

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, March 17, 2007 - - 9:30 a.m.**

Present: Mayor William D. Euille, Vice Mayor Andrew H. Macdonald, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Police Lt. Uzzell; Mr. Josephson, Acting Director, Planning and Zoning; Mr. Milone, Planning and Zoning; Mr. Hunt, Planning and Zoning; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Dr. Gilmore, Director, Mental Health, Mental Retardation and Substance Abuse; Ms. Layer, Division Director, Mental Health, Mental Retardation and Substance Abuse; Ms. Buchanan, Assistant Fire Marshal, Code Enforcement; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the members of the Council were present.

2. Public Discussion Period.

(a) Ed Hiltz, 3405B South Stafford Street, representing the Fairlington Citizens Association executive board, spoke of the entrance to the Bradley Shopping Center and asked Council for its help to engage in discussions to deal with the safety of the entrance to the Center.

Mayor Euille asked if he raised this with the owners of the shopping center, to which Mr. Hiltz said no, they have not. Mayor Euille suggested working with the owners first, but noted that the City would be willing to cooperate as much as possible.

Councilman Krupicka said the chair of the Arlington County Board has brought this up a few times, and he has had conversations with the Director of Transportation

and Environmental Services, who made it clear that the changes necessary to improve the safety of the intersection would cost around \$1 million.

Vice Mayor Macdonald suggested the City's Planning Director and Arlington's Planning Director discuss any interim low-cost solutions that might address some of the issues that exist.

(b) Kristin Langlykke, 7 Sunset Drive, representing Alexandria Neighborhood Health Service and the Arlandria Health Center, spoke of the services they provide and emphasized the essential role they play in the economic health of Alexandrians. She spoke of what the Alexandria Neighborhood Health Service does and said they appreciate Council's support and they will continue to expand to meet the primary care needs of Alexandrians.

(c) Andrea Dies, 505 Robinson Court, said she agreed with Mr. Hiltz on the Bradley Shopping Center and suggested that they install signs at the intersections temporarily until the final plans and redesigns are done. She said it is for the safety of the drivers as much as safety of the pedestrians.

(d) David Fromm, 2307 E. Randolph Avenue, representing the Del Ray Citizens Association, thanked Council and staff, as it had its sixth annual meet and greet this past Monday, and the list of people who participated from the City included DASH, Citizens Assistance, Consumer Affairs, Code Enforcement, Court Services Unit, Fire Department, Gang Prevention, Human Services, Office of Housing, Office on Women, Parks and Recreation, Planning and Zoning, Police, Real Estate, Sheriff's Office, Transportation and Environmental Services, the Library System and the School System.

(e) Seamus O'Toole (Pat Troy), 310 Wolfe Street, the King of the Leprechauns, thanked Council for the St. Patrick's Day Parade, especially the Police Department, Fire Department, Sheriff's Department, Parks and Recreation, and Transportation and Environmental Services, and for Council having an Irish American Heritage Month, and he wished everyone a happy St. Patrick's Day.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. SPECIAL USE PERMIT #2006-0121
405 EAST BRADDOCK ROAD
7-ELEVEN, INCORPORATED
Public Hearing and Consideration of request for the continuance of a nonconforming convenience store use; zoned CSL/Commercial Service Low.
Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 3, 3/17/07, and is incorporated as part of this record by reference.)

4. **SPECIAL USE PERMIT #2007-0001**
4938 D EISENHOWER AVENUE
AUTO REPAIR EXPANSION
Public Hearing and Consideration of a request to expand an existing light automobile repair business; zoned OCM-100/Office Commercial Medium. Applicant: Carlos Flores

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 4, 3/17/07, and is incorporated as part of this record by reference.)

5. **ENCROACHMENT #2006-0007**
1101 QUEEN STREET
Public Hearing and Consideration of a request for an encroachment into the public right-of-way; zoned CL/Commercial Low. Applicant: Robert Bunn

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 5, 3/17/07, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Macdonald and carried unanimously, City Council approved the consent calendar, with the removal of docket item #3, which was considered under separate motion, as follows:

4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.

The voting was as follows:

Gaines "aye" Krupicka "aye"

Macdonald	"aye"	Lovain	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

3. SPECIAL USE PERMIT #2006-0121
405 EAST BRADDOCK ROAD
7-ELEVEN, INCORPORATED

Public Hearing and Consideration of request for the continuance of a nonconforming convenience store use; zoned CSL/Commercial Service Low. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

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Questions were asked by Council about this property in regard to the Braddock Area Plan, redevelopment of the area, sale of beer and wine and concerns of the neighbors, design and architectural aspects of the buildings, landscaping, recycling and trash, which were answered by Acting Planning Director Josephson.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Macdonald and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. SPECIAL USE PERMIT #2006-0120
1307 KING STREET
BAKERY ORLOV

Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Boyd Walker

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 6, 3/17/07, and is incorporated as part of this record by reference.)

Mr. Josephson made a presentation of the staff report and responded to questions of Council with regard to alcohol sales, outdoor seating, entertainment, the smoking policy, trash pick-up and alley access.

The following person participated in the public hearing on this item:

(a) Boyd Walker, 220 E. Bellefonte Avenue, the applicant, spoke in favor of the request and noted the access on the side of the building is for handicapped access, the majority of the 20 outdoor seats are for the back yard, he would like to have the flexibility to serve beer and wine in the future, but doesn't have a plan to now, and on the requested hours, he wouldn't be starting with the hours but wanted the flexibility for the future. Mr. Walker said on the lighting, he would be glad to put lighting in the alley. Mr. Walker noted that he would be glad to have the trash picked up twice a week as opposed to once a week.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0-1, City Council approved the Planning Commission recommendation, with the following amendments: 1. Change the trash pick up from once a week to twice a week; 2. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption; 3. If Council considers the guidelines for outdoor seating, the restaurant shall comply; and 4. There shall be no alcohol service, except for beer and wine for on-premises consumption.

Vice Mayor Macdonald noted that Mr. Walker is a close friend and although he is not required to, he would abstain from voting on the request.

The voting was as follows:

Smedberg	"aye"	Macdonald	abstained
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Lovain	"aye"	

7. SPECIAL USE PERMIT #2006-0122
1925 BALLENGER STREET (Parcel Address: 1900 Ballenger Street)
POTBELLY SANDWICH WORKS RESTAURANT
Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #1/Coordinated Development District. Applicant: Potbelly Sandwich Works by Michael Puckett

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 7, 3/17/07, and is incorporated as part of this record by reference.)

Mr. Josephson made a presentation of the staff report and responded to questions of Council.

The following persons participated in the public hearing on this item:

(a) Bill Harvey, 2151 Jamieson Avenue, Unit 1809, spoke in favor of this application and docket item #8, Bruegger's Bakery Cafe.

(b) Michael Puckett, 1140 N. Milwaukee Avenue, #4, Chicago, Illinois, with Potbelly Sandwich Works, spoke in favor of the application and stated that all Potbelly Restaurants are smoke free, so he is comfortable with the restaurant complying with the smoke-free proposal. He also noted that it is part of the culture of the restaurant to not serve alcohol and they have no intent to have alcohol, but if offered, they would hold the license to serve alcohol.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the following amendments: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption; and 2. There shall be no alcohol service, except for beer and wine for on-premises consumption.

Councilman Smedberg said condition #19 is for a \$500 contribution to the beautification fund for the installation of litter receptacles, but in other applications today and in the past, it is for \$1,000.

Mr. Josephson noted this is a condition from Transportation and Environmental Services and he would have to confer with that Department.

Councilman Krupicka said it would be helpful to have a memo from staff that outlines the policy, and how and when it is applied, so that Council understands that it is a consistently applied policy.

The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

8. SPECIAL USE PERMIT #2006-0124
520 JOHN CARLYLE STREET, UNIT 110
BRUEGGER'S BAKERY CAFE
Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #1/Coordinated Development District. Applicant: Bruegger's Enterprises, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 8, 3/17/07, and is incorporated as part of this record by reference.)

The following person participated in the public hearing on this item:

(a) Duncan Blair, 524 King Street, attorney representing the applicant, spoke in favor of the request, noted they are happy to pay \$500 instead of \$1,000 for a trash can, and he said they would agree to the non-smoking condition.

Deputy Director of Transportation and Environmental Services Culpepper said the issue of the trash receptacles is an issue of equity and it will be discussed.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and Council approved the Planning Commission recommendation, with the following amendment: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption.

Vice Mayor Macdonald said he would like to see a statement as an advisory note that says that trash will be compacted, recycled and picked up properly and the City's office of recycling will work with businesses to find creative solutions to the problems, and would like to see them be proactive.

The voting was as follows:

Pepper	"aye"	Macdonald	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

9. SPECIAL USE PERMIT #2006-0123
3101 NORTH HAMPTON DRIVE - COM 101
RESTAURANT/PARKING REDUCTION
Public Hearing and Consideration of a request to operate a restaurant and for a parking reduction; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: David Gwathmey

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 9, 3/17/07, and is incorporated as part of this record by reference.)

Mr. Josephson made a presentation of the staff report and responded to questions from Council about the proposed parking reduction.

The following persons participated in the public hearing on this item:

(a) Jose Cervoni, 3101 N. Hampton Drive, president of the Northhampton Place Condominium Association, spoke in favor of the application.

(b) Rebecca Cervoni, 3101 N. Hampton Drive, spoke in favor of the application.

(c) David Gwathmey, the applicant, spoke in favor of the application and said the model for the business is an upscale coffee bar/wine bar concept where there will be soups, salads and sandwiches and they will also sell beer and wine on-site and off-premises. He noted there would be no smoking.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the following amendments: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption; 2. There shall be up to 51 seats, including outdoor seating, if approved by the Condominium Association; and 3. Condition #4 is changed to read that the parking reduction is commensurate with the number required to accommodate the number of seats in the restaurant. The voting was as follows:

Pepper	"aye"	Macdonald	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

10. **SPECIAL USE PERMIT #2007-0002**
115 NORTH PATRICK STREET
CONGREGATE HOUSING/SAFE HAVEN
Public Hearing and Consideration of a request to allow a congregate housing facility for the Safe Haven Program, and approval to provide parking within 300 feet of the facility, zoned CD/Commercial Downtown. Applicant: Alexandria Community Services Board by M. Catherine Gibbs, attorney.

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 6-0

(A copy of the Planning Commission report dated March 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 10, 3/17/07, and is incorporated as part of this record by reference.)

Mr. Josephson, along with Mr. Milone, Planning and Zoning, Dr. Gilmore, Director, Mental Health, Mental Retardation and Substance Abuse, Ms. Riley, chair of the Community Services Board, and Ms. Layer, Mental Health, Mental Retardation and Substance Abuse, made a presentation of the staff report and responded to questions of Council pertaining to the parking and use of curfews.

The following persons participated in the public hearing on this item:

(a) Mary Catherine Gibbs, 307 N. Washington Street, attorney representing the applicant, spoke in favor of the request and asked those in support in the audience to stand, to which approximately 35 people stood.

(b) Pamela L. Michell, 8407-E Richmond Highway, executive director of New Hope Housing, Inc., spoke in favor of the application.

(c) Minister Robert A. Woods, 307 S. Fillmore Street, Arlington, spoke in favor of the application.

(d) Catherine Lynch, 412 East Windsor Avenue, spoke in favor of the application.

(e) Lynn M. Fritts, 72 North Saint Asaph Street, Homeless Services Coordinator with the Alexandria Community Services Board, spoke in favor of the application.

(f) Oakleigh Thorne, 10605 Concord Street, Kensington, Maryland, with Thorne Consultants, Inc., said he was retained by the City to do an impact study, went over the findings of the impact study and noted that he found no impact on property values.

(g) Elmer Lee King, Jr., 716 Four Mile Road, spoke in favor of the application.

(h) Greg Vogt, 3920 Colonel Ellis Avenue, spoke in favor of the application.

(i) Michelle K. Hall, 420 E. Windsor Avenue, spoke in favor of the application.

(j) Herb Cooper-Levy, 1527 Oronoco Street, spoke in favor of the application.

(k) Carol Supplee, 1124 King Street, Imagine Artwear, spoke in favor of the application.

(l) Michael J. Chamowitz, 118 N. Alfred Street, spoke in favor of the application.

(m) Kristina Rasmussen, 240 S. Reynolds Street, #411, read a letter from Adi Shmueli, PhD, Clinical Psychologist, practicing in Washington, D.C., who, on behalf of Craig Miller, was opposed to the application based on the psychological benefit to its residents and impact on the neighborhood.

(n) Craig Miller, 915 Cameron Street, spoke in opposition to the application and to the location of the Safe Haven.

(o) Walter Grace, 908 Cameron Street, spoke in opposition to the application.

(p) Margaret Moore, 6632 Cypress Point Road, spoke in favor of the application.

(q) Fran Becker, 930 N. Henry Street, executive director of Carpenter's Homeless Shelter, spoke in favor of the application.

(r) Tara Knox, 930 South Fairfax Street, representing Christ Church Outreach Committee and Christ Church Lazarus Counselors, spoke in favor of the application.

(s) Cathy Coone McCrary, 2721 Ice House Road, Apt. 102, spoke in favor of the application.

(t) Andy Kunz, Patrick Street, spoke in opposition to the application.

(u) Pamela Goodell, 220 Century Place, #3309, spoke in favor of the application.

(v) Allen Lomax, 5021 Seminary Road, #730, chair of the Alexandria United Way Regional Council, spoke in favor of the application.

(w) Mary Alyce Delaplane, 124 N. Patrick Street, asked that the City's Safe Haven emulate some of the policies of Max's Place in Falls Church.

(x) David Fromm, 2307 E. Randolph Avenue, spoke in support of the application.

(y) Annabelle Fisher, 5001 Seminary Road, spoke about the medications and treatment given to the clients of the Safe Haven and asked questions about the facility.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the following amendments: 1. Amend condition #9 to add an additional sentence that reads "Residents can ask for re-establishment of the Neighborhood Advisory Commission at any point in the future."; 2. Change condition #6 to read "The program shall include a sign-in/sign-out program to track residents coming and goings."; 3. Amend condition #5 to add to the list the word "violence" in with the other words; 4. Add a new condition #16 to read: "The House Rules shall be publicly available to the community and any changes to the House Rules have to be discussed with the Neighborhood Advisory Commission for their input before changes are made." The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

ORDINANCES AND RESOLUTIONS

None.

REPORTS OF BOARDS, COMMISSION AND COMMITTEES (continued)

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (11-14)

Planning Commission (continued)

11. VACATION #2006-0004
10 RUSSELL ROAD
Consideration of a request to vacate public right-of-way; zoned R-5/Residential.
Applicant: Earnest Baucom and Vi Jaramillo

PLANNING COMMISSION ACTION: Deferred

12. TEXT AMENDMENT #2007-0001
COVERED OPEN PORCHES/LANDINGS
Consideration of a request to amend Section 11-1300 of the Zoning Ordinance allowing covered open porches in required front yards by special exception, and Section 7-200 amending the zoning regulations applicable to open covered landings in all yards. Staff: Department of Planning and Zoning (Deferred from the February Docket)

PLANNING COMMISSION ACTION: Deferred

- 13. VACATION #2006-0005
 PARCEL OF LAND AT THE TERMINUS OF WEST UHLER AVE
 BETWEEN 2418 & 2500 SANFORD AVENUE
 Consideration of a request to vacate public right-of-way; zoned R-8/Residential.
 Applicant: Meade and Janie Rhoades by Lonnie Rich, agent

PLANNING COMMISSION ACTION: Deferred

- 14. SPECIAL USE PERMIT #2006-0125
 106 NORTH WASHINGTON STREET
 LE PAIN QUOTIDIEN RESTAURANT
 Consideration of a request to operate a restaurant; zoned CD/Commercial
 Downtown. Applicant: PQ Alexandria, Inc., by M. Catharine Puskar, attorney.

PLANNING COMMISSION ACTION: Withdrawn

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, the public hearing meeting of March 17, 2007, was adjourned at 2:58 p.m. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk