



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of April 25, 2009**

**DATE:** April 10, 2009

**SUBJECT:** U-2776-93-1 USE PERMIT RENEWAL: live entertainment; 3114 N. 10<sup>th</sup> St. (Jay's Saloon & Grille) (RPC # 19-007-005)

**Applicant:**

Jay's Saloon & Grille  
3114 N. 10<sup>th</sup> St.  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

Renew, subject to all previous conditions, two (2) revised conditions, four (4) new conditions, with an administrative review in seven (7) months (November 2009) and a County Board review in nineteen (19) months (November 2010), consistent with the schedule of other Clarendon restaurant live entertainment use permits.

**ISSUES:** This is a use permit review for live entertainment at Jay's Saloon & Grille and no issues have been identified.

**SUMMARY:** This is a five (5) year review for live entertainment at Jay's Saloon & Grille. Jay's Saloon and Grille is located on 10<sup>th</sup> Street North in Lyon Park, facing Clarendon. The use is in compliance with all use permit conditions and County codes. The Lyon Park Civic Association has requested that the use be reviewed in conjunction with other Clarendon restaurant live entertainment use permits. Also, because the subject use permit was approved in 1993, it does not contain some of the standard live entertainment conditions that are currently applied to such uses. Jay's Saloon & Grille has agreed to being grouped with the other Clarendon restaurant live entertainment use permits, attending Neighborhood Advisory Group meetings for Clarendon restaurant live entertainment, and to the revised and additional conditions. Therefore, staff recommends renewal of the subject use permit for live entertainment, subject to all previous conditions, two (2) revised conditions, four (4) new conditions, with an administrative review in seven (7) months (November 2009) and a County Board review in nineteen (19) months (November 2010), consistent with the schedule of other Clarendon restaurant live entertainment use permits.

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

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5240

**BACKGROUND:** The use permit for live entertainment at Jay's Saloon & Grille (formerly known as Jr's Downunder Grille) was approved on July 27, 1993. It was renewed again in 2001, when two (2) additional conditions were added regarding disposal of trash and an administrative review of the use permit, should a Certificate of Occupancy be issued to a new owner. The use permit review was renewed in April 2004 with no issues.

**DISCUSSION:** During this review period the use has remained in compliance with the use permit conditions. The Lyon Park Civic Association states that they are not aware of any issues with the subject use, but, given the restaurant's proximity to the other Clarendon restaurant establishments with live entertainment use permits, they would like Jay's Saloon & Grille to be reviewed in conjunction with those use permits (letter attached). There are currently eleven (11) Clarendon live entertainment use permits that are reviewed as a group. The Clarendon restaurant live entertainment use permits are scheduled for an administrative review in November 2009, and a County Board review in November 2010. In addition to the consolidated reviews, a Neighborhood Advisory Group (the "Group") for Clarendon live entertainment meets quarterly to discuss any issues related to the live entertainment use permits. The Group includes members of the communities (Clarendon-Courthouse Civic Association, Lyon Park Civic Association, and Lyon Village Civic Association), County staff, business owners, and the Clarendon Alliance. Jay's Saloon & Grille has agreed to be a part of the consolidated reviews and has agreed to attend the quarterly Group meetings. Condition #13 has been added to this effect, and the review period recommended in the staff report coincides with the review period for the other Clarendon restaurant live entertainment use permits.

Lyon Park Civic Association has also requested that the use permit be tied to the current owner. The use permit has an approved condition stating that the "use permit will be subject to an administrative review sixty (60) days following the issuance of a Certificate of Occupancy to a new owner." However, staff is recommending that this condition be revised to reflect current, standard language that is used for other live entertainment use permits, to ensure the conditions reflect the proposed days and times of live entertainment of the new owner, and to ensure the applicant fully understands all conditions and the use permit process.

Also, because the use permit was approved in 1993, it is lacking some of the standard conditions currently applied to live entertainment uses. Staff is recommending, and the applicant has agreed to, additional conditions related to:

- 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.
- Posting signs inside their establishment regarding parking options. Jay's Saloon and Grille currently posts a sign outside their restaurant directing patrons to the adjacent parking lot. The establishment currently does not have a website, but has agreed to post parking information on their website, should they have a website in the future.

Staff is also recommending a revision to Condition #8, in order to update the name of the Clarendon-Courthouse Civic Association, which was formerly known as Courtlands Civic Association.

**Since the last review (April 24, 2004):**

Community Code Enforcement: The applicant has been in compliance with all use permit conditions.

Police Department: The Police Department has responded that there have been no issues with the establishment.

Fire Marshal's Office: The Fire Marshal's office has not reported any issues with this site.

State ABC Board: The State ABC Board has not reported any issues regarding the use.

Civic Association: The subject site is located within the Lyon Park Citizens Association and on the border of the Clarendon-Courthouse Civic Association. The Lyon Park Citizens Association has responded that while they have heard no complaints about Jay's Saloon & Grill, they would prefer the use permit be reviewed on the schedule with other Clarendon restaurant live entertainment use permits and that the use permit be tied to the current owner. The Clarendon-Courthouse Civic Association adjacent to the use was also contacted and has responded that they have received no complaints related to this use permit.

**CONCLUSION:** The subject use permit has operated without issue and complaints from citizens and County departments. However, staff is recommending, per a request from the community, that the use permit be grouped with other Clarendon restaurant live entertainment use permits and that the applicant participate in the quarterly Neighborhood Advisory Group meetings. Revisions to existing conditions and some new conditions are recommended to ensure consistency with those currently applied to other live entertainment use permits. Therefore, staff recommends renewal of the subject use permit for live entertainment, subject to all previous conditions, two (2) revised conditions, four (4) new conditions, with an administrative review in seven (7) months (November 2009) and a County Board review in nineteen (19) months (November 2010), consistent with the schedule of other Clarendon restaurant live entertainment use permits.

**Revised Conditions:**

8. The applicant shall designate a responsive neighborhood liaison who shall be available during the hours of the restaurant operation and shall provide the name, address, and telephone number of the liaison to the Lyon Park, Ashton Heights, and ~~Courtlands~~ Clarendon-Courthouse Civic Associations, the Clarendon Alliance, and the Zoning Administrator.

10. The use permit application shall be subject to an administrative review sixty (60) days following the issuance of a Certificate of Occupancy to a new owner. The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request.

New conditions:

11. 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.
12. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
13. 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.
14. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website, if there is a restaurant website.

PREVIOUS COUNTY BOARD ACTIONS:

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|----------------|---|
| July 27, 1993  | Approved use permit for live entertainment (U-2776-93-1), subject to conditions and with a County Board review in six (6) months (January 1994) (this review was not performed as scheduled). |
| April 21, 2001 | Renewed use permit for live entertainment (U-2776-93-1), subject to all previous conditions and two (2) new conditions, and with a County Board review in three (3) years (April 2004).       |
| April 24, 2004 | Renewed use permit for live entertainment (U-2776-93-1), subject to all previous conditions, and with a County Board review in five (5) years (April 2009).                                   |

Approved Conditions:

1. Live entertainment shall be permitted only between the hours of 4 p.m. and 8 p.m. on Sundays, between the hours of 8 p.m. and 11 p.m. on Wednesdays, and between the hours of 8 p.m. and 12 a.m. on Fridays and Saturdays. Live entertainment shall be in one (1) of the forms as referenced by the applicant's statement of support dated May 3, 1993.
2. The applicant shall seek written permission requesting the use of the parking lots of nearby businesses during the hours of live entertainment.
3. The applicant shall ensure that all trash generated by the subject restaurant is appropriately stored in trash receptacles until such time as it is removed from the premises. Debris and discarded or unwanted items shall not be allowed to collect at the rear of the property.
4. The applicant shall ensure that all windows and doors to the subject site shall be kept closed at all times and shall soundproof the rear windows if necessary.
5. The applicant shall install additional privacy fencing along the rear of the property to buffer the abutting residential properties from this use.
6. There shall be no dancing by customers or entertainers. If dancing is later desired, the applicant shall seek the required use permit amendment and dance hall permit in advance.
7. The applicant shall post signs directing restaurant patrons to the designated parking area for the restaurant.
8. The applicant shall designate a responsive neighborhood liaison who shall be available during the hours of the restaurant operation and shall provide the name, address, and telephone number of the liaison to the Lyon Park, Ashton Heights, and Courtlands Civic Association, the Clarendon Alliance, and the Zoning Administrator.
9. The applicant shall not dispose of trash after 10 p.m. or before 7 a.m. and shall make every attempt to dispose of trash before 9 p.m.
10. The use permit application shall be subject to an administrative review sixty (60) days following the issuance of a Certificate of Occupancy to a new owner.