



## ARLINGTON COUNTY, VIRGINIA

### N-FBC-10

#### (Cash Contribution to AHIF for N-FBC Commercial Uses)

Adopted July 21, 2020

Effective July 21, 2020

At the County Board recessed meeting on July 21, 2020, on a motion duly made by County Board member Matt de Ferranti and seconded by County Board member Christian Dorsey, the Arlington County Board unanimously adopted the following ordinance, effective immediately, to amend, reenact and recodify Arlington County Zoning Ordinance Article 11.2 "CPN-FBC" Columbia Pike Neighborhoods Form Based Code Districts (Appendix B) Section 902 to require a cash contribution into the Affordable Housing Investment Fund in instances where commercial development is proposed, and for other reasons required by the public necessity, convenience, general welfare, and good zoning practice.

\* \* \*

Approved amendments are shown with **bold underline** to denote new text, and **~~bold strikethrough~~** to denote deleted text.

Where paragraphs are added or deleted, all subsequent paragraphs are renumbered accordingly, and all references throughout this section are updated accordingly.

\* \* \*

## 902. Affordable Housing Requirements

This Form Based Code provides for additional density above the underlying zoning as an incentive for property owners to create and preserve AFFORDABLE HOUSING to meet the current and future needs of the *Columbia Pike Neighborhoods Special Revitalization District*. **Where a property owner takes advantage of the additional density permitted under this Code for the purposes of a commercial DEVELOPMENT PROJECT, the affordable housing cash contribution outlined in 902.A shall be provided and applicable requirements outlined in 902.E shall be met.** Where a property owner takes advantage of the additional density permitted under this Code **for the purposes of residential DEVELOPMENT PROJECT,** the ~~following~~ AFFORDABLE HOUSING requirements, **outlined in 902.B through F,** shall be ~~provided~~ **met.**

### A. Affordable Housing Cash Contribution for Commercial Development Projects

1. **For commercial DEVELOPMENT PROJECTS (including commerce and retail) equal to or greater than 1.0 Floor Area Ratio (FAR), the proposal shall include a cash contribution to the Affordable Housing Investment Fund calculated using the following tiers:**
  - a. **\$2.05 per square foot of GFA for the first 1.0 FAR; and**
  - b. **\$5.48 per square foot of GFA above 1.0 FAR.**
2. **For mixed-use DEVELOPMENT PROJECTS:**
  - a. **A cash contribution, as outlined in 902.A.1., shall be provided for the proportionate amount of commercial GFA; and**
  - b. **On-site AFFORDABLE HOUSING, as outlined in 902.B through F, shall be provided for the proportionate amount of residential units**
3. **The cash contribution will be indexed to the Consumer Price Index for Housing in the Washington-Arlington-Alexandria, DC-VA-MD-WV, as published by the Bureau of Labor Statistics, and adjusted annually, beginning January 2020. Revised amounts apply only to the applications filed after the adjustment date. Amounts for the calculation of the cash contribution shall be established at the time of a Final Neighborhoods Form Based Code Application filing. A cash contribution for residential DEVELOPMENT PROJECTS will not be accepted.**

### ~~A.~~ **B. Number of On-Site Affordable Housing Units**

Each **residential DEVELOPMENT PROPOSAL PROJECT** shall include **on-site AFFORDABLE HOUSING UNITS** as set forth below:

1. The specific percent requirement shall be calculated as a fraction multiplied by ten. That fraction is calculated as the total number of proposed units (new construction and existing) over the maximum number of units permitted by the greater of: 1) the existing underlying zoning or 2) the number of units existing on the site on November 16, 2013. Under no circumstances shall the number of AFFORDABLE HOUSING UNITS required by this 902.~~A.~~**B.**1 be less than 20 percent or more than 30 percent of the NET NEW UNITS.
2. If AFFORDABLE HOUSING UNITS are proposed within existing buildings, the percent requirement arrived at through application of 902.~~A.~~**B.**1 above shall be increased by five.
3. New Construction Example: If 500 units are proposed, and 200 units exist today on site, the fraction equals 2.5, and therefore the applicant will be required to provide 25 percent of the 300 NET NEW UNITS as new committed AFFORDABLE HOUSING UNITS (75 units).

Partial Redevelopment Example: If 500 units are proposed, and 200 units exist today on site, and the applicant chooses to place the AFFORDABLE HOUSING UNITS within the existing buildings (rather than demolish and build new), the fraction equals 2.5, or 25 percent of the of the 300 NET NEW UNITS as committed AFFORDABLE HOUSING UNITS. Because the

AFFORDABLE HOUSING UNITS are proposed within existing buildings, the percent requirement arrived at through application of 902.~~A.B.~~1 above shall be increased by five. Therefore, the applicant will be required to provide 30 percent of the NET NEW UNITS as new committed AFFORDABLE HOUSING UNITS (90 units).

~~B.~~ **C.** Affordability Level & Term

1. AFFORDABLE HOUSING UNITS shall be committed for a term of no less than 30 years and shall be affordable to households earning up to 60 percent of the Area Median Income (AMI) as set by US Department of Housing and Development (HUD) for the Washington, DC Metropolitan Statistical Area, adjusted for household size, commencing at the time of the execution of the required documents ~~Final FBC application submission~~, except as follows:

- a. ~~1.~~ **Projects DEVELOPMENT PROJECTS** west of George Mason Drive: An applicant may provide up to 33 percent of the required ~~low and moderate income units~~ AFFORDABLE HOUSING UNITS at affordability levels of 60% ~~percent~~ to 80% ~~percent~~ of the AMI at a rate of two (2) units available at 60% ~~percent~~ - 80% ~~percent~~ of the AMI for every one (1) unit required at 60% ~~percent~~ of the AMI.
- b. ~~2.~~ **Projects DEVELOPMENT PROJECTS** east of George Mason Drive: An applicant may provide up to 33 percent of the required ~~low and moderate income units~~ AFFORDABLE HOUSING UNITS at affordability levels of 40% ~~percent~~ of the AMI at a rate of 0.5 units available at 40% ~~percent~~ of the AMI for every one (1) unit required at 60% ~~percent~~ of the AMI.
- c. ~~3.~~ By use permit approval, the County Board may adjust the proportions described in 902.~~B.C.~~1.a and 902.~~B.C.~~2.1.b to allow for larger quantities of units affordable at 60% ~~percent~~ to 80% ~~percent~~ of the AMI or 40% ~~percent~~ of the AMI units, respectively.

~~C.~~ **D.** Unit Mix

One-half of the quantity of required AFFORDABLE HOUSING UNITS within new construction shall have 2 or more bedrooms, of which at least 25 percent of those units have more than two bedrooms.

Where AFFORDABLE HOUSING UNITS are provided in existing buildings, one-half of the quantity of required AFFORDABLE HOUSING UNITS shall have 2 or more bedrooms, of which at least 25 percent have more than two bedrooms. If the requisite number of units with two or more bedrooms are not available within the existing building, and additions to the existing building are not proposed, the applicant may provide the required quantity of AFFORDABLE HOUSING UNITS as 2-bedroom units.

~~D.~~ **E.** Tenant Relocation Plan

The applicant shall provide information consistent with the Arlington County Tenant Relocation Guidelines including but not limited to tenant profiles, a relocation plan for existing tenants to be displaced with redevelopment, and a description of the relocation assistance proposed (financial and otherwise). The relocation plan shall:

1. Outline strategies the applicant plans to use to mitigate any displacement that may occur as a property is fully or partially redeveloped.
2. Documentation of timely tenant meetings, relocation payment amounts per bedroom size, eligibility criteria, and the proposal of new rents and utilities.

The applicant is responsible for presenting a draft plan to the Arlington Relocation Coordinator for review and approval prior to review with the Tenant Landlord Commission. Upon review and approval from the Tenant Landlord Commission, and during the duration of the relocation process as specified in the

approved Tenant Relocation Plan, the applicant is required to meet monthly with the Arlington Relocation Coordinator to review ongoing status, as well as provide monthly statistical and tracking reports.

**E. F. Affordable Housing Unit Location**

An applicant may meet the AFFORDABLE HOUSING requirement by providing units either within new construction or within existing buildings that will remain within the development proposal. All units are subject to the Virginia Uniform Statewide Building Code.

AFFORDABLE HOUSING **UNITS** in existing buildings shall be renovated sufficiently to meet Housing Quality Standards, set by the U.S. Department of Housing and Urban Development (HUD), and the standards set-forth within the Virginia Uniform Statewide Building Code.

### 903. Additional Incentives for Affordable Housing

- A. The following incentives are provided in order to encourage property owners to create or preserve AFFORDABLE HOUSING units beyond the minimum number of AFFORDABLE HOUSING units required in Section 902.
  - 1. Reduced parking ratio: If an applicant provides at least 1 percent more AFFORDABLE HOUSING UNITS in excess of the minimum required quantity, the applicant may reduce the minimum parking ratio for all AFFORDABLE HOUSING UNITS within the DEVELOPMENT PROJECT from 1.125 spaces per unit to 0.825 spaces per unit, which includes 0.7 space per unit and 0.125 SHARED space per unit.
  - 2. Bonus Stories: An applicant may request County Board approval of Bonus Stories as set forth in Part 204.A in exchange for additional AFFORDABLE HOUSING UNITS.
  - 3. Financial Tools available by the County: Please contact the Department of Community Planning, Housing and Development, Housing Division, for more information.
- B. If AFFORDABLE HOUSING units beyond the minimum are provided, the Housing Plan required by Section 206.A shall indicate that AFFORDABLE HOUSING UNITS beyond the number of units required by Section 902 will be provided, as encouraged by Arlington County, and shall also include:
  - 1. The number of additional AFFORDABLE HOUSING UNITS.
  - 2. The proposed unit types for the additional AFFORDABLE HOUSING UNITS.
  - 3. Affordability levels of the additional AFFORDABLE HOUSING UNITS.