

APPLICATION FOR ADMINISTRATIVE APPROVAL FOR TEMPORARY OUTDOOR SEATING AREA (TOSA)



Office of the County Manager
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Filing Instructions

For businesses that qualify for the creation or expansion of a TOSA during the emergency related to COVID-19, applications and supplemental documents may be emailed to TOSA@arlingtonva.us.

1. Read all applicable TOSA guidelines and complete application
2. Prepare all supporting materials listed under 'Checklist of Additional Submission Materials'
3. Submit application and supporting materials via email to email address listed above
4. Questions? Email TOSA@arlingtonva.us or call us at (703) 228-3525

TEMPORARY OUTDOOR SEATING AREA Application		
Business Name:		Date:
Type of Business / Use:		
Is business an existing food or beverage service establishment with approved Certificate of Occupancy? <i>(required)</i>		Yes No
Business Address:	RPC # (Real Property Code):	
Other Property Identifiers:	Zoning District:	
Applicant Information		
Name:	Relation to Business:	
Address:	Phone #:	
Email Address:	Back Up Contact Name and Phone #:	
Special Exception, Certificate of Occupancy, and Parking Details		
Does restaurant have current Use Permit or Site Plan approval for an Outdoor Café? Yes No		Use Permit # / Site Plan # (if applicable):
Existing Interior Certificate of Occupancy Permit #:	Max. Occupancy Load (interior):	Existing Outdoor Certificate of Occupancy Permit # (if applicable):
Describe customer parking arrangements. Does restaurant have designated parking spaces? If so, where are these spaces located? Are they within a parking garage or in a parking lot? Etc...		

Outdoor Seating

Note: carefully read through the TOSA guidelines before filling this section out

Describe location of proposed outdoor seating (sidewalk, parking lot, parking space, courtyard, plaza, etc....):

Is this an expansion of an existing outdoor seating area?

Yes No

Is the proposed seating area in the public right-of-way or in public space (e.g., sidewalk, public plaza, street, parking space)?

Yes No

Seating area size (square feet):

Seating area dimensions (length x width):

Proposed number of seats:

Proposed number of tables:

Will alcohol be served in TOSA?

Yes No

If yes to alcohol, describe barrier to enclose seating area (required):

Are any of the following streetscape items currently within the proposed seating area (check all that apply):

Tree Pit

Street Light

Permanent Signage

Telephone / Electrical Pole

Fire Hydrant

Bike Rack

Parking Meter

Trash Can

Newspaper Stand

Does restaurant offer take-out and delivery options:

Yes No

Describe (current and/or proposed) location of temporary parking for food delivery drivers and take out customers:

Checklist of Additional Submission Materials

Note: clearly label all drawings, maps, and photos

Provide the following items that depict the **EXISTING** site, including area where outdoor seating is proposed:

Aerial map

Photographs

If available, a survey plat, drawings, or plans

Provide a Plat/Site Plan that depicts the **PROPOSED** TOSA. The Plat/Site Plan shall be inclusive and show the following:

Existing site conditions, including any streetscape items previously listed (tree pits, etc...)

Location and number of seats and tables

Clearly defined entry and exit points

Dimensions of TOSA (length x width)

Minimum distance of 6 feet between tables

Minimum clear sidewalk width of 6 feet for pedestrian passage on public sidewalk and in public space

Location of barrier surrounding TOSA (required if subject to ABC license)

Distance between TOSA and restaurant entrance (must be less than 100 feet if subject to ABC license)

Other temporary elements such as canopies, umbrellas, planters, etc...

Provide the following only if TOSA is on private property not owned by business:

Statement of Consent from Property Owner to include owner's name, title, address, phone number and email

Not applicable

If available, please also provide the following to assist with County staff's review (do not contact County for this information):

Copy of existing Certificate of Occupancy and Capacity Certificate for interior restaurant

If applicable, copy of existing Certificate of Occupancy, Capacity Certificate, and seating chart for outdoor dining area

Requirements and Guidelines for Temporary Outdoor Seating Area (TOSA)

Application and Operation

In order to ensure the health and safety of restaurant patrons and the general public, restaurants that would like to open a TOSA will need to adhere to certain [requirements and guidelines](#), which are outlined below [and on the Arlington County's TOSA web page](#), and [may](#) vary based on the location of the proposed TOSA.

MANDATORY REQUIREMENTS FOR ALL TOSAS

1. In addition to these TOSA [guidelines/requirements](#), businesses must abide by all other federal, state, and local laws and regulations, including temporary measures that have been created in response to the COVID-19 crisis, which include, but are not limited to, the Governor's [Executive Order 61](#), [Executive Order 62](#), and the Virginia Alcoholic Beverage Control Authority [COVID-19 Response Document](#).
2. TOSAs are only permitted for existing restaurants or food/beverage service establishments with approved Certificates of Occupancy.
3. Tables and seating must be spaced at least six feet apart and permit parties of [10 or less people](#). ~~no greater than 10 people.~~
4. The total maximum number of seats that may be approved for outdoor dining (within existing outdoor cafes and/or a TOSA) is 50% of 1) your interior seating capacity, or 2) your exterior seating capacity if ~~that is~~ greater, as listed on the approved Certificate of Occupancy. Interior and exterior seating capacities may not be combined to establish a basis for your total outdoor seating capacity.
5. Live entertainment, gaming activities, TVs, and piped-in music within a TOSA are not allowed.
6. Restaurant patrons seated in a TOSA must have clear access to restroom facilities within the restaurant.
7. If TOSA is subject to an ABC license, it must be located within 100 feet of the subject restaurant.
8. If TOSA is subject to an ABC license, alcohol can be sold and consumed between 9am and 11pm.
9. TOSAs are to remain *temporary* structures (no fixtures permanently anchored to surface) and uses until their expiration. The allowance of TOSAs does *not* supersede the requirements of the [Virginia Building Code \(VUSBC\)](#).

Applicant Disclosure Agreements

The undersigned attests that all of the information herein provided is true, correct, and accurate to the best of their knowledge.

The undersigned acknowledges that approval of the TOSA is temporary, is subject to periodic review, and may be terminated at any time by Arlington County.

The undersigned agrees to comply with all TOSA Mandatory Requirements and Guidelines ([including those on Arlington County's TOSA web page, at https://building.arlingtonva.us/permits/tosa/](#)) that pertain to the specific location of the TOSA ~~as outlined in this application document~~. Failure to comply may result in the revocation of TOSA approval and removal of the TOSA.

The undersigned agrees to comply with all requirements set forth in all applicable federal, state, and local laws, ordinances, and regulations, including, by way of illustration and not limitation, those administered by the Governor of Virginia, the Virginia Alcoholic Beverage Control Board, and the following Arlington County departments: the Zoning Office, the Inspection Services Division, the Community Code Enforcement Office, the Police Department, the Fire Marshal's Office, the Department of Environmental Services, and the Department of Human Services.

Applicant Signature

Date