



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of April 21, 2012

**DATE:** April 3, 2012

**SUBJECT:** SP #125 SITE PLAN AMENDMENT for restaurant permitting live entertainment and dancing at the China Garden Restaurant; located at 1000 and 1100 Wilson Boulevard (RPC# 17-001-010; -011).

**Applicant:**

Ken P.K. Lee  
8316 Turnberry Ct.  
Potomac, Maryland 20854

**C.M. RECOMMENDATION:**

Adopt the attached ordinance to approve an amendment to SP #125 to permit live entertainment and dancing at the China Garden Restaurant, subject to all previous conditions, one new condition, and with a County Board review in one year (April 2013).

**ISSUES:** This is a request for a site plan amendment to permit live entertainment and dancing at the China Garden Restaurant, located in the Arland Towers, and no issues have been identified.

**SUMMARY:** This is a request for a site plan amendment to permit live entertainment and dancing at the China Garden Restaurant, located at 1100 Wilson Boulevard. The applicant intends to provide occasional banquet services for private events, which will include live entertainment and dancing. The applicant requests that permitted hours be from 9 p.m. to 1 a.m. seven (7) days per week. The restaurant is located within an interior mall in a large office/retail project and does not contain frontage on the street. Therefore, there will be no undue adverse impacts to surrounding neighborhoods. Therefore, staff recommends adoption of the attached ordinance to approve an amendment to SP #125 to permit live entertainment and dancing at the China Garden Restaurant, including a condition specifying that the use is temporary and will expire in April 2013 unless renewed by the County Board.

County Manager:

*BMD/GA*

County Attorney:

*[Signature]*      *[Signature]*

Staff: Matthew W. Pfeiffer, DCPHD, Planning

PLA-6157

2.

**BACKGROUND:** This is a request for a site plan amendment allowing live entertainment and dancing at the China Garden Restaurant, located in the Arland Towers development. Arland Towers (SP #125), located in Rosslyn along Wilson Boulevard, was approved by the County Board in 1981 (East Tower) and 1985 (West Tower) and contains 1,067,281 square feet of office gross floor area within two (2) towers and 79,400 square feet of retail space within the building podium connecting the two towers. The China Garden Restaurant, located within an interior mall on the mezzanine level of the West Tower, has been operating in its present location for over thirty years. A site plan amendment for live entertainment and dancing at the China Garden Restaurant was approved by the County Board in November 1991 and renewed in November 1994. The use permit for live entertainment and dancing subsequently expired due to lapse of use.

**The following provides additional information about the site and location:**

Site: The 133,571 square foot site is bound on the north by Wilson Boulevard, on the east and south by N. Kent Street, and on the west by N. Lynn Street.

Zoning: The site is zoned [“C-O” Commercial Office Building, Hotel, and Multiple-Family Dwelling Districts.](#)

Land Use: The site is designated on the [General Land Use Plan \(GLUP\)](#) as “Office-Apartment-Hotel” High, and is subject to the [Rosslyn Station Area Plan Addendum.](#)

Neighborhood: The site is located within the Radnor/Fort Myer Heights Civic Association (RAFOM). Staff contacted RAFOM, the North Rosslyn Civic Association, and the Rosslyn Renaissance Urban Design Committee for comment on this application. RAFOM and the North Rosslyn Civic Association have responded that they have no issues with the applicant’s request.



Source: Bing Maps

**DISCUSSION:** The restaurant has existed in its present location for over thirty years. A site plan amendment for live entertainment and dancing at the China Garden Restaurant was approved by the County Board in November 1991, but expired due to lapse of use. The applicant currently holds private banquets including wedding receptions and intends to provide live entertainment and dancing for such events. The applicant is proposing that the hours of operation for live entertainment be 9 p.m. to 1 a.m. seven (7) days per week.

Staff supports live entertainment and dancing at this location. The restaurant space is located within an interior mall and contains no frontage on a public street. As the mall is located within a large office/retail complex, there will be no impact on residential uses. In addition, live entertainment and dancing has operated successfully at this site in the past. It is believed that no undue adverse impacts will result from this use.

**CONCLUSION:** The space occupied by China Garden Restaurant is located in an interior mall within a large office/retail complex with no street frontage; it is anticipated that there will be no undue adverse impacts as a result of this site plan amendment. Therefore, staff recommends adoption of the attached ordinance to approve an amendment to SP #125 to permit live entertainment and dancing at the China Garden Restaurant, subject to all previous conditions and a new condition specifying that the use is temporary and will expire in April 2013 unless renewed by the County Board.

## **SITE PLAN AMENDMENT ORDINANCE**

WHEREAS, an application dated February 10, 2012 for a Site Plan Amendment for Site Plan #125, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] prepared for the April 21, 2012 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[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on April 21, 2012 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
- 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 February 10, 2012 for Site Plan #125, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in the conditions below ( which drawings, etc... are hereafter collectively referred to as "Revised Site

Plan Application”), for a Site Plan Amendment for live entertainment and dancing, for the parcel of real property known as RPC #17-001-010; 011 and 1100 Wilson Boulevard approval is granted and the parcel so described shall be used according to the Site plan as originally approved on September 6, 1972 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following new condition:

36. The applicant agrees that live entertainment and dancing use permitted at the China Garden Restaurant at 1100 Wilson Boulevard is a temporary use only that has been approved for a limited one (1) year period, and not longer. During the one year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of one (1) year, on April 21, 2013, without further action by the County Board. The applicant agrees that it will cease use of the space for the purposes of live entertainment and dancing, and shall convert the space to another approved use, or fully vacate the space, on or before April 21, 2013. The applicant acknowledges and agrees that after April 21, 2013, it shall have no right to use the space for live entertainment and dancing purposes unless specific approval for that use is obtained from the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the live entertainment and dancing use shall be subject to the following additional conditions:
- a. The applicant agrees that live entertainment (DJ and Karaoke) and dancing at 1100 Wilson Boulevard shall be permitted only between the hours of 9 p.m. and 1 a.m. seven (7) days a week.
  - b. The applicant agrees to comply with all applicable requirements of County and State Ordinances, including, , by way of illustration and not limitation, with regulations of the Environmental Health Bureau, and the Fire Marshal, the Police Department, and the Alcohol Beverage Control Board (ABC).
  - c. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
  - d. 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 and dancing except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. The applicant further agrees that, under no circumstances shall live entertainment and dancing be permitted outside of the building or broadcast over loudspeakers

outside the building. The applicant agrees that doors shall not be propped open during live entertainment and dancing.

- e. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification. The applicant agrees to keep a record of TIPS training certification for all restaurant staff, including all new staff, and submit this information upon the County's request.
- f. 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 live entertainment and dancing and to designate and make available 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 and dancing. The name, telephone number, and electronic mail address (if one is established) shall be submitted to the Zoning Administrator and a copy sent to the Radnor/Fort Myer Heights Civic Association, the North Rosslyn Civic Association, and the Rosslyn Renaissance Urban Design Committee.

PREVIOUS COUNTY BOARD ACTIONS:

June 6, 1972	Rezoned from "C-2" to "C-O."
September 6, 1972	Approved site plan for an office building.
October 13, 1973	Extended site plan for one (1) year.
April 20, 1974	Approved a site plan amendment to delete 37,367 square feet of parking.
October 12, 1974	Extended site plan for one (1) year.
October 4, 1975	Extended site plan for one (1) year.
October 12, 1976	Extended site plan for one (1) year.
September 10, 1977	Extended site plan for one (1) year.
February 11, 1978	Approved a site plan for an office, commercial and hotel complex.
June 24, 1978	Deferred site plan amendment to delete office to be replaced by hotel.
July 29, 1978	Approved a site plan amendment to delete approved office and replace it with a conceptual site plan for a 325-room hotel and parking for the office towers.
July 7, 1979	Extended site plan for one (1) year.
June 10, 1980	Extended site plan for one (1) year.
July 11, 1981	Extended site plan for one (1) year.
September 11, 1982	Deferred a site plan amendment to change the timing of required public improvements.
September 25, 1982	Approved a site plan amendment to reflect revised dates for developer obligations related to the loop road construction.
March 3, 1984	Denied a site plan amendment to convert the approved hotel to office.

February 2, 1985	Deferred a site plan amendment to convert 19,000 square feet of retail space to office space and 8,500 square feet of general office space to a private health club, and advertised "On Its Own Motion" a Site Plan Amendment to convert 15,000 square feet of parking to retail and to increase parking for Phase III by 15,000 square feet.
March 16, 1985	Approved a site plan amendment to convert 19,000 square feet of retail space to office space (Phase II) and 17,000 square feet of office space to a private fitness center (Phase I). Also approved the conversion of 15,000 square feet of required parking to retail space (Phase II) and increased the required parking for Phase III by 15,000 square feet.
May 18, 1985	Approved a site plan amendment for a parking garage of 363,800 square feet.
August 17, 1985	Approved a site plan amendment to extend the site plan approval for a conceptually approved 325-unit hotel from July 29, 1985 to July 29, 1988.
	Denied a site plan amendment to enlarge the "USA Today" rooftop sign on 1000 Wilson Boulevard and approved a rooftop sign consisting of 224 square feet for Gannett on 1100 Wilson Boulevard.
October 5, 1985	Approved a site plan amendment to amend condition #24 to permit occupancy of Phase II building prior to completion of required parking on the Phase III site.
December 2, 1986	Approved a site plan amendment to extend the date for completion of the Phase III garage to January 15, 1987 to allow continued occupancy of Phase II.
January 10, 1987	Approved a site plan amendment to permit 15,000 square feet of parking area on the 5th floor of the 1100 building to remain in parking use, and to permit the 15,000 square feet of the parking area on the Mall Level (Level 8), and on part of Level 6 of the 1101 building to be converted to retail gross floor area.

March 7, 1987	Approved a site plan amendment to extend the date of the completion of the Phase III site from January 15, 1987 to June 1, 1987, and to permit the continued occupancy of the Phase II building prior to completion of the required parking on the Phase III site.
November 7, 1987	Approved a site plan amendment to permit a tenant identification sign measuring 6 feet by 78 feet and reading "Gannett Foundation" on the east elevation of the penthouse level of 1101 Wilson Boulevard.
	Approved a site plan amendment for the conceptually approved 325-unit hotel, an office building with 243,698 square feet of gross floor area plus 15,766 square feet of day care space on level eight, and with a height of 300 feet above mean sea level to the roof parapet on a site which for density purposes is calculated as 79,154 square feet.
February 6, 1988	Approved a site plan amendment to convert 6,300 square feet of designated commercial space on the seventh level to a television studio.
January 7, 1989	Approved a site plan amendment to permit construction of a roof garden on the penthouse, approximately 14 feet and 8 inches above the top of the parapet.
February 11, 1989	Approved a site plan amendment to permit live entertainment, including dancing in an existing restaurant.
May 13, 1989	Approved a site plan amendment to permit the operation of a child care center for 140 children, ages 1-6 years, weekdays between 8 a.m. and 6 p.m.
June 3, 1989	Approved a site plan amendment to permit installation of a 12-foot diameter satellite dish antenna on the northwest corner of the building roof.
March 10, 1990	Approved an amendment and renewal of a special exception for a site plan amendment for live entertainment, including dancing, to be extended by

	one hour, Thursdays through Saturdays between 7:00 p.m. and 1:00 a.m.
August 11, 1990	Deferred to October 6, 1990, a Site Plan Amendment to substitute a conference and exercise facility for the approved roof garden on the penthouse.
October 6, 1990	Deferred to November 17, 1990 a Site Plan Amendment to substitute a conference and exercise facility for approved roof garden on the penthouse.
November 17, 1990	Deferred to January 5, 1991, a site plan amendment to substitute a conference and exercise facility for approved roof garden on the penthouse.
January 5, 1991	Deferred to January 19, 1991, a site plan amendment to substitute a conference and exercise facility for approved roof garden on the penthouse.
January 19, 1991	Approved a site plan amendment to substitute a conference and exercise facility for the roof garden on the penthouse.
May 11, 1991	Approved an amendment to a special exception for a site plan amendment for live entertainment and dancing until 2:00 a.m. on Friday and Saturday evenings at New York, New York Restaurant, subject to conditions, and with a review in one (1) year.
July 13, 1991	Approved a site plan amendment to amend Condition #7 to reduce the bicycle parking requirement to 45 spaces; denied the request to convert 2,700 square feet of storage space adjacent to the loading dock to commercial space for a printing firm.
November 16, 1991	Approved an amendment to a special exception for a site plan amendment for live entertainment and dancing until 2:00 a.m. seven nights a week at New York, New York Restaurant, subject to conditions, and with a review in three (3) years.
January 18, 1992	Approved a site plan amendment to convert 2,536 square feet of retail space to a computer training

	facility, subject to a condition requiring a \$30,000 contribution for the Rosslyn Renaissance.
January 16, 1993	Deferred to March 6, 1993 a Site Plan Amendment to construct a theater and auditorium and associated interior and street level facade modifications.
January 16, 1993	Deferred to March 6, 1993 a site plan amendment to convert approximately 4,000 square feet of storage space to retail G.F.A.
February 6, 1993	Deferred to March 6, 1993 a site plan amendment to convert approximately 13,400 square feet of day care space to museum, theater or office space.
March 10, 1993	Deferred to the recessed meeting of April 15, 1993 a site plan amendment to construct a theater and auditorium and associated interior and street level facade modifications.
	Deferred to the recessed meeting of April 15, 1993 a site plan amendment to convert approximately 4,000 square feet of storage space to retail G.F.A.
	Carried-over to March 20, 1993 a site plan amendment to convert approximately 13,400 square feet of day care space to museum, theater or office space.
March 20, 1993	Approved a site plan amendment to convert 15,766 square feet of day care space (approximately 13,400 square feet of net useable space) to museum, museum administration or theater space.
April 15, 1993	Agreed to postpone completion of the Rosslyn Loop Road for 25 years. Endorsed a traffic circulation alternative. Directed the County Manager to develop a public participation process for development of interim alternative uses for the bridge and adjacent incomplete segments of the road.
	Approved a site plan amendment to construct a 3,500 square foot theater and auditorium, and associated interim and street level facade modifications, subject to conditions.

	Approved a site plan amendment to convert approximately 4,000 square feet of storage space to retail G.F.A., subject one condition.
June 5, 1993	Approved a site plan amendment to construct approximately 13,150 square feet of G.F.A. on the existing plaza deck (9,370 sq. ft.) and in a new mezzanine area within the existing tower (3,780 sq. ft.) for use as exhibit space, museum administrations and support areas, subject to conditions.
February 5, 1994	Deferred a site plan amendment to construct a park on the Loop Road bridge to March 5, 1994.
March 12, 1994	Approved a site plan amendment for the park design concept for the Loop Road bridge and approved, ratified, and affirmed the Declaration of Mutual Intent executed between the County Manager and Twin Towers Associates, Twin Towers II Associates, 1101 Associates, and Arland Towers Company, subject to the deletion of conditions number 1, 2, and 4 of the January 19, 1991 site plan amendment and the conditions in an excerpt from the March 12, 1994 County Board minutes.
May 7, 1994	Approved a site plan amendment for the installation of two receive-only antennae; one (1) 3.0 and one (1) 3.7 meters in diameter.
November 19, 1994	Continued a site plan amendment for live entertainment including dancing, in an existing restaurant from 9:00 p.m. to 1:30 a.m., seven days a week with a review in five (5) years.
June 4, 1996	Approved a site plan amendment for the conversion of approximately 1,100 square feet of mall area to retail gross floor area.
December 12, 1998	Approved a site plan amendment for the conversion of 8,500 square feet of retail designated mall area to private office space.
July 14, 1999	Approved a site plan amendment for the conversion of approximately 52,000 square feet of

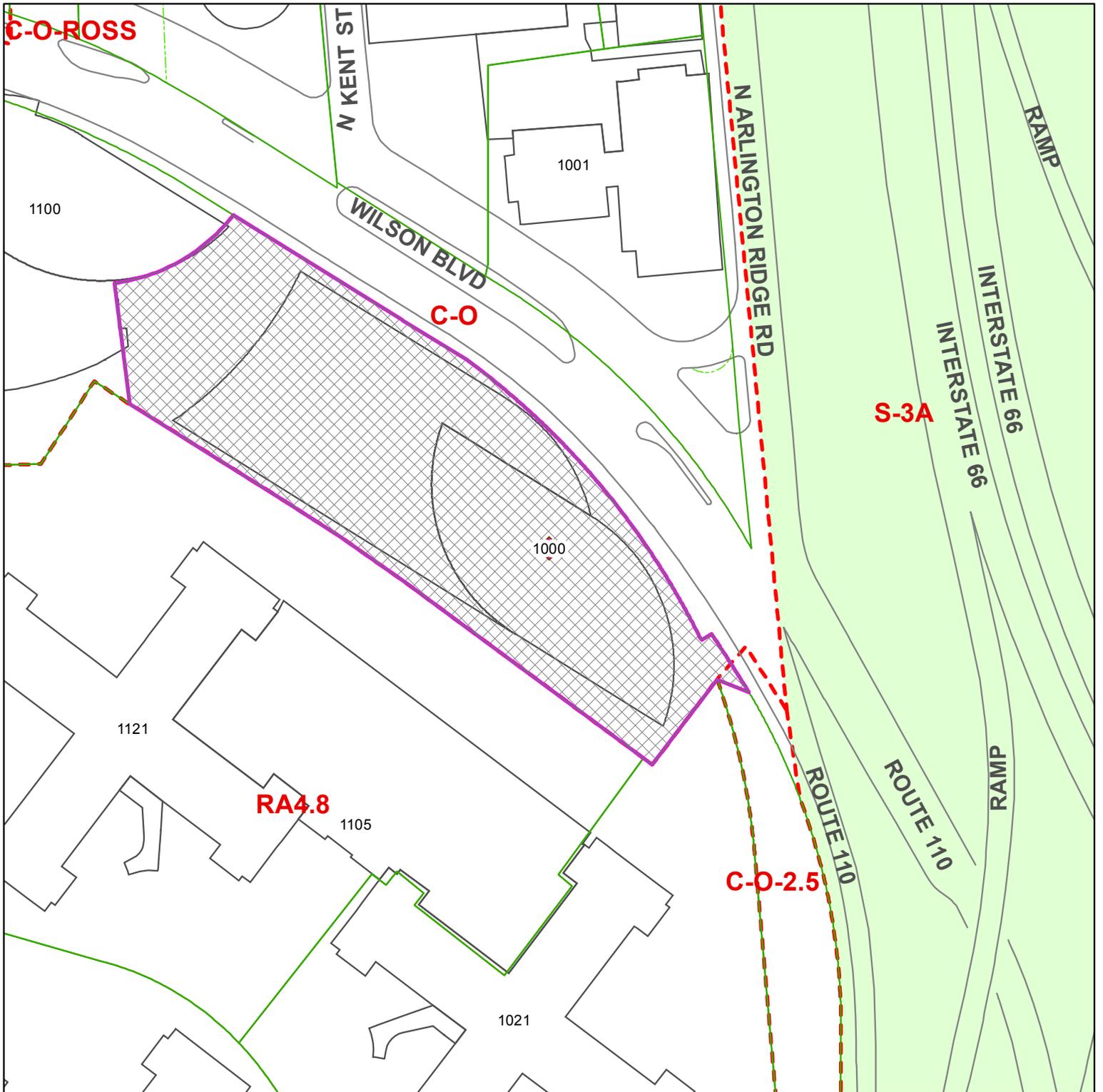
	communication production facilities, physical fitness center, and office space total office space.
November 1, 2000	Approved a site plan amendment for a second rooftop sign at 1100 Wilson Boulevard.
April 21, 2001	Denied a site plan amendment to add a drop-off/curb pick-up area along Wilson Boulevard at 1000 Wilson Boulevard.
January 11, 2003	Approved a site plan amendment for a 315 square foot rooftop sign on 1000 Wilson Boulevard "Northrop Grumman."
March 15, 2003	Approved a site plan amendment for one rooftop sign, one electronic message sign and video display screen on 1100 Wilson Boulevard for WJLA. Approved a FAB sign on 1000 Wilson Boulevard for WJLA.
April 26, 2003	Approved a site plan amendment for one rooftop sign on 1000 Wilson Boulevard for Northrop Grumman.
October 18, 2003	Approved interim conversion of 1,335 square feet of retail space to conference room use with reversion or renewal consideration no later than October 2008.
February 7, 2004	Approved a site plan amendment one rooftop sign, one electronic message sign and video display screen on 1100 Wilson Boulevard for WJLA.
September 18, 2004	Approved a site plan amendment to amend the comprehensive sign plan for one blade sign and one flat against the building sign at 1100 Wilson Boulevard for Baja Fresh, subject to the condition of the staff report.
May, 17, 2008	Approved a site plan amendment for the comprehensive sign plan for the Northrop Grumman rooftop sign, subject to the conditions of the staff report.

July 19, 2008

Approved a site plan amendment converting 4,520 square feet conference room use and retail use to television studio use for WJLA-TV.

December 11, 2010

Approved a site plan amendment to convert television studio space to office.



SP#125

1000 and 1100 Wilson Blvd

RPC# 17-001-010, -011



 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.