



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of February 24, 2018

DATE: February 13, 2018

SUBJECT: Request to authorize advertisement on the County Board's "Own Motion" a public hearing to review the Use Permit for live entertainment and dancing at Darna Restaurant (U-2795-93-1); located at 946 N. Jackson St. (RPC# 14-033-013).

C.M. RECOMMENDATION:

Adopt the attached resolution to authorize advertisement of a public hearing "On the County Board's Own Motion" to review the Use Permit for live entertainment and dancing at Darna Restaurant at the March 17, 2018 County Board meeting.

ISSUES: In association with the Planning Division's three (3) month administrative review of the Use Permit for live entertainment and dancing at Darna Restaurant (U-2795-93-1), staff from the Inspection Services Division conducted a coordinated inspection of Darna Restaurant with other staff members including the Fire Marshal, as well as inspectors from the Environmental Health and Zoning Divisions. The inspection revealed that there were numerous violations of the Building, Fire, Zoning and Environmental Health codes, affecting the health, safety and welfare of the public, which have resulted in the closure of the Darna Restaurant by the Chief Building Official. Therefore, staff recommends that the County Board review the Use Permit for live entertainment and dancing at Darna Restaurant at its March 17, 2018 public hearing rather than at the previously scheduled review by the County Board at its April 2018 public hearing.

SUMMARY: The subject use permit (U-2795-93-1) was amended in April 2012 to allow Darna Restaurant (a new tenant) to provide live entertainment and dancing with modified and added conditions for the establishment located at 946 N. Jackson Street. The use permit has been subsequently renewed with the last renewal in October 2017. The approved hours of operation for live entertainment and dancing are between 8 p.m. and 1:30 a.m., Thursday through Saturday and between the hours of 8 p.m. and 12 a.m. on Wednesdays and Sundays.

County Manager: *mgs/SMB*

County Attorney: *AM* *CR Sanders*

Staff: Cedric Southerland, DCPHD, Planning Division

PLA-7753

During the last County Board review in October 2017, staff received correspondence from a neighboring citizen with concerns about loud music during and after the hours of live entertainment and dancing. Several calls to the police for noise and other complaints were identified during the last County Board review. At the public hearing on October 24, 2017, the County Board renewed the use permit with a three (3) month administrative review (January 2018) and a six (6) month County Board review (April 2018).

Staff conducted the three (3) month administrative review in January 2018. During the review, Inspection Services Division conducted a coordinated inspection of Darna Restaurant with various County agencies that revealed numerous violations of the Building, Fire, Zoning and Environmental Health codes, which have resulted in the closure of the Darna Restaurant by the Chief Building Official. Considering the numerous violations, which affect the health, safety and welfare of the public, that were discovered during the administrative review, staff recommends that the County Board review the subject use permit at its March 17, 2018 public hearing rather than waiting until the next scheduled County Board review in April 2018.

BACKGROUND:

Address / RPC:	946 N Jackson St. (RPC# 14-033-013)
Neighborhood:	Ballston-Virginia Square
Zoning :	C-2
GLUP :	“Medium” Density Mixed-Use. Special Coordinated Mixed Use District
Existing Land Use:	Two-story commercial building. Currently, a restaurant occupies the space. Live entertainment and dancing is permitted by use permit.

DISCUSSION:

REVIEWED USE:

Live Entertainment:	Musical Ensembles, solo performers, and deejay’s.
Hours of Operation:	8 p.m. and 1:30 a.m., Thursday through Saturday. 8 p.m. and 12 a.m. on Wednesdays and Sundays.

ADMINISTRATIVE REVIEW/INSPECTIONS:

Zoning Enforcement:	The approved seating chart for the upstairs restaurant was changed without zoning approval. The business “The Detour Coffee Shop” was operating without a Certificate of
---------------------	--

Occupancy. There are two unapproved signs. Violation Notice Issued. *Case Number: ZCE180003*

Code Enforcement: Inspectors identified code violations under the Virginia Construction Code as it relates to permitted work and the Virginia Maintenance Code as it relates to the structure and equipment within. During the investigation, inspectors discovered the owner was operating an unpermitted use at the establishment. Violation Notice Issued. *Case Number: CE180161*

Police Department: There were five calls for service. None resulting in an arrest. There were no calls due to complaints of loud music.

Fire Marshal's Office: On New Year's Eve during a routine bar check inspection the fire marshal identified issues with the capacity of the restaurant. Upon further research it was discovered that the building capacity certificate was altered from 132 to 259. The seating capacity was also altered from 119 to 199. During the coordinated inspection, the Fire Marshal discovered 18 violations of the Virginia Statewide Fire Prevention Code. Violation Notice Issued.

Environmental Health: During the coordinated inspection, the environmental health inspector, identified 14 requirements out of compliance. Violation Notice Issued.

Virginia ABC: No issues reported.

CPHD Planning: Due to the issues raised by County agencies, staff has determined that the use is adversely affecting the health, safety and general welfare of the public. Therefore, staff recommends that the County Board review the use permit at the March 2018 County Board meeting instead of the scheduled April 2018 review.

PUBLIC ENGAGEMENT: Staff contacted the Ballston-Virginia Square Civic Association on February 6, 2018 to inform them of this request to advertise. No response has been received as of the date of this report.

CONCLUSION: Due to the violations discovered during the three (3) month administrative review of the subject use permit, which resulted in the closure of the establishment, staff recommends that the County Board adopt the attached resolution to authorize advertisement of a public hearing "On the County Board's Own Motion" to review the Use Permit for live entertainment and dancing at Darna Restaurant at the March 17, 2018 County Board meeting rather than waiting until the previously scheduled review in April 2018.

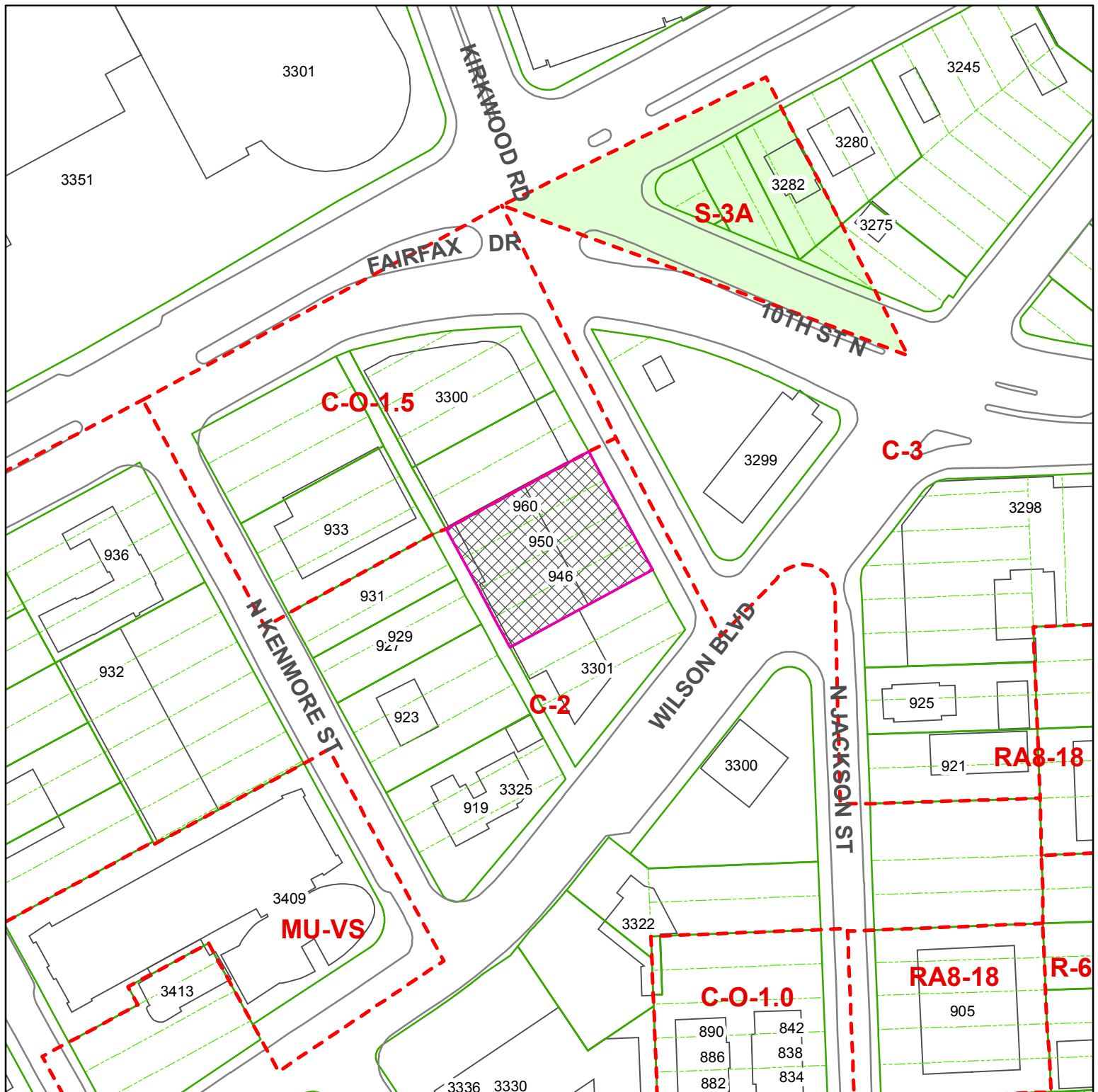
**RESOLUTION TO AUTHORIZE ADVERTISEMENT OF A PUBLIC HEARING BY
THE COUNTY BOARD ON MARCH 17, 2018 TO REVIEW A USE PERMIT (U-2795-
93-1); LOCATED AT 946 N. JACKSON STREET (RPC# 14-033-013) IN ACCORDANCE
WITH THE GENERAL LAND USE PLAN, THE PUBLIC HEALTH, SAFETY,
WELFARE, AND CONVENIENCE AND GOOD ZONING PRACTICE.**

The County Board of Arlington County hereby resolves to authorize advertisement of a public hearing on March 17, 2018 for the County Board to review a use permit (U-2795-93-1) for live entertainment and dancing at Darna Restaurant; located at 946 N. Jackson St. (RPC# 14-033-013) in accordance with the General Land Use Plan, the public health, safety, welfare, and convenience and good zoning practice.

PREVIOUS COUNTY BOARD ACTIONS:

February 5, 1994	Approved a use permit (U-2795-93-1) for live entertainment in a restaurant, Fridays and Saturdays from 8:00 p.m. to 1:00 a.m., and Sundays from 3:00 p.m. to 9:00 p.m., subject to the conditions of the staff report, and with a review in one (1) year.
February 4, 1995	Continued a use permit (U-2795-93-1) for live entertainment in a restaurant, subject to all previous conditions, and with a review in three (3) years.
February 7, 1998	Continued a use permit (U-2795-93-1) for live entertainment in a restaurant, subject to all previous conditions, and with a review in three (3) years.
May 22, 1999	Deferred for three (3) months a use permit amendment request (U-2795-93-1) for extended live entertainment in an existing restaurant, subject to all previous conditions.
August 14, 1999	Deferred a use permit amendment request (U-2795-93- 1) for extended live entertainment to the October 2, 1999 County Board meeting, subject to all previous conditions.
October 2, 1999	Approved a use permit amendment request (U-2795-93-1) for extended live entertainment, subject to amended condition #1, all other previous conditions, and with a review in six (6) months.
April 8, 2000	Continued a use permit amendment (U-2795-93-1) for extended live entertainment, subject to all previous conditions, and with a review in one (1) year (April 2001).
February 10, 2001	Took no action on use permit (U-2795-93-1).
April 21, 2001	Continued a use permit amendment (U-2795-93-1) for extended live entertainment, subject to all previous conditions, and with a review in six (6) months.
October 13, 2001	Renewed a use permit for (U-2795-93-1) subject to all previous conditions, with an administrative review in six (6) months and a County Board review in one (1) year.
October 19, 2002	Renewed a use permit, subject to all previous conditions, with a County Board review in one (1) year.

October 18, 2003	Renewed a use permit (U-2795-93-1), subject to all previous conditions and with a County Board review in three (3) years (October 2006).
October 4, 2006	Renewed use permit (U-2795-93-1), subject to all previous conditions and with County Board review in five (5) years (October 2011).
October 15, 2011	Renewed a use permit (U-2795-93-1), subject to all previous conditions, and amended Condition #1 and new Condition #5, with an administrative review in four (4) months (February 2012) and a County Board review in one (1) year (October 2012).
April 21, 2012	Approved a use permit amendment (U-2795-93-1) allowing live entertainment and dancing for a new tenant, Darna Restaurant, subject to the conditions of the staff report, revised conditions #1 and #4 and new conditions #6 and #7, with an administrative review in six (6) months (October 2012) and a County Board review in one (1) year (April 2013).
April 20, 2013	Renewed a use permit (U-2795-93-1) for live entertainment and dancing, subject to all previously approved conditions and with a three (3) year County Board review (April 2016).
April 16, 2016	Renewed a use permit (U-2795-93-1) for live entertainment and dancing, subject to all previously approved conditions, revised condition #7, with an administrative review in three (3) months (July 2016) and a County Board review in six (6) months (October 2016).
October 15, 2016	Renewed a use permit (U-2795-93-1) for live entertainment and dancing, subject to all previously approved conditions and with a one (1) year County Board review (October 2017).
October 24, 2017	Renewed a use permit (U-2795-93-1) for live entertainment and dancing, subject to all previously approved conditions and with a three (3) month administrative review (January 2018) and a six (6) month County Board review (April 2018).



U-2795-93-1

946 N Jackson St

RPC # 14-033-013



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 _____