



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 13, 2008**

DATE: August 26, 2008

SUBJECT: U-2968-99-1 USE PERMIT REVIEW for an outdoor café, premises known as 3028 Wilson Blvd. (Hard Times Café) (RPC # 18-012-003)

Applicant:

HT Acquisition Inc. D.B.A Hard Times Café

By:

Mark Clark, Area Manager, Hard Times Cafe
3028 Wilson Blvd.
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Renew, subject to all previously approved conditions, with a County Board review in one (1) year (September 2009).

ISSUES: This is a review of an existing use permit for the outdoor cafe at Hard Times Café. Minor issues identified in this review were promptly corrected and the use permit is operating in compliance with all conditions.

SUMMARY: On September 18, 1999, the County Board approved the use permit for a 14-seat outdoor café associated with the existing Hard Times Café restaurant located at the intersection of Wilson Boulevard and North Highland Street. During this review, staff determined that the outdoor café was not operating in compliance with some of its use permit conditions. However, the applicant has worked to promptly correct these issues and has come into compliance. Staff recommends a short review to ensure compliance with the approved conditions. Therefore, staff recommends renewal of the use permit for the outdoor café, subject to all previously approved conditions, with a County Board review in one (1) year (September 2009).

BACKGROUND: The use permit was approved by the County Board in 1999 and renewed in 2000 and 2003. When the outdoor café was reviewed in 2000 and 2003, it was found to be operating in compliance with all use permit conditions.

County Manager: _____

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5071

DISCUSSION: The outdoor cafe, associated with the existing Hard Times Cafe, consists of a maximum of fourteen (14) tables, placed along the sidewalk along North Highland Street. The width of the sidewalk in this section is ten (10) feet, and the tables are kept within three (3) feet of the building. There is a 5 – 7 foot clearance which allows pedestrians and those in wheelchairs sufficient room for movement (Attachment 1).

However, during the current review staff determined that the use was not in compliance with Condition # 1 which limits all outdoor seating to the North Highland Street frontage, and requires café furniture to be removed when not in use. Staff found that tables were placed on the Wilson Boulevard side of the restaurant and the furniture was not being brought inside each evening after closure of the outdoor cafe. After being informed that the use was not in compliance with the use permit conditions, the applicant immediately corrected the issues. The outdoor café is now in compliance with all use permit conditions.

Since the Previous Use Permit Review (September 13, 2003):

Use Permit Conditions: The outdoor café is operating in compliance with all use permit conditions.

Community Code Enforcement: The Code Enforcement Office states that the use is in compliance with the use permit.

Fire Marshal's Office: The Fire Marshal's Office has expressed no concerns regarding the continuation of this use.

State ABC Board: The State ABC has received no complaints regarding the outdoor seating area and has no comments regarding the use permit renewal.

Police Department: The Police Department has expressed no concerns regarding the continuation of this use.

Civic Associations: The site is located within the Clarendon-Courthouse Civic Association. The Clarendon-Courthouse Civic Association was notified of the use permit review, and has not provided any comments to date.

CONCLUSION: Upon notifying the applicant that the use was not complying with use permit conditions, the applicant worked promptly to address the issues. The tables have been removed from Wilson Boulevard, and the outdoor furniture is now being brought inside each evening. However, staff thinks that the use permit should be reviewed again in one year to ensure compliance through the next season of operation. Therefore, staff recommends that the use permit be renewed, subject to all previous conditions, with a County Board review in one (1) year (September 2009).

PREVIOUS COUNTY BOARD ACTIONS:

- September 18, 1999 Approved use permit (U-2968-99-1) for an outdoor café with fourteen (14) seats in the public right-of-way, subject to conditions and with a review in one (1) years.
- September 9, 2000 Continued use permit (U-2968-99-1) for an outdoor café with fourteen (14) seats in the public right-of-way, subject to conditions and with a review in three (3) years.
- September 13, 2003 Continued use permit (U-2968-99-1) for an outdoor café with fourteen (14) seats in the public right-of-way, subject to all previous conditions, and revised Condition # 1, with a review in five (5) years.

Approved Conditions:

1. The outdoor café is permitted on the North Highland Street frontage only. The outdoor café shall extend no more than three (3) feet into the sidewalk and no tables are to be placed within five (5) feet of any street tree grates. The number of seats used in the outdoor café will be limited to a maximum of 14 seats. Furniture used on the outdoor café, including tables, chairs, post and link separators, umbrellas and planters, shall be removed and not stored in front of the restaurant when the café is not in use.
2. The outdoor café is permitted to be used during normal restaurant hours, generally between 11:30 a.m. and 12:00 midnight. There will be no music or audio system piped outside to the café, other than that in place as of September 18, 1999.
3. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the outdoor café. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, the Lyon Village Citizens Association, the Clarendon and Courthouse Civic Association and the Clarendon Alliance.