



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 19, 2012**

DATE: May 4, 2012

SUBJECT: U-3309-11-1 USE PERMIT for live entertainment at El Rancho Migueleno; located at 3709 Columbia Pike (RPC# 23-039-031).

Applicant:

El Rancho Migueleno
3709 Columbia Pike
Arlington, Virginia 22204

C.M. RECOMMENDATION:

Approve the subject use permit for live entertainment subject to the conditions of the staff report, with an administrative review in six (6) months (November 2012) and a County Board review in one (1) year (May 2013).

ISSUES: This is a use permit request for live entertainment. Several issues have been identified, including repeated police incidents and concerns from the neighborhood regarding noise.

SUMMARY: This is a request for live entertainment (karaoke) at El Rancho Migueleno Restaurant. No dancing has been requested, and the applicant has been informed that dancing would require a separate action from the County Board. In November 2011, the County Board deferred the use permit request for six (6) months in order to allow the applicant time to address the issues that had been identified. These issues included police incidents such as assaults and destruction of property, as well as neighbor concerns about noise. Since the application was deferred in November, the number of police calls for service has been reduced from over 20 in the year prior to the November deferral to four (4) in the six (6) months since the application was deferred. However, the neighborhood and the police remain concerned with the proposed application as presented. The applicant initially requested that the hours for live entertainment be from 9:30 p.m. to 1:30 a.m. Wednesday – Saturday. The applicant has agreed with the staff

County Manager:

BMD/GA

County Attorney:

[Handwritten signatures]

Staff: Sophia S. Fisher, DCPHD, Planning Division

PLA-6193

10.

recommendation of Thursday – Saturday from 9:30 p.m. to 12:30 a.m. Staff notes that the hours of operation can be evaluated at the time of the County Board review, and may be extended if the use is in compliance with all applicable conditions and regulations, and is in good standing with the neighborhood. Staff is recommending an administrative review in six (6) months to monitor the operation of live entertainment at this site. Staff believes that, subject to the conditions identified in this staff report, no undue adverse impacts will result from the operation of live entertainment at this site. Therefore, staff recommends that the County Board approve the subject use permit, subject to the conditions of the staff report, with an administrative review in six (6) months (November 2012), and a County Board review in one (1) year (May 2013).

BACKGROUND: This is a request for live entertainment at 3709 Columbia Pike. The site is developed with a two (2) story structure fronting on Columbia Pike, with parking in the rear. The restaurant occupies space on the first floor. Other uses in the building include a hair salon.

The following provides additional information about the site and location:

Site: The site is approximately 17,423 sq. ft. and is located on the block generally bounded by 9th Street South to the north, S. Monroe Street to the east, Columbia Pike to the south and S. Oakland Street to the west. Immediately adjacent to the property north is single-family residential and adjacent east and west are other commercial retail uses. Across Columbia Pike, immediately south of the property is low-rise multifamily, Oakland Apartments, a vehicle service establishment and other commercial retail uses.

Zoning: The site is zoned [“C-2” Service Commercial—Community Business Districts](#).

General Land Use Plan: The site is designated on the [General Land Use Plan \(GLUP\)](#) as Commercial and Industrial “Service Commercial,” is within the Columbia Pike Special Revitalization District, and is subject to the [Columbia Pike Initiative – A Revitalization Plan \(Update 2005\)](#).

Neighborhood: The site is located in the Alcova Civic Association. The Civic Association has raised concerns regarding both noise and the severity of the crimes reported at the restaurant. However, there is also support in the community for a limited approval because rather see a business succeed than an empty storefront. The Civic Association has submitted a letter outlining their support, with the following stipulations:

1. The live entertainment be presented Thursday -Saturday from 9:30 pm to 12:30 am
2. A security guard be present at all times during the hours of live entertainment
3. Signs be placed outside of the restaurant stating that noise be kept to a minimum
4. Restaurant doors and windows be closed during the live entertainment time
5. The use permit be reviewed by the county board in 6 months with police and neighborhood input

Staff notes that points 1 – 4 have been addressed through the proposed conditions of approval and that a six (6) month administrative review has been added to the approval to allow for citizen and police input on the application prior to the County Board review in May 2013.



Source: Bing Maps

DISCUSSION: This is a request for live entertainment (karaoke) at El Rancho Migueleno restaurant at 3709 Columbia Pike. This application was deferred by the County Board for six (6) months (November 2011) in order to give the applicant time to address some of the issues that were raised during the initial review. These issues included police incidents and concerns from the community about noise and crime. In November, staff met with the applicant, representatives from the Civic Association, and the Arlington County Police Department to discuss the application and determine a strategy to address the issues that had been raised. One of the concerns raised by the police involved over serving of alcohol to patrons. To address this, the applicant agreed to attend the RSVP (Responsible Sellers and Servers) training program offered by the Virginia Department of Alcohol and Beverage Control (ABC). The applicant also agreed to work on developing a better relationship with the Police Department. Members of the Alcova Heights Civic Association who attended the meeting expressed that they were concerned about the issues that had been raised by the police and by staff, but also that they would prefer to see a successful business, and indicated that they could support a limited approval.

The applicant initially requested live entertainment (karaoke) from 9:30 p.m. to 1:30 a.m. Wednesday – Saturday. After reviewing the application, staff recommended that the days be reduced to Thursday – Saturday evenings, from 9:30 p.m. to 12:30 a.m. Staff is recommending the reduced hours to be consistent with other approvals where issues with crime and noise have been raised. Staff notes that the hours of operation can be reviewed when the County Board reviews the application in May 2013, and may be extended by adding additional hours or days if the live entertainment use is found to be in compliance with all applicable regulations and the applicant has worked to improve their relationship with the police to improve communication and manage potential incidents before they escalate.

CONCLUSION: Staff is recommending an administrative review in six (6) months to monitor the operation of live entertainment at this site. Staff believes that, subject to the conditions identified in this staff report, no undue adverse impacts will result from the operation of live entertainment at this site. Therefore, staff recommends that the County Board approve the subject use permit, subject to the conditions of the staff report, with an administrative review in six (6) months (November 2012), and a County Board review in one (1) year (May 2013).

Conditions:

1. The applicant agrees that live entertainment (karaoke) is permitted only from 9:30 p.m. to 12:30 a.m., Thursday through Saturday evenings.
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 Virginia Department of Alcohol Beverage Control (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:30 p.m. until closing on nights that have live entertainment. The on-site security may consist of “in house” staff, so long as that staff is dedicated to security only while they provide this security.
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 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), RSVP (Responsible Sellers and Servers), or similar certification.
6. The applicant agrees that dancing is not permitted unless and until a further use permit approval is obtained from the County Board.
7. The applicant agrees to post sign signs in windows telling patrons to respect the peace of residential neighborhoods and to please 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 clean the sidewalk in front of its establishment each morning, including sweeping and picking up cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
10. 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 Alcovia Heights Civic Association.

PREVIOUS COUNTY BOARD ACTIONS:

November 19, 2011

Deferred a request for live entertainment to the May 19, 2012 County Board Meeting.

From: mjvness@aol.com
To: [Sophia S. Fisher](#)
Cc: [Brett Butler](#); [Richard Rodriguez](#)
Subject: Re: El Rancho Migueleno
Date: Monday, May 07, 2012 10:40:32 AM

Sophia S. Fisher, AICP
Department of Community Planning, Housing and Development
Planning Division
2100 Clarendon Blvd. Suite 700
Arlington, VA 22201

Subject: Use Permit El Rancho Migueleno

Dear Ms Fisher:

The Alcova Heights Citizens Association (AHCA) Board has considered the request of El Rancho Migueleno restaurant for a use permit for live entertainment. We support the recommendation that the permit be granted for a six(6) month period with the follow stipulations:

- 1) the live entertainment be presented Thursday -Saturday from 9:30 pm to 12:30am
- 2) a security guard be present at all times during the hours of live entertainment
- 3) signs be place outside of the restaurant stating that noise be kept to a minimum
- 4) restaurant doors and windows be closed during the live entertainment time
- 5) the use permit be reviewed by the county board in 6 months with police and neighborhood input

The AHCA Board reached the decision with some reservations. These were based on the concerns that, although the owner has followed through on getting the staff trained, there still seems to be an underlying reluctance to trust and work with the police. This lack of cooperation leaves the question of how well the staff has been able to put their RSVP training into useful practice and are they, and the owner ,seeing better results with their patrons. Any known positive experiences would be encouraging to all of us.

We will continue to check with the police and neighbors for any feedback. Thank you for your efforts.

Marie Van Ness
President
Alcova Heights Citizens Association

-----Original Message-----

From: Sophia S. Fisher <SSfisher@arlingtonva.us>
To: mjvness <mjvness@aol.com>
Sent: Wed, May 2, 2012 5:55 pm
Subject: El Rancho Migueleno

Marie,

I know I just sent you the information about the RSVP certificates yesterday, but I wanted to check in with you and see if you'd gotten any feedback from your community. Also, I have drafted the following for my staff report:

The site is located in the Alcova Civic Association. The Civic Association has raised concerns regarding both noise and the severity of the crimes reported at the restaurant. However, there is also support in the community for a limited approval, provided that the applicant complies with the conditions of approval because the community would rather see a business succeed than an empty storefront.

I wanted to run it past you and make sure that it accurately reflects the sentiments in your community. At this point, I still do not have a final recommendation.

Thank you,

Sophia

Sophia S. Fisher, AICP

Associate Planner



DEPARTMENT OF COMMUNITY PLANNING, HOUSING & DEVELOPMENT

Planning Division

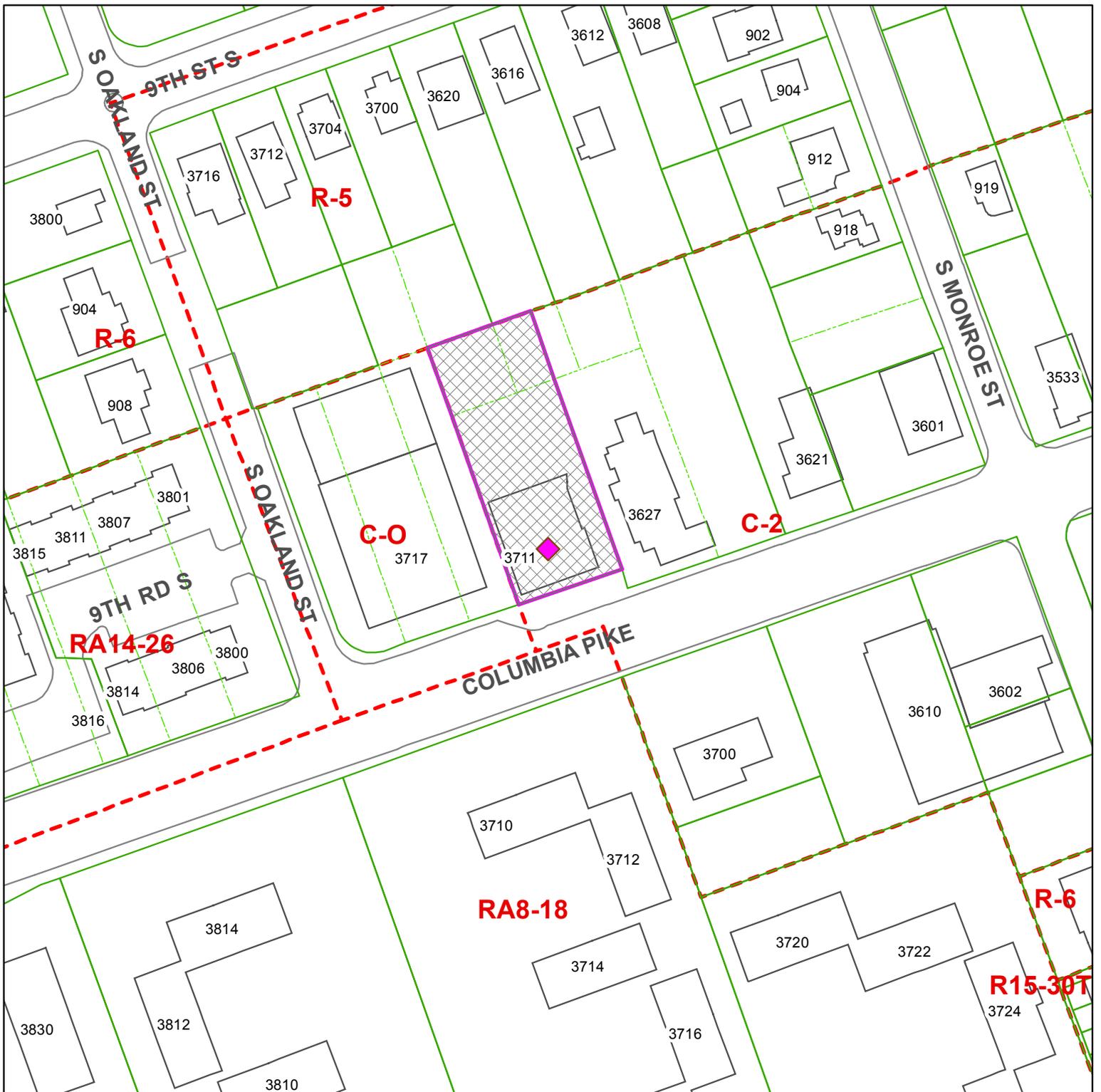
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U-3309-11-1

3709 Columbia Pike

RPC# 23-039-031



 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.