



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of June 11, 2011**

**DATE:** June 2, 2011

**SUBJECT:** SP #298 SITE PLAN AMENDMENT of American Tap Room for a restaurant with live entertainment; located at 3101 Wilson Blvd. (RPC# 15-071-031).

**Applicant:**

Ballston Tap Room, LLC  
505 Huntmar Park Drive, Suite 350  
Herndon, Virginia 20170

**By:**

Nan E. Walsh, Esq. and Kara Bowyer  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Adopt the attached ordinance for a site plan amendment for live entertainment at American Tap Room, subject to all previously approved conditions, one (1) modified condition, and the new conditions of the staff report, with an administrative review in six (6) months (December 2011), and a County Board review in November 2012.

**ISSUES:** The applicant is requesting a site plan amendment for live entertainment, and no issues have been identified.

**SUMMARY:** This is a site plan amendment request for live entertainment at the American Tap Room in Clarendon. The applicant is proposing solo piano music as background music for diners during the regular hours of the restaurant until 1:30 am, and has agreed to a condition limiting live entertainment to this form of music. The applicant is requesting that doors and windows be left open during the hours of live entertainment to allow piano music to be heard at the restaurant's outdoor patios. County practice has been to require that all doors and windows to the restaurant be shut during the hours of live entertainment to mitigate noise impacts; however in this case staff supports the applicant's proposal due to the fact that the live entertainment will be in the form of piano music. In addition, the applicant has agreed to conditions which would mitigate any

County Manager:

*BMD/GA*

Staff: Matthew Pfeiffer, DCPHD, Planning Division

PLA-5903

**3.**

potential noise impacts to the adjacent Hartford Condominiums. The restaurant is located in Clarendon, a major mixed-use neighborhood, and live entertainment is an appropriate use at this location. Staff is recommending an administrative review in six months and a County Board review on the same cycle as the Clarendon Live Entertainment uses; the next County Board review being scheduled for November 2012. Therefore, staff recommends approval of the attached ordinance for a site plan amendment for live entertainment at the American Tap Room, subject to all previously approved conditions, one (1) modified condition, and the new conditions of the staff report, with an administrative review in six (6) months (December 2011), and a County Board review in November 2012.

**BACKGROUND:** The American Tap Room is located in the Hartford Building at 3101 Wilson Boulevard in Clarendon. The subject property is a multi-story office building with ground-floor retail. The following provides additional information about the site:

Site: The site is bound on the northwest by 12<sup>th</sup> Street North and the Hartford Condominiums; on the northeast by N. Hartford Street; on the east by N. Highland Street; on the south by Wilson Boulevard; and on the southwest by N. Herndon Street.

Zoning: The site is zoned “C-R” Commercial Office Redevelopment Districts.

Land Use: The subject site is designated on the General Land Use Plan (GLUP) “Medium Density Mixed-Use” (Up to 3.0 FAR with special provision for additional density within the “Clarendon Revitalization District” [see note 12] and the “Special Coordinated Mixed Use District” for East End of Virginia Square.) The site is also located within the “Clarendon Revitalization District”.

Neighborhood: The site is located within the Lyon Village Civic Association. The Lyon Village Civic Association has submitted a letter to the County supporting the site plan amendment subject to the following three (3) conditions:

- Live entertainment would be limited to piano music
- Live entertainment would not be broadcast to any outdoor speakers
- Live entertainment will not be audible from inside the Hartford Condominium units, or louder than ambient noise at the Hartford Condominium balconies.

The applicant has agreed to these conditions. The County Board approved a site plan amendment for American Tap Room in February 2011 regarding outdoor seating in the public right-of-way, and modifications to approved facades and the comprehensive sign plan for the site. Condition #62 was approved with language regulating piped music (radio) to the outdoor café. This condition specifically required that piped music not be louder than ambient noise at the Hartford Condominium units located to the north of the site across 12th Street North.

**DISCUSSION:** The owners of American Tap Room are proposing live entertainment consisting of a solo piano player to provide background music to diners, and the applicant has agreed to a condition limiting live entertainment to this form of music. Live entertainment would be provided until 1:30 am. The applicant is requesting that windows and doors be left open to allow piano

music to be audible to patrons utilizing the outdoor café at this location. County practice has been to require that all doors and windows be shut during hours of live entertainment; however in this instance staff supports the applicant's request for several reasons. First, there will not be noise impacts to surrounding uses as the applicant has agreed to limit the live entertainment permitted in the restaurant to a piano, intended as background music. The nearest residential uses, the Hartford Condominiums, located to the north of the site across 12<sup>th</sup> Street North, will not be impacted as the piano is located on the North Highland Street side of the restaurant, facing commercial uses. In addition, the applicant has agreed to a condition whereby live entertainment would not be louder than ambient noise as measured from the Hartford Condominiums. This condition is consistent with the condition approved for American Tap Room's outdoor café seating, and would trigger a review by the County Board should violations be identified by the County. While this condition is not a standard condition for live entertainment in Clarendon, it is one that both the applicant and the community agree is appropriate for the site and would mitigate any potential impacts. Finally, the applicant has agreed to shut all windows and doors along the restaurant façade closest to residential uses at 12 a.m.

Live entertainment is an appropriate use for this site in Clarendon. The site's zoning allows "nightclubs and restaurants providing live entertainment including dancehalls," subject to a use permit. The applicant's proposal is a less intense form of live entertainment than many such uses in Clarendon, and will not adversely impact the community.

**CONCLUSION:** Staff supports the applicant's request for live entertainment at American Tap Room, as the site's location in the active, mixed-use center of Clarendon is appropriate for such a use. Staff also supports the applicant's request to allow doors and windows to the restaurant to be left open to allow piano music to be audible to the outdoor café because the applicant has agreed to conditions that would mitigate noise impacts to residential uses located to the north of the site. The Lyon Village Civic Association supports the applicant's request given the applicant agrees to conditions to mitigate impacts. Staff is recommending that this site plan amendment be reviewed on the same cycle as the Clarendon Live Entertainment uses; the next County Board review being scheduled for November 2012. Staff is recommending an administrative review in six (6) months to monitor the site plan amendment prior to the County Board review. Therefore, staff recommends adoption of the attached ordinance for a site plan amendment for live entertainment at American Tap Room, subject to all previously approved conditions, one (1) modified condition, with an administrative review in six (6) months (December 2011), and a County Board review in November 2012.

## Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated March 15, 2011, for Site Plan #298, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in the Staff Report(s) provided for the June 11, 2011, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 11, 2011, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - Restaurant operating live entertainment; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 15, 2011, for Site Plan #298, for a Site Plan Amendment for restaurant live entertainment, for the parcel of real property known as 3101 Wilson Boulevard (RPC# 15-071-031) approval is granted and the parcel so described shall be used according to the Site Plan Amendment Application, subject to the following conditions, and with an administrative review in six (6) months (December, 2011) and a County Board review in November 2012.

### Modified Condition #62:

62. The developer agrees that the proposed North Highland Street outdoor café in the public right-of-way for “American Tap Room” shall be as shown on the drawings prepared by Chatelain Architects, titled “American Tap Room Project Number 2010.351”, dated January 25, 2011, as attached to the staff report and approved by the County Board on February 12, 2011. The final number and arrangement of tables and chairs shall be determined by the Certificate of Occupancy. There must be a minimum of 8.5 feet of clear sidewalk width. The developer also agrees that the required barriers or fencing around the outdoor café must be installed in such a way that café patrons will not be able to move the barriers, but that they can be removed at the end of the outdoor seating season. The developer also agrees that there shall be a review by the County Board of this site plan amendment upon a change of ownership of the restaurant tenant. The developer also agrees that to the extent that the restaurant has outdoor speakers for music, the music from the speakers shall not be audible from inside the condominium units and not be louder than ambient noise at the condominium units’ balconies located across 12<sup>th</sup> Street

North/Festival Street. The developer also agrees that live entertainment shall not be audible from inside the condominium units and not be louder than ambient noise at the condominium units' balconies located across 12<sup>th</sup> Street North. The developer also agrees that if a determination is made by County officials that noise from the outdoor café, or live entertainment, does not comply with applicable ordinances, either site plan amendment for the outdoor café, or for live entertainment shall be scheduled for review by the County Board. The developer also agrees that the outdoor fire pits located within the outdoor seating area along 12<sup>th</sup> Street North/Festival Street are for decorative purposes only.

New Conditions:

66. Live entertainment is permitted seven days a week from restaurant opening until 1:30 am. The applicant agrees that live entertainment will be limited to a solo piano player, in the location depicted in the plan entitled "Live Entertainment—Piano," prepared by Chatelain Architects, P.C., and attached to this report.
67. The applicant shall comply with the Arlington County noise ordinance. The applicant agrees to close the windows and doors along the restaurant façade facing 12<sup>th</sup> Street North at 12 am seven days a week. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.
68. The applicant agrees that all bartenders and management staff shall have TIPS (Training for Intervention Procedures) certification.
69. 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.
70. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
71. 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.
72. 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 Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, , and the Clarendon Alliance.

73. The applicant agrees that the site plan amendment for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by American Tap Room. A review by the County Board shall not be required by only a change in name, should the tenancy not change and the ownership not change.
74. The applicant agrees to post sign 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.
75. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
76. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.

PREVIOUS COUNTY BOARD ACTIONS:

- July 11, 1992 Approved a rezoning request (Z-2406-92-1) from “C-3” General Commercial District to “C-R” Commercial Redevelopment District.
- Approved a site plan request (SP #298) for a mixed use project (3.0 FAR office and 1.0 FAR residential).
- May 20, 1995 Approved a site plan amendment request to extend the term of site plan approval for three months until August 5, 1995, subject to all previous conditions, amended Condition #1 and new Conditions #57 and #58.
- August 5, 1995 Approved a site plan amendment request to extend the term of site plan approval for three years until August 5, 1998, subject to all previous conditions and amended Conditions #1 and #57.
- October 14, 1995 Approved a site plan amendment request to expand the existing public parking lot with (not to exceed 30) spaces, subject to all previous conditions, new Condition #59, with a review in nine (9) months (July 1996).
- July 20, 1996 Continued the site plan amendment for a public parking lot with review in one year (July 1997).
- July 19, 1997 Continued the site plan amendment for a public parking lot with review in one year (July 1998).
- June 6, 1998 Approved a site plan amendment request to extend the term of site plan approval for three years until August 5, 2001, subject to all previous conditions and amended Condition #1.
- July 11, 1998 Continued the site plan amendment for a public parking lot with review in one year (July 1999).
- July 10, 1999 Continued the site plan amendment for a public parking lot with review in three years (July 2002).
- July 20, 2002 Discontinued site plan amendment for a public

parking lot.

January 21, 2006

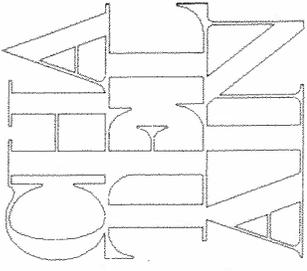
Approved site plan amendment for 58 square foot rooftop sign on south façade with new conditions #60 & 61.

September 16, 2006

Approved a site plan amendment for a rooftop sign with revised conditions #60 & 61.

February 12, 2011

Approved a site plan amendment for an outdoor café in the public right of way, changes to the approved façade, and changes to the comprehensive sign plan.



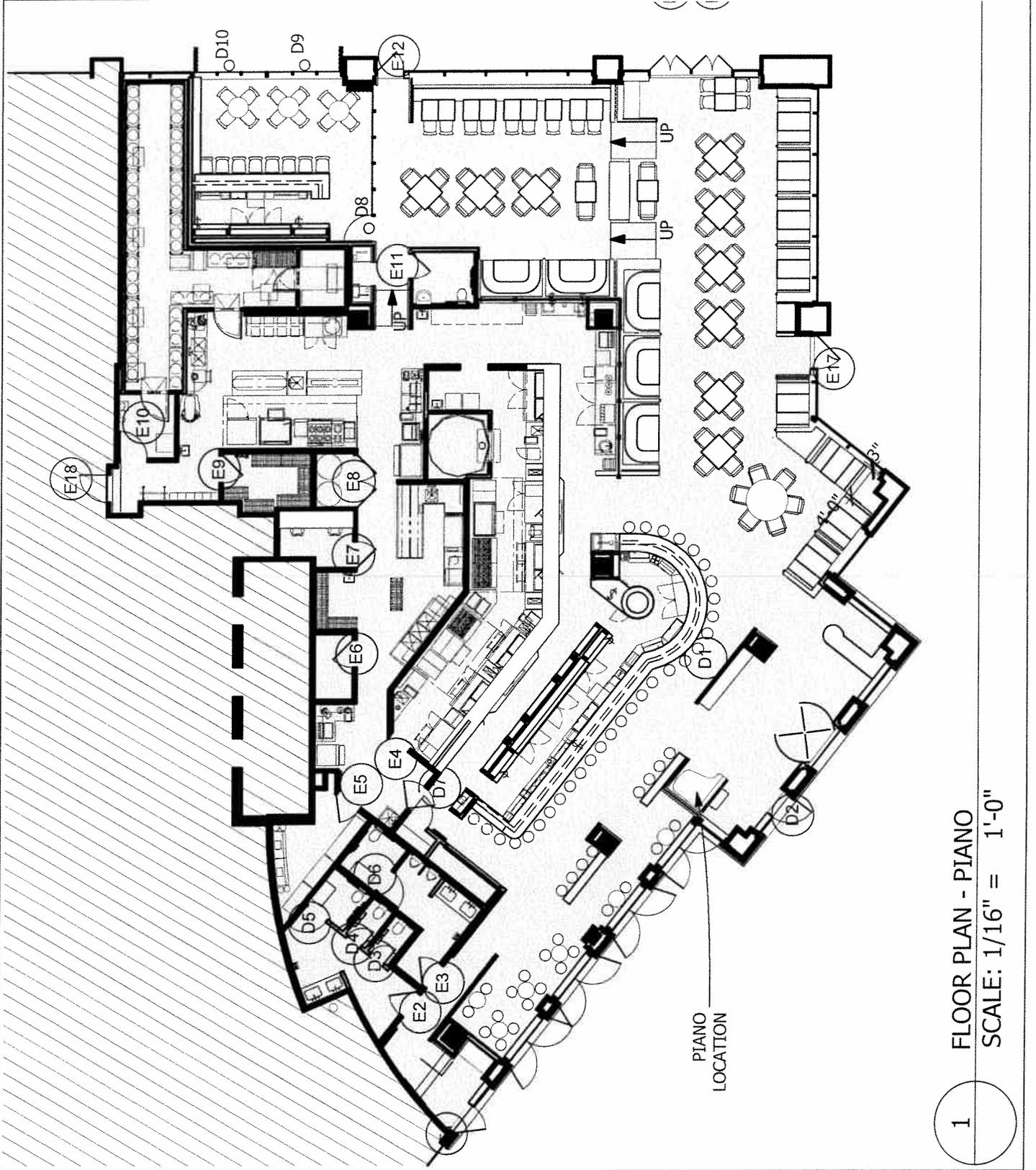
CHATELAIN Architects, p.c.  
3516 Connecticut Avenue, NW  
Washington, DC 20008  
Tel 202 244 0243  
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LIVE  
ENTERTAINMENT-  
PIANO

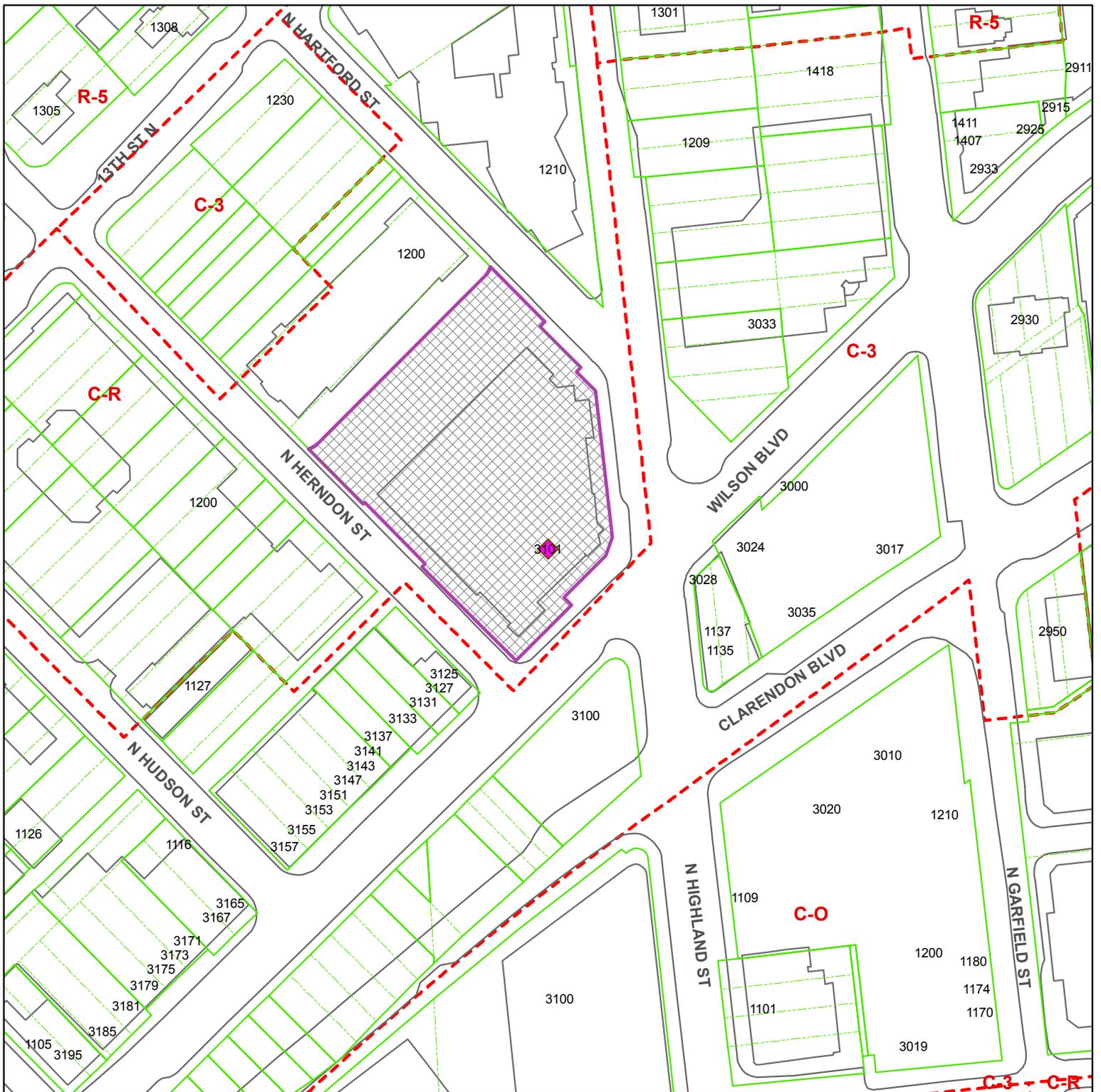
American Tap Room  
The Hartford Office Bu  
3101 Wilson Blvd

Arlington, VA 22201

Scale  
Date 2010  
Project No. .351  
Re:  
Sketch No.



1 FLOOR PLAN - PIANO  
SCALE: 1/16" = 1'-0"



**SP #298**

**3101 Wilson Boulevard**

**RPC: 15071031**



 Case Location(s)  
 Scale: 1:1,418

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