

EXHIBIT NO.

1

5

10-13-07

Docket Item #4
SPECIAL USE PERMIT #2007-0073

Planning Commission Meeting
October 2, 2007

ISSUE: Consideration of a request for a special use permit for a parking reduction.

APPLICANT: Robert Pierre Johnson Housing Development Corporation

STAFF: Allison Anderson
Allison.anderson@alexandriava.gov

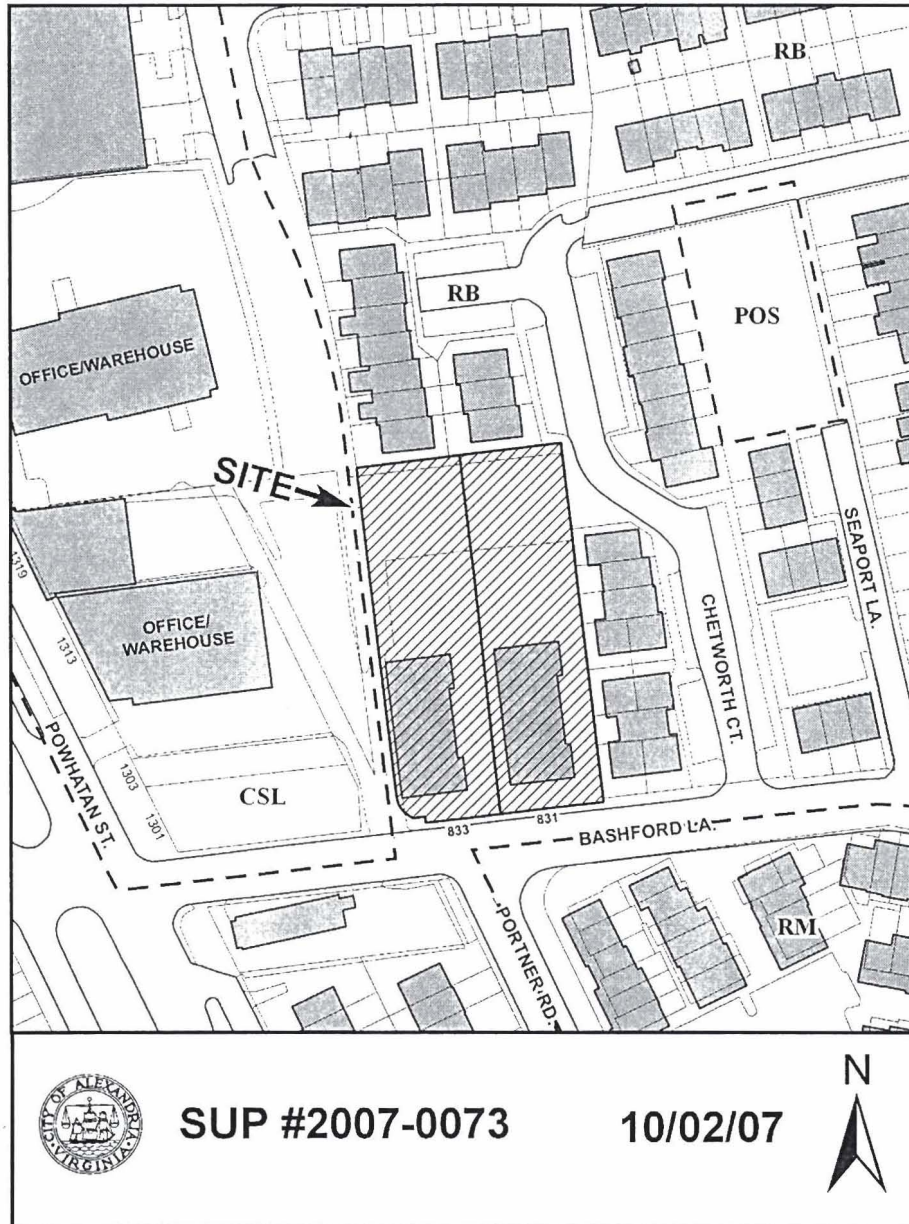
LOCATION: 831-833 Bashford Lane

ZONE: RB

PLANNING COMMISSION ACTION, OCTOBER 2, 2007: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



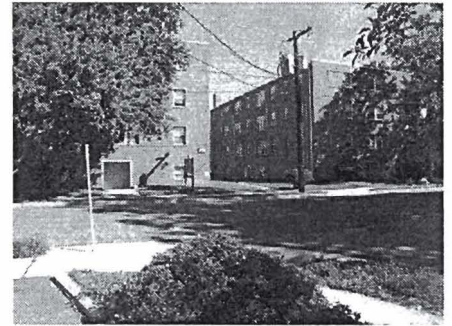
I. DISCUSSION

REQUEST

The applicant, Robert Pierre Johnson Housing Development Corporation, requests Special Use Permit approval for a parking reduction located at 831-833 Bashford Lane.

SITE DESCRIPTION

The subject property is two lots of record with 123 feet of frontage on Bashford Lane, 248 feet of depth and a total lot area of 35,046 square feet. The site is developed with two garden-style apartment buildings, known as the Arbelo Apartments. Access to the property is from Bashford Lane.



The surrounding area is occupied by a mix of residential and commercial uses. Immediately to the north is a residential townhouse development. To the south is a restaurant and residential townhouses. To the east and west are commercial and residential uses.

APPLICANT'S PROPOSAL

The applicant proposes to renovate and modernize the existing apartment buildings and to make improvements to the existing parking lot. The proposed apartment renovations consist of new kitchen and bathroom appliances and fixtures, new windows, upgraded plumbing and electrical systems, and new HVAC systems.

The parking lot improvements would include repairing concrete sidewalks, repairing and resealing the existing asphalt parking lot, upgrading parking and security lighting and upgrading waste removal area including the addition of screening.

The applicant will also be providing new amenities for the tenants, including new playground equipment, patio and grills.

PARKING

According to Section 8-200(F)(1)(B) of the Zoning Ordinance, any building that is significantly altered after January 27, 1987 shall comply with the parking requirements of the Ordinance. Significantly altered means:

“the reconstruction, remodeling or rehabilitation of, or other physical changes to, a structure or building, or a portion thereof, over any two-year period, whether or not involving any supporting members of the structure or building and whether altering interior or exterior components of the structure or building, which involves expenditures amounting to 33 1/3 percent or more of the market value of the structure or building, or portion thereof, at the time of the application for an alteration permit.”

Construction estimates have shown that the applicant's desired renovations would exceed 33 1/3 of the market value of the building. Based on current zoning, the applicant is required to provide a total of 54 parking spaces. There are 29 existing parking spaces on the property. The existing parking area will be reconfigured to accommodate handicapped accessible parking spaces consistent with current code requirements. The applicant proposes to provide 26 parking spaces and is requesting a parking reduction of 28 spaces.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB zone. Although apartments are not a permitted use in the RB zone, these apartments pre-date existing zoning and are a continuing nonconforming use. The apartments were built in 1954.

The proposed use is consistent with the Northeast Small Area Plan chapter of the Master Plan which designates the property for residential use.

II. STAFF ANALYSIS

The Arbelo Apartments currently provide 34 low and moderate income rental housing units. On June 2, 2006 the applicant placed a deed of easement and restrictive covenants on the property restricting its use as affordable housing for the duration of RPJ Housing's ownership. For either forty years or the duration of RPJ Housing's ownership of the property, 26 units will be maintained as affordable rental housing. After fifteen years, all 34 units will be maintained as affordable units.

The applicant wishes to renovate the apartments, but by doing so would be required to provide 54 parking spaces. It is not possible to provide 54 parking spaces on the subject property. The only area of the property that could accommodate parking is currently occupied by open space. A reconfiguration of the open space area would yield few additional parking spaces, since it would require loss of existing spaces to access any new parking. There are no nearby lots available for off street parking.



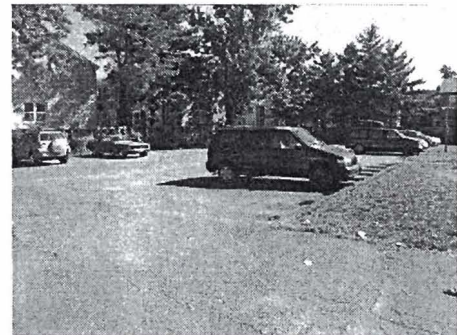
The applicant anticipates that the proposed 26 spaces will adequately serve their tenants. Over the course of four days the applicant surveyed the parking lot, which currently contains 29 spaces, and nearby on-street parking to determine the number of available spaces. At the time 32 of 34 units were occupied. The results of that survey are shown below:

	Fri. 7/20 9:08 p.m.	Sat. 7/21 8:05 a.m.	Mon. 7/23 9:15 a.m.	Mon. 7/23 8:00 p.m.
Number of off-street parking spaces available	23	19	21	19
Number of on-street spaces available between Powhatan & Michigan Ave. (adjacent to the property)	2	8	12	9
Number of on-street spaces available between Powhatan & Michigan Ave. (across the street)	3	5	8	5

Staff determined that 7 of 29 parking spaces were utilized on September 16th at 6:15 p.m. Additionally there were 13 available on street parking spaces.

Public transportation is available nearby with DASH stops located at the corner of Seaport and Bashford Lanes, Portner Road and Bashford Lane, and Powhatan Street and Bashford Lane.

The applicant feels that the current parking lot is underutilized due to its poor condition. The renovation of the parking lot and improvement of security lighting should help better utilize parking on site, thus improving the on street parking situation in this area. As the number and size of residential units is staying the same, the applicant is not anticipating any negative impact on the existing neighborhoods.



Staff has no objection to the requested parking reduction under the following conditions:

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
3. Housing shall be maintained as affordable in accordance with the deed of easement and restrictive covenants. (P&Z)

4. A landscape plan, in conformance with the most recent edition of the City of Alexandria Landscape shall be provided to the satisfaction of the Department of Parks and Recreation. (Recreation)
5. The proposed playground shall be relocated to provide a safer distance from the parking lot and any vehicular movement. (Recreation)
6. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year; and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;
Allison Anderson, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 T&ES has no objections to the proposed parking reduction.

Code Enforcement:

C- 1 Handicap parking spaces for apartment and condominium developments shall remain in the same location(s) as on the approved site plan. Handicap parking spaces shall be properly signed and identified as to their purpose in accordance with the USBC and the Code of Virginia. Ownership and / or control of any handicap parking spaces shall remain under common ownership of the apartment management or condominium association and shall not be sold or leased to any single individual. Parking within any space identified as a handicap parking space shall be limited to only those vehicles which are properly registered to a handicap individual and the vehicle displays the appropriate license plates or window tag as defined by the Code of Virginia for handicap vehicles. The relocation, reduction or increase of any handicap parking space shall only be approved through an amendment to the approved site plan.

Health Department:

F-1 No comment.

Recreation:

R-1 A landscape plan, in conformance with the most recent edition of the City of Alexandria Landscape shall include parking lot screening if applicable.

R-2 The proposed playground shall be relocated to provide a safer distance from the parking lot and any vehicular movement.

Police Department:

F-1 The Police Department has no objections to the request for a parking reduction.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0073

PROPERTY LOCATION: 831-833 Bashford Lane, Alexandria Virginia 22314

TAX MAP REFERENCE: 44.04-02-06 and 44.04-02-07

ZONE: RB

APPLICANT

Name: Robert Pierre Johnson Housing Development Corporation
Address: 2666 Military Road, Arlington, VA 22207

PROPERTY OWNER

Name: Robert Pierre Johnson Housing Development Corporation
Address: 2666 Military Road, Arlington, VA 22207

PROPOSED USE:

[X] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Robert Pierre Johnson Housing Development Corporation
Print Name of Applicant or Agent

2666 Military Road
Mailing/Street Address

Arlington, VA
City and State

22207
Zip Code

Signature

703-528-5606 x13
Telephone #

703-351-9754
Fax #

herbcl@rpjhousing.org
Email address

Date: July 24, 2007

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Date & Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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APPLICATION

SPECIAL USE PERMIT

All applicants must complete this form. Supplemental signs are required for child care facilities, restaurants, automobile-oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is the (check one):
- ☒ [X] Owner
 - ☐ [] Contract Purchaser
 - ☐ [] Lessee or
 - ☐ [] Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Not applicable: owner is a non-profit corporation.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ [] **Yes.** Provide proof of current City business license
- ☐ [] **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should include such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary.)

RPJ Housing seeks a waiver of the general parking regulations in Section 7-702 for the Arbelo Apartments. We have committed to providing low- and moderate-income rental housing at this property, have placed a deed of easement and restrictive covenants on the property restricting its use as affordable rental housing for the duration of RPJ Housing's ownership (attached), and currently abide by the income limits required for low- and moderate income tenants through verifications of tenant income.

There are currently 29 parking spaces serving 34 apartment units at the property. Based upon our observations of the parking conditions on several different days (weekday evenings & a weekend), it appears these spaces adequately serve the property (see the attached photographs with time and date stamps). Section 8-200 would require RPJ Housing to add another 25 parking spaces to this figure, even though neither the number of residential units nor the size of the existing apartments will change. This would create a major financial hardship for the project and would result in a tremendous loss of green space on the property, thus jeopardizing our ability to remain in compliance with open space requirements. Moreover, there are no nearby lots available which we could use to provide off-site parking spaces.

A waiver of the general parking requirement will allow RPJ Housing to perform much-needed renovations to this 1950s apartment property and control the cost of the renovations to ensure the rents remain affordable to low- and moderate-income individuals and families in the City of Alexandria.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
- ☐ a new use requiring a special use permit,
 - ☐ a development special use permit,
 - ☐ an expansion or change to an existing use without a special use permit,
 - ☐ expansion or change to an existing use with a special use permit,
 - ☒ other. Please describe: continued use as-is, requiring a special use permit for a reduction in the required parking.
5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).
34 households will reside in two, 17 unit apartment buildings on a continuous basis.
-
- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
Not applicable. There will be no on-site staff. Property management and maintenance staff will
make routine visits for repairs, inspections, apartment showings, etc.
6. Please describe the proposed hours and days of operation of the proposed use:
- Day: _____ Hours: _____
- This multifamily residential rental property will be operated on a continuous basis, 24 hours/day, 7 days/week.
-
-
-
7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- HVAC Condenser units are expected to make the same level of noise as current window A/C units or less.
- Noise levels from residents are expected to remain the same.
- B. How will the noise from patrons be controlled?
- RPJ Housing's tenant rules and regulations prohibit loud noises that disturb residents. Repeat offenses
may be grounds for termination of a tenant's lease.

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8. Describe any potential odors emanating from the proposed use and plans to control them:

Not applicable - the proposed use creates no odors.

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use?

Typical trash for a multifamily residential property will be generated, including paper, food waste, glass, cardboard, aluminum, plastic, etc.

- B. How much trash and garbage will be generated by the use?

The same amount of trash will be generated as is currently produced.

- C. How often will trash be collected?

Trash is currently collected twice weekly at Arbelo Apartments, and this practice will continue.

- D. How will you prevent littering on the property, streets and nearby properties?

We provide a dumpster in which residents deposit trash if they are outside their units.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Renovation plans include improved site lighting, electronic keypad entry systems, sealcoating the parking area, and fixing cracks in the concrete walkways.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

[] Yes. [X] No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking.

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

54 spaces are required for this property, which consists of 34 apartments.

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- B. How many parking spaces of each type are provided for the proposed use:

_____ 24 _____ Standard spaces
_____ Compact spaces
_____ 2 _____ Handicapped accessible spaces.
_____ Other.

- C. Where is required parking located? (check one)

[X] on-site
[] off-site

If the required parking will be located off-site, where will it be located?

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

None. _____

- B. How many loading spaces are available for the use? None. _____

- C. Where are off-street loading facilities located? N/A _____

- D. During what hours of the day do you expect loading/unloading operations to occur?

Residents moving in or out of the buildings may load or unload their belongings during daylight hours.

- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Move-ins and move-outs are expected to occur several times a month, at most. _____

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16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access to the Arbelo Apartments is from a driveway on the side of building 831, and it is adequate for the current and projected traffic flow.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

35,046 sq. ft. (existing) + 0 sq. ft. (addition if any) = 35,046 sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☒ other. Please describe: two multifamily residential apartment buildings that provide affordable rental housing.



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

Upon renovation, Arbelo Apartments must have 54 parking spaces to meet the parking requirements in Section 8-200. RPJ Housing requests a waiver of this requirement, which would enable us to satisfy neighborhood parking needs with 26 parking spaces.

2. Provide a statement of justification for the proposed parking reduction.

Arbelo Apartments currently has 29 striped parking spaces serving 34 tenants. The proposed renovation creates no additional units nor increase unit sizes. Random surveys of the parking lot on weekday evenings and a weekend reveal the lot is not used to capacity, and street parking is available (see attached photos with date/time stamps). The reduction from 29 to 26 spaces accommodates larger off-loading area required for accessible spaces and brings the size of existing spaces up to code.

3. Why is it not feasible to provide the required parking?

The requirement to provide 54 spaces is infeasible because it creates a significant financial strain on the renovation plan for an affordable housing project, making it difficult to keep rents affordable for low- and moderate income households. In addition, to add 25 spaces, we would have to pave the remainder of the green space on the property, thus jeopardizing compliance with open space requirements. Finally, there are no nearby lots we can utilize for off-site parking.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

☒ Yes. ☐ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction. **See attached.**

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood. **Since there will be no change in the existing conditions, there will be no negative impact.**

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ARBELO APARTMENTS PARKING SURVEY

Friday, July 20th, 2007 – Monday, July 23rd, 2007

Current Total Parking Lot Spaces Onsite: 29

Property Occupancy: 32 of 34 units occupied

Parking Lot Survey Summary:

	Fri. 7/20 9:08 pm	Sat. 7/21 8:05 am	Mon. 7/23 9:15 am	Mon. 7/23 8:00 pm
Number of onsite spaces available	23	19	21	19
Number of offsite spaces available between Powhatan & Michigan Ave (adjacent)	2	8	12	9
Number of offsite spaces available between Powhatan & Michigan Ave (across the street)	3	5	8	5

Proposed Number of Onsite Parking Spaces: 26 (24 regular, 2 accessible spaces)

Availability of Public Transportation: DASH bus stops are located at the corner of Seaport & Bashford Lanes, Portner Road and Bashford Lane, and Powhatan and Bashford Lane.

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ARBELO PARKING LOT SPACE AVAILABILITY

FRIDAY, JULY 20TH, 2007 AT 9:00 PM



SATURDAY, JULY 21ST, 2007 AT 8:05 AM



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SATURDAY, JULY 21ST, 2007 AT 8:05 AM



View from corner of Portner & Bashford
(toward Powhatan)



View from Arbelo toward Powhatan & Bashford



View from Portner & Bashford
(toward Seaport Ln)



View from Portner & Bashford
(toward Arbelo)



View from Michigan & Bashford toward
Seaport Lane



View from Michigan and Bashford
toward Portner

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MONDAY, JULY 23rd, 2007 AT 9:15 AM



MONDAY, JULY 23rd, 2007 AT 8:00 PM



ARBELO NEIGHBORHOOD PARKING SURVEY

FRIDAY, JULY 20TH, 2007 AT 7:30 PM (time stamp on photos is one hour off)



View from corner of Bashford & Powhatan
(toward Arbelo)



View from corner of Portner & Bashford
(toward Michigan Ave)



View from corner of Portner & Bashford
(toward Seaport Ln)



View from corner of Seaport Lane & Bashford
(toward Michigan Ave)

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MONDAY, JULY 23RD, 2007 AT 9:15 AM



View from Portner & Bashford toward Powhatan



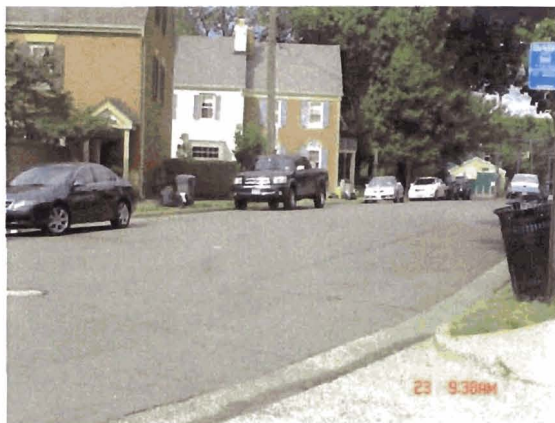
View from Portner & Bashford toward Seaport



View from Arbelo toward Michigan



View from Michigan toward Portner Rd



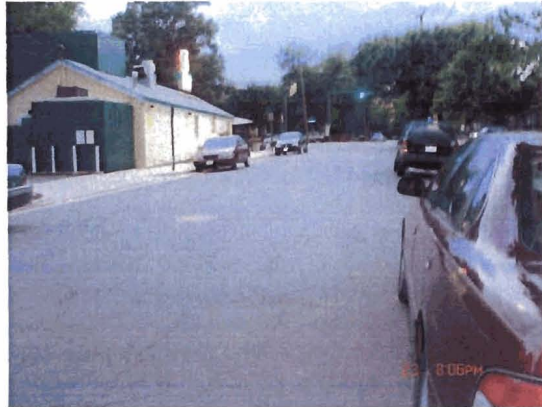
View from Seaport toward Portner Rd

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MONDAY, JULY 23RD AT 8:00 PM



View from corner of Portner Rd & Bashford toward Powhatan



View from Arbelo toward Powhatan



View from Portner & Bashford (toward Michigan Ave)



View from Portner & Bashford (toward Chetworth)

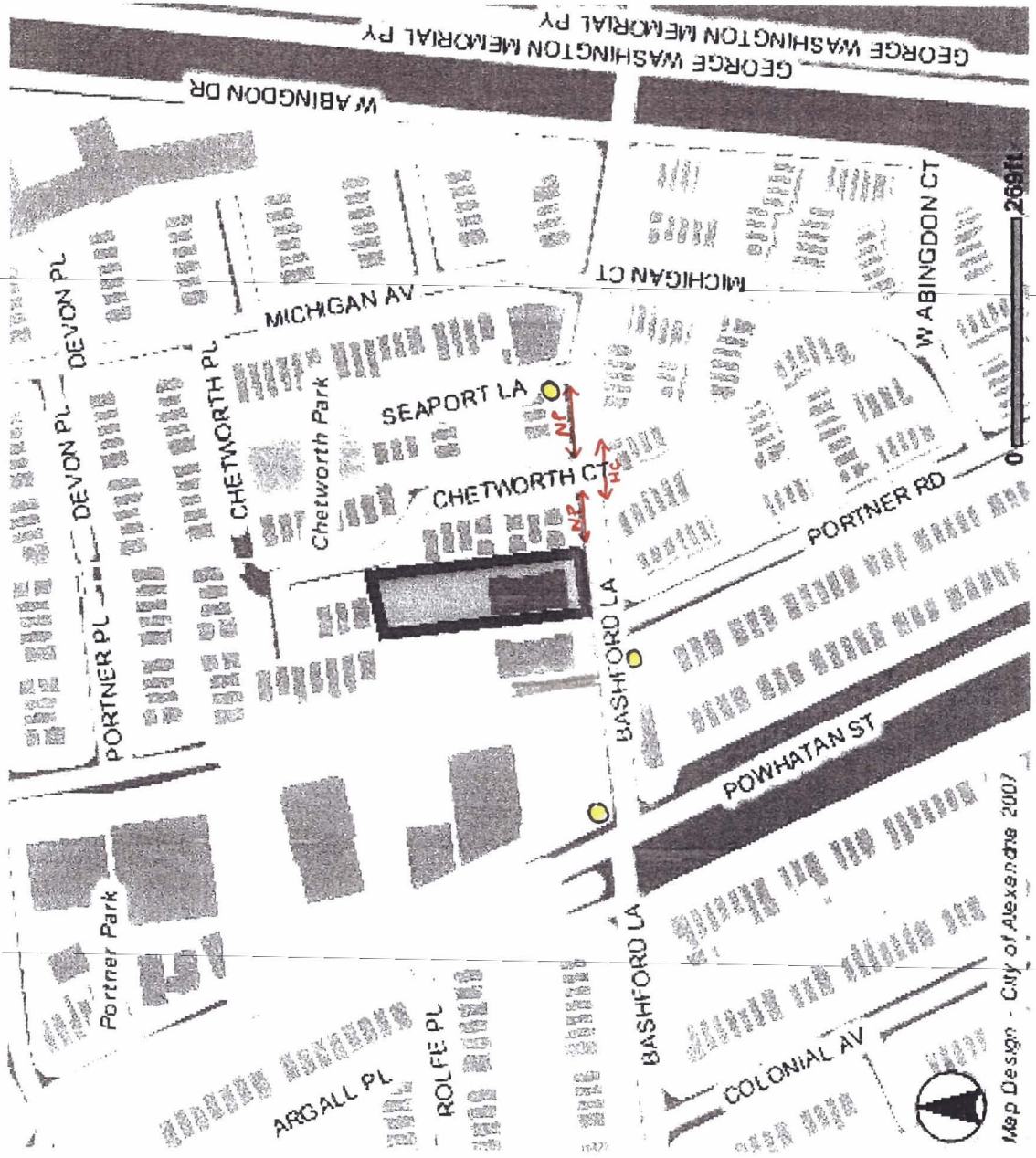


View from corner of Michigan & Bashford (toward Seaport)



View from corner of Michigan and Bashford (toward Portner)

City of Alexandria



24

- NP = No Parking
- HC = Handicapped Parking
- = DASH BUS

CUP2007-0073

SUP 2007-0073

EXHIBIT E TO CITY OF ALEXANDRIA LOAN AGREEMENT

DECLARATION OF RESTRICTIVE COVENANTS AND DEED OF EASEMENT

THIS DECLARATION OF RESTRICTIVE COVENANTS AND DEED OF EASEMENT is given this 2nd day of June; 2006 by ROBERT PIERRE JOHNSON HOUSING DEVELOPMENT CORPORATION OF THE NATIONAL CAPITAL AREA, ("Grantor") or ("Declarant") for the benefit of the CITY OF ALEXANDRIA, a Virginia municipal corporation (the "Grantee") or ("City").

RECITALS

The Declarant is a corporation organized for the purpose, among other things, of providing decent, safe and sanitary housing for low and middle income families and individuals.

The Declarant is the Owner of a parcel of land located in the City of Alexandria, Virginia, as more particularly described in Exhibit B attached hereto and incorporated herein by this reference (the "Property"). The Property is improved with certain apartment buildings containing thirty-four (34) apartment units.

Pursuant to that certain Loan Agreement of even date herewith, the City of Alexandria, a Virginia municipal corporation, has agreed to provide to the Declarant part of the financing for the acquisition of the Property and the Declarant has agreed to use apartment units within the Property for the purpose of providing housing to persons of low and moderate income as defined in said Agreement.

The Declarant and the City wish to assure by the execution and recordation of this

instrument that the Property will be used for such purpose in accordance with the terms of said Agreement.

Now, therefore, in consideration of these premises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant hereby subjects the Property to the following covenants, and grants to the City of Alexandria the following easement on the Property identified in Exhibit B attached hereto:

1. **CONTINUOUS OPERATION AND USE AS RENTAL HOUSING.** The Property shall be owned, managed and operated continuously as a rental housing as provided for in the Loan Agreement, copy of which is attached hereto as Exhibit A and is incorporated herein by this reference.
2. **RENT AND INCOME LIMITATIONS.** Declarant hereby covenants and agrees for itself, its successors and assigns that the rent limitations and income requirements as specified herein and in said Loan Agreement shall be observed for the greater of (i) 40 years or (ii) the period of ownership by Robert Pierre Johnson Housing Development Corporation of the National Capital Area.
3. **RESERVATION OF UNITS.** The Declarant and its successors and assigns, agrees to maintain at least twenty-eight (28) units as affordable rental housing under the terms of this subparagraph for the greater of (i) 40 years or (ii) the period of ownership by Robert Pierre Johnson Housing Development Corporation. Beginning in Year 16, all thirty-four (34) units will be maintained as affordable rental housing under the terms of this subparagraph for the greater of (i) 40 years or (ii) the period of ownership by Robert Pierre Johnson (RPJ) Housing

Development Corporation

In recognition of the fact that the Property being acquired by Borrower may have existing tenants that exceed the maximum income requirements, Borrower shall have a transition period until the project is "placed in service" under the Low Income Housing Tax Credit program to see that any such households are relocated. Income qualified tenants who subsequently become over-income will be allowed to remain in residence at the property to the extent allowed under the requirements of the Low Income Housing Tax Credit Program, whether or not that program is used at the Property.

4. **NONDISCRIMINATION.**

a. The Declarant shall not, in the selection of tenants, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, disability, familial status, national origin, or sexual orientation or discriminate in violation of any applicable law or regulation.

b. The Declarant shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any related rules and regulations.

c. The Declarant agrees not to discriminate against prospective tenants because they receive or are eligible for, housing assistance under any Federal, State, or local housing assistance program, and shall not discriminate against or deny occupancy to any tenant or prospective tenant because that tenant has a minor child or children who will be residing with the tenant.

d. The Declarant shall not discriminate in the selection of contractors or contract.

workers because of:

- a. race,
- b. religion,
- c. color,
- d. sex,
- e. familial status,
- f. national origin,
- g. or sexual orientation or discriminate in violation of any applicable law or regulation.

5. **REPORTING REQUIREMENTS.** The Declarant understands and agrees that the City will monitor and evaluate the Declarant's efforts in performing the Declarant's obligations hereunder, agrees to cooperate fully with the City monitoring efforts, and agrees to submit to the City the items of information listed below, and such other items of information reasonably requested by the City from time to time:

a. The Declarant agrees to submit to the City for review and written approval all development related items including the plans and specifications, construction schedules, and implementation schedules. The Declarant further agrees to submit on an annual basis, Declarant's income and expense statements, rent rolls, projected annual operating budgets, including annual operating statements, capital expenditures, fee expenses, financial statements reviewed by an independent certified public accountant including an income statement, a balance sheet and a cash flow statement, and progress reports at intervals and in formats as the City may require for review and approval, as defined under the Paragraph entitled Residual Receipts in the

Definitions of the Loan Agreement.

b. The Declarant shall re-examine the gross income, rent schedule and utility allowance of each tenant at least annually in order to determine if the income and rent limitations of this agreement are being met. A report on the annual re-examination together with the maximum monthly rent will be recalculated by Declarant annually and submitted to the City for review and approval.

c. The Declarant agrees to maintain such financial records and other records as may be required by the City and by applicable laws, rules and regulations. These records shall be made available for examination, transcription, and audit by the City, its designees and other authorized bodies at all reasonable times. The restrictions in this Declaration of Restrictive Covenants and Deed of Easement, which is to be recorded before the release of any funds, shall remain in effect in perpetuity as covenants running with the land.

6. COVENANTS RUNNING WITH THE LAND. The covenants set forth herein shall be deemed covenants running with the land and shall be an encumbrance on the Property. Such covenants shall be binding upon the Declarant and its successors and assigns, including any successor in title to the Property. This declaration may be amended only by written agreement signed by the Declarant and by the City of Alexandria.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed as an instrument under seal as of the date first above written.

ROBERT PIERRE JOHNSON HOUSING DEVELOPMENT
CORPORATION OF THE NATIONAL CAPITAL AREA (SEAL)

By: 

Name: Henry Cooper-Levy

Title: CEO RPS HOUSING

STATE OF VIRGINIA, City/County of Alexandria, to wit:

The foregoing document was acknowledged before me in my jurisdiction aforesaid by Henry Cooper-Levy, in his capacity as CEO of Robert Pierre Johnson Housing Development Corporation of the National Capital Area on behalf of the said corporation.

Given under my hand and seal, this 2 day of June, 2006.


Notary Public

My Commission expires:

9/30/09

SUP 2007-0073

ACCEPTED BY:

CITY OF ALEXANDRIA,
A Municipal Corporation of Virginia


APPROVED AS TO FORM:
 6/2/06
ASSISTANT CITY ATTORNEY

By: 
Name: JAMES K HARTMANN
Its: City manager

STATE OF VIRGINIA, City County of Alexandria to wit:

The foregoing document was acknowledged before me in my jurisdiction aforesaid by
James K Hartmann, in his capacity as City Manager of City of Alexandria,
a municipal corporation of Virginia, on behalf of the said corporation.

Given under my hand and seal, this 2 day of June, 2006.

Notary Public 

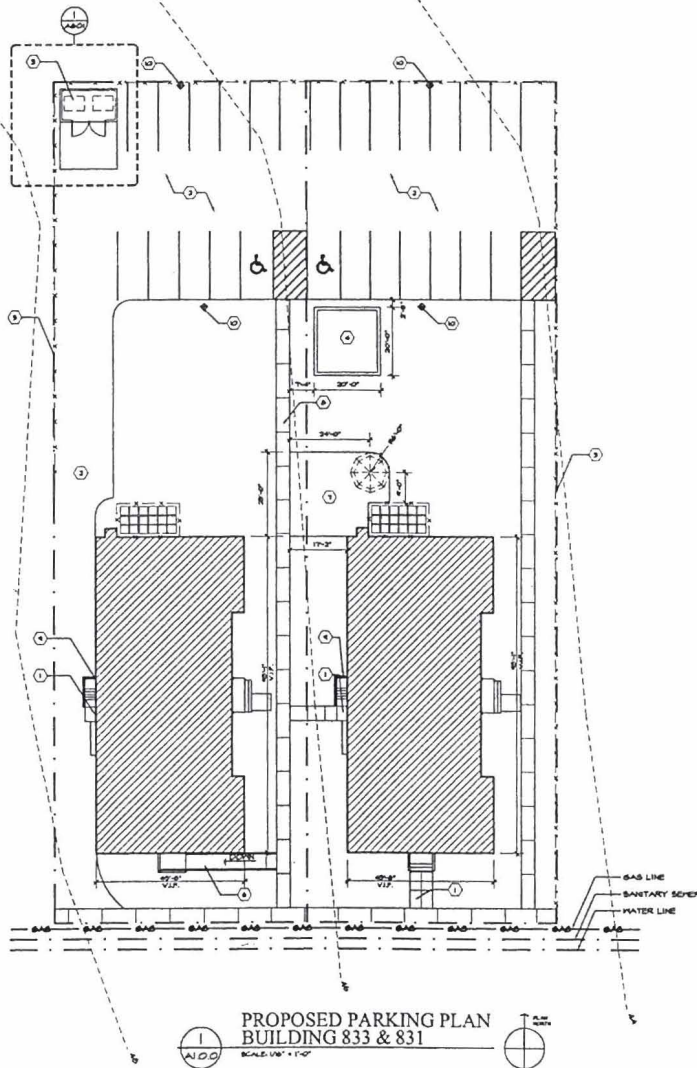
My Commission expires: 12-31-08

EXHIBIT A TO THE DECLARATION
OF RESTRICTIVE COVENANTS DEED OF EASEMENT

Legal Description:

ARBELO APARTMENTS PROPOSED PARKING LOT PLAN

(Existing parking lot to remain, with 29 spaces reconfigured to provide 26 regular spaces and 2 handicapped accessible parking spaces)



PROPOSED PARKING PLAN SHOWS EXISTING PARKING PLAN WITH CHANGES TO ACCOMMODATE ACCESSIBLE PARKING SPACES AND OFF LOADING AREAS FOR PERSONS WITH DISABILITIES.

SITE NOTES

1. Remove and replace existing concrete due to offset, cracked or deteriorated sidewalks and concrete site stairs, typical at stairwell entries.
2. Repair/Rebuild existing asphalt parking lots and resurface. Add handicap parking spaces as noted.
3. Provide one new dumpster pad, recycling area, cedar fence and gate screening.
4. Provide new play equipment, resilient surfacing and landscape for adjoining park space in rear of lot.
5. Not Used.
6. Demolish existing concrete stair. Provide new accessible concrete ramp with handrail.
7. Provide new concrete paths and road gascape.
8. Seal concrete sidewalk and repair as needed.
9. Remove existing railing and install new code compliant pipe railing.
10. Upgrade parking and building security lighting.

GENERAL SITE NOTES

Repair/Upgrade existing storm water management systems.
Route out and flush existing waste system's underground piping to man in the street.
Replaces/provide building shut off valves.
Sewer repairs (TSD based on Friction of inspection).
Relocate meter meter shut off. See MEP drawings.
Add additional landscaping.

2 GENERAL KEYED NOTES SCALE: 1/8"



PRINTS ISSUED

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	08.08.2007	JKW
2	ISSUED FOR CONSTRUCTION	08.08.2007	JKW

REVISIONS

NO.	DESCRIPTION	DATE	BY

NOT FOR CONSTRUCTION

CLIENT:

RPI HOUSING DEVELOP. CORP.
2666 MILITARY ROAD
ARLINGTON, VA 22207

PROJECT:

ARBELO APARTMENTS
RENOVATION
831-833 BASHFORD LANE
ALEXANDRIA, VA 22314
SHEET TITLE
NEW CONSTRUCTION
PARKING PLAN

A1.0.0

P. 301.698.0020
F. 301.698.0920
323 WEST PATRICK ST.
FREDERICK, MD 21701

SUP2007-0073

Seq	Accession	Gene	Size
1	U00096.1	oriC	2454
2	U00096.1	oriT	2454

NO. _____ DATE _____



SUP 2007-0073



2 GENERAL KEYED NOTES
D100 SCALE: HTB



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0073

PROPERTY LOCATION: 831-833 Bashford Lane, Alexandria Virginia 22314

TAX MAP REFERENCE: 44.04-02-06 and 44.04-02-07

ZONE: RB

APPLICANT

Name: Robert Pierre Johnson Housing Development Corporation
 Address: 2666 Military Road, Arlington, VA 22207

PROPERTY OWNER

Name: Robert Pierre Johnson Housing Development Corporation
 Address: 2666 Military Road, Arlington, VA 22207

PROPOSED USE:

[X] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Robert Pierre Johnson Housing Development Corporation
 Print Name of Applicant or Agent

Signature

2666 Military Road
 Mailing/Street Address

703-528-5606 x13
 Telephone #

703-351-9754
 Fax #

Arlington, VA
 City and State

22207
 Zip Code

herbcl@rpjhousing.org
 Email address

Date: July 24, 2007

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: \$ _____
 ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 10-2-07
 ACTION - CITY COUNCIL: 10/13/07 - CC approved the PC recommendation 7-0