



ARLINGTON COUNTY, VIRGINIA

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

DATE: November 5, 2009

SUBJECT: SP #397 SITE PLAN AMENDMENT for live entertainment and dancing at Hard Times Café located at 3028 Wilson Boulevard (RPC #18-012-003).

Applicant:

Hard Times Café
3028 Wilson Blvd.
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Approve the site plan amendment request for live entertainment and dancing at Hard Times Café, subject to the proposed conditions and with a County Board review in one (1) year (November 2010), consistent with the County Board review schedule of other Clarendon live entertainment uses.

ISSUES: This is a new request for live entertainment and dancing at Hard Times Café in Clarendon and no issues have been identified.

SUMMARY: This is a new request for live entertainment and dancing at the Hard Times Café in Clarendon. The restaurant recently completed expansion of the restaurant to include the second floor, and would like to use this new space for live entertainment. The applicant is requesting live entertainment from 11 a.m. to 1:30 a.m., seven (7) days a week, and is anticipating having a wide range of live entertainment including live bands, DJ music, and events for families, including but not limited to magicians, children's music, and characters for birthday parties. As the restaurant is not immediately adjacent to any residential uses, and will be adjacent to office uses once construction on the North Block is complete, staff anticipates minimal impacts. Hard Times Café will be required to participate in the Clarendon live entertainment neighborhood advisory group meetings and the site plan amendment will be reviewed in conjunction with the other live entertainment uses for Clarendon. Therefore, staff recommends approval of the site plan request for live entertainment and dancing, subject to proposed conditions, and with a County Board review in one (1) year (November 2010), consistent with the County Board review schedule for other Clarendon live entertainment uses.

County Manager: BMD/GA

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5390

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BACKGROUND: The subject space is located in the Underwood Building, which is a part of the Clarendon Center project, Site Plan #397. Clarendon Center was approved in June 2006 as a mixed use office, retail and residential development. The site plan project is divided into two (2) parts: the North Block, where Hard Times Café is located, and the South Block, south of Clarendon Boulevard.

A use permit for outdoor seating was approved for Hard Times café in 1999 (U-2968-99-1). The use permit was most recently renewed on September 29, 2009 with an administrative review in six (6) months (March 2010) and a County Board review in one (1) year (September 2010), due to concerns with the outdoor café encroaching into the sidewalk, making it difficult for pedestrians. While working with the applicant on the proposed live entertainment request, staff reiterated the importance of keeping the outdoor café within the limits of the use permit to maintain adequate sidewalk clearance.

The following provides more information about the site:

Site: The site is comprised of the two-story Underwood Building.

To the north:	Wilson Boulevard and a seven-story office building.
To the south:	Clarendon Boulevard and the South Block of the Clarendon Center project. The Delhi Club restaurant is located south of Hard Times Café, in the same building.
To the east:	The North Block of the Clarendon Center project, currently under construction, which will contain office and ground floor retail.
To the west:	North Highland Street and the Clarendon Metro station entrance.

Zoning: The site is zoned “C-3” General Commercial District (North Block); “C-O” Commercial Office Building, Hotel, and Multiple-Family Dwelling Districts (South Block).

Land Use: The subject site is designated “Medium Density Mixed Use” (North Block); “High” Office-Apartment-Hotel (South Block) on the General Land Use Plan (GLUP).

Neighborhood: The Clarendon-Courthouse Civic Association, The Lyon Village Citizens Association, the Lyon Park Citizens Association, and the Clarendon Alliance were notified of the proposed live entertainment, and, to date, have not responded with comments. The civic associations and the Alliance have participated in the Clarendon live entertainment group meetings to address concerns with other approved live entertainment in Clarendon, such as parking and patrons walking through neighborhoods late at night.

DISCUSSION: This is a new request for live entertainment and dancing at the Hard Times Café in Clarendon. The restaurant recently completed the addition of the second floor and now has additional room for the proposed live entertainment and dancing. The applicant anticipates having live entertainment in the form of live bands, DJs, comedians, magicians, clowns, characters for birthday parties, and small meetings and training events. The applicant has agreed to attend the quarterly meetings of the Clarendon live entertainment neighborhood advisory

group, the next of which will be held December 1, 2009. The site plan amendment will also be reviewed on the same schedule as the other Clarendon live entertainment uses.

CONCLUSION: Hard Times Café will be required to participate in the Clarendon live entertainment neighborhood advisory group meetings and the site plan amendment will be reviewed in conjunction with the other live entertainment uses for Clarendon. Therefore, staff recommends approval of the site plan request for live entertainment, subject to proposed conditions, and with a County Board review in one (1) year (November 2010), consistent with the County Board review schedule of other Clarendon live entertainment uses.

Proposed conditions to be applied to the live entertainment and dancing use only:

1. Live entertainment shall be permitted only between the hours of 11:00 a.m. to 1:30 a.m., seven (7) days a week.
2. Live entertainment must take place only within the building. The windows and doors to the outside shall remain closed during the times of live entertainment, and the applicant shall comply with the Arlington County noise ordinance. No live entertainment shall be broadcast over loudspeakers outside of the building, and under no circumstances shall live entertainment be permitted outside of the building.
3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
5. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
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 Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and the Clarendon Alliance.
7. The applicant shall make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.

8. The approval for live entertainment at 3028 Wilson Blvd. is only valid for Hard Times Cafe. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

PREVIOUS COUNTY BOARD ACTIONS:

April 2, 1977	Approved a use permit U-2105-77-1 to permit a private music school at 1137 North Highland Street.
September 9, 1978	Approved a use permit U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in one year.
October 13, 1979	Renewed U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in three years.
October 16, 1982	Renewed U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in three years.
October 5, 1985	Renewed U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in three years.
April 15, 1986	Approved a use permit U-2506-86-1 to permit live entertainment and customer dancing at 3012 Wilson Boulevard subject to conditions and a review in one year.
October 18, 1986	Approved a use permit U-2528-86-1 to permit the operation of a photography studio on the second level of 3019 Clarendon Boulevard.
April 4, 1987	Renewed U-2506-86-1 to permit live entertainment and customer dancing at 3012 Wilson Boulevard subject to all previous conditions and a review in two years.
April 25, 1987	Renewed U-2528-86-1 to permit the operation of a photography studio on the second level of 3019 Clarendon Boulevard.
February 11, 1989	Approved a use permit U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard with conditions and a review in one year.
April 8, 1989	Renewed U-2506-86-1 to permit live entertainment at 3012 Wilson Boulevard subject to all previous

	conditions with the elimination of customer dancing and a review in three years.
February 10, 1990	Renewed U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard with amended conditions #1 and #2 and deletion of #3 and a review in three months.
May 22, 1990	Renewed U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard subject to all previous conditions with a review in one year.
June 4, 1991	Discontinued U-2615-89-1 for food delivery service at 3014 Wilson Boulevard.
April 3, 1993	Renewed U-2506-86-1 to permit live entertainment at 3012 Wilson Boulevard subject to all previous conditions and one new condition regarding the noise ordinance and a review in five years.
September 18, 1999	Approved use permit (U-2968-99-1) for an outdoor café, subject to conditions and with a review in one (1) year (September 2000).
September 9, 2000	Renewed use permit (U-2968-99-1) for an outdoor café, subject to conditions and with a review in three (3) years (September 2003).
September 13, 2003	Renewed use permit (U-2968-99-1) for an outdoor café, subject to all previous conditions, and revised Condition # 1, with a review in five (5) years (September 2008).
February 7, 2004	Deferred Z-2501-03-1 (rezoning) and SP #372 (site plan) for a period of three months to the May 15, 2004 County Board meeting.
May 15, 2004	Deferred Z-2501-03-1 (rezoning) and SP #372 (site plan) to the July 10, 2004 County Board meeting.
July 14, 2004	Denied Z-2501-03-1 Rezoning from C-3” General Commercial Districts to “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and SP #372 Site Plan for approximately 279 dwelling units, approximately 156,689 square feet of retail, modifications of use regulations for

building setbacks, parking, width of parking aisle, density, coverage, storage, mechanical systems within units and ducts to roof exemptions from FAR, and loading dock length

May 20, 2006

Deferred Rezoning Z-2525-06-1 from “C-3” General Commercial Districts to “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and Site Plan SP #397 to permit approximately 244 dwelling units, 221,768 sq ft office and 60,527 sq ft retail, with modifications to use regulations for density, coverage, compact parking, tandem parking, and drive aisle width.

June 13, 2006

Approved Site Plan #397 to permit approximately 244 dwelling units, 220,919 sq ft of office, 61,380 sq ft retail with modification to use regulations for density, coverage, parking ratio, compact parking, tandem parking, and drive aisle width.

November 14, 2006

Enactment of Ordinance allowing the encroachment of an underground electric vault within the right-of-way of North Garfield St., immediately adjacent to lots 92, 93, 94 and 95, Lyon’s addition to Clarendon, block “F”, RPC Nos. 18-013-001 and 18-013-006, with conditions; and Enactment of Ordinance allowing the encroachment of an underground electric vault within the right-of-way of Wilson Blvd., immediately adjacent to Lot 9, Lyon’s addition to Clarendon, block “E”, RPC Nos. 18-012-001, with conditions.

February 26, 2008

Approved Site Plan Amendment to amend project phasing.

March 15, 2008

Approved Site Plan Amendment to permit permanent preservation easements on the Underwood Building and the Old Dominion Building, required to run to the benefit of the Northern Virginia Conservation Trust (NVCT), could also run to the benefit of another entity identified and mutually acceptable to the landowners and the County Manager.

September 16, 2008	Approved site plan amendment for to modify conditions including but not limited to: plat of excavated area, wall check survey, recordation of historic preservation easements, and applicable development standards.
September 16, 2008	Renewed use permit (U-2968-99-1) for an outdoor café, subject to all previous conditions, and with a County Board review in one (1) year (September 2009).
September 29, 2009	Renewed use permit (U-2968-99-1) for an outdoor café, subject to all previous conditions, and with an administrative review in six (6) months (March 2010) and a County Board review in one (1) year (September 2010).



SP #397
3028 Wilson Blvd.
(RPC #18-012-003)

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



Not To Scale

