



Special Use Permit # 2023-00060
2000 Mount Vernon Avenue
Evening Star Café & Hi/Fi Tex-Mex BBQ

Application	General Data	
Public Hearing and consideration of a request for additional outdoor seating, expanded outdoor dining hours, outdoor live entertainment, and a temporary trailer at an existing restaurant (amending SUP#2012-00054)	Planning Commission Hearing:	October 3, 2023
	City Council Hearing:	October 14, 2023
Address: 2000 Mount Vernon Avenue	Zone:	CL/Commercial Low and Mount Vernon Urban Overlay
Applicant: Majestic Grill, Inc., represented by M. Catharine Puskar, attorney	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: Patrick Silva, patrick.silva@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, OCTOBER 3, 2023: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Special Use Permit #2023-00060, subject to all conditions, code requirements, ordinances, and proposed amendments to Conditions #23, 26, 31, 36, 37, 44, 45, and the addition of Condition 46. The motion carried on a vote of 6-1, with Commissioner Brown opposing.

Discussion
Chair Macek inquired whether the applicant’s proposed changes to the smoker configuration satisfied the issues noted in the notice of violation issued by the Fire Marshall. Staff confirmed that, according to the Fire Marshall, they did. Chair Macek then inquired if the Fire Marshall or Health Department was responsible for evaluating air quality. Staff confirmed that air quality considerations are addressed by the Office of Environmental Quality (OEQ). Chair Macek inquired of OEQ staff whether they had evaluated quantitative air quality impacts from the smoker. Staff confirmed that it doesn’t have the capability to conduct a quantitative evaluation of air quality. Chair Macek asked if staff had discussed with the applicant methods to mitigate

smoke and odors. Staff confirmed that it had not discussed smoke mitigation methods, other than removal of the smokers, as it violated Section 4-107(A) of the Zoning Ordinance that doesn't permit outdoor commercial operations other than outdoor dining and retail. In addition the applicant had not presented smoke mitigation options to staff for its consideration. Chair Macek asked staff meet with the applicant to discuss methods to mitigate smoke and odors within the context of existing regulations prior to the City Council meeting.

Commissioner Manor inquired if there have been approvals for cooking conducted within trailers. Staff confirmed there have been such approvals on the basis that trailers are subject to building code regulations and can be fitted with proper odor and smoke mitigation measures.

Commissioner Brown asked staff the extent to which food preparation is central to outdoor dining as a use. Staff responded that the preparation of food is not within the definition of outdoor dining as a use as it is typically associated with other uses which do involve the preparation of food such as restaurants and food trucks.

Vice Chair McMahon asked how special events permits are allowed while outdoor cooking in association with SUPs is not. Staff responded that approvals for special events requests are evaluated according to different criteria and assume different impacts based on their temporary nature.

Commissioner Manor expressed his feeling that the existing situation is untenable and asked the applicant how long it would take to install mitigation measures. The applicant responded that outside of how long the permitting period takes they could have the plans ready within two weeks. Commissioner Manor stated that the City should do everything to support restaurant post-COVID, however, he believed that an earlier SUP review, than the standard one year review, should be included to evaluate that the mitigation of smoke and odors has successfully occurred. He asked the applicant's attorney if the applicant owned the property adjacent to the subject site to the north; she confirmed that was correct. Commissioner Manor then inquired why there is not a loading zone located immediately in front of the business. The applicant's attorney stated this would require Traffic and Parking Board approval.

Commissioner Lyle voiced her agreement with the comments made by the Chair and Vice Chair and stated that the use outdoor smokers and outdoor live entertainment adjacent to residents are changes have the potential to be a net positive for the Mount Vernon Avenue corridor.

Commissioner Ramirez inquired if HiFi Tex-Mex BBQ was served solely by food made in the smoker. The applicant's attorney confirmed that though the food prepared in the smoker is the main feature of HiFi Tex-Mex BBQ, prep also takes place within the kitchen of Evening Star. Commissioner Ramirez asked if Thai Peppers required parking would be interfered with should deliveries occur from the lot located behind that business. The applicant's attorney confirmed this would not be the case but was not sure where Thai Peppers received their deliveries. She asked where on the site the smoker would be moved to in order to comply with Fire Code and mitigate smoke and odor issues; the applicant's attorney responded that the smoker had been moved against the railing of the exterior stairwell on-site and that they are proposing to extend

the smoker exhaust to the roofline, attach a dispersion fan, and angle it to point toward Mt. Vernon Avenue.

Commissioner Brown stated that though he supports the proposal he would be voting in opposition to the request to send a message to City Council that their recommendation of approval represents a broadening of the historic interpretation of use limitations Section 4-107(A).

Speakers:

Jim Wallace, 104 Stewart Avenue, spoke in opposition to the request citing repeated issues relating to smoke/odor and noise.

Maria Wasowski, 306 Hume Avenue, spoke in support of the request citing her belief the business owners are providing a valuable amenity.

Thomas Welsh, 2100 Mount Vernon Avenue, spoke in opposition to the request citing concerns regarding smoker/odor from the smoker located on-site.

Mark Huto, 623 19th Street S., Arlington, spoke in support of the request and cited the positive impact that Evening Star has had on the community.

Gregory Norris, 113 E. Howell Avenue, spoke in opposition to the request citing concerns regarding smoke/odor, noise, and late-night activity in the outdoor dining area.

Paul O'Sullivan, 333 Green Street, spoke in support of the request and noted that the applicant has expressed a willingness to work to mitigate the issues described by other residents.

Laura Brown-Neuhoff, 39 Herbert Street, spoke in support of the request and the integrity of the applicant.

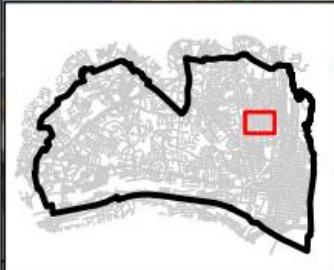
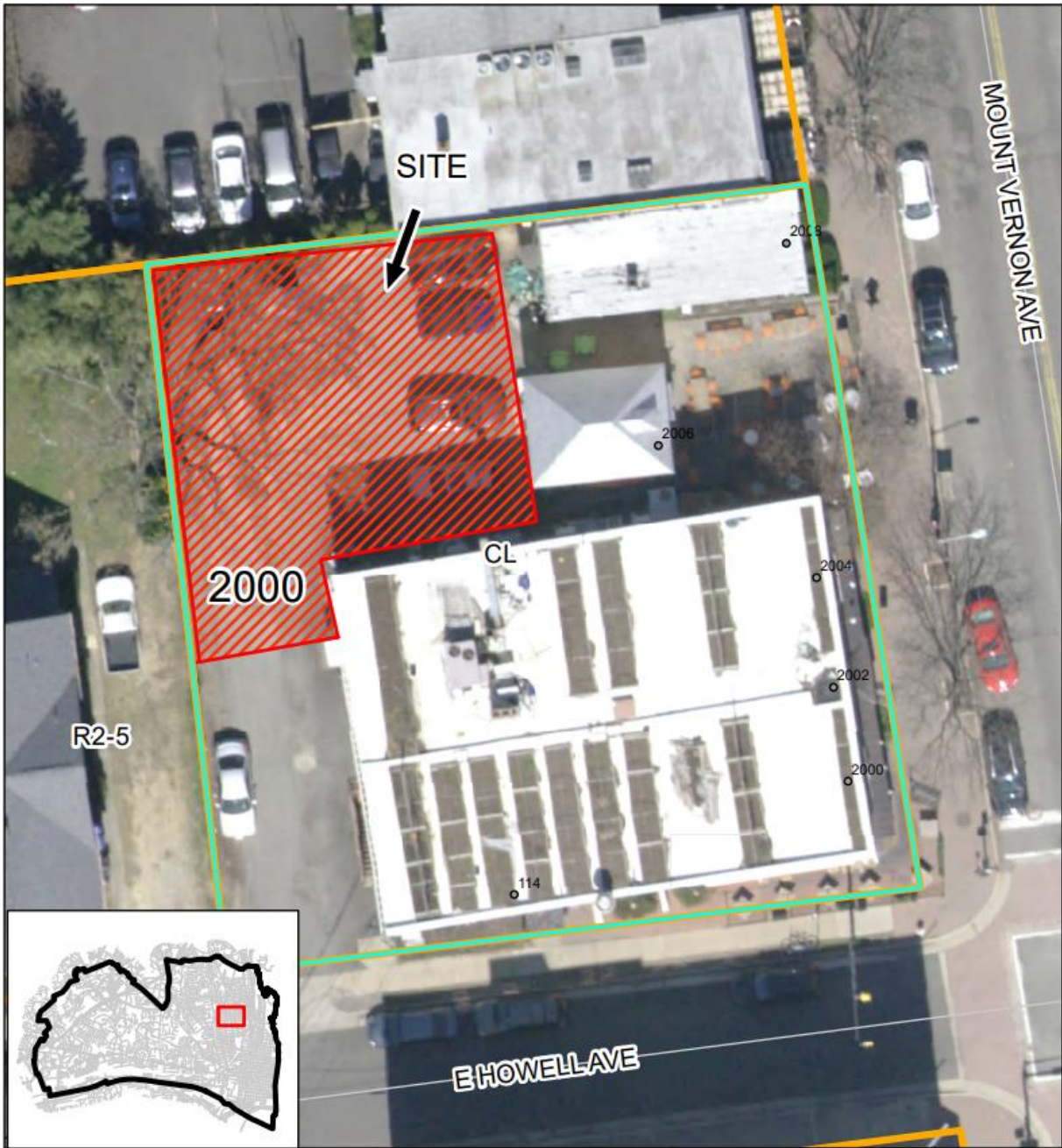
Gayle Reuter, 110 E. Del Ray Avenue, spoke in support of the request and stated that the Evening Star has a positive impact on the neighborhood.

Jonathan Greif, 39 Herbert Street, spoke in support of the request and stated that he does not feel the smoker produces overpowering smoke or odor.

Rae-Ann Miller, 107 E. Oxford Avenue, spoke in support of the request and her belief the proposed outdoor dining provides additional outdoor dining options for those who don't feel comfortable eating indoors for health reasons.

Michael Babin, the applicant, spoke in support of the request and voiced his opinion that the issues reported by nearby neighbors are something that can be reasonably resolved. He also detailed how the Evening Star and Neighborhood Restaurant Group are committed to the community in which they operate and that they believe they have put together mitigation efforts that will address the concerns expressed by neighbors.

Cathy Puskar, the applicant's attorney, spoke in support of the request, detailing the impact the Evening Star has had in revitalizing Del Ray and that the applicant's request is in line with the recommendations of the Mount Vernon Avenue Business Area plan. She detailed how the applicant has a fundamental disagreement with staff that the smokers cannot be reviewed as part of a Special Use Permit due to non-compliance with Section 4-107(A)



Special Use Permit #2023-00060
2000 Mount Vernon Avenue
Evening Star Cafe & Hi/Fi Tex-Mex BBQ



0 10 20 40 Feet

PROJECT LOCATION MAP

I. DISCUSSION

REQUEST

The applicant, Majestic Grill, Inc., requests Special Use Permit approval to amend Special Use Permit #2012-00054 to permit up to 124 seats of outdoor dining, expand hours of operation for outdoor dining, allow outdoor live entertainment, and permit a temporary trailer used for beverage service.

SITE DESCRIPTION

The subject site is one lot of record with approximately 115 feet of frontage on Mount Vernon Avenue, 112 feet of frontage on East Howell Avenue, and a total lot area of approximately 12,800 square feet (Figure 1). The site is improved with two, two-story commercial buildings. The building at 2000 Mount Vernon Avenue hosts Evening Star restaurant, the Majestic Lounge, and Planet Wine retail beer and wine shop. The second commercial building, at 2006 Mount Vernon Avenue, is currently occupied by restroom facilities and storage. In the northwestern corner of the site is what was previously a 2,940 square foot parking area that the applicant converted to additional outdoor dining during the COVID-19 pandemic emergency pursuant to the City's Temporary Outdoor Business Program.



Figure 1: Site Context

The surrounding area is comprised of a mix of commercial and residential uses, which is common along the Mount Vernon Avenue corridor. Commercial uses, including retail shops and restaurants, are located to the north, south and east along Mount Vernon Avenue. A United States Post Office branch and a stand-alone parking lot are also located immediately to the south across East Howell Avenue. Other residential uses, including multi-family, two-family and single-family dwellings, are located immediately to the west.

BACKGROUND

Business and Zoning Background

A restaurant has operated at this location since 1984. It was known as The Snuggery prior to 1997, when Evening Star Café first opened following City Council approval of SUP#97-00051. Special Use Permit amendments were approved over the subsequent two years to add 20 outdoor dining seats along Howell Avenue (SUP#97-00069), add the Planet Wine shop (SUP#97-00109), and add indoor limited indoor live entertainment (SUP#98-00157). City Council's approval of Special Use Permit#1999-00105 added 35 seats in an upstairs bar and event room as well as to allow a nine-space parking reduction. Most recently, in October 2012, City Council approved Special Use Permit #2012-00054 to add 30 seats of outdoor dining (Figure 2) adjacent to the Planet Wine shop and for a 13-space parking reduction (Figure 3). The indoor restaurant at 2000 Mount Vernon Avenue continues to operate as Evening Star Café, the retail operation continues to operate as Planet Wine, the indoor bar area in the rear of Evening Star Café continues to operate as Majestic Lounge. A COVID-19 Temporary Outdoor Business Program permit allowed for 66 outdoor seats at the rear of the lot and was in effect until September 30, 2022. Temporary outdoor permit holders, who wished to permanently continue their outdoor dining uses on private property after September 30, were to submit SUP applications.



Figure 2: Front Porch Outdoor Dining Area



Figure 3: Evening Star/ Planet Wine Frontages

Outdoor Smokers

Although the outdoor smokers are not eligible for an SUP review, a background discussion is included in this report given the impacts on nearby residential properties and neighbors' concerns. In early 2023, the applicant began utilizing outdoor smokers in the rear yard area of the subject site in association with their Hi/Fi Tex-Mex BBQ restaurant concept (Figure 4). The outdoor smokers are located approximately 20 feet from the bordering residences, sited in the adjacent R-2-5 zone.

As cooking and food preparation are an integral part of restaurants and outdoor dining, and not accessory to those uses, the presence of the smokers does not comply with Section 4-107 of the

Zoning Ordinance. This details limitations for uses operating in the CL/Commercial Low zone. The Zoning Ordinance does not provide an avenue for City Council approval of an SUP to bypass use limitations. Section 4-107(A) states that all commercial operations shall be conducted within a completely enclosed building, with the exception of outdoor dining and outdoor retail display and sales. The outdoor smokers are not located within a completely enclosed building and, therefore, their use at the site represents a violation of this regulation. In addition, Section 4-107(E) requires that no use shall be conducted in any manner which would render it noxious or offensive by reason of odor, smoke, or fumes. As the use of the smokers elicits odor, smoke, and fumes and has resulted in 12 complaints regarding the odor and smoke it produces, the operation of outdoor smokers represents a violation of the Zoning Ordinance use limitations. Furthermore, there are no existing SUP approvals for outdoor smokers or grills located at restaurants along Mount Vernon Avenue or anywhere in the City at-large, and staff is not aware of any in use.

There have been previous cases for restaurants, that engage in the smoking of food as part of their day-to-day operations, have been approved as part of a restaurant SUP, but in all cases their smoking equipment is located inside and conditions were included to offset smoke and odor impacts. Pork Barrel BBQ, located just three blocks north of the subject site, is one such example. At the time City Council approved its SUP (SUP2010-00011) in May 2010, and in response to community concerns regarding smoke and odors, conditions were included to

mitigate the smoke and odor impacts of their indoor smoking operations. These included requiring the applicant to use a natural gas/wood hybrid smoker to minimize smoke and odor, to install ventilation hood filters to better capture grease particles known to cause substantial odors, and to install a dilution fan on the roof of the business to better dilute exhaust from the smoker. Another example is Sweet Fire Donna's BBQ located at 510 John Carlyle Street in the Carlyle Neighborhood. At the time City Council approved SUP2013-00032 in June 2013, there were community concerns relating to the potential for smoke and odor



Figure 4: Hi/Fi Tex-Mex BBQ Outdoor Smokers

impacts stemming from its own indoor food smoking operations. To mitigate any potential issues relating to smoker and odor, the applicant was also required to utilize a smoker which uses natural gas as its primary fuel and to utilize a dilution fan for the smoker's exhaust system. Since both Pork Barrel BBQ and Sweet Fire Donna's BBQ have been in business, City staff has not received complaints related to smoke and odors for these operations.

Enforcement Background

Starting in March 2023 when Hi/Fi Tex-Mex BBQ first opened, City staff has received several complaints relating to the existing business operations: 12 regarding smoke and odor and four complaints regarding excessive noise; three of which related to noise from performers playing music. Additional complaints regarding delivery trucks blocking driveways have been more recently received. Staff is actively addressing the enforcement of these violations of the Zoning Ordinance. All citations related to the violations of Sections 4-107 (A) and 4-107(E) have directed the applicant to remove the smokers, which remain in place as of September 20, the staff report deadline.

During a zoning inspector visit earlier in 2023, it was recognized that the outdoor dining seats had not received SUP approval and the applicant was informed that they must apply for an amended SUP, which is the subject of this report along with the other proposals. These are reviewed as after-the-fact requests.

PROPOSAL

The applicant proposes to amend Condition #3 of their Special Use Permit (1) to allow 74 additional outdoor dining seats for a total of 124 (Figure 5); (2) to amend Condition #4 to extend the outdoor hours of operation; (3) to amend Conditions #25 and #26 to permit outdoor live entertainment; and (4) to request approval of a temporary trailer. The hours of outdoor dining are proposed as 7 a.m. to 11 p.m. The outdoor live entertainment would include live musical performances in a 60 square foot cabana located within the outdoor dining area (Figure 7). The applicant requests the ability to conduct outdoor live entertainment on Wednesday through Saturday from 6 p.m. to 10 p.m. The temporary trailer would be located in the outdoor dining area which is intended to house equipment associated with restaurant services, including beverage kegs and lines (Figure 6). A proposed site plan illustrating the proposal is noted as Figure 8.

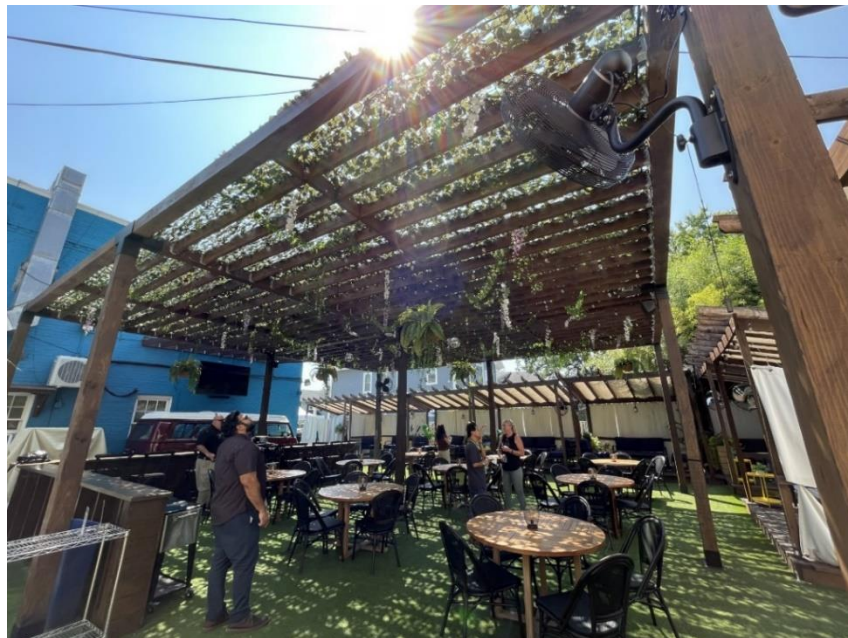


Figure 5: Hi/Fi Tex-Mex BBQ Outdoor Dining



Figure 6: Proposed Temporary Trailer



Figure 7: Proposed Live Entertainment Area

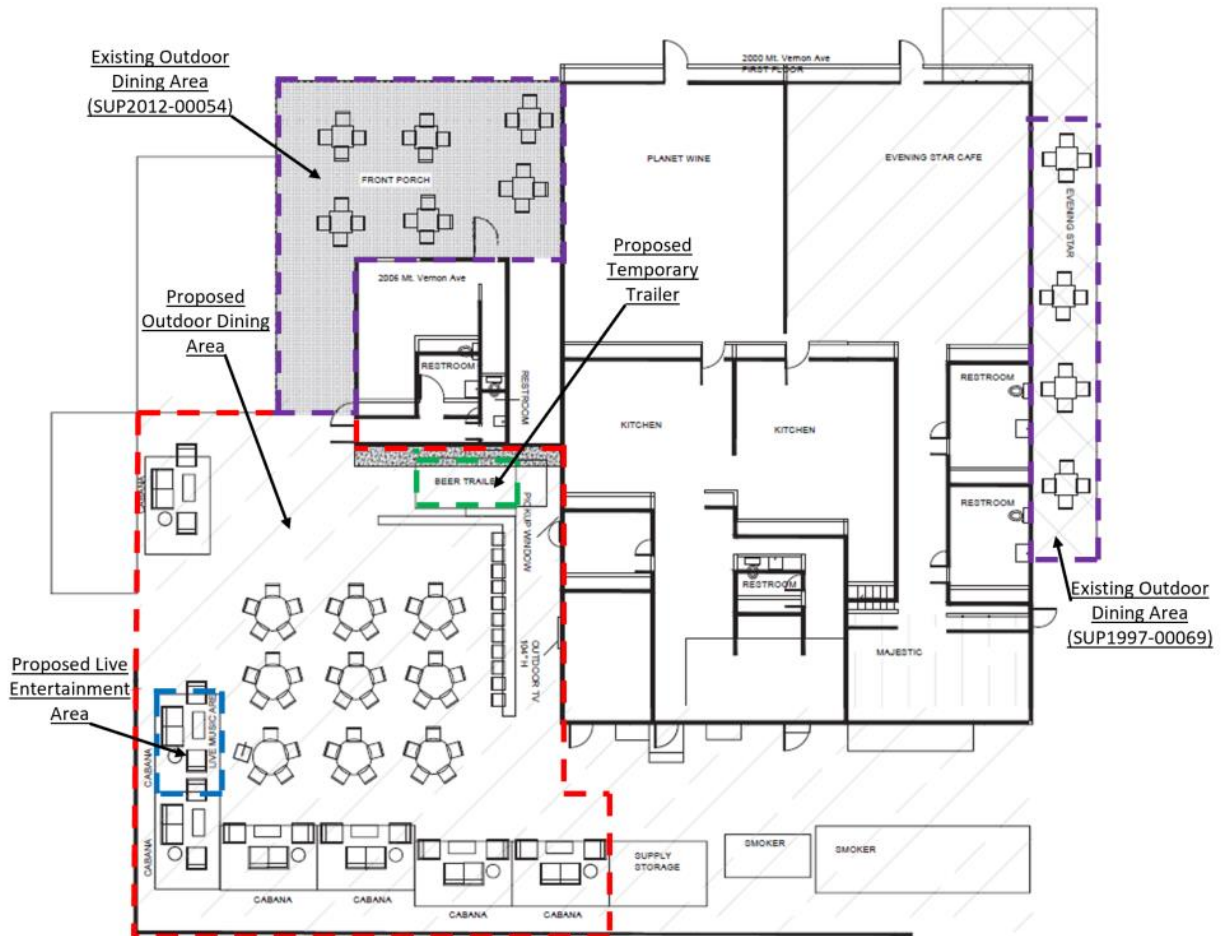


Figure 8: Site Plan

Details of the applicant’s proposed restaurant operational changes as compared with the existing business model are:

<u>Hours of operation:</u>	Existing (Outdoor only):	8 a.m. – 10 p.m., daily
	Proposed (Outdoor only):	7 a.m. – 11 p.m., daily
<u>Number of Outdoor Seats:</u>	Existing:	50 seats
	Proposed:	124 seats

PARKING

The indoor restaurant occupies 9,440 square feet of floor area and 124 outdoor dining seats are proposed. Pursuant to Section 8-200(A)(17)(a) of the Zoning Ordinance, a restaurant located within the City's Enhanced Transit Area is required to provide a minimum of one off-street parking space for every 1,000 square feet of floor area. In addition, pursuant to Section 8-200(A)(17)(c) of the Zoning Ordinance, for portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats is exempt from parking requirements, but the area occupied by each seat over 20 seats is calculated as 15 square feet per seat. With 124 outdoor seats requested, this would add an additional 1,560 square feet for purposes of off-street parking requirement calculations. Furthermore, the 128 square foot temporary trailer would also be factored into the off-street parking requirement calculations. This brings the total floor area value used for off-street parking requirement calculations to 11,128 square feet and, as such, the parking requirement would be 12 off-street spaces. Because the business has an existing parking reduction of 13 spaces pursuant to SUP2012-00054, the applicant is not required to provide any off-street parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located within the CL/Commercial Low zone and is located within the Mount Vernon Urban Overlay zone. Section 4-102.1 (B) of the Zoning Ordinance allows for a restaurant with an Administrative Special Use Permit while Sections 4-103(A.1) and 4-103(J.1) allow for outdoor dining with over 40 seats and live entertainment, respectively, in the CL/Commercial Low zone only with Special Use Permit approval. Section 7-1011(C) allows for a temporary trailer used for commercial purposes with approval of a Special Use Permit. The proposed uses are consistent with the Potomac West chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff recommends approval for amendments to Condition #3 regarding the increase in outdoor dining seats; Condition #4 for the expanded hours of operation; and Conditions #11 and #26 to allow amplified outdoor entertainment, but not live performances. Staff also recommends approval

of the temporary trailer for a two-year term in Condition #44.

Increase in Outdoor Seating and Hours of Operation

Regarding the requested amendment to Condition #3, an analysis of existing restaurants with outdoor seats located near residences identifies two approved SUPs with a similar number of seats and hours of operation as that proposed (Table 1). A nearby example includes SUP#2021-00017 for The Garden, located at 1503 Mount Vernon Avenue. This approval permits a maximum of 146 outdoor seats and allows the applicant to operate the outdoor dining until 11 p.m. Sunday to Thursday and until midnight on Friday and Saturday, with the rear area located closest to residents closing at 10 p.m., daily. The business has not received any violations in response to noise from diners. Another example includes SUP#2018-00060 for Augie’s Mussel House, located at 1106 & 1108 King Street. This approval permits a maximum of 86 outdoor seats and allows the applicant to operate the outdoor dining until 11 p.m., Sunday to Wednesday and until 1 a.m. on Thursday to Saturday. Likewise, the business has not received any violations in response to noise from diners. Staff is supportive of the applicant’s request to increase the number of outdoor dining seats, with 84 seats at the rear of the property, given the lack of impacts proven at these two restaurants. To mitigate any negative impacts which may stem from the increased outdoor dining seating, including noise, Condition #4 has been amended to stipulate the outdoor dining area close and the area cleaned by 11 p.m., daily.

Restaurant	Address	Distance to residents	Number of outdoor seats/location	Hours of outdoor operation
Augie’s Mussel House	1106 King St.	11 feet	86/side	7 a.m. - 11 p.m. Sun-Wed 7 a.m. - 1 a.m. Thu-Sat
The Garden	1503 Mount Vernon Ave.	45 feet	146/ front, side, & rear	7 a.m. – 11 p.m., Sun-Thu 7 a.m. – 12 a.m., Fri-Sat 7 a.m. 10 p.m., daily (rear)
Sunday in Saigon	682 N. St. Asaph St.	84 feet	40/side	11 p.m., Sun-Thu 12 a.m., Fri-Sat
Stracci Pizza	106 Hume Ave.	55 feet	46/side	7 a.m. - 10 p.m., daily

Dos Hermanos	1603 Commonwealth Ave.	55 feet	40/side	10:30 p.m. Mon-Fri 10:30 p.m. Sat-Sun
Hops ‘N Shine	3410 Mount Vernon Ave.	53 feet	60/rear & 8/front	9 a.m. – 10 p.m., daily
Hi/Fi Tex-Mex BBQ (current request)	2000 Mount Vernon Ave.	20 (proposed) -100 feet	84/rear (proposed), 24/front, 16/side	7 a.m. – 11 p.m., daily (proposed)

Table 1: Outdoor Dining Comparisons

Temporary Trailer

Regarding the request for approval of the temporary trailer, staff does not anticipate any negative impacts relating to trash, noise, or odor stemming from use of the trailer which is exclusively used for housing equipment associated with beverage service. Staff has included new Condition #44 permitting the trailer to remain on-site for two years from the time of its approval, which will allow the applicant sufficient time to find a permanent solution for housing their beverage equipment.

Outdoor Live Entertainment

Staff does not support approval of the request to amend Conditions #25 and #26 for outdoor live entertainment given the repeated noise complaints about live performers at the cabana stage location (see Figure 7) within approximately 60 feet from the closest residences. Though the Mount Vernon Avenue Business Area Plan of the Potomac West Small Area Plan encourages live entertainment as a component of restaurant uses in order to promote a unique customer experience, staff believes the potential for negative impacts stemming from outdoor live entertainment counter the potential benefits such a use would bring to the neighborhood at-large. In addition, no examples of SUP approvals for outdoor live entertainment in the Mount Vernon Avenue Business Area Plan area exist in rear outdoor dining areas that abut residences. However, staff recommends revising Condition #11 to permit outdoor speakers for recorded background music as long as they are located and pointed away from residential properties and their use ceases at 11 p.m. To provide the applicant with more flexibility for indoor entertainment, staff recommends amending Condition #25 to remove the restriction of two indoor limited live entertainment events per week and the requirement that indoor limited live entertainment cease by 10 p.m.

Supply Deliveries

Given nearby resident reports of restaurant supply delivery vehicles blocking their Howell Avenue driveways, staff recommends that the applicant direct its suppliers to exclusively use the designated loading zones at 2001-2003 Mount Vernon Avenue and 205 E. Howell Avenue, as noted in Condition #45.

Miscellaneous Amended and New Conditions

Staff has carried over the conditions of approval from Special Use Permit#2012-00054. Several have been amended to reflect present-day condition language. Examples include Condition #2 which has been updated to reflect the City's standard condition of deferring to the state building code to determine an indoor seating maximum. In keeping with the City's current standard approach of providing maximum flexibility to restaurant operators with regard to alcohol sales, Condition #5 has been updated to allow on and off premises alcohol sales in compliance with VA ABC requirements. To minimize the potential for environmental impacts, chiefly noise, after the business has closed for the day, Condition #29 has been amended to require that all customers leave the indoor restaurant premises by one hour after closing. To better address parking impacts stemming from the use and encourage use of transit by employees, Condition #34 has been updated to remove references to mass transit, a topic which is now covered by new Conditions #41 and #42, requiring the applicant to encourage their employees to commute to work via mass transit and contact T&ES for information on establishing an employee transportation benefits program respectively.

A number of standard conditions related to street vibrancy and environmental protection have also been added by staff. To encourage an active pedestrian scale experience along Mount Vernon Avenue, Condition #37 has been added requiring that all windows remain transparent and unobstructed. As measures to avoid any contamination of the sewer system and water table, Condition #38 has been added requiring that power washing of the buildings at the subject site is not undertaken using any detergents, Condition #39 has been added requiring the chemical products stored outside be kept in an enclosure with a roof, and Condition #40 specifies the conditions under which cooking oil stored outside must be kept. Finally, to reduce any lighting impacts from the outdoor dining area adjacent to residents, Condition #43 has been added which requires light fixture shielding with lighting directed only within the applicant's property.

Pursuant to the conditions outlined in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #97-0051)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the statewide building code ~~be 100~~. (P&Z) (SUP2012-00054)
3. **CONDITION AMENDED BY STAFF:** The maximum number of outdoor seats at the restaurant shall comply with the statewide building code ~~50, which may be located in the two outdoor dining areas identified in the current application~~. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. No ~~advertising~~ signage shall be permitted in the outdoor dining area, including on any umbrellas. (P&Z) (SUP2012-00054)
4. **CONDITION AMENDED BY STAFF:** ~~The hours during which the restaurant is open to the public shall be restricted to between 7:00 A.M. and 11:00 P.M. Sunday through Thursday, and between 7:00 A.M. and 12:00 Midnight on Friday and Saturday. Hours of operation for the outdoor dining area shall be limited to between 8:00 A.M. to 11:00 P.M., daily. The outdoor dining area shall be cleared of all diners by 10:00 P.M. and the area cleaned and washed at the end of each business day by 11 p.m. The hours during which the retail business is open to the public shall be restricted to between 9:00 A.M. and 11:00 P.M., Monday through Saturday, and between 9:00 A.M. and 10:00 P.M. on Sunday. (City Council) (P&Z) (SUP2012-00054)~~
5. **CONDITION AMENDED BY STAFF:** ~~Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries, and similar wines may be sold. Alcohol service in the restaurant may be provided for~~ On and off premise alcohol sales are permitted in compliance with Virginia ABC requirements consumption only. (P&Z) (SUP #98-0157)
6. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP-97-0051)
7. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers that which do not allow odors to escape, and shall be stored inside or in a closed container which does not allow invasion by animals, or leaking. No trash and debris shall be allowed to accumulate on-site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning

and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)(SUP-97-0051)

8. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES) (SUP-97-0051)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP 97-0051)
10. 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)(T&ES) (SUP 94-0341)
11. **CONDITION AMENDED BY STAFF:** ~~All Outdoor loudspeakers, including outdoor TVs, shall be located and pointed away from residential properties prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. The use of outdoor speakers is not permitted after 11 p.m. (P&Z) (T&ES) (SUP2012-00054)~~
12. Condition deleted. (P&Z) (SUP2012-00054)
13. Dumpster or trash storage shall not occur on the East Howell frontage of the property. (P&Z) (SUP2012-00054)
14. The applicant shall maintain all existing landscaping at the site to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP2012-00054)
15. Condition deleted. (P&Z) (SUP2012-00054)
16. Condition deleted. (P&Z) (SUP2012-00054)
17. Condition deleted. (P&Z)(SUP 97-0069)
18. The Howell Street door shall not be used by patrons after 10:00 p.m. (P&Z) (SUP 94-0069) (PC)
19. A restaurant employee shall staff the back room when patrons are present. (City Council) (SUP #96-0192)
20. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police)(SUP 97-0051)~~
21. All exterior work shall be in compliance with the Mount Vernon Avenue Guidelines.

(P&Z)(SUP 97-0051)

22. Condition deleted. (P&Z)
23. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties as determined by the Department of Transportation & Environmental Services. In order to mitigate impacts of the smoke from the smoker, the applicant shall relocate the smoker away from the western property line to be adjacent to the building, extend the exhaust pipe to the height of the main roof of the building, and install a fan at the top of the exhaust pipe, and/or take other measures as may be necessary to meet the “Good” range for Particulate Matter (PM 2.5 and PM 10), as established within the Pollutant-Specific Sub-indices and Cautionary Statements for Guidance on the Air Quality Index published by the Environmental Protection Agency. (PC) (T&ES) (SUP2012-00054)
24. Condition deleted.
25. **CONDITION AMENDED BY STAFF:** ~~Indoor limited, live entertainment may be permitted offered and must comply with the City’s noise ordinance inside the restaurant provided that it is limited to two events per week and does not operate later than 10:00 p.m. each night.~~ 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) (SUP2012-00054)
26. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~Outdoor limited live entertainment may occur Wednesday through Saturday between the hours of 6 pm to 10 pm in the area identified on Figure 8 in the staff report. Any amplification of the live entertainment must be controlled by staff through the restaurant’s sound system to ensure that the volume is in compliance with the noise ordinance performances shall be limited to inside the restaurant only, and shall not be permitted in the outdoor seating area or the adjacent gourmet shop. (PC) (P&Z) (SUP #98-0157)~~
27. Condition deleted. (City Council) (SUP 99-0105)
28. **CONDITION AMENDED BY STAFF:** ~~No delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. service may be offered from the restaurant. (P&Z) (SUP2012-00054)~~
29. **CONDITION AMENDED BY STAFF:** ~~Meals ordered before the closing hour may be sold, but no new patrons may be admitted and a~~All patrons must leave the premises by one hour after the closing hour. (P&Z) (SUP2012-00054)
30. 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. (P&Z) (SUP2012-00054)

31. **CONDITION DELETED BY PLANNING COMMISSION:** ~~The applicant shall diligently pursue additional parking to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. (P&Z) (T&ES) (SUP2012-00054)~~
32. The applicant shall participate in a shared parking program at such time as a shared parking program is implemented in Del Ray. (T&ES) (SUP2012-00054)
33. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2012-00054)
34. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking ~~and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.~~ (T&ES) (SUP2012-00054)
35. **CONDITION AMENDED BY STAFF:** 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 and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP2012-00054)
36. **CONDITION AMENDED BY PLANNING COMMISSION:** The Director of Planning and Zoning shall review the Special Use Permit six months and one year after approval, and 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) ~~(P&Z)~~ (SUP2012-00054)
37. **CONDITION AMENDED BY PLANNING COMMISSION:** All ground level windows fronting along Mt. Vernon Avenue immediately behind the sidewalk shall remain transparent. The placement or construction of items that block the visibility at eye level through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (PC) ~~(P&Z)~~
38. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

39. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
40. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) 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. (T&ES)
41. **CONDITION ADDED BY STAFF:** 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. (T&ES)
42. **CONDITION ADDED BY STAFF:** 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. (T&ES)
43. **CONDITION ADDED BY STAFF:** All lights shall be shielded from residential properties and directed so as to confine the area of diffusion only to the applicant's property. (T&ES)
44. **CONDITION AMENDED BY PLANNING COMMISSION:** The temporary trailer shall be permitted at the site for two years after Special Use Permit approval and until October 13, 2025, with an opportunity to increase the term for an additional three years through an Administrative Special Use Permit. (PC) (~~P&Z~~)
45. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall ensure that all vehicles associated with supply deliveries, loading, and unloading activities shall park in the parking lot behind 2010-2016 Mt. Vernon Avenue or in the designated on-street loading zones located in front of 2001-2003 Mount Vernon Avenue or in front of 205 E. Howell Avenue. (PC) (~~P&Z~~)
46. **CONDITION ADDED BY PLANNING COMMISSION:** The Applicant shall identify a staff liaison and provide the name and cell phone number of the liaison to the adjacent neighbors to contact for any concerns associated with the operation of the uses subject to this Special Use Permit. (PC)

STAFF: Patrick Silva, Urban Planner, Department of Planning and Zoning
Ann Horowitz, Principal Planner, Department of Planning and Zoning
Tony LaColla, Division Chief, Department of Planning and Zoning

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 TES/OEQ does not support the use of outdoor smokers in the outdoor dining area due to close proximity to residential neighbors and inability to control odors and prevent odors from becoming a nuisance to neighboring properties, as required through SUP condition 23 and as seen with the history of odor complaints related to its use.
- F-2 TES/OEQ does not support the approval of a live music area in the outdoor dining area due to close proximity to residential neighbors. The applicant shows a live music area on the outdoor layout.
- F-3 TES/OEQ recommends the hours for the outdoor area remain unchanged and require outdoor area be cleared of patrons by 10pm.
- R-1 All lights used by the owner or operator of the commercial property shall be shielded or directed so as to confine the area of diffusion to the property which it is intended to illuminate. (T&ES)
- R-2 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- R-3 Outdoor speakers, including outdoor TVs, shall be located and pointed away from residential properties. All uses must comply with the city's noise ordinance and use of outdoor speakers is not permitted after 11 p.m.
- R-4 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers.
- R-5 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-6 Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in the any outdoor seating areas or the adjacent gourmet shop.
- R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-8 All waste products including but not limited to organic compounds (solvents), shall be

disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground.
(T&ES)

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.
(T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-1 Permit submissions are required for the following:
1. New Certificate of Occupancy is required to increase occupant load
 2. A building permit is required for review to increase interior occupant loads.
 3. Outdoor barbecue – Building permit.
 4. Gazebo (covered) – Building permit.
 5. Trellis – Building permit
 6. Electrical wires – Electrical permit
 7. Beer trailer – Building permit
 8. New means of egress plans are needed after relocating smoker.

Health Department:

No comments or concerns.

Parks & Recreation:

No comments received.

Police Department:

No comments received.

Fire Department

- C-1 The fire department does not oppose an increase in occupant load, but more detail is required to assess this request:
- 1) Although it appears to be adequate, applicant shall provide an occupant load calculation based on the square footage of the outdoor area, seating and possible standing room customers to ensure that the additional seating and patrons do not exceed the maximum number of permitted occupants for the area.
 - 2) Calculation shall include seating calculation and occupant load based on number of tables and chairs, possible standing customers, and facility staff working in that area.
 - 3) Aisle widths, exit paths, and exit locations shall be included and clearly shown on scaled plan.
 - 4) Provide width of emergency egress/accessible gate.
 - 5) If primary exit is not available, what is the alternative?
- F-2 Temporary Trailer to store kegs and serve – No comments or concerns.

From: Jon Greif <jongreif@gmail.com>
Sent: Friday, September 22, 2023 8:19 PM
To: Patrick Silva <Patrick.Silva@alexandriava.gov>
Cc: PlanComm <PlanComm@alexandriava.gov>
Subject: [EXTERNAL]HiFi SUP

To Whom it May Concern,

My name is Jonathan Greif and I am a resident of Del Ray. I moved into 39 Herbert Street with my wife in October of 2022. We love the neighborhood, and especially the main strip of Mount Vernon Avenue. You can find me walking up and down the Avenue almost daily, from the South Block to Matt and Tony's and back.

The Evening Star Cafe is one of my favorite restaurants on the Avenue, and I truly believe it is the brightest and most welcoming spot in the neighborhood. I absolutely support the SUP applied for by HiFi and hope to see it approved.

I understand that there are concerns about the smoker, but I walk past the smoker multiple times a day while the smoker is operating and only rarely notice the smoke. The smell is not any stronger than odors emitting from Los Tios or Spice Kraft. In support of the live music, I frequent HiFi often, and have been there when there is live music and music played from an iPod. In both instances, the volume is extremely reasonable, and I can only hear it once I am walking down the walkway into the HiFi area. The live music is low-key, enjoyable, and I think adds a lot of culture to the community.

HiFi is really a gem of the neighborhood, visually, culinarily, and culturally and the community will be well-served to allow it to flourish. I believe the operators to be acting in good faith for the neighborhood and its inhabitants, myself included, and I look forward to seeing their continued success in the future.

--

Thanks,

Jonathan A. Greif
Tel: 862-324-5286

From: Laura-Brynn Neuhoff <lneuhoff@neighborhoodrestaurantgroup.com>

Sent: Friday September 22, 2023 2:26PM

To: PlanComm <PlanComm@alexandriava.gov>

Subject:[EXTERNAL]In Support of Hi Fi SUP Application

To Whom it May Concern,

My name is Laura-Brynn Neuhoff and I am a resident of Del Ray and an employee of Neighborhood Restaurant Group. I am writing today in support of the SUP application filed by HiFi Tex Mex BBQ, as I fully believe in the importance of this business to the Del Ray neighborhood and the City of Alexandria as a whole.

I have lived in the DMV for ten years as of this fall. I lived in DC for 9 of those years until my husband and I were looking to purchase our first home and we were only looking in two places: the District, and the City of Alexandria. I never would have even considered moving to Alexandria if I wasn't intimately familiar with the Del Ray neighborhood thanks to the Neighborhood Restaurant Group and the Evening Star Cafe. NRG builds beautiful communities around its properties that support beautiful memories - before I worked here, I had my first date with my husband at Bluejacket, we told each other we were in love for the first time at Canteen (a previous pop-up NRG bar in Shaw), and when we were getting married this year, we had our rehearsal dinner at the Evening Star.

When I started my professional career as an event planner, I was introduced to NRG through their annual festival, Snallygaster, and I fell in love with the company. I spent two years pursuing a job at the company, and was beyond excited to start working with them in October of 2018. In my time of employment there, I have only become a bigger fan of the company.

In my role at NRG, I have a unique perspective of just how hard the company works to bring the restaurants and experiences that attracted me to the company to everything that they do. The name Neighborhood Restaurant Group was consciously chosen to be reflective of the values and morals of the company - to build up and support neighborhoods to be their best self for their inhabitants and for the community as a whole. Michael Babin and Stephanie Babin have created a company culture of kindness, support, creativity, and community. We have eleven pillars of our company values--and that's because we made ten and then realized profit didn't even make the list. It truly is all about the guests, the neighbors, and their experiences.

I have worked closely with Michael Babin, Stephanie Babin and Chef Nate Anda in the rollout of HiFi, and we have all kept our neighbors in mind every single step of the way. And I truly and wholeheartedly believe that this restaurant and venue is a huge boon to the neighborhood, and should be supported.

I love HiFi and frequent it with my husband; we are probably the business's biggest regulars, and that comes from a place of genuine enjoyment of the space, from the music to the food to the staff.

The smoker and its location on the property are critical to the concept, and the amount of smoke emitted is not in excess of any other outdoor fireplace or a charcoal grill. I have spent a significant amount of time with the smoker, and while I have not personally been offended by the smoke or the smell, I know HiFi is willing and able to mitigate any perceived impacts, from installing a higher flue and a fan to moving the smoker closer to the building.

The business was created with the beautification and enrichment of Mt Vernon Avenue in mind. Through the 26 years of their operation, Michael has maintained a culture of small and independently owned businesses that are each unique in their own way and keep neighborhoods original and well-served.

HiFi's menu is accessible, affordable, and downright delicious. And the space is perfect, from the cabanas to the trellis, and more. I know that the continuation and success of this business positively reflects the goals of the Del Ray neighborhood, and even specifically the Potomac West Small Area Plan. This is exactly the type of business that the city should support.

To that end, I hope the City moves to support this SUP application and allow this truly meaningful and thoughtful addition to the neighborhood not only survive but also thrive.

Thank you for your consideration,

LB

From: Monika Schiavo <mvschiavo@gmail.com>

Sent: Tuesday, September 26, 2023 8:37 PM

To: Patrick Silva <Patrick.Silva@alexandriava.gov>

Cc: PlanComm <PlanComm@alexandriava.gov>

Subject: [EXTERNAL]Evening Star BBQ smoker issue - E Howell Ave.

Dear Patrick,

I am writing to you about the issue of the Evening Star restaurant BBQ smoker. I live at 17 E Howell Avenue and greatly enjoy and appreciate the mix of shops and restaurants that give Del Ray its enviable quality of life.

The recently installed BBQ smoker in the former parking lot at Evening Star has become an issue of concern on our block. Even before I received an email asking me to reach out to you it was clear to me that the smoker was a problem.

Basically the problem is that the smoker is doing its job - sending out continuous plumes of smoke to cook the meat on the grill! And this is a HUGE smoker! While this is wonderful for the diners at the Evening Star, it is a nuisance for neighbors. And I say this as a big supporter of the Evening Star and the Neighborhood Restaurant Group. My son and his fiancée will be using them for their wedding reception next April!

However, the placement of the smoker is inconsistent with the quiet enjoyment of our homes on E. Howell. It is simply throwing out too much smoke and too many airborne odors to be operating adjacent to where people are living.

I'm also a realtor and speaking as a home buying and selling professional can state what you already know: that the smoker would be a major deterrent to anyone looking to buy a home. It would be incredibly distressing to a home seller as it would greatly diminish the value of the property.

Put yourself in our shoes - it's one thing to live within walking distance of a restaurant, and another thing entirely to live next door to a source of air pollution. The smoker is also not an occasional nuisance, like a weekend grill, but operates continuously, all day and almost every single day of the week. And again - it is a huge contraption that throws out huge volumes smoke.

The bottom line is that the smoker needs to be removed from the Evening Star parking lot. It should be relocated to an area or property owned by the Neighborhood Restaurant Group that is away from homeowners.

If that is not possible, then the Evening Star needs to remove the smoker and revamp its menu, as it has done frequently over the years. Tastes change like fashions and although BBQ might be a hot ticket now at the restaurant, a menu item should not be the cause of stress and lowered property values on E. Howell Avenue.

If it comes to a choice between the smoker and the rights of homeowners to enjoy our yards and porches free from noxious smells, then the Evening Star and NRG need to remove the smoker, keep the peace and make their neighbors happy.

Please reach out to me with any questions. I appreciate your taking the time to consider the opinions of the neighbors affected by the smoker.

All the best - Monika

From: Lauren Fisher drlaurenfisher@gmail.com

Sent: Thursday, September 28, 2023 9:39 AM

To: PlanComm <PlanComm@alexandriava.gov>

Subject: [EXTERNAL]DRBA Letter for Evening Star SUP# 2023-00060

Dear Mayor Wilson, Planning Commission, & City Council Members:

Please find the following letter in support of the Majestic Grill/Evening Star Request for SUP extensions at 2000 Mt. Vernon Ave (SUP#2023-00060).

Thank you for your attention and consideration in this matter.

Best Regards,

Lauren Fisher,

President of the Del Ray Business Association



September 24, 2023:

Dear Mayor Justin Wilson, City Council Members, and Planning Commission:

On behalf of the Del Ray Business Association, and 175 of its members, I am writing a letter of support for Stephanie and Michael Babin of the Majestic Grill, Inc and their SUP#2023-00060 for restaurant location Evening Star Cafe at 2000 Mt. Vernon Ave, Alexandria, VA 22301. In particular, we support all of their SUP requests for their HI/FI Tex Mex BBQ outdoor area, especially the following:

- Increased outdoor seating (total 124 seats)
- Live entertainment (6PM to 10PM) in compliance with noise ordinance
- The use of food smokers outdoors

Michael and Stephanie have been long-term residents and business owners in the Del Ray community. The Evening Star Cafe was established in 1997 and is considered one of the founding businesses of the Del Ray community that we know today. The owners played a pivotal role in helping to develop the commercial district of Del Ray when there were very few businesses on the Avenue. Through their early participation and sponsorships, many of Del Ray's most loved community events were established and have now grown to bring thousands of visitors to Del Ray every year. They are often the first to step up when there is a call to help a fellow business, a neighbor or a local non-profit. And as residents of Del Ray, Michael and Stephanie understand the importance of being a good neighbor.

During the pandemic, their transformation of their parking lot into an outdoor dining area was innovative and crucial to the health and well-being of our patrons during that difficult period of time. Their evolved concept of the HI/FI Tex Mex with the outdoor bar, upgraded seating, and beautiful trellis, enhances the dining and social experiences for our residents. The expanded outdoor seating and outdoor live music is crucial to our economic system, as there are few establishments with both of these offerings along Mt. Vernon Ave.

With these additions, we are confident they will continue to be good neighbors and provide a wonderful atmosphere for families and friends to gather. We urge your support.

Best Regards,

A handwritten signature in black ink, appearing to read "Lauren Fisher", is written over a light blue horizontal line.

Lauren Fisher, PsyD
Del Ray Business Association President

From: Jesse O'Connell <oconnellj@gmail.com>

Sent: Thursday, September 28, 2023 11:52 AM

To: PlanComm <PlanComm@alexandriava.gov>

Subject: [EXTERNAL]Support for HiFi restaurant (SUP2023-00060)

Members of the Planning Commission,

We're writing today in support of the HiFi restaurant project (SUP2023-00060) being brought forward by Majestic Grill, Inc, owned by Stephanie Babin and Michael Babin. We live in the neighborhood and have had the pleasure of spending time at HiFi on a number of occasions and under a variety of circumstances. We've had family-friendly meals with our kids, we've enjoyed a quiet date-night dinner, we've met friends for afternoon drinks in one of their cabanas, and we've joined an energetic group of fellow neighbors there on a fun Del Ray festival weekend. Each time we've found the experience at HiFi to be entirely within the expected character and comportment of any other restaurant in Del Ray. No disruptive noise, no noticeable smoke or smell, and most crucially - staff and management that took seriously the stewardship of hospitality owed to both guests and the nearby homes alike.

The applicants are long-time members of the local business community and have contributed immeasurably to making Del Ray what it is today. They have a track record across both our city (and DC as well) of catalyzing vibrant areas in a collaborative manner with local officials and neighbors alike. We fully trust that they are prepared to take all necessary actions to ensure that not only does HiFi succeed, but it does so in a way that is respectful and considerate to any concerned party.

We appreciate you taking time to review this message, and please do count our support for HiFi among your considerations as you review this request.

Warmly,

Emily & Jesse O'Connell

From: Germaine Schaefer germaineschaefer@icloud.com

Sent: Thursday, September 28, 2023 1:27 PM

To: PlanComm@alexandriava.gov

Subject: [EXTERNAL]Hi/Fi Tex Mex

I've been a resident of Del Ray since 1998 when my friends said incredulously to me "you bought a house on Hume?!?!?" Planning committee, this friend lived on Stewart.

We chose Del Ray in 1998 because even then we could see the charm in the Sears houses, the avenue with 4 restaurants (Evening Star, Monroe's, Mancinis and shortly after we moved in Los Tios and Los Hermanos). We've seen the neighborhood discovered and flourish. Sometimes I look around and wonder where all these people came from.

Throughout it all, there have been changes. And the changes are good. I love down the street from Los Tios now in Randolph and most days I can smell the grill as if it was my neighbor cooking for his family. And guess what? It is my neighbor cooking for our families.

Much like the Hi/Fi Tex Mex which took an old parking lot that accommodated 6-ish vehicles and Trash cans and transformed it into an oasis where you can have a leisurely meal in a great fun environment.

I wholeheartedly support this addition to the NRG portfolio. I have to state here now that my daughter and my mom both have worked/work there and they have found their own reasons for supporting it, a community of workers who are their friends.

I already look at Del Ray and wonder how my two kids who were born in the neighborhood and educated through ACPS will ever be able to live there without me. Forcing the shutdown of profitable businesses will extend that thinking to who would invest in our community if it's so hard to run a business.

We've already lost great places like Kiskadee and the antique mall. Let's not hamper one of our home-grown institutions.

Sincerely,

Germaine Schaefer

From: Jason Ankele jankele@gmail.com

Sent: Thursday September 28, 2023 4:47PM

To: PlanComm@alexandriava.gov

Subject: [EXTERNAL]Hi/Fi and NRG Outdoor Dining Proposal

I am writing to support Hi/Fi and the Neighborhood Restaurant Group (NRG) in regard to their Outdoor Dining Proposal currently under consideration by the Planning Commission.

NRG has been a vital part of the Del Ray neighborhood. My wife and I have frequented the Evening Star, the No. 9 Lounge, the Majestic Lounge, and the Front Porch for years. Hi/Fi has been a great addition to the NRG space in Del Ray! We love the neighborhood feel of those locations and the fact that they are centrally located in Del Ray – those establishments and their walkability and outdoor spaces are a big part of what makes Del Ray such an inviting and family-oriented neighborhood. We have spent countless hours in NRG's outdoor spaces with our kids and with friends.

We strongly support expanded hours and the smoker being onsite at Hi/Fi. Michael and Stephanie are passionate about the spaces and about the entire Del Ray neighborhood, and they have proven themselves and their restaurants to be respectful and considerate neighbors. Michael and Stephanie have demonstrated repeatedly their willingness to make things work for the neighborhood. We know that NRG's Outdoor Dining Proposal will continue to help Del Ray thrive as one of the most livable and enjoyable neighborhoods in the area.

Please approve the Outdoor Dining Proposal before you! Thank you.

Jason Ankele

Alexandria, VA

jankele@gmail.com

From: Dorn Wenninger Dorn@skyefarms.com

Sent: Friday September 29, 2023 3:00PM

To: PlanComm@alexandriava.gov

Subject: [EXTERNAL]Oct 3 Planning review of HiFi Taco, Mt Vernon Ave

Dear Planning Commission,

I live locally in Old Town (on Queen St). We tend to eat out in local restaurants of Old Town and Del Ray, with a strong preference for supporting local businesses over chains. We have long been patrons of the Evening Star on Mt Vernon. We've been really happy with the addition of HiFi taco on the patio. It's great to have more choices for out door eating. We like that the seating isn't directly on the street as is the case with most of the outdoor options in Alexandria. And the new ambience of HiFi is great. Most importantly, we love the real bbq that can only be achieved from a proper, outdoor bbq. We fully support HiFi, and hope that it remains as an option to keep Alexandria with high quality, locally owned and operated, independent restaurants.

Thanks,

Dorn and Dominique Wenninger

From: Mark Davis markdavis@yahoo.com

To: PlanComm@alexandriava.gov

Sent: Thursday September 29, 2023 3:02PM

Subject: [EXTERNAL]Letter in support of Hi/Fi Tex-Mex BBQ

[Enclosed]

**Mark Davis
334 N Pitt St
Alexandria, VA 22314**

September 29, 2023

To The Planning Commission, City of Alexandria, VA

I am writing in support of the restaurant establishment Hi/Fi Tex-Mex BBQ located at 2000 Mt. Vernon Ave in Alexandria. I have visited this establishment multiple times and have really enjoyed it. I was even there one evening in August when most of the Alexandria City Council Members were in attendance for a local meeting, and I noted they all stayed quite a while and ate and enjoyed the food and atmosphere. No complaints from them, and certainly no complaints for me.

I do understand that part of what makes this establishment unique is the onsite preparation of their food that includes cooking outdoors with a smoker. Onsite smokers are a critical component of the concept to ensure that food is fresh when served. The amount of smoke is minimal in my opinion, and I have never witnessed any customers or neighbors complain. It is the same amount of smoke you might observe from an outdoor fireplace, firepit or charcoal grill. The smoke is controlled and exhausted upward reducing the impact.

Having known the owners of the establishment - Michael & Stephanie Babin for over a decade, I trust them to ensure they are operating in a manner that is professional and not causing any issues for the neighborhood where they live.

We should encourage businesses to operate and thrive, and we should not be creating obstacles for local businesses to operate.

If you have any questions, please do not hesitate to contact me.

Sincerely,

mark davis

Mark Davis
703-725-8868
markdavis@yahoo.com

From: Lynne Benedict lynne.benedict@gmail.com

Sent: Friday September 29, 2023 3:03PM

To: PlanComm@alexandriava.gov

Subject: [EXTERNAL]SUP2023-00060 - Next Door Neighbor Concerns

[Enclosed]

Patrick,

I reside at 112 E Howell Ave (Apt. #3), immediately behind 2000 Mount Vernon Ave, identified as 'the Property' in SUP2023-00060. Having lived here over 5 years, prior to the Applicant's Covid-19 outdoor dining expansion, I have the following concerns with this SUP:

Hours of Operation (SUP Item #4)

Per the website, the Hi/Fi Tex Mex BBQ's current hours of operation are W-F, 10am-11pm, and 2pm-11pm on weekends. The Applicant has requested an increase in the hours of operation for this restaurant to 7am - 11pm, 7 days a week. Including 1 hour for pre-opening work and 2 hours of post-closing work, the extension of hours of operation will generate an average of 17-19 hours a day of incidental impact noise, resulting in further erosion of our quality of life.

There are no other restaurants in Del Ray that currently operate 16 hours a day, 7 days a week. Nor are there any business entities in Del Ray which currently operate 2 outdoor restaurants, 1 indoor restaurant with outdoor dining, 2 bars / lounges, a wine shop, and a corporate office from one location on Mt Vernon Ave as does the Applicant. Approval of these hours is likely to be viewed as permission to extend the hours of the other businesses on the property.

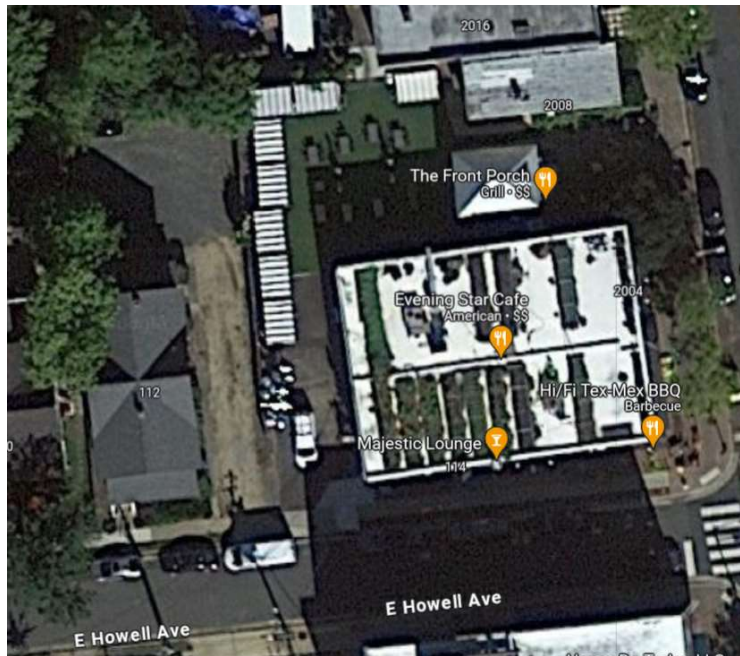
Potential Noise (SUP Item #7)

The Applicant states that potential noise emanating from the proposed use will be, "in compliance with the noise ordinance," and that, "Staff will monitor the property for compliance and will take necessary steps to control the volume as needed." Staff's track record for effective control of excessively loud music has been abysmal. As neighbors, we at 112 E Howell Ave reach out first to the entity on the Applicant's property hosting excessively loud music events or bands, especially when that music continues after 11pm, but when Staff fails to answer the phone, one of us must engage with Staff in person, and on occasion, all of us have had to call the police. Tenants at 112 E Howell now possess decibel meters because of violations of the noise ordinance. Adding live outdoor music to the aforementioned chaotic mix of incidental impact noise generated before, during, and after hours of operation will only further impact our quality of life. Additionally, the 'live entertainment' clause in the SUP allows other forms of live activities, such as 'Trivia Nights', which have been deemed significantly worse than live bands by our fellow Del Ray neighbors with abutting properties next to other restaurants who were granted permission through their SUPs to provide 'live entertainment'.

Deliveries (Item #15)

It is highly disturbing to read that the Applicant has reported a total of zero spaces for delivery. This item alone has been problematic the entire 5 years I've lived here, as vendors tend to either block our driveway or actually park in it to make deliveries to the Applicant's property. The number of these occurrences increased largely when the Applicant created outdoor dining at the back of the Property during Covid-19, and escalated to epic levels due to the arrival of cords of wood and two commercial wood smokers in late Spring of 2023, which rendered the Applicant's driveway inaccessible. During peak delivery hours, our driveway was constantly blocked by vendors up until the week of Sept. 18th, at which time the Applicant took an active interest in our plight, in advance of the Applicant's SUP hearings. Deliveries are now being rerouted to E Windsor Ave.

I should have no idea what the Evening Star's kitchen looks like, but I do. The reason I do is because the Applicant is correct. There is zero space for delivery, leaving the residents of 112 E Howell Ave to have to track down drivers in order to get in or out of our own driveway. The aerial image below, from Google Maps, shows a white delivery van blocking our driveway because there is another delivery vehicle blocking the Applicant's driveway, even before the smokers and additional seating were installed.



Google Maps image showing a delivery van blocking the driveway at 112 E Howell Ave.

Additionally, the SUP states that there are only 3 deliveries per day. This statement appears to be innocuous until one considers the fact that the other restaurants, catering business, and wine shop account for 7-12 deliveries per hour during the 7am-5pm peak delivery periods, and that the same vehicles also contain products used by the kitchen serving Hi/Fi Tex Mex BBQ.

Smokers

All said, my chief complaint, and the one with the most harmful health impacts, has to do with the 2 commercial smokers located immediately adjacent to our property line. The Applicant states in the SUP, "While the smokers produce smoke, the amount of smoke is commensurate with outdoor fireplaces, firepits or wood and charcoal grills and smokers throughout the residential neighborhood." No residents in the neighborhood operate personal outdoor fireplaces, firepits, wood / charcoal grills, or smokers 12-16 hours a day, 7 days a week. Further, my neighbors who have these items also have the ability to launder their smoky clothes, and they can shower to remove the smoky smell. There are days when the smoke is so dense in my apartment that my towels, my freshly laundered clothes, and my car smell like smoke. I've even been told by a colleague that I smell of camp fire. I live, work, and shop in Alexandria. If I am carrying this this camp fire smell with me in my vehicle and on my clothes wherever I go in Alexandria, it's reasonable to assume the smoke is also in my lungs.

The SUP also states, "The smoke is controlled and exhausted upward into the atmosphere through a pipe, similar to a fireplace chimney, so as not to become a nuisance to neighboring properties." The image below, showing the typical amount of smoke the residents of 112 E Howell Ave are exposed to on a daily basis, disproves this statement.



The built-in chimney pipe on the primary smoker is ineffective at controlling and exhausting smoke.

The SUP adds, "And while food production creates a scent, it is a pleasant smell and not an odor that constitutes a nuisance to the neighborhood." The smell is not pleasant for the residents who live nearby, and it absolutely is a nuisance. This restaurant has only been operating for a little over a third of a year, yet the volume, duration of exposure, and insidious nature of this smoke has already had health impacts on me. Case in point, I now have a chronic sore throat. This symptom goes away when I leave my apartment. I also have to leave my apartment in order to recover my sense of smell. These symptoms, and likely other yet identified health complications, are sure to get worse with time, as I work 32 hours/week from home.

Thank you for your time and consideration,

Lynne Benedict

From: Jim Houseman jimh@computerhelpers.net

Sent: Friday September 29, 2023 3:19PM

To: PlanComm@alexandriava.gov

Subject: [EXTERNAL]Support for NRG Hifi

Hi,

I would like to give my support for local restaurants. (Neighborhood Restaurant Group). I reside in DelRay. We live in a dynamic world that requires quick thinking and coming up with ways to self improve business ideas. I love what NRG has done with the space behind the Evening Star and support it.

Jim Houseman

45 Ansell Street

Alexandria, VA 22305

From: Caroline Lewis carolinelewis00@gmail.com

Sent: Saturday September 30, 2023 11:07 AM

To: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]HiFi BBQ Support

Hello, City of Alexandria Decision Makers:

As a 39 year old mother of 2 sons, and 17 year City of Alexandria resident, I am writing to you this morning in support of HiFi BBQ. The new restaurant offers Del Ray something it has been missing: a family friendly outdoor space shielded from a busy street that serves food and drinks that the whole family can enjoy. All of the other Del Ray outdoor spaces that are family friendly are right on busy streets with noisy busses and other vehicles passing constantly. HiFi's location behind the building offers a "backyard" feel that really fits into the neighborhood's vibe. The BBQ food is delicious and everyone in our family can find something to enjoy when we go.

I'm confused as to why there is even an issue with HiFi and they are up for discussion. When one chooses the location of their home residence, they must consider current zoning around their home. If one chooses to live near or next to a restaurant, they would be automatically assuming the negatives and positives that come with that decision. As you are aware, zoning is a tricky issue; opening this can of worms will set precedent for many other sticky zoning situations around the City. My family would love to live closer to Mt. Vernon Ave, but we made a different decision because we didn't want to live near the crowds, the parking issues and the smells. Maybe the group of people filing this complaint should have been more introspective before they made the decision to live right on The Ave. As my mother always said, you can't have your cake and eat it too!

Thank you for your time and consideration.

Sincerely,

Caroline Lewis

800 S Overlook Drive

From: Jake Brody jakebrody@gmail.com

Sent: Saturday September 30, 2023 1:53 PM

To: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]Support of HiFi

I am writing in support of Hi-Fi restaurant in Del Ray. We have found the restaurant to be a safe and enjoyable atmosphere and trust the ownership group to mitigate any ambient smoke or noise.

Thank you.

Jake Brody

571-215-9676

From: wasting@me.com

Sent: Sunday October 1, 2023 12:20 PM

To: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]HI FI BBQ

I am a property owner and I live a block away from the HI/FI BBQ at 2000 Mt Vernon Avenue. I support the proposal to expand the hours and the seating. I love the existing smokers and we eat there often. I am also in favor of live entertainment at any time. Please approve their proposal.

Richard Poppleton

216 E Howell Ave

Alexandria, VA 2301 703 8613008

From: Edward Mills edwardjmmills@gmail.com

Sent: Saturday September 30, 2023 3:48 PM

To: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]Support for HI/FI SUP Application

Dear Planning Commission,

I am writing to lend my support for HI/FI BBQ SUP to expand outdoor dining and extend hours at the restaurant.

As a neighbor of the restaurant, I find it is an excellent addition to our neighborhood. I also appreciate an establishment with a great track record and who wants to invest in our community. I am particular support the extension of hours to 11 PM, as it is nice to have additional options later into the evening.

Sincerely,

Edward Mills

213 E Randolph Ave

Alexandria, VA 22301

617-308-4443

From: Julie Rivera riveramjulie@gmail.com

Sent: Sunday October 1, 2023 8:00 PM

To: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]HiFi wood smokers

Hello,

I would like to express my concern about HiFi barbeque smokers affecting the air quality and environment on E Howell Ave. I am the owner of 102 E Howell Ave. I suffer from asthma and have been suffering from more frequent asthma symptoms since the restaurant started using the smokers. They are affecting my ability to enjoy the outdoors as they are constantly going. The odor is apparent when I walk out my front door in the morning and currently as I sit in my backyard. In addition I am concerned about the air pollution from the smokers affecting the health of my 1 year old daughter. I am fine with the restaurant but not the use of the wood fire smokers.

Julie Rivera

From: Anna Jaeger jaegeranna1@gmail.com

Sent: Sunday October 1, 2023 11:27 PM

To: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]Hi/Fi Tex-Mex BBQ

I am 100% in support of the proposed outdoor dining, grilling and music at 2000 Mt. Vernon Avenue at the Evening Star, Majestic Lounge, No. 9 Lounge, Front Porch property. I've lived in Del Ray since 1999 and have seen it evolve over the years. Back then, one of the shining stars of The Avenue was this property. Everything else grew around it. I walk by it several nights a week and in nice weather, it's a vibrant establishment - groups enjoying dinner or conversation on the Front Porch, larger parties in the back garden, kids talking in the deck chairs. I love the new concepts that the owners come up with. They really embodied COVID Pivoting! This proposal is right on target for what people want when they head out to dinner in Del Ray.

Anna Jaeger

jaegeranna1@gmail.com

From: Kelly Abramson kabramson99@comcast.net

Sent: Monday October 2, 2023 12:16 PM

From: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]support for Majestic Grill - Hi/Fi Tex Mex BBQ

To Whom It May Concern,

I am writing in support of the application of the Majestic Grill Inc.'s Hi/Fi Tex Mex BBQ.

As a DelRay resident for more than 10 years, I know how vital the Majestic Restaurant and Front Porch have been to the DelRay community. Stephanie Babin and Michael Babin have been fixtures of the community for 26 years.

Given the challenging economic climate, the applicants are seeking to solidify their outdoor concept which originated during the COVID-19 pandemic. The applicants are residents of the community and have peacefully coexisted with their neighbors for decades. I trust that the applicants will mitigate any negative impacts to nearby residents.

I recommend that the City approve this application.

Best,

Kelly Abramson

105 West Monroe Ave.

From: Stenise Reaves stenisereaves@gmail.com

Sent: Monday October 2, 2023 12:35 PM

To: PlanComm PlanComm@alexandriava.gov

Subject: [EXTERNAL]HiFi

To whom it may concern,

I would like to send a letter of support about Del Ray's newest addition HiFi. I cannot say enough good things about this new establishment. I have lived in Del Ray for more than 20 years and am so pleased to see how much our area has grown. The staff and food was amazing. I would recommend HiFi to locals and nonlocals alike. Please feel free to contact me for additional information.

Sincerely,

Stenise Reaves

202 Laverne Ave.

Alexandria Va, 22305

703.231.4458

From: Ed Olivares edwolivares@gmail.com

Sent: Monday October 2, 2023 5:01 PM

To: PlanComm

Subject: [EXTERNAL]Support Bold Action on Zoning

Hi Planning Commission,

I'm a renter in Alexandria writing to inform you that I fully support the Zoning for Housing and Zoning for All proposals, with the following caveats:

- These are steps in the right direction, but do little relative to the housing supply crisis that we face. Thanks to the density restrictions in Alexandria's zoning code, the city has never been as cheap as it should be. On top of that, rents in my neighborhood (Warwick Village) have gone up substantially in the 2 years that I have lived here. We are fortunate to have a lower rent locked in, because a similar unit now goes for \$500-\$700 more per month. There are larger, newer, and more centrally located units in DC at these prices! The reason is clear: housing is far too scarce in Alexandria. Under the city's own projections, the most impactful proposal (relaxing unit restrictions per lot in single-family zones) would produce less than 200 new units over the next decade. Maybe you're underselling it (I hope you're underselling it), but if not, this will have essentially no impact on market housing prices, and Alexandria will continue to be overpriced.
- Effective reforms must increase the allowed density of the built environment. Relaxing unit restrictions in single family zones is great! I can't imagine why a liberal, democratic society would restrict how a given structure is divided and used in the first place. But we really do need more and larger structures! Land is the scarce factor in Alexandria: the economic opportunity and amenities in the city provide immense value, but there is only so much land. Unless we allow building typologies that economize on land en masse, we will never have an affordable city. This is why the keelhauling of the bonus height extension stings so much: not just height but FAR, setbacks, lot coverage, and all other limitations on the built environment should be on the table! If you can't even make it work for a dedicated affordable bonus, this paints a bleak picture for our future.
- Alexandria's zoning laws have stifled development, leading to higher housing prices and a less livable city. We should simply not do this anymore. Be legends and abolish zoning! Rather than spend countless staff hours on the minutiae of unit typologies, lot sizes, coverage and setback requirements, discretionary permitting for ordinary residential projects, and the infamous neighborhood character, you would be free to spend your time and budget on actual planning: delineating public and private space, planning for public services and amenities, minimizing the actual negative spillovers of urban life (waste, noise, smells, pollution), increasing walkability and bikeability, and all of the other ways that we could improve the physical fabric of the city.

- Barring that, here are a few simple policies that would drastically improve the current Zoning for Housing proposals:

- o Legalize small 3-story apartment buildings citywide, both where they already exist in neighborhoods like Del Ray and Rosemont, and in all residential zones.

- o Accelerate and expand parking reform to remove government parking mandates from all housing within enhanced transit areas.

- o Encourage transit-oriented development by loosening restrictions on how many homes can be built near high-capacity transit.

I sincerely look forward to what comes next. I recognize this is an ongoing process with more proposals in the works, and there are many stakeholders that must be appeased along the way. You're doing a great job! But please remember that there are people like me who would like to see more change.

Cheers,

Ed Olivares

From: Patty Figliola pattyfig@gmail.com

Sent: Monday October 2, 2023

To: PlanComm

Subject: [EXTERNAL]Support for Hi/Fi Tex-Mex BBQ

Hello -- I'm writing in support of Hi/Fi Tex-Mex BBQ. The Evening Star and its owners have been excellent business "citizens" since I have lived in Del Ray. Before almost any other restaurants or bars were in the neighborhood (I only remember Thai Peppers), Michael and Stephanie created a gathering place that suited the funky, art-oriented personality of Del Ray. As they expanded the property over the last 25-plus years, I truly believe Michael and Stephanie have always kept the best interests of the neighborhood in mind. With the most recent expansion of Hi/Fi, the Evening Star team has again created a unique dining experience. I believe the team has taken the necessary steps to address the concerns of the restaurant's neighbors and will continue to maintain a dialog to ensure neighbors' concerns are heard and addressed.

It would be such a shame to lose Hi/Fi. I know so many people visited as an escape during the pandemic and have continued to return because of the excellent food and experience.

Respectfully,

Patty Figliola

Patricia Moloney Figliola

Facebook: <http://www.facebook.com/pattyfig>

Aisling PhotoArt: <https://www.facebook.com/aislingphotoart>

From: Julie Patrick juliepatrickphotography@gmail.com

Sent: Monday October 2, 2023 5:16 PM

To: PlanComm

Subject: [EXTERNAL]In support of HiFi

As a Del Ray resident and condo owner, I am excited about this new concept HiFi by the folks at Evening Star. I want to see it do well as we need all the newness possible!

Julie Patrick

From: Pete Lawson plawson@bockornygroup.com

Sent: Monday October 2, 2023 5:30 PM

To: PlanComm

Subject: [EXTERNAL]Hi/Fi Tex-Mex BBQ 2000 MT VERNON AVE (the "Property") OUTDOOR DINING PROPOSAL

Dear Planning Commission,

I am writing in support of outdoor proposal for Majestic Grill/Hi Fi lounge.

I have lived for more than ten years at 109 E. Howell Avenue (more than 50 years in Alexandria)...just three doors down from the applicant's restaurant and we fully support their efforts to use the outdoor space behind the restaurant as outlined in their application.

We specifically moved to one block off Mount Vernon Avenue to be near shopping and dining options.

All of the businesses lost money during Covid...and we still enjoy option of eating outside.

Stephanie and Michael are wonderful neighbors and I would like to see their restaurant and others thrive on Mt Vernon Avenue.

Thank you,

Pete Lawson

From: Laura Doyle - WPMABF laura.doyle@gsa.gov

Sent: Monday October 2, 2023 8:42 PM

To: PlanComm

Subject: [EXTERNAL]Support for HIFI Outdoor Dining Proposal

Dear Planning and Zoning Commissioners and Members of City Council,

I am writing in support of the SUP application for Majestic Grill, Inc, doing business as HiFi Tex Mex and BBQ located behind the Evening Star.

My family has been going to the Evening Star for two decades. Our children have grown up playing outside in their kid friendly environment, being part of Art on the Avenue, and some have even worked part-time for different Neighborhood Restaurant Group businesses.

We are frequent HIFI customers and think it is a wonderful and fun concept that adds to the outdoor options available in Del Ray. In the post-Covid world, with vulnerable people and the prevalent strong desire to socialize outside, HiFi is just the type of creative and well thought out venue that is critical to our community.

We support the live music and have not noticed loud noise or music levels when we have been there. We believe that the smoker can be configured in a way to render it no more harmful than any other cooking fumes, and we trust the owners to continue to think of the community in which they operate.

We urge you to support this business, and by doing so ensure that our communities have lovely and accessible concepts that reflect the desires of the people who live in Del Ray and ALEXANDRIA.

Thank you,

Laura Doyle

From: sueb1742@aol.com

Sent: Monday October 2, 2023 6:32 PM

To: PlanComm

Subject: [EXTERNAL]Evening Star Smokers

Dear Patrick,

I am a neighbor on the 100 block of E. Windsor Ave. I've been on the block before Evening Star arrived in Del Ray. I have enjoyed supporting Evening Star and the other restaurants in the Group. I have seen many changes through the years and have embraced each phase, even when the restaurant's growth had a negative impact on my neighbors, my family and me. Some of the things I've tolerated over the years have been:

- live music after hours
- stacked restaurant seating and trash in parking lot behind Front Porch and 2008/2016 Mt. Vernon Ave.
- noisy refrigerator truck in parking lot behind Front Porch and 2008/2016 Mt. Vernon Ave.

When I first walked by the large outdoor smokers in the driveway, I immediately assumed that they were part of a temporary/special event, perhaps a pig roast or street festival. They certainly didn't fit as permanent fixtures in a residential neighborhood. When I learned that Evening Star intended to keep the smokers for a new restaurant concept, I researched the impact on neighbors' safety and health and became very concerned.

There are nationwide and local epidemiological studies showing that when particulate matter (in air pollution) goes up, premature deaths go up. Scientists have linked wood smoke and the pollution it creates with a litany of health hazards. These include asthma attacks, diminished lung function, increased upper respiratory illnesses, heart attacks, and stroke. Long term exposure to wood smoke can lead to emphysema, chronic bronchitis, and arteriosclerosis. (Source: Environmental Protection Agency)

I'm disappointed that a neighborhood restaurant would move ahead with such a bold plan without getting approval, especially when others' health, safety, and the environment are at risk. Because of the way the restaurant went ahead with plans without the City's approval, I'm now concerned about how they might mischaracterize additional details of the SUP. It appears that the restaurant is taking advantage of the neighbors' many years of support while ignoring protocols in service of their business. This cannot be tolerated.

I do not support the outdoor smokers and ask that they be removed.

Thank you,

Sue Bernstein

105 E Windsor Ave

From: Mike Porterfield mike@tartanproperties.com

Sent: Monday October 2, 2023 8:45 PM

To: PlanComm

Subject: re: Planning Commission

Good afternoon,

I am writing today in support of the new Hi/Fi Tex Mex outdoor restaurant. I have already eaten there twice and believe it is a great addition to the dining options in Del Ray. Given the quality of the ownership I am sure they will be a good community partner and will properly follow any use restrictions that might be placed on them to be mindful of any adjoining properties. With the post-covid success of outdoor dining in Alexandria at places such as The Garden and Matt & Tony's it makes sense to try and further expand these options and support our existing local businesses.

Thank you for your service to the City and your thoughtful consideration of this application.

Mike Porterfield

Del Ray Neighbor

From: Coen Family coenfamily@me.com

Sent: Monday October 2, 2023 9:41 PM

To: PlanComm

Subject: [EXTERNAL]Support for Hi/Fi Tex-Mex BBQ in Del Ray

Dear Members of the Alexandria Planning Commission,

We are writing this letter to express our strong support for the proposal submitted by Majestic Grill, Inc., regarding Hi/Fi Tex-Mex BBQ in Del Ray. As long-time residents of this vibrant community, we have witnessed the transformative impact that Michael and Stephanie Babin have had on the area since they first invested in Del Ray 26 years ago with the opening of the Evening Star in 1997.

The Babins have been cornerstones of our community, playing a critical role in shaping the vision of the 2003 Potomac West Small Area Plan. Their continued investment in the community, as evident from their multiple business ventures such as the No. 9 Lounge, the Majestic Lounge, Planet Wine Retail Shop, and the Front Porch, has substantially contributed to creating the bustling, mixed-use neighborhood that Del Ray is today.

The Hi/Fi Tex-Mex BBQ aligns well with the Potomac West Small Area Plan's objectives of fostering dinner-oriented casual table-service market restaurants. The venue is a cozy, family-friendly gathering space —a perfect addition to the current landscape of Mt. Vernon Avenue.

The Babins have a proven track record of being responsible and thoughtful business owners. We believe that Hi/Fi Tex-Mex BBQ is a positive addition to Del Ray, offering a unique dining experience that complements the character and spirit of the neighborhood.

We strongly urge the Planning Commission to approve this proposal and look forward to our community's continued revitalization and growth.

Sincerely,

Todd and Patti Coen

From: Jennifer Pusatere jpusatere@gmail.com

Sent: Monday October 2, 2023 9:45 PM

To: PlanComm

Subject: [EXTERNAL]Letter of Support for HiFi/Tex Mex BBQ Outdoor Dining

To the Planning Commission:

Please accept this Letter in Support of HiFi Tex Mex BBQ Outdoor Dining at 2000 Mt. Vernon Avenue.

I have been a neighbor for more than 20 years and love Del Ray! When I have out of town visitors, both personal and professional, Del Ray is on the list. And when those same visitors return, they ask me if we can go to Del Ray. When COVID-19 hit, the Neighborhood Restaurant Group (Michael Babin and Stephanie Babin) pivoted to meet the needs of the neighborhood and community, including keeping their staff employed. One of the great things about Del Ray, and what makes it so special, are the outdoor spaces.

It was because of this particular outdoor space that a friend of mine chose the property/venue as the location for his retirement party from the Army after serving our great nation honorably for 30 years. Not only was it a great setting, but again it was an introduction for many to Del Ray and all that it has to offer. A comment that was made over and over again was "how quiet it is.." So, while this is an outdoor setting it is an unobtrusive one.

I was thrilled when I learned of the HiFi Tex Mex BBQ opening. Yet, another creative way by the Babins to offer a gathering space for locals and visitors. Personally, I love smoked meats and they do a wonderful job. On my second visit to HiFi, I had a friend who wondered about the smell of the smoker. We didn't feel any impact. And from a safety point of view, I trust the establishment to take all necessary precautions and to mitigate any potential odors.

I wholeheartedly support HiFi Tex Mex BBQ, their smoker and the outdoor seating area. It is a wonderful addition to the Del Ray neighborhood.

Sincerely,

Jennifer Pusatere

From: Amy Anda amy2anda@gmail.com

Sent: Monday October 2, 2023 11:56 PM

To: PlanComm

Subject: [EXTERNAL]Letter of Support for the Hi/F

To Whom It May Concern -

I am writing in support of the Hi/Fi Tex-Mex BBQ Outdoor Dining Proposal. As a proud Del Ray neighbor and a longtime supporter of locally-owned independent businesses, I believe Hi/Fi Tex-Mex BBQ is a fantastic and much needed addition to our neighborhood and the DMV community overall. The proposed changes to their Special Use Permit, including the addition of limited live entertainment, expanded hours of operation, and seating, are not only essential to the long-term vibrancy and viability of this business, but align well with the Potomac West Small Area Plan. Additionally, the owners, Stephanie and Michael Babin, are longtime Del Ray residents themselves and have been incredibly engaged with and responsive to neighborhood concerns for more than 26 years of business at this location. For all these reasons, I wholeheartedly support their proposal and look forward to their continued positive contributions to our community with the approval of this proposal.

Sincerely,

Amy

Amy Anda

2932 Hickory St

Alexandria, VA 22305

amy2anda@gmail.com

From: Jacqy Matlock jacqy.matlock@me.com

Sent: October 3, 2023 5:45 AM

To: PlanComm

Subject: [EXTERNAL]Hi/Fi Tex Mex

I am writing in support of the Hi/Fi tex-me restaurants at 2000 Mt Vernon Avenue.

We own a home in the Rosemont neighborhood - at 204 W Myrtle Street and have been walking to the Del Ray restaurant and shops for years. We have grown close to the Babin family and fully support their 26 years of effort to bring revenue and entertainment to the region. It is because of the vision and hard work by community partners like the Babins that Del Ray has grown into the vibrant scene it is known for today.

Hi/Fi is a fun addition to the community. The Babins are good neighbors and have always been; they welcome constructive feedback and are willing to work with neighbors to care for the well-being and comfort of all. The Hi/Fi manages their noise and smoker levels to within the standard of the community - ending each day at 10 pm.

I hope the board will begin consideration with the foundation that the Babin family and their restaurant partners, and their record of commitment in Del Ray shows that they can be trusted to mitigate any effects on our neighbors, particularly with the smoker.

Thank you for your thoughtful consideration and careful support of the Hi/Fi restaurant!

Best,

Jacqueline Matlock

204 W Myrtle St

From: Lacey, Nancy ntl@jenwalker.com

Sent: Tuesday October 3, 2023 7:06 AM

To: PlanComm

Subject: [EXTERNAL]Hi/Fi Tex-Mex BBQ

October 2, 2023

To Whom It May Concern:

I am writing to encourage you to pass the Hi/Fi Tex-Mex BBQ outdoor dining proposal (“the proposed plan”). As a native Alexandrian, I am so proud of the way Del Ray, and Mount Vernon Ave in particular, has evolved into a walkable, charming, and vibrant area that attracts neighbors, and visitors alike. Del Ray is a gem, able to provide an array of locally owned eateries, coffee houses, and shopping, while still retaining its small-town feel.

A unique and important aspect of Del Ray is that its growth has been carefully planned, while also continuing to evolve – loved establishments, such as Los Tios, St. Elmo’s, and the Evening Star are staples, but new offerings are routinely introduced. This balance is so important to keeping Del Ray vital and fresh. The proposed plan fits so nicely into that successful infusion of new, unique offerings. Stephanie Babin, a Del Ray resident, and Michael Babin – local business owners – have a wealth of experience and a track record of offering successful local establishments. Great food is key, but the Babin’s success is also rooted in ensuring their restaurants are embraced by the neighbors who are vital to their success. In reading their “proposed plan” it is quite evident they are committed to making accommodations and adjustments to mitigate the impact on the surrounding neighborhood. Please vote to pass the Hi/Fi Tex-Mex BBQ outdoor dining proposal.

With best regards,

Nancy Lacey

From: Lauren Fisher drlaurenfisher@gmail.com

Sent: Tuesday October 3, 2023 10:09 AM

To: PlanComm

Subject: [EXTERNAL]Amended DRBA Letter for Evening Star SUP#

[Enclosed]



October 3rd, 2023:

Dear Mayor Justin Wilson, City Council Members, and Planning Commission:

On behalf of the Del Ray Business Association, and 175 of its members, I am writing a letter of support for Stephanie and Michael Babin of the Majestic Grill, Inc and their SUP#2023-00060 for restaurant location Evening Star Cafe at 2000 Mt. Vernon Ave, Alexandria, VA 22301. In particular, we support all of their SUP requests for their HI/FI Tex Mex BBQ outdoor area, especially the following:

- Increased outdoor seating (total 124 seats)
- Live entertainment (6PM to 10PM) in compliance with noise ordinance
- The use of outdoor food smokers **as long as smoke mitigation efforts are put into place to minimize any potential health impacts to neighbors.**

Michael and Stephanie have been long-term residents and business owners in the Del Ray community. The Evening Star Cafe was established in 1997 and is considered one of the founding businesses of the Del Ray community that we know today. The owners played a pivotal role in helping to develop the commercial district of Del Ray when there were very few businesses on the Avenue. Through their early participation and sponsorships, many of Del Ray's most loved community events were established and have now grown to bring thousands of visitors to Del Ray every year. They are often the first to step up when there is a call to help a fellow business, a neighbor or a local non-profit. And as residents of Del Ray, Michael and Stephanie understand the importance of being a good neighbor.

During the pandemic, their transformation of their parking lot into an outdoor dining area was innovative and crucial to the health and well-being of our patrons during that difficult period of time. Their evolved concept of the HI/FI Tex Mex with the outdoor bar, upgraded seating, and beautiful trellis, enhances the dining and social experiences for our residents. The expanded outdoor seating and outdoor live music is crucial to our economic system, as there are few establishments with both of these offerings along Mt. Vernon Ave.

With these additions, we are confident they will continue to be good neighbors and provide a wonderful atmosphere for families and friends to gather. We urge your support.

Best Regards,

A handwritten signature in black ink, appearing to read "Lauren Fisher".

Lauren Fisher, PsyD
Del Ray Business Association President

From: O'Sullivan, Amy Laderberg

Sent: Tuesday, October 3, 2023 1:00 PM

To: 'PlanComm@alexandria.gov' <PlanComm@alexandria.gov>

Cc: 'Patrick.Silva@alexandriava.gov' <Patrick.Silva@alexandriava.gov>

Subject: Support for Special Use Permit 2023-00060

I am an Old Town resident, and I am writing in support of Special Use Permit 2023-00060. The Evening Star (and associated businesses) have been a longstanding anchor of Mt. Vernon Avenue and has helped developed the eclectic mix of neighbors and businesses that residents have come to know and love. I actually first met my husband at Evening Star and we continue to go back to enjoy the restaurant, fun atmosphere and to catch up with old friends and neighbors. As the pandemic incentivized businesses to take advantage of outdoor spaces, the Special Use permit continues that trend. Social outdoor spaces have allowed many businesses locally to not only survive but thrive over the past several years. While I understand some neighbors have complained about smell/smoke from the smoker or noise from music, Mt. Vernon avenue is a bustling strip of restaurants and businesses. I support the special use permit to allow HiFi to further enhance the good food, fun, and gathering place that has made Del Ray the community that it is today.

Amy O'Sullivan

333 Green Street

Alexandria, VA 22314

From: Tim Liu timliu11@gmail.com

Sent: Tuesday October 3, 2023 2:12 PM

To: PlanComm

Subject: [EXTERNAL]Message in Support of Hi Fi BBQ

Hello,

I am writing to you today in support of Hi/Fi BBQ ahead of tonight's hearing.

As a resident of the Del Ray neighborhood (625 E Monroe Ave.), I visit Hi Fi and Evening Star Cafe regularly. My neighbors and I love the outdoor area. There aren't too many good patio spaces where you can enjoy high quality food and drinks on the Ave. Hi Fi fills both of those needs!

I also like that the business is locally owned and operated, not another chain restaurant. The owners Michael and Stephanie are there often and know the regulars. I believe they both live in the neighborhood too.

In conclusion, I'd like to voice my support for Hi Fi. It is just the type of business that Del Ray needs!

Tim Liu

Del Ray Resident

625 E Monroe Ave, Apt 214

Alexandria, VA 22301

From: Jim Wallace jwaudio@gmail.com

Sent: Tuesday October 3, 2023 2:58 PM

To: PlanComm

Subject: [EXTERNAL]Comments for SUP 2023-00060

Attached are my proposed comments for the Planning Commission meeting on 10/03/23

Thank you,

Jim Wallace

jwaudio@gmail.com

Cell: (703) 608-7500

[Enclosed]

I am Jim Wallace, I am here as the owner of 112 E Howell Ave which is the property adjacent to the Evening Star Cafe and directly adjoining the Hi-Fi Bar which is the subject of the SUP under discussion and also representing the residents.. I have been the owner of the building for about 25 years and I own two other multifamily buildings in Del Ray and am a Del Ray resident myself. I am also the treasurer for the Del Ray Citizens Association and a member of the Del Ray Business Association on behalf of my accounting business. I am here to comment on two particular issues regarding the SUP, both of which I believe are also addressed by the staff comments.

The residents of 112 have for many years notified me of excessively loud music coming from the Evening Star that goes on after the approved hours (sometimes well after). I have spoken to the owners about their proposed outdoor entertainment and the measures they have taken to keep the volume at an acceptable level. Based on prior experience, while I'm sure they have good intentions, I do not have confidence that their staff will be as vigilant and they should be and my tenants will still be complaining to the staff or the city about late excessive noise. As the Evening Star / NRG website states, they own many restaurants and other businesses with nearly 1,000 employees, so I don't believe the owners will be able to monitor this every night of the week.

The principal concern I have for both my rental property and the residents is the use of the wood burning smokers currently located right next to our property which are currently producing wood smoke (not cooking fumes) approximately 12 - 14 hours a day, six days a week. Documentation regarding the health problems with this has been submitted to the City, on an anecdotal level my tenants cannot open their windows or sit outside while these smokers are operating which is most of the day, and the smoke is present at some distance from our building based on comments from other neighbors. The owners have proposed a plan to vent the smoke further from our property but not filter or eliminate it or move the smoking units to a different part of their property such as facing Mt Vernon Ave. Without some kind of authoritative documentation such as an engineer's report we don't believe this will have any significant effect on the smoke dispersing into our property, so we ask that the recommendations of the city regarding the use of the outdoor smokers be adopted.

From: Jamie Jones jjones@markallenlaw.com

Sent: Tuesday October 3, 2023 3:16 PM

To: PlanComm

Subject: [EXTERNAL]HiFi Tex Mex & BBQ

Good afternoon,

Please find attached a letter from Mark S. Allen regarding HiFi Tex Mex & BBQ for your consideration.

Thank you so much!

Jamie Jones

Mark S. Allen

Attorney at Law

301 North Pitt Street

Alexandria, VA 22314

P 703-836-8787

F 703-519-7196

MARK S. ALLEN
ATTORNEY AT LAW

301 N. Pitt Street
Alexandria, VA 22314
Phone: (703) 836-8787
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mallen@markallenlaw.com

311 Gay Street
P.O. Box 389
Washington, VA 22747
Phone: (703) 307-0517
www.markallenlaw.com

October 3, 2023

Via email to: planomm@alexandriava.gov

Re: HiFi Tex Mex & BBQ

Dear Members of the City Council and Planning Commission:

We are writing to support the application for HiFi Tex Mex & BBQ at the Evening Star.

We frequent the Star and HiFi often, and they are both amazing places that provide the Alexandria community with thoughtful and enchanting gathering venues. We have known the owners, Michael and Stephanie Babin, for many years and are certain that they are committed to running an operation that considers all of the community--both immediate neighbors and the surrounding residents.

We find HiFi to be a magical spot. The noise was not such that it rose to the level of being audible when outside the property. We observed this while waiting for a seat, while dining, and upon walking away from the seating area. The smoke was not felt, and we sat in close proximity to the smoker.


We understand that the owners are willing to take many steps to mitigate the impact on the neighbors. That seems reasonable, and based on their track record in Del Ray and many other areas of Alexandria, we know they are serious and will follow through.

We hope you support this great addition to the Alexandria/Del Ray dining scene!

Sincerely,



Mark S. Allen
301 North Pitt St.
Alexandria, VA 22314



Charlotte Forster
3107 Russell Road
Alexandria, VA 22314

From: Charlotte Hall charlotte.hall@oldtownbusiness.org

Sent: Tuesday October 3, 2023 3:20 PM

To: PlanComm

Subject: [EXTERNAL]SUP 2023-00060 Evening Star Cafe, Hi/Fi Tex-Mex BBQ on docket for Oct. 3, 2023

Dear Members of Planning Commission and City Staff,

On behalf of the Old Town Business Association, we support the SUP for the new Hi/Fi Tex-Mex BBQ restaurant. We understand that the SUP request is for additional seating, expanded hours, outdoor live entertainment, and a temporary trailer.

Neighborhood Restaurant Group (NRG) is a member in good standing with the Old Town Business Association, thanks to their two restaurants within our neighborhood. We are very appreciative of their community support. In my experience working with the owners of NRG and their staff, I have found them willing to work on solutions to address issues. As I reviewed this particular docket item, I noted that once again, the owners of NRG have stepped forward to address items of concern of the residents. I trust that the Planning Commission and staff will note that NRG is acknowledging the residents' concerns and seeking to find a happy medium for both parties.

We encourage you to endorse the SUP you have before you tonight for Evening Star, Hi/Fi Tex-Mex BBQ.

Sincerely,

Charlotte A. Hall

CEO

Old Town Business Association

From: pmiller1806@comcast.net

Sent: Tuesday October 3, 2023 4:04 PM

To: PlanComm

Subject: [EXTERNAL]SUP 2023-00060

I am writing in support of Special Use Permit #2023-00060.

Evening Star Cafe has been one of the early restaurants that helped and worked over many years, to help make Del Ray what it is today. The owners live in Del ray and have been very active in many events and when asked, always providing support.

We have a unique problem in Del Ray -- in that there are restaurants and businesses on the Avenue -- but each have residents for neighbors. And what is unique about Del Ray is each business and each resident have worked out their problems together.

Outdoor seating and music is needed along the Avenue. While there are other issues also, I am confident you as the Planning Commission can work out the details with these issues.

Thanks for reading -- I support this SUP.

Pat Miller

3301 Commonwealth Avenue

Alexandria, VA

From: Tina LePoer tlepoer@icloud.com

Sent: Tuesday October 3, 2023 4:36 PM

To: PlanComm

Subject: [EXTERNAL] Hi/Fi Tex-Mex BBQ 2000 MT VERNON AVE (the "Property") OUTDOOR DINING PROPOSAL

Hello,

I am a nearly 20 year resident of Delray, and a longtime friend of Stephanie and Michael Babbin.

When I first moved to DelRay there were very few options as far as restaurants or entertainment was concerned. In the years since this is changed significantly, for the better.

It's because of groundbreakers such as the Babbins that DelRay has developed into the vibrant and renowned neighborhood that it is today.

The Babbins, as long-term residents and business owners, have shown a commitment to this neighborhood and to helping it grow and become a vibrant and exciting place to live.

Their new venture only adds to this.

I understand that there are some concerns over the smoker. However, I believe that they are sincere in their promises to remediate the issues and to be sensitive about the concerns.

Accordingly, I 100% support the development and growth of this new outdoor venture.

Tina M. LePoer

Hume Avenue

From: Alexandra Cheppa cheppa44@gmail.com

Sent: Tuesday October 3, 2023 5:42 PM

To: PlanComm

Subject: [EXTERNAL]Support for HiFi Taco in Del Ray!

To Whom it may concern,

I wanted to reach out regarding the hearing tonight to support the HiFi restaurant behind Evening Star Cafe.

I have lived in Del Ray for 3 years, and noticed an overwhelming sense of community with those who live here and the business. That sense of community is so unique to Del Ray!

I am sad to hear that there is concern about the operations of HiFi. I have been a frequent customer of Evening Star Cafe and Hifi since it opened. It has become my special spot to take family and friends for a relaxing bit and cocktail. It is an intimate and welcoming environment in its backyard oasis! Not to mention the food and beverages are always consistent and delicious!

I hope your committee is able to identify a reasonable solution that doesn't involve taking away a beloved restaurant from their diners and employment from their staff. I have personally experienced moments in the past where the owners of the restaurant closed off the side street next to Evening Star for an afternoon event. Stephanie personally dropped off cupcakes to each of the homes as a token of appreciation. They have owned Evening Star Cafe for 20+ years and I'm sure the owners have shown the ability to problem solve within the community at various times, and I hope keeping HiFi operational is another opportunity that is given to them to show their commitment to being supportive and kind neighbors once again.

That little corner is one of my favorite spots in my neighborhood and I really hope your committee is able to settle on a solution that respects both the businesses that cause this community to thrive and the people within it who call it home!

Thank you for your time,

Alexandra Cheppa

From: Matthew Mulder matthewmulder@gmail.com

Sent: Tuesday October 3, 2023 10:36 PM

To: PlanComm

Subject: [EXTERNAL]Support for Neighborhood Restaurant Group and HiFi at Evening Star

To Whom it May Cocern,

I an writing in support of the operation of HiFi behind Evening Star Cafe on Mount Vernon Avenue.

As a resident of 2403 E Randolph Avenue in Del Ray, I think HiFi is a great addition to the neighborhood. I know that the Neighborhood Restaurant Group actively engages to address any concerns of neighbors and am confident they will take community concerns into account with their future operations in this location. Their company has a history of being a good neighbor, and I believe they deserve the chance to continue to do so in this case.

I encourage you to approve the Neighborhood Restaurant Groups plans as proposed.

Matt Mulder

2403 E Randolph Avenue

Alexandria, VA 22301

Matthewmulder@gmail.com

From: Mary Pforr marypforr@gmail.com

Sent: Tuesday October 3, 2023 10:40 PM

To: PlanComm

Subject: [EXTERNAL]In support of HiFi Outdoor Dining Proposal

Good evening,

I am writing as a resident of the City of Alexandria in support of the proposed outdoor dining plans at HiFi TexMex BBQ at 2000 Mt. Vernon Ave, including the smoker. Outdoor dining options are limited in Del Ray and this concept gives locals and visitors alike a wonderful dining experience.

Thank you,

Mary Pforr

1602 W Abingdon Dr

Alexandria, VA 22314



WALSH COLUCCI
LUBELEY & WALSH PC

M. Catharine Puskar
(703) 528-4700 Ext. 5413
cpuskar@thelandlawyers.com

October 2, 2023

Mr. Nathan Macek
Chairman, Alexandria Planning Commission
301 King Street, Room 2100
Alexandria, VA 22314

Re: Docket item 5 - SUP #2023-00060
Majestic Grill, Inc. (the "Applicant")

Dear Mr. Chairman and Members of the Planning Commission:

On behalf of the Applicant, Majestic Grill, Inc., I am writing to request the following revisions to the conditions associated with Special Use Permit #2023-00060:

Condition 23: The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties as determined by the Department of Transportation & Environmental Services. In order to mitigate impacts of the smoke from the smoker, the applicant shall relocate the smoker away from the western property line to be adjacent to the building, extend the exhaust pipe to the height of the main roof of the building, and install a fan at the top of the exhaust pipe, and/or take other measures as may be necessary to meet the "Good" range for Particulate Matter (PM 2.5 and PM 10), as established within the Pollutant-Specific Sub-indices and Cautionary Statements for Guidance on the Air Quality Index published by the Environmental Protection Agency.

Condition 26: ~~Live performances shall not be permitted in the outdoor seating area or the adjacent gourmet shop. Outdoor limited live entertainment may occur Wednesday through Saturday between the hours of 6 pm to 10 pm in the area identified on Figure 8 in the staff report. Any amplification of the live entertainment must be controlled by staff through the restaurant's sound system to ensure that the volume is in compliance with the noise ordinance.~~

Condition 31: ~~The applicant shall diligently pursue additional parking to the satisfaction of the Directors of Planning & Zoning and Transportation and Environmental Services.~~

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

Condition 37: All ground level windows fronting along Mt. Vernon Ave immediately behind the sidewalk shall remain transparent. The placement or construction of items that block the visibility at eye level through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

Condition 44: The temporary trailer shall be permitted at the site for two years after Special Use Permit approval and until October 13, 2025-with an opportunity to increase the term for an additional three years through an Administrative Special Use Permit.

Condition 45: The applicant shall ensure that all vehicles associated with supply deliveries, loading, and unloading activities ~~shall~~ park in the parking lot behind 2010 -2016 Mt. Vernon Ave or in the designated on-street loading zones in front of 2001 – 2003 ~~Mount~~Mt. Vernon Avenue or ~~in front of~~ 205 E. Howell Ave.

New Condition 46: The Applicant shall identify a staff liaison and provide the name and cell phone number of the liaison to the adjacent neighbors to contact for any concerns associated with the operation of the uses subject to this Special Use Permit.

We look forward to discussing these revisions with the Planning Commission in more detail at the October 3, 2023 public hearing.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



M. Catharine Puskar

MEMORANDUM

DATE: OCTOBER 2, 2023

TO: CHAIR NATHAN MACEK
AND MEMBERS OF THE PLANNING COMMISSION

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

SUBJECT: DOCKET ITEM #5 – SUP #2023-00060
2000 MOUNT VERNON AVENUE –
EVENING STAR CAFÉ AND HIFI TEX-MEX BBQ

In this memorandum, and at the request of Planning Commissioners during the briefings, staff shares the Alex 311 complaints received between March 2 and September 25, 2023, relating to smoke, odors, and noise, for the commercial operations at 2000 Mount Vernon Avenue. A brief discussion on the City staff enforcement to date in response to the complaints on [smoke impacts on health and safety](#) follows.

1. Complaints

The 14 smoke and odors complaints as of October 2 are associated with the two outdoor commercial smokers, which are not eligible for SUP consideration, given the zone use limitations Section 4-107(A) and (E) of the Zoning Ordinance. Noise complaints are included in this list. Four of the five noise complaints were related to outdoor live entertainment, though no noise violation citations have been issued. These complaints and the dates on which they occurred are itemized below:

- March 2, 2023 (Complaint – Smoke & Odor): Alex 311 request was received complaining of large amounts of smoke coming from smokers located behind Evening Star.
- April 10, 2023 (Complaint – Smoke & Odor): Alex 311 request was received complaining that the outdoor smoker in use by the restaurant is causing noxious smoke.
- April 14, 2023 (Complaint – Smoke & Odor): Video sent to Planning & Zoning showing smoker in use and asking for enforcement.
- May 4, 2023 (Complaint – Smoke & Odor): Video sent to Planning & Zoning showing smoker in use and asking for enforcement. Report of smoke entering a neighboring home.
- May 11, 2023 (Complaint – Smoke & Odor): Video of smoker and indicating toxic fumes sent to Planning & Zoning staff. Complainant requested enforcement. Complainant informed to log complaints through Alex 311.

- June 7, 2023 (Complaint – Smoke & Odor): Alex 311 request received asking for enforcement regarding the ongoing use of the smokers.
- June 14, 2023 (Complaint – Smoke & Odor): Alex 311 request receive complaining about smokers. Complainant inquiring if Evening Star has permit for outdoor cooking.
- June 17, 2023 (Complaint – Smoke & Odor): Alex 311 request sent to Health Department. Complainant indicated they have a newborn and are concerned about environmental exposure of smoke coming from a smoker to newborns and other infants. Complainant indicated that smoke from the smoker is entering their home and they cannot spend more than 15 minutes outside without coughing.
- June 17, 2023 (Complaint – Noise): Alex 311 request received complaining of a loud party taking place outdoors at Evening Star after 11 p.m.
- June 23, 2023 (Complaint – Smoke & Odor): Alex 311 request received by Fire Department asking for enforcement relating to smokers. Complainant indicated that smoke from the smokers is entering their apartment and apartments of two other neighbors.
- June 27, 2023 (Complaint – Smoke & Odor): Alex 311 complaint received by T&ES relaying concerns of the long-term health effects of secondhand smoke exposure to smoke from food smokers.
- June 30, 2023 (Complaint – Smoke & Odor): Alex 311 request received asking when smoker will be removed. Reported that smoke is still an issue.
- August 2, 2023 (Complaint – Noise): Alex 311 request received by T&ES complaining of loud live entertainment taking place.
- August 3, 2023 (Complaint – Smoke & Odor): Alex 311 request was received complaining of smoke coming from the smokers behind Evening Star.
- August 24, 2023 (Complaint – Noise): Alex 311 request received by T&ES complaining of loud live entertainment taking place.
- August 30, 2023 (Complaint – Noise): T&ES staff received phone call compliant relating to loud music at Evening Star restaurant. Staff visited the site and observed live entertainment being conducted in the outdoor dining area.
- September 15, 2023 - (Complaint – Smoke & Odor): Alex 311 request was received complaining of smoke coming from the smokers behind Evening Star.
- September 19, 2023 - (Complaint – Noise): Alex 311 request received by T&ES complaining of loud live entertainment taking place.
- September 25, 2023 - (Complaint – Smoke & Odor): Alex 311 request was received complaining of smoke coming from the smokers behind Evening Star.

2. Staff Enforcement

In response to the Alex 311 complaints, the Department of Planning and Zoning issued 12 citations, as of October 2, for violation of Section 4-107(A) and (E) and calling for the removal of the smokers. The smokers remain in use. The Fire Marshall provided the applicant with a verbal warning during an August 22 site visit that several violations of the Fire Code had to be addressed. That followed with the issuance of violation notices. As currently configured and used, the outdoor smokers are in violation of the Fire Code due to the location within 10 feet of combustible construction (a wood fence), the use of a flammable tent erected overhead, and not having a permit. The Fire Department requested that the owner propose a plan to eliminate the violations, which was due on September 29.

3. Public comment on SUP Request

As of October 2, staff has received a total of 30 letters of public comment regarding the request with 18 voicing their support for the request and 12 voicing their opposition. Those in opposition, all cited the smokers as causing negative impacts. The Del Ray Citizens Association (DRCA) submitted a letter, stating support for the SUP requests. Although not pertinent to the SUP review, the association offered this opinion on the smokers:

“The DRCA does not support the location of the smokers adjacent to the residence and recommends relocating them to another area of the property. The commercial use of smokers should meet the same criteria for commercial kitchen exhaust.”

MEMORANDUM

DATE: OCTOBER 3, 2023

TO: CHAIR NATHAN MACEK
AND MEMBERS OF THE PLANNING COMMISSION

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

SUBJECT: DOCKET ITEM #5 – SUP #2023-00060
2000 MOUNT VERNON AVENUE –
EVENING STAR CAFÉ AND HIFI TEX-MEX BBQ

In this memorandum, staff responds to the applicant’s proposed conditions changes submitted by the applicant’s attorney on October 2, 2023.

Condition 23

Applicant’s proposed amendment (*underlined*): The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties as determined by the Department of Transportation & Environmental Services. *In order to mitigate impacts of the smoke from the smoker, the applicant shall relocate the smoker away from the western property line to be adjacent to the building, extend the exhaust pipe to the height of the main roof of the building, and install a fan at the top of the exhaust pipe, and/or take other measures as may be necessary to meet the “Good” range for Particulate Matter (PM 2.5 and PM 10), as established within the Pollutant-Specific Sub-indices and Cautionary Statements for Guidance on the Air Quality Index published by the Environmental Protection Agency.*

Staff response: Staff does not support the amendment to Condition #23 as proposed by the applicant. Ultimately, even if the applicant could mitigate smoke and odors, which staff does not believe is sufficient with this proposal, the outdoor smokers would still not comply with Section 4-107(A) of the Zoning Ordinance, requiring that all commercial operations take place in an enclosed building. Violation of this section would result in the issuance of continued enforcement citations.

Based on the proximity to nearby residences, staff does not believe there is a method, including those proposed by the applicant, by which the smokers can remain outdoors without smoke byproducts continuing to be a health and odor nuisance for residents at neighboring properties. Although moving the smoker 10 feet and raising the stack may

slightly improve the situation by dispersing the smoke and odor a bit more, there will still be occurrences throughout the year, depending on wind direction and air quality, that will impact neighboring residential properties.

In addition to not mitigating smoke and odor impacts, a taller exhaust pipe may not comply with the combined requirements of the Zoning Ordinance, Fire Prevention Code and the Mechanical Code. The maximum building height in the zone is 35 feet. According to the Fire Prevention Code, Sec 308.1.4, open-flame cooking devices require that Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction. The Mechanical Code, Sec 501.3.1, requires that given the nature of the smoke exhaust, the exhaust vent termination point must be 10 or 30 ft from the property line and the vent must be extended to at least 24 inches taller than anything within a 10-foot radius of the vent pipe.

Condition 26

Applicant's proposed amendment (underlined and strikethrough): ~~Live performances shall not be permitted in the outdoor seating area or the adjacent gourmet shop. Outdoor limited live entertainment may occur Wednesday through Saturday between the hours of 6 pm to 10 pm in the area identified on Figure 8 in the staff report. Any amplification of the live entertainment must be controlled by staff through the restaurant's sound system to ensure that the volume is in compliance with the noise ordinance.~~

Staff response: Staff does not support the amendment to Condition #26 as proposed by the applicant. Based on the proximity of the proposed outdoor live entertainment to nearby residences and the repeated complaints regarding noise stemming from live performances at the business, staff does not believe the subject site is an appropriate location to host outdoor live performances.

Condition 31

Applicant's proposed deletion (strikethrough): ~~The applicant shall diligently pursue additional parking to the satisfaction of the Directors of Planning & Zoning and Transportation and Environmental Services.~~

Staff response: Staff supports the proposed deletion of Condition #31 as proposed by the applicant. The business has an existing parking reduction which reduces their required off-street parking to zero spaces and the site is located within walking distance to many residences and is located close to a variety of modes of public transportation.

Condition 37

Applicant's proposed amendment (underlined): All ground level windows fronting along Mt. Vernon Ave immediately behind the sidewalk shall remain transparent. The placement or construction of items that block the visibility at eye level through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage

bins, and closets shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

Staff response: Staff supports the proposed amendment to Condition #37 as proposed by the applicant. The proposed amendment would require that the applicant maintain unobstructed windows along the Mount Vernon Avenue commercial corridor to promote a sense of pedestrian-scale vitality while allowing the applicant to maintain the light filtering window films along and facing Howell Avenue which they have had in place for many years and mitigate the effects of interior lighting on nearby residences.

Condition 44

Applicant's proposed amendment (underlined): The temporary trailer shall be permitted at the site for two years after Special Use Permit approval and until October 13, 2025, with an opportunity to increase the term for an additional three years through an Administrative Special Use Permit.

Staff response: Staff does not support the amendment to Condition #26 as proposed by the applicant given that the purpose of the temporary trailer (i.e. shelter and refrigeration of kegs and associated beverage service equipment) is something that can be reasonably incorporated into the building(s) located on-site within two years. Furthermore, the presence of the trailer on-site does not contribute to the activation of public facing spaces or to foster a pedestrian sense of vitality.

Condition 45

Applicant's proposed amendment (underlined and strikethrough): The applicant shall ensure that all vehicles associated with supply deliveries, loading, and unloading activities ~~shall~~ park in the parking lot behind 2010 -2016 Mt. Vernon Ave or in the designated on-street loading zones in front of 2001 – 2003 ~~Mount~~Mt. Vernon Avenue or 205 E. Howell Ave.

Staff response: Staff supports the proposed amendment to Condition #45 as proposed by the applicant. The property located at 2010-2016 Mount Vernon Avenue is also partially owned by the applicant in the current request and would provide additional flexibility in terms of location from which loading/unloading operations could occur and eliminate the previous issues with delivery vehicles blocking access to nearby residences. The addition of 2010-2016 Mount Vernon Avenue as a permitted location for loading/unloading would not reduce the amount of required off-street parking for the businesses at 2010-2016 Mount Vernon Avenue.

Condition 46

Applicant's proposed addition (underlined): The Applicant shall identify a staff liaison and provide the name and cell phone number of the liaison to the adjacent neighbors to contact for any concerns associated with the operation of the uses subject to this Special Use Permit.

Staff response: Staff supports the proposed new Condition #46 as proposed by the applicant. A dedicated staff liaison would serve as a direct line of contact between the community and the business in the case there arise issues the applicant must address and mitigate in a timely fashion.