

USE PERMIT APPLICATION

Arlington County Planning Division

V-3328-11-1

PROJECT NAME: L.A. Bar + Grill

DATE: 12/9/11

SUBJECT PROPERTY IDENTIFICATION:

ADDRESS 2530 Columbia Pike
Arlington, VA 22204

REAL PROPERTY CODE(S) 32002001

AREA (SQ. FT./ACRES) 52470 ZONING DISTRICT(S) C-2, RA14-26

OTHER PROPERTY IDENTIFIERS N/A

SEAN DELOATCHE

Permit #: **ZADM11923**

CPHD Case #:

12/16/2011

REQUEST TYPE:

ORIGINAL FILING AMENDMENT TO EXISTING USE PERMIT



IF AMENDMENT, IDENTIFY EXISTING USE PERMITS: _____

REQUESTED USE:

CHILD CARE* TELECOMMUNICATIONS* OUTDOOR CAFÉ* LIVE ENTERTAINMENT*
 TRANSITIONAL USE SUBDIVISION PER §31. _____ KIOSK COMPREHENSIVE SIGN PLAN
 OTHER AS SPECIFIED _____

*NOTE: In addition to the information on this form, the applicant must also provide associated supplemental information as provided for in the attached "Supplemental Information" document.

USE REQUESTED IS PERMITTED UNDER:

SECTION 26 SUBSECTION B12 OF THE ARLINGTON COUNTY ZONING ORDINANCE

APPLICANT INFORMATION:

OWNER OF RECORD CONTRACT OWNER** OCCUPANT**

NAME Rudis Flores

ADDRESS 3518 Fort Hill Dr Alex, VA 22310

PHONE NUMBER 703-819-3665 EMAIL Automotive Express@verizon.net

SIGNATURE [Signature]

**NOTE: Property owner must consent to submission of this application in writing; include consent with application.

IF APPLYING ON BEHALF OF APPLICANT PROVIDE THE FOLLOWING:

NAME Sean DeLoatche TITLE General Manager

ADDRESS 313 Fenwick St Arlington, VA 22204

PHONE NUMBER 703-203-7650 EMAIL seal@atche@live.com

CONTINUED >

USE PERMIT APPLICATION

PLEASE PROVIDE THE FOLLOWING INFORMATION WITH SUBMITTAL OF THIS APPLICATION TO THE ZONING OFFICE

APPLICATION FORM (11 COPIES)

- Subject Property Identification
- Request Type
- Requested Use
- Provide section of Arlington County Zoning Ordinance under which the use is permitted
- Provide applicant information and signature
- If applying on behalf of applicant provide identifying information

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>
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ATTACHMENTS/DOCUMENTS (11 COPIES)

- A Notarized Disclosure Statement per Section 36 of the Arlington County Zoning Ordinance
- Letter/Statement of Support providing a detailed description and supporting argument for the proposed use, including hours of operation, number of employees, equipment, use of outdoor areas, noise, etc.
- Statement of Consent from Property Owner to include owner's name, title, address, phone number and email
- Vicinity Map at 1:100 scale
- Provide a Certified Plat or Site Plan depicting all EXISTING site conditions/improvements. Plat/ Site Plan must be scaled using an Engineer's Scale.
- Provide a Plat/Site Plan depicting all PROPOSED site conditions/improvements. Plat must be scaled using an engineer's scale. Please note that a plat containing a Land Surveyor's or Engineer's seal is copyrighted and can not be altered without permission.
- If New Construction include the following:
 - Plot and location map; scale 1" = 25'-0"
 - Topographic map (2' intervals) showing existing and proposed grades; scale 1"= 25'-0"
 - Provide impervious area calculations, existing conditions and proposed
 - Landscape plan showing existing trees on site with a caliper of 6" or greater when measured at 4'-0" above grade
 - A description of the project and potential activities within the project
 - Potential methods of minimizing adverse impacts, including feasibility
- Floor Plan drawn to scale (architect's scale) as appropriate for the proposed use (if plan is larger than 8.5"x 11" please provide an additional copy of the plan at a reduced scale to fit 8.5"x 11")
- A chart or table depicting existing vs proposed modifications conditions and zoning tabulations for the following to included a field for required, provided and proposed modifications:
 - Parking/Loading and any requested modifications
 - Sign(s) and any requested modifications
 - Conversion of the Use of Space and any requested modifications
- Any additional drawings, plans, sketches or photographs pertinent to this request, to include existing tenant list, determination letters, prior approvals, certificates of occupancy, etc.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
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SUPPLEMENTAL INFORMATION (11 COPIES)

- Child Care Use Permit (attached)
- Telecommunications Use Permit (attached)
- Outdoor Café Use Permit (attached)
- Live Entertainment Use Permit (attached)

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

ZONING OFFICE USE ONLY

DATE RECEIVED: 12-16-11 RECEIVED BY: J. Coone II

APPLICATION FEE: \$1923.30 RECEIPT NUMBER: ZADM11923

ZONING DISTRICT: C-2 CASE NUMBER: _____

SUPPLEMENTAL INFORMATION

Arlington County Planning Division

WHERE NOT PREVIOUSLY PROVIDED, PLEASE PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION WITH SUBMITTAL OF THIS APPLICATION TO THE ZONING OFFICE

LIVE ENTERTAINMENT USE PERMIT (11 COPIES)

YES NO

- I have read the "Zoning Administrator's Advice" dated November 1, 2010 regarding Live Entertainment (attached) OR (<http://www.arlingtonva.us/departments/CPHD/planning/zoning/page78939.aspx>) YES NO
- The Subject Property wherein the proposed live entertainment is to take place has been established as a Restaurant or Nightclub (check one) and has obtained a Certificate of Occupancy as a Restaurant or Nightclub. If YES, please enclose a copy of said Certificate of Occupancy and Capacity Certificate. If NO, please know the Arlington County Zoning Ordinance only permits live entertainment (with Use Permit approval) in association with a restaurant and/or nightclub YES NO
- Provide the type of proposed live entertainment to include a detailed description.
 - Musical Ensemble Solo Performers Deejays (DJ) Karaoke
 - Comics/Comedians Theatrical Dancing Other as specified below

- Will the proposed live entertainment use amplified audio equipment? If YES, provide a brief description below.

TWO SPEAKERS

- Will the proposed live entertainment be offered indoors or outdoors? (check one)
- Provide the hours live entertainment will be offered in association with each day of the week and current business hours of establishment wherein the live entertainment is provided.
- Provide a scaled floor plan drawing (architect's scale) depicting all areas/rooms where live entertainment will be setup/offered. This plan shall include the location of all equipment associated with live entertainment. (i.e. stage, DJ booth, karaoke machine, speakers, etc.)
- Provide a Letter/Statement of Support from affected Civic Associations; If none provide an explanation as to why no civic associations are affected by the proposed use.
- Note: If a dance floor or a space wherein patrons will be encouraged to dance is proposed, the applicant must also pursue and obtain a Dance Hall Permit from the Zoning Office.



SUPPLEMENTAL INFORMATION

DISCLOSURE STATEMENT

Arlington County Planning Division

SUBJECT PROPERTY IDENTIFICATION:

DATE: 12/9/11

* ADDRESS 2530 Columbia Pike
Arlington, VA 22204

* REAL PROPERTY CODE(S) 32002001

* AREA (SQ. FT./ACRES) 52470 ZONING DISTRICT(S) C-2, RA14-2G

* LOT(S) _____ BLOCK _____

* SECTION 26 SUBDIVISION B12

OWNERSHIP:

YES NO

* Is the owner of said real estate a corporation whose stock is traded on a national or local stock exchange and having more than five hundred (500) shareholders? If YES, give the name of the corporation and proceed to certification portion of this form.

* If NO, provide a list of the names, addresses and nature of interest of ALL persons having equitable ownership of the real estate to be affected. Include, in the case of corporate ownership, the names of stockholders, officers, directors and ALL parties in interest. If aforementioned information does not fit in the space provided, please attach an additional document as necessary.

PARCEL ADDRESS	NAME	ADDRESS	NATURE OF INTEREST
	RUDIS FLORES	3518 Fort Will Dr Alex, VA 22310	President
	The Holiday Corporation	3400 Idaho Ave NW Wash, DC 20016	Landlord

SEE ATTACHED

CERTIFICATION:

* I hereby certify that this is a true and accurate disclosure of all persons having equitable ownership in the real estate to be affected and of all parties in interest.

APPLICANT'S NAME Serv Delcathie TITLE General Manager

ADDRESS 313 Fernwick St Arlington, VA 22204

SIGNATURE [Signature]

STATE OF VA, COUNTY OF Arlington TO WITNESS _____

Subscribed and sworn before me this 14 day of December, 20 11

Notary [Signature]

My commission expires 10/31/12



DISCLOSURE STATEMENT

ZONING ADMINISTRATOR'S ADVICE

Arlington County Zoning Administration

OUTDOOR CAFÉS

November 1, 2010

ISSUE:

The Arlington County Zoning Ordinance (ACZO) does not define "outdoor cafe". The following advice is provided as to how the term is generally defined and to provide my understanding of the consistent administrative practice in applying this term.

RESPONSE:

Only §31.A.11 speaks to an Outdoor Café and provides some regulation. In addition, some zoning districts permit restaurants "with outdoor cafes" (e.g. C-1). The following guidance is provided:

- Based upon the Zoning Ordinance requirements, outdoor cafés are seasonal in nature because they are not permitted to be enclosed and because no parking is required.
- As dictionary definitions make clear, an outdoor café is typified by tables and chairs. If alcohol is being served, it will also include a barrier of some kind, such as a short fence or rope/chain with periodic supports in order to also be compliant with ABC laws.
- Also, since outdoor cafes are neither enclosed nor permanent, food and beverage preparation would occur inside the building housing the principal use (i.e. a restaurant or grocery store) and brought to the customer or carried by the customer to the outdoor café.
- The seasonal nature of outdoor cafes, and the requirement of no enclosure suggest an impermanent facility; thus all fixtures associated with an outdoor café must be portable and related, as well as limited to, food service (e.g. tables, chairs, serving trays, soiled dish bins and the like). These requirements are also consistent with the fact that outdoor cafes can be permitted in the public right-of-way by use permit, and should not be permanent on county-owned property.
- An outdoor café is associated with a restaurant or a grocery store which also retails prepared food in a ready to consume state (e.g. deli sections like Whole Foods or Giant provides with ready made sandwiches or meals) and no other use.
- Outdoor cafes are typically located immediately adjacent to the building housing the principal use, typically on the sidewalk or on a deck/porch (e.g. Liberty Tavern or Freddie's Beach Bar & Bistro)

If outdoor dining is offered in a manner inconsistent with the above referenced bullets, the use is mostly likely not an outdoor café and must be treated in the same manner as the use to which it is associated. By way of example, if the use is enclosed in some manner or has permanent fixtures and is associated with a restaurant, then the seating must meet the parking requirements as established in §33 and setback requirements as established in §32.

In any event, any application for a Certificate of Occupancy or Building Permit for an outdoor café that is inconsistent with the bullets listed above must be reviewed by the Zoning Administrator or a Deputy Zoning Administrator prior to "zoning approval".

The foregoing statement is advice of the Zoning Administrator, only, and is subject to change and is not subject to appeal. It is provided solely for information and in an effort to assist the public. It may not be relied upon as legal advice or as creating any vested right to any use.

ADMINISTRATOR'S ADVICE

ZONING ADMINISTRATOR'S ADVICE

Arlington County Zoning Administration

LIVE ENTERTAINMENT

November 1, 2010

ISSUE:

The Arlington County Zoning Ordinance (ACZO) does not define "live entertainment". Based upon the language of the ordinance, and the consistent administrative practice, how is this term applied?

RESPONSE:

It has been the consistent administrative practice to define "Live Entertainment" as follows: any entertainment involving performances, or delivery of entertainment by one or more persons. Examples include:

- A musical ensemble
- Solo performers
- Deejays
- Karaoke
- Comics/Comedians
- Theatrical acts (when performed in a venue other than a theatre)
- Dancing

Although every set of facts must necessarily be determined individually, live entertainment would not usually include things like piped-in background music, where no "live" person is actively involved in the playing of the music. Please note that the ACZO only permits "live entertainment" in association with a restaurant and after the approval of a Use Permit by the County Board. Additionally, dancing is only permitted per the County Code where a live entertainment use permit has been granted.

The foregoing statement is advice of the Zoning Administrator, only, and is subject to change and is not subject to appeal. It is provided solely for information and in an effort to assist the public. It may not be relied upon as legal advice or as creating any vested right to any use.

Some districts permit "nightclub or restaurant". Webster defines a nightclub as including a restaurant, and therefore a nightclub would be permitted to apply for a live entertainment use permit.

ADMINISTRATOR'S ADVICE



THE HOLLADAY
CORPORATION

3400 Idaho Avenue, N.W.
Washington, D.C. 20016

TEL. (202) 362-2400
FAX. (202) 364-0844

December 13, 2011

To Whom It May Concern:

As the Owner and Management Company of the Arlington Village Shopping Center, The Holladay Corporation has granted permission for LA Bar and Grill to provide live entertainment in their establishment.

If you have any questions, or would like to contact me, please feel free to call me at 202-362-2400.

Sincerely,

Jill A. Donahue
The Holladay Corporation

Rudis J. Flores
Owner
L.A. Bar and Grill
2530 Columbia Pike
Arlington, VA 22204
(703)685-1560

To Whom it May Concern,

In the process for which we are applying for our Live Entertainment License for L.A. Bar and Grill. I give Sean A. Deloatche (General Manager) authorization to fill out all information in regards to our Live Entertainment Application for L.A. Bar and Grill on my behalf. Thank you.

Sincerely,



Rudis J. Flores



ARLINGTON COUNTY, VIRGINIA
 DEPARTMENT OF COMMUNITY PLANNING,
 HOUSING AND DEVELOPMENT
 PLANNING DIVISION
 ZONING ADMINISTRATION
 #1 COURTHOUSE PLAZA, SUITE 812
 2100 CLARENDON BOULEVARD
 ARLINGTON, VIRGINIA 22201
 (703) 228-3883 • FAX (703) 228-3896



SUSAN INGRAHAM BELL
 DIRECTOR

EMORY C. RUSSELL, JR.
 ZONING ADMINISTRATOR

RUDIS FLORES
2530 COLUMBIA PIKE
ARLINGTON VA
22204

CERTIFICATE OF OCCUPANCY

Permit Number: CO0600221

03-29-2006

Permission is hereby granted to: **L.A. SPORTS BAR LLC ; L.A. BAR AND GRILL** to use floor: and/or suite: of the building located at: **2530 COLUMBIA PIKE** for the following purposes: **RESTAURANT--"L.A. SPORTS BAR AND GRILL" 64 SEATS.**

SEATING CAPACITY: 64
 NUMBER OF CHILDREN: 0
 USE GROUP: A-2
 VARIANCE #:
 SITE PLAN #: 0

OCCUPANT LOAD: 74
 ZONING: C-2
 CONSTRUCTION TYPE: 1B
 USE PERMIT #:
 VUSBC: 2000

This certificate does not take the place of any license required by law. Any change in the use, ownership, or occupancy of this building or land shall require a new certificate.

This Building or the proposed use of the building or land complies with all provisions of the Virginia Uniform Statewide Building Code and the Arlington County Zoning Ordinance.

BY: Michael G. Lewis
 BUILDING OFFICIAL

BY: Anna J. Brad Deputy
 ZONING ADMINISTRATOR

THIS CERTIFICATE SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES

Sean Deloatche
General Manager
L.A. Bar and Grill
2530 Columbia Pike
Arlington, VA 22204
(703)685-1560

To Whom it May Concern,

The purpose of this letter is to explain our proposed application for a Live Entertainment Permit from Arlington County. The proposed days during the week are as follows:

Thursdays, Open-Mic Music from 9pm-1am where any musician or singer may sign up and perform 3-5 songs free of charge and there will be no cover charge at the door.

Fridays, Live Bands from 9pm-1am where we would book live Musicians ranging in size from 1 single musician to a 4 member band. We will pay the bands and there will never be any cover charge at the door.

Saturdays, Karaoke from 8pm-1:30am where a Karaoke DJ will have a sign-up list for people to sing karaoke. There will be no cover charge at the door.

I would also like to point out that our building is outlined and reinforced with heavy Red Bricks that keep the volume of the Live Entertainment to a Minimum on the outside. The Neighboring Community of Arlington Village, which sits directly in front of us has not needed to call us or the Arlington County Police due to loud volume coming from inside our establishment.

In terms of crowd control, we do not hire private citizens used as "Bouncers." We hire Professional Private Security Firm by the name of Virginia Protective Force Inc. (Director of Operations Michael Warner 703-229-6444 ext 103, Cell 703-910-0622) To be used every Saturday for Karaoke and on certain Fridays for more popular bands. V.P.F.'s job while working is to watch the front door, ID all entering customers, and to keep an over all safe environment in our establishment.

We also pay the 3 main Music Copyright Companies: Ascap, BMI, and Sesac. For the right for their Licensed Songs to be sung in our establishment by Musicians or by Karaoke. Each company is paid Annually.

And finally we at L.A. Bar and Grill take pride in what we do in our establishment. Our main goal is to offer our customers a Safe and Relaxed environment where they can come and enjoy themselves. Our live entertainment is a big way for us to give back to our customers, we will never charge them at the door. In our eyes this is a way that we can give back to them and thank them for their years of supporting us.

Thank you for your time and I hope to hear from you soon.

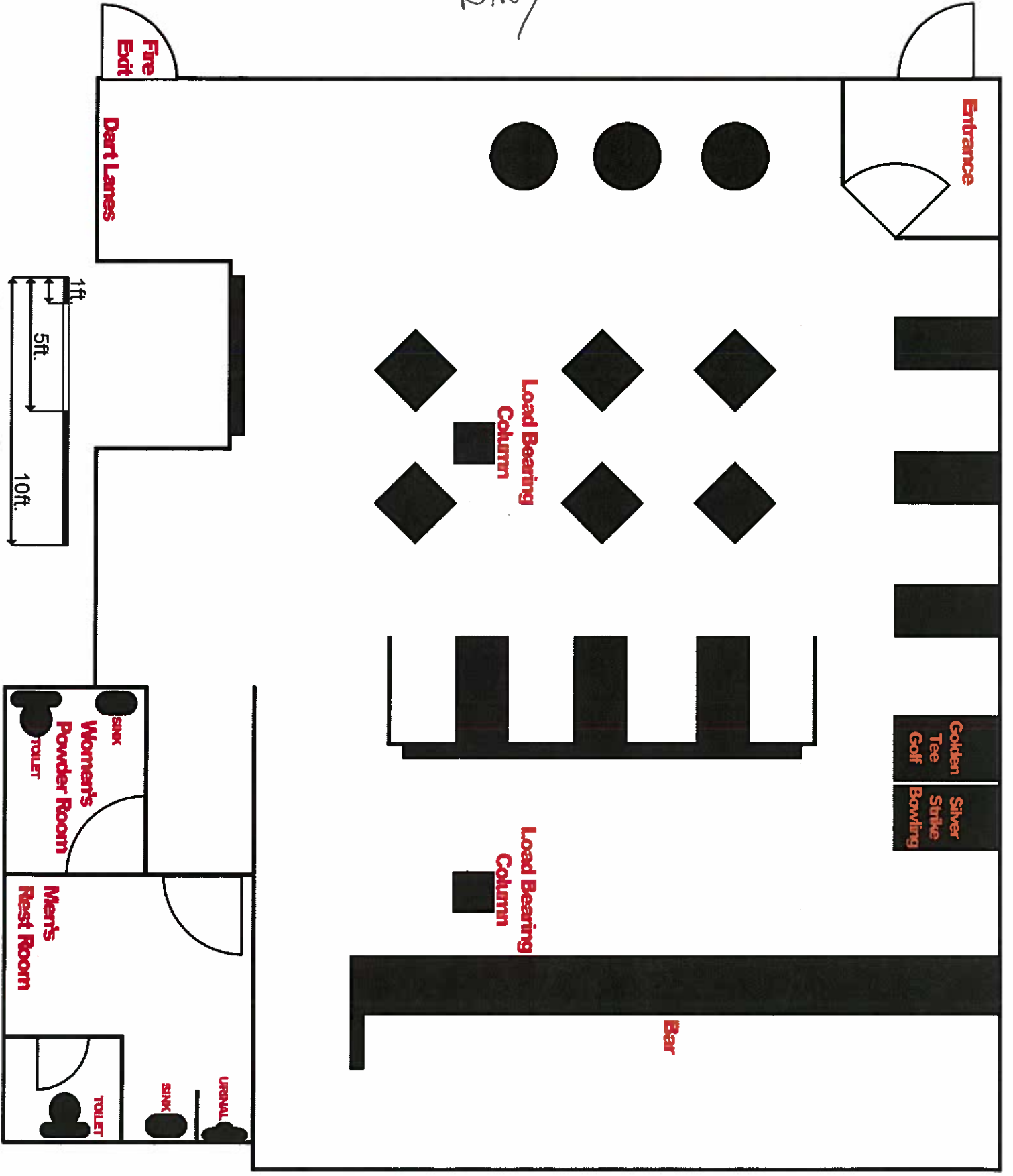
Sincerely,

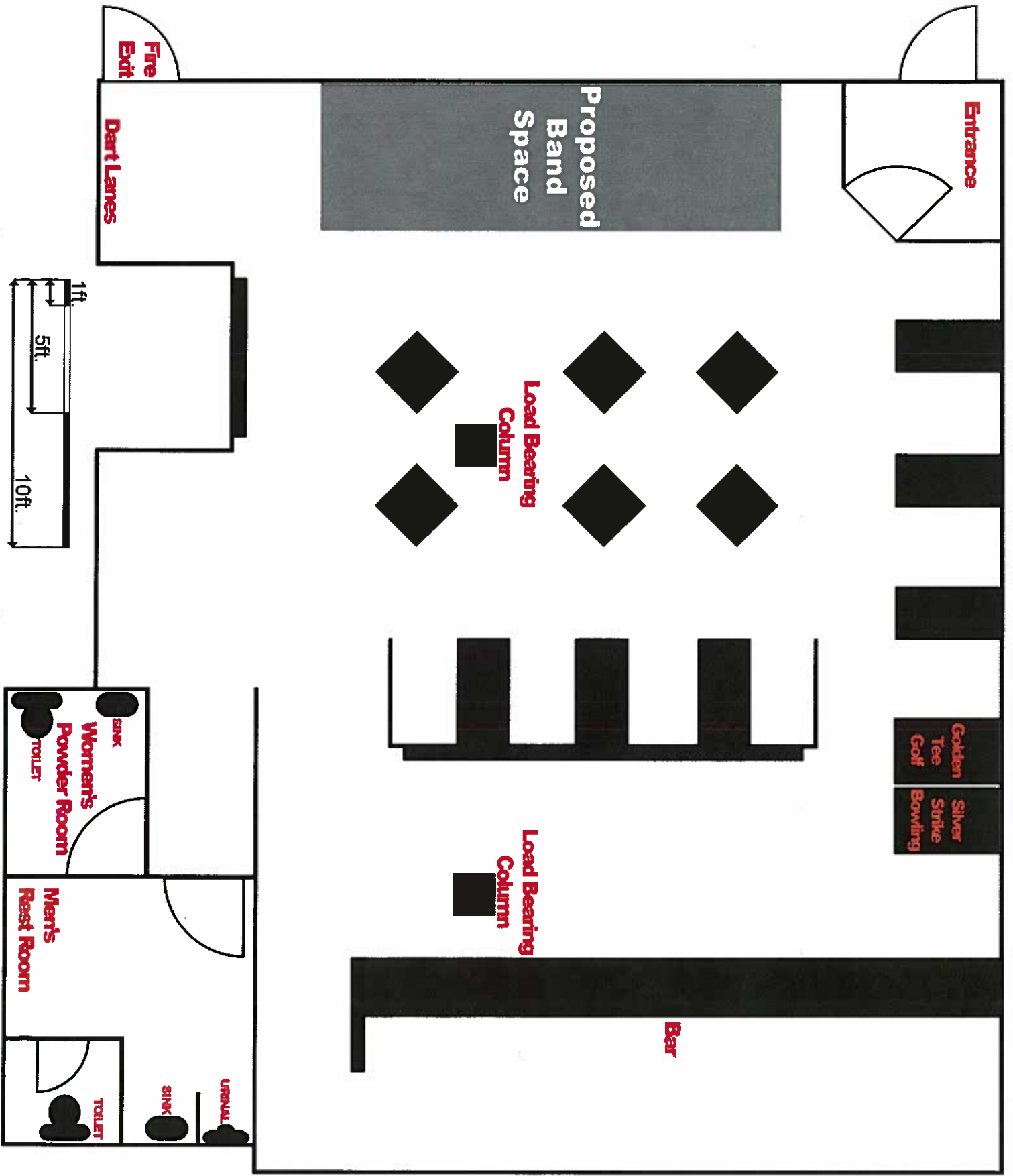
Sean Deloatche

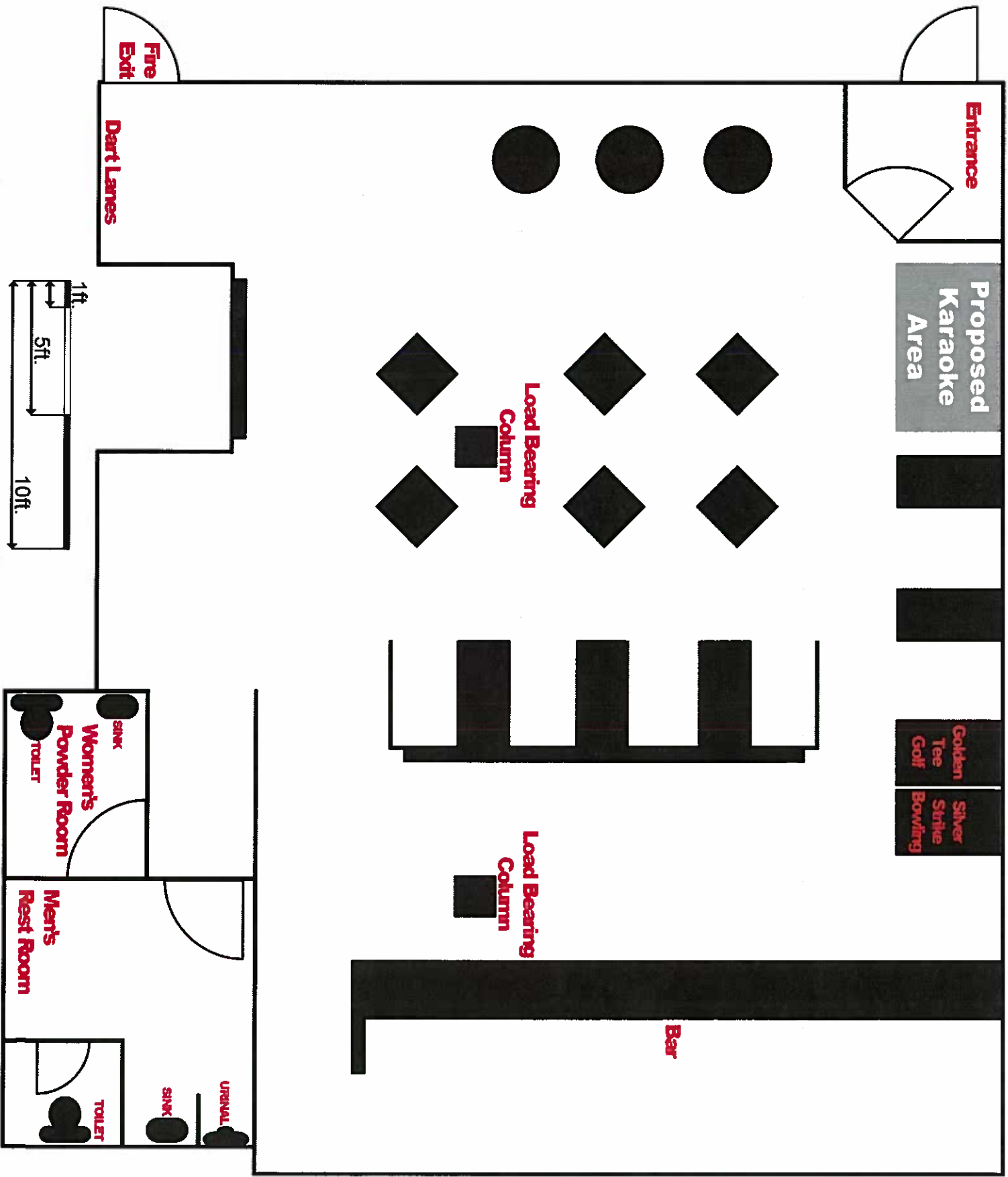


Day
to
Day

Mr. Peterson







Entrance

Proposed Karaoke Area

Golden Tee Golf

Silver Strike Bowling

Bar

Load Bearing Column

Load Bearing Column

Dart Lanes

Fire Exit

Women's Powder Room

Men's Rest Room

1ft
5ft
10ft

URINAL
SINK

TOILET

SINK

TOILET

