

ARLINGTON COUNTY, VIRGINIA

N-FBC-11: AN ORDINANCE TO AMEND, REENACT, AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE ARTICLE 11.2 “CPN-FBC” COLUMBIA PIKE NEIGHBORHOODS FORM BASED CODE DISTRICTS (APPENDIX B) TO AMEND SECTION 902 TO ADJUST THE INCOME LIMITS AND TERM FOR OWNERSHIP AFFORDABLE HOUSING UNITS, AND TO STIPULATE STANDARDS FOR CONDOMINIUM CONVERSION OF AFFORDABLE RENTAL UNITS, AND IN ORDER 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, GENERAL WELFARE, AND GOOD ZONING PRACTICE.

Be it ordained that the Arlington County Zoning Ordinance Article 11.2 "CPN-FBC" Columbia Pike Neighborhoods Form Based Code Districts (Appendix B) Section 902 is hereby amended, reenacted, and recodified to adjust the income limits and term for ownership affordable housing units, and to stipulate standards for condominium conversion of affordable rental units, and in order 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, general welfare, and good zoning practice.

Proposed 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.

ATTACHMENT 1
Neighborhoods Form Based Code Amendments

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 AFFORDABLE HOUSING requirements, outlined in 902.B through ~~F~~G, shall be 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~~G, 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.

B. Number of On-Site Affordable Housing Units

Each residential DEVELOPMENT 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.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.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

46 buildings (rather than demolish and build new), the fraction equals 2.5, or 25 percent of the of the
47 300 NET NEW UNITS as committed AFFORDABLE HOUSING UNITS. Because the
48 AFFORDABLE HOUSING UNITS are proposed within existing buildings, the percent
49 requirement arrived at through application of 902.B.1 above shall be increased by
50 five. Therefore, the applicant will be required to provide 30 percent of the NET NEW UNITS as
51 new committed AFFORDABLE HOUSING UNITS (90 units).

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53 **C. Affordability Level & Term**

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

59
60 a. DEVELOPMENT PROJECTS west of George Mason Drive: An applicant may provide up
61 to 33 percent of the required AFFORDABLE HOUSING UNITS at affordability levels of 60
62 percent to 80 percent of the AMI at a rate of two (2) units available at 60 percent – 80 percent
63 of the AMI for every one (1) unit required at 60 percent of the AMI.

64 b. DEVELOPMENT PROJECTS east of George Mason Drive: An applicant may provide up to
65 33 percent of the required AFFORDABLE HOUSING UNITS at affordability levels of 40
66 percent of the AMI at a rate of 0.5 units available at 40 percent of the AMI for every one (1)
67 unit required at 60 percent of the AMI.

68 c. By use permit approval, the County Board may adjust the proportions described in 902.C.1.a
69 and 902.C.1.b to allow for larger quantities of units affordable at 60 percent to 80 percent of
70 the AMI or 40 percent of the AMI units, respectively.

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72 2. **Ownership AFFORDABLE HOUSING UNITS shall be committed for the life and use of**
73 **the existing improvement as a residential dwelling unit, commencing at the time of**
74 **execution of the required documents, as follows:**

75
76 a. **Within each DEVELOPMENT PROJECT:**

77 i. **No less than one-half of the required units shall be affordable to households**
78 **earning up to 80 percent of the AMI;**

79 ii. **The remainder of the required units may be affordable to households earning up**
80 **to 100 percent of the AMI; and**

81 iii. **Area Median Incomes (AMI) will be set by US Department of Housing and**
82 **Development (HUD) for the Washington, DC Metropolitan Statistical Area,**
83 **adjusted for household size, at the time of execution of the required documents.**

84
85 b. **If there is no more than one required ownership AFFORDABLE HOUSING UNIT, the**
86 **required unit shall be affordable to households earning up to 80 percent of the AMI as**
87 **set by HUD for the Washington, DC Metropolitan Statistical Area, adjusted for**
88 **household size, at the time of execution of the required documents.**

89
90
91 **D. Unit Mix**

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

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

100 **E. Tenant Relocation Plan**

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

- 105 1. Outline strategies the applicant plans to use to mitigate any displacement that may occur as a
106 property is fully or partially redeveloped.
- 107 2. Documentation of timely tenant meetings, relocation payment amounts per bedroom size,
108 eligibility criteria, and the proposal of new rents and utilities.
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110
111 The applicant is responsible for presenting a draft plan to the Arlington Relocation Coordinator for review
112 and approval prior to review with the Tenant Landlord Commission. Upon review and approval from the
113 Tenant Landlord Commission, and during the duration of the relocation process as specified in the
114 approved Tenant Relocation Plan, the applicant is required to meet monthly with the Arlington Relocation
115 Coordinator to review ongoing status, as well as provide monthly statistical and tracking reports.

116 **F. Affordable Housing Unit Location**

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

120
121 AFFORDABLE HOUSING UNITS in existing buildings shall be renovated sufficiently to meet Housing
122 Quality Standards, set by the U.S. Department of Housing and Urban Development (HUD), and the
123 standards set-forth within the Virginia Uniform Statewide Building Code.
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125 **G. Condominium Conversion**

- 126 1. **If, within the thirty (30) year compliance period, the property owner proposes to change the**
127 **residential DEVELOPMENT PROJECT from rental to a condominium regime pursuant to**
128 **the Virginia Condominium Act, Title 44, Chapter 4.2, Section 79.39 et seq. of the Code of**
129 **Virginia, 1950 Edition, as amended, the property owner shall:**
 - 130 a. **Notify the County Manager of the proposed condominium conversion not less than sixty**
131 **(60) days prior to recording the Declaration of Condominium; and**
 - 132 b. **Concurrent with the Declaration of Condominium, record a Deed of Declaration of**
133 **Restrictive Covenants, as approved by the County Manager or his designee, and in a**
134 **form approved by the County Attorney, identifying with specificity:**
 - 135 i. **Which of the rental AFFORDABLE HOUSING UNITS shall continue to be**
136 **operated as rental AFFORDABLE HOUSING UNITS subject to Section 902.C.1**
137 **for the remainder of the thirty (30) year compliance period; or**
 - 138 ii. **Which of the rental AFFORDABLE HOUSING UNITS may be offered for sale to**
139 **qualifying income-eligible homebuyers at the affordability levels and terms**
140 **provided in Section 902.C.2, subject to the execution of required documents to be**
141 **approved by the County Board.**

144 **903. Additional Incentives for Affordable Housing**

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