



Special Use Permit #2024-00026
3410 Mount Vernon Avenue
(Parcel Address: 3408 Mount Vernon Avenue)
Hops N Shine Restaurant

Application	General Data	
Request: Public Hearing and consideration of a request for 1) a one year review of SUP #2023-00025 for outdoor dining, outdoor dining hours of operation, indoor live entertainment, and outdoor amplified background music and 2) to allow outdoor cooking, outdoor live entertainment, outdoor games as an accessory use, the extension of the outdoor dining closing hour, and the opening of the garage door for indoor live entertainment (amending SUP #2023-00025)	Planning Commission Hearing:	June 4, 2024
	City Council Hearing:	June 15, 2024
Address: 3410 Mount Vernon Avenue (parcel address: 3408 Mount Vernon Avenue)	Zone:	CG/ Commercial General
Applicant: Abe Hadjiesmaeloo	Small Area Plan:	Potomac West
Staff Recommendation: Approval subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.		
Staff Reviewer: Mavis Stanfield, mavis.stanfield@alexandriava.gov Ann Horowitz, ann.horowitz@alexandriava.gov		
<p><u>PLANNING COMMISSION ACTION, JUNE 4, 2024:</u></p> <p>On a motion to by Commissioner Lyle, seconded by Commissioner Manor, the Planning Commission voted to defer decision on the public hearing until later in the docket to allow staff time to refine certain conditions based on Commission discussion. The motion carried on a vote of 7-0.</p> <p>On a motion by Commissioner Lyle, seconded by Commissioner Manor, the Planning Commission voted to recommend approval of SUP #2024-00026, subject to all conditions, code requirements, ordinances</p>		

and proposed amendments to conditions #11b, #11d, and #14c. The motion carried on a vote of 7-0.

Reason:

The Planning Commission generally agreed with the staff analysis, with slight modifications to Conditions #11b, #11d, and #14c.

Discussion:

The commission reviewed proposed condition amendments from Commissioner Lyle and Chair Macek that were distributed through a June 4 Planning Commission memorandum. Commissioner Lyle said her amendments took into account neighbor concerns while providing some leeway to the applicant. Chair Macek noted that his proposed changes amended staff conditions that he believed were too prescriptive and that the noise ordinance would govern the concerns staff was attempting to address. Chair Macek mentioned that he recently visited the property, and it was relatively quiet, so he is comfortable increasing the level of activity in compliance with the noise ordinance.

After some discussion to reach a consensus on condition changes, the commission voted to defer its review until later in the evening, asking staff to summarize its discussion in the form of revised conditions. Staff provided the Planning Commission with an updated compendium of possible commission considerations:

- Condition #10: hours of operation for outdoor dining; Maintain existing hours.
- Condition #11b: outdoor cooking: Allow outdoor cooking in accordance with Fire Code.
- Condition #11d: outdoor games: Allow games ancillary to the principal use of a restaurant.
- Condition #14b: outdoor dining background music (not live entertainment): Maintain existing hours.
- Condition #14c: live entertainment: Maximum of six hours within the time frames of 5 p.m. to 11 p.m. on Fridays; 11 a.m. to 11 p.m. on Saturdays; and 11 a.m. to 9 p.m. on Sundays and holidays. The applicant shall email notice to the residents of Sanborn Place notifications of the date and times of live entertainment events no less than one week in advance. The applicant shall also post live entertainment events on the business website. Live entertainment shall include, but is not limited to, live music of any type, DJ's, hosted game/trivia nights, movie nights, and any such similar events. Live entertainment volume shall be the same decibel level as the background music and controlled only through the house system.

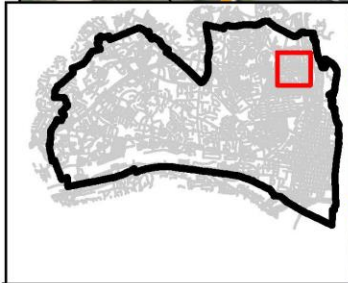
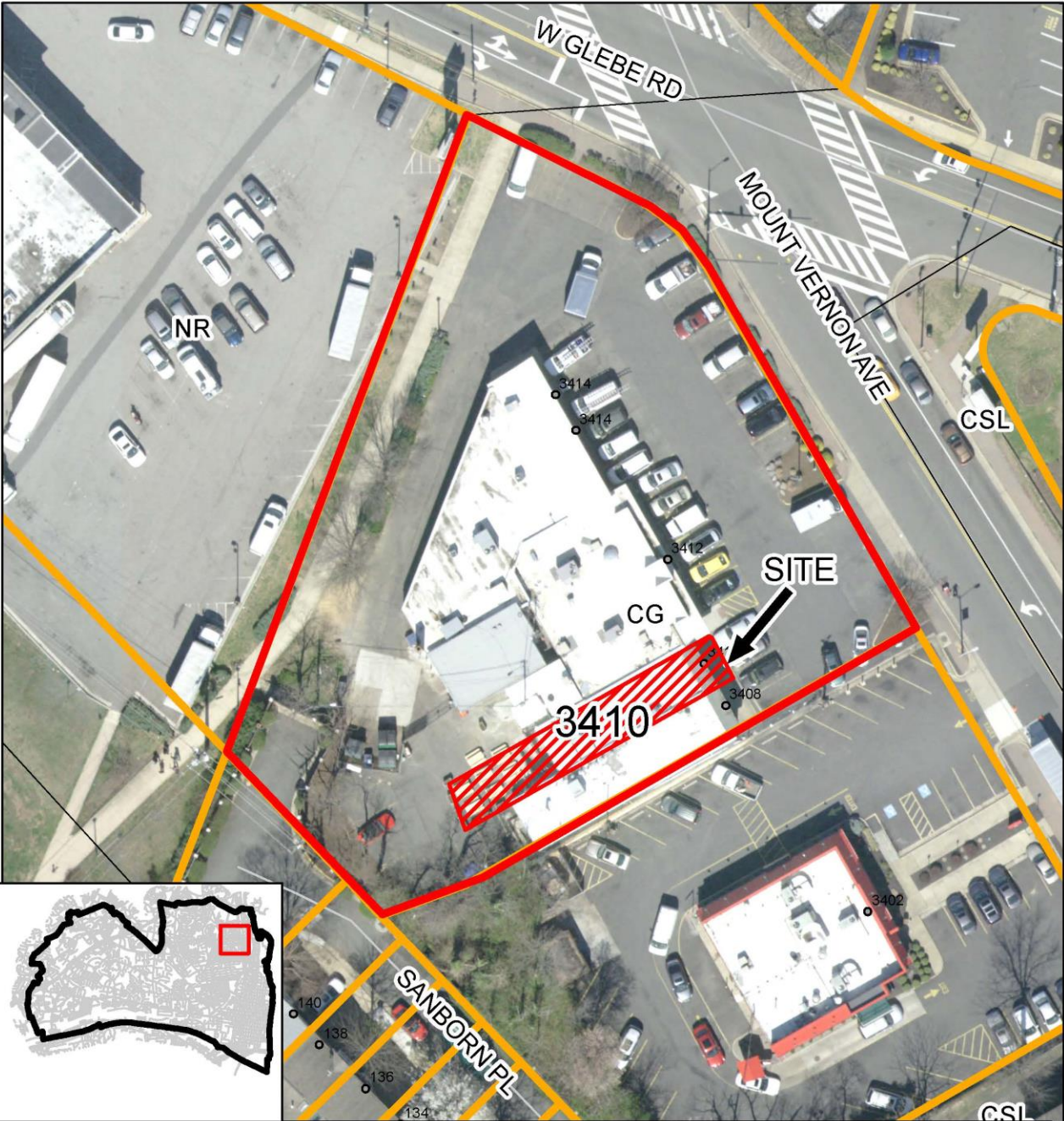
Chair Macek added that he would like to see the language in Condition 14c, that describes live entertainment types, removed. Overall, the Planning Commission agreed with the recommendations provided in the compendium and with the amendment that Chair Macek requested.

Speakers:

Stephen Harris, 120 Sanborn Place, President of the Mount Vernon Court Community Association, spoke in opposition to the application. He noted that he attended the May 20th demonstration and that he could barely hear the music on the Sanborn Place side of the fence and could not hear the games. However, he cannot attest to what sound levels would be like with a full crowd of people. He asked that the Planning Commission limit the live music to four hours and to limit it to 10 p.m. on the weekends and 9 p.m. on weekdays. He expressed that he hopes the applicant can maintain these same levels of noise as demonstrated.

Leslie Klein, 120 Sanborn Place, spoke in opposition to the application stating that the City got it right last year and it should maintain the current SUP and reject the proposed amendments. She highlighted the three events that were held, or were proposed, over the past year and how the applicant failed to comply with each of their T&ES permits in various ways.

Paymon Hadjiesmailoo spoke on behalf of the applicant. He said that they have abided by the current SUP requirements for the past year, and in doing that, it cost them a great deal of revenue. He said they communicate with the neighbors to try to find solutions. The March 16th event mentioned by the previous speaker was his fault because he did not realize the T&ES permit was not for outdoor amplification. When he was advised of the problem by a resident, he moved the performer inside immediately. At the May 20th demonstration, there were many residents and City staff with noise meters in attendance, which assisted him in finding a way operate with minimal noise disturbance.



SUP#2024-00026
3410 Mount Vernon Avenue
(Parcel Address: 3408 Mount Vernon Avenue)
Hops 'N Shine



0 20 40 80 Feet

I. DISCUSSION

The subject of the Special Use Permit review has two parts. First, City Council required a one-year review of SUP #2023-00025 through Condition #30, approved in June 2023, for outdoor dining, outdoor dining hours of operation, indoor live entertainment, and outdoor amplified background music. Given that the SUP would be automatically docketed in June 2024, the applicant, Abe Hadjiesmaeloo, requested condition amendments to allow outdoor cooking (Condition #11b), outdoor live entertainment (Condition #14c), outdoor games as an accessory use (Condition #11d), the extension of the outdoor dining closing hour (Condition #10), and the opening of the garage door for indoor live entertainment (Condition # 14a).

SITE DESCRIPTION

The subject site is a 1,100 square foot tenant space and 3,000 square foot rear outdoor patio in an approximately 9,384 square foot single story commercial complex. The complex is located on one lot of record with roughly 170 feet of frontage along Mount Vernon Avenue, approximately 70 feet of frontage along West Glebe Road, and a total area of 38,280 square feet. The commercial complex includes four businesses including the applicant's restaurant, a laundromat, a mobile phone store, a 7-Eleven convenience store, and a grocery store with an accessory carry-out restaurant included.

The commercial complex is located southwestern corner of the intersection of Mount Vernon Avenue and West Glebe Road. Adjacent uses include a residential townhouse neighborhood (Sanborn Place) which directly abuts the location of the subject outdoor seating, a Popeye's restaurant to the south, a car wash across Mount Vernon Avenue to the east, and a separate commercial strip center to subject outdoor seating, a Popeye's restaurant to the south, a car wash across Mount Vernon Avenue to the east, and a separate commercial strip center to the northwest. A popular pedestrian walk is located to the west of the subject property that connects Mount Vernon Avenue commercial corridor with residential areas to the south.



Figure 1

BACKGROUND

Special Use Permits

Tax records indicate that the commercial complex was constructed in 1963. Restaurants have operated at 3410 Mount Vernon Avenue for several years, even prior to the requirement for a Special Use Permit. The first Special Use Permit was issued in 1988 to add seating to an existing carry-out restaurant. The SUP history for the current owner, applicant Abe Hadjiesmaeiloo, follows:

SUP #95-0033 Administrative Change of Ownership

Approved: Indoor restaurant operating as Senor Chicken.

SUP #2017-0091 Applicant requested amendments

Approved: Add 30 outdoor dining seats,
11 a.m. to 9 p.m., Sunday through Thursday
11 a.m. to 10 p.m., Friday and Saturday;
Extend indoor closing hour to 12 a.m., Sunday through Thursday
and 1 a.m. on Friday and Saturday;
Add indoor limited live entertainment;
Add off-premises alcohol sales;
Parking reduction for six spaces

SUP #2020-00045 Applicant requested amendments

Approved: Increase outdoor dining to 60 seats at the rear patio; eight seats in
the front of the restaurant

9 a.m. to 10 p.m., daily:

Allow one delivery vehicle

Outdoor amplified music as background music only

Not approved: Live outdoor entertainment as a primary feature
Outdoor cooking

SUP violations: 17
10 for outdoor live entertainment
Four instances of games and amplified sound in the outdoor
seating area past 10 p.m. in 2022
One complaint for cooking in the outdoor seating area
One for excessive noise from speakers in the outdoor seating area
One for allowing patrons to enter from the side of the
outdoor seating area and not through the front door

SUP #2023-00025 Redocketed because of violations and applicant requested amendments

Approved: Outdoor dining seat number consistent with state building code (currently 49)
Outdoor hours of operation
11 a.m. to 9 p.m., Sunday through Thursday
11 a.m. to 11 p.m., Friday and Saturday
Outdoor amplified music as background music only
Outdoor live entertainment only with T&ES Noise Permit

Not approved: Outdoor dining seat increase to 120
Expansion of outdoor hours of operation after 9 p.m., Sunday through Thursday and after 11 p.m., Friday and Saturday
Outdoor live entertainment without restriction
Outdoor cooking
Outdoor classes
Outdoor games

SUP condition and noise ordinance violations: None

T&ES Noise Permits: January 27
March 16 (Permit was for no amplified sound. A resident noticed the use of a microphone and contacted the applicant. The applicant brought the performer inside to continue the event)
April 27 (Permit was for 2.5 hours; event cancelled due to rain)

PROPOSAL

Special Use Permit #2023-00025, Condition 30 requires a one-year review for outdoor dining, outdoor dining hours of operation, indoor live entertainment, and outdoor amplified background music. The applicant, Abe Hadjiesmaeiloo, also requests to amend SUP #2023-00045 with the following:

- Condition #10: Extend outdoor dining hours. Existing hours are Sunday through Thursday to 9 p.m. and Friday and Saturday to 11 p.m. Proposed hours are Sunday through Thursday to 11 p.m. and Friday and Saturday to 12 a.m.
- Condition #11b: Add outdoor cooking for cooking classes and s'mores cooked over fire pits.
- Condition #11d: Add games such as Jenga, Cornhole, Connect 4 and other similar

games as an accessory use.

- Condition #14a: Allow the front garage door to be open.
- Condition #14c: Add live outdoor entertainment to include a variety of options, such as a single acoustic guitar performer using the applicant's sound system, children's sing-a-longs, trivia nights, and at beer and charity events, all to take place Sunday through Thursday 4 p.m. to 9 p.m. and Friday and Saturday from 11 to 9 p.m.

The applicant is proposing to locate musicians with their backs to the rear of the property, the cooking classes and trivia night to the rear of the site, the s'mores toward the middle, and the games near the building, as shown in Figure 2 on the following page.

Shared property line with Sanborn Place residential neighborhood

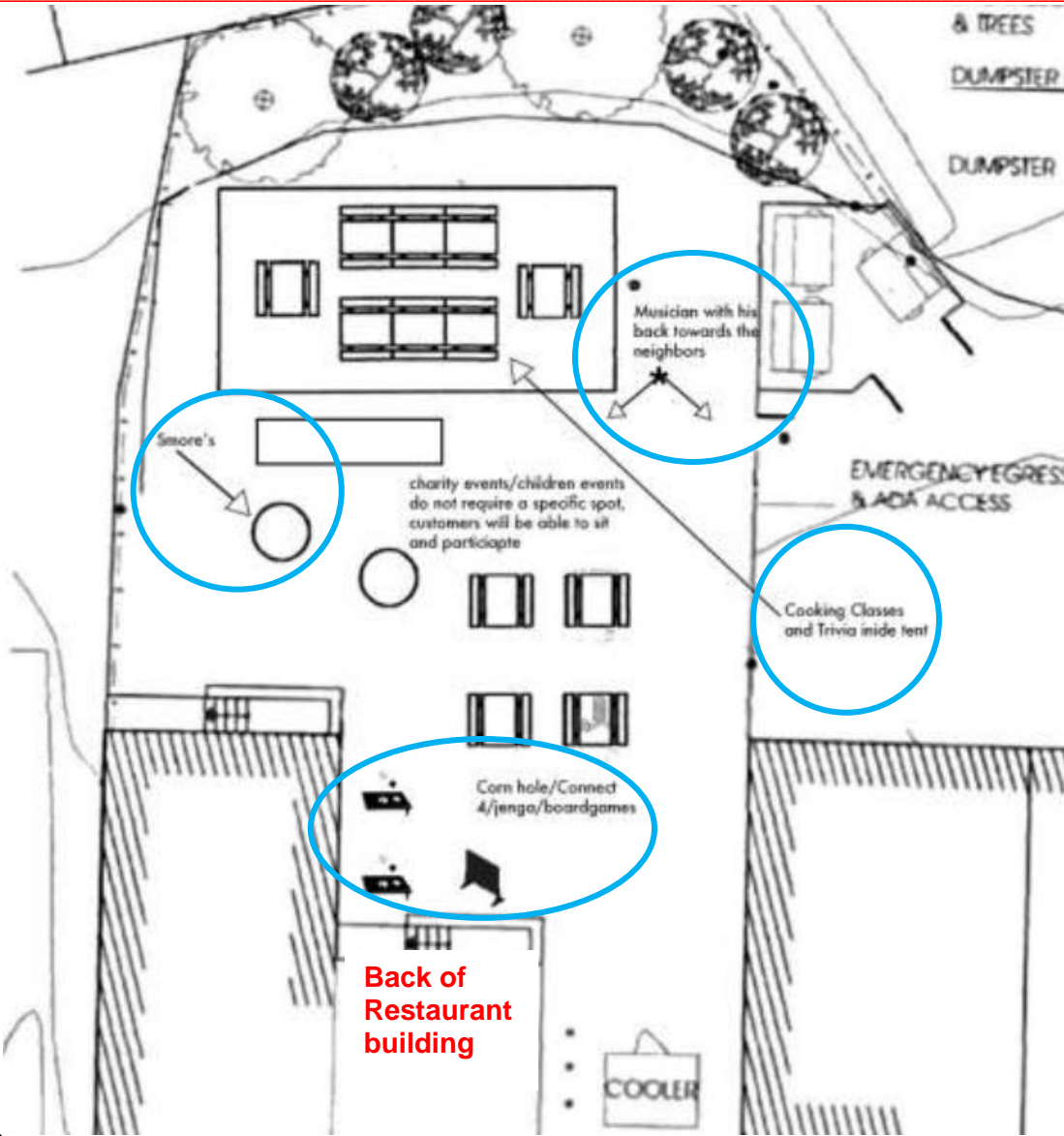


Figure 2 –Proposed Outdoor Patio Layout

PARKING

Section 8-200(A)(17)(b) of the Zoning Ordinance requires restaurants to provide a minimum of 1.0 parking spaces per 1,000 square feet of floor area. Section 8-200(A)(17)(c) states that for portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats shall be exempt from the parking requirement. The restaurant currently occupies 1,080 square feet on the interior and requires two parking spaces. For the existing 49 outdoor seats, the first 20 are

excluded from parking counts, as required by Section 8-200(A)(17)(c). The remaining 29 outdoor seats require 15 square feet of floor space each, as required by the zoning ordinance; therefore, the outdoor seating includes 435 square feet of floor space. The total square footage of floor space for the use, as calculated for parking requirements, is 1,515 square feet. As such, two parking spaces are required for the restaurant.

The total parking requirement for the commercial complex would be 13 spaces when considering all the current tenants along with the existing restaurant. The number of parking spaces in the 32 space shared lot exceeds the spaces required for all of the uses at the commercial complex.

ZONING/ MASTER PLAN DESIGNATION

The subject site is located within the CG/Commercial General which permits restaurants and outdoor dining as by right uses at a commercial complex. Due to the Zoning Ordinance violation history, however, City Council included several conditions to offset neighborhood impacts related to noise generated in the outdoor dining area, pursuant to Sections 11-501, 11-504, and 11-505 of the Zoning Ordinance.

Outdoor live entertainment (indoor and outdoor) can only be allowed through a Special Use Permit, pursuant to Section 4-403(A). City Council has approved outdoor cooking as an accessory use for SUP 2023-00060 for HiFi BBQ.

The use is consistent with the Potomac West Small Area Plan and the Arlandria Neighborhood Plan, which make no direct reference to the subject property, but maintain the area where it is located as a commercial corridor. The small area plan and neighborhood plan state general goals of revitalizing the community, maintaining existing businesses and diversity, and providing for an active and vital commercial area that transitions from automobile orientated design.

II. STAFF ANALYSIS

Regarding the SUP one-year review, staff recognizes that the applicant has operated in compliance with all conditions and without violations of the noise ordinance. Given this demonstration of compliance, it supports some of the applicant's requests to slightly add more business offerings, closer in line with what has been allowed in other restaurants' SUPs. Staff, therefore, recommends support for limited outdoor entertainment events, small-scale outdoor cooking events, accessory outdoor games, and allowing the front garage door to be opened, as discussed below.

We do not recommend, however, support for the applicant's request for additional hours of outdoor operation as a method to limit the hours when noise may be elicited from live entertainment, cooking, and accessory games.

Outdoor Dining Hours (no amendment to Condition #10)

Given the history of complaints related to this use at this location, the Planning Commission and City Council amended Condition #10 in 2023 to restrict the outdoor dining area to be open to patrons from 11 a.m. to 11 p.m., Friday and Saturday and from 11 a.m. to 9 p.m., Sunday through Thursday. The applicant has requested increasing these restrictions to stay open one hour later. Given the

proximity of the neighboring properties and the recommendation to support limited live entertainment, cooking, and accessory games, staff does not support increasing the hours of operation.

Outdoor Cooking (amend Condition #11b)

Staff does not anticipate that occasional cooking classes and the cooking of s'mores would produce excessive or offensive odors and therefore supports the request. The applicant states these would occur about once a week. Cooking classes would use small 16-ounce butane cans with portable stovetops and the s'mores would be cooked over propane firepits. Staff recommends that the cooking classes be conducted without using amplified sound, as noted in Condition 11b. The Fire Department would require a fire prevention permit to approve the planned fire pits and any additional open flame devices to be used.

Outdoor Games (amend Condition #11d)

Staff supports the request to offer outdoor games as an accessory use given that any noise would be minimal when located close to the building and shielded partially by the next building in the commercial complex, as shown in Figure 2 and reflected in Condition 11d. Games must be located no closer than 65 feet from the shared property line at the rear of the lot. Given that the demonstration on May 20th revealed that the noise from the games was barely audible, the impacts should be minimal, provided the games are located 65 feet from the property line, as specified in the condition. The applicant shall, as discussed at the May 20th meeting, place mats under the games that are placed on the ground.

Front garage door open (amend Condition #14a)

Condition #14a requires all windows and doors to be closed during indoor live entertainment events. The applicant is requesting that the garage door at the front of the building be allowed to remain open during live entertainment, as can be see in Figure 3 below. Given that this part of the building faces Mount Vernon Avenue, where there are no nearby residential properties, staff does not object to this request.



Figure 3: Closed and opened garage door facing Mount Vernon Avenue

Background Music and Live Entertainment (amending Condition #14c)

Staff supports the request for outdoor live entertainment, which would be controlled to the same sound levels as the background music, that has not produced noise violations in the past year. Staff believes outdoor live entertainment could be supported with the use of the applicant's new sound system as it demonstrated compliance with the noise ordinance at the May 20 community meeting. Staff recommends an amendment to Condition #14c to allow outdoor live entertainment with emailed notice to the residents of Sanborn Place at least one week in advance and by posting live entertainment events on the business website. This would allow the restaurant a similar opportunity as granted in SUPs for Classical Movements and HiFi BBQ, offering outdoor live entertainment which abuts residential neighbors as long as the noise ordinance decibel level is not exceeded.

In response to the applicant's request, and with nearby resident support, staff also recommends an amendment to Condition #14a to allow the front garage door to be open during indoor live entertainment events. A new Condition 14d is proposed to require the applicant to develop a noise mitigation plan, to the satisfaction of the Director of Transportation & Environmental Services and the Director of Planning and Zoning if documented violations of the noise ordinance occur, which are not corrected immediately and constitute repeat violations.

Staff consulted with a noise expert, who provides noise enforcement training throughout the east coast. He indicated that materials, such as astroturf, would have a minimal impact on noise and that regulating sound and bass levels, as the applicant has done though the new sound system, would potentially have a more effective impact on noise levels.

Additional Considerations

Staff notified nearby community organizations of the application and the applicant also notified the adjacent property owners.

On May 20, the applicant, the President of the Mount Vernon Court Community Association (MVCCA), representing the Sanborn Place residents, and a representative from the Del Ray Citizens Association (DRCA) met for a demonstration using a new house sound system that controls volume for four outdoor speakers rather than from one large public address (PA) system that performers had used in the past. The applicant also showed where the games would be set up and demonstrated their use.

The applicant explained that all future performers would be required to use the Hops N Shine amplifier, which is limited by a music governor stored in the restaurant and inaccessible to performers. Previous outdoor live entertainment events involved musicians who brought their own sound systems which were much louder than what the applicant proposed to use.

During the demonstration of the new sound system, the noise levels associated with the live performance were the same as the background music and measured between 55-60 decibels at the shared property line with the MVCCA residents. The applicant and the MVCCA representative discussed how the outdoor games noise could be further mitigated by placing mats under the games.

The MVCCA provided comments on the application during a community meeting on April 5, 2024, where they did not support changes to the conditions other than allowing the front garage to be open during indoor live entertainment events. Community members expressed concern over the requests for expanded hours and outdoor live entertainment. They indicated noise generated by the restaurant has impacted their lives and requested the conditions remain the same to control impacts. A May 10 MVCCA letter, reiterated its position on the SUP, but also voiced partial support for outdoor live entertainment to include children's events with T&ES Noise Permit approval. The association suggested that outdoor background music should be held to a lower decibel level than the noise ordinance limit of 65.

Staff attended a meeting of the Del Ray Civic Association (DRCA) Land Use Committee on April 30. During the meeting, the applicant indicated that they were working with a noise engineer to provide a sound system that would create less of a disturbance. The DRCA expressed its positions on the SUP in a recently received letter on May 20. This letter generally did not favor the requests for outdoor games, extending outdoor hours, and outdoor and amplified background and live entertainment without a mitigation plan. The association supported the open garage door during indoor live entertainment events and the limited outdoor cooking (classes and s'mores), held during daylight hours without amplification. They noted support for the existing outdoor background music, pending mitigation efforts, and indoor live entertainment. The possibility of live entertainment for a limited number of special events without amplification and with noise mitigation was suggested.

Staff has taken resident comments and past performance into consideration while reviewing the application and forming the staff recommendation. Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit with amendments to the existing conditions.

III. RECOMMENDED CONDITIONS

Staff recommends approval with amendments to existing conditions subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2017-0091)
2. Condition deleted. (P&Z)
3. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions and the cooler stored at the rear of the property. (P&Z) (SUP #2017-0091)
4. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2017-0091)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75

feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2017-0091)

6. Condition deleted. (P&Z)
7. Condition deleted. (P&Z)
8. **CONDITION AMENDED BY STAFF:** ~~Delivery to customers is permitted using one vehicle with one parking space assigned to delivery vehicles onsite~~ vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z) ~~(SUP #2020-00045)~~
9. Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z) (SUP #2017-0091)
10. **CONDITION AMENDED BY STAFF:** ~~Outdoor dining located on private property at a commercial complex is a permitted use in the CG zone. Zoning Ordinance Section 4-407 includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Given the history of violations related to this use and in order to comply with the Zoning Ordinance,~~ The outdoor dining area may be open to patrons from 11:00 a.m. to 11:00 p.m., Friday and Saturday and from 11:00 a.m. to 9:00 p.m., Sunday through Thursday and remain in compliance with the noise ordinance. The outdoor dining area shall be closed and cleared of all customers by 11:00 p.m. on Friday and Saturday and by 9:00 p.m., Sunday through Thursday and no new patrons may be admitted into the outdoor dining area after 10:00 p.m. on Friday and Saturday and 8:00 p.m. on Sunday through Thursday. The outdoor dining area shall be cleaned and washed by midnight on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday. Staff shall not use any form of amplified sound, including radios and Bluetooth speakers, while cleaning and washing the outdoor dining area. (PC) (SUP #2023-00025)
11. **CONDITION AMENDED BY PLANNING COMMISSION:** The outdoor dining area shall address the following:
 - a. The maximum number of outdoor seats shall be determined by and comply with the statewide building and fire code.
 - b. ~~Outdoor cooking facilities and host stands are not is permitted, to include "s'mores" and cooking classes are permitted without amplified sound and in accordance with the fire code.~~
 - c. All outdoor dining furniture ~~and games~~ must not be closer than 25 feet from the rear property line.
 - d. ~~No~~ The use of outdoor games shall be permitted not to exceed the area depicted on the plan (Figure 2) and submitted with the application on April 2, 2024. The games shall be placed no closer than 65 feet from the shared residential property line and shall be placed on mats if ground mounted ancillary to the principal use as a

restaurant. (PC) (SUP #2023-00025) (P&Z)

12. Condition deleted. (CC)
13. The applicant shall ensure that business patrons do not congregate outside of the outdoor dining area at the rear of the property. (P&Z) (SUP #2017-0091)
14. **CONDITION AMENDED BY PLANNING COMMISSION: Music and Live Entertainment**
 - a. ~~Indoor live entertainment is permitted from 4:00 p.m. to 12:00 a.m., consistent with the noise ordinance. All windows and doors must remain closed during indoor live entertainment except for the garage door in front of the building. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.~~
 - b. Outdoor amplified music in the form of background music is permitted from 11 a.m. to 11 p.m., Friday and Saturday and from 11 a.m. to 9 p.m., Sunday through Thursday, consistent with the noise ordinance.
 - c. ~~Any form of outdoor live entertainment and/or the amplification of the human voice shall be prohibited in the outdoor dining area unless associated with an approved Noise Permit for music and sound amplification from the Department of Transportation & Environmental Services.~~ is permitted. The outdoor live entertainment may occur for a maximum of six hours and only within the time frames of 5 p.m. to 11 p.m. on Fridays; 11 a.m. to 11 p.m. on Saturdays; and 11 a.m. to 9 p.m. on Sundays and holidays. The applicant shall email notice to the residents of Sanborn Place notifications of the date and times of live entertainment events no less than one week in advance. The applicant shall also post live entertainment events on the business website. Live entertainment shall include, but is not limited to, live music of any type, DJ's, hosted game/trivia nights, movie nights, classes/workshops/meetings, and any such similar events. Live entertainment volume shall be the same decibel level as the background music and controlled only through the house system. The projection of live music and live entertainment from within the restaurant to the outdoor area via loudspeakers ~~or~~ through open doors and windows shall be prohibited at all times.
 - d. Should documented violations of the noise ordinance occur, which are not corrected immediately and constitute repeat violations, the applicant shall develop a noise mitigation plan to the satisfaction of the Director of Transportation & Environmental Services and the Director of Planning & Zoning.
 - e. The applicant shall designate an employee as a community liaison to respond to nearby property owners' noise concerns. The contact phone number and email for the community liaison shall be provided to the Mount Vernon Court Community Association. ~~(PC)(CC)(SUP #2023-00025) (P&Z)~~
15. On and off premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. (P&Z) (SUP #2020-0045)

16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol to prevent the underage sale of alcohol. (P&Z) (SUP #2017- 0091)
17. Exterior power washing of the building shall not be completed using any kind of detergents and should not occur after 4 p.m. (P&Z) (SUP #2017-0091)
18. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP #2017-0091)
19. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z) (SUP #2017-0091)
20. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP #2017-0091)
21. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys, or storm sewers. (P&Z) (SUP #2017- 0091)
22. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (P&Z) (SUP #2017-0091)
23. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z) (SUP #2017-0091)
24. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2017-0091)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP #2017-0091)
26. Condition deleted. (P&Z)
27. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP #2017-0091)

28. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z) (SUP #2017-0091)
29. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z) (SUP #2017-0091)
30. The Director of Planning and Zoning shall review the Special Use Permit one year after it has been operational ~~for three months, six months, and nine months, and then again every three years~~ for compliance with all conditions ~~The Special Use Permit shall be docketed for review after one year, or sooner with 30 days notice. The Director of Planning and Zoning shall~~ and may docket the matter for consideration by the Planning Commission and City Council if ~~(a)~~ there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; ~~(b)~~ or the Director has ~~received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions,~~ ~~(c)~~ the Director has determined that ~~there are problems with the operation of the use and that new or revised conditions are needed to offset land use impacts not addressed in the City Code.~~ ~~(PC)~~ ~~(SUP#2023-00025)~~ ~~(P&Z)~~
31. Condition deleted. (P&Z)

STAFF: Tony LaColla, Division Chief,
Ann Horowitz, Principal Planner
Mavis Stanfield, Urban Planner

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

R-1 From SUP #2023-0025, recommends SUP conditions shall be carried forward to this SUP.

TES/OEQ has concerns that games and live entertainment would comply with the noise code. If live entertainment and games are approved and to ensure compliance with the noise code, T&ES/OEQ recommends:

S-1 Applicant must develop a noise mitigation plan for all activities to the satisfaction of the Director of T&ES and the Director of P&Z. The noise mitigation plan shall be submitted for review and implemented, within given durations, which would be determined as appropriate.

S-2 Live entertainment shall end no later than Sunday – Thursday at 8-9pm and Friday – Saturday at 10-11pm. Final limitations on time are to be determined.

Other potential conditions include:

S-3 Designing and constructing a solid, taller fence to mitigate noise to surrounding residents.

S-4 If cooking classes and smores are permitted, OEQ recommends a condition that limits use to a seasonal purpose and not permit use on Code Red or worse air quality days.

S-5 Locate games in the middle of the property and away from the fence line near residents.

Code Enforcement:

No comments received.

Fire Department

1) The fire department finds the updated seating plan acceptable.

2) The applicant shall apply for a fire prevention permit.

If there is a current fire prevention permit for this location, applicant shall reapply and update to reflect the planned fire pits and any additional open flame devices to be used.

Health:

No comments received.

Recreation, Parks & Cultural Activities:

No comments received.

Police Department:

No comments received.

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 4, 2024

TO: CHAIR NATHAN MACEK
AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL W. MORITZ, DIRECTOR
DEPARTMENT OF PLANNING & ZONING

SUBJECT: DOCKET ITEM #6 – SUP #2024-00026
3410 MOUNT VERNON AVENUE (PARCEL ADDRESS: 3408 MOUNT
VERNON AVENUE)

This memorandum outlines condition changes that Chair Macek and Commissioner Lyle would like the commission to consider this evening.

Chair Macek’s proposed changes to Conditions 11b, 11d and 14c:

11. **CONDITION AMENDED BY THE PLANNING COMMISSION:** The outdoor dining area shall address the following:
 - b. ~~Outdoor cooking facilities and host stands are not permitted, to include “s’mores” and cooking classes are is permitted without amplified sound and in accordance with the fire code. (PC)~~
 - d. ~~No~~The use of outdoor games shall be permitted ~~not to exceed the area depicted on the plan (Figure 2) and submitted with the application on April 2, 2024. The games shall be placed no closer than 65 feet from the shared residential property line and shall be placed on mats if ground mounted.~~ ancillary to the principal use as a restaurant. (PC) (SUP #2023-00025)-(PC)

14. **CONDITION AMENDED BY THE PLANNING COMMISSION: Music and Live Entertainment**
 - c. ~~Any form of~~Outdoor live entertainment and/or the amplification of the human voice shall be prohibited in the outdoor dining area unless associated with an approved Noise Permit for music and sound amplification from the Department of Transportation & Environmental Services. is permitted. ~~The outdoor live entertainment may occur for a maximum of six hours and only within the time frames of 5 p.m. to 11 p.m. on Fridays; 11 a.m. to 11 p.m. on Saturdays; and 11 a.m. to 9 p.m. on Sundays and holidays.~~ during outdoor dining operating hours. The applicant shall email notice to the residents of Sanborn Place notifications of the

date and times of live entertainment events no less than one week in advance. The applicant shall also post live entertainment events on the business website. Live entertainment shall include, but is not limited to, live music of any type, DJ's, hosted game/trivia nights, movie nights, classes/workshops/meetings, and any such similar events. Live entertainment volume shall be the same decibel level as the background music and controlled only through the house system. The projection of live music and live entertainment from within the restaurant to the outdoor area via loudspeakers ~~or~~ through open doors and windows shall be prohibited at all times.(PC)

Commissioner Lyle's proposed changes to Conditions #10, 11b, 14b, 14c, 14d and 30:

10. **CONDITION AMENDED BY THE PLANNING COMMISSION:**~~Outdoor dining located on private property at a commercial complex is a permitted use in the CG zone. Zoning Ordinance Section 4-407 includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Given the history of violations related to this use and in order to comply with the Zoning Ordinance, †~~The outdoor dining area may be open to patrons from 11:00 a.m. to 11:00 12 a.m., Friday and Saturday and from 11:00 a.m. to 9:00 p.m., Sunday through Thursday and remain in compliance with the noise ordinance. The outdoor dining area shall be closed and cleared of all customers by 11:00 12 p.m. on Friday and Saturday and by 9:00 p.m., Sunday through Thursday and no new patrons may be admitted into the outdoor dining area after 10:00 p.m. on Friday and Saturday and 8:00 p.m. on Sunday through Thursday. The outdoor dining area shall be cleaned and washed by ~~midnight~~ 1 a.m. on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday. Staff shall not use any form of amplified sound, including radios and Bluetooth speakers, while cleaning and washing the outdoor dining area. (PC) (SUP #2023-00025)(PC)
11. **CONDITION AMENDED BY THE PLANNING COMMISSION-:** The outdoor dining area shall address the following:
 - b. ~~Outdoor cooking facilities and host stands are not permitted., to include be limited to “s’mores” and cooking classes are~~ is permitted without amplified sound and in accordance with the fire code. (PC)
14. **CONDITION AMENDED BY THE PLANNING COMMISSION: Music and Live Entertainment**
 - b. Outdoor amplified music in the form of background music is permitted from ~~11 a.m. 4 p.m. to 11 10~~ p.m., Friday and Saturday and ~~holidays~~ and from ~~11 a.m. 4 p.m. to 9 8~~ p.m., Sunday through Thursday, consistent with the noise ordinance.
 - c. ~~Any form of †~~Outdoor live entertainment and/or the amplification of the human voice ~~shall be prohibited in the outdoor dining area unless associated with an approved Noise Permit for music and sound amplification from the Department of Transportation & Environmental Services.~~ is permitted. The outdoor live entertainment may occur for a maximum of six four hours and only within the time frames of 5 4 p.m. to 11 10 p.m. on Fridays; 11 a.m. 4 p.m. to 11 10 p.m. on Saturdays; and 11 a.m. 4 p.m. to 9 p.m. on Sundays and holidays. The applicant

shall email notice to the residents of Sanborn Place notifications of the date and times of live entertainment events no less than one week in advance. The applicant shall also post live entertainment events on the business website. Live entertainment shall include, but is not limited to, live music of any type, DJ's, hosted game/trivia nights, movie nights, ~~classes/workshops/meetings~~, and any such similar events. Live entertainment volume shall be the same decibel level as the background music and controlled only through the house system. The projection of live music and live entertainment from within the restaurant to the outdoor area via loudspeakers ~~or~~ through open doors and windows shall be prohibited at all times. (PC)

- d. Should documented violations of the noise ordinance occur, which are not corrected immediately and constitute repeat violations, the applicant shall develop a noise mitigation plan to the satisfaction of the Director of Transportation & Environmental Services and the Director of Planning & Zoning. If a warning is issued and additional violations occur, the applicant shall lose these privileges after the third violation. (PC)

Staff comment for consideration for 14d: An individual SUP condition cannot be revoked; only an entire SUP.

30. The Director of Planning and Zoning shall review the Special Use Permit one year after it has been operational ~~for three months, six months, and nine months, and then again every year for a total of three years and every three years thereafter for compliance with all conditions~~ The Special Use Permit shall be docketed for review after one year, or sooner with 30 days notice. The Director of Planning and Zoning shall and may docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) or the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed to offset land use impacts not addressed in the City Code. (PC) ~~(SUP#2023-00025)-(PC)~~



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 3410 Mount Vernon Ave, Alexandria VA 22305

TAX MAP REFERENCE: 015.01-08-07 **ZONE:** CG

APPLICANT:
Name: Abe Hadjiesmaeiloo

Address: 3410 Mount Vernon Ave Alexandria VA 22305

PROPOSED USE: Amendments to pervious SUP

- THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Abe Hadjiesmaeiloo

 Print Name of Applicant or Agent
 11030 Sandy Manor Drive

 Mailing/Street Address
 Fairfax Station, Va 22039

 City and State Zip Code



 Signature Date
 7036253197

 Telephone # Fax #
 Senorchickencorp@gmail.com

 Email address

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 3410 Mount Vernon Ave, Alexandria Va 22305, I hereby
(Property Address)
grant the applicant authorization to apply for the Restaurant use as
(use)
described in this application.

Name: William Oshinsky / OSHINSKY ARLANDIA LIMITED PARTNERSHIP Phone: 301 807 2486
Please Print
Address: 234 W Broad St, Falls Church VA 22046 Email: Winfieldgroup@gmail.com
Signature: [Signature] Date: 3/17/24

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check []):
 Owner
 Contract Purchaser
 Lessee or
 Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Mehdi Rofougaran
Percentage Ownership: 33%
12820 Tournament Drive, Reston, VA 20191
~~Abdullah~~ ABE Hadjiesameiloo
Percentage Ownership: 67%
11030 Sandy Manor Drive, Fairfax Station VA 22039

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
¹ Abe Hadjiesmaeiloo	11030 Sandy Manor Dr. Fairfax Station VA 22039	67
² Mehdi Rofougaran	12820 Tournament Dr. Reston VA 20191	33
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 3410 Mount Vernon Ave Alexandria VA 22305 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
¹ William Oshinsky	234 W Broad St Fall Church VA 22046	100
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	NONE	NONE
2.	NONE	NONE
3.	NONE	NONE

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

3/9/24

Abe Hadjiesmaeiloo

Date

Printed Name

Signature



If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

a new use requiring a special use permit,

an expansion or change to an existing use without a special use permit,

an expansion or change to an existing use with a special use permit,

other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

B. How will the noise be controlled?

8. Describe any potential odors emanating from the proposed use and plans to control them:

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

C. How often will trash be collected?

D. How will you prevent littering on the property, streets and nearby properties?

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

- _____ Standard spaces
_____ Compact spaces
_____ Handicapped accessible spaces.
_____ Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A _____
Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where is required parking located? (*check one*)

- on-site
 off-site

If the required parking will be located off-site, where will it be located?

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? _____

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____
Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where are off-street loading facilities located? _____

C. During what hours of the day do you expect loading/unloading operations to occur?

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (*check one*)

a stand alone building

a house located in a residential zone

a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other. Please describe: _____

End of Application



Department of Planning & Zoning Special Use Permit Application Checklist

Supplemental application for the following uses:

Automobile Oriented

Parking Reduction

Signs

Substandard Lot

Lot modifications requested with SUP use

Interior Floor Plan

Include labels to indicate the use of the space (doors, windows, seats, tables, counters, equipment)

If Applicable

Plan for outdoor uses

Contextual site image

Show subject site, on-site parking area, surrounding buildings, cross streets



SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a **Special** Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?

Indoors: _____

2. Will the restaurant offer any of the following?

Alcoholic beverages

On-premises Yes No

Off-premises Yes No

3. The restaurant will offer the following service (check items that apply):

table service bar carry-out delivery

4. If delivery service is proposed, how many vehicles do you anticipate? _____

Will delivery drivers use their own vehicles? Yes No

Where will delivery vehicles be parked when not in use?

OLD TOWN RESTAURANT POLICY

Changes to Old Town Small Area Plan Chapter of the Master Plan Adopted by City Council on November 13, 1993

On November 13, 1993, the City Council adopted Resolution No. 1672, which outlines new policy and criteria used in applying the revised Old Town Restaurant Policy. Individuals who apply for a special use permit to operate a restaurant in Old Town must address in their entirety five criteria in order to be considered for a special use permit. An application will not be formally accepted for processing until this questionnaire is completed.

GOALS OF THE OLD TOWN RESTAURANT POLICY

1. To lessen the on-street parking impact of restaurants in Old Town and adjacent areas;
2. To prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evening; and
3. To control the spread of litter in Old Town.

POLICIES TO ATTAIN THE GOALS OF THE OLD TOWN RESTAURANT POLICY

City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods. City Council shall consider the cumulative impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area. In the case of an expansion or other intensification, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhoods. In making that determination, City Council shall consider the following factors:

- The availability of off-street parking.
- The predicted impact of the restaurant on parking supply in the adjacent neighborhood.
- The extent to which the restaurant is open in the late night hours.
- The extent to which alcohol (such as spirits, mixed drinks, wine, and beer) consumption will predominate over food consumption, including consideration of the number of bar seats, if any, and the standing areas in the vicinity of bars.
- The predicted extent of litter generated in nearby neighborhoods.

CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS

Parking Management Plan. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:

- The parking demand generated by the proposed restaurant.
- The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
- How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- The predicted impact of the restaurant on the parking supply at the evening, weekend, and daytime peaks.
- A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
 - 100%
 - 75-99%
 - 50-74%
 - 1-49%
 - No parking can be accommodated off-street

2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
 - All
 - 75-99%
 - 50-74%
 - 1-49%
 - None

3. What is the estimated peak evening impact upon neighborhoods? (check one)
 - No parking impact predicted
 - Less than 20 additional cars in neighborhood
 - 20-40 additional cars
 - More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

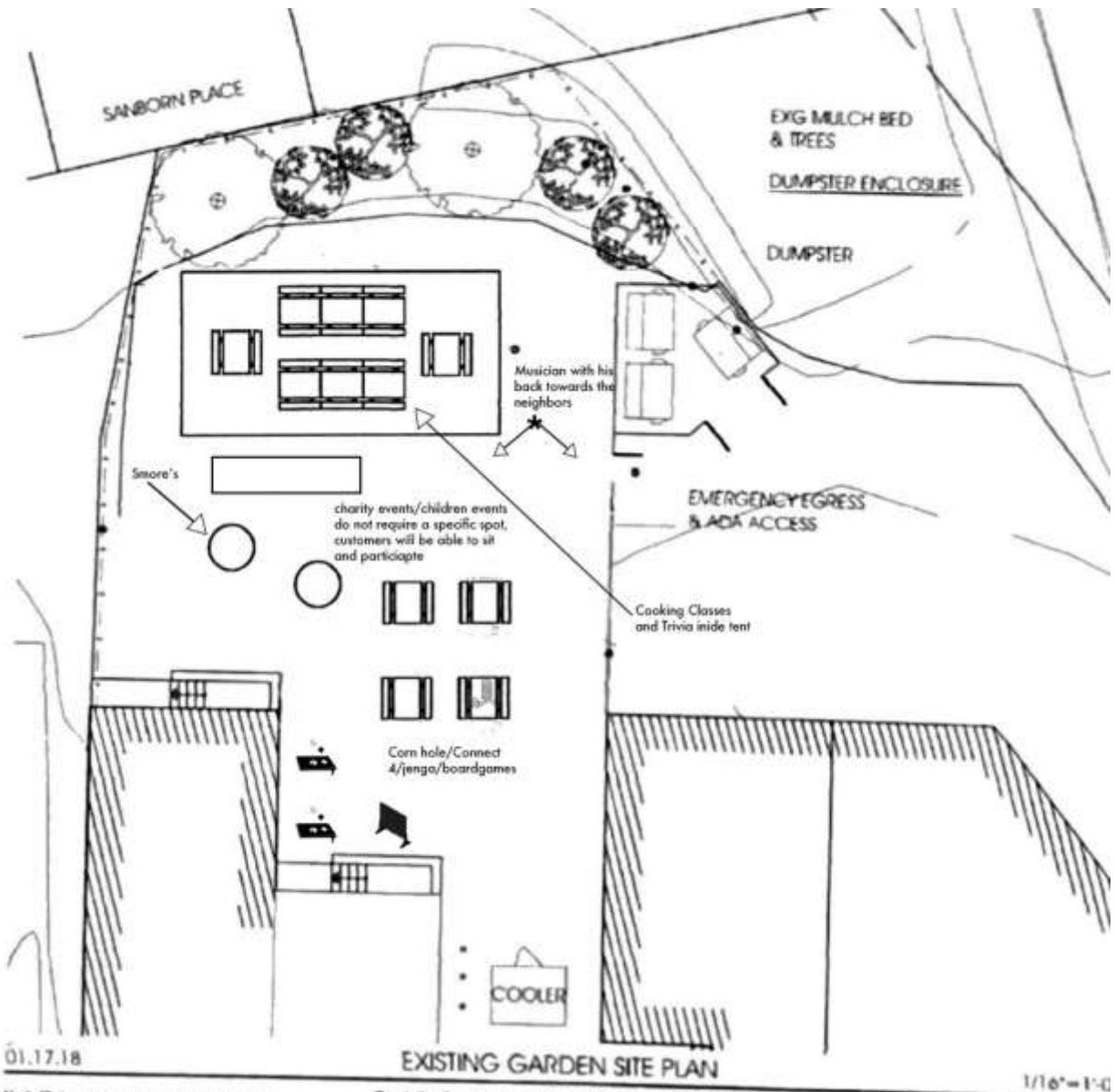
1. Maximum number of patrons shall be determined by adding the following:

109		Maximum number of patron dining seats	
+	11		Maximum number of patron bar seats
+	30		Maximum number of standing patrons
=	150		Maximum number of patrons

2. 5 Maximum number of employees by hour at any one time

3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
 - Closing by 8:00 PM
 - Closing after 8:00 PM but by 10:00 PM
 - Closing after 10:00 PM but by Midnight
 - Closing after Midnight

4. Alcohol Consumption (check one)
 - High ratio of alcohol to food
 - Balance between alcohol and food
 - Low ratio of alcohol to food



01.17.18

EXISTING GARDEN SITE PLAN

1/16" = 1'-0"

*As-built dimensions and areas may vary from those shown. The areas dimensions shown include approximately 10% for site plan &

3410 MT VERNON AVE



Special Use Permit #2023-00025
3410 Mount Vernon Avenue (Parcel Address: 3408
Mount Vernon Avenue)
Hops N Shine Restaurant

Application	General Data	
Request: Public Hearing and consideration of a request for a Special Use Permit to allow outdoor cooking and outdoor live entertainment. (amending SUP #2020-00045)	Planning Commission Hearing:	June 6, 2023
	City Council Hearing:	June 17, 2023
Address: 3410 Mount Vernon Avenue (parcel address: 3408 Mount Vernon Avenue)	Zone:	CG/ Commercial General
Applicant: Abe Hadjiesmaeloo	Small Area Plan:	Potomac West
Staff Recommendation: Approval of the SUP with amendments to existing conditions, as proposed by staff in its report; subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.		
Staff Reviewer: Mavis Stanfield, mavis.stanfield@alexandriava.gov Tony LaColla, AICP tonylacolla@alexandriava.gov Ann Horowitz, ann.horowitz@alexandriava.gov		

CITY COUNCIL ACTION, JUNE 17, 2023:
 City Council approved the Planning Commission recommendation with amendments to conditions 10, 11, 14, and 30, and deletion of conditions #12, including changes to use of background music at the restaurant.

PLANNING COMMISSION ACTION, JUNE 6, 2023:
 On a motion by Commissioner Lyle, seconded by Commissioner Manor, the Planning Commission voted to recommend approval of SUP #2023-00025, subject to all conditions, code requirements, ordinances and proposed amendments to conditions #10, #11, #14, and #30. The motion carried on a vote of 7-0, with Chair Macek attending remotely.

Reason:
 The Planning Commission generally agreed with the staff analysis, although it recommended additional condition limitations to further mitigate the negative impacts this use has imposed on nearby residents.

Discussion:

Commissioner Lyle noted that she and Chair Macek have been very supportive of restaurants in the past and had voted to support this restaurant during an SUP amendment hearing in 2020. She now believed that with the several documented violations she could not support all of the conditions as proposed. She noted that staff are very careful when they issue violations and err on the side of caution. She lives in a neighborhood with townhouses with nearby restaurants and has not experienced problems because the restaurants are good neighbors. She suggested condition amendments to conditions #10, #11, #14, and #30, as many were noted on a June 6, 2023 memorandum to the Planning Commission.

Chair Macek stated that he agreed with Commissioner Lyle's comments and that the violations occurring at this restaurant were egregious and very unusual and the applicant was given repeated chances to reform. He supported the proposed conditions and noted that the conditions would not close down the restaurant.

Vice Chair McMahon noted that she appreciated the contributions of the restaurant and that, although there was great support for the restaurant in the wider community, as shown by the petition submitted by the applicant, that experience was not the same as having to live next to the restaurant.

Speakers:

Stephen Harris, 120 Sanborn Place, President of the Mount Vernon Court Community Association, spoke in opposition to the application. He noted that the amount of noise and repeated attempts to mitigate the noise levels with the applicant have failed. He recommended that the Planning Commission limit the hours of operation and stated that the applicant is not a good neighbor.

Leslie Klein, 120 Sanborn Place, spoke in opposition to the application stating that the applicant has exceeded their existing special use permit conditions related to hours of operation. She noted the ill effects of their cigar night event and noted that they are not a live music venue and should be limited to hours of operation ending at 9 p.m.

Al Havinga, 104 Sanborn Place, spoke in opposition to the application and asked the Commission two questions. The first question was why would the City give a bad actor additional privileges? Given that the applicant continues to challenge the violations in court, the second question is where does this end? The community has been dealing with this problem for years now.

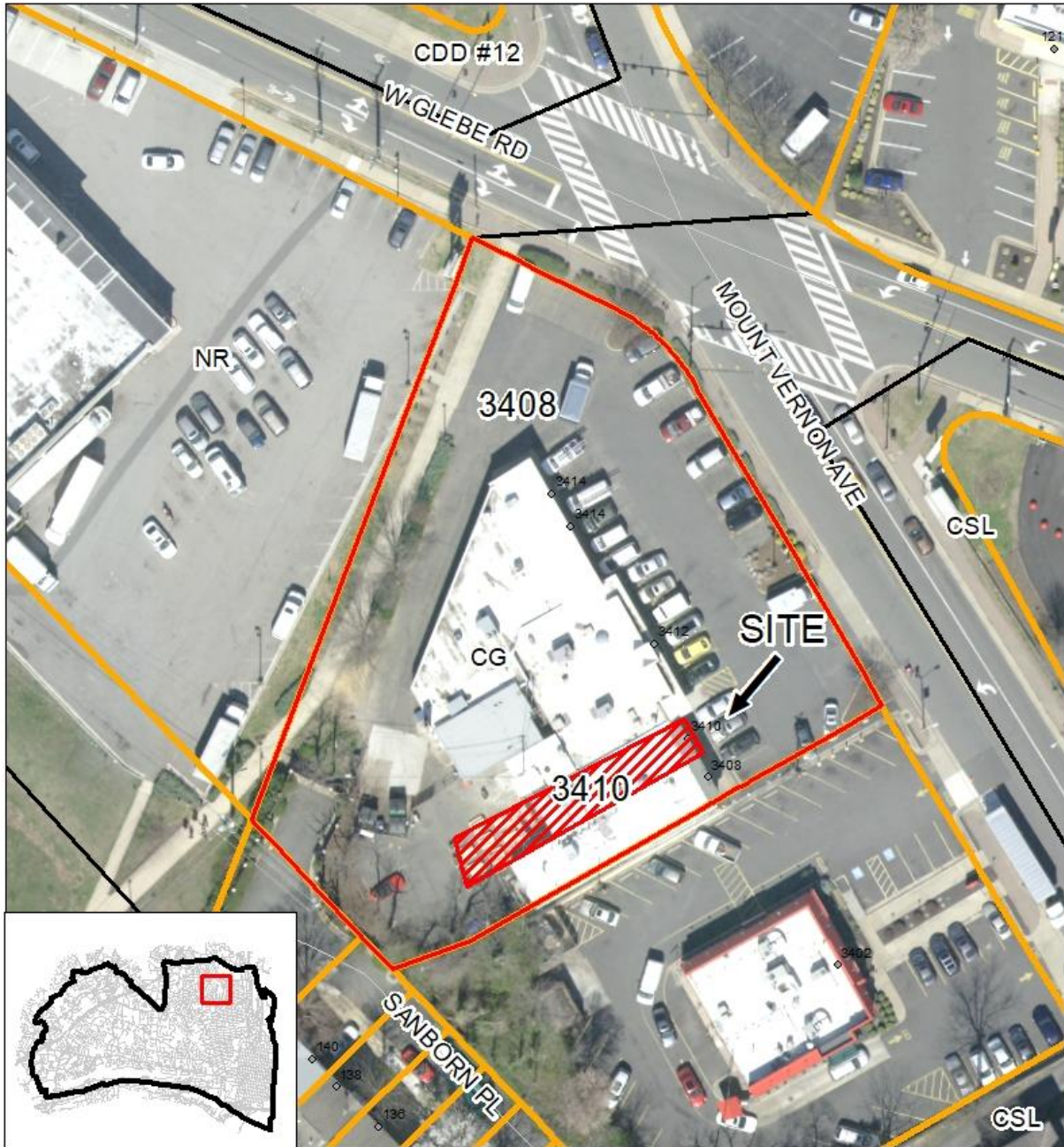
Abe Hadjiesmailoo, 11030 Sandy Manor Drive, applicant, stated that he has been at his current location since 1992 and since operating as Hops N Shine beginning in 2019 has done a great deal of fundraising and other philanthropic work in the community. The reason they are challenging the violations is because they do not believe they are valid, and he mentioned the noise meter session with staff noted in the staff report. He stated that they agreed to stop the outdoor live entertainment once they understood that that was a problem and he maintained that all the complaints came primarily from two people. He asserted several recent violations, which are being challenged in Circuit Court, are not valid and they will prove that.


In response to Chair Macek's question about why they proceeded to violate the conditions even after they were informed that the outdoor live entertainment was not permitted, he said that the live entertainment was stopped when he understood that it was a violation and asked the manager C.J. Cross to also answer.

C.J. Cross, manager of Hops N Shine, responded that they initially thought that placing speakers in the windows of the restaurant would be in compliance with the conditions, because they would still be indoors. Once they understood that this was problematic, they stopped this activity in the fall of 2022.

Paxmon Hadjiesmailoo, partner in Hops N Shine, spoke in support of the application. He was born and raised in Del Ray and has seen how the restaurant has contributed to the community by clearing out the drugs and prostitution. He noted that over 180 people have signed a petition in support of the business.


Matt Rofougaran, partner in Hops N Shine, spoke in support of the application. He noted that the restaurant's record speaks for itself and that they get great reviews on Facebook and other social media. He stated that they are a community and family-oriented business and not a nightclub and they should be treated the same as other restaurants in the vicinity.






Special Use Permit #2023-00025
3410 Mount Vernon Avenue
(Parcel Address: 3408 Mount Vernon Avenue)
Hops 'N Shine

N





PROJECT LOCATION MAP

I. DISCUSSION

The applicant, Abe Hadjiesmaeiloo, requests on the SUP application to increase outdoor seats in the back patio from 60 to 120; allow outdoor limited live entertainment in the form of background music; allow for outdoor live entertainment; increase outdoor hours of operation; and allow for outdoor cooking located at 3410 Mount Vernon Avenue. Although an outdoor dining use on private property at a commercial complex is now a by-right use, this staff report includes a review of existing outdoor dining-related conditions given the history of noise complaints and City enforcement citations. Staff recommends approval of the SUP with existing condition amendments to address the record of neighborhood impacts.

SITE DESCRIPTION

The subject site is a 1,100 square foot tenant space and 3,000 sq. ft. rear patio in an approximately 9,384 square foot single story commercial complex. The complex is located on one lot of record with roughly 170 feet of frontage along Mount Vernon Avenue, roughly 70 feet of frontage along West Glebe Road, and a total area of 38,280 square feet. The commercial complex includes four businesses including the applicant’s restaurant, a laundromat, a 7-Eleven convenience store, and a grocery with an accessory carry-out restaurant included.



Figure 1 – Building Façade from Mt. Vernon Ave.

The subject commercial complex is located at the southern corner of the intersection of Mount Vernon Avenue and West Glebe Road. Adjacent uses include a residential townhouse neighborhood (Sanborn Place) which directly abuts the location of the subject outdoor seating, a Popeye’s restaurant to the south, a car wash across Mount Vernon Avenue to the east, and a separate commercial strip center to the northwest. A popular pedestrian walk is located to the west of the subject property that connects Mount Vernon Avenue commercial corridor with residential areas to the south.

BACKGROUND

Tax records indicate that the commercial complex was constructed in 1963. Restaurants have operated at 3410 Mount Vernon Avenue for a number of years, even prior to the requirement for a Special Use Permit.

The first Special Use Permit was issued in 1988 to add seating to an existing carry-out restaurant. The current owner, applicant Abe Hadjiesmaeiloo, first received Special Use Permit #95-0033 in 1995 when staff approved a change of ownership to allow Mr. Hadjiesmaeiloo to assume the operation of the existing restaurant Special Use Permit. As such, the applicant, Abe Hadjiesmaeiloo, has operated a restaurant at this location for the last 25 years, which was first named Senor Chicken and is currently known as Hops N Shine.

The City Council approved the restaurant’s current operation with Special Use Permit #2017-0091 in March of 2018. SUP #2017-0091 allowed the extension of the indoor closing hours of operation to 12 a.m. and 1 a.m. on weekends; indoor limited live entertainment; off-premises alcohol sales; 30 seats of outdoor dining at the rear of the restaurant with the hours of 11 a.m. to 9 p.m., Sunday through Thursday and 11 a.m. to 10 p.m., Friday and Saturday; and a parking reduction of six spaces to facilitate the rear outdoor seating which reduced the total parking to 40 spaces in the shared on-site lot.

The City Council amended SUP #2017-0091 on September 12, 2020, with the approval of Special Use Permit #2020-00045. SUP #2020-00045 allowed for outdoor dining for up to 60 seats in the rear patio; eight seats in the front of the restaurant; the addition of an outdoor bar; the addition of one delivery vehicle stored on-site; outdoor amplified music in the form of background music; and outdoor dining from 9 a.m. to 10 p.m. City Council did not approve requests for live outdoor entertainment or outdoor cooking.

Also on September 12, 2020, City Council approved Zoning Text Amendment #2020-00003 which permitted outdoor dining by right at commercial complexes on privately-owned property and adopted the text amendment ordinance in October 2020. As the text amendment ordinance did not take effect until after the October public hearing, the City Council review of the outdoor dining element and related conditions for number of seats and hours still applied at the time of the September public hearing..

Mount Vernon Court Community Association, the community organization that represents Sanborn Place residents, reported to the Planning and Zoning Department that the applicant’s restaurant was noncompliant with conditions provided from the previously approved Special Use Permit, SUP #2017-0091 and the current Special Use Permit, SUP #2020-00045. Since approval of SUP #2020-00045, 17 valid complaints related to violations of SUP conditions pertinent to this application have been received by Planning & Zoning, including:

2021

Date	Complaint	Action
August 11, 2021	Live entertainment (game host), amplified sound in outdoor dining area.	Warning citation issued with 10 days to comply. <i>Warning Citation #2573</i>
August 18, 2021	Live entertainment (game host), amplified sound in outdoor dining area.	Within 10-day compliance window.

August 25, 2021	Live entertainment (game host), amplified sound in outdoor dining area.	Citation issued with 10 days to comply. Citation contested in Circuit Court. Court found in favor of applicant. Host was determined to be inside the restaurant and not outside. <i>Citation #5319</i>
November 24, 2021	Live entertainment (game host), amplified sound in outdoor dining area.	Verbal warning was given during in-person meeting on November 30. Applicant disagreed with staff interpretation of “live entertainment.”
December 16, 2021	Live entertainment (game host), amplified sound in outdoor dining area.	Warning provided via email and subsequent phone conversation. Applicant indicated trivia night was being held indoors and the outdoor speakers should have been turned off.

2022

Date	Complaint	Action
March 26, 2022	Live entertainment (game host), amplified sound in outdoor dining area.	Citation issued with 10 days to comply. Citation contested in Circuit Court. Court found in favor of the City. <i>Citation #5341</i>
April 4, 2022	Live entertainment (game host), amplified sound in outdoor dining area.	Within 10-day compliance window.
July 20, 2022	Live entertainment (game host), amplified sound in outdoor dining area.	Citation issued with 10 days to comply. Citation currently being contested in Circuit Court. Hearing date TBD. <i>Citation #5387 UNPAID</i>
July 27, 2022	Live entertainment (game host), amplified sound in outdoor dining area.	Within 10-day compliance window.
August 31, 2022	Live entertainment (game host), amplified sound in outdoor dining area.	Citation issued with 10 days to comply. Citation currently being contested in Circuit Court. Hearing date TBD. <i>Citation #5384 UNPAID</i>
December 3, 2022	Games and amplified sound in outdoor seating area past 10 p.m.	Citation issued with 10 days to comply. Citation currently being

		contested in Circuit Court. Hearing date TBD. <i>Citation #5405 UNPAID</i>
December 10, 2022	Games and amplified sound in outdoor seating area past 10 p.m.	Citation issued with 10 days to comply. Citation currently being contested in Circuit Court. Hearing date TBD. <i>Citation #5406 UNPAID</i>

2023

Date	Complaint	Action
January 28, 2023	Cooking in outdoor dining area	Warning citation issued with 10 days to comply. <i>Warning Citation #2671</i>
March 18, 2023	Excessive noise from speakers in outdoor dining area.	Citation issued with 10 days to comply. Citation currently being contested in Circuit Court. Hearing date TBD. <i>Citation #5420 UNPAID</i>
April 14, 2023	Games and amplified sound in outdoor seating area past 10 p.m.	Citation issued with 10 days to comply. Citation currently being contested in Circuit Court. Hearing date TBD. <i>Citation #5427 UNPAID</i>
April 15, 2023	Games and amplified sound in outdoor seating area past 10 p.m.	Within 10-day compliance window.
May 3, 2023	Patrons entering directly through back entrance and not as required through the front door.	Warning citation issued with 10 days to comply. <i>Warning Citation #2271</i>

Planning & Zoning staff have repeatedly tried to gain compliance through citations, e-mails, phone calls, and meetings.

After a fourth complaint was received related to outdoor live entertainment on November 24, 2021, Planning & Zoning staff held an in-person meeting with the applicant and Hops N Shine staff in which the definition of live entertainment and limited live entertainment was clearly communicated. At that meeting, the applicant disagreed with the City’s interpretation of live entertainment but agreed to maintain live entertainment indoors only.

On April 7, 2022, after additional violations of Condition #14, Planning & Zoning staff sent a letter to the applicant, indicating staff’s intention to docket the SUP for review and consideration of suspension/revocation unless the restaurant was willing to work with staff on a formal agreement for mitigation. On April 19, 2022, Planning & Zoning held an in-person meeting with the applicant and Hops N Shine staff to discuss violations and work toward a solution. At that time, the applicant stated the trivia night game host was located inside the restaurant and the event was simply being

projected on outdoor speakers as background entertainment. Planning & Zoning staff indicated that Condition #14 only permits background music. The applicant agreed no longer hold trivia night outdoors, reposition speakers, hire a sound technician to test the decibel levels of the sound system, and install a noise governor in an effort to control the amount of noise being projected into the adjacent neighborhood. The applicant indicated they would comply with all SUP conditions moving forward. Because nearby residents were concerned about potential noise ordinance violations, Planning & Zoning staff agreed to do a noise meter reader demonstration at the property on May 10, 2022. The purpose was to demonstrate how City staff take noise meter readings and help residents understand the impacts of various decibel levels (45 db. -70 db.).

After the May 10, 2022, on-site meeting and demonstration, the type of violations expanded to not only include outdoor noise related/live entertainment issues, but also violations of Condition #10 (outdoor operating hours) and Condition #11 (cooking facilities in the outdoor area). After three citations were issued related to violations of Condition #10, staff began to move forward with docketing the SUP for review.

On February 5, 2023, Planning & Zoning staff sent a second letter to the applicant, this time indicating the SUP would be docketed at the April 2023 Planning Commission and City Council hearings in order to propose amendments to the SUP conditions. After learning of the SUP docketing, the applicant submitted an application to amend their Special Use Permit; including what is proposed in this application.

Zoning inspectors completed an inspection of the property on May 3, 2023, and found the restaurant to be in compliance with all conditions except Condition #12.

Staff have taken comments and previous SUP violations into consideration while reviewing the application and forming the staff recommendation.

PROPOSAL

The applicant, Abe Hadjiesmaeiloo, requests to amend SUP #2020-00045 with the following:

- add outdoor cooking equipment (cooking classes, s'mores for fire pits, BBQ grill);
- add live acoustic outdoor music from 12 p.m. to 11 p.m. throughout the week; and
- add amplified live entertainment on the patio (trivia night, paint night, etc. with speaker/microphone)

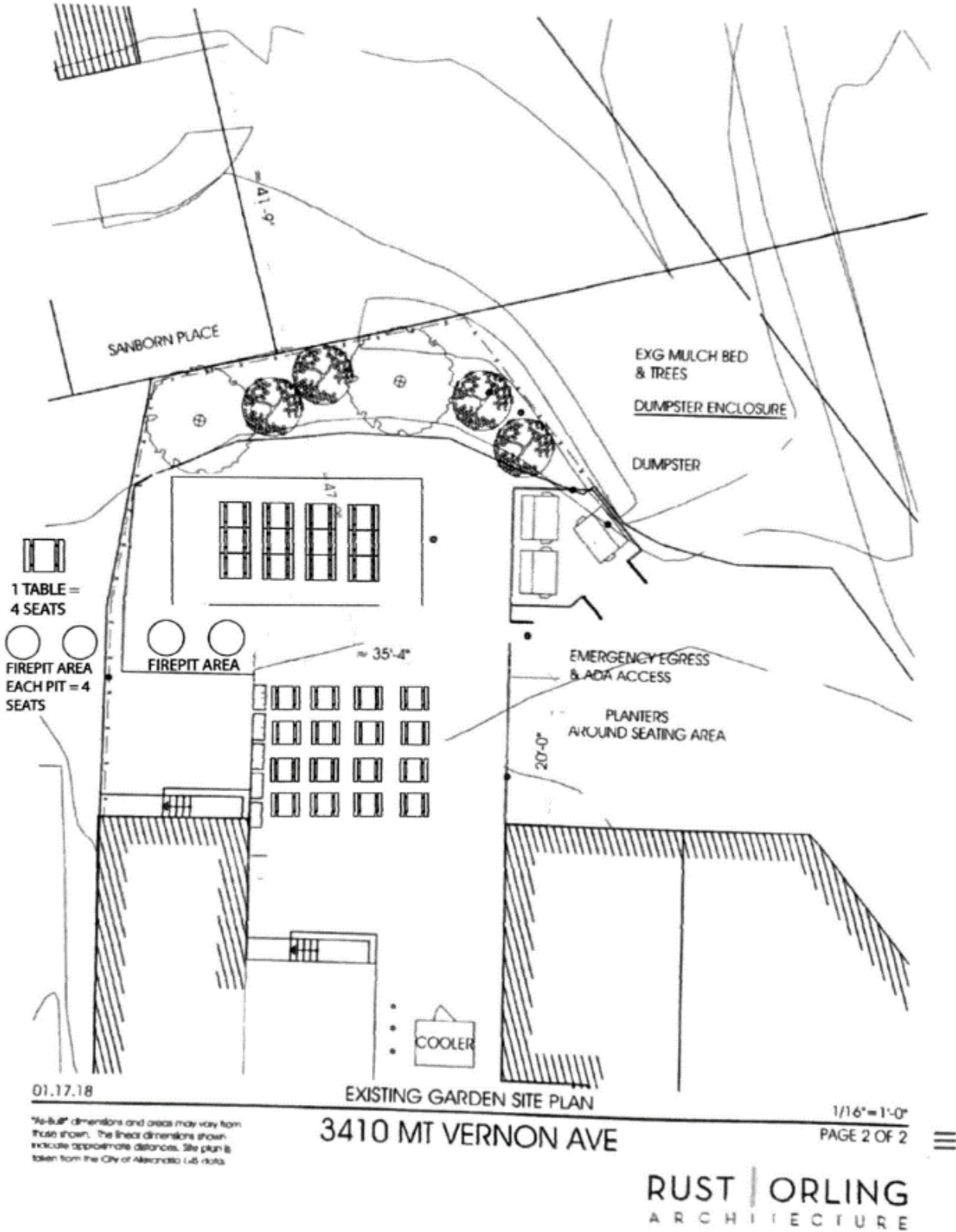


Figure 3 – Proposed Rear Patio Layout

All details of the applicant's proposed restaurant operational changes as compared with the existing business model are:

Hours of operation: Existing Indoor: 7 a.m. – 12 a.m., Sunday through Thursday
7 a.m. – 1 a.m., Friday and Saturday
Existing Outdoor: 11 a.m. – 9 p.m., Sunday through Thursday
11 a.m. to 10 p.m., Friday and Saturday

Applicant's intention: 7 a.m. – 11 p.m. Sunday – Wednesday
7 a.m. – 1 a.m. Thursday – Saturday

Number of Seats: Existing: 60 indoor seats, 60 seats outdoor, 8 seats outdoor front (Total: 128 seats)
Applicant's intention: 60 indoor seats, 120 seats outdoor, 8 seats outdoor front. (Total: 188 seats)

Noise: Existing: Noise associated with outdoor seating; outdoor amplified sound in the form of background music.
SUP Proposed: Some increased noise associated with outdoor seating due to the increased number of seats. Request for outdoor live outdoor acoustic music from 12 p.m. to 11 p.m., daily. Amplified outdoor live entertainment with speaker/microphone.

Odors: SUP Proposed: Potential for odors associated with outdoor cooking.

Trash/Litter: Trash and garbage anticipated to be typical of restaurants.

PARKING

Staff has confirmed that there are 32 parking spaces provided on the subject property to be shared between the tenants of the commercial complex.

Section 8-200(A)(17)(b) of the Zoning Ordinance requires restaurants to provide a minimum of 1.0 parking spaces per 1,000 square feet of floor area. Section 8-200(A)(17)(c) states that for portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats shall be exempt from the parking requirement. The restaurant currently occupies 1,080 square feet on the interior and requires two parking spaces. For the proposed 120 outdoor seats, the first 20 are excluded from parking counts, as required by Section 8-200(A)(17)(c). The remaining 100 outdoors seats require 15 square feet of floor space each, as required by the zoning ordinance; therefore, the outdoor seating includes 1,500 square feet of floor space. The total square footage of floor space for the use, as calculated for parking requirements, is 2,580 square feet. As such, three parking spaces are required for the restaurant.

The total parking requirement for the commercial complex would be 14 spaces when considering all the current tenants along with the proposed restaurant expansion. The number of parking spaces in the shared lot exceeds the spaces required for all of the uses at the commercial complex.

ZONING/ MASTER PLAN DESIGNATION

The subject site is located within the CG/Commercial General Zoning District which permits restaurants and outdoor dining as by right uses. Live entertainment (indoor and outdoor) and outdoor cooking in any zoning district can only be allowed through a Special Use Permit.

The use is consistent with the Potomac West Small Area Plan and the Arlandria Neighborhood Plan, which make no direct reference to the subject property, but maintain the area where it is located as a commercial corridor. The small area plan and neighborhood plan state general goals of revitalizing the community, maintaining existing businesses and diversity, and providing for an active and vital commercial area that transitions from automobile orientated design.

ZONING ORDINANCE AUTHORITY

SUP analyses include an evaluation of requests according to the standards of Zoning Ordinance Section 11-500. The following subsections are specifically referenced as they relate to the condition amendment recommendations.

11-501 - Authority.

The city council may approve an application for a special use permit provided for in this ordinance if the proposed location is appropriate for the use and if the proposed use or structure will be designed and operated so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity.

11-504 - Considerations on review.

- (A) The city council may approve the application, provided all regulations and provisions of law have been complied with, if it finds that the use for which the permit is sought:*
- (1) Will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;*
 - (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and*
 - (3) Will substantially conform to the master plan of the city.*

(B) In reviewing the application, the city council may take into consideration the following factors where it determines that such factors are relevant and such consideration appropriate:

- (8) Notwithstanding any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.*
- (10) Whether the proposed use will have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.*

11-505 - Conditions and restrictions.

In approving a special use permit, the city council may impose any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.

II. STAFF ANALYSIS

Staff typically supports increasing the viability of already successful restaurants and increasing the amenities provided to customers and residents; however, this applicant has a history of zoning complaints and valid zoning violations that should be taken into account. The applicant has 17 recorded SUP violations pertinent to this SUP request, with 11 citations issued since SUP #2020-00045 was granted in September 2020. With that stated, staff cannot support the applicant's request for outdoor live entertainment and outdoor cooking. Had the applicant not submitted an SUP and staff proceeded with docketing the use for City Council review due to SUP violations, it would have recommended similar amendments to existing conditions, contained in this report, to help achieve compliance.

Outdoor Dining Hours

Outdoor dining located on private property at a commercial complex is a permitted by right use in the CG zone and as such does not have standard operating hours. Zoning Ordinance Section 4-407 includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Given the history of complaints related to this use and in order to comply with the Zoning Ordinance, staff recommends the outdoor dining area be open to patrons from 6:00 a.m. to 11:00 p.m. daily. While allowing for some expansion of outdoor dining hours, the hours would be consistent with those allowed for outdoor dining approved administratively under Section 6-805 - Standards for outdoor dining. In addition, the City Noise Code standards also apply to control the potential for noise as a result of outdoor diners.

Outdoor Seating

Given the history of violations related to this use and in order to comply with the Zoning Ordinance, staff does not support an increase in the number of outdoor seating beyond the 60 seats the currently exist. As stated previously, outdoor dining located on private property at a commercial complex is now a permitted by right use in the CG zone. Zoning Ordinance Section 4-407, however; includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Because of the increase in noise generated by an increase in outdoor seating, staff recommends maintaining a condition that would limit outdoor dining to 60 seats and a maximum of 60 patrons at any one time.

In addition, the applicant must comply with the statewide building and fire code based upon occupancy. The Fire Department indicated the outdoor occupant load is currently more than 49;

beyond what fire code will permit. Two exits from the outdoor seating area are required and one exit cannot be through the building due to the direction of the door swing. The applicant will need to reduce the number of outdoor seats to 49 until another point of egress is installed. Furthermore, the statewide building code requires one lavatory for every 75 occupants, including customers and staff. To accommodate an increase in occupancy beyond 150 people (inside and outside, patrons and staff), the restaurant will need to provide additional lavatories. The applicant can address the fire and building code requirements after SUP approval, which represents the usual process steps.

Background Music and Live Entertainment

To avoid confusion and provide clarity for the applicant, staff has broken apart the original Condition #14 into three sections covering indoor live entertainment (Condition #14a), outdoor amplified music (Condition #14b), outdoor live entertainment (Condition #14c), and the creation of a community liaison to address nearby property owner noise concerns (Condition #14d). Due to complaints related to trivia nights, classes/workshops, noise from the amplification of the human voice, and violations of hours for permitted outdoor amplified background music; staff does not recommend approval of the applicant's request for live outdoor entertainment including live music, game/trivia nights, movie nights, classes/workshops/meetings fundraising events and any such similar events. Due to the applicants challenge of the City's interpretation of "live entertainment" staff has added Condition #14c to clarify those activities which would be considered "live entertainment." Staff does however provide the ability to hold occasional "live entertainment" events provided the applicant obtains a Noise Permit for music and sound amplification from the City of Alexandria.

Outdoor Cooking

Section 4-407(A) of the CG Zone specifies that all operations shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display. Staff cannot recommend approval of the applicant's request for outdoor cooking, as staff is concerned a cook station will create odors that might affect neighboring properties.

Additional Considerations

Staff notified nearby community organizations of the application and the applicant also notified the adjacent property owners.

The Mount Vernon Court Community Association, which represents the residential community along Sanborn Place to the southwest of the subject property, provided comments on the application during a community meeting on April 26, 2023, and via e-mails. Community members expressed concern over the requests for additional seats, expanded hours, and outdoor entertainment. Community members indicated noise generated by the restaurant has impacted their lives and requested amending conditions to control impacts.

Staff attended a meeting of the Del Ray Land Use Committee on May 9, 2023, and received comments from community members and the applicant. Community members expressed concern over the requests for additional seats, expanded hours, and outdoor entertainment. One local resident attendee spoke in favor of the restaurant.

Staff have taken comments and past performance into consideration while reviewing the application and forming the staff recommendation. Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit with amendments to the existing conditions.

III. RECOMMENDED CONDITIONS

Staff recommends approval with amendments to existing conditions subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2017-0091)
2. Condition deleted. (P&Z)
3. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions and the cooler stored at the rear of the property. (P&Z) (SUP #2017-0091)
4. Trash and garbage shall be collected daily when the business is open. (P&Z)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2017-0091)
6. Condition deleted. (P&Z)
7. Condition deleted. (P&Z)
8. Delivery to customers is permitted using one vehicle with one parking space assigned to delivery vehicles onsite. (P&Z)
9. Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z) (SUP #2017-0091)
10. Outdoor dining located on private property at a commercial complex is a permitted use in the CG zone. Zoning Ordinance Section 4-407 includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Given the history of violations related to this use and in order to comply with the Zoning Ordinance, the outdoor dining area may be open to patrons from 11:00 a.m. to 11:00 pm Friday and Saturday and from 11:00 am to 9:00 p.m. Sunday through Thursday and remain in compliance with the noise ordinance. The outdoor dining area shall be closed and cleared of all customers by 11:00 p.m. on Friday and Saturday and by 9:00 p.m. Sunday through Thursday

and no new patrons may be admitted into the outdoor dining area after 10:00 p.m. on Friday and Saturday and 8:00 p.m. on Sunday through Thursday. The outdoor dining area shall be cleaned and washed by midnight on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday. Staff shall not use any form of amplified sound, including radios and Bluetooth speakers, while cleaning and washing the outdoor dining area. (PC)

11. The outdoor dining area shall address the following:
 - a. The maximum number of outdoor seats shall be determined by and comply with the statewide building and fire code.
 - b. Outdoor cooking facilities and host stands are not permitted.
 - c. All outdoor dining furniture and games must not be closer than 25 feet from the rear property line.
 - d. No outdoor games shall be permitted. (PC)
12. Condition deleted. (CC)
13. The applicant shall ensure that business patrons do not congregate outside of the outdoor dining area at the rear of the property. (P&Z) (SUP #2017-0091)
14. Music and Live Entertainment
 - a. Indoor live entertainment is permitted from 4:00 p.m. to 12:00 a.m., consistent with the noise ordinance. All windows and doors must remain closed during indoor live entertainment. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
 - b. Outdoor amplified music in the form of background music is permitted from 11:00 a.m. to 11:00 pm Friday and Saturday and from 11:00 am to 9:00 p.m. Sunday through Thursday, consistent with the noise ordinance. (CC)
 - c. Any form of outdoor live entertainment and/or the amplification of the human voice shall be prohibited in the outdoor dining area unless associated with an approved Noise Permit for music and sound amplification from the Department of Transportation & Environmental Services. Live entertainment shall include, but is not limited to, live music of any type, DJ's, hosted game/trivia nights, movie nights, classes/workshops/meetings, and any such similar events. The projection of live music and live entertainment from within the restaurant to the outdoor area via loudspeakers or open doors and windows shall be prohibited at all times. (CC)
 - d. The applicant shall designate an employee as a community liaison to respond to nearby property owners' noise concerns. The contact phone number and e-mail for the community liaison shall be provided to the Mount Vernon Court Community Association. (PC)
15. On and off premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. (P&Z)
16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to

- prevent underage sales of alcohol to prevent the underage sale of alcohol. (P&Z) (SUP #2017-0091)
17. Exterior power washing of the building shall not be completed using any kind of detergents and should not occur after 4 p.m. (P&Z) (SUP #2017-0091)
 18. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP #2017-0091)
 19. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z) (SUP #2017-0091)
 20. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP #2017-0091)
 21. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys, or storm sewers. (P&Z) (SUP #2017-0091)
 22. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (P&Z) (SUP #2017-0091)
 23. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z) (SUP #2017-0091)
 24. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2017-0091)
 25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP #2017-0091)
 26. Condition deleted by staff. (P&Z)
 27. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP #2017-0091)

28. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z) (SUP #2017-0091)
29. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z) (SUP #2017-0091)
30. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for three months, six months, and nine months. The Special Use Permit shall be docketed for review after one year, or sooner with 30 days notice. The Director of Planning and Zoning shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (PC)
31. Condition deleted by staff. (P&Z)

STAFF: Mavis Stanfield, Urban Planner
Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal Planner

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 OEQ has concern that expanding outdoor facilities, including the addition of live entertainment and live acoustic music, or any amplified music or amplified human voice, on the outdoor patio may violate the noise code. This concern is based on the time that the permissible noise levels, per the noise code, decreases; proximity of residential units; and history of noise complaints received against this establishment under the current operating conditions.
- F-2 OEQ has concern that outdoor BBQ may create odor and/or smoke, which impacts air quality and might affect neighboring properties.
- F-3 Fourteen off-street parking spaces are required based on the proposed amount of outdoor seating.
- F-4 Demonstrate the number of available off-street parking spaces in the parking lot. The Applicant purports there are a total of 45 available spaces, however Staff were unable to verify this amount based on the information presented in the submission materials.
- R-1 Recommends SUP conditions approved as part of Special Use Permit #2020-00045 be carried forward to this SUP. Most specifically, conditions 4, 5, 10, 11, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25 (T&ES)

Code Enforcement:

- C-1 A building code review is required prior to the start of alteration.

Fire Department:

- F-1 Please provide location of grill in open outdoor seating area.
- C-2 Indicated occupant load is more than 49 therefore two exits from the open outdoor seating area are required and one exit cannot be through the building. Provide exit plan from open outdoor seating area.
- C-3 If total occupant load for the facility exceeds 100, a new fire prevention permit will be required to reflect the indicated increase that exceeds 100.

Health:

No comments received.

Recreation, Parks & Cultural Activities:

No comments received.

Police Department:

No comments received.

From: SUSAN SCHMIDT

Sent: Saturday, May 4, 2024 10:36 AM

To: Mavis E Stanfield <mavis.stanfield@alexandriava.gov>; landuse@delraycitizen.net;
nhurto@yahoo.com

Subject: [EXTERNAL]Hops N Shine (HnS) Expansion of SUP Request (application 2024-00026)

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I support the April 28 comments submitted by the Mount Vernon Court Community Association and, in particular, opposition to the requested expansion of the SUP for activities on the back patio.

One year ago, the City denied a similar request for expansion of the SUP. Numerous complaints had been lodged. Of particular concerns were, and continue to be, extended hours and music (noise) issues. The current SUP conditions and rejection of that last SUP expansion request have lessened the need for additional complaints and should be retained.

The townhomes on Sanborn Place were built 20 years ago, when what today is HnS was Señor Chicken, basically a take-out chicken restaurant.

The pending SUP application requests **extending the back patio hours** until 12 AM on Friday and Saturday and 11 PM other days of the week. Even with the current hours, residents must call HnS when the patio is not cleared and patrons have not moved indoors. The noise carries.

The pending expanded SUP application requests “**Outdoor Live Music**” for 12 hours a day Friday and Saturday and 10 hours a day Sunday to Thursday. I don't believe there is a code definition of “amplified soft background music” so the only enforceable legal restriction for that would be noise which exceeds noise ordinances. In fact, in conversations HnS always reiterates that it only has to stay below the limits of the excessive noise ordinance. “Acoustic Musician” is requested for 5 hours on Friday and nine hours Saturday and Sunday.

The recent St. Patrick's Day party demonstrates the risk of allowing outdoor amplified

music until 9 PM or 11 PM and even live acoustic music until 9 PM on the back patio with limits only by noise ordinances.

I note two items from that Noise Variance Permit:

(1) HnS was authorized to have "live music with their solo acoustic performers" ... "live music is not approved."

- I got home late that afternoon and heard music down the entire Sanborn Place street.

- HnS had a solo singer with a guitar and amplifier on the back patio.

- Neighbors said it had been going on all day and they could hear the live music in their homes with the windows closed.

- I believe the police were notified by more than one person.

(2) HnS was required to notify residents/businesses surrounding this location of event activities, including start and time of event, prior to the event date.

- Notice was received by mail the Saturday of the event — about 7 PM. The event started at 1 PM. The letter was postmarked Thursday PM.

A SUP must be designed to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity. Expansion of the SUP risks reverting to the situation before the City imposed the reasonable conditions on HnS a year ago.

For these reasons, the request to expand HnS hours and music on the back patio should be denied. Thank you for consideration of these comments and the welfare of the neighboring community.

Susan Schmidt

From: [Marc Shapiro](#)
To: [Mavis E Stanfield](#); landuse@delraycitizen.net; nhurto@yahoo.com; [PlanComm](#); [MountVernon CourtAssn](#)
Subject: [EXTERNAL]The SUP Heard "Round the World (SUP application 2024-00026)
Date: Monday, May 6, 2024 12:44:25 PM

You don't often get email from shapmail@yahoo.com. [Learn why this is important](#)

Dear Ms. Stanfield, Members of the Planning Commission, and Del Ray Citizens' Association:

Greetings from half-way across the world in Cairo, Egypt, where I am hearing complaints about the frequent, ongoing mostly noise-related violations to the existing SUP from Hops 'n Shine, adjacent to Mount Vernon Court, where I used to live and now rent to a tenant. I am writing following up on my prior email from almost exactly one year ago (April 25, 2023), to again support comments, concerns, and requests from the Mount Vernon Court Community on the proposed expanded uses and revisions to the existing SUP # 2024-00026, spelled out in considerable detail in the email below.

While we are happy to have good commercial neighbors, I am very concerned about the effect on neighborhood and property values given the ongoing violations and infringements on our auditory space. I also am concerned by the company's continuing requests to further expand their rights despite last year's decisions by the city council to limit the company's prior SUP request based on their continuing violations and lack of attention to requests to reduce their impact, which provides an overall impression of bad faith.

I therefore ask that the Planning Commission request the owner of Hops 'n Shine modify or withdraw the proposed expanded use of the site until current SUP non-compliance is rectified consistently and neighboring community concerns are addressed cooperatively, as indicated below.

Thank you for your consideration,

Marc D. Shapiro, Ph.D., (owner 118 Sanborn Place, Alexandria, VA)

Marc D. Shapiro, Ph.D. (he, his)

Senior Monitoring, Evaluation, and Research Consultant

Apologies ahead of time for misspellings and errors

----- Forwarded message -----

From: Steve Harris

Date: Sun, Apr 28, 2024 at 3:33 PM

Subject: MVCCA comments to DRCA regarding Hops n Shine SUP application 2024-00026

To: DRCA Land Use Chair <landuse@delraycitizen.net>, nate hurto <nhurto@yahoo.com>

On behalf of the Mount Vernon Court Community Association (MVCCA), we are writing in opposition to Hops n Shine's SUP application 2024-00026. We are a residential neighborhood built before 2000 of 30 townhouses of residents of all ages that share a non-soundproof fence with Hops n Shine. We appreciate your willingness to listen to, work with, and adjudicate nuisances caused to our community since 2017, when this new business opened. We went through an extensive review process last year with you, culminating in a reasonable resolution from the City Council that has allowed better co-existence of our community and Hops n Shine. Hops n Shine again requests an extensive expansion of its current SUP that would regress the existing co-existence. As that would be a significant detriment to our community, we have no choice but to relitigate what we thought was settled manner.

Hops n Shine first opened in 2017. While we have no concerns with a bar being located in the strip mall adjacent to our property line, their back patio is inconsistent with the fabric of Alexandria outdoor patios, as it directly faces our small, private residential street, rather than main roads. Other businesses in Alexandria choose more appropriate venues.

While use of the patio for dining is a by-right privilege, live music and special events are not. Upon review of Hops n Shine's 2024 SUP application, nearly all the conditions are inconsistent with the Alexandria Zoning Ordinance Authority, Section 11-501. Specifically, "The city council may approve an application for a special use permit provided for in this ordinance if the proposed location is appropriate for the use and if the proposed use or structure will be designed and operated so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other

properties in the vicinity.” The past seven years of back-and-forth with Planning and Zoning staff regarding this business is clear evidence that approving most parts of this new SUP application will have substantial and undue adverse effects on our community.

We respectfully urge you to reject nearly all the conditions of the revised SUP application 2024-00026, specifically those conditions that impact the back patio hours and activities:

1. Continue Indoor live entertainment with the minor change of allowing the garage door in the front of the building to be open. Still abiding by all noise ordinances.

Recommend support. Opening the garage door in the front of the building to Mount Vernon Avenue, a major street, during live music events, is consistent with other businesses in Alexandria whose outdoor areas face major busy roads, not private residential streets.

2. Hours of Operations: Extending our outdoor Patio hours by 1 hour: Sunday-Thurs 11pm - Fri-Sat 12AM - To be consistent with Auggies

Recommend do not support. The City Council decision in June 2023 is a reasonable compromise for a bar whose patio shares a non-soundproofed fence with a residential community. Children’s bedrooms directly face the patio, and the current hours (Sun-Thurs 9 pm and Fri-Sat 11 pm) are already extremely generous given the patio’s location. Furthermore, the applicant is not comparable to Augie’s: Augie’s patio faces King Street and has a reinforced brick wall separating it from its neighbors.

3. Outdoor Cooking - Smores over propane fire pits/ Date night cooking classes using small 16oz butane cans with portables stoves tops.

Recommend do not support. Applicants proposed outdoor cooking in their 2020 and 2023 SUP applications. Both times, Staff did not recommend. From the 2020 Staff Report: “Staff does not recommend approval of the applicant’s request for outdoor cooking which staff is concerned a cook station will create odors that might affect neighboring properties.” As no material improvements have been made to the property to do anything to mitigate odors caused by outdoor cooking, there is no reason for staff to reverse this recommendation. If the City Council decides to allow this expansion, it should make a pre-inspection of the physical steps taken to mitigate odors and any other risks.

4. Re-introduce Outdoor games - Jenga, cornhole, connect four and the likes

Recommend do not support. Outdoor games such as Jenga, Cornhole, and Connect Four are extremely loud, particularly against the concrete parking lot of the applicant’s patio. Prior to June 2023, at times, the noises generated from these games were unreasonable, as documented by at least four formal citations. If applicant were to make any improvements to their facility to attempt to help mitigate the sound (as had been recommended by the DRCA last year, but not undertaken), such as putting down artificial turf, we may be open to supporting such games. But without such improvements or attempts to mitigate the negative impacts these games place on our community, we recommend not supporting.

5. Outdoor Live Music - Amplified soft background music Sun-Thurs 11am -9pm Friday and Saturday 11am -11pm

Recommend partial support; strike “Outdoor Live Music.” As there is no legal definition of “amplified soft background music” coupled with this business’s pattern of noncompliance, we are uncomfortable with this clause, but recognize that background music is a staple of bars and recognize that the applicant has remained in compliance with this privilege since June 2023. As Hops n Shine has stated that it now has a governor system to that it can control sound volumes, it would seem reasonable for the City to establish a decibel level (well below the only current standard of the excessive noise ordinance), after consultation with affected parties for that amplified soft background music.

6. Acoustic Musician: Friday 4pm -9pm Sat and Sun 12pm -9pm. Still abiding by all noise ordinances.

Recommend partial support; add condition of indoor only, with all doors and windows leading to the patio closed.

7. Live entertainment such as charity events, Sunday Children day events (superheros, magicians, face painters, crafts), beer events, paint night, cooking classes. Mon-Fri 4-9pm Sat and Sun 12-9pm

Recommend partial support. MVCCA supports the use of the patio for events to include Children's activities. Microphones or other amplification of voices should not be allowed. All events should require a special event permit from TES.

The City Council, upon recommendation from Planning and Zoning Staff and the Planning Commission got the 2023 SUP right. Between June 2023 and March 16, 2024, Planning and Zoning staff received ZERO formal complaints and did not have to issue any citations against this business, although on occasions, neighbors call the bar directly because patrons have not left the patio by the designated time. We are grateful this business has been compliant with their 2023 SUP and that we've been able to resolve issues amicably. As noted, we support all operations inside the bar and in the front of the bar, as well as the privilege for the applicant to continue to request special events permits from TES, for all events with live and/or amplified music on the patio or conditions not explicitly allowed by the SUP, and that neighbors are notified in advance. That way, we can plan our days around the events, and choose to not be home during the disturbance. Special events permits were issued for both January 27 and April 27 and were preceded by this business putting notification letters in the doors of at least some of the homes on the block and allowed both the business to hold events and neighbors appropriate notification. A blanket approval to host live or amplified music at all hours would cause our homes to be unlivable, as we would never know when an event was taking place, and we'd have no recourse.

On March 16, 2024, Hops n Shine hosted a St Patrick's Day party on the patio that included amplified live musicians. No neighbors were notified by the bar in advance. According to APEX, a permit was approved for "2 live solo acoustic acts from 1pm-8pm. Each act will be 4 hours, (1pm - 4pm / 4pm- 8pm) with no amplified sound." In addition to the amplified musician being clearly heard throughout the block and into our homes, photos show the musician had a microphone. At 7 pm that evening, we received a letter in the mail from the bar informing us about the party as per the conditions of the permit, but a letter with a postmark of March 14 (PM) did not fulfill the requirement to notify neighbors in advance. While we are grateful the business moved the live musician indoors after receiving complaints; St Patrick's Day was not a mistake - it is a continuation of a pattern of an irresponsible business. Irresponsible businesses that do not consistently respect the rules should not be given additional privileges.

Days after this permit violation, the applicant submitted this new SUP application that would allow them to do the very things they were violating. This is the same playbook from 2023; after the Planning and Zoning staff formally notified the applicant their SUP was being docketed for excessive violations; they submitted a new SUP application requesting the very things they had violated.

Our community has consistently worked with City staff since Hops N Shine's first SUP application in 2017 to try to co-exist. Ideally, a business that is attempting to apply for such a drastic change in operations would at a minimum give its neighbors a warning, if not working with them to find an amenable agreement. We have not had any meaningful engagement with Hops N Shine, and news of this SUP came as a complete surprise to us, particularly as we last went through this saga less than a year ago. We only discovered it fortuitously as no one monitors City dockets. Further, both Planning and Zoning staff and the DRCA have made multiple recommendations for how this business could improve relations and/or sound proofing, including working directly with MVCCA to improve the sound barrier, providing plastic mulch or astroturf to help absorb sound, and planting trees to provide more of a barrier. None of these recommendations were acted upon. At the June 2023 City Council hearing, several City Council members specifically asked this business why they had not taken any proactive steps to address the noise, and how they planned to mitigate noise concerns moving forward. Multiple owners confirmed they had not taken any actions to mitigate noise, but would explore sound proofing options, such as a tall fence, wall, or trellis. They still have not. While we hope Hops n Shine remains a viable business, we urge you to significantly limit the scope of their new SUP application as outlined above.

Again, thank you for your consideration.

Signed,

/S/ Steve Harris

President, MVCCA

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You received this message because you are subscribed to the Google Groups "Mount Vernon Court Community Association" group.

To unsubscribe from this group and stop receiving emails from it, send an email to mvcca+unsubscribe@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/mvcca/CAOgeBNh6H4t4otMw%2BsO%2Bz2n7WFdebXnYU7wpCKJbs0fbwx7QA%40mail.gmail.com>.

From: Anthony Mueller
Sent: Tuesday, May 7, 2024 6:08 AM
To: Mavis E Stanfield <mavis.stanfield@alexandriava.gov>
Subject: [EXTERNAL]

Dear Mavis,

My name is Tony Mueller, my family (wife and 20mo old) lives in the Mount Vernon Court Community (adjacent to Hops N Shine). I am writing today regarding their pending application for a new special use permit.

As a resident of the community, I would like to enter our family's strong request that this NOT be approved. Hops n Shine has proven themselves to already not abide by their existing commitments, with numerous violations coming at the expense of families in our community. I do not believe that their use of a "governor" for volume will actually ensure they only use "soft ambient music." The noise they cause is a real problem impacting children in our community, not just adults. Adding more noise from the proposed expansion to outdoor seating and longer hours will only make it worse.

Thank you so much for taking the time to hear our concerns. It is our family's view that the new SUP would be detrimental to us and to our neighbors and should not be approved.

Thank you and wishing you all the best,
Tony Mueller
3298 Mount Vernon Ave

From: [Danielle and Patrick Byrnett](#)
To: [Mavis E Stanfield](#); nhurto@yahoo.com; landuse@delraycitizen.net; [PlanComm](#)
Subject: [EXTERNAL]Hops N Shine latest SUP requesting amplified noise and later hours
Date: Monday, May 6, 2024 9:51:28 AM

Hello Alexandria leaders,

On May 2 and May 4, 2023, I (and many of my neighbors) wrote to you and others expressing opposition to Hops N Shine's SUP request for expanded outdoor hours and patio activities. My neighbors and I spent many hours collaborating with and educating Alexandria city staff and leadership about the recent history and impacts of this business on the Mt Vernon Court Community. The city also went through a very thorough and deliberative process to consider HNS's requests and ultimately ruled on the SUP in a way that was reasonable.

I am shocked that HNS is able to come back to the city less than 1 year later with a comparable SUP request and put everyone through the same process yet again. Despite their disappointment in the outcome of last year's decision, they should not get to trigger a new review and spin up everyone's time and energy on this again so soon. Please let us have some peace and quiet and be able to focus on our families for more than a few months before going through this all over.

I support the MVCS letter requesting rejection of the SUP. My original correspondence is below; my opposition continues, though I do thank the city for creating a noise officer who was very responsive to my 311 call on St. Patrick's Day.

Thank you,
Danielle Byrnett
106 Sanborn Place

Sent to Mavis on May 2, 2023:

I'm writing in objection to Hops 'N Shine's February 23, 2023 request to further expand scope and operations at its 3410 Mount Vernon Avenue location as explained in its SUP.

Hops N Shine have been unruly neighbors who have not kept past promises to abide by their SUP, which was already filled with pills the adjacent homes just needed to swallow. HNS have not been careful or considerate about trash being thrown over the fence into Mt Vernon Court; they never installed an adequate sound barrier at the fence line; they have regularly violated the current SUP regarding noise and wake up children in the homes a few feet away. They should be subject to actual penalties for these issues to discourage further problematic actions, not granted approval for additional expansion that will negatively impact the community and only benefit the restaurant.

Del Ray / Arlandria restaurants are great to have and we're glad HNS is investing in our community. However, the owner needs to adjust his ambitions for this property. There are real implications to people who live here 24x7 that need to be weighed against his profit motive. From a business perspective, it surely looks easy to just keep growing and maximize the outdoor space out back. That would be unprecedented given the city's priority focus on Mt Vernon Ave development and attention to balancing residential and commercial interests. Even in the heart of Del Ray, restaurants with outdoor space have balanced interests: Pork Barrel has a large parking lot and high fence separating it from neighborhood residences and

ALL seating is on the Avenue side. There is never music played out back. Front Porch has limited hours that are reasonable for a restaurant with outdoor seating adjacent to a residential area.

Additional activities and operating hours for HNS should be restricted to indoors or areas facing Mt Vernon Ave, not abutting Sanborn Place. If that means the owner needs to invest in revamping the Avenue side of the property, that's something he should make plans for and submit to the city in an SUP. He will likely get a lot of support for such an approach.

Sincerely,
Danielle Byrnett

Sent on May 4, 2023

Hello DRCA / DRCA Land Use Committee,

Earlier this week, I sent the following email to Mavis Stanfield at the City to be shared with the Planning Commission. Please see below for consideration during your deliberations as well.

I'm writing in objection to Hops 'N Shine's February 23, 2023 request to further expand scope and operations at its 3410 Mount Vernon Avenue location as explained in its SUP.

Hops N Shine have been unruly neighbors who have not kept past promises to abide by their SUP, which was already filled with pills the adjacent homes just needed to swallow. HNS have not been careful or considerate about trash being thrown over the fence into Mt Vernon Court; they never installed an adequate sound barrier at the fence line; they have regularly violated the current SUP regarding noise and wake up children in the homes a few feet away. They should be subject to actual penalties for these issues to discourage further problematic actions, not granted approval for additional expansion that will negatively impact the nearby community and only benefit the restaurant.

Del Ray / Arlandria restaurants are great to have and we're glad HNS is investing in our community. However, the owner needs to adjust his ambitions for this property. There are real implications to people who live here 24x7 that need to be weighed against his profit motive. From a business perspective, it surely looks easy to just keep growing and maximize the outdoor space out back. That would be unprecedented given the city's priority focus on Mt Vernon Ave development and attention to balancing residential and commercial interests. Even in the heart of Del Ray, restaurants with outdoor space have better balanced interests: Pork Barrel has a large parking lot and high fence separating it from neighborhood residences and ALL seating is on the Avenue side. There is never music played out back. Front Porch has limited hours that are reasonable for a restaurant with outdoor seating adjacent to a residential area.

Additional activities and operating hours for HNS should be restricted to indoors or areas facing Mt Vernon Ave, not abutting Sanborn Place. If that means the owner needs to invest in revamping the Avenue side of the property, that's something he should make plans for and submit to the city in an SUP. He will likely get a lot of support for such an approach.

Sincerely,
Danielle Byrnett

From: [Mavis E Stanfield](#)
To: [Lanning J Blaser](#)
Cc: [Ann Horowitz](#)
Subject: FW: 140 Sanborn Place - Hops N Shine SUP comments that should have been included
Date: Monday, May 6, 2024 2:50:58 PM

From: Erin Andrew
Sent: Monday, May 6, 2024 2:08 PM
To: Tony LaColla <anthony.lacolla@alexandriava.gov>; Mavis E Stanfield <mavis.stanfield@alexandriava.gov>
Subject: Re: 140 Sanborn Place - Hops N Shine SUP comments that should have been included

Some people who received this message don't often get email from erineandrew@gmail.com. [Learn why this is important](#)

Anthony and Mavis - resending the email I sent last year. As I stated, I am a supporter of small business and restaurants in our neighborhood but want to ensure the outdoor music does not go beyond reasonable hours. The SUP application 2024-00026 requesting an increase in outdoor entertainment by one hour to be consistent with Auggie's is not reasonable. The outdoor hours should remain and not be extended.

Thanks,
Erin
140 Sanborn Pl, Alexandria, VA 22305

On Tue, Jun 6, 2023 at 9:29 AM Erin Andrew <erineandrew@gmail.com> wrote:

Tony and Mavis -

We should also have comments that were submitted below in the report:

I am a big supporter of small businesses and have respect for how Hops n Shine handled itself and took care of its employees during COVID. I also enjoy having a restaurant in the area that is so family friendly. I hope that Hops n Shine follows the SUP and we can have a situation where our neighbors and our businesses can co exist.

The new SUP application 2023-00025 with revisions does not take into account the residential neighborhood directly behind their beer garden. We have two young

children (3 and 5 years old) whose windows are directly across from the beer garden. If hours are extended until 1am, this no longer considers the families living in the community. Why does a restaurant need to have their outdoor space that is located directly across from a residential neighborhood to stay open until 1am 7 days a week? If patrons want to stay inside after the allotted hours, that is fine, but to have outdoor activity that late does not take into account the neighborhood where we live. We hope Hops n Shine remains a family friendly environment with earlier hours and adherence to noise considerations so we can all live together and enjoy the community.

Thanks,

Erin Andrew

140 Sanborn Pl, Alexandria, VA 22305

From: [Suvidha Polu](#)
To: [Mavis E Stanfield](#); mavis.stanfield@alexandria.gov; landuse@delraycitizen.net; [PlanComm](#)
Subject: [EXTERNAL]Hops N Shine Sup
Date: Tuesday, May 7, 2024 8:10:38 PM

Some people who received this message don't often get email from suvidhapolu@gmail.com. [Learn why this is important](#)

Good Evening,

I hope this email isn't too late!

I am a member of Mount Vernon Court Community and want to once again make it clear that I adamantly oppose any and all of Hops N Shines SUP applications.

HNS has proven to be a bad neighbor countless times but not abiding to the previously allowed noise recommendations and activities. They did not even inform us they would be applying for another sup.

I do not agree that they should be allowed longer hours or even the privilege of outdoor live music, cooking, or games since they do not abide by the rules even currently in place. I believe affording them any of these privileges will allow them to take even more advantage of our generosity. Their constant comparison to Auggies makes little to no sense since they are in two very different environments - HNS being abutted to a residential neighborhood and in a stripmall while auggies is on an established commercial street.

I do hope you all will continue to support the residing community members of alexandria and not allow the sup to be approved as proposed.

Our children enjoy playing on this street and I want to continue to keep a peaceful environment for them.

Thanks,
Suvidha Polu (100 Sanborn)

From: Tim Donlea
Sent: Friday, May 10, 2024 7:13 PM
To: Mavis E Stanfield <mavis.stanfield@alexandriava.gov>
Cc: Meagan Donlea
Subject: Re: MVCCA Comments on SUP 2024-00026

My wife and I in unit 132 on Sanborn support all these comments and oppose any expansion of outdoor activities due to noise carrying into our living room and bedroom.

On May 10, 2024, at 6:02 PM, Steve Harris <sharris5@gmail.com> wrote:

Good afternoon Mavis,

On behalf of the Mount Vernon Court Community Association (MVCCA), we are writing in opposition to Hops n Shine's SUP application 2024-00026. We are a residential neighborhood built before 2000 of 30 townhouses of residents of all ages that share a non-soundproof fence with Hops n Shine. We appreciate your willingness to listen to, work with, and adjudicate nuisances caused to our community since 2017, when this new business opened. We went through an extensive review process last year with you, culminating in a reasonable resolution from the City Council that has allowed better co-existence of our community and Hops n Shine. Hops n Shine again requests an extensive expansion of its current SUP that would regress the existing co-existence. As that would be a significant detriment to our community, we have no choice but to relitigate what we thought was a settled manner.

Hops n Shine first opened in 2017. While we have no concerns with a bar being located in the strip mall adjacent to our property line, their back patio is inconsistent with the fabric of Alexandria outdoor patios, as it directly faces our small, private residential street, rather than main roads. Other businesses in Alexandria choose more appropriate venues.

While use of the patio for dining is a by-right privilege, live music and special events are not. Upon review of Hops n Shine's 2024 SUP application, nearly all of the conditions are inconsistent with the Alexandria

From: [Leslie Klein](#)
To: [Mavis E. Stanfield](#); [PlanComm](#)
Cc: [Tony LaColla](#); [Ann Horowitz](#); [Mindy Lyle](#); [Steve Harris](#)
Subject: [EXTERNAL]Response to Hops n Shine SUP (2024-00026)
Date: Sunday, May 12, 2024 6:38:17 PM

Dear Ms Stanfield and Members of the Planning Commission,

I am a homeowner in the Mount Vernon Court Community Association (MVCCA), and our small, private, residential block shares a non-soundproof fence with Hops n Shine. Thank you for the opportunity to comment on SUP application 2024-00026, Hops n Shine (2024). While outdoor dining is a by-right law, live music and entertainment and extremely late hours are not, and this SUP should be rejected in full – the City Council got it right in 2023. Any additional privileges should only come on occasion and with a corresponding permit from TES that specifies exactly what they can and can't do and for a set duration of time, and with a corresponding advance notification to neighbors.

I understand that Planning & Zoning staff want to give business owners every opportunity to thrive. However, this business continues to be irresponsible stewards of city regulations and should no longer be given the benefit of the doubt.

This business opened in 2017 and its business model was predicated on a Special Use Permit to use its parking lot for an outdoor bar, abutting an existing residential neighborhood. It was never, and still is not, an appropriate place for an outdoor bar, particularly one that wants live music, outdoor cooking, and late-night hours. For the second time in just over a year, this bar is requesting an expansion of privileges that are inconsistent with a residential neighborhood. Approval of this SUP would also be inconsistent with the Alexandria Zoning Ordinance, as it does not “avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole.” After dozens or even hundreds of hours of work between City Staff, the Del Ray Citizens Association (DRCA), City attorneys, Planning Commissioners, City Council, and members of the MVCCA, City Council got it right in 2023 and frankly, none of us should have to repeat this again, particularly without any measurable improvements from the bar.

Hops n Shine's 2023 SUP allows the bar significant privileges inside of their business, while allowing special events such as live musicians with a TES permit. Since the approval of the 2023 SUP, this business failed to comply in each of their three TES permits – why would the City reward a delinquent business with blanket approval to do the very activities they couldn't even do with time and activity-bounded permits?

January 27, 2024: I noticed advertisements for a Hops n Shine party with live music on the patio, yet did not see an approved permit for the event. I asked Planning & Zoning staff about it. Turns out, it was a TES mistake, and staff helped fix the mistake in time for the event.

However, the bar is also at fault for failing to follow up with their permit – it is their responsibility to not just apply for a permit, but actually have a permit before holding an event with the activities that are only allowed because of the permit. If I applied for a passport, but it didn't arrive prior to my international trip, I wouldn't just show up at the airport and expect to go – I would track down the passport in advance, or cancel my trip! This is what responsible people do.

March 16, 2024: Hops n Shine hosted a St Patrick's Day party on the patio that included amplified live musicians. No neighbors were notified by the bar in advance. According to APEX, a permit was approved for "2 live solo acoustic acts from 1pm-8pm. Each act will be 4 hours, (1pm - 4pm / 4pm- 8pm) with no amplified sound." In addition to the amplified musician being clearly heard throughout the block and into our homes, photos show the musician had a microphone. At 7 pm that evening, we received a letter in the mail from the bar informing us about the party as per the conditions of the permit, but a letter with a postmark of March 14 (PM) did not fulfill the requirement to notify neighbors in advance. While we are grateful the business moved the live musician indoors after receiving complaints; St Patrick's Day was not a mistake - it is a continuation of a pattern of an irresponsible business. Irresponsible businesses that do not consistently respect the rules should not be given additional privileges.

April 27, 2024: On April 24, I received TES-required notification about an upcoming Hops n Shine party featuring live music on their patio. I contacted TES to confirm the details of the event, and they verified that 1) TES changed the times to earlier hours than the bar requested and 2) the bar intended for there to be live, amplified music, despite specifically applying for a permit for acoustic music. They assured me that Norris Goins, the after-hours noise inspector, would be on site with the bar at the start of the event to test the dB of the amplified music and hear how loud live music was on the street and in our homes, as well as be available for any concerns throughout the event, and gave me his email & phone number. On Friday, TES spoke to the bar again, and the bar requested TES change the times on the permit, after the required notification had already been delivered to the neighbors and within the required 48 hours advance notice. TES told the applicant no changes. Reasonable, respectful, responsible businesses, particularly those in the middle of requesting new, more expansive SUPs 1) pay attention to the details of their permits so they can comply with them, and 2) request what they actually intend to do, and not something that seems less offensive (perhaps trying to pull a fast one to guarantee the permit was granted?) I spoke with Norris a couple times on Saturday afternoon, but there was never any live music and the bar didn't respond to his calls to test the sound equipment. He finally connected with the bar owners at the end of the scheduled event and they confirmed they weren't going to have any live music. Serious businesses take appointments with City staff seriously and don't stand them up.

During their 2023 campaign, every stage of civic and City leadership indicated that they wanted this business to show – and not just say – that they would take city regulations and

their commitment to being good neighbors seriously.

In May 2023, DRCA provided several recommendations, including working with MVCCA to improve the sound barrier, provide plastic mulch or astroturf to help absorb sound, eliminate Cigar Night, demonstrate compliance on the 2020 SUP for 18 months, and appoint a community liaison with our community. None of these conditions were met.

The Planning Commission also indicated in June 2023 that they wanted to see this business take steps to mitigate the noise nuisance. Commissioner Macek reiterated that this business can continue to hold events inside the business and use the patio – but that they needed to do something to ameliorate the sound. Commissioner McMahon said that your best friend doesn't make your best roommate - putting the number of supporters of the expansion in context - saying that they don't have to live within feet of the noise of the bar. The bar has taken no actions to meet the intent of the Planning Commission's recommendations.

City Council also held a lively two-hour debate about this business in June 2023. Councilwoman Gaskins asked the applicants if knowing the number of noise complaints from the neighborhood, why they hadn't explored soundproofing. She encouraged them to work with staff to take a proactive approach to move that forward. They have not. Councilwoman Bagley emphasized that the issue was not about the MVCCA's fence, but rather the things the applicant can do on their side of the property. One of the owners responded that he was willing to come up with solutions to help with the sound barrier. They have not. Councilman Chapman said "you don't come to the Principal's office and ask for new snacks, you deal with the problem at hand. That's what I want to see, and not just hear." They have not.

So given the immense discussions last year about recommended improvements, it came as quite the surprise to see that this business was requesting a new SUP less than a year later, without any improvements. More disappointing was that they didn't even give us a courtesy heads up, much less any attempts to work with us.

At the April 30, 2024 DRCA Land Use Committee meeting, members asked the applicants why they had not taken any steps as recommended last year. One owner responded that while they looked into astroturf, it wasn't possible, because if a dog pees on it, it's really expensive to clean. In addition to that not being an issue for other area restaurants that have installed astroturf, it begs the question – are dogs regularly peeing on the ground where people are eating, kids are playing, and they are proposing to cook? While potentially outside the direct scope of this SUP application, that seems like a health code violation. There was also a lively discussion about why the applicants were still in the extremely immature stages of research on noise mitigation a year after the recommendations were made. A responsible and trustworthy business would have completed what was asked of them last year before coming back asking for more.

Additionally, applicant portrays itself as a family restaurant. Family restaurants do not need their patios open past 9 pm, as U.S. families typically don't take their kids out to dinner that late. Family restaurants don't need amplified live music 10+ hours per day, 7 days a week. I would be very surprised if any children were ever present at any of their live music events – not only is the music not appropriate for kids, but it's extremely loud. If the focus of this business is on family events as the applicant says, astroturf would be a huge improvement over a concrete parking lot.

Finally, I, like you I assume, don't want to have to repeat this extremely time-consuming exercise annually. Working with City leadership in 2023 to get to the extremely reasonable agreement we came to was exhausting for our community. This business may come across as wanting to be part of the community, but in reality, it's anything but. During last year's SUP process, the applicant publicly chastised our neighborhood on social media, with claims like "the neighbors behind us have been submitting mostly false complaints about our noise" and doxing us with "it's a private townhouse community that decided to build their homes close to a commercial road..." Fortunately, this post was taken down by the administrator of the "Alexandria Dining – Curbside, Inside and More" Facebook group because it was inappropriate and dangerous, but the damage was done – and they showed their true anti-neighbor character. So not only are they lying about trying to work with us, their track record of putting our safety in jeopardy shows their true colors.

The MVCCA is extremely grateful this business has been mostly in compliance with their 2023 SUP. I've been very vocal in giving you regular updates over the past year that everything the City did was working – I am extremely grateful we haven't had to repeat the process of enforcing City regulations via ALEX311 or affidavits when this business refused. New neighbors don't understand why this is an issue and it's because under the current SUP it is NOT an issue! But allowing any of the privileges they are applying for would be unproductive. The City worked extremely hard to find a compromise between the wants of a business and the needs of neighboring residents. I urge you to reject this SUP and continue to require this business to apply for special events permits from TES for events outside of their 2023 SUP. This allows the business to have the privileges they are seeking, but with the appropriate checks and balances to respect their neighbors.

Thank you for your consideration and for all of the time you've spent working on this issue.

Best,
Leslie Klein
120 Sanborn Pl
847-372-3131

From: Steve Harris
Sent: Friday, May 10, 2024 6:02 PM
To: Mavis E Stanfield <mavis.stanfield@alexandriava.gov>
Cc: MVCCA <mvcca@googlegroups.com>
Subject: [EXTERNAL]MVCCA Comments on SUP 2024-00026

Good afternoon Mavis,

On behalf of the Mount Vernon Court Community Association (MVCCA), we are writing in opposition to Hops n Shine's SUP application 2024-00026. We are a residential neighborhood built before 2000 of 30 townhouses of residents of all ages that share a non-soundproof fence with Hops n Shine. We appreciate your willingness to listen to, work with, and adjudicate nuisances caused to our community since 2017, when this new business opened. We went through an extensive review process last year with you, culminating in a reasonable resolution from the City Council that has allowed better co-existence of our community and Hops n Shine. Hops n Shine again requests an extensive expansion of its current SUP that would regress the existing co-existence. As that would be a significant detriment to our community, we have no choice but to relitigate what we thought was a settled manner.

Hops n Shine first opened in 2017. While we have no concerns with a bar being located in the strip mall adjacent to our property line, their back patio is inconsistent with the fabric of Alexandria outdoor patios, as it directly faces our small, private residential street, rather than main roads. Other businesses in Alexandria choose more appropriate venues.

While use of the patio for dining is a by-right privilege, live music and special events are not. Upon review of Hops n Shine's 2024 SUP application, nearly all of the conditions are inconsistent with the Alexandria Zoning Ordinance Authority, Section 11-501. Specifically, "The city council may approve an application for a special use permit provided for in this ordinance if the proposed location is appropriate for the use and if the proposed use or structure will be designed and operated so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity." The past seven years of back-and-forth with Planning & Zoning staff regarding this business is clear evidence that approving most parts of this new SUP application will have substantial and undue adverse effects on our community.

We respectfully urge you to reject nearly all of the conditions of the revised SUP application 2024-00026, in particular those that impact the back patio hours and activities:

1. Continue Indoor live entertainment with the minor change of allowing the garage door in the front of the building to be open. Still abiding by all noise ordinances.

Recommend support. Opening the garage door in the front of the building to Mount Vernon Avenue, a major street, during live music events, is consistent with other businesses in Alexandria whose outdoor areas face major busy roads, not private residential streets.

2. Hours of Operations: Extending our outdoor Patio hours by 1 hour: Sunday-Thurs 11pm - Fri-Sat 12AM - To be consistent with Auggies

Recommend do not support. The City Council decision in June 2023 is a reasonable compromise for a bar whose patio shares a non-soundproof fence with a residential community. Children's bedrooms directly face the patio, and the current hours (Sun-Thurs 9 pm & Fri-Sat 11 pm) are already extremely generous given the patio's location. Furthermore, the applicant is not comparable to Augie's: Augie's patio faces King Street and has a reinforced brick wall separating it from its neighbors.

3. Outdoor Cooking - Smores over propane fire pits/ Date night cooking classes using small 16oz butane cans with portables stoves tops.

Recommend do not support. Applicant proposed outdoor cooking in their 2020 & 2023 SUP applications. Both times, Staff did not recommend. From the 2020 Staff Report: "Staff does not recommend approval of the applicant's request for outdoor cooking which staff is concerned a cook station will create odors that might affect neighboring properties." Further, noxious odors emanating from Hops n Shine from their Monday "Cigar Night" have been reported multiple times since 2019. DRCA also recommended eliminating this event in their 2023 recommendations to Planning and Zoning staff. While the City does not regulate outdoor smoking on their property, they can limit the extent of odors from Hops n Shine affect their neighboring community by disallowing any outdoor cooking. As no material improvements have been made to the property to do anything to mitigate odors caused by outdoor cooking, there is no reason for staff to reverse this recommendation. If the City Council decides to allow this expansion, it should make a pre-inspection of the physical steps taken to mitigate odors and any other risks.

4. Re-introduce Outdoor games - Jenga, cornhole, connect four and the likes

Recommend do not support. Outdoor games such as Jenga, Cornhole, and Connect Four are extremely loud, particularly against the concrete parking lot of the applicant's patio. Prior to June 2023, at times, the noises generated from these games were unreasonable, as documented by at least four formal citations. If applicant were to make any improvements to their facility to attempt to help mitigate the sound (as had been recommended by the DRCA last year, but not undertaken), such as putting down artificial turf, we may be open to supporting such games. But without such improvements or attempts to mitigate the negative impacts these games place on our community, we recommend not supporting.

5. Outdoor Live Music - Amplified soft background music Sun-Thurs 11am -9pm Friday and Saturday 11am -11pm

Recommend partial support; strike “Outdoor Live Music.” As there is no legal definition of “amplified soft background music” coupled with this business’s pattern of noncompliance, we are uncomfortable with this clause, but recognize that background music is a staple of bars, and recognize that the applicant has remained in compliance with this privilege since June 2023. As Hops n Shine has stated that it now has a governor system to that it can control sound volumes, it would seem reasonable for the City to establish a decibel level (well below the only current standard of the excessive noise ordinance), after consultation with affected parties for that amplified soft background music.

6. Acoustic Musician: Friday 4pm -9pm Sat&Sun 12pm -9pm. Still abiding by all noise ordinances.

Recommend partial support; add condition of indoor only, with all doors and windows leading to the patio closed.

7. Live entertainment such as charity events, Sunday Children day events (superheros, magicians, face painters, crafts), beer events, paint night, cooking classes. Mon-Fri 4-9pm Sat & Sun 12-9pm

Recommend partial support. MVCCA supports the use of the patio for events to include Children’s activities. Microphones or other amplification of voices should not be allowed. All events should require a special events permit from TES.

The City Council, upon recommendation from Planning & Zoning Staff and the Planning Commission, got the 2023 SUP right. Between June 2023 and March 16, 2024, Planning & Zoning staff received ZERO formal complaints and did not have to issue any citations against this business, although on occasions, neighbors called the bar directly because patrons had not left the patio by the designated time. We are grateful this business has been in compliance with their 2023 SUP and that we’ve been able to resolve issues amicably. As noted, we support all operations inside the bar and in the front of the bar, as well as the privilege for the applicant to continue to request special events permits from TES, for all events with live and/or amplified music on the patio or conditions not explicitly allowed by the SUP, and that neighbors are notified in advance. That way, we can plan our days around the events, and choose to not be home during the disturbance. Special events permits were issued for both January 27 and April 27 and were preceded by this business putting notification letters in the doors of at least some of the homes on the block, and allowed both the business to hold events and neighbors appropriate notification. A blanket approval to host live or amplified music at all hours would cause our homes to be unlivable, as we would never know when an event was taking place and we’d have no recourse.

On March 16, 2024, Hops n Shine hosted a St Patrick’s Day party on the patio that included amplified live musicians. No neighbors were notified by the bar in advance. According to APEX, a permit was approved for “2 live solo acoustic acts from 1pm-8pm. Each act will be 4 hours, (1pm - 4pm / 4pm- 8pm) with no amplified sound.” In addition to the amplified musician being clearly heard throughout the block and into

our homes, photos show the musician had a microphone. At 7 pm that evening, we received a letter in the mail from the bar informing us about the party as per the conditions of the permit, but a letter with a postmark of March 14 (PM) did not fulfill the requirement to notify neighbors in advance. While we are grateful the business moved the live musician indoors after receiving complaints; St Patrick's Day was not a mistake - it is a continuation of a pattern of an irresponsible business. Irresponsible businesses that do not consistently respect the rules should not be given additional privileges.

Days after this permit violation, the applicant submitted this new SUP application that would allow them to do the very things they were violating. This is the same playbook from 2023; after the Planning & Zoning staff formally notified the applicant their SUP was being docketed for excessive violations, they submitted a new SUP application requesting the very things they had violated.

Our community has consistently worked with City staff since Hops N Shine's first SUP application in 2017 to try to co-exist. Ideally, a business that is attempting to apply for such a drastic change in operations would at a minimum give its neighbors a warning, if not work with them to find an amenable agreement. We have not had any meaningful engagement with Hops N Shine, and news of this SUP came as a complete surprise to us, particularly as we last went through this saga less than a year ago. We only discovered it fortuitously as no one monitors City dockets. Further, both Planning & Zoning staff and the DRCA have made multiple recommendations for how this business could improve relations and/or sound proofing, including working directly with MVCCA to improve the sound barrier, providing plastic mulch or astroturf to help absorb sound, and planting trees to provide more of a barrier. None of these recommendations were acted upon. At the June 2023 City Council hearing, several City Council members specifically asked this business why they had not taken any proactive steps to address the noise, and how they planned to mitigate noise concerns moving forward. Multiple owners confirmed they had not taken any actions to mitigate noise, but would look into sound proofing options, such as a tall fence, wall, or trellis. They still have not. And at the Del Ray Citizens Association Land Use Committee just last week, applicants were asked why they were applying for new privileges without taking any meaningful steps towards addressing the recommendations provided nearly a year ago. Their only response was that astroturf would be too expensive to clean if dogs peed on it. Which of course raises another issue – are dogs regularly peeing where people are eating, children are playing, and they are proposing cooking? That sounds like a health code violation. Given this business's track record of disregard for City regulations, it would be prudent to see compliance with all existing privileges including TES permits, and meaningful noise mitigation efforts before giving them additional privileges. While we hope Hops n Shine remains a viable business, we urge you to significantly limit the scope of their new SUP application as outlined above.

Again, thank you for your consideration.

Signed,

Steve Harris,
President, MVCCA



May 20, 2024

Karl W. Moritz, Director
Department of Planning and Zoning
City of Alexandria
City Hall, Room 2100
Alexandria, VA 22314

RE: SUP2024-00026
3410 Mt. Vernon Ave, Hops N'Shine

Dear Mr. Moritz,

The Del Ray Citizens Association (DRCA) voted as follows on the requests by Hops N'Shine for the amendments to the current SUP:

- Outdoor cooking on Patio: **Support** for limited number of events (Cooking Classes / S'mores at fire pits) held during daylight hours without amplification
- Outdoor games (cornhole, Jenga, Connect Four): **Oppose**
- Request to extend outdoor hours Fri - Sat from 7 am to 12 am: **Oppose** - hours to remain 7 am - 11 pm Sun - Sat
- Indoor Live entertainment to continue with minor change to allow garage door in front of building to be open: **Support**
- Outdoor Live Acoustic Music: 4pm - 9pm Fri & 12pm - 9pm Sat - Sun: **Oppose** pending noise mitigation plan or implemented efforts. No amplified music.
- Outdoor Background music from speakers: 11am - 9pm: **Support** - pending implementation of noise mitigation efforts prior to PC and CC hearing
- Outdoor Live Entertainment on Patio: Charity events, beer events, paint night, etc. w/ Speaker +Microphone; Sunday daytime children's events: **Support** for limited number of events without amplification - pending noise mitigation plan or implemented efforts



The Del Ray Citizens Association Land Use Committee (DRCA LUC) held a public Zoom meeting on Tuesday, April 30, 2024. The applicant and a city staff representative were in attendance and the presentation prepared by the LUC of the proposed SUP was reviewed. Questions and comments from the adjacent homeowners and attendees were addressed by the applicant and city staff.

On Wednesday, May 8, 2024 during the regular DRCA Zoom membership meeting, the membership reviewed and discussed the motion set forth by the LUC, and the membership voted to support the motion as presented above.

It has been less than a year since the public hearings for the previous SUP were held and the applicant was denied some of the requests that are included in the current application. Our 5.22.23 letter outlined measures for the applicant to take to address the noise issues that the adjacent neighbors experience. In the year since, the only things that have been addressed are an appointment of a community liaison with the neighbors, reorientation of the speakers and a recently installed governor to control the sound to the speakers. The DRCA has been copied on letters to the city from the neighbors outlining the problems and we will defer to those and not repeat the infractions that have occurred.

It should be noted that discussions with the applicant, neighbors, city staff and a member of the Land Use Committee are being held today. Because of the DRCA LUC and membership meeting dates, any resolutions or agreements could not be voted on before the June 4, 2024 Planning Commission hearing.

Sincerely,

Kristine Hesse, DRCA LUC Co-Chair
Lisa Lettieri, DRCA LUC Co-Chair

Katie Waynick
DRCA President

cc: Mavis Stanfield, P & Z
C.J. Cross, Hops N'Shine

From: Paymon Hadjiesmaeiloo
Sent: Thursday, May 2, 2024 2:42 PM
To: Mavis E Stanfield <mavis.stanfield@alexandriava.gov>
Subject: [EXTERNAL]LUC Follow Up

Hello Mavis,

Thank you again for your continuous support and guidance. As you are aware, since the last modifications of our SUP, we have done everything possible to operate per the terms and provisions of our SUP, which our record can confirm.

To follow up on Tuesday night's zoom call with DRCA and MVCCA, please note the following:

- Some of the recommendations made last year by DRCA/MVCCA were not implemented because our SUP had not been approved yet. As a small business, it would have been cost prohibitive to implement the recommendations, especially in light of our decreased revenue.
- Since last year's revocation of some of our SUP terms (games, etc), our revenue has dropped more than 10% during patio season and more than 5% overall for the year. These percentages are a matter of make it or break it for us as a small business.

In regard to our last 3 noise permits:

January permit - No issues

St. Patrick's Day:

- Approval was received
- Letters were sent prior to the event. In the future, we will send the letters much earlier as recommended.
- An Alexandria Inspector came and approved our setup; no issues reported.
- A call was received about amplified music which confused us as we had an approved permit, however, we realized there was a typo in our application which

specified un-amplified rather than amplified music. Nonetheless, once we discovered it, we moved the entire setup indoors to comply with the approved permit.

April 27th Event:

- Filed for the permit with the correct terminology (amplified music)
- April 16th - Received an email from Ms. Atwood stating we would only have 2.5 hours. After receiving this information, we rescinded our permit due overhead/cost and lack of sufficient time for the performance.
- April 22nd - Received another email granting us 3.5 hours of live entertainment, which we accepted
- April 26th - We received a call from Bill Greyback stating we needed to change our live performance time because we didn't specify the times on our permit. Per our correspondence, we discussed a window of time (3:00 - 7:00 PM) where our musician was to perform, however, the exact time was never confirmed. Upon receipt of our permit, we then noticed our allotted time window was 12:30 - 4:00.
- April 27th - The date of the event - The Alexandria Inspector visited our venue to ensure compliance, however, we had canceled the live performance due to inclement weather. We could not afford to both risk the musician's equipment getting ruined and pay for his performance with no audience.

As discussed, we are continuing to explore various means and methods to reduce the noise level on our patio in a way that is mutually beneficial for both the neighborhood and our restaurant. We look forward to you visiting Hops N Shine to test these methods soon!

Warm Regards,

Paymon Hadjiesmaeiloo
Managing Partner
Creative Bar Concepts LLC
(703) - 626 - 4235

DISCLAIMER: This message was sent from outside the City of Alexandria email system. DO NOT CLICK any links or download attachments unless the contents are from a trusted source.

From: [Katie Thatcher Martinez](#)
To: [PlanComm](#)
Cc: [Jay Martinez](#)
Subject: [EXTERNAL]Opposition to Hops n Shine SUP Application
Date: Saturday, June 1, 2024 3:31:50 PM

Hello -

We hope this message finds you well; we are writing in opposition of Hops N' Shine's SUP application. As owners in MVCCA at the furthest end of the block from Hops N' Shine, we can hear their music echoing throughout our house given how loud it is. This is already sub-optimal for our situation, and even worse for the 20+ houses closer to the bar than we are; however, Hops N' Shine is a bad actor that continues to violate their rules without consideration - and even open aggression - towards our neighbors that live nearby.

Specifically, the hours they would like for live entertainment, with no requirement for astroturf or any noise barriers, is unacceptable. The business was original registered as an eating establishment, and the Zoning Ordinance states that businesses cannot produce offensive noise in residential neighborhoods, which Hops N' Shine continues to do. They continue to be incredibly disruptive to the lives and families that live within feet of the bar. We strongly oppose the SUP application. We advise you to maintain their current status, and not move forward with their SUP application.

Thank you for your time and consideration.
Katie Thatcher and Jay Martinez
108 Sanborn Place

From: [Leslie Klein](#)
To: [PlanComm](#)
Cc: [Mindy Lyle](#); [Steve Harris](#)
Subject: [EXTERNAL]Opposition to SUP 2024-00026 (Hops n Shine) - June 4, 2024 Planning Commission Docket
Date: Monday, May 27, 2024 4:20:35 PM

Dear Members of the Alexandria City Planning Commission,

I am a homeowner in the Mount Vernon Court Community Association (MVCCA), and our small, private, residential block shares a non-soundproof fence with Hops n Shine. Thank you for the opportunity to comment on SUP application 2024-00026, Hops n Shine (2024), on which the Planning Commission will vote on Tuesday, June 4. While outdoor dining is a by-right law, live music and entertainment, games, and outdoor cooking are not. I urge you to reject the 2024 SUP and renew the 2023 SUP for an additional three years.

The Planning Commission and City Council got it right in 2023 by allowing this business significant privileges inside of their business, while allowing special events such as live musicians with a TES permit. These live events have a 3+ year documented history of causing disturbances to their neighbors. Since the approval of the 2023 SUP, this business failed to comply in each of their three TES permits – why would the City reward a delinquent, irresponsible, and dishonest business with blanket approval to do the very activities they couldn't even do with time and activity-bounded permits?

January 27, 2024: I noticed advertisements for a Hops n Shine party with live music on the patio, yet did not see an approved permit for the event. I asked Planning & Zoning staff about it. Turns out, it was a TES mistake, and staff helped fix the mistake the day before the event. However, the bar is also at fault for failing to follow up with their permit – it is their responsibility to not just apply for a permit, but actually have a permit before advertising or holding an event with the activities that are only allowed because of the permit. For example, we are in the process of renovating our kitchen. We submitted our permit requests to the City and even though we were supposed to start earlier, we waited until everything had been approved before starting our renovation. I imagine I would be in a lot of trouble if I moved my gas and water lines before my permits were approved and the work inspected. Responsible people don't take actions only allowed by permits until said permits are issued.

March 16, 2024: Hops n Shine hosted a St Patrick's Day party on the patio that included amplified live musicians. No neighbors were notified by the bar in advance. According to APEX, a permit was approved for "2 live solo acoustic acts from 1pm-8pm. Each act will be 4 hours, (1pm - 4pm / 4pm- 8pm) with no amplified sound." In addition to the amplified musician being clearly heard throughout the block and into our homes, photos show the musician had a microphone. At 7 pm that evening, we received a letter in the mail from the bar informing us

about the party as per the conditions of the permit, but a letter with a postmark of March 14 (PM) did not fulfill the requirement to notify neighbors in advance. While we are grateful the business moved the live musician indoors after receiving complaints; St Patrick's Day was not a mistake - it is a continuation of a pattern of an irresponsible business. Irresponsible businesses that do not consistently respect the rules should not be given additional privileges.

April 27, 2024: On April 24, I received TES-required notification about an upcoming Hops n Shine party featuring live music on their patio. I contacted TES to confirm the details of the event, and they verified that 1) TES changed the times to earlier hours than the bar requested and 2) the bar intended for there to be live, amplified music, despite specifically applying for a permit for acoustic music. They assured me that Norris Goins, the after-hours noise inspector, would be on site with the bar at the start of the event to test the dB of the amplified music and hear how loud live music was on the street and in our homes, as well as be available for any concerns throughout the event, and gave me his email & phone number. On Friday, TES spoke to the bar again, and the bar requested TES change the times on the permit, after the required notification had already been delivered to the neighbors and within the required 48 hours advance notice. TES told the applicant no changes. Reasonable, respectful, responsible businesses, particularly those in the middle of requesting new, more expansive SUPs 1) pay attention to the details of their permits so they can comply with them, and 2) request what they actually intend to do, and not something that seems less offensive (perhaps trying to pull a fast one to guarantee the permit was granted?) I spoke with Norris a couple times on Saturday afternoon, but there was never any live music and the bar didn't respond to his calls to test the sound equipment. He finally connected with the bar owners at the end of the scheduled event and they confirmed they weren't going to have any live music. Serious businesses take appointments with City staff seriously and don't stand them up.

I understand that Planning & Zoning staff want to give business owners every opportunity to thrive. However, this business continues to be irresponsible stewards of City regulations and should no longer be given the benefit of the doubt. Allowing Hops n Shine to hold amplified, live entertainment events for six hours a day Friday-Sunday, outdoor cooking, and extremely loud games ignores more than three years of documented history of how invasive these activities are on a residential community. Further, these recommendations ignore Hops n Shine's inability to consistently follow the rules of their TES permits and rewards them with blanket approval to hold events they couldn't get right with bounded permits. It's particularly disappointing that staff completely disregarded the well-documented, valid concerns of the neighbors and went off of vibes tested on a Monday afternoon with no patrons from a business with nearly 7 years of disregarding City regulations. Further, the staff report provides no recourse for the neighborhood, as many of the disturbances the bar caused in the past are now explicitly allowed, without review for an entire year. Finally, City staff stripping out the language that "all entertainment must be subordinate to the principal function of the restaurant as an eating establishment" and the Zoning Ordinance that states "uses cannot be

conducted in a manner that would render it noxious or offensive by reason of noise” is certainly a choice.

During their 2023 campaign, every stage of civic and City leadership indicated that they wanted this business to show – and not just say – that they would take City regulations and their commitment to being good neighbors seriously.

In May 2023, DRCA provided several recommendations, including working with MVCCA to improve the sound barrier, provide plastic mulch or astroturf to help absorb sound, eliminate Cigar Night, demonstrate compliance on the 2020 SUP for 18 months, and appoint a community liaison with our community. None of these recommendations were acted upon.

The Planning Commission also indicated in June 2023 that they wanted to see this business take steps to mitigate the noise nuisance. Commissioner Macek reiterated that this business can continue to hold events inside the business and use the patio – but that they needed to do something to ameliorate the sound. Commissioner McMahon said that your best friend doesn’t make your best roommate - putting the number of supporters of the expansion in context - saying that they don’t have to live within feet of the noise of the bar. The bar has taken no actions to meet the intent of the Planning Commission’s recommendations.

City Council also held a lively two-hour debate about this business in June 2023. Councilwoman Gaskins asked the applicants if knowing the number of noise complaints from the neighborhood, why they hadn’t explored soundproofing. She encouraged them to work with staff to take a proactive approach to move that forward. They have not. Councilwoman Bagley emphasized that the issue was not about the MVCCA’s fence, but rather the things the applicant can do on their side of the property. One of the owners responded that he was willing to come up with solutions to help with the sound barrier. They have not. Councilman Chapman said “you don’t come to the Principal’s office and ask for new snacks, you deal with the problem at hand. That’s what I want to see, and not just hear.” They have not.

So given the immense discussions last year about recommended improvements, it came as quite the surprise to see that this business was requesting a new SUP less than a year later, without any improvements. More disappointing was that they didn’t even give us a courtesy heads up, much less any attempts to work with us.

At the April 30, 2024 DRCA Land Use Committee meeting, members asked the applicants why they had not taken any steps as recommended last year. One owner responded that while they looked into astroturf, it wasn’t possible, because if a dog pees on it, it’s really expensive to clean. In addition to that not being an issue for other area restaurants that have installed astroturf, it begs the question – are dogs regularly peeing on the ground where people are eating, kids are playing, and they are proposing to cook? While potentially outside the direct

scope of this SUP application, that seems like a health code violation. There was also a lively discussion about why the applicants were still in the extremely immature stages of research on noise mitigation a year after the recommendations were made. A responsible and trustworthy business would have completed what was asked of them last year before coming back asking for more.

Additionally, applicant portrays itself as a family restaurant. Family restaurants do not need their patios open past 9 pm, as U.S. families typically don't take their kids out to dinner that late. Family restaurants don't need amplified live music 6 hours per day. I would be very surprised if any children were ever present at any of their live music events – not only is the music not appropriate for kids, but it's extremely loud. If the focus of this business is on family events as the applicant says, astroturf would be a huge improvement over a concrete parking lot.

Finally, I, like you I assume, don't want to have to repeat this extremely time-consuming exercise annually. Working with City leadership in 2023 to get to the extremely reasonable agreement we came to was exhausting for our community. This business may come across as wanting to be part of the community, but in reality, it's anything but. During last year's SUP process, the applicant publicly chastised our neighborhood on social media, with claims like "the neighbors behind us have been submitting mostly false complaints about our noise" and doxing us with "it's a private townhouse community that decided to build their homes close to a commercial road..." Fortunately, this post was taken down by the administrator of the "Alexandria Dining – Curbside, Inside and More" Facebook group because it was inappropriate and dangerous, but the damage was done – and they showed their true anti-neighbor character. So not only are they lying about trying to work with us, their track record of putting our safety in jeopardy shows their true colors.

The MVCCA is extremely grateful this business has been mostly in compliance with their 2023 SUP. I've been very vocal in giving Planning & Zoning staff regular updates over the past year that everything the City did was working – I am extremely grateful we haven't had to repeat the process of enforcing City regulations via ALEX311 or affidavits when this business refused. New neighbors don't understand why this is an issue and it's because under the current SUP it is NOT an issue! But allowing any of the privileges they are applying for would be unproductive. The City worked extremely hard to find a compromise between the wants of a business and the needs of neighboring residents. I urge you to reject this SUP application and renew the 2023 SUP for an additional three years, which allows the business to have the privileges they are seeking, but with the appropriate checks and balances to respect their neighbors.

Thank you for your consideration and for all the time you've spent working on this issue.

Best,
Leslie Klein

From: [MARY FETTES](#)
To: [PlanComm](#)
Subject: [EXTERNAL]Comments in Response to Docket Item #6
Date: Tuesday, June 4, 2024 11:26:10 AM

Good Morning,

I am commenting on the City's consideration in response to Hops 'N Shine's SUP2024-00026 request to further expand its scope and operations at its 3410 Mount Vernon Avenue location.

After years of non-compliance (at times, to the point of being belligerent), I realize Hops 'N Shine has been better in their compliance with the rules of their current SUP. However they have not been "perfect". There have been noise complaints – especially the event in March. Time and time again, they skirt around the rules. This time they openly complained about the rules imposed upon them (and the unfair treatment by their neighbors) June 2nd on the 10 pm news on WTTG – Fox 5. Yes, they touted their "good behavior" as being a catalyst for expanding operations.

I am a close proximity neighbor to Hops 'N Shine. As much as they try to gloss over the fact, Hops 'N Shine's outdoor space is not conducive to being a "Secret Garden" – the original premise for the expansion back in 2017. It backs up directly to the homes on Sanborn Place – **15 FEET** from the homes. Although the business professed to add noise mitigation efforts years ago, they have done nothing. It is still just a paved area where dumpsters used to live, and all the noise still echoes.

Again, the business is seeking to add to activities taking place in this back alley – outdoor cooking, games, trivia, movies, and amplified live entertainment – with zero requirement to provide noise mitigation measures. This is not a public park with a lovely greenspace that lends itself to lingering in the great outdoors. Instead patrons are looking directly at the living rooms and bedrooms of the townhouses on Sanborn. Also, why would a restaurant request a SUP to allow these types of activities? Yes, pub trivia is a thing (indoors ... in a pub where players confer quietly), however movie nights are not. Outdoor cooking classes are not (and how can one have a class without amplification?). Giant Jenga and cornhole are for picnics and parties – not at a patio for a restaurant. The last thing I would want to encounter if I were to be eating outside is a game of cornhole making it impossible to have a conversation without shouting and dodging flying beanbags.

SUPs should provide for items that make sense for a business while taking into account the quality of life of the City residents in close proximity. The items listed for Hops 'N Shine appear to be attempts at making a less than desirable space into something "quirky" in an effort to generate patronage. They just do not make sense for this restaurant in its current location.

I have no vendetta against Hops 'N Shine – and I have patronized the business most recently in December when they were operating in compliance with their SUP.

However, I will not patronize any business that does not follow the rules. Also, I fail to understand why the City would endorse this sort of behavior. Rules are rules – bad behavior should not be rewarded. I understand this business pays taxes, but, as a homeowner in the City of Alexandria since 1995, I do too.

This new SUP request should not be approved for Hops 'N Shine.

From: [Nathan](#)
To: [PlanComm](#)
Subject: [EXTERNAL]Docket Item #6 - Special Use Permit #2024-00026
Date: Monday, June 3, 2024 8:43:20 PM

Good day,

I am writing to express my opposition to the amplified live outdoor entertainment aspect of the SUP. There have been numerous complaints lodged against the business, most notably for a St. Patrick's Day event where they failed to notify neighbors of the event (as per their existing SUP). Numerous phone complaints (at least 5 that I'm aware of) were made to the non-emergency line for excessive noise during the event, but these complaints were apparently never logged. Residents witnessed musicians with amplification equipment during this event.

Additionally, on a later event scheduled to be held on April 27th, they did conduct the required notification, however they were extremely misleading in their wording. In their permit application, they requested music from 3:00-7:00, but were actually only granted the variance from 12:30 until 4:30 with a 30 minute break. However in their letter, they made it appear as though they had been granted the full time, seemingly intending to mislead neighbors into not reporting violations of the SUP.

I'm a customer of Hops n' Shine. I think they're a great asset to the community, and I welcome more family-friendly "third spaces" in the neighborhood. However, my support of their business does not mean that I condone their attempts to skirt the rules set forth by the city.

Kind regards,
Nathan Fortner

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v/r

Mary L. Fettes
3304 Mt. Vernon Ave.
Alexandria, VA 22305

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