



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of March 10, 2012

DATE: February 22, 2012

SUBJECT: U-3328-12-1 USE PERMIT for live entertainment at LA Bar & Grill; located at 2530 Columbia Pike (RPC# 32-002-001).

Applicant: L. A. Bar & Grill
Sean Deloatche, General Manager
2530 Columbia Pike
Arlington, VA 22204

C.M. RECOMMENDATION:

Approve the use permit for live entertainment, subject to the conditions in the report, with an administrative review in six (6) months and a County Board review in one (1) year (March 2013).

ISSUES: This is a request for a use permit for live entertainment at the L. A. Bar & Grill. The application was brought in response to a Zoning violation, in which the applicant was found to have live entertainment without a permit. Since December 9, 2011, when the Arlington County Police Department observed live entertainment, there have been no further reported violations.

SUMMARY: This is a request for a use permit for live entertainment at L.A. Bar & Grill on Thursdays (open mike from 9:00 p.m. until 1:00 a.m.), Fridays (live 1-4 person band from 9:00 p.m. to 1:00 a.m.), and Saturdays (karaoke from 8:00 p.m. to 1:30 a.m.). The site is located at 2530 Columbia Pike on the lower level of a small shopping center facing the rear parking lot and the adjacent residential townhouse units. The site is also across Columbia Pike from the Penrose Square development. Staff recommends approval of the subject application subject to the conditions included the staff report with an administrative review in six (6) months and a County Board review in one (1) year (March 2013).

BACKGROUND: The applicant is requesting approval of a use permit for live entertainment at L.A. Bar and Grill on Columbia Pike. The site is located in the Arlington Village shopping center at 2530 Columbia Pike and is described as follows:

County Manager: *BMD/GA*

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

Staff: Sophia S. Fisher, DCPHD, Planning Division

PLA-6138

16.

The following provides additional information about the site and location:

Site: The site is bound on the north by Columbia Pike, to the east by South Barton Street, and to the west by South Cleveland Street. There is residential to the south of the site, and the Penrose Square development is across Columbia Pike to the north.

Zoning: The site is zoned primarily C-2, Service Commercial (a portion of the parcel, the rear parking lot, is zoned RA 14-26, Apartment Dwelling Districts).

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 located in the Columbia Heights Civic Association. The Civic Association has submitted a letter in support of this application.

DISCUSSION: The owners of L. A. Bar & Grill are requesting a use permit for live entertainment on Thursdays (open mike night from 9 p.m. until 1:00 a.m.), Fridays (live 1-4 person bands from 9:00 p.m. to 1:00 a.m.), and Saturdays (karaoke from 8:30 p.m. to 1:30 a.m.). The applicant is proposing to use two speakers for amplification.

The restaurant is located in the lower level of a shopping center south of Columbia Pike, to the rear of the building facing the parking lot and adjacent residential units. Parking is available on site as well as on the adjacent streets. The applicant has agreed to the standard conditions for live entertainment, including keeping all doors and windows shut during live entertainment except for patrons entering and exiting, in order to minimize noise impacts. Staff finds that, as conditioned, the proposed live entertainment will not cause undue adverse impacts on the surrounding community, and that the proposed live entertainment is located in an area designated as Service Commercial on the GLUP, which expects restaurants with live entertainment.

Zoning Inspection: The use permit application was filed in response to a notice of violation that was served because Zoning Inspectors and the Arlington County Police Department observed live entertainment occurring without a use permit during a routine check in December. Since then, there have been no further reported issues. This application addresses the zoning violation.

Police Department: Since December 2011 when live entertainment was observed without a use permit, the Police Department has reported no further complaints or violations regarding the use.

Code Enforcement: Code enforcement has not reported any complaints or violations regarding the use.

Fire Marshal's Office: The Fire Marshal's Office has not reported any complaints or violations regarding the use.

Civic Associations: The subject site is located in the Columbia Heights Civic Association. The Civic Association has submitted a letter in support of this application.



Source: Bing Maps

CONCLUSION: The applicant's proposal for live entertainment, with the proposed conditions, should not have an undue negative impact on adjacent properties. Live entertainment has been in operation at L.A. Bar & Grill for several years without incident, and has the support of the surrounding community. This application addresses a zoning violation, and the applicant has agreed to all conditions. 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 is recommending approval subject to the conditions listed in the staff report, with an administrative review in six (6) months and a County Board review in one (1) year, subject to the following conditions:

Conditions

1. The applicant agrees that live entertainment is permitted only on Thursdays (open mike night from 9 p.m. until 1:00 a.m.), Fridays (live 1-4 person bands from 9:00 p.m. to 1:00 a.m.), and Saturdays (karaoke from 8:30 p.m. to 1:30 a.m.).
2. The applicant agrees to comply at all times with the Arlington County noise ordinance. The applicant further agrees that the windows and doors at the premises shall remain closed at all times during the times of live entertainment. Under no circumstances shall

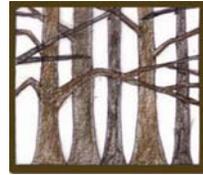
live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.

3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
5. The applicant agrees to designate 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 Columbia Heights Civic Association.

PREVIOUS COUNTY BOARD ACTIONS:

There are no previous County Board actions.

Columbia Heights Civic Association
Post Office Box 41556
Arlington, Virginia 22204



February 6, 2012

To: Arlington County Board

Re: Use Permit Application
ZADM 1923
L.A. Bar & Grill

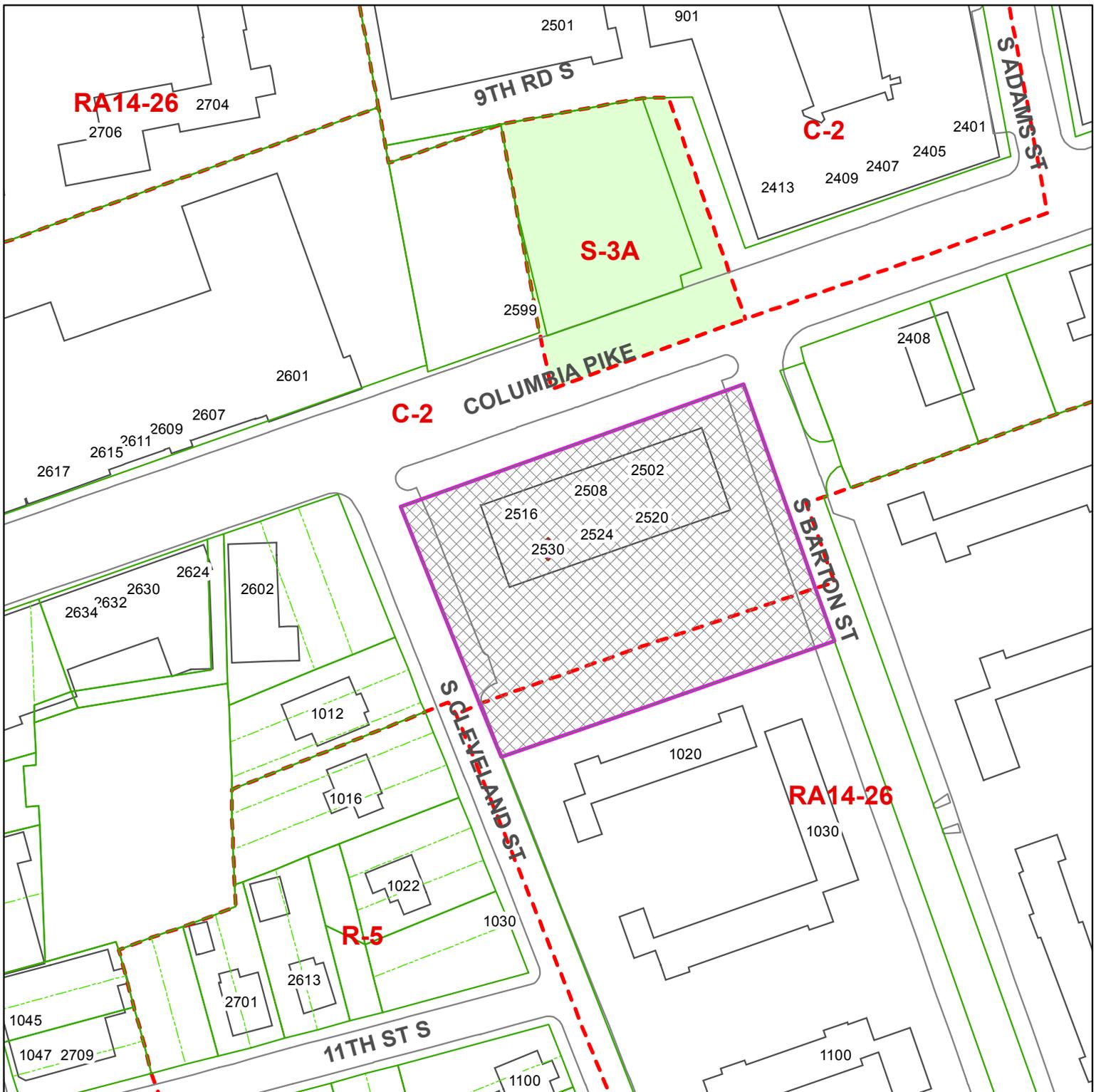
Columbia Heights Civic Association wishes to express its support for a use permit filed by L.A. Bar & Grill, located at 2530 Columbia Pike, which would allow live entertainment at that establishment. Our neighborhood has appreciated the efforts of L.A. Bar & Grill providing live entertainment. We believe that this kind of establishment helps to build community spirit, and in fact our Civic Association has held one of its meetings at this restaurant.

Thank you for considering this accommodation.

Sincerely,

A handwritten signature in black ink that reads "Edward Miltenberger". The signature is written in a cursive style with a large, prominent initial "E".

Ed Miltenberger
President



U-3328-12-1

2530 Columbia Pike

RPC# 32-002-001



 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.