



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 19, 2008**

DATE: April 10, 2008

SUBJECT: U-3018-01-1 USE PERMIT REVIEW for live entertainment and dancing at 3249-3253 Columbia Pike (Sports House Grill) (RPC #25-012-015)

Applicant:

Hugo Flores
3249 Columbia Pike
Arlington, Virginia 22204

C.M. RECOMMENDATION:

Renew, subject to the conditions in the staff report, with a review by the County Board in six (6) months (October 2008).

ISSUES: This is a review of a live entertainment use at the Sports House Grill located in the Westmont shopping center which has a history of public safety issues, and staff is recommending a short review period including an additional condition to further monitor the establishment.

SUMMARY: The applicant seeks renewal of a use permit to continue live entertainment at the Sports House Grill and Restaurant. The Arlington Police Department reports that there have been numerous public safety issues related to intoxication at this site since the last County Board review in May 2007. The use permit has had several short reviews since 2005 due to chronic public safety issues. An additional short review period is recommended in order to monitor the live entertainment uses and determine compliance with approved use permit conditions. However, if the business continues to generate public safety violations during the next review period, staff will recommend revoking the live entertainment use permit. Staff has informed the applicant that an additional condition is recommended in an effort to reduce the number of public safety incidences at this site and bring the business into compliance with State and County regulations. Therefore, it is recommended that the use permit be renewed, subject to all previous conditions, and one additional condition, with a review by the County Board in six (6) months (October 2008).

BACKGROUND: The original use permit for live entertainment at the Sports House Grill was approved with conditions on November 5, 2001, and was reviewed and continued for three (3) years on November 16, 2002. In November 2005, the County Board reviewed and continued the use for six months due to site maintenance and noise issues. In May and November 2006 and May 2007, the use was continued by the County Board with six-month review periods because

County Manager: _____

Staff: Rasheda DuPree McKinney, DCPHD, Planning Division

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the Police Department noted a number of public safety issues regarding intoxication and altercations outside of the restaurant and in the parking lot at this location. The use permit was inadvertently not reviewed in November 2007.

DISCUSSION: The Sports House Grill restaurant continues to provide live entertainment and dancing for patrons from 10 p.m. to 1 a.m. on Thursdays, Fridays, and Saturdays. The highest attendance occurs on weekends during live entertainment hours and on Tuesday evenings when the restaurant provides satellite television viewings of soccer games.

Staff recommends a new condition which requires all restaurant staff to complete the State Training Intervention Procedures (TIPS) program in an effort to reduce the number of incidences of intoxication and public safety issues at this site. TIPS is a state program which provides training for staff of businesses serving alcohol and teaches restaurant staff how to recognize the appropriate circumstances under which alcohol should be served. The applicant will be required to work with the Arlington Police Department to complete this training to address safety issues and ensure that the restaurant complies with all state and local public safety regulations.

Since the Last County Board Review (May 5, 2007):

Use Permit Conditions: The live entertainment use is in violation of Condition #2 of the approved use permit regarding adherence to state ABC and local public safety regulations. The applicant has agreed to take additional measures to more closely monitor safety both in and around this site.

Community Code Enforcement: Community Code Enforcement has not expressed any concerns regarding the continuation of this use.

Fire Marshal's Office: The Fire Marshal's Office has not expressed any concerns regarding the continuation of the live entertainment use.

Police Department: The Arlington Police Department notes that there have been a high number of calls to this site in response to public disturbances, public intoxication, destruction of property, and various other public order crimes.

State Alcohol Beverage Control (ABC): The subject restaurant has been cited for ABC violations within the current calendar year.

Civic Associations: The site is located in the Arlington Heights Civic Association Neighborhood and is adjacent to the Douglass Park and Alcova Heights Civic Associations. As of the date of this report, neither of the civic associations has expressed any concerns regarding the continuation of this use.

CONCLUSION: Although the applicant has taken measures to correct prior noise and maintenance violations, staff continues to have concerns about public safety incidences, which have occurred recently, in association with this use. If public safety issues continue to occur in the next review, staff will recommend revoking the use permit. The applicant has agreed to work with the State and County staff to correct outstanding ABC violations and to increase safety at this site. Staff recommends a short review of this site to determine the use's compliance with County and State regulations. Therefore, staff recommends that the use permit for live entertainment be renewed, subject to all prior conditions and the following new Condition #8, with a County Board review in six (6) months (October 2008):

New Condition:

8. The applicant agrees to work with the Arlington Police Department and ensure that all restaurant staff complete the State Training Intervention Procedures (TIPS) program. 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.

Approved Conditions:

1. The applicant agrees to limit the hours of live entertainment and dancing by customers to Thursday through Saturday between the hours of 10 p.m. - 1 a.m.
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.

PREVIOUS COUNTY BOARD ACTIONS:

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| 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.) |