



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of May 16, 2009**

**DATE:** April 29, 2009

**SUBJECT:** U-3205-08-1 USE PERMIT RENEWAL for restaurant live entertainment on the premises known as 2618 North Pershing Drive (RPC #18-056-005).

**Applicants:**

Alvaro Ronquillo Barrera and Alba Aguirre  
207 N. Wayne St., #2  
Arlington, Virginia 22201

**STAFF RECOMMENDATION:**

Renew the use permit subject to all previously approved conditions, with an administrative review in six (6) months (November 2009) and a County Board review in one (1) year (May 2010).

**ISSUES:** This is a review of a use permit for restaurant live entertainment located at the El Manantial restaurant in the Country Club Dry Cleaner shopping center. The Lyon Park Citizens Association has expressed concerns regarding purported disturbances at the restaurant and questions about the applicant's compliance with the conditions of the use permit.

**SUMMARY:** The El Manantial restaurant has been providing live entertainment since October, 2008, when a use permit was approved by the County Board. A scheduled six (6) month administrative review found the applicant in violation of one condition pertaining to distributing the information of an on-site liaison to the Lyon Park Citizens Association and the Zoning Office, prompting a County Board review of the use permit. The applicant has corrected the problem and is in compliance with the conditions of the use permit. Although there are citizen concerns related to disturbances in the vicinity outside of the restaurant, the Zoning Inspector, the Police Department, and the Fire Marshal found the use has operated without incident. Therefore, staff recommends renewal of the use permit for restaurant live entertainment at El Manantial, subject to all previously approved conditions, with an administrative review in six (6) months (November 2009) and a County Board review in one (1) year (May 2010).

**BACKGROUND:** In October, 2008, the County Board approved a use permit for restaurant live entertainment at the El Manantial restaurant between the hours between 5 p.m. to 12 a.m. Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to 2 p.m. Sundays, and Mondays that fall on a Federal Holiday. The use permit was scheduled for an administrative

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

Staff: Matthew Pfeiffer, DCPHD, Planning Division

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review in April 2009 and a County Board review in October 2009. The administrative review found that the applicant was in violation of condition #6, in that they had not submitted the name and telephone number of an on-site liaison to the Lyon Park Citizens Association or the Zoning Office and further that there were citizen concerns regarding noise and patron conduct. Therefore, staff recommended that the use permit be reviewed by the County Board at its May 16, 2009 meeting.

**DISCUSSION:** Since the original approval (October, 2008):

Use Permit Conditions: Since the administrative review in April 2009, the applicant has come into compliance with all use permit conditions. The applicant has submitted the name and telephone number of an on-site liaison to the Lyon Park Citizens Association, and to the Zoning Office.

Community Code Enforcement: Code Enforcement has reported that there are no issues at the site.

Fire Marshal's Office: The Fire Marshal's Office did not report any concerns.

Police Department: When informed of the Lyon Park Citizen's Association specific complaints regarding noise and patron conduct, the Police Department expressed that they were not aware of any incidents at the site, and had no issues with the use permit being renewed.

Civic Association: The Vice President of the Lyon Park Citizens Association informed staff that the applicant was in contact with the Association, and had submitted the information required in condition #6. The Vice President had concerns about the applicant being in violation of condition #5 (relating to the posting of signs about parking located within the restaurant), and about noise from the restaurant. While the Zoning Inspector found the applicant to be in compliance with these conditions, the Vice President requested that staff monitor the situation. He indicated that renewal of the permit with a six (6)-month administrative review would be adequate.

**CONCLUSION:** The applicant was found to be in violation of use permit condition #6 during a six (6)-month administrative review (April 2009), prompting a County Board review. The Lyon Park Citizens Association also expressed concerns about possible condition violations and noise issues. The applicant has since come into compliance with condition #6, and the Zoning Inspector has found the restaurant to be in compliance with the conditions. Furthermore, the Police Department and Code Enforcement have reported to staff that there were no reports of complaints regarding noise at the site. However, staff will be monitoring the noise situation through a six (6)-month administrative review and a County Board review in one (1) year. Therefore, staff recommends renewal of the use permit for restaurant live entertainment at El Manantial, subject to all previously approved conditions, with an administrative review in six (6) months (November 2009) and a County Board review in one (1) year (May 2010).

Approved Conditions:

1. The applicant agrees that live entertainment (karaoke) shall be permitted only between the hours of 5 p.m. to 12 a.m. Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to 2 p.m. Sundays, and Mondays that fall on a Federal Holiday.
2. The applicant agrees that the live entertainment use is for karaoke only, and that no dancing shall occur on the premises without a dance permit being first obtained from the Zoning Office.
3. The applicant shall ensure that all windows and doors to the subject site are kept closed at all times, with the exception of patrons and/or staff entering and exiting the premises.
4. The applicant agrees that there shall be no entry into or exit from the establishment permitted from the rear doorway by patrons.
5. The applicant agrees to provide and/or maintain signs, in both English and Spanish, in the dedicated parking lot on the six (6) spaces closest to the restaurant, that state "Parking for El Manantial Thursdays 5 p.m.-12 a.m., Fridays and Saturdays 5 p.m.-12:30 a.m." The applicant further agrees to provide and/or maintain at least two (2) signs on the premises, in both English and Spanish that discourage patrons from parking on residential streets.
6. The applicant agrees to identify an on-site liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number of the liaison shall be shared with the nearest neighbors, the Lyon Park Civic Association, and the County's Zoning Office immediately upon approval of the use permit.
7. 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 and the Code Enforcement Office shall be met.
8. The 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.

PREVIOUS COUNTY BOARD ACTIONS:

October 18, 2008

Approved U-3205-08-1 (El Manantial) for  
restaurant live entertainment at 2618 N.  
Pershing Dr.