



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 19, 2008**

DATE: July 9, 2008

- SUBJECTS:**
- A. Consideration of the 2005 Fort Myer Heights North Plan; GP-300-04-02 General Land Use Plan amendments to add open space symbols to key locations within the Fort Myer Heights North Special District (Attachment A1: Map); and Ordinance to amend, reenact, and recodify Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts to implement the recommendations of the 2005 Fort Myer Heights North Plan (Attachment A2: Zoning Ordinance Amendments).

 - B. Request to Advertise the following:
 - 1. 2008 Fort Myer Heights North Plan (Attached).

 - 2. General Land Use Plan amendments for the following:
 - a. Amend the General Land Use Plan booklet to revise the language describing the purposes of the Fort Myer Heights North Special District (Attachment B1: Request to Advertise General Land Use Plan Amendments Resolution).

 - b. Amend the back of the General Land Use Plan map to reflect adoption of the Fort Myer Heights North Plan (Attachment B2: Request to Advertise General Land Use Plan Amendments Resolution).

 - 3. Ordinance to amend, reenact, and recodify Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts to add new items to the list of special exceptions in order to achieve the community's goals of preserving affordable housing, historic buildings, open space, significant trees and neighborhood scale through a strategic balance of preservation and redevelopment and to facilitate the creation of a convenient, attractive and harmonious community within the Fort Myer Heights North Special District (Attachment B3: Request to Advertise Zoning Ordinance Amendments Resolution).

County Manager: _____

County Attorney: _____

Staff: Margaret Rhodes, CPHD, Planning Division

PLA-5027

C.M. RECOMMENDATIONS:

1. Take no action on the 2005 Fort Myer Heights North Plan and the proposed Zoning Ordinance amendments to implement the 2005 Fort Myer Heights North Plan (Attachment A2: Zoning Ordinance Amendments); Defer the proposed 2005 General Land Use Plan amendments to add open space symbols to key locations to the September 13, 2008 County Board and associated Planning Commission meetings (Attachment A1: Map).
2. Authorize advertisement of public hearings at the September 13, 2008 County Board and associated Planning Commission meetings to consider: 1) adoption of the 2008 Fort Myer Heights North Plan; 2) adoption of resolutions attached as Attachments B1 and B2 to consider adoption of General Land Use Plan amendments to implement the 2008 Fort Myer Heights North Plan, including amending the General Land Use Plan booklet to revise the language describing the purposes of the Fort Myer Heights North Special District and amending the back of the General Land Use Plan map to reflect adoption of the Fort Myer Heights North Plan; and 3) adoption of the resolution attached as Attachment B3 to consider adoption of Zoning Ordinance amendments to implement the 2008 Fort Myer Heights North Plan, including amending, reenacting, and recodifying Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts to regulate by-right building heights, to allow for site plan development up to 3.24 FAR in return for specific community benefits and to provide transfer of development rights incentives for affordable housing, historic preservation and open space purposes.

ISSUES: Staff recommends that the County Board take no action on the now obsolete 2005 draft Fort Myer Heights North Plan and its supporting proposed Zoning Ordinance amendments. Staff recommends that the County Board defer consideration of the 2005 proposed General Land Use Plan ("GLUP") amendments to the September 13, 2008 and associated Planning Commission meetings, as staff is still recommending that open space symbols be added at the same three locations. Staff also recommends that the County Board authorize advertisement of public hearings at the September 13, 2008 County Board and associated Planning Commission meetings for the thoroughly updated and revised 2008 draft Fort Myer Heights North Plan ("Plan"), along with its accompanying GLUP and Zoning Ordinance Amendments.

While there appears to be support for the overall concept of the new Plan, the following concerns have been raised at community or commission meetings. First, the Radnor-Fort Myer Heights North Civic Association leadership has expressed concern regarding the overall density and height proposed for the Revitalization Area designated in the Plan. Second, some Transportation Commission members expressed concerns about why greater density and height is proposed along Fairfax Drive as opposed to along Clarendon Boulevard. Lastly, some commission members have expressed reservations about preserving the historic garden style apartments that characterize this neighborhood. Staff has addressed these issues in this report.

SUMMARY: Given the changing economics in the Fort Myer Heights North area, it is no longer feasible to achieve the four goals enumerated in the 2005 draft Fort Myer Heights North Plan - the preservation of affordable housing, historic buildings, open space and significant trees - while abiding by its recommended densities and heights. Staff, with input from the community and various advisory commissions, has drafted a revised iteration of this Plan. The new Plan seeks to achieve the same goals as the previous Plan, along with the preservation of neighborhood scale, but has been updated to reflect existing conditions and trends, namely the loss of historic garden apartments with their market rate affordable units, surrounding open spaces and mature trees to by-right, luxury condominium development. To counteract the loss of the fabric of the neighborhood, the new Plan includes revised and realistic density and height recommendations supported by feasible implementation mechanisms. The 2008 Plan represents a practical, compromise vision for achieving the neighborhood and the County's goals. It is therefore recommended that the County Board take no action on the 2005 Plan and its supporting Zoning Ordinance amendments; defer consideration of the 2005 GLUP amendments adding open space symbols to key locations to the September 13, 2008 County Board and associated Planning Commission meetings; and authorize advertisement of public hearings at the September 13, 2008 County Board and associated Planning Commission meetings to consider adoption of the 2008 Plan, along with its accompanying GLUP and Zoning Ordinance amendments. It should be noted that the Request to Advertise is the first step toward County Board consideration of the proposed Plan and amendments to the GLUP and Zoning Ordinance and that authorizing the advertisement does not imply County Board approval.

BACKGROUND: During 2003 and 2004, a planning process was conducted to develop a plan for the Fort Myer Heights North neighborhood. The first phase of this planning process, approved by the County Board at its April 16, 2005 meeting, included: 1) adding a note to the GLUP that designated the boundaries of the Fort Myer Heights North Special District; 2) adding a paragraph under Special Planning Areas on the GLUP generally describing the vision for the neighborhood; and 3) amending the Zoning Ordinance to remove townhouses as a by-right use, but continuing to permit them through the Special Exception Site Plan process. The second phase, which is the subject of this report, includes: 1) adoption of the 2008 Fort Myer Heights North Plan; 2) GLUP amendments to depict the desired location for public open space in the neighborhood, to describe in greater detail the purposes of the Fort Myer Heights North Special District and to update the GLUP map to reflect adoption of the Plan; and 3) Zoning Ordinance amendments to regulate by-right building heights, to allow for site plan development up to 3.24 FAR in return for specific community benefits and to provide transfer of development rights incentives for affordable housing, historic preservation and open space purposes.

DISCUSSION:

2005 Draft Fort Myer Heights North Plan and Associated GLUP and Zoning Ordinance Amendments

At the time the original draft Plan was scheduled for review by the County Board at its April 2005 meeting, the County embarked on establishing legislation for including affordable housing with site plan development. This necessitated pausing to refine the vision and implementation strategies for the Fort Myer Heights North area. Construction costs, including both materials and labor, increased significantly and the price of land in Fort Myer Heights North reached \$8 or 9

million an acre. Given these changes, the tools and incentives included in the original Plan are no longer financially attractive to developers. As the key concept plan and implementation recommendations of the 2005 draft Plan are thus no longer viable nor feasible, staff has developed a new iteration of the Plan based on extensive research and analysis. Staff therefore recommends that the County Board take no action on the 2005 draft Plan and its associated Zoning Ordinance amendments. Staff recommends that the County Board defer consideration of the GLUP amendments to add open space symbols to key locations to the September 13, 2008 County Board and associated Planning Commission meetings, as staff is recommending that the same three areas originally identified for public open spaces in the 2005 Plan be so identified in the 2008 Plan.

2008 Draft Fort Myer Heights North Plan

The revised and updated 2008 Fort Myer Heights North Plan represents a compromise plan that seeks to respond to the civic association's concerns regarding density and height, yet also seeks to provide the committed affordable housing, preservation of historic buildings and the provision of new parks that the community and County are also looking for in this neighborhood. The new concept plan aims to preserve the historic core of the community. First, the Plan calls for reducing the height maximum for by-right development throughout the entire Fort Myer Heights North Special District by ten (10) feet to preserve the character of the neighborhood which is being altered by continued by-right redevelopment. Secondly, the new Plan allows for no additional density above what is allowed by-right in the northern half of the neighborhood, which is designated the Conservation Area on the concept plan. By-right development does not meet any of the Plan's identified goals and these measures are intended to prevent further compromise of the fabric of the neighborhood.

In addition to preserving the market affordable housing, historic buildings and mature trees in the Conservation Area, the Plan aims to achieve a strategic mix of preservation and redevelopment in the southern portion of the neighborhood, which is designated as the Revitalization Area. Through the Special Exception Site Plan process additional density up to 3.24 FAR above the by-right density maximum of 1.65 FAR (assuming 1,000 square feet per unit) will be allowed in a defined swath along Fairfax Drive in the southern portion of the neighborhood in what is known as the Revitalization Area. Additionally, height up to 12 stories or 125 feet above the by-right height limit of four (4) stories or 40 feet for properties zoned "RA8-18" or six (6) stories or 60 feet for properties zoned "RA6-15" will be allowed in the Revitalization Area. This additional density and height will only be permitted in return for: a significant level of affordable housing (in addition to fulfilling the requirements of the County's Affordable Dwelling Unit Ordinance, 20 percent of the GFA over the General Land Use Plan maximum must be committed affordable for a term of 30 years for households earning 60 percent or less of the area median income); the preservation of historic buildings identified in the Plan and their associated open space; the provision of parks shown in the draft Fort Myer Heights North Plan; and the preservation of the significant trees identified in the Plan or their replacement per the County's Tree Replacement Guidelines. Design guidelines are included in the Plan to ensure that any new development is consistent with the community's vision for the area.

The Plan identifies the area along Fairfax Drive as an area that could accommodate additional density and height, for several reasons. First, this area is a low spot topographically and will minimize the appearance and impact of greater heights. Second, encouraging redevelopment along the Fairfax Drive frontage would improve the building edge along Fairfax Drive and through the site plan process improvements would be made to Fairfax Drive to make it a “complete street” serving pedestrians, bicyclists, transit users and motorists. New buildings and enhanced streetscapes along Fairfax Drive would serve to buffer the neighborhood and the multi-use trail from the high-volume traffic along Arlington Boulevard, a primary arterial. Third, due to recent by-right, luxury townhouse and condominium development along Clarendon Boulevard, there are no sites in this area that are likely to redevelop in the near or long term. There are thus no opportunities along Clarendon Boulevard for developers to enter the site plan process and provide the community benefits for which the neighborhood and the County are looking. There are, however, a limited number of sites along Fairfax Drive that could present opportunities for achieving on-site multiple identified goals. One site along Fairfax Drive which may redevelop is operated by a local affordable housing provider and it is likely that any redevelopment of this site would provide a very substantial level of affordable housing. Another site along Fairfax Drive that may redevelop is home to some of the most significant examples of garden-style apartment housing in the County designed by a nationally recognized architect. Redevelopment of this site through the site plan process would create the opportunity to preserve these historic resources. Finally, the heights needed to accommodate the density level needed for site plan development would not be appropriate along Clarendon Boulevard given the lower building heights called for in the 2003 Rosslyn to Courthouse Urban Design Study, which dip down as low as five stories near North Rhodes Street.

In terms of evaluating what density level is appropriate, extensive economic analysis by Housing Division staff working with outside consultants determined that a density level of approximately 3.24 FAR is needed in order to encourage developers to forgo by-right development and enter the site plan process in this neighborhood, given land and construction costs and taking into consideration the number of community goals this Plan is attempting to satisfy. The 72 units per acre proposed in the 2005 draft Plan is no longer viable and may actually never have been enough density to encourage developers to choose to enter the site process. Heights greater than those shown in the 2005 draft Plan are also necessary in order to accommodate the density needed to encourage developers to choose to build by site plan, as opposed to building by-right. Three-dimensional modeling revealed that on most sites - given the constraints on developable area presented by the historic buildings and their surrounding open spaces that were identified for preservation by Historic Preservation staff and Historical Affairs and Landmark Review Board members; the locations for public parks that were identified by Park Development Division staff and community members; and the significant trees that were identified by Natural Resources Division staff - it is at 12 stories that developers can generally reach the 3.24 FAR density level. Staff is continuing its analysis of the heights along Fairfax Drive and lower heights may be recommended on blocks where fewer identified historic buildings, parks and other constraints may allow for more developable area.

2008 General Land Use Plan Amendments

In order to implement the recommendations of the 2008 draft Fort Myer Heights North Plan,

staff recommends several GLUP amendments. First, staff recommends that the County Board amend the GLUP booklet to revise the language describing the purposes of the Fort Myer Heights North Special District. On April 16, 2005, the County Board established the Fort Myer Heights North Special District. Note 22 was added to the General Land Use Plan designating this district which comprises the area generally bordered by Clarendon Boulevard to the north, Fairfax Drive to the south, North Pierce Street to the east and North Courthouse Road and North Scott Street to the west. Note 22 reads: "This area was designated the Fort Myer Heights North Special District on April 16, 2005."

A paragraph describing the vision and goals of this district was also added under the Special Planning Areas section of the GLUP booklet at this time. The language reads: "The purpose of this District is to guide redevelopment in the Fort Myer Heights North neighborhood. The vision for the neighborhood includes promoting redevelopment that is in keeping with the historic character of this neighborhood, including site design and garden apartment buildings from the first multi-family buildings in Arlington County. The vision also includes preservation of affordable housing units, significant historic buildings, mature trees, and open space." This paragraph should be revised to enhance its clarity and additional language should be added to describe the goals, objectives and implementation mechanisms by which the community's vision will now be achieved (Attachment B1).

Second, staff recommends further amending the GLUP map to update the Rosslyn and Courthouse sections on the back of the map to reflect the adoption of the Fort Myer Heights North Plan (Attachment B2).

2008 Zoning Ordinance Amendments

Changes to the Zoning Ordinance are also needed in order to implement the vision expressed in the 2008 Plan. Staff specifically recommends amending Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts to add new items to the list of special exceptions in order to achieve the community's goals of preserving affordable housing, historic buildings, open space, significant trees and neighborhood scale through a strategic balance of preservation and redevelopment within the Fort Myer Heights North Special District. One of the principal proposed changes to the Zoning Districts which comprise this neighborhood is a reduction of by-right building heights by ten feet in order to ensure that by-right development is more in keeping with the character of the neighborhood and the community's vision for the future. No affordable housing is required with by-right development, no public open spaces are typically provided, generally the bare minimum of trees are preserved or planted and sidewalks are not required to be provided with by-right development. Unchecked, by-right development will likely eliminate more market rate affordable housing and more historic garden apartments with their open spaces and mature trees. The by-right luxury condominiums that have been built in recent years do not even meet the goal of maintaining the scale of the neighborhood, as they are typically built to the current height maximums of the "RA8-18" and "RA6-15" Zoning Districts of 40 and 60 feet respectively and generally have much greater mass and bulk than the three to four-story garden apartments with open lawns which have historically characterized the neighborhood.

Other proposed Zoning Ordinance changes would allow site plan development up to 3.24 FAR in return for the specific community benefits enumerated in the Plan, as discussed above, and would establish transfer of development rights incentives for affordable housing, historic preservation and open space purposes. Sending sites must be located in the Conservation Area and must be specifically identified in the Plan. Additional sending sites within the Conservation Area may be approved by the County Board. Up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage may be transferred in return for an easement to preserve the historic property in perpetuity, which includes an agreement to rehabilitate the property if necessary and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building consistent with the Plan.

If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are committed for a 30 year term affordable at 60 percent or less of the area median income and meet minimum habitability standards established by the County, up to an additional two (2) times the density of the first 10,000 square feet of the preserved building and up to an additional one (1) times the remaining density may be transferred, for a total of up to five (5) times the density of the first 10,000 square feet of the preserved building and up to three (3) times the density of the remaining square footage. If additional units are committed as affordable, the County Board may increase proportionally the aforementioned multipliers at its discretion. It should be noted that staff is continuing to evaluate these multipliers to determine the appropriate amount of density to be transferred. The final proposed multipliers may be lower than those recommended here.

It is preferred that density be transferred to sites within the Revitalization Area, provided that development is consistent with the design guidelines, including building height maximums, and purposes of the Plan. Receiving sites will be expected to meet on site the aforementioned affordable housing requirements for all sites developed per the site plan process, except that the County Board may modify the requirement that 20 percent of the GFA over the General Land Use Plan maximum be designated as affordable for that portion of the density transferred from the Conservation Area designated in the Plan. At its discretion, the County Board may permit receiving sites located within the Revitalization Area to exceed the Plan's maximum density of 3.24 FAR. In such instances, receiving sites that meet or exceed 3.24 FAR will not be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan. This exemption is intended to encourage the preservation of historic buildings and affordable housing in the Conservation Area. If developers purchased development rights for preservation and affordable housing purposes from the Conservation Area and were required to provide the significant level of affordable housing required for all site plan projects, meet all the other requirements of this Plan and replace any additional market affordable units on site, it would be economically infeasible based on staff analysis. Density may also be transferred to sites located elsewhere in the County, with a preference for the Rosslyn or Courthouse Metro Station Areas. Receiving sites located outside the Fort Myer Heights North Special District that meet or exceed 3.24 FAR will be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan. (Attachment B3).

Community Process and Potential Issues

Staff met with the community at large in December and again in March and developed the new Plan and accompanying GLUP and Zoning Ordinance amendments based on feedback received at those meetings. At their request, staff has made presentations to the Planning Commission, the Long Range Committee of the Planning Commission, the Urban Forestry Commission, the Historical Affairs and Landmark Review Board, the Park & Recreation Commission, the Housing Commission, the Transportation Commission, the Zoning Ordinance Committee of the Planning Commission, the Environment & Energy Conservation Commission and the Radnor-Fort Myer Heights North Civic Association. Staff has taken into consideration the input received at these meetings as it has drafted the new iteration of the Plan. While there appears to be support for the overall concept of the new Plan, the following concerns have been raised at community or commission hearings.

1) The Radnor-Fort Myer Heights North Civic Association leadership has expressed concerns regarding the overall density and height proposed for the Revitalization Area designated in the Plan. Staff, recognizing the civic association's concerns about density and height in general, is proposing the creation of a Conservation Area in the northern half of the Fort Myer Heights North Special District where no additional density or height over what is permitted by-right will be allowed. This Conservation Area is intended to primarily address the community's interest in preserving neighborhood scale. However, the best tool to achieve the community's other four goals of truly ensuring the preservation/provision of affordable housing with units committed for a period of at least 30 years, the preservation of historic buildings in perpetuity, the provision of public open spaces and the bolstering of the neighborhood's tree canopy, is the site plan process. Thus, in the Revitalization Area staff proposes allowing site plan development up to 3.24 FAR, which is the level of density identified by Housing Division staff working with outside consultants at which developers may choose to enter the site plan process. As explained above, it is generally at 12 stories that this amount of density may be accommodated, given the site constraints presented by the need for space to accommodate other identified community goals. No development over 12 stories or 125 feet will be permitted even for bonuses for community benefits such as LEED to assure the community that there will be no unexpected additional height.

2) Some Transportation Commission members have expressed concern regarding why greater density and height is proposed along Fairfax Drive as opposed to along Clarendon Boulevard, which is marginally closer to the Rosslyn and Courthouse Metro Stations. The several reasons for selecting this area as the most appropriate in this district for additional density and height were enumerated earlier in this report. To this rationale, it should be added that the entire Fort Myer Heights North District is within a quarter to a half mile of a Metro Station. In addition, both Metrobus and ART buses service this neighborhood. The Plan recommends analyzing bus service as redevelopment occurs to ensure that service levels remain adequate. The Plan also recommends streetscape improvements throughout the neighborhood that will enhance the walkability, the safety and appearance of the area for pedestrians, bicyclists and transit riders.

3) Some commission members have indicated that they do not believe the architectural or historical character of the remaining garden apartments in this neighborhood merits preservation.

Historic Preservation staff, working with outside expert consultants and members of the Historical Affairs and Landmark Review Board, identified these buildings as being of significant architectural, historical and cultural merit. These garden apartments reflect the scale and residential nature of Arlington as it developed starting in the first half of the 20th century. The garden apartments which define this neighborhood are of particular importance to the history of Arlington County. Starting in 1934, with the creation of the Federal Housing Administration (“FHA”), garden apartments became a new building form that proliferated throughout the County. Arlington experienced significant growth at that time due to the rapid expansion of the federal government. The FHA postulated that garden apartments would be an attractive housing type if projects had modern conveniences and a site design which provided ample open space. In requiring that all units have light, ventilation, space and be built with a sense of permanence, the projects insured by the FHA evolved into garden apartment buildings, mainly Colonial Revival, masonry buildings situated in park-like settings. The first of the FHA insured garden apartment projects nationwide was Colonial Village, located just north of the study area. The County’s Historic Preservation Program developed a multiple resource listing National Register of Historic Places nomination that sets out the framework for garden apartment buildings in Arlington. This nomination was included in the National Register of Historic Places in May 2003. Many of the existing buildings are also individually eligible for listing in the National Register. The County’s Historic Preservation Master Plan provides additional information regarding the importance of Arlington’s remaining garden apartments. The preservation of these buildings is thus not only important from an architectural, historic and cultural standpoint, but also because most of these buildings offer market affordable units that are likely to remain moderately affordable, due to the size of the units and the amenities offered vis-à-vis new construction, and they typically have open lawns with mature trees that contribute to the garden-like feel of the neighborhood and to Arlington’s urban tree canopy, all of which are important to this community.

Staff has addressed and will continue to address these issues and any others that are expressed at future community or commission meetings. Staff will work closely with the neighborhood and all relevant commissions, seeking their input and responding to their questions and concerns as it finalizes and presents the new Plan. In terms of the schedule for bringing forward this new Plan and the associated GLUP and Zoning Ordinance amendments, staff proposes:

- Recommending taking no action on the now obsolete 2005 draft Plan and associated GLUP and Zoning Ordinance Amendments; Presenting a Request to Advertise the new 2008 Plan and associated GLUP and Zoning Ordinance amendments for County Board consideration – July;
- Circulating the new Plan for community review – July;
- Coordinating follow-up meetings with relevant commissions –July, August and September; and
- Presenting the new Plan and associated GLUP and Zoning Ordinance amendments for Planning Commission and County Board consideration – September.

CONCLUSION: Given current economic realities, the tools and incentives originally enumerated in the 2005 draft Fort Myer Heights North Plan are no longer sufficient inducement

for the preservation of affordable housing, historically significant buildings, mature trees and public and private open space, which were the primary objectives of the Plan. As a result, staff has drafted an entirely revised and updated version of the Fort Myer Heights North Plan, working closely with the community and relevant advisory commissions. The purpose of this new Plan is to provide a comprehensive framework to ensure a strategic balance of preservation and redevelopment in the short and long-term for the Fort Myer Heights neighborhood and to achieve the goals originally identified by the community. Staff therefore recommends that the County Board take no action on now obsolete 2005 draft Fort Myer Heights North Plan and its associated Zoning Ordinance amendments. Staff recommends that the County Board defer consideration of the GLUP amendment to add open space symbols to key locations in the Fort Myer Heights North Special District to the September 13, 2008 County Board and associated Planning Commission meetings. Staff additionally recommends that the County Board authorize advertisement of public hearings at the September 13, 2008 County Board and associated Planning Commission meetings to consider adoption of the 2008 version of the Fort Myer Heights North Plan and its accompanying GLUP and Zoning Ordinance amendments for public hearings. It should be noted, however, that the Request to Advertise is the first step toward County Board consideration and that authorizing the advertisement does not imply County Board support.

Recommendation: Take No Action

ZONING ORDINANCE

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Section 13. “RA8-18” Apartment Dwelling Districts

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B. Special Exceptions

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3. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the county board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. Except in the “Fort Myer Heights North Special District,” (which is governed by subsection B.4 below) the county board may approve additional height and density based on the provision of low or moderate income housing as provided in Subsection 36.H.5.b. The county board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five percent (25%) increase above thirty-six (36) units per acre in residential density for a project that provides low or moderate-income housing as provided in subsection 36.H.5, provided that:

* * *

4. When a site within the area designated as the “Fort Myer Heights North Special District” on the General Land Use Plan is sought to be used in a manner consistent with the *Fort Myer Heights North Plan*, and as generally described herein, then by Special Exception Site Plan approval pursuant to Section 36.H, development may be permitted at up to 72 units per acre. As a development proposal increases in density above what is otherwise allowed by-right, and approaches 72 units per acre, the proposal will be expected to make greater progress toward those goals, including by

way of illustration and not limitation affordable housing, historic preservation and the provision of open space. The purpose of the “Fort Myer Heights North Special District” is to: 1) promote the compatibility of new and existing development by coordinating building placement, orientation, scale, bulk, streetscape and pedestrian facilities; 2) provide for creative opportunities to encourage and retain affordable housing; and 3) promote opportunities for the preservation of historically significant buildings.

- a. When an on- or off-site building that is on the preferred buildings list is preserved and units inside the building are committed as affordable, that number of units shall not count toward the permitted density. In such case the County Board may approve additional density, above 72 units per acre when the height and site design recommendations of the plan are met.
- b. Building height shall generally be consistent with the building heights plan for the “Fort Myer Heights North Special District” and shall in no event exceed 10 stories or 100 feet, exclusive of penthouse. Penthouses shall be minimized in terms of height, bulk and visual appearance.
- c. Externally oriented convenience retail and service uses such as a doctor’s office, neighborhood delicatessen, drycleaner, neighborhood-scale library branch or small café may be approved, where the County Board finds they will not adversely affect the neighborhood and will otherwise be appropriate at primary intersections and/or locations that experience significant pedestrian traffic.

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Section 15. “RA6-15” Apartment Dwelling Districts

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B. Special Exceptions

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- 3. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional

residential density, the county board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. Except in the “Fort Myer Heights North Special District,” (which is governed by subsection B.5 below) the county board may approve additional height and density based on provision of low or moderate income housing as provided in Subsection 36.H.5.b. The county board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above forty-eight (48) units per acre in residential density for a project that provides low or moderate-income housing as provided in Subsection 36.H.5.b., provided that:

* * *

5. When a site within the area designated as the “Fort Myer Heights North Special District” on the General Land Use Plan is sought to be used in a manner consistent with the *Fort Myer Heights North Plan*, and as generally described herein, then by Special Exception Site Plan approval pursuant to Section 36.H, development may be permitted at up to 72 units per acre. As a development proposal increases in density above what is otherwise allowed by-right, and approaches 72 units per acre, the proposal will be expected to make greater progress toward those goals, including by way of illustration and not limitation affordable housing, historic preservation and the provision of open space. The purpose of the “Fort Myer Heights North Special District” is to: 1) promote the compatibility of new and existing development by coordinating building placement, orientation, scale, bulk, streetscape and pedestrian facilities; 2) provide for creative opportunities to encourage and retain affordable housing; and 3) promote opportunities for the preservation of historically significant buildings.
 - a. When an on- or off-site building that is on the preferred buildings list is preserved and units inside the building are committed as affordable, that number of units shall not count toward the permitted density. In such case the County Board may approve additional density, above 72 units per acre when the height and site design recommendations of the plan are met.
 - b. Building height shall generally be consistent with the building heights plan for the “Fort Myer Heights North Special District” and shall in no event exceed 10 stories or 100 feet, exclusive of penthouse. Penthouses shall be minimized in terms of height, bulk and visual appearance.

- c. Externally oriented convenience retail and service uses such as a doctor's office, neighborhood delicatessen, dry cleaner, neighborhood-scale library branch or small café may be approved, where the County Board finds they will not adversely affect the neighborhood and will otherwise be appropriate at primary intersections and/or locations that experience significant pedestrian traffic.

Recommendation: Authorize Advertisement of Public Hearings

GENERAL LAND USE PLAN

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS AT THE SEPTEMBER 13, 2008 COUNTY BOARD AND ASSOCIATED PLANNING COMMISSION MEETINGS TO CONSIDER AMENDING THE GENERAL LAND USE PLAN TO: (1) AMEND THE GENERAL LAND USE PLAN BOOKLET TO REVISE THE LANGUAGE DESCRIBING THE PURPOSES OF THE FORT MYER HEIGHTS NORTH SPECIAL DISTRICT; AND (2) AMEND THE GENERAL LAND USE PLAN MAP TO REFLECT ADOPTION OF THE FORT MYER HEIGHTS NORTH PLAN.

The County Board of Arlington hereby resolves that the following items shall be advertised for public hearings at the September 13, 2008 County Board and associated Planning Commission meetings to consider amending the General Land Use Plan as follows: (1) Amend the General Land Use Plan booklet to revise the language describing the purposes of the Fort Myer Heights North Special District; and (2) Amend the General Land Use Plan map to reflect adoption of the Fort Myer Heights North Plan.

Proposed Amendments to the General Land Use Plan Booklet:

Special Planning Areas

Rosslyn-Ballston Corridor

Rosslyn

Fort Myer Heights North

~~The purpose of this District is to guide redevelopment in the Fort Myer Heights North neighborhood. The vision for the neighborhood includes promoting redevelopment that is in keeping with the historic character of this neighborhood, including site design and garden apartment buildings from the first multi-family buildings in Arlington County. The vision also includes preservation of affordable housing units, significant historic buildings, mature trees, and open space.~~

Fort Myer Heights North is a smaller scale, medium density residential community, separate and distinct from the adjacent core Metro Station Areas of Rosslyn and Courthouse. The purpose of this special district is to promote a strategic balance of preservation and redevelopment in this neighborhood in order to achieve the community's goals of preserving:

- affordable housing;
- historic buildings;
- open space;
- mature trees; and
- neighborhood scale.

The vision for Fort Myer Heights North revolves around the preservation of its historic core, characterized by garden style apartments that are among the first multifamily buildings in Arlington County, while allowing strategic redevelopment along the southern edge of the district in order to achieve the other identified community goals through the special exception site plan process.

In order to preserve the character of the neighborhood and its historic core along 16th Street North, a combination of regulations and incentives will be provided in the Conservation Area within the Fort Myer Heights North Special District. In this area, no additional density or height over what is allowed by-right will be permitted. In an effort to discourage additional by-right development that will further compromise the fabric of the neighborhood, incentives will be offered to promote the preservation of historic buildings, open space and existing affordable housing in the Conservation Area. Property owners of identified historic buildings located within the Conservation Area will be encouraged to preserve their buildings and the open space surrounding these buildings through the transfer of development rights. The Plan also encourages the transfer of development rights for affordable housing purposes. The regulations and incentives outlined for the Conservation Area will complement one another to help ensure that the scale and character of the neighborhood core are maintained and that both the preservation of historic buildings, with their surrounding open space and mature trees, and the preservation of existing affordable housing are encouraged.

When development of a site within the Revitalization Area of the Fort Myer Heights North Special District includes an application for site plan approval, the County Board may approve up to 3.24 FAR if the development proposal substantially furthers the intent of the goals and objectives of the Fort Myer Heights North Plan. As a development proposal increases in density above what is allowed by-right and approaches 3.24 FAR, the proposal will be expected to make greater

progress toward the goals in the Fort Myer Heights North Plan, including the provision of affordable housing, the preservation of historic buildings, the provision of open space and contributions to the tree canopy. Additional density purchased from another site within the Fort Myer Heights North Special District may be used in a site plan redevelopment project if the building height and site design recommendations outlined in this Plan are addressed.

Recommendation: Authorize Advertisement of Public Hearings

Proposed Amendments to the General Land Use Plan Map:

Courthouse

Adopted Plans: Courthouse Sector Plan, 1981; Courthouse Sector Plan Addendum, 1993; Rosslyn to Courthouse Urban Design Study (2003); Fort Myer Heights North Plan (date to be determined).

Rosslyn

Adopted Plan: Rosslyn Transit Station Area Study, 1977; Rosslyn Station Area Plan Addendum, 1992; Rosslyn to Courthouse Urban Design Study, 2003; Fort Myer Heights North Plan (date to be determined).

Recommendation: Authorize Advertisement of Public Hearings

ZONING ORDINANCE

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS AT THE SEPTEMBER 13, 2008 COUNTY BOARD AND ASSOCIATED PLANNING COMMISSION MEETINGS TO CONSIDER AMENDING, REENACTING, AND RECODIFYING ZONING ORDINANCE SECTION 13. “RA8-18” APARTMENT DWELLING DISTRICTS AND SECTION 15. “RA6-15” APARTMENT DWELLING DISTRICTS OF THE ZONING ORDINANCE TO ADD NEW ITEMS TO THE LIST OF SPECIAL EXCEPTIONS IN ORDER TO ACHIEVE THE COMMUNITY’S GOALS OF PRESERVING AFFORDABLE HOUSING, HISTORIC BUILDINGS, OPEN SPACE, SIGNIFICANT TREES AND NEIGHBORHOOD SCALE THROUGH A STRATEGIC BALANCE OF PRESERVATION AND REDEVELOPMENT AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY WITHIN THE FORT MYER HEIGHTS NORTH SPECIAL DISTRICT.

The County Board of Arlington hereby resolves that the following items shall be advertised for public hearings at the September 13, 2008 County Board and associated Planning Commission meetings to Consider amending, reenacting, and recodifying Zoning Ordinance Section 13. “RA8-18” Apartment Dwelling Districts and Section 15. “RA6-15” Apartment Dwelling Districts of the Zoning Ordinance to add new items to the list of Special Exceptions in order to achieve the community’s goals of preserving affordable housing, historic buildings, open space, significant trees and neighborhood scale through a strategic balance of preservation and redevelopment and to facilitate the creation of a convenient, attractive and harmonious community within the Fort Myer Heights North Special District.

* * *

Section 13. “RA8-18” Apartment Dwelling Districts

* * *

B. Special Exceptions.

* * *

- 3. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used

in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. Except in the “Fort Myer Heights North Special District,” the County Board may approve additional height and density based on the provision of low or moderate income housing as provided in Subsection 36.H.7.. The County Board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above thirty-six (36) units per acre in residential density for a project that provides low or moderate-income housing as provided in subsection 36.H.7., provided that:

* * *

4. When a site within the area designated as the “Fort Myer Heights North Special District” on the General Land Use Plan is sought to be used in a manner consistent with the purposes of the *Fort Myer Heights North Plan*, and as subject to the provisions set forth herein, then by Special Exception Site Plan approval pursuant to Section 36.H., development may be permitted at up to 3.24 F.A.R. in the “Revitalization Area” designated in the *Plan*. In order to develop a site, the goals recommended in the *Plan* for that site must be met. That is, as applicable, the affordable housing contribution recommended in the *Plan* must be provided; the historic buildings identified for preservation in the *Plan*, and such other buildings as the County Board may identify, must be preserved with their surrounding open spaces; the public open spaces identified in the *Plan* must be provided; and the preservation of significant trees identified in the *Plan* or their replacement in accordance with the County’s Tree Replacement Guidelines must be effected.
 - a. A site plan project in the “Revitalization Area” designated in the *Plan* may exceed 3.24 F.A.R. with bonus density for achieving goals consistent with the intent of the *Plan*, such as LEED, provided that development is consistent with the design guidelines, including building height maximums, and purposes of the *Plan*.
 - b. Building heights shall be consistent with the heights recommended in the *Plan*. Building heights in the “Revitalization Area” designated in the *Plan* shall in no event exceed twelve (12) stories or 125 feet, exclusive of penthouses, if developed by site plan. Penthouses shall be minimized in terms of height, bulk and visual appearance and shall in no event exceed sixteen (16) feet.

- c. All sites developed per the site plan process shall designate as affordable twenty (20) percent of the G.F.A. over the General Land Use Plan maximum, in addition to meeting the requirements of the County's Affordable Dwelling Unit Ordinance as outlined in Section 36.H.6.. Units shall be committed for a thirty (30) year term, affordable at sixty (60) percent or less of the area median income and shall meet minimum habitability standards established by the County.

- d. Neighborhood-serving retail and other service uses, such as a doctor's office, neighborhood delicatessen, drycleaner, neighborhood-scale library branch or small café and other uses as permitted and regulated in Section 18A. may be approved along Clarendon Boulevard or Fairfax Drive should the County Board find they will not adversely impact the neighborhood and will otherwise be appropriate.

- e. The transfer of development rights in accordance with Section 36.H.5.b. is permitted for historic preservation, open space preservation and affordable housing purposes.
 - (1) For the purposes of calculating F.A.R. in the "Fort Myer Heights North Special District," an average unit size of 1,000 square feet is to be assumed.

 - (2) Sending sites must be located in the "Conservation Area" designated in the *Plan* and must be specifically identified in the *Plan*. Additional sending sites within the "Conservation Area" designated in the *Plan* may be approved by the County Board.

 - (3) Up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage may be transferred in return for an easement to preserve the historic property in perpetuity, which includes an agreement to rehabilitate the property if necessary and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building as consistent with the *Plan*.

 - (4) If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are committed for a thirty (30) year term affordable at sixty (60) percent or less of the

area median income and meet minimum habitability standards established by the County, up to an additional two (2) times the density of the first 10,000 square feet of the preserved building and up to an additional one (1) times the remaining density may be transferred, for a total of up to five (5) times the density of the first 10,000 square feet of the preserved building and up to three (3) times the density of the remaining square footage. If additional units are committed as affordable, the County Board may increase proportionally the aforementioned multipliers at its discretion.

- (5) It is preferred that density be transferred to sites within the “Revitalization Area” designated in the Plan, provided that development is consistent with the design guidelines, including building height maximums, and purposes of the Plan. Receiving sites will be expected to meet on site the aforementioned affordable housing requirements for all sites developed per the site plan process, except that the County Board may modify the requirement that twenty (20) percent of the G.F.A. over the General Land Use Plan maximum be designated as affordable for that portion of the density transferred from the Conservation Area designated in the Plan. At its discretion, the County Board may permit receiving sites located within the “Revitalization Area” designated in the Plan to exceed the Plan’s maximum density of 3.24 F.A.R.. In such instances, receiving sites that meet or exceed 3.24 F.A.R. will not be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.
- (6) Density may also be transferred to sites located elsewhere in the County, with a preference for the Rosslyn or Courthouse Metro Station Areas. Receiving sites located outside the “Fort Myer Heights North Special District” that meet or exceed 3.24 F.A.R. will not be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.

C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either four (4) stories or forty (40) feet; provided, however, that in the “Fort Myer Heights North

Special District” designated on the General Land Use Plan, building heights shall in no event exceed thirty (30) feet if developed by-right, and that by site plan approval dwellings may be increased to a height not to exceed either eight, (8) stories or seventy-five (75) feet.

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Section 15. “RA6-15” Apartment Dwelling Districts

* * *

B. Special Exceptions.

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3. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. Except in the “Fort Myer Heights North Special District,” the County Board may approve additional height and density based on provision of low or moderate income housing as provided in Subsection 36.H.7.. The County Board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above forty-eight (48) units per acre in residential density for a project that provides low or moderate-income housing as provided in Subsection 36.H.7., provided that:

* * *

5. When a site within the area designated as the “Fort Myer Heights North Special District” on the General Land Use Plan is sought to be used in a manner consistent with the purposes of the *Fort Myer Heights North Plan*, and as subject to the provisions set forth herein, then by Special Exception Site Plan approval pursuant to Section 36.H., development may be permitted at up to 3.24 F.A.R. in the “Revitalization Area” designated in the *Plan*. In order to develop a site, the goals recommended in the *Plan* for that site must be met. That is, as applicable, the affordable housing contribution recommended in the *Plan* must be provided; the historic buildings identified for preservation in the *Plan*, and such other buildings as the County Board may identify, must be preserved with their

surrounding open spaces; the public open spaces identified in the *Plan* must be provided; and the preservation of significant trees identified in the *Plan* or their replacement in accordance with the County's Tree Replacement Guidelines must be effected.

- a. A site plan project in the "Revitalization Area" designated in the *Plan* may exceed 3.24 F.A.R. with bonus density for achieving goals consistent with the intent of the *Plan*, such as LEED, provided that development is consistent with the design guidelines, including building height maximums, and purposes of the *Plan*.
- b. Building heights shall be consistent with the heights recommended in the *Plan*. Building heights in the "Revitalization Area" designated in the *Plan* shall in no event exceed twelve (12) stories or 125 feet, exclusive of penthouses, if developed by site plan. Penthouses shall be minimized in terms of height, bulk and visual appearance and shall in no event exceed sixteen (16) feet.
- c. All sites developed per the site plan process shall designate as affordable twenty (20) percent of the G.F.A. over the General Land Use Plan maximum, in addition to meeting the requirements of the County's Affordable Dwelling Unit Ordinance as outlined in Section 36.H.6.. Units shall be committed for a thirty (30) year term, affordable at sixty (60) percent or less of the area median income and shall meet minimum habitability standards established by the County.
- d. Neighborhood-serving retail and other service uses, such as a doctor's office, neighborhood delicatessen, drycleaner, neighborhood-scale library branch or small café and other uses as permitted and regulated in Section 18A. may be approved along Clarendon Boulevard or Fairfax Drive should the County Board find they will not adversely impact the neighborhood and will otherwise be appropriate.
- e. The transfer of development rights in accordance with Section 36.H.5.b. is permitted for historic preservation, open space preservation and affordable housing purposes.
 - (1) For the purposes of calculating F.A.R. in the "Fort Myer Heights North Special District," an average unit size of 1,000 square feet is to be assumed.
 - (2) Sending sites must be located in the "Conservation Area" designated in the *Plan* and must be specifically identified in the *Plan*. Additional sending sites within the "Conservation Area" designated in the *Plan* may be approved by the County

Board.

- (3) Up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage may be transferred in return for an easement to preserve the historic property in perpetuity, which includes an agreement to rehabilitate the property if necessary and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building as consistent with the *Plan*.
- (4) If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are committed for a thirty (30) year term affordable at sixty (60) percent or less of the area median income and meet minimum habitability standards established by the County, up to an additional two (2) times the density of the first 10,000 square feet of the preserved building and up to an additional one (1) times the remaining density may be transferred, for a total of up to five (5) times the density of the first 10,000 square feet of the preserved building and up to three (3) times the density of the remaining square footage. If additional units are committed as affordable, the County Board may increase proportionally the aforementioned multipliers at its discretion.
- (5) It is preferred that density be transferred to sites within the “Revitalization Area” designated in the *Plan*, provided that development is consistent with the design guidelines, including building height maximums, and purposes of the *Plan*. Receiving sites will be expected to meet on site the aforementioned affordable housing requirements for all sites developed per the site plan process, except that the County Board may modify the requirement that twenty (20) percent of the G.F.A. over the General Land Use Plan maximum be designated as affordable for that portion of the density transferred from the Conservation Area designated in the *Plan*. At its discretion, the County Board may permit receiving sites located within the “Revitalization Area” designated in the *Plan* to exceed the *Plan*’s maximum density of 3.24 F.A.R.. In such instances, receiving sites that meet or exceed 3.24 F.A.R. will be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.

- (6) Density may also be transferred to sites located elsewhere in the County, with a preference for the Rosslyn or Courthouse Metro Station Areas. Receiving sites located outside the “Fort Myer Heights North Special District” that meet or exceed 3.24 F.A.R. will not be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.

C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either six (6) stories or sixty (60) feet., except in the “Fort Myer Heights North Special District” designated on the General Land Use Plan, where building heights shall in no event exceed fifty (50) feet if developed by-right.

* * *