

DOCKET ITEM #4

Special Use Permit #2009-0015

831 & 833 Bashford Lane – Parking Reduction

CONSENT AGENDA ITEM

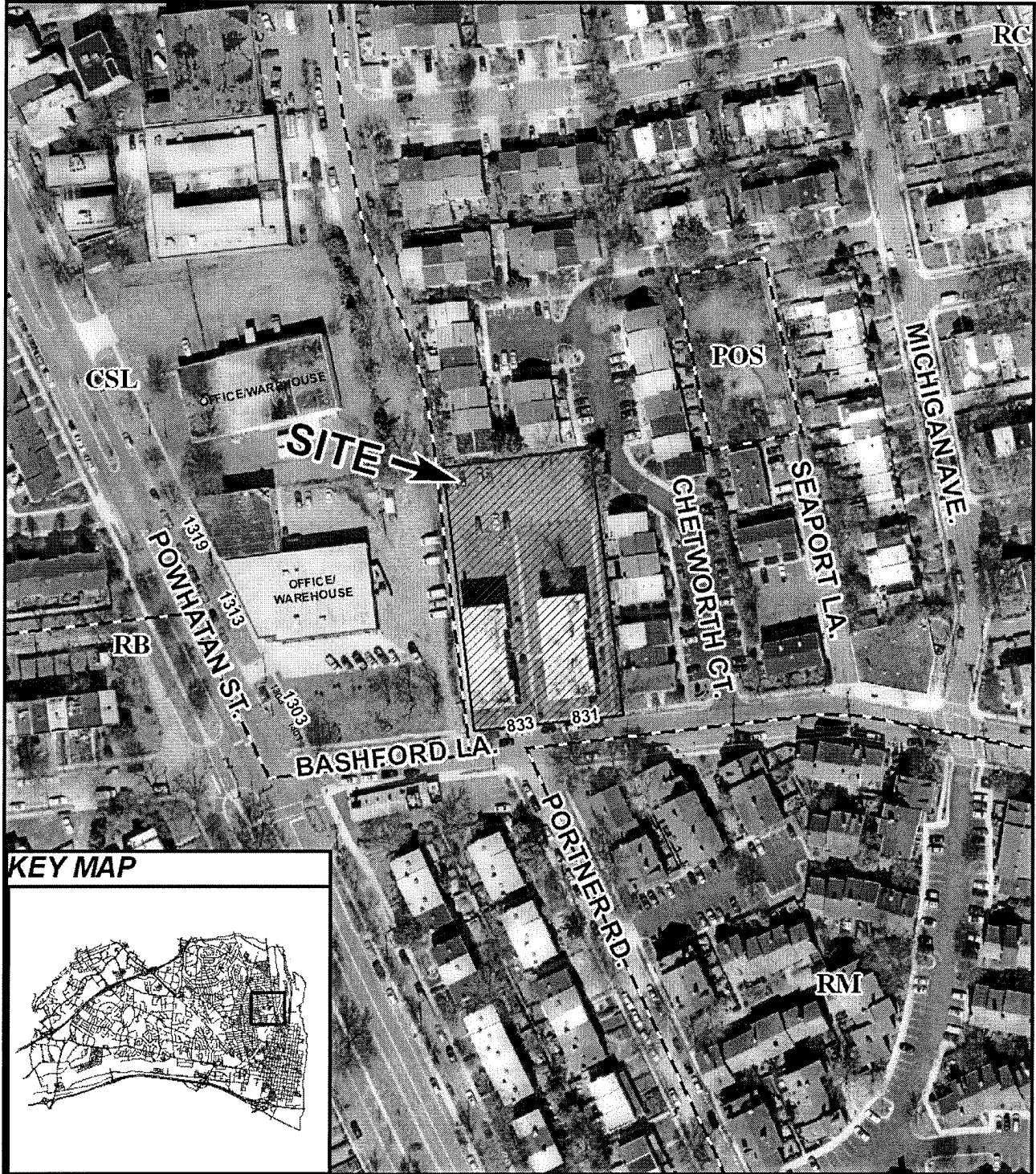
If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Consideration of a request for re-approval of a parking reduction.	Planning Commission Hearing:	June 2, 2009
	City Council Hearing:	June 13, 2009
Address: 831 and 833 Bashford Lane	Zone:	RB/Residential
Applicant: Robert Pierre Johnson Housing Development	Small Area Plan:	North East

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Eileen Oviatt eileen.oviatt@alexandriava.gov

PLANNING COMMISSION ACTION:



SUP #2009-0015

06/02/09



I. DISCUSSION

REQUEST

The applicant, Robert Pierre Johnson Housing Development Corporation, requests re-approval of a special use permit 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, and a large parking lot behind the building. 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.

BACKGROUND AND PROPOSAL

On October 13, 2007, City Council granted Special Use Permit #2007-0073 for a parking reduction. The applicant has been unable to secure funding for the proposed renovations, the prior approval has expired, and the applicant is now requesting that re-approval of the special use permit for a parking reduction.

The applicant was, and is still, proposing 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, 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 the waste removal area, including the addition of screening.

Minor changes have been made to the applicant's proposal. Specifically, the applicant was previously proposing tenant amenities, including new playground equipment and grills. These have been removed in hopes that they will be better able to secure funding without added amenities. Additionally, the current proposal is to provide a total of 25 spaces, which is one less than was approved with the previous parking reduction. This change reflects modifications that will increase the size of all the parking spaces to meet size standards set forth in the zoning ordinance.

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. After the existing parking area is reconfigured to accommodate handicapped accessible parking spaces consistent with current code requirements, there will only be room for 25 parking spaces. The applicant is therefore requesting a parking reduction of 29 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 to 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 25 spaces will adequately serve its 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:

	Sat. 3/21 4:10 p.m.	Sun. 3/22 10:00 a.m.	Mon. 3/23 7:00 p.m.	Tues. 3/24 7:00 a.m.
Number of on-site parking spaces available	23	23	22	17
Number of on-street spaces available between Powhatan Street & Chetworth Court (adjacent to the property)	15	15	5	9
Number of on-street spaces available on Portner Road	6	4	4	5

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 removed one condition from the previously approved SUP regarding the placement of a playground. The applicant is no longer proposing to install a playground, therefore, staff finds the condition to be unnecessary.

Trash Can, Litter and Street Tree Requirements

No street tree is being required in this case because the existing sidewalk planting strip is 24” in width, too narrow for street tree planting. The applicant is being required to plant trees on its property adjacent to the sidewalk, as a component of the landscape plan that the applicant voluntarily submitted with their application. Given that this case involves the improvement of a small parking lot, T&ES is not requiring a trash can or a contribution to the litter fund. These conditions may change as a result of Council’s policy discussion on these issues scheduled for June 9.

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) (SUP #2007-0073)
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) (SUP #2007-0073)
3. Housing shall be maintained as affordable in accordance with the deed of easement and restrictive covenants. (P&Z) (SUP #2007-0073)
4. **CONDITION DELETED (See Condition 7):** ~~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) (SUP #2007-0073)~~
5. **CONDITION DELETED:** ~~The proposed playground shall be relocated to provide a safer distance from the parking lot and any vehicular movement. (Recreation) (SUP #2007-0073)~~
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; or (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) (SUP #2007-0073)
7. **CONDITION ADDED BY STAFF:** Existing plantings shall be well maintained and be free of weeds, debris, and litter at all times. (RP&CA)
8. **CONDITION ADDED BY STAFF:** Provide an updated plan that incorporates existing conditions and additional tree plantings to the satisfaction of the Director of RP&CA. Proposed landscape plan shall comply with City of Alexandria Landscape Guidelines, and work shall be implemented within 18 months of City Council approval. (RP&CA)

9. **CONDITION ADDED BY STAFF:** Applicant is required to provide 21 full-size spaces and 4 handicapped spaces. (T&ES)

STAFF: Gwen Wright, Division Chief;
Eileen Oviatt, 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:

- R-1 Applicant is required to provide 21 full-size spaces and 4 handicapped spaces.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 Accessible 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

Parks and Recreation:

- R-1 Provide an updated plan that incorporates existing conditions and additional tree plantings to the satisfaction of the Director of RP&CA. Proposed landscape plan shall comply with City of Alexandria Landscape Guidelines, and work shall be implemented within 18 months of City Council approval.
- R-2 Existing plantings shall be well maintained and be free of weeds, debris, and litter at all times.
- F-1 Should a playground be installed, locate to avoid conflict with parking and vehicular movement areas. It is recommended the play area comply with the most recent Consumer Product Safety Commission (CPSC) Guidelines for public playgrounds, and that a physical safety barrier be considered to separate the play area from vehicles.

- F-2 The existing sidewalk planting strip along Bashford Lane is 24”in width, too narrow for street tree plantings. There is space on the applicant’s property to plant trees along the Bashford Lane property frontage.
- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

Police Department:

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



APPLICATION



SPECIAL USE PERMIT # 20090015

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: 8 West Nelson Ave., Alexandria, VA 22301

PROPOSED USE: parking reduction

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.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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.

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 [Signature] 3.23.09
Print Name of Applicant or Agent Signature Date

8 West Nelson Ave. 703-549-7170 x13 703-549-7175
Mailing/Street Address Telephone # Fax #

Alexandria, VA 22301 herbcl@rpjhousing.org
City and State Zip Code Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____
ACTION-CITY COUNCIL: _____ **DATE:** _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 831-833 Bashford Lane, Alexandria, VA 22314, I hereby
 (Property Address)

grant the applicant authorization to apply for the parking reduction use as
 (use)
 described in this application.

Name: Robert Pierre Johnson Housing Development Corporation Phone 703-549-7170

Please Print

Address: 8 West Nelson Ave, Alexandria, VA 22301 Email: herbcl@rpihousing.org

Signature: Herb Cooper-Levy, Executive Director Date: _____

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

Owner

Contract Purchaser

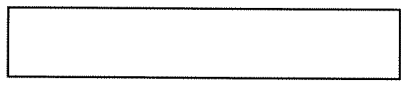
Lessee or

Other: _____ of the subject property.

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

Robert Pierre Johnson Housing Development Corporation is a 501(c)3 non-profit corporation that is controlled

by a Board of Directors. This section is not applicable.



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.

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 fully discuss the nature of the activity. (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-need 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,
 - an expansion or change to an existing use without a special use permit,
 - an 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.

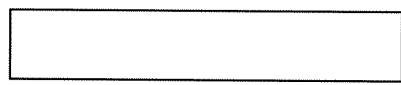
_____	_____
_____	_____
_____	_____

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 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.



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? (i.e. office paper, food wrappers)

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

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

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. 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. No.

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

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. No.

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

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?
Renovation plans include improved site lighting, secured entry systems, sealcoating the parking area, and fixing cracks in the concrete walking areas.

ALCOHOL SALES

13.

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

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

- 21 Standard spaces
- _____ Compact spaces
- 4 Handicapped accessible spaces.
- _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?
 Yes No

B. Where is required parking located? (check one)

- on-site
- off-site

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

PLEASE NOTE: 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.

C. 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.

Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? None

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?
 Yes No



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

C. 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.

D. 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.

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. 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.

End of Application



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 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 increases in 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 25 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.**