



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 10, 2010

DATE: June 25, 2010

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 the use permit for live entertainment and dancing at Sports House Grill, subject to all previous conditions with an administrative review in six (6) months (January 2011) and a County Board review in one (1) year (July 2011).

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 one (1) year use permit review for live entertainment at Sports House Grill. The use permit was last reviewed by the County Board in July 2009, and reviewed again administratively by staff in January 2010. The establishment has had numerous reviews over the past several years due to Police and public safety concerns. Since the July 11, 2009 County Board review, there have been some police incidents, nine (9) of which occurred during the approved times of live entertainment. Although the police incidents are not believed to be caused by, or have an impact on, the live entertainment and dancing use, the number of police incidents continues to be high and the Police Department continues to have concerns regarding over-serving of alcohol at the establishment, which is serving alcohol to patrons that have clearly had too much. A short review period is recommended to monitor the use. Therefore, it is recommended that the use permit for live entertainment and dancing at Sports House Grill be renewed, subject to all previous conditions, with an administrative review in six (6) months (January 2011) and a County Board review in one (1) year (July 2011).

BACKGROUND: Sports House Grill is located at the intersection of Glebe Road and Columbia Pike in the Westmont Shopping Center. During the last review the applicant requested, and the County Board approved, two (2) additional days of live entertainment and

County Manager: MB/GA

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5652

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dancing. The applicant is permitted to have live entertainment Wednesday through Sunday between the hours of 10 p.m. – 1 a.m. and on the eve of all legal U.S. holidays, St. Patrick's Day, and Cinco de Mayo. Three (3) additional days of live entertainment per year for ethnic and cultural holidays are also permitted.

DISCUSSION: The Police Department reports thirteen (13) incidents since the last use permit review in July 2009 that resulted in incident reports, generally related to public intoxication, disorderly conduct, and assault. There is no evidence directly linking the police incidents to the live entertainment and dancing use. The applicant reports that over the past several months the restaurant has not hosted live entertainment on every night that live entertainment and dancing is permitted, due to economic circumstances. Approved Condition #8 requires the applicant to ensure all restaurant staff complete the State Training Intervention Procedures (TIPs) program, which provides training for staff of businesses serving alcohol and teaches restaurant staff how to recognize the appropriate circumstances under which alcohol should be served. The applicant also continues to utilize the presence of security guards at the establishment.

Since the Last County Board Review (July 11, 2009):

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

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

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 public intoxication.

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 Alcova Heights Civic Associations. To date, the civic associations have not provided comments on the use permit renewal.

CONCLUSION: The applicant remains in compliance with the approved use permit conditions. Since the Police Department continues to have concerns with the establishment, a short review period is recommended to monitor the use. Therefore, staff recommends the use permit for live entertainment be renewed, subject to all previous conditions, with an administrative review in six (6) months (January 2011) and a County Board review in one (1) year (July 2011).

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).

July 11, 2009

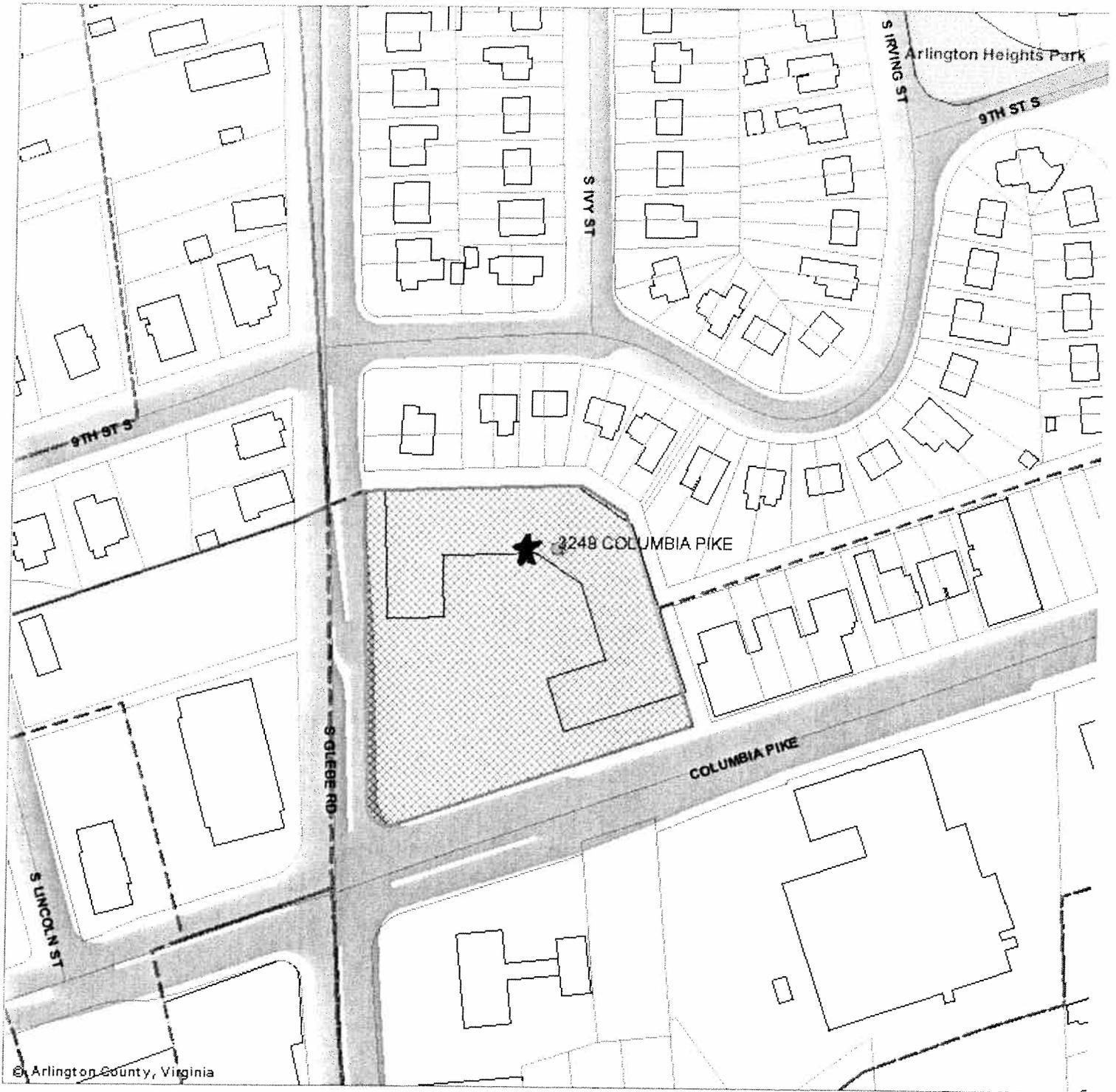
Renew, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months and a County Board review in one (1) year (July 2010).

Approved Conditions:

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



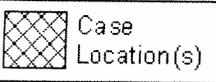
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U-3018-01-1 USE PERMIT REVIEW
3249-3253 Columbia Pk (Sports House Grill)
(RPC #25-012-001)

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



Not To Scale



Department of Community Planning, and Housing Development

Planning Division