



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of December 9, 2006**

**DATE:** November 30, 2006

**SUBJECT:** SP #221 SITE PLAN AMENDMENT for outdoor seating for a restaurant located at 2200 Wilson Blvd. (Panda Maxx) (RPC #18-004-007, -008)

**Applicant:**

Mi Kyung Kim  
Panda Maxx  
2200 Wilson Boulevard  
Suite 103  
Arlington, VA 22201

**By:**

Kyungsook Kim Moir  
11776-1206 Stratford House Place  
Reston, VA 20190

**C.M. RECOMMENDATION:**

Approve the subject site plan amendment request for outdoor seating, subject to all previous conditions and the three new conditions of the staff report, with a review by the County Board in one (1) year (December 2007).

**ISSUES:** None.

**SUMMARY:** This is a site plan amendment request for outdoor seating which would be located on the northern side of the Clarendon Boulevard sidewalk in front of the Courthouse Metro One building in the Courthouse area. The proposed tables and chairs would not adversely impact the clearance of the sidewalk; therefore, staff recommends approval of the outdoor seating, subject to all previous conditions and three new conditions of this staff report, with a review in one (1) year.

**BACKGROUND:** Panda Maxx is a recently opened restaurant establishment with 44 indoor seats.

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

Staff: Jill Griffin, DCPHD, Planning Division

PLA-4579

**The following provides additional information about the site and location:**

Site: The subject site is a restaurant located on the ground floor on the south side of the eight-story Courthouse Metro One Building (2200 Wilson Boulevard). The restaurant fronts on Clarendon Boulevard between North Adams Street and North Veitch Street.

Zoning: “C-O” Commercial Office Building, Hotel and Apartment Districts.

Land Use: The site is designated “High” Office-Apartment-Hotel on the General Land Use Plan.

Neighborhood: The site is within the Clarendon Courthouse Civic Association.

**DISCUSSION:** Because the outdoor seating area would be located within the public right-of-way, the applicant is required to obtain County Board approval through the special exception process. The sidewalk in front of the restaurant varies in width from approximately 15 feet wide at either side of the restaurant space to 22 feet wide in the middle at the opening of the door. The sidewalk curves at this location and pedestrian traffic typically follows a straight path rather than the curve.

The location of this project, in close proximity to the Courthouse Metro Station elevator entrance, receives an ample amount of pedestrian traffic. Therefore, Department of Environmental Services (DES) staff has recommended that a minimum of 10 feet clear sidewalk be maintained in this area. In order to maintain this clear sidewalk width and to provide a fairly straight pathway, the outdoor seating area would be required to be located either along the curb or adjacent to the building. For ease of service, the applicant has requested seating adjacent to the building with a temporary enclosure around the seating area. Therefore, the seating area would be approximately five feet deep by 22 feet wide. The proposed table size, 48-inch round tables, would have to be reduced slightly to accommodate this smaller seating area.

The Retail Action Plan indicates this area for “Entertainment and Main Street Retailing” with upgraded streetscapes. A constraint that is listed states that “much of the street frontage of Clarendon Boulevard adjacent to Courthouse Plaza is occupied by businesses that are service oriented and do not contribute to a lively pedestrian environment, particularly on evenings and weekends.” Although this has changed with the construction of the Navy League building, the section of Clarendon Boulevard between North Adams Street and North Veitch Street does not provide to a pedestrian environment. The addition of outdoor seating would alleviate this constraint.

**CONCLUSION:** The outdoor seating will contribute to a lively pedestrian environment. The proposed outdoor seating is consistent with the DES standards for clearance width within the public right-of-way. Therefore, staff recommends approval of this site plan amendment for 16 outdoor seats, subject to all previous conditions and three new conditions of the staff report, with a County Board review in one (1) year (December 2007).

New Conditions:

34. The applicant agrees that the outdoor café shall extend no more than 5.0 feet from the building wall into the sidewalk. The number of seats used in the outdoor café will be limited to a maximum of 16 seats. Furniture used in the outdoor café, including tables, chairs, railings, umbrellas and planters shall be removed and not stored in front of the restaurant when the café is not in use.
35. The outdoor café is permitted to be used during normal restaurant hours. There shall be no music or audio system piped outside to the café.
36. 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 and the Clarendon Courthouse Civic Association.

PREVIOUS COUNTY BOARD ACTIONS:

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| October 13, 1984  | Approved a rezoning and site plan (Z-2266-84-1) and related vacations subject to conditions.                       |
| November 21, 1989 | Approved a site plan amendment to permit a rooftop sign on the east elevation of the building.                     |
| November 14, 2006 | Deferred a site plan amendment application to permit outdoor seating to the December 9, 2006 County Board meeting. |

Approved Conditions:

1. The developer shall submit a detailed final site development and landscaping plan at a scale of 1/16 inch = 1 foot to be reviewed by the Site Plan Review Committee and approved by the County Manager or his designee prior to the issuance of a building permit. Minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies shall be permitted. The site development and landscaping plan shall include:
  - a. Final plans for landscaping, irrigation, plaza and deck treatment, amenities within the common area, interior walkways and lighting, and screening of mechanical equipment, trash and loading areas;
  - b. The location of sidewalks, street lighting, entrances, utility vaults, fire hydrants (or standpipes), and utility easements;
  - c. Topography at 2 foot intervals;
  - d. Street trees in accordance with County policy for planting in public right-of-way.
  - e. Soil depth for trees on the plaza shall be a minimum of four (4) feet and three (3) feet for major shrubs.
2. Planting materials shall be of good nursery stock and guaranteed for one year. Plant materials and landscaping shall adhere to American Standard for Nursery Stock Z50.1-73 and shall meet the following minimum standards:
  - a. Major deciduous trees - 3 inch to 3 1/2 inch minimum caliper, 14 to 16 feet minimum height.
  - b. Evergreen trees - 8 to 10 feet minimum height.
  - c. Ornamental trees - 1 1/2 inch to 2 inch minimum caliper, 10 to 12 feet minimum height.
  - d. Shrubs 18 inch to 24 inch minimum spread.
  - e. All new lawn areas shall be sodded.
  - f. Exposed earth not to be sodded shall be well mulched or planted in ground cover.
3. The location of underground structures, utilities and utility vaults shall not interfere with the appropriate spacing of street trees.
4. Brick or an approved alternate paver shall be used on the interior walkways. The final selection of materials to be used shall be as approved by the County Manager or his designee on the final site development and landscaping plan.
5. The developer shall provide space inside the structure for the collection, storage and compaction of trash.
6. The developer shall provide parking on site, or on a suitable off-site location, for all construction workers without charge.
7. In order to maintain the integrity and effectiveness of the County's Public Safety Communications Systems, the County reserves the right to install radio transmitters and

receivers in the penthouse and antennae on the roof of the proposed building in a location and design that is mutually acceptable to both the County and the building owner. Access to electricity, separately metered, (including auxiliary electrical power) and telephone radio control lines shall be provided to the penthouse in the defined area. Any radio transmitter/receiver equipment and antenna to be installed or used by others must be approved by the County Manager or his designee.

8. All signs shall conform to the adopted "Sign Standards for Site Plan Buildings" and shall be subject to the approval of a site plan amendment.
9. At the time of utility installation, the developer shall contact all utilities including the electric company, telephone company and the cable television company and offer them access on site to install underground cable.
10. The developer shall provide bicycle racks in a secure and convenient location on the following-basis:  
2 bicycle spaces per 10,000 square feet of office floor area.
11. The height of the structure as proposed will require a letter of approval from the Federal Aviation Administration prior to the issuance of a building permit.
12. The gross floor area (GFA) shall not exceed 3.8 times the site area available for density purposes.
13. In the event the developer has not begun construction by December 31, 1986 and/or the site plan has expired the County shall reserve the right to commence construction of the North Veitch Street and 15th Street North improvements without prejudice and in accordance with previously prepared County engineering designee.
14. The garage structure under all proposed street right-of-way shall be constructed to support a minimum bearing weight of 90,000 pounds and shall have a minimum of 5 feet of cover between the outside top of structure and the finished pavement elevation.
15. The developer shall construct pavement and curb and gutter 23.5 feet from Arlington County survey centerline along the 15th Street North and North Veitch Street frontages of this site. Except that the curb and gutter shall be 34 feet from centerline on 15th Street North for a distance of approximately 100 feet west of North Veitch Street providing a left turn lane to North Veitch Street.
16. The developer shall construct pavement and curb and gutter 14.5 feet from Arlington County survey centerline along the southside of the Wilson Boulevard frontage of this site.
17. The developer shall construct pavement and curb and gutter 23 feet from Arlington County survey centerline along the North Wayne Street frontage of this site.

18. The developer shall construct Arlington County standard sidewalk 14 feet from back of curb along all frontages of this site. All sidewalks shall be surfaced with Uni-Decor "Brown" pavers.
19. The developer shall provide street trees in grates along all frontages of this site. Wherever necessary for healthy tree growth, properly drained indentations in the subsurface garage structure shall be provided.
20. The developer shall provide a minimum of 10 feet of vertical and horizontal space for traffic signal pole foundations. The garage shall be designed to accommodate this space requirement.
21. The developer shall pay the capital cost for the installation of Arlington County standard thoroughfare street lights along the frontages of this site.
22. All existing and proposed utilities within or along the periphery of this site shall be removed, placed underground or relocated as determined by the Department of Public Works and the appropriate utility company in conjunction with the development of the final engineering plans. This work shall be performed at the expense of the developer.
23. Proposed and/or existing water mains and sanitary sewer mains shall be located in paved areas 5 feet minimum from face of curb, 10 feet minimum clear of buildings and 5 feet minimum clear of other utilities.
24. Existing water mains and sanitary sewers shall be abandoned only with prior Arlington County approval.
25. The developer shall provide a clear space of 15 feet (width) by 25 feet (length) by 10 (depth) for the installation of each water meter vault. The garage design shall be amended to provide this space.
26. The developer shall reimburse Arlington County prior to the issuance of a building permit the costs of the following water and sewer relocations:
  - a. The 12-inch water main relocation including interconnections with existing water mains in Wilson Boulevard from North Wayne Street to North Veitch Street, not to exceed the amount of \$40,000.
  - b. The 12-inch water main in North Wayne Street along the frontage of this site, not to exceed the amount of \$40,000.
  - c. The relocation of the existing sanitary sewer in Wilson Boulevard as required by this development.
27. The proposed building shall have sanitary sewer service to Wilson Boulevard or to North Wayne Street.

28. Final engineering plans, including a street tree plan, shall be approved by the Department of Public Works prior to the issuance of a building permit.
29. The developer shall dedicate all required easements prior to the issuance of a building permit.
30. A surety agreement with the Department of Public Works for the construction of all facilities within the public right-of-way or easements shall be executed prior to the issuance of any building permits.
31. The final facade treatment for the building and materials to be used shall be reviewed by the Site Plan Review Committee and approved by the County Manager or his designee prior to the issuance of a building permit.
32. The developer shall, prior to the issuance of building permits, comply with all applicable ordinances and local regulations and obtain all State permits which State agencies determine to be necessary.
33. This site plan approval expires two (2) years after the date of County Board approval if the approved plan is not under construction. Extension of this approval shall be at the sole discretion of the County Board.