



DOCKET ITEM #9
Special Use Permit #2015-0028
Encroachment #2015-0003
2312 Mount Vernon Avenue – Pork Barrel BBQ, Sushi Bar
and Holy Cow

Application	General Data	
Public hearing and consideration of: A) a request to amend existing Special Use Permit #2010-0011 to increase seating, add live entertainment, and for a parking reduction; and B) a request for an Encroachment into the public right-of-way	Planning Commission Hearing:	September 1, 2015
	City Council Hearing:	September 12, 2015
Address: 2312 Mount Vernon Avenue (Parcel Addresses: 2318 Mount Vernon Avenue and 111 East Oxford Avenue)	Zone:	CL/Commercial Low, Mount Vernon Avenue Urban Overlay, and R-2-5 / Single and Two-Family Residential zone
Applicant: Hog Thaid LLC t/a Pork Barrel BBQ	Small Area Plan:	Potomac West

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

Staff Reviewers: Nathan Randall, nathan.randall@alexandriava.gov & Alex Dambach, AICP, alex.dambach@alexandriava.gov

PLANNING COMMISSION ACTION, JUNE 2, 2015: At the applicant's request. This item was postponed to the hearing of September 1, 2015. The applicant had requested postponement in order to address a leasing issue with its parking lot.

PLANNING COMMISSION ACTION, SEPTEMBER 1, 2015: On a motion by Commissioner Wasowski, seconded by Commissioner Macek, the Planning Commission voted to recommend approval of Special Use Permit #2015-0028 and Encroachment #2015-0003 with parking reduction subject to compliance with all applicable codes, ordinances, and other staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis. Commissioner Wasowski added that this use's parking arrangement is a good example of the use of shared parking to make efficient use of limited parking resources. Commissioner Macek raised the question of whether permit parking would be logical strategy for the neighborhood. Staff responded that this

would be investigated.

Speakers:

Bill Blackburn, applicant, spoke in favor of the application.

Pat Miller, a long term Del Ray resident, spoke in favor of the application. She said she is proud of the business growth in the area and explained how this business is very good about finding solutions to community issues whenever they may arise. She also referenced how this use is a major improvement over the former use of the site as a gas station. She shared her understanding of neighborhood concerns, but stated that they could be resolved collaboratively.

Robyn Link, a Del Ray resident, spoke in opposition. She stated she is opposed to the granting of more parking reductions in Del Ray. She expressed concern that the neighborhood has reached a tipping point in terms of its capacity for business activity.

Gail Roiter, 110 E. Del Ray Avenue, spoke in favor of the application. She said she lived adjacent to the parking area, and she does not have a noise problem. She said people near St. Elmo's also have no noise problems. She also said most people walk to this restaurant, and there are bike racks in place, and no more are needed, as was suggested by the Del Ray Land Use Committee. She also said there are many more surrounding residents who support this use.

Paul Click, 109 E. Oxford Avenue, spoke in opposition. She said the neighborhood is at a tipping point, and businesses get the positive impacts, while residents get the negative impacts. He opposed the parking reduction, saying it exacerbates an issue, and there will be unknown impacts from the live entertainment.



ENC #2015-0003; SUP #2015-0028
2312 Mt. Vernon Ave.
(Parcel Address: 2318 Mt. Vernon Ave.) &
111 E. Oxford Ave.



I. DISCUSSION

The applicant, Hog Thaid LLC, requests a Special Use Permit amendment to increase seating, to allow live entertainment, and for a parking reduction at 2312 Mount Vernon Avenue. The applicant also requests Encroachment approval to allow outdoor dining to be located on the public right-of-way adjacent to 2312 Mount Vernon Avenue.

SITE DESCRIPTION

The subject site involves two lots of record. The first lot has 115 feet of frontage on Mount Vernon Avenue, 100 feet of frontage on East Oxford Avenue and a total lot area of 11,784 square feet. A two-story commercial building, the ground level of which contains the subject restaurant, is located on this lot. The second lot, on which the surface parking lot is located, has 67.5 feet of frontage on East Oxford Avenue, 115 feet of depth and a total lot area of 7,769 square feet.



The surrounding area is occupied by a mix of residential and commercial uses. Single-family residences are located immediately to the northwest and west. Three restaurants (St. Elmo's, Dairy Godmother, and Market 2 Market) and a UPS Store are located to the south on Mount Vernon Avenue. A former insurance office, which has been approved for a restaurant expected to be called "Stomping Ground," and a City-owned parking lot used for the Del Ray Farmer's Market are located to the east across Mount Vernon Avenue. Virginia Commerce Bank is located to the northeast and a hat shop is located directly to the north.

BACKGROUND

A gas station previously occupied this site beginning in 1954. City Council approved DSUP#2006-0019 in December 2007 for construction of the subject two-story mixed-use office/retail building under provisions for form-based development in the Mount Vernon Avenue Urban Overlay Zone. The Zoning Ordinance provisions for form-based development included an incentive which reduced the parking requirement for future uses by 50%.

In May 2010, City Council approved SUP#2010-0011 for the operation of the subject restaurant. Although it operates under common ownership and with shared kitchen areas, the restaurant has been divided into three distinct restaurant concepts, each with their own name and frontage along Mount Vernon Avenue.

Pork Barrel BBQ is located at the northern end of the building next to the corner of Mount Vernon and East Oxford Avenues, the Sushi Bar is in the middle portion, and Holy Cow is located at the southern end of the building. The three concepts are considered one restaurant for the purposes of this SUP.

The SUP review process in 2010 included a significant amount of public comment, particularly regarding concerns about the potential for excessive odors from barbeque cooking. Additional concerns in connection with the request included the originally-proposed closing hour of 2 a.m. and the originally-proposed side door on East Oxford Avenue (both of which were removed from the request prior to SUP approval) as well as supply deliveries. Several individuals and groups supported the project as well, whether as originally proposed or as amended.

The original SUP approved both indoor and outdoor dining, the latter of which was established in an area of private property immediately in front of the Pork Barrel BBQ frontage of the restaurant. SUP#2010-0011 also included a special provision in Condition #2 that allowed the Director to approve additional seating (without subsequent SUP approval) if adequate parking was provided. In the summer of 2013, the applicant requested and staff approved 12 additional outdoor seats in an area of private property located immediately in front of the Holy Cow portion of the restaurant. The seating was actually installed in the summer of 2014. Four of these 12 seats were allowed given that the maximum number of outdoor dining seats exempted from off-street parking requirements was raised from 16 to 20 in the Mount Vernon Urban Overlay Zone as a result of the Small Business Zoning text amendments approved in late 2010. The remaining eight additional outdoor dining seats in the request were approved given that the applicant at that time had one additional off-street space than required for its existing seating.

Staff recorded one complaint, in 2013, regarding a potential violation of Condition #25 of SUP#2010-0011 regarding whether supply deliveries were occurring behind the building before 7 a.m. Follow-up site visits could not confirm that such deliveries were taking place in violation of the SUP condition. No complaints to Planning & Zoning or Transportation and Environmental Services have been recorded regarding excessive odors since the restaurant opened in 2011.

On a site inspection in April 2015, staff found four violations of the conditions of the existing SUP. The number of seats at the restaurant exceeded, by 14, the 160 indoor and 28 outdoor seats currently allowed under the provisions of Condition #2. Litter was found around the rear parking lot on the property (Condition #17) and excessive materials (boxes and restaurant equipment) were stored outside of the restaurant (Condition #15). The existing outdoor dining areas in front of Pork Barrel BBQ and Holy Cow also already occupied a small portion of the public right-of-way, measuring between nine and 12 inches wide, without Encroachment approval (Condition #8). The applicant promptly corrected these violations, except that staff has forestalled enforcement regarding the outdoor dining being already located in the public right-of-way in front of Pork Barrel BBQ. The applicant had already applied for Encroachment approval to remedy the situation and moving the barriers back onto private property would have likely precluded the use of most of this portion of the outdoor dining area.

PROPOSAL

The applicant seeks an SUP amendment to add 12 outdoor seats and to allow indoor live entertainment, likely in the form of acoustic live music, at the existing restaurant. Four new outdoor seats would be located in the same area as the existing outdoor dining in front of the Holy Cow portion of the restaurant, while the remaining eight new outdoor seats would be located in front of the Sushi Bar portion of the restaurant where no outdoor dining currently exists.

In connection with these requests, a three-space parking reduction and an Encroachment are also proposed as part of this case. The proposed encroachment into the public right-of-way would measure approximately one foot wide by 104.25 feet long, spanning approximately the entire length of the building. It would allow a portion of the existing outdoor seats and barriers (in front of the Pork Barrel BBQ and Holy Cow portions of the restaurant) to be located on the public right-of-way as well as a portion of the new outdoor seats and barriers. No further encroachment into the public right-of-way than has already existed (without approval) at the site recently is proposed. No other changes to the operation of the business or the existing SUP conditions are requested. Elements of the applicant's existing business and proposed changes are as follows:

<u>Hours of Operation:</u>	7 a.m. – 11 p.m. Sunday – Thursday 7 a.m. – 1 a.m. Friday and Saturday
<u>Existing Number of Seats:</u>	160 indoor seats <u>28 outdoor seats</u> 188 total seats existing
<u>Proposed Number of Seats:</u>	160 indoor seats <u>40 outdoor seats</u> 200 total seats proposed
<u>Type of Service:</u>	Dine-in, carry-out, and food delivery service
<u>Delivery:</u>	The delivery of food to customers, approved under SUP#2010-0011 but not being offered currently, would resume using up to one vehicle at any one time.
<u>Alcohol:</u>	On-premises alcohol service (only) would continue
<u>Existing Live Entertainment:</u>	No live entertainment is currently offered or approved
<u>Proposed Live Entertainment:</u>	Live entertainment, likely in the form of acoustic music, would be offered under current proposal
<u>Employees:</u>	12 - 16 employees per shift

<u>Noise:</u>	Typical restaurant noise levels are expected but would be controlled by having outdoor dining only in front of business and with good communication with neighbors regarding potential problems
<u>Odors:</u>	Typical food odors are controlled through the use of ventilation system and existing rooftop dilution fan
<u>Trash/Litter:</u>	Typical restaurant trash is stored in fenced area and collected from the site daily

ZONING/MASTER PLAN DESIGNATION

The subject property on which the restaurant building is located is zoned CL / Commercial Low and is located within the Mount Vernon Urban Overlay Zone. The parking lot behind the building is located in the R-2-5 / Single and Two-Family Residential zone. Section 4-103(M) of the Zoning Ordinance allows a restaurant in the CL zone with a Special Use Permit when not eligible for Administrative SUP approval. Given that the existing restaurant already exceeds 100 seats, and since the applicant has requested approval of a parking reduction and an Encroachment, this request is not eligible for administrative approval. Condition #31 of existing SUP#2010-0011 also prohibited the applicant from applying for administrative SUP approval for live entertainment, which would otherwise be permitted under minor amendment (Administrative SUP) eligibility standards in the Zoning Ordinance.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property (on which the building is located) for commercial use.

PARKING REQUIREMENTS

The Zoning Ordinance ordinarily requires one off-street parking space for every four restaurant seats. However, Section 6-606 (E)(3)(b) provides partial relief from full parking requirements for approved form-based developments on lots between 7,001 and 15,000 square feet in size in the Mount Vernon Urban Overlay Zone. DSUP#2006-0019 approved the subject building as a form-based development and with a parking reduction of 50% for future uses in the building pursuant to Section 6-606(E)(3)(b). The effective parking requirement for restaurant uses in the subject building is therefore one off-street space for every eight restaurant seats.

Section 6-604(B) of the Zoning Ordinance also exempts the first 20 outdoor dining seats from any parking requirement. Staff routinely recommends one off-street parking space for each delivery vehicle.

PARKING PROVIDED

The inclusion of the special provision in Condition #2 of SUP#2010-0011, allowing the applicant to provide additional seating at the restaurant if adequate parking is provided, has resulted in a varying number of seats at the restaurant the last five years following original approval.

In its original 2010 SUP approval, the restaurant was approved for 150 indoor seats, 16 outdoor seats, and one delivery vehicle, which resulted in a requirement of 20 off-street parking spaces based on the parking requirements. *(150 seats / 8) + one delivery vehicle = 19.75 spaces = 20 spaces required and 21 provided at all times.* The applicant exceeded this parking requirement in 2010 with the use of 21 parking spaces at all times in the 28-space parking lot located behind the building. (Four of the 28 spaces in the lot were approved for a tandem configuration as part of DSUP#2006-0019.) In addition, the applicant used and continues to use the remaining seven parking spaces in the 28-space lot on weeknights and on weekends.

In 2013, staff approved the addition of 12 outdoor dining seats at the restaurant pursuant to Condition #2, bringing the total seating to 150 indoor seats and 28 outdoor seats. Four of these seats were allowed without additional parking due to the change in the maximum parking exemption in the Zoning Ordinance, from 16 to 20, for outdoor seats in this location. The remaining eight outdoor seats were allowed given that the parking requirement for all then-existing seating was 20, but 21 spaces were actually available to the applicant at all times. *(150 indoor seats + 8 non-parking-exempt outdoor dining seats) / 8 + one delivery vehicle = 20.75 spaces = 21 spaces required and provided at all times.*

Today, the applicant is allowed to provide up to 160 indoor seats and 28 outdoor dining seats. The additional indoor seating is allowed given that the applicant has suspended the use of the one delivery vehicle anticipated in the 2010 SUP, and given that two additional seats are allowed due to rounding. It continues to have the use of 21 off-street parking spaces at all times plus seven additional spaces on weeknights and weekends. *(160 indoor seats + 8 non-exempt outdoor dining seats) / 8 = 21 spaces required and provided at all times.*

The applicant now proposes to provide 12 new outdoor dining seats and one delivery vehicle would be used again to deliver food to customers' homes. In addition, staff has observed that four new indoor seats would now be allowed, due to rounding, without changing to the number of parking spaces required. *(164 indoor seats + 20 non-exempt outdoor dining seats / 8) + one delivery vehicle = 24 spaces required but only 21 provided at all times.* The applicant continues to provide only 21 off-street spaces at all times (plus seven additional spaces on weeknights and weekends) rather than the 24 spaces required at all times for the seating it now desires. It has therefore requested a three-space parking reduction as a part of this approval to meet the balance of its parking requirement.

II. STAFF ANALYSIS

Staff supports the applicant's Special Use Permit and Encroachment requests. Although the prior SUP approval involved considerable discussion five years ago, particularly regarding the potential for odors, the outdoor seating and live entertainment now proposed at the restaurant are rather limited in size and scope and are not unusual compared to other restaurants in Del Ray. Staff believes it is unlikely that either restaurant feature requested in this case would create negative impacts on the surrounding area, particularly with the inclusion of existing and amended conditions of approval. The parking reduction and Encroachment requests are also supportable.

Outdoor Dining / Encroachment

Outdoor dining is a common feature in Del Ray and throughout the City. Staff has often recommended approval of outdoor dining at restaurants given the feature's tendency to support active and attractive streetscapes. The specific outdoor dining proposal requested here is appropriate given its location at the front of the business, which is also as far from nearby residences as possible. Outdoor dining seats already exist at the restaurant in the immediate vicinity, and staff has not received any complaints regarding these seats or the existing outdoor dining area in general.

With regard to available space, most of the new outdoor dining tables and seats can be accommodated on private property. However, the applicant has requested Encroachment approval to allow portions of the new and existing outdoor seats and barrier to be located up to one foot into the public right-of-way for the entire length of the building. Although a one-foot encroachment to the public right-of-way may seem relatively small, such requests can in some circumstances negatively impact pedestrian movement along adjacent streets. Staff has reviewed the potential for such impacts in this instance and finds that adequate pedestrian access would continue to exist if the Encroachment request were approved. A continuous clear pedestrian path of approximately five-to-5.3 feet would remain along Mount Vernon Avenue, as measured to the existing tree wells. To reinforce this circumstance, staff has recommended new Condition #33 in this report to require that a minimum five-foot clearance be maintained at all times. Additional sidewalk width is also available for pedestrians between tree wells given that the entire sidewalk measures approximately 10.3 feet in total width. Staff also notes that Encroachments have been approved for at least three other restaurants in Del Ray: St. Elmo's, Mancini's, and Fireflies.

Condition #2 has been updated to reflect the maximum number of seats that would be allowed, based on the number of parking spaces available at all times and with a three-space parking reduction, if approved: 164 indoor seats and 40 outdoor seats. Standard condition language for Encroachment requests have been included in this report, such as Condition #34 requiring the applicant to indemnify the City and Condition #36 stipulating that the applicant will need to vacate the encroachment area with 60 days' notice from the City.

Live Entertainment

The applicant has also requested the ability to offer live entertainment inside the restaurant, likely in the form of acoustic musicians. This feature is also very common at restaurants throughout the City and in Del Ray, where 13 restaurants have been approved for some form of indoor live entertainment, including at locations in close proximity to residences such as Evening Star, Del Ray Pizzeria, and Fireflies. Live entertainment, when limited as a subordinate function of a restaurant, has also been deemed sufficiently reasonable to be allowed by Administrative SUP (as a minor amendment) in most instances throughout the City, unless special SUP or DSUP conditions intervene, which has been the case here.

Although live entertainment can potentially create negative impacts on surrounding uses as a general matter, staff does not believe the specific proposal here for indoor-only live music is likely to do so. The live entertainment as proposed by the applicant would only be located inside the restaurant, and this circumstance would be reinforced in condition language included in this report. In addition to prohibiting outdoor live entertainment, amended Condition #13 would only

allow limited live entertainment that is subordinate to the principal restaurant use at the site. Such condition language is standard for many restaurants with live entertainment in the City and in Del Ray. An additional measure to mitigate the potential for excessive noises in connection with live entertainment, existing Condition #18 would continue to prohibit amplified sounds from being audible past the property line. The City's Noise Ordinance would also apply here as well.

Parking Reduction

Staff also supports the requested a three-space parking reduction in connection with the additional outdoor seats and the resuming of food delivery service to customers. The majority of the seating that would be added here would be for outdoor dining, which is seasonal. Several bus lines operate on Mount Vernon Avenue, and it is reasonable to believe that a portion of restaurant customers would walk or bike to the site. Perhaps most importantly, although only 21 spaces are available at all times, the applicant actually exceeds its 24-space parking requirement with the use of the entire 28-space parking lot on weeknights and on weekends, which are typically the busiest times for restaurants. Staff has recommended new condition language (Condition #32) to formally require the applicant to provide at least three off-street parking spaces on nights and weekends in the future, commensurate with the current three-space parking request. As a practical matter, the applicant plans to continue to provide the same seven additional spaces on nights and weekends as it has done for the last five years.

Additional Considerations

Aside from the condition changes already mentioned in this report, staff has amended a few other conditions as well. Condition #3 clarifies that its language is intended to apply only to indoor seats, and Condition #4 has been updated to reflect current standard language in which the applicant is allowed to offer up to one additional hour for indoor customers to finish their meals and beverages. Conditions #23 and #26 have been updated merely to clarify that original requirements regarding rooftop screening and a loading space on Mount Vernon Avenue should be maintained. A new one-year review (Condition #30) would also be required approximately one year from today.

Staff has heard from a few residents and business owners regarding the current request. They have expressed concerns about the proposed addition of live music and the reduction in sidewalk width, as well as parking problems, noise, and litter at the restaurant. The Del Ray Land Use Committee has also raised questions about the specific elements of the request, including potential alternatives, but has not submitted a formal statement as of May 21st.

Although the original SUP request to operate the restaurant generated significant discussion five years ago, the current proposal is rather narrow in scope, and staff views it as reasonable and common for restaurants in Alexandria and in Del Ray. Subject to the conditions contained in Section III of this report, staff recommends approval of the SUP and Encroachment requests.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2010-0011)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be ~~150~~ **164**. The maximum number of outdoor seats at the restaurant shall be ~~46~~ **40**. If there is sufficient parking and space, additional seating may be provided on the premises subject to review and approval by the Director of Planning and Zoning. (P&Z) (SUP#2010-0011)
3. **CONDITION AMENDED BY STAFF:** The hours of operation of the indoor portion of the restaurant shall be limited to between 7 a.m. and 11 p.m., Sunday through Thursday and 7 a.m. and 1 a.m., on Friday and Saturday. (P&Z) (City Council) (SUP#2010-0011)
4. **CONDITION AMENDED BY STAFF:** For indoor patrons, meals ordered before ~~the closing hour 11 p.m. Sunday through Thursday and 1 a.m. Friday and Saturday~~ may be served, but no new patrons may be admitted and no new alcohol may be served after the closing hour 11 p.m. Sunday through Thursday and 1 a.m. Friday and Saturday, and all patrons must leave by ~~one hour after the closing hour 12 midnight Sunday through Thursday and 2 a.m. Friday and Saturday.~~ (P&Z) (SUP#2010-0011)
5. The hours of operation for the outdoor dining area shall be limited to between 7:00 a.m. to 10:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 10:00pm and shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2010-0011)
6. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2010-0011)
7. Outdoor dining areas shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2010-0011)
8. **CONDITION AMENDED BY STAFF:** Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach any farther onto the public right of way than may be approved as part of ENC#2015-0003 unless authorized by an another encroachment ordinance. (SUP#2010-0011)
9. Outdoor dining shall be prohibited along the East Oxford Avenue frontage of the building. This condition may not be amended administratively. (P&Z) (City Council) (SUP#2010-0011)

10. No access to the restaurant shall be provided on East Oxford Avenue. This condition may not be amended administratively. (P&Z) (City Council) (SUP#2010-0011)
11. Prior to installation, the applicant shall provide illustrations or plans for any signage or awnings to the Director of Planning & Zoning for review and approval. Such signage or awnings shall be consistent with the Design Guidelines of the Mount Vernon Avenue Business Area Plan and DSUP#2006-0019 to the satisfaction of the Director. (P&Z) (SUP#2010-0011)
12. On-premises alcohol service may be permitted, but no off-premises alcohol sales shall be allowed. (P&Z) (SUP#2010-0011)
13. **CONDITION AMENDED BY STAFF: Limited live entertainment may be permitted inside the restaurant, but no live entertainment shall be allowed outside. 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 shall be permitted either inside the restaurant or in any outdoor dining area.** This condition may not be amended administratively. (P&Z) (City Council) (~~SUP#2010-0011~~)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2010-0011)
15. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2010-0011)
16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2010-0011)
17. 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#2010-0011)
18. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES) (SUP#2010-0011)
19. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES) (SUP#2010-0011)

20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2010-0011)
21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Departments of Transportation & Environmental Services and Planning and Zoning. (T&ES) (SUP#2010-0011)
22. The applicant shall use natural gas as the primary fuel in the barbecue cooker. (T&ES) (SUP#2010-0011)
23. **CONDITION AMENDED BY STAFF:** The applicant shall maintain rooftop screening required by DSUP#2006-0019 ~~shall be extended to~~ enclose the dilution fan/alternative exhaust equipment used by the restaurant. (P&Z) ~~(SUP#2010-0011)~~
24. Food delivery service to customers shall be limited to a maximum of one vehicle, which shall park in the space in the rear parking lot designated in DSUP#2006-0019 at all times when it is located in proximity to the restaurant. Delivery on-foot or by bicycle is permitted. (P&Z) (T&ES) (SUP#2010-0011)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am, except for large truck deliveries on Mount Vernon Avenue which may occur in the 4:00 am to 7:00 am time frame. Between the hours of 4:00 am and 7:00 am, delivery vehicles shall not back up and shall turn off engines during deliveries. (P&Z) (T&ES) (SUP#2010-0011)
26. **CONDITION AMENDED BY STAFF:** The applicant shall maintain a ~~obtain approval from the Traffic & Parking Board for the hours for the~~ loading space on Mount Vernon Avenue designated on the approved site plan. The loading space shall be signed to allow loading between 7:00am and 11:00am or other time frame approved by the Traffic & Parking Board. (P&Z) ~~(SUP#2010-0011)~~
27. Delivery vehicles, including those used to supply deliveries to the restaurant and food deliveries to customers, are prohibited from using the portion of East Oxford Avenue to the west of the subject building's rear parking lot entrance. The applicant shall inform all drivers of this prohibition and be vigilant about its enforcement. (P&Z) (SUP#2010-0011)
28. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police) (SUP#2010-0011)
29. **CONDITION DELETED BY STAFF:** ~~Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2010-0011)~~

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, 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, (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#2010-0011)
31. Conditions 9, 10 and 13 may not be amended by the administrative review process. (City Council) (SUP#2010-0011)
32. **CONDITION ADDED BY STAFF:** In addition to the minimum 21 spaces it provides at all times, the applicant shall provide at least three off-street parking spaces for restaurant use on nights and weekends at a location to the satisfaction of the Director of Planning & Zoning. (P&Z)
33. **CONDITION ADDED BY STAFF:** The applicant shall provide minimum five-foot (60 inch) clear travel way between the dining limits and existing tree wells on Mt. Vernon Avenue at all times. The applicant shall provide minimum 3 foot (36 inch) clear travel way between the planters shown and the edge of the concrete ramp at all times. (T&ES)
34. **CONDITION ADDED BY STAFF:** The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
35. **CONDITION ADDED BY STAFF:** Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
36. **CONDITION ADDED BY STAFF:** In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

STAFF: Nathan Randall, Urban Planner III, Department of Planning and Zoning
Alex Dambach, Division Chief, Department of Planning and Zoning

Staff Note: In accordance with Section 11-506(C) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 Carry forward the following existing conditions of SUP#2010-0011 as amended:

17. 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) (SUP2010-00011)
18. Condition amended by staff: All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. No live music is permitted outdoors. (P&Z)(T&ES)
19. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES) (SUP2010-00011)
20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2010-00011)
21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Departments of Transportation & Environmental Services and Planning and Zoning. (T&ES) (SUP2010-00011)
22. The applicant shall use natural gas as the primary fuel in the barbecue cooker. (T&ES) (SUP2010-00011)
24. Food delivery service to customers shall be limited to a maximum of one vehicle, which shall park in the space in the rear parking lot designated in DSUP#2006-0019 at all times when it is located in proximity to the restaurant. Delivery on-foot or by bicycle is permitted. (P&Z) (T&ES) (SUP2010-00011)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am, except for large truck deliveries on Mount Vernon Avenue which may occur in the 4:00 am to 7:00 am time frame. Between the hours of 4:00 am and 7:00 am, delivery vehicles shall not back up and shall turn off engines during deliveries. (P&Z) (T&ES) (SUP2010-00011)

27. Delivery vehicles, including those used to supply deliveries to the restaurant and food deliveries to customers, are prohibited from using the portion of East Oxford Avenue to the west of the subject building's rear parking lot entrance. The applicant shall inform all drivers of this prohibition and be vigilant about its enforcement. (P&Z) (SUP2010-00011)
- R-2 Provide minimum 5 foot (60 inch) clear travel way between the dining limits and existing tree wells on Mt. Vernon Avenue at all times. (T&ES)
- R-3 Provide minimum 3 foot (36 inch) clear travel way between the planters shown and the edge of the concrete ramp at all times. (Per Chapter 4 Accessible Routes of the 2010 ADA Standard, specifically section 403.5.1 Clear Width.) (T&ES)
- R-4 The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
- R-5 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- R-6 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (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 City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES) (SUP2010-00011)
- 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) (SUP2010-00011)

Code Enforcement:

- F-1 No code comment for addition of live music and outdoor seating. Applicant will need to update Fire prevention permit for additional seating.

Health:

F-1 No comments received

Parks and Recreation:

F-1 No comments received

Police Department:

F-1 No comments received

Fire Department:

F-1 Proposed seating cannot block access to building Fire Department Connection nor can seating block egress from exits. Egress width out of building shall be at least equal to the exit discharge door(s) width until occupant reaches public way.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2015-0028

PROPERTY LOCATION: 2312 MT VERNON AVE

TAX MAP REFERENCE: 034.02 - 08 - 08 ZONE: CL MT VERNON BUSINESS AREA

APPLICANT:

Name: HOG TRAIL, LLC TA PARK BARRETT BROS, Holy Cow, The Shikhar

Address: BILL BLACKBURN 2312 MT VERNON AVE ALEXANDRIA VA 22301

PROPOSED USE: RESTAURANT

☒ 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.

BILL BLACKBURN

Print Name of Applicant or Agent

2312 MT VERNON AVE

Mailing/Street Address

ALEXANDRIA VA 22301

City and State

Zip Code

[Signature]

Signature

3-20-15

Date

703-403-5857

Telephone #

Fax #

BILL@BBQDELTA.COM

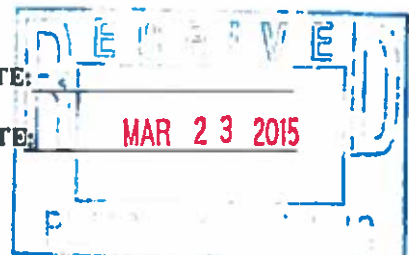
Email address

ACTION-PLANNING COMMISSION: _____

DATE: _____

ACTION-CITY COUNCIL: _____

DATE: _____



PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2312 MT. VERNON AVE, I hereby
 (Property Address)
 grant the applicant authorization to apply for the RESTAURANT use as
 (use)
 described in this application.

Name: Rafat MAALOOD

Phone: 783-477-4290

Please Print
 Address: 105 N. WASHINGTON ST.

Email: _____

Signature: [Handwritten Signature]

Date: 3-23-15

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 ten percent.

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 ten 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. MIKE ANDERSON	1320 N. PEGRAM ST.	49%
2. BILL BLACKBURN	2312 MT. VERNON AVE	11%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2312 MT. VERNON AVE (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. RAFAAT MAHOOD	700 N. WASHINGTON ST.	100%
2.		
3.		

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

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. MIKE ANDERSON	None	N/A
2. BILL BLACKBURN	None	N/A
3. RAFAAT MAHOOD	None	N/A

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

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

3-23-15
Date

BILL BLACKBURN
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.)

~~XXXXXXXXXX~~

THE THREE ROOM OR RESTAURANT CONCEPT
BBQ, SUSHI AND BURGERS WILL REMAIN THE
SAME. APPLICANT IS SEEKING 3 MAJOR CHANGES

1) ADDITION OF INCREASED SPACING ON THE
SCHEDULE OF MT. VERNON AVE (SEE DIAGRAM)

2) THE ABILITY TO OFFER LIVE MUSIC

(Now AMPLIFIED) 3) PRICE REDUCTION FOR EXTRA SEATS

No other INTER/SIFICATION OF USE FROM THE
CURRENT OPERATION IS PLANNED, THE RESTAURANT
WILL CONTINUE TO OPERATE AS IT HAS FOR THE
PAST 3 YEARS.

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

TYPICAL RESTAURANT COOKING AROMAS
VENTED 2.5 STORIES UP, EXISTING
DILUTION FAN WILL REMAIN

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)

NORMAL LEVELS OF TRASH

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

400 lbs/DAY

- C. How often will trash be collected?

DAILY MON-SAT

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

STREET FRONT TRASH RECEPTACLES

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

☐ Yes.

☒ No.

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

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

[] Yes. ☒ No.

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

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

STRONG COMMUNITY INVOLVEMENT

~~STRONG COMMUNITY INVOLVEMENT~~ VIDEO TMR MONITORING SYSTEM

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.

ON PREMISE ONLY

PARKING AND ACCESS REQUIREMENTS

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

15 Standard spaces
10 ~~Compact~~ spaces
2 Handicapped accessible spaces
1 Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

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

☒ on-site

☐ off-site

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

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

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

☒ Parking reduction requested; see attached supplemental form

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

- A. How many loading spaces are available for the use? 2 ON STREET LOADING ZONES

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? OCCASIONALLY
DIRECTLY BEHIND BUILDING
- C. During what hours of the day do you expect loading/unloading operations to occur?
5 AM - 5 PM
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
DAILY

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?

N/A

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.

N/A

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

6,000 sq. ft. (existing) + _____ sq. ft. (addition if any) = 6,000 sq. ft. (total)

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

☒ a stand alone building MIXED USE CITY BLOCK

☐ a house located in a residential zone

☐ a warehouse

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

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

☐ other. Please describe: _____

End of Application

SUP # 2015-0028

Admin Use Permit #



SUPPLEMENTAL APPLICATION

RESTAURANT

RECEIVED
REVISED

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

1. How many seats are proposed?

Indoors: 150Outdoors: 40Total number proposed: ~~190~~ 20012 NEW

2. Will the restaurant offer any of the following?

Alcoholic beverages (SUP only) X Yes NoBeer and wine — on-premises X Yes NoBeer and wine — off-premises Yes X No

3. Please describe the type of food that will be served:

TRADITIONAL BBQSUSHIBURGERS & FRIES

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

X table service X bar X carry-out X delivery

5. If delivery service is proposed, how many vehicles do you anticipate? 1

Will delivery drivers use their own vehicles? Yes X No

Where will delivery vehicles be parked when not in use?

OWNER VEHICLE - NOT LEFT ON SITE

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

X Yes No

If yes, please describe:

T.V.'SOCCASIONAL Non-AMPLIFIED LIVE MUSICLIVE MUSIC IS NOW REQUEST

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: _____

REVISED

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).

75- LUNCH
~~150-175 DINNER~~

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

12 DAY
 16 NIGHTS

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

Day:

Hours:

SUN-TUES
 FRI-SAT
 OUTDOORS

7:00 AM - 11:00 AM
 7:00 AM - 1:00 AM
 CLOSE AT 10:00 PM

WEEK.

No
CHANGE

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

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

TYPICAL FAMILY-STYLE RESTAURANT NOISE
 LEVELS

- B. How will the noise be controlled?

OUTDOOR CUSTOMER AREAS REMAIN IN FRONT
 STREET COMMUNICATION w/ NEIGHBORS RE: PROBLEMS

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.

TRASH CANS AT EXITS OF BUILDING ? TRASH CANS ON SIDEWALKS

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

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

Maximum number of patron dining seats
 + Maximum number of patron bar seats
 + Maximum number of standing patrons
 = Maximum number of patrons

2. 18
- ~~16~~
- 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



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)
 Requesting a parking reduction of three spaces.

2. Provide a statement of justification for the proposed parking reduction.

~~Requesting to add additional seating in the front (Mt Vernon Side) Sidewalk, in the front of "the sushi bar." We feel that this minor addition will not have much impact on the number of patrons served, it will only shift our current customer level outside during nice weather. We are hoping to capture some of the demand to eat sushi outside. Currently during nice weather we are slower than we would like~~

3. Why is it not feasible to provide the required parking?
 lack of available real estate

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

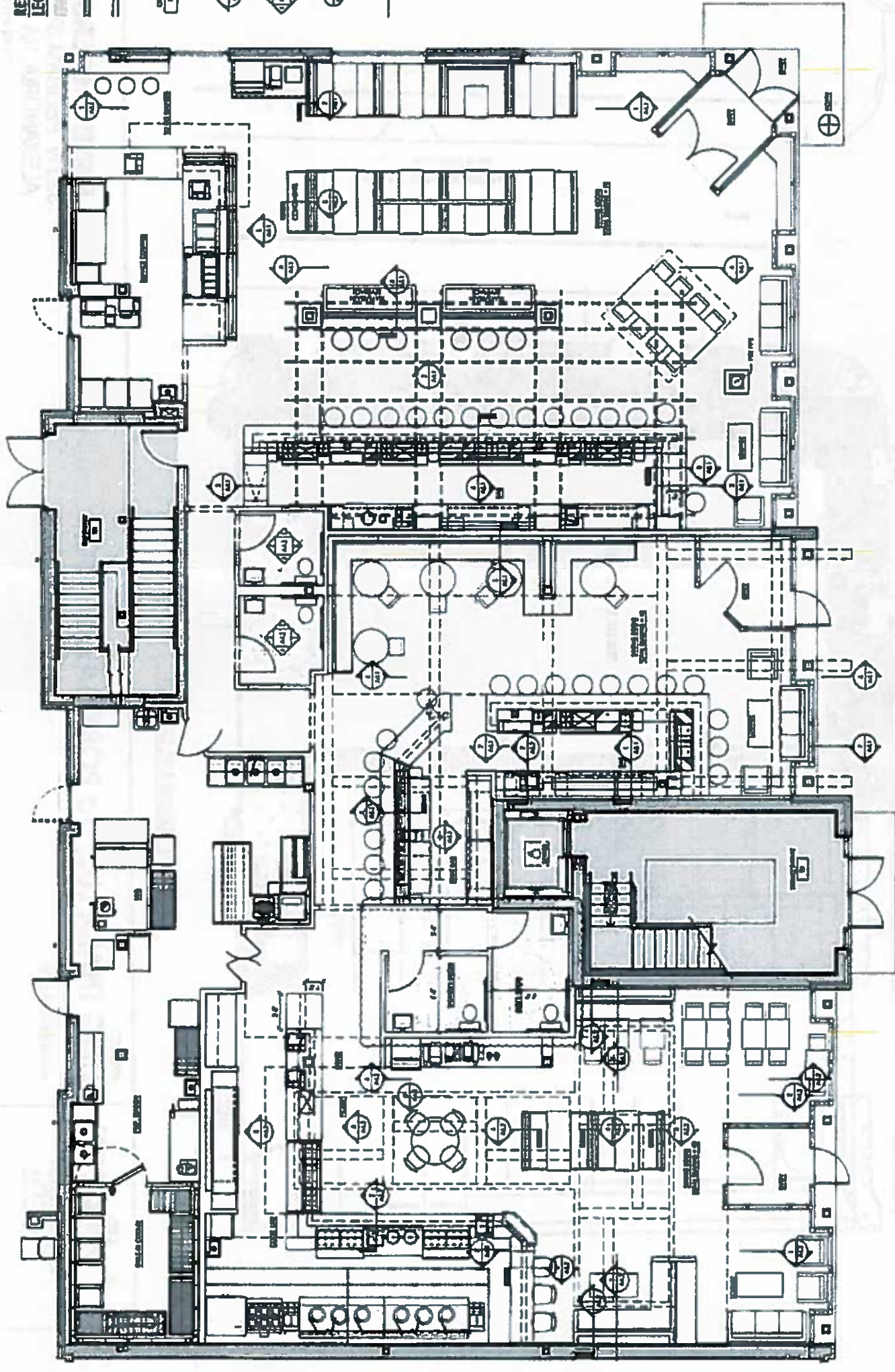
☐ Yes. ☒ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a *Parking Management Plan* which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

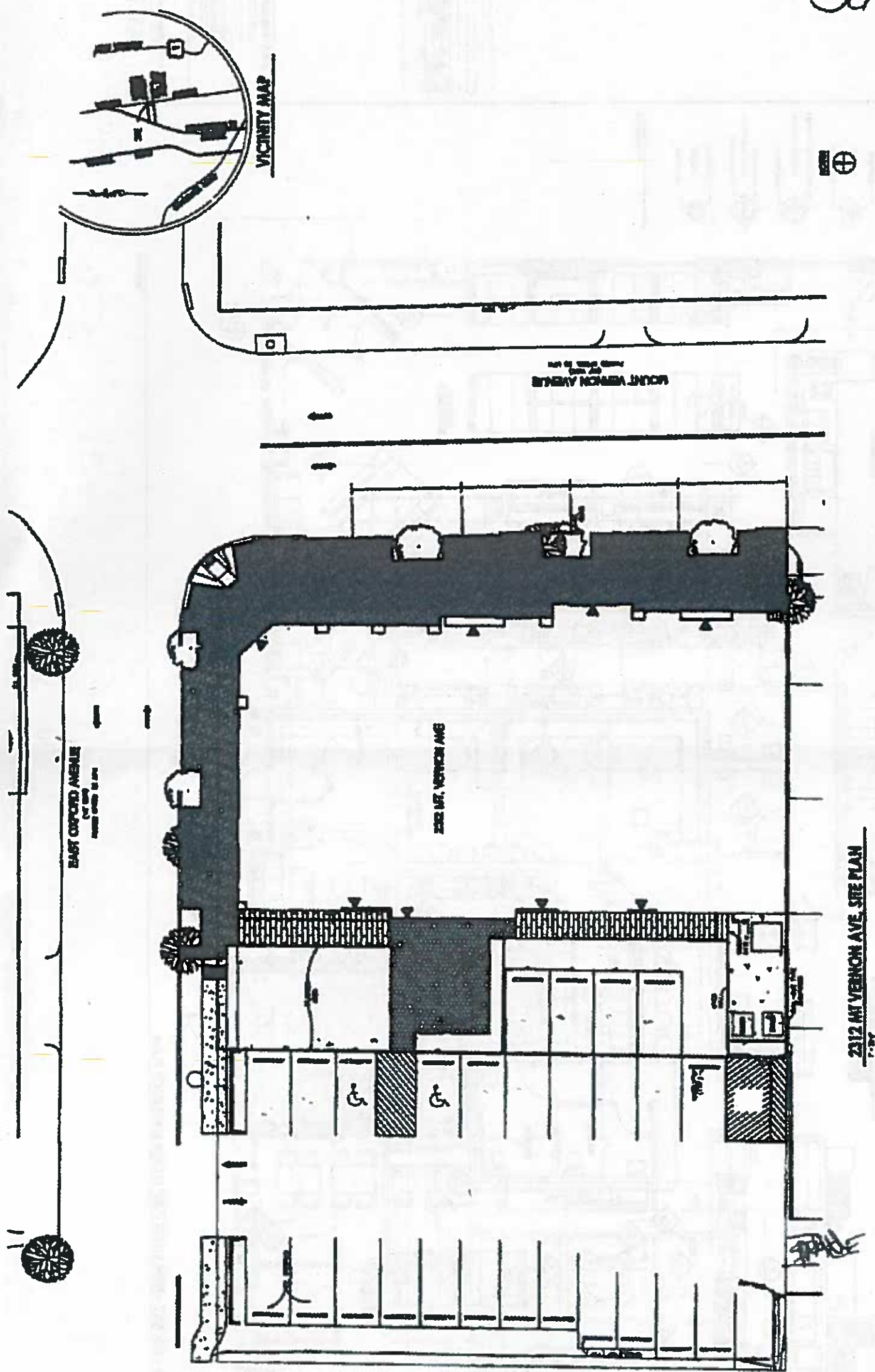
6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

REFERENCE PLAN
LEGEND

- WALLS
- DOORS
- STAIRS
- ELEVATOR
- MECHANICAL ROOM
- RESTROOM
- STORAGE
- RECEPTION
- OFFICE
- CONFERENCE
- TRAINING
- LABORATORY
- WORKSHOP
- WAREHOUSE
- LOBBY
- ENTRANCE
- EXIT
- STREET
- PARKING
- LANDSCAPE
- WATER
- SEWER
- GAS
- ELECTRIC
- TELEPHONE
- INTERNET
- TELEVISION
- RADIO
- TELEPHONE
- INTERNET
- TELEVISION
- RADIO



1 HOG THAID - DEL RAY - NEW WORK FIRST FLOOR REFERENCE PLAN



SUP 2010-0000



APPLICANT
MIKE ANDERSON
 1320 N. PEGRAM STREET
 ALEXANDRIA, VA 22304
 FEBRUARY 23, 2010

PROJECT
HOG THAID, LLC, 1/2 PORK BARREL BBQ
 2312 MT VERNON AVE
 ALEXANDRIA, VA 22301

McAlister
 1425 PEGRAM STREET
 ALEXANDRIA, VA 22304
 703 219 0100 FAX
 www.mcalister.com

From: Gayle Reuter gayle_reuter@gmail.com
Subject: Support of Changes
Date: March 23, 2015 at 1:42 AM
To: Bill Blackburn thebillblackburn@yahoo.com

GR

To City Staff.

I am very excited to share my strong support for potential changes that Pork Barrel, The Sushi Bar & Holy Cow are proposing. As a neighbor whose property directly backs up to these restaurants and would be directly affected, I have no concerns regarding any increased impact that might occur.

Regarding additional outdoor seating for the Sushi Bar, I am one of many neighbors who have been encouraging adding outdoor seating to the Sushi Bar. Just as in other parts of Alexandria, outdoor seating is in tremendous demand, adds to the viability of the neighborhood, and I feel should be approved. With so many of their customers coming and walking from the immediate Del Ray area, I do not feel parking would be an issue at all.

I also am excited and would look forward to the addition of non-amplified music being offered.

These three restaurants have been a tremendous addition to the Del Ray neighborhood and make enormous contributions to what makes Del Ray such a special place to live, shop, and play.

I am proud to support these changes and only wish that City code allowed such minor changes to be made without the small business having to go to the expense and time required for approval.

Please feel free to contact me should you have any questions or need further clarification.

With regards,
Gayle Reuter
110 E. Del Ray Avenue
Alexandria, VA 22301
703-216-8597 cell

From: Sam Shelby
Sent: Tuesday, April 28, 2015 9:31 AM
To: Nathan Randall
Subject: FW: land use in Del Ray

Follow Up Flag: Follow up
Flag Status: Completed

From: Abby Cobey [<mailto:abbycobey@gmail.com>]
Sent: Tuesday, April 28, 2015 8:04 AM
To: Sam Shelby; Ashley Myler Klick; landuse@delraycitizen.net; bcnbike@yahoo.com
Subject: land use in Del Ray

Mr. Shelby,

It has come to my attention that the restaurants at 2312 Mt. Vernon Ave in Del Ray are applying for changes that reduce parking spaces in their lot, and adds outdoor seating and live music. I wanted to express my concern about this. I live at 108 E. Oxford Ave across from the parking lot and have already felt a negative impact on my quality of life in my home since those restaurants moved in.

I have called the Alexandria Police three times in the last year because employees of those establishments have parked in a way that blocked access to my drive way. It was my understanding when the initial application was approved some years ago that employees were to park on streets parallel to Mt. Vernon and not in front of our houses, certainly not blocking our drive ways, and save the parking on Oxford Street for residents and patrons of all Del Ray establishments. Reducing parking spaces in the lot would likely further exacerbate this problem.

I have also called the managers of the BBQ restaurant three times in the last year because beer bottles were being hurtled into the dumpster at 11 pm creating a loud clang which disturbed my sleep. This issue was not resolved until I made a complaint on the neighborhood listserv suggesting that the establishments not be nominated for the "Heart of Del Ray" award given this un-neighborly behavior.

When the weather turns nice, as it is doing right now, patrons and staff of these establishments smoke outside the back doors near the parking lot. This cigarette smoke then blows over into my yard and I can smell it sitting on my front porch.

These are a lot of small complaints but still valid. I have felt at times that I am being run out of my home by these establishments. Making the changes requested can only exacerbate the current problems. The managers and owners unwillingness to work with residents in the recent past suggests that if problems do arise from these proposed changes, homeowners will have little recourse.

Mt. Vernon avenue is not H street, it's not King street. It's a small avenue that already suffers from more traffic than is manageable. The neighborhood had been going for a small town feel, "where main street still exists" is the slogan I recall. Pedestrian friendly, the neighborhood of strollers and dogs. We already have three live music venues in Del Ray: the Birchmere, the bar above the Evening Star, and Fire Flies. The neighborhood does not need another. These establishments already have some outdoor seating, they do not need more and the neighborhood does not need more as we already have many establishments at which patrons can dine outside if they chose.

For the reasons described above, I am against any changes at 2312 Mt Vernon Ave. Since I am generally unable to attend city meetings, please consider Ashley Klick as my voice and representative. She is CC'd on this email as are Lisa Quandt and Barry Noll from the Del Ray Citizens Association.

Thank you for your time and consideration in this matter, please do not hesitate to call or email with questions or comments,
Abby Cobey

--
Abigail Cobey, PsyD
Licensed Clinical Psychologist
abbycobey@gmail.com
[703-350-5908](tel:703-350-5908)

Subject:

FW: SUP/Encroachment 2312 Mt. Vernon Avenue

From: Ashley Myler Klick <lamyler@yahoo.com>

Date: April 25, 2015 at 12:53:42 PM EDT

To: "sam.shelby@alexandriava.gov" <sam.shelby@alexandriava.gov>

Cc: "landuse@delraycitizen.net" <landuse@delraycitizen.net>, "bcnbike@yahoo.com" <bcnbike@yahoo.com>

Subject: SUP/Encroachment 2312 Mt. Vernon Avenue

Reply-To: Ashley Myler Klick <lamyler@yahoo.com>

Hi Sam,

It has recently come to my attention that 2312 Mt. Vernon wants to change their SUP. As the neighbor directly behind the property/parking lot, we are opposed to any adjustments, especially the live music and addition outdoor seating on the side street. We do not want additional noise from this establishment, and live music and side street outdoor dining will increase the noise. I am actually surprised that we are having to review this again. Especially the parking reduction-- we have had an increase of illegal parking (parking on the side of the street with no parking signs, blocked driveways, etc. The trash clean-up is not maintained on the property. Rat abatement and landscaping are not maintained as well. While Bill has been responsive to our previous (and continuous) noise complaints with staff after hours/delivery trucks before 6am in the parking lot, etc., we do not think it is fair to burden the neighborhood with more from this establishment.

We will address our concerns with the DRCA Land Use Committee on May 12, but as the planner assigned to the case I wanted you to be aware of our opposition to these changes.

Regards,
Ashley & Paul Klick

Ashley Myler Klick
109 E Oxford Avenue
703-362-4204 Cell

Subject: FW: 2312 Mt Vernon Ave

From: Liz Davis [<mailto:liz@thedairygodmother.com>]

Sent: Sunday, April 26, 2015 5:10 PM

To: Sam Shelby

Subject: 2312 Mt Vernon Ave

Dear Mr. Shelby,

I am writing in regard to the proposed request of a special use permit by my neighbor at 2312 Mt Vernon Ave.

This area of the block is ridiculously congested with foot traffic. The current situation with the sidewalk dining makes it difficult for strollers and walkers as it is.

It is almost impossible to park in this area and the restaurant across the street has not even opened yet!!!

Please consider these points.

Thank you so much,

Liz Davis

--

The Dairy Godmother
2310 Mount Vernon Avenue
Alexandria, VA 22301
703.683.7767

website: thedairygodmother.com

email: Liz@thedairygodmother.com

From: Lisa Quandt <lisamaq@gmail.com>
Sent: Monday, May 18, 2015 8:30 AM
To: Nathan Randall; B Noll
Subject: Pork Barrel SUP

Hi Nathan,

I wanted to let you know that during our LUC discussion, we decided to ask if the review for Pork Barrel could be deferred until June so that the applicant can have time to clarify his request and share the information with the neighbors. Many of the neighbors were not aware of the request until we brought it to their attention, and then they were confused on what was actually being requested. It sort of seemed like Bill was a little confused as well, especially about the encroachment.

IF at all possible, before getting a vote from the DRCA membership, we would like to have some additional clarity on the following items:

1. Music: Days and times that it is being requested, that it will be indoors only one musician at a time for all three restaurants and that it will not be heard beyond the property line.
2. Encroachment- Actual dimension of encroachment requested should be clear. It seems that the fact that the applicant said "I don't know and would have had to hire a surveyor to find out" shows that he is not taking his request seriously.
3. Parking reduction- was any attempt made to lease 3 spaces off site or is it possible to relocate existing seats from inside the restaurant to the exterior so a reduction is not needed?
4. We feel that it would be prudent for the applicant to arrange a separate meeting with his neighbors prior to the Planning Commission meeting in which he can answer their questions directly in a more informal setting. A similar meeting was held when we were reviewing the proposal for the balcony at DRP, and we feel that it helps to establish the open lines of communication between the businesses and the neighborhood.

We will put these comments along with a summary of other points raised at our meeting together in a more formal letter to Staff, Planning Commission and the Applicant, but I wanted to get this to you now so you can let us know if you think it actually can be deferred for the above reasons. Overall, we are generally in support of more outdoor seating along the Avenue and offering more live music, the immediate neighbors just seemed so concerned about these changes that it seemed the time hadn't been invested in sharing with them what would and would not affect them. We were surprised that the applicant, as such an involved member of the community, had not discussed the application openly with any of the residences directly behind his restaurant, and that is the main reason we are asking for a deferral.

Lisa Quandt, AIA, LEED AP BD&C
Del Ray Citizens Association Land Use Committee Chair



APPLICATION

ENCROACHMENT

ENC# 2015-0003PROPERTY LOCATION: 2312 MT. VERNON AVETAX MAP REFERENCE: 034.02-08-08

APPLICANT

Name:

HOGTHAID, LLC

Address:

2312 MT VERNON AVE

PROPERTY OWNER

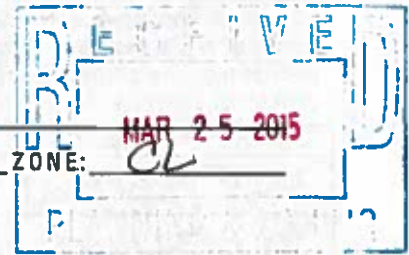
Name:

RAFAAT MAHMOOD

Address:

700 N. WASHINGTON ST

PROPOSED USE:

SIDEWALK SEATINGINSURANCE CARRIER (copy attached) SHEEHAN INSURANCE POLICY # _____

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

☒ THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.☒ THE UNDERSIGNED hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.☒ THE UNDERSIGNED do attest that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.BILL BLACKBURN

Print Name of Applicant or Agent

2312 MT VERNON AVE

Mailing/Street Address

ALEXANDRIA VA 22301

City and State

Zip Code

Signature

703-403-5857

Telephone #

Fax #

BILL@BBQDELTA.COM

Email address

3-25-15

Date

Application Received: _____

Date and Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

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 ten 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 MIKE ANDERSON	1320 N. PEGRAM ST	49%
² BILL BLACKBURN	19 A E. WINDSOR AVE	11%
³		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2312 MT VERNON AVE (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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 RAFAT MAHMOOD	700 N. WASHINGTON	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 MIKE ANDERSON	NONE	N/A
² BILL BLACKBURN	NONE	N/A
³ RAFAT MAHMOOD	NONE	N/A

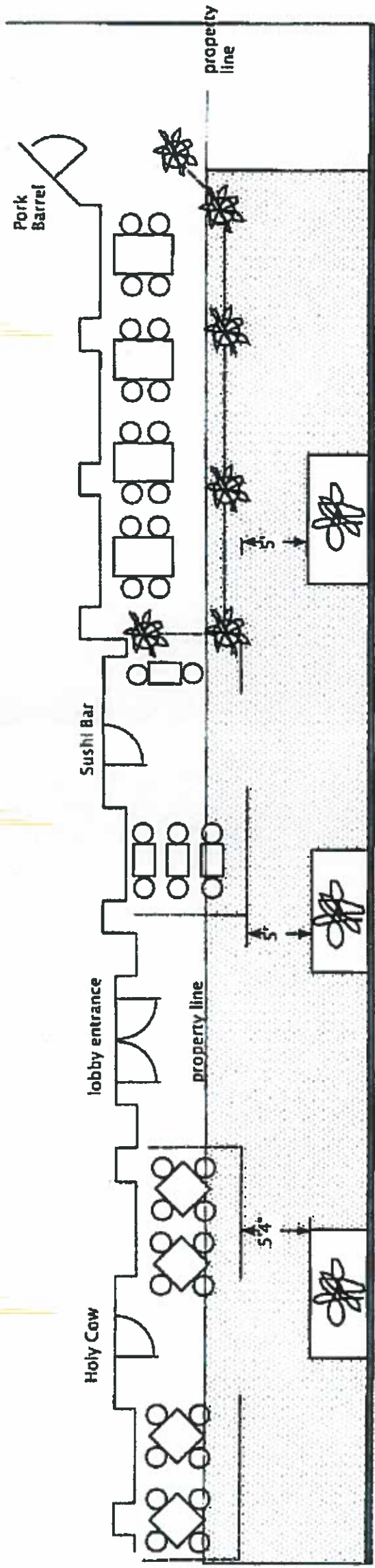
NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

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

3-25-15
Date

BILL BLACKBURN
Printed Name


Signature



FILE: "V E"
MAR 25 2015

March 26, 2015
 Hog Thaid, LLC
 2312 Mt. Vernon Ave.
 Patio Seating
 292 sq ft. encroachment
 Bill Blackburn
 703.403.5857

From: marylou238@yahoo.com [<mailto:marylou238@yahoo.com>]

Sent: Thursday, May 21, 2015 8:06 PM

To: Kendra Jacobs; Damaso Rodriguez; Cicely Woodrow; Kristen Walentisch

Subject: Call.Click.Connect. #73309: Planning Commission Inquiries, Dockets To: Planning CommissionI attended the

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 73309.

Request Details:

- Name: Mary Lou Collins
- Approximate Address: No Address Specified
- Phone Number: 703-548-3651
- Email: marylou238@yahoo.com
- Service Type: Planning Commission Inquiries, Dockets
- Request Description: To: Planning Commission

I attended the DelRay Land Use Committee meeting on May 12th. On the agenda was the Special Use Permit (SUP) request from the Pork Barrel restaurant, which included a provision to allow live music. The rest of the SUP is consistent with the sidewalk dining being offered along Mount Vernon Ave. The concern is the live music. This letter and my concerns are not opposition to the idea of live music. Rather it is frustration at the lack of notice to the community, specifically the most impacted neighbors, and then the ambiguity of the SUP for what I believe is a potential, unintentional, but fundamental change within the DelRay commercial area.

My concern is the broad scope of the request. Without further interpretation or clarification, I believe the SUP would allow:

- Live music during all restaurant/bar operating hours
- Live music in each of the 3 "rooms" and/or any combination of the rooms of the restaurant
- Single performers, duos, trios, combos, and bands
- Music within any future reconfiguration or management (this is based on my recollection of discussions of the one restaurant concept and that interior changes or management changes would not require SUP changes.)

In the Land Use Committee meeting, when asked for more clarification of the request, Bill Blackburn described the format as Christmas carolers, and special events singers (Arts on the Avenue, Halloween parade, etc), and an occasional performance of local artists; all of which would be non-intrusive based on existing noise restrictions. He stated that the SUP meant there would be no instrument amplifiers, but that the "non-amplified" constraint did not apply to the use of microphones for amplification.

Of concern is that the restaurant occupies a large space, especially when the three "rooms" (Barbeque, Sushi, Holy Cow) are considered together. It is probably the largest restaurant/bar space in DelRay. The SUP changes requested are described as "minor." The most puzzling part of this discussion is the significant difference between what was described verbally and informally, and what I believe would be a major change if the SUP as submitted were approved. I believe that the SUP as submitted does not preclude, and in fact could allow, a music venue/bar in the future, far beyond the verbal description of intent provided to the Land Use Committee. It would allow a full schedule of music events with only an ambiguous restriction of "non-amplified" activities. The lack of formal definition of what can and cannot be done is of much concern.

I respectfully request that the planning commission ensure that:

- the SUP, as a legal document, precisely defines what is requested/approved,
 - the SUP and its implications be publicized with the DelRay community
 - the language in the SUP limits future interpretation that exceeds the current intent.
- Expected Response Date: Friday, May 29



DOCKET ITEM #9

Special Use Permit #2010-0011

2312 Mount Vernon Ave- Hog Thaid t/a Pork Barrel BBQ

Application	General Data	
Request: Consideration of a request to operate a restaurant.	Planning Commission Hearing:	May 4, 2010
	City Council Hearing:	May 15, 2010
Address: 2312 Mount Vernon Avenue	Zone:	CL/Commercial Low
Applicant: Hog Thaid, LLC by Mike Anderson t/a Pork Barrel BBQ	Small Area Plan:	Potomac West

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

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

CITY COUNCIL ACTION, MAY 15, 2010: City Council closed the public hearing and approved the Planning Commission recommendation with the following amendments: (1) amend condition #3 to state, "The hours of operation of the restaurant shall be limited to between 7 a.m. and 11 p.m., Sunday through Thursday and 7 a.m. and 1 a.m., on Friday and Saturday and (2) include a new condition stating that conditions 9, 10, and 13 may not be amended by the administrative review process.

PLANNING COMMISSION ACTION, MAY 4, 2010: On a motion by Ms. Fossum, seconded by Mr. Wagner, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with staff analysis, noting that the staff report reflected a balance among competing concerns in the neighborhood.

Speakers:

Mike Anderson, owner, spoke in support of the application.

Ryland and Annie Kendrick, 12 East Del Ray Avenue, asked for a deferral of the request to allow for additional discussion and to allow for an environmental impact statement to be conducted. They also asked for the Special Use Permit to be sent to the Environmental Policy Committee and for objective benchmarks to be used to assess possible nuisances.

Patricia Hilgard, 260 S. Reynolds Street, expressed concern about whether the proposed venting equipment would be properly maintained and asked for as many reviews of restaurant operations as possible.

Tyler Green, 3906 Elbert Avenue, expressed support for the proposal, including the applicant's requested hours of operation. He noted that the applicant's compromises show his willingness to work with the community.

Woody Brown, 1713 Price Street, supported the proposal, including the applicant's requested hours of operation.

W.S. Slade, 1713 Price Street, supported the proposal, including the applicant's requested hours of operation.

Sarah Hout, 228 East Nelson Avenue, noted her general support for the application but asked the Commission to approve the hours of operation recommended by staff. She believed that later hours requested by the applicant are not compatible with the residential area and would set a precedent for other restaurants.

Alan Matney, 21 West Del Ray Avenue, expressed support for the overall proposal but was concerned about the applicant's requested hours of operation and the precedent that might set for other neighborhood restaurants.

Bernardo Piereck, 2 East Oxford Avenue, expressed concern about hours of operation and smoke/odors. He recognized the applicant's mitigation plan and asked the Commission to support the hours of operation recommended by staff and to establish a 120-day review.

Suzanne Couming Caldwell, DRBA member and business owner, supported the proposal as submitted and noted concern that the SUP process takes a lot of effort. She also discussed her experience with Mr. Anderson, noting that he is a responsive business owner.

Maria Wazowski, representing the Del Ray Business Association, supported the application, including the applicant's amended hours of operation. She stated her belief that the SUP process is not working and asked for more realistic and consistent operational standards in SUPs.

James Ablard, 18 West Del Ray Avenue, asked the Commission to deny the application, stating that there is no assurance from the application that smoke and odor concerns will be taken care of.

Amy Slack, representing the Del Ray Citizens' Association, noted that the association's Land Use Committee and Executive Board voted to support the application with the applicant's requested hours of operation subject to certain conditions. These conditions include that there be no live entertainment or DJ, no outdoor dining on Oxford Avenue, and no side door on Oxford Avenue. She asked staff and the Commission to continue work on Del Ray parking issues and the Small Business Zoning initiative.

PREVIOUS STAFF REPORT



SUP #2010-0011

05/04/10



I. DISCUSSION

REQUEST

The applicant, Hog Thaid, LLC by Mike Anderson, requests special use permit approval for the operation of a restaurant located at 2312 Mount Vernon Avenue.

SITE DESCRIPTION

The subject property involves two lots of record. The first, on which the restaurant is proposed, has 115 feet of frontage on Mount Vernon Avenue, 100 feet of frontage on East Oxford Avenue and a total lot area of 11,784 square feet. The second lot, where the parking lot is located, has 67.5 feet of frontage on East Oxford Avenue, 115 feet of depth and a total lot area of 7,769 square feet. A two-story commercial and office building is currently under construction on the site.



The surrounding area is occupied by a mix of residential and commercial uses. Single-family residences are located immediately to the northwest and west. Two restaurants (St. Elmo's and the Dairy Godmother) and a UPS Store are located to the south on Mount Vernon Avenue. An insurance office and a City-owned parking lot, used for the Del Ray Farmer's Market, are located to the east across Mount Vernon Avenue. Virginia Commerce Bank is located to the northeast and a hat shop is located directly to the north.

BACKGROUND

A gas station previously occupied this site beginning in 1954. On December 15, 2007, City Council approved DSUP#2006-0019 for construction of a two-story mixed-use office/retail building under provisions for form-based development in the Mount Vernon Avenue Urban Overlay Zone. The development approval specifically anticipated that restaurant uses would occupy the ground floor of the new building, and incorporated into its approval adequate parking, a loading space, streetscape improvements and rooftop screening, all of which will be required by that approval in this case.

PROPOSAL

The applicant proposes to operate a restaurant that is divided into three sections, each offering a different type of cuisine: barbecue, Asian fusion, and sushi. The three sections will function somewhat independently of each other but will have a shared kitchen. The Asian fusion section and the sushi bar will have separate smaller food preparation areas. The barbecue portion will utilize a special cooker to cook meat approximately five days/week with a cooking cycle that typically lasts 10-12 hours.

The applicant proposes 150 indoor seats and 16 outdoor seats for a total of 166. This figure includes 15 bar seats at the barbecue portion and 16 bar seats at the sushi bar. No live entertainment is proposed, although the applicant intends to install several televisions. Table service, carry-out, and bar service will be available. The applicant proposes delivery service using one vehicle. The original application requested hours of operation between 11am and 2am daily. By amendment dated April 20, 2010, the applicant has changed the request as indicated, along with further details of the proposal as follows:

Hours:

Indoors:

7:00am – 12:00am, Sunday-Thursday
7:00am – 1:00am, Friday-Saturday

Outdoors:

11:00am – 10:00pm, Sunday-Thursday
7:00 am – 11:00 pm, Friday, Saturday

Number of seats:

150 indoor seats
16 outdoor seats
166 total seats

Type of Service:

Table, bar and delivery service and carry-out

Delivery:

Maximum of one delivery vehicle

Alcohol:

On-premises alcohol service only

Live Entertainment:

No live entertainment proposed, though the applicant does intend to install several televisions

Employees:

12-16 depending on time of day

Noise:

Typical family-style restaurant noise levels

Odors:

Typical restaurant cooking odors will be vented up 2.5 stories

Supply Deliveries:

Large trucks will deliver from Mount Vernon Avenue at 4:00 am. Most smaller deliveries will take place from a designated loading space on Mount Vernon Avenue, with a minimal number of deliveries occurring in the rear parking lot.

Trash/Litter:

Typical restaurant trash will be kept in a shared storage area to the rear and will be collected four to six times/week. Restaurant staff will monitor the vicinity for litter on a daily basis.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL / Commercial Low zone and is located within the Mount Vernon Urban Overlay Zone. Section 4-103(M) of the Zoning Ordinance allows a restaurant in the CL zone only with a special use permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. Section 6-604(B) exempts the first 16 outdoor dining seats from any parking requirement. Section 6-606 (E)(3)(b) provides partial relief from full parking requirements for form-based developments on lots between 7,001 and 15,000 square feet in the Mount Vernon Urban Overlay Zone. DSUP#2006-0019 approved a parking reduction of 50% for uses that occupy the subject building. Additionally, one additional parking space must be provided for each delivery vehicle.

Therefore, a restaurant with 150 indoor seats, 16 outdoor seats, and one delivery vehicle in this location will be required to provide 20 off-street parking spaces. The applicant meets this parking requirement with the use of 21 parking spaces located behind the building. The lot contains a total of 28 spaces. Seven are required for the second-floor office space, which leaves 21 for the restaurant use, one of which will be used for a delivery vehicle. Four of these spaces are tandem, consistent with prior DSUP approval. The applicant has also obtained approval from the property owner to use the entire parking lot, gaining the use of seven additional parking spaces, after 6pm daily.

II. STAFF ANALYSIS

Staff recommends approval of the proposed restaurant. The requested use will benefit Del Ray and contribute to a vibrant commercial corridor along Mount Vernon Avenue. At the same time, certain aspects of the operation have the potential to create neighborhood impacts, particularly for nearby residential properties. Based on its analysis, as well as comments from community members, staff believes that the applicant's concessions coupled with staff's conditions should sufficiently address these concerns. Some of the conditions recommended by staff capture the notable changes or compromises on the part of the applicant, and staff acknowledges the applicant's desire to work with the neighborhood to arrive at a mutually beneficial solution.

Community Input

This case has generated significant neighborhood input, involving residents, business patrons, business owners and community groups. As of April 21, 2010, staff has received email messages and letters representing 178 individuals, the Del Ray Citizens Association Land Use and Executive Committees, and the Del Ray Business Association (see attached messages.) The

messages and letters received include an email containing a series of letters of support from 58 individuals, a statement signed by 24 individuals opposed to elements of the proposal, and a petition signed by 90 individuals offering conditional support. These numbers exceed 178 because some individuals sent or were included in more than one message.

Sixty-four people have expressed their unqualified support for the proposal. Few, if any, of the remaining 114 individuals indicated outright opposition to the opening of a restaurant in this location, with most of them either raising issues of concern, opposing certain elements of the original proposal, or offering conditional support.

The applicant hosted an open house to discuss the proposal with the community on March 31, 2010. Approximately 50-60 people attended the event. The applicant, represented by Mike Anderson, reviewed the details of the application and discussed areas of concern with the group. The opinions expressed by Del Ray community members in the meeting were similar to the e-mail comments, also ranging from unqualified support to conditional support to specific concerns about aspects of the proposal.

The most significant areas of concern raised by the community have been:

- Hours of operation until 2:00am (this request has been amended)
- Potential harm or nuisance caused by odors and smoke
- Deliveries
- Side door for carry-out customers (this request has been amended)

After discussions with the community, the applicant eliminated its plans to add a new side door for the use of carry-out customers, agreed to have no patio seating on Oxford Avenue, and agreed to instruct his delivery drivers not to use Oxford Avenue for access to or from the restaurant. The applicant has also amended the proposed hours of operation as indicated above and has added new equipment to his kitchen and rooftop plans to address the concerns about odors and smoke, as discussed in detail below.

The Del Ray Citizens Association Executive Board and Land Use Committee has taken a position in favor of the proposed restaurant with the hours proposed by the applicant in its amended application. The Del Ray Business Association supports the application as well.

Consistency with the Mount Vernon Business Area Plan

The applicant's proposal offers benefits to the Del Ray Community. It creates additional dining choices for neighborhood residents. Its proximity to residential areas and the ability of some potential patrons to walk to the establishment supports mixed-use planning principles. Most significantly, the proposal contributes to a successful commercial corridor, a goal echoed in the Mount Vernon Avenue Business Area Plan.

The Plan envisions the Avenue as "vibrant and welcoming Main Street that reflects the surrounding neighborhood's diversity, integrity, and small town charm." Furthermore, the plan recommends retail-oriented businesses, including restaurants, in the corridor, and specifically

“encourage[es] new restaurant opportunities” that can “fill a market niche that is currently empty.” The Plan also encourages the establishment of independent, locally-owned businesses.

The proposal is consistent with the recommendations in the Plan. As a restaurant use, it will help generate activity and will complement other businesses on the Avenue, particularly since the restaurant provides continuous retail on this stretch of Mount Vernon Avenue that did not exist when the property was a gas station. Although staff does not typically evaluate a proposed restaurant’s cuisine type (Italian, Thai, Indian, etc.), in this instance the barbecue and sushi proposals constitute “a market niche that is currently empty.” Finally, the restaurant is not a part of a chain and Hog Thaid LLC, the restaurant ownership group, is locally-owned. One of the owners, Mike Anderson, has decades of experience operating restaurants in Alexandria.

Protecting the Residential Neighborhood

The Mount Vernon Avenue Business Plan also seeks to “ensure new development is compatible with neighboring residential uses” and seeks to “protect nearby residences from impacts associated with commercial activity.” Certain elements of the proposal, such as the hours of operation, smoke and odors from cooking, and deliveries have some potential to create impacts.

Hours of Operation

The applicant has significantly changed its application, which originally requested permission to be open until 2:00am. The amended request is a response to concern from neighbors, although many community members have expressed a desire for a late-night dining opportunity. The proposed hours are now: 7:00am to 12:00am, Sunday through Thursday, and 7:00am to 1:00am on Friday and Saturday. As to outdoor seating, the applicant proposes to be open until 10:00pm during the week and until 11:00pm on Friday and Saturday.

Staff does not object to the morning hours. As to the closing hours, however, staff is concerned that the proposed closing hour has the potential to create noise impacts from patrons leaving the establishment and reviewed other Del Ray restaurant approvals to determine the City’s history in this regard. The table below lists the hours for 18 restaurants (the two marked with an asterisk have yet to open) located on Mount Vernon Avenue.

Restaurant Name	Address	Approved Indoor Hours	Approved Outdoor Hours
Sapore d'Italia	1310 Mount Vernon	11am-11pm daily	11am-11pm daily
Fireflies	1501 Mount Vernon	7am-12 mid daily	7am-10pm daily
Mancini's	1508 Mount Vernon	10am-11pm Sun-Thurs	8am-10pm daily
		10am-12 mid Fri & Sat	
La Strada	1905 Mount Vernon	11am-10pm Sun-Thurs	11am-10pm daily
		11am-11pm Fri & Sat	
Osteria MCMIX*	1909 Mount Vernon	11am-11pm Sun-Thurs	11am-10pm daily
		11am-12 mid Fri & Sat	
Evening Star	2000 Mount Vernon	7am-11pm Sun-Thurs	8am-10pm daily
		7am-12 mid Fri & Sat	
Thai Peppers	2018 Mount Vernon	6am-11pm Sun-Thurs	6am-11pm Sun-Thurs

		6am-12 mid Fri & Sat	6am-12 mid Fri & Sat
Del Ray Pizzeria*	2216 Mount Vernon	6am-11pm Sun-Thurs	6am-11pm Sun-Thurs
		6am-12 mid Fri & Sat	6am-12 mid Fri & Sat
St. Elmo's	2300 Mount Vernon	6am-10pm Sun-Thurs	
		6am-12 mid Fri & Sat	6am-10pm daily
Dairy Godmother	2310 Mount Vernon	10am-10pm daily	N/A
Taqueria Poblano	2400B Mount Vernon	10am-11pm daily	10am-9pm daily
Cheesetique	2411 Mount Vernon	7am-10pm Sun-Thurs	7am-10pm Sun-Thurs
		7am-11pm Fri & Sat	7am-11pm Fri & Sat
Caboose Café	2419 Mount Vernon	6am-11pm Sun-Thurs	
		6am-12 mid Fri & Sat	6am-10pm daily
Tsim Yung	2603 Mount Vernon	11am-11pm daily	N/A
Los Tios	2615-2619 Mount Vernon	7am-11pm Sun-Thurs	
		7am-12 mid Fri & Sat	8am-10pm daily
Bombay Curry	3102 Mount Vernon	11am-11pm daily	N/A
Del Merei Grille	3106 Mount Vernon	2am (Grandfathered)	N/A
Café Pizzaiolo	3112 Mount Vernon	11am-12 mid Sun-Thurs	
		11am-1am Fri & Sat	11am-10pm daily

Although not uniform, the most common closing hour for indoor seating is 11:00pm Sunday-Thursday and 12:00 midnight on Friday and Saturday. Del Merei Grille has grandfathered later hours and two other restaurants, Fireflies (midnight daily) and Café Pizzaiolo (midnight Sunday-Thursday; 1:00am Friday and Saturday) are approved for later hours. No other restaurants on Mount Vernon Avenue have hours as late as what is requested, even in the amended application.

For outdoor dining, the most common closing hour is 10:00pm daily. Some restaurants are required to close outdoor dining earlier than 10:00pm, and two restaurants until 11:00pm or 12:00 midnight, depending on the day of the week.

Staff is recommending a closing hour for indoor seats consistent with the hour most commonly found elsewhere along Mount Vernon Avenue: 11:00pm Sunday-Thursday and 12:00 midnight Friday and Saturday. The same time is captured as a standard in the regulations for administrative restaurants within the Mount Vernon Avenue Overlay Zone. Staff recommends a daily closing hour of 10:00pm daily for the outdoor seating, which is also consistent with most restaurants in the neighborhood. These closing hours strike a reasonable balance between providing later hours for restaurant patrons and protecting adjacent residential neighborhoods from potential noise impacts.

Odors and Smoke

Generally speaking, all restaurant uses have the potential to create neighborhood impacts from cooking odors. Nevertheless, historically, restaurant uses in the City of Alexandria have not been a large source of citizen complaints. The City does occasionally receive odor complaints (less than 10/year) and is able to generally resolve them in a cooperative manner working closely with the businesses and the complainants. Although there are houses on East Oxford Avenue close to the proposed restaurant in this case, the distance between the restaurant and the closest residence, at 80 feet, is not the closest distance between residential and restaurant uses in Del Ray.

In this case, one of the proposed restaurants will cook and serve barbecue meat. Restaurants typically prepare barbecue using a special cooker, also known as a smoker, which cooks at a low temperature in order to create enough smoke to impart a smoky flavor into the meat. It is this smoke, combined with the arguably more pungent smell of barbecue meat and other cooking smells from the restaurant, that could potentially create an impact when vented into the air.

Some neighbors have expressed concerns about the potential for air pollution from the cooking at the restaurant. However, staff has considered the potential emissions from the restaurant and believes the nature of the potential impact, if there is any, will be primarily nuisance-related. The Virginia Department of Environmental Quality (DEQ) considers emissions from restaurant operations to be too small of a source to require a permit. The City, however, does have standard condition language included in all restaurant SUPs to address potential nuisances from odors and smoke.

The typical condition, included as Condition #21 in this report, is a performance-based requirement whereby the applicant must control cooking odors, smoke, and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties. The condition addresses the core impact and concern without the City requiring the use of any particular technology to prevent smoke and odor. It also allows the market place to determine the most efficient controls from both a technical and a cost/benefit standpoint. The standard condition does, however, place responsibility on the applicant to choose equipment and techniques to alleviate any nuisance emissions. In this case, as a proactive measure, staff asked the applicant to explore what technologies could be used to prevent odors and smoke from becoming a nuisance in this case.

In response to neighbors' concerns and at City staff's request, the applicant has devised a three-part plan to mitigate the potential for nuisance odors and smoke coming from the restaurant:

- *Gas/Wood Hybrid Cooker*

Although the typical barbecue restaurant uses a smoker fueled internally by wood, the applicant has agreed to switch from a cooker that is all-wood to one that is fueled by gas. The applicant will add wood for flavor but only one to three logs per 12-hour cooking cycle. This change significantly reduces amount of wood that will be used resulting in only a fraction of smoke that wood have been generated by all wood smoker.

- *Ventilation Hood Filters*

The applicant plans to install an extra filter in the ventilation hoods for both the Asian fusion cooking area and the barbecue cooker that will serve as a second grease baffle. The filter will help capture grease particles that, when bonded with vapors, are known to be a significant cause of odors.

- *Dilution Fan*

Finally, the applicant also proposes to install a dilution fan on the roof of the building. The dilution fan, connected to the ventilation hoods through ductwork, will accomplish two tasks. The first task is that it will dilute the exhaust coming from the hoods by taking in fresh air and mixing it at a ratio of two parts of fresh air for every one part of exhaust. The second task is that the dilution fan will act as a type of accelerator in which the diluted exhaust will be pressurized and then emitted into the air at a rapid speed. As explained by the applicant, the advantage here is that emissions diffuse more effectively into the atmosphere at higher levels and should therefore reduce the nuisance potential significantly.

This three-part solution represents a significant effort toward mitigating the potential for smoke and odors at the restaurant at a significant cost to the applicant.

Staff has researched available technologies and found that alternative equipment, designed to control emissions instead of diluting them, is available, but at even greater cost. Barring cost constraints, the Office of Environmental Quality will always prefer installation of the most advanced air pollution control technology such as a multi-stage carbon filtration device or an electrostatic precipitator coupled with carbon filtration. Staff has discussed these alternative technologies with the applicant, but is not recommending they be required, because it has yet to be demonstrated that that level of control is necessary. Although the applicant is not installing the more advanced machinery now, it understands that it may need to upgrade its equipment in the future, at greater cost, in the event that the restaurant operation fails to meet the requirement in the standard condition language.

Deliveries

Most of the supply deliveries to the restaurant are proposed to be unloaded on Mount Vernon Avenue, as early as 4:00am a few times each week. Most remaining deliveries will take place in the loading zone already designated on the approved DSUP during later morning hours, expected to be between 7:00am and 11:00am. Additionally, there will be a few deliveries outside of those times in the rear parking lot, namely beer trucks that will unload two to three times each week. Staff supports this arrangement as a solution to the existing issue on Mount Vernon Avenue of large trucks trying to unload during the day, interfering with traffic and parking. With a high percentage of the deliveries to the restaurant arriving on one truck, the overall number of deliveries is reduced. Furthermore, unloading on Mount Vernon Avenue will be located away from residences, which should reduce noise impacts. To further reduce the potential for noise impacts, staff recommends condition language that will require truck operators for these early morning deliveries to turn off their engines while completing deliveries and will prohibit any delivery drivers from using the portion of East Oxford Avenue to the west of the rear parking lot entrance.

Staff notes that when the Planning Commission approved the development of the subject building, it left the specific times for the designated loading space on Mount Vernon Avenue to be decided by the Traffic and Parking Board. Condition #26 specifies that the applicant will need to obtain separate approval from the Board for these hours, which should be consistent with the applicant's proposal to use the loading space between 7:00am and 11:00am.

The applicant proposes that deliveries of prepared food to customers be limited to no more than one vehicle. Staff has included condition language requiring the delivery vehicle to be parked in the rear parking lot in its designated space at all times when in the vicinity of the restaurant and, similar to the restriction for supply deliveries, prohibiting it from using that part of East Oxford Avenue to the west of the parking lot entrance for access for deliveries of any type.

Other Issues

Staff points out some minor points that have been considered and addressed. First, since the applicant is able to provide 21 parking spaces at all times, which is one more space than required in this location given the number of seats proposed and the one delivery vehicle, staff had included condition language to allow an additional four indoor or outdoor seats. Second, staff is requiring the applicant to provide additional information about the design of signage or awnings to the Director for review and approval consistent with the Mount Vernon Avenue Design Guidelines and the approved DSUP. Finally, staff is recommending that neither outdoor dining nor a side door be allowed along the East Oxford Avenue frontage, given the proximity to residences.

Conclusion

Staff concludes that the proposed restaurant will be a positive addition to the Del Ray neighborhood. The applicant has been willing to work closely with staff and the community to arrive at reasonable solutions to potential concerns, sometimes at significant additional expense. Staff has included condition language that it believes will prevent or significantly reduce potential impacts. Subject to the conditions contained in Section III of this report, staff recommends approval.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor seats at the restaurant shall be 150. The maximum number of outdoor seats at the restaurant shall be 16. If there is sufficient parking and space, additional seating may be provided on the premises subject to review and approval by the Director of Planning and Zoning. (P&Z)

3. The hours of operation of the restaurant shall be limited to between 7 a.m. and 11 p.m., Sunday through Thursday and 7 a.m. and 1 a.m., on Friday and Saturday. (P&Z) (City Council)
4. For indoor patrons, meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
5. The hours of operation for the outdoor dining area shall be limited to between 7:00 a.m. to 10:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 10:00pm and shall be cleaned and washed at the close of each business day that it is in use.
6. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
7. Outdoor dining areas shall not include advertising signage, including on umbrellas. (P&Z)
8. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance.
9. Outdoor dining shall be prohibited along the East Oxford Avenue frontage of the building. This condition may not be amended by the administrative review process. (P&Z) (City Council)
10. No access to the restaurant shall be provided on East Oxford Avenue. This condition may not be amended by the administrative review process. (P&Z) (City Council)
11. Prior to installation, the applicant shall provide illustrations or plans for any signage or awnings to the Director of Planning & Zoning for review and approval. Such signage or awnings shall be consistent with the Design Guidelines of the Mount Vernon Avenue Business Area Plan and DSUP#2006-0019 to the satisfaction of the Director. (P&Z)
12. On-premises alcohol service may be permitted, but no off-premises alcohol sales shall be allowed. (P&Z)
13. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. This condition may not be amended by the administrative review process. (P&Z) (City Council)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
15. No food, beverages, or other material shall be stored outside. (P&Z)

PREVIOUS STAFF REPORT

16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
17. 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)
18. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
19. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES)
20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Departments of Transportation & Environmental Services and Planning and Zoning. (T&ES)
22. The applicant shall use natural gas as the primary fuel in the barbecue cooker. (T&ES)
23. The rooftop screening required by DSUP#2006-0019 shall be extended to enclose the dilution fan/alternative exhaust equipment used by the restaurant. (P&Z)
24. Food delivery service to customers shall be limited to a maximum of one vehicle, which shall park in the space in the rear parking lot designated in DSUP#2006-0019 at all times when it is located in proximity to the restaurant. Delivery on-foot or by bicycle is permitted. (P&Z) (T&ES)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am, except for large truck deliveries on Mount Vernon Avenue which may occur in the 4:00 am to 7:00 am time frame. Between the hours of 4:00 am and 7:00 am, delivery vehicles shall not back up and shall turn off engines during deliveries. (P&Z) (T&ES)
26. The applicant shall obtain approval from the Traffic & Parking Board for the hours for the loading space on Mount Vernon Avenue designated on the approved site plan. The loading space shall be signed to allow loading between 7:00am and 11:00am or other time frame approved by the Traffic & Parking Board. (P&Z)

27. Delivery vehicles, including those used to supply deliveries to the restaurant and food deliveries to customers, are prohibited from using the portion of East Oxford Avenue to the west of the subject building's rear parking lot entrance. The applicant shall inform all drivers of this prohibition and be vigilant about its enforcement. (P&Z)
28. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)
29. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
30. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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, (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. Conditions 9, 10 and 13 may not be amended by the administrative review process. (City Council)

STAFF REPORT

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Deliveries from the business shall be limited to one vehicle and the vehicle shall park in the space designated per DSUP2006-00019. (T&ES)
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am, except for large truck deliveries on Mount Vernon Avenue which may occur in the 4:00 am to 7:00 am time frame. (T&ES) (P&Z)
- R-5 Between the hours of 4:00 am and 7:00 am, delivery vehicles shall not back up and shall turn off engines during deliveries. (T&ES)
- R-6 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)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-8 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Departments of Transportation & Environmental Services and Planning and Zoning. (T&ES)
- R-9 The applicant shall use natural gas as the primary fuel in the barbecue cooker. (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). (T&ES)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval.

Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.

- 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)

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.
- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 The following code requirements apply where food preparation results in the development of grease laden vapors:
- (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-7 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

- C-8 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for all three sections of the restaurant.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.

DEL RAY CITIZENS ASSOCIATION

WWW.delraycitizens.org

P.O. Box 2233, Alexandria, VA 22301

August 13, 2015

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

RE: Hog Thaid dba Pork Barrel, Sushi Bar, and Holy Cow, Special Use Permit (SUP)
Number 2015-0028 and Encroachment Application Number 2015-0003

On August 11, 2015, the Del Ray Citizens' Association (DRCA) Land Use Committee (LUC) reviewed SUP #2015-0028, which proposes to enhance the restaurant's operations by adding additional outdoor dining, allowing for live music, and reducing the parking requirement. The LUC also reviewed Encroachment Application #2015-0003 for the same establishment that would allow the outdoor dining area to encroach upon the public sidewalk by up to 18 inches. The LUC had reviewed both applications previously on May 12, 2015 but the case was deferred by one of the owners at that month's Planning Commission meeting.

The business owner held a meeting with neighbors and adjacent business owners on May 27, 2015. The tenants of the SUP and the encroachment request were discussed among those present and no significant issues were raised. The largest concern was that music not be audible beyond the business's boundary line. Our letter dated May 31, 2015 summarized our position on the applications.

Because of the case being deferred, the applications were again discussed during another open public meeting August 11, 2015. The business owner presented a more accurate rendering of his outdoor dining areas along Mount Vernon Avenue in relation to the public sidewalk, and summarized the results of his public meeting in May. The meeting attendees did not raise any significant concerns about the SUP; in fact many were in support. Only two individuals expressed concern about the request for live music and the possible noise issues that could be created.

The LUC members present at the August 11th meeting formally voted on the business owner's two application requests.

SUP# 2015-0028

The DRCA LUC voted to support the SUP request, with two conditions: (1) that the applicant follows the City's sound ordinances and codes and that no sound carries beyond the property line; and (2) that additional bicycle parking be provided either along East Oxford or in the area behind the restaurant.

Encroachment # 2015-0003

The DRCA-LUC voted to oppose the application for encroachment of the outdoor dining area onto the public sidewalk right of way. In general, it was noted that despite a request months ago to explain why this right of way is actually necessary to accommodate the requested seating, the owners had no such explanation. It appears to the LUC, however, that the applicant could easily accommodate the additional seating requested while staying within the existing boundary. While this might require smaller planters and potentially smaller tables at Pork Barrel BBQ, the owners acknowledged that the existing planters are almost due a replacement and that something narrower could be used. The LUC also notes that Pork Barrel was allotted four-person tables and the current picnic benches are sized for 6 or more; smaller tables would therefore not impinge upon the seating granted to or requested by the owners.

It is the LUC's goal to maintain the pedestrian space along Mount Vernon Ave, especially given the dramatic increase in stroller usage. While outdoor dining greatly enhances the experience along the Avenue, adequate space must be maintained for people who use the sidewalks. This stretch of Mt. Vernon is particularly crowded, especially on evenings and weekends. Additionally, although other venues along Mt. Vernon Avenue have been granted encroachments, we do not think they should automatically be handed out without demonstrated need.

The LUC presented these recommendations to the DRCA Executive Board on August 12. The Board voted to support the LUC's recommendations. Due to the timing of this item on the Planning Commission docket, a full vote by membership was not possible.

Sincerely,



Danielle C. Fidler, Co-Chair
Kristine A. Hesse, Co-Chair
Del Ray Citizens Association - Land Use Committee

Cc: Alex Dambach, Staff Reviewer
Bill Blackburn, Applicant

From: hautsl@yahoo.com
To: [Kendra Jacobs](#); [Damaso Rodriguez](#); [Cicely Woodrow](#); [Kristen Walentisch](#)
Subject: Call.Click.Connect. #79908: Planning Commission Inquiries, Dockets Dear Planning Commission Members, I o
Date: Wednesday, August 26, 2015 9:11:03 PM

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 79908.

Request Details:

- Name: Sarah Haut
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: hautsl@yahoo.com
- Service Type: Planning Commission Inquiries, Dockets
- Request Description: Dear Planning Commission Members,

I oppose the encroachment request for 2312 Mount Vernon Avenue (Encroachment #2015-0003). This request is related to SUP application #2015-0028. The staff report indicates that if the encroachment request is approved, the applicant would be encroaching up to 12 inches into the right of way. As a walker, runner, and patron of many businesses on the avenue, I would like to keep the sidewalks as wide as possible. My specific reasons for opposing this are addressed below.

Pork Barrel Barbecue currently has picnic tables that measure just under 72 inches long in its outdoor seating area. There are also several large planters that serve as the barrier for the outdoor seating. The long tables and large planters cause the outdoor seating to encroach into the right of way. The applicant has stated that the encroachment in the right of way is necessary to accommodate the seating. However, I have researched picnic tables and rectangular tables that accommodate up to 4 adults. There are many rectangular tables and picnic tables that are 48 inches long that can accommodate 4 diners. If the applicant were to use smaller planters or a simple fence-like barrier and shorter tables, he could easily stay within the property lines and have the same number of outdoor dining seats. Why is an encroachment necessary when the applicant can easily stay within the property line with smaller tables and narrower barriers?

The application also requests a parking reduction. If the City is going to approve parking reductions, it needs to encourage pedestrians by maximizing the sidewalk width. This will help make strolling Mount Vernon Avenue a pleasant experience instead of it feeling like an obstacle course.

I also do not support the staff-recommended condition #33 that a minimum 5 foot sidewalk clearance be provided at all times (see page 8 of the staff report). This allows the applicant to expand outdoor seating even further into the right of way in areas where the sidewalk is currently wider than 5 feet. Why is an encroachment necessary when the applicant can easily stay within the property line with smaller tables and narrower barriers?

I support the applicant's request for live music so long as it is not audible beyond the property line. I also support the additional outdoor dining and parking reduction. However, I respectfully request that you do not approve the encroachment request.

Thank you, Sarah Haut
228 E. Nelson Ave

- Expected Response Date: Wednesday, September 2

From: [Ann Horowitz](#)
To: [Kendra Jacobs](#); [Kristen Walentisch](#)
Subject: FW: [BeverleyHillsNeighborhood] Fw: Del Ray Restaurants Seek to Expand Seating, Add Live Music - for planning commission
Date: Tuesday, August 25, 2015 11:29:28 AM

From: cbw [mailto:cbwoodrow@comcast.net]
Sent: Sunday, August 23, 2015 8:07 PM
To: Alex Dambach; Karl Moritz; Ann Horowitz
Subject: Fwd: [BeverleyHillsNeighborhood] Fw: Del Ray Restaurants Seek to Expand Seating, Add Live Music

FYI...

Begin forwarded message:

From: "Hawkeye hawk-eye@earthlink.net [BeverleyHills]" <BeverleyHills-noreply@yahoogroups.com>
Subject: [BeverleyHillsNeighborhood] Fw: Del Ray Restaurants Seek to Expand Seating, Add Live Music
Date: August 23, 2015 at 5:57:46 PM EDT
To: BeverleyHills Listserve <BeverleyHills@yahoogroups.com>
Reply-To: Hawkeye <hawk-eye@earthlink.net>

For those of you that stroll the sidewalks of Del Ray, you may want to weigh in on this SUP app which hopes to gain approval for additional sidewalk encroachment in front of three restaurants on Mt Vernon Avenue at Oxford. I don't recall if there were sidewalk trees in that block or not but with north and south pedestrian traffic generally accompanied by children in strollers and then the pets, this doesn't sound like a good idea. Moreover, should this get approved, we could expect that the rest of the restaurants on Mt Vernon Ave would seek the same. The City has allowed this in Old Town and it's made a mess of lower King st with the volume of tourists they try to pump through there. For some who has access to other area listservers, please forward before we all have to walk up and down the Del Ray corridor on Mt Vernon Ave dodging the traffic !

Thanks,

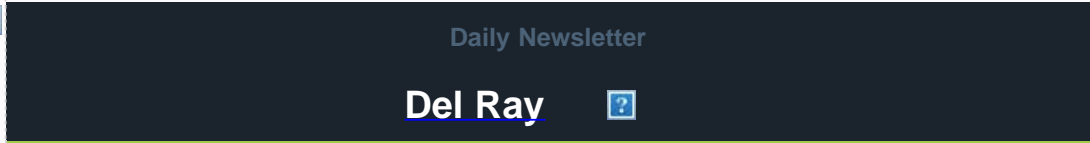
-----Forwarded Message-----

From: Del Ray Patch
Sent: Aug 23, 2015 5:37 AM
To: hawk-eye@earthlink.net
Subject: Del Ray Restaurants Seek to Expand Seating, Add Live Music

takeover spacer balance -->




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Daily Newsletter


Del Ray






[Today's Weather: High 86, Low: 62 - see details here.](#)


















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2 [National Zoo's Giant Panda Gives Birth to Two Cubs](#)
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Kristen Walentisch

From: PlanComm
Sent: Tuesday, September 01, 2015 2:07 PM
To: Kristen Walentisch
Subject: FW: SUP #2015-0028

From: Paul Klick [<mailto:paul.s.klick@gmail.com>]
Sent: Tuesday, September 01, 2015 1:16 PM
To: PlanComm
Subject: SUP #2015-0028

To: City of Alexandria Planning Commission

Re: Special Use Permit #2015-0028 – Pork Barrel BBQ, Holy Cow and The Sushi Bar

As the property owners directly adjacent to this establishment we have many concerns regarding their requests for a change to the SUP. Since we initially purchased our house, Del Ray has become a vibrant thriving neighborhood. With that growth comes both benefits and drawbacks. One such dangerous drawback is the added traffic and congestion on our streets. E Oxford Ave at the intersection of Mt Vernon Ave is one such area where the congestion and traffic create a very unsafe environment for pedestrians and motorists. In order to increase their seating as well as reduce the parking requirement will create a situation that will exacerbate those problems. It further creates a burden on the neighbors by providing increased incidents of blocked driveways as well as congestion that limits the exit onto Mt. Vernon Avenue rendering it virtually unusable. We recognize the desire for a restaurant to grow and provide more services to the community, but we believe such a large venue in Del Ray continuing to expand is pushing the local facilities past the tipping point. Del Ray does not have the type of off street parking or private lots that areas such as Old Town have to help support retail and commerce. The block between Oxford and Del Ray is arguably the most congested block in Del Ray. Efforts must be made to address and contain noise, traffic, and congestion. For these reasons we ask that you deny the request to increase their capacity and to reduce their parking requirement.

The desire to add live entertainment is also a major concern for us. This is a family community and the added noise and traffic from potential entertainment is a significant hindrance to that family atmosphere. Unfortunately, the business owner cannot provide any type of plan for the use of live entertainment. This gives us no opportunity to understand the impact on our community. How can we provide any input or have any comfort with this situation moving forward when the owner won't convey any type of plan for its use. Will this be every night of the week? Will it require loading and unloading of equipment in an already busy parking lot? Will it allow for music in each one of the restaurants storefronts? How will the owners address issues with the neighbors when the inevitable have instances of creating too much noise? There are too many questions and exactly zero answers. For this reason we ask that their request for live

entertainment be denied until such a time as they actually have a plan in place and are able to dissuade any fears the neighbors have.

We had hoped that the owners decision in May to defer their original SUP request to work with the neighbors would provide a format that we could amicable work with the owners on their plans. Unfortunately the owners chose not to work with the local neighbors to create a format that they would take our input and put it into a workable plan that made since for everyone.

Sincerely,

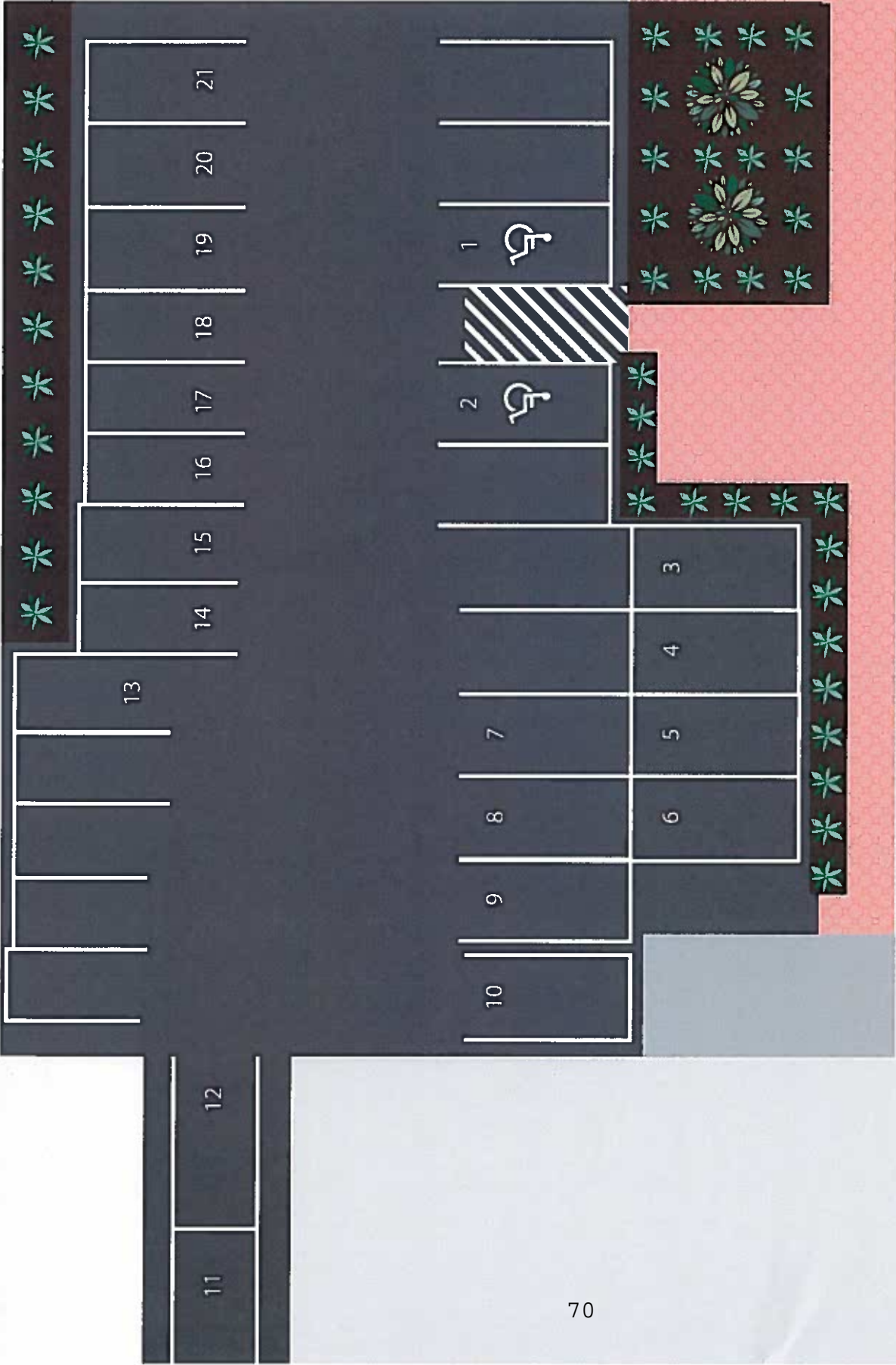
Paul and Ashley Klick

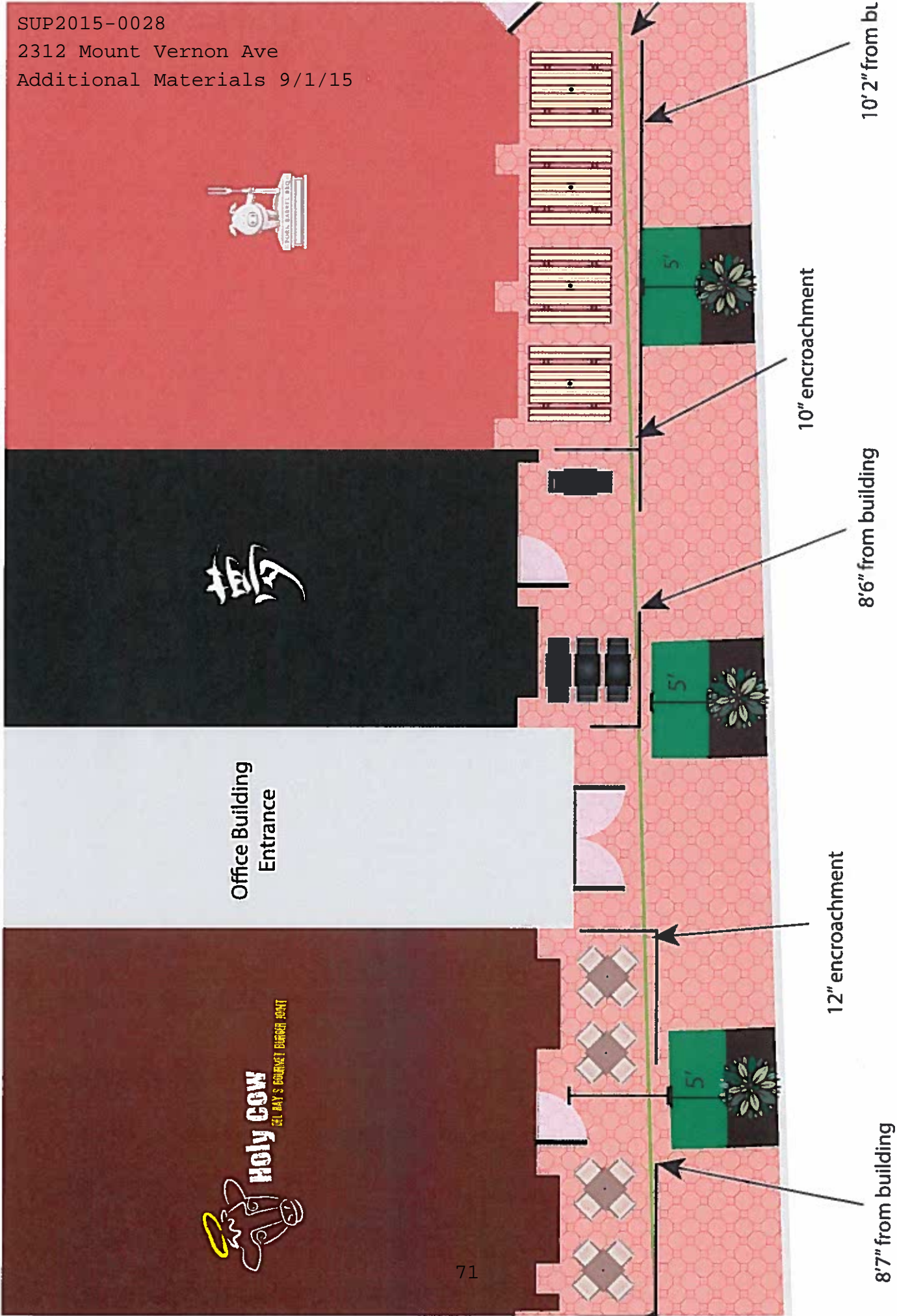
August 10, 2015

The Restaurant Group Hog Thaid, LLC has full use (24 hour 7days a week) of the two tandem parking spots located in the alley connecting the rear parking lots on the 2300 block of Mount Vernon Ave (located behind what is currently ROAM Music Studio.)

A handwritten signature in black ink, appearing to read 'Ray Mahmood', with a long horizontal stroke extending to the right.

**Ray Mahmood
Shops of Del Ray, LLC**





City of Alexandria, Virginia

MEMORANDUM

DATE: AUGUST 28, 2015

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: POTOMAC YARD DESIGN ADVISORY COMMITTEE MEETING
(PYDAC)

SUBJECT: **MEETING OF AUGUST 19, 2015 - RECOMMENDATION**

On Wednesday evening, August 19, 2015, The Potomac Yard Design Advisory Committee (PYDAC) reviewed the proposal for development of Landbay G, Block A, brought forth by the National Industries for the Blind. After the presentation and discussion about the project, the Committee voted 5-0-1 (aye-nay-abstain with 2 absent) to recommend approval by the Planning Commission and City Council, with the following conditions and comments:

- The applicant's proposal will be a great addition architecturally to the overall Potomac Yard development; however, due to the prominence of the site near the future Metro station and the central town green space, the Committee urges the applicant to continue to refine the architectural detailing of the brick grid element on the south and west facades, to add more variety and visual interest, especially as seen from the southwest.
- Because the project is adjacent to the future Metro station entrance, transitway route and central town green, the Committee recommends the staff to study if the sidewalks can be widened at the corner of S. Glebe Road and Potomac Avenue, to ensure adequate space for pedestrian and vehicular traffic flow.
- The Committee notes that the proposed plan would not make full and immediate use of the zoned retail and commercial space per the master plan's recommendations. Given the proximity to the future Metro station, the Committee emphasizes the importance of future development maximizing these allowances, and urges the City to take any appropriate measures to ensure the block's development is maximized on the site, as opposed to reallocating it to different blocks, to the extent possible.

End of Memorandum