

SPEAKER'S FORM

DOCKET ITEM NO. 20

spoke

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: RUSSELL KELLER

2. ADDRESS: 520 JOHN CARLYLE UNIT 230

TELEPHONE NO. 703-566-0871 E-MAIL ADDRESS: kel0202@comcast.net

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? N/A

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.):
PROPERTY OWNER

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

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.

City Clerk
2(d)
3-12-11

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 22, 2011
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: FAROLL HAMER, DIRECTOR, PLANNING AND ZONING *FH*
SUBJECT: ZIKRAYET RESTAURANT
CHRONOLOGY OF STAFF INVOLVEMENT

This memo responds to Mr. Russell Keller's public comment at Council's Saturday, March 12 meeting by outlining City staff's work over the last three years responding to citizen complaints about Zikrayet Restaurant,

The City Attorney's memorandum of March 4, 2011 (Attachment 1) outlines the history of complaints, the legal parameters by which inspections have been undertaken, and the fact that no violation of city ordinance or SUP condition has been found to date. This memo provides additional detail as to the chronology of staff efforts to address Mr. Keller's complaints.

SUP Background

Two SUPs have been granted to owner Joyce Abdullah for Zikrayet restaurant at 540 John Carlyle Street. In September 2007, AUP#2007-0003 was approved consistent with the limited restaurant use standards allowed by the Carlyle SUP for administrative approval. City Council granted SUP#2007-0114 on January 12, 2008 for an increase in seating, increase in hours of operation, and the addition of live entertainment at the restaurant.

Enforcement activity in 2008

In response to complaints from two citizens regarding loud music and unruly customer behavior:

- Police responded to four calls for service; they found no noise violations.
- P&Z/T&ES staff inspected the site numerous times, including in the late night hours, and found no SUP or noise violations.
- P&Z/T&ES staff discussed the issues with the complaining parties on four occasions.
- P&Z/T&ES staff discussed the matter with Ms. Abdullah at least three times, including in two letters (see Attachments #2 and #3)

- After requested by staff and the landlord, Post Properties', the restaurant installed insulation in the ceiling and lowered the music speakers away from the ceiling.
- P&Z and T&ES staff visited Mr. Keller's residential unit above the restaurant during the daytime in order to perform noise tests. In Mr. Keller's residence, staff listened for sounds coming from the restaurant while the restaurant manager moved furniture and played music at a fixed level. Staff could not hear any music or furniture noise inside the unit. Staff then had the restaurant increase the volume of the music to its full extent, and still could barely hear it. In the restaurant, staff observed that pads had been placed on furniture legs and that music speakers, which had previously been installed just inches from the ceiling, had been moved down onto speaker stands. Staff's letter to Ms. Abdullah as a result of the site visit outlined that the restaurant was expected to maintain the status quo in order to keep noise to a minimum. (Attachment #3).

Enforcement activity in 2009

In response to complaints from two citizens regarding loud music, unruly customer behavior and cigarette/hookah smoking

- Staff visited the restaurant on 12 occasions in 2009.
- Eight of these visits were conducted by the Police Department in response to calls for service, typically regarding loud noises and customer behavior outside of the restaurant. None of these calls for service resulted in citations issued for noise violations.
- P&Z/T&ES staff inspected the site several times, including in the late night hours and found one violation.
- A zoning citation was issued by zoning inspector for posted 2:00am closing time instead of 1:30 am as required by SUP. Violation was corrected immediately.
- P&Z/T&ES corresponded with the complaining parties and Ms. Abdullah on several occasions, including COA responses (attached)
- P&Z/T&ES coordinate work with Police. Captain Hooper directs officers to visit the site every night to check for problems.
- Officer Roy visits restaurants three times regarding zoning complaint of nightclub operation with cover charge, etc, and later than allowed closing time. Officer Roy did not observe any nightclub type behavior including money exchanges at the entrance. Music was not unreasonably loud and customers left premises in accord with SUP.

Enforcement activity in 2010

In response to renewed complaints from Zikrayet neighbors regarding loud music and other noises, as well as cigarette and hookah smoke, coming from the restaurant:

- Staff visited Zikrayet restaurant 39 times in 2010, with 36 of these visits conducted by the Police Department in response to calls for service,
- P&Z/T&ES visit the site several times to inspect for violations, including during late night hours. No unreasonably loud music or patrons were observed. Customers left the restaurant in an orderly manner.
- P&Z/T&ES meet with restaurant owner, landlord representative, and Carlyle Square Condo Board representatives at the restaurant to discuss complaints and solutions.
- P&Z/T&ES discussions with Condo Board president, who explains that the Board will not be taking a formal position in opposition to the restaurant. P&Z nevertheless attempts to meet with Condo board, but meeting does not occur.
- P&Z/T&ES respond to video purporting to show outdoor entertainment; video does not show outdoor entertainment.
- P&Z/T&ES staff communicate numerous times with Ms. Abdullah.
- Chief Earl Cook met with Russell Keller to discuss his complaints. As a result, Chief Cook directed police staff to initiate Police Incident Reports for any calls for service at the location for a period in order to thoroughly document our findings and actions when responding to calls. A total of ten reports were generated between 7/1 – 9/9 when the requirement was lifted. Seven of the reports relate to noise complaints. Officers were directed to approach the business from varying directions and with their windows open to ensure they could hear any noise. The findings on all complaints were that the music was not audible from outside the business and no citations were issued.
- P&Z/T&ES/Police seek city attorney assistance as to details of noise ordinance enforcement.
- P&Z and Police (Deputy Chief Aden and all Sector Commanders) held a joint training/information session regarding Special Use Permits and noise ordinance enforcement, including at Zikrayet Restaurant. Joint decision on coordinated enforcement and communication for future actions.
- P&Z/T&ES/Police/CAO meet with three neighbors and the City Attorney's office representative to discuss the history of enforcement, the enforcement processes in the City, the recent City Attorney interpretations regarding noise enforcement and the limitations on the City's authority to require the applicant to make further changes.
- Staff compiled a full list of complaints raised and potential solutions offered by the neighbors at the meeting (see Attachment #4)
- P&Z staff met with Ms. Abdullah with the list of complaints and the list of possible solutions, several of which, including designating an employee to clean up cigarette butts, hiring security personnel to check for unruly customers and instituting an outdoor dining closing hour of 11:30pm, she had already taken.

Enforcement in 2011

Staff enforcement activities have been more limited during the winter months.

- Police have visited the restaurant nine times, most recently on March 13, 2011, in response to calls for service regarding loud noises. No noise has been audible outside of the restaurant on each occasion and no tickets have been issued.

Staff will be meeting in the near future to discuss the above history and to consider its options going forward.

STAFF:

James K. Hartmann, City Manager

Michele Evans, Deputy City Manager

Rose Boyd, Special Assistant to City Manager

Barbara Ross, Planning and Zoning

William Skrabak, Office of Environmental Quality



Capt. Tammy Hooper, Police


ATTACHMENTS:

1. Memorandum 3/4/11 from James Banks to City Council
2. Correspondence 6/25/08 Josephson to Abdullah.
3. Correspondence 8/15/08 Josephson to Abdullah.
4. Correspondence 9/13/10 Randall to Keller
5. COA correspondence 5/08 through 7/09.

MEMORANDUM

TO: THE HONORABLE MAYOR
AND MEMBERS OF COUNCIL

FROM: JAMES L. BANKS, JR., CITY ATTORNEY 
JOANNA C. ANDERSON, ASSISTANT CITY ATTORNEY 

THROUGH: ROSE WILLIAMS BOYD, 
SPECIAL ASSISTANT TO THE CITY MANAGER

DATE: MARCH 7, 2011

SUBJECT: COMPLAINTS AT ZIKRAYET RESTAURANT

This responds to requests for information regarding citizen complaints about Zikrayet Restaurant.

Background

Zikrayet Restaurant, at 540 John Carlyle Street, is located on the first floor of the Post Properties residential condominium building located at 501 Holland Lane. Residents of the condominium units above the restaurant have complained generally about noise from the restaurant's entertainment and customers. Specifically the complaints relate to 1) loud music and other noises (including stomping) coming from inside the restaurant late at night, 2) loud noises coming from customers outside the restaurant, 3) possible live entertainment occurring in the outdoor dining area, and 4) cigarettes and litter along John Carlyle Street. The complaints typically occur during the summer months. The owner of the restaurant also complains that the neighbors' constant complaining has hurt her business.

Special Use Permit

A Special Use Permit (SUP) for Zikrayet Restaurant was approved by the City Council on January 12, 2008. The SUP allows for 130 indoor seats and 56 outdoor seats; hours of operation of 7 am – midnight, Sunday through Wednesday and 7 am – 1:30 am, Thursday through Saturday¹; and entertainment including a large screen TV and a DJ on Thursday through Saturday.

City's Response to Complaints

Both Planning and Zoning and the Alexandria police department have responded to numerous complaints over the last three years. The complaints have been investigated

¹ The SUP includes a condition that allows meals ordered before the closing hour to be served and requires that all patrons must leave by one hour after the closing hour, so patrons could be at the establishment until 1 am on Sunday through Wednesday and 2 am Thursday through Saturday pursuant to the SUP.

thoroughly, with numerous inspections, including late night visits as customers, and visits within the apartments of the complaining residents. Noise readings and dimensional measurements have been taken. Staff has held meetings with the restaurant, the landlord, and with the residents to discuss the results of the inspections and to reach resolutions of the problem. To date, city staff have not found any violations of the SUP or the City Code.

After the first complaints in 2008, the restaurant owner took some actions such as sound proofing the ceiling of the restaurant and relocating the speakers from the ceiling to the floor. These measures seemed to mitigate the concerns when they were taken but have proven not to be sufficient to resolve all of the neighbors' concerns. In 2010, in response to complaints about the noise level of customers leaving the restaurant or occupying the outdoor seating, the restaurant hired a security guard to monitor the entrance. According to the restaurant, it has kept the noise volume at the level agreed to in 2008 with staff and the neighbors.

The most recent meeting with the residents occurred in August 2010. Staff from Planning and Zoning, the Office of Environmental Quality, the Police Department and the City Attorney's Office met with the residents and explained that staff had not found violations of the SUP or the City Code. Our office explained the legal interpretations relevant to the complaints made, the SUP and the noise regulations.

Analysis of SUP and Code Requirements

The SUP for this restaurant allows the restaurant to have entertainment and there are no conditions limiting the type or scope of entertainment permitted, except for the standard condition which provides: "Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible from the property line." There are no loudspeakers on the building and there is no outside entertainment. While the sound can be heard within the apartments directly above the restaurant, for purposes of applying this zoning approval, the property line is considered to be the exterior boundary of the property and the noise from the restaurant cannot be heard outside the building or at the closest property line. The other complaints regarding people loitering and being loud outside the building as well as littering are not addressed by conditions in the SUP and have not been confirmed when city staff investigated them.

As to potential noise code violations, section 11-5-4 (b)(2) addresses sound reproduction devices similar to what the restaurant uses. This City Code section prohibits sound reproduction devices "...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..." The appropriate interpretation of this rule as applied to this restaurant prohibits noise that can be heard at a distance 50 feet or greater from the device that produces it, or on the 4th or 5th floor of the residential building. It is our understanding that the noise cannot be heard from the 4th or 5th floor of this building. Therefore, there is no violation of this section of the City Code.

In response to a request that the City consider revoking the SUP, we have explained that Section 11-506(A) of the Zoning Ordinance allows revocation only “upon proof that the holder of the permit [SUP] has failed to comply with any law, including, without limitation, the conditions subject to which the SUP was granted.” A SUP is a vested approval and as such it cannot be revoked without clear proof of a violation of the SUP or the City Code. Revoking a SUP is a rare occurrence and typically would only occur after clear violations of the City Code or the SUP have been documented and not resolved. The complaints raised and investigated in this case do not rise to that level at this time.

cc: Barbara Ross, Deputy Director, Planning and Zoning
Tammy Hooper, Alexandria Police Department
William Skrabak, Office of Environmental Quality



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

June 25, 2008

Joyce Abdallah
Zikaryet Restaurant
540 John Carlyle Street
Alexandria, VA 22314

Dear Ms. Abdallah,

This office has received several complaints concerning the operation of the restaurant at 540 John Carlyle Street, known as the Zikaryet Restaurant. The complaints have been about noise from music within the restaurant as well as noise from patrons leaving the restaurant late at night.

The residential neighbors of your restaurant have been kept up or awoken by noise late at night. They have cited noise coming from furniture moving inside the restaurant until as late as 3:30 am, unruly patrons making loud phone conversations on the sidewalk on Emerson Street until 2:00 and 2:30 in the morning, car engines revving and cars honking and squealing their tires, and workers using the sidewalk on Emerson Street for smoke breaks and listening to loud music. In response to these noise issues, they have asked the City for police patrols, earlier closing hours of the restaurant and ultimately, revocation of your SUP.

Prior to initiating any action to revoke your SUP, we would hope that these problems can first be resolved to the satisfaction of all involved. Per your SUP, there should be no noise audible from the property line. This means no noise generated from the restaurant should be heard by residents of the units above and near the restaurant. Also, patrons of the restaurant should be advised that they are entering and leaving an area that includes people's homes and should be mindful that loud noises may disrupt the peace and enjoyment of nearby residents.

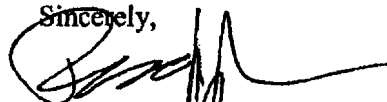
I would like to schedule a meeting of the parties involved and discuss ways in which all can participate to help resolve these problems. We will try this approach first and see if we can obtain positive results. If this approach does not work, we will consider bringing the SUP back for review.

Please let me know when you are available to meet in the next 2-3 weeks. I will ask that someone from Carlyle Square be present in this meeting as well.

Thank you and I look forward to meeting with you and your neighbors to resolve these issues.

Should you need to contact me, please feel free to do so at 703-838-4666.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rich Josephson', with a long horizontal flourish extending to the right.

Rich Josephson
Deputy Director

Cc: Post Properties, 1921 Gallows Road, Suite 120, Vienna, VA 22182
Joyce Abdallah, 4588 Eisenhower Avenue, Alexandria VA 22304
Joyce Abdallah, 104 Browns Mill Drive, Alexandria, VA 22304
David Baker, Chief of Police
Rose Boyd, Director, Citizens Assistance
✓Russell Keller



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

August 15, 2008

Joyce Abdallah
Zikrayet Restaurant
540 John Carlyle Street
Alexandria, VA

Re: Site Visit to Zikrayet Restaurant, August 7, 2008

Dear Ms. Abdallah,

City staff conducted a site visit at the Carlyle development on August 7, 2008, at 10 am. The purpose of the visit was to determine the extent of noise emanating from within the Zikrayet restaurant detectable from a residential condominium dwelling unit located immediately above the restaurant. We were met at the site by Russ Keller, owner of the condominium unit located immediately above the restaurant and by Alexis Fleites, manager of the Zikrayet Restaurant.

The restaurant was not open for business at the time of the visit. We entered the restaurant and observed the location of seating in the main part of the restaurant, in the bar area, and in a small "lounge" area. All of the seating appeared to be movable, except for some of the stationary seating in the lounge. There were portable chairs located in the lounge, which the manager, Mr. Fleites, said were moved occasionally to accommodate groups of patrons in the restaurant. We also observed three large speakers in the restaurant that were situated on speaker stands approximately 2-3 feet below the ceiling. Two of these were located in the area of the restaurant facing the John Carlyle Street frontage. The other speaker was located in the bar/lounge area. These speakers had previously been mounted on a wall or column in the restaurant and placed very close to the ceiling.

We asked Mr. Fleites to play music from the restaurant's stereo system. He indicated that the music was regulated not to exceed a certain volume level and he played the music at that level for us to hear. We told Mr. Fleites that we would like to hear the sound of chairs and tables being moved around the area of the lounge and the sound from the stereo at the regulated level, and that we wanted to hear the effects of these sounds from Mr. Keller's condo. We then proceeded to Mr. Keller's condo on the floor above the restaurant.

Mr. Keller advised that the sound was greatest from his bedroom area. We entered the bedroom area and then instructed Mr. Fleites to move chairs and tables in the restaurant below. Erica Bannerman from T&ES had a noise meter, which she used to measure the noise level in the condo. There was no discernible noise measured by the meter or detectable by ear in the condo from moving furniture. We then asked Mr. Fleites to turn up the volume of music in the restaurant and again, there was no detectable measure by meter or by ear. Mr. Keller also mentioned that there was an occasional mechanical sound, like a fan or exhaust or air conditioner, that he could detect from his bedroom closet. No one present detected that sound during our visit to the condo. It should be noted that there was construction and vehicle (refrigerated delivery truck) noise outside at that time of day that would not be present late in the evening.

Mr. Keller had commented at the outset and throughout the site visit that he had not detected the same noises recently from the restaurant that he had detected and which caused him concern in the past and was very appreciative of that. This was borne out by what staff heard and observed. He was concerned that this may be a temporary solution and that the noise may return at some future time, such as when there are large parties or groups in the restaurant. We also discussed noise from patrons leaving the restaurant late at night. It was pointed out that there was a police substation on the next block of John Carlyle Street and that having a police presence in the area could help control noise from patrons leaving the restaurant late at night.

Staff drew several conclusions from the site visit:

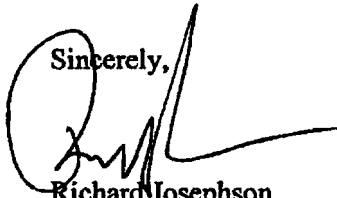
1. there were no detectable sounds in Mr. Keller's condo from moving chairs and tables in the restaurant at the time of our visit
2. there were no detectable sounds in Mr. Keller's condo from music playing in the restaurant at the volume played at the time of our visit
3. there were no detectable mechanical sounds in Mr. Keller's condo in the bedroom closet area at the time of our visit
4. the placement of speakers in the restaurant on speaker stands away from the wall and ceiling seemed to reduce or eliminate the sound of music detectable in Mr. Keller's condo.
5. the regulation of the volume of music in the restaurant, particularly the base tones, helps reduce potential externally detectable noise
6. the use of pads on furniture legs seemed to help reduce the noise impact in Mr. Keller's condo

Based on the above site visit and conclusions reached by staff, the following actions should be taken by the Zikrayet Restaurant to assure that the operations of the restaurant will not have a negative impact on residents of the adjoining condominiums:

1. Maintain interior speakers in present location on speaker stands away from walls/columns and separated from ceiling

2. Maintain sound volume of music at level demonstrated at site visit with particular attention to the base setting.
3. Maintain padding on table and chair legs in good condition to reduce noise
4. Post/display restaurant hours at front entrance to restaurant
5. Provide name and contact phone number for manager on duty at all times to Carlyle Square condo association, City Planning and Zoning office and Police Department
6. Meet again with staff on site in 3 months – early to mid November

I want to thank everyone who participated in the site visit. It was a positive experience and all who were there were interested in finding solutions. With the above actions, I feel confident that the residents of Carlyle Square and the Zikrayet Restaurant can live and work together. Please feel free to let me know if you have any questions or comments.

Sincerely,

Richard Josephson
Deputy Director

cc: Richard Bray, Planning and Zoning
Erica Bannerman, Transportation and Environmental Services
Al Cox, Code Enforcement
Russ Keller *
Catherine Howell, Post Properties

Nathan Randall

From: Nathan Randall
Sent: Monday, September 13, 2010 4:47 PM
To: kel0202@comcast.net; chanda fields; Tianyao Sun
Cc: Barbara Ross; Peter Leiberg; Joanna Anderson; Scott Patterson; Tamara Hooper; Erica Bannerman; Lalit Sharma
Subject: Zikrayet Meeting

Mr. Keller, Ms. Fields, and Mr. Sun,

Thank you for meeting with City staff on August 25th to discuss your concerns about Zikrayet restaurant. Based on our discussion, and your additional communication, it is our understanding that you have the following concerns with Zikrayet:

1. Loud music and other noises (including dancing/stomping and moving furniture) coming from inside the restaurant late at night.
2. Loud noises coming from customers, staff and others outside the restaurant late at night.
3. Possible live entertainment occurring in the outdoor dining area.
4. Cigarettes and litter along John Carlyle St.
5. Serving of alcohol after hours and customers leaving the restaurant with alcohol in their hands.
6. People congregating and smoking on the sidewalk, from customers or staff, using hookahs or cigarettes.
7. Restaurant is operating as a night club, with cover charge and dancing girls.
8. Music inside the restaurant keeps going after 1:30am.

As we mentioned in our meeting, City staff is constrained by City Code, the Zoning Ordinance, and the SUP regarding solutions to these problems. There is no expiration date on SUPs. Revocation of SUPs is rare and would be recommended only when a series of violations occurs that is unresolved. Furthermore, the City has not yet observed a violation of SUP conditions, City Code, or the Zoning Ordinance.

Nevertheless, the City plans to meet with the restaurant owner to share your concerns and suggest potential solutions. In most cases, if not all, the City does not have the legal authority to require the applicant to make changes. However, we will ask the restaurant owner to make improvements or changes to alleviate your concerns and to generally be a good neighbor. Here is a list of possible improvements or changes, many of which you offered at our recent meeting:

1. Add double doors to each of the entrances to lessen the impact of sounds coming from the doors when they are open.
2. Install carpets on the floor, whether throughout the restaurant or in a dedicated dancing area.
3. Control music to levels agreed to between Mr. Keller and the owner in the summer of 2008.
4. Add a no loitering sign, if staff determines that the loitering laws would be effective for the types of concerns involved
5. Ask workers not to congregate outside the restaurant.
6. Specify an area for outdoor smoking.
7. Install awnings to potentially mitigate cigarette smoke and noise from traveling up to the residential units above the restaurant.

We will keep you updated on our progress on these issues. Thank you again for meeting with us.

Nathan Randall

From: Russell Keller <kel0202@comcast.net>
Sent: Thursday, May 29, 2008 2:39 PM
To: Rose Boyd; Elaine Scott
Subject: COA Contact Us: Noise Problem and SUP
Attachments: 5fa18baecb9041b80ee1d9cfa0736de0.doc; ATT19440

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] **IP Address:** [129.246.225.90]

Issue Type: Rose Williams Boyd
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net
Subject: Noise Problem and SUP

Madame,
I am attaching a letter regarding an ongoing noise problem with the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your assistance in seeing that this letter gets to the appropriate departments,

Comments: particularly Planning and Zoning, DEQ, Police and City Manager. I look forward to hearing from you how the City will address this problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc

29 May 2008

Russell A. Keller
520 John Carlyle Street, Unit 230
Alexandria, Virginia 22314
703-845-2535 (W)
703-566-0871 (H)
kel0202@comcast.net

Greetings,

This letter concerns the Zikrayet Lebanese Restaurant and Lounge at 540 John Carlyle Street, 22314, at the corner of John Carlyle and Emerson.. Since opening roughly 3 weeks ago they have routinely played extremely loud music until 2 AM on Thursday, Friday, and Saturday night's. This music can clearly be heard through the floor of my condominium as well as neighboring condominiums. The police have been called twice and have both times, commented that the music was excessively loud, and went to the owner and directed them to turn it down. The only reason the police have not been called more often is because our HOA asked us to reserve action until they could talk to the owners and I have been out of town 2 of the weekends.

I have researched their special use permit as well as their application and have a number of problems.

1. I can find no place in the zoning code where it discusses "bars, lounges, etc." in a mixed zoning location. Loud, techno dancing music is a dance club, bar, etc., not a restaurant.
2. The SUP clearly states that no noise will cross the property boundary, which is my floor/their ceiling. As I understand it, it also violates City Code for noise.
3. The Written Notification Requirement was not met when the SUP was submitted. Since we are a condominium, the instructions clearly state that the Written Notification must be sent to either the President of the Home Owner's Association OR all unit owners within the condominium. Since we had no board at that time, notification should have gone to unit owners and did not. Instead, notification was sent to Post Properties, the builder of the Condo and Leasing agent for the restaurant property and they did not notify the residents nor the property management company. That sounds like conflict of interest to me.
4. Even had the written notification been sent to the unit owners, nowhere does it mention music. It simply requests to stay open later and have more seating. The application provided to the city did mention live music and a DJ, but would not have been seen by the owners even if they had received written notification.
5. The permit allows them to remain open to 1:30 AM on Thursday, Friday, and Saturday nights. The music can be heard well after 1:30 AM, as the police logs will show.
6. Conveniently, the SUP application was submitted on Friday, December 14th, 2007, just before the Christmas holidays, and the P&Z meeting was held on 03 January 2008,

just after the New Year. No residents were aware that the SUP had been requested or that the meeting was being held. As a result, the SUP passed without even being discussed.

7. There are numerous other inconsistencies with the SUP, such as their statement that 39 off-street parking spaces will be provided for staff. There are no such spaces. They also contend that alcohol sales are low in ratio to food, which is not true. They routinely use orange cones to "reserve" on-street parking immediately in front of the restaurant on Emerson Street. They play music outside (John Carlyle Street side), which is strictly forbidden by the SUP.

I have lodged a formal complaint with Mr. Richard Bray in the P&Z office on 28 May 2008. We have been in contact with Mrs. Bannerman in the Department of Environmental Quality (DEQ). As I mentioned, we have called the police twice, and will continue to do so every time the music is heard.

Numerous residents and Post Properties have tried to talk to the owners and get them to understand they cannot do this. They have chosen to ignore all pleas and continue to play the music. I raised this issue with them back in March when they were still building the place and they were testing the sound system and was assured the music would not be played loud.

I am officially requesting that their Special Use Permit be pulled immediately on the grounds that it was improperly submitted and processed originally and that they are in clear and repeated violation of it. Of late, they have been playing the game of turning the music down (still able to be heard in our units) and then turning it up very loud when a special song comes on, betting on the fact that it will take the police 30 minutes to get there and in that time they will have it turned down again. They cannot be trusted to self-regulate themselves; they will take everything to the limit.

I am 50 years old and suffer from hypertension, high blood sugar and depression, all of which require me to get good, regular sleep. I work full-time and have to get up early, particularly on Friday mornings. This issue has caused me to lose sleep 3 out of 4 nights of the week. It has caused me untold tension and stress. It has taken my \$500,000 condominium and made it worthless, since to sell it in the future I will have to tell prospective buyers about the noise and no one would buy it. The principal Owner, Joseph, has been rude, insulting and downright condescending when I have tried to talk to him. I am trying to avoid making a legal issue out of this and taking people to court, but I will if I have to. I cannot have this drag on for months while bureaucratic wheels turn and all the while they continue to play their music. Right now they are under the impression that their SUP gives them all the right in the world to do so, my rights be darned. I am asking the City to immediately make it clear to them that the SUP does not give them the right to violate my rights, break the law, and ignore the rules.

I would appreciate this letter being shared with the City Manager, DEQ, Planning and Zoning and the Police, as well as any other offices or individuals within the City who have jurisdiction over such issues. I would also appreciate written feedback laying out

what actions the city will be taking and the timeline for those actions. I will be forwarding a copy of this letter to the Clerk of Council for the Alexandria City Council.

Respectfully,

Russell A. Keller

Nathan Randall

From: Rich Baier
Sent: Friday, May 30, 2008 8:57 AM
To: Faroll Hamer
Cc: Rose Boyd; Lalit Sharma; Elaine Scott; 'CN=Richard Bray/O=Alex@ALEX'; Lalit Sharma; Erica Bannerman
Subject: Fw: COA Contact Us: Noise Problem and SUP

F....We are here to assist but this appears to me mostly SUP notification and SUP condition adherence--let me know if you need help as to the noise section of the code itself. I have copied Richard Bray and Lalit Sharma, Division Chf. TES/Office of Env. Quality. Rich

Richard J. Baier, P.E.
Director
Transportation and Environmental Services
City of Alexandria
301 King Street
Alexandria, VA 22314
(703) 838.4966
Fax: (703) 519.3356

----- Forwarded by Rich Baier/Alex on 05/30/2008 08:51 AM -----

Elaine Scott/Alex
05/30/2008 08:33 AM

To: Russell Keller <kel0202@comcast.net>, Faroll Hamer/Alex@ALEX, Rich Baier/Alex@Alex, Scott Ogden/Alex@Alex
cc: Rose Boyd/Alex@Alex, Cicely Woodrow/Alex@Alex, Eleonore Cox/Alex@Alex
Subject:



DocLink1.ndf

Re: COA Contact Us: Noise Problem and SUP

By copy of this note I am asking staff of Planning & Zoning, Transportation & Environmental Services, and the Police Department to respond to this inquiry within three business days and to include Rose and this office in their response.

Than you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller
<kel0202@comcast.net>

05/29/2008 02:38 PM

Please respond to
Russell Keller <kel0202@comcast.net>

To rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov

cc

Subject COA Contact Us: Noise Problem and SUP

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd

First Name: Russell

Last Name: Keller

Street Address: 520 John Carlyle Street
Unit 230

City: Alexandria

State: Virginia

Zip: 22314

Phone: 703-845-2535

Email Address: kel0202@comcast.net

Subject: Noise Problem and SUP

Madame,

I am attaching a letter regarding an ongoing noise problem with

the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your

assitance in seeing that this letter gets to the appropriate departments,

Comments: particularly Planning and Zoning, DEQ, Police and City Manager. I look

forward to hearing from you how the City will address this

problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc



5fa18baecb9041...

Nathan Randall

From: CN=Richard Josephson/O=Alex
Sent: Sunday, June 01, 2008 10:34 PM
To: 'kel0202@comcast.net'
Cc: Faroll Hamer; Rose Boyd; Elaine Scott; Graciela Moreno; 'CN=Susan Frank/O=Alex@ALEX'; Cicely Woodrow; 'CN=Richard Bray/O=Alex@ALEX'
Subject: Fw: COA Contact Us: Zikrayet Restaurant

Mr. Keller,

I have received your email about the Zikrayet restaurant and the issues you identified. Our office will follow up on this at once. We will speak to the restaurant owner/operator about this and will respond to your specific concerns.

Rich Josephson
Deputy Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, VA 22314

Phone: 703-838-4666, x 302

----- Forwarded by Cicely Woodrow/Alex on 05/30/2008 08:58 AM -----

Russell Keller
<kel0202@comcast.net>

05/30/2008 08:05 AM

Please respond to
Russell Keller <kel0202@comcast.net>

To faroll.hamer@alexandriava.gov, barbara.carter@alexandriava.gov,
celeste.cox@alexandriava.gov, cicely.woodrow@alexandriava.gov

cc

Subject COA Contact Us: Zikrayet Restaurant

COA Contact Us: Director Faroll Hamer

Issue Type: Faroll Hamer
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net
Subject: Zikrayet Restaurant

Ms. Hamer,
I am writing to forward you a copy of a letter I sent to the
Citizen Assistance office (Ms. Boyd) yesterday. Since I have not heard
back from Ms. Boyd, I can only assume my email either did not reach her or
has not yet been seen to. In that email I asked that the attached letter
be distributed to the relevant city offices, including yours.

As I state
in the letter, I have filed a formal complaint with Richard Bray over the
phone on 28 May 2008. I am asking that the SUP for Zikrayet be pulled for
two reasons. First, the notification and approval process was not properly
followed and second, zikrayet has repeatedly and consciously violated the
SUP as issued. As far as I am concerned the City allowed this SUP to go
through without proper notification and without delving into the nature of

Comments: the request. A restaurant asking for a live music and a DJ to be allowed
until 1:30 AM in a building with 145 condominium properties directly above
should have engendered more concern than what appeared to be the case.

Such "businesses" including bars, lounges, clubs, etc. should be
located in commercial space where the upper floors are offices, as is the
case with the Carlyle Club and the Washington Boat House.

I will be
sending similar emails to the City Council, Mayor's Office, City Manager
and Police to ensure they all are informed. I would greatly appreciate
your assistance in seeing that this problem is rectified quickly and
permanently.

Thank you,
Russell Keller

Attachment: 413f7f23314245a41db7626102e0a43e.doc



413f7f23314245...

Microsoft Word

1. The first part of the document is a header section containing the following information:
 - Title: [Illegible]
 - Author: [Illegible]
 - Date: [Illegible]

The main body of the document contains several paragraphs of text. The text is largely illegible due to blurring and low resolution, but appears to be a formal report or document.

The document concludes with a footer section containing the following information:
 - Page Number: [Illegible]
 - Date: [Illegible]

The document also includes a section that appears to be a list or index, with several entries that are illegible.

The document contains several contact details, including:
 - Phone Number: 1-800-440-XXXX
 - Fax Number: 1-800-440-XXXX
 - Email Address: [Illegible]



Page 3 of 3

Microsoft Word

Nathan Randall

From: kel0202@comcast.net
Sent: Monday, June 02, 2008 6:18 AM
To: Elaine Scott; Faroll Hamer; Rich Baier; Scott Ogden
Cc: Rose Boyd; Cicely Woodrow; Eleonore Cox
Subject: Re: COA Contact Us: Noise Problem and SUP
Attachments: Re: COA Contact Us: Noise Problem and SUP

Ms. Scott,

Thank you for the quick response. I am happy to report that Post Properties has taken firm action with the owners of Zikrayet. There was no music problem at all this weekend. I am convinced Post Properties and the owners have seen that the best course is to comply with relevant restrictions. I only wish Post would have been more communicative of the actions they were taking so I could have had peace of mind and not continued to raise this issue with City offices. If the problem should re-surface I will be back in touch, but for now I see no reason for further action to be taken by the City.

Thank you,
Russell Keller

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this note I am asking staff of Planning & Zoning, Transportation & Environmental Services, and the Police Department to respond to this inquiry within three business days and to include Rose and this office in their response.

Than you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

To rose_boyd@alexandriava.gov, elaine.scott@alexandriava.gov

cc

05/29/2008 02:38 PM

Subject COA Contact Us: Noise Problem and SUP

Please respond to
Russell Keller <kel0202@comcast.net>

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd

First Name: Russell

Last Name: Keller

Street Address: 520 John Carlyle Street
Unit 230

City: Alexandria

State: Virginia

Zip: 22314

Phone: 703-845-2535

Email Address: ke|0202@comcast.net

Subject: Noise Problem and SUP

Madame,
I am attaching a letter regarding an ongoing noise problem with
the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your
assistance in seeing that this letter gets to the appropriate departments,

Comments: particularly Planning and Zoning, DEQ, Police and City Manager. I look
forward to hearing from you how the City will address this
problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc

Nathan Randall

From: kel0202@comcast.net
Sent: Monday, June 02, 2008 9:28 AM
To: 'Richard.Josephson@alexandriava.gov'
Cc: Faroll Hamer; Rose Boyd; Elaine Scott; Graciela Moreno; 'Susan.Frank@alexandriava.gov'; Cicely Woodrow; 'Richard.Bray@alexandriava.gov'
Subject: Re: Fw: COA Contact Us: Zikrayet Restaurant
Attachments: Fw: COA Contact Us: Zikrayet Restaurant

Mr. Josephson,

Thank you for your response and interest in helping with this problem. Fortunately, Post Properties decided to take firm and permanent action with their tenant. They have been directed to remove the speakers from the concrete pillars and to turn down the volume and the bass. They were warned in writing by the Post lawyers that they were not only in violation of their SUP, but of their lease, which also states no noise, particularly amplified music, will be heard beyond the property boundaries. I have also been contacted by one of the Zikrayet owners who has apologized and is being very conciliatory. They did have music Thursday, Friday and Saturday nights, but I was unable to hear it, which is all I asked for. I am sorry that Post did not choose to take action sooner nor did they choose to inform with regard to what actions they were taking. Such communication would have saved me a lot of worry and prevented me getting half the City government spun up. If for some reason the problem returns, which I do not anticipate, and I cannot get Post to handle it, I will be back in touch.

Thanks again,
Russell A. Keller

----- Original message -----

From: Richard.Josephson@alexandriava.gov

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> Mr. Keller,
>
> I have received your email about the Zikrayet restaurant and the issues you
> identified. Our office will follow up on this at once. We will speak to the
> restaurant owner/operator about this and will respond to your specific
> concerns.

>
> Rich Josephson
> Deputy Director
> Department of Planning and Zoning
> City of Alexandria
> 301 King Street
> Alexandria, VA 22314
>
> Phone: 703-838-4666, x 302

>
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> ----- Forwarded by Cicely Woodrow/Alex on 05/30/2008 08:58 AM -----

>

> Russell Keller

>

> net> To

> faroll.hamer@alexandriava.gov,

> 05/30/2008 08:05 barbara.carter@alexandriava.gov,

> AM celeste.cox@alexandriava.gov,

> cicely.woodrow@alexandriava.gov

> cc

> Please respond to

> Russell Keller Subject

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> COA Contact Us: Director Faroll Hamer

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> Issue Type: Faroll Hamer

> First Name: Russell

> Last Name: Keller

> Street Address: 520 John Carlyle Street

> Unit 230

> City: Alexandria

> State: Virginia

> Zip: 22314

>
> Phone: 703-845-2535
>
> Email Address: kel0202@comcast.net
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> Sub ject: Zikrayet Restaurant
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> Comments: Ms. Hamer,
> I am writing to forward you a copy of a letter I sent to the
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> Thank you,
> Russell Keller
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> Attachment: 413f7f23314245a41db7626102e0a43e.doc
>
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>
> (See attached file: 413f7f23314245a41db7626102e0a43e.doc)

Nathan Randall

From: CN=Richard Josephson/O=Alex
Sent: Monday, June 02, 2008 9:45 AM
To: 'kel0202@comcast.net'
Cc: Cicely Woodrow; Elaine Scott; Faroll Hamer; Graciela Moreno;
'Richard.Bray@alexandriava.gov'; Rose Boyd; 'Susan.Frank@alexandriava.gov'
Subject: Re: Fw: COA Contact Us: Zikrayet Restaurant

Mr. Keller,

Thank you for the update. We are pleased and hopeful that the noise problems have been resolved for good. If there is any need to contact us in the future regarding this or other problems with the restaurant, please don't hesitate.

Rich Josephson
Deputy Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, VA 22314

Phone: 703-838-4666, x 302

kel0202@comcast.net
06/02/2008 09:28 AM

To: Richard.Josephson@alexandriava.gov
cc: Faroll.Hamer@alexandriava.gov, Rose.Boyd@alexandriava.gov,
Elaine.Scott@alexandriava.gov, Graciela.Moreno@alexandriava.gov,
Susan.Frank@alexandriava.gov, Cicely.Woodrow@alexandriava.gov,
Richard.Bray@alexandriava.gov
Subject: Re: Fw: COA Contact Us: Zikrayet Restaurant

Mr. Josephson,

Thank you for your response and interest in helping with this problem. Fortunately, Post Properties decided to take firm and permanent action with their tenant. They have been directed to remove the speakers from the concrete pillars and to turn down the volume and the bass. They were warned in writing by the Post lawyers that they were not only in violation of their SUP, but of their lease, which also states no noise, particularly amplified music, will be heard beyond the property boundaries. I have also been contacted by one of the Zikrayet owners who has apologized and is being very conciliatory. They did have music Thursday, Friday and Saturday nights, but I was unable to hear it, which is all I asked for. I am sorry that Post did not choose to take action sooner nor did they choose to inform with regard to what actions they were taking. Such communication would have saved me a lot of worry and prevented me getting half the City government spun up. If for some reason the problem returns, which I do not anticipate, and I cannot get Post to handle it, I will be back in touch.

Thanks again,

>
> Time: [Fri May
> 30, 2008
> 08:05:21] IP
> Address:
> [129.246.225.90]
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>
> Issue Type: Faroll Hamer
>
> First Name: Russell
>
> Last Name: Keller
>
> Street Address: 520 John Carlyle Street
> Unit 230
>
> City: Alexandria
>
> State: Virginia
>
> Zip: 22314
>
> Phone: 703-845-2535
>
> Email Address: kel0202@comcast.net
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> Subject: Zikrayet Restaurant
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> Comments: Ms. Hamer,
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>
> (See attached file: 413f7f23314245a41db7626102e0a43e.doc)

----- Message from Richard.Josephson@alexandriava.gov on Mon, 2 Jun 2008 02:34:18 +0000 -----

To: kel0202@comcast.net

Faroll.Hamer@alexandriava.gov, Rose.Boyd@alexandriava.gov, Elaine.Scott@alexandriava.gov,
cc: Graciela.Moreno@alexandriava.gov, Susan.Frank@alexandriava.gov,
Cicely.Woodrow@alexandriava.gov, Richard.Bray@alexandriava.gov

Subject: Fw: COA Contact Us: Zikrayet Restaurant



413f7f23314245...

Nathan Randall

From: Linda Owens
Sent: Wednesday, June 04, 2008 10:45 AM
To: Elaine Scott
Subject: Fw: COA Contact Us: Zikrayet Restaurant

----- Forwarded by Linda Owens/Alex on 06/04/2008 10:45 AM -----

Councilmangaines@aol.com

06/02/2008 05:52 PM

To rose.boyd@alexandriava.gov

cc

Subject Fwd: COA Contact Us: Zikrayet Restaurant

Plese have staff respond. thx

Ludwig

From: kel0202@comcast.net

To: alexvamayor@aol.com, timothylovain@aol.com, councilmangaines@aol.com, council@krupicka.com, delpepper@aol.com, paulcsmedberg@aol.com, justin.wilson@alexandriava.gov, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, laura.zabriskie-martin@alexandriava.gov

Sent: 5/30/2008 8:13:00 A.M. Eastern Daylight Time

Subj: COA Contact Us: Zikrayet Restaurant

COA Contact Us: Mayor, Vice Mayor, and Council Members

Time: [Fri May 30, 2008 08:12:29] IP Address: [129.246.225.90]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Russell

Last Name: Keller

Street Address: 520 John Carlyle Street
Unit 230

City: Alexandria

State: Virginia

Zip: 22314

Phone: 703-845-2535

Email Address: kel0202@comcast.net

Subject: Zikrayet Restaurant

I am forwarding a copy of a letter I submitted yesterday to Ms. Boyd
(Citizen's Assistance). I realized that I should not require her to
distribute the letter to all the offices I wanted it to go to, so I am
doing so myself. I am sending this to the Council and Mayor so that they

Comments: are aware of this issue and can help ensure that it is dealt with quickly
and conclusively. I appreciate any and all assistance that may be
provided.

Respectfully,
Russell Keller

Attachment: df8b2fc829ceba0c58651fb25cc20727.doc



df8b2fc829ceba0...

Get trade secrets for amazing burgers. [Watch "Cooking with Tyler Florence" on AOL Food.](#)

Nathan Randall

From: Elaine Scott
Sent: Wednesday, June 04, 2008 3:51 PM
To: 'alexvamayor@aol.com'; 'delpepper@aol.com'; 'councilmangaines@aol.com';
'council@krupicka.com'; 'timothylovain@aol.com'; 'paulcsmedberg@aol.com';
'CN=Justin Wilson/O=Alex@ALEX'
Subject: Fw: COA Contact Us: Zikrayet Restaurant

All,

Response to an Informal Request.

Thank you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

----- Forwarded by Elaine Scott/Alex on 06/04/2008 03:49 PM -----

Richard Josephson/Alex

06/02/2008 09:45 AM

To kel0202@comcast.net

cc Cicely.Woodrow@alexandriava.gov, Elaine.Scott@alexandriava.gov,
Faroll.Hamer@alexandriava.gov, Graciela.Moreno@alexandriava.gov,
Richard.Bray@alexandriava.gov, Rose.Boyd@alexandriava.gov,
Susan.Frank@alexandriava.gov

Subject



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Re: Fw: COA Contact Us: Zikrayet Restaurant

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Rich Josephson
Deputy Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, VA 22314

Phone: 703-838-4666, x 302

kel0202@comcast.net

06/02/2008 09:28 AM

To Richard.Josephson@alexandriava.gov

cc Faroll.Hamer@alexandriava.gov, Rose.Boyd@alexandriava.gov,
Elaine.Scott@alexandriava.gov, Graciela.Moreno@alexandriava.gov,
Susan.Frank@alexandriava.gov, Cicely.Woodrow@alexandriava.gov,
Richard.Bray@alexandriava.gov

Subject: Re: Fw: COA Contact Us: Zikrayet Restaurant
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Thanks again,
Russell A. Keller

----- Original message -----

From: Richard.Josephson@alexandriava.gov

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> ----- Forwarded by Cicely Woodrow/Alex on 05/30/2008 08:58 AM -----
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> Russell Keller
> > net> To
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> 05/30 /2008 08:05 barbara.carter@alexandriava.gov,
> AM celeste.cox@alexandriava.gov,
> cicely.woodrow@alexandriava.gov
> cc
> Please respond to
> Russell Keller Subject
> > net>
>
>
>
>
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>
>
>
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>
>
> COA Contact Us: Director Faroll Hamer
>
>
>
>
> Time: [Fri May
> 30, 2008
> 08:05:21] IP
> Address:
> [129.246.225.90]
>
>
>
>
> Issue Type: Faroll Hamer
>
> First Name: Russell
>
> Last Name: Keller
>
> Street Address: 520 John Carlyle Street
> Unit 230
>
> City: Alexandria
>
> State: Virginia
>
> Zip: 22314
>
> Phone: 703-845-2535

>
> Email Address: kel0202@comcast.net
>
>
> Sub ject: Zikrayet Restaurant
>
> Comments: Ms. Hamer,
> I am writing to forward you a copy of a letter I sent to the
>
> Citizen Assistance office (Ms. Boyd) yesterday. Since I have
> not heard
>
> back from Ms. Boyd, I can only assume my email either did
> not reach her or
>
> has not yet been seen to. In that email I asked that the
> attached letter
>
> be distributed to the relevant city offices, including
> yours.
>
> As I state
>
> in the letter, I have filed a formal complaint with Richard
> Bray over the
>
> phone on 28 May 2008. I am asking that the SUP for Zikrayet
> be pulled for
>
> two reasons. First, the notification and approval process
> was not properly
>
> followed and second, zikrayet has repeatedly and consciously
> violated the
>
> SUP as issued. As fa r as I am concerned the City allowed
> this SUP to go
>
> through without proper notification and without delving into
> the nature of
>
> the request. A restaurant asking for a live music and a DJ
> to be allowed
>
> until 1:30 AM in a building with 145 condominium properties
> directly above
>
> should have engendered more concern than waht appeared to be
> the case.
>
> Such "businesses" including bars, lounges, clubs, etc.

> should be
>
> located in commercial space where the upper floors are
> offices, as is the
>
> case with the Carlyle Club and the Washington Boat House.
>
> I will be
>
> sending similar emails to the City Council, Mayor's Office,
> City Manager
>
> and Police to ensure they all are informed. I would greatly
> appreciate
>
> your assistance in seeing that this problem is rectified
> quickly and
>
> permanently.
>
> Thank you,
> Russell Keller

> Attachment: 413f7f23314245a41db7626102e0a43e.doc
>
>
>
>

> (See attached file: 413f7f23314245a41db7626102e0a43e.doc)

----- Message from Richard.Josephson@alexandriava.gov on Mon, 2 Jun 2008 02:34:18 +0000 -----

To: kel0202@comcast.net

Faroll.Hamer@alexandriava.gov, Rose.Boyd@alexandriava.gov, Elaine.Scott@alexandriava.gov,

cc: Graciela.Moreno@alexandriava.gov, Susan.Frank@alexandriava.gov,

Cicely.Woodrow@alexandriava.gov, Richard.Bray@alexandriava.gov

Subject: Fw: COA Contact Us: Zikrayet Restaurant



413f7f23314245...

Nathan Randall

From: kel0202@comcast.net
Sent: Monday, June 16, 2008 12:35 PM
To: Elaine Scott; Faroll Hamer; Rich Baier; Scott Ogden
Cc: 'gmmulligan@comcast.net (George Mulligan)'; 'chandafvzw@yahoo.com (chanda fields)'; Rose Boyd; Cicely Woodrow; Eleonore Cox
Subject: Re: COA Contact Us: Noise Problem and SUP
Attachments: Re: COA Contact Us: Noise Problem and SUP

Elaine,

Since my last correspondence with you problems with Zikrayet Lebanese Restaurant and Lounge have continued. The playing of loud music has, I hope finally, been addressed by the owner of the property (Post Properties) having their lawyers notify the owners of Zikrayet that they are in violation of their lease, which also clearly states that no noise will be heard beyond the property boundary. Despite that warning and assurances given to me, I again had to call the owners at 1:35 AM on 8 June to complain about the music being turned up and a rhythmic pounding noise, which I was told was people doing Lebanese folk dancing. Based on my protest to Post, the owners have supposedly agreed to forgo their DJ and the folk dancing. I was out of town this weekend so I cannot comment on whether that has actually occurred.

There are, however, other problems which continue.

First, starting on the evenings when the lounge opens (around 9:30 PM), there is the loud sound of wooden furniture being dragged across a hard floor (I can only describe it as a errrrrrrh sound). This I have been able to determine is coming from the at times almost constant re-positioning of couches, tables and foot stools in the houkah bar directly below my bedroom. On the nights when they are open late (Thursday-Saturday) those noises are heard until up to 3:30 AM, since even after closing clean-up is occurring. After complaining to the owners and Post, I have been told more than once that the furniture legs would be padded. The noise continues, thus I can only assume the padding has not been done.

The second issue is the noise from unruly patrons. During the hours of operation of the lounge (9:30 PM to 1:30 AM on Thursday, Friday and Saturday), patrons routinely use the sidewalk in front of the restaurant on Emerson to conduct often loud cellphone conversations, since they cannot talk with all the noise in the restaurant. Then, around 2:00 AM (which is at least 30 minutes after Zikrayet is supposed to close) those same patrons come out of the restaurant in groups and proceed to yell, laugh, call-out and carry on for 20 or 30 minutes on the sidewalk and streets adjacent to the restaurant. This usually ends with a roar of car engines starting and the blaring of car stereos, squealing of tires and honking of horns as they depart. I have also complained about this to Post, and have been given a luke-warm response that there "is really nothing the restaurant can do about their patrons when they leave." I was lamely told that the City is at fault for not allowing parking in the PTO garage. Although I was not present, this past Friday evening (13th) another resident was awoken by this raucous behavior after 2 AM and she has also complained to Post in writing.

A third issue I have brought up with the restaurant and Post is the restaurant employees using the sidewalk area on Emerson for their smoke breaks. When the weather was good I could not leave my windows open without inhaling cigarettes smoke and having to listen to their conversations below my windows. I know they are restaurant employees because they are wearing black polo shirts with "Zikrayet" in white lettering on the back or are in kitchen attire (aprons, white coats, etc.) A week ago Sunday, this included what I believe to be one of their employees parking his car near the corner of Emerson and Carlyle around 11:00 PM with the windows open and the stereo blasting while he stood on the street, smoked a couple of cigarettes, talked on his cellphone

and talked to one of the other workers taking a smoke break on the wall outside the restaurant. After 20 minutes of this I called the police, but as luck would have it they car left about 5 mi nutes later and I called the police back to cancel the complaint. I do not want to waste their time.

To sum all this up the patrons of Zikrayet after-hours (who would not be there otherwise) have become a nuisance and are also endangering citizens with what I am sure is reckless and/or drunk driving. I am therefore requesting a courtesy police patrol in the environs of the restaurant at 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and Saturday to curb the raucous behavior and to enforce public drunkenness and dangerous driving statutes.

I am further requesting that Zikrayet's SUP be revoked. They have routinely and continually violated a SUP, which I have pointed out in past correspondence, was issued in an irregular manner. Their presence in the neighborhood is bringing an undesirable and nuisance element which they do not feel compelled to control. I have been told by senior Post employees that they were not aware the restaurant was looking to have a DJ, loud music, dancing, etc., which I can understand since the written notification they received, and which none of the residents of Carlyle Square received, mentioned nothing about any of that. Unfortunately, Post seems reluctant to take their tenant to task and revoke their permission to remain open late. That is why I am turning to the City. I am asking that their hours of operation be limited to 11:00 AM to 10:30 or 11:30 PM at the latest, Sunday through Saturday. I do not have a problem when they function as a restaurant. It is when they function as a night-club that the problems develop. Since their SUP was not properly documented and notified in the first place, I am asking for it to be withdrawn. If they would like to re-apply they can then go through the full-disclosure and notification requirements properly and provide an opportunity for the residents of Carlyle Square to raise our concerns and be heard.

In the future, the City needs to pay particular attention to such requests where the property is directly below residences and should absolutely make sure that the residents have been appropriately notified of such requests before they are administratively approved. The Carlyle Club, for instance, is in a building where the upper floors are all offices. Thus, as long as patrons are not acting up on the streets, there is no one to be disturbed.

I would appreciate once again this email being shared with the Police, Planning and Zoning, DEQ and the City Managers office, as well as the City Council. As well, I would appreciate a response regarding my requests above.

Thank you,

Russell Keller
520 John Carlyle Street Unit 230
Alexandria, Virginia 22314
703-845-2535 (W)
703-566-0871 (H)
703-973-3538 (C)

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this note I am asking staff of Planning & Zoning, Transportation & Environmental Services, and the Police Department to respond to this inquiry within three business days and to include Rose and this office in their response.

Than you,
Elaine Scott

Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

To rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov

cc

05/29/2008 02:38 PM

Subject COA Contact Us: Noise Problem and SUP

Please respond to
Russell Keller <kel0202@comcast.net>

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd

First Name: Russell

Last Name: Keller

Street Address: 520 John Carlyle Street
Unit 230

City: Alexandria

State: Virginia

Zip: 22314

Phone: 703-845-2535

Email Address: kel0202@comcast.net

Subject: Noise Problem and SUP

Madame,
I am attaching a letter regarding an ongoing noise problem with
the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your
assitance in seeing that this letter gets to the appropriate departments,

Comments: particularly Planning and Zoning, DEQ, Police and City Manager. I look
forward to hearing form you how the City will address this
problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc

Nathan Randall

From: Jannine Pennell <Jannine.Pennell@alexandriava.gov>
Sent: Wednesday, June 18, 2008 6:04 PM
To: Robert Rodriguez; William Coates; Russell Furr
Cc: Rose Boyd; Cicely Woodrow; Elaine Scott; Faroll Hamer; Graciela Moreno; John Catlett; 'CN=Justin Wilson/O=Alex@Alex'; Scott Ogden; 'wilsoncouncilaide@mac.com'
Subject: Re: Fw: COA Contact Us: Continuing Problem With Zikrayet Restaurant

Bob, Russ and Bill - none of the violations issued are Code issues. However, you might want to have a duty FM check at night for possible overcrowding. - J.

Jannine C. Pennell
Deputy Director
Code Enforcement Bureau
301 King Street, Room 4200
Alexandria, Virginia 22314
703 838-4644 x109

Rose Boyd/Alex

06/18/2008 01:34 PM

To Justin Wilson/Alex@ALEX
cc wilsoncouncilaide@mac.com, Scott Ogden/Alex@Alex, Faroll Hamer/Alex@ALEX, Graciela Moreno/Alex@Alex, Cicely Woodrow/Alex@Alex, John Catlett/Alex@Alex, Jannine Pennell/Alex@Alex, Elaine Scott/Alex@Alex
Subject Re: Fw: COA Contact Us: Continuing Problem With Zikrayet



DocLink1 .ndl

Restaurant

Will process as an informal Council Request. By copy of this note, I am asking Police, Planning and Code Enforcement staff to provide me with their comments within three days of their receipt of this message so that I can prepare a consolidated response for the City Council.

Justin Wilson/Alex

06/18/2008 10:12 AM

To Rose Boyd/Alex@Alex
cc wilsoncouncilaide@mac.com
Subject Fw: COA Contact Us: Continuing Problem With Zikrayet Restaurant

Rose,

Can we receive a new update on this situation? Thanks!

Justin M. Wilson, Member
Alexandria City Council
Office: 703.838.4500
Home: 703.299.1576
justin.wilson@alexandriava.gov

----- Forwarded by Justin Wilson/Alex on 06/18/2008 10:11 AM -----

Russell Keller
<kel0202@comcast.net>

06/18/2008 10:10 AM

Please respond to
Russell Keller <kel0202@comcast.net>

To alexvamayor@aol.com, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,
justin.wilson@alexandriava.gov, rose.boyd@alexandriava.gov,
jackie.henderson@alexandriava.gov, laura.zabriskie-martin@alexandriava.gov

cc

Subject COA Contact Us: Continuing Problem With Zikrayet Restaurant

COA Contact Us: Mayor, Vice Mayor, and Council Members

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Russell

Last Name: Keller

Street Address: 520 John Carlyle Street
Unit 230

City: Alexandria

State: Virginia

Zip: 22314

Phone: 703-845-2535

Email Address: kel0202@comcast.net

Subject: Continuing Problem With Zikrayet Restaurant
Mr. Mayor and Council Members,

I last corresponded with you in late

May regarding noise problems with Zikrayet Lebanese Restaurant. While some progress has been made with the loud music problem, other problems persist.

I have tried to work through the management company (Post Properties) and the owners, but I am seeing nothing change. We are now dealing with public drunkenness, disturbing the peace, reckless and possibly drunk driving and other problems in the wee hours of the morning from the nightclub patrons.

Comments: More and more residents are experiencing these issues and are upset. I am meeting with a number of them this evening and encouraging them all to write and explain what they have experienced.

I am attaching the text

of an email I sent to Elaine Scott at Citizen's Assistance on Monday 16

June. I would appreciate any help and assistance you all may be able to render in getting these issues resolved quickly.

Respectfully,
Russell

Keller

Attachment: 62f3deb28f524f04218027e38f944c7a.doc



62f3deb28f524f0...

Nathan Randall

From: kel0202@comcast.net
Sent: Thursday, June 19, 2008 9:32 AM
To: Elaine Scott
Cc: 'chandafvzw@yahoo.com (chanda fields)'; Cicely Woodrow; Eleonore Cox; Faroll Hamer; 'gmmulligan@comcast.net (George Mulligan)'; Rich Baier; Rose Boyd; Scott Ogden
Subject: Re: COA Contact Us: Noise Problem and SUP
Attachments: Re: COA Contact Us: Noise Problem and SUP

At our Home Owner's Association meeting last evening I was informed by the Post representative that Zikrayet has decided to "self-limit" their hours to close at 12 AM, seven days a week. When I asked what prevents them from deciding to go back to their late hours, I was told "nothing." I have been promised things before regarding the restaurant and after a short period things have gone back to where they were. Most recently there was the case where I was assured they knew they must keep their music down because they were in violation of their lease and city code. Yet, not a week later on 7 June I was awakened by the music blasting and had to call the owners. Therefore, I do not trust them to "self-regulate" their hours.

Limiting their hours, however, does not address the problems associated with their patrons when they leave. That will now occur at 12:30 or 1 AM vice 2 AM. I am therefore requesting that the police courtesy patrol be present from 12:15 to 12:45 on Friday night (Saturday morning) and Saturday night (Sunday morning) to again control their patrons when they are leaving. I have been in contact with one of our residents who while walking his dogs witnessed what they described as a dance party in the street at 2 AM last Saturday morning, in which car stereos were blasting, people, including the restaurant management, were dancing and carrying on in the street and at least one drunk person was observed being carried to their car by restaurant staff, who tried to place him in the driver's seat. I have asked them to put what they saw in writing and will provide them with the appropriate email addresses for them to forward it to the City.

Because the restaurant cannot be trusted to "self-regulate," and more importantly because the SUP issued was done so without meeting the requirements established by the City (specifically, written notification to ALL property owners adjacent), I am still requesting that their SUP be revoked. That is the only way to ensure they will not arbitrarily return to their late hours, which right now their SUP allows. I again stress that I and many others are amazed and disappointed that the City approved a request for a place serving alcohol to remain open until 2 AM when there are expensive, owner-occupied residences located directly above that property. This does not go on in Old Town or on King Street, why should it go on in a residential condominium building? We moved her specifically because we did not want to live in Adams Morgan. Given that the residents were never properly informed and that the measure was quickly processed over the Christmas holiday period, I am still requesting the City right a serious error in judgement.

Your cooperation and action on this matter are greatly appreciated.

Russell Keller

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this e-mail, I am asking staff from Code Enforcement, Planing & Zoning and Police to revisit the below complaints about the Zikrayet Lebanese Restaurant and Lounge, and to

respond within three business days of receipt of to include Rose and this office in your response.

Thank you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

kel0202@comcast.net

06/16/2008 12:35 PM

To Elaine.Scott@alexandriava.gov, Faroll.Hamer@alexandriava.gov,
Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov

cc gmmulligan@comcast.net (George Mulligan), chandafvzw@yahoo.com (chanda fields), Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov,
Eleonore.Cox@alexandriava.gov

Subject Re: COA Contact Us: Noise Problem and SUP

Elaine,

Since my last correspondence with you problems with Zikrayet Lebanese Restaurant and Lounge have continued. The playing of loud music has, I hope finally, been addressed by the owner of the property (Post Properties) having their lawyers notify the owners of Zikrayet that they are in violation of their lease, which also clearly states that no noise will be heard beyond the property boundary. Despite that warning and assurances given to me, I again had to call the owners at 1:35 AM on 8 June to complain about the music being turned up and a rhythmic pounding noise, which I was told was people doing Lebanese folk dancing. Based on my protest to Post, the owners have supposedly agreed to forgo their DJ and the folk dancing. I was out of town this weekend so I cannot comment on whether that has actually occurred.

< BR>There are, however, other problems which continue.

First, starting on the evenings when the lounge opens (around 9:30 PM), there is the loud sound of wooden furniture being dragged across a hard floor (I can only describe it as a errrrrrrh sound). This I have been able to determine is coming from the at times almost constant re-positioning of couches, tables and foot stools in the houkah bar directly below my bedroom. On the nights when they are open late (Thursday-Saturday) those noises are heard until up to 3:30 AM, since even after closing clean-up is occurring. After complaining to the owners and Post, I have been told more than once that the furniture legs would be padded. The noise continues, thus I can only assume the padding has not been done.

The second issue is the noise from unruly patrons. During the hours of operation of the lounge (9:30 PM to 1:30 AM on Thursday, Friday and Saturday), patrons routinely use the sidewalk in front of the restaurant on Emerson to conduct often loud cellphone conversations, since they cannot talk with all the noise in the restaurant. Then, around 2:00 AM (which is at least 30 minutes after Zikrayet is supposed to close) those same patrons come out of the restaurant in groups and proceed to yell, laugh, call-out and carry on for 20 or 30 minutes on the sidewalk and streets adjacent to the restaurant. This usually ends with a roar of car engines starting and the blaring of car stereos, squealing of tires and honking of horns as they depart. I have also complained about this to Post, and have been given a luke-warm response that there "is really nothing the restaurant can do about their patrons when they leave." I was lamely told that the City is at fault for not allowing parking in the PTO garage. Although I was not

present, this past Friday evening (13th) another resident was awoken by this raucous behavior after 2 AM and she has also complained to Post in writing.

A third issue I have brought up with the restaurant and Post is the restaurant employees using the sidewalk area on Emerson for their smoke breaks. When the weather was good I could not leave my windows open without inhaling cigarettes smoke and having to listen to their conversations below my windows. I know they are restaurant employees because they are wearing black polo shirts with "Zikrayet" in white lettering on the back or are in kitchen attire (aprons, white coats, etc.) A week ago Sunday, this included what I believe to be one of their employees parking his car near the corner of Emerson and Carlyle around 11:00 PM with the windows open and the stereo blasting while he stood on the street, smoked a couple of cigarettes, talked on his cellphone and talked to one of the other workers taking a smoke break on the wall outside the restaurant. After 20 minutes of this I called the police, but as luck would have it they car left about 5 minutes later and I called the police back to cancel the complaint. I do not want to waste their time.

To sum all this up the patrons of Zikrayet after-hours (who would not be there otherwise) have become a nuisance and are also endangering citizens with what I am sure is reckless and/or drunk driving. I am therefore requesting a courtesy police patrol in the environs of the restaurant at 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and Saturday to curb the raucous behavior and to enforce public drunkenness and dangerous driving statutes.

I am further requesting that Zikrayet's SUP be revoked. They have routinely and continually violated a SUP, which I have pointed out in past correspondence, was issued in an irregular manner. Their presence in the neighborhood is bringing an undesirable and nuisance element which they do not feel compelled to control. I have been told by senior Post employees that they were not aware the restaurant was looking to have a DJ, loud music, dancing, etc., which I can understand since the written notification they received, and which none of the residents of Carlyle Square received, mentioned nothing about any of that. Unfortunately, Post seems reluctant to take their tenant to task and revoke their permission to remain open late. That is why I am turning to the City. I am asking that their hours of operation be limited to 11:00 AM to 10:30 or 11:30 PM at the latest, Sunday through Saturday. I do not have a problem when they function as a restaurant. It is when they function as a night-club that the problems develop. Since their SUP was not properly documented and notified in the first place, I am asking for it to be withdrawn. If they would like to re-apply they can then go through the full-disclosure and notification requirements properly and provide an opportunity for the residents of Carlyle Square to raise our concerns and be heard.

In the future, the City needs to pay particular attention to such requests where the property is directly below residences and should absolutely make sure that the residents have been appropriately notified of such requests before they are administratively approved. The Carlyle Club, for instance, is in a building where the upper floors are all offices. Thus, as long as patrons are not acting up on the streets, there is no one to be disturbed.

I would appreciate once again this email being shared with the Police, Planning and Zoning, DEQ and the City Managers office, as well as the City Council. As well, I would appreciate a response regarding my requests above.

Thank you,

Russell Keller
520 John Carlyle Street Unit 230
Alexandria, Virginia 22314

703-845-2535 (W)
703-566-0871 (H)
703-973-3538 (C)

----- Original message -----
From: Elaine.Scott@alexandriava.gov

By copy of this note I am asking staff of Planning & Zoning, Transportation & Environmental Services, and the Police Department to respond to this inquiry within three business days and to include Rose and this office in their response.

Than you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

05/29/2008 02:38 PM

To rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov
cc
Subject COA Contact Us: Noise Problem and SUP

Please respond to
Russell Keller <kel0202@comcast.net>

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net
Subject: Noise Problem and SUP
Madame,
I am attaching a letter regarding an ongoing noise problem with
the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your
Comments: assistance in seeing that this letter gets to the appropriate departments,
particularly Planning and Zoning, DEQ, Police and City Manager. I look
forward to hearing from you how the City will address this
problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc

----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008 12:40:16 +0000 -----

To: Russell Keller <kel0202@comcast.net>, Faroll.Hamer@alexandriava.gov,
Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov

cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov

Subject: Re: COA Contact Us: Noise Problem and SUP

Nathan Randall

From: Elaine Scott
Sent: Friday, June 20, 2008 8:48 AM
To: Rose Boyd
Subject: Fw: COA Contact Us: Noise Problem and SUP

Here is TES's response.....

Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

----- Forwarded by Elaine Scott/Alex on 06/20/2008 08:47 AM -----

Rich Baier/Alex
06/19/2008 05:59 PM

To Elaine Scott/Alex@Alex
cc William Skrabak/Alex@Alex, Lalit Sharma, Erica
Bannerman/Alex@ALEX
Subje Fw: COA Contact Us: Noise Problem and SUP
ct

This is really an after hours issue for Police and regulation thru P and Z

Richard J. Baier, P.E.
Director
Transportation and Environmental Services
City of Alexandria
301 King Street
Alexandria, VA 22314
(703) 838.4966
Fax: (703) 519.3356

----- Forwarded by Rich Baier/Alex on 06/19/2008 05:58 PM -----

kel0202@comcast.net
06/19/2008 09:32 AM

To Elaine.Scott@alexandriava.gov
cc chandafvzw@yahoo.com (chanda fields),
Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,
Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov,
Scott.Ogden@alexandriava.gov
Subje Re: COA Contact Us: Noise Problem and SUP
ct

At our Home Owner's Association meeting last evening I was informed by the Post representative that Zikrayet has decided to "self-limit" their hours to close at 12 AM, seven days a week. When I asked what prevents them from deciding to go back to their late hours, I was told "nothing." I have been promised things before regarding the restaurant and after a short period things have gone back to where they were. Most recently there was the case where I was assured they knew they must keep their music down because they were in violation of their lease and city code. Yet, not a week later on 7 June I was awakened by the music blasting and had to call the owners. Therefore, I do not trust them to "self-regulate" their hours.

Limiting their hours, however, does not address the problems associated with their patrons when they leave. That will now occur at 12:30 or 1 AM vice 2 AM. I am therefore requesting that the police courtesy patrol be present from 12:15 to 12:45 on Friday night (Saturday morning) and Saturday night (Sunday morning) to again control their patrons when they are leaving. I have been in contact with one of our residents who while walking his dogs witnessed what they described as a dance party in the street at 2 AM last Saturday morning, in which car stereos were blasting, people, including the restaurant management, were dancing and carrying on in the street and at least one drunk person was observed being carried to their car by restaurant staff, who tried to place him in the driver's seat. I have asked them to put what they saw in writing and will provide them with the appropriate email addresses for them to forward it to the City.

Because the restaurant cannot be trusted to "self-regulate," and more importantly because the SUP issued was done so without meeting the requirements established by the City (specifically, written notification to ALL property owners adjacent), I am still requesting that their SUP be revoked. That is the only way to ensure they will not arbitrarily return to their late hours, which right now their SUP allows. I again stress that I and many others are amazed and disappointed that the City approved a request for a place serving alcohol to remain open until 2 AM when there are expensive, owner-occupied residences located directly above that property. This does not go on in Old Town or on King Street, why should it go on in a residential condominium building? We moved her specifically because we did not want to live in Adams Morgan. Given that the residents were never properly informed and that the measure was quickly processed over the Christmas holiday period, I am still requesting the City right a serious error in judgement.

Your cooperation and action on this matter are greatly appreciated.

Russell Keller

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this e-mail, I am asking staff from Code Enforcement, Planning & Zoning and Police to revisit the below complaints about the Zikrayet Lebanese Restaurant and Lounge, and to respond within three business days of receipt of to include Rose and this office in your response.

Thank you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

kel0202@comcast.net

06/16/2008 12:35 PM

To Elaine.Scott@alexandriava.gov, Faroll.Hamer@alexandriava.gov, Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
ccgmmulligan@comcast.net (George Mulligan), chandafvzw@yahoo.com (chanda fields), Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov
SubjRe: COA Contact Us: Noise Problem and Supplement

Elaine,

Since my last correspondence with you problems with Zikrayet Lebanese Restaurant and Lounge have continued. The playing of loud music has, I hope finally, been addressed by the owner of the property (Post Properties) having their lawyers notify the owners of Zikrayet that they are in violation of their lease, which also clearly states that no noise will be heard beyond the property boundary. Despite that warning and assurances given to me, I again had to call the owners at 1:35 AM on 8 June to complain about the music being turned up and a rhythmic pounding noise, which I was told was people doing Lebanese folk dancing. Based on my protest to Post, the owners have supposedly agreed to forgo their DJ and the folk dancing. I was out of town this weekend so I cannot comment on whether that has actually occurred.

There are, however, other problems which continue.

First, starting on the evenings when the lounge opens (around 9:30 PM), there is the loud sound of wooden furniture being dragged across a hard floor (I can only describe it as a errrrrrrh sound). This I have been able to determine is coming from the at times almost constant re-positioning of couches, tables and foot stools in the houkah bar directly below my bedroom. On the nights when they are open late (Thursday-Saturday) those noises are heard until up to 3:30 AM, since even after closing clean-up is occurring. After complaining to the owners and Post, I have been told more than once that the furniture legs would be padded. The noise continues, thus I can only assume the padding has not been done.

The second issue is the noise from unruly patrons. During the hours of operation of the lounge (9:30 PM to 1:30 AM on Thursday, Friday and Saturday), patrons routinely use the sidewalk in front of the restaurant on Emerson to conduct often loud cellphone conversations, since they cannot talk with all the noise in the restaurant. Then, around 2:00 AM (which is at least 30 minutes after Zikrayet is supposed to close) those same patrons come out of the restaurant in groups and proceed to yell, laugh, call-out and carry on for 20 or 30 minutes on the sidewalk and streets adjacent to the restaurant. This usually ends with a roar of car engines starting and the blaring of car stereos, squealing of tires and honking of horns as they depart. I have also complained about this to Post, and have been given a luke-warm response that there "is really nothing the restaurant can do about their patrons when they leave." I was lamely told that the City is at fault for not allowing parking in the PTO garage. Although I was not present, this past Friday evening (13th) another resident was awoken by this raucous behavior after 2 AM and she has also complained to Post in writing.

A third issue I have brought up with the restaurant and Post is the restaurant employees using the sidewalk area on Emerson for their smoke breaks. When the weather was good I could not leave my windows open without inhaling cigarettes smoke and having to listen to their conversations below my windows. I know they are restaurant employees because they are wearing black polo shirts with "Zikrayet" in white lettering on the back or are in kitchen attire (aprons, white coats, etc.) A week ago Sunday, this included what I believe to be one of their employees parking his car near the corner of Emerson and Carlyle around 11:00 PM with the windows open and the stereo blasting while he stood on the street, smoked a couple of cigarettes, talked on his cellphone and talked to one of the other workers taking a smoke break on the wall outside the restaurant. After 20

minutes of this I called the police, but as luck would have it they car left about 5 mi nutes later and I called the police back to cancel the complaint. I do not want to waste their time.

To sum all this up the patrons of Zikrayet after-hours (who would not be there otherwise) have become a nuisance and are also endangering citizens with what I am sure is reckless and/or drunk driving. I am therefore requesting a courtesy police patrol in the environs of the restaurant at 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and Saturday to curb the raucous behavior and to enforce public drunkenness and dangerous driving statutes.

I am further requesting that Zikrayet's SUP be revoked. They have routinely and continually violated a SUP, which I have p ointed out in past correspondence, was issued in an irregular manner. Their presence in the neighborhood is bringing an undesireable and nuisance element which they do not feel compelled to control. I have been told by senior Post employees that they were not aware the restaurant was looking to have a DJ, loud music, dancing, etc., which I can understand since the written notification they received, and which none of the residents of Carlyle Square received, mentioned nothing about any of that. Unfortunately, Post seems reluctant to take their tenant to task and revoke their permission to remain open late. That is why I am turning to the City. I am asking that their hours of operation be limited to 11:00 AM to 10:30 or 11:30 PM at the latest, Sunday through Saturday. I do not have a problem when they funct ion as a restaurant. It is when they function as a night-club that the problems develop. Since their SUP was not properly do cument ed and notified in the first place, I am asking for it to be withdrawn. If they would like to re-apply they can then go through the full-disclosure and notification requirements properly and provide an opportunity for the residents of Carlyle Square to raise our concerns and be heard.

In the future, the City needs to pay particular attention to such requests where the property is directly below residences and should absolutely make sure that the residents have been appropriately notified of such requests before they are administratively approved. The Carlyle Club, for instance, is in a building where the upper floors are all offices. Thus, as long as patrons are not acting up on the streets, there is no one to be disturbed.

I would appreciate once again this email being shared with the Police, Planning and Zoning, DEQ and the City Managers off ice, a s well as the City Council. As well, I would appreciate a response regarding my requests above.

Thank you,

Russell Keller
520 John Carlyle Street Unit 230
Alexandria, Virginia 22314
703-845-2535 (W)
703-566-0871 (H)
703-973-3538 (C)

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this note I am asking staff of Planning & Zoning, Transportation & Environmental Services, and the Police Department to respond to this inquiry within three business days and to include Rose and this office in their response.

Than you,
Elaine Scott
Citizen Assistance

703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

05/29/2008 02:38 PM

To rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov
cc

Subject COA Contact Us: Noise Problem and SUP

Please respond to
Russell Keller <kel0202@comcast.net>

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net
Subject: Noise Problem and SUP

Madame,
I am attaching a letter regarding an ongoing noise problem with
the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your
assistance in seeing that this letter gets to the appropriate departments,

Comments: particularly Planning and Zoning, DEQ, Police and City Manager. I look
forward to hearing from you how the City will address this
problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc

----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008 12:40:16 +0000 -----

To: Russell Keller <kel0202@comcast.net>, Faroll.Hamer@alexandriava.gov,
Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov

Subject: Re: COA Contact Us: Noise Problem and SUP

----- Message from Elaine.Scott@alexandriava.gov on Mon, 16 Jun 2008 17:20:18 +0000 -----

To: kel0202@comcast.net

chandafvzw@yahoo.com (chanda fields), Cicely.Woodrow@alexandriava.gov,
cc: Eleonore.Cox@alexandriava.gov, Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov,
Scott.Ogden@alexandriava.gov

Subject: Re: COA Contact Us: Noise Problem and SUP



5fa18baecb9041...

Nathan Randall

From: CN=Richard Josephson/O=Alex
Sent: Friday, June 20, 2008 5:09 PM
To: Rose Boyd
Cc: Elaine Scott; 'CN=Richard Bray/O=Alex@ALEX'; Faroll Hamer
Subject: Re: Fw: COA Contact Us: Noise Problem and SUP

We are preparing a letter to the restaurant regarding this issue and plan to send it early next week

Rich Josephson
Deputy Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, VA 22314

Phone: 703-838-4666, x 302

Rose Boyd/Alex
06/20/2008 03:33 PM

To Elaine Scott/Alex@Alex
cc Richard Josephson/Alex@ALEX
Subject



DocLink1.ndl

Re: Fw: COA Contact Us: Noise Problem and SUP

Thanks. Rich, how close are you to having a response on this?

Elaine Scott/Alex
06/20/2008 08:48 AM

To Rose Boyd/Alex@Alex
cc
Subject Fw: COA Contact Us: Noise Problem and SUP

Here is TES's response.....

Elaine Scott
Citizen Assistance
703-838-3871 - Direct

703-838-4800 - Main

703-838-6426 - Fax

----- Forwarded by Elaine Scott/Alex on 06/20/2008 08:47 AM -----

Rich Baier/Alex

06/19/2008 05:59 PM

To Elaine Scott/Alex@Alex

cc William Skrabak/Alex@Alex, Lalit Sharma, Erica
Bannerman/Alex@ALEX

Subject Fw: COA Contact Us: Noise Problem and SUP

This is really an after hours issue for Police and regulation thru P and Z

Richard J. Baier, P.E.

Director

Transportation and Environmental Services

City of Alexandria

301 King Street

Alexandria, VA 22314

(703) 838.4966

Fax: (703) 519.3356

----- Forwarded by Rich Baier/Alex on 06/19/2008 05:58 PM -----

kel0202@comcast.net

06/19/2008 09:32 AM

To Elaine.Scott@alexandriava.gov

cc chandafvzw@yahoo.com (chanda fields),
Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,
Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
Mulligan), Rich.Baier@alexandriava.gov,
Rose.Boyd@alexandriava.gov, Scott.Ogden@alexandriava.gov

Subject Re: COA Contact Us: Noise Problem and SUP

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car stereos were blasting, people, including the restaurant management, were dancing and carrying on in the street and at least one drunk person was observed being carried to their car by restaurant staff, who tried to place him in the driver's seat. I have asked them to put what they saw in writing and will provide them with the appropriate email addresses for them to forward it to the City.

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Your cooperation and action on this matter are greatly appreciated.

Russell Keller

----- Original message -----

From: Elaine.Scott@alexandriava.gov

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Thank you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

kel0202@comcast.net

06/16/2008 12:35 PM

To Elaine.Scott@alexandriava.gov, Faroll.Hamer@alexandriava.gov, Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
cc gmmulligan@comcast.net (George Mulligan), chandafvzw@yahoo.com (chanda fields), Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov
Subj Re: COA Contact Us: Noise Problem and SUP
ect

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Properties) having their lawyers notify the owners of Zikrayet that they are in violation of their lease, which also clearly states that no noise will be heard beyond the property boundary. Despite that warning and assurances given to me, I again had to call the owners at 1:35 AM on 8 June to complain about the music being turned up and a rhythmic pounding noise, which I was told was people doing Lebanese folk dancing. Based on my protest to Post, the owners have supposedly agreed to forgo their DJ and the folk dancing. I was out of town this weekend so I cannot comment on whether that has actually occurred.

< BR>There are, however, other problems which continue.

First, starting on the evenings when the lounge opens (around 9:30 PM), there is the loud sound of wooden furniture being dragged across a hard floor (I can only describe it as a errrrrrrh sound). This I have been able to determine is coming from the at times almost constant re-positioning of couches, tables and foot stools in the houkah bar directly below my bedroom. On the nights when they are open late (Thursday-Saturday) those noises are heard until up to 3:30 AM, since even after closing clean-up is occurring. After complaining to the owners and Post, I have been told more than once that the furniture legs would be padded. The noise continues, thus I can only assume the padding has not been done.

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A third issue I have brought up with the restaurant and Post is the restaurant employees using the sidewalk area on Emerson for their smoke breaks. When the weather was good I could not leave my windows open without inhaling cigarettes smoke and having to listen to their conversations below my windows. I know they are restaurant employees because they are wearing black polo shirts with "Zikrayet" in white lettering on the back or are in kitchen attire (aprons, white coats, etc.) A week ago Sunday, this included what I believe to be one of their employees parking his car near the corner of Emerson and Carlyle around 11:00 PM with the windows open and the stereo blasting while he stood on the street, smoked a couple of cigarettes, talked on his cellphone and talked to one of the other workers taking a smoke break on the wall outside the restaurant. After 20 minutes of this I called the police, but as luck would have it they car left about 5 minutes later and I called the police back to cancel the complaint. I do not want to waste their time.

To sum all this up the patrons of Zikrayet after-hours (who would not be there otherwise) have become a nuisance and are also endangering citizens with what I am sure is reckless and/or drunk driving. I am therefore requesting a courtesy police patrol in the environs of the restaurant at 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and Saturday to curb the raucous behavior and to enforce public drunkenness and dangerous driving statutes.

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I would appreciate once again this email being shared with the Police, Planning and Zoning, DEQ and the City Managers office, as well as the City Council. As well, I would appreciate a response regarding my requests above.

Thank you,

Russell Keller
520 John Carlyle Street Unit 230
Alexandria, Virginia 22314
703-845-2535 (W)
703-566-0871 (H)
703-973-3538 (C)

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this note I am asking staff of Planning & Zoning, Transportation & Environmental Services, and the Police Department to respond to this inquiry within three business days and to include Rose and this office in their response.

Than you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

05/29/2008 02:38 PM

To rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov
cc

Subject COA Contact Us: Noise Problem and SUP

Please respond to
Russell Keller <kel0202@comcast.net>

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net
Subject: Noise Problem and SUP

Madame,
I am attaching a letter regarding an ongoing noise problem with
the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your
assitance in seeing that this letter gets to the appropriate departments,

Comments: particularly Planning and Zoning, DEQ, Poliee and City Manager. I look
forward to hearing form you how the City will address this
problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc

----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008 12:40:16 +0000 -----

To: Russell Keller <kel0202@comcast.net>, Faroll.Hamer@alexandriava.gov,
Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov
Subject: Re: COA Contact Us: Noise Problem and SUP

----- Message from Elaine.Scott@alexandriava.gov on Mon, 16 Jun 2008 17:20:18 +0000 -----

To: kel0202@comcast.net
chandafvzw@yahoo.com (chanda fields), Cicely.Woodrow@alexandriava.gov,
Eleonore.Cox@alexandriava.gov, Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
cc: Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov,
Scott.Ogden@alexandriava.gov
Subject: Re: COA Contact Us: Noise Problem and SUP



5fa18baecb9041...

Nathan Randall

From: Rose Boyd
Sent: Friday, June 20, 2008 7:04 PM
To: 'kel0202'
Cc: Elaine Scott
Subject: Re: COA Contact Us: Noise Problem and SUP
Attachments: Re:

You should have a response next week.

From: kel0202
Sent: 06/20/2008 06:51 PM GMT
To: Elaine Scott
Cc: chandafvzw@yahoo.com (chanda fields); Cicely Woodrow; Eleonore Cox; Faroll Hamer; gmmulligan@comcast.net (George Mulligan); Rieh Baier; Rose Boyd; Scott Ogden
Subject: Re: COA Contact Us: Noise Problem and SUP

Elaine,
Since 3 business days have gone by, I was wondering what response the City has.

Thank you,
Russell Keller

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this e-mail, I am asking staff from Code Enforcement, Planing & Zoning and Police to revisit the below complaints about the Zikrayet Lebanese Restaurant and Lounge, and to respond within three business days of receipt of to include Rose and this office in your response.

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703-838-3871 - Direct
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kel0202@comcast.net

06/16/2008 12:35 PM

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To sum all this up the patrons of Zikrayet after-hours (who would not be there otherwise) have become a nuisance and are also endangering citizens with what I am sure is reckless and/or drunk driving. I am

therefore requesting a courtesy police patrol in the environs of the restaurant at 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and Saturday to curb the raucous behavior and to enforce public drunkenness and dangerous driving statutes.

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In the future, the City needs to pay particular attention to such requests where the property is directly below residences and should absolutely make sure that the residents have been appropriately notified of such requests before they are administratively approved. The Carlyle Club, for instance, is in a building where the upper floors are all offices. Thus, as long as patrons are not acting up on the streets, there is no one to be disturbed.

I would appreciate once again this email being shared with the Police, Planning and Zoning, DEQ and the City Managers office, as well as the City Council. As well, I would appreciate a response regarding my requests above.

Thank you,

Russell Keller
520 John Carlyle Street Unit 230
Alexandria, Virginia 22314
703-845-2535 (W)
703-566-0871 (H)
703-973-3538 (C)

----- Original message -----
From: Elaine.Scott@alexandriava.gov

By copy of this note I am asking staff of Planning & Zoning, Transportation & Environmental Services, and the Police Department to respond to this inquiry within three business days and to include Rose and this office in their response.

Than you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

05/29/2008 02:38 PM

To: rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov
cc

Subject: COA Contact Us: Noise Problem and SUP

Please respond to
Russell Keller <kel0202@comcast.net>

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net

Subject: Noise Problem and SUP

Madame,
I am attaching a letter regarding an ongoing noise problem with
the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your
assistance in seeing that this letter gets to the appropriate departments,
Comments: particularly Planning and Zoning, DEQ, Police and City Manager. I look
forward to hearing from you how the City will address this
problem.

Regards,
Russell A. Keller

Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc

----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008 12:40:16 +0000 -----

To: Russell Keller <kel0202@comcast.net>, Faroll.Hamer@alexandriava.gov,
Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov

cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov

Subject: Re: COA Contact Us: Noise Problem and SUP

Nathan Randall

From: Eleonore Cox
Sent: Monday, June 23, 2008 9:02 AM
To: Elaine Scott
Subject: Fw: COA Contact Us: Noise Problem and SUP

Elaine, I forwarded this to Tom is in charge this week, while Rich is out, and he will respond. I don't really see any TES related issues in this email as I believe that the PTO garage is privately owned, and all the noise related issues are PD's. However, Tom will have to say the final word ;)

Eleonore

----- Forwarded by Eleonore Cox/Alex on 06/23/2008 08:58 AM -----

kel0202@comcast.net
06/20/2008 02:51 PM

To Elaine.Scott@alexandriava.gov
cc chandafvzw@yahoo.com (chanda fields),
Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,
Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
Mulligan), Rich.Baier@alexandriava.gov,
Rose.Boyd@alexandriava.gov, Scott.Ogden@alexandriava.gov
Subject Re: COA Contact Us: Noise Problem and SUP

Elaine,

Since 3 business days have gone by, I was wondering what response the City has.

Thank you,
Russell Keller

----- Original message -----

From: Elaine.Scott@alexandriava.gov

By copy of this e-mail, I am asking staff from Code Enforcement, Planing & Zoning and Police to revisit the below complaints about the Zikrayet Lebanese Restaurant and Lounge, and to respond within three business days of receipt of to include Rose and this office in your response.

Thank you,
Elaine Scott
Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

kel0202@comcast.net

06/16/2008 12:35 PM

To Elaine.Scott@alexandriava.gov, Faroll.Hamer@alexandriava.gov, Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
cc gmmulligan@comcast.net (George Mulligan), chandafvzw@yahoo.com (chanda fields), Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov
Subj Re: COA Contact Us: Noise Problem and SUP
ect

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Thank you,

Russell Keller
520 John Carlyle Street Unit 230
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703-845-2535 (W)
703-566-0871 (H)
703-973-3538 (C)

----- Original message -----
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Than you,
Elaine Scott
Citizen Assistance

703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

05/29/2008 02:38 PM

To rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov
cc
Subject COA Contact Us: Noise Problem and SUP

Please respond to
Russell Keller <kel0202@comcast.net>

COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net
Subject: Noise Problem and SUP

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I am attaching a letter regarding an ongoing noise problem with
the Zikrayet restaurant at 540 John Carlyle Street. I would appreciate your
assistance in seeing that this letter gets to the appropriate departments,

Comments: particularly Planning and Zoning, DEQ, Police and City Manager. I look
forward to hearing from you how the City will address this
problem.

Regards,
Russell A. Keller

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----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008 12:40:16 +0000 -----

To: Russell Keller <kel0202@comcast.net>, Faroll.Hamer@alexandriava.gov,
Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov
Subject: Re: COA Contact Us: Noise Problem and SUP

----- Message from Elaine.Scott@alexandriava.gov on Mon, 16 Jun 2008 17:20:18 +0000 -----

To: kel0202@comcast.net

chandafvzw@yahoo.com (chanda fields), Cicely.Woodrow@alexandriava.gov,

cc: Eleonore.Cox@alexandriava.gov, Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov, Scott.Ogden@alexandriava.gov

Subject: Re: COA Contact Us: Noise Problem and SUP



5fa18baecb9041...

Nathan Randall

From: CN=Richard Josephson/O=Alex
Sent: Wednesday, June 25, 2008 7:07 PM
To: 'kel0202@comcast.net'; 'chandafvzw@yahoo.com (chanda fields)';
'gmmulligan@comcast.net (George Mulligan)'
Cc: Elaine Scott; Faroll Hamer; 'CN=Richard Bray/O=Alex@Alex'; William Skrabak; Lalit Sharma; Erica Bannerman; Cicely Woodrow; Eleonore Cox; Scott Ogden; Rose Boyd; Rich Baier; 'CN=David Baker/O=Alex@Alex'
Subject: Re: Fw: COA Contact Us: Noise Problem and SUP

Mr. Keller,

We have written a letter to the operator of the restaurant and the owner. See attached. I would like to meet with them and you and try and resolve these noise issues. Please contact me if you have any questions. Thanks



Zikayret.doc

Rich Josephson
Deputy Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, VA 22314

Phone: 703-838-4666, x 302

Richard Josephson/Alex

06/20/2008 05:08 PM

To: Rose Boyd/Alex@Alex
cc: Elaine Scott/Alex@Alex, Richard Bray/Alex@ALEX, Faroll Hamer/Alex@ALEX
Subject



DocLink1.ndl

Re: Fw: COA Contact Us: Noise Problem and SUP

Rose Boyd/Alex
06/20/2008 03:33 PM

To Elaine Scott/Alex@Alex
cc Richard Josephson/Alex@ALEX
Subject



DocLink2.ndl

Re: Fw: COA Contact Us: Noise Problem and SUP

Elaine Scott/Alex
06/20/2008 08:48 AM

To Rose Boyd/Alex@Alex
cc
Subject Fw: COA Contact Us: Noise Problem and SUP

----- Forwarded by Elaine Scott/Alex on 06/20/2008 08:47 AM -----

Rich Baier/Alex
06/19/2008 05:59 PM

To Elaine Scott/Alex@Alex
cc William Skrabak/Alex@Alex, Lalit Sharma, Erica
Bannerman/Alex@ALEX
Subject Fw: COA Contact Us: Noise Problem and SUP

----- Forwarded by Rich Baier/Alex on 06/19/2008 05:58 PM -----

kel0202@comcast.net
06/19/2008 09:32 AM

To Elaine.Scott@alexandriava.gov
cc chandafvzw@yahoo.com (chanda fields),
Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,
Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
Mulligan), Rich.Baier@alexandriava.gov,
Rose.Boyd@alexandriava.gov, Scott.Ogden@alexandriava.gov
Subject Re: COA Contact Us: Noise Problem and SUP

At our Home Owner's Association meeting last evening I was informed by the Post representative that Zikrayet has decided to "self-limit" their hours to close at 12 AM, seven days a week. When I asked what prevents them from deciding to go back to their late hours, I was told "nothing." I have been promised things before regarding the restaurant and after a short period things have gone back to where they were. Most recently there was the case where I was assured they knew they must keep their music down because they were in violation of their

lease and city code. Yet, not a week later on 7 June I was awakened by the music blasting and had to call the owners. Therefore, I do not trust them to "self-regulate" their hours.

Limiting their hours, however, does not address the problems associated with their patrons when they leave. That will now occur at 12:30 or 1 AM vice 2 AM. I am therefore requesting that the police courtesy patrol be present from 12:15 to 12:45 on Friday night (Saturday morning) and Saturday night (Sunday morning) to again control their patrons when they are leaving. I have been in contact with one of our residents who while walking his dogs witnessed what they described as a dance party in the street at 2 AM last Saturday morning, in which car stereos were blasting, people, including the restaurant management, were dancing and carrying on in the street and at least one drunk person was observed being carried to their car by restaurant staff, who tried to place him in the driver's seat. I have asked them to put what they saw in writing and will provide them with the appropriate email addresses for them to forward it to the City.

Because the restaurant cannot be trusted to "self-regulate," and more importantly because the SUP issued was done so without meeting the requirements established by the City (specifically, written notification to ALL property owners adjacent), I am still requesting that their SUP be revoked. That is the only way to ensure they will not arbitrarily return to their late hours, which right now their SUP allows. I again stress that I and many others are amazed and disappointed that the City approved a request for a place serving alcohol to remain open until 2 AM when there are expensive, owner-occupied residences located directly above that property. This does not go on in Old Town or on King Street, why should it go on in a residential condominium building? We moved her specifically because we did not want to live in Adams Morgan. Given that the residents were never properly informed and that the measure was quickly processed over the Christmas holiday period, I am still requesting the City right a serious error in judgement.

Your cooperation and action on this matter are greatly appreciated.

Russell Keller

----- Original message -----

From: Elaine.Scott@alexandriava.gov

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Citizen Assistance
703-838-3871 - Direct
703-838-4800 - Main
703-838-6426 - Fax

kel0202@comcast.net

06/16/2008 12:35 PM

To Elaine.Scott@alexandriava.gov, Faroll.Hamer@alexandriava.gov, Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
cc gmmulligan@comcast.net (George Mulligan), chandafvzw@yahoo.com (chanda fields), Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov
Subj Re: COA Contact Us: Noise Problem and Supplement

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703-838-6426 - Fax

Russell Keller <kel0202@comcast.net>

05/29/2008 02:38 PM

To rose.boyd@alexandriava.gov, elaine.scott@alexandriava.gov
cc
Subject COA Contact Us: Noise Problem and SUP

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Russell Keller <kel0202@comcast.net>

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Time: [Thu May 29, 2008 14:38:45] IP Address: [129.246.225.90]

Issue Type: Rose Williams Boyd
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
Unit 230
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State: Virginia
Zip: 22314
Phone: 703-845-2535
Email Address: kel0202@comcast.net
Subject: Noise Problem and SUP

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cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov
Subject: Re: COA Contact Us: Noise Problem and SUP

----- Message from Elaine.Scott@alexandriava.gov on Mon, 16 Jun 2008 17:20:18 +0000 -----

To: kel0202@comcast.net

chandafvzw@yahoo.com (chanda fields), Cicely.Woodrow@alexandriava.gov,

cc: Eleonore.Cox@alexandriava.gov, Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov, Scott.Ogden@alexandriava.gov

Subject: Re: COA Contact Us: Noise Problem and SUP



5fa18baecb9041...



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

June 25, 2008

Joyce Abdallah
Zikaryet Restaurant
540 John Carlyle Street
Alexandria, VA 22314

Dear Ms. Abdallah,

This office has received several complaints concerning the operation of the restaurant at 540 John Carlyle Street, known as the Zikaryet Restaurant. The complaints have been about noise from music within the restaurant as well as noise from patrons leaving the restaurant late at night.

The residential neighbors of your restaurant have been kept up or awoken by noise late at night. They have cited noise coming from furniture moving inside the restaurant until at late as 3:30 am, unruly patrons making loud phone conversations on the sidewalk on Emerson Street until 2:00 and 2:30 in the morning, car engines revving and cars honking and squealing their tires, and workers using the sidewalk on Emerson Street for smoke breaks and listening to loud music. In response to these noise issues, they have asked the City for police patrols, earlier closing hours of the restaurant and ultimately, revocation of your SUP.

Prior to initiating any action to revoke your SUP, we would hope that these problems can first be resolved to the satisfaction of all involved. Per your SUP, there should be no noise audible from the property line. This means no noise generated from the restaurant should be heard by residents of the units above and near the restaurant. Also, patrons of the restaurant should be advised that they are entering and leaving an area that includes people's homes and should be mindful that loud noises may disrupt the peace and enjoyment of nearby residents.

I would like to schedule a meeting of the parties involved and discuss ways in which all can participate to help resolve these problems. We will try this approach first and see if we can obtain positive results. If this approach does not work, we will consider bringing the SUP back for review.

Please let me know when you are available to meet in the next 2-3 weeks. I will ask that someone from Carlyle Square be present in this meeting as well.

Thank you and I look forward to meeting with you and your neighbors to resolve these issues.

Should you need to contact me, please feel free to do so at 703-838-4666.

Sincerely,

Rich Josephson
Deputy Director

Cc: Post Properties, 1921 Gallows Road, Suite 120, Vienna, VA 22182
Joyce Abdallah, 4588 Eisenhower Avenue, Alexandria VA 22304
Joyce Abdallah, 104 Browns Mill Drive, Alexandria, VA 22304
David Baker, Chief of Police
Rose Boyd, Director, Citizens Assistance
Russell Keller

Nathan Randall

From: kel0202@comcast.net
Sent: Thursday, June 26, 2008 10:25 AM
To: 'Richard.Josephson@alexandriava.gov'; 'chandafvzw@yahoo.com (chanda fields)'; 'gmmulligan@comcast.net (George Mulligan)'; 'johnruffing@verizon.com'
Cc: 'Catherine.Howell@postproperties.com (Catherine Howell)'; 'Laurie.Bonner@postproperties.com (Laurie Bonner)'; 'vkbell@cox.net (Vivian)'; Elaine Scott; Faroll Hamer; 'Richard.Bray@alexandriava.gov'; William Skrabak; Lalit Sharma; Erica Bannerman; Cicely Woodrow; Eleonore Cox; Scott Ogden; Rose Boyd; Rich Baier; 'David.Baker@alexandriava.gov'
Subject: Re: Fw: COA Contact Us: Noise Problem and SUP
Attachments: Re: Fw: COA Contact Us: Noise Problem and SUP

Mr. Josephson,

I have received your response. After reading though it a number of times I am left with the feeling that what you are proposing, if not in name then fact, is arbitration. In other words, compromise. I do not believe that statutes, codes and laws are subject to compromise. I would hope the City of Alexandria agrees with that. To suggest compromise in this case would imply that I and others are perhaps being too sensitive or picky. I see nothing too sensitive about objecting to drunken rowdiness in the streets at 2:00 AM and I don't think it is picky to be upset with drunk drivers blasting from the the neighborhood. I would hope you would agree with me. I have asked the City to enforce the laws and statutes they have put in place. I appreciate that your letter tried to inform the owners of their need to comply, but then the reference to arbitration softens all that by hinting at compromise.&nb sp;

I am not sure what my meeting with the restaurant owners will accomplish. The City does not need my presence to enforce code. I and other residents have met or talked with one or more of the owners on more than one occasion. Post talks to the owners on a weekly basis. We are promised things and then either nothing happens (such as padding the furniture legs), or things go back to the way they were after a short period of time (blasting music on 7 June). I do not feel I can trust anything I am told by the owners. That is why I wrote to the City, because nothing else seemed to be getting done.

There have been some improvements. The music has not been audible in my property for the last couple of weeks. I noticed that the hours of operation and the write-up about the Z-lounge have been modified on their website, to include a note asking for patrons to respect the condominium owners living above. I did not notice patrons being noisy when leaving this past weekend, but others may have. The furniture scraping noises are still there.

This does not, however, prevent things from going back. If by meeting with the owners I am given concrete promises regarding what the restaurant is willing to do as well as an absolute assurance of immediate action by the City should Zikrayet go back on their word for any reason, then such a meeting will be worth my time. Otherwise, I see nothing to be gained. I believe in actions, not words.

This also does not address the issue of how the SUP process was handled by the City in the first place. Is there an explanation why the residents were never notified in writing, as required by the City, when the application was made and why no one in the City caught that ommission? Have procedures been reviewed and modified to ensure such things do not happen in the future? Furthermore, what was the reasoning that led the City to think that an establishment, restaurant or otherwise, serving alcohol, staying open until 2:00 AM was a good idea, especially when it it located directly below residences? And to have something like that pass on a

Consent schedule as well. I am still trying to understand that reasoning, because my fear is that same reasoning will be applied in the future as more and more commercial space becomes available in Carlyle.

I also would like to make this a meeting with more than just myself. There are at least two other owners who have had serious issues with the restaurant; I just happen to be the most vocal. I don't want to turn this into 145 owners against 3, but I would at least like to extend the opportunity for those one or two others to participate. I have included them in the address list above. I want to make sure that all concerns are raised and that whatever is worked out is satisfactory to all residents, not just me.

Lastly, I will be leaving the area next Tuesday morning (01 July) and not returning until 8 July. I also know Laurie Bonner, the Post representative we deal with, will not be here next week either. I do not know the availability of others. I would like to talk to the other 2 residents to see what their availability is and then perhaps I can suggest some dates after 8 July that will work for us, assuming my stipulations above regarding what will take place at such a meeting are acceptable. If we are just going to talk, I have no interest in meeting.

I want to thank you and others in the City government for attempting to address this issue. Although my complaints may to some seem selfish, I assure you they are grounded in my desire to see Alexandria be a place where people want to live, not just come and get drunk in. I think the City in general and the Carlyle area have much to offer and an opportunity to become one of the best places in Virginia to live. That will only happen if citizens get involved, question what is going on and can rely on the City to take positive and concrete action.

Respectfully,
Russell Keller

----- Original message -----

From: Richard.Josephson@alexandriava.gov

>
> Mr. Keller,
>
> We have written a letter to the operator of the restaurant and the owner.
> See attached. I would like to meet with them and you and try and resolve
> these noise issues. Please contact me if you have any questions. Thanks

>
>
> (See attached file: Zikayret.doc)
> Rich Josephson
> Deputy Director
> Department of Planning and Zoning
> City of Alexandria
> 301 King Street
> Alexandria, VA 22314

>
> Phone: 703-838-4666, x 302
>
>
> _____
>
>

> 06/20/2008 08:48 To
> AM Rose Boyd/Alex@Alex
> cc
>
> Subject
> Fw: COA Contact Us: Noise Problem
> and SUP

> ----- Forwarded by Elaine Scott/Alex on 06/20/ 2008 0 8:47 AM -----

> Rich Baier/Alex

> 06/19/2008 05:59 To
> PM Elaine Scott/Alex@Alex
> cc
> William Skrabak/Alex@Alex, Lalit
> Sharma, Erica Bannerman/Alex@ALEX
> Subject
> Fw: COA Contact Us: Noise Problem
> and SUP

> ----- Forwarded by Rich Baier/Alex on 06/19/2008 05:58 PM -----

> kel0202@comcast.n
> et
> To
> 06/19/2008 09:32 Elaine.Scott@alexandriava.gov
> AM cc
> chandafvzw@yahoo.com (chanda
> fields),
> Cicely.Woodrow@alexandriava.gov,
> Eleonore.Cox@alexandriava.gov,
> Faroll.Hamer@alexandriava.gov,

> gmmulligan@comcast.net (George
> Mulligan),
> Rich.Baier@alexandriava.gov,
> Rose.Boyd@alexandriava.gov,
> Scott.Ogden@alexandriava.gov
> Subject
> Re: COA Contact Us: Noise Problem
> and SUP

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> At our Home Owner's Association meeting last evening I was informed by the
> Post representative that Zikrayet has decided to "self-limit" their hours
> to close at 12 AM, seven days a week. When I asked what prevents them from
> deciding to go back to their late hours, I was told "nothing." I have been
> promised things before regarding the restaurant and after a short period
> things have gone back to where they were. Most recently there was the case
> where I was assured they knew they must keep their music down because they
> were in violation of their lease and city code. Yet, not a week later on 7
> June I was awakened by the music blasting and had to call the owners.
> Therefore, I do not trust them to "self-regulate" their hours.

>
> Limiting their hours, however, does not address the problems associated
> with their patrons when they leave. That will now occur at 12:30 or 1 AM
> vice 2 AM. I am therefore requesting that the police courtesy patrol be
> present from 12:15 to 12:45 on Friday night (Saturday morning) and Saturday
> night (Sunday morning) to again control their patrons when they are
> leaving. I have been in contact with one of our residents who while
> walking his dogs witnessed what they described as a dance party in the
> street at 2 AM last Saturday morning, in which car stereos were blasting,
> people, including the restaurant management, were dancing and carrying on
> in the street and at least one drunk person was observed being carried to
> their car by restaurant staff, who tried to place him in the driver's seat.
> I have asked them to put what they saw in writing and will provide them
> with the appropriate email addresses for them to forward it to the City.

>
> Because the restaurant cannot be trusted to "self-regulate," and more
> importantly because the SUP issued was done so without meeting the
> requirements established by the City (specifically, written notification to
> ALL property owners adjacent), I am still requesting that their SUP be
> revoked. That is the only way to ensure they will not arbitrarily return
> to their late hours, which right now their SUP allows. I again stress that
> I and many others are amazed and disappointed that the City approved a
> request for a place serving alcohol to remain open until 2 AM when there

> are expensive, owner-occupied residences located directly above that
> property. This does not go on in Old Town or on King Street, why should it
> go on in a residential condominium building? We moved her specifically
> because we did not want to live in Adams Morgan. Given that the residents
& gt; were never properly informed and that the measure was quickly processed over
> the Christmas holiday period, I am still requesting the City right a
> serious error in judgement.

>
> Your cooperation and action on this matter are greatly appreciated.

>
> Russell Keller

>
>
> ----- Original message -----

> From: Elaine.Scott@alexandriava.gov

>
> By copy of this e-mail, I am asking staff from Code Enforcement, Planning &
> Zoning and Police to revisit the below complaints about the Zikrayet
> Lebanese Restaurant and Lounge, and to respond within three business days
> of receipt of to include Rose and this office in your response.

>
> Thank you,
> Elaine Scott
> Citizen Assistance
> 703-838-3871 - Direct
> 703-838-4800 - Main
> 703-838-6426 - Fax

>
>
> kel0202@c
> omcast.ne
> ; t
> To
> Elaine.Scott@alexandriava.gov,
> 06/16/200 Faroll.Hamer@alexandriava.gov,
> 8 12:35 Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov

> PM cc
> gmmulligan@comcast.net (George Mulligan),
> chandafvzw@yahoo.com (chanda fields),
> Rose.Boyd@alexandriava.gov,
> Cicely.Woodrow@alexandriava.gov,
> Eleonore.Cox@alexandriava.gov

> Subject
> Re: COA Contact Us: Noise Problem and SUP

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> Elaine,
> Since my last correspondence with you problems with Zikrayet Lebanese
> Restaurant and Lounge have continued. The playing of loud music has, I
> hope finally, been addressed by the owner of the property (Post
> Properties) having their lawyers notify the owners of Zikrayet that they
> are in violation of their lease, which also clearly states that no noise
> will be heard beyond the property boundary. Despite that warning and
> assurances given to me, I again had to call the owners at 1:35 AM on 8
> June to complain about the music being turned up and a rhythmic pounding
> noise, which I was told was people doing Lebanese folk dancing. Based on
> my protest to Post, the owners have supposedly agreed to forgo their DJ
> and the folk dancing. I was out of town this weekend so I cannot comment
> on whether that has actually occurred.
> < BR>There are, however, other problems which continue.
>
> First, starting on the evenings when the lounge opens (around 9:30 PM),
> there is the loud sound of wooden furniture being dragged across a hard
> floor (I can only describe it as a errrrrrrh sound). This I have been
> able to determine is coming from the at times almost constant
> re-positioning of couches, tables and foot stools in the hookah bar
> directly below my bedroom. On the nights when they are open late
> (Thursday-Saturday) those noises are heard until up to 3:30 AM, since even
> after closing clean-up is occurring. After complaining to the owners and
> Post, I have been told more than once that the furniture legs would be
> padded. The noise continues, thus I can only assume the padding has not
> been done.
>
> The second issue is the noise from unruly patrons. During the hours of o
> peration of the lounge (9:30 PM to 1:30 AM on Thursday, Friday and
> Saturday), patrons routinely use the sidewalk in front of the restaurant
> on Emerson to conduct often loud cellphone conversations, since they
> cannot talk with all the noise in the restaurant. Then, around 2:00 AM
> (which is at least 30 minutes after Zikrayet is supposed to close) those
> same patrons come out of the restaurant in groups and proceed to yell,
> laugh, call-out and carry on for 20 or 30 minutes on the sidewalk and
> streets adjacent to the restaurant. This usually ends with a roar of car
> engines starting and the blaring of car stereos, squealing of tires and
> honking of horns as they depart. I have also complained about this to
> Post, and have been given a luke-warm response that there "is really
> nothing the restaurant can do about their patrons when they leave." I was
> lamely told that the City is at fault for not allowing parking in the PTO
> garage. Although I was not present, this past Friday evening (13th)
> another resident was awoken by this raucous behavior after 2 AM and she
> has also complained to Post in writing.
>
> A third issue I have brought up with the restaurant and Post is the
> restaurant employees using the sidewalk area on Emerson for their smoke

> breaks. When the weather was good I could not leave my windows open
> without inhaling cigarettes smoke and having to listen to their
> conversations below my windows. I know they are restaurant employees
> because they are wearing black polo shirts with "Zikrayet" in white
> lettering on the back or are in kitchen attire (aprons, white coats,
> etc.) A week ago Sunday, this included what I believe to be one of their
> employees parking his car near the corner of Emerson and Carlyle around
> 11:00 PM with the windows open and the stereo blasting while he stood on
> the street, smoked a couple of cigarettes, talked on his cellphone and
> talked to one of the other workers taking a smoke break on the wall
> outside the restaurant. After 20 minutes of this I called the police, but
> as luck would have it they car left about 5 minutes later and I called
> the police back to cancel the complaint. I do not want to waste their
> time .

>
> To sum all this up the patrons of Zikrayet after-hours (who would not be
> there otherwise) have become a nuisance and are also endangering citizens
> with what I am sure is reckless and/or drunk driving. I am therefore
> requesting a courtesy police patrol in the environs of the restaurant at
> 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and
> Saturday to curb the raucous behavior and to enforce public drunkenness and
> dangerous driving statutes.

>
> I am further requesting that Zikrayet's SUP be revoked. They have
> routinely and continually violated a SUP, which I have pointed out in
> past correspondence, was issued in an irregular manner. Their presence in
> the neighborhood is bringing an undesirable and nuisance element which
> they do not feel compelled to control. I have been told by senior Post
> employees that they were not aware the restaurant was looking to have a
> DJ, loud music, dancing, etc., which I can understand since the written
> notification they received, and which none of the residents of Carlyle
> Square received, mentioned nothing about any of that. Unfortunately, Post
> seems reluctant to take their tenant to task and revoke their permission
> to remain open late. That is why I am turning to the City. I am asking
> that their hours of operation be limited to 11:00 AM to 10:30 or 11:30 PM
> at the latest, Sunday through Saturday. I do not have a problem when they
> function as a restaurant. It is when they function as a night-club that
> the problems develop. Since their SUP was not properly documented and
> notified in the first place, I am asking for it to be withdrawn. If they
> would like to re-apply they can then go through the full-disclosure and
> notification requirements properly and provide an opportunity for the
> residents of Carlyle Square to raise our concerns and be heard.

>
> In the future, the City needs to pay particular attention to such
> requests where the property is directly below residences and should
> absolutely make sure that the residents have been appropriately notified
> of such requests before they are administratively approved. The Carlyle
> Club, for instance, is in a building where the upper floors are all
> offices. Thus, as long as patrons are not acting up on the streets, there
> is no one to be disturbed.

> I would appreciate once again this email being shared with the Police,
> Planning and Zoning, DEQ and the City Managers office, as well as the
> City Council. As well, I would appreciate a response regarding my
> requests above.
>
> Thank you,
>
> Russell Keller
> 520 John Carlyle Street Unit 230
> Alexandria, Virginia 22314
> 703-845-2535 (W)
> 703-566-0871 (H)
> 703-973-3538 (C)
>
> ----- Original message -----
> From: Elaine.Scott@alexandriava.gov
>
> By copy of this note I am asking staff of Planning & Zoning,
> Transportation & Environmental Services, and the Police Department to
> respond to this inquiry within three business days and to include Rose and
> this office in their response.
>
> Than you,
> Elaine Scott
> Citizen Assistance
> 703-838-3871 - Direct
> 703-838-4800 - Main
> 703-838-6426 - Fax
>
> Russell Keller
>
>
> To
> 05/29/2008 02:38 PM rose.boyd@alexandriava.gov,
> elaine.scott@alexandriava.gov
> cc
> Please respond to
> Russell Keller Subject
> COA Contact Us: Noise Problem and
> SUP
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> COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

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> Time: [Thu May

> 29, 2008

> 14:38:45] IP

> Address:

> [129.246.225.90]

>
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>

> Issue Type: Rose Williams Boyd

>

> First Name: Russell

>

> Last Name: Keller

>

> Street Address: 520 John Carlyle Street

> Unit 230

>

> City: Alexandria

>

> State: Virginia

>

> Zip: 22314

>

> Phone: 703-845-2535

>

> Email Address: kel0202@comcast.net

>

>

> Subject: Noise Problem and SUP

>

> Comments: Madame,

> I am attaching a letter regarding an ongoing noise

> problem with

>

> the Zikrayet restaurant at 540 John Carlyle Street. I

> would appreciate your

>

> assistance in seeing that this letter gets to the

> appropriate departments,

>

> particularly Planning and Zoning, DEQ, Police and City

> Manager. I look

>

> forward to hearing from you how the City will address

> this

>
> problem.
>
> Regards,
> Russell A. Keller
>
> Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc
>
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>
> ----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008
> 12:40:16 +0000 -----
>
> To: Russell Keller , Faroll.Hamer@alexandriava.gov,
> Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
>
> cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov,
> Eleonore.Cox@alexandriava.gov
>
> Subj Re: COA Contact Us: Noise Problem and SUP
> ect:
> < BR>>
>
>
> ----- Message from Elaine.Scott@alexandriava.gov on Mon, 16 Jun 2008
> 17:20:18 +0000 -----
>
> To: kel0202@comcast.net
>
> cc: chandafvzw@yahoo.com (chanda fields),
> Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,
> Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
> Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov,
> Scott.Ogden@alexandriava.gov
>
> Subj Re: COA Contact Us: Noise Problem and SUP
> ect:
>
>
> (See attached file: 5fa18baecb9041b80ee1d9cfa0736de0.doc)
>

Nathan Randall

From: John <johnruffing@verizon.net>
Sent: Thursday, June 26, 2008 3:03 PM
To: Elaine Scott
Subject: Carlyle Sqaure Condominium Issue

Elaine,

I was provided your email address and if you are the wrong person to contact for this issue please let me know who I need to talk to.

I have been having very bad trash smells in my unit for the past month. My unit is not situated directly over the trash room for the retail on the South side of our building, but my unit and the one directly below me have been having this issue. I have informed Post Properties of my issue and they have told me things are being done to counter the smells in my unit but I have noticed no such reduction. Today when I arrived I had to open the windows to reduce the smell as it has been coming up from inside the wall somehow. It has been progressively getting worse and my unit was unbearable upon entry today. I have lived here a year and have never experienced these smells prior to the end of last month. The new Zlkrayet restaurant opening I'm sure contributed to the smells (as they use this for their trash) but it is Post's trash room that all retail on this side of the building use so it is their responsibility to keep odors down.

I am looking for information to see if there is a health code violation as my unit has been smelling like rotting trash for the past month. I have tried to resolve this with Post but I am not happy with the speed at which they are moving as I have to live with this awful smell daily.

Thanks for your assistance in this matter.

John Ruffing
(703) 836-1156
520 John Carlyle St
Unit 331

Nathan Randall

From: kel0202@comcast.net
Sent: Thursday, June 26, 2008 5:36 PM
To: 'Richard.Josephson@alexandriava.gov'; 'chandafvzw@yahoo.com (chanda fields)'; 'gmmulligan@comcast.net (George Mulligan)'; 'johnruffing@verizon.com'
Cc: 'Catherine.Howell@postproperties.com (Catherine Howell)'; 'Laurie.Bonner@postproperties.com (Laurie Bonner)'; 'vkbell@cox.net (Vivian)'; Elaine Scott; Faroll Hamer; 'Richard.Bray@alexandriava.gov'; William Skrabak; Lalit Sharma; Erica Bannerman; Cicely Woodrow; Eleonore Cox; Scott Ogden; Rose Boyd; Rich Baier; 'David.Baker@alexandriava.gov'
Subject: Re: Fw: COA Contact Us: Noise Problem and SUP
Attachments: Re: Fw: COA Contact Us: Noise Problem and SUP

Mr. Josephson,

On further thought and discussion with others, I would like to see the following. If Zikrayet has changed their hours in an attempt to eliminate the early-morning rucus after closing, then they should amend the SUP to reflect those new hours and provide a firm commitment to the City and the residents that it will not continue, even at 12:00 AM. This would solidify their committment to preserving the peace and show they are serious about the changes they have made, specifically dropping the DJ/live entertainment and changing their closing time to 12:00 AM 7 days a week. Right now there is nothing to prevent them deciding to go back; they have a SUP from the City that allows them to do so any time they choose. Talking does not change any of that.

I have identified the issues to the City and as far as I am concerned this is now a matter between the City and a commercial entity that has been in violation of the rules/law. As a taxpayer, voter and resident, I should not be placed in the position of being the entity that monitors compliance; that is the City's function. I have no enforcement authority short of sueing the restaurant; the City does. I am asking the City to act in a firm and definite manner to ensure future compliance on the part of Zikrayet. Talking to me does nothing in that regard. In fact, as I stated earlier it places me in the position of negotiating. I see nothing to negotiate about.

I will be glad to be present in a meeting when the City asks Zikrayet what measures they are taking and informs the restaurant regarding what measures they must take to be in compliance and show good faith (i.e. amend their SUP). But, I will not be put in a position of having all 3 owners there to gang up on me, nor will I be there to negotiate. I will not allow this to be placed into the category of he-said she-said. I will not do anything that surrenders my right to peace and tranquility in my own home, nor will I turn a blind eye to misbehavior and criminal activity. I would think the City would be in agreement with me on that.

Respectfully,
Russell Keller

----- Original message -----

From: kel0202@comcast.net

Mr. Josephson,

I have received your response. After reading though it a number of times I am left with the feeling that what you are proposing, if not in name then fact, is arbitration. In other words, compromise. I do not believe that statutes, codes and laws are subject to compromise. I would hope the City of Alexandria agrees with that. To suggest compromise in this case would imply that I and others are perhaps being too sensitive or picky. I see nothing too sensitive about objecting to drunken rowdiness in the streets at 2:00 AM and I don't think it is picky to be upset with drunk drivers blasting from the the

neighborhood. I would hope you would agree with me. I have asked the City to enforce the laws and statutes they have put in place. I appreciate that your letter tried to inform the owners of their need to comply, but then the reference to arbitration softens all that by hinting at compromise.&nb sp;

I am not sure what my meeting with the restaurant owners will accomplish. The City does not need my presence to enforce code. I and other residents have met or talked with one or more of the owners on more than one occasion. Post talks to the owners on a weekly basis. We are promised things and then either nothing happens (such as padding the furniture legs), or things go back to the way they were after a short period of time (blasting music on 7 June). I do not feel I can trust anything I am told by the owners. That is why I wrote to the City, because nothing else seemed to be getting done.

There have been some improvements. The music has not been audible in my property for the last couple of weeks. I noticed that the hours of operation and the write-up about the Z-lounge have been modified on their website, to include a note asking for patrons to respect the condominium owners living above. I did not notice patrons being noisy when leaving this past weekend, but others may have. The furniture scraping noises are still there.

This does not, however, prevent things from going back. If by meeting with the owners I am given concrete promises regarding what the restaurant is willing to do as well as an absolute assurance of immediate action by the City should Zikrayet go back on their word for any reason, then such a meeting will be worth my time. Otherwise, I see nothing to be gained. I believe in actions, not words.

This also does not address the issue of how the SUP process was handled by the City in the first place. Is there an explanation why the residents were never notified in writing, as required by the City, when the application was made and why no one in the City caught that omission? Have procedures been reviewed and modified to ensure such things do not happen in the future? Furthermore, what was the reasoning that led the City to think that an establishment, restaurant or otherwise, serving alcohol, staying open until 2:00 AM was a good idea, especially when it is located directly below residences? And to have something like that pass on a Consent schedule as well. I am still trying to understand that reasoning, because my fear is that same reasoning will be applied in the future as more and more commercial space becomes available in Carlyle.

I also would like to make this a meeting with more than just myself. There are at least two other owners who have had serious issues with the restaurant; I just happen to be the most vocal. I don't want to turn this into 145 owners against 3, but I would at least like to extend the opportunity for those one or two others to participate. I have included them in the address list above. I want to make sure that all concerns are raised and that whatever is worked out is satisfactory to all residents, not just me.

Lastly, I will be leaving the area next Tuesday morning (01 July) and not returning until 8 July. I also know Laurie Bonner, the Post representative we deal with, will not be here next week either. I do not know the availability of others. I would like to talk to the other 2 residents to see what their availability is and then perhaps I can suggest some dates after 8 July that will work for us, assuming my stipulations above regarding what will take place at such a meeting are acceptable. If we are just going to talk, I have no interest in meeting.

I want to thank you and others in the City government for attempting to address this issue. Although my complaints may to some seem selfish, I assure you they are grounded in my desire to see Alexandria be a place where people want to live, not just come and get drunk in. I think the City in general and the Carlyle area have much to offer and an opportunity to become one of the best places in Virginia to live. That will only happen if citizens get involved, question what is going on and can rely on the City to take positive and concrete action.

Respectfully,
Russell Keller

----- Original message -----

From: Richard.Josephson@alexandriava.gov

>
> Mr. Keller,
>
> We have written a letter to the operator of the restaurant and the owner.
> See attached. I would like to meet with them and you and try and resolve
> these noise issues. Please contact me if you have any questions. Thanks

>
> (See attached file: Zikayret.doc)
> Rich Josephson
> Deputy Director
> Department of Planning and Zoning
> City of Alexandria
> 301 King Street
> Alexandria, VA 22314

> Phone: 703-838-4666, x 302

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> _____
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>
> Richard
> Josephson/Alex
> To
> 06/20/2008 05:08 Rose Boyd/Alex@Alex
> PM cc
> Elaine Scott/Alex@Alex, Richard
> Bray/Alex@ALEX, Faroll
> Hamer/Alex@ALEX
> Subject
> Re: Fw: COA Contact Us: Noise
> Problem and SUP(Document link: Rose
> Boyd)

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> Rose Boyd/Alex
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> 06/20/2008 03:33 To
> PM Elaine Scott/Alex@Alex
> cc
> Richard Josephson/Alex@ALEX
> Subject
> Re: Fw: COA Contact Us: Noise
> Problem and SUP(Document link:
> Richard Josephson)

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> Elaine Scott/Alex
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> 06/20/2008 08:48 To
> AM Rose Boyd/Alex@Alex
> cc
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> Subject
> Fw: COA Contact Us: Noise Problem
> and SUP

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> ----- Forwarded by Elaine Scott/Alex on 06/20/ 2008 0 8:47 AM -----
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> Rich Baier/Alex

>
> 06/19/2008 05:59 To
> PM Elaine Scott/Alex@Alex
> cc
> William Skrabak/Alex@Alex, Lalit
> Sharma, Erica Bannerman/Alex@ALEX
> Subject
> Fw: COA Contact Us: Noise Problem
> and SUP

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> ----- Forwarded by Rich Baier/Alex on 06/19/2008 05:58 PM -----

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> kel0202@comcast.n
> et
> To
> 06/19/2008 09:32 Elaine.Scott@alexandriava.gov
> AM cc
> chandafvzw@yahoo.com (chanda
> fields),
> Cicely.Woodrow@alexandriava.gov,
> Eleonore.Cox@alexandriava.gov,
> Faroll.Hamer@alexandriava.gov,
> gmmulligan@comcast.net (George
> Mulligan),
> Rich.Baier@alexandriava.gov,
> Rose.Boyd@alexandriava.gov,
> Scott.Ogden@alexandriava.gov
> Subject
> Re: COA Contact Us: Noi se Pro b lem
> and SUP

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> At our Home Owner's Association meeting last evening I was informed by the
> Post representative that Zikrayet has decided to "self-limit" their hours

> to close at 12 AM, seven days a week. When I asked what prevents them from
> deciding to go back to their late hours, I was told "nothing." I have been
> promised things before regarding the restaurant and after a short period
> things have gone back to where they were. Most recently there was the case
> where I was assured they knew they must keep their music down because they
> were in violation of their lease and city code. Yet, not a week later on 7
> June 1 was awakened by the music blasting and had to call the owners.
> Therefore, I do not trust them to "self-regulate" their hours.
>
> Limiting their hours, however, does not address the problems associated
> with their patrons when they leave. That will now occur at 12:30 or 1 AM
> vice 2 AM. I am therefore requesting that the police courtesy patrol be
> present from 12:15 to 12:45 on Friday night (Saturday morning) and Saturday
> night (Sunday morning) to again control their patrons when they are
> leaving. I have been in contact with one of our residents who while
> walking his dogs witnessed what they described as a dance party in the
> street at 2 AM last Saturday morning, in which car stereos were blasting,
> people, including the restaurant management, were dancing and carrying on
> in the street and at least one drunk person was observed being carried to
> their car by restaurant staff, who tried to place him in the driver's seat.
> I have asked them to put what they saw in writing and will provide them
> with the appropriate email addresses for them to forward it to the City.
>
> Because the restaurant cannot be trusted to "self-regulate," and more
> importantly because the SUP issued was done so without meeting the
> requirements established by the City (specifically, written notification to
> ALL property owners adjacent), I am still requesting that their SUP be
> revoked. That is the only way to ensure they will not arbitrarily return
> to their late hours, which right now their SUP allows. I again stress that
> I and many others are amazed and disappointed that the City approved a
> request for a place serving alcohol to remain open until 2 AM when there
> are expensive, owner-occupied residences located directly above that
> property. This does not go on in Old Town or on King Street, why should it
> go on in a residential condominium building? We moved her specifically
> because we did not want to live in Adams Morgan. Given that the residents & gt; were
never properly informed and that the measure was quickly processed over
> **r the Christmas holiday period, I am still requesting the City right a**
> **serious error in judgement.**

>
> **Your cooperation and action on this matter are greatly appreciated.**

>
> **Russell Keller**

>
>
> ----- Original message -----

> **From: Elaine.Scott@alexandriava.gov**

>
> **By copy of this e-mail, I am asking staff from Code Enforcement, Planning &**
> **Zoning and Police to revisit the below complaints about the Zikrayet**
> **Lebanese Restaurant and Lounge, and to respond within three business days**
> **of receipt of to include Rose and this office in your response.**

>
> Thank you,
> Elaine Scott
> Citizen Assistance
> 703-838-3871 - Direct
> 703-838-4800 - Main
> 703-838-6426 - Fax
>
>
> kel0202@c
> omc ast.ne
> ; t
> To
> Elaine.Scott@alexandriava.gov,
> 06/16/200 Faroll.Hamer@alexandriava.gov,
> 8 12:35 Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
> PM cc
> gmmulligan@comcast.net (George Mulligan),
> chandafvzw@yahoo.com (chanda fields),
> Rose.Boyd@alexandriava.gov,
> Cicely.Woodrow@alexandriava.gov,
> Eleonore.Cox@alexandriava.gov
> Subject
> Re: COA Contact Us: Noise Problem and SUP

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> Elaine,
> Since my last correspondence with you problems with Zikrayet Lebanese
> Restaurant and Lounge have continued. The playing of loud music has, I
> hope finally, been addressed by the owner of the property (Post
> Properties) having their lawyers notify the owners of Zikrayet that they
> are in violation of their lease, which also clearly states that no noise
> will be heard beyond the property boundary. Despite that warning and
> assurances given to me, I again had to call the owners at 1:35 AM on 8
> June to complain about the music being turned up and a rhythmic pounding
> noise, which I was told was people doing Lebanese folk dancing. Based on
> my protest to Post, the owners have supposedly agreed to forgo their DJ
> and the folk dancing. I was out of town this weekend so I cannot comment
> on whether that has actually occurred.
> < BR>There are, however, other problems which continue.

>

> First, starting on the evenings when the lounge opens (around 9:30 PM),
> there is the loud sound of wooden furniture being dragged across a hard
> floor (I can only describe it as a errrrrrrh sound). This I have been
> able to determine is coming from the at times almost constant
> re-positioning of couches, tables and foot stools in the hookah bar
> directly below my bedroom. On the nights when they are open late
> (Thursday-Saturday) those noises are heard until up to 3:30 AM, since even
> after closing clean-up is occurring. After complaining to the owners and
> Post, I have been told more than once that the furniture legs would be
> padded. The noise continues, thus I can only assume the padding has not
> been done.

>
> The second issue is the noise from unruly patrons. During the hours of o
> peration of the lounge (9:30 PM to 1:30 AM on Thursday, Friday and
> Saturday), patrons routinely use the sidewalk in front of the restaurant
> on Emerson to conduct often loud cellphone conversations, since they
> cannot talk with all the noise in the restaurant. Then, around 2:00 AM
> (which is at least 30 minutes after Zikrayet is supposed to close) those
> same patrons come out of the restaurant in groups and proceed to yell,
> laugh, call-out and carry on for 20 or 30 minutes on the sidewalk and
> streets adjacent to the restaurant. This usually ends with a roar of car
> engines starting and the blaring of car stereos, squealing of tires and
> honking of horns as they depart. I have also complained about this to
> Post, and have been given a luke-warm response that there "is really
> nothing the restaurant can do about their patrons when they leave." I was
> lamely told that the City is at fault for not allowing parking in the PTO
> garage. Although I was not present, this past Friday evening (13th)
> another resident was awoken by this raucous behavior after 2 AM and she
> has also complained to Post in writing.

>
> A third issue I have brought up with the restaurant and Post is the
> restaurant employees using the sidewalk area on Emerson for their smoke
> breaks. When the weather was good I could not leave my windows open
> without inhaling cigarettes smoke and having to listen to their
> conversations below my windows. I know they are restaurant employees
> because they are wearing black polo shirts with "Zikrayet" in white
> lettering on the back or are in kitchen attire (aprons, white coats,
> etc.) A week ago Sunday, this included what I believe to be one of their
> employees parking his car near the corner of Emerson and Carlyle around
> 11:00 PM with the windows open and the stereo blasting while he stood on
> the street, smoked a couple of cigarettes, talked on his cellphone and
> talked to one of the other workers taking a smoke break on the wall
> outside the restaurant. After 20 minutes of this I called the police, but
> as luck would have it they car left about 5 minutes later and I called
> the police back to cancel the complaint. I do not want to waste their
& gt; time.

>
> To sum all this up the patrons of Zikrayet after-hours (who would not be
> there otherwise) have become a nuisance and are also endangering citizens
> with what I am sure is reckless and/or drunk driving. I am therefore
> requesting a courtesy police patrol in the environs of the restaurant at

> 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and
> Saturday to curb the raucous behavior and to enforce public drunkenness and
> dangerous driving statutes.

>
> I am further requesting that Zikrayet's SUP be revoked. They have
> routinely and continually violated a SUP, which I have pointed out in
> past correspondence, was issued in an irregular manner. Their presence in
> the neighborhood is bringing an undesirable and nuisance element which
> they do not feel compelled to control. I have been told by senior Post
> employees that they were not aware the restaurant was looking to have a
> DJ, loud music, dancing, etc., which I can understand since the written
> notification they received, and which none of the residents of Carlyle
> Square received, mentioned nothing about any of that. Unfortunately, Post
> seems reluctant to take their tenant to task and revoke their permission
> to remain open late. That is why I am turning to the City. I am asking
> that their hours of operation be limited to 11:00 AM to 10:30 or 11:30 PM
> at the latest, Sunday through Saturday. I do not have a problem when they
> function as a restaurant. It is when they function as a night-club that
> the problems develop. Since their SUP was not properly documented and
> notified in the first place, I am asking for it to be withdrawn. If they
> would like to re-apply they can then go through the full-disclosure and
> notification requirements properly and provide an opportunity for the
> residents of Carlyle Square to raise our concerns and be heard.

>
> In the future, the City needs to pay particular attention to such
> requests where the property is directly below residences and should
> absolutely make sure that the residents have been appropriately notified
> of such requests before they are administratively approved. The Carlyle
> Club, for instance, is in a building where the upper floors are all
> offices. Thus, as long as patrons are not acting up on the streets, there
> is no one to be disturbed.

>
> I would appreciate once again this email being shared with the Police,
> Planning and Zoning, DEQ and the City Managers office, as well as the
> City Council. As well, I would appreciate a response regarding my
> requests above.

>
> Thank you,

>
> Russell Keller
> 520 John Carlyle Street Unit 230
> & t; Alexandria, Virginia 22314
> 703-845-2535 (W)
> 703-566-0871 (H)
> 703-973-3538 (C)

>
> ----- Original message -----

> From: Elaine.Scott@alexandriava.gov

>
> By copy of this note I am asking staff of Planning & Zoning,
> Transportation & Environmental Services, and the Police Department to

> respond to this inquiry within three business days and to include Rose and
> this office in their response.

>
> Than you,
> Elaine Scott
> Citizen Assistance
> 703-838-3871 - Direct
> 703-838-4800 - Main
> 703-838-6426 - Fax

>
> Russell Keller

>
>
> To
> 05/29/2008 02:38 PM rose.boyd@alexandriava.gov,
> elaine.scott@alexandriava.gov

> cc
> Please respond to
> Russell Keller Subject
> COA Contact Us: Noise Problem and
> & g t; SUP
> < BR>>

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> COA Contact Us: Director of Citizen Assistance Rose Williams Boyd

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> Time: [Thu May
> 29, 2008
> 14:38:45] IP
> Address:
> [129.246.225.90]

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>
> Issue Type: Rose Williams Boyd
>
> First Name: Russell
>
> Last Name: Keller

>
> **Street Address: 520 John Carlyle Street**
> **Unit 230**
>
> **City: Alexandria**
>
> **State: Virginia**
>
> **Zip: 22314**
>
> **Phone: 703-845-2535**
>
> **Email Address: kel0202@comcast.net**
>
>
> **Subject: Noise Problem and SUP**
>
> **Comments: Madame,**
> **I am attaching a letter regarding an ongoing noise**
> **problem with**
>
> **the Zikrayet restaurant at 540 John Carlyle Street. I**
> **would appreciate your**
>
> **assistance in seeing that this letter gets to the**
> **appropriate departments,**
>
> **particularly Planning and Zoning, DEQ, Police and City**
> **Manager. I look**
>
> **forward to hearing from you how the City will address**
> **this**
>
> **problem.**
>
> **Regards,**
> **Russell A. Keller**
>
> **Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc**
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> ----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008
> 12:40:16 +0000 -----
>
> **To: Russell Keller , Farroll.Hamer@alexandriava.gov,**

> Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
>
> cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov,
> Eleonore.Cox@alexandriava.gov
>
> Subj Re: COA Contact Us: Noise Problem and SUP
> ect:
> < BR>>
>
>
> ----- Message from Elaine.Scott@alexandriava.gov on Mon, 16 Jun 2008
> 17:20:18 +0000 -----
>
> To: kel0202@comcast.net
>
> cc: chandafvzw@yahoo.com (chanda fields),
> Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,
> Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
> Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov,
> Scott.Ogden@alexandriava.gov
>
> Subj Re: COA Contact Us: Noise Problem and SUP
> ect:
>
>
> (See attached file: 5fa18baecb9041b80ce1d9cfa0736de0.doc)
>

Nathan Randall

From: kel0202@comcast.net
Sent: Friday, June 27, 2008 9:59 AM
To: 'Richard.Josephson@alexandriava.gov'; 'chandafvzw@yahoo.com (chanda fields)'; 'gmmulligan@comcast.net (George Mulligan)'
Cc: 'vkbell@cox.net (Vivian)'; Elaine Scott; Faroll Hamer; 'Richard.Bray@alexandriava.gov'; William Skrabak; Lalit Sharma; Erica Bannerman; Cicely Woodrow; Eleonore Cox; Scott Ogden; Rose Boyd; Rich Baier; 'David.Baker@alexandriava.gov'
Subject: Re: Fw: COA Contact Us: Noise Problem and SUP
Attachments: Re: Fw: COA Contact Us: Noise Problem and SUP

Mr. Josephson et al,

Last night was another case in point. Between about 10:15 PM and 11:00 PM I was treated to a man out on the sidewalk and street at the corner of Emerson and Carlyle carrying on a very loud conversation on his cell phone while gesticulating with his hands and arms. At one point he moved across Carlyle to in front of the PTO garage, but he was still audible in my condo even then. Since his conversation started and ended in front of Zikrayet, I can only assume he is either an employee of the property or a patron.

Later, at around 12:15 AM I was treated to a group of Zikrayet patrons who decided to stand out in the street directly across from my bedroom and have a animated chit-chat for 20 minutes or so before returning to Zikrayet, which by then is supposed to have its doors closed, according to to their posted times.

Last but not least, per the 18 September 2007 approval by the DRB for signage, Zikrayet is not supposed to have their signs illuminated between 10:30 PM and 6:30 AM in order to meet City code. The sign directly below my bedroom window, and I must assume the others as well, is still illuminated well after 10:30 PM. Has no one in the City ever checked to see if they are complying with their permits? What is the point of making these rules and restrictions if they are never inspected for compliance? Is it my job, and the job of other citizens, to enforce compliance?

Instead of sitting down to talk to the management, what needs to happen is for responsible City offices to conduct un-announced checks and inspections late at night over a period of time to ensure compliance and to cite the management and/or patrons when violations are noted. Zikrayet's SUP needs to be amended to reflect closing at 12:00 AM or even 1130 preferably and the police need to monitor activity in the vicinity of the intersection of Emerson and Carlyle around 12:00 AM, particularly on Thursday, Friday and Saturday night. After a couple of weekends of this I would hope that the patrons would realize they need to leave the restaurant, behave themselves and move on, not simply bring their get-together out into the street.

And the scraping of furniture continues well after midnight. Since I am awake because of the issues discussed above, it is impossible not to notice. This is not reflected noise traveling through vents and cable or pipe runs. This is noise penetrating through the floor of my unit, just like the music did. For all I know it is being transmitted through their stone floor into the concrete supports and into my concrete floor. Regardless, it is loud and jarring. I will be happy to have someone from the city come by my unit while furniture is being moved around in the lounge below my apartment so they can hear the noise. No one from Post or the City has ever offered to do so.

I am tired (literally) of being kept awake or awoken by these actions. My lifestyle is being dictated to me. I find myself dragging out of bed in the morning at 0530 exhausted. I find my work is suffering because I am tired and because I am spending time writing letters trying to get something done. I find myself going to bed

tense, wondering what is going to happen tonight. I am tired of being placed in the dilemma of whether to call the police or not for what is going on in the street. I have asked for the police presence because even if I do call, the likelihood of the offenders still being around when the police arrive is slim. Thus, I have wasted the officer's time and come across as a crank caller. Do I call the police because of furniture noises?

As I have said numerous times, the people I am referring to would not be where they are at 12:15 AM if not for the presence of Zikrayet and their lounge. There is nothing else open that late around there. Nothing. The residents of Carlyle apartments and Condos having parking in our underground garage, thus they would not be out on the street. There is only one source; Zikrayet.

I am still disturbed that the City approved an after-hours drinking establishment directly below residences (and not apartments; we own our rather costly units) without due consideration of the rights to peace and quiet of the residents and without ensuring proper procedures for notification were followed. Others in our condos hear the noise. Some complain. Most are young and have been conditioned from years of having to put up with chaos in dorms, frat houses and apartments that they just put up with it. So, I come across as the "complainer." So be it. I am 50 years old and well removed from college. I have worked hard all my life, including over 20 years in the Marine Corps, to be able to afford the type of place I now own. I do not feel I should have to put up with my life being disrupted so a group of self-centered, selfish, rude and ill-mannered outsiders should be able to have a place to come hang out and drink on the weekends. What is it about their rights that trump mine?

I am interested to know what the City will do about this besides talk.

Respectfully,
Russell Keller

----- Original message -----

From: Richard.Josephson@alexandriava.gov

>
> Mr. Keller,
>
> We have written a letter to the operator of the restaurant and the owner.
> See attached. I would like to meet with them and you and try and resolve
> these noise issues. Please contact me if you have any questions. Thanks

>
>
> (See attached file: Zikayret.doc)
> Rich Josephson
> Deputy Director
> Department of Planning and Zoning
> City of Alexandria
> 301 King Street
> Alexandria, VA 22314
>
> Phone: 703-838-4666, x 302

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> _____
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> Mulligan),
> Rich.Baier@alexandriava.gov,
> Rose.Boyd@alexandriava.gov,
> Scott.Ogden@alexandriava.gov
> Subject
> Re: COA Contact Us: Noise Problem
> and SUP

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>
> At our Home Owner's Association meeting last evening I was informed by the
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> deciding to go back to their late hours, I was told "nothing." I have been
> promised things before regarding the restaurant and after a short period
> things have gone back to where they were. Most recently there was the case
> where I was assured they knew they must keep their music down because they
> were in violation of their lease and city code. Yet, not a week later on 7
> June I was awakened by the music blasting and had to call the owners.
> Therefore, I do not trust them to "self-regulate" their hours.

>
> Limiting their hours, however, does not address the problems associated
> with their patrons when they leave. That will now occur at 12:30 or 1 AM
> vice 2 AM. I am therefore requesting that the police courtesy patrol be
> present from 12:15 to 12:45 on Friday night (Saturday morning) and Saturday
> night (Sunday morning) to again control their patrons when they are
> leaving. I have been in contact with one of our residents who while
> walking his dogs witnessed what they described as a dance party in the
> street at 2 AM last Saturday morning, in which car stereos were blasting,
> people, including the restaurant management, were dancing and carrying on
> in the street and at least one drunk person was observed being carried to
> their car by restaurant staff, who tried to place him in the driver's seat.
> I have asked them to put what they saw in writing and will provide them
> with the appropriate email addresses for them to forward it to the City.

>
> Because the restaurant cannot be trusted to "self-regulate," and more
> importantly because the SUP issued was done so without meeting the
> requirements established by the City (specifically, written notification to
> ALL property owners adjacent), I am still requesting that their SUP be
> revoked. That is the only way to ensure they will not arbitrarily return
> to their late hours, which right now their SUP allows. I again stress that
> I and many others are amazed and disappointed that the City approved a
> request for a place serving alcohol to remain open until 2 AM when there
> are expensive, owner-occupied residences located directly above that
> property. This does not go on in Old Town or on King Street, why should it

> go on in a residential condominium building? We moved her specifically
> because we did not want to live in Adams Morgan. Given that the residents
> were never properly informed and that the measure was quickly processed over
& during the Christmas holiday period, I am still requesting the City right a
> serious error in judgement.

> Your cooperation and action on this matter are greatly appreciated.

> Russell Keller

> ----- Original message -----

> From: Elaine.Scott@alexandriava.gov

> By copy of this e-mail, I am asking staff from Code Enforcement, Planning &
> Zoning and Police to revisit the below complaints about the Zikrayet
> Lebanese Restaurant and Lounge, and to respond within three business days
> of receipt of to include Rose and this office in your response.

> Thank you,

> Elaine Scott

> Citizen Assistance

> 703-838-3871 - Direct

> 703-838-4800 - Main

> 703-838-6426 - Fax

> kel0202@c

> omcast.net

> t

> To

> Elaine.Scott@alexandriava.gov,

> 06/16/2006 Faro.Hamer@alexandriava.gov,

> 8 12:35 Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov

> PM cc

> gmmulligan@comcast.net (George Mulligan),

> chandafvzw@yahoo.com (chanda fields),

> Rose.Boyd@alexandriava.gov,

> Cicely.Woodrow@alexandriava.gov,

> Eleonore.Cox@alexandriava.gov

> Subject

> Re: COA Contact Us: Noise Problem and SUP

>
>
>
> Elaine,
> Since my last correspondence with you problems with Zikrayet Lebanese
> Restaurant and Lounge have continued. The playing of loud music has, I
> hope finally, been addressed by the owner of the property (Post
> Properties) having their lawyers notify the owners of Zikrayet that they
> are in violation of their lease, which also clearly states that no noise
> will be heard beyond the property boundary. Despite that warning and > assurances given to me, I again
**had to call the owners at 1:35 AM on 8
> June to complain about the music being turned up and a rythmic pounding
> noise, which I was told was people doing Lebanese folk dancing. Based on
> my protest to Post, the owners have supposedly agreed to forgo their DJ
> and the folk dancing. I was out of town this weekend so I cannot comment
> on whether that has actually occurred.
> < BR>There are, however, other problems which continue.**
>
> First, starting on the evenings when the lounge opens (around 9:30 PM),
> there is the loud sound of wooden furniture being dragged across a hard
> floor (I can only describe it as a errrrrrrh sound). This I have been
> able to determine is coming from the at times almost constant
> re-positioning of couches, tables and foot stools in the houkah bar
> directly below my bedroom. On the nights when they are open late < BR>> (Thursday-Saturday) those
noises are heard until up to 3:30 AM, since even
> after closing clean-up is occurring. After complaining to the owners and
> Post, I have been told more than once that the furniture legs would be
> padded. The noise continues, thus I can only assume the padding has not
> been done.
>
> The second issue is the noise from unruly patrons. During the hours of o
> perati on of the lounge (9:30 PM to 1:30 AM on Thursday, Friday and
> Saturday), patrons routinely use the sidewalk in front of the restaurant
> on Emerson to conduct often loud cellphone conversations, since they
> cannot talk with all the noise in the restaurant. Then, around 2:00 AM
> (which is at least 30 minutes after Zikrayet is supposed to close) those
> same patrons come out of the restaurant in groups and proceed to yell,
> laugh, call-out and carry on for 20 or 30 minutes on the sidewalk and > streets adjacent to the
restaurant. This usually ends with a roar of car
> engines starting and the blaring of car stereos, squealing of tires and
> honking of horns as they depart. I have also complained about this to
> Post, and have been given a luke-warm response that there "is really
> nothing the restaurant can do about their patrons when they leave." I was
> lamely told that the City is at fault for not allowing parking in the PTO
> garage. Although I was not present, this past Friday evening (13th)
> another resident was awoken by this raucous behavior after 2 AM and she
> has also complained to Post in writing.
>
> A third issue I have brought up with the restaurant and Post is the
> restaurant employees using the sidewalk area on Emerson for their smoke
> breaks. When the weather was good I could not leave my windows open

> without inhaling cigarettes smoke and having to listen to their
> conversations below my windows. I know they are restaurant employees
> because they are wearing black polo shirts with "Zikrayet" in white
> lettering on the back or are in kitchen attire (aprons, white coats,
> etc.) A week ago Sunday, this included what I believe to be one of their
> employees parking his car near the corner of Emerson and Carlyle around
> 11:00 PM with the windows open and the stereo blasting while he stood on
> the street, smoked a couple of cigarettes, talked on his cellphone and
> talked to one of the other workers taking a smoke break on the wall
> outside the restaurant. After 20 minutes of this I called the police, but
> as luck would have it they car left about 5 minutes later and I called
> the police back to cancel the complaint. I do not want to waste their
> time.

>
> To sum all this up the patrons of Zikrayet after-hours (who would not be
> there otherwise) have become a nuisance and are also endangering citizens
> with what I am sure is reckless and/or drunk driving. I am therefore
> requesting a courtesy police patrol in the environs of the restaurant at
> 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and
> Saturday to curb the raucous behavior and to enforce public drunkenness and
> dangerous driving statutes.

>
> I am further requesting that Zikrayet's SUP be revoked. They have
> routinely and continually violated a SUP, which I have pointed out in
> past correspondence, was issued in an irregular manner. Their presence in
> the neighborhood is bringing an undesirable and nuisance element which
> they do not feel compelled to control. I have been told by senior Post
> employees that they were not aware the restaurant was looking to have a
> DJ, loud music, dancing, etc., which I can understand and since the written
> notification they received, and which none of the residents of Carlyle
> Square received, mentioned nothing about any of that. Unfortunately, Post
> seems reluctant to take their tenant to task and revoke their permission
> to remain open late. That is why I am turning to the City. I am asking
> that their hours of operation be limited to 11:00 AM to 10:30 or 11:30 PM
> at the latest, Sunday through Saturday. I do not have a problem when they
> function as a restaurant. It is when they function as a night-club that
> the problems develop. Since their SUP was not properly documented and
> notified in the first place, I am asking for it to be withdrawn. If they
> would like to re-apply they can then go through the full-disclosure and
> notification requirements properly and provide an opportunity for the
> residents of Carlyle Square to raise our concerns and be heard.

& gt;

> In the future, the City needs to pay particular attention to such
> requests where the property is directly below residences and should
> absolutely make sure that the residents have been appropriately notified
> of such requests before they are administratively approved. The Carlyle
> Club, for instance, is in a building where the upper floors are all
> offices. Thus, as long as patrons are not acting up on the streets, there
> is no one to be disturbed.

>
> I would appreciate once again this email being shared with the Police,

> **Planning and Zoning, DEQ and the City Managers office, as well as the
 > City Council. As well, I would appreciate a response regarding my
 > requests above.**

> **Thank you,**

> **Russell Keller
 > 520 John Carlyle Street Unit 230
 > Alexandria, Virginia 22314
 > 703-845-2535 (W)
 > 703-566-0871 (H)
 > 703- 973-35 38 (C)**

> ----- **Original message** -----

> **From: Elaine.Scott@alexandriava.gov**

> **By copy of this note I am asking staff of Planning & Zoning,
 > Transportation & Environmental Services, and the Police Department to
 > respond to this inquiry within three business days and to include Rose and
 > this office in their response.**

> **Than you,
 > Elaine Scott
 > Citizen Assistance
 > 703-838-3871 - Direct
 > 703-838-4800 - Main
 > 703-838-6426 - Fax**

> **Russell Keller**

> **To
 > 05/29/2008 02:38 PM rose.boyd@alexandriava.gov,
 > elaine.scott@alexandriava.gov**

> **cc
 > Please respond to
 > Russell Keller Subject
 > COA Contact Us: Noise Problem and
 > SUP**

> **& gt;**

> **COA Contact Us: Director of Citizen Assistance Rose Williams Boyd**

>

>

>

>

> **Time: [Thu May**

> **29, 2008**

> **14:38:45] IP**

> **Address:**

> **[129.246.225.90]**

>

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>

> **Issue Type: Rose Williams Boyd**

>

> **First Name: Russell**

>

> **Last Name: Keller**

>

> **Street Address: 520 John Carlyle Street**

> **Unit 230**

>

> **City: Alexandria**

>

> **State: Virginia**

>

> **Zip: 22314**

>

> **Phone: 703-845-2535**

>

> **Email Address: kel0202@comcast.net**

>

>

> **Subject: Noise Problem and SUP**

>

> **Comments: Madame,**

> **I am attaching a letter regarding an ongoing noise**

> **problem with**

>

> **the Zikrayet restaurant at 540 John Carlyle Street. I**

> **would appreciate your**

>

> **assistance in seeing that this letter gets to the**

> **appropriate departments,**

>

> **particularly Planning and Zoning, DEQ, Police and City**

> **Manager. I look**

>

> **forward to hearing from you how the City will address**

> **this**

>
> **problem.**
>
> **Regards,**
> **Russell A. Keller**
>
> **Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc**
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>

> ----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008
> 12:40:16 +0000 -----
>

> **To: Russell Keller , Faroll.Hamer@alexandriava.gov,**
> **Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov**
>
> **cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov,**
> **Eleonore.Cox@alexandriava.gov**
>

> **Subj Re: COA Contact Us: Noise Problem and SUP**
> **ect:**
>
>
>
>

> ----- Message from Elaine.Scott@alexandriava .gov o n Mon, 16 Jun 2008
> 17:20:18 +0000 -----
>

> **To: kel0202@comcast.net**
>
> **cc: chandafvzw@yahoo.com (chanda fields),**
> **Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,**
> **Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George**
> **Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov,**
> **Scott.Ogden@alexandriava.gov**
>

> **Subj Re: COA Contact Us: Noise Problem and SUP**
> **ect:**
>
>

> (See attached file: 5fa18baecb9041b80ee1d9cfa0736de0.doc)
>

Nathan Randall

From: c fields <chandafvzw@yahoo.com>
Sent: Friday, June 27, 2008 12:00 PM
To: 'kel0202@comcast.net'; 'Richard.Josephson@alexandriava.gov'; 'George Mulligan'
Cc: 'Vivian'; Elaine Scott; Faroll Hamer; 'Richard.Bray@alexandriava.gov'; William Skrabak; Lalit Sharma; Erica Bannerman; Cicely Woodrow; Eleonore Cox; Scott Ogden; Rose Boyd; Rich Baier; 'David.Baker@alexandriava.gov'
Subject: Re: Fw: COA Contact Us: Noise Problem and SUP

I can confirm Mr. Keller's complete account of the occurrences last night. The noise was audible with the windows closed AND the air conditioner running.

Chanda Fields

----- Original Message -----

From: "kel0202@comcast.net" <kel0202@comcast.net>
To: Richard.Josephson@alexandriava.gov; chanda fields <chandafvzw@yahoo.com>; George Mulligan <gmmulligan@comcast.net>
Cc: Vivian <vkbell@cox.net>; Elaine.Scott@alexandriava.gov; Faroll.Hamer@alexandriava.gov; Richard.Bray@alexandriava.gov; William.Skrabak@alexandriava.gov; Lalit.Sharma@alexandriava.gov; Erica.Bannerman@alexandriava.gov; Cicely.Woodrow@alexandriava.gov; Eleonore.Cox@alexandriava.gov; Scott.Ogden@alexandriava.gov; Rose.Boyd@alexandriava.gov; Rich.Baier@alexandriava.gov; David.Baker@alexandriava.gov
Sent: Friday, June 27, 2008 9:58:40 AM
Subject: Re: Fw: COA Contact Us: Noise Problem and SUP

Mr. Josephson et al,

Last night was another case in point. Between about 10:15 PM and 11:00 PM I was treated to a man out on the sidewalk and street at the corner of Emerson and Carlyle carrying on a very loud conversation on his cell phone while gesticulating with his hands and arms. At one point he moved across Carlyle to in front of the PTO garage, but he was still audible in my condo even then. Since his conversation started and ended in front of Zikrayet, I can only assume he is either an employee of the property or a patron.

Later, at around 12:15 AM I was treated to a group of Zikrayet patrons who decided to stand out in the street directly across from my bedroom and have a animated chit-chat for 20 minutes or so before returning to Zikrayet, which by then is supposed to have its doors closed, according to to their posted times.

Last but not least, per the 18 September 2007 approval by the DRB for signage, Zikrayet is not supposed to have their signs illuminated between 10:30 PM and 6:30 AM in order to meet City code. The sign directly below my bedroom window, and I must assume the others as well, is still illuminated well after 10:30 PM. Has no one in the City ever checked to see if they are complying with their permits? What is the point of making these rules and restrictions if they are never inspected for compliance? Is it my job, and the job of other citizens, to enforce compliance?

Instead of sitting down to talk to the management, what needs to happen is for responsible City offices to conduct un-announced checks and inspections late at night over a period of time to ensure compliance and to cite the management and/or patrons when violations are noted. Zikrayet's SUP needs to be amended to reflect closing at 12:00 AM or even 1130 preferably and the police need to monitor activity in the vicinity of the

intersection of Emerson and Carlyle around 12:00 AM, particularly on Thursday, Friday and Saturday night. After a couple of weekends of this I would hope that the patrons would realize they need to leave the restaurant, behave themselves and move on, not simply bring their get-together out into the street.

And the scraping of furniture continues well after midnight. Since I am awake because of the issues discussed above, it is impossible not to notice. This is not reflected noise traveling through vents and cable or pipe runs. This is noise penetrating through the floor of my unit, just like the music did. For all I know it is being transmitted through their stone floor into the concrete supports and into my concrete floor. Regardless, it is loud and jarring. I will be happy to have someone from the city come by my unit while furniture is being moved around in the lounge below my apartment so they can hear the noise. No one from Post or the City has ever offered to do so.

I am tired (literally) of being kept awake or awoken by these actions. My lifestyle is being dictated to me. I find myself dragging out of bed in the morning at 0530 exhausted. I find my work is suffering because I am tired and because I am spending time writing letters trying to get something done. I find myself going to bed tense, wondering what is going to happen tonight. I am tired of being placed in the dilemma of whether to call the police or not for what is going on in the street. I have asked for the police presence because even if I do call, the likelihood of the offenders still being around when the police arrive is slim. Thus, I have wasted the officer's time and come across as a crank caller. Do I call the police because of furniture noises?

As I have said numerous times, the people I am referring to would not be where they are at 12:15 AM if not for the presence of Zikrayet and their lounge. There is nothing else open that late around there. Nothing. The residents of Carlyle apartments and Condos having parking in our underground garage, thus they would not be out on the street. There is only one source; Zikrayet.

I am still disturbed that the City approved an after-hours drinking establishment directly below residences (and not apartments; we own our rather costly units) without due consideration of the rights to peace and quiet of the residents and without ensuring proper procedures for notification were followed. Others in our condos hear the noise. Some complain. Most are young and have been conditioned from years of having to put up with chaos in dorms, frat houses and apartments that they just put up with it. So, I come across as the "complainer." So be it. I am 50 years old and well removed from college. I have worked hard all my life, including over 20 years in the Marine Corps, to be able to afford the type of place I now own. I do not feel I should have to put up with my life being disrupted so a group of self-centered, selfish, rude and ill-mannered outsiders should be able to have a place to come hang out and drink on the weekends. What is it about their rights that trump mine?

I am interested to know what the City will do about this besides talk.

Respectfully,
Russell Keller

----- Original message -----

From: Richard.Josephson@alexandriava.gov

>
> Mr. Keller,
>
> We have written a letter to the operator of the restaurant and the owner.
> See attached. I would like to meet with them and you and try and resolve
> these noise issues. Please contact me if you have any questions. Thanks
>

>
> (See attached file: Zikayret.doc)
> Rich Josephson
> Deputy Director
> Department of Planning and Zoning
> City of Alexandria
> 301 King Street
> Alexandria, VA 22314
>
> Phone: 703-838-4666, x 302
>
>
> _____
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>
> Richard
> Josephson/Alex
> To
> 06/20/2008 05:08 Rose Boyd/Alex@Alex
> PM cc
> Elaine Scott/Alex@Alex, Richard
> Bray/Alex@ALEX, Faroll
> Hamer/Alex@ALEX
> Subject
> Re: Fw: COA Contact Us: Noise
> Problem and SUP(Document link: Rose
> Boyd)
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> Rose Boyd/Alex
>
> 06/20/2008 03:33 To
> PM Elaine Scott/Alex@Alex
> cc
> Richard Josephson/Alex@ALEX
> Subject
> Re: Fw: COA Contact Us: Noise
> Problem and SUP(Document link:
> Richard Josephson)

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> Elaine Scott/Alex
>
> 06/20/2008 08:48 To
> AM Rose Boyd/Alex@Alex
> cc
>
> Subject
> Fw: COA Contact Us: Noise Problem
> and SUP

> ----- Forwarded by Elaine Scott/Alex on 06/20/2008 08:47 AM -----

>
> Rich Baier/Alex
>
> 06/19/2008 05:59 To
> PM Elaine Scott/Alex@Alex
> cc
> William Skrabak/Alex@Alex, Lalit
> Sharma, Erica Bannerman/Alex@ALEX
> Subject
> Fw: COA Contact Us: Noise Problem
> and SUP

>
>
> ----- Forwarded by Rich Baier/Alex on 06/19/2008 05:58 PM -----

>
> kel0202@comcast.n
> et
> To
> 06/19/2008 09:32 Elaine.Scott@alexandriava.gov
> AM cc
> chandafvzw@yahoo.com (chanda
> fields),
> Cicely.Woodrow@alexandriava.gov,
> Eleonore.Cox@alexandriava.gov,
> Faroll.Hamer@alexandriava.gov,
> gmmulligan@comcast.net (George
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> Rich.Baier@alexandriava.gov,
> Rose.Boyd@alexandriava.gov,
> Scott.Ogden@alexandriava.gov
> Subject
> Re: COA Contact Us: Noise Problem
> and SUP

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>
> At our Home Owner's Association meeting last evening I was informed by the
> Post representative that Zikrayet has decided to "self-limit" their hours
> to close at 12 AM, seven days a week. When I asked what prevents them from
> deciding to go back to their late hours, I was told "nothing." I have been
> promised things before regarding the restaurant and after a short period
> things have gone back to where they were. Most recently there was the case
> where I was assured they knew they must keep their music down because they
> were in violation of their lease and city code. Yet, not a week later on 7
> June I was awakened by the music blasting and had to call the owners.
> Therefore, I do not trust them to "self-regulate" their hours.

>
> Limiting their hours, however, does not address the problems associated
> with their patrons when they leave. That will now occur at 12:30 or 1 AM
> vice 2 AM. I am therefore requesting that the police courtesy patrol be
> present from 12:15 to 12:45 on Friday night (Saturday morning) and Saturday
> night (Sunday morning) to again control their patrons when they are
> leaving. I have been in contact with one of our residents who while
> walking his dogs witnessed what they described as a dance party in the
> street at 2 AM last Saturday morning, in which car stereos were blasting,
> people, including the restaurant management, were dancing and carrying on

> in the street and at least one drunk person was observed being carried to
> their car by restaurant staff, who tried to place him in the driver's seat.
> I have asked them to put what they saw in writing and will provide them
> with the appropriate email addresses for them to forward it to the City.
>
> Because the restaurant cannot be trusted to "self-regulate," and more
> importantly because the SUP issued was done so without meeting the
> requirements established by the City (specifically, written notification to
> ALL property owners adjacent), I am still requesting that their SUP be
> revoked. That is the only way to ensure they will not arbitrarily return
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> request for a place serving alcohol to remain open until 2 AM when there
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> property. This does not go on in Old Town or on King Street, why should it
> go on in a residential condominium building? We moved here specifically
> because we did not want to live in Adams Morgan. Given that the residents
> were never properly informed and that the measure was quickly processed over
& gt; the Christmas holiday period, I am still requesting the City right a
> serious error in judgement.

> Your cooperation and action on this matter are greatly appreciated.

> Russell Keller

> ----- Original message -----

> From: Elaine.Scott@alexandriava.gov

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> of receipt of to include Rose and this office in your response.

> Thank you,
> Elaine Scott
> Citizen Assistance
> 703-838-3871 - Direct
> 703-838-4800 - Main
> 703-838-6426 - Fax

> kel0202@c
> omcast.net

> To

> Elaine.Scott@alexandriava.gov,
> 06/16/200 Faroll.Hamer@alexandriava.gov,
> 8 12:35 Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov
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> gmmulligan@comcast.net (George Mulligan),

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> Rose.Boyd@alexandriava.gov,
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> Subject
> Re: COA Contact Us: Noise Problem and SUP

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> **my protest to Post, the owners have supposedly agreed to forgo their DJ**
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> **on whether that has actually occurred.**
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> **there is the loud sound of wooden furniture being dragged across a hard**
> **floor (I can only describe it as a errrrrrrh sound). This I have been**
> **able to determine is coming from the at times almost constant**
> **re-positioning of couches, tables and foot stools in the houkah bar**
> **directly below my bedroom. On the nights when they are open late < BR>> (Thursday-Saturday) those**
> **noises are heard until up to 3:30 AM, since even**
> **after closing clean-up is occurring. After complaining to the owners and**
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> **(which is at least 30 minutes after Zikrayet is supposed to close) those**

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 > Post, and have been given a luke-warm response that there "is really
 > nothing the restaurant can do about their patrons when they leave." I was
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 > outside the restaurant. After 20 minutes of this I called the police, but
 > as luck would have it they car left about 5 mi nutes later and I called
 > the police back to cancel the complaint. I do not want to waste their
 > time.
 >
 > To sum all this up the patrons of Zikrayet after-hours (who would not b e
 > there otherwise) have become a nuisance and are also endangering citizens
 > with what I am sure is reckless and/or drunk driving. I am therefore
 > requesting a courtesy police patrol in the environs of the restaurant at
 > 540 John Carlyle Street between 1:45 and 2:00 AM on Thursday, Friday and
 > Saturday to curb the raucous behavior and to enforce public drunkenness and
 > dangerous driving statutes.
 >
 > I am further requesting that Zikrayet's SUP be revoked. They have
 > routinely and continually violated a SUP, which I have p ointed out in
 > past correspondence, was issued in an irregular manner. Their presence in
 > the neighborhood is bringing an undesireable and nuisance element which
 > they do not feel compelled to control. I have been told by senior Post
 > employees that they were not aware the restaurant was looking to have a
 > DJ, loud music, dancing, etc., which I can underst and since the written
 > notification they received, and which none of the residents of Carlyle
 > Square received, mentioned nothing about any of that. Unfortunately, Post
 > seems reluctant to take their tenant to task and revoke their permission
 > to remain open late. That is why I am turning to the City. I am asking
 > that their hours of operation be limited to 11:00 AM to 10:30 or 11:30 PM
 > at the latest, Sunday through Saturday. I do not have a problem when they
 > funct ion as a restaurant. It is when they function as a night-club that

> the problems develop. Since their SUP was not properly documented and
> notified in the first place, I am asking for it to be withdrawn. If they
> would like to re-apply they can then go through the full-disclosure and
> notification requirements properly and provide an opportunity for the
> residents of Carlyle Square to raise our concerns and be heard.

> & gt;

> In the future, the City needs to pay particular attention to such
> requests where the property is directly below residences and should
> absolutely make sure that the residents have been appropriately notified
> of such requests before they are administratively approved. The Carlyle
> Club, for instance, is in a building where the upper floors are all
> offices. Thus, as long as patrons are not acting up on the streets, there
> is no one to be disturbed.

>
> I would appreciate once again this email being shared with the Police,
> Planning and Zoning, DEQ and the City Managers office, as well as the
> City Council. As well, I would appreciate a response regarding my
> requests above.

> Thank you,

>
> Russell Keller
> 520 John Carlyle Street Unit 230
> Alexandria, Virginia 22314
> 703-845-2535 (W)
> 703-566-0871 (H)
> 703-973-3538 (C)

> ----- Original message -----

> From: Elaine.Scott@alexandriava.gov

>
> By copy of this note I am asking staff of Planning & Zoning,
> Transportation & Environmental Services, and the Police Department to
> respond to this inquiry within three business days and to include Rose and
> this office in their response.

>
> Than you,
> Elaine Scott
> Citizen Assistance
> 703-838-3871 - Direct
> 703-838-4800 - Main
> 703-838-6426 - Fax

> Russell Keller

> To
> 05/29/2008 02:38 PM rose.boyd@alexandriava.gov,
> elaine.scott@alexandriava.gov

> cc
> Please respond to

> **Comments: Madame,**
 > **I am attaching a letter regarding an ongoing noise**
 > **problem with**
 >
 > **the Zikrayet restaurant at 540 John Carlyle Street. I**
 > **would appreciate your**
 >
 > **assistance in seeing that this letter gets to the**
 > **appropriate departments,**
 >
 > **particularly Planning and Zoning, DEQ, Police and City**
 > **Manager. I look**
 >
 > **forward to hearing from you how the City will address**
 > **this**
 >
 > **problem.**
 >
 > **Regards,**
 > **Russell A. Keller**

> **Attachment: 5fa18baecb9041b80ee1d9cfa0736de0.doc**
 >
 >
 >
 >
 >
 >
 >
 >
 >
 >
 >

> ----- Message from Elaine.Scott@alexandriava.gov on Fri, 30 May 2008
 > 12:40:16 +0000 -----
 >

> **To: Russell Keller , Faroll.Hamer@alexandriava.gov,**
 > **Rich.Baier@alexandriava.gov, Scott.Ogden@alexandriava.gov**
 >
 > **cc: Rose.Boyd@alexandriava.gov, Cicely.Woodrow@alexandriava.gov,**
 > **Eleonore.Cox@alexandriava.gov**
 >
 > **Subj Re: COA Contact Us: Noise Problem and SUP**
 > **ect:**
 >
 >
 >
 >

> ----- Message from Elaine.Scott@alexandriava.gov on Mon, 16 Jun 2008
 > 17:20:18 +0000 -----
 >

> **To: kel0202@comcast.net**
 >
 > **cc: chandafvzw@yahoo.com (chanda fields),**

> Cicely.Woodrow@alexandriava.gov, Eleonore.Cox@alexandriava.gov,
> Faroll.Hamer@alexandriava.gov, gmmulligan@comcast.net (George
> Mulligan), Rich.Baier@alexandriava.gov, Rose.Boyd@alexandriava.gov,
> Scott.Ogden@alexandriava.gov
>
> **Subj Re: COA Contact Us: Noise Problem and SUP**
> **ect: '**
>
>
> (See attached file: 5fa18baecb9041b80ee1d9cfa0736de0.doc)
>

Save energy, paper and money -- get the Green Toolbar.

Save energy, paper and money -- **get the Green Toolbar.**

Nathan Randall

From: CN=Richard Josephson/O=Alex
Sent: Tuesday, July 01, 2008 1:39 PM
To: Rose Boyd; Scott Ogden; Graciela Moreno; Cicely Woodrow; Elaine Scott
Subject: Fw: Zikaryet Restaurant

FYI (in response to various emails from Mr. Keller, including one on 6/20/08)

----- Forwarded by Richard Josephson/Alex on 07/01/2008 01:33 PM -----

Richard Josephson/Alex

06/29/2008 12:16 PM

To: Jim Hartmann/Alex, Faroll Hamer/Alex, David Baker/Alex, Dianne Gittins/Alex, Richard Bray/Alex, Stephen Milone/Alex, Rich Baier/Alex, Lalit Sharma/Alex
cc: alexvamayor@aol.com, delpepper@aol.com, councilmangaines@aol.com, rob@krupicka.com, paulcsmedberg@aol.com, timothylovain@aol.com, Justin Wilson/Alex@ALEX
Subject: Fw: Zikaryet Restaurant

fyi

----- Forwarded by Richard Josephson/Alex on 06/29/2008 12:10 PM -----

Richard Josephson/Alex

06/29/2008 12:10 PM

To: kel0202@comcast.net
cc: "Catherine Howell" <Catherine.Howell@postproperties.com>, zikrayet@zikrayet.com
Subject: Zikaryet Restaurant

Mr. Keller,

Thank you for your emails and information about the operations of the Zikaryet Restaurant. I wanted to respond to some of the issues and concerns that you raised and let you know what we are doing to follow up.

By way of background, the Carlyle development was initially approved in 1990 as a mixed office, retail, and residential development of nearly 7 million square feet. Today, the area contains a mix of offices, condominiums, apartments and retail establishments envisioned by that original plan. Nearly 260,000 square feet of retail is programmed for the Carlyle development, including shops, banks, and restaurants. The fit out of some of the space on the ground floor of buildings was specifically designed to accommodate restaurants. The plan for Carlyle was to create an active, vibrant, lively, urban mixed use place, where people could come to dine, shop, and be entertained all within walking distance, or close proximity, of where they lived or worked. In 2004, the City approved an administrative process by which full service restaurants could be located in Carlyle if they complied with certain standard conditions including hours of operation (no later than 12 am) and on premises sale of alcohol (on premises only).

The Zikaryet Restaurant was issued an administrative special use permit on September 19, 2007 in compliance with the requirements for full service restaurants in the Carlyle Development. Their permit allowed them to be open from 7 am to midnight, to serve alcoholic beverages, and to provide music. Their application indicated that the music would be an indoor audio system to play CDs. In October 2007, the City received an application from Zikaryet to operate until 1:30 am. Since the proposed 1:30 am closing time exceeded their allowed midnight closing under their administrative permit, they were advised to and went forward with a special use permit, which was recommended for approval by Planning Commission on January 3, 2008 and approved by City Council on January 12, 2008. Notice for the January hearings was provided in accordance with City Code section 11-300, which states that notice for a condominium may be sent to the president of the board of the unit owner's association instead of to each individual unit owner. The applicant provided certification of proper notice to the Department. The property was also posted with a sign at least 10 days before the hearing which provided information on the time, date and place for the scheduled hearing and a description of the matter being heard. I wanted to provide this information since one of your concerns was that the restaurant request and the issuance of the special use permit was done without proper notification.

We understand and fully appreciate the problems you are having with regard to noise from within the restaurant (music and furniture being moved) and have indicated to you that we will enforce the special use permit condition relative to noise being audible from the property line. We are also aware that there are other noise issues such as patrons playing music in their vehicles as they are leaving, car horns blaring, tires squealing, and patrons and employees talking loudly on their cell phones. You have indicated that residents have also witnessed, on occasion, drunk and unruly behavior by patrons of the restaurant. I also understand that there may be issues with regard to lighted signs being on after 10:30 at night.

As I indicated in my letter of June 25 to the owner of the Zikaryet Restaurant, we want to resolve those issues and problems you identified to the satisfaction of all involved. This means no noise audible from the restaurant and controlling outside noise so that it doesn't negatively impact the peace and enjoyment of nearby residents.

I received a response to my letter from the owner of the restaurant and am looking at available dates to meet. I know you indicated that you will be out until July 8 and I will be out until July 17. I am trying to arrange a meeting sometime on July 17, 18 or thereafter. I have asked a representative from our Police department as well as from our Transportation and Environmental Services staff to be present at the meeting. You mentioned that you would only come to a meeting if you felt it would be productive and include at least two other people from your building. It may also be good to have the president of your condo association present at this meeting. I think the meeting can be productive and I hope you will be able to attend. Please let me know when you and other residents you would like to attend are available.

Thanks.

Rich Josephson

Nathan Randall

From: Russell Keller <kel0202@comcast.net>
Sent: Saturday, May 02, 2009 10:53 AM
To: Rose Boyd; Elaine Scott
Subject: COA Contact Us: Tour Bus Parking on Jameison Street
Attachments: ATT49212

COA Contact Us: Citizen Assistance

Time: [Sat May 02, 2009 10:52:51] IP Address: [68.50.198.154]

Issue Type: Citizen Assistance
First Name: Russell
Last Name: Keller
Street Address: 520 John Carlyle Street
#230
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703-566-0871
Email Address: kel0202@comcast.net

Subject: Tour Bus Parking on Jameison Street

I have recently become aware that another HOA in Old Town has proposed

creating tour bus parking on the south side of Jameison Street. As an owner of a condominium at Carlyle Square that overlooks Jameison Street, I

am not happy to hear this. Why should one group of homeowners be allowed

to propose something that that negatively impacts other homeowners and lessens their property values? Parking is already very tight in the vicinity of Carlyle Square and removing 26 spaces will only make it worse.

Comments:

Worse yet, I am concerned that we will have to put up with the noise and smell of idling buses all the time. Will they be allowed to park there overnight, ie., will we have to put up with that noise after dark or early in the morning? I already have to deal with rowdy crowds of patrons leaving the Zikrayet restaurant at 2 AM because the City thought it was a good idea to allow a nightclub underneath a residential building. It is clear with this latest proposal that the Carlyle area, particularly the eastern portion, is viewed by the City as a dumping ground for all the

things no one wants in Old Town. I request to see the minutes of the recent Traffic and Parking board meeting on 27 April so I can then gauge where to go next with this.

Russell Keller

Nathan Randall

From: Rose Boyd
Sent: Monday, June 29, 2009 4:51 PM
To: 'councilmangaines@aol.com'
Cc: Emily Baker; Eleonore Cox; Faroll Hamer; Graciela Moreno; Cicely Woodrow; Elaine Scott
Subject: Re: Fwd: COA Contact Us: Extremely loud noise from Zikrayet Restaurant

Thanks, have not seen before. Will process as an informal Council Request. By copy of this note, I am asking T&ES and Planning staff to provide me with a copy of their response within five working days of their receipt of this message. Elaine, please log and track. Thanks all.

councilmangaines@aol.com

06/29/2009 03:28 PM

To rose.boyd@alexandriava.gov

cc

Subject Fwd: COA Contact Us: Extremely loud noise from Zikrayet Restaurant

Dear Rose,

Again, in case you haven't seen this yet, I'm forwarding Mr.,Sun's complaint about noise from the Zikrayet restaurant to you to ask for a staff response.

Thanks,

Kathryn

Ludwig P. Gaines
City Council Member
City of Alexandria, Virginia

Kathryn Hubler
Administrative Aide

City Hall, Suite 2300
301 King Street
Alexandria, VA 22314

703-746-3984

-----Original Message-----

From: Tianyao Sun <tianyao.sun@gmail.com>
To: councilmangaines@aol.com
Sent: Sun, Jun 28, 2009 1:39 am

Subject: COA Contact Us: Extremely loud noise from Zikrayet Restaurant

COA Contact Us: Councilman Ludwig P. Gaines

Issue Type: Ludwig P. Gaines

First Name: Tianyao

Last Name: Sun

Street Address: 520 John Carlyle St Unit 328

City: Alexandria

State: VA

Zip: 22314

Phone: 703-350-7301

Email Address: tianyao.sun@gmail.com

Subject: Extremely loud noise from Zikrayet Restaurant

Dear Councilman Gaines,

I believe at this moment you may be sleeping

well in your bed, but you may not know that as one of residents in

Alexandria, I cannot sleep every weekend because the noise from downstairs

until 2am and sometimes even 3am. All this just because the extremely

loud music and loud customer chatting on the sidewalk from Zikrayet

Restaurant.

I hereby would like to file an official complaint over the

Zikrayet Restaurant because of this noise issue. I believe this issue is

commonly noticed by the whole Carlyle Sq. Condo community.

Further, the

Comments: restaurant is far beyond a regular restaurant. It is more of a bar and

provide even special smoking service and the customers are allowed to

smoke right under my window. Even I shut the window, I sometimes still

can smell the smoke. I believe this is a total violation of my health and privacy.

I even experienced one time that one of the customers yell at

me with trash words. Obviously he was drunk and I felt my personal

safety was threatened.

I moved to Alexandria by choice and purchased the

property in Carlyle with confidence in the city government. I believe a

great community is built upon every single one's convenience. Among my

neighbors we all share the same view that the Zikrayet is violating the norm of the neighbourhood by ignoring the community's voice. And the thing upset me the most is the city hasn't effectively responded to the community's complaint. I couldn't find a good reason to allow the restaurant to open beyond midnight at the same time is allowed to have their music on very loudly and customers chatting on the sidewalk and smoking during weekends.

Councilman Gaines, this letter may sounds from a very frustrated citizen, but it tells the truth. Please seriously consider this complaint about the noise issue I have mentioned because my confidence with the city is losing when time goes by. I believe there is a 24 hour 7-Eleven applying for a permit in our building at this time. I couldn't find any better reason for me or my fellow neighbors to support that without even resolve this restaurant issue.

Councilman Gaines, I wish you could have a very good sleep tonight because I cannot. I opened my window because the weather is so nice and I couldn't resist and I have the right. But I am indeed breathing the air with the smoke from the restaurant. I live right above the restaurant so I know where the smoke is from.

This letter is addressed to you directly, but please share this information to other council members and the mayor. I believe the city could give our community and me a reasonable resolution.

Sincerely

yours,

Tianyao Sun
520 John Carlyle St. Unit 328
Alexandria, VA

22314

Nathan Randall

From: Barbara Ross
Sent: Monday, July 06, 2009 10:49 AM
To: 'tianyao.sun@gmail.com'
Cc: Rose Boyd; Cicely Woodrow; Graciela Moreno; Elaine Scott
Subject: Zikrayet Restaurant complaint

Dear Mr. Sun:

Your complaint about the noise and uncooperative behavior associated with Zikrayet Restaurant is being investigated by Planning and Zoning staff. As you may know, this office worked with residents in your condo building approximately one year ago when there were noise complaints, and we had not heard of any other problems until recently. We have discussed the problem with the owner who installed expensive noise baffling equipment in the ceiling of the restaurant in response to last year's complaints, but who is willing to meet and discuss additional steps that may be necessary so that the restaurant and its residential neighbors may live in harmony.

We have also discussed the matter with the police and they have assigned a detail to the location. We will be meeting with the owner, and working with the city staff in the Department of Transportation and Environmental Quality because they enforce the city's noise ordinance and the restaurant's SUP noise restrictions. We will inform you again of our progress when we have more information. In the meantime, I encourage you to contact the police immediately if there should be any more incidents with loud noise, so they may record the event and the complaint and witness the problem.

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

Barbara Ross
Planning and Zoning
703. 746.3802

-----Original Message-----

From: Tianyao Sun <tianyao.sun@gmail.com>
To: councilmangaines@aol.com
Sent: Sun, Jun 28, 2009 1:39 am
Subject: COA Contact Us: Extremely loud noise from Zikrayet Restaurant

COA Contact Us: Councilman Ludwig P. Gaines