



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of June 11, 2011

SUPPLEMENTAL REPORT #2 – REVISED CONDITION

DATE: June 10, 2011

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

C.M. RECOMMENDATION:

Adopt the attached ordinance for a site plan amendment for a live entertainment at American Tap Room, subject to all previously approved conditions 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.

DISCUSSION: This report revises Condition #72 of the report dated June 8, 2011. Condition #72 is revised to add a future condominium association created for the residential project for Site Plan #384 (the Views at Clarendon) to the list of community organizations to which the applicant must submit on-site liaison contact information in order to respond to potential concerns related to live entertainment.

County Manager:

BMD/GA

Staff: Matthew Pfeiffer, DCPHD, Planning Division

PLA-5903

3.

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 12th 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 12th 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 12th 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. The applicant further agrees that no vocalists or vocal accompaniment is permitted under this site plan amendment.
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 12th 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, the Hartford Condominium Association, and the Clarendon Alliance, and any condominium, cooperative, or homeowner's association created for the residential units of Site Plan #384 (the Views at Clarendon).

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.