



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 16, 2017

DATE: September 6, 2017

SUBJECT: U-3205-08-1, USE PERMIT REVIEW for live entertainment and dancing at El Manantial; located at 2618 N. Pershing Drive (RPC# 18-056-005).

Applicant:

Alvaro Ronquillo Barrera
Restaurante Guatemalteco El Manantial
2618 N. Pershing Drive
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Renew the use permit subject to all previously approved conditions, amending Condition #5, and with a County Board review in five (5) years (September 2022).

ISSUES: This is a three (3) year review of a use permit for live entertainment and dancing at El Manantial restaurant. During the latest review period there were thirteen (13) police calls for service. The Zoning Inspector noted that compliance with Condition #5 requiring the applicant to have six (6) signed parking spaces has not been met. At the time of original use permit approval, the landlord of the shopping center rented fourteen (14) spaces to Tallula restaurant, which has since closed and is currently operating as Texas Jacks, located off-site at 2761 Washington Boulevard. The landlord of Country Club Cleaners Shopping Center no longer leases those spaces, and they are reserved for tenants of the shopping center. Since the closing of Tallula restaurant, parking concerns at the shopping center have been alleviated. Therefore, staff recommends removing the language in Condition #5 requiring six (6) signed parking spaces in front of El Manantial.

SUMMARY: This is a three (3) year review of a use permit for live entertainment and dancing at El Manantial, a restaurant located within the Country Club Cleaners Shopping Center in Lyon Park. The approved hours for live entertainment and dancing are 5 p.m. to 12 a.m. Monday through Thursday, 5 p.m. to 12:30 a.m. Friday and Saturday, and 11 a.m. to 12 a.m. Sunday, and

County Manager:

County Attorney:

CR Sanders

Staff: Cedric Southerland, DCPHD, Planning Division

PLA-7613

14.

Mondays that fall on a Federal Holiday. During the review of the use permit, the Zoning Division found that the applicant has not satisfied Condition #5, requiring them to have six (6) signed parking 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 parking requirement was put in place due to citizens’ concerns about the lack of parking on-site. At the time of the use permit approval in 2008, the landlord rented 14 spaces to Tallula Restaurant, which was located off-site and has since closed. The former Tallula Restaurant is now operating as Texas Jacks and does not rent parking spaces from the Country Club Cleaners Shopping Center. Since the closing of Tallula, the fourteen (14) parking spaces are now reserved exclusively for tenants of the shopping center. The return of the fourteen (14) parking spaces for customers of the shopping center will alleviate parking constraints that were identified at the time of original use permit approval. Condition #5, as amended, is not anticipated to result in any undue adverse impacts to the surrounding neighborhoods or streets.

Since September 2014, police have received thirteen (13) calls for service to the establishment. However, only one (1) arrest was generated from those calls and all but one (1) of those calls were after the permitted hours of live entertainment. Police indicated that some of the calls were made by El Manantial personnel to help settle a potential volatile situation. Also, the police noted that there have been no calls for noise complaints in the past three (3) years. Therefore, staff recommends renewal of the use permit, subject to all previously approved conditions, and amended Condition #5, and with a County Board review in five (5) years (September 2022).

BACKGROUND: 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 is zoned [“C-1” Local Commercial Districts](#), and the site is designated on the [General Land Use Plan as “Service Commercial” \(Personal and business services\) and “Low” Residential \(1-10 u/a\)](#). The use permit for live entertainment and dancing at El Manantial was originally approved in October 2008, and was most recently renewed by the County Board in September 2014.

Figure 1: Location of El Manantial Restaurant



Source: Google Maps

DISCUSSION: During the review of the use permit, the Zoning Division identified that the establishment has not satisfied Condition #5 of the original approval. The language in Condition #5 requires the establishment 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 intent of this condition was to mitigate potential parking concerns related to patrons parking in the residential neighborhoods. At the time of approval in 2008, the owner of the shopping center leased fourteen (14) parking spaces to, the now closed, Tallula restaurant. The property owner has stated in writing that the parking spaces in the shopping center are exclusively available for the tenants of the shopping center. Staff is recommending removing the language in Condition #5 requiring the applicant to provide signage for reserved parking for the restaurant on the six (6) spaces closest to the restaurant.

Since the last renewal in 2014, there have been thirteen (13) calls for service to the establishment (See Table 1 below). Of the thirteen (13) calls, three (3) were for burglar alarms. Police responded and found no disturbance. Five (5) calls were for fights. Of the five (5) calls, during four (4) of them, police encountered no fights upon arrival. During the other call for a fight, police made contact with a suspected victim after the fight, and the person declined to press charges. One (1) call for service did result in an arrest for drunkenness in public. Police expressed to staff that the establishment initiated several of the calls for service, and it helped to

resolve potential volatile situations. The Police Department also states that there were no calls for noise complaints over the same time period. Staff does not anticipate any adverse impacts to the neighborhood. Therefore, staff recommends renewal of the use permit, amending Condition #5, and with a County Board review in five (5) years (September 2022).

Since the County Board review (September 20, 2014):

Use Permit Conditions: The Zoning Division reports that Condition #5 of the use permit, requiring six (6) signs indicating reserved parking for the establishment, has not been satisfied.

Police Department: The Police Department reports that there were thirteen (13) calls for service over the last three (3) years to the establishment. However, only one arrest was generated from those calls and all but one of those calls were after the permit time ended at midnight. The police stated that most of the calls were initiated by staff at El Manantial which helped settle potential volatile situations. Police also noted that there were no calls for noise complaints over the past three (3) years. Altogether, the Police Department has expressed that they support renewal of the use permit.

Table 1. El Manantial Police Calls (U-3205-08-1)

Date	Day of the Week	Time	Complaint	Description	Violation
09/20/14	Saturday	01:36AM	FIGHT	A call was received for a possible fight inside the establishment. There were no active fights when units arrived.	None
01/17/15	Saturday	01:24AM	FIGHT	Officer Bates came into contact with three male individuals after a report of a fight. The victim sustained a laceration over the eye. No prosecution was desired. The incident was cleared without arrest.	None
03/02/15	Monday	02:00AM	DISP	A call was received for a possible disorderly subject, refusing to pay his bill. The subject paid his bill upon police arrival and left without further incident.	None
05/02/15	Saturday	11:35AM	ADMIN	Units were dispatched for a burglar alarm (audible side door) activation. The call was cleared as a false alarm by employees on site.	None
06/07/15	Sunday	01:04AM	FIGHT	A call was received for three males getting ready to fight. There was no physical fight upon police arrival.	None
06/17/15	Wednesday	05:05AM	ADMIN	Units were dispatched for a burglar alarm (audible back door) activation. The premises were deemed to be secure. No further information is available at this time.	None
07/12/15	Sunday	01:23AM	DISP	Police responded for a report of a physical altercation between the establishment owner and a patron, which stemmed from a verbal dispute. Neither party desired prosecution.	None

08/25/15	Tuesday	04:59PM	SUSP	A caller reportedly saw a woman with a gun. The caller then requested a reward for calling. The caller had a questionable sense of reality.	None
02/01/16	Tuesday	09:11PM	FIGHT	A call was received for two people wanting to fight. A Field Investigation Report was completed for the two subjects involved. There were no arrests made.	None
09/03/16	Saturday	02:01AM	ADMIN	A call was received for a report of a subject driving under the influence of drugs and/or alcohol. The vehicle was not located.	None
10/22/16	Saturday	05:17AM	ADMIN	Units were dispatched for a burglar alarm (audible front door) activation. Multiple attempts were made to contact the keyholder. There were no signs of tampering at the time.	None
05/28/17	Sunday	01:14AM	DIP	Officer Aziz responded to the establishment for an intoxicated subject. The subject was arrested for Drunk in Public.	1 arrest
05/29/17	Monday	11:47PM	FIGHT	A report was made that individuals might be fighting outside of the establishment. As the report was being made, the reporting party stated he/she did not see anyone fighting, injured, or anyone displaying weapons. The call for service was cancelled.	None

*Hours of Live Entertainment: 5 p.m. to 12 a.m. Monday through Thursday, 5 p.m. to 12:30 a.m. Friday and Saturday, and 11 a.m. to 12 a.m. Sundays and Mondays that fall on a Federal Holiday

**ABC = ADMIN = Administrative Call/Transport, DISP = Dispute, DIP = Drunk in Public, FIGHT = Active Fight, and SUSP = Suspicious Person.

***Shaded rows indicate calls during Live Entertainment hours.

Community Code Enforcement: The Code Enforcement Office has reported no issues with renewal of the subject use permit.

Fire Marshal's Office: The Fire Marshal's Office has reported no issues with renewal of the subject use permit.

Virginia Alcoholic Beverage Control Board (ABC): The ABC has reported no issues with renewal of the use permit.

PUBLIC ENGAGEMENT: Staff contacted the Lyon Park Civic Association via email in July 2017. The civic association president responded to staff and expressed that they have no issues with renewal of the use permit and would like for them to have a shorter review cycle.

CONCLUSION: Since the last County Board review, the Zoning Division has identified a violation of Condition #5 requiring El Manantial to sign six (6) parking spaces closest to the establishment. Over the same time period, police have reported thirteen (13) calls for service to the restaurant. Only one (1) call resulted in an arrest and no calls were for noise complaints. Police indicated the establishment has been proactive in calling for service before situations become volatile. All responsible agencies and the civic association support renewal of the use permit. Staff does not anticipate any adverse impacts to the neighborhood. Therefore, staff recommends renewal of the use permit, subject to all previously approved conditions, amended Condition #5, and with a County Board review in five (5) years (September 2022).

Proposed Revised Condition #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.

PREVIOUS COUNTY BOARD ACTIONS:

October 2008	Approved U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr.
May 2009	Renewed U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr.
May 2010	Renewed U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr. for one (1) year.
May 2011	Renewed U-3205-08-1 (El Manantial) for restaurant live entertainment at 2618 N. Pershing Dr. for three (3) years.
July 2011	Deferred U-3205-08-1 (El Manantial) for extension of permitted hours of live entertainment.
September 2011	Approved U-3205-08-1 for extension of permitted hours of live entertainment.
September 2012	Renewed U-3205-08-1 subject to all previously approved conditions, with a County Board review in one (1) year.
September 2013	Renewed U-3205-08-1 subject to all previously approved conditions and two (2) new conditions, with an administrative review in six (6) months and a County Board review in one (1) year.
September 2014	Renewed U-3205-08-1 subject to all previously approved conditions and two (2) new conditions, with an administrative review in one (1) year and a County Board review in three (3) years.

Approved Conditions:

1. The applicant agrees that live entertainment (karaoke) shall be permitted only between the hours of 5 p.m. to 12 a.m. Mondays through Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to 12 a.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 applicant agrees that the use permit for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by El Manantial.
9. The applicant agrees to work with the Arlington County Police Department and ensure that all restaurant staff serving alcohol shall complete the State Training Intervention Procedures (TIPS) program
10. The applicant agrees that on-site, dedicated security will be provided during the hours' in which live entertainment and dancing is provided. Security personnel may consist of "inhouse" staff so long as they are dedicated to security only.
11. The applicant agrees that no trash shall be placed in the dumpster in the rear of the space using the back door at any time later than 9 pm, or before opening the next day, on nights in which live entertainment is provided.

From: Paul Jassal
Sent: 25 Jul 2017 18:47:48 +0000
To: Cedric Southerland
Subject: Re: Parking Spaces for El Manantial

Sir, As i indicated to you earlier, Tallula now (Taxes Jack) on Washington Blvd. no longer rents from me. They do not pay me to Park in my lot. Paul Jassal (Land Lord for Country club cleaners Parking lot)

Paul's Audio and Video Center
2620 North Pershing Drive
Arlington, VA 22201
703.522.5151 (M)
703.522.5151 (F)
paulaudiovideo@yahoo.com

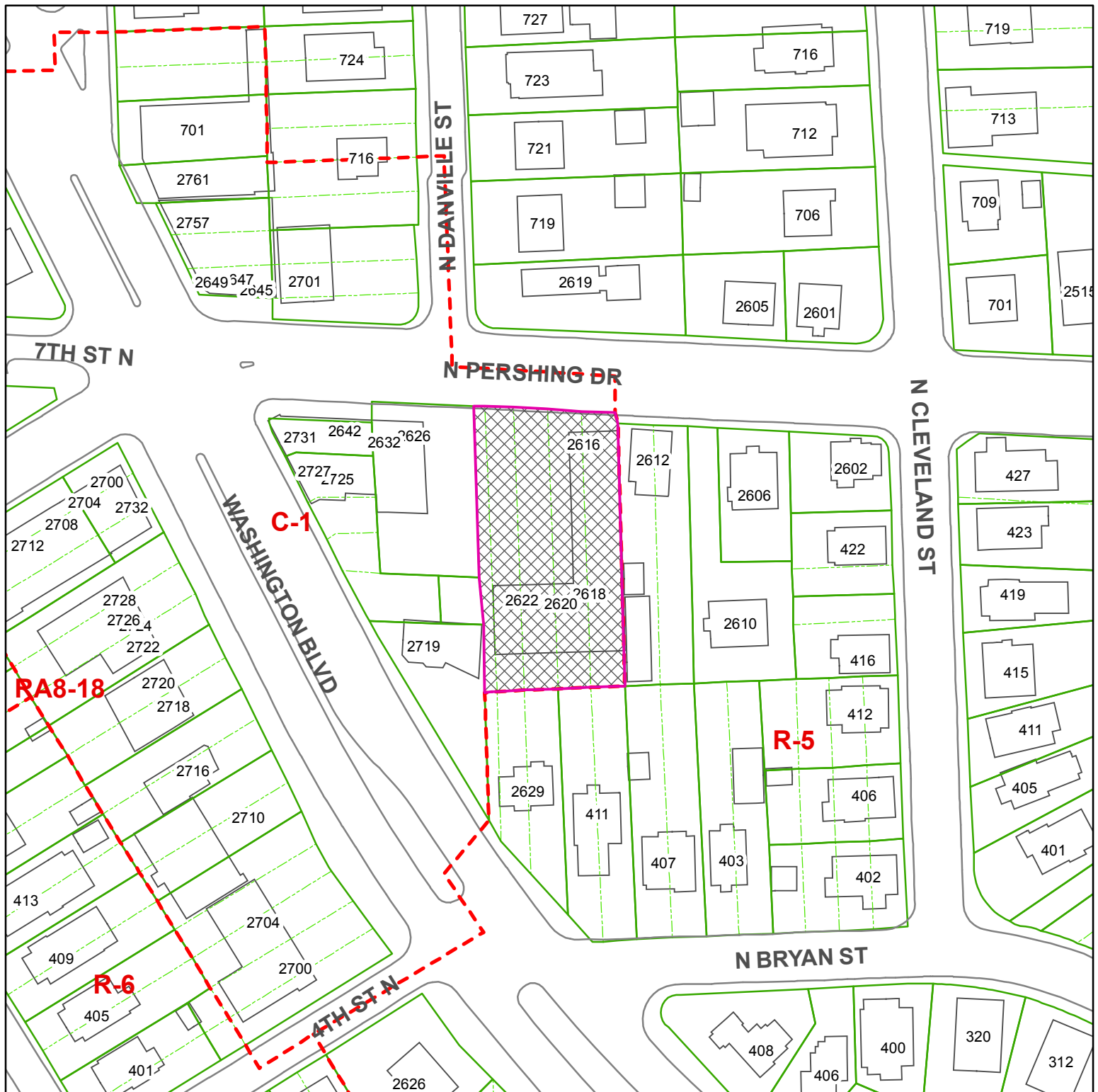
On Tuesday 25 July 2017, 2:37:12 PM GMT-4, Cedric Southerland <csoutherland@arlingtonva.us> wrote:

Paul,

Please sent an follow-up email stating that you are no longer renting parking spaces to Tallula (Now Closed), or Texas Jack's.

Thanks,

Cedric Southerland
Associate Planner
Department of Community Planning, Housing & Development
Current Planning
2100 Clarendon Blvd 7th FL
STE 700
Arlington, VA 22201
703-228-3589



U-3205-08-1

2618 N Pershing Dr

RPC # 18-056-005



 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.

Department of Community Planning, Housing and Development

County Use Only
Date Placard Posted _____
By _____
Removed _____