



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 15, 2008**

DATE: November 7, 2008

- SUBJECTS:** A.SP #194 SITE PLAN REVIEW: live entertainment and dancing; 3100 Clarendon Blvd. (Sobe Seafood Co. and Mr. Days) (RPC # 19-002-007)
- B.U-2886-96-3 and U-2861-95-1 USE PERMIT REVIEW: WOW Enterprises, Inc., review live entertainment, outdoor seating; 2854 Wilson Blvd. (Whitlow's on Wilson) (RPC #18-010-008)
- C.U-2873-95-2 USE PERMIT REVIEW: live entertainment; 1101 N. Highland St. (Clarendon Grill) (RPC #18-013-010)
- D.U-2984-00-1 USE PERMIT REVIEW: live entertainment; 3185 Wilson Blvd. (Clarendon Ballroom) (RPC #15-075-003)
- E. U-3046-02-1 USE PERMIT REVIEW: live entertainment and dancing; 2901 Wilson Blvd. (Boulevard Woodgrill) (RPC #15-066-019)
- F. U-3050-02-1 USE PERMIT REVIEW: live entertainment; 2933 Wilson Blvd. (Mexicali Blues) (RPC #15-066-019)
- G.U-3114-04-1 USE PERMIT REVIEW: live entertainment; 3207 Washington Blvd (O'Sullivan's formerly Molly Malone's) (RPC #15-078-001)
- H.U-3134-05-2 USE PERMIT REVIEW: RTM Investment Group LP, live entertainment; 1041 N. Highland St. (Eleventh Street Lounge) (RPC#18-026-004)
- I. U-3125-05-1 USE PERMIT REVIEW: live entertainment; 2915 Wilson Blvd (Rira Clarendon) (RPC #15-066-002)
- J. SP #362 SITE PLAN REVIEW: live entertainment; outdoor menu box; 2900 Wilson Blvd. (La Tasca) (RPC #18-011-008)

Applicants (in order of listing):

Sobe Seafood Company and Mr. Days (same address), Whitlow's on Wilson, Clarendon Grill, Clarendon Ballroom, Boulevard Woodgrill, Mexicali Blues, O'Sullivan's, Eleventh Street Lounge, RiRa, and La Tasca.

County Manager: _____

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5123

C. M. RECOMMENDATIONS:

- A-F; H-J. Renew, subject to all previous conditions, and four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010).
- G. Renew the subject use permit for live entertainment (O’Sullivan’s), subject to all previous conditions, one (1) revised Condition # 2, and four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010).

ISSUES: This is a review of use permits and site plan amendments for the Clarendon live entertainment uses. Isolated incidents regarding noise disturbances and inappropriate behavior have occurred outside a residence late at night, but this should not effect the continuation of the live entertainment uses in Clarendon. County staff will continue to work with the Group to help address community issues and ensure that the live entertainment uses do not negatively impact the neighborhood.

SUMMARY: This is a review of existing use permits and site plan amendments for live entertainment in the Clarendon area. With this review, O’Sullivan’s is also requesting an amendment to Condition # 2 to allow additional hours of live entertainment. O’Sullivan’s has been in compliance with the approved conditions and the expanded hours will not negatively impact adjacent uses, therefore staff supports the request. In addition, during this review, staff noticed that some of the standard live entertainment conditions were left out of some of the use permits and site plan amendments. In order to ensure consistency to all of the Clarendon live entertainment establishments, staff is recommending four (4) new conditions be applied to all of the uses.

During the May 2008 review, issues were raised by a resident related to noise disturbances and inappropriate behavior of persons walking through the residential neighborhood, and the uses were deferred to the September 13, 2008 County Board meeting. Two (2) Neighborhood Advisory Group (the “Group”) meetings were held since that time to discuss these issues, and the Police Department has been proactive in addressing these concerns.

During the September 2008 review, the Fire Marshal wanted to ensure these establishments were operating at or below their required capacity, and that the Capacity Certificates for the establishments were accurate. The uses were then deferred to the November 15, 2008 County Board meeting. Inspections have been completed and no violations were found by the Fire Marshal.

The live entertainment uses have generally operated in compliance with the approved conditions of approval. In addition, representatives of the Neighborhood Advisory Group continue to discuss any issues and work towards solutions to neighborhood concerns. Therefore, staff recommends that the use permits and site plan amendments A-F and H-J be renewed, subject to all previous conditions, and four (4) new conditions, with an administrative review in one (1)

year (November 2009) and a review by the County Board in two (2) years (November 2010). Staff also recommends the use permit for live entertainment at O'Sullivan's be renewed, subject to all previous conditions, one revised condition (#2), and four (4) new conditions, with an administrative review in one (1) year (November 2009, and a County Board review in two (2) years (November 2010).

BACKGROUND: The County Board approved the use permits and site plan amendments for live entertainment in conjunction with existing restaurants for the subject establishments between 1995 and 2005 (Mr. Days – 1995; Whitlow's on Wilson – 1995; Clarendon Grill – 1996; Clarendon Ballroom – 2000; Boulevard Wood Grill – 2002; Mexicali Blues – 2003; La Tasca – 2004; O'Sullivan's (formerly Molly Malones) – 2005; SoBe – 2005; and Eleventh Street Lounge – 2005). The uses operate in the Clarendon area within a few blocks of each other. During past reviews, similar issues and concerns including noise, inadequate parking, and trash were identified as areas requiring mitigation. In 2002, it was agreed that given the similarities of the uses, the concerns expressed, and the proximity of the uses to each other, it was reasonable to consolidate their review periods and develop an ongoing, joint neighborhood advisory process. The applicants agreed to participate in a Neighborhood Advisory Group (the "Group") effort that included neighborhood representatives, the Clarendon Alliance, and County staff. The Group agreed to meet quarterly and has continued to do so since it was established in 2002. Conditions for the live entertainment uses have been developed separately as each live entertainment use was approved, before the uses were consolidated into one review. Thus, the conditions vary in terms of days, times, and types of live entertainment, litter pick-up, and customer dancing.

DISCUSSION: Meetings have been attended by members of the community, County staff, and the business establishments. Interaction at the meetings over the past several years has generally been cooperative and cordial. There has been good faith effort demonstrated by the establishments and the neighbors who have given their time and energy to attend these meetings for the past six (6) years. That good faith effort has resulted in the establishments paying more attention to the neighborhoods' concerns, assuming responsibility for their patrons, and taking corrective measures to address the Group's concerns of trash, noise, and parking. In 2006 the County Board adopted a budget which proactively addressed these neighborhood concerns and highlighted the County Board's commitment to this live entertainment district. The budget included two full-time police officers for Clarendon and additional waste receptacles.

However, isolated incidents have been reported with regard to noise disturbances and persons loitering outside a residence late at night, possibly in part due to persons walking to their cars. The Police Department notes that officers regularly patrol the Clarendon area. Regarding the entertainment portion of Clarendon specifically, there are a minimum of two (2) officers on patrol Wednesday, from 5:00 p.m. to midnight, and Thursday, Friday, and Saturday from 5:00 p.m. to 3:00 a.m. or later. Earlier this year the Police Department agreed to place extra focus on the block where the incidents were taking place. The incidences of inappropriate conduct and noise ceased during that time that the officers were present, but the resident informed staff that the incidences have since resumed. The Police Department states that they continue to conduct regular checks of the block, but are unable to place an officer on the block all of the time. On evenings and weekends, the officers are focused on patrolling the nightclubs and their immediate area, and responding to emergency calls in the Clarendon area. The resident believes that these

incidents may be caused by people parking in the residential neighborhoods late at night, and has suggested parking meters on the street as a possible solution. County DES staff notes that nighttime parking meters may be considered in the future for the entire County, but this involves instituting a new policy that has yet to be adopted. County staff will continue to work with the Group to help identify solutions in the way of parking and/or police enforcement that would benefit the Clarendon neighborhood as a whole.

The last quarterly meeting of the Group was held on September 2, 2008. At this meeting the Group discussed a variety of topics including 1) developing parking brochures as a possible solution to persons parking in the residential neighborhood, 2) increasing signs promoting parking garages, and 3) concerns that predatory towing is taking place at bank parking lots in Clarendon where patrons of live entertainment establishments might park. At that meeting the Group was also informed by staff of the upcoming Fire Marshal inspections. Meeting attendance consisted of County staff, including Planning, Transportation (parking), two (2) officers from the Police Department, business owners, and a representative of the Lyon Park Citizens Association, who expressed no objection to continuing the live entertainment uses. An additional meeting was held on October 27, 2008 as an opportunity to continue discussions and address concerns prior to the November 15, 2008 County Board meeting. No citizens were in attendance, but staff related the resident's concerns to the business owners that did attend. Another regular, quarterly meeting has been scheduled by the Group for January 6, 2009.

With this review, it was brought to staff's attention that some standard live entertainment conditions have not been applied to all of the Clarendon live entertainment uses. Staff would like to take the opportunity through this review to correct this inconsistency. Staff is recommending that conditions related to the following issues be added to all of the uses.

- Compliance with all County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
- Ensuring that noise complies with the limits established in the noise ordinance.
- Requiring participation in the Neighborhood Advisory Group. Representatives of all of the live entertainment uses in Clarendon have been attending the Group meetings regularly, but the requirement was left out of some of the conditions.
- Posting signs inside their establishment to discourage parking within residential neighborhoods, and posting parking information on their website. This is currently included in some of the conditions. In an effort to address concerns from the community regarding patrons parking in residential neighborhoods, this should be a requirement of all the establishments.

In addition, with this review, O'Sullivan's is requesting an amendment to Condition # 2 to extend their hours of live entertainment. The hours would be one hour earlier in the evening, starting at 6:00 p.m., and a half-hour later in the evening, ending at 1:30 a.m. In addition, the applicant is requesting live entertainment to begin at 2:00 p.m. on Sundays to allow for non-amplified traditional Irish music. The proposed request would not negatively impact adjacent uses. In addition, the applicant has been in compliance with approved conditions, including participating in the Group. Therefore, staff supports this request. Staff recommends an

administrative review in one (1) year (November 2009) in order to keep the use permit tracking with the other uses in this group.

The following provides additional information on the uses:

Since the Last Review (May 5, 2007):

Use Permit and Site Plan Amendment Conditions: The uses have generally operated in compliance with the conditions of approval.

Community Code Enforcement and the Site Plan Inspection: In general, Community Code Enforcement and Site Plan Inspection staff have found the establishments to be in compliance with the conditions of their use permits or site plan amendments. Community Code Enforcement and Site Plan Inspection staff continues to participate in the Group process and are aware of ongoing discussions within the Group.

Fire Marshal's Office: The Fire Marshal's Office has completed inspections of each live entertainment establishment. No violations were found and all Capacity Certificates are current.

Police Department: The Police Department has been an integral part of the Group process. Communication between the establishments and the Police Department has been open and productive during the Group meetings. The Police Department has not expressed objection to renewal of the subject special exceptions for live entertainment. The department is aware of concerns regarding isolated incidents of loitering outside residences, noise, and inappropriate behavior. Although the Police Department cannot patrol the street where the incidents take place every night, they do conduct checks of the block regularly, and continue to patrol the Clarendon neighborhood in and around the entertainment area.

State ABC Board: ABC Board staff have not reported concerns with any of the establishments.

Civic Associations: The Lyon Village Citizens Association, the Lyon Park Citizens Association, the Clarendon-Courthouse Civic Association and the Clarendon Alliance were notified of the use permit and site plan amendment reviews. The neighboring civic associations and the Alliance have participated in the Group. The Group effort has resulted in more open communication to address concerns and additional clean-up efforts by the establishments. It is generally agreed that the Group effort continues to be an essential vehicle for communication and addressing concerns. The Group supports the continued use of live entertainment with a yearly review and the restaurants continued participation. A representative of the Lyon Park Citizens Association was present at the September 2, 2008 meeting, and did not express any concerns regarding the continuation of the live entertainment uses.

CONCLUSION: The live entertainment establishments in the Clarendon area have generally complied with the conditions of approval. The County's health and safety agencies, including

the Fire Marshal's Office, the Police Department and the Code Enforcement Office, have not identified threatening safety hazards and have not objected to renewing the live entertainment uses. The owners of the establishments continue to display a spirit of cooperation in their relationships with County staff and the nearby neighborhoods. The Group meetings continue to keep lines of discussion open and participants working toward resolutions. At the upcoming quarterly meetings, staff will work with the Group to ensure the uses do not negatively impact surrounding neighborhoods. Staff is recommending four (4) new conditions be applied to all of the Clarendon Live Entertainment uses to ensure consistency.

Given that the uses have generally been in compliance with the use permit conditions, and that the Group will continue to work together to address neighbor concerns, staff is recommending a one (1) year administrative review and a two (2) year review by the County Board. However, staff recommends that, if during the administrative review period (November 2009) any neighborhood representative requests a review by the County Board, the live entertainment uses would be advertised immediately for a County Board review in December 2009. Therefore, staff recommends that the County Board renew the live entertainment uses A-F and H-J, subject to all previous conditions, and four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010).

In addition, staff recommends approval of live entertainment use G (O'Sullivan's), subject to the previous conditions, a revised Condition # 2, and four (4) new conditions, and with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010).

Revised Condition # 2 for O'Sullivans:

1. The applicant agrees to limit the live entertainment to ~~7:00~~ 6:00 p.m. to ~~1:00~~ 1:30 a.m. ~~seven days a week Monday through Saturday, and 2 p.m. to 1:30 a.m. Sunday.~~

Conditions to be applied to Clarendon live entertainment uses A – J:

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.

4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

Whitlow's On Wilson (U-2861-95-1 & U-2886-96-3)

- October 14, 1995 Approved Use Permit (U-2861-95-1) for live entertainment in a restaurant, seven days a week, from 11 a.m. to 2 a.m., subject to conditions and a review in one (1) year.
- October 14, 1995 Approved Use Permit (U-2862-95-1) for a comprehensive sign plan for three (3) signs containing a total of 110 square feet of sign area, subject to conditions.
- July 20, 1996 Approved Use Permit (U-2886-96-3) for an outdoor café with 32 seats operating between 11 a.m. and 12:30 a.m., subject to conditions and a review in one (1) year.
- October 5, 1996 Continued Use Permit (U-2861-95-1) for live entertainment in a restaurant, seven days a week, from 11 a.m. to 2 a.m., subject to conditions and a review in nine months.
- July 19, 1997 Continued a Use Permit (U-2861-95-1) for live entertainment in an existing restaurant and Use Permit (U-2886-96-3) for an outdoor café subject to all previous conditions, new Condition #4, administrative reviews in two months, and a review by the County Board in two (2) years.
- July 14, 1999 Continued use permits for live entertainment (U-2861-95-1) in an existing restaurant and for café seating (U-2886-96-3), subject to all previous conditions, and with a review in one (1) year. (July 2000)
- July 31, 2000 Adopted motion to amend use permit (U-2881-95-1) for live entertainment to include dancing but accepted withdrawal by applicant. Continued (U-2881-95-1), subject to previous Condition #2, amended Conditions #1 and #3, and additional Conditions #4 through #7, and with a review in six (6) months (January 2001). Continued use permit (U-2886-96-3) for outdoor café seating, subject to all previous conditions, and with a review in six (6) months. (January 2001)

November 18, 2000	Deny amendment request to amend hours of live entertainment for Wednesday through Thursday from 6 p.m. to 12 midnight, to 6 p.m. to 12:30 a.m. for Sunday through Tuesday from 6 p.m. to 2 a.m. to 6 p.m. to 1:30 a.m., for holiday eves and holidays treat the same as Friday and Saturday in terms of type of entertainment and hours from 6 p.m. to 1 a.m. Review in six (6) months.
December 18, 2000	In reconsidering the November 18, 2000 action on live entertainment use permit (U-2881-95-1) at the December 18, 2000 recessed County Board meeting, continued subject to revised conditions and with a review in six (6) months.
January 27, 2001	Continued a use permit (U-2886-96-3) for outdoor restaurant seating, subject to all previous conditions, and with a review in five (5) months.
June 9, 2001	Continued use permits (U-2861-95-1) for live entertainment and (U-2886-96-3) for outdoor restaurant seating, subject to all previous conditions, and with a review in six (6) months. (December 2001)
December 8, 2001	Continued use permits (U-2861-95-1) for live entertainment and (U-2886-96-3) for outdoor restaurant seating, subject to all previous conditions with a new condition #8 and with a review by the County Board in eleven (11) months. (November 2002)
<u>Clarendon Grill (U-2873-95-2)</u>	
February 3, 1996	Approved a Use Permit (U-2873-95-2) for live entertainment in conjunction with an existing restaurant, seven days a week, from 6 p.m. to 2 a.m., Monday through Friday and from 11 a.m. to 2 a.m. on Saturday and Sunday with a review in one (1) year. (February 1997)
February 8, 1997	Continued use permit (U-2873-95-2) for live entertainment and dancing in an existing restaurant subject to all previous conditions and review in three (3) years. (February 2000)

February 12, 2000	Continued use permit (U-2873-95-2) for live entertainment and dancing in an existing restaurant subject to all previous conditions and review in nine months. (November 2000)
November 18, 2000	Continued use permit (U-2873-951-2) for live entertainment and dancing with a review in one (1) year. (November 2001)
November 17, 2001	Continued use permit (U-2873-951-2) for live entertainment and dancing with an new condition #6 and with an administrative review in six (6) months and a review by the County Board in one (1) year. (November 2002)

Clarendon Ballroom (U-2984-00-1)

July 31, 2000	Approved use permit (U-2984-00-1) for live entertainment in a new restaurant, seven days a week from 6 p.m. to 2 a.m., Mondays through Fridays, and from 11 a.m. to 2 a.m., Saturdays and Sundays with a review in one (1) year. (July 2001)
July 28, 2001	Continued use permit (U-2984-00-1) for live entertainment in a new restaurant, seven days a week from 6 p.m. to 2 a.m., Mondays through Fridays, and from 11 a.m. to 2 a.m., Saturdays and Sundays with a review in one (1) year. (July 2002)
July 20, 2002	Continued use permit (U-2984-00-1) for live entertainment in a new restaurant, seven days a week from 6 p.m. to 2 a.m., Mondays through Fridays, and from 11 a.m. to 2 a.m., Saturdays and Sundays with a review in three (3) months. (October 2002)

Other restaurants in Clarendon & the continued reviews of Mr. Days, Clarendon Ballroom, Clarendon Grill, and Whitlow's on Wilson (from October 2002 when the uses were combined under one review).

- October 19, 2002 Approved use permit (U-3046-02-1) for live entertainment and dancing; with a review in one (1) year. (October 2003) (Boulevard Woodgrill)
- October 19, 2002 Continued use permits and site plans (SP #194) for live entertainment and dancing (Mister Days), (U-2873-95-2) for live entertainment (Clarendon Grill), (U-2984-00-1) for live entertainment (Clarendon Ballroom), (U-2861-95-1) for live entertainment and (U-2886-96-3) for outdoor restaurant seating (Whitlow's on Wilson) with a review in one year. (October 2003)
- January 11, 2003 Approved use permit (U-3050-02-1) for live entertainment with a review in nine (9) months (October 2003). (Mexicali Blues)
- October 18, 2003 Approved a site plan amendment request (SP #339) for live entertainment with a review in one year (October 2004). (Harry's Tap Room)
- October 18, 2003 Continued use permits and site plans (SP #194) for live entertainment and dancing (Mister Days), (U-2873-95-2) for live entertainment (Clarendon Grill), (U-2984-00-1) for live entertainment (Clarendon Ballroom), (U-2861-95-1) for live entertainment, (U-2861-95-1) (Whitlow's on Wilson) for live entertainment and (U-2886-96-3) for outdoor restaurant seating (Whitlow's on Wilson), (U-3046-02-1) (Boulevard Wood Grill) for live entertainment and (U-3050-02-1) (Mexicali Blues) for live entertainment with a review in one year. (October 2004)
- June 26, 2004 Approved site plan amendment (SP #194) for outdoor seating for the Mister Days Sports Rock Café with a review in October 2004.
- July 10, 2004 Approved site plan amendment request (SP #362) for the La Tasca Restaurant to offer live entertainment with a review in three (3) months October 2004.

October 2, 2004	Continued use permits and site plans (SP #194) for live entertainment and dancing (Mister Days), (U-2873-95-2) for live entertainment (Clarendon Grill), (U-2984-00-1) for live entertainment (Clarendon Ballroom), (U-2861-95-1) for live entertainment, (U-2861-95-1) (Whitlow's on Wilson) for live entertainment and (U-2886-96-3) for outdoor restaurant seating (Whitlow's on Wilson), (U-3046-02-1) (Boulevard Wood Grill) for live entertainment, (U-3050-02-1) (Mexicali Blues) for live entertainment, (SP #362) (La Tasca) for live entertainment, and (SP #339) (Harry's Tap Room) for live entertainment with a review in one year. (October 2005)
March 12, 2005	Approved a use permit (U-3114-04-1) for live entertainment with a review in six months (October 2005). (Molly Malones)
June 18, 2005	Deferred a site plan amendment request (SP #194) for live entertainment to the July 9, 2005 County Board meeting.
July 9, 2005	Approved a site plan amendment request (SP #194) for live entertainment and dancing inside and outside the restaurant with a review in three months (October 2005). (SoBe)
	Approved a use permit request (U-3125-05-1) for live entertainment, with a review in October 2006. (RiRa)
October 18, 2005	Renewed use permits and site plans for live entertainment for the following establishments in Clarendon: SoBe Seafood Co (SP #194); Mr. Days (SP #194); Harry's Taproom (SP #339); LaTasca (SP #362); Clarendon Grill (U-2873-95-2); Whitlow's on Wilson (U-2861-95-1); Clarendon Ballroom (U-2984-00-1); Boulevard Woodgrill (U-3046-02-1); Mexicali Blues (U-3050-02-1); Molly Malone's (U-3114-04-1) subject to all previous conditions and with a review in seven (7) months. (May 2006)

Approved a use permit for live entertainment for RTM Investment Group LP “eleventh street” (U-3134-05-2), subject to conditions and with a review in seven (7) months. (May 2006)

Approved a use permit amendment to increase outdoor seating from 40 to 48 seats for Whitlow’s on Wilson (U-2886-96-3) subject to all previous conditions and amended condition #1, with a review by the County Board in seven (7) months. (May 2006)

Deferred a use permit amendment for Whitlow’s on Wilson (U-2861-95-1) to eliminate condition #4 regarding off-duty police officer to the May 2006 County Board meeting.

May 20, 2006

Renewed use permits and site plans for live entertainment for the following establishments in Clarendon: SoBe Seafood Co (SP #194); Mr. Days (SP #194); Harry’s Taproom (SP #339); LaTasca (SP #362); Clarendon Grill (U-2873-95-2); Whitlow’s on Wilson (U-2861-95-1); Clarendon Ballroom (U-2984-00-1); Boulevard Woodgrill (U-3046-02-1); Mexicali Blues (U-3050-02-1); Molly Malone’s (U-3114-04-1), and eleventh street lounge (U-3134-05-2) subject to all previous conditions and with a review in one (1) year. (May 2007)

Renewed a use permit for outdoor seating (48 seats) for Whitlow’s on Wilson (U-2886-96-3) subject to all previous conditions, with no further review.

Suspended the requirements of Condition #4, regarding off-duty police officer, of the use permit for Whitlow’s on Wilson (U-2861-95-1) for a period of six months commencing on July 1, 2006 and with review at the December 9, 2006 County Board meeting.

Discontinued the use permit for live entertainment at Harry’s Taproom (SP #339) at 2800 Clarendon Blvd.

December 9, 2006

Deleted Condition #4, regarding off-duty police officer, of the use permit for Whitlow's on Wilson (U-2861-95-1).

May 5, 2007

Renewed use permits and site plans for live entertainment for the following establishments in Clarendon: SoBe Seafood Co (SP #194); Mr. Days (SP #194); Clarendon Grill (U-2873-95-2); Whitlow's on Wilson (U-2861-95-1); Clarendon Ballroom (U-2984-00-1); Boulevard Woodgrill (U-3046-02-1); Mexicali Blues (U-3050-02-1); RiRa (U-3125-05-1); and Eleventh Street Lounge (U-3134-05-2) subject to all previous conditions, and with a review by the County Board in one (1) year (May 2008).

Renewed the site plan amendment for live entertainment for La Tasca (SP # 362), subject to all previous conditions and two (2) revised conditions (# 1, # 4), with a review by the County Board in one (1) year (May 2008).

Approved the site plan amendment for a restaurant menu board at La Tasca (SP #362), subject to the condition in the staff report.

Renewed the use permit for live entertainment at O'Sullivan's (U-3114-04-1), subject to all previous conditions, and one (1) revised condition (#5), with a review by the County Board in one (1) year (May 2008).

May 17, 2008

Deferred the use permit reviews and site plan amendments for Clarendon Live Entertainment to the September 13, 2008 County Board meeting.

September 13, 2008

Deferred the use permit reviews and site plan amendments for Clarendon Live Entertainment to the November 15, 2008 County Board meeting.

Approved Conditions (for Live Entertainment):

SP #194: 3100 Clarendon Boulevard - Mr. Days

1. Live entertainment is permitted Sundays, Mondays, Tuesdays and Wednesdays from 8:00 p.m. to 12:30 a.m., and Thursdays, Fridays and Saturdays from 8:00 p.m. to 1:30 a.m., and the Sundays, Mondays, Tuesdays and Wednesdays that occur on the eve of a federal holiday from 8:00 p.m. to 1:30 a.m.
2. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
3. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator.
4. The applicant agrees to share with other businesses the responsibility for picking up trash along 11th Street North between North Daniel and North Fillmore Streets, the 1000 block of North Edgewood Street and the North Highland Streets between Washington Boulevard and Clarendon Boulevard and the building's frontage along Washington Boulevard between North Highland Street and Wilson Boulevard. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks each Thursday, Friday and Saturday of any odd numbered month (January, March, May, July, September and November). Such trash shall be picked up after 9:00 p.m. or before 9:00 a.m. the following morning. Trash shall include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.
5. The applicant agrees to participate in the establishment of a neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mister Days Sports and Rock Cafe, other live entertainment users in the area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association and representatives of various County staff including Police, Code Enforcement, and Planning. The proposed advisory group would meet quarterly to work through issues associated with the live entertainment uses.

SP #194: 3100 Clarendon Boulevard - SoBe

1. Live entertainment and dancing hours
 - a. The applicant agrees that the hours for live entertainment inside the restaurant shall be as follows: 5 p.m. until 12:30 a.m., Monday through Thursday; 5 p.m. to 1:30 a.m., Fridays; 10 a.m. until 1:30 a.m., Saturdays; 10 a.m. until 12:30 a.m., Sundays; and 5 p.m. until 1:30 a.m., on the eve of all legal U.S. holidays.
 - b. The applicant agrees that the hours for dancing inside the restaurant shall be the same as for live entertainment inside except it would not begin before 5 p.m. any day.
 - c. The applicant agrees that the hours for live entertainment in the outdoor seating area shall be as follows: 5 p.m. until 12:00 a.m., Thursday and Friday; 10 a.m. to 12:00 a.m., Saturdays; 10 a.m. to 3 p.m. Sundays; and 5 p.m. until 12:00 a.m. on the eve of all legal U.S. holidays.

- d. The applicant agrees that the hours for dancing in the outdoor seating area shall be the same as for live entertainment outside except it would not begin before 5 p.m. any day.
2. The live entertainment and dancing shall be consistent with the applicant's leasing arrangement with the Wells REIT 1 3100 Clarendon LLC.
3. There shall be no customer dancing without obtaining a valid dance hall permit from the County Zoning Office.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant.
5. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be provided in writing to the Zoning Administrator, The Clarendon Alliance, the Clarendon-Courthouse Civic Association and the Lyon Village Citizens Association.
7. The applicant agrees that live entertainment and dancing shall meet the noise limits established in the County Noise Ordinance.
8. The applicant agrees to share with other businesses the responsibility for picking up trash along 11th Street North between North Daniel and North Fillmore Streets, the 1000 block of North Edgewood Street and North Highland Street between Washington Boulevard and Clarendon Boulevard and the building's frontage along Washington Boulevard between North Highland Street and Wilson Boulevard. The applicant agrees that its share of this responsibility shall be defined in writing and provided to the Zoning Administrator. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks the following morning after each Thursday, Friday, and Saturday before 9 a.m. Trash shall include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.
9. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mister Days Sports and Rock Cafe, other live entertainment users in the area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
10. The applicant agrees to ensure that all restaurant staff are enrolled in the Police Department's Training for Intervention Procedures (TIPS) training.
11. The applicant agrees that the types of live entertainment inside the restaurant would be limited to a DJ, small combos, small jazz groups, an individual guitarist or pianist, or similar style entertainment.
12. The applicant agrees that the types of live entertainment in the outdoor seating area would be limited to small combos, small jazz groups, an individual guitarist or pianist, or similar style entertainment.

SP #362: 2900 Wilson Boulevard – La Tasca

1. The applicant agrees that the live entertainment shall be limited to Thursdays, Fridays, Saturdays and Sundays between 11:00 a.m. and midnight (12:00 a.m.). The applicant agrees that there shall be no dancing by customers unless the required dance hall permit is secured. The applicant agrees that additional live entertainment events may be permitted on Mondays, Tuesdays, and Wednesdays between 11:00 a.m. and midnight (12:00 a.m.) provided that these additional events do not exceed six (6) additional events per month.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that the live entertainment shall be limited to acoustic music and vocal music. The applicant agrees that the decibel level of amplification for the acoustic and vocal music shall not exceed a level inside the restaurant that represents background music compatible with a dining experience, and agrees that music in no event shall be of such a level as to be audible outside the restaurant. At times the applicant anticipates including flamenco dancers performing to the live and/or recorded music.
5. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to insure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Clarendon-Courthouse Civic Association, the nearby Lyon Village Citizens Association and the Clarendon Alliance.
7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
8. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as "La Tasca".

U-2861-95-1: 2854 Wilson Boulevard – Whitlows

1. On Sundays, Mondays, and Tuesdays, live entertainment shall be limited to exclusively acoustic music. On Wednesdays, live entertainment shall be limited to primarily acoustic music ("Primarily acoustic" envisions a mixture of acoustic and electric instruments playing in what would still be considered an "acoustic" setting where non-acoustic instruments would play softly enough so as not to overwhelm the acoustic instruments in

the group. One example is a Jazz combo with an electric guitarist. Another is a Bluegrass band with an electric bass.) Live entertainment shall be limited to the hours between 6:00 p.m. and midnight on Sundays, Mondays, Wednesdays, and Thursdays. All amplified live entertainment shall be limited to Thursday, Friday, and Saturday evenings and New Year's Eve. Live entertainment on Fridays, Saturdays and New Year's Eve shall be limited to the hours between 6:00 p.m. and 1:00 a.m. There shall be no amplified music after 11:00 p.m. in rooms, such as the Sand Bar, which have not received the full noise abatement treatment ("Full noise abatement treatment" includes two layers of acoustic draping, double-glazed tempered glass, and acoustical sound tiles).

2. The applicant shall post signs inside the restaurant that are clearly visible to patrons, discouraging parking within the residential neighborhood across Wilson Boulevard from the site. Information on parking should also be posted on their website.
3. The applicant shall designate a neighborhood liaison or liaisons to communicate with nearby residents and neighbors to address concerns, which may be related to the live entertainment. Whitlow's will address late-night complaints about loud music immediately upon receiving the complaint. The restaurant owner, manager, or other company representative shall be available during the hours of live entertainment to address concerns from citizens by telephone or in attendance. The name and telephone number of the liaison(s) shall be submitted by the applicant to the President of the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, and the Zoning Administrator.
4. All bands shall use the Whitlow's side door on Fillmore Street to load their equipment after completing their performance(s).
5. All doors, windows, or other openings shall remain closed during the hours of live entertainment. All acoustic drapes shall also remain closed during hours of live entertainment.
6. The applicant shall pick up litter along North Fillmore Street between Clarendon Boulevard and North Franklin Street, on Monday and Friday mornings.
7. Whitlow's will work with the Lyon Village Citizens Association to develop a sound management plan which assures that sound from all live entertainment does not create a noise disturbance, as determined in accordance with measurement standards agreed upon by Whitlow's and the Lyon Village Citizens Association, within the nearby residential area. More specifically:
 - a. Whitlow's will work with nearby neighbors to pre-determine which frequency/decibel levels can be heard within their homes and/or cause a noise disturbance in the neighborhood.
 - b. Whitlow's will use these pre-determined levels to monitor and adjust the live entertainment sounds.
 - c. Whitlow's will respond immediately to complaints from neighbors about music emanating from Whitlow's and take measures to adjust the live entertainment sounds to acceptable levels.
 - d. Whitlow's will book bands according to their ability to comply with these noise requirements.
 - e. Monitoring of and compliance with the sound management plan shall be the responsibility of the Lyon Village Citizens Association, and not Arlington County, in accordance with measurement standards agreed upon by Whitlow's

and the Lyon Village Citizens Association, and as set forth in the sound management plan. The sound management plan does not exempt Whitlow's from compliance with applicable Arlington County Code ordinances and enforcement.

U-2873-95-2: 1101 N Highland St – Clarendon Grill

1. Live entertainment is permitted up to seven (7) days a week between the hours of 6:00 p.m. and 2:00 a.m., Mondays through Fridays, and between 11:00 a.m. and 2:00 a.m. on Saturdays and Sundays.
2. The applicant agrees that sound resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
4. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment. The name and telephone number of the liaison shall be submitted by the applicant to the presidents of the Lyon Village Civic Association, the Courtlands Civic Association, the Executive Director of the Clarendon Alliance, and the Zoning Administrator prior to starting live entertainment.
5. The applicant agrees to share with other businesses the responsibility for picking up trash along North 11th Street, between North Daniel and Fillmore Streets and the 1000 block of North Edgewood Street. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks each Thursday, Friday and Saturday or any even numbered month (February, April, June, August, October, and December). Such trash shall be picked up after 9:00 p.m. or before 9:00 a.m. the following morning. Trash will include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.

U-2984-00-1: 3185 Wilson Boulevard – Clarendon Ballroom

1. The applicant agrees to limit the hours of live entertainment on Tuesdays, Thursdays, Fridays, and Saturdays to between the hours of 11:00 a.m. and 1:30 a.m. Live entertainment on Sundays, Mondays, and Wednesdays shall be limited to 11:00 a.m. to 12:00 midnight, except that the applicant shall be permitted to operate between the hours of 11:00 a.m. and 1:30 a.m. on these days when they occur on the eve of a federal holiday, further subject to condition number 8.
2. The applicant agrees to limit seating to 199 patrons at any given time.
3. The applicant agrees that music resulting from live entertainment, including rooftop entertainment, shall comply with the limits established in the County Noise Ordinance.
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 identify parking locations in the commercial area and shall present the signed contracts for the use of such parking to the Zoning Administrator, the Clarendon Alliance and the nearby civic associations of Lyon Village, Lyon Park, Ballston-Virginia Square, Ashton Heights and Clarendon-Courthouse prior to the issuance of a certificate of occupancy. In addition the applicant agrees to develop and implement a parking plan which shall be reviewed and approved by the County Manager

or his designee prior to the issuance of any certificate of occupancy. The applicant agrees that the parking plan shall include: the total number of parking spaces, the location and address of the parking spaces and the days and hours of the day that the parking spaces are available for patrons of the approved use, and at a minimum consistent with the approved days and hours of live entertainment.

6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with Zoning Administrator, the nearby civic associations of Lyon Village, Lyon Park, Ballston-Virginia Square, Ashton Heights, Clarendon-Courthouse and the Clarendon Alliance prior to the issuance of a certificate of occupancy.
7. The applicant agrees to secure the required dance hall permit prior to offering dancing activities on the site.
8. The applicant agrees to use the rooftop space for activities such as wedding ceremonies, with no live entertainment after 8:30 p.m. The applicant further agrees that activities being held on the roof top level before 8:30 p.m. shall contain limited amplification.
9. The applicant intends to provide valet parking and agrees that valet parking shall not be on neighborhood streets. Valet parking personnel will use the arterial streets and commercial alleys to move cars to and from the valet parking lots. The applicant agrees to develop a written valet parking plan showing the pick-up and drop-off areas and traffic routes prior to commencing valet parking for review by the Lyon Village neighborhood and the Department of Public Works and shall be approved by the County Manager or his designee prior to the commencement of valet parking services.
10. The applicant agrees to provide literature and maps with directions that guide patrons arriving to the site by automobiles to use the arterial streets in the vicinity of the Ballroom. Specific routes shall be worked out with nearby civic associations. The literature and the Ballroom personnel shall also emphasize the Clarendon Ballroom's proximity to Metro.
11. The applicant agrees to make the Clarendon Ballroom Facility available as a meeting space to Arlington County Government, community partnerships such as the Clarendon Alliance, Arlington County civic groups and charitable organizations, free of charge a minimum of 24 times per year, subject to prior availability, at mutually agreed upon times generally on Mondays through Fridays from 11 a.m. to 4:30 p.m.
12. If an evening event (approximately from 6:30 p.m. to 11:30 p.m.) is desired, the ballroom facility may be available on Sundays, Mondays and Wednesdays, at the applicant's option, subject to 30 days written notice, and the availability of the Clarendon Ballroom Facility. This agreement is limited to opening and closing of the facility and lighting, heating and air-conditioning. The applicant agrees to provide reconfiguration of the room, catering, food services and entertainment at extra cost, subject to negotiation with the user.
13. The applicant agrees to participate in the establishment of a neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The proposed advisory group would meet quarterly to work through issues associated with the live entertainment uses.

U-3046-02-1: 2901 Wilson Boulevard – Boulevard Woodgrill

1. The applicant agrees live entertainment shall be permitted on the ground floor of the parcel between 11 a.m. and 3 p.m. on Saturdays and Sundays and on the lower level (basement level) of the parcel between 8 a. m. and 11 p.m. Sunday through Thursday, and between 8 a.m. and 12 midnight on Fridays and Saturdays, except 12:30 a.m. on the night of New Year’s Eve (New Year’s Day).
2. The applicant agrees that live entertainment on the ground floor shall be limited exclusively to acoustic music or primarily acoustic music . “Primarily acoustic” envisions a mixture of acoustic and electric instruments playing in what would still be considered an “acoustic” setting where non-acoustic instruments would play softly enough so as not to overwhelm the acoustic instruments in the group. One example is a jazz combo with an electric guitarist; another is a Bluegrass band with an electric bass.
3. The applicant agrees that if not terminated earlier for some other reason, this permit shall run with the business under the current ownership, and shall terminate automatically upon either the sale of a majority interest in the business by the Boulevard Woodgrill, LLC, t such time as the business ceases to operate as the Boulevard Woodgrill, LLC, whichever occurs sooner.
4. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
5. 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.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the nearby civic associations of Lyon Village, Clarendon-Courthouse and the Clarendon Alliance prior to the issuance of a certificate of occupancy.
7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, the Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.

U-3050-02-1: 2933 Wilson Boulevard – Mexicali Blues

1. The applicant agrees to limit live entertainment to no more than 2 hours per night between the hours of 6:00 p.m. and 12:00 a.m., and to no more than 3 nights per week, Sunday through Saturday. There shall be no dancing associated with the live entertainment.
2. The applicant agrees that the live entertainment shall be limited to acoustic music or primarily acoustic music. “Primarily acoustic” envisions a mixture of acoustic and electric instruments playing in what would still be considered an “acoustic” setting where non-acoustic instruments would play softly enough so as not to overwhelm the acoustic

instruments in the group. An example of the type of acoustic music to be offered would be a Spanish guitarist or a Mariachi.

3. The applicant agrees that if not terminated earlier for some other reason, this permit shall run with the business under the current ownership, and shall terminate automatically upon either the sale of a majority interest in the business by the current owners or at such time as the business ceases to operate as the Mexicali Blues Restaurant, whichever occurs sooner.
4. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
5. 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.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the nearby civic associations of Lyon Village and Clarendon-Courthouse, and the Clarendon Alliance prior to the issuance of a certificate of occupancy.
7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, the Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, the Mexicali Blues Restaurant, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.

U-3114-04-1: 3207 Washington Boulevard – O’Sullivans (f/k/a Molly Malones)

1. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
2. The applicant agrees to limit the live entertainment to 7:00 p.m. to 1:00 a.m., seven days a week.
3. The applicant agrees that there shall be no dancing by musicians or customers and that no customer dancing shall be permitted prior to securing the required dance hall permit. The applicant further agrees that should the applicant desire to provide dancing, a site plan amendment and dance hall permit must be obtained.
4. The applicant agrees to ensure that all doors and windows shall remain closed during the hours when live entertainment is offered.
5. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as “O’Sullivans.”
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Clarendon-Courthouse Civic Association, the nearby Lyon Village Citizens Association and the Clarendon Alliance.

7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.

U-3125-05-1: 2915 Wilson Boulevard – RiRa

1. The applicant agrees to limit the live entertainment to the following hours: Sunday through Thursday, 4 p.m. to 12 a.m. midnight; and Friday and Saturday, 11 a.m. to 1:00 a.m. All amplified live entertainment shall be limited to Thursday, Friday, and Saturday evenings, St. Patrick’s Day and New Year’s Eve. The applicant agrees that there shall be no dancing associated with the live entertainment. A dance hall permit will be required in the event that the applicant decides to offer dancing in the future.
2. The applicant agrees to keep all doors and windows of the restaurant closed during live entertainment. There shall be no music piped outside of the restaurant. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau, the Fire Marshal's Office, the Police Department, and the Alcohol Beverage Control Board.
4. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Lyon Village Citizens Association, and the Clarendon-Courthouse Civic Association.
5. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
6. The applicant agrees to submit a list of noise abatement treatments to the Zoning Administrator prior to the issuance of final Certificate of Occupancy (noise abatement treatment, for example, can be multi-layers of acoustic draping, double-glazed tempered glass, and acoustical sound tiles).

U-3134-05-2: 1041 N Highland St – Eleventh Street Lounge

1. The applicant agrees to limit the live entertainment to the following hours: Monday through Sunday, 9 a.m. to 1:30 a.m. The applicant agrees that there shall be no dancing associated with the live entertainment. A use permit amendment and a dance hall permit will be required in the event that the applicant decides to offer dancing in the future.
2. The applicant agrees to keep all doors and windows of the restaurant closed during live entertainment. There shall be no music piped outside of the restaurant. The applicant

agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.

3. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau, the Fire Marshal's Office, the Police Department, and the Alcohol Beverage Control Board.
4. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator and the Clarendon-Courthouse Civic Association.
5. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
6. The applicant agrees to pay its proportional share of the cost of hiring an off-duty police officer between the hours of 9 a.m. and 1:00 a.m. on Monday through Sunday, should a cost-sharing agreement for the police officer be reached among all the businesses that have use permits or site plan amendments for live entertainment in the Clarendon Metro Station area in the future.