

# ARLINGTON COUNTY, VIRGINIA

## County Board Agenda Item Meeting of April 17, 2021

**DATE:** March 31, 2021

**SUBJECT:** ZOA-2021-01. Amendments to Articles 12 and 15 of the Arlington County Zoning Ordinance (ACZO) to allow modifications of the maximum building height for multifamily residential development in the RA14-26, RA8-18, and RA6-15 districts by the County Board through its site plan approval authority for development projects providing 100% of the dwelling units as low- or moderate-income housing.

**C.M. RECOMMENDATION:**

Adopt the attached ordinance to amend, reenact, and recodify Articles 12 and 15 of the Arlington County Zoning Ordinance (ACZO) to allow modifications of the maximum building height of up to 60 feet for multifamily residential development in the RA14-26, RA8-18, and RA6-15 districts by the County Board through its site plan approval authority for development projects providing 100% of the dwelling units as low- or moderate-income housing, and to make other editorial changes to improve clarity, as shown in Attachment 1.

**ISSUES:** This is a zoning ordinance amendment to provide the County Board additional flexibility to approve increased building height for site plan projects in three of the County's multifamily residential (RA) districts in instances where the project would include significant contributions to the County's affordable housing supply.

Community members have offered several perspectives and concerns for the potential consequences for enabling increased height for affordable housing projects. Staff has documented this feedback in the Public Engagement section of this report and has revised the proposed zoning text to clarify the Countywide locations eligible to consider use of this regulation.

**SUMMARY:** Staff has developed 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

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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 ACZO. As an option, the County Board could grant increased building height for projects with a lesser percentage of low- or moderate-income housing upon finding that the project demonstrates a strong commitment to meeting the goals and policies of the [Affordable Housing Master Plan \(AHMP\)](#), albeit with a percentage of low- or moderate-income units less than 100%.

This amendment is an initial phase of the County's [Multifamily Reinvestment Study \(MRS\)](#), conducted as part of the Housing Arlington initiative. The MRS builds upon and expands staff's previous work with the Housing Conservation District (HCD) study process, which was limited to 12 multifamily development areas where market rate affordable units (MARK) are clustered, to enable clear multifamily residential development standards for all RA-zoned areas throughout Arlington County that reflect current and anticipated economic conditions. Among other objectives, the MRS intends to increase Arlington's multifamily housing supply in RA districts with redevelopment, support rehabilitation and modernization of the County's older multifamily housing stock, and include economically feasible requirements for the provision committed affordable housing, particularly in areas where other renovation and redevelopment options beyond those available through by-right standards are not present.

The Board's approval of increased building height would also 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.

The County Board authorized the advertisement of this item at its March 20, 2021 meeting. During the meeting, County Board members asked for additional clarity on the types of proposals that could be considered where less than 100% of the units would be low- or moderate-income housing while meeting goals of the Affordable Housing Master Plan. The Board also considered whether further narrowing of the scope of this amendment was necessary, indicating their intention to discuss those matters further at the April 2021 public hearing.

Staff has evaluated this feedback from the County Board as well as similar feedback received by community members, and has developed further edits to the draft text. The updated text further clarifies the applicability of the increased building height provision outside of areas already subject to an Area Plan, Sector Plan, Phased Development Site Plan (PDSP), or County Board-approved planning policies. Staff has enclosed the updated draft text for the zoning ordinance amendment as Attachment 1.

**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 other things. While these standards have been amended several times in past decades, the by-right, maximum height and maximum density 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. Properties designated as Voluntary Coordinated Housing Preservation and Development District (VCHPDD) or 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 County's site plan bonus density for affordable housing was increased from 15% to 25% and the requirement to designate a site as a VCHPDD or CMFCDD was eliminated, therefore allowing the density increase to apply Countywide in three RA districts – RA14 26, RA8-18, and RA6-15.
- 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 uncapped bonus density within allowable form and building height set by each zoning district. However, the amendment also reaffirmed the County Board's ability to approve additional density and additional building height 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 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 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 jobs and residents within the Washington, DC region, spurring increased housing demand in all jurisdictions within the region.

**DISCUSSION:** 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, clarity 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 low- to medium-density multifamily residential development on the GLUP. These optional standards were added to the ACZO with the amendments in 1992 and 2001.

As part of the 2019 bonus density amendment, the County Board revised §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 Plan and Sector Plan areas up to the maximum height recommended in those adopted plans in exchange for contributions to the County's affordable housing supply, community facilities, or other stated community goals. Often, RA districts fall within transitional areas between lower density residential neighborhoods and transit stations envisioned for high density development as part of a County Board-adopted plan. The lack of policy guidance for many of these areas 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 within §12.3.7.

Since the adoption of the 2019 bonus density amendment, staff has monitored development interest within RA districts and noted interest in redevelopment projects which would include significant additions to the County's affordable housing supply. Arlington still experiences a critical shortage of affordable housing, and as approximately 79% of the land in the County that is zoned for residential use is restrictively zoned exclusively as single-family detached housing<sup>2</sup>, staff supports exploring additional opportunities where affordable housing can be gained in areas zoned for multifamily development.

Prospective development applicants have shared feedback with staff on the limitations with the existing building height maximums of 60 or 70 feet for the RA districts. These maximums were incorporated into the ACZO in 1992 and have not been comprehensively reevaluated to account for today's higher-demand real estate market. The shorter heights, without flexibility for Board modification can hamper the establishment of an economically feasible building envelope for the purposes of financial underwriting and competitiveness for tax credit applications. In transitional

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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> The [March 2021 Request to Advise staff report](#) incorrectly noted that 70% of the County's land is zoned exclusively for residential use as single-family detached housing. This report corrects that statistic, which is sourced by research conducted for the publication of the Missing Middle Housing Study's [Research Compendium Bulletin #4](#). Approximately 49.37% of Arlington is in either a Residential (R) or Multiple-family Residential (RA), and 79% of this residentially zoned area only allows for the establishment of single-family detached houses by-right.

areas that are near commercial and mixed use centers but just outside of areas subject to a County Board-adopted plan, increasing the existing building height maximums would be appropriate on a case-by-case basis to enable new opportunities for increasing the County's affordable housing supply.

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>3</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 recommendations are not anticipated to be completed until early 2022, which could potentially delay timelines for affordable housing development projects seeking site plan approval prior to the conclusion of that study.

To enable limited, near-term consideration of increased building height on a case-by-case basis, staff recommends restoring the County Board's authority to approve increases in building height of up to 60 feet beyond the maximum heights specified in §12.3.7. This 60-foot height increase provision, along with a defined density increase, was originally adopted in 1972 with the intent of being an incentive for the inclusion of low- and moderate-income housing in multifamily site plan development. The current provisions in §15.5.9, by comparison, only allow for increases in "uncapped" density within maximum heights specified in each zoning district or planning areas. If the County Board approves the recommended amendment and restores the increased height provision, it would allow the County Board to consider applications using the uncapped bonus density enacted as part of the 2019 amendment up to new height maximums of 120 or 130 feet depending on the RA district.

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 a reasonable action to avoid missing affordable housing development opportunities until such time that the comprehensive work, through the MRS process to modernize the RA district regulations with new height standards and other site and building regulations, is completed.

Staff acknowledges that such a provision would enable the County Board to consider building heights between 60 feet up to 120 feet in RA14-26 and RA8-18, and between 70 feet 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>4</sup>. To control for stark differences in building height within a neighborhood that could

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<sup>3</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 areas.

<sup>4</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."

arise as a result of these provisions, staff proposes additional regulations 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 examples of potentially effective measures within the draft text, including landscaping buffers, architectural façade treatments, and increased building setbacks and/or stepbacks. Staff recommends broad flexibility in this finding's language, as opposed to a specific, prescriptive checklist of measures to choose from, to enable a development applicant's formulation of creative site design solutions in consultation with staff, the Planning Commission in its role as the Site Plan Review Committee (SPRC), and members of the public. The Public Engagement section of this report, particularly the overview of the Zoning Committee's January 19<sup>th</sup>, 2021 meeting, discusses the site plan review process for modification requests further.

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 flexibility to increase 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 added to Arlington's housing supply. This amendment would create a more feasible path for redevelopment of aging housing supply like other planning incentives offered in other parts of the County. Additional discussion on the limits of the proposed zoning can be found in the section entitled *County Board Meeting (Request to Advertise) – March 20, 2021* on page 13.

Staff has included a 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](#) (AHMP). This provision could be utilized in limited instances where a development proposal could provide less than 100% of the dwellings as low- and moderate-income housing and still warrant consideration for increasing building height. Given the complex variety of influences for formulating a successful affordable housing project, staff is unable to comprehensively outline the precise development details for such projects. However, staff emphasizes that the intent of this flexibility is to enable the County Board to consider additional affordable housing applications for increased building height that may demonstrate a strong commitment to multiple components of the AHMP goals and policies for low- or moderate income housing and other diverse and inclusive housing programs.

Some examples of how an applicant could meet other AHMP objectives include, but are not limited to:

- The conversion of all existing, on-site market-rate affordable dwellings (MARKs) to an equivalent number of committed affordable units (CAFs);
- Alternative housing formats such as permanent supportive housing with on-site residential caregivers assisting residents with physical or developmental disabilities with activities of daily living, allowing caregivers to reside on-site within dwellings which are not subject to maximum household income limits.
- A mixed-income development that offers multiple tiers of affordability to serve residents with deeper affordability needs who can not qualify to reside in a typical CAF affordable to residents who make up to 60% of the area median income.

If adopted, staff will continue to evaluate the necessity of the proposed height modification authority as part of the MRS in the coming months. Staff recommends approval of this amendment as an interim tool for the County Board to use in the near-term only for development projects which can provide significant contributions to the County’s affordable housing supply. Given the near-term monitoring and evaluation of this tool as part of the MRS, staff does not see a need for sunset provisions which would invalidate the County Board’s height modification authority at a specified future date.

**PUBLIC ENGAGEMENT:**

*Level of Engagement:*                      **Communicate & Consult**

Given the relatively infrequent number of development projects which would be eligible for requesting the proposed building height modification and given that the proposed modification is only eligible in three of the County’s RA districts, staff has utilized this level of engagement for this study.

As staff continues work during the remainder of FY21 and throughout FY22 on the Multifamily Reinvestment Study (MRS), staff will implement a robust community engagement strategy using the *Communicate*, *Consult*, and *Involve* levels of engagement to incorporate public feedback into the broader study’s recommendations.

*Outreach Methods:*

- Public notice will be given in accordance with the Code of Virginia §15.2-2204. Notices of the Planning Commission and County Board public hearings for this zoning ordinance amendment will placed in the March 23<sup>rd</sup> and March 30<sup>th</sup> issues of the Washington Times for the April 5<sup>th</sup>, 2020 Planning Commission and April 17<sup>th</sup>, 2021 County Board Meetings, respectively.

In addition to the above legal requirements:

- Staff provided an overview of the study’s scope and schedule on the County’s [Zoning Studies website](#) for members of the public interested in learning more about staff’s work on this study.

- Staff contacted the following organizations via email for feedback and comment on the study:
  - Northern Virginia Affordable Housing Alliance (NVAHA)
  - Alliance for Housing Solutions (AHS)
  - NAIOP – Northern Virginia’s Arlington Government Relations Subcommittee
  - Arlington County Chamber of Commerce
  - Northern Virginia Building Industry Association (NVBIA)
  - Northern Virginia Apartment Association (NVAA)
  - Apartment and Office Building Association (AOBA)
  - Arlington County Condo Owners & Renters Coalition (CORC)
  - BU-GATA Tenants Association
  - Arlington Partnership for Affordable Housing (APAH)
  - AHC, Inc.
  - Wesley Housing

APAH: Staff received written feedback from APAH expressing support for the study’s recommendations. APAH highlighted the need for more affordable housing in Arlington and throughout the region and mentioned that the need had been exacerbated due to the COVID-19 pandemic. The supportive comments also outlined a prospective redevelopment project for its Marbella Apartments location which according to APAH would be enabled by the prospect of increased building height through County Board modification.

NAIOP: Staff addressed the subject amendment as part of a presentation to NAIOP at its March 24, 2021 meeting. NAIOP members expressed general support for the proposed amendment, noting the difficulties in affordable housing development.

CORC: Staff discussed the study’s recommendations with a CORC representative. The representative raised the prospect of affordable housing development organizations to preemptively target property owners of multifamily housing with MARKs and incentivize them to sell prematurely. They stated that rather than further minimizing the supply of MARKs in Arlington, this tool and those that are to be developed as part of the MRS should be utilized in locations where MARKs are not present in order to increase the County’s supply of housing affordable to residents making 60-80% of the AMI without reducing or replacing MARKs.

Affordable housing development organizations complete projects which have a number of complex inputs that contribute to their successful development. These include, among a host of inputs, an agreeable land acquisition cost, access to adequate financial resources that can often include Low-Income Housing Tax Credits (LIHTC) and obtaining entitlement approval for an economically feasible yield of dwelling units. Given this complexity, staff does not see a singular building height modification provision as an inducing factor for speculative purchasing of MARKs properties by such organizations. However, in instances where an affordable housing developer is pursuing development approval, the height modification would enable an increased number of units that could enhance the project’s economic feasibility.

Staff also notes that the redevelopment of a site with MARKs that would occur utilizing the proposed height modification would likely result in the project's dwelling units being added to the County's supply of committed affordable units, or CAFs. While CAFs are monitored and regulated by the County in partnership with the property owner to stabilize housing costs to guarantee long-term affordability, MARKs are subject to no such affordability controls and can be subject to rent increases for tenants based on market demand.

- Staff received feedback from the Green Valley Civic Association (GVCA) expressing concerns with the potential implications of the proposal for the Green Valley community. GVCA's initial concerns centered on opposition to any housing which would be constructed in Green Valley that "deleteriously impacts our community." GVCA leadership cautioned that providing the Board the authority to modify maximum building heights for affordable housing projects would "alter significantly the landscape and composition of our historical community."

Staff met with a GVCA representative after receiving GVCA's feedback. The discussion centered on several topics:

- There are several RA-zoned sites within Green Valley that could be eligible for a developer to request approval for the proposal's increased height, and such redevelopment would dramatically change the community.
- Green Valley already has a diverse mix of housing types and prices.
- Arlington County only has a very small number of developers who would utilize the increased height provision, forcing the County to potentially decide whether to grant the height modification or not to a worst-case operator.
- The proposed finding that references the need for effective transitions is too vague and could be strengthened or further clarified.
- Arlington County needs better, high quality housing – not just affordable housing – with interior layouts and features that are optimized for making residents lives easier. An example of this that was highlighted was ensuring all residents had convenient access to an elevator in centrally located areas of a multifamily building.
- If the County Board adopts the zoning ordinance amendment, the modification authority should have a sunset clause to control for the potential for a flood of developers overutilizing the provision.

Staff clarified that the proposed zoning ordinance amendment would enable a development applicant to request the height modification, but would not presume or require the County Board to approve it. The applicant must receive site plan approval from the County Board, which would include review and analysis of this modification and others which are customarily incorporated into a development proposal by a site plan applicant. Site plan projects which would result in unreasonable, adverse impacts on surrounding neighborhoods are highly unlikely to be approved given the review to identify such issues and resolve them by CPHD staff, members of the public, the Planning Commission, and ultimately the County Board.

As previously discussed, staff will continue to evaluate the necessity of the proposed height modification as part of the broader Multifamily Reinvestment Study. Staff recommends the ordinance amendment as written in Attachment 1, without a sunset clause, given the amendment's intent as an interim measure to provide the County Board with flexibility to approve affordable housing development projects which could benefit from increased building height in the near term. Although the findings language for effective transitions is broad, staff sees the need for this broader language given the wide range in size, topography, and location of individual parcels, which requires a nonstandardized approach to site design and layout using appropriate mitigation measures such as landscaping, increase setbacks/stepbacks, architectural façade treatments, and similar tools.

- Staff received feedback recommending the consideration of adding the height modification authority to additional zoning districts. The recommendations included along Columbia Pike, R2-7, and C-O in order to enable increased height and density to better meet the minimum requirements for affordable housing as specified in the Columbia Pike Neighborhoods Form Based Code (N-FBC).

The zoning standards for development and redevelopment along Columbia Pike are subject to both the Neighborhoods Form Based Code (N-FBC) and the Commercial Form Based Code (FBC). The FBC enables increased development intensity at defined nodes along Columbia Pike to support the mixed use, mixed income, pedestrian-oriented vision of the Columbia Pike outlined in the 2005 Columbia Pike Initiative Plan. The N-FBC, which implements the 2012 Columbia Pike Neighborhoods Area Plan, enables multifamily residential development between the commercial FBC-regulated nodes that provides more housing to support the commercial uses envisioned with the adopted plans while preserving the supply of affordable dwellings.

Staff acknowledges the financial complexity and market challenges that can come with redevelopment opportunities which must meet both the County's adopted vision and standards for housing affordability while generating a reasonable return on investment for the development partners involved. Given the limited, narrow scope of this height modification proposal, limited to RA-zoned properties which provide significant contributions to the County's affordable housing supply, staff does not recommend expanding the scope of this interim study to account for these recommendations.

Staff continues to monitor development trends along Columbia Pike that were raised in the comments, and considers these issues to be policy-level matters which would require review and evaluation of the adopted plans for Columbia Pike's future development and the FBCs themselves to fully consider and study for alignment with community goals and objectives.

- *Housing Committee Meeting – January 14, 2021*  
Staff presented the study's findings to the Housing Commission in January 2021. Commissioners discussed a range of topics and asked several questions of staff. Several Commissioners noted their support for the proposal, as it would enable increased energy efficiency in multifamily buildings by allowing efficiency measures and their costs to be spread out across more residents in taller buildings.

Commissioners recommended that staff generate a map of Arlington County that identified the three RA districts within the scope of the study. Staff has completed this map, shown in Attachment 2, and posted it to the [County's website](#). Commissioners also requested information on the number of RA-zoned parcels which were currently owned by affordable housing nonprofit organizations and similar numbers for market-rate housing developers. Staff has provided a map accessible [via the County's website](#) that identifies each of the locations in Arlington with dwellings which are part of the County's affordable housing supply, known as committed affordable units or CAFs.

Commissioners expressed caution in approving any zoning ordinance amendment that would further concentrate affordable housing projects in areas of Arlington County where such development has previously occurred. Staff acknowledged the caution and agrees with the need to both encourage and incentivize the distribution of affordable housing throughout Arlington, as recommended in Objective 1.1.4 on p. 19 of the County's [Affordable Housing Master Plan](#). In addition, County funding allocated through the County's Affordable Housing Investment Fund (AHIF) is awarded through a Notice of Funding Authority (NOFA) process, which reinforces the AHMP goal by assigning additional points to applications that achieve the County's distribution goal.

Staff explained that the increased building height provisions would be applicable to development projects anywhere in Arlington zoned RA14-26, RA8-18, or RA6-15 which provided a significant commitment to housing affordability – not just in areas where such projects have previously been established.

Commissioners expressed support for enabling similar provisions for increased building height that would incentivize market-rate developers to include more affordable housing in their projects. Staff explained that the recommended amendment was purposefully limited in scope to act as an interim step in the broader Multifamily Reinvestment Study, and that this broader study would evaluate and provide its own recommendations for such provisions. Given the short-term review process for this study which allots a study period of approximately 6 months from start to finish, staff's work was targeted in scope in a way that curtailed the potential for sweeping changes in the County's RA-zoned neighborhoods. This short-term review scope was selected to account for anticipated development applications which staff foresees being filed in the coming year, enabling the County Board to modify maximum height standards on a case-by-case basis so that delays or missed opportunities for affordable housing projects would be avoided in the near term.

Finally, Commissioners expressed support for reexamining principles which would necessitate the placement of tall buildings only in certain areas of the County.

- *Zoning Committee Meeting – January 19, 2021*  
Staff presented the study's findings to the Planning Commission's Zoning Committee in January 2021. Commissioners focused several questions on different scenarios which could potentially warrant the approval of a development project with increased building height that did not provide 100% of the dwelling units as low- or moderate-income housing.

Commissioners expressed concern with the broad flexibility of the draft language which required the County Board to find that the development layout effectively transitioned between the increased building mass on the subject property and the surrounding neighborhood. Knowing that numerous properties along Lee Highway are zoned one of the three RA districts within the scope of this study, Commissioners requested more information on the coordination of this study's recommendations with the Plan Lee Highway process.

Staff explained that the intent of the proposed amendment is to enable increased building height only in instances where the site plan applicant would provide a significant contribution of affordable dwelling units. Staff sees the baseline for determining whether or not an application's contribution can be considered significant to be 100% of the dwelling units. However, there could be instances where moderate flexibility in meeting the 100% affordability finding would be appropriate as described above in the Discussion.

As previously discussed, site plan applicants may request modifications of several types of zoning regulations as specified throughout the ACZO and as broadly enabled in §15.5.7 (Modifications and transfers) of the ACZO. These modification provisions, which are frequently requested by applicants and often times approved by the County Board, have been incorporated into the ACZO for several decades. These modification requests are reviewed en masse by staff for compliance with the Comprehensive Plan, applicable area/sector plans, and good planning practice. These modification requests are further scrutinized during the SPRC process before proposals come forward for final consideration by advisory boards and commissions, and ultimately the County Board who has the ultimate discretion to approve the requested modifications.

Given staff's institutional experience in reviewing such modifications, and given the public SPRC process which provides transparency for members of the public on the applicant's proposal to implement effective transitions when increased building height subject to this zoning study is requested, staff considers the existing site plan review procedures as an adequate forum for the review and consideration of this building height modification.

Staff continues to coordinate with the project manager for the Plan Lee Highway process. If adopted, the increased building height would be eligible for development applicants with RA14-26, RA8-18, or RA6-15 zoned sites which would provide 100% of the units as low- or moderate-income housing. Based on feedback with members of the development community, staff is unaware of pending development projects along Lee Highway which would meet these criteria, and which would be filed within the next calendar year. Staff will continue to support the Plan Lee Highway process, with the ultimate goal being that the corridor vision, goals, and recommendations which result from the Plan Lee Highway process. Staff for both processes will continue to share findings on each respective process.

The Zoning Committee opened the meeting for public comment, and one attendee provided feedback. The attendee's comments focused on concern for politicization of the County Board's height modification authority that would enable favored developers to take advantage of the ability to obtain 60 additional feet in building height. Staff clarified that each site plan project is reviewed through an objective lens, without bias for particular

developers. Moreover, staff recommendations for approval or denial of site plan modification requests are rooted in compliance with applicable provisions in the County's Comprehensive Plan and ACZO, with the ultimate authority to approve or deny such modifications resting with the County Board.

- The Chair and Vice Chair of the [Plan Lee Highway](#) Community Forum (PLHCF) provided feedback to the County Board on the proposed modification authority for increased building height. PLHCF is the community planning process begun in 2018 and currently underway to develop a comprehensive vision and policy framework for transforming the Lee Highway corridor into an attractive, prosperous, safe, healthy and livable main street community. The process is currently on schedule to be completed in 2022.

The feedback outlines each chair's sentiments, characterized in the written comments as the broader Lee Highway community's expectations as well, that the planning recommendations which will be the result of the Plan Lee Highway process will ultimately supersede the policies and regulations associated with the previous Housing Conservation District work, as well as the forthcoming Multifamily Reinvestment Study policies and implementation.

The chair's feedback mentions how there are several locations along Lee Highway with multifamily development within one of the three RA zoning districts within this study's scope. They express concern that if the proposed language is adopted, property owners with multifamily housing in one of the three RA districts "would not have to refer to Plan Lee Highway's [General Land Use Plan (GLUP)] changes, as the new RA provisions would allow the density and building height through the SPRC process without a GLUP amendment."

The chairs acknowledge the proposal's required findings of the County Board but advise that these findings are different from the specific corridor-wide recommendations to be developed as part of the PLHCF process. The feedback closes with a request for clarification on the PLHCF's role in guiding redevelopment on RA-zoned development sites through the site plan approval process.

#### County Board Meeting (Request to Advertise) – March 20, 2021

Staff presented the study's findings to the County Board in March 2021 and requested authorization to advertise for public hearings to consider the proposed amendment. Board members discussed a range of topics associated with the study, including feedback raised by the public in advance of the meeting.

Several comments had been provided in advance of the meeting by residents of the Westview at Ballston community, who expressed concerns that the building height modification provisions could be utilized in a way that would enable increased height on an adjacent property if redeveloped. The adjacent property, a vacant church at 1031 North Vermont Street, was approved for redevelopment with [Site Plan #447](#) by the Board in February 2018. The Board approved a subsequent amendment to this site plan in June 2020. Residents highlighted the prospect of decreased sunlight exposure for the Westview condominium building, decreased property values, and general impacts to the County's school system and traffic congestion. As previously discussed and as outlined in Attachment 1, the proposed zoning ordinance

amendment would be applicable only to properties zoned RA14-26, RA8-18, and RA6-15. Since the Westview at Ballston community as well as the vacant church property are both zoned R-C (Multiple-family Dwelling and Commercial District), the proposed height modification provisions would not be applicable to development on either property.

Board members discussed with staff the range of possible scenarios that could be envisioned for affordable housing projects which would warrant increased height but would provide less than 100% of the dwellings as low- and moderate-income housing. Staff shared possible examples where development projects which addressed specific goals and objectives in the Affordable Housing Master Plan would be potential candidates for increased height despite not providing 100% of the dwellings as low- and moderate-income housing. Board members requested further information on these possible scenarios in advance of the April public hearing for the zoning ordinance amendment. As previously discussed, some examples of such scenarios could include the preservation of an equivalent number of MARKs during redevelopment as CAFs, alternative housing formats which accommodate residential caregivers and other support staff who do not meet income qualifications for a CAF, and mixed-income developments providing CAFs intended for deeper affordability to the County's most financially challenged residents who would not qualify for a 60% AMI CAF.

Board members also highlighted the crossover that the increased height modifications for affordable housing projects could have for the Plan Lee Highway process and the Multifamily Reinvestment Study. Discussion centered on the challenge with enabling these processes to be completed and implemented, but to enable the County Board to be proactive in the next calendar year should an affordable housing project proposing to significantly increase the County's affordable housing supply merit consideration for increased height. Staff discussed the challenges with further limiting the already narrow provisions and advised that further limitations could add additional complexity to the proposed language and minimize the County Board's opportunities for supporting an affordable housing project with increased height. County Board members requested additional study before adoption of the amendment on the feasibility of further narrowing of the provision's applicability based on geography and to report on those findings at the April public hearing.

To account for this feedback and similar concerns raised by community stakeholders, staff recommends further edits to the draft language which would further clarify that the increased building height provisions would not be eligible within areas subject to an Area Plan, Sector Plan, PDSP, or other County Board-approved planning policies. The [General Land Use Plan \(GLUP\)](#) identifies these areas as planning districts on the GLUP Map, which include a variety of areas countywide which were subject to geographically-bounded planning studies over the past several decades. Some examples of these areas, which are further described in the Notes section of the GLUP Map, include:

- Green Valley Village Center Special Revitalization District
- Fort Myer Heights North Special District
- Radnor Heights East Special District
- Columbia Pike Special Revitalization District
- Columbia Pike Special Neighborhoods Revitalization District

- Crystal City Coordinated Redevelopment District
- Multiple districts along the Rosslyn-Ballston corridor

Each of these areas were subject to targeted, specialized planning processes that often resulted in specific recommendations for building height and residential density to align with the consensus goals and objectives developed alongside community stakeholders for each planning process. Property owners seeking redevelopment in these areas have existing enabling tools to facilitate housing development and affordability, unlike the RA districts targeted with this amendment. Applying the proposed planning tool would be unnecessary in these locations and may add unnecessary confusion to property owners and community members about which zoning regulations apply.

Although Housing Conservation District areas (HCDs) are identified as a planning district on the GLUP Map, staff sees merit in enabling increased building height for affordable housing projects within these areas in the interim. As previously discussed, HCDs were originally established to preserve opportunities for multifamily housing and curtail the demolition of smaller apartment buildings typically providing MARKs to the County's housing supply into fewer units, at significantly higher price levels. The HCD was also established to minimize the substantive alteration of the garden apartment characteristics through redevelopment of townhouse units.

Given the relative age of many multifamily buildings within HCDs, ranging from 50 to 80 years old, the redevelopment of such buildings as affordable housing projects utilizing the increased building height provision of this study would likely result in no net loss of affordable housing, as any dwelling units which would be considered MARKs would be added to the County's affordable housing supply as CAFs. Staff recommends enabling the County Board to consider modifications to maximum building height for RA-zoned projects within HCDs and will reevaluate these interim measures as the MRS progresses through its schedule over the coming year. For these reasons, staff proposes to modify the proposed text and clarify its applicability to properties within the HCD, and other RA-zoned areas that are outside of adopted planning districts.

**CONCLUSION:** Staff recommends adoption of the attached resolution to authorize advertisement of the draft language shown in Attachment 1 that would enable the County Board to modify the maximum height standards for multifamily projects in the RA14-26, RA8-18, and RA6-15 zoning districts. Such increases in height would only be warranted in instances where significant contributions will be made to the County's supply of affordable housing, and should be assessed on the merits of an applicant's ability to adjust the project's site design, building massing, and layout to effectuate as minimal of an impact as reasonable with surrounding neighborhoods. The modification authority would be an effective, limited tool for immediate, near-term action on affordable housing projects as an interim phase of the much broader Multifamily Reinvestment Study which will be undertaken over the course of this calendar year.

**ZOA-2021-01**

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY §12.3.7 AND §15.5.9 OF THE ARLINGTON COUNTY ZONING ORDINANCE TO ALLOW MODIFICATIONS OF THE MAXIMUM BUILDING HEIGHT OF UP TO 60 FEET FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT IN THE RA14-26, RA8-18, AND RA6-15 DISTRICTS BY THE COUNTY BOARD THROUGH ITS SITE PLAN APPROVAL AUTHORITY FOR DEVELOPMENT PROJECTS PROVIDING 100% OF THE DWELLINGS AS LOW- OR MODERATE-INCOME HOUSING, TO MAKE OTHER EDITORIAL CHANGES TO IMPROVE CLARITY, AND FOR OTHER REASONS REQUIRED BY PUBLIC NECESSITY, CONVENIENCE, GENERAL WELFARE, AND GOOD ZONING PRACTICE.**

*Be it ordained that Sections §12.3.7 and §15.5.9 of the Arlington County Zoning Ordinance are hereby amended, reenacted, and recodified, as shown in Attachment 1, to allow modifications of the maximum building height up of to 60 feet for multifamily residential development in the RA14-26, RA8-18, and RA6-15 districts by the County Board through its site plan approval authority for development projects providing 100% of the dwellings as low- or moderate-income housing, to make other editorial changes to improve clarity, and for other reasons required by public necessity, convenience, general welfare, and good zoning practice.*

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 Zoning Ordinance are updated accordingly.

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

A. Site plan options

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

- 1. The County Board may approve a building or buildings with maximum height and density as set forth**~~Under no circumstances shall the County Board approve a building with a 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

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

- ~~3. 2.~~ Parking for new dwelling units shall be provided as required in §14.3. However, the number of parking spaces per existing dwelling unit preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

## 15.5.9. Additional building height and density above the zoning district regulations and the General Land Use Plan

### A. Affordable Housing

1. ...

2. ...

#### 3. Modification of Building Height

- a) In considering the approval of a site plan, the County Board may permit additional building height above that specified for site plan development in the zoning district regulations for the provision of low- or moderate-income housing.
- b) **In the RA14-26, RA8-18, and RA6-15 districts on lots which are identified on the adopted General Land Use Plan as either 1) within a Housing Conservation District as identified on the General Land Use Plan Map, or 2) outside of a planning district as identified on the General Land Use Plan Map, the County Board may, through site plan approval pursuant to §15.5, modify the maximum building height regulations specified in §12.3.7. Under no circumstances shall the County Board modify the maximum building height regulations as specified in §15.5.9.A.3.b in a manner that would result in additional building height beyond 60 feet above the height permitted in §12.3.7, exclusive of mechanical penthouses. Such modifications may be approved when the County Board finds that:**  
~~In RA districts, except RA H, RA4.8, and RA H 3.2 districts, building heights shall not be modified under this §15.5.9.A.3, except where a project provides low- or moderate- income housing as allowed by §12.3.7.~~
  - 1) **The proposed development will result in the provision of 100% of the dwelling units providing low- or moderate-income housing. In instances where less than 100% of the dwelling units would be considered low- or moderate-income housing and the development project is overall consistent with the Affordable Housing Master Plan, the County Board may modify the maximum building height regulations as specified in §15.5.9.A.3.b.**
  - 2) **The applicant's site layout and proposed building heights have been designed in a manner to establish effective transitions to lower density residential neighborhoods, using site topography, landscaping, architectural façade treatments, graduated building heights, increased setbacks, or other similar measures;**
- 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.~~

