



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 26, 2009**

DATE: September 8, 2009

SUBJECT: U-2952-98-1 USE PERMIT RENEWAL for live entertainment located at 307 North Glebe Road. (Bangkok Siam) (RPC #20-035-001)

Applicant:

Sudan Wade Pilnhoma, Owner
Jitraporn Chianglew, Manager
307 North Glebe Road
Arlington, Virginia 22312

C. M. RECOMMENDATION:

Renew, subject to all previous conditions, amended conditions #1 and #2, and new condition #6, with a County Board review in five (5) years (September 2014).

ISSUES: This is a use permit renewal for live entertainment at Bangkok Siam and no issues have been identified.

SUMMARY: This is a five (5) year use permit review for live entertainment (karaoke) at Bangkok Siam. The subject use permit was originally approved by the County Board on February 6, 1999, and had its last renewal approved on September 18, 2004. No issues have occurred during the review period. Since live entertainment use permits no longer specify the type of music allowed, staff recommends that the wording “karaoke” be removed. As agreed upon by the applicant, staff also recommends the modification of Condition #2 and addition of Condition #6, in conformance with today’s current use permit conditions. Therefore, it is recommended that the use permit for live entertainment be renewed, subject to all previously approved conditions, amended Conditions #1 and #2, and new Condition #6, with a County Board review in five (5) years (September 2014).

BACKGROUND: Bangkok Siam was originally approved for live entertainment in an existing restaurant (karaoke) on February 6, 1999. On May 22, 1999, the County Board approved an amendment to the use permit from seven days a week (10 p.m. to midnight), to five days a week (from 10 p.m. to 2 a.m.). From 2000 to 2001, the County Board approved three (3) use permit renewals for live entertainment at Bangkok Siam, and on September 18, 2004, approved a use

County Manager: _____

Staff: Jack Thompson, DCPHD, Planning Division

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permit renewal with a required review in five (5) years (September 2009). The restaurant has provided live entertainment for the past five (5) years with no issues.

DISCUSSION: Bangkok Siam is located within the Buckingham shopping center, at the northeast quadrant of North Glebe Road and North Pershing Drive. The original live entertainment approval for Bangkok Siam specified that the live entertainment be “in the form of Karaoke”. However, it is no longer the practice of the County to limit the type of music a live entertainment applicant plays, so long as the applicant obeys the noise ordinance and the specified hours of operation. In conformance with standard use permit conditions, the applicant has agreed to amend Condition #2, which requires that live entertainment take place solely within the building, that it comply with the Arlington County Noise Ordinance, and that it cannot be broadcast over loudspeakers outside the building, or permitted outside the building. Lastly, the applicant has agreed to new Condition #6, that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board be met.

Since the last review in September 2004, the use has operated in compliance with the County Board’s approval, with no complaints to County agencies. Likewise, none of the enforcement agencies have expressed objections to renewal of this use permit. Therefore, it is recommended that the use permit be continued, subject to all previously approved conditions and amended Conditions #1 and #2, and new Condition #6, with a County Board review in five (5) years (September 2014).

Since use permit approval (September 18, 2004):

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

Community Code Enforcement: The Code Enforcement Office has not reported any issues with the subject use permit.

Police Department: The Police Department has been contacted has not reported any issues regarding the continuation of this use.

Fire Marshal’s Office: The Fire Marshal’s Office has not reported any issues regarding the continuation of this use.

Civic Association: The subject use permit is located within the Ashton Heights Civic Association. The Ashton Heights Civic Association has been contacted and to date has not provided a response regarding the use permit renewal.

CONCLUSION: The applicant is in compliance with the approved use permit conditions, and has remained in good standing since 1999. Therefore, staff recommends the use permit for live entertainment be renewed, subject to all previously approved conditions, amended Conditions #1 and #2, and new Condition #6, with a County Board review in five (5) years (September 2014).

Amended Condition:

1. Live entertainment, ~~in the form of Karaoke~~, shall be permitted five (5) days a week, Wednesdays to Sundays, between the hours of 10:00 p.m. and 2:00 a.m.
2. Live entertainment must solely take place within the building. The applicant shall ensure that all windows and doors to the subject site shall be closed during the hours of live entertainment and shall ~~appropriately soundproof the site if necessary.~~ comply with the Arlington County Noise Ordinance. No live entertainment shall be broadcast over loudspeakers outside of the building. Under no circumstances shall live entertainment be permitted outside of the building.

New Condition:

6. 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 shall be met.

Approved Conditions (last amended on May 22, 1999):

1. Live entertainment, in the form of Karaoke, shall be permitted five (5) days a week, Wednesdays to Sundays, between the hours of 10:00 p.m. and 2:00 a.m.
2. No dancing shall occur without the applicant first obtaining a use permit amendment and a valid Dance Hall Permit.
3. The applicant shall ensure that all trash generated by the live entertainment is appropriately stored in trash receptacles until such a time as it is removed from the premises. Debris and discarded 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 closed during the hours of live entertainment and shall appropriately soundproof the site if necessary.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and to the President of the Ashton Heights Civic Association.