



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of March 10, 2012

DATE: March 1, 2012

SUBJECT: U-3018-01-1 USE PERMIT REVIEW allowing live entertainment and dancing for 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 quarterly administrative reviews (June, September, and December 2012) and a County Board review in one (1) year (March 2013).

ISSUES: This is a use permit review for live entertainment and dancing at Sports House Grill. A notice of violation letter was sent to the applicant in December 2011 by the Zoning Office explaining outstanding violations that exist at the site related to their conditions of approval. Zoning staff and the Police Department have been in communication with the applicant to mitigate these issues in a timely fashion. The affected civic associations have been notified in detail about the use permit review and the existing issues at the site. Quarterly administrative reviews and a one (1) year County Board review are recommended to continue to monitor this use. If the administrative reviews show noncompliance with the use permit conditions or heightened police activity at the site, staff can present this case for a shorter County Board review.

SUMMARY: This is a use permit review for live entertainment and dancing for the Sports House Grill. Over the past several years the use permit has had numerous reviews. There were some police incidents reported during the last review period and a notice of violation letter was sent to the applicant by the County's Zoning Office for violating Conditions #1 and #8 of the use permit. The violations included a deejay performing for patrons on a day when live entertainment was not permitted (violation to Condition #1) and the Police Department

County Manager: *BMD/GA*

County Attorney: *[Signature]* *[Signature]*

Staff: Marco Antonio Rivero, DCPHD, Planning Division

PLA-6144

indicating that the restaurant's staff had not yet completed the State Training Intervention Procedures (TIPS) program (violation to Condition #8). The Police Department, Zoning Inspections staff, and Planning staff have met with the applicant to discuss the issues related to this site. The applicant has made progress at rectifying the issues and will be working with Zoning Inspections staff in order to correct the issues related to their notice of violation. County staff will coordinate with the applicant and monitor this use permit closely in order to make sure that all conditions are being met. The affected civic associations have been notified in detail about the use permit review and the existing issues at the site, but no formal comments have been submitted as of the writing of this report. Staff supports quarterly administrative reviews and a one (1) year County Board to continue to monitor this use permit. Therefore, staff recommends renewal of the use permit for live entertainment and dancing at Sports House Grill, subject to all previous conditions, with quarterly administrative reviews (June, September, and December 2012) and a County Board review in one (1) year (March 2013).

BACKGROUND: Sports House Grill is located at the intersection of South Glebe Road and Columbia Pike in the Westmont Shopping Center. There have been numerous reviews of the use permit for live entertainment and dancing since approval in 2001 due to Police concerns at the restaurant. The following graphic provides additional information about the site and location:



Source: Bing™ Maps

DISCUSSION: The following is information on the use permit since the last County Board review in March 2011 and administratively reviewed in September and November 2011:

The Zoning Office has monitored this site with the help of the Police Department and on December 19, 2011 sent out a notice of violation to the applicant explaining the outstanding violations that existed on-site. The notice of violation letter explains the following in more detail:

- **Sunday, September 11, 2011 and Monday, November 22, 2011:** a County zoning inspector observed a deejay performing for patrons on a day when live entertainment was not permitted (Condition #1 of the use permit).
- **Thursday, December 15, 2011:** a County zoning inspector received documentation from a County police officer indicating that the restaurant's staff had not yet completed the State Training Intervention Procedures (TIPS) program (Condition #8 of the use permit).

The notice of violation letter provided guidelines for correcting the issues related to Conditions #1 and #8 of the use permit. The applicant has been proactive at rectifying the violations associated with this use permit. The applicant, Police, Zoning Inspections and Planning staff met on Thursday, February 2, 2012 to address these issues. The applicant was made aware that they cannot renew their dance hall permit until these issues have been resolved. Currently, all dancing at this location has been suspended.

The applicant has made progress at rectifying the issues associated with the restaurant. The applicant will be working with Zoning staff in order to correct the issues related to their notice of violation. Police, Zoning Inspections and Planning staff will coordinate with the applicant and monitor this use permit closely in order to make sure that all conditions are being met.

Therefore, staff believes that with some careful review, and with the efforts to which the applicant is now committing, the use can become successful, and not have undue adverse impacts on surrounding properties.

Since the last use permit review (March 12, 2011):

Use Permit Conditions: The applicant is currently working with the Zoning Office to correct two (2) violations related to Conditions #1 and #8 of the use permit.

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

Police Department: Since the last County Board review on March 12, 2011 there were four (4) police incidents during times of approved live entertainment, but these calls were made for incidents that occurred within the vicinity of the restaurant and shopping center. An additional incident was reported that was directly related to the restaurant. However, this incident occurred after times of approved live entertainment. The applicant continues to work with Police to ensure all restaurant staff has State Training Intervention Procedures (TIPS) training. Police received follow-up TIPS training documentation from the applicant for new hires on February 2, 2012. Workers who unsuccessfully completed TIPS training are currently not working at the establishment.

State Alcohol Beverage Control (ABC): 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. Furthermore, the Columbia Pike Revitalization Organization (CPRO) was also contacted about this use permit review. The civic associations were informed about this use permit review on various occasions and were explained the details regarding the applicant's past issues and the progress they have made today. The Alcova Heights Citizens Association supports staff's recommendation. As of the writing of this staff report, no comments have been received by the other civic associations or CPRO.

CONCLUSION: There are still pending issues on this site, but the applicant has been working proactively with Police, Zoning Inspections and Planning staff to resolve these matters. County staff would like to work with the applicant and monitor this use permit closely in order to make sure that all conditions are being met, and that any recorded incidences by Police are handled in an efficient and responsible manner. Therefore, staff recommends renewal of the use permit for live entertainment and dancing at Sports House Grill, subject to all previous conditions, with quarterly administrative reviews (June, September, and December 2012) and a County Board review in one (1) year (March 2013).

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.

September 25, 2010

Renew the use permit for live entertainment and dancing at Sports House Grill, subject to all previous condition 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).

March 12, 2011

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 (September 2011) and a County Board review in one (1) year (March 2012).

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 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.

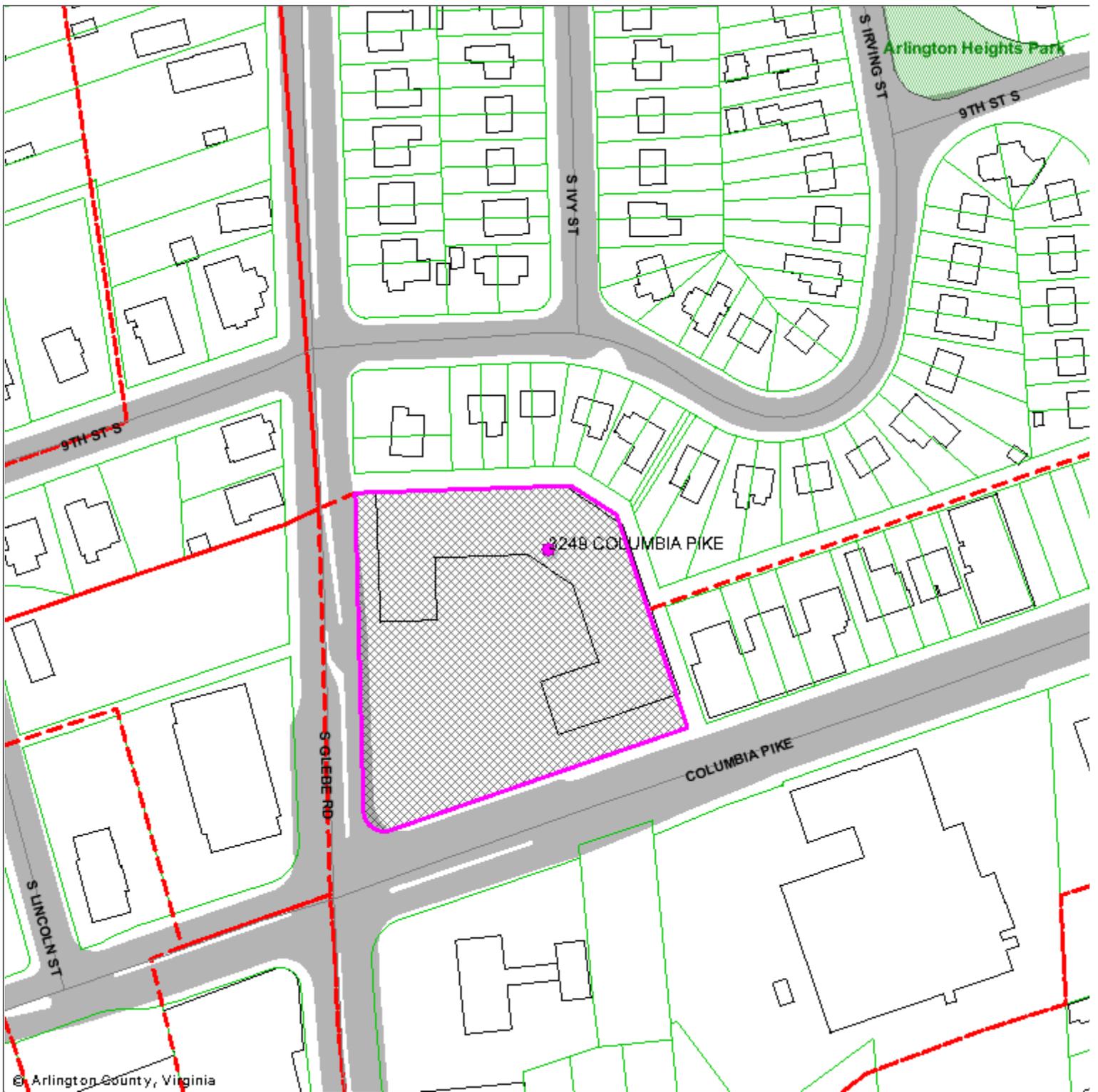
9. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as "Sports House Grill" and/or at such time a new Certificate of Occupancy is obtained for the property.

U-3018-01-1 : AHCA , in support.

Marco Rivero

From: Mjvness@aol.com
Sent: Tuesday, February 28, 2012 4:59 PM
To: Marco Rivero
Subject: Re: U-3018-01-1 Use Permit Review: Sports House Grill

Mr. Rivero, The Alcova Heights Citizens Associations approves the request for the use permit for the Sports House Grill and concurs with the stated reviews. Thank you. Marie Van Ness, President



U-3018-01-1 USE PERMIT REVIEW
3249 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

