



**County Board Agenda Item
Meeting of December 10, 2005**

DATE: December 3, 2005

SUBJECT: Action on the Proposed Amendments:

- A. Amendment to the Arlington County Zoning Ordinance to implement affordable housing requirements for site plan approved projects as endorsed by the Affordable Housing Roundtable, as such amendments are more specifically described in Attachment 1; and associated amendments to the Zoning Ordinance to correct and renumber references in various zoning districts pertaining to affordable housing in site plan projects, as such amendments are more specifically described in Attachment 2.
- B. Authorize advertisement of an additional amendment to the Zoning Ordinance to confirm explicitly that preceding amendments apply to site plans in all zoning districts, as such amendment is set forth in Attachment 3.
- C. Amendment to the General Land Use Plan (GLUP) legend and text to clarify that development densities at any point along the density range for each land use designation is consistent with the GLUP, as such amendments are more specifically described in Attachment 4.

C. M. RECOMMENDATION:

- A. Adopt the attached ordinances set forth in Attachments 1 and 2 for proposed amendments to the Arlington County Zoning Ordinance to implement affordable housing requirements for the provision of onsite or offsite affordable housing in site plan projects or a monetary contribution ranging from \$1.50 to \$8.00 per square foot of gross floor area as endorsed by the Affordable Housing Roundtable.
- B. Authorize advertisement of an additional amendment to the Zoning Ordinance to confirm explicitly that preceding amendments apply to site plans in all zoning districts for consideration at the January 21, 2006 County Board meeting and the January 9, 2006 Planning Commission meeting, as such amendment is set forth in Attachment 3.
- C. Adopt proposed amendments to the General Land Use Plan (GLUP) legend and text to clarify that development at any point along the density range for each land use designation is consistent with the GLUP, as such amendments are set forth in Attachment 4.

County Manager: _____ County Attorney: _____

SUMMARY:

A -- Zoning Ordinance Amendments to Implement Affordable Housing Recommendation of the Roundtable. The proposed amendments to the Zoning Ordinance will codify and implement the affordable housing recommendation as unanimously recommended by the Affordable Housing Roundtable (Attachment 5). Under the proposed amendments, all site plan developments with a density at or above a 1.0 Floor Area Ratio (FAR) will contribute to the creation and preservation of affordable housing by providing units or contributions to the County's affordable housing efforts. The amendments streamline the approval process and create more certainty for both developers and the community. Under the proposed amendments, larger developments will contribute proportionally more to the affordable housing effort. Residential projects will contribute more than commercial projects. Mixed-use projects will contribute based on the proportionate mix of residential and commercial uses proposed for the project in a manner similar to the example set forth in Attachment 4. Applicants may provide units on-site, nearby, or elsewhere in the County at percentages that increase with the distance of the units from the site plan development, or provide a cash contribution to the Affordable Housing Investment Fund based on a specific formula relative to the density of the project. An affordable housing plan that specifies how the affordable housing requirements will be met must be approved by the County Manager prior to the issuance of the first Certificate of Occupancy for the development.

The proposed provisions will apply to all site plan proposals that are consistent with the General Land Use Plan as well as those requesting a change in zoning that results in a use not previously permitted but which is within the existing General Land Use Plan designation. Projects seeking a General Land Use Plan amendment or approval of bonus density will be addressed separately. When a site plan proposal would result in demolition of existing affordable housing, the applicant will be required to address replacement as part of the site plan process.

It is the intent that these new provisions apply to site plans in all zoning districts, which would be made more explicit by the advertisement and adoption of the following additional amendment to subsection 36.H.6 of the Zoning Ordinance:

In the event of conflict between the provisions of this subsection H and any other provisions of the Zoning Ordinance relating to affordable housing in site plan projects, the provisions of this subsection shall control.

The only current zoning district that has affordable housing provisions in conflict with the new approach is the Mixed-Use Virginia Square (MU-VS) district. Amendments to this district are recommended for advertisement as outlined in a separate report. These amendments preserve the affordable housing objectives of MU-VS by providing alternative means to achieve those objectives in accordance with the new affordable housing provisions for site plans.

Future sector plans will need to take into account the new affordable housing provisions in determining how additional densities may be considered in order to achieve affordable housing

objectives. Plans currently under consideration will be re-examined from this perspective, including the Clarendon Sector Plan and Ft. Myer Heights Land Use Study.

B -- Amendments Clarifying County Board Policy in the General Land Use Plan (GLUP).

Each land use designation on the GLUP map indicates a range of densities and typical uses that may be desirable for that general location. The County Board, using its discretion in considering each development application that comes before it, determines what uses, densities and heights within the range permitted under the GLUP are appropriate for the specific site that is the subject of the application and that the proposed intensity of development and its impacts are consistent with the GLUP. For some sites, the maximum densities allowed by the GLUP may not be appropriate. Approval by the County Board of a development proposal anywhere within the range of densities and uses would be consistent with the County’s goals and vision.

The County Board has consistently articulated this view as its policy and intent. Accordingly, staff is proposing changes to the GLUP legend to clarify and specify that development at any point along the density range for each land use designation is consistent with the GLUP. Accompanying text also clarifies that the higher end of that density range may not necessarily represent the vision for a specific location, and that projects must be evaluated on a case-by-case basis, in the context of adopted goals, plans and policies, and taking into consideration good zoning practices, to determine the appropriate intensity of development within the GLUP. When a development proposal substantially complies with County goals, plans and policies, and good zoning practice, the County Board may approve that development proposal at the higher end of that density range or above, as provided for in Section 36.H of the Zoning Ordinance.

DISCUSSION: Arlington’s commitment to affordable housing dates back over thirty years, and is a crucial element of the County’s adopted land use policy. This land use policy—characterized by transit oriented development and frequently termed “smart growth”—is designed to ensure the County’s long-term economic sustainability through achievement of a balance of residential, commercial, retail, recreational, and educational uses, with a multi-modal transportation network, all supported by a strong tax base and sound fiscal management. The General Land Use Plan (GLUP) enumerates five growth and development goals which include concentration of high density, mixed-use development in the Metro Corridors; increasing the housing supply by encouraging construction of a variety of housing types and prices at a range of heights and densities in and near Metro Station Areas; and preserving and enhancing existing single-family and apartment neighborhoods, and neighborhood retail areas.

The special exception site plan process remains one of the major tools available to the County to implement adopted land use policy and thus, among other goals, create and preserve affordable housing in the Metro Corridors and throughout the County. The site plan process provides for development at a range of densities and heights substantially above that which could be achieved by-right, promotes a mix of uses not possible with by-right development, and offers incentives that create significant value for property owners while assisting the County in achieving its land

use goals. While site plan development epitomizes the core principles of smart growth, there have been unintended consequences resulting from the increasing impacts of development at the highest levels of intensity permitted under the GLUP, including significant pressure on the housing stock. From 2000 to 2005 Arlington lost over half of its market-rate affordable housing units, from 19,700 units to 8,700, due to redevelopment, condo conversion and increased rents.

In light of growing pressure on the housing stock, the County has stepped up efforts to create and preserve affordable housing through policy changes that promote the need for a full range of housing opportunities, increased commitment of general fund dollars to affordable housing programs, enhancements of existing programs, and zoning incentives, including a 25% density bonus for provision of affordable housing in site plan projects.

In February 2005, the County Board adopted a resolution reaffirming that affordable housing efforts in the site plan process would be made in full compliance with the enabling authority provided by State law, and that the Board would establish a process for affected stakeholders to participate in the development of General Land Use Plan Amendments and Zoning Ordinance provisions related to affordable housing. The Affordable Housing Roundtable, a group representing the development community, housing advocates, and the community generally, was convened in May 2005. After months of discussion and collaboration on a mutually acceptable way to address affordable housing as part of the development process, the Roundtable unanimously endorsed a new ordinance based means to create and preserve affordable housing through site plan developments on October 25, 2005. The actions proposed for the County Board are designed to codify the solution adopted by the Roundtable. On November 15, the County Board authorized advertising of the subject Zoning Ordinance and General Land Use Plan amendments at the December 5, 2005 meeting of the Planning Commission and the December 10, 2005 County Board meeting.

CONCLUSION: It is recommended that the County Board adopt the proposed amendments to the General Land Use Plan (GLUP); Section 12. “RA14-26” Apartment Dwelling Districts, Subsection B.3.; Section 13. “RA8-18” Apartment Dwelling Districts, Subsection B.3; Section 15. “RA6-15” Apartment Dwelling Districts, Subsection B.3.; Section 25B. “C-O Rosslyn” Commercial Office Building, Retail, Hotel, and Multiple-Family Dwelling Districts, Subsection E, and Section 36. Administration and Procedures, Subsection H. of the Zoning Ordinance regarding provision of onsite or offsite affordable housing in site plan projects or a monetary contribution ranging from \$1.50 to \$8.00 per square foot of gross floor area, and authorize advertisement of public hearings on proposed zoning ordinance amendment to Section 36.H.6 at the January 21, 2006 County Board meeting and January 9, 2006 Planning Commission, in order to further the creation and preservation of affordable housing; to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

ATTACHMENT 1

ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 36H. TO CODIFY AFFORDABLE HOUSING REQUIREMENTS FOR SITE PLAN PROJECTS.

BE IT ORDAINED, by the County Board of Arlington, that Section 36H. of the Arlington County Zoning Ordinance is amended, reenacted and re-codified as follows in order to further the creation and preservation of affordable housing; to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

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SECTION 36. ADMINISTRATION AND PROCEDURES

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H. Site Plan Approval.

1. Site Plan--General: A use requiring site plan approval is a special exception use subject to the regulations in this Subsection H. Every applicant for site plan approval shall file with his application a proposed site plan in compliance with Administrative Regulation 4.1, Site Plan Approval Procedure, as amended.

2. Site Plan Application Process: Every application for a site plan approval or a major site plan amendment shall be filed in writing with the zoning administrator a minimum of one hundred twenty (120) days before the public hearing; however, the County Board may, on its own motion, schedule hearings for a date which is less than one hundred twenty (120) days from the date of filing the application. When a completed site plan or major site plan amendment is filed, the zoning administrator shall notify, as required in Administrative Regulation 4.1, the applicant of the scheduled date of the public hearing for the site plan or major site plan amendment, which date will be up to one hundred and eighty (180) days after filing. The date of filing of a complete application shall be determined as set forth in Administrative Regulation 4.1, based on whether the requirements of Administrative Regulation 4.1 have been met. Public hearings for site plans and major site plan amendments shall be the first regularly scheduled County Board meeting of each month, except the County Board may establish, on its own motion, another board meeting for the hearing. Public hearings for minor site plan amendments shall be as required for use permits under Subsection 36.G.4. Major site plan amendments, minor site plan amendments, and administrative changes shall be defined as follows:

- a. Major Amendment: Any modification of the approved site plan which meets one or more of the following criteria:
 - (1) Principal use of the building would change in more than five (5) percent of the total floor area of the building.
 - (2) Density would increase by more than five [5] percent of the total floor area of the building.
 - (3) Building height would increase by more than twelve (12) feet.
 - (4) Gross floor area of the first floor would change in more than twenty [20] percent of the area of the first floor.
 - (5) Change in the site area which is used to calculate density.
 - (6) Any change which the Zoning Administrator determines is similar in significance to the above stated changes.
 - b. Minor amendment: Any modification of the approved plan which is not considered a Major amendment and which cannot be approved administratively is a Minor amendment. The subdivision of land involved in an approved Site Plan is a Minor Amendment, except, that if the following criteria are met, such subdivision may be approved as an Administrative Change by the Zoning Administrator:
 - (1) Density allocation is consistent with the zoning and approved site plan.
 - (2) Parking is consistent with the zoning and the approved site plan.
 - (3) Public improvements are consistent with the zoning and approved site plan.
 - (4) Clear evidence exists that all conditions of the approved site plan have been met or are bonded in a manner acceptable to the County Manager.
 - c. Administrative Change: Any minor modification of the approved site plan which complies with the spirit of this Code, the intent of the County Board in its approval of the site plan, and the general purpose of the comprehensive plan for the development of the area. Administrative Changes may be approved by the Zoning Administrator.
3. County Board Approval: The County Board shall approve and accept a site plan if the board shall find that the improvement and development proposed by the site plan:
- a. Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in this ordinance or as the same may be modified by the County Board as provided herein;
 - b. Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
 - c. Is so designed and located that the public health, safety and welfare will be promoted and protected.

4. Site Plan Conditions: In approving and accepting a site plan, the County Board may designate such conditions in connection therewith as will, in its opinion, assure that the improvement and development will conform to the foregoing requirements or modifications thereof, including but not limited to provisions for protection of adjacent property, the expiration of said site plan approval after a specified period of time, access and design for off-street parking and loading, and provisions of space for community facilities; e.g., recreation and open space, library and fire facilities, utilities, etc.
5. Uses and Regulations Modified: The County Board may, in appropriate cases, modify the uses permitted and use regulations in harmony with the general purpose and intent of the district taking into consideration the following:
 - (1) Provisions made for open space and other environmental amenities;
 - (2) Grade, direction and intensity of traffic on adjacent streets;
 - (3) Relationship to adjacent existing or permitted uses and buildings;
 - (4) Particular dimensions, grade and orientation of the site;
 - (5) Particular construction problems and techniques; and
 - (6) The other provisions of Section 36, subsection H.
6. Affordable Dwelling Units for Increased Density Within General Land Use Plan.
 - a. In exchange for approval by the County Board of a site plan containing density equal to or greater than 1.0 FAR, affordable dwelling units (ADUs), or optional contributions to support ADUs in lieu thereof, shall be required in accordance with the following provisions of this subsection.
 - i. Site plans containing less than 1.0 FAR shall be exempt from the ADU requirements hereof.
 - b. Once a site plan has been approved, the site plan applicant must select one of the following options for meeting the ADU requirements:
 - i. On-Site Units. Unless a different option is selected by the applicant, ADUs shall be provided on-site as part of the site plan project, the total gross square footage of which shall be 5% of the GFA above 1.0 FAR; or
 - ii. Off-Site Nearby. ADUs shall be provided off-site near the site plan project, the total gross square footage of which ADUs shall be 7.5% of the GFA of the site plan project above 1.0 FAR. For purposes of this subsection, near the +site shall mean as follows: if the site plan project is in a Metro Station Area, the off-site units shall be within 0.5 miles from any Metro Station; if the site plan project is not in a Metro Station Area, the off-site units shall be within 0.5 miles of the project; or

iii. Off-Site Elsewhere. ADUs shall be provided in locations in the County other than those provided for in i. and ii., the total gross square footage of which ADUs shall be 10% of the GFA of the site plan project above 1.0 FAR; or

iv. Cash Contribution. The applicant shall make a cash contribution to the Affordable Housing Investment Fund calculated as follows for each of the described tiers:

1. \$1.50 per square foot of GFA for first 1.0 FAR.

2. \$4.00 per square foot of GFA from 1.0 FAR to 3.0 FAR for residential projects and \$4.00 per square foot of all GFA above 1.0 FAR in commercial projects (including hotel and retail).

3. \$8.00 per square foot of GFA above 3.0 FAR for residential projects.

4. For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of commercial and residential GFA to each tier.

5. The cash contribution will be indexed to Consumer Price Index for Housing in the Washington-Baltimore MSA as published by the Bureau of Labor Statistics, and adjusted annually, beginning January 2007. Revised amounts apply only to site plans filed after the adjustment date. Amounts for the calculation of the cash option are established at the time the site plan application is filed.

- c. The applicant's plan for meeting the ADU requirements on-site or off-site must be confirmed or approved by the County Manager or his designee, and all necessary documents executed, prior to the issuance of the first Certificate of Occupancy. The County Manager or his designee will act on approval requests within 30 days.
- d. An applicant may submit a proposal for off-site ADUs that deviates from the requirements above. Such proposals shall be reviewed by the Housing Commission which, after a public hearing on the proposal, shall make a report of its review to the County Manager. After the Housing Commission's consideration of the alternative plan, the County Manager, or his designee, may approve or reject it administratively. In the event that the plan is rejected, the applicant may request that the County Board consider the alternative as a site plan amendment.
- e. On sites where the County Board has determined that there are other compelling public priorities identified in County plans, studies, policies, or other documents that are addressed by the site plan application, the Board may, at the time of site

plan approval, approve the total or partial substitution of the ADUs required hereunder.

- f. ADUs shall be committed for a 30-year term, affordable at 60% of the area median income. ADUs must meet minimum habitability standards established by the County.
- g. The foregoing provisions apply to site plan applications that are consistent with the General Land Use Plan (GLUP). The provisions also apply to site plan applications that include a rezoning application resulting in a use that was not permitted by-right under the prior zoning category provided that the newly permitted use is included within the existing GLUP designation for the site.
- h. Site plan amendment applications that result in the demolition and rebuilding of a site plan project shall be subject to the requirements hereof at the time of redevelopment. The applicable requirements shall apply only to density that is replaced or rebuilt and any increased density. They shall not apply to rehabilitation or renovation of site plan projects.
- i. Site plan applications that include an application to change the GLUP designation of the site may be subject to an affordable housing requirement in addition to the above ADU requirement. Such affordable housing requirements shall be addressed separately in the process of the County Board's consideration of the approval of the site plan.
- j. Site plan applications that result in the elimination of existing affordable housing will address replacement of the housing in the process of the County Board's consideration of the approval of the site plan.

7. Affordable Dwelling Units for Height and Density Above General Land Use Plan.

- a. In considering the approval of a site plan including apartments, the County Board may permit additional height and density as set forth below, providing the County Board determines that a variety of housing units and design would result thereby. Consideration of such design may include, but not be limited to, the provision of family housing units, housing for the elderly, housing for households of low or moderate income and such variety of design as provided by town house or terraced construction in association with the high-rise development. The County Board may approve additional height and/or residential density for low or moderate income housing only where a proposed site plan project is in compliance with all of the requirements specified below.

- (1) The application includes a low or moderate income housing plan that includes the following information and any other items that are

determined by the County Board to be pertinent for that particular site plan:

- (a) Number of total housing units provided under the site plan.
- (b) Number of total housing units in the additional housing density.
- (c) Number of low or moderate income housing units provided under the proposed site plan.
- (d) Income levels of targeted families for low or moderate income housing units.
- (e) The proposed rents and guarantee of limits on future rent increases or sales prices and the proposed affordability thereof for low or moderate income housing units.
- (f) Marketing plan for the low or moderate income housing units.
- (g) Location of low or moderate income housing units.
- (h) Sizes of low or moderate income housing units.
- (i) Bedroom counts of low or moderate income housing units.
- (j) Amenities provided for low or moderate income households.
- (k) Statement of consistency with County Board adopted housing policy, goals, principles and relevant staff guidelines for the use of additional housing density.

(2) Modification of Building Height:

- (a) In "RA" Districts (but not "RA-H", RA4.8, or RA-H-3.2 Districts), building heights shall not be modified under this Subsection 36.H.5., except that where a project provides low or moderate income housing, the County Board may approve a greater height, in order to achieve tapering, where the proposed project is adjacent to a property for which the Zoning Ordinance district regulations or the General Land Use Plan designation allow, by site plan, a height greater than the proposed height.
- (b) In "C-2," "C-3," and "C-R" Districts, building heights shall not be modified under this Subsection.
- (c) Additional building heights approved under this Subsection 36.H.5. shall not exceed six (6) stories or sixty feet, whichever is smaller, above the height permitted in the district regulations.

(3) That adequate guarantees exist as to the continued availability of such units to households of low or moderate income for a minimum of thirty (30) years, or for such other time period as may be approved by the County Board.

stockholders, officers, and directors and, in any case, the names and addresses of all of the parties in interest, provided that the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and has more than five hundred (500) stockholders.

10. *[Information Required:]* Every applicant for a site plan approval shall file with his application information as defined in Section 36, paragraph J.
11. *Application fees:* Every application for a phased development or final site plan approval for any major project or minor site plan amendment shall be accompanied by a fee in accordance with the following schedule:

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ATTACHMENT 2

ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 12.”RA14-26” APARTMENT DWELLING DISTRICTS, SECTION 13. “RA8-18” APARTMENT DWELLING DISTRICTS, SECTION 15. “RA6-15” APARTMENT DWELLING DISTRICTS, AND SECTION 25B. “C-O ROSSLYN” COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL, AND MULTI FAMILY DWELLING DISTRICTS TO CORRECT REFERENCES TO AFFORDABLE HOUSING PROVISIONS FOR SITE PLAN PROJECTS AND RENUMBER ASSOCIATED ZONING ORDINANCE SUBSECTIONS.

BE IT ORDAINED, by the County Board of Arlington that the following amendments to Sections 12., 13., 15. and 25B of the Arlington County Zoning Ordinance is amended in order to correct references to affordable housing provisions for site plan projects and renumber associated subsections; to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

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SECTION 12. RA14-26 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. 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.~~ 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 twenty-four (24) units per acre in residential density for a project that provides low or moderate-income housing as regulated in subsection ~~36.H.5.b.~~ 36.H.7., provided that:
 - a. In no event shall the County Board approve a building with a height greater than sixty (60) feet unless approved as specifically provided in by subsection ~~36.H.5.b.~~; 36.H.7

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

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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. 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.~~ 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.5.~~ 36.H.7., provided that:
 - a. In no event shall the county board approve a building with a height greater than sixty (60) feet unless it is approved as specifically provided in by subsection ~~36.H.5.b.~~ 36.H.7.;
 - b. Parking for new dwelling units shall be provided as required in Section 33. However, the number of parking spaces per existing dwelling unit preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

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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. 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.~~ 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 regulated in subsection ~~36.H.5.b.~~ 36.H.7., provided that:
 - a. In no event shall the county board approve a building with a height greater than seventy (70) feet unless approved as specifically provided in by subsection ~~36.H.5.b.~~ 36.H.7.;
 - b. Parking shall be provided at the rate of one and one-eighth (1 1/8) parking spaces per dwelling unit. However, the number of parking spaces per existing dwelling unit preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

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SECTION 25B. C-O ROSSLYN COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL
AND MULTIPLE-FAMILY DWELLING DISTRICTS

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E. Provision for Additional Density and Height.

In considering the approval of a site plan the county board may permit additional density, above 3.8 floor area ratio (FAR) for office, retail and service commercial uses, above 4.8 FAR for hotels and multiple-family dwellings, and above the existing density on a site when it is already greater than 3.8 FAR for office, retail and service commercial uses, or above 4.8 FAR for hotels and multiple-family dwellings, up to a maximum of 10.0 FAR and/or height up to a maximum of three hundred (300) feet. Increases in density and height may be approved when the county board finds that the development proposal offers important community benefits identified in approved plans for the area and meets the other special exception criteria of the zoning ordinance. In considering such modification, the county board may also consider characteristics of the site and the area as described in Section ~~36.H.5.a~~ 36.H.5 of this ordinance and the plans and policies adopted for the area. Provisions of Section ~~36.H.5.b. through f.~~ 36.H.7 for the approval of additional height and density shall not be applicable in the “C-O Rosslyn” district. In no case shall application of the modification of use provisions of Section ~~36.H.5.a.~~ 36.H.5. be applied to permit a density of more than 10.0 FAR or a height of more than three hundred (300) feet except as described below.

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ATTACHMENT 3

RESOLUTION AUTHORIZING ADVERTISEMENT OF PUBLIC HEARINGS ON PROPOSED ZONING ORDINANCE AMENDMENTS TO SECTION 36H.6 TO CODIFY THAT AFFORDABLE HOUSING REQUIREMENTS FOR SITE PLAN PROJECTS APPLY COUNTYWIDE.

The County Board of Arlington hereby resolves that the following amendment to Section 36H.6 of the Arlington County Zoning Ordinance shall be advertised for public hearings at the January 21, 2006 County Board meeting and at the January 9, 2006 Planning Commission in order to further the creation and preservation of affordable housing; to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

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SECTION 36. ADMINISTRATION AND PROCEDURES

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H. Site Plan Approval.

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6. Affordable Dwelling Units for Increased Density Within General Land Use Plan.

- b. In exchange for approval by the County Board of a site plan containing density equal to or greater than 1.0 FAR, affordable dwelling units (ADUs), or optional contributions to support ADUs in lieu thereof, shall be required in accordance with the following provisions of this subsection.
 - i. Site plans containing less than 1.0 FAR shall be exempt from the ADU requirements hereof.

- b. Once a site plan has been approved, the site plan applicant must select one of the following options for meeting the ADU requirements:
 - i. On-Site Units. Unless a different option is selected by the applicant, ADUs shall be provided on-site as part of the site plan project, the total gross square footage of which shall be 5% of the GFA above 1.0 FAR; or
 - ii. Off-Site Nearby. ADUs shall be provided off-site near the site plan project, the total gross square footage of which ADUs shall be 7.5% of the GFA of the site plan project above 1.0 FAR. For purposes of this subsection, near the

+site shall mean as follows: if the site plan project is in a Metro Station Area, the off-site units shall be within 0.5 miles from any Metro Station; if the site plan project is not in a Metro Station Area, the off-site units shall be within 0.5 miles of the project; or

iii. Off-Site Elsewhere. ADUs shall be provided in locations in the County other than those provided for in i. and ii., the total gross square footage of which ADUs shall be 10% of the GFA of the site plan project above 1.0 FAR; or

iv. Cash Contribution. The applicant shall make a cash contribution to the Affordable Housing Investment Fund calculated as follows for each of the described tiers:

1. \$1.50 per square foot of GFA for first 1.0 FAR.
 2. \$4.00 per square foot of GFA from 1.0 FAR to 3.0 FAR for residential projects and \$4.00 per square foot of all GFA above 1.0 FAR in commercial projects (including hotel and retail).
 3. \$8.00 per square foot of GFA above 3.0 FAR for residential projects.
 4. For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of commercial and residential GFA to each tier.
 5. The cash contribution will be indexed to Consumer Price Index for Housing in the Washington-Baltimore MSA as published by the Bureau of Labor Statistics, and adjusted annually, beginning January 2007. Revised amounts apply only to site plans filed after the adjustment date. Amounts for the calculation of the cash option are established at the time the site plan application is filed.
- c. The applicant's plan for meeting the ADU requirements on-site or off-site must be confirmed or approved by the County Manager or his designee, and all necessary documents executed, prior to the issuance of the first Certificate of Occupancy. The County Manager or his designee will act on approval requests within 30 days.
- d. An applicant may submit a proposal for off-site ADUs that deviates from the requirements above. Such proposals shall be reviewed by the Housing Commission which, after a public hearing on the proposal, shall make a report of its review to the County Manager. After the Housing Commission's consideration of the alternative plan, the County Manager, or his designee, may approve or

reject it administratively. In the event that the plan is rejected, the applicant may request that the County Board consider the alternative as a site plan amendment.

- e. On sites where the County Board has determined that there are other compelling public priorities identified in County plans, studies, policies, or other documents that are addressed by the site plan application, the Board may, at the time of site plan approval, approve the total or partial substitution of the ADUs required hereunder.
- f. ADUs shall be committed for a 30-year term, affordable at 60% of the area median income. ADUs must meet minimum habitability standards established by the County.
- g. The foregoing provisions apply to site plan applications that are consistent with the General Land Use Plan (GLUP). The provisions also apply to site plan applications that include a rezoning application resulting in a use that was not permitted by-right under the prior zoning category provided that the newly permitted use is included within the existing GLUP designation for the site.
- h. Site plan amendment applications that result in the demolition and rebuilding of a site plan project shall be subject to the requirements hereof at the time of redevelopment. The applicable requirements shall apply only to density that is replaced or rebuilt and any increased density. They shall not apply to rehabilitation or renovation of site plan projects.
- i. Site plan applications that include an application to change the GLUP designation of the site may be subject to an affordable housing requirement in addition to the above ADU requirement. Such affordable housing requirements shall be addressed separately in the process of the County Board’s consideration of the approval of the site plan.
- j. Site plan applications that result in the elimination of existing affordable housing will address replacement of the housing in the process of the County Board’s consideration of the approval of the site plan.
- k. In the event of conflict between the provisions of this subsection H and any other provisions of the Zoning Ordinance relating to affordable housing in site plan projects, the provisions of this subsection shall control.

* * * * *

ATTACHMENT 4

PROPOSED GENERAL LAND USE PLAN AMENDMENTS

- A. Change the Legend for the “High-Medium” Residential designation to reflect that up to 3.24 F.A.R. (Floor Area Ratio) Residential may be achieved through the site plan process under certain circumstances.
- B. Change the Legend for the “High” Residential designation to reflect that up to 4.8 F.A.R. Residential or up to 3.8 F.A.R. Hotel may be achieved through the site plan process under certain circumstances.
- A. Change the Legend for the “Service Commercial” designation to delete the maximum 1.5 F.A.R. reference, as this designation could achieve different F.A.R. maximums under certain circumstances.
- B. Change the Legend for the “Low” Office-Apartment-Hotel designation to reflect that up to 1.5 F.A.R Office may be achieved through the site plan process under certain circumstances.
- C. Change the Legend for the “Medium” Office-Apartment-Hotel designation to reflect that up to 2.5 F.A.R. Office may be achieved through the site plan process under certain circumstances.
- D. Change the “High” Office-Apartment-Hotel designation to reflect that up to 3.8 F.A.R. Office, up to 4.8 F.A.R. Apartment and up to 3.8 F.A.R. Hotel may be achieved through the site plan process under certain circumstances.
- E. Change the “Medium Density Mixed-Use” designation to reflect that up to 3.0 F.A.R. may be achieved through the site plan process under certain circumstances.
- F. Change the “High-Medium Residential Mixed-Use” designation to reflect that up to 3.24 F.A.R. including associated office and retail activities, may be achieved through the site plan process under certain circumstances.
- G. Change the “Coordinated Mixed-Use Development District” designation to reflect that up to 6.0 F.A.R. with office not more than 3.0 F.A.R. may be achieved through the site plan process under certain circumstances.

- H. Add an explanatory note to the GLUP Legend to reflect that land use designations encompass a range of possible uses and development densities that may be achieved through the site plan process when found to be consistent with the County’s vision and adopted goals, plans and policies.
- I. Amend “Note 19” on the GLUP to reflect that affordable housing provisions for site plan projects will now be addressed in amendments to Section 36.H of the Zoning Ordinance.
- J. Amend the following sections of the GLUP booklet: *Purpose and Scope of the General Land Use Plan (Page 1), and Implementation – Special Exception Processes – Site Plan Process (Page 16)* to incorporate language clarifying that land use designations encompass a range of possible uses and development densities that may be achieved through the site plan process when found to be consistent with the County’s vision and adopted goals, plans and policies.

Explanation of Amendments

The following discusses the purpose of the proposed GLUP amendments.

Subjects A – I addresses amendments to specific designations on the GLUP Legend to clarify the density range for the respective designations through the addition of “Up to” in the description. The entire legend, including the proposed changes, follows:

LEGEND

Land Use Category**	<u>Range of Density/Typical Use</u>	Zoning*
Residential		
Low	1-10 units per acre	R-20, R-10, R-8, R-6, R-5
Low	11-15 units per acre	R2-7, R15-30T
Low-Medium	16-36 units per acre	R15-30T, RA14-26, RA8-18
Medium	37-72 units per acre	RA7-16, RA6-15, RA-H
High-Medium	<u>Up to</u> 3.24 F.A.R. (Floor Area Ratio) Residential	RA-4.8
High	<u>Up to</u> 4.8 F.A.R. Residential	RA-H-3.2, C-O Rosslyn
	<u>Up to</u> 3.8 F.A.R. Hotel	

Commercial and Industrial

Service Commercial	Personal and business services. Generally one to four stories; up to 1.5 F.A.R. Maximum 1.5 F.A.R. with special provisions within the Columbia Pike Special Revitalization District.	C-1-R, C-1, C-1-O, C-2, C-O-1.0
General Commercial	Shopper goods and other major mixed commercial uses, including offices. Generally a maximum of seven stories.	C-2, C-TH, C-3
Service Industry	Wholesale, storage, and light manufacturing uses, including those relating to building construction activity.	C-M, M-1, M-2

Public and Semi-Public

Public	Parks (Local, regional, and Federal). Schools (public). Parkways, major unpaved rights-of-way. Libraries and cultural facilities.	S-3A, S-D
Semi-Public	County clubs and semi-public recreational facilities. Churches, private schools and private cemeteries (predominant use on block).	S-3A, S-D
Government and Community Facilities	County, state, and federal administration and service facilities (police, fire, property yard, etc.) Hospitals, nursing homes, and institutional housing. Utilities, military reservations, airports, etc.	P-S, S-D, S-3A

Office-Apartment-Hotel

	Office Density	Apartment Density	Hotel Density	
Low	up to 1.5 F.A.R. allow.	up to 72 units/acre	up to 110 units/acre	C-O-1.5, C-O-1.0
Medium	up to 2.5 F.A.R. allow.	up to 115 units/acre	up to 180 units/acre	C-O-2.5
High	up to 3.8 F.A.R. allow.	up to 4.8 F.A.R. allow.	up to 3.8 F.A.R. allow.	C-O, RA-H-3.2, C-O Rosslyn

Mixed Use		
Medium Density Mixed-Use	“Up to 3.0 F.A.R. with special provisions for up to an additional 1.0 F.A.R. for residential.	C-R, C-3, MU-VS
High-Medium Residential Mixed Use	Allowable Up to 3.24 F.A.R. including associated office and retail activities.	R-C
Coordinated Mixed-Use Development District	This is a high density mixed-use district with actual density determined by site size. Allowable Up to 6.0 F.A.R. with office not more than 3.0 F.A.R.	C-O-A

Subject J addresses the addition of an explanatory note on the GLUP Legend. The note would reflect that land use designations encompass a range of possible uses and development densities that may be achieved through the site plan process when found to be consistent with the County’s vision and adopted goals, plans and policies. The text of the explanatory note would read as follows:

** Each land use designation on the GLUP map indicates a range of densities and typical uses for that general location. An approval by the County Board of a development proposal anywhere within this range would be consistent with County’s goals and vision. The higher end of that density range may not necessarily represent the vision for a specific location. When a development proposal substantially complies with County goals, policies and plans, and is consistent with good zoning practice, the County Board may approve that development proposal at the higher end of that density range or above, as provided by the Zoning Ordinance.

Subject K proposes to amend existing Note 19 on the GLUP map. This Note was added on April 27, 2004 when the County Board adopted the previous affordable housing guidelines. Since the affordable housing provisions will now be codified in Section 36 of the Zoning Ordinance, “Note 19” needs to be revised to reflect this change as follows:

19.

~~Affordable Housing Guidelines for Site Plan Projects were adopted by the County Board on April 27, 2004 for residential and commercial site plan projects within and outside the Metro Corridors as identified on the General Land Use Plan. In accordance with those guidelines, residential site plan projects within the Metro Corridors are expected to provide affordable housing equivalent to ten percent (10%) of the gross floor area of the project.~~

19. Affordable Housing requirements for site plan projects were adopted by the County Board on December 10, 2005 for residential and commercial site plan projects within and outside the Metro Corridors as identified on the General Land Use Plan. These provisions are contained in Section 36.H.6 and 36.H.7 of the Zoning Ordinance.

Subject L proposes amendments to the *Purpose and Scope of the General Land Use Plan (Page 1)*, and *Implementation – Special Exception Processes – Site Plan Process (Page 16)* sections of the GLUP booklet to incorporate language clarifying that land use designations encompass a range of possible uses and development densities that may be achieved through the site plan process when found to be consistent with the County’s vision and adopted goals, plans and policies. The proposed amendments would change the current text in the GLUP booklet as follows:

“PURPOSE AND SCOPE OF THE GENERAL LAND USE PLAN

The General Land Use Plan (GLUP), consisting of this booklet and attached map, is the primary policy guide for the future development of the County. The Plan establishes the overall character, extent and location of various land uses and serves as a guide to communicate the policy of the County Board to citizens, the business community, developers and others involved in the development of Arlington County. In addition, the General Land Use Plan serves as a guide to the County Board in its decisions concerning future development. Each land use designation on the GLUP map indicates a range of densities and typical uses for that general location. An approval by the County Board of a development proposal anywhere within this range would be consistent with County’s goals and vision. The higher end of that density range may not necessarily represent the vision for a specific location. When a development proposal substantially complies with County goals and policies, and is consistent with good zoning practice, the County Board may approve that development proposal at the higher end of that density range or above, as provided by the Zoning Ordinance.”

“General Land Use Plan Amended Language Implementation – Special Exception Processes – Site Plan Process (page 16)

Site Plan Process

A number of zoning categories permit development by site plan, a form of special exception under the Zoning Ordinance. The site plan review process provides for public review of such projects and permits the County Board to vary the uses, heights, setbacks, densities and regulations of a zoning district for a specific project to meet County goals, policies and plans, and to comport with good zoning practice generally. This may include (but is not limited to): preservation or provision of public open space, preservation or provision of affordable housing, preservation of historic structures, provision of improved infrastructure, preservation or provision of public cultural resources, preservation or provision of community facilities, promotion of sustainable development goals and provision of quality design. The majority of site plan review proposals are for hotel, residential, office, and mixed-use development in certain high density zoning districts. It is recognized that development at increased density levels has an increased impact on the community. Therefore, development at the higher end of the density range on the General Land Use Plan may not necessarily represent the vision for a specific location or may not be desirable under all circumstances. However, when the impacts of increased density are mitigated in a manner consistent with County goals, policies and plans, and good zoning practice, increased density may be permitted. Determination as to the appropriate mixtures of uses and densities shall be made on a case by case basis based on the General Land Use Plan designation, County goals, policies and plans for the area, characteristics of individual sites and the degree to which the impacts of a specific project have been sufficiently mitigated.”

ATTACHMENT 5

AFFORDABLE HOUSING SITE PLAN COMPROMISE

Approved by the Housing Roundtable on October 25, 2005

1. Affordable housing units (ADUs) or optional contributions to support ADUs shall be required as part of site plan projects when increased optional density is granted above 1.0 FAR (referred to as “increased gross floor area” – GFA). Site plan projects less than 1.0 FAR are exempt from ADU requirements. The provisions shall be incorporated into the County Zoning Code.
2. These provisions apply to site plan requests that are consistent with the General Land Use Plan (GLUP). The provisions also apply when the rezoning results in a use that was not permitted by-right provided that the use is within the existing GLUP designation. For site plans meeting these provisions, there is no ADU negotiation required during the site plan review process. The provision of ADUs would be determined in accordance with paragraph 5 and incorporated in the site plan approval as a condition. (See paragraph 4 below for provisions on replacement housing.)
3. Site plans that request a change in the GLUP may require an affordable housing contribution in addition to requirements herein. This shall be addressed separately as part of the site plan process.
4. If a site plan request would result in the elimination of existing affordable housing, replacement of the housing will be addressed as part of the site plan process. The County Board should charge the Housing Commission with creating a Task Force on Replacement of Existing Market Rate Affordable Housing Units in Site Plan Projects and submitting recommendations to the County Board in a timely manner.
5. Through the site plan process, the County seeks to create or preserve affordable housing through the four options described below. Different approaches will be appropriate in different market conditions and for different specific projects. Once a site plan has been approved, the site plan applicant must select one of the following options for meeting the ADU requirements:
 - a. **On-Site Units.** Unless otherwise selected by the applicant, ADUs shall be provided on-site as part of the site plan project, the total gross square footage of which shall be 5% of the increased gross floor area above 1.0 FAR; or

- b. **Off-Site Nearby.** ADUs shall be provided off-site near the site plan project, the total gross square footage of which shall be 7.5% of the increased GFA in the site plan project above 1.0 FAR. If the site plan project is in a Metro Station Area, the off-site units shall be within 0.5 miles from any Metro Station; if the site plan project is not in a Metro Station Area, the off-site units shall be within 0.5 miles of the project; or.
 - c. **Off-Site Countywide.** ADUs shall be provided anywhere in Arlington, the total gross square footage of which shall be 10% of the increased GFA in the site plan project above 1.0 FAR; or
 - d. **Cash Contribution.** The applicant shall make a cash contribution to the Affordable Housing Investment Fund calculated as follows for each of the described tiers:
 - i. **\$1.50** per square foot of gross floor area (GFA) for first 1.0 FAR.
 - ii. **\$4.00** per square foot of GFA from 1.0 FAR to 3.0 FAR for residential projects and \$4.00 per square foot of all GFA greater than 1.0 FAR in commercial projects (including hotel and retail).
 - iii. **\$8.00** per square foot of GFA above 3.0 FAR for residential projects.
 - iv. For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of commercial and residential GFA to each tier of GFA (see example at the end of the text).
6. The cash contribution will be indexed to Consumer Price Index for Housing in the Washington-Baltimore MSA as published by the Bureau of Labor Statistics, and adjusted annually, beginning January 2007. Revised amounts apply only to site plans filed after the adjustment date. Amounts for the calculation of the cash option are established at the time the site plan application is filed.
7. ADUs shall be offered for a 30-year term, affordable at 60% AMI. ADUs must meet minimum habitability standards established by the County
8. The applicant's plan for meeting the ADU requirements on-site or off-site must be confirmed or approved by the County Manager (or designee) prior to the issuance of the first Certificate of Occupancy. Informational copies of the applicant's plan will be provided to the Housing Commission. The County Manager will act on approval requests within 30 days.

9. An applicant may submit a proposal for off-site affordable units that deviate from the parameters described above. Such proposals are subject to the review of the Housing Commission. After the Housing Commission’s hearing on the alternative plan, the County Manager may approve or reject it administratively. The applicant may also request that the County Board consider the alternative as a site plan amendment.
10. Site plan amendment applications that result in the demolition and rebuilding of a site plan project shall be subject to the current policies and ordinances at the time of redevelopment. The then-current requirements shall apply only to density that is replaced or any increased density. They shall not apply to rehabilitation or renovation of site plan projects.
11. ADU conditions for additional density above the General Land Use Plan shall be determined by negotiation based on the specifics of the request.
12. On sites where the County Board has previously determined that there are other compelling public priorities, the Board may authorize the negotiation of total or partial substitution of the affordable housing requirement.

MIXED USE EXAMPLE		
20,000 Square Foot Lot		
5.0 Project of 100,000 Square Feet		
	Commercial 10,000 Square Feet 10% of Project	Residential 90,000 Square Feet 90% of Project
1.0 FAR = 20,000 sq ft	2,000 sq ft x \$1.50	18,000 sq ft x \$1.50
1.0 to 3.0 FAR = 40,000 sq ft	4,000 sq ft x \$4.00	36,000 sq ft x \$4.00
3.0 to 5.0 FAR = 40,000 sq ft	4,000 sq ft x \$4.00	36,000 sq ft x \$8.00
TOTAL	10,000 square feet commercial	90,000 square feet Residential
SUMMARY GFA above 3.0 = 40,000 square feet Residential = 90% of total project 40,000 x 90% = 36,000 square feet 36,000 x \$8.00 is GFA to which tier three amount is applied		