



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of October 20, 2018

DATE: October 11, 2018

SUBJECT: U-3496-17-2 USE PERMIT REVIEW for live entertainment for Azteca Grill, Inc.; located at 3005 Columbia Pike (RPC #25-014-001).

Applicant: Azteca Grill, Inc.

By:

Ms. Sandra Claros, Co-owner
3005 Columbia Pike
Arlington, VA 22204

C.M. RECOMMENDATION:

Renew the use permit for live entertainment, subject to all previously approved conditions of the staff report, with a County Board review in three (3) years (October 2021).

ISSUES: This is a one (1) year use permit review for live entertainment for Azteca Grill, Inc., and no issues have been identified as of the date of the staff report.

SUMMARY: This is a one (1) year use permit review for live entertainment at Azteca Grill, Inc., located at 3005 Columbia Pike. No violations of use permit conditions have been identified, and no community concerns have been reported to staff as of the date of this report. Staff is recommending renewal of the subject use permit with a County Board review in three (3) years. As conditioned, staff finds that the use will not create undue adverse impacts to adjacent neighborhoods.

County Manager:

County Attorney:

MNC

Staff: Anika Chowdhury, DCPHD, Planning Division
Adam Watson, DCPHD, Planning Division

BACKGROUND: The site was originally developed in 1966. In May 1994, the County Board approved a use permit (U-2807-94-1) for live entertainment (guitar performer) at Azteca Grill, Inc. (also known as ABI's Azteca Grill and Restaurante Abi). However, in 2010 it was found that the restaurant had discontinued live entertainment. Under the Arlington County Zoning Ordinance (ACZO) Section 15.4.5, a use permit becomes void, "if after a use permit has been used and the use for which the use permit was obtained is discontinued for more than one year." The County Board approved a new use permit for live entertainment in October 2017. The use consists of karaoke, offered 8:00 p.m. to 1:30 a.m. on Mondays only. The speakers for the amplified karaoke are in the rear of the restaurant, near the restrooms.

The following provides additional information about the site and location:

<u>Address/RPC:</u>	3005 Columbia Pike (RPC# 25-014-001)
<u>Neighborhood:</u>	Arlington Heights Civic Association; adjacent to the Douglas Park, Penrose and Columbia Heights civic associations
<u>Zoning:</u>	C-2; Service Commercial-Community Business District
<u>GLUP:</u>	The site is designated as "Service Commercial" and within the "Columbia Pike Special Revitalization District" on the <u>General Land Use Plan</u> .
<u>Existing Land Use:</u>	The subject site is in a strip shopping center collocated with a 7-Eleven and El Puerto Seafood House. A McDonald's Restaurant is also located within the parcel.

Figure 1: Aerial View



Source: Pictometry

Figure 2: Street View



Source: CPHD

DISCUSSION: The following details the approved use and provides staff's assessment of the use during the one (1) year review period:

RENEWED USE:

Live Entertainment: Karaoke

Hours of Operation: Mondays only; 8:00 p.m. to 1:30 a.m.

ASSESSMENT:

Zoning Enforcement: No issues reported.

Code Enforcement: No issues reported.

Police Department: There were three calls-for-service during the twelve (12) month review period and the Police Department reported that there were no issues with the use permit renewal. As shown in Table 1, the majority of calls to this location were made outside of the live entertainment hours.

Table 1. Police Calls for Azteca's Grill, Inc.

Date	Date of the Week	Time	Complaint	Description	Violation
12/01/2017	Friday	6:01 p.m.	Trespass	S/A	None
12/06/2017	Wednesday	9:57 a.m.	Trespass	S/A	None
05/26/2018	Saturday	6:03 p.m.	Suspicious Subject	S/A	None

Fire Marshal's Office: No issues reported.

DCPHD, Planning: County agencies have not identified any outstanding issues with the use permit. As conditioned, staff finds that the use will not: a) adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use; b) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and c) conflict with the purposes of the master plans of the County. Therefore, Planning staff recommends that the use permit be renewed subject to the conditions of the staff report, and with a three (3) year County Board review (October 2021).

PUBLIC ENGAGEMENT: Staff engaged in the following community outreach on this use permit review.

Level of Engagement:

Communicate

This level of engagement is appropriate because staff does not expect the implementation and operation of the proposed use to adversely impact the neighborhood.

Outreach Methods:

- Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices of the County Board hearing on the use permit were placed in the September 26, 2018 and October 3, 2018 issues of the Washington Times for the October 20, 2018 County Board Meeting.

In addition to the above legal requirements:

- Individual letters outlining the project description and public hearing details were mailed to surrounding property owners of the subject property.
- Placards were placed in various locations surrounding the subject property within seven (7) days of the public hearing.
 - Civic associations were informed of the application via email communication. The subject property is located within the Arlington Heights Civic Association and is adjacent to the Douglas Park, Penrose and Columbia Heights civic associations and Columbia Pike Revitalization Organization (CPRO).

Community Feedback:

Arlington Heights Civic Association (AHCA): The Arlington Heights Civic Association supports the renewal of this use permit.

Penrose Civic Association: The Penrose Civic Association supports the renewal of this use permit.

Douglas Park Civic Association: The Douglas Park Civic Association supports the renewal of this use permit.

Columbia Heights Civic Association: The Columbia Heights Civic Association supports the renewal of this use permit.

Columbia Pike Revitalization Organization (CPRO): The Columbia Pike Revitalization Organization supports the renewal of this use permit.

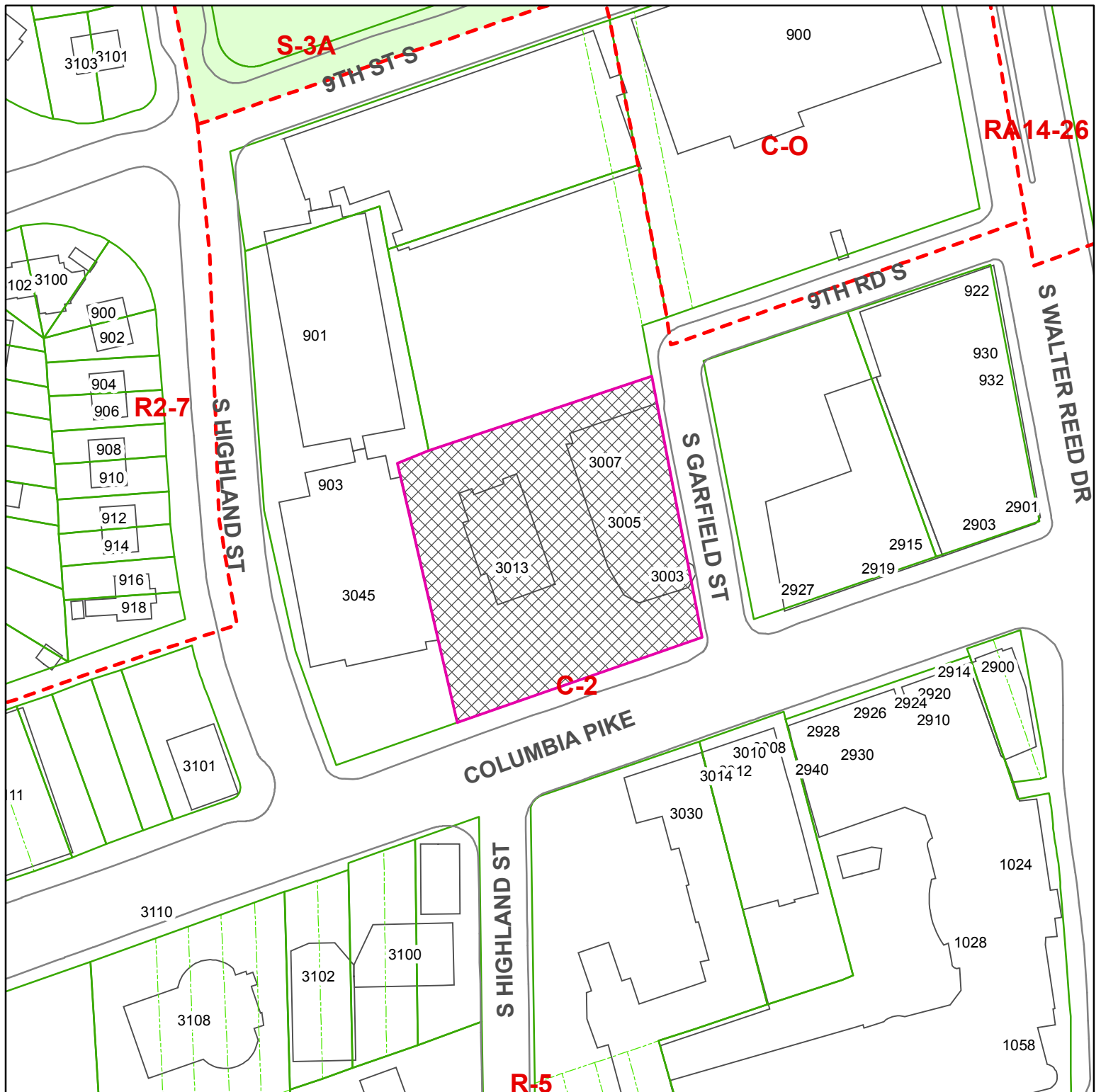
CONCLUSION: Zoning Division (Zoning Enforcement), Code Enforcement, Police Department, and the Fire Marshal's Office report no issues with the use which is not anticipated to create any adverse impacts on the surrounding neighborhood. Therefore, staff recommends that the use permit be renewed, subject to all previously approved conditions, with a three (3) year County Board review (October 2021).

Approved Conditions:

1. The applicant agrees that live entertainment is permitted from 8:00 p.m. to 1:30 a.m. on Mondays only.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County Ordinances and State Codes, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees to comply with the Arlington County Noise Ordinance, as may be amended, and further agrees that under no circumstances shall live entertainment be permitted in a location outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors and windows shall remain closed and shall not be propped open during live entertainment.
4. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification (or equivalent training accepted by the Alcohol Beverage Control Board (ABC)). The applicant agrees to keep a record of TIPS training certification for all restaurant staff, including all new staff, and submit this information upon the County's request.
5. The applicant agrees that dancing is not permitted unless and until a dance hall permit for dancing is obtained from the Zoning Office.
6. The applicant agrees to post signs in windows which inform patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood.
7. The applicant agrees to ensure that any patrons queuing outside keep noise to a minimum.
8. The applicant agrees to designate an onsite neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment use. The onsite liaison shall be available during business hours to receive and promptly respond to community concerns regarding the live entertainment use. The applicant agrees that the name, telephone number, and electronic mail address (if available) of the onsite neighborhood liaison shall be submitted to the Zoning Administrator and a copy sent to the Arlington Heights, Penrose, Douglas Park, and Columbia Heights Civic Associations prior to the commencing the live entertainment use.
9. The applicant agrees that the approval for live entertainment at 3005 Columbia Pike is valid only for the current tenant/owner of ABI's Azteca Grill. In the event that any other tenant/owner occupies the premises, the use permit shall be subject to review and renewal by the County Board at the time of such change in occupancy.

PREVIOUS COUNTY BOARD ACTIONS:

May 7, 1994	Approved a use permit (U-2807-94-1) for live entertainment for the parcel of real property known as 3005 Columbia Pike (Restaurante Abi), subject to the conditions of the staff report, and with a County Board review in one (1) year (May 1995).
May 20, 1995	Renewed a use permit (U-2807-94-1) for live entertainment for the parcel of real property known as 3005 Columbia Pike (Restaurante Abi), subject to the conditions of the staff report, and with a County Board review in three (3) years (May 1998).
October 12, 2017	Approved a use permit (U-3496-17-2) for live entertainment for Azteca Grill, Inc, known as 3005 Columbia Pike (Restaurant Abi), subject to the conditions of the staff report, and with a County Board review in one (1) year (October 2018).




U-3496-17-2

3005 Columbia Pike

RPC # 25-014-001



 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 _____