



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of October 20, 2012**

DATE: October 9, 2012

SUBJECT: U-3346-12-2 USE PERMIT for live entertainment and dancing at Liberty Tavern; located at 3195 Wilson Blvd. (RPC# 15-075-004).

Applicant:

Liberty Tavern
3195 Wilson Boulevard
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the subject use permit, subject to the conditions of the staff report, with a County Board review in November 2013.

ISSUES: This is a request for live entertainment and dancing at the Liberty Tavern, and no issues have been identified.

SUMMARY: The owners of Liberty Tavern, located within the 3100 block of Wilson Boulevard in Clarendon, are requesting a use permit to provide live entertainment at the restaurant in the form of bands, solo performers, and DJ's. The applicant does not intend to begin having dancing at this time; however should this use permit be approved the applicant could pursue providing dancing subject to securing a dancehall permit. All live entertainment would be provided inside of the building. The applicant has agreed to standard conditions for live entertainment uses in Clarendon, and has further agreed to hours of operation consistent with those for other live entertainment use permits on the same block. Staff supports live entertainment at this location as it is located on a busy commercial street and will not adversely impact residential uses. Staff is recommending that the County Board review the subject use permit in November 2013. This review will track with the administrative review of the Clarendon live entertainment uses that will also be conducted in November 2013. Therefore, staff recommends approval of the subject use permit, subject to the conditions of the staff report, with a County Board review in November 2013.

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division

PLA-6285

10.

BACKGROUND: The applicant is proposing live entertainment at the Liberty Tavern restaurant located at the corner of Wilson Boulevard and North Irving Street in Clarendon.

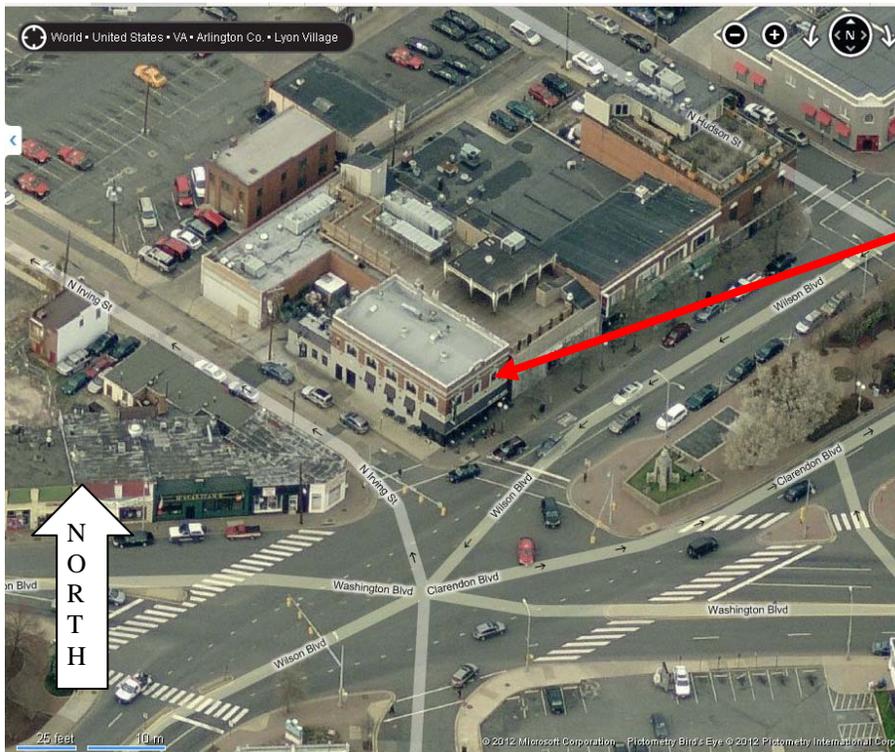
The following provides additional information about the site and location:

Site: The building fronts Wilson Boulevard, and is located on the block bounded by Wilson Boulevard on the southeast, N. Hudson Street on the northeast, 13th Street N. on the northwest, and N. Irving Street to the southwest.

Zoning: The site is zoned [“C-3” General Commercial Districts.](#)

Land Use: The subject site is designated on the [General Land Use Plan \(GLUP\)](#) as Mixed Use “Medium Density Mixed-Use.”

Neighborhood: The site is located within the Lyon Village Civic Association. Staff also contacted the Clarendon-Courthouse Civic Association (CCCA) regarding this request as it is standard practice to contact both civic associations for projects located in Clarendon.. Lyon Village has submitted a letter (see attachment) expressing that they have no objections to live entertainment at this location provided the applicant ensures that there is no outdoor live entertainment, and such that indoor live entertainment is configured so as not to be audible to the outdoor patio or from the property line. The CCCA has submitted a letter (see attached) expressing that they support the applicant’s request provided that the Lyon Village Civic Association also supports it, and that live entertainment not be piped outdoors.



Liberty Tavern (3195 Wilson Boulevard)

Source: Bing Maps

DISCUSSION: This is a use permit for live entertainment and dancing at Liberty Tavern, located at the corner of Wilson Boulevard and North Irving Street in Clarendon. The applicant proposes live entertainment in the form of DJ's, bands, and solo performers; the applicant does not intend to begin having dancing at this time, however should the use permit be approved the applicant could provide dancing subject to securing a dancehall permit. The applicant has agreed to conditions that live entertainment be provided during the hours of 11 a.m. to 1 a.m. Fridays and Saturdays, and from 11 a.m. to 9 p.m. weeknights. All live entertainment would be provided inside of the building. The proposed stage is located at the corner of the building closest to the street, and will not impact serving activities to the outdoor seating areas. The applicant has further agreed to the conditions recommended as standard conditions by the Guidelines and Standard Conditions for Live Entertainment in Clarendon, which was developed with staff, community, and business input in November 2010. No live entertainment would be permitted to be held outdoors, and all windows and doors to the restaurant would be closed during the hours in which live entertainment is provided. The restaurant fronts on Wilson Boulevard, which is an active, commercial street in Clarendon (defined in the Master Transportation Plan (MTP) as Arterial "Type A-Primarily Retail Oriented Mixed-Use"). Staff believes that there will be no undue impact to adjacent neighborhoods given the conditions to which the applicant has agreed. Live entertainment at this location will contribute to the active, entertainment-oriented character of Clarendon.

CONCLUSION: Staff supports approval of the use permit for live entertainment and dancing at Liberty Tavern. The restaurant is located along Wilson Boulevard in Clarendon, and live entertainment will contribute to an active, entertainment-oriented neighborhood. The applicant has agreed to the standard conditions for Clarendon live entertainment uses. Staff is recommending that this use permit be reviewed by the County Board in November 2013, which will be concurrent with the administrative review of the Clarendon Live Entertainment uses so that inspections and community input to occur with the remainder of the live entertainment permits. Therefore, staff recommends approval of the subject use permit, subject to the conditions of the staff report, with a County Board review in November 2013.

Conditions:

1. The applicant agrees that live entertainment is permitted only from 11:00 a.m. to 9:00 p.m. on Sundays through Thursdays, and only from 11:00 a.m. to 1:00 a.m. on Fridays and Saturdays.
2. The applicant agrees to comply with all applicable laws, including, by way of illustration and not limitation, 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 that have bands or deejays whose primary purpose is to serve a dancing crowd. 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 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 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 make customers aware of 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 participate in the established Clarendon Live Entertainment Neighborhood Advisory Group, consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Fire Marshal, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses. One (1) of the quarterly meetings will consist of an educational seminar to review requirements and regulations of various departments, codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.
12. 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, the Lyon Park Civic Association, and the Clarendon Alliance.

13. The applicant agrees that the use permit for live entertainment shall be reviewed by the County Manager or her designee upon any change of tenancy of the subject space currently occupied by Liberty Tavern (3195 Wilson Boulevard). The applicant also agrees to notify the County Manager or designee in writing before a change of tenancy of the subject space.

PREVIOUS COUNTY BOARD ACTIONS:

February 21, 2009

Accepted withdrawal of use permit for outdoor seating.

Pam Locke

From: James Lantelme <jatel@me.com>
Sent: Wednesday, September 26, 2012 10:31 AM
To: Matthew Pfeiffer; Kenneth Fulton; sean.lowder@thelibertytavern.com
Subject: Live entertainment permit

Matt,

The Lyon Village Citizens Association has no objections to Liberty Tavern's live music permit as modified and subject to the below conditions. I have spoken with Sean Lowder and I believe he is agreeable.

1. No outdoor live entertainment allowed, except when an outdoor music permit is granted for a special event. For example, no live entertainment is allowed to happen in—or be piped to outdoor speakers—in a sidewalk café, an outdoor patio, or a rooftop.
2. Indoor music will be positioned in the restaurant such that service to outdoor customers does not result in noise from the indoor live entertainment traveling across the Liberty Tavern property boundary.

We also have all noted that while there are no residents within a long block from the site, the Zom apartment building is under construction and will presumably have residents overlooking the site within about 18 months. Under the standard county and staff review periods, those residents will have opportunity to be heard should any unanticipated issues arise.

Jim Lantelme
President
LVCA
703-618-4315

Sent from my iPad

Pam Locke

From: Kenneth Fulton <kennethgfulton@yahoo.com>
Sent: Monday, September 24, 2012 9:17 PM
To: Matthew Pfeiffer
Cc: Jim Lantelme; sean.lowder@thelibertytavern.com
Subject: CCCA position on Liberty Tavern live entertainment permit

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Matthew,

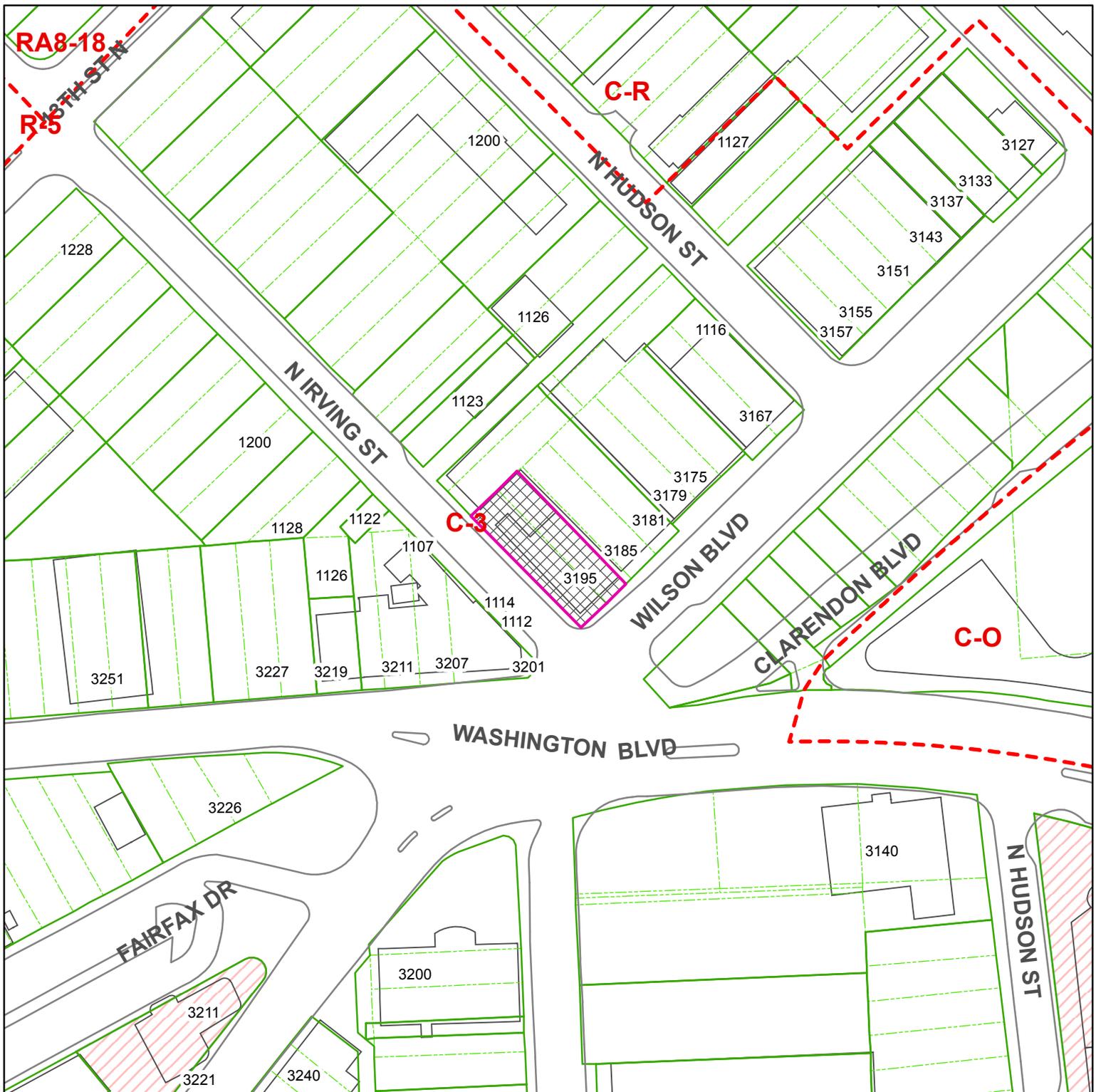
Attached please find the CCCA's position on the Liberty Tavern live entertainment permit. The CCCA supports the approval of the application for a period of one year with the following specific conditions:

- 1) Because the Liberty Tavern is officially within the boundaries of the Lyon Village Civic Association (LVCA), our support is conditioned on that of LVCA.
- 2) The live entertainment permit must include all of the standard conditions applicable for other businesses, and in particular the conditions should clearly stipulate that music may not be piped outdoors, and the establishment doors and windows must be kept closed during live entertainment hours.

Please don't hesitate to contact me if you have questions.

Regards,

Ken Fulton
CCCA President
703-243-2536



U-3346-12-2

3195 Wilson Blvd.

RPC 15-075-004



 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.