



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of April 21, 2012

SUPPLEMENTAL REPORT – REVISED CONDITION

DATE: March 23, 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).

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).

DISCUSSION: This report revises condition language submitted to the County Board in the report dated April 3, 2012. That report contained language limiting live entertainment to DJ and Karaoke, which was the form of live entertainment requested by the applicant. Since the report was dispatched, the applicant has revised his request to include live music ensembles in addition to DJ and Karaoke. The applicant has also revised his request for live entertainment and dancing to be provided only on weekends, primarily Fridays and Saturdays, as opposed to seven (7) days per week as originally requested. Finally, the applicant has requested a change to Condition #36.f to include the property owner in the list of organizations to receive community liaison information. The applicant has revised the request as a result of discussions with the property owner, who supports live entertainment and dancing at this location subject to the revised conditions below which reflect the agreement with China Garden (see attached letter of consent). Staff has no issues with the requested changes and continues to support live entertainment at this location. Staff recommends the attached ordinance for an amendment to SP #125 to permit live entertainment and dancing at China Garden Restaurant be adopted, subject to a County Board review in one (1) year (April, 2013).

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division

PLA-6157

2.

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 live music ensembles) 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~~ Fridays, Saturdays, and the eve of all Federal holidays (for the purposes of this condition, Federal Holidays shall be defined as all legal Federal Holidays as well as St. Patrick’s Day, Cinco de Mayo, and Halloween).
- 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 **landlord, the** Radnor/Fort Myer Heights Civic Association, the North Rosslyn Civic Association, and the Rosslyn Renaissance Urban Design Committee.



April 19, 2012

Via Hand Delivery

Norma J. Cozart
Acting Zoning Administrator
Arlington County Zoning Office
Suite 1000
2100 Clarendon Boulevard
Arlington, Virginia 22201

Re: SP #125 - Site Plan Amendment to permit dancing at an existing restaurant
Premises: 1100 Wilson Boulevard ("China Garden Restaurant")

Dear Ms. Cozart:

On behalf of the Owner, 1000-1100 Wilson Owner, LLC, please accept this letter as an updated owner's consent to supplement the site plan amendment application filed by China Garden/Ken Lee (the "Applicant") for the leased premises located at 1100 Wilson Boulevard.

In February 2012, the Applicant filed a request for a site plan amendment to permit live entertainment and dancing at 1100 Wilson Boulevard. Since this filing, the Owner has worked with current planning staff and the Applicant to agree to acceptable conditions regarding this use. In order to incorporate the Owner's consent to particular forms of live entertainment and dancing, the Owner supports a site plan condition in a form similar to the following:

- The Applicant agrees that live entertainment (limited to Musical Ensemble, DJ and Karaoke) and dancing at 1100 Wilson Boulevard shall be permitted only between the hours of 9 p.m. and 1 a.m. on weekends and holidays.

The Owner also understands that this site plan amendment is temporary use and if approved, will be limited to a one (1) year period unless reviewed and renewed by County Board action. Should the live entertainment amendment be approved, the Owner also consents to the Applicant's subsequent filing of a dance hall permit.

Thank you for your attention to this matter. Should you have any questions regarding this request, or require additional information, please do not hesitate to give me a call.

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Very truly yours,

MONDAY PROPERTIES, LLC
As Agent for 1000-1100 Wilson Owner, LLC



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