



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of October 18, 2008**

**DATE:** October 1, 2008

**SUBJECT:** U-3205-08-1 USE PERMIT for live entertainment (karaoke) on the premises known as 2618 N. Pershing Dr. (RPC #18-056-005).

**Applicants:**

Alvaro Ronquillo Barrera and Alba Aguirre  
207 N. Wayne St., #2  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

Approve the use permit request for live entertainment, subject to the conditions of the staff report, and with an administrative review in six (6) months (April 2009), and a County Board review in one (1) year (October 2009)

**ISSUES:** This is a use permit for live entertainment at a restaurant located in the Country Club Dry Cleaner shopping center. The nearby restaurant Tallula uses this lot as overflow parking during its hours of operation. The Lyon Park Citizens Association has expressed concerns that the additional customers brought to the area by the live entertainment may cause parking and/or patron conduct issues.

**SUMMARY:** The applicant requests a use permit for a live entertainment use at an existing Guatemalan restaurant, El Manantial, located in a small shopping center just east of the intersection of Washington Boulevard and North Pershing Drive. Under the proposed use permit, the subject restaurant would provide karaoke for restaurant patrons on Thursday, Friday, and Saturday evenings; Sunday during the day; and during the day on Monday holidays. Live entertainment is considered a special exception in the "C-1" district, and is thus an allowed use at this site, subject to the conditions of a use permit. The applicant has agreed to conditions to help mitigate any potential impacts on the surrounding community, such as noise, patron conduct, parking, and health and safety of the general public. Therefore, staff recommends that the use permit be approved, pursuant to the conditions of the staff report; with an administrative review in six (6) months (April 2009), and a County Board review in one (1) year (October 2009).

**BACKGROUND:** The Certificate of Occupancy for El Manantial was issued in August 2007. The restaurant is within a shopping center and occupies a space which was formerly a grocery store. The restaurant seating capacity is 35 seats and total occupant load is 45 persons.

County Manager: \_\_\_\_\_

Staff: Matt Pfeiffer, DCPHD, Planning Division

PLA-5090

Site: The subject site is located within the Country Club Cleaners shopping center, located just to the east of the intersection of Washington Boulevard and North Pershing Drive. The property abuts retail and service uses, such as the dry cleaner, to the east within the shopping center, and single-family detached dwelling units farther to the east, northeast, and southeast of the site. To the west and northwest are additional retail and service uses including a pizza delivery, the Tallula/Eat Bar restaurant, a chiropractor's office, and other retail, including a gas station across Washington Boulevard. Directly to the south of the site are more single-family detached homes.

Zoning: "C-1" Local Commercial Districts.

General Land Use Plan Designation: "Service Commercial" (Personal and business services. Generally one to four stories. Maximum 1.5 FAR with special provisions within the Columbia Pike Special Revitalization District.)

Neighborhood: Lyon Park Citizens Association.

**DISCUSSION:** El Manantial proposes to provide live entertainment for restaurant patrons for up to four (4) days per week during non-holiday weeks, and (5) days per week during weeks when a federal holiday falls on a Monday. The proposed live entertainment use is karaoke. One (1) small performance space/karaoke machine area is proposed at the front of the restaurant near the entrance. The live entertainment hours proposed are Thursday from 5 p.m. to 12 a.m., Friday and Saturday from 5 p.m. to 12:30 a.m., Sunday from 11 a.m. to 2 p.m., and holiday Mondays from 11 a.m. to 2 p.m. The Lyon Park Citizens Association requested that the hours of live entertainment conform to those of the (discontinued) use permit for live entertainment for Whitey's, which formerly occupied the Tallula site until 2004. The applicant has agreed to these hours.

Staff is in support of a use permit for karaoke at El Manantial due to the restaurant's location within the shopping center, its intended hours of operation, and that it is a permitted use in the "C-1" district. While the proposed live entertainment use would extend the current hours of operation of the restaurant by a few hours on Thursday, Friday, and Saturday nights (current closing time is at 11 p.m.), El Manantial is located at the far southeastern corner of the shopping center, and is set back enough from Pershing Drive so that noise and patron conduct coming from the premises should not impact the residences to the north and east. Patron conduct on this site can be controlled by restrictive hours of operation for karaoke, encouraging patrons to park on-site, and by assuring, through a short review cycle (staff recommends an administrative review in six (6) months), that the applicant is compliant with all County code and use permit conditions. Staff supports live entertainment at this site.

One issue that arose, however, is that the nearby restaurant Tallula uses the Country Club Dry Cleaner shopping center for overflow parking. Tallula contains 170 seats, and thus must provide 28 off-street parking spaces for its customers by Zoning Ordinance parking requirements for restaurants. Tallula uses another lot containing approximately 14 spaces, so must rely on the

Country Club Cleaner shopping center parking lot, which contains 24 spaces, for the remainder of its parking. El Manantial contains 35 seats and so needs six (6) parking spaces in order to meet the requirements of the Zoning Ordinance. As there will be no other businesses using the subject lot at the time of live entertainment, both restaurants would have enough parking per code. There is additional street parking available on Washington Boulevard and Pershing Drive.

Members of the Lyon Park Citizens Association have expressed concerns that if parking is constrained at the Country Club Cleaners shopping center, patrons could end up parking on residential streets. This issue can be resolved, however, through a condition (to which the applicant has agreed) that would require the applicant to maintain signs that would encourage his patrons to use the allotted spaces and discourage them from parking on residential streets. To assure that there would be ample parking for the patrons of El Manantial, the applicant has agreed to a condition whereby he would maintain signs—in both English and Spanish—on the six (6) spaces closest to the restaurant, which would reserve those spaces for El Manantial customers (it is important to note that El Manantial already maintains signs to this effect on two spaces). An administrative review in six (6) months will provide the opportunity for making sure parking is not an issue at this site as a result of the use permit.

The proprietors of El Manantial received their Certificate of Occupancy from the County on August 3, 2007, and have been operating their restaurant on the site since that time. Code Enforcement Staff, the Fire Marshall, and the Virginia Department of Alcoholic Beverage Control have all reported that there have been no complaints or property maintenance issues resulting from the current use of this site. The Police Department reported one incident at the restaurant, but stated that the incident was isolated and not indicative of any chronic law enforcement issue. Staff supports a live entertainment use at this location with a short review period to ensure that any potential impacts are mitigated and there is not an adverse effect on the surrounding community. An administrative review in six (6) months, in addition to a County Board review in one (1) year would allow staff to keep a close watch on the restaurant to ensure compliance with conditions.

**CONCLUSION:** The applicant has demonstrated a willingness to work with both County staff and the Lyon Park Civic Association to mitigate any issues that may arise as a result of the proposed live entertainment use. The proposed use is consistent with the “C-1” zoning district subject to a use permit, and the restaurant’s location on the site is appropriate for this use. Therefore, live entertainment can be successful at this location if properly operated in conformance with conditions. Staff recommends approval of the use permit request for live entertainment, subject to the following conditions of the staff report, with an administrative review in six (6) months (April 2009), and a County Board review in one (1) year (October 2009):

Conditions:

1. The applicant agrees that live entertainment (karaoke) shall be permitted only between the hours of 5 p.m. to 12 a.m. Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to 2 p.m. Sundays, and Mondays that fall on a Federal Holiday.

2. The applicant agrees that the live entertainment use is for karaoke only, and that no dancing shall occur on the premises without a dance permit being first obtained from the Zoning Office.
3. The applicant shall ensure that all windows and doors to the subject site are kept closed at all times, with the exception of patrons and/or staff entering and exiting the premises.
4. The applicant agrees that there shall be no entry into or exit from the establishment permitted from the rear doorway by patrons.
5. The applicant agrees to provide and/or maintain signs, in both English and Spanish, in the dedicated parking lot on the six (6) spaces closest to the restaurant, that state "Parking for El Manantial Thursdays 5 p.m.-12 a.m., Fridays and Saturdays 5 p.m.-12:30 a.m." The applicant further agrees to provide and/or maintain at least two (2) signs on the premises, in both English and Spanish that discourage patrons from parking on residential streets.
6. The applicant agrees to identify an on-site 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 of the liaison shall be shared with the nearest neighbors, the Lyon Park Civic Association, and the County's Zoning Office immediately upon approval of the use permit.
7. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board and the Code Enforcement Office shall be met.
8. The live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request.

PREVIOUS COUNTY BOARD ACTIONS: There are no previous County Board actions.