



***Zoning Text Amendment #2022-00009
Aligning the King Street Outdoor Dining Program
with the Commercial Parklet Program***

Issue: (A) Initiation and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to align minor elements of the King Street outdoor dining overlay zone (Section 6-800) with the commercial parklet program for outdoor dining in on-street parking spaces	Planning Commission Hearing:	September 6, 2022
	City Council Hearing:	September 17, 2022
Description: (A) Initiation and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to align minor elements of the King Street outdoor dining overlay zone (Section 6-800) with the commercial parklet program for outdoor dining in on-street parking spaces		
Staff: City of Alexandria, Department of Planning & Zoning Ann Horowitz, Principal Planner, Department of Planning & Zoning, Land Use Services		
Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment.		

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2022: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to initiate ZTA #2022-00009. The motion carried on a vote of 6-0, with the recusal of Commissioner Manor. On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission recommended approval of ZTA #2022-00009. The motion carried on a vote of 6-0, with the recusal of Commissioner Manor.

Reason: The Planning Commission agreed with the staff analysis.

I. SUMMARY

The Department of Planning & Zoning (P&Z) proposes Zoning Ordinance Text Amendments to adjust a few minor requirements of the King Street Outdoor Dining (KSOD) Program for sidewalk dining to coordinate with the Transportation & Environmental Services (T&ES) parklet program for dining in on-street parking spaces. Restaurants in the King Street Dining Overlay may choose to simultaneously operate outdoor dining on the sidewalk through a P&Z permit and in a commercial parklet with a T&ES permit and to do so requires an alignment of requirements to ensure a seamless outdoor operation for restaurant owners.

II. BACKGROUND

The City Council approved text amendments in 2007 to create the King Street Outdoor Dining Program and in October 2021 to allow for the T&ES Parklet Program. The Traffic and Parking Board approved the process and standards for parklet review in late 2021. Presently, staff is accepting applications for KSOD sidewalk dining and for commercial parklets to encourage restaurants to transition from the temporary outdoor business permits allowed under the City Council COVID-19 emergency authorization, and expire on September 30, to the permanent City program permits.

III. TEXT AMENDMENT RECOMMENDATIONS

Amendments to Section 6-805 – Standards for outdoor dining are proposed. The actual text language can be found on the attachment.

1. B. During the temporary outdoor COVID-19 business program, restaurants were allowed to extend sidewalk seating in front of adjacent businesses with property and tenant permission. The commercial parklet permit has carried over this feature and staff recommends that the KSOD program allows this opportunity, one that resulted in no complaints or negative impacts during the temporary program.
2. D. Requiring that the number of indoor and outdoor seats is determined by the state building code coordinates with the requirements of the commercial parklet program and has been successfully applied in Special Use Permit reviews for the past two years. Staff finds having a uniform method of establishing the number of dining seats streamlines the process for businesses and City staff.
3. F(3). In instances when a restaurant in the King Street Dining Overlay would like sidewalk and parklet dining, the need for a two-foot clearance along the curb is unnecessary as the parklet is a raised platform flush with the curb. The proposed change would not require the two-foot clearance when applicants operate on the sidewalk and in a parklet.

4. O(3). In addition to T&ES, the Board of Architectural Review would also need to review the permanent installation of an enclosure on brick sidewalks. This requirement has been added.
5. O(4). The King Street Outdoor Design Guidelines have been used as the basis for the newly developed City Outdoor Design Guidelines, which would apply to commercial parklets as well as to all outdoor dining areas in the City. Establishing City-wide dining design guidelines equitably provides businesses with the same aesthetic standards as detailed in one City source.
6. O(5)(a) and (b). Given that the temporary outdoor dining program allowed dining furniture to be set up year-round without negative impacts, and the commercial parklet program continues this practice, staff recommends deleting the KSOD requirement to bring in furniture when the restaurant is closed between the Monday before Thanksgiving and March 31.
7. O(6). The restriction on tall tables is proposed for deletion as the aesthetic can create a welcome variety along King Street and its side streets. Staff retained this text reference and added that the storage of any furniture may not occur in the public right-of-way.

IV. CONCLUSION

The proposed text amendments represent a coordination of the King Street Outdoor Dining Program requirements with the new parklet program to streamline standards that the two programs share. Staff plans future efficiencies for restaurants who are interested in the two programs by creating one application for the 2023 outdoor dining season.

Staff:

Tony LaColla, Division Chief, P&Z Land Use Services
Ann Horowitz, Principal Planner, P&Z Land Use Services

Attachments: Proposed Zoning Text Amendments

Text Amendment #2022-00009
Recommended language

Sec. 6-800 - King Street outdoor dining overlay zone.

6-805 - Standards for outdoor dining.

B. The outside dining area shall be located adjacent to the property of an existing and lawfully operating restaurant and shall be under the responsible direction and control of the restaurant. It may be located adjacent to the building or near the curb but shall be contained within the location delineated by the permit. Dining may be set up in front of an adjacent business with approval of that property owner and all tenants of the building.

~~D. The total number of seats (both indoor and outdoors) shall not exceed the restaurant's previously approved maximum number of seats by more than 20 seats, and the number of seats permitted is dependent on the amount of space available and on building and fire code requirements. Any increase in number of seats for outdoor dining in the public sidewalk approved under this section shall not be deemed by the director to constitute an intensification of use. The number of indoor and outdoor seats must comply with the statewide building code.~~

F. In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:

(3) Outdoor dining areas located near the sidewalk curb must leave at least two feet of unobstructed sidewalk depth between the curb and the outer dimension of the outdoor dining area unless the sidewalk dining directly abuts a commercial parklet.

O. The design of the outdoor dining facilities which are visible from the public street or way, shall comply with the following:

(3) Permits must be obtained from the department of transportation and environmental services and a board of architectural review certificate of appropriateness in order to penetrate the public sidewalk surface or install an outdoor dining enclosure which penetrates the public sidewalk.

(4) The design of the area shall comply with ~~any board of architectural review approved the city outdoor dining~~ design guidelines. ~~The board's guidelines shall provide reasonably objective guidance as to acceptable colors, materials and related design standards.~~

(5) Storage ~~and removal~~ of outdoor dining furniture and enclosures:

(a) ~~Between April 1 and the Sunday before Thanksgiving of the same calendar year, a~~ All outdoor dining furniture and enclosures may be ~~stored on~~ set up in ~~on~~ the public right-of-way daily when the restaurant is open or closed to the public.

(b) ~~Between the Monday before Thanksgiving and March 31 of the following calendar year, all outdoor dining furniture and enclosures must be removed from the public right of way daily when the restaurant is closed to the public, in accordance with~~ section 6-805(E).

(6) ~~Tall tables and tall seating for tables shall not be permitted in the public right of way. As used in this section 6-805, a "tall table" is defined as any table with a table top surface higher than 32 inches above the ground, and "tall seating" is defined as chairs, seats, stools, or benches designed or intended for use with tall tables. Storage of outdoor dining furniture and enclosures may not occur in the public right-of-way.~~