who wish to submit permits for outdoor dining areas in the future. We expect many TOSA operators will apply to keep most or all of their outdoor dining space. We consistently hear from restaurants who have been waiting for the completion of permanent changes, to allow them to plan and invest for the future. These regulations would permit most operators to do exactly that.

However, while we support the framework for the permitting process, we are concerned by the long period of time between the expiration date of TOSAs and the implementation of the framework. The two-month gap between the expiration date of August 15 and the implementation deadline of October 16 leaves the potential for confusion, both from restaurant operators and from Arlington residents. We encourage Staff to prioritize communications with restaurants throughout the process, particularly once the ordinance is adopted by the County Board and the initial information on the permitting process is announced. The Chamber is ready and willing to assist with disseminating information to our member restaurants following the passage of this ordinance.

In addition, the County must consider the enforcement situation for restaurants during the two-month period. We appreciate that Staff have reiterated their commitment to working with all TOSA operators that act in good faith, and assist them in navigating through the permitting process. The proposed "complaint-based enforcement" seems well intended, but during a period where TOSA operators are in a state of uncertainty, it may cause problems for restaurants during a busy seasonal time for outdoor dining. We ask Staff to ensure that potential complaints don't lead to disproportionate punishments during this two-month period. We are pleased to hear of the individualized outreach to each restaurant, explaining all required permits and steps for their cases, but we urge Staff to be clear on the enforcement situation as well.

Arlington's local restaurants contribute to the quality of life that we all enjoy, and we strongly encourage the County Board to adopt these regulations to help these businesses thrive. We look forward to continued partnership with Staff on this effort in the coming weeks and months.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Kate Bates". The script is fluid and cursive, with the first letters of each word being capitalized and larger than the rest of the letters.

Kate Bates
President & CEO

CC: Vice-Chair Libby Garvey; Members Takis Karantonis and Matt De Ferranti; County Manager Mark Schwartz; CPHD Director Claude Williamson; Planning Director Anthony Fusarelli, Principal Planner Brett Wallace.