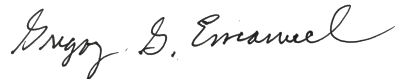


MEMORANDUM

DATE: June 20, 2023

TO: All Architects, Builders, Contractors, Developers, Engineers, Surveyors,
and Property Owners

FROM: Greg Emanuel, Department Director



SUBJECT: Regulation of Expanded Housing Option projects under the Land
Disturbing Activity/Stormwater Management (LDA/SWM) Permit
Program

EFFECTIVE DATE: July 1, 2023.

On Wednesday, March 22, 2023, the Arlington County Board voted to approve a Zoning Ordinance amendment establishing 'Expanded Housing Option' (EHO) development. The EHO Zoning option provides new flexibility for housing types in portions of the County that currently only allow single-family residential (SFR) detached homes. The EHO Zoning option is effective July 1, 2023.

A key provision of the new EHO Zoning option is to maintain the same maximum lot coverage limits that are currently applicable to SFR zones. Equivalent lot coverage limits for EHO and SFR projects, coupled with the unique stormwater management dynamics that otherwise apply for SFR lots in Arlington, lead me to make the following determination:

EHO projects allowed by-right are eligible to be regulated in the same manner as eligible SFR projects under the LDA/SWM Permit Program.

This determination allows eligible EHO projects to choose among the two main options available to eligible SFR LDA/SWM projects, Standard Compliance or Alternative Compliance, as well as the Streamlined option if the EHO project meets the criteria.

Eligibility is based on an EHO project meeting the criteria for regulating SFR projects under the SFR LDA/SWM options:

- The project includes fewer than three (3) new lots allowed by-right.
- No Civil Engineering Plan (CEP) is otherwise required for the project.

Townhouses that subdivide existing SFR lots under the EHO option into the maximum of three (3) new lots will also be eligible because the EHO option: 1) permits the new townhouse lots to be smaller than SFR lot minimum dimensions (to fit within the original SFR lot area); and, 2) limits the lot coverage maximum to the original SFR lot area as a whole.

For more information about SFR LDA/SWM options, please see [Land Disturbing Activity / Stormwater Permit Overview – Official Website of Arlington County Virginia Government \(arlingtonva.us\)](https://www.arlingtonva.us/land-disturbing-activity/stormwater-permit-overview).

Post-construction inspection and maintenance considerations

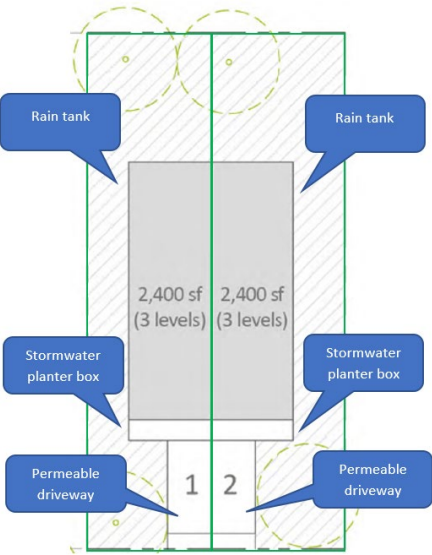
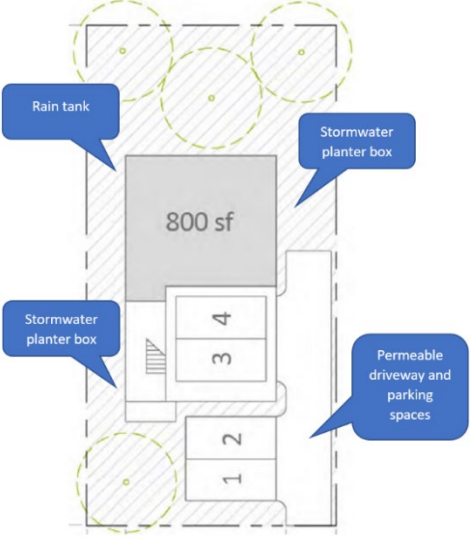
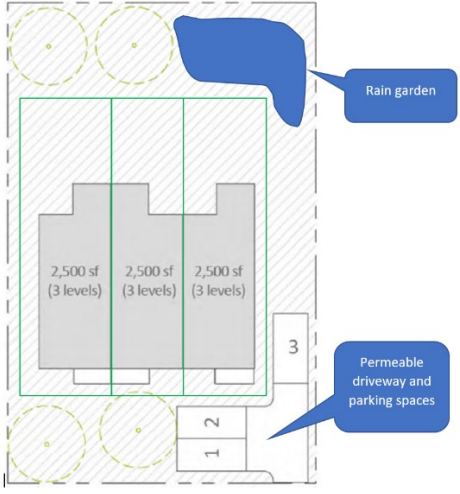
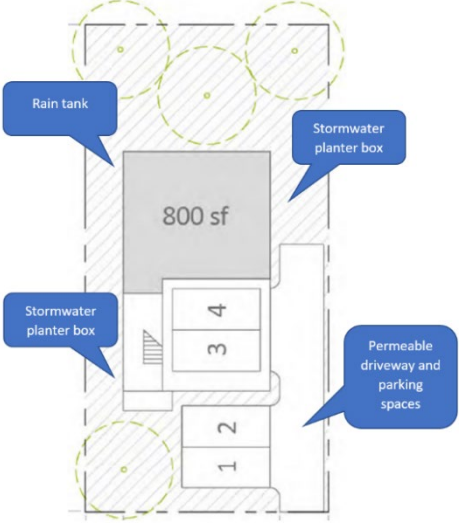
The LDA/SWM Permit program requires stormwater management facilities (SWMFs) to meet the stormwater performance requirements of the program. The post-construction inspection and maintenance requirements for SWMFs are governed by a Stormwater Management Maintenance and Monitoring Agreement (MMA) recorded with the property deed.

Most SFR projects regulated under an LDA/SWM Permit have SWMFs associated with that individual lot. There are some scenarios where there are SWMFs shared by multiple owners. There are also hybrid situations of both scenarios.

In scenarios with multiple properties, each property is required to record an MMA. In addition, for shared SWMFs, a condominium or homeowners association (as appropriate) must be developed that outlines how each owner will contribute to the inspection and maintenance needs for the shared SWMFs. The shared SWMFs also must be located within a private easement to the condominium/homeowners (condo/HOA) association.

These conditions apply for any project in Arlington County regulated under an LDA/SWM Permit, whether eligible to be regulated as an SFR project or not.

The following sketches illustrate how these scenarios might occur for EHO projects:

<p>1</p>	<p>SWMFs are located on separate, single entity owner parcels.</p>	<p>1A 2 lots, 2 owners, SWMFs on each lot</p>  <p>Rain tank</p> <p>Rain tank</p> <p>2,400 sf (3 levels) 2,400 sf (3 levels)</p> <p>Stormwater planter box</p> <p>Stormwater planter box</p> <p>Permeable driveway</p> <p>1 2</p> <p>Permeable driveway</p>	<p>1B 1 lot, 4 units, 1 owner</p>  <p>Rain tank</p> <p>Stormwater planter box</p> <p>800 sf</p> <p>Stormwater planter box</p> <p>3 4</p> <p>1 2</p> <p>Permeable driveway and parking spaces</p>
<p>2</p>	<p>SWMFs are located on common land and shared among owners.</p>	<p>2A 3 lots, 3 owners, shared SWMFs</p>  <p>Rain garden</p> <p>2,500 sf (3 levels) 2,500 sf (3 levels) 2,500 sf (3 levels)</p> <p>3</p> <p>1 2</p> <p>Permeable driveway and parking spaces</p>	<p>2B 1 lot, 4 condo owners, shared SWMFs</p>  <p>Rain tank</p> <p>Stormwater planter box</p> <p>800 sf</p> <p>Stormwater planter box</p> <p>3 4</p> <p>1 2</p> <p>Permeable driveway and parking spaces</p>

<p>3 Hybrid scenario of 1 and 2: SWMFs are located on separate, single-entity owner parcels. AND SWMFs are located on common land and shared among owners.</p>	<p>3 lots, 3 owners, shared SWMFs and SWMFs on each lot</p> <p>The diagram illustrates a site plan for three lots, each 2,500 sq ft with 3 levels. A central area is labeled '3' and contains a 'Rain tank' and a 'Rain garden'. Two 'Stormwater planter boxes' are located on the left side. A 'Permeable driveway and parking spaces' area is shown at the bottom right. The lots are numbered 1, 2, and 3.</p>
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Although the EHO zoning option allows for lots to be subdivided after construction, applicants are encouraged to make this decision at the time of application to avoid potential future compliance challenges.

Please also note that **proposed SWMFs that cross lot lines** will require justification from the applicant. If approved, at a minimum, a condo/HOA association will also be required with the SWMF in a private easement to the association.

EHO projects **that create situations not covered in this memo** will be reviewed on a **case-by-case basis** for eligibility to be regulated as an SFR project **during the first year of EHO implementation**, prior to finalizing LDA/SWM regulatory policy. Please reach out to staff early in the planning process.

If you have any questions, please email StormwaterManagement@arlingtonva.us.






Regulation of EHO Projects Under LDA Program-v2

Final Audit Report

2023-06-20

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By:	Jean Coates (jmcoates@arlingtonva.us)
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