



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 7, 2007

DATE: June 28, 2007

SUBJECT: SP#106 SITE PLAN REVIEW for outdoor restaurant/retail seating plan for the premises known as 2756, 2762, 2766, 2768, 2770, 2772, 2774, 2780 S. Quincy St., 4013, 4014, 4015, 4017, 4019, 4021, 4025, 4028, 4029, 4031, 4039, 4043, 4044, 4047, 4052, 4053 Campbell Avenue (formerly 28th Street South), 2772 S. Arlington Mill Dr. (RPC #29-020-003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024; 29-019-024).

Applicants:

Charlie Chiang's Restaurant
4060 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Curious Grape
4056 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Extra Virgin Restaurant
4053 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Aroma Restaurant
4052 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Aladdin's Eatery
4044 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Bonsai Grill
4040 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

County Manager: _____

Staff: Colleen J. Connor, DCPHD, Planning Division

PLA-4717

Guapo's
4036, 32, 30 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

T.H.A.I. in Shirlington
4029 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Luna Grill
4024 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Bistro Bistro
4021 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Maggie Moos
4014 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Capitol City Brewing Company
4009, 13 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Best Buns Bread Company
4010 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Carlyle Restaurant
4000 Campbell Avenue (formerly 28th Street South)
Arlington, Virginia 22206

Street Retail, Inc.

BY:

Kara Whisler, Attorney/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Defer the site plan review for outdoor restaurant/retail seating plan to the September 8, 2007 County Board meeting.

SUMMARY: On July 9, 2005, the County Board approved outdoor seating for several restaurants in Phase I of the Villages of Shirlington with several conditions, including a minimum of six (6) feet clear pathway along the sidewalk fronting the establishment and demarcation of the space with a fixed, immovable barrier. The site plan amendment was reviewed and renewed on June 26, 2006, with a review in one (1) year (2007). The approved site plan amendment permits curbside dining as well as outdoor seating areas adjacent to the building facades. The outdoor seating has operated in compliance with the approved site plan amendment and contributes to the active streetscape which defines the character of the Village at Shirlington. However, staff was recently informed that the applicant intends to file an application for an amendment to the site plan to allow for outdoor music to the cafes. A deferral is recommended to allow time for the applicant and the community to meet regarding the request for outdoor music in this area. Therefore it is recommended that the review of the site plan amendment be deferred to the September 8, 2007 County Board meeting.

DISCUSSION: On July 9, 2005, Federal Realty Investment Trust (FRIT) obtained County Board approval of the subject site plan amendment for restaurants in Phase I of the Villages of Shirlington. The amendment was intended to consolidate requests for outdoor seating and to ensure the proper location of the seating. The site plan amendment approval was subject to several conditions including no music or audio system piped outside to the cafés, minimum pathways, and fixed, immovable barrier to mark the café space. The site plan amendment was reviewed and renewed on June 26, 2006, with a review in one (1) year (2007). The outdoor seating has generally operated in compliance with the approved site plan amendment and contributes to the active streetscape which defines the character of the Village at Shirlington.

The subject property is not located within a civic association boundary. However, staff contacted the abutting Fairlington Citizens Association and several other nearby community groups including, Fairlington Commons Council of Co-Owners, Fairlington Glen Council of Co-Owners, Fairlington Mews Council of Co-Owners, Fairlington Villages Unit Owners, and Fairlington-Shirlington Neighborhood Conservation Area. The Fairlington-Shirlington Neighborhood Conservation Area (FNCA) representative has expressed concern regarding the piping of music to one of the outdoor restaurant seating areas covered by this review. During the past year, the FNCA reported that the Extra Virgin restaurant (4053 Campbell Avenue, formerly South 28th Street) has been periodically piping music to their outdoor restaurant seating. The FNCA also requests that a site plan condition be added to SP# 106 that prohibits loudspeakers in the outdoor restaurant seating areas on the premises. Site plan inspectors and other County staff have done a number of unannounced site visits, and have reported no outdoor music at this location. Further, the applicant, FRIT, has committed to remove all functioning speakers by July 7, 2007 in order to preclude outdoor music, as required under the current site plan amendment conditions.

However, FRIT and the restaurant merchants have indicated to staff that they will file an application for an amendment to the site plan in order to have outdoor music for their customers. The applicant proposes to amend Condition #2 of the approved site plan (SP #106). Condition

#2 addresses both the hours for the cafes and the prohibition of outdoor music or audio systems piped outside to the cafés. The applicant anticipates filing an application for an amendment to be heard at the September County Board meeting. Staff has recommended to the merchants and FRIT that they work with the community to address concerns regarding outdoor music.

Additionally, FRIT has provided County staff and the neighborhood groups with the name and contact information for the new community liaison from FRIT.

CONCLUSION: Over the past year, Shirlington outdoor seating has operated successfully and has provided a vibrant urban streetscape environment. However, because of the need for additional time for the applicant to meet with the community and because of the applicant's intention to file for a site plan amendment to allow outdoor music, staff recommends deferral of the site plan amendment to September 8, 2007 County Board meeting.

PREVIOUS COUNTY BOARD ACTIONS:

- October 9, 1976 Approved a rezoning from “C-2” to “C-O-1.5” (Z-2086-76-3); and approved a Phased Development Site Plan. The approval expired in 1981.
- December 4, 1982 Approved a Phased Development Site Plan (PDSP), on four parcels, consisting of 570,000 square feet of office space, 428,000 square feet of retail space, 300 hotel rooms, and 490 residential units; known as “Village of Shirlington.”
- July 13, 1985 Approved PDSP amendment to increase the maximum building height on Parcel 3 from 10 stories (150 feet) to 11 stories (150 feet); and approved the final site plan for Phase II (SP-2) on Parcel 3, allowing an 11-story office building with 295,000 s.f. of office g.f.a. and 17,000 s.f of retail g.f.a.
- December 13, 1987 Approved a PDSP amendment to transfer 85,895 square feet of office/retail area from Parcel Two to Parcel One; and Approved the Final Site Plan for Phase III (SP-3) on Parcel One, allowing a 6-story office building with 85,895 square feet of office/retail area, and a 10-story hotel with 299 units.
- November 14, 1992 Approved one tenant identification sign 100.5 square feet in size on east elevation of building.
- April 9, 1994 Approved conversion of approximately 4,000 sq. ft. of retail space to secondary retail use including classroom, copy facility, and shower/locker room space for an existing tenant for a period not to exceed 12 years (2006).
- January 11, 1997 Approved a phased development site plan amendment and final site plan amendment to add two stories of studio/mechanical/technical support space above the existing parking garage structure and an atrium lobby between the office building and existing parking garage; three transmit and receive satellite dish antennae on the studio roof; up to three rooftop signs; and modification of use regulations to permit 50 percent compact spaces and to not count the proposed two floors and atrium as gross floor area for density purposes.

- July 20, 2001 Approved conversion of approximately 4,485 sq. ft. of retail space located on the first floor of the office building to office/commercial space.
- October 18, 2003 Approved site plan amendment request (SP #106) to amend PDSP and final site plan to convert hotel to residential (approx. 245 dwelling units) with modifications of use regulations for coverage and density; Lot 2-A First Addition to Village at Shirlington.
- March 13, 2004 Approved a site plan amendment (SP #106) for a rehearsal studio; dramatic and visual arts classes for children ages 4 and up, Classika Theater, with a review in one (1) year. March 2005.
- January 29, 2005 Approved site plan amendment (SP #106) for a comprehensive sign plan for 4013, 4015, 4017, 4021, 4025, 4031, 4039, 4043, 4047, 4052, 4053 South 28th Street, 2700, 2727, 2754, 2756, 2766, 2768, 2770, 2772, 2774, 2780 South Quincy Street, 2772 South Arlington Mill Drive, 2772, 2800 South Randolph Street, 2800 South Stafford Street (RPC #29-020-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024; 29-019-021, -022, -023 -024; 29-014-008, -009; 29-023-006; 29-003-026 [portion]).
- March 12, 2005 Renewed a site plan amendment (SP #106) for a rehearsal studio; dramatic and visual arts classes for children ages 4 and up, Classika Theater, with a review in one (1) year (March 2006).
- April 16, 2005 Deferred site plan amendment (SP #106) to permit outdoor restaurant at 4014, 4024, 4040, 4044, 4052 28th Street South (Maggie Moos, Luna Grill, Aroma Restaurant, Aladdin's Eatery, Bonsai Grill; Village at Shirlington; RPC # 29-019-024) to the June 18, 2005 County Board meeting.
- June 18, 2005 Deferred site plan amendment (SP #106) to permit outdoor restaurant at 4014, 4024, 4040, 4044, 4052 28th Street South (Maggie Moos, Luna Grill, Aroma Restaurant, Aladdin's Eatery, Bonsai Grill; Village at Shirlington; RPC # 29-019-024) to the July 9, 2005 County Board meeting.

July 9, 2005

Approved site plan amendment (SP #106) to permit outdoor restaurant at Maggie Moos, Luna Grill, Aladdin's Eatery, Bonsai Grill, increase in seating for Thai in Shirlington, and for outdoor seating for 2756, 2762, 2766, 2768, 2770, 2772, 2774, 2780 S. Quincy St., 4013, 4014, 4015, 4017, 4019, 4021, 4025, 4028, 4029, 4031, 4039, 4043, 4044, 4047, 4052, 4053 S. 28th St., 2772 S. Arlington Mill Dr.

July 8, 2006

Renewed site plan amendment (SP #106) to permit outdoor restaurant/retail seating plan for the parcels of real property known as 2756, 2762, 2766, 2768, 2770, 2772, 2774, and 2780 South Quincy Street; 4013, 4014, 4015, 4017, 4019, 4021, 4025, 4028, 4029, 4031, 4039, 4043, 4044, 4047, 4052, and 4053 South 28th Street; and 2772 South Arlington Mill Drive, subject to all previous conditions with a County Board review in one (1) year (July 2007).

Approved Conditions:

1. The applicants (as used in these conditions, the term applicant shall mean the owner and all successors and assigns) (Street Retail, Inc.) agree to maintain at least a six (6) foot clearance width along the sidewalk. The applicants further agree to work with the Department of Environmental Service to develop non-moveable barriers that would be affixed to the sidewalk to maintain a six (6) foot clear pedestrian travelway. The barriers should be removed on a seasonal basis when the café is not in use.
2. The applicants agree that outdoor cafés are permitted to be used during normal restaurant hours. There shall be no music or audio system piped outside to the cafés.
3. The applicants agree that prior to issuance of an occupancy permit for outdoor seating retail tenants requesting such seating shall seek administrative approval from the County prior to providing outdoor seating and 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 Fairlington Civic Association, the Fairlington-Shirlington Neighborhood Conservation representative, and the Nauck Citizens Association.
4. The applicant agrees that outdoor seating associated with retail/restaurant uses along Campbell Avenue ~~South 28th Street~~ between South Quincy Street and South Randolph Street shall maintain the minimum standard of six feet of clear pedestrian space along the public-right-of-way and shall be provided in accordance with the plans entitled “Café Seating Areas and Sidewalk Clearpaths, Shirlington” prepared by Federal Realty Investment Trust, as revised June 10, 2005, and made part of the record at the July 9, 2005, County Board meeting. The applicant agrees that any furniture used in outdoor seating areas, including tables, chairs, railings, umbrellas, and planters shall be removed on a seasonal basis and not stored in front of the storefronts.
5. The applicant further agrees that where lampposts are located in the public right-of-way and adjacent to outdoor seating space, a four (4) foot wide clear space would be maintained on the inside of the lamppost as shown on plans dated June 10, 2005, and approved by the County Board at its meeting of July 9, 2005. The applicant agrees that the minimum four-foot clear space currently exists between the 4 lampposts in question and the edge of the sidewalk cafes affected (Carlyle Grand, Capitol Cities, Extra Virgin, and Curious Grape). The applicant further agrees to work with DES staff to relocate bike racks and moveable outdoor furniture that encumbers the clear space along Campbell Avenue ~~South 28th Street~~.
6. The applicant agrees that all existing and future outdoor seating requests shall be required to be administratively approved by the County. All requests shall be required to submit accurate, scaled drawings depicting a minimum clear space in the public sidewalk (or

public access easement) across the applicant's entire frontage. The dimension of this minimum clear space could vary from block to block, but should in no circumstances be less than six (6) feet. Reasonable allowance should also be made for occasional pinch points; however, ADA requirements must be maintained at all times. All graphics should show how the applicant's clear space links up to any adjacent sidewalks and required clear spaces.