

*City of Alexandria, Virginia*17
4-10-01

MEMORANDUM

DATE: FEBRUARY 23, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: MASON HALL APARTMENTS

For the last two years, the issue of parking, the opening in the rear fence and the compatibility of the Mason Hall apartments with its neighbors on Bernard Street has occupied much of staff's, the neighborhood's and Council's attention. Staff and the parties involved are now hopeful of bringing the matter to closure.

Background

The Mason Hall apartment building, located at 1420 West Abington Drive, was constructed in 1950 prior to the requirement of site plan approval and prior to modern parking requirements. The building permit under which the complex was built describes a 171 unit apartment building and was accompanied by a plan showing limited parking areas. The site is striped for 84 spaces. In addition, there are 22 parallel spaces on the public right-of-way in front of the apartment building where Mason Hall residents may legally park like any other members of the public. The apartment complex is not required to provide additional parking, even though under today's parking requirement 238 parking spaces would be required.

In 1990, to address a parking need at the apartment complex, Mason Hall apartments applied for site plan approval to add 21 new parking spaces to its site along the west side of West Abington Drive just north of Bashford Lane. Site plan #90-037 was denied on March 5, 1991, by the Planning Commission on a 7-0 vote, after input from the community, because the proposed parking would mean a loss of open green area.

Sometime during 1998, the management of Mason Hall began allowing parking behind the building near the end of Bernard Street. When neighboring homeowners complained, zoning staff investigated and determined that the parking area had been constructed without a site plan which is a violation

of the zoning ordinance. Three zoning citations with escalating fines were issued and the parking was eventually stopped. As a zoning matter, staff determined that the paving itself was not a violation of any regulation, but that allowing it to function as a parking area was. Mason Hall also cut a hole in the rear fence and laid pavers running between the rear of its building and the rear fence so that its tenants would have a convenient walkway to the neighborhood behind the building and could park their cars there (along Bernard Street, Devon Place and Michigan Avenue). Staff determined that there were no regulations prohibiting the creation of a walkway; the City Attorneys Office opined that, under the circumstances of this case, the City could not block the public's access to the public right of way behind the building. See attached responses to Council Requests 99-30PDSE and 99-103DRCSW.

As a result of staff's rulings, for the last two years, the immediately abutting neighbors, as well as the neighborhood generally, have complained about Mason Hall tenants parking on their crowded streets. In addition, the adjacent neighbors, Ms. Barbara Clark and her husband, Michael O'Neil, have complained about what they consider the illegally paved area, the parking there, and the apartment dumpsters, which are located on the property line shared by Mason Hall and the Clark/O'Neil residence.

First Vacation Ordinance

In response to staff's rulings prohibiting parking in the paved area behind the building, Mason Hall originally stated that it would file a site plan to legalize the rear parking area. It never did. Instead, in an effort to organize more parking for its residents, it sought a vacation of the public right of way which forms a diagonal road running from Slaters Lane to West Abington Drive at the northeast corner of the apartment building site. If vacated, the land would provide approximately 36 additional parking for the exclusive use of Mason Hall tenants.

The matter was seemingly resolved when Mason Hall applied for a vacation of the land, and Council approved vacation ordinance 4092 on November 13, 1999. Council permitted Mason Hall to acquire the right of way and to use it for parking, but it also attached conditions to the vacation. (Vacation ordinance 4092 attached.) Specifically, Mason Hall was not required to pay for the land in light of the fact that the same land had been dedicated to the City by the owners of the Mason Hall site when it was originally developed, so long as Mason Hall complied with the following conditions:

- It was required to remove all of the asphalt area it had paved in 1998 behind the building and restore the area with grass and landscaping;
- It was required to remove the cement pavers behind the building which gave access to the right of way on Bernard Street to building tenants; and
- It was required to replace the gate in the fence at the western edge of the property near Bernard Street with solid fencing.

Mason Hall had not agreed to those conditions and it sued the City, arguing that the conditions had no legal relationship to the grant of the vacation and City Council had no authority to impose them. The Alexandria Circuit Court agreed with the Mason Hall contentions, and invalidated the vacation ordinance. The court has suspended its ruling and discontinued the case in order for the parties to discuss settlement. If the parties are unable to reach a settlement, the court ruling will be reinstated and become final.

Settlement Proposal

In an effort to resolve the issues and to settle the litigation, staff from Planning and Zoning and the City Attorney's Office have been working with Chuck Hathway, Vice-President and General Counsel for Bernstein Management Company, the property manager for Mason Hall. As a result of extensive negotiations, staff and Mason Hall have come to an agreement that includes conditions Mason Hall will accept if Council will approve a new ordinance vacating the same right of way that ordinance 4092 had vacated. After an initial agreement was reached with Mason Hall in December 2000, the agreement was presented to representatives of the Northeast Civic Association, as well as to the immediately adjacent property owners, Ms. Clark and Mr. O'Neil. Those parties found the agreement to contain desirable elements, but asked for additional concessions from Mason Hall. Mason Hall has agreed to provide some of those concessions, but not all that have been requested by the neighbors.

Staff's goals in negotiating a settlement have been threefold: (1) to maximize on-site parking for Mason Hall tenants in order to reduce their use of street parking in the nearby neighborhood, (2) not to adversely affect the appearance of the site, and (3) to reduce the impacts of certain features of Mason Hall's operations on neighboring property. For Mason Hall, the main points of negotiation have been to resolve all issues now, so that no additional public hearings or future actions are necessary, and to maximize parking for its tenants. The key elements of the settlement agreement are reflected on the attached plan prepared by Mason Hall. They include the following:

1. Vacation of right of way. The agreement would allow the vacation of the right of way in front of the building, and in this regard is the same as the original vacation ordinance 4092. Mason Hall will be able to create parking for the exclusive use of its tenants in that area, and will likely achieve 38-40 new parking spaces. These spaces are shown on the attached plan. The City will retain a public access easement, allowing emergency vehicles, public drivers, and public buses to travel from Slaters Lane to West Abington Drive.

2. Removal of rear gate. The rear fencing at the foot of Bernard Street which allowed access to neighborhood parking will be repaired. In addition, Mason Hall has agreed not to create additional openings in the future. Also, Mason Hall has agreed to padlock the existing gate at the foot of Devon Street and to only allow access there for oil deliveries.

3. Additional parking on north side of the building. Under the agreement, the City will allow Mason Hall to achieve some additional parking spaces on the north side of the building by increasing

the area of paving and making a second row of parallel spaces close to the building. Some lawn area to the north of the building will be lost as a result. Mason Hall has agreed to plant three new trees in this area, including two along the frontage of Slaters Lane.

This part of the agreement has been a continuing concern of the Northeast Citizens Association because the area to the north of the building has historically been so unattractive. Filled with cars and fronting on Slaters Lane, the Association argues that the area presents a harsh, unappealing view to Slaters Lane drivers and to pedestrians walking on the narrow sidewalk along Slaters Lane. Staff is also concerned about this area and agrees that it is unattractive, but believe that the addition of three new trees in the area will provide some benefit. Staff believe further that the loss of a small amount of Mason Hall's lawn area near its building is unlikely to be perceptible to passersby. While additional landscaping and other features would make the area more attractive, Mason Hall is not willing to install them because they would result in the loss of existing parking. Moreover, staff believe that the provision of this additional parking is important to keep as many tenants' cars from parking on neighborhood streets as possible.

4. Removal of portion of asphalt from rear area. As to the rear paved area, which has been the subject of lengthy debate, Mason Hall is willing to remove a significant portion of the asphalt. It is also willing to plant a screening hedge on the western boundary of the area and to plant the remaining unpaved area with grass. Mason Hall will not remove all of the asphalt, retaining a 12 foot wide drive aisle immediately adjacent to the rear of its building so that service vehicles can drive to a service entrance at the southern end of the pavement.

Ms. Clark is opposed to allowing any service vehicles to enter the area, and alleges that no service vehicles ever entered the area prior to 1998. In fact, according to Ms. Clark, the rear area was closed to vehicles by a chain link fence at its north end, which allowed access to the area by pedestrians only. Mason Hall disputes those facts, stating that service vehicles have historically accessed the doorway at the south point of the paved area, and will continue to need to do so.

In any event, the agreement provides for the 12 foot wide service vehicle drive and acknowledges the need for occasional service vehicles. Staff believe that having a small paved strip for service trucks will not be harmful, and notes that the removal of the remainder of the paving and the planting of a lawn and screening hedge will soften the appearance from Ms. Clark's property and will block the view of any remaining pavement and activity there.

5. Installation of bollards and chain to keep vehicles from parking in the rear area. Mason Hall will install bollards and a chain at the mouth of the rear area so that parking does not occur in this area, but the chain will be removable so that service vehicles can enter the area. Ms. Clark and the neighborhood request that a permanent barrier be installed instead, so that no cars, including service vehicles, are able to enter the area. They propose that any service materials can be brought to the rear service door by hand carts which are walked along the paved aisle beyond the fence enclosure. Mason Hall refuses to accept this proposed option for its service requirements. The bollards and chain will be located where the pavement ended prior to the creation in 1998 of the new,

disputed paved area in back of the building. As to the location of any pavement and parking along Mason Hall's western boundary, Ms. Clark and her husband want it to end at the rear corner of their townhouse lot, regardless of where it ended historically.

6. New location for dumpsters. The dumpsters for the apartment building are located at the rear corner of Ms. Clark's property, and have been the subject of repeated complaints by Ms. Clark and her husband. Mason Hall has agreed to move the dumpsters to a new location north along the west property line approximately 100 feet from their current location. To allow cars enough room to drive by them, a small portion of lawn area behind the building must be removed. The dumpsters will be screened, and will not be visible from Clark/O'Neil residence.

7. Additional parking between the dumpsters and the bollards. Between the new location for the dumpsters and the proposed bollards, four additional parking spaces will be created along Mason Hall's west property line for use by Mason Hall tenants and the building's resident manager.

8. Settlement of the litigation. If an ordinance implementing this agreement is enacted, the circuit court's opinion will be vacated. If an ordinance implementing this agreement is not adopted, the opinion will be reinstated and become final. The City would then have the right to seek discretionary review by the Virginia Supreme Court. There is no certainty that the court would accept the case or that, if accepted, the City would prevail on appeal.

Mason Hall has agreed to be bound by the above agreements. Staff has accepted the agreement as, on balance, a good solution for all three parties involved: Mason Hall, the neighborhood and the immediate neighboring property owners. Additional parking will be added, making it less necessary to park in the greater neighborhood. The rear fence will be repaired making parking in the neighborhood very inconvenient. A landscape buffer will be planted next to the adjacent owners' property to shield the rear of the building. And the dumpsters will be moved out of sight of the neighboring property owners. Unfortunately, the neighborhood, as represented by the Northeast Citizens Association, and the adjacent owners have not accepted the agreement.

At its meeting on February 21, the Association voted to accept the proposal, but only if several additional elements are agreed to by Mason Hall. The Association sees the additional elements as mitigation for the loss of green areas caused by expanding the parking areas on the east and north side of the building. It requested that Mason Hall widen the public sidewalk and install a brick wall along the Slaters Lane frontage to shield the appearance of parked cars and to make the site more attractive. It also requested additional landscaping to make up for the loss of green space. Finally, it asks that Mason Hall agree that no additional paving will be installed behind the building and that the additional land gained through the vacation ordinance will not be used in the future as the basis for more development on the site.

Ms. Clark and her husband have also rejected the proposal, unless it includes more. While they accept most of the other elements of the proposal, and especially the fact that Mason Hall has agreed to move the dumpsters, they strongly object to allowing service vehicles to enter the area behind the

building and adjacent to their property. In addition, Ms. Clark suggests that Photinia be the evergreen species used for the rear screening hedge, instead of the Leyland Cypress plants proposed by Mason Hall.

Conclusion and Recommendation

These remaining elements, which the neighborhood and immediate neighbors understandably desire, while desirable, simply cannot be achieved. Mason Hall will not agree to these elements and prefers to live with the status quo rather than agreeing to them. In light of the history and circumstances of this matter, staff believe that the overall agreement is desirable and should be implemented even without those elements because, while not perfect, it does provide considerable benefit to all parties, and brings a difficult problem to a close; moreover, without the agreement and its implementation, the current situation, which is unsatisfactory in many ways to all the parties, will continue indefinitely.

Staff intends to introduce an ordinance implementing the agreement in April, which will be the subject of a public hearing on April 21. A public hearing will allow all interested parties to share their concerns and the Council to consider the matter in depth.

Attachments:

1. Council request 99-30PDSE
2. Council request 99-103DRCSW
3. Vacation ordinance 4092
4. Mason Hall plan showing elements of settlement

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 13, 1999

TO: MAYOR KERRY J. DONLEY
VICE MAYOR WILLIAM D. EUILLE
COUNCILWOMAN REDELLA S. PEPPER
COUNCILMAN DAVID G. SPECK

THRU: ROSE WILLIAMS BOYD, DIRECTOR, CITIZEN ASSISTANCE *RW*

FROM: SHELDON LYNN, DIRECTOR *Sheldon Lynn*
PLANNING AND ZONING

SUBJECT: PARKING SITUATION AT MASON HALL APARTMENTS
(REQUEST NO. 99-30PDSE)

This is in response to your request for a report regarding parking issues at Mason Hall Apartments as raised in the March 30 letter from Michael S. O'Neil. Attached to the letter is a petition signed by many residents of the adjacent neighborhood which makes four requests of the City:

1. Require Mason Hall Apartments to bring its rear parking lot up to current code and install a noise-reducing fence;
2. Require Mason Hall to control parking for its residents by restricting the number of cars per resident, and removing illegally parked and abandoned vehicles;
3. Require Mason Hall to provide adequate parking for tenants; and
4. Require Mason Hall to erect and maintain fencing without gates or openings on its west property line; in the alternative, the City should erect fencing at the foot of its adjacent rights-of-way.

In addition, Poul Hertel, President of the Northeast Civic Association, stated that the Association supports the petition.

Background

The Mason Hall Apartment building, located at 1420 West Abingdon Drive, was constructed in 1950 prior to the requirement of site plan approval and prior to modern parking requirements. The building permit under which the complex was built describes a 171 unit apartment building and was accompanied by a plan showing limited parking areas. The site is striped for 85 spaces. In addition, there are 21 parallel spaces on the public right-of-way in front of the apartment building where Mason Hall residents may legally park. The apartment complex is not required to provide additional parking, even though under today's parking requirement 238 parking spaces would be required.

In 1990, to address a parking need at the apartment complex, Mason Hall Apartments applied for site plan approval to add 21 new parking spaces to their site along the west side of West Abingdon Drive just north of Bashford Lane. The site plan was denied on March 5, 1991, by the Planning Commission on a 7-0 vote. Staff recalls that the denial was based on the fact that the proposed parking would mean a loss of open green area.

Sometime during the last year, the management of Mason Hall began allowing parking behind the building in the area between the building and the adjacent residential area (see map at Attachment 1, with an arrow indicating the unapproved parking area). When neighboring homeowners complained, zoning staff investigated and determined that the parking was constructed without a site plan which is a violation of the zoning ordinance. Three zoning citations with escalating fines have been issued over the last two months, as neighbors in the Northeast neighborhood continued to complain and document the fact that cars continued to park in the unapproved area.

Zoning staff has had a series of conversations with Monica Burke, the resident manager of Mason Hall, as well as with Douglas McKinley, the attorney for the apartment complex. In response to the zoning tickets, the management has notified residents that parking is not permitted in the contested area. In addition, Mr. McKinley has promised to file a site plan for the rear parking area by April 22, the deadline for the Planning Commission's July hearing. A site plan will address some but not all of the neighbors' requests. Each of the points in the petition are addressed below.

- The City should require Mason Hall to bring its rear parking lot up to code and install a noise-reducing fence.

If an application for site plan approval is filed, Mason Hall will have to identify individual parking spaces, access, drive aisles and boundaries of any proposed new parking area. If approved, the site plan would legalize parking in the area behind the apartment building. At the same time, the site plan process can address such issues as fencing and the location and screening of dumpsters. If site plan approval is not sought or not granted, then parking in the disputed area is not permitted. Zoning staff will continue to issue citations and fines and, if it appears that the citations do not correct the problem, will refer the matter to the City Attorney who can seek injunctive relief from Circuit Court.

- The City should require Mason Hall to control parking for its residents by restricting the number of cars per resident and removing illegally parked and abandoned vehicles.

Mason Hall has a system of issuing residential parking stickers to its residents so that illegally parked cars in its permitted parking areas can be identified. Mr. O'Neil requests that the City require Mason Hall to restrict the number of cars it allows its residents to have and to enforce its sticker system, forcing the removal of cars without stickers. In addition, he would like to see improperly tagged or abandoned vehicles on Mason Hall property ticketed or towed. According to the City Attorney, the City does not have the right to either restrict the number of cars a long standing development allows its residents to have or to require an apartment building owner to enforce its own parking rules. In addition, the City does not have the power to enter onto private property to inspect vehicles or issue vehicle citations, although, with management authorization the Alexandria Police will ticket and tow abandoned or improperly tagged vehicles.

- The City should require Mason Hall to provide adequate parking for tenants.

There is no question but that there is insufficient parking for the number of tenants and cars at Mason Hall. It is also true that most of the homes in the immediately adjacent neighborhood were built in the 1940's with no off-street parking. This has resulted in more parking demand than on-street parking spaces for residents.

Staff from Transportation and Environmental Services has been approached by residents who live adjacent to Mason Hall regarding the creation of residential parking district for the area. However, under section 5-8-73 of the City Code, to qualify for permit parking, staff must find that at least 25% of the cars parked during normal work hours in the area belong to parkers who are not residents. According to Transportation Coordinator Bill Long of T&ES, the area would not qualify for residential parking under that criterion.

As part of its petition, the neighbors request that the City require Mason Hall to provide sufficient parking to fully meet today's standards and suggests that Mason Hall purchase additional land for the purpose. Under section 8-200 (F), the apartment building is not required to do that; its historical parking is grandfathered. The same grandfathered standard applies to the homes in the Northeast neighborhood which were built without parking or with parking that does not meet today's standard.

- The City should require Mason Hall to erect and maintain fencing without gates or openings on its west property line; in the alternative, the City should erect fencing at the foot of its adjacent rights-of-way.

Mr. O'Neil states that, after zoning staff cited Mason Hall for the illegal parking areas, it opened gates, or created openings for pedestrians, in the fence that runs behind the building, thus allowing Mason Hall residents to park in the neighborhood and more easily walk to their apartments. Staff is aware of the openings in the fence but believes that they are permissible. The fence belongs to Mason Hall. The openings allow residents of Mason Hall to walk from the public rights-of-way on neighboring streets to the Mason Hall property.

There has been some ambiguity about the ownership of the land at the foot of Bernard Street immediately behind Mason Hall. Beyond the end of the street pavement and in front of the Mason Hall fence, there has long existed a grassy area. When Mr. O'Neil bought his home a few years ago (his home is adjacent to that land area), he sought to improve it by keeping the grass in good condition. When Mason Hall allowed its residents to walk across that area, Mr. O'Neil objected. To resolve the dispute, and in order to prepare a proper site plan, Mason Hall undertook to have a survey of the area prepared. Staff is advised unofficially that the survey shows part of the area to be owned by Mason Hall and part to be a leftover piece of private property not included in the subsequent subdivision.

As to the request that the City require Mason Hall to block access from the public rights-of-way to its property or, alternatively, that the City block access itself, the City Attorney believes the City has no authority to block right-of-way access, unless required to protect the public from an unsafe condition. At the present time, there is no unsafe condition to be addressed.

Other Issues: Electrical Permits.

Mr. O'Neil's letter suggests that recent electrical work has been done at Mason Hall without permits. According to Arthur Dahlberg, Director, Code Enforcement, staff believes all recent work at the building was performed pursuant to a proper permit. An electrical permit (ELE#99-00542) was issued on March 11, to replace electrical conductors to the building. A final inspection has been scheduled for the week of April 12. As for the complaint of the generator location and neighbors not being notified of intended construction work, the building code does not regulate the placement of generators on private property, nor does it require a permit holder to notify neighbors of its intent to perform work, except in limited situations such as demolitions or where access to the neighboring property is necessary to perform the intended work.

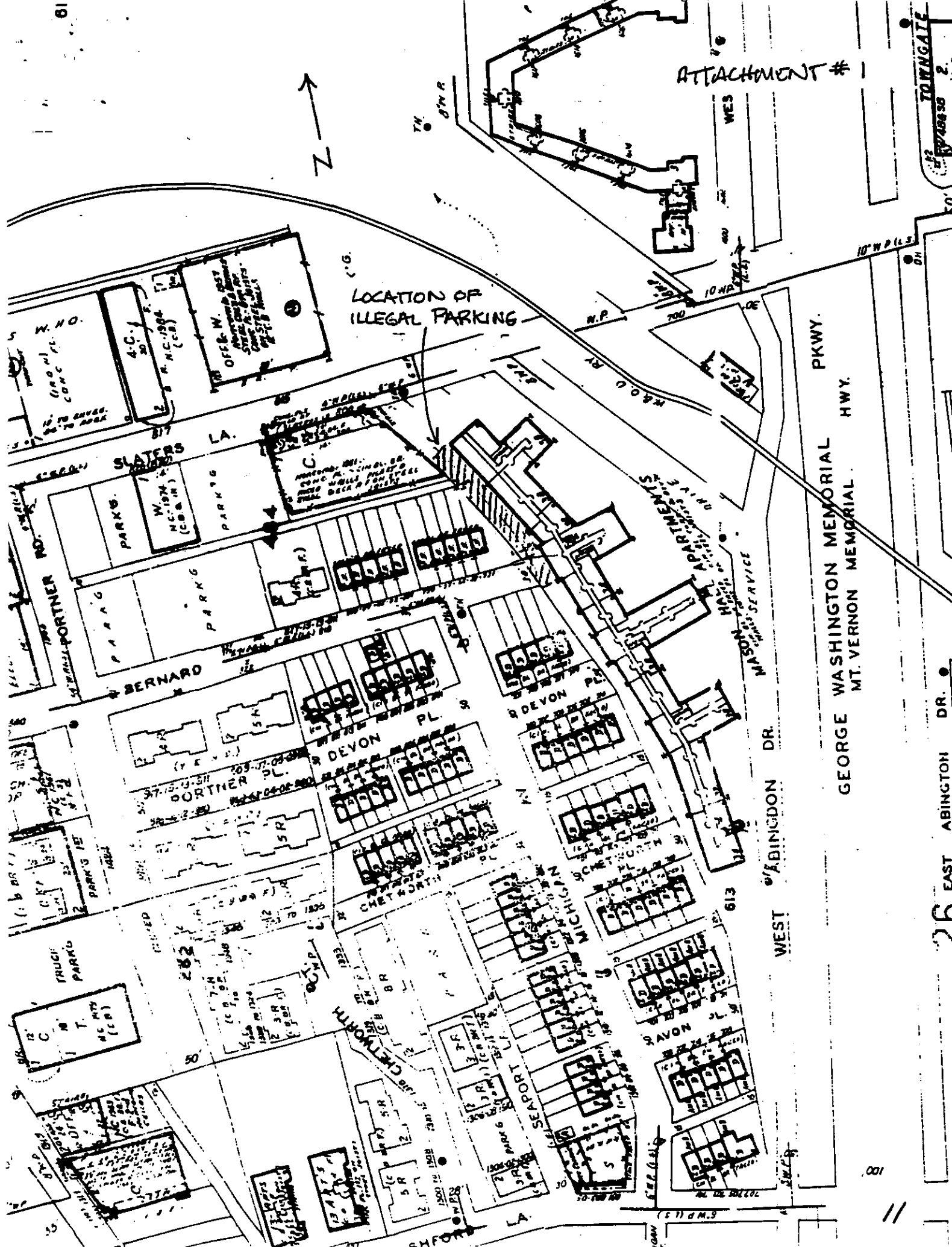
If you have any questions, please give me a call at 838-4666.

Attachment: 1. Map of Mason Hall

cc: The Honorable Members of City Council
Vola Lawson, City Manager



LOCATION OF ILLEGAL PARKING



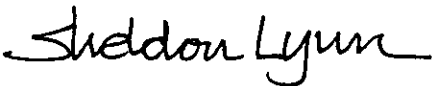
City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 6, 1999

TO: MAYOR KERRY J. DONLEY
COUNCILMAN WILLIAM C. CLEVELAND
COUNCIL MEMBER LONNIE C. RICH
COUNCILMAN DAVID G. SPECK
COUNCIL MEMBER LOIS L. WALKER

THROUGH: ROSE WILLIAMS BOYD,^{pk} DIRECTOR, CITIZEN ASSISTANCE

FROM: SHELDON LYNN, DIRECTOR
PLANNING AND ZONING 

SUBJECT: MASON HALL UPDATE
(Req. No. 99-103DRCSW)

This is in response to your request for staff comment on the letter you received from Michael O'Neil and Barbara Clark concerning the new cement walkway installed by Mason Hall and the fact that they have not repaired the hole in their fence at the end of Bernard Street. An item-by-item response follows.

We have investigated the facts regarding a newly constructed walkway behind the Mason Hall apartment complex. Planning staff inspected the site on September 30 and found an area of mud behind the building covered with one foot square cement pavers. The total area involved is approximately ten feet in length by two feet in width. The newly laid cement pavers make it easier for tenants of the apartment building to walk through the gate in the fence to the public right of way at Bernard Street. There is no zoning rule or City Code regulation which prohibits the laying of cement pavers in such a fashion, but the vacation approval includes the condition that the area behind the building be planted with grass and landscaped. That requirement will not be enforceable until the vacation process is completed.

With regard to the repair of the fence and the removal of the gate, the requirement to undertake this work was imposed by City Council on September 18 (VAC #99-00022) as a condition to its approval of a proposed vacation of right of way in front of the building.

Council's approval of the vacation application is the first step in the vacation procedure. Several additional steps must also occur to make the vacation effective. A committee of viewers has been selected which will establish a price for the vacated land area. After that, assuming the applicant chooses to go forward, a vacation ordinance must be adopted by Council. The condition regarding repairing the rear fence does not become effective until the vacation of the property is finalized. The ordinance adopting the vacation can specify the time frame in which the applicant must comply with all conditions of the vacation approval, and staff will include a deadline in the proposed ordinance. Until that time is specified and the ordinance adoption completed, there is no requirement that Mason Hall repair the rear fence.

If you have any questions, please give me a call at 838-4666

cc: The Honorable Members of City Council
Vola Lawson, City Manager

ORDINANCE NO. 4092

AN ORDINANCE to vacate the public street right-of-way between Slaters Lane and West Abingdon Drive, in the City of Alexandria, Virginia.

WHEREAS, Columbia Realty Venture ("Applicant") wishes to vacate the public street right-of-way between Slaters Lane and West Abingdon Drive, in the City of Alexandria, Virginia; and

WHEREAS, the right-of-way to be vacated by this ordinance is shown on the plat, prepared by Christopher Consultants, Ltd., and dated July 29, 1999 ("Plat") (attached hereto); and

WHEREAS, the vacation of this right-of-way has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, viewers duly appointed by the Council of the City of Alexandria have made their report in conjunction with this vacation; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the Council of the City of Alexandria is authorized to require, as a condition of this vacation, that the portion of the public right-of-way being vacated be purchased by the Applicant at its fair market value, as determined by the city's real estate assessor; and

WHEREAS, the Council of the City of Alexandria has determined not to require the payment by Applicant of the fair market value of the area being vacated, in light of Applicant's acceptance of and agreement to comply with the conditions set forth below; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative thereto and of the agreement of Applicant to comply with the conditions set forth below, the Council of the City of Alexandria has concluded that the right-of-way is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the public street right-of-way, as shown on the Plat and described below, be, and the same hereby is, vacated:

Beginning at a point in the southerly right-of-way line of Slaters Lane, said point also being the most

westerly corner of the land of W. & O.D. Railroad right-of-way; thence, with the northeasterly line of W. & O.D. Railroad, S 43°4'14" E, a distance of 313.11 feet to a point in the westerly right-of-way line of West Abingdon Drive; thence, with the westerly right-of-way line of West Abingdon Drive, S 05°36'55" W, a distance of 57.84 feet to a point in the easterly line of the land of Columbia Realty Venture, L.P.; thence, with the northeasterly line of Columbia Realty Venture, L.P., the following three (3) courses:

- (1) with a curve to the left having a central angle of 48°51'45", a radius of 25.00 feet, an arc distance of 21.32 feet and a chord length of 20.68 feet which bears N 18°48'39" W to a point of tangency;
- (2) N 43°14'14" W, a distance of 347.14 feet to a point of curvature;
- (3) with a curve to the left having a central angle of 52°17'04", a radius of 25.00 feet, an arc distance of 22.81 feet and a chord length of 22.03 feet which bears N 69°22'33" W to a point in the southerly right-of-way line of Slaters Lane; thence, with the southerly right-of-way line of Slaters Lane, N 84°29'07" E, a distance of 56.52 feet to the point of beginning, containing 12,007 square feet or 0.2757 acre, more or less.

Section 2. That this vacation be, and hereby is, subject to the conditions set forth below:

- (a) Applicant shall, within 60 days of the enactment of this ordinance and at its own expense, (i) remove the paved area previously used for parking that is behind the western side of the building it owns at 1420 West Abingdon Drive, and restore the area with grass and landscaping, to the satisfaction of the director of planning and zoning; (ii) remove the cement pavers that are behind the western side of the building at 1420 West Abingdon Drive, and restore the area with grass and landscaping, to the satisfaction of the director of planning and zoning; and (iii) replace the gate in the fence on the western edge of the property at 1420 West Abingdon Drive with fencing, to the satisfaction of the director of planning and zoning;

- (b) Applicant shall reserve easements within the area to be vacated for all public utilities, to the satisfaction of the director of transportation & environmental services;
- (c) Applicant shall dedicate an emergency vehicle easement over the area to be vacated, to the satisfaction of the fire marshal; and
- (d) Applicant shall consolidate the area to be vacated into the adjacent property at 1420 West Abingdon Drive, and provide the zoning administrator with a plat of consolidation prior to recordation of this ordinance.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

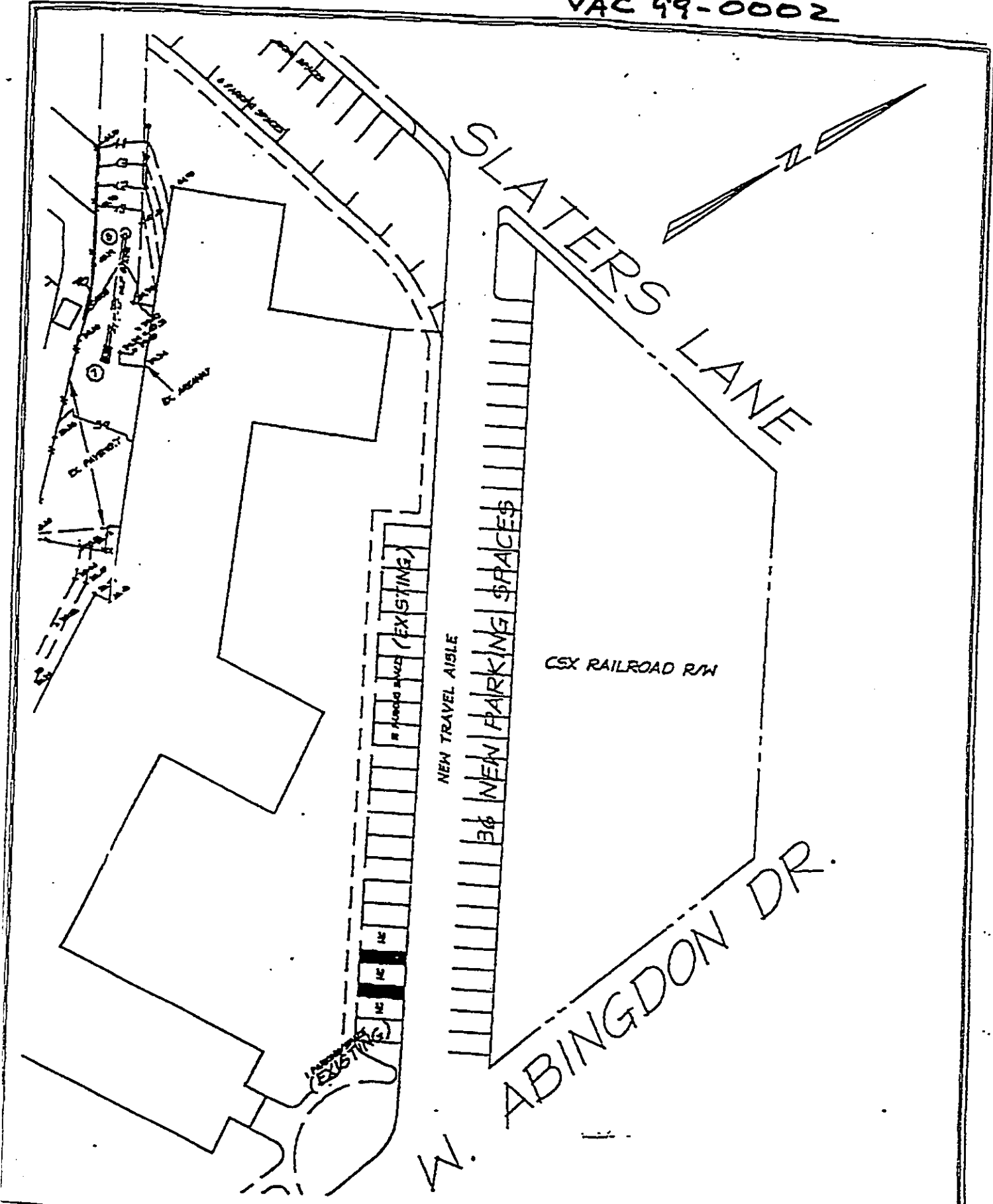
Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until the conditions set forth in section 2 have been satisfied, and thereafter a copy of this ordinance has been certified by the city clerk and recorded among the city land records as deeds are recorded. Recordation of the certified ordinance shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of COLUMBIA REALTY VENTURE.

KERRY J. DONLEY
Mayor

Attachment: Vacation Plat, dated July 29, 1999

Final Passage: November 13, 1999



christopher consultants ltd.
 engineering • surveying • land planning
 9100 main street suite 400
 Fairfax, VA 22031
 (703) 273-6826

CONCEPTUAL PARKING LAYOUT PLAN
 MASON HALL APARTMENTS
 CITY OF ALEXANDRIA, VIRGINIA

DATE: 7-29-99
 SCALE: 1" = 50'
 SHEET No.
 1 OF 1

Introduction and first reading:	4/10/01
Public hearing:	4/21/01
Second reading and enactment:	4/21/01

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Ordinance No. 4092, adopted November 13, 1999, which ordinance vacated the public street right-of-way between Slaters Lane and West Abingdon Drive, in the City of Alexandria, Virginia, and to require and authorize certain structures and site improvements including the uses thereof and landscaping on the vacated area and the adjacent Mason Hall Apartment property in connection with the said vacation.

Summary

The proposed ordinance amends Ordinance No. 4092, to vacate the public street right-of-way that is located between Slaters Lane and West Abingdon Drive, in the City of Alexandria, and approve a site plan for certain accessory structures and accessory site improvements including the uses thereof, and landscaping, on the vacated area and adjacent Mason Hall Apartment property in connection with the said vacation.

Sponsor

Office of the City Manager
Office of the City Attorney
Department of Planning and Zoning
Department of Transportation and Environmental Services

Staff

Eileen Fogarty, Director of Planning and Zoning
Barbara Ross, Deputy Director of Planning and Zoning
Rich Baier, Director of Transportation and Environmental Services
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.03(a), 9.33, Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Ordinance No. 4092, adopted November 13, 1999, which ordinance vacated the public street right-of-way between Slaters Lane and West Abingdon Drive, in the City of Alexandria, Virginia, and to require and authorize certain structures and site improvements including the uses thereof and landscaping on the vacated area and the adjacent Mason Hall Apartment property in connection with the said vacation.

WHEREAS, by Ordinance No. 4092, adopted November 13, 1999, City Council approved the application of Columbia Realty Venture LLC, successor in interest to Columbia Realty Venture L.P. by change in entity type ("Applicant"), the owner of the Mason Hall Apartment property located at 1420 West Abingdon Drive, Alexandria, Virginia, (the "Property"), to vacate the public street right-of-way between Slaters Lane and West Abingdon Drive, in the City of Alexandria, Virginia, subject to certain conditions, to which the Applicant objected; and

WHEREAS, the right-of-way so vacated by Ordinance No. 4092 ("Vacated Area") is shown on the preliminary site plan, prepared by Christopher Consultants, Ltd., and dated April 6, 2001 ("Site Plan") (attached hereto); and

WHEREAS, the Applicant appealed the imposition of the conditions imposed by Ordinance No. 4092 to the Circuit Court of the City of Alexandria in Chancery No. 99-1517 ("Suit"), and the City and the Applicant wish to settle the Suit by amending Ordinance No. 4092 to provide for (1) the Applicant's performance of the obligations set forth in Section 4 below to construct and install certain structures and site improvements including the uses thereof and landscaping of the Property and the Vacated Area as set forth on the Site Plan; (2) the City's approval in Section 2 below of the vacation, and (3) the City's approval in Section 3 below of the Site Plan showing the structures and site improvements including the uses thereof and landscaping of the Property and the Vacated Area to be constructed or installed; and

WHEREAS, in consideration of the findings heretofore made upon the adoption of Ordinance No. 4092, the report of the viewers Paul C. Smedberg, Kellie Meehan and Katrine Fitzgerald, who have been, and again by this ordinance are, appointed by the Council of the City of Alexandria, the considerations set forth above, and all other facts and circumstances of which it may take notice as the legislative body of the City of Alexandria, the City Council of Alexandria finds and determines that the adoption of this ordinance is in the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Ordinance No. 4092 be, and the same hereby is, amended and reordained to provide as follows.

Section 2. That the public street right-of-way, as shown on the Site Plan as "Portion of Existing Public Right-of-Way Hereby Vacated" and described below, be, and the same hereby is, vacated:

Beginning at a point in the southerly right-of-way line of Slaters Lane, said point also being the most westerly corner of the land of W.& O.D. Railroad right-of-way; thence, with the northeasterly line of W.& O.D. Railroad, S 43°4'14" E, a distance of 313.11 feet to a point in the westerly right-of-way line of West Abingdon Drive; thence, with the westerly right-of-way line of West Abingdon Drive, S 05°36'55" W, a distance of 57.84 feet to a point in the easterly line of the land of Columbia Realty Venture, L.P.; thence, with the northeasterly line of Columbia Realty Venture, L.P., the following three (3) courses:

- (1) with a curve to the left having a central angle of 48°51'45", a radius of 25.00 feet, an arc distance of 21.32 feet and a chord length of 20.68 feet which bears N 18°48'39" W to a point of tangency;
- (2) N 43°14'14" W, a distance of 347.14 feet to a point of curvature;
- (3) with a curve to the left having a central angle of 52°17'04", a radius of 25.00 feet, an arc distance of 22.81 feet and a chord length of 22.03 feet which bears N 69°22'33" W to a point in the southerly right-of-way line of Slaters Lane; thence, with the southerly right-of-way line of Slaters Lane, N 84°29'07" E, a distance of 56.52 feet to the point of beginning, containing 12,007 square feet or 0.2757 acre, more or less.

Section 3. That the Site Plan, including the design, construction and location of existing parking facilities, existing open space and other existing accessory site improvements and accessory structures, and of the new accessory structures, new accessory site improvements, new amount of open space and new landscaping, shown on the Site Plan, be, and the same hereby is, approved and declared to be legal and in conformity with the Zoning Ordinance and the other applicable laws of the City of Alexandria as of the effective date of this ordinance as to the design, construction and location of the accessory structures and accessory site improvements including the uses thereof, open space and landscaping, shown on the Site Plan. The Applicant shall be, and hereby is, authorized to construct, install, maintain, repair or replace the same. No provision of this section shall be deemed to alter or amend in any way the legality (whether conforming, nonconforming, noncomplying or grandfathered, as the case may be) of the existing use being made of the Property (before or after the improvements contemplated by the Site Plan) or the existing status of the Property (before or after the the improvements contemplated by the Site Plan), including the main building located thereon, on the effective date

of this ordinance, under the Zoning Ordinance, as to floor area ratio, height, amount of required parking, amount of open space, dimensions of required yards and similar substantive requirements of the Zoning Ordinance and other applicable laws of the City of Alexandria.

Section 4. That Applicant shall commence the construction and installation of the structures and site improvements, including without limitation the removal, replacement and installation of pavement, fences, gates, and landscaping, and relocation of dumpsters, as shown on the Site Plan, all within 60 days from the adoption of this ordinance, and shall thereafter use continuous due diligence efforts to complete the same, subject to reasonable delays for inclement weather, for the proper planting season, or other matters beyond Applicant's reasonable control. Applicant shall not be obligated to (i) close the fence until substantially all of the new parking spaces reflected in the Site Plan are constructed and available for use, and (ii) relocate the dumpsters and plant the Leland Cypress trees until the east end of Bernard Street has been improved in accordance with sound engineering practice reasonably designed to divert the flow of storm water runoff from Bernard Street into the storm drains along Bernard Street (and not into Applicant's property). Such 60 day period shall be suspended during the pendency of any appeal or challenge to the validity of this ordinance, or if the City does not approve the final site plan and plat of dedication and consolidation, and all of Applicant's obligations hereunder shall be deemed null and void upon the final unappealable order of any court of competent jurisdiction prohibiting the use of the Property as contemplated by the Site Plan.

Section 5. That all such new structures, new site improvements including the uses thereof, and new landscaping, shall at all times after construction or installation be maintained in compliance with all applicable ordinances of the City of Alexandria, by the Applicant and the Applicant's successors in interest.

Section 6. That the Director of Planning and Zoning, the Director of Transportation and Environmental Services and the Chairman of the Planning Commission, be, and hereby are, authorized to approve the final site plan, and a plat of dedication and consolidation, in conformity with the attached Site Plan, and to do all things necessary or desirable to carry into effect the approval of the Site Plan.

Section 7. That the City Manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this ordinance, including the execution of documents, and the City Attorney be, and hereby is, authorized to approve any such documents.

Section 8. That the City Clerk be, and hereby is, authorized to attest the execution by the City Manager of all documents necessary or desirable to carry into effect this ordinance, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 9. That the provisions of this ordinance shall not be deemed severable.

Section 10. That this ordinance shall be effective at the time and on the date of its final passage; provided that no interest in the Vacated Area shall convey unless and until a certified copy of this ordinance, and the Deed of Dedication and Consolidation, with Plat annexed, shall have been recorded among the city land records as deeds are recorded. Recordation of such instruments shall be the responsibility of the Applicant, including the payment of all fees and costs. Such instruments shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of COLUMBIA REALTY VENTURE LLC (successor in interest to Columbia Realty Venture L.P. by change in entity type).

KERRY J. DONLEY
Mayor

Attachments: Site Plan, dated April 6, 2001

Introduction: 4/10/01

First Reading: 4/10/01

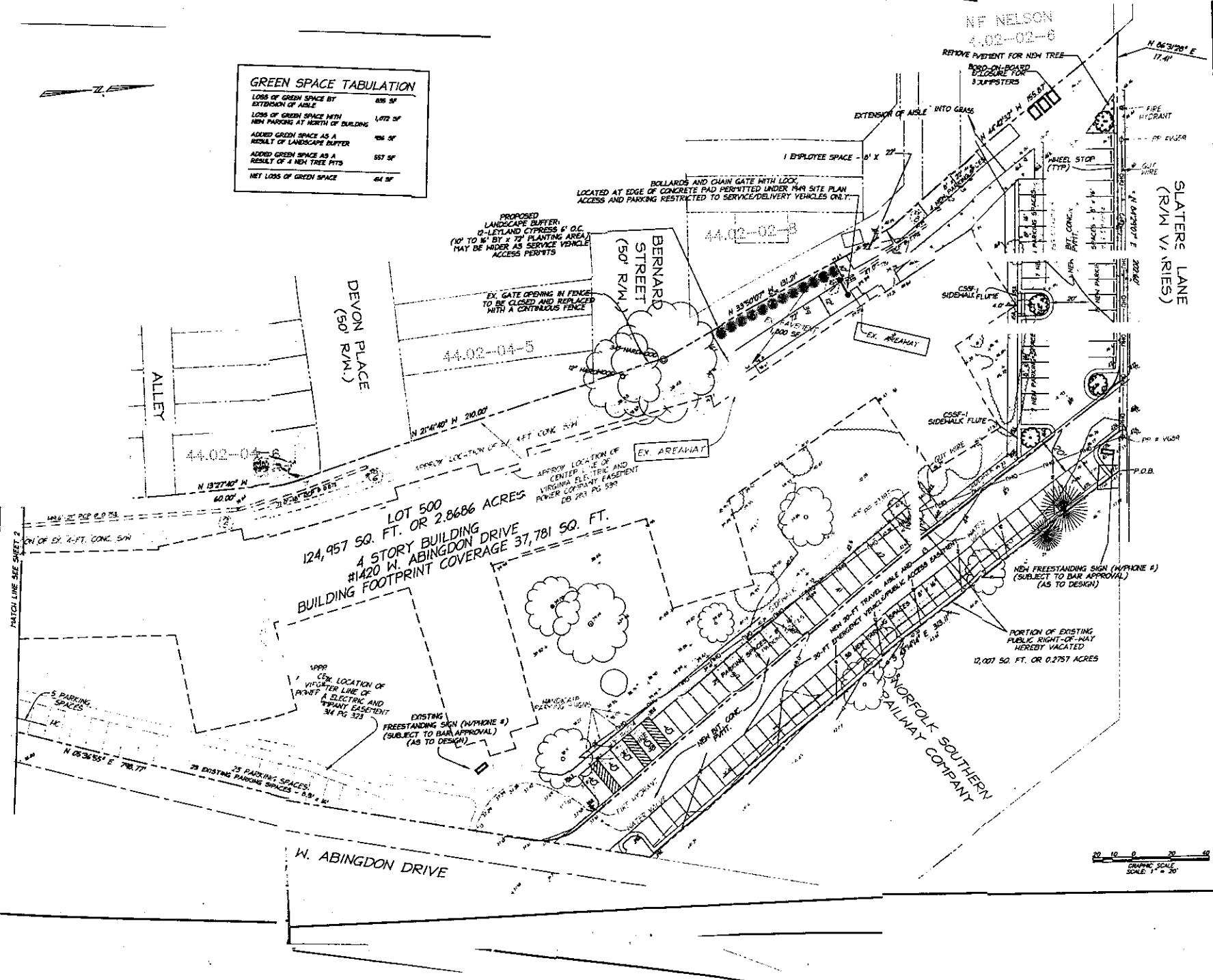
Publication:

Public Hearing:

Second reading:

Final Passage:

GREEN SPACE TABULATION	
LOSS OF GREEN SPACE BY EXTENSION OF AISLE	815 SF
LOSS OF GREEN SPACE WITH NEW PARKING AT NORTH OF BUILDING	1072 SF
ADDED GREEN SPACE AS A RESULT OF LANDSCAPE BUFFER	706 SF
ADDED GREEN SPACE AS A RESULT OF 4 NEW TREE FITS	557 SF
NET LOSS OF GREEN SPACE	644 SF



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WILLIAM P. TIM
 No. 21914
 PROFESSIONAL ENGINEER

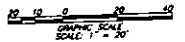
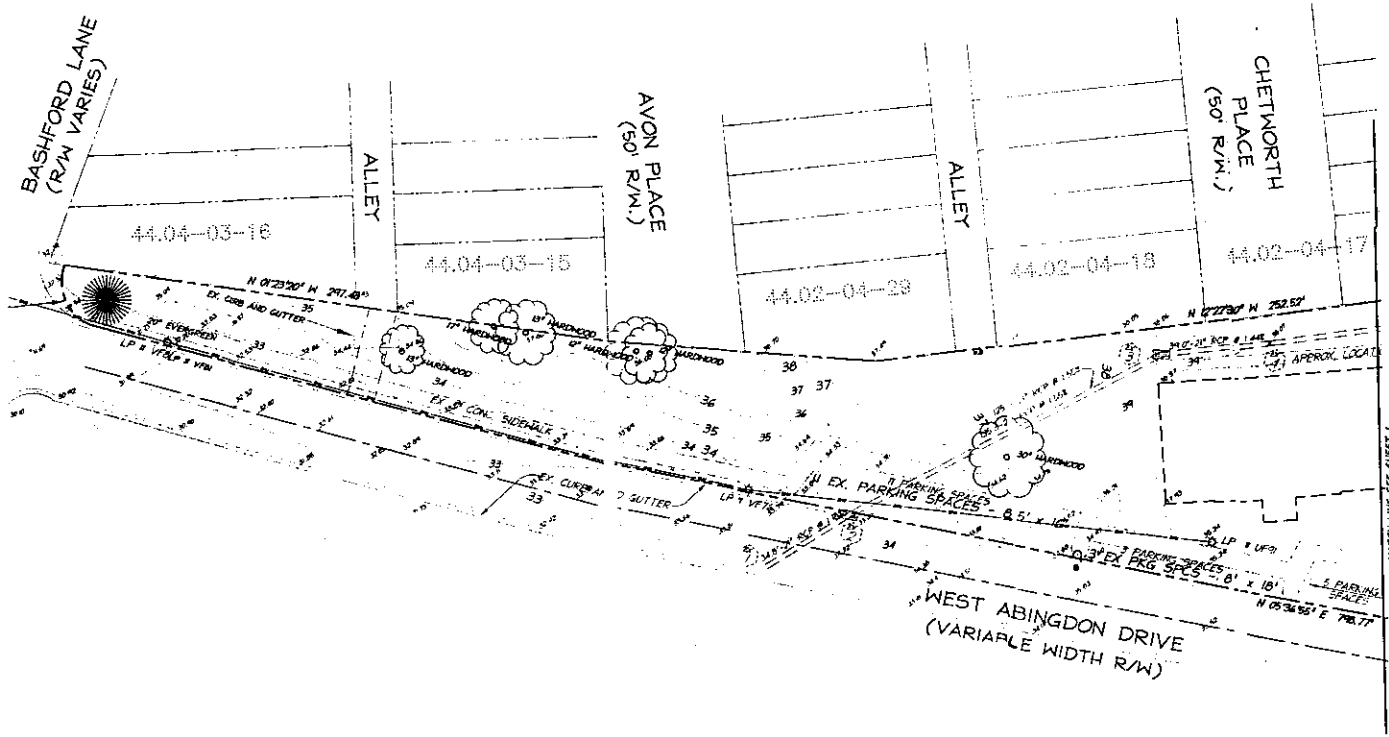
SITE PLAN

MASON HALL APARTMENTS
 ADDITIONAL OFF-STREET PARKING
 CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'
 DATE: 4/06/04
 DESIGN: [Signature]
 DRAWING: [Signature]
 CHECKED: [Signature]
 SHEET No.

1 of 2
 C-369

GREEN SPACE TABULATION	
LOSS OF GREEN SPACE BY EXTENSION OF AISLE	838 SF
LOSS OF GREEN SPACE WITH NEW PARKING AT NORTH OF BUILDING	1,072 SF
ADDED GREEN SPACE AS A RESULT OF LANDSCAPE BUFFER	426 SF
ADDED GREEN SPACE AS A RESULT OF 4 NEW TREE PITS	567 SF
NET LOSS OF GREEN SPACE	44 SF



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SITE PLAN

MASON HALL APARTMENTS
 ADDITIONAL OFF-STREET PARKING
 CITY OF ALEXANDRIA, VIRGINIA

SCALE:	1" = 20'
DATE:	4/26/08
DESIGN:	JL
DRAWN:	JK
CHECKED:	JK
SHEET NO.	2