



Special Use Permit #2017-0091
3410 Mount Vernon Avenue (parcel address: 3408 Mount Vernon Avenue)
Secret Garten Restaurant

Application	General Data	
Request: Public hearing and consideration of a request to amend Special Use Permit #95-0033 to extend hours of operation; to add off-premises alcohol sales; outdoor dining; and for a parking reduction.	Planning Commission Hearing:	March 6, 2018
	City Council Hearing:	March 17, 2018
Address: 3410 Mount Vernon Avenue (Parcel Address: 3408 Mount Vernon Avenue)	Zone:	CG / Commercial General
Applicant: Abe Hadjiesmaeiloo	Small Area Plan:	Potomac West

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

Staff Reviewer: Madeleine Sims, madeleine.sims@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, MARCH 6, 2018: On a motion made by Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2017-0091 with revised language for Conditions 4, 8, and 19 and the addition of Condition 37 and subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

Vice Chairman Macek supported the proposal, citing the existence of restaurants and other similar establishments in mixed-use zones, expressed that an increase in organized activity in the rear area could mitigate crime, and motioned that the opening hour for indoor dining be changed to 7 a.m., to allow the applicant flexibility in indoor operations.

Commissioner Wasowski supported the application, citing the principle of “eyes on the street” to combat existing crime and misuse of the proposed outdoor dining area.

Commissioner Lyle supported the application, citing restaurants in the City that have outdoor dining in proximity to residences and as ways of activating unused, remote spaces.

Commissioned Lyle also supported extending the outdoor hours to have them consistent with other outdoor dining in the area.

Commissioner McMahon supported the proposal and summarized the community concerns into distance between the outdoor dining and homes, culture of drinking, and safety and crime. McMahon explained the space is a safety challenge however placing an organized activity in the rear would generate more observance of the area and be a crime deterrent. McMahon also discussed drinking culture, and that a beer garden with a higher price point would not generate the kind of drinking culture feared by residents, and expressed that outdoor dining in proximity to residential areas is not uncommon in the City.

Commissioner Koenig supported the proposal, and expressed accordance with other commissioners' viewpoints, Koenig cited the business owner's reputation, the evolution of the business proposal over time as testaments to the applicants dedication to being a good neighbor and the investment the applicant must make to the rear space in order for the proposal to be viable.

Commissioner Brown supported the proposal, and had questions about plans to make the space complaint with the ADA

Chairwoman Lyman supported the proposal and explained that deferrals are the applicant's decision.

Speakers:

Abe Hadjismaieloo, Applicant, gave a brief summary of his experience as a business owner and personal history.

Al Havinga, 104 Sanborn Place, president of Mount Vernon Court Community Association, expressed concerns over the impact of outdoor dining, alcohol sales, and hours.

Joonas Jarvinen, 138 Sanborn Place, expressed concerns over outdoor dining.

Rod Kuckro, president of Del Ray Citizens Association, requested the applicant to defer to the April hearings to allow the Del Ray Citizen Association general membership to vote and provide input on the proposal.

Chris Kinard, 124 Sanborn Place, reiterated Mr. Kuckro's points and expressed a desire that projects should improve the pedestrian experience and streetscape, and questioned staff analysis.

Vjosa Dreshaj, 122 Sanborn Place, expressed concern over drinking establishments, the proximity of the restaurant to ABC and other alcohol retail stores, and crime stemming from alcohol consumption.

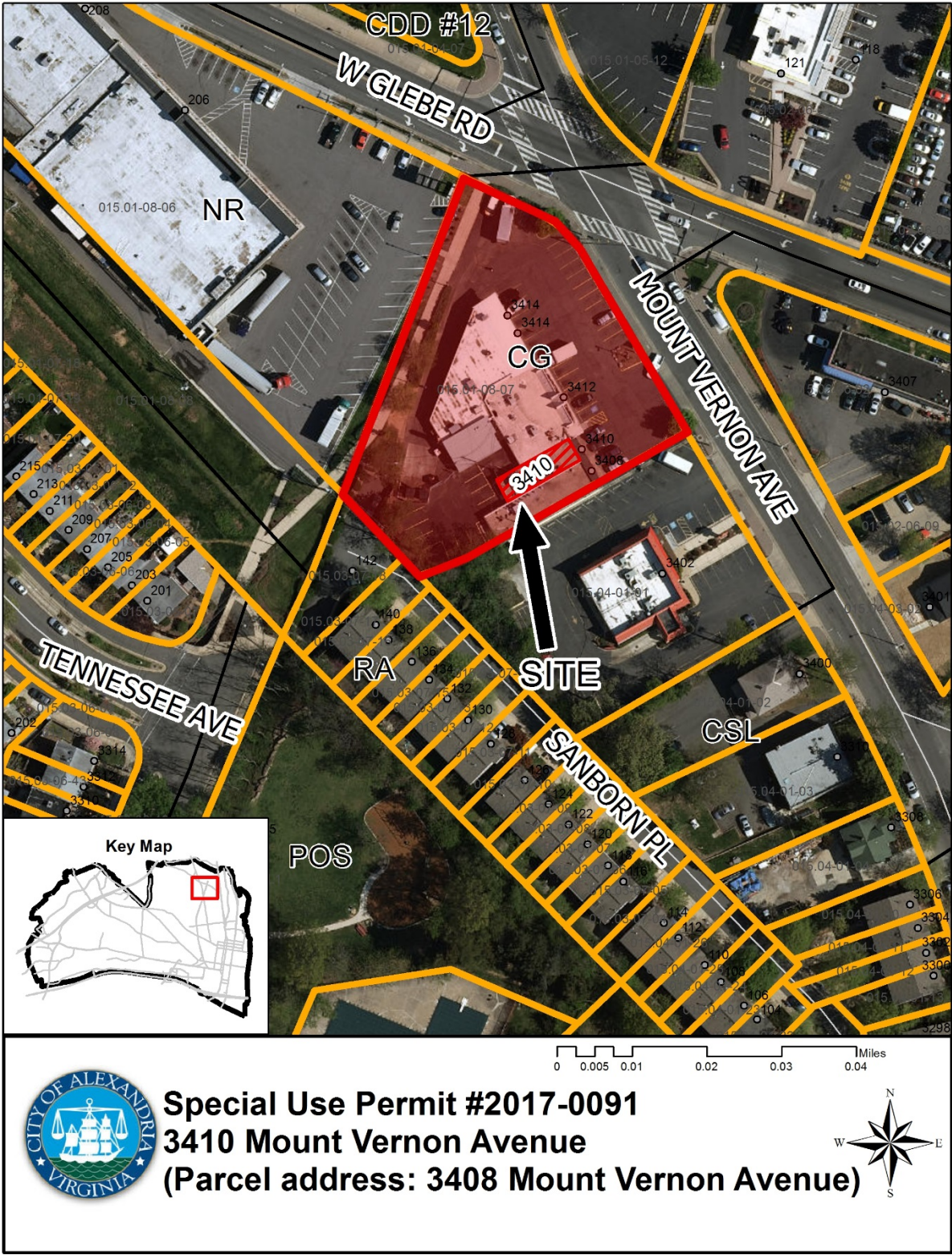
CJ Cross, 3508 Gunston Road, supported the proposed changes to the restaurant, expressing that the business would have a higher price point and not attract nuisances that are typically associated with establishments that sell alcohol at a low price.

Paul Jamieson, supported the application and recognized the concerns of the concerns of the neighbors.

Nick Rodriquez, supported the proposal and signified that he has frequented the Tyson's Biergarten, he emphasized that the restaurant would not be a college bar.

Roy Shannon, representing Danielle Harms and Meryl Kinard, compared outdoor dining standards to that of the King Street Outdoor Dining area, questioned how the applicant would ensure the safety of patrons and neighbors, and questioned staff analysis.

Ken Wire, answered questions of the Planning Commission, and provided a timeline of interactions with the Del Ray Citizen's Association that began in September 2017.



I. DISCUSSION

The applicant, Abe Hadjiesmaeiloo, requests Special Use Permit approval to amend Special Use Permit #95-0033 for to extend hours of operation; to add off-premises alcohol sales; outdoor dining; and for a parking reduction for an existing restaurant at 3410 Mount Vernon Avenue.

SITE DESCRIPTION

The subject site is a 1,267 square foot tenant space in an approximately 10,825 square foot single story commercial center. The commercial center is located on one lot of record with 172 feet of frontage along Mount Vernon Avenue, 73 feet of frontage along West Glebe Road, and a total lot area of 36,787 square feet. The parcel is developed with an 46 space parking lot (37 spaces are located in the front and 9 spaces are located at the rear. The commercial center includes the applicant's restaurant, a laundry, a 7-Eleven convenience store, and a grocery with an approximately 544 square foot carry-out restaurant.

The subject commercial center is located at the intersection of Mount Vernon Avenue and West Glebe Road. The subject commercial center abuts a residential neighborhood to the southwest, a Popeyes restaurant to the south, a car wash to the east, and a FoodStar grocery store and commercial strip mall, to the north. The area is surrounded by multiple single-story, commercial strip malls, and freestanding automobile-oriented businesses.

BACKGROUND

A restaurant has operated at 3410 Mount Vernon Avenue prior to the requirements for a Special Use Permit. In 1988, City Council granted Special Use Permit #2117 to Eleftherios Koutramanos to add seating to an existing carry-out restaurant. In 1992, City Council granted SUP #2117-A for a change of ownership and minor amendment to increase operating hours to the Northern Chicken and Steak Corporation. In 1995 staff administratively approved SUP#95-0033 for a change of ownership to Ebrahim (Abe) Hadjiesmaeiloo. During the



Figure 1: the subject restaurant outlined in red.

2017 SUP inspection, Zoning Inspectors noted one violation of Condition #9 of SUP#95-0033 for failing to post operating hours at the entrance of the business; the violation was immediately corrected. No other Zoning violations exist for the restaurant since operations began in 1995 and no Code violations have been reported since 2008.

In May of 2017, the applicant filed for an administrative special use permit for extended hours and outdoor seating with 20 seats, however, staff determined that a parking reduction SUP would be needed to proceed and the applicant withdrew to file for a full-hearing Special Use Permit in July 2017.

In addition to the parking reduction, the applicant's full-hearing SUP application included hours for a 2 a.m., daily, indoor closing hour, off-premises alcohol sales, and for 30 outdoor seats in a beer garden-style setting. The outdoor dining area was proposed to cover the entire rear parking lot and extended to the rear property line, which abuts a residential zone. Early proposals for the outdoor dining area included an outdoor bar and an area for outdoor games, in addition to the 30 seats. The applicant proposed a closing time in the outdoor dining area of 2 a.m. The residents of the Sanborn Place neighborhood, located behind the commercial center, expressed concern about noise and safety related to the outdoor dining proposal. In response, staff worked with the applicant to modify the outdoor dining request, as detailed in the Proposal section of this report.

PROPOSAL

The applicant, Abe Hadjiesmaeiloo, proposes to amend Special Use Permit #95-0033 to extend hours of operation; to add off-premises alcohol sales; to add outdoor dining; and for a parking reduction for his existing restaurant. The applicant would rename his restaurant from Senor Chicken to The Secret Garten, a restaurant which would serve sandwiches, sausages, burgers, and imported craft beers with an emphasis on high quality ingredients from local producers. A 30-seat outdoor dining area would be located at the rear of the restaurant, in the place of six parking spaces. The proposed outdoor dining area would be located almost 89 feet from the front of the closest residence on Sanborn Place. The hours for outdoor dining would be 11 a.m. – 9 p.m., Sunday through Thursday and 11 a.m. to 10 p.m. Friday and Saturday. The applicant proposes a closing hour of 2

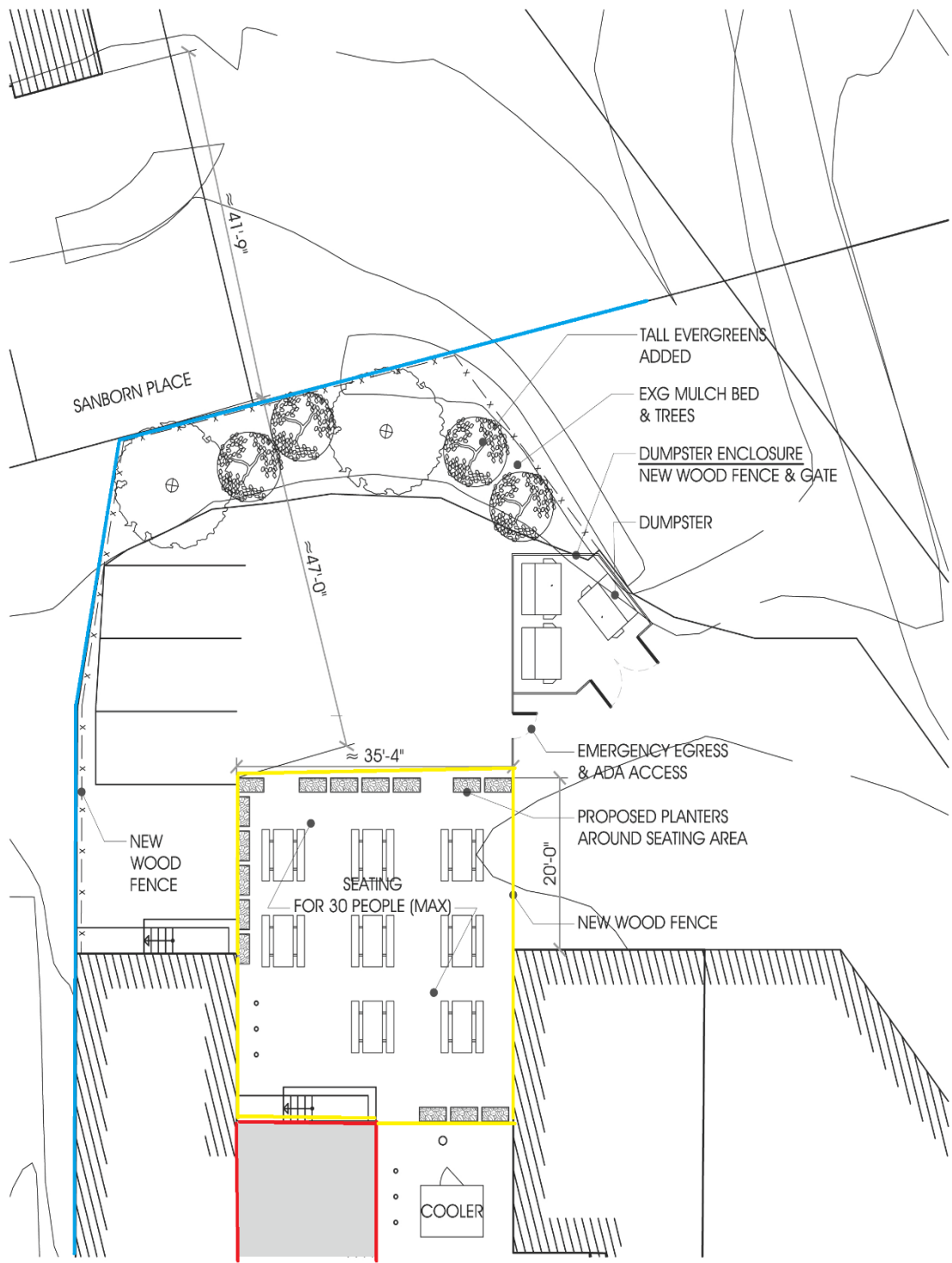


Figure 2: The nearest residences to the outdoor dining area are outlined in yellow, and located on a private road, Sanborn Place. The existing restaurant and proposed outdoor seating would occupy the tenant space and area outlined in red. The subject commercial center property line is shown in blue. The proposed outdoor dining area would be located approximately 89 feet from the from the building face of the closest residence, indicated by the purple line.

a.m., daily for indoor dining. The applicant also proposes indoor limited live entertainment in the form of background music from an acoustic soloist, which would be subsidiary to the food service and would not require a cover charge. Off-premises alcohol sales would be sold as growlers for beer. The applicant has also requested a parking reduction.

Elements of the applicant's proposal are:

<u>Hours of Operation:</u>	Existing:	11 a.m. – 10 p.m. Monday – Saturday 11 a.m. – 9 p.m. Sunday
	Proposed Indoor:	11 a.m. - 2 a.m., daily
	Proposed Outdoor:	11 a.m. – 9 p.m., Sunday -Thursday 11 a.m. -10 p.m., Saturday - Friday
<u>Number of Seats:</u>	Existing:	30 indoor seats
	Proposed:	30 (existing) indoor seats, 30 outdoor seats.
<u>Type of Service:</u>	Existing:	Table service
	Proposed:	Table service
<u>Alcohol Sales:</u>	Existing:	On-premises
	Proposed:	On-premises and off-premises sales as bottled beer in “create your own” 6, 12, 18, and 24 packs and as growlers
<u>Delivery:</u>	Existing:	No delivery service.
	Proposed:	No delivery service proposed.
<u>Live Entertainment:</u>	Existing:	None.
	Proposed:	Limited live entertainment (indoor).
<u>Odor and Noise:</u>		Odor and noise are anticipated to be typical of restaurants and controlled through a hood system to vent odors.
<u>Litter and Trash:</u>		Garbage would be removed from the premises daily to prevent unsightly accumulation. The garbage dumpsters are in a common area to the rear of the commercial center, outside of the proposed dining area. The amount of litter generated would diminish as the restaurant converts from a carry-out to table service operation.



01.17.18

EXISTING GARDEN SITE PLAN

1/16"=1'-0"

"As-Built" dimensions and areas may vary from those shown. The linear dimensions shown indicate approximate distances. Site plan is taken from the City of Alexandria GIS data.

3410 MT VERNON AVE

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ARCHITECTURE

Figure 3: In red, the subject restaurant, in yellow the outdoor dining, and in blue the property line. The proposed outdoor dining will be approximately 47 feet away from the property line and approximately 89 feet away from the nearest residential building face.

PARKING

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.

II. STAFF ANALYSIS

Staff supports amendments to Special Use Permit #95-0033 for the restaurant at 3410 Mount Vernon Avenue for 30 outdoor dining seats, an extension of the operating hours, off-premises alcohol sales, limited live entertainment, and a parking reduction. The proposed amendments to the SUP would allow the applicant to update the restaurant concept and provide a new dining option for the neighborhood as well as City residents and visitors. The staff analysis and rationale for the recommended conditions, designed to minimize potential impacts, follow in the subsections:

A. Outdoor Dining and Outdoor Hours of Operation

Staff supports the applicant's request for a 30-seat outdoor dining area, consistent with the proposed site plan that designates an approximate 89-foot buffer between the outdoor area and the nearest Sanborn Place residence (Figure 3). Although outdoor dining is often located in front of restaurants, outdoor dining in the rear is not unprecedented in the City. In this case, front-facing outdoor dining was not possible given the narrow pedestrian pathway provided at the commercial center and its proximity to parked vehicles. Staff believes that the location of outdoor dining in the rear would activate a portion of the rear parking lot, which has otherwise been unused and has been reported to attract loitering and outdoor alcohol consumption due to its remote characteristics.



Figure 4 The existing view standing from the edge of the proposed outdoor dining towards residences. The applicant would install additional trees to block the view of the outdoor dining area from the Sanborn Place residents.

Staff analyzed restaurants with outdoor dining that are located close to residential areas and found that the average distance between the dining areas and the nearest residential dwelling is 72 feet (Table 1). The analysis revealed that the proposed 89-foot setback from residents exceeds the average distance. These restaurants include side and rear-facing outdoor dining areas. Staff recognizes that patron noise generated at side and rear-facing outdoor dining areas may be more audibly attributable to dining patrons given the absence of vehicular noise that is more prominent at outdoor dining areas located at the front of properties. The restaurants that were analyzed have operated successfully without resident complaints.



Figure 5: The view from Sanborn Place towards the subject commercial center. In red is the top of the fence that separates the commercial center property from Sanborn Place.

In addition, Table 1 indicates the hours of operation for outdoor dining areas that are located close to residential areas. These hours have not resulted in neighbor complaints regarding noise. In

response to Sanborn Place resident concerns, staff recommends operating hours of 11 a.m. to 9 p.m., daily, in the outdoor dining area at 3410 Mount Vernon Avenue, as stated in Condition # 13. These are generally one hour earlier than the Table 1 examples used for comparison. To reduce the potential for noise, staff recommends limiting the total number of patrons allowed in the outdoor dining area to 30, as stated in Condition #15. Further, the addition of a tree buffer at the rear property line, as proposed by the applicant, would reduce the potential for visual and noise impacts on the adjacent neighbors, as required in Condition #15 (Figures 4 and 5). Loudspeakers are prohibited from the restaurant exterior and amplified sounds shall not be audible at the property line, consistent with the City's noise ordinance, as mandated in Condition #32. The potential for spillover lighting in the outdoor dining area would be addressed through Condition #15 to require the applicant to provide a lighting plan for Director approval.

Loitering near the rear outdoor dining area would be discouraged through the requirements of Condition #16 which requires outdoor dining patrons to access the outdoor dining area from the restaurant entrance and not through the rear parking area. The applicant is also required to monitor the area outside the outdoor dining area to ensure that individuals do not congregate, as mandated in Condition #17.

Table 1:

Restaurant	Address	Distance to nearest residence	Seats/ Location	Outdoor Dining Hours
Live Oak	1603 Commonwealth Ave	55 feet	40/side	8 a.m. - 10:30 p.m. M-F 9:30 a.m. - 10:30 p.m. S-S
Nectar Coffee/Wine	106 Hume Ave	105 feet	18/front	7 a.m. - 10 p.m. daily
Evening Star	2000 Mount Vernon Ave	73 feet	50/side	7 a.m. - 10 p.m. daily
Del Ray Café	205 E Howell Ave	37 feet	12/front	7 a.m. - 10 p.m. daily
Northside 10	10 East Glebe	112 feet	20/front	6 a.m. - 12 midnight daily
Sonoma Cellars	207 King Street	56 feet	26/rear	11 a.m. - 10 p.m. daily
Dolci Gelati	107 North Fairfax Street	30 feet	12/rear	7 a.m. - 10 p.m. daily
Stomping Ground	2309 Mount Vernon Avenue	108 feet	10/rear	7 a.m. - 3 p.m. daily
Rosemarino d'Italia	1905 MV Ave	44 feet	20/ side and rear	4:30 p.m.- 10 p.m. daily
Thai Peppers	2018 MV Ave	97 feet	32/side	11 pm

B. Indoor Hours

Staff supports the extension of indoor dining hours as 11 a.m. to 12 a.m., Sunday through Thursday and 11 a.m. to 1 a.m., Friday and Saturday from the previously approved 11 a.m. to 10 p.m., Monday through Saturday, and 11 a.m. to 9 p.m., Sunday. This would result in an extension of current operating hours by two hours Monday through Thursday, and three hours Friday through Sunday. Staff finds a closing hour of 1 a.m. to be reasonable for this restaurant at this location as it is consistent with restaurants in the immediate area. The parking lot where most noise would occur during late night hours from restaurant is situated away from residences and towards a busy intersection. Condition #8 has been amended to reflect the expanded hours of operation for indoor seating.

C. Off-premises Alcohol Sales

Staff does not anticipate negative impacts arising from off-premises alcohol sales of bottled beer in six to 24 packs and as growlers as City Council has approved several off-premises alcohol requests at restaurants in recent years. No Zoning violations of conditions pertaining to off-premises alcohol sales at restaurants have been received since the City began granting these requests. Establishments selling off-premises alcohol must also comply with Virginia ABC standards. The Virginia ABC establishes strict standards for on and off-premises alcohol sales and has the power to review and revoke ABC licenses. The applicant is limited to the sale of bottled beer in six to 24 packs and growlers, as stated in Condition #19. In addition to the ABC requirements preventing underage drinking, the applicant is required to inform employees on preventing the sale of alcohol to minors in Condition #20.

D. Limited Live Entertainment

Staff supports the proposal for indoor limited live entertainment as it must remain subsidiary to the primary function of the business as a restaurant, cover charges or tickets could not be collected, and any advertising for live entertainment must also feature food, as stated in Condition #18. Staff believes that noise levels would be low and not audible outside the business as the live music from a soloist and televisions would serve as a background feature.

E. Parking Reduction

Staff supports the applicant's request for an 11-space parking reduction as it was prompted by the request for a relatively small number of additional restaurant seats. The existing businesses have been operating with a parking deficit for several years without complaints or violations related to parking on other lots or nearby streets. Although six spaces would be removed from the rear parking area for outdoor dining, tenants and customers rarely use these spaces and, therefore, the loss is not expected to affect parking at the commercial center. Staff site visits revealed that parking spaces are available at all times, likely due to the relatively high turnover rates that are characteristic of businesses at the site, such as 7-Eleven. Additionally, the restaurant is relatively small and, in cold-weather months, fewer restaurant patrons would visit the restaurant when the outdoor dining area would be closed.

The applicant's parking management plan contributes to minimizing parking impacts through discounts for rideshare users and the prohibition on employees parking on the street. Across from the restaurant on Mount Vernon Avenue, the MetroBus 10A, 10B, and 10E has a stop which services the DC Metro region and metro stations. The Dash Bus AT9 to Potomac Yards also stops there which connects users to Potomac Yards and the Mark Center. The applicant notes that his current employees walk to work. Staff has added Conditions #34 and #35 that would encourage employees to take public transportation and investigate creating a transportation benefits program.

With City Council's adoption of the ordinance on February 24, 2018, for the right-sizing of commercial parking standards, which it approved as Text Amendment #2017-0010 on January 20, 2018, a parking reduction would not be required for this SUP proposal as the minimum parking

requirement would be reduced to 11 spaces for all the tenants at the commercial center. This new parking requirement factors in the applicant's addition of 10 seats.

F. Community Input

Staff has received multiple letters stating opposition of the proposed amendments to the existing restaurant. These letters have originated from the Mount Vernon Community Court residents at Sanborn Place whose properties are located behind and to the south of the subject restaurant. These letters expressed concerns over the expanded hours of operation inside the restaurant, as well as the outdoor seating and the noise and crime-related impacts of alcohol that they believe would result. They also oppose the parking reduction as it would impact parking on Sanborn Place.

The applicant has met twice with the Del Ray Land Use Committee and on several occasions with the Mount Vernon Community Court representatives to listen to community concerns. The Del Ray Land Use Committee of the Del Ray Citizen's Association (DRCA) 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; 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 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.

G. Additional Conditions

Moreover, staff has added conditions that are standard for all SUP applicants. Odors are unlikely to become a nuisance and are typical of restaurants, however, staff has included standard language to mitigate any potential impacts arising from odors (Condition #28). Staff has also amended language on monitoring the site and surrounding area within 75 feet, for litter and trash, which must be removed at minimum twice daily (Condition #30). Conditions #23 -#27 outline procedures for cleaning and storage of materials.

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

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&CD) (SUP #2117-A)
2. Seating shall be provided inside for no more than 30 patrons. (P&CD) (SUP #2117-A)
3. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITIONS #15:**
~~No outside dining facilities shall be located on the premises. (P&CD) (SUP #2117-A)~~
4. **CONDITION AMENDED BY PLANNING COMMISSION:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions and the cooler stored at the rear of the property. ~~(P&CD) (SUP #2117-A) (P&Z) (PC)~~
5. **CONDITION DELETED AND REPLACED WITH CONDITION #26:** ~~Trash and garbage shall be stored inside or in a dumpster. (P&CD) (SUP #2117-A)~~
6. Trash and garbage shall be collected daily when the business is open. (P&CD) (SUP #2117-A)
7. **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and ~~insanitary~~ unsanitary accumulation, on each day that the business is open to the public. ~~(P&CD) (SUP #2117-A) (P&Z)~~ (PC)
8. **CONDITION AMENDED BY PLANNING COMMISSION:** The indoor hours of operation of the restaurant shall be limited to ~~44~~ 7 a.m. and 12 a.m., midnight, Sunday through Thursday, and between ~~44~~ 7 a.m. and 1 a.m., Friday and Saturday, and all patrons must leave the premises one hour after closing. ~~(P&CD) (SUP #2117-A) (P&Z) (PC)~~
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&CD) (SUP #2117-A)
10. No delivery service shall be operated from this location. (P&CD) (SUP #2117-A)
11. **CONDITION DELETED AND REPLACED WITH CONDITION #19 BY STAFF:**
~~No beer or wine shall be sold except for on-site consumption only. (P&CD) (PC) (SUP #2117-A)~~
12. **CONDITION DELETED AND REPLACED WITH CONDITION #32 BY STAFF:**
~~No amplified sound shall be audible at the property line. (P&CD) (SUP #2117-A)~~

13. **CONDITION ADDED BY STAFF:** The hours of operation for outdoor dining shall be limited to between 11 a.m. and 9 p.m., daily. The outdoor dining area shall be closed and cleared of all customers by 9 p.m. daily, and no new patrons may be admitted into the outdoor dining area after 8 p.m., daily. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
14. **CONDITION ADDED BY STAFF:** Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z)
15. **CONDITION ADDED BY STAFF:** The outdoor dining area design shall be consistent with the applicant's site proposal, indicated as Figure 3 of this report and submitted on February 8, 2018:
 - a. The maximum number of outdoor seats shall be 30, and the maximum number of patrons in the outdoor dining area shall not exceed 30 at any one time. (P&Z)
 - b. Outdoor bars, outdoor cooking facilities, and host stands are not permitted.
 - c. A lighting plan of the outdoor dining area shall be subject to approval of the Director of Planning and Zoning.
 - d. A landscaping plan shall be subject to the approval of the Director of Planning and Zoning. (P&Z)
16. **CONDITION ADDED BY STAFF:** Patrons shall arrive and leave the outdoor dining area through the restaurant entrance at 3410 Mount Vernon Avenue with the exception of patrons requiring accessibility accommodations or for emergency egress purposes. (P&Z)
17. **CONDITION ADDED BY STAFF:** The applicant shall ensure that business patrons do not congregate outside of the outdoor dining area at the rear of the property. (P&Z)
18. **CONDITION ADDED BY STAFF:** Limited, live entertainment may be offered indoors as background music at the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. No live entertainment is permitted in the outdoor dining area of the restaurant. (P&Z)
19. **CONDITION AMENDED BY PLANNING COMMISSION:** 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) (PC)

20. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol to prevent the underage sale of alcohol. (P&Z)
21. **CONDITION ADDED BY STAFF:** No delivery of food to customers may operate from the restaurant. (P&Z)
22. **CONDITION ADDED BY STAFF:** No cooking, food preparation, or bar facilities shall be permitted in the outdoor dining area. (P&Z)
23. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
24. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
25. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
26. **CONDITION ADDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
27. **CONDITION ADDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
28. **CONDITION ADDED BY STAFF:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
29. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
30. **CONDITION ADDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

31. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
32. **CONDITION ADDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
33. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)
34. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
35. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
36. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
37. **CONDITION ADDED BY PLANNING COMMISSION:** 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)-(PC)

STAFF: Mary Christesen, Acting Land Use Division Chief
Madeleine Sims, Urban Planner
Ann Horowitz, Urban Planner

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The applicant is requesting a parking reduction for the full amount of parking spaces. (T&ES)
- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-3 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-4 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-5 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-6 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-7 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-8 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

- R-9 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-10 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-11 No live entertainment is allowed outside of the property building. Indoor live entertainment shall be limited to 11 AM to 10 PM daily.
- R-12 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-13 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-14 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-4 A building permit, plan review, and inspections are required for this project.

Fire:

No comments or concerns.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.
- C-8 Bar sections located within an open-air dining area will be limited in preparation activities. The bar section shall be placed in a location that reduces the potential Page 2 of 2 adulteration of beverages served at the establishment. To the maximum extent possible, the location shall be free from dust, dirt, vermin, animals, birds, overhead leakage, or other contamination. Overhead protection shall be provided that fully extends over all beverages, condiments, utensil holding facilities and equipment associated with the bar section. All food, other than beverages, shall be prepared inside an approved, fully enclosed food establishment. No food preparation shall take place in the outdoor dining area. If the facility intends to have food preparation outdoors then the submission of construction plans and a plan review process are required

Parks and Recreation:

No comments received.

Police Department:

- 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)



APPLICATION

SPECIAL USE PERMIT

REVISED

SUP2017-0091
Additional Materials

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 Hadjiesmaeiloo

Address: 3410 Mt. Vernon Ave. Alexandria, Va 22305

PROPOSED USE: Restaurant and Beer Garden off premise alcohol

parking 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 Hadjiesmaeiloo

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
#H

Revised

2/28/18

MR 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 Hadjiesmaeloo: 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. <u>Abe Hadjesmaailoo</u>	11030 Sandy Manor Dr Fairfax Station, VA 22039	67%
2. <u>Mehdi Bofougaran</u>	12820 Tournament drive	33%
3.	Reston VA 20191	

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. <u>Oshinsky Arlandria, Inc</u>	4/ William Oshinsky 10506 Rolland Rd. Bethesda MD 20816	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. <u>Mehdi Bofougaran</u>	<u>None</u>	<u>None</u>
2. <u>William Oshinsky</u>	<u>None</u>	<u>None</u>
3. <u>Abe Hadjesmaailoo</u>	<u>None</u>	<u>None</u>

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

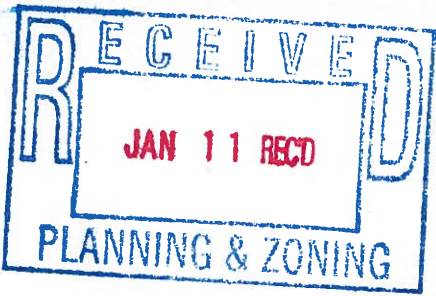
Date

Abe Hadjesmaailoo

Printed Name

Signature

Revised
2/28/18
MP A.H



REVISED

January 11, 2018

via email Madeleine.Sims@alexandriava.gov only

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

Subject: 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 revised Special Use Permit Application by our tenant located in the above subject location.

William Oshinsky - President
Oshinsky Arlandria, Inc.

Date: 1/11/18

REVISED

SUP # _____

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

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

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

NARRATIVE DESCRIPTION

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

- ~~off-premise Alcohol, Hours of operation to be extended to 2:AM m, Additional 30 outdoor Seats, Reduction of 10 parking spaces for adding 30 more outdoor seats, limited live entertainment~~ AH.
- Attached is a narrative of the concept.
 - outdoor operation:
 - Sunday - Thursday 11 AM to 9:00 PM
 - * Friday & Saturday 11:00 AM to 10:00 PM
 - Indoor: 11:00 AM to 2:00 AM Monday through Sunday.
 - We will have on-off ABC License. AH.
 - 30 outdoor seats
 - Indoor limited live entertainment
 - Parking Reduction

REVISED

SUP # _____

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
- ☐ a new use requiring a special use permit,
 - ☐ an expansion or change to an existing use without a special use permit,
 - ☒ an expansion or change to an existing use with a special use permit,
 - ☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).
Open 7 days a week from 11 am to 6:00 with an occupancy of 75 people AH.
We expect an average of 120 people a day, with an average of 2500 an hour
during the busy hours never exceeding our permitted occupancy of 75

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
3 during the business hours 7 days a week from 11am to 6:00 people AH
3 employees, from 5:00 PM to 10:00 PM 4 employees, from 10:00 PM to 2:00 AM
2 employees, indoors only, outdoor will be closed.

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

Day:

7

Hours:

Indoor: Monday through
Sunday

11 AM to 2:00 AM

Outdoor: Sunday through Thursday

11:00 AM to 9:00 PM

Friday & Saturday

11:00 AM to 10:00 PM

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

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

Very Minimal Human vocal noise, limited live
entertainment during early business hours

We will have limited
live entertainment
indoors only where we
will have one musician
playing an acoustic
set. AH

- B. How will the noise be controlled?

We will monitor the noise to make sure we are not disturbing our
neighbors

8. Describe any potential odors emanating from the proposed use and plans to control them:
We will mainly be cooking burgers and sausages. We will use a hood system

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

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

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
A dumpster full every 2 weeks

C. How often will trash be collected?
Every week DAY

D. How will you prevent littering on the property, streets and nearby properties?
in Addition to the Shopping Centers cleaning staff we will have our staff clean trash outside 3 times a day along with leaving a trash can by the main entrance.

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

[] Yes. [✓] No.

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

REVISED

SUP # _____

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

☐ Yes. ☒ No.

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

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

Parking lot and center is always light and constantly
monitor to provide a safe environment for our patrons

ALCOHOL SALES

13.

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

☒ Yes ☐ No

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

We will have an On-Premise Mixed beverage license.

We will have an on and off premise ABC license.

REVISED

SUP # _____

PARKING AND ACCESS REQUIREMENTS

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

A.H. 45 X Standard spaces
1 X Compact spaces
1 X Handicapped accessible spaces.
Other.

Planning and Zoning Staff Only

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

Does the application meet the requirement?

☐ Yes ☐ No

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

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

The Shopping center has parking spots, any additional spaces needed

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

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

☒ Parking reduction requested; see attached supplemental form

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

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

Planning and Zoning Staff Only

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

Does the application meet the requirement?

☐ Yes ☐ No

REVISED

SUP # _____

- B. Where are off-street loading facilities located? Street parking is available on Mt. Vernon Ave, East Glebe Rd.
South Glebe Rd, Reed Ave, Mark Drive and many other near by streets. ALL loadings will be done
- C. During what hours of the day do you expect loading/unloading operations to occur? 9am to 11am
on site. AH.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
once a week for food, once a week for beer, once a week for liquor

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

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
Do you propose to construct an addition to the building? ☐ Yes ☒ No
How large will the addition be? _____ square feet.
18. What will the total area occupied by the proposed use be?
(out door portion) 2396 SF AH.
996 sq. ft. (existing) \pm 500 sq. ft. (addition if any) = 1496 sq. ft. (total)
1400
19. The proposed use is located in: (check one)
☐ a stand alone building
☐ a house located in a residential zone
☐ a warehouse
☒ a shopping center. Please provide name of the center: _____
☐ an office building. Please provide name of the building: _____
☐ other. Please describe: _____

End of Application

Abe Hadjiesmaeiloo – Managing Partner
Direct: 703-625-3197
Email: AbeHadjiesmailoo@gmail.com

THE CONCEPT



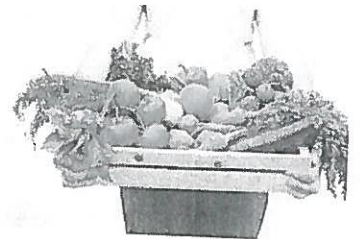
The Concept:

The Secret Garten is not your typical Northern Virginian cafe. Here at *The Secret Garten* everything will be focused on creating a cozy, friendly, inviting atmosphere for all ages to enjoy. Our food menu will be filled with simple yet delicious blends of Belgium and American flavors and tastes.



The Secret Garten will offer an unforgettable experience that blends diverse styles in food, drink, interior design and atmosphere—catering to the various tastes of patrons in the Alexandria area. Our goal is to create a destination for first dates, families, get together with friends, even getting to know a complete stranger and becoming friends. The Secret Garten will have a variety of imported

beers mainly from Belgium. Customers will be able to learn, and taste half a millennium old family recipes of award winning beers or biers as we like to call it. Our food menu will offer an array of different types of char grilled sausages, gooey grilled cheese sandwiches, and succulent wings. All of our ingredients will come from local farmers who practice the highest, natural farming standard.



People know what they are eating nowadays and do not want to eat your typical frozen food. That is why we will make sure our food is fresh from local farmers who practice the highest natural farming standards. Never given any growth enhancers or added hormones our ingredients will be locally raised and processed when possible. The farmers we use will use an all vegetarian diet for the cattle and promote sustainability. Our meat will be humanely harvested and 100% all natural. Our customers will know that every time they enjoy one of our menu items that they are supporting the local farmers that supply these delicious ingredients. We will insure they know this thanks to the proper signage and also on our menus will say this in bold. We will also insure that our menu items will be created with high quality and organic food whenever possible.

The Menu:



- ~Various Sausages including bratwursts, knockwursts and more
- ~Wings: grand spectrum of flavors including, honey bbq, garlic parmesan, nuclear hot, medium, and much more.
- ~An extensive grilled cheese menu with a “create your own” option
- ~ Various forms of croque-monsieur sandwiches
- ~Using only high quality, fresh, organic, ingredients for the health conscious
- ~Fresh ingredients from local farmers who practice the highest natural farming standards.
- ~Ingredients that were never given any growth enhancers or added

hormones.

- ~Our ingredients will be locally raised and processed.
- ~The farmers we use will use an all vegetarian diet for the cattle & promote sustainability.
- ~Our ingredients will be humanely harvested and 100% all natural.

Service:

~Lunch: Everyday

Lunch will be served from 11am to 4pm every day. The estimated average check will be approximately \$10 to \$15 dollars.

~Happy Hour: Monday through Friday

Happy hour will begin at 4pm ending at 8pm accompanied with great food and drink specials. The estimated check will be \$20 to \$30 a person.

~After 8pm: Daily

The kitchen will be open until last call. The estimated check will be \$15 to \$20

Entertainment:

Each day we will have some sort of entertainment for our guests. All entertainment will be indoors only. One day we might have a single musician doing an acoustic set another day we might do trivia while the other day we will be showing sports on our TVs. Entertainment is key in today's competitive restaurant/café and bar society.

Seating:

Inside we will have 12 seats at the bar including TVs for guests to watch sports. Opposite the bar we will have a long bench with 9 tables totaling 18 seats. Outside we will have 7-8 person picnic tables and one small 2 person table which will be ADA compliant.



Beer to go:

We will have beer to go much like what you find at a convenient store but with a twist. Customers will be able to make their own 6, 12, 18, or 24 pack that they can mix up to have a large variety. We will also have growlers available for customers to take home with them.



THE
SECRET
GARTEN



REVISED

SUP # _____

Admin Use Permit # _____



SUPPLEMENTAL APPLICATION

RESTAURANT

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

1. How many seats are proposed?

Indoors: 30

Outdoors: 30

Total number proposed: 60

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) ☒ Yes ☐ No

Beer and wine — on-premises ☒ Yes ☐ No

Beer and wine — off-premises ☒ Yes ☐ No

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

German, Belgium and American Food using Fresh Local
ingredients whenever possible

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

☒ table service ☒ bar ☐ carry-out ☐ delivery

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

Will delivery drivers use their own vehicles? ☐ Yes ☐ No

Where will delivery vehicles be parked when not in use?

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

☒ Yes ☐ No

If yes, please describe:

we will have 50 inches screen TVs showing sports. We will also
have live soft music (one musician playing acoustic) we will NOT
have live Bands and no concerts

REVISED

SUP # _____

Parking impacts. Please answer the following:

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

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

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

1. Maximum number of patrons shall be determined by adding the following:
EH 60 Maximum number of patron dining seats
+ *10* Maximum number of patron bar seats
+ *EH 15* Maximum number of standing patrons
= *EH 75* Maximum number of patrons
2. *4* Maximum number of employees by hour at any one time
3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
☐ Closing by 8:00 PM
☐ Closing after 8:00 PM but by 10:00 PM
☐ Closing after 10:00 PM but by Midnight
☒ Closing after Midnight
4. Alcohol Consumption (check one)
☐ High ratio of alcohol to food
☐ Balance between alcohol and food
☒ Low ratio of alcohol to food

Application SUP restaurant.pdf

3/1/06 Pnz\Applications, Forms, Checklists\Planning Commission



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

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

~~5 parking spaces.~~

10 parking spaces

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

We are requesting a reduction of ~~5~~ ¹⁰ parking spots for our Beer Garden. Based 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. Most of our patrons will be walking distance to thier home residences.

3. Why is it not feasible to provide the required parking?

The 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 4-9 PM, Another point to add, based on the demographic of the neighboring area we anticipate a large number of clients to commute on foot.

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

_____ Yes. ☒ No.

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

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

Hello Madeleine,

In reference to your email from January 12, 2018 please note the following:

- **UNDERUTILIZED PARKING AREA.**

As discussed through our previous correspondence, the fenced-in paved lot behind the shopping currently has 10 unused parking spots. I have been a business owner in this center for over 25 years, and have never seen this area to be occupied with vehicles. Based on this observation it is my firm belief removing these spaces will not negatively impact the parking for the shopping center. Our concept will activate this underutilized space for the community to enjoy. Please review the letter I forwarded over from our property manager for confirmation.

- **PUBLIC TRANSPORTATION.**

Our target market will be working professionals; many of whom use public transportation daily (which we will encourage greatly). We plan on partnering up with Uber and Lyft to provide discounts to those who use their services from our location. We will offer a 10% discount on the bill to whomever present an Uber or Lyft receipt coming to "The Secret Garden."

- **LOCAL WALKING RESIDENT**

We will also be marketing towards many of the local residents of the great Del Ray community that are within walking proximity to the center. We will have our graphic designer to design a flyer/mailler that shows a family walking to "The Secret Garden" with houses in the background. We will market this to everyone located within a 1 mile radius of the restaurant to attract local walking distance residents.

- **STAFF WALKS TO WORK.**

Over the past 25 years that we been a business owner in this center, the vast majority of our employees have walked to work. These are employees we plan on keeping when we transition into "Secret Garden"

- **ADDITIONAL PARKING SPACES.**

The landlord will add 3 more parking spaces by re-striping the parking lot 2 alongside of Mt. Vernon Avenue and one in front of the grocery store.

- **STREET PARKING.**

There is a large number of neighboring side streets with free street parking available including: Mt. Vernon Ave, West Glebe Road, Commonwealth Avenue, Leadbeater Street, and Helen Street. We will be very vigilant in ensuring our patrons only utilize permitted parking zones.

- **DRCA ROCOMENDATIONS.**

Our hours of operation and seating capacity were adjusted to accommodate the Del Ray Citizen Association's recommendations

- **SIMILAR BUSINESSES.**

REVISED

We intend to follow suit alongside many of our neighboring businesses that similar concepts and utilize public parking/transportation as well, including The North Side 10, Thai Pepper, Front Porch, and Lenas

Furthermore we have spoken to both our landlord and neighboring business, we have shown them the business plan and discussed the parking reduction. They support this change as it will be a great addition to our community.

Respectfully

Abe Hadjiesmailoo,

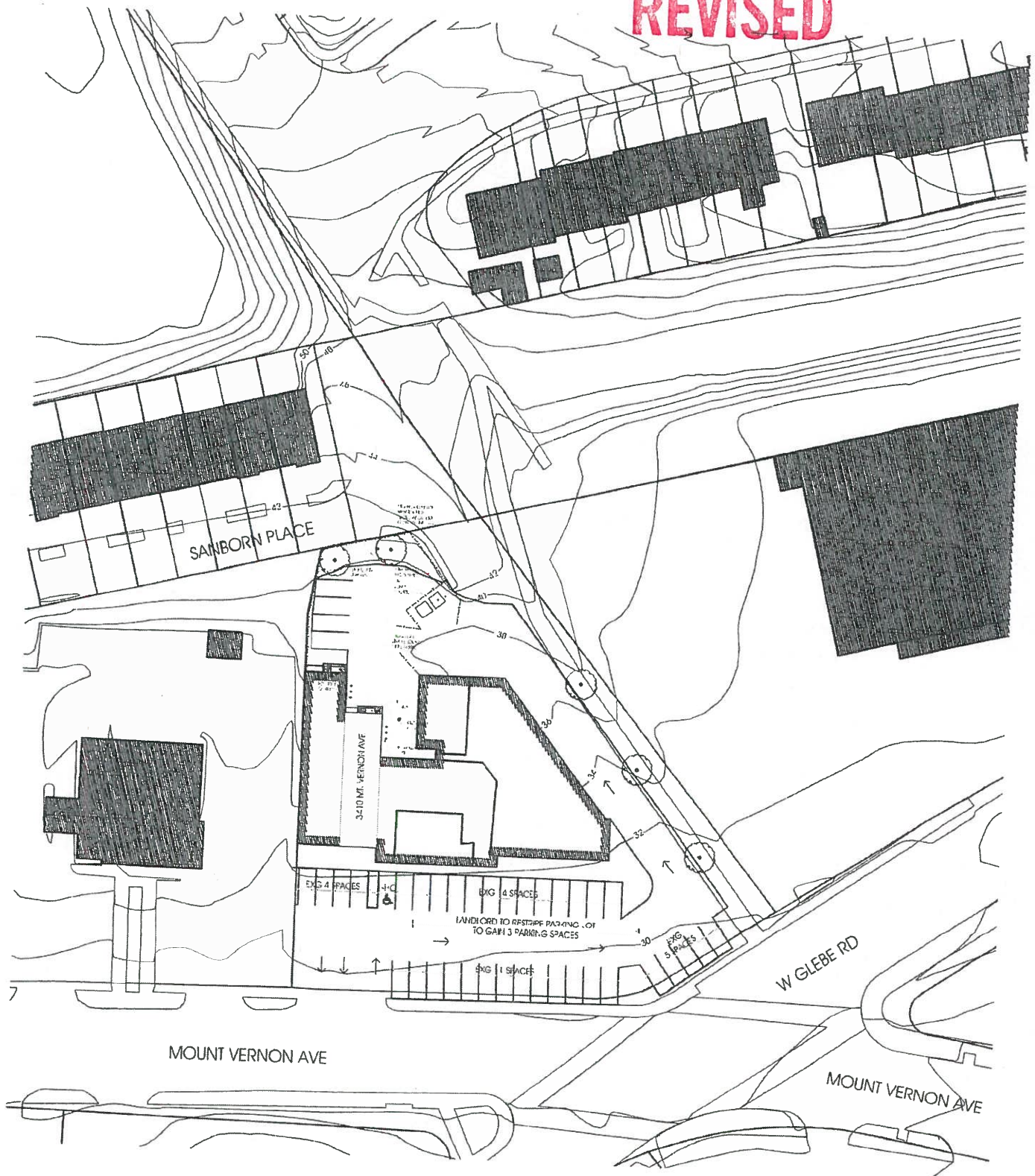
USE OF TRANSIT ENCOURAGEMENT BENEFIT PROGRAM

The Secret Garten is committed to encourage to its employees to use public transportations for the ways commuting to and from the work. In order to achieve this goal the Secret Garten will reimburse up to \$50.00 per employee per month towards their transit use costs.

Abe Hadjiesmailoo

Secret Garten

REVISED



01.17.18

EXISTING ARCHITECTURAL SITE PLAN

3410 MT VERNON AVE

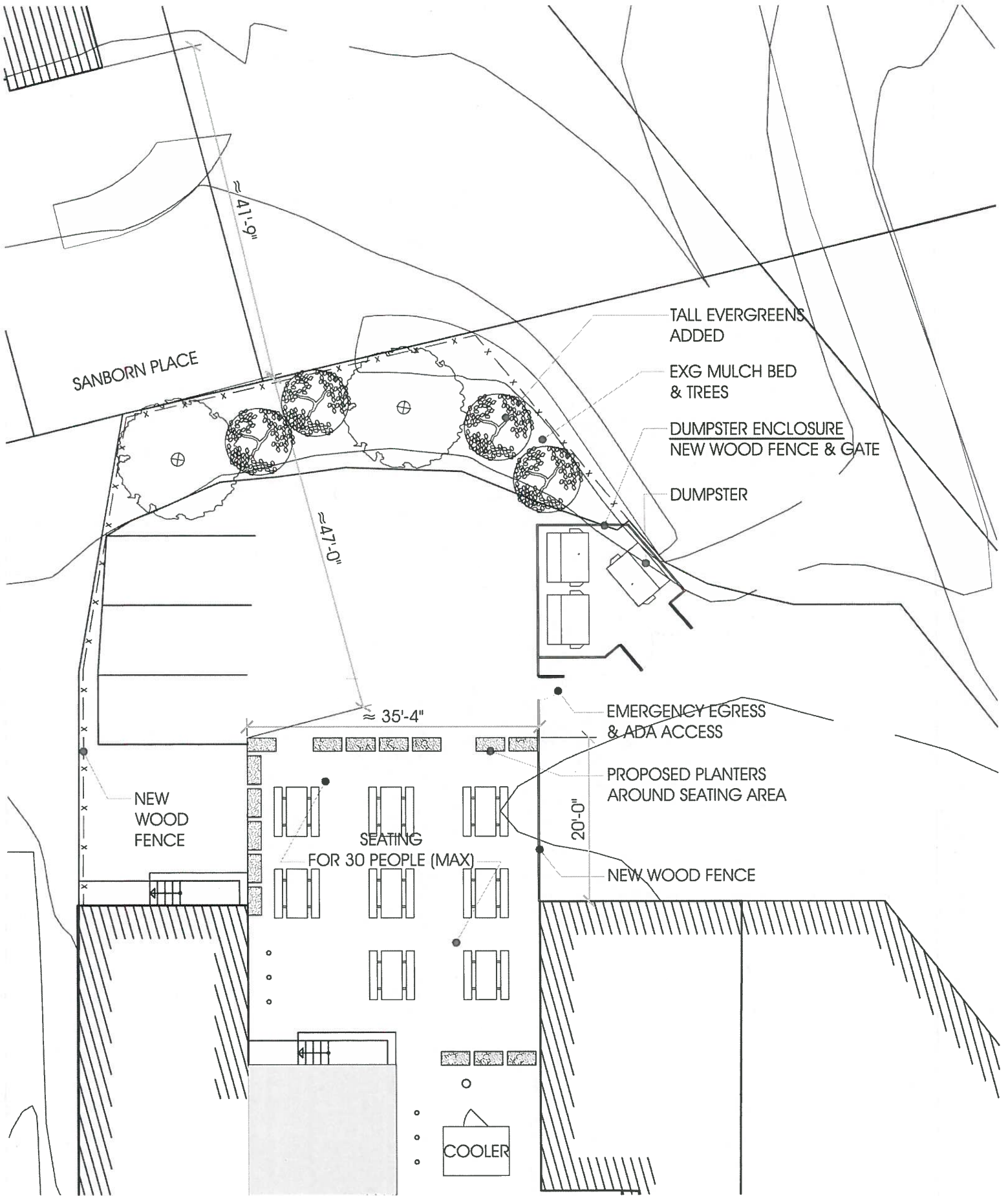
1/64"=1'-0"

PAGE 1 OF 2

"As-Built" dimensions and areas may vary from those shown. The linear dimensions shown indicate approximate distances. Site plan is taken from the City of Alexandria GIS data.

RUST ORLING
ARCHITECTURE

REVISED



01.17.18

EXISTING GARDEN SITE PLAN

1/16"=1'-0"

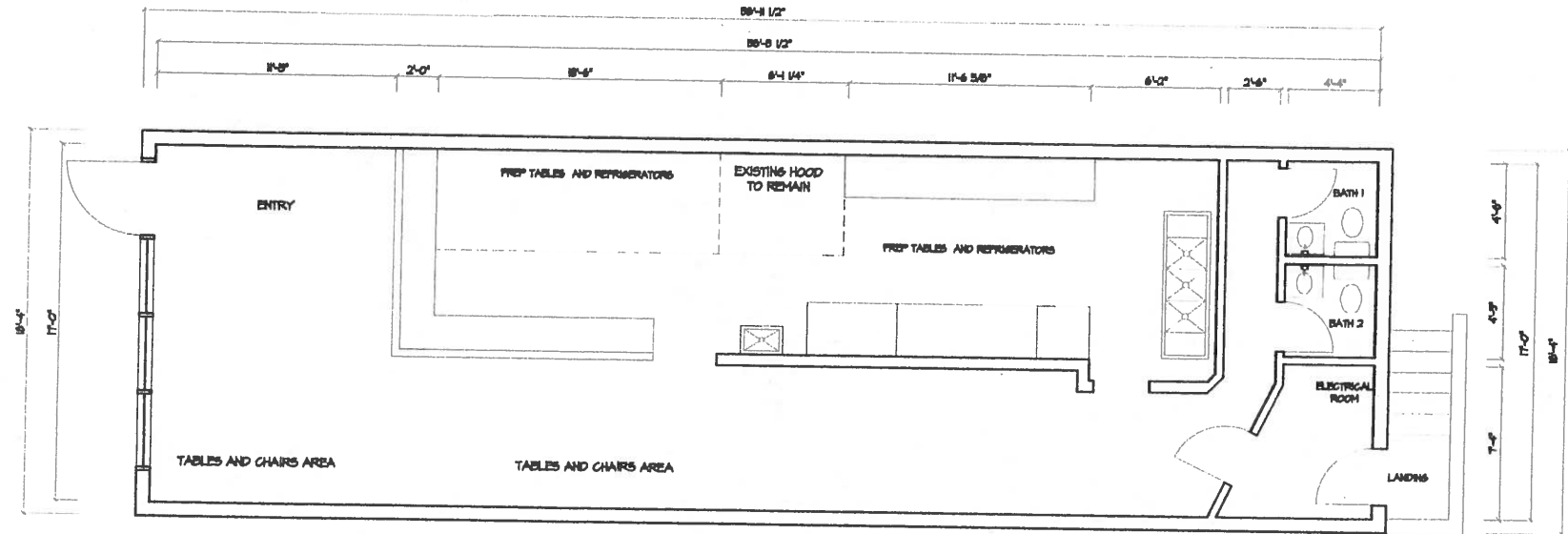
PAGE 2 OF 2

"As-Built" dimensions and areas may vary from those shown. The linear dimensions shown indicate approximate distances. Site plan is taken from the City of Alexandria GIS data.

3410 MT VERNON AVE

RUST | ORLING
ARCHITECTURE

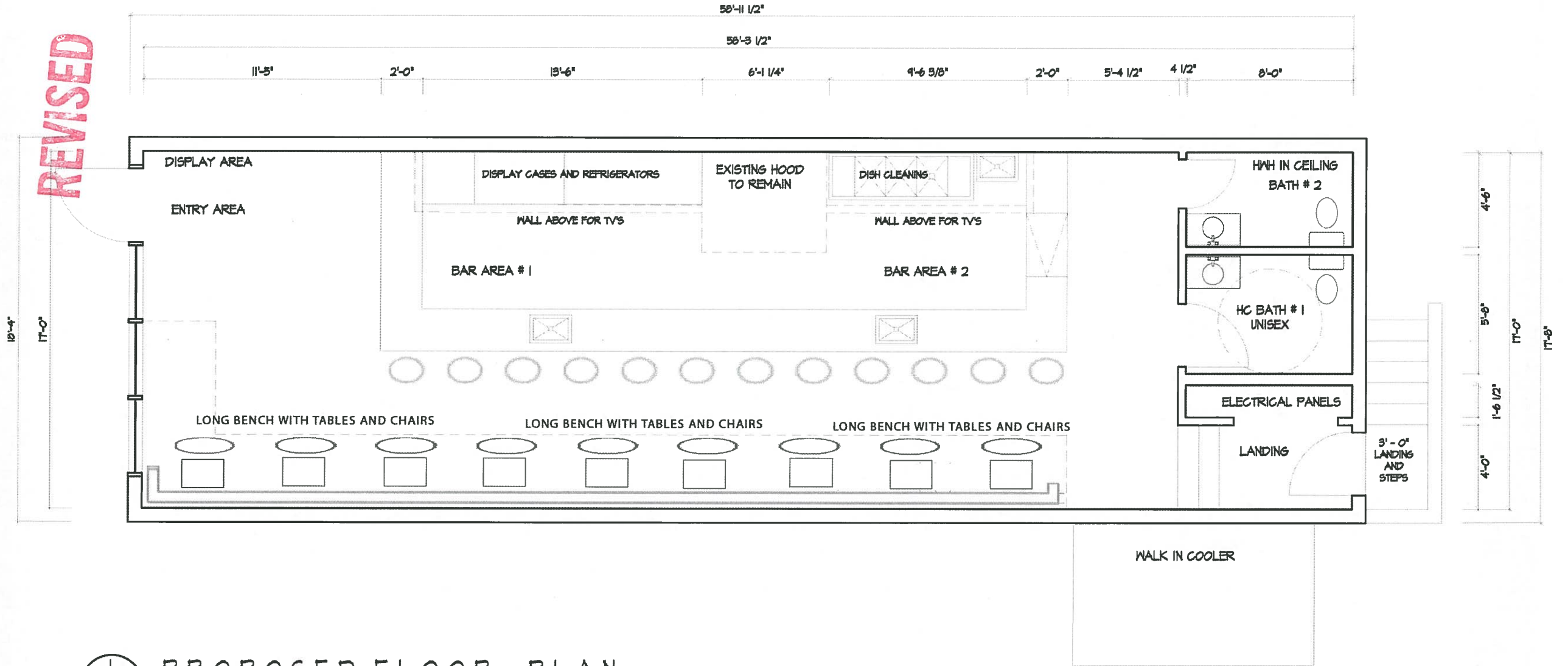
SURF + SURF



EXISTING FLOOR PLAN

SCALE 1/4" = 1'-0"

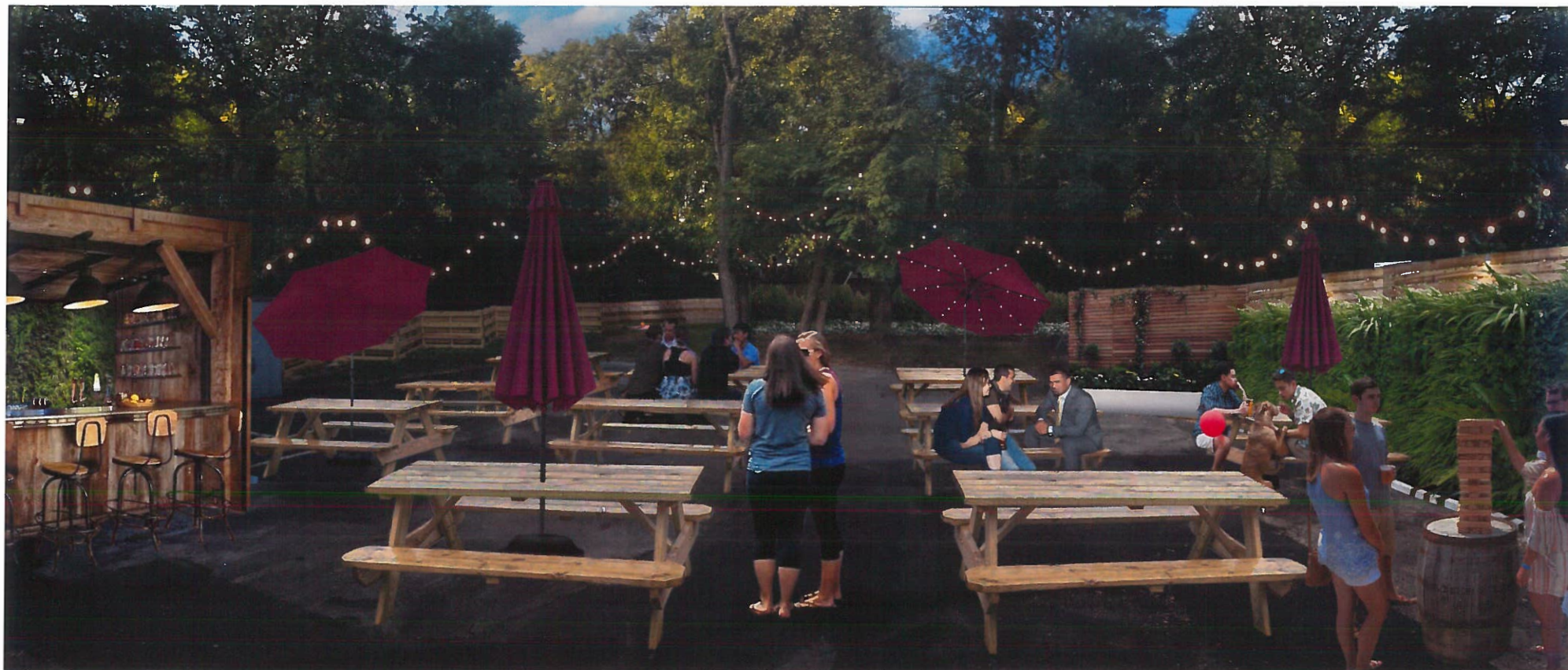
REVISED



1
A2

PROPOSED FLOOR PLAN

SCALE 1/4" = 1'-0"



From: Karl Moritz
Sent: Tuesday, September 05, 2017 2:47 PM
To: Kristen Walentisch
Cc: Ann Horowitz; Madeleine Sims
Subject: Fwd: Concerns with 3410 Mt Vernon SUP

Follow Up Flag: Follow up
Flag Status: Flagged

For the Planning Commission.

Sent from my iPhone

Begin forwarded message:

From: Meagan Donlea <meagan.donlea@gmail.com>
Date: September 5, 2017 at 2:32:12 PM EDT
To: Madeleine.Sims@alexandriava.gov, Ann.Horowitz@alexandriava.gov,
Karl.Moritz@alexandriava.gov
Subject: Concerns with 3410 Mt Vernon SUP

Good afternoon,

My neighbor, Chris Kinard, wrote a thorough email detailing our neighborhood's concerns with the proposed beer garden at 3410 Mount Vernon Avenue. As a resident of 132 Sanborn Place and a new mother of a 10-month old baby, I urge you to consider the negative impact of having a beer garden in such close proximity to our homes.

I agree with everything stated in my neighbors' emails. My husband and I are especially concerned with the safety and noise level issues raised by having 40 people drinking late into the night in what is basically our front yard. On a personal note, we are new parents and sleep is precious these days. We are especially worried about anything that could jeopardize our well-being and sense of security.

The Special Use Permit application describes a loud, alcohol-focused outdoor bar open until 2am 7 days a week located just steps away from a neighborhood full of young families (unfortunately, the word 'steps' is not an exaggeration. The photos Chris attached to his email illustrate just how close this place is to our homes). If the SUP is granted, it would decrease our privacy, sense of security, and overall well being (sleep is vital). Please consider these factors when you review the SUP.

Thank you for your consideration,
Meagan Donlea
132 Sanborn Pl

From: Madeleine Sims
Sent: Monday, September 11, 2017 8:13 AM
To: Kristen Walentisch
Subject: Fw: Senor Chicken, 3410 Mount Vernon Ave

For the October planning commission

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

From: Leslie Klein Harris <leslie.klein@gmail.com>
Sent: Sunday, September 10, 2017 3:07 PM
To: Madeleine Sims; Karl Moritz
Cc: Steve Harris
Subject: Senor Chicken, 3410 Mount Vernon Ave

Ms Sims and Mr Moritz,

We are writing in opposition to the Special Use Permit for the redevelopment of Señor Chicken into "The Secret Garden," located at 3410 Mount Vernon Ave. While we are huge proponents of local businesses and the business plans for the restaurant could be a great benefit for the community, the physical plans and operating hours are problematic. Specially, the SUP requests extending business hours until 2 am, adding live entertainment, and building out the facility via outdoor seating into the parking lot behind the building -- all of which nearly ensures the nature of our quiet residential street, located just a fence away from this proposed outdoor space, will be compromised.

Other businesses in the neighborhood have outdoor spaces, but are in the front of their facilities. Further, other businesses mostly close down by 10 pm. By developing outdoor space behind this proposed business with the potential of staying open until 2 am, we fear our quiet street will be unable to avoid the late night noise that accompanies venues with outdoor spaces and live entertainment.

Thank you for your consideration,

Leslie Klein and Stephen Harris
120 Sanborn Place

To: Madeleine Sims
Subject: RE: SUP: 3410 Mt Vernon Ave

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

From: SUSAN SCHMIDT <susanmschmidt@comcast.net>
To: Ann.Horowitz@alexandriava.gov
Date: September 2, 2017 at 7:26 AM
Subject: SUP: 3410 Mt Vernon Ave

I am submitting the following observations and comments regarding the SUP that the Council will review on Sept 12 for 3410 Mt. Vernon Avenue. The location already is used as a restaurant, so a new type of restaurant would seem a reasonable change.

However, the SUP seems to request permissions that seem inconsistent with other SUPs for restaurants in Del Ray. Thus, it would seem that additional conditions on the SUP, if granted, would be appropriate. Below I highlight some of the key issues that would seem to lead to potential lack of clarity on what the SUP would authorize or would seem inconsistent with other SUPs for similar establishments.

Seating for Beer Garden/Outdoor Patio

-Other Del Ray restaurants (and the summer "beer garden" near Evening Star) have seating that faces Mt. Vernon Avenue. The SUP proposes to have the seating in back, directly facing a residential neighborhood. It would seem consistent with other SUPs in Del Ray to require that the seating be in front of the restaurant, facing the Avenue.

-That approach would seem feasible, as the restaurant could put its parking behind the current Sr. Chicken and the tables in front (as parking spots will be lost in any event in the creation of the new establishment).

Hours

-The hours of operation are to 2 AM, 7 days a week. It would seem consistent with other SUPs to require that the outdoor tables be emptied by 10 PM.

Garbage

-The SUP says 1 dumpster will be filled every 2 weeks (Item 9), though it also says garbage will be collected everyday. Are the garbage removal contracts reviewed as part of the SUP process as 1 dumpster every two weeks for a restaurant that seats up to 75 people seems a low estimate?

-The SUP indicates that the only type of trash will be "food waste." It would seem that recycling waste also will be generated -bottles, cans, plastic cups. Is that contract also reviewed as part of the SUP process?

Live Music/Entertainment/General Noise

-The SUP says that the noise level will be "Very Minimal" and it will have "limited live entertainment during early business hours." It would seem appropriate to define "early business hours" as part of any SUP.

-The SUP indicates that entertainment is contemplated. Can the SUP limit the type of entertainment - solo vocal or instrument, rather than groups with amps, etc.? This would be especially relevant if the live entertainment/music is outdoors, and not only indoors. That would seem consistent with the assurance in the SUP application that the noise will be "very minimal."

-To control noise, the SUP says that the beer garden will "monitor the noise to make sure we are not disturbing our neighbors." (Item 7) That doesn't seem to "control" noise, potentially sets up a conflict with others in the neighborhood over what could be considered "disturbing," and - in any event - fails to define what is the obligation to mitigate noise and what steps will be taken. It would seem appropriate to include criteria/steps to control such additional noise. One step is noted above, which is to require tables face Mt. Vernon Avenue and not be allowed to be placed behind the restaurant - abutting the fence which divides the beer garden from the residential neighborhood directly behind it. Another measure could be to limit the hours of outdoor service/entertainment. Other options would include to require additional soundproofing either in the 3410 building itself and/or by requiring the SUP applicant to make the fence between Mount Vernon Court higher so sound (at least) will be directed up?

Parking

-Adequate parking is important as the location is not easily accessible by metro (and a recent announcement indicated that the new metro stop will not be ready before 2021, and which in any event is about a mile away). Otherwise parking is limited in the surrounding neighborhood.

-The SUP indicates that the shopping center has additional parking; will the review of the SUP include review of the provisions of any agreement between the site and the shopping center management to confirm it can use the additional spaces? (Item 8)? If not, could the SUP applicant be required to demonstrate that it has secured additional, off-street public parking (such as across West Glebe, which has a big lot and doesn't ever seem full?)

Thank you for consideration of these issues during the SUP process.

Susan Schmidt
112 Sanborn Place
Alexandria, VA

To: Madeleine Sims
Subject: RE: SUP for 3410 Mount Vernon Ave -- Beer Garden

From: Al Havinga <al.havinga@gmail.com>
Sent: Saturday, September 9, 2017 11:47 AM
To: Madeleine Sims; Alex Dambach
Cc: Chris Kinard
Subject: SUP for 3410 Mount Vernon Ave -- Beer Garden

Dear Madeleine: The Board of the Mount Vernon Court Community Association (MVCCA) adopts in full and concurs with the comments submitted by Chris Kinard, a resident of the Association. MVCCA is a 30 unit townhouse community located immediately behind the proposed beer garden at the north end of Sanborn Place. MVCCA was developed in the mid to late 1990's and has subsequently seen significant improvement on Mt Vernon Ave. and the surrounding areas. The proposed SUP (SUP 2017-0091) would be harmful to retaining the residential character of the neighborhood and be a step back from many of the positive developments which have occurred and are occurring in North DelRay.

The Association believes that the request for a beer garden would have a negative effect upon the residents of our Association due to noise, hours of operation, and parking. The proposed beer garden backs right up to MVCCA with no buffer. Parking is already at a premium during the day and evening at the Senor Chicken shopping center. Admitting in the application that there is plenty of parking in area shopping centers and the neighborhood pushes the parking limitations from this applicant to the neighborhood. We believe this is a poor response by the applicant to an ongoing issue in the North DelRay neighborhood.

MVCCA also notes that the proposed beer garden would be in the rear of the shopping center. One of the reasons that the Mt Vernon Ave "main street" in DelRay is vibrant is that outdoor restaurant seating faces the Avenue. This application would go against one of the primary reasons that has made DelRay healthy and the Mt. Vernon area lively. 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.

Thank you for your consideration.

Al Havinga, President
MVCCA
104 Sanborn Place
703-683-1958 (h)

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 area 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 do 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-centric bar 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

To: Ann Horowitz
Subject: RE: SUP 2017-0091 and SUP 2017-0082 Opposition Response

Begin forwarded message:

From: "Vjosa Dreshaj" <vjosa.dreshaj@gmail.com>
To: "Madeleine Sims" <Madeleine.Sims@alexandriava.gov>, "Ann Horowitz" <ann.horowitz@alexandriava.gov>, "Karl Moritz" <Karl.Moritz@alexandriava.gov>, "Alex Dambach" <alex.dambach@alexandriava.gov>
Subject: SUP 2017-0091 and SUP 2017-0082 Opposition Response

Dear Del Ray Citizens Association Land Use Committee,

We are homeowners in the Mount Vernon Court Community located behind Rosemont Landscaping and Senor Chicken and we are writing in opposition to the following two SUP submissions:

1. SUP 2017-0091 Beer Garden and,
2. SUP 2017-0082 Rosemont Landscaping.

We are strongly opposed to both of the SUPs as we believe they would negatively impact our Mt. Vernon neighborhood and the Del Ray community in general.

About four years ago we moved to Del Ray, Alexandria from a neighborhood in southern Maryland on the recommendation that this was a very family and especially kid friendly community.

The new neighborhood in Del Ray delivered in everything it promised: excellent community, a lot of activities/playgrounds for family outings, protection of traditional retailers, and well planned development. In other words, Del Ray continues to be an exceptional island in Northern Virginia's ever changing landscape.

However, as Del Ray continues to develop and evolve we need to be mindful and not lose the appeal this community has had for years. To that end, several new initiatives – in particular the two listed above – could be very problematic for our community and Del Ray writ large. The unabated noise, high traffic frequency with inappropriate parking space, and unsafe use of large equipment, are all inappropriate uses for residential areas.

First, Rosemont Landscaping is an immense noise and safety offender in our neighborhood. Their daily routine produces so much noise in our community it is unbearable. There is not one day when there is no loud noise in the neighborhood. The Rosemont workers clean and prime all kinds of equipment at all times of the day. Our children have been awoken from their sleep many times from the loud noise. They start very early (sometimes even 6:30 in the morning) and don't end until 7PM or later. We don't enjoy outdoor playing anymore because it is always noisy and unsafe. The multitude of Rosemont trucks parked on Mt. Vernon Street (already an unsafe traffic

zone) is loading the residential streets with traffic they are not equipped to handle. There is a big metal container that holds equipment covered with a plastic cover held by bricks on the side (**see attached photo**). Many of our neighborhood children play on the street very close to the unsafe make-shift storage container and we are afraid the bricks could accidentally fall on the children causing severe injuries. The safety of our children should be a concern to us all, Rosemont Landscaping included. Rosemont Landscaping, while a great business, has grown outside the limits of its space and zoning.

Second, a SUP for Beer Garden would bring inappropriate development on the back gate of our community. A Beer Garden type restaurant would increase vehicle traffic for an area that is already overcrowded and does not have appropriate parking. It would increase foot traffic of possibly drunk clientele in an area heavily populated with families with small children. We already have trouble with trespassers, robberies, and drinking crowds by our back gate, the addition of Beer Garden will only increase these events for our neighborhood. High traffic density and Beer Garden clientele could potentially increase the number of accidents. About a year ago, a passenger was hit and killed at that exact location. The Beer Garden music concerts would also produce more noise in the late hours of the day to a neighborhood that already has noise all throughout the day. Our neighborhood would then be subject to noise from early morning well into midnight. Noise pollution is a health hazard and should be a concern to the Del Ray community.

For all the above reasons we strongly oppose the SUP for Rosemont Landscaping the SUP for Beer Garden. Our family is not against development in Del Ray but we believe appropriate development is best for the ecosystem of the neighborhood.

Sincerely,

Vjosa Dreshaj

Yll Bajraktari

122 Sanborn Pl







From: Ann Horowitz
Sent: Monday, September 11, 2017 6:26 PM
To: Kristen Walentisch
Subject: FW: Opposition to SUP Proposals Near Mount Vernon Court

From: Danielle Harms [<mailto:danikulta@gmail.com>]
Sent: Monday, September 11, 2017 6:26 PM
To: Ann Horowitz
Subject: Fwd: Opposition to SUP Proposals Near Mount Vernon Court

Sent from my iPhone

Begin forwarded message:

From: Danielle Harms <danikulta@gmail.com>
Date: September 11, 2017 at 6:23:34 PM EDT
To: madeleine.sims@alexandriava.gov, karl.moritz@alexandriava.gov
Subject: Opposition to SUP Proposals Near Mount Vernon Court

Dear Del Ray Citizens Association Land Use Committee,

I have been the homeowner of 138 Sanborn Place located in the Mount Vernon Court Community immediately behind Rosemont Landscaping and [Senor Chicken](#) since August 2008. I am writing to strongly oppose the following two SUP submissions:

1. SUP [2017-0091](#) Beer Garden
2. SUP [2017-0082](#) Rosemont Landscaping.

My property is located immediately behind the proposed beer garden, such that anyone sitting in the proposed beer garden location will be able to look directly into my living room and front bedroom windows. I am especially opposed to this location having any kind of outdoor area located behind the building, or music that would be permitted at all outside or inside during normal operating hours. An outdoor area in front of the building would also cause unnecessary disturbances to our neighborhood.

In my home, we can already hear every regular level conversation verbatim as it is when employees from Popeyes or Senor Chicken or other businesses go out to dump trash or people walk behind the stores and talk on their phones. When the garbage truck comes to empty the dumpsters [at 4:00am](#) it regularly wakes everyone up. And that is 1-2 people, doing very regular things. Live music, or outdoor seating of any type, especially in the back, would increase that noise tenfold and should be denied, full stop. We already have more than our share of noise coming from the Mt. Vernon side of the street, AND our properties also border a loud park on

the opposite side of our houses. As a member of the Service who frequently works from home or works shifts and needs to sleep during the day, the noise in this location is already unbearable. Adding more noise will make living here impossible. I would like to enjoy some semblance of privacy in my home both during the day and night.

Also, although I am sure the clientele of the establishment would be fine people, having any outdoor seating area behind Senor Chicken opens our community to increased hassle in terms of the number of people who will be transiting through -- and the fact that it is basically in my front yard! As the victim of a significant robbery on January, 5 2011 from three individuals who snuck into our property from the Senor Chicken area and over our back community gate, I certainly hope that the committee is considering how vulnerable to crime this proposal would make our community. Can Alexandria guarantee an increased police presence for our neighborhood? We'll need it if this passes. I doubt Del Ray wants its crime statistics to rise.

I also oppose the proposal regarding Rosemont Landscaping. Rosemont Landscaping is an immense noise and safety offender in our neighborhood. Their daily routine produces so much noise in our community it is horribly offensive. There is not one day when we don't hear loud noises from their location and suffer as we hear their trucks beeping as they back up and move all day long. Our community is comprised of families with young children - having the dirt and noise from Rosemont is unsafe for our community.

I love Del Ray and I am proud to live here. It was the only neighborhood I even considered when I moved out of the District in 2008. That said, I am terribly disappointed that the committee would even entertain these proposals. Having growth on the Avenue is great, but there are plenty of other open properties in the immediate area that do not impose on peoples' enjoyment of their homes.

I will unfortunately not be able to attend tomorrow's meeting because I have a work conflict, but I would be there to fiercely advocate against these proposals if I could. As you listen to the arguments from both sides tomorrow, you'll do so without the sounds of landscaping trucks, dumpsters banging, live music and drunken patrons interfering. I hope those of us who live in the Mount Vernon Court Community can be as fortunate.

Sincerely,

Danielle A. Harms, Esq.

138 Sanborn Place

To: Madeleine Sims
Subject: RE: Opposition to SUP Proposals Near Mount Vernon Court

From: Danielle Harms <danikulta@gmail.com>
Sent: Monday, September 11, 2017 6:23:34 PM
To: Madeleine Sims; Karl Moritz
Subject: Opposition to SUP Proposals Near Mount Vernon Court

Dear Del Ray Citizens Association Land Use Committee,

I have been the homeowner of 138 Sanborn Place located in the Mount Vernon Court Community immediately behind Rosemont Landscaping and [Senor Chicken](#) since August 2008. I am writing to strongly oppose the following two SUP submissions:

1. SUP [2017-0091](#) Beer Garden
2. SUP [2017-0082](#) Rosemont Landscaping.

My property is located immediately behind the proposed beer garden, such that anyone sitting in the proposed beer garden location will be able to look directly into my living room and front bedroom windows. I am especially opposed to this location having any kind of outdoor area located behind the building, or music that would be permitted at all outside or inside during normal operating hours. An outdoor area in front of the building would also cause unnecessary disturbances to our neighborhood.

In my home, we can already hear every regular level conversation verbatim as it is when employees from Popeyes or Senor Chicken or other businesses go out to dump trash or people walk behind the stores and talk on their phones. When the garbage truck comes to empty the dumpsters [at 4:00am](#) it regularly wakes everyone up. And that is 1-2 people, doing very regular things. Live music, or outdoor seating of any type, especially in the back, would increase that noise tenfold and should be denied, full stop. We already have more than our share of noise coming from the Mt. Vernon side of the street, AND our properties also border a loud park on the opposite side of our houses. As a member of the Service who frequently works from home or works shifts and needs to sleep during the day, the noise in this location is already unbearable. Adding more noise will make living here impossible. I would like to enjoy some semblance of privacy in my home both during the day and night.

Also, although I am sure the clientele of the establishment would be fine people, having any outdoor seating area behind Senor Chicken opens our community to increased hassle in terms of the number of people who will be transiting through -- and the fact that it is basically in my front yard! As the victim of a significant robbery on January, 5 2011 from three individuals who snuck into our property from the Senor Chicken area and over our back community gate, I certainly hope that the committee is considering how vulnerable to crime this proposal would make our community. Can Alexandria guarantee an increased police presence for our neighborhood? We'll need it if this passes. I doubt Del Ray wants its crime statistics to rise.

I also oppose the proposal regarding Rosemont Landscaping. Rosemont Landscaping is an immense noise and safety offender in our neighborhood. Their daily routine produces so much noise in our community it is horribly offensive. There is not one day when we don't hear loud noises from their location and suffer as we hear their

trucks beeping as they back up and move all day long. Our community is comprised of families with young children - having the dirt and noise from Rosemont is unsafe for our community.

I love Del Ray and I am proud to live here. It was the only neighborhood I even considered when I moved out of the District in 2008. That said, I am terribly disappointed that the committee would even entertain these proposals. Having growth on the Avenue is great, but there are plenty of other open properties in the immediate area that do not impose on peoples' enjoyment of their homes.

I will unfortunately not be able to attend tomorrow's meeting because I have a work conflict, but I would be there to fiercely advocate against these proposals if I could. As you listen to the arguments from both sides tomorrow, you'll do so without the sounds of landscaping trucks, dumpsters banging, live music and drunken patrons interfering. I hope those of us who live in the Mount Vernon Court Community can be as fortunate.

Sincerely,

Danielle A. Harms, Esq.

138 Sanborn Place

To: Madeleine Sims
Subject: RE: SUP for 3410 Mount Vernon Ave

From: Mike Romano <mromano@gmail.com>
Sent: Tuesday, September 12, 2017 9:30 PM
To: Madeleine Sims; Karl Moritz; Al Havinga
Subject: SUP for 3410 Mount Vernon Ave

Dear Madeline and Karl,

I am writing to you in response to the application by Abe Hadjiesmaeiloo, owner of Senor Chicken, for a Special Use Permit to turn his restaurant located at 3410 Mount Vernon Avenue into a beer garden called "The Secret Garden." My wife and I live in Mount Vernon Court, at 3294 Mount Vernon Avenue. Although I completely approve of developments and improvements that fit the zoning for our neighborhood, I believe that granting this Special Use Permit would have a negative impact on our quality of life and property values.

My wife and I were present at the Del Rey Citizens Association meeting this evening, and had an opportunity to listen to the owners. They did an excellent job marketing The Secret Garden, but based on the SUP and that presentation, I could tell that they were trying to sell to us, and were telling the community what we want to hear. I saw this as we talked about their desire to keep the restaurant open until 2 a.m. every day. Initially, they claimed that they anticipated very little business during late hours, but one of the members of our community pointed out how little sense it makes to keep a restaurant open and pay overhead while not serving customers. Eventually, the owners told us that they have a market for selling food and drinks to the staff at all of the other restaurants in the area which close between about 10 p.m. and 12 a.m. Of course they will try to maximize profits, but this example showed me that we can't take their assurances at face value.

In reviewing their SUP, noise is my primary concern. The owners claim that noise will be "very minimal, human vocal noise, limited live entertainment during early business hours." Successful bars and restaurants don't generally have "very minimal" noise: people talk more loudly when they drink, and they talk more loudly when they have to talk over others, next to them, who are drinking. Live music will only increase the noise level. At the meeting, the owners claimed that music would *mostly* be indoors, but were not willing to commit that it would be entirely indoors. They also claimed that any outdoor music would be acoustic without amplification, as Alexandria requires. They even seemed to suggest that music would be acoustic and without amplification when played indoors. Indoors or outdoors, their claim makes no sense. Even at small venues and with small crowds, amplification is necessary for musicians to be heard. A musician playing guitar outdoors without amplification, for a crowd of people talking and drinking, might as well not be playing at all. Of course the music will be amplified, and you should demand proof of any claim to the contrary.

You should also be skeptical of the SUP's claim that "we will monitor the noise to make sure we are not disturbing our neighbors." Bars and restaurants do not make money by shushing their customers. Essentially, The Secret Garden would wait for us to complain, and then, maybe, take action. I say "maybe" because, once operations are underway, it would be hard for us to seek recourse.

My neighbors and I are very concerned about the effects of this SUP, if granted. I hope you will carefully consider these factors and, ultimately, that you deny the SUP, at least in its current form. While renovation of the restaurant would be wonderful, and their concept sounds good, outdoor seating and live, outdoor music in the rear of the restaurant (which will require amplification) would be a nuisance to the neighborhood.

Sincerely,

Mike Romano

From: David Daly <david.daly@hushmail.com>
Sent: Sunday, October 15, 2017 11:57 PM
To: Kristen Walentisch
Subject: Comment Letter on SUP2017-0091 3410 Mount Vernon Ave
Attachments: SUP2017-0091 Application Materials.pdf

Ms. Walentisch:

Further to the email chain below, and in the event it features on the November Planning Commission docket, I am writing to express my concern with Special Use Permit application #2117-A (attached) for the "Secret Garden" restaurant and beer garden proposed for 3410 Mt. Vernon Ave. I am a home owner with property that backs up to the area of the proposed re-development of this, the former "Señor Chicken" restaurant site. While I strongly support re-development of this area, I am worried that the proposal for late night drinking and music will exacerbate the problems in this area.

Specifically, the footpath connecting Landover St. and W. Glebe Ave. --running between the Food Star grocery and the "El Paisa" store/restaurant-- is already a mess. It is regularly strewn with litter and features listless men sitting on milk crates and abandoned chairs drinking alcohol, smoking, littering, hassling passersby and making noise in an area for which neither the city nor area businesses seem to take responsibility. The parking lot around the adjoining 7-Eleven store is also a magnet for litter, public drinking, and seemingly drug dealing. The refuse dumpsters in and around this small strip shopping center are regularly overflowing, attracting rats. In short, this area desperately needs re-development but re-development as proposed in Special Use Permit application #2117-A for a beer garden that is open to 2am with live music and outdoor seating is apt to exacerbate these problems of public drunkenness, litter, noise, and other such problematic activity on the edge of the adjoining neighborhoods of Warwick Village and Del Ray.

I encourage the Planning Commission to work with the property owner and applicant to review options for refining the application and reconceptualizing the development. At a minimum, I would ask the city to limit the hours of any sort of live or recorded music this close to residential housing, or else mandate that venue doors be kept closed and that there be no music in the proposed outdoor seating area. I would also ask the city to review enforcement of any applicable public drinking/open container ordinances in the area around the venue.

Thanks for your consideration.

Cordially,

David Daly
Tennessee Ave., Warwick Village

On 10/3/2017 at 9:12 PM, warwick@nym.hush.com wrote:
thanks for the information.

On 10/3/2017 at 8:19 AM, "Madeleine Sims" <Madeleine.Sims@alexandriava.gov> wrote:

Mr. Daly,

The Special Use Permit request for 3410 Mount Vernon has been deferred by the applicant to the November hearings. The applicant planned to work with neighbors in Del Ray to address concerns relating to his application. The Planning Commission will convene on November 9, 2017 at 7 p.m., in City Council chambers to discuss SUP requests. In the meantime you can submit letters outlining your comments or concerns to staff to be included in the materials that are sent to the Planning Commission. If you would like to send a letter, please email a copy to Kristen Walentisch, kristen.walentishc@alexandriava.gov.

If the application is deferred again, I will let you know of the new hearing date. If you have any additional questions 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

From: Karl Moritz
Sent: Tuesday, September 05, 2017 2:47 PM
To: Kristen Walentisch
Cc: Ann Horowitz; Madeleine Sims
Subject: Fwd: Concerns with 3410 Mt Vernon SUP

Follow Up Flag: Follow up
Flag Status: Flagged

For the Planning Commission.

Sent from my iPhone

Begin forwarded message:

From: Meagan Donlea <meagan.donlea@gmail.com>
Date: September 5, 2017 at 2:32:12 PM EDT
To: Madeleine.Sims@alexandriava.gov, Ann.Horowitz@alexandriava.gov,
Karl.Moritz@alexandriava.gov
Subject: Concerns with 3410 Mt Vernon SUP

Good afternoon,

My neighbor, Chris Kinard, wrote a thorough email detailing our neighborhood's concerns with the proposed beer garden at 3410 Mount Vernon Avenue. As a resident of 132 Sanborn Place and a new mother of a 10-month old baby, I urge you to consider the negative impact of having a beer garden in such close proximity to our homes.

I agree with everything stated in my neighbors' emails. My husband and I are especially concerned with the safety and noise level issues raised by having 40 people drinking late into the night in what is basically our front yard. On a personal note, we are new parents and sleep is precious these days. We are especially worried about anything that could jeopardize our well-being and sense of security.

The Special Use Permit application describes a loud, alcohol-focused outdoor bar open until 2am 7 days a week located just steps away from a neighborhood full of young families (unfortunately, the word 'steps' is not an exaggeration. The photos Chris attached to his email illustrate just how close this place is to our homes). If the SUP is granted, it would decrease our privacy, sense of security, and overall well being (sleep is vital). Please consider these factors when you review the SUP.

Thank you for your consideration,
Meagan Donlea
132 Sanborn Pl

From: Madeleine Sims
Sent: Tuesday, December 19, 2017 12:58 PM
To: Kristen Walentisch
Subject: Fw: SUP Application - 3410 Mt. Vernon Avenue

For February PC.

Thank you Krissy!

Madeleine

From: SUSAN SCHMIDT <susanmschmidt@comcast.net>
Sent: Monday, December 18, 2017 7:21 PM
To: Madeleine Sims
Subject: SUP Application - 3410 Mt. Vernon Avenue

Dear Ms. Sims:

I understand that the applicant for a SUP to develop a beer garden behind his current restaurant Señor Chicken (3410 Mt. Vernon Avenue) has been in discussions with the City about how to develop an approvable permit. I also understand you are the point person for this SUP application, thus I provide the following observations and comments on the revised SUP application and ask you to distribute them, as appropriate. Many of these comments apply equally to the prior SUP application, as changes in the revised SUP application appear mainly cosmetic and/or illusory.

- Inconsistency with other restaurants

As I walk down Mt. Vernon Avenue, I note the outdoor restaurant seating faces the Avenue. I do not see restaurants that have outdoor seating that directly abuts proximate residential property/communities. Any expansion of Señor Chicken's outdoor seating should also face Mt. Vernon Avenue.

- Modification of Permit Application Requirements - Parking

Both the original SUP and the revised SUP applications have a blank area in the the Supplemental Application form, item #5, which requires the applicant to submit a Parking Management Plan. Is this SUP for some reason exempt from the obligation even though it meets the requirement because of the proposed reduction in the number of parking spaces? The online version of the Supplemental Application form says "If the requested reduction is for more than five parking spaces, the applicant must submit a Parking Management Plan ...". However, in the original and supplemental SUP application, that language seems to have disappeared, replaced by a blank space on the application(s) where "Parking Management Plan" language (obligation) is on the online form. Has the City's form changed?

(<https://www.alexandriava.gov/uploadedFiles/planning/info/forms/SUPparkingreductionsupplementalappform.pdf>).

#6 - Even if the SUP applicant is not required to submit a Parking Management Plan for the proposed reduction from 10 parking spaces, the burden seems to be on the Applicant to demonstrate a reduction in parking will not have a negative impact on the surrounding neighborhood. The SUP asserts it will not, without solid evidence supporting that assertion and with other inconsistent statements.

Additional parking-related SUP inconsistencies, ambiguities, and statements unsupported by factual information include:

- the SUP application never indicates how many parking spaces Señor Chicken today is entitled to (unless that is the Supplemental #1, which seems to be 10, but from which the SUP application requests a reduction of 6 - to leave only 4).
- #4 - the SUP application indicates "no", which I read to mean saying that the proposed reduction in parking spaces will not reduce the number of spaces below the existing number.
- #14B - the SUP application states that parking is off-site, will be in the shopping center, and the shopping center has parking spots.
- #5B - The SUP application states there is parking on the streets in the neighborhood.
- Additional Supplement #3: "The lack of adequate parking spots in our center" means the SUP applicant cannot provide the required parking.
- The SUP Supplemental indicates that the addition will be less than 20 additional cars, with no evidence to support that.
- Similarly, the SUP application says that most the applicant expects clients to use ride shares, taxis and other means to get home "to avoid breaking the law." It then says that most of the patrons will be walking distance to their home residences. It would seem inconsistent to be both.
- The SUP application claims that people are expected to come by foot, not in cars, but provides no evidence or independent authority to support that claim.
- #12: The SUP application states that the shopping center parking lot is "constantly monitored". Has the City confirmed that? If so, then why all the empty liquor bottles, broken glass, etc. today around the edges of the parking lot?

- Revised SUP application modifies the originally proposed occupancy number, but not design that contemplates the original, larger occupancy plan. It proposes outdoor seating for the beer garden of 30 seats, not 40 seats (see #18), but that is the only change.

— The proposed seating design submitted with the SUP application for the beer garden remains as proposed for 40 seats. The Secret Garden proposed outdoor seating plans submitted with the SUP application do not seem to have changed from the original SUP application, thus still contemplates a beer garden configured to accommodate 40 seats.

— #5A still says up to 75 patrons are planned, even though the revised SUP application reduces the outdoor seating by 10 seats.

— The Supplemental SUP section seems to indicate a possible total of 85 patrons. (page 3)

— The SUP does not explain how the change would be implemented, monitored, or enforced - especially as the original capacity for 40 remains the baseline for all of the planning documents submitted by the SUP applicant.

- Hours of Operation

#6 describes the hours of indoor/outdoor operation. It would seem odd for Señor Chicken's new beer garden to close down the outdoor patio at 6 PM on Friday and Saturday, but leave it open until 9 PM Sunday to Thursday. (Perhaps I am misreading the hours.)

Other specific inconsistencies/doubts/concerns based on the SUP include:

- #5B (still) has only 3 employees during business hours for a requested occupancy of 75 customers, which would include food preparation staff, and food and beverage services, and to ensure other commitments made in the SUP, such as having "staff" clean trash outside 3 times a day - #see 9D. The Supplemental says it will have a maximum of 4 employees at any one time.
- #7 - Entertainment

---7A: doesn't define "limited live entertainment" or "early business hours"; it notes "very minimal" anticipated noise with the addition of 30 (or more) outdoor patrons and live entertainment within about 15 yards of the townhouses' front doors immediately adjacent to the proposed beer garden.

---7B: The SUP does not respond to the question, that is how noise will be "controlled." The SUP application merely indicates Señor Chicken "will monitor" the noise to make sure it isn't disturbing neighbors. It does not provide a measure for noise disturbance, other than the apparent interpretation of the operator of the premises. That standard is likely to be different than the standard of a resident who now has a beer garden basically in his/her front yard.

#9 - Waste generated

---A: For an occupancy and restaurant/bar service of 75 customers at any given time during the daily 15 hours when the premises is open for business, the SUP application claims that only food waste will be generated. That would mean that the restaurant/bar will have no cans, paper products (e.g., napkins?), plastic cups (they will use only glasses for beverage service in the beer garden and restaurant?), potential broken bottles, etc.

---B: The quantity of waste for up to 75 customers at a time would only be one dumpster every two weeks?

#11: The SUP application indicates no degreasing, but it also indicates the plan is to prepare mainly burgers and sausages.

The SUP application, if it were to be approved, should address these apparent inconsistencies and gaps, so that the City and the surrounding communities can be assured that any project will be consistent with other Mt. Vernon Avenue restaurants and appropriately defined and constructed from the beginning, and not merely lead to years of difficulties after-the-fact because they were not addressed when they needed to be.

Thank you in advance for your consideration of these observations. I also note that I am not one of the residents directly behind the proposed beer garden, but nonetheless I am concerned about the SUP application.

Susan Schmidt
112 Sanborn Place

From: Madeleine Sims
Sent: Thursday, December 21, 2017 8:16 AM
To: Kristen Walentisch
Cc: Ann Horowitz
Subject: Fw: Beer Garden Update

For February PC and CC for 3410 Mount Vernon.

Thank you,
Madeleine

From: Thuan Pham <thuanqpham@hotmail.com>
Sent: Wednesday, December 20, 2017 11:25 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>
Sent: Monday, December 18, 2017 8:56 PM
To: Thuanqpham@hotmail.com
Subject: Fwd: Beer Garden Update

Thuanq -- we hope you can join us.

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

From: **Madeleine Sims** <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>, Alex Dambach <alex.dambach@alexandriava.gov>
Cc: Tim Donlea <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](#)
[703.746.3802](tel:703.746.3802), direct
www.alexandriava.gov
a@gmail.com>, Meagan Donlea <meagan.donlea@gmail.com>, Alex Dambach
<alex.dambach@alexandriava.gov>

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
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**The Winfield Group, Inc.
234 W Broad Street
Falls Church, Virginia 22046
703-760-8990**

December 18, 2017

City of Alexandria
Planning and Zoning Department
301 King Street
Alexandria, Virginia 33314

Subject: Abe Hadjiesmaeiloo - Senor Chicken

To Whom It May Concern:

Mr. Abe Hadjiesmaeiloo, owner of Senor Chicken, has been a tenant of ours and a vital part of the community for the past 25 years.

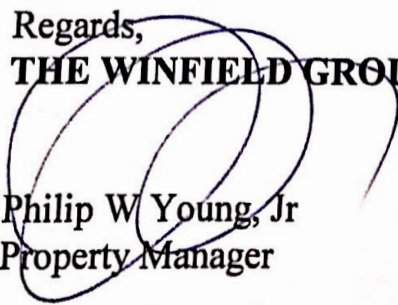
Approximately eight (8) months ago he came to us with an idea to transform his restaurant (Senor Chicken) into a Belgian style café/biergarten. After reviewing the business plan he showed us and visiting his restaurant in Tysons Corners, we believe the new concept will be an asset to the community and bring in a clientele that will benefit our tenants. Further, with this increased activity in the center there is a high probability that the Alexandria should experience an increase in revenue through higher sales and business license tax revenues.

The parking area behind the shopping center has been underutilized with very limited customer and tenant staff parking. Converting it to an outdoor seating area will have no adverse impact on parking in the center.

We believe Mr. Hadjiesmaeiloo's idea to turn the rear parking area into a patio with outdoor seating and improving it by landscaping, replacing the "compound style" chain link fence with a more appealing structure and adding vegetation screening along the perimeter will make the area much more inviting.

If you have any further questions, please feel to call me at 703-760-8990

Regards,
THE WINFIELD GROUP, INC


Philip W. Young, Jr
Property Manager

From: Madeleine Sims
Sent: Friday, December 22, 2017 11:55 AM
To: M K; Ann Horowitz
Cc: Tim Donlea; Al Havinga; Alex Dambach; Kristen Walentisch
Subject: Re: 3410 Mt. Vernon Ave. SUP Meeting Follow-up

Meryl,

Thank you for coming in yesterday and sharing your valuable insights and perspectives on the SUP request. I will call the property owner today to follow up on the concerns you mentioned in your phone call and if he continues to support the application as amended. If you have any questions or additional 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

From: M K <merylkinard@gmail.com>
Sent: Thursday, December 21, 2017 9:07:05 PM
To: Madeleine Sims; Ann Horowitz
Cc: Tim Donlea; Al Havinga; Alex Dambach
Subject: 3410 Mt. Vernon Ave. SUP Meeting Follow-up

Dear Madeleine & Ann,

On behalf of our entire community, thank you for meeting with Al, Tim and me this afternoon to discuss the proposed SUP at 3410 Mount Vernon Avenue. This is vitally important to our neighborhood, and as you heard today from the 7-11 representative, also the surrounding businesses.

I want to summarize a few matters we discussed today:

1. Our community adamantly opposes the use of any space behind the restaurant, for any number of seats, during any hours of the day due to the disturbance to our neighborhood due to excessive noise (both human noise, trash collection/management, potential live entertainment) and lighting, safety concerns, the potential for property violations and damage to the fence maintained by our neighborhood. We strongly believe this position is supported by the other businesses in the Del Ray and Arlandria communities, as all other patio seating is in the front of the restaurants in these communities and is consistent with the City's Master Plan of the Arlandria Neighborhood Area Plan, of which this property is included.

2. If the SUP were to be approved with any component which includes the use of the outdoor area, we are highly concerned about:

(i) The inaccuracy and deceitfulness of the proposed site plans. Including the location of dumpsters, live events (see below), seating (unclear which, if any tables are "crossed" off), access to the backlot, and other improvements to the property (including lighting, fencing, landscaping, or other noise-blocking/limiting improvements).

(ii) Where the live music will be, as the SUP is silent as to inside or outside. Based on our prior communications with Abe, he has said that the music must be outdoors. You both stated today, the music is absolute to be inside, and Abe has agreed to this.

3. We are concerned that the property owner, William Oshinsky, through Oshinsky Arlandria, Inc., signed the original SUP on March 11, 2017, which will be 350 days later by the time of the City Council hearing on the SUP. Additionally, that authorization was for the original SUP and not the revised SUP, including the site plans and other revisions. It seems at a minimum, property owners should be required to sign and authorize all versions of an SUP.

Again, we greatly appreciate your time and attention to this SUP.

We wish you all happy holidays and look forward to a happy 2018!

Best,

Meryl Kinard

From: Madeleine Sims
Sent: Friday, December 22, 2017 2:05 PM
To: Benjamin P. Currier
Cc: Ann Horowitz; Alex Dambach; Kristen Walentisch
Subject: Re: Beer Garden SUP - 3410 Mount Vernon Ave., Alexandria, VA 22305

Mr. Currier,

Thank you for sending in your concerns about this SUP request. We value these comments and concerns as we analyze the request in the coming weeks. We will ensure that your email is included in the packet of materials that will be sent to the Planning Commission and City Council when the staff report is published. As you may know, this request is scheduled to be heard by the Planning Commission on February 6, at 7 pm and by City Council, on February 24 at 9:30 am. In addition to writing comments for inclusion in the materials to be sent to City Council and Planning Commission, each meeting has a public speaking period where members of the public are able to voice their concerns in person. You can sign up to speak in advance online or in person at the meeting. If you have any questions or additional 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

From: Benjamin P. Currier <benjamin.p.currier@gmail.com>
Sent: Friday, December 22, 2017 1:15:35 PM
To: Madeleine Sims
Cc: Ann Horowitz; Alex Dambach
Subject: Beer Garden SUP - 3410 Mount Vernon Ave., Alexandria, VA 22305

Ms. Sims:

Good afternoon. My family and I reside at 136 Sanborn Pl., Alexandria, VA, 22305 in the Mount Vernon Court community. I am writing to express my sincere concerns with the SUP proposal to add a beer garden or other outdoor space allowing the consumption of alcohol and playing of live music in the alleyway behind the business at 3410 Mount Vernon Ave., Alexandria, VA 22305.

My family and I are very concerned about the noise that such a facility would create immediately in front of our residential neighborhood. We understand there is a balance between commercial zones and residential zones in terms of maintaining a healthy larger community. An approval of such a beer garden would create a tremendous imbalance between the business and the community.

At present, our community and family routinely suffers from excessive noise and light pollution coming from the alleyway behind the 7/11 mini-mart and Popeye's restaurant that are adjacent to 3410 Mount Vernon Ave. If approved, the beer garden would undoubtedly exacerbate an existing noise and light problem associated with the businesses that are adjacent to my community. For example, between the hours of 11pm and 12:30am last night (21-22 Dec. 2017), workers at the Popeye's restaurant created a tremendous amount of noise while using a commercial pressure washing system to clean equipment. The pressure washing activity woke my entire family and disrupted our night's sleep. I can only imagine that the sustained playing of live music coupled with the authorization to consume alcohol would be far worse in terms of noise pollution.

I ask that the City seek to maintain balance by disapproving the SUP request for the beer garden. Please let me know whether you have any questions regarding these concerns.

Very respectfully,
Ben

Benjamin P. Currier
mobile: 303-619-3871
benjamin.p.currier@gmail.com

From: M K <merylkinard@gmail.com>
Sent: Friday, January 05, 2018 4:08 PM
To: Madeleine Sims
Cc: Ann Horowitz; Alex Dambach; Kristen Walentisch
Subject: Re: 3410 Mt. Vernon Ave. SUP Meeting Follow-up

Dear Madeleine,

Happy New Year! Hope you enjoyed the holidays.

Al shared your comments (from his inquiry) with me regarding the new position of the property owner, William Oshinsky. I write to express my frustration and disbelief at what he verbally said to me on the phone on December 22 and what he communicated with you is so vastly different. I called him again this afternoon to discuss and it was not a friendly conversation between either of us. I think neither of us truly knows what your report will reflect, but he told me that you said the outdoor seating will end at 10pm - so this sounds like a "go ahead" on your part. He said it's only an "acoustic guitar" and I reminded him there is a distinction between acoustic and electric guitar, but certainly that an acoustic guitar can be amplified by a speaker or other device. He also divulged a long-held grudge for the developers of our neighborhood, claiming some usurping of easement and property rights. It was truly a night-day conversation from our last talk. This certainly is a terrible foot for our neighborhood to start on, and honestly just moving forward as neighbors, regardless of what happens with this SUP. The dishonest and misleading nature of the actors involved with this SUP is frightening.

I'm also disappointed as when we spoke by telephone on December 22nd you said you would follow-up with me after the holidays and you had time to talk with Mr. Oshinsky and the rest of your team. I never heard from you, and again, our neighborhood had to reach out to find out the status.

I know he told you that he now supports this SUP, but he verbally told me he has never seen the SUP nor did he sign it - despite a signature from March of 2017 - which he guessed his property manager signed for him. He did not see the SUP until I emailed it to him on 12/22. He said after your talk, that you would sending him a copy to confirm we were all looking at the same thing and have him sign-off. I think it is still a valid and legitimate concern that this process has been proceeding based on an SUP that the property owner never saw, nor signed until I raised this issue and sent it to him. Again, the shadiness of all of this. It is very upsetting.

I hope all of the inconsistent, misleading and dishonest behavior by these folks is addressed in the report.

Thanks for your consideration.

Meryl Kinard

On Fri, Dec 22, 2017 at 11:54 AM, Madeleine Sims <Madeleine.Sims@alexandriava.gov> wrote:
Meryl,

Thank you for coming in yesterday and sharing your valuable insights and perspectives on the SUP request. I will call the property owner today to follow up on the concerns you mentioned in your phone call and if he continues to support the application as amended. If you have any questions or additional 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

From: M K <merylkinard@gmail.com>
Sent: Thursday, December 21, 2017 9:07:05 PM
To: Madeleine Sims; Ann Horowitz
Cc: Tim Donlea; Al Havinga; Alex Dambach
Subject: [3410 Mt. Vernon Ave.](#) SUP Meeting Follow-up

Dear Madeleine & Ann,

On behalf of our entire community, thank you for meeting with Al, Tim and me this afternoon to discuss the proposed SUP at [3410 Mount Vernon Avenue](#). This is vitally important to our neighborhood, and as you heard today from the 7-11 representative, also the surrounding businesses.

I want to summarize a few matters we discussed today:

1. Our community adamantly opposes the use of any space behind the restaurant, for any number of seats, during any hours of the day due to the disturbance to our neighborhood due to excessive noise (both human noise, trash collection/management, potential live entertainment) and lighting, safety concerns, the potential for property violations and damage to the fence maintained by our neighborhood. We strongly believe this position is supported by the other businesses in the Del Ray and Arlandria communities, as all other patio seating is in the front of the restaurants in these communities and is consistent with the City's Master Plan of the Arlandria Neighborhood Area Plan, of which this property is included.
2. If the SUP were to be approved with any component which includes the use of the outdoor area, we are highly concerned about:
 - (i) The inaccuracy and deceitfulness of the proposed site plans. Including the location of dumpsters, live events (see below), seating (unclear which, if any tables are "crossed" off), access to the backlot, and other improvements to the property (including lighting, fencing, landscaping, or other noise-blocking/limiting improvements).
 - (ii) Where the live music will be, as the SUP is silent as to inside or outside. Based on our prior communications with Abe, he has said that the music must be outdoors. You both stated today, the music is absolute to be inside, and Abe has agreed to this.
3. We are concerned that the property owner, William Oshinsky, through Oshinsky Arlandria, Inc., signed the original SUP on March 11, 2017, which will be 350 days later by the time of the City Council hearing on the

SUP. Additionally, that authorization was for the original SUP and not the revised SUP, including the site plans and other revisions. It seems at a minimum, property owners should be required to sign and authorize all versions of an SUP.

Again, we greatly appreciate your time and attention to this SUP.

We wish you all happy holidays and look forward to a happy 2018!

Best,

Meryl Kinard

From: Madeleine Sims
Sent: Friday, January 05, 2018 4:57 PM
To: M K
Cc: Ann Horowitz; Alex Dambach; Kristen Walentisch; Karl Moritz
Subject: Re: 3410 Mt. Vernon Ave. SUP Meeting Follow-up

Good afternoon,

My apologies for the delay in my response to your concerns from December. After we spoke on the phone, I called the property owner, William Oshinsky, to express the concerns shared about the property owner's signature block and inquire as to whether or not he had seen the revisions. I verbally explained the original proposal, and revisions to give him a brief overview, and scheduled a conference call with him and the property manager after he had a chance to review the revisions in detail. I was only able to connect to the property manager before New Years as Mr. Oshinsky had fallen ill and was unable to make the conference call. I was able to speak to Mr. Oshinsky earlier this week to inquire about his support of the application, and requested that if he continues to support the application to send a letter with a statement of support (or no support) along with his name, signature, date, and status as property owner. It was expressed that he supports the application as revised, and I followed up with an email requesting confirmation via the requested letter.

I understand the difficulties with communicating with multiple parties about an issue, but assure you that staff stances on issues are not divulged until a complete and thorough analysis has been completed. At this point in time, the analysis is not complete and will be published later this month.

If you have any concerns or further questions 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

From: M K <merylkinard@gmail.com>
Sent: Friday, January 5, 2018 4:08:10 PM
To: Madeleine Sims
Cc: Ann Horowitz; Alex Dambach; Kristen Walentisch
Subject: Re: 3410 Mt. Vernon Ave. SUP Meeting Follow-up

Dear Madeleine,

Happy New Year! Hope you enjoyed the holidays.

Al shared your comments (from his inquiry) with me regarding the new position of the property owner, William Oshinsky. I write to express my frustration and disbelief at what he verbally said to me on the phone on December 22 and what he communicated with you is so vastly different. I called him again this afternoon to discuss and it was not a friendly conversation between either of us. I think neither of us truly knows what your report will reflect, but he told me that you said the outdoor seating will end at 10pm - so this sounds like a "go ahead" on your part. He said it's only an "acoustic guitar" and I reminded him there is a distinction between acoustic and electric guitar, but certainly that an acoustic guitar can be amplified by a speaker or other device. He also divulged a long-held grudge for the developers of our neighborhood, claiming some usurping of easement and property rights. It was truly a night-day conversation from our last talk. This certainly is a terrible foot for our neighborhood to start on, and honestly just moving forward as neighbors, regardless of what happens with this SUP. The dishonest and misleading nature of the actors involved with this SUP is frightening.

I'm also disappointed as when we spoke by telephone on December 22nd you said you would follow-up with me after the holidays and you had time to talk with Mr. Oshinsky and the rest of your team. I never heard from you, and again, our neighborhood had to reach out to find out the status.

I know he told you that he now supports this SUP, but he verbally told me he has never seen the SUP nor did he sign it - despite a signature from March of 2017 - which he guessed his property manager signed for him. He did not see the SUP until I emailed it to him on 12/22. He said after your talk, that you would send him a copy to confirm we were all looking at the same thing and have him sign-off. I think it is still a valid and legitimate concern that this process has been proceeding based on an SUP that the property owner never saw, nor signed until I raised this issue and sent it to him. Again, the shadiness of all of this. It is very upsetting.

I hope all of the inconsistent, misleading and dishonest behavior by these folks is addressed in the report.

Thanks for your consideration.

Meryl Kinard

On Fri, Dec 22, 2017 at 11:54 AM, Madeleine Sims <Madeleine.Sims@alexandriava.gov> wrote:
Meryl,

Thank you for coming in yesterday and sharing your valuable insights and perspectives on the SUP request. I will call the property owner today to follow up on the concerns you mentioned in your phone call and if he continues to support the application as amended. If you have any questions or additional 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](tel:703.746.3802), direct

From: M K <merylkinard@gmail.com>
Sent: Thursday, December 21, 2017 9:07:05 PM
To: Madeleine Sims; Ann Horowitz
Cc: Tim Donlea; Al Havinga; Alex Dambach
Subject: [3410 Mt. Vernon Ave.](#) SUP Meeting Follow-up

Dear Madeleine & Ann,

On behalf of our entire community, thank you for meeting with Al, Tim and me this afternoon to discuss the proposed SUP at [3410 Mount Vernon Avenue](#). This is vitally important to our neighborhood, and as you heard today from the 7-11 representative, also the surrounding businesses.

I want to summarize a few matters we discussed today:

1. Our community adamantly opposes the use of any space behind the restaurant, for any number of seats, during any hours of the day due to the disturbance to our neighborhood due to excessive noise (both human noise, trash collection/management, potential live entertainment) and lighting, safety concerns, the potential for property violations and damage to the fence maintained by our neighborhood. We strongly believe this position is supported by the other businesses in the Del Ray and Arlandria communities, as all other patio seating is in the front of the restaurants in these communities and is consistent with the City's Master Plan of the Arlandria Neighborhood Area Plan, of which this property is included.
2. If the SUP were to be approved with any component which includes the use of the outdoor area, we are highly concerned about:
 - (i) The inaccuracy and deceitfulness of the proposed site plans. Including the location of dumpsters, live events (see below), seating (unclear which, if any tables are "crossed" off), access to the backlot, and other improvements to the property (including lighting, fencing, landscaping, or other noise-blocking/limiting improvements).
 - (ii) Where the live music will be, as the SUP is silent as to inside or outside. Based on our prior communications with Abe, he has said that the music must be outdoors. You both stated today, the music is absolute to be inside, and Abe has agreed to this.
3. We are concerned that the property owner, William Oshinsky, through Oshinsky Arlandria, Inc., signed the original SUP on March 11, 2017, which will be 350 days later by the time of the City Council hearing on the SUP. Additionally, that authorization was for the original SUP and not the revised SUP, including the site plans and other revisions. It seems at a minimum, property owners should be required to sign and authorize all versions of an SUP.

Again, we greatly appreciate your time and attention to this SUP.

We wish you all happy holidays and look forward to a happy 2018!

Best,

Meryl Kinard

From: Madeleine Sims
Sent: Friday, January 12, 2018 12:24 PM
To: patrick.byrnett@gmail.com
Cc: Danielle and Patrick Byrnett; Al Havinga; Kristen Walentisch; Ann Horowitz; Alex Dambach
Subject: Re: Opposition to SUP 2017-0091

Good afternoon,

Thank you for sending in your comments regarding the proposed changes to the restaurant at 3410 Mount Vernon Avenue. I have copied Kristen Walentisch to this email who will ensure these are included in the materials sent to the Planning Commission and City Council in their packet of materials. Staff appreciates receiving comments, and other community input, while analyzing SUP requests. The report and analysis is not yet complete, but I will send you a copy once it has been published. The request is currently on the docket for the February hearing schedule with the Planning Commission (Feb. 6 at 7 pm) and City Council (Feb. 24 at 9:30 am). You can sign up to speak at the link below for the Planning Commission meeting in advance: <http://survey.alexandriava.gov/s3/Planning-Commission-Speakers-Form>.

If you have any additional concerns, or questions about the process 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

From: Patrick Byrnett <patrick.byrnett@gmail.com>
Sent: Friday, January 12, 2018 12:14:07 PM
To: Madeleine Sims; Alex Dambach
Cc: Danielle and Patrick Byrnett; Al Havinga
Subject: Opposition to SUP 2017-0091

Hi Madeleine and Alex-

I hope this finds you well. I write today to voice opposition to the SUP request filed for 3410 Mt. Vernon Avenue, currently operating as Senor Chicken. While we respect the business owner's desire to make changes to the service offerings of the location, some of the requested details are incompatible with the physical location and surrounding properties.

Most critically, the proposal calls for outdoor seating that would border residential properties and for "soft" live music until as late as 1am on weekend nights. Both of these would represent significant impositions on quiet

enjoyment of the properties on Sanborn Place that the applicant has failed to adequately address or plan to ameliorate.

Outdoor seating: A review of businesses in Del Ray / Potomac West, Arlandria, and Lynhaven finds no other locations where outdoor seating directly abuts residential properties. In all instances where outdoor seating is authorized, the seating is positioned on the street-facing side of the property or, in limited instances, on sides of the property abutting non-residential property. There is good reason for this; even normal conversation between patrons late at night creates a level of noise that most residential owners find disturbs quiet enjoyment. The applicant's proposal provides no clear reason why the city should set a new precedent that allows this interruption.

Live music: The application proposed live "soft" music with no limitation on operating hours or location of music within property. As such, the applicant could, within the confines of the application under consideration, operate live music until as late as 1am, outdoors, within 20 feet of residential properties. This is facially absurd to allow.

Both of these factors raise substantial risk for unacceptable noise to residential neighbors that violates their right of quiet enjoyment. The small fence separating the proposed outdoor seating for 3410 Mt. Vernon Avenue and the residential properties of Sanborn Place will not be sufficient for noise limitation. However, the applicant has made no effort to address this other than to say noise will be monitored. No standard for assessing unacceptable noise is proposed, no mechanism for monitoring, no remedy should noise be intolerable. This creates a high risk where noise that is unacceptable to residential owners, preventing their quiet enjoyment, will be found "tolerable" by the property owner and complaints ignored--and a situation where police involvement will likely be frequent.

There are other challenges with this application--for example, the assumed reliance on street parking--but absent amendments to the SUP application that (a) move the outdoor seating to a more appropriate location facing either the street or non-residential properties and (b) a proposal to limit music to indoor operations and within reasonable business hours (no later than 10pm on weekends), the planning commission should reject this application.

Thank you for your consideration. Please feel free to contact me with any questions.

Patrick Byrnett
106 Sanborn Place

cc - Danielle Byrnett, co-owner
cc - Al Havinga, President, Mt. Vernon Court Community Association

To: Madeleine Sims
Subject: RE: For February PC and CC materials Fw: SUP Request Notification - 3410 Mount Vernon

From: Madeleine Sims
Sent: Thursday, January 18, 2018 8:45 AM
To: HSCA President
Cc: Ann Horowitz
Subject: Re: SUP Request Notification - 3410 Mount Vernon

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
703.746.3802, direct

From: colleen1900@gmail.com <colleen1900@gmail.com> on behalf of HSCA President <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> 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 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

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 18 December 2017

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 6 foot wood fence 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 pm Sunday-Thursday and 10 pm Friday and Saturday
- F. Extension of indoor hours of operation to 1 am Sunday-Thursday and 2 am Friday and Saturday

We are a community of 30 residential homes, mostly made up of families with approximately 20 children under four 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 nearby on Mt Vernon Ave 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 well-being 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 with 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 Alexandria

2. Inadequate Parking

- i. 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?
- ii. 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

- i. 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

- i. The SUP says there will only be food waste, 1 dumpster will be filled every 2 weeks, and trash will be collected every day.
 - A. Is it realistic to expect a dumpster to be filled once every two weeks?
 - B. When will dumpster pickups occur and by what company?
 - C. 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

Meryl M. Kinard
124 Sanborn Place
Alexandria, Virginia 22305
merylkinard@gmail.com | 202.222.5556

VIA ELECTRONIC DELIVERY (Madeleine.Sims@alexandriava.gov)

December 19, 2017

Ms. Madeleine Sims, Urban Planner
Mr. Alex Dambach, Division Chief
City of Alexandria, Department of Planning and Zoning
301 King Street, Room 2100
Alexandria, Virginia 22314

Dear Ms. Sims, Mr. Dambach & Alexandria Department of Planning and Zoning,

I write in strong opposition to the revised Special Use Permit number 2017-0049, previous Special Use Permit 2117-A, dated June 25, 2017 as submitted by Ebrahim “Abe” Hadjiesmaeillo (the “Applicant”) for 3410 Mount Vernon Avenue, Alexandria, Virginia 22305 (the “SUP”) currently operating as Senor Chicken (the “Restaurant”). The SUP proposes to convert the Restaurant to a “beer garden” to be called “The Secret Garten,” serving craft beers and sausages, expanding beyond its current indoor space to the parking lot behind the building (the “business plan”). This back lot directly borders the Mount Vernon Court neighborhood.

I am a homeowner in the adjacent neighborhood, Mount Vernon Court. I am thirty-two (32) years old, married with a two-year old son. I work for a small law firm founded three (3) years ago. I am acutely aware of the importance of businesses, both big and small, and the impact to communities, both financially and to the quality of life of the owner, employees and customers. I am a lover of beer, good food and fun. I am also an advocate and a fierce protector of my family, friends and neighborhood.

My husband was born and raised in Fairfax, Virginia and we are both proud to call Alexandria our home. We chose the north-end Del Ray neighborhood of “Arlandria” as we enjoy the walkability, abundant parks, family-friendly atmosphere and incredible locally-owned restaurants and shops. We purchased our home in May 2015 and saw the possibility of growth and revitalization of the surrounding neighborhood, including 3410 Mount Vernon Avenue, as not only a real possibility, but our hope. We support the appropriate and responsible renewal of the surrounding businesses and infrastructure, while maintaining the positive main-street vibe.

Our neighborhood, Mount Vernon Court (the “community”) is a small community of thirty (30) townhomes. The homes in our community are mostly populated with hard-working young families. I estimate approximately twenty (20) children, mostly under the age of five (5) years old, live in our community. Without any significant backyard space, we spend many days playing in the street and enjoying time with our neighbors at potlucks and monthly gatherings at our gazebo, until about the time as the sun sets and our children go to sleep. We strive hard to maintain a beautiful and safe neighborhood.

It is truly the makeup of our community that drives my opposition to the SUP and proposed beer garden. However, beyond the nuisance to our neighborhood and what I believe will lead to a violation of the law, there are also many flaws to the Applicant's business plan and technical aspects of the SUP which should direct the revisal and/or denial of the SUP. I outline my opposition to the business plan and SUP below.

I. Community Communications With Applicant

Our community has had a few opportunities to engage with the Applicant and his "business partner," Mehdi "Matt" Rofougaran ("Matt") regarding their proposed business plan and SUP. First, with the Applicant at the meeting of the Del Ray Citizens Association, Land Use Committee on September 12, 2017. Secondly, when the Applicant and Matt visited our neighborhood on September 14, 2017. Lastly, on November 11, 2017 at the Applicant's Restaurant. Additionally, a few members of our community have communicated with the Applicant by e-mail and telephone. From reports I have received from others and personal communications, neither the Applicant nor Matt seem understanding of the concerns of our neighborhood and the surrounding community. The Applicant has made snide comments about the death of a pedestrian stuck on West Glebe Road and Mount Vernon Avenue and the toddler struck by a vehicle in the parking lot of his Restaurant early this year. I question his veracity and intentions with respect to the SUP and his ultimate plans.

II. Current Business & Proposed Business Plan

Current Business: Senor Chicken

The Applicant has stated to me and other members of our community that his current Restaurant is no longer profitable and does not fit the current demographics of the neighborhood. He says he is locked into a long-term lease and needs a viable and sustainable business to operate for the remainder of the lease term. I want to be sympathetic to his failing business, however, I find it hard to for a number of reasons. First, the Restaurant appears to be dirty and uninviting. The signage is old and it's hard to tell from the outside if the Restaurant is even open. The Restaurant is listed as "CLOSED" on Yelp.

One of the most popular restaurants in the popular Arlington neighborhood, Clarendon, is a Peruvian chicken restaurant, El Pollo Rico. The line is typically out of the door and customers are mixed ages and ethnicity. Prior to moving to Arlandria, my husband and I lived in Clarendon. We were frequent customers of El Pollo Rico, typically once a week. We still drive to Clarendon, just to get El Pollo Rico.

I believe the concept of Peruvian chicken in Arlandria should be a thriving business concept. One that appeals to the younger families and long historic neighbors of the community. However, the Applicant would have to invest in cleaning up and marketing his Restaurant in order for it to be successful.

Proposed Business Plan: The Secret Garten

The Applicant has stated to me and other members of our community that he is the "owner" and Matt is the "general manager" of the Tysons' Biergarten located at 8346 Leesburg Pike, Tysons,

Virginia 22182 (the “Biergarten”). Based on a search of the Virginia corporate records, it appears the Biergarten is owned by the Tysons BierGarten LLC of which Matt is the Registered Agent.

The Applicant and Matt have suggested that the Biergarten is successful and has driven their concept and desire to bring a similar beer garden to the space currently operating as Senor Chicken. They tend to draw similarities between the two spaces when it is convenient or supports their current plan, but draw distinctions when it does not. To clearly state facts:

1. The Biergarten is located off Leesburg Pike, a six-lane divided highway with the metro running directly between the highway. That location is directly surrounded by multi-story office buildings. There are no adjunct or even nearby residential neighborhoods.
2. Per the Biergarten’s website, the outdoor patio is 8,000 square feet, with live music seven (7) days a week and hosts festivals as often as possible. There is a large indoor “bier hall” and basement.
3. As of the date of this letter, the Biergarten has 170 reviews on yelp. Of those reviews, 50 or thirty percent (30%) negatively review the parking. The reviews concerning the parking include the following:
 - a. Richard N.: “Parking on the weekend SUCKS. There's not enough spaces and the parking lot is very poorly designed with little room to maneuver around.”
 - b. Robert G.: “(Parking, also, was a hassle, and we saw three near-accidents simply as we came into the parking lot to try to find parking.)”
 - c. Mina C.: “The experience was a bit annoying.. and the parking situation here is horrible.”
 - d. Cee K.: “The first obstacle you have to go through is the parking. You have to pay to park (if there's even parking available) or you have to park somewhere else and run past cars going at high speeds.”

Additionally, several other reviews reference that while parking at the actual Biergarten is limited, there are other options available such as validated parking in a nearby garage, metro access and \$2 valet.

4. “Events” are hosted nearly every night from “live music to festivals including bier tastings, bourbon and beer, pig roasts, wine festivals, sports and more.” From their event calendar on the website, they are having a New Year’s Eve Masquerade Ball. In the past they have hosted paint nites, fundraisers, yoga, watch parties, Oktoberfests, chili cookoffs, karaoke, yappy hours, DJs, living music, and many others. Guests can book and host private events.

Based on the communications with our community, I believe the Applicant and Matt would like to replicate, in a smaller format, the Biergarten in the space currently operating as Senor Chicken. This is like trying to fit a square peg through a round hole. It is unclear to me if what the Applicant and Matt think is a successful business in Tysons Corner, Virginia could actually be successful in the perimeters, even as they currently exist in the proposed SUP.

III. SUP: Specific Matters

The SUP has numerous inconsistencies, missing and inaccurate information, which are detailed by page below.

To be clear which SUP I reference, I have attached a copy of the SUP we received from Ms. Sims by e-mail on December 1, 2017. This SUP differs from the SUP that is currently accessible to the public on the Planning Commission website. The first page numbers below reference the page number of the

attached PDF only, where the stated page numbers differ from the PDF those numbers are listed in parenthesis.

1. **Page 1: Application, Special Use Permit.** The Applicant attested that all information in the SUP, specifically including all surveys, drawings, etc., required to be furnished are true, correct and accurate to the best of his knowledge and belief. **This appears to be a blatant falsity as the site plans and drawings are clearly misleading, inaccurate, incomplete and unclear. Please see items 14-17 detailing these pages below.**
2. **Page 2 (Page 4): Narrative Description.** The Applicant completed a “narrative description” of the proposed operation and use to include the following:
 - a. “Off-Premise Alcohol”. What does this mean? Will alcohol be served “off the premise” of the beer garden? Is the Applicant referring to the backlot which they intend to convert to a beer garden? Does the Applicant have the legal right to utilize this space? Is this space covered in the Applicant’s current lease? If not, will the Applicant sign a new or expanded lease covering this portion of the property? Does the property owner also own rights to the parking lot, or just the building? Is the Applicant taking legal rights to property of other tenants of the building?
 - b. Hours. “Extended to 2:00AM.” These hours would extend beyond all surrounding restaurants in the Arlandria and Del Ray neighborhoods, including well beyond the vast majority of those restaurants. This also does not state the differing hours from indoors and outdoors.
 - c. “Reduction of 10 parking spaces”. This is a significant reduction in parking spaces in an already small and tight parking lot in the front of the building, where safety has already been a concern.
 - d. “Limited live entertainment”. What does this mean? Where will the entertainment be? What are the perimeters on noise and time? There is no representation of a space or set-up in either the indoor or outdoor site plan for this type of entertainment.
3. **Page 3 (Page 2): Property Owner’s Authorization.** William Oshinsky through Oshinsky Arlandria, Inc. (the “property owner”) signed authorizing the SUP on March 11, 2017. The SUP hearing is scheduled for the end of February, 2018, nearly one year after the property owner’s authorization. Given the revisions to the SUP since this date, I question the intention and understanding of the property owner.
4. **Page 4 (Page 3): Ownership and Disclosure Statement.** In the few communications our neighborhood has had with the Applicant and Matt regarding the SUP and proposed beer garden, it has always been the Applicant, and his business partner Matt. The Applicant and Matt have held themselves out as partners in this “business” plan. It is unclear to me why there is no name listed under the Applicant “Name” on this page, or why Matt has not been disclosed anywhere on the SUP. Is the property owner and the Department of Planning and Zoning aware that Matt is holding himself out as a financial investor for this SUP?
5. **Page 5: Use Characteristics**
 - a. Item 5, Section A. lists 75 expected patrons, 7 days a week from the hours of 11 am to BLANK (no ending time listed). Does this reference an “occupancy” maximum number of patrons in both the inside and outside of the establishment? Or is this just a

reference, as the question suggestions, to the expected number of patrons at any given time? If the latter, what are the legal capacity limits of both the inside and outside of the proposed establishment?

- b. Item 5, Section B. lists 3 employees for the entire beer garden (to include cooks, servers, cleaning staff, security, etc.), presumably for both the inside and outside. This is 1 employee per 25 customers, pursuant to the 75 person “occupancy.” Again, an ending time is BLANK.
- c. Item 7, Section A. describes the potential noise emanating from the proposed use as follows:
 - i. **“Very minimal, human vocal noise...”** I strongly suggest the Department of Planning and Zoning generally consider how loud an outdoor area of at least thirty (30) seated patrons, plus some other unspecified number of standing patrons, while simple drinking beer. Let alone the noise level with any sort of additional “activity” as described below. Unamplified “normal” conversations can be clearly heard over the current fence while standing on our community road from the area proposed to be the beer garden.
 - ii. **“Limited live Entertainment during early business hours”** It is completely unclear to me what this means. Is this limited to acoustic guitar outside? What are early business hours defined as? It is unclear to me how the Planning Commission can approve an SUP with no clear boundaries for what type of live entertainment, when and where such entertainment will be occurring. In addition to the outdoor noise and impact to our community, also the impact to the neighboring businesses.
- d. Item 7, Section B. states the noise will be controlled by; “We 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 neighborhood and surrounding businesses be able to communicate our concerns? How quickly will they be addresses? What are our remedies for failure to comply with this vague standard? Who is “we”?

6. Page 6: Use Characteristics (Continued)

- a. Item 9, Section A. states that only food waste will be generated. What about all of the beer and liquor bottles?
- b. Item 9, Section B. without knowing the current or typical use of a bar and restaurant that is open 7 days a week from 11am – 2am, it seems unrealistic that only one dumpster of trash would be generated every two (2) weeks.
- c. Item 9, Section D. It is unclear where the trash, dumpster and garbage can (besides one in the front of the beer garden) will be located. As stated below, there is no representation of a dumpster or garbage in the site plans and picture.

7. 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.” What type of monitoring is conducted? The SUP states there are only 3 employees for 75 patrons. Given the very limited number of patrons that will be able to park in the center’s parking lot, many other guests will be walking from other nearby areas. 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.

8. Page 8: Parking and Access Requirements

- a. Item 14, Section A. does not list the number of parking spaces provided, only listing “X” for “Standard spaces” and “Handicapped accessible spaces.”
- b. Item 14, Section B. states that parking is located off-site. Following an explanation that the “Shopping center has parking spots, any additional spaces needed...” but the remaining sentence is cut-off. It is unclear what the intention is for additional spaces. Also, if the applicant intends to provide off-street parking within 300 feet of the use, the SUP states that a special use permit is required. Has the applicant filed a separate SUP for off-site parking? Or can this be specifically addressed in the current SUP? Either way it appears to be completely lacking.

9. Page 9: Parking and Access Requirements (Continued)

- a. Item 15, Section B. references off-street loading facilities on “Mt. Vernon Ave, East Glebe Rd, South Glebe Rd, Reed Ave, Mark Drive and many other near by street.” It is unclear if the Applicant intends to use these streets for loading purposes, or if he intends to encroach on the parking of the nearby residents without seeking a special use permit for such use.
- b. Item 16, is unclear if the Applicant’s response to adequate street access applies to the loading facilities or patrons access to the beer garden. Given the high pedestrian traffic, bus stop and many curved intersections nearby, I do not believe this is adequate and needs to be addressed seriously by the Applicant.
- c. Item 19, the Applicant does not provide the name of the shopping center.

10. Page 10 (Page 1): Application – Supplemental, Parking Reduction

- a. Item 2 dismisses the concern over the reduction of ten (10) parking spaces and justifies so by implying that patrons of the beer garden will be so “drunk” to be over the legal limit to drive and will use taxis, and other similar modes of ride sharing transportation. Based on the discussion of the YELP reviews of the Biergarten and the general make-up of Arlandria and the greater Del Ray and Alexandria neighborhood, this is patently false. While some patrons may use taxis to/from the location, many residents have young families, and while walking is frequent, many people drive in this neighborhood and others visit by car from surrounding neighborhoods. Additionally, there is no direct metro access nearby. Additionally, parking is a major concern in Alexandria as a whole and members of our community and surrounding community and businesses would be impacted by removing ten (10) parking spaces to accommodate seventy-five (75) patrons at any given time overflowing into the nearby streets.
- b. Item 3 states that there is a “lack of adequate parking spots in our center.” An admission that the current lot cannot accommodate their proposed use. Additionally, if patrons arrive for happy hours ranging from 4-9pm, this is a typical crowd that drives

and does not jive with the late-night 2am, super “drunk” crowd. Items 2 and 3 seem to conflict.

- c. Item 4 answers the question in the negative that the use does not reduce the number of available parking spaces below the number of existing parking spaces, to which this is an incorrect answer.
- d. Item 5 appears to be whited or blanked out with respect to a submission required for a reduction of more than five (5) parking spaces, as is the case here. The Applicant has not complied
- e. Item 6, the Applicant has not demonstrated that the reduction in parking will not have a negative impact on the surrounding neighborhood.

11. Page 11: The Secret Garten-The Concept

- a. No comments

12. Page 12: The Secret Garten-The Concept (Continued)

- a. No comments

13. Page 13: The Secret Garten-The Concept (Continued)

- a. This states that daily events will be held each night after 9pm. During the week, trivia, sports and more and live musician with a musician signing acoustic on Friday and Saturday. Will these events be inside or outside in the backlot? Will there be any projected sound (from a television, speaker, etc)? Will this be amplified by a speaker or other source? Will it be accompanied by other band members and instruments? Acoustic guitar can still be very loud. Will the acoustic guitar be outside? Will it only be playing from 9pm to 10pm outdoors?

14. Page 14: Site Plan With Proposed Outdoor Seating (the “Plan”)

- a. Missing/Unclear Information
 - i. This Plan shows ten (10) patio seats with seemingly four (4) seats per table. Of these ten (10) tables, five (5) of them appear to be crossed off. I **assume** these are actually longer tables that accommodate three people on each side, six (6) people per table. If this Plan is an accurate representation of the Applicant’s intentions for the space, that would be five (5) tables of six (6) people, a total of thirty (30) people. This appears to coordinate with statements in the SUP to add thirty (30) outdoor seats. The public should not have to assume what the Applicant intends.
 - ii. This Plan does not show the location of any dumpsters or where live music or space for any other planned activities or other structures.
 - iii. This Plan does not show a representation of any fencing/other structure around the backlot. The space currently has a barbed wire fence on two (2) sides and low fence that is maintained by our community association bordering our community from the backlot. I am 5’5” tall and I can walk up to that fence from the backlot and can grab the fence and look over. What are the implications of any damage to that fence or trespass to our community by the Applicant, his patrons and proposed business? Does the Applicant intend to make improvements to that backlot? What about any other sound barriers to the

backlot? What are the implications during the fall and winter months when the leaves on the tree have fallen?

- iv. It is unclear how the Department of Planning and Zoning could make an informed decision on this SUP or how the surrounding businesses and neighborhood could understand the impacts of the SUP without an accurate and complete representation of the proposed use of this space.
- b. Safety
 - i. The current backlot space has a chain link fence that opens to the parking lot. It appears from the Plan that the Applicant intends to have an entrance and an exit to the beer garden from this fence. This would be unsafe to the members of our community, but also to the patrons of the beer garden and entrance should be controlled through the front of the establishment only, exiting through the backdoor.

15. Page 15: 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 "events" would be happening in this space. This shows seating for 30 indoors.

16. Page 16: Existing Floor Plan

- a. No comments.

17. Page 17: Picture Representation of Backlot, Including Bar and Nine (9) Patio Tables

- a. During our November 11 community meeting with the Applicant and Matt, they should us this exact picture. We pointed out then that this picture is not an accurate representation of the space in the back, and is not to scale. Abe 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 they have submitted in their SUP for thirty (30) outdoor seats. This picture appears to be submitted to show what they could make the area look like to gather more support.

18. Page 18: Supplemental Application, Restaurant

- a. Item 4 states that both table and bar service will be offered. This is an interesting concept with 3 employees.
- b. Item 6 states that there will be 50 inch screen TVs. Where will these TVs be located? There will also be live soft music. Again, this would be a major impairment to our community.

19. Page 19: Old Town Restaurant Policy

- a. N/A.

20. Page 20: Supplemental Application, Restaurant (Continued)

- a. Parking Impacts, Item 3 states that less than 20 additional cars in the neighborhood during peaking evening hours. This seems highly unlikely given the estimated maximum number of 75 patrons.

- b. Alcohol Consumption and Late Night Hours, Items 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.

IV. 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:

1. 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;
 - a. 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.
2. The use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
 - a. 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.
3. The use will be in accord with the purposes of the City’s Master Plan and Zoning Ordinance; and
 - a. 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 it 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.
4. The applicant will comply with all regulations and provisions of law.
 - a. It is unclear at this time of the Applicant’s intentions and his process moving forward to comply with applicable regulations and laws.

Accordingly, I respectfully request this Council deny the SUP as it is currently submitted.

Respectfully,

Meryl M. Kinard

Meryl M. Kinard

Enclosure

CC: Al Havinga (President, Mount Vernon Court Community Association)

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 15 February 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 well-being 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

- i. 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?
- ii. 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

- i. 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

- i. The SUP says there will only be food waste, 1 dumpster will be filled every 2 weeks, and trash will be collected every day.
 - A. Is it realistic to expect a dumpster to be filled once every two weeks?
 - B. When will dumpster pickups occur and by what company?
 - C. 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

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

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. 14th 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

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



APPLICATION

SPECIAL USE PERMIT

REVISED

SUP2017-0091
Additional Materials

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 alcohol

parking 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
#H

Revised

2/28/18
MR 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 Hadjiesmaeloo: 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. <u>Abe Hadjesmaailoo</u>	<u>11030 Sandy Manor Dr Fairfax Station, VA 22039</u>	<u>67%</u>
2. <u>Mehdi Bofougaran</u>	<u>12820 Tournament drive</u>	<u>33%</u>
3.	<u>Reston VA 20191</u>	

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. <u>Oshinsky Arlandria, Inc</u>	<u>4/ William Oshinsky</u> <u>10506 Rolland Rd. Beltsville MD</u>	<u>100%</u>
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. <u>Mehdi Bofougaran</u>	<u>None</u>	<u>None</u>
2. <u>William Oshinsky</u>	<u>None</u>	<u>None</u>
3. <u>Abe Hadjesmaailoo</u>	<u>None</u>	<u>None</u>

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.¹ 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?

¹ 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 read 'R. Shannon, Jr.', with a stylized flourish at the end.

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>

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

To: Ann Horowitz <ann.horowitz@alexandriava.gov>, Al Havinga <al.havinga@gmail.com>, Karl Moritz <Karl.Moritz@alexandriava.gov>, Roy Shannon <rrshannon@rrbmdk.com>, Madeleine Sims <Madeleine.Sims@alexandriava.gov>, 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> 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> 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 2nd 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>
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>
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.

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

From: Thuan Pham <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>
Sent: Monday, December 18, 2017 8:56 PM
To: Thuangpham@hotmail.com
Subject: Fwd: Beer Garden Update

Thuan -- we hope you can join us.

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

From: **Madeleine Sims** <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>, Alex Dambach <alex.dambach@alexandriava.gov>
Cc: Tim Donlea <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

To: Ann Horowitz
Subject: RE: Secret Garten

Begin forwarded message:

From: Blair <bdun03@gmail.com>
Date: March 4, 2018 at 8:38:50 PM EST
To: Ann Horowitz <ann.horowitz@alexandriava.gov>, Madeleine Sims
<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

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Warwick Village Citizens Association

28 mins · 🌐

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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


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














SUP2017-0091
Additional Materials

Letter about Senior Chicken

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>

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>
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
<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
Date: March 1, 2018 at 5:54:06 PM EST
To: ann.horowitz@alexandriava.gov
Cc: kwire@mcguirewoods.com, mattrofougaran@gmail.com, 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
<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 <al.havinga@gmail.com>

Thu 2/15/2018 1:29 PM

To: Allison Silberberg <allison.silberberg@alexandriava.gov>;

Cc: Madeleine Sims <Madeleine.Sims@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>; Karl Moritz <Karl.Moritz@alexandriava.gov>;

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

- i. 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?
- ii. 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

- i. 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

- i. The SUP says their will only be food waste, 1 dumpster will be filled every 2 weeks, and trash will be collected every day.
 - A. Is it realistic to expect a dumpster to be filled once every two weeks?
 - B. When will dumpster pickups occur and by what company?
 - C. 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 VernonSUP2017-0091
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

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> 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](tel:7037463802), direct
www.alexandriava.gov

From: colleen1900@gmail.com <colleen1900@gmail.com> on behalf of HSCA President <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> wrote:
OK thanks, I'll be in touch

On Thu, Jan 18, 2018 at 2:44 PM, Madeleine Sims <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

From: colleen1900@gmail.com <colleen1900@gmail.com> on behalf of HSCA President <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

From: colleen1900@gmail.com <colleen1900@gmail.com> on behalf of HSCA President <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,

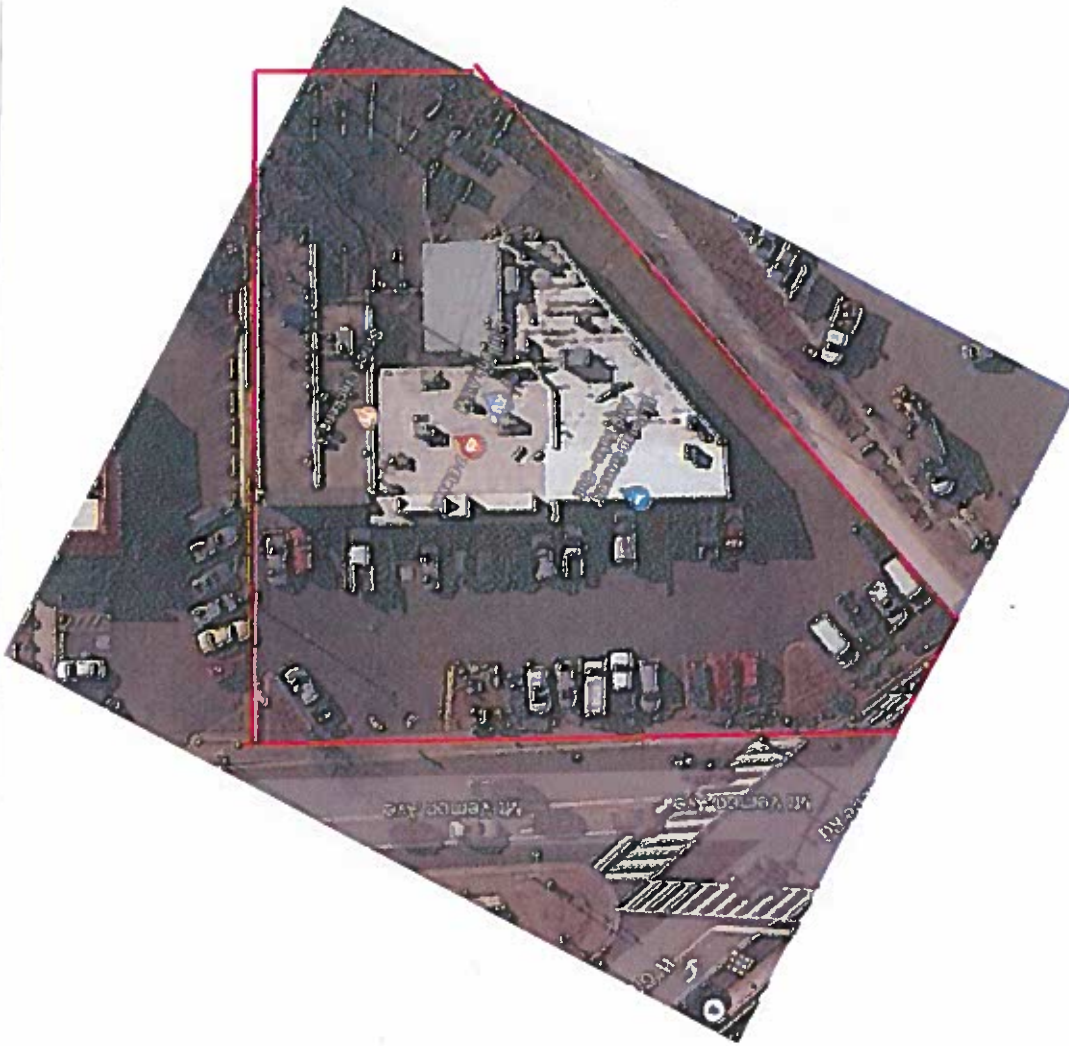
Colleen Stover

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> 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

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

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. 14th 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 Ebberts, 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

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](#), direct
[www.alexandriava.gov](#)

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

From: K Hesse <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

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

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 <ann.horowitz@alexandriava.gov>; Madeleine Sims <Madeleine.Sims@alexandriava.gov>;

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 <allison.silberberg@alexandriava.gov> 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
o: 703-746-4500
c: 571-319-9948

From: 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:	3308 MOUNT VERNON AVE
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		AL.HAVINGA@GMAIL.COM

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.

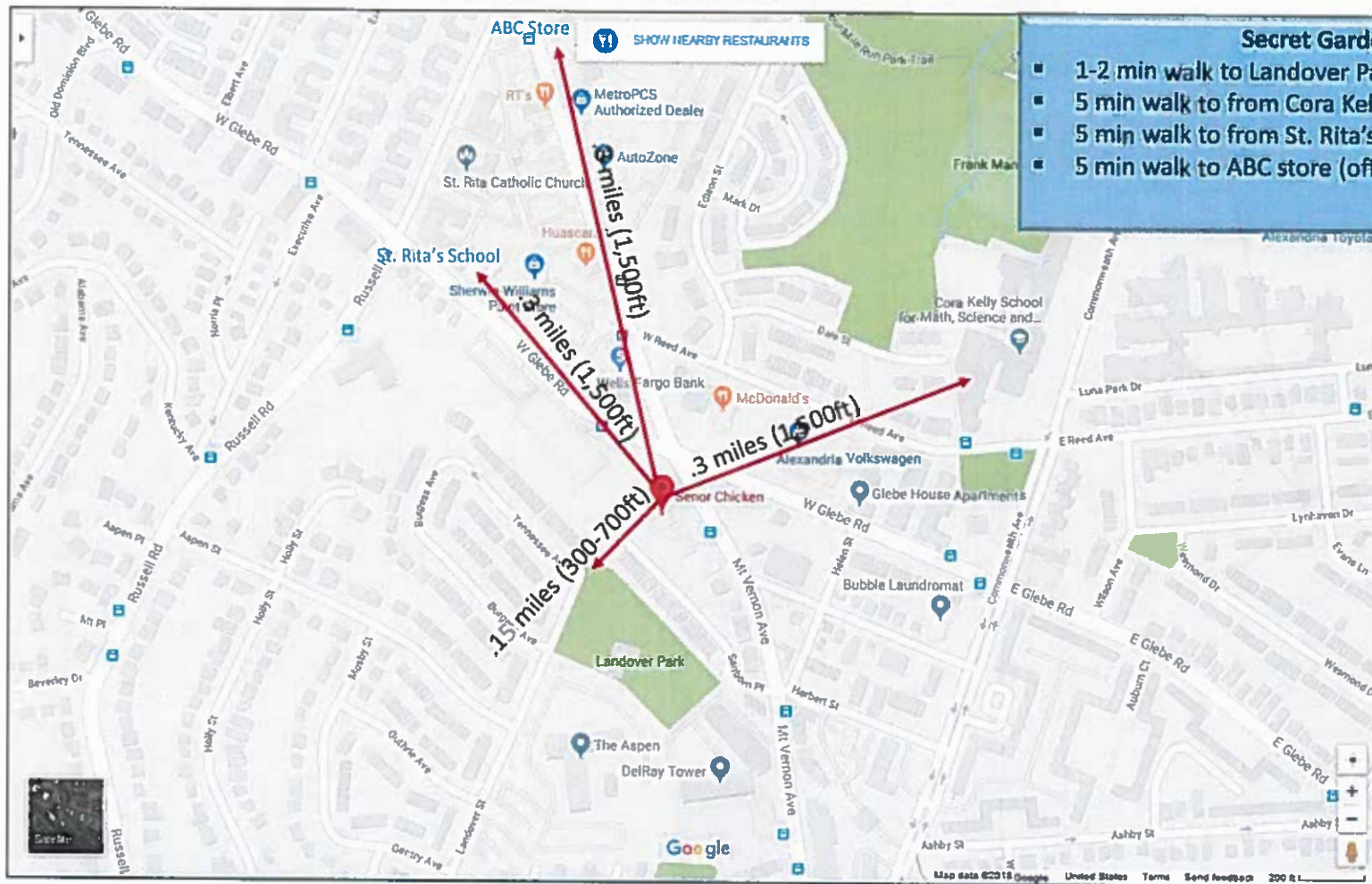
Sincerely,

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 or call 703.746.HELP.

Secret Garden - Del Ray



Secret Garden Location

- 1-2 min walk to Landover Park and Warwick Pool
- 5 min walk to from Cora Kelly School
- 5 min walk to from St. Rita's School
- 5 min walk to ABC store (off premise alcohol retail)

Tysons Biergarten – Tysons Corner



Tysons BierGarden Location

- 22 min walk to Freedom Hill Elementary School
- 20 min walk to Freedom Hill park