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May 1, 2005

Mr. Jay Fiset, Chairman  
Arlington County Board  
2100 Clarendon Boulevard  
Arlington, Virginia 22201

Re: Use Permit # U-3108-04-1 and # U-2694-91-3

Dear Chairman Fiset:

The Yorktown Civic Association is opposed to the renewal of the existing live entertainment use permit for the Palladium night club. Our membership is also opposed to the granting of a new live entertainment permit for the Tacos Dona Mary restaurant. Both establishments are located at the Garden City Shopping Center, which is in our neighborhood, and both permits are currently scheduled to be considered by the Board at your meeting on May 7.

Members of our civic association have met with staff and with the operators of both businesses. We have reached the conclusion that the proposed use is simply inappropriate given the outdated design and limitations of the facility. Rather than expanding live entertainment at Garden City to additional establishments, both permit requests should be denied.

The Garden City Shopping Center sits at the prominent intersection of Lee Highway and George Mason Drive, which we consider to be the gateway to our neighborhood. The facility consists of 29 business establishments in properties under the control of a dozen distinct landlords.

However, due to its age and other weaknesses, it simply does not function in a way that supports the proposed use. The facility has seen few improvements – and very little maintenance -- since constructed in the late 1950's.

Only 74 parking spaces service the entire complex, while the occupancy permits for these two establishments alone allow twice that many occupants inside just those two businesses. It appears that the two businesses have rights to no more than 10 parking spots between them.

With its outdated design, the facility can barely handle the short-term in/out traffic of the traditional retail establishments in the complex; and it certainly was not designed and cannot handle the long-term, high-volume sit-down traffic sought by these two establishments.

You should also be aware that several issues surfaced during our review of the applications that greatly contribute to our hesitation to grant these concessions.

First, the permit request from the taco restaurant is only before you now due to repeated contacts to police by residents about live music that was occurring without a permit. The restaurant's operator also misrepresented in their application that they had made arrangements with nearby businesses for additional parking – this claim turned out to be false.

Second, the Palladium has had a poor track record living by its existing use permit conditions. Neighbors indicate that live music routinely has extended beyond the prescribed time. The Palladium, too, has been unable to secure agreements for additional parking despite that requirement in its conditions. Meanwhile, it appears that the Palladium has recently been engaging in special marketing efforts billing itself as a location for large satellite-based sports events.

Residents have cited numerous incidents where patrons of the Palladium have been found passed out or urinating in nearby yards. A police chase resulting from a knifing incident recently ended on a resident's front steps. Several residents also reported that they have been denied service at the Palladium on repeated occasions.

We have found during our review that many of the other businesses within Garden City are also opposed to the live entertainment permits, and are acutely aware of the negative impact that these establishments can have on their own ability to successfully conduct their own business.

Without significant improvements or design changes at the Garden City complex, the type of activity proposed is simply not a good fit. Last year, we submitted an application for an improvement effort at Garden City through the County's new Commercial Revitalization program. It is our continued hope that the County will consider the use of that program to help facilitate long-term improvements at this location.

It is also imperative that the landlords and tenants at Garden City join together to form a meaningful business association to conduct facility management and carry out shared facility maintenance responsibilities. Without such a formal structure, it is simply not possible to expect that the types of conditions normally attached to this type of use permit can effectively be enforced at a facility such as this.

For these reasons, we urge you to deny these permits. Thank you for your consideration of our position on this matter.

Sincerely,

David Haring, President  
Yorktown Civic Association

Cc: Marcia Smith, CPHD Planning Division