



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of September 17, 2011

**DATE:** August 25, 2011

**SUBJECT:** U-3205-08-1 USE PERMIT for modification to Condition #1 regarding extended hours of live entertainment at El Manantial; located at 2618 N. Pershing Dr. (RPC# 18-056-005).

**Applicant:**

Alvaro Ronquillo Barrera  
207 N. Wayne St., #2  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

Approve the use permit amendment for extension of permitted hours and days of live entertainment, subject to the modified Conditions #1 and #8 of the staff report, with an administrative review in six (6) months (March 2012) and a County Board review in one (1) year (September 2012).

**ISSUES:** This is a request to extend the hours and days of operation for an existing live entertainment use, and no issues have been identified.

**SUMMARY:** The owners of the El Manantial restaurant, located at 2618 N. Pershing Drive, are requesting an amendment to their use permit to extend the hours and days in which live entertainment is permitted. Currently, the restaurant is permitted to hold live entertainment events Thursdays to midnight, Fridays and Saturdays to 12:30 a.m., and Sundays 11 a.m. to 2 p.m. The applicant wishes to extend hours to midnight Sundays and to permit live entertainment Mondays through Wednesdays until midnight. These extended hours and days are consistent with the permitted hours for Whitey's, formerly located on Washington Boulevard near the site. No adverse impacts are anticipated with this proposal. Staff recommends an administrative review in six (6) months to monitor the extension of permitted hours and days of live entertainment. In addition, staff recommends that Condition #8 regarding termination of use permit upon vacation of the current tenant from the subject space would be revised to reflect current County practice, which requires County Board review upon vacation from a space of a tenant holding a use permit for live entertainment. Therefore, staff recommends approval of the

County Manager:	<i>BMD/GA</i>	<b>12.</b>
County Attorney:	<i>[Signature]</i>	
Staff:	Matthew Pfeiffer, DCPHD, Planning Division	
PLA-5989		

use permit amendment to extend permitted hours of live entertainment at El Manantial, subject to the modified Conditions #1 and #8 of the staff report, with an administrative review in six (6) months (March 2012) and a County Board review in one (1) year (September 2012).

**BACKGROUND:** The applicant requests an extension of permitted hours of live entertainment at the El Manantial restaurant. A use permit for live entertainment for karaoke was approved by the County Board in October 2008. The latest County Board action, in May 2011, renewed the use permit for three (3) years. Approved hours in which live entertainment is permitted are Fridays and Saturdays until 12:30 a.m., Sundays 11 a.m. to 2 p.m., and Thursdays until midnight.

**The following provides additional information about the site:**

Site: The subject site is located within the Country Club Cleaners shopping center, located just to the east of the intersection of Washington Boulevard and North Pershing Drive. The property abuts retail and service uses, such as the dry cleaner, to the east within the shopping center, and single-family detached dwelling units farther to the east, northeast, and southeast of the site. To the west and northwest are additional retail and service uses and Pershing Drive. Directly to the south of the site are more single-family detached homes.

Zoning: “C-1” Local Commercial Districts.

Land Use: Commercial and Industrial “Service Commercial.”

Neighborhood: The site is located within the Lyon Park Civic Association. A representative from the civic association has expressed to staff that they support the applicant’s request provided the hours do not extend beyond what the use permit for Whitey’s, (approved originally in 1992 and subsequently amended) now occupied by Tallula, was permitted.

**DISCUSSION:** The applicant requests an amendment to use permit Condition #1 to extend permitted hours of live entertainment. The applicant offers karaoke during permitted hours. Currently, the applicant is only able to offer karaoke between 11 a.m. and 2 p.m.—three (3) total hours—on Sundays, which, according to the applicant, is not sufficient for the business. The applicant requests to extend the hours of operation to midnight on Sundays, and to permit live entertainment to midnight on weeknights, Mondays through Thursdays.

The restaurant has operated in conformance with use permit conditions since approval. While noise impacts were reported during a review in 2009, no issues have been identified since that time. Thus, no adverse impacts are anticipated with this use permit amendment. The Lyon Park Civic Association has commented that hours of live entertainment should not extend past those approved for Whitey’s, which was located in the retail space currently occupied by Tallula, located across Pershing Drive from the site. The proposed extended hours—until midnight on weeknights—are consistent with the permitted hours of live entertainment for Whitey’s.

Staff is also recommending that Condition #8 be revised to reflect current County practice regarding review of use permits upon termination of lease of a specific user in the space

approved for a use permit. The current language, approved with this use permit in 2008, would discontinue the use permit upon termination of the lease for the current tenant or vacation of the current tenant for the subject space. This would be revised to require that the County Board review the use permit upon any change in tenancy.

**CONCLUSION:** The proposed extended hours of live entertainment are consistent with prior approvals for live entertainment in the Lyon Park neighborhood, and will not adversely impact the surrounding community. Staff is recommending an administrative review to monitor the extended hours of use. Therefore, staff recommends approval of the use permit amendment to extend permitted hours of live entertainment at El Manantial, subject to the following modified Conditions #1 and #8, with an administrative review in six (6) months (March 2012) and a County Board review in one (1) year (September 2012).

Modified Condition #1:

1. The applicant agrees that live entertainment (karaoke) shall be permitted only between the hours of 5 p.m. to 12 a.m. Mondays through Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to ~~2 p.m.~~ 12 a.m. Sundays, and Mondays that fall on a Federal Holiday.

Modified Condition #8

1. ~~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.~~ The applicant agrees that the use permit for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by El Manantial.

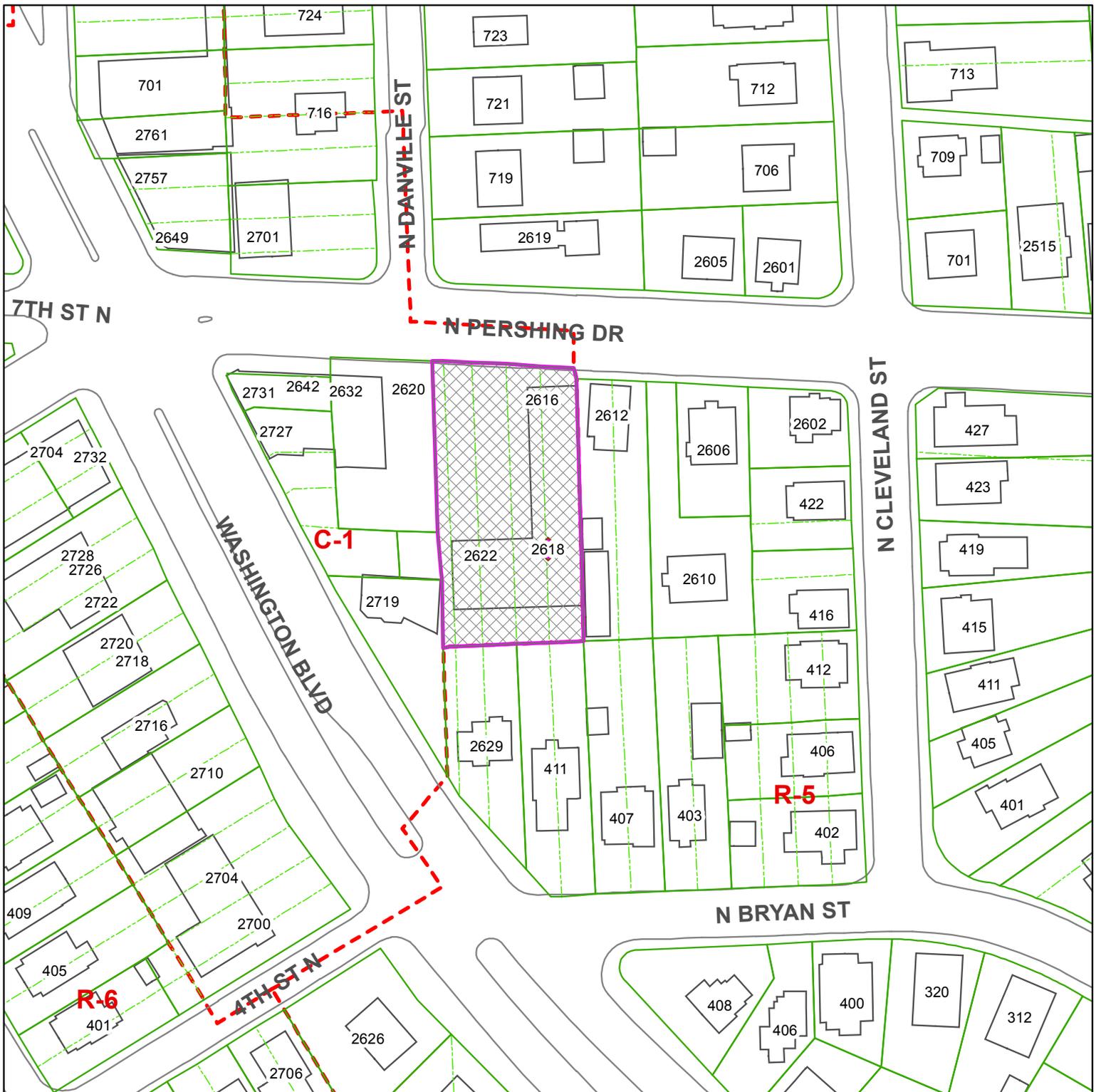
PREVIOUS COUNTY BOARD ACTIONS:

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.
May 2010	Renewed U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr. for one (1) year.
May 2011	Renewed U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr. for three (3) years.
July 2011	Deferred U-3205-08-1 (El Manantial) for extension of permitted hours of live entertainment.

Approved Conditions:

U-3205-08-1 Live Entertainment  
El Manantial  
PLA-5989

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.
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.



**U-3205-08-1**

**2618 N. Pershing Drive**

**RPC#18-056-005**



 Case Location(s)  
 Scale: 1:1,200

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