

15  
12-15-01Docket Item # 10  
SPECIAL USE PERMIT #2001-0065Planning Commission Meeting  
December 4, 2001

**ISSUE:** Consideration of a special use permit review and request to change the ownership and to increase the hours of operation of the existing restaurant.

**APPLICANT:** Afghan Restaurant  
by Abdul Hafiz Khan and Gulahmad Abassi  
by Harry P. Hart, attorney

**LOCATION:** 2700 Jefferson Davis Highway

**ZONE:** I/Industrial

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**PLANNING COMMISSION ACTION, DECEMBER 4, 2001:** On a motion by Mr. Gaines, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request subject to compliance with all applicable codes, ordinances and staff recommendations, and to amend Condition #14 and add Condition #27. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission discussed the history of operations at the restaurant, including the incident that occurred in May, and the fact that no further violations of the special use permit conditions have occurred. As to the applicant's request for additional hours, the Commission disagreed, believing that the status quo, which has been successful, should be continued.

**Speakers:**

Harry P. Hart, attorney, represented the application.

Sayed Habib Azimi, 4901 Seminary Road, #330, spoke in support of applicant.

Payenda Mohammad, 233 N. Lincoln Av., Sterling, Virginia, spoke in support of applicant.

Roya Ansarian, 5505 Seminary Road, #707N, spoke in support of applicant.

Mary Lynn Cook, 5541 Trent Court, #211, spoke in support of applicant.

Katy Cannady, 20 E. Oak Street, spoke concerning the case and submitted a written statement.

Roland Gonzales, 4914 Gardner Drive, spoke about SUP violations generally and in support of the staff recommendation.

Sarita Schotta, 104 Prince Street, spoke in support of the staff recommendation.

Ellen Pickering, 103 Roberts Lane, spoke in support of the staff recommendation.

Sarah Haut, 228 E Nelson Avenue and Del Ray Citizens Association, suggested a new condition requiring signage directing patrons to parking at NTB and proposed earlier closing hours.

Teresa Miller, 808 S. Lee Street, spoke in support of the staff recommendation.

Lillie Findlea, 1210 Franklin Street, spoke in support of the staff recommendation.

Poul Hertel, 1217 Michigan Court, spoke in support of the staff recommendation.

Julie Crenshaw, 816 Queen Street, spoke in support of the staff recommendation.

Jack Sullivan, 4300 Ivanhoe Place, spoke in support of the staff recommendation.

Joe Bennett, 5022-B Barbour Drive, spoke in support of the staff recommendation.

**PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001:** On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to defer the request until December 2001. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission deferred the request until December, believing that a longer review period will provide a better opportunity to assess the operation of the restaurant. The Commission granted the deferral with the understanding that 1) the operators of the restaurant are Abdul Hafiz Khan and Gulahmad Abassi, 2) a list of wedding ceremonies scheduled to occur between now and December 2001 will be furnished by the applicant to the Director of Planning and Zoning and, 3) any violation of the permit conditions will result in the docketing of the permit for revocation. The Planning Commission expressed concern about the history of violations and the recent fire safety violations at the restaurant.

**Speakers:**

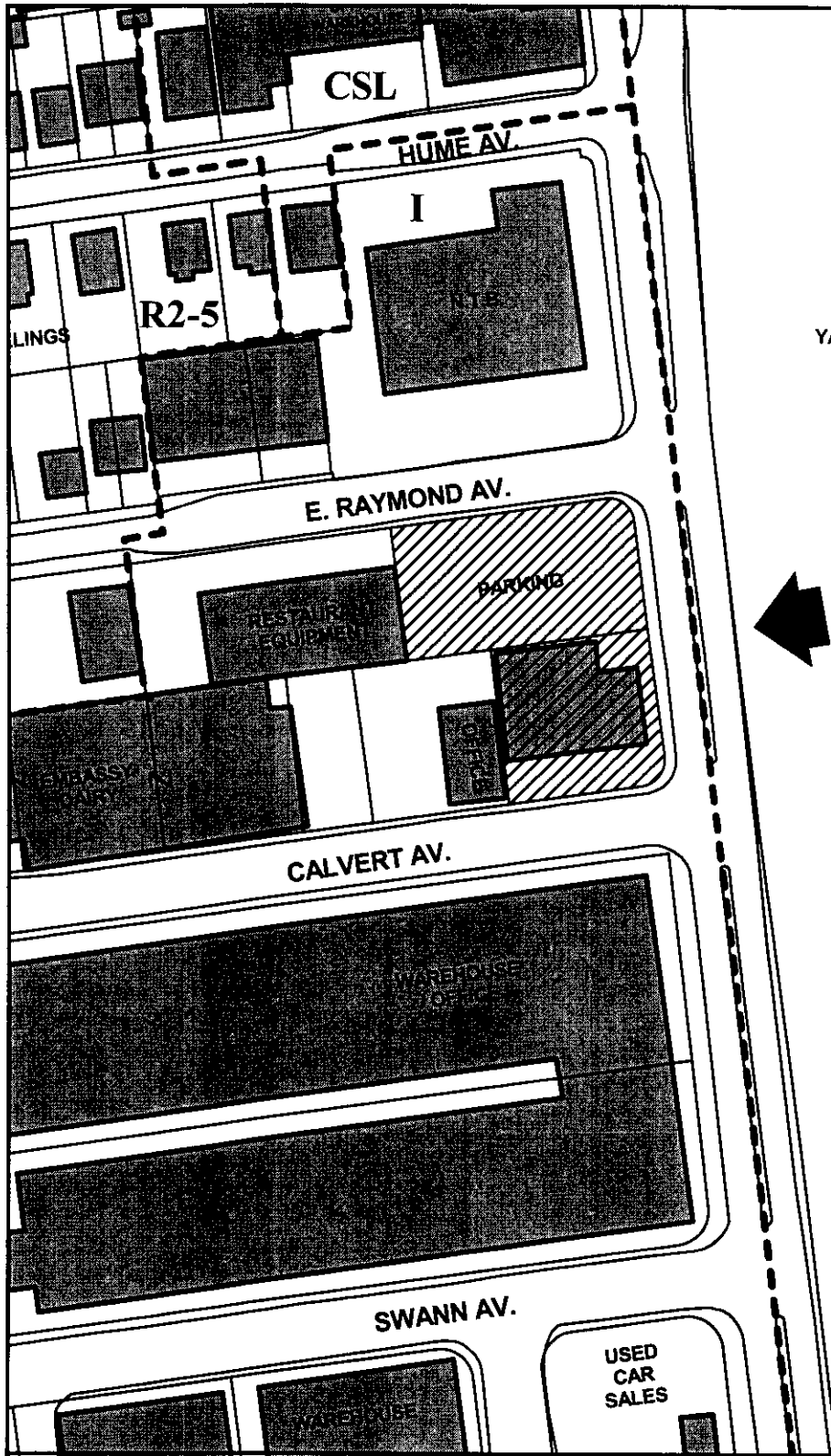
Matthew Natale, 3401 Martha Custis Drive, supported the Planning Commission's past

Amy Slack, on behalf of the Del Ray Citizens Association, opposed the applicant's requests for a change of ownership and a 1:00 a.m. closing time and cited the seriousness of the past violations and lack of property maintenance as concerns.

Katy Canady, 20 East Oak Street, expressed concern about the fire safety violations at the restaurant and the risk to the public health, safety and welfare posed by the operation of a nightclub operation in this location.

Julie Crenshaw expressed concern about the past violations and future incidents that may occur at the restaurant if it is permitted to continue to operate.

Roland Gonzales, 4919 Gardener Drive, stated that businesses that violate the law should not be rewarded and urged the Commission to deny the applicants' request.



POTOMAC  
YARD SHOPPING  
CENTER

← **SITE**

**CDD #10**



**SUP #2001-0065**

**12/04/01**



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) (SUP #2719)
2. Seating shall be provided inside for no more than 280 patrons. (P&Z) (SUP #95-0101)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2719)
4. The hours of operation shall be limited to 7:00 a.m. to Midnight. (CC) (SUP #2001-0053)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2719)
6. 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) (SUP 96-0029)
7. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #2719)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2719)
9. At least one trash container shall be located in the parking area for the use of patrons, the container shall not be permitted to overflow, and the area around it shall be kept clean. (P&Z) (SUP #96-0166)
10. 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 more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2719)

11. **CONDITION AMENDED BY STAFF:** No live entertainment shall be allowed except for scheduled wedding ceremonies, ~~approved in a list submitted to the Director of Planning and Zoning by 5:00 p.m., June 20, 2001. (CC) (SUP #2001-0053)~~ (P&Z)
12. **CONDITION AMENDED BY STAFF:** The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of T&ES. All reasonable steps shall be taken to minimize cooking odors outside the restaurant. ~~(P&Z) (SUP #2719)~~
13. **CONDITION AMENDED BY STAFF:** Kitchen or other types of equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys, sidewalks or storm sewers. (T&ES)~~(SUP #2719)~~
14. **CONDITION AMENDED BY PLANNING COMMISSION:** Private security guards shall be provided from 10:00 p.m. to one hour after the closing hour for weddings or special events. (CC) (SUP #2001-0053) (PC)
15. Condition deleted. (P&Z) (SUP #97-0077)
16. On each anniversary of the approval of the special use permit, in November of each year, the applicant shall provide to the Director of Planning and Zoning a copy of the lease or other arrangement by which the applicant makes 11 off-site parking spaces available. If at any time the off-site parking becomes unavailable, the applicant shall remove 44 seats. (P&Z) (SUP #96-0029)
17. The applicant shall maintain the landscaping according to the approved plan in good condition. (P&Z) (SUP #96-0029)
18. The applicant shall keep the site and landscaping free of weeds. (P&Z)(SUP #95-0101)
19. No untagged vehicles shall be parked on the lot at any time. (P&Z) (SUP #95-0101)
20. Lighting shall be installed in the parking lot to the satisfaction of the Director of Transportation and Environmental Services and the Police Department. (T&ES) (Police)(SUP #95-0101)
21. Street address numbers shall be maintained. (T&ES) (SUP #95-0101)

22. The pad and enclosure for the dumpster shall be maintained to the satisfaction of the Director of Planning and Zoning and Director of Department of Transportation and Environmental Services. (T&ES) (P&Z) (SUP #96-0029)
23. The shed shall be painted and maintained to the satisfaction of the Director of Planning and Zoning. (PC) (SUP #96-0029)
24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit and shall docket the matter for consideration by the Planning Commission and the City Council no later than ~~December~~ June 31, 2002. (~~CC~~) (SUP #2001-0053) (P&Z)
25. **CONDITION ADDED BY STAFF:** 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. (P&Z)
26. **CONDITION ADDED BY STAFF:** The use of loudspeakers or live entertainment outside of the building shall be prohibited. (T&ES)
27. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant shall post signs at the parking lot entrances indicating that additional parking is available on the other side of Hume Avenue at NTB. (PC)

DISCUSSION:

1. The applicant, Afghan Restaurant by Abdul Hafiz Khan and Gulahmad Abassi by Harry P. Hart, attorney, requests special use permit approval to change the ownership of a restaurant located at 2700 Jefferson Davis Highway.
2. The subject property is two lots of record with a combined frontage of approximately 166 feet along Jefferson Davis Highway, approximately 93 feet of frontage along Calvert Avenue, approximately 160 feet of frontage on East Raymond Avenue, and a combined lot area of approximately 28,610 square feet.
3. A restaurant has operated in this location since the 1940s. On September 19, 1993, City Council granted Special Use Permit #2719 to Qasam Abassi to reopen the former restaurant use. Since that approval, the applicant has obtained additional approvals to allow live entertainment, increase the number of seats inside the restaurant, and reduce the parking requirement. On June 16, 2001, City Council approved the continued operation of the restaurant but limited the hours of operation and live entertainment, required security guards to be provided from 10:00 p.m. until one hour after closing, and required a review of the restaurant no later than December 31, 2001.
4. At the June 16, 2001, hearing, City Council considered revoking the special use permit for this restaurant, based on a series of violations last spring. Specifically, the restaurant was renting out the facility to others who held entertainment events, including GoGo dances on weekends.

In addition to being a violation of the then applicable entertainment condition, and the conditions regarding noise and hours, one event resulted in a stabbing and the arrest of two others for disorderly conduct. Staff recommended that the permit be revoked because the violations were similar to violations and entertainment events which had occurred in the 1994-1996 time period, and because such events create a nuisance for the neighborhood and an unfair demand for police resources.

The restaurant asked for a probationary period over the summer, with which to show the City that it could be a responsible part of the community. City Council approved the continued operation of the restaurant but:

- a) required the restaurant to close at midnight;
- b) limited live entertainment to weddings;
- c) required security guards to be provided from 10:00 p.m. until one hour after closing; and
- d) required a review of the restaurant no later than December 31, 2001.



5. Staff brought this case back to the Planning Commission in September, in order to process the change of ownership request and to report on the operation of the restaurant over the summer. The Commission deferred the matter at that time in order to allow more time for consideration of the operation, and directed staff to docket the case for hearing in December.
6. As part of the review of the restaurant last spring, staff determined that at least one of the current operators has been operating the restaurant in lieu of Qasam Abassi, the special use permittee, since May 1998, when Mr. Qasam Abassi was replaced on the ABC license by his brother Gulahmad Abassi. The new operators had not obtained special use permit approval to change the ownership of the restaurant and the current request seeks formal permission for the change.
7. The current application materials were filed last June, and indicate that the current approved hours are 7:00 a.m. to 1:00 a.m. However, in June 2001, Council restricted the closing hour to midnight rather than 1:00 a.m. The applicants would like permission to operate the restaurant until 1:00 a.m. as it has been operated in the past.
8. According to the application materials, the only form of live entertainment to be offered at the restaurant will be traditional Afghani cultural entertainment at weddings. As required by Condition #11, the applicant submitted one list of scheduled wedding ceremonies to occur between June through September. A total of 24 wedding ceremonies were scheduled to occur mainly on Fridays, Saturdays, and Sundays between June 22 and September 15. According to the applicant's attorney, the weddings begin at approximately 8:00 p.m. and end at midnight (see attached letter and list). A second list of weddings was submitted after the hearing on September 4, which included only six wedding events to occur in October November.
9. In September, the Alexandria Police reported that there had been three calls for service made since May 7. One call was a noise violation complaint made against the restaurant and received at midnight. The other calls include a 911 hang up call that was cancelled before the Police arrived at the restaurant and a simple assault. The Police advised us that it is unknown whether the assault call was related to the business or a passerby. (See memo.) Since that time, there have been two additional calls for service. On September 20, there was a call for disorderly conduct which was cleared with no report or arrest; the second call was a 911 hang up on October 18, with no further police action. The police view this record as a good one for this type of establishment.
10. In September, we also reported that a routine fire inspection of the restaurant conducted in July had uncovered serious fire violations which were later corrected.

11. Planning staff has inspected the restaurant several times since June and found no special use permit violations.
12. Zoning: The subject property is zoned I/Industrial. Section 4-1203 (R.1) of the zoning ordinance permits restaurants only with a special use permit in the I zone.
13. Master Plan: The proposed use is consistent with the Potomac West small area plan chapter of the Master Plan which designates the property I/Industrial.

STAFF ANALYSIS:

Staff supports an extension of the permit for six months and another review at the end of that period, in order to continue to monitor the restaurant. The recent example of “best behavior” is encouraging, but staff believes a longer probationary time is required to ensure that the restaurant will not become a problem once again. Staff recommends approval of the change of ownership request, but does not support approval of the request for later hours for the restaurant.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with Alexandria's Noise Control Code, Chapter 11, Section 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 The use of loudspeakers or live entertainment outside of the building shall be prohibited.
- R-2 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of T&ES.
- R-3 Kitchen or other types equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed onto streets, alleys, sidewalks or into the storm sewers.

Code Enforcement:

- C-1 A fire safety inspection was conducted at this facility on July 17, 2001 with the following violations noted:
  - (a) Extension cords were being used as permanent wiring.
  - (b) Storage was within 18" of sprinkler heads.
  - (c) The fire sprinkler system needs to be flushed due to the presence of gravel in the system.
  - (d) All painted sprinkler heads needs to be replaced.
  - (e) Proper sprinkler coverage needs to be restored.
- C-2 A new fire prevention code permit shall be applied for an egress plan shall accompany the application.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 703-838-4400 Ext. 255 to arrange for a “change of ownership” inspection.
- C-4 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. 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-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 This facility is currently operating as Afghan Restaurant under permit #16f-302-1, issued to Qismat Corporation.
- C-10 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

See attached memorandum.

**Joseph Rosboschil**  
11/27/2001 07:59 AM

To: Barbara Ross/Alex@Alex  
cc: Mark Uzzell/Alex@Alex, Joe Hilleary/Alex@Alex, Earl  
Cook/Alex@Alex, Charles Samarra/Alex@Alex  
Subject: Re: Afghan Restaurant 📧

Barbara,

Since my last update in August there has only been two calls for service of note related to Afghan Restaurant. One was a disorderly conduct call on 9/20/01, which was cleared with no report or arrest, and the second was a 911 hang up on 10/18/01 with no further police action.

For an establishment of this type, this is excellent.

The Police Department's recommendation is unchanged.

Thanks,


Joe

*City of Alexandria, Virginia*

## MEMORANDUM

DATE: AUGUST 21, 2001

TO: MS. EILEEN FOGARTY, DIRECTOR, PLANNING AND ZONING

FROM: CHARLES E. SAMARRA, CHIEF OF POLICE 

SUBJECT: AFGHAN RESTAURANT (UPDATE)

The purpose of this memorandum is to provide an update of activity at the Afghan Restaurant since the events of May 6<sup>th</sup> which were reported at the June 19<sup>th</sup> public hearing.

Since the events of May 6<sup>th</sup>, the Police Department has only responded on two calls for police service at the Afghan Restaurant. The calls were as follows:

<u>Date</u>	<u>Time</u>	<u>Nature of Call</u>	<u>Disposition</u>
06/04/01	12:00 a.m.	Noise Violation / Loud Party	Advised
06/15/01	8:42 p.m.	Simple Assault	Gone on Arrival
07/25/01	10:55 p.m.	911 Hangup	Cancelled

In reviewing the calls for service, the noise violation was related to the business. It could not be determined if the calls on June 15<sup>th</sup> and July 25<sup>th</sup> were related to the business.

A review of the Police Departments Quick Query Reported Incidents Database revealed two reported incidents since May 7<sup>th</sup>. Both reported incidents were auto accidents unrelated to the operation of the business.

**Recommendation**

It appears that the management of the Afghan Restaurant has significantly improved its operation. Calls for service and reported incidents at the business since the events of May 6<sup>th</sup> have been minimal or nonexistent.

The Police Department recommends continuing the conditions set for the Afghan Restaurant by City Council at the June 19<sup>th</sup> public hearing. Additionally, we recommend that the Office of Planning and Zoning continue to monitor the situation for the next six months.

Staff: Deputy Chief Joseph Hilleary  
Captain Joseph Rosboschil

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**APPLICATION for SPECIAL USE PERMIT # 2001-0065**

Change of Ownership or  Minor Amendment

PROPERTY LOCATION: 2700 Jefferson Davis Hwy.

TAX MAP REFERENCE: 25.03-02-11 & 25.01-04-21 ZONE: I

APPLICANT Name: Afghan Restaurant by Abdul Hafiz Khan and Gulahmad Abassi

Address: 2700 Jefferson Davis Hwy., Alexandria, VA 22301

PROPERTY OWNER Name: Antonios S. and Maria K. Laliotis

Address: 2700 Jefferson Davis Hwy., Alexandria, VA 22301

SITE USE: Restaurant

**THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. THE UNDERSIGNED, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

**THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

Harry P. Hart  
Print Name of Applicant or Agent

Harry P. Hart  
Signature

HART, CALLEY, GIBBS & KARP, P.C.  
Mailing/Street Address

(703) 836-5757 (703)548-5443  
Telephone Number Fax #

307 N. Washington St., Alex. VA 22314  
City and State Zip Code

6/15/01  
Date

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

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_  
Legal Advertisement: \_\_\_\_\_

Administrative Action: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director, Planning & Zoning



The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # 97-0077

Date approved: 09 / 13 / 97  
month                      day                      year

Name of applicant on most recent special use permit Qasim Abassi

Use Restaurant

2. Describe below the nature of the **existing** operation in detail so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, the number of employees, parking availability, etc. (Attach additional sheets if necessary.)

The existing restaurant serves traditional Afghan style cuisine on a daily basis from 7:00 a.m. to 1:00 a.m. Seating capacity is 280 patrons including the banquet hall adjacent to the dining room of the restaurant. The restaurant's hall is used mainly for Afghan weddings. There are an average of 6-8 employees on staff at any one time, including the manager. 59 parking spaces are provided on site and the applicant has an agreement with the NTB across E. Raymond Ave. to use an additional 11 parking spaces that are required under the zoning code. No changes will be made to the existing operation except to ensure that the types of banquets held in the hall are those that are specifically permitted by the conditions of the S.U.P. unless the City Council requires that additional conditions be imposed.

3. Describe any **proposed** changes to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary.)

None proposed.

4. Is the use currently open for business?  Yes  No

If the use is closed, provide date closed: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month date year

5. Describe any proposed changes to the conditions of the special use permit:

None Proposed.  
\_\_\_\_\_  
\_\_\_\_\_

6. Are the hours of operation proposed to change?  Yes  No

If yes, list the current and proposed hours:

Current hours:

Proposed Hours:

Daily 7:00 a.m. to 1:00 a.m.

Daily 7:00 a.m. to 1:00 a.m.

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

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

7. Will the number of employees remain the same?  Yes  No

If no, list the current number of employees and the proposed number.

Current Number of Employees:

Proposed Number of Employees:

6-8

6-8

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

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

8. Will there be any renovations or new equipment for the business?  Yes  No

If yes, describe the type of renovations and list any new equipment proposed:

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

9. Are you proposing a change in the service of alcoholic beverages?  Yes  No

If yes, describe the proposed changes:

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

10. Is off-street parking provided for your employees?  Yes  No  
If yes, how many spaces are provided and where are they located?

There are 59 spaces on site and the applicant has an agreement to use 11 spaces at the NTB across E. Raymond Ave.

11. Is off-street parking provided for your customers?  Yes  No  
If yes, how many spaces are provided and where are they located?

There are 59 spaces on site and the applicant has an agreement to use 11 spaces at the NTB across E. Raymond Ave.

12. Is there a proposed increase in the number of seats or patrons served?  Yes  No  
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:

280  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed:

280  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Is there a proposed increase in the building area devoted to the business?  Yes  No  
If yes, describe the current amount of building area and the proposed amount of building area.

Current building area:

12,147 sq. ft.  
\_\_\_\_\_  
\_\_\_\_\_

Proposed building area:

12,147 sq. ft.  
\_\_\_\_\_  
\_\_\_\_\_

14. The applicant is the (check one)  Property owner  Lessee

\_\_\_\_ other, please describe: \_\_\_\_\_

15. The applicant is the (check one)  Current business owner  Prospective business owner

\_\_\_\_ other, please describe: \_\_\_\_\_

16. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address. For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

Both the applicants are individuals and not corporations.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: 280 At a bar: 0 Total number proposed: 280

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:

Traditional Afghan cuisine.  
\_\_\_\_\_  
\_\_\_\_\_

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

table service  bar  carry-out  delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles?  Yes  No.

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

Yes  No.

If yes, please describe: Traditional Afghan cultural entertainment only, ie., at weddings.  
\_\_\_\_\_  
\_\_\_\_\_

SCHEDULE OF WEDDING EVENTS  
AFGHAN RESTAURANT  
THROUGH SEPTEMBER 15, 2001

No.	Date	Name & Address
1.	June 22, 2001	M.J. Iasimyar 4070 Fountainside Lane Fairfax, VA 22030
2.	June 23, 2001	Eman Abbas 334 N. Gordon St. Alexandria, VA 22304
3.	June 24, 2001	Tsehai Q. Medhin 5597 Seminary Rd., # 21145 Falls Church, VA 22041
4.	June 29, 2001	Ruttul Amin 6711 Hopenell Ave. Springfield, VA 22151
5.	June 30, 2001	Dr. Zaheer 6116 Carlin Springs Rd. Arlington, VA 22204
6.	July 3, 2001	Naderpoor Farhad 8503 Oakford Dr. Springfield, VA 22152
7.	July 6, 2001	Tim Appaiah 15549 New Hampshire Ave. Silver Spring, MD 20905
8.	July 7, 2001	Abdullah Haidan 7021 Brocton Ct. Springfield, VA 22150
9.	July 8, 2001	Salim Abdi 16934 Point Pleasant Lane Dumfries, VA 22026
10.	July 14, 2001	Teferi Bekele 800 4 <sup>th</sup> St., S.W., #N725 Washington, DC 20024

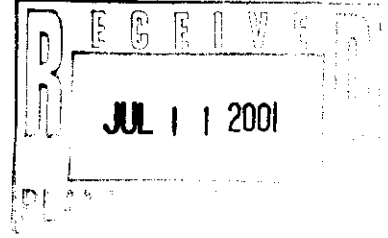
No.	Date	Name & Address
11.	July 20, 2001	Nadia Yusuf 7405 Lenham Dr. Fort Washington, MD 20784
12.	July 21, 2001	Ahmad Yama Noori 45450 Timbertrail Sq. Sterling, VA 20164
13.	July 27, 2001	Walida Bagaie 8817 Hampton St. Lorton, VA 22079
14.	July 28, 2001	Michael Habteab 705 S. Walter Reed Dr., Apt. 412A Arlington, VA 22204
15.	August 2, 2001	Hamed Paujsheni 13195 Blue Fox Lane Fairfax, VA 22033
16.	August 4, 2001	Noor Mah Noori 6301 Stevenson Ave., #131C Alexandria, VA 22301
17.	August 11, 2001	Mike Swanigan 901 First St. Alexandria, VA 22314
18.	August 17, 2001	Shazia Dar 4221 Main St. Alexandria, VA 22309
19.	August 18, 2001	Shazia Dar 4221 Main St. Alexandria, VA 22309
20.	August 24, 2001	Manibin Ebrahimi 1625 International Drive McLean, VA 22102
21.	August 25, 2001	Woim Shet McKonen 597 Tuckerman St., N.W. Washington, DC 20001

No.	Date	Name & Address
22.	August 26, 2001	Wund Getaron 4520 King St. Alexandria, VA 22302
23.	September 14, 2001	Abdi Kanim H. Nur 167 Westway Rd. Greenbelt, MD 20770
24.	September 15, 2001	Abdi Kanim H. Nur 167 Westway Rd. Greenbelt, MD 20770

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SUP 2001-0065



**HART, CALLEY, GIBBS & KARP, P.C.**

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757  
FAX (703) 548-5443

OF COUNSEL  
CYRIL D. CALLEY  
ROBERT L. MURPHY

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

July 11, 2001

Ms. Eileen Fogarty, Director  
c/o Mr. Felton Gilliam  
Department of Planning & Zoning  
City Hall, Room 2100  
Alexandria, VA 22314


Re: Afghan Restaurant  
Starting and Ending Times of Scheduled Weddings Through September 15, 2001

Dear Mr. Gilliam:

Pursuant to your request, this letter presents the starting and ending times of the scheduled weddings to be held at the Afghan Restaurant. The weddings begin around 8:00 p.m., with set-up time beginning around 7:00 to 7:30 p.m. Based upon the modified S.U.P. conditions imposed by the City Council on June 16, 2001, the ending times of the weddings has been changed from 1:00 a.m. to 12:00 a.m., meaning there is no service after 12:00 a.m. and the people will vacate the premises by 1:00 a.m.

Please contact me if you have any additional questions.

Very truly yours,

  
Harry P. Hart

cc: Abdul Hafiz Khan  
Gulahmed Abassi



SUP 2001-0065  
City of Alexandria, Virginia



Arthur D. Dahlberg  
Director

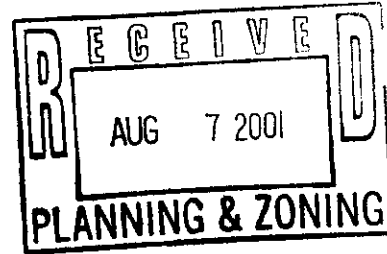
Code Enforcement  
P. O. Box 178  
Alexandria, Virginia 22313

Office  
703-838-4360

Fax  
703-838-3880

August 3, 2001

VIA FACSIMILE



Mr. Harry P. Hart, Esq.  
307 N. Washington Street  
Alexandria, Virginia 22314

RE: Afghan Restaurant - 2700 Jefferson Davis Highway

Dear Mr. Hart:

I am writing to inform you of the results of a routine fire inspection conducted on July 27, at approximately 9:00 p.m. by Deputy Fire Marshal Michael Hazel. Among the previous stipulations established by this office in order for this establishment to remain open, was the requirement that a "fire watch" be posted on the premises at all time the business is open. Further, their contract states that the fire watch personnel will be on duty from 8:00 p.m. until 1:00 a.m..

At the time of Fire Marshal Hazel's inspection, no fire watch was on duty during which time a wedding reception was being held with approximately 75 persons in attendance. As you know, the fire suppression system at this location is not in working order and has not been repaired. When Deputy Fire Marshal Hazel returned at approximately 11:00 p.m. the same evening, there was still no fire watch in place and only a "friend" of the owner was walking about the restaurant. We consider this to be a serious breach of the aforementioned requirements of this office. These conditions are totally unacceptable and can no longer be tolerated.

Please be advised that we will continue to perform periodic, unannounced inspections of the premises to ensure all previously established conditions are complied with. Any further violations will result in the immediate closure of the premises until such time as all violations have been corrected.

If you have any questions regarding this information, please contact me at (703) 838-4360.

Sincerely,



Art D. Dahlberg  
Director of Code Enforcement

cc: Thomas M. Hawkins, Fire Chief  
✓ Eileen Fogarty, Director of Planning and Zoning  
Deputy Fire Marshal Robert Rodriguez  
Deputy Fire Marshal Michael Hazel

Docket Item #26  
SPECIAL USE PERMIT #2001-0053

Planning Commission Meeting  
June 5, 2001

**ISSUE:** Consideration of revocation of a special use permit for the existing restaurant.

**APPLICANT:** City of Alexandria, Department of Planning and Zoning

**LOCATION:** 2700 Jefferson Davis Highway  
Afghan Restaurant

**ZONE:** I/Industrial

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**CITY COUNCIL ACTION, JUNE 16, 2001:** City Council overturned the Planning Commission revocation with the following changes in conditions:

change condition #4 to read:

4. The hours of operation shall be limited to 7:00 a.m. to midnight;

deleted condition #11, and substitute a new condition #11 to read:

11. No live entertainment shall be allowed except for scheduled wedding ceremonies approved in a list submitted to the Director of Planning and Zoning by 5:00 p.m., June 20, 2001.;

change condition #14 to read :

14. Private security guards shall be provided from 10:00 p.m. to one hour after the closing hour.;

change condition #24 to read:

24. The Director of Planning and Zoning shall review the special use permit and shall docket the matter for consideration by the Planning Commission and the City Council no later than December 31, 2001.

Councilman Speck noted that condition #25 which talks about how long you can operate after the closing hour means a midnight closing and that everyone is gone by 1:00 a.m.

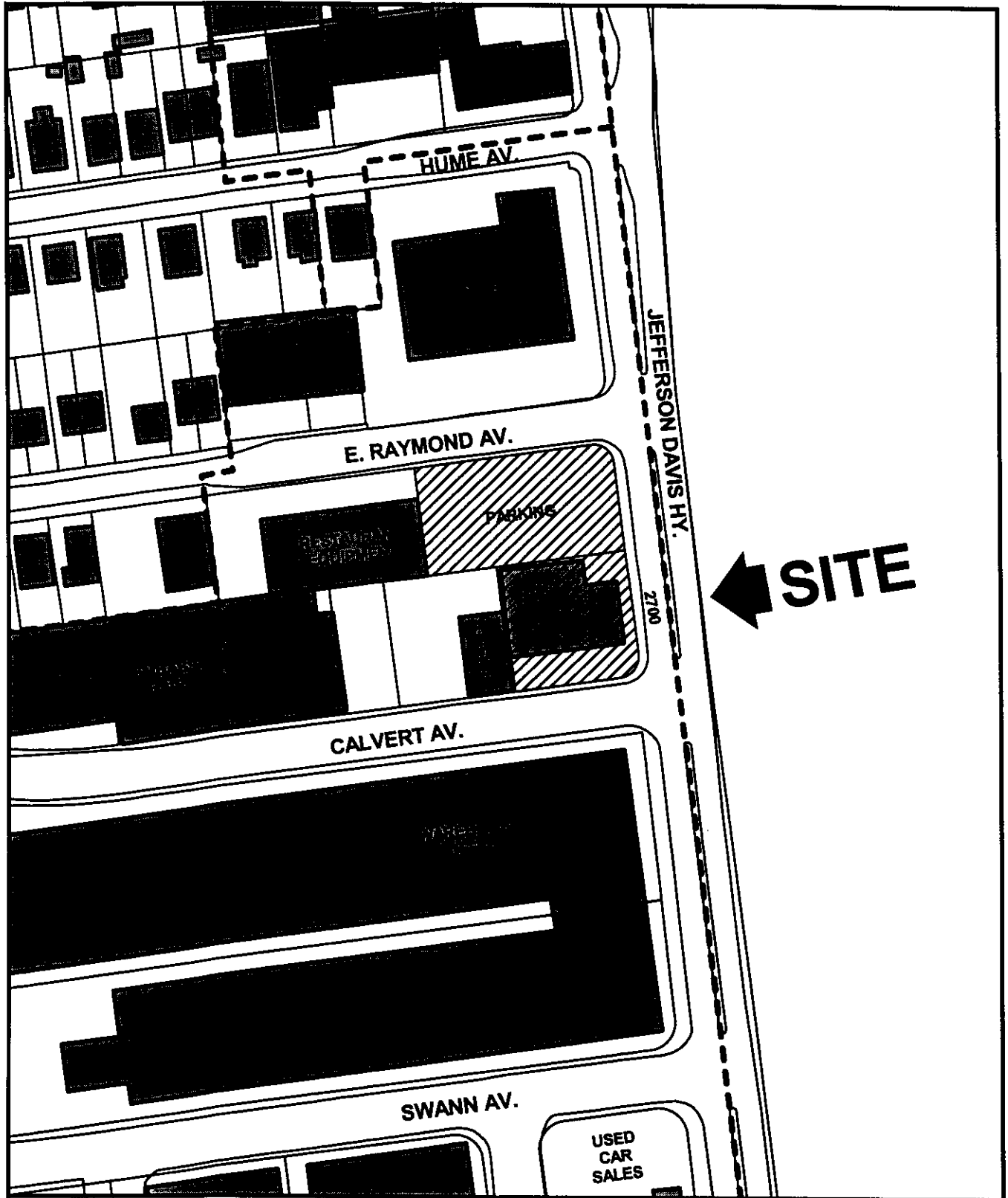
**PLANNING COMMISSION ACTION, JUNE 5, 2001:** On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to recommend revocation of the special use permit. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission believed revocation was warranted because the applicant violated Condition #11, because the violation was similar to violations in the past, and because the consequences of the violation were so severe.

Speakers:

Harry Hart, attorney representing the applicant, requested that the restaurant be placed on probation and stated that the operator will file an application to change the ownership of the restaurant this week.

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**SUP #2001-0053**

**06/05/01**



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SUMMARY

Based on recent illegal live entertainment events held at the restaurant in violation of the special use permit approval, staff recommends revocation of the special use permit, as required by Condition #11 of the approved SUP.

STAFF RECOMMENDATION:

Staff recommends **revocation** of the special use permit. If Council approves the continued operation of the restaurant, 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) (SUP #2719)
2. Seating shall be provided inside for no more than 280 patrons. (P&Z) (SUP #95-0101)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2719)
4. The hours of operation shall be limited to 7:00 A.M. to Midnight. (City Council)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2719)
6. 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) (SUP 96-0029)
7. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #2719)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2719)
9. At least one trash container shall be located in the parking area for the use of patrons, the container shall not be permitted to overflow, and the area around it shall be kept clean. (P&Z) (SUP #96-0166)

10. 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 more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2719)
11. No live entertainment shall be allowed except for scheduled wedding ceremonies approved in a list submitted to the Director of Planning and Zoning by 5:00 p.m., June 20, 2001. (City Council)
12. All reasonable steps shall be taken to minimize cooking odors outside the restaurant. (P&Z) (SUP #2719)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2719)
14. Private security guards shall be provided from 10:00 p.m. to one hour after the closing hour. (City Council)
15. Condition deleted. (P&Z) (SUP #97-0077)
16. On each anniversary of the approval of the special use permit, in November of each year, the applicant shall provide to the Director of Planning and Zoning a copy of the lease or other arrangement by which the applicant makes 11 off-site parking spaces available. If at any time the off-site parking becomes unavailable, the applicant shall remove 44 seats. (P&Z) (SUP #96-0029)
17. The applicant shall maintain the landscaping according to the approved plan in good condition. (P&Z) (SUP #96-0029)
18. The applicant shall keep the site and landscaping free of weeds. (P&Z)(SUP #95-0101)
19. No untagged vehicles shall be parked on the lot at any time. (P&Z) (SUP #95-0101)
20. Lighting shall be installed in the parking lot to the satisfaction of the Director of Transportation and Environmental Services and the Police Department. (T&ES) (Police)(SUP #95-0101)
21. Street address numbers shall be maintained. (T&ES) (SUP #95-0101)



22. The pad and enclosure for the dumpster shall be maintained to the satisfaction of the Director of Planning and Zoning and Director of Department of Transportation and Environmental Services. (T&ES) (P&Z) (SUP #96-0029)
23. The shed shall be painted and maintained to the satisfaction of the Director of Planning and Zoning. (PC) (SUP #96-0029)
24. The Director of Planning and Zoning shall review the special use permit and shall docket the matter for consideration by the Planning Commission and the City Council no later than December 31, 2001. (City Council)
25. 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. (P&Z)

DISCUSSION:

1. This special use permit, for the operation of the Afghan restaurant located at 2700 Jefferson Davis Highway, is being brought forward by the Department of Planning and Zoning, in order that the permit may be revoked and the restaurant forced to close.
2. The subject property is two lots of record with a combined frontage of approximately 166 feet along Jefferson Davis Highway, approximately 93 feet of frontage along Calvert Avenue, approximately 160 feet of frontage on East Raymond Avenue, and a combined lot area of approximately 28,610 square feet.
3. A restaurant has operated in this location since the 1940s. On September 19, 1993, City Council granted Special Use Permit #2719 to Qasam Abbasi to reopen the former restaurant use. Since that approval, the applicant has obtained additional approvals to allow live entertainment, increase the number of seats inside the restaurant, and reduce the parking requirement.
4. The restaurant has been the subject of scrutiny in the past because of its use of the facility for entertainment events which attract large numbers of patrons.
  - In September 1994, the applicant scheduled and advertised an event at the restaurant featuring "the wickedest band alive." The band was scheduled to perform until 3:00 A.M., a violation of the special use permit condition regarding hours of operation. After that incident, condition 11 was amended to include prohibitions on advertising and charging admission to entertainment events.
  - In August 1995, the applicant received a zoning ticket for a similar event involving overcrowding and selling tickets, which required intervention by the Fire Marshall.
  - In April 1996, the Alexandria Police and Planning and Zoning staff stopped a two day entertainment event, being advertised with presold tickets, from occurring. It was at that time that the language in Condition #11 was amended to include the last sentence:

Live entertainment shall be limited to music and dancing as background for diners or to traditional Afghani performances. No admission or cover charge for entertainment may be required of patrons. Advertising that features entertainment as a destination is prohibited. Live entertainment and dancing is restricted to between 8:00 A.M. and 1:00 A.M., Monday

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through Saturday. The applicant shall be responsible for all entertainment at the restaurant. *A violation of this condition shall result in the automatic docketing of the permit for revocation by City Council.*

5. Since 1996, the restaurant has been the subject of three reviews. Other than a continual problem with the maintenance of its landscaping, the restaurant has not been cited for other violations until recently. Its last review was in September 1997.
6. Planning staff recently became aware that the restaurant management has been leasing a portion of the building to Patrick Cooper, operator of SupaDuper Entertainment, who was offering live entertainment events in the form of comedy shows and go-go dances. On May 5, 2001, during a go-go dance at the restaurant, Alexandria City Police were called to the restaurant in the early morning hours to break up fights and to restore order at the restaurant. 15 additional officers from Arlington County were necessary to assist due to the large number of disorderly persons at the restaurant. Further, the Police indicate that one person was stabbed and two other persons were arrested for disorderly conduct at that time.  
  
The Police also indicate that the music could be heard beyond the property line, that the incident occurred after 1:00 A.M., and that a cover charge was being collected at the door. (See attached memorandum and Patrick Cooper contract for the restaurant.)  
  
Staff is also informed that the May 5 event was one in a series of recent ones, and that the restaurant has been typically rented on Thursday, Friday and Saturday nights. In fact, Mr. Cooper complained to the police department about the police behavior when responding to a citizen noise complaint at the restaurant on March 24. On that evening, the music from the restaurant could be heard a full block away (see attached letters.)
7. The entertainment provided by Patrick Cooper is a violation of Condition #11 of the SUP in that the music was neither background music for diners or traditional Afghani music. The event was advertised, a cover charge was collected and the event was occurring after the closing hour of the restaurant and the time limit for entertainment. The restaurant also violated condition #7 which prohibits music so loud that it can be heard at the property line of the site. The special use permit has been docketed for revocation as required by Condition 11.
8. On May 8, 2001, Planning and Zoning staff and the Fire Marshal conducted a joint inspection of the restaurant. The Director of Code Enforcement has provided the inspection results in a separate memorandum (see attached). In addition to the illegal live entertainment, Planning staff has issued citations for the following violations:

- There are extensive weeds in the planting beds along the west of the parking lot and along Jefferson Davis Highway (Condition #18);
  - There are no street numbers to identify the property (Condition #21);
  - The doors to the dumpster enclosure have been removed and were observed to be leaning against a wall inside the enclosure (Condition #22);
  - The shed is painted gray with white paint randomly applied to the shed walls (Condition #23).
10. The special use permit approval was granted to Qasam Abbasi, and Condition #1 requires that the permit be under his control. According to the Police, Qasam Abbasi was removed from the application for an ABC License because under ABC policy, he was ineligible to obtain an ABC License. As a result, Qasam Abbasi was replaced on the ABC application by his brother Gul Ahmed Abbasi. The change in ownership without approval is an additional violation and approval of the new ownership is necessary if the restaurant is permitted to continue to operate.
11. Zoning: The subject property is zoned I/Industrial. Section 4-1203 (R.1) of the zoning ordinance permits restaurants only with a special use permit in the I zone.
12. Master Plan: The proposed use is consistent with the Potomac West small area plan chapter of the Master Plan which designates the property I/Industrial.

STAFF ANALYSIS:

Staff recommends that the special use permit be revoked. The event that occurred at the site on May 5 is precisely the type prohibited by Condition 11 and the reason for the prohibition is to avoid precisely the type of activity and consequences that occurred on May 5. Events that are large, loud, and late tend to attract very large numbers of patrons. When the number exceeds what may be reasonably accommodated, crowds create problematic, even criminal behavior. Even if crimes do not occur, such events, with their noise, cars and numbers create a nuisance for the City's neighborhoods and a drain on the City's resources. The recent entertainment events are a repeat of those that occurred several times during 1994, 1995, and 1996. The applicant was given full and fair warning at the time that the restaurant would be forced to close and the special use permit revoked if it occurred again.

For these reasons, staff recommends revocation of the special use permit.

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

✍

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

No comments were received from this department.

Code Enforcement:

See attached memorandum comments.

Health Department:

F-1 No comments.

Police Department:

See attached memorandum.

APPLICATION for SPECIAL USE PERMIT # 2001-0053

[must use black ink or type]

PROPERTY LOCATION: 2700 JEFFERSON DAVIS Hy

TAX MAP REFERENCE: 25.03-02-11 ZONE: I

APPLICANT Name: CITY of ALEXANDRIA

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

PROPERTY OWNER Name: \_\_\_\_\_

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

PROPOSED USE: REVOKE S.U.P. for RESTAURANT  
"AFGHAN RESTAURANT" by QASIM ABBASI

**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.

\_\_\_\_\_  
Print Name of Applicant or Agent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Mailing/Street Address

\_\_\_\_\_  
Telephone #

\_\_\_\_\_  
Fax #

\_\_\_\_\_  
City and State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Date

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

Application Received: \_\_\_\_\_  
Legal Advertisement: \_\_\_\_\_

Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_  
Property Placard: \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_



ALEXANDRIA DEPARTMENT OF  
PLANNING AND ZONING  
301 King Street, Room 2100  
Alexandria, Virginia 22314

TICKET NO 2179

**NOTICE OF VIOLATION**

**YOU ARE CHARGED WITH VIOLATING THE  
ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

5/18/01 Tuesday 11:30  
Date ticket served Day of Week Time AM/PM

Location of Violation: 2700 Jefferson Davis

Ord. Section: 11-505

Description of Violation: VIOLATION OF SLP  
CONDITIONS 21, 22, 23, 18, 11

Penalty \$: 50.00

1st  2nd  
 3rd/MORE

**IF THE VIOLATION IS NOT CORRECTED BY  
5/18/01 AN ADDITIONAL MONETARY  
PENALTY WILL BE ASSESSED.**

[Signature] ID Number 103  
Inspector's Signature

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.

VIOLATORS COPY - WHITE  
CITY ATTORNEY COPY - YELLOW  
FINANCE COPY - PINK  
PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON:  
KAZEMI, CHAN  
NAME: LAST FIRST MIDDLE

PROPERTY OWNER  
 COMPANY Aghan Restaurant  
NAME

MANAGER  
POSITION

OTHER  
2700 JEFFERSON DAVIS HWY  
ADDRESS ALEXANDRIA VA  
CITY/TOWN STATE ZIP

[Signature] DATE 5.08.01  
SIGNATURE DATE

I hereby acknowledge receipt of this Notice of Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE \_\_\_\_\_

**CERTIFICATE OF SERVICE**

Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent

Name of Person or Business Served \_\_\_\_\_

Address of Service \_\_\_\_\_

City/State \_\_\_\_\_

Posted true copy of this notice at the site of the infraction

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_  
Date Phone # \_\_\_\_\_

**WARNING**  
YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS

**1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:**

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

**2. TO REQUEST A COURT HEARING:**

- Check the "Contest in Court" box below and:  
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or  
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

**3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:**

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL PLANNING AND ZONING AT 703-838-4688

**FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE WAS ISSUED**

**YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:**

ADMIT VIOLATION  NO CONTEST  CONTEST IN COURT

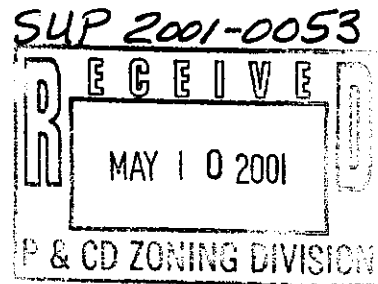
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

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

*City of Alexandria, Virginia*

MEMORANDUM



**DATE:** MAY 10, 2001

**TO:** BARBARA ROSS, DEPUTY DIRECTOR  
PLANNING AND ZONING

**FROM:** <sup>AD</sup> ART DAHLBERG, DIRECTOR, CODE ENFORCEMENT

**SUBJECT:** INSPECTION AT 2700 JEFFERSON DAVIS HIGHWAY

---

This is to provide you with the results of the inspection of the Afghan Restaurant located at 2700 Jefferson Davis Highway that was conducted on May 8. Deputy Fire Marshal Rodriguez conducted the inspection and cited a total 31 violations. Although there are numerous violations within this establishment, none are considered to be serious or life threatening in nature nor do they give sufficient cause to close the establishment.

The vast majority of the violations are considered routine housekeeping violations which are normally found in similar establishments. Accordingly, Deputy Fire Marshal Rodriguez has assigned the normal 30 day compliance date for correction of the violations. The following is a list of the violations cited during this inspection:

General

Conduct annual test of sprinkler system;  
Prepare fire evacuation plan for entire building.

Exterior

Clear shrubbery from Fire Department connection.

Banquet room

Repair exit light in ballroom;  
Remove double cylinder deadbolt from South exit door;  
Small stage incorrectly supported by milk crates;  
Relocate chandelier obstructing sprinkler head;  
Replace all painted sprinkler heads;  
Remove tape over sprinkler head near kitchen;  
Remove combustible storage in sprinkler room;  
Replace missing spar sprinkler heads;  
Eliminate extension cord on track lighting;



Re-install exit light near restrooms;  
Remove storage from exit corridor.

Restaurant

Repair all inoperative exit lights;  
Exit door in vestibule swings in wrong direction;  
Discontinue use of all extension cords.

Bar in banquet hall

Replace covers on damaged light switches.

Kitchen area

Hood system needs six month inspection;  
Remove lint accumulation on vents in kitchen;  
Remove all storage within 30 inches of main electrical panel;  
Mount portable fire extinguisher in kitchen;  
Discontinue use of extension cords to freezer.

Rear storage room

Remove all storage within 18 inches of sprinkler heads;  
Maintain clear aisles in storage room;  
Remove electrical cables running through doorways.

Office area

Remove side-by-side sprinkler heads in office;  
Remove extension cords in office area;  
Replace missing ceiling tiles in office.

The current occupant load posted within the restaurant is as follows:

Banquet/ballroom .....	140
Restaurant general seating area .....	<u>86</u>
Total permitted occupant load	226

If you have any questions regarding this report, please contact me on -4644 ext 110.

cc: Thomas M. Hawkins, Fire Chief

SUP 2001-0053

*City of Alexandria, Virginia*MEMORANDUM

DATE: MAY 21, 2001  
TO: PHILIP G. SUNDERLAND, CITY MANAGER  
FROM: CHARLES E. SAMARRA, CHIEF OF POLICE *CS*  
SUBJECT: AFGHAN RESTAURANT

The purpose of this memorandum is to provide input for the upcoming Special Use Permit revocation hearing of the Afghan Restaurant. I have assigned Captain Joseph Rosboschil, Commander of the Midnight Patrol Division, to review this matter. This executive summary will document activity recently handled by the Police Department, as well as follow-up efforts by Captain Rosboschil and his staff.

**Summary of the Events of May 6:**

The activities of the Afghan Restaurant have become an issue of concern as a result of a large fight that occurred at the business on May 6, 2001 at 2:33 a.m. On that date, police officers responded to the business as the result of a call for assistance from two Alexandria Sheriff's Department Deputies working an off-duty detail at the restaurant.

Upon their arrival, police officers observed a large disturbance involving approximately 100 patrons of the Afghan Restaurant. All available Alexandria Police officers were summoned to the restaurant to assist in resolving the fight and disturbance. Due to the large number of patrons involved, the on-scene commander requested assistance from the Arlington County Police Department to provide traffic control around the incident which would free up the Alexandria Police to make arrests. Once Arlington officers arrived and assumed the outer perimeter posts, the on-scene commander gave the order to make arrests. Once the crowd saw that arrests were being made, the crowd became orderly, and cleared out of the area in approximately fifteen minutes. The Police Department made two arrests during this incident.

During this incident it was discovered that one patron attending the event was stabbed during the incident. The victim of the stabbing, who was identified, refused to cooperate with officers investigating the incident and also refused medical treatment.

**Calls for Service:**

During the past six months the Police Department has responded to the Afghan Restaurant for disorderly persons, loud music, and fight calls on six separate occasions since November 11, 2000. The calls were as follows:

- \*November 11, 2000 / 1:20 a.m. - Noise complaint / loud party / children running in parking lot. (No criminal violations were found.)
- December 31, 2000 / 12:27 a.m. - Possible fight in progress (Gone on arrival)
- March 24, 2001 / 11:52 p.m. - Noise violation / loud party (The business was verbally warned by the responding officers.)
- \*March 25, 2001 / 2:01 a.m. - Fight in progress (Ended prior to arrival - no charges were placed)
- May 6, 2001 / 12:21 a.m. - Disorderly subjects leaving the restaurant (Parties were warned by the responding officers.)
- \*May 6, 2001 / 2:33 a.m. - Large fight involving more than 100 patrons (Two arrests were made during this incident. Nineteen Alexandria Police Officers responded and were assisted by Arlington County Police who provided traffic control for City officers who resolved the fight.)

\*denotes calls for service which were received by the Police Department after the hours of operation permitted by the SUP.

**Follow-up Investigation:**

Officer Seth Weinstein, of the Midnight Patrol Division, was assigned to follow-up on the activities of the Afghan Restaurant as part of a problem-solving project. The first task was to review the Special Use Permit issued to the Afghan Restaurant. In reviewing the SUP, it was discovered that many of the above calls for service which the Police Department responded to were possible violations of the SUP. In reviewing the calls for service, it appears that three of the calls for service occurred after the 1:00 a.m. closing time of the establishment, as documented in the SUP.

Officer Weinstein interviewed Deputies Traynham and Stubblefield, who had been hired to provide security on May 6, 2001. Deputy Traynham advised Officer Weinstein that they had been hired by Patrick Cooper, proprietor of SupaDuper Entertainment, on May 4, 2001, to provide security for a "Jazz Cabaret" on May 6. Deputy Traynham further stated to Officer Weinstein that Mr. Cooper rented the restaurant from the owners of the Afghan Restaurant, and

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was charging a fee of \$20 admission for patrons to enter the restaurant and attend the entertainment. Deputy Traynham related to Officer Weinstein that he noticed the crowd did not appear to be typical jazz patrons, and found out after he arrived that the performers at the event were a go-go band. Deputy Traynham also advised Officer Weinstein that Mr. Cooper also holds a Comedy Show at the Afghan Restaurant every Thursday evening.

A check of the business' license for the Afghan Restaurant was conducted and found to be in proper order. The license for the sale of beer at the Afghan Restaurant was current, while their license for the sale of wine and operation of a restaurant expired on May 9, 2001.

A review of the activities of the Alcoholic Beverage Control Board revealed the following activity:

- November 6, 1997 - Keeping Unauthorized Mixed Beverages (Fine)
- May 13, 1998 - Keeping Unauthorized Alcoholic Beverages (Fine)
- February 14, 2000 - Designated manager was not posted
- November 3, 2000 - Sale of alcohol to underage persons (Pending)
- November 30, 2000 - Unable to provide documents for inspection

In checking with Virginia ABC we learned that in May 1998, one of the owners listed on the ABC application, Qasam Abbasi, was not eligible to receive an ABC License under ABC policy. As a result of this ineligibility, Mr. Abbasi was forced to remove himself from the ownership group prior to ABC issuing the license to serve alcohol. He was replaced on the ownership group by his brother, Gul Ahmed Abbasi. It appears that Qasam Abbasi never removed himself from the ownership listed on the SUP.

#### **Meeting with Afghan Restaurant Management and Patrick Cooper:**

On May 10, Captain Rosboschil met with Chah Khazemi, a manager/owner of the Afghan Restaurant to discuss the public safety issues surrounding the incident of May 5, and the need to prevent any further occurrences. Through an interpreter, Mr. Khazemi confirmed that he had a contract with Patrick Cooper for him to utilize the business on some weekend evenings. Mr. Khazemi also confirmed that Mr. Cooper provides a Comedy Night for the restaurant on Thursday evenings. Mr. Khazemi further advised that they have canceled any future events until they get the problems with their SUP corrected.

While Captain Rosboschil was meeting with Mr. Khazemi, Patrick Cooper arrived at the business. Initially, Mr. Cooper claimed that he was being hassled because he was a young black man trying to run a legitimate business. Captain Rosboschil discussed at great length with Mr.

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Cooper why this was not the case. Moreover, Captain Rosboschil elaborated regarding the regulations applied to all legitimate businesses operating within the City and how these regulations are needed to protect the public, the business, and its employees. When asked about charging admission, Mr. Cooper advised he was not charging an admission fee. He advised that he was "showcasing" new talent, and the only guests that attended were by "invitation only." Captain Rosboschil advised Mr. Cooper that he needed to obtain a SUP to operate these types of events and referred him to Kathleen Beeton in the City's Office of Planning and Zoning should he wish to obtain a SUP for future events.

**Conclusion:**

In reviewing the activities of the Afghan Restaurant in which the Police Department responded, it is clear that the operation of the business through its owners/operators, and the people it contracts with, is clearly in violation of its SUP. Of the six calls for service during the past six months, three calls for service occurred after the operating hours of the establishment, two calls for service involved violation of the noise provisions of the SUP. This does not include the public safety concerns created by the events hosted at the restaurant.

The Police Department is closely monitoring the activities of the Afghan Restaurant. We have started conducting checks of the restaurant on the weekends to ensure this type of an event does not occur again in violation of the SUP. The current information we have received is that Mr. Cooper and SupaDuper Entertainment is now contracting with venues in Arlington County.

Should you have any additional questions please feel free to contact Captain Rosboschil at 838-4744 or me at 838-4700. Thank you.

cc: Barbara Ross, Planning and Zoning

Staff: Chief Charles Samarra  
Deputy Chief Joseph Hilleary  
Captain Joseph Rosboschil  
Lieutenant Dennis Butler  
Lieutenant Mark Uzzell  
Officer Seth Weinstein

A

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SUP 2001-0053

**AFGHAN RESTAURANT**  
2700 Jefferson Davis Highway  
Alexandria, VA 22301  
Lease information: (703) 491-9848  
General information: (703) 548-0022

**LEASE CONTRACT FOR FACILITIES AND SERVICES**

Name: PATRICK S. COOPER Phone: (H) 7/642-2086  
Address: 2400 MT. VERNON AVE Phone: (W) 7/684-6396  
City: ALEXANDRIA State: VA Zip 22301  
DATE OF AFFAIR SAT 05 05 2001  
Week Day Month Date Year

Purpose: Private Party Rental Time: 7:00 to 2:00

This agreement of lease made this 05 day of 05 2001 by Afghan Restaurant at 2700 Jefferson Davis Highway, Alexandria, VA 22301 and the above named lessee. Any and all proposals, reservations, agreements and contracts in respect to the use of services and facilities of Afghan Restaurant are made subject to all Afghan Restaurant rules and regulations and shall include, but not be limited to the following express terms and conditions:

- 1- Afghan Restaurant will provide the use of the following facilities, amenities and services to Lessee on the specified event date above.
  - A- Facilities include: Dining floor, Wet bar counter, Limited use of Kitchen (no cooking), 15' x 15' Dance floor, 8' x 8' Music platform, 8' x 8' Bridal platform, Bridal changing and makeup room, Women & Men rest rooms, Parking area.
  - B- Amenities include: Tables, Chairs, Linen, Napkins, Dishes, Plates, Tea cups and saucers, Glasses, Silverware, Ashtrays, Decorative center pieces, Bridal couch and table.
  - C- Services include: Setup and breakdown, Cleaning, Trash removal, Two waiters (9 PM - 1 AM)

2- Afghan Restaurant  Does  Doesnot provide catering services from their standard B-Day party Menu with a price of \$ 250 per person for 250 guests and a total charge of \$ 3,500.00

3- Rental Fee: A nonrefundable deposit of \$250 is required to reserve the Restaurant for the specified date. The balance of the rental fee and service charges is payable in FULL no later than 30 days prior to the date of the event. If the final payment is not received by this time, the date will no longer be held for the lessee and the deposit is forfeited.

OFFICE USE		
First Payment Amount	<u>3,500.00</u>	Date Received <u>03-03-01</u> Check # _____
Final Payment Amount	_____	Date Received _____ Check# _____
Additional Amount	_____	Date Received _____ Check # _____

I have read the policies and regulations governing the lease of the Afghan Restaurant and agree to abide by them. I understand that I will be held responsible for any damage (or violation listed under the Policies and Regulations of the Restaurant) incurred to the Restaurant facilities, its furnishings or grounds during the time I have rented the Restaurant. Should damages exceed the security deposit, I agree to pay the balance for the damages and any attorney fees incurred by the Restaurant. I further agree not to hold the Afghan Restaurant staff or owners responsible for any injuries by myself or my guests while on the premises.

Renter's Signature: [Signature] Date: March 03, 2001  
Restaurant Lease Coordinator: [Signature] Date: March 03 - 2001

SUP 2001-0053

**AFGHAN RESTAURANT**  
2700 Jefferson Davis Highway  
Alexandria, VA 22301  
Lease information: (703) 491-9848  
General information: (703) 548-0022

## LEASE POLICIES AND REGULATIONS

### AFGHAN RESTAURANT SHALL:

- 1- Provide the contracted services and facilities.
- 2- Provide a staff member to answer questions, assist and give guidelines.
- 3- Not assume any responsibility for damages theft or loss of personal belongings, merchandise or articles left in the Afghan Restaurant premises, prior to, during or following the patron's function.
- 4- Not be responsible for injuries accidental or otherwise and damages incurred by the renting party or members of his/her function due to the negligence or disturbance on the part of any or all attendees.
- 5- Hold the right to deny any future use of the Afghan Restaurant facilities to any renting party or associates of renting party who has abused the privileges and regulations.

### LESSEE SHALL:

- 1- Not exceed the fire regulations / seating capacity of the Restaurant.
- 2- Provide a person in charge:
  - a) The person in charge shall be present at the beginning and end of the event. If this person cannot be present during the ENTIRE event, the Restaurant staff must be informed prior to the event or the lessee risks the loss of security deposit
  - b) Upon arrival at the Restaurant, the person in charge MUST introduce him/herself to the restaurant manager on duty.
- 3- Keep the level of noise, especially that produced by sound equipment to a reasonable volume. The Restaurant's determination as to "reasonable volume" will be followed in all cases. The engagement of persons, equipment, or both, to perform recorded music for Dinner/Dance functions must be approved by the Restaurant in advance of the function date.
- 4- Be responsible for the conduct of all attendees in the use of said facilities and for damages and loss of property.
- 5- Guarantee there is no gambling, illegal drugs or any other unlawful and immoral acts being performed in the Restaurant premises, including the consumption or possession of alcoholic beverages or beer by any one under the age of 21.
- 6- May not bring in beer, soft drinks, wine or any other alcoholic beverages.
- 7- Not utilize staples, nails or tacks when decorating. Only tape will be allowed.
- 8- Not throw anything including birdseed, rice or confetti INSIDE the Restaurant. Birdseed and balloons can be used OUTSIDE the Restaurant.
- 9- Not use any red type punches/wine as these have been known to cause permanent stains in the carpet. If such a stain occurs and cannot be removed during the event, the security deposit will be forfeited and appropriate charges assessed.
- 10- Not enter the Restaurant earlier than the contracted time. The event must end at the time noted on the contract or risk losing the security deposit.
- 11- Agrees to pay for any violations in the rental times either before or after the scheduled event. Should the violation or any damages to the Restaurant property exceed the amount of the security deposit the renter agrees to pay the additional charges.
- 12- Be responsible for any rented equipment. The restaurant cannot sign for or be responsible for any rented equipment or its storage after function. Equipment must be removed after the function.
- 13- Be allowed to change the date of the rental 60 days or more in advance of the original rental date; provided the alternate date is available. Failure to do so will result in the loss of the security deposit and any payments made.
- 14- Be allowed to cancel rental agreement 60 days in advance of the original rental date. All cancellations result in the loss of the security deposit and a refund of the payment made to date (less security deposit) will be sent to lessee. Cancellations made less than 60 days in advance of the rental date forfeit all fees paid at the time.



Charles E. Samarra  
Chief

*City of Alexandria, Virginia*

*Department of Police  
2003 Mill Road  
Alexandria, Virginia 22314*

April 13, 2001

SUP 2001-0053



Telephone: (703) 838-4700  
Fax: (703) 838-6345

APR 13 10 3 19 AM '01  
COMMUNICATIONS OFFICE  
ALEXANDRIA, VA

Patrick S. Cooper  
CEO SupaDuper Entertainments  
2400 A. Mount Vernon Avenue  
Alexandria, Virginia 22301

Dear Mr. Cooper:

I am writing in response to your letter regarding the actions of the police department in response to a noise complaint at 2700 Jefferson Davis Highway on March 24. In your letter, you complained about the actions of a shift supervisor from the police department, whom we determined was Sergeant Wendy Maris. I asked Executive Officer of the Midnight Patrol Division Lieutenant Mark Uzzell and Sergeant Maris' immediate supervisor to thoroughly review this matter. The following is the result of Lieutenant Uzzell's review.

On the evening of March 24 and early morning hours of March 25, the police communications section received four citizen calls pertaining to the Afghan Restaurant at 2700 Jefferson Davis Highway. The first call was received on March 24 at 11:24 p.m. This call was received from an unknown source who complained about loud noise. The second call was received on March 25 at 12:11 a.m. from an unknown source who complained about loud noise. The third call was received on March 25 at 12:33 a.m. from an unknown source complaining about loud noise. The fourth call was received on March 25 at 2:01 a.m. from an off-duty Alexandria Deputy Sheriff, working as a security officer hired by the Afghan Restaurant, reporting a fight.

Section 11-5-4 of the Alexandria City Code states in part "Sound reproduction devices . . . operated between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible across property boundaries at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section." According to Sergeant Maris, while responding to one of the calls at the restaurant, she could hear the noise as she approached the intersection of Swann and Calvert Avenues. This is much farther than the 50 feet standard described in the Alexandria City Code Section.

Police officers handling noise violations must respond to all complaints they are dispatched to. On the first visit, if there is a violation, the officer gives a verbal or written warning (no fine attached) to the responsible party. On the second complaint, within seven (7) days, the officer may give a written noise violation notification (requiring a \$50.00 fine) to the



**Letter to Patrick S. Cooper**

**April 13, 2001**

**Page Two**

responsible party. On the third complaint, within seven (7) days the officer may issue a noise violation notification (requiring a \$100.00 fine) to the responsible party. On the fourth and subsequent complaints, within fourteen (14) days, the officer may issue a noise violation notification (requiring a \$500.00 fine) to the responsible party. The noise violation form also says "Failure to abate the violation within the time stated may result in the issuance of a criminal warrant or summons." There is no requirement for Alexandria Officers to use a noise measuring gauge.

It is the policy of the Alexandria Police Department to respond to all complaints made by citizens even when the citizen refuses to provide their identity. If the officer arrives on the scene of a complaint and finds that there is a violation of the law, they take the appropriate actions. If there is no violation, then the call for service is usually cleared as "unfounded."

According to Sergeant Maris, when she responded to the first noise violation, she found that there was a violation and discussed the problem with your security personnel. Sergeant Maris advised your security personnel that if two more complaints were received, the music would have to be shut down. There were two subsequent calls for noise violations that Sergeant Maris determined were unfounded. On the third call for a noise complaint, she notified your security people that she could not hear the music and that no further action would be taken by the police. This information was apparently not relayed to you.

It is the goal of the Alexandria Police Department to promote good relations between the police department and the citizens and business people in the community. I regret any misunderstanding about the series of events on the night in question. I hope the above information is helpful in explaining to you how Alexandria Police Officers handle noise violations. I appreciate the steps you have taken to ensure your events are well chaperoned and you can count on the Alexandria Police Department for assistance in the future.

Should you have any further questions or concerns, feel free to contact Lieutenant Mark Uzzell at (703) 838-4744. His normal work hours are between 10:00 p.m. and 8:00 a.m.

Sincerely,



Charles E. Samarra  
Chief of Police

cc: Councilman William Euille  
✓ City Manager Philip Sunderland

c:\wpdocs\patrol1\5248Cooper.wpd

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Chief of Police (Alexandria VA)  
2003 Mills Road  
Alexandria VA 2230

SupaDuper Entertainment  
2400 A. Mount Vernon Ave.  
Alexandria VA 22301

Dear Chief of Police:

I am writing you in regards to the actions of one of your shift supervisors March 24, 2001. At or about 12:30 a.m. the officer in question responded to a noise complaint at a SupaDuper event at The Afghan at 2700 Jefferson Davis Highway. Upon arriving at the scene, she approached two of my staff personnel (security) and informed them that there was a noise complaint. She then proceeded to say that she had received two complaints and that if she received another one she would shut the event down. She did not use a noise gauge nor did she question anyone on our point of view. Upon being informed of her being their, I came to the spot where the conversation had take place at which time she was departing. However there were three Alexandria police and my staff their when I arrived. While talking to them about the incident the police department received another complaint about alleged disorderly conduct and fighting in the parking lot. The complaint was totally false as witnessed by three officers on the scene. One of the officers then radioed back to the dispatcher and informed the dispatcher of his location and told them the report was unfounded. The officer then went one step further and offered to come to the complainant house in which time the complainant chose not to accept the offer.

My point in detailing the actions of this night is to illustrate how easily a false accusation by someone can wrongly disrupt or end an event if it's not fully and fairly investigated before an officer decide on the appropriate course of action. SupaDuper entertainment is a licensed entertainment company that service primarily the Northern VA area. In many ways my company's goals are the same as yours. We have a vested interest in providing top quality entertainment and an alternative to crime. We do this in a variety of ways. Such as developing local talent and contributing to the improvement of the community.

It is our sincere hope that we are able to work alone side your officers in achieving these common goals. Understanding that there will be times when people will be disruptive in social setting. My company employs trained professional security personnel to dispel those types of actions at our event immediately. I can assure you that we have no interest in negative activities of any type and will work with your officers concerning such activities at our events if the need arrives. In return I ask that your officer treat my clients, my staff, and my company with respect and exercise due process when investigating matters concerning my company's activities.

Thanks in advance



Patrick S. Cooper  
CEO SupaDuper Entertainments

7/684-6396

SUP 2001-0053



*City of Alexandria, Virginia*



DEPARTMENT OF PLANNING AND ZONING

301 King Street, Room 2100

P. O. Box 178

Alexandria, Virginia 22313

(703) 838-4666

FAX (703) 838-6393

May 21, 2001

Antonio and Maria Laliotis  
2700 Jefferson Davis Highway  
Alexandria, Virginia

Re: Afghan Restaurant SUP

Dear Mr. And Mrs Laliotis:

As owners of the property at 2700 Jefferson Davis Highway, where the Afghan Restaurant is located, we write to inform you that the restaurant has violated the conditions of its approval and has been scheduled for two hearings at which time the revocation of its special use permit may be considered. The Alexandria Police Department, the Code Enforcement Bureau, and our office have discussed this matter with the restaurant management several times. Enclosed is our recent letter to the restaurant, explaining its violations and the schedule for hearings on revocation of its permit. As owner of the property, you will also be receiving official notice of the hearings next week.

If you have any questions about this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Barbara Ross".

Barbara Ross  
Deputy Director

cc: Eileen Fogarty, Director  
Joseph Rosbochil, Lieutenant, Police Investigations

SUP 2001-0053 <sup>BK</sup>



*City of Alexandria, Virginia*



DEPARTMENT OF PLANNING AND ZONING  
301 King Street, Room 2100  
P. O. Box 178  
Alexandria, Virginia 22313  
(703) 838-4666  
FAX (703) 838-6393

May 11, 2001

HAND DELIVERY

Mr. Chah Kazemi, Manager  
Afghan Restaurant  
2700 Jefferson Davis Highway  
Alexandria, VA 22301

Re: SUP #97-0077

Dear Mr. Kazemi:

The Afghan Restaurant operates under the approval of Special Use Permit #97-0077, which includes several conditions and requirements. Condition #11 provides:

*Live entertainment shall be limited to music and dancing as background for diners or to traditional Afghani performances. No admission or cover charge for entertainment may be required of patrons. Advertising that features entertainment as a destination is prohibited. Live entertainment and dancing is restricted to between 8:00 A.M. and 1:00 A.M., Monday through Saturday. The applicant shall be responsible for all entertainment at the restaurant. A violation of this condition shall result in the automatic docketing of the permit for revocation by City Council.*

On May 8, 2001, the restaurant received a zoning citation for violating this condition in that there was a show featuring a go-go band on Saturday, May 5, and into the morning of May 6, for which a cover charge was required of patrons, and which was taking place after 1:00 a.m. In addition, there was a violation of Condition # 7 which prohibits music or amplified sound that is audible at the property line.

You are hereby directed to abate the violation and refrain from having any entertainment at the restaurant except for the type and under the terms specifically allowed. Under section 11-206 of the Alexandria Zoning Ordinance, your failure to do so will be punishable as a class 1 misdemeanor.

Condition #11 requires that the special use permit be automatically docketed for revocation by City Council. As I discussed with you yesterday, the case for revoking the restaurant's permit will

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be heard by the Planning Commission on June 5 at 7:30 p.m. and by City Council on June 9 at 9:30 a.m. Both hearings will take place in City Council chambers, 301 King Street, Alexandria. Your presence is required. If the special use permit is revoked, the restaurant will have to cease operations.

Finally, I am also advised that the ownership of the restaurant has changed since 1977. At that time the permit was granted only to Mr. Quasam Abbasi; I am informed that the current owners are Gul Ahmed Abbasi and Abdul Khan. The change of ownership of the restaurant without City Council approval constitutes another violation of the special use permit. The current owner must file an application with my office immediately to amend the special use permit to allow that owner to operate it.

If I can answer any questions, or you need additional information, please call Barbara Ross of this office.

Very truly yours,



Eileen Fogarty  
Director

cc: Barbara Ross, Deputy Director  
Felton Gilliam, Zoning Inspector  
Joseph Rosboschil, Lieutenant, Police Investigations

#21

Planning Commission Testimony on the Afghan Restaurant SUP, September 4, 2001

Chairman Wagner and Members of the Commission:

I am Katy Cannady. I live at 20 East Oak Street. I've always believed the maxim, "Taxes are the price we pay for civilization." ~~I hardly ever complain about my taxes.~~ Lately, however, I've had to question whether my Alexandria property taxes are buying the level of civilization to which I feel entitled.

In a civil society, we do not put the ~~welfare~~<sup>safety</sup>, even the very lives of others, at risk for profit. Yet we know that has happened at the Afghan Restaurant more than once. I've carefully read all the documents your staff put together after the massive brawl on May 5. ~~Q~~ Certainly the police report is titillating, but there are two other important documents. One is the report of the building inspector of an inspection that occurred just after the brawl. It shows that the banquet room was in a ramshackle condition with several obvious fire hazards. It directs the owners to remove the double dead bolt lock on the back door. It says the maximum safe capacity for the banquet room is 140 people.

Then there is the lease between the owners of the restaurant and Patrick Cooper. There is a reference to a "menu," but no information as to what if any food will be served. For the sum of \$3,500 dollars Mr. Cooper rented the room for one night for a maximum of 250 guests. I know as surely as I'm standing here, that there was an unwritten codicil to that contract that said, "Give us \$3,500 and do as you like afterwards." It wasn't the first time Mr. Cooper had operated the banquet room as if it were a nightclub with a cover charge in clear violation of a special use permit condition. As we know Mr. Cooper charged his "guests" \$20 each to enter the banquet room. He kept the place open until after 2 a.m. on May 5 when the brawl broke out.

We as a community are extremely lucky that no one, either a patron or an Alexandria police officer, was injured in the brawl. When a bar is operated late into the night, with no limits placed on patrons, violence, sometimes fatal violence, is a common result. I think we're also very lucky that a fire didn't break out at the illegal nightclub. Today we could be talking about patrons trampled or burned to death. It's only by the grace of God that those things didn't happen.

I know you have already said once last May that violations of a special use permit as egregious as those at the Afghan Restaurant merit termination. Mr. Abassi has always been a partner in the Afghan Restaurant. I do not have any faith that it will become a better place just because he bought out his partners. It certainly won't be a better place if the mild restrictions imposed by City Council are removed.

Revoke the special use permit again tonight. Say that we shouldn't tolerate dangerous, lawless behavior in Alexandria. Thank you.

# THE DEL RAY CITIZENS ASSOCIATION

P.O. BOX 2233      ALEXANDRIA, VIRGINIA 22301      ESTABLISHED 1954

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**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:**         August 30, 2001

**Subject:**     SUP #2001-0065, Afghan Restaurant; 1) Review of SUP ; 2) request to change the ownership and 3) increase hours of operation of a restaurant located at 2700 Jefferson Davis Hwy.

On August 29, 2001, our Land Use Committee met to discussed the subject SUP. As we had objections to the requests, we voted unanimously to deny approval based on the following.

- The applicant requests in effect a 2 month review. It is difficult to believe that staff has had sufficient time to adequately evaluate compliance. A review of the business at this time will postpone a 6 month review, as recommended by City Council, until March 31,2001.
- The applicant, Gul Ahmad Abassi, was a de facto owner of the business during the past ABC and SUP violations which began in November 2000.
- There continues to be calls for service to or near the site.
- There continues to be code violations.
- Given the seriousness of the SUP violation in May and general disregard for City regulations in the past, we view a restoration of the hours of operations to 1am, premature.

Should Planning Commission and City Council approve the request, in addition to those by Staff we ask that following conditions be made:

- Condition 4 should read that the hours of operation shall be limited to 7am until Midnight, as proposed by staff.
- Condition 24 should read ... shall docket the matter for consideration by the Planning Commission and the City Council no latter than December 31,2001.

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).

Matthew Natale  
3401 Martha Custis Drive  
(703) 578-3674  
September 4, 2001

Page 1

Dear Chairperson and Honorable Commission members,

It is often said that your first instinct is the right instinct. I think this particularly true for this application.

I commend the planning commission for their previous courageous decision to revoke the SUP necessary for this restaurants operation, and I urge the planning commission to stand firm in that wise initial stance and not retreat on this important matter.

The events of May 5 continue to be the most important facts at hand. 24 police officers from two ~~jurisdictions~~ were needed to handle over 100 rioters engaged in mob violence. It was only luck that no one was killed. It was called a "tragedy waiting to happen." And I believe it still is.

~~Like the Pines of Florence SUP discussed earlier tonight,~~ If such lawlessness is not enough to revoke <sup>or deny</sup> a SUP, I wonder what it is? We respect I ask will someone have to lose their life?

Please know that I have myself eaten at this restaurant and enjoyed its menu. But that's not the point here.

Merely going four months without a riot or a stabbing is hardly an act of contrition. And allowing the continued operation of this restaurant is not a penalty but a reward, and sends the wrong message.

53 #21/2001-0065



*Matthew Natale  
3401 Martha Custis Drive  
(703) 578-3674  
September 4, 2001*

*Page 1*

Please send the right message: Act without respect for the law and we will shut you down. Follow your own wise counsel and reject this SUP.

8/30/01

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

I am writing to express my support for the continued operation of the Afghan Restaurant located at 2700 Jefferson Davis Highway under the ownership of Mr. Hafiz Khan and Mr. Gulahmad Abassi and to permit them to return to their original hours of operation with a closing time of 1:00 a.m. My address is 412A E. HOWELL AVE. 22301. The Afghan Restaurant continues to be a good neighbor.

836-6999

Thank you.

Sincerely,

Karla Haver & family

One reason we love the  
Del Rey area is b/c of  
the Afghan restaurant.  
What a sad thing if my  
family had the choice  
of one of those chain  
restaurants on Rt. 1.  
I prefer that my children  
enjoy quality ethnic  
cuisine from our family  
restaurant the Afghan  
at 55

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

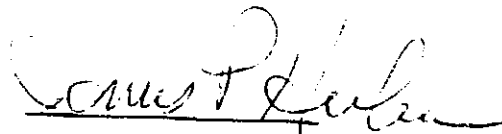
Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

I am writing to express my support for the continued operation of the Afghan Restaurant located at 2700 Jefferson Davis Highway under the ownership of Mr. Hafiz Khan and Mr. Gulahmad Abassi and to permit them to return to their original hours of operation with a closing time of 1:00 a.m. My address is 212 E Bell St, Alex The Afghan Restaurant continues to be a good neighbor. 22301

Thank you.

Sincerely,



Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

I am writing to express my support for the continued operation of the Afghan Restaurant located at 2700 Jefferson Davis Highway under the ownership of Mr. Hafiz Khan and Mr. Gulahmad Abbasi and to permit them to return to their original hours of operation with a closing time of 1:00 a.m. My address is 1226 Michigan St. Alexandria, VA. The Afghan Restaurant continues to be a good neighbor.

Thank you.

Sincerely,

Mary M. [Signature]

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

I am writing to express my support for the continued operation of the Afghan Restaurant located at 2700 Jefferson Davis Highway under the ownership of Mr. Hafiz Khan and Mr. Gulahmad Abassi and to permit them to return to their original hours of operation with a closing time of 1:00 a.m. My address is 8570 N. Randolph St, #1916 Arlington VA. The Afghan Restaurant continues to be a good neighbor.

Thank you.

Sincerely,

Eric Wagner

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

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Thank you.

Sincerely,

Herbert H. Richter

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

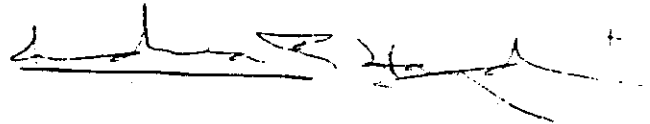
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Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Eric Wagner", written over a horizontal line.

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

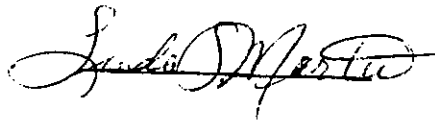
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Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Martin". The signature is written in dark ink and is positioned below the word "Sincerely,". There is a small, faint mark to the right of the signature.



Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

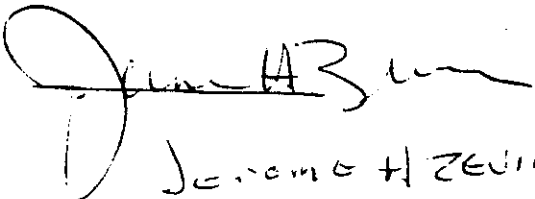
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Thank you.

Sincerely,

  
Jerome H. Zedler

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

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Thank you.

Sincerely,

Mary Sellen

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

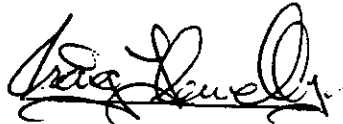
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Thank you.

Sincerely,



Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

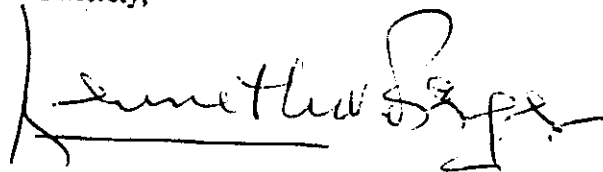
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Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth Sipe". The signature is written in black ink and is positioned below the word "Sincerely,". There is a horizontal line drawn under the signature.

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

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Thank you.

Sincerely,

Jordan Fisher

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

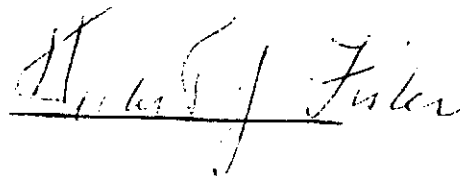
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Thank you.

Sincerely,

  
Stanley J. Foster

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

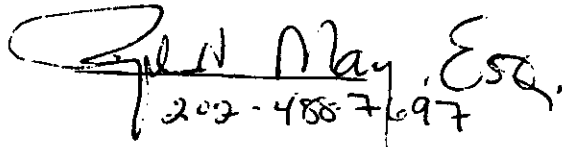
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Thank you.

Sincerely,

  
202-488-7697

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mr. Chairman and Members of the Planning Commission:

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Thank you.

Sincerely,



(703) 626-8588



Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

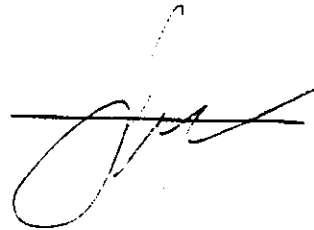
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Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Khan', written over a horizontal line.

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

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Thank you.

Sincerely,

Christocelli

Mr. Eric Wagner, Chairman  
and Members of the Planning Commission  
City Hall, Room 2100  
Alexandria, VA 22314

Re: SUP # 2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

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Thank you.

Sincerely,

Rebecca R. F. Bin

**STATEMENT OF SUPPORT FOR THE AFGHAN  
RESTAURANT**

The people of Afghanistan were ousted from their homeland and therefore fled to America for a place to resume a calm and peaceful livelihood. It is an integral part of an Afghan's identity to maintain the culture and heritage that were instilled in them in their homeland. Therefore, the Afghan culture places a great emphasis on community solidarity. The Afghan Restaurant's Banquet Hall is an excellent representation of a venue that offers the Afghan community a place to come together and celebrate their special occasions.

The Afghan Restaurant is also an asset to the citizens of Alexandria. It provides the community a taste of the authentic cuisine along with a glimpse into the culture of Afghanistan. The diverse clientele find this restaurant and it's staff very friendly and hospitable. It is essential that this restaurant is not taken away from the citizens of Alexandria and the people of Afghanistan.

Please provide your signature below as evidence of your active support.

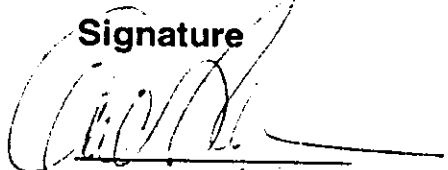
Name

Telephone

Signature

Carl F. Cameron, Ph.D.  
Carol L. Cameron

762 544 7289

  
Carl F. Cameron

We have been customers on a regular basis to the Afghan Restaurant for a number of years. We believe that they is one of the best restaurants in the Washington area. We have brought many of our friends from DC and Maryland to this unique experience. It is the only restaurant that we travel this far to go to on a regular basis. It has always been a relaxing and rewarding experience. There are few authentic restaurants with reasonable prices, especially to also share in the culture of our friends.

It would be a very great loss if this restaurant was not part of the Alexandria "scene". There are already too many "cookie cutter" restaurants in Alexandria -- none of which I frequent.

I would think the citizens of Alexandria would rise up and demand that this restaurant remain part of the culture of the city.

Friday June 15, 2001

Sincerely  
Carl & Carol Amer



Alexandria  
City  
Public  
Schools

*T. C. Williams High School*

DUP 2001-0065

3330 King Street • Alexandria, Virginia 22302 • Phone: 824-6800

March 11, 2000

Mr. Hashm  
Afghan Restaurant  
Alexandria, VA

Dear Mr. Hashm:

Thank you so much for your very generous contribution to the TC Williams Diversity Night International Supper. The flavorful pumpkin in sauce was not only delicious, but made an attractive addition to the table. The evening was very successful with at least 200 people in attendance. We ran out of programs but I am enclosing a xeroxed copy so that you can see that the Afghan Restaurant was recognized as a community participant. Once again, we appreciate your willingness to participate in this important event.

Sincerely yours,

A handwritten signature in cursive script that reads "Margaret Lorber".

Margaret Lorber  
PTSA Volunteer Coordinator

# THE DEL RAY CITIZENS ASSOCIATION

P.O. BOX 2233

ALEXANDRIA, VIRGINIA 22301

ESTABLISHED 1954

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**To:** Honorable Members of City Council  
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:** December 4, 2001

**Subject:** SUP# 2001-0065, Consideration of an SUP review and request to change the ownership and to increase the hours of operation of the existing restaurant.

During the November meeting of the DRCA, we discussed the problems and code violations that occurred at the Afghan Restaurant last May, and the problems that have occurred in years past. We recognize that the restaurant is an asset to both the Afghan community and residents of the DC metro area. Patrons of the restaurant say it has great food, and the restaurant provides a venue for traditional Afghan weddings. However, we are concerned that if the restaurant is given too much leeway, it will fall back into previous patterns of operating in an unsafe manner putting patrons and Del Ray residents in danger. In addition, residents who live near the restaurant are concerned about patrons parking on side streets taking away their already limited parking. The DRCA voted to support the requests recommended by staff with the following conditions:

1. The hours of operation will be from 7 am to 11 PM Sunday through Thursday, and from 7 am to midnight Friday and Saturday. (Evening Star, Monroe's, Tacqueria Poblano, Calvert Grille, Bombay Curry Company, Village Il Porto, Thai Peppers, and Los Amigos all close by 11:00 PM on weekdays)
2. Signs shall be posted at the parking lot entrances indicating that additional parking is available on the other side of Hume Ave at NTB.

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).

Testimony before Alexandria Planning Commission regarding special use permit conditions for the Afghan Restaurant, December 4, 2001

I am Katy Cannady. I live at 20 East Oak Street. Last May after the Afghan Restaurant brawl, our City Council chose to act with great generosity toward the owners of the restaurant by not revoking its special use permit. Instead they imposed a few sensible restrictions. These have worked out better than I thought they would, since after a history of noise complaints, altercations, and afterhours activity, there have been no further serious disturbances at the restaurant since last May.

Let's not tamper with success. Leave those restrictions in place. I actually find it surprising that the owners, two gentlemen who have been part owners of the restaurant since its start up, would want to make changes now. They want to stay open until 1 a.m. instead of midnight and rent their ball room to anyone not just participants in Afghani celebrations.

However, an examination of the staff reports suggests that the pre-May 5 period must have been very profitable. On the night of the big brawl, the owners were paid \$3,500 for one night's rental. There's no clear indication that food service came with the rental. I doubt that those 100 brawlers the police found on the parking lot had eaten much of that good Afghani food before they started duking it out.

May 5 was certainly not the only occasion when the restaurant was rented for loud late-night entertainment. Your staff report contains a letter about a noise complaint on March 24, another night when the restaurant was rented to the same Patrick Cooper who ran the go-go entertainment on May 5.

This community does not need to take even a small chance of having another drunken brawl anywhere in the city. These brawls are a civic embarrassment. They put people, including the police officers who must respond to them, at risk of injury and even death. We need a zero tolerance policy for all bar brawls. Keeping the special use conditions as they are at the Afghan Restaurant is a necessary part of that policy. Thank you.



EXHIBIT NO. 2

15  
12-15-01

**HART, CALLEY, GIBBS & KARP, P.C.**

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757  
FAX (703) 548-5443

OF COUNSEL  
CYRIL D. CALLEY  
ROBERT L. MURPHY

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

December 14, 2001

Mayor Kerry J. Donley  
c/o Ms. Beverly I. Jett, City Clerk  
City Hall, Room 2300  
Alexandria, VA 22314

Re: Docket Item #15, S.U.P. #2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mayor Donley:

As part of the above referenced application before you at the City Council Public Hearing tomorrow, the applicant requests deferral of its request to return its hours to a closing time of 1:00 a.m. on Fridays and Saturdays until the next six-month review in June 2002. Thank you for your consideration.

Very truly yours,

*Harry P. Hart*  
Harry P. Hart

cc: Abdul Hafiz Khan  
Gulahmed Abassi



15  
12-15-01

POUL HERTEL  
1217 MICHIGAN COURT  
ALEXANDRIA VIRGINIA 22314

---

Honorable Mayor and members of The City Council  
C/O City Clerk  
Alexandria City Hall

*December 14, 2001*

RE; Afghan Restaurant

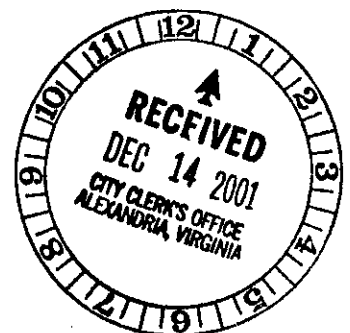
Honorable Mayor and Members of the Alexandria City Council;

The City Staff report succinctly conveys the issue, and I urge that the City Council follow the advice of the city staff analysis. Specifically, on page 9 the report states that "the recent example of best behavior is encouraging, but staff believes that a longer probationary period is necessary to ensure that the restaurant will not become a problem again".

The original contract between the restaurant and super duper gogo stipulation number 4 on page 44 shows an attempt to transfer responsibility of the activities to the renting party. The salient point is that the property is zoned industrial and therefore requires an SUP, which places all responsibility of the activities of the premises upon the SUP holder. The system cannot function without this direct line of responsibility.

The application is asking for a change of ownership and in so doing, is seeking a clean slate, as if the old SUP holder will carry away the responsibility of the negative activities at the premise. However, the argument is flawed. Staff has determined that at least one of the applicants has been operating the restaurant in lieu of the current SUP holder since 1998. Therefore the new applicants must carry forward the responsibility and the City should require accountability and ensure tranquility for the neighbors. Accordingly, maintaining the probationary conditions imposed by the City Council is the prudent measure to take at this junction. Thank you for your consideration.

  
Poul Hertel



#15

Matthew Natale  
3401 Martha Custis Drive  
(703) 578-3674  
December 15, 2001  
Page 1

15  
-----  
12-15-01

Honorable Mayor and Members of Council:

Hopefully today's action will bring to a close what has been a very unfortunate situation for the City of Alexandria.

Little more than six months ago, on May 5, over 2 dozen police officers from two jurisdictions were needed to handle over 100 rioters engaged in mob violence at this restaurant. And it wasn't a fight, or a brawl, or a melee. And 100 people simultaneously engaging in violence is a mob.

I emphasize these points because, whatever the outcome of this vote, it is important not to let history be re-written. It was not just a late night fight. It should have never happened even once. To the extent the events of May 5 are trivialized with the parsing of words, or dismissed as some now-distant event, creates a higher likelihood that a similar event could occur. It must always remain a cautionary tale.

Of course, I am pleased that the situation has improved at this restaurant. I believe the prospect of future reviews by planning commission staff was instrumental in this improvement. These reviews should continue for the indefinite future.



*Matthew Natale  
3401 Martha Custis Drive  
(703) 578-3674  
December 15, 2001  
Page 2*

Yet, while I support the planning commission recommendation to keep these slightly restricted hours, the wrong message has been sent.

It is now a fact that a restaurant can flout its SUP, have repeated police action, even a massive riot, and the punishment will be closing an hour early plus a promise to obey the law and not have anymore riots. Not exactly a severe punishment.

**Indeed, a stronger dose of fairness is required. At the very least, I urge Council to require the operators of this restaurant to reimburse the City for all costs incurred during the May 5 riot. This requirement, more than any other being considered currently, would help avoid anymore "May 5ths."**

SENT BY:

12-14- 1 : 4:32PM<sup>1</sup> ;

703-548-5443-

7038386433:# 2/ 2

**HART, CALLEY, GIBBS & KARP, P.C.**

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757  
FAX (703) 548-5443

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

OF COUNSEL  
CYRIL D. CALLEY  
ROBERT L. MURPHY

15  
-----  
12-15-01

December 14, 2001


Mayor Kerry J. Donley  
c/o Ms. Beverly L. Jett, City Clerk  
City Hall, Room 2300  
Alexandria, VA 22314

Re: Docket Item #15, S.U.P. #2001-0065  
Afghan Restaurant, 2700 Jefferson Davis Highway

Dear Mayor Donley:

As part of the above referenced application before you at the City Council Public Hearing tomorrow, the applicant requests deferral of its request to return its hours to a closing time of 1:00 a.m. on Fridays and Saturdays until the next six-month review in June 2002. Thank you for your consideration.

Very truly yours,

  
Harry P. Hart

cc: Abdul Hafiz Khan  
Gulahmed Abassi

SENT BY:

12-14- 1 ; 4:32PM ;

703-548-5443-

7038386433:# 1/ 2

# HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557  
TELEPHONE (703) 836-5757  
FAX (703) 548-5443

OF COUNSEL  
CYRIL D. CALLEY  
ROBERT L. MURPHY

## COVER SHEET FOR FACSIMILE TRANSMISSIONS

DATE/TIME: December 14, 2001

TOTAL PAGES SENT (INCLUDING THIS COVER SHEET): 2

TO: Beverly I. Jett

FIRM/COMPANY City Clerk/City Council Office

FAX#: 703-838 6433

FROM: Harry P. Hart

RE: Docket Item #15, S.U.P. #2001 0065

COMMENTS: Could you please distribute the enclosed letter regarding the applicant's request to defer its request to return its hours to 1:00 a.m. on Fridays and Saturdays to Council? I appreciate your help. Thanks.

IF TRANSMISSION IS INCOMPLETE OR ILLEGIBLE, PLEASE CALL:

Elizabeth at (703) 836-5757

ORIGINAL TO BE MAILED? YES  NO

NOTE: The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

CLIENT: Afghan Restaurant

# SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 15

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Harry P. (Bud) Hart
2. ADDRESS: 307 N. Washington SE  
TELEPHONE NO. (903) 836-5957 E-MAIL ADDRESS: \_\_\_\_\_
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? \_\_\_\_\_  
The Applicant
4. WHAT IS YOUR POSITION ON THE ITEM?  
FOR:  AGAINST: \_\_\_\_\_ OTHER: \_\_\_\_\_
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):  
\_\_\_\_\_
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES  NO

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

### Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

**APPLICATION for SPECIAL USE PERMIT # 2001-0065**

[X] Change of Ownership or [ ] Minor Amendment

PROPERTY LOCATION: 2700 Jefferson Davis Hwy.

TAX MAP REFERENCE: 25.03-02-11 & 25.01-04-21 ZONE: 1

APPLICANT Name: Afghan Restaurant by Abdul Hafiz Khan and Gulahmad Abassi

Address: 2700 Jefferson Davis Hwy., Alexandria, VA 22301

PROPERTY OWNER Name: Antonios S. and Maria K. Laliotis

Address: 2700 Jefferson Davis Hwy., Alexandria, VA 22301

SITE USE: Restaurant

[X] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. **THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

Harry P. Hart  
Print Name of Applicant or Agent

Harry P. Hart  
Signature

HART, CALLEY, GIBBS & KARP, P.C.  
Mailing/Street Address

(703) 836-5757 (703)548-5443  
Telephone Number Fax #

307 N. Washington St., Alex. VA 22314  
City and State Zip Code

6/15/01  
Date

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

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

Legal Advertisement: \_\_\_\_\_

Administrative Action: 12/4/01 Recommend Approval 7-0

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director, Planning & Zoning

**ACTION-CITY COUNCIL: 12/15/01PH--CC approved the Planning Commission recommendation.**