



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 26, 2009

DATE: September 23, 2009

SUBJECT: Request to Advertise public hearings on a proposed Zoning Ordinance amendment to Sections 12. "RA14-26", 13. "RA8-18", 14. "RA7-16" and 15. "RA6-15" Apartment Dwelling Districts to permit, by use permit approval, additions to and expansion of existing nonconforming buildings or uses and modification of coverage, yard, setback, parking and/or density regulations for existing apartment buildings, where a building is proposed to be used for the provision of low or moderate income housing. Modification of height and density would only be permitted to allow existing development on the site.

C.M. RECOMMENDATION:

Adopt the attached resolution to advertise public hearings by the Planning Commission on October 13, 2009, and the County Board on October 24, 2009, on the attached ordinance to amend, reenact, and recodify the provisions in Sections 12, 13, 14 and 15 of the Arlington County Zoning Ordinance to permit, by use permit approval, addition to and expansion of existing nonconforming buildings or uses and modification of regulations for existing apartment buildings, where a building is proposed to be used for the provision of low or moderate income housing.

ISSUES: This is a request for authorization by the County Board to advertise an amendment to the Zoning Ordinance to permit, by use permit approval, additions to and expansion of nonconforming buildings and uses and modification of regulations for existing apartment buildings in "RA" districts, where a development proposes the provision of low or moderate income housing. The Historical Affairs and Landmarks Review Board (HALRB) has expressed concern that a Zoning Ordinance amendment specifically intended to address older buildings would move forward prior to publication of the historic resource inventory referenced in the Historic Preservation Master Plan. The discussion and community process sections of this report address this issue.

SUMMARY: This is a request to advertise a Zoning Ordinance amendment that would permit, by use permit approval, additions to and expansion of existing nonconforming buildings or uses, such as parking, and modification of regulations for those buildings and uses in "RA" districts where the building is proposed to be used for the provision of low or moderate income housing,

County Manager: _____

County Attorney: _____

Staff: Deborah Albert, DCPHD, Planning Division

PLA-5360

as defined by the Zoning Ordinance. The proposed amendment would allow the County Board to modify regulations in “RA” Apartment Dwelling Districts in order to facilitate maintenance, renovation and preservation of existing affordable dwelling units, as well as the creation of affordable dwelling units where none now exist. The proposed use permit option is more limited in scope than existing options in these districts, restricting modification of height to the greater of the by-right height in the district or that which is on site, and density to that which is already existing on the site. The proposed use permit option would limit the extent of structural alterations permitted, and this, coupled with conditions imposed by the County Board as part of the use permit process, would minimize the impact of nonconforming conditions on adjacent properties. It would also limit the scope of review, while promoting opportunities to realize the County’s affordable housing goals and targets.

BACKGROUND: When the County’s Apartment Dwelling Districts (“RA”) were created, density was calculated as a range allowing dwelling units per acre, depending on the number of proposed bedrooms per dwelling unit. These zoning districts were later amended to allow a minimum square footage per dwelling unit (a specified number of dwelling units per acre), regardless of the number of bedrooms provided. Many of the sites that were developed under the original density ranges became legally nonconforming when the districts were so amended, particularly those that were approved at the low end of the original range. In addition, many of these apartments were constructed in the 1930’s, 1940’s and 1950’s when parking requirements were either much lower than they are today, or nonexistent. Therefore many of the apartments are also nonconforming with regard to parking. These buildings may also be nonconforming with regard to setbacks, yard or coverage, or require a trade-off between coverage and parking in order to provide enough off-street parking to accommodate the needs of the residents. While many of these apartments continue to supplement the supply of market rate affordable units, owners of the buildings are limited in their ability to make improvements due to nonconforming building and structure regulations in the Zoning Ordinance, which preclude any structural modifications to properties that are nonconforming with regard to use, height, area, parking or density, unless the building or structure, including the alterations, is made to conform to all current regulations. Good zoning practice precludes expansion of nonconformities unless there is a compelling reason otherwise.

Recently an affordable housing organization has proposed to purchase and renovate a nonconforming apartment building (the site is over density and under parked) in an “RA” zoning district. Without proposing an increase in the total number of units, the applicant proposes to expand the existing buildings (in the form of “bump-outs”) in order to create some larger, multi-bedroom units, consistent with the community’s needs for affordable housing and with building code requirements to accommodate more than two people. However, the proposed structural modifications are not allowed under County’s nonconforming building and use provisions. Staff has recommended that the applicant submit a use permit application for the proposed modifications, to be heard in October, concurrently with this proposed Zoning Ordinance Amendment. Analysis of the use permit is underway, and staff has not yet determined whether the proposal should be approved.

DISCUSSION: In order to promote opportunities to retain affordable housing, consistent with County Board policies, and to facilitate maintenance and improvements in the County’s stock of market rate affordable units, a new use permit option is proposed in “RA14-26”, “RA8-18”, “RA7-16” and “RA6-15”, Apartment Dwelling Districts. In 1990, the County Board adopted the “Special Affordable Housing Protection District” (SAHPD) to promote retention of affordable housing within Metro corridors. The intent of the SAHPD is to ensure that low- and moderate-income apartment units remain or are replaced in areas where planned density is 3.24 FAR or greater and is higher than that allowed by-right. However, similar tools have not been developed for areas outside of the Metro corridors, where planned densities are lower, but where many older apartment buildings provide market rate affordable units. Many of these areas are zoned to “RA” districts.

The intent of the proposed use permit option is to add an alternative for existing residential properties that are legally nonconforming in “RA” zoning districts. Staff expects that the option would be used for projects requesting “bump outs” to increase the size of existing units in order to accommodate requirements related to affordable housing tax credits, an increase in the number of bedrooms in existing units, and other requirements related to meeting building code and the provision of affordable housing. The proposed amendment would allow the County Board, through use permit approval, to modify zoning requirements to allow for structural improvements to and/or expansion of existing nonconforming apartment buildings, where the provision of affordable housing is being proposed, so long as the building height is not increased beyond that allowed by-right (ranging from 35 feet and 3 ½ stories to 95 feet and 10 stories in the four zoning districts included in the proposed amendment) (unless there is already additional height legally existing on the site) and the number of units is not increased beyond those currently existing on the site.

While there are two existing special exception options in “RA” zoning districts that allow for modification of regulations (see the summary in Table 1 below), they both allow for significantly more flexibility in the degree of renovation permitted, and therefore in what an applicant could propose, and may require a much more involved review process. The proposed option, with restrictions on modification of height and density, is intended to permit only renovation and expansion of existing units. Expansion could be in the form of “bump-outs,” which would allow an applicant to propose an increase in the size of existing units or to the total number of units with two or more bedrooms (i.e. some units could be expanded in size), matching needs of families with children, and consistent with the County’s Goals and Targets for Affordable Housing (see Attachment 1). The option would not allow an increase in the number of dwelling units legally existing on the site at the time of application. Limiting alterations to those that would not increase height or density would help minimize the impact of any existing or proposed nonconforming conditions on surrounding properties and could help to limit the scope of review required in order to complete a thorough analysis of projected impacts. However, the scope of review would be determined on a case by case basis depending on the degree of expansion proposed. Through the use permit analysis, the County Board could assess the impact of the proposal, as well as the proposed contribution toward the County’s affordable housing goals. The following summarizes the proposed amendment.

Zoning Districts: “RA14-26”, “RA8-18”, “RA7-16” and “RA6-15” (see Attachment 2).

Modification of Regulations Permitted (by the County Board through use permit approval): yard, setback, coverage and parking, notwithstanding provisions regulating nonconforming buildings and uses in Section 35 of the Zoning Ordinance. Modification of height and density (number of units per acre) would *only* be permitted in order to approve height and density already legally existing on the site at the time of application.

Requirements for Approval:

- Designation of the site as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD). A VCHPDD is a Virginia Code enabled designation that allows the County to provide assistance to for-profit or non-profit housing developers to preserve or provide housing for low or moderate income persons. Designation as a VCHPDD allows the County Board to declare by resolution that a site is eligible for use of the County’s housing fund, and requires that developers assisted in this manner provide a minimum of twenty percent of the units for low and moderate income persons for a minimum of ten years. *Low or moderate income* is defined in the Arlington County Zoning Ordinance as income at or below 60% of median household income for rental housing units, and at or below 80% of median household income for home ownership. Median income is defined as determined for the Washington Metropolitan Statistical Area by the US Department of Housing and Urban Development.
- A finding by the County Board, as required by Section 36.G of the Zoning Ordinance that the use does not adversely affect the health or safety of persons residing or working in the neighborhood; is not detrimental to public welfare or injurious to property or improvements in the neighborhood; and is not in conflict with the purposes of the master plans of the County.
- A finding by the County Board that the proposal furthers the County’s Affordable Housing Goals and Targets.

Submittal Requirements: Plat, parking layout and coverage calculation would be required, as would a low- or moderate-income housing plan (details to be included in the low- or moderate-income housing plan will be provided in the final staff report for this proposed amendment). Architectural drawings and elevations would also be required, but the requirement could be waived in cases where proposed construction is minimal, as determined by staff. Staff may request other information, as required to complete analysis of each proposal.

Use Permit Conditions and Staff Analysis: Standard use permit conditions for development would apply, however, some typical conditions (i.e., undergrounding of utilities, LEED, public art, TDM) may not be expected for projects where proposed construction and overall project impacts are limited. Staff analysis would inform the County Board as to the proposal’s compliance with the proposed requirements and the need for typical conditions. Staff analysis would also include recommendations on additional review, such as review by the HALRB where historic properties are impacted.

Table 1. Comparison of Existing and Proposed Regulations Allowing Modification of Regulations in “RA” Districts

	“RA” Districts: Sites of 20,000 sf or less (adopted provision)	“RA” Districts: Sites of more than 20,000 sf (adopted provision)	All districts: Condo conversion/nonconforming buildings (adopted provision)	“RA” Districts, all sites (Proposed in addition to adopted provisions)
Special Exception Application	Use Permit and low/moderate income housing plan	Site Plan	Use Permit	Use Permit, potentially including a low/moderate income housing plan.
Special Designation Required?	VCHPDD	No	No (condo conversion permitted by VA code)	VCHPDD
Development Permitted	New Construction or Rehabilitation	New construction or rehabilitation	Rehabilitation (non-structural only)	Rehabilitation, additions or expansion so long as height is not increased beyond by-right height and density is not increased
Affordable Housing Required?	Yes: VCHPDD and use permit	Subject to affordable housing ordinance (in Section 36.H of the Zoning Ordinance)	No	Yes: VCHPDD and use permit; and a low/moderate income housing plan furthers the County’s Affordable Housing Goals and Targets
Modification of Regulations Allowed?				
Density	No	Yes – up to 25% additional density for provision of affordable housing	No (except as built)*	No (except as built)*
Height	Yes			
Parking	Yes. Permitted as built, but required to meet Section 33 for all new units.		No (except as built)*	Yes
Setback, yard, coverage	Yes			Yes

*Modification of regulations to approve existing nonconformities does not remove nonconforming status of a

building or use.

Community Process:

Zoning Committee of the Planning Commission (ZOCO): The proposed amendment was discussed at the ZOCO meeting on September 8, 2009. Discussion included an inquiry as to how staff would ensure that historic resources would be protected through the proposed use permit process and a comment that if the historic resource inventory list were available, it would help ensure that historic resources would be identified and appropriately addressed. Staff indicated that through the use permit review, historic preservation staff would have an opportunity to review proposals.

Historical Affairs and Landmarks Review Board (HALRB): The proposed amendment was presented as an information item at the HALRB meeting on September 16, 2009. Discussion centered on the review process for future applications under the proposed use permit option. Members expressed concern that zoning ordinance amendment specifically intended to address older buildings would move forward prior to publication of the historic resource inventory referenced in the Historic Preservation Master Plan. HALRB members noted their support for affordable housing and indicated that, in fact, the ability to renovate older garden apartments is an important tool in preserving these buildings. However, the affordable housing goals should be coupled with historic preservation goals in a use permit option that specifically targets older buildings. The HALRB unanimously voted to approve a motion not to support the proposed advertisement at this time, and to ask for a deferral until such time that language referencing historic resources can also be included in the proposed text.

Staff intends that the review process for applications under the proposed use permit option would address properties on a case by case basis. If preservation staff were to flag a property proposed for modifications as historically significant, the use permit could be reviewed, on staff's recommendation, by the HALRB.

Housing Commission: The Request to Advertise (and proposed draft amendment) was presented as an information item at the Housing Commission meeting on September 17, 2009. Discussion centered on the amendment's apparent reasonableness and likely affordable housing benefit. Several members acknowledged questions and concerns raised by ZOCO and HALRB. However, as this was presented as an Information Item, and no vote was taken, the Commission expressed support for the request to advertise for the amendment based on its likely use as a tool to help preserve affordable housing that exists in many of the older garden apartments.

CONCLUSION: Staff recommends that proposed amendment be advertised to allow the County Board to consider whether nonconforming apartments should be modified in a way that continues their use as affordable housing. Staff therefore recommends that the County Board adopt the attached resolution to authorize advertisement of public hearings by the Planning Commission on October 13, 2009, and the County Board on October 24, 2009, on Zoning Ordinance amendments to Sections 12, 13, 14 and 15 of the Arlington County Zoning Ordinance to permit, by special exception use permit, additions to or enlargement of buildings and modification of regulations for existing apartment buildings, where a developer proposes the

provision of low or moderate income housing.

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENTS TO SECTIONS 12. “RA14-26”, 13. “RA8-18”, 14. “RA7-16” AND 15. “RA6-15” APARTMENT DWELLING DISTRICTS OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE OCTOBER 13, 2009, PLANNING COMMISSION AND THE OCTOBER 24, 2009, COUNTY BOARD MEETINGS TO PERMIT BY SPECIAL EXCEPTION USE PERMIT, ADDITION TO AND EXPANSION OF BUILDINGS AND MODIFICATION OF REGULATIONS FOR EXISTING APARTMENT BUILDINGS, WHERE A PROPOSAL INCLUDES THE PROVISION OF LOW OR MODERATE INCOME HOUSING, AND IN ORDER TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

The County Board of Arlington County hereby resolves to authorize advertisement of the following amendments to Sections 12. “RA14-26”, 13. “RA8-18”, 14. “RA7-16” and 15. “RA6-15” Apartment Dwelling Districts of the Arlington County Zoning Ordinance for public hearings at the October 13, 2009, Planning Commission and the October 24, 2009, County Board meetings. This amendment would amend, reenact and recodify the proposed zoning ordinance provisions in order to permit, by use permit approval, structural alternations to and modification of regulations for existing apartment buildings, where a proposal includes the provision of low or moderate income housing; and to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

* * *

1 **SECTION 12. “RA14-26” APARTMENT DWELLING DISTRICTS**

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3 * * *

4 **B. Special Exceptions.**

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- 6
7 2. When a building is proposed to be used for the purpose of providing low or
8 moderate-income housing, and the land, buildings or structures on the site do not
9 conform to the regulations of this Zoning Ordinance, the County Board may, by
10 use permit approval pursuant to subsection 36.G. of this Ordinance, approve
11 additions to or enlargement of building(s) on the property, and modification of
12 regulations on setback, yard, coverage, parking, and/or density. Provided,
13 however, that no use permit shall be approved unless the proposal includes a low-
14 or moderate-income housing plan that furthers the County Board adopted Goals
15 and Targets for Affordable Housing and a request for designation as a Voluntary
16 Coordinated Housing Preservation and Development District (VCHPDD) by the

17 County Board. Provided further that, under no circumstances shall the County
18 Board approve a use permit to allow:

19 a. The greater of either 1) height greater than thirty-five (35) feet or three
20 and one-half (3 ½) stories or 2) height already legally existing on the site
21 at the time of application; or

22 b. Additional density beyond the number of units already legally existing on
23 the site at the time of application.

24 23. When a site with an area of twenty thousand (20,000) square feet or less is sought
25 to be used in a manner inconsistent with existing regulations for height, setback,
26 yard, coverage, or parking, the County Board may allow exceptions, after
27 application for a use permit as provided for in subsection 36.G. of this ordinance,
28 in order to achieve a design which is appropriate for the site, project, and the
29 surrounding area, provided the site has been designated a Voluntary Coordinated
30 Housing Preservation and Development District (VCHPDD) by the County
31 Board. Existing multiple-family dwellings may be permitted to increase density
32 up to twenty-four (24) dwelling units per acre where provision is made for low or
33 moderate income housing, and where a low or moderate income housing plan has
34 been submitted as part of a use permit application. The County Board, in its
35 discretion, may, in approving the use permit, modify regulations on height,
36 setback, yard, coverage, or parking, provided that:

37 a. In no event shall the County Board approve a building with a height
38 greater than forty-five (45) feet;

39 b. Parking for new dwelling units shall be provided as required in Section
40 33. However, the number of parking spaces per dwelling units preserved
41 shall be no less than the number of parking spaces per dwelling unit on the
42 site at the time of application.

43 34. When a site with an area of more than twenty thousand (20,000) square feet, or
44 with ten (10) or more existing dwelling units, is sought to be used in a manner
45 inconsistent with existing regulations for height, setback, yard, coverage, or
46 parking, or is sought to be developed using additional residential density, the
47 County Board may allow exceptions, after application for a site plan approval
48 consistent with subsection 36.H. of this ordinance, in order to achieve a design
49 which is appropriate for the site, project, and the surrounding area. The County
50 Board may approve additional height and density based on the provision of low or
51 moderate income housing as provided in Subsection 36.H.7. The County Board,
52 in its discretion, may modify regulations on height, setback, yard, coverage, or
53 parking requirements and may approve up to a twenty-five (25) percent increase
54 above twenty-four (24) units per acre in residential density for a project that
55 provides low or moderate-income housing as regulated in subsection 36.H.7.,
56 provided that:

57 a. In no event shall the County Board approve a building with a height
58 greater than sixty (60) feet unless approved as specifically provided in by
59 subsection 36.H.7.;

60 b. Parking for new dwelling units shall be provided as required in Section

61 33. However, the number of parking spaces per existing dwelling unit
62 preserved shall be no less than the number of parking spaces per dwelling
63 unit on the site at the time of application.
64

65 **C. Height Limit.**
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67 No building, nor the enlargement of any building, shall be hereafter erected to
68 exceed either three and one-half (3 1/2) stories or thirty-five (35) feet; provided, that in large-
69 scale housing projects having a site area of five (5) acres or more, dwellings may be erected to a
70 height not to exceed either six (6) stories or sixty (60) feet, provided said dwellings are located
71 not nearer than one hundred fifty (150) feet to any boundary line of the site on which the project
72 is situated.
73

74 **D. Area Requirements.**
75

76 1. *Lot Area.* Same as for "R2-7" Districts, provided that for apartment houses
77 every lot shall have a minimum average width of seventy-five (75) feet and a
78 minimum area of seven thousand five hundred (7,500) square feet; provided,
79 further, that for town houses every site shall have a minimum average width of
80 seventy-five (75) feet and a minimum area of seven thousand five hundred
81 (7,500) square feet. The minimum lot area per dwelling unit for apartment houses,
82 including resident employees' dwelling units, or town house dwelling units, shall
83 be one thousand eight hundred (1,800) square feet.
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85 * * *

86
87 **SECTION 13. "RA8-18" APARTMENT DWELLING DISTRICTS**
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91 **B. Special Exceptions.**

- 92 1. By site plan approval, consistent with subsection 36.H, town house and semi-
93 detached dwelling units and existing one-family dwelling units may be permitted
94 at densities up to those allowed under the General Land Use Plan designation then
95 applicable to the site, but not to exceed twenty-two (22) dwelling units per acre.
96 Existing one-family dwelling units shall be permitted only as appropriate and
97 integral parts of the design of the proposed town house development. No more
98 than one-seventh (1/7) or two (2) of the dwelling units, whichever is greater, shall
99 be semi-detached. Parking spaces shall be provided as required in Section 33. The
100 County Board may, in its discretion, approve variations in setback, yard, lot size,
101 coverage and parking requirements to achieve a design appropriate for the site
102 and project.
103 2. When a building is proposed to be used for the purpose of providing low or
104 moderate-income housing, and the land, buildings or structures on the site do not

105 conform to the regulations of this Zoning Ordinance, the County Board may, by
106 use permit approval pursuant to subsection 36.G. of this Ordinance, approve
107 additions to or enlargement of building(s) on the property, and modification of
108 regulations on setback, yard, coverage, parking, and/or density. Provided,
109 however, that no use permit shall be approved unless the proposal includes a low-
110 or moderate-income housing plan that furthers the County Board adopted Goals
111 and Targets for Affordable Housing and a request for designation as a Voluntary
112 Coordinated Housing Preservation and Development District (VCHPDD) by the
113 County Board. Provided further that, under no circumstances shall the County
114 Board approve a use permit to allow:

- 115 a. The greater of either 1) height greater than forty (40) feet or four (4)
116 stories or 2) height already legally existing on the site at the time of
117 application; or
- 118 b. Additional density beyond the number of units already legally existing on
119 the site at the time of application.

120 23. When a site with an area of twenty thousand (20,000) square feet or less is sought
121 to be used in a manner inconsistent with existing regulations for height, setback,
122 yard, coverage, or parking, the County Board may allow exceptions, after
123 application for a use permit as provided for in subsection 36.G. of this ordinance,
124 in order to achieve a design which is appropriate for the site, project, and the
125 surrounding area, provided the site has been designated a Voluntary Coordinated
126 Housing Preservation and Development District (VCHPDD) by the County
127 Board. Existing multiple-family dwellings may be permitted to increase density
128 up to a total of thirty-six (36) dwelling units per acre where provision is made for
129 low or moderate income housing, and where a low or moderate income housing
130 plan has been submitted as part of a use permit application. The County Board, in
131 its discretion, may, in approving the use permit, modify regulations on height,
132 setback, yard, coverage, or parking, provided that:

- 133 a. In no event shall the County Board approve a building with a height greater
134 than fifty (50) feet;
- 135 b. Parking for new dwelling units shall be provided as required in Section 33.
136 However, the number of parking spaces per dwelling units preserved shall
137 be no less than the number of parking spaces per dwelling unit on the site
138 at the time of application.

139 34. When a site with an area of more than twenty thousand (20,000) square feet, or
140 with ten (10) or more existing dwelling units, is sought to be used in a manner
141 inconsistent with existing regulations for height, setback, yard, coverage, or
142 parking, or is sought to be developed using additional residential density, the
143 County Board may allow exceptions, after application for a site plan approval
144 consistent with subsection 36.H. of this ordinance, in order to achieve a design
145 which is appropriate for the site, project, and the surrounding area. The County
146 Board may approve additional height and density based on the provision of low or
147 moderate income housing as provided in Subsection 36.H.7.. The County Board,
148 in its discretion, may modify regulations on height, setback, yard, coverage, or

149 parking requirements and may approve up to a twenty-five (25) percent increase
150 above thirty-six (36) units per acre in residential density for a project that
151 provides low or moderate-income housing as provided in subsection 36.H.7,
152 provided that:
153 a. In no event shall the County Board approve a building with a height
154 greater than sixty (60) feet unless it is approved as specifically provided in
155 Subsection 36.H.7.;

156 b. Parking for new dwelling units shall be provided as required in Section
157 33. However, the number of parking spaces per existing dwelling unit
158 preserved shall be no less than the number of parking spaces per dwelling
159 unit on the site at the time of application.

160
161 [Continue renumbering subsequent provisions in this subsection accordingly]

162 * * *

163
164 **C. Height Limit.**

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166 No building, nor the enlargement of any building, shall be hereafter erected to exceed
167 either four (4) stories or forty (40) feet; provided, however, that by site plan approval dwellings
168 may be increased to a height not to exceed either eight, (8) stories or seventy-five (75) feet. In
169 the "Revitalization Area" of the "Fort Myer Heights North Special District" designated on the
170 General Land Use Plan, building heights shall in no event exceed twelve (12) stories or 125 feet,
171 exclusive of penthouses, if developed by site plan in a manner consistent with the design
172 guidelines, heights plan and purposes of the *Fort Myer Heights North Plan*.

173 Modification of height limit, setback, coverage and parking requirements in "RA8-18"
174 Districts. By site plan approval as specified "RA4.8" District, the height limit in large-scale
175 housing projects having a site area of twenty (20) acres or more may be increased to a height not
176 to exceed either ten (10) stories or ninety-five (95) feet subject to the following:

- 177 a. The coverage shall not exceed twenty-five (25) percent;
178 b. Where a district abuts any "R" District, no automobile parking shall be
179 permitted between the building setback line and any property line;
180 c. Where a district abuts "RA" Districts, no parking shall be permitted nearer
181 than fifty (50) feet from the property lines.

182
183 **D. Area Requirements.**

- 184
185 1. *Lot Area.* Same as specified for "R2-7" Districts, provided, that for
186 apartment houses every lot shall have a minimum average width of seventy-five
187 (75) feet and a minimum area of seven thousand five hundred (7,500) square feet;
188 provided, further, that for town houses every site shall have a minimum average
189 width of seventy-five (75) feet and a minimum area of seven thousand five
190 hundred (7,500) square feet. For any "RA8-18" zoned land, the minimum lot area
191 per dwelling unit for apartment houses, including resident employees' dwelling
192 units, or town house dwelling units, shall be one thousand two hundred (1,200)

193 square feet.
194

195 In the case of any subdivision of a group of town house dwelling
196 units, the lot size for each dwelling unit may be reduced to an area not less
197 than seven hundred fifty (750) square feet, provided, that the deed of
198 dedication shall commit sufficient common land so that the total site
199 satisfies the area requirements of this ordinance for each unit. Moreover,
200 the deed of dedication shall provide to each lot the right to use the land
201 required by this ordinance for parking (where parking is not on the lot of
202 the dwelling unit), as well as the right to use land dedicated to other
203 common uses, and for easements for access to public streets and other
204 common areas.
205

206 207 **SECTION 14. "RA7-16" APARTMENT DWELLING DISTRICTS**

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210 211 **B. Height Limit.**

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213 No building, nor the enlargement of any building, shall be hereafter erected to exceed
214 either ten (10) stories or ninety-five (95) feet.
215

216 **C. Area Requirements.**

- 217
218 1. *Lot Area.* Each lot or plot shall have a minimum average width of two hundred
219 (200) feet and a minimum area of one hundred thousand (100,000) square feet;
220 provided that where a lot or plot has less width and less area limited by, (1)
221 bounding streets, or (2) abutting streets and a zone boundary of an abutting lesser
222 restricted district, such lot may be occupied by any use permitted in this
223 classification.

224 The minimum lot area per dwelling unit for apartment houses, including
225 resident employees' dwelling units, shall be one thousand (1,000) square feet. (10-
226 14-78)

- 227 2. *Lot Coverage.* Within the site boundaries of any lot or parcel, the total amount of
228 site covered by buildings, parking and maneuvering space, driveways, sidewalks,
229 roads and any other accessory uses shall not exceed fifty (50) percent.
230 3. *Automobile Parking and Loading Space.* Automobile parking and loading space
231 shall be provided as specified for the "RA14-26" District in Section 33.
232

233 **D. Site Plan Approval.**

234
235 Site plans are required and approved as provided in Section 36, subsection H. (3-4-72)
236

237 **E. Conditional Uses Requiring Board Approval.**
238

- 239 1. Use permits: All uses permitted by use permit in the "RA14-26" District.
240 2. When a building is proposed to be used for the purpose of providing low or
241 moderate-income housing, and the land, buildings or structures on the site do not
242 conform to the regulations of this Zoning Ordinance, the County Board may, by
243 use permit approval pursuant to subsection 36.G. of this Ordinance, approve
244 additions to or enlargement of building(s) on the property, and modification of
245 regulations on setback, yard, coverage, parking, and/or density. Provided,
246 however, that no use permit shall be approved unless the proposal includes a low-
247 or moderate-income housing plan that furthers the County Board adopted Goals
248 and Targets for Affordable Housing and a request for designation as a Voluntary
249 Coordinated Housing Preservation and Development District (VCHPDD) by the
250 County Board. Provided further that, under no circumstances shall the County
251 Board approve a use permit to allow:
252 a. The greater of either 1) height greater than ninety-five (95) feet or ten (10)
253 stories or 2) height already legally existing on the site at the time of
254 application; or
255 b. Additional density beyond the number of units already legally existing on
256 the site at the time of application.

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261 **SECTION 15. "RA6-15" APARTMENT DWELLING DISTRICTS**
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264
265 **B. Special Exceptions.**
266

- 267 1. By site plan approval, consistent with subsection 36.H, town house and semi-
268 detached dwelling units and existing one-family dwelling units may be permitted
269 at densities up to those allowed under the General Land Use Plan designation then
270 applicable to the site, but not to exceed twenty-nine (29) units per acre. Existing
271 one-family dwelling units shall be permitted only as appropriate and integral parts
272 of the design of the proposed town house development. No more than one-seventh
273 (1/7) or two (2) of the dwelling units, whichever is greater, shall be semi-
274 detached. Parking spaces shall be provided as required in Section 33. The County
275 Board may, in its discretion, approve variations in setback, yard, lot size,
276 coverage, and parking requirements to achieve a design appropriate for the site
277 and project.
278 2. When a building is proposed to be used for the purpose of providing low or
279 moderate-income housing, and the land, buildings or structures on the site do not
280 conform to the regulations of this Zoning Ordinance, the County Board may, by

281 use permit approval pursuant to subsection 36.G. of this Ordinance, approve
282 additions to or enlargement of building(s) on the property, and modification of
283 regulations on setback, yard, coverage, parking, and/or density. Provided,
284 however, that no use permit shall be approved unless the proposal includes a low-
285 or moderate-income housing plan that furthers the County Board adopted Goals
286 and Targets for Affordable Housing and a request for designation as a Voluntary
287 Coordinated Housing Preservation and Development District (VCHPDD) by the
288 County Board. Provided further that, under no circumstances shall the County
289 Board approve a use permit to allow:

- 290 a. The greater of either 1) height greater than sixty (60) feet or six (6) stories
291 or 2) height already legally existing on the site at the time of application;
292 or
- 293 b. Additional density beyond the number of units already legally existing on
294 the site at the time of application.

295 32. When a site with an area of twenty thousand (20,000) square feet or less is sought
296 to be used in a manner inconsistent with existing regulations for height, setback,
297 yard, coverage, or parking, the County Board may allow exceptions, after
298 application for a use permit as provided for in subsection 36.G. of this ordinance,
299 in order to achieve a design which is appropriate for the site, project, and the
300 surrounding area, provided the site has been designated a Voluntary Coordinated
301 Housing Preservation and Development District (VCHPDD) by the County
302 Board. Existing multiple-family dwellings may be permitted to increase density
303 up to thirty-six (36) dwelling units per acre where provision is made for low or
304 moderate income housing, and where a low or moderate income housing plan has
305 been submitted as part of a use permit application. The County Board, in its
306 discretion, may, in approving the use permit, modify regulations on height,
307 setback, yard, coverage, or parking, provided that:

- 308 a. In no event shall the County Board approve a building with a height
309 greater than seventy (70) feet;
- 310 b. Parking for new dwelling units shall be provided as required in Section
311 33. However, the number of parking spaces per dwelling units preserved
312 shall be no less than the number of parking spaces per dwelling unit on the
313 site at the time of application.

314 34. When a site with an area of more than twenty thousand (20,000) square feet, or
315 with ten (10) or more existing dwelling units, is sought to be used in a manner
316 inconsistent with existing regulations for height, setback, yard, coverage, or
317 parking, or is sought to be developed using additional residential density, the
318 County Board may allow exceptions, after application for a site plan approval
319 consistent with subsection 36.H. of this ordinance, in order to achieve a design
320 which is appropriate for the site, project, and the surrounding area. The County
321 Board may approve additional height and density based on provision of low or
322 moderate income housing as provided in Subsection 36.H.7. The County Board,
323 in its discretion, may modify regulations on height, setback, yard, coverage, or
324 parking requirements and may approve up to a twenty-five (25) percent increase

Arlington's Goals and Targets for Affordable Housing

Approved by the County Board, December 6, 2003

Goal 1: Balance support for the elderly and persons with disabilities with a transitional safety net for families with children.

Target 1A: Provide assistance to priority households in the following proportions by FY2010:

- 65% to families with children
- 20% for the elderly, and
- 15% for persons with disabilities.

Target 1B: Provide permanent housing to at least 95% of sheltered homeless elders and families with children and for 65% of the sheltered homeless persons with disabilities by FY2010.

Goal 2: Ensure through all available means that all housing in Arlington County is safe and decent.

Target 2A: Ensure that 100% of multi-family rental housing units have no major violations that are not corrected within the standard time permitted by the appropriate code enforcement agency by FY2010.

Target 2B: Reduce the rates of major violations in multi-family rental housing by 10% each year.

Target 2C: Conduct annual common area inspections of all multi-family rental complexes over 20 years old.

Target 2D: Conduct annual full code inspections on 5% of all multi-family rental units over 30 years old.

Goal 3: Permit no net loss of committed affordable housing, and make every reasonable effort to maintain the supply of affordable market rate housing.

Target 3A: Replace all 73 committed affordable housing units expiring by FY2010.

Target 3B: Expand the County's total housing supply by at least 13,000 units by FY2010.

Target 3C: Help maintain the supply of affordable housing by assisting an average of 400 net new committed affordable housing units per year, especially the preservation of existing affordable housing through partnerships with nonprofit housing providers, while meeting the targets for goals 4, 5, 6 and 7.

Target 3D: Encourage for-profit developers to provide at least 10% of all new units in residential site plan projects as affordable. If the density bonus is used, target 50% of the bonus units as affordable.

Goal 4: Reduce the number of households in serious housing need (defined as those earning below 40% of median income who pay more than 40% of their income for rent).

Target 4A: Increase the number of households receiving rental assistance to 4,000 by FY2010.

Target 4B: Provide that 25% of the new committed affordable rental units produced annually are preserved for households with incomes below 40% of median.

Goal 5: Increase the number of housing units with two or more bedrooms in order to match the needs of households with children.

Target 5A: Increase the number of family-sized units in the County to 61,000 by FY 2010.

Target 5B: Provide that half of the rental committed affordable housing units added between FY2001 and FY2010 are family-sized, of which 25% would be greater than two bedrooms.

Goal 6: Distribute committed affordable housing within the County, neighborhoods, and projects.

Target 6A: Distribute non-elderly, rental committed affordable housing units added between FY2001 and FY2010 in the following Neighborhood Service Areas (NSAs):

- 25% in A, B, and C,
- 60% in D, E, and H, and
- 15% in F and G.

These targets are not to be construed as caps or quotas, nor to limit the ability to take advantage of projects in any area of the County to advance other affordable housing goals.

Target 6B: Provide that two-thirds of the large non-elderly projects developed with affordable units between FY2001 and FY2010 would have less than half of their units serving households with incomes below 60% of the median income.

Goal 7: Increase the rate of home ownership throughout the County, and increase home ownership opportunities for low and moderate income households.

Target 7A: Increase the home ownership rate from 45.8% to 50% throughout the County by 2010.

Target 7B: Provide home ownership education to 700 households with incomes below 80% of median annually and annually assist 50 households with incomes below 80% of median to become homeowners.

Target 7C: Increase the home ownership rate for minority households from 24.2% to 30% by 2010.

Goal 8: Ensure, through all available means, that housing discrimination is eliminated.

Target 8: Reduce all indications of housing discrimination to zero by FY2010, as measured by annual fair housing testing.

Goal 9: Provide housing services effectively and efficiently.

Target 9A: *ANNUAL HOUSING REPORT:* By December 2004, develop and release the County's first easily accessible, comprehensive annual affordable housing report that will provide the public information on the County's progress toward meeting its affordable housing goals and targets on a fiscal year basis. Provide a report showing FY 2003 performance toward goals by June 2004.

Target 9B: *ON-LINE APARTMENT GUIDE:* By the end of FY 2004, arrange for a searchable, computerized listing of rental units, available on-line and accessible at various locations throughout the County (e.g., libraries, recreation centers, etc.).

Target 9C: *ORGANIZATIONAL INTEGRATION:* Integrate housing development activities with other

housing efforts in one department by FY2003.