



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of November 14, 2009

DATE: November 5, 2009

SUBJECT: SP #239 SITE PLAN AMENDMENT RENEWAL for outdoor seating and live entertainment at Matsutake Japanese Restaurant located at 4121 Wilson Boulevard (RPC #14-046-017).

Applicant:

Matsutake Japanese Restaurant/Boru Asia Bistro
4121 Wilson Boulevard
Arlington, Virginia 22203

C. M. RECOMMENDATION:

Renew the site plan amendment for outdoor seating at Matustake/Boru Asia Bistro, subject to all previous conditions, and with a County Board review in five (5) years (November 2014).

Do not renew the site plan amendment for live entertainment at Matsutake/Boru Asia Bistro, and remove Conditions #5 and #6 pertaining to the live entertainment use.

ISSUES: This is a site plan amendment renewal of outdoor seating and live entertainment at Matsutake, soon to be known as Boru Asia Bistro, and no issues have been identified.

SUMMARY: This is a three (3) year site plan amendment renewal of the outdoor seating and live entertainment at Matsutake, located at 4121 Wilson Boulevard in the Stafford Place II office building in Ballston. The restaurant will soon be known as Boru Asia Bistro, as ownership has recently changed. The outdoor seating use is in compliance with the conditions of the site plan amendment, and the applicant confirms that the limits of the outdoor seating area and number of seats (32) will remain the same under the new ownership. The applicant reports the restaurant does not currently have live entertainment and does not plan to have live entertainment in the future. Therefore, staff recommends that the County Board not renew the live entertainment portion of the site plan amendment and remove conditions #5 and #6 pertaining to the live entertainment. In addition, staff recommends renewal of the site plan amendment for outdoor seating, subject to all previous conditions, and with a County Board review in five (5) years (November 2014).

County Manager: BMD/GA

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5400

2.

BACKGROUND: The site plan amendment for an outdoor café was approved in November 2002. In January 2004, a site plan amendment was approved for live entertainment, with a County Board review in November 2006 to coincide with the renewal of the applicant's outdoor seating use. This is a three (3) year renewal of the outdoor seating and live entertainment.

DISCUSSION: The outdoor seating use has operated in compliance with the site plan amendment conditions, and without complaint. The restaurant is located in an office building, and is not immediately adjacent to residential uses. The outdoor seating area is located on the perimeter of an internal plaza, thus leaving approximately 15 feet of sidewalk clear for pedestrians.

The applicant states that they have not had live entertainment and do not plan to have it in the future. The applicant requests that this portion of the site plan amendment be removed, and staff concurs with this request.

Since the last site plan amendment renewal (November 14, 2006):

Site Plan Amendment Conditions: The outdoor seating use is in compliance with the approved conditions. The applicant does not have live entertainment.

Community Code Enforcement: Community Code Enforcement has not expressed any concerns regarding the subject site plan amendment.

Fire Marshal's Office: The Fire Marshal's office has not reported any concerns regarding the site plan amendment renewal.

Police Department: The Police Department has not reported any concerns regarding the site plan amendment renewal.

State ABC Board: The State ABC board has not reported any concerns regarding the site plan amendment renewal.

Civic Associations: The site is located within the Ballston-Virginia Square Civic Association. The Ballston-Virginia Square Civic Association has been notified and has responded that there are no issues and they support renewal of the site plan amendment.

CONCLUSION: There are no issues with the approved outdoor seating site plan amendment at Matsutake, soon to be known as Boru Asia Bistro. The restaurant does not have live entertainment, and will not in the future, and has requested for the County Board not to renew the live entertainment site plan amendment. Therefore, staff recommends renewal of the site plan amendment for outdoor seating at Matsutake/Boru Asia Bistro, subject to all previous conditions, and with a County Board review in five (5) years (November 2014). In addition, it is recommended that the County Board not renew the site plan amendment for live entertainment and remove Conditions # 5 and #6 pertaining to the live entertainment use.

Deleted conditions #5 and #6:

5. ~~The applicant agrees that the hours of live entertainment shall be limited to Tuesdays through Sundays between the hours of 7:30 p.m. and 12:00 a.m. (midnight). The applicant further agrees that there shall be no dancing associated with the live entertainment site plan amendment. If dancing is desired in the future the applicant agrees to obtain County Board approval prior to offering dancing.~~
6. ~~The applicant agrees that live performances shall meet the limits established in the County Noise Ordinance. The applicant agrees that all windows and doors shall remain closed during the hours of live entertainment. The applicant further agrees that noise attenuation measures shall be installed in the event that noise associated with the live entertainment warrants such.~~

PREVIOUS COUNTY BOARD ACTIONS:

January 4, 1986	Approved a site plan for a mixed-use office, residential and retail project.
December 2, 1986	Approved the design of pedestrian bridges associated with the subject site (Z-2181-80-6) (SP-2) and with the Ballston Metro Center site (Z-2181-80-6) (SP-3).
October 1, 1988	Extended site plan approval for a mixed-use office, residential and retail project from January 4, 1989 to January 4, 1991.
February 11, 1989	Approved a site plan amendment to permit temporary service and loading off 9th Street North for the Phase I office building.
September 9, 1989	Approved a site plan amendment to reconfigure the western office portion of the site plan from three office buildings connected with an atrium to two office buildings connected with an atrium.
December 2, 1989	Approved a site plan amendment to increase office density by approximately 55,000 square feet on the Stafford Place site plan (Z-2181-80-6) (SP-6), subject to previous conditions and new conditions #54 and #55.
April 6, 1991	Deferred a site plan amendment request to amend Condition #54 regarding the timing of a 2.2 million payment relative to issuance of building permits until the May 11, 1991 County Board meeting.
May 11, 1991	Approved a site plan amendment request to amend Condition #54 regarding the timing of a \$2.2 million payment relative to issuance of building permits.
November 16, 1991	Approved a site plan amendment permitting a 25 percent reduction in the required bicycle parking to 109 spaces subject to amended condition #13.
July 11, 1992	Approved a site plan amendment for a comprehensive sign plan for project and tenant identification; and to permit an outdoor greenhouse eating area in the plaza with associated landscaping

modifications on premises known as 4201 Wilson Boulevard.

January 16, 1993

Deferred a site plan amendment to amend the approved comprehensive sign plan to permit awnings, external strip lights and attached letters, on premises known as 4201 Wilson Boulevard (Pizzeria Uno).

March 6, 1993

Approved a site plan amendment for one additional retail tenant identification sign facing North Stuart Street and the proposed decorative awning treatment, deleted the external strip lights, on premises known as 4201 Wilson Boulevard (Pizzeria Uno).

June 5, 1993

Approved the conversion of approximately 3,404 square feet of retail space on the lobby level to a visitor's center for the National Science Foundation, on premises known as 4201 Wilson Boulevard.

April 9, 1994

Approved a comprehensive sign plan to permit two freestanding tenant signs, six double-sided banners and two window mounted neon signs.

February 4, 1995

Deferred site plan amendment to reduce parking requirement for new office building from 315 to 237 parking spaces to March 4, 1995 County Board meeting.

March 4, 1995

Approved a site plan amendment to approve the use of 360 parking spaces on the P-3 and P-4 parking decks by George Mason University.

January 20, 1996

Approved a site plan amendment to allow the temporary use of 2,023 square feet of retail space to be occupied by a Century 21 real estate office for a period of five years.

February 3, 1996

Approved a site plan amendment to convert 10,288 square feet of ground floor retail space to office for a period of five years.

May 17, 1997

Approved a site plan amendment to convert 10,288 square feet of ground floor retail/office to a day care center for 94 children, with a review in one year

	following the issuance of a Certificate of Occupancy.
May 20, 2000	Approved a site plan amendment for a rooftop sign, subject to conditions.
November 16, 2002	Approved site plan amendment (SP #239) to permit outdoor seating (32 seats) at Matsutake in conjunction with an existing restaurant with a review in one (1) year. (November 2003)
November 15, 2003	Renewed site plan amendment (SP #239) to permit outdoor seating (32 seats) at Matsutake in conjunction with an existing restaurant with a review in three (3) years. (November 2006)
January 10, 2004	Approve site amendment for Matsutake for live entertainment in conjunction with the existing restaurant subject to all previous conditions and (2) new conditions with an administrative review in (1) year (January 2005) and a County Board Review in November 2006 to coincide with review of the applicant's outdoor seating use.
November 14, 2006	Renewed an amendment of a special exception for a site plan for outdoor seating (32 seats) and live entertainment at Matsutake subject to all previous conditions, with a review by the County Board in three (3) years (November 2009).
October 22, 2008	Approved a site plan amendment for live entertainment at the Front Page restaurant at 4201 Wilson Blvd., subject to conditions and a County Board review in one (1) year (October 2009).
October 24, 2009	Renewed a site plan amendment for live entertainment at the Front Page restaurant at 4201 Wilson Blvd., subject to all previous conditions, and with a County Board review in three (3) years (October 2012).

Approved Conditions:

1. The outdoor café is permitted on the southwest corner of the building on the north side of Wilson Boulevard as shown on the “Proposed Seating Plan”. The number of seats used in the outdoor café will be limited to a maximum of 32 seats. Furniture used in the outdoor café, including tables, chairs, railings, umbrellas, and planters shall be removed and not stored in front of the restaurant when the café is not in use.
2. The outdoor café is permitted to be used during normal restaurant hours, between 11:30 a.m. – 10:30 p.m., Sundays – Wednesdays; 11:30 a.m. – Midnight, Thursdays; and 11:30 a.m. – 2:00 a.m., Fridays and Saturdays. There shall be no music or audio system piped outside to the café.
3. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to the outdoor café. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, the Ballston-Virginia Square and the Ashton Heights Civic Associations.
4. No outdoor café fixtures shall display any sign messages unless a sign permit has been approved by the Zoning Office.
5. The applicant agrees that the hours of live entertainment shall be limited to Tuesdays through Sundays between the hours of 7:30 p.m. and 12:00 a.m. (midnight). The applicant further agrees that there shall be no dancing associated with the live entertainment site plan amendment. If dancing is desired in the future the applicant agrees to obtain County Board approval prior to offering dancing.
6. The applicant agrees that live performances shall meet the limits established in the County Noise Ordinance. The applicant agrees that all windows and doors shall remain closed during the hours of live entertainment. The applicant further agrees that noise attenuation measures shall be installed in the event that noise associated with the live entertainment warrants such.

Melanie Jesick

From: Ali Gungor [ali@kgmc.us]
Sent: Sunday, October 25, 2009 11:15 AM
To: Melanie Jesick
Cc: 'Clifford Chieffo'; bvscaorg@gmail.com
Subject: RE: Matsutake renewal of live entertainment & outdoor seating

Melanie,

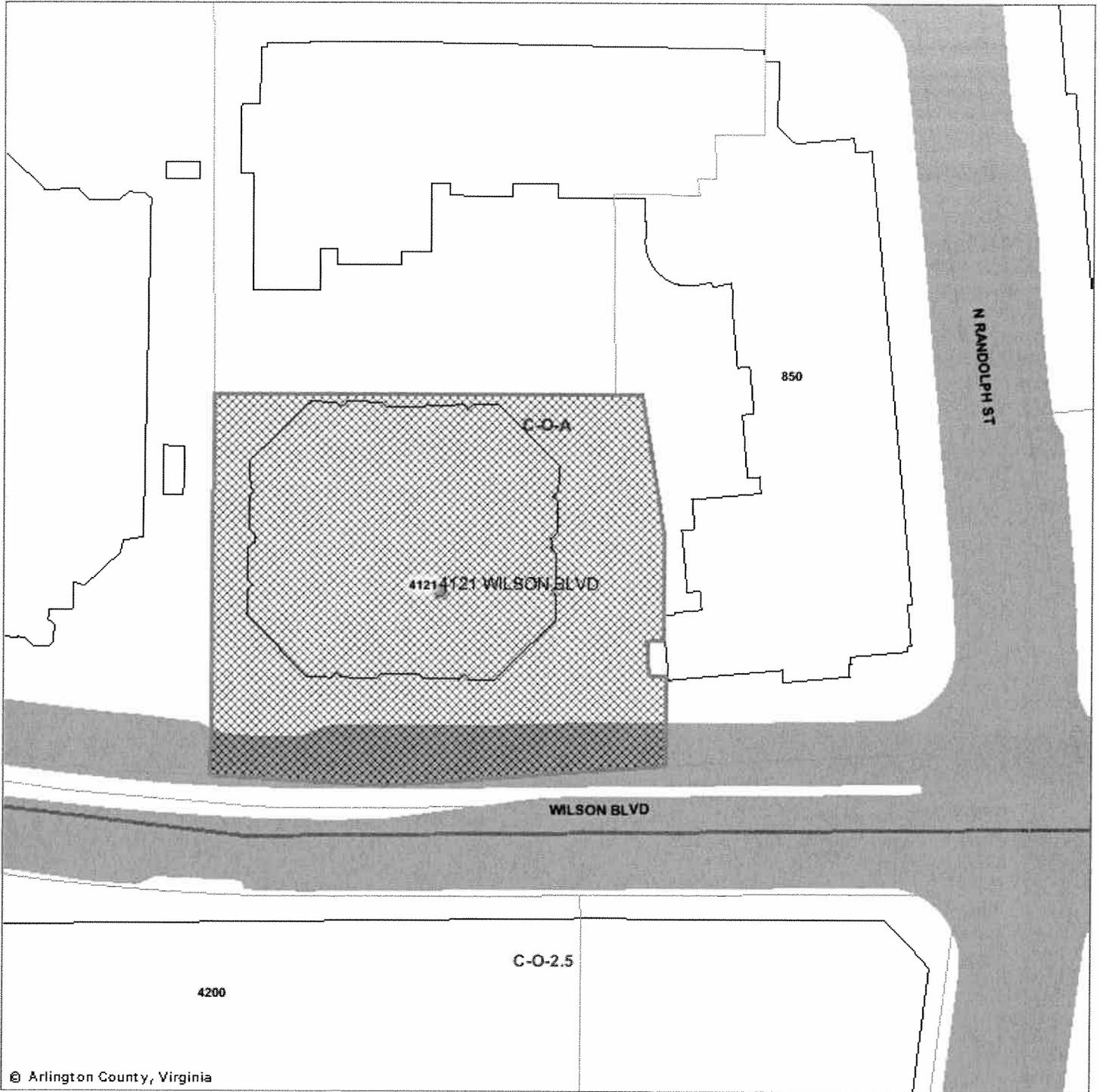
As Ballston Virginia Square Civic Association, we do not have any concerns, questions or comments on Matsutake's renewal application and we wish the applicant the best during the County Board review next month.

Please let us know if you need anything else.

Best regards,

Ali

Ali Gungor
1113B N. Stuart Street
Arlington, VA 22201
703-516-9756 home
202-352-1968 mobile



SP #239
4121 Wilson Boulevard
RPC #14-046-017

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.

