



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 25, 2010**

**DATE:** September 14, 2010

**SUBJECT:** U-2968-99-1 USE PERMIT RENEWAL for outdoor seating at Hard Times Café located at 3028 Wilson Blvd. (RPC # 18-012-003)

**Applicant:**

Hard Times Café  
3028 Wilson Boulevard  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

Renew the use permit for outdoor seating at Hard Times Café, subject to all previous conditions and two (2) new conditions and with a County Board review in eight (8) months (May 2011).

**DISCUSSION:** This is a scheduled use permit review for outdoor seating at Hard Times Café in Clarendon. During the majority of this review period the outdoor seating was not operational due to sidewalk construction. There was one (1) day staff observed the sidewalk café outside, but for most of August and early September the café was not operating outside and therefore could not be evaluated. Upon completion, the sidewalk on North Highland Street will be thirteen (13) feet wide and the sidewalk along Wilson Boulevard will be seventeen (17) feet wide. Widening will improve the sidewalk clearance, which historically has been an issue, particularly on North Highland Street. Construction is anticipated to be complete by the first part of next year. Staff recommends bringing the subject use permit back for review in eight (8) months to reevaluate the outdoor seating when sidewalk construction is complete, but before the outdoor seating season. The Lyon Park Civic Association has requested an additional condition, which was placed on American Flatbread's use permit for outdoor seating, stating that the "use permit shall be subject to review by the County Board upon a change in tenancy of the subject property." Similar language was included in the special exception Hard Times Café has for the live entertainment use. Staff finds this appropriate. In addition, to keep the sidewalk clean of cigarettes and other litter, staff is recommending a new condition that requires the applicant to sweep the sidewalk daily. Therefore, staff recommends renewal of the use permit for outdoor seating at Hard Times Café, subject to all previous conditions and two (2) new conditions, and with a County Board review in eight (8) months (May 2011).

County Manager:

*MB GA*

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5686

15.

New Conditions #4 and #5:

4. The applicant agrees that the use permit shall be subject to review by the County Board upon a change in the tenancy of the subject property.

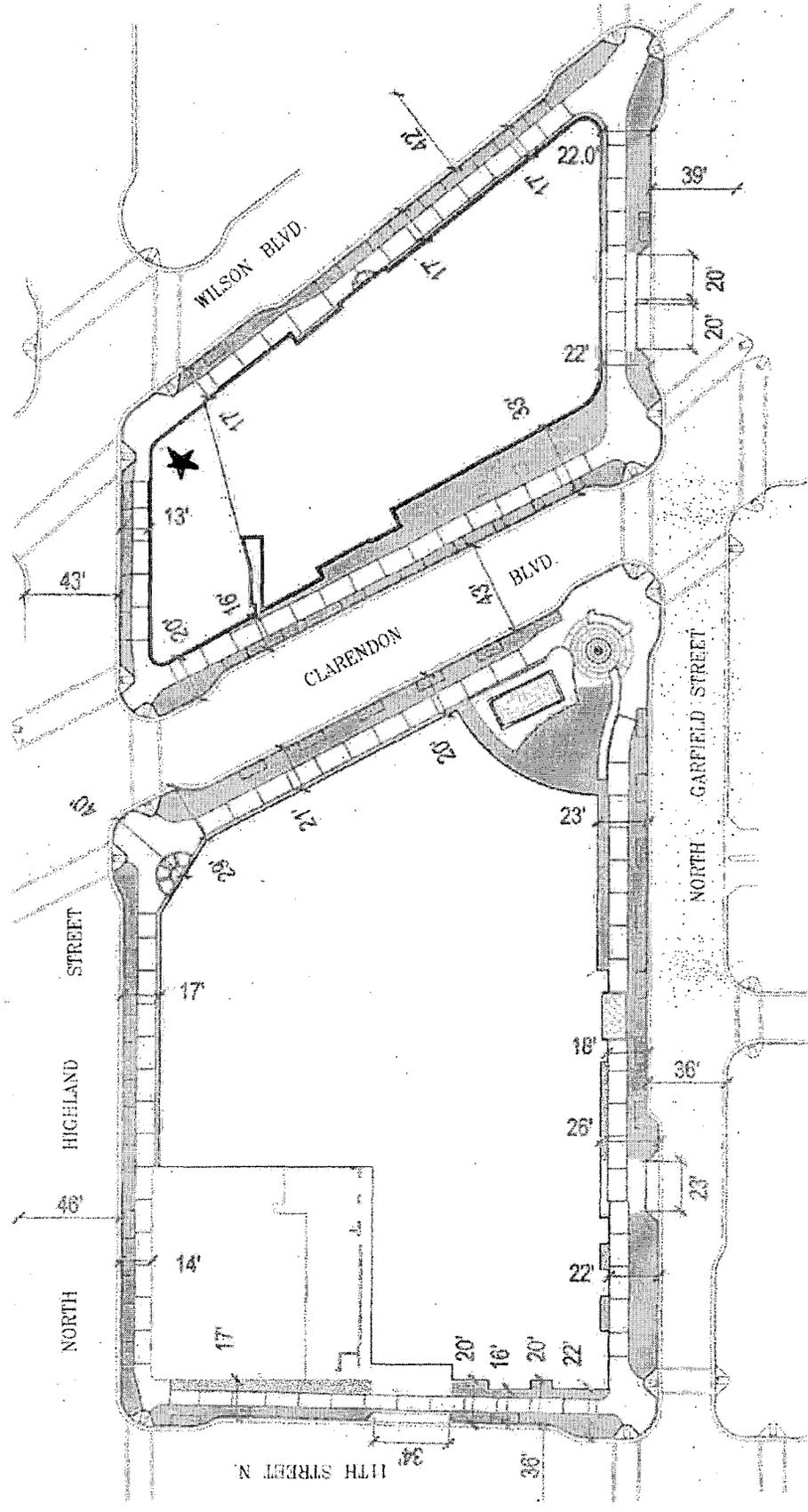
5. The applicant agrees to sweep the restaurant's sidewalk frontage daily.

PREVIOUS COUNTY BOARD ACTIONS:

- 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).
- September 16, 2008                      Renewed use permit (U-2968-99-1) for an outdoor café, and with a County Board review in one (1) year (September 2009).
- September 26, 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).

Approved Conditions:

1. The outdoor café is permitted on the North Highland Street frontage only. The outdoor café shall extend no more than three (3) feet into the sidewalk and no tables are to be placed within five (5) feet of any street tree grates. The number of seats used in the outdoor café will be limited to a maximum of 14 seats. Furniture used on the outdoor café, including tables, chairs, post and link separators, 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, generally between 11:30 a.m. and 12:00 midnight. There will be no music or audio system piped outside to the café, other than that in place as of September 18, 1999.
3. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which 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 Lyon Village Citizens Association, the Clarendon and Courthouse Civic Association and the Clarendon Alliance.

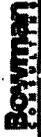


**Note: All sidewalk dimensions include a 5-foot 8-inch wide street tree area. Thus, there will be approximately 7-foot clear sidewalk on North Highland Street and a 11-foot clear sidewalk on Wilson Blvd.**



SCALE: 1" = 70'

ARLINGTON, VIRGINIA  
STREETSCAPE DIMENSION EXHIBIT  
CLARENDON CENTER





**U-2968-99-1 USE PERMIT REVIEW**  
**3028 Wilson Blvd. (Hard Times Café)**  
**(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

