



**County Board Agenda Item  
Meeting of January 21, 2006**

**DATE:** January 5, 2006

**SUBJECT:** Action on Proposed Amendments to provide for the achievement of affordable housing objectives in Virginia Square in a manner consistent with new affordable housing zoning ordinance provisions applying to all site plan projects:

- A. Amendment to Section 36.H.6.k of the Zoning Ordinance to confirm explicitly that Zoning Ordinance amendments to Section 36.H adopted by the County Board on December 10, 2005 apply to site plans in all zoning districts, as such amendment is set forth in Attachment 1.
- B. Amendments to Section 21. "MU-VS" (Mixed Use – Virginia Square Districts) of the Arlington County Zoning Ordinance to specifically permit the County Board to approve a density of up to 4.0 FAR west of N. Kansas St. and up to 3.24 east of N. Kansas St., and additional density up to 1.0 FAR west of N. Kansas St and up to 1.76 FAR east of N. Kansas St., subject to specific findings being made and as more specifically described in Attachment 2.
- C. Amendments to the General Land Use Plan (GLUP) and 2002 Virginia Square Sector Plan to reflect changes to the policy goals and objectives for the East End of Virginia Square with respect to allowable densities below and above the GLUP and achievement of affordable housing, and to conform GLUP and Plan with proposed revisions to MU – VS (Mixed Use – Virginia Square) District, including changes to GLUP Note #3 to allow density up to 3.24 FAR for properties east of N. Kansas St. and up to 4.0 FAR west of N. Kansas St. as more specifically described in Attachments 3 and 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 confirm explicitly that Zoning Ordinance amendments adopted by the County Board on December 10, 2005 apply to site plans in all zoning districts, and to specifically permit the County Board to approve a density of up to 4.0 FAR west of N. Kansas St. and up to 3.24 east of N. Kansas St., and additional density up to 1.0 FAR west of N. Kansas St and up to 1.76 FAR east of N. Kansas St., subject to specific findings being made.

County Manager: _____
County Attorney: _____
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- B. Adopt amendments to the General Land Use Plan (GLUP) and 2002 Virginia Square Sector Plan to reflect changes to the policy goals and objectives for the East End of Virginia Square with respect to allowable densities below and above the GLUP and achievement of affordable housing, and to conform GLUP and Plan with proposed revisions to MU – VS (Mixed Use – Virginia Square) District, including changes to GLUP Note #3 to allow density up to 3.24 FAR for properties east of N. Kansas St. and up to 4.0 FAR west of N. Kansas St. as more specifically described in Attachments 3 and 4.

**SUMMARY:**

The Virginia Square Sector Plan, adopted in 2002, as well as corresponding amendments to the General Land Use Plan (GLUP) and the Zoning Ordinance, provided additional densities in the area referred to as the East End as a means of achieving affordable housing goals when properties in that area took advantage of the increased density provided to them. This area is between Wilson Boulevard and Fairfax Drive, and between North Lincoln Street and 10<sup>th</sup> Street North, and was designated as a special district in the zoning ordinance: Mixed Use - Virginia Square (MU-VS).

Under proposed amendments to the zoning ordinance, development at any density through site plan is required to provide affordable housing in the same manner in all zoning districts. As a result, the provisions of the Virginia Square Sector Plan, the GLUP, and the MU-VS zoning district designed to achieve affordable housing through increased density are no longer necessary, and the areas where additional density for affordable housing were added need to be returned to their status at the time these provisions were adopted in 2002. These additional densities would still be available, but would be treated as density above the GLUP (often referred to as bonus density). Additional affordable housing would be negotiated in exchange for the density above the GLUP, with the targets no less than those established in the Virginia Square Sector Plan.

The amendments recommended for adoption would implement the actions necessary to retain the affordable housing objectives of Virginia Square in a manner consistent with the affordable housing zoning ordinance amendments that were adopted by the County Board on December 10, 2005. At that same meeting, the subject amendments to the MU – VS District, the Virginia Square Sector Plan and the General Land Use Plan were authorized for public hearing by the Planning Commission on January 9, 2006 and the County Board on January 21, 2006.

Since the advertising, staff met with community members involved in development of the 2002 Virginia Square Sector Plan and “MU – VS” District. Community members expressed continued support for achieving and preserving affordable housing in Virginia Square. Affected property owners also were invited to meet with staff; one owner attended and discussed how the proposed provisions would apply to their property.

**Background.** The purpose of MU-VS was to encourage coordinated mixed-use development of medium-density residential and office development within the area of the East End “Special Coordinated Mixed Use District” that is designated as “Medium Density Mixed-Use” on the General Land Use Plan (GLUP) in the Virginia Square Metro Station Area.

When MU-VS was created most of the densities in the East End were increased from 3.24 FAR to 4.0 FAR; however, approximately half of one block (Kansas to Lincoln) was decreased from 4.8 FAR to 4.0 FAR. The increases in density that were incorporated into the GLUP were provided in return for affordable housing obtained at the time of site plan development:

The “Special Coordinated Mixed Use District” designation requires that future development in the East End respond to the recommendations and urban design guidelines contained in the 2002 Virginia Square Sector Plan and specifies policy goals and objectives, among which is the following: *Concentrate residential uses west of North Kenmore Street, up to 4.0 FAR which would include at least five percent of all residential units as affordable dwelling units.*

In addition to the 5% ADUs in the base, another 1.0 FAR (25% bonus) was also offered for additional affordable housing:

Within the East End Special Coordinated Development District, attain five percent of all new housing units as affordable housing on site and within the building height envelope described in the urban design guidelines. Additionally, a bonus density incentive within the building envelope, up to 25%, may be used if **at least an additional five percent of affordable housing units are provided**, either on-site or off-site within the station area (in designated receiving areas).

The following table compares the Virginia Square provisions with the adopted affordable housing amendments:

	<b>MU-VS</b>	<b>Affordable Housing Amendments</b>
Residential Within GLUP	5% on-site up to 4.0 FAR with cash options based on subsidy value of ADUs.	5% over 1.0 FAR with off-site and cash options.
Residential Above GLUP	5% on-site based on total density; cash option based on subsidy value of ADUs.	Negotiated.
Commercial	2% construction cost.	Off-site options or cash payment of \$1.50 for first 1.0 FAR and \$4.00 for density above 1.0 FAR.

In order to reconcile the Virginia Square Sector Plan with the proposed affordable housing zoning ordinance amendments, it is recommended that the .76 FAR bonus built into the GLUP in the MU-VS blocks be removed so those blocks return to their status at the time the Sector Plan was adopted. The full potential of 5.0 FAR would still be retained across the area, however.

**10<sup>th</sup> Street North to North Kansas Street –**

- Lower maximum densities under the GLUP from 4.0 FAR to 3.24 FAR. This returns to the former GLUP densities and reduces the GLUP.
- For densities up to 3.24 FAR, the new affordable housing ordinance would be used to calculate the ADU requirements, while retaining language that expresses a preference for ADUs on-site or within the Sector.
- Provide for additional bonus densities of up to 1.76 FAR (total density maximum of 5.0 FAR). This provides an opportunity to achieve the densities provided in MU-VS.

**North Kansas Street to North Lincoln Street.**

- Retain the current GLUP density of up to 4.0 FAR. Prior to MU-VS, this block had mixed densities of 4.8 FAR on the Fairfax Drive end of the block and 3.24 FAR on the Wilson Boulevard end. The Sector Plan envisions a consolidated development of this block, making a single density logical. The 4.0 FAR established as part of MU-VS slightly lower than the maximum density under the previous GLUP.
- The requirements of the new affordable housing ordinance would be applied to densities within the 4.0 in the GLUP, while retaining language that expresses preference for ADUs on-site or within the Sector.
- Additionally, continue to provide for additional bonus densities of up to 1.0 FAR (total maximum of 5.0 FAR).

The attached amendments to the Zoning Ordinance, GLUP, and Sector Plan would implement the provisions described above.

**ATTACHMENT 1**

**ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 36.H.6.k TO CONFIRM EXPLICITLY THAT ZONING ORDINANCE AMENDMENTS TO SECTION 36.H ADOPTED BY THE COUNTY BOARD ON DECEMBER 10, 2005 APPLY TO SITE PLANS IN ALL ZONING DISTRICTS.**

**BE IT ORDAINED**, by the County Board of Arlington that Section 36.H.6 of the Arlington County Zoning Ordinance is amended, reenacted and recodified 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.**

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**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

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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.

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## ATTACHMENT 2

**ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE TO SECTION 21. “MU-VS (MIXED USE – VIRGINIA SQUARE), TO SPEDIFICALLY PERMIT THE COUNTY BOARD TO APPROVE A DENSITY OF UP TO 4.0 FAR WEST OF NORTH KANSAS STREET AND UP TO 3.24 FAR EAST OF NORTH KANSAS STREET, AND ADDITIONAL DENITY OF UP TO 1.0 FAR WEST OF NORTH KANSAS STREET AND UP TO 1.76 FAR EAST OF NORTH KANSAS STREET, SUBJECT TO SPECIFIC FINDINGS BEING MADE.**

**BE IT ORDAINED**, by the County Board of Arlington, that Section 21. of the Arlington County Zoning Ordinance is amended, reenacted and recodified 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 21. “MU-VS” (Mixed Use – Virginia Square)

“The purpose of the “MU-VS” Mixed Use – Virginia Square classification is to encourage coordinated mixed-use development of medium-density residential and office development within the area of the East End “Special Coordinated Mixed Use District” that is designated as “Medium Density Mixed-Use” on the General Land Use Plan in the Virginia Square Metro Station Area. The goals of this zoning classification are (1) to provide for residential development that meets the housing goals and policies of Arlington County as further set forth in the 2002 Virginia Square Sector Plan; (2) to encourage quality residential, office and/or mixed use space; (3) to provide for a tapering of heights between higher density residential development and lower density residential and commercial uses; (4) to encourage the implementation of urban design, streetscape and open space plans and policies; (5) to help achieve the policy objectives for increasing locally-oriented retail commercial services; and (6) to achieve superior architecture and the best in urban design practice.

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#### **D. Site Plans**

By site plan approval pursuant to Section 36.H, the County Board may modify the regulations of this district in a manner consistent with the following. Actual types and densities of uses to be allowed pursuant to special exception site plan approval will be based on the extent to which a proposed Special Exception site plan proposed for development or redevelopment meets the standards of this section and accomplishes the policies, recommendations and urban design guidelines contained in the 2002 Virginia Square Sector Plan, the East End “Special

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Coordinated Mixed Use District” on the General Land Use Plan, and other plans and policies established for the area by the County Board.

1. Density: Where the County Board finds that a development proposal furthers the goals identified in the Virginia Square Sector Plan and the “Special Coordinated Mixed Use District” designation on the General Land Use Plan it may approve a density of up to 4.0 F.A.R. west of North Kansas Street and may approve a density of up to 3.24 F.A.R. east of North Kansas Street. The County Board may approve additional density up to a further 1.0 F.A.R. west of North Kansas Street and may approve additional density up to a further 1.76 F.A.R. east of North Kansas Street if it finds that:
  - a. Additional affordable dwelling units are being provided to a degree that is at least consistent with the goals set forth on the General Land Use Plan, in the Virginia Square Sector Plan; and
  - b. The development proposal offers important community benefits identified in approved plans.

In no event shall application of the provisions for additional density be applied to permit a height of more than the building height limits set forth below or a density greater than 5.0 F.A.R.

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## ATTACHMENT 3

### GENERAL LAND USE PLAN AMENDMENTS

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#### Special Planning Areas

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#### East End

In June, 2003, the County Board designated the area referred to as the East End, bordered by North Lincoln Street, Fairfax Drive, the Fairfax Drive/10th Street/Wilson Boulevard intersection, and Wilson Boulevard as a "Special Coordinated Mixed-Use District" based on recommendations from the 2002 Virginia Square Sector Plan. The overlay district designation is intended to convey the community's desire for coordinated redevelopment of this area that serves as the gateway between Virginia Square and Clarendon. The "Special Coordinated Mixed-Use District" designation on the General Land Use Plan requires that future development in the East End respond to the recommendations and urban design guidelines contained in the 2002 Virginia Square Sector Plan and specifies the following policy goals and objectives:

- Concentrate residential uses west of North Kenmore Street and office and/or mixed-use development east of North Kenmore Street;
- Allow density within the General Land Use Plan up to 3.24 F.A.R. east of North Kansas Street and up to 4.0 F.A.R. west of North Kansas Street within the prescribed building heights and ensure an affordable housing commitment in accordance with the requirements of the County's affordable housing ordinance for density within the General Land Use Plan;
- Allow additional density above the General Land Use Plan for both residential and commercial uses up to a maximum of 5.0 F.A.R. within the prescribed building heights in exchange for an affordable housing commitment in accordance with the provisions of the County's affordable housing ordinance for density above the General Land Use Plan;
- Allow for the construction of new or conservation of existing affordable dwelling units off-site in the area south of Wilson Boulevard and generally between North Monroe Street, North Pollard Street and 5th Street North where garden apartment dwelling units exist if the resulting additional density can not fit within the prescribed building height limits or a developer chooses to build off-site;

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**Notes**

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**Note 3**

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For the East End district of Virginia Square, designated as “Medium Density Mixed-Use” and bordered by Fairfax Drive, Wilson Boulevard, North Lincoln Street, and the intersection of 10<sup>th</sup> Street/Wilson Boulevard/Fairfax Drive, shall be developed consistent with the Virginia Square Sector Plan adopted by the County Board on 12/7/02 and any adopted amendments thereto. Allow density up to 3.24 F.A.R. for properties east of North Kansas Street and up to 4.0 F.A.R. for properties west of North Kansas Street.

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**Legend**

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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. additional density within the “Clarendon Revitalization District” (See Note 12) and the “Special Coordinated Mixed Use District” for the East End of Virginia Square (See Note 3).

## ATTACHMENT 4

### Virginia Square Sector Plan (Including the 2002 Virginia Square Sector Plan and Implementation Matrix and the companion Site Specific Guidelines booklet)

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#### Summary (pg. 3)

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- Special emphasis on inclusion of affordable on-site housing units in new residential construction (~~at least 5 percent of the base density for the east end of Virginia Square~~) and retention of existing affordable housing units.

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#### Vision (pg. 5 and 42)

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Residential units will include a mix of housing types and prices. Conformance with the County's affordable housing ordinance will be required in site plan projects and the use of additional density incentives established for the East End area to gain additional affordable housing will be encouraged. ~~at least five percent of new dwelling units in the affordable housing category.~~ Conservation efforts will retain the existing affordable dwelling units in the station area.

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#### Goals and Objectives (pg. 44)

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- Of all projected new residential units (approximately 1,500), achieve ~~a minimum of five percent as affordable housing units through five percent as affordable units for low and moderate income residents~~ conformance with the County's affordable housing ordinance. Obtain additional affordable housing units by taking advantage of density incentives available for properties within the East End.

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#### Concept Plan Composite (pg. 46)

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Legend:

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Medium Density Mixed Use (up to 4.0 F.A.R. west of N. Kansas; up to 3.24 F.A.R. east of N. Kansas)

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### **Housing Recommendations**

This plan recommends that, as a station area primarily focused toward housing, Virginia Square provide a diverse mix of housing to attract a diverse population and to preserve housing in the surrounding neighborhoods, particularly the quantity of existing affordable housing units. Of the over 2,500 multifamily units existing and/or approved in Virginia Square, more than ten percent currently have rents that are considered affordable to low- and moderate-income residents<sup>1</sup>. As new residential site plan projects are proposed, it is expected that at least five percent of those units will be affordable, using the County's affordable housing ordinance and other existing resources and land use tools.

In order to achieve a higher percentage of affordable units, (i.e., ten percent or more of all new dwelling units) it would be necessary to either: 1) change the quality level of the units, in terms of the median income levels for whom these units are available and the length of time a unit remains in the affordable housing program; or 2) establish additional funding resources and/or land use tools. In comparison to other neighboring jurisdictions, Arlington County's current program targets affordable units for persons or families with approximately 60 percent of the median income (currently \$52,200 for a 4-person household in a 2-bedroom apartment), a 30 year length of time, and two- and three-bedroom units. More affordable units may be achievable if the affordable rent levels are higher than 60 percent of the median income, if the terms of affordability are less than 30 years, and if efficiency- and one-bedroom units are provided.

62. Use the Affordable Housing Fund (AHF) to pool affordable housing contributions received through any new Special Exception site plan redevelopment projects in Virginia Square. Prioritize this money for use in Virginia Square specifically for revitalization projects, extending the term length of existing affordable dwelling units (gained through previous special exception site plan projects), and to assure the affordability of existing moderate-rent units to the greatest extent possible. This funding is intended for use in the area of Virginia Square located south of Wilson Boulevard designated "Low-Medium" Residential (16-36 units per acre) on the GLUP and zoned "RA8-18". (see recommendation 9).
63. Within the East End Special Coordinated Development District a density incentive within the building envelope, up to 5.0 F.A.R., may be used to attain at least ten percent of all units in a residential project as affordable housing units, either on-site or off site within the station area.

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<sup>1</sup> Low-income is considered to be between 50 - 60% of the median family income. Moderate income is from 60 - 80% of the median family income.

(In designated receiving areas – see Recommendation 65.) Under either scenario, a contribution may be made to the Affordable Housing Fund in lieu of providing on-site affordable housing units in accordance with the County’s affordable housing ordinance. On-site units, or units within the station area, should be viewed as preferable to contributions to the Affordable Housing Fund. Two and three bedroom units are preferred over efficiencies and one-bedroom units in new residential development.

64. Attain contributions to the Affordable Housing Fund from any new office development in the East End in accordance with the County’s affordable housing ordinance.
65. Preserve existing affordable housing units in Virginia Square, primarily in the Transition Areas. Maintain the zoning and the General Land Use Plan designations for the residential areas south of Wilson Boulevard and west of North Monroe Street.
66. For other infill redevelopment projects in Virginia Square, encourage on-site or within-station affordable dwelling units in new residential construction, via the special exception process. On-site units, or units within the station area, should be viewed as preferable to contributions to the Virginia Square Housing Fund. Two and three bedroom units are preferred over efficiencies and one-bedroom units in new residential development.
  - Encourage the use of the bonus density provision in the Zoning Ordinance to promote on-site affordable housing as part of residential developments.
67. Maintain the existing “Low” Residential (11-15 du/ac) GLUP designation for properties south of Washington Boulevard, west of North Monroe Street and east of North Nelson Street.

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## **Land Use and Zoning Recommendations**

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### **East End**

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- A mix of housing types and prices, including at least five percent of all new units as affordable housing (see Housing Recommendations 63 - 65).
- At minimum meet the requirements of the County’s affordable housing ordinance within the GLUP and use the density incentives outlined in the Sector Plan, as well as other

available tools and resources, to attain additional affordable housing units above the GLUP.

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- Change the GLUP designation to “Medium Density Mixed Use” with a F.A.R. of 4.0 for these properties. Change the GLUP designation to “Medium Density Mixed-Use for these properties. For properties west of North Kansas Street encourage residential uses with a density of up to 4.0 F.A.R.. For properties between North Kansas Street and North Kenmore Street encourage residential uses with a density of up to 3.24 F.A.R. For properties east of North Kenmore Street encourage commercial or mixed-uses with a density of up to 3.24 F.A.R..

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