



# 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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30 August 2013

Ms. Sofia S. Fisher  
Associate Planner  
Department of Community Planning, Housing & Development  
2100 Clarendon Blvd., Suite 700  
Arlington, VA 22201

Dear Ms. Fisher:

Thank you for inviting comments from the Bluemont Civic Association (BCA) regarding the live entertainment use permit for the Greene Turtle at 900 N. Glebe Road, and potential renewal of said use by the County Board. As I noted in my August 19 e-mail to you, the Executive Board of the Bluemont Civic Association appreciates the opportunity to comment on this review, and would send comments after our August 28 Executive Board Meeting. At that meeting, the Board approved the content of this letter.

Last year the Bluemont Civic Association had requested conditions for the initial permit (copy of the 7/19/2012 BCA letter attached.) Are you able to confirm whether those conditions were incorporated into the permit, and if so, whether the Greene Turtle has met them? A key critical condition seems to have been ignored -- moving the outdoor seating away from nearby residences and toward N. Glebe.

The Bluemont Civic Association provided the July 19, 2012 letter at the request of the owner of The Greene Turtle. At that time, representatives from the Bluemont Civic Association and the adjacent neighborhood met with the owner of the Greene Turtle to discuss the permit request and share with the owner our experience with 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" (LEDP) and utilize outdoor seating for their customers. All parties realized then that the current placement of the outdoor seating inevitably magnifies potential noise and other issues. Currently, the outdoor seating is within 75 feet of a residential apartment building; 95 feet from townhouses being built as part of the approved site plan, and 200 feet from residential housing on N. Wakefield Street, including town homes currently under construction. All agreed that moving The Greene Turtle outdoor seating toward Glebe Road would be desirable in order to mitigate potential noise problems from customers and the outdoor speakers.

The Bluemont Civic Association had understood that the Greene Turtle owner would 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. The Bluemont Civic Association advised the owner that it would consider supporting an LEDP that was consistent with an agreement reached with another establishment located on Glebe Road just two blocks away and with any additional conditions necessary for the 9<sup>th</sup> Street and N. Wakefield area.

As noted in our July 19, 2012 letter, the Bluemont Civic Association supported the original LEDP request with the conditions described in that letter in order to prevent and resolve problems that are disruptive to the residential neighborhood. Our support for a one-year renewal of the LEDP remains tied to these conditions:

1. Amend the Capacity Certificate to relocate the Greene Turtle outdoor seating towards Glebe Road such that none of the seating shall be located on 9<sup>th</sup> Street further west than twenty feet from the existing door for the Greene Turtle. The Bluemont Civic Association reaffirms its strong recommendation that part of the outdoor seating be located with the large oval area on the southeast corner of the Greene Turtle and where possible, on the N. Glebe Road frontage.
2. 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.
3. The applicant agrees windows and exterior doors to the outside of the restaurant on North Glebe Road and 9<sup>th</sup> 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 exceed 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.
4. 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.
5. The applicant agrees to obtain a Dance Hall Permit from the Zoning Office before dancing can be allowed.
6. 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, exceed 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.
7. 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 9<sup>th</sup> 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.

8. 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 9<sup>th</sup> 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.

9. 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.

10. The applicant agrees to sweep the sidewalks adjacent to the restaurant's 9<sup>th</sup> Street frontage and outdoor seating area daily. (to clean up litter and cigarette debris)

Summary: Because the seating area remains so close to an expanding residential neighborhood, rather than being in the front of the establishment on the Glebe Road side as for similar establishments in the area, the Bluemont Civic Association requests that the live entertainment use permit be renewed for only one year, and be reviewed by the County Board again in one year. The Bluemont Civic Association would oppose any multi-year renewal of the live entertainment permit.

The Bluemont Civic Association requests that further consideration be given to re-locating the outdoor seating further away from the residential area. The justification for a one-year review period of the LEDP is that while there have been only minor problems to date from the live entertainment permit of the Greene Turtle, neighbors in the Bluemont Civic Association have learned from experience with Union Jacks, Rock Bottom Brewery and similar establishments in the area that a change in facility management, the type of entertainment, or ownership can lead to a significant change in customer behavior, especially with late night seating and aggressive alcoholic beverage promotions. Neighbors close to the Greene Turtle report that over the past year, the Greene Turtle has not made much use of amplified music, but we are concerned about the possible impact on Bluemont residents should this change over the next year.

The Bluemont Civic Association remains open to further discussions with the owner of the Greene Turtle and the County to clarify and revise the conditions for the LEDP and the new location of the outdoor seating.

Sincerely yours,

George Rovder  
President