



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of October 24, 2009

DATE: October 14, 2009

SUBJECT: ZOA-09-08 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 development already legally existing on the site.

C.M. RECOMMENDATION:

Adopt the attached ordinance (ZOA-09-08) to amend, reenact, and recodify 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: 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, as the inventory would identify those buildings that are historic resources and help to ensure preservation of their historic integrity with any modifications. The discussion and community process sections of this report address this issue.

SUMMARY: This is a Zoning Ordinance amendment to 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, 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-

County Manager: RC/GA

County Attorney: Cum SM

Staff: Deborah Albert, DCPHD, Planning Division

PLA-5365

right height in the district or the height that already exists 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, while promoting opportunities to realize the County's affordable housing goals and targets. In addition, staff will prepare administrative guidance for the proposed use permit option, describing required components of the low and moderate income housing plan to be included with the use permit application; other components of the application; and a description of the use permit review process, to include guidance in determining when additional review by advisory groups, such as HALRB and other commissions, is recommended.

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.

Recently an affordable housing organization 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 recommended that the applicant submit a use permit application for the proposed modifications, under 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 that currently existing on the site. Modification of regulations to approve existing nonconformities would not remove the nonconforming status of the building or use.

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 additional community review of the use permit 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 (however, staff would expect the applicant to commit the units for a period of at least thirty 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.
- Agreement from the applicant that the applicant will sign documents, within 90 days of use permit approval, defining and agreeing to implement the affordable housing plan and tenant relocation plan.

Submittal Requirements: Plat, plot and location plan, parking layout and coverage calculation would be required, as would a low or moderate income housing plan. 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.

Low or Moderate Income Housing Plan: A low or moderate income housing plan (plan) submitted with a use permit application should describe the provision of housing units for households of low or moderate income. The plan submitted should typically include the information listed below, as well as any additional information determined by the County Board to be pertinent for the particular project. The plan would be heard by the Housing Commission and when a relocation plan is required, by the Tenant-Landlord Commission. The following list

is adapted for the proposed use permit development from the Zoning Ordinance requirements in Section 36.H.7 (Affordable Dwelling Units for Height and Density above the General Land Use Plan).

- Number of total housing units provided, number of total affordable housing units preserved, and number of low or moderate income housing units provided under the use permit.
- Income levels of targeted families, proposed rents, duration of affordability, and guarantee of limits on future rent increases or sales prices and the proposed affordability thereof for low or moderate income housing units.
- Marketing plan for the low or moderate income housing units.
- Relocation plan for any tenants who may be displaced during construction, consistent with the County’s adopted relocation policies.
- Location and bedroom counts of low or moderate income housing units
- Amenities provided for low or moderate income households.
- Statement of consistency with the County Board adopted housing policy, targets, goals and principles.

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 whether or not to include additional review by advisory boards and commissions, including Planning Commission and, where historic properties are impacted, the Historical Affairs and Landmarks Review Board, on a case by case basis.

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 and low/moderate income housing plan.
Special Designation Required?	VCHPDD	No	No (permitted by VA code)	VCHPDD

	“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)
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 that 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 proposed 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, no vote was taken and 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. This item will be included on the October 15, 2009, Housing Commission agenda as an action item.

Planning Commission: At their October 14, 2009, meeting, the Planning Commission voted (8-2) to recommend that the County Board adopt the proposed amendment; and to recommend that associated administrative regulations describe more detailed criteria for what measures should be considered in approving a use permit. Discussion of details that would be helpful focused on the expected affordable housing commitment beyond the minimums required by the VCHPDD.

Administrative regulations associated with the proposed use permit option would include a list of the required components of the low and moderate income housing plan (as described on page 5 of this report); a reference to the Affordable Housing Goals and Targets (see Attachment 1), which will be used for staff analysis of the low and moderate income plan submitted with the application; the other submittal requirements listed in this report; and a description of the use permit review process, to include staff review for areas of planning, housing, historic preservation, transportation, and others as appropriate, and staff's determination as to whether or not additional review of the use permit by advisory groups and commissions is recommended.

CONCLUSION: Staff recommends that the County Board adopt the proposed amendments to Sections 12, 13, 14 and 15 of the Arlington County Zoning Ordinance in order to facilitate the modification of nonconforming apartments in a way that continues their use as affordable housing, and to therefore 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.

ZOA-09-08

Note: Text to be added is shown with an underline and text to be deleted is shown with ~~strikethrough~~. Text to be added or deleted, that has been modified since advertisement is shown with a double underline or ~~double-strikethrough~~, respectively.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTIONS 12. “RA14-26”, 13. “RA8-18”, 14. “RA7-16” AND 15. “RA6-15” APARTMENT DWELLING DISTRICTS 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 PROMOTE THE CREATION AND PRESERVATION OF AFFORDABLE HOUSING SUITABLE FOR MEETING THE CURRENT AND FUTURE NEEDS OF THE COUNTY, 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.

Be it ordained that Sections 12. “RA14-26”, 13. “RA8-18”, 14. “RA7-16” and 15. “RA6-15” Apartment Dwelling Districts of the Arlington County Zoning Ordinance are hereby amended, reenacted and recodified as follows 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; to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the County, 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:

* * *

SECTION 12. “RA14-26” APARTMENT DWELLING DISTRICTS

* * *

B. Special Exceptions.

* * *

2. When a building is proposed to be used for the purpose of providing low or moderate income housing, and the land, buildings or structures on the site do not conform to the regulations of this Zoning Ordinance, the County Board may, by use permit approval pursuant to subsection 36.G. of this Ordinance, approve 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) the height permitted in subsection 12.C height
20 greater than thirty-five (35) feet or three and one-half (3 ½) stories or 2)
21 the height already legally existing on the site 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 Board.
31 Existing multiple-family dwellings may be permitted to increase density up to
32 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 33.
40 However, the number of parking spaces per dwelling units preserved shall
41 be no less than the number of parking spaces per dwelling unit on the site
42 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 33.
61 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.**

66
67 No building, nor the enlargement of any building, shall be hereafter erected to exceed
68 either three and one-half (3 1/2) stories or thirty-five (35) feet; provided, that in large-scale
69 housing projects having a site area of five (5) acres or more, dwellings may be erected to a height
70 not to exceed either six (6) stories or sixty (60) feet, provided said dwellings are located not
71 nearer than one hundred fifty (150) feet to any boundary line of the site on which the project is
72 situated.

73
74 **D. Area Requirements.**

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

84
85 * * *

86
87 **SECTION 13. "RA8-18" APARTMENT DWELLING DISTRICTS**

88
89 * * *

90
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 and
102 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) the height greater than forty (40) feet or four (4)
116 stories or 2) the 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 Board.
127 Existing multiple-family dwellings may be permitted to increase density up to a
128 total of thirty-six (36) dwelling units per acre where provision is made for low or
129 moderate income housing, and where a low or moderate income housing plan has
130 been submitted as part of a use permit application. The County Board, in its
131 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 provides
151 low or moderate income housing as provided in subsection 36.H.7, provided that:
152 a. In no event shall the County Board approve a building with a height
153 greater than sixty (60) feet unless it is approved as specifically provided in
154 Subsection 36.H.7.;

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

159
160 [Continue renumbering subsequent provisions in this subsection accordingly]

161 * * *

162
163 **C. Height Limit.**

164
165 No building, nor the enlargement of any building, shall be hereafter erected to exceed
166 either four (4) stories or forty (40) feet; provided, however, that by site plan approval dwellings
167 may be increased to a height not to exceed either eight, (8) stories or seventy-five (75) feet. In the
168 "Revitalization Area" of the "Fort Myer Heights North Special District" designated on the
169 General Land Use Plan, building heights shall in no event exceed twelve (12) stories or 125 feet,
170 exclusive of penthouses, if developed by site plan in a manner consistent with the design
171 guidelines, heights plan and purposes of the *Fort Myer Heights North Plan*.

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

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

181
182 **D. Area Requirements.**

- 183
184 1. *Lot Area.* Same as specified for "R2-7" Districts, provided, that for apartment
185 houses every lot shall have a minimum average width of seventy-five (75) feet and
186 a minimum area of seven thousand five hundred (7,500) square feet; provided,

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

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

201
202

203 **SECTION 14. "RA7-16" APARTMENT DWELLING DISTRICTS**

204
205

* * *

206
207

B. Height Limit.

208
209

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

211
212

C. Area Requirements.

213
214

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

220 The minimum lot area per dwelling unit for apartment houses, including
221 resident employees' dwelling units, shall be one thousand (1,000) square feet. (10-
222 14-78)

223
224

2. *Lot Coverage.* Within the site boundaries of any lot or parcel, the total amount of
224 site covered by buildings, parking and maneuvering space, driveways, sidewalks,
225 roads and any other accessory uses shall not exceed fifty (50) percent.

226
227

3. *Automobile Parking and Loading Space.* Automobile parking and loading space
227 shall be provided as specified for the "RA14-26" District in Section 33.

228
229

D. Site Plan Approval.

230

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

232
233 **E. Conditional Uses Requiring Board Approval.**
234

- 235 1. ~~Use permits:~~ All uses permitted by use permit in the "RA14-26" District.
236 2. When a building is proposed to be used for the purpose of providing low or
237 moderate income housing, and the land, buildings or structures on the site do not
238 conform to the regulations of this Zoning Ordinance, the County Board may, by
239 use permit approval pursuant to subsection 36.G. of this Ordinance, approve
240 additions to or enlargement of building(s) on the property, and modification of
241 regulations on setback, yard, coverage, parking, and/or density. Provided,
242 however, that no use permit shall be approved unless the proposal includes a low
243 or moderate income housing plan that furthers the County Board adopted Goals
244 and Targets for Affordable Housing and a request for designation as a Voluntary
245 Coordinated Housing Preservation and Development District (VCHPDD) by the
246 County Board. Provided further that, under no circumstances shall the County
247 Board approve a use permit to allow:
248 a. The greater of either 1) the height permitted in subsection 14.B. ~~greater~~
249 ~~than ninety-five (95) feet or ten (10) stories~~ or 2) the height already legally
250 existing on the site at the time of application; or
251 b. Additional density beyond the number of units already legally existing on
252 the site at the time of application.

253
254 * * *

255
256
257 **SECTION 15. "RA6-15" APARTMENT DWELLING DISTRICTS**

258 * * *

259
260
261 **B. Special Exceptions.**
262

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

275 moderate income housing, and the land, buildings or structures on the site do not
276 conform to the regulations of this Zoning Ordinance, the County Board may, by
277 use permit approval pursuant to subsection 36.G. of this Ordinance, approve
278 additions to or enlargement of building(s) on the property, and modification of
279 regulations on setback, yard, coverage, parking, and/or density. Provided,
280 however, that no use permit shall be approved unless the proposal includes a low
281 or moderate income housing plan that furthers the County Board adopted Goals
282 and Targets for Affordable Housing and a request for designation as a Voluntary
283 Coordinated Housing Preservation and Development District (VCHPDD) by the
284 County Board. Provided further that, under no circumstances shall the County
285 Board approve a use permit to allow:

- 286 a. The greater of either 1) the height permitted in subsection 15.C ~~greater~~
287 ~~than sixty (60) feet or six (6) stories~~ or 2) the height already legally
288 existing on the site at the time of application; or
289 b. Additional density beyond the number of units already legally existing on
290 the site at the time of application.

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

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

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

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.