



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 22, 2010**

DATE: May 6, 2010

SUBJECT: U-3250-10-1 USE PERMIT for outdoor café in the public right of way and restaurant live entertainment; located at 3211 Wilson Boulevard (RPC #15-089-001).

Applicant:

Local Press, LLC/DBA Northside Social
3211 Wilson Boulevard
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the use permit for outdoor seating and live entertainment subject to the conditions of the staff report and a County Board review in six (6) months (November 2010).

ISSUES: The applicant is proposing a use permit for outdoor seating and live entertainment at 3211 Wilson Boulevard, and no issues have been identified.

SUMMARY: The owners of Northside Social, located at the former Murky Coffee site, are proposing a use permit for outdoor café seating in the public right of way and restaurant live entertainment. The outdoor seating is proposed on an area of sidewalk along Wilson Boulevard where County hardscape improvements have recently been completed. The applicant has worked with staff on the proper placement of the seating arrangement to ensure minimum clear sidewalk paths. Live entertainment for the restaurant would occur indoors between 4 p.m. and 9 p.m. weekdays and Sundays, and between 4 p.m. and 12 a.m. Thursday through Saturday. The applicant has agreed to standard conditions for live entertainment for Clarendon establishments, and will participate in the monthly Clarendon Live Entertainment meetings. The Lyon Village, Lyon Park, and Clarendon-Courthouse Civic Associations have been contacted by staff and have generally expressed support for the applicant's proposal subject to standard conditions for Clarendon Live Entertainment establishments. Staff is recommending a review in November 2010, to coincide with the review cycle of the other Clarendon Live Entertainment uses. Therefore, staff recommends approval of the use permit subject to the conditions of the staff report, with a County Board review in six (6) months (November 2010).

BACKGROUND: The applicant is proposing a use permit for outdoor seating and live

County Manager: BMD/GA

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

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PLA-5574

entertainment. The site is located at 3211 Wilson Boulevard, and is described as follows:

Site: The site is bound on the northwest by Fairfax Drive, on the southeast by Wilson Boulevard, and on the northeast by the intersection of Washington Boulevard, Wilson Boulevard, Clarendon Boulevard, and North Irvine Street.

Zoning: The site is zoned “C-3” General Commercial Districts.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Public.”

Neighborhood: The site is located within the Ballston-Virginia Square Civic Association. The Ballston-Virginia Square Civic Association has not commented to staff with regards to this request, however the Lyon Park, Lyon Village, and Clarendon Courthouse Civic Association, all members of the Clarendon Live Entertainment group, have provided comments to staff. Members of the surrounding civic associations support the applicant’s request given their participation in the Clarendon Live Entertainment group meetings and their agreement with standard conditions for live entertainment uses in Clarendon.

DISCUSSION: The applicant, Northside Social, is proposing an outdoor café and live entertainment use on the site formerly occupied by Murky Coffee. The applicant was approached by Department of Environmental Services (DES) staff after hardscape improvements were completed on an area of sidewalk adjacent to the site which created a small patio area in between Wilson Boulevard and Fairfax Drive, with the intention of creating an active pedestrian area at this location. Staff is in support of outdoor seating on the recently improved patio at this location as a way to activate a section of Wilson Boulevard occupied by many auto-oriented uses. The proposed outdoor café would occupy space roughly half on the applicant’s property and half on the public right of way, and would be framed by landscaped planters (see attached plans). The applicant has worked with staff on a plan whereby planters placed on the applicant’s property would be purchased by the applicant, and planters placed in the public right of way would be purchased by the County. The café seating area would be maintained by the applicant. The outdoor seating area will contain a maximum of 64 seats and will maintain at least six (6)-foot clear sidewalk paths in all directions. The Historical Affairs and Landmark Review Board (HALRB) has commented to staff that no review of the outdoor seating is necessary as it is a temporary improvement.

The applicant is also proposing restaurant live entertainment, which is intended to include small bands and a DJ. The hours of live entertainment would occur between 4 p.m. and 9 p.m. Sunday through Wednesday, and between 4 p.m. and 12 a.m. Thursday through Saturday. All live entertainment would occur indoors, and would not be piped through speakers to the outdoor café. Staff supports the applicant’s request. It is consistent with other live entertainment uses in Clarendon, and will not have adverse effects on the surrounding area. The applicant has attended a monthly meeting of the Clarendon Live Entertainment group, and has agreed to implement standard conditions for restaurant live entertainment in Clarendon, including regular attendance at that meeting. In addition, there are no single-family homes directly adjacent to the site that would be impacted by the use. Access to the site is not an issue, as the restaurant is located within short walking distance of the Clarendon Metro Station.

CONCLUSION: Staff is recommending a short review period so that the use permit can be placed on the same schedule as other live entertainment uses in Clarendon. Therefore, staff recommends approval of the use permit subject to the following conditions, with a County Board review in six (6) months (November 2010).

Conditions:

1. Live entertainment is permitted from 4 p.m. to 9 p.m., Sunday through Wednesday; 4 p.m. to 12 a.m. Thursday through Saturday, and the eve of all Federal Holidays with the restriction that live bands are limited to Thursday, Friday, Saturday and the eve of all Federal Holidays. For the purposes of this condition, a "live band" is defined as a group of musicians employing a drum kit, a PA system (other than the house speakers) and full amplification (i.e. non-acoustic groups). The term "live band" does not apply to deejays, emcees, smaller groups of musicians, karaoke or other types of entertainment.
2. The applicant shall comply with the Arlington County noise ordinance and the windows and doors shall remain closed during the times of live entertainment. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.
3. All staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
4. 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.
5. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
6. 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 Citizens 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.
7. 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 Ballston-Virginia Square Civic Association, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association,

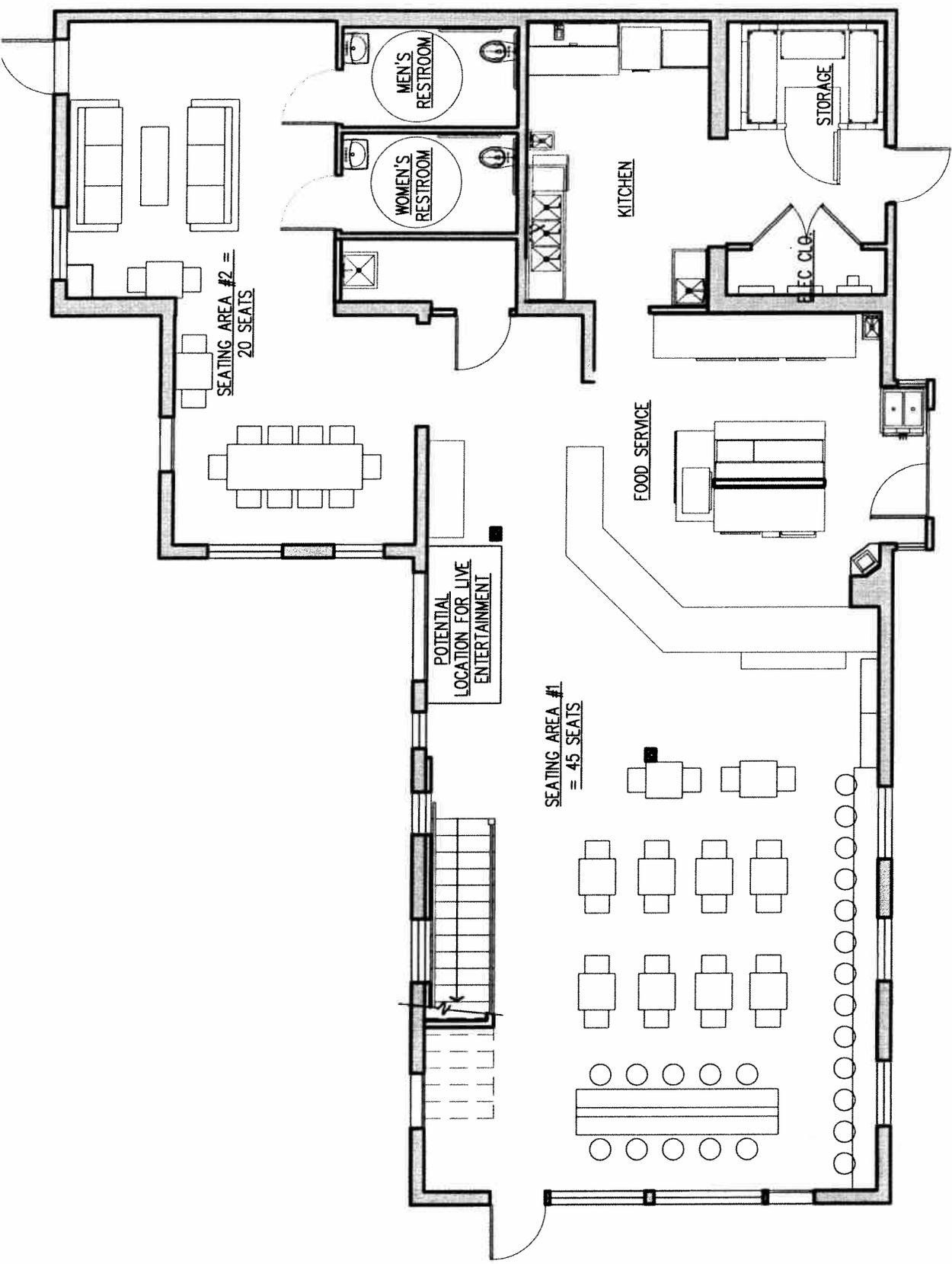
and the Clarendon Alliance.

8. 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.
9. The approval for live entertainment at 3211 Wilson Blvd. is only valid for Northside Social. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
10. The outdoor seating area is permitted on the plaza on Wilson Boulevard as shown on the plans entitled "Outdoor Seating Plan," and attached to this report. The seating area shall leave a minimum of six (6) feet of clearance width along all sides of the perimeter for pedestrians. The outdoor seating shall be limited to a maximum of 16 tables with a maximum total seating capacity of 64 seats.
11. 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.

PREVIOUS COUNTY BOARD ACTIONS:

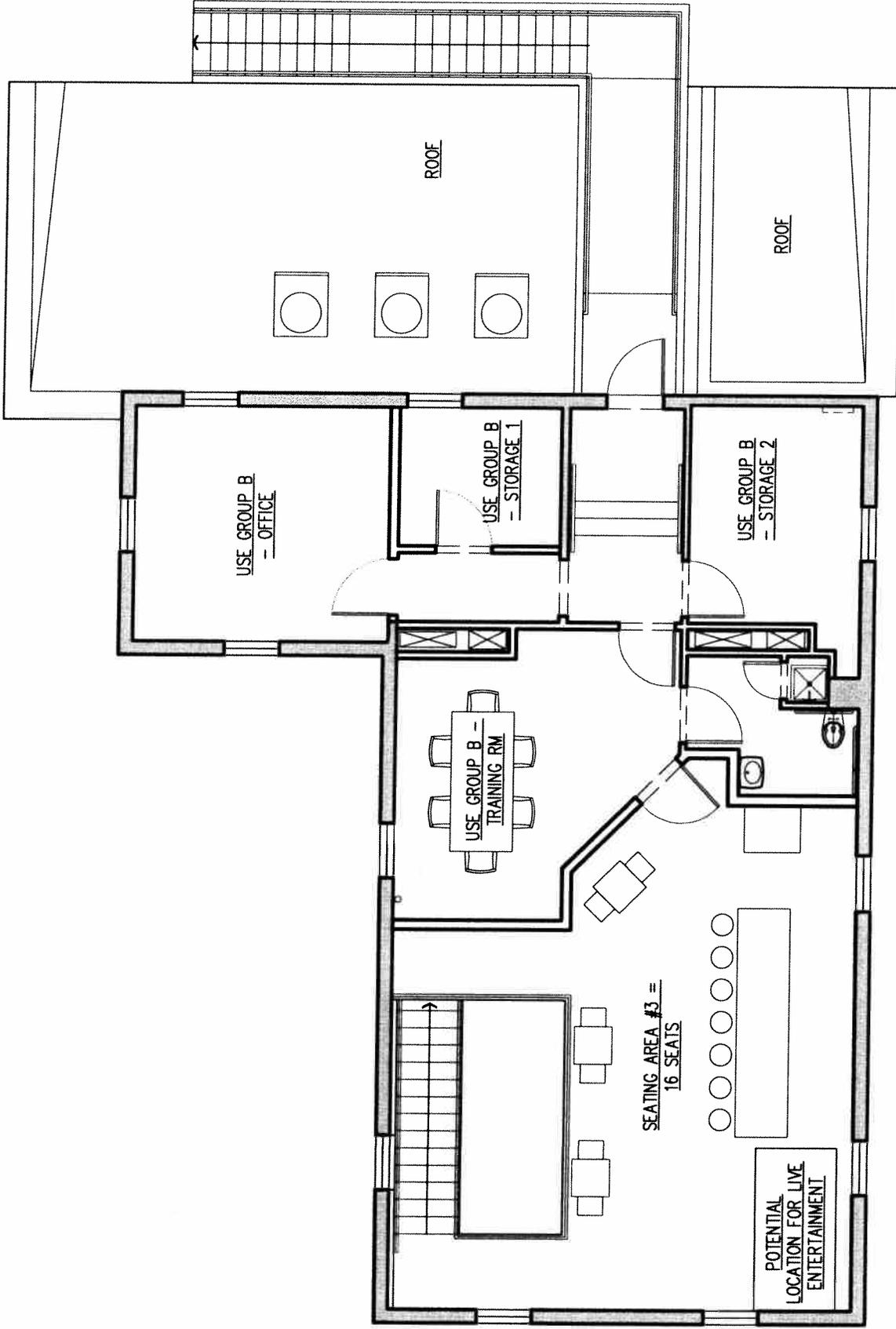
November 1985

Approved Historic District Designation for
Clarendon Citizens Hall, 3211 Wilson Boulevard.



1ST FLOOR SEATING PLAN

SCALE: 1/8" = 1'-0"



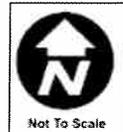
1 2ND FLOOR SEATING PLAN

SCALE: 1/8" = 1'-0"



U-3250-10-1
3211 Wilson Boulevard
RPC #15-089-001

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



Not To Scale

