



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 24, 2009**

DATE: January 15, 2009

SUBJECT: U-3032-02-1 USE PERMIT REVIEW for live entertainment and dancing at 3111 Columbia Pike (Lalibella Restaurant) (RPC #25-012-044)

Applicant:

Taye Wongederes
Lalibella Restaurant
3111 Columbia Pike
Arlington, Virginia 22204

C.M. RECOMMENDATION:

Renew, subject to all previous conditions and amended Condition #1 with an administrative review in two (2) years (January 2011), and a County Board review in five (5) years (January 2014).

ISSUES: This is a review of an existing live entertainment use permit and no issues have been identified.

SUMMARY: This is a review of the existing live entertainment use permit for Lalibella Restaurant at 3111 Columbia Pike. The approved use permit limits live entertainment hours to 10 a.m. to 1 a.m. on Fridays through Mondays. The live entertainment use is currently in compliance with approved use permit conditions. The applicant desires to have karaoke on midweek nights, and since the applicant has had a good track record, staff will amend the permissible days of live entertainment to seven (7) days a week. Therefore, it is recommended that the use permit be renewed subject to all previous conditions and amended Condition #1 with an administrative review in two (2) years and with a County Board review in five (5) years (January 2014).

BACKGROUND: The original use permit for live entertainment at this site was approved in July 2002, subject to several conditions. Since the original County Board approval, the live entertainment use has been reviewed twice by the County Board. Lalibella has continued to demonstrate compliance and has worked with staff to alleviate minor issues.

County Manager: _____

Staff: Peter Schulz, DCPHD, Planning Division

PLA-5168

DISCUSSION: The live entertainment use currently operates in compliance with conditions of the use permit. The applicant desires to have karaoke during the midweek, and due to the applicant's good track record staff supports the expansion of the permitted days of the week for entertainment to seven days a week.

Since the Last Review (January 2006):

Use Permit Conditions: The subject use is in compliance with the conditions of the approved use permit.

Community Code Enforcement: The Code Enforcement office reports that they have not received any complaints or concerns regarding this use.

Fire Marshal's Office: The Fire Marshal's office reports that there are no issues regarding the live entertainment use.

Police Department: The Police Department reports that there are no issues with this use.

Civic Associations: The site is located in the Arlington Heights Civic Association and adjacent to the Douglass Park Civic Association. Arlington Heights and Douglass Park have not provided comments.

State ABC Board: The State ABC board has not expressed any concerns regarding this use.

CONCLUSION: The applicant is in compliance with approved use permit conditions. Therefore, staff recommends renewal of the approved use permit subject to the approved use permit conditions with an amended Condition #1 with an administrative review in two (2) years (January 2011), and a review by the County Board in five (5) years (January 2014).

Amended Condition:

1. The applicant agrees that the hours of live entertainment shall be limited to 10:00 a.m. to 1:00 a.m., ~~Friday through Monday~~ through Sunday. The use permit will expire when the restaurant goes out of business or a majority interest is sold.

PREVIOUS COUNTY BOARD ACTIONS:

April 6, 1974	Approved (U-1963-74-1) operation of a dance hall and live entertainment in connection with a restaurant.
July 7, 1990	Authorized on the "County Board's Own Motion" to advertise the review of use permit (U-1963-74-1).
August 11, 1990	Deferred to the September 8, 1990 County Board hearing of use permit (U-1963-74-1) regarding the operation of a dance hall in connection with a restaurant.
September 8, 1990	Continued use permit (U-1963-74-1) subject to conditions with a review in three (3) months.
December 8, 1990	Continued use permit (U-1963-74-1) for live entertainment and dancing with a review in one (1) year.
March 2, 1991	Approved use permit amendment (U-1963-74-1) to permit live entertainment and dancing until 2:00 a.m., seven days a week with a review in one (1) year.
March 7, 1992	Continued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m., seven days a week with a review in three (3) years.
March 4, 1995	Continued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m., seven days a week with a review in five (5) years.
April 21, 2001	Discontinued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m. in an existing restaurant.
July 20, 2002	Approved a use permit (U-3032-02-1) for live entertainment and dancing from 10:00 a.m. – 1:00 a.m. in an existing restaurant with a review in six months (January 2003).

January 11, 2003

Continued use permit (U-3032-02-1) for live entertainment and customer dancing from 10:00 a.m. - 1:00 a.m. in an existing restaurant with a review in three years (January 2006).

January 21, 2006

Continued use permit (U-3032-02-1) for live entertainment and customer dancing from 10:00 a.m. - 1:00 a.m. in an existing restaurant with a County Board review in three years (January 2009).

Approved Conditions:

1. The applicant agrees that the hours of live entertainment shall be limited to 10:00 a.m. to 1:00 a.m., Friday through Monday.
2. The applicant agrees to post signs inside the restaurant that are clearly visible to patrons, discouraging parking on the residential streets in the area. The applicant further agrees to market valet parking to all patrons once it becomes available and to notify the Police Department and the Columbia Pike Revitalization Organization of the location of the valet parking once it has been identified.
3. The applicant agrees to 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(s) shall be submitted by the applicant to the President of the Arlington Heights Civic Association, the Columbia Pike Revitalization Organization and the County's Zoning Administrator.
4. The applicant agrees that at all times during hours of live entertainment security shall be provided and shall patrol the interior and exterior of the site.
5. The applicant agrees that at all times the use shall conform to the County's Noise Ordinance. The applicant further agrees that all doors, windows, or other openings shall remain closed during the hours of live entertainment. The applicant agrees that other sound attenuation measures shall be provided should it become necessary to address the sound associated with the live entertainment.
6. The applicant agrees that trash pickups on the site shall not occur prior to 8:00 a.m. on the morning following close of business of the prior day and that there shall be no trash pick ups scheduled on Sundays.