



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of January 24, 2008**

**DATE:** January 15, 2009

**SUBJECT:** U-3018-01-1 USE PERMIT REVIEW for live entertainment and dancing at 3249 Columbia Pike (Sports House Grill) (RPC #25-012-015)

**Applicant:**

Hugo Flores  
3249 Columbia Pike  
Arlington, Virginia 22204

**C. M. RECOMMENDATION:**

Renew, subject to all previous conditions, one (1) revised condition, and one (1) new condition, with an administrative review in three (3) months (April 2009) and a County Board review in six (6) months (July 2009).

**ISSUES:** This is a three (3) month review for live entertainment at Sports House Grill. There are no outstanding issues at this time. An additional review period would allow staff to further evaluate the use, including the public safety concerns and compliance with permitted times of live entertainment.

**SUMMARY:** This is a three (3) month use permit review for live entertainment at Sports House Grill. In October 2008, the County Board renewed the use permit for three (3) months to allow the applicant an opportunity to improve the public safety situation on site and allow the TIPS training to be implemented. Over the past three (3) months there have been some police incidents, but those incidents have not occurred during permitted times of live entertainment. In addition, there was a time period of approximately a month-and-a-half, since October 2008, that was free of police incidents. However, it has come to staff's attention that the applicant has been having live entertainment on nights not permitted in the use permit conditions. The applicant was notified of noncompliance, and has agreed to only have live entertainment during the times permitted. Given that the police incidents have not been during times of permitted live entertainment, staff recommends renewing the use permit for six (6) additional months. Continuing the use permit for a period of six (6) months would provide staff with additional time to monitor the use, including the police incidents and compliance with the permitted times of live entertainment. In order to be consistent with other live entertainment uses, staff is recommending the addition of holidays to the days of live entertainment permitted. Staff is also recommending a

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

Staff: Melanie Wellman, DCPHD, Planning Division

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standard condition to ensure the use permit is tied to the establishment and not the property, in the event that another restaurant would locate here in the future. Therefore, staff recommends the use permit for live entertainment be renewed, subject to all previous conditions, one (1) revised condition, and one (1) new condition, with an administrative review in three (3) months (April 2009) and a County Board review in six (6) months (July 2009).

**BACKGROUND:** Sports House Grill is located at the intersection of Glebe Road and Columbia Pike in the Westmont Shopping Center. The original use permit for live entertainment at the Sports House Grill was approved with conditions on November 17, 2001, and was reviewed and renewed for three (3) years on November 16, 2002. In November 2005, the County Board reviewed and renewed the use for six months due to public safety and noise issues. In May and November 2006 and May 2007, the use was renewed by the County Board with six-month review periods because the Police Department noted a number of public safety issues related to intoxication and altercations at the establishment. The use permit was inadvertently not reviewed in November 2007, but was reviewed again in April 2008. During the April 2008 review, upon finding that there were continued public safety issues on the site, staff recommended a new condition, # 8, requiring all restaurant staff to complete the State Training Intervention Procedures (TIPS) program. During the October 2008 review, staff recommended not renewing the use permit because, at that time, the applicant and restaurant staff had not completed the TIPS training, and public safety concerns remained. The applicant and restaurant staff ultimately completed the TIPS training prior to the County Board meeting, and the County Board recommended that the use permit be reviewed again in three (3) months.

**DISCUSSION:** During this review period, there have been a total of six (6) police incidents reported at the Sports House. Four (4) of the more serious police incidents are related to possession of narcotics, public intoxication, and disorderly behavior. However, from the time of October 17<sup>th</sup> to December 7<sup>th</sup>, there were no police incidents at the establishment and none of the incidents that occurred from December 7<sup>th</sup> to the present were during the days or hours of permitted live entertainment.

Since the October 2008 review, there has been a proactive effort on the part of the applicant to have an open dialog with County staff and work to improve the public safety concerns. The applicant has met with the Police Department and Planning staff at the end of October 2008 and in January 2009. The applicant has also contacted the Police Department to check in and discuss potential concerns. In addition, the applicant has hired a new security company since October 2008. The security guard is there every day except Monday. On Friday, Saturday, and Sunday there are two (2) security officers present.

In order to be consistent with other approved live entertainment uses, staff is recommending the addition of holidays to the days of live entertainment permitted, including all legal U.S. holidays, St. Patrick's Day, and Cinco de Mayo. The applicant has also expressed a desire to have live entertainment during some holidays. Staff supports the proposed request, so long as the applicant does not exceed three (3) additional days per year, and so long as the applicant obtains permission from the Zoning Office prior to having live entertainment on those three (3) additional days. Staff is also recommending a standard condition to ensure the use permit runs with the establishment and not the property, in the event that another restaurant would locate

here in the future. New Condition # 9 requires that if the establishment ceases to operate as “Sports House Grill,” and/or if a new Certificate of Occupancy is obtained for the property, the current use permit for live entertainment would terminate.

Since the Last County Board Review (October 18, 2008):

Use Permit Conditions: The applicant has been having live entertainment outside of the permitted live entertainment times of Thursday – Saturday between the hours of 10 p.m. - 1 a.m. The applicant has been notified of noncompliance and has agreed to only have live entertainment during the times permitted. The applicant is in compliance with other use permit conditions.

Community Code Enforcement: Community Code Enforcement has not expressed any concerns regarding the use permit.

Fire Marshal’s Office: The Fire Marshal’s Office has not expressed any concerns regarding the subject use permit.

Police Department: The Police Department continues to have concerns regarding public safety and over serving of alcohol at the establishment.

State Alcohol Beverage Control (ABC): The State ABC responds that there have been no charges or incidents in the past three (3) months that would warrant them objecting continuation of the use permit.

Civic Associations: The site is located in the Arlington Heights Civic Association and is adjacent to the Douglass Park and Alcovia Heights Civic Associations. To date, the civic associations have not responded with comments.

**CONCLUSION:** Over the past three (3) months there have been a low number of police incidents, and those incidents have not occurred during permitted times of live entertainment. In addition, there was a period of approximately a month-and-a-half where there were zero police incidents. The applicant has been notified that the establishment needs to comply with the hours and days of live entertainment set forth in the use permit conditions. Continuing the use permit for a period of six (6) months would provide staff with additional time to monitor the use’s compliance with the use permit conditions. Staff is recommending a revision to Condition # 1 and a new Condition # 9 in order to be consistent with other approved live entertainment uses. Therefore, staff recommends the County Board renew the use permit, subject to all previous conditions, one (1) revised condition and one (1) new condition, with an administrative review in three (3) months (April 2009) and a County Board review in six (6) months (July 2009).

Revised Condition # 1:

1. The applicant agrees to limit the hours of live entertainment and dancing by customers to Thursday through Saturday between the hours of 10 p.m. - 1 a.m. Live entertainment is also permitted on the eve of all legal U.S. holidays, St. Patrick’s Day, and Cinco de

Mayo. The applicant is also permitted to have three (3) additional days of live entertainment per year for ethnic and cultural holidays, for which the applicant would submit a letter to, and obtain permission from, the Zoning Department to have live entertainment for that specific holiday prior to the event.

New Condition # 9:

9. 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 “Sports House Grill” and/or at such time a new Certificate of Occupancy is obtained for the property.

PREVIOUS COUNTY BOARD ACTIONS:

November 17, 2001	Approved use permit for live entertainment and dancing at Sports House Grill and Restaurant with a County Board review in one (1) year (November 2002).
November 16, 2002	Renewed use permit for live entertainment and dancing at Sports House Grill and Restaurant with a County Board review in three (3) years (November 2005).
November 15, 2005	Renewed use permit for live entertainment and dancing at Sports House Grill and Restaurant with a County Board review in six (6) months (May 2006).
May 20, 2006	Renewed use permit for live entertainment and dancing at Sports House Grill and Restaurant with a County Board review in six (6) months (November 2006).
November 14, 2006	Renewed use permit for live entertainment and dancing at Sports House Grill and Restaurant with a County Board review in six (6) months (May 2007).
May 5, 2007	Renewed use permit for live entertainment and dancing at Sports House Grill and Restaurant with a County Board review in six (6) months (November 2007). (This review was not performed as scheduled).
April 19, 2008	Renew, subject to all previous conditions and one (1) new condition, with a County Board review in six (6) months (October 2008).
October 18, 2008	Renew, subject to all previous conditions, with a County Board review in three (3) months (January 2009).

Approved Conditions:

1. The applicant agrees to limit the hours of live entertainment and dancing by customers to Thursday through Saturday between the hours of 10 p.m. - 1 a.m.
2. The applicant agrees that all requirements on County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
3. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance. The applicant agrees that during the hours of live entertainment all doors and windows shall remain closed. The applicant further agrees that if noise from the live entertainment use is identified as an issue, noise attenuation measures shall be immediately undertaken to minimize noise emanating from the facility.
4. 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 of the parking spaces and the days and hours that the parking spaces are available, which shall be consistent with the approved days and hours of live entertainment.
5. The applicant agrees to identify a liaison between the subject use and the nearest neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The applicant agrees to provide the name and telephone number of the liaison to the Douglas Park Civic Association, the Alcova Heights Citizens Association, the Arlington Heights Civic Association, the Columbia Pike Revitalization Organization and the Zoning Administrator prior to issuance of a certificate of occupancy.
6. The applicant agrees to secure the required dance hall permit prior to offering dancing activities on the site.
7. The applicant agrees to secure a seating capacity determination for the newly expanded portion of the restaurant from the Office of Inspection Services prior to the issuance of a certificate of occupancy.
8. The applicant agrees to work with the Arlington County Police Department and ensure that all restaurant staff complete the State Training Intervention Procedures (TIPS) program. The applicant further agrees that a representative from Sports House restaurant will meet with the Police Department as required to address potential issues associated with the live entertainment use.