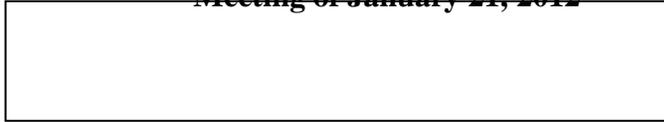




ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of January 21, 2012



DATE: January 13, 2012

SUBJECT: U-3323-11-1 USE PERMIT for restaurant live entertainment and dancing located at 2910 Columbia Pike (P. Brennan's Irish Pub and Restaurant) (RPC# 32-006-030).

Applicant:

Mark Pantall, General Manager
2910 Columbia Pike
Arlington, Virginia 22204

C. M. RECOMMENDATION:

Approve the subject use permit for a restaurant providing live entertainment and dancing, subject to the conditions of the staff report, with a County Board review in one (1) year (January 2013).

ISSUES: This is a use permit request for live entertainment and dancing at P. Brennan's Irish Pub and Restaurant, and no issues have been identified with this request.

SUMMARY: This is a use permit request for live entertainment and dancing at P. Brennan's Irish Pub and Restaurant located at 2910 Columbia Pike. The restaurant is located beneath the Halstead Residential Community (Columbia Station Project) which was approved under Columbia Pike's Form Based Code (FBC) in June 2004. The restaurant has been in operation since April 2010 and is now seeking approval for live entertainment and dancing. The applicant proposes to have live entertainment and dancing from 11:00 a.m. to 1:30 a.m. seven (7) days a week with the expectation that the majority of the live entertainment and dancing would take place in the evenings from Wednesday through Saturdays.. Area civic associations and the property owner have shown support for the proposed live entertainment and dancing use permit request. The applicant's proposed live entertainment and dancing, with the proposed conditions, should not result in undue negative impact on the adjacent properties. Therefore, staff recommends approval of the subject use permit for a restaurant providing live entertainment and dancing, subject to the proposed conditions of the staff report, with a County Board review in one (1) year (January 2013).

County Manager:	<i>BMD/GA</i>	
County Attorney:	<i>[Signature]</i>	<i>[Signature]</i>
Staff:	Marco Antonio Rivero, DCPHD, Planning Division	
PLA-6088		18.

BACKGROUND: The Columbia Station (Halstead) project was approved as the first Columbia Pike Form Based Code project in June 2004. Subsequent use permit amendments were approved in September 2008 and April 2009 for a building sign and the modification of the required first floor clear height respectively. P. Brennan’s Irish Pub and Restaurant obtained a Certificate of Occupancy for their space in March 2010 and has been in operation since April 2010.

The following provides more information about the site:

Site: The property is a multi-story residential building with retail on the ground floor known as the Halstead, and sits on approximately 70,508 square feet of land. P. Brennan’s Irish Pub and Restaurant occupies a space that is approximately 6,920 sq. ft.

To the north: Columbia Pike and commercial buildings including the Arlington Cinema N Drafthouse zoned “C-2” and designated “Service Commercial”, Personal and Business Services. Generally one to four stories, with special provisions within the Columbia Pike Special Revitalization District on the GLUP.

To the south: 11th Street South and commercial buildings zoned “C-2” and designated “Service Commercial”, Personal and Business Services. Generally one to four stories, with special provisions within the Columbia Pike Special Revitalization District on the GLUP.

To the east: South Walter Reed Drive and commercial buildings zoned “C-2” and designated “Service Commercial”, Personal and Business Services. Generally one to four stories, with special provisions within the Columbia Pike Special Revitalization District on the GLUP.

To the west: South Highland Street and commercial buildings zoned “C-2” and designated “Service Commercial”, Personal and Business Services. Generally one to four stories, with special provisions within the Columbia Pike Special Revitalization District on the GLUP.

Zoning: The site is zoned “C-2” Service Commercial - Community Business Districts, and is eligible, by reference, to be developed using the “CP-FBC” Columbia Pike Form Based Code District.

Land Use: The site is designated on the GLUP as “Service Commercial”, which permits personal and business services of generally one to four stories with special provisions within the Columbia Pike Special Revitalization District. The site is located within the Columbia Pike Special Revitalization District.

Neighborhood: The site is within the Douglas Park Civic Association and is adjacent the Arlington Heights Civic Association, the Columbia Heights Civic Association, and the Penrose Neighborhood Association. The applicant also contacted the DSF Columbia Center,

LLC owners of the subject property as well as the Halstead Residential Community. As of the date of this report, the DSF Columbia Center, LLC owners of the subject property and the Douglas Park Civic Association expressed their support of this use permit request (copies of their written statements are included as attachments to this report). The Arlington Heights Civic Association president expressed her verbal support for this use permit request, and the remaining civic/citizens associations have not commented on this request.

DISCUSSION: The applicant requests live entertainment to cover the hours in which they operate from 11:00 a.m. to 1:30 a.m. seven (7) days a week. They anticipate having musical ensembles, solo performers, disc jockeys, karaoke, among other forms of live entertainment. On a regular basis, the restaurant will be providing live entertainment and dancing from 9:00 p.m. to 1:30 a.m., Wednesdays through Saturdays and traditional Irish music/folk dancing from 11:00 a.m. to 1:30 a.m. seven (7) days a week.

The applicant anticipates the equipment used would be supplied by performers, which would typically consist of a small 12 channel PA with two (2) 200w powered speakers. The applicant has agreed to monitor noise levels and comply with the County's Noise Ordinance standards. The applicant agrees to the standard conditions that live entertainment and dancing shall neither take place nor be broadcast outdoors, and that doors and windows be firmly closed during the times of live entertainment as outlined in Proposed Condition #5. Furthermore, construction of the restaurant included sound insulation to contain noise within the subject space.

The applicant's location faces commercially zoned areas of Columbia Pike with surrounding restaurants and live entertainment including the Arlington Cinema N Drafthouse which is located across Columbia Pike. With the proposed conditions in place, the proposed live entertainment and dancing should not result in undue negative impact on the adjacent properties.

CONCLUSION: The applicant's proposal for live entertainment and dancing, with the proposed conditions, should not have an undue negative impact on adjacent properties. The applicant has provided staff with supporting documents from area civic associations and the property owner showing their support for this use permit request. The Police Department and the Fire Marshal's office have not expressed any issues with this use permit request, and the applicant has agreed to comply with all applicable requirements of County and State Ordinances, per the proposed use permit conditions. Therefore, staff recommends approval of the subject use permit for a restaurant providing live entertainment and dancing, subject to the proposed conditions of the staff report, with a County Board review in one (1) year (January 2013).

Proposed Conditions:

1. The applicant agrees that live entertainment and dancing at 2910 Columbia Pike shall be permitted only between the hours of 11:00 a.m. and 1:30 a.m. seven (7) days a week.
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 dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
4. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights when dancing is permitted. The on-site security may consist of “in-house” staff, so long as that staff is dedicated to only security during the hours of live entertainment and dancing.
5. 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 and dancing except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment and dancing be permitted outside of the building or broadcast over loudspeakers outside the building. The applicant agrees that doors shall not be propped open during live entertainment and dancing.
6. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
7. 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.
8. 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 live entertainment and dancing 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 and dancing. The name, telephone number, and electronic mail address (if one is established) shall be submitted to the Zoning Administrator and a copy sent to the DSF Columbia Center, LLC (“Owner”), the Halstead Residential Community, the Douglas Park Civic Association, the Arlington Heights Civic Association, the Columbia Heights Civic Association, and the Penrose Neighborhood Association.

PREVIOUS COUNTY BOARD ACTIONS:

August 1961	Designated as “Undetermined Uses” on the General Land Use Plan.
December 1983	Designated “General Commercial” on the General Land Use Plan.
November 15, 1986	General Land Use Plan amended to include the Columbia Pike Special Revitalization District. Designated as “Service Commercial”.
December 17, 2002	Columbia Pike Special Revitalization District boundaries amended on the General Land Use Plan.
February 25, 2003	Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) adopted.
February 10, 2004	Columbia Pike Street Space Plan adopted and Form Based Code amended to include new Required Building lines.
June 12, 2004	U-3079-04-1 Use Permit (Form Based Code) approved for Columbia Station project.
September 13, 2008	U-3079-04-1 Use Permit Amendment (Form Based Code) approved for Columbia Station project.
April 25, 2009	U-3079-04-1 Use Permit Amendment (Form Based Code) to modify the required first floor clear height requirement from 15 feet to approximately 12.5 feet under Section 20. “CP-FBC” – Columbia Pike Form Based Code Districts, Subsection E.3. of the Arlington County Zoning Ordinance, in order to accommodate the inclusion of an existing historic facade.

9/27/2011

County of Arlington
Department of Community Planning, Housing and Development
Zoning Administration
2100 Clarendon Blvd., Suite #1000
Arlington, VA 22201

RE: Statement for Support

This statement is provided as support in filing for a live entertainment use permit for P. Brennan's Irish Pub & Restaurant, located at 2910 Columbia Pike, Arlington, VA 22204.

P. Brennan's has served as a community pub and restaurant for the Columbia Pike community in Arlington for nearly 18 months and wishes to continue its efforts in providing great entertainment to its clientele by providing live entertainment on a regular basis. We are seeking this use permit to cover the hours we are in operation, from 11:00am to 1:30am, seven days a week and to have permission to have music ensembles, solo performers, deejays, karaoke, comics, theatrical and dancing.

On a regular basis we will only be providing entertainment in the form of solo performers and deejays from 9:00pm to 1:30am, Wednesday, Thursday, Friday and Saturday, and non amplified traditional Irish music from 11:00am - 3:00pm, Saturdays and Sundays. However, we seek this use permit to cover all operating hours, in the case of holidays or special events where we wish to provide entertainment throughout the day to our clientele. For example, holidays such as Saint Patrick's Day where we wish to provide a harpist or pianist during lunch hours and acoustic Irish musicians throughout the afternoon.

The equipment used is supplied by performers and typically consists of a small 12 channel PA with two 200w powered speakers. The noise levels are strictly monitored and enforced by the manager on duty and by our contract with the individual musicians. Construction on the restaurant was completed in April of 2010 and we purposely added sound insulation to contain noise to within our space.

We respectfully request your approval of our application. The feedback that we are getting from the community and local civic associations is that the tasteful live entertainment that we are proposing, will fill a need with the community and add in a small way to the overall revitalization of the Pike.

Thank you for your consideration,



Mark Pantall
General Manager

P. Brennan's Irish Pub & Restaurant
2910 Columbia Pike
Arlington, VA 22204

DSF COLUMBIA CENTER LLC
c/o The DSF Group
950 Winter Street, Suite 4300
Waltham, MA 02451

Boston
Washington, D.C.

Rick Griffiths
Chief Accounting Officer
Phone: 781-250-5906
Fax: 781-250-5941

September 27, 2011

County of Arlington
Department of Community Planning, Housing and Development
2100 Clarendon Blvd., Suite 1000
Arlington VA 22201

To Whom It May Concern:

DSF Columbia Center LLC ("Owner"), as the owner of the property located at 2910 Columbia Pike, Arlington, Virginia, hereby provides this Statement of Consent giving P. Brennan's Irish Pub & Restaurant permission to provide live entertainment in the form of musical groups, solo performers, DJ's, and the like, to their guests.

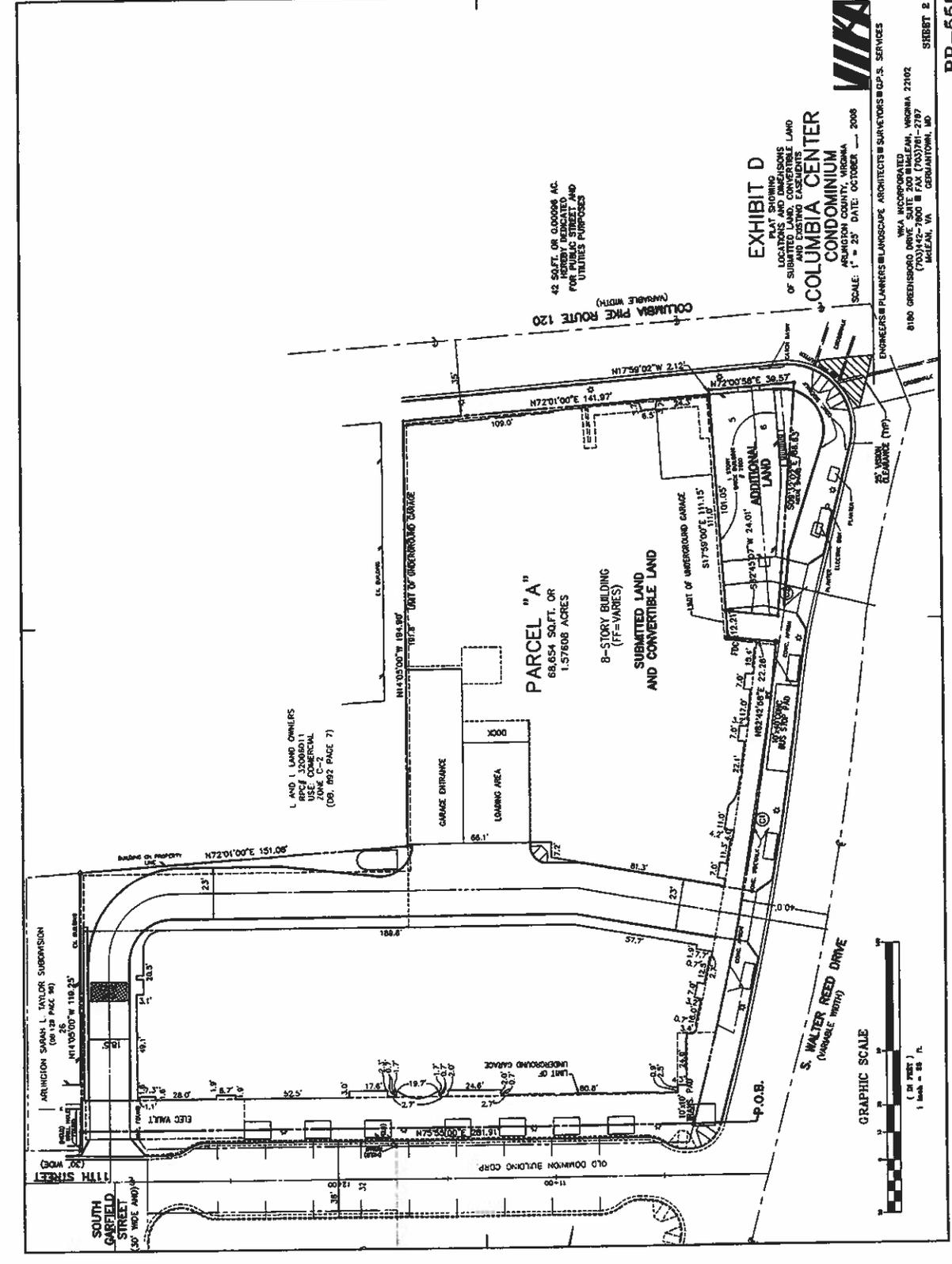
If you have any questions please call me at 781-250-5906 or at rgriffiths@dsfadvisors.com.

Sincerely,



Rick Griffiths

RRG188/pep



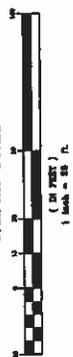
LAND & LAND OWNERS
 RPO# 32008011
 USE: COMMERCIAL
 ZONING: R-10
 (SEE PAGE 7)

PARCEL "A"
 68,654 SQ.FT. OR
 1.57808 ACRES

8-STORY BUILDING
 (FT=VARIES)
 SUBMITTED LAND
 AND CONVERTIBLE LAND

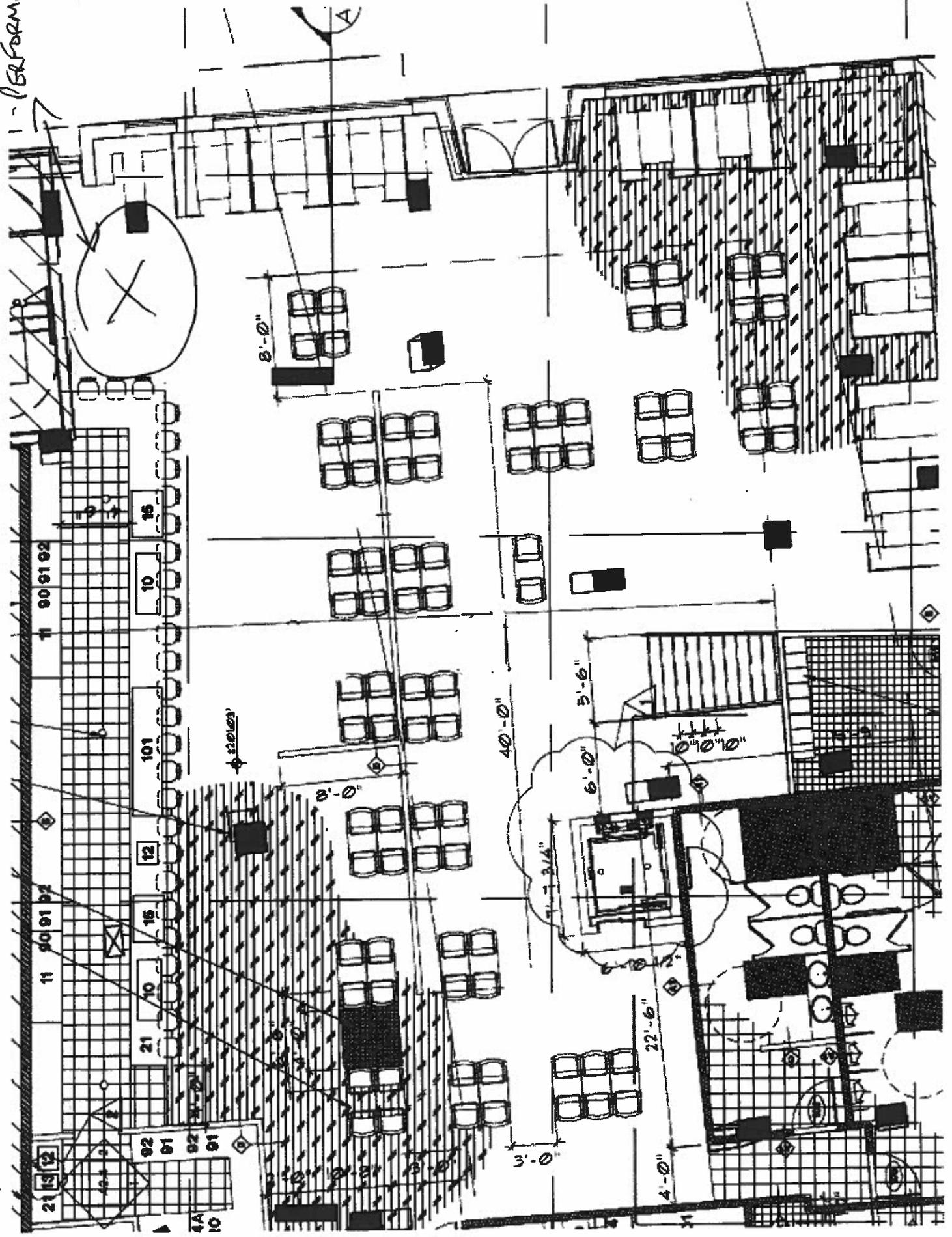
EXHIBIT D
 PLAN SHOWING
 LOCATIONS AND DIMENSIONS
 OF SUBMITTED LAND, CONVERTIBLE LAND
 AND EXISTING CONDITIONS
**COLUMBIA CENTER
 CONDOMINIUM**
 ARLINGTON COUNTY, VIRGINIA
 SCALE: 1" = 25' DATE: OCTOBER 2008

ENGINEERS & PLANNERS LANDSCAPE ARCHITECTS & SURVEYORS & C.P.S. SERVICES
 8180 GREENHURST DRIVE, SUITE 200 BIRMINGHAM, VIRGINIA 22102
 (703)442-7800 FAX (703)781-2787
 McLEAN, VA GERMANTOWN, MD



MAGNIFIED GROUND FLOOR PLAN.

PROPOSED AREA FOR LIVE PERFORMANCE



9/27/2011

County of Arlington
Department of Community Planning, Housing and Development
Zoning Administration
2100 Clarendon Blvd., Suite #1000
Arlington, VA 22201

RE: Existing Tenant List of DSF Columbia Center Property

Halstead Residential Community
Jo Gavigan, Property Manager
1028 S. Walter Reed Drive, Arlington, VA 22204
703-486-1028, 866-464-2578

Lost Dog Café
Wes Clough, Owner
2920 Columbia Pike, Arlington, VA 22204
703-553-7770

World Gym
Greg Tayman, Owner
1058 S. Walter Reed Drive, Arlington, VA 22204
703-892-1861

Arlington Free Clinic
Contact Name Unknown
2921 11th Street South, Arlington, VA 22204
703-979-1425

Compiled by:

Mark Pantall
General Manager

P. Brennan's Irish Pub & Restaurant
2910 Columbia Pike
Arlington, VA 22204

9/30/2011

County of Arlington
Department of Community Planning, Housing and Development
Zoning Administration
2100 Clarendon Blvd., Suite #1000
Arlington, VA 22201

RE: Statements of Support from Local Civic Associations

Letters were sent to following civic association requesting a statement in support of our live entertainment permit.

A written response from John Snyder, President of the Douglas Park Civic Association has been attached to this application.

After a telephone conversation with Stacey Whyte, President of the Arlington Heights Civic Association I was informed that she does not have the power to write such a letter on behalf of the civic association. However, if called on by the County of Arlington she would speak highly of our establishment and our positive impact on the community and would recommend we receive our permit for live entertainment.

Arlington Heights Civic Association
Stacey Whyte, President
kandswhyte@gmail.com
703-271-2681

Douglas Park Civic Association
John Snyder, President
jvsnyder54@comcast.net

Compiled by:

Mark Pantall
General Manager

P. Brennan's Irish Pub & Restaurant
2910 Columbia Pike
Arlington, VA 22204



Not to be used

September 29, 2011

Arlington County Planning Staff
c/o P. Brennan's Irish Pub & Restaurant
2910 Columbia Pike
Arlington, VA 22204

Re: Permit for Live Entertainment, P. Brennan's Irish Pub & Restaurant

Dear Planning Staff:

We have been asked whether the Douglas Park Civic Association objects to a use permit for live entertainment at P. Brennan's Irish Pub & Restaurant. All the comments we have received on the subject are positive. The neighborhood supports P. Brennan's and their hosting of live music.

Please contact me at 703-892-2887 or jvsnyder54@comcast.net if you need anything further.

Best regards,

John Snyder
President, Douglas Park Civic Association



ARLINGTON
VIRGINIA

Arlington County, Virginia
Department of Community Planning, Housing and Development
Planning Division, Zoning Administration
Inspection Services Division

CAPACITY CERTIFICATE

This capacity of Assembly Occupancies is established by the Virginia Uniform Statewide Building Code. Seating may be limited by Arlington County Zoning Ordinance. Exceeding the capacity limits stated hereafter is a violation of the Virginia Statewide Fire Prevention Code and may result in penalties set forth there-in.

Address:

2910 Columbia Pike

Max. Capacity

Name of Business

Pete Brennan's Irish Pub

369

Certificate of Occupancy

CO 1000146

Description

Outdoor seating Indoor Seating Standing limit Total

Restaurant

0

279

90

369

Authorized by

March 9, 2010

Building Official

Date

THIS CERTIFICATE SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES.
2100 Clarendon Blvd., suite 610, Arlington, Va. 22201. Tel: 703-228-3883, Fax: 703-228-3896. www.arlingtonva.us



ARLINGTON
VIRGINIA

Department of Community Planning, Housing and Development.
Planning Division, Zoning Administration, Inspection Services Division

CERTIFICATE OF OCCUPANCY

Permission is hereby granted to: **P. BRENNAN'S IRISH PUB**
To use the: **1ST & MEZZANINE** floor, and /or suite number: **2910**
Of the building located at: **2910 COLUMBIA PIKE ARL, VA,**
For the following purpose: **RESTAURANT, 6920 SQ FT.**

Permit Number	CO1000146		Date Issued	03/31/2010
Seating Capacity (Zoning)	279		Occupant Load	0
Number of Children	0		Zoning	C-2
Use Group	A-2	Const. Type	2A	
Code Mod.		Use Permit	U-3079-0	ZBZA Case Number
Site plan Number			4-1	
Comments			Sprinkler	Y
			V.U.S.B.C.	2006
			Fire Alarm	Y

This certificate does not take the place of any license required by law. Any change in the use, ownership, or occupancy of this building or land shall require a new certificate of occupancy.
This Building or the proposed use of the building or land complies with all provisions of the Virginia Uniform State Building Code and the Arlington County Zoning Ordinance.

Authorized by

Shahriar Amiri
Building Official

Melinda W. Artman
Zoning Administrator

THIS CERTIFICATE SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES.



**ARLINGTON COUNTY, VIRGINIA
DEPARTMENT OF REAL ESTATE ASSESSMENTS**

2100 Clarendon Boulevard, Suite 611 Arlington, VA 22201
TEL (703) 228-3920 Email: realog2@arlingtonva.us Website: www.arlingtonva.us

Notice of 2011 Real Estate Assessment

January 14, 2011

DSF COLUMBIA CENTER LLC
950 WINTER ST #4300
WALTHAM MA 02451

RPC Number: 32-006-032

Neighborhood: 980000

Property Address: 2920 COLUMBIA PIKE

Legal Description: COLUMBIA CENTER CONDOMINIUM COMMERCIAL PARKING INV 1

	Land	Buildings	Total
General Use	0	0	0
Commercial/Industrial Use	0	744,700	744,700
2011 Total	0	744,700	744,700
General Use	0	0	0
Commercial/Industrial Use	0	1,115,900	1,115,900
2010 Total	0	1,115,900	1,115,900

This shall serve as notice of the assessed value of the identified property. The assessment is effective January 1, 2011 and represents 100% of fair market value. All real property, or any portion thereof, used for or zoned to permit commercial or industrial uses is designated a separate class of real property. The 2011 assessment shown above indicates the value of the commercial or industrial classified property, or the portion of the property classified as such. Commercial or industrial classified property may be subject to an additional real estate tax, which the Arlington County Board adopts at the same time and place that the 2011 real estate tax rate is adopted. All revenue generated by the additional real estate transportation tax would be used exclusively to fund transportation projects in Arlington.

If you do not own the property described, Section 58.1-3330 of the Code of Virginia requires that you forward this notice to the owner immediately. If it would be more convenient, you may return the notice to the Department of Real Estate Assessments. Please send any change of mailing address in writing to the Department of Real Estate Assessments at 2100 Clarendon Boulevard, Suite 611, Arlington, VA 22201.

REAL ESTATE TAXES

The Arlington County Board will hold a public hearing on the 2011 real estate tax rates on March 24, 2011, at 7:00 p.m. in the County Board Room at 2100 Clarendon Boulevard. The County Board will adopt 2011 real estate tax rates on April 16, 2011; the amount of taxes levied for 2011 cannot be determined until the rate is set. Real Estate Taxes are billed by the Treasurer of Arlington County in two installments due June 15 and October 5. A pending review by the Department or an appeal to the Board of Equalization does not change the due date for taxes.

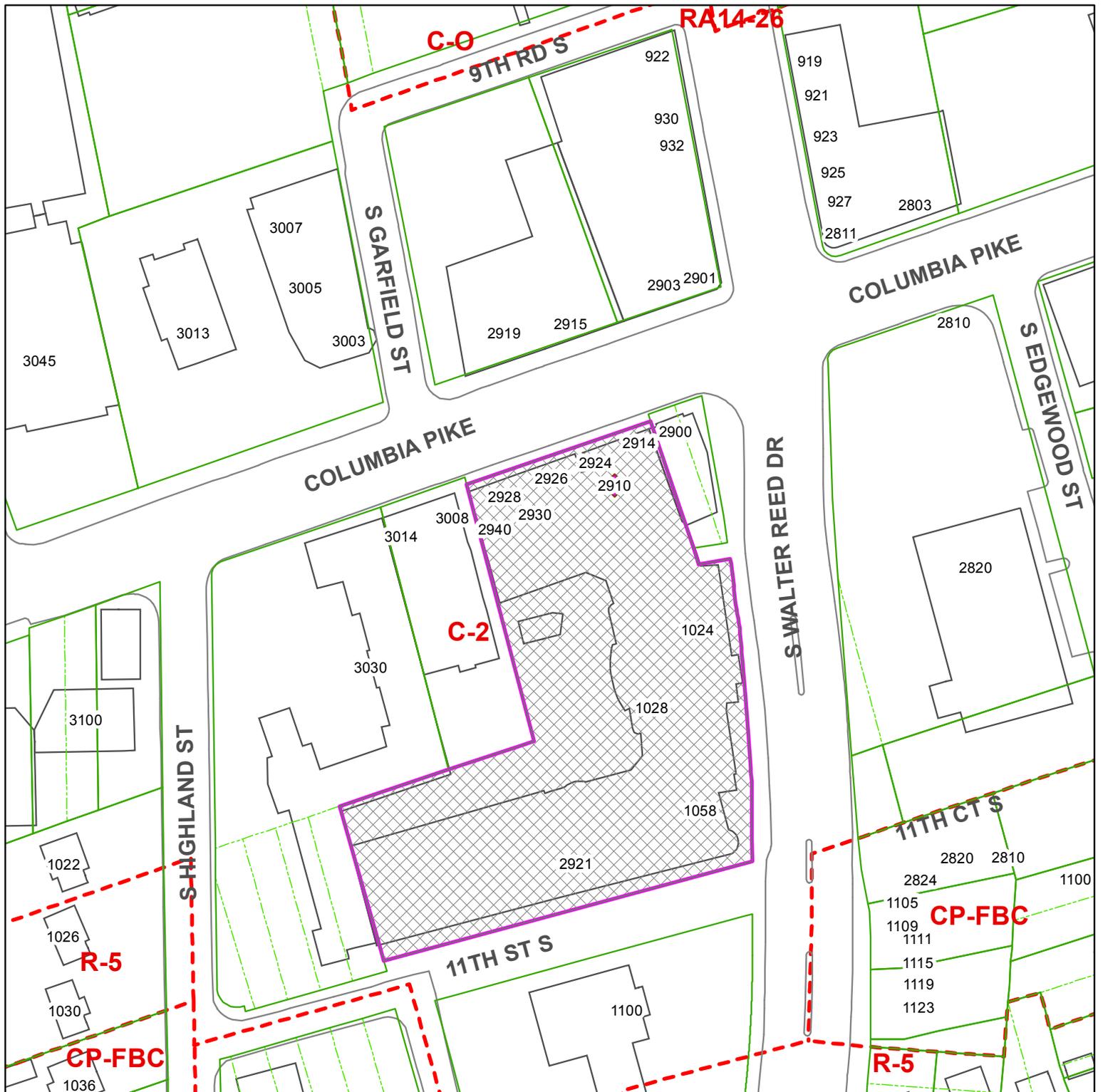
REAL ESTATE ASSESSMENTS, PROPERTY INFORMATION, NEIGHBORHOOD SALES LISTS, REVIEW AND APPEAL FORMS ARE AVAILABLE ON THE ARLINGTON COUNTY WEB SITE: www.arlingtonva.us

(select Real Estate Assessments under "Popular Resources")

YOU MAY ALSO REQUEST FORMS BY WRITING OR CALLING THE DEPARTMENT.

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION

Para una traducción de este documento en español contacta por favor el departamento de evaluaciones de bienes raíces al (703) 228-3920.



U-3323-11-1

2910 Columbia Pike

RPC# 32-006-030



 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.