

**City of Alexandria, Virginia**

---

**MEMORANDUM**

DATE: MARCH 1, 2018

TO: CHAIRWOMAN MARY LYMAN AND MEMBERS OF THE PLANNING COMMISSION

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

SUBJECT: DOCKET ITEM #7 - SPECIAL USE PERMIT #2017-0091 –  
3410 Mount Vernon Avenue

---

This memorandum provides report revisions and revised application information pertaining to the review of SUP #2017-0091 which is a request to amend Special Use Permit #95-0033 for an existing restaurant. The applicant proposes to extend the hours of operation; to add off-premises alcohol sales; and outdoor dining; and for a parking reduction.

I. Report revisions:

Staff revisions to SUP #2017-0091 relate to the Parking section on page 7 of the report; the Community Input subsection on page 12; and the Police Department comments on page 20. Condition 19 has been amended and Condition 37 added to reflect the Police Department comments.

A. Parking

The applicant would no longer require a parking reduction given City Council approval on February 24, 2018 of the ordinance commercial parking regulation amendments in Sections 8-100 and 8-200 the Zoning Ordinance. All references in the report to a parking reduction would be removed in the report and the existing Parking section on page 7 would be deleted and replaced with this narrative for Planning Commission review:

The proposal for outdoor dining would remove six spaces from the parking lot for the proposed outdoor dining area, resulting in a 40-space parking lot. Section 8-200(A)(17)(c) excludes the first 20 outdoor dining seats from being counted toward a parking requirement. Pursuant to Section 8-200(A)(17)(b)(i) of the Zoning Ordinance, restaurants outside of the enhanced transit area are required to provide a minimum of one parking space for every 1,000 square feet of floor area. The 996-square foot restaurant and 150 square feet for the 10 outdoor dining seats, that exceed the 20-seat exclusion, would, therefore, require a minimum parking requirement of two parking spaces.

The minimum parking requirement for the commercial center would be 12 spaces according to Sections 8-200(A)(16)(b)(i), 8-200(A)(16)c(viii), and 8-200(A)(17)(b)(i), including the parking required for the applicant's proposal. The minimum parking requirement of 12 spaces for the commercial center would be accommodated in the 40-space, shared parking lot.

## B. Community Input

The co-chairman of the Del Ray Land Use subcommittee informed staff after reading the docketed SUP report that the organization had not formally supported the applicant's proposal in its December 5, 2017 letter (attached with September 19, 2017 DRCA recommendations) as indicated in the staff report on page 12. Staff proposes to correct the The Del Ray Citizen's Association position with this revision:

~~The Del Ray Land Use Committee~~ Citizen's Association (DRCA) ~~supported the application, suggesting updated~~ its recommendations in a December 5, 2017 letter that the applicant revise his outdoor operating hours to close at 9 p.m., Sunday through Thursday, and 10 p.m., Friday and Saturday; limit outdoor seating to 30 seats; provide a detailed outdoor dining plan; develop an elevation plan of the area; lease parking at a nearby commercial center; prohibit amplified music outdoors; entertainment and consider developing the dining area in front of the restaurant. The applicant responded with amendments to his original SUP application with the DRCA-suggested ~~revised~~ hours of outdoor operation; and number of outdoor seats.; He removed his request for outdoor and indoor live entertainment. He inquired about sharing parking lots with neighboring businesses, although he was not successful. The placement of outdoor dining in front of the restaurant proved infeasible due to the proximity of parking spaces and parking lot traffic.

## C. Police Department Comments

Police Department comments would be added to the staff report on page 20 of the City Department comments section:

- F-1 The applicant is seeking an "ABC On" and "ABC Off" license. The Police Department has no objections to either license subject to the following condition for alcohol sold off premise.
- F-2 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations.
- R-1 The storage area for the creation of beer variety packs shall be located in an area accessed by employees only or in a location away from the restaurant entrance which is employee-monitored.
- R-2 The applicant shall seal growlers to prevent customers from transporting open containers of alcohol when leaving the premises.

- R-3 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery awareness program for all employees. (Police)

Comments F-1 and F-2 reflect Police Department findings. Recommendations R-1 and R-2 relate to condition language that would be incorporated as an amendment to Condition 19 and proposed in italics. Recommendation R-3 would be added as Condition 37.

19. **CONDITION ADDED BY STAFF:** On-premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. Off-premises alcohol sales of bottled beer in six to 24 packs and as growlers may be permitted at the restaurant consistent with a valid Virginia ABC license. *The storage area for the creation of beer variety packs shall be located in an area accessed by employees only or in a location away from the restaurant entrance which is employee-monitored. The applicant shall seal growlers to prevent customers from transporting open containers of alcohol when leaving the premises. (P&Z) (Police)*
37. **CONDITION ADDED BY STAFF:** The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-746- 6838 regarding a security survey for the business and a robbery awareness program for all employees. (Police)

## **II. Revised application information**

The applicant has revised application pages 21, 22, and 24 of the SUP docket package to reflect the addition in January 2018 of a minority partner in the proposed business. Page 21 provides the date of the updated application; pages 22 and 24 list the business owners as Abe Hadjiesmaeiloo (67%) and Mehdi Rofougaran (33%). The property owner has updated his letter of support to acknowledge these application changes. All revised documents are attached.

Staff recommends approval of SUP #2017-0091 with the revisions to the Parking, Community Input, City Department Comments sections of the report and the revisions to the ownership statements of the application. In addition, staff recommended approval includes the amendment to Condition 19 and the addition of Condition 37.

# DEL RAY CITIZENS ASSOCIATION

[WWW.delraycitizens.org](http://WWW.delraycitizens.org)

P.O. Box 2233, Alexandria, VA 22301

Dec. 5, 2017

Abe Hadjiesmailloo  
Senor Chicken  
11030 Sandy Manor Drive  
Fairfax Station, VA 22039

Re: SUP2017-0091 3410 MT VERNON AVE

Dear Abe,

As a follow-up to the Nov. 14<sup>th</sup> DRCA Land Use Committee meeting, the following is an update to our recommendations (*in italics*):

- Shortening outdoor seating hours to 9 PM Sunday through Thursday and 10 PM Friday and Saturday.
- Limiting the outdoor seating to 30
- Provide a more detailed plan of the proposed outdoor patio with screening for the adjacent homes. Include in the plan where the dumpsters will be located. You may not have taken into consideration the effect the odor from the dumpsters will have on the ambiance of the patio. *Develop elevations / details that show the change in grade at the rear patio and how it affects the adjacent houses.*
- Consider leasing parking from adjacent retail center to meet parking requirement
- *All entry & exit to the rear patio to be through the front of the restaurant, and not through the back emergency exit gates (except as needed to meet handicapped accessibility).*

In addition, there shall be no amplified music on the patio, which includes microphones for the musician or speakers for piping music in the interim.

*We also suggest compiling a list of comparable restaurants with outdoor patios to present to the Planning Commission as a comparison to what you are proposing. It is our understanding the focus is on food and not on serving beer only.*

Sincerely,

Kristine Hesse, Co-Chair  
Annie Ebbers, Co-Chair  
Del Ray Citizens Association  
Land Use Committee

Rod Kuckro,  
President  
Del Ray Citizens Association

# DEL RAY CITIZENS ASSOCIATION

[WWW.delraycitizens.org](http://WWW.delraycitizens.org)

P.O. Box 2233, Alexandria, VA 22301

Sept. 19, 2017

Abe Hadjiesmailoo  
Senor Chicken  
11030 Sandy Manor Drive  
Fairfax Station, VA 22039

Re: SUP2017-0091 3410 MT VERNON AVE

Dear Abe,

Thank you for requesting to defer your SUP application until the November Planning Commission meeting. This will provide time to develop your plans for the beer garden and work with the neighbors at Mt. Vernon Court.

We suggest the following as a starting point:

- Shortening outdoor seating hours to 9 PM Sunday through Thursday and 10 PM Friday and Saturday.
- Limiting the outdoor seating to 30
- Provide a more detailed plan of the proposed outdoor patio with screening for the adjacent homes. Include in the plan where the dumpsters will be located. You may not have taken into consideration the effect the odor from the dumpsters will have on the ambiance of the patio.
- Consider leasing parking from adjacent retail center to meet parking requirement
- Consider designing the rear of the shopping center to provide parking in the rear so the patio can be developed out front.

In addition, there shall be no amplified music on the patio, which includes microphones for the musician or speakers for piping music in the interim.

As far as the sale of off-premises alcohol, there are other businesses that are allowed to sell beer growlers. We do not oppose the sale as long as you meet ABC requirements.

Sincerely,

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

Rod Kuckro,  
President  
Del Ray Citizens Association

Cc: Madeleine Sims, City of Alexandria  
Al Havinga, Mt. Vernon Court Community Association

**REVISED**SUP2017-0091  
Additional Materials**APPLICATION****SPECIAL USE PERMIT****SPECIAL USE PERMIT #**2117-A**PROPERTY LOCATION:** 3410 Mt. Vernon Ave. Alexandria, Va 22305**TAX MAP REFERENCE:** 015.01-08-07**ZONE:** CG**APPLICANT:****Name:** Abe Hadjiesmaeloo**Address:** 3410 Mt. Vernon Ave. Alexandria, Va 22305**PROPOSED USE:** Restaurant and Beer Garden off premise alcoholparking reduction, extended hours, 30 additional seats for existing 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.Abe Hadjiesmaeloo**Print Name of Applicant or Agent**11030 Sandy Manor Drive**Mailing/Street Address**Fairfax Station, Va 22039**City and State****Zip Code****Signature**6/26/17**Date**7036253197**Telephone #****Fax #**Senorchickencorp@gmail.com**Email address**11/30/18  
#HRevised2/28/18MR A. H.**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_**ACTION-CITY COUNCIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

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

Name: William OshinskyPhone: 301-807-2486

Please Print

Address: 5606 Pollard Rd Bethesda, MD  
20816Email: winfieldgroup@gmail.comSignature: Date: 3-1-2018

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

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☒ Lessee or

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

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

Abe Hadjiesmaeiloo: 67% 11030 Sandy Manor Drive Fairfax Station Va 22039

Mehdi Rofougaran: 33% 12820 Tournament Dr Reston VA 20191

Revised  
 2/28/18  
 MR A.H.

REVISED

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Abe Hadjesmaailoo	11030 Sandy Manor Dr Fairfax Station, VA 22039	67%
2. Mehdi Bafougaran	12820 Tournament drive Reston VA 20191	33%
3.		

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

Name	Address	Percent of Ownership
1. Oshinsky Arlandria, Inc	4/ William Oshinsky 10506 Rolland Rd. Beltsville MD 20712	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. Mehdi Bafougaran	None	None
2. William Oshinsky	None	None
3. Abe Hadjesmaailoo	None	None

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

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

3/1/17

Date

Abe Hadjesmaailoo

Printed Name

Signature

Revised  
2/28/18

MP A.H



March 1, 2018

Madeleine Sims | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
301 King Street Room 2100  
Alexandria, VA 22314

Subject: Most Current Revised Special Use Permit  
3410 Mt Vernon Avenue  
Alexandria, VA 22305

Dear Ms. Sims:

Please be advised I am the president of Oshinsky Arlandria, Inc., the landlord/owner of the property located at 3408-3414 Mt Vernon Avenue, Alexandria, VA 22305

Let this letter serve as expression of our continuous support for the most current revised Special Use Permit Application by our tenant located in the above subject location.



William Oshinsky- President  
Oshinsky Arlandria, Inc.

Date 3/1/18

Revised

2/28/18

MA A.H.



RICH  
ROSENTHAL  
BRINCEFIELD  
MANITTA  
DZUBIN &  
KROEGER, LLP

March 5, 2018

**Via Electronic Mail (Karl.Moritz@alexandriava.gov) and Hand-Delivery**

Karl Moritz, Director  
Department of Planning and Zoning  
301 King Street, Suite 2100  
Alexandria, VA 22314

Re: Request for a Determination Relating to Special Use Permit Application # 2117-A  
Special Use Permit # 2017-0091  
3410 Mt. Vernon Avenue (Parcel Address: 3408 Mount Vernon Avenue)

Dear Director Moritz:

This law firm represents Danielle Harms and Meryl Kinard (“Nearby Landowners”). The Nearby Landowners live near the restaurant at 3410 Mt. Vernon Avenue (the “Tenant Restaurant Property”), the subject site for Special Use Application #2117-A, and will be negatively affected by the proposed intensification and expansion of use of the Tenant Restaurant Property and the adjoining portions of the shopping center owned by Oshinsky Arlandria LP for a new restaurant and beer garden. The applicant seeks, in Special Use Permit Application #2117-A (the “SUP Application”) to have outdoor dining and drinking—in what is now a shared parking lot—for 30 seats, thus doubling the total allowable number of seats at the Tenant Restaurant Property (30 inside and 30 outside). In addition, the SUP Application seeks approval for off-premises alcohol sales, an extension of the restaurant’s hours of operation, a reduction in the parking required by the restaurant’s additional seats, and the use of a portion of the shopping center’s parking lot for the outdoor dining area.

We have reviewed various materials, including the old SUPs that were applicable to the Tenant Restaurant Property, the different versions of the SUP Application, your March 1 memo to the Planning Commission, and the Staff Report, as well as the City of Alexandria Zoning Ordinance (“Zoning Ordinance”); there are various issues that are unclear. Please provide me with your determinations regarding the following questions:

1. When a restaurant is one of several commercial establishments in a single shopping center built on a number of legal lots of land, what constitutes the “premises” of the restaurant?

2. What constitutes the “premises” for the Tenant Restaurant Property? Is the entire shopping center property, consisting of approximately 38,280 sq. ft, the site premises for the SUP Application?
3. The King Street Outdoor Dining Overlay Zone ordinance states that its purpose includes “ensuring . . . that adjacent commercial and residential uses will be protected from any adverse impacts from [outdoor] dining” (Zoning Ordinance § 6-801). Do any similar provisions in the Zoning Ordinance apply to the Tenant Restaurant Property relating to outdoor dining?
4. While the SUP Application does not involve an Administrative Special Use Permit, was Zoning Ordinance § 11-513(C)(15) applied to this SUP Application, thus requiring that the special use must “not significantly and negatively impact [*sic*] nearby residential neighborhoods”? Notwithstanding the applicability of this provision, is this standard as stringent as the one applied to the King Street Outdoor Dining Overlay Zone (“ensuring . . . that adjacent commercial and residential uses will be protected from any adverse impacts from [outdoor] dining” (Zoning Ordinance § 6-801)?
5. Are there any *specific standards for outdoor dining* for the neighborhood of 3410 Mt. Vernon Avenue? If so, what are those standards?
6. Are applicants and/or property owners in a CG Zone able to seek a SUP for outdoor dining on any parking lots or areas located around the buildings?
7. Is the parcel that is subject to the SUP Application considered a “shopping center”?
8. In the Staff Report (Table 1) every restaurant used for comparison for this SUP Application is a restaurant with outdoor dining adjacent to a street.<sup>1</sup> Is there a requirement for outdoor dining areas to be adjacent to a public street, public way, or public property?
9. What is the basis of Staff’s belief (Staff Report, p. 11) that the noise levels from inside the restaurant would be low and not audible outside the business?
10. The Staff Report indicates that “in cold-weather months, fewer restaurant patrons would visit the restaurant when the outdoor dining area would be closed” (Staff Report, p.11). Is there a condition requiring the applicant to not operate the proposed outdoor dining area during cold-weather months? Are portable heaters or fire pits permitted in the proposed outdoor dining area for the Tenant Restaurant Property?
11. Will the applicant have to provide ADA compliant restrooms?

---

<sup>1</sup> Sonoma Cellars abuts King Street and the outdoor dining area abuts a full-size alley. The small ice cream/coffee shop of Dolci Gelati (does not serve alcohol) abuts N. Fairfax St. and the outdoor dining area abuts a public tourist open area and building. Stomping Ground abuts Mt. Vernon Ave and the outdoor dining area is next to a public parking lot, pedestrian alley, and a street.

12. Will patrons of this beer garden be permitted to smoke tobacco products in the outdoor dining area or around it when the outdoor dining area is open or closed?

13. How many patrons will be allowed on the site? The Supplemental Application identifies 85 patrons (p. 3, Alcohol Consumption and Late Night Hours).

14. If you issue a zoning violation relating to the Tenant Restaurant Property, would it be to the applicant or to the property owner of the shopping center?

15. The next few questions deal specifically with the SUP Application:

a. On page 5 question 7.B., did the applicant provide staff with an answer on how the “noise” will be controlled? If so, how will the noise be controlled? Monitoring the noise is not controlling it.

b. On page 6 question 9.D., did the applicant provide staff with any response on how it intended to prevent litter on nearby properties? If so, what was its response? The response on the application only dealt with the Tenant Restaurant Property and the shopping center.

c. On page 7 question 12, did the applicant identify any methods to ensure the safety of nearby residents or its employees? If so, what methods will be used? It appears the applicant only addresses the safety of the patrons. The SUP Application identifies two (2) employees will be onsite at 2:00 am in the morning, yet no safety methods have been provided for the late night/early morning employees or the neighbors.

As you know, the Planning Commission is scheduled to hear this SUP Application on March 6, with the City Council’s public hearing set to be heard on March 17, 2018. If you can provide us with your determinations as soon as possible we would appreciate it. A large part of my clients’ concerns deals with the incomplete application, a Staff Report that does not adequately address many of the important issues for this new intensified use that is doubling the seating, and a clear admission by the applicant that this beer garden is primarily going to be a drinking establishment. In the Supplemental Application for a Parking Reduction, attached hereto, in response to “Provide a statement of justification for the proposed parking reduction” the applicant states, “[b]ased on our current traffic at our other location [Tysons Corner], our clients will use UBER, LYFT, TAXI’s and other means of transportation to get home **to avoid breaking the law.**” While it’s good that the applicant represents its patrons will choose to not break the law, this statement makes clear that this beer garden is a drinking establishment where people will go to get drunk. This is concerning and alarming for nearby residential neighbors and nearby commercial establishments. It also seems to set the precedent that any parking lot in a shopping center in the city can become an “outdoor dining” and drinking area.

If you have any questions or would like to discuss this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Shannon, Jr.', written in a cursive style.

Roy R. Shannon, Jr.

Copy: Joanna Anderson, City Attorney's Office (via email)  
Christina Brown, City Attorney's Office (via email)

---

**To:** Ann Horowitz  
**Subject:** RE: supplemental Planning Commission information

**From:** M K <[merylkinard@gmail.com](mailto:merylkinard@gmail.com)>

**Date:** March 5, 2018 at 2:08:56 AM EST

**To:** Ann Horowitz <[ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)>, Al Havinga <[al.havinga@gmail.com](mailto:al.havinga@gmail.com)>, Karl Moritz <[Karl.Moritz@alexandriava.gov](mailto:Karl.Moritz@alexandriava.gov)>, Roy Shannon <[rrshannon@rrbmdk.com](mailto:rrshannon@rrbmdk.com)>, Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)>, [President@delraycitizens.net](mailto:President@delraycitizens.net)

**Subject:** Re: supplemental Planning Commission information

Dear Madeleine and Ann,

Please find my additional letter in consideration of the beer garden SUP. This letter details my continued concerns of the revised application, addressing some aspects of the Staff Report.

Best regards,

Meryl

On Fri, Mar 2, 2018 at 5:38 PM, M K <[merylkinard@gmail.com](mailto:merylkinard@gmail.com)> wrote:

Hello Ann,

Thank you for sending this. However, I must say how incredibly frustrating it is that I have had to dedicate so much of my personal time and effort calling into question basic core tenants of the Applicant's SUP and conduct of behavior - such as, a Property Owner that actually never signed the original SUP and had never seen it until I sent it to him at the end of December and my continued complaints that Applicant had a business partner and was not accurately reflecting such (I brought this to the City's attention in December - after months of hearing of Abe + Medhi), etc. etc. Also, it seems unfair (for a lack of better term at the moment) that the applicant can amend his SUP application to reflect such ownership change a mere 48 business hours before the Planning Commission meeting. It seems this goes against the required public notice and a full review of what this SUP actually is and who are the correct "players" so to speak. Sending this at 5pm on Friday before the hearing seems like a shady and calculated move on the Applicant's part. I'll add this to the list of the other completely inappropriate things.

It also seems if the Applicant (now Applicants) were truly represented by counsel with respect to this SUP, this would have been an obvious matter to correctly identify. Why should the City have to be contacting counsel asking such a question? Shouldn't that be the job of the attorney representing the parties to provide such information? Particular an attorney who is extremely experienced in this type of law? Whether the applicant(s) are actually represented by counsel seems to simply be a matter of optics, as evidenced here - and again another questionable aspect of this SUP.

Again, like everything else that has occurred, this makes me truly question the applicant(s) actual intentions and respect for both zoning law and compliance with the SUP terms and the basic premise of being a good and honest neighbor. One of the criteria the City must find to approve the SUP is that "[th]e applicant will comply with all regulations and provisions of law." I strongly urge the Planning Commission to factor this bizarre last-minute addition to the SUP into it's decision.

Can you also provide your feedback as to how you evaluated the, now, applicants intent to comply with all regulations and provisions of the law with respect to this SUP - when you just learned who the actual applicants are today?

Many thanks for your continued communicates with me and my neighbors!

Best regards,

Meryl

On Fri, Mar 2, 2018 at 5:07 PM, Ann Horowitz <[ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)> wrote:

Meryl,

Attached is a memo that has been sent to the Planning Commission that features supplemental information for its review. The last item in the memo references a change in the business ownership and the application update. Thank you for bringing the possibility of this to our attention. I checked with the applicant's attorney and found that Abe had acquired a minority partner (33%). More details on this subject are found in the memo.

Thank you.

Ann

*Urban Planner*

*City of Alexandria*

*Department of Planning and Zoning*

*Room 2100*

*City Hall*

*301 King Street*

*Alexandria, VA 22314*

*Phone: [703-746-3821](tel:703-746-3821)*

*Fax: [703-838-6393](tel:703-838-6393)*

**VIA E-MAIL**

March 5, 2018

Ms. Madeleine Sims, Urban Planner  
Ms. Ann Horowitz, Urban Planner  
City of Alexandria, Department of Planning and Zoning  
301 King Street, Room 2100  
Alexandria, Virginia 22314

**Re: Special Use Permit #2017-0091 and Corresponding Staff Report**

Dear Ms. Sims, Ms. Horowitz & the Alexandria Department of Planning and Zoning (the "Department"),

I previously wrote a letter to you dated December 19, 2017, in which I detailed my opposition to the revised Application for Special Use Permit number 2117-A, submitted by Ebrahim "Abe" Hadjesmaailoo (the "Applicant") dated June 26, 2017 (the "June Application"). I submit this current letter in continued opposition of the further revised Application for Special Use Permit number 2017-0091, dated January 30, 2018, and further revised February 28, 2018 (the "Application") as submitted by the Applicant. This Applicant requests amendment to Special Use Permit number 95-0033, of the restaurant currently operating as Senor Chicken (3410 Mount Vernon Avenue – the "Property"), to (i) extend hours of operation, (ii) add off-premise alcohol sales, (iii) **double its size** by converting a rear parking lot (the "Back Lot") to a thirty (30) outdoor seat "beer garden" and (iv) a ten (10) space parking reduction. The Applicant intends to name this beer garden, "The Secret Garten," and serve beer, wine, hard liquor and wings, sausages and grilled cheese sandwiches (the "Concept"). The Back Lot, to be converted to a beer garden, directly borders the Mount Vernon Court neighborhood on Sanborn Place (the "MVC Community"), of which I am a homeowner.

The revised Application continues to have numerous inconsistencies, missing and inaccurate information, which are detailed by page as reflected in the order presented in the report prepared by the Department staff, recommending approval of the Application (the "Staff Report").

1. **Page 1:** The Applicant signed the Application on **January 30, 2018** and last signed the revised Application on **February 28, 2018**, a mere four (4) business days prior to the Planning Commission hearing. The "Instructions for Special Use Permit Applications" state that application submissions must be received before the monthly filing deadline. Applications submitted after a filing deadline will be processed for the next hearing cycle. Pursuant to the "2018 Planning Commission Hearing Schedule and Filing Deadlines (Non-Development Requests)," the recommended submission date for completeness review for an application to be considered at the March 5, 2018 Planning Commission Hearing (the "March Hearing") was December 11, 2017 and the deadline for submission of a complete application was **December 27, 2017**. This Application was completed thirty-four (34) days past the deadline to be considered at the March Hearing. Further, the deadline for the April 3, 2018 Planning Commission Hearing (the "April Hearing") was **January 23, 2018**. This Application was completed seven (7) days after the deadline for the April Hearing. **This Application should not be considered until the May 1, 2018 Planning Commission Hearing.**
2. **Page 2, Item 2:** States that the applicant is the "Lessee." It is my understanding that the Applicant is the Lessee of the indoor Senor Chicken restaurant and is a common user of the Back Lot to



which the Applicant intends to convert to a beer garden. However, the other businesses in the shopping center, specifically, El Paisa Grocery, 7-11 and Amgio Laundromat also use the Back Lot for their respective business purposes, such as storage, trash disposal, and deliveries. **As the Applicant is not a Lessee of this Back Lot, the Applicant does not have standing to submit this Applicant.** By allowing this Applicant to proceed with the Application without being a current Lessee, the City may set precedent to allow anyone to apply for a special use permit ("SUP") to property of which they do not have current legal rights.

On Friday, March 2<sup>nd</sup> at 5:07pm, I received an email from Ms. Horowitz, attaching the revised Application dated February 28, 2018, and among other revisions, now reflects Mehdi Rofougaran ("Matt") as a thirty-three percent (33%) owner. I first raised this issue, in detail, in my letter dated December 19, 2017 and at a December 21, 2017 meeting at the Department with Ms. Sims, Ms. Horowitz, other members of the MVC Community and a representative of 7-11 on December 21, 2017. Matt has long been holding himself out as the Applicant's business partner. It is unclear why the Applicant blatantly failed to reflect the true nature of the ownership interests in this Application.

**I respectfully request that the Department and the City Council weigh the Applicant's lack of accurate reporting when assessing the Applicant's intention and ability comply with all regulations and provisions of law.**

3. **Page 3 (Ownership and Disclosure Statement):** Same comments as above in Page 2, Item 2, paragraph 2.
4. **Letter from William Oshinsky, President Oshinsky Arlandria, Inc. ("Mr. Oshinsky"):** I spoke by telephone with Mr. Oshinsky, the Property Owner, after being concerned that the June Application had a signed Property Owner's Authorization dated March 11, 2017, which seemed quite stale with a proposed March (2018) Hearing. Mr. Oshinsky stated that he had never seen the June Application, and that he spent half of the year on the west coast and was not in the District of Columbia area in March of 2017. He said it would have been impossible for him to sign the June Application and asked if his signature was present on the June Application. Mr. Oshinsky said that the Applicant had previously generally discussed the concept of a beer garden with him. Mr. Oshinsky told me he thought this was the Applicant's "pipe dream" and between him and I, the Applicant had many challenges to overcome with respect to this concept. Mr. Oshinsky said the Applicant did not have the current rights to use the Back Lot in this manner, and that at a minimum the Applicant would need a new lease covering this intended use.

It is reassuring to see Mr. Oshinsky is now involved and updated in the current process and Application. However, my comments to Page 2, Item 2 above stand that **Mr. Oshinsky should confirm that the Applicant is a Lessee of the Back Lot or Mr. Oshinsky would be the only appropriate party to apply for a SUP of the Back Lot.**

5. **Page 4 (Narrative Description):** The Applicant's further attached "narrative of the concept" is specifically addressed in my response number 12 below. In response to the items specifically listed on this Page 4:

- a. Hours. The Applicant's request for hours until 2:00AM Monday through Sunday, is evidence of the Applicant's intent to operate a late-night drinking establishment.
- b. On-off ABC License. The Applicant's application for an ABC license, as not currently permitted to serve hard liquor, is evidence of the Applicant's intent to operate a drinking establishment.
- c. 30 outdoor seats. Thirty (30) seats is a very significant number of additional seats, given the current entire number of indoor seats is thirty (30). This is effectively granting the Applicant the ability to own and operate an entire second establishment. While there are a few nearby full-service restaurants (as named in the Staff Report; Live Oak, Evening Star and Thai Peppers) that have outdoor seating slightly more than this Applicant's request for thirty (30) outdoor seats, these establishments have a larger indoor presence and operate full service restaurants with expansive food menus. The purpose of these other restaurants that offer outdoor dining, is that of dining, not creating an outdoor drinking establishment without table service.
- d. "Indoor limited live entertainment". As detailed further in my response number 18 below, there is no representation of a space or set-up in the indoor site plan for this type of entertainment.

**6. Page 5 (Use Characteristics):**

- a. Item 5, Section A. lists a "permitted occupancy of 60 people." This is contradicted elsewhere in the Application, see my response number 14a below.
- b. Item 5, Section B. lists a maximum number of four (4) employees for the entire beer garden, and at times as few as two (2) employees (to include cooks, bartenders, cleaning staff, security, cashier, etc.). This is, at a maximum, one (1) employee per fifteen (15) customers, pursuant to the sixty (60) person maximum occupancy. This is further evidence of the Applicant's intention to operate a drinking establishment, and not a full-service restaurant.
- c. Item 7 describes the potential noise emanating from the proposed use as follows:
  - i. Section A. states "[w]e will have limited live entertainment indoors only where we will have one musician playing an acoustic set". This does not specify that the acoustic "set" will not be amplified, and it is unclear what this "set" means.
  - ii. Section B. states the noise will be controlled by, "[w]e will monitor the noise to make sure we are not disturbing our neighbors." This is a vague statement. How will it be monitored? How will the MVC Community, surrounding businesses, and other nearby neighbors be able to communicate concerns? How quickly will concerns be addressed? What are remedies for failure to comply with this vague standard? Who is "we"? **This statement was not revised or clarified from the June Application and is of particular concern to the MVC Community.**

**7. Page 6 (Use Characteristics, continued):**

- a. Item 8 states that "we will mainly be cooking burgers and sausages." The Applicant's concept statement does not include burgers, although a prior version of the Concept (see below) did reference a menu of burgers.
- b. Item 9, Section A. states that only food waste will be generated. What about the trash and garbage generated from the beer and liquor bottles?

- c. Item 9, Section B. states that the trash and garbage generated will be “[a] dumpster full every 2 weeks.” This does not answer the question of the number of bags or pounds of trash and garbage per day or per week.

**8. Page 7 (Use Characteristics, continued):**

- a. Item 12 states safety of nearby residents, employees and patrons is ensured by a parking lot and center that is “always light and constantly monitor.” **This statement was not revised or clarified from the June Application and is of particular concern to the MVC Community.**

**What type of monitoring is conducted? Given the small number of total employees, who will be monitoring, and will this be a secondary task to the employer’s other duties?** Further, given the very limited number of patrons that will be able to park in the center’s parking lot, and other guests who may be walking from nearby areas, how is individual safety ensured? A pedestrian was recently struck and killed by a car at the intersection right in front of this center at W. Glebe Road and Mt. Vernon Avenue and a toddler was stuck by a vehicle in this same parking lot.

Additionally, there is more crime, pursuant to the Alexandria crime records in in 3400 block of Mount Vernon Avenue than the five to six blocks of Mount Vernon Avenue further down, in the 2000 to 2600 blocks. In the last three (3) years, there have been nearly **five hundred (500) police incident reports** in the 3400 block of Mount Vernon Avenue, where habitual loitering and an open-air drug market are widely known among the residential community and law enforcement. A summary of the nature of those reports is as follows:

- 22 alcohol related crimes;
- 20 violent crimes (including a car-jacking in front of Senor Chicken);
- 36 thefts/larcenies; and
- 50 Disorderly Conducts.

**9. Page 8 (Parking and Access Requirements):**

- a. Item 14, Section A. lists forty-five (45) for “Standard spaces” and 1 “Handicapped accessible spaces.” This parking lot has thirty (30) total spaces in the front (excluding the spaces in the back that are slated to be converted to a beer garden), which is clearly evident from the aerial site map included in the City’s Staff Report, Google maps, and visual inspection of the parking lot. Even if Mr. Oshinsky “restripes” the parking lot, as detailed in my response number 16 below, this would only result in a parking lot of thirty-three (33) spaces.

**Even though the Staff Report reflects that pursuant to the new parking requirements, the Applicant would be well in compliance and not be required to provide additional parking spaces and/or seek a parking exception, it seems at a minimum true and accurate statements should be reflected in the Application.**

**Given the City’s recent parking amendment, by granting this Application, is the City setting a precedent to allow business that are zoned for Commercial/General**

**throughout the City that now no longer need to provide a certain number of parking spaces, to begin to convert existing parking spaces into outdoor drinking establishments?**

**10. Page 9 (Parking and Access Requirements, continued):**

- a. Item 16, given the high pedestrian traffic, bus stop and nearby curved intersections, the current street access to the Property should be addressed by the Applicant by working with the City's Transportation Department to provide a safe and reasonable ingress and egress for all patrons of the shopping center.

**11. Page 9 (Site Characteristics):**

- a. Item 17, states that the proposed uses will be located in an existing building. In fact, only one-half (1/2) of this Application covers the proposed use of thirty (30) indoor dining seats located in an existing building. The other one-half (1/2) of this Application is outside of a current building and converts a parking lot to an outdoor beer garden. It is unclear from the site plans and outstanding matters of the Staff Report, but it does appear that some addition would be made with respect to the outdoor beer garden.
- b. Item 18, calls for increasing the current use by over 140% to use the Back Lot as an outdoor beer garden, usurping space currently used by other businesses in the shopping center, and of which the Applicant does not have a current lease. The Applicant states the total area occupied will be a 1,400 foot "outdoor patio."
- c. Item 19, the Applicant does not provide the name of the shopping center.

**12. The Secret Garden – The Concept (the "Concept")**

- a. A prior version of the Concept, submitted with the June Application stated the following: "The Secret Garden is not your typical Northern Virginian bar or restaurant. Here at the Secret Garden everything will be focused around our wide variety of rotating American craft beers along with high quality German & Belgium beers—or biers as we like to call them." The word "beer" appears eleven more times on that first Concept page. The menu is described as sausages, burgers and wings. Based on the 1-page menu offered at the Applicant's other location, the Tysons' Biergarten, the focus is clearly on beer, wine, cocktails, whiskey (where shots can be ordered and delivered on a ski for multiple individuals to take liquor shots together) with sausages and wings.
- b. The word "beer" is used only twice in the revised Concept. The Concept is now focused on creating a "cozy" and "inviting" atmosphere for all ages, with food offerings of sausages, wings, and grilled cheese sandwiches. The Concept provides for entertainment each day. The seating is described as seven (7), four (4) person picnic tables, and a small two (2) person ADA compliant table. This is contrary to the site plan, as described in number 18 below. Additionally, there are steep and narrow steps that currently lead in and out of the Property (see enclosed photo), without a ramp or other accommodations. If individuals requiring ADA accommodations needed to use the restroom or go inside to partake in the self-service vending style offerings, that individual would need to go around the back and front to reenter the main entrance. **The City should consider if this Application reflects the ADA requirements and proper accommodations.**

**13. Page 1 (Supplemental Application Restaurant):**

- a. Item 4 states that both table and bar service will be offered. Given the Concept as described by the Applicant and mirroring the Applicant's Tysons, Virginia location, chips are purchased to be exchanged by the bartender for items of food and drink. A full-service restaurant has never been discussed as the concept for this drinking establishment.
- b. Item 5 is left blank with respect to delivery service.
- c. Item 6 states there will also be live soft music. Where is this live "soft" music located, again, the site plan submitted does not reflect such a space.

**14. Page 3 (Supplemental Application Restaurant, Continued):**

- a. Alcohol Consumption and Late Night Hours;
  - i. Item 1 lists 75 maximum patrons, inconsistent with other statements in the Application of a 60 person capacity. Seemingly, counting an additional 15 standing patrons in addition to the seats. **What is the actual maximum capacity? And further, what are the reassurances that all of these 15 additional patrons will be standing in the Back Lot, congregating in the outdoor beer garden, raising the maximum outdoor capacity to 45 – with a significant increase in noise and other safety considerations.**
  - ii. Item 4 states there is a "Low ratio of alcohol to food" which seems inconsistent with the other statements by the Applicant that food is limited, beer is the focus, and patrons will be "too drunk" to drive home.

**15. Page 1 (Application – Supplemental, Parking Reduction):**

- a. Item 2, states "[b]ased on our Current traffic at our other location our clients will use UBER, LYFT, TAXI's and other means of transportation to get home to avoid breaking the law." This implies that patrons of this drinking establishment will be too drunk to drive home without breaking the law (whatever that could mean, ranging from DUI to causing an accident, etc.).
- b. "[t]he lack of adequate parking spots in our center, our patrons based on our business model and other location will arrive for happy hours ranging from 4 – 9PM, Another point to add, based on the demographic of the neighboring area we anticipate a large number of clients to commute on foot."

**16. Undated letter from Applicant addressed to Madeleine, [i]n reference to your email from January 12, 2018"**

- a. The Applicant writes that the Back Lot has ten (10) unused parking spots and that the Applicant has "...never seen this area to be occupied with vehicles." Even if we accept that the Applicant has never seen this Back Lot occupied with vehicles, there are uses of the Back Lot of the neighboring businesses and converting this Back Lot for the sole use of the Applicant strips neighboring businesses of access to the Back Lot.
- b. The Applicant states Mr. Oshinsky will add three (3) more parking spaces by re-striping the front parking lot. This parking lot is already very cramped and difficult to navigate. I question if restriping would be the most effective way to address the lack of parking for this drinking establishment.
- c. The Applicant states that neighboring business support his Application. In fact, Amigos Laundromat submitted written comments to the Department expressing opposition to this Application, and a representative from 7-11 met with the Department, also

expressing deep concern against this Application due to limiting 7-11's access to the Back Lot and potential loss of business due to parking reduction. In fact, this represents two (2) out of three (3) businesses that have voiced opposition to this Application.

**17. Existing Architectural Site Plan prepared by Rust | Orling Architecture, dated January 17, 2018**

- a. Inaccurately depicts the number of parking spaces in the front of the shopping center.

**18. Existing Garden Site Plan prepared by Rust | Orling Architecture, dated January 17, 2018 ("Site Plan")**

- a. Missing/Unclear Information
  - i. This Site Plan shows eight (8) picnic tables. It is unclear the proposed size and number of persons that could be comfortably seated at each picnic table. If a typical picnic table seats six (6) persons (three (3) persons per side) that would be a representation of forty-eight (48) persons, if it is indeed four (4) person tables, this still represents thirty-two (32) seats and does not match the description in the Concept. It also does not address the additional standing capacity.
  - ii. This Site Plan includes representation of a walk-in cooler. How will that cooler be secured so that patrons, or other members of the public cannot access the alcohol and/or food that will be stored inside. Why is the Applicant using an outdoor cooler? Is it because there is not enough space on the inside of the Property? **By granting this Applicant the ability to store food and/or alcohol in an outside cooler, is the City setting a precedent to allow business owners across the City to do the same?** Further, what are the noise and safety considerations for allowing an outdoor cooler to be placed so near to outdoor seating? Lastly, the space currently planned for this outdoor cooler is occupied by a dumpster that contains grease waste (see attached photo). Where will this grease waste dumpster be relocated?
  - iii. This Site Plan indicates that new "TALL EVERGREENS" will be added at the property line, but during the winter months when foliage is gone (see attached current photos), this does not create an adequate border.

**19. Existing Floor Plan**

- a. No comments.

**20. Proposed Floor Plan**

- a. This drawing appears to be an accurate representation of the inside of the space. It is unclear to me where any of these proposed "live events" would be happening in this space. This shows seating for 30 indoors. Where would another potential fifteen (15) patrons have room to stand?

**21. Picture Representation of Back Lot, Including Bar and Ten (10) Large Picnic Tables**

- a. MVC Community was shown this picture during a meeting on November 11, 2017 with the Applicant and Matt. Members of the MVC Community pointed out that this picture is not an accurate representation of the Back Lot and is grossly not to scale. The

Applicant and Matt agreed that it was not to scale, but that they “did not want to invest time and money in an accurate rendition until they knew they would get approval.”

- b. This picture is inaccurate, does not show even a remote representation of either the actual space in the backlot or support of what the plan the have submitted in their SUP for thirty (30) outdoor seats. This picture is inflammatory and could be used to gain public support for a plan that is not even remotely capable of being delivered.
- c. No comments.

In conclusion, pursuant to the Special Use Permit Application Package prepared by the City of Alexandria, Department of Planning and Zoning, the City Council may grant a SUP if it finds the following:

- a. The use for which a SUP is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
  - i. Based on the information and statements in this letter, I strongly believe the use proposed in the SUP will adversely affect the health and safety of the surrounding communities, workers, and patrons of nearby businesses.
- b. The use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
  - i. Based on the information and statements in this letter, I strongly believe the use proposed in the SUP will be detrimental to the public welfare and injurious to the property of homeowners in the Mount Vernon Court community and surrounding business, such as 7-11, the laundromat.
- c. The use will be in accord with the purposes of the City’s Master Plan and Zoning Ordinance; and
  - i. The property subject to the SUP, 3410 Mount Vernon Avenue, comprises the area in the “Arlandria Neighborhood Area Plan” (“Arlandria”). The corresponding report for Arlandria is a 103 page report dated May 8, 2003. The report does not mention 3410 Mount Vernon Avenue specifically, nor the plaza that is occupies. However, the report does mention the traffic and pedestrian safety concerns and the desire to have patio seating in the front of restaurants, as consistent with every other restaurant in the Del Ray and Arlandria community.
- d. The applicant will comply with all regulations and provisions of law.
  - i. Based on the actions of the Applicant’s with respect to this Application, it is unclear if the Applicant intends to comply with applicable regulations and laws.

Respectfully,

*Meryl M. Kinard*

Meryl M. Kinard

Enclosures

Cc: Al Havinga, President, Mount Vernon Court Community Association  
Karl Moritz, Director, Department of Planning and Zoning  
Roy Shannon, Esquire  
Rod Kuckro, Del Ray Citizens Association









Crime: In the last three (3) years, there have been nearly 500 police incident reports in the 3400 block of Mount Vernon Avenue. Here is a summary of the nature of those reports:

- 22 alcohol related crimes
- 20 violent crimes (including a car-jacking in front of Senor Chicken)
- 36 thefts/larcenies
- 50 Disorderly Conducts

#### ADA issues

- Because of the stairs leading from the back of the restaurant to the beer garden, disabled patrons will have to use a handicap entrance on the side of the beer garden, accessible only by going around 7-11 and El Paisa into the rear of the building
- Once there, will they have to go back out and around to use the restroom?
- How about to order food or drinks, since there is only bar/counter service?

On behalf of the Mount Vernon Court Community Association, I am writing to voice strong opposition to the Special Use Permit application proposal to open a beer garden in and behind Senor Chicken at 3410 Mount Vernon Avenue. We believe that, while the intentions of the land owner, business owner, and city planners to spur growth and development from Del Ray to Arlandria is noble, this plan will do little to achieve that goal, and will create noise and safety issues that will be a detriment to our community. We are alarmed that the Department of Planning and zoning recommended approval of this plan, and find their reasoning and comparisons to other area businesses, such a gelato shop, at takeout Thai restaurant, a coffee shop, and biscuit restaurant that closes at 3 pm, to be very flawed.

We are a small group of 36 homes at the northern end of Del Ray, bordering Arlandria and Warwick Village, and immediately adjacent to the businesses on the 3400 block of "The Avenue." Senor Chicken sits in between a 7-11 and a laundromat, with a small parking lot in the rear. The lot faces our homes and street, and several homes are completely visible while standing in the lot.

Our fear lies first in the immediate impact of the drastic change in nature of the business and the expanded footprint in which it will be operating.

Most of the families in our community have small children who go to sleep between 7 and 9 pm. Their bedrooms face the proposed beer garden seating, with little to no sound or sight buffer. We are concerned that there has been no study of any kind to measure how much noise will be generated by 30 people talking and drinking as late as 10 pm at night, and are puzzled at why the city planners would abandon guidelines outlined in the Del Ray and Arlandria Neighborhood Plans, which call for an enhanced streetscape, with vibrant outdoor seating that faces out towards Mount Vernon Ave. This SUP doesn't address any enhancement to the streetscape, and the outdoor seating is hidden behind the building to such an extent that the proposed name of the beer garden is "The Secret Garden." Redevelopment won't spread if it's a secret.

Adding alcohol to the equation is the last thing that parking lot, and the intersection of Glebe and the Avenue needs. Pedestrian safety is also a major tenant of the Del Ray and Arlandria plans, and this intersection continues to be so dangerous that the city has recently made some adjustments to try to minimize the

occurrence of cars turning into pedestrians legally crossing the crosswalk, after a local woman was struck and killed there. The SUP applicant states that all of his employees, and most of his customers, will walk or take Uber/Lyft.

We have been told by members of city government that the primary issue at hand is the gentrification and redevelopment of north Del Ray and Arlandria as a whole. And on that, I believe we can find much agreement among nearly all of the stakeholders in our community. Our community shares the vision of a future where the charm, creativity, and spirit of Del Ray continued to spread past "Streets" and Del Ray Central all the way down Glebe and into Arlandria. That is something nearly everyone can get behind. But what that takes is smart and careful planning, community input, and hard decisions about what does and doesn't fit within the vision of the community. That planning was done when the Del Ray and Arlandria Plans were created, and those plans should be followed.

But the SUP for this new business has almost nothing in common with the plan and businesses that make up the "Heart of Del Ray" that we have so come to value. And I'm very skeptical that it in any way contributes to potential redevelopment of either the immediate area, or north Del Ray/Arlandria overall. If this business owner and the property owner had come together to figure out a way to place seating in front of the business, they'd have 100% support of our neighborhood. There is nothing stopping them from redeveloping that building with a mixed use plan that includes retail on the ground floor, and outdoor seating out front, which would be consistent the Del Ray and Arlandria plans. But that is not what they have decided to do, and I feel it sets a dangerous precedent for the rest of the area. I simply don't understand how an exception like this is going to be made. How will this impact future restaurants who want to open and outdoor bar and drinking area? Won't this exception invite others to try to increase their revenue-generating footprint by exchanging parking spots for outdoor seats? The material changes (the addition of the beer garden) will not be visible to anyone passing by, either in the car or walking. The "improvements" will be, as the name suggests, a "secret."

**To:** Madeleine Sims  
**Subject:** RE: Our input for the upcoming public hearing scheduled on March 6 2018 for Beer Garden (i.e. Senor Chicken) located at 3410 Mt. Vernon Ave Alexandria VA 22305

---

**From:** Thuan Pham <[thuanqpham@hotmail.com](mailto:thuanqpham@hotmail.com)>  
**Sent:** Sunday, March 4, 2018 12:43 PM  
**To:** Madeleine Sims  
**Cc:** Thuan Pham  
**Subject:** Re: Our input for the upcoming public hearing scheduled on March 6 2018 for Beer Garden (i.e. Senor Chicken) located at 3410 Mt. Vernon Ave Alexandria VA 22305

Good Afternoon Ms. Sims,

This is Thuan Pham. We are the Laundromat located at 3408 Mt. Vernon Rd, right next to the applicant's business under consideration. I will be out of town on the day of this hearing, so I am submitting our concerns as followed:

1. The submitted drawing is not accurate. One of the inaccuracies is: instead of losing one parking space, there will be at least two the parking spaces right behind our business will be lost.
2. Parking space of the building is already scarce, this proposal will make it worse for everyone.
3. The proposal of 20+ feet built-out will greatly restrict our truck access to our back entrance, which is a **major** issue. Also, it would restrict fire escape route.
4. Our landlord has assurance from the applicant that plants or tables will be on wheels. To us, this assurance is not practical if not unrealistic and will create unnecessary tensions between tenants. How/who will put the plants away so we can back our truck to the back entrance.

At this time, we **can't support** the BEER GARDEN application as proposed. Going forward, we wish to know how the landlord will rectify this intent to change common use area.

Thank you very much for your time Ms. Sims.

Sincerely yours,

Thuan

---

**From:** Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)>  
**Sent:** Thursday, December 21, 2017 8:29 AM  
**To:** Thuan Pham  
**Cc:** Alex Dambach; Ann Horowitz  
**Subject:** Re: Beer Garden Update

Good morning,



Thank you for sending me your concerns about the application. I have attached a copy of the application for an expansion of the restaurant at 3410 Mount Vernon Avenue which includes some drawings and the property owner's authorization. Notices are sent out a few weeks before the planning commission to abutting property owners and a legal notice is published in a widely circulated newspaper, in addition to a placard that will be posted at the site. Staff publishes a preliminary docket once all applications are deemed complete in advance of their hearing and these preliminary dockets can be found here:

[http://alexandria.granicus.com/ViewPublisher.php?view\\_id=57](http://alexandria.granicus.com/ViewPublisher.php?view_id=57).

If you have any concerns about the application please do not hesitate to contact me.

Kind regards,  
Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
301 King Street Room 2100 Alexandria, VA 22314  
703.746.3802, direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

---

**From:** Thuan Pham <[thuangpham@hotmail.com](mailto:thuangpham@hotmail.com)>  
**Sent:** Wednesday, December 20, 2017 11:25:23 PM  
**To:** Madeleine Sims; Alex Dambach  
**Subject:** Fw: Beer Garden Update

Dear Ms. Sims and Mr. Dambach,

My name is Thuan Pham, and I am the co-owner of the laundromat located next to the Senor Chicken. I'd like to provide the following inputs regarding Mr. Abe Hadjiesmaeiloo's application for a Beer Garden.

This is the very first week that we know about the pending application, and we heard about the application from Mr. Havinga, not from the landlord nor the applicant (i.e. Mr. Abe Hadjiesmaeiloo). After reading the neighbor's inputs and communicating with the applicant (Mr. Abe Hadjiesmaeiloo), I **do not** support this application at this time for the following reasons:

- 1) We have yet to see any drawings as proposed.
- 2) As we asked more details about, our landlord's representative (Mr. Phil Young) tells us to talk to the applicant directly as we quote "please call him, I have no idea what it is". Yet, the applicant is telling us that he has the support from the landlord.
- 3) We need sometime to talk to our landlord other tenants in this center.

Should you have any questions, please feel free to email us or contact us at (703) 401-5844.

Thank you for your time and attention.

Respectfully yours,

Thuan Pham

---

**From:** Al Havinga <[al.havinga@gmail.com](mailto:al.havinga@gmail.com)>  
**Sent:** Monday, December 18, 2017 8:56 PM  
**To:** [Thuangpham@hotmail.com](mailto:Thuangpham@hotmail.com)  
**Subject:** Fwd: Beer Garden Update

Thuan -- we hope you can join us.

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

**From:** **Madeleine Sims** <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)>  
**Date:** Thu, Dec 14, 2017 at 3:12 PM  
**Subject:** Re: Beer Garden Update  
**To:** Al Havinga <[al.havinga@gmail.com](mailto:al.havinga@gmail.com)>, Alex Dambach <[alex.dambach@alexandriava.gov](mailto:alex.dambach@alexandriava.gov)>  
**Cc:** Tim Donlea <[tim.donlea@gmail.com](mailto:tim.donlea@gmail.com)>

Al,

Would you be available to meet on Thursday, December 21, at 4 PM?

Kind regards,

Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](https://www.alexandriava.gov/301-King-Street-Room-2100-Alexandria-VA-22314)  
[703.746.3802](tel:703.746.3802), direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

**To:** Ann Horowitz  
**Subject:** RE: Secret Garten

Begin forwarded message:

**From:** Blair <[bdun03@gmail.com](mailto:bdun03@gmail.com)>  
**Date:** March 4, 2018 at 8:38:50 PM EST  
**To:** Ann Horowitz <[ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)>, Madeleine Sims  
<[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)>  
**Subject:** Secret Garten

Hi Ann/Madeleine,  
I saw the attached re: a potential new bar on Mt Vernon Ave and live in/own a house on one of the 3 streets listed as being particularly affected by this.  
Unfortunately, I can't make the meeting on Tuesday but want to make my concerns heard about how this will affect parking in Warwick Village and specifically on Landover/Tennessee/Burgess.  
How will this be addressed if resident parking begins to be overtaken by bar-goers??  
Thanks,  
Blair Dunleavy



Verizon


8:31 PM

100%

<

Search

9+



Warwick Village Citizens Association

28 mins · 🌐

...

WVCA wishes to advise residents of a Special Use Permit (SUP) to convert 3410 Mount Vernon Avenue (current site of Señor Chicken between the Landromat and 7-Eleven) into a dedicated bar called the "Secret Garten."


-- This bar will feature outdoor seating in the back, music, and both on and off premises alcohol sales -- the later including six packs and growlers for take-away. The establishment is proposed to stay open until 1am on weekends.


-- This may be of particular concern to WVCA residents who live on Tennessee, Burgess, and Landover given probable noise and disruption both from the site and from departing patrons.


-- City staff currently plan to recommend approval to the Planning Commission at a hearing on Tuesday, 6 March at 7pm.


-- This SUP is item number 7 on the docket at this link: [http://legistar.granicus.com/alexandria/meetings/2018/3/1869\\_A\\_Planning\\_Commission\\_18-03-06\\_Docket.pdf](http://legistar.granicus.com/alexandria/meetings/2018/3/1869_A_Planning_Commission_18-03-06_Docket.pdf)


If you'd like to make your voice heard on this issue,














SUP2017-0091  
Additional Materials

## Letter about Senior Chicken

[melleniekrunion@yahoo.com](mailto:melleniekrunion@yahoo.com)

Tue 3/6/2018 9:28 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Please submit this communication to the Planning Commission.

I've been a customer of Señor Chicken since I moved here in 1991. Mr. Abe Hadjesmaeiloo took a chance on this location, because when he opened the 7-11, Popeyes and the McDonald's all had to hire off duty security officers every single night to patrol their businesses for actual crime. Señor Chicken has never been part of any disturbance in the neighborhood. The outdoor seating at the back of the business would actually improve the aesthetics and create a family friendly setting. Outdoor seating is viewed as a positive thing anywhere else in the city, including Stomping Ground, Northside 10 and the Waffle House. When you embrace the exact same outdoor seating and alcohol for other businesses, you must provide equal acceptance and opportunity for Mr. Hadjesmaeiloo. He has proven his business credibility.

Thank you,  
Mellenie Runion, Resident and Small Business Owner  
Member of Beautification Commission, DRCA, DRBA, WEBA

SUP2017-0091

Additional Materials

## Docket, Tuesday, March 6, 2018 7:00 PM - Special Use Permit #2017-0091

[Josh Nye <jnye13@gmail.com>](mailto:jnye13@gmail.com)

Tue 3/6/2018 11:56 AM

To: PlanComm <PlanComm@alexandriava.gov>;

### To Whom it May Concern:

I am writing this letter on my wife and I's behalf, we fully support the approval of this establishment. My wife and I are extremely excited about the potential of this venue as they will offer an experience like no other in the immediate area. As Alexandria residents we visit lovely Del Ray quite often and we think the outdoor dining, food, and craft beers will all fit in and offer something unique in this area. Recently, we were able to visit Tyson's Biergarten of the same ownership and can I just say "WOW" the transformation of that space is remarkable. From a dingy corner lot to a sparkling lively, safe space for all to enjoy. If this is any indication of what is to come to the Del Ray space, we can not advocate enough for its approval.

Thanks,

Christina and Joshua Nye

5310 Avalon Pl

Alexandria VA, 22315

703-356-2424

SUP2017-0091  
Additional Materials

Senor Chicken

[Watkins, Charles \(CONTR\)](#) <Charles.Watkins@hq.doe.gov>

Tue 3/6/2018 1:02 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Please submit this communication to the Planning Commission

I have lived in Del Ray some 16 years and my moving there was based on the diversity of the area. While we have grown the area has lost some of it's history and not allowed other owners to capitalize on the communities popularity. Senor Chicken

should be allowed to grow. A reluctance to allowing there expansion would be very divided, and wrong.

Charles Watkins

**To:** Madeleine Sims  
**Subject:** RE: Request for deferral of SUP #2017.091

**From:** Rod Kuckro <[president@delraycitizen.net](mailto:president@delraycitizen.net)>  
**Sent:** Wednesday, February 28, 2018 5:28 PM  
**To:** Karl Moritz  
**Cc:** Madeleine Sims; James Banks; Ann Horowitz  
**Subject:** Request for deferral of SUP #2017.091

Karl,

The Executive Board of the Del Ray Citizens Association, pursuant to a unanimous vote, wants the city to defer for one month consideration of SUP #2017.091 that would convert the Senor Chicken restaurant at [3410 Mt. Vernon Ave.](#) into a restaurant with an outdoor beer garden.

We want our entire membership at our upcoming monthly meeting on Wednesday, March 14 to be briefed on the staff report and vote on whether to approve the application.

The Planning Commission meeting date otherwise precludes us from consideration.

This is a fair request.

Also, our board has concerns, not addressed in the staff report, about how more than half of the outdoor seating - and construction of a building for a cooler -- can be behind the adjoining 7-Eleven property, not the current Senor Chicken site.

I am unaware in my experience of an SUP asking for permission for a business to operate on property not under its direct control or lease, especially when that adjacent business disagrees.

The 7-Eleven holds an SUP from 2005 and it does not allow outdoor seating in the rear. Moreover, I have spoken with the franchise holder as recently as Sunday. He opposes the proposal and that fact is not discussed in the staff report.

Thanks and please call me if you have any questions. [703-864-3858](tel:703-864-3858)  
Rod

Rod Kuckro  
President  
Del Ray Citizens Association  
[president@delraycitizen.net](mailto:president@delraycitizen.net)  
<http://www.delraycitizen.org>

February 28, 2018

Madeleine Sims  
Urban Planner  
Department of Planning and Zoning  
301 King Street, Suite 2100  
Alexandria, Virginia 22313

Dear Ms. Sims,

As you know, the Mount Vernon Court Community Association, (MVCCA) is currently contesting portions of SUP# 2117-A (the "Beer Garden SUP") located at 3410 Mt. Vernon Ave. Also, as you know, MVCCA is a community of about 30 townhomes that share a fence with several commercial vendors, including Senor Chicken, whose owner has submitted SUP 2217-A. As a community, the proposed SUP in the space of Senor Chicken has received a lot of attention as well as increasingly intense scrutiny.

I do not have the same level of historical context as some of my neighbors, who have undoubtedly voiced their negative opinions to you already. My wife and I only purchased our townhome this past fall. However, I can, without a shred of doubt, say with full confidence that I oppose portions of this SUP with the same drive and attentiveness as my neighbors.

My reason for a passionate opposition to this SUP is because it is in disagreement with why we had chosen this immediate area. Del Ray and its Main Street feel of The Avenue is such a wonderful gem for young professionals and young parents -- one that we hadn't found anything similar in all of the DC suburbs we searched while house hunting. It quite literally *feels* unlike any other community in region, with its small business charm and close-knit neighbors, and lends to the unique effect of a genuinely happy, safe, and comfortable community.

Specifically, MVCCA is a haven for first homeowners for young families. There are no less than 15 children under school age living on the cul-de-sac. When I come home from work, I see my neighbors outside with their young children every day. And in a couple years, my wife and I hope to have our own children playing out front with them. At night, all those children will be asleep in their bedrooms with windows at the front of the houses facing the fence line due to the layout of the homes.

This SUP describes outdoor patronage until late every night. This is something that will undoubtedly cause immediate problems with property owners. If Senor Chicken is allowed to transform into a Beer Garden located up against our fence line, the logical end is incessant noise complaints. I know that some of my neighbors have occasional issues with late-night deliveries to the commercial properties which the noise becomes too much and results in a phone call to the police and their involvement. **A late night Beer Garden outdoor venue at the fence line of our residential front doors seems like a *noise-complaint-by-design* set-up.** It just seems ill-fated when you take the potential space conflict (physical space against a mutual fence line, light, and noise). **In no way do I want our tax dollars and community protection being pre-occupied with never-ending noise complaints instead of the actual work the Alexandria Police need to actually pay attention to.** This concern is in conjunction with other potential safety, traffic, and environmental problems that give our community trepidation and anxiety.

For instance:

1. With increased proposed patronage, what is the plan for cars and parking in overflow of current levels?
2. What is the plan for containing litter and increased outdoor garbage, along with the secondary effects of increased outdoor trash like rodents and infestation? Also, can the Planning Commission commit to increased city garbage disposals and recycling bins on the corners of Glebe Rd and Mt. Vernon Ave.?
3. Is there any consideration for outdoor noise reduction such as a previously mentioned tree buffer? Will the MVCCA residents have a say in this portion of the project, as it will be in sight line of our front doors (less than 25ft)? Will this be a mandatory part of the SUP?
4. If, as recommended, live entertainment is severely restricted (especially during weeknights) outside the business, what are the limitations for other noise – such as amplified music, other speakers for voice and/or music, TVs, or any other potential noise pollution traveling onto our properties and into our homes?
5. Has there been consideration for the light pollution of the outdoor space to keep bright, or flashing, or blinking, or reasonably annoying light limited after dusk as our living room windows face the proposed space?
6. As it will be one of the establishments in the immediate area with a later closing time and alcohol on premises, will there be a security presence whether private or municipal?
7. Will the Planning Commission consider writing into the SUP an agreement to limit all special events and programs to the interior space to avoid abuse of the time agreement? It has become apparent from the owners other businesses that special events and promotions will be a weekly occurrence.

With that being said and those questions being asked, the expansion of our northern end of Del Ray and Mount Vernon Ave. seems inevitable, and my wife and I look forward to for so many reasons. The commercial turn-over, the infrastructure rebuilds, the landscaping upgrade, the increased walkability, all point to things we are excited about, particularly on this important and busy street corner. But we'd like to partner with the City and Planning Commission for smart enhancements. **The families writing and speaking out have localized and detailed concerns with great incentive for enhancement of the Del Ray community. The property owners of MVCCA are prepared for and excited for growth, but ask for reasonable concessions in order to provide all parties with a smart, sustained, positive growth.**

Respectfully,  
CPT Matthew Zelasko  
US Army

116 Sanborn Place  
Property Owner  
Reference: SUP 2017-0091



**From:** Ann Horowitz  
**Sent:** Thursday, March 01, 2018 6:09 PM  
**To:** Kristen Walentisch  
**Subject:** Fwd: Secret Garten SUP

For PC materials.

Begin forwarded message:

**From:** [senorchickencorp@gmail.com](mailto:senorchickencorp@gmail.com)  
**Date:** March 1, 2018 at 5:54:06 PM EST  
**To:** [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)  
**Cc:** [kwire@mcguirewoods.com](mailto:kwire@mcguirewoods.com), [mattrofougaran@gmail.com](mailto:mattrofougaran@gmail.com), [phadjiesmaeiloo@gmail.com](mailto:phadjiesmaeiloo@gmail.com)  
**Subject:** Secret Garten SUP

Good afternoon Ms. Horowitz,

Please be advised that we would like our SUP for Secret Garten to remain in March 2018 hearings dockets and not to be differed to April docket. I appreciate your attention to this matter.

Regards:

Abe Hadjiesmailoo  
Senor Chicken

## Request for deferral of SUP #2017.091

SUP2017-0091  
Additional Materials

Rod Kuckro <president@delraycitizen.net>

Wed 2/28/2018 5:28 PM

To: Karl Moritz <Karl.Moritz@alexandriava.gov>;

Cc: Madeleine Sims <Madeleine.Sims@alexandriava.gov>; James Banks <James.Banks@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>;

Karl,

The Executive Board of the Del Ray Citizens Association, pursuant to a unanimous vote, wants the city to defer for one month consideration of SUP #2017.091 that would convert the Senor Chicken restaurant at 3410 Mt. Vernon Ave. into a restaurant with an outdoor beer garden.

We want our entire membership at our upcoming monthly meeting on Wednesday, March 14 to be briefed on the staff report and vote on whether to approve the application.

The Planning Commission meeting date otherwise precludes us from consideration.

This is a fair request.

Also, our board has concerns, not addressed in the staff report, about how more than half of the outdoor seating - and construction of a building for a cooler -- can be behind the adjoining 7-Eleven property, not the current Senor Chicken site.

I am unaware in my experience of an SUP asking for permission for a business to operate on property not under its direct control or lease, especially when that adjacent business disagrees.

The 7-Eleven holds an SUP from 2005 and it does not allow outdoor seating in the rear. Moreover, I have spoken with the franchise holder as recently as Sunday. He opposes the proposal and that fact is not discussed in the staff report.

Thanks and please call me if you have any questions. 703-864-3858

Rod

Rod Kuckro  
President  
Del Ray Citizens Association  
[president@delraycitizen.net](mailto:president@delraycitizen.net)  
<http://www.delraycitizen.org>

Fwd: 3410 Mt Vernon Ave SUP #2017-0091

SUP2017-0091  
Additional Materials

Al Havinga <al.havinga@gmail.com>

Tue 2/27/2018 5:04 PM

To: Karl Moritz <Karl.Moritz@alexandriava.gov>; Madeleine Sims <Madeleine.Sims@alexandriava.gov>;

Hi Karl and Madeleine -- I am just checking in about our request to delay the PC hearing on 3410 Mt Vernon Ave for a month. As a small community of volunteers we need to know what your response is so we can plan for the hearing.

Regards,

Al Havinga

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

From: Al Havinga <al.havinga@gmail.com>

Date: Mon, Feb 26, 2018 at 11:13 AM

Subject: 3410 Mt Vernon Ave SUP #2017-0091

To: Karl Moritz <Karl.Moritz@alexandriava.gov>; Madeleine Sims <Madeleine.Sims@alexandriava.gov>

Cc: Tim Donlea <tim.donlea@gmail.com>; M K <merylkinard@gmail.com>; Danielle Harms <danikulta@gmail.com>; Roy Shannon <rrshannon@rrbmdk.com>; Rod Kuckro <President@delraycitizen.net>

Hi Karl and Madeleine: The Mount Vernon Court Community Association (MVCCA) requests the March 6 hearing by the Planning Commission (item #7 under New Business) be deferred to April 3. The Del Ray Citizens Association (DRCA) is planning to discuss and vote on the SUP application at its monthly March 14 membership meeting. It would be useful to the Planning Commission to have the views of the DRCA prior to its consideration of this SUP.

We would appreciate your favorable consideration of this request.

Regards,

Al Havinga, President  
MVCCA

## Senor Chicken's Conversion to a Beer Garden

Al Havinga &lt;al.havinga@gmail.com&gt;

Thu 2/15/2018 1:29 PM

To: Allison Silberberg &lt;allison.silberberg@alexandriava.gov&gt;;

Cc: Madeleine Sims &lt;Madeleine.Sims@alexandriava.gov&gt;; Mary Christesen &lt;Mary.Christesen@alexandriava.gov&gt;; Karl Moritz &lt;Karl.Moritz@alexandriava.gov&gt;;

1 attachments (26 KB)

MVCCA Letter to Alexandria 12 15 17 SUP# 2117-A.docx

Good Morning Mayor Silberberg: We talked on Saturday night at the DRCA Chili Cook-off about the proposed Beer Garden SUP at 3410 Mt. Vernon Avenue. Our community (Mount Vernon Court Community Association) consisting of 30 townhouses along Mt Vernon and Sanborn Place is very concerned that this proposal will adversely affect the health and welfare of our community. Our objection is that this proposal will put the outdoor portion of the beer garden in the back parking lot of the small shopping center which is at the corner of Mt Vernon and W Glebe Rd. The front yards of our townhouses are literally right over the fence (approximately 30 feet) from this back parking lot. We have at least 21 children in our community -- maybe 22 since the residents in the house closest to the proposed beer garden just had a baby last week. This proposed beer garden is not conducive to a healthy environment for our children and families. Are we not supposed to open a window on a nice spring day when our children nap or go to bed around 7 or 8 pm?

Where else in Alexandria is restaurant/bar seating in back? I know of a couple -- Hank's Oyster Bar, Restaurant Eve -- but these are very different establishments and locations. Every restaurant in Del Ray and Arlandria has seating street side. What is so exigent about this proposal that it requires seating in back, facing a residential community? Should the applicant propose to put outdoor seating in front -- along Mt Vernon Ave we probably would not object. Or should the applicant want to put the beer garden inside, that would be OK too if the hours were changed from the proposed 2 am.

Our community is offended that the conversations with the City and others which seem to "redline" our area and community as being industrial and noisy so what's a bit extra noise and disruption. But that attitude is not consistent with what is required by the City's code and zoning requirements. In reality, our community is quiet and well taken care of and we take pride in our community, each other and the City of Alexandria. We are like any other Alexandria community: expecting our City to protect our health and welfare. Adding in additional noise and drinking outside directly contiguous to our community is not conducive to supporting strong residential neighborhoods and families.

Is there a desire by some Alexandrians for a beer garden in Alexandria. Perhaps, but surely there must be a better place than plopping it down to offend and disturb a residential community. (Note that this is a proposed new use so the nuisance is coming to the community).

I am including MVCCA's December 16 comments which we submitted to the City which outlines our objections to this proposal. The SUP has changed slightly (hours, architectural drawing) since we submitted our comments but the major offending issues remain. I hope we can work with you and your colleagues on the Council to either stop or revise this proposal. We look forward to hearing and working with you.

Respectfully,

Al Havinga  
MVCCA President

To Alex Dambach – AICP, Division Chief, City of Alexandria, Land Use Services  
Madeleine Sims – Urban Planner, City of Alexandria, Planning & Zoning / Land Use Services

Date 1 March 2018

From Mount Vernon Court Community Association

Subject Special Use Permit# 2117-A

Location 3410 Mt. Vernon Ave.

Dear Ms. Sims and Mr. Dambach,

The Mount Vernon Court Community Association ("MVCCA" or "we") is writing to express our concerns in response to the changes requested in SUP# 2117-A (the "Beer Garden SUP") located at 3410 Mt. Vernon Ave.

In short, the Beer Garden SUP requests the following key items:

- A. Change in concept from Senior Chicken to The Secret Garden (the "Beer Garden")
- B. Conversion of an existing parking lot with 10 parking spaces behind Senior Chicken into an outdoor seating area behind the Beer Garden (the "Outdoor Beer Garden") with seating for 30. The Outdoor Beer Garden backs up directly to our community with only a short wall separating it from our residential street (and no buffer)
- C. Addition of off-premise alcohol sales (in the Outdoor Beer Garden)
- D. Addition of live outdoor entertainment
- E. Addition of outdoor hours of operations to 9 or 10 pm, 7 days per week
- F. Extension of indoor hours of operation to 1 or 2 am, 7 days per week

We are a community of residential homes, mostly made up of families with children under 4 years old, directly behind (within 40 feet) of the proposed Outdoor Beer Garden. While we are generally very much in favor of potential developments and improvements of the low-rise commercial property in the area around Mount Vernon Ave., we are extremely concerned that the Beer Garden SUP would have an unavoidable negative impact on the quality of life and property values of our community. Please see below for a detailed outline of our numerous concerns.

1. **While we are generally open to the idea of outdoor seating in front of the Beer Garden, we are in no way supportive of any outdoor seating behind the Beer Garden**
  - i. Inconsistent with Outdoor Seating Policy Applied on Mt Vernon Ave "Main Street" in Del Ray
    - A. The Beer Garden SUP is in direct conflict of historic precedents (prior and related SUPs) by placing outdoor seating behind the business and as close to residences as possible
      - a. For example, SUP #2015-0028 and SUP #2010-0011 relate to Pork Barrel BBQ (the "Pork Barrel SUPs") and allow for outdoor seating only in front of the business (and do not allow for outdoor seating on the side or behind the business). The Pork Barrel SUPs further note that the seating in front of the business is as far from residences as possible
      - b. We are unaware of any other outdoor restaurants/bars in the Mt Vernon Ave area located behind a business in such close proximity to residences
    - B. Placing a beer garden in back – out of view – does not contribute to the vibrancy of the neighborhood and only results in additional aggravation for neighbors. One of the vibrant and appealing characteristics of the Mt Vernon Ave "Main Street" is that outdoor restaurant seating faces Mt Vernon Ave. The Beer Garden SUP proposes a Beer Garden behind the shopping center and not visible from Mt Vernon Ave. The

Beer Garden SUP would go against one of the primary reasons that has made Del Ray healthy and the Mt. Vernon Ave area lively

ii. Increased Noise Endangers Community Health and Wellbeing

- A. Outdoor seating and music of any kind will add significant noise to our family community
- a. The location of the Outdoor Beer Garden directly adjacent to our community
  - b. As discussed above, our community is mostly made up of families with children under age 4 where naps, early bed times, and uninterrupted sleep are important for health and development. We are protective of the health and wellbeing of our community members
  - c. We already hear routine conversations from inside our homes when one or two employees of neighboring businesses take out trash or talk on cell phones during breaks behind the businesses. Because of this existing nuisance, we are especially concerned that the voices of 30 Outdoor Beer Garden patrons will exponentially interrupt the sleep, health, and wellbeing of our families and community
  - d. It is unclear if the Beer Garden SUP would allow for standing room in the Outdoor Beer Garden resulting in 30+ patrons in the outdoor area
- B. The Beer Garden SUP has no detailed plan to monitor noise levels or ensure noise compliance. The Beer Garden SUP simply states "We will monitor the noise to make sure we are not disturbing our neighbors." Without a detailed plan to monitor noise levels or proposing any formal enforcement strategy, this provision seemingly contemplates waiting until the applicant receives complaints from neighbors (our residential community). While we don't support outdoor seating, it is especially concerning that the applicant does not take preventive measures to make sure noise levels are appropriate rather than waiting for noise to reach a volume that disturbs the neighbors

iii. Invasion of Privacy and Sense of Security

- A. While being hidden from view of Mt Vernon Ave, the Beer Garden outdoor seating would be in clear view (within 40 feet) of residences (including children's bedrooms) with no buffer. The outdoor Beer Garden directly abuts the MVCCA's property line and is less than 40 feet from residences. Existing fencing and natural privacy screens are inadequate to block views from bedrooms to the Beer Garden outdoor seating (and from the Beer Garden outdoor seating to bedrooms)
- B. Any beer garden would increase the possibility of interactions between intoxicated clientele and families and small children. A beer garden's primary objective is serving alcoholic beverages over food. Our neighborhood already has a history with trespassers, robberies, and drinking crowds by our community's back gate. There have also been a number of serious accidents at the shopping center in front of the Beer Garden
- On December 1, 2016, Rosemarie Cruz, a well-known member of the Del Ray community, was struck and killed in the crosswalk at the intersection of West Glebe Road and Mount Vernon Ave. The crosswalk at this intersection, which is located in front of the shopping center containing the proposed Beer Garden, is notoriously dangerous. Drivers attempting to make right turns onto Mount Vernon Ave. often fail to yield to pedestrians

attempting to cross at the crosswalk. Increasing pedestrians and vehicle traffic around the shopping center (and then adding alcohol and late hours to the mix) could jeopardize the safety of Alexandria residents

- In the last two years alone (from 12/18/15 to 12/3/17), 84 crimes have been reported in the 3300 to 3400 blocks of Mount Vernon Avenue (which encompasses the shopping center to the entrance of Mount Vernon Court, at Sanborn Pl). According to the Crime Database of the Alexandria Police Department, these offenses include assault, larceny/theft, destruction of property, and drunkenness. We are concerned that the Beer Garden's late hours and the potential for intoxicated clientele could increase the opportunities for crime around the area

iv. MVCCA Expects Peace and Privacy Commensurate with Other Neighborhoods in Alexandria

- A. The Beer Garden SUP violates the City of Alexandria's vision and our community's expectation of peace, privacy and security due to its close proximity to our residences. The City of Alexandria "envision[s] a community in which residents enjoy a sense of well-being, safety and self-sufficiency" (see City of Alexandria Vision statement). We expect the City of Alexandria to offer the same protections to our community as it offers to neighborhoods in the rest of the city

**2. Inadequate Parking**

- Parking is already at a premium during the day and evening at the shopping center. Admitting in the SUP that there is plenty of parking in area shopping centers and the neighborhood pushes the parking limitations from this applicant to neighbors. This is an inadequate response by the applicant to an ongoing issue in the neighborhood. Which shopping centers does the applicant expect to use for patron parking? Do area shopping centers allow the applicant to utilize their parking spaces?
- Most of the parking for the business is in the rear, in the area the applicant wants to turn into the Outdoor Beer Garden. It is unclear if the applicant shares these 10 parking spaces with its neighbors or if these are allocated solely to the applicant. Removing these 10 spaces would remove the majority of the parking in the lot. Transitioning this location from a take-out restaurant to a sit down beer garden where people would spend hours drinking, while decreasing already scarce parking, will force patrons to park in and around our neighborhood

**3. In-Door Operating Hours are not Consistent with Other Businesses**

- The SUP requests to extend hours of operation until 1 or 2 am, 7 days per week. This expansion of this location's hours does not fit the neighborhood profile of families with small children and seems inconsistent with many other restaurants in the area (See Appendix A)

**4. The SUP Does not Adequately Address Trash Pick-up Concerns**

- The SUP says their will only be food waste, 1 dumpster will be filled every 2 weeks, and trash will be collected every day.
  - Is it realistic to expect a dumpster to be filled once every two weeks?
  - When will dumpster pickups occur and by what company?
  - Would there be bottles or cans (i.e., not food waste) also requiring recycling?

**5. Concerns about Appropriate Number Employees / Staffing**

- i. The SUP says that they will only have three employees during business hours. We have concerns that four employees to monitor a beer garden with 75 patrons will not be adequate

**6. The SUP Lacks Compromise to Work with Neighboring Businesses and Communities**

- i. The revised SUP only proposes somewhat reduced hours and outdoor seating while ignoring many other concerns previously raised by the community and explained within this document

**7. The SUP Does not Address and/or Lacks Attention to Detail for the Following Topics**

- i. How will the hood system mentioned in Item 8 mitigate our community's exposure to food odors?
- ii. How will sound levels be monitored and enforced?
- iii. Will there be any entrances behind the business or only in front?
- iv. We expect the 9-11 am delivery hours in front of the restaurant are strictly adhered to and enforced
- v. The Beer Garden SUP mentions that the "parking lot and center is always light." How does the applicant propose he will ensure appropriate lighting and security is enforced?
- vi. Can the applicant explain why he believes patrons will have a low ratio of alcohol to food? This seems inconsistent with the marketing materials provided in the Beer Garden SUP



**Appendix A – Operating Hours of Selected Area Restaurants**

Northside – 12 am	RT's – 10:30 pm	Royal Nepal – 10 pm
Streets – 11 pm	Live Oak – 9:30 pm	Cheesetique – 10 pm
Los Tios – 11 pm	El Pulgarcito – 11 pm	Waffle Shop – 12 am
Holy Cow – 10 pm	The Sushi Bar – 12 am	Del Ray Café – 10 pm
Stomping Ground – 9 pm	Evening Star – 10 pm	Pork Barrel BQ – 1:30 am

# Re: SUP Request Notification - 3410 Mount Vernon

SUP2017-0091  
Additional Materials

**Madeleine Sims**

Wed 1/24/2018 4:25 PM

Sent Items

To HSCA President <hsca.president@gmail.com>

Colleen,

My apologies, the administrative SUP you were referencing below was withdrawn as staff found it needed a parking reduction, and it was withdrawn in June. The applicant has since filed for the full hearing SUP to be heard in March (it has been deferred multiple times).

Kind regards,  
Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
301 King Street Room 2100 Alexandria, VA 22314  
703.746.3802, direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

---

**From:** colleen1900@gmail.com <colleen1900@gmail.com> on behalf of HSCA President <hsca.president@gmail.com>  
**Sent:** Wednesday, January 24, 2018 1:04:26 PM  
**To:** Madeleine Sims  
**Cc:** Ann Horowitz  
**Subject:** Re: SUP Request Notification - 3410 Mount Vernon

Ah okay, thanks very much  
Colleen.

On Wed, Jan 24, 2018 at 12:59 PM, Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)> wrote:

Good afternoon,

The request for modifications to the restaurant at 3410 Mount Vernon has been deferred (not withdrawn) until the March docket hearings; Planning Commission will meet on March 6 at 7 PM, and City Council will meet on March 17 at 9:30 AM regarding the matter. We will get that language changed on the website to prevent any confusion.

Kind regards,  
Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](http://301KingStreetRoom2100Alexandria.VA22314)  
703.746.3802, direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

From: [colleen1900@gmail.com](mailto:colleen1900@gmail.com) <[colleen1900@gmail.com](mailto:colleen1900@gmail.com)> on behalf of HSCA President <[hscapresident@gmail.com](mailto:hscapresident@gmail.com)>  
Sent: Wednesday, January 24, 2018 12:41:51 PM  
To: Madeleine Sims  
Subject: Re: SUP Request Notification - 3410 Mount Vernon

Hi Madeleine,  
I see the status of the SUP is "withdrawn". What does that mean?  
Thanks  
Colleen

**SUP2017-0049****3410 Mount Vernon Avenue**

Administrative Special Use Permit request for a minor amendment to increase hours of operation and add outdoor seating from previous [SUP2117-A](#): zone CG/Commercial General Zone.

**Applicant:** Abe Hadjesmaeloo

**Planner:** Madeleine Sims

**Complete Application Received:** 05/03/2017

**Last Day for Public Comments:** 05/19/2017

**Status:** Withdrawn

On Thu, Jan 18, 2018 at 3:04 PM, HSCA President <[hscapresident@gmail.com](mailto:hscapresident@gmail.com)> wrote:  
OK thanks, I'll be in touch

On Thu, Jan 18, 2018 at 2:44 PM, Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)> wrote:  
Colleen,

The Planning Commission meeting is open to the public, and allows time for public comment on the case. The SUP application does not require that an applicant delineate the location of storage for food or beverage, instead the application focuses on the use as a restaurant. The applicant would still need to file for any building permits and comply with any other regulations stipulated by the Health Department and Code Administration.

I can be reached at my direct line, 703.746.3802, at most times during the day. If you would like to schedule time to talk please send me a few times that you are available next week.

Kind regards,  
Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](#)  
[703.746.3802](tel:7037463802), direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

---

From: [colleen1900@gmail.com](mailto:colleen1900@gmail.com) <[colleen1900@gmail.com](mailto:colleen1900@gmail.com)> on behalf of HSCA President <[hscapresident@gmail.com](mailto:hscapresident@gmail.com)>  
Sent: Thursday, January 18, 2018 2:30:14 PM  
To: Madeleine Sims  
Cc: Ann Horowitz  
Subject: Re: SUP Request Notification - 3410 Mount Vernon

Madeleine,  
Thank you for the email. I will need clarification on the #2 below, maybe next week we can talk by phone?  
As for #4, in order to sell growlers you would need kegs of beer, correct? This restaurant proposes only selling bottles and cans, and has not demarked a location for housing numerous kegs.  
Is the Planning Commission on 2/6 open to the public? I'd be interested in hearing what other community stakeholders are saying.

Regards,  
Colleen

On Thu, Jan 18, 2018 at 8:45 AM, Madeleine Sims <Madeleine.Sims@alexandriava.gov> wrote:

Good morning,

Thank you for sending in your comments and concerns. They will be included in the materials for the Planning Commission and City Council. The case will be heard by the Planning Commission on February 6 at 7 pm in City Council Chambers at City Hall, on February 24 the case will be heard by City Council at 9 am in Council Chambers. Staff is finalizing the analysis for this case and we value input from community members as we finish up the report. I've addressed some of your questions below, if anything is not clear or you have additional questions about the process please do not hesitate to contact me.

2. The parking reduction is for the existing restaurant, proposed outdoor seating, and the elimination of existing parking. The parking lot for the shopping center is not large enough to meet the zoning requirements for all the businesses. Because the applicant is the most recent person to request SUP approval for new changes, we take a look at the parking again. Even though the proposed seating is behind the building the request 30 seats requires an additional 2.5 parking spaces, the 30 indoor seats require 7.5, for a total of 10 parking spaces needed. Even with the retention of the rear parking lot the applicant would still need a parking reduction for 6 spaces. As proposed, with 30 outdoor seats and the elimination of the rear parking lot the applicant requests a 17 space parking reduction.
3. The applicant currently operates a 30 indoor seat restaurant, and proposes an additional 30 outdoor seats for a total of 60 physical seats. The additional 15 occupants would be standing patrons and staff giving the entire operation a 75 person occupancy.
4. Off-premises alcohol sales requires SUP approval and a valid ABC license. The applicant proposes sales of growlers of beer. These would be available for purchase on-site. Some restaurants in the City request this, Lost Dog Cafe, Northside 10, ect.

Kind regards,  
Madeleine

Madeleine Sims | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](https://www.alexandriava.gov/301-King-Street-Room-2100-Alexandria-VA-22314)  
[703.746.3802](tel:703.746.3802), direct  
[www.alexandriava.gov](https://www.alexandriava.gov)

---

From: [colleen1900@gmail.com](mailto:colleen1900@gmail.com) <[colleen1900@gmail.com](mailto:colleen1900@gmail.com)> on behalf of HSCA President <[hscapresident@gmail.com](mailto:hscapresident@gmail.com)>  
Sent: Wednesday, January 17, 2018 5:13:11 PM  
To: Madeleine Sims  
Subject: Re: SUP Request Notification - 3410 Mount Vernon

Hello Madeleine,  
Thank you for reaching out with this information. The Hume Springs Civic Association just had its first post-holiday Board meeting last night, so I apologize for the delay. Below I have recorded comments about the

attached SUP. I don't know if you are the person to address these or not. Is there a date yet for when Council will hear the application?

Regards,

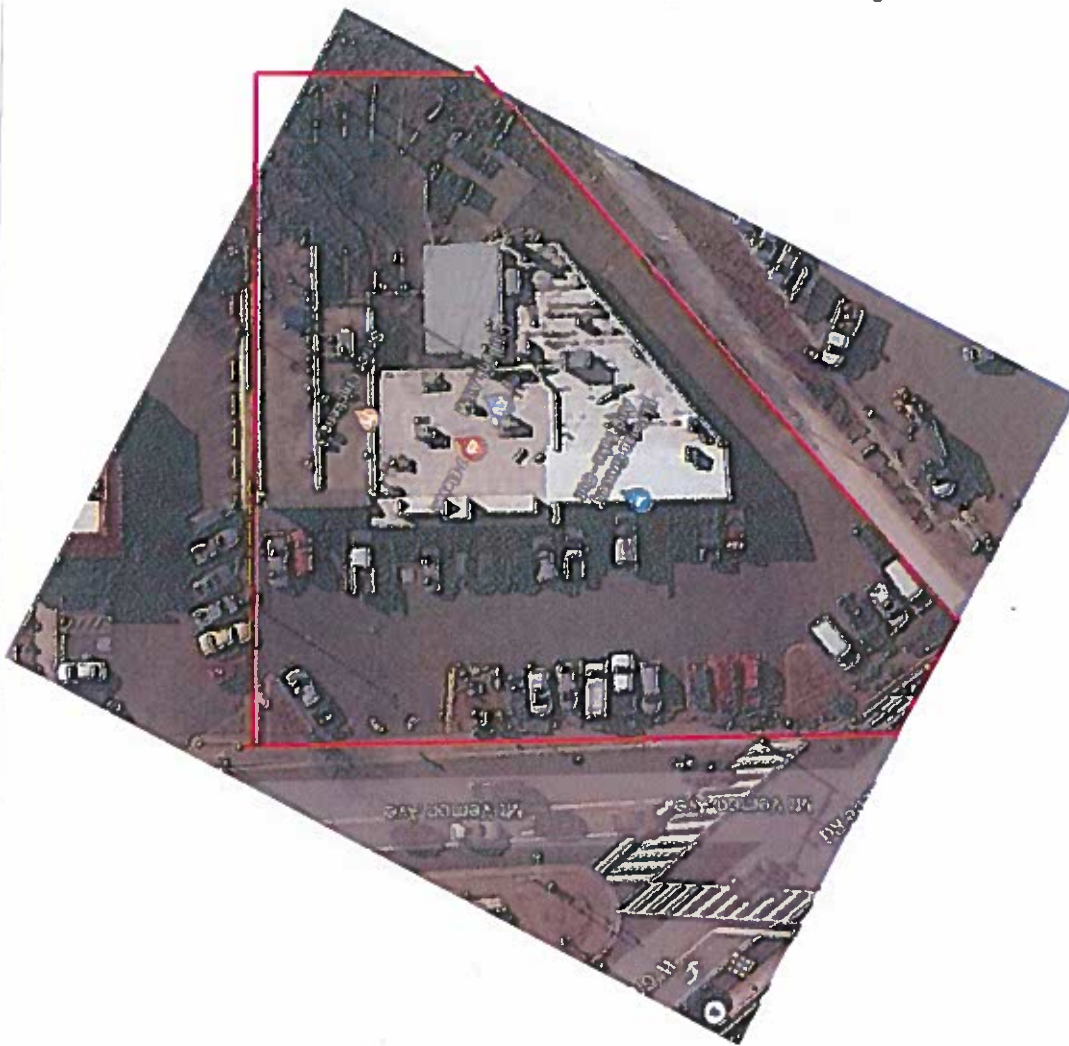
Colleen Stover

President

Hume Springs Civic Association

Questions/Comments:

- 1- the closing hours of 2am seem very late for a residential area, especially those living in Warwick. I know that Northside 10 did not get their extended request for 1am.
- 2- it says parking reduction of 10 spaces to allow for 30 additional outdoor seats. If outdoor seating is behind the building, how does a parking reduction allow for additional seats? The area behind is currently fenced off.
- 3- its claiming 75 occupants without the 30 additional outside however the diagram does not accurately represent 75 indoor seats. The space is too small for 75.
- 4- what is meant by "Off-premise" alcohol? They will be permitted to sell carryout alcohol?
- 5- with a 7-11, a laundry mat, a very popular carryout, and a grocery store the parking lot is often full. The idea that "additional parking" will be located in the shopping center is unrealistic.
- 6- the first diagram page does not accurately represent the number of parking spaces in the shopping center
- 7- off street loading facilities cannot realistically be on Mark Drive and Reed Ave as listed since those are 100-300 meters away across a large intersection
- 8- if I remember correctly there is only 1 handicap parking space for all 5 businesses to share in the shopping center
- 9- where will the live music take place every Fri/Sat night? There is no designated space indoors for that. How can there be a guarantee that it will be only acoustic - no speakers?
- 10- the diagram below shows the actual area. You will see how limited the parking is and even 5 spaces is not realistic. You will see how access for loading and unloading is unrealistic, even on the street. You will see how Popeye's parking lot to the south is in danger of being misused by patrons. You will see just how small the indoor space is (barely the width of two car widths) and how 75 occupants, two restrooms, a bar, a kitchen galley and space for 50+ beers and 5+ bourbons is simply unrealistic.



On Wed, Dec 6, 2017 at 4:10 PM, Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)> wrote:  
Good afternoon,

As leaders of your organizations please find attached to this email a request for a SUP at 3410 Mount Vernon, a restaurant. The applicant has revised their application to reduce outdoor seating and outdoor operating hours. The application is anticipated to be heard by Planning Commission and City Council in February.

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

Kind regards,  
Madeleine

Madeleine Sims | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](#)  
[703.746.3802](#), direct  
[www.alexandriava.gov](http://www.alexandriava.gov)



January 12, 2018

Madeleine Sims  
Urban Planner  
Department of Planning and Zoning  
Zoning Services  
301 King Street, Suite 2100  
Alexandria, Virginia 22313

Dear Ms. Sims,

If the Mount Vernon Court Community (MVCC) means anything to the government of Alexandria, Virginia, then it would know that our community has a right to have a say in community issues that affect us and that the city appreciates and respects our perspectives. Our perspective should not be ignored, rather it should be followed so that our commitment and bond for investing in our neighborhood continues unabated. By granting a Special Use Permit (SUP) for the proposed "Del Ray Beer Garden," you would be demoralizing and jeopardizing the membership, integration, and connection that we hold dear.

The MVCC is a community of about 30 townhomes that share a fence with several commercial vendors, including Senor Chicken. As a community we have not only embraced the business on Mt Vernon Avenue in front of us, but frequented them to show our commitment to our broader community partners. The proposed Del Ray Beer Garden in the spaces of Senor Chicken, however, runs counter to our community and shared values that we have enjoyed to date.

What is undeniable is that our community is one of peaceful and idyllic children's play and laughter. We have about twenty or so children that live on the block with the average age of 3. Most of their bedrooms face the envisioned Beer Garden patio. Our yards, where our children play, also face the proposed Beer Garden patio location.

I do not doubt that you have read letters that unequivocally state how nuisance violations of the law would affect our current community. Litter, public urination, unmanageable noise, and vulgarity would affect the nature of the community and teach our children negative lessons that may never be unlearned. And, there is not a single bar in Alexandria that faces residential front yards with so many small children. While all of those valid points are enough to deny this SUP, I believe the strongest issue is how this beer garden would negatively change the essence of the community as a whole.

Primarily, my deepest opposition to this establishment is the likelihood that this beer garden would invite unsavory and violent individuals to our peaceful family focused community. Let's be clear, Beer Garden is a venue that is planning to primarily sell alcohol, to seat anywhere from 40-70 people, and be open until 2 AM. Numerous studies have shown that crowded bars with high noise levels and high levels of intoxication produce high violence in and around the licensed premises ([Graham K, Homel R. Raising the Bar. Preventing Aggression in and around Bars, Pubs and Clubs. Portland, OR: Willan Publishing; 2008; 7. Graham K, Schmidt G, Gillis K. Circumstances when drinking leads to aggression: an](#)

*overview of research findings. Contemp Drug Probl. 1996;23:493–557*). Moreover, a study conducted in Washington D.C. by J. Roman, et. al 2008 (Roman, C. G., Reid, S. E., Bhati, A. S., & Tereshchenko, B. (2008). *Alcohol Outlets as Attractors of Violence and Disorder*. Washington, D.C: The Urban Institute Press) found that on premise alcohol outlets with high density are a strong predictor of violence on weekends and weekend nights. Indeed it is indisputable that alcohol plays a significant role in violent behavior (Room R, Rossow I. *Share of violence attributable to drinking. J Subst Use. 2001;6:218–28. 2. Graham K, Leonard KE, Room R, Wild TC, Pihl RO, Bois C, et al. Current directions in research on understanding and preventing intoxicated aggression. Addiction. 1998;93:659–76*) and that licensed bars are areas conducive to such behavior (Wells S, Graham K. *Aggression involving alcohol: relationship to drinking patterns and social context. Addiction. 2003;98:33–42. [PubMed]*; Norström T. *Effects on criminal violence of different beverage types and private and public drinking. Addiction. 1998;93:689–99. [PubMed]* 5. Rossow I. *Alcohol-related violence: the impact of drinking pattern and drinking context. Addiction. 1996;91:1651–61. [PubMed]*).

The mayor, whom I happily voted for and who is facing a primary challenger this year, said, “Any crime in our beloved City of Alexandria is too much.” Frankly I couldn’t agree more. A decision that has a high probability of leading to criminal activity, which includes violent criminal activity, would expose her words as a hollow sham. That space deserves a commercial venue the **entire community** can support and benefit from; not a destination for violence. It is time to deny this Special Use Permit.

Respectfully,

Vjosa Dreshaj

P.S. I have included a few more studies from an exhaustive amount of information on violence around alcohol licensed premises.

1. Graham K, Schmidt G, Gillis K. *Circumstances when drinking leads to aggression: an overview of research findings. Contemp Drug Probl. 1996;23:493–557.*
2. Brennan I, Moore SC, Byrne E, Murphy S. *Interventions for disorder and severe intoxication in and around licensed premises, 1989–2009. Addiction. 2011;106:706–13. [PubMed]*
3. Hahn RA, Kuzara JL, Elder R, Brewer R, Chattopadhyay S, Fielding J, et al. *Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms. Am J Prev Med. 2010;39:590–604. [PMC free article] [PubMed]*
4. Popova S, Giesbrecht N, Bekmuradov D, Patra J. *Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. Alcohol Alcohol. 2009;44:500–16. [PubMed]*



# DEL RAY CITIZENS ASSOCIATION

[WWW.delraycitizens.org](http://WWW.delraycitizens.org)

P.O. Box 2233, Alexandria, VA 22301

Dec. 5, 2017

Abe Hadjiesmailoo  
Senor Chicken  
11030 Sandy Manor Drive  
Fairfax Station, VA 22039

Re: SUP2017-0091 3410 MT VERNON AVE

Dear Abe,

As a follow-up to the Nov. 14<sup>th</sup> DRCA Land Use Committee meeting, the following is an update to our recommendations (*in italics*):

- Shortening outdoor seating hours to 9 PM Sunday through Thursday and 10 PM Friday and Saturday.
- Limiting the outdoor seating to 30
- Provide a more detailed plan of the proposed outdoor patio with screening for the adjacent homes. Include in the plan where the dumpsters will be located. You may not have taken into consideration the effect the odor from the dumpsters will have on the ambiance of the patio. *Develop elevations / details that show the change in grade at the rear patio and how it affects the adjacent houses.*
- Consider leasing parking from adjacent retail center to meet parking requirement
- *All entry & exit to the rear patio to be through the front of the restaurant, and not through the back emergency exit gates (except as needed to meet handicapped accessibility).*

In addition, there shall be no amplified music on the patio, which includes microphones for the musician or speakers for piping music in the interim.

*We also suggest compiling a list of comparable restaurants with outdoor patios to present to the Planning Commission as a comparison to what you are proposing. It is our understanding the focus is on food and not on serving beer only.*

Sincerely,

Kristine Hesse, Co-Chair  
Annie Ebbers, Co-Chair  
Del Ray Citizens Association  
Land Use Committee

Rod Kuckro,  
President  
Del Ray Citizens Association

## Re: Upcoming SUP / BZA cases in Del Ray

K Hesse <kah4922@gmail.com>

Tue 1/16/2018 4:48 PM

To: Madeleine Sims <Madeleine.Sims@alexandriava.gov>; drca-land-use@delraycitizen.net <drca-land-use@delraycitizen.net>; B Noll <bcnbike@yahoo.com>; JC Herz <jnhq@yahoo.com>;

1 attachment (57 KB)

171205\_Secret Beer Garden Letter.pdf

Hi Madeleine - here is the last letter we sent to Abe regarding the recommendations we had. I have not verified the revised SUP application has reflected the suggested changes. We are waiting for a detailed drawing from the applicant before we take a formal vote on the issue. We will then follow up with a letter to Mr. Moritz.  
Best,  
Kristine

On Wed, Jan 10, 2018 at 10:28 AM, Madeleine Sims <Madeleine.Sims@alexandriava.gov> wrote:

Kristine,

Does the LUC have any concerns over the application? What additional materials are you looking for? My report is due very soon, and it would be great to have the community input from Del Ray incorporated.

Best,  
Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](#)  
[703.746.3802](#), direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

---

**From:** Madeleine Sims  
**Sent:** Wednesday, January 10, 2018 10:12:12 AM  
**To:** K Hesse; Sarah Haut; Lisa Lettieri  
**Subject:** Re: Upcoming SUP / BZA cases in Del Ray

Kristine,

Thank you for the heads up about the docket links, we will get that updated as soon as possible.

Best,  
Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia

Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](#)  
[703.746.3802](tel:703.746.3802), direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

---

**From:** K Hesse <[kah4922@gmail.com](mailto:kah4922@gmail.com)>  
**Sent:** Tuesday, January 9, 2018 8:20:17 PM  
**To:** Madeleine Sims; Sarah Haut; Lisa Lettieri  
**Subject:** Fwd: Upcoming SUP / BZA cases in Del Ray

Hi Madeleine - the link on the 2/6/18 docket is for the original application, not the revised one that is attached. We are waiting on further input from the applicant before we send in a letter from the DRCA LUC.  
Best,  
Kristine

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

**From:** Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)>  
**Date:** Wed, Dec 13, 2017 at 12:50 PM  
**Subject:** Re: Upcoming SUP / BZA cases in Del Ray  
**To:** K Hesse <[kah4922@gmail.com](mailto:kah4922@gmail.com)>, Mary Christesen <[Mary.Christesen@alexandriava.gov](mailto:Mary.Christesen@alexandriava.gov)>, Alex Dambach <[alex.dambach@alexandriava.gov](mailto:alex.dambach@alexandriava.gov)>, Ann Horowitz <[ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)>, Annie Ebberts <[amcebberts@gmail.com](mailto:amcebberts@gmail.com)>

Kristine,

Other than the revised Senor Chicken application, see attached, there are no SUP cases for January or February.

Kind regards,  
Madeleine

**Madeleine Sims** | Urban Planner  
City of Alexandria, Virginia  
Planning & Zoning / Land Use Services  
[301 King Street Room 2100 Alexandria, VA 22314](#)  
[703.746.3802](tel:703.746.3802), direct  
[www.alexandriava.gov](http://www.alexandriava.gov)

---

**From:** K Hesse <[kah4922@gmail.com](mailto:kah4922@gmail.com)>  
**Sent:** Wednesday, December 6, 2017 5:02:43 PM  
**To:** Madeleine Sims; Mary Christesen; Alex Dambach; Ann Horowitz; Marlo Ford; Annie Ebberts  
**Subject:** Upcoming SUP / BZA cases in Del Ray

Hi all - checking in to see if there are any new cases filed last month for the Jan. BZA or Feb. PC docket (besides 2619 E Randolph and [3410 Mt. Vernon Ave](#)).  
Thanks,  
Kristine

# DEL RAY CITIZENS ASSOCIATION

[WWW.delraycitizens.org](http://WWW.delraycitizens.org)

P.O. Box 2233, Alexandria, VA 22301

Sept. 19, 2017

Abe Hadjiesmailoo  
Senor Chicken  
11030 Sandy Manor Drive  
Fairfax Station, VA 22039

Re: SUP2017-0091 3410 MT VERNON AVE

Dear Abe,

Thank you for requesting to defer your SUP application until the November Planning Commission meeting. This will provide time to develop your plans for the beer garden and work with the neighbors at Mt. Vernon Court.

We suggest the following as a starting point:

- Shortening outdoor seating hours to 9 PM Sunday through Thursday and 10 PM Friday and Saturday.
- Limiting the outdoor seating to 30
- Provide a more detailed plan of the proposed outdoor patio with screening for the adjacent homes. Include in the plan where the dumpsters will be located. You may not have taken into consideration the effect the odor from the dumpsters will have on the ambiance of the patio.
- Consider leasing parking from adjacent retail center to meet parking requirement
- Consider designing the rear of the shopping center to provide parking in the rear so the patio can be developed out front.

In addition, there shall be no amplified music on the patio, which includes microphones for the musician or speakers for piping music in the interim.

As far as the sale of off-premises alcohol, there are other businesses that are allowed to sell beer growlers. We do not oppose the sale as long as you meet ABC requirements.

Sincerely,

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

Rod Kuckro,  
President  
Del Ray Citizens Association

Cc: Madeleine Sims, City of Alexandria  
Al Havinga, Mt. Vernon Court Community Association

# Comments for 3410 Mount Vernon Fw: Special Use Permit #2117-A

**Madeleine Sims**

SUP2017-0091

Additional Materials

Fri 9/1/2017 3:24 PM

Sent Items

To: Kristen Walentisch <kristen.walentisch@alexandriava.gov>

4 attachments (6 MB)

IMG\_1757.JPG; IMG\_1756.JPG; IMG\_1754.JPG; IMG\_1755.JPG;

**Madeleine Sims | Urban Planner**

City of Alexandria, Virginia

Planning & Zoning / Land Use Services

301 King Street Room 2100 Alexandria, VA 22314

703.746.3802, direct

[www.alexandriava.gov](http://www.alexandriava.gov)

**From:** Sara Brandt-Vorel

**Sent:** Friday, September 1, 2017 10:11 AM

**To:** Ann Horowitz; Madeleine Sims

**Subject:** Fw: Special Use Permit #2117-A

---

FYI- Madeleine this came through. I'm not sure why my email address was up but wanted to send it to you as Ann is out this week. I'm going to respond to Mr. Kinard and tell him I've forwarded the email to you as well.

Best,

Sara

**From:** Kinard, Chris N <CNKinard@cbs.com>

**Sent:** Friday, September 1, 2017 10:05 AM

**To:** Sara Brandt-Vorel; Ann Horowitz; Karl Moritz

**Subject:** Special Use Permit #2117-A

I'm writing to you today in response to Senor Chicken owner Abe Hadjiesmaeiloo's application for a Special Use Permit to turn his restaurant located at 3410 Mount Vernon Ave. into a beer garden called "The Secret Garden." I am a resident of Mount Vernon Court, residing at 124 Sanborn Place. Our community of residential homes, mostly made up of families with children under 4 years old, is directly behind this restaurant. While I am generally very much in favor of potential developments and improvements of the low-rise commercial property in the area around Mount Vernon Ave., I am extremely concerned that these requested changes would have an unavoidable negative impact on the quality of life and property values of our neighborhood. The SUP has requested:



1. Extending hours of operation to 2 am, 7 days per week
2. Addition of live entertainment
3. Reducing parking by eliminating 10 parking spaces behind the building. This parking are backs up to our community, which only a short wall separating it from our residential street.
4. Adding outdoor seating in that space.
5. Adding off-premise alcohol sales (in the outdoor space).

As you will see from the pictures I attached, the parking lot the SUP proposes to turn into an outdoor space for 40 people is immediately adjacent to the fence separating our community. There is no tree coverage between this space and our community for most of that stretch of fence. In fact, you can clearly see 138 and 140 Sanborn Place while standing in the lot that the applicant proposes to turn into a beer garden. The noise from 40 patrons will surely make its way into our community, and I expect it would be quite loud. The SUP also asks for a live entertainment permit. Few details are provided, but if live entertainment were allowed in this proposed outdoor beer garden, it would clearly affect our residents.

The applicant has not provided any kind of information about any studies he has done regarding the decibel level expected by either the patrons or the live entertainment. Further, the SUP has no detailed plan to monitor noise levels, stating simply "We will monitor the noise to make sure we are not disturbing our neighbors." Essentially, they would wait until they get complaints from their neighbors (our residential community).

#### Hours of Operation

The SUP requests to extend hours of operation until 2 am, 7 days per week. This dramatic expansion of this location's hours is alarming, and does not fit the neighborhood profile of families with small children. Furthermore, I am concerned about the potential increase in crime in our community that could result from a business serving alcohol that late into the early morning hours each night of the week. **The supplemental parking application states that most of their business will occur between 4 and 9 pm. Why are they applying to be open 5 more hours after their peak hours?**

I could find no other comparable businesses (bars/restaurants) in Del Ray that stay open until 2 am each day, or even on weekend evenings.

#### Operating hours of other similar area businesses:

- |                            |                             |                        |
|----------------------------|-----------------------------|------------------------|
| 1. Northside 10 – Midnight | 2. RT's – 10:30 pm          | 3. Royal Nepal – 10 pm |
| 4. Streets – 11 pm         | 5. Live Oak – 9:30 pm       | 6. Cheesetique – 10 pm |
| 6. Los Tios – 11 pm        | 8. El Pulgarcito – 11pm     | 9. Waffle Shop – 12 am |
| 10. Holy Cow – 10 pm       | 11. The Sushi Bar – 12am    |                        |
| 12. Del Ray Café – 10 pm   | 13. Stomping Ground – 9 pm  |                        |
| 14. Evening Star – 10 pm   | 15. Pork Barrell BBQ – 1 am |                        |

#### Staffing

The SUP says that they will only have three employees during business hours (Item 5 B). I assume they would have a cook, bartender, and one wait person. That doesn't seem adequate for a restaurant/beer garden that has a capacity of 75 with indoor and outdoor seating, and with a request to serve liquor in addition to beer. How would they mix drinks, pour beer, cook and serve food to that many people, and clean up trash in the outside area three times per day (Section 9 d.) with such a small staff?

#### Parking

This section should detail how many types of parking spaces remain. It does not. Most of the parking for this restaurant is in the rear, in the area the applicant wants to turn into the beer garden. Removing these 10 spaces would remove the majority of the parking in the lot. Meanwhile, this application states that this shopping center already lacks adequate parking. Transitioning this location from a take-out restaurant to a sit down restaurant, bar, and beer garden where people would spend hours drinking, while decreasing already scarce parking, will force patrons to park in and around our neighborhood.

I don't believe the applicant has completed Section #5 or demonstrated that the reduction in parking will not have an impact on the surrounding neighborhood. In fact, the applicant actually suggested that his patrons would park on all of the neighborhood streets because of the shortage of on-premise parking. The supplemental parking application states that most patrons at their other location use Uber, Lyft, or taxis when leaving to avoid breaking the law. Are most of the patrons too drunk to drive home? Do their cars stay in the parking lot, or on neighborhood streets, all night long until patrons can retrieve them the next day? That would seem to impact the neighborhood.

My neighbors and I are very concerned that this SUP, if granted, will allow a loud, outdoor, alcohol-focused bar with live entertainment to open steps away from our houses and the street where we play with our children every day. The noise will keep our children up at night, and will hurt our property values. The applicant's SUP is incomplete, contradictory, and insufficiently takes into account parking, logistics, and noise issues of running this type of business. I hope you will carefully consider these factors when reviewing this SUP.

Sincerely,  
Chris Kinard

## Fwd: New Cityworks Service Request #129030

SUP2017-0091  
Additional Materials

Karl Moritz

Mon 9/11/2017 12:17 PM

To Ann Horowitz &lt;ann.horowitz@alexandriava.gov&gt;; Madeleine Sims &lt;Madeleine.Sims@alexandriava.gov&gt;;

Sent from my iPhone

Begin forwarded message:

**From:** Al Havinga <al.havinga@gmail.com>**Date:** September 11, 2017 at 11:14:09 AM EDT**To:** Allison Silberberg <allison.silberberg@alexandriava.gov>**Cc:** Karl Moritz <Karl.Moritz@alexandriava.gov>, Mark Jinks <Mark.Jinks@alexandriava.gov>, Alex Dambach <alex.dambach@alexandriava.gov>, Christine Widstrom <christine.widstrom@alexandriava.gov>, Call Click Connect <CallClickConnect@alexandriava.gov>**Subject:** Re: New Cityworks Service Request #129030

Dear Mayor Silberberg: You are scheduled to meet with the DelRay Citizens Association on Wednesday. Immediately prior to your address will be a discussion of the DRCA Land Use Committee report on Rosemont Lawn and Landscaping and also a proposed beer garden at 3410 Mt Vernon. Both of these uses have or will have a detrimental impact on our community. As a residential area, we are feeling a bit squeezed these days by what we consider inappropriate uses. We hope you can arrive a few minutes early and listen to the discussion.

Thanks for your consideration,

Al Havinga, President  
MVCCA

On Mon, Sep 11, 2017 at 10:12 AM, Allison Silberberg &lt;allison.silberberg@alexandriava.gov&gt; wrote:

Dear Mr. Havinga,

Thank you very much for your thoughtful note. I so appreciate your taking the time to write.

You have raised a number of points for us to consider. Please know perspective in mind as the process continues. And please know that I am sharing your note with staff as well.

Thank you again for writing. Please feel free to let me know your thoughts and concerns about this issue or any issue facing our city. As always, I welcome your input.

All my best,

Allison Silberberg



Mayor Allison Silberberg  
Alexandria, Virginia  
[allison.silberberg@alexandriava.gov](mailto:allison.silberberg@alexandriava.gov)  
o: 703-746-4500  
c: 571-319-9948

**From:** [Cityworks.Mail@alexandriava.gov](mailto:Cityworks.Mail@alexandriava.gov) [mailto:[Cityworks.Mail@alexandriava.gov](mailto:Cityworks.Mail@alexandriava.gov)]  
**Sent:** Wednesday, September 06, 2017 9:54 PM

**Subject:** New Cityworks Service Request #129030

Dear *Call.Click.Connect.* User

A request was either just created or updated in *CityWorks*.

Please take the necessary actions in responding, handling and/or updating this request.

Request Number:	129030
Date / Time Reported:	9/6/2017 9:54:03 PM
Description:	Mayor, Vice Mayor City Council
Problem Code:	CNC_GROUP
Problem Address:	<a href="#">3308 MOUNT VERNON AVE</a>
Initiated By:	CCC, Customer
Submitted To	COUNCIL, CNC
Dispatched To	
Prj Complete Date	9/11/2017 9:54:03 PM

## Caller Information

Call	Name	Home Address	Home Phone	Work Phone	Email
	AL	HAVINGA	703-683-1958		<a href="mailto:AL.HAVINGA@GMAIL.COM">AL.HAVINGA@GMAIL.COM</a>

## Questions and Answers

Call	Questions	Answers

## Comments:

By CCC, Customer : 9/6/2017 9:54:04 PM

This is a "public" request. Information may be provided to anyone who requests it.

## Problem location map:

<http://apps.alexandriava.gov/MapThis/?a=-77.0605692422952,38.8353170326684&cityworks=1>

"IMG\_0623 (1).JPG" (customer attachment):

<https://request.alexandriava.gov/GeoReport/UploadedFile.ashx/JPG/ACE7598D8699240AC3E1B4AEAFCA6E94360F>

☐ Initial customer description ☐

The Mount Vernon Court Community Association, a community of 30 townhouses in DelRay objects to the current operations of Rosemont Lawn and Landscaping as contrary to current zoning requirements. MVCCA is adjacent to and behind Rosemont on Mt. Vernon and Sanborn Place respectively. The proposed SUP (SUP 2017-0082) would legalize an operation which cannot operate in the CSL zone. Lawn and landscaping businesses are not a permitted use in the zone; nor is it allowed via Administrative Special Uses and Special Uses.

MVCCA believes there are multiple ongoing zoning violations. Rosemont violates the CSL zone by being incompatible with residential neighborhoods due to noise; dust; odors; hours of operation; on-site storage of building materials, stone, mulch; industrial process occurring on site; 30+ employees working in what is standard Alexandria house lot; lack of parking for employees so they park throughout the neighborhood; parking of 6-7 work vehicles on Mt Vernon Ave nightly; a port a john adjacent to our community fencing for the past 3 years; and visually we see the outside storage of plows and equipment which which is 15' high daily. We have experienced these insults to our community since Rosemont began operations under the guise of an office operation in 2014.

Mayor Silberberg, Vice Mayor Wilson and other members of the Council, we hope when this issue comes before your body in October that you will closely review and consider these violations and decide to return our community back to a viable residential neighborhood.

Sincerely,

Al Havinga  
President MVCCA

**Details:** The Mount Vernon Court Community Association, a community of 30 townhouses in DelRay objects to the current operations of Rosemont Lawn and Landscaping as contrary to current zoning requirements. MVCCA is adjacent to and behind Rosemont on Mt. Vernon and Sanborn Place respectively. The proposed SUP (SUP 2017-0082) would legalize an operation which cannot operate in the CSL zone. Lawn and landscaping businesses are not a permitted use i [See Existing Comments for complete initial description.]

If you need assistance with handling this request, please contact  
[Callclickconnect@alexandriava.gov](mailto:Callclickconnect@alexandriava.gov) or call 703.746.HELP.