



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of March 12, 2011

DATE: March 3, 2011

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

Applicant:

Hard Times Café
3028 Wilson Blvd.
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Renew the use permit for outdoor seating at Hard Times Café, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (September 2011), and a County Board review in one (1) year (March 2012).

ISSUES: This is a review of the outdoor cafe at Hard Times Café in Clarendon. Lyon Village Citizens Association reports that they plan on meeting with the owner and discussing some suggested changes to the proposed outdoor seating plan within the next few days.

SUMMARY: This is a review of the outdoor café at Hard Times Café in Clarendon. The applicant has submitted a revised outdoor café plan for Wilson Boulevard only, per the County Board's direction at the September 25, 2010 County Board meeting, and Condition #1. The proposed plan would permit fourteen (14) seats, the same number as approved previously. As the recently-constructed Wilson Boulevard sidewalk is approximately five (5) feet wider than the North Highland Street sidewalk, a six (6) foot minimum clear width would be maintained with the new plan. A six (6) month administrative review would allow for monitoring the relocated outdoor café during one (1) season of operation. Lyon Village Citizens Association has some suggested changes to the plan that they intend to discuss with the applicant. Those suggestions are outlined below in the "Discussion" section. Any revisions to the proposed plan or conditions, resulting from that discussion, would be addressed in a supplemental report. Therefore, staff recommends renewal of the use permit for outdoor seating at Hard Times Café, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (September 2011), and a County Board review in one (1) year (March 2012).

County Manager:

BMD/GA

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5843

4.

BACKGROUND: The use permit has been reviewed and renewed several times since original approval in 1999. Historically, there were concerns expressed about sidewalk clearance on North Highland Street when the outdoor café was in operation. As a condition of the use permit renewal on September 25, 2010, Condition #1 was revised to state that only eight (8) seats were permitted to be placed between the tree pits on North Highland Street, in order to maintain sufficient clear width on the sidewalk. That configuration was only permitted until the new seating plan for Wilson Boulevard is approved by the County Board.

DISCUSSION: Sidewalks adjacent to the restaurant have since been widened with the development of Clarendon Center. The North Highland Street sidewalk is now thirteen (13) feet wide and the Wilson Boulevard sidewalk is eighteen (18) feet wide. The applicant has submitted a new proposed plan for outdoor seating on Wilson Boulevard only, which was a condition of the use permit renewal in September 2010. The new 18-foot sidewalk along Wilson Boulevard allows for approximately six (6) feet for the tree pits, six (6) feet for the outdoor café, and a minimum six (6) foot clear width. This is consistent with the Clarendon Sector Plan which states that, “minimum clear width directly adjacent to preserved historic structures should be at least 6 feet wide.” Staff supports the proposed plan, which should address the former clear sidewalk issue.

Since the previous use permit review (September 25, 2010):

Use Permit Conditions: The outdoor seating has not regularly been in operation since the last County Board review due to the winter season. When the outdoor café was placed outside, the applicant was in compliance with the conditions of the use permit.

Community Code Enforcement: The Code Enforcement Office has not reported any concerns with the use. There have been no Code Enforcement or Zoning complaints registered during this review period regarding the use permit.

Fire Marshal’s Office: The Fire Marshal’s Office has expressed no concerns regarding the continuation of this use.

State ABC Board: The State ABC has not provided any comments on the use permit renewal.

Police Department: The Police Department has expressed no concerns regarding the continuation of this use.

Civic Associations: The site is located within the Clarendon-Courthouse Civic Association, and the civic association was notified of the use permit renewal. Although the acting president of the civic association and another interested citizen have conversed with staff about the proposal, a formal civic association position has not been provided to date. Lyon Village Citizens Association and Lyon Park Citizens Association have reviewed the proposed outdoor seating plan for Wilson Boulevard. Lyon Park has not provided a formal response to date. Lyon Village states that they have some suggested changes to the plan, including: 1) ensuring the chain link separator for the outdoor seating does not encroach into the sidewalk by making sure the chain poles are affixed to the sidewalk; 2) having additional

clear width between the 2-top table and the light pole on the western side of the outdoor seating area; and 3) ensuring that restaurant staff and patrons can pass through the chain link separators and the tables. Lyon Village and the applicant intend on meeting within the next few days to discuss these items, as the applicant is currently out of town. If there are any changes to the proposed plans or conditions, those will be included in a supplemental report.

CONCLUSION: The new proposed outdoor café plan allows for a minimum six (6) foot clear area per the County Board's direction at the September 25, 2010 County Board meeting, and Condition #1. A six (6) month administrative review would allow for monitoring the relocated outdoor café during one (1) season of operation. Therefore, staff recommends renewal of the use permit for outdoor seating at Hard Times Café, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (September 2011), and a County Board review in one (1) year (March 2012).

Revised Condition 1:

1. The outdoor café is permitted ~~on the North Highland Street frontage only, until the next scheduled County Board review in six (6) months (March 2011), at which time the outdoor café will be permitted~~ on Wilson Boulevard only, and with a minimum six (6) foot clear sidewalk, as depicted in the proposed outdoor seating plan dated February 16, 2011. 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 pits. 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. ~~During the next scheduled County Board review in March 2011, the applicant agrees to submit a revised outdoor seating plan that shows the outdoor café on Wilson Boulevard only, with a minimum six (6) foot clear sidewalk.~~

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 all previous 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, subject to all previous conditions, 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).
- September 25, 2010 Renewed use permit (U-2968-99-1) for an outdoor café, with up to eight (8) seats, placed only between the tree pits on North Highland Street, with a County Board review in six (6) months (March 2011) at which time the County will entertain a different proposal including Wilson Blvd., subject to all previous conditions, one (1) revised condition, and two (2) new conditions.

Approved Conditions:

1. The outdoor café is permitted on the North Highland Street frontage only, until the next scheduled County Board review in six (6) months (March 2011), at which time the outdoor café will be permitted on Wilson Boulevard 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 pits. 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. During the next scheduled County Board review in March 2011, the applicant agrees to submit a revised outdoor seating plan that shows the outdoor café on Wilson Boulevard only, with a minimum six (6) foot clear sidewalk.
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.
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.

Feb. 16, 2011

**Hard Times Cafe
3028 Wilson Blvd.**

14 Seats

Light Pole

11'0"

18'0"

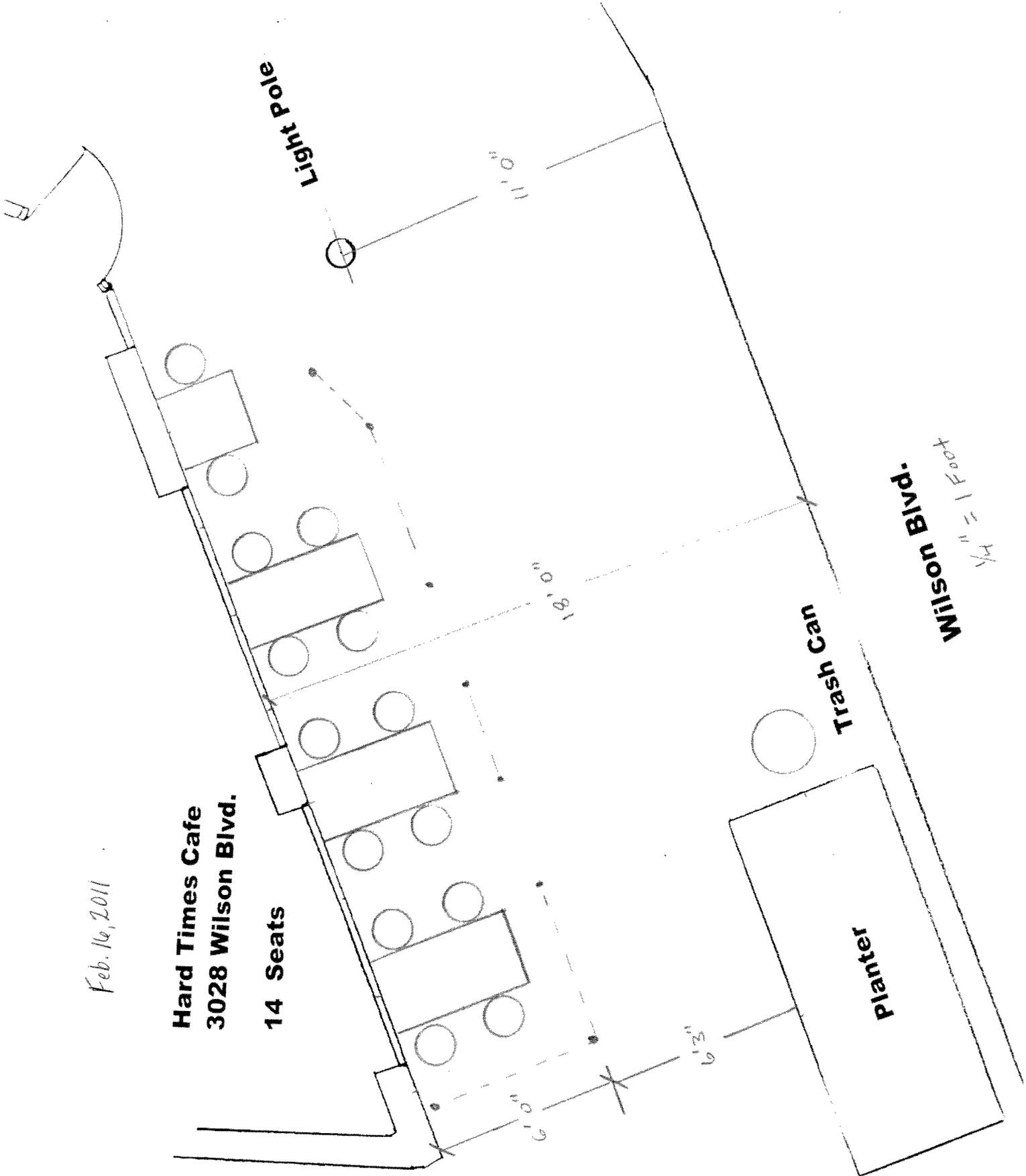
6'13"

Trash Can

Planter

Wilson Blvd.

1/4" = 1 Foot





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

