# ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item**
**Meeting of January 21, 2012**

**DATE:** January 5, 2012

**SUBJECT:** U-3321-11-1 USE PERMIT for restaurant providing live entertainment; at Arlington Rooftop Bar & Grill, located at 2424 Wilson Blvd. (RPC# 18-006-011; -017).

**Applicant:**
Yogi Dumera, Owner
3120 N. Pershing Drive
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

> Approve the subject request for a use permit for a restaurant providing live entertainment at Arlington Rooftop Bar & Grill, subject to the conditions of the staff report, with an administrative review in six (6) months (July 2012), and a County Board review in one (1) year (January 2013).

**ISSUES:** This is a request to permit live entertainment at the Arlington Rooftop Bar & Grill, located in Courthouse. Staff is aware of general concerns about the request from one (1) citizen living in the Charleston Condominiums.

**SUMMARY:** The owners of the Arlington Rooftop Bar & Grill, located at 2424 Wilson Blvd., are requesting a use permit to allow live entertainment 4-11 p.m. Mondays through Thursdays, 4 p.m. to 1 a.m. Friday and Saturday, and 10 a.m. to 11 p.m. Sundays. All live entertainment will take place inside the building. The restaurant is located on Wilson Boulevard, a major commercial street, and the applicant has agreed to conditions to mitigate potential impacts associated with live entertainment. Staff is recommending an administrative review in six (6) months to monitor the operation of live entertainment at this location. Therefore, staff recommends approval of the use permit for live entertainment at Arlington Rooftop Bar & Grill, subject to the conditions of the staff report, with an administrative review in six (6) months (July 2012), and a County Board review in one (1) year (January 2013).

County Manager: BMD/GA

County Attorney:

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division

PLA-6086

16.

**BACKGROUND:** The applicant is proposing to provide live entertainment at the Arlington Rooftop Bar & Grill. The space occupied by the subject restaurant was recently built as a by-right addition to the existing structure, and received a certificate of occupancy for the restaurant in 2010. The following provides additional information about the site:

> Site: The building fronts Wilson Boulevard, and is located on the block bounded by Wilson Boulevard on the north, North Barton Street on the west, Clarendon Boulevard to the south, and North Adams Street on the east.
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> Zoning: The site is zoned "C-2" Service Commercial-Community Business Districts.
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> Land Use: The subject site is designated on the General Land Use Plan (GLUP) as Mixed Use "High-Medium Residential Mixed-Use."
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> Neighborhood: The site is located within the Clarendon-Courthouse Civic Association (CCCA). Staff also contacted the Lyon Village Civic Association and the manager of the Charleston Condominium regarding this request. The two (2) civic associations have expressed support for the applicant's proposal limited to the hours specified, and subject to standard conditions for live entertainment. The manager of the Charleston Condominium has contacted residents regarding the request; staff has received comments from one (1) resident of the condominiums who expressed general concern about the request (see the attached email).

**DISCUSSION:** The applicant requests a use permit for live entertainment at Arlington Rooftop Bar & Grill, located in Courthouse on the block bounded by Wilson Boulevard, North Barton Street, Clarendon Boulevard, and North Adams Street. The applicant proposes that live entertainment be provided during the hours of 4 p.m. to 11 p.m. weeknights, 4 p.m. to 1 a.m. Friday and Saturday, and 10 am to 11 pm Sundays to allow for music during brunch. While the restaurant is not located in Clarendon, the applicant has agreed to Guidelines and Standard Conditions for Live Entertainment in Clarendon, which were developed with staff, community, and business input in November 2010. No live entertainment will be permitted to be held outdoors or on the roof deck, and all windows and doors to the restaurant must be closed during the hours in which live entertainment is provided. The restaurant fronts on Wilson Boulevard, which is an active, commercial street; the closest residential uses are located at the Charleston Condominiums across Clarendon Boulevard to the rear of the restaurant. The performing area for live entertainment will be located in the section of the restaurant closest to Wilson Boulevard, minimizing potential for noise impacts to residences on the far side of Clarendon Boulevard from the site. One citizen living in the Charleston Condominiums has expressed concerns regarding potential noise impacts; however staff concludes that the recommended conditions will ensure that there will be no undue impacts to surrounding neighborhoods as a result of noise from live entertainment. Staff is recommending a short administrative review to monitor the operation of live entertainment at this location.

**CONCLUSION:** Staff supports live entertainment at this location. The restaurant is located along a major commercial corridor, and there will be no undue impacts to residential uses located on the far side of Clarendon Boulevard from the site. Therefore, staff recommends approval of

the use permit for live entertainment at Arlington Rooftop Bar & Grill, subject to the conditions of the staff report, with an administrative review in six (6) months (July 2012), and a County Board review in one (1) year (January 2013).

Conditions:

1. The applicant agrees that live entertainment shall be permitted only between 4:00 p.m. and 11:00 p.m. Mondays through Thursdays, between 4:00 pm and 1:00 am Fridays and Saturdays, and between 10 a.m. and 11 p.m. Sundays.

2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).

3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights in which live entertainment is provided. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.

4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment, except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant specifically agrees that doors shall not be propped open during live entertainment.

5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.

6. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.

7. The applicant agrees to post signs in windows telling patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood where possible.

8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.

9. The applicant agrees to make customers aware of the restaurant's proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.

10. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.

11. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite 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 shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, and the Charleston Condominium Association.

12. The applicant agrees that the approval for live entertainment at 2424 Wilson Boulevard is valid only for Arlington Rooftop Bar & Grill. The County Board shall review the use permit upon any change in tenancy or ownership of the subject space.

PREVIOUS COUNTY BOARD ACTIONS:

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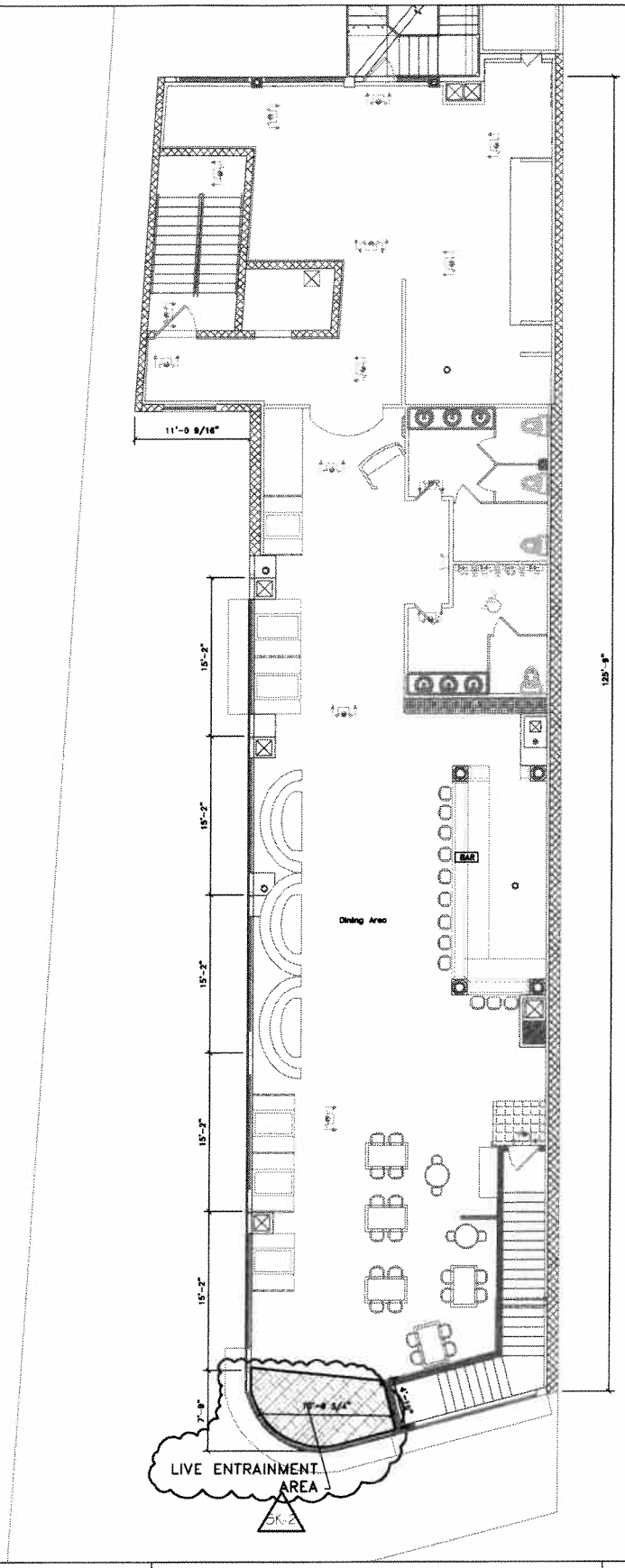
|---|---|
| April 6, 1991 | Approved use permit for food delivery service at 2424 Wilson Boulevard. |
| October 12, 1991 | Discontinued use permit for food delivery service at 2424 Wilson Boulevard. |




COMMONWEALTH OF VIRGINIA
SURESH R. BARAL
Lic. No. 015039
11.07.11
PROFESSIONAL ENGINEER

| | | | |
|---|---|---|---|
| Advance Structural Concepts, Inc.<br>Consulting Structural Engineers<br>10875 Main Street, Suite 101<br>Fairfax, VA 22030<br>(703) 865-7122 | Arlington Roof Top Bar & Grill<br>2424 Wilson Blvd.<br>Arlington County, VA 22201 | LIVE ENTERNANMENT AREA | SK-2 |
| | | Scale:<br>1/16 = 1'-0" | Date:<br>11.07.11 |

**From:** Kenneth Fulton
**Sent:** Tuesday, December 20, 2011 9:37 PM
**To:** Peter Schulz
**Cc:** Yogi Dumera; John Cosgrove
**Subject:** Re: Live Music Permit for Arlington Rooftop Bar and Grill

Peter,

The Clarendon Courthouse Civic Association (CCCA) met this evening and discussed the live music permit for Arlington Rooftop Bar and Grill. The CCCA members voted to support the application provided that the hours of live music are limited to 4 - 11 pm Monday through Thursday and 4 pm to 1 am on Friday and Saturday. As indicated in the application, our approval is predicated on there being no outdoor music.

Regards,

Ken Fulton
CCCA President

Mr. Pfeiffer:

As an owner of a unit at the Charleston Condo facing Adams Street, I strongly oppose the application of the restaurant for live music.

During the warmer months, we are already kept awake by noise from the Fireworks restaurant.

And I may add, we have already been severely harmed by the existence of the Marriott Hotel in the first place. While corporations have property rights, our property rights have been adversely affected by a huge building across the street blocking views and sunlight.

The Arlington Board never considered OUR property rights, did they?

It's about time Arlington stopped catering to every business just to collect more tax revenues even to the detriment of citizens who live here.

Robert J. Warner
Unit 706
Charleston

**U-3321-11-1**

**2424 Wilson Boulevard**

**RPC# 18-006-011; -017**

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.

**Department of Community Planning, Housing and Development** **Planning Division**