

January 21, 1999

TO: The County Board of Arlington, Virginia

FROM: William T. Donahue, County Manager

APPLICANT: El Puerto Restaurant

BY: Desiderio L. Camacuari, Contract Owner

3007 Columbia Pike

Arlington, Virginia 22204

SUBJECT: U-2953-98-1 Use Permit Request to permit live entertainment, one person guitar entertainment from 6:30 p.m. to 10:00 p.m., Friday, Saturday, and Sunday; and 4-person musical group entertainment from 11:00 p.m. to 2:00 a.m., Thursday, Friday, Saturday, and Sunday; on premises known as 3007 Columbia Pike.

SITE: The proposed live entertainment would be at the El Puerto Restaurant which is located in the rear portion of a one-story building on the northwest corner of Columbia Pike and S. Garfield Street. The building is also occupied by Seven Eleven which fronts on Columbia Pike and Abi's Azteca Grill located in the center of the building. El Puerto Restaurant and Abi's Azteca Grill have main entrances on the west side of the building. The site is surrounded by commercial office and retail uses. There are 14 parking spaces designated for El Puerto Restaurant along the rear side and west side of the building.

ZONING: "C-2" Service Commercial – Community Business Districts.

LAND USE: "Service Commercial" (Personal and business services. Generally one to four stories. Maximum 1.5 F.A.R.) – located in the Columbia Pike Special Revitalization District.

NEIGHBORHOOD(S): Arlington Heights Civic Association (and is in close proximity to Alcova Heights Civic Association, Central Arlington Civic Association, Douglas Park Civic Association and CPRO).

RECOMMENDATION: Approve, subject to the conditions of the staff report, and with a review in one (1) year. (February 2000)

DISCUSSION: The proposed live entertainment includes a one-person guitar player from 6:30 p.m. to 10:00 p.m., Friday, Saturday, and Sunday; and a 4-person group performing "Spanish country" music from 11:00 p.m. to 2:00 a.m., Thursday, Friday, Saturday, and Sunday. According to the applicant, dancing would also take place during the 4-person musical group entertainment. This use permit request does not include dancing by customers. The applicant should request a separate dance hall permit from the Zoning Office.

The applicant is proposing live entertainment in an effort to increase business activity. The principal use of the site would remain as a restaurant. The proposed entertainment would be on a stage located along the north wall of the restaurant, approximately 25 feet from the main entryway on the west side of the building. The dance floor is located in front of the stage and is in the center of the restaurant. The location of the stage and dance floor would be clear of customer seating and generally removed from customer traffic. The applicant has indicated that the proposed live entertainment does not require loud amplification.

El Puerto Restaurant is located in the rear of a commercial building that also contains a Seven Eleven and Abi's Azteca Grill. The site is also surrounded by commercial development that would buffer noise and traffic impacts on residential neighborhoods along S. Highland Street and Walter Reed Drive. To the north is a parking lot (beyond the parking lot is a two to three story parking garage and ten-story AT&T office building); to the west, on the other side of S. Garfield Street, is a one-story commercial retail building that contains Saigon Imports, D & L Cleaners and the Arlington Cinema & Draft House building; to the south, across Columbia Pike, is another one-story commercial retail building that contains Rincome Thai Restaurant and Beatrice Hair Salon; to the west is a McDonald's restaurant. The live entertainment would generally be in the late evenings, mostly on weekends when many businesses in the area are closed, thus limiting impacts on the surrounding businesses and neighborhood.

Currently, there are 14 parking spaces designated for El Puerto Restaurant located along the northern and western sides of the building. The applicant is required to designate 12 spaces based on the number of seats in the restaurant. The applicant indicated that additional parking in the rear parking lot, which is used by a variety of nearby businesses, including El Puerto Restaurant, would be available if needed.

The Arlington Heights Civic Association has no comments or concerns for this use permit request. Nearby civic associations also have been notified. To date, there have been no comments or concerns from them for this request. The Community Code Enforcement Office and Police Department report no public complaints for this site. The Virginia Department of Alcohol and Beverage Control report that there were two ABC-related violations that occurred in early 1998. These violations concerned the selling of alcohol after 2:00 a.m. and the selling of alcohol to people under the age of 21. According to the Virginia Department of Alcohol and Beverage Control, these violations have been addressed. ABC reports no new complaints or violations since these earlier events.

The site appears to be generally clean and maintained. However, based on one site visit, a trash receptacle in the front entrance of the restaurant was full and overflowing with trash. Some trash could be found throughout the designated parking spaces along the rear of the building. Since there are at least three restaurants in close proximity to each other, it is important that the applicant diligently clean and maintain this site to prevent infestations of any kind.

CONCLUSION: Live entertainment should have minimal impact on the surrounding business community and neighboring residential areas due to the restaurant's location, and the nature of the proposed entertainment. Parking on the site is appropriate given the number of spaces the restaurant currently has designated. In addition, the applicant has made plans for additional parking if necessary. Therefore, it is recommended that the use permit be approved subject to the conditions of the staff report and with a review in one (1) year. (February 2000)

1. Live entertainment shall be limited to the following times: one person guitar entertainment from 6:30 p.m. to 10:00 p.m., Friday, Saturday, and Sunday; and 4-person musical group entertainment from 11:00 p.m. to 2:00 a.m., Thursday, Friday, Saturday, and Sunday.
2. No dancing shall be allowed unless the applicant obtains a dance hall permit.
3. All requirements of County Ordinances, Virginia Alcohol and Beverage Control Department, the Environmental Health Bureau, and the Fire Marshall shall be met.
4. Trash areas shall be kept clean and well maintained on a continuous basis.