

# Memorandum

**To:** Arlington County Housing Commission      **Date:** January 11, 2021  
**From:** Nick Rogers, AICP, CZA, Principal Planner  
Department of Community Planning, Housing and Development  
**Subject:** Zoning Ordinance Amendment – Affordable Housing Building Height

## ***Introduction***

Staff has developed text for a zoning ordinance amendment that would authorize the County Board, through its special exception site plan approval authority, to approve an increase in building height of up to 60 additional feet beyond the maximum height permitted in the RA14-26, RA8-18, and RA6-15 zoning districts. The additional height could be granted for multifamily residential projects which would provide 100% of the project's dwelling units as low- or moderate-income housing as defined in §18.2 of the [Arlington County Zoning Ordinance](#) (ACZO). As an option, the Board could grant increased building height for projects with a lesser percentage of low- or moderate-income housing upon finding that the project would be consistent with the [Affordable Housing Master Plan](#).

The Board's approval of increased building height would be contingent upon findings related to the development proposal's effective transitions to nearby lower density residential neighborhoods through use of measures such as, but not limited to, landscaping, increased setbacks, and architectural façade treatments.

## ***Background***

The ACZO has contained specific zoning districts and corresponding district standards for multifamily residential development since the 1942 ACZO. These standards regulate lot size, lot width, maximum building height, residential density (dwelling units per acre) among others. While these standards have been amended several times in past decades, the by-right, maximum height and maximum standards for the three multifamily residential districts in the scope of this study have not been comprehensively reviewed or amended since 1978.

The ACZO has been periodically amended to permit a building's maximum height to exceed the district standards via special exception approval options, so long as the building's residential units contribute to the County's supply of affordable housing:

- 
- 1972 – The County Board amended the ACZO to enable, with site plan approval, an additional six (6) stories in building height, as well as an additional 10% residential density, when the applicant provided 10% of the total dwelling units as “moderate income housing units”. The density bonus would be further increased to 15% with a 1981 ACZO amendment.
  - 1992 – The Board further amended the ACZO to enable more options for increased height and residential density in the RA14-26, RA8-18, and RA6-15 districts through the special exception process. Applicants which were approved to have their property designated as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) and a Coordinated Multiple-Family Conservation and Development District (CMFCDD) would benefit from increased building height, increased residential density, and more flexible development standards so long as a percentage of the dwelling units were preserved as affordable housing. The specific percentage of housing set aside for low- and moderate-income tenants was determined on a case-by-case basis. The maximum height increase would allow for a 60-foot-tall building in RA14-26 and RA8-18, and a 70-foot tall building in RA6-15.
  - 2001 – The requirements for VCHPDD and CMFCDD designation were removed from the ACZO in order to obtain site plan approval for the increased building height of either 60 feet (RA14-26, RA8-18) or 70 feet (RA6-15). The amendment also authorized the Board to approve a 25% increase in residential density for projects within these districts with the provision of low- or moderate-income housing. In addition, the County’s site plan bonus density for affordable housing was increased from 15% to 25%.
  - 2019 - The County Board adopted several ACZO amendments which updated and clarified the zoning standards which govern circumstances when maximum building height and maximum residential density standards could be surpassed by development applicants to comply with incentive zoning provisions. These bonus provisions, specified in §15.5.9 of the ACZO, were reorganized and restructured to permit bonus height and density when recommended in approved area plans, sector plans, Phased Development Site Plans (PDSP), and similar County Board-approved planning policies.

In recent years, the County has experienced increased interest in redevelopment within the RA14-26, RA8-18, and RA6-15 zoning districts. In 2017, the County Board approved a zoning ordinance amendment and designations on the [General Land Use Plan \(GLUP\)](#) to curb the further loss of market-rate affordable housing (MARKs) and significant change in neighborhood form in 12 targeted locations within the County by designating a Housing Conservation District to prevent the demolition of smaller apartment buildings and their replacement with by-right developed townhouses. Similar apartment buildings have been purchased and preserved as affordable housing by nonprofit affordable housing developers, often with financial support from Arlington County. Alternative housing opportunities have also been created with updates to the ACZO to enable elder care uses, such as assisted living facilities and independent living projects, to be established in RA districts. In 2020, the County Board approved the first assisted living project in 20 years on a site zoned RA8-18. These redevelopment pressures occur given the

---

ongoing regional growth of residents and jobs within the Washington, DC area, spurring increased housing demand among all regional jurisdictions.

## ***Analysis***

The 2019 bonus density amendment<sup>1</sup> updated several sections of the ACZO outside of §15.5.9 for the purposes of improved consistency, clarification and organization. Section 12.3.7 of the ACZO outlines various options for increased building height and residential density for several zoning districts which have been conventionally utilized to implement multifamily residential designations on the GLUP. These optional standards were added to the ACZO with the amendments in 1992 and 2001.

In 2019, the Board amended §12.3.7 to eliminate a cross reference to §15.5.9 to clarify that the ACZO's RA districts may achieve bonus density, but only within the maximum 60- or 70-foot thresholds as provided for in §12.3.7. One of the 2019 amendment's key objectives was to enable the achievement of bonus height within area plans and sector plans up to the maximum height recommended in adopted plans in exchange for contributions to the County's affordable housing supply, community facilities, or other stated purposes. Often, RA districts fall within transitional areas between transit stations planned for high density development and lower density residential neighborhoods. The lack of policy guidance for many of these areas, which tend to be outside of areas/sector plans, resulted in staff recommending subsequent review of the bonus density and height provisions in §12.3.7 to be conducted at a later date to reconcile the revisions to §15.5 (Site Plans) with the existing height and bonus regulations in the RA districts and with §12.3.7.

Since the adoption of the 2019 bonus density amendment, staff has monitored development interest within RA districts and noted increased interest in redevelopment projects which would include significant additions to the County's affordable housing supply. Prospective development applicants have shared feedback with staff on the limitations with the existing building height caps of 60 or 70 feet, which can hamper the establishment of an economically feasible building envelope for the purposes of financial underwriting and competitiveness for tax credit applications. These projects typically result in new buildings which exceed the pre-development number of dwelling units and which replenish the supply of affordable housing.

Staff has continued work over the past year on a zoning study which would enable optional zoning standards for affordable housing preservation with increased development potential within Arlington's 12 [Housing Conservation District](#) areas<sup>2</sup>. Staff's work will continue throughout 2021 with an expanded scope to enable the modernization of the RA bonus provisions as recommended in the 2019 bonus study staff report. However, the study's timeline will result in staff recommendations later in FY22 which could potentially delay development project timelines for affordable housing projects.

---

<sup>1</sup> To review the staff report for the 2019 bonus density zoning ordinance amendment, [click here](#).

<sup>2</sup> As staff continues this work on the Multifamily Reinvestment Study, members of the public can visit the [study website](#) to learn more about this study and it's expanded scope beyond the previous work with Housing Conservation Districts.

---

To enable limited, near-term reviews of increased building height on a case-by-case basis, staff recommends restoring the County Board’s authority to approved increases in building height of up to 60 feet beyond the maximum heights specified in §12.3.7. This 60-foot height increase provision was originally adopted in 1972 with the intent of being an incentive option for all site plan development to include low- and moderate-income housing. Compared with the current provisions in §15.5.9, which allow for increases in “uncapped” density within maximum heights specified in each district, or alternatively allow for a greater height maximum when prescribed by an adopted area/sector plan or similarly Board-approved policy, the potential for up to 60 additional height is a measured option which may be suitable for the transitional areas between transit station areas and lower density residential neighborhoods provided that adequate tapering and buffering can be achieved. Staff also considers reinstating this height allowance reasonable to avoid missing opportunities for replenishment of affordable housing units until such time that the comprehensive work to modernize the RA district regulations is completed with new height standards and other site and building regulations.

Since such a provision would enable building heights of potentially up to 120 feet in RA14-26 and RA8-18, and up to 130 feet in RA6-15, staff recommends that any development applicant proposing additional height demonstrate that the increased height requested will not unreasonably impact nearby lower density neighborhoods. Staff works with site plan applicants frequently to implement measures to establish effective transitions between higher density site plan projects within Arlington’s planning corridors and surrounding neighborhoods. Staff has incorporated several types of measures to use within the draft text, which can include landscaping buffers, architectural façade treatments, and increased building setbacks.

Furthermore, staff recommends that this increased building height only be utilized to serve development projects which provide a significant contribution to the County’s affordable housing supply. Staff recommends that up to 60 feet of increased building height be considered for projects where 100% of the dwelling units would be available to residents as low- or moderate-income housing, as specified in §18.2 (General Terms Defined) of the ACZO<sup>3</sup>. Given the continually increasing demand for housing in Arlington, and the pervasive challenges that residents continue to have in managing housing costs, the increased height beyond the maximum specified in §12.3.7 would help satisfy a critical Countywide need. The increase in building height can assist developers in proposing 100% affordable projects where cost efficiencies can be achieved, tax credit financing can be leveraged, and larger quantities of affordable units restored to Arlington’s housing supply.

In limited instances, a development proposal could provide less than 100% of the dwelling units as low- or moderate-income housing and still warrant consideration for increased building height. Examples include a mixed income allotment of dwelling units or the provision of multiple tiers of affordability to serve residents with deeper affordability needs. In these instances, the County Board would benefit from the flexibility to approve a significant

---

<sup>3</sup> “Low- or moderate-income” is defined as “Income at or below 60 percent of median household income for rental housing units, and at or below 80 percent of median household income for home ownership program, or other income level as determined by the County Board upon consideration of the Affordable Housing Master Plan. As used herein, median household income shall be defined as determined from time-to-time for the Washington Metropolitan Statistical Area by the U.S. Department of Housing and Urban Development.”

---

commitment to the County’s affordable housing goals that does not reach the strict standard of 100% compliance with the zoning definition for low-or moderate-income housing. Staff has included this provision in the draft language, which would require the County Board to find that the proposal satisfies the overall goals and objectives of the County’s Affordable Housing Master Plan.

### ***Engagement Process***

Given the study’s scope, focused on development projects which provide significant commitments to affordable housing within three of the County’s RA zoning districts, staff is using tools primarily from the *Communicate* and *Consult* levels of engagement.

Communicate: Staff has listed a summary of the study’s scope on the [Zoning Studies website](#) to act as a centralized resource for interested community members. Staff contact information and the study schedule are available on the website.

In addition to this outreach, staff will continue standard outreach to County email subscribers who have signed up for email updates related to ZOCO meetings and for zoning ordinance amendments. Public notice will be given in accordance with Code of Virginia § 15.2-2204, with notices for the Planning Commission and County Board public hearings placed in the Washington Times during the two preceding weeks before each meeting.

Consult: Staff will be conducting targeted outreach to stakeholders within the region’s affordable housing development community who have actively pursued development projects in Arlington to discuss the recommended zoning amendment. Staff will document those findings and share feedback received with the Housing Commission, Planning Commission, and County Board in advance of scheduled public hearings for the amendment.

### ***Anticipated Schedule***

- January 14, 2021: [Housing Commission](#) Meeting (Informational Item)
- January 19, 2021: [Zoning Committee](#) (ZOCO) Meeting
- March 20/23, 2021: County Board Request to Advertise
- April 5/7, 2021: [Planning Commission](#) public hearing and recommendation
- April 8, 2021: Housing Commission Meeting (Action Item)
- April 17/20, 2021: [County Board](#) public hearing and action