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10-14-23

**From:** Nate Macek <natemacek@hotmail.com>  
**Sent:** Wednesday, October 11, 2023 5:03 PM  
**To:** Karl Moritz <Karl.Moritz@alexandriava.gov>  
**Cc:** Nancy Williams <Nancy.Williams@alexandriava.gov>; Tony LaColla <anthony.lacolla@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Patrick Silva <Patrick.Silva@alexandriava.gov>; Christina Brown <Christina.Brown@alexandriava.gov>  
**Subject:** FW: Docket for Saturday, October 14, 2023 Public Hearing Meeting

Karl:

I have reviewed the staff report to City Council for 2000 Mt. Vernon Avenue and am concerned that it does not provide a sufficient summary of our public hearing on this matter.

The summary of Planning Commission discussion does not relay the central finding by the majority of Planning Commissioners that operation of a smoker does not violate 4-107(A) of the zoning ordinance. As my line of questioning during our hearing laid out, there is room for interpretation whether outdoor food preparation is ancillary to an outdoor dining operation, and the discussion and motion by Planning Commission on this matter very clearly sided with allowing the smoker because it is in support of outdoor dining. At the same time, I commented that while the smoker should be permitted, the externalities associated with it—namely, smoke odor and particulate matter—should be controlled so not to be a nuisance to adjacent neighbors. In my remarks, I also expressed disappointment that the after-the-fact approval of the request is required because applicant did not seek approval in advance of improvements, and that city staff should have met with the applicant to discuss methods to mitigate smoke and odors prior to our Planning Commission hearing—not necessarily in advance of the City Council meeting as stated in the last sentence, first paragraph of page 2 of the staff report.

Furthermore, neither the summary of Planning Commission discussion nor the narrative of the staff report describe how Planning Commission recommendations differ from the staff recommendation and the Planning Commission's rationale for those recommendations. This includes recommended condition 23 regarding mitigating the impact of the smoker; condition 26 regarding outdoor limited live entertainment, and condition 36 regarding a six-month review. (I note that a summary of the Planning Commission's amended conditions is listed on slide 6 of the staff presentation deck.)

Additional context regarding Planning Commission discussion and views on these amendments would provide a more complete summary for City Council's consideration during its public hearing.

Thanks,

Nate

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