

## Memorandum

**To:** Zoning Committee of the Planning Commission (ZOCO) **Date:** January 15, 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. Staff has enclosed the draft text for the zoning ordinance amendment as Attachment 1 to this memorandum.

### ***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, and 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.

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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 (PDSPs), 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

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ACZO to enable elder care uses, such as assisted living facilities and independent living projects, to be established in these 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 have occurred 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 conventionally been 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 must meet bonus provisions 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 maximums 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.

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

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<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 its expanded scope beyond the previous work with Housing Conservation District.

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will result in staff recommendations later in FY22 which could potentially delay development project timelines for affordable housing projects.

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. The current provisions in §15.5.9, by comparison, only allow for increases in “uncapped” density within maximum heights specified in each zoning district. Increased building height beyond the maximum prescribed by the ACZO is permitted, but only instances where an adopted area/sector plan or similarly Board-approved policy recommends taller buildings.

The potential for up to 60 additional feet of building height in the RA14-26, RA8-18, and RA6-15 districts 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 affordable housing development opportunities 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.

Staff acknowledge that such a provision would enable the County Board to consider building heights of up to 120 feet in RA14-26 and RA8-18, and up to 130 feet in RA6-15 for projects where 100% of the dwelling units would be available to residents as low- and moderate-income housing, as specified in §18.2 (General Terms Defined) of the ACZO<sup>3</sup>. To control for stark differences in building height within a neighborhood that could arise as a result of these provisions, staff recommends additional amendments to the ACZO requiring a development applicant to demonstrate that the increased height requested will not unreasonably impact nearby lower density neighborhoods. Staff works with site plan applicants frequently to implement such 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, including landscaping buffers, architectural façade treatments, and increased building setbacks.

Furthermore, staff recommends that this increased building height only be utilized to serve development projects within the RA14-26, RA8-18, and RA6-15 districts which provide a significant contribution to the County’s affordable housing supply. Staff recommends that up to 60 feet of increased building height *only* be considered for projects where 100% of the dwelling units would be available to residents as low- or moderate-income housing. 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

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<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.”

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§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 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 19, 2021: Zoning Ordinance 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

Zoning Ordinance Amendment – Affordable Housing Building Height

Proposed amendments are shown with **bold underline** to denote new text, and **bold strikethrough** to denote deleted text.

Where paragraphs are added or deleted, all subsequent paragraphs are renumbered accordingly, and all references throughout the Ordinance are updated accordingly.

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1 **12.3.7. Low- and moderate-income housing**

2 A. Site plan options

3 When a site with an area of more than 20,000 square feet, or with 10 or more existing dwelling  
4 units, is sought to be used in a manner inconsistent with existing regulations for height, setback,  
5 yard, coverage, or parking, or is sought to be developed using additional residential density, the  
6 County Board may allow exceptions, after application for a site plan approval consistent with §15.5,  
7 in order to achieve a design appropriate for the site, project, and the surrounding area. The County  
8 Board, **in its discretion**, may approve additional height and density **above the amount allowed in**  
9 **the zoning district and may modify use regulations as specified in §15.5.7** based on the provision of  
10 low- or moderate-income **housing and in accordance with the following provisions: as provided in**  
11 **§15.5.8. The County Board, in its discretion, may modify regulations on height, setback, yard,**  
12 **coverage, or parking requirements and may approve up to a 25 percent increase in residential**  
13 **density above the density shown in §12.3.7.A.1 below, for a project that provides low- or**  
14 **moderate-income housing provided that:**

- 15 1. **The County Board may approve a building or buildings with maximum height and density**  
16 **as set forth**~~Under no circumstances shall the County Board approve a building with a~~  
17 **height greater than that shown in the table** below.

General District	Height, Maximum (feet)	Density (units per acre) Up to 25 percent above may be approved
RA14-26 RA7-16 RA4.8 R-C RA-H RA-H-3.2	60	24
RA8-18	60	36
RA6-15	70	48

- 18 2. **The County Board may further approve additional density in accordance 15.5.9.A beyond**  
19 **that specified in §12.3.7.A.1; and approve additional height beyond that specified in**  
20 **§12.3.7.A.1, in accordance with 15.5.9.A.3.b.**  
21  
22

23 ~~3.2~~ Parking for new dwelling units shall be provided as required in §14.3. However, the  
24 number of parking spaces per existing dwelling unit preserved shall be no less than the  
25 number of parking spaces per dwelling unit on the site at the time of application.  
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28 **15.5.9. Additional building height and density above the zoning district regulations and the General**  
29 **Land Use Plan**

30 A. Affordable Housing

31 1. ...

32 2. ...

33 3. Modification of Building Height

34 a) In considering the approval of a site plan, the County Board may permit additional  
35 building height above that specified for site plan development in the zoning district  
36 regulations for the provision of low- or moderate-income housing.

37 b) In the RA14-26, RA8-18, and RA6-15 districts, the County Board may, through site plan  
38 approval pursuant to §15.5, modify the maximum building height regulations specified  
39 in §12.3.7. Under no circumstances shall the County Board modify the maximum  
40 building height regulations as specified in §15.5.9.A.3.b in a manner that would result  
41 in additional building height beyond 60 feet above the height permitted in §12.3.7,  
42 exclusive of mechanical penthouses. Such modifications may be approved when the  
43 County Board finds that: ~~In RA districts, except RA H, RA4.8, and RA H 3.2 districts,~~  
44 ~~building heights shall not be modified under this §15.5.9.A.3, except where a project~~  
45 ~~provides low- or moderate income housing as allowed by §12.3.7.~~

46 1) The modification will enable the inclusion of low- or moderate-income  
47 housing for 100% of dwelling units proposed by the development applicant;

48  
49 i. The County Board may also modify the maximum building height  
50 regulations as specified in in §15.5.9.A.3.b in instances where less than  
51 100% of the dwelling units would be considered low- or moderate-  
52 income housing when the County Board finds that a different  
53 percentage should be approved in light of the development project's  
54 overall consistency with the Affordable Housing Master Plan.

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56 2) The applicant's site layout and proposed building heights have been designed  
57 in a manner to establish effective transitions to lower density residential  
58 neighborhoods, using site topography, landscaping, architectural façade  
59 treatments, graduated building heights, increased setbacks, or other similar  
60 measures;

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- c) **Notwithstanding the modification provisions specified in §15.5.9.A.3., under no circumstances shall the County Board modify maximum building heights for the C-2, C-3, and C-R districts under this Subsection.** ~~In C-2, C-3, and C-R districts, building heights shall not be modified under this §15.5.9.A.3.~~

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