



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 13, 2010**

DATE: November 12, 2010

SUBJECT: SP #350 SITE PLAN AMENDMENT for live entertainment and dancing and a sign at 1900 Clarendon Blvd. (Sushi Rock) (RPC#: 17-012-023)

Applicant:

Sushi Rock
Edwin Villegas, Managing Member
1900 Clarendon Blvd.
Arlington, Virginia 22201

C. M. RECOMMENDATIONS:

1. Approve the request for live entertainment and dancing, subject to the proposed conditions with an administrative review in six (6) months (May 2011), and a County Board review in one (1) year (November 2011).
2. Approve the request to amend the comprehensive sign plan to permit a retail sign, subject to revised condition #43.

ISSUES: Testimony was presented at the October 26, 2010 County Board recessed meeting from nearby residents regarding noise, trash, the general appropriateness of permitting live entertainment close to residents, and police calls to the restaurant. A meeting was held with the applicant and residents and these issues were discussed that have led to a recommendation for new conditions and a shorter review period for the live entertainment and dancing.

SUMMARY: This is a site plan amendment request by Sushi Rock for live entertainment and dancing, as well as for a retail sign. The request was deferred from the October 26, 2010 County Board recessed meeting to allow additional time for the applicant to work through concerns of nearby residents. The applicant held a meeting with residents on November 3, 2010 at Sushi Rock and there was discussion on conditions that could be put in place to mitigate potential impacts of the use. Residents in attendance expressed that the proposed conditions would ease their concerns and also concurred with the proposed review timeline of an administrative review in six (6) months and a County Board review in one (1) year to fully evaluate the use.

County Manager:

BMD/GA

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5748

35.

Sushi Rock is also requesting approval for one (1) retail canopy sign above the front entrance, which cannot be approved administratively, as it does not meet the requirements of the Zoning Ordinance. While the proposed sign does not technically meet the *Sign Guidelines for Site Plan Buildings*, which state that retail tenants are permitted a maximum of two (2) identification signs, the approved sign condition for SP #350 specifies that, “retail tenants are limited to no more than three (3) signs per tenant, except corner tenants shall be permitted to have no more than four (4) signs.” The proposed retail canopy sign adds variation and decoration to this otherwise bare front entrance and directs patrons to the door. The proposed sign area, together with the area of the approved signs, would be well under what is permitted for the tenant based on the linear frontage. Therefore, staff recommends approval of the proposed retail sign, subject to revised Condition #43. Staff also recommends approval of the proposal for live entertainment and dancing, subject to the conditions included in this report with an administrative review in six (6) months (May 2011) and a County Board review in one (1) year (November 2011).

BACKGROUND: The following provides additional information on the site:

Site: Sushi Rock is located on the ground floor of the Odyssey Condominium building just east of the Courthouse Metro station. The site is bounded by 15th Street North, North Courthouse Road, Clarendon Boulevard, 16th Street North and North Scott Street.

- To the north: Vacant land and a three-story office building (Zoning “C-O-2.5”). Townhouses (The Wharton Triangle Homeowners Association).
- To the west: Entrance to the Odyssey parking garage directly adjacent. To the west of the site are office uses (Zoning “C-O”).
- To the east: Townhomes, a two-story apartment building, and single family homes (Zoning “RA8-18”).
- To the south: Odyssey condominiums directly adjacent. The Prime Condominium Building is south of the Odyssey (Zoning RA-4.8).

Zoning: The entire site of SP #350 is zoned a combination of "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts (14% of the site or .23 acres) and “RA-4.8” Multiple Family Dwelling Districts (86% of the site or 1.43 acres). The portion of the site where Sushi Rock is located is within the “RA4.8” zone.

Land Use: The subject site is designated a combination of “High-Medium Residential Mixed-Use” (86%) and “High Office/Apartment/Hotel” (14%) on the General Land Use Plan.

Neighborhood: The site lies within the Fort Myer-Radnor Heights Conservation Association and is located in the Odyssey Condominium building Staff contacted the Fort Myer-Radnor

Heights Conservation Association and they have responded that they have no concerns with the request so long as the Odyssey has no concerns. While the Odyssey Condominium Association does not wish to take a position on the proposal, residents of the Odyssey have voiced concerns on the noise impact of the live entertainment. One (1) resident of the Odyssey spoke at the County Board recessed meeting on October 26, 2010 and also attended the meeting with the applicant on November 3, 2010. That resident's concerns have been addressed. Two (2) other residents have since emailed staff expressing concerns that Sushi Rock will become a nightclub. Another resident of the Odyssey, who did not attend the meeting on November 3, 2010, has requested that the live entertainment stop at 11 pm on Tuesdays, Wednesdays and Thursdays. The residents that attended the meeting on November 3, 2010 concur with the days and times of live entertainment in the proposed conditions stated in this staff report. In addition, condition #5 regarding implementation of a sound management plan should mitigate any adverse noise impacts of live entertainment.

Residents of Wharton Triangle townhouse development, located across Clarendon Boulevard, also expressed concerns at the October 26, 2010 County Board recessed meeting. Two (2) of those residents attended the November 3, 2010 meeting and were in favor of the new proposed conditions and review timeline. Those residents have sent the proposed conditions out to other neighbors in Wharton Triangle and report that they have heard from several neighbors that are in support of the proposed conditions and review timeline.

DISCUSSION: There are two (2) requests as part of this proposed site plan amendment, for live entertainment and dancing and for a retail sign.

Live entertainment and dancing request

At the October 26, 2010 County Board recessed meeting, five (5) residents spoke on concerns they had with the proposed live entertainment and dancing at Sushi Rock, including noise, trash, police calls, and generally the appropriateness of this type of use close to residences. Four (4) of the residents that spoke live across the street (Scott/16th Street/Clarendon Boulevard) in the Wharton Triangle townhouses, and one (1) resident lives in the Odyssey. On November 3, 2010 the applicant held a meeting with residents, at Sushi Rock, to discuss these concerns. In attendance were two (2) residents of the Wharton Triangle Homeowners Association, one (1) resident of the Odyssey, a resident of North Scott Street, County staff, and the applicant.

The primary concern raised was noise, as residents recall noise sometimes being an issue with the former Yaku restaurant, which also had a site plan amendment for live entertainment and dancing. Proposed Condition #73 below was modeled after a similar condition included in Whitlow's on Wilson live entertainment use permit in Clarendon. The applicant and residents in attendance at the November 3, 2010 meeting agreed to, and are in support of, this condition. Other conditions added to the site plan amendment request include picking up litter adjacent to the site, and making sure patrons do not loiter on the patio after the establishment's closing.

The applicant has changed the times of live entertainment slightly from what was proposed in the October 23, 2010 staff report, and attendees at the November 3, 2010 meeting are in agreement with these new proposed times. On Tuesday and Wednesday live entertainment is proposed to

start at 6 p.m. and end at midnight. On Thursday, Friday and Saturday, live entertainment is proposed to start at 6 p.m. and end at 1 a.m. The proposal to not have live entertainment on Sunday and Monday remains the same.

At the October 26, 2010 County Board recessed meeting some concerns were raised regarding police calls to Sushi Rock. It was requested that staff contact the Police Department for a factual report of police calls to Sushi Rock and also a comparison of how Sushi Rock's police calls compare to those of Yaku. The Police Department reports that between March 2009 and February 2010, when Yaku was in operation at that location, there were no police calls to the restaurant.¹ The Police Department reports that from March 2010 to the present, when Sushi Rock moved into the space, there was one (1) call for service. That call was related to noise in the outdoor seating area.

Sign Request

Sushi Rock is also requesting approval of a retail sign above the front entrance stating "FOOD.DRINKS.ROCK." which is unable to be approved administratively, as it does not meet the requirements of the Zoning Ordinance. Zoning Ordinance Section 34.G.1 states that up to three (3) signs are permitted for each retail tenant on the walls of commercial buildings. As the proposed sign is not affixed to a wall (rather, it extends upward from a canopy over the front door), it also does not meet that requirement. Thus, this sign requires County Board approval. As the comprehensive sign plan for SP #350 and the other two (2) signs for Sushi Rock were approved administratively, this request would be a comprehensive sign plan amendment for County Board approval of one (1) sign.

The other two (2) signs already approved administratively for Sushi Rock include one (1) wall sign and one (1) blade sign. This would be the third sign for the tenant. The proposed sign does not technically meet the *Sign Guidelines for Site Plan Buildings (Sign Guidelines)*, which state that a maximum of two (2) retail signs, one (1) per tenant frontage, are permitted for retail tenants. However, the approved comprehensive sign plan condition for this site plan specified that retail tenants are permitted three (3) retail signs, or four (4) for a corner retail tenant. Also, the proposed sign would not be redundant, as it is aesthetically different than the two (2) approved signs, and does not specifically call out the tenant's name on the sign. The proposed sign would direct patrons to the front door and also enhance the front entrance, which is currently mostly glass with no signs. Together with the two (2) approved retail signs, the sign area would be well below the total amount of sign area permitted for the tenant. Therefore, staff finds the proposed sign appropriate.

¹ The address for the former Yaku restaurant and current Sushi Rock restaurant is the same as for the greater Odyssey Condominium Building. The Police Department went through each call for service to the address to determine which calls were or were not linked to the restaurant and which were linked to residences in the Odyssey Condominium Building.

The table on the following page outlines the details of the proposed sign, as well as the two (2) approved Sushi Rock signs.

PROPOSED RETAIL SIGNS FOR SUSHI ROCK				
Type of Sign (quantity)	Sign Area (per sign)	Text	Material and location	Modification required?
Canopy sign	5 sq. ft. approx.	FOOD.DRINKS.ROCK.	Fabricated stainless steel letters painted black. Halo-lit with white LED lights. Above the front entrance facing Clarendon Blvd.	Yes. Zoning Ordinance states that up to three (3) signs are permitted for each tenant, on the <u>wall</u> of commercial buildings. This sign is not on a wall.
APPROVED RETAIL SIGNS FOR SUSHI ROCK				
Wall sign	27 sq. ft. approx.	Sushi Rock	Fabricated aluminum cabinet affixed to the wall facing Clarendon Blvd.	No. Zoning Ordinance permits up to three (3) signs per tenant on walls of commercial buildings.
Blade sign	12 sq. ft. approx.	Sushi Rock	Fabricated aluminum cabinet on corner of Clarendon Blvd. and N. Scott St.	No. Zoning Ordinance permits, in addition to the 3 walls sign per tenant, a sign mounted perpendicular to the building.
Total sign area of proposed sign and approved signs.	44 sq. ft.			
Total sign are permitted, based on linear frontage of tenant.	119 ft.			

CONCLUSION: The meeting held between the applicant and residents on November 3, 2010 helped resolve several concerns with the proposed use. Proposed conditions will help mitigate any potential issues and an administrative review in six (6) months will allow for monitoring of the use. The proposed retail canopy sign will enhance the front entrance and direct patrons to the front door of the restaurant. Therefore, staff recommends approval of the amendment to the comprehensive sign plan for the proposed retail sign, subject to revised Condition #43. Staff also recommends approval of the proposal for live entertainment and dancing, subject to the proposed conditions, and with an administrative review in six (6) months (May 2011) and a County Board review in one (1) year (November 2011).

Proposed conditions:

The following conditions #69 through #75 apply to the live entertainment and dancing site Plan amendment for Sushi Rock only:

- 69. The applicant agrees that live entertainment will be limited to Tuesday and Wednesday from 6 p.m. – Midnight and Thursday, Friday and Saturday from 6 p.m. – 1 am.

70. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
71. The applicant agrees that live entertainment shall meet the noise limits established in the County Noise Ordinance.
72. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system. The applicant agrees that sound damping drapes on all windows shall be closed during the times of live entertainment. The applicant agrees not to remove, and to maintain, said drapes.
73. Sushi Rock agrees to work with the Odyssey Condominium Building and residents adjacent to and across the street from the restaurant, to develop a sound management plan which assures that sound from live entertainment at the restaurant does not create a noise disturbance, as determined in accordance with measurement standards agreed upon by Sushi Rock and the residents. More specifically:
 - a. Sushi rock will work with the Odyssey and residents adjacent to and across the street from the restaurant, to determine which frequency/decibel levels can be heard within their homes and/or cause a noise disturbance in the neighborhood.
 - b. Sushi Rock will use these pre-determined levels to monitor and adjust the live entertainment sounds.
 - c. Sushi Rock will respond immediately to complaints from the Odyssey and residents adjacent to and across the street from the restaurant, about music emanating from Sushi Rock and take measures to adjust the live entertainment sound volumes to acceptable levels.
 - d. Sushi Rock will book live entertainment according to such entertainment's ability to comply with these noise requirements.
 - e. Monitoring of the sound management plan shall be the responsibility of Odyssey residents and adjacent neighbors. Compliance with the plan is the responsibility of Sushi Rock, in accordance with measurement standards agreed upon by Sushi Rock with the Odyssey residents and adjacent neighbors and as set forth in the sound management plan. Arlington County will not actively monitor the sound management plan. Neither the sound management plan nor this live entertainment approval shall be interpreted in any way to exempt Sushi Rock from compliance with applicable Arlington County Code ordinances and enforcement.
74. The applicant agrees that no customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
75. The applicant agrees to designate a neighborhood liaison to communicate with the Odyssey and residents living adjacent to and across the street from the restaurant 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 Odyssey Condominium Building, residents adjacent to or across the street from the restaurant, including residents in the Wharton Triangle Homeowners Association, and the President of the Radnor Heights/Ft. Myer Heights Civic Association.

76. The applicant agrees that if the business changes ownership, a County Board review of this live entertainment approval will be scheduled.
77. The applicant agrees that all staff serving alcohol to customers shall have TIPs (Training for Intervention Procedures) training.
78. The applicant agrees to inform patrons not to loiter in the patio/plaza area in front of the restaurant after the restaurant closes. In addition, the applicant agrees that restaurant staff near the door will try, to the greatest extent possible, to be alert to noisy patrons congregating outside the restaurant and request that those patrons move on.
79. The applicant agrees to post signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
80. 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.
81. The applicant shall pick up visible litter along the portions of Clarendon Boulevard, North Scott Street, and 16th Street North that are adjacent to Sushi Rock's address, on Monday and Friday mornings.

Revised condition #43 for the proposed retail sign:

43. The developer agrees to develop a comprehensive sign plan and that all exterior signs shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings as adopted by the County Board and with Section 34 of the Zoning Ordinance. Prior to erecting any sign on the site, the developer agrees to obtain the Zoning Administrator's approval of the comprehensive sign plan that meets all standards of the Guidelines and the Ordinance, with only the specific modifications in this condition.
 - a. No freestanding building identification sign will be permitted.
 - b. Retail tenants are limited to no more than three (3) signs per tenant, except corner tenants shall be permitted to have no more than four (4) signs.
 - c. All proposed rooftop signs shall require a site plan amendment.

The developer agrees that no sign shall be permitted on the site unless it is shown on the approved comprehensive sign plan.

The applicant (Sushi Rock) agrees that the retail canopy sign above the front entrance which says "FOOD.DRINKS.ROCK" will be of the size, color, location, and materials as shown on the exhibit dated February 12, 2010 and entitled "Sushi Rock" and the table in the staff report, and approved by the County Board on October 23, 2010.

PREVIOUS COUNTY BOARD ACTIONS:

October 6, 2001	Deferred General Land Use Plan, Rezoning and Site Plan Approval requests to the November 17, 2001 meeting.
November 20, 2001	Approved Rezoning and Site Plan #350 approval requests. Deny General Land Use Plan amendment.
December 7, 2002	Approved an amendment to SP #350 to allow approved office to be located in the building's penthouse.
March 14, 2009	Approve the site plan amendment for live entertainment, subject to the proposed conditions, and with an Administrative Review in six (6) months (September 2009) and a County Board review in one (1) year (March 2010).
March 13, 2010	Did not renew the site plan amendment for live entertainment and dancing at Yaku at 1900 Clarendon Blvd. due to lapse of use as of January 2010.
October 23, 2010	Deferred the site plan amendment request for live entertainment and dancing and a sign to the November 13, 2010 County Board meeting.

FACE VIEW
SCALE: 1/2" = 1'-0"

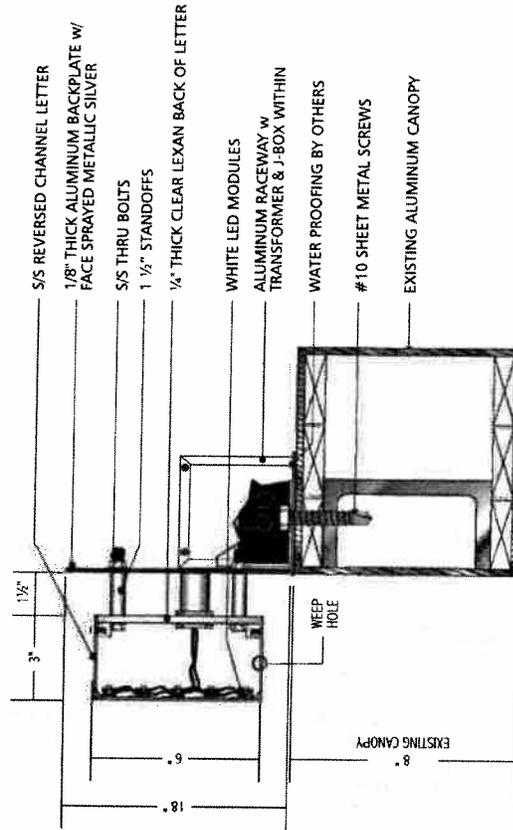
7'-10 1/2"

8" 6" **FOOD. DRINKS. ROCK.**

B HALO-LIT CHANNEL LETTERS ON CANOPY

3" deep fabricated stainless steel letters painted black.
Halo-lit with white LED lights. Letters to be mounted
1 1/2" offset from one-piece backplate painted metallic silver.
Backplate mounted in front of 4"x4" raceway, painted silver.
Raceway with letters installed on top of existing Alucobond canopy.

SECTION DETAIL
SCALE: 3" = 1'-0"



PREPARED AND PROVIDED BY:



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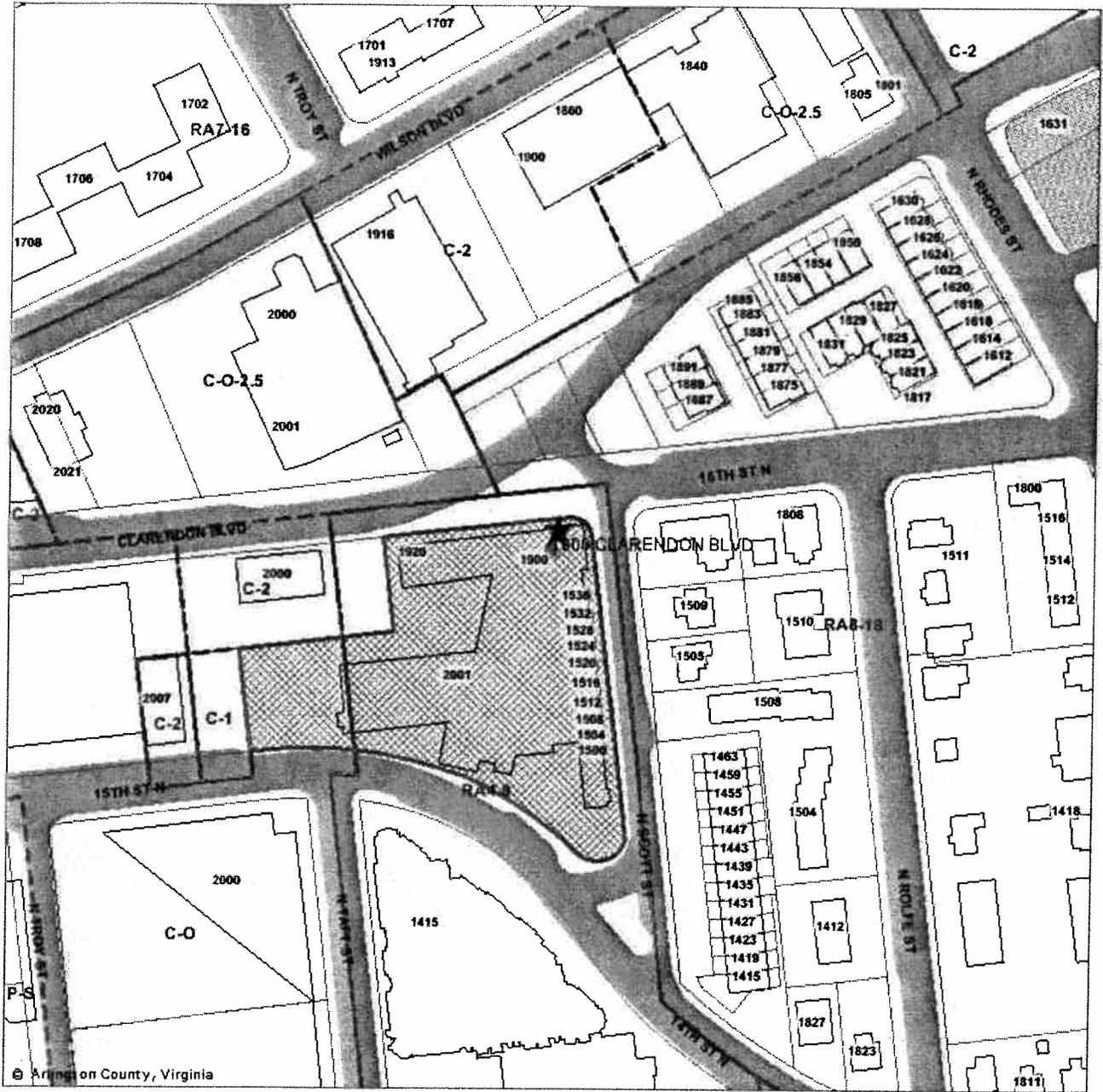
CLIENT



SALES PERSON
ARTHUR GOLDBERG
DESIGNER
DIANA

NO.	REV.	DATE
1	DC	02/2/10

APPROVED BY
CLIENT
FALLON
PRODUCTION
INSTALLATION
NOTES



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SP #350
1900 Clarendon Blvd.
(RPC: 17-012-023)

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



Not To Scale

	Case Location(s)
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Department of Community Planning, Housing and Development

Planning Division