

10
9-12-20

**STATEMENT IN SUPPORT OF HOPS N SHINE'S REQUEST FOR EXPANDED HOURS,
INCREASED SEATING CAPACITY AND PATIO SPACE, PERMIT FOR LIVE AND
BACKGROUND MUSIC, & PARKING SPACE FOR DELIVERY VEHICLE**

I submit this statement in support of Hops N Shine's ("HNS") request for the following: (1) expanded hours, (2) increased seating capacity, (3) patio expansion, (4) live and background music outdoors, (5) delivery vehicle parking.

Hops N Shine is a local small business that does more than try to make a profit, it strives to make a positive impact in its community by investing in community activities, improvements, and nonprofits. This community outreach became even more evident during the pandemic when HNS's own existence was also at stake. While other businesses laid off employees and halted community efforts, HNS charged ahead with creative strategies to stay in business and support its employees, even fundraising and providing meals to struggling restaurant workers. And its support to the community never halted as staff began contactless delivery of family-style meals and household essentials to those of us that were hesitant to leave our homes, including me. HNS also offered virtual options for musicians and vendors to try and generate income following its established precedent of looking out for its community. And, HNS never halted efforts to help local nonprofits. I can personally attest to this as I run a local nonprofit, Project Second Chance, that benefits from the kindness and generosity of this establishment, its owners, and staff. HNS's support never halted, even during the pandemic. Alexandria is lucky to have this caring business as a neighbor.

Moreover, HNS gives life to its end of the neighborhood. What was once a dark spot with an unlit back area is now a bright spot in the community. The patio serves as a much-needed gathering space with strict Covid-safety restrictions. Neighbors can gather outdoors, safely social distance, and come together for food, beverages, and conversation. This business keeps a positive spirit alive when the pandemic is fatiguing all of us. I'm remain grateful for that.

HNS seeks permission to expand its patio and operations. As a cornerstone of Del Ray, this would be positive change. It would allow Hops N Shine to provide the best possible atmosphere all year long for the neighborhood, allow the community to have more options for outdoor gathering, encourage investment in green space long after the pandemic (hopefully) ends, and turn a back alley into an oasis. In addition, it helps a local business that weathered the pandemic while taking care of its community and staff with opportunities to generate revenue and makeup for the severe and devastating setbacks of the pandemic. It allows the community to say thank you, give back to local business, and ensure their survival. And, the addition of live music would provide local musicians a much-needed opportunity to generate income when limited options exist, if at all.

Hops N Shine maintains a family-friendly and low-key atmosphere and I have zero concerns that this would create issues for surrounding homeowners. The owners strictly enforce hours and limit noise. I am unaware of any issues other than a positive impact. In fact, HNS has prevented criminal activity in the back-alley space and has even prevented crimes with additional lighting and attention to activity.

I hope that you will help this business thrive long-term and continue to weather the pandemic. We need more businesses that care about the community like HNS. I fully support HNS's application and request that you approve it. Thank you for your time and consideration.

Thank you.
Tara Zurawski
Executive Director
Project Second Chance, Inc.

10
9-12-20

Gloria Sitton

From: Ann Horowitz
Sent: Thursday, September 10, 2020 12:04 PM
To: Gloria Sitton
Cc: Ray Roakes; Tony LaColla; Anh Vu; Patrick Silva; Karl Moritz
Subject: FW: [EXTERNAL]Your Planning and Zoning General Comments, Complaints, and Inquiries request (Case# 20-00024852)

Follow Up Flag: Follow up
Flag Status: Flagged

Gloria,

In case you didn't receive this already, here is a letter for the City Council regarding item 10 on the 9/12 docket.

Thank you.

Ann

From: noreply@salesforce.com <noreply@salesforce.com> **On Behalf Of** Alex311
Sent: Thursday, September 10, 2020 11:22 AM
To: Tony LaColla <Anthony.LaColla@alexandriava.gov>; Leonard Richards <Leonard.Richards@alexandriava.gov>; Lisa Chase <alicia.chase@alexandriava.gov>; Jackie N Cato <jackie.cato@alexandriava.gov>; Kerry Hall <Kerry.Hall@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Susan H. Hellman <susan.hellman@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>; CRM Administrator <CRM.Administrator@alexandriava.gov>
Cc: CRM Administrator <CRM.Administrator@alexandriava.gov>
Subject: [EXTERNAL]Your Planning and Zoning General Comments, Complaints, and Inquiries request (Case# 20-00024852)



Alex311 User:

The following request for service has just been assigned to you:

Request Number: **20-00024852**
Request Type: **Planning and Zoning General Comments, Complaints, and Inquiries**
Location:
Request Submitted: **9/10/2020**

Estimated Resolution **9/17/2020**
Date:

Customer Comments:

To: Members of the Alexandria City Council

From: Mount Vernon Court Community Association

Subject: Special Use Permit 2020-00045: Hops 'N Shine Restaurant, 3410 Mount Vernon Avenue

Dear Honorable Members of the Alexandria City Council

The Mount Vernon Court Community Association ("MVCCA" or "we") writes regarding our concerns with SUP 2020-00045 ("Beer Garden SUP") located at 3410 Mount Vernon Avenue ("Hops n Shine" or "Beer Garden").

We urge you to vote against this SUP at the September 12, 2020 City Council Meeting. On September 1, 2020, the Planning Commission voted to support a revised version of this SUP, after little discussion or seeming consideration of the numerous opposition letters received. Our community is made up of homeowners, taxpayers, and voters, and we want our elected leaders to at least consider the impact of their votes on our livelihoods – at least as much as you consider the interests of business owners. While we appreciate the City Planning Staff's slight modification of the Beer Garden SUP, it does not go far enough and we urge you to reject it in full.

I am attaching the letter we wrote the Planning Commission for reference, but want to focus on three main points: 1) Hops n Shine is in violation of its current SUP and no new SUPs should be considered until previous violations are addressed; 2) the new requests are unreasonable for a residential neighborhood; and 3) the requests for a Beer Garden expansion are inconsistent with the community values of Del Ray and Alexandria.

1. Hops n Shine is in violation of its current SUP and the City Council should not even consider any additional privileges until Hops n Shine meets their current responsibilities. Notably, garbage is not collected daily, there is insufficient landscaping to block noise, and the fence in the back is used as an entrance. While we are aware that there have been a few trees planted only recently at our fence line, they are still years away from their full potential growth. As of now, the trees are not even high enough to reach the top of the fence which itself is not especially tall at about 6 feet. Had the applicant complied

with the terms of the original SUP and planted the trees 3 years ago, they may be tall enough to mitigate new noise. But that is not the case. This Beer Garden SUP should be rejected on the grounds that they are noncompliant with the original terms agreed upon. While we appreciate the Planning Commission's good faith that the trees planted by the applicant will grow quickly and provide sufficient sound insulation, this is years away from resolving a problem that will be introduced with the approval of this new SUP.

2. Once the Beer Garden becomes in compliance with their 2017 SUP, we urge you to reconsider many of the new items, as recommended by the City Planning Staff. Doubling capacity during the required social distancing of COVID-19 is dangerous, and adding hours, an outdoor bar, games, and music places an unreasonable burden on our community. The Planning Commission and City Council rejected these proposals in the original SUP – what's changed for you to reconsider them now? We invite you to visit our homes to experience the noise generated from fewer than 30 patrons. I am certain you will agree that it is unacceptable for a residential community, and that doubling the capacity and adding an outdoor bar, games and music would be unbearable, particularly as all of us are home more than ever due to COVID-19.

3. Finally, Alexandria – and even more specifically Del Ray - is truly a community. We care about each other and support our neighbors, especially as we all have over the past few turbulent months. My wife and I enjoy the "excuse" to get carryout several times a week to help support our local restaurants. And trust me, I love going to beer gardens – Hops n Shine included - too. But I don't like – and I promise that you also wouldn't like – having a 60 person beer garden that's open from 7 a.m. until 11 p.m., with an outdoor bar and music, in my front yard. In no way am I diminishing Hops n Shine's value as a business or charitable contributor. In fact, we support growth inside of or in front of the establishment. Front facing outdoor patronage – as we see everywhere else along Mount Vernon Avenue – contribute to the fabric of our community. Keeping a hidden backyard bar with an outdoor bar, music, and games open until 11 p.m. does not contribute to the community. But rather, it places an exceptional burden on the homeowners who share a fence with that bar.

I urge each of you to conduct a site visit prior to voting on the issue. I would be happy to meet you in our community to see the current impact of 30 bar patrons, and imagine what doubling the capacity and adding an outdoor bar, amplified music, and bar games would produce. Then you can walk several feet around our gate to their back entrance and smell

the trash and inspect the rest of the property.

Respectfully,

Steve Harris
President
Mount Vernon Court Community Association

--Original Email to Planning Commission--

To: Ray Roakes, Tony LaColla, Ann Horowitz, City of Alexandria

From: Mount Vernon Court Community Association

Subject: Special Use Permit 2020-00045: Hops 'N Shine Restaurant, 3410 Mount Vernon Avenue

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

The Mount Vernon Court Community Association ("MVCCA" or "we") writes regarding our concerns with SUP 2020-00045 ("Beer Garden SUP") located at 3410 Mount Vernon Avenue ("Hops n Shine" or "Beer Garden").

MVCCA is a community of 30 residential homes, mostly made up of families, with approximately 20 children under six years old, directly behind the Beer Garden. In fact, several units are less than 25 yards from the Beer Garden's back fence. We first approached the City of Alexandria ("City") in 2017 when the Beer Garden initially proposed its concept in SUP 2017-0091 ("initial SUP") and, in good faith, have tried to work with both owner Abe Hadjiesmaeiloo and the City to reach agreements favorable to the existing homeowners, a local business owner, and the City. While we support small businesses and favor reasonable development in our neighborhood, the proposed expansion of Hops n Shine does not consider the next-door residential community.

We support many of the items in the new Beer Garden SUP, notably anything that does not directly affect our community, such as extending the inside bar hours and adding eight outdoor seats in the front of the establishment. However, the impact of all operations in

the back of the property will extend beyond the Beer Garden property and significantly infringe on our community. We urge you to consider the impact of any growth in the Beer Garden to our community.

We appreciate the City's recommendations to not support a number of the requests in the Beer Garden SUP, notably not recommending approval of the applicant's request for live outdoor music or outdoor cooking. However, we request reconsideration of other recommendations:

1. Failure to meet conditions of initial SUP. As Zoning Inspectors reported in the Staff Report for SUP 2020-00045, three terms of the initial SUP have not been met. We recommend rejecting this SUP until all previous conditions are met.

a. Conditions 6 & 26: Trash. The original SUP and staff report require garbage collection daily and that trash be stored in sealed containers. The inspectors visited on Thursday, July 9, 2020, four days after the conclusion of the holiday weekend. It is not reasonable to assume the garbage had accumulated because the City had not collected garbage at all that week. We can attest to the bad odors emanating from the Beer Garden's garbage since the source is feet from our community.

b. Condition 15d: Landscaping Plan. As mentioned in the staff report, the original SUP and staff report included Condition 15d: "A landscaping plan shall be subject to the approval of the Director of Planning and Zoning." Nearly three years later, we have yet to see a landscaping plan or action. A landscaping plan alone is insufficient to ameliorate the noise, but also would be an essential minimum condition. Approval for this SUP should be predicated on the satisfactory installation of the landscaping to include trees, planters, and anything else that might assuage the additional noise that the expanded outdoor seating (and requested bar, music and gaming entertainment) will create. We appreciate your good faith in the applicant, but that good faith does not conform with experience and we strongly recommend rejecting this SUP until Condition 15d of the original SUP is met and fully implemented.

2. Condition 10: Outdoor hours. While we have no objection to extending outdoor hours until 10 p.m. for the seats in front of the establishment, we strongly urge you to reconsider extending the back hours. Condition 13 of the original SUP requires the outdoor dining hours to be cleared of all customers by 9 p.m. daily, and no new patrons admitted into the

outdoor dining area after 8 p.m. daily. We strongly urge you to revert to the original SUP's recommendations concluding Beer Garden operations by 9 p.m. daily.

3. Condition 11a: Expansion of capacity. Our community strongly supports the initial SUP's condition 15a that the maximum number of outdoor patrons is limited to 30. The absence of noise complaints about the current Beer Garden does not support a recommendation to double its capacity. The current capacity of 30 produces volume that can be heard inside the homes adjacent to the Beer Garden – an annoyance, but not illegal and necessitating official complaints to the City. Further, we smell cigar and cigarette smoke from Beer Garden patrons on our street. Doubling outdoor capacity would, without a doubt, escalate the noise, generate unacceptable volumes, and expand the smoke, negatively impacting our properties and their families (many of which include young children). Finally, given current COVID-19 restrictions, social distancing measures could not be met with a capacity of 60. Now is an inappropriate time to increase capacity and we recommend deferring this decision until COVID-19 is under control and social distancing is a distant memory.

4. Condition 11b: Outdoor bar. Our community strongly supports the initial SUP's condition 15b that outdoor bars were not permitted. As the Staff Report states, "...increase of noise from the outdoor patio due to the sales of alcohol." Nothing has changed. We agree with that assessment and urge you to reconsider.

5. Condition 11d: Landscape design. As previously mentioned, recommend deferring action on the entire SUP until this condition is met. This condition was required from the original SUP and never met. We strongly urge you to require this condition be satisfactorily met, with an inspection by City staff, as a condition of approving a new SUP.

6. Condition 11e: Dining Furniture and Games. Staff's recommendation to have games/furniture no less than 25 feet from the property line should be reconsidered. Games can and do generate more noise than that of normal conversation. The proposed locations of the cornhole and Connect-Four games should be moved closer to the building to decrease the likelihood of increased noise by patrons.

7. Condition 14: Music. We urge you to reconsider "outdoor amplified music." As written, it is vague and difficult to enforce; we can already hear voices from the Beer Garden in our houses. Adding outdoor music into the mix will absolutely cause those voices to increase

in volume and will likely result in regular violation of the noise ordinance. Short of some sort of active decibel meter being positioned outdoors to monitor and record noise levels, it is unlikely and unreasonable to trust that Hops n Shine staff will have any ability or inclination to remedy the increase in noise and would handicap any ability of others to effectively enforce the ordinance. We also want to note that the original analysis completed by Staff found that the average distance between the dining areas and the nearest residential dwelling is 72 feet. The original configuration of Hops n Shine's outdoor seating was 89 feet from our residential area. With the addition of the new seating arrangement now significantly reducing that distance to a mere 10 feet, the noise will be both closer and amplified.

8. Condition 22: Controlling Air Pollution. As previously noted above, a strong odor of cigar and cigarette smoke can be detected near the fence bordering Hops n Shine during times of peak capacity. Hops n Shine has no way to control the odor, and as such does not meet Condition 22 on its face. It is not our place to offer a suggestion for how they can resolve this problem. As it stands, Hops n Shine is unable to control the current hazardous, toxic smoke odor, and the increase in capacity will only exacerbate today's reality.

9. Condition 30: Violations/Complaints. There have been documented violations of trash accumulating outside of the dumpster. City staff have photographs of these violations. Hops n Shine has not been consistent with addressing their trash problems and we fully expect this to continue, and possibly get worse with their expansion. More patrons mean more trash piling up. If Hops n Shine is unable to control their trash issues now, what evidence is there that they will after expansion? We posit none.

MVCCA appreciates the City staff notifying us as to the Beer Garden proposed expansion. Members of our community have had communication with Mr. Hadjesmaeiloo over the past few years to try to reach amicable solutions that protect our community while supporting a local business. However, despite knowing our interest, he again failed to approach us with his latest plans, appealing directly to the City without consideration for the communities he is negatively impacting. His interests continue to be his sole consideration, even when they are adverse to those of others. It is difficult to support expansion of a business in our community that has no respect for the well-being of its immediate neighbors (many of whom would like to continue to patronize his Beer Garden).

If the Planning Commission and staff do not plan to hold Hops n Shine accountable for their previous, current, and likely future violations of many of the conditions for their SUP, we are at a loss as to what their mandate is. We would expect the City to enforce the rules on Hops n Shine or rescind their SUP. At the very least, we expect this new SUP to be denied in full until Hops n Shine has proven it can and will meet the conditions of its original SUP. Only then should you consider supporting its requested expansion and, in that future consideration, give due consideration to the legitimate concerns we raise in this submission.

Respectfully,

Mount Vernon Court Community Association

Staff Comments:

Please view the complete case history and details in the Alex311 console and take the appropriate actions to complete this request by the estimated resolution date. **Use the Alex311 Console to contact the customer. Do not forward this email to the customer, or to any City staff who are Alex311 users.**

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