



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of October 18, 2008**

**DATE:** October 10, 2008

**SUBJECT:** Adoption of Zoning Ordinance amendments to Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts of Zoning Ordinance, to add new items to the list of Special Exceptions to preserve the character of the Fort Myer Heights North Special District and to achieve the Fort Myer Heights North Plan goals of affordable housing, historic preservation, open space, significant trees and neighborhood scale. Changes include allowing for site plan development up to 3.24 FAR in return for specific community benefits; and providing transfer of development rights incentives for affordable housing, historic preservation and open space purposes.

**C.M. RECOMMENDATION:**

Approve the ordinance that is Attachment A hereto, to amend, reenact and recodify Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts of the Zoning Ordinance, to add new items to the list of Special Exceptions to preserve the character of the Fort Myer Heights North Special District and to achieve the 2008 Fort Myer Heights North Plan goals of affordable housing, historic preservation, open space, significant trees and neighborhood scale.

**ISSUES:** Staff is no longer recommending reducing the by-right building heights by ten feet in the Fort Myer Heights North Special District, as was previously advertised. The reasons for this change are outlined in the body of this report.

**SUMMARY:** At its September 16, 2008 meeting, the County Board voted unanimously to adopt the 2008 Fort Myer Heights North Plan (Plan). This Plan seeks to create a strategic balance of preservation and redevelopment with an emphasis on affordable housing, historic buildings, open space, significant trees and neighborhood scale. The Zoning Ordinance amendments which are the subject of this report are intended to implement the recommendations of this Plan. It is therefore recommended that the County Board adopt the attached Zoning Ordinance amendments, which include allowing for site plan development up to 3.24 FAR in return for specific community benefits and providing transfer of development rights incentives for affordable housing, historic preservation and open space purposes.

Deleted:

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Margaret Tulloch Rhodes, CPHD, Planning Division

PLA-5103

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

**DISCUSSION:** The 2008 Fort Myer Heights North Plan seeks to create a strategic balance of preservation and redevelopment with an emphasis on preserving/providing affordable housing, historic buildings, open space, significant trees and neighborhood scale. It represents a compromise plan that seeks to respond to the civic association's concerns regarding density and height, yet also seeks to provide the committed affordable housing, preservation of historic buildings and the provision of new parks that the community and County are also looking for in this neighborhood.

The concept plan establishes a dichotomy between the Conservation Area and the Revitalization Area. In the Conservation Area, located in the northern portion of the district, the Plan aims to preserve the historic core of the community, including market affordable housing, historic buildings and mature trees. First, the Plan allows for no additional density or height above what is allowed by-right. Second, the Plan provides transfer of development rights incentives to preserve those historic buildings most likely to redevelop in the Conservation Area. The transfer of development rights incentives are designed to encourage not only the preservation of the historic buildings with their surrounding open spaces, but also the commitment of at least ten (10) percent of the units as affordable. Development rights may be transferred from preserved buildings in the Conservation Area to the Revitalization Area or to other areas of the County with County Board approval. While staff had originally also recommended that by-right building heights be reduced by ten (10) feet in both the Conservation and Revitalization Areas, the impact of this reduction would have a negligible effect on the character of the neighborhood. That is, reducing the by-right height for properties zoned "RA8-18" from 40 feet to 30 feet is not necessary, as the average height of the historic garden apartments defining this neighborhood is approximately 40 feet. Reducing the by-right height for properties zoned "RA6-15" from 60 feet to 50 feet is also not recommended, as only portions of two blocks in the Conservation Area are likely to redevelop and staff has proposed the aforementioned transfer of development rights incentives for each of the buildings likely to redevelop on these two blocks. While there are other buildings likely to redevelop, these are located in the Revitalization Area and site plan

incentives are proposed for this area to encourage the type of development that would meet community goals.

In the Revitalization Area, located in the southern portion of the neighborhood, the Plan aims to achieve a mix of preservation and redevelopment. Through the Special Exception Site Plan process additional density up to 3.24 FAR above the by-right density maximum of 1.65 FAR (assuming 1,000 square feet per unit) will be allowed in a defined swath along Fairfax Drive in the southern portion of the neighborhood in what is known as the Revitalization Area.

Additionally, bonus height above what is allowed under the General Land Use Plan up to 12 stories or 125 feet, which is greater than the current by-right height limit of four (4) stories or 40 feet for properties zoned "RA8-18" or six (6) stories or 60 feet for properties zoned "RA6-15," will be allowed by site plan in the Revitalization Area. This additional density and height will only be permitted where a proposal offers: a significant level of affordable housing (in addition to fulfilling the requirements of the County's Affordable Dwelling Unit Ordinance, where 20 percent of the gross floor area (GFA) over the General Land Use Plan maximum is proposed to be committed affordable for a term of 30 years for households earning 60 percent or less of the area median income); preservation of the historic buildings identified in the Plan and their associated open space; provision of the three (3) public parks shown in the Fort Myer Heights North Plan; and preservation of the significant trees identified in the Plan or their replacement per the County's Tree Replacement Guidelines. Design guidelines are included in the Plan to ensure that any new development is consistent with the community's vision for the area.

#### Zoning Ordinance Amendments

Changes to the Zoning Ordinance are needed to implement the vision expressed in the Plan. Staff specifically recommends amending Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts to add new items to the list of special exceptions in order to achieve the community's goals of preserving affordable housing, historic buildings, open space, significant trees and neighborhood scale through a strategic balance of preservation and redevelopment within the Fort Myer Heights North Special District.

As discussed above, staff is no longer recommending a reduction of by-right building heights by ten (10) feet. Staff is recommending an incentive approach involving transfer of development rights and other site plan incentives. Staff has thus made two changes to the Zoning Ordinance language since the September 16, 2008 County Board meeting at which the Plan and associated GLUP amendments were approved. First, staff removed the language regarding the proposed by-right height reduction from both the "RA8-18" and "RA6-15" Zoning districts. Second, staff deleted the language which was added to allow property owners already in the by-right permitting process the ability to construct apartment buildings under the provisions of the Zoning Ordinance as it existed on or prior to the next business day after the date the County Board adopted the Zoning Ordinance changes, as this language is now unnecessary. While this grandfathering provision had been proposed recently, it was not part of the originally advertised amendments and can be removed without advertisement.

Other proposed Zoning Ordinance changes would allow site plan development up to 3.24 FAR where specific community benefits enumerated in the Plan are proposed. Those benefits include the affordable housing contribution recommended in the Plan (20 percent of the GFA over the General Land Use Plan maximum is proposed as affordable, in addition to satisfaction of the requirements of the County's Affordable Dwelling Unit Ordinance); the historic buildings identified for preservation in the Plan, and such other buildings as the County Board may identify, are proposed to be preserved with their surrounding open spaces; the public open spaces identified in the Plan are proposed to be provided; and the preservation of significant trees identified in the Plan or their replacement in accordance with the County's Tree Replacement Guidelines are proposed to be effected.

The Plan also establishes transfer of development rights incentives for affordable housing, historic preservation and open space purposes. The County Board may approve the following multiplier incentives for sending sites specifically identified in the Plan and located in the Conservation Area. Additional sending sites within the Conservation Area may be approved by the County Board. Up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage may be transferred in return for an easement preserving the historic property in perpetuity, which includes an agreement to rehabilitate the property if necessary and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building consistent with the Plan. Specific terms would be determined at the time of site plan approval. If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are committed for a 30 year term affordable at 60 percent or less of the area median income and meet minimum habitability standards established by the County, up to an additional two (2) times the density of the first 10,000 square feet of the preserved building and up to an additional one (1) times the remaining density may be transferred, for a total of up to five (5) times the density of the first 10,000 square feet of the preserved building and up to three (3) times the density of the remaining square footage. If additional units are committed as affordable, the County Board may proportionally increase the aforementioned multipliers at its discretion. The County Board may also approve the transfer of development rights for historic preservation, open space preservation and affordable housing purposes for sending sites located in the Revitalization Area, however the multiplier provisions discussed above would not apply.

The primary reasons to encourage the transfer of density rights from the Conservation Area to the Revitalization Area are the preservation of identified historic buildings and their surrounding open spaces, and market affordable units in the Conservation Area. Even if a developer chose to take advantage of the lower transfer of density rights multiplier offered just for the preservation of a historic building in the Conservation Area, it is likely that the units in that building would remain moderately affordable given the disparity in unit sizes and amenities offered vis-à-vis new construction. Staff has structured the multipliers to provide an additional incentive to developers who provide at least ten (10) percent of the units in the preserved buildings as committed affordable in order to take advantage of the higher multiplier.

In exchange for the preservation of the historic buildings and affordable units in the

Conservation Area, the Plan would allow developers to transfer a determined amount of density to the Revitalization Area or to an area outside the Fort Myer Heights North Special District. Receiving sites located in the district will be expected to meet the aforementioned affordable housing requirements on site, except that the County Board may modify the requirement that 20 percent of the GFA over the development potential prescribed by the GLUP be designated as affordable for that portion of the density transferred from the Conservation Area designated in the Plan. The County Board may also permit receiving sites located within the Revitalization Area to exceed the Plan's maximum density of 3.24 FAR, but not the height maximums. In such instances, receiving sites in the Revitalization Area that meet or exceed 3.24 FAR will not be subject to the provisions of the Special Affordable Housing Protection District policy of the GLUP, because of the high level of committed affordable housing already required on each receiving site and because each sending site will have moderately affordable units and/or committed affordable units. Based on staff analysis, it would be economically infeasible for developers to purchase development rights for preservation and affordable housing purposes from the Conservation Area and provide the significant level of affordable housing required for all site plan projects, meet all the other requirements of this Plan and replace any additional market affordable units on site.

Density may also be transferred to sites located elsewhere in the County, with a preference for the Rosslyn or Courthouse Metro Station Areas, the boundaries of which encompass the Fort Myer Heights North Special District. Receiving sites located outside this district that meet or exceed 3.24 FAR will be subject to the provisions of the Special Affordable Housing Protection District policy and all other applicable Zoning Ordinance regulations pertaining to the area in which they are located.

#### Community Process

Staff met with the community at large in December and again in March and, based on feedback received at those meetings, developed the Plan and the Zoning Ordinance amendments intended to implement said Plan. Staff also made presentations to the Planning Commission and its subcommittees, the Urban Forestry Commission, the Historical Affairs and Landmark Review Board, the Park and Recreation Commission, the Housing Commission, the Transportation Commission, the Environment and Energy Conservation Commission and the Radnor-Fort Myer Heights North Civic Association. Staff has taken into consideration the input received at these meetings as it has drafted the Plan and proposed Zoning Ordinance amendments.

Regarding the Zoning Ordinance language specifically, staff met with the Zoning Ordinance Committee of the Planning Commission in June and July. Staff addressed the concerns raised at these meetings. At its September meeting, the Planning Commission voted 11-1 to recommend adoption of the Plan and 10-2 to recommend approval of the GLUP and Zoning Ordinance amendments. The Planning Commission recommended two minor changes to the Plan, which staff subsequently made, but no changes to the proposed Zoning Ordinance language were needed as a result.

**CONCLUSION:** The purpose of the 2008 Fort Myer Heights North Plan is to provide a comprehensive framework to ensure a strategic balance of preservation and redevelopment in the

short and long-term for the Fort Myer Heights neighborhood and to achieve the goals originally identified by the community. Therefore, staff recommends that the County Board adopt the proposed Zoning Ordinance amendments to implement the recommendations of this Plan.

Note: The language that is neither underlined nor struck-through is the current Zoning Ordinance language, while the language shown with a single underline or single strike-through represents additions and deletions that were advertised in July 2008. The highlighted language with a double underline or double strike-through represents additions or deletions made since said advertisement.

**ZONING ORDINANCE**

ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING ORDINANCE SECTION 13. “RA8-18” APARTMENT DWELLING DISTRICTS AND SECTION 15. “RA6-15” APARTMENT DWELLING DISTRICTS TO ADD NEW ITEMS TO THE LIST OF SPECIAL EXCEPTIONS IN ORDER TO ACHIEVE THE COMMUNITY’S GOALS OF PRESERVING AFFORDABLE HOUSING, HISTORIC BUILDINGS, OPEN SPACE, SIGNIFICANT TREES AND NEIGHBORHOOD SCALE THROUGH A STRATEGIC BALANCE OF PRESERVATION AND REDEVELOPMENT, TO MODIFY THE HEIGHT REGULATIONS APPLICABLE TO BY-RIGHT DEVELOPMENT AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY WITHIN THE FORT MYER HEIGHTS NORTH SPECIAL DISTRICT.

*BE IT ORDAINED THAT, Section 13. “RA8-18” Apartment Dwelling Districts and Section 15. “RA6-15” Apartment Dwelling Districts of the Arlington County Zoning Ordinance are amended, reenacted and recodified as follows to add new items to the list of Special Exceptions in order to achieve the community’s goals of preserving affordable housing, historic buildings, open space, significant trees and neighborhood scale through a strategic balance of preservation and redevelopment, to modify the height regulations applicable to by-right development and to facilitate the creation of a convenient, attractive and harmonious community within the Fort Myer Heights North Special District, and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.*

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**Section 13. “RA8-18” Apartment Dwelling Districts**

\* \* \*

**A. Uses Permitted.**

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2. Apartment houses or town houses. Provided, however, that in the “Fort Myer Heights North Special District,” as designated on the General Land Use Plan, town houses shall not be permitted except by Special Exception Site Plan. However, town house projects for which building permit applications have been submitted to the Inspection Services Division on or before April 15, 2005 shall be allowed under the provision of this ordinance as it existed on or prior to April 15, 2005.

B. Special Exceptions.

\* \* \*

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

\* \* \*

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

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

- a. A site plan project in the "Revitalization Area" designated in the *Plan* may exceed 3.24 F.A.R. with bonus density for achieving goals consistent with the intent of the *Plan*, such as LEED, provided that development is consistent with the design guidelines, including building height maximums, and ~~where it furthers the purposes of the *Plan*.~~
- b. Building heights shall be consistent with the heights recommended in the *Plan*. Building heights ~~approved by site plan~~ in the "Revitalization Area" designated in the *Plan* shall in no event exceed twelve (12) stories or 125 feet, exclusive of penthouses ~~if developed by site plan~~. Penthouses shall be minimized in terms of height, bulk and visual appearance and shall in no event exceed sixteen (16) feet.
- c. The County Board may approve a site plan project where the proposal ~~All sites developed per the site plan process shall~~ designates as affordable twenty (20) percent of the G.F.A. ~~that is above~~ ~~over~~ the General Land Use Plan maximum, in addition to meeting the requirements of the County's Affordable Dwelling Unit Ordinance as outlined in Section 36.H.6. ~~for the proposed G.F.A. within the General Land Use Plan maximum, except as set forth in Section 13.B.4.e.(5).~~ Units shall be considered affordable ~~where they are~~ committed for a thirty (30) year term, ~~are~~ affordable at sixty (60) percent or less of the area median income and ~~shall~~ meet minimum habitability standards established by the County.
- d. Neighborhood-serving retail and other service uses, such as a doctor's office, neighborhood delicatessen, drycleaner, neighborhood-scale library branch or small café and other uses as permitted and regulated in Section 18A. may be approved along Clarendon Boulevard ~~or~~ Fairfax Drive and at other primary intersections and/or locations that experience significant pedestrian traffic should the County Board find they will not adversely impact the neighborhood and will ~~be~~ otherwise ~~be~~ appropriate.
- e. The transfer of development rights in accordance with Section 36.H.5.b. is permitted for historic preservation, open space ~~preservation~~ and affordable housing purposes ~~for sending sites specifically identified in the *Plan* and located in the "Conservation~~

Area” designated in the *Plan*, subject to the following provisions. Additional sending sites that are located within the “Conservation Area” designated in the *Plan* may be approved by the County Board.

(1) For the purposes of calculating F.A.R. in the “Fort Myer Heights North Special District,” an average unit size of 1,000 square feet ~~is to~~ shall be assumed.

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

(2) The County Board may approve a transfer of development rights in the amount of ~~Up to~~ up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage ~~may be transferred~~ in return for an easement to preserve the historic property in perpetuity, which ~~easement~~ easement includes an agreement to rehabilitate the property if ~~necessary~~ necessary the County Board determines that rehabilitation is necessary for preservation and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building ~~as~~ in a manner consistent with the *Plan*.

(3) If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are proposed to be committed for a thirty (30) year term affordable at sixty (60) percent or less of the area median income and to meet minimum habitability standards established by the County, the County Board may approve a transfer of development rights in the amount of up to an additional two (2) times the density of the first 10,000 square feet of the preserved building and up to an additional one (1) times the remaining density ~~may be transferred~~, for a total of up to five (5) times the density of the first 10,000 square feet of the preserved building and up to three (3) times the density of the remaining square footage. If additional units are committed as affordable, the County Board may increase proportionally the aforementioned multipliers at its discretion.

- (4) In order to achieve the goals of the Plan, it is preferred that density be transferred to sites within the “Revitalization Area” designated in the Plan, provided that development using such density is consistent with the design guidelines, including building height maximums, and the purposes of the Plan. Receiving sites will be expected to meet, on-site, the aforementioned affordable housing requirements for all sites developed per the site plan process, except that the County Board may modify the requirement that twenty (20) percent of the G.F.A. over the General Land Use Plan maximum be designated as affordable for that portion of the density transferred from the “Conservation Area” designated in the Plan. At its discretion, the County Board may permit receiving sites located within the “Revitalization Area” designated in the Plan to exceed the Plan’s maximum density of 3.24 F.A.R.. In such instances, receiving sites that meet or exceed 3.24 F.A.R. will not be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.
- (5) The County Board may also approve the transfer of density. Density may also be transferred to sites located elsewhere in the County, with a preference for the Rosslyn or Courthouse Metro Station Areas. Receiving sites located outside the “Fort Myer Heights North Special District” that meet or exceed 3.24 F.A.R. will remain be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.
- f. The County Board may also approve the transfer of development rights in accordance with Section 36.H.5.b. for historic preservation, open space preservation and affordable housing purposes for sending sites located in the “Revitalization Area” designated in the Plan. Sites located in the “Revitalization Area” designated in the Plan may transfer density to another site located within the “Revitalization Area” or to another site located outside the “Fort Myer Heights North Special District.” In such instances, the provisions of Section 13.B.4.e.(2), (3), (4) and (5) will not apply.

### C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either four (4) stories or forty (40) feet; provided, however, that by site plan approval dwellings may be increased to a height not to exceed either eight, (8) stories or seventy-five (75) feet. In the “Revitalization Area” of the “Fort Myer Heights North Special District” designated on the General Land Use Plan, building heights shall in no event exceed thirty (30) feet if developed by right of twelve (12) stories or 125 feet, exclusive of penthouses, if developed by site plan in the “Revitalization Area” designated in the Plan in a manner consistent with the design guidelines, heights plan and purposes of the Fort Myer Heights North Plan.

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**Section 15. “RA6-15” Apartment Dwelling Districts**

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**B. Special Exceptions.**

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

\* \* \*

5. When a site within the area designated as the “Fort Myer Heights North Special District” on the General Land Use Plan is sought to be used in a manner consistent with the purposes of the Fort Myer Heights North Plan,

and ~~as~~ subject to the provisions ~~hereafter~~ set forth ~~herein~~, then, by Special Exception Site Plan approval pursuant to Section 36.H., development may be permitted at up to 3.24 F.A.R. in the “Revitalization Area” designated in the *Plan*. ~~In order to develop a site-~~The County Board may approve site plans within the “Revitalization Area” designated in the *Plan* where the goals recommended in the *Plan* for that site ~~must be~~ are addressed, ~~including met.~~ That is, as applicable, the affordable housing contribution recommended in the *Plan* ~~must be provided~~, the historic buildings identified for preservation in the *Plan*, and such other buildings as the County Board may identify as worthy of historic preservation, ~~must be preserved~~ with their surrounding open spaces, the provision of the public open spaces identified in the *Plan* ~~must be provided~~, and the preservation of significant trees identified in the *Plan* or their replacement in accordance with the County’s Tree Replacement Guidelines ~~must be effected~~.

- a. A site plan project in the “Revitalization Area” designated in the *Plan* may exceed 3.24 F.A.R. with bonus density for achieving goals consistent with the intent of the *Plan*, such as LEED, provided that development is consistent with the design guidelines, including building height maximums, and ~~where it furthers the~~ purposes of the *Plan*.
- b. Building heights shall be consistent with the heights recommended in the *Plan*. Building heights ~~approved by site plan~~ in the “Revitalization Area” designated in the *Plan* shall in no event exceed twelve (12) stories or 125 feet, exclusive of penthouses, ~~if developed by site plan~~. Penthouses shall be minimized in terms of height, bulk and visual appearance and shall in no event exceed sixteen (16) feet.
- c. ~~The County Board may approve a site plan project where the proposal~~ ~~All sites developed per the site plan process shall~~ designate as affordable twenty (20) percent of the G.F.A. ~~that is above~~ ~~over~~ the General Land Use Plan maximum, in addition to meeting the requirements of the County’s Affordable Dwelling Unit Ordinance as outlined in Section 36.H.6. ~~for the proposed G.F.A. within the General Land Use Plan maximum,~~ except as set forth in Section 13.B.5.c.(5). Units ~~shall be considered affordable where they are~~ committed for a thirty (30) year term, ~~are~~ affordable at sixty (60) percent or less of the area median income and ~~shall~~ meet minimum habitability standards established by the County.
- d. Neighborhood-serving retail and other service uses, such as a doctor’s office, neighborhood delicatessen, drycleaner, neighborhood-scale library branch or small café and other uses as permitted and regulated

in Section 18A, may be approved along Clarendon Boulevard ~~or~~, Fairfax Drive and at other primary intersections and/or locations that experience significant pedestrian traffic should the County Board find they will not adversely impact the neighborhood and will ~~be~~ otherwise ~~be~~ appropriate.

- e. The transfer of development rights in accordance with Section 36.H.5.b. is permitted for historic preservation, open space ~~preservation~~ and affordable housing purposes ~~for sending sites specifically identified in the Plan and located in the “Conservation Area” designated in the Plan, subject to the following provisions. Additional sending sites that are located within the “Conservation Area” designated in the Plan may be approved by the County Board.~~
- (1) For the purposes of calculating F.A.R. in the “Fort Myer Heights North Special District,” an average unit size of 1,000 square feet ~~is to~~ shall be assumed.
  - ~~(2) Sending sites must be located in the “Conservation Area” designated in the Plan and must be specifically identified in the Plan. Additional sending sites within the “Conservation Area” designated in the Plan may be approved by the County Board.~~
  - (2) The County Board may approve a transfer of development rights in the amount of ~~Up~~ up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage ~~may be transferred~~ in return for an easement to preserve the historic property in perpetuity, which easement includes an agreement to rehabilitate the property if ~~necessary~~ the County Board determines that rehabilitation is necessary for preservation and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building ~~as~~ in a manner consistent with the *Plan*.
  - (3) If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are proposed to be committed for a thirty (30) year term affordable at sixty (60) percent or less of the area median income and to meet minimum habitability standards established by the County, the County Board may approve a transfer of development rights in the amount of up to an additional two (2) times the density of the first 10,000 square feet of the preserved

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

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

f. The County Board may also approve the transfer of development rights in accordance with Section 36.H.5.b. for historic preservation, open space preservation and affordable housing purposes for sending sites located in the “Revitalization Area” designated in the *Plan*. Sites located in the “Revitalization Area” designated in the *Plan* may transfer density to another site located

within the “Revitalization Area” or to another site located outside the “Fort Myer Heights North Special District.” In such instances, the provisions of Section 15.B.5.e.(2), (3), (4) and (5) will not apply.

C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either six (6) stories or sixty (60) feet. In the “Revitalization Area” of the “Fort Myer Heights North Special District” designated on the General Land Use Plan, building heights shall in no event exceed ~~fifty (50) feet if developed by right or~~ twelve (12) stories or 125 feet, exclusive of penthouses, if developed by site plan ~~in the “Revitalization Area” designated in the Plan~~ in a manner consistent with the design guidelines, heights plan and purposes of the *Fort Myer Heights North Plan*.

\* \* \*

*Modification of height limit in “RA6-15” Districts.* By site plan approval as specified in the “RA4.8” District, dwellings may be increased to a height not to exceed either twelve (12) stories or one hundred twenty-five (125) feet, except in areas designated as “Radnor Heights East Special District” on the General Land Use Plan where heights of buildings, exclusive of penthouses, shall be limited to sixty (60) feet as referenced in Section 15.C.1. to 5.

\* \* \*