DATE: June 27, 2005

SUBJECT: U-3125-05-1 USE PERMIT for live entertainment located at 2915 Wilson Blvd. (RPC #15-066-002)

Applicant:
RiRa Clarendon LLC
2915 Wilson Blvd.
Arlington, Virginia 22201

By:
Ciaran Sheehan
76 Elm Street
New Canaan, Connecticut 06840

C.M. RECOMMENDATION:

Approve, subject to the conditions in the staff report, with a County Board review in October 2006.

ISSUES: None.

SUMMARY: This is a use permit request to allow live entertainment in a new restaurant in the Clarendon area. The proposed hours of live entertainment are Monday through Friday, 11 a.m. to 1:30 a.m., and 9 a.m. to 1:30 a.m. on Saturdays and Sundays. Live entertainment would consist of a maximum of four (4) musicians performing at the same time. The music would include a mix of traditional and local music. There would be no customer dancing. Live entertainment is consistent with the goals of the Retail Action Plan and the Clarendon Sector Plan. The applicant has agreed to conditions including participation in the Neighborhood Advisory Group, all aimed to mitigate impacts. The applicant does not anticipate operating the live entertainment before the end of 2005 or early 2006. Staff is recommending that the use permit be reviewed in October 2006, which allows for approximately a one-year review period after the operation of the live entertainment has began, in addition to allowing the use to be reviewed concurrent with other live entertainment uses in the Clarendon area. Therefore, it is recommended that this site plan amendment be approved subject to the conditions of the staff report with a review by the County Board in October 2006.

BACKGROUND: The applicant, RiRa Clarendon LLC, is replacing the existing Virginia Hardware Store with an Irish pub and restaurant. RiRa currently operates seven pubs on the East
Coast. The Arlington restaurant is expected to open in winter 2005 or early spring 2006. The restaurant would contain a basement level, the main level, and a mezzanine level with approximately 6,300 square feet of floor area, and has a seating capacity of 189 patrons.

**Site:** The site is surrounded by other “C-3” retail businesses in the heart of Clarendon’s commercial district, except for that the north property line abuts a residential area zoned “R-5.” Currently the site is occupied by the Virginia Hardware Store. The restaurant will have its main entrance fronting Wilson Boulevard and a second entrance on North Garfield Street.

**Zoning:** The site is zoned “C-3” General Commercial.

**Land Use:** The site is designated on the General Land Use Plan as “General Commercial” (shopper goods and other major mixed commercial uses, including offices. Generally a maximum of seven stories).

**Neighborhood:** The subject site is within the boundaries of the Lyon Village Citizens Association and across Wilson Boulevard from Clarendon-Courthouse Civic Association. Both associations were notified of this use permit request by mail on May 20, 2005 (see attached letter). In addition, the Clarendon Alliance was also notified of this request.

The applicant is proposing live entertainment consisting of traditional Irish music and local musicians with a maximum of four (4) entertainers to serve as background music for customers. The hours of live entertainment would be Monday through Friday, 11 a.m. to 1:30 a.m., and 9 a.m. to 1:30 a.m. on Saturdays and Sundays.

**DISCUSSION:** Clarendon is known through the Washington metro region as a destination for dining and live entertainment. The subject site is located on the part of Wilson Boulevard designated in the Retail Action Plan as “Entertainment and Main Street Retailing in enhanced pedestrian environments with upgraded streetscapes.” The proposed live entertainment fits the vision for Clarendon as identified in the Retail Action Plan, which states that “Clarendon’s charm comes from its eclectic mix of small shops and ethnic restaurants that are known in the region for their unique goods and services.”

The music resulting from the proposed live entertainment would not be broadcast to the outside terrace of the restaurant. Restaurant patrons have many transportation options including easy access to Metro rail and bus lines. There is also ample parking in surrounding parking lots. The applicant has agreed to participate in the Neighborhood Advisory Committee and has been added to the list of participants, which includes other live entertainment uses in the Clarendon area (Condition #5).

**Civic Associations:** The applicant contacted the Lyon Village Citizens Association and the Clarendon-Courthouse Civic Association. The applicant changed the proposed live entertainment ending time from 2:00 a.m. to 1:30 a.m. as requested by the Clarendon-Courthouse Civic Association. The Association also suggested a review period of one year, after which time the application can join the rest of the Clarendon live entertainment use permits to be reviewed annually in October 2006. Staff supports the reduction of live entertainment hours and a one
Public/Private Partnership: The applicant presented their application to the Clarendon Alliance at its meeting. The Alliance has indicated no issue with this live entertainment application.

CONCLUSION: The proposed live entertainment is consistent with other similar uses in the Clarendon area. It is anticipated that the live entertainment in this restaurant would not adversely impact the neighborhood. The applicant has agreed to conditions to mitigate potential impacts including participating in the established Neighborhood Advisory Group. Therefore, it is recommended that the use permit be approved subject to the conditions of the staff report with a review by the County Board in October 2006.

1. The applicant agrees to limit the live entertainment to the following hours: Monday through Friday, 11 a.m. to 1:30 a.m., and 9 a.m. to 1:30 a.m. on Saturdays and Sundays. The applicant agrees that there shall be no dancing associated with the live entertainment. A dance hall permit will be required in the event that the applicant decides to offer dancing in the future.

2. The applicant agrees to keep all doors and windows of the restaurant closed during live entertainment. There shall be no music piped outside of the restaurant. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.

3. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau, the Fire Marshal's Office, the Police Department, and the Alcohol Beverage Control Board.

4. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Lyon Village Citizens Association, and the Clarendon-Courthouse Civic Association.

5. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
PREVIOUS COUNTY BOARD ACTIONS: There have been no previous County Board actions on this site.