



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 21, 2012**

DATE: January 3, 2012

SUBJECT: U-3322-11-1 USE PERMIT for comprehensive sign plan and restaurant providing live entertainment; located at 3165 Wilson Boulevard (Eventide Restaurant) (RPC# 15-075-001).

Applicant:

Peter Pflug, Eventide
3165 Wilson Boulevard
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Approve the use permit for live entertainment and a comprehensive sign plan, subject to the conditions of the staff report, with an administrative review in six (6) months (July 2012), and a County Board review in ten (10) months (November 2012).

ISSUES: This is a request for live entertainment and for a comprehensive sign plan that would allow an additional projecting sign at the Eventide restaurant. The Lyon Village Civic Association does not support the applicant's request for a comprehensive sign plan because the proposed size of the projecting sign exceeds current Zoning Ordinance regulations for such signs.

SUMMARY: The owners of Eventide, located 3100 block of Wilson Boulevard in Clarendon, are requesting a use permit to provide live entertainment at the restaurant weekdays 11 a.m. to 9 p.m., and weekends 11 a.m. to 1 a.m. All live entertainment would be provided inside of the building. Staff supports live entertainment at this location as it is located on a busy commercial street and will not adversely impact residential uses. The applicant has agreed to standard conditions for live entertainment uses in Clarendon. Staff is recommending that the County Board review the request for live entertainment in concert with the other Clarendon Live Entertainment uses, scheduled for November 2012. Staff is also recommending an administrative review in six (6) months to monitor the operation of live entertainment at this location. The owners of the restaurant are also requesting a comprehensive sign plan for the building, which would include a new projecting sign measuring 17.5 square feet located on the

County Manager: *BMD/GA*

County Attorney: *AWM*

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division

PLA-6087

building's Wilson Boulevard façade. The new sign is being requested as part of a comprehensive sign plan because it would exceed the size permitted by the Zoning Ordinance for projecting signs (3 square feet). With the addition of the new sign, the total sign area for the building would not exceed the total amount allowed as a matter of right (60 square feet). The Lyon Village Civic Association does not support the applicant's request because it would exceed the size permitted in the Zoning Ordinance for projecting signs. However, staff supports the applicant's request because it is consistent with the Clarendon Sector Plan, which encourages "creative, innovative design" for commercial signs. The proposed sign would also maintain the pedestrian-oriented scale of the street, as a projecting sign would be oriented towards sidewalk users. The County is currently undergoing a comprehensive rewrite of the Zoning Ordinance regulations pertaining to signs. While the current draft contemplates limits for projecting signs to be 12 square feet (the proposed sign would exceed that limit), the portion pertaining to projecting signs is expected to evolve over the coming months. There will be no undue adverse impacts to surrounding neighborhoods as a result of this request. Therefore, staff recommends approval of the use permit for live entertainment and a comprehensive sign plan, subject to the conditions of the staff report, with an administrative review in six (6) months (July 2012), and a County Board review in ten (10) months (November 2012).

BACKGROUND: The applicant is proposing to provide live entertainment at the Eventide restaurant, and is requesting a comprehensive sign plan to allow a 17.5 square foot projecting sign at the restaurant's Wilson Boulevard entrance. The following provides additional information about the site:

Site: The building fronts Wilson Boulevard, and is located on the block bounded by Wilson Boulevard on the southeast, N. Hudson Street on the northeast, 13th Street N. on the northwest, and N. Irving Street to the southwest.

Zoning: The site is zoned "C-3" General Commercial Districts.

Land Use: The subject site is designated on the General Land Use Plan (GLUP) as Mixed Use "Medium Density Mixed-Use."

Neighborhood: The site is located within the Lyon Village Civic Association. Staff also contacted the Clarendon-Courthouse Civic Association (CCCA) regarding this request. Both civic associations have responded to staff that they support the applicant's proposal given the applicant agrees to standard conditions for Clarendon Live Entertainment, and hours for live entertainment are limited to 9 p.m. on week nights (see attached letters). However, the Lyon Village Civic Association has expressed that they do not support the applicant's proposal for a projecting sign larger than three (3) square feet, which is the current by-right limit for projecting signs in the County.

DISCUSSION:

Live Entertainment: The applicant requests a use permit for live entertainment at Eventide, located at the corner of Wilson Boulevard and North Hudson Street in Clarendon. The applicant proposes that live entertainment be provided during the hours of 11 a.m. to 1 a.m. Fridays and Saturdays, and from 11 a.m. to 9 p.m. week nights. All live entertainment would be provided inside of the building. The applicant has agreed to the conditions recommended as standard conditions by the Guidelines and Standard Conditions for Live Entertainment in Clarendon, which was developed with staff, community, and business input in November 2010. No live entertainment will be permitted to be held outdoors, and all windows and doors to the restaurant must be closed during the hours in which live entertainment is provided. The restaurant fronts on Wilson Boulevard, which is an active, commercial street in Clarendon (defined in the Master Transportation Plan (MTP) as Arterial “Type A-Primarily Retail Oriented Mixed-Use”); the closest residential uses are located on the block across North Hudson Street from the site. Given that the restaurant fronts on Wilson Boulevard, and is adjacent to existing live entertainment uses, staff believes that there will be no undue impact to adjacent neighborhoods. Live entertainment at this location will contribute to the active, entertainment-oriented character of Clarendon. Staff is recommending a short administrative review to monitor the operation of live entertainment.

Comprehensive Sign Plan: The applicant is proposing a comprehensive sign plan for the building to allow a new 17.5 square foot projecting sign, located on the building’s Wilson Boulevard façade. The restaurant currently has one (1) existing sign located the North Hudson Street façade, which measures 14 square feet. The new sign requires County Board approval of a comprehensive sign plan due to the fact that the Zoning Ordinance permits projecting signs no larger than three (3) square feet on each face as a matter of right, and the proposed sign would exceed that limit. However, the total amount of sign area for the restaurant (31 square feet) would be less than the total amount of by-right sign area permitted at the restaurant, which would be 90 square feet (including 60 square feet for the main frontage plus an addition 30 square feet because the building contains a side wall fronting a public street).

Staff supports the proposed 17.5 square foot projecting sign. While it is larger than a projecting sign that could be obtained by-right, the Clarendon Sector Plan encourages “creative, innovative designs” for commercial tenant signs. The proposed projecting sign would contribute to the pedestrian scale of the street, and would not contribute to sign clutter at the site. The County is currently undergoing a comprehensive rewrite of the Zoning Ordinance regulations pertaining to signs. While the current draft contemplates limits for projecting signs to be 12 square feet (the proposed sign would exceed that limit), the portion pertaining to projecting signs is expected to evolve over the coming months. There will be no undue adverse impacts to surrounding neighborhoods as a result of this request.

CONCLUSION: Staff supports the applicant’s proposal for live entertainment and a comprehensive sign plan for Eventide. The restaurant is located along Wilson Boulevard in Clarendon, and live entertainment will contribute to an active, entertainment-oriented neighborhood. As the applicant has agreed to the standard conditions for Clarendon live entertainment uses, there will be no adverse impacts to residential uses located on the adjacent

block. The request for an additional sign for the restaurant will not contribute to sign clutter, and will allow the restaurant to mark its Wilson Boulevard frontage, where there is currently no sign. Therefore, staff recommends approval of the use permit for live entertainment and a comprehensive sign plan, subject to the conditions of the staff report, with an administrative review in six (6) months (July 2012), and a County Board review in ten (10) months (November 2012).

Conditions (live entertainment):

1. The applicant agrees that live entertainment is permitted only from 11:00 a.m. to 9:00 p.m. on Sundays through Thursdays, and only from 11:00 a.m. to 1:00 a.m. on Fridays and Saturdays.
2. The applicant agrees to comply with all applicable laws, including, by way of illustration and not limitation, all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of “in house” staff, so long as that staff is dedicated to security only.
4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant’s windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
6. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
7. The applicant agrees to post sign signs in windows telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
9. The applicant agrees to make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
10. 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.

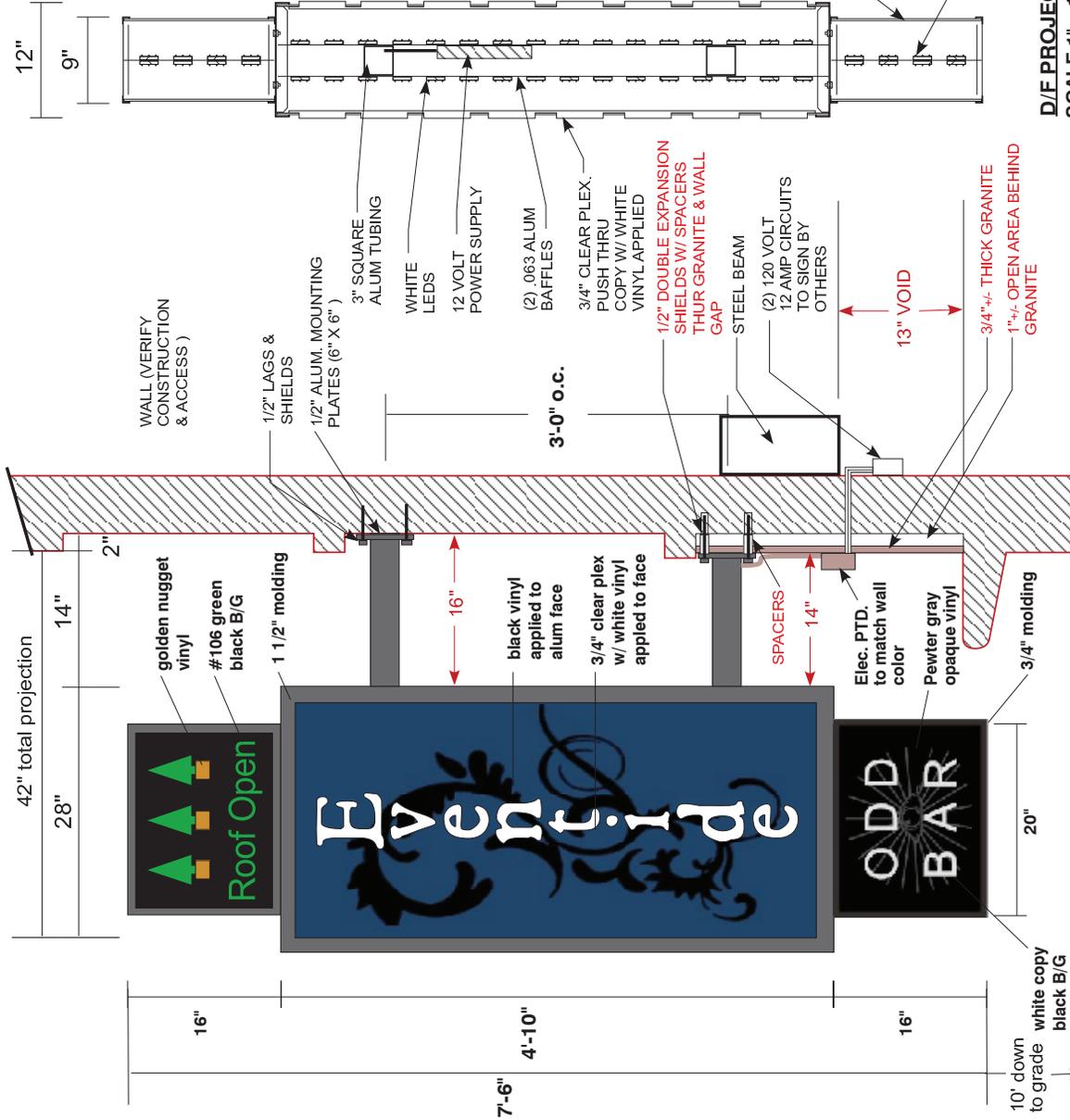
11. The applicant agrees to participate in the established Clarendon Live Entertainment Neighborhood Advisory Group, consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Fire Marshal, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses. One (1) of the quarterly meetings will consist of an educational seminar to review requirements and regulations of various departments, codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.
12. The applicant agrees to designate and make available 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 Citizens Association, the Lyon Park Civic Association, and the Clarendon Alliance.
13. The applicant agrees that the approval for live entertainment at 3165 Wilson Boulevard is valid only for Eventide. The County Board shall review the use permit upon any change in tenancy or ownership of the subject space.

Conditions (sign):

14. The applicant agrees to limit all signs to the size, design, location, and materials of the proposed signs shown on the drawings entitled "Eventide Restaurant," prepared by Service Neon Signs Inc., dated October 27, 2011, revised January 11, 2012, and the existing sign as shown in the attachment entitled "Eventide Restaurant," prepared by Service Neon Signs Inc., dated July 2, 2008.
15. The applicant agrees that the Zoning Administrator may approve a minor change to the Comprehensive Sign Plan consistent with the *Sign Guidelines for Site Plan Buildings*. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); (ii) a minor change in the area of the sign (less than 5%), or (iii) a change in the text and/or color of the sign. All other changes to the approved Comprehensive Sign Plan will require site plan approval or amendment.

PREVIOUS COUNTY BOARD ACTIONS:

There are no previous County Board actions at this site.



DESCRIPTION OF WORKS:
 THIS DRAWING IS A GENERAL REFERENCE ONLY. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES SHOWN ON THIS DRAWING. REVISED 1-11-12.

MESSAGE: TOP PANEL (TREE LOGOS & ROOF TOP) MIDDLE SECTION (EVENTIDE) SCROLL DESIGN BOTTOM SECTION (ODD BAR) EYE DESIGN

MATERIALS:
 SIGN CABINETS: TO BE CONSTRUCTED OF INNER ALUMINUM FRAMING COVERED WITH .063 ALUMINUM VINYL ON FIRST SURFACE. NOTE: GRAPHICS WILL BE #106 BRILLIANT GREEN, AND 449C GOLDEN NUGGET TRANSLUCENT VINYL APPLIED TO SECOND SURFACE.
 MIDDLE FACE: TO BE CONSTRUCTED OF 1/8" ALUMINUM SPRAYED DUKON HARBOR BLUE #AC076N (SEMI GLOSS).
 BOTTOM FACE: TO BE CONSTRUCTED OF 1/8" ALUMINUM SPRAYED DUKON HARBOR BLUE #AC076N (SEMI GLOSS).
 ALL EXTERIOR SURFACES SPRAYED 313 DARK BRONZE, AND ALL INTERIOR SURFACES SPRAYED WHITE.
 NOTE: TOP AND BOTTOM SECTION TO HAVE 1/2" X 3/4" RETAINER.
 MIDDLE SECTION TO HAVE 1/2" X 1 1/2" RETAINER.
 LIGHTING: FROM AN INTERNAL SOURCE OF POINT 2 WHITE (US LEADS) POWERED BY A 12VOLT POWER PACK. A SEPARATE CIRCUIT.
 ALL WIRING AND MATERIALS USED WILL BE U.L. APPROVED.

NOTES:
 TO BE CONSTRUCTED OF 3/16" CLEAR PLEXIGLAS WITH BACKGROUND OVERLAP WITH OPAQUE BLACK VINYL ON FIRST SURFACE. NOTE: GRAPHICS WILL BE #106 BRILLIANT GREEN, AND 449C GOLDEN NUGGET TRANSLUCENT VINYL APPLIED TO SECOND SURFACE.
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D/E PROJECTION SIGN

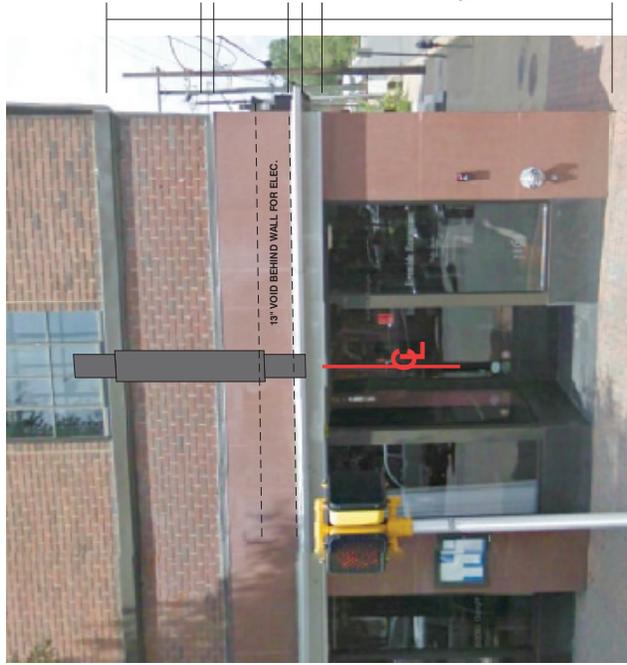
SCALE 1" = 1'-0"

REVISED 1-11-12: ADDED SURVEY NOTES

page 1 of 2

SERVICE NEON SIGNS INC 6611 IRON PLACE SPRINGFIELD, VA 22161 (703) 354-3000 TELEPHONE (703) 354-5810 FAX	CUSTOMERS NAME Eventide RESTAURANT	LOCATION 3165 WILSON BLVD. ARLINGTON, VA	DRAWING # 10-11-323 SALESPERSON RUTH VAN / R. RYE	DATE 10-27-11 CUSTOMER APPROVAL	this design is the property of Service Neon Signs, Inc. and shall remain the property of Service Neon Signs, Inc. until the sign is removed from the premises. This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.
	REVISED 1-11-12: ADDED SURVEY NOTES				this design is the property of Service Neon Signs, Inc. and shall remain the property of Service Neon Signs, Inc. until the sign is removed from the premises. This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

center sign
over doorway



FRONT ELEVATION
SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

**SERVICE
NEON
SIGNS
INC**

6611 IRON PLACE
SPRINGFIELD, VA.
22151
(703) 354-3000 TELEPHONE
(703) 354-5810 FAX

CUSTOMERS NAME

**Eventide
RESTAURANT**

LOCATION

3165 WILSON BLVD.
ARLINGTON, VA

DRAWING #

10-11-323

DATE

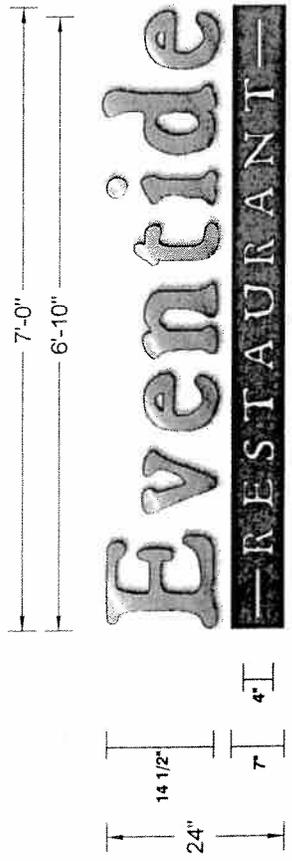
10-27-11

CUSTOMER APPROVAL

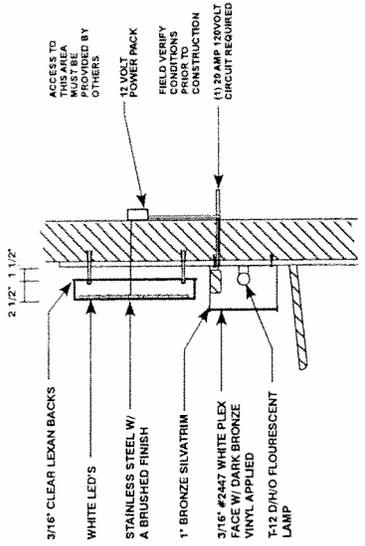
SALESPERSON
RUTH VAN / R. RYE

this design is the property of Service Neon Signs. unauthorized use in whole or in part prohibited, violators will be prosecuted in the fullest extent of the law.
This sign is intended to be installed in accordance with the requirements of Article 690 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

ZN0800704 Existing Sign



NOTE:
MARBLE WALL
BACKGROUND



SECTION scale 3/4" = 1'-0"

SIGN LAYOUT
SCALE 3/4" = 1'-0"

DESCRIPTION OF WORK:
MANUFACTURE AND INSTALL SET OF HALO LIGHTED REVERSE CHANNEL LETTERS AND ONE (1) SINGLE FACED CHANNEL BOX SIGN AS SHOWN ON OUR DRAWING #7-08-278. REVISED 8-20-08.

MESSAGE: EVENTIDE (REVERSE CHANNEL LETTERS)
RESTAURANT (SIGN CABINET)

MATERIALS:
REVERSE CHANNEL LETTERS: TO BE CONSTRUCTED OF STAINLESS STEEL (2 1/2" DEEP) WITH A BRUSH FINISH. NOTE: BACK OF LETTERS TO HAVE 3/16" WHITE LEXAN BACKS.
LIGHTING: FROM AN INTERNAL SOURCE OF WHITE LED'S POWERED BY A 12VOLT POWER PACK LOCATED BEHIND WALL. NOTE: ACCESS MUST BE PROVIDED TO THIS AREA BY OTHERS.
MOUNTING: LETTERS TO BE INSTALLED 1 1/2" OFF MARBLE WALL WITH 1/2" ALUMINUM PINS AND APPROPRIATE HARDWARE AS REQUIRED. NOTE: ALL PENETRATIONS INTO WALL TO BE SEALED WITH SILICONE ADHESIVE.
SIGN CABINET: TO BE CONSTRUCTED OF WITH .063 313 DARK BRONZE ALUMINUM (6" DEEP).
LIGHTING: WILL BE FROM AN INTERNAL SOURCE OF T-12 D/H/O FLOURESCENT LAMPS POWERED BY A 800MA BALLAST. NOTE: ALL WIRING AND MATERIALS USED WILL BE U.L. APPROVED.
FACE: TO BE CONSTRUCTED OF 3/16" #2447 WHITE PLEXGLAS WITH BACKGROUND OVERLAD WITH DARK BRONZE VINYL AND COPY WILL BE WHITE FRISKUT.
MOUNTING: SIGN TO BE INSTALLED FLAT AGAINST MARBLE FACIA WITH CONCEALED FASTENERS AS REQUIRED. NOTE: ALL PENETRATIONS INTO FACIA TO BE SEALED WITH SILICONE ADHESIVE.
ELECTRICAL: RUN TO SIGN LOCATION BY OTHERS. ONE (1) 20AMP 120VOLT CIRCUIT REQUIRED. SELLER TO MAKE FINAL HOOK-UP. IF ADEQUATE ELECTRICAL SERVICE IS PROVIDED AT TIME OF INSTALLATION. NOTE: SELLER TO INSTALL FLUSH MOUNTED SWITCH AND FLUSH MOUNTED PHOTO CELLS AS REQUIRED.
PERMITS: SELLER TO OBTAIN ALL REQUIRED PERMITS FROM ARLINGTON COUNTY, VA.

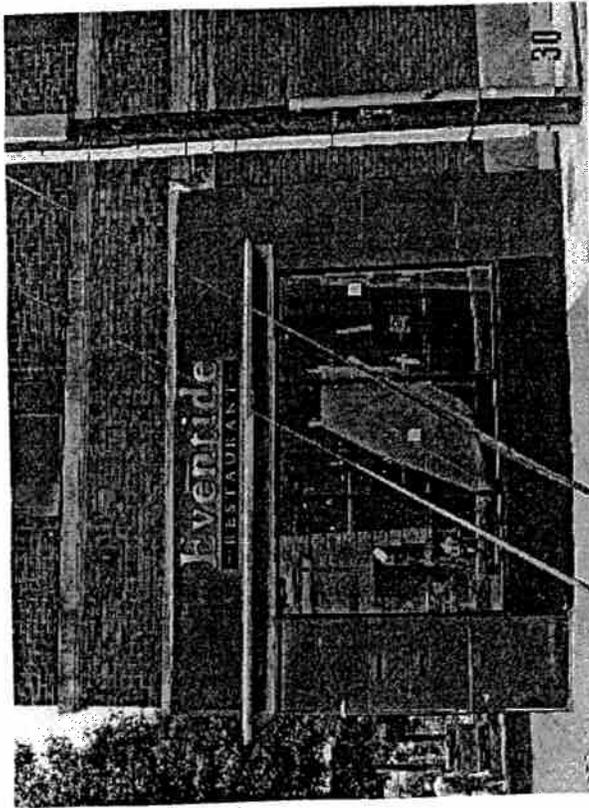
Ruth
7-29-08

REVISED 8-20-08: CHANGE CONSTRUCTION METHOD
REVISED 7-29-08: CHANGE CONSTRUCTION METHOD

SERVICE NEON SIGNS INC. 6611 IRON PLACE SPRINGFIELD, VA 22151 (703) 354-9000 TELEPHONE (703) 354-5810 FAX	CUSTOMER'S NAME Eventide RESTAURANT	LOCATION 3165 WILSON BLVD. ARLINGTON, VA	DRAWING # 07-08-278	DATE 7-2-08
	SALES PERSON RUTH VAN / R. RYE		CUSTOMER APPROVAL	

this design is the property of Service Neon Signs. unauthorized use in whole or in part prohibited. violators will be prosecuted in the fullest extent of the law. Address: 6611 Iron Place, Springfield, VA 22151. For more information contact Service Neon Signs at the National Executive Center or via telephone from any address. This includes proper grounding and bonding of the sign.

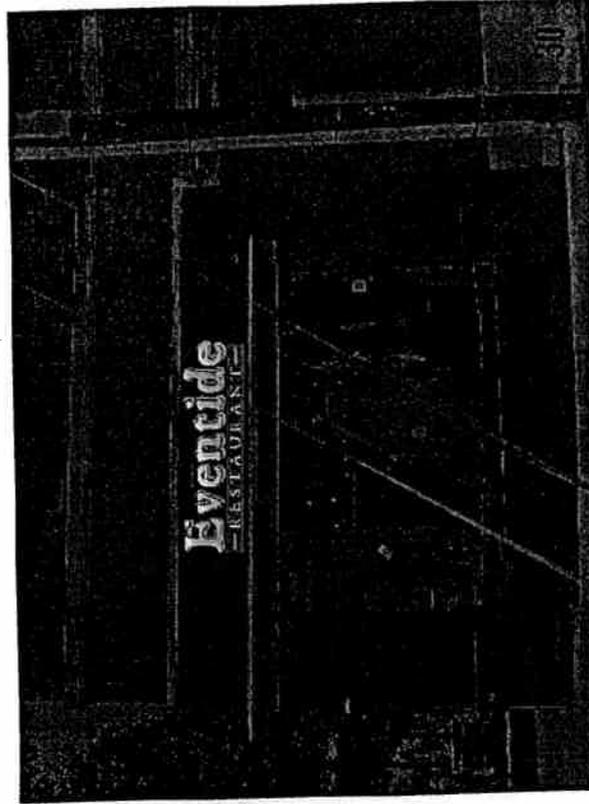
7'-0"



24"

RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

7'-0"



24"

RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

Ruth Van 9-3-08

**SERVICE
NEON
SIGNS
INC**

6611 IRON PLACE
SPRINGFIELD, VA
22151
(703) 354-3000 TELEPHONE
(703) 354-5810 FAX

CUSTOMER'S NAME

**Eventide
RESTAURANT**

LOCATION

3165 WILSON BLVD.
ARLINGTON, VA

DRAWING #

07-08-278

DATE

7-2-08

CUSTOMER APPROVAL

SALESPERSON
RUTH VAN / R. RYE

this design is the property of Service Neon Signs. unauthorized use in whole or in part prohibited, violator will be prosecuted in the fullest extent of the law.
This sign is intended to be installed in accordance with the requirements of the applicable local jurisdiction. Code book for the appropriate local codes. This includes proper mounting and lighting of this sign.

From: HK Park
Sent: Tuesday, November 29, 2011 3:56 PM
To: Matthew Pfeiffer; Ken Fulton (CCCA); Don Gay; Jim Lantelme
Subject: Eventide live entertainment

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Matt, the owner of Eventide has sent an application to the County for live music indoors only (nothing outdoors or on rooftop), **7 days a week, 11 AM - 1 AM**. They expect the County to address in December.

Lyon Village has discussed this with immediate neighbors and takes the following position:

We support the permit application with the same standard conditions that were applied to Mexicali Blues, with the proviso that times on weekdays should be limited to 11 AM - 9 PM or the applicant should be limited to a set number of times per month (ie. 10) to have live music.

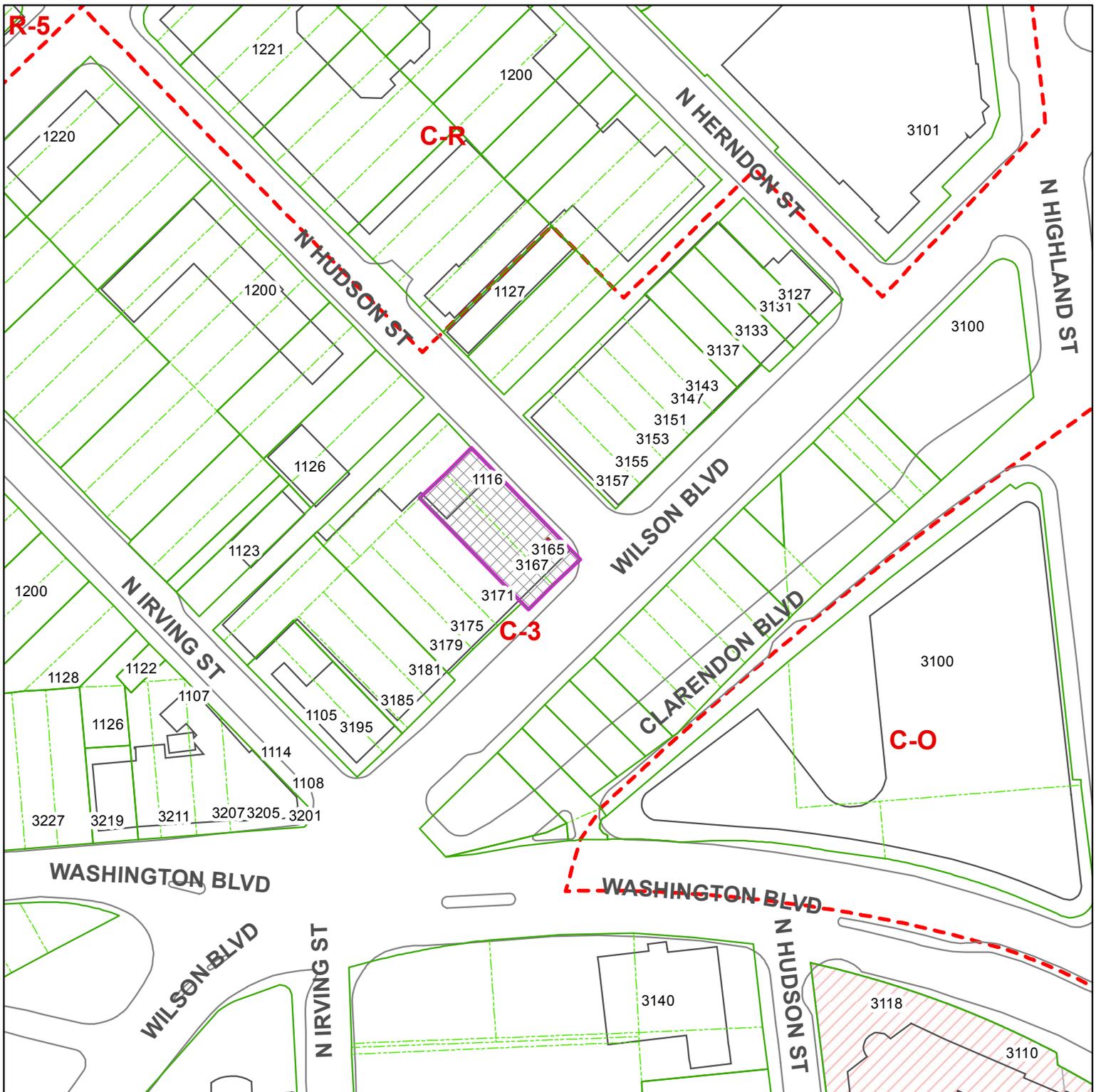
Either approach would limit Eventide to what they are seeking and not much more.

You should know that Eventide is not currently open for lunch and would only open for lunch for a corporate event or wedding with live music. We took into account future residents who could live in a building directly behind Eventide (Red Top site rumored to be sold to developer)

Also, despite receiving a live entertainment permit for Spider Kelly's next door in 2009, the same owner has not exercised that right.

H.K. Park
President, Lyon Village
(703) 201-7701

<http://www.lyonvillage.org>



U-3322-11-1

3165 Wilson Boulevard

RPC# 15-075-001



 Case Location(s)
 Scale: 1:1,200

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