



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of October 18, 2008

**DATE:** September 29, 2008

**SUBJECT:** SP #239 SITE PLAN AMENDMENT Jorge Fernandez, live entertainment; 4201 Wilson Blvd., (RPC #14-048-012)

**Applicant:**

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

**C. M. RECOMMENDATION:**

Approve the site plan amendment request for live entertainment, subject to the conditions of the staff report, and with a County Board review in one (1) year (October 2009).

**ISSUE:** This is a site plan amendment for live entertainment and no issues have been identified.

**SUMMARY:** The applicant requests a site plan amendment for live entertainment at the Stafford Place development. The subject restaurant, The Front Page, would provide deejays and live acoustic music for restaurant patrons on Mondays through Fridays from 11:30 a.m. to 1:30 a.m, and Saturdays and Sundays from 10 a.m. to 1:30 a.m. The applicant is advised that live music cannot be performed outside in the outdoor cafe area, but staff supports the applicant being able to keep the XM Satellite radio that currently plays outdoors when the outdoor café (which is on private property) is open. The restaurant's location is on the ground floor of Stafford Place, fronts on Wilson Boulevard, is one block from the Ballston Metro station, and there is sufficient late-night garage and on-street parking available in the vicinity. Therefore, staff recommends approval of the site plan amendment for live entertainment and dancing, with a County Board review in one (1) year (October 2009).

**BACKGROUND:** The restaurant has been in operation since 2003, and has 220 indoor seats and 52 seats in an outdoor seating area located on private property.

Site: The subject property is located in the ground floor of one of the office buildings of the Stafford Place development, set back from the corner of Wilson Boulevard and North Stuart Street and fronting a plaza.

County Manager: \_\_\_\_\_

Staff: Peter Schulz, CPHD, Planning Division

PLA-5083

Zoning: The site is zoned “C-O-A” Commercial, Office and Apartment Districts. Section 25A.A.1. of the Zoning Ordinance permits restaurants with entertainment by special exception by reference to the “C-2” district.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Coordinated Mixed-Use Development District” (“*This is a high density mixed-use district with actual density determined by site size. Allowable up to 6.0 F.A.R with office not more than 3.0 F.A.R*”).)

Neighborhood: The site is located within the Ballston-Virginia Square Civic Association and adjacent to the Ashton Heights Civic Association. There have been no comments from either Civic Association at the time of this report.

**DISCUSSION**: The Front Page is a large casual restaurant with a newspaper theme that offers televised sports, events such as video game competitions, and deejay and live acoustic music. It is located in the heart of Ballston in the Stafford Place development on Wilson Boulevard immediately across the street from Ballston Common and one block from the Ballston-MU metro station.

The applicant proposes live entertainment on Mondays through Fridays from 11:30 a.m. to 1:30 a.m., and on Saturdays and Sundays 10 a.m. to 1:30 a.m. The applicant has agreed that all live music will be contained indoors. No live music will be allowed in the outdoor café area per long-standing County policy. The applicant does have outdoor speakers that play XM satellite radio in the outdoor café area. The speakers are placed underneath the awning over the café area, and are directed downward into the café area. The café area is on private property, partially on the plaza and partially along Wilson Boulevard (the part on Wilson Boulevard abuts a public sidewalk easement), and a staff visit found that the music was inaudible outside the confines of the café area. Staff supports the applicant’s request to have radio in the outdoor café, and the applicant has agreed that any live entertainment indoors would not be broadcast to the café area. The applicant has stated that the outdoor café area season is generally April to October, depending on weather conditions. Staff recommends that the speakers be turned off when the outdoor café is not in use. The applicant has stated that there will be no dancing on the premises.

**CONCLUSION**: Staff recommends approval of the site plan amendment for live entertainment and dancing, subject to the following conditions, and with a County Board review in one (1) year (October 2009):

New 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.

PREVIOUS COUNTY BOARD ACTIONS:

January 4, 1986	Approved a site plan for a mixed-use office, residential and retail project.
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).
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.
September 9, 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 on the Stafford Place site plan (Z-2181-80-6) (SP-6), subject to previous conditions and new conditions #54 and #55.
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.
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.
July 11, 1992	Approved a site plan amendment for a comprehensive sign plan for project and tenant

identification; and to permit an outdoor greenhouse eating area in the plaza with associated landscaping modifications on premises known as 4201 Wilson Boulevard.

January 16, 1993

Deferred a site plan amendment to amend the approved comprehensive sign plan to permit awnings, external strip lights and attached letters, on premises known as 4201 Wilson Boulevard (Pizzeria Uno).

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).

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.

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.

February 3, 1996

Approved a site plan amendment to convert 10,288 square feet of ground floor retail space to office for a period of five years.

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.
May 20, 2000	Approved a site plan amendment for a rooftop sign, subject to conditions.
November 16, 2002	Approved site plan amendment (SP #239) to permit outdoor seating (32 seats) 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) in conjunction with an existing restaurant with a review in three (3) years. (November 2006)
January 10, 2004	Approve site amendment 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 subject to all previous conditions, with a review by the County Board in three (3) years (November 2009).