



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 21, 2012

DATE: June 29, 2012

SUBJECT: U-3332-12-2 USE PERMIT AMENDMENT for an outdoor cafe on an easement of public use for William Jeffrey's Tavern; located at 2301 Columbia Pike, Suite 100 (RPC# 25-017-098).

Applicant:

Adam Lubar
Vintage II Restaurant, Inc.,
dba William Jeffrey's Tavern
3127 Valley Lane
Falls Church, Virginia 22044

C.M. RECOMMENDATION:

Approve the use permit amendment for expansion of an outdoor café at William Jeffrey's Tavern, subject to the conditions of the staff report, with a County Board review in May 2013.

ISSUES: This is a request for an amendment to an existing use permit for an outdoor café located on a public easement at William Jeffrey's Tavern, and no issues have been identified.

SUMMARY: This is a request for an expansion of outdoor café seating at William Jeffrey's Tavern located at 2301 Columbia Pike in the Siena Park project. This request was deferred from the April 21, 2012 County Board meeting to allow time for staff and the applicant to work on issues related to accessibility for the proposed seating. The County Board approved outdoor seating along part of the restaurant's Columbia Pike frontage on May 19, 2012; the current request concerns seating along the western portion of the restaurant's frontage along South Adams Street and Columbia Pike. The applicant is proposing to add 40 seats to the restaurant's outdoor cafes, 36 of which would be located on the South Adams Street frontage, and four (4) of which would be located on the Columbia Pike frontage (in addition to the 18 seats approved in May, bringing the restaurant's total to 58 outdoor seats). The applicant is proposing to construct

County Manager:

BMD/GA

County Attorney:

[Handwritten signatures]

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division

PLA-6242

15.

a removable platform on the South Adams Street frontage to address the grade change in this location; several of the proposed tables and chairs would be located on the platform. Accessible seating would be located on the Columbia Pike frontage. A six (6)-foot clear sidewalk path for pedestrians would be maintained around the seating. The applicant has agreed to conditions regulating the proposed outdoor café seating, including ensuring that all furniture (including the proposed platform) is removed seasonally. The proposal for seating on South Adams Street is consistent with the [Columbia Pike Initiative—A Revitalization Plan Update 2005](#) in that it implements the vision for Columbia Pike as a “Main Street” for South Arlington, which provides for a “lively mix of uses with shopfronts, *sidewalk cafes* [emphasis added], and other commercial uses at street level ...” No undue adverse impacts will result from approval of this use. Staff is recommending that the current application be approved with a review in ten (10) months so that both outdoor café seating components can be reviewed simultaneously. Therefore, staff recommends approval of the use permit amendment for additional outdoor café seating at William Jeffrey’s Tavern, subject to the conditions of the staff report, with a County Board review in May 2013.

BACKGROUND: Siena Park is a new 188-unit rental apartment building which also contains 34,341 square feet of ground-floor retail space and 14,650 square feet of mezzanine-level office space. The project contains 408 parking spaces in three (3) levels of below-grade parking. The project was approved as a redevelopment site under the Columbia Pike Form-Based Code. The County Board approved live entertainment and dancing at William Jeffrey’s Tavern on April 21, 2012. Due to issues related to accessible seating on the South Adams Street frontage, outdoor café seating was approved by the County Board on May 19, 2012 for the Columbia Pike frontage only.

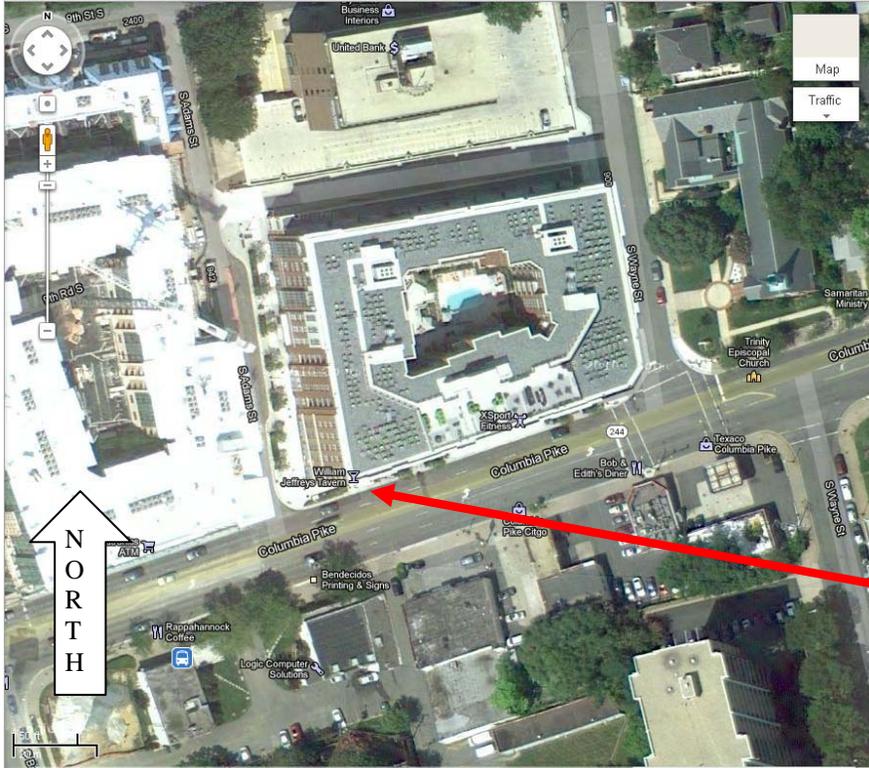
The following provides additional information about the site and location:

Site: The 67,065 square foot site is bound on the south by Columbia Pike, on the west by S. Adams Street, on the east by S. Wayne Street, and on the north by a 9th Road alley. The subject 6,400 square foot retail space is located at the corner of S. Adams Street and Columbia Pike, and contains frontage on both streets.

Zoning: The site is zoned [“C-1” Local Commercial Districts](#) and [“C-2” Service Commercial—Community Business Districts](#).

Land Use: The site is designated on the [General Land Use Plan \(GLUP\)](#) as Commercial and Industrial “Service Commercial,” is within the Columbia Pike Special Revitalization District, and is subject to the Columbia Pike Initiative – A Revitalization Plan (Update 2005).

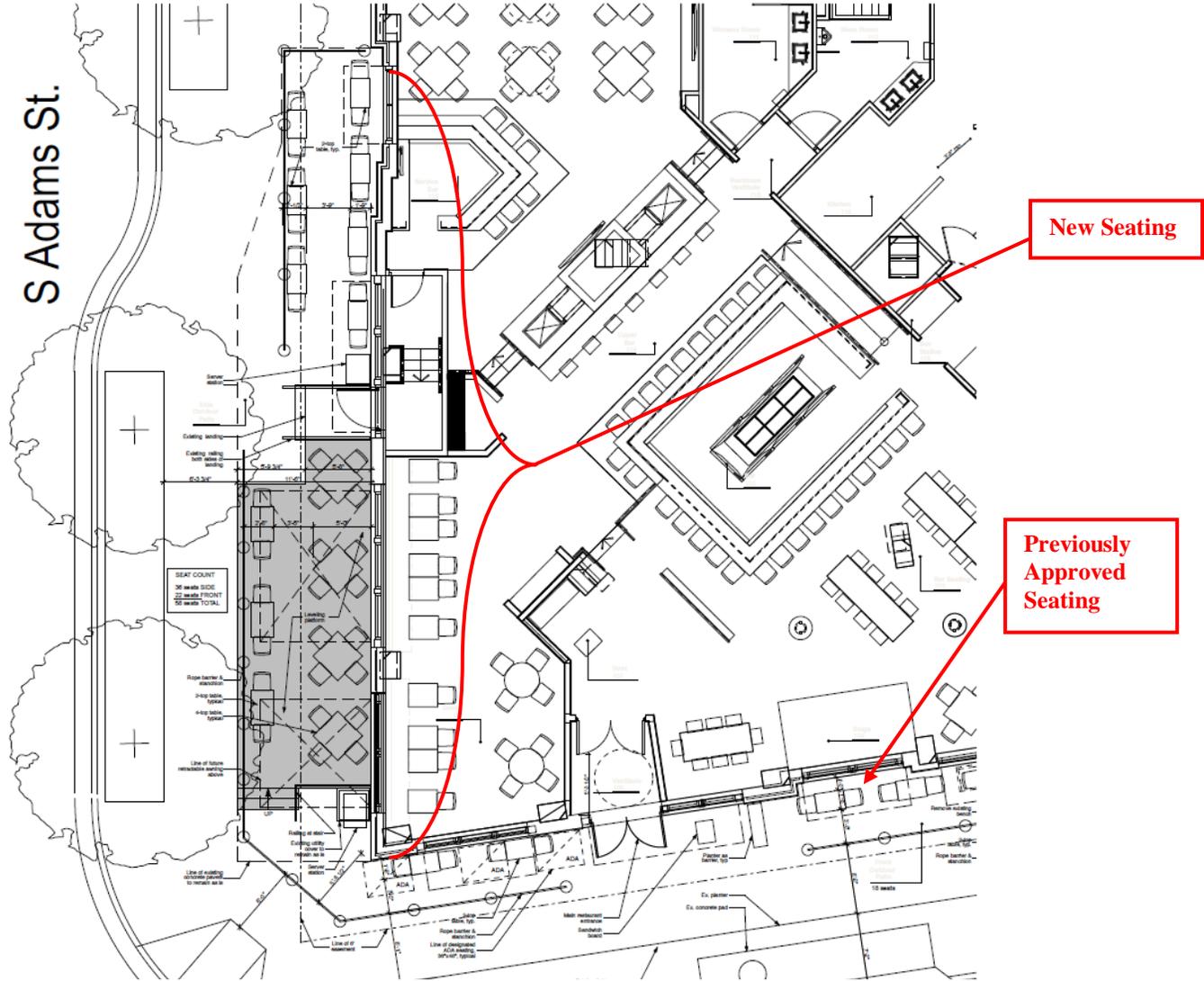
Neighborhood: The site is located within the Penrose Civic Association. Staff contacted the Penrose and Columbia Heights Civic Associations and the Columbia Pike Revitalization Organization (CPRO). Letters have been received from the Penrose Civic Association and the CPRO in support of the applicant’s request for outdoor café seating (see attachments). The Columbia Heights Civic Association has not responded to staff request for comments as of the date of this report.



Source: Google Maps

DISCUSSION: The applicant is requesting a use permit amendment to expand the outdoor café within an easement of public use along South Adams Street and Columbia Pike. William Jeffrey's Tavern is located in Suite 100 at the Siena Park building. Suite 100 is a 6,400 square foot ground-floor retail space which has frontages on both Columbia Pike and South Adams Street. The County Board approved an 18-seat outdoor café along the restaurant's Columbia Pike frontage on May 19, 2012. The restaurant intends to provide outdoor seating along the South Adams Street frontage that wraps around the corner of the building onto Columbia Pike where accessible seating would be located. The applicant proposes 40 new seats (36 located on the South Adams Street frontage and four (4) new seats located on Columbia Pike), bringing the restaurant total to 58 outdoor seats. The new seating area would be surrounded by a removable barrier.

S. Adams Street Outdoor Café Seating Plan



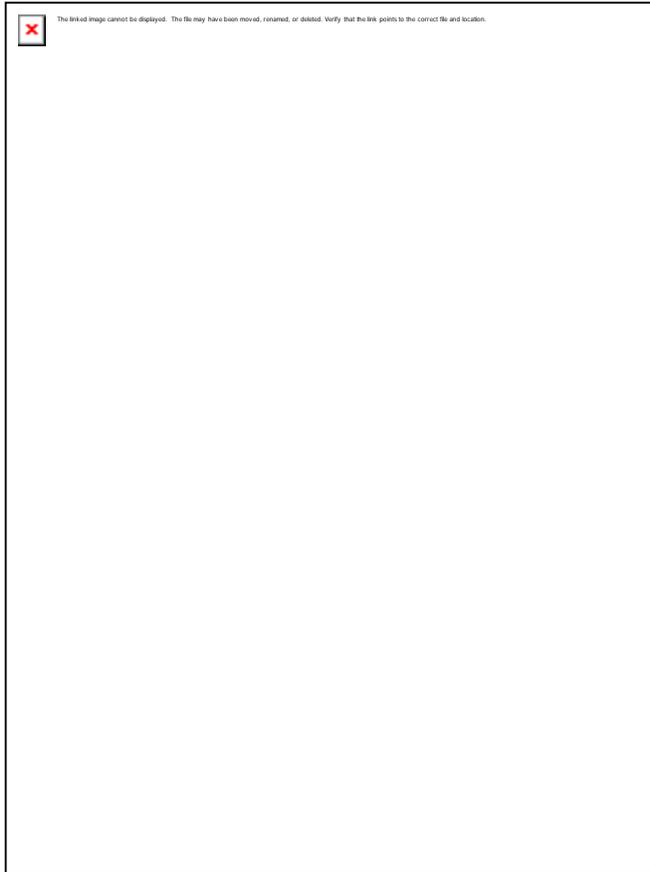
In order to address the significant grade change on the South Adams Street sidewalk (approximately 7% from the corner to the end of the restaurant's Adams Street elevation), the applicant is proposing to construct a temporary, removable platform upon which tables and chairs can be located. The platform would consist of six (6) separate parts which would be assembled together, and contain telescopic metal legs that could be adjusted to meet the grade. Rubber pads would be fitted to the legs to prevent the platform from sliding. The applicant has agreed to conditions regulating the platform, including submission of a letter from an engineer certifying safety and submission of detailed design plans showing color and materials, for review and approval by the County prior to construction. The following image depicts the applicant's proposed removable platform in elevation view looking east:



Adams St. Elevation

1/4" = 1'-0"

The next image depicts similar platforms used for outdoor café seating in Manhattan:



The proposed seating plan would maintain a six (6)-foot clear sidewalk path around the entire seating area to allow for safe pedestrian travel. The applicant has agreed to condition language to require seasonal removal of tables, chairs, and railings. Finally, the applicant has agreed to limit the hours of operation for the café to no later than 11:30 pm week nights, and no later than 12:30 am Thursdays, Fridays, Saturdays, and nights before Federal holidays. No undue adverse impacts will result from the applicant's proposal.

Staff supports outdoor café seating on the South Adams street frontage given that the grade is addressed and accessible seating is provided. Given the relatively wide sidewalks along this frontage, it is a logical location for outdoor café seating. The use is consistent with the goals of the Columbia Pike Initiative—A Revitalization Plan (2005). The plan encourages the creation of a “main street” along Columbia Pike that would serve to create a “regional draw through its entertainment, cultural, restaurant and retail destinations.” Specifically, the plan envisions a “lively mix of uses with shopfronts, *sidewalk cafes* [emphasis added], and other commercial uses at street level ...” along the Columbia Pike Main Street. A sidewalk café would serve to activate the street in this location and implement the plan's vision for a main street.

CONCLUSION: Staff supports the applicant's request for a use permit amendment to add a new outdoor café seating area located along the South Adams Street frontage to be combined with the approved portion of the outdoor café along the Columbia Pike frontage. Accessible seating will be located within the new café area on the Columbia Pike frontage. In order to address the grade change along South Adams Street, the applicant is proposing a removable platform on which tables and chairs can be located. The applicant has agreed to conditions regulating the removable platform, as well as standard conditions for outdoor café seating. Appropriate clear sidewalk paths would be maintained along sidewalks to allow for pedestrian movement. The proposal is consistent with County plans and policies, and will not result in undue adverse impacts to surrounding neighborhoods. The seating along the remainder of the restaurant's frontage on Columbia Pike was approved in May 2012 with a one (1) year County Board review; staff is recommending that the current application be approved with a review in ten (10) months so that both outdoor café seating components can be reviewed simultaneously. Therefore, staff recommends approval of the use permit amendment to add a new outdoor café area along the South Adams Street frontage to the outdoor café at William Jeffrey's Tavern, subject to all previous conditions, but with the following new Conditions #9 through 17 to replace all previous conditions for outdoor cafes, with a County Board review in May 2013.

Conditions (pertaining to all outdoor seating at William Jeffrey's Tavern):

- ~~8. The applicant agrees that outdoor café seating is permitted for nine months of the year along Columbia Pike, but not along S. Adams Street unless otherwise approved by the County Board. The applicant further agrees that it shall not use the outdoor seating area until a Certificate of Occupancy has been obtained for that use. The applicant agrees that outdoor café seating is permitted as set forth on the plan dated 4/17/2012 revised 4/30/2012 and entitled “Patio Plan for Columbia Pike Seating.” The applicant agrees that outdoor café seating and related equipment is permitted only in accordance with the plan approved for issuance of the Certificate of Occupancy.~~

- ~~9. The applicant agrees to submit a revised landscape plan for review and approval by the County Manager or her designee prior to the issuance of the Certificate of Occupancy for the outdoor café seating. This plan shall show the revised number and location of benches along the project frontage.~~
- ~~10. The applicant agrees to maintain a minimum of six (6) feet of clear sidewalk width at all times along the sidewalk on Columbia Pike. The applicant further agrees that the railing associated with the café seating along Columbia Pike shall be relocated during the hours in which the café is not in use so that it is flush with the seating.~~
- ~~11. The applicant agrees that the hours of operation for outdoor café seating shall be limited to no later than 11:30 pm Sunday through Thursday and no later than 12:30 am Thursdays, Fridays and Saturdays, and the eve before all Federal Holidays (for the purposes of this condition Federal Holidays are defined as all legal Federal Holidays as well as St. Patrick's Day, Cinco de Mayo, and Halloween).~~
- ~~12. The applicant agrees that any use of umbrellas in the outdoor seating area shall be done in a manner that does not interfere with pedestrian movement along the sidewalk.~~
- ~~13. The applicant agrees that there shall be no music or audio system sound piped outside to the outdoor seating area at any time.~~
- ~~14. The applicant agrees that all outdoor seating, including without limitation tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January, and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.~~
9. The applicant agrees that outdoor café seating is permitted for nine months of the year along the restaurant's frontage along Columbia Pike and S. Adams Street. The applicant further agrees that it shall not use the outdoor seating area until a Certificate of Occupancy has been obtained for that use. The applicant agrees that outdoor café seating is permitted as set forth on the plan dated 4/17/2012 revised 4/30/2012 and entitled "Patio Plan for Columbia Pike Seating," presented for the County Board May 19, 2012; and the plans dated 4/17/2012, revised 4/30/2012, and for approval 7/3/2012 and entitled "Patio Plan" presented for the County Board July 21, 2012. The applicant agrees that outdoor café seating and related equipment is permitted only in accordance with the plan approved for issuance of the Certificate of Occupancy.
10. The applicant agrees to submit a revised landscape plan for review and approval by the County Manager or her designee prior to the issuance of the Certificate of Occupancy for the outdoor café seating. This plan shall show the revised number and location of benches along the project frontage.
11. The applicant agrees to maintain a minimum of six (6) feet of clear sidewalk width at all times along the sidewalk on Columbia Pike and S. Adams Street. The applicant further

agrees that the railing associated with the café seating along Columbia Pike shall be relocated during the hours in which the café is not in use so that it is flush with the seating.

12. The applicant agrees that the hours of operation for outdoor café seating shall be limited to no later than 11:30 pm Sunday through Thursday and no later than 12:30 am Thursdays, Fridays and Saturdays, and the eve before all Federal Holidays (for the purposes of this condition Federal Holidays are defined as all legal Federal Holidays as well as St. Patrick's Day, Cinco de Mayo, and Halloween).
13. The applicant agrees that any use of umbrellas in the outdoor seating area shall be done in a manner that does not interfere with pedestrian movement along the sidewalk.
14. The applicant agrees that all outdoor seating, including without limitation tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January, and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.
15. The applicant agrees to submit a letter to the Zoning Administrator prior to the issuance of the Certificate of Occupancy for the outdoor seating along S. Adams Street and part of Columbia Pike from a certified engineer attesting to the structural integrity of the proposed platform for seating.
16. The applicant agrees to submit colored drawings and renderings which label the materials and colors for the temporary outdoor seating platform, for review by the County Manager for consistency with this use permit approval prior to the issuance of the Certificate of Occupancy for the outdoor seating along S. Adams Street and part of Columbia Pike. The developer further agrees to obtain the approval of the County Manager of the platform design and treatment as being consistent with the County Board approval before the issuance of the Certificate of Occupancy for the outdoor seating along S. Adams Street and part of Columbia Pike.
17. 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 outdoor café seating and an on-site liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding outdoor café seating. 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 Columbia Heights Civic Association, and the Penrose Neighborhood Association.

PREVIOUS COUNTY BOARD ACTIONS:

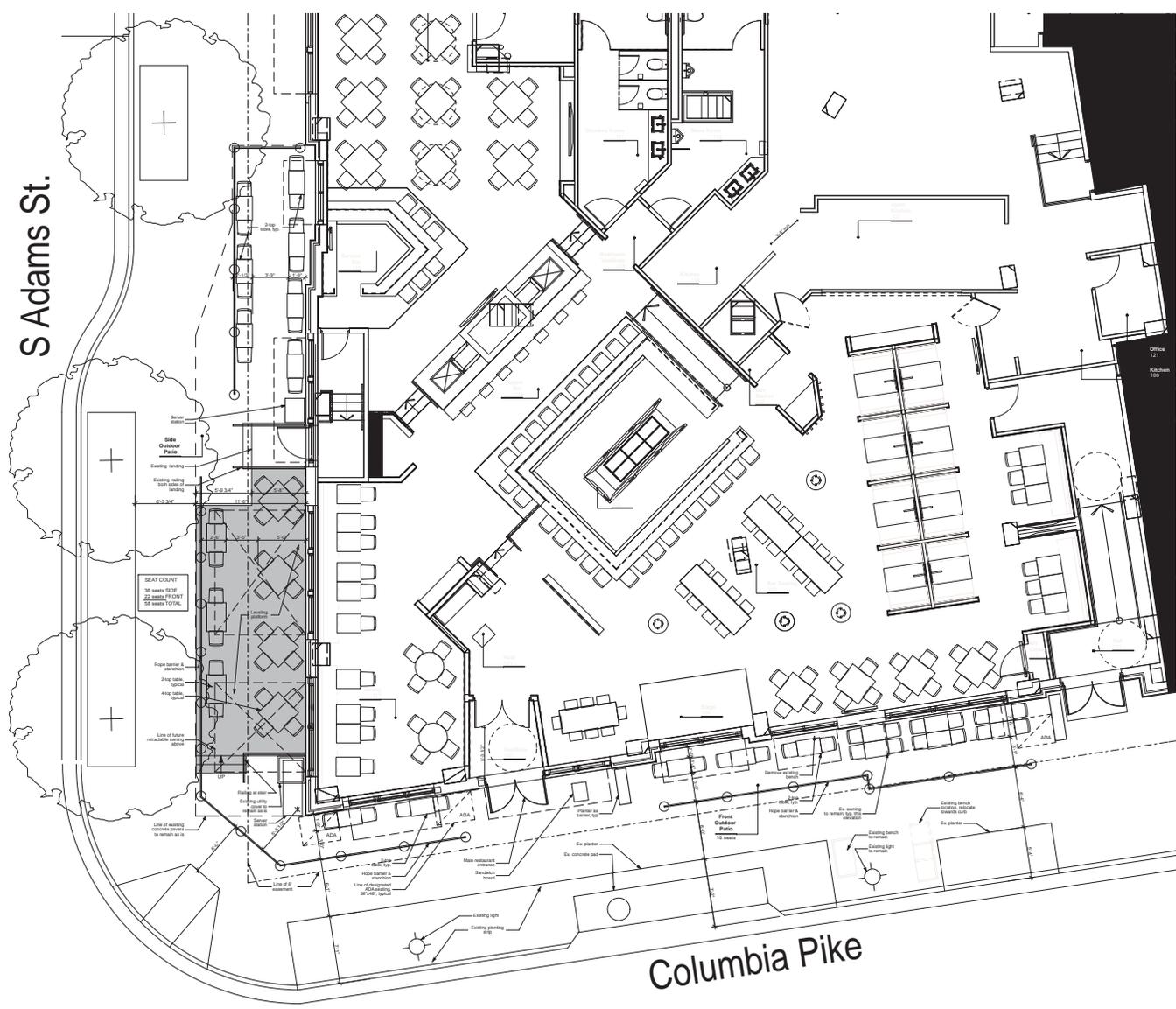
August 1961	Designated as “Undetermined Uses” on the General Land Use Plan
December 1964	Designated “General Commercial” on the General Land Use Plan
November 15, 1986	General Land Use Plan amended to include the Columbia Pike Special Revitalization District. Designated as “Service Commercial”.
December 17, 2002	Columbia Pike Special Revitalization District boundaries amended on the General Land Use Plan
February 25, 2003	Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) adopted
February 10, 2004	Columbia Pike Street Space Plan adopted and Form Based Code amended to include new Required Building lines.
December 10, 2005	U-3144-05-1 deferred to May 20, 2006
May 20, 2006	U-3144-05-1 deferred to October 14, 2006
October 14, 2006	U-3144-05-1 approved in accordance with Columbia Pike Form Based Code for a new 188 unit residential building with 34,341 square feet of ground floor retail and 14,650 square feet of office.
April 21, 2012	U-3332-12-2 approved for live entertainment and dancing subject to a County Board review in one (1) year (April 2013).

Approved Conditions (Live Entertainment and dancing):

1. The applicant agrees that live entertainment and dancing at 2301 Columbia Pike Suite 100 shall be permitted only between the hours of 11:00 a.m. and 1:30 a.m.
2. The applicant agrees to comply with, 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 dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
4. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights when live entertainment and/or dancing is permitted. The on-site security may consist of “in-house” staff, so long as that staff is dedicated to only security during the hours of live entertainment and/or dancing.
5. 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/or dancing except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment and/or 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/or dancing.
6. 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.
7. 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.
8. 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 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 Columbia Heights Civic Association, and the Penrose Neighborhood Association.

Approved Conditions (outdoor café Columbia Pike frontage only):

8. The applicant agrees that outdoor café seating is permitted for nine months of the year along Columbia Pike, but not along S. Adams Street unless otherwise approved by the County Board. The applicant further agrees that it shall not use the outdoor seating area until a Certificate of Occupancy has been obtained for that use. The applicant agrees that outdoor café seating is permitted as set forth on the plan dated 4/17/2012 revised 4/30/2012 and entitled "Patio Plan for Columbia Pike Seating." The applicant agrees that outdoor café seating and related equipment is permitted only in accordance with the plan approved for issuance of the Certificate of Occupancy.
9. The applicant agrees to submit a revised landscape plan for review and approval by the County Manager or her designee prior to the issuance of the Certificate of Occupancy for the outdoor café seating. This plan shall show the revised number and location of benches along the project frontage.
10. The applicant agrees to maintain a minimum of six (6) feet of clear sidewalk width at all times along the sidewalk on Columbia Pike. The applicant further agrees that the railing associated with the café seating along Columbia Pike shall be relocated during the hours in which the café is not in use so that it is flush with the seating.
11. The applicant agrees that the hours of operation for outdoor café seating shall be limited to no later than 11:30 pm Sunday through Thursday and no later than 12:30 am Thursdays, Fridays and Saturdays, and the eve before all Federal Holidays (for the purposes of this condition Federal Holidays are defined as all legal Federal Holidays as well as St. Patrick's Day, Cinco de Mayo, and Halloween).
12. The applicant agrees that any use of umbrellas in the outdoor seating area shall be done in a manner that does not interfere with pedestrian movement along the sidewalk.
13. The applicant agrees that there shall be no music or audio system sound piped outside to the outdoor seating area at any time.
14. The applicant agrees that all outdoor seating, including without limitation tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January, and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.



S Adams St.

Columbia Pike

Patio Plan

3/16" = 1'-0"

Client:
William Jeffrey's Tavern
2301 Columbia Pike
Arlington, VA

Contact:
Adam Lubar
703/963.2769

Date:
04/17/2012

Revisions:
04/30/2012
06/21/2012
07/03/2012

William Jeffrey's Tavern
2301 Columbia Pike

Patio Plan
S.1

Client:
William Jeffrey's Tavern
2301 Columbia Pike
Arlington, VA

Contact:
Adam Lubar
703/963.2769

Date:
04/17/2012

Revision:
04/30/2012

For Approval:
06/21/2012

William Jeffrey's Tavern
2301 Columbia Pike

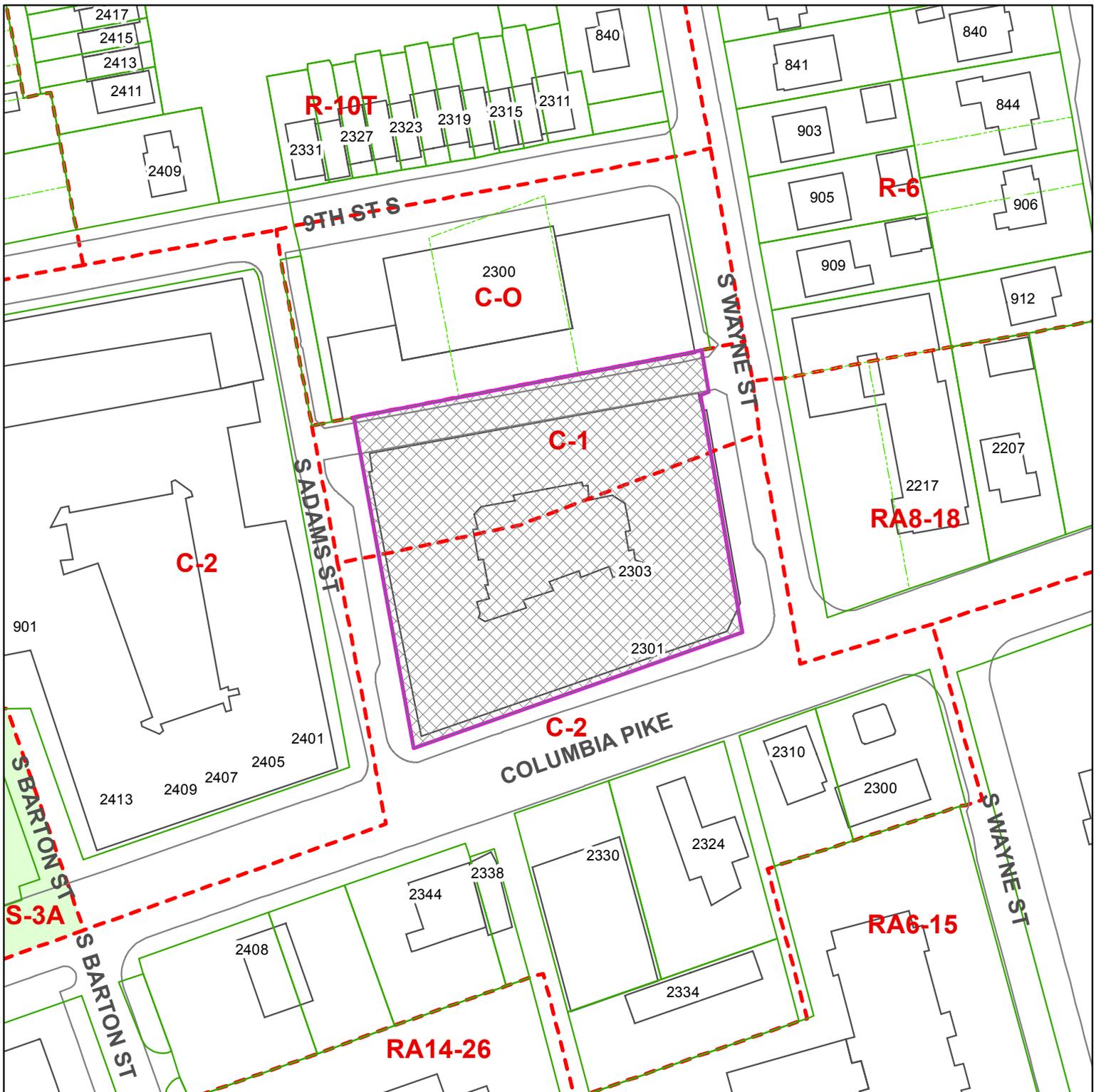


Adams St. Elevation

1/4" = 1'-0"

Patio Plan

S.3



U-3332-12-2

2301 Columbia Pike

RPC# 25-017-098



 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.