Docket Item # 11 Planning Commission Public Hearing March 4, 2025 2025

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of February 4,2025

* * * * M I N U T E S * * *

ALEXANDRIA PLANNING COMMISSION February 4, 2025 7:00 P.M.

Council Chamber

301 King Street, City Hall Alexandria, Virginia

Members Present:

Nathan Macek, Chair
David Brown
Mindy Lyle
Jody Manor
Stephen Koenig

Melissa McMahon, Vice-Chair

Vivian Ramirez

Staff Present:

Karl Moritz Department of Planning & Zoning
Paul Stoddard Department of Planning & Zoning
Nancy Williams Department of Planning & Zoning

Christina Zechman Brown Office of the City Attorney

Tony LaColla Department of Planning & Zoning Sam Shelby Department of Planning & Zoning Department of Planning & Zoning Catherine McDonald Ann Horowitz Department of Planning & Zoning Department of Planning & Zoning Mavis Stanfield Department of Planning & Zoning Robert Kerns Nathan Randall Department of Planning & Zoning Department of Planning & Zoning Leon Vignes Jeff Farner Department of Planning & Zoning Department of Planning & Zoning Carrie Beach

Helen McIlvaine Office of Housing

Bethany Znidersic Department of Recreation, Parks and Cultural Activities
Chris Ziemann Department of Transportation and Environmental Services
Jesse Maines Department of Transportation and Environmental Services

Kendra Jacobs Department of Planning & Zoning Lanning Blaser Department of Planning & Zoning

#1 CALL TO ORDER

Chair Nathan Macek called the Planning Commission Public Hearing of February 4, 2025 to order at 7:00 p.m. Commissioner Koenig arrived at 7:02 p.m. All other Planning Commission Members were present at the Call to Order.

Chair Macek informed those present that if you wish to speak on a Docket Item and have not already signed up to do so, please fill out a Speaker Form online by following the "Sign Up to Speak" hyperlink present on the cover page of this evening's Public Hearing Docket or in person by filling out a hardcopy speaker form, which can be found on either materials tables (located immediately outside the Chambers or at the back of the Chambers), and providing it to Ms. Williams, who has her hand raised.

Please note, comments from the public are limited to 3 minutes per speaker, with the exception of applicants and their representation. To make your public comment through the Zoom application, please click on the "Raise Hand" button located on the Zoom taskbar once you hear your name called upon to make your statement, in order to let staff know it is you who needs to be unmuted in order to make your public comment.

To make your public comment if you are dialing into tonight's meeting via phone, please press *9 to execute the "Raise Hand" function once you hear your name called upon to make your statement, followed by *6 to toggle the unmute function. To make your public comment in person, please come up to either podium located at the front of the Chambers when you hear your name called upon to make your statement. Before starting your public comment, please first identify yourself by first and last name.

The City encourages and welcomes public comment from all residents on Planning Commission matters. In keeping with that principle, and with the principle of inclusiveness, this is a reminder of the shared expectation that the content and tenor of public comments always be civil and respectful. Thank you for honoring those principles. A reminder to all, including Commissioners, staff, and speakers in the Chambers to please speak clearly into the microphone to ensure all are able to hear in a clear manner.

Chair Macek inquired as to whether there were any changes to tonight's Docket. Staff responded that the applicant for Item #8, Special Use Permit 2024-00074, 7 King Street, 101,105 and 107 North Union Street has requested a Withdrawal. Additionally, Planning Commissioner Lyle requested that Items #3 and #5 be pulled, namely Special Use Permit #2024-00079, 1506 Mount Vernon Avenue and Development Site Plan #2024-00016, Subdivision #2024-00011 and Vacation #2024-0007, Clarens Estates, 1& 2 North Clarens Street, respectively.

CONSENT CALENDAR

#2 Special Use Permit #2024-00075

628 King Street

Public Hearing and consideration of requests for Special Use Permits to convert an existing non-residential building to a residential use and for a parking reduction; zoned CD & KR/Commercial Downtown & King Street Urban Retail

Applicant: Jemal's 628 Newco LLC; represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of SUP #2024-00075. The motion carried on a vote of 7-0 on the Consent Calendar.

#3 Special Use Permit #2024-00079

1506 Mount Vernon Avenue

Public Hearing and consideration for a Special Use Permit for two temporary trailers, a restaurant, and outdoor dining; zoned CL/Commercial Low

Applicant: Beckham Baffer

Discussion

Commissioner Lyle expressed her concern over previous approvals made by the Planning Commission for temporary trailers and indicated that they are not temporary or are they attached to businesses. She indicated that the Planning Commission planned to address trailers through discussion of a Text Amendment to the Zoning Ordinance during their August retreat, but that did not happen. She added that there are two other restaurants in the vicinity that offer breakfast that are in brick-and-mortar space and that the trailer use is an unfair advantage, having fewer overhead costs. She further noted that when trailers are used for 15 to 20 years, they are not temporary, and staff and the Planning Commission need to be very conscious of this moving forward.

Vice Chair McMahon expressed her appreciation for Commissioner Lyle's perspective and would hope that staff can fit an exploration of the use of these trailers in a Zoning Ordinance amendment work program in the future, as this use occurs frequently in different land use scenarios. She also noted that the community supports this use, and that the landowner is willing to host it for a few years. Ideally it will become a brick-and-mortar use at some point. She stated that she supports this use and the exploration of others like it in a use type and community context.

Chair Macek stated that it is not the role of the Planning Commission to balance the playing field for competitive enterprise but rather to evaluate whether or not the external impacts of the trailer would adversely affect the community. He noted that he is comfortable with the staff proposed conditions to mitigate the impacts of the use.

PLANNING COMMISSION ACTION

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of SUP #2024-00079. The motion carried on a vote of 6-1.

Reason: The Planning Commission agreed with the staff analysis.

#4 Development Special Use Permit #2024-10014

Eisenhower Block 23 - Extension

2111 & 2121 Eisenhower Avenue

Public Hearing and consideration of a request for an extension of previously approved Development Special Use Permit #2021-10028 with Site Plan to construct a new multi-unit residential building; zoned CDD#2/ Coordinated Development District #2.

Applicant: MidAtlantic Realty Partners, LLC, represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of DSUP #2024-10014. The motion carried on a vote of 7-0 on the Consent Calendar.

Zoning Ordinance Subdivision cases and Development Site Plans are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal. Vacations are heard by the Planning Commission and City Council

Development Site Plan #2024-00016

Subdivision #2024-00011

Vacation #2024-00007

Clarens Estates - 1 & 2 N. Clarens Street

Public Hearing and consideration of requests for: a Development Site Plan with modifications to construct six detached homes, a Subdivision to create six new lots, two outlots, and dedicate right-of-way; and to vacate a portion of the N. Clarens Street public right-of-way, zoned; R-20 Residential. Applicant: Clarens Estates, LLC, represented by M. Catharine Puskar, attorney

Speakers

Keith Nahigian, 3550 Trinity Drive, spoke in opposition of the project. When purchasing his home, he believed that N, Clarens Street was a driveway to serve a single-family house and, upon his understanding that it is a public street, he thinks that it will not be able to adequately serve six homes. He expressed concerns about stormwater management and said that many neighbors have told him that they also oppose the project. He said that the project may reduce the value of his home, which they purchased because of a neighboring historic home, and will force him to move from the City.

M. Catharine Puskar, attorney, speaking on behalf of the applicant noted the two community meetings, including a site walk, and meeting with the Seminary Hill Association, and said they were successful. She further noted that there were no other speakers or letters opposing the project. She said that Mr. Nahigian had opposed the project from the beginning and declined to participate in the site walk or work with the applicant to resolve any issues. She noted that N. Clarens Street is a public street, and they are subdividing the property to redevelop it in line with the Zoning Ordinance. She highlighted that the requested modifications are a response to their neighbors, pulling the houses farther forward, reducing impacts on trees and capturing more stormwater. She said that the applicant has a history of delivering good projects in the City and that the project would not touch Mr. Nahigian's property. Commissioner Lyle asked about the historic significance. M. Catharine Puskar said that the subject property does not have any historic significance. The home was built in the 1970s. There is a former horse barn and a little cabin, but no historic significance that would preclude the redevelopment.

Discussion

Commissioner Brown said that he was very reassured by the absence of concern from the Seminary Hill Association members as they pay careful attention to development in their neighborhood. He said that he especially welcomes the removal of the invasive bamboo as part of this project.

Vice Chair McMahon concurred with Commissioner Brown. She noted that the project will provide a significant contribution to the City's Affordable Housing Trust Fund and will provide additional homes on a site where just one exists today. She appreciated the applicant's effort to work with the neighbors and civic associations to locate the homes and request the resulting modifications to minimize the impact of the development. She noted that the Planning Commission received two letters supporting the project and that the project helps advance the City's housing goals and that there is room for many types of housing in the City.

Chair Macek said he supports infill projects like this one and that the City has not had evidence of similar projects in the past reducing the property values of neighbors. He said that the project will have a positive impact on the City's tax base.

PLANNING COMMISSION ACTION

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, The Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

On a motion by Commissioner Brown, seconded by Commissioner Koenig, the Planning Commission voted to approve DSP #2024-00016. The motion carried on a vote of 7-0.

On a motion by Commissioner Brown, seconded by Commissioner Koenig, the Planning Commission voted to approve SUB #2024-00011. The motion carried on a vote of 7-0.

On a motion by Commissioner Brown, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of VAC #2024-00007. The motion carried on a vote of 7-0.

NEW BUSINESS

#6 Public Hearing and discussion of the DRAFT FY2026-FY2027 Long Range Planning Interdepartmental Work Program.

Staff: City of Alexandria, Department of Planning & Zoning, Office of Housing, Department of Recreation, Parks and Cultural Activities and the Department of Transportation and Environmental Services

Staff made a presentation and answered questions from the Planning Commission.

Speaker

Melissa Kuennen, Vice Chair of the Potomac Yard Design Advisory Committee (PYDAC), expressed several concerns. She stated that the Braddock Road Metro site development and the Vision Plan (FY 23 – 25) were notably missing from this year's draft Long Range Planning Interdepartmental Work Plan (LRPIWP). Regarding recently approved Small Area Plans (SAPs), she raised concern over how few five-year reviews of the SAPs have taken place, with only Eisenhower West and the Beauregard Plans recently revisited. Other concerns include the City's focus on increased density in various neighborhoods through Zoning for Housing and approvals of more Development Special Use Permits (DSUPs) as they relate to increased height. Ms. Kuennen recommended the Waterfront and Old Town North Plans be revisited, since there have been many changes since their respective approvals. Overall, Ms. Kuennen argued to pause new SAPs and initiatives if the Vision Plan, as well as more five-year reviews of recent plans, are not included in the draft work plan.

PLANNING COMMISSION ACTION

On a motion by Commissioner Koenig, seconded by Commissioner Brown, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion

Commissioner Manor began the discussion by praising the upcoming housing project in Arlandria-Chirilagua for its ability to provide new homeownership opportunities in a neighborhood in need of new affordable housing.

Commissioner Koenig asked for clarification on the upcoming Green Building Policy update and whether a final draft will be made available to include a 30-day comment period. He also inquired if the Planning Commission and City Council will see the policy presented this summer, to which Carrie Beach, Department of Planning & Zoning (P&Z), confirmed that this would be the case. Commissioner Koenig asked whether a future Master Plan Amendment (MPA) to the governing Potomac Yard Small Area Plan would be expected following the approval of the Coordinated Development District (CDD). Planning & Zoning Director Karl Moritz explained the CDD concept proposal is under review through the lens of the approved Plan's key principles but that any future approval for a project within the CDD may need a MPA. Director Moritz also confirmed there are no current CDD concept submissions for North Potomac Yard, though they may be expected in the future.

Commissioner Koenig requested more information on the Flood Resilience Plan as it relates to climate change impacts beyond extreme weather events such as sea level rise – Jesse Maines, Department of Transportation & Environmental Services (T&ES), had to leave the meeting early but P&Z Director Moritz ensured that staff will follow-up with T&ES and share the response with the Planning Commission. Mr. Koenig emphasized sea level rise is a concern that requires more strategizing to effectively address its impact on the City.

Commissioner Ramirez observed that roughly half of the initiatives in the draft ILRPWP appear to come to hearing in the next calendar year and requested more information on what other program work may come up after the current work is completed. Regarding implementation, Commissioner Ramirez wanted clarification on mechanisms in place to track implementation progress and to document lessons learned. She also wanted a more comprehensive update on RiverRenew's sewer system infrastructure overhaul, to which P&Z Director Moritz confirmed that staff will follow up with Jesse Maines, T&ES, on the subject. Carrie Beach, P&Z, contextualized that a lot of the work program items have already been started in previous fiscal years and have had up to a year of internal work in their planning, and the work program's purpose is meant to keep initiatives balanced among City departments so that communities are not overwhelmed by any one initiative. Regarding implementation, Carrie Beach, P&Z, explained that her division compiles an annual Implementation Report to highlight major achievements both complete and in progress under the City's Master Plan. P&Z will identify future opportunities to bring the Implementation Report to the Planning Commission and City Council to update the public and to give the Planning Commission and City Council the opportunity to provide feedback and guidance.

Regarding the Digital City initiatives, Vice Chair McMahon asked if the digital roadway scan is essentially a technical solution for a paving index, to which Christopher Ziemann, T&ES, explained that the project also looks at striping and signage conditions apart from paving conditions and is currently a pilot to better understand roadway conditions. Vice Chair McMahon expressed further interest in using a similar approach for understanding conditions of the City's existing trails systems. Regarding the Flood Resilience Plan, she noted that the LRPIWP initiatives matrix does not include a public hearing at the end of the Plan's duration and would like more clarification on if there's a decision-making factor to the Plan. Regarding the Parks Improvement Plan and how it combines with flood mitigation efforts along the Waterfront, Vice Chair McMahon wanted more insight into what interdepartmental coordination would look like. Bethany Znidersic, Department of Recreation, Parks and Cultural Activities (RPCA), emphasized that the Citywide Parks Improvement Plan is separate from the Waterfront Construction Mitigation Planning efforts for this very reason, with improvements for Waterfront parks being anticipated in time, as mitigation planning efforts are focused on recurrent flooding as part of its current phase.

Commissioner Brown inquired about previous development projects by Pickett Street, Edsall Road, and Van Dorn Street that require public right-of-way to connect to Eisenhower Avenue and whether there was a status

update. Chris Ziemann, T&ES, explained that development related to the Eisenhower West Small Area Plan had been re-assessed, with projects such as the pedestrian bridge being deemed infeasible based on current conditions. Chris Ziemann, T&ES, added that future planning, including street accommodation and necessary right-of-way, are still being explored, though there is no capital improvement project currently in the pipeline that would create this connection to Eisenhower.

Chair Macek appreciates the draft LRPIWP. He noted how a future SAP does not seem to be on the immediate horizon, following Duke Street, and suggested that the Planning Commission consider what the focus should be next. He mentioned potential plans might include the Del Ray portion of the Mt. Vernon Avenue corridor or a comprehensive planning effort that may be addressed by the Vision Plan. Chair Macek also suggested that, regarding the City Hall/Market Square/Garage Renovation Project, community engagement should include feedback from Planning Commission members themselves.

Chair Macek mentioned concerns regarding the flood mitigation efforts surrounding the Waterfront Construction Mitigation project, particularly with heavily-engineered components such as the pump station that signal heavy capital and operational costs. Chair Macek encouraged additional creative approaches for passively addressing flooding, especially in park space. Chair Macek showed concern regarding the construction timing of both Market Square and the Waterfront, which may impact available public space for the community and said that alternate active spaces be identified to retain the City's Old Town public space options. Lastly, Chair Macek showed concern over the upcoming hiatus of public art and that activation ought to be continued in other areas of the City while major construction occurs in Old Town.

Commissioner Lyle added, since working on the Waterfront Plan with Chair Macek the Waterfront has changed course. Given the Waterfront Plan does not have a "three-year review" recommendation, Commissioner Lyle underscored the importance of continuous review of plans given the current climate, such as changing needs for office, traffic, and overall costs.

In response to Melissa Kuennen's concerns regarding the draft LRPIWP, Commissioner Koenig reiterated that, due to no major SAP appearing to come after the Duke Street Corridor Plan, and since certain aspects have changed regarding the fundamentally sound Waterfront Plan mentioned by Commissioner Lyle, there be future consideration for a future internal review. He suggested the North Potomac Yard Small Area Plan would be up for prime consideration, given changes in market economics and a need for reassessment of the anticipated development. Commissioner Koenig underscored how the former professional sports arena proposal altered development expectations for North Potomac Yard in terms of full build-out and timing, and consideration must be given to better prepare existing low-density retail for future development in the neighborhood.

Commissioner Lyle recommended that, considering what happened with the Landmark Mall redevelopment, opportunities for revisiting plans and projects should be based on upcoming catalysts in the private sector.

P&Z Director Moritz acknowledged both Commissioners' comments, stating how SAPs have been overly prescriptive in the past and have struggled to adapt to changing market conditions. He welcomed future discussions with the Commissioners to address next steps.

#7 Zoning Text Amendment #2024-00011

(A) Initiation of a Text Amendment and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Article VII (Supplemental Zone Regulations), section 7-1400 to establish short-term residential rental regulations and permits; delete Section 7-203(B)(7) related to the maximum number of days an accessory dwelling may operate as a short-term residential rental; and amend section 7-302 to clarify that short-term residential rentals are not regulated as a home occupation.

Applicant: City of Alexandria Department of Planning & Zoning

Staff made a presentation and answered questions from the Planning Commission

Speakers

Michael Peckman: A resident on Jordan Court, Mr. Peckman described issues related to parking, noise, and large parties at the 4504 Jordan Court short-term rental and indicated support for the proposed regulations and permit requirement. He requested the City amend how residential parking permit districts are established and managed.

Lawrence Barret: A resident on Jordan Court since 1992, Mr. Barret described issues faced over the previous year with the short-term rental at 4504 Jordan Court. He supports the proposed regulations.

Keith Calhoun: A resident on corner of Pendleton and West Street, Mr. Calhoun indicated there are four short-term rentals nearby that generate noise and parking issues. One short-term rental has issues with property maintenance. He expressed support for the Text Amendment. Mr. Calhoun asked if the City plans to regulate the density of short-term rentals in neighborhoods such as his. Staff indicated that regulation of short-term rental densities is not part of the current proposed Text Amendment.

Discussion

Chair Macek requested clarification that no matter how the room or home is booked, online or offline, the short-term rental regulations would still apply. Staff confirmed they would apply. He also indicated support for the staff memorandum dated February 3, 2025 recommending changes to allow events at properties in non-residential zones. Chair Macek also requested clarification that short-term rental operators in non-residential zones who desire to convert a property to an event venue as the primary use could do so through another process. Staff confirmed that short-term rental operators may convert their properties to event venues as the primary use provided they obtain an administrative Special Use Permit for a restaurant use.

Commissioner Lyle enquired as to who monitors the 24/7 hotline that staff mentioned during the presentation. Staff confirmed it would be a third-party U.S. based human call-service and not City staff. Staff further explained the process of taking calls, reaching out to operators, and follow up with complainants and city staff.

Commissioner McMahon asked if there would be a publicly accessible GIS map or database of permitted short-term rentals. Staff indicated that due to security concerns, there are no plans to post that information on the City's website, but staff will share operator/registered local agent information for specific rentals when requested by residents.

Chair Macek asked if listing platforms will remove short-term rentals when the City revokes a permit. Staff indicated that it depends on the platform itself. Airbnb is easier to work with and will respond to requests from local jurisdictions to remove a specific rental, but not all platforms are as responsive.

Commissioner Lyle suggested extending the mailed notice to the four houses on each side or within a 50- or 100-yard radius, not only abutting properties.

Chair Macek stated he generally supports extending the notification radius but asked for staff to propose an expanded notification radius they feel is acceptable.

Commissioner Brown stated the proposed regulations strike a balance between the free market and protection of neighborhoods and went on to add that we can always make changes as necessary.

PLANNING COMMISSION ACTION

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to initiate ZTA #2024-00011. The motion carried on a vote of 7-0.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of ZTA #2024-00011 as amended. The motion carried on a vote of 7-0.

Reason: Planning Commission agreed with staff analysis.

#8 THE APPLICANT HAS REQUESTED WITHDRAWAL OF SUP #2024-00074Special Use Permit #2024-00074

7 King Street; 101,105, and 107 North Union Street

Public Hearing and consideration of a Special Use Permit for a temporary trailer (amending SUP# 2022-00049); zoned CD/Commercial Downtown, KR/King Street urban retail, and WPR/Waterfront Park and Recreation Zones

Applicant: ARP Waterfront, LLC; represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission accepted the withdrawal of SUP #2024-00074. The motion carried on a vote of 7-0.

MINUTES

#9 Consideration of the minutes from the January 9, 2025 Planning Commission meeting.

PLANNING COMMISSION ACTION

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to approve the minutes of January 9, 2025. The motion carried on a vote of 7-0.

#10 Commissioners' Reports

(1) George Mason Civic Engagement Letter drafted by Vice Chair McMahon and Commissioner Koenig—The Planning Commission reviewed the letter, provided some input on it and voted for Chair Macek to finalize the letter. It would then be sent to the City Manager with a copy to the Superintendent of Alexandria City Public Schools. Following the February 4 Planning Commission Public Hearing, the letter was subsequently completed by Chair Macek and sent to P&Z Director Karl Moritz who sent it to the City Manager with a copy to the Superintendent. The signed letter was also added to the February 4, 2025 Planning Commission Action Docket.

PLANNING COMMISSION ACTION

On a motion by Vice Chair McMahon and seconded by Commissioner Lyle, the Planning Commission voted to support the letter and to authorize Chair Macek to finalize and sign it. The motion carried on a vote of 7-0.

(2) Chair Macek's appointment to the Redistricting Advisory Committee representing the Naomi L. Brooks Elementary School. Chair Macek indicated he will be working monthly over the next several months with the Advisory Committee. He indicated that his work with the Planning Commission around school facility planning and demographics will serve him well in this new role.

Karl Moritz, Director of the Planning Commission

- (1) Introduction of new Boards and Commission Unit (BCU) Staff: Director Moritz introduced Senior Planning Technicians Ted Alberon and Luke Cowan. Assistant P&Z Director Nancy Williams also introduced the new BCU Manager Kendra Jacobs and thanked Senior Planning Technician Lanning Blaser for his heightened role over the past several months as vacancies in BCU were filled.
- (2) Recognition of Chair Macek and Commissioner Lyle: Director Moritz recognized the contributions of both Chair Macek and Commissioner Lyle whose terms on the Planning Commission end this month. He recognized their impressive and unique roles on the Planning Commission and on many assigned boards and committees over the past 10 years and their strong knowledge base of Alexandria land use and

planning matters. He thanked them for their impeccable service and made a presentation to both. Members of the Planning Commission were also invited to make comments which they did and those remarks are included on the video record of tonight's Public Hearing. Director Moritz also indicated that an event for the Planning Commission to honor Chair Macek and Commissioner Lyle will be organized shortly.

#11 Adjournment

PLANNING COMMISSION ACTION

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to adjourn. The motion carried on a vote of 7-0.

The Planning Commission meeting was adjourned at 10:36 p.m.