

*submitted by  
David Fromm*      10 g & i  
5-15-10



**DRCA letter of conditional support for Docket item #10, Hog Thaid Restaurant**

Bill Euille, Kerry Donley, Frank

**David Fromm or Amy Slack** to: Fannon, Alicia Hughes, Rob  
Krupicka, Del Pepper, Paul Smedberg

05/13/2010 11:34 PM

Cc: Jackie Henderson, "Dr. David Fromm"

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1 attachment



DRCA\_position\_on\_docket\_item\_10.pdf

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Mayor Euille and members of City Council,

Please find attached the Del Ray Citizens Association's letter of conditional support for Docket item #10 at the City Council's public hearing this Saturday, May 15th.

If you have any questions, please feel free to contact me.

Sincerely,

David Fromm, President

Del Ray Citizens Association

703.549.3412 (H)

202.404.4670 (W)

[president@delraycitizen.net](mailto:president@delraycitizen.net)

[www.delraycitizen.org](http://www.delraycitizen.org)

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Honoring our past, Celebrating our present, Envisioning our future!  
1908 - The Town of Potomac, Alexandria VA - 2008

# Del Ray Citizens Association

Established 1954  
delraycitizens@yahoo.com

P.O. Box 2233, Alexandria, VA 22301  
<http://www.delraycitizen.org>

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May 13, 2010

To: Mayor Euille and members of City Council,

Subject: DRCA conditional support for Docket item #10, Hog Thaid Restaurant

At the May 10<sup>th</sup> meeting of the Del Ray Citizens Association, the membership voted in support of the following motions relative to the Hog Thaid Restaurant:

- 1) To support conditions that also are consistent with staff report:**
  - a) No sales of alcohol for off-site consumption shall be allowed. *(Staff condition #12)*
  - b) No amplified sound shall be audible at the zoned commercial property line. *(Staff condition #18)*
  - c) Deliveries made from the restaurant shall use Mt. Vernon Avenue as the primary route of travel. *(Staff condition #27)*
- 2) To support conditions that also are consistent with staff report but strengthen them to require full SUP hearing to change:**
  - a) No outdoor dining shall be allowed adjacent to the building along Oxford Avenue. *(Amend staff condition #9 to require SUP hearing to change)*
  - b) No door shall exit onto Oxford Avenue. *(Amend staff condition #10 to require SUP hearing to change)*
  - c) No live entertainment or DJ shall be permitted. *(Amend staff condition #13 to require SUP hearing to change)*
- 3) To support hours of operation that differ from staff report:**
  - a) Indoor hours of operation shall be Su thru Th, 7AM to midnight; Fr & Sa, 7AM to 1AM. *(Amend staff condition #3 to allow later closing hours)*
  - b) Outdoor hours of operation shall be Su thru Th, 7AM to 10PM; Fr & Sa, 7AM to 11PM. The outdoor dining area shall be cleared of patrons and cleaned by the hour of closing. *(Amend staff condition #5 to allow later outdoor dining hours)*

As attachments to this letter, I have provided the Land Use Committee report and my President's Message, which were sent to the entire membership. The LUC report provides our analysis and reasoning behind the above motions, and my Message discussed past changes on Mt. Vernon Avenue and encouraged the members to make their voice heard. I have also attached the handout from the meeting that included the above motions.

**The order of the above motions was designed to build support so that the most contentious item – later hours – would be more acceptable.**

**We feel it is imperative that staff conditions #9, #10, and #13 be amended to require a full SUP hearing to change them. These conditions are important for protecting the immediate neighbors and should not be subject to minor amendments or possible future administrative modification. Without strengthening these conditions, we do not support the later hours.**

If you have any questions, feel free to contact me.

Sincerely,  
David Fromm, President  
[president@delraycitizen.net](mailto:president@delraycitizen.net)  
703-549-3412 (H), 202-404-4670 (W)

Enclosures: 1) Land Use Committee report, 2) May 2010 President's Message, 3) Meeting handout

*Celebrating 100 years of the Town of Potomac  
1908 - 2008*

## Land Use Committee Report *by Amy Slack*

April 8, 2010

2312 Mount Vernon Avenue, Hog Thaid, LLC

Special Use Permit request for a restaurant with 150 indoor seats (includes 31 seats at a bar), 16 to 20 seats outdoors on Mount Vernon Avenue and to include carry-out and home delivery operations

Concept: Quick, line-prep food; family/child friendly. A place within walking distance in the neighborhood to grab a bite or a drink later in the evening.

Three unique rooms, each with a different menu: Asian/Fusion, Sushi, and BBQ.

Hours of operation request has been amended from the original application to align with LUC recommendation.

Full ABC license for beer, wine and hard spirits; on premise only. Bulk of vendor deliveries to occur between 10 a.m. and noon in a designated loading zone on Mount Vernon Avenue or later in an on-site delivery space; two or more Sysco Foods Inc. deliveries per week to occur within 4 a.m. to 8 a.m. to the front of the restaurant and from Mount Vernon Avenue loading zone only.

No more than one vehicle to be used for home delivery.

Trash picked up four times a week or more often as needed.

Subject property involves two lots of record; restaurant is sited on CL zoned lot, parking is sited on R2-5 zoned lot. An 8-foot-wide green buffer will reduce impacts of the commercial use on adjacent residential use.

Restaurant meets the required parking 21 parking spaces on-site (includes 50% reduction allotted to new, Tier II construction projects).

Televisions but no live entertainment or video games.

Based upon ongoing discussions with Mr. Anderson, beginning in February 2010, that include: proffers by the applicant to install a Southern Pride model SPK-500 hybrid gas/wood cooker, FlameGard Type I ventilation filters, additional dilution exhaust ventilation devices used for the barbecue cooker and wok station, and certain other operational concessions; feedback from residents; and advice from members of City staff; the Land Use committee recommended to the Executive Board that we support the application with certain conditions that allow the applicant to keep hours of operation one hour later on Friday and Saturday evenings than any other CL zoned, neighborhood restaurants, yet discourages those same restaurants from attempts to increase their hours without corresponding efforts to decrease adverse impacts on the surrounding neighborhood (see table on pages 7-8 of the staff report). Furthermore, LUC agrees with City staff assessment concerning the proposed lockbox delivery by Sysco Foods to the front of the restaurant. It should be given a trial period and if it is problematic then the arrangement could be adjusted to a four-hour window beginning two hours later, or eliminated.

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

It is important to note that the hours of operation we support are

in recognition of the applicants' proffers regarding kitchen/ventilation equipment, restrictions of restaurant activity on Oxford Avenue and, most importantly, no live entertainment, a source of repeated problems elsewhere in Del Ray.

**LUC recommended and the Executive Board voted in support of the application with conditions beyond the standard ones City staff typically imposes regarding hours of operation, closing hours and the serving of meals, alcohol service, employee parking requirements and transit options, patron parking options, outdoor storage, litter, cleaning of kitchen equipment, trash and recycling, control of cooking odors and rodent abatement. We recommend the additional conditions:**

- **Indoor hours of operation shall be Sunday through Thursday, 7 a.m. to midnight; Friday and Saturday, 7 a.m. to 1 a.m.**
- **Outdoor hours of operation shall be Sunday through Thursday, 7 a.m. to 10 p.m.; Friday and Saturday, 7 a.m. to 11 p.m. The outdoor dining area shall be cleared of patrons and cleaned by the hour of closing.**
- **No outdoor dining shall be allowed adjacent to the building along Oxford Avenue.**
- **No door shall exit onto Oxford Avenue.**
- **No live entertainment or DJ shall be permitted.**
- **No sales of alcohol for off-site consumption shall be allowed.**
- **No amplified sound shall be audible at the zoned commercial property line.**
- **Deliveries made from the restaurant shall use Mount Vernon Avenue as the primary route of travel.**

Notes: 1) The City's standard SUP conditions read: Food or drink items ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and all patrons must leave by one hour after the closing hour. The outdoor dining area shall be clear of all patrons by the closing hour and the area cleared and washed.

2) For lack of business, almost all of Del Ray's restaurants do not stay open for the hours they currently are permitted. Those that stay open, often close their kitchens early.

3) City staff has recommended the hours of operation be: Sunday thru Thursday, 7 a.m. to 11 p.m.; Friday and Saturday, 7 a.m. to midnight. Outdoor dining would allowed daily, 7 a.m. to 10 p.m.

2802 Mosby Street, Home Child Day Care Center

LUC recommends support of the application to care for up to nine children in a private home in accordance with city and state regulations. The Executive Board concurred.

For lack of time, the committee was forced to defer discussions of Small Business Zoning Changes.

*Next meeting:* May 13, 2010, 7 p.m., Mount Vernon Recreation Center

Contact: landuse@delraycitizen.org

Topics: Subdivision request at 2 E. Glendale Avenue, SUP request at 2504 Oakville Street, discussion of a parking utilization/management study for Mount Vernon Avenue.

## President's Message

by David Fromm

When has there been enough change?

Twenty years ago or so, Mount Vernon Avenue was not considered a safe place to be at night. It was a street you crossed on your way to some place else. Many commercial properties were boarded up. Our homes were worth a quarter to a third of their current value.

And then came change.

There was a major updating of the zoning throughout the city. Capital improvements projects like the underground placement of electrical wires and installation of pavers were completed. Various planning efforts came and went, each making a contribution to the improvements of Del Ray and Mount Vernon Avenue. New residents first fixed up the houses then started making major additions. Entrepreneurs opened new businesses on the Avenue. People's wants and expectations changed.

Initially, it was a big deal for a new restaurant to be approved to serve beer and wine, then to serve mixed drinks and to have an actual bar with stools. It was a big deal when live entertainment was allowed or the first outdoor dining was approved. And over the years the approved hours of operation have slowly become later at night. In some ways, it has been an example of what is called "creeping normalcy."

With the proposed new restaurant at 2312 Mount Vernon Ave. (the new building across from the Del Ray Farmers Market), the issue of how much change is enough is at the forefront. There are residents and businesses that fully support the initial application, and those that feel we have "crept" far enough. Almost everyone supports the new restaurant, but the devil is in the details. I will focus on two issues here – the wood smoke from the BBQ smoker, and the hours of operation. (See Land Use Committee (LUC) report on page 6.)

The initial application had a 100 percent wood-fired smoker. Some people wanted the exhaust to be 100 percent filtered. The solution is probably somewhere between those two extremes.

The city does not have specific regulations except that the exhaust should not be a nuisance. Since retrofitting a solution can be expensive, it is in the applicant's best interest to deal with the issue while the restaurant is being built. In response to those concerns, the applicant amended the application to a gas-fired smoker that uses a few logs for flavor, employs some filtering and has a smoke dispersal system. The LUC and the Executive Board do not have the technical expertise to evaluate the emissions from the proposed system and have not recommended a position on this matter.

The initial application requested closing hours of 2 a.m., seven days a week in accordance with Virginia Alcoholic Beverage Control regulations. There are supporting residents who look forward to a late-night dining option, and business owners who look forward to increased foot traffic by possible patrons. There are other business owners that do not see the need for such late hours and there are residents concerned about late-night noise and drunkenness. The applicant has subsequently modified the request to match the LUC recommendation. Interestingly, City staff is recommending more conservative closing hours of 11 p.m., Sunday through Thursday; midnight on Friday and Saturday. Outdoor seating would end at 10 p.m. daily.

**I ask that DRCA members try to attend the May membership meeting where there will be a vote on the issues raised by this restaurant application. The LUC and the Executive Board work hard to represent the interests of the membership. If, in fact, the membership's wants and expectations are changing, it is particularly important that the membership express that with this vote.**

Please join us at 7:30 p.m. Monday, May 10, at the Mount Vernon Community School Auditorium. Childcare will be provided.

In addition to the restaurant vote, there will be a vote on the recommendation for regular traffic counts to monitor the impact of the development at Potomac Yard (see article on page 1).

DRCA conditional support for Docket item #10, Hog Thaid Restaurant

For the program at the membership meeting, local historian Lee Perna will give a talk on some of the history of Del Ray and the Town of Potomac. Lee contributed to the historical markers around our neighborhood. Over the past couple of years he has written several pieces for the newsletter. The most recent article was about Del Ray's massive blizzard in 1899.

<p><b>AGENDA - DRCA Membership Meeting, Monday May 10, 2010</b></p> <p>7:30 pm 1) Police and Code Reports 2) Nominations Committee Report</p> <p>7:45 pm 3) Land Use Committee Report on 2802 Mosby St, Home Child Day Care Center (Vote)</p> <p>7:50 pm 4) Land Use Committee Report on Small Business Text Amendment and Parking Study</p> <p>8:05 pm 5) Land Use Committee Report on 2312 Mt Vernon Ave, Hog Thaid Restaurant (Vote)</p> <p>8:30 pm 6) Land Use Committee Report on Zoning changes imposed by State of Virginia</p> <p>8:35 pm 7) North Potomac Yard Small Area Plan: Traffic Monitoring (Vote)</p> <p>8:40 pm 8) Announcements</p> <p>8:45 pm 9) Meeting Program: Del Ray &amp; Town of Potomac History by local historian Lee Perna</p>	<p><b>Motion on 2802 Mosby St, Home Child Day Care Center</b> To support the application to care for up to 9 children in a private home in accordance with City and State regulations.</p> <p><b>Motions on 2312 Mt Vernon Ave, Hog Thaid Restaurant</b> <b>1) To support conditions that also are consistent with staff report:</b> a) No sales of alcohol for off-site consumption shall be allowed. b) No amplified sound shall be audible at the zoned commercial property line. c) Deliveries made from the restaurant shall use Mt. Vernon Avenue as the primary route of travel.</p> <p><b>2) To support conditions that also are consistent with staff report but strengthen them to require full SUP hearing to change:</b> a) No outdoor dining shall be allowed adjacent to the building along Oxford Avenue. b) No door shall exit onto Oxford Avenue. c) No live entertainment or DJ shall be permitted.</p>
<p><b>To facilitate this evening's discussion:</b> Please stand and wait to be recognized by the Chair. When recognized, please give your name and your unit block address (e.g., J. Doe from 100 block of Your Street) Your remarks should be germane to the motion at hand. Your remarks should add something new, not repeat what has been said.</p>	<p><b>3) To support hours of operation that differ from staff report:</b> a) Indoor hours of operation shall be Su thru Th, 7AM to midnight; Fr &amp; Sa, 7AM to 1AM. b) Outdoor hours of operation shall be Su thru Th, 7AM to 10PM; Fr &amp; Sa, 7AM to 11PM. The outdoor dining area shall be cleared of patrons and cleaned by the hour of closing.</p> <p>Staff report recommendations: a) indoor hours of operation shall be Su thru Th, 7AM to 11PM; Fr &amp; Sa, 7AM to midnight. b) Outdoor hours of operation shall be 7AM to 10PM daily.</p>
<p><b>Notes:</b> Voting is limited to DRCA members with Regular, Business or Senior memberships. Associate members may not vote. Also, in accordance with the bylaws, new members admitted after the April 12, 2010 membership meeting are not permitted to vote (Section 3.04, Voting Privileges).</p> <p>All DRCA members may participate in the discussion. This is not a public hearing. The chair will limit participation by non-DRCA members. City Council will hold a public hearing on May 15th.</p>	<p><b>Motion on North Potomac Yard Small Area Plan: Traffic Monitoring</b> Request that the North Potomac Yard Small Area Plan be amended to require that traffic counts and the updating of the predictions of the transportation model be performed at timely intervals.</p>

SPEAKER'S FORM

DOCKET ITEM NO. 2

29

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

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Amy Slack

2. ADDRESS: 2307 E. Randolph Ave

TELEPHONE NO. 703 549 3412 E-MAIL ADDRESS: alscmf@earthlink.net

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? self

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.):

CIVIC

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 three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided 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 legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting 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. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and 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 legislative 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

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) 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 allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) 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 on, the speakers shall be called in the chronological order of their request forms' submission.

(e) 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.

SPEAKER'S FORM

2i

DOCKET ITEM NO. 2

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
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PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: David Fromm

2. ADDRESS: 2307 E Randolph Ave

TELEPHONE NO. 703-549-3412 E-MAIL ADDRESS: president@delraycitizen.net

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Del Ray Citizens Association

4. WHAT IS YOUR POSITION ON THE ITEM?  
FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ OTHER: X

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):  
Civic

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?  
YES \_\_\_\_\_ NO X

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