



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 25, 2010**

**DATE:** September 9, 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 and one (1) revised condition, with an administrative review in three (3) months (December 2010) and a County Board review in six (6) months (March 2011).

**ISSUES:** This is a use permit renewal for live entertainment at Sports House Grill. Members of civic associations adjacent to the subject site have expressed concerns with the police incidents at the establishment.

**SUMMARY:** This is a scheduled use permit review for live entertainment at Sports House Grill. The use permit was renewed for two (2) months following the July 10, 2010 County Board meeting to allow the three (3) adjacent civic associations (Arlington Heights, Alcovia Heights, and Douglas Park) additional time to review the use permit renewal. Prior to that, the use permit was last renewed by the County Board in July 2009, and reviewed administratively by staff in January 2010. The establishment has had numerous reviews over the past several years. Since the July 10, 2010 County Board review, there have been two (2) police incidents, both of which occurred during the approved days and 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. The Alcovia Heights Citizens Association and Arlington Heights Civic Association have also expressed concern and request a three (3) month administrative review and a six (6) month County Board review on the use permit. Staff agrees and recommends a three (3) month administrative review

County Manager: *MB* *GA*

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5666

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in order to continue to monitor the use, given the concerns of the Police Department and community. Therefore, it is recommended that the use permit for live entertainment and dancing at Sports House Grill be renewed, subject to all previous conditions, and one (1) revised condition, with an administrative review in three (3) months (December 2010) and a County Board review in six (6) months (March 2011).

**BACKGROUND:** Sports House Grill is located at the intersection of Glebe Road and Columbia Pike in the Westmont Shopping Center. During the review of the use permit in July 2009, the applicant requested, and the County Board approved, two (2) additional days of live entertainment and 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:** Over the past two (2) months (since the July 10, 2010 use permit review), the Police Department reports two (2) incidents. One (1) of those was an assault with injury and the other involved patrons of the restaurant throwing rocks into windows of other businesses. While both incidents did occur on nights with approved live entertainment (on a Wednesday and a Saturday night), there is no evidence directly linking these 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. The applicant continues to utilize the presence of security guards at the establishment. In addition, 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. However, the Police Department is concerned that all new employees are not receiving the TIPs training. Condition #8 is proposed to be revised to require the applicant to keep a record of TIPs certification for all restaurant staff, and to submit this information to the County upon the County's request.

**Since the last use permit review (July 10, 2010):**

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.

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 ABC reports that Sports House Grill has been in front of the ABC Board once this year. The ABC continues ongoing monitoring of the establishment, including doing regular, late-night checks of the restaurant.

Fire Marshal's Office: The Fire Marshal's Office has not expressed any concerns regarding the subject use permit.

Civic Association: The site is located in the Arlington Heights Civic Association and is adjacent to the Douglas Park and Alcova Heights Civic Associations. The Arlington Heights Civic Association reports that the civic association does not typically take a vote on use permits. However, the five (5) members of the civic association's executive committee, speaking on behalf of themselves and as residents, expressed concern with the number of police incidents at the establishment and request that the use permit be placed on a short review schedule. The Alcova Heights Civic Association has also expressed concerns, which are outlined in the attached letter. The Douglas Park Civic Association states that they have no additional comments in addition to those from the Police Department (letter attached).

**CONCLUSION:** The Police Department and civic associations adjacent to the establishment have expressed concerns with the number of police incidents. A three (3) month administrative review is appropriate to continue to monitor the use and the documentation of TIPS training for all restaurant staff. Therefore, it is recommended that the use permit for live entertainment and dancing at Sports House Grill be renewed, subject to all previous conditions and one (1) revised condition, with an administrative review in three (3) months (December 2010) and a County Board review in six (6) months (March 2011).

Revised condition #8:

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 agrees to keep a record of TIPS training certification for all restaurant staff, including all new staff, and submit this information upon the County's request. 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.

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).

July 10, 2010

Renew the use permit for live entertainment and dancing at Sports House Grill, subject to all previous conditions and with a County Board review on September 25, 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 Alcovia 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.

**Melanie Jesick**

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**From:** Mjvness@aol.com  
**Sent:** Thursday, September 09, 2010 1:05 PM  
**To:** CountyBoard  
**Cc:** Melanie Jesick  
**Subject:** Use Permit U-3018-01-1-Sports House Grill Revised Response

Arlington County Board  
2100 Clarendon Boulevard  
Suite 300  
Arlington, Virginia 22201

RE: Renewal Use Permit U-3018-01-1 Sports House Grill

Dear County Board Members:

The Alcova Heights Citizens Association (AHCA) is writing this letter to revise an earlier reponse (July 13, 2010) to the request for renewal of the Sports Grill House use permit.

Over the summer months we have been made aware on continued need for police response to address complaints of public intoxication and physical assaults. We see this as a need for closer monitoring . Therefore, the AHCA is recommending a three (3) month administrative review and a six (6) month County Board review of the Sports House Grill permit. Again, the association will be following the police reports and would expect there would be considerable improvement seen prior to the next renewal. At this time the AHCA Board neither objects to nor endorses the request.

Marie Van Ness  
President, Alcova Heights Citizens Association

09/09/2010

**Melanie Jesick**

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**From:** John V. Snyder [jvsnyder54@comcast.net]  
**Sent:** Tuesday, September 07, 2010 9:48 PM  
**To:** Melanie Jesick  
**Subject:** Re: Sports House Grill

Ms. Jesick

We do not have any comments in addition to those from the Arlington police department.

Thanks

John  
snyder

09/08/2010



**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.

Department of Community Planning, and Housing Development



Not To Scale

	Case Location(s)
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Planning Division