Transitioning to Winter

A guide for traditional and temporary outdoor dining areas

October 1, 2020

ARLINGTON
VIRGINIA

Introduction

Extending the outdoor dining season into the fall and winter months is essential for businesses to remain viable as statewide physical distancing mandates limit indoor dining capacity.

This document is intended to provide updated guidance to Arlington County restaurants and bars to continue operating outdoor dining cafes safely and responsibly during the 2020 -2021 winter season.

The information and guidance in this document may pertain to traditional outdoor cafes (previously approved administratively or via use permit/site plan before March 2020), as well as temporary outdoor seating areas (TOSAs) approved during the COVID-19 public health emergency by the County Manager. Details on what may be permissible and/or the process to get implement such changes may vary depending on specific circumstances.

The Internet references cited in this publication were valid as of the date of this publication. Given that URLs and websites are in constant flux, neither the author(s) nor the Arlington County Government and its agencies can vouch for their current validity.

October 1, 2020

An Important Note on All Heaters

In addition to adhering to the Virginia Statewide Fire Code outlined in this document, all heating elements must follow the manufacturer's guidance for installation and appropriate use of the heater.

While this document is intented to provide detailed guidance on viable heating elements for outdoor cafes, there are numerous makes and models of heaters on the market.

For this reason, it is highly recommended that interested parties gain a comprehensive understanding of a specific heating element's use limitations prior to purchase.

These may include, but are not limited to, the following:

- **Appropriate use type**. All outdoor cafe heaters must be for commercial use and must be marked as "UL Listed or "UL Classified". Heaters for residential use are not appropriate for outdoor cafes.

- **Clearance** from people, animals, and combustibles. In addition to the 5 foot clearance for LP-Gas heaters and 3 foot clearance for electrical heaters, as indicated in the Fire Code, specific types of heaters may require more clearance per the manufacturer's recommended safety guidelines, which may not be able to be accommodated in outdoor cafe spaces.

- **Length of use**. Per the manufacturer's recommended safety guidelines, specific types of heaters do not recommend use for an extended period of time, which may not be appropriate for outdoor cafes.

For assistance, please contact the Fire Prevention Office at 703-228-4644.

Electric Heaters

LP-Gas (Propane) Heaters

LP-Gas (Propane) Heaters

General Guidance

- Must be approved for Commercial Use (UL approved).
- Must be in compliance with the manufacturer's guidance.
- Placement of LP-Gas Heaters must be the greater of 5 feet to buildings, combustibles, exits or discharges or the manufacturer's guidance.

Prohibited Uses

- **LP- Gas Heaters are prohibited inside/below tents, canopies, and membrane structures.**
- LP-Gas Heaters are prohibited inside any occupancy where connected to a fuel gas container.
- LP-Gas Heaters are prohibited on exterior balconies.
- LP-Gas Heaters are not allowed to be stored or used on a rooftop. Please note, some at grade areas with underground parking are the rooftop of the parking garage and would prohibit the use of propane heaters.

Permit Process

- A Fire Prevention Code Permit is required for the storage and/or use of LP-Gas. An application for a LP-Gas or Hazardous Material shall be completed and submitted to the Fire Prevention Office. Applications can be obtained at https://fire.arlingtonva.us/fire-code-information/lp-gas/
- Processing an application for a LP-Gas permit can take up to seven business days provided the application is complete and all requirements are met. An on-site inspection must be satisfactorily completed in order for a permit to be issued.
- Please note: LP-Gas shall not be stored or used until the inspection is conducted and the permit is issued.

Application of Guidance to TOSAs

- If tables and/or chairs need to be removed or reconfigured to accommodate the placement requirements of LP- Gas heaters and state-mandated physical distancing requirements, a revised site plan, referencing the TOSA Permit Number, should be submitted to TOSA@arlingtonva.us.
- Where applicable, fire prevention permits will be issued once the revised TOSA seating plan and layout have been approved by County staff.

Alternative Fuel Sources

Portable heaters that utilize a fuel source other than LP-Gas (such as diesel, kerosene, wood/timber, etc.) follow the guidance stated here. However, these fuel sources raise additional issues related to use in a restaurant setting. These issues include fuel storage, heater storage, fuel spill protection, ash disposal, guards against contact and the electrical cord that will be used to run this type of heater. For this reason, heaters that utilize fuel sources other than LP-Gas may require additional documentation to account for these issues.

For additional information, contact the Fire Prevention Office at 703-228-4644.

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Portable Electric Heaters

General Guidance

- Must be approved for Commercial Use (UL approved).
- Must be in compliance with the manufacturer's guidance.
- Portable electric space heaters shall be plugged directly into an approved receptacle, as approved through the electrical permitting process managed by Arlington County's Inspection Services Division (ISD).
- Portable electric space heaters shall not be plugged into extension cords.
- Portable electric space heaters shall not be operated within 3 feet of any combustible materials.

Prohibited Uses

- Any use of portable electric heaters that deviates from the manufacturer's guidance.

Permit Process

- The use of electric outdoor heaters is regulated through Arlington County's Inspection Services Division (ISD). This will require, at a minimum, an electrical permit with all required documentation, such as manufacturer's installation instructions which must be followed, including requirements for clearances to combustibles. The application process and guidelines can found at https://building.arlingtonva.us/permits/electrical/
- Prior to contacting ISD, it is recommended that restaurants consult with an electrician to determine electrical capacity and capabilities for electrical heating elements.
- Processing an application for an electrical permit can take up to seven business days provided the application is complete and all requirements are met. However, this time frame may be extended if insufficient information is submitted and/or additional followup is needed.
- A code consultation, offered free of charge, is recommended for projects involving extensive electric heating systems. Free code consultation with the Arlington County Permit Office can be requested at https://building.arlingtonva.us/codes-ordinances/building/consultation

Application of Guidance to TOSAs

- If tables and/or chairs need to be removed or reconfigured to accommodate the placement requirements of heaters and state-mandated physical distancing requirements, referencing the TOSA permit number, a revised site plan should be submitted to TOSA@arlingtonva.us
- Where applicable, electrical permits will be issued once revised TOSA seating plan and layout have been approved.

For additional information, contact the Inspection Services Division at 703-228-3800.

Tents

General Guidance

- Under current guidance, with approval from the County, tents may be temporarily permitted over existing outdoor cafés that have been approved by use permit, site plan, or have an existing Certificate of Occupancy.
- Under current guidance, with approval from the County, tents may be temporarily permitted over Temporary Outdoor Seating Areas.
- Tents that exceed 900 square feet or 50 people occupancy load require a building permit and fire prevention permit.
- Tents that exceed 900 square feet or 50 people require a Fire Rating (FR).
- Tents with more than one wall are considered enclosed structures and must abide by the Governor's Executive Orders regarding dining in indoor or enclosed space, to include physical distancing of seating/ patrons and face covering requirements while not actively eating and drinking.

Process

- Unless previously approved, the use of tents, defined as an overhead structure with at least one wall, can receive temporary approval from the County by emailing TOSA@arlingtonva.us with the following information:
  - A plat or site plan that shows the location and footprint of the tent and the rearranged seating plan, if any
  - The walled edges, which may be part of a side
  - The material of the wall – transparent, opaque, etc.
- If the structure is not freestanding and to be attached to the building, a building permit is required. For additional building code inquiries regarding tents, schedule a free code consultation with the Arlington County Permit Office at https://building.arlingtonva.us/codes-ordinances/building/consultation
- Tents that exceed 900 square feet or 50 people require a building permit, which can be obtained at https://building.arlingtonva.us/permits/commercial/
- Tents that exceed 900 square feet or 50 people require a Fire Prevention Office permit, which can be obtained at https://fire.arlingtonva.us/permits-reports/

Application of Guidance to TOSAs

- Under current guidance, restaurants can seek temporarily approval for tents that are less than 900 square feet and 50 persons occupancy load for placement within TOSAs by emailing TOSA@arlingtonva.us for approval.
- For restaurants with an already approved TOSA that wish to add a tent, please provide a copy of your TOSA approval placard when submitting your request to add a temporary tent

An Important Note About Tents

- Permits issued for the use of tents under this guidance are only valid while the emergency ordinance is active.
- The guidance outlined in this document is valid until the County determines otherwise. They will be subject to periodic review, and may be terminated at any time, especially if detrimental impacts to neighboring properties and the broader community cannot be effectively mitigated.
- Please note that temporary tent requests may not be approved in all instances, due to site-specific conditions and potential impacts on the health, safety, and general welfare of the public.

For additional information, contact TOSA@arlingtonva.us or kpaine@arlingtonva.us

Strategies for Cold Weather Dining

Menu changes for cold weather

Modifying menus to offer hot stews, soups, and warm craft cocktails is a strategy to promote outdoor dining in cooler months.

Prix fixe menus

In colder months where limiting the total time spent outdoors is of interest, a prix fixe menu could allow for increased restaurant efficiency and decrease the amount of time spent at the table.

Soft materials for outdoor furniture

Replacing metal outdoor furniture or adding cushions to metal chairs can provide extra insulation for outdoor dining patrons in colder months.

Utilizing long table cloths can provide added warmth at the table.

Blankets for each guest

Similar to winterizing outdoor furniture to provide for more insulation, offering guests blankets will keep diners comfortable in cooler weather months. As blankets cannot be laundered on location, it is recommended to utilize a third-party contractor (the same contractor that provides tablecloths and similar), disposable blankets, or encourage guests to BYOB - bring your own blanket.

Marketing and promotions

Consider offering exclusive promotions for outdoor diners, including discounts, gift cards for their next visit, or offering exclusive menu items or craft cocktails for outdoor diners.

Single-use hand warmers

At less than a dollar a pack, disposable, one-use hand warmers offer several hours of warmth for outdoor dining patrons.

Ensure adequate lighting

With the sun setting around early dinnertime, lighting will be essential to keeping outdoor cafes functional, safe, and inviting for guests.

Proper lighting can serve as an indicator that your business is open and active past sunset. String lights and other creative lighting fixtures can add a romantic element to an outdoor café's atmosphere.

Please note that temporary lighting elements (such as a string of lights, extension cords, etc) would not require an electrical permit and are permitted for use up to 90 days. Any lighting that is hard wired would require an electrical permit regulated by the Inspection Services Division.

Take advantage of the sun

In the summer months, positioning outdoor cafes in areas shaded from the sun by buildings, trees, and umbrellas is an advantage; however, repositioning the table configuration to take advantage of the sun's warmth in the cooler months is a cost-efficient method to extend the life of outdoor cafes. If necessary, submit a revised site plan that illustrates the reconfiguration of your TOSA to TOSA@arlingtonva.us

Use of warm tones and natural materials

The use of warm tones and natural materials in outdoor cafes can make the environment more inviting for dining patrons.

Frequently Asked Questions

Can LP-Gas heaters be placed under tents?

Under no circumstances may LP-Gas heaters be operated underneath a tent, canopy, or membrane structure.

Can electric heaters be placed under tents?

Electric heaters that are manufactured with safety features that allow for use underneath a tent or canopy may be placed under a tent. In addition to abiding by the manufacturer's guidance, heaters must follow the guidance under Virgina Statewide Fire Code and Building Code. As there are several factors that could disqualify an electric heater from use under a tent, it is highly recommended that interested individuals contact the Fire Prevention Office prior to purchase.

Can I put a tent over my TOSA?

Under current guidance, tents that are less than 900 square feet and 50 persons occupancy load may seek temporary approval for use over TOSAs by emailing TOSA@arlingtonva.us for application submission and review. Proposed tents may not be approved in all cases due to site-specific circumstances. Tents that exceed 900 square feet or 50 persons occupancy will require additional permitting.

I have an existing outdoor dining area. May I cover it with a tent?

Under current guidance, tents that are less than 900 square feet and 50 persons occupancy can be utilized over existing outdoor dining areas by emailing TOSA@arlingtonva.us for approval. Please note that temporary tent requests may not be approved in all instances, due to site-specific conditions and potential impacts on the health, safety, and general welfare of the public. Tents that exceed 900 square feet or 50 persons occupancy will require additional permitting.

What are the regulations around fire pits?

Fire pits are regulated similarly to LP-Gas outdoor heaters, as they are required to follow the Virginia Statewide Fire Code and require a fire safety permit. However, most commercial grade outdoor fire pits require significant clearances, which may not be optimal heating elements for outdoor cafes. Additionally, fire pits fueled by wood/timber would require additional documentation to receive a fire safety permit to address ash cleanup, fuel storage, etc. Finally, fire pits fueled by natural gas would require permits through the Inspection Services Division.

I have a current Fire Safety permit for my existing outdoor cafe. Do I need to resubmit for my TOSA?

The current permit would apply to the TOSA however a new inspection would be required. Inspection can be requested through the Fire Prevention Office by calling 703-228-4644.

I am unsure if this heater complies with regulations. What should I do?

It is highly recommended to contact the Fire Prevention Office at 703-228-4644 prior to purchasing any equipment.

Contact Information

Fire Prevention Office	703-228-4644
Inspection Services Division	703-228-3800
TOSA	TOSA@arlingtonva.us
Other Inquires	kpaine@arlingtonva.us

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