



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of October 20, 2012**

DATE: October 9, 2012

SUBJECT: SP-239-U-12-1: USE PERMIT ASSOCIATED WITH A SITE PLAN REVIEW for live entertainment at The Front Page; located at 4201 Wilson Blvd. (RPC# 14-048-012).

Applicant:

Jorge Fernandez
The Front Page
4201 Wilson Boulevard
Arlington, Virginia 22203

C.M. RECOMMENDATION:

Renew the subject use permit associated with a site plan, subject to the conditions of the staff report and with a County Board review in five (5) years, (October 2017).

ISSUES: This is a three (3) year review for live entertainment at The Front Page located in Ballston, and no issues have been identified.

SUMMARY: This is a use permit associated with a site plan review for live entertainment at The Front Page. This application was originally approved as a site plan amendment in October 2008, and it was renewed in October 2009. It is current administrative practice to review cases previously approved as site plan amendments (within site plan approved buildings) as “use permits associated with a site plan” if the zoning district allows the use via a use permit by reference to a corresponding zoning district that allows the use subject to obtaining a use permit. The site is zoned “[C-O-A Commercial Office, and Apartment Districts](#)”, which district, by reference to “[C-2 Service Commercial—Community Business Districts, Arlington County Zoning Ordinance \(ACZO\) §26.B.12](#)”, permits “nightclubs and restaurants providing live entertainment” subject to obtaining a use permit. Since the previous review, the live entertainment use has operated in compliance with the approved conditions. Other County agencies as well as the State ABC board have been contacted and report no known issues. The

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

Staff: Marco Antonio Rivero, DCPHD, Planning Division

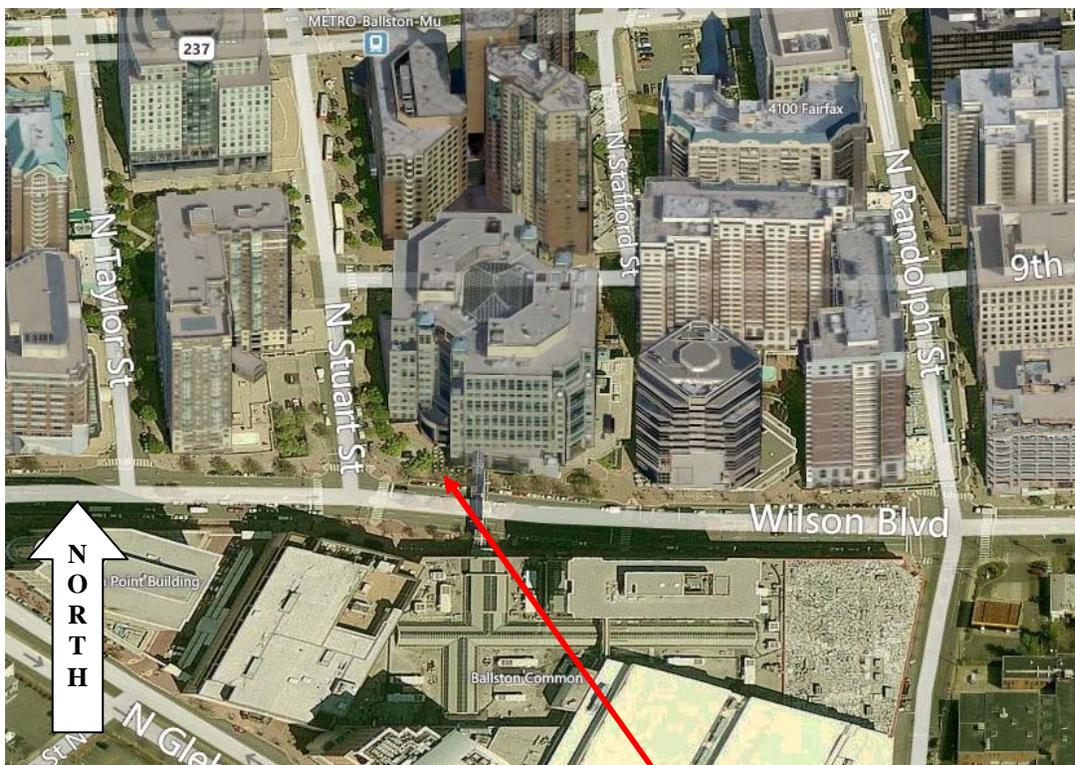
PLA-6287

5.

Ballston-Virginia Square Civic Association, the Ashton Heights Civic Association, and the Ballston Business Improvement District (BID) were contacted about this review. The Ballston BID supports renewal of this use permit associated with a site plan. The Ballston-Virginia Square Civic Association reported no problems with the renewal. As of the date of this report, staff has not received formal comments from the Ashton Heights civic association. The live entertainment use is appropriate for this high-density area of the Rosslyn-Ballston Corridor and is consistent with other land uses within the area. Several restaurants exist at a walking distance from the Ballston Metro Station and many contain live entertainment uses. Therefore, staff recommends that the use permit associated with a site plan be renewed, subject to all previously approved conditions and with a five (5) year County Board review (October 2017).

BACKGROUND: The Front Page has been in operation since 2003, and has 220 indoor seats and 52 outdoor seats located on private property. The restaurant is located one (1) block from the Ballston Metro Station. It is current administrative practice to review cases previously approved as site plan amendments (for site plan approved buildings) as “use permits associated with a site plan” if the zoning district allows the use via a use permit or is referenced in a corresponding zoning district as a use approvable by use permit. The site is zoned [“C-O-A” Commercial Office, and Apartment Districts](#), which allows “nightclubs and restaurants providing live entertainment” subject to obtaining a use permit by reference to [“C-2” Service Commercial—Community Business Districts, ACZO §26.B.12](#).

The following graphics provide additional contextual information about the site:



Source: Bing™ Maps

Location of The Front Page Live Entertainment: 4201 Wilson Blvd

Current Façade of The Front Page Restaurant:



Source: Bing™ Street View

DISCUSSION: The live entertainment is permitted between the hours of 11 a.m. to 1:30 a.m., Monday through Friday, and 10 a.m. to 1:30 a.m. Saturday and Sunday. The live entertainment consists of deejays and live acoustical music. No customer dancing is allowed. Live entertainment is limited to the indoor portion of the restaurant under Condition #2 of the use permit associated with a site plan, with no live entertainment occurring outside. The only exception is the allowance of satellite radio broadcasts in the outdoor café area. Condition #2 also specifies that the satellite radio should be turned off when the outdoor café is not in use. The Front Page is compliant with the conditions of approval for the use permit associated with a site plan. The live entertainment use is appropriate for this high-density area of the Rosslyn-Ballston Corridor and is consistent with other land uses within the area. Several restaurants exist at a walking distance from the Ballston Metro Station and many contain live entertainment uses.

Since the previous review (October 24, 2009):

Use Permit Associated with a Site Plan Conditions: The live entertainment operates in compliance with all approved conditions.

Community Code Enforcement: Community Code Enforcement has not expressed any concerns regarding the continuation of this use permit associated with a site plan.

Police Department: The Police Department has not expressed any concerns regarding the continuation of this use permit associated with a site plan.

Fire Marshal's Office: The Fire Marshal's Office has not expressed any concerns regarding the continuation of this use permit associated with a site plan.

State ABC Board: The State ABC board has not expressed any concerns regarding this use permit associated with a site plan.

Civic Associations: The site is located within the boundaries the Ballston-Virginia Square Civic Association and is adjacent to the Ashton Heights Civic Association. Staff contacted both civic associations regarding this use permit associated with a site plan review. Furthermore, the Chief Executive Officer for the Ballston BID was also contacted about this use permit associated with a site plan review. The Ballston BID supports the continuation of the use permit associated with a site plan. The Ballston-Virginia Square Civic Association reported no problems with the renewal. As of the date of this report, staff has not received formal comments from the Ashton Heights Civic Association.

CONCLUSION: The live entertainment has operated in compliance with the approved conditions. No issues or concerns regarding this use have been raised during this review. The civic associations and other area organizations have been contacted. The Ballston BID supports renewal of the use permit associated with a site plan and the Ballston-Virginia Square Civic Association reported no problems with the renewal. The location of the Front Page remains an appropriate one for Live Entertainment. Therefore, staff recommends that the use permit associated with a site plan be renewed, subject to all previously approved conditions and with a five (5) year County Board review (October 2017).

PREVIOUS COUNTY BOARD ACTIONS:

May 31, 1980	Approved a rezoning of the subject property from “C-2” and “C-O”, to “C-O-A” (Z-2181-80-6).
January 4, 1986	Approved a site plan (Z-2181-80-6 [SP-2]) for a mixed-use office, residential and retail project.
August 16, 1986	Approved a site plan for a temporary parking lot at 900 N. Randolph St. with a review in 15 months.
December 2, 1986	Approved the design of pedestrian bridges associated with the subject site (Z-2181-80-6) (SP-2) and with the Ballston Metro Center site (Z-2181-80-6) (SP-3).
November 7, 1987	Renewed a site plan amendment for a temporary parking lot at 900 N. Randolph St. with a review in three (3) months.
March 5, 1988	Renewed a site plan amendment for a temporary parking lot at 900 N. Randolph St. with a review in two (2) months.
July 9, 1988	Renewed a site plan amendment for a temporary parking lot at 900 N. Randolph St. with a review in one (1) year.
October 1, 1988	Extended site plan approval for a mixed-use office, residential and retail project from January 4, 1989 to January 4, 1991.
February 11, 1989	Approved a site plan amendment to permit temporary service and loading off 9th Street North for the Phase I office building.
July 11, 1989	Renewed a site plan amendment for a temporary parking lot at 900 N. Randolph St. with a review in six months.
September 23, 1989	Approved a site plan amendment to reconfigure the western office portion of the site plan from three office buildings connected with an atrium to two office buildings connected with an atrium.

December 2, 1989	Approved a site plan amendment to increase office density by approximately 55,000 square feet at 4201 Wilson Blvd. subject to previous conditions and new conditions #54 and #55.
January 9, 1990	Renewed a site plan amendment for a temporary parking lot at 900 N. Randolph St. with a review in one (1) year.
January 5, 1991	Renewed a site plan amendment for a temporary parking lot at 900 N. Randolph St. with a review in five (5) years.
April 6, 1991	Deferred a site plan amendment request to amend Condition #54 regarding the timing of a 2.2 million payment relative to issuance of building permits until the May 11, 1991 County Board meeting.
May 11, 1991	Approved a site plan amendment request to amend Condition #54 regarding the timing of a \$2.2 million payment relative to issuance of building permits.
August 10, 1991	Approved a site plan amendment for one additional temporary leasing banner at 98 square feet for the Lincoln Towers project.
November 16, 1991	Approved a site plan amendment permitting a 25 percent reduction in the required bicycle parking to 109 spaces subject to amended condition #13.
March 7, 1992	Approved a site plan amendment for a temporary parking lot at 4101 Wilson Blvd. with conditions and review in one (1) year.
July 11, 1992	Approved site plan amendments for a comprehensive sign plan for project and tenant identification; to permit an outdoor greenhouse eating area in the plaza with associated landscaping modifications on premises known as 4201 Wilson Boulevard; and to permit a food delivery service at 850 N. Randolph St., with a review in one (1) year.
September 12, 1992	Accepted withdrawal of an application for a food delivery service at 850 N. Randolph St.

November 14, 1992	Took no action on a review of a site plan amendment to stockpile construction materials from another construction project on the site.
March 6, 1993	Approved a site plan amendment for one additional retail tenant identification sign facing North Stuart Street and the proposed decorative awning treatment, deleted the external strip lights, on premises known as 4201 Wilson Boulevard (Pizzeria Uno).
March 10, 1993	Renewed a site plan amendment for a temporary parking lot with a review one (1) year following a certificate of occupancy.
June 5, 1993	Approved the conversion of approximately 3,404 square feet of retail space on the lobby level to a visitor's center for the National Science Foundation, on premises known as 4201 Wilson Boulevard.
July 13, 1993	Approved a site plan amendment for an outdoor café and a food delivery service at 850 N. Randolph Street (Little Kings Subs).
February 5, 1994	Approved a site plan amendment for live entertainment (Kramerbooks) subject to a review in one year.
April 9, 1994	Approved a comprehensive sign plan to permit two freestanding tenant signs, six double-sided banners and two window mounted neon signs.
February 4, 1995	Deferred site plan amendment to reduce parking requirement for new office building from 315 to 237 parking spaces to March 4, 1995 County Board meeting.
March 4, 1995	Approved a site plan amendment to approve the use of 360 parking spaces on the P-3 and P-4 parking decks by George Mason University.
January 20, 1996	Approved a site plan amendment to allow the temporary use of 2,023 square feet of retail space to be occupied by a Century 21 real estate office for a period of five years at 4201 Wilson Blvd.

April 13, 1996	Approved a site plan amendment to convert approximately 10,288 square feet of retail space on the ground floor to office use at 4201 Wilson Boulevard, subject to all previous conditions and two (2) new conditions.
May 17, 1997	Approved a site plan amendment to convert 10,288 square feet of ground floor retail/office to a day care center for 94 children, with a review in one year following the issuance of a Certificate of Occupancy.
July 19, 1997	Approved a site plan amendment for conversion of the National Science Foundation Visitor's Center to a National Science Foundation Outreach and Conference Center at 4201 Wilson Blvd.
May 20, 2000	Approved a site plan amendment for a rooftop sign, at 4121 Wilson Boulevard subject to conditions and administrative review in May 2001.
November 16, 2002	Approved site plan amendment (SP #239) to permit outdoor seating (32 seats) at Matsutake in conjunction with an existing restaurant with a review in one (1) year. (November 2003)
November 15, 2003	Renewed site plan amendment (SP #239) to permit outdoor seating (32 seats) at Matsutake in conjunction with an existing restaurant with a review in three (3) years. (November 2006)
January 10, 2004	Approve a site plan amendment for Matsutake for live entertainment in conjunction with the existing restaurant subject to all previous conditions and (2) new conditions with an administrative review in (1) year (January 2005) and a County Board Review in November 2006 to coincide with review of the applicant's outdoor seating use.
November 14, 2006	Renewed an amendment of a special exception for a site plan for outdoor seating (32 seats) and live entertainment at Matsutake subject to all previous conditions, with a review by the County Board in three (3) years (November 2009).

October 22, 2008	Approved a site plan amendment for live entertainment at the Front Page restaurant at 4201 Wilson Blvd., subject to conditions and a County Board review in one (1) year (October 2009).
October 24, 2009	Renewed a site plan amendment for live entertainment at the Front Page restaurant at 4201 Wilson Blvd., subject to all previous conditions, and with a County Board review in three (3) years (October 2012)
November 14, 2009	Renewed a site plan amendment for outdoor seating at Matsutake/Boru Asia with a County Board review in five (5) years (November 2014), and did not renew a site plan amendment for live entertainment at Matsutake/Boru Asia.
September 25, 2010	Approved a site plan amendment for an outdoor café in the public right-of-way for Pizza Autentica, subject to the conditions and a County Board review in one (1) year (September 2011).
September 17, 2011	Renewed a site plan amendment for an outdoor café in the public right-of-way, subject to all previously approved conditions, and with a County Board review in three (3) years (September 2014).

Approved Conditions:

1. The applicant agrees live entertainment shall be permitted only between the hours of 11 a.m. to 1:30 a.m., Monday through Friday, and 10 a.m. to 1:30 a.m. Saturday and Sunday. No customer dancing will be allowed.
2. The applicant agrees windows and doors to outside of the restaurant shall be closed during hours of live entertainment and the applicant shall comply with the Arlington County Noise Ordinance. No music shall be piped outside of the restaurant and café area in the public right of way. Satellite radio broadcasts will be allowed to the outdoor café area, but live music will not be allowed nor will broadcasting of live music be allowed in the outdoor café area. The satellite radio shall be turned off when the outdoor café is not in use.
3. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
4. The applicant agrees to identify an on-site 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 of the liaison shall be provided to the Ashton Heights Civic Association, the Ballston-Virginia Square Civic Association, and the Zoning Administrator within 30 days of County Board approval.

From: [Tina Leone](#)
To: [Marco Rivero](#)
Subject: RE: Site Plan Amendment Review SP #239 The Front Page
Date: Wednesday, September 19, 2012 1:11:03 PM
Attachments: [image001.png](#)

Marco,

Thank you for bringing this to our attention. We do not know of any problems associated with this use at The Front Page.

I just wanted to also point out that an important part to making Ballston vibrant and attractive is to have thriving restaurants and a broad choice of entertainment options. Ballston is in great need of a diverse, vibrant nightlife and the BID supports this venue for live entertainment. It creates opportunities for workers, visitors and residents to stay in Ballston for their entertainment needs and helps to establish Ballston as a true live, work, AND play community.

Thank you again for contacting us and please let me know if I can be of any further assistance.

Tina

Tina Leone
Chief Executive Officer
Ballston BID
901 N Glebe Road
Suite 806
Arlington, VA 22203
Direct 703-664-1192
Cell 703-786-6037

From: Marco Rivero [mailto:Mrivero@arlingtonva.us]
Sent: Tuesday, September 18, 2012 3:01 PM
To: Tina Leone
Subject: Site Plan Amendment Review SP #239 The Front Page
Importance: High

Good afternoon Tina,

I am currently reviewing one case that affects the Ballston BID area (it will be coming forward for the October 15, 2012 County Board meeting):

- Site Plan Amendment Review (three (3) year review) for **SP #239 The Front Page Live Entertainment (4201 Wilson Blvd)**. This was last reviewed in October 2009.

I've attached a copy of the most recent staff report. Are there any issues that you are aware of for this use? County staff are in the process of checking for condition compliance.

Thank you so much, looking forward to hearing from you soon.

Best,
Marco

Marco Antonio Rivero
Associate Planner



DEPARTMENT OF COMMUNITY PLANNING, HOUSING & DEVELOPMENT
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From: [James Schroll](#)
To: [Marco Rivero](#)
Subject: Re: Site Plan Amendment and Administrative Reviews for October 2012
Date: Tuesday, October 09, 2012 11:44:54 AM
Attachments: [image001.png](#)

Marco,

We have no additional comments or problems to report with these site plan reviews. Thank you for the opportunity to comment.

Best,
James M. Schroll

From: Marco Rivero
Sent: Thursday, September 13, 2012 4:38 PM
To: jmschroll@gmail.com; president@ashtonheights.org
Subject: Site Plan Amendment and Administrative Reviews for October 2012
Importance: High

Good afternoon,

I am currently reviewing two cases that affect your civic associations (they will be coming forward for the October 2012 County Board meeting):

- Administrative Review for **U-2795-93-1 DARNA Restaurant Live Entertainment and Dancing (946 N Jackson St)**. This is a six (6) month administrative review in order to check on condition compliance.
- Site Plan Amendment Review (three (3) year review) for **SP #239 The Front Page Live Entertainment (4201 Wilson Blvd)**. This was last reviewed in October 2009.

I've attached a copy of the most recent reports for both projects. For DARNA the revised and new condition language (Conditions #1, 4, 6, 7) is after the Conclusion, the rest of the condition language is at the end of the report. Are there any issues that you are aware of for either of these sites? County staff are in the process of checking for condition compliance.

Thank you so much, looking forward to hearing from you soon.

Best,

Marco

Marco Antonio Rivero

Associate Planner



DEPARTMENT OF COMMUNITY PLANNING, HOUSING & DEVELOPMENT

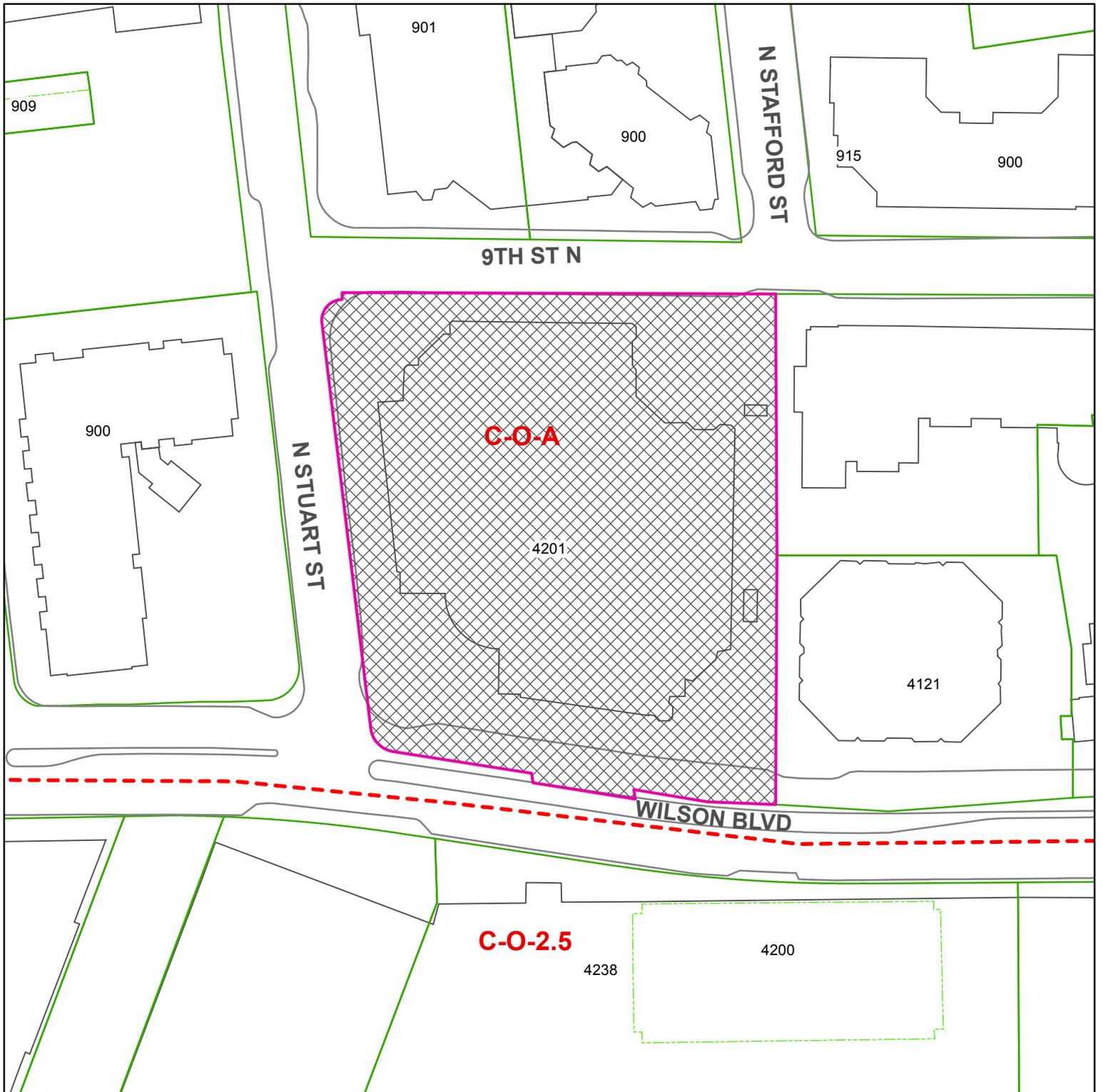
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SP-239-U-12-1

4201 Wilson Blvd.

RPC 14-048-012



 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.