ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of May 22, 2010

DATE: May 6, 2010

SUBJECT: U-3205-08-1 USE PERMIT RENEWAL for restaurant live entertainment at the El Manantial Restaurant; located at 2618 North Pershing Drive (RPC #18-056-005).

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

C.M. RECOMMENDATION:

Renew the use permit subject to all previously approved conditions, one (1) new condition, with an administrative review in six (6) months (November 2010) and a County Board review in one (1) year (May 2011).

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 Arlington County Police Department has reported an issue related to underage drinking at the restaurant.

SUMMARY: The El Manantial restaurant has been providing live entertainment since October 2008, when a use permit was approved by the County Board. Since the last review, no issues related to the live entertainment have been reported, and the applicant has been compliant with all use permit conditions. The Police Department has reported that an incident occurred in which it was discovered that underage drinking had taken place at the restaurant, though not during the hours of live entertainment. The Police Department supports renewal of the use permit subject to the addition of a condition requiring the applicant to participate in the State Training Intervention Procedures (TIPS) program. The Lyon Park Civic Association has expressed concern to staff regarding underage drinking and patron conduct, but has indicated support for renewing the use permit subject to the condition requiring TIPS training. Therefore, staff recommends renewal of the use permit for restaurant live entertainment at El Manantial, subject to all previously approved conditions, one (1) new condition, with an administrative review in six (6) months (November 2010) and a County Board review in one (1) year (May 2011).

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. Since approval, the use permit was renewed in May 2009, and no issues were found.

DISCUSSION: Since the latest County Board review (May, 2009):

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

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: The Police Department reported that an incident occurred during the last review period that involved El Manantial. While the restaurant was not implicated in the incident, it was discovered that underage drinking had occurred in the restaurant prior to the incident taking place. The incident did not occur on a night in which live entertainment was taking place. The Police Department supports the renewal of the use permit for live entertainment, and has recommended that staff include a new condition requiring the applicant to participate in TIPS training.

Civic Association: The Vice President of the Lyon Park Citizens Association has expressed to staff that members of the civic association had concerns regarding the incident that occurred in which El Manantial was indirectly implicated. However, it was expressed to staff that the civic association would support the renewal of the use permit subject to the applicant participating in TIPS training. The Vice President also expressed that there were no concerns directly related to the operation of the live entertainment use.

CONCLUSION: The applicant has been compliant with the conditions of their use permit for live entertainment during the last year, and no issues have been reported related to the operation of the live entertainment. The Police Department has indicated that there was an incident in which it was discovered that an underage customer had been drinking at the restaurant, but supports the renewal of the use permit subject to a new condition requiring the applicant to participate in TIPS training. The Lyon Park Civic Association has also commented that they support the renewal of the use permit subject to the applicant participating in TIPS training. Therefore, staff recommends renewal of the use permit for restaurant live entertainment subject to all previously approved conditions, one (1) new condition, with an administrative review in six (6) months (November 2010) and a County Board review in one (1) year (May 2011).

New Condition:

9. The applicant agrees to work with the Arlington County Police Department and ensure that all restaurant staff serving alcohol shall complete the State Training Intervention Procedures (TIPS) program.

PREVIOUS COUNTY BOARD ACTIONS:

October 2008	Approved U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr.
May 2009	Renewed U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr.

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.

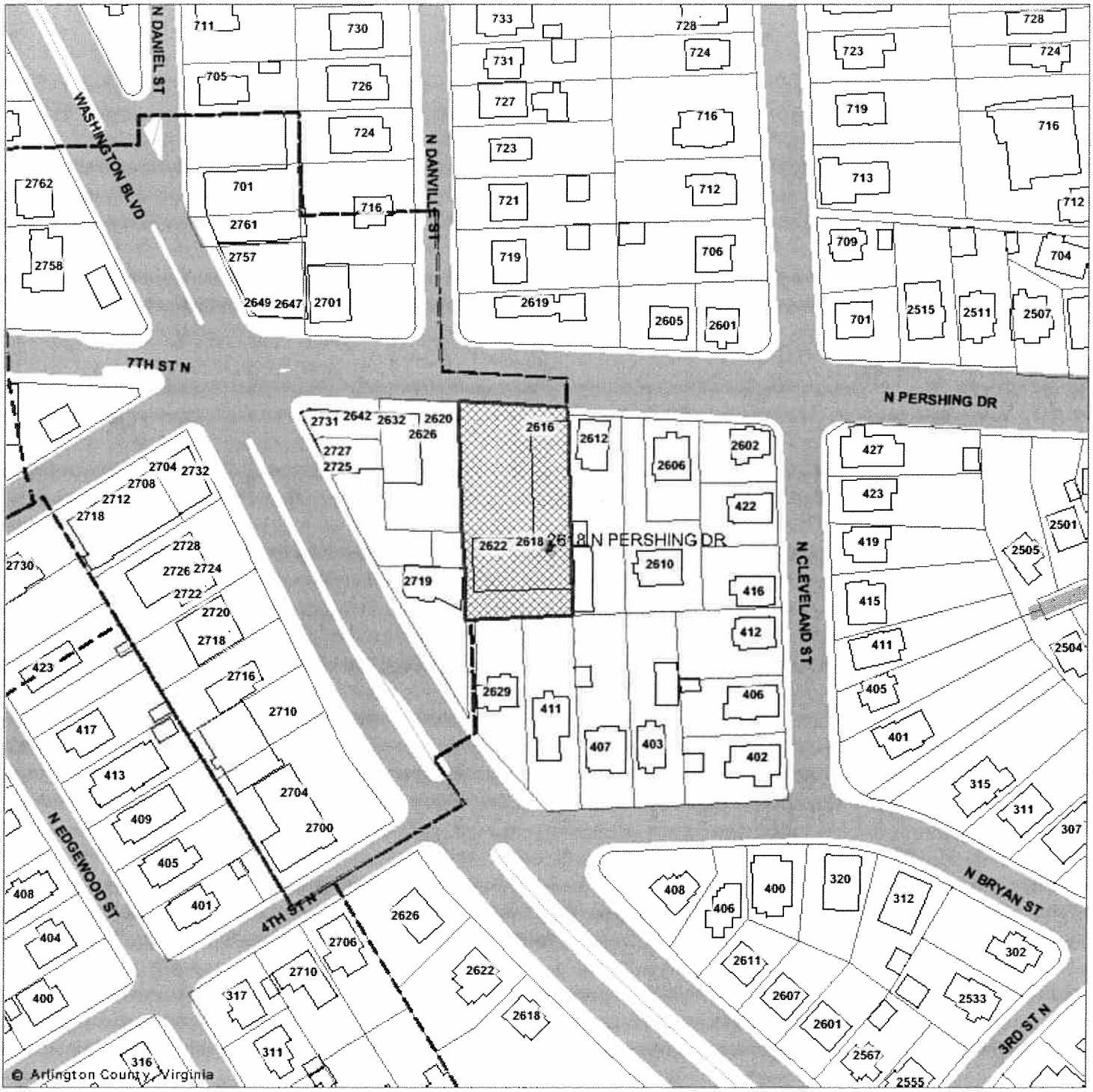
4. The applicant agrees that there shall be no entry into or exit from the establishment permitted from the rear doorway by patrons.

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.



U-3205-08-1 USE PERMIT RENEWAL
2618 N. Pershing Dr. (El Manantial Restaurant)
(RPC #18-056-005)

Note: These maps are for property location assistance only.
They may not represent the latest survey and other information.

Department of Community Planning, and Housing Development

Planning Division