



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 5, 2007

DATE: April 23, 2007

- SUBJECTS:**
- A. SP #194 SITE PLAN REVIEW for live entertainment and dancing; 3100 Clarendon Blvd. (RPC #19-002-007) (SoBe Seafood Company & Mr. Days)
 - B. SP #362 SITE PLAN AMENDMENT AND REVIEW to amend and review live entertainment; outdoor menu box; premises known as 2900 Wilson Blvd. (RPC #18-011-001) (La Tasca)
 - C. U-2861-95-1 USE PERMIT REVIEW for live entertainment; 2854 Wilson Blvd. (RPC #18-010-008) (Whitlow's on Wilson)
 - D. U-2873-95-2 USE PERMIT REVIEW for live entertainment; 1101 N. Highland St. (RPC #18-013-010) (Clarendon Grill)
 - E. U-2984-00-1 USE PERMIT REVIEW for live entertainment; 3185 Wilson Blvd. (RPC #15-075-003) (Clarendon Ballroom)
 - F. U-3046-02-1 USE PERMIT REVIEW for live entertainment and dancing; 2901 Wilson Blvd. (RPC #15-066-019) (Boulevard Woodgrill)
 - G. U-3050-02-1 USE PERMIT REVIEW for live entertainment; 2933 Wilson Blvd. (RPC #15-006-001) (Mexicali Blues)
 - H. U-3114-04-1 USE PERMIT REVIEW for live entertainment; 3207 Washington Blvd (RPC #15-078-001) (O'Sullivan's f/k/a Molly Malone's)
 - I. U-3125-05-1 USE PERMIT REVIEW for live entertainment; 2915 Wilson Blvd (RPC #15-006-002) (RiRa)
 - J. U-3134-05-2 USE PERMIT REVIEW for live entertainment; 1041 N. Highland St. (RPC#18-026-004) (Eleventh Street Lounge)

Applicants (in order of listing):

SoBe Seafood Company and Mr. Days (same address), La Tasca, Whitlow's on Wilson, Clarendon Grill, Clarendon Ballroom, Boulevard Woodgrill, Mexicali Blues, O'Sullivan's (f/k/a Molly Malone's), RiRa, and Eleventh Street Lounge.

County Manager: _____

Staff: Jill Griffin, DCPHD, Planning Division

PLA-4663

C.M. RECOMMENDATIONS:

- A., C–G, I., J. Renew, subject to all previous conditions, with a review by the County Board in one (1) year (May 2008);

- B. Renew the site plan amendment (La Tasca) for live entertainment, subject to all previous conditions and two (2) revised conditions (#1, #4), with a review by the County Board in one (1) year (May 2008); and

Approve the site plan amendment for a restaurant menu board, subject to the condition of the staff report.

- H. Renew the use permit for live entertainment (O’Sullivan’s), subject to all previous conditions and one (1) revised condition (#5), with a review by the County Board in one (1) year (May 2008).

ISSUES: None.

SUMMARY: This staff report covers three items: review of existing use permits and site plan amendments for live entertainment in the Clarendon area; a site plan amendment request by La Tasca for its live entertainment – to permit amplification and to expand to a seven day per week venue; a site plan amendment request by La Tasca to permit the posting of an outdoor menu board; and a name change from “Molly Malone’s” to “O’Sullivan’s.” The existing live entertainment uses have functioned generally in compliance with the conditions of approval. Most active live entertainment uses participate regularly in the quarterly meetings of the Neighborhood Advisory Group (the “Group”) and are in compliance with the conditions of approval. However, neighborhoods’ concerns persist in trash pick-up and policing. The County Board, in adopting recent budgets, has indicated its commitment to address these concerns in a proactive manner.

Therefore, based on the continued County Board commitment and the on-going work and support of the Group, staff recommends that the use permits and site plan amendments be renewed, with revised conditions to SP #362 (La Tasca) and U-3114-04-1 (O’Sullivan’s), with a County Board review in one (1) year (May 2008). In addition, staff recommends that the County Board approve the restaurant menu board for SP #362 (La Tasca) subject to the condition of the staff report.

BACKGROUND: The County Board approved the use permits and site plan amendments for live entertainment in conjunction with existing restaurants for the subject establishments between 1995 and 2005 (Mr. Days (f/k/a Blue-N-Gold Brewing Company) – 1995, Whitlow’s on Wilson - 1995, Clarendon Grill - 1996, Clarendon Ballroom – 2000, Boulevard Wood Grill – 2002, Mexicali Blues – 2003, La Tasca – 2004, O’Sullivan’s (f/k/a Molly Malones) – 2005, SoBe – 2005, and eleventh street - 2005). The uses operate in the Clarendon area within a few blocks of each other. During past reviews, similar issues and concerns including noise, inadequate parking, and trash were identified as areas requiring mitigation. It was agreed that given the

similarities of the uses, the concerns expressed, and the proximity of the uses to each other, it was reasonable to consolidate their review periods and develop an ongoing, joint neighborhood advisory process. The applicants agreed to participate in a Neighborhood Advisory Group (the "Group") effort that included neighborhood representatives, the Clarendon Alliance, and County staff. The Group agreed to meet quarterly and has continued to do so since its beginnings in 2002.

DISCUSSION: Quarterly meetings of the Group have been attended by the community, County staff, and most of the business establishments. The interaction has generally been cooperative and cordial. There has been good faith demonstrated by the establishments and the neighbors who have given their time and energy to attend these meetings for the past five years. That good faith has resulted in the establishments paying more attention to the neighborhoods' concerns, assuming responsibility for their patrons and taking corrective measures to address the Group's concerns which include issues of trash, noise and parking. In 2006 the County Board adopted a budget which proactively addressed the neighborhood concerns and highlighted the County Board's commitment to this live entertainment district.

The following is a discussion of the broader review of live entertainment in the Clarendon area.

Since the Last Review (May 20, 2006):

Use Permit and Site Plan Amendment Conditions: The uses have generally operated in compliance with the conditions of approval.

Community Code Enforcement and the Site Plan Inspection: In general, Community Code Enforcement and Site Plan Inspection staff have found the establishments to be in compliance with the conditions of their use permits or site plan amendments. Further, if there was any concern, staff found the applicants to be cooperative and receptive to corrective measures. Community Code Enforcement and Site Plan Inspection staff continues to participate in the Group process and are aware of ongoing discussions within the Group.

Fire Marshal's Office: The Fire Marshal's Office has not reported concerns with the live entertainment uses. The owners have cooperated with the Fire Marshal's Office to address any identified concerns.

Police Department: The Police Department has been an integral part of the Group process. Communication between the establishments and the Police Department has been open and productive during the Group meetings. The Police Department has not expressed objection to renewal of the subject special exceptions for live entertainment. The department is aware of the neighborhood representatives' continued concerns and desire to have greater police presence in the Clarendon area.

State ABC Board: ABC Board staff have not reported concerns with any of the establishments.

Civic Associations: The Lyon Village Citizens Association, the Lyon Park Citizens Association, the Clarendon-Courthouse Civic Association and the Clarendon Alliance were notified of the use permit and site plan amendment reviews. The neighboring civic associations and the Alliance have participated fully in the Group efforts. The associations continue to identify noise from persons returning to their cars, inappropriate behaviors, trash and parking in the neighborhood as ongoing problems. The Group effort has resulted in more open communication to address concerns and additional clean-up efforts by the establishments. It is generally agreed that the Group effort continues to be an essential vehicle for communication and addressing concerns. The Group supports the continued use of live entertainment with a yearly review and the restaurants continued participation.

The discussion below is focused on the specific request for La Tasca.

Subject Item B (La Tasca): SP #362 SITE PLAN AMENDMENT AND REVIEW to amend and review live entertainment; outdoor menu box; premises known as 2900 Wilson Blvd. (RPC #18-011-001).

La Tasca has requested an amendment to its live entertainment to increase the frequency of the live entertainment as well as permitting amplified music. Currently the conditions regulating these items read:

1. The applicant agrees that the live entertainment shall be limited to Thursdays, Fridays, Saturdays and Sundays between 11:00 a.m. and midnight (12:00 a.m.). The applicant agrees that there shall be no dancing by customers unless the required dance hall permit is secured.
4. The applicant agrees that the live entertainment shall be limited to acoustic music and shall be non-amplified. At times the applicant anticipates including flamenco dancers performing to the live and/or recorded music.

The applicant would like to have additional flexibility in providing live entertainment as an amenity for its dining guests – flexibility primarily for special events. The request would permit live entertainment on any calendar day of the week between the hours of 11:00 a.m. and midnight (12:00 a.m.) – an additional three days than what is currently permitted. Additionally, the applicant has requested to have amplification for the live entertainment. Due to the multistory nature of the interior design of the restaurant and the resulting acoustical challenges, the applicant has not been able to provide acoustical instrumental and vocal music to comfortably serve the patrons of all parts of the restaurant. Amplification of the acoustical music and vocal music will overcome these challenges. The applicant recognizes that the amplified music would be restricted to the interior of the restaurant.

Additionally, the applicant has requested the placement of a small menu board on its exterior façade. This menu board would be a non-illuminated, glass-enclosed box (approximately an 18-inch square) mounted on the brick wall surface to the right of the front entrance. The menu would be changed approximately two to three times per year, seasonally. The intent of this menu

board is to permit potential restaurant patrons to be able to review the applicant's menu options without having to enter the restaurant itself. Because this provides information to the general consumer, this menu board is considered a sign. The total sign area would be approximately 2.25 square feet. This would be in addition to the 137.5 square feet of sign area permitted, via an administrative change request, and installed. The additional 2.25 square feet is consistent with the *Sign Guidelines for Site Plan Buildings* for this site.

The discussion below is focused on the specific request for O'Sullivan's.

Subject Item H (O'Sullivan's): With the original approval of the use permit (U-3125-05-1) for live entertainment, a condition was included which limited the tenure of the live entertainment to the establishment known as "Molly Malone's:"

5. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as "Molly Malone's."

Recently, the ownership of the restaurant decided to re-brand the restaurant and name the restaurant after one of the owner-operators, Karen O'Sullivan. After meeting with the Group, there was agreement that the condition should be changed to reflect this new name under the same ownership.

CONCLUSION:

Existing Live Entertainment Uses (Subjects A., C-G, I. and J.): The live entertainment establishments in the Clarendon area generally comply with the conditions of approval. The County's health and safety agencies, including the Fire Marshal's Office, the Police Department and the Code Enforcement Office, have not identified threatening safety hazards or discrepancies occurring in any of the establishments and have not objected to renewing the live entertainment uses. The owners of the establishments continue to display a spirit of cooperation in their relationships with County staff and the nearby neighborhoods. The neighborhoods and the owners continue to identify areas of impact that require attention by the County and the applicants. The Group meetings continue to keep lines of discussion open and participants working toward resolutions. With the continued work and support of the Group, staff recommends that the County Board renew the live entertainment uses, subject to all previous conditions, with a review by the County Board in one (1) year (May 2008).

Subject Item B (SP #362 - La Tasca): The site plan amendment request by La Tasca for its live entertainment – to permit amplification and to expand to a seven day per week venue is appropriate with the parameters as set forth in the amended conditions. These amendments will permit the applicant to have flexibility in its live entertainment offerings and will ensure that all diners will be able to experience the live entertainment. After discussion with the Group and reviewing conditions of other live entertainment venues, staff concludes that the proposed amendments are appropriate. Therefore, staff recommends approval of the site plan amendment request to modify the parameters of live entertainment, subject to all previous conditions and two (2) revised conditions (#1 and #4), with a review by the County Board in one (1) year (May 2008).

Revised Conditions:

1. The applicant agrees that the live entertainment shall be limited to Thursdays, Fridays, Saturdays and Sundays between 11:00 a.m. and midnight (12:00 a.m.). The applicant agrees that there shall be no dancing by customers unless the required dance hall permit is secured. The applicant agrees that additional live entertainment events may be permitted on Mondays, Tuesdays and Wednesdays between 11:00 a.m. and midnight (12:00 a.m.) provided that these additional events do not exceed six (6) additional events per month.

4. The applicant agrees that the live entertainment shall be limited to acoustic music and vocal music ~~and shall be non-amplified.~~ The applicant agrees that the decibel level of amplification for the acoustic and vocal music may not exceed the lesser of (a) a level that may be heard by all patrons within the exterior walls of the restaurant, or (b) a level that is readily audible from the exterior of the restaurant when all windows and doors to the exterior of the restaurant are shut. At times the applicant anticipates including flamenco dancers performing to the live and/or recorded music.

Additionally, staff concludes that the proposed menu board is consistent with the *Sign Guidelines for Site Plan Buildings* and compatible with the previously approved signs for the restaurant. Therefore, staff recommends that the County Board approve the site plan amendment for a restaurant menu board subject to the following condition.

New Condition (numbered as part of entire site plan):

55. The applicant agrees to limit the menu board sign for the La Tasca Restaurant (2900 Wilson Boulevard) to the 2.25 square foot sign, and attached ornamental case, at the northeast corner elevation at the location and in the design shown on the images presented to the County dated November 20, 2006, and presented to the County Board on May 5, 2007. The applicant agrees to obtain all necessary sign permits.

Subject Item H (U-3114-04-1 - O'Sullivan's): In reviewing the use permit for O'Sullivan's (f/k/a Molly Malone's) staff recognized the name change. It was determined that the ownership has remained the same. With agreement from the Group, staff recommends that the County Board renew the use permit for live entertainment, subject to all previous conditions and one (1) revised condition (#5), with a review by the County Board in one (1) year (May 2008).

Revised Condition:

5. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as "O'Sullivan's." "Molly Malone's."

Whitlow's On Wilson (U-2861-95-1 & U-2886-96-3)

- October 14, 1995 Approved Use Permit (U-2861-95-1) for live entertainment in a restaurant, seven days a week, from 11 a.m. to 2 a.m., subject to conditions and a review in one (1) year.
- October 14, 1995 Approved Use Permit (U-2862-95-1) for a comprehensive sign plan for three (3) signs containing a total of 110 square feet of sign area, subject to conditions.
- July 20, 1996 Approved Use Permit (U-2886-96-3) for an outdoor café with 32 seats operating between 11 a.m. and 12:30 a.m., subject to conditions and a review in one (1) year.
- October 5, 1996 Continued Use Permit (U-2861-95-1) for live entertainment in a restaurant, seven days a week, from 11 a.m. to 2 a.m., subject to conditions and a review in nine months.
- July 19, 1997 Continued a Use Permit (U-2861-95-1) for live entertainment in an existing restaurant and Use Permit (U-2886-96-3) for an outdoor café subject to all previous conditions, new Condition #4, administrative reviews in two months, and a review by the County Board in two (2) years.
- July 14, 1999 Continued use permits for live entertainment (U-2861-95-1) in an existing restaurant and for café seating (U-2886-96-3), subject to all previous conditions, and with a review in one (1) year. (July 2000)
- July 31, 2000 Adopted motion to amend use permit (U-2881-95-1) for live entertainment to include dancing but accepted withdrawal by applicant. Continued (U-2881-95-1), subject to previous Condition #2, amended Conditions #1 and #3, and additional Conditions #4 through #7, and with a review in six (6) months (January 2001). Continued use permit (U-2886-96-3) for outdoor café seating, subject to

all previous conditions, and with a review in six (6) months. (January 2001)

November 18, 2000

Deny amendment request to amend hours of live entertainment for Wednesday through Thursday from 6 p.m. to 12 midnight, to 6 p.m. to 12:30 a.m. for Sunday through Tuesday from 6 p.m. to 2 a.m. to 6 p.m. to 1:30 a.m., for holiday eves and holidays treat the same as Friday and Saturday in terms of type of entertainment and hours from 6 p.m. to 1 a.m. Review in six (6) months.

December 18, 2000

In reconsidering the November 18, 2000 action on live entertainment use permit (U-2881-95-1) at the December 18, 2000 recessed County Board meeting, continued subject to revised conditions and with a review in six (6) months.

January 27, 2001

Continued a use permit (U-2886-96-3) for outdoor restaurant seating, subject to all previous conditions, and with a review in five (5) months.

June 9, 2001

Continued use permits (U-2861-95-1) for live entertainment and (U-2886-96-3) for outdoor restaurant seating, subject to all previous conditions, and with a review in six (6) months. (December 2001)

December 8, 2001

Continued use permits (U-2861-95-1) for live entertainment and (U-2886-96-3) for outdoor restaurant seating, subject to all previous conditions with a new condition #8 and with a review by the County Board in eleven (11) months. (November 2002)

Clarendon Grill (U-2873-95-2)

February 3, 1996

Approved a Use Permit (U-2873-95-2) for live entertainment in conjunction with an existing restaurant, seven days a week, from 6 p.m. to 2 a.m., Monday through Friday and from 11 a.m. to 2 a.m. on Saturday and Sunday with a review in one (1) year. (February 1997)

February 8, 1997	Continued use permit (U-2873-95-2) for live entertainment and dancing in an existing restaurant subject to all previous conditions and review in three (3) years. (February 2000)
February 12, 2000	Continued use permit (U-2873-95-2) for live entertainment and dancing in an existing restaurant subject to all previous conditions and review in nine months. (November 2000)
November 18, 2000	Continued use permit (U-2873-951-2) for live entertainment and dancing with a review in one (1) year. (November 2001)
November 17, 2001	Continued use permit (U-2873-951-2) for live entertainment and dancing with an new condition #6 and with an administrative review in six (6) months and a review by the County Board in one (1) year. (November 2002)

Clarendon Ballroom (U-2984-00-1)

July 31, 2000	Approved use permit (U-2984-00-1) for live entertainment in a new restaurant, seven days a week from 6 p.m. to 2 a.m., Mondays through Fridays, and from 11 a.m. to 2 a.m., Saturdays and Sundays with a review in one (1) year. (July 2001)
July 28, 2001	Continued use permit (U-2984-00-1) for live entertainment in a new restaurant, seven days a week from 6 p.m. to 2 a.m., Mondays through Fridays, and from 11 a.m. to 2 a.m., Saturdays and Sundays with a review in one (1) year. (July 2002)
July 20, 2002	Continued use permit (U-2984-00-1) for live entertainment in a new restaurant, seven days a week from 6 p.m. to 2 a.m., Mondays through Fridays, and from 11 a.m. to 2 a.m., Saturdays and Sundays with a review in three (3) months. (October 2002)

Other restaurants in Clarendon & the continued reviews of Mr. Days, Clarendon Ballroom, Clarendon Grill, and Whitlow's on Wilson (from October 2002)

- October 19, 2002 Approved use permit (U-3046-02-1) for live entertainment and dancing; with a review in one (1) year. (October 2003) (Boulevard Woodgrill)
- October 19, 2002 Continued use permits and site plans (SP #194) for live entertainment and dancing (Mister Days), (U-2873-95-2) for live entertainment (Clarendon Grill), (U-2984-00-1) for live entertainment (Clarendon Ballroom), (U-2861-95-1) for live entertainment and (U-2886-96-3) for outdoor restaurant seating (Whitlow's on Wilson) with a review in one year. (October 2003)
- January 11, 2003 Approved use permit (U-3050-02-1) for live entertainment with a review in nine (9) months (October 2003). (Mexicali Blues)
- October 18, 2003 Approved a site plan amendment request (SP #339) for live entertainment with a review in one year (October 2004). (Harry's Tap Room)
- October 18, 2003 Continued use permits and site plans (SP #194) for live entertainment and dancing (Mister Days), (U-2873-95-2) for live entertainment (Clarendon Grill), (U-2984-00-1) for live entertainment (Clarendon Ballroom), (U-2861-95-1) for live entertainment, (U-2861-95-1) (Whitlow's on Wilson) for live entertainment and (U-2886-96-3) for outdoor restaurant seating (Whitlow's on Wilson), (U-3046-02-1) (Boulevard Wood Grill) for live entertainment and (U-3050-02-1) (Mexicali Blues) for live entertainment with a review in one year. (October 2004)
- June 26, 2004 Approved site plan amendment (SP #194) for outdoor seating for the Mister Days Sports Rock Café with a review in October 2004.
- July 10, 2004 Approved site plan amendment request (SP #362) for the La Tasca Restaurant to offer live entertainment with a review in three (3) months October 2004.

October 2, 2004	Continued use permits and site plans (SP #194) for live entertainment and dancing (Mister Days), (U-2873-95-2) for live entertainment (Clarendon Grill), (U-2984-00-1) for live entertainment (Clarendon Ballroom), (U-2861-95-1) for live entertainment, (U-2861-95-1) (Whitlow's on Wilson) for live entertainment and (U-2886-96-3) for outdoor restaurant seating (Whitlow's on Wilson), (U-3046-02-1) (Boulevard Wood Grill) for live entertainment, (U-3050-02-1) (Mexicali Blues) for live entertainment, (SP #362) (La Tasca) for live entertainment, and (SP #339) (Harry's Tap Room) for live entertainment with a review in one year. (October 2005)
March 12, 2005	Approved a use permit (U-3114-04-1) for live entertainment with a review in six months (October 2005). (Molly Malones)
June 18, 2005	Deferred a site plan amendment request (SP #194) for live entertainment to the July 9, 2005 County Board meeting.
July 9, 2005	Approved a site plan amendment request (SP #194) for live entertainment and dancing inside and outside the restaurant with a review in three months (October 2005). (SoBe)
	Approved a use permit request (U-3125-05-1) for live entertainment, with a review in October 2006. (RiRa)
October 18, 2005	Renewed use permits and site plans for live entertainment for the following establishments in Clarendon: SoBe Seafood Co (SP #194); Mr. Days (SP #194); Harry's Taproom (SP #339); LaTasca (SP #362); Clarendon Grill (U-2873-95-2); Whitlow's on Wilson (U-2861-95-1); Clarendon Ballroom (U-2984-00-1); Boulevard Woodgrill (U-3046-02-1); Mexicali Blues (U-3050-02-1); Molly Malone's (U-3114-04-1) subject to all previous conditions and with a review in seven (7) months. (May 2006)

Approved a use permit for live entertainment for RTM Investment Group LP “eleventh street” (U-3134-05-2), subject to conditions and with a review in seven (7) months. (May 2006)

Approved a use permit amendment to increase outdoor seating from 40 to 48 seats for Whitlow’s on Wilson (U-2886-96-3) subject to all previous conditions and amended condition #1, with a review by the County Board in seven (7) months. (May 2006)

Deferred a use permit amendment for Whitlow’s on Wilson (U-2861-95-1) to eliminate condition #4 regarding off-duty police officer to the May 2006 County Board meeting.

May 20, 2006

Renewed use permits and site plans for live entertainment for the following establishments in Clarendon: SoBe Seafood Co (SP #194); Mr. Days (SP #194); Harry’s Taproom (SP #339); LaTasca (SP #362); Clarendon Grill (U-2873-95-2); Whitlow’s on Wilson (U-2861-95-1); Clarendon Ballroom (U-2984-00-1); Boulevard Woodgrill (U-3046-02-1); Mexicali Blues (U-3050-02-1); Molly Malone’s (U-3114-04-1), and eleventh street lounge (U-3134-05-2) subject to all previous conditions and with a review in one (1) year. (May 2007)

Renewed a use permit for outdoor seating (48 seats) for Whitlow’s on Wilson (U-2886-96-3) subject to all previous conditions, with no further review.

Suspended the requirements of Condition #4, regarding off-duty police officer, of the use permit for Whitlow’s on Wilson (U-2861-95-1) for a period of six months commencing on July 1, 2006 and with review at the December 9, 2006 County Board meeting.

December 9, 2006

Deleted Condition #4, regarding off-duty police officer, of the use permit for Whitlow’s on Wilson (U-2861-95-1).

Approved Conditions (for Live Entertainment):

SP #194: 3100 Clarendon Boulevard - Mr. Days

1. Live entertainment is permitted Sundays, Mondays, Tuesdays and Wednesdays from 8:00 p.m. to 12:30 a.m., and Thursdays, Fridays and Saturdays from 8:00 p.m. to 1:30 a.m., and the Sundays, Mondays, Tuesdays and Wednesdays that occur on the eve of a federal holiday from 8:00 p.m. to 1:30 a.m.
2. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
3. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator.
4. The applicant agrees to share with other businesses the responsibility for picking up trash along 11th Street North between North Daniel and North Fillmore Streets, the 1000 block of North Edgewood Street and the North Highland Streets between Washington Boulevard and Clarendon Boulevard and the building's frontage along Washington Boulevard between North Highland Street and Wilson Boulevard. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks each Thursday, Friday and Saturday of any odd numbered month (January, March, May, July, September and November). Such trash shall be picked up after 9:00 p.m. or before 9:00 a.m. the following morning. Trash shall include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.
5. The applicant agrees to participate in the establishment of a neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mister Days Sports and Rock Cafe, other live entertainment users in the area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association and representatives of various County staff including Police, Code Enforcement, and Planning. The proposed advisory group would meet quarterly to work through issues associated with the live entertainment uses.

SP #194: 3100 Clarendon Boulevard - SoBe

1. Live entertainment and dancing hours
 - a. The applicant agrees that the hours for live entertainment inside the restaurant shall be as follows: 5 p.m. until 12:30 a.m., Monday through Thursday; 5 p.m. to 1:30 a.m., Fridays; 10 a.m. until 1:30 a.m., Saturdays; 10 a.m. until 12:30 a.m., Sundays; and 5 p.m. until 1:30 a.m., on the eve of all legal U.S. holidays.
 - b. The applicant agrees that the hours for dancing inside the restaurant shall be the same as for live entertainment inside except it would not begin before 5 p.m. any day.
 - c. The applicant agrees that the hours for live entertainment in the outdoor seating area shall be as follows: 5 p.m. until 12:00 a.m., Thursday and Friday; 10 a.m. to 12:00 a.m., Saturdays; 10 a.m. to 3 p.m. Sundays; and 5 p.m. until 12:00 a.m. on the eve of all legal U.S. holidays.

- d. The applicant agrees that the hours for dancing in the outdoor seating area shall be the same as for live entertainment outside except it would not begin before 5 p.m. any day.
2. The live entertainment and dancing shall be consistent with the applicant's leasing arrangement with the Wells REIT 1 3100 Clarendon LLC.
3. There shall be no customer dancing without obtaining a valid dance hall permit from the County Zoning Office.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant.
5. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
6. 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 provided in writing to the Zoning Administrator, The Clarendon Alliance, the Clarendon-Courthouse Civic Association and the Lyon Village Citizens Association.
7. The applicant agrees that live entertainment and dancing shall meet the noise limits established in the County Noise Ordinance.
8. The applicant agrees to share with other businesses the responsibility for picking up trash along 11th Street North between North Daniel and North Fillmore Streets, the 1000 block of North Edgewood Street and North Highland Street between Washington Boulevard and Clarendon Boulevard and the building's frontage along Washington Boulevard between North Highland Street and Wilson Boulevard. The applicant agrees that its share of this responsibility shall be defined in writing and provided to the Zoning Administrator. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks the following morning after each Thursday, Friday, and Saturday before 9 a.m. Trash shall include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.
9. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mister Days Sports and Rock Cafe, other live entertainment users in the area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
10. The applicant agrees to ensure that all restaurant staff are enrolled in the Police Department's Training for Intervention Procedures (TIPS) training.
11. The applicant agrees that the types of live entertainment inside the restaurant would be limited to a DJ, small combos, small jazz groups, an individual guitarist or pianist, or similar style entertainment.
12. The applicant agrees that the types of live entertainment in the outdoor seating area would be limited to small combos, small jazz groups, an individual guitarist or pianist, or similar style entertainment.

SP #362: 2900 Wilson Boulevard – La Tasca

1. The applicant agrees that the live entertainment shall be limited to Thursdays, Fridays, Saturdays and Sundays between 11:00 a.m. and midnight (12:00 a.m.). The applicant agrees that there shall be no dancing by customers unless the required dance hall permit is secured.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that the live entertainment shall be limited to acoustic music and shall be non-amplified. At times the applicant anticipates including flamenco dancers performing to the live and/or recorded music.
5. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to insure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
6. 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 Clarendon-Courthouse Civic Association, the nearby Lyon Village Citizens Association and the Clarendon Alliance.
7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, 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.
8. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as "La Tasca".

U-2861-95-1: 2854 Wilson Boulevard – Whitlows

1. On Sundays, Mondays, and Tuesdays, live entertainment shall be limited to exclusively acoustic music. On Wednesdays, live entertainment shall be limited to primarily acoustic music ("Primarily acoustic" envisions a mixture of acoustic and electric instruments playing in what would still be considered an "acoustic" setting where non-acoustic instruments would play softly enough so as not to overwhelm the acoustic instruments in the group. One example is a Jazz combo with an electric guitarist. Another is a Bluegrass band with an electric bass.) Live entertainment shall be limited to the hours between 6:00 p.m. and midnight on Sundays, Mondays, Wednesdays, and Thursdays. All amplified live entertainment shall be limited to Thursday, Friday, and Saturday evenings and New Year's Eve. Live entertainment on Fridays, Saturdays and New Year's Eve

shall be limited to the hours between 6:00 p.m. and 1:00 a.m. There shall be no amplified music after 11:00 p.m. in rooms, such as the Sand Bar, which have not received the full noise abatement treatment ("Full noise abatement treatment" includes two layers of acoustic draping, double-glazed tempered glass, and acoustical sound tiles).

2. The applicant shall post signs inside the restaurant that are clearly visible to patrons, discouraging parking within the residential neighborhood across Wilson Boulevard from the site. Information on parking should also be posted on their website.
3. The applicant shall designate a neighborhood liaison or liaisons to communicate with nearby residents and neighbors to address concerns, which may be related to the live entertainment. Whitlow's will address late-night complaints about loud music immediately upon receiving the complaint. The restaurant owner, manager, or other company representative shall be available during the hours of live entertainment to address concerns from citizens by telephone or in attendance. The name and telephone number of the liaison(s) shall be submitted by the applicant to the President of the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, and the Zoning Administrator.
4. All bands shall use the Whitlow's side door on Fillmore Street to load their equipment after completing their performance(s).
5. All doors, windows, or other openings shall remain closed during the hours of live entertainment. All acoustic drapes shall also remain closed during hours of live entertainment.
6. The applicant shall pick up litter along North Fillmore Street between Clarendon Boulevard and North Franklin Street, on Monday and Friday mornings.
7. Whitlow's will work with the Lyon Village Citizens Association to develop a sound management plan which assures that sound from all live entertainment does not create a noise disturbance, as determined in accordance with measurement standards agreed upon by Whitlow's and the Lyon Village Citizens Association, within the nearby residential area. More specifically:
 - a. Whitlow's will work with nearby neighbors to pre-determine which frequency/decibel levels can be heard within their homes and/or cause a noise disturbance in the neighborhood.
 - b. Whitlow's will use these pre-determined levels to monitor and adjust the live entertainment sounds.
 - c. Whitlow's will respond immediately to complaints from neighbors about music emanating from Whitlow's and take measures to adjust the live entertainment sounds to acceptable levels.
 - d. Whitlow's will book bands according to their ability to comply with these noise requirements.
 - e. Monitoring of and compliance with the sound management plan shall be the responsibility of the Lyon Village Citizens Association, and not Arlington County, in accordance with measurement standards agreed upon by Whitlow's and the Lyon Village Citizens Association, and as set forth in the sound management plan. The sound management plan does not exempt Whitlow's from compliance with applicable Arlington County Code ordinances and enforcement.

U-2873-95-2: 1101 N Highland St – Clarendon Grill

1. Live entertainment is permitted up to seven (7) days a week between the hours of 6:00 p.m. and 2:00 a.m., Mondays through Fridays, and between 11:00 a.m. and 2:00 a.m. on Saturdays and Sundays.
2. The applicant agrees that sound resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
4. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment. The name and telephone number of the liaison shall be submitted by the applicant to the presidents of the Lyon Village Civic Association, the Courtlands Civic Association, the Executive Director of the Clarendon Alliance, and the Zoning Administrator prior to starting live entertainment.
5. The applicant agrees to share with other businesses the responsibility for picking up trash along North 11th Street, between North Daniel and Fillmore Streets and the 1000 block of North Edgewood Street. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks each Thursday, Friday and Saturday or any even numbered month (February, April, June, August, October, and December). Such trash shall be picked up after 9:00 p.m. or before 9:00 a.m. the following morning. Trash will include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.

U-2984-00-1: 3185 Wilson Boulevard – Clarendon Ballroom

1. The applicant agrees to limit the hours of live entertainment on Tuesdays, Thursdays, Fridays, and Saturdays to between the hours of 11:00 a.m. and 1: 30 a.m. Live entertainment on Sundays, Mondays, and Wednesdays shall be limited to 11:00 a.m. to 12:00 midnight, except that the applicant shall be permitted to operate between the hours of 11:00 a.m. and 1:30 a.m. on these days when they occur on the eve of a federal holiday, further subject to condition number 8.
2. The applicant agrees to limit seating to 199 patrons at any given time.
3. The applicant agrees that music resulting from live entertainment, including rooftop entertainment, shall comply with the limits established in the County Noise Ordinance.
4. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
5. The applicant agrees to identify parking locations in the commercial area and shall present the signed contracts for the use of such parking to the Zoning Administrator, the Clarendon Alliance and the nearby civic associations of Lyon Village, Lyon Park, Ballston-Virginia Square, Ashton Heights and Clarendon-Courthouse prior to the issuance of a certificate of occupancy. In addition the applicant agrees to develop and implement a parking plan which shall be reviewed and approved by the County Manager or his designee prior to the issuance of any certificate of occupancy. The applicant agrees that the parking plan shall include: the total number of parking spaces, the location and address of the parking spaces and the days and hours of the day that the parking spaces

are available for patrons of the approved use, and at a minimum consistent with the approved days and hours of live entertainment.

6. 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 Zoning Administrator, the nearby civic associations of Lyon Village, Lyon Park, Ballston-Virginia Square, Ashton Heights, Clarendon-Courthouse and the Clarendon Alliance prior to the issuance of a certificate of occupancy.
7. The applicant agrees to secure the required dance hall permit prior to offering dancing activities on the site.
8. The applicant agrees to use the rooftop space for activities such as wedding ceremonies, with no live entertainment after 8:30 p.m. The applicant further agrees that activities being held on the roof top level before 8:30 p.m. shall contain limited amplification.
9. The applicant intends to provide valet parking and agrees that valet parking shall not be on neighborhood streets. Valet parking personnel will use the arterial streets and commercial alleys to move cars to and from the valet parking lots. The applicant agrees to develop a written valet parking plan showing the pick-up and drop-off areas and traffic routes prior to commencing valet parking for review by the Lyon Village neighborhood and the Department of Public Works and shall be approved by the County Manager or his designee prior to the commencement of valet parking services.
10. The applicant agrees to provide literature and maps with directions that guide patrons arriving to the site by automobiles to use the arterial streets in the vicinity of the Ballroom. Specific routes shall be worked out with nearby civic associations. The literature and the Ballroom personnel shall also emphasize the Clarendon Ballroom's proximity to Metro.
11. The applicant agrees to make the Clarendon Ballroom Facility available as a meeting space to Arlington County Government, community partnerships such as the Clarendon Alliance, Arlington County civic groups and charitable organizations, free of charge a minimum of 24 times per year, subject to prior availability, at mutually agreed upon times generally on Mondays through Fridays from 11 a.m. to 4:30 p.m.
12. If an evening event (approximately from 6:30 p.m. to 11:30 p.m.) is desired, the ballroom facility may be available on Sundays, Mondays and Wednesdays, at the applicant's option, subject to 30 days written notice, and the availability of the Clarendon Ballroom Facility. This agreement is limited to opening and closing of the facility and lighting, heating and air-conditioning. The applicant agrees to provide reconfiguration of the room, catering, food services and entertainment at extra cost, subject to negotiation with the user.
13. The applicant agrees to participate in the establishment of a neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The proposed advisory group would meet quarterly to work through issues associated with the live entertainment uses.

U-3046-02-1: 2901 Wilson Boulevard – Boulevard Woodgrill

1. The applicant agrees live entertainment shall be permitted on the ground floor of the parcel between 11 a.m. and 3 p.m. on Saturdays and Sundays and on the lower level (basement level) of the parcel between 8 a. m. and 11 p.m. Sunday through Thursday, and between 8 a.m. and 12 midnight on Fridays and Saturdays, except 12:30 a.m. on the night of New Year’s Eve (New Year’s Day).
2. The applicant agrees that live entertainment on the ground floor shall be limited exclusively to acoustic music or primarily acoustic music . “Primarily acoustic” envisions a mixture of acoustic and electric instruments playing in what would still be considered an “acoustic” setting where non-acoustic instruments would play softly enough so as not to overwhelm the acoustic instruments in the group. One example is a jazz combo with an electric guitarist; another is a Bluegrass band with an electric bass.
3. The applicant agrees that if not terminated earlier for some other reason, this permit shall run with the business under the current ownership, and shall terminate automatically upon either the sale of a majority interest in the business by the Boulevard Woodgrill, LLC, t such time as the business ceases to operate as the Boulevard Woodgrill, LLC, whichever occurs sooner.
4. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
5. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
6. 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 nearby civic associations of Lyon Village, Clarendon-Courthouse and the Clarendon Alliance prior to the issuance of a certificate of occupancy.
7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, the Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village 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.

U-3050-02-1: 2933 Wilson Boulevard – Mexicali Blues

1. The applicant agrees to limit live entertainment to no more than 2 hours per night between the hours of 6:00 p.m. and 12:00 a.m., and to no more than 3 nights per week, Sunday through Saturday. There shall be no dancing associated with the live entertainment.
2. The applicant agrees that the live entertainment shall be limited to acoustic music or primarily acoustic music. “Primarily acoustic” envisions a mixture of acoustic and electric instruments playing in what would still be considered an “acoustic” setting where non-acoustic instruments would play softly enough so as not to overwhelm the acoustic

instruments in the group. An example of the type of acoustic music to be offered would be a Spanish guitarist or a Mariachi.

3. The applicant agrees that if not terminated earlier for some other reason, this permit shall run with the business under the current ownership, and shall terminate automatically upon either the sale of a majority interest in the business by the current owners or at such time as the business ceases to operate as the Mexicali Blues Restaurant, whichever occurs sooner.
4. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
5. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
6. 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 nearby civic associations of Lyon Village and Clarendon-Courthouse, and the Clarendon Alliance prior to the issuance of a certificate of occupancy.
7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, the Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, the Mexicali Blues Restaurant, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village 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.

U-3114-04-1: 3207 Washington Boulevard – O’Sullivan’s (f/k/a Molly Malones)

5. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
6. The applicant agrees to limit the live entertainment to 7:00 p.m. to 1:00 a.m., seven days a week.
7. The applicant agrees that there shall be no dancing by musicians or customers and that no customer dancing shall be permitted prior to securing the required dance hall permit. The applicant further agrees that should the applicant desire to provide dancing, a site plan amendment and dance hall permit must be obtained.
8. The applicant agrees to ensure that all doors and windows shall remain closed during the hours when live entertainment is offered.
9. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as “Molly Malone’s.”
10. 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 Clarendon-Courthouse Civic Association, the nearby Lyon Village Citizens Association and the Clarendon Alliance.

11. 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.

U-3125-05-1: 2915 Wilson Boulevard – RiRa

1. The applicant agrees to limit the live entertainment to the following hours: Sunday through Thursday, 4 p.m. to 12 a.m. midnight; and Friday and Saturday, 11 a.m. to 1:00 a.m. All amplified live entertainment shall be limited to Thursday, Friday, and Saturday evenings, St. Patrick’s Day and New Year’s Eve. 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.
6. The applicant agrees to submit a list of noise abatement treatments to the Zoning Administrator prior to the issuance of final Certificate of Occupancy (noise abatement treatment, for example, can be multi-layers of acoustic draping, double-glazed tempered glass, and acoustical sound tiles).

U-3134-05-2: 1041 N Highland St – Eleventh Street Lounge

1. The applicant agrees to limit the live entertainment to the following hours: Monday through Sunday, 9 a.m. to 1:30 a.m. The applicant agrees that there shall be no dancing associated with the live entertainment. A use permit amendment and 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 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.
6. The applicant agrees to pay its proportional share of the cost of hiring an off-duty police officer between the hours of 9 a.m. and 1:00 a.m. on Monday through Sunday, should a cost-sharing agreement for the police officer be reached among all the businesses that have use permits or site plan amendments for live entertainment in the Clarendon Metro Station area in the future.