


# City of Alexandria, Virginia

## MEMORANDUM

DATE: SEPTEMBER 23, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: SUP REQUEST FOR PIZZA RESTAURANT AT 3406  
COMMONWEALTH AVE. (CASE NUMBER: SUP2008-0048)

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**ISSUE:** Consideration of a request for approval of a Special Use Permit for a restaurant at 3406 Commonwealth Avenue.

**RECOMMENDATION:** That City Council approve the SUP subject to the attached revised conditions.

**DISCUSSION:** At its September 13, 2008 meeting, the City Council voted to defer the SUP request for a pizza restaurant with delivery at 3406 Commonwealth Avenue to its legislative meeting on September 23, 2008. At the September 13 meeting, the Council heard testimony from neighbors who raised a number of concerns about the operation of the proposed restaurant. The Council deferred the request to allow staff to respond to these concerns, which included:

- Hours of Operation
- Odors
- Noise
- Supply delivery hours
- Garbage Pick-Up
- Rodent/Pest Control
- Fencing
- Outdoor Dining
- Review Period

Staff hosted a meeting to discuss these issues with neighbors and the applicants on Wednesday, September 17, 2008. Staff also received email comments from neighbors who were unable to attend the meeting and these comments were incorporated into the discussion. Thanks to the efforts of the neighbors and the applicant, consensus emerged on most of the concerns that have been raised. As a result of the discussions at the meeting, staff has amended its recommended conditions of approval for this SUP request.

Conditions #3, 4, 11, 15, 17, 19, 20, and 25 from the original staff report have been amended and Conditions #30 and #31 have been added.

Since the community meeting, neighbors have been given the opportunity to comment on changes to the recommended conditions. While it is possible that staff could receive additional comments on the amended conditions, at this time, the only issue that continues to be raised is the proposed closing hour for the restaurant. Neighbors would like to see a reduction in the closing hour. As a result of these comments, staff is recommending that the proposed restaurant be closed one hour earlier on Friday and Saturday.

The following information describes the nature of the changes in greater detail.

#### Hours of Operation

Neighbors of the proposed restaurant have expressed concern that the closing hour originally proposed for the restaurant was too late. They were also concerned that Condition #15, as originally written, would allow patrons to remain at the restaurant for an additional hour after the closing hour. Condition #15 was changed to require all patrons to leave the premises at the closing hour. As a result of further email discussions with neighbors after the September 17<sup>th</sup> meeting, and after consultation with the applicant, staff has also amended Condition #3. Now the closing hour on Fridays and Saturdays can be no later than 11:00 PM, consistent with the rest of the week, instead of midnight.

#### Odors

Another concern of neighbors is the potential for pizza odors emanating from the proposed restaurant. Staff has added Condition #31 which will require that the exhaust fan be installed such that its output shall be directed away from the residences located immediately to the north and the west of the proposed restaurant. It should be noted that Condition #24, a standard condition regarding the control and prevention of odors, will remain.

#### Noise

The primary noise concern for neighbors is the potential noise generated by the exhaust fan and the HVAC unit when these units are located on the roof of the restaurant. Staff has added Condition #31 that will require a screen be placed around the rooftop HVAC unit and the rooftop exhaust fan to reduce the noise these units generate. Because several screening materials or configurations can accomplish the intended goal, the condition has been written so that review and approval of the exact proposal shall rest with the Directors of Planning & Zoning, Transportation & Environmental Services, and Code Enforcement.

#### Supply Delivery Hours

In order to reduce any noise impacts on neighbors of supply deliveries to the restaurant, staff has amended Condition #11 to further restrict delivery hours. As a result, such deliveries shall only occur between 9:00am and 5:00pm, Monday-Friday. Previously, the

condition was written to restrict deliveries from occurring between 11:00pm to 7:00am daily.

#### Garbage Pick-Up

Similar to the concerns about supply delivery hours, neighbors have expressed concerns that garbage pick-up at the restaurant would create noise impacts. Staff has amended Condition #25 to require that the dumpster, which was originally proposed to be located on the northwestern corner of the building directly behind neighboring townhouses, shall now be located in the existing fenced-in area on the southern end of the building near Leadbeater Street. Additionally, to reduce any noise impacts, staff has changed Condition #17 to allow garbage pick-up only once per week. Should garbage pick-up be needed more often, the condition as written would permit the Director of Planning & Zoning to require more frequent pick-ups.

#### Rodent/Pest Control

To address neighbor concerns about the potential presence of rodents and pests at the site, staff has added Condition #30 to require the applicant to provide proof of the ongoing rodent/pest control at the site.

#### Fencing

Neighbors have express concern about the potential removal of fencing at the site of the restaurant that may actually provide additional security. As a result, staff has amended Condition #20 to no longer require the entire removal of fencing on either the northern or southern end of the building. Staff has added that the barbed-wire portion of the fence on the southern end shall be removed, and that said fence shall be improved with screening materials to shield the dumpsters from view.

#### Outdoor Dining

Initial consultation with the Del Ray Civic Association's Land Use Committee revealed an interest in allowing the applicant to include up to two outdoor dining seats at the restaurant. Out of neighbor concerns regarding noise and safety, no outdoor dining will be allowed and this portion of Condition #4 has been removed.

#### Review Period

Finally, after consulting with both the neighbors and the applicant, staff has amended Condition #19 to require both a 90-day review and a one-year review. This will afford staff an additional opportunity to review the efficacy and appropriateness of recommended conditions, and to determine whether any new conditions may be necessary.

Staff believes that after consulting with the neighbors and the applicant, the revised conditions significantly address, in a fair and reasonable manner, the concerns of neighbors relative to the above issues. Staff again recommends approval of the SUP request to operate a pizza restaurant with delivery at 3406 Commonwealth Avenue, subject to the recommended conditions attached to this memorandum and subject to all other applicable codes and ordinances.

**FISCAL IMPACT:** There will be no fiscal impact.

**ATTACHMENT:** Recommended Conditions

**STAFF:**

Faroll Hamer, Director, Planning and Zoning

Rich Josephson, Deputy Director, Planning and Zoning

Nathan Randall, Urban Planner, Planning and Zoning

Erica Bannerman, Sr. Air Pollution Control Specialist, Office of Environmental Quality

Al Cox, Architect, Code Administration

## Attachment

### RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. The hours of operation of the restaurant shall be limited to 10:30am – 11:00 PM, seven days/week. Monday-Thursday and Sunday, 10:30 am-11:00 pm; Friday and Saturday, 10:30 am-midnight. (P&Z)
4. The maximum number of seats at the restaurant shall be 12. No outdoor dining shall be allowed at the restaurant. Up to two (2) of these seats may be located outside subject to a plan that is reviewed and approved by the Director of Planning & Zoning. The applicant shall ensure the outdoor seating does not restrict pedestrian access to other merchants in the shopping center. The outdoor seating area shall close no later than 10:00 pm daily. The outdoor seating area shall be cleaned and washed at the close of each day of operation. (P&Z)
5. The maximum number of delivery vehicles shall be four (4). (P&Z)
6. Delivery vehicles shall be parked in off-street parking spaces. They shall not be parked in either of the two tandem parking spaces along the northern side of the building or directly in front of tenant spaces. Delivery vehicles shall be no larger than passenger vehicles. (P&Z)
7. No live entertainment shall be provided at the restaurant. (P&Z)
8. No alcohol service shall be provided. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
11. Supply deliveries, loading, and unloading activities shall only not occur between the hours of 11:00pm and 7:00am 9:00am and 5:00pm, Monday through Friday. Loading and unloading of supply delivery vehicles shall take place from behind

- the building at the rear access door of the business. (P&Z)(T&ES)
12. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
  13. Only employees may park in the two tandem parking spaces along the northern side of the building. (P&Z)
  14. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)(T&ES)
  15. All patrons must leave the restaurant by the closing hour and all deliveries must be completed by the closing hour. Meals ordered before the closing hour may be served or delivered, but no new patrons may be admitted after the closing hour, no new delivery orders may be fulfilled after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
  16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
  17. Trash, garbage, and recycling generated by the restaurant shall be removed from the premises at least once three times per week, or more often if necessary as determined by the Director of Planning & Zoning. (P&Z)
  18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
  19. The Director of Planning and Zoning shall review the special use permit after it has been operational for 90 days, and again one year following Council approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
  20. The applicant, in cooperation with the property owner and the owner of the martial arts studio, shall develop a comprehensive site improvement plan that

addresses ~~the following:~~ (1) the removal of the barbed wire portion of the chain link fence along the southern end of the building, the incorporation of screening into or as a part of said fence, (2) ~~the aesthetic improvement or removal of the chain link fence on the northern end of the building,~~ (3) new screening and fencing as needed and (4) new landscaping to be provided between: (1) the parking lot and Commonwealth Avenue and (2) the main parking lot and the northern property line. The plan shall be submitted within three months of opening and shall be reviewed and approved by ~~to the satisfaction of~~ the Directors of Planning & Zoning and Recreation, Parks, and Cultural Activities, and The plan shall be implemented no later than ~~within~~ one year from approval of the special use permit. (P&Z)(Parks)

21. Landscape maintenance shall be the responsibility of the property owner. Landscaping shall be well maintained and free of weeds, debris, and litter at all times. Dead or missing plants shall be replaced as needed. (Parks)
22. Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1) (Parks)
23. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
24. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
25. The applicant shall provide storage space for solid waste and recyclable materials containers within the existing fenced-in area on the southern end of the building adjacent to Leadbeater Street. The storage space shall be screened to the satisfaction of the Director of Planning & Zoning. It shall also conform with as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
26. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
27. Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid

Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)

28. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
29. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and regarding robbery readiness training for all employees. (Police)
30. The applicant shall provide evidence of rodent and pest control to the Department of Planning and Zoning and Code Administration. (P&Z)
31. Any rooftop exhaust fan or HVAC unit shall be installed with a visual mechanical screen/noise deflector and submitted for review and approval by the Directors of Planning & Zoning, Code Enforcement and Transportation & Environmental Services. The output (noise and odor) from any rooftop exhaust fan shall be directed and away from the residences located to the north and west of the restaurant. (P&Z)

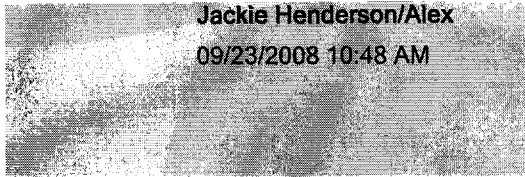
27  
9-23-08

3406 Commonwealth Avenue  
Vocelli's Pizza  
Revised and New Conditions

31. Any rooftop exhaust fan or HVAC unit shall be installed with a visual mechanical screen/noise deflector and submitted for review and approval by the Directors of Planning & Zoning, Code Enforcement and Transportation & Environmental Services. The output (noise and odor) from any rooftop exhaust fan shall be directed and away from the residences located to the north and west of the restaurant. An internal exhaust fan may be used in place of a rooftop exhaust fan to the satisfaction of the Directors of Planning & Zoning, Code Enforcement, and Transportation & Environmental Services. (P&Z)

32. The applicant shall locate exhaust fan(s) as far away as possible from residential property and in manner as to not impact the intake vent of adjacent businesses or properties. (T&ES)

27  
9-23-08



Jackie Henderson/Alex  
09/23/2008 10:48 AM

To Gloria Sitton/Alex@Alex  
cc  
bcc  
Subject Fw: COA Contact Us: Vocelli Pizza

----- Forwarded by Jackie Henderson/Alex on 09/23/2008 10:48 AM -----



Shazhad Kiani  
<snkiani@hotmail.com>

09/23/2008 10:48 AM

Please respond to  
Shazhad Kiani  
<snkiani@hotmail.com>

To william.euille@alexandriava.gov, 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: Vocelli Pizza

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

Time: [Tue Sep 23, 2008 10:48:05] IP Address: [71.191.58.118]

**Issue Type:** Mayor, Vice Mayor, and Council Members  
**First Name:** Shazhad  
**Last Name:** Kiani  
**Street Address:** 2626 N Pershing Dr.  
**City:** Arlington  
**State:** Virginia  
**Zip:** 22201  
**Phone:** 703-312-8855  
**Email Address:** snkiani@hotmail.com  
**Subject:** Vocelli Pizza  
September 23, 2008

City Council  
City of Alexandria, VA  
301 King

Street – Room 2300  
Alexandria, VA 22313

Re: Vocelli Pizza –

## Special Use Permit Application

Dear Council Members:

At the request

of the Applicant I am sending you this letter to advise the concerned parties in this matter of the additional expenses that our Franchisee has undertaken to address the concerns of the community. In addition, the property owner has informed us that he will take the necessary actions as required by the SUP which lay outside our demised leasehold premises.

1. To address the communities concerns regarding Exhaust Fan Noise, the Applicant has offered to install an Interior Inline Exhaust Fan, which differs from the types of Exhaust Fan normally installed in one of our stores to mitigate the noise issue. Approximate cost to the Applicant is and additional \$2,500.00 in equipment and revised permitting drawings and the re-submittal delay of the permit, approximately 2 weeks for a rental expense of approximately \$ 2,200.00.

Total cost impact of  
this concession approximately \$ 4,700.00.

2. To address the communities  
desires for limited dine-in to accommodate up to six people, he will experience an additional furnishing cost of approximately \$1,700.00. In addition to the consumable paper goods and labor which he must have on hand to support "dine in", these items would be an on-going expense.

Total cost impact of this concession approximately \$ 4,700.00

the first year.  
Annual cost there after approximately \$ 3,000.00.  
Balance

of Lease Term (9 years) ..... \$ 27,000.00

### Comments:

3. To recognize the  
time delay associated with addressing the concerns of the Community via

the SUP process, being that we had already filed for the Building Permit to facilitate this process occurring concurrently with the Building Permit, we are anticipating a delay of almost 2 months and a rental expense cost of approximately \$ 4,400.00

Cost not including lost Sales approximately  
\$ 4,400.00

4. To recognize the Communities' concern about hours of operation on Friday and Saturday nights, the Applicant has offered to reduce his operating hours by 1 hour on Friday and 1 hour on Saturday. This would have his store closing 1 hour before the rest of the stores in the system on these nights.

Approximate monthly cost of this concession

to Sales is \$ 1,720.00  
Value of Concession granted over the life of the  
lease... \$ 206,400.00

5. To recognize the City of Alexandria's request  
for an Exterior Trash Receptacle per item # 27 of the Amended Conditions.

Total cost to Applicant is \$ 1,000.00

In Summary, the

immediate Initial Cost to Applicant of these concessions is \$

16,520.00  
not including loss of sales and the projected value of these  
concessions over the life of the lease is approximately \$  
249,920.00.

Trusting that this will be considered in evaluating the  
flexibility and cooperation which the Applicant has already demonstrated in  
this process...

Thank you for your consideration,

Jack Sciabassi,

CPE  
Director of Real Estate and Construction

Vocelli Pizza



Nathan

## APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0048

PROPERTY LOCATION: 3406 COMMONWEALTH AVE

TAX MAP REFERENCE: 15-04-03-11 ZONE: CSL

**APPLICANT:**

Name: SHAHZAD N KIANI

Address: 15433 CREOS HILL WAY WOODBRIDGE VA 22191

PROPOSED USE: PIZZA RESTAURANT DINE IN, CARRY OUT AND DELIVERY

[ ] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[ ] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

SHAHZAD N KIANI  
Print Name of Applicant or Agent

Signature

Date

2626 N PERSHING DR  
Mailing/Street Address

703-643-2037  
Telephone #

703-312-8557  
Fax #

City and State

Zip Code

5 N KIANI@HOTMAIL.COM  
Email address

By unanimous consent, recommended approval 9-4-08  
ACTION-PLANNING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_  
ACTION-CITY COUNCIL: CC approved PC recommendation DATE: 9-23-08  
7-0 (see attachment)

authorize Vice Mayor Pepper and Councilman Gaines, to direct the activities of the independent reviewer in consultation with the NSCMG. Due to personnel confidentiality reasons, Vice Mayor Pepper, Councilman Gaines and the independent reviewer will protect employee confidentiality; (2) authorized Vice Mayor Pepper and Councilman Gaines, in consultation with the NSCMG, to develop for Council's consideration, the necessary qualifications for a candidate that would be best suited to conduct such an inquiry, as well as recommend the scope of the work that is to be covered; (3) authorize Vice Mayor Pepper and Councilman Gaines, in consultation with the NSCMG to review the candidates' applications and make a recommendation for Council's final approval; (4) the City Staff shall provide the independent reviewer access to all relevant information, including information produced because of FOIA requests and make available for interview City employees and Council members. He/She should have access to other applicable documents, such as results of the City Manager's consultant efforts; (5) Due to personnel confidentiality reasons, some information may need to be summarized. All identifiable employee information will remain confidential; and (6) set November 30, 2008, as the target date for the report completion, with the possibility of extending the period to the end of December 2008. City Council agreed to exclude the fiscal impact until a third party reviewer has been decided upon by Vice Mayor Pepper, Councilman Gaines and the NSCMG and a budgetary statement will come before Council for consideration and final approval. The voting was as follows:

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

26. Receipt of Update on Industrial Land Use Policy and Planning Study For Eisenhower West.

(A copy of the City Manager's memorandum dated September 11, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 09/23/08, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Councilman Krupicka and carried unanimously, City Council: (1) received the staff update on the study; and (2) approved the summary scope of work. The voting was as follows:

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

27. SPECIAL USE PERMIT #2008-0048  
3406 COMMONWEALTH AVENUE (Parcel Address: 3400 Commonwealth Ave.)  
RESTAURANT  
Consideration of a request to operate a restaurant; zoned CSL/Commercial

Service Low. Applicant: Shahzad Kiani  
PLANNING COMMISSION ACTION: Recommend Approval 7-0  
(Deferred from the September 13, 2008 meeting, item #6)

(A copy of the City Manager's memorandum dated September 23, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 09/23/08, and is incorporated as part of the record by reference.)

Mr. Josephson, Deputy Director of Planning and Zoning, responded to questions from City Council about the proposed SUP and changes to the conditions.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council approved the SUP subject to the revised conditions including the following additions: (1) Condition #31: Any rooftop exhaust fan or HVAC unit shall be installed with a visual mechanical screen/noise deflector and submitted for review and approval by the Directors of Planning and Zoning, Code Administration and Transportation and Environmental Services. The output (noise and odor) from any rooftop exhaust fan shall be directed away from the residences located to the north and west of the restaurant. An internal exhaust fan is required in place of a rooftop exhaust fan to the satisfaction of the Directors of Planning and Zoning, Code Administration and Transportation and Environmental Services; and (2) Condition #32: The applicant shall locate exhaust fan(s) as far away as possible from residential property and in a manner as to not impact the intake vent of adjacent businesses or properties. The voting was as follows:

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

28. Consideration of Proposed Addition of the Small Area Plan for Potomac Yard to the Department of Planning and Zoning Work Program.

(A copy of the City Manager's memorandum dated September 18, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 09/23/08, and is incorporated as part of the record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously, City Council: (1) directed staff to begin work on a Small Area Plan for Potomac Yard this fall, to be completed by the end of calendar year 2009; and (2) agreed that no items shall be added to the Special Studies and Projects category of the work program until the completion of the Potomac Yard Small Area Plan, which will also incorporate looking at the proposed school site and the Route 1 Corridor. The voting as follows:

Smedberg	"aye"	Pepper	"aye"
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