

*City of Alexandria, Virginia*23  
4-24-01

## MEMORANDUM

DATE: APRIL 24, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: MASON HALL (DOCKET ITEM #23)

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As requested by Council at its public hearing on Saturday, April 21, staff from Planning and Zoning and Transportation and Environmental Services have met with representatives of Mason Hall and its engineering firm, to address issues raised by Council, with the following results:

1. **Screening wall.** After further study of the parking area at the north end of the building, Mason Hall determined:

- with diagonal parking, it would lose 6-7 parking spaces, which it is unwilling to do;
- a brick wall will require a significant amount of surface space, which cannot be accommodated without losing parking spaces (see attached letter);
- a wood fence requires a much smaller surface dimension than a brick wall does, and can be achieved without losing parking spaces;

Mason Hall has agreed to erect and maintain a fence along its Slaters Lane frontage to screen the parked cars there. The fence will be solid wood and 3 ½ feet high. In addition, Mason Hall has agreed that the specific design of the fence will be subject to approval by the Board of Architectural Review.

Mason Hall has also determined that the existing public sidewalk encroaches onto the Mason Hall property in several places, and at some points as much as 6 inches. Mason Hall, however, is willing to forgo its right to that land and will indicate that fact on the final version of the plan it creates. The fence will be located immediately adjacent to the back edge of the existing public sidewalk along Slaters Lane.

In order to accommodate the wood fence, the entire parking area at the north end of the building may have to be shifted southward toward the building, losing slightly more lawn area. In addition, one row of parking spaces may have to be slightly shorter than depicted on the plan. However, all parking and all trees shown on the plan will be retained.

According to Poul Hertel, the Northeast Citizens' Association has endorsed the proposed Mason Hall plan with the addition of the above wood fence.

2. **Service vehicles.** Mason Hall has not changed its position on this point, and is unwilling to limit the times when service vehicles enter the rear area.

3. **Plantings.** Mason Hall has supplied information from its landscaping company (see attached) regarding its opinion that Leyland Cypress is a superior choice to Red Tipped Photinia for the rear screening hedge, even though Photinia is less expensive. Mason Hall is willing to plant the Photinia if this is the plant material that Ms. Clark wants in this space, on the condition that Mason Hall will not replace the Photinia if the original planting is not successful. Staff has discussed this point with Ms. Clark, who is considering the issue.

Staff continues to recommend approval of the amended vacation ordinance and supports the change to the plan to which Mason Hall has agreed.

Attachments: Mason Hall letter regarding brick wall  
Mason Hall letter regarding Photinia plantings



**christopher consultants**  
engineering · surveying · land planning

April 20, 2001

Mr. Charles T. Hathway, Esquire  
Bernstein Management Corporation  
5301 Wisconsin Avenue, N.W., Suite 600  
Washington, D.C. 20015

Re: Mason Hall Apartments  
ccl project #99-21-01

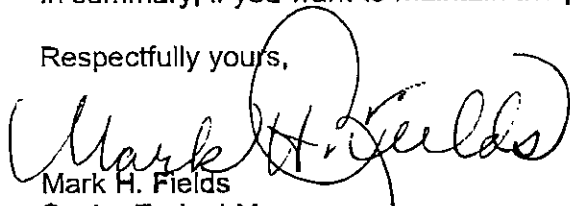
Dear Mr. Hathway:

In connection with the upcoming City Council action on the Site Plan for additional parking, this letter responds to your question regarding the feasibility of a community group's request for the installation of a brick wall along Slaters Lane and, potentially, a wider sidewalk. In short, that proposal is not feasible given the site constraints of the property. Even if it were physically feasible, the costs involved are substantial.

This proposal for the installation of a brick wall along Slaters Lane, on the Mason Hall property, would require relocating the parking proposed north of the apartment building. The parking proposed at this area meets the minimal required parking space size (compact) and the minimal required travel aisle width, geometrically consistent with the current parking design requirements within the Alexandria Zoning Ordinance. Due to the limiting physical constraints within this area, installation of a brick wall along Slaters Lane, on the Mason Hall property, would cause the loss of a row of parking spaces. Construction of a brick wall would require it to be supported by a subsurface footing, which extends beyond the face of the wall. The footing is a necessary structural feature of the wall. Further, a clear-width from the parking space limits to the wall face should be provided to prevent and anticipate overhanging vehicles marring or damaging the brick face. These concerns, taken together, clearly demonstrate that an area wider than the wall itself would be necessary for its installation. Even if only the dimensions of the wall itself were at issue, with nothing more, the physical constraints of the site would make this not readily achievable, if the proposed parking is to be maintained. Likewise, widening the sidewalk along Slaters Lane has the same potential to cause the loss of a row of parking spaces.

In summary, if you want to maintain the proposed parking, you cannot install the brick wall.

Respectfully yours,

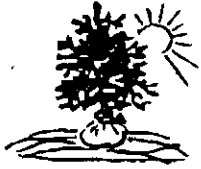


Mark H. Fields  
Senior Project Manager

MHF/bm

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# SOMERSET LANDSCAPING COMPANY

4566 Eisenhower Avenue, Alexandria, Virginia 22304  
Telephone: (703) 823-5523 Facsimile: (703) 823-5720

February 21, 2001

Bernstein Management Corporation  
5301 Wisconsin Avenue, Northwest  
Suite 600  
Washington, D. C. 20015  
Attn.: Chuck Hathaway FAX: 202/363-6341

Re: Mason Hall Apartments

Dear Mr. Hathaway:

I spoke with Juan in reference to Mason Hall and the issues you mentioned to me today specifically, providing a buffer of Cypress Trees verses Redtip Photinia, between Mason Hall Apartments and residential properties at the rear of the building. As of this time, 3:35 p.m., he has not gotten in touch with you so I wanted to relay the following information to you. He recommends the Cypress Trees verses the Redtip Photinia for the following reasons:

- 1) Redtip Photinia, in temperatures below 0 degrees will freeze thereby necessitating pruning of the shrubbery, to a minimum of 3' in height. This of course would then place you in a situation where you would be void of a buffer until the shrubs grew back.
- 2) From the maintenance aspect, Redtip Photinia will require periodic pruning whereby the Cypress trees would require none, unless height became an issue.

You also mentioned the initial cost of each. The Cypress trees, 6/7' will cost approximately \$195.00 per tree installed. The Redtip Photinia, 36/48" will cost approximately \$110.00 per shrub, installed.

I trust this information will be helpful to you. If we can be of further assistance, please feel free to contact me or Juan. Thank you.

Sincerely,

Mattie J. Sowers  
Office Manager

EXHIBIT NO.

2

23  
4-24-01

~~16~~  
~~4-21-01~~

~~17~~  
~~4-10-01~~

*City of Alexandria, Virginia*

MEMORANDUM

DATE: FEBRUARY 23, 2001  
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*  
SUBJECT: MASON HALL APARTMENTS

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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, <sup>Re</sup>DIRECTOR, CITIZEN ASSISTANCE

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

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

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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



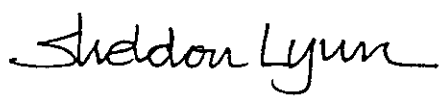
*City of Alexandria, Virginia*

## 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, <sup>pk</sup>DIRECTOR, CITIZEN ASSISTANCE

FROM: SHELDON LYNN, DIRECTOR  
PLANNING AND ZONING 

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

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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.

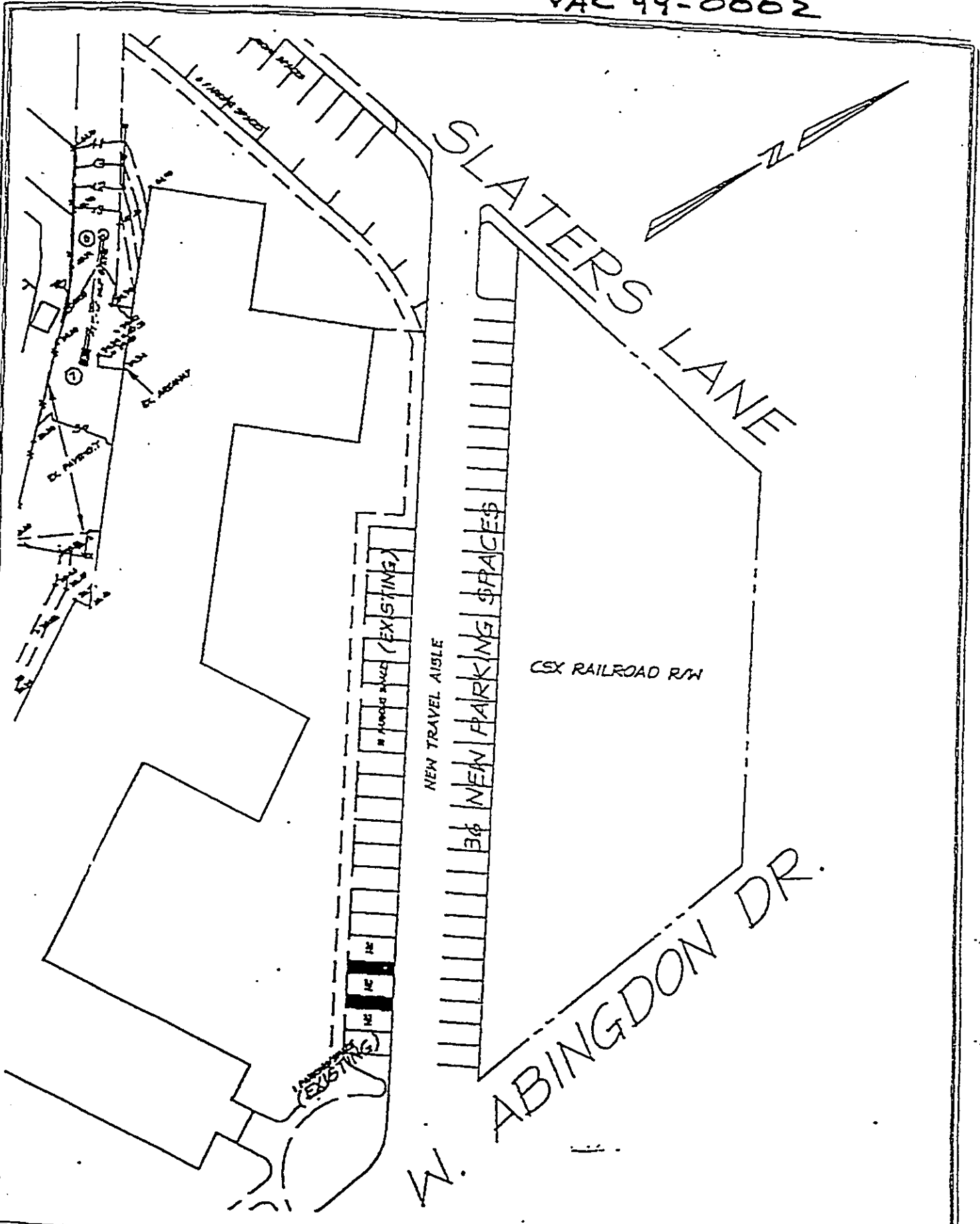
Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

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 llc.  
 engineering • surveying • land planning  
 9900 main street suite 400  
 Fairfax, va. 22031  
 (703) 273-8200

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

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

April 23, 2001  
1420 W. Abingdon Dr. # 108  
Alexandria, VA 22314

Suite 2300, City Hall  
301 King Street  
Alexandria, VA 22314

Dear Mayor Donley,

Last Saturday I attended the City Council meeting to participate in the discussion about the Parking and Related issues at Mason Hall Apartments and Adjacent Townhouses. **Docket Item 16.**

There appears to be two major issues:

1. **Impact of the proposed project on the community. (Adjacent neighborhood and visual impact from roadway.)**
2. **Improvement of available parking in the Northeast Quadrant of Old Town.**

**Issue 1**  
**Community Impact**

The most impacted homeowner appears to be the one directly to the rear of the Mason Hall property. If one takes the time to visit the rear service area that was paved to improve the efficiency of operations at Mason Hall, you can see why this homeowner is so upset. The pavement of the back lot adds a cold and impersonal feeling. This is certainly a great disappointment for the townhouse owner who has chosen to make this their home.

**Solution**

**Stipulation 1** to the Vacation Approval, require Mason Hall to improve the rear service area by removing asphalt and installing paving stones.

This solves the needs of the apartment complex and lessens the impact to the neighbors. **This is probably the compromise that the community would have accepted had Mason Hall sought approval of the proper site plan and acknowledged the authority of the City Council, Mayor, Vice-Mayor, and the BAR.**

It would appear reasonable to think that all **level areas** could be covered with paving stones instead of asphalt. The property in question has a slight grade, so asphalt would probably be required on the slope and to an area about 3' to 5' past the level area as transition area to the paving stones.

Also, a border to the service area could be landscaped, specifically an area 2' or 3' wide.

**Against the building a trellis could be installed** with IVY or other Vines, or blooming foliage. The area between the adjacent townhouse and the Mason Hall property would be included; here the addition of landscaping would soften the impact that Mason Hall has on the adjacent townhouse.

**Stipulation 2** to the Vacation Approval, require Mason Hall to provide landscaping along the railroad tracks, and additional trees as possible.

**Use diagonal parking instead of perpendicular parking along the train tracks.** Yesterday I drove around to look for an example of diagonal parking, and found such an example at Central Plaza and N. Quaker Lane. This is at the Arlington/Alexandria border. In this parking lot, on one side is an example of perpendicular parking ( 32 spaces counted), and on the other side diagonal parking (25 spaces counted). **The use of diagonal parking allows additional space of 2' to 3' which could be used for landscaping, or a wall.** The sacrifice to available parking spaces is about 25%, but is needed to improve the site for tenants AND visitors to this side of town. **One could chose a Burning Bush hedge instead of a wall. This plant material choice would provide green in the Spring and Summer, and color in the Fall and Winter.**

## **Issue 2**

### **Improvement of Parking in NE Old Town**

Improving parking in this section of town is very important to the owners of townhomes and the residents of Mason Hall. During the discussion held at the City Council Chambers last Saturday, the need for more parking was universally recognized by all speakers and acknowledged by those in attendance. I will assume that all members of the community agree that more parking is needed. The only question that really remains is how we address this issue.

### **Opportunity, Concerns and Obligations**

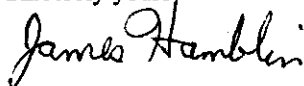
Regardless of the course of action taken, we as citizens must not forget that this area of town is the first impression given to the world as one travels from Washington and Regan National Airport via the George Washington Parkway. **As a service to other citizens of Alexandria, it is our obligation and opportunity to ensure the impression we give to tourists and distinguished visitors is one of high standards.**

The proper choices may have a financial impact as well. **A cleaner image at Mason Hall may enhance property values and the associated tax base. Additionally, improvements in this area may enhance revenues generated by businesses in close proximity to this location AND along King Street.** People with disposable income like to visit places that are quaint, romantic, and nostalgic. The correct compromises on this project will be a measure in the right direction to enhance the already excellant image of Alexandria. As a bonus, the quality of life for all members of the community will be improved.

This is a tough issue to resolve. I have attempted to provide you with some feedback so you may be better able to make a good decision.

Thank you for your attention to this issue and the time you have spent researching it.

Sincerely yours,



James Hamblin  
703 - 836- 8860  
JHHamblin@AOL.com

DRAFT

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**  
**Regular Meeting – April 24, 2001**  
**Mason Hall**  
**Partial Verbatim**

\* \* \* \* \*

23. Second Reading and Final Passage of An Ordinance to amend and reordain Ordinance No. 4092, passed November 13, 1999, to revise the terms of the vacation of the public street right-of-way between Slaters Lane and West Abingdon Drive, adjacent to the Mason Hall Apartments, and to approve and authorize the construction of certain site improvements on the apartment property in connection therewith.

\* \* \* \* \*

Mayor: Mr. Manager, what I would like to do if you could, or maybe Ignacio is the right person, but if you could number one sort of summarize where we are, but we also just received tonight an additional docket item which is, I guess, sort of a further refinement in this whole process.

Manager: Let me have Barbara do it. I mean we're essentially where we were last weekend. There were a number of three or four issues that we kind of left you with. One, as explained in the memo that we gave you this afternoon, one issue has been, should I say, worked out or resolved and a couple are not. So, if Barbara could summarize where we are.

Mayor: Go head, Barbara.

Ross: The following are the issues that came up on Saturday and needed resolution. The first one is the issue of the screening wall. The Northeast Civic Association, with staff support, would love to see a brick wall at the location along Slaters Lane to block the unattractive cars parked there. Mason Hall has said that there wasn't room to accommodate that wall. You asked them to go back and study that some more, and they did that, and they met with staff on Monday. And, while they still maintain that there's not room enough for a brick wall, they can accommodate and are willing to do a wood fence 3 1/2' tall, subject to BAR review, as to its specific design and installed and maintained by Mason Hall. And we think that this is a positive move and will help screen the cars.



The second issue had to do with the service vehicles behind the building. You heard speakers on Saturday talk about how difficult this makes life for them. You heard Mason Hall speak about how important the access to that area for service vehicles was to the operation of the building. Mason Hall has not changed its position and needs access to that area for service vehicles. It is willing, as it said on Saturday, to install a lip on the asphalt, and it is not willing to limit the access as suggested on Saturday to certain times or days of the week. So, that's where we are on that issue.

The third and final issue has to do with the species of the plants to create the screening hedge along the bordering townhouse property. There was some discussion on Saturday as to the relative merits of Photinia versus Leyland Cypress. Mason Hall insists that Leyland Cypress is superior and will last longer and Barbara Clark has told me today that they are willing to go with the Leyland Cypress. So, that issue is resolved.

Pepper: Mr. Mayor.

Mayor: Ms. Pepper and then Ms. Woodson.

Pepper: This is I really think is a very positive way to go and I'm very pleased to hear about the fence and that the issue of the plantings has also been settled. I can understand that Mason Hall might not want us to impose time limits as to when, if you will remember, I think on Saturday I was saying well surely you wouldn't allow people to be moving in with big vehicles and moving trucks and so forth, on Sundays and late into the evening or early in the morning on other days. And I wish they would agree to that, but this may be as good a winning situation as we're going to find. What I wanted to ask is if Mason Hall already had its own limits anyway, self-imposed limits or voluntary limits that they set up for the benefit of their own residents, I should think that anyone who lived around that area with people coming in and coming out underneath those windows, their own people would object to some of that. And, I'm wondering if we could hear from them or do you know, do they have their own self-imposed limits for their own benefits?

Ross: The Mason Hall representative is here and can speak to that. I believe we heard on Saturday that they have limitations on use of the front door, but not as to the back door. Mr. Hathway.

Hathway: Good evening, as far as service vehicles, absent in an emergency, that's generally done during working hours, 9 thru 6, Monday thru Friday. As far as any other access for tenants, there are a total of 30 apartment units that are served by that

door, and we averaged last year, I think, between one or two turnovers per month. And, most of that is done when those tenants are there. I also would like to point out that with the screen that we have the move-in and move-out is going to be behind the screen buffer, whereas on the plan espoused by Ms. Clark the move-in and move-out is not going to be behind the buffer and yet it will be in full view of her house. So, it's important to our operation to do that. I believe that the amount of move-in and move-out is very minimal and that's all I can say about that.

Pepper: Mr. Mayor, I just wanted to follow up. So, mainly if there is anything late at night, let's say at 10 o'clock that's because there is an emergency there.

Hathway: If it's a service vehicle, it would be an emergency. We don't make our staff employees work beyond working hours unless it's an emergency and that rarely ever happens. As far as a tenant moving in or out, you know, that's when they may have to if they work during the day, I don't know, but the number of units served by that door is only thirty and the number of turnovers, you know, that we average is very minimal.

Mayor: Let me ask as question. When we talk about service vehicles, give me a definition, you know obviously if it's somebody there to fix an air conditioning unit, obviously that's a service vehicle. Are you also including in your characterization of service vehicle somebody's moving in, for example?

Hathway: Service or delivery, yes.

Mayor: Service and delivery?

Hathway: Yes. I mean, yes.

Mayor: So, you would not characterize a tenant moving in or out as a service vehicle.

Hathway: I believe the site plan says service and delivery, and so, I would characterize that yes, and that's why....

Mayor: So, a delivery vehicle would be a tenant moving in and out.

Hathway: Right, in fact a moving company provides a service and that's what they do is they move people in and out.

Mayor: Okay. This door just serves thirty units, is that correct?

Hathway: Yes, on the first floor on that side there are a lot of non-residential unit rooms for service, but there are on toward the middle of the building where that's the closest door, there are residential units. Now, if you are on the north end and you access that, you'll go on the second floor. So, there's a very, as I say, only thirty potential apartment units that would use that door.

Mayor: Now, can other units use that door as well? Or is it just those thirty units are the only ones that are accessed.

Hathway: Well, I will have to say that for someone to use that under the plan they would have to contact management beforehand to get a key to unlock the gate, and if they don't think ahead of time, they're not going to be able to drive back there anyways. So, you know the number of times is not going to be all that frequent.

Mayor: Okay. All right. Ms. Woodson.

Woodson: Yes, I have a couple of questions for staff and then I have a comment on something that Mr. Hathway just suggested and that the Mayor was discussing. As far as service vehicles are concerned, is there any ordinance that we have that might be a noise ordinance or anything at all that would govern the timing that's already on the books that would govern timing because it does make noise. I mean I certainly, if there is no limitation on time, wouldn't want someone taking advantage of a midnight move because that's what was convenient for them, and that's absolutely allowable if we don't have something on the ordinance to prohibit it, and if Mason Hall doesn't prohibit it. So, is there anything that we have?

Ross: I am not aware of any rule limiting service vehicles access. There is a noise ordinance, of course, and my understanding of that is that it does have time limits, and it does only apply to sustained noise. So, in the normal course of things, I don't think that a service vehicle driving up, stopping, opening a door, closing a door would activate or trigger the noise ordinance. But, if there was a commotion or something obnoxious that went on for a long time, that would.

Woodson: What does the ordinance consider sustained?

Pessoa: Mr. Mayor, if I could respond to that. We have applied it to trucks with the engines idling late at night excessively, things of that nature. And the same with loading and unloading, if that is accomplished in a fashion, I mean, the ordinance talks about unreasonable noise, and so particularly late at night between the hours

after 11 p.m. when those restrictions kick in, idling trucks, loading and unloading in a residential area that's done in a very loud fashion, it has been applied in those circumstances.

Woodson: So, that's something that we can be watching and monitoring given that we don't have any willingness on the part of the applicant, I guess in this case, the recipient, not an applicant, to monitor themselves. The second question, has to do with what again is officially considered parking. How long do you have to be there? So, if we have a service vehicle, for example, and they come to make a service call, at what point is it considered parking, at what point is it simply a call?

Ross: Well, in fact, we have had calls where we have had to investigate that and the inspector found a truck parked, and it was parked for a couple of hours, but she talked to the driver, who is actually a contractor working on the boiler, and in that case it is a service call. Now, if you have a tenant parking there and it's for a period of time, that's parking. It's not a service visit.

Woodson: Yes, and I guess what I'm trying to get at is what is considered the period of time, because that's really relative. My period of time might be different than someone else's period of time. So, is there something in the ordinance, like we have two-hour parking, you know at a meter. Is there something that governs it? Because language I think is part of the problem here. If we can get to some language that's acceptable to everyone and if there's something that's already on the books since we aren't dealing with a site plan violation, if there's something that's already on the books that we can then marshal, then perhaps that is method that we can, you know, employ.

Ross: I know of nothing on the books right now that defines how long a vehicle has to be in one space to be considered parking, but with the service operation it would depend on the nature of the service call, and again, if we can determine that there is actual service going then I would put it in the category of service vehicles.

Woodson: Okay, and then, I know I said three, but this is sort of a half a question to Mr. Hathway. As far as moving, service vehicles that could be a moving van, it could be one of those little U-Haul things, and it could also be a car that someone brings back and forth with fifteen of their friends and that can create quite an uproar. Having been one of those young people who did that at one point.

Pepper: You know about this....

Woodson: I know about what I speak.

Hathaway: You still are.

Woodson: Oh, bless you. You know that doesn't get you any points on my vote by the way, but bless you anyway. That actually is very likely so how is this governed? Because a car by any stretch of the imagination is not a service vehicle.

Hathway: The way we set it up is that the Manager is going to have a key, so anybody that wants to go to load or unload is going to have to go to the Manager to get a key. Now, I'm going to guess that most of them are probably going to forget about that if they are going to do it on the weekends. So, it's going to be during the week. But, the way that we've set this up, and I think it was Mrs. Clark, Saturday, who pointed out, I think in Mr. Sunderland's memo, that the one thing that we wanted to avoid is to have any further issues on this subject. One of my goals has been is that we can be friends after this, we move on with life, I don't have to get any more phone calls, and I don't want you to get any more phone calls. So, I don't

Woodson: That will get you brownie points.

Hathway: So, to the extent that, you know, we've already said that what our position is but to the extent that you are considering trying to talk about certain standards, realize that that means phone calls.

Woodson: I'm afraid everything means phone calls, at least in what I do.

Woodson: My last question actually is more a statement then it is directed to Mason Hall. Looking at the plan here, I suspect that it is far more likely that you will have people who are not living in that side of the building using that door because based on the plan that I see here you don't have an abundance of doors. You have very few doors and it would appear to me that the better part of a half of that building would be more easily accessible by the back door for any service that they require because the front door is all the way on the other side and I just can't say that that would be real convenient. So, I suspect that there's more than thirty units that would be affected.

Hathway: I respectfully, and whole heartedly disagree. I'm not sure the site plan shows every access door there.

Woodson: Would you like to come look at it and point them out to me?

Hathway: I'm new to the company. I'm not that familiar with the project, but I had the management, okay.

Mayor: Mr. Hathway, go ahead.

Hathway: I had the manager look at it and I had a print out of what could be serviced by that door and the number is thirty.

Woodson: Well, actually, anything could be serviced by that door. I mean it's not limited to those people, anybody could go there.

Hathway: No, I mean, well to get a car back there they would have to get a key from the Manager, and the Manager is instructed to minimize the length of travel down the hallways so that we can keep our carpets in good repair and don't have to replace them often. We are trying to minimize dragging furniture and everything over them, so that's part of the thing here.

Woodson: Okay, so what you are saying is the Manager is going to be doing some monitoring so that internal protection is provided.

Hathway: In the natural course of things, yes, the Manager would tell them what is the best door to move in.

Woodson: Thank you.

Mayor: I have another question for Mr. Hathway. All right thirty people, thirty units, lets put it that way, use this particular door and service and delivery vehicles. We had that sort of exchange a minute ago. You're making a representation to the Council that only those thirty units would be using that particular door and/or service vehicles that would need to get access in there. Is that correct?

Hathway: I'm saying that in the normal course of things, that's what happens, that's what I've been told by our property managers and I've asked them the question.

Mayor: Okay. And, I think you also made a representation that the property managers are going to try to limit access there because they do not want people traipsing up and down the halls for wear and tear on the carpet or whatever the case might be. Would it not also be the normal expectation on behalf of the property managers to limit access in and out of those doors only during regular business hours?

Hathway: Well, certainly, as far as, now there are two types of access. One is people walking out, and the other is people pulling their car up. Now, once that gate is closed, there's a lot less people on the pedestrian aspect of it that would have any incentive to walk out there. All right, and because it would be easier for them to get out to the north to Slaters Lane by going on the north side of the doors. So, if you're getting at that, yes, maybe I'm not sure what your question is.

Mayor: Basically, what I'm trying to get is, you know, through the normal property management practice, would it not be your expectation that the property managers would be limiting access to that door. In other words, giving a key to the gate, or allowing folks to go in and out of that door, let's say for delivery, moving purposes late at night?

Hathway: Unless it is an emergency, the workers, you know, we don't want to pay our workers overtime, contractors generally work nine to five or nine to six Monday thru Friday and that's when those things typically occur, but in an emergency or an extreme situation, then it may happen after that, but that's not the normal course.

Mayor: Mr. Hathaway would it be possible for you to summarize these representations to the Council in writing? In other words, I guess what I am asking for, is sort of a commitment from Mason Hall to do your best to limit access in the off peak hours, in other words, non-business hours, I'm not going to be specific on time periods. Just basically the late-at-night activity is my concern. You know the quiet enjoyment of that property back there by the neighbors is important to me, and you know if there are service vehicles back there or if there are deliveries that are going on, I use your term deliveries that are going on, I guess what I want is some representation from you in writing that during your normal course of business the standard practice would be to limit access to those doors as best you are able.

Hathway: Let me be clear. I'm not saying we try to limit it, I'm saying in the natural course of things what happens is that the contractors will come in Monday thru Friday, 9 thru 6, and in the normal course there are only thirty units that are served by that and that's what happens. So, I will tell you that we will not encourage any use beyond the normal course, but, I'm not sure what it's going to get you for us to commit. We can commit to do things in the normal course of things, if that's what you're asking? That's not a problem.

Pepper: And that would help.

Mayor: And, I guess that is sort of what I'm asking for, and I would put it, I would use different terms. I mean you said we would not encourage use of the doors, I would say we would discourage use of those doors outside the normal course of things, again, to use your language.

Hathway: All right. As long as it's in the normal course of things, then that's fine, but if someone can only, if there's an emergency or if someone could only, one person, you know can only move in at a certain time, good, prudent property and ownership management dictates that you allow that to happen.

Mayor: Okay. Let me just ask one more question for the record, and I know that..

Cleveland: I'm glad that you gave...when you said that good encouragement that somebody wanted to move in at ten o'clock at night, I wished I could in my unit. Where I live at, if I took my garbage out at ten o'clock at night, I'd be fined. And, if I tried to move in past six o'clock in the evening, I would be fined. So, you know, in the course of where I live, and those are the rules that are set up. It seems like you have very loose rules that you can move out any time that you want. I'm just saying that where I live I can't do that.

Mayor: Okay. I just want to ask one question for the record. My understanding is that Mason Hall is not willing to limit access in the side area there to those doors in any fashion or matter other than what's outside the normal course of business.

Hathway: That is correct.

Mayor: You're not willing to do that, and if we were to impose a condition like that, you would not be willing to settle this whole matter.

Hathway: Yes, I would think that I would have to call Mr. McKinley.

Mayor: Well, I mean, you're here, I'm asking you if we impose that condition you are not going to agree.

Hathway: That is correct, and all I would say is that I think we've gone, everybody disagrees, but we've made particular concessions for a particular neighbor that I think that are not in the best interests of the City, the community or Mason Hall. I don't know who it was, but somebody went to great lengths to move a dumpster to make it more visible to Slaters for the benefit of one neighbor. We've agreed to do that. We've agreed to put up a buffer of trees and if that's where it comes down...All right, I'm sorry the public hearing was yesterday.



Mayor: There's an old saying in politics and plus it also works when you are testifying before the City Council, "A closed mouth gathers no feet."

Hathway: Okay, I apologize.

Mayor: I would just sort of leave it there for a minute. David Speck.

Speck: A closed mouth gathers no feet. A couple questions to staff. This is a site plan. In the site plan it says on that disputed driveway, bollard chains lock. What are the consequences if the chains is not kept up? It is not a condition to a SUP. It's in the site plan. So, if it turns out, I'm sure that they are going to be very diligent about doing this, but if it turns out, they're not, what exactly is the result of not maintaining the pieces of the site plan that are included in this?

Ross: Well, a site plan in this case is going to be an approval by City Council and the features of it must be adhered to whether that's landscaping, or parking or chains.

Speck: And so, if the features were not adhered to, I really don't know, I mean I know what happens if you violate the conditions of a use permit, what happens if you violate or don't adhere to the feature of a site plan?

Ross: The authority in the City is the same and the Planning Department would enforce that first by tickets, and if we had to, we could take someone to court.

Speck: So, to some extent it stands as though it were a condition because it's memorialized in the site plan.

Ross: It's similar, yes.

Pessoa: That's correct, yes.

Speck: The other thing that I wanted to be clear on is that the gate that had the pedestrian access that is now going to be closed.

Ross: Yes, yes it will.

Speck: Is it a permanent closure or is it just locking the gate? Permanent?

Ross: No, it's permanent. And I believe the site plan says "a permanent continuous fencing." So, the gate will be removed and there will be fencing instead.

Speck: Just as a, you wanted to clarify something?

Hathway: There are two gates. The one at Bernard will be removed and that will be permanent fencing. The one on the other street will be padlocked so that the oil delivery truck and that's all will use it.

Speck: When we were having this extensive and scintillating conversation on Saturday, what we were being told was that there really weren't that many circumstances in which a vehicle had to unload right at the door. I mean a lot of instances it was just a matter of getting into the back but could easily stop at the chain and unload and wheel their stuff down, or something like that. I don't know that to be the case, but it would seem to me as a practical matter that if somebody has to come to that gate, park walk all the way around the to the front or whatever to get the key, that's more likely that they are going to unload at the chain and not try to go through except in those cases when it's really needed. Would that seem to make sense to you too? So, it does sound like, I'm trying to make sure this is sort of in the legislative history that as a practical consequence of a true chain and lock that there will be some attempt on the part of the apartment management to try not to be running back there all of the time unlocking the chain. In other words, it's not going to be left unlocked all day so that anyone can because that would be in the site plan that it's locked when it's not being used. Okay. Well, you know I'm guessing that probably that if that's not the case, there may be a neighbor or two that would point that out. So, we probably want to just all sort of work to this advantage. Well, this is definitely going into one of the chapters in my book, "Great Moments in Legislative History." But, I think we're about to get something resolved here, aren't we?

Pepper: Mr. Mayor.

Mayor: Ms. Pepper.

Pepper: I'm going to move the amended vacation ordinance and note the three changes to the site plan that Mason Hall has agreed to, and somewhere I would like us to have a statement that Kerry was trying to promote. Some statement of what you have agreed to in terms of what your policy will be of allowing vehicles to use what we are calling the back door. That's my motion.

Mayor: We have a motion by Mrs. Pepper, and this is to incorporate the amendments that are outlined in the staff memorandum dated April 24, 2001. Do we have a second?

Euille: Second.

Mayor: It's been seconded by Mr. Euille. Is there any further discussion? Ms. Eberwein.

Eberwein: Just since we're going with the staff memorandum just to note that there will be a curb on the asphalt as Ms. Ross indicated as and that's not actually stated in the memorandum, but that's....

Pepper: Yes, that's right.

Ross: Mr. Mayor, in the other agreement that is in the minutes from Saturday is that there will be no further paving in the back.

Donley: Okay, very good. That will be included. Well, I know that you guys had a long discussion of this on Saturday. We've had some discussion, some give and take tonight. This is not the best that we potentially could have achieved. I think we tried to achieve that earlier and it led us into court and that was not a productive use of time or energy. And, I'm not going to get into the legalities and the merits of that particular case. I think overall when you look at the settlement there are some significant benefits that we need to have and that is: have more parking on the site; reduced access, not because we want a reduced access, but reduced access to the on-street parking in the neighborhood which alleviates a major source of congestion and complaint for a number of the citizens. We are shielding. We are doing the landscaping. We are moving the dumpster. I mean all of those things are benefits that I think we need to do. So, all in all, I think the benefits outweigh the detriments here, and I think that we got, at least, as best we can, at this point, representations from Mason Hall regarding the use and the attempt to limit the use of that back access, at least prudent business hours, and prudent business times. So, any other discussion? All those in favor, all right it's an ordinance, so the Clerk will call the roll.

|        |          |       |           |       |
|--------|----------|-------|-----------|-------|
| Clerk: | Pepper   | "aye" | Euille    | "aye" |
|        | Donley   | "aye" | Cleveland | "aye" |
|        | Eberwein | "aye" | Speck     | "aye" |
|        |          |       | Woodson   | "aye" |

Donley: It passes unanimously. Thank you, Mr. Hathway.

h:/clerk/verbatim\042401we.wpd

23  
4-24-01



**Beverly I Jett**  
06/06/01 08:56 AM

To: Barbara Ross/Alex  
cc: Beverly I Jett/Alex@Alex  
Subject: Re: Mason Hall

Barbara,

I ran Mr. Hathway's response by the Mayor this morning. He indicated that it was sufficient. Thanks.

Bev  
Barbara Ross



**Barbara Ross**  
05/31/01 09:41 AM

To: Beverly I Jett/Alex@Alex  
cc:  
Subject: Mason Hall

You wrote Mr. Hathway and he responded saying that he basically agreed with your letter. Would you run by Mayor to see if he thinks that is sufficient and let me know? Thanks. Hope your time off was good.

# BERNSTEIN

BERNSTEIN MANAGEMENT CORPORATION

## FACSIMILE TRANSMISSION

Date: May 29, 2001

To: Beverly Jett  
Barbara Ross

Company: City of Alexandria

Fax #: 703 838-6433  
703 838-6393

From: Charles T. Hathway  
Vice President and General Counsel

Re: Mason Hall

Comments: I sendtthis e-mail, but it apparently didn't go through.

Pages including this cover sheet: 3

If there are any problems with this transmission, please call (202) 363-6301



Charles T. Hathway

05/18/01 02:41 PM

To: beverly.jett@ci.alexandria.va.us

cc:

cc:

Subject: Mason Hall

I received your letter and believe it is generally accurate. The turnover rate I quoted was to apply to the 30 units best served by that back door. If you need something more official from me, please let me know. I will be out of the country next week.

Charles T. Hathway  
Bernstein Management Corporation  
5301 Wisconsin Avenue, N.W., Suite 600  
Washington, D.C. 20015

202 363-6301  
202 363-6341 (fax)  
cth@bernsteinmgmt.com (e-mail)

## Delivery Failure Report

Your document: Mason Hall  
was not delivered to: <beverly.jett@ci.alexandria.va.us >  
because: Delivery time expired

What should you do?

- You can resend the undeliverable document to the recipients listed above by choosing the Resend button or the Resend command on the Actions menu.
- Once you have resent the document you may delete this Delivery Failure Report.
- If resending the document is not successful you will receive a new failure report.
- Unless you receive other Delivery Failure Reports, the document was successfully delivered to all other recipients.

Routing path

To: beverly.jett@ci.alexandria.va.us

cc:

Date: 05/18/01 03:50:58 PM

Subject: Mason Hall

I received your letter and believe it is generally accurate. The turnover rate I quoted was to apply to the 30 units best served by that back door. If you need something more official from me, please let me know. I will be out of the country next week.

Charles T. Hathway  
Bernstein Management Corporation  
5301 Wisconsin Avenue, N.W., Suite 600  
Washington, D.C. 20015

202 363-6301  
202 363-6341 (fax)  
cth@bernsteinmgmt.com (e-mail)

23  
4-24-01

~~16~~  
~~4-21-01~~

~~17~~  
~~4-10-01~~

Introduction and first reading:  
Public hearing:  
Second reading and enactment:

4/10/01  
4/21/01  
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

23  
4-24-01

~~16~~  
~~4-21-01~~

~~17~~  
~~4-10-01~~

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).

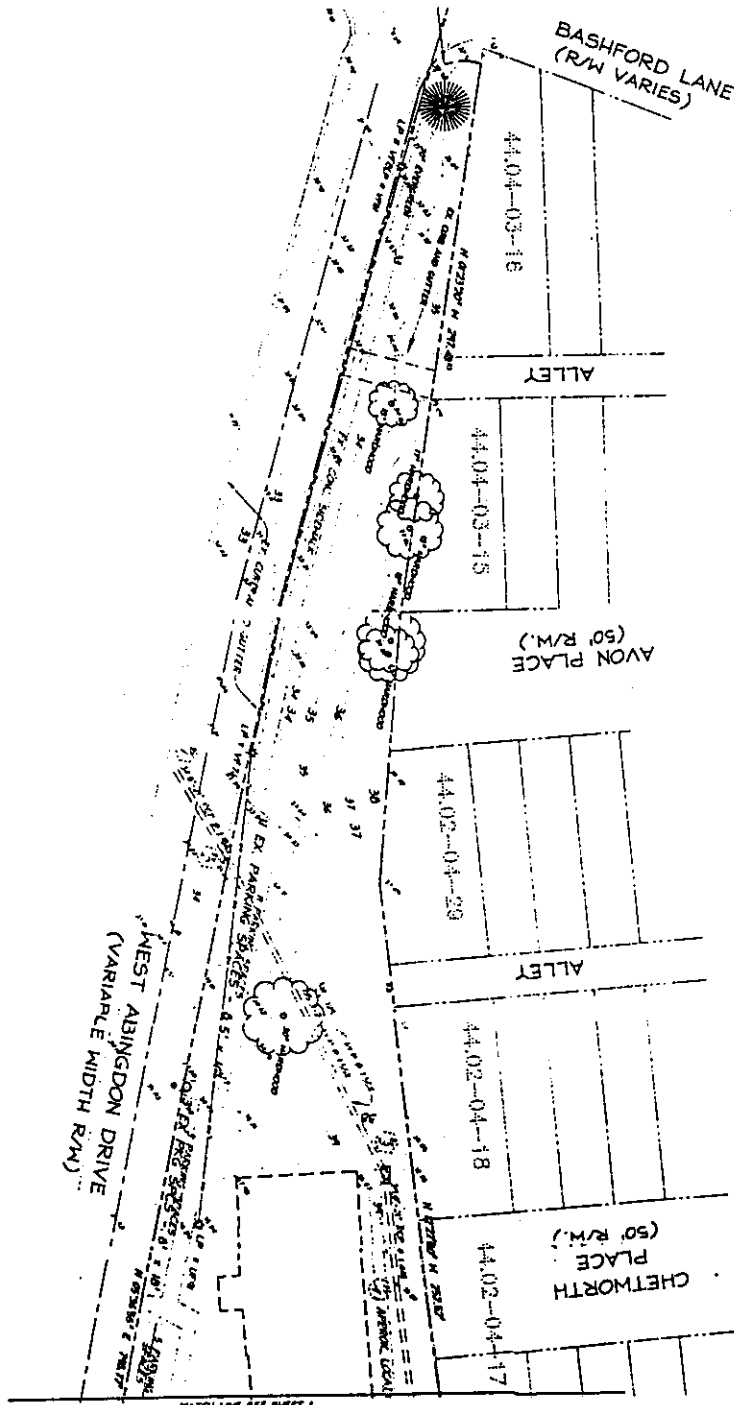
KERRY J. DONLEY  
Mayor

Attachments: Site Plan, dated April 6, 2001

Introduction: 4/10/01  
First Reading: 4/10/01  
Publication: 4/12/01  
Public Hearing: 4/21/01  
Second reading: 4/21/01  
Final Passage:



| GREEN SPACE TABULATION     |                               |                     |                        |
|----------------------------|-------------------------------|---------------------|------------------------|
| LOT NO. OR GREEN SPACE NO. | AREA OF GREEN SPACE (SQ. FT.) | PERCENT OF LOT AREA | PERCENT OF GREEN SPACE |
| 44.04-03-16                | 1,077 sq. ft.                 | 100%                | 100%                   |
| 44.04-03-15                | 900 sq. ft.                   | 100%                | 100%                   |
| 44.02-04-29                | 900 sq. ft.                   | 100%                | 100%                   |
| 44.02-04-18                | 900 sq. ft.                   | 100%                | 100%                   |
| 44.02-04-17                | 900 sq. ft.                   | 100%                | 100%                   |



|   |   |           |  |  |  |
|---|---|-----------|--|--|--|
| DATE: APR 2018<br>DRAWN BY: [Name]<br>CHECKED BY: [Name]<br>SCALE: 1" = 20'<br>SHEET NO. 2 OF 2 | <b>MASON HALL APARTMENTS</b><br>ADDITIONAL OFF-STREET PARKING<br>CITY OF ALEXANDRIA, VIRGINIA | SITE PLAN |  |  | <b>christopher consultants</b><br>engineering, surveying, land surveying<br>1000 EAST MAIN STREET, SUITE 200<br>ALEXANDRIA, VA 22304<br>703.836.8800 |
|   | 6   |           |  |  |  |



*City of Alexandria, Virginia*

*301 King Street, Suite 2300  
Alexandria, Virginia 22314*

23  
4-24-01



Kerry J. Donley  
Mayor

William C. Cleveland  
Vice Mayor

Members of Council  
Claire M. Eberwein  
William D. Euille  
Redella S. Pepper  
David G. Speck  
Joyce Woodson

April 26, 2001

Beverly I. Jett, CMC  
City Clerk and  
Clerk of Council  
beverly.jett@ci.alexandria.va.us

(703) 838-4550  
Fax: (703) 838-6433

Charles T. Hathway, Esquire  
Bernstein Management Corporation  
5301 Wisconsin Avenue, N.W., Suite 600  
Washington, D.C. 20015

Re: Mason Hall Apartments – Docket Item No. 23, April 24, 2001

Dear Mr. Hathway:

At the Regular Meeting of City Council held on Tuesday, April 24, 2001, City Council passed the revised vacation ordinance, as amended. At that meeting, you were asked to summarize your representations in writing to the City Council of what Mason Hall's policy will be in allowing vehicles to use the back door.

Following are the representations which you made at the meeting with respect to the use of the rear door by service/delivery vehicles and thirty apartment units:

- Mason Hall would discourage the use of the back door beyond the normal course of things. Mason Hall is not willing to limit access to the back door in any fashion or matter other than what's outside the normal course of business.
- The property manager will provide a key for the gate to anybody who wants to load or unload in the service area, and the property manager will be instructed to minimize the length of travel down the hallways so that the carpets are kept in good repair, and will tell them what the best door is to use during a move-in or move-out. Mason Hall has between one or two turnovers per month.



Charles T. Hathway, Esquire  
Page 2  
April 26, 2001

It would be appreciated if you would respond in writing with respect to the above representations made by you at the City Council Meeting on April 24, 2001.

Thank you for your kind consideration to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly I. Jett". The signature is written in a cursive style with a large initial "B".

Beverly I. Jett  
City Clerk and Clerk of Council

## ORDINANCE NO. 4195

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 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.

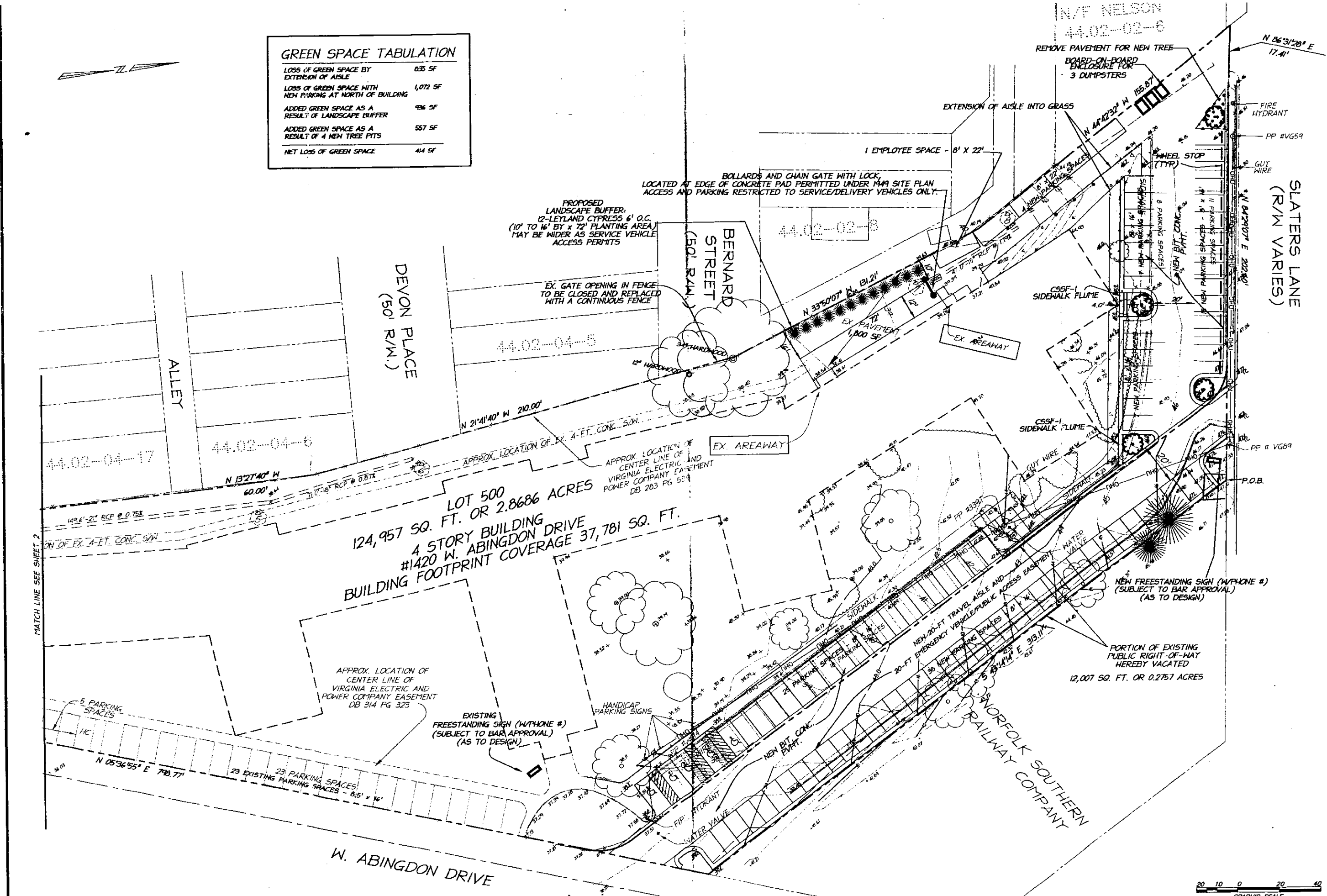
Section 10. That this ordinance shall be effective at the time and on the date of its final passage; provided that no interest in the Vacated Area shall convey unless and until a certified copy of this ordinance, and the Deed of Dedication and Consolidation, with Plat annexed, shall have been recorded 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:

Final Passage: April 24, 2001

| GREEN SPACE TABULATION                                    |          |
|---|----------|
| LOSS OF GREEN SPACE BY EXTENSION OF AISLE                 | 035 SF   |
| LOSS OF GREEN SPACE WITH NEW PARKING AT NORTH OF BUILDING | 1,072 SF |
| ADDED GREEN SPACE AS A RESULT OF LANDSCAPE BUFFER         | 936 SF   |
| ADDED GREEN SPACE AS A RESULT OF 4 NEW TREE PITS          | 557 SF   |
| NET LOSS OF GREEN SPACE                                   | 414 SF   |



**christopher consultant**  
engineering · surveying · land planning  
christopher consultants, llc  
9800 main street (fourth floor) Fairfax, VA 22031-3907



COMMONWEALTH OF VIRGINIA  
WILLIAM R. ZINK  
No. 21914  
PROFESSIONAL ENGINEER

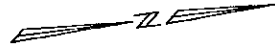
SITE PLAN

**MASON HALL APARTMENTS**  
ADDITIONAL OFF-STREET PARKING

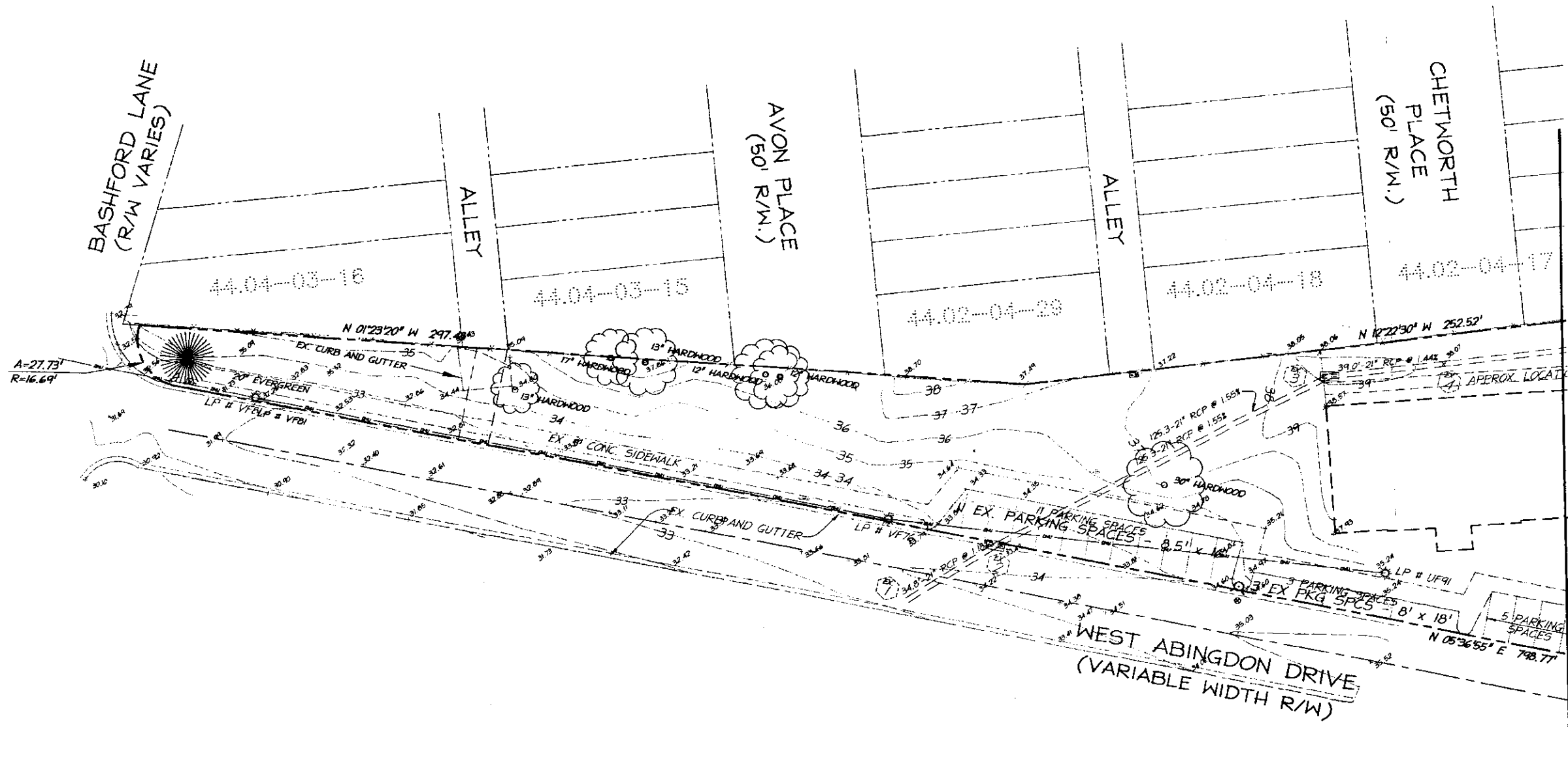
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SHEET No.



A - SITE PLAN 4/6/01 DRD 4195-4/24/01 Page 1



| GREEN SPACE TABULATION                                    |               |
|---|---------------|
| LOSS OF GREEN SPACE BY EXTENSION OF AISLE                 | 836 SF        |
| LOSS OF GREEN SPACE WITH NEW PARKING AT NORTH OF BUILDING | 1,072 SF      |
| ADDED GREEN SPACE AS A RESULT OF LANDSCAPE BUFFER         | 196 SF        |
| ADDED GREEN SPACE AS A RESULT OF 4 NEW TREE PITS          | 557 SF        |
| <b>NET LOSS OF GREEN SPACE</b>                            | <b>414 SF</b> |



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 9900 main street (fourth floor) Fairfax va 22031-3907  
 703.273.8620 fax 703.273.7638

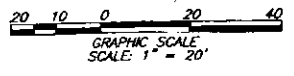


COMMONWEALTH OF VIRGINIA  
 WILLIAM R. ZINK  
 No. 21914  
 PROFESSIONAL ENGINEER

SITE PLAN

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

SCALE: 1" = 20'  
 DATE: 4/06/01  
 DESIGN: MF  
 DRAWN: JS  
 CHECKED: MF  
 SHEET No.



A - PAGE 2

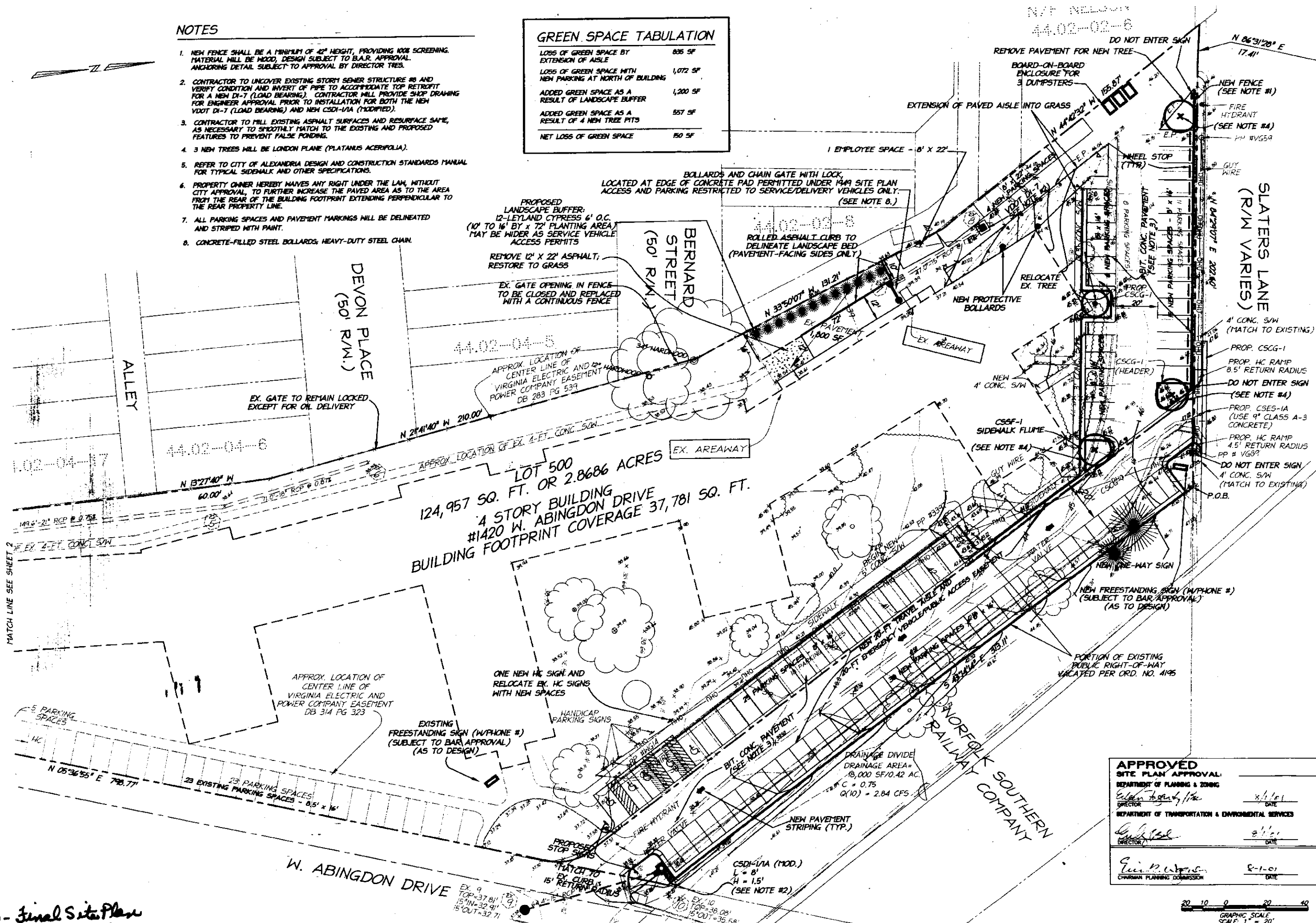
2 OF 2

**NOTES**

1. NEW FENCE SHALL BE A MINIMUM OF 42" HEIGHT, PROVIDING NOE SCREENING MATERIAL WILL BE WOOD, DESIGN SUBJECT TO B.A.R. APPROVAL. ANCHORING DETAIL SUBJECT TO APPROVAL BY DIRECTOR TREES.
2. CONTRACTOR TO UNCOVER EXISTING STORM SEWER STRUCTURE #8 AND VERIFY CONDITION AND INVERT OF PIPE TO ACCOMMODATE TOP RETROFIT FOR A NEW DI-7 (LOAD BEARING). CONTRACTOR WILL PROVIDE SHOP DRAWING FOR ENGINEER APPROVAL PRIOR TO INSTALLATION FOR BOTH THE NEW VDOT DI-7 (LOAD BEARING) AND NEW CSDI-1/1A (MODIFIED).
3. CONTRACTOR TO FILL EXISTING ASPHALT SURFACES AND RESURFACE SAME, AS NECESSARY TO SMOOTHLY MATCH TO THE EXISTING AND PROPOSED FEATURES TO PREVENT FALSE PONDING.
4. 3 NEW TREES WILL BE LONDON PLANE (PLATANUS ACERIFOLIA).
5. REFER TO CITY OF ALEXANDRIA DESIGN AND CONSTRUCTION STANDARDS MANUAL FOR TYPICAL SIDEWALK AND OTHER SPECIFICATIONS.
6. PROPERTY OWNER HEREBY WAIVES ANY RIGHT UNDER THE LAW, WITHOUT CITY APPROVAL, TO FURTHER INCREASE THE PAVED AREA AS TO THE AREA FROM THE REAR OF THE BUILDING FOOTPRINT EXTENDING PERPENDICULAR TO THE REAR PROPERTY LINE.
7. ALL PARKING SPACES AND PAVEMENT MARKINGS WILL BE DELINEATED AND STRIPED WITH PAINT.
8. CONCRETE-FILLED STEEL BOLLARDS; HEAVY-DUTY STEEL CHAIN.

**GREEN SPACE TABULATION**

|   |               |
|---|---------------|
| LOSS OF GREEN SPACE BY EXTENSION OF AISLE                 | 836 SF        |
| LOSS OF GREEN SPACE WITH NEW PARKING AT NORTH OF BUILDING | 1,072 SF      |
| ADDED GREEN SPACE AS A RESULT OF LANDSCAPE BUFFER         | 1,200 SF      |
| ADDED GREEN SPACE AS A RESULT OF 4 NEW TREE PITS          | 557 SF        |
| <b>NET LOSS OF GREEN SPACE</b>                            | <b>150 SF</b> |



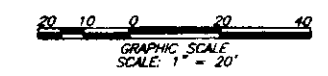
**LOT 500**  
 124,957 SQ. FT. OR 2.8686 ACRES  
 4 STORY BUILDING  
 #1420 W. ABINGDON DRIVE  
 BUILDING FOOTPRINT COVERAGE 37,781 SQ. FT.

**APPROVED SITE PLAN APPROVAL:**

DEPARTMENT OF PLANNING & ZONING  
 DIRECTOR: *[Signature]* DATE: 8/1/01


DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES  
 DIRECTOR: *[Signature]* DATE: 8/1/01

CHAIRMAN PLANNING COMMISSION: *[Signature]* DATE: 8-1-01



B- Final Site Plan  
 Ord 4195-4/24/01  
 Page 1

**christopher consultant**  
 engineering · surveying · land planning  
 christopher consultants, inc.  
 9800 main street (fourth floor) Fairfax, VA 22031-3907  
 703.773.6820 fax 703.773.7636

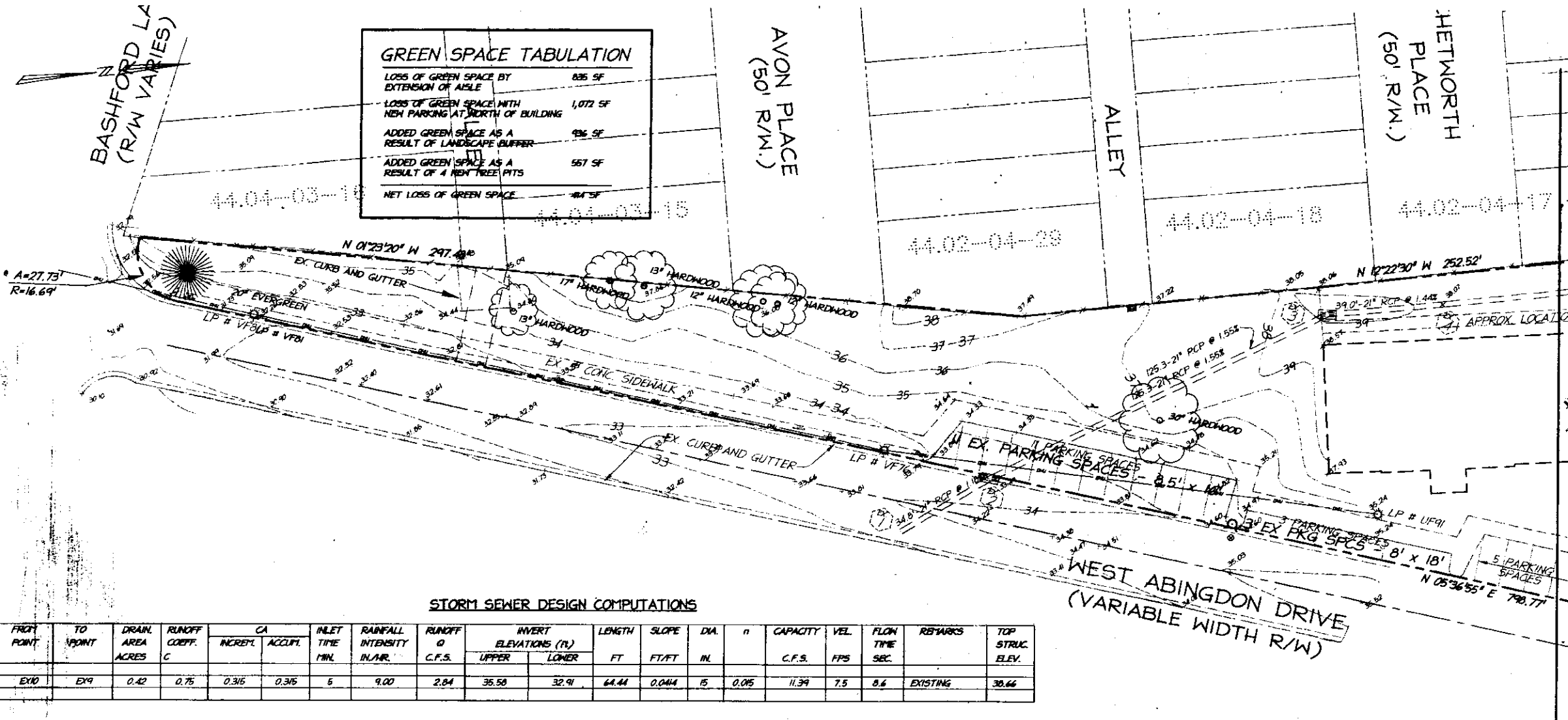


COMMONWEALTH OF VIRGINIA  
 WILLIAM R. ZINKA  
 No. 22914  
 7/15/01  
 PROFESSIONAL ENGINEER

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

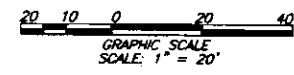
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 CHECKED: MF  
 SHEET No. 1 of 3





| GREEN SPACE TABULATION                                    |          |
|---|----------|
| LOSS OF GREEN SPACE BY EXTENSION OF AISLE                 | 826 SF   |
| LOSS OF GREEN SPACE WITH NEW PARKING AT NORTH OF BUILDING | 1,072 SF |
| ADDED GREEN SPACE AS A RESULT OF LANDSCAPE BUFFER         | 926 SF   |
| ADDED GREEN SPACE AS A RESULT OF 4 NEW TREE PITS          | 567 SF   |
| NET LOSS OF GREEN SPACE                                   | 474 SF   |

**APPROVED**  
**SITE PLAN APPROVAL**  
 DEPARTMENT OF PLANNING & ZONING  
*Eden Taylor* 8/1/01  
 DIRECTOR DATE  
 DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES  
*Julie* 8/1/01  
 DIRECTOR DATE  
*William R. Zinn* 8-1-01  
 CHAIRMAN PLANNING COMMISSION DATE

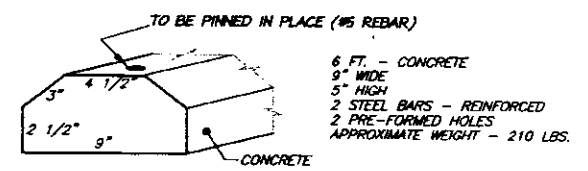


STORM SEWER DESIGN COMPUTATIONS

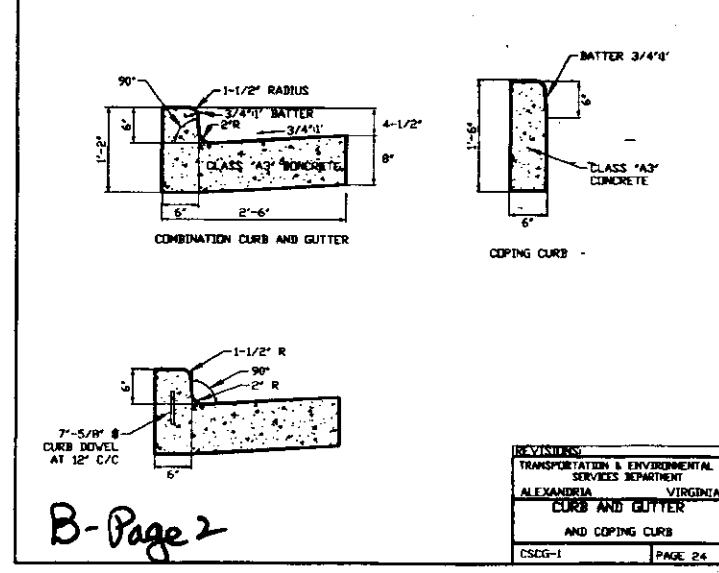
| FROM POINT | TO POINT | DRAIN AREA ACRES | RUNOFF COEFF. C | CA    |       | INLET TIME MIN. | RAINFALL INTENSITY IN./HR. | RUNOFF Q C.F.S. | INVERT ELEVATIONS (ft) |       | LENGTH FT | SLOPE FT/FT | DIA. IN. | n     | CAPACITY C.F.S. | VEL FPS | FLOW TIME SEC. | REMARKS  | TOP STRUC. ELEV. |
|------------|----------|------------------|-----------------|-------|-------|-----------------|----------------------------|-----------------|------------------------|-------|-----------|-------------|----------|-------|-----------------|---------|----------------|----------|------------------|
|            |          |                  |                 | INCR. | ACCU. |                 |                            |                 | UPPER                  | LOWER |           |             |          |       |                 |         |                |          |                  |
| EX10       | EX9      | 0.42             | 0.75            | 0.315 | 0.315 | 5               | 9.00                       | 2.84            | 35.50                  | 32.91 | 64.44     | 0.044       | 15       | 0.015 | 11.39           | 7.5     | 8.6            | EXISTING | 30.66            |

STORM WATER INLET COMPUTATIONS

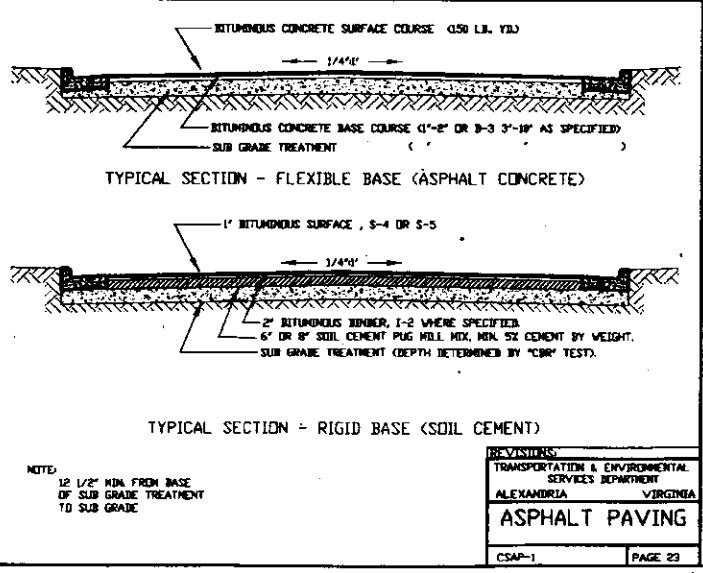
| NUMBER | TYPE | LENGTH (FT) | STATION | DRAINAGE AREA (AC) | C | INCR. CA | ACCU. CA | I (IN/HR) | Q INCR (CFS) | Q (CARRY-OVER, CFS) | Q (GUTTER FLOW, CFS) | S (GUTTER SLOPE, FT/FT) | S <sub>g</sub> (GROSS SLOPE, FT/FT) | T (SPREAD) FT | N (FT) | W (FT) | S <sub>w</sub> (FT/FT) | S <sub>w</sub> (IN) | S <sub>w</sub> (FT/FT) | L (FT) | P EFFECTIVE LENGTH | L/L | d (FT) | F | h (FT) | d <sub>h</sub> | d <sub>c</sub> CARRYOVER | T SPREAD # BAG | REMARK |
|--------|------|-------------|---------|--------------------|---|----------|----------|-----------|--------------|---------------------|----------------------|-------------------------|-------------------------------------|---------------|--------|--------|------------------------|---------------------|------------------------|--------|--------------------|-----|--------|---|--------|----------------|--------------------------|----------------|--------|
|        |      |             |         |                    |   |          |          |           |              |                     |                      |                         |                                     |               |        |        |                        |                     |                        |        |                    |     |        |   |        |                |                          |                |        |



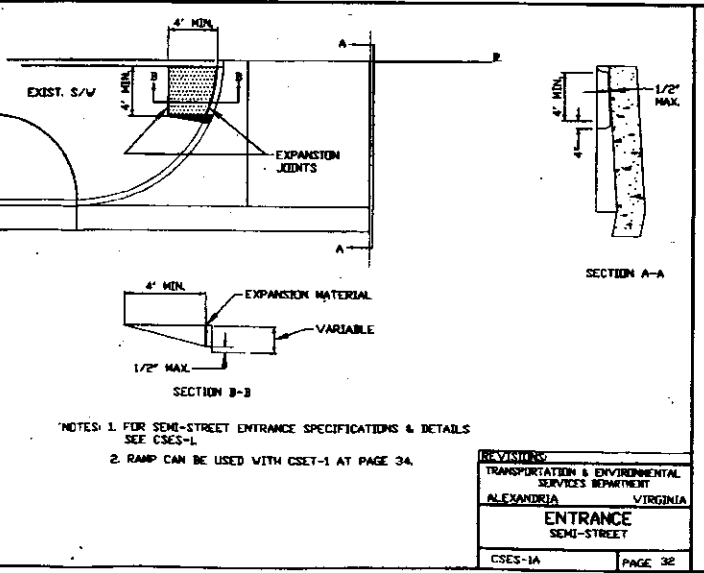
WHEELSTOP DETAIL  
 NOT TO SCALE



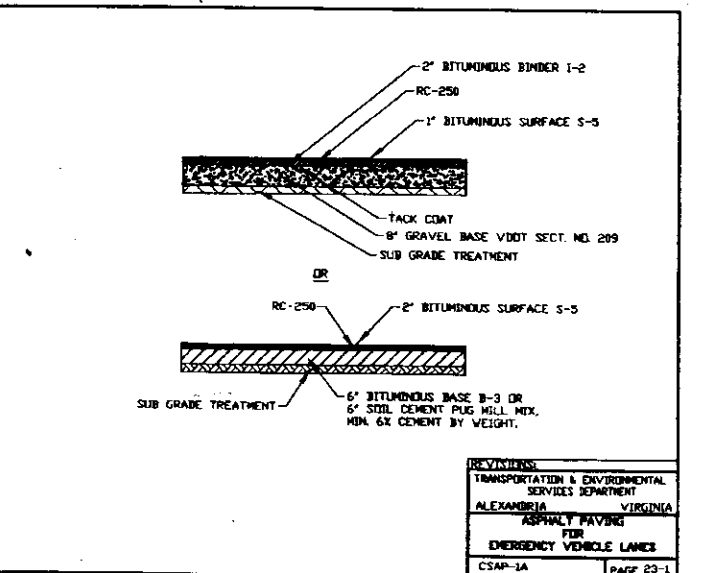
REVISIONS:  
 TRANSPORTATION & ENVIRONMENTAL SERVICES DEPARTMENT  
 ALEXANDRIA, VIRGINIA  
**CURB AND GUTTER**  
 AND COPING CURB  
 CSDG-1 PAGE 24



REVISIONS:  
 TRANSPORTATION & ENVIRONMENTAL SERVICES DEPARTMENT  
 ALEXANDRIA, VIRGINIA  
**ASPHALT PAVING**  
 CSAP-1 PAGE 23



REVISIONS:  
 TRANSPORTATION & ENVIRONMENTAL SERVICES DEPARTMENT  
 ALEXANDRIA, VIRGINIA  
**ENTRANCE SEMI-STREET**  
 CSES-1A PAGE 32



REVISIONS:  
 TRANSPORTATION & ENVIRONMENTAL SERVICES DEPARTMENT  
 ALEXANDRIA, VIRGINIA  
**ASPHALT PAVING FOR EMERGENCY VEHICLE LANES**  
 CSAP-1A PAGE 23-1

B-Page 2

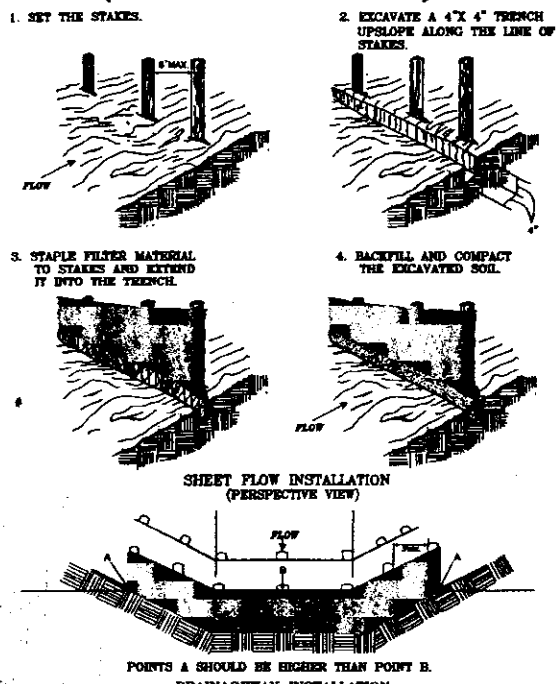
**christopher consultants**  
 engineering · surveying · land planning  
 9800 main street (fourth floor) · Fairfax VA 22031-3907  
 703.273.6820 fax 703.273.7636

COMMONWEALTH OF VIRGINIA  
 WILLIAM R. ZINN  
 No. 25014  
 7/30/01  
 PROFESSIONAL ENGINEER

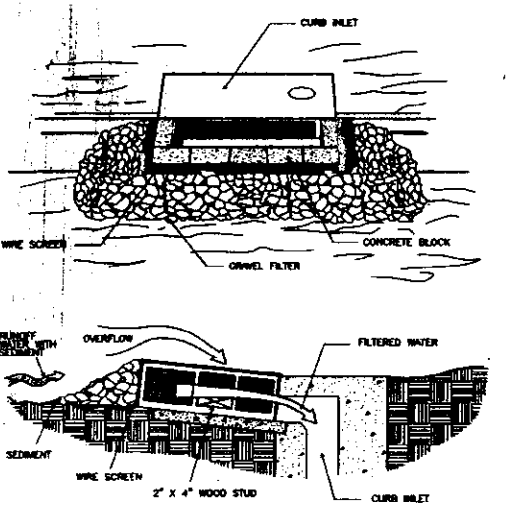
SITE PLAN  
**MASON HALL APARTMENTS**  
 ADDITIONAL OFF-STREET PARKING  
 CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'  
 DATE: 7/24/01  
 DESIGN: MF  
 DRAWN: JS  
 CHECKED: MF  
 SHEET No. 2 of 3

(WITHOUT WIRE SUPPORT)



BLOCK & GRAVEL CURB INLET SEDIMENT FILTER



SPECIAL APPLICATION: THIS METHOD OF INLET PROTECTION IS APPLICABLE AT CURB INLETS WHERE AN OVERFLOW CAPABILITY IS NECESSARY TO PREVENT EXCESSIVE PONDING IN FRONT OF THE STRUCTURE. \* GRAVEL SHALL BE VDOT #3, #367 OR #5 COARSE AGGREGATE

EROSION AND SEDIMENT CONTROL PLAN NARRATIVE

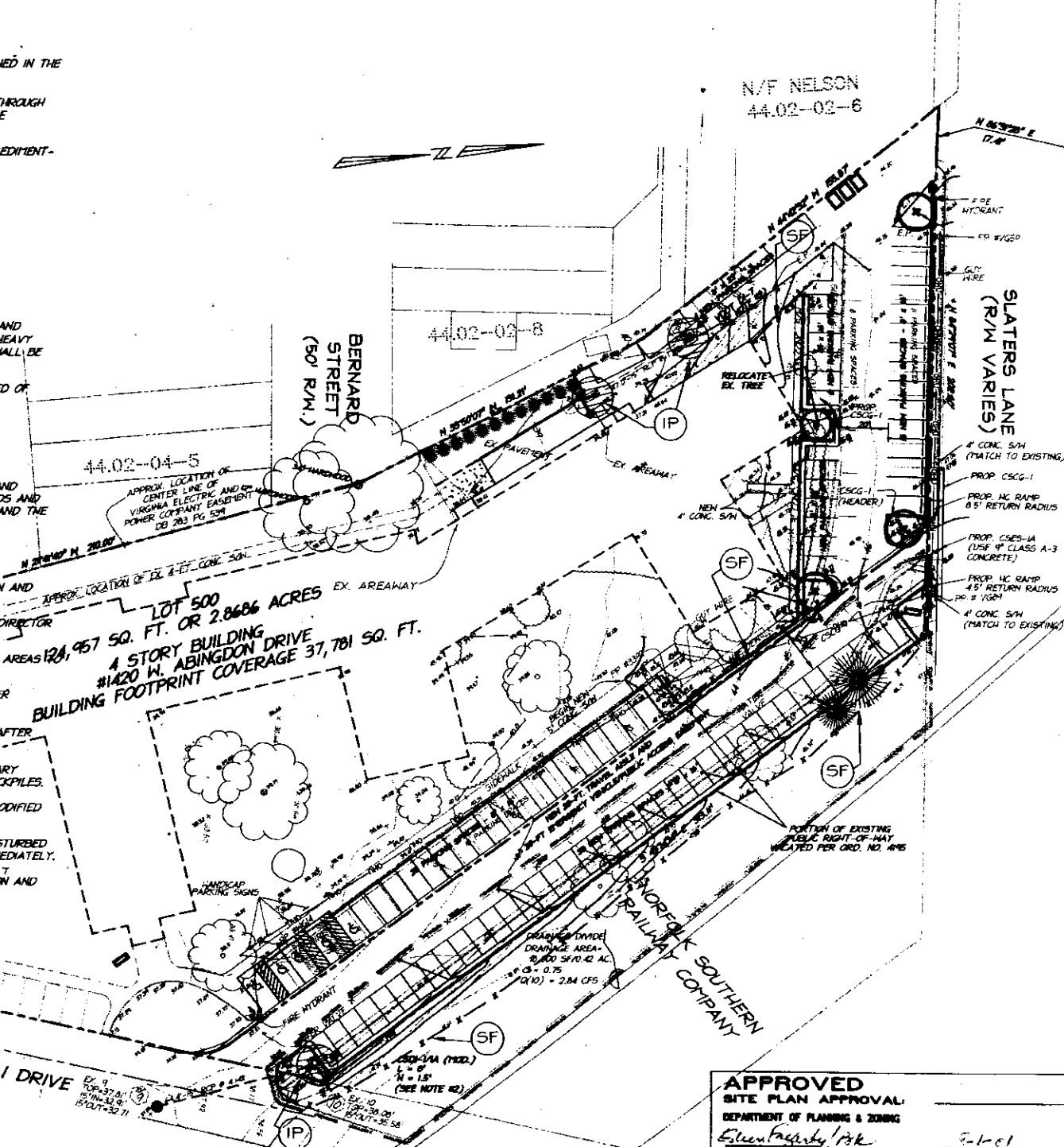
PROJECT DESCRIPTION: THIS PROJECT CONSISTS OF REFURFACING PARKING AREAS AND CREATING NEW PAVED PARKING AREAS. SELECTIVE AREAS OF PAVEMENT WILL BE REMOVED AND RESTORED TO GRASS OR PLANTING AREAS. ADJACENT AREAS: THE SITE AREA IS BOUNDED TO THE NORTH BY SLATERS LANE, TO THE EAST BY M. ABINGDON DR. AND NORFOLK SOUTHERN RAIL CORRIDOR. DATE OF CONSTRUCTION: CONSTRUCTION WILL COMMENCE SUBSEQUENT PLAN APPROVAL. EXISTING SITE CONDITIONS: THE PROJECT SITE IS A FULLY DEVELOPED APARTMENT COMMUNITY AND IT IS DRAINED BY EXISTING STORM SEWERS. EROSION AND SEDIMENT CONTROL MEASURES: THE FOLLOWING EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARD OUTLINED IN THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).

3.05 SILT FENCE - SILT FENCE SHALL BE PROVIDED FOR PERIMETER CONTROL OR PROTECTION OF EXISTING OUTFALL SWALES THROUGH PLACEMENT AT THE BASE OF DENUDED SLOPE AREAS. 3.07 STORM DRAIN INLET PROTECTION, ALL AFFECTED STORM SEWER INLETS SHALL BE PROTECTED DURING CONSTRUCTION. SEDIMENT-LOADED WATER SHALL BE FILTERED BEFORE ENTERING THE STORM SEWER INLETS. SEDIMENT CONTROL PROGRAM PHASE 1: INITIAL CLEARING AND GRADING. THE FOLLOWING EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THE APPROVED PLAN. A. SILT FENCE. B. INLET PROTECTION SHALL BE PLACED ON STORM INLETS. MAINTENANCE PROGRAM: 1. THE SITE SUPERINTENDENT, OR HIS/HER REPRESENTATIVE, SHALL MAKE VISUAL INSPECTION OF ALL MECHANICAL CONTROLS AND MEANLY STABILIZED AREAS (I.E. SEEDED AND MULCHED AND/OR SOODED AREAS) ON A DAILY BASIS.

SEDIMENT CONTROL PROGRAM PHASE 2: (FINAL CLEARING AND GRADING) THE FOLLOWING EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THE APPROVED PLANS. A. AFTER ALL SEDIMENT AND EROSION CONTROL MEASURES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE PHASE I PLAN, AND UPON APPROVAL OF THE CITY INSPECTOR, THE CONTRACTOR SHALL BEGIN HIS WORK ONLY ON THE AREAS NEEDED FOR ROADS AND UTILITY CONSTRUCTION TO MINIMIZE EROSION. B. INLET PROTECTION SHALL BE PLACED ON STORM INLETS AS SOON AS THEY ARE INSTALLED. GENERAL LAND CONSERVATION NOTES: 1. ALL LAND CONSERVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST CITY OF ALEXANDRIA EROSION AND SEDIMENT CONTROL ORDINANCES AND THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.

2. NO DISTURBED AREA WILL REMAIN DENUDED FOR MORE THAN 7 CALENDAR DAYS UNLESS OTHERWISE AUTHORIZED BY THE DIRECTOR. 3. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN GRADING. 4. ALL STORM AND SANITARY SEWER LINES NOT LOCATED IN STREETS ARE TO BE MULCHED AND SEEDED WITHIN 5 DAYS AFTER BACKFILL. NO MORE THAN 500 FEET ARE TO BE OPEN AT ONE TIME. 5. ELECTRIC POWER, TELEPHONE AND GAS SUPPLY TRENCHES ARE TO BE COMPACTED, SEEDED AND MULCHED WITHIN 5 DAYS AFTER BACKFILL. 6. ALL TEMPORARY EARTH BERMS, DIVERSION AND SEDIMENT CONTROL DAMS ARE TO BE MULCHED AND SEEDED FOR TEMPORARY VEGETATIVE COVER IMMEDIATELY AFTER GRADING. 7. DURING CONSTRUCTION, ALL STORM SEWER INLETS WILL BE PROTECTED BY INLET PROTECTION DEVICES. 8. ANY DISTURBED AREA NOT COVERED BY NOTE #2 ABOVE AND NOT PAVED, SOODED OR BUILT UPON BY NOVEMBER 1, OR DISTURBED AFTER THIS DATE, SHALL BE MULCHED WITH HAY OR STRAW AT THE RATE OF TWO TONS PER ACRES AND OVER SEEDED IMMEDIATELY. 9. AT THE COMPLETION OF THE CONSTRUCTION PROJECT AND PRIOR TO THE RELEASE OF THE BOND, ALL TEMPORARY SILTATION AND EROSION CONTROLS SHALL BE REMOVED AND ALL DISTURBED AREAS SHALL BE STABILIZED.

NOTE: THE VIRGINIA EROSION AND SEDIMENT CONTROL LAW REQUIRES, AS A PREREQUISITE TO THE APPROVAL OF THIS PLAN, THAT THE PERSON RESPONSIBLE FOR CARRYING OUT THIS PLAN (OWNER/DEVELOPER/PERMITTEE) SHALL PROVIDE TO THE CITY OF ALEXANDRIA THE NAME OF AN INDIVIDUAL HOLDING A RESPONSIBLE LAND DISTURBER (RLD) CERTIFICATE OF COMPETENCE ISSUED BY THE DEPARTMENT OF CONSERVATION AND RECREATION (DCR) WHO WILL BE RESPONSIBLE FOR CARRYING OUT THE LAND DISTURBING ACTIVITY.



APPROVED SITE PLAN APPROVAL table with signatures and dates for Department of Planning & Zoning and Department of Transportation & Environmental Services.

EROSION/SEDIMENT CONTROL LEGEND

Legend table defining symbols for limits of construction, inlet/outlet protection, silt fence, tree protection, super silt fence, rock check dam, and orange safety fence.

B-Page 3 THIS SHEET IS FOR SILTATION-EROSION PURPOSES ONLY!

Professional seal for Christopher Consultants, Inc. and vertical text for MASON HALL APARTMENTS ADDITIONAL OFF-STREET PARKING CONTROL PLAN.

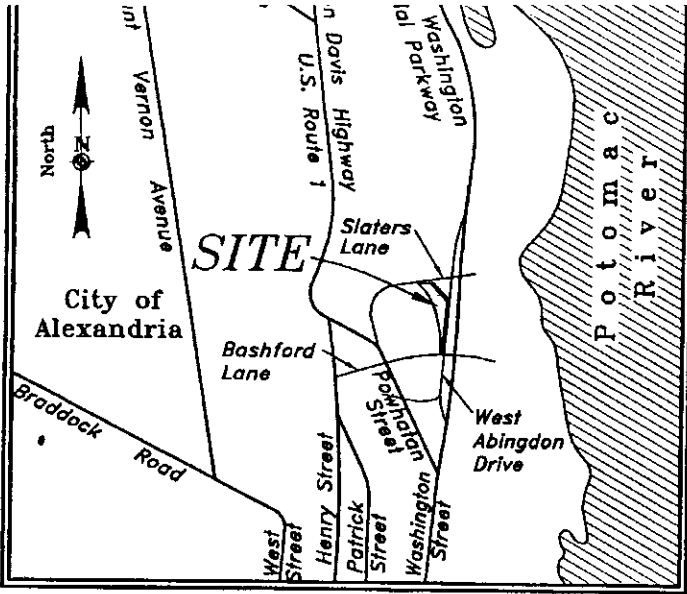
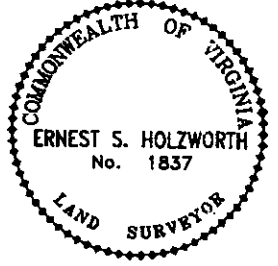
ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL CONFORM TO THE LATEST EDITION OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. GRAPHIC SCALE 1" = 30'

I, ERNEST S. HOLZWORTH, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY PLATTED THE PROPERTY SHOWN HEREON AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

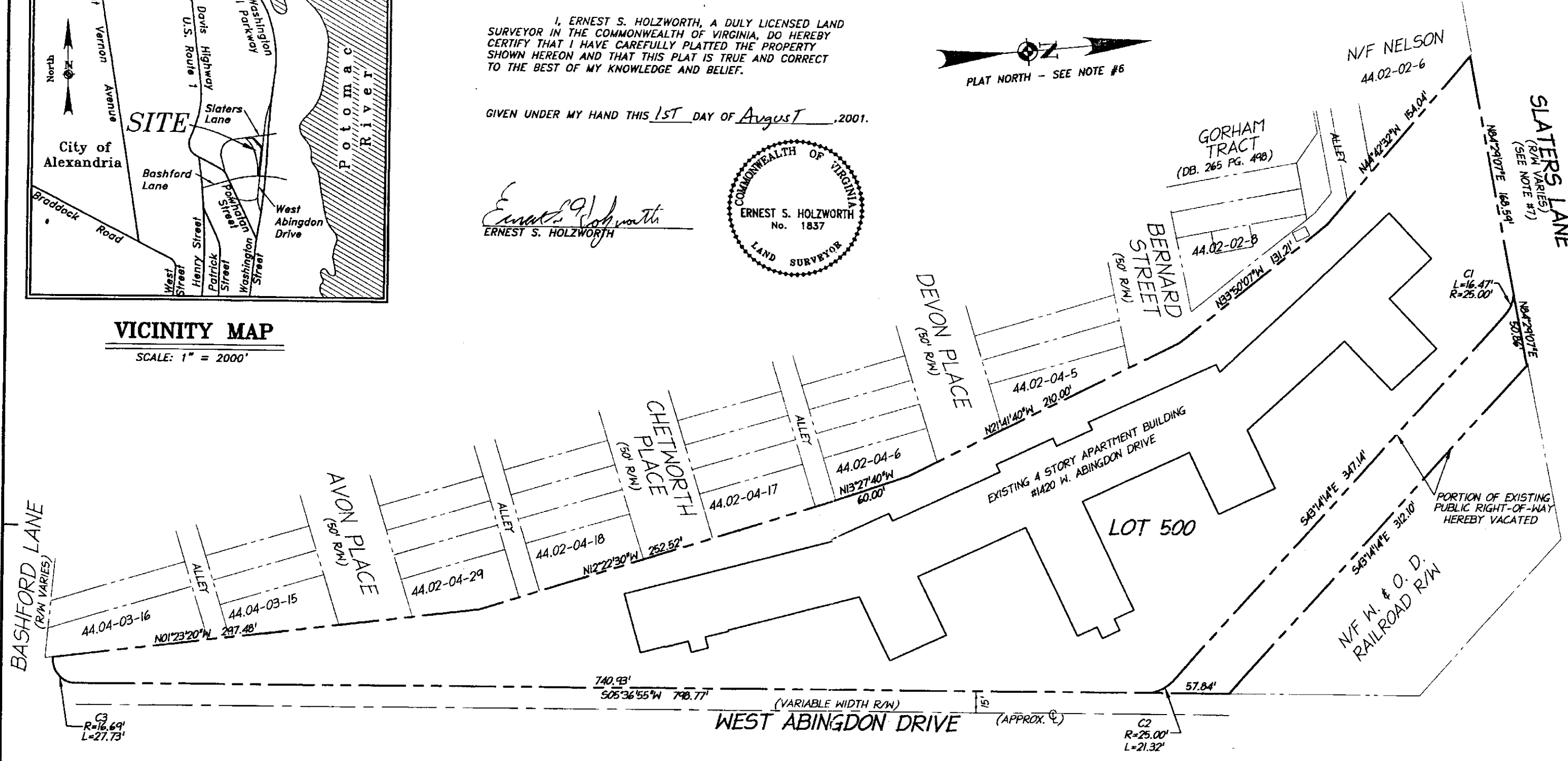


GIVEN UNDER MY HAND THIS 1ST DAY OF August, 2001.

*Ernest S. Holzworth*  
 ERNEST S. HOLZWORTH



**VICINITY MAP**  
 SCALE: 1" = 2000'



Approved Date 8/3/01  
*[Signature]*  
 Director of Transportation and Environmental Services

**AREA TABULATION:**

|                         |                 |              |
|-------------------------|-----------------|--------------|
| LOT 500                 | 124,818 SQ. FT. | 2.8654 ACRES |
| VACATED RIGHT-OF-WAY    | 11,965 SQ. FT.  | 0.2747 ACRES |
| TOTAL CONSOLIDATED AREA | 136,783 SQ. FT. | 3.1401 ACRES |

**CURVE TABLE**

| CURVE | RADIUS | LENGTH | TANGENT | CHORDLENGTH | BEARING     | DELTA     |
|-------|--------|--------|---------|-------------|-------------|-----------|
| C1    | 25.00' | 16.47' | 8.55'   | 16.18'      | S62°06'41"E | 37°45'20" |
| C2    | 25.00' | 21.32' | 11.36'  | 20.68'      | S18°48'39"E | 48°51'45" |
| C3    | 16.69' | 27.73' | 18.27'  | 24.65'      | S53°10'50"W | 95°11'13" |

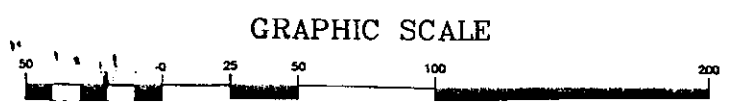
- NOTES:**
- 1.) THE PROPERTY SHOWN HEREON IS LOCATED ON ALEXANDRIA ASSESSMENT MAP NUMBER 044.02 BLOCK 02 LOT 07.
  - 2.) CURRENT OWNERS: COLUMBIA REALTY VENTURE LLC (SUCCESSOR ENTITY TO COLUMBIA REALTY VENTURE, L.P. BY CONVERSION TO A LIMITED LIABILITY COMPANY). DEED BOOK 792, PAGE 191.
  - 3.) TITLE REPORT FURNISHED BY ARLINGTON ABSTRACT CORPORATION AAC #1008 DATED APRIL 15, 1999.
  - 4.) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY GREENHORNE & O'MARA, INC DATED 4/1/99.
  - 5.) THE DEDICATION OF THE EXISTING PUBLIC RIGHT-OF-WAY IS RECORDED IN DEED BOOK 301 PAGE 535.
  - 6.) PLAT NORTH IS BASED ON PLAT SHOWING DIVISION OF MASON HALL AS RECORDED IN DEED BOOK 301 AT PAGE 537 AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.

7/20/99  
 REVISED : 06/25/01  
 REVISED : 08/01/01

**CITY OF ALEXANDRIA, VIRGINIA**  
 PLAT SHOWING  
 VACATION A PORTION OF  
 PUBLIC RIGHT-OF-WAY ORDINANCE # 4195  
 AND CONSOLIDATION WITH LOT 500  
**MASON HALL APARTMENTS**  
 PREPARED BY: christopher consultants ltd.

C-ORD. 4195 4/24/01

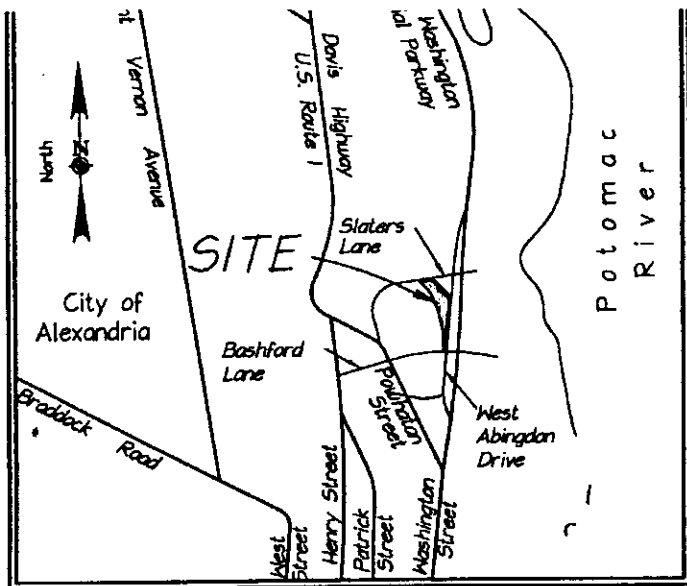
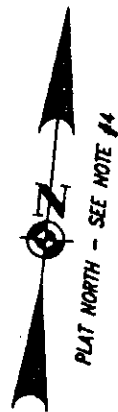
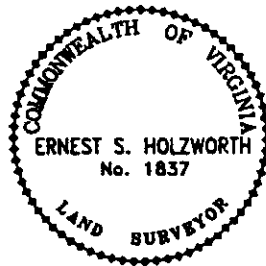
**christopher consultants, ltd.**  
 engineering · surveying · land planning



I, ERNEST S. HOLZWORTH, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY PLATTED THE PROPERTY SHOWN HEREON AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GIVEN UNDER MY HAND THIS 1ST DAY OF August, 2001.

*Ernest S. Holzworth*  
 ERNEST S. HOLZWORTH



VICINITY MAP

SCALE: 1" = 2000'

SLATERS LANE  
(R/W VARIES)

139 SQ. FT.  
0.0032 ACRES  
HEREBY DEDICATED  
FOR PUBLIC STREET  
PURPOSES

N/F NELSON  
44.02-02-6

W. ABINGDON DRIVE  
LOT 500  
#1420

N/F W. & O.D.  
RAILROAD R/W

Approved Date 8/3/01  
*[Signature]*  
 Director of Transportation and  
 Environmental Services

AREA TABULATION:

|                                |                 |              |
|--------------------------------|-----------------|--------------|
| LOT 500                        | 124,957 SQ. FT. | 2.8686 ACRES |
| DEDICATED RIGHT-OF-WAY         | 139 SQ. FT.     | 0.0032 ACRES |
| TOTAL AREA<br>AFTER DEDICATION | 124,818 SQ. FT. | 2.8654 ACRES |

NOTES:

- 1.) THE PROPERTY SHOWN HEREON (FOR LOT 500) IS LOCATED ON ALEXANDRIA ASSESSMENT MAP NUMBER 044.02 BLOCK 02 LOT 07.
- 2.) CURRENT OWNERS:  
COLUMBIA REALTY VENTURE LLC (SUCCESSOR ENTITY TO COLUMBIA REALTY VENTURE, L.P. BY CONVERSION TO A LIMITED LIABILITY COMPANY). DEED BOOK 792, PAGE 191.
- 3.) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY GREENHORNE & O'MARA, INC DATED 4/1/99.
- 4.) PLAT NORTH IS BASED ON PLAT SHOWING DIVISION OF MASON HALL AS RECORDED IN DEED BOOK 301 AT PAGE 537 AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.

06/25/01  
REVISED: 08/01/01

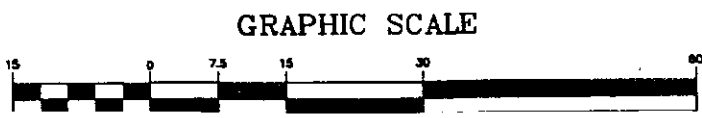
CITY OF ALEXANDRIA, VIRGINIA

PLAT SHOWING  
DEDICATION OF PUBLIC RIGHT-OF-WAY

**MASON HALL APARTMENTS**

PREPARED BY: christopher consultants ltd.

SCALE: 1" = 15'    DRAWN BY: MFH    CHECKED BY: FJT



GRAPHIC SCALE

D- ORD 4195 4/24/01



## DEED OF VACATION, CONSOLIDATION AND EASEMENT

THIS DEED OF VACATION, CONSOLIDATION AND EASEMENT (“Deed”), is made as of the \_\_\_\_\_ day of October, 2001, by and between THE CITY OF ALEXANDRIA, A MUNICIPAL CORPORATION OF VIRGINIA (“City”), as GRANTOR and GRANTEE, and COLUMBIA REALTY VENTURE LLC (successor in interest to Columbia Realty Venture L.P. by change in entity type)(“Columbia”), as GRANTOR and GRANTEE.

### RECITALS

WHEREAS, by Ordinance No. 4195, adopted April 24, 2001 (“Ordinance”), the City Council of Alexandria authorized and approved the vacation of the public street right-of-way between Slaters Lane and West Abingdon Drive, as shown on the exhibit to the Ordinance, and the conveyance of same to Columbia; and

WHEREAS, in fulfillment of the Ordinance, the final site plan entitled “Site Plan, Mason Hall Apartments, Additional Off-Street Parking,” prepared by Christopher Consultants, Ltd., and dated July 24, 2001 (“Site Plan”) has been approved, and Sheet 1 of 3 of the Site Plan is attached hereto as **Exhibit A**.

WHEREAS, the said Ordinance also required Columbia to consolidate the vacated right-of-way with its existing Mason Hall Apartment Property located at 1420 West Abingdon Drive; and

WHEREAS, the said Ordinance further provided that Columbia would dedicate a 20-foot wide public access easement over a portion of the vacated right-of-way, and would also dedicate in fee a strip of land along the right-of-way of Slaters Lane; all as shown on the Site Plan, and by the said Ordinance the City agreed to accept such dedications; and

WHEREAS, a certified copy of Ordinance No. 4195 is attached hereto as **Exhibit B** and incorporated by reference; and

WHEREAS, the “Plat Showing Vacation A Portion of Public Right-of-Way Ordinance #4195 and Consolidation with Lot 500, Mason Hall Apartments” prepared by Christopher Consultants is attached hereto as **Exhibit C** and incorporated herein by reference, and reflects the vacation and consolidation referred to above (the “**Vacation/Consolidation Plat**”)

WHEREAS, pursuant to Deed of Dedication (“**Deed of Dedication**”) intended to be recorded immediately prior to the recordation hereof, Columbia dedicated the strip of land (“**Dedicated Slater’s Strip**”) along Slaters Lane shown as “139 SQ. FT. 0.0032 ACRES HEREBY DEDICATED FOR PUBLIC STREET PURPOSES” on the Plat attached thereto entitled “Plat Showing Dedication of Public Right-of-Way, Mason Hall Apartments” prepared by Christopher Consultants.

WHEREAS, the City and Columbia execute this Deed pursuant to the said Ordinance; now, therefore,

**WITNESS THIS DEED**

That for and in consideration of the sum of Ten Dollars (\$10.00) and of the Recitals which are deemed a material and substantial part of this Deed, the City does hereby vacate and abandon the street right-of-way, and does grant and convey to Columbia with Special Warranty of Title the vacated street right-of-way (“**Vacated Area**”) shown on the Vacation/Consolidation Plat as “Portion of Existing Public Right-of-Way Hereby Vacated,” reserving, however, unto the City an easement for the reconstruction, enlargement, maintenance and operation of all public water and storm and sanitary sewer utilities, if any, existing and in actual operation within Vacated Area as of the date of this Deed.

**WITNESS THIS DEED FURTHER**

That for and in consideration of the sum of Ten Dollars (\$10.00) and of the Recitals which are deemed a material and substantial part of this Deed, Columbia does hereby dedicate, grant and convey to the City a nonexclusive 20 ft easement (“**Easement**”) for emergency vehicle/public access, but not parking, over that portion of the vacated street right-of-way shown on the Site Plan as “New 20-Ft Travel Aisle and 20-Ft Emergency Vehicle/Public Access Easement”. The Easement shall be non-exclusive for use in common with Columbia, its tenants, agents, contractors and invitees.

All streets, service drives, sidewalks and driveways installed within the Easement area shall be and remain the property of Columbia, but subject to the easement rights of the City; provided, however, that, the City shall have the obligation to properly maintain and keep in good repair the said facilities in the same manner and to the same extent as the City maintains City streets, excepting snow removal. Nothing herein shall limit the liability for damage (excluding normal wear and tear) to the Easement area caused by any person or entity, whether or not a party hereto. In furtherance, but not in limitation, of the foregoing, the Columbia shall have no duty or obligation for snow removal of the Easement area to allow for the passage of City buses or other vehicles traversing the Easement area. The City shall notify Columbia prior to commencing any maintenance or repair activities.

Columbia shall also have the right (but not the obligation) to maintain, improve and reconstruct said facilities, including without limitation, the right to put in speed tables (provided the plans for the same are approved in advance by the City consistent with City standards) and to construct the improvements contemplated by the Site Plan. In connection therewith, Columbia shall have the right to temporarily close access to the Easement.

**WITNESS THIS DEED FURTHER**

That for and in consideration of the sum of Ten Dollars (\$10.00) and of the Recitals which are deemed a material and substantial part of this Deed, Columbia does hereby consolidate the Vacated Area shown on the Vacation/Consolidation Plat as “Portion of Existing Public Right-of-Way Hereby Vacated” with the adjacent property owned by Columbia shown on the Vacation/Consolidation Plat as “Lot 500.” (which does not include the Dedicated Slater’s Strip,

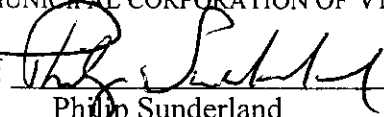
dedicated to the City pursuant to the Deed of Dedication) , into one subdivided lot of record, to the effect that the new consolidated lot shall be now known as “**Lot 600, Mason Hall.**”

This Deed may be executed in counterparts, all of which together shall constitute one and the same instrument.


[END OF TEXT]

Wherefor, the parties have affixed on the pages following their signatures and seals to this Deed through their duly authorized officers, intending thereby to bind themselves, and their respective successors and assigns.

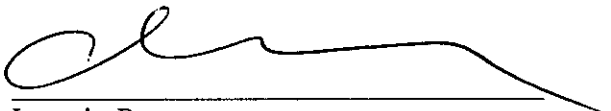
THE CITY OF ALEXANDRIA,  
A MUNICIPAL CORPORATION OF VIRGINIA

By:   
Philip Sunderland  
City Manager

ATTEST:

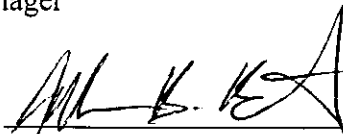
  
Beverly I. Jeff, CMC  
City Clerk

APPROVED AS TO FORM:

  
Ignacio Pessoa  
City Attorney

COLUMBIA REALTY VENTURE, LLC  
(successor in interest to Columbia Realty  
Venture L.P. by change in entity type)

By: Columbia Realty Management, Inc.,  
Manager

By:   
Joshua B. Bernstein, Executive Vice  
President



COMMONWEALTH OF VIRGINIA,  
CITY OF ALEXANDRIA, to wit:

This instrument was acknowledged before me by Philip Sunderland, City Manager, this  
24 day of October, 2001 on behalf of the City.

Mary C. Coates  
Notary Public

My commission expires: 12-31-2004.

DISTRICT OF COLUMBIA,  
CITY OF WASHINGTON, to wit:

This instrument was acknowledged before me by Joshua B. Bernstein, Executive Vice  
President of Columbia Realty Management, Inc., the manager of Columbia Realty Venture LLC,  
this 16<sup>th</sup> day of October, 2001 on behalf of Columbia Realty Venture LLC.

Patricia Hancock  
Notary Public

My commission expires: 11/30/01.

**EXHIBIT A**

**Sheet 1 of 3 of the Site Plan**

**EXHIBIT B**

**Ordinance 4195**

**EXHIBIT C**

**Plat Showing Vacation A Portion of Public Right-of-Way Ordinance #4195  
and Consolidation with Lot 500, Mason Hall Apartments**

## DEED OF DEDICATION

THIS DEED OF DEDICATION (“Deed”), is made as of the \_\_\_\_\_ day of October, 2001, by and between THE CITY OF ALEXANDRIA, A MUNICIPAL CORPORATION OF VIRGINIA (“City”), as GRANTEE, and COLUMBIA REALTY VENTURE LLC (successor in interest to Columbia Realty Venture L.P. by change in entity type)(“Columbia”), as GRANTOR.

### RECITALS

WHEREAS, by Ordinance No. 4195, adopted April 24, 2001 (“Ordinance”), the City Council of Alexandria authorized and approved, among other things, the vacation of the public street right-of-way between Slaters Lane and West Abingdon Drive, as shown on the exhibit to the Ordinance, and the conveyance of same to Columbia; and

WHEREAS, Columbia is the owner of Lot 500, which is improved by an apartment building (collectively, the “Apartment Property”), and is adjacent to Slaters Lane; and

WHEREAS, the said Ordinance further provided that Columbia would dedicate, among other things, a strip of land along the right-of-way of Slaters Lane; and by the said Ordinance the City agreed to accept such dedication; and

WHEREAS, a certified copy of Ordinance No. 4195 is attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, the “Plat Showing Dedication of Public Right-of-Way, Mason Hall Apartments” prepared by Christopher Consultants is attached hereto as Exhibit B and incorporated herein by reference, and reflects such dedication (the “**Dedication Plat**”)

WHEREAS, the City and Columbia execute this Deed pursuant to the said Ordinance; now, therefore,

### WITNESS THIS DEED

That for and in consideration of the sum of Ten Dollars (\$10.00) and of the Recitals which are deemed a material and substantial part of this Deed, Columbia does hereby dedicate, grant and convey to the City with Special Warranty of Title the strip of land along Slaters Lane shown on the Dedication Plat as “139 SQ. FT. 0.0032 ACRES HEREBY DEDICATED FOR PUBLIC STREET PURPOSES” (“Dedicated Strip”), reserving however unto Columbia an easement for the reconstruction, enlargement, maintenance and operation of all private utilities serving the Apartment Property, if any, existing within the dedicated area as of the date of this Deed.

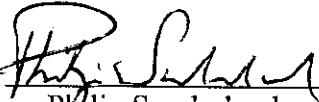
The Dedicated Strip shall be and remain the property of the City, and are accepted and incorporated as part of the public right-of-way of Slaters Lane.

This Deed may be executed in counterparts, all of which together shall constitute one and the same instrument.

[END OF TEXT]

Wherefor, the parties have affixed on the pages following their signatures and seals to this Deed through their duly authorized officers, intending thereby to bind themselves, and their respective successors and assigns.

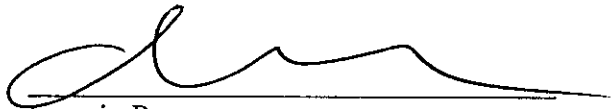
THE CITY OF ALEXANDRIA,  
A MUNICIPAL CORPORATION OF VIRGINIA

By:   
Philip Sunderland  
City Manager

ATTEST:

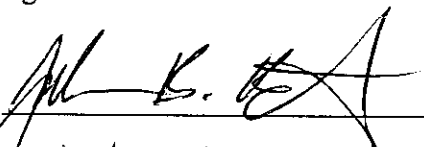
  
Beverly I. Jett, CMC  
City Clerk

APPROVED AS TO FORM:

  
Ignacio Pessoa  
City Attorney

COLUMBIA REALTY VENTURE, LLC  
(successor in interest to Columbia Realty  
Venture L.P. by change in entity type)

By: Columbia Realty Management, Inc.,  
Manager

By:   
Name: Joshua B. Bernstein  
Title: EVV

COMMONWEALTH OF VIRGINIA,  
CITY OF ALEXANDRIA, to wit:

This instrument was acknowledged before me by Philip Sunderland, City Manager, this 24 day of October, 2001 on behalf of the City.

Nancy C Coate  
Notary Public

My commission expires: 12-31-2004.

DISTRICT OF COLUMBIA,  
CITY OF WASHINGTON, to wit:

This instrument was acknowledged before me by Joshua B. Bernstein, Executive Vice President of Columbia Realty Management, Inc., the manager of Columbia Realty Venture LLC, this 16<sup>th</sup> day of October, 2001 on behalf of Columbia Realty Venture LLC.

Patricia Hanson  
Notary Public

My commission expires: 11/30/01.



**EXHIBIT A**

**Ordinance 4195**

**EXHIBIT B**

**Plat Showing Dedication of Public Right-of-Way, Mason Hall Apartments**