



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 14, 2009**

DATE: March 4, 2009

SUBJECT: SP #350 SITE PLAN AMENDMENT: Alfredo Fraga, live entertainment and dancing; 2001 N. 15th St. (RPC #17-012-022)

Applicant:

Yaku
Alfredo Fraga, Owner
2001 N. 15th St.
Arlington, Virginia 22201

By:

John Pucciano II
Director of Operations, Latin Concepts
2904 Wisconsin Avenue, NW
Washington, D.C. 20007

C. M. RECOMMENDATION:

Approve the Site Plan Amendment for live entertainment, subject to the proposed conditions, with an Administrative Review in six (6) months (September 2009) and a County Board review in one (1) year (March 2010).

ISSUES: This is a new request for a site plan amendment for live entertainment at Yaku restaurant. The applicant has worked with the Odyssey Condominium Association to address noise concerns and there are no outstanding issues.

SUMMARY: Yaku is a restaurant lounge located on the ground floor of the Odyssey Condominium building at 2001 N. 15th Street. The application was deferred one (1) month to allow the applicant and the Odyssey Condominium Association to work through concerns the Odyssey residents raised regarding noise and sound vibrations emanating from the restaurant. A meeting was held between the applicant and the Odyssey Condominium Association in January, and the applicant has taken proactive steps to ease the Odyssey's concerns. A short review period is recommended to monitor the live entertainment use and ensure the music continues at an acceptable level for the residents. Therefore, staff recommends approval of the Site Plan Amendment for live entertainment, subject to the proposed conditions, with an Administrative

County Manager: _____

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5214

Review in six (6) months (September 2009) and a County Board review in one (1) year (March 2010).

BACKGROUND: SP #350 was approved in 2001 to allow a 15-story residential building with townhouses, street-level retail, office space, and publicly accessible open space. Yaku restaurant opened on the ground level of the building in Fall 2008.

The following provides additional information on the site:

Site: Yaku is located within the Odyssey Condominium building. The building is located east of the Courthouse Metro station area on the eastern portion of the block bounded by 15th Street North, North Courthouse Road, Clarendon Boulevard, 16th Street North and North Scott Street.

- To the north: Vacant land (former site of Dr. Dremo’s) and a three-story office building (Zoning “CO-2.5”).
- To the west: Entrance to the Odyssey parking garage directly adjacent. To the west of the site are office uses (Zoning “C-O”).
- To the east: Townhomes, a two-story apartment building, and single family homes (Zoning “RA8-18”).
- To the south: Odyssey condominiums directly adjacent. The Prime Condominium Building is south of the Odyssey (Zoning RA4.8).

Zoning: The entire site of SP #350 is zoned a combination of "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts (14% of the site or .23 acres) and “RA4.8” Multiple Family Dwelling Districts (86% of the site or 1.43 acres). The portion of the site where Yaku is located is within the “RA4.8” zone.

Land Use: The subject site is designated a combination of “High-Medium Residential Mixed-Use” (86%) and “High Office/Apartment/Hotel” (14%) on the General Land Use Plan.

Neighborhood: The site lies within the Fort Myer-Radnor Heights Conservation Association and within the Odyssey Condominium Association. Staff contacted the Fort Myer-Radnor Heights Conservation Association and they have stated that they support the views of the Odyssey Condominium Association. Staff contacted the Odyssey Condominium Association on the proposed request, and initially there were concerns with music and sound vibrations emanating from the restaurant. Over the past month, Yaku has worked with the Odyssey Condominium Association to address these concerns, and the concerns have been resolved. The Odyssey Condominium Association has provided a letter in support of the live entertainment use (see attached letter).

DISCUSSION: Yaku restaurant is requesting to have live entertainment seven (7) days a week, from 10 p.m. to 1 a.m. On January 26, 2008 a meeting was held at the Odyssey with the Odyssey Condominium Board, residents, the applicant, and County staff. Several residents raised concerns regarding noise and sound vibrations emanating from the restaurant's music system. In addition, residents stated concerns with the management of Yaku at the time being nonresponsive to residents' noise concerns. The Site Plan Amendment was deferred one (1) month to allow the applicant to address these concerns.

Since the town-hall meeting, the applicant has taken several steps to address residents' concerns. Management at Yaku has changed, and this has resulted in better communication between the restaurant and residents. In addition, Yaku changed the position of speakers in the restaurant, which helped control the impact of sound vibration and noise. Furthermore, the applicant visited the homes of several residents that share walls above and beside the restaurant to determine what an acceptable music level would be so as to not disturb the residents.

The applicant has already designated a neighborhood liaison to address concerns, which is a requirement of proposed Condition #6. The designated liaison is Mr. John Pucciano II (202.640.9083) and the backup designation liaison is Mr. Federico Fusco (202.321.3224).

Staff has discussed the situation with many residents that previously had noise concerns, and they have responded that things have greatly improved since the above actions have been taken. In addition, the Odyssey Condominium Association is in support of the restaurant having live entertainment.

CONCLUSION: Staff supports the request for live entertainment, as the applicant and the Odyssey have worked together to address the noise and sound vibration concerns. An Administrative Review in six (6) months is recommended to monitor the use, given previous concerns. Therefore, staff recommends approval of the Site Plan Amendment request for live entertainment, subject to the proposed conditions, with an Administrative Review in six (6) months (September 2009) and a County Board review in one (1) year (March 2010).

Proposed Conditions:

1. The applicant agrees that live entertainment will be limited seven (7) days a week, from 10 p.m. to 1 a.m.
2. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
3. The applicant agrees that live entertainment shall meet the noise limits established in the County Noise Ordinance.
4. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances

inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.

5. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Odyssey Condominium Building and the President of the Radnor Heights/Ft. Myer Heights Civic Association.
7. The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new site plan amendment request.

PREVIOUS COUNTY BOARD ACTIONS:

SP #350 amendment
Live entertainment
PLA-5214

October 6, 2001	Deferred General Land Use Plan, Rezoning and Site Plan Approval requests to the November 17, 2001 meeting.
November 20, 2001	Approved Rezoning and Site Plan #350 approval requests. Deny General Land Use Plan amendment.
December 7, 2002	Approved an amendment to SP #350 to allow approved office to be located in the building's penthouse.