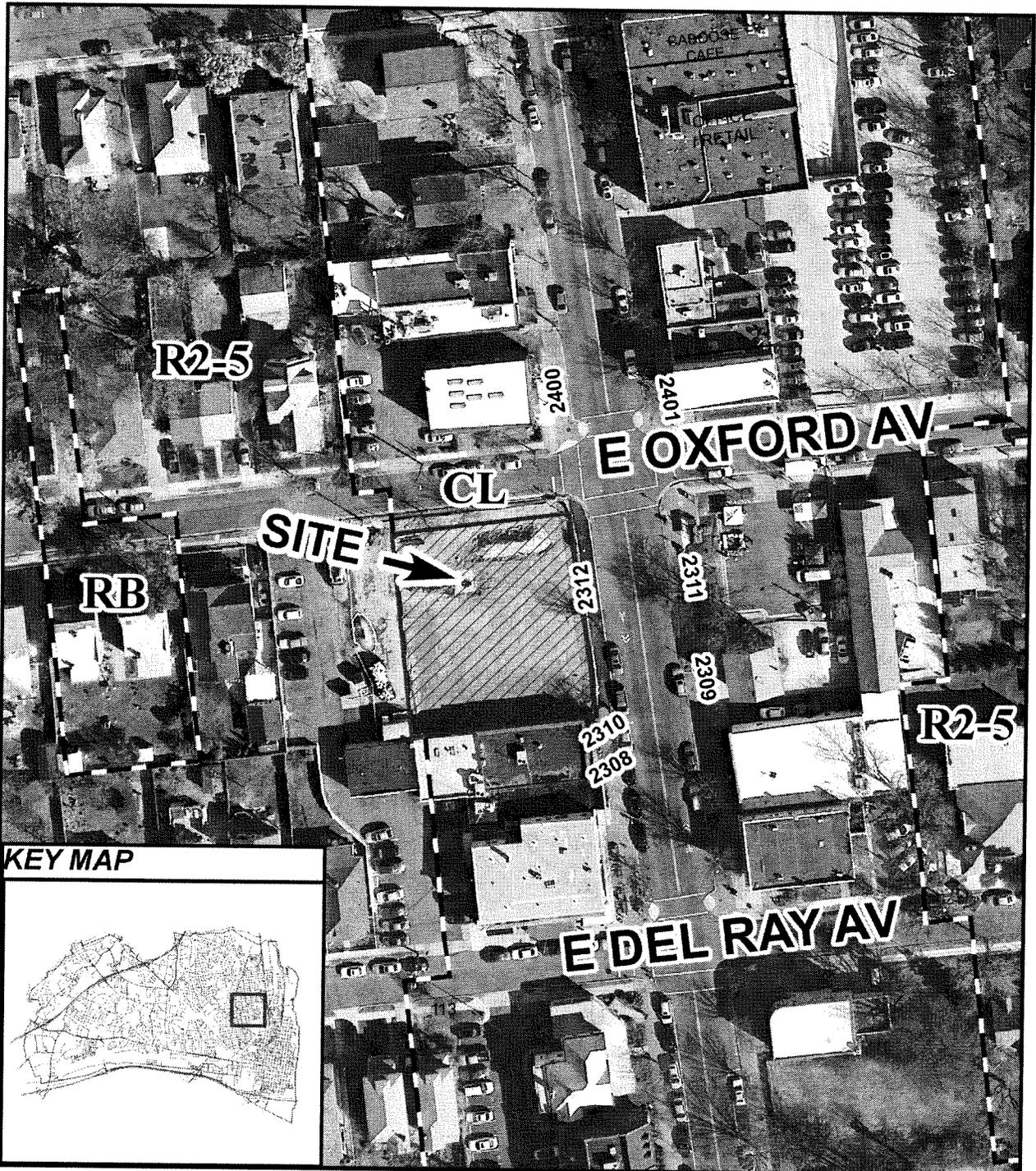


DOCKET ITEM #9
Special Use Permit #2010-0011
2312 Mount Vernon Ave- Hog Thaid t/a Pork Barrel BBQ

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

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

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



SUP #2010-0011

05/04/10



I. DISCUSSION

REQUEST

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

SITE DESCRIPTION

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



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

BACKGROUND

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

PROPOSAL

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

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

- Hours: *Indoors:*
7:00am – 12:00am, Sunday-Thursday
7:00am – 1:00am, Friday-Saturday
- Outdoors:*
11:00am – 10:00pm, Sunday-Thursday
7:00 am – 11:00 pm, Friday, Saturday
- Number of seats: 150 indoor seats
16 outdoor seats
166 total seats
- Type of Service: Table, bar and delivery service and carry-out
- Delivery: Maximum of one delivery vehicle
- Alcohol: On-premises alcohol service only
- Live Entertainment: No live entertainment proposed, though the applicant does intend to install several televisions
- Employees: 12-16 depending on time of day
- Noise: Typical family-style restaurant noise levels
- Odors: Typical restaurant cooking odors will be vented up 2.5 stories
- Supply Deliveries: Large trucks will deliver from Mount Vernon Avenue at 4:00 am. Most smaller deliveries will take place from a designated loading space on Mount Vernon Avenue, with a minimal number of deliveries occurring in the rear parking lot.
- Trash/Litter: Typical restaurant trash will be kept in a shared storage area to the rear and will be collected four to six times/week. Restaurant staff will monitor the vicinity for litter on a daily basis.

ZONING/MASTER PLAN DESIGNATION

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

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

PARKING

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

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

II. STAFF ANALYSIS

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

Community Input

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

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

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

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

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

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

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

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

Consistency with the Mount Vernon Business Area Plan

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

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

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

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

Protecting the Residential Neighborhood

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

Hours of Operation

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

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

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

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

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

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

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

Odors and Smoke

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

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

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

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

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

- *Gas/Wood Hybrid Cooker*

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

- *Ventilation Hood Filters*

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

- *Dilution Fan*

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

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

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

Deliveries

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

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

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

Other Issues

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

Conclusion

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

III. RECOMMENDED CONDITIONS

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

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

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

16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
17. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
18. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
19. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES)
20. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Departments of Transportation & Environmental Services and Planning and Zoning. (T&ES)
22. The applicant shall use natural gas as the primary fuel in the barbecue cooker. (T&ES)
23. The rooftop screening required by DSUP#2006-0019 shall be extended to enclose the dilution fan/alternative exhaust equipment used by the restaurant. (P&Z)
24. Food delivery service to customers shall be limited to a maximum of one vehicle, which shall park in the space in the rear parking lot designated in DSUP#2006-0019 at all times when it is located in proximity to the restaurant. Delivery on-foot or by bicycle is permitted. (P&Z) (T&ES)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am, except for large truck deliveries on Mount Vernon Avenue which may occur in the 4:00 am to 7:00 am time frame. Between the hours of 4:00 am and 7:00 am, delivery vehicles shall not back up and shall turn off engines during deliveries. (P&Z) (T&ES)
26. The applicant shall obtain approval from the Traffic & Parking Board for the hours for the loading space on Mount Vernon Avenue designated on the approved site plan. The loading space shall be signed to allow loading between 7:00am and 11:00am or other time frame approved by the Traffic & Parking Board. (P&Z)

27. Delivery vehicles, including those used to supply deliveries to the restaurant and food deliveries to customers, are prohibited from using the portion of East Oxford Avenue to the west of the subject building's rear parking lot entrance. The applicant shall inform all drivers of this prohibition and be vigilant about its enforcement. (P&Z)
28. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)
29. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
30. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

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

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Deliveries from the business shall be limited to one vehicle and the vehicle shall park in the space designated per DSUP2006-00019. (T&ES)
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am, except for large truck deliveries on Mount Vernon Avenue which may occur in the 4:00 am to 7:00 am time frame. (T&ES) (P&Z)
- R-5 Between the hours of 4:00 am and 7:00 am, delivery vehicles shall not back up and shall turn off engines during deliveries. (T&ES)
- R-6 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-8 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Departments of Transportation & Environmental Services and Planning and Zoning. (T&ES)
- R-9 The applicant shall use natural gas as the primary fuel in the barbecue cooker. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

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

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

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

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

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

Health Department:

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

Parks and Recreation:

- F-1 No Comment

Police Department:

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



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0011

PROPERTY LOCATION: 2312 Mt. Vernon Ave

TAX MAP REFERENCE: 034.02-08-08 ZONE: CL Mt Vernon Business Area

APPLICANT:
Name: HOG THAI, LLC T/A Pork Barrel BBQ.

Address: MIKE ANDERSON, 1320 N. PEGRAM ST., ALEX. 22304

PROPOSED USE: RESTAURANT

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

MICHAEL ANDERSON
Print Name of Applicant or Agent

[Signature]
Signature

2-20-10
Date

1320 N. PEGRAM ST.
Mailing/Street Address

Telephone #

Fax #

Alex. VA. 22304
City and State Zip Code

MIKE@MANGOMIKES.COM
Email address

ACTION-PLANNING COMMISSION:	DATE:
ACTION-CITY COUNCIL:	DATE:

SUP # 200-0011

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2312 mt. Vernon Ave, I hereby
(Property Address)
grant the applicant authorization to apply for the _____ use as
(use)
described in this application.

Name: Erik Dorn/shops at Del Ray LLC Phone (703) 967-8905
Please Print
Address: 1200 Chadwick Ave Email: Delrayshops@gmail.com
Signature: Erik Dorn Date: 2/21/10

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

- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):
 Owner
 Contract Purchaser
 Lessee or
 Other: _____ of the subject property.

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

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. MICHAEL ANDERSON	1320 N. PEARSON ST.	45
2. BILL BLACKBURN	400 CAMERON STATION #G16	10
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2312 Mt Vernon (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. ERIC DORN	1200 CHARWICK AVE	
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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.

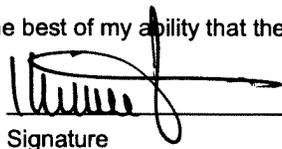
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

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.

2-20-10
Date

MICHAEL ANDERSON
Printed Name


Signature

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

Yes. Provide proof of current City business license

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

NARRATIVE DESCRIPTION

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

ATTACHED SHEET

SUP2010-0011

Narrative Description

Applicant, Hog Thaid, LLC, intends to operate a restaurant in the new building being constructed at 2312 Mt. Vernon Ave. in Del Ray. The restaurant will occupy the entire first floor of approximately 6,000 square feet.

The building was originally designed to house three unique tenants at 2,000 square feet per tenant on the first floor.

The restaurant will feature 3 unique rooms and menus. Each room will have a separate entrance and name, located on Mt. Vernon Ave.

Carry out and delivery service will be offered.

In order to cross utilize resources a minimum of staff, parking, storage and overhead, the three rooms will share a common, prep area, dish washing area, refrigerator storage, office space, and general storage space.

Instead of three operations accepting deliveries and hosting staff, this operation will operate as one restaurant and will be accepting all deliveries as one entity instead of three.

City suggested outdoor dining will be utilized.

Parking is provided in the rear of the building.

SUP 2010-0011

Deliveries - Pork Barrel BBQ

Monday

Main Food Delivery (Sysco) 4 am
Produce 10am
Seafood 11 am

Tuesday

Produce 10 am
Seafood 11 am
Beer 2 pm
Paper Supplies 4pm

Wednesday

Produce 10 am
Seafood 11 am
Wine Delivery 2pm
Soda Delivery 3pm

Thursday

Main Food Delivery (Sysco) 4am
Produce 10 am
Seafood 11 am

Friday

Produce 10 am
Seafood 11am
Paper Supplies 4pm
Beer 2pm

Saturday

Produce 10am
Seafood 11am

Sunday

None

Note: Sysco will use a lock box key to enter the restaurant at 4 am with no restaurant staff present. Truck will be parked in front of restaurant on Mt. Vernon Ave. This delivery constitutes about 80% of the restaurant food purchases.

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).

150 SEATS

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

12 DAY
16 NIGHT

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

Day: SUNDAY - FRIDAY

Hours: 11:30 AM - 2:00 AM

SATURDAY

7:30 AM - 2:00 AM

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

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

TYPICAL FAMILY STYLE RESTAURANT LEVELS.

B. How will the noise be controlled?

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

TYPICAL RESTAURANT COOKING ODORS. VENTED UP 2 1/2 STORIES
AND EXPULSED.

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)

TYPICAL RESTAURANT TRASH. RECYCLE ALL CARDBOARD
AND GLASS CONTAINERS.

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

400 #'s DAY

C. How often will trash be collected?

MON - WED - FRI - SAT.

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

DAILY MONITORING. STREET FRONT TRASH RECEPTACLES.

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

[] Yes.

No.

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

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

[] Yes. No.

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

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

CLOSED CIRCUIT CAMERAS

ALCOHOL SALES

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

Yes [] No

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

ON PREMISE ONLY

PARKING AND ACCESS REQUIREMENTS

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

- 15 Standard spaces
- 10 Compact spaces
- 2 Handicapped accessible spaces.
- 1 Other. LOADING

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

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? _____

<p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
--

B. Where are off-street loading facilities located? BEHIND BUILDING

C. During what hours of the day do you expect loading/unloading operations to occur?
4:00 AM to 5 PM

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
AGAIN - SEE ATTACHED SHEET

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?
OK

SITE CHARACTERISTICS

NEW BUILDING

17. Will the proposed uses be located in an existing building? Yes No
Do you propose to construct an addition to the building? Yes No
How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?
6,660 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

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: _____

SUP # 2010-0011
Admin Use Permit



SUPPLEMENTAL APPLICATION

RESTAURANT

HOG-MAID, LLC

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: 150 Outdoors: 20 Total number proposed: 170

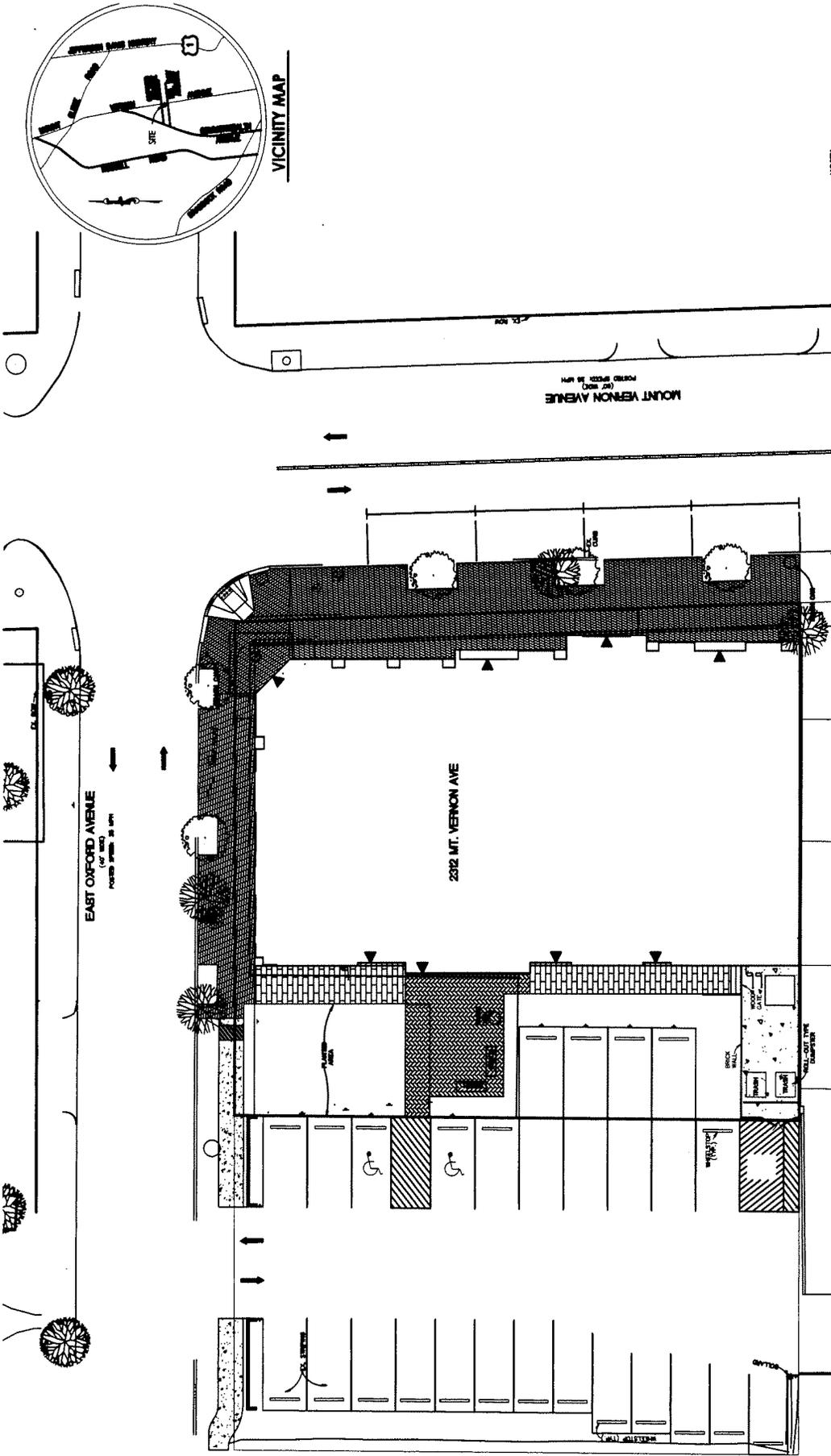
2. Will the restaurant offer any of the following?
Alcoholic beverages (SUP only) Yes No
Beer and wine — on-premises Yes No
Beer and wine — off-premises Yes No

3. Please describe the type of food that will be served:
Room A - BBQ - (pulled pork, ribs, chicken)
Room B - SUSHI
Room C - ASIAN FUSION - WOK COOKING

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? 1
Will delivery drivers use their own vehicles? Yes No
Where will delivery vehicles be parked when not in use?
GUARD VEHICLE — NOT LEFT ON SITE

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes No
If yes, please describe:
NO LIVE ENTERTAINMENT, NO VIDEO GAMES, MANY TV'S



2312 MT VERNON AVE, SITE PLAN
1"-20"

McAlister
 1435 POWHATAN STREET
 ALEXANDRIA VA 22314
 703 311 0121 FAX
 EMAIL@MCA-ARCH.COM

PROJECT:
HOG THAID, LLC, t/a PORK BARREL BBQ
 2312 MT. VERNON AVE
 ALEXANDRIA, VA 22301

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

A0



Narrative for SUP - Hog Thaid, LLC
Michael Anderson to: nathan.randall

04/22/2010 09:55 AM

History: This message has been forwarded.

Nathan,

This is the proposed narrative that will go in the mail today. Would appreciate any feedback and approval from your office.

Narrative Description

Applicant, Hog Thaid, LLC, intends to operate a restaurant in the new building being constructed at 2312 Mt. Vernon Ave. in Del Ray. The restaurant will occupy the entire first floor of approximately 6,000 square feet.

The building was originally designed to house three unique tenants at 2,000 square feet per tenant on the first floor.

The restaurant will feature 3 unique rooms and menus. Each room will have a separate entrance and name, located on Mt. Vernon Ave.

Carry out and local delivery service will be offered.

In order to cross utilize resources a minimum of staff, parking, storage and overhead, the three rooms will share a common, prep area, dish washing area, refrigerator storage, office space, and general storage space. Staff utilization for the three rooms will also be reduced due to economies of scale.

Instead of three operations accepting deliveries and hosting staff, this operation will operate as one restaurant and will be accepting all deliveries as one entity instead of three.

Hours of operation requested have been modified from the original application.
Sunday - Thursday 7am to 12:00 midnight.
Friday - Saturday 7am to 1:00am

Patio Hours

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

As is listed in the original application no live entertainment or DJ is requested on this SUP.

There will be no outdoor dining on the Oxford Ave. side of the building.

There will no longer be a carry out door on the Oxford Ave. side of the building.

City suggested outdoor dining for 16 will be utilized.

Parking is provided in the rear of the building and no modification to the parking is requested.

The original all wood smoker has been replaced by a high tech and efficient cooker which utilizes gas as heat source and wood for flavoring. During a

twelve hour cooking cycle this unit (Southern Pride) will only use three sticks of clean hardwood. The system will be supplemented by Flame Guard grease filters and a state of the art dilution fan on the roof.

Michael Anderson
mike@mangomikes.com
Chair Elect, Alexandria Chamber of Commerce



Fw: Hog Thaid, LLC

Barbara Ross to: William Skrabak, Lalit Sharma, Erica
Bannerman

04/20/2010 02:05 PM

Cc: Nathan Randall

----- Forwarded by Barbara Ross/Alex on 04/20/2010 02:09 PM -----

From: Michael Anderson <mike@mangomikes.com>
To: Barbara.Ross@alexandriava.gov
Cc: bill@mangomikes.com
Date: 04/20/2010 01:37 PM
Subject: Hog Thaid, LLC

Barbara,

Thanks for taking the time to meet with my partner Bill Blackburn last week with your staff.

We have discussed this issue about odor/smoke control extensively with our architect, mechanical engineer and other experts in this field, and feel that with the addition of the dilution fan and the super filters in the hood we have already exceeded normal requirements for a kitchen ventilation system. Spending an additional \$40,000 for a problem that we don't even know exists is not a good business decision. Especially in this current economy.

We want to do the right thing and be a good neighbor and to that end we are already spending about \$35,000 more than budgeted by changing from an all wood smoker to a high tech, state of the art, hybrid gas/wood cooker by Southern Pride. This coupled with the super filters and the dilution fan is proof that we are committed to Del Ray and their neighbors.

We would also like to follow the recommendation of the Del Ray Citizens Association Executive Board and modify our SUP for Hog Thaid.

Change the hours of operation to: Sunday - Thursday 7am to 12pm, Friday - Saturday 7am to 1am.

Patio hours to Sunday - Thursday 11am to 10pm, Friday - Saturday 7am to 11pm.

No patio seating on Oxford Ave.

No side entrance on Oxford Ave.

Sincerely,

Mike Anderson



Re: Issues for Follow-up - Pork Barrel BBQ

Bill Blackburn to: Nathan.Randall

04/08/2010 12:24 AM

bill, Michael Anderson, brett.l.thompson, porkbarrelbbq,

Cc: Barbara.Ross, William.Skrabak, Lalit.Sharma, Erica.Bannerman,
joseph.fiander

3 attachments



DILUTION FAN.pdf



Flame Gaurd's Grease Baffle.pdf



Spec Sheet SPK-500.pdf

Thanks for meeting with us this morning,

1. I have attached pdf's for the new BBQ oven, flamegaurd grease baffles, and dilution fan.
2. I will need to get more roof information from Eric Dorn (building landlord).
3. Waiting for a call back from the vent contractor on the idea of combining two hoods to the dilution fan.
4. Mike talked with Elizabeth Davis at the Dairy Godmother about her concerns
5. Our idea to have the turn key 4 am delivery from Sysco was an attempt to be proactive with issues. Our Sysco delivery can come at any time without really impacting our operation. I did talk with Sysco and they are unable to guarantee a specific time for deliveries, they can only guarantee a 4 hour window. We do not really have a preferred time, any four hour window is fine with us. But it is our opinion that the early am hours will be the least impacting for traffic, noise, and parking.

Thank you

Bill Blackburn

On Apr 7, 2010, at 1:28 PM, Nathan.Randall@alexandriava.gov wrote:

Bill and Brett,

Thank you for meeting with us this morning. Here is list of items that we ask you to follow up on based on our discussion:

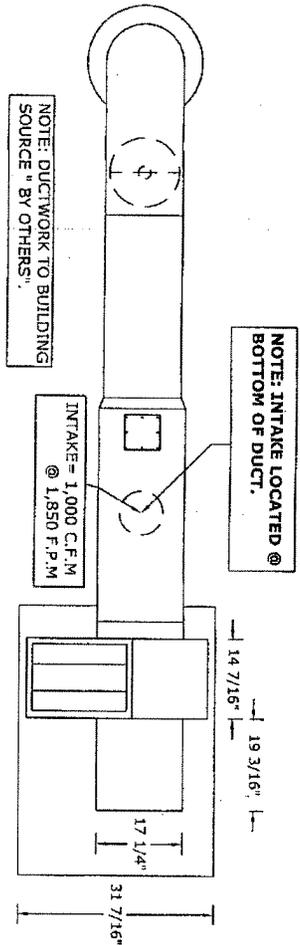
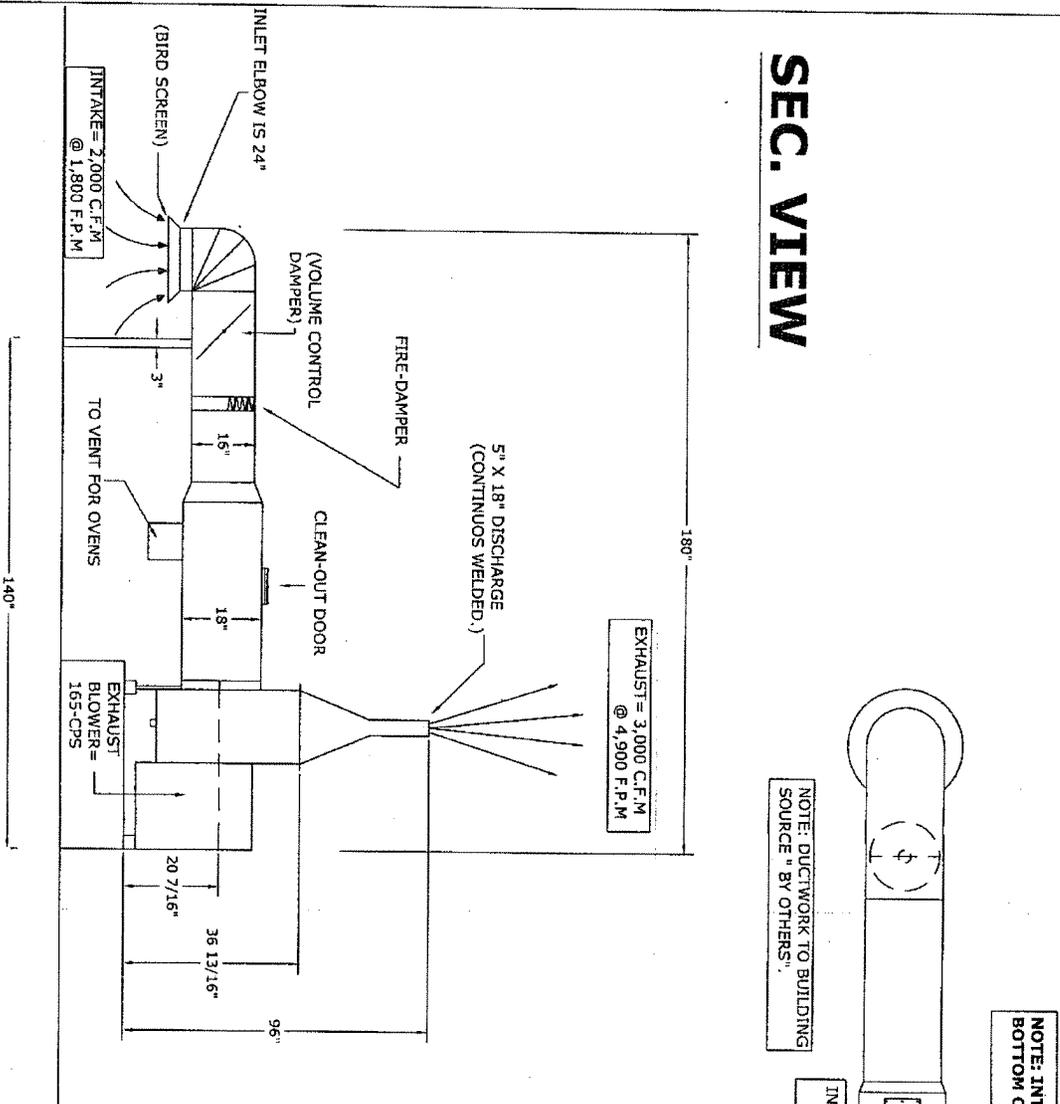
1. Please email us the documents (specifications and schematic) for the dilution fan and filter you discussed at our meeting.
2. Roof layout - We ask to see a layout of the roof that includes your proposed as well as alternative location for all exhaust outlets including the dilution fan equipment . The layout should include all equipment already planned or required for the roof , such as HVAC units.
3. Connecting Asian food hood to dilution fan - Please research the feasibility of connecting the hood for the Asian fusion portion of your restaurant to the dilution fan proposed for the smoker .
4. Dairy Godmother - You mentioned that you plan to contact Elizabeth Davis to discuss her concerns about odors and smoke, particularly near areas of air intake for the Dairy Godmother . Please inform us of the solutions you propose to shield otherwise mitigate the potential for odors and/or smoke near her intake area.

5. Sysco truck delivery timing - Please research whether Sysco is able to provide turn-key deliveries in the time period between 6-8am, instead of the original 4am proposed.

We ask you to get back to us with this information as soon as possible.

Thanks,
Nathan

SEC. VIEW



(DILUTION FAN VIEWS)

PLAN VIEW

APPROXIMATE TOTAL WEIGHT = 1,000 LBS.
 MATERIAL = ALL 16GA. GALVANIZED
 (CONTINUOUS WELDED)
 ALL DIMENSIONS ARE APPROXIMATE.

JOB:	
LOCATION:	
DATE:	
DWN BY: J.P.C	CHKD. BY
REV.	SCALE: NOT TO SCALE

9-G CHRIS COURT, DAYTON, N.J. 08810
 PHONE: 1-(732) 274-0040





FLAME GARD— TYPE I

TWO MODELS AVAILABLE....

1. Standard Fixed Baffles
2. Spark Arrestor Frame

94% EFFICIENT AT GREASE EXTRACTION

As tested by Underwriters Laboratories of Canada it has been proven that Flame Gard 1 grease filters have the highest rate of grease extraction of any filter on the market today while still maintaining extremely low static pressures. Quoting U.L.C. File #CR1157 it was stated that the quantity of grease passing through the filter to the exhaust duct did not exceed 6% of the amount generated. (Please refer to the U.L.C. Report contained in the technical section of our full line catalog.)

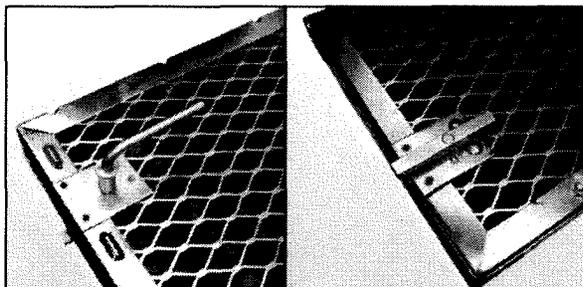
SIMPLE BUT EFFECTIVE BAFFLE DESIGN

Flame Gard's "U" shaped baffles were arrived at after extensive testing. The smooth, deep baffles cause the grease to drain off the filter quickly, and they resist flame penetration without disturbing the movement of air. Flame Gards have more baffles per inch of filter which is a key factor in our high rate of grease extraction and out low static pressure. More baffles mean more grease impingement area and more paths for the air to flow smoothly and quickly through filter. These combined features make Flame Gard 1's the most energy efficient filters available.

TEFLON® COATED BAFFLES

Flame Gard's high rate of grease extraction is aided by our TEFLON® coated baffle. In the same manner that grease rolls off a TEFLON coated pan, it rolls down our baffles, out of the filter and into the hood's remote collection cup. Because Flame Gard's filters retain only insignificant amounts of surface grease and do not load, you will have constancy of air flow throughout your operating day. In addition, Flame Gard's filters can be easily cleaned in a pot sink or dishwasher with simple detergent and hot water.

MARYLAND LOCKING HANDLES AVAILABLE



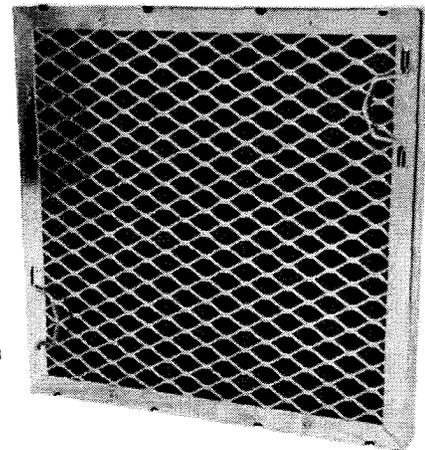
METHOD

Two sample steel filters were weighed and then mounted side by side in the hood. The damper was adjusted to provide a stack velocity of approximately 1800 f.p.m. The distance from the broiler surface to the bottom of the unit was approximately 36 in. The grease generator was weighed, partially filled with cooking oil, reweighed and the weighed recorded.

The grease generator was placed on the electric broiler and heated until the temperature of the cooking oil was 400° F. The sizing of the spray nozzle was such that grease was discharged at approximately one pound per hour per foot width of the test hood.

The test continued for 2 hours...

At the end of the test, the grease laden filters were weighed. The grease collected from the filter run off was collected and weighed. The grease



File No. R10173
NFPA #96

CLASSIFIED BAFFLE GREASE FILTER MEETS NFPA 96 REQUIREMENT FOR COOKING WITH SOLID FUEL

SPARK ARRESTOR FRAME

THE 3/8" X 1/2" SPARK ARRESTOR FRAME MEETS NFPA 211 REQUIREMENT FOR SOLID FUEL BURNING APPLIANCES

- ALL STEEL CONSTRUCTION
- ALL SIZES AVAILABLE
- NON-LOADING TEFLON COATED BAFFLES
- LOW STATIC PRESSURE

NATIONAL FIRE PROTECTION ASSOCIATION NFPA 96, CHAPTER 11-5.1 STATES

If airborne sparks and embers can be generated by the solid fuel cooking operation, spark arrestor devices shall be used prior to the grease removal device to minimize the entrance of these sparks and embers into the grease removal device and into the hood and duct system.

NFPA 211 CHAPTER 1.11.2 (B) STATES:

(b) The arrestor screen shall have heat and corrosion resistance equivalent to 19 gauge (0.011 in.) galvanized steel or 24 gauge (0.024 in.) stainless steel.

(c) Opening shall not permit the passage of spheres having a diameter larger than 1/2 in. (12.7mm) nor block the passage of spheres having a diameter of less than 3/8 in. (9.5mm).

94% EFFICIENT AT GREASE EXTRACTION!

"The quantity of grease passing through the filter to the exhaust duct did not exceed 6% of the amount generated!"

RESULTS

THE FOLLOWING DATA WAS RECORDED ON THE UNITS TESTED. 20 IN. BY 20 IN. STEEL TEFLON COATED FILTERS

WEIGHT OF GREASE GENERATED

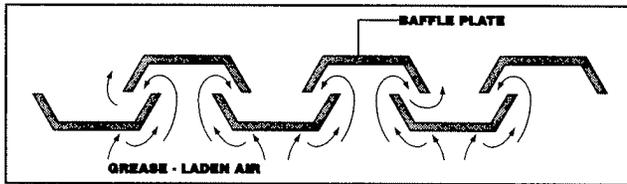
Before Test	95 lb.
After Test	87.5 lb.
Cooking Oil Used	7.5 lb.

	Weight Before Test	Weight After Test	Weight of Grease On Filter
Filter #1	15 lb. 6 oz.	15 lb. 6 oz.	0 oz.
Filter #2	15 lb. 5 oz.	15 lb. 5 oz.	0 oz.

Weight of oil collected from the grease filter run off 7 lb. 4 oz. Amount of oil not retained or collected 1 oz. The quantity of grease passing through the filter to the exhaust duct did not exceed 6 percent of the amount generated.

38

FLAME GARD—TYPE I



HOW FLAME GARD® WORKS

The affluent from cooking processes contains aerosols of water vapor mixed with evaporated fat or oil. These are carried from the cooking surface by the moving air being drawn into the exhaust hood.

Although small, each aerosol is much heavier than the air molecules surrounding it.

Thus, when the air stream containing these aerosols strikes the Flame Gard® Baffle System, the inertial force of the moisture-grease aerosol is considerably greater than that of the air molecule. While the air molecule changes direction easily, the aerosol strikes the baffle with considerable force, causing it to "splatter" on the surface. Because the surface is coated with a Teflon®, the grease slides down to the trough and then to the collecting container.

Whereas the heaviest aerosols, because of their greater inertial force, impinge on the surfaces of the baffles facing and perpendicular to the air flow, the lighter ones remain in the air stream. As the air stream is drawn through the baffle system, the restrictions in area created by the baffles cause the air to increase in velocity while changing direction by 180 degrees. Since the inertial force is a product of the mass and the square of the velocity, this increase in velocity serves to increase the inertial force of the remaining smaller aerosols, causing them to impinge on the inner surfaces of the baffles in the same manner in which the heavier aerosols impinged on the entering surfaces. The design of the baffle system provides several impingement surfaces and two rapid 180-degree direction changes.

Because Flame Gard® removes grease aerosols from the air stream and drain them away instead of retaining them. There is no build-up of grease in the path of the air Flame Gard® therefore, insures a constancy of air never before achievable with mesh-type filters.

WARRANTY

Flame Gard® I has a one-year warranty against defective material or workmanship.

RECOMMENDED WORDING FOR GREASE FILTER SPECIFICATION LONG FORM

Grease filters shall be as manufactured by Flame Gard®. They shall consist of two offsetting baffle assemblies held in position by metal screws, all contained in a metal frame with expanded metal trim on the face and back.

Baffle assemblies shall consist of "U"-shaped channels of 20-gauge steel, coated by no less than one mil of DuPont Teflon® 22. Channels shall be separated and held in parallel alignment by 14-gauge steel cross members. Baffle assemblies shall be mounted in their frames reserved one to the other and staggered so that the side of each channel is aligned with, and spaced evenly from, the side of an opposing channel.

Frames shall be constructed of nickel-plated 18-gauge cold-rolled steel with 3/8 inch diameter openings for drainage of grease. Frames shall consist of two parts permanently held together by metal screws.

Protective trim shall be made of 16-gauge nickel-plated, diamond-shaped, expanded cold-rolled steel.

Stainless steel handles shall be provided on each side of the front frame for ease of removal and replacement in exhaust hoods.

SHORT FORM

Grease Filters shall be as manufactured by Flame Gard®. Filter shall consist of an outside rear and front frame of nickel-plated steel welded to a front face of expanded steel. With two opposing Teflon-coated baffles inside.

SELECTION CHART

ENGINEERING DATA

CFM - STATIC PRESSURE

STATIC PRESSURE - INCHES OF H2O

Size	10x16	10x20	12x20	16x20	16x25	20x20	20x25
350	.350	.185	.160	.075	.045	.045	.030
400	.495	.240	.205	.095	.055	.055	.040
450	.695	.310	.260	.120	.065	.065	.045
500		.390	.325	.145	.080	.080	.055
550		.485	.395	.175	.100	.100	.065
600		.595	.475	.215	.120	.120	.080
650		.720	.570	.255	.150	.150	.090
700			.670	.300	.180	.180	.105
750				.305	.210	.210	.120
800				.400	.250	.230	.140
850				.460	.290	.290	.165
900				.530	.330	.330	.185
950				.600	.380	.380	.210
1000				.670	.430	.430	.240
1050					.480	.480	.275
1100					.540	.540	.320
1150					.610	.610	.365

*Measured 6" behind Flame Gard Static pressure per filter, as included in this chart, represents the total static pressure for the system regardless of the number of filters used in the hood.

CFM PER FILTER - (75 AIR)

STANDARDS

The NATIONAL EVALUATION SERVICES COMMITTEE of the Council of American Building Officials, a co-operative consisting of a consolidation of these former organizations: Building Officials and Code Administrators International, Inc.; International Conference of Building Officials; and Southern Building Code Congress International, Inc.; and which now provides uniform standards for the entire United States, recognizes Flame Gard® when installed with the manufacturer's recommendation and the following table:

TABLE 1 HEIGHT OF GREASE FILTERS

Type of Cooking Equipment	Height Above Cooking Surface(ft.)
Without Exposed Flame	0.5
Exposed Flame	2.0
Charcoal Burning	2.0

A complete list of governmental and industry approvals is available on request. See National Evaluation Service report No. NER-255 for allowable values and or conditions of use concerning material presented in this document. It is subject to re-examination, revisions, and possible cancellation. NER-255, "Condition of Use" - filters to be used in a kitchen exhaust system that is protected with an automatic fire suppression system.

UNDERWRITERS' LABORATORIES, INC., Flame Gard® Grease Filters are classified by Underwriters' Laboratories, Inc., as to flammability after exposure to grease-laden air only. Guide AKUS, File #R10173 see Underwriters' Laboratories Classified Building Materials Index.

Accepted for use, CITY OF NEW YORK DEPARTMENT OF BUILDINGS NO. MEA481-7.1-SM.

Meets the requirements of NATIONAL FIRE PROTECTION ASSOCIATION, Standard No. 96.

SIZES/INSTALLATION

Flame Gard® should always be installed with the baffles in a vertical position, in order to allow the grease particles to be drawn into the collection system by gravity.

Standard sizes are ordered with the vertical (top to bottom) dimension stated first, followed by the horizontal (left to right) dimension. For information on sizes not listed, contact the factory, your representative, or your foodservice equipment dealer.

TRADE SIZE	ACTUAL DIMENSIONS
H x W	H x W x D
10 x 16	9-1/2 x 15-1/2 x 1-3/4
10 x 20	9-1/2 x 19-1/2 x 1-3/4
12 x 16	11-1/2 x 15-1/2 x 1-3/4
12 x 20	11-1/2 x 19-1/2 x 1-3/4
16 x 16	15-1/2 x 15-1/2 x 1-3/4
16 x 20	15-1/2 x 19-1/2 x 1-3/4
16 x 25	15-1/2 x 24-1/2 x 1-3/4
20 x 16	19-1/2 x 15-1/2 x 1-3/4
20 x 20	19-1/2 x 19-1/2 x 1-3/4
20 x 25	19-1/2 x 24-1/2 x 1-3/4
25 x 16	24-1/2 x 15-1/2 x 1-3/4
25 x 20	24-1/2 x 19-1/2 x 1-3/4

39

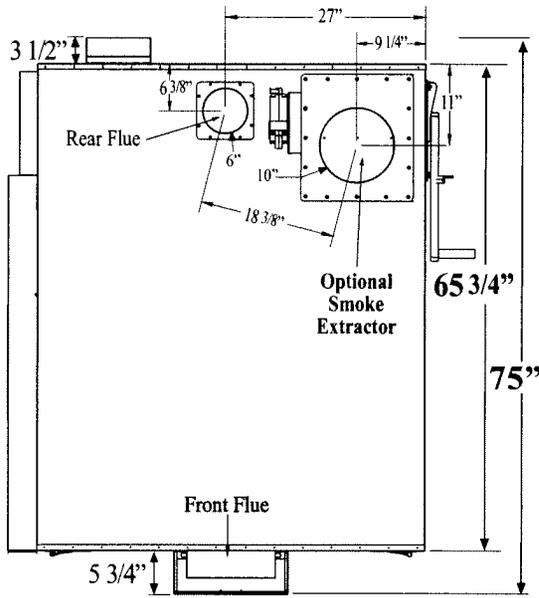
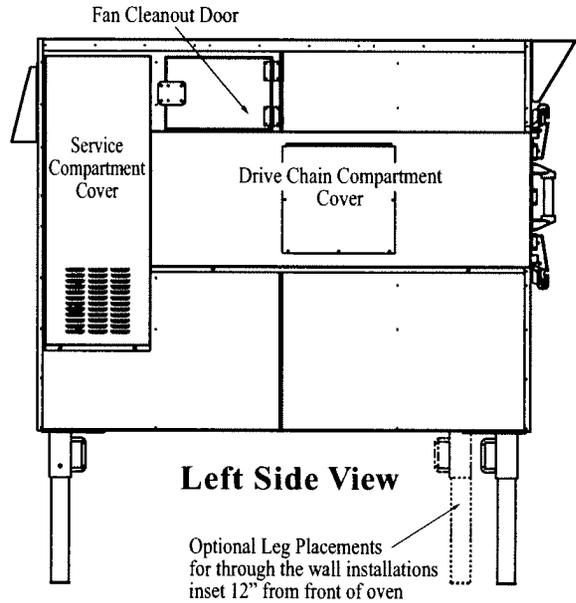
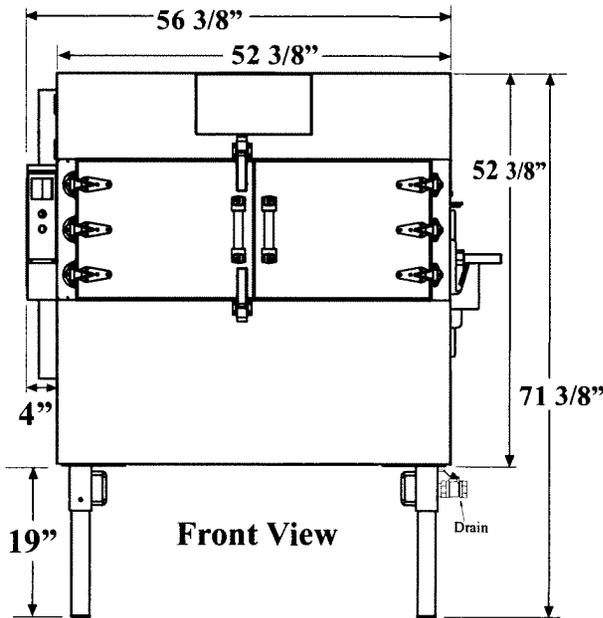
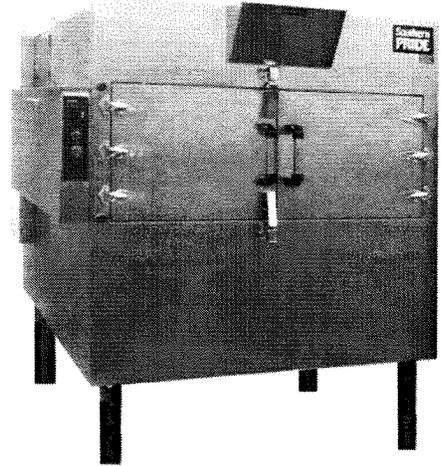
Southern PRIDE

Specifications MODEL SPK-500

Capacities on these products may vary based on physical shape, weight of product and the method of loading.

APPROXIMATE COOKING CAPACITIES

Pork Butt (7-8 lb. each).....	80 pieces
St. Louis Ribs (2.75 lb. each).....	75 pieces
Chicken (3-4 lb. each).....	120 pieces
Beef Brisket (11-13 lb. each).....	40 pieces
Spare Ribs (4-5 lb. each).....	45 pieces



Electrical Requirements: 120 volts AC, 60 hertz, 1 phase, 15 amp wiring required.

Gas Requirements: 75,000 BTU, 1/2" NPT

Construction: Inner and Exterior Liner: 304 Commercial Grade Stainless Steel

Firebox: 10ga. H.R. steel. Uses wood logs or charcoal, 2-3 logs, 4-6" diameter, 12-16" long

Dimensions: 71 3/8" tall x 56 3/8" wide x 75" deep

Food Racks: Rotisserie with five (5) hanger racks, each with three (3) 12" x 42" food racks (15 total). 52.5 Sq.Ft. of cooking surface, 3 1/2" spacing between food racks.

Air Circulation: Low Velocity Convection Fan.

Temperature Range: 140-325 degrees F.

Burner: Electronic Pilot Gas Burner (Specify Natural or L.P. gas)

Shipping Weight: 1,200 lbs.

Approvals: UL, ULC, UL EPH



Venting: Vent Hood Ready and Smoke Extractor Ready. See back side for venting instructions.

VSP HOOD SYSTEM: Purchased through Southern Pride

VSP HOODS are U/L Listed to the applicable Southern Pride oven models and are NSF Certified.

HOOD SYSTEM TO INCLUDE:

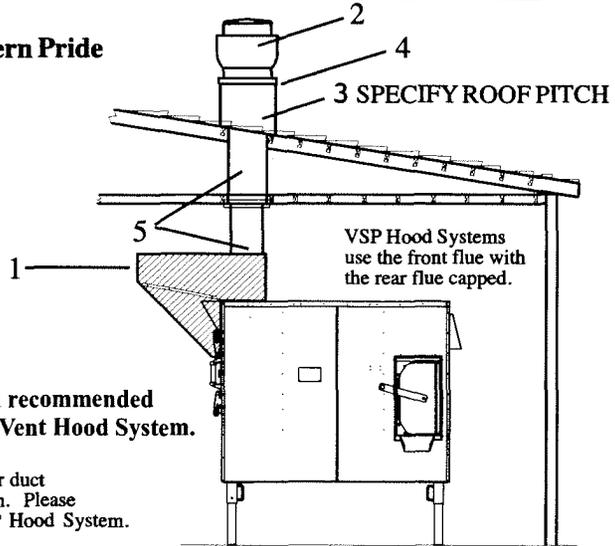
1. Ventilation Hood
2. Two speed fan (1380/2000)
3. Curb with vented extension and hinge kit (Specify roof pitch)
4. Grease capture trough

SUPPLIED BY CUSTOMER:

5. Duct from hood to fan

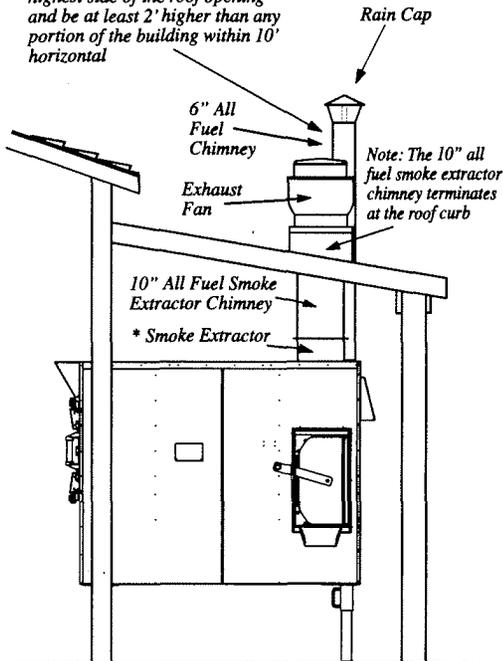
SPK-500 with recommended optional VSP Vent Hood System.

NOTE: If you have a duct longer than 10 feet or an elbow in your duct installation, it may require a larger capacity exhaust fan. Please specify your duct requirements when ordering the VSP Hood System.



ALL MODELS MAY ALSO BE INSTALLED UNDER A CANOPY HOOD RATED FOR COMMERCIAL COOKING APPLIANCES.

Note: The six inch all fuel chimney should extend at least 3' above the highest side of the roof opening and be at least 2' higher than any portion of the building within 10' horizontal



THROUGH THE WALL - DIRECT VENT INSTALLATION

1. When installing an oven through a wall constructed of combustible material, use the **Southern Pride Insulation Kit #2099** between the oven and the wall.
2. Hole Cut Out Note: When using Insulation Kit #2099, please note that the insulation board is 1" thick and is to be installed between the wall opening and each side and the top of the oven, no insulation is used between the wall and bottom of the oven. To accommodate the insulation add an additional 1" of clearance to the sides and top of the wall cut out size.

For ease of installation adding additional 1" of clearance on all sides for installing the oven into the cut out is also recommended. This would mean the cut out size would be increased by a total of 2" for each side and the top of the hole cut out and 1" to the bottom of it.

3. The room that the face of the oven is installed into should have a balanced or slightly positive air pressure. If the room has negative air pressure, smoke could escape into the room during operation.

Supplied by Customer: 6" all fuel chimney, 6" rain cap, and all accessories necessary for installation of the 6" chimney. 10" all fuel chimney, exhaust fan (Fan must be listed for use as a commercial kitchen ventilator), fan curb, and all accessories necessary for installation of the smoke extractor system.

The oven's minimum clearances from combustible materials are 18" on left side, 24" on right, 18" on top, 48" from front, and 2" on back. Minimum clearances are 18" to chimney connector and to smoke extractor chimney connector. Floor may be constructed of a combustible material. (Note: minimum clearance dimensions are from the oven cabinet, not from component cover.) (If provision is made for access to service, minimum clearance can be reduced to 2" on left side.) May be installed through a combustible wall with zero clearance with BBR kit No. 2099.

ANY VENTILATION SYSTEM MUST BE INSTALLED IN ACCORDANCE WITH LOCAL CODES. CONSULT WITH LOCAL OFFICIALS AND A COMMERCIAL KITCHEN VENTILATION CONTRACTOR PRIOR TO INSTALLATION.



Fw: Follow-up on SUP Matters
Nathan Randall to: mike
Cc: Barbara Ross

03/31/2010 06:03 PM

Hello again Mike,

I'm writing to update you on two items.

1. Good news- we will not require an additional \$500 fee for trees and trash cans in your SUP. This has been addressed in the Development Special Use Permit (DSUP) for the new building.
2. The location of the loading space out front along Mt. Vernon Avenue was approved on the site plan for the building. Separate approval for the location will not be necessary, but we will need to approve the hours for that loading space. We ask you to submit an updated plan for all deliveries to the restaurant, which is somewhat more comprehensive than what I mentioned on Monday. The plan would list the following elements:
 - A) The Sysco deliveries at 4am using the Mt. Vernon loading space
 - B) The type/product and timing of other deliveries using the Mt. Vernon loading space. We encourage you to shift as many deliveries as possible to the Mt. Vernon loading space.
 - C) The overall hours you would be using the Mt. Vernon loading space (4 am plus the range for other deliveries.)
 - D) The type/product and timing of the limited number of deliveries that you propose to occur from the back parking lot.

Thanks and I'll see you tonight at the open house.

Nathan

----- Forwarded by Nathan Randall/Alex on 03/31/2010 05:35 PM -----

From: Nathan Randall/Alex
To: Michael Anderson <mike@mangomikes.com>
Cc: Barbara Ross/Alex@ALEX, Erica Bannerman/Alex@ALEX
Date: 03/29/2010 07:31 PM
Subject: Follow-up on SUP Matters

Hello Mike,

Hope you had a nice weekend. I'm writing to follow up with you on a few matters related to your SUP request at 2312 Mt. Vernon Ave.

1. Tandem parking

In your discussions with Mr. Dorn about using the office parking on-site after hours, did you discuss how the tandem parking spaces will be used and confirm that you will have access to at least three of them?

2. Deliveries from back parking lot

You have indicated that you plan to use the back parking lot for some supply deliveries to the business. Is there a particular window of time in which those deliveries would take place? The document submitted with the SUP is helpful but may have evolved since our last conversation. It also includes all deliveries, not just the ones to the back.

3. Smoke/Odors

As we've discussed previously, smoke and odors, especially from the BBQ smoker, are a potential

concern here. In our previous meeting you mentioned that you plan to use a gas and wood-burning smoker. Erica Bannerman also forwarded me additional detail about the unit. While this is a good step, and overall we are pleased to see that you are thinking about how to reduce potential impacts by proposing a cleaner-burning smoker, we ask you to take this a step further by considering additional methods for mitigating smoke and odors. For example, you may want to speak with vendors about what products or devices are available to accomplish this goal. Although we are also looking at potential methods to mitigate these issues, we would like to include your ideas so that we can build-in some flexibility, if possible, while still meeting the overall goal of reducing the potential impact on the neighborhood from smoke and odors.

I look forward to hearing back from you on these matters.

Regards,
Nathan



Pork Barrel BBQ

Michael Anderson to: William.Gillespie

Cc: Erica.Bannerman, nathan.randall, Barbara.Ross, bill, Brett
Thompson, Heath Hall

03/30/2010 10:29 PM

History: This message has been forwarded.

1 attachment



Spec%20Sheet%20SPK-500.pdf

Mr. Gillespie,

Erica Bannerman at the City of Alexandria asked me to forward you this information about our new restaurant.

Name and address of the restaurant

Hog Thaid, LLC

2312 Mt. Vernon Ave.

Alexandria, Va.

Owners name and contact information

Mike Anderson & Partners

4580 Duke St.

Alexandria, Va. 22304

mike@mangomikes.com

Meat throughput information: type of meat cooked and pounds of meat cooked or smoked per hour.

Pork shoulder (butts), and beef brisket. The oven can slow cook up to 500 lbs per cooking cycle.

Fuel throughput information: type of fuel and quantity of fuel consumed per hour
gas/wood 75,000 btu unit. Only 3 logs of wood required during a 12 hour cooking cycle.

specs attached

Fuel burning equipment specifications.

see specs

Air pollution control equipment specifications (if any)

Other data pertinent to air emission calculations.

One Final note:

It concerns me that you included an article that you thought this group may have interest in regarding our project. This article has absolutely nothing to do with our cooking process as it refers to high temp grilling. In the bbq process we cook slowly at 225 degrees over a longer period to finish the product. This mis information just feeds the frenzy our neighbors are now experiencing about bbq.

Mike Anderson



Re: Pork Barrel
Barbara Ross to: Michael Anderson
Cc: Nathan Randall
This message is digitally signed.

03/25/2010 04:18 PM

okay.

Michael Anderson I really won't know until the dumpster is in the sp... 03/25/2010 04:08:24 PM

From: Michael Anderson <mike@mangomikes.com>
To: Barbara.Ross@alexandriava.gov
Date: 03/25/2010 04:08 PM
Subject: Re: Pork Barrel

I really won't know until the dumpster is in the space and we can assured we can get the doors closed. It looks like it will fit on the plans.

If not I'll be glad to store it in the basement.

On Mar 25, 2010, at 3:59 PM, Barbara.Ross@alexandriava.gov wrote:

> It's a good choice. Is there really room there?

>

>

>

> From: Michael Anderson <mike@mangomikes.com>
> To: Barbara.Ross@alexandriava.gov
> Date: 03/25/2010 03:56 PM
> Subject: Re: Pork Barrel

>

>

>

> Barbara,

>

> How about in the enclosed dumpster area?

>

> MIke

>

>

> On Mar 25, 2010, at 3:41 PM, Barbara.Ross@alexandriava.gov wrote:

>

>> Please show us where on a plan the wood will go, and choose a place you
> can

>> live with. We will then review your proposal.

>>

>>

>>

>> From: Michael Anderson <mike@mangomikes.com>
>> To: Barbara.Ross@alexandriava.gov
>> Date: 03/25/2010 09:06 AM
>> Subject: Re: Pork Barrel

>>

>>

>>

>> Babara,

>>

>> I would like to stack it behind the restaurant, but could stack it in the
>> basement if necessary.

>>
>> Mike

>>
>>

>> On Mar 25, 2010, at 8:39 AM, Barbara.Ross@alexandriava.gov wrote:

>>

>>> Here's another question: where will you store the wood logs? This has
>>> been an issue at other locations, so just provide us with your plan for
>> it,
>>> please.

>>>

>>>

>>>

>>> From:
<mike@mangomikes.com>

Michael Anderson

>>> To:

Barbara.Ross@alexandriava.gov

>>> Cc:

nathan.randall@alexandriava.gov

>>> Date:

03/24/2010 08:37 PM

>>> Subject:

Pork Barrel

>>>

>>>

>>>

>>> Barbara,

>>>

>>> I know there's been a lot of talk among the neighbors about the new
>>> restaurant. Typical issues about parking, hours, noise etc. However,
>>> there seems to be a ground swell against our proposed meat smoker. So
>> to

>>> be a good neighbor we're making this equipment change.

>>>

>>> We originally were going to install a 100% wood smoker, as required by
>> the

>>> BBQ afficianados, in favor of a wood/gas unit. This high tech unit,
>> made

>>> by Southern Pride, is incredibly efficient and only burns 3 or 4 logs of
>>> wood during a 12 hour cooking cycle. Although twice the price of the
>> wood

>>> cooker, this unit is state of the art and is being used more and more by
>>> restaurants that have "neighbor" issues.

>>>

>>> Of course we only burn hardwoods and at 3 or 4 logs we'll probably be
>> using

>>> far less wood than the average homeowner using his fireplace.

>>>

>>>

>>>

>>> From their website:

>>>

>>> http://www.southern-pride.com/p/about_work.php

>>>

>>> See you tomorrow night at the Small Business Zoning meeting.

>>>

>>> MIke Anderson

>>>

>>>

>>>

>>>

Pork Barrel
Michael Anderson
to:
Barbara.Ross
03/24/2010 08:37 PM
Cc:
nathan.randall
Show Details

Barbara,

I know there's been a lot of talk among the neighbors about the new restaurant. Typical issues about parking, hours, noise etc. However, there seems to be a ground swell against our proposed meat smoker. So to be a good neighbor we're making this equipment change.

We originally were going to install a 100% wood smoker, as required by the BBQ afficianados, in favor of a wood/gas unit. This high tech unit, made by Southern Pride, is incredibly efficient and only burns 3 or 4 logs of wood during a 12 hour cooking cycle. Although twice the price of the wood cooker, this unit is state of the art and is being used more and more by restaurants that have "neighbor" issues.

Of course we only burn hardwoods and at 3 or 4 logs we'll probably be using far less wood than the average homeowner using his fireplace.

And our Subterthermic Flue--another exclusive Southern Pride feature-- increases smoke intensity and enhances the flavor of the meat. It also increases heat efficiency, drastically reducing wood usage. You can, for example, smoke an entire load of meat by burning only two or three fireplace-size logs.

From their website:

http://www.southern-pride.com/p/about_work.php

See you tomorrow night at the Small Business Zoning meeting.

MIke Anderson

To: Mike Anderson, tenant at 2312 Mt. Vernon Ave, Alex. VA

From: Erik Dorn, owner of Shops at Del Ray, LLC

This is to confirm that your restaurants will have use of the 7 office parking spaces located behind the building after 6pm. You also have use of all the other spaces 24/7. Let me know if you need anything further. Thanks

Erik Dorn

Erik Dorn

3/18/10

SUP #2010-0011
2312 Mount Vernon Avenue
Hog Thaid t/a Pork Barrell BBQ

Letters from individuals, and various
business, community and civic groups.

Based on the discussions of the application that include; proffers by the applicant to install a hybrid gas/wood cooker, additional exhaust ventilation devises and operational concessions; feedback from residents, and; advise from members of City staff, the Land Use committee recommends to the Executive Board that we support the application with certain conditions that allow the applicant to keep hours of operation greater than existing neighborhood restaurants yet discourages those restaurants from attempts to increase their hours without decreasing the impact of their activities on the surrounding neighborhood. LUC agrees with staff assessment concerning the proposed lockbox delivery by Sysco Foods should be given a trial period and if it is problematic then it could be adjusted to a 4-hour window beginning 2 hours later, or eliminated.

We believe this compromise is fair, in that it seeks to broaden the styles of dining activity available on The Avenue within walking distance of Del Ray residents and shield immediate residents from less desirable activities associated with live entertainment and late evening disturbances.

LUC Recommendation: Approve with conditions, 6-1

Executive Board voted 6-0 in support of the application with conditions.

LUC recommended conditions as amended by the Executive Board:

In addition to standard conditions typically imposed by staff regarding hours of operation, closing hours/serving of meals, alcohol service, employee parking and transit options, patron parking options, storage, litter, cleaning of kitchen equipment, trash and recycling, control of cooking odors, rodent abatement, etc., we recommend the following conditions:

1. Indoor hours of operation shall be Su thru Th, 7 am to midnight; Fr & Sa, 7 am to 1 am.
2. Outdoor hours of operation shall be Su thru Th, 7 am to 10 pm; Fr & Sa to 11 pm. The outdoor dining area shall be cleared of patrons and cleaned by the hour of closing.
3. No outdoor dining shall be allowed adjacent to the building along Oxford Avenue; this condition is not subject to change via a minor amendment.
4. No door shall exit onto Oxford Avenue; this condition is not subject to change via a minor amendment.
5. No live entertainment or DJ shall be permitted; this condition is not subject to change via a minor amendment.
6. No sales of alcohol for off-site consumption shall be allowed.
7. No amplified sound shall be audible at the zoned commercial property line.
8. Deliveries made from the restaurant shall use Mt. Vernon Avenue as the primary route of travel.

It is important to note that the hours of operation we support are in recognition of the applicants' proffers on kitchen/ventilation equipment, restrictions of restaurant activity on Oxford Avenue and, most importantly, no live entertainment.

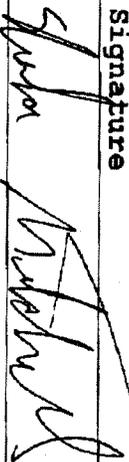
Sincerely,
Amy Slack
Co-chair, Land Use committee
Del Ray Citizens Association

By signing below, please be advised that I support the proposed requests as set forth in the Application by Hog Thaid, LLC, t/a Pork Barrel BBQ for Special Use Permit (SUP) #2010-0011, with the revisions set forth below in order to ensure the preservation of the family-friendly atmosphere of Del Ray.

Pork Barrel BBQ, et. al. will be located at 2312 Mt. Vernon Ave., in the neighborhood of Del Ray, with Commercial Low zoning. The restaurant will be located on the same block as 14 residential homes with approximately 13 children in residence and within a one-block radius of 53 residential homes. The nearest residence with small children is located approximately 30 feet from the Applicant's restaurant.

In SUP #2010-0011, the Applicant asks: (i) to operate one 6,000 square foot restaurant Sunday through Friday from 11:30am to 2:00am and on Saturday from 7:30am to 2:00am; (ii) to vent up to 2 1/2 stories; (iii) to produce up to 400 pounds of trash per day; (iv) to have off street loading beginning at 4:00am daily and continuing until 5:00pm with trucks parked off Mt. Vernon Ave. only; (v) to have outdoor dining; and (vi) to offer carry out service.

I support the SUP with the following changes to ensure the restaurants conform with the commercial low zoning and family-friendly character of Del Ray: (i) a change in hours so that the restaurants close by or before 11:00pm (or at a minimum closing at 11:00pm Sunday through Thursday); (ii) a change in the ventilation system sufficient to capture odors, smoke, emissions and other particulate matter generally associated with barbecue and other cooking techniques the Applicant proposes to use; (iii) off street loading hours (to be off Mt. Vernon Ave. only) limited to ~~morning~~ Monday through Friday between 7AM and 5PM); (iv) outdoor dining tables limited and hours of operation ceasing by 10:00pm daily; (v) audible sounds at the commercial building line limited to levels at or below 50 decibels; (vi) no speakers or other amplified sounds outside the restaurant; (vii) side door entrance to be used as an emergency exit only and all take out to be picked up through main entrance on Mt. Vernon Ave.; and (viii) a requirement that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress (using Oxford Avenue only between Mt. Vernon Avenue and the parking lot entrance). I respectfully ask that the SUP is approved with these changes.

Name (print)	Address	Contact Info (email)	Signature	Date
Shelia Luttrell	2400 Mt. Vernon Ave	willvernemuttrell@vernon.net		4/21/2010
Josy Cooper	2400 Mt. Vernon Ave	supacooper102@hotmail.com		4/21/2010
Anthony Nufke	109 E. Oxford Ave	antkoko@yahoo.com		4/21/2010

(2)

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions	Name - (print)	Address	Contact Info (email)	Signature	Date
	John Patrick	213 E. Bellefonte Ave	patrick1977@gmail.com		4-2-10
	Manica Sheehy	108 E. Oxford Ave	mreiner@telnetmail.com	M Sheehy	4.2.10
	Paul Thomas	2506 Dewitt Ave	rustycrusy@thomas.com		4-2-2010
	Jenny Thomas	2506 Dewitt Ave	JennyThomas@Hotmail.com		4-2-2010
	Kelley Ayler	109 E Oxford Ave	amkdcos@yahoo.com		4-2-2010
	Klaus Bright	102 E Oxford Ave	Klaus Nick bright2010@yahoo.com		4-2-2010
	Linda Kuster	106 E Oxford Ave	linda.jc@jcu.edu		4-3-2010
	Ernest & Corst	104 E. OXFORD AVE	Ernest@Oxfor.com		4/3/10
	UTGAR ADVU	5740 Camp Lane	UTGAR @ FORT LIMBING, com		4/2/10
	Michelle Vaughan	100 E. Oxford	mvaughan39@hotmail.com		4/3/10
	Rock Vaughan	100 E. Oxford	Rock@Southwest.com		4/3/10
	Maria Stam	101 E Oxford	703 544-3701	Maria Stam	4/3/10
	Diana Stapp	107 E Oxford	703 683 4060	Diana Stapp	4/3/10

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions

Name - (print)	Address	Contact Info (email)	Signature	Date
Martha L Jaeger	3623 Elderberry Ln Fairfax	mcnizhalsjohn3@verizon.net	Martha L Jaeger	4/4/10
John McMichals	105 Catoe Ave Alex Va Alexandria VA 22304	mcnizhalsjohn@hotmail.com	John M. McMichals	4/3/10
ALAN F SCOSMIR	660 Briarwood Terrace Leesburg VA 20129	afscosmir@verizon.net	AFS	4-4-10
Kristen Klicke White	4204 Underwood St. University Park MD 20782	kklicke@hotmail.com	Kristen Klicke White	4-4-10
Sean W. Shely	108 E. Oxford Av Alexandria VA 22304	90-wy06@comcast.net	Sean W. Shely	5/8-10
JAN BOSTON	1 EAST OXFORD ALEXANDRIA VA 22301	DBS70@HEALTHPOLICY SOURCE.COM	JAN BOSTON	4/5/10
April Boston	1 E. Oxford Alexandria, VA 22301	aboston22@yahoo.com	April Boston	4/5/10
Brian Thomas	1404 Mt. Vernon Ave Alexandria VA	Brian.Thomas05@yahoo.com	Brian Thomas	4/5/10
Matthew Paris	1406 Mt. Vernon Ave	Matthew.Paris@comcast.net	Matthew Paris	4/5/10
Rainey Ashin	1406 Mt Vernon Ave	rashin@quad1.com	Rainey Ashin	4/8/10
Greg Sullivan	1404 Mt. Vernon Ave	gsullivan@verizon.net	Greg Sullivan	4/5/2010
Daniel McHaffey	1408 Mount Vernon Ave	danh.mchaffey@gmail.com	Daniel McHaffey	4/5/2010
Paula DeMuth	1410 Mount Vernon	Paula.deMuth@msn.com	Paula DeMuth	4/5/2010

(7)

15

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions

Name - (print) Address Contact Info (email) Signature Date

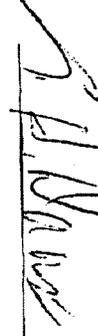
LISA ESCOBAR	1000 BURNSIDE JOHN LEBURG VA 20145 3623 EIDLEBERG PI Fairfax VA 22033	leescobar@verizon.net	lisa escobar	4/4/10
Chris Walker	1410 Mt. Vernon Ave	mwalleh@msn.com	Chris Walker	4-4-10
Brian Shellum	1414 Mt Vernon Ave	bjshellum@aol.com	Brian Shellum	4-5-10
Peggy Fenler	2200 Windsor Rd 4414 4th St N. Arlington, VA	shazmusa@aol.com	Peggy Fenler	4/6/10
Shazmusa	8 E. Oxford Ave. Alexandria, VA 22301	mallicarone@yahoo.com	Shazmusa	4/6/10
Mari Gandy	109 E OXFORD AVE ALEXANDRIA VA 22301	caathleen-harrington@yahoo.com	Mari Gandy	4/6/10
Caathleen Harrington	2831 So. Glebe Rd. NW ALEXANDRIA VA	PAUL.S.KLICK@gmail.com	Caathleen Harrington	4/6/10
Paul Kluck	2415 Mt Vernon	LAJINENUT@aol.com	Paul Kluck	4/7/10
John-Nick Forcade	2000 N. Vicks Terrace	msch10239@aol.com	John-Nick Forcade	4-7-10
Mary Kay Alexander	409 Clonds Ln.	marykayalexander62@gmail.com	Mary Kay Alexander	4-7-10
Patricia Larson	9121 Sommers #11008	msch10239@aol.com	Patricia Larson	4-8-10
Mary Forth			Mary Forth	4/8/10
Martha Scott Schuler			Martha Scott Schuler	4/8/10

By signing below, please be advised that I support the proposed requests as set forth in the Application by Hog Thaid, LLC, t/a Pork Barrel BBQ for Special Use Permit (SUP) #2010-0011, with the revisions set forth below in order to ensure the preservation of the family-friendly atmosphere of Del Ray.

Pork Barrel BBQ, et. al. will be located at 2312 Mount Vernon Avenue, in the neighborhood of Del Ray, with Commercial low zoning. The restaurant will be located on the same block as 14 residential homes and within a one-block radius of 53 residential homes with approximately 13 children in residence. The nearest residence with small children is located approximately 30 feet from the applicant's restaurant.

In SUP #2010-0011, the Applicant asks: (i) to operate one 6,000 square foot restaurant Sunday through Friday from 11:30am to 2:00am and on Saturday from 7:30am to 2:00am; (ii) to vent up to 2 and 1/2 stories; (iii) to produce up to 400 bags of trash per day; (iv) to have off street loading beginning at 4:00am daily and continuing until 5:00pm with trucks parked off Mount Vernon Avenue only; (v) to have outdoor dining; and (vi) to offer carry out service.

I support the SUP with the following changes to ensure the restaurants are in keeping with the commercial low zoning and family-friendly character of Del Ray: (i) a change in hours so that the restaurants close by or before 11:00pm nightly (or at a minimum closing at 11:00pm Sunday through Thursday); (ii) a change in the ventilation system involving carbon filtering and emissions capturing to reduce the exposure to residents of smoke and cooking odors; (iii) off street loading hours (to be off Mount Vernon Avenue only) limited to morning only Monday through Friday between 7AM and 5PM; (iv) outdoor dining tables limited and hours of operation ceasing by 10:00pm daily; (v) audible sounds at the commercial building line limited to levels at or below 50 decibels; (vi) no speakers or other amplified sounds outside the restaurant and (vii) slide door entrance to be used as an emergency exit only and all take out to be picked up through main entrance on Mount Vernon Avenue. I respectfully ask that the SUP is supported with these changes.

Name (print)	Address	Contact Info (email)	Signature	Date
Martha E. Davis	9 E. Oxford Ave. Alexandria, VA	mdavis@nvc.edu		4/2/10
Cress Reynolds	Sum on above	mdavis@nvc.edu		4/2/10
	813 Beauchamp Drive	signstark@att.com		4/4/10
E. A. Davis	8813 Beauchamp Dr.	bdavismv@gmail.com		4/4/10

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions
 Name - (print) Address Contact Info (email) Signature Date

MARY LOU COLLINS	1046 Oxford Ave	marylou238@yahoo.com	Mary Lou Collins	4/9/10
CATHERINE URSAN	5509 SIE Cambridge Way	CatherineUrsan@yahoo.com	Catherine Ursan	4/9/10
Margorie Fineman	Alex VA 22301	mfineman@comcast.net	Margorie Fineman	4-6-10
Anne Fitzgerald	30 E. Masonic View, Alex 22301	annehoflan@comcast.net	Anne Fitzgerald	4-7-10
Tucker Ferguson	2104 Winters DE	office@spaulsdelaware.com	Tucker Ferguson	4-5-10
Tacy Castle	10404 1/2 St. Alex VA 22314	tacycastle@yahoo.com	Tacy Castle	4-8-10
Wendy Rowe	403 Franklin	office@spaulsdelaware.com	Wendy Rowe	4/8/2010
Wm Greive	212 E. OXFORD	WILLIAM.GREIVE3RD@VERIZON.NET	William Greive 3rd	4/8/2010
Lindsay Condit	106 E Oxford	lindsaycondit@gmail.com	Lindsay Condit	4/8/10
Heidi Brown	213 E. Oxford	harry@brown-ip.com	Heidi Brown	4/8/10
Stephanie Rickard	3 W. Del Ray Dr	shpckrkt@fips.edu	Stephanie Rickard	4/26/9

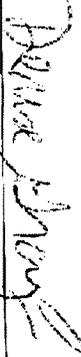
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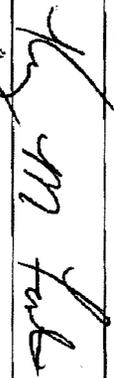
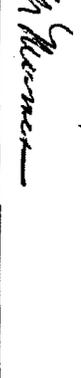
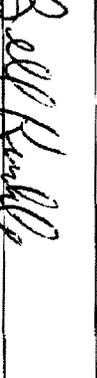
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Name (print)	Address	Contact Info (email)	Signature	Date
Hou. Alex G. Paez	227 Adams Ave. Alex 227	asp17@yahoocan		4/4/10
Laura Michele Paez	227 Adams Ave	lmpaez@ymc.com		4/4/10
Diane Gray	18 E Linden	dgraye@earthlink.net		4/4/10

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions
 Name - (print) Address Contact Info (email) Signature Date

Tom M. Gray	18 Emerson St.	DGray@Safefield.com		4/4/10
LARRY ROUSSEL	13 ST. ANTHONY'S	LROUSSEL@SOUTHERN EAST. EUM		4/5/10
Kim Forst	225 Adams	KForst@SOUTHERN EAST. EUM		4/5/2010
Shay Calava	3301 HAZELWOOD	SCALAVA@SOUTHERN EAST. EUM		4/5/2010
Sharon Tobias	9308 Family Ave	STOBIA@SOUTHERN EAST. EUM		4/5/2010
Michael Vaughan	100 Oxford Ave.	MVaughan@SOUTHERN EAST. EUM		4/5/10
Matty Mattern	6504 Denton Canyon	MVONKA@SOUTHERN EAST. EUM		4/5/10
Bill Kunkle	109 E Curtis Ave	BILLKUNKLE@AOL.COM		4/6/10
John W. ...	301 ...	ROCK@SOUTHERN EAST. EUM		4/6/10
...	205 E ...	THURMOND@SOUTHERN EAST. EUM		4/6/10
DAVID ESTES	4333 N. VANDERBILT	TAMMANN@AOL.COM		4/6/10
Joe Henry	2 Arnold St Alex	SJETHUSA@comcast.net		4/20/10



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Name (print)	Address	Contact Info (email)	Signature	Date
Kavin Fangman	Alexandria, VA 2016 East Alexandria Ave	mfangman@pobox.com	<i>Kavin Fangman</i>	4/7/10
Ellen Donald	Alexandria, VA 110 E. Alexandria Ave.	edonald@verizon.net	<i>Ellen K. Donald</i>	4/7/10
ARTHUR BASKO	ALEXANDRIA, VA 22301	atbasko@verizon.net	<i>Arthur Basko</i>	4/7/10

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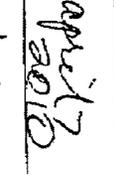
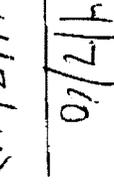
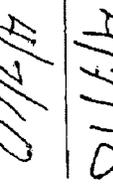
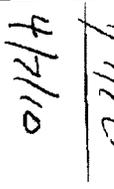
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Name (print)	Address	Contact Info (email)	Signature	Date
Constance McCabe	206 East Alexandria Ave	twinstings@hotmail.com		4/7/2010
Troy S Thomas	18 W Myrtle St Alexandria VA	trysthomas@comcast.net		4/7/2010
Ann La Thomas	18 W Myrtle St Alexandria VA	pubbelstadel@hotmail.com		4/7/2010

14

Signature Page to Support Petition Hog Name - (print)	Address	Thaid's SUP Application with Concessions Contact Info (email)	Signature	Date
Sandra Jorgenson	14 W Spring St Alexandria VA 22301	sandrajorgenson@ verizon.net		April 17 2010
Leif Jorgenson	14 W Spring St Alexandria VA 22301	---		4/7/10
LIV JORGENSEN	14 W Spring St Alex. Va. 22301	---		4/7/10
GEORGE Mc DONALD	302 E. ALEXANDRIA Ave, Alex, VA 22301	george.mcdonald@ comcast.net		4/7/10
Mary Riley	302 E. Alexandria Ave Alexandria, VA 22301	maryriley@comcast. net		4/7/10

Re: Support with Concessions- Follow up to LUC Meeting 4/8/2010

Ashley Klick

to:

Nathan.Randall

04/15/2010 09:10 PM

Cc:

Barbara.Ross

Show Details

Thank you Nathan. Mr. Anderson met with 5 families on Tuesday night. I did ask him about the smoking hours since several BBQ restaurants, including the one his team directed me to, had indicated that it is more like 15-19 hours. On Tuesday he stated he did not know what the hours would be. I asked if the operating hours would be at night or during the day, and he stated that they would probably run it overnight.

I will also share with you that he stated his business would be profitable even if he had to close at 10pm every night (leading us to understand that the late night hours were not critical to his success). When discussing the proposed diffusion system, Mr. Anderson also stated that a "scrubber" would be most effective in reducing the smoke and odors. He offered to investigate the Capitveair (sp) system that Rocklands uses per the suggestion of Mr. Gillespie.

We reviewed our concerns regarding the hours with him again. The street (and 125 signatures) believes that outdoor dining should close at 10pm; indoor operations should close at 11pm Sun-Thu and 12am on Fri and Sat. This is substantially different from any restaurant operating between Uhler and Del Ray Avenues. From my notes (that I hope are now correct) operating hours on the Avenue include:

1. Los Tios (306 seats) - they close during the week at 11pm and on weekends at 12am. They have patio dining until 10pm
2. Evening Star (120 seats)- same
3. Mancinis (60 seats) – they close during the week at 10pm and on weekends at 12am. Patio dining until 10pm.
4. Fireflies (100 seats) – they close every night at midnight. Patio dining until 10pm
5. Caboose Café (32 seats)- same

The latest and most expansive permitted closings appear to be midnight seven nights a week with patio dining ceasing at 10pm. Although it is my understanding from residents near Fireflies that this has been a burden. This increased commercial activity with regard to hours seems to have had a negative impact on the surrounding residents, which contradicts the Mount Vernon Overlay Document and the commercial low zone.

Thank you for your responsiveness.

Regards,

Ashley

Ashley Klick

Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>
Have Fun Learning with Kobold Toys, <http://www.koboldsblog.com/>

16

Pork Barrel BBQ - Our humble opinion

Badri Munipalla

to:

Nathan.Randall

04/13/2010 09:13 AM

Show Details

Just last year The Washington Post labeled our avenue as the "wellness avenue".

<http://www.washingtonpost.com/wp-dyn/content/article/2008/10/01/AR2008100100876.html>

In our opinion, the BBQ place does not fit well with this image. We would truly benefit from a health food store/smoothie/mom and pop sandwich place/vegan restaurant or some such sort of business instead.

In addition to the above concern, the new apartments (The Apartments at Del Ray) is bound to increase vehicle traffic on Mt. Vernon. This a real peril for our quaint neighborhood with so many little children. We feel that this new BBQ place will only make a bad situation worse.

Pallavi and Badri Munipalla
Residents of E Bellefonte Ave

17

Support with Concessions- Follow up to LUC Meeting 4/8/2010

Ashley Klick

to:

barbara.ross, Nathan.Randall, erica.bannerman

04/12/2010 02:10 PM

Cc:

Bernardo Piereck, Clarissa Piereck, Linda Jacobs, leslie_staples, cathleen_harrington, dboston, Lisa Donofrio, Monica Sheehy, michellevaughan, annie, Martha Davis, Marylou, Rainey

Show Details

Attached please find our support with concessions of the Hog Thaid SUP #2010-0011 submitted to the DRCA Land Use Committee on April 8, 2010. We also have collected over 100 signatures in the past few days from Virginia residents supporting the SUP with concessions. We continue to collect signatures. Concerned residents were grateful for the opportunity to ask questions of Hog Thaid representatives and to clarify issues and address concerns at the Del Ray Land Use Committee Meeting. The positions enumerated below reflect a compromise on the part of the neighbors. We remain hopeful and confident that this situation can be resolved in a way that preserves our health, safety and quiet use and enjoyment of our properties, while at the same time seeing a new business venture flourish on our very corner.

It is our hope and expectation that City Staff will make recommendations based on the compromises Hog Thaid and residents discussed at the LUC meeting on Thursday, April 8.

1. Hours of Operation. The Applicant's restaurant is located in a Commercial Low (CL) Zone. The standard for restaurants in the Mount Vernon Overlay Zone is for hours of operation to be limited to Sunday- Thursday, 7:00am - 10:00pm; Friday and Saturday, 7:00am - 11:00pm. Operating until 2 am, 7 days a week will unreasonably disturb the sleep of residential neighbors during the work week and during school nights. It is our understanding following the LUC meeting that Hog Thaid is agreeable to our compromise of requiring all patrons to leave the restaurant by 11:00pm Sunday-Thursday and 12:00 Friday and Saturday. [We are willing to support this compromise position notwithstanding that these hours exceed those kept by businesses within 2 blocks of the Applicant's restaurant and are later than any other restaurant operating on the Avenue. Consistent with this compromise, we also request that outdoor dining be closed down (no one still dining/drinking) at 10:00pm nightly.]

2. Ventilation/Woodsmoke Concerns. While we appreciate the efforts Hog Thaid has made to consider equipment to ventilate and filter emissions so as to reduce their impact on the health and wellbeing of the neighbors, we remain concerned that the proposed modifications will not sufficiently abate the threatened nuisance.

Specifically, from initial research, it seems that the Flame Gard is a grease trap which will do much to capture the larger particles of grease and embers that are byproducts of the Asian fusion form of cooking, and to a lesser extent, the barbecue process. It seems they cost from \$100 - \$200 dollars, not including installation. However, this item does not address the inevitable smoke emissions that will be vented straight out during every day of the year; smoke that will get blacker and blacker if daily, weekly and monthly maintenance is not scrupulously upheld.

The Applicant has also graciously offered to place a diffuser fan on the roof which apparently functions to mix two parts "clean" air with the unfiltered exhaust that will come through the vents. Then the diffused matter will be

expelled up 150 feet straight. The Applicants have informed us that this will address fumes. We are in the process of researching this proposed mitigation technique, but have some reservations and questions. Will this fan be activated every time exhaust comes out of the vents? Will it be activated only upon venting from the barbecue vent or from the Asian fusion vent as well? Or will it be operated during the entire cooking process (which could be most of the 24 hour day)? Will it meet code regarding noise, mechanical, aesthetic and height considerations? Are fumes different than odors and, therefore, will it adequately address the inevitable odor nuisance problems from the proposed cooking applications?

It is inconsistent with Alexandria's CL Zoning Classification and counterproductive to its Eco-City initiative to bring in new point sources for particulate matter pollution without adequate mitigation. Hog Thaid's proposed operations, including the smoking of meat for 12 hours per day (or more), is inconsistent with the CL zoning classification because the odors, smoke, and particulate matter produced by such operations would be detrimental and constitute a nuisance to nearby residences in violation of Sections 4-101 and 4-107(E) of the city's Zoning Code.

As we have shown, this nuisance poses not only a threat to our right to the use and enjoyment of our homes, but also to the health and welfare of the residents. Residing on Oxford Avenue is a two-year old child with Asthma 30 feet away from the commercial building, adults with asthma, a woman with a serious lung and heart disorder and elderly residents. Mount Vernon Community School, which is on a year-long calendar, is located one block away. We respectfully request that City Staff and City Council place conditions on the operation of Hog Thaid at 2312 Mount Vernon Avenue to avoid a scenario where neighbors suffer and the future costs of coming into compliance are greater than if they had been addressed at the start.

Additional questions:

1. What are the hours of operation of the smoker? Will immediate residents be exposed to their description of "chimney like smoke/smell" 10 hours a day, 15 hours a day, 24 hours a day, every day? Here we point out to city staff that even a household chimney would constitute a nuisance and pose a health threat to nearby neighbors if it were operated 12 hours per day, seven days per week, 52 weeks per year.
3. Does the Applicant have sufficient financial resources to implement additional mitigation measures, if necessary, to abate possible nuisance and eliminate health risks to neighboring residents?

3. Deliveries. Residents are amenable to adjusting our delivery schedule from 7AM - 5PM to include the 4AM Sysco Truck delivery on Mount Vernon Avenue. As agreed upon verbally by Hog Thaid and the residents present, we would like a requirement that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress.

4. Noise. Applicant insists that no live music will be played. We request that conditions include that audible sounds at the commercial building line be limited to levels at or below 50 decibels and that there be no speakers or other amplified sounds outside the restaurant/commercial building.

5. Side Door Take Out Entrance. Hog Thaid's representatives at the LUC meeting publicly withdrew from their application the request to use a side entry door. Residents request that if City Staff leaves the door that the SUP include a condition that the side entrance be used as an emergency exit only and all take out must be picked up through the main entrances on Mount Vernon Avenue.

6. Review Period. We suggested at the LUC meeting that the Director of Planning and Zoning include a provision in the SUP requiring the review of the SUP after it has been operative for two continuous 90 day cycles to monitor possible detriment to nearby residents, businesses and students, especially with relation to odor and /or smoke nuisances and the unprecedented late night hours in this zone. The two continuous 90-day periods would allow the

community and the neighbors to assess the actual impact upon same in two different seasons and after specific recommended maintenance will have been performed upon the smoker, vents and chimney flue.

7. Delivery of take-out orders via car: At the LUC meeting, the Applicant agreed that delivery of takeout food from the restaurant to patrons will be delivered only via use of Mount Vernon Avenues. The delivery vehicle(s) used will also reenter the restaurant's parking lot via Mount Vernon Avenue such that side streets will only be utilized to deliver to specific addresses. We also ask that the delivery vehicle used be clearly marked as representative of the business.

Without these conditions and compromises, we do not believe that this proposed business will be in accordance with Commercial Low Zoning. Sec. 4-100 CL/Commercial low zone. 4-101 Purpose and 4-107(E).

4-101 Purpose. The CL zone is intended to provide for small scale retail and service uses offering pedestrian oriented shopping and services for individual consumers and households located primarily in nearby residential areas. Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed and designed so as to be in character with such development and be of such characteristics as not to be detrimental or a nuisance to nearby residential properties.

If the Applicant's SUP request were to be granted as is, his operation – from 4am deliveries to 2 am closing and post-closing clean-up/next day prep- would signify a 24 hour operation seven days a week that threatens neighbors' health and the use and enjoyment of their homes. We submit such an operation clearly does not qualify as one that should operate in a Commercial Low Zone, and that this commercial activity would negatively impact nearby residences.

- A. We respectfully submit that it is within the power of the City Council to set these conditions of operation upon the Applicant. Section 11-500 of the Alexandria Zoning Ordinance covers Special Use Permits. Section 11- 501 states the following:

Authority. The city council may approve an application for a special use permit provided for in this ordinance if the proposed location is appropriate for the use and if the proposed use or structure will be designed and operated so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity.

From the preceding language, it is clear that the City Council has the authority to consider whether a proposed use may have "*potentially*" adverse effects upon the neighborhood or other properties located in "the vicinity." We have put forth ample evidence, in the form of news articles, hearings, and conversations with barbecue restaurateurs, that barbecue byproducts, such as smoke and odors from barbecue smokers using even less wood than the Applicant's planned model, can cause health hazards and nuisances for those in residential areas. We have put forth ample evidence that the proposed smoker, with straight exhaust, will generate smoke and odors over a prolonged time frame each and every day of the year. The "potentially adverse effects" aspect of Section 11-501 have been met. Therefore, the City Council has the authority to ensure that the "structure will be designed and operated so as to avoid, mitigate or minimize" those potential nuisances.

- B. Sections 11-504 and 505: Section 11-504 is dedicated to considerations upon review of a Special Use Permit in a Commercial Low zone. Such considerations include the following:

- (1) Will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the

neighborhood; and

(8) Notwithstanding any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.

(10) Whether the proposed use will have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

Section 11-505 is an enabling clause. It allows the City Council broad discretion to act to ensure the “considerations on review” of a Special Use Permit granted to a business in a Commercial Low Zone are given force and effect:

Section 11-505 Conditions and restrictions. In approving a special use permit, the city council may impose any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.

This section gives the City Council the authority to impose “*any* conditions and restrictions that it determines are *necessary and desirable* to ensure that the use will further those considerations enumerated in section 11-504. If the City Council does believe that there are *potential* adverse effects from the proposed operation of the Applicant’s property use that will cause health, safety or nuisance problems, it certainly has the power to require that the potential adverse consequences be adequately mitigated. Therefore, the Council can order something more precise and particularized than the usual blanket condition to control odors and smoke, etc.

It is understood that such specific conditions of mitigation are outside the usual conditions ordered by the city of Alexandria. However, such conditions can be drafted by the City that recognize the unique aspects of this business and restrict its language to only the business at hand. There are few barbecue restaurants in residential areas in the city. There are fewer still serving both Asian fusion and barbecue such that any provisions placed on the operation of this business can be ordered to not set a precedent for any future establishment, the appropriate design and operation of which shall be left to a new review based on its own unique circumstances, including zone and proposed use.

Thank you for your consideration. (Please note original signature page with attachment is on file with the DRCA's Land Use Committee).

Ashley Klick (and on behalf of neighbors on Oxford and surrounding streets)
109 E Oxford Avenue

Ashley Klick
Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>

(21)

SUP REVIEW AND COMMENT STATEMENT

Date: April 6, 2010

TO: Del Ray Citizens Association

FROM: **Del Ray Residential Neighbors; Signatures Attached**

SUBJECT: Special Use Permit # 2010-0011 ("Application")

APPLICANT: Hog Thaid, LLC

LOCATION: 2312 Mount Vernon Avenue

ZONE: Commercial Low,
Mount Vernon Avenue Overlay Zone

REQUEST: (i) to operate one 6,000 square foot restaurant Sunday through Friday from 11:30am to 2:00am and on Saturday from 7:30am to 2:00am, (ii) to vent up to 2 and ½ stories, (iii) to produce up to 400 pounds of trash per day, (iv) to have off street loading beginning at 4:00am daily and continuing until 5:00pm with trucks parked off Mount Vernon Avenue only, (v) to have outdoor dining, and (vi) to offer carry out service.

Introduction

We note Applicant will be located on the same block as 14 residential homes, located in the historic core of Del Ray, and located approximately one block from Mt. Vernon Elementary School.

We note that the Application is extremely vague, the Applicant has failed to demonstrate that the proposed location is appropriate under the applicable zoning (Commercial Low; Mount Vernon Overlay), and that the proposed uses will be designed and operated so as to avoid, minimize, or mitigate any potentially adverse effects on the neighborhood or other properties in the vicinity.

Accordingly, the below signatories support the Applicant's requests as set forth in the Application (for Special Use Permit ("SUP") #2010-0011 only with the limitations and restrictions set forth below.

DISCUSSION

Application is Vague, Contains Incomplete Information; Applicant Has Not Complied With Application Requirements

An application for a special use permit must include detailed information including, but not limited to: the existing zoning; existing uses; land use designation contained in the master plan; a detailed description of the operation of the proposed use; plans to control any potential impacts of the proposed use on the nearby community, including noise, odors, trash and litter, loading/unloading, parking, street and use capacity, hazardous materials, and security.

The Sections in the Application relating to noise and trash are very vague and do not meet the above requirements. In addition, the Application appears incomplete in that it does not demonstrate intended compliance with applicable law in certain key areas such as exhaust ventilation, odor control, and restroom facilities.

A. Noise.

The Applicant states that the noise levels anticipated will be "typical family style restaurant levels." This is too vague to either evaluate or enforce and must be specifically addressed in the SUP approval. See below discussion under compliance with applicable zoning for requested noise-related limitations.

B. Ventilation; Odors and Woodsmoke.

The Applicant states that "typical restaurant cooking odors" will emanate from the business. The only detail given in the Application regarding the ventilation system is "vented up to two and a half stories and expelled." This is too vague and does not address the special needs of the proposed restaurants given that the Applicant seeks to install a smoker that employs the use of wood and gas to smoke meats and intends to utilize a certain type of cooking process called Asian Fusion, which seems to involve wok cooking at high heat.

Granting this Application without review and comment on this section would not support the City's own Eco-City Alexandria initiative, which strives to create "places where people can live healthier and economically productive lives while reducing their impact on the environment." The City recently spent millions of dollars fighting with the owners of the Mirant Power Plant in Old Town, trying to get the plant closed or cleaned up, based largely on the concerns about the particulate matter that the plant was emitting as a health risk to nearby citizens. Obviously, the Mirant plant was emitting much more particulate matter than this restaurant would, but still-- it could be argued that it's counterproductive to bring in new point sources for particulate matter pollution when the City has already indicated its commitment to reducing same.

Specifically, with respect to this Application, we ask that you review and address the following:

1. Barbecue - For various reasons, odors and byproducts of the smoking process involved in barbecue are not "typical." The process is very long and the Applicant has stated that the smoker will probably be in operation 10 to 12 hours per day, every day. While the gas/wood smoker planned will not make as much smoke as an all-wood smoker, no smoker is smokeless. The Applicant, thus far, has not been able to tell anyone involved how much smoke or other emissions the planned smoker will generate. In addition, the amount of smoke generated or not will have no mitigation effect on other cooking odors or particulate matter (i.e. byproducts from gas, meat, grease, chemicals) generated by this process.

In addition, with this type of model meat can be cooked during different cycles. One product can be placed in the cooker at a certain time, but other products can be loaded in at later times. In fact, the Applicant referred residents to Q in Midlothian, VA who operates two Southern Pride Systems. Q runs their two smokers 16-19 hours in a 24 hour period. Therefore, the smoker can run for longer periods than 10-12 hours. If demand is high this may be the case. However, this product must be cleaned meticulously in order to prevent fires and exhaust properly. The Applicant has not provided in his SUP request the brand name or model of the smoker although that information has subsequently been provided. The initial SUP did not even state that a

smoker would be used. The SUP request does not state how often the smoker will be used, the hours it will be in use, when it will be cleaned. Q owner, David Butler, also stated that if not cleaned weekly "smoke gets blacker." If overnight use planned, will there be someone present to monitor the equipment? Does the Applicant plan to provide catering services? Will that make it necessary to use the smoker more often? What if demand is high? Will Applicant plan to use another smoker? To that end, the plans regarding this piece of machinery are vague.

2. Woodsmoke - the Applicant has stated that the smoke generated from his planned smoker will "probably" produce less smoke than that of an average wood-burning fireplace in a home. The Environmental Protection Agency (EPA) has stated the following about such woodsmoke: "Smoke from wood burning stoves and fireplaces contain a complex mixture of gases and particles. The size of particles is directly linked to their potential for causing health problems." The miniscule size of the small particles generated by wood smoke pose "the greatest problems, because they can get deep into the lungs, and some may even get into the bloodstream." "These particles can affect both your lungs and heart." Some studies have shown that "an estimated 70% of smoke from chimneys can actually reenter a home and *neighborhood dwellings*." Numerous studies have linked particle pollution to a variety of problems, including increased respiratory symptoms, coughing, difficulty breathing, aggravated asthma, chronic bronchitis, and others. "People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure. However, even healthy people may experience temporary symptoms from exposure to elevated levels of particle pollution." (The preceding information is from an EPA document called *Health Effects of Breathing Woodsmoke*).

Notwithstanding that the Applicant's use of "probably" should be questioned with an eye toward finding, as close as possible, how much smoke will *in fact* be generated, the Applicant is proposing to utilize his smoker for *ten to twelve hours a day, every single day of the year*. This will be done even in the summer months when people are outside, enjoying walks along the Avenue and his most direct neighbors are trying to enjoy

their backyards. There are eleven children under 18 on the 100 block of East Oxford Avenue. One very young child who lives right next to the restaurant has asthma, as does another adult on the block. There is an elderly woman who is 97 and another in her eighties. There are more children on Oxford Avenue between Clyde and Commonwealth Avenues and at least one elderly person with a heart condition. **Mount Vernon Community School (which is on a year-long calendar) is located one block away from 2312 Mount Vernon Avenue.**

Mr. William Gillespie of the Virginia Department of Environmental Quality has stated that barbecue restaurants in residential areas pose a classic air pollution problem and that once a restaurant is up and running, it is an arduous process to accomplish changes in the ventilation systems that will mitigate harmful particulates and nuisance odors. It is important that conditions be placed on such establishments at the local level in order to avoid such a scenario where neighbors suffer and the costs of coming into compliance are greater than would have been had they been addressed from the start.

3. Asian Fusion: Please be advised that this aspect of the Applicant's SUP request has not been studied as extensively because of time constraints. However, the Applicant's diagram of the proposed floor plan for the restaurant seems to indicate there will be six woks on a cook line. If that is the case, it is important to know that such types of cooking, using oil at high heat, can produce harmful byproducts. According to Tom Kuehn of the University of Minnesota, odors from certain types of cooking processes "contain chemicals that can ultimately be harmful for humans, at least at some exposure levels." In a new study, "Kuehn and colleagues used state-of-the-art analytical equipment to examine in even more detail the vapors and particles that come out of a larger variety of cooking methods and foods. They found that the dirtiest smoke by far came from diced chicken cooked with peanut oil in a wok. Broiled hamburgers came next." (The preceding information was found an article from *Discovery News*).
4. Potential Impact on Neighboring Business

Generally understood, every building has two types of exhaust stacks: one to expel whatever is generated within the building and one to take in air. It is worth

questioning what the possible effects will be on area businesses from the planned 'straight exhaust' that the Applicant will generate from the barbecue and Asian fusion cooking processes. The businesses surrounding the Applicant's establishment all have intake exhaust stacks which could potentially take in the odors and emissions from the Applicant's restaurants. Will that negatively affect 1) the quality of air inside their establishments and/ or 2) the quality of the products made or sold on premises? The owner of "Tops of Old Town" has expressed much alarm over the possibility that smoke and odors can affect the quality of the merchandise she sells - beautifully crafted hats and ladies' suits. Other establishments that could be most affected are "The Dairy Godmother," "St. Elmo's", or the many health-oriented yoga, pilates and personal training businesses which pepper Mount Vernon Avenue.

5. Ventilation - Although such cooking processes planned by the Applicant could pose health and nuisance problems for the community and his most direct neighbors, an adequate kitchen emission ventilation system which captures odors and traps smoke and other particulate matter as byproducts of the cooking process can be devised. David Kuck of "Breathe Pure Air" a commercial ventilation consulting and Design Company, has stated that a properly sized and designed system can efficiently remove odors, grease, smoke and other byproducts. Odor capturing usually includes some element of carbon filtering. A separate component addresses the capturing of other emissions. The Applicant has chosen a smoker that he claims will make less smoke. But no smoker is smokeless. We certainly appreciate the choice of a "hybrid" smoker for the good of Del Ray. The Applicant's preferred smoker is no more expensive than an all-wood smoker, the types of which used in commercial smoking are generally custom-made. They also demand the constant attention from a skilled pit master, and need excellent, "state of the art" ventilation, odor and emissions capturing, as well as meticulous cleaning. Given that the hybrid smoker will produce less smoke, is there a kitchen emissions system that might be less expensive that the Applicant would be willing to install?
6. Other measures - It is also requested that the Applicant install exhaust fans to direct any harmful or nuisance output to be directed away from the residences located closest to the restaurant.
7. The City Council has the authority to place conditions of operation upon the Applicant's Special Use Permit

Section 11-505 of the Alexandria Zoning Ordinance states, in pertinent part: Considerations on review.

(A) The city council may approve the application, provided all regulations and provisions of law have been complied with, if it finds that the use for which the permit is sought:

(1) Will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

(2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and

(3) Will substantially conform to the master plan of the city.

(B) In reviewing the application, the city council may take into consideration the following factors where it determines that such factors are relevant and such consideration appropriate:

(6) Whether the proposed use will adequately provide for safety from fire hazards, and have effective measures of fire control.

(8) Notwithstanding any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.

(10) Whether the proposed use will have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

(11) Whether the proposed use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable zone regulations. In determining whether the proposed use will so dominate the immediate neighborhood, consideration may be given to:

(a) The location, nature, height, mass and scale of buildings, structures, walls, and fences on the site; and

(12) Whether the proposed use will destroy, damage, detrimentally change or interfere with the enjoyment and function of any significant topographic or physical features of the site.

(16) Such other land use and land development considerations the city determines are appropriate and relevant to the application under review.

11-505 Conditions and restrictions. **In approving a special use permit, the city council may impose any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.**

From the enabling language of Section 505, it is clear that the City has the authority to require some type of ventilation system that can efficiently capture odors and harmful emissions. Accordingly, we request that the City consider whether the proposed use, with no such odor capturing and emissions capturing components, will negatively affect the health of persons residing or working in the neighborhood; will or may be injurious to property or improvements in the neighborhood; may not conform to the master plan of the city; may be a safety hazard if proper control components are not installed and maintenance systems are not implemented; will have any adverse affects on profitability of neighboring businesses. **We request that the Applicant be required to install an appropriate ventilation system to address the above concerns.** Any kitchen emissions ventilation system should be reviewed and approved by the Directors of Planning and Zoning, Code Administration and Transportation & Environmental Services.

We ask that any rooftop exhaust fan or HVAC unit be installed with a visual mechanical screen/noise deflector and submitted for review and approval by the Directors of Planning and Zoning, Code Administration and Transportation and Environmental Services and that the output from any rooftop exhaust fans be directed away from the residences located in the rear of the restaurant. We ask that the SUP approval conditions require that the Applicant 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 at a minimum by the Department of Transportation & Environmental Services and as monitored at the meetings and review periods

required below. There is precedent for this requirement; See SUP 2004-0045.

C. Garbage

The Application states that "typical" trash will be produced and that there will be 400 pounds of trash produced per day to be collected every other day. The Applicant does not identify where the trash will be collected and stored and/or the means to control rotting food from attracting pests and rodents. We ask that all trash be collected on a daily basis and stored until collection in locked, closed containers so that rotting food is not left out to attract pests and rodents who may carry and spread diseases and/or that same are allowed at any time to attract pets and/or to constitute a nuisance. There is precedent for these requirements in SUP 2004-0045.

We also request clarification on where present dumpsters for Dairy Godmother, UPS Store and St. Elmo's Coffee Shop will be located and the schedule of garbage removal.

The Application states that Applicant will perform daily monitoring of trash and install street front trash receptacles. We ask that the Applicant be required to pick up all litter on the site and on public rights of way and spaces adjacent to or within 75 feet of the premises at least twice a day and at the close of business each day, and more often if necessary, to prevent an unsightly or unsanitary accumulation.

D. Lighting

The Applicant's application does not address lighting for the parking lot in the rear of the premises. We are unable to evaluate whether the lighting will adversely impact the residential community and/or comply with applicable law.

E. Delivery Vehicle and Hours; To Go Pick-Up

The Application does not address the location of parking for proposed delivery vehicle(s) and for proposed to go pick up orders. These uses should be required to use parking in identified off-street parking spaces. We ask that the size of delivery vans be limited to no larger than passenger vehicles. The Application gives detailed hours of deliveries beginning daily at 4:00am. The Applicant states that it will

not have an employee on site to monitor early deliveries. We believe this poses an unreasonable burden on immediate neighbors and ask that the first delivery be moved to 7:00am and that an employee be on site to monitor early morning deliveries.

F. Restroom Facilities.

We understand that the restaurant's seating capacity must comply with the Alexandria City Building Code with respect to minimum required plumbing facilities {per Chapter 29 of the Alexandria City Building Code (2006 Virginia Building Code) and Chapter 4 of the 2006 Alexandria City Plumbing Code}: one (1) water closet per (40) occupants of each sex for a bar and one (1) water closet per (75) occupants of each sex for a restaurant establishment. With a total count of 170 patrons, at least six (6) water closets - three (3) for men & three (3) for women for a bar and four (4) water closets - two per sex, are required for a restaurant. The current design for the building, which we were told is an outdated design, shows one (1) water closet for men and one (1) water closet for women. The design also shows a three-person (3) unisex water closet, without an entry door. We believe more information is required to determine if the Applicant's design will comply with Code.

The Application is deficient in another key area. There is no information on the plan that guarantees accessibility of these water closets or restroom facilities for persons with disabilities (per accessibility guidelines of the Americans with Disabilities Act). In discussing this with the architect at the conclusion of the meeting, Mr. McAllister stated that making the water closets ADA-compliant would have resulted in reduced number of seats in the dining areas. This resulted in him designing restroom facilities that were not in conformance with ADA guidelines.

Applicant Requests Are Not Consistent With Commercial Low Zoning, the Neighborhood Character Nor With Other Mount Vernon Avenue Establishments

A. Hour of Operation: Open until 2am, 7 days a week.

Applicant's request exceeds the hours of operation for any and all similar types of establishments in the area. The real estate surrounding the Applicant is residential and an elementary school (to which many students walk daily) is located a few blocks away. The residential occupants include attorneys, Federal employees, school teachers, architects,

health professionals, accountants, and other professionals who work during the days (as well as teen-age and small children). Remaining open until 2am, 7 days a week will unreasonably disturb the sleep of residential neighbors during the work-week and during school nights. The late night hours, accompanying noise, additional trash and crime that we anticipate will accompany a late night operation which serves alcohol cause us great concern. The application does not address these concerns.

We believe one could reasonably expect for crime to increase with the proposed late night hours. According to a study by USA Today, 26% of all crime happens between 12am and 6am. We believe late night hours will impact the physical security and property integrity of nearby neighbors, and increase taxpayers costs (i.e., Police Department and Trash Department costs) because of the additional patrol/security and clean up costs required during early morning hours due to crime and litter. In fact, the City has already recognized the correlation between negative behavior and late hours in prior SUP reviews and approvals (See SUP 2005-0084). A later closing hour was initially granted for Lillians, but at a subsequent review, the hours were amended to require an earlier closing due to the negative impact on neighbors resulting from late night activities.

By way of comparison, the following restaurants are also located in the Commercial Low Zoning and Mount Vernon Overlay and their hours are noted below. None of these establishments is open until 2am.

Restaurants (hours published on their websites):

Taqueria Del Poblano: Closed Tuesdays. Monday - Saturday closes at 10pm; Sunday closes at 9pm.

Cheesetique: Closed Mondays. Tuesday - Saturday closes at 9pm; Sunday closes at 6pm.

St. Elmo's Coffee: Monday- Friday closes at 10pm and Sunday closes at 6pm.

The Dairy Godmother: Closed Tuesdays. Sunday - Monday closes at 8pm; Wednesday-Saturday closes at 10pm.

Big Al's: Monday - Friday closes 8pm; Saturday closes at 7pm

Evening Star Cafe: Sunday-Thursday closes at 10pm; Friday - Saturday closes at 11pm.

La Strada: Sun-Thurs: 5:00pm-10:00pm; Friday & Sat: 5:00pm-11:00pm

Caboose Café: Monday - Saturday closes at 9pm; Sunday closes at 5pm.

Los Tios: Sunday -Thursday: closes at 10pm; Fri-Sat: closes at 11pm

We note that the standard for restaurants in the Mount Vernon Avenue Overlay Zone is for hours of operation to be limited to: Sunday - Thursday, 7:00 am - 10:00 pm; Friday and Saturday, 7:00 am - 11:00 pm. See Mount Vernon Avenue Overlay Zone. The proposed late night hours would first and foremost violate the Mount Vernon Overlay Zone and secondly, most likely result in an increase in noise and unreasonably disturb residential neighbors.

The Del Ray Business Association, formerly Potomac West Business Association, itself even recommends (as a marketing strategy to increase business) that the owners "maintain [sic] unified store hours among retailers." The Mount Vernon Avenue Business Plan (page E8)."

We request that the hours of operation be limited to 11pm each weekday night and 12:00am Friday and Saturday in keeping with other Del Ray restaurant hours and that the outdoor patio dining hours similarly end every night by 10pm. See SUP 2004-0045. We believe these hours ensure that the business is conducted at a scale and intensity commensurate with nearby residential development.

B. Require noise reduction language so that it is consistent with City Code and other established restaurants in Del Ray.

The Applicant states that the noise levels anticipated will be "typical family style restaurant levels". This is too vague to either evaluate or enforce and must be specifically addressed in the SUP approval.

In keeping with other restrictions on restaurants currently operation on Mount Vernon Avenue (See SUP 2005-0084 restricting and requiring that no amplified sound be audible at the property line), we ask that loudspeakers be prohibited from the exterior of the building and that no amplified sounds shall be audible at the commercial building line. We also ask that audible sounds at the commercial building lines are limited to levels at or below 50 decibels. We also ask that no live entertainment be permitted. (See current SUP for Fireflies Restaurant located at 1501 Mount Vernon Avenue 2004-0045). Applicant has included this last restriction in the Application and we ask it specifically be included in the

SUP.

C. Side entrance on E. Oxford Avenue and Required adequate landscaped buffer and screening.

The Application does not address these issues in any detail. Pursuant to the Mount Vernon Avenue Business Area Plan (Section 6.3) the primary building entrance for corner sites should be on Mt. Vernon Avenue. We request that the side door entrance be used as an emergency exit only and all take out to be picked up through main entrance on Mt. Vernon Avenue.

Also pursuant to the Mount Vernon Avenue Business Area Plan "an 8-10 foot landscaped screening buffer is desired at the rear of the lot and on the side street for corner lots. Regardless of whether the parking requirement has been reduced or waived, a buffer must be provided as described above to provide screening for adjacent uses. We request that the screening be mature trees to buffer the noise from patrons and delivery vehicles/trash vehicles operating in the parking lot.

D. Delivery of To-Go Items

The Applicant proposes to deliver take-out items via car. To avoid increased traffic on East Oxford Avenue and the potential increase for accidents, it is requested that Applicant's delivery employees exit the parking lot on Oxford Avenue only via right hand turn towards Mount Vernon Avenue and use side streets only when delivering to a specific address. In addition, the delivery vehicle should be clearly marked with the restaurant's name.

Conclusion

We respectfully request that the Director of Planning and Zoning include a provision in the SUP **requiring the review of the special use permit after it has been operative for two continuous 90 day cycles to monitor possible detriment to nearby residents, businesses and student during different seasons of the year, and again one year following Council approval** and the docket of the matter for consideration by the Planning Commission and City Council if

there have been documented violations of the permit conditions that were not corrected immediately, or that constitute repeat violations, or that create a direct and immediate adverse zoning impact on the surrounding community. We also ask that the operator be required to meet with surrounding neighbors every two months for the first six months and then as regularly as needed to discuss and identify neighborhood impact issues. There is precedent for this in SUP 2005-0084.

We respectfully request that the above restrictions be included in any approval of the SUP to ensure compliance with Section 4.2 Guiding Principle of the Mount Vernon Overlay Document: *"Preserve and protect existing residential areas. Protect nearby residences from impacts associated with commercial activity" and to "Ensure new development is compatible with neighboring residential uses."*

Without these restrictions, we do not believe that this proposed business will be in accordance with Commercial Low Zoning. Sec. 4-300 CSL/Commercial service low zone. 4-301 Purpose. The CSL zone is intended to provide for light service and industrial uses compatible in operations and character with nearby residential neighborhoods and properties. Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed so as to be in character with such development, and be of such characteristics and effect so as not to be detrimental or a nuisance to nearby residential properties. If the Applicant's SUP request were to be granted as is, his operation - from 4am deliveries to 2 am closing and post-closing clean-up/next day prep- would signify a 24 hour operation seven days a week. We submit such an operation clearly does not qualify as one that should operate in a Commercial Low Zone.

For the reasons set forth above, we ask that any approval of the SUP be conditioned upon the inclusion of the above limitations and restrictions.

Respectfully Submitted,

SIGNATURE PAGE ATTACHED

SIGNATURE PAGE TO STATEMENT IN OPPOSITION

Respectfully Submitted,

SIGNATURE PAGE TO STATEMENT IN OPPOSITION

Respectfully Submitted,

Wendy J. Condit, 106 E Oxford Ave, Alexandria 22301

Lindsay A. Condit

Bruce D. Condit

W. Prange 9 E Oxford Ave 22301

W. R. Vasef 100 E. Oxford Ave
Alexandria, Va
22301

[Signature] 108 E. Oxford Ave 22301

[Signature] 108 E Oxford Ave 22301

Clarina P. Reed 2 E Oxford Ave 22301

[Signature] 1 E OXFORD AVE 22301

April Boston 1 E. Oxford Ave. 22301

Rainey Astin 1406 Mount Vernon Avenue

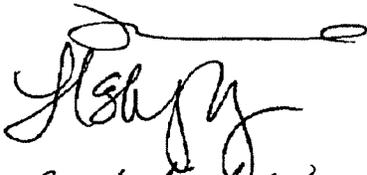
[Signature] 1404 Mt. Vernon Ave.

[Signature] 8 E. Oxford Ave. 22301

Carleen [Signature] 102 E. Oxford Ave 22301

SIGNATURE PAGE TO STATEMENT IN OPPOSITION

Respectfully Submitted,


 Stephen Linnell
 Martha E. Davis
 Ryland Kendrick
 Anne Meighan
 Marilee Rose
 Anna de Papp
 Mary Lou Collins


109 E OXFORD AVE ALEXANDRIA, VA 22301
 109 E. Oxford Ave, Alexandria, VA 22301
 105 E. OXFORD AVE ALEXANDRIA, VA 22301
 9 E. Oxford Ave. Alexandria, VA 22301
 12 E. Del Rey Ave, Alex. Va 22304
 12. E. Del Rey Ave, Alex Va 22301
 101 E Oxford Ave
 107 9 Oxford Ave
 104 E Oxford
 2 E OXFORD AVE

Support for Hog Thaid - Bar B Que In Del Ray
Josh Stern
to:
Nathan.Randall
04/08/2010 06:12 PM
Show Details

Mr. Randall,

A fellow neighbor in Del Ray made me aware of some potential objections to the new restaurants proposed for the Shops at Del Ray on Mount Vernon Ave.

Given these opinions, I just wanted to voice **my full support for these businesses as proposed**. I'm a strong believer that Del Ray needs to be welcome to new endeavors and I want these new restaurants to be welcomed into Del Ray and to succeed.

Please include this e-mail in the list of supporters for these restaurants.

Thank you.

Josh Stern
221 E Howell Ave
Alexandria, VA 22301
703.933.9281 (H)
703.201.3482 (M) *Preferred Contact Number*
e-mail: joshstern@comcast.net

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Letter of Support for Pork Barrel BBQ SUP

Jennifer Clinger Mitchell

to:

nathan.randall, alsdmf, amkdc05

04/08/2010 02:10 PM

Show Details

History: This message has been forwarded.

Dear Mr. Randall and Ms. Slack:

I am writing to urge the Land Use committee to approve the pending SUP for Pork Barrel BBQ at the corner of Mount Vernon Avenue and Oxford Avenues. I am a Del Ray resident with a keen interest in land use, parking and transportation issues, and a current member of the City's Transportation Commission (though I am submitting this letter as an individual.)

My interest in supporting the SUP is to maintain a healthy balance of commercial and entertainment uses in the Mount Vernon corridor, within walking and biking distance to thousands of City residents. The restaurants in Del Ray are major component of economic vitality of the other businesses in our neighborhood. They also provide a valuable service to neighborhood residents within a 1/2 mile radius that do not wish to get in their cars and drive to a restaurant.

I strongly believe the City should support the continued development of neighborhood restaurants, such as Pork Barrel BBQ, that are well located in mixed-use corridors such as Mount Vernon Avenue. While I understand that a small group of neighbors have concerns about parking and odors, I also urge you to consider the desires of the broader community that would benefit from having such a restaurant in walking distance. While Del Ray has a few restaurants, I do not believe we have enough to serve the demand that exists in neighborhood. Anyone that has tried to go out to eat at 8pm, only to encounter a one-hour wait at nearly every restaurant, can see that there are not enough dining establishments in Del Ray.

I also believe the the mix of commercial uses has become too far tilted toward massage parlors and natural health centers - almost ridiculously so - that we are losing an appropriate balance of entertainment options that makes Del Ray such a desirable place to live. Existing businesses will also benefit greatly from achieving the right balance of services, retail and entertainment.

I strongly urge the Land Use Committee to approve this application, and work cooperatively with the landowner to mitigate the concerns of adjacent households. Please do not hesitate to contact me if you have questions.

Jennifer Mitchell
335 Laverne Avenue
Alexandria, VA 22305

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. [See how.](#)

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New Restaurant's

Evan Lese

to:

alsdmf, nathan.randall, amkdc05

04/08/2010 01:45 PM

Show Details

History: This message has been forwarded.

To all,

I just wanted to voice my opinion in regards to the new restaurants opening in Delray. My wife and I live on Sanford street and have been there over the last 10 years. We totally love our local restaurants and shops. I am sorry we cannot attend the meeting tonight, but just wanted to give you our opinion.

Trish and I totally support the new restaurant's that will be opening hopefully soon. I am totally baffled. If the people are objecting this so late in the game, where were they during all the zoning meetings. It would be nice to have some change to the menu's in Delray and feel it would bring people outside of Delray to boost our local economy. I may be contacted at the below number should you have any questions.

Again, we are **SUPPORTING** and welcoming the new restaurant's to Delray!

Best Regards,

Evan Lese

Evan Lese
Staffing Manager

Accounting Now
A division of



1101 Connecticut Avenue NW
Suite 1250
Washington, DC 20036

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Fax: 202-293-0139
elese@accountingnow.com
<http://www.snicompanies.com>

Linked In:
<http://www.linkedin.com/in/evanlese>

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Date: April 7, 2010

To: Nathan Randall; Erica Bannerman; Elizabeth Ross; William Skrabak

From: Sheila Mitchell; owner of "Tops of Old Town," 2400 Mount Vernon Avenue

Topic: SUP Request 2010-0011; Hog Thaid

I am writing to inform you that I have read the SUP request of Mike Anderson, doing business as Hog Thaid. I support the SUP request of Hog Thaid, contingent on certain conditions. I have been a business owner on the corner of Mount Vernon Avenue and Oxford Avenue for 24 years. My business sells custom-made hats and suits for women. My entire inventory is items made of fabric. For the last two years, Pork Barrel Barbecue has set up a stand in front of my store during Art on the Avenue. The smoke and odors have both times entered my store and permeated the air and my suits and hats. Each time, it took five days of running the air conditioner and airing out my store for the smell to go away from the store and my clothes.

When I first heard the buzz that the space at 2312 was going to become a barbeque restaurant, I expressed my alarm to Mike Anderson. I told him that I did not want my store and my inventory smelling like smoke and barbecue. He assured me that would not be the case. He told me not to worry because he was planning to install "state of the art ventilation." These were his exact words. That lessened my fears because I thought he was going to install something that would stop the odors and smoke. So imagine my surprise when I learned that he plans no such "state of the art ventilation," but merely plans to expel smoky exhaust and odors out his vents. I do understand that he is not going to use an all-wood smoker. But the smoker is going to operate at least twelve hours per day every day. There will still be smoke and whatever smoker he chooses is not going to control the odors.

This store is my livelihood. People buy my clothes for very special occasions. They are clothes for events: Sunday services, Easter, horse race season. People from all over the country buy my offerings. Noone wants to spend hard-earned money on a hat or suit that smells like barbecue.

I ask that the Applicant install a ventilation system which will control odors and lessen smoke and other emissions coming out of his vents.

I am also concerned that the Applicant plans to open until 2 am every day. This is a residential area with many families. People want to enjoy the peace and quiet of a good night's rest. They do not want to be woken up by drunk people walking to their cars, talking loudly and slamming doors. When there was a bar where Tacqueria Poblano now is, I had my windows broken numerous times. I had to shoo drunks away from my store. Allowing such hours is detrimental to the community. I ask that you scale back their operating hours to ten or eleven pm on weeknights and Sunday evenings and no later than 12 am on Fridays and Saturdays.

Respectfully,



Sheila Mitchell

Notes from conversation with Chef Jason at Blue Smoke in NYC

Ashley Klick

to:

Erica.Bannerman, Barbara.Ross, David Fromm or Amy Slack

04/07/2010 07:46 PM

Cc:

lisadonofrio, Nathan.Randall, Rainey

Show Details

Tonight Jason, a chef at Blue Smoke in NYC, returned my call from yesterday. (I have to say I have been pretty amazed at how quickly and eagerly these chefs and BBQ owners have returned my calls).
<http://www.bluesmoke.com/>

Blue Smoke opened 8 years ago after working to comply with NYC guidelines for a year. Jason said that NYC has very clear laws from the DEP and opening was a challenge. They vent up 14 stories. They do have smoke and odors he said. They have complaints about the smoke (not the odor) from the tenants above him. His problem is that "the building is 100 years old and what can he do to close up all the nooks and crannies" (this gave me pause since my house is approximately 100 years old!). He said they have regular checks by the EPA and that they do a stringent cleaning every 3 months of the stack.

After they opened, other BBQ restaurants in NYC have had to use "scrubbers" (carbon filters) which cost an average of \$50K.

When I told him that the City of Alexandria only required a hood system, his initial response was "Wow." He was surprised that Virginia did not have laws about this issue, and commented that he "hoped we had a good community response team."

He was familiar with the hybrid model from Southern Pride (they use a product developed by a few former Southern Pride guys). He (like 3 other BBQ owners I spoke with in the past 10 days) was surprised they were using only one piece of equipment for a 70 seat restaurant. Based on that, but with the caveat that neither he nor I knew their menu, he predicted they would need to operate the smoker around the clock.

He definitely understood my concerns and thought they were valid. His advice was to find a ventilation expert and get their opinion on what is needed to mitigate the "very realistic" concerns about the odors and smoke. He said he would confirm how Hog Thaid planned to clean the equipment and stack and the frequency. He said that is definitely important as a failure to do so creates a real fire hazard.

Thank you for your time.

Ashley
703-362-4204

Ashley Klick
Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>

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Statement of Support with Concessions for SUP #2010-0011

Ashley Klick

to:

David Fromm or Amy Slack, Nathan.Randall

04/07/2010 02:59 PM

Show Details

I would like to begin by thanking both of you for your time and counsel over the past few weeks. For many of us on Oxford Avenue, this was our first experience with the SUP process.

As we approach the LUC meeting, I wanted to share my perspective with you both after reviewing the SUP and attending the community meeting hosted by Hog Thaid.

We purchased our home at 109 East Oxford Avenue in 2002. We relocated from Georgetown with the goal of starting a family. We had visited Del Ray, and while we looked at Old Town and Bellehaven, we believed that Del Ray offered us the best of both worlds if you will. We purchased a home adjacent to a parking lot and gas station. The gas station was closed daily by 6pm and other patrons of Yoga in Daily Life, Taqueria del Poblano, Dairy Godmother and St. Elmo's Coffee Shop generally exited the parking lot or street by 10:30pm. As you know many of these restaurants and retailers cease operations at 10:00pm nightly and are closed at least one day a week and have further reduced hours on Sunday. Until recently I have never filed a complaint with a business operating in proximity to my house. We have called the police once to report a car that was blaring music in the parking lot after midnight and we complained to the LUC regarding the lack of trash removal/clean up of the parking lot. This year we have complained about the overflow of garbage in the dumpsters three separate times. As working parents of small children the proposed hours will be a hardship for us. **The SUP request to operate daily until 2am will be in stark contrast to what we have known in this historical core for the past 8 years. This request is inconsistent with neighboring uses and Commercial Low Zoning for this area.** The application is also vague regarding noise and we request compliance with applicable zoning for requested noise-related limitations.

As I have expressed to you both, I believe many issues remain regarding the cooking equipment and lack of carbon filtering and appropriate ventilation. I spoke with over 15 BBQ owners (one business suggested by Hog Thaid, those listed on Southern Pride's website, and popular establishments in VA/DC). All of them stated that there would be odors without ventilation. The few located near a residential area or school installed "sophisticated" ventilation systems to mitigate odors and smoke. While I appreciate that there is expense with installing a state-of-the-art system, as the mother of a two year old with asthma and considering our close proximity to an elementary school playground with asthmatic students in the student body, **I firmly believe that the absence of a suitable filtration system will pose a health risk and a significant nuisance to existing residences.**

I have reservations about the existence of a take-out door on East Oxford Avenue. I do not remember this door on the DSUP. Oxford Avenue is a small residential street. We already have many parking/traffic related problems due to illegal parking at the corner of Mount Vernon and East Oxford and delivery and UPS trucks for Avenue businesses. **I believe that allowing the Applicant to conduct business through an entrance on Oxford Avenue threatens to change the nature of the street, increase traffic and increase illegal parking and illegal stopping on the street.**

I support the approval of the SUP subject to the imposition of the following conditions on the Applicant's operations:

1. Hours of operation must be limited to no later than 10:00pm Sunday through Thursday and 11:00pm on Friday and Saturday. All outdoor seating should be closed at 10:00pm. Please note that the standard for restaurants in the Mount Vernon Overlay is for hours of operation to be limited to: Sunday- Thursday, 7:00am - 10:00pm; Friday and Saturday 7:00am - 11:00pm.
2. I request that no amplified sound be audible at the commercial building lines and are limited to levels at or below 50 decibels. I also request that no live entertainment be permitted. I also request any rooftop exhaust fans or HVAC units be installed with a visual mechanical screen/noise deflector and submitted for review and approval by the appropriate governing entities.

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3. Applicant shall install a ventilation system or make any other changes necessary to ensure that odors, smoke, emissions and other particulate matter generally associated with BBQ and high heat Asian Fusion cooking methods do not impact nearby businesses, residents and children/students.
4. The proposed side-door entrance on Oxford Avenue shall be converted to a window or emergency only exit. Applicant shall require all takeout orders to be picked up through the Property's main entrance on Mount Vernon Avenue.
5. Applicant shall require that all deliveries to and from the restaurant use Mount Vernon Avenue as the sole point of ingress and egress to minimize the noise and traffic impact on nearby residences. I also request that all rear loading dock deliveries occur between the hours of 9:00am and 5:00pm.
6. The application does not address lighting for the parking lot, and I am not able to evaluate whether the lighting will adversely impact our residence and those immediately surrounding the parking lot.
7. Clarification on where the dumpsters presently located in the parking lot will be and if neighboring restaurants/retailers will be sharing the same trash storage system proposed by the Applicant.
8. Pursuant to the Mount Vernon Avenue Business Area Plan "an 8-10 foot landscaped screening buffer is desired at the rear of the lot and on the side street for corner lots." A buffer must be provided as described in the Plan to provide screening for adjacent uses. I request that the screening be mature trees to buffer the noise from patrons and delivery/trash vehicles operating in the parking lot.

My family is an active member in the Del Ray community. We patron most businesses on the Avenue, and I would state that these establishments know us by name and face. We volunteer in the community. We gather at the playgrounds, during First Thursdays and at the weekly Farmer's Market. We welcome new restaurants and retail establishments to Mount Vernon Avenue. I respectfully request that above restrictions be included in any approval of the SUP to ensure compliance with Commercial Low Zoning and Section 4.2 Guiding Principles of the Mount Vernon Overlay document: "Preserve and protect existing residential area. Protect nearby residences from impacts associated with commercial activity" and to "Ensure new development is compatible with neighboring residential uses."

Thank you for your consideration.

Regards,

Ashley Myler (Klick)
109 East Oxford Avenue
703-362-4204

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Letters of Support for Pork Barrel BBQ

Jill Erber - Cheesetique

to:

landuse

04/07/2010 12:06 PM

Cc:

"Barbara Ross", "Nathan Randall", "Jill Erber Cheesetique"

Please respond to jill

Show Details

Dear Amy, Barbara, and Nathan,

Attached are a number of messages in support of Pork Barrel BBQ's SUP (#2010-2011). Since there were nearly 60 of them, I combined them into one Word document which is easier to review (didn't want to forward you 60 emails).

Amy, I wanted to make sure you had this information before your Land Use Committee meeting on Thursday. Hopefully, this will help in your analysis. Barbara and Nathan, I'm including you so you might use this document in your own preparations.

A few notes:

- You will notice the document has no names or other identifying information about the author(s). I removed that myself to respect the privacy that they might have expected by sending their comments directly to me. I still have all contact information so we can address people individually if necessary.
- Since the DRCA Land Use Committee meeting is the next item on the calendar, this document includes only citizen comments. I will send Business Association member responses directly to Barbara at a later time (still trying to compile them).
- Some of the messages are generally supportive; others are more specific. Aside from names, I have not edited the message content in any way, so some of them might require more review to get to the essential parts.

I'll see you all at the Land Use Committee meeting tomorrow night. I'll be attending as a member of the Citizens' Association so I won't have an official DRBA statement to present and prefer not to comment in that capacity. I'm really more interested in observing and don't want to be a distraction to others presenting.

Till then, please let me know if there is anything I can do.

Thanks,
Jill

Jill Erber, Proprietor/Cheese Lady
Cheesetique Specialty Cheese Shop / Cheese & Wine Bar
Celebrating our 5-Year Anniversary!

2411 Mt. Vernon Avenue
Alexandria, VA 22301
jill@cheesetique.com
www.cheesetique.com - sign up for our newsletter!

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The following 40 emails were sent directly to me. I have omitted names and addresses (when provided) because I am not sure if the authors wanted their info to be shared publicly. I still have all contact information so individual authors can be contacted for clarification.

The second set of 18 comments were posted on the Listserv, so I retained the identifying information.

1) Jill--Please add my comments to those you are collecting. I live on Bellefonte and love Del Ray. I enjoy being able to walk to wonderful restaurants, including yours. I have been reading the discussion on our listserv the last week or two and find many of the comments amusing. It is my experience that you can often smell good restaurants from outside. No one seems to be concerned about the smell of Mexican or Thai, or any of the other restaurants in our neighborhood. To have three new, vibrant destinations is good for all of us and I hope that their application is approved.

--
Name Omitted for Privacy

2) Jill - I am unable to make tomorrow's open house (and possibly next week's meeting), but please feel free to share my comments with the owners of Pork Barrel BBQ and the committee.

I am so, so excited at the prospect of a good barbecue restaurant in this neighborhood. I grew up in the midwest, and good barbecue around here is hard to come by. When I first saw the Pork Barrel folks on the show "Shark Tank" last year, I was ecstatic that there would be a new restaurant in the area -- and then I realized it would be in my neighborhood! Thrilling. I sampled the food at the Arts on the Avenue festival, and I've been eagerly monitoring the progress of the development. (I'm also excited about the sushi, but that seems to have garnered less opposition.)

I understand that some residents are concerned about the impact to life on The Avenue that we all love. But I think that these concerns are being overblown, and are far outweighed by the benefit of another restaurant in the 'hood. I urge those residents to visit the Rocklands on Wisconsin Avenue in Glover Park, DC. That restaurant is on a strip similar (though slightly more dense) than Del Ray's main street. It's a small restaurant that you can smell from a block away -- in a good way. Yes, if you eat inside, you may smell like barbecue when you leave. You won't smell like barbecue if you just walk by. It's an addition to the sensory map of the neighborhood, much like the aromas from Gold Crust Bakery let you know when you're nearby.

Launching a new restaurant is difficult. Launching one in this economy is practically unheard of. How many other new businesses are opening nearby? And yet, if you pay attention in Del Ray, you'll see that there is demand for restaurants in this neighborhood. The area has a reputation for supporting interesting, independent restaurateurs. Many of the restaurants are reliably full -- with people from the neighborhood as well as people seeking a good dining experience who are willing to explore a bit of our area to find it.

I'm eager to patronize Pork Barrel BBQ. It will be a good addition to the neighborhood -- culinarily and economically.

Name Omitted for Privacy
East Maple Street (Rosemont)

3) OK - fair enough! I for one am super pumped about all three restaurants. I was just wishing the other day that Del Ray had it's own BBQ and sushi joints as I would MUCH rather patronize the businesses in this area and not go elsewhere.

I am happy to hear about the responsiveness of the new owner and he/they sound like a fabulous addition to our community. I'll be at the question and answer session as I would like to know if they are considering delivery.

I am also waiting with baited breath to try the food and will be second in line behind the other guy.

Name Omitted for Privacy

4) Count me as a supporter as well. I love being able to walk to dinner in Del Ray with my family and it would be great to have a few more options available. I am also encouraged by what others have said regarding Mr. Anderson's commitment to our community and am impressed by the fact that he is taking the time to reach out to us via the planned listening session tomorrow night.

Jill-I also want to compliment you on your articulate advocacy on behalf of Del Ray businesses. The DRBA is lucky to have you. Every time I read one of your posts, I feel like I need to buy more cheese ;)

Name Omitted for Privacy

5) Jill,

Please count me among those who whole heartedly support the new BBQ restaurant--without reservations (no pun intended!!)

Name Omitted for Privacy

E. Mason Ave

6) Jill:

I am an 8-year Del Ray resident (well, a couple of those years were technically in Rosemont, but since everyone expands the definition of Del Ray, I will too!) I have only recently started following the Del Ray listserv, and haven't chimed in on anything, and generally don't plan to as it's a raucous vocal few who, while making the neighborhood quirky and cool, also make it unwelcoming with their narrow perspectives online.

I appreciate you giving us this chance to forward you e-mails which are slightly less wild-wild-west than the listserv.

I am wholeheartedly and enthusiastically supportive of a barbecue joint on the avenue!

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I am flabbergasted that anyone can find any reason to not want a BBQ place nearby. I am even more confused that anyone would complain about the potential smell. Uh, that stuff smells like heaven on earth!

And to consider wood burning to be a major pollutant is a step too far onto the crazy truck as burning wood is significantly more natural than burning gas. I wonder if the folks who hung their hats on this argument have fireplaces. And I am no scientist, but I have a really good feeling that humanity was cooking meat over fire well before they figured out Wisconsin custard or doggie treats.

My only trepidation is that this will be some evil type of BBQ, like mustardy South Carolina style BBQ, or only pork BBQ will be served, as opposed to the God-blessed Texas style beef brisket that is the best style in the universe and sanctioned by the Pope himself. If those gents put any mustard on that BBQ, I suspect there will be riots in the street, and cats and dogs living together. And if they serves chili, and if they puts beans in it, we may have some real problems there too. THESE are the serious points of contention! These are the things worth debating.

And I am a little concerned that some of that damn sushi might get too close to the beef and pig!

And besides, we all know cheese is much stinkier than BBQ! (-;

OK, I better be clear in case some folks that read this don't have much of a sarcasm detector, the preceding three paragraphs were in good fun...well, except the part about mustard.

Please pass my e-mail and my e-mail address on to Mike. As you rightly noted, a listserv and a very generous community informational meeting are not even close to representative of the whole community. **Please assure Mike that I have not met a single neighbor on my street or on the avenue who was voiced anything except enthusiasm for the upcoming BBQ place.**

This will literally become my go to place for take-out for the rest of my Del Ray days...as long as there is no mustard and as long as none of my family in Texas ever finds out I ate chili that might have beans.

Sincerely,

Name Omitted for Privacy

7) Jill -- thanks so much for passing these messages on....

I am also writing in support of the three restuarants coming to DelRay. As an almost 7 year resident, I have watched (and eaten) with delight as Mt. Vernon Avenue has become a great destination for shopping, dining and meeting friends. From what I am seeing from Mike Anderson, Pork Barrel BBQ and his two other venues are going to add to the great atmosphere we love here. I would be dissappointed if this SUP is denied.

Thanks again for passing this along.

Name Omitted for Privacy
W. Monroe Avenue

8) Myself, my family and my neighbors that I have spoken to are all STRONGLY in support of Mike and the new restaurants. The complex is a welcome addition to Del Ray, and we are excited to see it open. Our taste buds are watering...we love the fact that Mike is a resident, and we will be there on opening night, and for many lunches and dinners thereon.

Unfortunately we cannot make the question and answer session, but wish you the best of luck, and please know that you have a lot of people backing you. But please add my name to the list of supporters, and may the spirit of Del Ray prevail, in all its glory, to allow this business to go forward.

Sincerely,
Name Omitted for Privacy

9) Jill, first let me tell you how much I love Cheesetique. You run a lovely shop and the wine bar is on par with some of the best I have visited anywhere in the country. Second, let me get to the reason for my email: to support a new business in Del Ray.

My name is Alyson Austin and I have lived in Alexandria off-and-on for the last 15 years. I worked in D.C. for many years then seized an opportunity to move west and start my own business. I only took this particular opportunity because it allowed me to split my time between Orange County, California, and Alexandria, Virginia.

When in Virginia I live in Del Ray, I'd rather not go anywhere else. I stay in Del Ray because of everything that Del Ray has to offer... food, shopping, quiet streets, accessible transportation (bus and metro-line), fun people and above all a safe neighborhood. I never rent a car when I visit, because I can walk everywhere I need to go or catch the bus/metro. It is an ideal location for me and all of the time that I spend in the D.C. area.

When I heard that a BBQ restaurant was being considered as an addition to the Del Ray community, I was thrilled! Another option (different from anything else I've seen) and it means more commerce coming into Del Ray when other cities and towns are losing businesses at an alarming rate in this economy.

Let me explain that when I am in California, I live in a 15-story "high-rise" building. We have two restaurants and a few shops that occupy the ground floor of our building and nearby buildings. One is a Vietnamese restaurant and it is a delight to have in our community. It offers good food, great traffic and a perfect gathering place for me and my friends. I have never been offended by the food or smells coming from that location. They serve hearty dishes that do not offend the senses. I feel the same can be said for food from a BBQ restaurant. The necessary kitchen ventilation will be dictated by city/state code and none of the neighbors will feel the impact of a restaurant like that coming to Mt. Vernon Avenue.

I want good things for Del Ray and I feel this particular restaurant (with the luxury of an experienced restaurateur at its helm) will be a welcome addition to the neighborhood.

Thanks for allowing me to share. I hope cooler heads on the DRCA Land Use Committee will prevail and this business will be permitted to thrive in Del Ray!

Take care, Jill, and I'll be sure to introduce myself next time I am in Cheesetique for a flight of white!

Name Omitted for Privacy

10) Unfortunately, I won't be able to make the meeting. I would very much like for my sentiments to be expressed though.

As a business owner and long-time resident, I understand the delicate balance that must be negotiated in order to maintain the unique, strong community we enjoy in Del Ray. While I understand the concerns raised by some of the residents, I am hopeful that a mutually agreeable balance can be struck. It would be a terrible shame to lose what seems to me to be a strong, committed business owner before he is able to open his doors on Mt Vernon Avenue.

I would like to relate a story about a very positive experience I had in the past couple of weeks with Mike Anderson, the owner of the BBQ restaurant. It was a lovely, warm afternoon and the my two kids and I were enjoying the afternoon with a walk along Mt Vernon Avenue. As we walked by the construction site I noticed a large hole that had spread outside of the construction fence. It was a deep, water-filled hole and it clearly represented a safety concern. As the construction work had finished for the day, there was no one there to address my concern. I wasn't sure how to fix the problem, so I contacted the engineering supervisor for the site. While he wasn't able to fix the problem either, he did promise that he'd get in touch with the construction manager.

About an hour later, Mike Anderson contacted me. Because he was unable to reach the construction manager he came to the site to look into the problem. I was encouraged by the level of concern that he demonstrated. He promised that he would temporarily secure and cover the hole for the evening and would have it permanently fixed in the morning. Just as promised, two construction personnel worked for much of the day creating a more secure wall inside the fence and they filled the hole outside of the fence with concrete. Crisis averted. It is exactly this kind of personally committed, responsive business owner that we need on the Avenue. Based on this experience, I feel very confident the Mike will work with the residents to be an involved, responsible and agreeable member of our community. How fortunate we are to have small business owners who want to be a part of the magic formula that makes Del Ray the place to live and work.

Regards,

Suzanne Caldwell
Resident on Commonwealth Avenue, Small business Owner and Member of the Board for the Del Ray Business Association

11) I want to add my support of this new venture - they will be a welcome addition to Delray. I frequently bring friends from across the DC area to enjoy my favorite places here and would gladly have a few new places to enjoy.

I will add that I work in an office building with a BBQ restaurant in the main floor. We struggled with odor issues when they first moved in but once they took the necessary steps to control the issue that have been discussed on this listserve, we have had no problems.

Name Omitted for Privacy
7-year Delray resident

12) Thanks for your offer to compile responses. Please pass along our enthusiastic support to Mr. Anderson and the appropriate city authorities. My wife and I have never been active in local politics, but we are figuring this might finally be the time. Please let us know what we can do to help.

13) Hi Jill -

I am writing this privately because there is way too much traffic on the list serve. Additionally, I have already weighed in a couple times on the list serve in response to the anti-barbeque coalition. My name is Karen Johnson. My husband Kirk Hansen and I live at 2600 DeWitt Avenue. I have lived there since 1992 - Kirk moved in last year :). We are also HUGE CHEESETIQUE fans -- thanks so much for being part of the Avenue! We LOVE it!

I have lived in Del Ray since 1987! My girlfriends and I lived together on East Nelson Avenue because it was CHEAP and close to a metro. Our rent then was \$625 per month!! But we never left our block -- other than to the metro. We would never dream of eating in Del Ray. It was filled with biker bars and bait shops.

But I loved the charm of the neighborhood. So, along with Pat Miller, Dennis Reeder and Charles Buki, I helped found the Del Ray Farmer's Market.

Charles and I recruited the vendors, applied for the SUP, appeared before the planning committee and heard from LOTS of neighbors. Believe it or not there was plenty of opposition to the market. Noise, Smells (garbage), Traffic and Parking were among the many complaints (sound familiar?). Looking back, I find it hard to believe that we were actually successful -- but the market did exactly what Charles said it would -- bring business and people to the Avenue. It was a couple years after the market opened that St. Elmo's opened its doors. Prior to that we had a coffee cart in the market with a line around the block!

Both Kirk and I are full and enthusiastic supporters of the barbeque restaurant. We think it's a great idea and are so excited to have them join the Avenue.

Ours is a special neighborhood. When Kirk and I got married we almost moved to DC, but realized that Del Ray has every convenience that DC does, with out the parking issues :).

I do fear that a vocal minority will turn the clock back on our neighborhood. We are going to gain a reputation as anti- "good" business. I say "good" business because it seems that repo shops, tarot card readers, and fly by night "photo studios" have no problem moving on to the Avenue. I find it amazing that the owner of Pork Barrel is hosting a neighborhood Q&A -- good on him, but we should be welcoming him and asking him about his open date.

Thanks so much for gathering support for Barbeque on the Avenue. If Kirk and I need to do anything else, we are happy to do it!

All the best,
Name Omitted for Privacy

14) Hi Jill -

My husband & I - residents since 1998 - both whole-heartedly support this new business. He should not be obligated to purchase any equipment that is not already required by the city or the code.

Unfortunately - I'll be out of town on the 8th, and he will have to watch our kids - so neither of us can come to the meeting. Please let the powers-that-be know that these two residents & tax payers - are all for it.

Name Omitted for Privacy
E. Randolph Avenue
Alexandria, VA 22301

15) Hi Jill,

Please add our family to list of supporters for the new restaurants. They fill a void in this in community and will be a welcome addition to the avenue.

Name Omitted for Privacy
E Windsor

16) I am in support of opening Pork Barrel BBQ on the Avenue.

Name Omitted for Privacy
(12 Year Del Ray Resident)

17) Jill,

Appreciate you compiling the proponent view. I wholeheartedly support the three restaurants going in at Mt Vernon and Oxford. The owner has been more than accommodating, and the community will greatly benefit from the SUP moving forward. While I appreciate the concerns that the immediate neighbors are raising, I dislike the 11th hour attempt to scuttle the effort when it has been known what the project is for over a year. The immediate neighbors bought homes in direct proximity to a commercial area; their ongoing efforts to prevent legitimate commercial activities from happening is detrimental to the ongoing development and vitality of the neighborhood. This project is a vast improvement over what was there previously and to the big pit that was there before construction began.

I for one look forward to the development and to the introduction of a long-standing Alexandria restaurateur to Del Ray.

Name Omitted for Privacy

18) Jill:

Please let the appropriate people know that my family is very supportive of Mr. Anderson's application for a new restaurant in Alexandria. We moved to Del Ray for this type of experience and believe Pork Barrel will greatly add to the atmosphere of our little neighborhood. We always patronize the shops and restaurants in Del Ray and we hope that the folks in charge will do the right thing and allow Mr. Anderson to open up shop. I can assure you that everyone I have spoken with (many, many people) are elated at the prospects of a good BBQ restaurant in town.

Best regards,

Name Omitted for Privacy

19) I have been observing the discussion that has been swirling around the new BBQ operations coming to the Avenue. As a resident of Del Ray for over 22 years, I truly have seen the transformation of the Avenue from the days when the ONLY options for dining were Los Amigos and the Snuggery! My husband and I chose to start our family in Del Ray and as the neighborhood evolved around us, made the commitment to renovate our home and raise our children (now ages 17 and 13) in a neighborhood that is more like an extended family. Having said this, we are FIRM supporters of the proposed BBQ restaurant. We feel this would be a welcome addition to the Avenue, help create a few local jobs and support a local business owner, all at the same time. I am sure that the business owners are sensitive to environmental concerns and will abide by whatever reasonable, mandated controls are needed, but feel confident that there are not onerous provisions that would make it cost prohibitive for a local business owner to comply.

I also feel that the vocal opposition is truly a minority and the majority of residents truly support this positive addition to the Avenue. I applaud you for encouraging us to be sure a balanced point of view is communicated to both Mr. Anderson as well as city officials. Thank you for your leadership in helping the Avenue achieve its potential.

Regards,

Name Omitted for Privacy
E. Bellefonte Avenue
Alexandria, VA 22301

20) Jill:

Thank you for offering to accept comments about the proposed new restaurants on the Avenue. My husband I are very excited about the prospect of a new set of restaurants. We wholeheartedly support their addition to our neighborhood. Personally, I am especially excited about a sushi place, as I haven't found a place that I love in Alexandria yet, even after several years of trying. I have high hopes pinned on this new restaurant. We are also thrilled about having a local BBQ restaurant and can't wait to line up to try it. Please count us in the 'support' column.

Thanks,
Name Omitted for Privacy
Manning St.

21) Jill,

I have been following the listserv discussion about the Pork Barrel BBQ and have not been interested in getting involved in that discussion for a number of reasons. I do support the business becoming a

part of our neighborhood. I bought in Del Ray in 1985 when it was not the trendy place to be but rather a diverse neighborhood with great houses. The changes that have come about are wonderful and I think that this new business is being done in a very considerate, thoughtful way.

Please add my voice of support as well as my partner's, Patti Lieblich, when you compile your list.

Thank you.

Name Omitted for Privacy

E. Raymond Ave.

Alexandria, VA 22301

22) Hello All!

Here is the note that is going around about the new Bar B Que Restaurant being built on Mt. Vernon & Oxford. I am going to send a note to the parties at the city and throw my full support toward the new business, as it stands. Del Ray is rapidly gaining a reputation as "anti-business" and difficult to work with. It seems to me that if some folks had these misgivings then why didn't they just say so before this new business went to all of the time to do the research, develop a business plan, go through the arduous permit process that the city requires, etc. Throwing up road blocks at this late date will only delay, deter, and perhaps cause this new venture to locate elsewhere.

Del Ray is a vital and eclectic part of Alexandria and we should continue with diversity throughout the community, including the business community. Certainly this business has met and is meeting all necessary codes that are in place. I am certain the city is and was mindful of the requirements of this particular restaurant, before they granted the permits to move forward.

We don't need another Tarot card reader, massage or yoga institution in Del Ray. Please send this note to anyone you think that can support the new business as it is. Note the hearing and meeting date for the land use committee.

Name Omitted for Privacy

Commonwealth Avenue

Alexandria, VA 22301

* NOTE – THIS RESIDENT ATTACHED TO HER MESSAGE A COPY OF A LETTER THAT WAS PUT IN HER MAILBOX BY A GROUP OF CONCERNED CITIZENS.

23) Jill -

Thank you for your always well-written contributions to the community discussion on the list serve. Given constraints of family life we likely will not be able to make it to the session tonight. Please pass on to Mike our sincere support for his project. We look forward to partaking of all of the options, but particularly to the barbeque.

We've reviewed the SUP (although have not looked at the actual plans, just the text of the request) and do not have a problem with any of the various requests that seem to have been met with dismay from the immediate neighbors. The delivery schedule seems reasonable and the early hours/Mt Vernon Ave

drop off seems to be specifically designed to not bother the residential neighbors. And we think the walk up carryout window is an excellent idea: no more having to get kids out of strollers to go inside and pick up food! The only thing that struck me as disappointing was the fact that he apparently will have "lots of big TVs" inside. We don't like to be forced to watch TV while we eat -- but that is a personal preference of ours that is easily solved by simply doing carry out rather than eating in, and is not something that need be addressed in the SUP process. As for the smoke/exhaust issue, we think there are probably some legitimate concerns there, but we trust that will be worked out between Mike, the city, and the immediate neighbors. Seems to us that asking for some special equipment similar to what other BBQ places use is not completely out of bounds and hope there is a compromise to be reached on that point.

We take great pride in the fact that we do as much of our shopping and dining in Del Ray as we can in order to support our wonderful businesses. We know that the process of bringing an new business to the Avenue is not an easy one, and we thank Mike and his partners for working so hard to be a part of our community. We can't wait for the grand opening.

Name Omitted for Privacy
Dewitt

24) To Whom It May Concern:

Both my husband and i strongly support the idea of the SUP application for Pork Barrel BBQ. We had met both Mike and Brett Thompson at a December DelRay sidewalk event, and were so impressed by their plans for the neighborhood, their enthusiasm for its location in DelRay and of course, their products. ANY addition to a new institution in DelRay, particularly run by someone so knowledgeable in restaurant/customer relations, prdie of place and overall "good person-ness" should be welcomed with open arms.

Name Omitted for Privacy
West Oak Street
Alexandria 22301

25) I wholly support Pork Barrel BBQ and the two other restaurants coming to Del Ray. They will be wonderful additions to our community that will provide even more locations for us to meet up with our neighbors and draw business into Alexandria. I'm so excited for these new establishments!

Name Omitted for Privacy
E Nelson Avenue

26) Jill:

I don't think we have met, but my american express and your fabulous store are the best of friends. I am days away from having baby #2 and I am counting down until I can enjoy one of your fabulous varieties of blue cheese and a glass of wine!

Thank you also for your email below that was forwarded to me. My husband Chris is at the meeting right now and I wanted to make sure and email you our comments.

I hate to say I have been waiting for the immediate neighbors of this project to try and stop it and I do congratulate them on their creativity of claiming that bbq causes more air pollution than a gas station with underground tanks that do not comply with today's standards. I am sure they are not complaining about what our own homeowner's insurance company, Travelers, says would be a deduction in insurance as a result of no longer living next door to a gas station.

We have been eagerly awaiting the ability to walk to two more restaurants rather than having to get in our car, albeit a hybrid, and drive to Arlington. Alexandria rolled out their BUY ALEXANDRIA plan over a year ago, and we would like to do nothing else but buy in Alexandria, but businesses are not met with a welcome mat. I am concerned that if we continue to run businesses out, then our taxes will continue to increase and business owners like yourself will have the American dream taken away by the loud voices of a few.

I am a native Texan and grew up in Dallas. On one side of Highland Park was Dallas Love Field Airport, home to Southwest Airlines and most private aviation in Dallas and on the other to world famous Dickey's BBQ. My parents purchased a home in that neighborhood because they could teach us to support our local businesses, to have a short commute to work and to not spend their lives in a car. I spent the first 18 years of my life in that house, watched my father run marathons and neither my brothers or myself suffer from any breathing problems. My parents didn't purchase a home only to claim the airport needed to be shut down. Fast forward more years than I would like to count and my husband and soon to be 2 children have lived in Del Ray for almost 9 years. I am an active volunteer with the Campagna Center and chose Del Ray over the Spring Valley neighborhood in D.C. and Arlington so we could leave our hybrid in the driveway on the weekend and walk to stores, restaurants and pretty much anything else we need. Do I wish we had a little more room in our house? Yes. Would I trade the ability to walk to great businesses like yours and Kiskadee whenever I want? Not a chance.

I find it odd that the very same people who now claim the NY Times should be trusted on all things air pollution are the very same people who claimed the NY Times could not be trusted when it stated Alexandria schools were among the worst in the country.

As a taxpayer I hope the city truly thinks about the message it is sending to businesses choosing to relocate: if someone like Mike Anderson is told he is not welcomed in the neighborhood as a result of a few loud voices, will the city make those few people pay for the loss of revenue? One business, if successful will generate tens of thousands of dollars in tax revenue for the city. I hope these people who think they should determine what the rest of us want in a neighborhood are willing to pay the cost of lost revenue.

Mike Anderson is not just a business owner, but a great corporate citizen. There has NEVER been a time when I have asked him to support a Campagna Center event that he has not gone above and beyond the request and done more. His participation did not require a threat, a city code, but merely his desire to not only be a businessman, but a good neighbor. At a time when the city is more dependent than ever before on non-profits like the Campagna Center to provide services to our most disadvantaged citizens, do we really want to send the message that less is more? I urge the committees considering this request to drive down Oxford and take a look at what vehicles these "concerned environmentalist neighbors" drive: sports cars with terrible gas mileage, huge SUV's and minivans. I can tell you what you won't find: hybrids, water reclamation barrels, full recycling bins on pick up days and I know first hand from speaking to some of these people anything green that costs more because "it is not required by law." It is too bad they don't live by the same standards they expect businesses to meet.

As a taxpayer, I am anxious to see how the city handles Mr. Anderson's request. We cannot expect for a few businesses to pay for the services everyone wants from their local government. I would hope that the decision makers realize that while a small group may be shrill and loud, it does not make them correct. I will not be able to attend the meeting in April as I will

be having another baby. I do not want my absence to be taken as agreement with the opponents of this project. I wholeheartedly support ANY BUSINESS, even the ones I don't agree with, who are willing to come to Alexandria, pay taxes and risk their financial future to build something we all can enjoy.

Please know that we support Mike Anderson's two new restaurants and cannot wait to spend our money there and help the Alexandria economy. If they aren't able to open we will have no choice but to continue to drive to Arlington and Shirlington for BBQ and Asian fusion.

I hope common sense wins out of over the Not In My Backyard Mentality.

Name Omitted for Privacy

27) Let them start the restaurant for pete's sake. We need entrepreneurs to start businesses here. Business brings jobs and lord knows we need more of those. The City of Alexandria isn't the most business friendly place on earth. I was a small business owner at one time and I speak from experience. I finally had enough and closed shop. Don't let this opportunity slip away. A BBQ Restaurant will bring more people into Del Ray and that is something we need. I wholeheartedly support this endeavor.

Name Omitted for Privacy
W. Del Ray Ave

28) Jill,

Thank you for your efforts to provide a hospitable and vibrant atmosphere for local businesses. My family chose Delray as our home in great part due to the small businesses that line Mount Vernon Avenue and I am grateful for the opportunity to voice my wholehearted support for Mike Anderson and his restaurant.

Not only are we excited for the opening of another unique, independent business in Delray -- we can't wait to have great BBQ just a few blocks away! I am confident that, like our other entrepreneurs, Mr. Anderson will be an active participant in our neighborhood and will have the greatest respect for those who live in close proximity to his business.

As citizens of Delray, it is our responsibility to welcome those who want to make-up the backbone of our community. Things are already hard enough for small businesses in this country, we certainly should not be throwing up additional obstacles for those who are willing to take a risk and start something of their own.

Please let Mr. Anderson know that as far as I am concerned he can't open fast enough and I look forward to being loyal and regular patron. And, thank you for Cheesetique -- it is truly perfect.

Sincerely,
Name Omitted for Privacy
Stewart Avenue
Alexandria, VA 22301

29) I would like to express my support for the Pork Barrel. The addition of a new cuisine to Delray is a benefit to Delray for a variety of reasons. Occupied storefronts make the Avenue more appealing and

will draw additional customers for all of the business on the Avenue. In addition, a new cuisine also will draw new customers to the Avenue.

An increase in visitation increases the surviveability of all establishments on the Avenue. Far too many long-time retail stores have closed or relocated and far too many of the new shops shutter their doors for a lack of sales.

I urge the approval of the Pork Barrel's request.

Name Omitted for Privacy
East Mason Ave

30) Thank you, Jill, for making me aware of this issue. I'm also a ten-year resident of the Del Ray community. One of the pleasures of life in this fantastic neighborhood is the walking-distance accessibility of so many wonderful businesses (with Cheesetique at the top of the list, thank you very much!).

I've been looking forward to the arrival of Pork Barrel in our neighborhood since I heard about it over a year ago. I have full confidence in Mike Anderson's commitment to operating a successful and responsible business that will be a boon to residents and shop owners alike. I support Mike's SUP application and hope that he'll be able to open his restaurant on-time.

Thank-you --

Name Omitted for Privacy
West Braddock Road

31) I, for one, think BBQ is a much needed addition to the Del Ray business community. As an avid BBQ fan, I attended the preview of the food during Meat Week 2010 and his beef brisket is outstanding.

I know that NIMBY interests may ban together as they have across the country in opposition to BBQ restaurants. Even in the NY City, where there's well-funded community opposition to change, compromises have been struck and BBQ businesses were allowed to thrive. It would be a shame if Del Ray were to discourage the very diversity that has been part of making it an interesting place to be.

Name Omitted for Privacy

32) Mike,

Anything worth having is worth the fight to get it, right? I'm really looking forward to your new eateries opening up on Mt. Vernon Ave. I know many others in the neighborhood are as well. Unfortunately, the vocal few that can't wrap their head around things may squeak the loudest, Remember that there are many others that want you to succeed.

I'll certainly be visiting at least 1 of the new establishments in the first month you are open, and looking forward to all 3.

Name Omitted for Privacy
E. Mason Ave.

33) Jill,

Thanks for posting on the Rosemont Listserv.

I'm writing to express my support for the SUP application for Pork Barrel BBQ on Mt. Vernon. I believe the neighborhood would benefit greatly from this business, and that any serious difficulties raised in its development can only hinder further development of Del Ray and Alexandria as a whole.

Please convey my sentiments to the Land Use Committee, the Planning Commission, and the City Council.

Sincerely,

Name Omitted for Privacy

34) Hi Jill,

It has come to my attention that you are compiling letter of support for the opening of Pork Barrel BBQ on the Avenue to share with the Land Use Committee, the Planning Commission and the City Council.

As such, I would like to express my strong support for Pork Barrel BBQ on the Avenue. I have been living close to eight years in the Del Ray neighborhood and three years in the Avenue Flats on Mt. Vernon Avenue. It has been wonderful to seeing the Del Ray neighborhood grow during this time with the opening of more and more businesses - including Cheestique!

My wife and I cannot wait for the opening of Pork Barrel BBQ - even if it means that we will need to watch our waist lines. We are huge fans of the rub and feel confident that this new establishment will only add to the vivacity and charm of our neighborhood.

Please let me know if I can add or clarify to my statement of support.

Many thanks,
Name Omitted for Privacy

35) Jill,

I would support approving the docket to allow Pork Barrel barbecue to begin operations. The one minor concern that I had (live entertainment) was addressed to my satisfaction in the text of the docket. Given these tough economic times, I think it is should be applauded when any new business venture decides to set up shop in our area. I understand the concerns of some of the other citizens, but believe the benefits outweigh the

unsupported concerns raised. I just hope that the concerns raised by a vocal minority do not impede the project from moving forward.

Thanks,

Name Omitted for Privacy
West Mount Ida Avenue
Alexandria, Virginia

36) Jill,

7 years ago when my husband and I moved back to the Washington, DC area from California, we very specifically focused our sites on the DelRay neighborhood. We love the "anywhere USA" feel of our little community and the local businesses that serve the area. We are now in our second house in the DelRay, don't plan on leaving anytime soon, and are actively trying to talk friends looking at new homes into moving nearby.

One of the main attributes that we point to in our DelRay "sales pitch" is that we do not have to get in our car on the weekends. We can walk to the coffee shop, the Farmer's Market, the cheese store, our favorite Mexican restaurant, and even a little neighborhood bar, if the spirit moves us. We would love - love - love to have a BBQ and Asian restaurant to add to our list of favorites in the neighborhood, especially ones that are being run by local entrepreneurs that have specifically chosen to be in DelRay.

Furthermore, the recent economic downturn has shown that the City of Alexandria cannot rely on personal property taxes to run our local government, we need economic growth and we need jobs in Alexandria.

It is my sincere hope that negative comments of a few squeaky NIMBYs won't ruin the chances for the rest of us in the community that are really looking forward to a new delicious neighborhood food joint!

We really appreciate the efforts that have been taken to date to listen to folks in the area. Please let me know how we can support your process moving forward.

Sincerely,

Name Omitted for Privacy

37) Following up on last night's meeting at the rec. center, we just wanted to say that we think a "poll" about whether or not your proposed restaurants should be "allowed" to stay open until 2:00 am is a bad idea and, the idea of issuing you a permit based on that poll is even worse.

The big issue is that there is simply no way to give context to a poll and that's what this question deserves - context. We are not your 2am late night drinking customers (way past our bedtime) but why shouldn't other folks have the opportunity if they want it - and have it in the neighborhood. In fact, if we had gotten the poll without the benefit of last night's discussion we probably would have thought "why do they need to be open that late?" You explained it, it make perfect economic and demographic sense, and we support you.

Secondly, as much as we support and applaud the DRCA for their excellent work, not everyone in Del Ray belongs to the association, which means of course that not

everyone in Del Ray would have the chance to vote. Third, there are many residents of our larger community - Rosemont/Beverley Hills/Warwick Village/Arlandria - who would also not be a part of the poll. As special as Del Ray is, we are not an island and we need to look to the larger community that contributes to the economic vibrancy of the area.

Fourth, the community (large and small), is going to tell you by their presence whether or not they want a 2:00am closing time. You all are smart business guys, if folks aren't showing up past midnight, we can't imagine that you will stay open just for spite.

And just for the record, we are behind you 100%

Name Omitted for Privacy

21 year residents of East Howell Ave.

38) Jill,

Thanks for your email on Pork Barrel barbeque. I have lived in Delray for over 20 years. For a long time the area struggled to move forward. It seemed that whenever one business opened, someone else had to shut his doors. Over the last decade however, the "Avenue" has begun a slow, but steady march forward and I would like to see that progress continue. I think the current state of development is more fragile than may be obvious. Especially in the current economy, it would be easy for the Avenue to start to slide backward. More restaurants would be a real plus, as it would increase the vibrancy and stability of the neighborhood, and bring new jobs.

I was unable to attend the Wednesday evening presentation, and will probably be out of town on April 8th. But I would like to support Mike Anderson's application to the city to open his new restaurant. What is the best way to do that? Write letters to the appropriate city agency?

I have one request for Mr. Anderson. My friends and I are mostly over 50, with no kids at home, and the frequent desire to eat out after work. But many of the newer restaurants in the area are so loud that we can't chat and leave feeling more tired than when we entered. La Strata has wonderful food but I have pretty much given up going there as it is so loud. Del Merie and Evening Star are the same. I went when they first opened, but stopped going because we couldn't talk. So my request is, "Please, invest some money in sound engineers and sound moderating materials and build a restaurant I can enjoy visiting."

Thanks ,

Name Omitted for Privacy

East Luray Avenue
Alexandria

39) Hi Jill,

We saw your email on the listserv. We would love to have a Pork Barrel BBQ in Del Ray. We look forward to new restaurants and businesses, and love being able to walk places close by. We are supporters without knowing many of the details either way. Our biggest impediment to getting more involved is a lack of time (just having had a baby). Thanks!

Name Omitted for Privacy

40) Jill:

I don't think we have met, but my American Express and your fabulous store are the best of friends. I am days away from having baby #2 and I am counting down until I can enjoy one of your fabulous varieties of blue cheese and a glass of wine!

Thank you also for your email below that was forwarded to me. My husband Chris is at the meeting right now and I wanted to make sure and email you our comments.

I hate to say I have been waiting for the immediate neighbors of this project to try and stop it and I do congratulate them on their creativity of claiming that BBQ causes more air pollution than a gas station with underground tanks that do not comply with today's standards. I am sure they are not complaining about what our own home owner's insurance company, Travelers, says would be a deduction in insurance as a result of no longer living next door to a gas station.

We have been eagerly awaiting the ability to walk to two more restaurants rather than having to get in our car, albeit it is a hybrid, and drive to Arlington. Alexandria rolled out their BUY ALEXANDRIA plan over a year ago, and we would like to do nothing else but buy in Alexandria, but businesses are not met with a welcome mat. I am concerned that if we continue to run businesses out, then our taxes will continue to increase and business owners like yourself will have the American dream taken away by the loud voices of a few.

I am a native Texan and grew up in Dallas. On one side of Highland Park was Dallas Love Field Airport, home to Southwest Airlines and most private aviation in Dallas and on the other to world famous Dickey's BBQ. My parents purchased a home in that neighborhood because they could teach us to support our local businesses, to have a short commute to work and to not spend their lives in a car. I spent the first 18 years of my life in that house, watched my father run marathons and neither my brothers or myself suffer from any breathing problems. My parents didn't purchase a home only to claim the airport needed to be shut down. Fast forward more years than I would like to count and my husband and soon to be 2 children have lived in Del Ray for almost 9 years. I am an active volunteer with the Campagna Center and chose Del Ray over the Spring Valley neighborhood in D.C. and Arlington so we could leave our hybrid in the driveway on the weekend and walk to stores, restaurants and pretty much anything else we need. Do I wish we had a little more room in our house? Yes. Would I trade the ability to walk to great businesses like yours and Kiskadee whenever I want? Not a chance.

I find it odd that the very same people who now claim the NY Times should be trusted on all things air pollution are the very same people who claimed the NY Times could not be trusted when it stated Alexandria schools were among the worst in the country.

As a taxpayer I hope the city truly thinks about the message it is sending to businesses choosing to relocate: if someone like Mike Alexander is told he is not welcomed in the neighborhood as a result of a few loud voices, will the city make those few people pay for the loss of revenue? One business, if successful will generate tens of thousands of dollars in tax revenue for the city. I hope these people who think they should determine what the rest of us want in a neighborhood are willing to pay the cost of lost revenue.

Mike Alexander is not just a business owner, but a great corporate citizen. There has NEVER been a time when I have asked him to support a Campagna Center event that he has not gone above and

beyond the request and done more. His participation did not require a threat, a city code, but merely his desire to not only be a businessman, but a good neighbor. At a time when the city is more dependent than ever before on non-profits like the Campagna Center to provide services to our most disadvantaged citizens, do we really want to send the message that less is more? I urge the committees considering this request to drive down Oxford and take a look at what vehicles these "concerned environmentalist neighbors" drive: sports cars with terrible gas mileage, huge SUV's and minivans. I can tell you what you won't find: hybrids, water reclamation barrels, full recycling bins on pick up days and I know first hand from speaking to some of these people anything green that costs more because "it is not required by law." It is too bad they don't live by the same standards they expect businesses to meet.

As a taxpayer, I am anxious to see how the city handles Mr. Alexander's request. We cannot expect for a few businesses to pay for the services everyone wants from their local government. I would hope that the decision makers realize that while a small group may be shrill and loud, it does not make them correct. I will not be able to attend the meeting in April as I will be having another baby. I do not want my absence to be taken as agreement with the opponents of this project. I wholeheartedly support ANY BUSINESS, even the ones I don't agree with, who are willing to come to Alexandria, pay taxes and risk their financial future to build something we all can enjoy.

Please know that we support Mike Alexander's two new restaurants and cannot wait to spend our money there and help the Alexandria economy. If they aren't able to open we will have no choice but to continue to drive to Arlington and Shirlington for BBQ and Asian fusion.

I hope common sense wins out of the Not In My Backyard Mentality.

Name omitted for privacy.

The following 18 emails were posted to the Del Ray Citizens Listserv. As such, I did not remove identifying information (these messages were posted to the entire community).

1) Hi Jill

Add me to the list of supporters. I love to see new businesses and life coming to the neighborhood. Thanks for taking the time to write such a thoughtful message to the list serv.

Best regards

Mary Denby

2) In the spirit of healthy debate and community involvement, I'd like to express my support for the addition of the Pork Barrel BBQ Restaurant to the Avenue.

Jill makes some excellent points regarding Mike and his dedication to the communities in which he invests. I think the same thing can be said about Brett who started Pork Barrel BBQ as a spice rub company right here in Del Ray. He's lived here for quite some time and has a genuine interest in ensuring our community is one of which people can be proud.

Pork Barrel BBQ is exactly the type of business we need to have here in our community - local,

responsible and involved.

Allison Anderson
Del Ray resident

3) I stand in enthusiastic support of the new restaurants.

I have known Mike since 1972. He is a responsible and caring friend, neighbor, husband, father, church-member. He has been recognized for his community involvement. He is a man of his word. Mike will do the right thing. He is sensitive to issues and is committed to being an active partner in Del Ray. I have no doubt he will actively comply with all regulations and will be involved in Del Ray community.

I agree folks have the right to ask questions about environmental issues and I support this right.

I tried the new BBQ at it's debut and can hardly wait for my next taste. Sure beats a gas station.

Wayne

40-yr resident of Alexandria and regular Del Ray patron.

4) I support the restaurants coming to the Avenue. No situation is perfect, but I've met folks from the BBQ place a couple of times. They're so excited to be coming to the area. Just the fact that they're going through the extra step of having the open house Wednesday night speaks volumes. Gives me the impression that they will try to be the best neighbors they possibly can.

Nikki

7 year Del Ray resident

5) Hi Jill, I would like to thank you for your work on this issue and for your eloquent and well-reasoned postings to the group. Please add my name to those in support of the new restaurants. We should be appreciative of local business owners that want to work with their neighbors. I have my doubts about whether the likes of Walgreen would (will?) do the same.

Jessie Kamens
25 W Uhler Ave.

6) I want to add my support for the barbeque restaurant in Del Ray. Del Ray has become a wonderful place to live and is attracting more and more families. However, there are not many places we can go out to eat as a family. We've been looking forward to a family restaurant in our own neighborhood that we can support. In addition, I know that several families on my street have been eagerly anticipating the opening of the barbeque restaurant as well. It will be nice to be able to keep it in the neighborhood when we go out to eat instead of having to drive over to Arlington.

Carol Lyons
W. Windsor Ave

7) Jill,

My family and I are also in support of Mike Anderson's new restaurants. We look forward to them opening.

Daniela Spigai, Chris Pfeifer, Jackie, Lily, Zane and Miller (our orange tabby cat who is well known in the hood).

8) We too support the new restaurants. This is why we love Del Ray and have stayed for 15 years...

Rebecca Underly
Duncan Ave.

9) Jill,

My husband and I also enthusiastically support all three new restaurants proposed! We love putting our kids in the stroller and going to the farmers market, Cheesetique, Evening Star and Dairy Godmother and are excited to try the new places when they open, especially the BBQ!

--Laura Hastert
Russell Road

10) I'm just waiting to make my own Pork BBQ (from Pork Barrell) on Fancy Cheese (from you) sandwich!

Thanks for being a rational voice.

Steve Mostow

11) i for one welcome our pork-based overloads

John Scott

12) Thank you to everyone who welcomes and mentors new business in Del Ray -- I appreciate it as a customer, property owner, and generally just a citizen who is gladdened to see signs of a healthy economy. Plus, I love food -- the more of it I can have near to me the better (even though I'm a vegetarian, I can still like the idea of the diversity that BBQ brings to the Del Ray scene).

Thank you to everyone who lets us know ahead of time about some of the pitfalls experienced by people who have opened BBQ restaurants. Mike Anderson likely has benefitted from this heads up as much as anyone!

I very much support these restaurants coming in. I very much support them having adequate control technology to not adversely affect the health and property enjoyment of my neighbors. Let's have both happen.

Please don't make the people raising the matter of control of particulate matter feel like they are being called unreasonable and alarmist. I am a generally healthy person who's never been under treatment for respiratory problems. At times when I have been exposed to an extra dose of fine particulate matter (working in a building that had a small kitchen fire 8 floors down over the weekend, living in West Philly, having the little accidental house flare up here and there, stoking up a fireplace or firepit, or when neighbors stoke up theirs) I've developed respiratory problems that sometimes last for weeks after exposure. [My co-workers wanted to sue the restaurant for imposing my five weeks of coughing on them (don't panic, there were joking).] We often think of the smoke that we produce when we are being cozy or making delicious food as good, positive, happy smoke; but smoke is smoke, folks. There are many Del Ray residents who are far more sensitive to respiratory irritations than am I. I don't know that we can say for sure that environmental and zoning laws always keep up with what we know about the impacts of certain things -- like fine particulate matter -- on the health of our environment.

Please remember: the law is the floor, not the ceiling, on our expectations for a healthy and enjoyable environment.

I'm feeling pretty confident that Mike Anderson, the Del Ray business community, the restaurant's neighbors, and the rest of us will ensure that we have three more delicious options and no adverse aesthetic or health effects. So, thanks again.

13) It'd be great to have a good BBQ restaurant on The Avenue, and most people I know (including me) won't mind the smoked part of it so long as it doesn't interfere with our ability to enjoy sitting in front of Dairy Godmother and slurping on our desserts. I can't imagine the city would allow an activity that would be polluting enough to actually disturb the neighborhood.

Verenda
113 E. Luray Ave.

14) looking forward to a new restaurant in Del Ray, about time we had a bar-b-que joint.

Also there has been some worries about air pollution, etc.

We receive much more pollution from being right next to route 1 and national airport, than any restaurant can ever produce (early AM you can smell the gas).

15) Hmmmm...

Pulled pork roll? Unagi and coleslaw sandwich?

The possibilities are endless!

16) I am in favor of the restaurants and feel that the owner Mike Anderson is doing all he can do to provide a stable business and environmentally safe environment. I vote YES

17) Jill -- Count us among the enthusiastic supporters of these new restaurants! My only concern is that now my husband will insist that we eat BBQ every night.

One of our favorite things to do with our family of five is to stroll/wagon down to the Avenue for a good meal. It is one of the primary reasons we moved to the neighborhood, and it is one of the things that will keep us here for the long haul. We are looking forward to seeing you all, our great neighbors, at Pork Barrel soon (or Los Tios, or Evening Star, or Dairy Godmother . . .)

Jennifer and Mike Semko
Alabama Ave.

18) My husband and I are in support of Pork Barrel BBQ.

Hillary & Robert Peak
215 E Oxford Ave

RE: Q (BBQ Restaurant Pork Barrel referred me too)

Lisa Donofrio

to:

Ashley Klick, Nathan Randall, Laura Eckel, erica.bannerman, Amy or David Fromm, elizabeth.ross

04/07/2010 09:40 AM

Show Details

Thanks, Ashley:

I did talk to Mr. Hall about wood and he stated they plan to use seasoned wood.

This makes me more concerned, not less.

1. They are in a commercial, not residential area;
2. Even the owner seems to acknowledge the smell could be considered a nuisance;
3. Do the applicants have enough experience with this machinery to operate it to meet demand and keep it clean as often as it needs to be cleaned for health, safety, and prevention of nuisance odors?
4. From this and my research, it seems as if this smoker will be utilized at least 15 hours a day, not the ten to twelve as proposed. What if that is not enough to keep up with demand?

Date: Tue, 6 Apr 2010 13:18:11 -0700

From: amkdc05@yahoo.com

Subject: Q (BBQ Restaurant Pork Barrel referred me too)

To: alsdmf@earthlink.net; Nathan.Randall@alexandriava.gov; barbara.ross@alexandriava.gov

CC: lisadonofrio@hotmail.com

At the suggestion of Hog Thaid (Mike, Brett and Heath specifically), I contacted David Butler of Q in Midlothian, VA (<http://www.qbarbeque.com/QRestaurants.html>). He operates 2 of the same Southern Pride systems (for 120 seats) that Pork Barrel proposes to use. Heath and Brett thought it would be a fair comparison to what they propose to operate.

I had a very nice conversation with David today and I would like to share my notes:

1. They are located in a commercial area between Sam's Club and Wal Mart. Open daily until 9pm.
2. They have 2 stacks in their chimney, 1 return air and 1 vent to pull the smoke. It is a hood system fabricated with a draw and return system. They use dry wood- green wood, approximately 1-2 years old that burns quickly and cleaner than wet wood (which is what I understand Pork Barrel proposes). They use their system for 12-15 hours daily overnight. They turn it on at 5pm and unload at 9am. They use it for quick burn items like ribs and chicken during the day for 3-4 hours.
3. They have it professionally cleaned 4x a year and clean the stack themselves weekly. He said that if you did not clean it regularly you will have really black smoke.
4. He said that until he spoke with them last week he had not given much thought to the smoke, etc. since they were in a commercial area. His thoughts were that if there is no ventilation you would definitely smell it before you saw the smoke. There is smoke, although in his opinion it was not dark smoke because they clean it, and he did state that they have had problems with intake back into the restaurant because no system is perfect.
5. He agreed that if he lived near this restaurant he would be asking these same questions and understood where we were coming from... but he also wanted to be cautious in his remarks because he likes these guys.
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the owner of Blue Smoke.

From Mr. Butler's perspective he thought the odor would be more immediately bothersome to residents than the smoke. He did say that he has no information about health risks associated with wood smoke.

So, I am still left with many questions. One of my concerns remains that Mr. Anderson et al have never used this Southern Pride equipment. If this was their 2nd or 3rd restaurant and they said "trust us, we will do right by Del Ray" I would be more inclined to do so. The reality is that Hog Thaid is still vague as to how many hours the system will operate...what the odors will be (this man they said to call said there will be odors).... what the smoke will be like, especially for my family 30 feet away, and what they will do to "do right by Del Ray" if there are problems.

I will share with you my conversation with Famous Daves if and when they call me back.

Thank you for your time,

Ashley Klick
703-362-4204

Ashley Klick
Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. Get busy.

FW: Update on BBQ research and some questions
 Lisa Donofrio
 to:
 barbara.roaa, Nathan Randall, erica.bannerman
 04/06/2010 05:13 PM
 Show Details

I sent this to Mr. Gillespie of DEQ.

From: lisadonofrio@hotmail.com
 To: william.gillespie@deq.virginia.gov
 Subject: Update on BBQ research and some questions
 Date: Tue, 6 Apr 2010 14:14:37 -0400

Mr. Gillespie:

Good afternoon. I just thought I would check in and give you some more information and see if you could answer a few questions.

1. Was Mr. Anderson able to give you the technical information he requested?

2. You sent me some language about Best Available Control Technology. I was wondering where this is codified so that I could reference it in a letter to the City?

Also, are there any federal regulations that control emissions and/or odors in the restaurant exhaust context. Someone told me to check OSHA. I also read that the federal government regulates all particulate matter less than 10 microns in diameter. I do not know what that size, nor do I know, despite being worried about my property and health, if the feds should be monitoring output of a local restaurant, but I remain curious.

3. I read with interest your referenced article regarding cooking at high heat. I found the following about a study performed by Tom Kuehn,, a colleague of Professor Gross's. His study revealed that high heat wok cooking is among the most dangerous regarding air quality and emissions. Needless to say, we are concerned about that as well and wonder how that will factor into your recommendations regarding ventilation/odor and emission control requirements. Here is a link:
<http://news.discovery.com/human/fatty-foods-cooking-health.html>

4. In addition, I would like to let you know that I spoke to a representative at Southern Pride. She said they have certain add-ons that filter. They do not contain any "impingement" devices or carbon filters for odors, or "electron collector cells" recommended by the expert (David Kuck) referenced in the document I sent to you. However, Mr. Kuck read the specs of the SPK-500 and stated that whatever exhaust system they sell, it will still produce straight, unfiltered exhaust. So I do not understand the discrepancy. He also said whatever they provide will have no effect whatsoever on odors. The rep acknowledged that. The SPK-500 can smoke up to 500 pounds of product and can be stopped mid-cycle for cooked meat to be taken out, refilled and started over. It is programmed for a full cooking cycle of 10 - 12 hours, but the cycle can be interrupted and uncooked meat can be refilled and the cycle can be reprogrammed. The gas keeps firing until the smoker reaches its set point. Depending on how often the door to the smoker is opened, the gas will have to be refired until the set point is again reached. Most places will use their smoker 15 -16 hours per day. The smoker will not smoke the whole cycle - more often in the first half, but I believe if the cooking cycle is restarted then new wood must be added, gas fired and the smoke begins again. This is my understanding. I may be wrong.

I

I also spoke to someone in the NY restaurant (Smokin' Al's), the neighbors of whom had such awful problems. I provided those articles in the document I sent to you. He confirmed that the smokers they use use about 5 or 6 3"x3" wood *chips*. They do have multiple smokers, but I do not know the size. I assumed they were small. So, even if you used 30 chips in five different smokers, that would not even add up to one log's worth of wood. If Mr. Anderson is arguing that an all-wood smoker produces less smoke because they use less wood then, then a handful of wood chips per smoker would produce way less smoke than wood logs. That turned out not to be the case in NY, despite the fact that the owner had a filtration system. I asked him about all the controversy and he said that if you catch a down draft of the wind, "of course the smoke is going to go into the houses" that were most near the restaurant. I neglected to ask the model, but assume they were smaller. Nor did he say how often they were operated. When I called back to ask about specifics, another gentleman was unwilling to give out any "proprietary" information. They use Cookshack smokers. I called Cookshack and they said their models make very little smoke. This, of course, flies in the face of the articles and actual hearing testimony from residents who described a pretty bad two years of smoke and odors and health problems, unrentable property and drycleaners' clothes smelling of barbecue. 'Needless to say I am confused about that.

We would like the City to require and adequate odor controlling system and particulate/smoke mitigating system.

While there are no regulations that speak specifically to adequately ventilating and cleaning exhaust in Alexandria, the Alexandria City Ordinance does state the following:

Section 11-504 of the Alexandria Zoning Ordinance states, in pertinent part:
Considerations on review.

(A) The city council may approve the application, provided all regulations and provisions of law have been complied with, if it finds that the use for which the permit is sought:

(1) Will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

(2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and

(3) Will substantially conform to the master plan of the city.

(B) In reviewing the application, the city council may take into consideration the following factors where it determines that such factors are relevant and such consideration appropriate:

(6) Whether the proposed use will adequately provide for safety from fire hazards, and have effective measures of fire control.

(8) Notwithstanding any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.

(10) Whether the proposed use will have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

(11) Whether the proposed use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable zone regulations. In determining whether the proposed use will so dominate the immediate neighborhood, consideration may be given to:

(a) The location, nature, height, mass and scale of buildings, structures, walls, and fences on the site; and

(12) Whether the proposed use will destroy, damage, detrimentally change or interfere with the enjoyment and function of any significant topographic or

physical features of the site.

(16) Such other land use and land development considerations the city determines are appropriate and relevant to the application under review.

11-505 Conditions and restrictions. In approving a special use permit, the city council may impose any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.

From the broad enabling language of Section 505, it is clear that the City has the authority to require some type of ventilation system that can efficiently capture odors and harmful emissions.

There are the general requirements to control smoke and odors as well. Do you believe it is possible to have the City require more than exhaust fans directing smoke away from residences. After all, the wind takes this stuff where it wants? Maybe eve into the vents of businesses next door, one which sells clothing that could absorb smoke and odors, and one of which makes baked goods and delicious custard..... Are you familiar with any such particular provisions placed on businesses before opening, either in Alexandria or in another county close to here or in DC? I think you mentioned something about a Popeye's....

Sorry for the length.

I appreciate your help. Feel free to forward this on to whomever. I am finding things out every day but have had little time to absorb it all as I have three kids and they are my real job....

Sincerely,
Lisa McNichols

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

73

RE: Special Use Permit #2010-0011: Hog Thaid, LLC

Brian Shellum

to:

landuse, Barbara Ross, cicely.woodrow, graciela.moreno, elaine.scott, nathan.randall, gwen.wright

04/06/2010 08:44 PM

Show Details

I am a member of the Del Ray Citizens Association and have lived in Del Ray for over nine years. I have a son in high school and a daughter in college.

I have read SUP request 2010-0011 for Hog Thaid, LLC. I love BBQ and am anxious to have it available on the Avenue. I support the SUP as long as modifications are made to the open hours. I do not think hours until 2:00 am are consistent with the Del Ray neighborhood environment and am not aware of any other Del Ray restaurants open into the morning hours. I think these hours will disturb residential neighbors, including children, who need a good night's sleep particularly during the work-week and on school nights. I have a teen-aged son who attends high school at T.C. Williams.

I am also concerned that these extended hours may increase crime as statistics show that most crime occurs in the early morning hours. I ask that you consult the Alexandria police for input on this issue.

I think it would be best to approve hours that are consistent with other restaurants in operation on the Avenue.

I support Del Ray businesses and almost never leave the Avenue to dine. I wish this business great success, yet not at the expense of the character of our neighborhood.

Sincerely,

Brian Shellum
1410 Mount Vernon Avenue
Alexandria, VA

Special Use Permit Application #2010-0011

Michelle Vaughan

to:

To, alsdmf

04/06/2010 06:47 PM

Cc:

CC, erica bannerman, amkdc05, lisadonofrio, cpiereck, Bernardo Piereck, Linda Kelly

Show Details

Dear Nathan and Amy,

I sat down today to write to you a letter about the special use permit application referenced above. After reading my neighbor Mr. Piereck's comments, I have to say that he has said it all, and has said it beautifully. I fully endorse his comments without reservation.

I have lived in my house on 100 E. Oxford since 1998. Before that, I lived in a rowhouse on Leslie that I bought as a single girl in 1993. It was a nightmare of a little house - a former crack house that had been a rental for a million years -- but I loved it and like to think that I nurtured it back to health! Everyone thought I was crazy to move here (especially by myself), but I loved the small town feel and the community spirit. I got married while living in that house, had my first child while living in that house, and still own that house simply because I hated parting with it after we bought the single family home on Oxford. I have loved my 17 years in Del Ray.

I used to be much more active in the DRCA, even bringing my fussy toddler in a body cast to meetings (which I'm sure thrilled everyone!). I loved how the avenue development plan unfolded and the possibilities for the future. I believe in that plan and the positive effect it has had on our neighborhood.

Since living on Oxford, we've had several more young couples move in, which turned to young families. It's a lovely safe neighborhood street that truly does feel like "home". Please don't endanger that environment by approving the SUP as is. We are all very excited about new restaurants to frequent, but the owners need to be just as excited about keeping our residential environment in tact.

We approve the SUP with the concessions as listed in the attached document.

Thank you for all you do for Del Ray.

Sincerely,
Rock and Michelle Vaughan
100 E. Oxford Avenue
22301

Practice Administrator
Washington Center for Weight Management and Research
2300 Wilson Boulevard, Suite 230
Arlington, VA 22201
www.wtmgmt.com

75

Special Use Permit #2010-0011

Paula DeMuth

to:

landuse, barbara.ross, cicely.woodrow, graciela.moreno, elaine.scott, nathan.randall, gwen.wright
04/06/2010 05:39 PM

Show Details

History: This message has been replied to.

Date: April 6, 2010

SUBJECT: Special Use Permit #2010-0011

APPLICANT: Hog Thaid, LLC

LOCATION: 2312 Mount Vernon Avenue

ZONE: Commercial Low

I have lived in Del Ray for over nine years and am a big supporter of Del Ray businesses. I am a member of the Del Ray Citizens Association. I am a real estate attorney.

I have thoroughly reviewed SUP request 2010-0011 for Applicant Hog Thaid, LLC. I am looking forward to the addition of BBQ, sushi, and Asian Fusion to our neighborhood restaurant options. I dine out a considerable number of evenings. I believe these businesses will further enhance a well established and beloved neighborhood. I am concerned, though, about the following requests and ask that the SUP be approved, with the noted modifications:

1. Hours until 2:00 am every night, including outdoor dining.

I believe reasonable hours would be closing at 11:00 every night or possibly remaining open until midnight on Friday and Saturday nights, with outdoor dining to end at 10:00.

Applicant's request far exceeds the hours of operation for any and all similar types of establishments in the area. The real estate directly west of Applicant is residential and other residential real estate is proximate. An elementary school is nearby. Having hours that extend to 2:00am 7 days a week will unreasonably disturb the sleep of residential neighbors during the work-week and during school nights.

I am interested in the Alexandria police department's input regarding the safety issues and increased risk to persons and property that a dining establishment in this neighborhood with these late hours is expected to create. I believe there is a reasonable expectation for crime to increase with these requested hours. According to a study by USA Today, 26% of all crime happens between 12am and 6am. Not only would extended hours likely impact the physical security and property integrity of nearby neighbors, it would increase Police Department costs because of the additional security required during early morning hours and City clean up costs due to litter.

I also question who will be frequenting a restaurant that is open until 2:00am. Although it would be wonderful if these patrons were law enforcement personnel or shift workers, they are more likely to be individuals who have either been at the Applicant's restaurant drinking until 2:00 am or in nearby Old Town or Arlandria and looking for a location in which to become sober. Too, the opening of Monroe Avenue may invite a transient crowd off Route 1 who is not aware of the residential component of the neighborhood. I am concerned these early morning patrons will threaten the safety of persons and motorists in the area and personal property (side swiping cars) of residents. Again, the Alexandria police department's input would be valuable on this issue.

I believe reasonable hours to address these concerns would be closing at 11:00 every night or possibly remaining open until midnight on Friday and Saturday nights, with outdoor dining to end at 10:00.

2. Off street loading hours beginning at 4:00 am.

I believe it would be more reasonable for the loading to be off Mount Vernon Avenue only and not begin before 7:00am to ensure residents/children are not disturbed at 4:00am.

I am concerned that these early morning hours 7 days a week will unreasonably disturb the immediate neighbors and negatively impact the neighborhood.

I want to reiterate that I am an enthusiastic supporter of businesses in Del Ray and will patronize these restaurants. I respect the owners' business expertise and their need to have a business plan that will ensure their financial success. However, Hog Thaid, LLC is choosing to do business in an established neighborhood with Commercial Low Zoning. Therefore, I ask that they not be permitted to adversely impact the character of this neighborhood we all love.

Sincerely,

Paula DeMuth
1410 Mount Vernon Avenue
Alexandria, VA

77

Hog Thaid SUP application

Astin, Rainey

to:

David Fromm or Amy Slack, Nathan.Randall, barbara.ross

04/06/2010 04:49 PM

Cc:

"Lisa Donofrio", "Mary Riley", "Sarah Row", mparks60, "McCabe Fangman", "Ashley Klick", "Heidi Dickens"

Show Details

Barbara and Nathan, the more I learn about this ventilation/health issue, the more questions I have as well especially since Mount Vernon Elementary School is only located one block away from the proposed restaurant.

Do we know how many children in the student body have asthma? What will their options be if this is a problem? Has anyone spoken with the school board?

I apologize for raising this issue after submitting my comments, but I did not fully understand the particles and pollutants which are going to be released into the air (absent a ventilation system which is not proposed by the applicant).

Mount Vernon Elementary School is only one block away, and I'm not sure the majority of the parents of the attending children have any idea about the proposed restaurant. Accordingly, on their behalf, I ask that Planning/Zoning/City of Alexandria thoroughly review/vet the issues/questions set forth in the email below.

Thank you for your time. Respectfully, Rainey Astin

From: Ashley Klick [mailto:amkdc05@yahoo.com]

Sent: Tuesday, April 06, 2010 4:18 PM

To: David Fromm or Amy Slack; Nathan.Randall@alexandriava.gov; barbara.ross@alexandriava.gov

Cc: Lisa Donofrio

Subject: Q (BBQ Restaurant Pork Barrel referred me too)

At the suggestion of Hog Thaid (Mike, Brett and Heath specifically), I contacted David Butler of Q in Midlothian, VA (<http://www.qbarbeque.com/QRestaurants.html>). He operates 2 of the same Southern Pride systems (for 120 seats) that Pork Barrel proposes to use. Heath and Brett thought it would be a fair comparison to what they propose to operate.

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1. They are located in a commercial area between Sam's Club and Wal Mart. Open daily until 9pm.
2. They have 2 stacks in their chimney, 1 return air and 1 vent to pull the smoke. It is a hood system fabricated with a draw and return system. They use dry wood- green wood, approximately 1-2 years old that burns quickly and cleaner than wet wood (which is what I understand Pork Barrel proposes). They use their system for 12-15 hours daily overnight. They turn it on at 5pm and unload at 9am. They use it for quick burn items like ribs and chicken during the day for 3-4 hours.
3. They have it professionally cleaned 4x a year and clean the stack themselves weekly. He said that if you did not clean it regularly you will have really black smoke.
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5. He agreed that if he lived near this restaurant he would be asking these same questions and understood where we were coming from... but he also wanted to be cautious in his remarks because he likes these guys.

6. He suggested that I call a national chain like Famous Daves to see what they do with any restaurant in a residential area. I left a message with an operations VP today. He also referenced the story of Blue Smoke in NYC and what the city made those guys do as part of their clean air act which I believe Lisa McNichols has already shared with you. (<http://nymag.com/content/02/wk22/review.htm>). I have a message in for Danny Meyers the owner of Blue Smoke.

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Ashley Klick
703-362-4204

Ashley Klick
Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>

70

Q (BBQ Restaurant Pork Barrel referred me too)

Ashley Klick

to:

David Fromm or Amy Slack, Nathan.Randall, barbara.ross

04/06/2010 04:18 PM

Cc:

Lisa Donofrio

Show Details

History: This message has been replied to.

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Thank you for your time,

80

Fw: bbq restaurant
Ashley Klick
to:
Nathan.Randall, David Fromm or Amy Slack
04/06/2010 02:03 PM
Show Details

History: This message has been replied to and forwarded.
For your files...

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

From: Margaret Stanton <margaret@guryan.org>
To: amkdc05@yahoo.com
Sent: Tue, April 6, 2010 12:39:34 PM
Subject: bbq restaurant

Ashley,

Thanks for heading up the effort to inform residents about Hog Thaid. I will not be able to attend Thursday's hearing but after reading the information that was circulated, I would like to weigh in. I am mostly concerned about the woodsmoke and would like to ask the owner to consider the state-of-the-art system. I think city officials should know that many Alexandria residents support the city's efforts to be greener, and it seems like a step in the wrong direction to allow businesses to create more pollutants.

My husband and I have been looking forward to the opening of the restaurant and I certainly wouldn't want to deter new businesses from opening on Mount Vernon Avenue, but I would like them to be in keeping with the spirit of the community.

Thank you,
Margaret Guryan
221 E. Oxford Ave.

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COMMENTS: Special Use Permit Application #2010-0011

Bernardo Piereck

to:

nathan.randall, David Fromm or Amy Slack

04/06/2010 02:41 AM

Cc:

barbara.ross, erica.bannerman, Ashley Klick, Lisa Donofrio, Clarissa Piereck

Show Details

History: This message has been replied to.

Dear Nathan and Amy,

Attached, please find my comments supporting with conditions the application by Hog Thaid LLC for Special Use Permit #2010-0011.

I understand that you are receiving several comments from residents and business owners concerning this application. I ask that you keep in mind that the Oxford Avenue neighbors will live with your decision every day and every night. Please remember that just like the Applicant, each Oxford Avenue resident has invested hundreds of thousands of dollars in our homes and our community. I patronize the businesses along Mt. Vernon Avenue and look forward to the additional choices the Applicant proposes to offer.

While Mt. Vernon Avenue provides the small-town "main street" feel, residential side streets like Oxford Avenue are what make a main street possible in the first place. I count on you to ensure that the Applicant operates its business in a way that preserves and protects the existing residential neighborhood and the character of Del Ray.

I thank you in advance for reading the attached comments. If you have any questions, please feel free to contact me via email or via phone at 202-213-2004.

Best regards,

Bernardo L. Piereck
2 E Oxford Ave
Alexandria, VA 22301

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SUP COMMENTS

TO: Nathan Randall, Urban Planner
Del Ray Citizens Association

CC: Barbara Ross, Deputy Director
Erica Bannerman, Environmental Safety

FROM: Bernardo L. Piereck
2 E Oxford Ave
Alexandria, VA 22301

DATE: April 6, 2010

SUBJECT: Special Use Permit Application #2010-0011

For the reasons and subject to the conditions set forth below, I support the Application by Hog Thaid, LLC, d/b/a Pork Barrel BBQ (the "Applicant") for Special Use Permit #2010-0011 (the "SUP").

The Applicant's proposed use of the space located at 2312 Mt. Vernon Avenue (the "Property"), zoned a Commercial Low ("CL"), as a restaurant serving barbecue, sushi and Asian fusion requires certain modifications to preserve and protect the existing residential areas abutting the Property, pursuant to the guiding principles of the Mount Vernon Avenue Business Area Plan approved by the City Council (the "Mt. Vernon Area Plan") and to conform with the CL classification. For the reasons set forth below, I support the approval of the SUP subject to the imposition of the following conditions on the Applicant's operations:

- Hours of operation must be limited to not later than 11:00pm Sunday through Thursday and 12am on Friday and Saturday.
- The Applicant shall install a ventilation system or make any other changes necessary to ensure that odors, smoke, emissions and other particulate matter generally associated with barbecuing and other cooking methods the Applicant proposes to use do not affect nearby residences.
- The Applicant shall require that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress (using Oxford Avenue only between Mt. Vernon Avenue and the Property's parking lot entrance)
- The Property's side door entrance on Oxford Avenue must be used as an emergency exit only (preferably alarmed) and the Applicant shall require all takeout orders to be picked up through the Property's main entrance on Mt. Vernon Ave.
- The off street loading hours (to be off Mt. Vernon Ave. only) shall be limited to Monday through Friday between 7AM and 5PM).

- Audible sounds at the commercial building line shall be limited to levels at or below 50 decibels at all times and no speakers or other amplified sounds shall be permitted outside the restaurant.

Given the special challenges posed by the type of cuisine to be offered by Applicant, I respectfully request that the application be approved subject to a 90-day review period commencing on the restaurant's date of initial operations to allow city staff to consider and address any unforeseen nuisance that may affect the existing residential areas. Subject to these conditions, I support the approval of the SUP as furthering the objectives of the Mt. Vernon Area Plan.

DISCUSSION

1. Hours of operation must be limited to not later than 11:00pm Sunday through Thursday and 12am on Friday and Saturday to conform with Commercial Low Zoning, existing uses and protect the existing residential areas

The Applicant's request to operate the restaurants until 2AM is inconsistent with neighboring uses, the city's zoning ordinances, and poses a significant threat to neighboring residences. To conform with the zoning ordinance and protect the existing residential area on Oxford Avenue, Del Ray Avenue and other nearby residential streets, the Applicant must be required to close its business to the public not later than 11:00pm on weeknights and 12am on weekends. This requirement is consistent with neighboring uses and the family-friendly character of Del Ray.

Section 4-101 of the Zoning Ordinance of Alexandria (the "Zoning Ordinance") requires that uses in CL zones "be conducted at a scale and intensity commensurate with nearby residential development . . . and be of such characteristics as not to be detrimental or a nuisance to nearby residential properties." See Zoning Ordinance § 4-101. The Applicant's proposed operation until 2AM is not commensurate with existing residential uses, threatens to cause a significant nuisance to nearby residential development and is out of scale with surrounding uses.

Extending closing hours to beyond 11pm on weekdays and midnight on weekends threatens the existing residential neighborhood because a 2AM closing time increases the likelihood of liquor-related nuisances to the community including: (i) drunk driving, (ii) loud patrons walking to their vehicles in early morning hours (and thus disrupting residents, many of them children, while they sleep), (iii) public urination, (iv) disorderly conduct, (v) property crime (including trespassing and vandalism), and (vi) littering.

The Property is located within a two block radius of dozens of existing residential homes that house a variety of professionals, stay at home parents, and children. The noise and public safety concerns posed by the operation of a restaurant until the early morning hours will be detrimental and constitute a significant nuisance to these households. This is especially problematic when combined with Applicant's proposal to accept deliveries commencing at 4AM and to cook meat for 12 hours per day. These characteristics of the SUP application combine to describe a 24-hour operation because employees will remain present on the premises to clean up

after closing and prepare the restaurants before opening. This excessive use does not conform with the requirements for CL zoning.

Additionally, the proposed use is inconsistent with existing commercial use along Mt. Vernon Avenue. Businesses along our main street reflect a variety of family-oriented uses ranging from coffee shops and family-style restaurants to yoga studios and specialty boutiques. All nearby businesses close by 11PM on the weekends and by 10PM on weekdays. Most close earlier. Approving a 2AM closing time is inconsistent with neighboring uses, threatens the existing residential uses, and amounts to a material change in the neighborhood's character.

The Applicant's proposal to operate the restaurants until 2AM does not conform with the requirements of the CL zoning applicable to the Property at 2312 Mt. Vernon Avenue. Therefore, hours of operation should be limited to not later than 11PM on weeknights and 12AM on weekends to ensure the business is conducted at a scale and intensity commensurate with nearby residential development.

2. The Applicant must install a ventilation system or make any other changes necessary to ensure that odors, smoke, emissions and other particulate matter generally associated with barbecuing and other cooking methods the Applicant proposes to use do not affect nearby residences

Applicant's request to operate the restaurants without installing a proper ventilation system to capture smoke, odors, and other particulate matter is inconsistent with CL Zoning and existing Virginia air quality regulations. The Zoning Ordinance prohibits any use in CL zoned parcels that are conducted in any manner which would such use noxious or offensive by reason of odors, smoke, emission or other particulate matter. *See* Zoning Ordinance § 4-107. Additionally, Virginia law prohibits any new businesses in the Commonwealth - including restaurants - from discharging into the atmosphere any odorous emission in excess of any emissions that would result if the business used the 'best available technology.' *See* 9 VAC 5-50-150 (defining the Virginia air pollution standard for odorous emissions); *see also* 9 VAC 5-50-240 (stating that the environmental standards apply to all new stationary sources of pollution in the Commonwealth). "Best Available Technology" does not require the absolute best technology available, but rather the best technology reasonably available accounting for the level of emission and odor control, energy and other costs associated with the mitigation measures. *See* 9 VAC 5-50-250(C).

The Applicant proposes to operate a barbecue restaurant smoking hundreds of pounds of swine, bovine and avian meat daily without the use of *any* technology to capture odors, smoke, or other particulate matter. Applicant's sole proposed mitigation measure - venting such emissions two and a half stories up into the atmosphere - is insufficient to protect existing residential uses from the nuisance associated the smoke and smells associated with this activity. While the *best available technology* standard does not require the Applicant to take all measures available to address the problem, it does require the Applicant to take *some* reasonable measure to capture the smoke, odors and particulate matter before they are expelled into the air.

While the applicant has claimed in public statements that the smoker it intends to use in the restaurant - a hybrid gas/wood smoker - will produce less smoke than a traditional all wood

smoker, the Applicant has failed to show that this claim is true even in the absence of a suitable ventilation and filtration system. Even assuming that Applicant's claims with respect to smoke are true, Applicant has not addressed how the switch from wood to hybrid smoking will reduce the odor and particulate matter associated with barbecuing hundreds of pounds of animal meat for 12 hours per day, seven days per week, year round. Unless the applicant installs a suitable filtration system, the smell of cooking flesh threatens to permeate the air and cause a significant nuisance to existing residences.

This condition is required not only to conform with the zoning ordinance and the laws of the Commonwealth of Virginia, but also to protect the general health and welfare of nearby citizens. Some of the residents living within one block of the restaurants suffer from asthma and other respiratory conditions that could be exacerbated by inhaling the emissions from the proposed restaurants. Additionally, Mt. Vernon Community School, which provides primary education services to 624 K-5 students (as of September 2009) on a year-long calendar, sits just 300 feet from the proposed restaurants. Any health risks posed by the restaurant's emissions will affect not only by nearby residents but also by these hundreds of young children.

For these reasons, approval of the SUP application must be conditioned on the Applicant's installation of a proper ventilation system to conform with the Zoning Ordinance, Virginia Law and to protect the health and welfare of dozens of residents and hundreds of schoolchildren.

3. The Applicant shall require that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress to minimize the noise and traffic impact on existing nearby residences

The Applicant proposes to offer food delivery services and has proposed to receive twenty weekly deliveries of food and supplies for the three restaurants. These proposed deliveries threaten to increase vehicular traffic on Oxford Avenue to levels that are inconsistent with the street's designation as a local street pursuant to the City of Alexandria Comprehensive Transportation Master Plan (the "Traffic Master Plan"). According to the Traffic Master Plan, "the primary purpose of local streets is to provide direct access to individual homes, mixed use shopping and business areas . . . *that do not have direct access from higher classified facilities.*" (emphasis added). The Applicant's restaurant is located on Mt. Vernon Avenue, a street classified by the Traffic Master Plan as a Primary Arterial, the highest classified street classification.

Because the Applicant's restaurant is located on a Primary Arterial road, and to minimize the traffic impact on nearby residences, the Applicant should be required to route all deliveries to and from the restaurant through Mt. Vernon Avenue, and limit the use of Oxford Avenue solely as an access from Mt. Vernon Avenue to the parking lot on the rear of the building.

4. The Property's side door entrance on Oxford Avenue must be used as an emergency exit only (preferably alarmed) and the Applicant must require all takeout orders to be picked up through the Property's main entrance on Mt. Vernon Ave.

The Applicant does not describe in the narrative description attached to the SUP application how it intends to use the side door contained in the attached project drawings. To protect the existing residential area on Oxford Avenue, approval of the SUP should be conditioned on the use of this door solely as an emergency exit. Oxford Avenue is a small residential street. Permitting Applicant to conduct business through an entrance on Oxford Avenue threatens to change the nature of the street, increase traffic and increase illegal parking and illegal stopping on the street. For these reasons, the Applicant should not be permitted to conduct its business through Oxford Avenue.

CONCLUSION

For the reasons and subject to the conditions set forth above, I support the Applicant's Special Use Permit application. I respectfully request that the City include the restrictions enumerated above in any approval of the SUP to ensure compliance with the Zoning Ordinance, the Mt. Vernon Area Plan, and to protect the general health and welfare of nearby citizens.

BBQ in Del Ray
Nicole Knowles
to:
nathan.randall
04/06/2010 12:00 AM
Show Details

History: This message has been replied to and forwarded.
Dear Mr. Randall:

Although not a resident of Del Ray, I frequent the Del Ray restaurants and shops, and have friends in the neighborhood. I recently read on www.delraycitizen.org about the SUP request by the a BBQ establishment (SPECIAL USE PERMIT #2010-0011)

I am very concerned about the environmental/community impacts of approving their request as stated in their application. I question the submitter's notation of "typical" noise and odor levels in conjunction with a BBQ restaurant (with a wood smoker, I have been told) that is requesting hours of operation starting as early as 7:30am and remaining open until 2am (7 days p/wk).

I strongly urge you to recommend that the hours be based on an 11pm closing time, just like so many other restaurants operating in Del Ray. Additionally, please insist that these business owners do ALL that is necessary to mitigate the health risks associated with a smoker.

Thank you,
Nicole Knowles



Fw: Letter regarding late night bar hours in DelRay
Mary Lou Collins to: nathan.randall

04/05/2010 09:18 PM

History: This message has been replied to and forwarded.

my previous message bounced --

Mary Lou Collins
104 E Oxford Ave

--- On Mon, 4/5/10, Mary Lou Collins <marylou238@yahoo.com> wrote:

> From: Mary Lou Collins <marylou238@yahoo.com>
> Subject: Letter regarding late night bar hours in DelRay
> To: alsdmf@earthlink.net, nathan.randall@alexandria.gov
> Cc: "Lisa Donofrio" <lisadonofrio@hotmail.com>, michellevaughan@comcast.net,
keithstaples@comcast.net, "Monica Sheehy" <mnreinert@hotmail.com>, "Linda
Jacobs" <lindaajc3@gmail.com>, "Clarissa Piereck" <cpiereck@gmail.com>,
"Bernardo Piereck" <piereck@gmail.com>, "annie" <tetaannie@mac.com>, "Martha
Davis" <mdavis@nvcc.edu>, "Ashley Klick" <amkdc05@yahoo.com>,
marylou238@yahoo.com
> Date: Monday, April 5, 2010, 9:05 PM
> Dear Amy and Nathan,
>
> I am writing to express my opinion agaist late night bar
> hours in DelRay and submit this letter to the Land Use
> Committee and to the city of Alexandria.
>
> The SUP for the new restaurants at Mr. Vernon and Oxford
> Ave requests operating hours until 2 AM seven days a
> week. I am writing this letter to explain why I
> believe that request should be denied.
>
> If two bars in DelRay are authorized to operate until 2 AM,
> it will be very difficult to deny the opportunity to others
> who request the same. In time, it is likely that
> others, e.g., Los Tios, Evening Star, FireFlies, LaStrata,
> will expect to share in the commercial nightlife. If
> profitable, there will be new vendors. DelRay would
> become a destination for after the game, after the play, or
> after the at-home party. Therefore, the request for
> the Sushi Bar, and the Barbecue Bar, to be open until 2 is
> precedent setting for the community.
>
> At present, Mt. Vernon Ave is *somewhat* quiet after 11;
> restaurants and bars close down at 10 or 11, midnight on
> week-ends. With a new bar scene, it will not be the
> same. Patrons from each late venue would head for home
> - walking and/or driving - between 11 and 2
>
> Many people in DelRay work traditional hours, sleeping
> between 11 and 6, leaving for work in the morning.
> Children sleep between 9 and 6, wake up and go to school.
> Babies (hopefully) sleep at night. This decision would
> change the tone of the community between 11 and 2 and we on
> Oxford Ave would not be the only ones affected.
>
> I encourage those beyond the perimeter affected by the 2

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> bars making the request now, to consider how this decision
> will affect their neighborhoods and our community.

>
>
>
>

FW: Del Ray LUC meeting - Hog Thaid SUP application

Sarah Mehaffey

to:

barbara.ross, nathan.randall

04/05/2010 10:42 AM

Cc:

rastin, raineya

Show Details

Good morning Barabara & Nathan,

I wanted to copy you on an email I sent to the Del Ray Land Use Committee outlining my concerns with SUP application 2010-011, associated with a restaurant use on Mt. Vernon Avenue, currently zoned CL within the Mt. Vernon business overlay district. While I support the proposed restaurant uses associated with the tenant's application, I oppose granting the property the operational leeway requested in the application; namely, remaining open until 2 am 7 days a week with loading hours beginning at 4 am everyday except for Sunday. I also request more specific commitment on the part of the applicant to define the operational limits of the outdoor seating area referenced in the application. I hope that you will take these concerns under consideration when you review the application.

To Whom it May Concern:

I am a resident of Del Ray at 1408 Mt. Vernon Avenue and a member of the Del Ray Citizens Association. I have read the Application for Special Use Permit submitted by Hog Thaid, LLC seeking several exceptions to/expansions of the Commercial Light Zoning restrictions associated with their tenancy at the new office building at 2312 Mt. Vernon Ave. I fully support the restaurant uses outlined in the application; however, I do not support several of the operations-related exceptions which the applicant requests, as they clearly conflict with the stated intent of the Commercial Low Zoning category which defines this area of Del Ray, and they are without precedent in even the most densely developed parts of all of Alexandria City. In making its recommendation to the city on this SUP application, I strongly urge the Land Use Committee to suggest additional conditions limiting or modifying several of the applicant's requests:

- Proposed hours of operation of restaurant: The applicant requests to operate the restaurants Sun-F 11:30 am to 2 am, and on Saturday from 7 am to 2 am Sunday morning. It is unclear what hours of operation would apply to the "city-suggested" outdoor dining area, but it is assumed that it would be open for the same spans of time. The applicant qualifies the type of activity & noise levels as "typical family style restaurant levels;" however, the proposed late hours of operation indicate that noise & activity levels could exceed that of a family-oriented establishment and would definitely adversely impact the residential neighbors who live in such close proximity to the property. Furthermore, there is no question that the proposed hours of operation introduce a use and activity level far more intense than any currently on the Avenue and in fact more intense than even the Central Business District & restaurant/bar district in Old Town, most of whose restaurants & bars are open until 2 am on Fridays & Saturdays only. Three different restaurants, all open until 2 am every day of the week, within one property of residences, most certainly flies in the face of the Commercial Low Zoning category which so appropriately defines this area: *"Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed and designed so as to be in character with such development and be of such characteristics as not to be detrimental or a nuisance to nearby residential properties."*
 - **As a resident close to restaurants with outdoor seating, I strongly urge the LUC to recommend limiting the hours of operation of these 3 establishments to an 11 pm closing on weekdays and 1 am closing on Fridays & Saturdays, with further reduced hours associated with any proposed outdoor seating area.**
- Proposed outdoor seating: The application is unclear as to how the proposed outdoor seating area(s) would be designed, managed, and utilized. The Zoning Ordinance seems to require some sort of additional permit or at the very least a detailed description in the SUP application on how this area would operate.

"4-107 Use limitations. (A) All operations shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis."

- o **As a resident close to restaurants with outdoor seating, I strongly urge the LUC to request additional information in the application regarding the proposed outdoor seating area - hours of operation, means of noise & litter control (where & how many street-front trash receptacles? Frequency of "monitoring?" Location, number, & means of monitoring CCTV security cameras?) I also urge the LUC to consider suggesting a yearly permit be pursued, based on the seasonal nature of the outdoor seating area, so that the business has the opportunity to address residents' concerns on a regular and ongoing basis.**
- Proposed loading schedule: The application indicates that loading/unloading shall occur unsupervised as early as 4 am on most days of the week. Between a 2 am close and a 4 am delivery schedule, it is clear that activity could be occurring at this property on close to a 24/7 basis. This no doubt will adversely impact the surrounding residences, creating constant disturbances related to noise, trash, litter, parking, etc. with little recourse for any affected residents.
 - o **I strongly urge the LUC to recommend that the applicant limit loading times to weekdays between 6 am & 6 pm, including all deliveries and trash pick-up.**
- Parking Count: The applicant may want to double-check their proposed parking tabulation; based on the Zoning Ordinance, 27.2 parking spaces are required which rounds up to 28. The application & attached site plan indicates only 27 parking spaces. Additionally, the "loading" space is not indicated on the site plan - is it on the street, or is it one of the 27 parking spaces? This would further reduce the proposed number of spaces unless some sort of non-simultaneous use could be described, which given the proposed loading & operation hours seems unlikely.

Thank you for your consideration.

Sincerely,
Sarah Mehaffey
1408 Mt. Vernon Ave.

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

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SUP BBQ

shaznms

to:

nathan.randall

04/05/2010 07:47 AM

Show Details

History: This message has been replied to.

Dear Mr. Randall,

As a former resident of Del Ray and frequent visitor to the restaurants and shops, I am deeply concerned about developments surrounding the operations of SUP BBQ. As a former professional chef, there are legitimate health issues that will arise from placing this establishment in a predominantly residentially zoned area. Furthermore while I support the growth of Del Ray through new business development, it concerns me that you would be considering allowing this business to stay open until 2:00 am. As a former resident in the mid 90's I can tell you that citizens have worked very hard to mediate all of the issues pertinent to crime and this includes extended hours for businesses. While I lived on Mount Vernon Ave, even the 7-11 did not stay open past midnight due to the unsavory clientele these hours tend to attract.

I urge you to recommend that the hours be altered to fit in with the other businesses operating in Del Ray in order to preserve the Avenue feel. I also strongly urge you to insist that these business owners do ALL that is necessary to mitigate the health risks associated with wood smoke. Your thoughtful attention to these issues is vital to the success of the neighborhood and I so appreciate your help. Taking the necessary steps now to safeguard the citizens will pay off exponentially with future generations.

Sincerely,

Shazalynn Cavin -Winfrey

703-549-2449

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Re: Fw: COA Contact Us: Special use Permit #2010-0011 

Barbara Ross to: lindajc3
Cc: City Council, Faroll Hamer
Bcc: Nathan Randall
This message is digitally signed.

04/02/2010 04:56 PM

Dear Ms. Jacobs:

This responds to your email to Mayor Euille enumerating concerns about the application for a new restaurant at 2312 Mount Vernon Avenue. We too attended the open house hosted by Mike Anderson the other night and listened to the comments there. We thank you for the information you provided in your email and share with you the following:

First, the application for the new restaurant is currently before the city as a special use permit, which is required for any restaurant in the CL zone. The SUP process is designed to ask the very questions you have raised and to determine as an overall matter whether the proposed use will be compatible with its surroundings. We are in the middle of that process now. The matter is scheduled for hearing on May 4 at the Planning Commission, and on May 15 before City Council. You may participate in these public hearings, which are required precisely to allow all interested parties to speak and share their views with the decision makers.

In addition, prior to the public hearings, Planning and Zoning staff will provide a staff report with its recommendations and, if the recommendation is for approval, with those conditions staff feels are necessary. Almost all restaurants in the City operate under the authority of a special use permit, and under those conditions imposed by the City to ensure that the operation will be able to coexist with its neighbors and with the neighborhood as a whole. Staff is currently reviewing the 2312 Mount Vernon Avenue application and determining what impacts can be expected from the restaurant and whether there are conditions the City can require which will ameliorate those impacts. While it is too early in our work to determine precisely what any conditions for the restaurant may be recommended, I can assure you that we are looking at the issues of restaurant hours, smoke and odors, traffic and parking, lighting in the parking lot and delivery locations and hours. In addition, it is a standard part of the SUP process and building permit process that restaurants must comply with all aspects of the Building Code, the Fire Code, and Health Department regulations, including accessibility requirements. No restaurant may open that does not meet the requirements of those agencies, and they are reviewing the SUP application now.

We hope this information is helpful to you and encourage you to continue to participate in the SUP process by sharing your views in the form of letters and testimony. If we can provide additional information to you, or answer any questions, please do not hesitate to contact us.

Barbara Ross
Deputy Director
Planning and Zoning Department
(703) 746-3802

Faroll Hamer

Faroll Hamer

04/02/2010 02:10:02 PM

----- Forwarded by Beth Temple/Alex on 04/02/2010 12:31 PM -----

COA Contact Us: Special use Permit #2010-0011

Linda Jacobs Bruce Condit to: william.euille

04/02/2010 09:19 AM

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Please respond to Linda Jacobs Bruce Condit

Time: [Fri Apr 02, 2010 09:19:50] **Message ID:** [20502]

Issue Type: William D. Euille
First Name: Linda Jacobs
Last Name: Bruce Condit
Street Address: 106 E Oxford Avenue
City: Alexandria
State: VA
Zip: 22301
Phone: 703-529-2713
Email Address: lindajc3@gmail.com
Subject: Special use Permit #2010-0011
Comments: Dear Mayor Euille:

We've resided on E. Oxford Avenue in Del Ray for almost 30 years and have greatly appreciated and benefited from the improvements to Del Ray and Mt. Vernon Ave that have occurred over the years. We survived Mac's bar and finding drunks asleep on our front porch, and now enjoy a wide variety of amenities that make Del Ray one of the best neighborhoods in the metro-DC area! We're excited about having even more variety in restaurant options in our immediate Del Ray neighborhood.

However, we're compelled to share with you our concerns about the special use permit (SUP) requested at 2312 Mt. Vernon Ave (tax map reference 034.02-08-08).

We took the opportunity to meet w/ Mr. Anderson and his business partners during an "open house" held at the Mt. Vernon Recreation Center on March 31, 2010. Unfortunately, we felt that the information provided did not sufficiently address our concerns, despite having asked very direct questions. We specifically asked about request for very late hours of operation, ventilation and filtration system to manage potential smoke/particulate pollution, the side-street entrance, restrooms and ADA

compliance.

Mr. Anderson stated at the beginning of the meeting that he'd read all of the correspondence on the Del Ray Citizens Group list-serve, and used this information to prepare an agenda for the meeting. However, we felt that he otherwise came to the meeting "empty-handed". This was an ideal opportunity for him to acknowledge neighborhood concerns and provide documentation and evidence on how he would rectify or minimize the problems. Unfortunately, this was not the case and his comment was to "just trust us, we'll do right by Del Ray."

#1 Commercial service low zone

Del Ray is designated as a CSL zone neighborhood (Sec. 4-300 CSL), allowing light service and businesses to operate in a manner that maintains the character of the neighborhood's residential areas and properties. However, it seems that many of the requests in the SUP may not be in compliance with that designation, potentially resulting in a nuisance factor or even detriment to the nearby residential properties.

#2 Hours

of operation:

This is a primarily residential neighborhood – the request of 2:00 am closing hours are not consistent with Mr. Anderson's description that this restaurant is a "family style" restaurant/bar. This request is also significantly later than the business hours for neighboring restaurants within a six-to-ten block radius.

Also, in reviewing the websites for Mr. Anderson's other restaurants, their closing times are 12:30 am Mon-Sat, 11:30 pm Sunday. It should be noted that all of the other establishments managed or owned by Mr. Anderson are in more commercial areas of Alexandria City. When asked why a later closing hour in a more residential neighborhood, the rationale given was to "capture a younger crowd that often enjoys late-night drinks in lounges/bars." One

partner stated this would "still be family-oriented – parents could go out for a drink after putting their children to bed for the night."

Our

concern is for excessive noise late at night as well as the potential for drunken drivers. Late-night restaurant/bar patrons are typically NOT families, and could potentially be more rowdy/noisier in the late night/early morning hours. In addition, bar patrons are also typically NOT families, and could also be noisier and driving with impaired judgement.

We request closing times of no later than 11:00 pm Mon-Sat and 10:00 pm Sunday, and outdoor dining ending by 10:00 pm nightly. This will maintain consistency w/ other restaurants in this neighborhood of Del Ray.

#3 Proposed food delivery times:

According to the SUP, Mr.

Anderson requests a 4:00 am food delivery time. He stated that the driver would turn off the truck engine. Mr. Anderson stated that this is based on a single driver being assigned to this location with one particular delivery company. Furthermore, the driver would have keys to the restaurant so that he could place all foods in the cooler – all without supervision.

We object to the 4:00 am delivery time, as it may violate Alexandria City noise ordinance, especially with the noise and exhaust pollution. It has been our experience that trucks making deliveries to other businesses in the area typically do keep the engines running during deliveries – this is noisy and increases air pollution.

We request

deliveries to occur no earlier than 7:00 am, with trucks parking ONLY on Mt. Vernon Avenue, engines off. If the requested 4:00 am delivery time was approved, and if the 2:00 am closing time were also approved (employees not leaving until 2:30 or 3:00 am), then activity would occur at the restaurant

for almost 24-hours daily. This is an unreasonable burden for the neighborhood.

#4 Health effects from pollution due to smoke, odor, particle and/or noise: related ventilation/filtration system, and/or roof-top hvac equipment

Mr. Anderson has stated that he intends to purchase a Southern Pride model SPK-500 combined gas/wood bbq smoker. The operation manual clearly states this requires daily cleaning of wood/ash debris and oil/grease as well as filters and ducts. Otherwise, proper filtration and function of the smoker could be compromised, and may result in fires.

When specifically asked about reducing undesired emissions from the smoker, Mr. Anderson's response was that "Southern Pride had no solutions, since (according to Southern Pride) this problem had not previously occurred." However, several residents of Del Ray have undertaken informal research into the problems as well as solutions of bbq smoker emissions. It has been found that the satisfactory solution to the problem is installation an extensive filtration system.

In addition, according to information obtained from Southern Pride website, if the floor plan included within the SUP is correct, the position of bbq smoker is not properly configured. The floor plan also does not provide any location for firewood storage.

Furthermore, despite asking the question, there was no information given regarding proper exhaust/filtration/ventilation of the asian fusion wok cooking equipment. This portion of the restaurant is immediately adjacent to the Dairy Godmother. It would be important to separate the exhaust from intake, and especially separating bbq exhaust from intake for neighboring businesses (Dairy Godmother, St. Elmo's, UPS store). The absence or improper placement of appropriate exhaust/filtration/ventilation system may result in a negative impact on

that adjacent business.

#5 Increased traffic/parking:

Again, this

is a primarily residential neighborhood and we question whether there is sufficient parking allocated for the expected number of patrons. Even now, patrons to the area often have trouble finding parking spots, and we often find our driveway partially or totally blocked because of this. This would further compound the problem of inadequate parking available to businesses currently established within the same block.

We also have concerns

for ongoing speeding as well as parking violations, especially if the side-entrance (possibly "take-out") door remains on the E. Oxford Ave side of the property. Patrons coming to pick up their order may find it easier to "sit" on E. Oxford Ave (currently designated as a "no parking" zone) while they dash in/out rather than park in the designated lot. This creates significant traffic and safety hazards.

In addition, the

take-out delivery driver (to be hired by the restaurant) often may have limited time to make appropriate delivery. Even w/ a stop sign at the intersection of E. Oxford and Clyde, we've seen numerous drivers run through that intersection even during Mt. Vernon Elementary School arrival and dismissal times. It's possible that this to-be-hired driver may perform in a similar fashion, and the consequences concern us greatly.

#6 Inadequate toilet stalls for the number of patrons:

In

discussing the number of toilet stalls proposed on the floor-plan included with the SUP, the architect indicated that that was not the latest, correct floor plan. Even with that information, the SUP lists the potential of about 170 seats for restaurant/bar patrons.

From what we have seen, the outdated floor plan in the SUP shows only one water closet per sex, plus one "lavatory" with three water closets but no entry-door to the lavatory. We are totally confused as to the use of the three-person water closet – there is no door to protect the patrons from potential noise, odor or to provide privacy. This adjoins both the kitchen and one of the dining rooms. If this is to be a "unisex" lavatory, this is in violation of the code requirement of separate facilities for each sex (Chapter 29, Paragraph 2902.2 of the Alexandria City Building Code, 2006 Virginia Building Code), as well as in violation Chapter 4 of the 2006 Alexandria City Plumbing Code.

Further, it is our understanding that, per Chapter 29 of the Alexandria City Building Code (2006 Virginia Building Code) and Chapter 4 of the 2006 Alexandria City Plumbing Code, 1 water closet is required per sex for each 75 patrons in restaurants and for each 40 patrons in bars. This is a combination restaurant/bar, and even using the 75 patron requirement there seems to be an inadequate number of designated water closets per sex in the design.

In addition, there is no information on the outdated plan that guarantees accessibility of these water closets or restroom facilities for persons with disabilities (per accessibility guidelines of the Americans with Disabilities Act). In discussing this with the architect at the conclusion of the meeting, Mr. McAllister stated that Mr. Anderson's criteria was to maximize seating in the dining areas. This resulted in him designing restroom facilities that were not in conformance with ADA guidelines.

#7 Security and

lighting in the parking lot:

What security measures will be provided in

the parking lot, to protect both patrons as well as neighbors in the

immediate area? Due to time restrictions, we were unable to ask this question.

We request that the exterior parking lot lighting be designed so that the parking lot is illuminated towards the back of the building, and not aimed into neighboring houses.

#8 Waste management/pest

control:

Although the SUP states that waste will be picked up four days each week (Monday, Wednesday, Friday, Saturday) the SUP does not state at what hours of the day this will occur.

We request that waste pick-up occur no earlier than 7:00 am weekdays and 9:00 am weekend, and no later than 7:00 pm each day.

Furthermore, there is no proposal for adequate management of pest control. While there is probably no neighborhood that is totally pest-free, we want to keep the pest problem at a minimum.

Again, we are looking forward to having these restaurants in Del Ray!

We are in support of this new business venture but with the requested concessions. We hope these issues can be appropriately resolved before the occupancy permit is issued. We also specifically request that our concerns be addressed in the SUP, with an additional clause for re-evaluation in 90 days, as well as with a one-year review.

Thank you for giving our

requests due consideration. We look forward to further discussing this SUP at the next Land Use Committee meeting on April 8, 2010.

--

Linda

Jacobs

Bruce D. Condit
106 E Oxford Avenue
Alexandria VA

RE: Invitation

Jill Erber - Cheesetique

to:

'David Fromm or Amy Slack', 'Tina Richardson', 'Maria Wasowski'

04/02/2010 02:25 PM

Cc:

""David Fromm"", ""Barbara Ross"", ""Nathan Randall""

Please respond to jill

Show Details

Dear Amy,

Thank you so much for the opportunity to present written comments regarding the SUP application by Hog Thaid, LLC. We will, of course, prepare more lengthy comments for the official Planning Commission and City Council Hearings, but for now allow us to submit this statement for your committee's review.

The Del Ray Business Association whole-heartedly supports SUP application #2010-0011 as filed.

Again, thanks for inviting us to comment. We'll see you at the Land Use meeting on the 8th.

Sincerely,

Jill Erber and the Del Ray Business Association Executive Committee

P.S. Barbara, Nathan, and David, I continued to copy you on this email in case you need our comment for your records.

Jill Erber, Proprietor/Cheese Lady
Cheesetique Specialty Cheese Shop / Cheese & Wine Bar
Celebrating our 5-Year Anniversary!

2411 Mt. Vernon Avenue
Alexandria, VA 22301
jill@cheesetique.com
www.cheesetique.com - sign up for our newsletter!

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

From: David Fromm or Amy Slack [<mailto:alsdmf@earthlink.net>]

Sent: Friday, April 02, 2010 11:23 AM

To: Jill Erber; Tina Richardson; Maria Wasowski

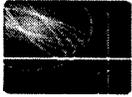
Cc: David Fromm; Barbara Ross; Nathan Randall

Subject: Invitation

Ms. Jill Erber, President
Del Ray Business Association
owner, Cheestique

Ms. Erber,

I invite you and DRBA Executive Board to provide written comment for consideration by the Del Ray Citizens Association Land Use committee concerning application SUP#2010-0011 by



Fw: From the Sierra Club regarding the BBQ SUP
Erica Bannerman to: Nathan Randall, Barbara Ross

04/01/2010 04:45 PM

Not sure if you received this email....

Erica Bannerman
Senior Environmental Specialist
City of Alexandria T&ES, Office of Environmental Quality
Phone: 703-746-4067 (NEW NUMBER)
Fax: 703-519-8354
email: erica.bannerman@alexandriava.gov

ECO-CITY ALEXANDRIA

In keeping with Eco-City Alexandria please consider the environment before printing this e-mail.

— Forwarded by Erica Bannerman/Alex on 04/01/2010 04:49 PM —

From: Ashley Klick <amkdc05@yahoo.com>
To: David Fromm or Amy Slack <alsdmf@earthlink.net>, Erica.Bannerman@alexandriava.gov
Cc: Lisa Donofrio <lisadonofrio@hotmail.com>
Date: 03/30/2010 07:48 AM
Subject: From the Sierra Club regarding the BBQ SUP

Good morning-

I thought you may take into consideration the links and comments from the Virginia Sierra Club. Thank you for your review-

Ashley Klick
109 E Oxford
703-362-4204

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

From: Mary Kadera <marykadera@gmail.com>
To: Ashley Klick <amkdc05@yahoo.com>
Sent: Tue, March 30, 2010 4:48:30 AM
Subject: Re: Woodsmoke in Alexandria, VA

Hi Ashley,

You've probably already come across these federal resources, but here they are again:
<http://www.epa.gov/burnwise/healtheffects.html>
and another page about the information on particulate matter that's emitted from wood smoke:
<http://www.epa.gov/air/particlepollution/index.html>

Beyond the health risks, I think you would also want to remind the city of the following:

- The City made a commitment in 2005 to be a "Cool City" (Mayor Euille signed an agreement with other mayors across the country to reduce carbon emissions). Permitting new establishments like this one are a step in the wrong direction to

reducing emission of greenhouse gases in Alexandria.

- Doesn't seem to support the City's own Eco-City Alexandria initiative, which strives to create "places where people can live healthier and economically productive lives while reducing their impact on the environment."
- The City just spent millions of dollars fighting with the owners of the Mirant Power Plant in Old Town, trying to get the plant closed or cleaned up, based largely on the concerns about the particulate matter that the plant was emitting as a health risk to nearby citizens. Obviously, the Mirant plant was emitting much more particulate matter than this restaurant would, but still-- it could be argued that it's counterproductive to bring in new point sources for particulate matter pollution...

Hope this helps.

On Mon, Mar 29, 2010 at 8:51 PM, Ashley Klick <amkdc05@yahoo.com> wrote:

Thank you so much! We are working with Erica Bannerman in the City's Environmental Group. We have a Land Use Committee Meeting on April 8 with the city and residents so please let me know if you discover anything!

Best,

Ashley

Ashley Klick

Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>
Have Fun Learning with Kobold Toys, <http://www.koboldsblog.com/>

From: Mary Kadera <marykadera@gmail.com>

To: Phillip Ellis <phillip.ellis@sierraclub.org>; amkdc05@yahoo.com

Sent: Mon, March 29, 2010 8:17:54 PM

Subject: Re: Woodsmoke in Alexandria, VA

Hi Ashley,

Thank you for contacting Sierra Club with your concerns. I'm the chair of the local Sierra Club group and I'll try to look into your question for you. I don't have the information you need right off the top of my head, but I'll see if there are others in our group who could help.

Best wishes,
Mary Kadera

On Fri, Mar 26, 2010 at 9:28 PM, Phillip Ellis <phillip.ellis@sierraclub.org> wrote:
Ashley,

Thank you for reaching out on this issue which is obviously of great importance to you. My area of expertise lies in Smart Growth/Transportation, so I am not much help in providing a specific answer to your question. However, I have bcced some other Sierra

Club volunteers who I hope can be of assistance. I will monitor the response you get, and make sure you get an answer to your question.

Thanks again for writing. I live in Old Town, and visit Del Ray quite frequently. Especially the Dairy Godmother with my two daughters.

Phillip

On Wed, Mar 24, 2010 at 8:41 PM, Ashley Klick <amkdc05@yahoo.com> wrote:

Hi Phillip-

I am writing for some advice and guidance. I live in Del Ray, a neighborhood in Alexandria, VA. It is a residential area with a main street feel. We live off the main avenue. A restaurant has recently filed a Special Use Permit to open a 170 seat BBQ/Asian Fusion/Sushi establishment. While we don't know much about the Asian Fusion smoke side of it, we have learned the following:

- * They are using a hybrid gas/smoker.
- * It will operate 10-12 hours a day, 7 days a week.
- * The ventilation system is non-descript and what a normal restaurant would have
- * The applicant describes it as being the quantity of smoke that a neighbors fireplace would emit (although in Alexandria rarely are chimneys operating 12 months a year for 12 hours at a time!)

Obviously, my neighbors and I have strong concerns about the pollution and health risks associated with wood smoke. We can find a lot of research about woodsmoke impact on the West Coast, but have not had much luck in finding cases or examples of squashing or regulating this in Virginia.

If you have any ideas or can direct me to materials that may help us educate more of our neighbors and the officials voting on this permit on the dangers of woodsmoke, I would be grateful. I can be reached via cell at 703-362-4204.

Thank you!
Ashley

Ashley Klick
Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>
Have Fun Learning with Kobold Toys, <http://www.koboldsblog.com/>

SUP for Del Ray restaurant
sue setliff
to:
nathan.randall
04/01/2010 05:53 PM
Show Details

History: This message has been replied to and forwarded.
Dear Mr. Randall,

I have recently learned about the SUP for a BBQ establishment in Del Ray. While I have very real concerns about the environmental impact of this restaurant, I am also very concerned about discussion to have it open until 2am, 7 days a week.

I have owned a house in Rosemont for 10 years, but am a frequent visitor to Del Ray to see friends, shop, eat at restaurants, and play.

I believe that allowing the hours to increase past 11pm will be very detrimental to this neighborhood. It will change the face of the "Avenue" and have a real impact on the residents who live there.

I urge you to recommend that the hours be altered to fit in with the other businesses operating in Del Ray. I also strongly urge you to insist that these business owners do ALL that is necessary to mitigate the health risks associated with wood smoke.

Businesses should be a great addition to residential neighborhoods, and a restaurant that complies with current hours and does everything to mitigate health risks, is a welcome neighbor.

Thanks for your t

--
Sue Setliff
306 West Masonic View Avenue

FW: Pork BBQ- new neighbor comments

Astin, Rainey

to:

Barbara.Ross

04/01/2010 04:54 PM

Cc:

Cicely.Woodrow, Graciela.Moreno, Elaine.Scott, Nathan.Randall, Gwen.Wright, "Ashley Klick", "Lisa Donofrio"

Show Details

History: This message has been replied to.

Good afternoon. I wanted to send you a copy of the email I sent Mike Anderson earlier. I have learned more about the proposed use in the interim, and I want to also request that the City require that they install an appropriate ventilation system and not be allowed to simply vent from the roof without any air-cleaning system in place. Thank you.

Rainey Astin

1406 Mount Vernon Avenue

From: Astin, Rainey

Sent: Thursday, April 01, 2010 1:04 PM

To: 'mike@mangomikes.com'

Cc: 'Daniel Mehaffey'; 'Rainey Astin'; 'Paula DeMuth-Work'; 'Sarah Row'; 'Heidi Dickens'; 'Brian Shellum'; 'stephanie.cabell@prodigy.net'; 'jsecommunity@gmail.com'; 'hautsl@yahoo.com'; 'Ashley Klick'; 'Lisa Donofrio'; 'Parks, Matthew HQ02'

Subject: Pork BBQ- new neighbor comments

Hi Mike (and Bill and Heath and all of your other partners)! I attended the meeting last night, and I am excited about this new venture for you and your partners. As a commercial real estate attorney, I can very much appreciate the hurdles you may have faced to get this business plan off the ground, especially in the current financial climate. I know you have invested a great deal of time, money, and brainpower into this venture, and I very much want to support you and see you succeed.

As a resident of Del Ray (I have lived in the neighborhood for over 10 years now; and I live at the other end of the Avenue on Mount Vernon), I feel compelled to reach out to you personally to ask that you reconsider some of your SUP requests so that everyone can WIN from this venture.

Speaking for my immediate neighbors (which include another experienced real estate attorney for GSA, an architect, a hospital administrator, two Department of Defense strategists, and a Chief of Staff for a Congressman), we want you to be successful, we can't wait for BBQ and sushi and Asian Fusion, but as you might expect, we also want you to be respectful and mindful of our needs and the fact that you are choosing to do business in an established neighborhood with Commercial Low Zoning. We want the neighborhood to stay family-friendly (we don't want this to become Adams Morgan or Georgetown in 10 years). I'm sure you have already noticed all the strollers in the neighborhood and may have even performed a demographic study. I very much expect that your rush time from neighborhood business is going to be between 5pm and 7pm, and I know you will staff appropriately! Have lots of high chairs at the ready! Add booster seats!

Del Ray is what it is because of the symbiotic relationship between the residents and the business owners. For the most part, the relationship has always been good. When it tends to strain is when

businesses want to increase their hours of operation. This suggests to the residents that the businesses are ready, willing, and able to totally disregard the fact that children and their hardworking parents are sleeping and living in NEAR proximity. Hopefully as fathers, you can understand (and if you are married, your wives will also hopefully understand) our concerns for our children and for ourselves. We should, like you, be able to sleep in our own homes without unreasonable interruption. **I'm not sure you noticed but if you are open till 2am (and your employees don't leave until 2:30am) and you have deliveries starting at 4am, there is going to be almost 24 hours straight of potential noise, 7 days a week.**

I've reviewed your SUP application in depth, and set forth below are my requests for a reasonable compromise which I believe most neighbors may be willing to accept (and which I will raise with the Land Use Committee and the City Council Members):

- (i) change in hours so that the restaurant closes by or before 11:00pm nightly (or at a minimum closing at 11:00pm Sunday through Thursday with any outdoor dining to end every night by 10:00pm),
- (ii) change in the cooker operation to minimize the exposure to residents of smoke and cooking odors (you have already done this; and we thank you),
- (iii) off street loading hours (to be off Mount Vernon Avenue only) limited to morning only Monday through Friday and precautions put into place to ensure residents/children are not disturbed at 4:00am (first scheduled delivery), you are not planning to have employees present so who will monitor the deliverymen? It is unreasonable to put this burden on the neighbors. Would you want this beside your house every day at 4am?
- (iv) outdoor dining tables limited and hours of operation ceasing by 10:00pm daily.

Finally, I understand Ashley Glick and Lisa Donohue (your most immediate residential neighbors) have repeatedly asked to meet with you personally, but you have declined to meet with them. I find this very troubling, and expect my other neighbors will as well, as this is NOT how things have been done in Del Ray in the past. Most of the other business owners are not quite as experienced as you are, and I hope this is not demonstrative of a hands off approach you might take in the future when you do not need the neighbors' approval. I hope and trust there has been some sort of misunderstanding, and you and your partners will contact Ashley and Lisa to schedule this requested meeting. Again, every other owner has readily accommodated these requests in the past.

I, too, would love to speak with you in person, and hope to have that opportunity in the near future. I want to work with you to find reasonable compromises and reach a win/win outcome!

Finally, thank you for wanting to bring new business and life to Del Ray. We recognize that this opportunity brings jobs and business to the community, and again, I look forward to being a frequent customer! Being from NC, I hope you will offer a vinegar based sauce!

Sincerely,

Rainey Astin
1406 Mount Vernon Avenue

703-836-9699

NOTE: Please be advised any and all documents sent by email transmittal are, and remain, subject to senior management and third party approvals. This email may contain information that is confidential and may not be copied or distributed by anyone other than the intended recipient. If received in error, please immediately notify the undersigned.



Fw: Support for Pork Barrel Open House's SUP request
Nathan Randall to: Barbara Ross

04/01/2010 02:49 PM

----- Forwarded by Nathan Randall/Alex on 04/01/2010 02:49 PM -----

From: Kevin Curry <kcurry@gmail.com>
To: alsdmf@earthlink.net, nathan.randall@alexandriava.gov
Cc: amkdc05@yahoo.com, mangomike222@yahoo.com
Date: 04/01/2010 02:46 PM
Subject: Support for Pork Barrel Open House's SUP request

Amy and Nathan,

my name is Kevin Curry, and I have lived in Del Ray for 12 years.
I am writing to let you know that I support Mike Anderson's SUP request to have the Pork Barrel BBQ restaurant remain open past midnight 7 days a week.

Kevin S. Curry
703.307.8128

To: delrayparents@yahoogroups.com
From: amkdc05@yahoo.com
Date: Thu, 1 Apr 2010 07:59:25 -0700
Subject: [delrayparents] Fw: [delraycitizens] Re: Pork Barrel Open House

FYI for those of you not on the Del Ray Citizens List Serv and who were unable to attend the community meeting last night. We hope that all of you with an opinion on the smoke/carbon filters/ventilation system and with thoughts about staying open past midnight 7 days a week will share them (as well as any other thoughts you have on the SUP).

You may do so by reaching out to the following community members:

Amy Slack, Del Ray Land Use Committee: alsdmf@earthlink.net

Nathan Randall, Urban Planner: nathan.randall@alexandriava.gov

Thank you~

Ashley Klick
703-362-4204
Support Georgetown Pediatric Cancer Programs, <http://www.georgetownjingle.com/>
Have Fun Learning with Kobold Toys, <http://www.koboldsblog.com/>

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

From: mangomike222 <mangomike222@yahoo.com>
To: delraycitizens@yahoogroups.com

Sent: Thu, April 1, 2010 9:28:40 AM

Subject: [delraycitizens] Re: Pork Barrel Open House

Greetings Del Ray Citizens,

This is Mike Anderson, the owner of the Pork Barrel BBQ restaurant under construction in Del Ray on Mt. Vernon Avenue. We had a great Open House and listening session this evening, and I wanted to express my sincere thanks to those in attendance for their input, and for those who could not attend, share with you one of the major announcements we made this evening.

We've spent the past several months listening to folks in the community seeking their input on the restaurant, and heard concerns expressed about our plans to use a wood smoker. In response to these concerns, we announced tonight that we've made a major change in the piece of equipment we are using . we will no longer be using a wood smoker, and instead are going with a state of the art gas version, that uses gas as the heat source, and only uses wood to add flavor . using only 1-3 pieces of wood per 12 hour cooking cycle . much less than the average fireplace or backyard grill.

We chose this gas cooker, even though it is significantly more expensive, because it is made specifically to address concerns raised by some in the community. This cooker is manufactured by Southern Pride, and is in use in all 50 states, and in fact, is used in Times Square, especially made for cooking BBQ in urban high density areas. The new cooker is both UL listed and UL EPH Approved.

There are still some concerns about this cooker and we'll try to address those, so we're still exploring the best option for this project.

We plan on being on the corner for a long time so we're going to try to do it right from the start.

We also learned about some other concerns that we weren't aware of.

We will restrict delivery drivers and any delivery service from using side streets

Delivery drivers will be made to turn off engines during deliveries.

Delivery schedules will be made with the least amount of impact to traffic and the community

There was a lot of positive feedback about some later hours in Del Ray to broaden the appeal of the Ave to a wider audience. We received a lot of

feedback about this from the 30th somethings in the crowd. We'll be working with David Fromm from the Del Ray Citizens Association to organize a online survey about the Associations desire on this matter.

We were very grateful for all the comments and input we received this evening, and we will continue this listening process. We are excited for the Pork Barrel BBQ restaurant to be a part of the Del Ray community and really hope that this will be another family friendly meeting place for Del Ray.

Sincerely,

Mike Anderson
Bill Blackburn
Brett Thompson
Heath Hall

--- In [delraycitizens@ yahoo.com](mailto:delraycitizens@yahoo.com), Suzanne Caldwell <suzanne.caldwell@ ...> wrote:

- >
- > Unfortunately, I won't be able to make the meeting. I would very much like
- > for my sentiments to be expressed though.
- >
- > As a business owner and long-time resident, I understand the delicate
- > balance that must be negotiated in order to maintain the unique, strong
- > community we enjoy in Del Ray. While I understand the concerns raised by
- > some of the residents, I am hopeful that a mutually agreeable balance can be
- > struck. It would be a terrible shame to lose what seems to me to be a
- > strong, committed business owner before he is able to open his doors on Mt
- > Vernon Avenue.
- >
- > I would like to relate a story about a very positive experience I had in the
- > past couple of weeks with Mike Anderson, the owner of the BBQ restaurant. It
- > was a lovely, warm afternoon and the my two kids and I were enjoying the
- > afternoon with a walk along Mt Vernon Avenue. As we walked by the
- > construction site I noticed a large hole that had spread outside of the
- > construction fence. It was a deep, water-filled hole and it clearly
- > represented a safety concern. As the construction work had finished for the
- > day, there was no one there to address my concern. I wasn't sure how to fix
- > the problem, so I contacted the engineering supervisor for the site. While
- > he wasn't able to fix the problem either, he did promise that he'd get in
- > touch with the construction manager.
- >
- > About an hour later, Mike Anderson contacted me. Because he was unable to
- > reach the construction manager he came to the site to look into the problem.

- > I was encouraged by the level of concern that he demonstrated. He promised
- > that he would temporarily secure and cover the hole for the evening and
- > would have it permanently fixed in the morning. Just as promised, two
- > construction personnel worked for much of the day creating a more secure
- > wall inside the fence and they filled the hole outside of the fence with
- > concrete. Crisis averted. It is exactly this kind of personally committed,
- > responsive business owner that we need on the Avenue. Based on this
- > experience, I feel very confident the Mike will work with the residents to
- > be an involved, responsible and agreeable member of our community. How
- > fortunate we are to have small business owners who want to be a part of the
- > magic formula that makes Del Ray the place to live and work.
- >
- > Regards,
- >
- > Suzanne Caldwell
- > Resident on Commonwealth Avenue, Small business Owner and Member of the
- > Board for the Del Ray Business Association
- >

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2312 Mount Vernon SUP

rjlooman

to:

nathan.randall, alsdmf

04/01/2010 12:14 PM

Show Details

History: This message has been replied to and forwarded.

To Whom It May Concern:

I am writing to share my concerns about the SUP for 2312 Mount Vernon Avenue. Although I am a DC resident (25 years on Cap Hill), I am a frequent visitor to Del Ray.

1. Two years ago, a BBQ restaurant opened 1.5 blocks from my home. Despite the District's enforcement of odor nuisance, we experience hickory and wood smoke Monday-Saturday. Fortunately it is closed on Sunday. Unless these types of restaurants are forced to address the particulate matter and odor they expose the neighborhood to, Del Ray residents and visitors will be exposed to the risks and odors this business absolutely will generate. A smokey Main Street is not the reason I support Del Ray businesses. The uniqueness and quality (i.e. Dairy Godmother, Cheesetique) are. This will not be the improvement to the Avenue the neighbors and visitors expect.

2. I also understand that this restaurant has requested to be open 7 days a week until 2 am. Is this business owner familiar with the term "quality of life" for the people who live nearby? Fortunately for me, the BBQ place closes at 9:30pm during the week and 10 on Friday and Saturday night. While they serve beer, it is not a bar, so we are not exposed to the behaviors that occur at a bar or drinking establishment after 10pm. We are also fortunate the with the exception of the 7/11 the other coffee shop respects the hours of the neighbors. The beauty of my neighborhood is if I am looking for a late night experience, I have the now exciting H Street Corridor as well as the entire city! I would think that Del Ray residents look to Old Town and DC for their late night experiences. In fact the friends I have in Del Ray moved from Georgetown, U Street and Adams Morgan to raise families with backyards and Main Street life. They did not have to give up good dining and shopping thanks to many Del Ray businesses, but they did trade the nuisances associated with late night experiences.

Please urge these business owners to do the right thing for their community by addressing the woodsmoke and by keeping their hours in line with the Main street lifestyle Del Ray is know for throughout the DC Metro area. It would be a shame to sacrifice the good reputation of Del Ray for a bar/BBQ joint.

Sincerely,

Richard J. Looman
528 8th Street, NE

FW: Pork Barrel BBQ Hours

Davis, Martha E.

to:

nathan.randall

04/01/2010 11:20 AM

Show Details

History: This message has been replied to and forwarded.

From: Davis, Martha E.

Sent: Thu 4/1/2010 11:19 AM

To: alsdmf@earthlink.net; nathan.randall@alexandria.gov

Subject: Pork Barrel BBQ Hours

Dear Amy and Nathan:

I am a homeowner in Del Ray and I am writing to inform you of my opposition to Pork Barrel BBQ's request to close at 2 a.m. seven days a week. A closing this late will change the family-friendly atmosphere that drew my husband and me to Del Ray from Washington, D.C. two years ago. I strongly believe that the restaurant's closing time should be consistent with those of other restaurants on the Avenue that we enthusiastically patronize.

Thank you,

Martha Davis
Oxford Ave.

Martha E. Davis
Assistant Professor of Spanish
Northern Virginia Community College
Alexandria Campus
3001 North Beauregard Street
Alexandria, VA 22311-5097
(703) 845-6586
<http://www.nvcc.edu/home/mdavis/Welcome.html>



Nathan Randall to: Barbara Ross

04/01/2010 01:24 PM

----- Forwarded by Nathan Randall/Alex on 04/01/2010 01:24 PM -----

From: Julia Chappell <julia_chappell@gensler.com>
To: "nathan.randall@alexandriava.gov" <nathan.randall@alexandriava.gov>
Date: 04/01/2010 01:01 PM
Subject:

Dear Mr. Randall,

I have recently learned about the SUP for a BBQ establishment in Del Ray. While I have very real concerns about the environmental impact of this restaurant, I am also very concerned about discussion to have it open until 2am, 7 days a week. I am a frequent visitor to Del Ray to see friends and experience special restaurants like Cheesetique, I believe that allowing the hours to increase past 11pm will be very detrimental to this great family neighborhood. It will change the face of the "Avenue" and have a real impact on the residents who live there. Furthermore, creating a "destination" restaurant will create further problems with public safety, parking, pedestrian travel, and the overall charm and appeal of this quiet area.

I urge you to recommend that the hours be altered to fit in with the other businesses operating in Del Ray. I also strongly urge you to insist that these business owners do ALL that is necessary to mitigate the health risks associated with wood smoke.

Thank you for your thoughtful consideration,

Julia Chappell
Director of Communications
+1 (202) 721.5341 Direct
+1 (202) 351.0541 Fax

Gensler
2020 K Street NW
Suite 200
Washington DC 20006



Fw: An Appeal to Pork Barrel BBQ Supporters
Barbara Ross to: Nathan Randall
This message is digitally signed.

03/31/2010 09:33 AM

fyi

— Forwarded by Barbara Ross/Alex on 03/31/2010 09:37 AM —

From: "Jill Erber - Cheesetique" <jill@cheesetique.com>
To: <Barbara.Ross@alexandriava.gov>
Date: 03/30/2010 04:58 PM
Subject: FW: An Appeal to Pork Barrel BBQ Supporters

Barbara,

Nice talking to you today. I am forwarding you a message that I posted to the Del Ray Citizens listserv today regarding Pork Barrel.

I look forward to seeing you at the meeting tomorrow night.

Best,
Jill

Jill Erber, Proprietor/Cheese Lady
Cheesetique Specialty Cheese Shop / Cheese & Wine Bar
Celebrating our 5-Year Anniversary!

2411 Mt. Vernon Avenue
Alexandria, VA 22301
jill@cheesetique.com
www.cheesetique.com - sign up for our newsletter!

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

From: Jill Erber [mailto:pjerber@yahoo.com]
Sent: Tuesday, March 30, 2010 4:54 PM
To: delraycitizens@yahoogroups.com
Cc: jill@cheesetique.com
Subject: An Appeal to Pork Barrel BBQ Supporters

Hello again, Del Ray Citizens.

As you have probably seen, there is a lot of action surrounding the SUP application for Pork Barrel BBQ on th citizens, mainly immediate neighbors of the restaurant property, who have concerns about particular aspects of there are many of you who whole-heartedly support the project and want it very much to proceed smoothly and and worry on the part of the business owner as possible. *I implore that group to speak up. This is the time.*

Folks in opposition band together and they speak out loudly. That is their right and we should applaud their vi those in support often stand on the sidelines and say nothing, giving others the inaccurate impression of unifor

Whether you oppose or support – or whether you just need more information – please get involved and expres:

who make the decisions. You are welcome to post your thoughts to this group, though I know sometimes that you may email your comments directly to me (jill@cheesetique.com) and I will compile them. I will share them with the Planning Commission, and City Council, but I will also share them with the owner, Mike Anderson, because some supportive words right about now.

Please know that Mike is as local as they come, a multi-decade restaurant owner in Alexandria. He is a community member who has chosen to invest his heart, soul, and capital in our neighborhood. The restaurants that Mike is building will be in Del Ray. He wants to be a good neighbor - and let's be frank - it's in his best interest to make the neighborhood very long if it alienated the very folks who comprise the bulk of its customer base.

The DRCA Land Use Committee meets on April 8th and will form their consensus based on the response they hear from citizens they hear from are in opposition, Mr. Anderson will have a much harder row to hoe. Trust me - those

As with any new development, there are risks to this project. But I for one would rather take those risks in the maintain the status quo (or worse - stagnation) because we are afraid of unknown repercussions.

I encourage each of you to come to the Informational Session to be held by Mike at the Mt. Vernon Rec. Center (March 31st) at 7:00. Voice your support. Voice your opposition. Ask your questions. Either way, speak up!

Thank you for reading.

Warmly,
Jill Erber
Owner, Cheesetique
President, Del Ray Business Association
10-year Del Ray Resident

RE: FW: Hog Thaid - Bar B Que In Del Ray
 Cindy Clemmer
 to:
 Nathan.Randall
 03/30/2010 08:12 AM
 Show Details

History: This message has been replied to.

Mr. Randall,

Thanks for the additional information. My position, along with many of my Del Ray neighbors, still stands. After looking up the addresses of those on the "list" of concerned neighbors, I see that at least 2/3 of addresses are multi-residence type buildings (rentals). We appreciate your time and consideration toward this matter.

Enclosed is my original e-mail to neighbors, in order to bring them up to date. If those BCC'd want a copy of the "concerns", please e-mail me and I will send it along.

Hello All!

Here is the note that is going around about the new Bar B Que Restaurant being built on Mt. Vernon & Oxford. I am going to send a note to the parties at the city and throw my full support toward the new business, as it stands. Del Ray is rapidly gaining a reputation as "anti-business" and difficult to work with. It seems to me that if some folks had these misgivings then why didn't they just say so before this new business went to all of the time to do the research, develop a business plan, go through the arduous permit process that the city requires, etc. Throwing up road blocks at this late date will only delay, deter, and perhaps cause this new venture to locate elsewhere.

Del Ray is a vital and eclectic part of Alexandria and we should continue with diversity throughout the community, including the business community. Certainly this business has met and is meeting all necessary codes that are in place. I am certain the city is and was mindful of the requirements of this particular restaurant, before they granted the permits to move forward.

We don't need another Tarot card reader, massage or yoga institution in Del Ray. Please send this note to anyone you think that can support the new business as it is. Note the hearing and meeting date for the land use committee.

Cindy Clemmer,
 Cell: (703) 966-0403
 Office: (703)286-1180
 E-Mail: cindy@cindyclemmer.com

From: Nathan.Randall@alexandriava.gov [<mailto:Nathan.Randall@alexandriava.gov>]
Sent: Monday, March 29, 2010 7:14 PM
To: Cindy Clemmer
Subject: Re: FW: Hog Thaid - Bar B Que In Del Ray

Thank you for your email. It will be included in the file on this case. Just for point of information, although the building at 2312 Mt. Vernon did go through various permitting processes (and some of them are ongoing since the building is still going up), the proposed restaurant itself has not. It is currently seeking a Special Use Permit from the City of Alexandria, which is essentially the first major approval it needs.

RE: Control of Smoke and Odors from Restaurant Operations
Gillespie, William (DEQ)

to:

Erica.Bannerman
03/30/2010 02:28 PM

Cc:

"Lisa Donofrio", "Hartshorn, David (DEQ)", Nathan.Randall, "Ashley Klick"
Show Details

History: This message has been forwarded.
Hello Erica,

In the past, the Department of Environmental Quality (DEQ) has not issued air quality permits to restaurants. It is possible that in the future the Department may require air permits for certain types of restaurants or food operations, however. We are collecting emission data on restaurant operations at this time.

In the meantime, we have been asking local jurisdictions to do what they can to ensure new restaurants are equipped with the best exhaust and ventilation equipment the jurisdiction can require. This is especially important for restaurants that are likely to emit smoke and odors during cooking or smoking operations.

Since we are exploring estimating emissions from restaurants, please provide the following information about the new restaurant you are permitting.

Name and address of the restaurant
Owners name and contact information

Meat throughput information: type of meat cooked and pounds of meat cooked or smoked per hour.

Fuel throughput information: type of fuel and quantity of fuel consumed per hour

Fuel burning equipment specifications.

Air pollution control equipment specifications (if any)

Other data pertinent to air emission calculations.

This information may allow us to estimate emissions from the restaurant. I emphasize "may" because emission factors for restaurants are only now being developed.

You and others involved in this matter may find the following article of interest:

<http://www.mnn.com/food/healthy-eating-recipes/stories/secondhand-fast-food-smoke-produced-by-cooking-fatty-foods-at-hi>

Best Regards,

Bill

Bill Gillespie
Air Compliance Engineer
Virginia Department of Environmental Quality

119

Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Telephone: (703) 583-3828
William.Gillespie@deq.virginia.gov

From: Erica.Bannerman@alexandriava.gov [mailto:Erica.Bannerman@alexandriava.gov]
Sent: Tuesday, March 30, 2010 12:56 PM
To: Gillespie, William (DEQ)
Cc: Lisa Donofrio; Hartshorn, David (DEQ); Nathan.Randall@alexandriava.gov; Ashley Klick
Subject: RE: Control of Smoke and Odors from Restaurant Operations

Hi Bill,

I sent an email yesterday inquiring about the States regulatory requirements for this restaurant. Based on my previous experience with this type of operation, the State does not typically issue any type of air quality permits. However, since Ms. Donofrio has asked for your assistance with this matter, it would be greatly appreciated if you could let us know what if any permit(s) will be required from VADEQ by Friday, April 2nd.

Thanks,

Erica Bannerman
Senior Environmental Specialist
City of Alexandria T&ES, Office of Environmental Quality
Phone: 703-746-4067 (NEW NUMBER)
Fax: 703-519-8354
email: erica.bannerman@alexandriava.gov

Eco-CITY ALEXANDRIA

In keeping with Eco-City Alexandria please consider the environment before printing this e-mail.

From: "Gillespie, William (DEQ)" <William.Gillespie@deq.virginia.gov>
To: "Lisa Donofrio" <lisadonofrio@hotmail.com>
Cc: <Erica.Bannerman@alexandriava.gov>, "Hartshorn, David (DEQ)" <R.David.Hartshorn@deq.virginia.gov>
Date: 03/29/2010 04:19 PM
Subject: RE: Control of Smoke and Odors from Restaurant Operations

Hello Lisa,

I enjoyed talking with you this morning. Thank you for attachment. It contains a lot of good information.

I tried calling Mr. Snedden, but he is on vacation this week. I will follow up with him next week.

I am attaching the state regulations for visible emissions (smoke) and odors that apply to new

file://C:\Documents and Settings\ncrandall\Local Settings\Temp\notesEA312D\~web5880.h... 4/21/2010

120

facilities. You will be interested to find that the odor regulations require:

“No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility and odorous emissions in excess of that resultant from using best available control technology, as reflected in any condition that may be placed upon the permit approval for the facility.”

Best Available Control Technology (BACT) has special meaning in the field of air pollution control. What constitutes BACT (that is, what emission control level must be met by a facility), is determined by the permitting agency issuing the air permit. BACT considers the cost of controlling emissions and usually does not require the very best control of emissions. I know that seems to fly in the face of the plain English meaning of “best available control technology” but that is just the way the parlance of air pollution control has evolved.

This is probably more than you needed to know about air quality regulation, but what is important for you in this case is that state regulations require BACT on new facilities for odor control. I am not familiar with permitting processes of the City of Alexandria, I would think this would give the City an opportunity to require some type of air pollution control equipment on the new restaurant you are concerned about. Erica Bannerman or Bill Skrabak (703) 746-4073 with the City will be able to tell you what they can include in their Special Use Permit.

I am also enclosing a list of vendors of air pollution control for restaurants. It is not an exhaust list of vendors. Many companies work in the field. As a state agency, we cannot recommend particular companies. We supply the list only to give you some idea of the companies that make restaurant controls and what kind of equipment is available.

Best Regards,

Bill Gillespie
Air Compliance Engineer
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Telephone: (703) 583-3828
William.Gillespie@deq.virginia.gov

From: Lisa Donofrio [<mailto:lisadonofrio@hotmail.com>]
Sent: Monday, March 29, 2010 11:50 AM
To: Gillespie, William (DEQ)
Subject: barbecue restaurant/ regulations

Mr. Gillespie,

Thanks so much for your interest and expertise. The attachment is the same thing that I sent to Erica Bannaerman at T & ES and to Nathan Randall at Planing and Zoning.

The number I have for Mr. Snedden at Rockland's is 202-337-1925. He mentioned at prices of b/w

\$20 and \$30,000 dollars for hie ventilation systems, but a manager of one of his restaurants in Virginia stated that the ventilation system at her place was about \$100,000. I do not know where the discrepancy is, but the takeaway is that they are very cognizant of the problems bbq places can cause for the community. They do smoke only with wood and the owner planning to open uses a gas/wood hybrid. I am informed that will not cause as much smoke, but will still cause smoke, not to mention odors and other particulate matters. The number of the Alexandria Rockland's is 703-778-9663.

There is also an email from an expert whose brain I have picked. He stated he would be happy to talk about what he knows with any official to answer general questions.

I also want to stress that Ms. Bannerman and Mr. Randall have been very willing to listen to the concerns voiced by me and my neighbors. I will also email a correspondence for the owner and Ms. Bannerman, which show why I am concerned that the ventilation system planned will not be adequate in a residential area.

Thanks again!

Lisa McNichols

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Dear Neighbor,

We hope that you have heard about the new restaurant coming to Del Ray at the corner of Oxford and Mt. Vernon. We welcome new restaurants coming to the Main Street and the ongoing development of the neighborhood. *The Dairy Godmother* as well as your neighbors on East Oxford Ave encourage you to take a closer inspection of the Special Use Permit (SUP) submitted by the business owners (d/b/a *Hog Thaid*) of this planned BBQ/Sushi/Asian Fusion restaurant. Our review has alerted us to some issues that we fear will **impact the environmental quality of your life in Del Ray** as well as the face of the Avenue.

If you have not had a chance to review the SUP, here is a general overview:

1. 166 (16 outdoors) seat restaurant offering 3 dining experiences utilizing the same kitchen area and prep: BBQ, Asian Fusion and Sushi. There are 2 large bars in the design.
2. They will utilize the parking lot behind the restaurant for 27 parking spaces.
3. The proposed hours of operation are daily from **11am to 2am**.
4. They anticipate producing 400# of trash a day
5. They plan to operate smoking equipment that will run **10-12 hours a day, 7 days a week**.

Top 3 Concerns:

1. **Hours of operation.** There is not one restaurant between Uhler and Del Ray (the area referred to as the Historical Core per the Mt. Vernon Overlay plan) open past 10pm. Outside of the historical core the only restaurants open past 10pm are Evening Star, Los Tios and Fireflies (and none of these later than 10pm during the week or 12am on weekends). While other restaurants like Taqueria and Cheesetique have the option per their SUP to stay open later, they choose not to do so. While the owner has suggested to the City that he does not plan to stay open late, the model for his other restaurants has closing times from 12:30am - 2am and even as late as 11:30pm on Sundays. We plan to request he operate until 10pm Su-Th, and 11pm F and Sat.
2. **Woodsmoke.** The owner plans to use a hybrid gas/woodsmoke apparatus that will generate smoke 10-12 hours a day, 7 days a week. Wood smoke and BBQ smoke specifically produce both a hazardous clean air health risk and an odor nuisance. The owner also plans to have smoke exhaust associated with the Asian Fusion menu. At present, special ventilation equipment often used by local restaurants such as Rocklands is not planned. This ventilation equipment is necessary to help mitigate both hazardous smoke issues as well as potentially harmful and unpleasant odors.

Per William Gillespie with Department of Environmental Quality, (bbq) is a "classic air pollution problem in an urban setting." He said it is very important to get conditions placed on restaurants in the SUP that will address odors, smoke and other matter. He said barbecue restaurants "are the worst" in regard to odors and smoke. Mr. Gillespie is doing further research on Rocklands system in comparison to what Mr. Anderson proposes and plans to provide a list of suggestions for appropriate exhaust/ventilation system.

We plan to recommend that Hog Thaid install a state-of-the art carbon filter/exhaust ventilation style system similar to BBQ restaurants in residential urban areas.

3. **Take Out Window on Oxford Avenue.** We are already concerned about the reduction in parking requirement Hog Thaid received, and believe that a take-out window on a side street will be dangerous and cause an increase in both illegal parking and hazardous driving situations on the street. We would like them to have all take outs through the main doors of the restaurant.

Why Your Neighbors are Concerned:

1. **Health Risks.**

Wood smoke is a complex mixture of gases and particles. The gases and particles are air pollutants. The main air pollutants in wood smoke include carbon monoxide, nitrogen oxides, air toxics and particulate matter. Several studies have shown that exposure to wood-smoke reduces lung function, **especially in children**, and increases coughs and other respiratory diseases. Your neighbors have done substantial research on the very real health risks associated with wood smoke and the odor nuisances associated with BBQ in a dense residential area IF the owner does not ensure the necessary ventilation system. We have also spoken with BBQ chefs/managers of restaurants, like Rocklands in Arlington (which installed a state of the art ventilation system to avoid conflict with the neighbors) and restaurants in Georgetown and throughout DC. Many have installed substantial ventilation systems that absorb odors and capture harmful smoke and particulate matter from the cooking process such as grease, gas, and other chemical compounds and byproducts.

(Some of this research is included below). Currently, Alexandria's regulations do not appear to be as stringent as other urban areas and it is necessary for the residents to address it on a per instance basis.

Alexandria does not have any guidelines similar to those you might find in NY or even DC. So under the current plan, if Hog Thaid vents their Asian/Fusion smoke towards the Avenue and the BBQ smoke 12 hours a day into the air without any carbon cleaning or strict filtering to reduce odor and small particle pollutants there will be a real environmental impact on air quality.

This is not a new concern for Del Ray residents. Many neighbors challenged Vocelli's Pizza regarding hours of operation and odor concerns. In response to their concerns, conditions were added to the SUP requiring the owner to install a venting system to help eliminate odors as well as a special fencing to help eliminate noise from exhaust fans operating on the roof. Our hope is that Hog Thaid will install a ventilation system with carbon filtering that addresses BBQ smoke.

In order to help educate those who are not familiar with the risks of wood smoke we encourage you to visit the website Burning Issues. Burning Issues – Is a not for profit organization providing public education about the medical hazards of exposure to wood smoke and other fine particulate pollution
<http://burningissues.org/health-effects.html>

Their Project Statement:

Smoke from residential burning of wood, wood burning restaurants and outdoor burning of wood, crops and debris is permeating our neighborhoods. This burning results in high ground level concentrations of toxic air pollution. Awareness and education are the key elements to the abatement of this source of deadly fine particulate pollution in our communities.

2. Odor Nuisance - a result of Inadequate Ventilation

The process of cooking the BBQ expels more than smoke through the smokestack. Grease and other condensables are expelled into the air as well. A quick web search will reveal to you many municipalities having issues with the odor and smoke a BBQ restaurant produces in an urban environment. To better understand these issues we have included a specific article reference/case study as well as notes from a conversation between Dave Kuck and a concerned Del Ray neighbor. Mr. Kuck is an Industrial Air Purification Specialist with Breathe Pure Air. <http://www.breathepureair.com>

Mr. Kuck said there are any number of products and configurations of "kitchen emissions control systems." Systems are designed according to many variables: size of space, type of cooking, or "application," (barbecue requires a more what he called "heavy" intervention). A properly sized and designed system can efficiently remove grease and smoke particulates. A separate component of a system removes odors. Carbon filters are generally necessary for odor removal. The amount of carbon required depends on the amount of exhaust generated and the speed with which the vents expel it.

Mr. Kuck said that **barbecue exhaust demands one of the more "robust" systems and is one of the "nastier applications."** By applications, he meant cooking process. He stated that when you are cooking with meat and liquid, the "application" is messy. **Adding solid wood to the combination makes it way more problematic. The smoke will be opaque. It takes more to burn and the byproducts are actually more harmful.** The required filtration system with wood added to the mix is more involved. Greater demands will be placed upon the system.

The issue of whether a smoker that uses gas and just a few wood "chips," would generate much smoke was specifically addressed. **He said they "absolutely can" generate a lot of smoke.** The use of gas means there will just be one more chemical byproduct of the cooking/ smoking process that needs to be filtered out. Of course, he said, the severity of emissions would depend on how much the smoker would be used. This type of system needs to be cleaned well and often.

Excerpts from articles about Smokin' Al's BBQ restaurant in Massapequa Park, NJ, a residential community similar to Del Ray. The owner of the restaurant used inadequate filtering and ventilation.

"Since Smokin' Al's opened in November 2008, complaints have piled up at the restaurant with nearby residents complaining about high volumes of traffic, illegal parking by patrons and an ever-present smell of southern cooking in the air from morning to night. "You can't even open the windows because the smell is there," said Bill Ferro, a resident of the Village of Massapequa Park for 41 years. Every day, Ferro documents the odor and reports it to the Village."

"I am coughing all the time ...there are clouds of smoke coming into my house." She also said that the smell aggravates her granddaughter's asthma; and her clothes and furniture smell like barbecue."

"Yunbae Kim, the owner of Park Valet Cleaners, told the board that his dry cleaning shop smells like southern cooking, and that his customers are angry. Since their opening, Smokin' Al's Famous BBQ has served thousands of customers. The side effects of this successful business have hit local merchants and residents hard."

Smoking Al's is one example. The odor and smoke issues have caused problems in many other urban settings such as Brookline MA, San Diego, CA, Scottsdale, AZ.

If you share concerns about the impact the proposed SUP may have on air quality and general quality of life in Del Ray, please make plans to attend the Del Ray Land Use Committee on Thursday, April 8 at 7pm at the Mt. Vernon Recreation Center. Nathan Randall, Urban Planner, and Barbara Ross, Deputy Director, will be attendance to hear the pros and cons from the perspectives of the residents.

If you are unable to attend, please email your concerns to Amy Slack, Land Use Committee, and Nathan Randall, Urban Planner prior to the meeting. You may also email your concerns to Ashley Klick, who is compiling all of our concerns for the various boards and the City Council who approve the SUP. If you have any questions or want clarifications on your neighbors top issues, please feel free to contact Ashley as well.

If you want to be added to a list serv keeping concerned neighbors up to date on this SUP, please email Ashley Klick.

Ashley Klick: amkdc05@yahoo.com, 703-838-0575

Amy Slack: alsdmf@earthlink.net

Nathan Randall: Nathan.Randall@alexandriava.gov

Thank you for your consideration of these issues.

Your neighbors at:

112 E. Oxford Avenue
109 E. Oxford Avenue
108 E. Oxford Avenue
107 E. Oxford Avenue
106 E. Oxford Avenue
105 E. Oxford Avenue
104 E. Oxford Avenue
101 E. Oxford Avenue
100 E. Oxford Avenue
2 E. Oxford Avenue
The Dairy Godmother (Liz Davis), Mt. Vernon Avenue

Hog Thaid SUP
 Ashley Klick
 to:
 Erica.Bannerman
 03/29/2010 07:03 PM
 Cc:
 Nathan.Randall
 Show Details

History: This message has been forwarded.
 Hi Erica-

I know that you have been speaking with my neighbor, Lisa Donofrio McNichols, regarding our concerns specific to the wood smoke. I would like you to know that once we determined the system from Southern Pride I have been emailing and trying to call the various owners of BBQ restaurants who use Southern Pride. Many of these, especially one near a school and residences, have installed more sophisticated exhaust and filtering systems to mitigate the smoke and odor. I spoke to the owner of Dixie Bones this morning from Woodbridge (who has been using Southern Pride equipment for many years), and he told me the following:

- * Typically these units run 10-12 hours over night.
- * There will be smoke. It will smell like chimney smoke.
- * He has a different model than the hybrid but was familiar. He actually runs 4 large Southern Pride pit like systems to accommodate his 60 seat restaurant and he has venting, but is located in a residential area. He was surprised the owner was going to have this system for a 70 seat restaurant.

From Chris Bastian of Bastians Bar B Q & Catering (not in a residential area):

"Ashley, 1st the smoke MUST be extracted by the the smoke extractor(extra purchase). 2nd the smoke by fire code and other codes must by sent above the roof(example: a bbq restaurant in N Y city had to extend the chimney 30 stories to the roof). 3rd the restaurant we have is 55 seats but our catering has been for the largest 15000, took a long to prepare for that, the unit I use is the SPK280SL series but is no longer in production the new modle SBK500SL series is the next best thing little larger, I have been using southern pride for 17 years and they are great,4th CLEANING MOST IMPORTANT!!! keep the fire chamber free of after burn(ashes) and the the grease froor drainded after every cooking (or you could have fire) I have known of fires but I have never had one (knock on hickory). GOOD COOKI" <http://www.city-data.com/va-restaurants/Bastian-s-Bar-B-Q-Catering.html>

I am so grateful that you are reviewing this information. As the parent of a child with asthma, I have very real concerns about woodsmoke and its health risks. As you may know it is a very dirty energy source and has been identified as a lung irritant. I know that Liz Davis, owner of The Dairy Godmother, and Sheila of the Hat boutique are very concerned about the smoke and odors from both the BBQ and Asian Fusion stoves.

We have 12 homeowners working together to provide suggestions on the venting, as well as our other concerns (specifically hours; take out service on Oxford; traffic calming solutions; noise abatement) which we will forward for your consideration prior to the Land Use Committee.

I have had to learn a lot about SUPs and the Mount Vernon Overlay Document in the past few weeks. Section 4.2 Guiding Principle of the Mount Vernon Overlay Document resonates with me as I try to figure out why a business owner would not want to install a carbon filter/exhaust system that would not impact the neighborhood: *Preserve and protect existing residential areas, specifically "Protect nearby residences from impacts associated with commercial activity" and to " Ensure new development is compatible with neighboring residential uses."*

I feel confident that we will be able to address our main concerns with Mike and his team, and our hope is that he will endeavor to open a business that will not impact the environmental air quality of the neighborhood or the quality of life on the Avenue and the surrounding properties. Del Ray is an incredible neighborhood. We have invested in our home and community since moving in 8 years ago. I don't think it is unreasonable to ask a business to invest now in his business so as not to endanger the residents he hopes to attract.

Fwd: Pork Barrel

Amy Slack

to:

Barbara Ross, Nathan Randall, Bill Skrabak, Erica.Bannerman

03/29/2010 04:48 PM

Show Details

Barbara, Bill, et al

The message below was posted to the delraycitizens@yahoogroups listserv. Because David Fromm is DRCA President and the listserv moderator, already I've seen responses which show:

- a) a lack of understanding of the City Ordinance, the Zoning Ordinance, Environmental regulations, and
- b) the rights of citizens to voice their opinions and do to so in a respectful, civil manner.

I would appreciate if you would send observers from your respective offices to attend this meeting as well.

The Del Ray Citizens Association Land Use committee will discuss the application by Mr. Anderson on April 8, 7:00 PM at the Mt. Vernon Recreation Center, I invite you to attend.

Mr. Anderson will be out of town that evening but Mr. Bill Blackburn, his partner, will be with us.

Much appreciated,

Amy

Amy Slack, Land Use committee Co-chair

Del Ray Citizens Association

703.549.3412

landuse@delraycitizen.net

Honoring our past, Celebrating our present, Envisioning our future!
1908 - The Town of Potomac, Alexandria VA - 2008

Begin forwarded message:

From: Michael Anderson <mike@mangomikes.com>

Date: March 25, 2010 12:28:08 PM EDT

To: David or Amy <alsdmf@earthlink.net>

Subject: Pork Barrel

Pork Barrel BBQ invites the neighborhood to an Open House this Wednesday, March 31st at 7:00 pm to share some exciting updates about the Del Ray BBQ company, discuss plans for the upcoming Pork Barrel BBQ restaurant, The Sushi Bar & Asian Fusion restaurant, and hold a listening and answer session.

The Open House will be held at the Mt. Vernon Recreation Center at 2701 Commonwealth Avenue, Alexandria, VA 22301 and we invite anyone in the community interested to attend!

Mike Anderson

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FW: Hog Thaid - Bar B Que In Del Ray
Cindy Clemmer
to:
Nathan.Randall
03/29/2010 02:58 PM
Show Details

History: This message has been replied to.
Re-Sending, I made an error in your e-mail address on the prior attempt.

Cindy Clemmer 3/29/10

From: Cindy Clemmer [mailto:clemmer@comcast.net]
Sent: Monday, March 29, 2010 2:46 PM
To: 'David Fromm or Amy Slack'; 'Nathan.Randall@alexandria.gov'
Subject: Hog Thaid - Bar B Que In Del Ray

Hello!

I fully support the new restaurant that is proposed, as is.

Del Ray is rapidly gaining a reputation as "anti-business" and difficult to work with. It seems to me that if some folks had these misgivings then why didn't they just say so before this new business went to all of the time to do the research, develop a business plan, go through the arduous permit process that the city requires, etc. Throwing up road blocks at this late date will only delay, deter, and perhaps cause this new venture to locate elsewhere.

Del Ray is a vital and eclectic part of Alexandria and we should continue with diversity throughout the community, including the business community. Certainly this business has met and is meeting all necessary codes that are in place. I am certain the city is and was mindful of the requirements of this particular restaurant, before they granted the permits to move forward.

We don't need another Tarot card reader, massage, yoga institution or gift shop in Del Ray.

Respectfully,

Cindy Clemmer
2303 Commonwealth Avenue
Alexandria, VA 22301
March 29, 2010

New restaurants in Del Ray
Monica Sheehy
to:
nathan.randall, barbara.ross
03/28/2010 09:50 PM
Show Details

History: This message has been replied to.
Hello Mr. Randall and Ms. Ross-

We live at 108 E. Oxford Avenue and have some concerns about the 3 new restaurants soon to open on the corner of Oxford and Mt Vernon in Del Ray.

Our concerns are based on the impact on our neighborhood and family. They are: operating hours; potential odor; take out window; deliveries; and parking.

Solutions. We feel that 11pm is a sufficient closing time. Anything past that becomes a bar, not a restaurant. We understand that a proper ventilation system would greatly reduce any food odors. We prefer the take out door to face Mt. Vernon, not Oxford. We don't want any deliveries on Oxford, or in the back of the restaurant. This will interrupt our, and our children's, sleep. Parking is a neighborhood concern and the restaurants add to it.

Thanks so much for your time.
Respectfully,

The Sheehy Family

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The following document represents concerns I have about the possibility that harmful emissions and nuisance odors could be produced by the restaurant seeking an SUP at 2312 Mount Vernon Avenue (SUP Permit Request number 2010-00011). As I kept finding more instances of nuisance barbecue restaurants, I just kept saying – what is it about some of them that have made various neighborhood communities across the country sick (literally) of living near them. Some of the variables are the smoker used, the frequency of use, the configuration of the neighborhood, and most of all, and the ventilation system. The air is the air. Smoke and odors will be traveling through it the same way here that it did in NY, MA, CO, CA, and Texas. I know these are anecdotal, but they could be cautionary tales. The document consists of the following:

1. NY Times article about problems with barbecue restaurants and a new one in NYC
2. Conversations with Dave Kuck (pronounced “Cook”), representative from *Breathe Pure Air* –a business that consults on and designs air quality systems, including ventilation systems for restaurants
3. Cautionary tales from around the country

1. NY Times Article:

Here is an article from the **NY Times** about what it took to open a barbecue restaurant in New York City. Note the type of smoker: gas with wood, a similar type Mr. Anderson plans to use. I included this because it makes you realize how other jurisdictions deal very stringently with the odors and fumes generated by barbecue restaurants

Where the Smoke Rises (and Rises)

Some excerpts: Here, to the great frustration of barbecue aficionados, **stringent environmental codes protect the public from the saturating power of barbecue smoke**. While a handful of restaurants have made good-faith efforts to create real barbecue in Manhattan, none have overcome the **compromises necessary to avoid offending the neighbors and authorities**.

Three years ago, (Danny Meyer) and his partners decided they would find a way to bring authentic, smoky barbecue to Manhattan with nary a gasp or a cough. Finally, last week, after yards of red tape, miles of research and many, many feet of chimneys and ductwork, their barbecue restaurant, Blue Smoke, opened.

Every day I'm learning why you don't see more barbecue restaurants in New York," Mr. Meyer said. "What you have to do is spend an enormous amount of time for permits and for getting the proper type of smoker approved and permitted and custom-built, and an **enormous amount of money to create the requisite amount of ventilation.**"

Creating the smokers was not nearly as difficult as getting rid of the smoke and other barbecuing waste.

The pits use gas flames to ignite apple logs, which smolder and smoke meats that rotate through the smoker on metal shelves. A thermostat monitors the logs, with the gas flame ready to reignite them.

While he would not provide exact figures, Mr. Meyer said that all told, **Blue Smoke was more costly to open** than Gramercy Tavern.

2. Conversation with Dave Kuck (like Cook), from Breathe Pure Air

His company provides products that address air quality. I have included his link. He was very informative, spent much time explaining things to me, and is willing to speak to any person representing the City of Alexandria. Since his time is short, he asks that any person interested email a list of questions before any conversation for his review so as to save time.

Breathe Pure Air

He said there is any number of products and configurations of “kitchen emissions control systems.” They consult and design each system according to many variables: size of space, type of cooking, or “application,” (barbecue requires a more what he called “heavy” intervention). A properly sized and designed system can efficiently remove grease and smoke particulates and odors. Please forgive me if I do not get this all correct. He was doing his best to educate me but I could only write and absorb so much information. Any mistakes are my fault.

What he recommends depends on space, legal requirements, type of “application,” or cooking process, and how serious someone is about getting the cleanest air possible. A separate component of a system removes odors. Carbon filters are generally necessary for odor removal. The amount of carbon required depends on the amount of exhaust generated and the speed with which the vents expel it.

Regarding smoke/grease/other condensables: The first stage involves a prefilter “impingement” device which collects larger contaminants. The next stage involves an “electrostatic precipitator,” the size and intricacy of which depends how much air is moving through the vents. It is the primary filtration component that contains ‘electron collector cells’ and catches the smaller particulates that cannot be seen.

He said that barbecue exhaust demands one of the more “robust” systems and is one of the “nastier applications.” By applications, he meant cooking process. He stated that when you are cooking with meat and liquid, the “application” is messy. **Adding solid wood to the combination makes it way more problematic. The smoke will be opaque. It takes more to burn and the byproducts are actually more harmful.** The required filtration system with wood added to the mix is more involved. Greater demands will be placed upon the system.

I asked specifically whether a smoker that uses gas and just a few wood “chips,” would generate much smoke. **He said they “absolutely can” generate a lot of smoke.** The use of gas means there will just be one more chemical byproduct of the cooking/ smoking process that needs to be filtered out. Of course, he said, the severity of emissions would depend on how much the smoker would be used. This type of system needs to be cleaned well and often.

A system designed to accommodate filtration of barbecue –generated byproducts, smoke and odor should be custom-made. A quality system would ensure never having to do it again.

I asked Mr. Kuch specifically about the Southern Pride SK-500. He stated that even if a smoker produces less smoke, that aspect of it will not necessarily mitigate odors or other particulates expelled. To be sure, no smoker is smokeless.

Regarding the language comparing amount of wood to a fireplace: That is not quite an accurate comparison as many people in this area do not use their fireplaces at a minimum of 10-12 hours a day every day, including during the hot summer or spring when people are more apt to be outside or have their windows open. We still do not know what times the smoker will be going. Nor does anyone in Del Ray burn a wood fire whilst smoking mounds of pounds of pig flesh all day. Wood emissions will not be the only components in the smoke. There will be fat from the meat and gas from the ignition (even if they claim not). Also, will they use wet or dry wood? For some reason, I seem to remember one makes for more smoke, but is more harmful as a lung irritant.

Addressing the gas element of the smoker. I found this from a barbecue website: "For safety, gas contains smelly sulfur chemicals called mercaptans* to make it noticeable when there is a leak. In these ovens, the products of the gas burner combustion, including the odorous components pass through the cooking chamber and come in direct contact with the meat. **They will tell you that the gas is just there to ignite the wood, but don't fall for that line...the gas burners in these ovens fire every time the temperature drops, tainting the meat with each firing**". If that is true, it is worth thinking about, because the ventilation expert with whom I spoke stated that gas is another byproduct of such a cooking process that should be properly vented.

I am also wondering what happens if the restaurant gets so busy that the owners feel they need more than one smoker OR need to operate it all day to accommodate demand. Some popular barbecue restaurants have been known to use their smokers 24 hours per day. He does catering at Mango Mike's. Will he be doing catering here? Will that require more smoking than 10-12 hours per day? Also, we have not even addressed what type of cooking "Asian fusion" consists of. Will it be wok cooking/ Korean barbecue/ heavily spiced/ fishy? What type of smoke/emissions do these types of cooking methods expel?

After receiving some information from Mr. Anderson and speaking with Ms. Bannerman I spoke to Mr. Kuch again. He said whatever exhaust system the SK-500 provides, the

product will still not clean the air or remove odors. For that you need some combination of filtration devices and carbon filters mentioned previously.

Regarding the smoke, he said that unless the exhaust system is "pristine" cleaned and maintained after each use, the more smoke and emissions will be expelled as time goes on. He also said that, depending on wind conditions, the smoke and odor vapors could get into the vents of adjoining businesses.

Here is a copy of portions of an email sent to me by Mr. Kuch:

Hi Lisa

I got your voicemail, and felt I may be able to more accurately convey my feedback after having the opportunity to review the cooker and put an appropriate amount of thought into it rather than attempting to think out loud or manufacture "on-the-fly" suggestions over the phone. Per your message, I looked into this SPK-500 unit... Please see below for a link to the spec sheet:

<http://www.southern-pride.com/m/catalogs/Spec%20Sheet%20SPK-500.pdf> .

On page (2) of the spec sheet, you'll see a diagram of how Southern Pride suggests an exhaust vent/hood system is incorporated. Now, that's not filtered exhaust, just straight exhaust. Regardless of how little smoke this BBQ restaurant owner claims he'll be producing, there will be cooking odors and vapors that exhaust through that ventilator. Your concern of the neighborhood smelling like a perpetual "pig-pickin'" (I think that's the term people use), would be more attributed to the cooking odors and vapors, rather than the cooking smoke itself.

I've attached a photo as a visual example of what a system might look like...the unit in the photo is actually a production snapshot of a larger unit I used on a previous kitchen exhaust project. This is for your visual reference only, and in no way reflects the exact system configuration that would be applied to this BBQ restaurant location. I've also attached an illustrative example of a self-washing filtration system with carbon modules (odor control) and an integrated fan package - used on another kitchen project with different requirements... essentially this resembles what a complete system would look like without a weather-rated system enclosure, and other considerations...again, for your visual reference only, as every kitchen exhaust filtration job is unique, therefore it will have its own unique equipment configuration.

Dave Kuck
Commercial / Industrial Consulting & Sales
Direct: 843-628-4952

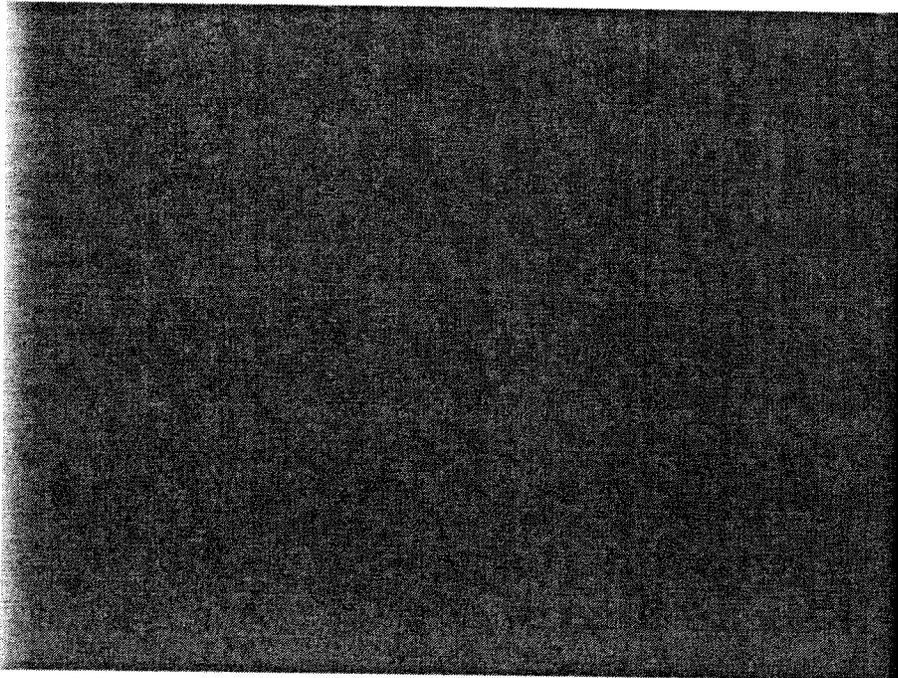
Toll Free: 877-688-2703

Fax: 843-795-5892
<mailto:dave@smokeeaters.org>

BPA Air Quality Solutions
1236 Folly Road
Charleston, SC 29412

www.smokeeaters.org

He stated that he would be happy to speak, to some extent, to any official regarding the matter.



Double-Pass-with-carbon.jpg

3. **Cautionary Tales:** The case that I found the most information about involves a restaurant called *Smokin' Al's* in Massapequa Park, Long Island, NY. This restaurant is located on a busy road and abuts a residential area. The nearest house is just 30 feet away. No neighborhood is a carbon copy of another, but Del Ray has the same components: busy main road with businesses abutting residences. The owner told the officials and residents that the smoker model he intended to use (and ventilation systems) would produce minimal smoke and odor. Neighbors were skeptical. He was given his Certificate of Occupancy (like our SUP) and the problems and complaints started immediately. He spent tens of thousands of dollars to improve it, but it still

caused odors and smoke to permeate the air, even the air inside people's homes. Finally, his Certificate of Occupancy (CO) was revoked and he succumbed to the reality that he would have to install a more expensive system in order to control the smoke and odor.

At one meeting, the owner's attorney stated the following: "The word Smokin' unfortunately refers to the way the food is prepared. It does not refer to smoke billowing out of smoke stacks in any way shape or form. "He does not want to be in a shopping mall, he doesn't want to be in an area on Sunrise Highway or somewhere like that. He would prefer to be in a neighborhood area. "

The owner described the smoker he used thus: "...you might have an image of charcoal and thick pieces of wood and logs...there is none of that here. It is little pieces of hickory wood like this and there is no flame. They come from Oklahoma, they are not from here and **they are electric, they are not gas**, and there is no flame. What it is is coils in the machine that just warm the wood. There is no pollution. There is some steam that comes out in the air. As you have seen in many restaurants, it's called an ancil system that filters out all the steam ...and as I discussed with the Board. I'm going to put in a secondary system to even mitigate that steam even further. There is absolutely no... There is no pollution before that but just a backup system on it. "

To compare, Mr. Anderson seems to be planning on no ventilation system any more sophisticated than that used in other restaurants that do not barbecue. I am not claiming that he is not planning to ventilate this restaurant. He did tell Nathan Randall at Planning and Zoning that there would be one ventilation system with two different vents – one would expel the "Asian fusion" matter near the Dairy Godmother side, and the other vent would expel the cooking matter from the barbecue restaurant. I am just concerned that a "typical" ventilation system will not be sufficient for such "robust" and "nasty" "applications" such as described by Mr. Kuck.

Back to *Smokin' Al's*: Things did not exactly go as promised. Numerous residents testified at hearings **after *Smokin' Al's* was operating.** He offered to put in a new system and brought its inventor to a hearing, the minutes of which I have read. Some of it is highlighted in the articles. The articles follow, with a few lines pulled out of them. In one is the following: "In an interview at Smokin' Al's, Horowitz noted his restaurant is not as smoky as many presume. **He holds up six small wood chips. Those chips will be the only wood used to cook one oven filled with meat.** The chips are placed against hot metal which causes the wood to smolder. This does not create a lot of smoke, Horowitz said, opening the oven doors to prove it. Smoke that is produced is absorbed through the first filtration system. Any smoke left, is absorbed through the second filtration system."

Please note that if six small wood chips created the problems complained about in Long Island, what will two to five firewood-sized logs produce? To be fair, I think this owner had more than one smoker at his restaurant. But six woodchips in multiple smokers is still far less wood than in even one log of firewood. The rest of the articles follow.

Massapequa Park approves Smokin' Al's restaurant

"How can you even consider this application? I can't imagine the problems that will cause," said resident Jim McGuire at the first hearing.

New Smokin' Al's restaurant in MPK stirs up heated debate

One, Yunbae Kim, the owner of Park Valet Cleaners, told the board that his dry cleaning shop smells like southern cooking, and that his customers are angry. Since their opening, Smokin' Al's Famous BBQ on the corner of Park Boulevard and Merrick Road has served up ribs, pulled pork with sides of slaw to thousands of customers. The side effects of this successful business have hit local merchants and residents hard, however, while the owners of the new restaurant said that they have done whatever possible to alleviate some of the complaints and be a good neighbor.

Al's taking some heat from Massapequa Park Village over odors

Since Smokin' Al's opened in November 2008, complaints have piled up at the restaurant with nearby residents complaining about high volumes of traffic, illegal parking by patrons and an ever-present smell of southern cooking in the air from morning to night. "You can't even open the windows because the smell is there," said Bill Ferro, a resident of the Village of Massapequa Park for 41 years. Every day, Ferro documents the odor and reports it to the Village.

But when complaints continued from nearby residents, the Village suggested that Smokin' Al's install a Smog-Hog which has a \$200,000 price tag attached.

Owner of Smokin' Al's serves up solution; Village, residents wary

"I go to take a shower and my towels smell like Smokin' Al's, thank you very much," shouted a woman dressed in a green blazer at the most recent Massapequa Park Village board meeting.

At a board meeting July 7, Mayor James Altadonna granted the restaurant eight weeks to install a new system to eliminate the barbecue smell that has caused a media melee that made news vans and TV crews a common sight on Merrick Road.

"The problem is that the ventilators (on the roof of Smokin' Al's) are not just spewing out smoke but particulates: pieces of meat, spices, oil and all the regular splatter that occurs over a cooking stove," said Alemao.

MPK Village should never have given permission to open Smokin Al's restaurant

A new CO would require the proposed restaurant to have sufficient amount of parking for both its employees and patrons. Additionally, the restaurant would be required to comply with all of the life safety and health provisions of the Building Code of New York State with regard to its kitchen exhaust system. **A CO is issued only after all the conditions are met. The conditions are not negotiated after the CO is issued.**

More concerns on Smokin' Al's and questions about proposed solutions

The stink coming from his establishment is obnoxious, nauseating and sickening. The stink is from morning 'till night. The smell enters our homes and gets on our clothes. We can't open our windows for fresh air. It is impossible to even sit outside and enjoy our back or front yards.

At that Village hearing I resented the Chamber of Commerce's president's comments that the homeowners in the immediate vicinity should have to accept any and all conditions these stores project because we should have known better than to buy homes so close to the stores. Also, a Century 21 agent told us that our homes were "doomed" in the resale market.

MPK Village should consider stronger planning reviews

Perhaps the board would have even picked up the fact that the filtration system was inadequate and that parking would become a problem. **At that point, before the applicant had made a major investment, the plans could have been altered,**

Village revokes Smokin' Al's occupancy certificate; restaurateur promises to come into compliance

After almost a year of neighbor complaints about a smoky barbecue smell from the restaurant in Massapequa Park, the owner is making arrangements to install a Smog- Hog to alleviate the conditions,

the building inspector testified about his on-going documentation of the smoke-nuisance; and a video was submitted showing cooking-smoke billowing from the building.

"I am coughing all the time ...there are clouds of smoke coming into my house." She also said that the smell aggravates her granddaughter's asthma; and her clothes and furniture smell like barbecue.

Massachusetts The takeaway from this article is that the neighbors met with the owner *before* he opened. He promised to address the issue. Whatever he did was not sufficient. Rather than spend the tens of thousands of dollars to fix it, he changed his entire menu. Notice also reference to a restaurant in the neighborhood that made it reek of garlic (hello Asian fusion).

Brookline barbecue joint agrees to ditch smoker after neighbors complain of odor

But when Joe Ranft began coming home several times a week to find his apartment filled with the smoky odor, he quickly grew tired of it.

Though Ranft said he was never bothered enough to complain about the smell, enough neighbors voiced concerns that the owners of the grill have opted to shut the grill down, according to town officials.

"People said they basically had to keep their windows closed," she said. "Sometimes it was worse than others."

But when Ciccolo showed up, he told officials he was already planning to shut the smoker down **rather than pay for the equipment that would block the smoky smell.**

"The smoker uses wood, so it's a different type of cooking element that requires more technical cooking controls," Maloney said.

The Washington Square neighborhood is no stranger to unwanted odors. **The neighborhood used to reek of garlic until Vinny T's agreed to put a special filter in place.**

San Francisco – this was a Korean barbecue and involved some charcoal. But bottom line was the ventilation and filtration system was not good enough

Residents Fuming Over Odors from Hahn's Hibachi

Noe Valley residents living within a two-block radius of Hahn's Hibachi, the Korean barbecue at the corner of Castro and 24th streets, have been plugging their noses since the cafe opened just over a year ago. Now after months of complaining about the restaurant's aroma, and not sensing much relief, the neighbors are starting to steam.

They claim the barbecue smoke, emitted from the restaurant's exterior exhaust system, wafts into nearby back yards and through open windows, causing itchy eyes, irritated asthma, shortened tempers, and a general degradation of lifestyle.

"I've lived here for 25 years, and once in a while we get a little whiff of garlic from Little Italy," says Jersey Street resident Lawrence Kulig. "But this stuff from Hahn's is overwhelming."

Lorraine Sherrill, who lives two blocks away at the corner of Castro and 26th streets, says that Hahn's smoke has triggered asthma attacks and driven her indoors on many occasions.

"Mr. Bass better quit messing around and go for the big guns," she said. "I've lived here for 67 years now. This is a good neighborhood, and I want it to stay a good neighborhood. As it is, people can't work in their back yards or sit out on their porches."

Texas Isn't this the barbecue capital? Even they don't like the smell...

Company: Buck's Barbecue, Location: Sweetwater, Nolan County, Type of Facility: barbecue restaurant, **Rule Violated: TNRCC Rule 30 TAC sec.101.4, nuisance level smoke and odor emissions.** Penalty: \$1,500, Staff Attorney: Walter Ehresman, (512) 239-0573, Regional Office: 209 South Danville, Suite B-200, Abilene, Texas 79605, (915) 698-9674 or 1700 South Lamar Boulevard, Building 1, Number 101, Austin, Texas 78704-3360, (512) 463-7803.

Colorado Wood burning oven, not smoker. But please note some of the language regarding smoke generated from wood

Boulder's Dirty Little Secret---Up in Wood Smoke

We rented a downtown apartment in February, on the top floor of an office building. It was removed enough from the main street to be quiet, a bonus in a college town.

Our dream apartment turned into a nightmare. Every day, beginning in early morning, smoke from the ovens rises in steady plumes above the chimneys. This goes on, with the occasional break, for nearly twelve hours, seven days a week. The smell is so obnoxious that we cannot open windows or use our balcony, and it is so strong that it often permeates our living quarters. Our noses are runny; our throats are sore and scratchy; and we have a hard time breathing.

While restaurant wood smoke has damaged our quality of life, it is doing much more than this. It is, in fact, a definite and well-established danger to the public's health. A few examples will suffice. First, wood smoke contains numerous toxic substances, many of which are also found in tobacco smoke.

Wood smoke "should be actively avoided" by such persons, according to the American Lung Association. Fourth, exposure to wood smoke can weaken the immune system, making us more susceptible to disease and weakening our ability to recover from both diseases and treatments such as cancer therapies.

San Diego Eventually, this guy changed locations and He doesn't use a smoker anymore

Phil's BBQ

At Phil's BBQ, though, "smoke" is a dirty word.

In March 2001, complaints about odors and smoke billowing from Phil's BBQ led a judge to fine co-owners Pace and Jeffrey Loya \$158,000. The Mission Hills restaurant closed for almost 10 months. Down to his last \$50, Pace filed for bankruptcy.

June 1998: The owner of The Huddle, a restaurant across from Phil's, tells a reporter that the new place drives away customers "who don't want to sit here and smell that." Other merchants add

their complaints, but the Air Pollution Control District insists that Phil's is complying with clean-air ordinances.

July 1998: The Air Pollution Control District changes its mind, cites Phil's. Pace orders a fan to dissipate smoke.

August 1999: On the roof of Phil's, Pace installs a "smog hog," a \$31,000 smoke-capturing device. "End of saga – we hope," Pace tells a reporter.

May 2000: After seven citations from the county, a judge orders Phil's to close if it is hit with one more violation. Pace argues that he is spending hundreds of hours and \$1,500 each month cleaning the "smog hog," vents and other restaurant equipment.

March 2001: Phil's closes, hit with the aforementioned \$158,000 fine.

TO: Members of City Council and Alexandria Environmental Policy Commission/ Planning and Zoning Commission

FROM: Lisa McNichols

DATE: APRIL 18,2010

RE: ENVIRONMENTAL CONSIDERATIONS REGARDING SPECIAL USE PERMIT #2010-0011

I. INTRODUCTION

A Special Use Permit (SUP) was recently submitted to the City of Alexandria Planning and Zoning Commission regarding a new business venture to be located in a new building at 2312 Mount Vernon Avenue, in the Historic Core of the neighborhood of Del Ray. The venture is to be a 166-seat restaurant serving three types of food in three different rooms: sushi, Asian Fusion and barbecue. This is an exciting development for the neighborhood and for Alexandria. The main applicant/doing business as *Hog Thaid* is Mike Anderson (heretofore The Applicant).

However, the cooking processes and plans to expel the byproducts therefrom have caused concern among some in the Del Ray community regarding air quality issues. The restaurant's planned gas and wood smoker will be ventilated so as to release into the air wood smoke, odors and other emissions such as gas. It will operate at least 12-15 hours per day, every day of the year. Such types of emissions can affect air quality and health. Asian fusion involves cooking at high heat with much oil, a method that has recently received heightened scrutiny.

In its *Eco City Charter 2008*, the following is stated: "Given that one in eight residents (of Alexandria) have respiratory illnesses, the City should influence and control emissions sources in a manner that reflects the choices and wishes of the community. The City and its citizens will:

- Enhance their ability to manage outdoor air quality from damaging pollutants in its jurisdiction and will consider emerging threats when establishing outdoor air quality goals and regulatory approaches.
- Be proactive in protecting public health and ecological quality by lowering the amount and number of sources of air, light, and noise pollution."

It is with the foregoing commitment in mind, that this document seeks to explore the possible impacts of this new venture on the health and quality of life of nearby Alexandrians, particularly those with respiratory illnesses or those susceptible thereto. Within this document is (1) a discussion of the SUP Application, (2) research on other communities that have faced health and nuisance issues when similar cooking processes became problematic; (3) a discussion of technologies that can help control significantly harmful emissions, smoke and odors; (4) an inventory of how other barbecue restaurants in residential areas ventilate their establishments; (5) discussion of possible mitigation techniques proposed by the SUP Applicant (i.e. a dilution fan) and concerned residents; (6) an exploration of current law, suggested policies and current permit standards.

II. SUP REQUEST

The Applicant seeks to smoke meat onsite. He plans to use a *Southern Pride SPK-500* model smoker which uses a combination of wood and gas to prepare the barbecued meat. The Applicant did not provide this information in his SUP request, but did eventually provide it to Erica Bannerman of Transportation and Environmental Services (T&ES). In his SUP application, he stated that the types of odors to be generated are "typical restaurant cooking odors. Vented up two and one half stories." Though not provided in his SUP request, the Applicant has stated that the unit uses no more than three to five 12" to 18" inch long logs for each ten to twelve hour cooking cycle. Both he and representatives of *Southern*

(141)

Pride equate the amount of wood used per ten to twelve hour cycle to that used in a residential fireplace. However, our research shows that most barbecue restaurants use their smokers an average of 15-17 hours per day, which would necessitate more wood being used. The smoker can produce smoke and odors for hours at a time.

In addition, from the proposed diagram, the Applicant plans what appear to be six woks on a cook line which utilize high heat, much oil and grease and generate pungent odors such as garlic and curry. The Applicant's SUP request does not provide any intention to do anything but expel straight, unfiltered exhaust into the air. At the very least, the combination of odors produced by a slow cooking barbecue smoker and high heat, garlic and oil-laden wok processes will be far from typical.

III. RESEARCH

A. Wood Smoke

The Applicant has stated that the smoke generated from his planned smoker will "probably" produce less smoke than that of an average wood-burning fireplace in a home. The Environmental Protection Agency (EPA) has stated the following about such wood smoke: "Smoke from wood burning stoves and fireplaces contain a complex mixture of gases and particles. The size of particles is directly linked to their potential for causing health problems." The miniscule size of the small particles generated by wood smoke pose "the greatest problems, because they can get deep into the lungs, and some may even get into the bloodstream." "These particles can affect both your lungs and heart." Some studies have shown that "an estimated 70% of smoke from chimneys can actually reenter a home and *neighborhood dwellings*." Numerous studies have linked particle pollution to a variety of problems, including increased respiratory symptoms, coughing, difficulty breathing, aggravated asthma, chronic bronchitis, and others. "People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure. However, even healthy people may experience temporary symptoms from exposure to elevated levels of particle pollution." (The preceding information is from an EPA document called *Health Effects of Breathing Woodsmoke*).

According to *Environment and Human Health Incorporated (EHHI)*, a health advocacy group, "For vulnerable populations, such as people with asthma, chronic respiratory disease and those with cardiovascular disease, wood smoke is particularly harmful— even short exposures can prove dangerous." Regarding exposure, the group states the following: "**The particulate matter in wood smoke is so small that windows and doors cannot keep it out—even the newer energy-efficient weather-tight homes cannot keep out wood smoke.**"

Given that the Applicant states the amount of wood used will "probably" use less smoke than an average family fireplace, this statement should be questioned with an eye toward finding, as close as possible, how much smoke will *in fact* be generated. Because of the long cooking process, the Applicant will use the smoker for at least *ten or twelve, or even up to 19 hours a day, every single day of the year*, based on comparisons to other barbecue restaurants. This will be done even in the summer months when people are outside, enjoying walks along the Avenue and his most direct neighbors are trying to enjoy their backyards. There are eleven children under 18

on the 100 block of East Oxford Avenue. One very young child who lives right next to the restaurant has asthma, as does another adult on the block. There is an elderly woman who is 97 and another in her eighties. There are at least five young children residing on Oxford Avenue between Clyde and Commonwealth Avenues. There is at least one elderly person with a heart condition, and another adult with a severe heart and lung condition, as well as an in-home day care. **Mount Vernon Community School (which is on a year-long calendar) is located one block away from 2312 Mount Vernon Avenue.** It is important to remember that no smoker is smokeless and no wood smoke is harmless.

The smoke and odors will not be intermittent. They will be generated each and every day for a prolonged period of time. Such emissions, if unmitigated, would be harmful to the most vulnerable among us.

B. Wok Cooking :(Asian Fusion):

Please be advised that this aspect of the Applicant's SUP request has not been studied as extensively because of time constraints. However, the Applicant's diagram of the proposed floor plan for the restaurant seems to indicate there will be six woks on a cook line. If that is the case, it is important to know that such types of cooking, using oil at high heat, can produce harmful byproducts. According to Tom Kuehn of the University of Minnesota, odors from certain types of cooking processes "contain chemicals that can ultimately be harmful for humans, at least at some exposure levels." In a new study, "Kuehn and colleagues used state-of-the-art analytical equipment to examine in even more detail the vapors and particles that come out of a larger variety of cooking methods and foods. They found that the dirtiest smoke by far came from diced chicken cooked with peanut oil in a wok. Broiled hamburgers came next." (The preceding information was found in an article from Discovery News).

C. Odors

Odors are part and parcel of city living. The smells generated by avenue restaurants add to the fabric and fiber of the urban experience. Often, these smells are intermittent. When the intensity and duration of odors become excessive, they can become nuisances and may even contribute to health problems. During a conversation I had with William Skrabak of T&ES, he acknowledged that "Noone would expect a person to have to smell barbecue odors for hours at a time." At some point, the constant, permeating smell of most anything can cause a reasonable person to stay inside to avoid the smell. The neighborhood and residents should not be held captive to any odor-generating source, even one that, at first, is inviting and tempting. According to Michael McGinley, in his paper for the Air and Waste Management Association, The 'Gray Line' Between Odor Nuisance and Health Effects, "Community odors remain one of the top three complaints to air quality regulators and government bodies around the country. More than 70% of all air pollution complaints to the EPA are odor related." According to cited research in the aforementioned paper, "The location of the olfactory system and the direct connection of the nerves with the brain create a unique pathway for environmental pollutants to potentially cause adverse health effects."

An odor is made up of odorant, the chemical compounds that cause the brain to communicate what a person smells. When odors become a nuisance, it is generally because the four factors of 1) Character, 2.) Intensity, 3.) Duration, and 4.) Frequency, contribute to an experience that is unacceptable. "Character" refers to what an odor smells like. "Intensity" refers to the odor's strength or power. "Duration" refers to how long each "odor episode" lasts. The longer an episode, the more likely a person will alter his or her behavior to avoid the odor. Finally, "frequency" refers to how often the odor episodes are experienced. "The more frequent the intrusion into the citizen's life, the more annoying each experience becomes."

At some point, odors have been linked to adverse health effects such as coughing, watery eyes, headaches and nausea, for example. It is not known if the odors cause these experiences or if the chemicals that make up the odors do so. This is a new area of research, according to the author. Although the research specifically mentions waste management plants and agricultural sites, the author acknowledges that even a slight odor, if endured for a long period of time can become a nuisance at the very least.

The foregoing is offered to highlight that odors as nuisance are a legitimate matter that many jurisdictions demand be mitigated. They may also have adverse health effects and impact air quality. The combination of barbecue smoke and odors, with the pungency of Asian fusion, presents a unique potential for such problems in our community.

D. EXPERIENCES OF OTHER COMMUNITIES

During my research, as I kept finding more instances of nuisance barbecue restaurants, I just kept saying – what is it about some of them that have made various neighborhood communities across the country sick (literally) of living near them. Some of the variables are the smoker used, the frequency of use, the configuration of the neighborhood, and most of all, the ventilation system. The following articles and transcripts from hearings are, to me, cautionary tales. The air is the air. Smoke and odors will be traveling through it the same way here that it did in NY, MA, CO, CA..

1. New York Times

In researching the issue, I came across an article from the *New York Times* about what it took to open a barbecue restaurant in New York City. **Note the type of smoker: gas with wood, the same type the Applicant plans to use.** I included this because it highlights how other jurisdictions deal very stringently with the *anticipated and expected* odors and smoke generated by barbecue restaurants. I thought you could do or find anything in NYC. Up until a few years ago, apparently, not barbecue.

Where the Smoke Rises (and Rises)

Some excerpts: Here, to the great frustration of barbecue aficionados, **stringent environmental codes protect the public from the saturating power of barbecue smoke.** While a handful of restaurants have

made good-faith efforts to create real barbecue in Manhattan, none have overcome the **compromises necessary to avoid offending the neighbors and authorities.**

Three years ago, (Danny Meyer) and his partners decided they would find a way to bring authentic, smoky barbecue to Manhattan with nary a gasp or a cough. Finally, last week, after yards of red tape, miles of research and many, many feet of chimneys and ductwork, their barbecue restaurant, Blue Smoke, opened.

Every day I'm learning why you don't see more barbecue restaurants in New York," Mr. Meyer said. "What you have to do is spend an enormous amount of time for permits and for getting the proper type of smoker approved and permitted and custom-built, and an **enormous amount of money to create the requisite amount of ventilation.**"

Creating the smokers was not nearly as difficult as getting rid of the smoke and other barbecuing waste.

The pits use gas flames to ignite apple logs, which smolder and smoke meats that rotate through the smoker on metal shelves. A thermostat monitors the logs, with the gas flame ready to reignite them.

2. Long Island, NY

The case that I found the most information about involves a restaurant called *Smokin' Al's* in Massapequa Park, Long Island, NY. This restaurant is located on a busy road and abuts a residential area. The nearest house is just 30 feet away. No neighborhood is a carbon copy of another, but Del Ray has the same components: busy main road with businesses abutting residences. The owner told the officials and residents that the smoker model he intended to use (and ventilation systems) would produce minimal smoke and odor. Neighbors were skeptical. He was given his Certificate of Occupancy (like our SUP) and the problems and complaints started. The operation caused odors and smoke to permeate the air, even inside people's homes. Finally, his Certificate of Occupancy (CO) was revoked and he succumbed to the reality that he would have to install a more expensive system in order to control the smoke and odors. A New Jersey company called "K-Vent" just recently installed an air cleaner for his main cooking hood and a dilution fan over his prep hood where he has the smokers.

At a town hearing, the owner of Smokin' Al's described the smoker he used thus: "...you might have an image of charcoal and thick pieces of wood and logs...there is none of that here. It is little pieces of hickory wood like this and there is no flame. They come from Oklahoma, they are not from here and **they are electric, they are not gas**, and there is no flame. What it is is coils in the machine that just warm the wood. There is no pollution. There is some steam that comes out in the air." **To compare, the Applicant seems to be planning on no ventilation system any more sophisticated than that used in other restaurants that do not barbecue. He did tell Nathan Randall at Planning and Zoning that there would be one ventilation system with two different vents – one would expel the "Asian fusion" matter near the Dairy**

Godmother side, and the other vent would expel the cooking matter from the barbecue restaurant. He also said that Mr. Anderson is “looking at whether there is some way to direct exhaust away from residences.” Recently, the Applicant has offered to install a dilution fan on the roof, which will be discussed below.

Things did not exactly go as promised. Numerous residents testified at hearings **after Smokin' Al's was operating**. He offered to put in a new system and brought its inventor to a hearing, the minutes of which I have read. Some of it is highlighted in the articles provided below. The articles follow, with a few lines pulled out of them. In one is the following: “In an interview at Smokin' Al's, Horowitz noted his restaurant is not as smoky as many presume. He holds up six small wood chips. Those chips will be the only wood used to cook one oven filled with meat. The chips are placed against hot metal which causes the wood to smolder.”

Please note that if six small wood chips created the problems complained about in Long Island, what will two to five firewood-sized logs produce? A call to the restaurant confirmed that the wood chips are 3” by 3”. When I asked an employee there about the smoke, he stated, “If there is a downdraft of the wind, of course the smoke is going to go in people's houses.” To be fair, this owner had more than one smoker at his restaurant. When I called back another time, another employee refused to discuss the proprietary information about the ventilation system. He did state that the smokers were of various sizes, some small and others larger. But six woodchips in multiple smokers is still far less wood than in even one log of firewood.

I did find out that the restaurant used a smoker by “Cookshack.” I called the company and its representative told me with utmost confidence that these machines made “very little smoke.” He also stated very little of the wood is burned and that there is “less ash and less smell.” Needless to say, this was far from the experience of the Long Island community. As the rest of the articles demonstrate, the community near the restaurant experienced nuisance odors, coughing, watery eyes, and smoke entering their homes. The clothes from the nearby drycleaners smelled like barbecue, owners lost tenants, and property values dropped. Yet the owner there promised this would not be a problem. The manufacturer claimed there would be little smoke. That turned out not to be the case. After two years, the owner finally succumbed and installed what an employee told me was a product called a Smog-Hog. The Applicant (Mr. Anderson) states that a dilution fan was installed. Apparently they have both. In the present matter, the Applicant (Mr. Anderson) said at a community meeting, “Just trust us. We'll do right by Del Ray.” I am afraid that other communities did not fare very well upon hearing similar promises. The rest of the articles about this matter follow.

Massapequa Park approves Smokin' Al's restaurant

“We are aware of the concerns. We met with them (Smokin' Al's owners) three times, they reduced the seating and I think we now have a viable plan,” said Mayor James Altadonna, who added that the plans will include the installation of a filtration system to ensure that fumes and odors from the restaurant do not bother nearby residents.” My addition: This filtration system was inadequate.

New Smokin' Al's restaurant in MPK stirs up heated debate

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One, Yunbae Kim, the owner of Park Valet Cleaners, told the board that his dry cleaning shop smells like southern cooking, and that his customers are angry. Since their opening, Smokin' Al's Famous BBQ on the corner of Park Boulevard and Merrick Road has served up ribs, pulled pork with sides of slaw to thousands of customers. The side effects of this successful business have hit local merchants and residents hard, however, while the owners of the new restaurant said that they have done whatever possible to alleviate some of the complaints and be a good neighbor.

Al's taking some heat from Massapequa Park Village over odors

Since Smokin' Al's opened in November 2008, complaints have piled up at the restaurant with nearby residents complaining about high volumes of traffic, illegal parking by patrons and an ever-present smell of southern cooking in the air from morning to night. "You can't even open the windows because the smell is there," said Bill Ferro, a resident of the Village of Massapequa Park for 41 years. Every day, Ferro documents the odor and reports it to the Village.

Owner of Smokin' Al's serves up solution; Village, residents wary

"I go to take a shower and my towels smell like Smokin' Al's, thank you very much," shouted a woman dressed in a green blazer at the most recent Massapequa Park Village board meeting.

At a board meeting July 7, Mayor James Altadonna granted the restaurant eight weeks to install a new system to eliminate the barbecue smell that has caused a media melee that made news vans and TV crews a common sight on Merrick Road.

His screen utilizes active carbon filters, extremely porous material that catches and keeps odors and organic material through chemical bonding.

"The problem is that the ventilators (on the roof of Smokin' Al's) are not just spewing out smoke but particulates: pieces of meat, spices, oil and all the regular splatter that occurs over a cooking stove," said Alemao.

MPK Village should never have given permission to open Smokin Al's restaurant

Additionally, the restaurant would be required to comply with all of the life safety and health provisions of the Building Code of New York State with regard to its kitchen exhaust system. **A CO is issued only after all the conditions are met. The conditions are not negotiated after the CO is issued.**

More concerns on Smokin' Al's and questions about proposed solutions

The stink coming from his establishment is obnoxious, nauseating and sickening. The stink is from morning 'till night. The smell enters our homes and gets on our clothes. We can't open our windows for fresh air. It is impossible to even sit outside and enjoy our back or front yards.

At that Village hearing I resented the Chamber of Commerce's president's comments that the homeowners in the immediate vicinity should have to accept any and all conditions

these stores project because we should have known better than to buy homes so close to the stores. Also, a Century 21 agent told us that our homes were "doomed" in the resale market.

MPK Village should consider stronger planning reviews

Perhaps the board would have even picked up the fact that the filtration system was inadequate and that parking would become a problem. **At that point, before the applicant had made a major investment, the plans could have been altered,**

Village revokes Smokin' Al's occupancy certificate; restaurateur promises to come into compliance

After almost a year of neighbor complaints about a smoky barbecue smell from the restaurant in Massapequa Park, the owner is making arrangements to install a Smog- Hog to alleviate the conditions,

the building inspector testified about his on-going documentation of the smoke-nuisance; and a video was submitted showing cooking-smoke billowing from the building.

"I am coughing all the time ...there are clouds of smoke coming into my house." She also said that the smell aggravates her granddaughter's asthma; and her clothes and furniture smell like barbecue.

3. Massachusetts

The takeaway from this article is that the neighbors met with the owner *before* he opened. **He promised to address the issue.** Whatever he did was not sufficient. Rather than spend the money to fix it, he changed his entire menu. It has since been learned that the smoker here was all wood. But the owner estimated that it would cost \$30,000 to ventilate properly. Since the Applicant is planning a hybrid, it may be surmised that a ventilation system adequate to the task will not be as costly as that needed for an all-wood smoker.

Brookline barbecue joint agrees to ditch smoker after neighbors complain of odor

But when Joe Ranft began coming home several times a week to find his apartment filled with the smoky odor, he quickly grew tired of it.

Though Ranft said he was never bothered enough to complain about the smell, enough neighbors voiced concerns that the owners of the grill have opted to shut the grill down, according to town officials.

"People said they basically had to keep their windows closed," she said. "Sometimes it was worse than others."

But when Ciccolo showed up, he told officials he was already planning to shut the smoker down rather than pay for the equipment that would block the smoky smell.

“The smoker uses wood, so it’s a different type of cooking element that requires more technical cooking controls,” Maloney said.

The Washington Square neighborhood is no stranger to unwanted odors. **The neighborhood used to reek of garlic until Vinny T’s agreed to put a special filter in place.**

4. San Francisco

This article involves a Korean barbecue and charcoal. But the conclusion is that the ventilation and filtration system was not good enough

Residents Fuming Over Odors from Hahn's Hibachi

Noe Valley residents living within a two-block radius of Hahn's Hibachi, the Korean barbecue at the corner of Castro and 24th streets, have been plugging their noses since the cafe opened just over a year ago. Now after months of complaining about the restaurant's aroma, and not sensing much relief, the neighbors are starting to steam.

They claim the barbecue smoke, emitted from the restaurant's exterior exhaust system, wafts into nearby back yards and through open windows, causing itchy eyes, irritated asthma, shortened tempers, and a general degradation of lifestyle.

Lorraine Sherrill, who lives two blocks away at the corner of Castro and 26th streets, says that Hahn's smoke has triggered asthma attacks and driven her indoors on many occasions.

"Mr. Bass better quit messing around and go for the big guns," she said. "I've lived here for 67 years now. This is a good neighborhood, and I want it to stay a good neighborhood. As it is, people can't work in their back yards or sit out on their porches.

5. Colorado

This article addresses complaints generated from a wood burning oven, not a smoker.

Boulder's Dirty Little Secret---Up in Wood Smoke

We rented a downtown apartment in February, on the top floor of an office building. It was removed enough from the main street to be quiet, a bonus in a college town.

Our dream apartment turned into a nightmare. Every day, beginning in early morning, smoke from the ovens rises in steady plumes above the chimneys. This goes on, with the occasional break, for nearly twelve hours, seven days a week. The smell is so obnoxious that we cannot open windows or use our balcony, and it is so strong that it often permeates our living quarters. Our noses are runny; our throats are sore and scratchy; and we have a hard time breathing.

While restaurant wood smoke has damaged our quality of life, it is doing much more than this. It is, in fact, a definite and well-established danger to the public's health. A few examples will suffice. First, wood smoke contains numerous toxic substances, many of which are also found in tobacco smoke.

Wood smoke "should be actively avoided" by such persons (added by me: such as those with asthma and other heart and lung conditions), according to the American Lung Association. Fourth, exposure to wood smoke can weaken the immune system, making us more susceptible to disease and weakening our ability to recover from both diseases and treatments such as cancer therapies.

6. San Diego

I have not been able to ascertain what type of smoker was used. However, the owner had to keep playing catch-up as his initial ventilation system was obviously not adequate to handle the smoke and odors. Though he tried to retrofit his space after all the cooking equipment was put in place, the cost and effort became prohibitive. He eventually moved to a location away from residences and does not even use a smoker anymore.

Phil's BBQ

At Phil's BBQ, though, "smoke" is a dirty word.

In March 2001, complaints about odors and smoke billowing from Phil's BBQ led a judge to fine co-owners Pace and Jeffrey Loya \$158,000. The Mission Hills restaurant closed for almost 10 months. Down to his last \$50, Pace filed for bankruptcy.

June 1998: The owner of The Huddle, a restaurant across from Phil's, tells a reporter that the new place drives away customers "who don't want to sit here and smell that." Other merchants add their complaints, but the Air Pollution Control District insists that Phil's is complying with clean-air ordinances.

July 1998: The Air Pollution Control District changes its mind, cites Phil's. Pace orders a fan to dissipate smoke.

August 1999: On the roof of Phil's, Pace installs a "smog hog," a \$31,000 smoke-capturing device. "End of saga - we hope," Pace tells a reporter.

May 2000: After seven citations from the county, a judge orders Phil's to close if it is hit with one more violation. Pace argues that he is spending hundreds of hours and \$1,500 each month cleaning the "smog hog," vents and other restaurant equipment.

7. Conclusion of section

The preceding articles paint a picture of doom and gloom. That is not the intent. They are presented as cautionary tales to learn from. With a good ventilation system that captures odors, smoke and other

emissions installed prior to opening, it is quite possible for the Applicant's much anticipated restaurant to thrive in our community! The articles all point to two unavoidable observations: (i.) Barbecue (compounded by Asian cooking) processes produce smoke and odors over a long period of time each day; (ii) preempting and *adequately* mitigating these potential nuisances and health hazards *before* a restaurant *in a residential area* is built is the prudent social and economic course.

William Gillespie, Air Compliance Engineer of the Virginia Department of Environmental Quality (DEQ) has stated as much. He has informed me that barbecue restaurants in residential areas "pose a classic air pollution problem" and that once a restaurant is up and running, it is an arduous process to accomplish changes in the ventilation systems that will mitigate harmful particulates and nuisance odors. It is important that conditions be placed on such establishments *at the local level* in order to *avoid* such a scenario where communities suffer and the costs of coming into compliance are greater than would have been had they been addressed from the start.

IV. TECHNOLOGY IN ODOR AND EMISSIONS CONTROL

During my course of research, I spoke to Dave Kuck (like Cook), from a company called Breathe Pure Air. His company provides consulting and products that address air quality. He said there is any number of products and configurations of "kitchen emissions control systems." His company consults and designs each system according to many variables: size of space, type of cooking, or "application," (barbecue requires a more what he called "heavy" intervention. A properly sized and designed system can efficiently remove grease and smoke particulates.

What he recommends depends on space, legal requirements, type of "application," or cooking process, and how serious someone is about getting the cleanest air possible. A separate component of a system removes odors. Carbon filters are generally necessary for odor removal. The amount of carbon required depends on the amount of exhaust generated and the speed with which the vents expel it.

Regarding smoke/grease/other condensables: The first stage involves a prefilter "impingement" device which collects larger contaminants. The next stage involves an "electrostatic precipitator," the size and intricacy of which depends on how much air is moving through the vents. It is the primary filtration component that contains 'electron collector cells' and catches the smaller particulates that cannot be seen.

He said that barbecue exhaust demands one of the more "robust" systems and is one of the "nastier applications." This confirms what was told to me by the Virginia DEQ rep: barbecue restaurants are the "worst" in terms of generating smoke and odors. He stated that when you are cooking with meat and liquid, the "application" is messy. **Adding solid wood to the combination makes it way more problematic. The smoke can become opaque. It takes more to burn and the byproducts are actually more harmful.** The required filtration system with wood added to the mix is more involved. Greater demands will be placed upon the system.

I asked specifically whether a smoker that uses gas and just a few wood "chips," would generate much smoke. **He said they "absolutely can" generate a lot of smoke.** The use of gas means there will just be one more chemical byproduct of the cooking/ smoking process that needs to be

filtered out. Of course, he said, the severity of emissions would depend on how much the smoker would be used. This type of system needs to be cleaned well and often.

A system designed to accommodate filtration of barbecue –generated byproducts, smoke and odor should be custom-made. Many variables would determine such an establishment’s needs. They cost more to design and install, **but a quality system would ensure never having to do it again.** He said we should really get cracking on looking at the law in Virginia, as different jurisdictions are more or less strict regarding what types of ventilation systems will be approved.

Mr. Kuck was gracious enough to do a cursory examination of the SPK- 500. He said whatever exhaust system the SK-500 provides, the product will still not clean the air or remove odors. For that you need some combination of filtration devices and carbon filters mentioned previously.

Regarding the smoke, he said that unless the exhaust system is “pristinely” cleaned and maintained after each use, the more smoke and emissions will be expelled. He also said that, depending on wind conditions, the smoke and odor vapors could get into the vents of adjoining businesses. Other businesses would certainly want the expelled matter to be as clean as possible. Indeed, so should the Applicant. Sheila Mitchell is the owner of “Tops of Old Town,” a store selling custom hats and suits across the street from where the new business is being built. She expressed her concerns upon meeting the Applicant that her inventory and store had for two years in a row been permeated with the smell of barbecue and smoke by Pork Barrel Barbecue (the name of the Applicant’s barbecue venture) during “Art on the Avenue” when they set up right in front of her establishment. He stated that he was going to install “state of the art ventilation.”

Mr. Kuck stated the following:

I got your voicemail, and felt I may be able to more accurately convey my feedback after having the opportunity to review the cooker and put an appropriate amount of thought into it rather than attempting to think out loud or manufacture “on-the-fly” suggestions over the phone. Per your message, I looked into this SPK-500 unit... Please see below for a link to the spec-sheet:

<http://www.southern-pride.com/m/catalogs/Spec%20Sheet%20SPK-500.pdf> . On page (2) of the spec sheet, you’ll see a diagram of how Southern Pride suggests an exhaust vent/hood system is incorporated. Now, that’s not filtered exhaust, just straight exhaust. Regardless of how little smoke this BBQ restaurant owner claims he’ll be producing, there will be cooking odors and vapors that exhaust through that ventilator. Your concern of the neighborhood smelling like a perpetual “pig-pickin’” (I think that’s the term people use), would be more attributed to the cooking odors and vapors, rather than the cooking smoke itself. Basically, as the level of expectation of high-efficiency filtration, the higher the required system capacity will need to be, and subsequently that will impact the equipment cost.

V. OTHER BARBECUE RESTAURANT VENTILATION SYSTEMS

The following is a chart providing information about how other restaurants deal with smoke odors and other emissions generated by their atypical cooking process. Most of this research has

been provided by Ashley Klick, another concerned member of the community and resident of Oxford Avenue. Some restaurants were more willing than others to reveal what they specifically used.

Restaurant Research

Restaurant/Location/Representative: Old Glory, Georgetown (Chef)

Cooking Style: Grill System

Equipment: Sophisticated Hood

Location:

Comments:

They used to have an outdoor pit, moved to smoker and eventually moved to grill model.

Presently no complaints on odors. Smoke is not an issue now.

Restaurant/Location/Representative: Blue Smoke, NYC (Chef)

Cooking Style: Smoker

Equipment: Hood that vent 14 stories

Location: Gramercy Park, NYC, residential with stores and restaurants

Comments:

They do have smoke and odors he said. They have complaints about the smoke (not the odor) from the tenants above him. His problem is that "the building is 100 years old and "what can [he] do to close up all the nooks and crannies." He said they have regular inspections by the EPA and that they do a stringent cleaning every 3 months of the stack.

After they opened, other BBQ restaurants in NYC have had to use "scrubbers" (carbon filters) . When I told him that the City of Alexandria only required a hood system, his initial response was "Wow." He was surprised that Virginia did not have laws about this issue, and commented that he "**hoped we had a good community response team.**"

He was familiar with the hybrid model from Southern Pride (they use a product developed by a few former Southern Pride employees). He (like 3 other BBQ owners I spoke with in the past 10 days) was

surprised they were using only one piece of equipment for a 70 seat restaurant. Based on that, but with the caveat that neither he nor I knew their menu, he predicted they would need to operate the smoker around the clock. This could potentially mean more smoke and a 24-hour duration.

He definitely understood my concerns and thought they were valid. His advice was to find a ventilation expert and get their opinion on what is needed to mitigate the "very realistic" concerns about the odors and smoke. He said someone should confirm how the Applicant planned to clean the equipment and stack and the frequency of such cleaning. He said that is definitely important as a failure to do so creates a real fire hazard.

Restaurant/Location/Representative: Q, Midlothian, VA (Owner)
Cooking Style: Smoker (similar to Applicant)
Equipment: Hood system
Location: Commercial Zone between Walmart and Sam's Club

Comments:

They have 2 stacks in their chimney, 1 return air and 1 vent to pull the smoke. It is a hood system fabricated with a draw and return system. They use dry wood- green wood, approximately 1-2 years old that burns quickly and cleanly. They use their system for 12-15 hours daily overnight. They turn it on at 5pm and unload at 9am. They use it for quick burn items like ribs and chicken during the day for 3-4 hours.

They have it professionally cleaned 4x a year and *clean the stack themselves weekly. He said that if you did not clean it regularly you will have really black smoke.*

He said that until he spoke with the Applicants last week he had not given much thought to the smoke, etc. since they were in a commercial area. His thoughts were that if there is no ventilation you would definitely smell it before you saw the smoke. There is smoke, although in his opinion it was not dark smoke because they clean it, and he did state that they have had problems with intake back into the restaurant because no system is perfect.

From Mr. Butler's perspective he thought the odor would be more immediately bothersome to residents than the smoke. He did say that he has no information about health risks associated with wood smoke.

Restaurant/Location/Representative: The Pit Barbeque, Chilhowie, VA (Manager)
Cooking Style: Smoker
Equipment: Custom ventilation system

Location: Near a school and a few residences

Comments:

We are near a school and put in a top of the line ventilation system. We do not have any complaints.

Restaurant/Location/Representative: Hillbilly Red's, Sandston, VA (Manager)

Cooking Style: Smoker - Hickory Wood

Equipment: "Special" ventilation system

Location: Commercial

Comments:

Restaurant/Location/Representative: CarterQue, Mount Airy, MD (Owner)

Cooking Style: Smoker

Equipment: Hood system

Location: Commercial Zone near Food Lion

Comments:

I am sure if were in a residential area we would have complaints.

Restaurant/Location/Representative: Dixie Bones, Woodbridge, VA (Owner)

Cooking Style: Natural Smoke Fireplace- Open Pit outside

Equipment: Special venting system

Location: Commercial; Woodbridge Center Plaza

Comments:

"We run our equipment 10-12 hours overnight, operate M-Su until 9pm."

Other responses via email:

"The *smoke and smell* will draw customers, you won't get complaints from the green agenda, although they will eat your Q...standard vent system, that was here from years ago, I don't know the various systems, but it has to be approved by the Health and Fire people...we seat 120, many take outs, my Southern Pride is the Rolls Royce of Smokers, keep it up it will last forever, me, 9 years no breakdowns, **running 24/7** for the most part. You can't possibly go wrong with a Southern Pride, their back office is also a 10." Chubbys BBQ, located on a **rural/non-residential** road in Emmitsburg, MD

To note, this restaurant is on a rural road, but the owner speaks of how the "smoke and smell" will draw customers in.

From another email response:

"Ashley, the southern pride smoker is the best unit you can buy for your money and low maintenance. 1st the smoke **MUST** be extracted by the smoke extractor(extra purchase). 2nd the smoke by fire code and other codes must be sent above the roof(example: a bbq restaurant in N Y city had to extend the chimney 30 stories to the roof). 3rd the restaurant we have is 55 seats but our catering has been for the largest 15000, took a long to prepare for that, the unit I use is the SPK280SL series but is no longer in production the new model SBK500SL series is the next best thing little larger, I have been using southern pride for 17 years and they are great,4th **CLEANING MOST IMPORTANT!!!** keep the fire chamber free of after burn(ashes) and the grease floor drained after every cooking (or you could have fire) I have known of fires but I have never had one(knock on hickory).

GOOD COOKIN~ Chris Bastian" Located in Salem, VA on a **rural road with no residences in sight on a Google Maps search**

Conversations with Barbecue Restaurant Managers/ Owners in area – Rockland's - I spoke to the manager of either the Quaker Lane location or the Arlington location. Rockland's does use an all-wood smoker, so it might be reasonable to assume their "capturing" system should be more expensive and involved. They must comply with government regulations; the government will come and check everything; they use very powerful hoods and grilles and expensive degreasing cleaners and equipment at Rockland's. **They have had more odor complaints in DC where it is more residential;** their smoke, etc. is expelled three stories into the air; she said that when they opened, an air quality inspector came out and looked at everything.

Owner of Rocklands – he stated that the ventilation systems he uses are generally more expensive and more powerful than other places. He also said that the system and cost will vary depending on how residential the area is and the requirements that vary from jurisdiction to jurisdiction regarding ventilation and emissions regulations. He did say he somewhat regrets his location in Alexandria. He picked it, in large part, because it was a good distance from any residential communities (it is a block off a very busy and commercial part of Duke Street), but he is sure he could be making more money if he were located where people could see his establishment. His vents extend up three stories. At that location he uses a cap/trate filtration system which "captures" a lot more of the odors/smoke and "greatly reduces" their negative effects into the air; it is *cleaned and scrubbed daily using a power washer* and reduces by 90% visible emissions.

VI: THE APPLICANT'S CURRENT PROPOSALS

The Applicant's SUP request indicates no plans for odor control except to vent straight exhaust up "two and one half stories." After being informed of concerns within the community, the Applicant has expressed a laudable willingness to deal with inevitable problems. The Applicant has offered to install a "Flame Gard" filter, a dilution fan on the roof, and claims he switched from plans to use an all-wood smoker to a hybrid gas/wood smoker to cut down on smoke. *He also acknowledges that the dilution fan is not the most effective odor and emissions control method, but is concerned about costs for other methods that might be more efficient.*

- A. Flame Gard filter: This is a \$100 to \$200 dollar (not including installation) that captures larger grease particles – and smaller ones as well. It also captures embers that could be a fire hazard. It is believed that these will be installed on both the Asian fusion and barbecue vents. However, it does not appear that this device will control smoke or odors.
- B. Dilution fan designed by K-Vent: They also stated that they were willing to put a "dilution fan" on the roof. It is not known if this will accommodate both the barbecue exhaust stack or for Asian fusion exhaust stack as well. The Applicant describes it as machinery that mixes in fresh air with "whatever happens to come out" and shoots it 150 feet up. The company they seem to have contracted with is K-Vent in New Jersey.

This company was also hired by the aforementioned *Smokin' Al's*. According to the town officials in Long Island and an employee there, the restaurant installed a Smog-Hog, a "capturing system" designed to mitigate emissions such as smoke and odors.. The Applicant stated that *Smokin' Al's* installed a dilution fan. Emails to the company do not state exactly what was implemented, but the company does state they designed a dilution fan and an unnamed "air cleaner." They state dilution works well for wood smoke as the dilution system "mixes clean outdoor air in with the **dirty** air from the cooking operation on a average of a 2 to 1 dilution rate, we then shoot this air high into the atmosphere **so the plume will be carried away by the prevailing winds**. The most common use for this system in restaurants is on wood burning equipment were you want to minimize the smoke and odors from the wood burring operation. Unlike air cleaners we do not remove the particulate or odors we dilute them and discharge them away from the surrounding buildings. If you are doing a application with grease or smoke from a normal cooking operation (such as Asian fusion – my addition). the air cleaner would more than likely be the better choice."

However, what happens when there are no "prevailing winds" or any wind to speak of? There are other questions to ask: it is our impression that the Applicant plans to place a dilution fan on the roof, but K-Vent seems to have installed *Smokin' Al's* over his prep hood. We do not know what difference that will make. Also, if the prevailing winds take the diluted "dirty air" elsewhere, will it just become someone else's problem? What if the wind blows everything back down? Will the dilution fan operate constantly or only when exhaust is emitted? Will it engage every time exhaust is emitted? Will it be noisy? Will it pass code?

At the April 19th hearing of the Alexandria Environmental Policy Commission, William Skrabak of T&ES, stated that the dilution fan will not work as well when there are cross winds, but that those winds might

add some other dilution. Mr. Skrabak also stated that the Applicant was looking into the feasibility of building vents in a way such that if the odor and/or smoke/ emissions are a nuisance or health hazard, then it will be less arduous to install the most efficient odor and emissions capturing system. But why not just do it the way even the Applicant admits would be the most effective? This seems to be the better course, especially in light of the previously highlighted language from the city's *Eco City Charter*: : "Given that one in eight residents (of Alexandria) have respiratory illnesses, the City should influence and control emissions sources in a manner that reflects the choices and wishes of the community. The City and its citizens will:

- Enhance their ability to manage outdoor air quality from damaging pollutants in its jurisdiction and will consider emerging threats when establishing outdoor air quality goals and regulatory approaches.
- Be proactive in protecting public health and ecological quality by lowering the amount and number of sources of air, light, and noise pollution."

William Gillespie of DEQ, when informed the diffusion fan will be employed, stated the following: "Generally, I am concerned about devices that simply dilute emissions as has been suggested at the Hog Thaid. 'The solution to pollution is not dilution!' a good friend of mine once said.... Capturing the grease, smoke and odors is a much better idea (and a real solution). I talked to Mr. Snedden, the owner of Rockland's last week. He says they use CaptiveAire's Captrate filter system with an oversized fan (this is important) to powerfully pull grease, smoke and odors through the small pores of Captrate's filter system. He tells me they powerwash their Captrate filters every morning, so good operating procedures are important in keeping emissions low." The Applicant has also acknowledged that a system with powerful fans and carbon filters, or scrubbers, is the best method. At a recent meeting, he did offer to look at the CaptiveAire systems. I have not yet heard back from him in that regard.

I spoke to representatives of "Captiveaire" at two different offices. The website states the following:

INC. magazine has repeatedly named CaptiveAire one of the top 500 fastest growing private companies in America. CaptiveAire is continually voted "**Best in Class**" by industry dealers and consultants, according to Foodservice Equipment & Supplies magazine. CaptiveAire has been recognized as one of the 100 largest private companies in North Carolina (Business North Carolina magazine) and one of the top 50 fastest growing private companies in the Raleigh Triangle (Triangle Business Journal).

When I spoke to each one separately (one in Virginia and one in Maryland) about the plans for a dilution fan, they said they never heard of it, at least not in the food industry. One wondered whether, although it might be used in chemical plants, it might not be "rated for grease."

Mr. Gillespie apprised me of some of the cases he has worked on. For example, he stated, "From 1991 to 1999, I was the Chief of Compliance and Enforcement of the District of Columbia's air quality program. During that period, my staff and I worked with a Popeye's restaurant on Wisconsin Avenue that was causing odor complaints nearby. I cannot recall if we required carbon filtration or whether the Popeye's volunteered to do carbon filtration, but in any case, the Popeye's instituted a rigorous cleaning of its exhaust system every week and installed activated carbon controls. Odors were much less after the operational practices and controls

were put in place.” Rockland’s and the preceding are indicative of how successful an efficient kitchen emissions system involving emissions capture and odor controlling carbon filters can be.

C. The Applicant’s use of a hybrid smoker saves money that makes a more environmentally effective kitchen emissions system more affordable

We certainly appreciate the choice of a “hybrid” smoker for the good of Del Ray. A representative at Southern Pride told me the SPK-500 costs \$17,252, minus any special ventilation packages. According to my research, a custom-made all-wood smoker can cost over \$15,000. They also demand the constant attention from a skilled pit master to constantly monitor the cooking of the meat. This eliminates the need for a salaried employee (or two – who is going to monitor a ten to twelve hour process overnight seven days per week, plus cook more during the day?). The SPK-500 does not necessitate such vigilance. You push a button and start the machine, but the consistency is spot-on. Therefore, the Applicant saves on salary and eliminates the risk of human error by ensuring consistency of product output. In addition, the insurance for an all-wood smoker is higher. An all-wood smoker necessitates a much more robust ventilation system, to clean and capture smoke, odors and particulate matter inside and outside the restaurant. It is believed that such a system would be much more expensive than anything the Applicant would have to install with his hybrid smoker. Considering all the foregoing, the savings from choosing a hybrid smoker are significant. Given the savings generated from his choice, an environmentally more efficient system would still be cheaper than anything the Applicant would have spent on a ventilation system for an all wood smoker.

VI. PRESENT LAW and POLICY INITIATIVES

There are numerous policy initiatives and laws that intersect. The Alexandria City Zoning Ordinance, Virginia statutes, federal guidelines, the Mount Vernon Area Business Plan, and the City’s Eco City Charter and Environmental Action Plan can all be consulted to form a tapestry of requirements and goals. In the interests of time and space, the following discusses only some of these provisions.

A. Alexandria City Zoning Ordinance:

1.) Alexandria Zoning Ordinance Section 4-100:

2312 Mount Vernon Avenue is located in the Historic Core of Del Ray. It is in a Commercial Low Zone, the purpose of which, according to Section 4-101 is thus:

4-101 Purpose. The CL zone is intended to provide for small scale retail and service uses offering pedestrian oriented shopping and services for individual consumers and households located primarily in nearby residential areas. **Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development**, be developed and designed so as to be in character with such development and **be of such characteristics as not to be detrimental or a nuisance to nearby residential properties.**

a. Section 4-107 Use limitations

(E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, **odor, smoke**, gas, fumes, noise, vibration or glare.

The Commercial Low Zone is the least intense of zoning districts. Taking all the Applicant's plans into consideration, between (i) deliveries starting at 4 am on some days, (ii) service until 2 am (stop seating at 1am) on some days (iii) clean up and prep past that (iv) smoker use at least 12 – 15 hours), they are proposing what, on certain days will involve a near 24 hour operation. The smoker will go at least 15 hours and produce odors for a prolonged period of time in addition to the smoke and odors generated by the Asian Fusion space. Such intense and lengthy cooking processes, I argue, are surely not contemplated as permissible within such a zone; not unless smoke and odors are mitigated efficiently. Small businesses are an important piece of any local economy. But so are the families that support them and live near them. There are few rights more sacred than the right to use and enjoy one's property - than enjoying a conversation with a neighbor on the sidewalk, watching one's children play in their backyard or opening a window for fresh air, without the constant and potentially permeating, overwhelming smell that results from the cooking processes the Applicant plans for his restaurant. In this competition of interests, this is a Commercial Low Zone, and therefore the rights of the community's enjoyment of healthy air and the maintenance of residential property rights should be guarded jealously. Therefore any business person seeking to profit in such a location should do his level best to conform to the zone in which he seeks a permit.

2.) Alexandria Zoning Ordinance Section 11-500 Special Use Permits

a. 11-501 Authority. The city council may approve an application for a special use permit provided for in this ordinance if the proposed location is appropriate for the use and if the proposed use or structure will be designed and operated **so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity. (Bold added)**

b. Section 11-505 **Conditions and restrictions.** In approving a special use permit, the **city council may impose any conditions and restrictions that it determines are necessary and desirable** to ensure that the use will further those considerations enumerated in section 11-504 (Conditions on Review). If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.

From the preceding language, it is clear that the City Council has the authority to consider whether a proposed use may have "*potentially*" adverse effects upon the neighborhood or other properties located in "the vicinity." We have put forth ample evidence, in the form of news articles, hearings, and conversations with barbecue restaurateurs, that barbecue byproducts, such as smoke and odors from barbecue smokers using even less wood than the Applicant's planned model, can cause health hazards and nuisances for those in residential areas. We have put forth ample evidence that the proposed smoker, with straight exhaust, will generate smoke and odors

over a prolonged time frame each and every day of the year. We question the efficacy of the proposed dilution fan, but do appreciate the Applicant's willingness to try to solve the problem. The "potentially adverse effects" aspect of Section 11-501 has been met. Therefore, the City Council has the authority to ensure that the **"structure will be designed and operated so as to avoid, mitigate or minimize"** those potential nuisances.

Section 11-505 enables the City Council the authority to impose "any conditions and restrictions that it determines are *necessary and desirable* to ensure that the use will further those considerations enumerated in section 11-504 (considerations on review). If the City Council does believe that there are *potential* adverse effects from the proposed operation of the Applicant's property use that will cause health, safety or nuisance problems, it certainly has the power to require that the potential adverse consequences be adequately mitigated. Therefore, the Council can order something more precise and particularized than the usual blanket condition to control odors and smoke, etc.

It is understood that such specific conditions of mitigation are outside the usual conditions ordered by the city of Alexandria. However, such conditions can be drafted by the City that recognize the unique aspects of this business and restrict its language to only the business at hand, or to businesses which smoke wood or produce odors that last for "hours at a time". There are few barbecue restaurants in residential areas in the city. There are fewer still serving both Asian fusion and barbecue such that any provisions placed on the operation of this business can be ordered to not set a precedent for any future establishment, the appropriate design and operation of which shall be left to a new review based on its own unique circumstances, including zone and proposed use.

B. Eco City Charter 2008 and Environmental Action Plan

1. The *Eco City Charter 2008* and the city's *Environmental Action Plan 2030* are much referenced documents. They represent untold hours of research, planning and work to craft policies for Alexandria that will improve the environmental quality and health of the community and its citizens. Alexandria's Zoning Ordinance should be implemented with these initiatives in mind.

Environmental Action Plan: Alexandria's Environmental Action Plan 2030 is a comprehensive document that stresses the importance of environmentally sound decisions in all aspects that affect the community. Businesses and restaurants are part of that vision. Of air quality, the plan contains the following language:

Given that one in eight city residents has a respiratory illness, the city should influence and control emission sources in a manner that respects the choices and wishes of the community.

Goal 1:

Maintain and continue efforts to obtain tangible air quality improvements with the overall goal of compliance with National Ambient Air Quality Standard (NAAQS).

Short-Term Actions (2009 – 2011)

- Continue efforts to comply with all NAAQS to reduce exposure to ambient air pollution.*

In addition, one of the *short-term goals* in the section covering Green Building includes the following:

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Short-Term Actions (2009-2011)

- Establish and promote green building standards for *new commercial* and residential development. Use nationally recognized criteria, such as those of the Leadership in Energy and Environmental Design (LEED) in establishing such standards.*
- Pursue conformance with green building standards as part of the Development Special Use Permit process.

2. *Eco City Charter:*

Page 6 of the Eco City Charter, "Guiding Principles," states the following: • **Ensures that City building codes, zoning ordinances, and other land use regulations reflect the goals of this Charter, so that sustainability requirements are consistently applied to all preservation, redevelopment, and development across Alexandria in ways appropriate to the character of the particular neighborhood.**

Page 7 of the document: "The City and its citizens will:

- Enhance their ability to manage outdoor air quality from damaging pollutants in its jurisdiction and will consider emerging threats when establishing outdoor air quality goals and regulatory approaches.
- Be proactive in protecting public health and ecological quality by lowering the amount and number of sources of air, light, and noise pollution.

Clearly, the above-referenced documents indicate Alexandria's serious and earnest commitment to all aspects of improving, sustaining and cleaning the environment. The emissions of any new venture are part and parcel of that. While a restaurant does not emit near the amount of air pollutants as a power plant, for example, they are a "local point source" whose emissions can be a detriment to its surrounding community, compared to a power plant miles away. This was acknowledged by Johnathan Levy, the Harvard professor commissioned to conduct a study of the Mirant Power Plant. Professor Levy also stated that, while not an expert in such emissions as those from restaurants, he was aware that a proper ventilation system could perform in a way to make the source more "benign."

Given Alexandria's commitment to the environment and the health of its citizenry, it seems contradictory that further, especially local, point sources for harmful emissions from wood smoke and other byproducts of the Applicant's planned use should go forward without the best control technology.

VII. CURRENT EVALUATION STANDARDS

It seems that the current practice of the City's Planning and Zoning Commission and T&ES is to condition SUP's with a standard directive to control smoke and odors. Erica Bannerman has informed me that the City is generally loathe to mandate anything more because it may seem unfair to single out one establishment from another. Once the city starts receiving complaints, then measures can be taken to cure the problems. This method, however, does not contemplate that there are certain factors that will inevitably cause more problems for a residential community when certain cooking processes such as the Applicant plans are employed.

William Gillespie, from DEQ, has stated that it is better to get out in front on issues such as these because once a restaurant is up and running, the process to bring them into compliance is long and arduous. The restaurant inevitably claims to do so is a financial burden. The community must endure the air quality problems when they could have been addressed earlier. Given the broad enabling language highlighted previously in the Alexandria Zoning Ordinance, and given the policies set out in the Eco City Charter and EAP 2030, it would seem as if the Applicant's restaurant poses a situation where placing conditions going forward are the prudent course for the community, the environment, nearby residents, and even the Applicant in the long term.

It has come to our attention that an establishment on Commonwealth Avenue, *Vocelli's Pizza*, has received such treatment. Neighbors voiced concerns over odors from the anticipated pizzeria causing a nuisance. Prior to opening, the owner agreed to install a ventilation system to address concerns and a fan to blow away odors from the rooftop exhaust away from nearby residences. Such conditions were placed in the SUP. This is a takeout establishment, not a 166 seat restaurant, which does not produce the types of byproducts that Applicant's cooking processes will by virtue of pungency and duration. It is only reasonable to believe that such processes will necessitate stronger odor and smoke mitigation than what was ordered in the *Vocelli's* case.

VIII. GOING FORWARD

- There are other questions to ask: what hours will the smoker be used; if demand is high, will another smoker be acquired; (most barbecue restaurants, some with even fewer seats and takeout services, use more than one smoker such that at least one is operating all day long); how will that affect smoke/odor and emissions output; what cleaning regimen will be employed? This is a concern as improper cleaning of the machinery and/or stacks can lead to blacker smoke and/or a fire hazard;
- It seems to us that a system that involves carbon filters for odors and a capturing system with a fan, impingement device and electron collector cells is the best. We would like guidance as to whether our analysis is correct.

The foregoing document has highlighted worst case scenarios, and has provided a list of restaurants that utilize odor, smoke and emissions mitigation systems. We have provided relevant law and policy initiatives. If proactive measures are taken, this new venture can be at the forefront of providing great service to customers while protecting the quality of the air in this part of Alexandria. We seek guidance as to what is the best method of reaching *that* much-desired *best* case scenario.

PC Docket Item #9
SUP #2010-0011



Fw: SUP 2010-0011 to be included in staff report
Nathan Randall to: Kendra Jacobs

04/23/2010 12:30 PM

----- Forwarded by Nathan Randall/Alex on 04/23/2010 12:30 PM -----

From: annie <tetaannie@mac.com>
To: nathan.randall@alexandriava.gov
Date: 04/23/2010 12:14 PM
Subject: SUP 2010-0011 to be included in staff report

I would like the following included in the zoning staff report which will be delivered to the planning commission:

My name is Annie Meighan Kendrick of 12 East Del Ray Avenue. I am very excited about the business development taking place in my neighborhood. The prospect of having a fusion, BBQ, and sushi establishment within walking distance of my home is especially gratifying to me since my family is comprised of equal parts vegetarian and enthusiastic carnivore. I hope to be a frequent customer of Mike Anderson's new establishment. As a professional chef I am intimately aware of the challenges of opening a restaurant and making it profitable.

More importantly, I am a mother, who, through the zoning process, has become educated in the health risks posed by placing wood fire smokers in close proximity to my residence and the children of my neighborhood. I am one of six such mothers who have banded together because of the health risks associated with operating a wood fire restaurant detailed in SUP 2010-0011.

You and many of your staff are aware of our collective concerns and complaints. I am now presenting for review a summary of my personal concerns.

1. Administrative Procedure.

The SUP application requires that owners with a 10% interest in a property be identified. We have been unable to identify all owners as they are not listed. It is important to me that this is clarified. Is Mike Anderson the property owner or simply leasing the property? He has claimed either or both at various points of discussion. But even if he with his business partner is a 55% property owner we are at a loss as to who is responsible for the remaining ownership. Eric Dorn is an owner but to what percent and we are confused if he is a sole owner or if he is investing as part of the Burke and Herbert Trust.

The focus has been on Mike Anderson. Full disclosure of ownership is important to me because of the responsibilities ownership entails, especially when facing nuisance and interference ordinances. I am officially asking for clarification. I have not received it to date.

2. Request for the Office of Environmental Quality to produce an Environmental Impact Study

I have personally requested an environmental impact study that would study the impact of wood smoke operations on our neighborhood's air quality (this also would include odors). I was alarmed by Barbara Ross' personal assertion to me that the proximity of the restaurant to the Mt. Vernon

Elementary School is a non-issue since the distance between the proposed restaurant and the wood smoking system is adequate.

In response to Ms. Ross' statements to me, I requested the following be examined by Erica Bannerman, Alexandria's Senior Air Pollution Control Specialist and commented on in the environmental impact study:

A study on proposed ventilation systems. Ventilation systems to insure neighborhood air quality have been proposed by both the Oxford residents who live the closest to proposed restaurant and Mike Anderson who will operate the restaurant itself. There is a significant cost difference and each deals with smoke air particles in a different manner. This is a polarizing topic and we as a neighborhood need the expert opinion of the office of environmental quality.

I believe wood smoke to be a health issue and needs to be addressed as such. To this end, I requested that the health department (who is charged with diligently endeavoring to prevent disease, prolong life and promote public health through organized programs, including prevention and control of environmental health hazards and control of health problems of particularly vulnerable population groups) study the wood smoke ventilation issues and aid Environmental Quality in producing final recommendations to the planning commission.

I have asked and request that zoning SUP personal and environmental quality personal read and commented upon the following when producing the staff report to planning: Benzene EPA web (note EPA classifies Benzene as a group A human carcinogen)--wood smoke is addresses on this website.

as well as <http://www.atsdr.cdc.gov/toxprofiles> ; I will let the text from these websites speak for me here: " Benzene (EPA) is present in wood smoke. In so much as we can not ignore its significant health effect upon humans to any degree.....in short benzene causes cancer."

I requested comment on the National Interagency Fire Center (NIFC) and the power point presentation (available download) titled the Public Health Effects of Wood Smoke.

I requested for a air particulate counter measurement study for each citizen and restaurant owner proposed ventilation system.

I requested the following to be considered: The Surgeon General of the United States has determined there is no risk free level of ambient smoke. Taking into account the previous statement and consideration of numerous studies which measure air particulate of wood smoke and determine it can be smelled one half mile from the source. And if it can be smelled, there are chemicals present. Because of the potential risk involved I request the following be reviewed: Cincinnati Children's Hospital Medical Center: Smoke and Sleep Problems Exist in Children with Asthma and the Health Day Reporter:

Wood Fire Can Harm Youngest Lungs.

I request that NSF International be contacted, specifically their Environmental division to weigh in on the proposed ventilation systems.

I request that successful and environmentally responsible Alexandria restaurant owners of wood burning establishments such as Rockland's and Overwood be contacted for advice on wood burning ventilation.

And most importantly I have repeatedly requested that Environmental Policy Commission study this issue and be included in the planning process. This has not happened to date.

3. Hours of Operation.

I would like the hours of the establishment to be the same as other restaurants in the surrounding area. If hours are to be later, I would hope the kitchen to remain open (full menu or majority menu and not a bar menu) thereby insuring that the restaurant does not turn into a drinking hole. To allow this is to demonstrate a disregard for the Mt. Vernon Ave Plan.

Thank you for your consideration in reviewing the above.

Annie Meighan Kendrick



Fw: Main Street Petition
Nathan Randall to: Kendra Jacobs

PC Socket Item # 9
SUP 2010-0011

04/23/2010 12:40 PM

Kendra- Please forward this to PC electronically too. Thanks.

----- Forwarded by Nathan Randall/Alex on 04/23/2010 12:39 PM -----

From: Ashley Klick <delray2010@gmail.com>
To: nathan.randall@alexandriava.gov
Date: 04/23/2010 08:18 AM
Subject: Fwd: Main Street Petition

Nathan-

I am sending you a few emails from people wanting to sign the petition since I know all of the documents have to be completed today.

Thank you-
Ashley

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

From: **Ray Gernhart** <rgernhart@aol.com>
Date: Fri, Apr 23, 2010 at 12:40 AM
Subject: Main Street Petition
To: delray2010@gmail.com

As a resident of Del Ray, I support the petition limiting the hours of operation on Mike Anderson's new restaurants to 11 PM and the installation of a carbon filter/exhaust system.

Ray Gernhart
2504 Commonwealth Avenue
Alexandria, VA 22301

Ray Gernhart

Associate Broker, VA, DC & MD
Lifetime Achievement Award Winner
RE/MAX Hall of Fame
Life Member Top Producers Club
703-824-4731 Office
800-278-8504 Toll Free
703-855-6384 Cell
866-253-8757 Fax
rgernhart@aol.com

<http://www.talktoray.com/>

I am committed to giving you a level of service above and beyond your expectations. I offer this same commitment to the friends, family and



Fw: preserve main street lifestyle
Nathan Randall to: Kendra Jacobs

PC Docket Item # 9
SUP2010-0011

04/23/2010 12:41 PM

Please forward this one as well.

----- Forwarded by Nathan Randall/Alex on 04/23/2010 12:40 PM -----

From: Ashley Klick <delray2010@gmail.com>
To: nathan.randall@alexandriava.gov, kathleen.beeton@alexandriava.gov
Date: 04/23/2010 08:19 AM
Subject: Fwd: preserve main street lifestyle

For your files.

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

From: **Jennifer Beach** <jennifer.beach@gmail.com>
Date: Tue, Apr 20, 2010 at 3:57 PM
Subject: preserve main street lifestyle
To: delray2010@gmail.com

I would like to add my name to the petition asking that Hog Thaid observe closing by 11 pm on weeknights and midnight on weekends and install a carbon filter system in their facility.

Del Ray cannot support the parking needs of too many more businesses without rezoning parking regulations, and as a family neighborhood, it needs to be quiet after 11 pm at night or midnight at the latest on weekend.

As a close neighbor of Los Tios and Cheesetique, I have seen a measurable change in our quality of life since they opened. Our street is congested every evening they are open with patrons parking their cars, and weekend nights (Thursday- Saturday) are especially congested. The same patrons return to their cars, sometimes after 11 pm, and talk loudly and make noise that wakes us, our dogs, children, etc. I know that the owners of these businesses aim to be good neighbors, but zoning needs to be in place to make sure ALL business owners adhere to the same standards.

I wholeheartedly endorse your plan to limit the hours of the new restaurants owned by Mike Anderson, as well as any other new restaurants in the neighborhood.

Thank you so much for bringing this to our attention!

Jennifer Beach
112 Stewart Avenue



Fw: Restaurant at Oxford and Mt. Vernon Ave.
Nathan Randall to: Kendra Jacobs

*PC Docket Item #9
SUP 2010-00091*

04/23/2010 12:56 PM

Please forward this one to PC too.

----- Forwarded by Nathan Randall/Alex on 04/23/2010 12:56 PM -----

From: Cathleen Harrington <cathleen_harrington@yahoo.com>
To: nathan.randall@alexandriava.gov
Date: 04/22/2010 11:12 PM
Subject: Restaurant at Oxford and Mt. Vernon Ave.

Hello. I am a resident of Oxford avenue and I am very concerned about the proposed business hours and pote BBQ/sushi/asian fusion restaurant going in on my corner. I have a life threatening lung disorder which could from a woodsmoke stove that is not properly ventilized. My primary care doctor, who is also a Del Ray resid move if the proper ventilation is not installed at the restaurant. I am also concerned about the proposed late h would attract.

I support new business to Del Ray, but within the scope of the current business. I support the proposed restau ventilation and reasonable hours (closing at 11pm weeknights, and 12am weekends).

Sincerely,
Cathleen Freihofer
8 E. Oxford Ave., Alexandria
703-842-9528

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Nathan. Randall @ alexandria va. gov

PC Permit Item #39
SUP 2010-0011

By signing below, please be advised that I support the proposed requests as set forth in the Application by Hog Thaid, LLC, t/a Pork Barrel BQ for Special Use Permit (SUP) #2010-0011, with the revisions set forth below in order to ensure the preservation of the family-friendly atmosphere of Del Ray.

Pork Barrel BQ, et. al. will be located at 2312 Mt. Vernon Ave., in the neighborhood of Del Ray, with Commercial Low zoning. The restaurant will be located on the same block as 14 residential homes with approximately 13 children in residence and within a one-block radius of 53 residential homes. The nearest residence with small children is located approximately 30 feet from the Applicant's restaurant.

In SUP #2010-0011, the Applicant asks: (i) to operate one 6,000 square foot restaurant Sunday through Friday from 11:30am to 2:00am and on Saturday from 7:30am to 2:00am; (ii) to vent up to 2nd stories; (iii) to produce up to 400 pounds of trash per day; (iv) to have off street loading beginning at 4:00am daily and continuing until 5:00pm with trucks parked off Mt. Vernon Ave. only; (v) to have outdoor dining; and (vi) to offer carry out service.

I support the SUP with the following changes to ensure the restaurants conform with the commercial low zoning and family-friendly character of Del Ray: (i) a change in hours so that the restaurants close by or before 11:00pm (or at a minimum closing at 11:00pm Sunday through Thursday); (ii) a change in the ventilation system sufficient to capture odors, smoke, emissions and other particulate matter generally associated with barbecue and other cooking techniques the Applicant proposes to use; (iii) off street loading hours (to be off Mt. Vernon Ave. only) limited to morning only Monday through Friday between 7AM and 5PM); (iv) outdoor dining tables limited and hours of operation ceasing by 10:00pm daily; (v) audible sounds at the commercial building line limited to levels at or below 50 decibels; (vi) no speakers or other amplified sounds outside the restaurant; (vii) side door entrance to be used as an emergency exit only and all take out to be picked up through main entrance on Mt. Vernon Ave.; and (viii) a requirement that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress (using Oxford Avenue only between Mt. Vernon Avenue and the parking lot entrance). I respectfully ask that the SUP is approved with these changes.

Name (print)	Address	Contact Info (email)	Signature	Date
REBECCA BAAS	1A W. WALTER AVE ALEXANDRIA, VA	baasfamily2@gmail.com	Rebecca Baas	3 APR 10
Erin White	2 W. WALTER AVE ALEXANDRIA, VA	mindyscatering@msn.com	Erin White	April 3, 2010
KEN BANKO	4 W. WALTER AVE ALEX VA 22301	KRANKO66@yahoo.com	Ken Banko	4/3/2010

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions

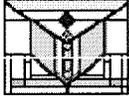
Signature Name - (print)	Address	Contact Info (email)	Signature	Date
Sean K. R. [Signature]	11 W. Usher Ave Alex VA 22301	SKR161@aol.com	[Signature]	4/3/2010
Andrew Dillon	13 W Usher Ave Alexandria, VA 22301	andrewsdillon@latimes.com	[Signature]	4/13/2010
Poland Louisa	16 W Usher Ave Alexandria VA 22301	polandlouisa@verizon.net	[Signature]	4.3.2010
[Signature]	14 West Usher Ave Alex. VA	tantolbro@aol.com	Lance T. Brown	4/3/2010
Ellie Regan	10 W. Usher Ave Alex VA 22301	ellie@countysite.com	Alex Regan	4/3/2010
[Signature]	10 W. Usher Ave Alexandria VA	PMGARA@AOL.COM GUM.HL.COM	[Signature]	4/13/2010
J. Delaney	12 W. Usher Ave Alex, VA	juddelane@comcast.net	[Signature]	4/3/10
ROBERT T. DEMAN [Signature]	14 W. Usher Ave Alex, VA 22301	RFTGTS@comcast.net	[Signature]	4/5/10
EDITH BASIL	5 W. Usher Alex, VA 22301	703-861-5195	[Signature]	4/5/10
Stepy Davis	3 W Usher Ave Alexandria	703-402-1161	[Signature]	4/13/10
Charmaine ASKE	2A West Usher Ave Alexandria	703-684-0542 asker@adl.com	[Signature]	4/15/10
Chris Leman	1 W. Usher Ave ALEXANDRIA VA 22301	703-836-3535 chris@adl.com	[Signature]	4/8/10
DAVID BOATS	1A W. Usher Ave Alexandria, VA 22301	703-692-4312	[Signature]	4/6/10

David Boats
boatsfamily1@comcast.net

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions
 Name - (print) Address Contact Info (email) Signature Date

Lisa Mc Nichols	105 East Oxford Ave	lisadonfric@chopwell.com	Lisa Mc Nichols	4/6/2010
- Kelley Beets	6149 Western	Sibbey, Krista @ murray.schwartz@gmail.com	Krista M Murray	4/14/2010
Maryann Schwartz	2311 Overmountain Ave Alexandria Va 22304	murray.schwartz@gmail.com	Maryann Schwartz	4/14/10
Kevin Schwartz	2311 Overmountain Ave Alexandria VA	Kevin_schwartz@yahoo.com	Kevin Schwartz	4/14/10
Darcey Arnold	2436 Hickory St Alexandria VA	jeanald10@yahoo.com	Darcey J. Arnold	4/14/10
Audrey Nolan	819 G. Timber Spring Park VA 22151	nolan.darcey@gmail.com	Audrey Nolan	4/14/10
Laura Eckel	2112 Davis Ave Alex, VA 22302	laurea.eckel@yahoo.com	Laura Eckel	4/14/10
Mylene Brown	2410 37th St Arlington, VA	mbrown@yahoo.com	Mylene Brown	4/14/10
Lauren Petron	108 Saxon Place Aix, VA 22305	laurenpetron@gmail.com	Lauren Petron	4/14/10
Sandra Ellis	2030 R Adams St, #207 Arlington, VA	gsell@gsell.com	Sandra Ellis	4/15/10
Martha-Helene Stapleton	5 W. Del Ray Ave. Arlington, VA	scion@delray.com	Martha Helene Stapleton	4/15/10

*Re: Docket Item #9
SUP# 2010-0011*



Re: COA Contact Us: 2312 Mt. Vernon Ave
Cicely Woodrow to: Sarah Haut
Cc: barbara.carter, faroll.hamer, graciela.moreno, Kendra Jacobs

04/29/2010 09:34 AM

Dear Ms. Haut,

Thank you for contacting us regarding SUP # 2010-0011 for 2312 Mt Vernon Avenue. By copy of this email, your message has been sent to Kendra Jacobs, who will forward your message to the Planning Commissioners.

Best regards,
Cicely Woodrow

Cicely B. Woodrow, PHR
Supv Admin Officer
Department of Planning & Zoning
301 King Street, Room 2100
Alexandria, Virginia 22314
Direct: 703-746-3810
Fax: 703-838-6393

ECO-CITY ALEXANDRIA

In keeping with Eco-City Alexandria please consider the environment before printing this e-mail.

Sarah Haut	COA Contact Us: Director Faroll Hamer	Time...	04/28/2010 06:04:03 PM
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From: Sarah Haut <hautsl@yahoo.com>
To: faroll.hamer@alexandriava.gov, barbara.carter@alexandriava.gov,
graciela.moreno@alexandriava.gov, cicely.woodrow@alexandriava.gov
Date: 04/28/2010 06:04 PM
Subject: COA Contact Us: 2312 Mt. Vernon Ave



Time: [Wed Apr 28, 2010 18:04:02] Message ID: [21162]

Issue Type: Faroll Hamer
First Name: Sarah
Last Name: Haut
Street Address: 228 E. Nelson Ave
City: Alexandria
State: VA
Zip: 22301
Phone: 703-838-9060

Email Address: hautsl@yahoo.com

Subject: 2312 Mt. Vernon Ave
Ms. Hammer,

Could you please forward this message to the Planning

Commission members:

Dear Members of Planning Commission,

I have

reviewed SUP # 2010-0011 for 2312 Mt Vernon Avenue, and also the City Staff

Report. I fully support the conditions stated in the staff report –

particularly staff's recommendation for business hours. I think barbeque,

sushi, and asian fusion restaurants will be a nice addition to the variety

of dining options available on Mt. Vernon Avenue. However, I have concerns

of the overall impact to the neighborhood, should the applicant be

permitted to do all that he requests.

My main concern is with the

operating hours the applicant requests. The applicant has requested a 1:00

AM closing hour Friday and Saturday and a Midnight closing hour Sunday

through Monday. Based on the zoning ordinance definition of closing, no

new patrons are permitted to enter the restaurant after the closing hour.

However, patrons are permitted to stay a full hour after closing time.

This ultimately means patrons could be leaving the establishment at 2:00 AM

on Fridays and Saturdays and at 1:00 AM on weeknights. Employees would

likely leave the restaurant even later than 2:00 AM.

If the applicant is

granted the late hours, other restaurants in Del Ray will likely and

understandably request the same hours. I do not feel that a 2:00 AM

closing time is in keeping with the intention of the CL zone in which the

property is located. The zoning ordinance indicates that the CL zone is

“intended to provide for small scale retail and service uses offering

pedestrian oriented shopping and services for individual consumers and

households located primarily in nearby residential areas.” It continues to

say “proximity to residences requires that commercial operations be

conducted at a scale and intensity commensurate with nearby residential development, ...and be of such characteristics as not to be detrimental or a nuisance to nearby residential properties.” The section of the zoning ordinance that pertains to the Mt. Vernon Avenue Overlay zone indicates that the zone should “supplement traditional zoning for certain properties on Mount Vernon Avenue in order to achieve a mixed use, pedestrian oriented community that both supports economic activity and protects existing residential neighborhoods.”

Does allowing a restaurant to stay open until 2 am on weekends and 1 am on weekdays protect existing residential neighborhoods? Is it commensurate with nearby residential development? I personally don't think so.

Would patrons returning to their cars that are parked on residential streets at 2:00 AM be detrimental and a nuisance to nearby residential properties? I think the answer is yes.

Comments:

By the time this restaurant opens, there will be 23 restaurants on Mt. Vernon Avenue in just over a 1 mile distance (between Luray Ave and the Calvert apartment building. At least 4 of those restaurants are permitted to have live entertainment. At least 8 of those restaurants do not have adequate parking and have either arranged for parking in adjacent lots or have been granted a parking reduction. If the restaurants that provide live entertainment and also lack adequate parking extend their hours to 1:00 AM on weekends and midnight on weekdays, there is a high likelihood that there will be boisterous patrons returning to their cars which are parked on side streets at 2:00 AM. Imagine the impact if all 23 restaurants request and are granted the right to stay open until 1:00 AM on Friday and Saturday nights. Will that protect the residential neighborhoods?

My next concern regarding the application is parking. The original lot behind the gas station that was located at this property provided parking spaces for nearby businesses. The businesses were granted SUPs because they were able

to secure parking in this lot. After the building is completed, all of the spaces in the lot will belong to the applicant. What happens to the business owners who have SUPs that were approved based on the availability of parking in that lot? In addition, the DSUP only required 1 parking space per 8 patrons for restaurants. The normal ratio is 1 space per four patrons. I have a feeling that Hog Thaid will be wildly successful and the adjacent side streets will be saturated with patron parking.

Many of the emails expressing support that were included in the staff report were consolidated by one person who also removed their names to protect their privacy. Unfortunately, there is no way to confirm that they actually live in Del Ray with no names listed. Hopefully, someone has done the appropriate research to confirm that those who sent emails do in fact live in Del Ray.

The Staff report also indicates that the DRCA executive Board and Land Use Committees have voted to support the SUP as amended by the applicant. However the DRCA membership has not yet voted on this application at the writing of this email. It is possible that the vote of the general membership may be different from the committee and the board.

I love living in Del Ray and I love that the Del Ray businesses as they operate currently do achieve the objectives identified in the zoning ordinance for the CL zone. I hope that you will continue to promote and preserve the characteristics of Del Ray by approving this SUP with the earlier closing hours that Staff recommends.

Thank you,

Sarah Haut

Questions and concerns re; SUP Request 2010-0011/ Hog Thaid

Lisa Donofrio

to:

Nathan Randall

04/26/2010 11:46 AM

Cc:

Barabara Ross, erica.bannerman, william.skrabak, Ashley Klick, Bernardo Piereck

Show Details

*PC Docket Item #9
SUP 2010-2011*

History: This message has been replied to and forwarded.

Hello Nathan:

Thanks for all your hard work on this matter. This may very well be the longest Planning and Zoning Staff Report in history! But I have a few concerns. Please know that the questions I ask are not meant to be accusatory. Email has a way of making everything seem so. I assure you that I am so very grateful to read that you and other members of the city staff have taken our concerns very seriously. With that in mind, I ask the following:

1. I scanned in over twenty signatures to the petition and did not see my contribution in the final report. I have proof of the scan. Can I ask what the problem was? And can you include them along with proof they were scanned on Thursday before the deadline last week?
2. I see that Jill Erber submitted a compilation of emails sent (i) to our local listserve and (ii) directly to her. Yet she deleted the names of many. Are there any rules regarding this? Myself and my neighbors have put a lot on the line in the community regarding this matter. We have been ridiculed and insulted all for merely stating our concerns and requesting that our rights in this commercial low zone be protected. To see that a not insignificant number of people whose opinions about us and about this matter are ill informed, and to see their prominent place in this report is quite distressing. Are there any rules for anonymous contributions? I was informed that our petitions had to have email addresses, physical addresses, and signatures in order to be considered. Had these anonymous opinions been in the form of a signed petition, would they have been included in the record if they did not provide certain information? A number of people have called our efforts "eleventh hour," and stated that we were irresponsibly voicing objections at the last minute when the Applicant had already spent time and effort to move his venture forward. I am sure you know that our efforts (particularly Ms. Klick's) to address this have been over a year in the offing. We were told often that we had to wait until an SUP request was proffered in order to comment. Yet the impression that we are irresponsible is apparent if you read these emails. I find their inclusion disappointing in a process that demands transparency from all others concerned.
3. There is a number of emails that were not included in the record. They are, off the top of my head, one from William Gillespie to me that I believe was forwarded to you. In it, he stated that dilution was not the best method of emissions or odor control. There is also an email from me to Barbara Ross, mainly about hours, that did not make it into the record. Also, there is correspondence between me and Erica Bannerman and between Ms. Bannerman and Mike Anderson that did not make it in. Were these just overlooked? Can you remedy that?
4. Regarding the dilution fan: We are certainly glad that Mr. Anderson has been considering certain measures to mitigate problems. Given Mr. Gillespie's comments, and the fact that most bbq restaurants we have researched that are located in residential areas use better control technology, we would certainly desire more. While I have many as yet unanswered questions about its efficacy, I have a question about its placement in the conditions. There is a condition # 23 states there should be a rooftop screening of the dilution fan, but I do not see any conditions with language directing the Applicant "shall" install the dilution fan. I do believe that is necessary. Am I wrong? In watching the Vocelli SUP hearing (SUP 2008-0048), I see Del Papper had concerns that exhaust fan agreed upon by the Applicant to control odors would not be placed internally unless "shall" was made part of the permit.

5. Regarding the dilution fan: On page 35 of the report, Bill Blackburn wrote back to you that he needed to get more information from Eric Dorn regarding the roof and placement of the dilution fan. He also stated that he was waiting for a call back from the vent contractor on the idea of combining two hoods to the dilution fan. I see no follow-up correspondence about that in the record. Was it ever provided? Why is it not in the record? In addition, has anyone from code enforcement yet looked at the feasibility of a dilution fan from certain standpoints such as noise, height, efficacy and placement among all other required equipment? What happens if the dilution fan will not work up there for any reason? I am sure the requested information was asked with an eye toward such concerns. Have they been addressed? If the dilution fan is not possible, will the P & Z staff recommend that Mr. Anderson be allowed to vent straight exhaust so near our homes and businesses such as "The Dairy Godmother?" As you know, K-Vent, the company contracted to design the machinery, called it "dirty air." Where can I view the rest of the correspondence and Code Enforcement's analysis?

6. On page 44 and 45, there was discussion between Barbara Ross and Mr. Anderson regarding where the wood for the smoker will be stored. I had not even thought of it. Has there been a definitive determination about that matter?

7. I noticed the hours recommended by staff and am grateful our concerns, particularly with outdoor dining and Sunday to Thursday, were taken into account. But some have brought my attention to a Small Business Amendment or a "two hour rule" that would allow the Applicant to come back after a period of time to request Administratively, without any hearings, for an extension of hours. Is that true? How much time would have to elapse? Who would make the decision to allow that? What is the procedure and opportunity for hearings in that regard?

8. I noticed there is only a one year period of review in the conditions. But I see from precedent, particularly from the Vocelli Pizza SUP (#2008-0048) that certain things were included, particularly that a 90 day review period was included to assess impact on neighbors from noise, odors and hours. We have requested that as well and I am wondering why that was not recommended considering Hog Thaid will be a much larger venture with more pungent cooking odors, more smoke, more noise, more trash pick-up and more deliveries.

9. I am trying to access the staff report to Planning and Zoning regarding the SUP for Vocelli (#2008-0048) similar to the one I am referencing in the current case. I only see a report without any public comment. On the SUP Finder, I can pull up 5 reports, but #1 seems to be missing. Can you tell me how to access that? I would like to read the letters from the public, emails and such and see any internal staff documents also included.

10. On page 10 or 11 of the Hog Thaid report is the following: "barring cost constraints, the OEQ wil always prefer installation of the most advanced air pollution control technology such as carbon filtration or an electrostatic precipitator coupled with carbon filtration." I am glad to see this in the report. Is there any internal documentation from OEQ that we can see regarding this matter?

thanks for your hard work in this regard.

Lisa McNichols

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

PC Docket Item #19
SUP 2010-0011

RE: SUP request of bbq/asian fusion restaurant

Patricia Hilgard

to:

Nathan.Randall, Barbara.Ross

04/23/2010 11:11 AM

Cc:

William.Skrabak, Patricia Hilgard

Show Details

To: Planning Commission

From: Patricia M.Hilgard, Ph.D.

Re: SUP Request # 2010-0011/Hog Thaid/ Pork Barrel BBQ

To Whom It May Concern:

My name is Patricia Hilgard and I am a member of the Alexandria Environmental Policy Commission. Last Monday, a concerned citizen met with the Commission to request assistance from the EPC regarding a new business venture requesting a Special Use Permit for a restaurant in the Del Ray section of Alexandria. The Applicant intends to use a combination wood/ gas smoker with the capacity to smoke 500 pounds of meat at a time. The smoker will utilize, in the Applicant's downplayed terms, enough wood equal to that of a residential chimney's fireplace. Notwithstanding, this is an estimate, that will be every day of the year. In addition, the Applicant will be serving a style of cooking called "Asian fusion" which involves high heat, and much oil (grease). This process will also create much smoke and produce other emissions. The barbecue smoker will run, at the least, twelve continuous hours per day and may well be used for more than that. Both processes create strong and pungent odors. Barbecue, by its nature, is a long process whereby meat is flavored via the use of smoke and pungent sauce.

The Applicant plans to send this particulate matter, save for the use of a grease baffle, into the atmosphere unfiltered. No odor control or smoke/emissions capturing systems will be used. It is my information that the best methods for controlling odors and smoke and other emissions is through the use of carbon filters for odors. For emissions such as smoke and grease, I believe the most efficient methods involve an impingement device used in conjunction with electrostatic precipitators and a high velocity fan.

Apparently, the Applicant has decided to try to mitigate odors and smoke through the use of a dilution fan on the roof. However, this device merely dilutes harmful emissions and odors. It does not capture them before they hit the atmosphere. In addition, depending on winds and temperatures, the dilution fan will not always be effective.

While such a device may be cheaper, in the long run, if it does not work, more money will have to be spent to complete the job that should be done now. This venture will be opening in a brand-new building. The time to get it right is now. [Note: This would be in keeping with the U.S. EPA's policy of requiring "best available technology" for control of point source emissions.]

According to the city's Eco City Charter 2008, "

"Given that one in eight residents (of Alexandria) have respiratory illnesses, the City should influence and control emissions sources in a manner that reflects the choices and wishes of the community. The City and its citizens will:

- Enhance their ability to manage outdoor air quality from damaging pollutants in its jurisdiction and will consider emerging threats when establishing outdoor air quality goals and regulatory approaches.
- Be proactive in protecting public health and ecological quality by lowering the amount and number of sources of air, light, and noise pollution."

In the same document is also this:

Page 6 of the Eco City Charter, "Guiding Principles," states the following: • Ensures that City building codes, zoning ordinances, and other land use regulations reflect the goals of this Charter, so that sustainability requirements are consistently applied to all preservation, redevelopment, and development across Alexandria in ways appropriate to the character of the particular neighborhood.

Given Alexandria's much-ballyhooed commitment to air quality and the environment, this seems to me to be the perfect time for the city to put its words into action. What was all that work, time and effort and money for? This restaurant certainly will be expelling emissions. It is subject to building codes and zoning ordinances. It is a new building. Why not start with the best system? Why wait for a problem? Either these words mean something or the citizens of Alexandria have spent a lot of money and resources for their representatives, elected and staff, to make promises and say popular things.

This document and the Environmental Action Plan 2030 mention the need to examine all sources of pollutants. While a restaurant may not be a power plant, the restaurant is located in the middle of a densely populated residential area. The smoke and other emissions coming from it have the potential to impact much more directly the lives of those who live, work and go to school closest to it. Studies have shown that wood smoke is very harmful, even in small quantities, to young children, the elderly, and those with heart and respiratory illness. Many children live near this new venture. Mount Vernon Elementary School is one block away. Elderly people live on this block as do people with respiratory illnesses. The youngest is a two year-old child with asthma who will be right next door.

Given Alexandria's much touted commitment to air quality and to those within the city suffering from respiratory illness, it makes no sense to take a wait and see approach. A smoker in the middle of a well-populated residential area is not the best fit, even if it does not use as many logs as would an all-wood model. No smoker is smokeless and no wood smoke is harmless. But it can work, and work well, if the Applicant installs the correct equipment to control and capture smoke and odors. His assessment of cost should have taken that into account. It is time the City of Alexandria does it for him.

Sincerely,

Patricia M.Hilgard, Ph.D.

Toxicologist,

Health and Environmental Risk Assessor

Subject: Hog Thiad, LLC at 2312 Mt. Vernon Avenue

Wednesday, April 21, 2010

Based on the discussions of the application that include; proffers by the applicant to install a hybrid gas/wood cooker, additional exhaust ventilation devises and operational concessions; feedback from residents, and; advise from members of City staff, the Land Use committee recommends to the Executive Board that we support the application with certain conditions that allow the applicant to keep hours of operation greater than existing neighborhood restaurants yet discourages those restaurants from attempts to increase their hours without decreasing the impact of their activities on the surrounding neighborhood. LUC agrees with staff assessment concerning the proposed lockbox delivery by Sysco Foods should be given a trial period and if it is problematic then it could be adjusted to a 4-hour window beginning 2 hours later, or eliminated.

We believe this compromise is fair, in that it seeks to broaden the styles of dining activity available on The Avenue within walking distance of Del Ray residents and shield immediate residents from less desirable activities associated with live entertainment and late evening disturbances.

LUC Recommendation: Approve with conditions, 6-1

Executive Board voted 6-0 in support of the application with conditions.

LUC recommended conditions as amended by the Executive Board:

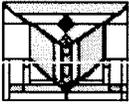
In addition to standard conditions typically imposed by staff regarding hours of operation, closing hours/serving of meals, alcohol service, employee parking and transit options, patron parking options, storage, litter, cleaning of kitchen equipment, trash and recycling, control of cooking odors, rodent abatement, etc., we recommend the following conditions:

1. Indoor hours of operation shall be Su thru Th, 7 am to midnight; Fr & Sa, 7 am to 1 am.
2. Outdoor hours of operation shall be Su thru Th, 7 am to 10 pm; Fr & Sa to 11 pm. The outdoor dining area shall be cleared of patrons and cleaned by the hour of closing.
3. No outdoor dining shall be allowed adjacent to the building along Oxford Avenue; this condition is not subject to change via a minor amendment.
4. No door shall exit onto Oxford Avenue; this condition is not subject to change via a minor amendment.
5. No live entertainment or DJ shall be permitted; this condition is not subject to change via a minor amendment.
6. No sales of alcohol for off-site consumption shall be allowed.
7. No amplified sound shall be audible at the zoned commercial property line.
8. Deliveries made from the restaurant shall use Mt. Vernon Avenue as the primary route of travel.

It is important to note that the hours of operation we support are in recognition of the applicants' proffers on kitchen/ventilation equipment, restrictions of restaurant activity on Oxford Avenue and, most importantly, no live entertainment.

Sincerely,
Amy Slack
Co-chair, Land Use committee
Del Ray Citizens Association

PC Docket Item #9
SUP 2010-0011



Fw: COA Contact Us: Mike Anderson's proposed new restaurants on Mt Vernon Ave
Cicely Woodrow to: Barbara Ross

04/21/2010 04:51 PM

History: This message has been replied to.

COA Contact Us: Mike Anderson's proposed new restaurants on Mt Vernon Ave

jessica livingston to: william.euille

04/21/2010 03:11 PM

Please respond to jessica livingston

Time: [Wed Apr 21, 2010 15:11:02] Message ID: [20966]

Issue Type: William D. Euille
First Name: jessica
Last Name: livingston
Street Address: 6 w custis ave
City: alexandra
State: va
Zip: 22301
Phone: 703-299-8819
Email Address: jlivingston@eringay.com
Subject: Mike Anderson's proposed new restaurants on Mt Vernon Ave
I understand Mike Anderson of Mango Mikes plans to open 3 new restaurants on Mt Vernon Ave, at least one of which would be open until 2am 7 days/week and operate a maloderous and polluting woodsmoker 10-12 hours/day. The other 2 restaurants also seek late night hours. Del Ray is a lovely, community oriented neighborhood and it has improved the quality of its businesses immensely in the past 10-15 years. I particularly value it for its lack of franchises and for having may businesses that cater to the community. I strongly object to late night restaurants and extra pollution

Comments:

in my neighborhood. I also would encourage a variety of businesses and resist turning Mt Vernon Ave into another "restaurant row."

Please, at a minimum, limit the late night hours and polluting and noisome woodsmoker. I am very concerned with the quality of the neighborhood.

Thank you for your consideration in these matters.

Jessica

Livingston

PC Docket Item # 9
Sup 2010-0011



Fw: COA Contact Us : Support for New Del Ray Restaurant
Cicely Woodrow to: Barbara Ross

04/19/2010 01:39 PM

From: Winfield Slade <wsslade@gmail.com>
To: william.euille@alexandriava.gov, frank.fannon@alexandriava.gov,
kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov,
jackie.henderson@alexandriava.gov, elaine.scott@alexandriava.gov,
rob.krupicka@alexandriava.gov
Date: 04/18/2010 10:42 AM
Subject: COA Contact Us: Support for New Del Ray Restaurant

Time: [Sun Apr 18, 2010 10:42:03] Message ID: [20872]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Winfield
Last Name: Slade
Street Address: 1713 Price Street
City: Alexandria
State: VA
Zip: 22301
Phone: 7037394972
Email Address: wsslade@gmail.com
Subject: Support for New Del Ray Restaurant
The Honorable Mayor and Members of the City Council -

Comments:

I write to
express strong support for the special use permit before the Council
permitting the proposed, much-needed, smart growth Pork Barrel BBQ
restaurant on Mount Vernon Avenue in Del Ray. As a young professional and
homeowner in Del Ray, I can't wait for the opportunity to walk up the
avenue and enjoy another choice in casual dining options. Similarly, I
relish the choice of establishments to seek a beer or drink after work,
after a long weekend, or to enjoy some time with friends. During these
less than stellar economic times, we need to encourage smart growth and
entrepreneurship to provide opportunities for our neighbors to eat locally

- walking up the avenue and spending time in other shops, bars, restaurants, and coffee houses or custard counters (yum), in addition to bringing new tax paying customers to our great neighborhood.

Many of

my friends and neighbors can't wait for the new restaurant, and often comments "what is taking them so long..." I hope the chattering class of a few xenophobic vocal opponents does not discourage this much anticipated grand opening.

Time: [Sun Apr 18, 2010 13:29:16] **Message ID:** [20874]

PC Docket Item #9
Sup 2010-0011

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Harold
Last Name: Brown
Street Address: 213 E. Oxford Ave.
City: Alexandria
State: VA
Zip: 22301
Phone: 7035196196
Email Address: harry@brown-ip.com
Subject: Hog Thaid LLC -SUP application # 2010-0011

I would like to join my neighbors and express my concerns about the SUP

application for the proposed Hog Thaid restaurant and request:

(1) operating hours limited to no later than 11:00 PM consistent with other

restaurants in area;

(2) number of outdoor seats limited, and no outdoor

seating beyond 10:00 PM;

(3) restrictions on noise levels (no audible

noise from property line);

(4) strict requirements regarding cooker to

minimize smell and exposure of residents to smoke.

Needless to say, I

Comments: also request that whatever requirements are imposed will be strictly enforced. The limit on operating hours is believed to be important to avoid setting a precedent for other operators who might request later hours, and to avoid the risk that the neighborhood will be turned into a strip of bars. That restriction and the other restrictions are submitted to be important to maintain the quality of life in the neighborhood. All of these requests are considered to be highly reasonable and are important to ensure that property values in the immediate neighborhood are not decreased. I, unfortunately, only became aware of the plans to open this particular restaurant recently and would greatly prefer that it locate

elsewhere, such as among the nearby businesses on Route 1 where there is not a surrounding residential neighborhood. I do not believe that this neighborhood is the proper location for an establishment that, regardless how effective its process for minimizing the effects of smoke on the surrounding areas, is likely to produce a continuous odor, even when its equipment is operating at peak efficiency. Air cleaning equipment can also be very delicate and, when it is not operating properly, it is reasonable to expect that there will be a substantial effect on the neighborhood. It is my understanding that barbecues smoker smoke is particularly difficult for even the most sophisticated air cleaning equipment to handle. That's probably why most barbecue restaurants aren't located in residential neighborhoods. I don't object to a restaurant in this location, but I do think that it is absurd to permit a barbecue restaurant with a smoker. There is also already a substantial traffic problem developing in the area around the intersection of Mt. Vernon Ave. and Oxford Ave. that will be increased by the introduction of another restaurant with (I understand) only minimal provision for parking. I often have to call for parking enforcement to tow or ticket cars parked in front of my driveway by people who either do not see that it is a driveway by a no parking zone or do not care. At the intersection of Mt. Vernon and Oxford, people often park in the cross walk, particularly when they want to make a quick stop at the bank across the street or one of the other nearby stores. This makes the already difficult task of turning onto Oxford from Mt. Vernon substantially impossible. I would like the entire corner from Mt. Vernon Ave. to the driveway in the parking lot that is used for the Saturday Farmer's Market to be a no parking zone at all times. It would also be useful to put a traffic light at the Mt. Vernon/Oxford intersection because

of the substantial amount of foot traffic in that area, particularly in the evenings and on Saturday mornings, and because of the lack of visibility caused by UPS delivery trucks parked across the street from the UPS Store.

----- Forwarded by Barbara Ross/Alex on 04/21/2010 04:16 PM -----

COA Contact Us: Mayor, Vice Mayor, and Council Members

Time: [Fri Apr 16, 2010 17:02:33] Message ID: [20850]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Constance

Last Name: McCabe

Street Address: 206 East Alexandria Ave

City: Alexandria

State: VA

Zip: 22301

Phone: 7038360203

Email Address: mcfangs@hotmail.com

Subject: Hog Thaid LLC -SUP application # 2010-0011

PC Docket Item #9
Sup 2010-0011

I have recently been made aware of the SUP application for a barbecue restaurant at 2312 Mt. Vernon Avenue. I have reviewed the SUP and have some concerns:

1) The proposed late hours of operation (closing at 2 a.m.) seems to me to be inconsistent with current practices on the Avenue and certainly would be disruptive to those residents living near the restaurant. People love lingering in Del Ray and move to Del Ray because of the absence of these types of businesses.

Comments: 2) The proposed time for loading operations (4 a.m.) seems very disruptive to surrounding residents.

3) I have been made aware of concerns about harmful emissions from these types of restaurants and I hope that research regarding this issue will be carefully considered before the City moves forward with the SUP.

Thanks you for your attention to this

matter,
Connie

----- Forwarded by Barbara Ross/Alex on 04/21/2010 04:16 PM -----

PC Docket Item #9
SUP 2010-0011



Fw: COA Contact Us : Hog Thaid LLC - SUP application # 2010-0011

Barbara Ross to: george-mcdonald

04/16/2010 10:53 AM

Cc: City Council, Rose Boyd, Elaine Scott, Faroll Hamer, Cicely Woodrow, Graciela Moreno

Dear Mr. McDonald:

Your letter about the proposed barbecue restaurant has been forwarded to me and will be part of the material sent to the Planning Commission who will consider the matter at a public hearing on May 4. I encourage you to participate at that hearing as well as when City Council hears the case, on May 15. You may submit written or oral testimony at each hearing. If you would like additional information, please do not hesitate to contact me.

Barbara Ross
Deputy Director
Planning and Zoning
(703)746-3802

----- Forwarded by Beth Temple/Alex on 04/16/2010 10:49 AM -----

COA Contact Us : Hog Thaid LLC - SUP application # 2010-0011

George McDonald to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott, rob.krupicka

04/16/2010 10:30 AM

Please respond to George McDonald

Time: [Fri Apr 16, 2010 10:30:01] Message ID: [20832]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: George
Last Name: McDonald
Street Address: 202 E. Alexandria Avenue
City: Alexandria
State: VA
Zip: 22301
Phone: 703-836-2450
Email Address: george-mcdonald@comcast.net
Subject: Hog Thaid LLC - SUP application # 2010-0011

I am writing to express my concern about what I understand to be the

proposed hours for a new BBQ restaurant on Mt. Vernon Avenue. I am told that the owner wants to remain open until 2 am. Del Ray is a wonderful, family-friendly neighborhood. I am concerned that a restaurant open until 2 am would become primarily a bar late at night and lead to noise and traffic when neighbors want to sleep. I believe existing restaurants in our neighborhood close by 11 pm during the week and by midnight on weekends. Those are reasonable hours for any new businesses as well.

Comments:

I

have also heard concerns about the air that may be vented to the neighborhood from the BBQ. If the air coming from the restaurant will contain smoke and pollutants, it should be treated before being vented.

Thank you for your attention to the quality of our neighborhood.

George McDonald

RE: Fw: COA Contact Us: Hog Thaid LLC -SUP application # 2010-0011

Astin, Rainey

to:

Barbara.Ross

04/16/2010 10:17 AM

Cc:

City_Council.ALEX, Rose.Boyd, Faroll.Hamer, Elaine.Scott, Cicely.Woodrow, Graciela.Moreno

Show Details

PC Docket Item #9
SUP 2010-0011

Thank you Barbara. I've been doing some research and the latest permitted hours on the Avenue appear to be midnight daily with 10pm patio closing (Fireflies; Caboose café). These hours would be acceptable to me. I would like to note that one establishment which has these later hours has live music and, under the zoning allowed, these hours should be the absolute latest hours allowed to anyone.

Respectfully, Rainey

From: Barbara.Ross@alexandriava.gov [mailto:Barbara.Ross@alexandriava.gov]

Sent: Friday, April 16, 2010 9:44 AM

To: Astin, Rainey

Cc: City_Council.ALEX@alexandriava.gov; Rose.Boyd@alexandriava.gov; Faroll.Hamer@alexandriava.gov; Elaine.Scott@alexandriava.gov; Cicely.Woodrow@alexandriava.gov; Graciela.Moreno@alexandriava.gov

Subject: Re: Fw: COA Contact Us: Hog Thaid LLC -SUP application # 2010-0011

Dear Ms. Astin:

Your letter about the proposed barbecue restaurant has been forwarded to me and will be part of the material sent to the Planning Commission who will consider the matter at a public hearing on May 4. You and I have discussed your concerns in the past and I encourage you to participate at the Planning Commission hearing as well as when City Council hears the case, on May 15. You may submit written or oral testimony at each hearing. If you would like additional information, please do not hesitate to contact me.

Barbara Ross
Deputy Director
Planning and Zoning
(703)746-3802

From: Cicely Woodrow/Alex
To: Barbara Ross/Alex@ALEX
Date: 04/16/2010 09:33 AM
Subject: Fw: COA Contact Us: Hog Thaid LLC -SUP application # 2010-0011

COA Contact Us: Mayor, Vice Mayor, and Council Members

Time: [Tue Apr 13, 2010 11:08:30] **Message ID:** [20735]

Issue Type: Mayor, Vice Mayor, and Council Members



Fw: COA Contact Us : Hog Thaid LLC -SUP application # 2010-0011
Cicely Woodrow to: Barbara Ross

04/16/2010 09:33 AM

History: This message has been replied to .

Time: [Tue Apr 13, 2010 11:08:30] Message ID: [20735]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Rainey

Last Name: Astin

Street Address: 1406 Mount Vernon Avenue

City: Alexandria

State: Virginia

Zip: 22301

Phone: 703-836-9699

Email Address: rastin@quad1.com

Subject: Hog Thaid LLC -SUP application # 2010-0011

First, I apologize for any duplication of emails; you may have a prior email from me on this subject which is incomplete. Please disregard any prior emails on this subject. Set forth below are my comments:

My

neighbors and I are very concerned about the Hog Thaid SUP application.

The applicant has asked to be open until 2am seven nights a week in a commercially low zoned area subject to the Mount Vernon Overlay.

Restuarants in this area are not open past 11pm during the week and 12am on weekends. The applicant is asking for a precedent setting change which

will, if granted, be requested and followed by every other restuarant on

Mount Vernon Avenue. We believe this would change the nature of Del Ray and

convert what has become a wonderful example of mixed use living into

(eventually) a strip of late night bars (unfortunately, once restuarants

have late hours, they sell more alcohol, and landlords see their sucess and

raise rents; eventually, the only tenants who can afford these rents are

bars; small businesses and retail stores are forced out).

We very much

do not want to lose the family friendly mixed use neighborhood we, and the City, have created. Up till now, we have relied on the commercial low zoning and Mount Vernon overlay to protect us.

Unfortunately, with the

downturn in the economy, we sense that Planning and Zoning and the City may be willing to make a short sighted accomodation to a known and well-liked restuarant operator, Mike Anderson. We are concerned that this accomodation will have terrible long term consequences as the SUP can be transferred via an administrative application to another operator, and the accomodations given a well known and liked operator may evenutally fall into the hands of someone much less experienced. The combination of alcohol and late night hours is not a good one. We are also concerned, again, about a precedent setting deviation from the zoning requirements.

Comments:

While we too are impressed by Mike Anderson, we cannot rely on him to ensure that Mount Vernon Avenue does not eventually become a late night bar strip. We must rely on the commerical low zoning and the Planning and Zoning Board, the Mayor, and the City Council to follow the law on this point and to safeguard Alexandria's citizens.

My neighbors

and I have reviewed the SUP application in depth, and set forth below are our requests for a reasonable compromise which I have raised with the Del Ray Land Use Committee and Barbara Ross at Planningn and Zoning:

(i)

change in hours so that the restaurant closes by or before 11:00pm nightly (or at a minimum closing at 11:00pm Sunday through Thursday with any outdoor dining to end every night by 10:00pm),

(ii) change in the cooker

operation/ventilation to minimize the exposure to residents of smoke and cooking odors/pollutants),

(iii) restrictions

on live entertainment and noise levels (no audible noise from property line);

(iv) outdoor dining tables limited and

hours of operation ceasing by 10:00pm daily.

We ask that you take the

above into consideration when reviewing the SUP application and most

importantly limit the hours of operation during the work/school week to an

11pm closing (10pm closing on the patio).

Respectfully

Submitted,

Rainey Astin

Meeting
 Lisa Donofrio
 to:
 Barabara Ross, Nathan Randall, erica.bannerman, William Gillespie
 04/14/2010 10:49 PM
 Show Details

PC Docket Item # 9
 Sup 2010-0011

History: This message has been replied to and forwarded.
 Ms. Ross:

Based on our conversation earlier, I do not believe a meeting tomorrow is necessary. My impression from our conversation earlier today is that you feel you have as much information from all parties as you need to make recommendations to the Planning and Zoning Commission. Therefore, I guess there is nothing else that we can say to influence those recommendations.

However, I would like you to know that last night, during our conversation with Mr. Anderson, he did state that he feels he can make money even if he closes at 10 pm every night. However, he did state he plans to ask for the following hours:

1. Sunday through Thursday: stop seating at 12 midnight; close by 1 am
2. Friday and Saturday: stop seating at 1 am; close by 2 am
3. Outdoor seating until 11 pm

We were surprised to hear this considering we had thought Mr. Blackburn had no problem with the hours we had suggested at the Land Use Committee meeting last Thursday evening. He also stated that he would have no problem if seating outside stopped at 10 pm as it was "harder to control" what went on outside as the hour got later and people kept drinking.

There is only one other restaurant in Del Ray that has hours similar to what Mr. Anderson is asking for. Fireflies is open until 12 midnight every night. Needless to say, many of the residents near there consider this an experiment that has failed. They are kept awake by loud conversations on the patio; loud conversations amongst patrons walking back to their cars; car doors slamming; fighting; laughing; vomiting, and occasional drunks urinating on or near their property.

Fireflies is an outlier in this Commercial Low Zone. If Mr. Anderson admits that he can make money even if he closes at ten, we feel he will still make money if permitted to keep the following hours:

1. Sunday through Thursday evening: stop serving at 11 pm; close by 12 midnight
2. Friday and Saturday; stop seating at 12 am; close by 1 am
3. Outdoor seating until 10 pm every night.

Even these hours are outside the norm in this Commercial Low zone, particularly in the Historic Core. I am sure that you know there are many people who live near the restaurant who work every day and need their rest. There are families with many children who need their sleep. A good night's rest is impossible with the types of activity that will inevitably be experienced by those close to this restaurant as the late-night crowd fans out. We feel we have been very reasonable in this regard, considering that we have revised our request toward later hours, which are outside the norm as outlined in the Mount Vernon Overlay Document.

He also acknowledged that a kitchen emissions system involving carbon and scrubbers and a high velocity fan to capture smoke, grease and other emissions is more efficient and will work better than the diffuser fan he is considering now. Needless to say, we are glad our concerns are being considered seriously in this regard.

As we spoke about on the phone, we understand that small businesses are an important piece of any local economy. But so are the families that support them and live near them. There are few rights more sacred than the right to use and enjoy one's property - than enjoying a conversation with a neighbor on the sidewalk, watching one's children play in their backyard or opening a window for fresh air, without the constant and potentially permeating, overwhelming smell that results from the cooking processes Hog Thaid plan for their restaurant. There are few feelings more gratifying than going to bed without the sounds of late night bar patrons disrupting an otherwise peaceful rest. In this competition of interests, I keep coming back to the fact that this is a Commercial Low Zone, and the property rights and interests of the residential community are to be guarded jealously. Therefore any business person seeking to profit in such a location should do his level best to conform to the zone in which he seeks a permit.

Thank you for your time regarding this matter. I know you have more on your plate than our little corner. Please know that our mutual jettisoning of this meeting in no way indicates our disinterest in this matter. We remain committed to our community and hope that you consider the preceding requests in fashioning your recommendations to the Planning and Zoning Commission.

May I ask if Mr. Anderson, et al, given the change in some of their operating plans, need to amend their SUP to reflect, for instance, that the side door will not be for takeout, or that a diffuser fan may be placed on the roof?

Sincerely, Lisa McNichols

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PC Docket Item #9
Sup 2010-0011



Hog Thaid SUP application # 2010-0011
Cicely Woodrow to: Barbara Ross

04/16/2010 09:43 AM

History: This message has been replied to.

Time: [Wed Apr 14, 2010 14:14:54] Message ID: [20784]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Sarah
Last Name: Mehaffey
Street Address: 1408 Mt. Vernon Ave.
City: Alexandria
State: VA
Zip: 22301
Phone: 703-399-4328
Email Address: sarah_row@hotmail.com
Subject: Hog Thaid SUP application # 2010-0011

To Whom it May Concern:
I am a resident of Del Ray at 1408 Mt. Vernon

Avenue and a member of the Del Ray Citizens Association. I have read the Application for Special Use Permit submitted by Hog Thaid, LLC seeking several exceptions to/expansions of the Commercial Light Zoning restrictions associated with their tenancy at the new office building at 2312 Mt. Vernon Ave. I fully support the restaurant uses outlined in the application; however, I do not support several of the operations-related exceptions which the applicant requests, as they clearly conflict with the stated intent of the Commercial Low Zoning category which defines this area of Del Ray, and they are without precedent in even the most densely developed parts of all of Alexandria City. I strongly urge Council to apply additional conditions limiting or modifying several of the applicant's SUP requests:

1.) Proposed hours of operation of restaurant:

The applicant requests to operate the restaurants Sun-F 11:30 am to 2 am, and on Saturday from 7 am to 2 am Sunday morning. It is unclear what hours of operation would apply to the "city-suggested" outdoor dining area, but it is assumed that it would be open for the same spans of time. The applicant qualifies the type of activity & noise levels as "typical family style restaurant levels;" however, the proposed late hours of operation indicate that noise & activity levels could exceed that of a family-oriented establishment and would definitely adversely impact the residential neighbors who live in such close proximity to the property. Furthermore, there is no question that the proposed hours of operation introduce a use and activity level far more intense than any currently on the Avenue and in fact more intense than even the Central Business District & restaurant/bar district in Old Town, most of whose restaurants & bars are open until 2 am on Fridays & Saturdays only. Three different restaurants, all open until 2 am every day of the week, within one property of residences, most certainly flies in the face of the Commercial Low Zoning category which so appropriately defines this area: "Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed and designed so as to be in character with such development and be of such characteristics as not to be detrimental or a

Comments: nuisance to nearby residential properties."

As a resident close to

restaurants with outdoor seating, I strongly urge the Council to limit the hours of operation of these 3 establishments to an 11 pm closing on weekdays and 1 am closing on Fridays & Saturdays, with further reduced hours associated with any proposed outdoor seating area.

2.) Proposed

outdoor seating: The application is unclear as to how the proposed outdoor seating area(s) would be designed, managed, and utilized. The Zoning Ordinance seems to require some sort of additional permit or at the very least a detailed description in the SUP application on how this area would operate.

"4-107 Use limitations. (A) All operations shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis."
As a

resident close to restaurants with outdoor seating, I strongly urge Council to request additional information in the application regarding the proposed outdoor seating area - hours of operation, means of noise & litter control (where & how many street-front trash receptacles? Frequency of "monitoring?" Location, number, & means of monitoring CCTV security cameras?) I also urge Council to consider requiring a yearly permit be pursued, based on the seasonal nature of the outdoor seating area, so that the business has the opportunity to address residents' concerns on a regular and ongoing basis.

3.) Proposed loading schedule:

The application indicates that loading/unloading shall occur unsupervised as early as 4 am on most days of the week. Between a 2 am close and a 4 am delivery schedule, it is clear that activity could be occurring at this property on close to a 24/7 basis. This no doubt will adversely impact the surrounding residences, creating constant disturbances related to noise, trash, litter, parking, etc. with little recourse for any affected residents.

I strongly urge Council to require that the applicant limit

loading times to weekdays between 6 am & 6 pm, including all deliveries and trash pick-up.



Fw: COA Contact Us : Hog Thaid SUP #2010-0011
Cicely Woodrow to: Barbara Ross

04/16/2010 09:38 AM

PC Docket Item #9
SUP 2010-0011

History: This message has been replied to.

Time: [Mon Apr 12, 2010 21:47:47] Message ID: [20722]

Issue Type: William D. Euille
First Name: Ashley
Last Name: Myler
Street Address: 109 E Oxford Avenue
City: Alexandria
State: VA
Zip: 22301
Phone: 7038380575
Email Address: amkdc05@yahoo.com
Subject: Hog Thaid SUP #2010-0011
Comments: Attached please find our support with concessions of the Hog Thaid SUP #2010-0011. We also have collected over 100 signatures in the past few days from Virginia residents supporting the SUP with concessions. We continue to collect signatures. Concerned residents were grateful for the opportunity to ask questions of Hog Thaid representatives and to clarify issues and address concerns at the Del Ray Land Use Committee Meeting. The positions enumerated below reflect a compromise on the part of the neighbors. We remain hopeful and confident that this situation can be resolved in a way that preserves our health, safety and quiet use and enjoyment of our properties, while at the same time seeing a new business venture flourish on our very corner.

It is our hope and expectation that City Staff will make recommendations based on the compromises Hog Thaid and residents discussed at the LUC meeting on Thursday, April 8.

1. Hours of Operation. The Applicant's restaurant is located in a Commercial Low (CL) Zone. The standard for restaurants in the Mount Vernon Overlay Zone is for hours of operation to be limited to Sunday- Thursday, 7:00am - 10:00pm;

Friday and Saturday, 7:00am - 11:00pm. Operating until 2 am, 7 days a week will unreasonably disturb the sleep of residential neighbors during the work week and during school nights. It is our understanding following the LUC meeting that Hog Thaid is agreeable to our compromise of requiring all patrons to leave the restaurant by 11:00pm Sunday-Thursday and 12:00 Friday and Saturday. [We are willing to support this compromise position notwithstanding that these hours exceed those kept by businesses within 2 blocks of the Applicant's restaurant and are later than any other restaurant operating on the Avenue. Consistent with this compromise, we also request that outdoor dining be closed down (no one still dining/drinking) at 10:00pm nightly.]

2. Ventilation/Woodsmoke

Concerns. While we appreciate the efforts Hog Thaid has made to consider equipment to ventilate and filter emissions so as to reduce their impact on the health and wellbeing of the neighbors, we remain concerned that the proposed modifications will not sufficiently abate the threatened nuisance.

Specifically, from initial research, it seems that the Flame Gard is a grease trap which will do much to capture the larger particles of grease and embers that are byproducts of the Asian fusion form of cooking, and to a lesser extent, the barbecue process. It seems they cost from \$100 - \$200 dollars, not including installation. However, this item does not address the inevitable smoke emissions that will be vented straight out during every day of the year; smoke that will get blacker and blacker if daily, weekly and monthly maintenance is not scrupulously upheld.

The

Applicant has also graciously offered to place a diffuser fan on the roof which apparently functions to mix two parts "clean" air with the unfiltered exhaust that will come through the vents. Then the diffused matter will be expelled up 150 feet straight. The Applicants have informed us that this will address fumes. We are in the process of researching this proposed

mitigation technique, but have some reservations and questions. Will this fan be activated every time exhaust comes out of the vents? Will it be activated only upon venting from the barbecue vent or from the Asian fusion vent as well? Or will it be operated during the entire cooking process (which could be most of the 24 hour day)? Will it meet code regarding noise, mechanical, aesthetic and height considerations? Are fumes different than odors and, therefore, will it adequately address the inevitable odor nuisance problems from the proposed cooking applications?

It is inconsistent with Alexandria's CL Zoning Classification and counterproductive to its Eco-City initiative to bring in new point sources for particulate matter pollution without adequate mitigation. Hog Thaid's proposed operations, including the smoking of meat for 12 hours per day (or more), is inconsistent with the CL zoning classification because the odors, smoke, and particulate matter produced by such operations would be detrimental and constitute a nuisance to nearby residences in violation of Sections 4-101 and 4-107(E) of the city's Zoning Code.

As we have shown, this nuisance poses not only a threat to our right to the use and enjoyment of our homes, but also to the health and welfare of the residents. Residing on Oxford Avenue is a two-year old child with Asthma 30 feet away from the commercial building, adults with asthma, a woman with a serious lung and heart disorder and elderly residents. Mount Vernon Community School, which is on a year-long calendar, is located one block away. We respectfully request that City Staff and City Council place conditions on the operation of Hog Thaid at 2312 Mount Vernon Avenue to avoid a scenario where neighbors suffer and the future costs of coming into compliance are greater than if they had been addressed at the start.

Additional questions:

1. What are the hours of

operation of the smoker? Will immediate residents be exposed to their description of "chimney like smoke/smell" 10 hours a day, 15 hours a day, 24 hours a day, every day? Here we point out to city staff that even a household chimney would constitute a nuisance and pose a health threat to nearby neighbors if it were operated 12 hours per day, seven days per week, 52 weeks per year.

3. Does the Applicant have sufficient financial resources to implement additional mitigation measures, if necessary, to abate possible nuisance and eliminate health risks to neighboring residents?

3. Deliveries. Residents are amenable to adjusting our delivery schedule from 7AM - 5PM to include the 4AM Sysco Truck delivery on Mount Vernon Avenue. As agreed upon verbally by Hog Thaid and the residents present, we would like a requirement that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress.

4. Noise. Applicant insists that no live music will be played. We request that conditions include that audible sounds at the commercial building line be limited to levels at or below 50 decibels and that there be no speakers or other amplified sounds outside the restaurant/commercial building.

5. Side Door Take Out Entrance. Hog Thaid's representatives at the LUC meeting publicly withdrew from their application the request to use a side entry door. Residents request that if City Staff leaves the door that the SUP include a condition that the side entrance be used as an emergency exit only and all take out must be picked up through the main entrances on Mount Vernon Avenue.

6. Review Period. We suggested at the LUC meeting that the Director of Planning and Zoning include a provision in the SUP requiring the review of the SUP after it has been operative for two continuous 90 day cycles to monitor possible detriment to nearby residents, businesses and students, especially with

relation to odor and /or smoke nuisances and the unprecedented late night hours in this zone. The two continuous 90-day periods would allow the community and the neighbors to assess the actual impact upon same in two different seasons and after specific recommended maintenance will have been performed upon the smoker, vents and chimney flue.

7. Delivery of

take-out orders via car: At the LUC meeting, the Applicant agreed that delivery of takeout food from the restaurant to patrons will be delivered only via use of Mount Vernon Avenues. The delivery vehicle(s) used will also reenter the restaurant's parking lot via Mount Vernon Avenue such that side streets will only be utilized to deliver to specific addresses. We also ask that the delivery vehicle used be clearly marked as representative of the business.

Without these conditions and compromises, we do not believe that this proposed business will be in accordance with Commercial Low Zoning. Sec. 4-100 CL/Commercial low zone. 4-101 Purpose and 4-107(E).

4-101 Purpose. The CL zone is intended to provide for small scale retail and service uses offering pedestrian oriented shopping and services for individual consumers and households located primarily in nearby residential areas. Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed and designed so as to be in character with such development and be of such characteristics as not to be detrimental or a nuisance to nearby residential properties.

If the Applicant's SUP

request were to be granted as is, his operation – from 4am deliveries to 2 am closing and post-closing clean-up/next day prep- would signify a 24 hour operation seven days a week that threatens neighbors' health and the use and enjoyment of their homes. We submit such an operation clearly does not qualify as one that should operate in a Commercial Low Zone, and that this commercial activity would negatively impact nearby residences.

A. We

respectfully submit that it is within the power of the City Council to set these conditions of operation upon the Applicant. Section 11-500 of the Alexandria Zoning Ordinance covers Special Use Permits. Section 11- 501

states the following:

Authority. The city council may approve an

application for a special use permit provided for in this ordinance if the

proposed location is appropriate for the use and if the proposed use or

structure will be designed and operated so as to avoid, minimize or

mitigate any potentially adverse effects on the neighborhood as a whole or

other properties in the vicinity.

From the preceding language, it is

clear that the City Council has the authority to consider whether a

proposed use may have “potentially” adverse effects upon the neighborhood

or other properties located in “the vicinity.” We have put forth ample

evidence, in the form of news articles, hearings, and conversations with

barbecue restaurateurs, that barbecue byproducts, such as smoke and odors

from barbecue smokers using even less wood than the Applicant’s planned

model, can cause health hazards and nuisances for those in residential

areas. We have put forth ample evidence that the proposed smoker, with

straight exhaust, will generate smoke and odors over a prolonged time frame

each and every day of the year. The “potentially adverse effects” aspect

of Section 11-501 have been met. Therefore, the City Council has the

authority to ensure that the “structure will be designed and operated so as

to avoid, mitigate or minimize” those potential nuisances.

B. Sections

11-504 and 505: Section 11-504 is dedicated to considerations upon review

of a Special Use Permit in a Commercial Low zone. Such considerations

include the following:

(1) Will not adversely affect the health or

safety of persons residing or working in the neighborhood of the proposed

use;

(2) Will not be detrimental to the public welfare or injurious to

property or improvements in the neighborhood; and

(8) Notwithstanding

any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.

(10) Whether the proposed use will have any

substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

Section 11-505 is an enabling clause. It allows the City Council broad discretion to act to ensure the “considerations on review” of a Special Use Permit granted to a business in a Commercial Low Zone are given force and effect:

Section 11-505 Conditions and restrictions. In approving a special use permit, the city council may impose any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.

This section

gives the City Council the authority to impose “any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If the City Council does believe that there are potential adverse effects from the proposed operation of the Applicant’s property use that will cause health, safety or nuisance problems, it certainly has the power to require that the potential adverse consequences be adequately mitigated.

Therefore, the Council can order something more precise and particularized than the usual blanket condition to control odors and smoke, etc.

It

is understood that such specific conditions of mitigation are outside the usual conditions ordered by the city of Alexandria. However, such conditions can be drafted by the City that recognize the unique aspects of this business and restrict its language to only the business at hand.

There are few barbecue restaurants in residential areas in the city. There are fewer still serving both Asian fusion and barbecue such that any provisions placed on the operation of this business can be ordered to not set a precedent for any future establishment, the appropriate design and operation of which shall be left to a new review based on its own unique circumstances, including zone and proposed use.

Thank you for your

consideration.

Attachment: 018949b4bf169b0162d00da5ac263498.doc

PC Docket Item #9
SUP 2010-0011

Re: Fw: Hog Thaid LLC -SUP application # 2010-0011
Linda Jacobs-Condit
to:
Cicely.Woodrow
04/22/2010 08:28 AM
Cc:
Barbara.Ross, Rose.Boyd, Elaine.Scott, Graciela.Moreno
Show Details

History: This message has been replied to.
Ms. Ross,

Thank you for your reply to our letter of approval with concessions... Even though Mr. Anderson has amended his SUP, these hours are still very different from those stipulated in the Del Ray Business Plan, CLZ and are much later than the other restaurants in the neighborhood. We're looking for compliance across-the-board.

On a different note, is there any information available from him/his team about the noise emitted as the ventilation system dispels the exhaust the approximately 150 feet into the air? We've asked this of Mr. Anderson, and he was unable to answer the question. Obviously, we're concerned about the negative effects of noise on the ambience and character of the neighborhood, as well as the very well-documented effects of noise on health (raises anxiety levels, blood pressure, increases stress).

Thank you for your consideration,

Linda Jacobs and Bruce Condit
106 E Oxford Avenue
Alexandria VA 22301

On Wed, Apr 21, 2010 at 6:03 PM, <Cicely.Woodrow@alexandriava.gov> wrote:

Dear Ms. Jacobs and Mr. Condit:

Thank you for your email, which will be forwarded to the Planning Commission and City Council for their consideration. The public hearings on the proposed barbecue restaurant are scheduled for May 4 (Planning Commission) and May 15 (City Council) and you are encouraged to attend and speak or to submit your comments in writing.

For your information, the applicant, Mr. Anderson, has amended his request for operating hours, asking to be able to stay open until midnight during the week and until 1am on Friday and Saturday nights.

If you have any additional question, please feel free to contact me.

Barbara Ross
Deputy Director
Planning and Zoning
(703)746-3802

From: Linda Jacobs Bruce Condit <lindaajc3@gmail.com>
To: william.euille@alexandriava.gov, frank.fannon@alexandriava.gov, kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov, council@krupicka.com, delpepper@aol.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov,

elaine.scott@alexandriava.gov, rob.krupicka@alexandriava.gov

Date: 04/20/2010 03:58 PM

Subject: COA Contact Us: Hog Thaid LLC -SUP application # 2010-0011

COA Contact Us: Mayor, Vice Mayor, and Council Members

Time: [Tue Apr 20, 2010 15:58:37] Message ID: [20939]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Linda Jacobs

Last Name: Bruce Condit

Street Address: 106 E Oxford Avenue

City: Alexandria

State: VA

Zip: 22301

Phone: 703-549-2713

Email Address: lindajc3@gmail.com

Subject: Hog Thaid LLC -SUP application # 2010-0011

Dear Mayor and Alexandria City council members:

First, I apologize

for any duplication of emails; you may have a prior email from me on this subject which is incomplete. Please disregard any prior emails on this subject. Set forth below are my comments:

We've resided on E. Oxford

Avenue in Del Ray for almost 30 years and have greatly appreciated and benefited from the improvements to Del Ray and Mt. Vernon Ave that have occurred over the years. We survived Mac's bar and finding drunks asleep on our front porch, and now enjoy a wide variety of amenities that make Del Ray one of the best neighborhoods in the metro-DC area! We're excited about having even more variety in restaurant options in our immediate Del Ray neighborhood. However, we're compelled to share with you our concerns about the special use permit (SUP) requested at 2312 Mt. Vernon Ave (tax map reference 034.02-08-08).

My neighbors and I are very concerned

about the Hog Thaid SUP application. The applicant has asked to be open until 2am seven nights a week in a commercially low zoned area subject to the Mount Vernon Overlay. Restaurants in this area are not open past 11pm during the week and 12am on weekends. The applicant is asking for a

precedent-setting change which will, if granted, be requested and followed by every other restaurant on Mount Vernon Avenue. We believe this would change the nature of Del Ray and convert what has become a wonderful example of mixed use living into (eventually) a strip of late night bars.

Unfortunately, once restaurants have late hours, they typically sell more alcohol, landlords see their success and raise rents. Eventually, the only tenants who can afford these rents are bars, and the small businesses and retail stores are forced out. Late night bars often also result in higher crime rates -- something we just don't need in Del Ray.

We very much do

not want to lose the family friendly mixed use neighborhood we, and the City, have created. Until now, we have relied on the commercial low zoning and Mount Vernon overlay to protect us. However, with the downturn in the economy, we sense that Planning and Zoning and the City may be willing to make a short-sighted accommodation to a known and well-liked restaurant operator, Mike Anderson. We are concerned that this accommodation will have terrible long term consequences as the SUP can be transferred via an administrative application to another operator, and the accommodations given a well-known and liked operator may eventually fall into the hands of someone much less experienced. The combination of alcohol and late night

Comments: hours is not a good one.

We are also concerned, again, about a precedent-setting deviation from the zoning requirements. While we too are impressed by Mike Anderson, we cannot rely on him to ensure that Mount Vernon Avenue does not eventually become a late night bar strip. We must rely on the commercial low zoning and the Planning and Zoning Board, the Mayor, and the City Council to follow the law on this point and to safeguard Alexandria's citizens.

My neighbors and I have reviewed the SUP application in depth, and set forth below are our requests for a reasonable compromise. These have also been raised with the Del Ray Land Use Committee and Barbara Ross at Planning and Zoning:

(i) change in hours so that the restaurant closes by or before 10:00pm nightly (or at a minimum closing at 10:00pm Sunday through Thursday, and closing at 11:00 pm Friday through Saturday, with any outdoor dining to end every night by 10:00pm),

(ii) change in the cooker operation/ventilation to minimize the exposure to residents of smoke and cooking odors/pollutants),

(iii)

restrictions on live entertainment and noise levels (no audible noise from property line);

(iv) outdoor dining tables limited and hours of operation ceasing by 10:00pm daily.

We ask that you take the above into

consideration when reviewing the SUP application and most importantly limit the hours of operation during the work/school week to an 10pm closing (10pm closing on the patio).

Respectfully Submitted,

Linda Jacobs and Bruce

Condit
106 E Oxford Avenue
Alexandria VA 22301

PC Docket Item #9
Sep 2010 - 0011

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Jennifer
Last Name: Beach
Street Address: 112 Stewart Avenue
City: Alexandria
State: VA
Zip: 22301
Phone: 571-331-0699
Email Address: jennifer.beach@gmail.com
Subject: Closing Hours of Mike Anderson's Hog Thaid in Del Ray
Good afternoon-

I would like to comment on the zoning request by Mike Anderson for the new Hog Thaid restaurant facility coming to Del Ray. I would like to add my voice to the request that this business observe closing by 11 pm on weeknights and midnight on weekends and install a carbon filter system in their facility to prevent smoke pollution in the neighborhood. Del Ray cannot support the parking needs of too many more businesses without rezoning parking regulations, and as a family neighborhood, it needs to be quiet after 11 pm at night or midnight at the latest on weekend, with all local restaurants adhering to these guidelines. As a close neighbor of Los Tios, Caboose Cafe, and Cheesetique, and a Del Ray homeowner since 1996, I have seen a measurable change in our quality of life since they opened and became popular with diners. Our street, the 200 block of Stewart Avenue, is often congested in the evenings with patrons parking their cars, and weekend nights (Thursday- Saturday) are especially congested. The same patrons return to their cars, sometimes after 11 pm, and talk loudly and make

Comments: noise that wakes us, our dogs, children, etc. I know that the owners of these businesses aim to be good neighbors, and we enjoy living in a mixed use community, but zoning needs to be in place to make sure ALL business owners, especially those newly opening in Del Ray, adhere to the same standards as these established businesses.

I wholeheartedly request that the new restaurants owned by Mike Anderson, as well as any other new restaurants in the neighborhood, adhere to the closing hours mentioned above, and that ALL businesses close by midnight. Please don't let Del Ray turn into something like the Courthouse/Clarendon/Ballston areas of Arlington, filled with drunken 20-somethings every weekend and impossible parking and driving for residents. Del Ray is a family neighborhood and needs to remain a safe place to live with accessible parking for residents and quiet evenings unmarred by loud visitors and smoke-filled skies from a BBQ restaurant right in the middle of the neighborhood.

Thank you so much for your attention.

Jennifer

Beach
112 Stewart Avenue
Alexandria, VA

PC Docket Item #9
Sep 2010-0011

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Steven

Last Name: Bezman

Street Address: 12 Rosecrest Avenue

City: Alexandria

State: Virginia

Zip: 22301

Phone: 703-836-6024

Email Address: steven.p.bezman@frb.gov

Subject: Del Ray business hours

I have lived in Del Ray for over 30 years, and have watched it evolve and develop. The city of Alexandria and other stakeholders are to be commended for the many improvements.

I am writing to express my concern for recent action to extend business operating hours.

It is important to preserve

and maintain the Del Ray accomplishments, and I believe business hours past

Comments: 11:00 PM during the week and past 12:00 midnight on weekends will negatively affect the unique aspects of Del Ray.

I encourage the Mayor

and City Council to limit business operating hours.

Thank you for

considering my views.

Steven P. Bezman

PC Docket Item #9
Sup 2010-0011



Fw: BBQ/Asian/Fusion restaurant - Del Ray
Nathan Randall to: Barbara Ross

04/08/2010 05:21 PM

----- Forwarded by Nathan Randall/Alex on 04/08/2010 05:21 PM -----

From: MicheleCM@aol.com
To: nathan.randall@alexandriava.gov
Cc: alsdmf@earthlink.net, amkdc05@yahoo.com
Date: 04/08/2010 04:11 PM
Subject: BBQ/Asian/Fusion restaurant - Del Ray

Dear Mr. Randall:

I live at 105 Stewart Avenue, right off Mt Vernon Avenue near the elementary school. I am writing to support the new restaurant that intends to open there. I understand that there is some opposition to it and wanted to take a minute to express my support. Del Ray has long supported an eclectic variety of businesses on the Avenue. My own law practice was located at 2214 Mount Vernon Avenue for nearly six years.

I understand that the restaurant intends to use very little wood and mostly gas to grill its meats. I am a lifelong asthmatic and have no problem with this method of cooking. I don't see it generating emissions as have been described in some newsletters I have received.

Further, I believe that another restaurant is merited on the Avenue at this time. Long lines have started forming at the existing ones, and a general desire for something new and different is driving some people out of the neighborhood for something different for dinner. This would bring in new customers for other businesses as well.

Parking should not be a big concern in that section of town. I live directly behind the Human Services Building, and that is cleared out on weekends, holidays and in the evenings.

Please note my support of this new venture.

Michele S. Cumberland
105 Stewart Avenue
Alexandria VA 22301
703-299-9830

Letter on the DelRay listserv
Michael Anderson
to:
Barbara.Ross
04/02/2010 04:18 PM
Show Details

PC Docket Item # 9
SUP 2010-0011

History: This message has been forwarded.
Greetings Del Ray Citizens,

This is Mike Anderson, the owner of the Pork Barrel BBQ restaurant under construction in Del Ray on Mt. Vernon Avenue. We had a great Open House and listening session this evening, and I wanted to express my sincere thanks to those in attendance for their input, and for those who could not attend, share with you one of the major announcements we made this evening.

We've spent the past several months listening to folks in the community seeking their input on the restaurant, and heard concerns expressed about our plans to use a wood smoker. In response to these concerns, we announced tonight that we've made a major change in the piece of equipment we are using – we will no longer be using a wood smoker, and instead are going with a state of the art gas version, that uses gas as the heat source, and only uses wood to add flavor – using only 1-3 pieces of wood per 12 hour cooking cycle – much less than the average fireplace or backyard grill.

We chose this gas cooker, even though it is significantly more expensive, because it is made specifically to address concerns raised by some in the community. This cooker is manufactured by Southern Pride, and is in use in all 50 states, and in fact, is used in Times Square, especially made for cooking BBQ in urban high density areas. The new cooker is both UL listed and UL EPH Approved.

There are still some concerns about this cooker and we'll try to address those, so we're still exploring the best option for this project. We plan on being on the corner for a long time so we're going to try to do it right from the start.

We also learned about some other concerns that we weren't aware of. We will restrict delivery drivers and any delivery service from using side streets. Delivery drivers will be made to turn off engines during deliveries. Delivery schedules will be made with the least amount of impact to traffic and the community.

There was a lot of positive feedback about some later hours in Del Ray to broaden the appeal of the Ave to a wider audience. We received a lot of feedback about this from the 30th somethings in the crowd. We'll be working with David Fromm from the Del Ray Citizens Association to organize an online survey about the Associations desire on this matter.

We were very grateful for all the comments and input we received this evening, and we will continue this listening process. We are excited for the Pork Barrel BBQ restaurant to be a part of the Del Ray community and really hope that this will be another family friendly meeting place for Del Ray.

Sincerely,

Mike Anderson
Bill Blackburn
Brett Thompson
Heath Hall

PC Docket Item #9
SUP 2010-0011

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Daniel
Last Name: Mehaffey
Street Address: 1408 Mount Vernon Ave
City: Alexandria
State: VA
Zip: 22301
Phone: 703-338-0846
Email Address: dan.mehaffey@gmail.com
Subject: Del Ray Restaurant Hours
To the Mayor, Vice Mayor, and Council Members,

I am writing you today to

express concern about restaurant hours in Del Ray on Mount Vernon Avenue, particularly late hours in conjunction with alcohol sales. The catalyst for this email is SUP 2010-0011, referring to a new BBQ restaurant at the corner of Oxford and Mount Vernon.

As a father, I worry about the results from the mix of late hours and spirits. My wife and I settled in Del Ray precisely because it was a family place and not a bar district. True, it had (and has) a few establishments that serve alcohol, but the number was reasonable, the noise contained, and the hours more Alexandria than Adams Morgan. My wife, daughter, and I are patrons of these places. There's nothing we like better than walking down the street to grab a bite.

I want to encourage businesses to continue to come and settle in Del Ray while respecting the Mayberry brand of the neighborhood, so I would like to amend the SUP with the following considerations. I have heard through unverified neighborhood gossip and the usual grapevine that Mike (the applicant) is open to some of these, but of course, he can speak for himself. I would like to see him codify them in a written amendment to the SUP, however. I do trust new business owners, but would like to verify against written SUPs.

First, that the hours notch back from 2 AM to 11

PM on weekdays and 12 PM on weekend nights. I would like to see the restaurant close in keeping with other restaurants on Mount Vernon Ave.

Mike has Completed the SUP to be open until 2 AM seven nights a week in a commercially low zoned area subject to the Mount Vernon Overlay.

Restaurants in this area are not open past 11pm during the week and 12am on weekends. This is the neighborhood I moved into and would like to keep.

Second, that the hours of outdoor seating be clearly prescribed in the SUP. As I read it now, there are no prescribed hours in the SUP for outdoor seating. I would like to see the outdoor seating end (no one left outside) at 10 PM.

Third, that the SUP be amended to address the special

Comments:

cooking odors that come from a BBQ restaurant. The SUP says only that there will be typical restaurant cooking odors. But BBQ smoking is not a typical restaurant odor and the smoke is also not typical. I'm not sure Mike has thought through that phrase and I would like him to do so.

Fourth, that

noise levels be properly defined. Again, this is a matter of phrasing, and perhaps some carelessness at completing the SUP. I don't think you can define an establishment that is open until 2 AM serving alcohol until then as a "Family Restaurant" and therefore don't think that you can define the noise levels coming from that establishment as "Typical family style restaurant levels" (Mike's words). Either he moves his hours back to be more in keeping with family hours or he should change his phrasing in answer to question 7A to be, "Typical bar levels."

Fifth, that some amendment be made to the SUP to address entertainment.

I would like to see, in writing, a statement that he have no audible noise from property line.

Sixth, I would like to see the SUP amended to

describe the type of alcohol that can be served. I would support beer and

wine but not hard spirits.

Seventh, that deliveries be more clearly defined in the SUP. I worry about the precedent of unsupervised deliveries at 4 AM 30 yards from where children sleep and where parents must get up to get them off to school and grab the 10B to work. I would like to see deliveries during normal business hours or in the morning before the restaurant opens up, when families are already about their business.

Please allow me to close as I opened. I support new businesses on Mount Vernon not just with letters to the Mayor and Council, but also with my wallet. I see no reason why the neighborhood and Mike should be in opposition over a few hours and a more clearly defined SUP. Instead, I'm grasping for, in writing, some honestly stated and well considered boundaries to keep the spirit of the neighborhood I love so much.

Thank

you for both your service and consideration.

----- Forwarded by Elaine Scott/Alex on 04/14/2010 07:09 PM -----

From: Paula DeMuth <paulademuth@msn.com>
To: william.euille@alexandriava.gov, frank.fannon@alexandriava.gov, kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov, council@krupicka.com, delpepper@aol.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, elaine.scott@alexandriava.gov, rob.krupicka@alexandriava.gov
Date: 04/14/2010 05:39 PM
Subject: COA Contact Us: Hog Thaid - SUP 2010-0011

Time: [Wed Apr 14, 2010 17:39:04] **Message ID:** [20790]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Paula
Last Name: DeMuth
Street Address: 1410 Mount Vernon Avenue

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Paula
Last Name: DeMuth
Street Address: 1410 Mount Vernon Avenue
City: Alexandria
State: VA
Zip: 22301
Phone: 703.519.0090
Email Address: paulademuth@msn.com
Subject: Hog Thaid - SUP 2010-0011

PC Docket Item #9
SUP 2010-0011

I have lived in Del Ray for over nine years and am a big supporter of Del Ray businesses. I am a member of the Del Ray Citizens Association. I am a real estate attorney.

I have reviewed SUP request 2010-0011 for Applicant Hog Thaid, LLC. I am looking forward to the addition of BBQ, sushi, and Asian Fusion to our neighborhood restaurant options. I dine out a considerable number of evenings. I believe these businesses will further enhance a well established and beloved neighborhood. I am concerned, though, about the following requests and ask that the SUP be approved, with the noted modifications:

Request: Hours until 2:00 am every night,

including outdoor dining.

Proposed Response: I believe reasonable hours

would be closing at 11:00 every night or possibly remaining open until midnight on Friday and Saturday nights, with outdoor dining to end at 10:00 on weekdays and 11:00 on weekends.

Applicant's request far exceeds the hours of operation for any and all similar types of establishments in the area. The real estate directly west of Applicant is residential and other residential real estate is proximate. An elementary school is nearby. I believe that having hours that extend to 2:00am 7 days a week will unreasonably disturb the sleep of residential neighbors during the work-week and during school nights.

I am interested in the Alexandria police department's input regarding the safety issues and increased risk to persons and property that a dining establishment in this neighborhood with these late hours is expected to create. I believe there is a reasonable

Comments: expectation for crime to increase with these requested hours. According to a study by USA Today, 26% of all crime happens between 12am and 6am. Not only would extended hours likely impact the physical security and property integrity of nearby neighbors, it would increase Police Department costs because of the additional security required during early morning hours and City clean up costs due to litter.

I also question who will be frequenting a restaurant that is open until 2:00am. Although it would be wonderful if these patrons were law enforcement personnel or shift workers, they are more likely to be individuals who have been drinking and are looking for a location in which to become sober. Too, the opening of Monroe Avenue may invite a transient crowd off Route 1 who is not aware of the residential component of the neighborhood. I am concerned these early morning patrons will threaten the safety of persons and motorists in the area and personal property (side swiping cars) of residents. Again, the Alexandria police department's input would be valuable on this issue.

I want to reiterate that I am an enthusiastic supporter of businesses in Del Ray and will patronize these restaurants. I respect the owners' business expertise and their need to have a business plan that will ensure their financial success. However, Hog Thaid, LLC is choosing to do business in an established neighborhood with Commercial Low Zoning. Therefore, I ask that they not be permitted to adversely impact the character of this neighborhood we all love.

Sincerely,

Paula DeMuth

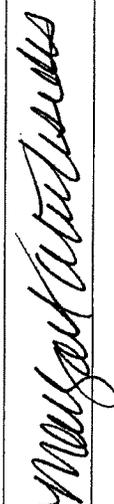
DC Docket Item # 9
 SLIP 2010-2011

By signing below, please be advised that I support the proposed requests as set forth in the Application by Hog Thaid, LLC, t/a Pork Barrel BBQ for Special Use Permit (SUP) #2010-0011, with the revisions set forth below in order to ensure the preservation of the family-friendly atmosphere of Del Ray.

Pork Barrel BBQ, et. al. will be located at 2312 Mt. Vernon Ave., in the neighborhood of Del Ray, with Commercial Low zoning. The restaurant will be located on the same block as 14 residential homes with approximately 13 children in residence and within a one-block radius of 53 residential homes. The nearest residence with small children is located approximately 30 feet from the Applicant's restaurant.

In SUP #2010-0011, the Applicant asks: (i) to operate one 6,000 square foot restaurant Sunday through Friday from 11:30am to 2:00am and on Saturday from 7:30am to 2:00am; (ii) to vent up to 2½ stories; (iii) to produce up to 400 pounds of trash per day; (iv) to have off street loading beginning at 4:00am daily and continuing until 5:00pm with trucks parked off Mt. Vernon Ave. only; (v) to have outdoor dining; and (vi) to offer carry out service.

I support the SUP with the following changes to ensure the restaurants conform with the commercial low zoning and family-friendly character of Del Ray: (i) a change in hours so that the restaurants close by or before 11:00pm (or at a minimum closing at 11:00pm Sunday through Thursday); (ii) a change in the ventilation system sufficient to capture odors, smoke, emissions and other particulate matter generally associated with barbecue and other cooking techniques the Applicant proposes to use; (iii) off street loading hours (to be off Mt. Vernon Ave. only) limited to morning only Monday through Friday between 7AM and 5PM; (iv) outdoor dining tables limited and hours of operation ceasing by 10:00pm daily; (v) audible sounds at the commercial building line limited to levels at or below 50 decibels; (vi) no speakers or other amplified sounds outside the restaurant; (vii) side door entrance to be used as an emergency exit only and all take out to be picked up through main entrance on Mt. Vernon Ave.; and (viii) a requirement that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress (using Oxford Avenue only between Mt. Vernon Avenue and the parking lot entrance). I respectfully ask that the SUP is approved with these changes.

Name (print)	Address	Contact Info (email)	Signature	Date
Bernardo L. Piereck	2 E OXFORD AVE ALEXANDRIA, VA 22301	piereck@gmail.com		04/02/2010
Clarissa S. Piereck	2 E OXFORD AVE ALEX. VA 22301	piereck@yahoo.com	Clarissa Piereck	04/02/2010
Margaret Winters	3 E OXFORD AVE ALEXANDRIA, VA 22301	M CARD WINTER @ aol.com		April 3, 2010

Signature Page to Support Petition Hog Thaid's SUP Application with Concessions

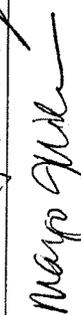
Name - (print)	Address	Contact Info (email)	Signature	Date
Jessie + Mark Eisenhorn 4 E. Oxford Ave Alexandria, VA 22301	4 E. Oxford Ave Alexandria, VA 22301	jconconsulting@comcast.net	Jessie Eisenhorn	4/3/10
Carla P. Piereck	2451 Midtown Ave #209 Alexandria, VA 22303	Carla.piereck@gmail.com		4/3/10
Ricardo L. Piereck	2451 Midtown Ave Ste 208 Alexandria, VA 22303	Rpiereck@gmail.com		4/4/10
CLAUDIA L. PIERECK-DESA	310 N Oxford ST #4 Arlington, VA 22203	clogim@hotmail.com		4/4/10
AMANDA CUTTS	229 Aspen St. Alex VA 22304	agcutts@gmail.com		4/4/10
Jack Cutt	229 Aspen St. Alexandria, VA 22304	jcutt@cc.org		4/4/10
Megon Heard	4852 A 28th St S Arlington VA 22206	callinmagn@hotmail.com		4/4/10
Taylor Heard	4852 A 28th St S Arlington VA 22206	taylorheard@yahoo.com		4/4/10
Greg Sitzman	1741 Johnson Ave NW DC 20009 #201	gsitzman@yahoo.com		4-4-10
Michael Glenzer	616 E Street NW DC 20004 #321	m-glenzer@yahoo.com		4/4/10
Christy Enchelmaier	410 15th St. NE #5 Washington DC 20002	cm1225@gmail.com		4/4/10
FRANK COVELEST	4612 Baconton Ave ALEX, VA 22304	FCOVELEST@gmail.com		4/5/10
RICHARD M. COOL	10524 James Urban Way Fairfax, VA 22030	cool-one@cox.net		4/5/2010

By signing below, please be advised that I support the proposed requests as set forth in the Application by Hog Thaid, LLC, t/a Pork Barrel BBQ for Special Use Permit (SUP) #2010-0011, with the revisions set forth below in order to ensure the preservation of the family-friendly atmosphere of Del Ray.

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I support the SUP with the following changes to ensure the restaurants conform with the commercial low zoning and family-friendly character of Del Ray: (i) a change in hours so that the restaurants close by or before 11:00pm (or at a minimum closing at 11:00pm Sunday through Thursday); (ii) a change in the ventilation system sufficient to capture odors, smoke, emissions and other particulate matter generally associated with barbecue and other cooking techniques the Applicant proposes to use; (iii) off street loading hours (to be off Mt. Vernon Ave. only) limited to morning only Monday through Friday between 7AM and 5PM; (iv) outdoor dining tables limited and hours of operation ceasing by 10:00pm daily; (v) audible sounds at the commercial building line limited to levels at or below 50 decibels; (vi) no speakers or other amplified sounds outside the restaurant; (vii) side door entrance to be used as an emergency exit only and all take out to be picked up through main entrance on Mt. Vernon Ave.; and (viii) a requirement that all deliveries to and from the restaurant use Mt. Vernon Avenue as the sole point of ingress and egress (using Oxford Avenue only between Mt. Vernon Avenue and the parking lot entrance). I respectfully ask that the SUP is approved with these changes.

Name (print)	Address	Contact Info (email)	Signature	Date
Barbara Bachm	428 Argyle Alex.	barbxb@ya.hoo.com		4/4/10
Wendy Gay W. J. Fellegh	428 Argyle Alex Drive Alex			4/4/10
Mary Miller	102 W. Bellford	mjw102@gmail.com		4/4/10

PC Docket Item #9
SUP 2010-0011



To:
Cc:
Bcc:
Subject: Fw: SUP 2010-0111

----- Forwarded by Barbara Ross/Alex on 04/29/2010 01:13 PM -----

From: "Astin, Rainey" <rastin@quad1.com>
To: <Barbara.Ross@alexandriava.gov>
Cc: <Nathan.Randall@alexandriava.gov>
Date: 04/29/2010 01:05 PM
Subject: SUP 2010-0111

Dear Planning Commission,

I have reviewed SUP # 2010-0011 for 2312 Mt Vernon Avenue, and the City Staff Report. I fully support the conditions stated in the staff report – particularly staff's recommendation for business hours. I do, however, continue to have significant concerns of the overall impact to the neighborhood should the applicant be allowed to do all that he requests.

1. **Hours.** Applicant has requested a 1:00 AM closing hour Friday/ Saturday and a 12:00am closing hour Sunday through Monday. Based on the zoning ordinance definition of closing, no new patrons are permitted to enter the restaurant after the closing hour, but patrons already in the door can stay a full hour after closing time. This means customers could be leaving at 2:00 AM on Fridays and Saturdays and at 1:00 AM on weeknights. The employees will leave even later.

I do not feel that a 2:00 AM and 1AM closing time is in keeping with the intention of the CL zone in which the property is located. The zoning ordinance indicates that the CL zone is "intended to provide for small scale retail and service uses offering pedestrian oriented shopping and services for individual consumers and households located primarily in nearby residential areas" and states that "**commercial operations be conducted at a scale and intensity commensurate with nearby residential development, ...and be of such characteristics as not to be detrimental or a nuisance to nearby residential properties.**" I strongly believe these closing hours do not protect existing residential neighborhoods. I am also concerned because I have checked the applicant's record on food safety. Most recently, he has a number of violations (2 critical pertaining to food safety). I fear that his establishment will be less of a food destination and more of a drinking one. MangoMikes is better known as a bar than a restaurant. Folks drinking are louder and more difficult to control, especially after 12am. This is definitely not commensurate with nearby residential development, especially a neighborhood consisting of so many families. Patrons returning to cars parked on residential streets at 2:00 AM have the potential to be a serious nuisance to nearby residential properties.

I've checked the number of restaurants in the area. There are over 20 within a 1.5 mile distance- 4 of which are allowed to have live entertainment. Most of these do not have adequate parking. Please consider the trickle down effect of increasing hours for this applicant. If everyone follows suit (and how can you deny them if you give such hours to applicant), there is an almost certain

likelihood that noise will increase (detrimentally to residents) along the Avenue. This is not commensurate with the intent of the Overlay.

2. **Parking.** I believe SUPs have been approved in the past on the basis of being able to use the parking lot slated for this applicant. What will happen once the applicant uses all of the spaces? Will the other SUPS be amended?

Also, the DSUP only required 1 parking space per 8 patrons for restaurants; isn't the normal ratio 1 space for 4 patrons? Why is an exception being made?

3. **Procedure.** I was shocked and dismayed to see the commission enter into record emails without names. Whether in support or opposition, no email should be counted unless it is sent by a person who can be identified with contact info. Unfortunately, the commission accepted a number of pro-applicant emails from the President of the DRBA who consolidated emails and removed names to protect their privacy. This seems to suggest a bias by the commission, and I strongly hope this was an oversight and will be appropriately addressed and that these emails will be discounted as they should have originally been (any person could have typed these up).

I have lived in Del Ray for over 10 years, and I will be very sad if the City chooses not to enforce the existing zoning, especially the Overlay. I moved to Del Ray expecting the protections promised by the zoning, and I ask that the City enforce and apply them.

Thank you,

Rainey Astin
1406 Mount Vernon Avenue

NOTE: Please be advised any and all documents sent by email transmittal are, and remain, subject to senior management and third party approvals. This email may contain information that is confidential and may not be copied or distributed by anyone other than the intended recipient. If received in error, please immediately notify the undersigned.

Rainey L. Astin
Quadrangle Development Corporation
Deputy General Counsel
1001 G Street, NW, Ste 700W
Washington, DC 20001
202-661-2010
rastin@quad1.com

PC Docket Item #9
SUP 2010-0011



To:
Cc:
Bcc:
Subject: Fw: Hog Thaid

----- Forwarded by Barbara Carter/Alex on 04/29/2010 08:39 AM -----

Fwd: Hog Thaid

Eric Wagner to: Faroll Hamer

04/28/2010 10:04 PM

Faroll, can you please forward this to the other members of the Planning Commission? Thanks.
Begin forwarded message:

From: "Judy Lowe" <judylowe36@comcast.net>

Date: April 28, 2010 12:53:56 PM EDT

To: "Eric Wagner" <erwagner@comcast.net>, "Mary Lyman" <mslyman@verizon.net>

Subject: Hog Thaid

I do not have all of the emails for Planning Commission but this group of foes will probably pack the next meeting. I cannot believe they would rather smell gasoline fumes than bar-b-q fumes and I think Mike Anderson has gone beyond the pale to accommodate the neighborhood. This is exactly like the person that buys a house in the flight path and then complains about the airplane noise. We are greatly looking forward to the business and hope that it sails through, despite the misinformation that is being circulated. The opponents have no idea whether they can smell any smoke odors or not with the new system that Mike has said he would install. Please approve this.

Judy Lowe

judylowe36@comcast.net

703-549-1713 (H)

PC Docket Item# 9
Sup 2010-0011

To: kendra.jacobs@alexandriava.gov
From: annie <tetaannie@mac.com>
Date: 04/30/2010 10:39AM
Subject: disclosure Form

Those residents who had voiced concern about full disclosure of property building ownership for Hog Thaid restaurant, are now very satisfied with the level of disclosure and appreciate the efforts of the zoning staff to provide this information to them. It is also appreciated that zoning staff helped to prevent the further spread of misinformation regarding ownership which although recognized as a rumor ,was still very , very upsetting to many Del Ray residents.

Residents who were going to attend the planning hearing on May 4th, and speak at the meeting and request for denial or deferment of SUP 2010- 0011 until disclosure of ownership was obtained will now not be attending the hearing,nor will any administrative complaint related to the disclosure form be forthcoming. Therefore, my email of April 26th and 27th relating to the intent to raise the disclosure issue during the May 4th hearing should be disregarded as it is no longer relevant.

The residents, who totaled 11, who voiced concern on this issue alone, have stated to me they hold no other opinion regarding SUP 2010-0011 and their only interest in this SUP was that due process occurred in terms of disclosure .

Those residents who wished to address aspects of the SUP, or voice their dissent, but did not feel comfortable doing so until ownership was fully disclosed, were provided the updated disclosure statement and a copy of the document published on your web page outlining hearing attendance information and what to expect while attending.

Thank you very much for helping with this matter.

Annie Meighan Kendrick