



ARLINGTON COUNTY, VIRGINIA  
 ARLINGTON COUNTY PLANNING COMMISSION  
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Michael Foster,  
 CHAIR  
 Terry Savella,  
 VICE CHAIR

THOMAS MILLER  
 COORDINATOR

September 14, 2005

Arlington County Board  
 2100 Clarendon Boulevard  
 Suite 300  
 Arlington, Virginia 22201

**SUBJECT: 4. ABANDONMENT** of a Portion of North Oakland Street between North 20<sup>th</sup> Street and Lee Highway.

**RECOMMENDATION: Closing a portion of North Oakland Street between North 20<sup>th</sup> Street and Lee Highway is consistent with adopted plans (Master Transportation Plan) for the area.**

Dear County Board Members:

The Planning Commission heard this item at its September 6, 2005 meeting. Betty Diggs and Luis Araya made a staff report summarizing the history of the requested abandonment of the short section of the street. There were no public speakers. Maureen Ross, representing the Cherrydale Citizens' Association, noted that she was available to answer any questions.

**Planning Commission Discussion**

Commissioner Chávez asked why an abandonment was being pursued and not a vacation of the right-of-way. Luis Araya explained that if the right-of-way were vacated, the fee ownership and control of the vacated area would be relinquished by the County. With the abandonment, the County retains the underlying ownership and control of the street.

Commissioner Johnson asked whether the draft staff report had misdescribed previous County Board actions on the street. Instead of deleting the segment from the Master Transportation Plan, the Board had put a note on the plan restricting it to non-vehicular and emergency use. The sections of the Virginia State Code regarding abandonment, cited in the staff report, refer to street right-of-way being removed from the road network. She wondered whether in this case some other portion of the Virginia Code would apply. Luis Araya noted that there have been questions raised about the County's abandonment of the right-of-way. The County Board could close a street for emergency purposes temporarily. However, under the provisions of the State Code, the County may close a street to vehicular traffic, in instances other than emergencies, only by abandonment of that portion of the street, following the same procedures established for the vacation of street rights-of-way. This requirement of the Virginia Code applies only to local and county streets that are not in the State's primary or secondary highway system. Whether the right-of-way remains on the Master Transportation Plan is not relevant. Mr. Araya said that the same abandonment process had been

followed for the closure of North Albemarle Street near the Metro 29 Diner, North Vanderpool Street in East Falls Church; and North Emerson Street near Lee Highway.

Commissioner Fallon reported that the Transportation Commission had raised issues with the legal reasons for the street abandonment and requested insight from the County Attorney. He noted that the Transportation Commission had deferred action on the request until its carry-over meeting on Wednesday, September 7, 2005.

Commissioner Chávez asked whether there would be a physical blocking of the street. Luis Araya explained that the proposed section included a landscaped island, a serpentine walkway, and a curb or bollards at each end that would allow for emergency vehicle access. Commissioner Chávez asked about access for refuse trucks. Luis Araya stated that closure was intended to only accommodate emergency vehicles. Maureen Ross, representative of the Cherrydale Citizens' Association, stated that the community did not want access for refuse trucks.

Betty Diggs provided the plans for the abandoned right-of-way. She noted that staff worked with the civic association on the design. Emergency access would be allowed with mountable curbs. She further noted that the Transportation Commission questions were directed at the legality of abandoning the street.

Commissioner Saks said that he also thought that refuse or sanitation trucks would be allowed access. Betty Diggs stated that access for these vehicles was not necessary and the design does not completely eliminate the option of providing access to these vehicles.

Commissioner Fallon questioned the fiscal impact of the project, with its estimated cost of \$145,000. He asked whether the \$75,000 contribution from the Bromptons site plan was envisioned to cover the entire cost of the changes. Luis Araya replied that the Bromptons contribution was a lump sum amount not based on any cost estimates, and that the final amount was derived after the street closure was designed and its projected costs determined through an engineering study.

Commissioner Malis asked whether the Transportation Commission request for legal advice on the requested abandonment would also apply to the Planning Commission. Commissioner Fallon thought the Transportation Commission would – at the carry-over meeting on Wednesday - get a better explanation of the legal issues it raised at their meeting last week. He said that he believed that given the updated information in the staff presentation, there was now enough information to move forward with a motion to act on the closure by the Planning Commission.

Commissioner Savelle made a motion to recommend that the County Board enact the Ordinance to abandon a portion of the North Oakland Street right-of-way. The motion was seconded by Commissioner Malis.

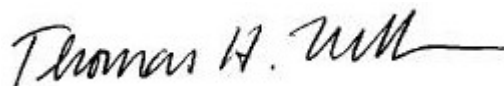
Commissioner Johnson noted that the Planning Commission is required to make a finding of consistency with adopted plans when it considers vacation requests, and suggested that it might be prudent to make a similar finding in relation to the abandonment request.

Commissioner Savela amended the motion to state that since the County Board has adopted a note on the Master Transportation Plan which restricts access on a portion of North Oakland Street to pedestrians, emergency vehicles, and bicycles only, the Planning Commission recommends that this portion of North Oakland Street be abandoned. Commissioner Malis seconded the motion.

Commissioner Dobson congratulated staff on coming up with a solution. However, he would not support the motion because, in principle, he does not support closing off streets which limit the access to Lee Highway. In many cases this just relocates the traffic to another street and moves the problem without solving it. He noted that members of the community have been expressing concerns that the intersection at Pollard Street and Lee Highway was already experiencing operational problems.

The Planning Commission voted 9-2 to support the motion. Commissioners Fallon, Foster, Hubbard, Hunt, Johnson, Malis, Saks, Savela and Weihe supported the motion. Commissioners Chávez and Dobson opposed the motion.

Respectfully Submitted  
Arlington County Planning Commission,

A handwritten signature in black ink that reads "Thomas H. Miller". The signature is written in a cursive style with a long horizontal line extending to the right.

Thomas H. Miller  
Planning Commission Coordinator