

EXHIBIT NO. 1

10
3-15-03

Docket Item # 11
SBA Case #2002-0001
SPOT BLIGHT ABATEMENT

Planning Commission Meeting
March 4, 2003

ISSUE: Consideration of designation of property as blighted and consideration of proposed work plan to abate blighted conditions.

APPLICANT: City of Alexandria, Code Enforcement Bureau
by Art D. Dahlberg, Director

LOCATION: 408-410 East Glebe Road / 3006 Jefferson Davis Highway

PLANNING COMMISSION ACTION, MARCH 4, 2003: On a motion by Mr. Robinson, seconded by Mr. Gaines, the Planning Commission recommended approval of the request. The motion carried on a vote of 7 to 0.

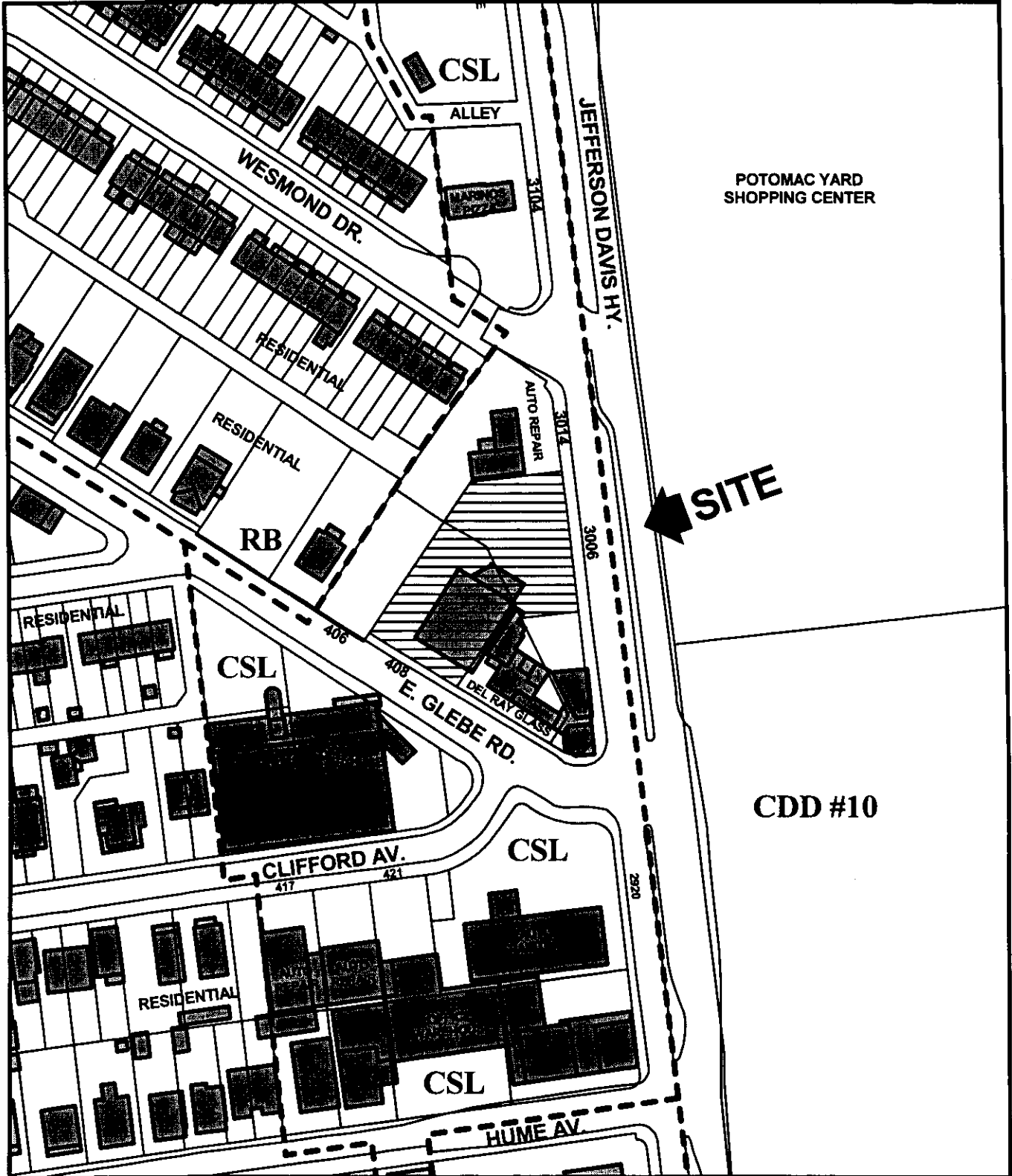
Reason: The Commission agreed with the staff analysis, pointing out that a proactive approach was desirable for this poorly maintained the site at one of the City's gateways.

Speakers:

Maria Wasowski, Mount Jefferson Civic Association, spoke in strong support stating that the site is an embarrassment to the adjacent residential neighborhood. She emphasized that the current owners had owned the property for several years and had made no effort to keep it clean, orderly and attractive. Finally, as to the fact that the owners had filed a late plan to address site issues, she believed it was inadequate and she had no confidence in the owner, given the history, to abate the blight.

Ruby Tucker, Lynhaven Civic Association, spoke in support. She described the site as an eyesore, and described her own prior dealings with some of the people involved in the current control of the property as very difficult.

Amy Slack spoke in support, stating that this particular owner had a negative history with the city, and had yet to do anything positive for the city or the neighborhood. She supported staff's full abatement plan.



SBA #2002-0001

03/04/03



STAFF RECOMMENDATION:

Staff recommends **approval** of the following findings and recommendation:

1. The property at 408-410 E. Glebe Rd, 3006 Jefferson Davis Highway is blighted under section 8-1-141 et seq. of the City Code.
2. The owner and/or occupant of the blighted property has failed to present or implement an acceptable blight elimination work plan.
3. The work plan presented by staff for correcting the blighted conditions is consistent with city laws, reasonably designed to eliminate blighting conditions, and should be implemented.
4. Staff should implement and complete the proposed work plan, with the cost of that work to be billed to the property owner and, if necessary, to be assessed against the owner as a lien on the property.

DISCUSSION

I. Spot Blight Abatement Program

The Spot Blight Abatement Program, adopted by City Council in 1999, is designed to deal with individual properties that become a problem for a neighborhood. Under the program, the City is authorized, pursuant to a plan approved by Council following a public hearing, to repair, or to acquire and repair, a property designated as blighted under the program. The City may recover its costs in repairing the property either from the owner or from the proceeds from the sale of the property. The program allows an owner of a blighted property to avoid any repair or other action by the City if an acceptable work plan for the elimination of the conditions that created the blighted condition is prepared and implemented.

The program is similar to the City's Blighting Influences program, but allows for a blighted designation of properties outside of the City's established Conservation and Rehabilitation Districts, which are covered by the Blighting Influences program.

The Spot Blight Abatement Program contains the following elements:

- designation of a property as "blighted";
- attempts to work with the property owner to correct the blight conditions;
- notice to the owner that official action will be taken unless an acceptable corrective plan is submitted;
- notice to adjoining property owners and the civic association;
- consideration by the Planning Commission;
- action by City Council; and
- implementation of a work plan by the City which corrects the blighted condition.

In this case, staff has made a determination that the property at 408-410 E. Glebe, 3006 Jefferson Davis Highway is blighted. Because attempts to work with the owner and/or occupants to correct the problem have failed, staff is now requesting that the Commission find that the blighted designation is appropriate, and recommend to City Council that the proposed work plan be approved.

II. The Blighted Property at 408-410 E. Glebe Rd., 3006 Jefferson Davis Highway

The property at 408-410 E. Glebe Rd., 3006 Jefferson Davis Highway is an irregularly shaped parcel located near the intersection of Jefferson Davis Highway and East Glebe Rd. It is composed of three lots. 3006 Jefferson Davis Highway is a large open area along Route 1. That lot combines with two smaller lots at 408 and 410 East Glebe Road to form the large tract located behind and on both sides of the Del Ray Glass company. There is an older, one story building on the East Glebe Road frontage, but most of the parcel is open. Access to the site is from East Glebe Road. There is also a related portion of the property to the west, at 406 East Glebe Rd, which is not included in this docket item.

The subject property has for many years been the location of a trucking company owned by the Pollard family. Operating as Pollard and Sons, and then as I Mark Trucking, the business ceased in 1999. The current owner, Amerinvest LLC, then purchased the property, and has attempted to use it for automobile repair. It has been cited numerous times for zoning violations, principally for illegal auto repair. At one time its tenant, All USA Imports, Inc., applied for special use permit approval for light auto repair. Staff recommended denial, based on the history of violations of prior SUPs by persons involved in the proposed new business for similar uses at 3600 and 3700 Jefferson Davis Highway. In addition, the site is a strong candidate for redevelopment for non-automotive uses. The applicant withdrew the case (SUP #2001-0034.) All USA Imports, Inc. later challenged the Director of Planning's zoning decision that general automotive repair was not a grandfathered use of this site. The Board of Zoning Appeals upheld the Director, finding that the historic, grandfathered use was as a trucking terminal with accessory repair. (BZA 2002-0020)

A. The condition of the property violates city laws.

The one story brick building on the East Glebe Road frontage is currently condemned. It has been secured and ordered to be vacated, with utilities removed and the building placarded to alert others to its conditions and its numerous code violations. This status is the result of several years of citations and attempts by city staff to have violations corrected.

Since early 2000, Amerinvest, LLC has been cited numerous times by Code Enforcement and Planning and Zoning for a variety of violations, as outlined below. To date, Amerinvest and All USA Imports has failed to comply with the any of the notices of violation issued by either department. Despite many attempts to discuss the issues with attorneys for the owner and tenant, and work with the owner or occupant to correct the illegal and unsightly conditions of his property, there has been no attempt to correct the problem. As a consequence of this failure to correct the condition of the property, staff has designated it as blighted under the Spot Blight Abatement Program.

Amerinvest and/or All USA Imports have operated businesses in and on the property that have violated both state and city laws. During the April 11, 2002, execution of a search warrant obtained by Deputy Fire Marshals, the photographs at Attachment #1 were taken. A search warrant was necessary because no occupant or owner accepted responsibility for the property and granted permission to inspect. This type of entry is permitted under the City Code (§4.2.12) and the Virginia Statewide Fire Prevention Code (§ F-106.3.) Each of these photographs shows a violation of city law as follows:

1. There are numerous building code violations. Perhaps the most obvious is the addition of a large canopy at the rear of the structure, which was accomplished without benefit of a permit required by the Uniform Statewide Building Code (USBC), and therefore, without benefit of the requisite inspection to assure proper installation. The canopy is made of wood, covers an area approximately 30' X 15' and is held up by metal pipes.

2. The improper storage of flammable and combustible liquids within the structure. Waste oil was found in open buckets. Flammable liquids, suspected of being used in non-permitted spray painting operations, were found in open containers.
3. There are myriad materials of all sorts (tires, gas tanks, engines, transmissions, body parts,) stored both within the structure and outside of it on the ground. Also found outside the structure were unapproved trailers, motor vehicles in various states of disrepair, indicating that major auto repair was taking place, and outdoor storage, all in violation of §§ 4-303, 4-307, 7-1500, and 7-1100 of the zoning ordinance.
4. Numerous areas of the surrounding lot have been contaminated with fluids that contain petroleum hydrocarbons, a violation of Commonwealth of Virginia §62.1-44.34:18. Samples of several areas of the lot were taken to the Virginia Department of Consolidated Laboratories in Richmond. Analysis of those samples showed petroleum hydrocarbons in a range of 3,000 parts per million to over 100,000 parts per million (ppm), indicating widespread contamination in those areas.
5. Neither the owner, Amerinvest, nor All USA Imports had a business license issued by the City.
6. Neither the owner, Amerinvest, nor All USA Imports had the proper Fire Prevention Permits. The business would require permits under the Virginia Statewide Fire Prevention Code (§§F-1301.2, F-2201.2, F-3201.2.2, F3201.2.7) and the City Code (§4-2-12.)

B. The property is blighted.

The standard for designating a property under the new program as “blighted” is found in the City Code at Sec. 8-1-142(a). That provision states that a “blighted” designation may be made if a property exhibits “dilapidation, obsolescence, overcrowding, lack of ventilation, light or sanitary facilities, or excessive land coverage,” and, as a result, is “detrimental to the health, safety and welfare of the community.” The descriptive terms, “dilapidation,” “excessive land coverage,” and “lack of ventilation,” are further defined. For example, “dilapidation” is “the condition of property resulting from inadequate maintenance that contributes to unsafe site or building conditions, or that gives the appearance of unsafe site or building conditions.” Sec. 8-1-142 (c).

In this case, several of the conditions required for a finding of “blighted” are present. First, the illegal canopy is dilapidated and potentially dangerous. This unattractive structural element was built without a building permit so that staff is unsure whether it is safe. The blighted definition, however, requires only that the condition of the property give the “appearance of unsafe site or building conditions.” This property meets that test. Second, there is excessive land coverage as shown in the photographs as a result of the illegal structure and extensive storage of materials.

The combination of these characteristics creates an unsightly appearance in an area of the city which is an embarrassment to the citizens who live nearby and to the city as a whole. It suggests that the

City does not have requirements for proper construction or maintenance and that it does not enforce the requirements it does have. The conditions appear precarious and therefore dangerous to personal safety. They also create an optimal condition for rodent harborage. It is therefore detrimental to the health, safety and welfare of the city to allow the conditions of the property to remain. Those conditions led staff to designate the property as blighted. The Citywide Code Compliance Committee, the staff group responsible for identifying potential blighted properties under the program, agreed and nominated the site for the spot blight designation. The City Manager agreed with the Committee's designation. Staff recommends that the Planning Commission agree, making a finding that the site meets the definition of "blighted."

III. Chronology of contacts and notice to Amerinvest and All USA Imports

In addition to the myriad zoning and building code citations sent by the City which placed both the owner and/or occupant on notice that they had violated city laws, the following notices have been issued at the site by various officials, including several Deputy Fire Marshals.

- April 20, 2000, Deputy Fire Marshal (DFM) Richard Sisler conducted a fire prevention permit (FPP) inspection of the property. DFM Sisler believed he was inspecting I Mark Trucking Co. at this time. I Mark Trucking had occupied this building since 1981.
- June 16, 2000, Deputy Fire Marshal Sisler returned to conduct a reinspection of the business. At this time DFM Sisler cited the business and requested it apply for new FPPs. A new FPP was required because a new business had occupied the building and FPPs are not transferable. DFM Sisler also cited the canopy addition, exhaust fans and electrical work that was done without benefit of permits.
- Based on DFM Sisler's re-inspection, Chief Deputy Fire Marshal (CDFM) Luckett surveyed the building on June 28, 2000. At this time he encountered Mr. Daria Karimian. Mr. Karimian was asked and gave verbal consent to the survey that CDFM Luckett made. The survey revealed, among other items, illegally stored covered vehicles.
- After the survey above the occupant was given the opportunity to submit the appropriate applications to bring the business into compliance.
- September 18, 2000, Stephen Milone of Zoning advised CDFM Luckett that no applications had been forthcoming.
- October 6, 2000, DFM Schomp performed a follow up inspection of the building. During this inspection 16 violations were cited and conditions on the property appeared to have become worse. Of those 16 violations 7 were of such a nature that criminal charges could have been filed. Also, some 30 vehicles were noted on the property in various states of disrepair, some leaking liquid to the ground.
- December 13, 2000, CDFM Luckett closed the business after finding that there had been no attempts to correct violations cited during DFM Schomp's inspection.
- March 12, 2001, a second notice of closure was issued by CDFM Luckett.
- After the posting of March 12, 2001, an application for a Special Use Permit (SUP) was received by the Planning and Zoning Department to allow auto repair and auto sales at the site. Pending the outcome of this application the noted violations were held in abeyance.

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- June 5, 2001, the SUP application was deferred until December 2001, by the applicant.
- The applicant, All USA Imports, Inc., was informed that staff recommended denial of its application.
- The applicant withdrew its SUP application, and in January 2002 enforcement efforts resumed..
- April 11, 2002, after numerous attempts to determine ownership or occupant status for the property, DFM Schomp obtained a Fire Inspection Warrant from the magistrate, based on the city's inability to obtain voluntary access to the property. On the same day, the warrant was executed and the property was condemned and declared unfit for occupation.
- April 11, 2002, the Fire Marshall's office began an investigation into criminal activities, violations of the zoning ordinance, Statewide Fire Prevention Code, and Uniform Statewide Building Code.
- April 16-17, 2002, the Fire Marshall's office removed 30 cars to the city impound lot because they were in violation of various laws. They were in various states of disrepair and lacked license or registration papers.
- On May 31, 2002, Arthur Dahlberg, Director of Code Enforcement issued notice to all parties of the conditions of the property and the requirement for eliminating all violations. The same day, Mr. Dahlberg met with the tenant and his lawyer and explained the steps that would be necessary to obtain access to the property.
- July 5, 2002, Thomas Hawkins, Fire Chief, notified Amerinvest LLC that a preliminary determination had been made that the property was blighted, requested that the owner submit a plan to cure the blight at the property, and outlined the spot blight abatement procedures that would follow if there was no response.
- September 11, 2002, City Manager, Philip Sunderland, wrote Amerinvest LLC, the owner of the property, notifying it that the property had been determined to be blighted, and requesting a plan to abate the blighted conditions, again outlining the potential consequences of not responding.
- November 5, 2002, with investigation into criminal activities still ongoing, seven criminal warrants were obtained against the tenant from the magistrate based on conditions found at the property.
- On November 7, 2002, the tenant was arrested by officers of the Fire Marshal under those warrants.

IV. Work plan

The parties affiliated with the property have failed to correct the conditions of the property which led to the blighted designation. They have also failed to comply with all previous notices and failed to submit an acceptable corrective plan. It is therefore the staff's intention, once approved by the Planning Commission and City Council, to obtain contractual services to perform the work necessary to remove the blighting conditions from the property. Staff proposes that the cost for these services will be borne by either the owner or tenant of the property, or by both, or placed as a lien against the property. The work plan permits, consistent with the spot blight program, the City to purchase the

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property if it determines that the purchase is necessary to abate the blighted conditions, with the cost of abatement to be recovered from the sale of the property. The work plan outlines the following actions which are necessary to bring the property into compliance with city codes, and to correct its blighting conditions:

- removing all auto parts and assorted debris on the exterior of the building and on and above the surface of the land.
- dismantling and removal of the canopy at the rear of the building.
- repairing the building as necessary.
- painting the exterior of the building.
- cutting and removing the tall grass and weeds.
- using an approved hazardous waste contractor, removing all improperly stored hazardous and otherwise regulated waste from the interior of the building.
- removing the existing fence and barbed wire and installing a new fence with landscaping or other suitable screening approved by the Director of Planning and Zoning around the perimeter of the land.
- removing the wire mesh from the exterior of the windows on the building and repairing or replacing the existing windows as necessary.
- removing all signs and sign structures from the building and the land (except official City notices).
- installing run off protection to prevent petroleum hydrocarbons from migrating from the property to state waterways.
- if the City expressly agrees, based on appropriate environmental reviews of the property, remediating the environmental contamination of the property pursuant to a plan recommended by an environmental consultant and accepted by the City.

V. Required Actions by Planning Commission and City Council

Under the Spot Blight Abatement Program, the Planning Commission must determine : (1) whether the owner of the blighted property has failed to present or implement a blight-elimination plan; (2) whether the property is blighted under the definition in the ordinance; and (3) whether the City plan

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for correcting the deficiency is consistent with the City's zoning ordinance and other applicable land use laws and regulations, and should, in whole or part, be implemented. City Code, Sec. 8-1-144(c). City Council may then act to affirm, modify or reject the Planning Commission findings and recommendations. If City Council determines that the property is blighted and the work plan is appropriate, then the City may act to carry out the plan. City Code, Sec. 8-1-145

Conclusion

The Spot Blight Abatement Program attempts to close a gap in the enforcement tools of the City by defining "blight" in general terms, but laying out an onerous procedural route prior to allowing the city to take any action to correct the problem. Staff has found the property at 408-410 E. Glebe Rd./3006 Jefferson Davis Highway to meet the requirements of the blight definition and has painstakingly followed each of the required procedural hurdles before bringing this case forward for official action. Staff has repeatedly attempted to work with the property owner in order to convince it to clean up the property and bring it into compliance with Federal, state and city laws. None of staff's efforts at citation, discussion or official notification has brought resolution to this case. Staff therefore requests that the Planning Commission and City Council act to allow staff to correct the problems at the site itself, consistent with the intent of the City's Spot Blight Abatement Program.

STAFF: Arthur Dahlberg, Director, Code Enforcement;
Barbara Ross, Deputy Director, Planning and Zoning.

Attachments:

1. Notice letters.
2. Proposed Work Plan.
3. Photographs, 4/11/2001.



OFFICE OF THE CITY MANAGER

301 King Street, Suite 3500
Alexandria, Virginia 22314-3211

Philip Sunderland
City Manager

(703) 838-4300
Fax: (703) 838-6343

September 11, 2002

Via Certified Mail

Amerinvest, LLC
c/o Ms. Donna Menna, Registered Agent
Post Office Box 11270
McLean, Virginia 22102

RE: Notice of Preliminary Determination that a Property is Blighted and Request for Submission of a Plan to Cure Blight at Property Located at 408-410 East Glebe Rd. (Map 025.01, Block 01, Lot 18) and 3006 Jefferson Davis Highway (Map 025.01, Block 01, Lots 18, 19, 20 & 21)

Dear Ms. Menna:

City of Alexandria land records indicate that you are the owner of the property described above, and a recent inspection of the property indicates that it appears to be blighted. The term "blighted property" includes, among other things, areas with buildings or improvements which are detrimental to the safety, health, or welfare of the community because they are dilapidated, obsolete, overcrowded or lack ventilation, light and sanitary facilities. The specific reasons why the property is considered blighted are set forth in the attachment to this notification.

Based on the information provided to me by the City's Code Enforcement Bureau, I have made a preliminary determination that the property referenced above is blighted. According to City Code, you shall have thirty days within which to respond with a plan to cure the blight within a reasonable time. If you fail to respond within thirty days with a plan that is acceptable, then the City may initiate steps which may result in the preparation of a plan for the repair, acquisition, or disposition of the property. Public hearings will then be advertised and scheduled before the Planning Commission and the City Council concerning the course of action that the City will take to correct the problem.

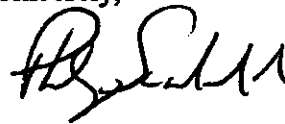
I encourage you to submit, within thirty days, a plan to cure the blight on this property. The plan should be submitted to the City Manager, 301 King Street, Alexandria, Virginia 22314. I also encourage you to work cooperatively with the City's Code Enforcement Bureau, Economic

Amerinvest, LLC
c/o Ms. Donna Menna
September 11, 2002
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Development Office, and Planning and Zoning Department, which may be able to provide you with assistance to help improve your property.

If you have any questions, please contact Art Dahlberg, Director of the Code Enforcement Bureau, at (703) 838-4360.

Sincerely,



Philip Sunderland
City Manager

Attachment: Specifications of Blight at 408-410 East Glebe Rd. (Map 025.01, Block 01, Lot 18) and 3006 Jefferson Davis Highway (Map 025.01, Block 01, Lots 18, 19, 20 & 21)

cc: Paula Riley, Director, Alexandria Economic Development Partnership
Art Dahlberg, Director, Code Enforcement Bureau
Eileen Fogarty, Director, Planning and Zoning Department
Ignacio Pessoa, City Attorney

Certified Mail # 7117634453900006794



CODE ENFORCEMENT

P. O. Box 178

Alexandria, Virginia 22313

Arthur D. Dahlberg
Director

Phone (703) 838-4360
Fax (703) 838-3880
ci.alexandria.va.us

July 5, 2002

Via Certified Mail

Amerinvest, LLC
c/o Ms. Donna Menna, Registered Agent
Post Office Box 11270
McLean, Virginia 22102

RE: 408-410 East Glebe Road
Alexandria, Virginia

Dear Ms. Menna:

The City of Alexandria has embarked on a program to encourage and assist property owners in effectively maintaining their real property and to eliminate blighting influences in the community. The Citywide Code Compliance Committee, has been charged with coordinating this program. As part of this program, this committee has compiled a list of properties that may exhibit signs of deterioration or that have been subject of several zoning, building, health, fire or police complaints. We are contacting owners of identified properties to bring our concerns to your attention.

The property listed above appears to need improvement because of the following conditions:

- The property is currently unfit for human habitation;**
- The property has been condemned and placarded;**
- The current Certificate of Occupancy for the building has been revoked;**
- There is evidence of widespread environmental contamination;**
- The property lacks utilities;**
- The property has numerous building, fire, electrical and mechanical code violations
(see enclosed notice of violation dated May 31, 2002)**
- There is a large accumulation of hazardous materials which are improperly labeled and stored within the building; and**
- There is a unlawful accumulation of solid waste both inside the building as well as on the exterior lot.**

In order to avoid further deterioration of your property, the City requests that you take action to remedy the situation. Failure to address the above mentioned conditions will result in further action being taken on the part of the City. Compliance now will ensure that further action by the City on this issue will not be necessary.

Once you have developed a work plan on how to upgrade the referenced property, please provide a written copy to Art Dahlberg, Director of Code Enforcement, 301 King Street, Alexandria, Virginia 22314. If you have any questions, or would like assistance in developing a work plan, please contact the Code Enforcement Bureau at (703) 838-4360

Sincerely,



Thomas M. Hawkins, Chairman
Citywide Code Compliance Committee

Enclosure

cc: Art D. Dahlberg, Director, Code Enforcement

Certified Mail # 71176344539000005667



COPY

CODE ENFORCEMENT

P. O. Box 178

Alexandria, Virginia 22313

May 31, 2002

Phone (703) 838-4360

Fax (703) 838-3880

ci.alexandria.va.us

Arthur D. Dahlberg
Director

Amerinvest, LLC
Post Office Box 11270
McLean, Virginia 22102

Dear Sir/Madam:

ORDER OF THE CODE OFFICIAL

I hereby declare that the structure located at 408/410 East Glebe Road in the City of Alexandria, Virginia, is unfit for human habitation. This dwelling constitutes an immediate serious danger and hazard to the life, health, and safety of the occupants, and it does not meet the requirements of the City Code of Alexandria in the following respects:

CODE SECTIONS:

ADDRESS/VIOLATIONS:

PM-108.1.1

- Unsafe structure - This structure is found to be dangerous to the life, health, property and safety of the public or the occupants of the structure by not providing minimum safeguards against fire, contains unsafe equipment, and hazardous materials.

PM-303.1

- Sanitation - All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

5-1-51
(City Code)

- Unlawful disposal of solid waste - All solid waste shall be removed from the property.

PM-303.3

- Sidewalks and driveways - All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Ltr. to Sir/Madam, fm. A.D. Dahlberg
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- PM-303.5 - Rodent harborage - All structures and exterior property shall be kept free from rodent infestation.
- 5-1-61
(City Code) - Motor vehicles - Except as provided, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.
- PM-304.2 - Exterior painting - All exterior painting shall be in good condition. Peeling, flaking and chipped paint shall be abated and surfaces repainted.
- PM-304.6 - Exterior walls - All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof.
- PM-304.7 - Roofs and drainage - Roof drains, gutters and downspouts shall be maintained in good repair.
- PM-304.9 - Overhang extensions - All overhang extensions shall be maintained in good repair and in sound condition.
- PM-304.14 - Window and door frames - Every window and door frame shall be kept in sound condition, good repair and weather tight.
- PM-304.16 - Doors - All exterior doors and hardware shall be maintained in good condition.
- PM-304.14.1 - Glazing - All materials shall be maintained free from cracks and holes. (Broken window panes)
- PM-305.1 - The interior of a structure and equipment therein shall be maintained in good repair.

Ltr. to Sir/Madam, fm. A.D. Dahlberg
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- PM-305.3 - Interior surfaces - All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition.
- PM-505.1 - All plumbing fixtures shall be properly installed and maintained in working order, free from leaks and defects.
- PM-603.1 - Mechanical equipment - All mechanical equipment, and fuel-burning appliances shall be properly installed and maintained in a safe working condition.
- F-310.1 - Electrical system hazards - All electrical equipment, wiring, panels, and appliances shall be properly installed and maintained in a safe and approved manner.
- F-519.1 - Fire extinguishers - All portable fire extinguishers shall be visible, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type as required.
- F-605.1 - Accumulations - Materials shall not be stored or allowed to accumulate in passageways, doors, windows, or other means of egress.
- F-610.1 - Exit signs - All means of egress shall be indicated with approved "EXIT" signs where required by code.
- F-2314.1 - Hazardous materials - Combustible, flammable, explosive or other hazardous materials shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and fire prevention code.
- VUSBC-119.1 - Construction permits shall be obtained when necessary, work done prior without permits shall be permitted and inspected or removed from the property. (Office walls, restrooms, rear canopy, etc.)

Ltr. to Sir/Madam, fm. A.D. Dahlberg
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- 11-6-10
(City Code) - All trash, debris and solid waste shall be removed from the property.
- USBC 118.7 - Suspension or revocation of certificate of occupancy. Based on the above repeated violations, the certificate of occupancy is revoked and a new certificate of occupancy is required prior to this property being occupied.

PM = Uniform Statewide Building Code, Volume II, Property Maintenance Code
F = Statewide Fire Prevention Code
***** = Repair or replacement may require a building permit.

IT IS THEREFORE ordered that the above described premises be placarded. Said premises shall be maintained in a safe, clean, sanitary and rodent proof condition and secured against the entry of unauthorized persons. The property shall remain vacant until such time as repairs are made that will bring the structure into compliance with the applicable codes and ordinances and render it fit for human habitation.

A WORK PLAN must be submitted within thirty (30) days of receipt of this letter. This work plan must describe, in detail, what steps and methods you intend to take to restore this property to a code compliant condition and in what time frame. This work plan must also include the names of contractors you have retained to perform repair work to bring this property into code compliant status. You are to immediately contact a rodent control contractor to insure that the property remains rodent and vermin free. A copy of your rodent control contract must be submitted with your work plan.

UNTIL YOUR WORK PLAN IS SUBMITTED AND APPROVED BY THIS OFFICE you will not be allowed entry into the property except under emergency conditions.

Failure to comply with this notice may result in this property being added to the City's Blighting Influences List. Any person violating this order may be fined up to \$2,500 and/or enjoined by appropriate proceedings. Virginia Uniform Statewide Building Code (VUSBC) PM-106.2 and 106.3). It is the responsibility of each property owner to comply with the Uniform Statewide Building Code and all applicable ordinances of the City of Alexandria, Virginia. The list of defects includes, but may not be limited to, those defects listed above, and the City reserves the right to note additional defects and to require their correction whenever such defects are observed.

Ltr. to Sir/Madam, fm. A.D. Dahlberg
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Under Section PM-111.1 of the Uniform Statewide Building Code (USBC), the owner of a building or his agent may appeal from a decision of the Code Official to the Local Building Code Board of Appeals as established by the USBC when it is claimed that:

1. The Code Official has refused to grant a modification of the provisions of this code;
2. The true intent of this code has been incorrectly interpreted;
3. The provisions of this code do not fully apply;
4. The use of a form of compliance that is equal to or better than that specified in this code has been denied.

All appeals shall be made in writing, on the appropriate completed form, and be filed with the Code Official within 21 calendar days after this notice has been served.

Sincerely,


Art Dahlberg
Director of Code Enforcement Bureau

cc: Richard Sanderson, Director, Real Estate Assessments
Rose Boyd, Director, Citizen Assistance
Mildrilyn Davis, Director, Office of Housing
Debbie Kidd, Chief, Revenue Division
Michael Conner, Chief Fire Marshal
Robert Lockett, Chief Deputy Fire Marshal
Mary Bryant, Supervisor, Existing Structures
Quentin Tabscott, Inspector, Existing Structures

E.L. Turner
(Inspector)
838-4644, ext. 121

CERTIFIED MAIL # _____

**PROPOSED WORK PLAN FOR SPOT BLIGHT PROPERTY:
408-410 EAST GLEBE ROAD, 3006 JEFFERSON DAVIS HIGHWAY**

The following work must be performed to remove the blighted condition of the above property. If the owner of the property fails to submit a work plan acceptable to the City which proposes such work, then the City intends to undertake the work itself.

1. Remove all auto parts and assorted debris on the exterior of the building and on and above the surface of the land.
2. Dismantle the canopy at the rear of the building and remove it from the property.
3. Make necessary repairs to the building.
4. Paint the exterior of the building.
5. Remove the tall grass and weeds.
6. Using an approved hazardous waste contractor, remove all improperly stored hazardous and otherwise regulated waste from the interior of the building.
7. Remove the existing fence and install a new fence with landscaping or other suitable screening approved by the Director of Planning and Zoning around the perimeter of the land.
8. Remove the wire mesh from the exterior of the windows on the building and repair or replace the existing windows as necessary.
9. Remove all signs and sign structures from the building and the land.
10. Install run off protection to prevent petroleum hydrocarbons from migrating from the property to state waterways.
11. If the City expressly agrees, based on appropriate environmental reviews of the property, remediate environmental contamination of the property pursuant to a plan recommended by an environmental consultant and accepted by the City. The City expressly disclaims liability for contaminated soil conditions or other conditions known or unknown to exist on the property, other than those conditions directly related to remediation work which it may elect to undertake pursuant to this paragraph. With respect to any such conditions, the City's responsibility shall be limited to performance of the proposed remediation work in a good and workmanlike manner, in accordance with applicable laws.

Note: The City reserves the right, consistent with and pursuant to City Code § 8-1-141 et seq., to undertake the above work and recover all costs from the property owner or, in the alternative, at its discretion, to acquire the property in order to perform the above work and to remove the blighted conditions from the property.

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408-410 EAST GLEBE ROAD, 3006 JEFFERSON DAVIS HIGHWAY**

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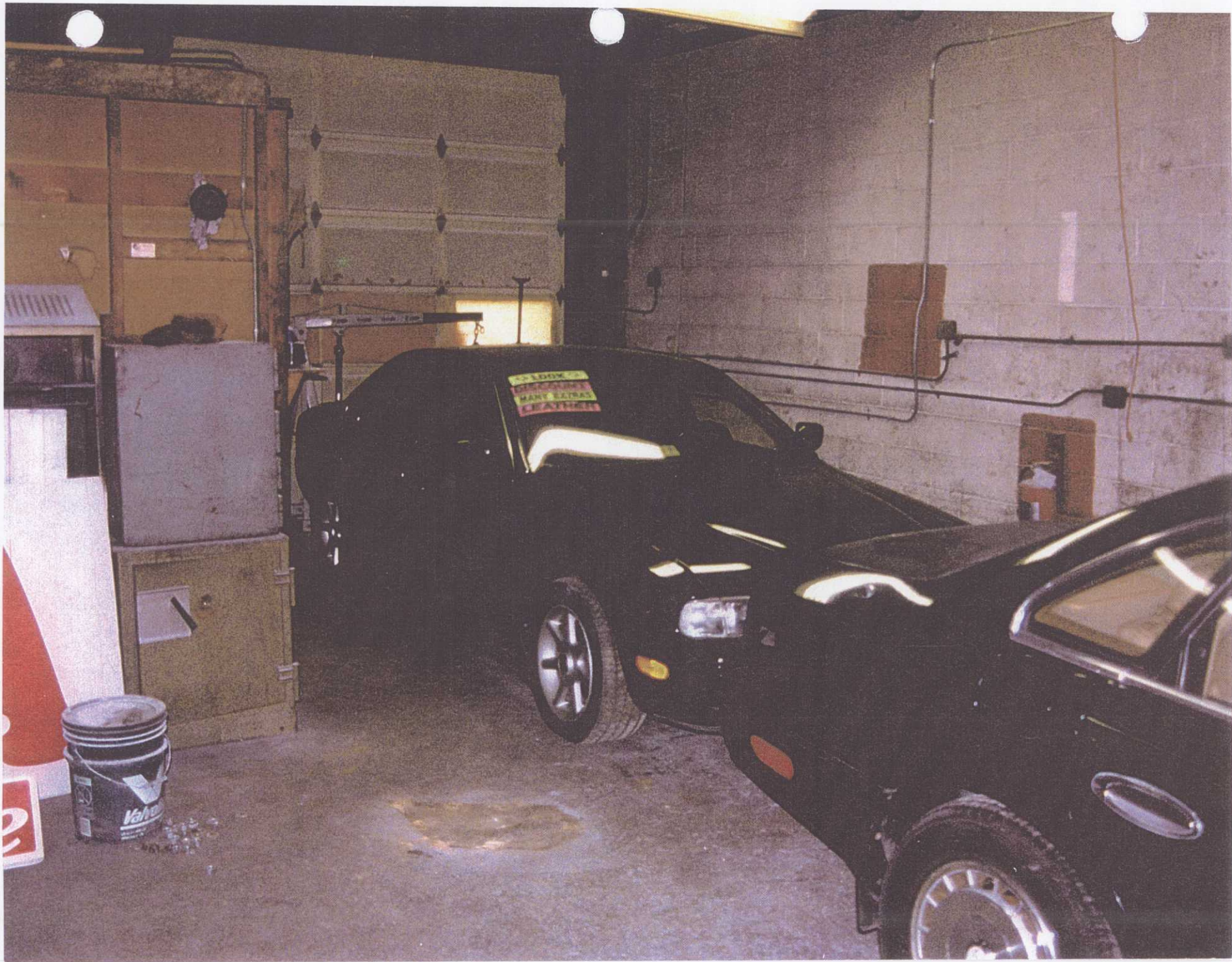
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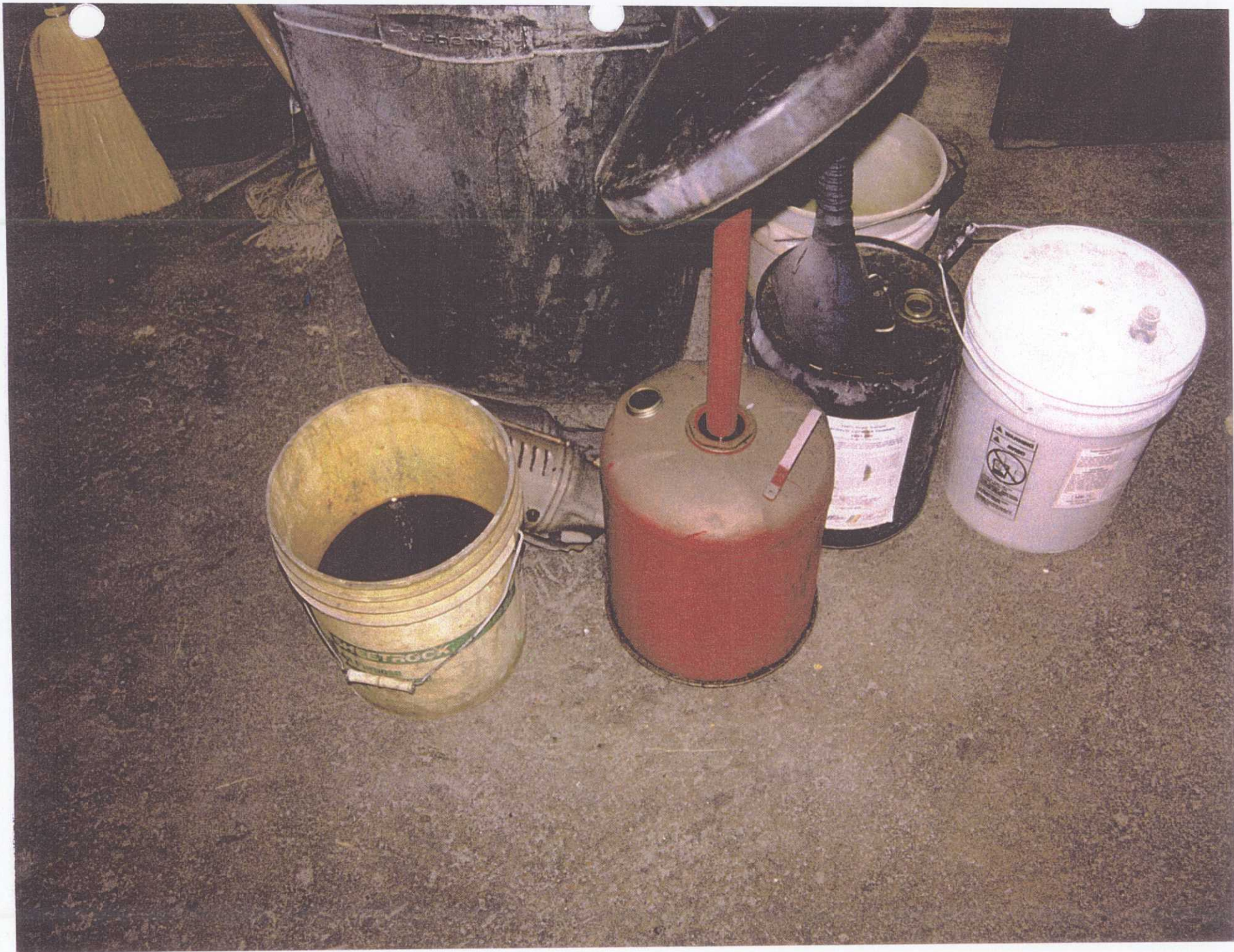




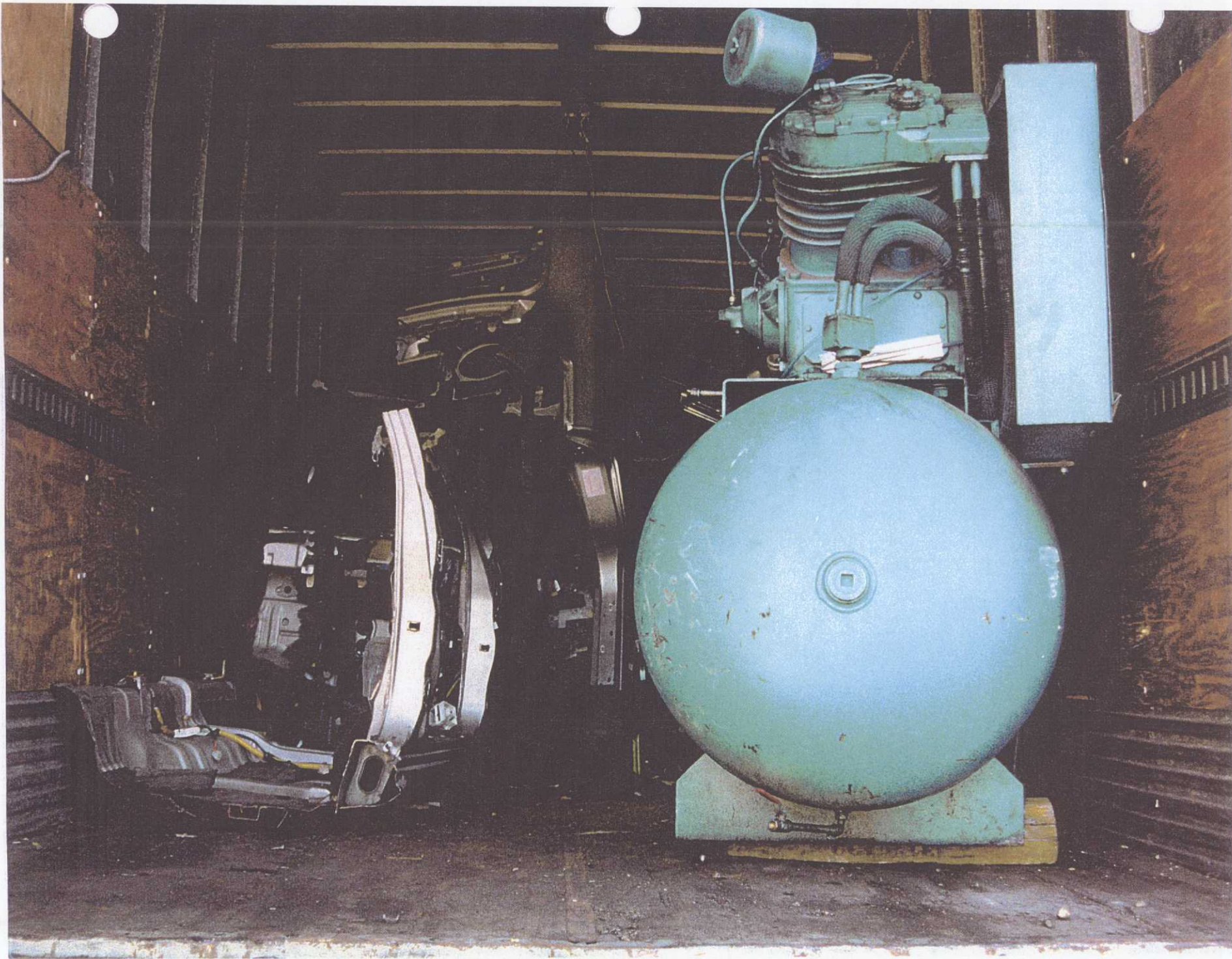
















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11. SBA 2002-0001

ALAN S. TOPPELBERG & ASSOCIATES

ATTORNEYS AT LAW
1444 N STREET, N.W.
WASHINGTON, D.C. 20005
(202) 319-2600
FAX (202) 319-2680

4216 Evergreen Lane, Suite 126
Annandale, Virginia 22003
Telephone (703) 941-1313
FAX: (703) 941-1590

Alan S. Toppelberg (DC, VA, PA)
Sean E. Underwood (DC, VA)
Merri R. Lane (PA, NJ)
Faruq Muhammad • Workers' Comp Technician

March 3, 2003

Mr. Art D. Dahlberg
Code Enforcement
P.O. Box 178
Alexandria, Virginia 22313

RE: SBA Case #2002-0001

Dear Mr. Dahlberg:

Pursuant to our recent conversation, I have been asked to assist Amerinvest to resolve the problems at 406-408-420 East Glebe Road.

To that end, I have discussed the requirements with the owner and have gotten them to agree that the property does need to be cleaned up to abate its current condition. For this reason I am asking that my client be allowed to meet the following Schedule.

1. Remove the trash and debris from the yard within 30 days;
2. Remove all tall grass and weeds within 30 days.
3. Have an electrician inspect the electrical systems and make all required repairs with 60 days.
4. All drums and containers of oil and antifreeze will be removed from the property within 90 days.
5. Immediately start investigation the soil for contamination and ways to remedy and problems.

With this proposal in mind I would ask that you defer the currently scheduled hearing.

Very truly yours,


Alan S. Toppelberg

DOCKET ITEM
10

Del Ray Citizens Association

PO Box 2233

ALEXANDRIA VA 22301

ESTABLISHED 1954

To: Honorable Members of City Council
Eileen Fogarty, Director, Office of Planning and Zoning

From: Rob Krupicka, President
Amy Slack, Land Use committee Co-chair
Sarah Haut, Land Use committee Co-chair

Date: March 12, 2003

Subject: SBA Case #2002-0001 at 408-410 E Glebe Road / 3006 Jefferson Davis Hwy.
Consideration of designation of property as blighted and consideration of proposed work plan to abate blighted conditions. Staff: City of Alexandria, Code Enforcement, by Art D. Dahlberg, Director.

10
3-15-03

At their regular monthly meeting, the Del Ray Citizens Association voted unanimously to support the Spot Blight Abatement Program request as proposed by the City of Alexandria, Code Enforcement Bureau.

We request your support for this position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060 and President Rob Krupicka at 703-838-0280.

MEMORANDUM

10
3-15-03

TO: THE HONORABLE MAYOR AND
MEMBERS OF CITY COUNCIL

FROM: IGNACIO B. PESSOA *IBP/SUR*
CITY ATTORNEY

STEVEN L. ROSENBERG *SUR*
SENIOR ASSISTANT CITY ATTORNEY

DATE: MARCH 14, 2003

SUBJECT: MODIFICATIONS TO STAFF RECOMMENDATION FOR SPOT BLIGHT
PROPERTY: 408-410 EAST GLEBE ROAD AND 3006 JEFFERSON DAVIS
HIGHWAY

On March 12, 2003, Arthur Dahlberg, Director of the Code Enforcement Bureau, received correspondence from Alan S. Toppelberg, counsel to the owner of the above-referenced properties, in which Mr. Toppelberg proposed certain measures to be taken by his client to address the property conditions identified previously by the city. A copy of Mr. Toppelberg's letter is attached to this Memorandum.

City Manager Philip Sunderland, in consultation with Mr. Dahlberg, has determined that the proposal submitted by Mr. Toppelberg does not fully or expeditiously address the city's concerns. Nevertheless, given the apparent cooperation on the part of Mr. Toppelberg's client, Mr. Sunderland proposes that the staff recommendation be modified to allow the property owner and occupants an opportunity to implement themselves the city's proposed work plan and to correct the property conditions to the satisfaction of the city. Specifically, Mr. Sunderland proposes that condition number 4 of the staff recommendation be deleted and the following inserted in its place:

The city's proposed work plan should be implemented as follows:

(a) The owner and occupants of the blighted property, within thirty (30) days of the date of city council's designation of the property as blighted and approval of the city's proposed work plan (the "Designation Date"), shall complete items 1 through 6, inclusive, 8 and 9 of the city's proposed work plan, to the satisfaction of the Director of Planning and Zoning and the Director of the Code Enforcement Bureau.

(b) With respect to item 7 of the city's proposed work plan, within thirty (30) days of the Designation Date, the owner

and occupants of the blighted property shall deliver to the Director of Planning and Zoning a fence and landscaping plan, and a contract with a licensed contractor to implement such fence and landscaping plan. Within thirty (30) days of approval of such fence and landscaping plan by the Director of Planning and Zoning, the owner and occupants of the blighted property shall cause the licensed contractor to complete the implementation of such fence and landscaping plan, to the satisfaction of the Director of Planning and Zoning.

(c) With respect to items 10 and 11 of the city's proposed work plan, within thirty (30) days of the Designation Date, the owner and occupants of the blighted property shall deliver to the Director of Transportation and Environmental Services and the Director of the Code Enforcement Bureau a contract with a licensed contractor to perform phase 1 and phase 2 environmental assessments of the blighted property. Site inspections in connection with such environmental assessments must also be completed by the licensed contractor within such thirty (30) day period. Within sixty (60) days of the Designation Date, the owner and occupants of the blighted property shall deliver to the Director of Transportation and Environmental Services and the Director of the Code Enforcement Bureau written reports of such environmental assessments, with remedial measures recommended by the licensed contractor. If such remedial measures are approved by the Director of Transportation and Environmental Services and the Director of the Code Enforcement Bureau, the same shall be completed within sixty (60) days of such approval, to the satisfaction of the Director of Transportation and Environmental Services and the Director of the Code Enforcement Bureau.

(d) In the event (i) any of the owner or occupants of the blighted property fail to implement the city's proposed work plan in accordance with subparagraphs (a) through (c) above, (ii) the Director of Planning and Zoning disapproves the fence and landscaping plan, or (iii) the Director of Transportation and Environmental Services or the Director of the Code Enforcement Bureau disapprove the remedial measures, the city may notify the owner and occupants of the blighted property of the city's intention to implement all or a portion of the city's proposed work plan and direct the owner and occupants of the blighted property to discontinue their implementation of all or a portion of the city's proposed work plan. In such event, the cost of any work performed by the city may be billed to the property owner and, if necessary, assessed against the owner as a lien on the property.

(e) Nothing in subparagraphs (a) through (d) above shall be construed to affect the "Note" in the city's proposed work plan, including, without limitation, that portion of the Note which expresses the reservation of the city's right, consistent with and pursuant to City Code § 8-1-141 et seq., to acquire the property in order to perform the work in the city's proposed work plan and to remove the blighted conditions from the property.

Mr. Dahlberg will be present at Saturday's city council meeting to answer any questions you may have concerning this matter.

Attachment

cc: Philip Sunderland
City Manager

Arthur Dahlberg, Director
Code Enforcement Bureau

ALAN S. TOPPELBERG & ASSOCIATES

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FAX: (703) 941-1590

March 12, 2003

Art Dahlberg
Code Enforcement
P.O. Box 178
Alexandria, Virginia 22313

RE: 406-408-410 East Glebe Road, 3006 Jefferson Davis Highway

Dear Mr. Dahlberg:

I apologize for the delay in getting back to you concerning this problem; however I wanted to do some preliminary investigation on my own.

My clients are willing to clean up the property pursuant to the list you have provided and would suggest the following schedule of events:

1. Remove all auto parts and assorted debris in the exterior of the building within thirty (30) days. Commencement of removal to begin immediately upon access to the property.
2. The canopy will either be brought into compliance or dismantled within 30 days.
3. All repairs to the building will be made within 30 days.
4. The exterior of the building (exclusive of the brick) will be painted within 30 day and painting will commence as soon as possible after access to the property is obtained.
5. The tall grass and weeds will be removed with the removal of the auto parts and debris with the same time table.
6. A hazardous waste contractor has been contacted. He wants access to label all waste containers. He will then remove the waste materials at a schedule he will set. He will be brought in as soon as access to the property is obtained. It will be done with 30 days.
7. Will repair the fence. Will commence as soon as access is obtained.
8. Will repair the windows as requested. Will complete within 30 days.
9. All signs and sign structures will be removed as soon as possible after access and again completed completion within 30 days.
10. & 11. Will be completed as soon as an expert can advise what is required. An expert would be retained as soon as we can get the City's soil test previously

conducted and as soon as we gain access to the property. The work would be completed under the expert's direction and completed as soon as possible. A time schedule for this project can not be detailed until we have the expert's direction.

This schedule would resolve all the problems set forth in your letter and with the appropriate supervision progress toward these dates could be easily monitored. I suggest that to make supervision more easily done by providing a progress report to your office on a weekly basis, although the progress would for the most part be visible.

I shall contact you shortly to discuss this proposal.

Very truly yours,


Alan S. Toppelberg

SPEAKER'S FORM

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK BEFORE YOU SPEAK ON A DOCKET ITEM.

10
3-15-03

DOCKET ITEM NO. 10

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: ALAN S TOPPALBERG
- 2. ADDRESS: 1444 N ST, NW WASH, DC. 20005
TELEPHONE NO. 202-319-2600-MAIL ADDRESS: ALAN.TOPPALBERG@verizon.net
- 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? AMARINVEST
- 4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: OTHER: _____
- 5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.): ATTORNEY
- 6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.