

***DOCKET ITEM #15******Special Use Permit # 2018-0067******1501, 1503, 1505 Mount Vernon Avenue – Charlie's on the Avenue***

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<b>Application</b>	<b>General Data</b>	
	<b>Planning Commission Hearing:</b>	September 4, 2018
	<b>City Council Hearing:</b>	September 15, 2018
Public hearing and consideration of a request for a special use permit amendment to add outdoor seating and extend the hours of operation at an existing restaurant.		
<b>Address:</b> 1501-1505 Mount Vernon Avenue	<b>Zone:</b>	CL / Commercial Low
<b>Applicant:</b> NOVA Hospitality, LLC, represented by M. Catherine Puskar, attorney	<b>Small Area Plan:</b>	Potomac West

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

**Staff Reviewers:** Madeleine Sims, [madeleine.sims@alexandriava.gov](mailto:madeleine.sims@alexandriava.gov)



**Special Use Permit #2018-0067  
1501, 1503, & 1505 Mount Vernon  
Avenue**



0 30 60 120 Feet



## I. DISCUSSION

The applicant, NOVA Hospitality, LLC, represented by M. Catherine Puskar, attorney, requests Special Use Permit approval to amend SUP#2018-0005 to add outdoor seating and extend the hours of operation at an existing restaurant. The application proposal for expanded outdoor dining also includes a staff review of accessory outdoor games, outdoor cooking, and the need for off-site parking arrangements.

### SITE DESCRIPTION

The subject site is comprised of three contiguous lots of record. The southernmost lot, 1501 Mount Vernon Avenue, is a corner lot that has 54 feet of frontage along Mount Vernon Avenue, 103.8 feet of frontage along East Nelson Avenue, and a total lot area of 5,651 square feet. The lot is developed with a single-story building of approximately 3,100 square feet that houses the applicant's restaurant, Charlie's on the Avenue. The lot is also developed with a six-space parking lot accessed from East Nelson Avenue. The middle lot, 1503 Mount Vernon Avenue, has 50 feet of frontage along Mount Vernon Avenue, approximately 106 feet of depth, and a lot area of 5,317.5 square feet. The site is developed with a gravel, two-space unstriped parking lot, and a one and a half-story building of approximately 1,000 square feet. The northernmost lot, 1505 Mount Vernon Avenue, is a rectangular lot with 50 feet of frontage along Mount Vernon Avenue, and 108 feet of depth, and a total lot area of 5,400 square feet. This graveled lot is undeveloped except for a storage shed located at the northeast corner of the property.



*Figure 1: The subject restaurant, Charlie's, on the right, and the proposed expansion area formerly known as Greenstreet Gardens to the left, including the parking lot and building located at 1503 Mount Vernon Avenue.*

The subject site is abutted to the east by single family homes. Across East Nelson Avenue to the

south, are townhomes and single-family homes. Directly west of the site, across Mount Vernon Avenue, is The Nelson House (an apartment building) and small-scale commercial businesses such as Al's Steak House, Eye2Eye (an optometry business), Hairy Situations (a dog groomer), Sicilian Pizza, and Junction Bakery. The subject site is abutted to the north by a Walgreens.

### BACKGROUND

The lot at 1501 Mount Vernon Avenue has housed a restaurant use for many years. In April 2002, City Council approved Special Use Permit #2002-0007 for a 68-seat restaurant with operation hours of 7 a.m. to 9 p.m., Tuesday through Thursday, 7 a.m. to 10 p.m., Friday and Saturday, and 7 a.m. to 3 p.m., Sunday; on and off premises alcohol sales; and a nine-space parking reduction. In 2004, City Council approved SUP#2004-0045 and ENC#2004-0003 to increase seats to 100, add outdoor dining in the encroached area in front of the restaurant, add limited live entertainment, extend the indoor closing hour to midnight, daily, and increase the parking reduction from nine to 19 spaces. The request was approved and a condition was added that the applicant provide parking spaces at the nearby Burke and Herbert Bank for weekend and evening parking in addition to the six on-site parking spaces. The current restaurant located at 1501 Mount Vernon Avenue received SUP approval for a change in ownership to NOVA Hospitality, LLC in March 2018 to operate the restaurant under the trade name, Charlie's on the Avenue. As of the writing of this report, interior renovations are underway, however, the business is not yet operational.

A zoning inspector visited the restaurant in 2014 and witnessed a violation of Condition #20 (posting the location of available off-site parking) which was corrected. In 2016, two Code complaints were filed for failure to maintain the trash enclosure and strewn garbage. In 2017, a Zoning Inspector conducted an SUP inspection and noted the owner's compliance with all SUP conditions.

At 1503-1505 Mount Vernon Avenue, City Council approved SUP#2003-0125 in March 2003 for an outdoor garden center and a five-space parking reduction. In 2014, staff administratively approved a change of ownership and minor amendment for operating hours (SUP#2014-0040) to Greenstreet Growers of Virginia, LLC, which operated under the name, Greenstreet Gardens of Del Ray until it closed in 2018.

### PROPOSAL

The applicant requests to amend SUP#2018-0005 to add outdoor seating and extend the hours of operation at an existing restaurant. The applicant requests to add one hour of operation to the daily indoor and outdoor portions of the restaurant, with closing hours of 1 a.m. and 11 p.m., respectively. One-hundred outdoor seats are proposed be added to the adjacent lots at 1503-1505 Mount Vernon Avenue. The outdoor seating area here is envisioned as an active space with group games such as cornhole, a bar, and an outdoor charcoal grill. An herb garden would be planted at the rear of the lot of 1505 Mount Vernon Avenue. In addition, the applicant requests to be

exempted from Condition #19, a provision for providing off-street parking at 306 East Monroe Avenue, due to the recent changes in the commercial parking requirements.

A summary of the existing and proposed operation is:

<u>Hours of Operation:</u>	Existing Indoor: Existing Outdoor: <b>Proposed Indoor:</b> <b>Proposed Outdoor:</b>	7 a.m. – midnight, daily 7 a.m. to 10 p.m., daily <b>7 a.m. to 1 a.m., daily</b> <b>7 a.m. to 11 p.m., daily</b>
<u>Number of Seats:</u>	Existing:  <b>Proposed:</b>	100 total (shared between indoor and outdoor dining areas – typically 24 outdoor seats are placed in front of the restaurant)  <b>76 indoor, 124 outdoor (200 total)</b>
<u>Type of Service:</u>	Existing: <b>Proposed:</b>	Table and bar service Table and bar service
<u>Alcohol Sales:</u>	Existing: <b>Proposed:</b>	On-and-off premises <b>On-and-off premises</b>
<u>Delivery:</u>	Existing: <b>Proposed:</b>	None <b>None</b>
<u>Live Entertainment:</u>	Existing: <b>Proposed:</b>	Indoor limited live entertainment <b>Indoor limited live entertainment, Limited outdoor games (cornhole)</b>
<u>Odor and Noise:</u>		The applicant proposes outdoor cooking in the form of a charcoal grill which would be used once a week. The applicant states that the use will comply with the noise ordinance.
<u>Litter and Trash:</u>		Trash is managed through on-site dumpsters located at the rear of the property along Nelson Avenue. The applicant is required to maintain adequate screening of the dumpsters. Trash would be picked-up no less than two times per week.

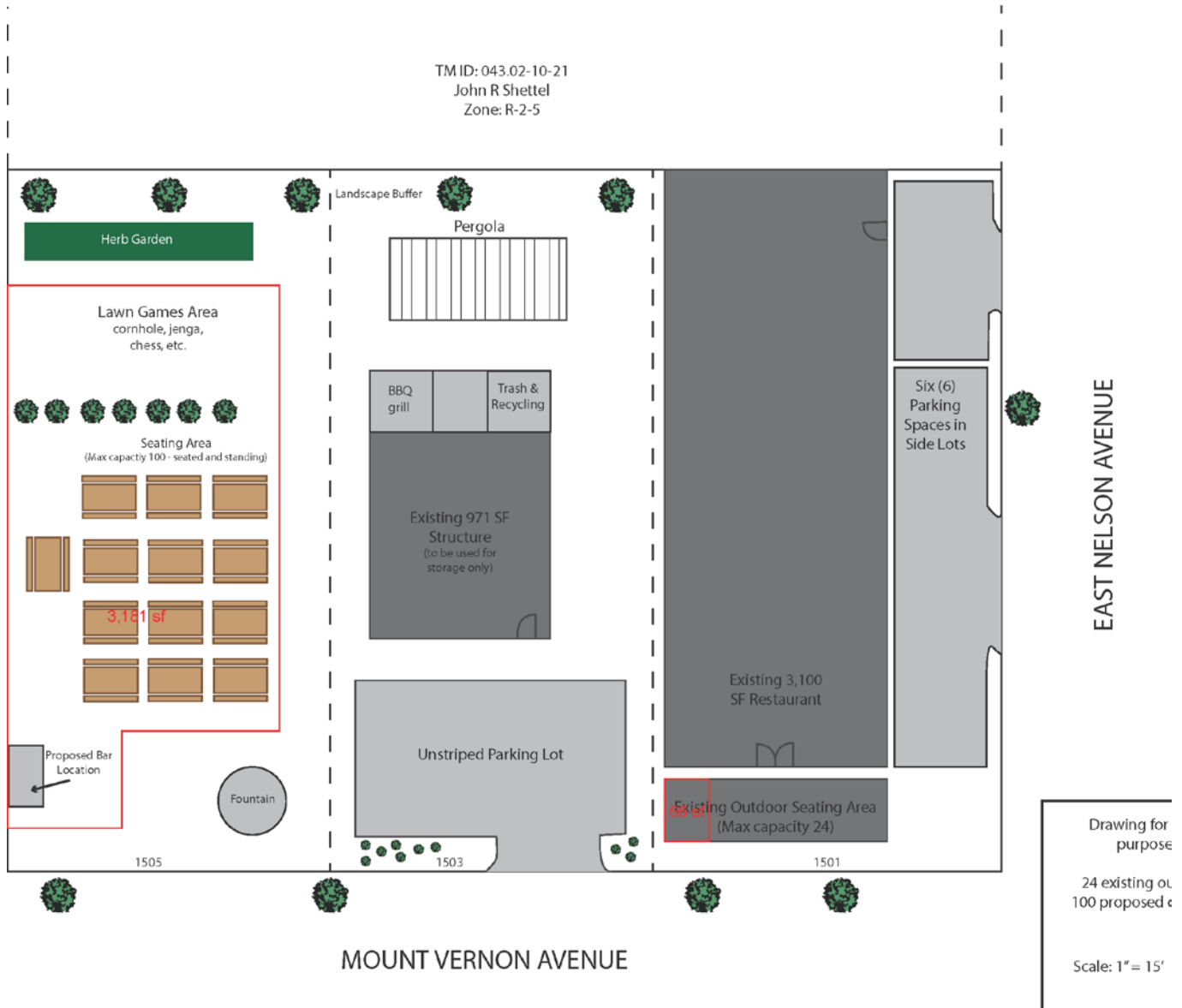


Figure 2: The applicant's outdoor dining proposal. The bulk of the outdoor dining is proposed on the lot at 1505 Mount Vernon Avenue, where the outdoor bar and lawn games would be. The applicant proposes to use the existing building at 1503 Mount Vernon Avenue as storage and is exploring using the building for additional bathrooms.

### PARKING

Pursuant to Section 8-200 (A)(17) a restaurant in the enhanced transit area is required to provide a minimum of one parking space for every 1,000 square feet of space. Section 8-200(A)(17)(c) excludes the first 20 outdoor dining seats. The minimum parking requirement would, therefore, be eight spaces as the applicant indicates 7,312 square feet of restaurant space including the balance of existing outdoor dining in front of the restaurant, newly proposed outdoor dining, existing restaurant, outdoor bar area, outdoor lawn games area, and building at 1503 Mount Vernon Avenue used for restrooms and storage. The applicant meets the minimum parking requirement of eight spaces through the on-site parking lots.

### ZONING/MASTER PLAN DESIGNATION

The three lots are zoned CL/Commercial Low which permits restaurants with Special Use Permit approval if they exceed administrative standards. Administrative standards for restaurants in the Mount Vernon Overlay Zone include operating hours between 6 a.m. – 11 p.m., Sunday through Thursday, and 6 a.m.- midnight Friday and Saturday.

The subject site is within the Potomac West Small Area Plan which designates the site for commercial uses. The subject site is also within the Mount Vernon Urban Overlay Zone and Mount Vernon Avenue Business District, which stipulates requirements for various uses and development, including the designation of these sites for commercial uses. The lot at 1505 Mount Vernon Avenue is identified as an opportunity site, in the Mount Vernon Avenue Business District which envisions a retail/office redevelopment in the future. The subject site is also in the Monroe Avenue Gateway District section of the Mount Vernon Avenue Business District Chapter of the Potomac West Small Area Plan. The Monroe Avenue Gateway District calls for the subject area to signify a visitor's entrance to Mount Vernon Avenue, yet remain sensitive to surrounding residences with a consideration of parking impacts.

## **II. STAFF ANALYSIS**

Staff recommends a partial approval of the applicant's request for amendments to expand the existing restaurant at 1501 Mount Vernon Avenue. Staff not only recognizes the benefits of activating the two unused lots at 1503 and 1505 Mount Vernon Avenue, contributing to street vitality, but also understands it must balance an increase in commercial activity to reduce noise, odor, and parking impacts on the residential neighborhood. Mount Vernon Avenue is known for its pedestrian scale experience, that works to harmonize the commercial corridor with the residential area that surrounds it. The Mount Vernon guidelines have been applied consistently, which has created a uniform neighborhood standard for restaurants along Mount Vernon Avenue that staff used as a guide to make the recommendation, with the understanding that the subject location is unique insofar that it includes a vacant lot.

The site itself poses challenges for a proposed operation of this intensity, namely the proximity to residential uses, including the proximity to a single-family home at 404 East Nelson Avenue. The 1500 block of Mount Vernon Avenue is noted for a small commercial building that houses small businesses at 1504 Mount Vernon Avenue and a Walgreens. This block's retail uses are separated from the rest of the retail uses on Mount Vernon Avenue by three blocks of automobile service related businesses, effectively isolating the retail pedestrian experience Mount Vernon Avenue is known for. This isolation from the northern reaches of the dense, pedestrian friendly retail section of Mount Vernon Avenue could amplify impacts to the surrounding community arising from unique driving trips to a large scale outdoor dining venue, yet provide another node of activity for which visitors and residents can frequent, and establish a more connected pedestrian experience.

The partial approval recommendation, therefore, is below. The analysis supporting the recommendation follows.

	Proposal	Staff Recommendation
Outdoor Seats	124 (of which 24 existing)	80 total outdoor seats
Outdoor Operating Hours	7 a.m. – 11 p.m.	7 a.m. -10 p.m.
Outdoor Bar	Outdoor Bar	Yes, but 50 feet away from rear property line
Outdoor Games	Outdoor Games	Limited to two sets, 50 feet away from rear property line
Indoor operating hours	7 a.m. – 1 a.m.	7 a.m. – midnight
Outdoor Cooking	Charcoal Grill	Not Recommended
Parking requirement	Condition 19 deletion	Yes, with the addition of Condition 43 and amendment to Condition 18

Approval recommendation discussion:

Staff recommends approval of 80 outdoor dining seats (Condition #2) as opposed to the 124-additional outdoor dining seat proposal. This would provide the applicant with 16 outdoor seats at 1501 Mount Vernon, and the remaining 64 seats at 1505 Mount Vernon Avenue, which is slightly more than the next largest outdoor dining area at Evening Star with a total of 50 outdoor dining seats. Although the majority of restaurants along Mount Vernon Avenue have 20 outdoor dining seats (the exception being the Evening Star with 50 and Los Tios Grill with 62 outdoor dining seats), staff recognizes the size of the applicant's two lots provides more space than available in front of the smaller storefront restaurants where 20 seats are customary. Staff has included a restriction on the number of standing and seated patrons to 16 at 1501 Mount Vernon Avenue, and 64 patrons at 1503-1505 Mount Vernon Avenue.

Staff also recommends that the outdoor dining and other associated outdoor activities, be set back from the rear property line 45 feet (Condition #37), and that the applicant install landscaping to provide a visual buffer from the residential property to the rear (Condition #37). Though a staff analysis of outdoor dining setbacks adjacent to residential properties shows a 72-foot average, the



recommended 45-foot buffer is close to double the required 25-foot zone transition setback as stipulated in Section 7-900 of the Zoning Ordinance for commercial buildings adjacent to residential zones. In addition to protecting the residential property to the rear, moving the outdoor operations closer to the street would foster a pedestrian friendly streetscape. Staff does not object to the herb garden in the rear of the lot of 1505 Mount Vernon Avenue as it is a passive, low intensity operation that would be unlikely to generate impacts and would be attended to by employees only for cooking purposes.

Staff recommends a modest increase in the number of indoor dining seats from 74 to 84. The applicant indicates the building at 1501 Mount Vernon Avenue has Code approval for 84 seats inside through its Certificate of Occupancy, and would not be an increase in indoor dining capacity as the restaurant was previously approved for up to 100 indoor dining seats when outdoor dining was not in operation.

Staff recommends approval of two sets of outdoor games at the site, as stated in Condition #36. Staff has determined that a limitation of two sets of games would be accessory to the primary function of the restaurant as an eating and drinking establishment. The game area would also be setback 45 feet from the rear property line pursuant to Condition #37. Staff does not object to an outdoor bar pursuant to Condition #37; the bar must not be within 45 feet of the rear property line and no seats are permitted at the bar. Condition #37 also requires that the applicant submit a landscape plan and install a fence to provide a visual buffer from the outdoor restaurant activities and the residence at 404 East Nelson Avenue.

Further, staff supports the applicant's request to delete Condition #19 for the requirement to provide parking at the Burke and Herbert parking lot as the applicant satisfies the minimum zoning ordinance requirements for parking. The proximity of many residences also presents a situation where many patrons may not need to drive. There is also a bus stop immediately in front of the restaurant and the Braddock Road Metro Station is in proximity for patrons who travel. Nonetheless, staff has replaced the language in Condition #19 to encourage patrons to park at off-street locations and has amended Condition #18 to add a provision for the submission of an employee parking management plan to reduce on-street parking impacts.

*Proposal details not recommended:*

Staff does not recommend approval for extended indoor or outdoor operating hours and for outdoor cooking. Upon analyzing the hours for surrounding restaurants, staff found that the current indoor closing hour of midnight, daily, is consistent with the neighborhood standard. Staff also does not recommend extending the closing hour of the outdoor dining beyond the currently approved 10 p.m., daily, which is also the neighborhood standard. Staff does not recommend outdoor cooking, except as permitted through obtaining a special events permit through the Department of Recreation, Parks, and Cultural Activities, at this location due to the proximity to residences on East Nelson Avenue. The applicant proposed a charcoal grill that would be used on weekends, however, there are no proposed controls to mitigate odor and smoke impacts from outdoor grilling.

Staff does not recommend additional outdoor seats beyond 80 total. After completing an analysis on outdoor dining on Mount Vernon Avenue, and taking into consideration the three separate lots under this request, 80 outdoor seats is appropriate when comparing the physical size of the space with the community averages. The recommendation would average to approximately 26 outdoor seats per lot, which is three more seats than what is typical of a restaurant on Mount Vernon Avenue, a reasonable increase from the average.

*Additional considerations:*

Staff attended the August Del Ray Land Use Committee meeting to hear several neighbors' concerns regarding the proposal. Neighbors cited late night hours, alcohol use, noise, number of outdoor seats, addition of games, and parking as primary concerns. The neighbors also expressed concerns over the screening of the existing dumpster, inadequate rooftop mechanicals and rodents. Staff has also received numerous emails attached to this report detailing similar concerns.

Staff has carried forward conditions pertaining to the maintenance of the property including that rooftop mechanicals are adequately screened (Condition #25), that any dumpster is screened (Condition #12), and that landscaping be maintained (Condition #22).

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

### III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2002-0007)
2. **CONDITION AMENDED BY STAFF:** Indoor seats are limited to 84. Outdoor dining is limited to 16 seated or standing patrons at 1501 Mount Vernon Avenue, and no more than 64 seated or standing patrons at 1503-1505 Mount Vernon Avenue. ~~Seating shall be provided for a total of no more than 100 patrons, including both indoor and outdoor dining areas.~~ (P&Z) (SUP#2004-0045)
3. **CONDITION AMENDED BY STAFF:** ~~Outside dining facilities are permitted in front of the restaurant Mount Vernon Avenue, generally consistent with the applicant's proposal as shown in SUP#2004-0045 depicting tables and chairs.~~ Outdoor dining activities including all its components such as planters and barriers, shall not encroach upon the right-of-way, unless an encroachment permit is granted. The applicant shall ensure that access is provided in accordance with building and fire requirements and that the seating area is cleaned at the close of each day of operation. (P&Z) (SUP#2018-0005)
4. **CONDITION AMENDED BY STAFF:** Indoor limited live entertainment shall be permitted in the form of small musical ensembles to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP#2004-0045)
5. Condition deleted. (P&Z) (SUP#2004-0045)
6. **CONDITION AMENDED BY STAFF:** The hours of operation for indoor seating shall be limited to between 7:00 a.m. and 12:00 midnight, daily. The hours of operation of the outdoor dining areas at 1501-1505 Mount Vernon Avenue shall be limited from 7:00 a.m. to 10:00 p.m., daily, and all patrons must leave the outdoor dining premises by 10 p.m., daily. (P&Z) (SUP#2004-0045)
7. **CONDITION AMENDED BY STAFF:** No trash pick-up or loading or unloading operations may occur between 6:00 p.m. and 8:00 a.m. daily. (P&Z) (SUP#2002-0007)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2002-0007)

9. Alcoholic beverages may be sold for on- and off-premise consumption. Wine may be sold in bottles of at least 375 ml. Beer may be sold only in 4-packs, 6-packs, or growlers. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries and similar wines may be sold. (P&Z) (SUP#2018-0005)
10. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material, except wood used to fuel the oven or any other material specified in a condition, shall be stored outside. (PC) (~~SUP#2002-0007~~) (~~P&Z~~)
11. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (~~T&ES~~) (~~SUP#2002-0007~~)
12. **CONDITION AMENDED BY STAFF:** Any dumpster used on-site shall be screened to the satisfaction of the Director of the Department of Planning and Zoning. Any expansion of the dumpster area shall not affect the on-site parking spaces. (P&Z) (~~SUP#2002-0007~~)
13. Condition deleted. (P&Z) (SUP#2004-0045)
14. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2002-0007)
15. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2018-0005)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2002-0007)
17. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (P&Z) (~~SUP#2002-0007~~)
18. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. The applicant must submit a parking management plan for employees which may include a shared parking agreement. (P&Z) (~~SUP#2002-0007~~) (T&ES)

19. **CONDITION DELETED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby off-street parking on advertising and on the restaurant's website. ~~The applicant shall post signs directing patrons to the availability of off-site parking made available by the applicant at the Burke and Herbert Bank located at 306 East Monroe Avenue. (P&Z) (SUP#2002-0007)~~
20. Condition deleted by staff. (P&Z) (SUP#2018-0005)
21. Condition deleted by staff. (P&Z) (SUP#2018-0005)
22. The applicant shall provide and maintain in good condition landscaping generally consistent with the plan submitted with SUP#2002-0007 and shall in addition install planters on the patio with seasonal plants and at a size and location to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2018-0005)
23. Condition deleted by staff. (P&Z) (SUP#2018-0005)
24. Directional signage attached to the building such as 'No Parking' or 'Loading Area' is allowed. (City Council) (SUP#2018-0005) (P&Z)
25. The applicant shall screen and place the exterior mechanical equipment to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2002-0007)
26. The applicant shall maintain the existing brick wall located at the southeast corner of the subject lot or replace it with a similar size structure or landscaping to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2002-0007)
27. Condition deleted. (P&Z) (SUP#2004-0045)
28. **CONDITION AMENDED BY STAFF:** Meals ordered in the indoor dining area before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) ~~(SUP#2002-0007)~~
29. **CONDITION AMENDED BY STAFF:** Alterations or repairs to existing exterior lighting fixtures or new exterior lighting fixtures shall be shielded so as not to cause glare or spillover onto adjacent residential properties. (T&ES) (P&Z) ~~(SUP#2002-0007)~~
30. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that



there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP#2018-0005~~)

31. 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 to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0045)
32. **CONDITION DELETED AND REPLACED WITH CONDITION #41:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2004-0045)~~
33. **CONDITION DUPLICATED AND DELETED 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) (SUP#2018-0005)~~
34. **CONDITION DUPLICATED AND DELETED BY STAFF:** ~~The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z) (SUP#2018-0005)~~
35. No live entertainment shall be allowed in the outdoor dining area. (P&Z) (SUP#2018-0005)
36. **CONDITION ADDED BY STAFF:** No more than two sets of outdoor games are permitted. (P&Z)
37. **CONDITION ADDED BY STAFF:** The outdoor dining and games area on 1503-1505 Mt Vernon Avenue shall be located at least 45 feet from the rear property line and a fence shall be installed across the property from the rear building wall on 1503 Mt Vernon Avenue to the adjacent property at 1509 Mt Vernon Avenue to clearly delineate the patron area. The applicant shall also submit a landscape plan to ensure adequate screening to the adjacent home at 404 East Nelson Avenue, to the satisfaction of the Director of Planning & Zoning. (P&Z)
38. **CONDITION ADDED BY STAFF:** Outdoor cooking is not permitted except through approval of a Special Event Permit issued by the Recreation, Parks, and Cultural Activities Department of the City of Alexandria. (P&Z)
39. **CONDITION ADDED BY STAFF:** The applicant shall submit a landscape plan subject to the approval of the Director of Planning and Zoning that would screen the outdoor dining and game operations from the home at 404 East Nelson Avenue. (P&Z)
40. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls,

window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)

41. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
42. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)

**STAFF:**       Anthony LaColla, Division Chief, Land Use Regulatory Services  
                  Ann Horowitz, Principal Planner  
                  Madeleine Sims, Urban Planner

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

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- F-1 The occasional use of an outdoor grill can create potential odor and air pollution issues for the neighboring residences. The applicant needs to demonstrate to the City how these issues can be effectively controlled.
- R-1 11. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (T&ES) (~~SUP#2002-0007~~)
- R-2 15. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2018-0005)
- R-3 16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2002-0007)
- R-4 17. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (P&Z) (~~SUP#2002-0007~~)
- R-5 18. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2002-0007) (T&ES)
- R-6 19. **CONDITION AMENDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby off-street parking on advertising and on the restaurant's website. The applicant shall post signs directing patrons to the availability of off-site parking made available by the applicant at the Burke and Herbert Bank located at 306 East Monroe Avenue. (P&Z) (T&ES) (~~SUP#2002-0007~~)
- R-7 29. Alterations or repairs to existing exterior lighting fixtures or new exterior lighting fixtures shall be shielded so as not to cause glare onto adjacent residential properties. (T&ES) (P&Z) (SUP#2002-0007)
- R-8 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)

- R-9 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-1 A building permit plan review and inspections are required prior to the start of renovations.

Fire:

- C-1 Due to occupancy load, a fire prevention permit is required for this location.

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- fee must be paid separate from any other departmental fees.
- 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

Parks and Recreation:

No comments.

Police Department:

No comments received.





## APPLICATION

# SPECIAL USE PERMIT

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

**PROPERTY LOCATION:** 1501-1505 Mount Vernon Avenue

**TAX MAP REFERENCE:** 043.02-10-22, -23, and -24 **ZONE:** CL

**APPLICANT:**

Name: NOVA Hospitality, LLC

Address: 1501 Mount Vernon Ave, Alexandria, VA 22301

**PROPOSED USE:** The Applicant proposes to amend the existing restaurant to include outdoor dining on the lots at 1503 and 1505 Mt. Vernon Ave.

☒ **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.

M. Catharine Puskar, attorney

Print Name of Applicant or Agent

2200 Clarendon Blvd, Suite 1300

Mailing/Street Address

Arlington, VA

City and State

22201

Zip Code

mcPuskar

Signature

6/27/18

Date

703-528-4700

Telephone #

703-525-3197

Fax #

cpuskar@thelandlawyers

Email address

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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

### PROPERTY OWNER'S AUTHORIZATION

As the property owner of Please see attached., I hereby  
(Property Address)  
grant the applicant authorization to apply for the \_\_\_\_\_ use as  
(use)  
described in this application.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Please Print

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- 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.

See attached

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NOVA Hospitality, LLC  
1501 Mount Vernon Ave  
Alexandria, VA 22301

Karl Moritz  
301 King Street  
City Hall, Room 2100  
Alexandria, Virginia 22314

Re: Authorization to File Application for a Special Use Permit  
1501-1505 Mount Vernon Avenue (Tax Map IDs 043.02-10-22, -23, and -24; the  
"Property")

Dear Mr. Moritz:

NOVA Hospitality, LLC hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act  
as agent on its behalf for the filing and representation of an application for a Special Use Permit  
on the Property and any related requests.

Very truly yours,

NOVA Hospitality, LLC

By: 

Its: 

Date: 10-22-2018

[Letterhead]

Twenty Third Street Corridor LLC  
509 S 24<sup>th</sup> Street, Suite 100  
Arlington, VA 22202

TWENTY THIRD STREET CORRIDOR, LLC  
509 24<sup>th</sup> STREET SOUTH  
ARLINGTON, VA 22202  
703-685-0000

Karl Moritz  
301 King Street  
City Hall, Room 2100  
Alexandria, Virginia 22314


Re: Consent to File an Application for a Special Use Permit  
Applicant: NOVA Hospitality, LLC  
1503-1505 Mount Vernon Avenue (Tax Map IDs 043.02-10-23 and -24; the  
"Property")

Dear Mr. Moritz:

As owner of the above-referenced property, Twenty Third Street Corridor LLC, hereby consents to the filing of a Special Use Permit application and any related applications and requests the above-referenced Property by NOVA Hospitality, LLC (the "Applicant").

Very truly yours,


Twenty Third Street Corridor LLC

By:  STRATIS A. VOUTAS

Its: MANAGER

Date: 6/23/2018

I, STRATIS A. VOUTAS, AM CURRENTLY OVERSEAS  
AND DO NOT HAVE PRINTING CAPABILITIES  
ON LETTERHEAD. THIS DOCUMENT IS A  
SUBSTITUTE LETTERHEAD. PLEASE ACCEPT  
DOCUMENT AS IF ON COMPANY LETTERHEAD.

 6/23/2018

1501 MVA LLC  
1006 Pendleton Street  
Alexandria, VA 22314

Karl Moritz  
301 King Street  
City Hall, Room 2100  
Alexandria, Virginia 22314

Re: Consent to File an Application for a Special Use Permit  
Applicant: NOVA Hospitality, LLC  
1501 Mount Vernon Avenue (Tax Map ID 043.02-10-22; the "Property")

Dear Mr. Moritz:

As owner of the above-referenced property, 1501 MVA LLC, hereby consents to the filing of a Special Use Permit application and any related applications and requests the above-referenced Property by NOVA Hospitality, LLC (the "Applicant").

Very truly yours,

1501 MVA LLC

By: 

Its: Managing Member

Date: 6/25/18



## 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. Jeremy Barber	7000 Elkton Dr. Springfield, VA	50%
2. Justus Frank	8464 Blue Oak Ct. Springfield, VA	50%
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1501; 1503-1505 Mount Vernon Ave (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. See attached.		
2.		
3.		

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

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

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

**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.

6/27/18      M Catharine Buskar      McBuskar  
 Date                      Printed Name                      Signature

# 1501 MVA, LLC Ownership Statement

## Names and Addresses

## Membership Interest

Jennifer L. Walker  
Revocable Living Trust  
23 Forrest Street  
Alexandria, Virginia 22305

20%

Jeffrey S. Livingston  
6001 Rixey Drive  
Alexandria, Virginia 22303

20%

Sheryl W. Jahns  
107 East Luray Avenue  
Alexandria, Virginia 22301

20%

Ashley E. Jordan  
13 East Monroe  
Alexandria, Virginia 22301

20%

Kathryn H. Lehman  
3106 Russel Road  
Alexandria, Virginia 22305

20%

Total: 100%

## City Council Disclosure Information:

## Campaign Contribution-

Jennifer Walker Campaign contribution in excess of \$100 to Justin Wilson

Jeff Livingston none

Ashley Jordan Campaign contribution of \$100 to Justin Wilson

Sheryl Jahns Campaign contribution in excess of \$100 to Justin Wilson

Kathryn Lehman none

Twenty-Third Street Corridor, LLC  
Owner of 1503 and 1505 Mount Vernon Avenue

The 100% controlling member of Twenty Third Street Corridor, LLC is Stratis A Voutsas, CPA under the Restated Louis A Pappas Living Trust dated 1/5/1973

The 100% ownership member is the Restated Louis A Pappas Living Trust dated 1/5/1973

The Trustee of the Trust is Mark P Friedlander Jr.

No members have any business or financial relationships with members of the Planning Commission or City Council.

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

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

**N/A**

**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.)**

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Narrative Description  
1501-1505 Mount Vernon Ave  
TM #043.02-10-22, -23 and -24 (the "Property")  
NOVA Hospitality, LLC (the "Applicant")

The Applicant, NOVA Hospitality, LLC proposes to open a new outdoor dining area on the two lots at 1503 and 1505 Mount Vernon Avenue, adjacent to Charlie's on the Avenue ("Charlie's"). In the way of background, the Applicant obtained approval of an administrative change of ownership in March, 2018 and is currently in the process of renovating the former FireFlies restaurant at 1501 Mount Vernon Avenue and anticipates opening Charlie's in the near future. Charlie's and the proposed new outdoor dining will operate in conformance with the existing conditions of SUP #2018-0005, except that the Applicant requests an amendment to Condition #2 to reflect the additional seats, Condition #4 to reflect the expanded outdoor dining layout, and Condition #6 to permit a one hour extension of the indoor and outdoor hours of operation (from midnight to 1 AM for indoor and from 10 PM - 11 PM for outdoor), as well as deletion of Condition #19 as required parking can be met on site.

The lots proposed for the outdoor dining were most recently used as an outdoor garden center called Greenstreet Gardens. The Applicant plans to maintain the garden atmosphere by providing long, communal tables that mimic the plant display tables. A garden shed in the northeast corner of the site will be renovated and converted into a bar. Additionally, the Applicant plans to preserve other elements of the previous garden center tenant, such as the plantings and trellis. Charlie's will serve traditional American fare such as burgers, ribs, and more, with outdoor grilling and smoking, subject to all applicable health codes. Accessory yard games, such as Cornhole, Jenga, etc. will be available in the outdoor patio area. All noise from indoor and outdoor operations will be in compliance with the noise ordinance.

Pursuant to Section 8-200(A)(17), restaurants in the Enhanced Transit Zone must provide at least one (1) space per 1,000 square feet of floor area. For portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats shall be exempt from the parking requirement. The restaurant contains approximately 3,100 sf and the existing outdoor dining space includes 24 seats, 20 of which are exempt and 4 of which occupy approximately 60 sf, as set forth in the staff report for SUP #2018-0005. The additional 100 seats proposed occupy approximately 1,500 sf for a total of 1,560 sf of outdoor dining area for parking purposes. As such, a total of 4,660 sf (3,100 sf indoor and 1,560 sf outdoor) requires 5 parking spaces. There are six (6) available parking spaces on site adjacent to the restaurant, thereby exceeding the parking requirements. In addition, although not required, there are unstriped parking spaces in the gravel lot at 1503 Mount Vernon Avenue and the Applicant currently has an agreement with Burke and Herbert located at 306 E. Monroe Avenue for customer parking in the evenings and on weekends. While the Applicant currently has a parking agreement with Burke & Herbert, has signage posted regarding the availability of that parking and anticipates the agreement continuing for the foreseeable future, the Applicant requests that Condition #19 be deleted so that there is no need to amend the



SUP should the existing agreement be terminated by Burke and Herbert for any reason. Pursuant to Section 8-200(B)(5), no loading spaces are required.

Encouraging outdoor dining is a stated goal of the Mount Vernon Avenue Business Area Plan, as noted on page 99 of the plan. This active use complements and encourages a lively streetscape and supports a thriving commercial district. As evidenced by the wait for outdoor dining up and down the Avenue during nice weather, this proposal would not only provide additional capacity for outdoor dining, it would also enhance the active atmosphere along Mount Vernon Avenue, add jobs, and increase the commercial tax base.

**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).

Approximately 80-100 patrons at any given time.**B.** How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

A maximum of approximately 10 employees/shift**6.** Please describe the proposed hours and days of operation of the proposed use:

Day:

Daily (indoor)

Hours:

7AM-1AM

Daily (outdoor)

7AM-11PM

**7.** Please describe any potential noise emanating from the proposed use.**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.Noise levels will be in compliance with the Noise Ordinance.**B.** How will the noise be controlled?

Noise will be typical of a restaurant of this size. Staff will monitor the area for excess noise and will be in compliance with the City of Alexandria's Noise Ordinance.

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

On odors are anticipated beyond the property line. All outdoor cooking operations will be in compliance with the health code.

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

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

Trash will be typical of a restaurant of this size - paper, plates, cups, napkins.

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

Trash will be typical of a restaurant of this size and will be approximately 10 bags per day.

---

- C. How often will trash be collected?

Trash will be collected as necessary, but no less than two times per week.

---

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

Staff will monitor the premises for litter and will dispose of it appropriately.

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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:

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- 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:

Typical cleaning products associated with a restaurant will be used and will be disposed of appropriately.

\_\_\_\_\_  
\_\_\_\_\_

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?  
The Applicant will conduct ongoing staff training sessions to ensure staff preparedness relative to security and robbery awareness.

\_\_\_\_\_  
\_\_\_\_\_

## 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.

The Applicant is requesting both on- and off-premise alcohol sales (beer, wine, and mixed beverage) and will comply with ABC licensing requirements.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PARKING AND ACCESS REQUIREMENTS**

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

4 Standard spaces

\_\_\_\_\_ Compact spaces

2 Handicapped accessible spaces. Additional parking spaces are available on 1503 Mount Vernon Avenue lot in an unstriped, gravel parking lot.

\_\_\_\_\_ Other.

Planning and Zoning Staff Only

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

Does the application meet the requirement?

☐ Yes ☐ No

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

☒ on-site

☐ off-site

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

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

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

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

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

A. How many loading spaces are available for the use? 0 Per Section 8-200(B)(5), no loading spaces are required.

Planning and Zoning Staff Only

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

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? Per Section 8-200(B)(5), no loading spaces are required.
- C. During what hours of the day do you expect loading/unloading operations to occur?  
Loading will occur between 8AM and 6PM on E. Nelson Avenue.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
As often as necessary.
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?  
Yes, 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? N/A square feet.
18. What will the total area occupied by the proposed use be?  
3,100 sq. ft. (existing) + 1,560 sq. ft. (addition if any) = 4,660 sq. ft. (total)
- indoor** **outdoor**
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

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: 76 Outdoors: 124 Total number proposed: 200

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

**Per SUP #2018-0005, the restaurant is already approved for 76 indoor seats and 24 outdoor seats at 1501 Mount Vernon Ave**

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

The food will be typical American fare -- grilled burgers, ribs, etc.

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? N/A

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

Where will delivery vehicles be parked when not in use?

N/A

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

☒ Yes ☐ No

If yes, please describe:

The existing restaurant is approved for indoor live entertainment per SUP #2018-0005.

The Applicant is requesting lawn games in the outdoor seating area.

## Anh Vu

---

**From:** Madeleine Sims  
**Sent:** Tuesday, August 07, 2018 10:31 AM  
**To:** Anh Vu  
**Cc:** Ann Horowitz  
**Subject:** Fw: Additional information re: Charlies  
**Attachments:** Charlies Garden Plan.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Anh,

Would you please include this information in the case for 1501-1505 Mount Vernon Avenue?

Thanks!  
Madeleine

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

---

**From:** Puskar, M. Catharine <cpuskar@thelandlawyers.com>  
**Sent:** Tuesday, August 7, 2018 10:11 AM  
**To:** Madeleine Sims; Mary Christesen; Ann Horowitz  
**Cc:** Herre, Caroline  
**Subject:** Additional information re: Charlies

Madeleine,

Attached please find an updated exhibit providing the additional detail requested in our telephone call.

As shown in the exhibit:

We have clarified that it is a 100 person max capacity whether the patrons are standing or sitting.

We have added a tree landscaped buffer at the rear of the property.

We have moved the picnic tables closer to the front of the property.

We have relocated the bar area to the front of the property.



We have identified the location of the yard games in the middle of the property.

We have identified the location of the grill and trash/recycling areas adjacent to the small building.

We have identified the location of the herb garden at the rear of the property to be tended by staff for use by the restaurant.

As to the other items we discussed:

The small building will be used for storage only.

Except for occasional grilling events, all food will be prepared inside Charlie's restaurant.

Guests will order food at the bar in the garden and be given a number.

Guests will also order drinks (wine, beer, margarita, palomas, sodas) in recyclable cups or cans from the bar.

A food runner will deliver the food to the customer at their table.

Food will be served in recyclable/compostable containers with recyclable/compostable silverware.

Outdoor grilling will occur occasionally and will meet City Code requirements.

Outdoor heaters and/or gas fire pit may be used occasionally and will meet City Code requirements.

I hope this covers everything. Please let me know if you need anything else. I will also forward this to the Del Ray Land Use Committee so that they have it in advance of their meeting on August 14<sup>th</sup>.

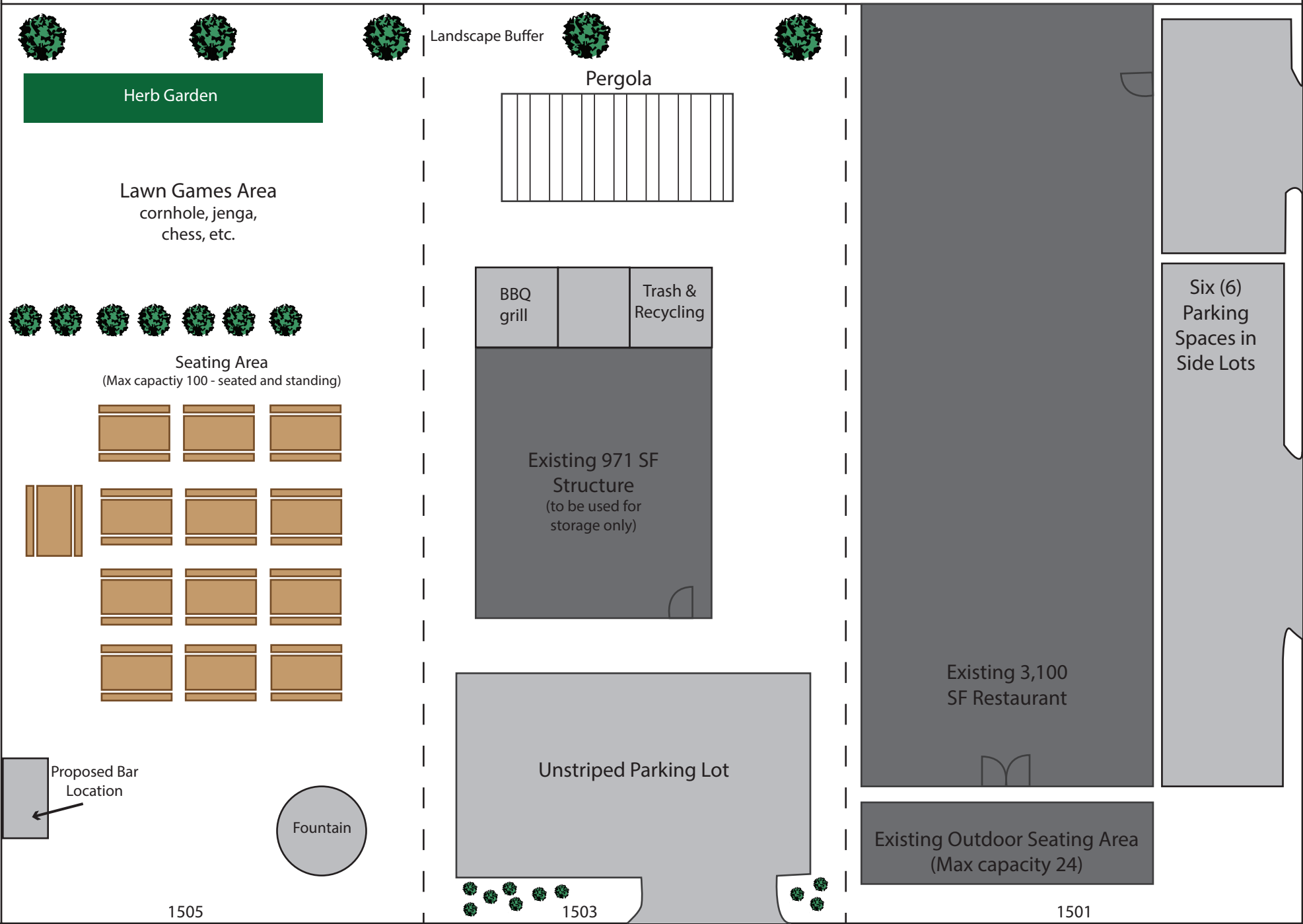
Thanks.

Cathy

Attorney-Client Privileged Communication: The information in this email and attachments is attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete it and immediately notify us by email or by phone. Thank you.

TM ID: 043.02-10-21  
John R Shettel  
Zone: R-2-5

TM ID: 043.02-10-1  
DH Design District LLC  
Zone: CL



EAST NELSON AVENUE

MOUNT VERNON AVENUE

Drawing for illustrative purposes only.

24 existing outdoor seats  
100 proposed outdoor seats

Scale: 1" = 15'

# CHARLIE'S ON THE AVENUE

gfd

---

**To:** Barbara Alino  
**Subject:** RE: Charlie's on the Avenue

**From:** Barbara Alino <barbaramiami@hotmail.com>

**Sent:** Monday, August 20, 2018 11:06 AM

**To:** Madeleine Sims <Madeleine.Sims@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Tony LaColla <Anthony.LaColla@alexandriava.gov>; Kristen Walentisch <kristen.walentisch@alexandriava.gov>

**Subject:** FW: Charlie's on the Avenue

Hello Madeleine,

Thank you very much for your responsiveness, answering some of my questions and addressing some of these concerns. I'm glad to hear they have a plan for waste management and expect to have new mechanical units that will be compliant with the noise ordinance. So, in a nutshell, the additional concerns that currently do not have a proposed solution are summarized below. Just want to clarify that these concerns are related to the Beer Garden proposal of 100+ additional outdoor seats, and the extended hours of operation.

- 1) **Excessive noise:** This is an outdoor plan they have, so the noise will be hard to control when there are 100+ people drinking and playing outdoor games. Also, the parking lot is across the street from me, and the noise of people departing the establishment at later hours with the extended hours (after presumably imbibing alcohol at a beer garden) would mean that the only hours of peace and quiet would be between approx. 2:00 AM after staff and last patrons have departed (if new closing time is at 1:00 AM) and 6:00 AM when the trucks with the deliveries start to show up. That leaves only 4 hours of peace and quiet every day, and 20 hours of constant noise. This brings me to my next point.
- 2) **Interference with sleep and quality of life:** Having an outdoor beer garden for hundreds of patrons would likely increase disturbances for the neighborhood and generate an increase in noise that would interfere with sleep and general quality of life.
- 3) **Diminished privacy:** Attracting hundreds of new patrons to the block, who will be parking across the street from me and likely parking up and down E Nelson Ave (given only 6 parking spaces planned for the venue) will likely result in diminished privacy for me and my neighbors.
- 4) **Disturbances:** As I mentioned previously, there have been disturbances (fights) in the parking lot when Fireflies was there. I expect those drunken disturbances would increase with the creation of a 100+ person beer garden.
- 5) **Parking problems:** As mentioned previously, the establishment does not have enough parking spaces (only 6 for almost 200 total patrons between the restaurant and the beer garden) and the parking issues would likely spill over onto East Nelson Avenue affecting the resident's ability to park on the block and to freely enter/exit homes without obstructions.
- 6) **Increased light, fumes and odors** are also a concern with the addition of the beer garden and extended hours.

Thanks again for considering these topics during your review.

Regards,

Barbara

**From:** Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)>

**Date:** August 20, 2018 at 8:11:18 AM EDT

**To:** Barbara Alino <[barbaramiami@icloud.com](mailto:barbaramiami@icloud.com)>

Cc: Ann Horowitz <[ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)>, Tony LaColla <[Anthony.LaColla@alexandriava.gov](mailto:Anthony.LaColla@alexandriava.gov)>, Kristen Walentisch <[kristen.walentisch@alexandriava.gov](mailto:kristen.walentisch@alexandriava.gov)>

**Subject: Re: Charlie's on the Avenue**

Barbara,

These are very important questions, that I have some answers to, and for additional clarification I have reached out to the applicant for details, including their screening plans and any rodent mitigation they may propose. The applicant proposes adding an additional dumpster to the rear of the structure at 1503 Mount Vernon Avenue, and having trash pick-ups at least twice a week or as often as necessary. They anticipate on generating 10 bags of trash a day. They are required to keep their dumpster(s) screened from view. As far as the rooftop mechanical and the dumpsters, both are required to be screened from the right-of-way. In regards to noise from mechanical units, I am unsure if they will be using different units but there are stipulations pertaining to the noise of mechanical units in the Noise Ordinance which they are required to abide by. I will follow up with the applicant and the Office of Environmental Quality to learn more, and let you know what I find.

I will follow up with you shortly, but in the meantime if you have any questions please let me know.

Regards,  
Madeleine

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

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**From:** Barbara Alino <[barbaramiami@icloud.com](mailto:barbaramiami@icloud.com)>  
**Sent:** Saturday, August 18, 2018 2:26 PM  
**To:** Madeleine Sims  
**Cc:** Ann Horowitz  
**Subject:** Re: Charlie's on the Avenue

Thank you for the follow-up email, Madeleine. Actually, I do have a couple more concerns/questions after the citizens' association meeting we had a few days ago:

1) Under the proposal for the beer garden and additional hundred seats, how do they propose to manage the additional garbage that this will generate? Almost tripling the number of patrons, will likely include almost triple the amount of garbage generated. The previous restaurant had one large dumpster directly across the street from my home (and the three other townhomes in my row). This dumpster regularly attracted rodents and large bugs, specifically roaches, which used to migrate from the dumpster across the street into the garages of our townhomes. I would like to know what the plan is for managing triple the amount of waste that would likely be generated by the establishment if they get approved for

the beer garden. If this will involve adding additional dumpsters, how will they hide these from plain-view so that the direct view from the four townhomes (1415 Mt Vernon, 401 E Nelson, 403 E Nelson and 403-A E Nelson) isn't of giant garbage cans? This would likely impact property value. Also, how would they mitigate the problem with the rodents and the roaches?

2) The equipment and fans the restaurant has on the roof, are quite loud and very visible. Do they have any plans to conceal these in a way that makes them less visible and also mitigates the noise?

While I am very happy about Charlie's on the Avenue opening soon and have very much been looking forward to it, I was expecting something of the same proportions as Fireflies, with a remodeled locale and hopefully better quality food. This is great! However, adding over 100 more seats and creating a beer garden with extended hours of operation is an entirely different proposition with very different and concerning ramifications for the neighborhood.

Thank you for taking these concerns into consideration when you make your final decision.

Regards, Barbara

On Aug 17, 2018, at 8:43 AM, Madeleine Sims <[Madeleine.Sims@alexandriava.gov](mailto:Madeleine.Sims@alexandriava.gov)> wrote:

Barbara,

Thank you for sending in your concerns about parking, hours, and noise as it pertains to the new proposal, and also your experience with the last restaurant. We greatly appreciate community input on requests such as this one, and we will note it in our report as well as send a copy to the Planning Commission and City Council. We are finalizing the report, and it will be published next week. I will send you a copy once it is available.

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

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  
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**From:** Barbara Alino <[barbaramiami@icloud.com](mailto:barbaramiami@icloud.com)>  
**Sent:** Thursday, August 9, 2018 6:27:19 PM  
**To:** Madeleine Sims  
**Subject:** Fwd: Charlie's on the Avenue

> Good afternoon, my name is Barbara Alino. I live at 401 East Nelson Ave., directly across the street from the parking lot of the former fireflies soon to be Charlie's on the Avenue restaurant.

>

> I have concerns about the proposed amendment to the special use permit for 1505 Mount Vernon Ave.

>

> My first concern, is the request to extend the indoor and outdoor hours of operation. When fireflies was open, there would often be drunk people in the parking lot at all hours of the night. Sometimes laughing and speaking loudly, other times there were fights. The longer the hours people will be consuming liquor and the later they leave, the worse the potential for the noise nuisance will become. The sound of music also travels into the townhomes across the street on E Nelson. I work and have to get up early in the mornings, and would like to have sufficient hours of peace and quiet to rest in the evenings.

>

> My second concern is the increased vehicle traffic that the additional seats will generate. The entrance to the restaurant's parking lot is directly across the street from my driveway. The increased traffic in and out of the restaurant parking lot could potentially cause disruption for entering and exiting our homes for all of the 4 townhomes across the street on E Nelson. Additionally, it would bring more vehicles to the area looking for street parking preventing residents from being able to park on the street.

>

> Please let me know if there is any particular format needed to convey these concerns.

>

> Regards,

>

> Barbara

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**From:** susan hellman <shellman1852@gmail.com>  
**Sent:** Monday, August 20, 2018 3:00 PM  
**To:** Madeleine Sims; Ann Horowitz; Tony LaColla; Kristen Walentisch  
**Subject:** SUP 2018-00067

Dear Ms. Sims,

For whatever reason, I cannot pull up the SUP on the City GIS Document Imaging Viewer, so I hope I am not too late to comment. I would like to echo the comments of my neighbors, Barbara Alino, Irene Ivone, and Jocelyn Lofstrom. I live at 407 E. Nelson Avenue, and look forward to the opening of Charlie's. The adjacent beer garden is a wonderful idea as long as the neighboring properties are respected and taken into account.

**Noise** will definitely be an issue. In addition to music and general loud talking in the beer garden, the limited parking will generate noise. I understand that Burke & Herbert Bank will allow parking in their lot, but most people will park along East Nelson. Fireflies patrons regularly walked loudly to their cars, shouting farewells and last-minute comments to their friends. I expect this to continue with Charlie's, and 100 people doing this will be excessive. In order to reduce noise somewhat from emanating from the beer garden itself, bars, music, games, etc. should be located as close to Mount Vernon Avenue as possible.

I appreciate that you are keeping an eye on the **trash/rodent** issue. Currently, the dumpster is directly adjacent to 404 E. Nelson Ave., and right across the street from four townhouses. If a dumpster is placed behind 1505 Mount Vernon Avenue, 404 E. Nelson will have two dumpsters immediately adjacent to the property line. The owners should try to find a better solution to address this issue.

Thanks very much for your attention to these issues.

Best,

Susan Hellman  
407 E. Nelson Ave.



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**To:** Madeleine Sims  
**Subject:** RE: Comments on SUP #2018-0067

**From:** Timothy Herzog <[timgherzog@gmail.com](mailto:timgherzog@gmail.com)>  
**Sent:** Wednesday, August 22, 2018 5:15 PM  
**To:** Madeleine Sims; [landuse@delraycitizen.net](mailto:landuse@delraycitizen.net); [lalett@aol.com](mailto:lalett@aol.com)  
**Subject:** Comments on SUP #2018-0067

Hello,

I would like to share my thoughts on SUP #2018-0067, the request to revise to expand the layout, hours, and parking rules at 1501-1505 Mt Vernon Ave (dba Charlies on the Avenue). I am a resident of Alexandria who lives virtually across the street from the property at 1406 Mt Vernon Ave.

I understand that others have raised concerns about the number of customers, the proposed later hours, and the adverse impact these changes would have on the surrounding community and its residents. I share these concerns. But at the same time understand and support the need to create an environment in Del Ray in which both businesses and residents can thrive. I think a balance can be struck here.

My particular concern is the impact on residential parking. We know from previous experience (dba Fireflies) that the property will compete with residents on Mt Vernon Ave for parking spaces. In the past, this was manageable, as competition was limited to weekend brunches. With the proposed expansion, we can anticipate more competition, both from more frequent hours of operation, and substantially more customers if the business is successful.

Unfortunately for us and our neighbors, our addresses are NOT eligible for parking permits, as our addresses are not part of parking district 6. You'll see on the [parking district map](#) that there is a neat little "carve out" on Mt Vernon Ave (between Alexandria Ave and Monroe) that disqualifies us from obtaining permits. As such, if Charlie's customers park on Mt Vernon Ave as expected, we would be forced to park at least 3-4 blocks from our house, or park on a nearby street and risk getting a parking ticket.

For these reasons I hope you will take parking impacts into consideration as you make your determination.

Thank you,

Tim Herzog  
1406 Mt Vernon Ave  
Alexandria, VA

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**From:** enovi2@aol.com  
**Sent:** Monday, August 20, 2018 12:40 PM  
**To:** Madeleine Sims; Ann Horowitz; Tony LaColla; Kristen Walentisch  
**Subject:** Charlie's Restaurant on Mount Vernon and East Nelson

Hi Madeline,

Thanks for inviting the local residents to send in their comments/concerns.

My name is Irene Ivone. I live at 406 East Nelson Ave.

I am in favor of the proposed beer garden expansion.....

**BUT....**

I am concerned with the scale of the proposed beer garden. If Charlie's started with +30-40 outdoor patrons...similar to The Front Porch, I think the increase would make more sense. At the citizen's meeting we discussed the problems 100+ people until 1:00AM would create.

**PARKING** is a major concern for me. When Fireflies was open, I had to go into the restaurant many times to ask who the owner of a car was that was blocking my driveway. **NOISE...** There were many loud late night good byes in front of my house. I had to go out to ask people to quiet down on many occasions.

**It can't be possible that SIX SPOTS WOULD SATISFY THE CITY Parking Space REQUIREMENT for 175+ patrons!!**

**TRASH** is another major concern. I have seen rodents and roaches around the trash receptacles. Trash is collected early on weekend mornings...very loud. The proposed patron increase would generate a lot more trash. Is it possible to move the trash cans to the Garden shop driveway facing Mount Vernon Ave?

There is a very loud/noisy **HVAC** on the roof of the establishment. Is there a plan to update or enclose the HVAC?

I hope the expansion can move forward with a more sensible approach which addresses the above and other issues raised by my neighbors.

Thank you for your support.

Irene

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**From:** Jocelyn Lofstrom <jslofstrom@hotmail.com>  
**Sent:** Monday, August 20, 2018 1:47 PM  
**To:** Tony LaColla; Ann Horowitz; Kristen Walentisch  
**Subject:** Fwd: Charlie's on the Avenue: resident concerns

**From:** Jocelyn Lofstrom <jslofstrom@hotmail.com>  
**Sent:** Monday, August 20, 2018 5:42:04 PM  
**To:** madeleine.sims@alexandriava.gov  
**Subject:** Charlie's on the Avenue: resident concerns

Dear Ms. Sims:

I have been copied on recent correspondence between you and Barbara Alito regarding Charlie's on the Avenue. I agree with Barbara's notes, but would like to highlight my particular concerns.

Parking: East Nelson did get filled with cars of people going to then-Fireflies. People would often park so close to the entrance of my driveway that it was impossible to get my car out, especially when cars were parked directly across the street from each other. The 6 spots are not really enough and they are actually not configured well. If a large SUV parks in one spot the adjoining spot is not really accessible.

I strongly request that you do NOT allow outdoor music. That would greatly reduce quality of life in our neighborhood.

I also strongly request that the number of outdoor patrons be limited, reduced from 100 to about 50. The tables and any games should be situated far from the back of the property, as close as possible to Mount Vernon Avenue.

I prefer that the hours of operation from Sunday to Thursday be kept as they were and NOT extended. Friday night and Saturday nights could have extended hours.

The trash situation should be carefully evaluated and the sidewalk not be impinged. We walk on that sidewalk constantly and do not want to be affected by bad smells and escaping trash. In the past there were often broken bottles on the sidewalk which were a hazard for our dogs.

Thanks,

Jocelyn Lofstrom  
408 East Nelson Ave.  
703-389-2217

---

**To:** Madeleine Sims  
**Subject:** RE: Charlie's/ SUP#2018-0067

**From:** Kate Madrick <[katemadrick@gmail.com](mailto:katemadrick@gmail.com)>  
**Sent:** Sunday, August 19, 2018 1:47:36 PM  
**To:** Madeleine Sims  
**Subject:** Charlie's/ SUP#2018-0067

Hi Madeleine,

I am a home owner, and live within 1.3 blocks of Charlie's.  
We were pleased to hear that a new interesting restaurant was coming soon.  
We are regular restaurant patrons. The owners stated their desire to offer  
an alternative to their existing place citing "family friendly, lunch, brunch" etc.

However, there are no other 200 seat restaurants in the area.  
I cannot say if even any other outdoor space restaurants come remotely close to that number. So even if they reduced  
their numbers to 100 in total, this will be a large impact to public safety, parking, noise and light pollution. I am a  
member of DRCA and feel that since the city council has reduced requirements for parking and density, and  
consequently has enabled "other interested parties" to pursue high volume instead of quality of life.  
I personally could not believe that more people did not come to the hearing to at least learn of the proposal. As aptly  
stated by 1 attendee, he had no knowledge of the scope of the plans, and really wanted to see this restaurant be a  
success but was very concerned about the impact.

The implications of allowing this particular site to become a precedent should be a concern to all Del Ray residents.  
If you wish to keep the amount of traffic and pedestrian accidents low, then consider the implications of allowing many  
people with access to alcohol well into the night the ability to walk and or drive in our neighborhood.

Kind regards, Kathy Madrick

---

**From:** Madeleine Sims  
**Sent:** Tuesday, August 21, 2018 9:34 PM  
**To:** Kristen Walentisch  
**Subject:** Fwd: SUP 2018-0067/2018-0005 Charlie's

For PC

Madeleine Sims  
madeleine.sims@alexandriava.gov  
703.746.3802

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**From:** Sarah Mehaffey <sarah\_row@hotmail.com>  
**Sent:** Tuesday, August 21, 2018 8:31:41 PM  
**To:** Madeleine Sims  
**Subject:** SUP 2018-0067/2018-0005 Charlie's

Good evening Ms. Sims,  
I attended the Del Ray Land Use Committee meeting last week after learning of the proposed SUP amendments for the new business occupying 1501-1505 Mt. Vernon Ave. I am a neighbor to these properties, living in the 1400 block of Mt. Vernon Ave.

First and most urgently, the SUP amendment notice, along with upcoming dates/opportunities for public input, should be posted on BOTH the existing Fireflies building AND at the former Greenstreet Gardens location. The neighborhood has not been properly notified of the proposed changes, and your office would benefit from additional resident input regarding the proposed changes. If it is not a requirement to post these notices, I respectfully request that Alexandria ask Charlie's to post the SUP amendment notices immediately, so that residents can appropriately engage in the public process surrounding the proposed changes.

Second, I'd like to register some concerns about the amendment application, summarized below according to the various conditions that are proposed to be modified.

#2: 100 outdoor seats proposed at 1503-1505 Mt. Vernon

- **Insufficient study has been done to convey the impact that 100 people eating outdoors has upon both the existing restaurant building and the neighborhood.**
  - Application point #7B describes that noise will "be typical of a restaurant this size." There is no precedent for an outdoor restaurant of this size in Del Ray and possibly all of Alexandria, so the city or neighborhood cannot be proactive in managing what can "typically" be expected of it with regard to noise. Noise has been an ongoing issue at the former Fireflies, and they only had outdoor seating for 20+ people. Given the close proximity of the business to residential properties, 100 people seems excessive, and the application does nothing to describe specific actions that will be taken to assure that the addition of 100 people drinking and playing games in a beer garden setting will fall within noise ordinances.
  - Fire/egress concerns for such a large number of people, as well as plumbing fixtures required, does not seem to have been addressed. In spaces with more than 50 occupants, 2 separate means of egress are

required, each of which must empty out onto a public way. The outdoor seating area seems to have only one way to access/exit the property.

- Trash generated by the additional 100 seats seems to have been vastly under-estimated; it is proposed that the restaurant be open from 7 am to at least 11 pm every day, and the application point #9A verifies that the outdoor seating portion will generate paper plates/cups/napkin trash, in addition to the restaurant trash from the Charlie's portion. The application estimates this to total about 10 garbage bags a day, which seems to be a huge under-estimate. With garbage proposed to be collected only twice a week, the indicated trash area (which neighbors have requested to be screened/enclosed) is likely much too small. In reality, enough trash will be generated to fill the existing area plus an additional parking spot before a garbage truck collects it. Reducing the allowed number of occupants in the outdoor seating area would minimize the additional trash impact upon the property and surrounding neighborhood.
- The application seems to indicate no changes to the existing ground surface of 1503-1505 Mt. Vernon Ave, which is currently gravel. How will spilled food be cleaned up? It cannot be sprayed to a drain/catchment with a hose – will this space attract vermin? Flies/mosquitos? What is their plan for accessibility, as this type of gravel is not wheelchair friendly?

#6: extend indoor and outdoor hours of operation on both the morning and evening side

- **The application disingenuously states that they are only asking for a 1-hour extension of hours;** this is not true, as later in the application the proposed hours of operation are 7am-11pm (outdoors) and 7am-12am (indoors), 7 days a week. Fireflies' hours were 12pm – 10pm on weekdays, and 9am-11pm on weekends; therefore the 16-hour days, 7 days a week proposed for this SUP amendment is a SIGNIFICANT expansion of the restaurant operation. This window of time is unprecedented in Del Ray, even in the heart of the business district.
- Loading is proposed to take place "as frequently as necessary" (application item #15D). Given the long hours proposed for the restaurant, the proposed significant increase in seating, and the fact that loading must occur on a residential street, this aspect of the application does not adequately address the concerns associated with why an SUP is required for this business in the first place.
- **The proposed hours are not appropriate for the business location.** Only 1 other bar in Del Ray is open past 11 pm (Majestic Lounge), and it has no outdoor seating. The only other comparable outdoor beer garden, The Front Porch at Evening Star, closes at 10 pm. Until Charlie's can prove that the market exists for such significantly extended hours and/or their substantiate their ability to manage the noise associated with a larger outdoor seating presence, there is no reason to extend the hours past those already granted via the original SUP. Given this business's close proximity to residential properties (it has residential properties on 3 of its 4 sides: directly adjacent to it as well as across both East Nelson and Mount Vernon Avenues), extension of hours past the already-extended timeframes of the existing SUP is not warranted.

#19: Delete requirement for offsite parking

- **If onsite trash management and handicap accessibility requirements are studied more carefully, it is quite likely that there will not be enough onsite parking.**
  - It is likely that the business has underestimated the amount of trash that must be stored prior to the twice-a-week trash pick-up referred to in the application, and that an additional parking space will be needed to provide the agreed-upon trash area screening and containment.
  - At 1503-1505, there is no accessible route up to the seating area, and the existing too-steep ramp will likely have to be extended to meet ADA requirements. This will most likely infringe upon the un-striped parking area the application maintains will remain. Until trash and accessibility issues are resolved to the satisfaction of neighbors and code officials, the SUP should still require arrangements for off-site parking.

Thank you for your time and attention to this matter,

Sarah Mehaffey

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**To:** Madeleine Sims  
**Subject:** RE: Charlies on the Avenue SUP #2018-0067

**From:** Tom Ortiz <[wallstreet3924@gmail.com](mailto:wallstreet3924@gmail.com)>  
**Sent:** Thursday, August 16, 2018 5:58 PM  
**To:** Madeleine Sims  
**Subject:** Charlies on the Avenue SUP #2018-0067

Hi Madeleine,

I was at the DRCA Land Use Committee meeting regarding the Charlies on the Avenue SUP #2018-0067. I wanted to express some of my concerns in writing.

This is not a convenience issue as much as it is a quality of life and safety issue for this neighborhood. If this SUP were to be approved as is it would mean that the neighborhood would lose virtually all of its street parking to this single entity. With staff arriving in the morning at roughly the time that most people leave for work, those returning home at the end of the day would find no available parking due to staff use coupled with lunch and dinner parking. This is primarily a residential area. Between Nelson Avenue and Braddock Road there are approximately four commercial properties. The rest of the space is residential and the Middle School.

Many of the homes in the area rely on street parking as their primary parking. With all this considered it is ludicrous to assume that there will be no negative impact on the situation in the neighborhood from adding at least 75 to a 100 cars to the parking required in addition to the residents. That is assuming 2 to 3 people per car. This is not the original plan for this restaurant. We were sold a story that this would be a family-friendly restaurant. Frankly, I was looking forward to it. I cannot see the need for a family friendly restaurant to have a beer garden nor can I understand the need for an extension of hours.

The SUP calls for 100 additional seats (to the existing 24) outdoors and lawn games. I think you can see the mentality of how strictly this applicant will follow their SUP when the spokesperson stated that there would also be outdoor music (which does not appear on the SUP). A beer garden is not the type of establishment that should be located in a residential neighborhood.

The chief concerns that I hold on this include:

1. Noise - the sound of 124 people enjoying themselves, drinking, playing lawn games and music has a serious impact on the quality of life in the area surrounding the restaurant. If this were planned to be anything but a beer garden why would they ask to expand the hours of operation? If this were not the case why would the expanded hours be 7 days a week? This demonstrates the type of patrons the restaurant is trying to attract. There are no other 200 seat restaurants in Alexandria to my knowledge. The closest type of establish to this one is Evening Star which has a similar operation. Evening Star is in a far more commercial area of Mount Vernon Avenue. It has far fewer outdoor seats and operates until 10pm and not the 11pm requested by this SUP. Once the restaurant closes dumping garbage and closing down is also a noise factor with all of these activities happening after the 1:00 am closing time of the restaurant each and every night. The

neighborhood should not have to hope that no one will show up to have the restaurant close earlier. We are NOT trying to keep Charlies from opening, we WANT it to succeed but if it is successful in the requested form it means that the impact on our quality of life will be greater. How do you tell someone drinking in a beer garden to "keep it down"? Moving the seating closer to Mount Vernon Avenue doesn't do much for the people living across the street or on the block between Nelson and Alexandria Avenues. It makes it worse for a larger group.

2. Light - In addition to the sound issue please also consider the light issues. Noise is usually the first thing that is considered but light is a strong second. The restaurant and the outdoor seating area will be fully lit in order for staff to clean and close down operation well after 11:00pm and perhaps even after the 1:00 am closing time for the restaurant itself. We should not have to negotiate the time lights go out in our neighborhood current ordinances are there for a reason.

3. Parking - The parking issue is a no brainer. Especially when you consider their request to not provide previously negotiated parking at Burke and Herbert. This was done before the beer garden addition. It is an obvious change of attitude of the management since the new group obtained the Greenstreets space. All of the glowing statements about how nice the owners are seem to refer to a different management group who are no longer in charge. Staff arrives early to receive shipments. Staff leaves after the restaurant closes at 1:00 am. That means staff will be parked on the streets from roughly 7:00 am to 2:00 am effectively taking street parking from residents. A total lack of street parking, lost to staff and patrons means a negative impact on property values. The contention that people will walk there is equally unsound. Count the houses within a two block radius of the restaurant and multiply by two. This is the total of people who could conceivably walk to the restaurant. No matter how you manipulate numbers it doesn't come up to the 200 patrons they are trying to attract. No restaurant is going to count on these people as their primary patrons. Do they expect local walking residents to eat at Charlies every day? Just who are they going to try to attract? Anyone from outside the immediate area will drive here. Driveways blocked, arguments over parking spaces all are needless issues created by this SUP.

4. Life Safety - All of the other issues, Noise pollution, Light pollution and parking are minor compared to the safety issue. From trucks loading and unloading at a corner where people, who drop off the kids at the local schools meet kids walking to school and cross traffic on Mount Vernon Avenue is a recipe for disaster. That all happens before the restaurant opens for the day. Once the restaurant closes, the other issues emerge. Why the additional hours? That is because they want to maximize business. That is also because they feel that the people they must attract to keep a 200 seat restaurant afloat must come from other areas outside of Del Ray. These people will arrive, drink until 11:00pm and then transfer to the indoor restaurant where they can then drink until 1:00 am. These people are not going to leave quietly. Extra hours of drinking equal a louder trip to where ever they parked. Instances of fights and people relieving themselves on neighborhood lawns was commonplace at Fireflies. To say that the new owners are great people is irrelevant. Once a patron leaves the restaurant/bar they are no longer under the control of the proprietor. Would you like to argue with a drunk about why he's parked in your driveway or why he is relieving himself on your hedges? This will lead to obvious issues, all avoidable. The last issue, but potentially the most deadly is putting a drunk behind the wheel, especially very late at night. Expanding drinking hours are the last thing we need to do especially in a residential neighborhood where everything else is closed.



We all wish Charlies the greatest success but these issues need to be address with a much lower seat count for the outdoor dining, more than two restrooms, earlier closing times and some thought on providing parking. Restaurants succeed when they employ imagination and ingenuity to differentiate themselves. No one is going to want to drive around the neighborhood for a half hour looking for a parking spot. No one wants to risk life and limb to a drunk driver. This SUP is unsound.

Thank you,

--

*Tom Ortiz*

*(347) 873-8933*

[wallstreet3924@gmail.com](mailto:wallstreet3924@gmail.com)

## Charlie's on the Avenue

Sirois, Sheila <sas@jenwalker.com>

Thu 8/23/2018 4:35 PM

To: PlanComm <PlanComm@alexandriava.gov>;

To Members of the Planning Commission:

My family is a long-time resident of the Del Ray neighborhood in Alexandria having lived here since 1991. We support the proposal for indoor and outdoor dining as presented by Charlie's on the Avenue and are looking forward to having an additional dining spot along the southern end of Mt Vernon Ave. It seems that the development of retail and dining has been focused along the central area near Oxford Ave and the businesses along the area south of Monroe Ave are in need of a boost. The owners of Charlie's on the Avenue are proven restaurant owners who are committed to a successful business. It would be wonderful to see the addition of outdoor dining as many people enjoy and seek out venues for such an experience.

Thank you,  
Sheila Sirois  
204 E Monroe Ave

Sheila Sirois, REALTOR

Licensed in VA

McEneaney Associates, Inc. REALTORS

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**From:** Madeleine Sims  
**Sent:** Friday, August 24, 2018 11:51 AM  
**To:** Kristen Walentisch  
**Cc:** Ann Horowitz; Tony LaColla  
**Subject:** Fw: Notes and Comments on the SUP for the Charlie's Restaurant and the adjoining Properties

**Importance:** High

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

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**From:** John Shettel <grws@mac.com>  
**Sent:** Friday, August 24, 2018 11:49 AM  
**To:** Madeleine Sims  
**Cc:** 'John Shettel'; John Shettel  
**Subject:** Notes and Comments on the SUP for the Charlie's Restaurant and the adjoining Properties

### I want to begin by introducing myself:

I am John Robert Shettel, the current owner of 404 East Nelson Avenue, Alexandria, VA 22301  
My property directly adjoins all three properties that face Mt Vernon Avenue, Charlies Restaurant and the two property that were previously residential and subsequently were a Garden Center.

### BACKGROUND:

My family has lived at this address: 404 East Nelson Avenue since 1939. My Grandparents, Mr & Mrs. Robert Porterfield bought the house shortly after this development of bungalows were built. My Grandparents raised four kids in the home, one of which was my mother, Alice Porterfield-Shettel. My mom inherited the home from her mom and then I inherited it from my mother.

404 East Nelson Avenue is my primary residence. It is my home, in every sense of the word. The master bedroom and the kids bedroom are directly adjoining the properties that are under consideration for exceptions to the current Land Use stipulations. I have enjoyed the DelRay neighborhood for decades as a friendly, quiet environment scaled to be a place where people can think and enjoy each other's company.

### NOTES and CHALLENGES

I have invested 10's of thousands of dollars in landscaping and gardening to create quiet, pleasant, side yards, and a backyard that will facilitate the gathering of the family in an environment that is facilitated by beauty and good design. The original residential neighbors were very respectful and the Garden Center was also very

respectful of Light Pollution Issues and Esthetics. I am concerned that what is envisioned as a BEER GARDEN will destroy all of this. The idea that the beer garden would be open well past 11PM with upwards of 100 people seated; drinking beer and playing "beer" games in the back – adjacent to my bedroom windows and my peaceful backyard - is unnerving at best and truly disastrous in terms of my ability to sleep at night and to retain the value of my property for resale to anyone, let alone a family with children that need to go to bed at a reasonable hour.

We were advised in the DelRay Land Use planning meeting that the house that currently sits on the property does not have a determinate use, as yet. When asked where 100 people drinking beer will have a facility to "Relieve themselves" we were told that they would be directed to the Charlies Restroom facility within Charlies. I have been in this facility. It was barely sufficient when it was Fireflies. There is 1 stall for men and 1 for women. That was to support the limited capacity of Fireflies. I can only imagine how the younger beer drinkers, sitting in the gravel lot beer garden will resort to going to the back fence behind one of the existing partitions, and relieve themselves on my fence line. This is only one of many considerations that would seem to make the 100 person capacity of the Beer Garden in-appropriate and impractical. When this was raised in the DelRay Land Use planning meeting we were met with Lawyers telling the many residents that the Code Allows for this ratio of Patrons to Restroom facilities. I am certain that there are quite a few lawyers that are talented enough to find the necessary loop holes, however, I am hoping that the Alexandria Planning Board and the City Council would not be so cavalier about such an important quality of life and Public Health Consideration.

This entire Beer Garden project seems to be on a fast track so that the owners of the Property can get this back into "productive Revenue generating use as quickly as possible without appropriate facilities development and planning.

When we all met to review the SUP for Fire Flies they requested that an exception be made for a Roof Top patio with outdoor music. This was resoundingly rejected. The community rejected outdoor music past early evening even on the front patio of Fireflies which is shielded from its immediate neighbors by the building itself.

The Beer Garden has no such sound barriers nor does it set any appropriate Set Back Limits from the Residential Property Line, my Property Line. I have been told that the Beer Garden Owners/Proprietors are trying to push through the setting of a Trash dumpster right on my fence line 12 feet from my bedroom windows. There is a rumor that they believe they can seek an exception to the 25 setback provisions. Aside from the disrespectful nature of this decision; the placement of Trash Cans or a dumpster is a terrible intrusion of odors, vermin and noise directly adjacent to my property. These sort of intrusions will significantly diminish my quality of life and the overall value of my property, which I have invested heavily into. I want to add here that the Very Large Stately OAK that is on this property line, directly in the vicinity of this Disputed Trash/Dumpster placement would be detrimentally effected by large vehicles compressing the ground around its very large Root field. An examination by the Alexandria Arborist would likely come to the same conclusion. In the rush to get this Beer Garden Online and producing revenue adequate considerations of these other factors does not seem to have taken place. This tree is over 80 years old and provides exactly the kind of atmosphere that DelRay is striving to be known for.

Another area of concern is the Visual and Noise barriers that were always supposed to have been erected when Fire Flies was approved and have been never been adequate or kept in good working order. When Walgreens and Junction Bakery were approved for renovation and occupancy they were required to erect a robust Visual Screen and Noise Dampening barrier to shield their neighbors and the neighborhood at large

from the mechanical noise produced by the Exhaust (in the case of Bakery Junction) and the mechanical fan noises of their HVAC. I have suffered for many-many years of non-compliance from Fireflies, as have my immediate neighbors. I can not understand how this new SUP would not bring this facility up to the same CODE Standard as the other establishments along Mt Vernon Avenue. When I gently mentioned this to one of the new owners his reply to me was that they were grandfathered in. There was no apparent concern or commitment to remediate this situation. We lived through the process of futilely reporting infractions in the past. It is never a good strategy to work from the "Benefit of the Doubt" posture. Approval of this occupancy should be contingent on the Roof Top visual, noise and odor barriers be upgrade to the same standard as Junction Bakery and Walgreens.

### SUMMARY:

I am glad that the partners of another successful restaurant are taking over the Fireflies failed venture. I was very involved in the SUP negotiations for Fireflies and remember the vigorous debates over noise reduction, trash handling, rodent/pest management, loitering of customers after hours, smoking outside the premise and disposal of cigarette butts, as well as the always contentious topics of parking and outside music. The neighbors were animated around these fundamental issues, as was I. The idea of a mature well run establishment returning to this location is fine. Perhaps this management team will succeed in adhering to the original SUP.

The Open Air component of this SUP must be more limited in terms of Occupancy Levels and the Hours of Operation, including a significant limitation of music being projected into this open area space. There simply must be a respect for the Offset limits from my Property Line. The offer to plant or pot a few trees along the property line as though would mitigate noise or odors is disingenuous and wholly ineffective. The recent adjustment that was presented at the DelRay Land Use meeting to move all of the seating forward towards Mt Vernon is a step in the right direction. Keeping Beer flowing and encouraging people to be playing games near my fence line past 9PM is unacceptable. DelRay is not Adams Morgan. We are trying to retain our neighborhood character. I will also point out that in our hot summer and fall days/evenings when beer is being consumed and spilled on the gravel surroundings the heat of the open air environment is going to create a pungent Beer Garden odor that will waft over the neighborhood and in particular; directly into my bedroom windows and back yard. If the Beer Garden was a sealed surface, you could at least hose it down twice a day to clear the funk. This is a completely porous environment. There is no way that they will be able to eliminate this stench. Add to that the occasional rowdy or inebriated patron that decide to relieve themselves behind one the partitions on my back fence. (in part because no provision was made for them to use a bathroom in the house that is on their premise.

August 22, 2018

Karl Moritz  
City of Alexandria  
Planning & Zoning  
301 King Street Room 2100  
Alexandria, VA 22314

Dear Mr. Moritz,

**The Del Ray Citizens Association Executive Board conditionally supports SUP# 2018-067.**

A majority of the Del Ray Citizens Association Executive Board voted as follows regarding the Applicant's requested amendments (made in in SUP application # 2018-067 and by email to City staff) to the conditions in SUP #2018-0005:

*Existing Condition #2: To revise the number of indoor and outdoor seats*

- We agree with the applicant's revised outdoor capacity, which would limit the outdoor capacity to 80 patrons, whether standing or seated: 16 seats in front of the restaurant and 64 in the side dining area. We do not support the increase of indoor seats to 84, and request that the de facto existing number of indoor seats, 76, be retained.

*Existing Condition #4: To reflect the expanded outdoor dining layout*

- We support the revised layout, as described by the applicant, namely: "The outdoor dining and gaming area will be located at least 45 feet from the rear property line and a fence will be installed across the property from the back corner of the existing building on 1503 Mt Vernon Ave to the adjacent building at 1509 Mt Vernon Ave to enclose and clearly delineate the patron area to buffer it from the neighbor at 404 East Nelson." However, we have concerns about noise from games, as described below.

*Existing Condition #6: Regarding opening and closing times*

- We support the applicant's revision, which would not amend this condition: the indoor hours would remain 7:00a.m. to 12:00p.m. and outdoor hours would remain 7:00a.m. to 10:00p.m. However, we request that the games area, a source of noise, close at 9:00p.m. every night.

*Existing Condition #19: Delete requirement for offsite parking as parking can be met on-site*

- We do not support the deletion of this condition.

In addition to the above, we also request the following conditions:

- That Planning staff conduct six-month and one-year reviews of the SUP after the opening of the additional outdoor seating.
- That there shall be no amplified music in the outdoor dining area, which includes microphones for a musician or speakers for piping music (existing conditions #17 and #35.)
- That outdoor lighting meets the local jurisdiction code requirement.
- That the City enforce the condition to provide landscaping along Mt. Vernon Ave and East Nelson Ave.
- That the applicant maintains the existing mural on the Walgreens building facing the outdoor seating.
- That there be no walled enclosure at outdoor seating or dining including but not limited to the existing pergola at the rear of the property.

- That the applicant provides bike parking on the property of 1503 or 1505 Mt. Vernon Ave.

We also recommend to the applicant that they provide a liaison for the neighbors to contact who can act immediately when problems occur. We also ask the applicant to consider the noise that comes from games like cornhole (repetitive thumping and yelling), and request that they consider quieter games.

The Del Ray Land Use Committee met on August 14, 2018 to discuss this SUP application. Attendees included neighbors to the property; representatives of the Del Ray Business Association; City Staff reviewer Madeleine Sims; land use attorney for the applicant, Cathy Puskar; and members of the Land Use Committee. Ms. Puskar presented the SUP to the committee and audience in attendance. The neighbors had an opportunity to voice their concerns after Ms. Puskar's presentation. Their concerns included noise (from the large number of outdoor seats, the proposed games, indoor music, trash thrown in the dumpsters late at night, and the poorly screened rooftop machinery/equipment); adequacy of on-site parking and patrons' cars blocking nearby residential driveways; light pollution; safety (because of increased traffic without adequate parking to match, as well as drunk patrons); and the low ratio of restrooms to patrons. Several of these neighbors noted that they had been excited about the new restaurant, but were dismayed by the scale of the proposal and the lack of outreach by the applicant. A few residents expressed support for the proposal.

Though the applicant has made several revisions to their application to address neighbors' concerns and the DRCA Executive Board and Land Use Committee are appreciative of that, we feel the additional conditions will more fully mitigate those concerns.

Sincerely,

/s/ Annie Ebberts, President  
Del Ray Citizens Association

Cc:  
DRCA Land Use Committee  
Cathy Puskar, Attorney for the Applicant  
Madeleine Sims, Staff Reviewer  
DRCA Executive Board