



Bluemont Civic Association

Representing Neighborhoods in and around Arlington Traditional School, Lacey Woods Park, Bon Air, Fields Park, Balls Crossing, West Ballston, and all along the former Bluemont Division of the Washington and Old Dominion Railroad

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DATE: July 19, 2012

TO: Arlington County Zoning Administrator

FROM: Judah da Cais,
President, Bluemont Civic Association

SUBJECT: BCA support for Live Entertainment and Dancing Permit and amendment to the Capacity Certificate and outdoor seating area for The Greene Turtle at 900 N. Glebe Road.

The owner of The Greene Turtle has requested a letter of support from the Bluemont Civic Association (BCA) for their "live Entertainment and Dancing Permit" (LEDP) application; specifically for the addition of speakers in the outdoor seating area, and for an amendment to the outdoor seating area location authorized in the Capacity Certificate.

Support for the application was requested, in part, because The Greene Turtle (TGT) and all properties located west of N. Glebe Road from highway #66 to N. Carlin Springs are within the boundary of the BCA. Additionally, the BCA was actively involved in site plan review, public hears, and County Board meetings pertaining to the approval of land use, zoning, uses, and other elements of the recently developed 800 - 900 block frequently referred to in planning documents as the Peck-Staples site.

The owner of TGT has graciously reached out to representatives from BCA and the adjacent neighborhood to discuss the permit request and their current outdoor seating. Recently, BCA and neighborhood representatives visit the owner at TGT premises to discuss the permit application. During that discussion, the BCA shared with the owner the frequent and ongoing noise and other issues that have been created for the BCA residential neighborhood by other establishments on N. Glebe Road that operate with a "live Entertainment and Dancing Permit" and utilize outdoor seating for their customers. The owner was very open-minded about understanding the potential for issues generated by the outdoor seating and an entertainment permit, and expressed a willingness to work with the adjacent neighbors and the BCA to prevent and manage situations that could generate noise or other problems for the residential neighborhood areas around TGT.

During that discussion, all parties realized that the current placement of the outdoor seating inevitable magnifies potential noise and other issues. The outdoor seating is currently within 75 feet of a residential apartment building; 95 feet from townhouses to be build as part of the approved site plan, and 200 feet from residential housing on N. Wakefield Street. All parties agreed that moving TGT outdoor seating towards Glebe Road would be a critical action to mitigate potential noise problems from customers and the outdoor speakers. BCA understands that TGT owner will submit, concurrent with the LEDP review, a request to amend

the Capacity Certificate (CO1100227/CO1100843) to move the approved outdoor seating area closer to Glebe Road. BCA advised the owner that it would consider supporting the LEDP consistent with the agreement reached with another establishment located on Glebe Road just two blocks away and with any additional conditions necessary for the 9th Street and N. Wakefield area.

Recommendations of Support from BCA

The BCA appreciated greatly the outreach from TGT and wishes to collaborate with them on arrangements that will facilitate their LEDP application and outdoor seating location adjustment well at the same time preventing and resolving problems that are disruptive to the residential neighborhood.

Pending final review of the LEDP documents and all agreed upon conditions, as well as a drawing showing the to be approved final relocation of TGT outdoor seating closer to Glebe Road, the BCA will support the following.

1. Amend the Capacity Certificate to relocate TGT outdoor seating towards Glebe Road such that none of the seating shall be located on 9th Street further west than twenty feet from the existing door for TGT. The BCA strongly recommends that part of the outdoor seating be located with the large oval area on the SE corner of TGT and where possible, on the N. Glebe Road frontage.
2. Conditions for the Live Entertainment and Dancing Permit as follows:

Conditions for live Entertainment and Dancing permit at The Greene Turtle

1. The applicant agrees live entertainment shall be permitted only between the hours of 11 a.m. to 1:30 a.m., Monday through Sunday. The customer dancing shall be permitted only inside and only between the hours of 5 p.m. to 1:30 a.m., seven days a week.
2. The applicant agrees windows and exterior doors to the outside of the restaurant on North Glebe Road and 9th Street shall be closed during hours of live entertainment (live musical performances, including disc-jockeys, karaoke, and stand-up comedy, etc.) and any other amplified and emceed events (trivia contests, card games, and the like). No live entertainment and dancing is permitted in the outdoor seating area and the applicant shall comply with the Arlington County Noise Ordinance. Games and activities for patrons not involving electronic amplification such as "cornhole" and the like may occur outdoors, but such activity shall cease by 10 p.m. nightly. No generators or compressors are permitted outside the building.
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 obtain a Dance Hall Permit from the Zoning Office before dancing can be allowed.

5. The applicant agrees to identify an on-site community liaison that shall be available during the hours of the business operation. The liaison shall be empowered to receive and immediately address site plan conditions and community concerns, and to receive and respond to community communications regarding the live entertainment, the outdoor seating area, and noise from games, emceed events, electronic devices, or customers. The name and telephone number of the liaison shall be provided to the Bluemont Civic Association, the Jordan Manor residential building management, the designated BCA area neighborhood representatives and the Zoning Administrator before issuance of the Live Entertainment and Dancing Permit, and the revised Certificate of Occupancy and when the designated liaison changes.
6. The applicant agrees that only two acoustic speakers shall be permitted outdoors and only between the hours of 5 p.m. to 10:00 p.m., Thursday through Saturday. The speakers will be pointed towards Glebe Road (i.e., so the sound from the speakers will be directed towards Glebe Road and away from residential properties on 9th and Wakefield Streets). The applicant agrees the outdoor speakers shall be used solely for background music only for dining patrons seated in The Greene Turtle's approved outdoor seating area, and shall be turned off at 10 p.m. nightly. The volume shall be kept at a background level. The live entertainment, games, or other emceed events shall not be broadcast on the outdoor speakers.
7. The applicant agrees that the community liaison, or other responsible person, shall periodically check the sound level emanating from the restaurant and outdoor seating area from the midpoint of the adjacent residential building frontage on 9th Street, and also from the eastern end of the townhouses once they are built on the east side of N. Wakefield Street, and from the sidewalk in front of the residential properties on the west side of N. Wakefield street. Sounds from the live entertainment, events with emcees, or electronic broadcasts shall not be audible from those points.
8. The applicant agrees to place cards on the outdoor tables and in other places as necessary, to remind patrons in the outdoor café to be mindful of the nearby residential townhouses after 10 p.m. The applicant's staff shall take reasonable measures to discourage loud noise such as singing or shouting by patrons in and adjacent to the outdoor seating area after 10 p.m. From 10 p.m. to closing time, the applicant shall discourage patrons from loitering outside the restaurant or adjacent to the outdoor seating area for smoking or other activities not permitted inside the restaurant spaces.
9. The applicant agrees to sweep the sidewalks adjacent to the restaurant's 9th Street frontage and outdoor seating area daily. (to clean up litter and cigarette debris)

Closing

The BCA is open to further discussions with the owner of TGT and the County to clarify and revise the conditions for the LEDP and the new location of the outdoor seating.

The BCA compliment TGT owner for his gracious outreach to the community and for the attractive establishment that he has built at 900 N. Glebe Road.