



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 11, 2009**

DATE: June 30, 2009

SUBJECT: U-3018-01-1 USE PERMIT RENEWAL for live entertainment and dancing at the Sports House Grill located at 3249 Columbia Pike (RPC #25-012-001)

Applicant:

Hugo Flores
3249 Columbia Pike
Arlington, Virginia 22204

C. M. RECOMMENDATION:

Renew, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (January 2010), and a County Board review in one (1) year (July 2010).

ISSUES: This is a use permit renewal for live entertainment at Sports House Grill and no issues associated with the use permit have been identified.

SUMMARY: This is a six (6) month use permit review for live entertainment at Sports House Grill. The use permit was last reviewed by the County Board in January 2009, and reviewed administratively by staff in April 2009. Since the January 2009 County Board review there have been some police incidents, one (1) of which occurred during the approved times of live entertainment. However, it appears that the amount and frequency of police incidents at the site is declining overall. The applicant has requested that two (2) additional days of live entertainment, Wednesdays and Sundays, be added to the use permit. Given that the police incidents seem to be declining, and that the majority of police incidents are not related to the live entertainment, staff supports this request, with an administrative review conducted in six (6) months. Therefore, it is recommended that the use permit for live entertainment be renewed, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (January 2010) and a County Board review in one (1) year (July 2010).

BACKGROUND: Sports House Grill is located at the intersection of Glebe Road and Columbia Pike in the Westmont Shopping Center. The use permit has a long history of reviews. 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

County Manager: _____

Staff: Melanie Jesick, DCPHD, Planning Division

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November 16, 2002. In November 2005, the County Board reviewed and renewed the use permit for six months due to public safety and noise issues. In May and November 2006 and May 2007, the use permit 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 renewed the use permit with a review in three (3) months (January 2009). During the January 2009 review, it was found that there were some police incidents, but they did not occur during the times of live entertainment. In addition, there was a period of approximately a month-and-a-half, between October 2008 to December 2008, free of police incidents. At that time the applicant requested additional holidays be added to Condition # 1 of the use permit, and that was granted, in addition to a new Condition # 9 recommended by staff, which ensures the use permit is tied to the current owner.

DISCUSSION: The Police Department reports four (4) incidents since January, generally related to disorderly behavior and an assault at the establishment. One (1) of these incidents occurred on approved days of live entertainment, on a Saturday night.

Also, during the administrative review period in April 2009, it was found that the applicant's dance hall permit had expired in February. The applicant was informed of this, and has since renewed the dance hall permit with the Zoning Office.

The applicant has requested two (2) additional days, Wednesdays and Sundays, be added to the live entertainment use permit. Although one (1) police incident occurred on a Wednesday, only a total of four (4) incidents at the establishment have been reported over the past six (6) months, and it does not appear that the incidents are connected to the existing live entertainment use.

Since the Last County Board Review (January 24, 2008):

Use Permit Conditions: The applicant is in compliance with the use permit conditions.

Community Code Enforcement: The Community Code Enforcement office has reported no violations at the subject site.

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, and reports the police incidents as noted above.

State Alcohol Beverage Control (ABC): The State ABC has not provided comments on the renewal of the use permit.

Civic Associations: The site is located in the Arlington Heights Civic Association and is adjacent to the Douglas Park and Alcovia Heights Civic Associations. The Douglas Park Civic Association has responded that they have heard no complaints or concerns, and have received one (1) expression of support for the continuation of the use permit.

CONCLUSION: It appears that the amount and frequency of police incidents at the site is declining overall. The applicant has requested that two (2) additional days of live entertainment, Wednesdays and Sundays, be added to the use permit. Given that the police incidents seem to be declining, and that the police incidents are not related to the live entertainment, staff finds this request appropriate, with an administrative review conducted in six (6) months. Staff recommends the use permit for live entertainment be renewed, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (January 2010) and a County Board review in one (1) year (July 2010).

Revised Condition # 1:

1. The applicant agrees to limit the hours of live entertainment and dancing by customers to ~~Thursday~~ Wednesday through ~~Saturday~~ Sunday 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.

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 County Board review in three months (January 2009).
January 24, 2009	Renew, subject to all previous conditions, one (1) revised condition, and one (1) new condition, with an administrative review in three (3) months, and a County Board review in six (6) months (July 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. 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.
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.

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.