



---

MARKs into committed affordable housing units (CAFs). The conversion to CAFs would entail renovation and commitment of the units to households earning up to [60% of Area Median Income](#) (AMI) for 30 years.

To facilitate the transfer, the County Board adopted a multiplier which allows more density to be sent to a receiving site than is preserved at the sending site. Specifically, section 204.D of the N-FBC allows the density eligible for transfer to a receiving site on Columbia Pike to equal 3 times the specified number of committed affordable housing units preserved at the Conservation Area sending site. For example, for every one unit that is converted to a CAF at the sending site, three units can be sent to the receiving site for use in their Columbia Pike Use Permit application. The density at the receiving site does not need to be income or rent restricted, since the community benefit will be obtained from the preservation of affordability at the sending site. If the receiving site is located elsewhere in the County, then 2 times the specified number of committed affordable housing units preserved at the Conservation Area sending site could be transferred. These multipliers are intended to help offset the renovation costs and rent subsidies that will be incurred by the Conservation Area sending sites over a 30-year affordability term.

At the December 2013 County Board meeting, when the TDR tool was established within the N-FBC, the County Board approved a December 2015 sunset of the multipliers. That sunset period was subsequently extended by the County Board to December 31, 2020. The sunset periods were originally put in place to monitor this tool, as there was an initial concern that the tool may be overutilized and more density than anticipated would be sent to receiving sites located elsewhere in the County. Although the tool has not been used to date, staff recommends reinstating the multipliers to ensure their availability as a potential preservation tool can remain into the future. Through the Housing Arlington initiative, staff will continue to research and identify other tools that could be used to help incentivize preservation of affordability at these properties.

## ***Analysis***

Since adoption of the N-FBC in 2013, TDR has not been used at Barcroft and Fillmore Gardens apartment communities. Through recent meetings with the Barcroft and Fillmore property owners, staff learned that TDR is not a likely tool for these property owners due to the affordability term and restrictions that would be placed on their units. In other words, they would not want to sell their density to another developer because they do not want the 30-year income and rent restrictions that would be placed upon their units due to the transfer.

However, staff would like to keep the multipliers as a TDR incentive should the properties change ownership in the future to a property owner that may want to take advantage of this TDR incentive.

## ***Proposed Amendments***

Reinstate the TDR multipliers available to Conservation Areas properties in order to continue TDR as a potential tool to help preserve units and affordability at Barcroft and Fillmore Gardens apartment communities.

---

## ***Engagement Process***

Staff used engagement tools primarily from the *Communicate* and *Consult* levels of engagement.

Communicate: 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 met with the Form Based Code Advisory Working Group (FBC AWG) on December 17, 2020. Members of the FBC AWG asked clarification questions about the TDR process, where the receiving sites were located on Columbia Pike, as well as the affordability that would be obtained at the receiving sites due to the transfer. Staff clarified the affordability would be obtained at the sending sites (Barcroft and Fillmore Gardens apartments) and the receiving site units obtained from TDR would most likely be market rate units. However, if the receiving site is on Columbia Pike, the development would still need to provide the “base” N-FBC affordability requirement of 20% to 35% of the net new units as on-site committed affordable units. There was general support for reinstating the TDR multipliers, however a couple members did question why we would reinstate the multipliers if the sending site property owners have indicated they are not interested in the tool.

Staff met with the Housing Commission at the January 14, 2021 meeting to inform them of this proposed amendment and will meet with them again at the March 11, 2021 meeting for final consideration and recommendation.

## ***Anticipated Schedule***

- January 19, 2021: Zoning Ordinance Committee (ZOCO) Meeting
- February 20, 2021: County Board Request to Advertise
- March 8 or 10, 2021: Planning Commission final consideration and recommendation
- March 11, 2021: Housing Commission final consideration and recommendation
- March 20, 2020: County Board final consideration and action

## Attachments

- Attachment 1: Recommended Edits to Section 204.D of the N-FBC

**ATTACHMENT 1 – NFBC TEXT CHANGES**

New Language is underlined and highlighted yellow. Deleted language is crossed out.

**204.D. Transfer of Development Rights**<sup>1</sup>

The transfer of development rights is permitted in order to achieve historic preservation on, public open space and/or affordable housing within areas designated as CONSERVATION AREAS on the REGULATING PLAN, and for the creation of NEIGHBORHOOD PARKS shown on the REGULATING PLAN. As part of a use permit approval for a DEVELOPMENT PROJECT, the County Board may certify the subject DEVELOPMENT PROJECT as a sending site for transfer of development rights in accordance with the following:

1. In considering the approval of transfer of development rights from a DEVELOPMENT PROJECT in exchange for the dedication of a PUBLIC SPACE within a CONSERVATION AREA or a NEIGHBORHOOD PARK shown on the REGULATING PLAN, subject to such conditions as the County Board may approve, the County Board shall determine that the PUBLIC SPACE will meet the standards consistent with Section 506. The amount of density eligible for transfer shall be equal to the square footage of the dedicated PUBLIC SPACE within a CONSERVATION AREA or a NEIGHBORHOOD PARK. As part of the certification of density or approval of transfer of development rights, the County Board may require assurances that the PUBLIC SPACE will be preserved.

2. In considering the approval of transfer of development rights from a CONSERVATION AREA, the County Board shall determine that a specified number of units within the CONSERVATION AREA will be renovated consistent with Part 7 Conservation Area Standards and preserved as committed AFFORDABLE HOUSING UNITS as set forth in Section 902. The ~~amount~~ number of density units eligible for transfer shall be equal to 3 times the specified number of committed AFFORDABLE HOUSING UNITS when a Columbia Pike Neighborhoods FBC DEVELOPMENT PROJECT has been identified as the Receiving Site, or 2 times the specified number of committed AFFORDABLE HOUSING UNITS when a Site Plan proposal for a site elsewhere in the County has been identified as the Receiving Site; ~~provided, however, that the aforementioned multipliers shall sunset on December 31, 2020 for density that has not been certified.~~<sup>4</sup>

3. Development rights from a sending site may be certified at the time of approval of a Receiving Site. Density may be transferred to either 1) an area designated as a BONUS AREA on the REGULATING PLAN in accordance with Section 204.A above; or 2) to another site within the County in accordance with §15.6.7.B of the Zoning Ordinance.

*N-FBC-1: Columbia Pike Neighborhoods Form Based Code Amendment adopted on December 14, 2013*

*N-FBC-4: Columbia Pike Neighborhoods Form Based Code Amendment adopted on November 14, 2015*