



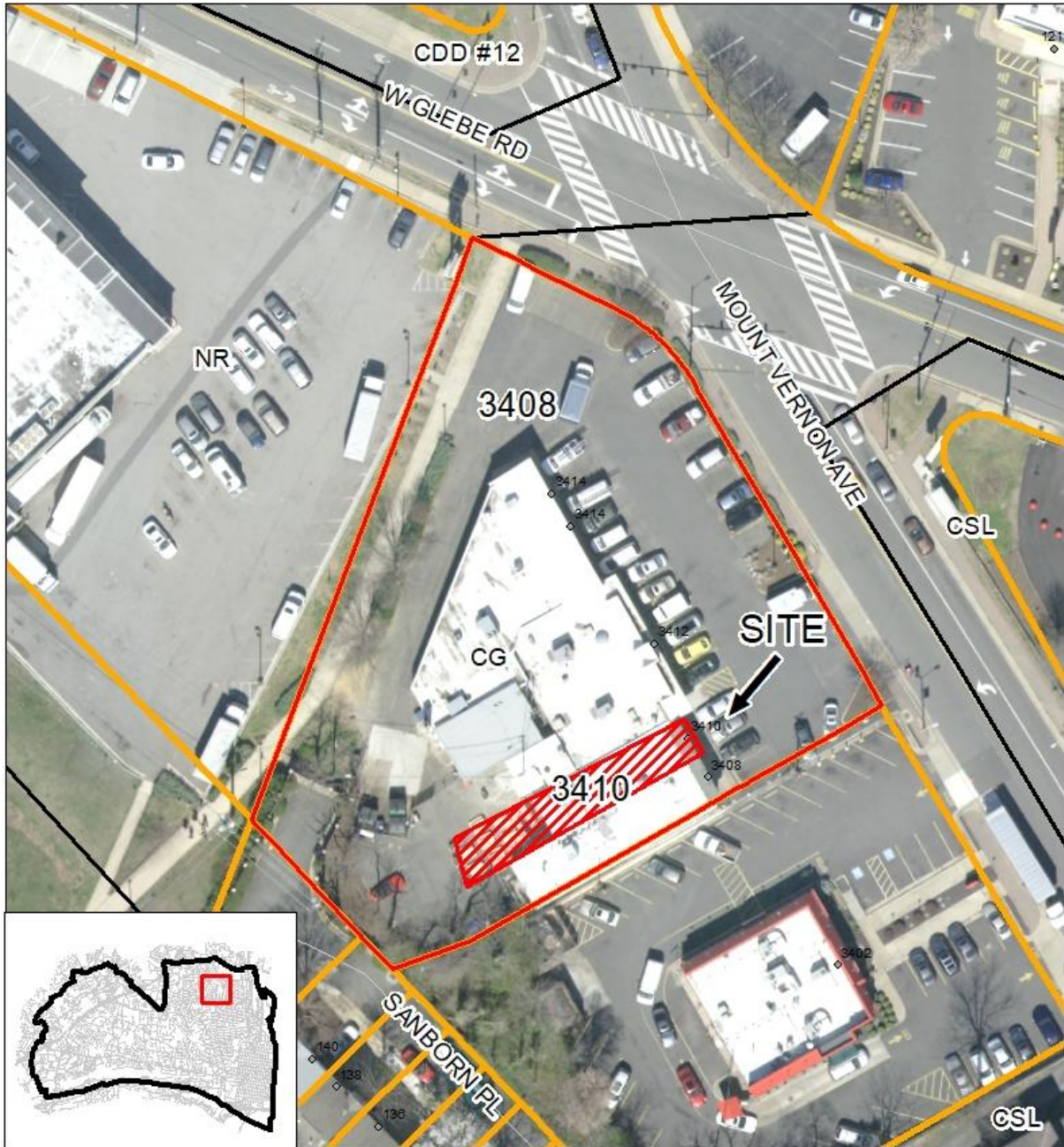
***Docket Item #5***  
***Special Use Permit #2023-00025***  
***3410 Mount Vernon Avenue (Parcel Address: 3408 Mount Vernon Avenue)***  
***Hops N Shine Restaurant***


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<b>Application</b>	<b>General Data</b>	
<b>Request:</b> Public Hearing and consideration of a request for a Special Use Permit to allow outdoor cooking and outdoor live entertainment. (amending SUP #2020-00045)	<b>Planning Commission Hearing:</b>	June 6, 2023
	<b>City Council Hearing:</b>	June 17, 2023
<b>Address:</b> 3410 Mount Vernon Avenue (parcel address: 3408 Mount Vernon Avenue)	<b>Zone:</b>	CG/ Commercial General
<b>Applicant:</b> Abe Hadjiesmaeloo	<b>Small Area Plan:</b>	Potomac West

**Staff Recommendation: Approval** of the SUP with amendments to existing conditions, as proposed by staff in its report; subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.


**Staff Reviewer:** Mavis Stanfield, [mavis.stanfield@alexandriava.gov](mailto:mavis.stanfield@alexandriava.gov)  
 Tony LaColla, AICP [tonylacolla@alexandriava.gov](mailto:tonylacolla@alexandriava.gov)  
 Ann Horowitz, [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)






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

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PROJECT LOCATION MAP

**I. DISCUSSION**

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

SITE DESCRIPTION

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



*Figure 1 – Building Façade from Mt. Vernon Ave.*

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

BACKGROUND

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

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

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

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

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

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

**2021**

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



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

**2022**

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

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

**2023**

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

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

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

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

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

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

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

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

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

### PROPOSAL

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

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

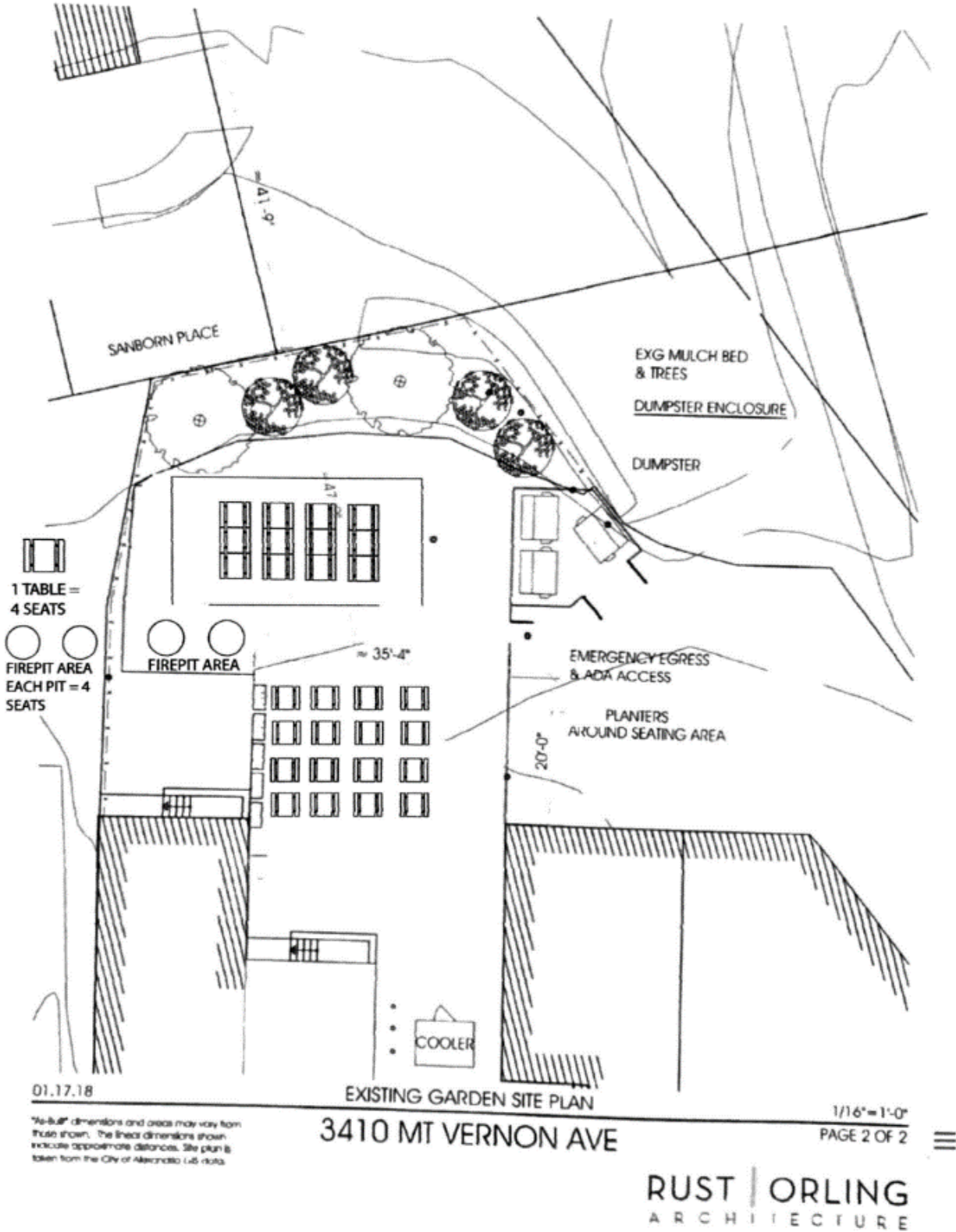


Figure 3 – Proposed Rear Patio Layout



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

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

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

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

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

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

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

PARKING

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

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

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

ZONING/ MASTER PLAN DESIGNATION

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

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

ZONING ORDINANCE AUTHORITY

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

*11-501 - Authority.*

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

*11-504 - Considerations on review.*

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

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

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

*11-505 - Conditions and restrictions.*

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

## **II. STAFF ANALYSIS**

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

### Outdoor Dining Hours

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

### Outdoor Seating

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

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

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

#### Background Music and Live Entertainment

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

#### Outdoor Cooking

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

#### Additional Considerations

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

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

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



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

### III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2017-0091)
2. Condition deleted. (P&Z)
3. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions and the cooler stored at the rear of the property. (P&Z) (SUP #2017-0091)
4. Trash and garbage shall be collected daily when the business is open. (P&Z)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2017-0091)
6. **CONDITION DELETED BY STAFF:** ~~The indoor hours of operation of the restaurant shall be limited to 7 a.m. and 12 a.m. midnight, daily. Sunday through Thursday, and between 7 a.m. and 1 a.m., Friday and Saturday, and All patrons must leave the premises one hour after closing. (P&Z) (SUP2017-0091)-(P&Z)~~
7. Condition deleted. (P&Z)
8. Delivery to customers is permitted using one vehicle with one parking space assigned to delivery vehicles onsite. (P&Z)
9. Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z) (SUP #2017-0091)
10. **CONDITION AMENDED BY STAFF:** Outdoor dining located on private property at a commercial complex is a permitted use in the CG zone. Zoning Ordinance Section 4-407 includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Given the history of violations related to this use and in order to comply with the Zoning Ordinance, the outdoor dining area may be open

to patrons from 6:00 a.m. to 11:00 p.m. daily ~~The hours of operation for outdoor dining shall be limited from 9 a.m. to 10 p.m., daily~~ and remain in compliance with the noise ordinance. The outdoor dining area shall be closed and cleared of all customers by 11 p.m. daily and no new patrons may be admitted into the outdoor dining area after 9 p.m. daily. ~~The outdoor dining area shall be cleaned and washed by midnight at the close of each business day that it is in use.~~ (P&Z)

11. **CONDITION AMENDED BY STAFF:** The outdoor dining area shall address the following:

- a. Outdoor dining located on private property at a commercial complex is a permitted use in the CG zone. Zoning Ordinance Section 4-407 includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Given the history of violations related to this use and in order to comply with the Zoning Ordinance, tThe maximum number of outdoor seats shall be 60, ~~and~~ the maximum number of patrons in the outdoor dining area shall not exceed 60 at any one time, and the use shall comply with the statewide building and fire code.
- b. Outdoor cooking facilities and host stands are not permitted.
- c. ~~A lighting plan of the outdoor dining area shall be subject to approval of the Director of Planning and Zoning.~~
- d. ~~A landscape and amended site plan, consistent with this approval, shall be submitted within 30 days of SUP approval and is subject to the approval of the Director of Planning and Zoning.~~
- e. All outdoor dining furniture and games must not be closer than 25 feet from the rear property line.

12. Patrons shall arrive and leave the outdoor dining area through the restaurant entrance at 3410 Mount Vernon Avenue with the exception of patrons requiring accessibility accommodations or for emergency egress purposes. (P&Z) (SUP #2017-0091)

13. The applicant shall ensure that business patrons do not congregate outside of the outdoor dining area at the rear of the property. (P&Z) (SUP #2017-0091)

14. **CONDITION AMENDED BY STAFF:** Music and Live Entertainment

- a. Indoor live entertainment is permitted from 4:00 p.m. to 12:00 a.m., consistent with the noise ordinance. All windows and doors must remain closed during indoor live entertainment. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
- b. Outdoor amplified music in the form of background music is permitted from 4:00 p.m. to 10:00 p.m. daily, consistent with the noise ordinance. ~~No live outdoor music is allowed at any time.~~ (P&Z)
- c. Any form of outdoor live entertainment and/or the amplification of the human voice shall be prohibited in the outdoor dining area unless associated with an approved Noise Permit for music and sound amplification from the Department of Transportation & Environmental Service. Live entertainment shall include, but is not limited to, live

- music of any type, DJ's, hosted game/trivia nights, movie nights, classes/workshops/meetings, and any such similar events. The projection of live music and live entertainment from within the restaurant to the outdoor area via loudspeakers or open doors and windows shall be prohibited at all times. (P&Z)
- d. The applicant shall designate an employee as a community liaison to respond to nearby property owners' noise concerns. The contact phone number and e-mail for the community liaison shall be provided to the Mount Vernon Court Community Association. (P&Z)
15. On and off premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. (P&Z)
16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol to prevent the underage sale of alcohol. (P&Z) (SUP #2017-0091)
17. Exterior power washing of the building shall not be completed using any kind of detergents and should not occur after 4 p.m. (P&Z) (SUP #2017-0091)
18. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP #2017-0091)
19. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z) (SUP #2017-0091)
20. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP #2017-0091)
21. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys, or storm sewers. (P&Z) (SUP #2017-0091)
22. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (P&Z) (SUP #2017-0091)
23. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z) (SUP #2017-0091)

24. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2017-0091)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (SUP #2017-0091)
26. Condition deleted by staff. (P&Z)
27. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP #2017-0091)
28. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z) (SUP #2017-0091)
29. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z) (SUP #2017-0091)
30. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for six months, one year, then again after 18 months, 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. (P&Z)
31. Condition deleted by staff. (P&Z)

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

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



#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

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

##### Code Enforcement:

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

##### Fire Department:

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

##### Health:

No comments received.

Recreation, Parks & Cultural Activities:

No comments received.

Police Department:

No comments received.



**DEPARTMENT OF PLANNING AND ZONING**

Alexandriava.gov

301 King Street, Room 2100  
P.O. Box 178  
Alexandria, VA 22313

Phone (703) 746-4666  
Fax (703) 838-6393

April 7, 2021

Hops N Shine  
Abe Hadjiesmailoo  
3410 Mt Vernon Ave  
Alexandria, VA 22305

Dear Mr. Hadjiesmailoo:

I am contacting you regarding Hops N Shine located at 3410 Mount Vernon Avenue. As you know, outdoor dining is permitted to operate at this location subject to all terms and conditions of Special Use Permit (SUP)#2020-0045. In 2020, when this SUP was approved, condition #14 was amended to permit outdoor amplified music in the form of background music from 4:00 p.m. to 10:00 p.m., consistent with the noise ordinance. As you know, there have multiple complaints related to noise from the outdoor patio. Nearby residents have recently requested the SUP be docketed in accordance with Condition #30

**30. CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, then again after 18 months, 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. (P&Z) (SUP #2017-0091)

Between September 2020 and March 2022 there have been 11 complaints from nearby residents related to violations of the SUP. Due to the number of complaints and violations, a meeting was held on with you on November 30, 2021, whereby you agreed to abide by the SUP conditions and take all necessary steps to ensure compliance.

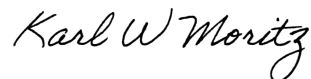
Since the SUP was granted on September 12, 2020, Planning & Zoning has received the following complaints:

- September 14, 2020 – Tents without permit, outdoor dining area
  - *Warning issued.*
- August 11, 2021- Live entertainment (game host) amplified sound outdoor dining area.
  - *Warning issued with 10 days to comply.*
- August 18, 2021- Live entertainment, amplified sound in outdoor dining area
- August 21, 2021- Live entertainment exceeded the time allowed for special event permit
- August 25, 2021- Live entertainment (game host), amplified sound in outdoor dining area.
  - *Citation issued with 10 days to comply. Later rescinded as the host was inside the restaurant and not outside.*
- October 13, 2021- Live entertainment (game host), amplified sound in outdoor dining area.
  - *Citation not issued due to litigation over Aug. 25 citation*
- November 24, 2021- Live entertainment, amplified sound.
  - *Warning was issued during an in-person meeting on November 30.*
- December 16, 2021- Live entertainment with host, amplified sound.
  - *Warning issued via email and subsequent phone conversation with 10 days to comply.*
- January 12, 2022- Exceeds seating capacity in outdoor dining area
  - *Warning issued with 10 days to comply.*
- March 26, 2022- Live entertainment, amplified sound in outdoor dining area.
  - *Citation issued with 10 days to comply.*
- April 4, 2022 - Amplified sound in outdoor dining area.

The City takes these violations and the impacts on adjacent residents seriously and is concerned that Hops N Shine continues to violate Conditions of the Special Use Permit even after agreeing to take actions for compliance in November 2021. Based on the history of complaints, citations and frequency of the violations, the Department of Planning and Zoning intends to docket this SUP for review and consideration of suspension/revocation unless you work with staff on a formal agreement mitigation of the above complaints. If a formal agreement cannot be reached, or you fail to abide by the Conditions or a formal agreement, the SUP will be docketed for hearing at the next available Planning Commission and City Council hearing.

Please contact Tony LaColla, AICP at 703-746-3829 or [Anthony.lacolla@alexandirava.gov](mailto:Anthony.lacolla@alexandirava.gov) to discuss planned action. In the meantime, please ensure that the restaurant is complying with all terms and conditions of the approved SUP.

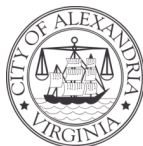
Sincerely,



Karl Moritz  
Director

Attachments: SUP2020-0045 staff report

Cc: Emily Baker, Assistance City Manager  
Joanna Anderson, City Attorney  
Christina Brown, Assistant City Attorney  
Travis MacRae, Assistant City Attorney  
Tony LaColla, Land Use Services Division Chief  
Ann Horowitz, Urban Planner  
Leonard Richards, Zoning Inspector



**DEPARTMENT OF PLANNING AND ZONING**

Alexandriava.gov

301 King Street, Room 2100

P.O. Box 178

Alexandria, VA 22313

Phone (703) 746-4666

Fax (703) 838-6393

February 5, 2023

Hops N Shine  
 Abe Hadjiesmailoo and Matt Rofougaran  
 3410 Mt Vernon Ave  
 Alexandria, VA 22305

Dear Mr. Hadjiesmailoo and Mr. Rofougaran:

I am contacting you regarding Hops N Shine located at 3410 Mount Vernon Avenue. As you know, outdoor dining is permitted to operate at this location subject to all terms and conditions of Special Use Permit (SUP)#2020-0045. In 2020, when this SUP was approved, condition #10 was added to allow outdoor dining until 10 pm and condition #14 was amended to permit outdoor amplified music in the form of background music from 4:00 p.m. to 10:00 p.m., consistent with the noise ordinance. As you know, there have been multiple complaints related to the operation of the outdoor patio. Nearby residents have requested the SUP be docketed in accordance with Condition #30

*30. CONDITION AMENDED BY STAFF: The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, then again after 18 months, 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. (P&Z) (SUP #2017-0091)*

Between September 2020 and February 2023 there have been 20 documented complaints from nearby residents related to violations of the SUP. Due to the number of complaints and violations, meetings were held on with you and your staff on November 30, 2021, and again on May 10, 2022 whereby Hops N Shine staff agreed to abide by the SUP conditions and take all necessary steps to ensure compliance.

Since the SUP was granted on September 12, 2020, Planning & Zoning has received the following complaints:



## **2020**

- September 14, 2020 – Tents without permit, outdoor dining area.

## **2021**

- August 11, 2021- Live entertainment (game host), amplified sound in outdoor dining area.
- August 18, 2021- Live entertainment (game host), amplified sound in outdoor dining area
- August 25, 2021- Live entertainment (game host), amplified sound in outdoor dining area.
- October 13, 2021- Live entertainment (game host), amplified sound in outdoor dining area.
- November 24, 2021- Live entertainment (game host), amplified sound in outdoor dining area.
- December 16, 2021- Live entertainment (game host), amplified sound in outdoor dining area.

## **2022**

- January 12, 2022- Exceeds seating capacity in outdoor dining area
- March 26, 2022- Live entertainment (game host), amplified sound in outdoor dining area.
- April 4, 2022 – Live entertainment (game host), amplified sound in outdoor dining area.
- May 18, 2022 - Live entertainment (game host), amplified sound in outdoor dining area.
- June 17, 2022 – Customers in outdoor seating area past 10 pm.
- July 9, 2022 – Amplified sound in outdoor dining area past 10 pm.
- July 15, 2022 – Amplified sound in outdoor dining area past 10 pm.
- July 20, 2022 - Live entertainment (game host), amplified sound in outdoor dining area.
- July 27, 2022 - Live entertainment (game host), amplified sound in outdoor dining area.
- October 12, 2022 – Live entertainment (game host), amplified sound in outdoor dining area.
- December 3, 2022 – Customers and amplified sound in outdoor seating area past 10 pm.
- December 10, 2022 - Customers and amplified sound in outdoor seating area past 10 pm.

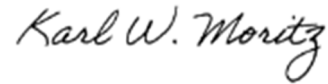
## **2023**

- January 28, 2023 – Cooking in outdoor dining area.
- March 18, 2023 – Music played at excessive levels.
- April 14, 2023 - Customers and amplified sound in outdoor seating area past 10 pm.

The City takes these violations and the impacts on adjacent residents seriously and is concerned that Hops N Shine continues to violate conditions of the Special Use Permit even after agreeing to take actions for compliance in November 2021, May 2022 and during various email exchanges and phone calls. Based on the history of complaints and a request by nearby residents, the Department of Planning and Zoning intends to docket this SUP for review and propose amendments to SUP conditions at the Planning Commission hearing on March 29, 2023, at 7:00 PM and the City Council hearing on April 15, 2023 at 9:30 AM.

Please contact Tony LaColla, AICP at 703-746-3829 or [Anthony.lacolla@alexandirava.gov](mailto:Anthony.lacolla@alexandirava.gov) if you wish to discuss. In the meantime, please ensure that the restaurant is complying with all terms and conditions of the approved SUP.

Sincerely,

A handwritten signature in black ink that reads "Karl W. Moritz". The signature is written in a cursive, slightly slanted style.

Karl Moritz  
Director

Attachments: SUP2020-0045 staff report

Cc: Emily Baker, Assistance City Manager  
Joanna Anderson, City Attorney  
Christina Brown, Assistant City Attorney  
Travis MacRae, Assistant City Attorney  
Tony LaColla, Land Use Services Division Chief  
Ann Horowitz, Principal Planner  
Leonard Richards, Zoning Inspector



# APPLICATION SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** \_\_\_\_\_

**PROPERTY LOCATION:** 3410 Mount Vernon Ave., Alexandria, VA 22305

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

**APPLICANT:**

Name: Abe Hadjiesmaeiloo

Address: 3410 Mt Vernon Ave. Alexandria VA 22305

**PROPOSED USE:** Amendments to a previously approved SUP

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

Abe Hadjiesmaeiloo  
 Print Name of Applicant or Agent  
11030 Sandy Manor Drive  
 Mailing/Street Address  
Fairfax Station, VA 22039  
 City and State Zip Code

  
 Signature  
2/23/23  
 Date  
7036253197  
 Telephone # Fax #  
Senorchickencorp@gmail.com  
 Email address

**PROPERTY OWNER'S AUTHORIZATION**

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

Name: William Oshinsky Phone 301-807-2486  
Please Print  
Address: 1012 Winfield Group Email: winfieldgroup@gmail.com  
234 W BROAD ST  
Signature: FALLS CHURCH, VA 22046 Date: 2/22/23

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

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: \_\_\_\_\_ of the subject property.

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

Mehdi Rofougaran:

Percentage Owner: 33

12820 Tournament Drive, Reston, VA 20191

Ebrahim Hadjiesmaeiloo

Percentage Ownership: 67

11030 Sandy Manor Drive, Fairfax Station, VA 22039

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Abe Hadjesmailed	11030 Sandy Manor Drive, Fa	67
2. Mehdi Rotougaran	12820 Tournament Dr Restor	33
3.		

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

Name	Address	Percent of Ownership
1. William Oshinsky	5606 Pollard Rd Bethesda M	100
2.		
3.		

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

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

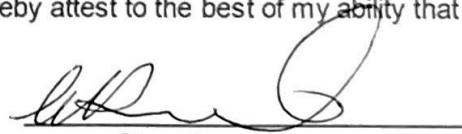
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	None	None
2.	None	None
3.	None	None

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

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

2/22/23  
Date

Abe Hadjesmaelloo  
Printed Name

  
Signature

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

**Yes.** Provide proof of current City business license

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

### **NARRATIVE DESCRIPTION**

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

Below are ideas (which will require SUP modifications) we believe will be most beneficial in helping us achieve our goals:

- Live acoustic music and outdoor ambient (speaker) music on the back patio not to exceed the city noise ordinances from 12pm until 11pm
  - Amplified Live entertainment on the patio - Trivia, Paint Night, etc with speaker/microphone
  - We currently have our patio set up for social distancing which is limiting the number of seats we have. We would like to increase our number of seats to 120.
  - Outdoor cooking on the patio - Cooking classes, s'mores for the fire pits, and BBQ for burgers and hot dogs.
  - Extending Hours of Operation
- ~~Patio 7am - 1am Thursday - Saturday (Similar to Augies, The Garden and Lena's)~~  
~~Patio 7am - 11 pm Sunday - Wednesday~~

## USE CHARACTERISTICS

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

- a new use requiring a special use permit,  
 an expansion or change to an existing use without a special use permit,  
 an expansion or change to an existing use with a special use permit,  
 other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?  
Specify time period (i.e., day, hour, or shift).

60 indoor, 120 outdoor

B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).

5-10 (based on day of the week). Each shift is 8 hours.

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

Day:

Hours:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Outdoors Sun-Wed

7am - 11pm

Thurs- Sat

7am - 1am

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

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

soft ambient music and conversations at tables (not to exceed local noise ordinance). The Soft ambient music will be played from noon to 11pm

B. How will the noise be controlled?

staff to limit speaker volume and monitor customer noise levels, we will also add a governor to ensure that the max level will not exceed code ordinances, only owners will have access to this. The patio is also

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

Odors are anticipated to be typical of restaurants and controlled through a hood ~~system to vent odors~~

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

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

Trash and garbage is anticipated to be typical of restaurants ie recyclable cardboard, cans and paper products along with food waste from customers. All

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

5 bags per day

---

C. How often will trash be collected?

Daily

---

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

Staff to continuously monitor customer activity on and around the premises.

---

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

[ ] Yes.

No.

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

---

---



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

Yes.       No.

If yes, provide the name, monthly quantity, and specific disposal method below:  
20 gallons of cooking oil/week to be disposed of in grease receptacle.

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12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?  
Activity to be regulated by staff/security as we have done since our opening 31 years ago

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**ALCOHOL SALES**

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

Yes       No

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

Our Current ABC license allows us to sell beer/wine/mixed beverages on and off premises from 6am until 2am.

---

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**PARKING AND ACCESS REQUIREMENTS**

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

- 0 Standard spaces
- 0 Compact spaces
- 1 Handicapped accessible spaces.
- 45 Shared Parking Space with other businesses

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

B. Where is required parking located? *(check one)*  
 on-site  
 off-site

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

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

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

**Parking reduction requested; see attached supplemental form**

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

A. How many loading spaces are available for the use? 1

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

- B. Where are off-street loading facilities located? All Loading will be done on site
- 
- C. During what hours of the day do you expect loading/unloading operations to occur?  
6am to 4pm
- 
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
two times a week for food, three times a week for beer and once a week for liquor
- 

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

street access is adequate

---

## SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building?  Yes  No
- Do you propose to construct an addition to the building?  Yes  No
- How large will the addition be? \_\_\_\_\_ square feet.

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

2399 sq. ft. (existing) + 1000 sq. ft. (addition if any) = 3399 sq. ft. (total)

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

- a stand alone building
- a house located in a residential zone
- a warehouse
- a shopping center. Please provide name of the center: \_\_\_\_\_
- an office building. Please provide name of the building: \_\_\_\_\_
- other. Please describe: small stripmall along Mt Vernon Ave (No Name)

End of Application



## Department of Planning & Zoning Special Use Permit Application Checklist

### Supplemental application for the following uses:

- Automobile Oriented
- Parking Reduction
- Restaurant
- Child Care
- Signs
- Substandard Lot
- Lot modifications requested with SUP use

### Interior Floor Plan

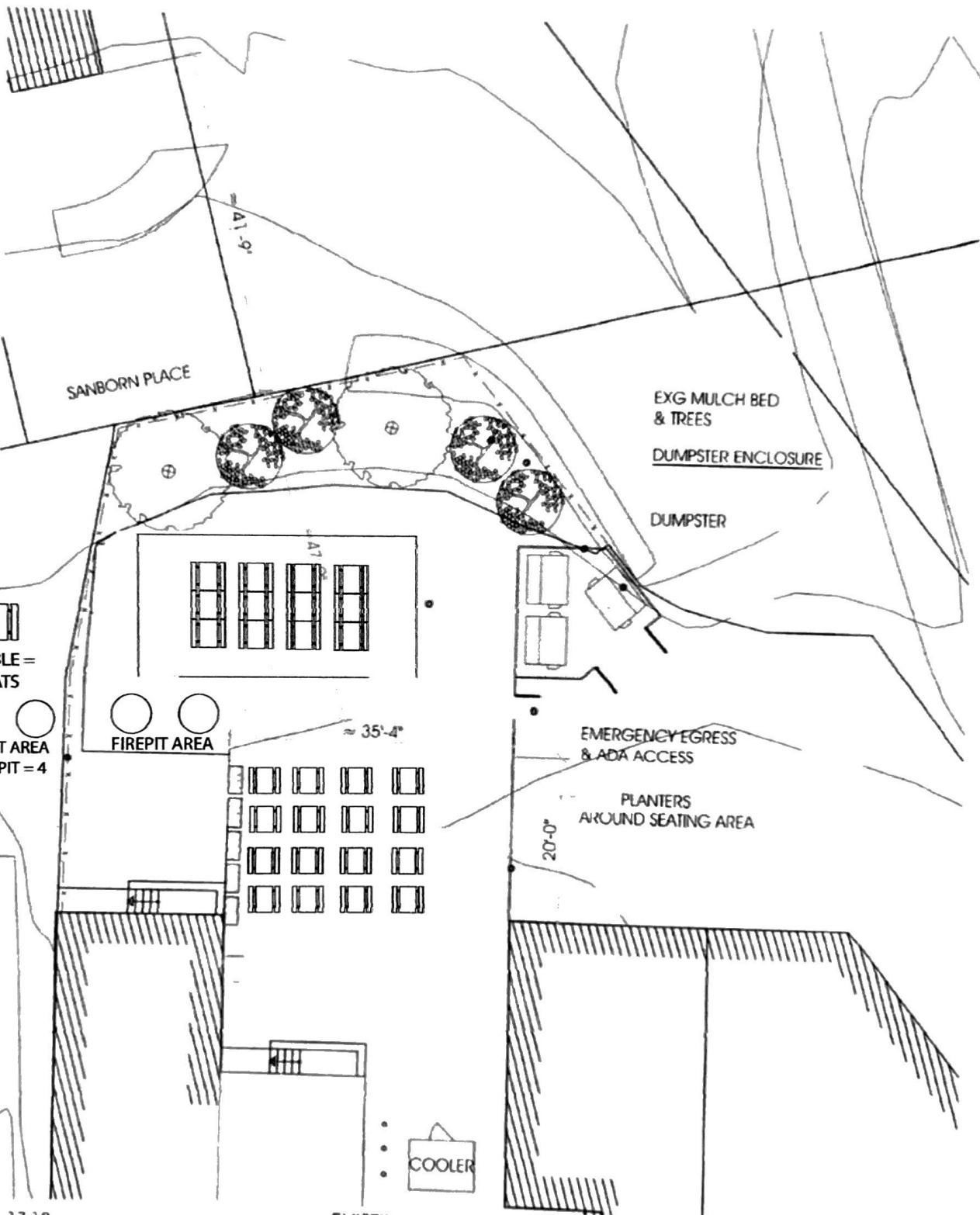
- Include labels to indicate the use of the space (doors, windows, seats, tables, counters, equipment)

### If Applicable

- Plan for outdoor uses

### Contextual site image

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



1 TABLE =  
4 SEATS

FIREPIT AREA  
EACH PIT = 4  
SEATS

EXG MULCH BED  
& TREES

DUMPSTER ENCLOSURE

DUMPSTER

EMERGENCY EGRESS  
& ADA ACCESS

PLANTERS  
AROUND SEATING AREA

COOLER

01.17.18

EXISTING GARDEN SITE PLAN

1/16" = 1'-0"

PAGE 2 OF 2

3410 MT VERNON AVE

RUST | ORLING  
ARCHITECTURE

SUP # \_\_\_\_\_

Admin Use Permit # \_\_\_\_\_



## SUPPLEMENTAL APPLICATION

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

- How many seats are proposed?  
Indoors: 60                      Outdoors: 120                      Total number proposed: 180
- Will the restaurant offer any of the following?  
Alcoholic beverages (SUP only)       Yes       No  
Beer and wine — on-premises       Yes       No  
Beer and wine — off-premises       Yes       No
- Please describe the type of food that will be served:  
Customizable artisan grilled cheese sandwiches, hot dogs, and bbq.  
\_\_\_\_\_  
\_\_\_\_\_
- The restaurant will offer the following service (check items that apply):  
 table service       bar       carry-out       delivery
- If delivery service is proposed, how many vehicles do you anticipate? 1  
Will delivery drivers use their own vehicles?       Yes       No  
Where will delivery vehicles be parked when not in use?  
off premises  
\_\_\_\_\_
- Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  
 Yes       No  
If yes, please describe:  
Proposed SUP modification for inclusion of background music and amplified live entertainment on the patio along with a Projector screen while adhering to all city sound ordinances from Noon until 11pm, staff to limit speaker volume and monitor customer noise levels. we will also add a governor to ensure that the max level will not exceed  
\_\_\_\_\_

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

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

#### GOALS OF THE OLD TOWN RESTAURANT POLICY

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

#### POLICIES TO ATTAIN THE GOALS OF THE OLD TOWN RESTAURANT POLICY

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

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

#### CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS

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

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

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
  - 100%
  - 75-99%
  - 50-74%
  - 1-49%
  - No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
  - All
  - 75-99%
  - 50-74%
  - 1-49%
  - None
  
3. What is the estimated peak evening impact upon neighborhoods? (check one)
  - No parking impact predicted
  - Less than 20 additional cars in neighborhood
  - 20-40 additional cars
  - More than 40 additional cars

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

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

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

_____	139	Maximum number of patron dining seats	
+	_____	11	Maximum number of patron bar seats
+	_____	30	Maximum number of standing patrons
=	_____	180	Maximum number of patrons
  
2. 5 Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
  - Closing by 8:00 PM
  - Closing after 8:00 PM but by 10:00 PM
  - Closing after 10:00 PM but by Midnight
  - Closing after Midnight
  
4. Alcohol Consumption (check one)
  - High ratio of alcohol to food
  - Balance between alcohol and food
  - Low ratio of alcohol to food



## Samantha Lockwood

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**From:** Matt Rofougaran <mattrofougaran@gmail.com>  
**Sent:** Thursday, March 9, 2023 3:47 PM  
**To:** PZnondevelopment  
**Cc:** Samantha Lockwood  
**Subject:** Re: Your SUP application

Hello

I am so sorry about the confusion, If you look at the Legend/Key located on the left of the floor plan it shows one picnic table is good for 4 people seated and one fire place is also good for 4 people thus equaling 112 (picnic seats) + 8 (fireplace seats) totalling 120 seats. However if this is not the design you are looking for I can adjust it however way you like. I am sorry for the confusion, please let me know if you want me to change anything.

On Thu, Mar 9, 2023 at 3:31 PM PZnondevelopment <[PZnondevelopment@alexandriava.gov](mailto:PZnondevelopment@alexandriava.gov)> wrote:

Good afternoon Mr. Rofougaran,

Thank you for your resubmittal and particularly for the much-improved floorplan. In your narrative, you ask for 120 seats. However, in the floorplan, based on the 4 seats per table indicated, you are asking for 112 seats. Please change the numbers and/or floorplan so the numbers match. Otherwise, I think everything else looks fine.

Best regards,

Mavis Stanfield  
Urban Planner  
City Of Alexandria  
Department of Planning and Zoning, Land Use Services  
Office: 703.746.4666  
Direct: 703.746.3801  
[Mavis.stanfield@alexandriava.gov](mailto:Mavis.stanfield@alexandriava.gov)

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Thank You,  
Matt Rofougaran

Managing Partner  
VMDC Realty | Creative Bar Concepts LLC  
Mobile: 703-856-5613  
Web: [www.VMDCRealty.com](http://www.VMDCRealty.com) | [www.CreativeBarConcepts.com](http://www.CreativeBarConcepts.com)  
Want to learn more about Creative Bar Concepts and what we do? [Click Here](#) for more info about us!



***Special Use Permit #2020-00045***  
***3410 Mount Vernon Avenue (Parcel Address: 3408 Mount Vernon Avenue)***  
***Hops 'N Shine Restaurant***

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<b>Application</b>	<b>General Data</b>	
<b>Request:</b> Public Hearing and consideration of a request for a Special Use Permit for outdoor live entertainment; increase in indoor and outdoor seats; increase in hours of indoor and outdoor hours of operation; an outdoor bar, outdoor cooking and outdoor games; and delivery vehicles for an existing restaurant (amending SUP #2017-0091)	<b>Planning Commission Hearing:</b>	September 1, 2020
	<b>City Council Hearing:</b>	September 12, 2020
<b>Address:</b> 3410 Mount Vernon Avenue (parcel address: 3408 Mount Vernon Avenue)	<b>Zone:</b>	CG/ Commercial General
<b>Applicant:</b> Abe Hadjiesmaeloo	<b>Small Area Plan:</b>	Potomac West

**Staff Recommendation:** PARTIAL APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**Staff Reviewer:** Ray Roakes, [raymond.roakes@alexandriava.gov](mailto:raymond.roakes@alexandriava.gov)  
 Tony LaColla, [tonylacolla@alexandriava.gov](mailto:tonylacolla@alexandriava.gov)  
 Ann Horowitz, [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)

**PLANNING COMMISSION ACTION, SEPTEMBER 1, 2020:**

On a motion by Vice Chair McMahon, and seconded by Commissioner Lyle, the Planning Commission voted to recommend partial approval of SUP #2020-00045, subject to all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with staff analysis.

Commissioner Brown questioned the applicant's intention to increase the number of seats in the relatively small interior space. The Commissioner also commented that the parking lot appeared busy and considered if the expansion of the restaurant would further tax parking availability. Staff responded that the number of the indoor seats is ultimately determined by Code in this case. If the number of seats approved in the SUP is greater than what can be permitted by the Code, then the Code requirement takes priority. Staff also added that the restaurant complied with the parking requirements of the Zoning Ordinance. The Commissioner stated that the recently planted

landscaping between the restaurant and residential community at the rear of the patio would help to alleviate noise.

Chair Macek asked staff to respond to claims that the applicant was in violation of his SUP. Staff replied that the applicant was presently in compliance with its SUP conditions. The City Council authorized, through an emergency declaration, the suspension of SUP condition enforcement related to hours of operation, delivery vehicles, on and off premises alcohol sales, and outdoor dining until November 22. In accordance, staff approved the expanded, temporary outdoor dining area through a formal request process. At the time of the SUP inspection for this application, it was found that the trees installed after the original approval were no longer in place. Staff later learned that these had died. The applicant recently planted seven Leyland Cypress trees along the rear fence line. The issue of improper trash storage is not isolated to the restaurant as all tenants use the dumpster. As such, a zoning inspector will routinely investigate the garbage situation at the site. The Chair felt the staff recommendation adequately balanced neighborhood impacts and the applicant's requests.

Speakers:

Patrick Byrnett, 106 Sanborn Place, supported the long-term success of the business and had no objection with indoor hours or seat expansion and additional seating in the front of the property. The speaker stated that the staff report did not provide similar conditions of approval as the Gardens in Del Ray. The speaker urged the Planning Commission to reject the rear outdoor changes requested by the applicant.

Stephen Harris, 120 Sanborn Place, spoke in general opposition to the requests and believed the restaurant was in violation of the previously approved SUP permit and that the requests were unreasonable for the neighborhood. The speaker stated concern with the potential increase in noise on adjacent residential uses.

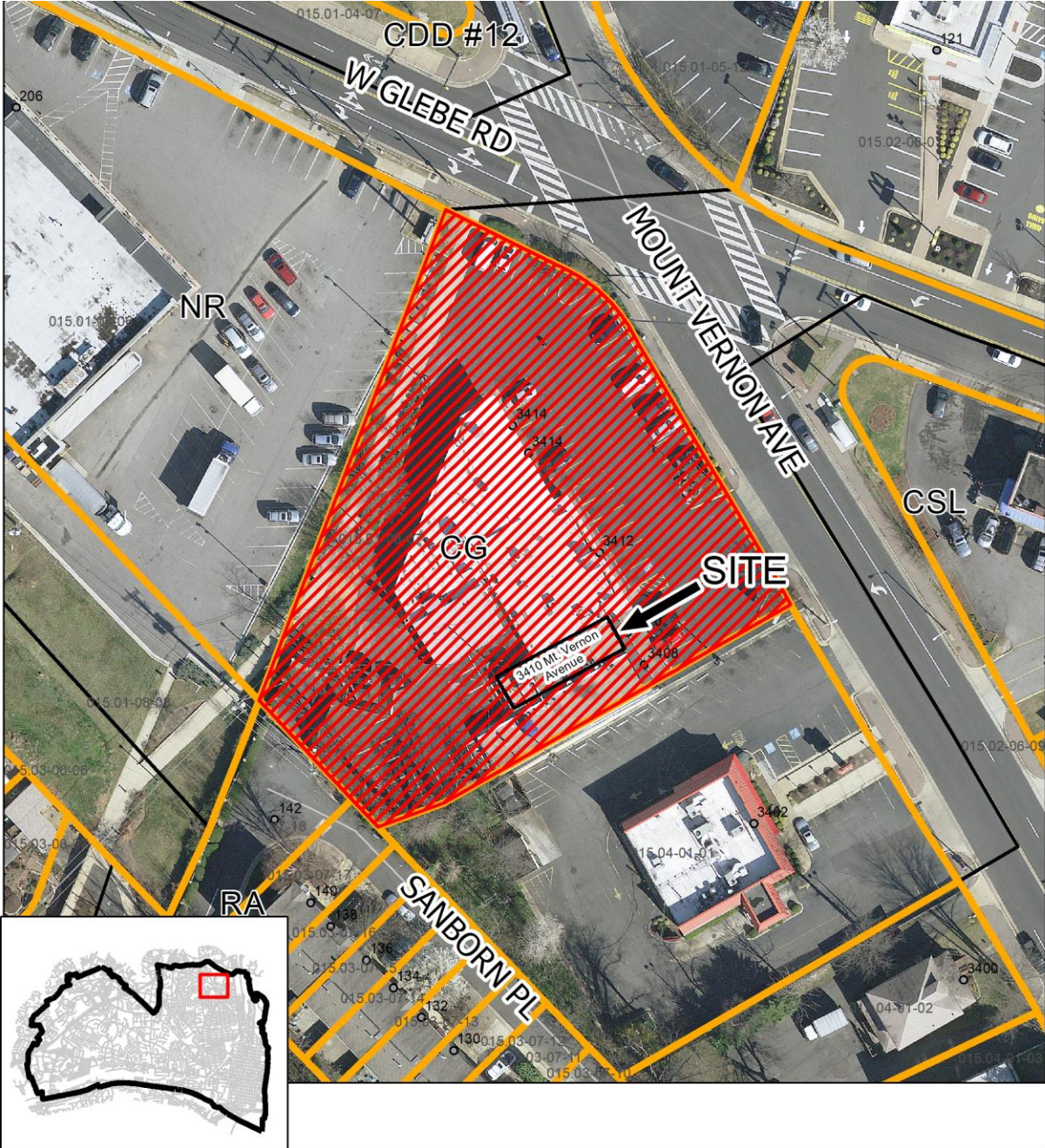
Frank Capone, 610 E. Alexandria Avenue, stated support for the application. The speaker urged the City to support businesses in any way possible. Parking access should not be a concern as patrons can walk or use alternative driving services to travel to and from the restaurant.


Paymon Hadjesmeiloo, representative for the applicant, spoke in support of the application, stating that the owner of the restaurant has operated at this location for over 20 years, During that time, the City inspected the site on numerous occasions and has not found any violations.

Matt Rofougaran, representative for the applicant, spoke in support of the application, and reiterated that the restaurant had not received any violations of SUP conditions. He expressed that the SUP requests were necessary to stay competitive with other restaurants.

Al Havinga, 104 Sanborn Place, generally opposed the SUP amendments, stating that the Planning Commission should table the review until the restaurant became compliant with existing SUP conditions.





 **Special Use Permit #2020-00045**  
**3410 Mt. Vernon Avenue (Parcel**  
**Address: 3408 Mt. Vernon Avenue)**

0 30 60 120 Feet

N

PROJECT LOCATION MAP



## I. REPORT SUMMARY

The applicant, Abe Hadjiesmaeiloo, requests approval to allow outdoor live entertainment; increase indoor and outdoor seats; increase indoor and outdoor hours of operation; provide an outdoor bar, outdoor cooking; outdoor games; and provide delivery vehicles for an existing restaurant (amending SUP #2017-0091) located at 3410 Mount Vernon Avenue. Staff recommends partial approval of the Special Use Permit request with conditions as described in this report.

### SITE DESCRIPTION

The subject site is a 1,267 square foot tenant space in an approximately 10,825 square foot single story commercial strip center. The center is located on one lot of record with roughly 170 feet of frontage along Mount Vernon Avenue, roughly 70 feet of frontage along West Glebe Road, and a total area of 36,787 square feet. The parcel is developed with a 40-space parking lot. The commercial strip center includes the applicant's restaurant, a laundromat, a 7-Eleven convenience store, and a grocery with an accessory carry-out restaurant included.



*Figure 2 – Building Façade from King Street*

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

## BACKGROUND

Restaurants have operated at 3410 Mount Vernon Avenue for a number of years, even prior to the requirement for a special use permit. The first special use permit was issued in 1988 to add seating to an existing carry out restaurant. The current owner, applicant Abe Hadjiesmaeiloo, first received Special Use Permit #95-0033 in 1995 when staff approved a change of ownership to allow Mr. Hadjiesmaeiloo to assume the operation of the existing restaurant Special Use Permit. As such, the applicant, Abe Hadjiesmaeiloo, has operated a restaurant at this location for the last 25 years, which was first named Senor Chicken and is currently known as Hops ‘N Shine.

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

The community organization that represents Sanborn Place reported to the Planning and Zoning Department that the applicant’s restaurant was noncompliant with conditions provided from the previously approved Special Use Permit, SUP #2017-0091. Zoning inspectors completed an inspection of the property on July 9, 2020 and found the restaurant to be in compliance with all conditions except Condition #26, which requires trash to be located within the trash receptacle. It was determined that operating hours were in compliance with the Council’s temporary relief of SUP regulations. Regarding trash, it was determined that trash had accumulated due to trash removal service not being available over a long Fourth of July weekend. Further, the community organization pointed out that a landscape buffer along the common property line was included in the previously approved SUP and was never installed. With additional site visits, staff has confirmed this to be true and is recommending a landscaping plan be submitted within 30 days of approval.

Staff has taken comments into consideration while reviewing the application and while forming the staff recommendation of partial approval.

## PROPOSAL

The applicant, Abe Hadjiesmaeiloo, requests to amend SUP #2017-0091 with the following:

- increase outdoor seating in the existing rear patio by 30 seats to a total of 60 seats;
- provide outdoor games and activities;
- add eight outdoor seats in front of the restaurant
- increase indoor seating by 30 seats to a total of 60 seats;
- extend outdoor hours of operation to 7 a.m. -11 p.m., Sunday through Wednesday and 7 a.m. – 2 a.m., Thursday through Saturday;
- extend indoor hours of operation to 7 a.m. – 2 a.m.;
- add an outdoor bar;

- add outdoor cooking equipment (BBQ grill);
- add live outdoor music from 4 p.m. to 11 p.m. throughout the week;
- provide eight seats along two tables in the front of the premises; and
- add delivery services with one on-site delivery vehicle.

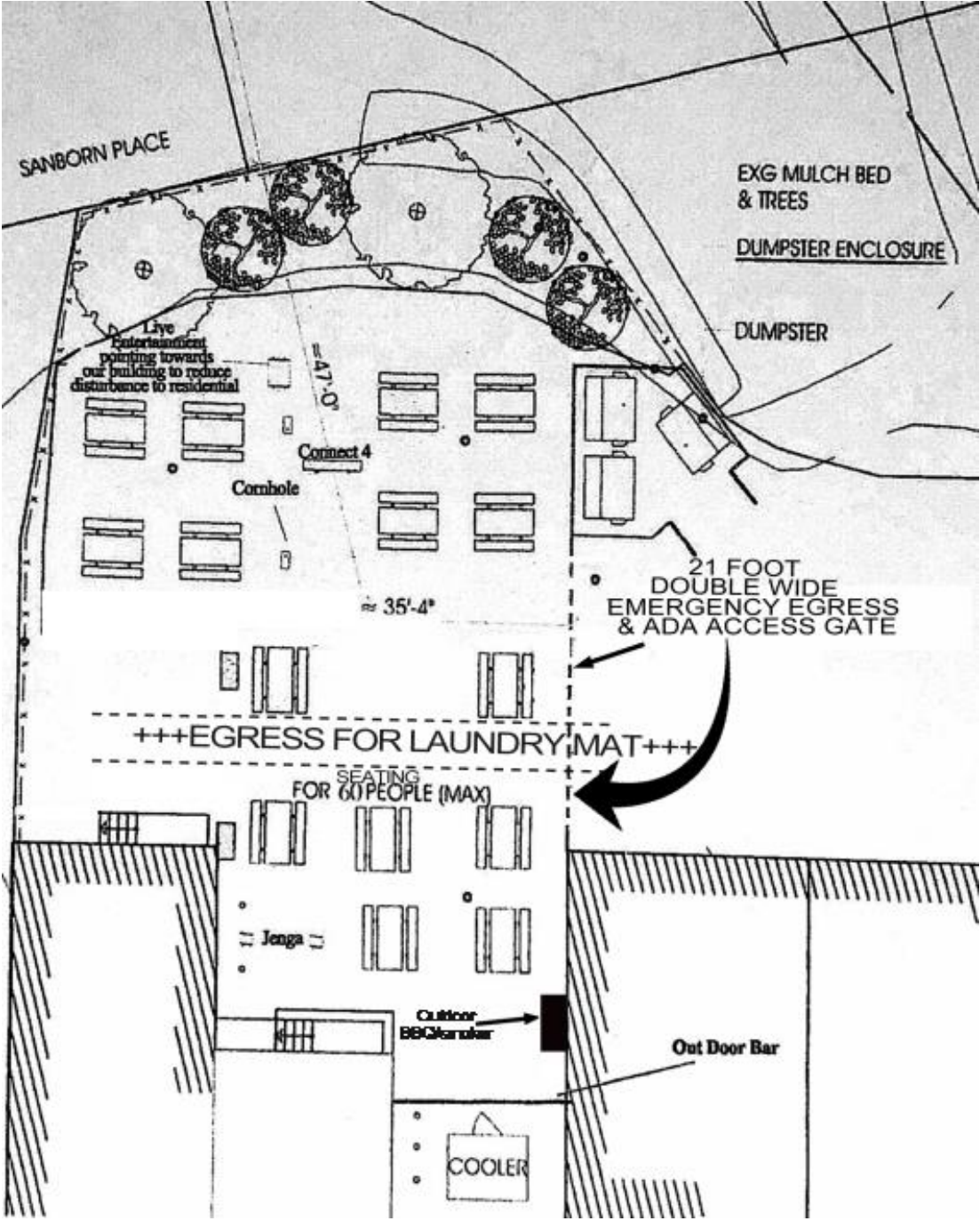


Figure 3 – Proposed Rear Patio Layout

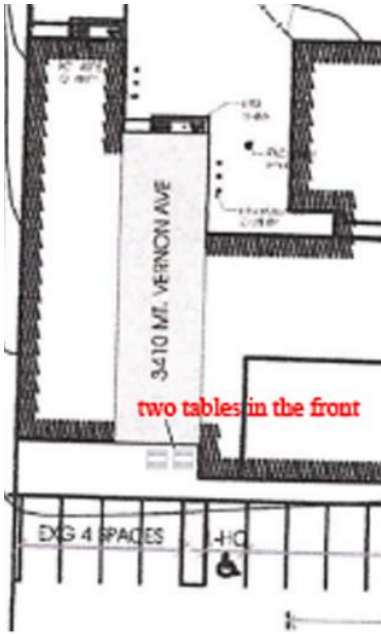


Figure 4 – Proposed Front Seating

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

Hours of operation:

Existing Indoor:	7 a.m. – 12 a.m., Sunday through Thursday
	7 a.m. – 1 p.m., Friday and Saturday
Existing Outdoor:	11 a.m. – 9 p.m., Sunday through Thursday
	11 a.m. to 10 p.m., Friday and Saturday
<b>Proposed Indoor:</b>	7 a.m. – 2 a.m. daily
<b>Proposed Outdoor:</b>	7 a.m. – 11 p.m. Sunday – Wednesday
	7 a.m. – 2 a.m. Thursday – Saturday

Number of Seats:

Existing: 30 seats indoor, 30 seats outdoor  
**Proposed:** 60 seats indoor, 60 seats outdoor rear, eight seats outdoor front.

Deliveries:

Existing: One delivery vehicle allowed temporarily as part of the City Council authorized COVID-19 emergency response. Delivery vehicles are not formally allowed in the SUP conditions.  
**Proposed:** Delivery with one vehicle stored on-site

Noise:

Existing: Noise associated with outdoor seating  
**Proposed:** Some increased noise associated with outdoor seating due to increase number of seats. Request for outdoor live music from 4 p.m. to 11 p.m., daily.

Trash/Litter:

Existing: Trash and garbage anticipated to be typical of restaurants.



**Proposed:** No change to type of garbage

### PARKING

There are 40 parking spaces provided on the subject property to be shared between the tenants of the commercial strip center.

Section 8-200(A)(17)(b) of the Zoning Ordinance requires restaurants to provide a minimum of 1.0 parking spaces per 1,000 square feet of floor area. Section 8-200(A)(17)(c) states that for portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats shall be exempt from the parking requirement. The restaurant currently occupies 1,080 square feet on the interior and requires two parking spaces. For the proposed 60 outdoor seats, the first 20 are excluded from parking counts, as required by Section 8-200(A)(17)(c). The remaining 40 outdoors seats require 15 square feet of floor space each, as required by the zoning ordinance; therefore, the outdoor seating includes 720 square feet of floor space. The total square footage of floor space for the use, as calculated for parking requirements, is 1,800 square feet. As such, two parking spaces are required for the restaurant.

The total parking requirement for the commercial strip center will be 13 spaces when considering all the current tenants along with the proposed restaurant expansion. The number of parking spaces in the shared lot exceeds the spaces required for all of the uses at the commercial center.

### ZONING/ MASTER PLAN DESIGNATION

The subject site is located within the CG/Commercial General Zoning District. Section 11-513 of the Zoning Ordinance states that restaurants require a full hearing special use permit, rather than approved administratively, when a maximum of 12 additional restaurant seats are proposed and not to exceed 100 seats maximum; when live entertainment is proposed; and when conditions proposed for amendments were the subject of community concerns (hours of operation and number of outdoor seats).

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

## **II. STAFF ANALYSIS**

Staff, in general, supports increasing the viability of an already successful restaurant and increasing the amenities provided to customers and residents in a neighborhood that has not established a strong sit-down restaurant community. It must be recognized, however, that increasing the number of seats of any restaurant increases noise, odor, and parking impacts. Recommended conditions contained in this report are designed to reduce the impacts of the greater seat count and expanded

outdoor seating area. With that stated, staff partially supports the applicant's request for amendments to the Special Use Permit.

#### Hours of Operation

Staff recommends approval for the applicant's request to extend indoor hours of operation to 7 a.m. – 2 a.m. Currently, indoor hours are 11 a.m. to 2 a.m. The earlier hours will allow the restaurant to serve breakfast. There is not a strong precedent for providing morning hours in the immediately adjacent neighborhood since most restaurants are takeout, however, the request is a standard request for restaurants and the provision of breakfast service to an area that is lacking will benefit nearby residents.

#### Outdoor Seating

Staff recommends approval of the applicant's request to increase outdoor seating in the existing rear patio by 30 seats to a total of 60 seats. Staff has not received complaints regarding noise from the existing outdoor seating. While an increase to the number of seats will possibly increase noise, it is staff's belief that the noise levels will not exceed City standards. With that stated, the applicant is required by recommended Condition #14 to comply with the City's Noise Ordinance. Staff has also recommended Condition #11E to control noise by requiring outdoor dining furniture, outdoor games and activities to be no less than 25 feet from the common property line with the adjacent residential units. As the current application is proposed, the outdoor seating would maintain a roughly 10-foot distance to the common property line.

Staff recommends approval of the applicant's request to add eight outdoor seats in front of the restaurant. Staff supports, in general, outdoor seating along pedestrian ways to enhance urban design and activate streetscapes.

#### Indoor Seating

Staff recommends approval of the request to increase indoor seating by 30 seats to a total of 60 seats. Staff has not received any complaints related to the operation of the indoor seating other than trash accumulation over holiday weekends. An increase in indoor seating may generate additional externalities generally associated with a restaurant such as an increase in trash and odors; however, Condition #20 requires that trash be located only in the appropriate receptacles and be removed when needed, and Condition #22 requires the applicant to control odors escaping the establishment.

#### Outdoor Bar

Staff recommends approval of the applicant's request to add an outdoor bar to serve patrons on the outdoor patio. Similar as stated for the request of greater seating, staff has not received complaints regarding the operation of the outdoor patio in its current design. Staff notes the possibility of an increase in noise from the outdoor patio due to the sales of alcohol. Recommended Condition #10 requires outdoor seating to comply with the City's Noise Ordinance will require any nonconformance be alleviated.

#### Delivery Vehicle

Staff recommends approval of the applicant's request to add a delivery vehicle to the restaurant. Recommended Condition #8 allows for one delivery vehicle that will be stored on-site during the

day and then, as the applicant intends, off site overnight to provide for maintenance and secure storage.

#### Outdoor Dining Hours

Staff does not recommend approval of the applicant's request for outdoor dining from 7 a.m. to 11 p.m. Instead, staff recommends outdoor dining to be allowed from 9 a.m. to 10 p.m., similar to other SUP approvals in the Arlandria neighborhood. Recommended Condition #10 includes the operating times.

#### Live Entertainment

Staff does not recommend approval of the applicant's request for live outdoor music. Staff does however make the recommendation to allow outdoor amplified music in the form of background music in order to allow the applicant to more precisely meet the City's Noise Ordinance requirements. Staff recommends allowing limited live entertainment indoors. Condition #14 requires outdoor background music and indoor live entertainment to comply with the City's Noise Ordinance.

#### Outdoor Cooking

Staff does not recommend approval of the applicant's request for outdoor cooking which staff is concerned a cook station will create odors that might affect neighboring properties.

#### Additional Considerations

Staff notified nearby community organizations of the application and the applicant also notified the adjacent property owners. The Mount Vernon Court Community Association, which represents the residential community along Sanborn Place to the southwest of the subject property, provided comment on the application. The community organization requested that the SUP be reviewed again per condition #30 of the previously approved SUP. The association also expressed concern over the potential for noise generated by the outdoor seating area.

Comments were also received from a resident of the Mount Vernon Court neighborhood. The citizen expressed concern over the proximity of the outdoor seating to the adjacent residential uses and the potential for noise issues. The resident suggested that the owner of the subject property work with surrounding property owners to make improvements and provide an overall design to the area. Staff has taken comments into consideration while reviewing the application and forming the staff recommendation of partial approval.

Subject to the conditions stated in Section III of this report, staff recommends partial approval of the applicant's Special Use Permit request.

### III. RECOMMENDED CONDITIONS

Staff recommends partial *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 corporation in which the applicant has a controlling interest. (P&Z) (SUP #2017-0091)
2. **CONDITION DELETED BY STAFF:** ~~Seating shall be provided inside for no more than 30 patrons. (P&Z) (SUP #2017-0091)~~
3. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions and the cooler stored at the rear of the property. (PC) (SUP #2017-0091)
4. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be collected daily when the business is open. (P&CD-P&Z) (SUP #2017-0091)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2017-0091)
6. **CONDITION AMENDED BY STAFF:** The indoor hours of operation of the restaurant shall be limited to 7 a.m. and 12 a.m. ~~midnight, daily. Sunday through Thursday, and between 7 a.m. and 1 a.m., Friday and Saturday, and a~~ All patrons must leave the premises one hour after closing. (P&Z) (SUP2017-0091)
7. **CONDITION DELETED BY STAFF:** ~~The applicant shall post the hours of operation at the entrance to the restaurant. (P&CD) (SUP #2017-0091)~~
8. **CONDITION AMENDED BY STAFF:** ~~No delivery service shall be operated from this location. Delivery to customers is permitted using one vehicle with one parking space assigned to delivery vehicles onsite. (P&CD) (SUP #2017-0091)~~
9. Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z) (SUP #2017-0091)
10. **CONDITION ADDED BY STAFF:** The hours of operation for outdoor dining shall be limited from 9 a.m. to 10 p.m., daily, and remain in compliance of the noise ordinance. The outdoor dining area shall be closed and cleared of all customers by 10 p.m., daily, and no new patrons may be admitted into the outdoor dining area after 9 p.m. daily. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (T&ES)

11. **CONDITION AMENDED BY STAFF:** ~~The outdoor dining area design shall be consistent with the applicant's site proposal, indicated as Figure 3.~~ shall address the following:

- a. The maximum number of outdoor seats shall be ~~360~~, and the maximum number of patrons in the outdoor dining area shall not exceed ~~360~~ at any one time. (P&Z) (~~SUP2017-0091~~)
- b. ~~Outdoor bars, o~~Outdoor cooking facilities, and host stands are not permitted. (P&Z) (~~SUP2017-0091~~)
- c. A lighting plan of the outdoor dining area shall be subject to approval of the Director of Planning and Zoning. (P&Z) (SUP2017-0091)
- d. A landscape and amended site plan, consistent with this approval, shall be submitted within 30 days of SUP approval and is subject to the approval of the Director of Planning and Zoning. (P&Z) (~~SUP2017-0091~~)
- e. All outdoor dining furniture and games must not be closer than 25 feet from the rear property line.

12. Patrons shall arrive and leave the outdoor dining area through the restaurant entrance at 3410 Mount Vernon Avenue with the exception of patrons requiring accessibility accommodations or for emergency egress purposes. (P&Z) (SUP #2017-0091)

13. The applicant shall ensure that business patrons do not congregate outside of the outdoor dining area at the rear of the property. (P&Z) (SUP #2017-0091)

14. **CONDITION AMENDED BY STAFF:** ~~Limited, live entertainment may be offered indoors as background music at the restaurant.~~ Indoor live entertainment is permitted from 4:00 p.m. to 12:00 a.m., consistent with the noise ordinance. Outdoor amplified music in the form of background music is permitted from 4:00 p.m. to 10:00 p.m., consistent with the noise ordinance. No live outdoor music is allowed at any time. 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. No live entertainment is permitted in the outdoor dining area of the restaurant. (P&Z) (~~SUP #2017-0091~~)

15. **CONDITION AMENDED BY STAFF:** On and off premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. ~~Off-premises alcohol sales of bottled beer in six to 24 packs and as growlers may be permitted at the restaurant consistent with a valid Virginia ABC license. The storage area for the creation of beer variety packs shall be located in an area accessed by employees only or in a location away from the restaurant entrance which is employee-monitored. The applicant shall seal growlers to prevent customers from transporting open containers of alcohol when leaving the premises.~~ (P&Z) (~~SUP2017-0091~~)

16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol to prevent the underage sale of alcohol. (P&Z) (SUP #2017-0091)

17. Exterior power washing of the building shall not be completed using any kind of detergents and should not occur after 4 p.m. (T&ES) (CC) (SUP #2017-0091)

18. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP #2017-0091)
19. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES) (SUP #2017-0091)
20. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP #2017-0091)
21. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2017-0091)
22. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP #2017-0091)
23. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2017-0091)
24. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP #2017-0091)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2017-0091)
26. ~~**CONDITION DELETED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2017-0091)~~
27. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2017-0091)
28. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES) (SUP #2017-0091)

29. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES) (SUP #2017-0091)

30. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, then again after 18 months, 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. (P&Z) (~~SUP #2017-0091~~)

31. **CONDITION DELETED BY STAFF:** ~~The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-746-6838/703-746-4444 regarding a security survey for the business and a robbery awareness program for all employees. (PC) (SUP #2017-0091)~~

**STAFF:** Tony LaColla, AICP, Division Chief, Land Use Services  
Ann Horowitz, Principal Planner  
Ray Roakes, Urban Planner

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**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:

The applicant shall require its employees who drive to use off-street parking. (T&ES)

- R-1 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
- R-2 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-4 For outdoor dining, only amplified background music is allowed between 4 pm and 10 pm. No outdoor live entertainment is allowed at any time. (T&ES)
- R-5 Outdoor dining is allowed between 9 am and 10 pm daily. (T&ES)
- R-6 Live acoustic music is allowed for indoor dining between 4 pm and 12 am with all doors and windows being closed at all times. (T&ES)
- R-7 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. (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](mailto: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 A building code review is required prior to the start of alteration.

Fire Department:

F-1 Please provide location of grill in open outdoor seating area.

C-2 Indicated occupant load is more than 49 therefore two exits from open outdoor seating area is required and one exit cannot be through the building. Provide exit plan from open outdoor seating area.

C-3 If total occupant load for the facility exceeds 100, a new fire prevention permit will be required to reflect the indicated increase that exceeds 100.

Health:

No comments received

Recreation, Parks & Cultural Activities:

No comments received

Police Department:

No comments received

**From:** [Mavis E Stanfield](#)  
**To:** [Danielle and Patrick Byrnett](#)  
**Cc:** [Tony LaColla](#); [Samantha Lockwood](#)  
**Subject:** RE: [EXTERNAL]SUP for Hops N Shine  
**Date:** Tuesday, May 2, 2023 8:33:08 AM

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Thank you Danielle and Patrick, I will forward your comments to the Planning Commission.

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**From:** Danielle and Patrick Byrnett <danielleandpatrick@gmail.com>  
**Sent:** Tuesday, May 2, 2023 7:47 AM  
**To:** Mavis E Stanfield <mavis.stanfield@alexandriava.gov>  
**Subject:** [EXTERNAL]SUP for Hops N Shine

You don't often get email from [danielleandpatrick@gmail.com](mailto:danielleandpatrick@gmail.com). [Learn why this is important](#)

Good morning, Mavis

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

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

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

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

Sincerely,  
Danielle Byrnett

**From:** [Mavis E Stanfield](#)  
**To:** [SUSAN SCHMIDT](#)  
**Cc:** [Tony LaColla](#); [Samantha Lockwood](#)  
**Subject:** RE: [EXTERNAL]Input on Hops 'N Shine expanded SUP request  
**Date:** Tuesday, May 2, 2023 8:30:26 AM

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Thank you, Susan,

We will pass this along to the Planning Commission.

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**From:** SUSAN SCHMIDT <[susanmschmidt@comcast.net](mailto:susanmschmidt@comcast.net)>  
**Sent:** Tuesday, May 2, 2023 6:49 AM  
**To:** Mavis E Stanfield <[mavis.stanfield@alexandriava.gov](mailto:mavis.stanfield@alexandriava.gov)>  
**Subject:** [EXTERNAL]Input on Hops 'N Shine expanded SUP request

You don't often get email from [susanmschmidt@comcast.net](mailto:susanmschmidt@comcast.net). [Learn why this is important](#)

Ms. Stanfield,

I provide input for the City's consideration in response to Hops 'N Shine's February 23, 2023 request to further expand its scope and operations at its 3410 Mount Vernon Avenue location. I understand that due to number of prior complaints City staff also decided to docket the existing SUP for review by the Planning Commission and City Council. Particular concern centers around existing conditions which relate to noise.

If the City were to grant the new SUP's expanded requests for activities/hours on its patio behind its restaurant **it would reward and condone past violations and complaints and would significantly impact nearby residential neighborhoods.**

Not only should those new and additional requests not be approved, the current SUP should limit certain current patio activities/conditions, including amplified sound and operating hours.

- Hops 'N Shine requests **expanded hours** on the patio from 7 AM - 1 AM Thursday - Saturday. It cites three other restaurants with longer hours. Its expanded hours Sunday - Wednesday would be 7 AM - 11 PM. It requests outdoor capacity for 120 people.
  - Hops 'N Shine abuts a residential neighborhood, which existed before it established Hops 'N Shine. Current hours on its outdoor patio already significantly impact that neighborhood, and expanded hours would exacerbate current issues and add others. To cite one consideration, preschool and elementary school children live in the neighborhood that Hops 'N Shine's back patio abuts.
  - When Hops N' Shine first described its concept in 2019, one of its owners was quoted in a *Washingtonian* article explaining how it would limit hours to better work with the neighborhood. "This feature [an outdoor beer

garden in a 3,000-square-foot space] roused some opposition from neighbors when it was first proposed, but Rofougaran is confident the concessions they made - fewer than 30 seats outside and limiting outdoor hours to 10 PM on Fridays and Saturdays and 9 PM the rest of the week - will help keep the peace.” <https://www.washingtonian.com/2019/01/25/del-rays-new-beer-garden-has-52-taps-moonshine-and-tons-of-grilled-cheeses/>. It would seem that “concessions” it said it made about outdoor patio hours and outdoor seating capacity no longer remain relevant to Hops 'N Shine after it got the initial SUP.

- The other three restaurants Hops 'N Shine cites face streets, so are not examples of hours of operation for outdoor seating. I don't believe anyone objects if Hops 'N Shine expands its hours and/or commercial activities on its property that faces Mt. Vernon Avenue.
- Hops 'N Shine requests **Amplified Live entertainment** on the back patio, with speakers and microphones. It requests both live acoustic music and outdoor ambient (speaker) music “not to exceed city noise ordinances from 12 pm until 11 pm.” Activities would include Trivia Nights (already has) and would add a projection screen and activities such as Paint Night.
  - Hops 'N Shine already is subject to numerous complaints for violations of city noise ordinances even without authorization for additional amplified entertainment.
  - Also see the comments on operating hours and their impacts.
- Hops 'N Shine also references "**soft ambient music**" that will be played. We can only conclude that “soft” is up to the existing city noise ordinance.
  - I don't believe there is a code ordinance/definition for “soft” ambient music and, given Hops 'N Shine's track record, Hops 'N Shine would define “soft” to be as loud as current noise ordinances allow. Even if the City had the authority to establish some other limit, history shows that would not be enforceable in any meaningful way or timeframe.
  - While Hops 'N Shine promises to control noise by adding a governor to ensure the "max level will not exceed code ordinances," it told the City months ago that it had already installed a governor. Noise complaints continue.

As a final observation on the most recent SUP request to expand its operations, hours, and commercial activities in the neighborhood, Hops N' Shine in several places notes that it has been in operation for 31 years. The current owner assumed the then SUP and it became Señor Chicken 25 years ago. However, Señor Chicken was a very different concept, scope, and operation from Hops N' Shine.

The new and additional requests should not be approved and, moreover, the current SUP should limit certain aspects of its current patio activities, including amplified

sound, permissible activities, and operating hours.

Thank you for your consideration of these comments.

Susan Schmidt

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**From:** [Mavis E Stanfield](#)  
**To:** [Samantha Lockwood](#); [Tony LaColla](#)  
**Subject:** FW: [EXTERNAL]Hops 'N Shine SUP Consideration  
**Date:** Tuesday, May 2, 2023 10:33:48 AM

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**From:** MARY FETTES <mfettes4@comcast.net>  
**Sent:** Tuesday, May 2, 2023 10:04 AM  
**To:** Mavis E Stanfield <mavis.stanfield@alexandriava.gov>  
**Subject:** [EXTERNAL]Hops 'N Shine SUP Consideration

You don't often get email from [mfettes4@comcast.net](mailto:mfettes4@comcast.net). [Learn why this is important](#)

Ms. Stanfield,

I am commenting on the City's consideration in response to Hops 'N Shine's February 23, 2023 request to further expand its scope and operations at its 3410 Mount Vernon Avenue location. In discussions with others, it was pointed out to me that due to numerous prior complaints City staff had decided to docket the existing SUP for review by the Planning Commission and City Council. Particular concern centers around existing conditions which relate to noise.

I am very concerned about the City setting a precedent that is, in effect, rewarding bad behavior by giving an offending business exactly what they wanted after violating their current SUP upon numerous occasions. How is it possible that this offending business' additional requests are even being considered by the City? Expanded hours for the outdoor patio? Amplified live entertainment? "Soft ambient music" for the patio (whatever that means)? These requests are absolutely unreasonable for a space that is **15 feet** (yes, 15, not 50, and feet, not yards) from residences (yes, also City voters/taxpayers). Comparing Hops 'N Shine to other City restaurants' outdoor spaces is like comparing apples to cattle – not even in the same genome.

Additionally, within the most recent SUP request it is noted several times the Hops 'N Shine has been in operation for 31 years – that is a complete fallacy because it was Señor Chicken! Señor Chicken was a takeout chicken place with no outdoor patio/space. Hops 'N Shine came into existence after a **complete overhaul** of the space and concept. The owners may have been in business in that location for over 30 years, but it is **not** the same business.

This new and any future requests **should not be approved** and, the City should also review the current SUP and the violations of that SUP the business has incurred. I understand having loosened regulations during Covid-times, however we have emerged from that situation. Rules are rules – bad behavior should not be rewarded. I understand this business pays taxes, but, as a homeowner in the City of Alexandria since 1995, I do too.

v/r

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

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**From:** [Mavis E Stanfield](#)  
**To:** [Steve Harris](#)  
**Cc:** [Samantha Lockwood](#); [Tony LaColla](#)  
**Subject:** RE: [EXTERNAL]MVCCA HOA Board Input on Hops "N Shine expanded SUP Request - 2023-00025  
**Date:** Monday, May 8, 2023 11:33:42 AM

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Thank you, Mr. Harris,

Your comments will be forwarded to the Planning Commission before their public hearing, with the staff report.

Best regards,

Mavis Stanfield  
Urban Planner  
City Of Alexandria  
Department of Planning and Zoning, Land Use Services  
Office: 703.746.4666  
Direct: 703.746.3801  
[Mavis.stanfield@alexandriava.gov](mailto:Mavis.stanfield@alexandriava.gov)

---

**From:** Steve Harris <sharris5@gmail.com>  
**Sent:** Monday, May 8, 2023 10:50 AM  
**To:** Mavis E Stanfield <mavis.stanfield@alexandriava.gov>  
**Cc:** Tony LaColla <anthony.lacolla@alexandriava.gov>; Carissa Alaimo <carissa.alaimo@gmail.com>; Jose Alves <jalves.upenn@gmail.com>; MVCCA <mvcca@googlegroups.com>  
**Subject:** [EXTERNAL]MVCCA HOA Board Input on Hops 'N Shine expanded SUP Request - 2023-00025

Dear Ms. Stanfield and Members of the Planning Commission,

On behalf of the Mount Vernon Court Community Association (MVCCA), we are writing in opposition to Hops N Shine Beer Garden SUP application 2023-00025. We are a residential neighborhood of 30 townhomes of residents of all ages that share a non-soundproof fence with Hops N Shine. We sincerely appreciate your willingness to listen to, work with, and adjudicate nuisances caused to our community over the past six years since Hops N Shine opened. In 2017 and 2020, the last times this business came before the City for SUPs, the City thought that the conditions laid out would balance the rights of the neighborhood to live peacefully in their homes, with the opportunity for the business to operate on the back patio.



We agree with the City's assessment; if this business had complied with the terms of its original SUP, we would have been able to coexist. However, since 2017, Hops N Shine has consistently violated their existing SUPs, with over 20 noted citations, plus dozens more complaints via Alex311, the non-emergency police line, or direct emails to City staff. A SUP is a privilege, and this business continues to show no respect for the regulations that allow it to operate. As such, on behalf of our community, we respectfully urge you to reject nearly all the conditions of the revised SUP application 2023-00025.

1. Live acoustic music and outdoor ambient (speaker) music on the back patio not to exceed the city noise ordinances from 12 pm – 11 pm: we strongly urge you to reject any condition allowing the use of speakers, such as live music or outdoor (ambient) speaker music. Our community shares a non-soundproof fence with this business, and as evidenced by numerous citations including cell phone video, we can hear the “ambient” speaker noise from the bar inside our homes where we should enjoy the right to live in our homes without hearing music from the bar. The addition of live music would be unbearable. Further, live music and outdoor ambient music do not support the principal function of this restaurant as an eating establishment. As mentioned, our community shares a non-soundproof fence with their patio, and both children and adults have the right to go to sleep at a reasonable hour and not be subject to live music nightly, even if unamplified. In multiple previous incidents, the bar challenged the City's citations, leading to drawn out periods of time where the City is unable to cite them again for the same violation until such issues have been resolved. These stall tactics – always resulting in the original fines – are completely disrespectful to the time of City Staff, the neighbors who just want to live in their own homes and not feel like they are inside a bar, and the rule of law. Since they cannot be trusted to maintain the conditions set forth in their existing SUP, the only way to ensure mitigation of noise limited to human voice is to take away the speakers entirely.

2. Amplified live entertainment on the patio – trivia, paint night, etc. We strongly urge you to reject any amplified entertainment such as a live host projecting over a microphone, regardless of where on the premises the host is physically located. As previously mentioned, we can hear all live entertainment over the microphone inside our homes from the patio speakers. All live or projected entertainment should be conducted inside, with the doors and windows closed, to limit the noise

to bar patrons only. Additionally, this is supposed to be a restaurant, not an amusement park or community center. Live events do not support the principal function of this restaurant as an eating establishment, and it should be zoned differently if that is the direction they want to go.

3. Increased seating to 120: we urge you to limit the full capacity (not only the seated capacity) to 40 people, max. Prior to the COVID-19 Pandemic, the max capacity was 30 people. During the Pandemic, outdoor dining restrictions were erased, bringing Hops N Shine's capacity to 60. Sixty people on their patio generates significant noise and disruptions. This unreasonable level of sound can be heard inside the homes all along our block, from the nearest home (140 Sanborn) to the furthest (104 Sanborn). Furthermore, Hops N Shine has been cited several times for excess patron capacity. This nuisance can be mitigated by decreasing the capacity to 40 people, which is still an increase from the original, pre-COVID-19 SUP.

4. Outdoor cooking on the patio – cooking classes, s'mores in the fire pits, and BBQ for burgers and hot dogs: We concur with the City's recommendation on the previous SUP 2020-00045, where staff was "concerned a cook station will increase odors that might affect neighboring properties." An additional data point from three years of experience, the smells of cigar and cigarette smoke coming from the patio carry into our homes. For example, Hops N Shine currently holds a weekly Monday Cigar Night. The fumes travel into our homes, including homes with asthmatic children. This is a serious health risk. Finally, this is a restaurant foremost as they claim, we feel that the cooking should be conducted inside the restaurant's indoor, health department-regulated kitchen.

5. Extending patio hours: 7 am – 1 am Thursday-Saturday (like Auggies, The Garden and Lena's) and 7 am – 11 pm Sunday-Wednesday: First, we contend that Hops N Shine is not comparable to any of these restaurants because these other restaurants face busy roads (King Street, Mount Vernon Ave, and Braddock Road, respectively). They do not share non-soundproof fences with small, private, residential streets. Second, none of the other restaurants have a track record of 20+ SUP violations. We strongly urge you to close all weekday patio operations by 9 pm without exception. On Friday and Saturday, outdoor operations should be limited to no later than 10 pm. We think those are reasonable hours for a restaurant's patio that faces a residential community. We want to see this business succeed in its principal function – a restaurant – and support the use of the patio for the use of eating.

6. Soft ambient music will be played from noon to 11 pm: Without a formal description of what constitutes “soft ambient music,” we urge you to disallow any use of speakers. The applicant says they will control the noise--“we will also add a governor...” This applicant reported to Planning & Zoning staff that they added a governor over a year ago. If this governor is in place, it is not effective as a measure of noise control as evidenced by the 20+ City citations, largely against noise. As it would be self-regulated, a governor will not be effective in noise mitigation. We further note that the prohibition of loudspeakers from the exterior of the building with no amplified sounds being audible at the property line was a condition of the City staff’s initial recommendation from the 2020 SUP; the only way to guarantee noise mitigation is to restrict the use of speakers on the patio entirely.

7. Mitigating safety of nearby residents, employees, and patrons by staff/ security regulating activity as they have done since our opening 31 years ago: This statement is disingenuous at best. Up until 2017, this establishment was known as “Señor Chicken,” not Hops N Shine. While at least one partial owner is the same, the two establishments are different in nature and serve different functions and patrons. Furthermore, we have seen no evidence of any security staff supporting neighbors. Some examples include one neighborhood resident standing outside the back gate reminding Hops N Shine staff to close on time and in another instance, neighbors facing Mount Vernon Ave reporting drunk and disorderly patrons stumbling to their cars parked in front of their homes late at night.

8. Projection screen: we support the installation of a projection screen on the exterior wall of their physical structure, provided that no sound is attached through the screen or projected via speakers.

9. Back gate: we support the continued use of the back gate to accommodate ADA guests. However, we have noticed that the gate is frequently left open. We urge you to require a change of signage and enforcement of using the front door as the primary entry point to the patio.

Our community has consistently worked with City staff since Hops N Shine’s first SUP application in 2017 to try to coexist. Ideally, a business that is attempting to apply for such a drastic change in operations should give its neighbors a warning, if not try to work with them to find an amenable agreement. We have not had any meaningful engagement with Hops N Shine despite several attempts to compromise with them on our part. While we hope they will remain a viable

business in their indoor spaces, we respectfully ask that the City staff significantly limit patio operations to a 40-person capacity to support outdoor dining only (as it is supposed to be first and foremost an eating establishment), with no outdoor entertainment whatsoever, including speakers.

In short, this applicant is a bad actor. They have violated their existing SUP multiple times with a wide variety of infractions. We urge you to protect the sanctity and peace of the neighbors within the vicinity of this business and to enforce the existing SUP, rather than reward them for noncompliance.

Again, thank you for your consideration.

Signed,

Stephen Harris, President  
Jose Alves, Treasurer  
Carissa Alaimo, Secretary

---

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**From:** [Mavis E Stanfield](#)  
**To:** [Meagan Donlea](#)  
**Cc:** [Tony LaColla](#); [Samantha Lockwood](#)  
**Subject:** RE: [EXTERNAL]Input on Hops N Shine SUP request  
**Date:** Monday, May 8, 2023 1:38:30 PM

---

Thank you, Meagan and Tim, for your comments. They will be forwarded to the Planning Commission with our staff report.

Very best regards,

Mavis Stanfield  
Urban Planner  
City Of Alexandria  
Department of Planning and Zoning, Land Use Services  
Office: 703.746.4666  
Direct: 703.746.3801  
[Mavis.stanfield@alexandriava.gov](mailto:Mavis.stanfield@alexandriava.gov)

---

**From:** Meagan Donlea <[meagan.donlea@gmail.com](mailto:meagan.donlea@gmail.com)>  
**Sent:** Monday, May 8, 2023 1:39 PM  
**To:** Mavis E Stanfield <[mavis.stanfield@alexandriava.gov](mailto:mavis.stanfield@alexandriava.gov)>  
**Subject:** [EXTERNAL]Input on Hops N Shine SUP request

You don't often get email from [meagan.donlea@gmail.com](mailto:meagan.donlea@gmail.com). [Learn why this is important](#)

Good afternoon,

We are writing to voice our concerns with the SUP changes requested by Hops N Shine. We live in 132 Sanborn Pl in Mount Vernon Court, the community directly behind the shopping center containing various businesses including Hops N Shine and Popeyes. We do not support Hops N Shine's proposed expansion of outdoor hours, increased seating, and outdoor amplified music. Our 6-year old and 3-year-old go to bed early and rise early (they don't know yet that they're supposed to sleep in on weekends!). We fear that the noise from adding people, longer hours, and music will disrupt our family's sleep. We know that the burden of reporting SUP violations falls to the residents, and that the process can be complicated and frustrating. Documenting a violation and then issuing a citation is a drain on the city staff, the APD, and the residents affected by late night noise violations. That small space behind the shopping center and in front of our homes does not lend itself to expansion without significant disruption to its neighbors.

We want to support Hops N Shine. We wish the business would reach out to the residents of Mount

Vernon Court, so we could work together to figure out the best ways to benefit the north Del Ray community. If the business wanted to expand its front patio or indoor operations, we would support that. Fulfilling the promise of improved landscaping (and less garbage) on the property line would help. Neighborly communication and compromise is a key component of enhancing our city.

Thank you for your consideration,  
Meagan and Tim Donlea  
132 Sanborn Pl

---

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**From:** [Mavis E Stanfield](#)  
**To:** [Danielle Harms](#)  
**Cc:** [Samantha Lockwood](#)  
**Subject:** RE: [EXTERNAL]Opposition to Expanded SUP - Hops n Shine  
**Date:** Tuesday, May 9, 2023 8:37:21 AM

---

Thank you for your letter. It will be distributed to the Planning Commission with the staff report.

Very best regards,

Mavis Stanfield  
Urban Planner  
City Of Alexandria  
Department of Planning and Zoning, Land Use Services  
Office: 703.746.4666  
Direct: 703.746.3801  
[Mavis.stanfield@alexandriava.gov](mailto:Mavis.stanfield@alexandriava.gov)

-----Original Message-----

From: Danielle Harms <[danikulta@gmail.com](mailto:danikulta@gmail.com)>  
Sent: Tuesday, May 9, 2023 12:28 AM  
To: Mavis E Stanfield <[mavis.stanfield@alexandriava.gov](mailto:mavis.stanfield@alexandriava.gov)>  
Cc: Tony LaColla <[anthony.lacolla@alexandriava.gov](mailto:anthony.lacolla@alexandriava.gov)>  
Subject: [EXTERNAL]Opposition to Expanded SUP - Hops n Shine

Dear Ms. Stanfield (and Mr. LaColla),

It was a pleasure to meet with you last week. Thank you for taking the time to meet with our neighborhood and for the important work you do on behalf of our community. As a proud resident of Del Ray and the owner of 138 Sanborn Place, I am writing to urge you to oppose any expanded SUP for the Hops n Shine bar at 3410 Mt. Vernon Avenue. I also request that you consider recommending that the original, pre-pandemic, SUP be reinstated.

Since it opened, Hops n Shine has failed to comply with even the most basic conditions of its original SUP, causing our neighborhood great agitation. Instead, Hops n Shine has repeatedly taken unilateral action to go well beyond the scope of their permissible activities by independently expanding their operating hours, their seating capacity and by hosting unsanctioned live events. The City should not reward this noncompliance, especially in face of the burden it places on the 30+ homes in the bar's immediate vicinity. Furthermore, Hops n Shine has already benefited from a pandemic-era expansion that did not require City approval. There is no need for a THIRD expansion when the bar is not compliant and is already operating at a high capacity - especially considering their misconduct and the noise levels that already exist.

As I mentioned, I am the homeowner of 138 Sanborn Place, one of the two homes located directly behind the Hops n Shine outdoor bar. Our property line is a mere 15-20 ft from the bar, and we are one of the families most affected by the trespass and nuisance of this establishment. Due to the proximity of our home to the Hops n Shine outdoor bar area, we can hear even small groups of bar patrons and the "background music" even with our doors and windows closed. There are four children under the age of 12 who (try to) sleep in the bedrooms immediately facing the garden. The noise keeps my sons awake most nights. (Last summer, my then nine-year old was especially frustrated with the noise one night and he started crying saying "I'm just a kid and I want to go to sleep!") We also can no longer use our living room because the noise/chatter from the bar outside is so loud we can't even hear our TV. On Mondays, our home is flooded with smoke from "cigar" nights. As someone with severe asthma, I have had to go to urgent care/ER for breathing treatments several times due to the trespass of cigar smoke from the bar

garden into our home.

I have owned my home for fifteen years, and prior to Hops n Shine's existence, never had any cause to call the APD for noise complaints, etc. In the past three years, I have personally witnessed and recorded more than 100 SUP violations at Hops n Shine. I have shared evidence of these incidents with the city via emails to the code office/the city attorney, calls to the non-emergency police line, 311 requests and four separate affidavits listing up to three different SUP violations each. I also have video and photographic evidence of the weekly, sometimes daily, violations of multiple articles of the SUP.

A sampling of the violations includes (happy to share dates and videos/photos in more detail if desired):

- Holding live events without a permit (occurred 1-3 times weekly for over 18 months - included weekly Wednesday nightlive, hosted outdoor trivia nights broadcast through microphones/speakers, wine/beer tastings with live host on microphone, cigar nights, live music events -March 26, 2022 -etc.) -Failure to close by 10pm as required by SUP (no less than 10 violations for this in past year alone including three in one week in April, 2023.) -Code violation: (December, 2021) Establishment increased seating/capacity to over 120 sans permit (max occupancy permitted was 60 at that time) -When issued a one-time only permit in August, 2021 for DRCA event from 1-6pm, continued to play live music more than an hour after permit ended - neighborhood had to call police to get them to stop.
- Use of speakers/broadcasting background music prior to 4:00pm in violation of SUP.
- Outdoor cooking over open fires - expressly prohibited in SUP (H & S even advertised "S'mores" packages on outdoor menu via Facebook page.) -Failure to clean tables in garden area at close of business - glasses, dishes left overnight with food and drink. (Our neighborhood now has a rat infestation it previously did not have thanks to these types of violations and the overflowing dumpsters behind the garden that abut our property line.)
- Frequent (daily) unauthorized use of side gate as entrance/exit - this is supposed to remain closed and only be used for ADA compliance and emergencies. All patrons are supposed to enter garden through front entrance, but the side gate is open and used almost every day.

I am not being hyperbolic when I say that Hops n Shine already has an incredibly negative impact on our health, our ability to enjoy our home and our lives in general. It is a daily nuisance for us as the SUP currently stands - we no longer have any peace or privacy. We hope for rain just to have a brief respite from the bar's collateral noise, but even during thunderstorms the bar's tent is filled with dozens of patrons singing and screaming and playing games like Jenga and cornhole that echo like a hammers through our house.

We humbly beg you not to support any expansion of the Hops n Shine SUP and encourage you not to consider any future SUP expansion unless/until they comply (sans violation) with the current SUP for a period of 18 months.

Respectfully,  
Danielle Harms & Joonas Järvinen  
138 Sanborn Place  
Alexandria, VA 22305

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**From:** [Mavis E Stanfield](#)  
**To:** [Samantha Lockwood](#)  
**Subject:** FW: [EXTERNAL]Opposition to SUP 2023-00025 - Hops n Shine  
**Date:** Tuesday, May 9, 2023 10:11:13 AM  
**Attachments:** [HnS party FB screenshot 27 Mar 22.PNG](#)

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**From:** Leslie Klein <leslie.klein@gmail.com>  
**Sent:** Monday, May 8, 2023 5:25 PM  
**To:** Mavis E Stanfield <mavis.stanfield@alexandriava.gov>  
**Cc:** Tony LaColla <anthony.lacolla@alexandriava.gov>; Steve Harris <sharris5@gmail.com>  
**Subject:** [EXTERNAL]Opposition to SUP 2023-00025 - Hops n Shine

Dear Ms Stanfield and Members of the Planning Commission,

I am a homeowner in the Mount Vernon Court Community Association (MVCCA), and our small, private, residential block shares a non-sound-proofed fence with Hops n Shine. Thank you for the opportunity to comment on SUP application 2023-00025, Hops n Shine (2023). I also greatly appreciate the time you took to meet with our community in person last month, and personally observe how close our homes are to this business and how this business negatively affects our community.

Many of my neighbors wrote to you with their opposition to SUP application 2023, including strong line-by-line examples of the concerns with the application and personal examples of how this bar's SUP violations impact their families. My focus is on how accepting any part of this application would reward bad behavior, and therefore, I urge you to reject SUP application 2023 in full.

In February 2023, the City of Alexandria Department of Planning and Zoning notified Hops n Shine that they were being docketed for excessive violations of SUP 2020-00045 (2020). Hops n Shine did not work with the City to remedy their violations and instead submitted a new SUP (2023) requesting even more privileges. Rather than respect the City's extremely reasonable conditions, Hops n Shine doubled down – it was a most telling slap in the face to the City staff, residents who have a reasonable expectation of a home that doesn't feel like it's in a bar, and the regulations that govern civil society. While I understand why your office chose to address the February docketing at the same time as SUP application 2023, I urge

you to continue your path towards the restrictions you intended to address with SUP 2020 (such as eliminating the speakers from the patio and reducing the patio's hours) and reject SUP application 2023 in full.

Of all of the days and nights where I heard the bar's live, amplified trivia or amplified music from my home, one incident stands out the most to me. On March 26, 2022, Hops n Shine held a 3.25 year birthday party (see attached screenshot from their Facebook page), complete with live music. There is no feigning ignorance or misunderstanding what this event was – it is clearly advertised as a party featuring live music. SUP 2020 prohibits live music, and they failed to obtain the appropriate permit. The City appropriately issued a civil penalty of \$50 for this violation, which the bar contested. Hops n Shine requested a continuance of the court case on or about May 26, 2022, and both parties agreed this case would be held on September 15, 2022. As you know, once a violation has been issued, until it's adjudicated, the City is unable to issue another ticket for the same violation. This example seems to me like a loophole that allows the business to avoid further tickets through the entire summer patio season for violating the outdoor entertainment clause of their SUP. Come September 15, 2022, Hops n Shine does not appear in Court, the Judge rules in favor of the City, and the bar does not appeal the judge's decision. The City collects the fine they should have collected back in March, but only after City staff, attorneys, and witnesses are forced to spend significant time researching a case that the defendant apparently never even intended to defend. This is a blatant disregard to the City, its staff, and their work to apply the regulations fairly and consider all impacted communities.

In both Hops n Shine's 2017 and 2020 SUP application processes, the City assured MVCCA the approved SUP conditions would allow the business to appropriately expand, without impacting the quality of life of MVCCA residents. I would agree with that assessment; if the bar had abided by the requirements set forth in the 2020 SUP, we would not be in this situation. However, this business continues to violate its SUP, hence the 20+ documented violations by your office between September 2020 and February 2023. Without these conditions in place, the bar's nightly actions significantly and negatively affect our community. I urge you to reject SUP 2023 application in full, and consider the position you intended to take in February 2023 when you moved to docket this business, such as eliminating the

speakers from the patio and reducing the patio's hours. Accepting any part of this new SUP application is rewarding them for continued bad behavior. Instead, we urge them to come up with creative solutions to grow their business that respect the City's regulations and do not affect their neighbors.

Sincerely,  
Leslie Klein  
120 Sanborn Pl

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Hops N Shine

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The Party's just getting started! Live music beginning soon!



HOPS N SHINE

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3 1/4 YEAR "AROUND THE WORLD" ANNIVERSARY PARTY

SEARCHING FOR THE BEST THREE YEARS AND COUNTING!



3 1/4 Year Anniversary Party

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🌟🥳🍷 Mark your calendars, we'll be celebrating our three and a quarter year anniversary with an "Around the World" themed celebration! 🍷🥳🌟

🌟 We will be highlighting a wide range of beers, drinks, and a variety of food specials including some of your favorites 🌟

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**From:** [Mavis E Stanfield](#)  
**To:** [Tony LaColla](#); [Samantha Lockwood](#)  
**Subject:** FW: [EXTERNAL]Opposition Letter - Hops "N Shine Expanded SUP Request - 2023-00025  
**Date:** Wednesday, May 10, 2023 9:24:08 AM  
**Attachments:** [116 Sanborn Place - Hops "N Shine Expanded SUP Request - 2023-00025.pdf](#)

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Fyi.

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**From:** Carissa Alaimo <carissa.alaimo@gmail.com>  
**Sent:** Wednesday, May 10, 2023 8:30 AM  
**To:** Mavis E Stanfield <mavis.stanfield@alexandriava.gov>; Tony LaColla <anthony.lacolla@alexandriava.gov>  
**Cc:** Matthew E. Zelasko <matthew.e.zelasko@gmail.com>; MVCCA <mvcca@googlegroups.com>; drca-land-use@delraycitizen.net; admin@delraycitizen.net  
**Subject:** [EXTERNAL]Opposition Letter - Hops 'N Shine Expanded SUP Request - 2023-00025

Ms. Stanfield and Members of the Planning Commission:

Please see the attached opposition letter to the Hops 'N Shine Expanded SUP Request - 2023-00025.

Thank you,  
Carissa Alaimo and Matthew Zelasko

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Ms. Stanfield and Members of the Planning Commission:

We are writing in opposition to Special Use Permit #2023-00025: Hops 'N Shine Restaurant. Our names are Carissa Alaimo and Matthew Zelasko, and we are residents of Mount Vernon Community Court Association (MVCCA)--the residential neighborhood which abuts Hops 'N Shine--where we live at 116 Sanborn Place.

We would like to begin by referring you to the email we wrote to the planning commission in August of 2020 in reference to the previous, expanded Hops 'N Shine SUP (please see and read enclosed below). It's important to note that Planning Commission staff never provided evidence or rationale to support their claim that the outdoor speaker music and increased outdoor capacity they supported would not violate the City noise ordinance. Yet, it was clear to residents of MVCCA that this was unrealistic.

After nearly three years and dozens upon dozens of legitimate citations and noise complaints since then, every concern we cited has been substantiated and every prediction we made has sadly come to fruition. Our position remains the same today, with the exception that we can now point to concrete and overwhelming evidence that Hops 'N Shine continues to operate in bad faith against both the City and its residential neighbors.

In spite of their existing non-compliance and major friction with their residential neighbors, Hops 'N Shine is requesting a *second* doubling of outdoor capacity to 120 (up *fourfold* from their original SUP of 30) with expanded patio hours until 1AM and amplified, live outdoor entertainment. We don't want a nightclub on our front lawns. Would you?

These were all requests that were denied multiple times in previous SUPs, and yet the situation has only deteriorated substantially since then, not improved. Hops 'N Shine has skirted and chipped away at the spirit and intent of their existing SUP regulations, using disingenuous and insincere tactics and technicalities i.e. using amplified sound for outdoor trivia claiming it does not fall under "entertainment." When the City has given Hops 'N Shine an inch, they've brazenly taken a mile.

It's clear that this newest SUP is merely another emboldened attempt to manipulate and deceive their way into approval, flying in the face of anything that would be operationally reasonable for the Del Ray community and against all precedent. Not only should the City reject all proposals in this SUP application, but you should also reconsider the current SUP until Hops 'N Shine

adheres to the existing mandated conditions. If Hops 'N Shine is unable to operate within the boundaries of the City noise ordinance, then their SUP *privileges*, not rights, should be revoked.

The City has allowed its own authority to be undermined by Hops 'N Shine, as Hops 'N Shine has flagrantly engaged in non-compliant behavior with the SUP and also wasted and disrespected City and Court time and resources by failing to appear and address the citations against them. It's high time the City takes control of the situation and enforces compliance. Through every SUP iteration, the City has been overly deferential and frankly naive, and Hops 'N Shine has never earned the benefit of the doubt, quite the opposite. As we all know now, Planning Commission staff were unfortunately mistaken in the last SUP. The expanded SUP in 2020 has led to operations that far exceed the City noise ordinance. We ask that the Planning Commission acknowledge this misestimation.

Finally, we'd like to ask the Planning Commission, at what point does this all end? Only once Hops 'N Shine has worn down the City and MVCCA into submission, with the ability to do whatever they want whenever they want? We feel that enough is enough. We implore you to finally listen to and give credence to the residents of this community whose homes have predated this business and whose quality of life has suffered because of it. The City has the authority here. We beg you to exercise it.

Sincerely,

Carissa Alaimo and Matthew Zelasko

116 Sanborn Place  
Alexandria, VA 22305

[carissa.alaimo@gmail.com](mailto:carissa.alaimo@gmail.com)

[matthew.e.zelasko@gmail.com](mailto:matthew.e.zelasko@gmail.com)

From: Carissa Alaimo <carissa.alaimo@gmail.com>  
Date: Wed, Aug 26, 2020 at 12:53 PM  
Subject: SUP #2020-00045: 3410 Mount Vernon Avenue Hops 'N Shine Restaurant  
To: Matthew E. Zelasko <matthew.e.zelasko@gmail.com>, <raymond.roakes@alexandriava.gov>, <ann.horowitz@alexandriava.gov>, <Anthony.LaColla@alexandriava.gov>

Mr. Roakes, Mr. LaColla, and Ms. Horowitz:

We are writing with respect to Special Use Permit #2020-00045: 3410 Mount Vernon Avenue (Parcel Address: 3408 Mount Vernon Avenue) Hops 'N Shine Restaurant.

Our names are Carissa Alaimo and Matthew Zelasko, and we are residents of Mount Vernon Community Court Association (MVCCA)--the residential neighborhood which abuts Hops 'N Shine--where we live at 116 Sanborn Place.

We moved here in 2017 attracted to Del Ray for its Main Street feel. The Avenue is such a wonderful gem for young professionals and young parents -- one that we hadn't found anything similar in all of the DC suburbs we searched while house-hunting. It quite literally feels unlike any other community in the region, with its small business charm and close-knit neighbors, and lends to the unique effect of a genuinely happy, safe, and comfortable community. Specifically, MVCCA is a haven for first-time homeowners with young families. There are about 15 young children living in the cul-de-sac. In a couple years, we hope to have our own children playing out front with them. At night, all those children are asleep in their bedrooms with windows at the front of the houses facing the fence line with Hops 'N Shine due to the layout of the homes.

If relegated to either the interior or front exterior of the establishment facing Mt. Vernon Avenue, we express our support for any proposed increased capacity and boundaries, expanded hours, music, and games. Amendments to the front exterior increase the vibrancy and streetscape of Mt. Vernon Avenue and the surrounding area, of which our neighbors and us are happy to see flourish.

However, we are writing to express our sincere concern with any expansion of operations on the rear patio that directly faces our residential street. Hops 'N Shine is already in non-compliance with their existing SUP, which required a landscape buffer to be constructed to reduce the disruption to the surrounding citizens. Yet, Hops 'N Shine continues to operate in bad faith with its neighbors and has never indicated a willingness to form an amicable relationship with the



MVCCA or engage in open dialogue in the interest of protecting and maintaining Sanborn Place as a family-friendly zone. It is unreasonable to us that the City would consider any additional SUPs from this establishment before they comply with the conditions of their original SUP.

Additionally, since the City's COVID-19 relaxation of operating restrictions for businesses, Hops 'N Shine has moved tables closer to Sanborn Place in order to accommodate social distancing. Our neighbor at 138 Sanborn Place has reported that the increased noise is just barely tolerable but anything more would be detrimental to her family's well-being. Our community understands that businesses need a wide berth right now due to COVID-19 to stay viable. However, the exacerbation of noise that was generated just from the relocation of tables with the existing capacity should be a red flag for any permanent operating changes or expansion in the rear.

The staff comments in the SUP say, "Staff recommends approval of the applicant's request to increase outdoor seating in the existing rear patio by 30 seats to a total of 60 seats. Staff has not received complaints regarding noise from the existing outdoor seating. While an increase to the number of seats will possibly increase noise, it is staff's belief that the noise levels will not exceed City standards." We'd like to ask why staff believe that noise levels will not exceed City standards? No rationale is given.

Before COVID-19 in which the tables were set further back with the existing occupancy, the status quo was tolerable, hence the lack of noise complaints. However, we can guarantee that doubling capacity, permanently relocating tables closer to the property line (to accommodate the increased capacity), games, and music will become a noise-complaint-by-design-setup. The logical end is incessant noise complaints. It just seems ill-fated for all involved. In no way do we want our tax dollars and community protection being preoccupied with never-ending noise complaints instead of the actual work the Alexandria Police needs to do. We would prefer that the ADP be reserved for more important matters than responding to after-hours noise complaints, but we're also adamant that the children who live on Sanborn Place, and whose bedroom windows will take the brunt of traveling noise, deserve peaceful and harmonious homes. We urge the City to recognize its own interest in preventing such a situation altogether.

It's also important to note that these current requests were all contained in Hops 'N Shine's original SUP but were not granted by the City or recommended for approval by planning staff previously. If they weren't satisfactory before, why are they satisfactory now? Nothing has changed with respect to the surrounding residential community. Residents should not have to bear the burden or endure a reduction in quality of life to accommodate a business that chose a poor and inadequate site for its business model (current COVID-19 conditions aside).

We are also writing to request that you reconsider and amend your staff recommendations specifically with respect to games and music for this SUP based upon an existing model in Del Ray. The Garden at 1503 Mt Vernon Ave, Alexandria, VA 22301 was established shortly after Hops N Shine in 2018, and given their comparable business model and proximity, it is the best and most fair comparison to Hops 'N Shine.

That SUP 2018-0067 is here:

<http://imaging.alexandriava.gov/weblink7PZSUP/ElectronicFile.aspx?docid=530575&dbid=0>

Staff recommendations regarding games and outdoor music for that SUP is as follows:

- "Indoor limited live entertainment shall be permitted in the form of small musical ensembles to the extent that no amplified sound is audible outside the restaurant." (Page 12)
- "All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line." (Page 16)
- "Staff also recommends that the outdoor dining and other associated outdoor activities, be set back from the rear property line 45 feet (Condition #37), and that the applicant install landscaping to provide a visual buffer from the residential property to the rear (Condition #39). Though a staff analysis of outdoor dining setbacks adjacent to residential properties shows a 72-foot average, the recommended 45-foot buffer is close to double the required 25-foot zone transition setback as stipulated in Section 7-900 of the Zoning Ordinance for commercial buildings adjacent to residential zones." (Page 9)
- "Staff recommends approval of two sets of outdoor games at the site, as stated in Condition #36. Staff has determined that a limitation of two sets of games would be accessory to the primary function of the restaurant as an eating and drinking establishment. The game area would also be setback 45 feet from the rear property line pursuant to Condition #37. Staff does not object to an outdoor bar pursuant to Condition #37; the bar must not be within 45 feet of the rear property line and no seats are permitted at the bar. Condition #39 also requires that the applicant submit a landscape plan and install a fence to provide a visual buffer from the outdoor restaurant activities and the residence at 404 East Nelson Avenue." (Page 10)

It is clear that the Planning Commission staff in that SUP understood the risk associated with amplified outdoor music and outdoor games/activities within 45-feet of the property line, even acknowledging a 72-foot average seen in the City. We fail to understand why in the case of

Hops 'N Shine the staff recommendations are to approve with the bare minimum of 25-feet as well as amplified outdoor music. Therefore, we are writing to ask why the situation is different in this case? If no reasonable difference can be stated, we request that reconsiderations and amendments to staff suggestions be made based upon an existing precedent prior to the Planning Commission meeting.

With all that being said and those questions asked, the expansion of the northern end of Del Ray and Mount Vernon Avenue seems inevitable, and that with which we look forward to for so many reasons. The commercial upgrades, the infrastructure revitalization, an abundant landscaping plan, the increased walkability, all point to things we are excited about, particularly on this important and busy street corner. But we'd like to partner with the City, Planning Commission and neighboring businesses for a collaborative community approach that will be beneficial for everyone. The families writing and speaking out have localized and detailed concerns but also with great incentive for the enhancement of Del Ray. The property owners of MVCCA are prepared for and excited for growth, but ask for reasonable concessions in order to provide all parties with smart, sustained, positive evolutions.

Sincerely,  
Carissa Alaimo and Matthew Zelasko

116 Sanborn Place  
Alexandria, VA 22305

[carissa.alaimo@gmail.com](mailto:carissa.alaimo@gmail.com)  
[matthew.e.zelasko@gmail.com](mailto:matthew.e.zelasko@gmail.com)

**From:** [Mavis E Stanfield](#)  
**To:** [Tony LaColla](#); [Samantha Lockwood](#)  
**Subject:** FW: [EXTERNAL]Comments on Hops N Shine  
**Date:** Friday, May 12, 2023 1:37:37 PM  
**Attachments:** [IMG\\_20230511\\_145656.jpg](#)  
[IMG\\_20230511\\_145940.jpg](#)

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**From:** Al Havinga <[al.havinga@gmail.com](mailto:al.havinga@gmail.com)>  
**Sent:** Friday, May 12, 2023 1:20 PM  
**To:** Mavis E Stanfield <[mavis.stanfield@alexandriava.gov](mailto:mavis.stanfield@alexandriava.gov)>  
**Subject:** Re: [EXTERNAL]Comments on Hops N Shine

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There were 2 pictures. Here they are. I think you have scroll all the way down.

Please confirm you received them.

Al

On Fri, May 12, 2023, 1:08 PM Mavis E Stanfield <[mavis.stanfield@alexandriava.gov](mailto:mavis.stanfield@alexandriava.gov)> wrote:

Thank you for your comments. Did you have something attached or imbedded? I am unable to see it.

---

**From:** Al Havinga <[al.havinga@gmail.com](mailto:al.havinga@gmail.com)>  
**Sent:** Friday, May 12, 2023 12:25 PM  
**To:** Mavis E Stanfield <[mavis.stanfield@alexandriava.gov](mailto:mavis.stanfield@alexandriava.gov)>; PlanComm <[PlanComm@alexandriava.gov](mailto:PlanComm@alexandriava.gov)>  
**Cc:** Stephen Harris <[sharris5@gmail.com](mailto:sharris5@gmail.com)>  
**Subject:** [EXTERNAL]Comments on Hops N Shine

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Mavis Stanfield, Urban Planner  
Alexandria Planning Commision

We write to you as residents of Mount Vernon Court Community Association (MVCCA) **opposed to the Special Use Permit (SUP) application (2023-00025) of Hops N Shine** pending before the Alexandria Planning Commision. In addition, we urge The City of Alexandria **to enforce the applicant's current SUP (2020-0045)**, of which City Staff has documented

numerous violations.

We live on Sanborn Place in the Mount Vernon Courts Community Association (MVCCA). MVCCA is a townhouse community of 30 homes immediately behind Hops N Shine on Sanborn Place. MVCCA homes were built in 1997/1998. From 1997 - 2017 the residents of MVCCA coexisted peacefully and without incident with the tenants of the shopping center where Hops N Shine resides. The shopping center was built in the 1950's and has kept its essential character from the 50's. It includes a laundromat, Hops N Shine (formerly Senor Chicken), 7-11, and El Paisa Grocery and Carryout. There is parking in the front of the businesses for about 35 cars. Additional parking in the rear provided parking for about another 15 vehicles. In 2017 the rear parking was removed to accommodate the Hops N Shine outdoor patio. This patio is about 25 feet from MVCCA homes.

Hops N Shine was originally permitted by the City of Alexandria as a bar/restaurant in 2017. In addition to an indoor bar/restaurant, it allowed the conversion of the rear parking lot into an outdoor patio. The 2017 SUP permitted an indoor bar/restaurant operation with seating for 30 patrons with an additional seating for 30 patrons outside in the rear outdoor patio. The 2017 SUP required Hops N Shine to close the patio by 9 pm. In 2020 (during Covid), Hops N Shine requested and received revisions to its SUP which increased its indoor seating from 30 to 60. The outdoor seating capacity was likewise increased from 30 to 60 patrons. Hours for the back patio were extended from 9 pm to 10 pm. Other requirements such as a ban on live outdoor music and outdoor cooking remained in place.

Hops N Shine has **flouted the limits of its SUP** by repeatedly projecting amplified entertainment onto its outdoor patio, clearly audible by nearby residences. Moreover, these loud residential disturbances have repeatedly occurred past the SUP limit of 10 pm, as documented by City Staff. These repeated violations disturb neighbors and their small children at night, and demonstrate contempt for the limits set by the City. At a May 9, 2023 meeting of the DelRay Citizens Association Land Use Committee, representatives of Hops N Shine downplayed the complaints and violations calling them "*not real*" violations and indicated that they would continue to fight the complaints in Court. Throughout its history, Hops N Shine has continued to willfully disregard the SUP process and the established rules and regulations of the City of Alexandria.

Hops N Shine has shown by its actions of flouting and ignoring its SUP requirements, ignoring City processes, its numerous violations, and continuing to fight coming into compliance by contesting each violation that it is a **neighborhood nuisance**. Hops N Shine did not even show up for a September 15, 2022 self requested Court hearing to contest a March 26, 2022 violation. Hops N Shine through its continuing actions has brought this nuisance to the neighborhood and MVCCA residents in particular. **We ask the City to fix the nuisance with the powers it alone possesses.**

Hops N Shine now **seeks to expand its disturbance of our neighborhood** by requesting in its new SUP application (1) approval of live music, ambient (speaker) music and amplified live speaker entertainment on

its back patio, (2) a significant expansion of its outdoor patio seating capacity to 120 people and (3) outdoor cooking on its back patio. Furthermore, it now asks to extend these neighborhood disturbances beyond its currently-allowed hours to 11 pm on weeknights and 1 am on weekends. Approval of these additional privileges for a serial permit violator would reward bad behavior and further disturb its neighbors' rights to live without undue daytime and nighttime disruption.

Hops N Shine by virtue of the numerous complaints and violations filed against it and its recalcitrance to come into compliance is a **bad actor**. It is obvious that this business does not value the City's rules and process or its neighbors. This raises the question of whether the City of Alexandria should reward Hops N Shine by granting an increase in its seating capacity, an increase in hours, amplified live entertainment on the patio, outdoor cooking, etc. Granting these requests **would reward Hops N Shine for non-compliance**. We fail to see how rewarding Hops N Shine, a serial scofflaw, will encourage them to come into compliance. The City will lose its power to deter future violations by Hops N Shine **and other businesses** if it grants Hops N Shine's 2023 SUP request. Other businesses in Alexandria are watching what the City does in this instance.

In discussions with the City staff in 2016 and 2017, MVCCA expressed concern with an entrance to the rear patio. To address our concerns, City staff added condition **#12 to the SUP which states: *Patrons shall arrive and leave the outdoor dining area through the restaurant entrance at 3410 Mount Vernon Avenue with the exception of patrons requiring accessibility accommodation or for emergency egress purposes.*** MVCCA was in agreement with this permit requirement. However, Hops N Shine has continually ignored compliance with this requirement. When the back patio is open, the gate is generally propped open and patrons enter and leave the patio through the rear "emergency and accessibility" access point. Hops N Shine has posted signs at the rear and front entrances which state respectively: (1) "Patio Entrance; Welcome to Hops N Shine; see bartender inside to order" and (2) "Patio Seating Around Building". We request a modification of existing permit requirement #12 to address these continuing violations. The new requirements should include structural changes such as locking the back gate from the inside at all times but allowing egress in an emergency and a bell on the outside for patrons needing accessibility accommodations. The SUP should continue to require patrons to use the front door entrance. Additionally, Hops N Shine should remove the signs at the front and rear entrances. We have attached two pictures to illustrate Hops N Shine current non-compliance with condition #12.

We have been at this issue since 2017. **How long will it take?** We want to go back to being a regular neighborhood. We don't want to continually have to document non-compliance. Barring compliance, Hops N Shine should take its vision of a bar/entertainment venue at all hours to an area which is compatible with that vision. It is not compatible here.

We urge you to **(1) reject this SUP application**. In addition, we ask that the **(2) City enforce the applicant's original SUP**. Failing compliance by Hops N Shine, the City should take steps to shut down this business.

Thank you for your consideration.

Al Havinga  
Susan Lewis  
104 Sanborn Place  
Alexandria, VA 22305

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# Patio Entrance

WELCOME TO HOPS N SHINE!  
SEE BARTENDER INSIDE TO ORDER





**Patio Seating  
Around  
Building**





[EXTERNAL]SUP2023-00025 - Hops n Shine

Leslie Klein <leslie.klein@gmail.com>

Thu 5/11/2023 9:31 PM

To: PlanComm <PlanComm@alexandriava.gov>

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

Dear Members of the City of Alexandria Planning Commission,

My name is Leslie Klein and I'm a homeowner in the Mount Vernon Court Community Association, the 30-townhouse community in Del Ray that shares a (non-soundproof) fence with Hops n Shine. I understand that you will be reviewing SUP application 2023-00025 for a significant outdoor expansion on June 6, 2023. As part of your review, I would like to invite you to our community to hear from some of our residents and walk through our side of the fence to better understand the burden the bar places on our community. We recently met with Mavis Stanfield and Tony LaColla from the Planning and Zoning Department, and members of the Del Ray Citizens Association's Land Use Committee, and I think we all thought they were very productive conversations. I expect members of our community will sign up to speak at the June 6 meeting, as well as submit letters opposing any expansion, but sometimes an informal conversation and walk-through gives everyone a better idea of the issues at hand.

Please let me know some dates in the early evening when you are available to speak with us. We look forward to working with you.

Thank you for your consideration!

Best,  
Leslie Klein

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**From:** [Mavis E Stanfield](#)  
**To:** [Samantha Lockwood](#); [Tony LaColla](#)  
**Subject:** FW: [EXTERNAL]Opposition to Hops N Shine SUP  
**Date:** Monday, May 15, 2023 8:05:43 AM

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Fyi.

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**From:** suvidhapolu <suvidhapolu@gmail.com>  
**Sent:** Friday, May 12, 2023 9:49 PM  
**To:** Mavis E Stanfield <mavis.stanfield@alexandriava.gov>  
**Subject:** [EXTERNAL]Opposition to Hops N Shine SUP

You don't often get email from [suvidhapolu@gmail.com](mailto:suvidhapolu@gmail.com). [Learn why this is important](#)

Sorry it was sent to the wrong email.

Good Evening Ms. Stanfield,

As a resident of Mount Vernon Community/ Sanborn Place I just wanted to ensure that our household makes it known to you that we are not supportive of the proposed changed Hops N Shine has petitioned for. My neighbors have put it more eloquently and captured essentially our family's feelings. As parents of a toddler it is our job to ensure he grows up in a safe environment and we believe Hops N Shine's proposed changes put his safe environment at risk. Thank you for your consideration and we hope you will act in our best interest.

Thanks,  
Suvidha Polu and Jose Alves

Sent from my T-Mobile 4G LTE Device

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