



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 9, 2009

SUBJECT: SP #371 SITE PLAN AMENDMENT for restaurant outdoor seating at Café Assorti; property located at 1800 Wilson Blvd. (RPC # 17-010-038, -040 through -194)

Applicant:

Ainur Bekturghanova
AACH, LLC/Café Assorti

By:

Niki Patel
FORMDESIGN, LLC
9669A Main St.
Fairfax, Virginia 22030

C.M. RECOMMENDATION:

Approve the site plan amendment request for outdoor seating, subject to all previous conditions, one (1) modified condition, four (4) new conditions, and a County Board review in one (1) year (April 2010).

ISSUES: This is a site plan amendment request for outdoor seating for Café Assorti at 1800 Wilson Boulevard (SP #371) and no issues have been identified.

SUMMARY: This is a site plan amendment request to permit outdoor seating at Café Assorti, in the plaza at 1800 Wilson Boulevard (SP #371). This request was deferred by the County Board on March 17, 2009 to the April 25, 2009 County Board hearing in response to questions regarding the impact of the proposed outdoor seating plan on public art existing in the plaza, and the lack of a pedestrian connection between Wilson and Clarendon Boulevards on the east side of the site. Since the March County Board hearing, the proposed outdoor seating plan has been reviewed and endorsed by the Public Art Committee as an appropriate use adjacent to public art in the plaza, as the artist, in creating the sculpture, considered the fact that it would be surrounded by outdoor seating. During the March hearing, the Board directed staff to investigate the possibility of a pedestrian connection between Wilson and Clarendon Boulevards at the site. The County's Division of Transportation has identified the construction of a sidewalk on the County's property adjacent to 1800 Wilson Boulevard as a future project. This project would be

County Manager: _____

Staff: Matthew Pfeiffer, DCPHD, Planning Division
Dolores Kinney, DES, Transportation Planning
Tom Hutchings, DES, Capital Projects

PLA-5250

funded through the County's Capital Improvements Program (CIP). The proposed outdoor seating plan at the plaza complies with all requirements of the Department of Environmental Services (DES), the Fire Marshal, and the Arlington Commission for the Arts. Outdoor seating is desirable at this location because it will contribute to the active use of the plaza and enhance the streetscape along Wilson Boulevard. Finally, both art and outdoor café seating are mentioned in the *Rosslyn to Courthouse Urban Design Study* as "outdoor activities" appropriate within public plazas. The proposed outdoor seating plan provides for both elements to co-exist in a way that will provide an overall improved use of the plaza. Therefore, staff recommends the site plan amendment request be approved, subject to one (1) modified condition, four (4) new conditions that apply to outdoor seating for the plaza at Wilson Boulevard and the future North Quinn Street only, and all previously approved conditions, with a County Board review in one (1) year (April 2010).

BACKGROUND: On June 14, 2003 the County Board approved a site plan referred to as 1800 Wilson Boulevard (SP #371) for a 153-unit residential development with ground floor retail and live/work units.

Site: Located at 1800 Wilson Blvd., the site is bound as follows:

- | | |
|---------------|--|
| To the north: | Wilson Blvd.; the Colonial Village Shopping Center; multi-family housing. |
| To the west: | Gas station, North Rhodes St.; retail uses. |
| To the east: | Various retail uses and vacant lots; office buildings. |
| To the south: | Clarendon Blvd.; Rhodeside Green Park; townhouses; multi-family buildings. |

Zoning: "C-O-2.5" Commercial Office Building, Hotel and Apartment Districts.

General Land Use Plan Designation: "Medium Office-Apartment-Hotel."

Neighborhood: The site is located within the Radnor/Ft. Myer Heights Civic Association.

DISCUSSION: In March 2009, the County Board reviewed a site plan amendment request to permit Café Assorti to have outdoor seating in the plaza of 1800 Wilson Boulevard. The site plan amendment request is required because a previous administrative change request by the applicant for this use was denied by the Zoning Administrator due to the site plan drawings not showing outdoor café seating specifically in the plaza area. While it was always intended that there would be outdoor café seating at 1800 Wilson Boulevard, and that the frontage along Wilson Boulevard would promote an active pedestrian environment and enlivened streetscape, during the March County Board hearing there were questions raised regarding the appropriateness of the outdoor café seating in proximity to an existing public art sculpture in the plaza, as well as questions about the lack of a pedestrian connection between Wilson and Clarendon Boulevards on the east side of the site. These questions resulted in the County

Board's deferral of the site plan amendment request to the April County Board hearing to allow additional time for these issues and questions to be addressed.

Outdoor Seating Location with Public Art:

As required by Site Plan Condition #61, the developer opted to commission public art on-site and erected a sculpture in the plaza in 2004. When the sculpture was presented at the hearing of the Public Art Committee (PAC) of the Arlington Commission of the Arts in 2004, it was noted as being designed with the recognition that outdoor seating for the adjacent restaurant would be in close proximity. Nevertheless, the PAC cited concerns about the placement of tables and chairs in relation to the sculpture, and their desire that the sculpture be accessible to people other than those sitting at the café outdoor seating.

On March 17, 2009, during the deferral period after the March 2009 County Board hearing, staff presented the applicant's proposed outdoor seating plan to the PAC. The committee reiterated that outdoor seating is an appropriate use adjacent to the public art in this plaza, and that the artist had taken into consideration that outdoor seating would surround the sculpture. Nevertheless, the PAC recommended that the applicant alter the design of the seating slightly so that the sculpture would be more visible from Wilson Boulevard. The revised outdoor seating plan does not restrict visibility of the sculpture from Wilson Boulevard, and provides a large area in front of the sculpture where the public may approach the art. The applicant has agreed to a condition (Condition #3) to ensure that the sculpture at the site will not be impacted. This condition would require the seating to be located at least one (1) foot from the outer circumference of the sculpture, and umbrellas mounted on tables to be at least three (3) feet from this line. The PAC has endorsed the applicant's current outdoor seating plan. In addition, the outdoor seating plan shows six (6)-foot wide clear paths for the sidewalks to accommodate pedestrian circulation, and is consistent with the Department of Environmental Services' guidelines.

Pedestrian Connection between Clarendon Blvd. and Wilson Blvd.

During the March deferral period, as directed by the County Board, staff reviewed the lack of a pedestrian connection between Wilson and Clarendon Boulevards on the east side of the site. Site Plan Condition #68 required the developer to make certain improvements for the construction of N. Quinn St., including curb, gutter, and sidewalk on the west side of the proposed street, and the construction of half of the future street. The remaining half of N. Quinn St. and the curb/gutter and sidewalk improvements on the west side would be constructed by the developer of Site Plan #409, 1716 Wilson Boulevard (Dr. Contis project), which was approved in 2007.

In between 1800 Wilson Boulevard and the Dr. Contis project was a third parcel that would need to be acquired by the County for the eventual construction of N. Quinn St. Much of the improvements committed to by 1800 Wilson Boulevard fell on that third parcel, and could not be constructed until the County both acquired that land, and dedicated the necessary right of way for the developer to construct the improvements. As a result, Condition #68 also included a provision whereby if the right of way on the third parcel was not dedicated to the developer of 1800 Wilson Boulevard within 24 months of the start of construction on the building, then the developer would have satisfied the condition by constructing only the curb, gutter, and sidewalks

on its property only. In fact, the County did not acquire the third parcel in time, and a determination was made by the Zoning Administrator that the developer had satisfied Condition #68 after constructing only those improvements on their own property. However, shortly thereafter, the Dr. Contis project was approved with a condition whereby the developer of that project would construct the entirety of N. Quinn St., including the curb, gutter, and sidewalk improvements located on the third parcel, which was eventually acquired by the County. The Dr. Contis project has been placed on hold indefinitely. Because of the uncertainty of N. Quinn St. being constructed in the near future, the Division of Transportation (DOT) investigated the possibility of constructing a sidewalk on the County's property adjacent to 1800 Wilson, which would provide a pedestrian connection between Wilson and Clarendon Boulevards. Based on DOT's estimates, the total cost of constructing a sidewalk on the County's property between Wilson and Clarendon Boulevards at 1800 Wilson Boulevard would be approximately \$50,000, and, while cost benefit analyses are still being conducted, it is identified as an important project. This project would be funded through the Capital Improvement Program (CIP).

Should the sidewalk be constructed, however, a number of details should be considered. As the sidewalk would be in place in the interim until the Dr. Contis project is constructed, measures would need to be taken so as not to incur extra costs when North Quinn Street is finally built. This would necessitate some coordination between both the 1800 Wilson Boulevard and Dr. Contis engineers and the County. When North Quinn Street is built, the County may need to remove the temporary sidewalk in order for the developer to build out the total street and plazas. The applicant has agreed to resubmit a plan for outdoor seating at the plaza when the North Quinn Street extension and /or 1716 Wilson (SP #409) is constructed to accommodate construction and future streetscape improvements (Condition #4).

CONCLUSION: Outdoor seating for Café Assorti is encouraged along Wilson Boulevard in the proposed location adjacent to the existing public art. While it is a private use, outdoor seating contributes to the sense that the public space is being utilized, and therefore will attract people to an area where there is public art. Furthermore, the *Rosslyn to Courthouse Urban Design Study*, adopted by the County Board in 2003, contains specific language detailing the purpose of public plazas within the study area. Both art and outdoor café seating are mentioned as "outdoor activities" appropriate within public plazas. The applicant's proposed outdoor seating plan was endorsed by the Public Art Committee as it was reiterated that the public art was planned with the thought that café outdoor seating would be incorporated into the plaza in the vicinity of the art. As proposed the outdoor seating plan would not adversely impact but enhance the existing public art and accommodates circulation throughout the plaza. The proposed plan is in compliance with all DES and Fire Marshal requirements. In addition, the President of the Radnor/Ft. Myer Heights Civic Association has indicated to staff that they have no objections to the proposed plan. Finally, the Division of Transportation is pursuing efforts to construct a pedestrian connection until such time as improvements are made in association with the extension of N. Quinn St., in conjunction with SP #409 (1716 Wilson Boulevard, Dr. Contis project). Therefore, staff recommends approval of the site plan amendment, subject to one (1) modified condition, four (4) new conditions that apply to outdoor seating for the plaza at Wilson Boulevard and the future North Quinn Street only, all previously approved conditions, and with a County Board review in one (1) year (April 2010).

Modified Condition:

68. Outdoor cafes shall be permitted in the public right-of-way or within public easements along Wilson Boulevard and the area of the future North Quinn Street extension, including the plaza at the corner of Wilson Boulevard and the future North Quinn Street, in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. A minimum of ~~5~~ 6 feet of clear sidewalk width must be maintained along Wilson Boulevard and the future North Quinn Street extension. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time, the Zoning Administrator may review the approval, impose conditions on the operation of the outdoor café, or revoke the prior approval.

New Conditions (applicable to outdoor seating at the plaza at the corner of Wilson Blvd. and the future N. Quinn St. extension only):

1. The outdoor seating area is permitted on the plaza on Wilson Boulevard as shown on the plans entitled "Exterior Seating" dated February 17, 2009. The seating area shall leave a minimum of six (6) feet of clearance width along all sidewalks for pedestrians. The outdoor seating shall be limited to a maximum of 18 tables with a maximum total seating capacity of 56 seats.
2. The applicant agrees that any use of umbrellas in the outdoor seating area shall not contain any signs or interfere with pedestrian movement along the sidewalk. No outdoor fixtures shall display any sign messages unless a sign permit has been approved by the Zoning Office.
3. The applicant agrees that all tables, chairs, and barriers shall be located at least one (1) foot from the outer circumference of the public artwork at the plaza. All umbrellas, when extended, must be at least three (3) feet away from the outer circumference of the public art. The applicant agrees at that if the County Manager finds that any portion of the outdoor seating has an adverse impact on the public art at the plaza, the applicant shall immediately, upon receipt of notice from the County Manager, carry out any recommendation to reconfigure or reduce the outdoor seating.
4. The proposed plaza outdoor seating is subject to review and modification as requested by the County at the time of the construction of North Quinn Street and/or the adjacent property, 1716 Wilson Boulevard. The applicant agrees to submit a modified plan for the plaza outdoor seating within 60 days of receiving notification of construction from the developer of the adjacent property at 1716 Wilson Boulevard or a letter from Arlington County for the construction of the North Quinn Street road extension.

for resale at market-rate prices at 1722, 1738, and 1800 Wilson Boulevard and 1727 and 1735 Clarendon Boulevard to October 14, 2006.

- October 24, 2006 Approved site plan amendment to amend condition #63 to delete existing affordable housing requirement in site plan condition and require developer to sell affordable units at previously set affordable prices to County or its designee for resale at market-rate prices for the parcels of real property known as 1722, 1738, and 1800 Wilson Boulevard and 1727 and 1735 Clarendon Boulevard.
- January 30, 2007 Deferred Site Plan Amendment to modify condition #49 regarding restaurant parking at 1800 Wilson Boulevard to February 24, 2007.
- February 26, 2007 Approved site plan amendment to modify condition #49 regarding restaurant parking at 1800 Wilson Boulevard.
- March 17, 2009 Deferred a site plan amendment for outdoor seating at Café Assorti to April 25, 2009.