

EXHIBIT NO.

1

24
6-15-02

Docket Item # 25
SPECIAL USE PERMIT #2002-0038

Planning Commission Meeting
June 4, 2002

ISSUE: Consideration of a request for a special use permit to operate a restaurant and for a parking reduction.

APPLICANT: Neighborhood Restaurant Group
by Stephanie W. Babin

LOCATION: 2401 – 2407 Mt. Vernon Avenue

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, JUNE 4, 2002: On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Conditions #2, 3, 11, 13, 14, 17, and 19, and add Conditions #24, 25, 26 and 27. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis and, in response to discussion by the neighbors, the civic association and the applicant, amended the recommendations to increase the hours on weekends, to reduce the number of seats as agreed to by the applicant, to add landscaping and fencing requirements as agreed to by the landlord, to reduce the hours for loading and restrict the number of bar seats in the lounge area.

Speakers:

Stephanie Babin, applicant, asked the Planning Commission to support her application and alter the conditions to allow the restaurant to close at 12:00 a.m. Friday and Saturday nights, to allow waiter service to use the side door on Oxford Avenue for the outdoor seating, and to allow amplified music. In response to requests from citizens, she agreed to limit the number of seats to 160 on evenings and weekends and to 90 seats on weekdays.

Scott Lockett, 209 Oxford Avenue, recommended several changes to the conditions of approval and otherwise supported the application.

Sean Kumar, local resident, supported Mr. Lockett's recommendations.

Helene Kumar, local resident, stated support for Mr. Lockett's recommendations.

Linda Passara, local resident, stated support for Mr. Lockett's recommendations.

Maria Wasowski, Mount Jefferson Civic Association, stated support for the restaurant.

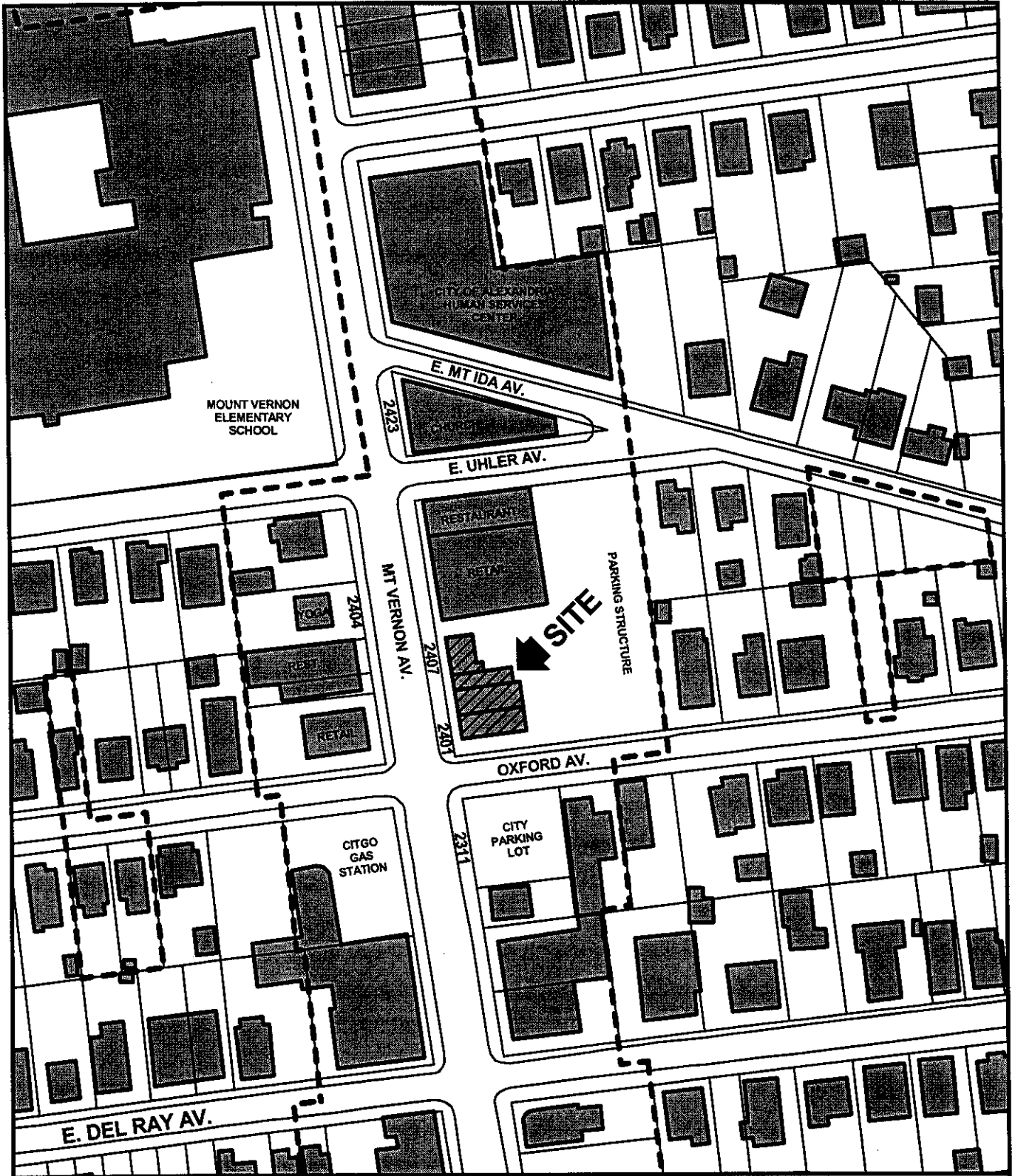
Thomas Welsh, local resident, spoke in support of the proposed restaurant.

Pat Miller, of the Potomac West Business Association, spoke in support of the proposed restaurant.

Amy Slack, Del Ray Citizens Association, requested deferral of the case or, in the case of approval, a series of amendments to the conditions of approval.

Susan Kelly, Laverne Avenue, spoke in support of the restaurant.

Kenyon Larson, local resident, spoke in support of the restaurant.



SUP #2002-0038

06/04/02



STAFF RECOMMENDATION:

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 business or entity in which the applicant has a controlling interest. (P&Z)
2. **CONDITION AMENDED BY PLANNING COMMISSION:** Seating shall be provided for no more than ~~180~~ 90 patrons during the weekdays and for no more than 160 patrons during evenings and weekend days. There shall be a maximum of 10 seats at the bar in the lounge area. (P&Z) (PC)
3. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours of operation for indoor seating shall be limited to 8:00 a.m to 11:00 p.m daily Sunday through Thursday, and to 8:00 a.m. to 12:00 a.m. Friday and Saturday. The hours of operation for outdoor seating shall be limited to 8:00 a.m. to 10:00 p.m. daily, and the outdoor area shall be cleared of all diners by 10:00 p.m. and the area cleaned and washed by 10:30 p.m. (P&Z) (PC)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
5. Alcoholic beverages may be sold for on-premises consumption only. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

10. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
11. **CONDITION AMENDED BY PLANNING COMMISSION:** No amplified sound shall be audible at the property line. No exterior speakers are allowed. (P&Z) (PC)
12. Live entertainment shall be limited to two acoustic, non-amplified events per week between the hours of 7:00 p.m. and 10:00 p.m. in the area of the restaurant to the north of the main entrance, as indicated on the submitted floor plan. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. Live entertainment shall be limited to inside the restaurant and is not permitted outside. (P&Z)
13. **CONDITION AMENDED BY PLANNING COMMISSION:** No door, other than for emergency or ~~delivery~~ waiter service purposes, is permitted on the rear of the building or the Oxford Street facade. (P&Z) (PC)
14. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall encourage its employees to use public transportation to and from work and shall require its employees who drive to use off-street parking. (P&Z) (PC)
15. This permit is specifically conditioned on the ability of restaurant patrons to use, on evenings and weekends, the parking on site that is now reserved for the Department of Human Services employees, or a sufficient portion of it to support the restaurant use. The applicant may not alter the interior or exterior of the restaurant space or begin operating as a restaurant prior to obtaining the ability to use such parking, to the satisfaction of the Director of Planning and Zoning. (P&Z)
16. The applicant shall work with staff to develop a plan for loading and unloading to the satisfaction of the Directors of Transportation and Environmental Services and Planning and Zoning. (P&Z)
17. **CONDITION AMENDED BY PLANNING COMMISSION:** Loading or unloading, including garbage collection, shall be limited to between ~~7:00~~ 8:00 a.m. and ~~10:00~~ 8:00 p.m. (P&Z) (PC)

18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police)
19. **CONDITION AMENDED BY PLANNING COMMISSION:** Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. This condition does not apply to the outdoor seating. (P&Z) (PC)
20. The applicant shall provide and maintain in good condition landscaping and fencing generally consistent with staff's attached plan, dated May 2002, and to the satisfaction of the Director of the Department of Planning and Zoning, which shall include the following:
 - A. A delineation of the outdoor dining area, so that it does not encroach on the public right of way;
 - B. permanent iron fencing around the outdoor dining area on Oxford Street;
 - C. portable bollard stands with decorative chain for the outdoor dining area along Mount Vernon Avenue;
 - D. a landscaped screening hedge adjacent to the parking lot driveway on Oxford Street to screen the outdoor seating. (P&Z)
21. The loading and dumpster area in the center of the block shall be redesigned and reorganized to the satisfaction of the Director of Planning and Zoning, to accomplish the following objectives:
 - A. The area shall be screened from the rear parking area;
 - B. the dumpsters shall be organized for effective use by tenants;
 - C. the loading space shall be sited so as to maximize the loading potential for tenants and to not interfere with the storage of trash and garbage consistent with these conditions. (P&Z)
22. Exterior changes to the facade of the building, including signage, shall be consistent with the Mount Vernon Avenue Design Guidelines, as determined by the Director of Planning and Zoning. (P&Z)

23. The Director of Planning and Zoning shall review the special use permit one year after operation 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
24. **CONDITION ADDED BY PLANNING COMMISSION:** A six-foot tall wood fence and landscaping shall be installed to screen the parking lot and efforts shall be made to limit left turns out of the subject parking lot onto Oxford Avenue, as represented by the property owner, Scott Mitchell, in his letter dated June 4, 2002, and to the satisfaction of the Director of Planning and Zoning. (PC)
25. **CONDITION ADDED BY PLANNING COMMISSION:** No delivery service is permitted. (PC)
26. **CONDITION ADDED BY PLANNING COMMISSION:** Should it be determined that noise generated by patrons is a problem and is not adequately controlled by the restaurant, the applicant shall provide restaurant staff to patrol the parking lot. (PC)
27. **CONDITION ADDED BY PLANNING COMMISSION:** No public telephone shall be located on the exterior of the business. (PC)

Staff Notes:

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.

Any exterior changes to the property visible from a public way including, for example, signs, alterations to entryway, HVAC equipment, ventilating stacks and lights, require review and approval by the Board of Architectural Review.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

DISCUSSION:

1. The applicant, Neighborhood Restaurant Group, represented by Stephanie Babin, requests special use permit approval for the operation of a restaurant located at 2401-2407 Mt. Vernon Avenue. The restaurant will have outdoor seating and live entertainment and requires a parking reduction.
2. The subject property is one lot of record with 230 feet of frontage on Mt. Vernon Avenue, and a total lot area of 44,943 square feet. The site is developed with one and two story mixed use buildings and structured parking in the rear. The proposed restaurant intends to occupy four tenant spaces at the south end of the building including the vacant former bank space.

Other tenants and spaces in the building include Ann Me Me's restaurant, Stepping Stones, empty retail space under renovation, Wright's Tax Service, a barber shop, and vacant residential apartments on the second floor. A new property owner is currently renovating the building and changing tenants. The plan is to replace Stepping Stones with a new retail, personal service, or other similar use; to fill the existing vacant space with an antiques store; and to replace Wright's Tax Service and the barber shop with the proposed restaurant.

Retail, restaurant and office uses extend north and south along the Mt. Vernon Avenue corridor, and residential uses are located directly to the east of the subject block. The Del Ray Farmers' Market takes place on the public parking lot directly across Oxford Street from the south end of the subject building.

3. The applicant proposes to create a restaurant that will feature new Italian and American cuisine. The menu will include pizza and pastas and specialize in entrees from a wood fired oven and grill. The applicant intends to offer a high quality, moderately priced option for Mount Vernon Avenue and expects to include homemade breads, pasta and sauces and to purchase from small producers and organic farmers.
4. The proposed restaurant will have 180 seats, with indoor and outdoor table service and a bar. The plan includes 156 seats at tables and 24 seats at a bar. Approximately 3,027 square feet of interior space will be devoted to food production, food service, seating and bar areas, and 1,420 square feet will be available used for outdoor seating. The outdoor seating is proposed for both the Mount Vernon Avenue frontage and in the open area at the south end of the building on Oxford Street.
5. The proposed hours of operation are 8:00 a.m to 11:00 p.m Sunday through Thursday, and 8:00 a.m. to 12:00 a.m. Friday and Saturday.

6. The applicant also proposes live entertainment, specifically amplified music with one to five performers, two to three times a week. Staff has discussed this proposal at length with the applicant and learned that it will not provide a designated dance floor and will not have disc jockey entertainment. The music performances will occur in the space currently labeled 2405 and 2407 Mt. Vernon Avenue, which is north of the area designated on the submitted floor plan as the main door and hostess area.
7. Beer, wine and liquor will be served on the premises. No off-premise sales of alcohol is requested.
8. Approximately ten to 15 employees will work each shift, and about 275 customers are expected to patronize the restaurant daily.
9. The applicant does not expect any noise, odor, or litter problems. The restaurant employees will patrol the area for litter and trash cans will be made available indoors and outdoors. The garbage will be stored in an on-site dumpster and collected three times per week. Recycling will be stored adjacent to the dumpster and collected two times a week.
10. Pursuant to Section 8-200 of the zoning ordinance, one parking space is required for each four restaurant seats. The proposed restaurant will have 180 seats and thus a parking requirement of 45.

The rear of the subject site contains a surface parking area and one level of below ground parking spaces. There are a total of 142 parking spaces, although most of them are dedicated for the exclusive use of the Department of Human Services (DHS). The DHS spaces, under the existing lease, may not be used for shared parking during weekend and evening hours.

The remaining 26 spaces, which includes one loading space, are available for patrons of the uses in the building. Most of the tenant space today is either vacant or carries no parking requirement. Stepping Stones does have a 12 space requirement under its special use permit. Ann Me Me's was granted a complete parking reduction. The remaining retail and service tenants have been grandfathered as to parking. Under the landlord's plans for the reuse of the space, however, 22 of the spaces will be necessary to occupy the second floor apartments. In addition, a new user of the Stepping Stones space will have a parking requirement of from 10 to 20 spaces, depending on the use. Therefore, staff concludes that the off-site parking available currently is insufficient for the proposed restaurant.

11. The applicant has requested a parking reduction, and asserts three propositions in support. First, it maintains that many of its customers will be pedestrians from the neighborhood. Second, it states that there is existing on street parking available on Mount Vernon Avenue and in the public lot on Oxford Street. Finally, the applicant and the new landlord of the site have discussed with staff the likelihood of making the DHS parking behind the building available to patrons of the uses in the block. As to this last idea, the City is willing to pursue an arrangement whereby the parking now devoted to DHS is made available to others on weekends and evenings.
12. There is one off-street loading space behind the subject building in the on-site parking lot. This loading space is used by all the tenants on the subject block. The applicant, however, states that it will need to load and unload off-site due to the fact that the delivery trucks are too heavy to drive over or park on the roof of the on-site, underground parking garage. Loading and unloading operations for the proposed restaurant are expected to occur between 9:30 a.m. and 11:30 a.m. three to five times a day.
13. Zoning: The subject property is located in the CL (Commercial Low) zone. Section 4-100 of the zoning ordinance allows a restaurant in the CL zone only with a special use permit.
14. Master Plan: The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use. This application is also subject to the Mount Vernon Avenue Design Guidelines.

STAFF ANALYSIS:

Staff supports the concept of a new restaurant use at the proposed location. It will bring vitality to the street and will fill two buildings that have long stood vacant. The proposed outdoor seating can provide an attractive connection between the building and the public space on Mount Vernon Avenue; tables, umbrellas, and people add visual interest and activity to the street and help foster a welcome pedestrian environment. The reuse of this building and the outdoor seating is especially significant because of the site's highly visible location on a prominent corner within the Mount Vernon Avenue commercial corridor. Overall, these changes will help boost longstanding and on-going revitalization efforts along Mount Vernon Avenue.

Despite its support for the proposed restaurant, staff does have concerns about the use. While new uses are necessary to add economic vitality to the neighborhood, and convenience for residents, it is equally essential that the uses and their impacts not detract from the health of the residential neighborhood. Maintaining the balance between a vibrant mixed use area and an urban place in which it is desirable to live requires careful assessment of the characteristics of new uses and creative solutions for potential problems. In this case, staff has serious concerns about parking and the entertainment proposal. In addition, it believes the applicant needs to address the loading issue and potential site improvements.

Parking. Staff has serious concerns about the proposed parking reduction. While the applicant maintains that there is sufficient parking on the street and in the Oxford Street public lot, staff notes that there is typically competition for those spaces. In addition, while there will be pedestrian customers from the surrounding residential and businesses, the proposed restaurant will also serve as a destination. Current conditions simply do not provide adequate parking for the proposed restaurant and staff cannot support the requested parking reduction without a solution to the parking capacity issue.

On the other hand, staff believes that if the property owner can make the on-site DHS parking available to the proposed restaurant during weekday evenings and weekends, then the proposal can be supported. Staff anticipates that the City and the landlord will be able to achieve such an arrangement but, in Condition #14, has required it in order for the restaurant to proceed. While the DHS parking will not be available during the workday, because it is necessary for DHS employees, staff does not foresee the restaurant drawing a large lunch crowd, except for from neighboring businesses, including DHS.

The City has granted a number of parking reduction applications for uses on Mount Vernon Avenue, including the following: Ann Me Me's (28 spaces required; full reduction granted); Taqueria Poblano (indoor seating grandfathered as to parking; full reduction granted for outdoor seating); Evening Star (31 spaces required; 11 provided on site, 13 provided off site; reduction for 7spaces); Los Amigos (19 spaces required; full reduction granted with an arrangement at Salvation Army); Fireflies, 1501 Mount Vernon Avenue (7 spaces required; 6 provided on site, and 9 off site on weekends; reduction for the remainder granted); Agape Church (35 spaces required; 30 spaces required for evenings, and 35 on Sundays.) The history of parking reductions on Mount Vernon Avenue, and the likelihood of others in the future, points up the reality of the parking problem for both businesses and residents in the area. In this case, staff has serious concerns about parking and the entertainment proposal. In addition, opening up the parking capacity of this block, as is being proposed here, is an example of the types of mechanisms that will be necessary for Mount Vernon Avenue to continue its economic growth.

Entertainment. The proposal to include live entertainment is problematic because of the proximity of residential uses, and the potential for noise disturbing the restaurant's neighbors. While the restaurant can be a positive use for the Mount Vernon Avenue area, and some entertainment may be a plausible feature, staff is concerned that there be sufficient limitations on the entertainment so that no noise is experienced by the neighborhood. Staff has added several requirements in Condition #12 in an effort to limit the entertainment at the proposed restaurant. First, consistent with the requirements of the SUPs for Ann Me Me's, Evening Star, Los Amigos and St. Elmo's, staff is recommending that the entertainment be limited to acoustic, nonamplified performances. The applicant has indicated a strong preference for amplified performances and has stated its willingness to work with the neighborhood to find building improvements to baffle the sound. However, staff is unwilling to support the idea of amplified entertainment until the applicant can demonstrate that it will not be a problem for neighboring residents.

In addition, to ensure that the facility does not become a night club, staff has included standard entertainment condition language prohibiting a cover charge and restricting the entertainment to being a subordinate feature in the restaurant. Finally, staff believes that the location of the entertainment within the restaurant is the most appropriate one. It is in the front of the restaurant, on Mount Vernon Avenue, and as far from the residential uses on Oxford Street as possible. Staff has also recommended that there be no live performances permitted outdoors, and that there be no doors to the restaurant for customers either on the back of the building or on the Oxford Street facade.

Loading. The applicant has proposed that it receive deliveries from the public street, or from the lot on Oxford Street. The rear surface of the parking garage can evidently not withstand the weight of a delivery truck, and trucks are prohibited from entering the rear parking area. Nevertheless, there is a driveway from Mount Vernon Avenue in the middle of the block, with a “loading” space adjacent to it. There is also the possibility of the applicant’s using the existing parking spaces on Mount Vernon Avenue during designated times. Staff has recommended a condition requiring that the applicant investigate alternatives and find a solution acceptable to transportation and planning staff.

Site Improvements. Staff would also like to recommend a series of site improvements, consistent with the Mount Vernon Avenue Design Guidelines and similar to staff recommendations made through the special use permit review process for other sites located throughout the city.

The conditions include a requirement that the applicant comply with the Mount Vernon Avenue Design Guidelines and confer with staff on facade improvements and signage. As to specifics, staff recommends that the applicant pay for the installation of brick pavers to the front wall of the building, as recommended in the Mt. Vernon Design Guidelines. The City has already installed brick pavers in the public portion of the sidewalk in the part of Mount Vernon Avenue, and the condition requires that additional pavers be installed in the private area between the existing brick pavers and the building. Staff also recommends that the applicant pay for the purchase and installation of a city trash can on the public right-of-way in front of the proposed restaurant.

Staff has recommended that the area behind the building, now used for dumpsters, be redesigned and screened, so that the garbage and utility area is made more attractive from the rear parking area. Staff also recommends that the applicant create a more visible boundary between the proposed outdoor seating and the public right-of-way and add a small hedge adjacent to the parking lot. Staff plans proposing a permanent iron fence for the portion of the outdoor seating along Oxford Street and portable bollard stands with a decorative chain for the portion of outdoor seating located in front of the restaurant are attached. Staff has required delineation of outdoor eating areas elsewhere on the subject block, both at Ann Me Me and Taqueria Pablano.

Finally, staff has included a condition requiring a review of the proposed restaurant one year after operation so if there are any problems with its operation, additional conditions may be imposed.

With the proposed conditions, staff recommends approval of the proposed restaurant and the parking reduction.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 With the condition requiring access to the parking garage for restaurant patrons, T&ES has no objection to the request for a parking reduction.
- C-1 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.
- R-3 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-4 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-5 Loudspeakers shall be prohibited from the exterior of the building.

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. Four 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 represents a change to use group A3 and requires conversion to the structural strength, fire protection, exit facilities and sanitary provisions to the new use group.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC Section 313.0.
- C-6 Required exits, parking, bathroom facilities and public areas shall be accessible for persons with disabilities.
- C-7 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 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-8 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 Security survey for the business.
- R-2 Robbery awareness program for all employees.
- R-3 Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine(wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

REV. H.

APPLICATION for SPECIAL USE PERMIT # 2002-0038

[must use black ink or type]

2401- 2407 8/25/02

PROPERTY LOCATION: 2401- 2407 MT. VERNON AVENUE

TAX MAP REFERENCE: 34.02 - 04 - 02 ZONE: CL

APPLICANT Name: NEIGHBORHOOD RESTAURANT GROUP

Address: 308 Hume Avenue Alexandria, VA

PROPERTY OWNER Name: MT. VERNON AVE LLC

Address: MT. VERNON AVENUE, ALEXANDRIA, VA

PROPOSED USE: RESTAURANT with Entertainment and Parking Reduction

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

S.W. BABIN
Print Name of Applicant or Agent

S.W. Babin
Signature

308 Hume Avenue
Mailing/Street Address

703 362 6403 703 549 8520
Telephone # Fax #

Alexandria, VA 22301
City and State Zip Code

3-25-02
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

J. M. BABIN
S. W. BABIN
M. C. EHRETT

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.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

See attached

Narrative Description

Special Use Permit Application No. 2002-0038

Neighborhood Restaurant Group

2401-2403 Mt. Vernon Avenue

Request to operate a restaurant with outdoor seating at 2401 – 2403 Mt. Vernon Avenue. The restaurant will be an American food, family restaurant with carryout. It will feature a small waiting/dining/pickup area in the 2403 space that will open onto a main dining room with large, floor-to-ceiling palladium windows that overlook Mt. Vernon Avenue and Oxford Avenue. There will be a small mezzanine that overlooks the main dining room that will have limited seating, and a second story full-service lounge that will serve as additional waiting area and will be available for private events. The restaurant plans on having outdoor seating facing Oxford Avenue.

The restaurant will complement existing businesses on Mount Vernon Avenue by focusing on neighborhood-style service with affordable prices. Parking for patrons exists behind the building in the existing large parking lot. 41 parking spaces are available for restaurant use. Many employees will walk to work as a large number of prospective employees live in the Del Ray neighborhood. If necessary, parking for employees may be provided in the parking lot behind 2300 Mt. Vernon Avenue after 5PM. A City lot is across the street from the proposed site, and along with on-street parking on Mt. Vernon Avenue, will provide additional parking for customers.

Noise will be minimal as the large parking lot, which extends approximately 60 feet from the rear of the building, creates a buffer between the proposed site and the residential homes, and an additional business exists between the proposed site and homes on the south side of Oxford Avenue. The building itself is being completely renovated by the owner and the lessee, and will include well-insulated construction. A natural landscaping buffer is also being planned.

The restaurant will be open for lunch and dinner seven days a week and will offer breakfast on the weekends. It will have seating for 180 including the outdoor seating. 10 to 15 employees will work during a shift, with a higher number of employees present during the busier weekend shifts. Hours of operation will be Monday through Sunday 8AM to 12AM.

Sub 5/9/02

We have spoken with staff regarding parking, and building owner is working at a plan which will provide adequate on-site parking through an arrangement with D.H.S.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- 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).

BREAKFAST 30-50 DINNER 75-150
LUNCH 40-75

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

DAY 10
EVENING 10-15

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

Day:

SUNDAY - THURSDAY
FRIDAY - SATURDAY

Hours:

8 AM - 11 PM
8 AM - 12 AM

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

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

MECHANICAL: Minimal - all new, state-of-the-art equipment
PATRONS: NOISE FROM INTERIOR - MINIMUM TO NONE
OUTDOOR DINING: minimum, VOICES FROM CONVERSATION
PATRONS WALKING TO CARS: minimum - conversations

B. How will the noise from patrons be controlled?

PATRONS will be reminded of residential
nature of neighborhood by servers, bartenders, and management;
by signage; and by "reminders" on carryout menus and
flyers. Management will check grounds periodically and outdoor diners will be

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

Food service odors will be controlled by by servers
installation of a new, state of the art and managers
ventilation and HVAC system.

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

A. What type of trash and garbage will be generated by the use?

Food service trash and paper products.

B. How much trash and garbage will be generated by the use?

1/4 - 1/3 of a dumpster (medium sized)
daily.

C. How often will trash be collected?

3 times per week, more if necessary
2 additional times for recyclable trash

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

Customers who leave with to-go orders
will be reminded to be courteous and not "litter."
Carryout will not likely be for immediate consumption. Several outdoor trash will be visible. Personnel will police in and out and much focus will be placed on cleanliness.

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 residents, employees and patrons?

We will consult with Alexandria Police
Department. Safety experts and implement
recommended procedures for public safety.

ALCOHOL SALES

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

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

On premise beer, wine, and mixed drinks.
Anticipated ratio is 75% food to 25%
alcohol.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

45

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

45 Standard spaces (after 5 pm)

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

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

up to few spots may be located off-site

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.

D. 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.

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? _____

B. How many loading spaces are available for the use? _____

C. Where are off-street loading facilities located? _____

Behind the building in the parking lot

D. During what hours of the day do you expect loading/unloading operations to occur?

9:30 AM - 11:30 AM

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

3-5 x per day

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

STREET ACCESS IS ADEQUATE

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

3850 sq. ft. (existing) + _____ sq. ft. (addition if any) = 3850 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: Small MIXED-USE STRIP CENTER
WITH RETAIL, Restaurant, residential, and
office usages.

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 156 At a bar: 24 Total number proposed: 180

2. Will the restaurant offer any of the following?

alcoholic beverages beer and wine (on-premises)
 beer and wine (off-premises)

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

AMERICAN FOOD

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

table service bar carry-out delivery

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

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

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. No.

If yes, please describe: LIVE MUSIC

PARKING REDUCTION SUPPLEMENTAL APPLICATION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

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

UP to 45 spaces — Details of parking
are being worked out with land lord
There are up to 45 potential spots available
after 5pm, when most automobile traffic occurs.

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

parking garage/lot exists behind the building. The
lot will be shared by the retail tenants, residential
tenants, and by the restaurant. Currently the
city uses spaces for its HHS building. It is

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

AVAILABILITY OF PARKING behind the
building is being analyzed.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces? Yes. No.

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

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

Very likely that a "time shared" space approach will be taken, with spots available after 5pm to more than adequately provide the 45 spaces ^{necessary} ~~available~~. Owner and lessee plan on working closely ^{with the City and residents} to share parking and plan for future parking.

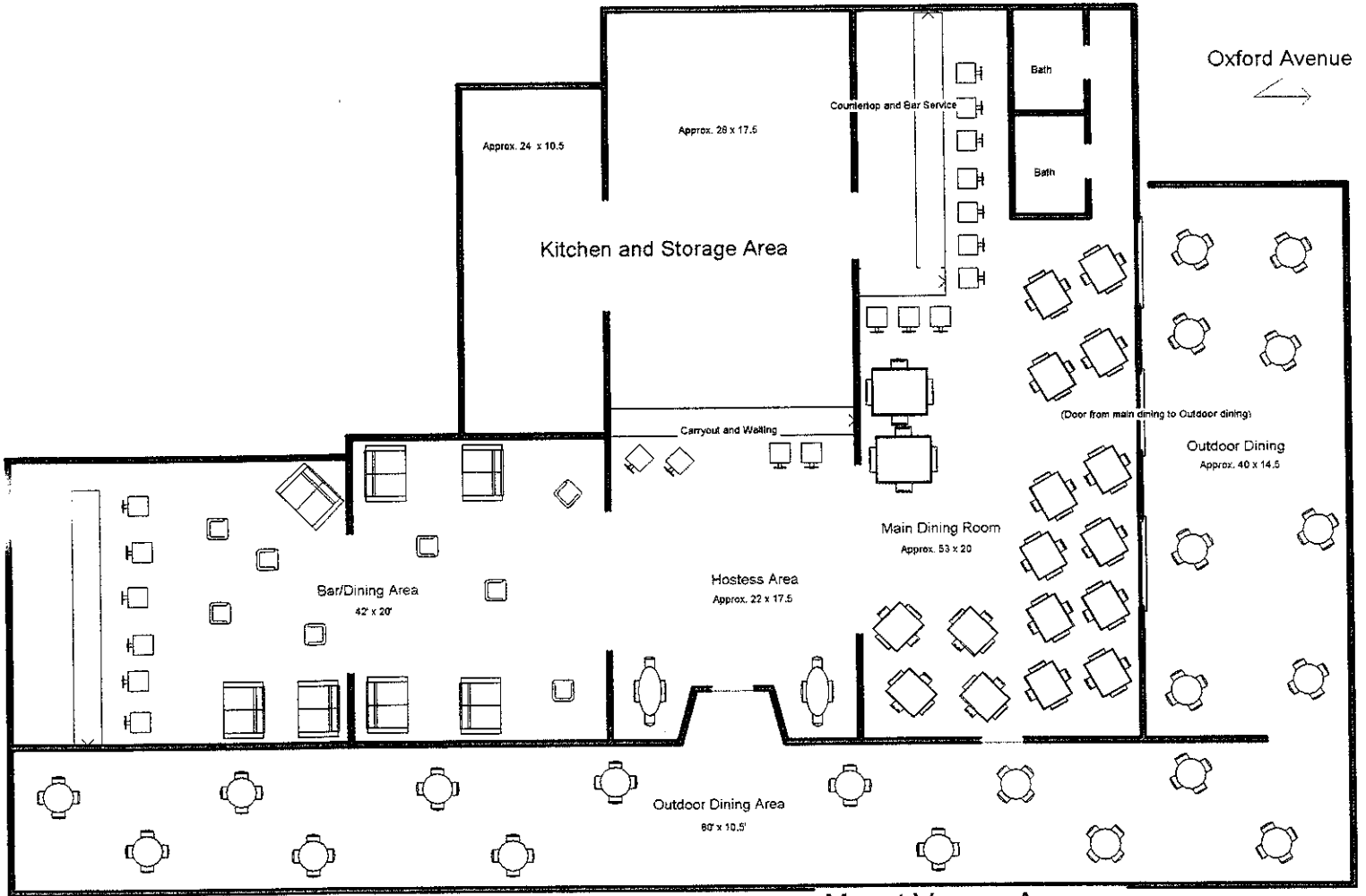
Many of our employees will walk to work, including our chef and key managers, servers and bartenders. Many patrons will also walk to the restaurant. There is a City lot open to the public across the street from the restaurant, and Mt. Vernon Avenue will provide many on-street parking spaces. Outdoor dining will be available full-time May 1 - October 1, and during the off-season for outdoor dining, the number of cars should be reduced.

2401 - 2407 Mt. Vernon Avenue

Proposed Floor #1

Special Use Permit Application

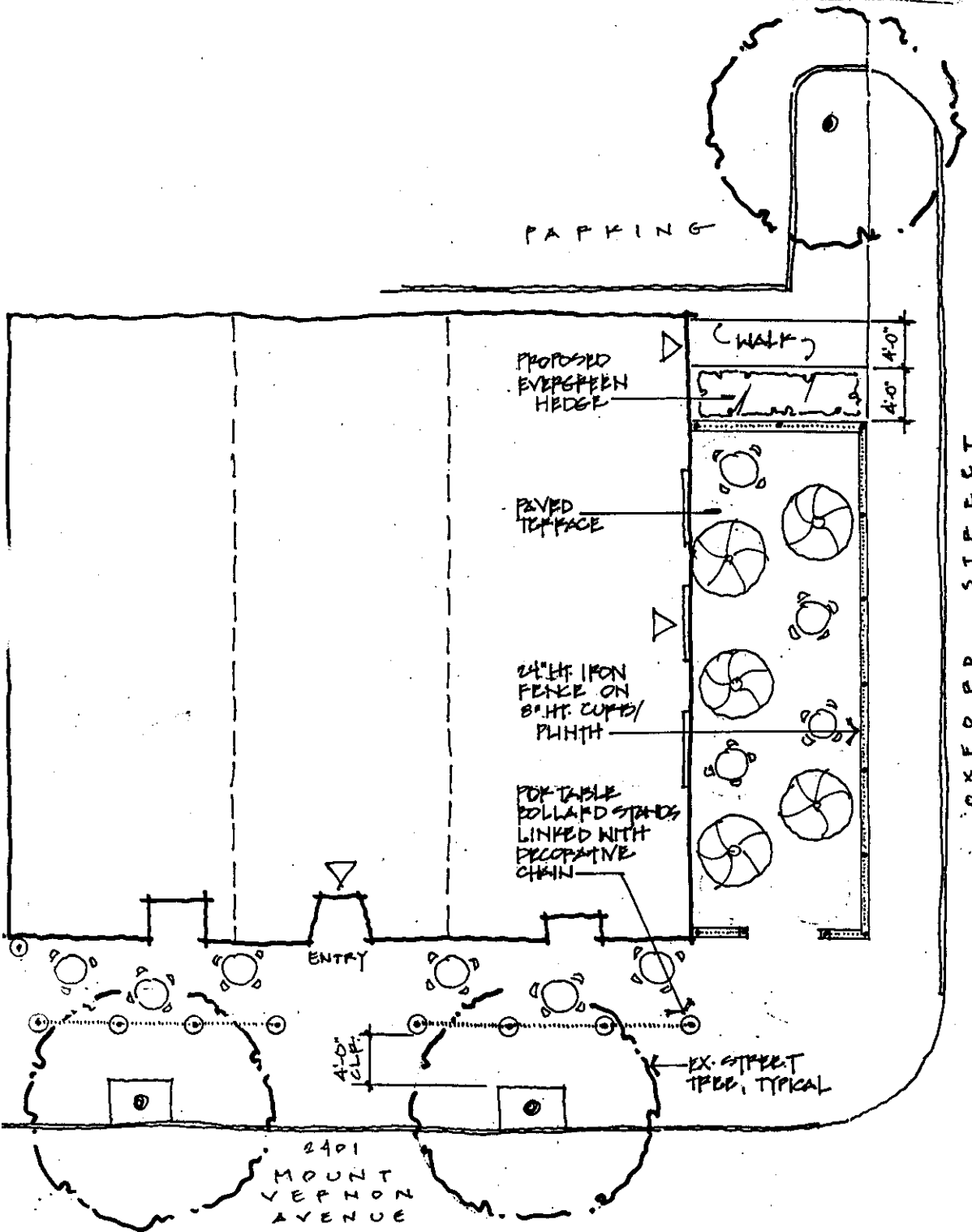
Application No. _____



~~LIVING AREA~~
222 sq ft

Handwritten signature
5/9/02

SUP 2002-0038



2401 - 2407 Mt. Vernon Avenue
SUP # 2002-0038

Plan of proposed site improvements
Prepared by Dept. of Planning and Zoning
City of Alexandria

Page 1 of 3

29

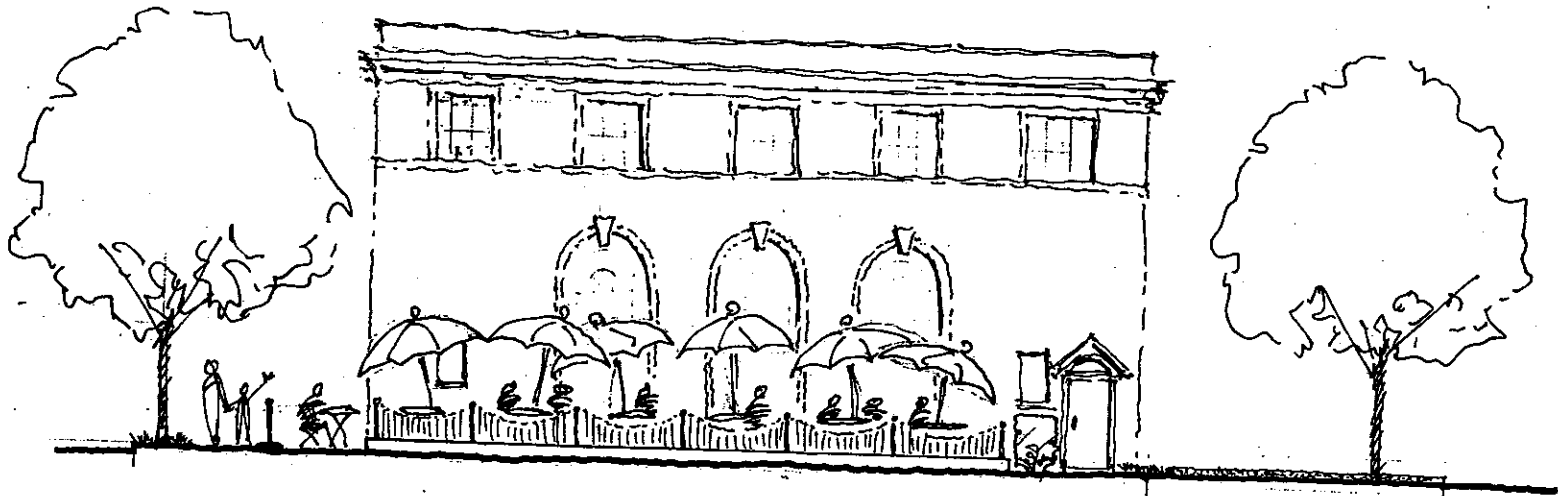


MOUNT VERNON AVE.

2401-2407 Mt. Vernon Avenue
SUP # 2002-0038

SUP 2002-0038

30

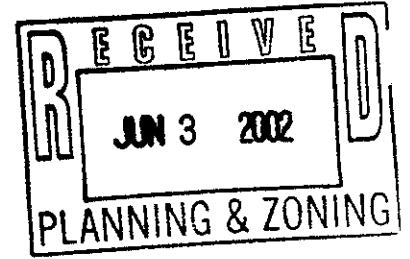


O X F O R D S T R E E T

2401 - 2407 Mt. Vernon Avenue
SUP # 2002-0038

SUP 2002-0038

#25. SUP 2002-0038



May 28, 2002

Director of Zoning and Planning Commission
City Hall Room 2100
Box 178
Alexandria, VA 22313

To Whom It May Concern:

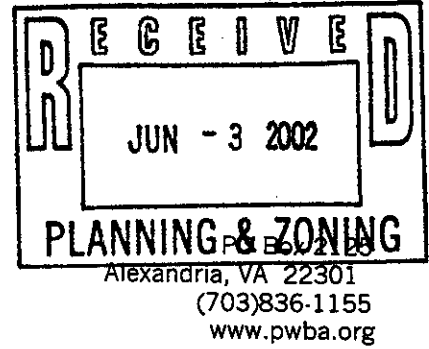
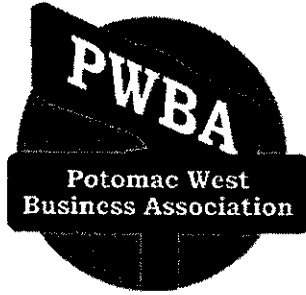
Forgive me for my anonymity, but because I am close to one of the people involved in the project SUP # 2002-0038, it would leave for many hurt feelings if I were to speak out publicly. I am however opposed to such a large project.

Del Ray is a wonderful community - a place to stroll and raise our children. A project this large in scope would take away from the feel of this community. It would intrude into the neighborhood by taking over parking and subjecting us to visitors into the late hours of the evening. A restaurant this large would be intrusive. I would hope the city would "just say NO!" Encourage smaller projects that would invite strolling and shopping, not this monster that would hover over us.

Thank you for your time.

A concerned Del Ray Citizen

#25. SUP 2002-0038



**Businesses working together
to make Potomac West
a better place to live,
work and shop.**

June 3, 2002

**TO: Planning Commission
Commissioner H. Stewart Dunn, Jr.
Commissioner Donna Fossum
Commissioner Ludwig Gaines
Commissioner John Komoroske
Commissioner Richard Leibach
Commissioner J. Lawrence Robinson
Commissioner Chair Eric Wagner**

**FROM: Pat Miller, President
Potomac West Business Association**

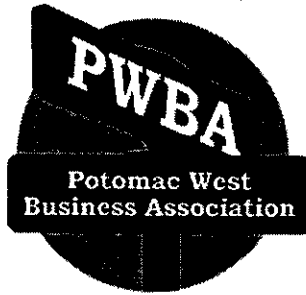
I am writing on behalf of the Potomac West Business Association in support of five items that will be discussed on your docket at the June 4th meeting. Here are the items and I'll be short and to the point:

15.A, request by Anne and Tom Welsh for a master plan amendment to change the land use designation and request rezoning of a portion of their property. We support this change.

15.B, request by Anne and Tom Welsh for SUP with site plan for construction of a woodworking shop and office. We support this business.

19., request by Mancini's Restaurant for SUP review. We support their renewal.

20., request by Afghan Restaurant for SUP review. We support their renewal.



**Businesses working together
to make Potomac West
a better place to live,
work and shop.**

PO Box 2125
Alexandria, VA 22301
(703)836-1155
www.pwba.org

→ 25., request for SUP to operate a restaurant and request for a parking reduction by the Neighborhood Restaurant Group. We support this request.

All of the above are important to businesses in Potomac West and we hope you will agree.
Thank you for your consideration.

THE DEL RAY CITIZENS ASSOCIATION

P.O. BOX 2233

ALEXANDRIA, VIRGINIA 22301

ESTABLISHED 1954

To: Members of Alexandria Planning Commission
Eileen Fogarty, Director, Office of Planning and Zoning

From: Amy Slack, Land Use committee Co-chair
Sarah Haut, Land Use committee Co-chair
Bill Hendrickson, President

Date: June 4, 2002

Subject: SUP#2002-0038, Neighborhood Restaurant Group at 2401-07 Mt. Vernon Ave, Consideration of a Special Use Permit to operate a restaurant and for a parking reduction.

At our Land Use committee meeting on May 14, 2002, we addressed the subject SUP request. We met with the applicants, Ms Stephanie Babin, Mr. Michael Babin, Ms. Christi Ehrett, and Mr. Steve Rauner. Guests included seven neighbors from the 200 block of East Oxford, East Uhler and East Mount Ida Avenues.

The applicants presented a general outline of their proposal for a 180 seat, full service restaurant with live entertainment in a fully renovated building. They've requested a 45 space parking reduction Monday thru Friday prior to 5:00 PM. They believed the landlord will acquire sufficient on-site parking opportunities to fulfill their requirement after 5:00 PM and on weekends.

Discussion with the neighbors brought out several concerns. The existing parking deficit was foremost. The majority of the parking lot adjacent to the site is leased by exclusive contract to the Department of Human Services (DHS). It was negotiated by the City with the then owner, Mr. Palladian, and neighbors who consented to a MPA and REZONING to allow an expansion of the existing lot onto land zoned R2-5 back in the early 1980's. The underground garage is used exclusively to store 'Staff Pool Vehicles' for DHS. The surface lot is in such poor repair that portions are blocked off. The lot is oversubscribed and many of the DHS employees choose to park on residential streets.

The hours of operation were felt to be too late into the evening given the residential proximity. The neighbors recognized the nature of living close to a commercial zone and the redevelopment potential of a long shuttered building as desirable. But the midnight closing proposed by the applicant will have a much different impact on the solitude they currently enjoy or would continue to enjoy were the use a daytime oriented business. And they have years of experience dealing with the activities of establishments serving alcohol. Some would prefer not to have a bar oriented restaurant.

They requested the size of the restaurant to be limited to 120 seats, more in keeping with a neighborhood feel as represented by the applicants.

Landscaping to mitigate noise; from the outdoor seating area, proposed live entertainment and of patrons returning to their vehicles, was requested for the entire site. It was suggested that the applicant consult with an acoustical engineer to address bass frequency mitigation from the live entertainment, that music should be ended by 10:00 PM and outdoor seating be close by 9:00 PM or be limited to the Mount Vernon Avenue façade.

Questions of where loading/unloading, dumpster location, and employee parking would be located were suggested.

They requested that vision clearance be established at the corner of East Oxford and Mount Vernon Avenues and egress out of the parking lot be design to force traffic onto the Avenue instead of onto the residential streets. The 'NO LEFT TURN' sign from the lot onto East Oxford is regularly ignored.

Land Use expressed concern that the Farmer's Market would be adversely affected if arrangements for parking were not resolved prior to the SUP being granted. The applicants were unsure of the landlords' plan to accommodate the various parking requirements or demands of future shops and apartment residents in the remaining redeveloped site.

The Land Use committee voted for deferral and that a set of conditions be recommended to the Executive Board for consideration.

We hoped to meet with the applicant and the neighbors prior to the Executive Board meeting on May 21, 2002 to work out differences since many specifics of the request were unclear. Staff had suggested that any uncertainties could be dealt with by adding appropriate conditions to the permit.

The Executive Board supported the recommendation for deferral with the understanding the Land Use chair would submit a list of conditions for their consideration.

The Executive Board believes a proposal of a restaurant to be valid and desirable. It is unfortunate that this comes to us before the slated study of Mount Vernon Avenue and a review of the Avenue's overall parking needs.

If the Planning Commission votes for approval, we request that various conditions be required to insure the new use is not a detriment to the adjacent residential or business community. The Executive Board approved a set of conditions on June 4, 2002 as follows:

- Amend condition #2 to read: Seating shall be provided for no more than 120 patrons.
This is the same number of seats as the Evening Star and Monroes'.
Outdoor seating shall be located along Mt. Vernon Ave. and Oxford Ave and shall be limited to 50 seats.

- Amend condition #3 to read: The hours of operation for indoor seating shall be limited to 10:00 AM to 11:00 PM Monday thru Friday; 8:00 AM to 11:00 PM Saturday and Sunday.

The hours of operation for outdoor seating shall be limited to 10:00 AM to 9:00 PM seven days a week, shall be cleared of patrons by 10:00 PM and be washed down by 10:30 PM daily.

This is comparable to Evening Star/Taqueria Poblano.

We agree with condition #4.

- Amend condition # 5 to read: Alcohol is for onsite consumption only. Alcohol only service shall be limited to 1 bar area of no more than 10 seats.

This is comparable to Monroes'.

We agree with conditions #6 through 10.

- Amend condition # 11 to read: No amplified sound shall be audible at the property line. No exterior speakers are allowed.

We agree with condition #12 as written by staff but request a clarification of the term "All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment." Does this preclude activities such as receptions, private parties or dancing?

- Amend condition # 13 to read: No door, other than for emergency, shall be allowed on the Oxford Avenue façade of the building. Patron access shall be limited to the Mount Vernon Avenue façade. Direct access from the parking lot into the building shall be limited to kitchen delivery or emergency doors. No kitchen door or emergency exit is to be left open beyond 11:00 PM.
- Amend condition # 14 to read: The applicant shall encourage its employees to use public transportation to and from work and shall require its employees who drive to use off-street parking.
Similar to language used for Mancini's.
- Amend condition # 15 to include: The applicant shall supply the required parking on site after 5:00 PM on week days, Saturday and Sunday all day and shall provide a minimum number of off-street spaces prior to 5:00 PM weekdays. Signs shall be posted at the entrance to the on site lot directing customers to off-site parking options.
- Amend condition # 16 to include: Loading and unloading shall occur off-street whenever feasible, in the mid block alley. No delivery trucks may park on Oxford or Mount Ida Avenues.

- Amend condition # 17 to read: Loading and unloading shall be limited to between of 8:00 AM and 8:00 PM.
- We agree with conditions #18 and #19.
-
- Amend condition # 20 to include: ... in consultation with a representative of DRCA and to the satisfaction of the Director of the Department of Planning and Zoning...
 - (A) A delineation of the outdoor dining area so it does not encroach on the public right of way nor impede pedestrian flow at the street corner;
 - (D) a landscaped buffer along Oxford Avenue shall be planted within 1 year of granting this SUP and shall be sufficient in nature to provide substantial noise abatement at maturity.
- We agree with condition #21 but wish to include: Dumpster services may occur between 8:00 AM and 8:00 PM.
- Amend condition # 22 to include: ...including lighting and signage, shall be consistent with the Mount Vernon Avenue Design Guideline and sensitive to the historic designation of the building within the Town of Potomac,...
- We agree with condition #23.
- Add condition # 24: The seating capacity prior to 5:00 PM weekdays may be limited by the ability of the applicant to provide some or all of the required off-street parking.
Similar to language used for Fireflies Restaurant.
- Add condition # 25: No delivery of meals is to be allowed.
- Add condition # 26: Should it be determined that noise generated by patrons is a problem and is not adequately controlled by the restaurant staff, the applicant will provide a Security Guard to patrol the parking lot.
- Add condition # 27: In consultation with a representative of DRCA, a landscape plan for the Oxford Avenue façade, along the rear of the building, and surrounding the refuse collection area is to be submitted for approval by the Director of the Department of Planning and Zoning and executed within 1 year of the permit being issued.
- Add condition # 28: No public telephone shall be located on the exterior of the business.
- Add condition # 29: The applicant shall replace the concrete between the property line and the city right of way with brick pavers within 1 year of approval of the permit.

We request your support for this position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060, and President Bill Hendrickson at 703-549-7365 (days), 703-519-9410 (evenings).

SUP#2002-0038

RE: SUP 2002-0038

2401-2407 MT VERNON AV

Consideration of a request for a special use permit to operate a restaurant and request for a parking reduction; zoned CL/Commercial Low.
Applicant: Neighborhood Restaurant Group, by Stephanie W. Babin.

Commissioners,

We would like to express our thanks to the Planning Commission for taking the time to consider this issue.

As residents of the 200 block of East Oxford Avenue, we have a few concerns regarding this application for a Special Use Permit that we would like to address with the Planning Commission.

We support the DRCA Land Use committee and Staff recommendations with the following exceptions:

- Restaurant Size:
 - Staff has recommended a 180-seat restaurant.
 - We would like the restaurant limited to 120 seats. This is supported by DRCA Land Use Committee (DRCA LU)
 - Given the parking problems of the area, 180 seats is too large. Currently there is no available on or off street parking. We are expecting the restaurant to succeed. With this expectation, granting a parking reduction based on 180 seats will only exacerbate an already horrendous problem.
 - The size of the restaurant requested is 230% larger than the average restaurant on Mt Vernon Ave.
 - The Small Area Plan for Potomac West explicitly states as one of its goals, "discourage the development of major office and commercial sites within Potomac West." And, "revitalize and support neighborhood oriented, small scale retail and office development." The size of this restaurant violates both of these principles. Solely residents of Del Ray and surrounding neighborhoods cannot support a restaurant of this size. Regional advertising and business must support it, thereby defeating the goals of the Small Area Plan.

- Hours of Operation:
 - We support Staff and DRCA LU on closing time of 11:00 p.m. everyday
 - We support DRCA LU on opening time of 10:00 a.m. M-F and 8:00 a.m. on S-S.
 - The applicant has indicated to us that they will not be serving breakfast except on Saturday and Sunday.

- Hours of Operation (cont.):
 - Modify language for outdoor seating to, "Outdoor seating hours of operation limited to daily opening hour until 9:00 p.m. seven days a week. Outdoor seating cleared of patrons by 10:00 p.m. and the area cleaned and washed down by 10:30 p.m." This is supported by the DRCA LU and clarifies a potential conflict from staff recommendations #3 and #19.
- Parking:
 - If the parking reduction is granted, then we would like the applicants to pay for installing residential 2 hour parking zones on the 200 block of East Oxford Avenue and the 200 block of East Mt. Ida (Uhler).
 - This will benefit the restaurant as well the residents. Currently there are many city employees of DHS, commuters, and others who park along Oxford and Mt. Ida for the entire workday. This would free up a few spots of off-site (on street) parking for the restaurant since most patrons will be there for less than 2 hours.
 - The applicant verbally agreed to this.
- Buffer Areas (Landscaping):
 - The Small Area Plan for Potomac West specifically states one its goals is to "provide for the use of effective buffer areas between residential sites and adjacent higher-density and non-residential uses."
 - We would like a condition added to the SUP that requires installation of a buffer hedge. Specifically: "The applicant will install and maintain a solid evergreen hedge directly adjacent to the southern and eastern property lines of the parking lot as a visual buffer to the adjoining property zoned R-2-5. The evergreen hedge will be no less than 6' tall, no less than 2' deep, and will run from the parking lot entrance on East Oxford Ave east along the edge of the parking lot to the property line and north along the eastern property line from East Oxford Ave to East Mt. Ida Ave. The hedge must be installed within 6 months of the issuance of the SUP."
 - The item of a hedge may be considered an issue for the landlord, but we see no way to enforce this provision without its inclusion in the SUP.
 - DRCA LU supports this.
- Live Entertainment:
 - We would like to add our endorsement to the recommendation of Staff.
- Entrances and Exits:
 - We would like to add our hearty support for Staff Recommendation item 13. With the exception of a delivery door on East Oxford Ave.
 - Staff recommended that deliveries be on-site and off street. That recommendation precludes any delivery taken from East Oxford Ave. Therefore no door is needed.
 - The DRCA LU supports this.

- Delivery Service:
 - The applicant has indicated to us that delivery service is not part of their business model.
 - We would like a condition added to the SUP that states, "No delivery service is permitted, including delivered catering."

- Traffic Management:
 - On Oxford and Mt. Ida there are no less than 10 children under the age of 6. We would like to see traffic managed in a way that promotes the safety of the children on these streets.
 - Currently, the parking lot is used as a "cut through" between Oxford and Mt. Ida Avenues.
 - DHS employees and others routinely ignore the "No Left Turn" sign posted at the Oxford Ave exit.
 - We would like the curb cut outs on East Oxford Ave and East Mt. Ida Ave modified to allow only eastbound entrance into the parking lot and westbound exit onto East Oxford Ave and East Mt. Ida Ave.
 - If this is not possible on East Mt. Ida, the cut outs could be modified to allow only eastbound entrance to the parking lot and no exit to East Mt. Ida Ave.

Thanks again for your consideration.

Property Owners and Residents of the 200 block of East Oxford Avenue:

Scott and Deborah Lockett, David Craine, Sean Kumar, Helene Kumar, Shawn and Amy Pollard, Brian Weitz, Linda Passaro. (Additional names expected to be added before the meeting.)

- Will Green 212 E. OXFORD

[Signature] 215 E. Oxford

Richard Lewis - 217 E. Oxford Ave

[Signature] 213 E. OXFORD AVE.

John Craven 210 E. Oxford Ave.

Harold R. Brown Harold R. Brown 218 E. Oxford Ave

Dawn M. Mulhern Dawn M. Mulhern 220 E. Oxford Ave.

[Signature] 225 E. Av. 12.1 214 #1

RE: Sup 2002-0038

Susan C Tate

Susan C Tate 223 E. Oxford Ave

Mark Hogan

Mark Hogan 212 E MT IDA

Beth Hogan

Beth Hogan 212 E MT IDA

LOB. -

JAMES B. POMERLEAU 214 E. MT IDA

Donald McGraw

Donald McGraw 209 E. Uhler Ave.

Sean Kumar

Sean Kumar 208 E. Oxford Ave.

Heena Kumar

Heena Kumar 208 E. Oxford Ave

I, Scott Mitchell, as property owner of 2401-2407 Mt. Vernon Avenue and the parking lot adjacent to and east of that property agree to make the following changes to my property for the benefit of the neighbors and ask that the Alexandria Planning Commission include this language in the application of my tenants, SUP #2002-0038.

Within six months of the approval of this SUP, I agree to pay and arrange for the installation a six-foot wooden fence attached to the fence that runs north/south at the eastern boundary of my parking lot. I also agree to pay and arrange for the installation of a new six-foot (or maximum height allowable by code if less than six feet) wooden fence on the southern border of my property from the end of the north/south fence to the E. Oxford Avenue entrance to my parking lot. This will provide my neighbors with partial visual and sound buffer and keep people from entering and exiting the parking lot along those borders.

I agree to work with the neighbors at 208 E. Oxford Avenue and 200 E. Mt. Ida Avenue to select appropriate evergreen trees that I will purchase and have planted as part of landscaping changes I will implement. These trees will be planted on my property and on the western side of the new fence within six months and with their foliage, will grow tall and thick enough to provide a sound and visual buffer to my property. They will be sufficient in size and number and be spaced appropriately to ensure this effect within a reasonable number of years. I will also provide bushes along the fence on the border of my parking lot and E. Oxford Ave. The bushes will be on the street side of the fence and will provide an additional sound and visual buffer and should grow within two feet of the height of the fence.

I agree to take measures to ensure that the "No Left Turn" sign at the southern exit of my parking lot onto E. Oxford Ave is obeyed and enforced. I will make any business or other tenant with access to the lot aware of this and include notification of it in their leases. I will also work with existing users of the lot to ensure that their patrons and employees are aware of the sign and its purpose of keeping users of the commercial lot from turning out of the exit onto the residential street of E. Oxford Ave. If this is not successful I agree to work with the City of Alexandria to find other structural deterrents to left-hand turns out of the parking lot onto E. Oxford Ave. I will work with the neighbors on the 200 street of E. Oxford Avenue on this and it may include a curb cut, speed table or other physical deterrents. I will also take proper measures to minimize the impact that traffic from my parking lot has on the neighbors of the 200 block of Mt. Ida who will face a traffic flow from the northern exit of my lot.

I acknowledge that I and the other property owners are responsible for the condition and maintenance of any new fences as well as the existing fence that runs north/south along my property line and between my property and that of my neighbors on E. Oxford Ave. and E. Mt. Ida Ave. I also agree to the proper upkeep of the trees and landscaping of my property.

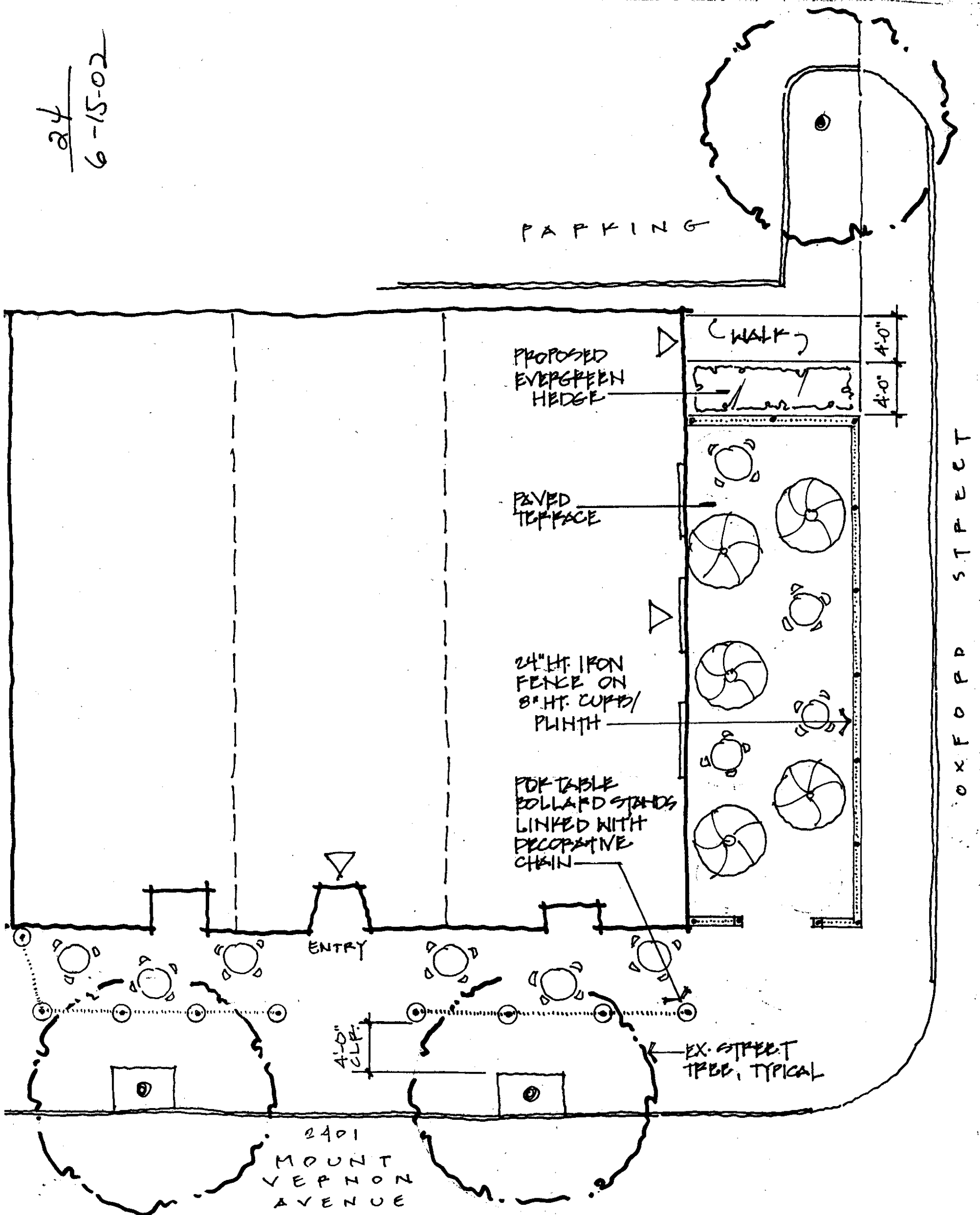
Scott Mitchell



Date

6-4-02

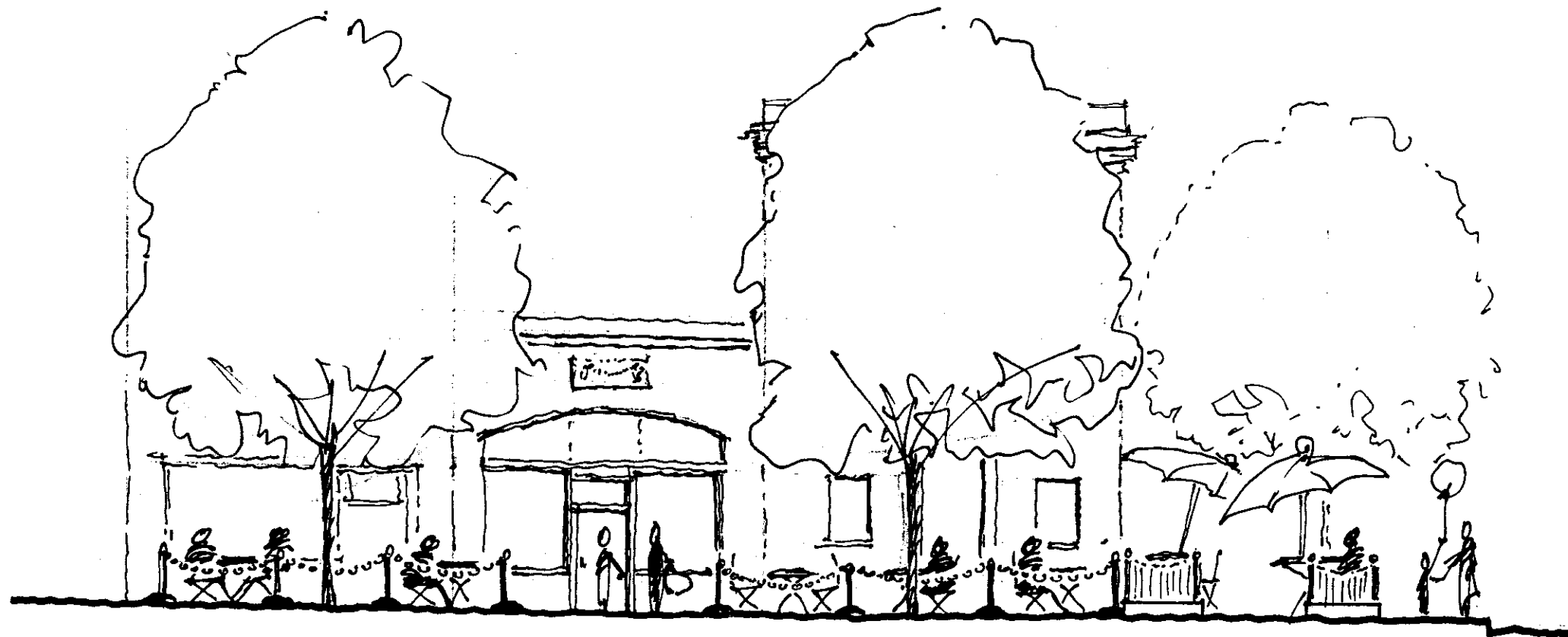
24
6-15-02



2401 - 2407 Mt. Vernon Avenue
SUP # 2002-0038

Plan of proposed site improvements
Prepared by Dept. of Planning and Zoning
City of Alexandria

24
6-15-02

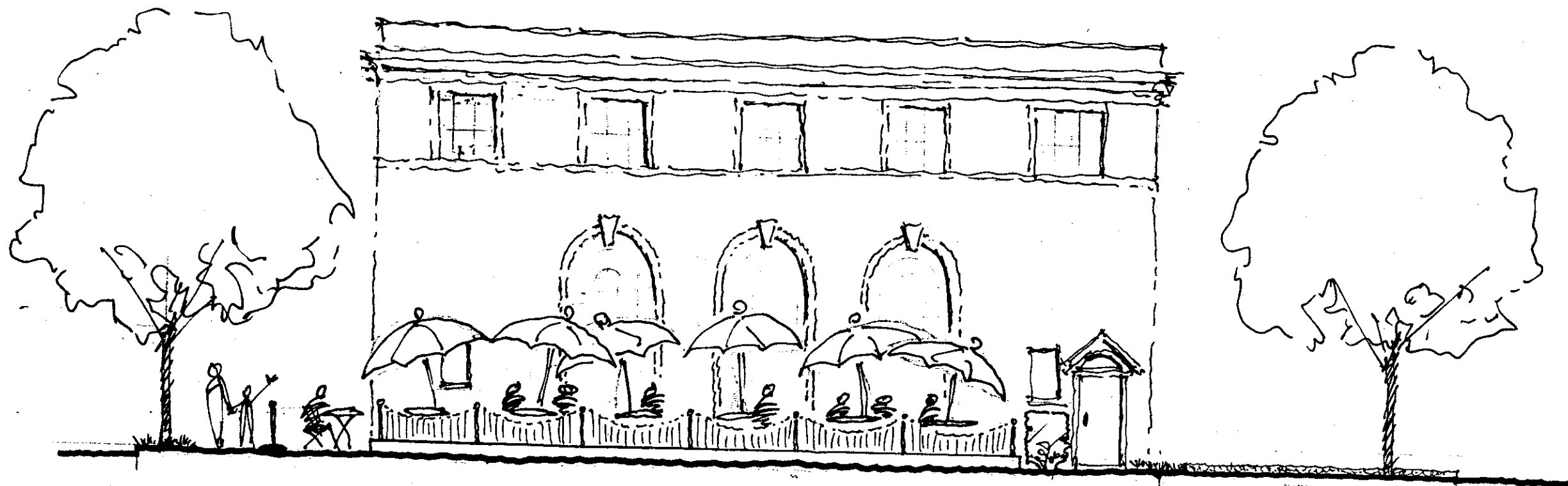


MOUNT VERNON AVE.

2401 - 2407 Mt. Vernon Avenue
SUP # 2002-0038

SUP 2002-0038

24
6-15-02



O X F O R D S T R E E T

2401 - 2407 Mt. Vernon Avenue
SUP # 2002-0038

SUP 2002-0038

24
6-15-02

8 June 2002

Mayor Donley and Members of Alexandria City Council,

When David and Scott Mitchell were board members of the Potomac West Alliance, together we lamented about the boarded-up buildings and the owners who would rather let their properties sit idle. Now, Scott owns a large block and is renovating it. Revitalizing the residences and building out retail for new businesses. He has a vision for the property.

We share a common vision. At the June 2001 Del Ray Citizens Association meeting, the membership passed a fairly extensive resolution expressing its vision, which we will quote here:

Whereas the city's master plan emphasizes neighborhood-oriented retail and commercial uses on Mount Vernon Avenue, and

Whereas the Avenue has the potential to become a vibrant Main Street-type of retail/commercial business environment, contributing to overall neighborhood vitality and city tax revenues, and

Whereas, despite past efforts by citizens, businesses, and the city, as well as the past decade's economic boom, the Avenue has yet to realize this potential, and

Whereas citizens and businesses alone do not have the resources or the tools needed to spur redevelopment beyond what market forces will allow; now, therefore,

It is hereby requested by the membership of the Del Ray Citizens Association that the city of Alexandria make Mount Vernon Avenue a top priority in its redevelopment efforts, and that city staff and/or consultants undertake a comprehensive market study of the Avenue, to include concrete recommendations for action. Issues to be examined should include:

1. *The redevelopment potential under existing zoning as well as under alternative zoning concepts such as an "overlay" district,*
2. *Other possible zoning changes aimed at strengthening the retail/commercial core,*
3. *Overall parking needs and the consideration of off-street parking strategies,*
4. *Creating and preserving a suitable buffer between residential and retail/commercial uses, and*
5. *Tradeoffs involved in increased development.*

The timing of this DRCA resolution coordinated well with the "Plan for Planning" proposal made by Eileen Fogarty, the Director of Planning and Zoning. One of the concepts contained in her "Plan for Planning" was to "set the bar high." The point of DRCA's resolution is to make it clear that the Association shared those high expectations. The goal is to insert expectations early into the process so they can be realized in a cost efficient manner. As the entire Mt. Vernon Avenue has been revitalizing over the years, the DRCA Land Use Committee and Executive Board has been refining a set of reasonable conditions to include in SUP's. These buffer the impact of intensified uses in this commercial-zoned strip from the adjacent residential neighborhood. For each new SUP they must work with staff and at Planning Commission and at Council until these conditions have been accepted as standardized expectations.



8 June 2002

Unfortunately, the City's focus does not turn to Mt. Vernon Avenue until October of 2002, after the timetable of Scott's business plan. He is proceeding with by-right uses. Some need major tradeoffs, and because an overview planning process is being bypassed, the community does not have an opportunity to provide comment. We cannot share or 'buy into' his vision. Instead, it the responsibility of individual tenants to secure tradeoffs in their dealings with the city and the neighborhood. Consequently, the use of a large, commercial-zoned block fronting on Mt. Vernon Avenue is redeveloping in an uncoordinated way.

For this site, we must address long recognized problems in a piecemeal manner through individual SUP's. Since the demand for restaurant parking will certainly increase, we must examine and implement every improvement possible to aid our existing businesses. Because restaurant uses generate noise and trash beyond a typical '9 to 5' business, we should use our experience and require conditions to mitigate problems before they occur. As always, we ask for physical improvements to sidewalks, landscaping and street trees, subdued lighting and signs in exchange for the tradeoffs.

Our main methods of influencing the results are proactively through the SUP process, and reactively through complaints to the police and code enforcement. We support a restaurant at 2401 Mt. Vernon Avenue as do the immediate neighbors. We have talked with them and share their concerns. We ask that our knowledge and experience be used to anticipate many problems before they can rise to the level of a complaint let alone a violation.

Sincerely,

Amy Slack
David M. Fromm

Amy L. Slack
David M. Fromm
2307 E. Randolph Ave
Alexandria, VA 22301

THE DEL RAY CITIZENS ASSOCIATION

24
6-15-02

P.O. BOX 2233

ALEXANDRIA, VIRGINIA 22301

ESTABLISHED 1954

To: Members of Alexandria City Council
Eileen Fogarty, Director, Office of Planning and Zoning

From: Amy Slack, Land Use committee Co-chair
Sarah Haut, Land Use committee Co-chair
Bill Hendrickson, President

Date: June 13, 2002

Subject: SUP#2002-0038, Neighborhood Restaurant Group at 2401-07 Mt. Vernon Ave, Consideration of a Special Use Permit to operate a restaurant and for a parking reduction.

At our regular membership meeting on June 10, 2002, we discussed the subject special use permit request.

Amy Slack, Land Use co-chair moved that the membership vote to support the request as recommended by the Planning and Zoning staff and/or amended by the Planning Commission and with the following changes:

- We support condition #2 as amended by the Planning Commission to read: Seating shall be provided for no more than 90 patrons weekdays before 6:00 PM and 160 patrons after 6:00 PM and weekends. The bar service area shall be limited to 10 seats.
- We support condition #3 as recommended by Planning and Zoning to read: The hours of operation for indoor seating shall be limited to 8:00 AM to 11:00 PM daily. The hours of operation for outdoor seating shall be limited to 8:00 AM to 10:00 PM daily, shall be cleared of patrons by 10:00 PM and the area cleaned and washed by 10:30 PM.
- We support condition # 13 as amended by Planning Commission. And wish to include: Patron access to the building shall be limited to the Mount Vernon Avenue façade.
- We understand condition #15 as to condition the SUP on the ability of the applicant to procure sufficient parking on site in order to support the restaurant and that a full reduction of 22 spaces is being granted.
- We wish condition #16 to include: No delivery trucks may park on Oxford or Mount Ida Avenues.
- We wish condition #22 to include language that recognizes the National Historic Designation for 2401-03 Mount Vernon, strengthens preservation or restoration of the structure and assures that alterations to the facade will be executed with sensitivity.
- We support all conditions as added by the Planning Commission

and wish to included: The applicant shall replace the concrete between the property line and the city right of way with brick pavers within one year of approval of the permit.

- We support the site improvements proffered by the owner, Scott Mitchell and in conjunction request the Department of Transportation and Environmental Services to implement simple measures to establish safe vision clearances and increase on-street parking opportunities.

Furthermore, we ask City Council, as they did in April when the Fireflies Restaurant request was before them, to recognize Councils right to reconsider the requested reduction of 22 parking spaces. To quote Councilman Speck, "The applicant should be aware that substantial parking problems in the neighborhood related to the restaurant are likely to necessitate changes in the special use permit."

During discussion, Lillian White asked which of the conditions had been amended by the Commission. Peter Schumaier move to amend the motion as follows:

- The hours of operation for indoor seating shall be limited to 8:00 AM to 11:00 PM Sunday through Thursday and 8 AM to 12:00 PM Friday and Saturday. The hours of operation for outdoor seating shall be limited to 8:00 AM to 10:00 PM daily, shall be cleared of patrons by 10:00 PM and the area cleaned and washed by 10:30 PM.

Stephanie Babin, applicant spoke in favor of the amendment and requested support for amplified music. Sean Kumar, the adjacent neighbor spoke against allowing later closing hours.

The membership voted to support the request as amended.

We are extremely excited by the prospect of this redevelopment on Mount Vernon Avenue. We fully support a restaurant use as compatible with the revitalization investments made, individually and in partnership, by private residential and commercial developers and the City.

We request your support for our position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060, and President Bill Hendrickson at 703-549-7365 (days), 703-519-9410 (evenings).

SUP#2002-0038

24
6-15-02

304 East Spring Street
Alexandria, Virginia 22301
June 14, 2002

Mayor Kerry Donley and
Members of the City Council
City of Alexandria
P.O. Box 178
Alexandria, VA 22313

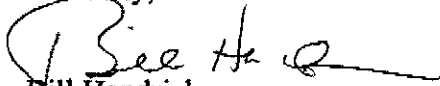
Dear Mayor Donley and Council members:

I strongly support the restaurant proposed for 2401-07 Mount Vernon Ave.
(SUP#2002-0038).

However, I have two concerns. First, I'm concerned that customer cars may take up many of the parking spaces needed by nearby residents. I urge you to incorporate sufficient safeguards in this application to prevent this potential problem.

Second, I'm concerned about noise. The applicants will be asking for permission to have amplified music. If you allow this, I strongly urge you to add a condition to the SUP that requires the applicants to incorporate soundproofing material into the interior of building, to the satisfaction of the planning staff. This should be relatively simple and inexpensive to do, because the building is currently being gutted.

Sincerely,


Bill Hendrickson

24
6-15-02

Docket item #25
Sup#2002-0038
June 14, 2002

Honorable Mayor Donely and Members of City Council.

There is little doubt that redevelopment of block face 2401-2419 Mount Vernon Avenue will have a considerable impact on the Avenue 's vitality. The historic bank building is a neighborhood gem, long neglected, and everyone I've spoken to in Del Ray is excited by the prospect of the proposed new use. A new restaurant can be an economic stimulator. As always, the problems focus on the availability of public parking.

Here are some obvious problems. Off-street parking reductions for existing restaurants, churches, and businesses within 1 block of the proposed site exceed 40 daytime spaces and place pressure on public parking options. Private lots are oversubscribed forcing new or expanding commercial ventures to request a parking reduction.

The residential neighborhood absorbs overflow parking from the Department of Human Services and the Mount Vernon Community School plus and luckily, only a few commuters.

Public parking options are hampered by the parking restrictions on Mt. Vernon Avenue such as in the block fronting DHS offices, the Mount Vernon Community School and various bus stops. I ask: How can we maximize our resources? Can we realistically absorb a reduction for 22 off-street spaces without damaging existing businesses? Are there opportunities to increase public parking options, both on and off street? Is it apparent that the lot at Oxford and Mt. Vernon Avenues is for public use? What changes can we make to ease Del Ray's foreseeable future?

And so the size of the seating request becomes important; is it in scale with the current neighborhood oriented businesses? Is year round seating for 180 patrons appropriate in its relationship to other restaurants and the residential community?

All of the restaurants on the Avenue are smaller than the proposed use, even as amended by the Planning Commission to 160 seats. The attached chart illustrates a comparison of nearby restaurants. Most focus on a dining experience and close by 11:00 PM, reasonably early which minimizes disturbance to the neighborhood from operational and patron generated noise. Several regularly offer live music which has posed problems in specific instances but does not generate noticeable complaints.

As co-chair of the DRCA Land Use committee, our meeting with the applicant generated many assurances of their goodwill but left many questions unanswered. I explained to them there was time to work on these questions prior to my meeting with the Executive Board one week later. I, not knowing they were away on travel, expected them to contact me. Questions remained unanswered so I felt obliged to recommend the Executive Board ask for deferral.

I wish we could have felt comfortable giving our full support to the applicant as a reflection of our overall desire for this type of use and their standing in the community. And so, as suggested by staff and to demonstrate our acceptance of the use, I submitted a list of conditions to the Executive Board for approval.

These conditions:

- 1) Support the standard requirements the Association has come to expect,
- 2) Support staff recommendations for site specific requirements,
- 3) Fine tune some staff recommendations for site specific requirements,
- 4) Add neighborhood requests for site specific requirements.

I feel the recommendations made by staff to be fair on many counts and seek to address potential problems. I understand their desire to endorse this application but I personally am worried that as proposed it is not the best fit. The application before you is, to the best of my knowledge, the first offer for a restaurant at a 'hot site in a hot neighborhood'. The question is do we place the applicant in the position of having to prove themselves and come back to Planning and Council to loosen the requirements, or do we place the neighborhood in the position of have to monitor the operations, lodge complaints with the city until it rises to the level of a violation, then fight to get the permit tightened. There is merit to the restaurant beginning at or near the level of the applicants' experience, to gain the support of the neighborhood and let them grow if they have demonstrated proficiency.

In the week prior to the June 4th hearing, the applicants, under pressure from two immediate neighbors, agreed to lower the request for seating to a point they considered minimal to the success of their business plan. They indicated their intent to expand their request at a later date. The Planning Commission adopted many of the DRCA recommendations and deferred to the applicants' major request for seating and hours of operation. In response and as committee co-chair, I offered the DRCA membership a motion which I advised the Executive Board to be politically feasible to support.

As a member of the community, in empathy with my commercial and residential neighbors, I am asking Council members to overturn Planning Commission and restore the hours of operation to 8 AM to 11 PM daily as recommended by staff; that changes to existing on street parking be appraised to maximize availability ; that a parking reduction for the applicant not exceed any granted to a non-grandfathered use, and that Council act to insure the new use is not a detriment to the adjacent residential or business community.

Conditions:

- Amend condition #2 to read in part: Seating shall be provided for no more than 120 patrons.
This is the same number of seats as the Evening Star and Monroes' Restaurants.
- Amend condition #3 to read in part: The hours of operation for indoor seating shall be limited to 8:00am to 11:00pm daily
This is comparable to Evening Star and Monroes.
- Amend condition #15 to require the restaurant to provide some daytime parking and all parking after 6:00 PM.

Thank- you.

Sincerely,
Amy Slack



SUP#2002-0038

Mount Vernon Avenue Special Use Permits

Proposed	Hours			Parking			Seats	Sq Foot	Patrons	Employees
	S-Tr	F-Sat	Outdoor	Req'd	on/off site	Reduct				
2401 Mt Vernon	8-11	8-11	8-10	22	0	22	160/90	3800	250	15
Thai Peppers	7-10	7-11	7-10	10	10	0	30 in/40 total			
2018 Mt Vernon										
Tagueria	10-10	10-10	10-9	15	0	15	40 in/50 total	2000		
2400B Mt Vernon										
Fireflies	7-9 (S 7-3)	7-10	7-10	17	6/9	2	56 in/68 total	3800		
1501 Mt Vernon										
Mancini's	6-10	6-12	8-8	15	15	0	60 total	4000		
1508 Mt Vernon										
Los Amigos	11-10	11-11	11-10	19	0	19	65 in/77 total	3000		
1905 Mt Vernon										
MV Deli	7-11	7-11	8-8	4	0	4	16 total	2200		
1606 Mt Vernon										
Evening Star	11-11	11-12	11-10	31	11/13	7	120 total	3800		
1800 Mt Vernon										
Il Porto	11-12	11-12	11-10	43	33	10	133 in/169 total	2700	300	15
3112 Mt Vernon										
Ann Me Me's				12	0	12	32 in/48 total	2000		
2419 Mt Vernon										
Dreamery	10-10	10-10	n/a	7	0	7	27 total	1385		
2310 Mt Vernon										
Hops	11-12	11-1	n/a	52	52	0	205 total	6692	1025	28-30
3625 Jeff Davis Hwy.										
Monroes	11-11	11-12:30	11-10	30	20	10	80 in/120 total			
1603 Commonwealth										

From: "Scott Lockett" <scott@tindell.net>
To: <mayoralx@aol.com>
Date: Fri, Jun 14, 2002, 1:04 AM
Subject: 2401 Mt Vernon Ave. - SUP 2002-0038

24
6-15-02
DOCKET ITEM # 24

209 Oxford Avenue

Alexandria, Virginia 22301

June 13, 2002

Mayor Kerry Donley

Suite 2300, City Hall
301 King Street

Alexandria, VA 22314

Dear Mr. Mayor,

We are writing you today to express our support for the redevelopment of 2401 Mt. Vernon Avenue. However, that support comes with a few reservations.

We have lived at 209 East Oxford Avenue for almost ten years. Our property borders the proposed restaurant. When we purchased this property, our friends told us we were crazy to buy a house on the east

side of Mt. Vernon Avenue. We were quite confident that our friends were wrong and that the Del Ray area would soon overcome its past reputation. As we now know, Del Ray is the best place to live in all of Metro DC.

We are writing to you on two fronts. 1) We want to protect our quality of life on our street (the 200 block of Oxford Avenue.) and 2) We want to protect the overall quality of life in Del Ray. The proposed project, the entire redevelopment of the 2400 block of Mt. Vernon Avenue, poses enormous problems for Del Ray.

On the first front, we would like to say that we feel that the planning commission ignored the views of the residents most affected by the restaurant development. We are not opposed to the restaurant, but offered some conditions for our complete support. The commission did not address the conditions. We recommended only items that would allow the proactive resolution of potential problems. Yet because of the Planning Commission vote, we have now been placed in position to react to problems as they occur and are forced to police the restaurant. We do not want to be in this position.

We would specifically ask you to vote to support the recommendation of the city staff, the Del Ray Citizens Association Executive Committee, and the residents of the 200 block of Oxford and Mt. Ida Avenues and amend condition #3 to state that the restaurant must close at 11:00 p.m. each night of the week. The only other restaurant on Mt. Vernon Ave. that stays open past 11:00 p.m. is the Evening Star. We implore you to consider the impact on the neighborhood when voting.

The ramification of having a bar open until 12:00 midnight is that the patrons do not have to leave until 1:00 a.m. and the staff will leave sometime later. These people leaving will create quite a bit of noise in a neighborhood that has no less than 11 children under the age of 7. (Seven of these children live on the edge of the proposed property.)

Perhaps it will help to illustrate our position. Having the bar open until 12:00 a.m. on Friday and Saturdays is like having your next-door neighbor throw a party every week. I don,t think you would appreciate your neighbor having a party every week. But that is what we are being asked to accept. We don,t think that is right or fair. Please change their closing hours to 11:00 p.m.

Also in consideration of the neighbors, we would like to see the parking lot exits to Oxford and Uhler/Mt Ida closed at 10:00 p.m. nightly. This would require patrons to exit onto Mt. Vernon directly and greatly reduce the noise and safety problems associated with 20-40 cars leaving between 10:00 p.m. and 1:00 a.m. The closing of the exits would cost much less than changing the curb cuts to prohibit travel eastward on the side streets. A simple rope or chain with sign directing patrons to Mt. Vernon Ave is all that is required.

On the second front: This development along with the continued development of the 2400 block of Mt. Vernon Ave is going to stifle if not reverse the economic growth along this end of the Avenue. There is absolutely no daytime parking now. There are parking reductions of over 50 spaces currently. The new restaurant will add an additional 23 spaces to the reduction and then the antiques store and office space planned will add another 10 at least. Gridlock is not far off with this type of planning. We are most unhappy with Chairman Wagner,s admonishment of Amy Slack and his utter disregard for the neighbors when he told us to

put up with the parking problem. With this kind of attitude and planning, we are headed toward another Old Town. Growth in Old Town is stifled precisely because there is no parking. There are empty restaurants because savvy business people can see that the parking issue must be addressed before expansion will begin.

Thank you very much for your consideration in this matter. Unfortunately we will not be able to attend the council meeting, because we are hosting our son,s soccer team party. However, if you have time in your busy schedule, we would be glad to discuss our concerns in person or on the phone. Please do not hesitate to call us if you have any questions.

Best regards,

Scott and Deborah Lockett

209 Oxford Ave

703-683-7608

11 June 2002

24
6-15-02

Mayor Donely
Respected Members of City Council

M David & E Marie Hogan
212 E Mt Ida Ave
Alexandria Va 22314

Subject: SUP 2002-0038 Restaurant at 2401-07 Mt Vernon

Regarding the proposed restaurant at 2401 Mt Vernon, we wish to express our vehement opposition to such use of the property and to support our view given the history of the use and abuse of the parking area behind the property.

Currently the parking area, less a very few spaces, are leased by the city, with the condition that written leases be obtained prior to any one other than Health and Human Services (HHS) use. The lease further requires the City (via HHS) patrol the lot assuring the neighbors not use the facility. In addition, the SUP governing the current use was issued to HHS with the understanding that the parking lot (which replaced residential houses) would be vacated by 6 pm.

Hence, adjacent property owners expected the parking area be used solely for daytime office type use.

The parking concept for the restaurant poses several complaints.

First, the City must lease back parking to the owner or the restaurant, thus engaging in commercial enterprise.

Second, by nature, having a parking lot of restaurant patrons slamming doors, activating alarms, conversing and playing stereos is most annoying. No one wishes to be subjected to this sort of thing, especially within 1 foot of ones property line. The restaurant assures such nuisances until 2 or 3 in the morning.

Third, previous experience has shown the city ineffective at correcting such nuisances. The parking area is generally overgrown with weeds (as it is today), strewn with open garbage and containers (again, as it is today) and the parking privileges not enforced. (As an example, the city allowed First Agape Church to use the parking facility late at night, and they were disturbingly noisy with horn honking, alarms, loud greetings etc till the early morning hours.)

Fourth, inadequate study , inadequate options, as well as inadequate public input. Prior to the building of the parking area for HHS, Council asked for and received a substantial parking and traffic study for the area. No such study was convened for this substantial operation. Other options, such as daytime office use or light retail sales were never explored. The only city public hearing held for the matter was hastily scheduled and started at 2 am, making attendance difficult.

Fifth, a City Councilman has been a previous investor in the applicant's business enterprise, raising the issue of conflict in turning over city resources (the leased parking lot) to a private commercial enterprise.

Sixth, there is no overwhelming public interest in another restaurant in the area vice a low impact office or retail sales unit. I.E. We do not believe the nuisances the neighbors will be subjected to will be offset by the public good. We do believe the restaurant will be the most profitable use for the owners, however, that in itself should never be the justification for smart growth issues.

In essence, the restaurant is not a welcome addition to our back yards, nor should it be an excuse for the city to give away a valuable resource, the leased parking area, to a commercial enterprise.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

24
6-15-02

Docket item #24- June 15, 2002
Letter from Sean Kumar
Resident of 208 E. Oxford

Ave.

Mr. Mayor and Members of Council:

I am writing to you to voice my concerns over the proposed restaurant at 2401 Mt. Vernon Avenue. It appears that I will be unable to speak before council tomorrow because I must be out of town at a wedding. I hope you understand the importance this matter has for me and will give this letter some consideration. I remained at the Planning Commission meeting past 2:30 a.m. last week.

My parents bought our house at 208 E. Oxford Avenue approximately 25 years ago and this house has been my permanent residence for my entire life. My mother also owns 210 E. Oxford Avenue, the house next door to us. I have seen Del Ray grow and I have always been a proponent of our growth as a neighborhood. In keeping with that attitude I am pleased to see that the old bank building is being reoccupied. I support the presence of a restaurant at the site and I think that the applicants will run a first-class operation. Unfortunately, my support comes with many concerns.

The neighborhood and in fact the whole city stand to gain substantially by the success of this restaurant. It seems however that the city is so excited by the long overdue rehabilitation of this building that it is overlooking some important factors in an effort to get things going. We should not see this application as something that we cannot afford to let slip away but as an opportunity to patiently make sure that things are done right. This property is a prime commercial building in a very attractive neighborhood and market. Furthermore, this development will set a standard for how things are done in Del Ray in the future. As one of the few residents of property adjacent to the new restaurant and its parking lot, my mother and I will feel most of the impact of this new business. The size and hours of the operation are among my main concerns. Our neighborhood is also plagued by a serious parking shortage as businesses have grown and the city has seemingly had very little success in making sure that parking needs are addressed. Since parking is already a problem, it seems prudent to examine the issue now, before granting a parking reduction for what will be one of the neighborhood's biggest restaurants. While a parking reduction is not required for the evening use, the large capacity of this restaurant will consume the majority of the scarce parking that would be available for new or expanding businesses.

The use of the parking lot is the root of my other concerns. This site is unique in Del Ray. There are no other spots with a parking lot of this size, which makes the commercial property in front of it, ideal for heavy use. The lot was originally to be used only during daytime hours and with this proposal that will undergo a drastic change. The lot will be busy throughout most evenings and until at least 1 a.m. on weekends. The size of this restaurant and the late hours are particularly troubling for a person who lives as close to the parking lot as I do. Most other businesses in the area rely on patrons parking down side streets. While this spreads out the burden and may result in many minor

inconveniences for residents, the residents around my house will live next to the lot that will fulfill most of the parking needs of this new business. We will be permanently inconvenienced and in a large magnitude, often late at night.

I am not very concerned with noise emanating from the building itself, since it is already a requirement of the SUP that no noise be audible at the property line. It is for this reason that I am willing to support the applicants' request for amplified live music if other requirements that would ease the impact on the community and particularly, decrease the volume of activity in the parking lot are imposed. The main concerns here are the size of the restaurant and the late hours of operation. I ask that you reexamine the size of this business to see if it really seems to be the best thing for the neighborhood. It might be wise to specify what number of the total seating capacity is to be allowed for outside dining and what number will be allowed inside instead of allowing one large number that could be used completely inside or outside. I also ask that you follow staff's recommendations of the 11 p.m. closing hour, which would not require patrons to leave until midnight. No one is required to monitor and control noise in the parking lot. It is for that reason that I would like to see more limited hours of operation imposed on this restaurant.

I would like to see measures taken to keep restaurant traffic from using the residential streets such as E. Oxford Ave. There is a "No Left Turn" sign at the E. Oxford Ave. exit of the lot. This sign is regularly ignored and I have never seen anyone punished for disregarding it. It is understandable that it is not worth enforcing such a small regulation but the intent of the sign should not be lost. It is meant to keep city employees and commercial district customers from using our side street and this will become even more important if the use of this lot extends until 1 a.m. some nights. Since the sign is quite unenforceable I would like to see physical deterrents put into place. Perhaps a curb cut that would force traffic to turn right out of the lot and towards Mt. Vernon Ave. could be put into place? A less expensive measure could be to require that the exits onto E. Oxford Ave. and E. Mt. Ida Ave. be closed after 10 p.m. so that traffic is forced to leave onto Mt. Vernon Ave.

In closing, I support this business but I think that the city would be well served if you were to examine some of the details a little more closely. Measures should be taken to minimize the impact of this business on the neighborhood and especially the immediate neighbors. The main areas of concern are the parking issues, the size of the business, and the disturbances that will likely be caused by late night activity in the parking lot.

Thank you for your time and thoughtful consideration.

Sincerely,

Sean Kumar
208 E. Oxford Ave.

24
6-15-02

8 June 2002

Mayor Donley and Members of Alexandria City Council,

When David and Scott Mitchell were board members of the Potomac West Alliance, together we lamented about the boarded-up buildings and the owners who would rather let their properties sit idle. Now, Scott owns a large block and is renovating it. Revitalizing the residences and building out retail for new businesses. He has a vision for the property.

We share a common vision. At the June 2001 Del Ray Citizens Association meeting, the membership passed a fairly extensive resolution expressing its vision, which we will quote here:

Whereas the city's master plan emphasizes neighborhood-oriented retail and commercial uses on Mount Vernon Avenue, and

Whereas the Avenue has the potential to become a vibrant Main Street-type of retail/commercial business environment, contributing to overall neighborhood vitality and city tax revenues, and

Whereas, despite past efforts by citizens, businesses, and the city, as well as the past decade's economic boom, the Avenue has yet to realize this potential, and

Whereas citizens and businesses alone do not have the resources or the tools needed to spur redevelopment beyond what market forces will allow; now, therefore,

It is hereby requested by the membership of the Del Ray Citizens Association that the city of Alexandria make Mount Vernon Avenue a top priority in its redevelopment efforts, and that city staff and/or consultants undertake a comprehensive market study of the Avenue, to include concrete recommendations for action. Issues to be examined should include:

1. *The redevelopment potential under existing zoning as well as under alternative zoning concepts such as an "overlay" district,*
2. *Other possible zoning changes aimed at strengthening the retail/commercial core,*
3. *Overall parking needs and the consideration of off-street parking strategies,*
4. *Creating and preserving a suitable buffer between residential and retail/commercial uses, and*
5. *Tradeoffs involved in increased development.*

The timing of this DRCA resolution coordinated well with the "Plan for Planning" proposal made by Eileen Fogarty, the Director of Planning and Zoning. One of the concepts contained in her "Plan for Planning" was to "set the bar high." The point of DRCA's resolution is to make it clear that the Association shared those high expectations. The goal is to insert expectations early into the process so they can be realized in a cost efficient manner. As the entire Mt. Vernon Avenue has been revitalizing over the years, the DRCA Land Use Committee and Executive Board has been refining a set of reasonable conditions to include in SUP's. These buffer the impact of intensified uses in this commercial-zoned strip from the adjacent residential neighborhood. For each new SUP they must work with staff and at Planning Commission and at Council until these conditions have been accepted as standardized expectations.



8 June 2002

Unfortunately, the City's focus does not turn to Mt. Vernon Avenue until October of 2002, after the timetable of Scott's business plan. He is proceeding with by-right uses. Some need major tradeoffs, and because an overview planning process is being bypassed, the community does not have an opportunity to provide comment. We cannot share or 'buy into' his vision. Instead, it the responsibility of individual tenants to secure tradeoffs in their dealings with the city and the neighborhood. Consequently, the use of a large, commercial-zoned block fronting on Mt. Vernon Avenue is redeveloping in an uncoordinated way.

For this site, we must address long recognized problems in a piecemeal manner through individual SUP's. Since the demand for restaurant parking will certainly increase, we must examine and implement every improvement possible to aid our existing businesses. Because restaurant uses generate noise and trash beyond a typical '9 to 5' business, we should use our experience and require conditions to mitigate problems before they occur. As always, we ask for physical improvements to sidewalks, landscaping and street trees, subdued lighting and signs in exchange for the tradeoffs.

Our main methods of influencing the results are proactively through the SUP process, and reactively through complaints to the police and code enforcement. We support a restaurant at 2401 Mt. Vernon Avenue as do the immediate neighbors. We have talked with them and share their concerns. We ask that our knowledge and experience be used to anticipate many problems before they can rise to the level of a complaint let alone a violation.

Sincerely,

Amy Slack
David M. Fromm

Amy L. Slack
David M. Fromm
2307 E. Randolph Ave
Alexandria, VA 22301

NOTICE OF PUBLIC HEARINGS

24
6-15-02

Certified Mail

Date: 5/23/02

Dear Property Owner:

You are hereby notified of the following public hearings to be held by the Alexandria Planning Commission and the Alexandria City Council on the issue described below:

ALEXANDRIA PLANNING COMMISSION
Date: June 4th, 2002
7:30 P.M., City Hall
301 King Street
City Council Chambers
Alexandria, Virginia

ALEXANDRIA CITY COUNCIL
Date: June 15th 2002
9:30 A.M., City Hall
301 King Street
City Council Chambers
Alexandria, Virginia

ISSUE DESCRIPTION: Application to open a
restaurant with outdoor seating and
live entertainment.

PROPERTY ADDRESS: 2401, 2403, 2405, 2407 MT. VERNON AVE.

TAX MAP REFERENCE: 3402 - 04 - 02

As a citizen and party in interest, you are invited to attend these meetings and express your views concerning the above issue.

If you have any questions regarding the request you may call at (703) 362-6403.

Sincerely yours,

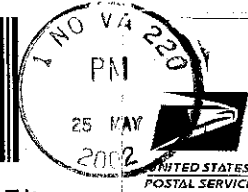
Stephanie W. Babin
STEPHANIE W. BABIN

308 Home Ave
Alexandria, VA
22301

CERTIFIED MAIL

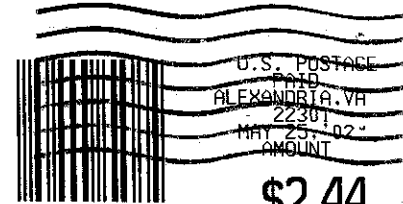


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Alexandria, VA
22313

22313+1500

APPLICATION for SPECIAL USE PERMIT # 2002-0038

[must use black ink or type]

2401- 2407

sub 5/9/02

PROPERTY LOCATION: 2401- 24077 MT. VERNON AVENUE

TAX MAP REFERENCE: 34.02 - 04 - 02 ZONE: CL

APPLICANT Name: NEIGHBORHOOD RESTAURANT GROUP

Address: 308 Hume Avenue Alexandria, VA

PROPERTY OWNER Name: MT. VERNON AVE LLC

Address: MT. VERNON AVENUE, ALEXANDRIA, VA

PROPOSED USE: RESTAURANT with Entertainment and Parking Reduction

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

S.W. BABIN
Print Name of Applicant or Agent

S.W. Babin
Signature

308 Hume Avenue
Mailing/Street Address

703 362 6403 703 549 8520
Telephone # Fax #

Alexandria, VA 22301
City and State Zip Code

3-25-02
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 6/04/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 6/15/02PH-- SEE ATTACHED

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

24. SPECIAL USE PERMIT #2002-0038
2401-2407 MT VERNON AV

Public Hearing and Consideration of a request for a special use permit to operate a restaurant and request for a parking reduction; zoned CL/Commercial Low. Applicant: Neighborhood Restaurant Group, by Stephanie W. Babin.

COMMISSION ACTION: Recommend Approval 7-0

In response to Councilwoman Woodson's inquiry about no loading and unloading on Oxford and Mt. Ida Avenues, Ms. Babin represented that they had agreed to this prior to the Planning and Zoning hearing, and have no problem with this.

City Council approved the Planning Commission recommendation, with the following amendments: amended condition #12 by deleting the words "acoustic, non-amplified."; and with the modification to condition #23 as follows: "23. The Director of Planning and Zoning shall review the special use permit six months after operation....."

Council Action: _____

25. SPECIAL USE PERMIT #2002-0042
2A WOLFE ST
NEW HARBORSIDE YACHT CLUB

Public Hearing and Consideration of a request for a special use permit to operate a private marina; zoned W-1/Waterfront Mixed Use. Applicant: New Harborside Yacht Club, LLC, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 5-0-2

City Council closed the public hearing, deferred consideration of this item to the June 25, 2002 legislative meeting with the request for additional information.

We will try to get some answers, with staff input, to the issues raised by Robert Taylor from Robinson Terminal that their ship(s) will cause turbulence which can cause damage to the boats as well as block Harborside boats. Mayor Donley requested that Mr. Blair have the marine architect work with Mr. Taylor to resolve the issues.

Councilman Speck has no idea what the consequence of this matter is in terms of how it affects the boats, but it's a material piece of information which we didn't have. What Mr. Speck doesn't want to do is come back on the 25th and have folks on one side say everything's fine, and the folks on the other side, no it's not. He stated that he thinks we need to be sure that we've had staff counsel on this and give us some advice to be sure that this material information is not impacting either side adversely.