

The Haven Apartments

Neighborhoods Form Based Code Amendment and
Transfer of Development Rights Use Permit

Form Based Code Advisory Working Group

May 11, 2022



Presentation Outline

1. The Haven Site Overview
2. Requested Proposal
3. Staff Assessment
4. Review Process



The Haven Site Overview

The Haven Site Context

Existing Conditions:

- Western end of Columbia Pike corridor (Arlington Mill neighborhood)
- Surrounded by residential properties (mixture of rental and condo complexes)
- Approximately 161,690 SF (3.71 acres) of open space surrounds rental buildings within the property

 The Haven property



The Haven Apartments

Existing Conditions:

- Built in 1950
- Market Rate Affordable Apartment Community (60% and 80% AMI)
- 118 total units distributed across eight garden-style buildings
- “Notable” ranking on the 2011 Historic Resource Inventory (HRI)



Unit Type	# of Units	% of Units
1-BR	31	26%
2-BR	80	68%
3-BR	7	6%
Total	118	100%

Requested Proposal

Neighborhoods FBC Amendment

Transfer of Development Rights

Site Plan Application

Requested Proposal

Each Proposed Element Requires County Board Approval

1. Preservation of the Haven Apartments

- Requires review by FBC AWG of a **N-FBC Amendment** to designate Haven to a “Conservation Area”
- Involves changes to Part 3 and 7 of the Neighborhoods FBC
- Would limit/restrict N-FBC redevelopment



2. Transfer of Development Rights

- Through a **Use Permit**, the Haven site could be certified as a sending site to transfer density elsewhere in the County
- Specific multipliers dictate exactly how much density can be transferred



3. Site Plan Application for Redevelopment

- Reviewed through the **Site Plan** Review Committee (SPRC) for compliance with adopted policies
- Discussion of site plan's land use, open space, transportation, sustainability, and community benefits

Neighborhoods FBC Amendment

1. Preservation of the Haven Apartments

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- Involves changes to Part 3 and 7 of the Neighborhoods FBC
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Focus of FBC AWG review:

- Should the existing Part 3 and 7 of the N-FBC be amended to include the Haven as a Conservation Area?
- What are some of the pros/cons of preserving this site (which would impact redevelopment per the N-FBC)?
- Does the Haven share characteristics with the Barcroft and Fillmore Gardens Apartment complexes?
- Since this is the first instance of such a request, is the current review relying on clear and objective criteria?

Transfer of Development Rights (TDR)

2. Transfer of Development Rights

- Through a **Use Permit**, the Haven site could be certified as a sending site to transfer density elsewhere in the County
- Specific multipliers dictate exactly how much density can be transferred

Focus of FBC AWG review:

- Is the proposed TDR consistent with Part 2 of the N-FBC?
- Have appropriate measures been proposed to establish a Columbia Pike property as a sending site?
- Are the appropriate multipliers being used to quantify the density transfer based on the receiving site's location?
- Will the applicant be subject to any necessary improvements to the Haven Apartments?

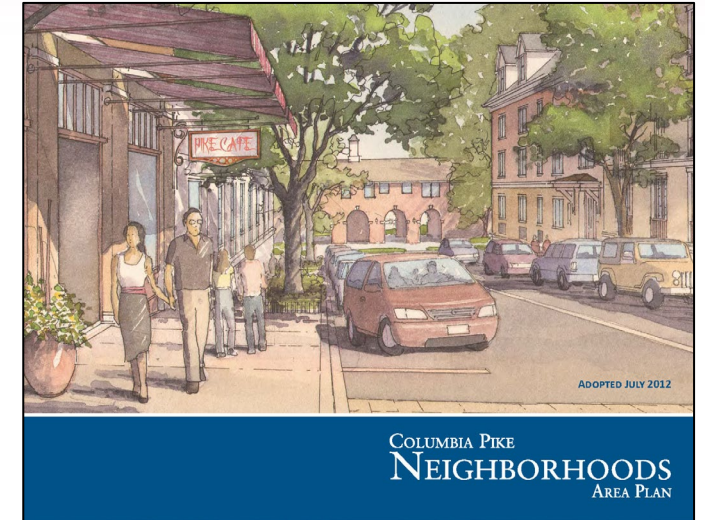
Staff Assessment

N-FBC Amendment (Conservation Areas)

Affordable Housing Objectives

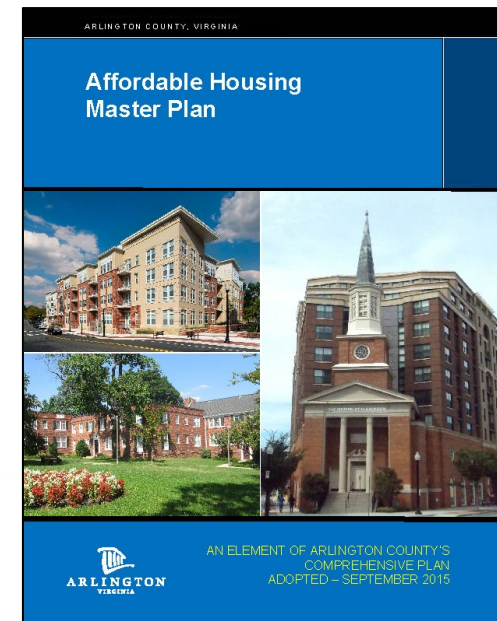
2012 Neighborhoods Area Plan

- Includes a primary goal of preserving all 6,200 market-rate affordable units (MARKs), available up to 80% AMI, which existed along the corridor at the time of Plan adoption
- Relies (in part) on establishing Conservation Areas over key properties with significant inventories of MARKs to help meet this goal



2015 Affordable Housing Master Plan

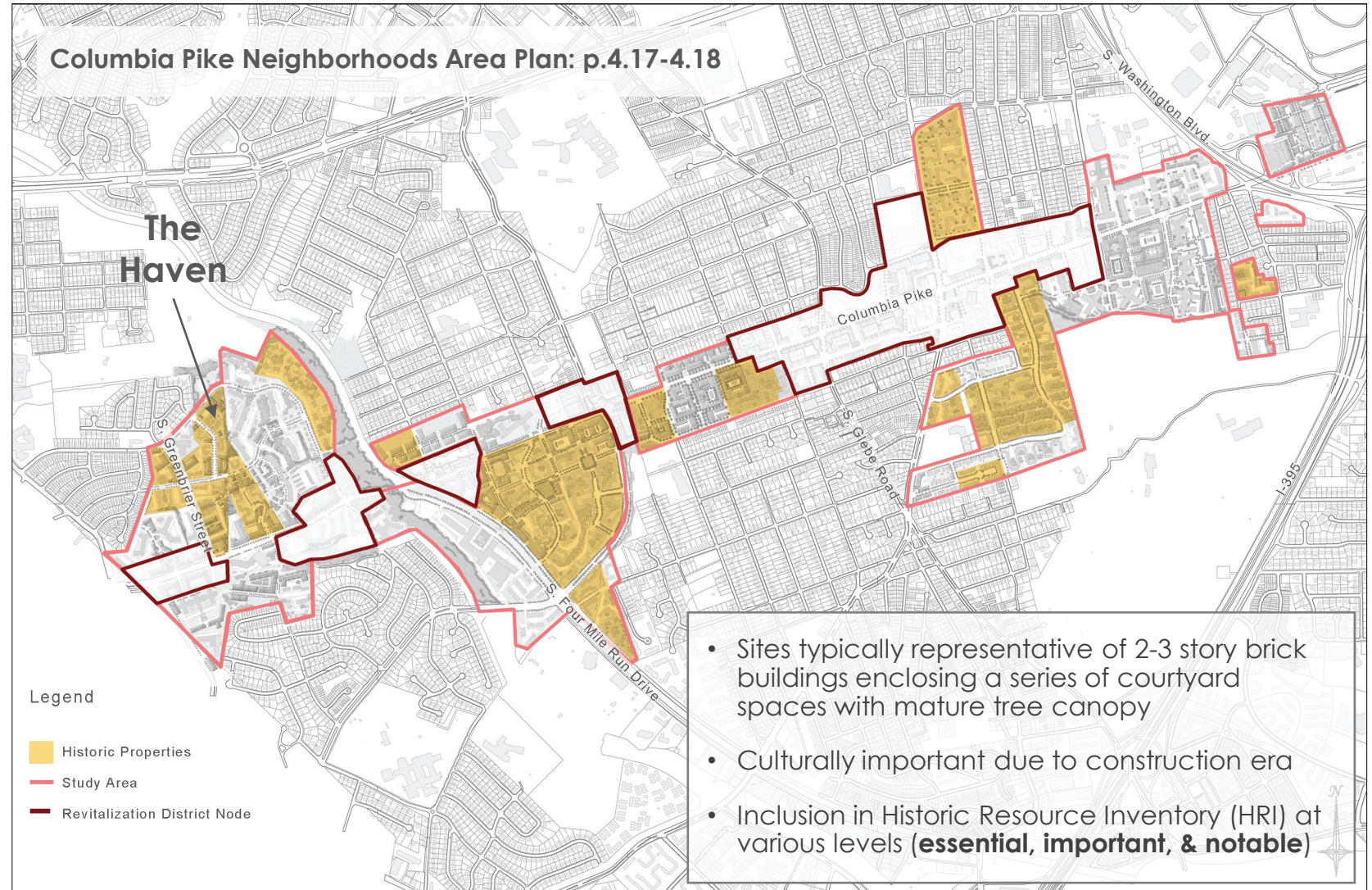
- Multiple goals aimed to encourage construction and preservation of affordable housing through land use/zoning policy, while encouraging production and preservation of family-sized rental units
- 1.1.3: “Make every reasonable effort to prevent the loss of market-rate affordable rental housing”



Historic Preservation Objectives

Inventory of historically significant complexes contributing positively to the Columbia Pike corridor:

- Columbia Garden Apartments
- Arlington Heights Condominiums
- Monterey Apartments
- Greenbrier Apartments
- **The Haven**
- Arbor Heights
- Park Glen Condos
- Buchanan Gardens
- Barcroft Apartments
- Quebec Apartments
- Oakland Apartments
- Arlington Village Condominium (and surrounding condominiums)
- Carver Place



Neighborhoods FBC Conservation Areas

Key Objectives

- Preserve affordability, historic character, and achieve open space opportunities
- Enable opportunities for alterations (including additions) that are compatible with the existing structures
- Preservation will enable existing density to be sent elsewhere on the Pike or in the County

Implementation

- Preservation converts MARKs to Committed Affordable Units (CAFs) at 60% AMI for 30 years
- Preserved units may need to be renovated to meet Housing Quality Standards set by HUD and according to standards in Part 7 of N-FBC
- Deed of Restrictive Covenants, CAF Agreement, and Historic Preservation Easement also required to document the density transfer

Part 7. Conservation Area Standards

701. Introduction

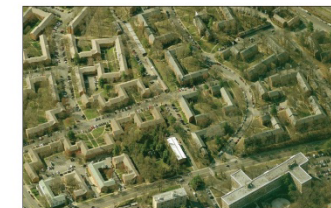
This section outlines standards for the CONSERVATION AREAS and ADJACENT TO Conservation Areas in the *Columbia Pike Neighborhoods Special Revitalization District*. Specifically, this section sets forth criteria that provide incentives to property owners to protect and preserve the character of, and the affordability of housing within, these important areas when renovation or development changes are proposed.

The purpose of these Conservation Area Standards is to protect against destruction of or encroachment upon historic areas and to promote the preservation of affordable housing by allowing for more or different types of development when a property owner preserves historic features and traditional design. The primary goals of these standards are appropriateness and compatibility with traditional architecture. These standards outline measures to ensure that these neighborhoods remain visible reminders of the history and cultural heritage of the Columbia Pike corridor, as well as the broader Arlington community.

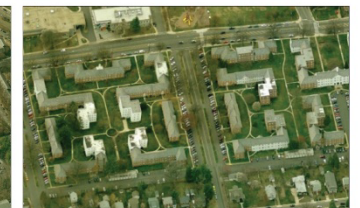
The Conservation Area Standards are not intended to dictate design solutions or inhibit creativity, rather to simply define the range of appropriate responses and establish a framework so that future development does not detract from the character of CONSERVATION AREAS. These standards establish the degree to which renovations, as well as new construction, within and ADJACENT TO CONSERVATION AREAS (as shown on the REGULATING PLAN may occur and how such design is respectful of existing architecture and the character of the setting, the period of construction and the overall architectural style. Components of the architectural style are conveyed through a building's decorative embellishments. The Conservation Area Standards herein address the architectural aesthetics and include standards to ensure compatibility and appropriateness in the context of Columbia Pike's historic resources. Ultimately, they provide a measure of architectural compatibility as the basis for determining appropriateness.

Given that the CONSERVATION AREAS are eligible for listing in the National Register of Historic Places, the US Secretary of the Interior's Standards for Historic Rehabilitation provide the basis for which the standards in this section were developed. Highlights of the Secretary's Standards as they relates to the Columbia Pike CONSERVATION AREAS are shown here as guiding principles in order to illustrate the basis for the requirements herein:

- A. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.



Barcroft Apartments



Filmore Gardens

Adopted November 16, 2013
With Amendments Through June 30, 2016

Columbia Pike Neighborhoods Special Revitalization District
Form Based Code 7.1

Neighborhoods FBC Conservation Areas

Barcroft Apartments

1,092 units (43.22 acres)

[portions within Conservation Area]



Fillmore Gardens

448 units (17.60 acres)

[portions within Conservation Area]



Haven Apartments

118 units (4.52 acres)

[entire property]



Similarities between all three complexes:

- Age of construction
- Architectural style
- Building form & height
- Open space emphasis
- Building materials
- Tree canopy
- Existing stock of market-rate affordable units

Staff Assessment

Transfer of Development Rights (Sending Sites)

Transfer of Development Rights (TDR)

Planning Guidance:

- General Land Use Plan (GLUP)
 - The Transfer of Development Rights (TDR) policy allows site plan [and N-FBC] projects to transfer density and other development rights from one parcel or site plan to another when it preserves **affordable housing**, open space, **historic preservation**, community facilities or community recreation. TDRs can be transferred to another location where density is deemed more appropriate by the County Board.
- Zoning Ordinance:
 - Section 15.5.7 gives County Board ability to consider a transfer of development rights connected with a site plan
- Columbia Pike Neighborhoods Form Based Code (Part 2):
 - Conservation Areas
 - 2x multiplier for TDR from Conservation Area to site outside Columbia Pike
 - 3x multiplier for TDR from Conservation Area to site along Columbia Pike

Neighborhoods FBC – TDR Guidance

Neighborhoods FBC: Section 204.D

Consistent with the County-wide policy, the N-FBC guidance indicates TDRs could be considered along the Pike in exchange for:

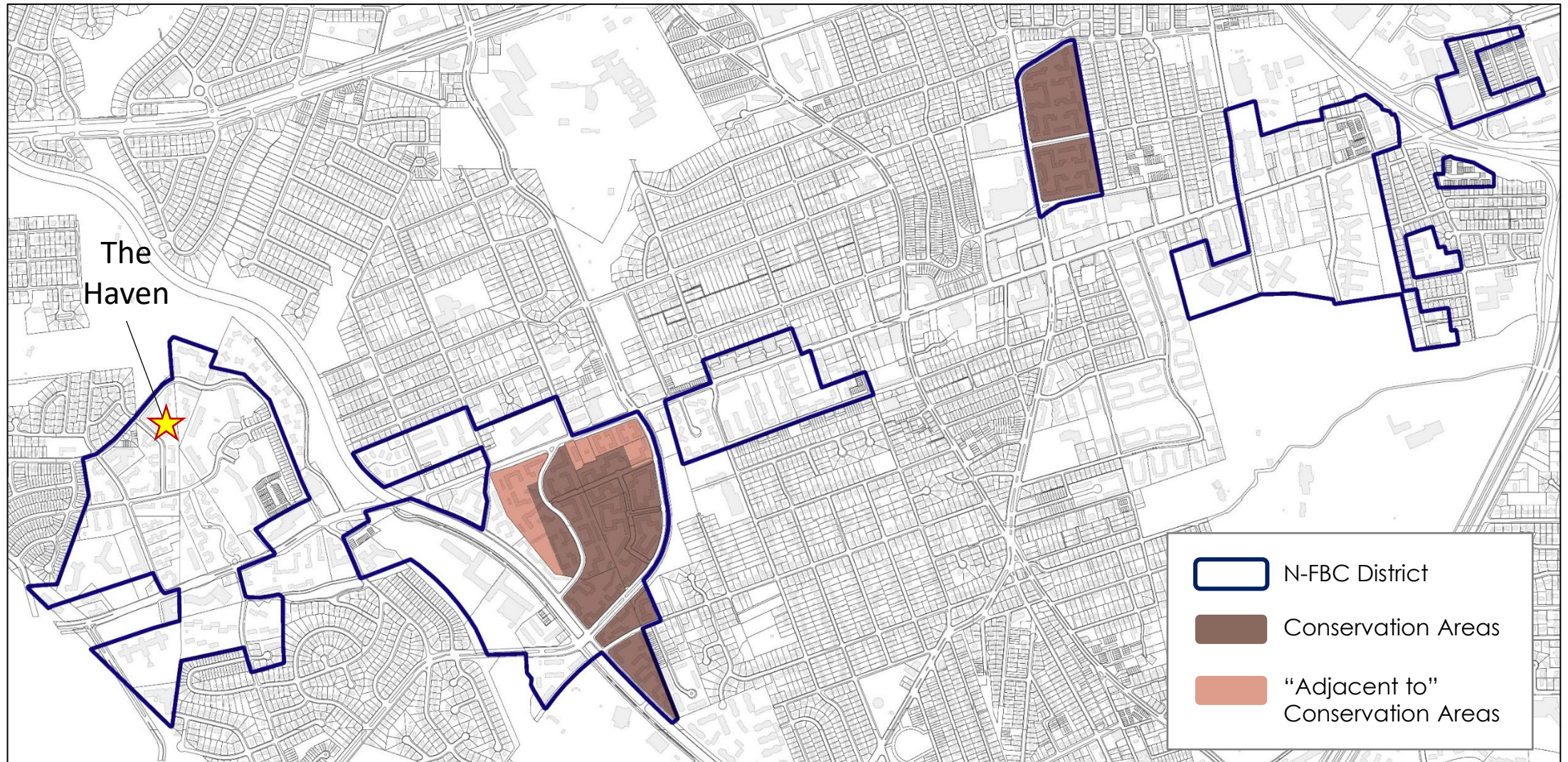
1. Historic preservation (within a Conservation Area),
2. public space dedication (either within one of the Conservation Areas or as a new Neighborhood Park identified within the Eastern Regulating Plan); or
3. delivery of additional affordable housing (above the minimum requirements already found in the N-FBC for all development)

D. Transfer of Development Rights¹

The transfer of development rights is permitted in order to achieve historic preservation, public open space and/or affordable housing within areas designated as CONSERVATION AREAS on the REGULATING PLAN, and for creation of NEIGHBORHOOD PARKS shown on the REGULATING PLAN. As part of a use permit approval for a DEVELOPMENT PROJECT, the County Board may certify the subject DEVELOPMENT PROJECT as a sending site for transfer of development rights in accordance with the following:

1. In considering the approval of transfer of development rights from a DEVELOPMENT PROJECT in exchange for the dedication of a PUBLIC SPACE within a CONSERVATION AREA or a NEIGHBORHOOD PARK shown on the REGULATING PLAN, subject to such conditions as the County Board may approve, the County Board shall determine that the PUBLIC SPACE will meet the standards consistent with Section 506. The amount of density eligible for transfer shall be equal to the square footage of the dedicated PUBLIC SPACE within a CONSERVATION AREA or a NEIGHBORHOOD PARK. As part of the certification of density or approval of transfer of development rights, the County Board may require assurances that the PUBLIC SPACE will be preserved.
2. In considering the approval of transfer of development rights from a CONSERVATION AREA, the County Board shall determine that a specified number of units within the CONSERVATION AREA will be renovated consistent with *Part 7 Conservation Area Standards* and preserved as committed AFFORDABLE HOUSING UNITS as set forth in *Section 902*. The amount number of density eligible for transfer shall be equal to 3 times the specified number of committed AFFORDABLE HOUSING UNITS when a Columbia Pike Neighborhoods FBC DEVELOPMENT PROJECT has been identified as the Receiving Site, or 2 times the specified number of committed AFFORDABLE HOUSING UNITS when a Site Plan proposal for a site elsewhere in the County has been identified as the Receiving Site; provided, however, that the aforementioned multipliers shall sunset on December 31, 2020 for density that has not been certified.⁴
3. Development rights from a sending site may be certified at the time of approval of a Receiving Site. Density may be transferred to either 1) an area designated as a BONUS AREA on the REGULATING PLAN in accordance with *Section 204.A* above; or 2) to another site within the County in accordance with §15.6.7.B of the Zoning Ordinance.

Neighborhoods Form Based Code (2013)



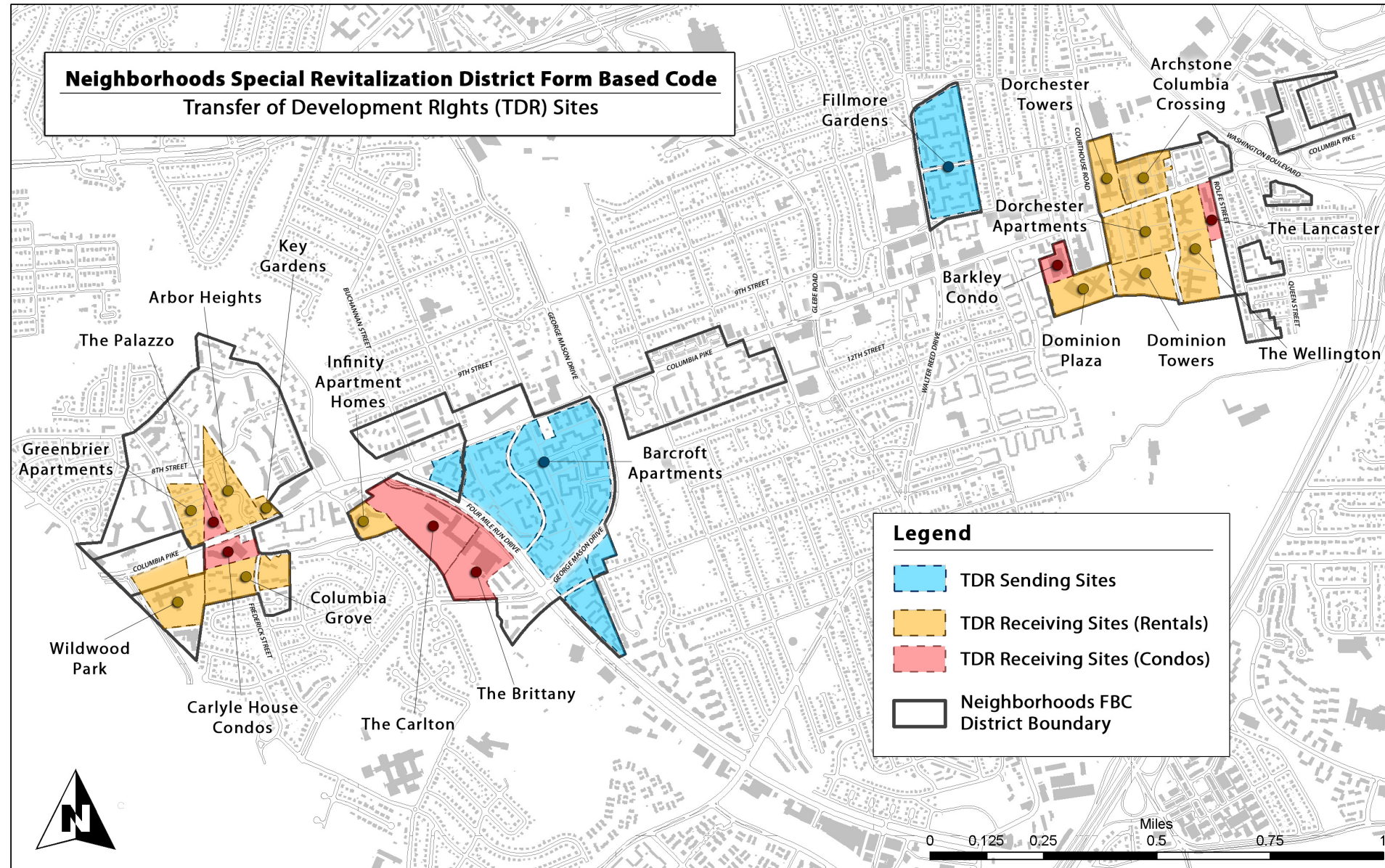
Potential TDR Properties Along the Pike

Sending Sites:

- Those designated as Conservation Areas (shown in blue)
- Additional sites exist elsewhere in the County in zoning districts which permit site plans

Receiving Sites:

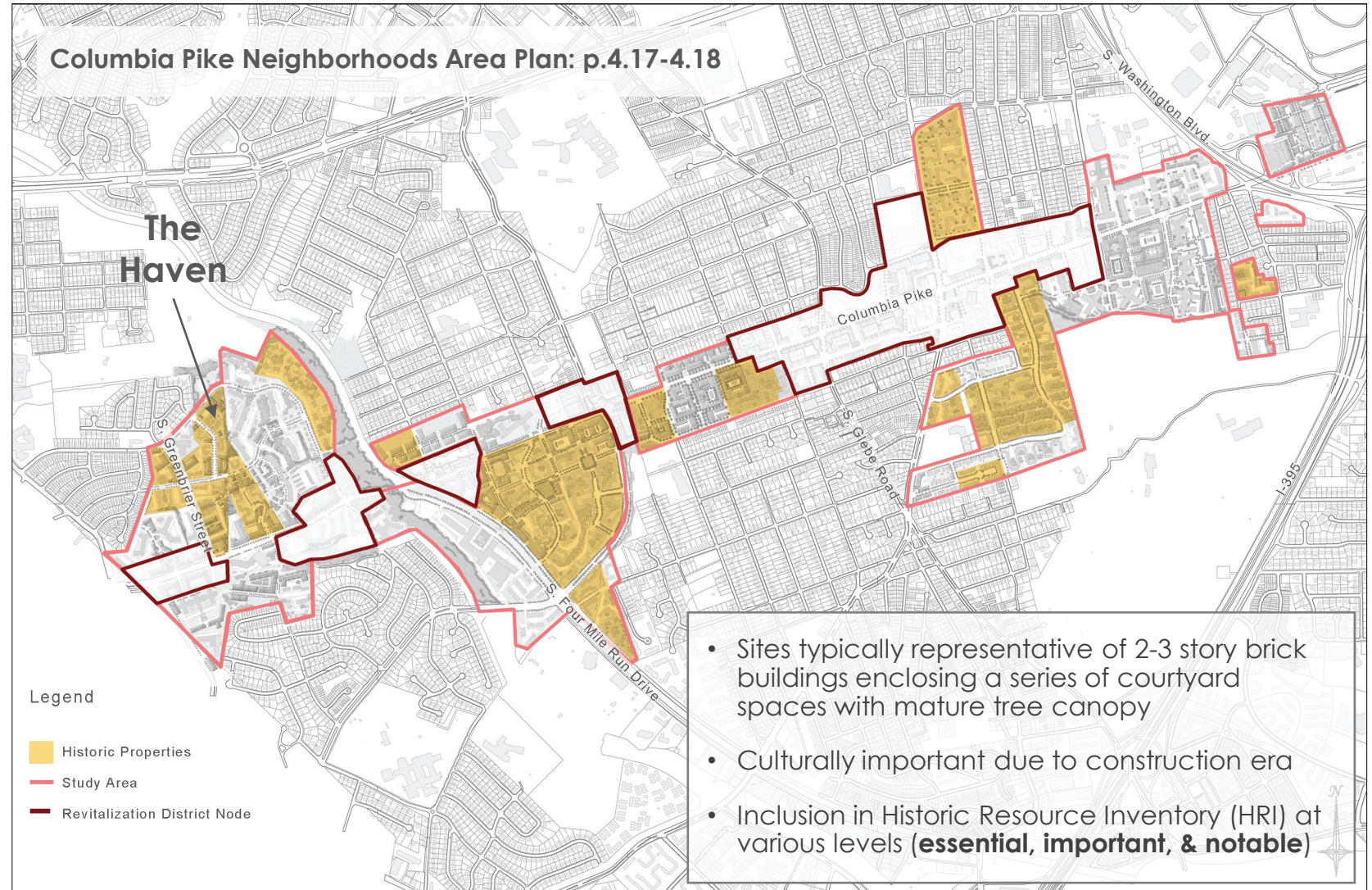
- Those where “bonus height” is permitted (generally exceeding heights of 6-stories);
- designated through black or red hatching within portions of the private property on the Regulating Plans



Sites Originally Under Consideration for Preservation

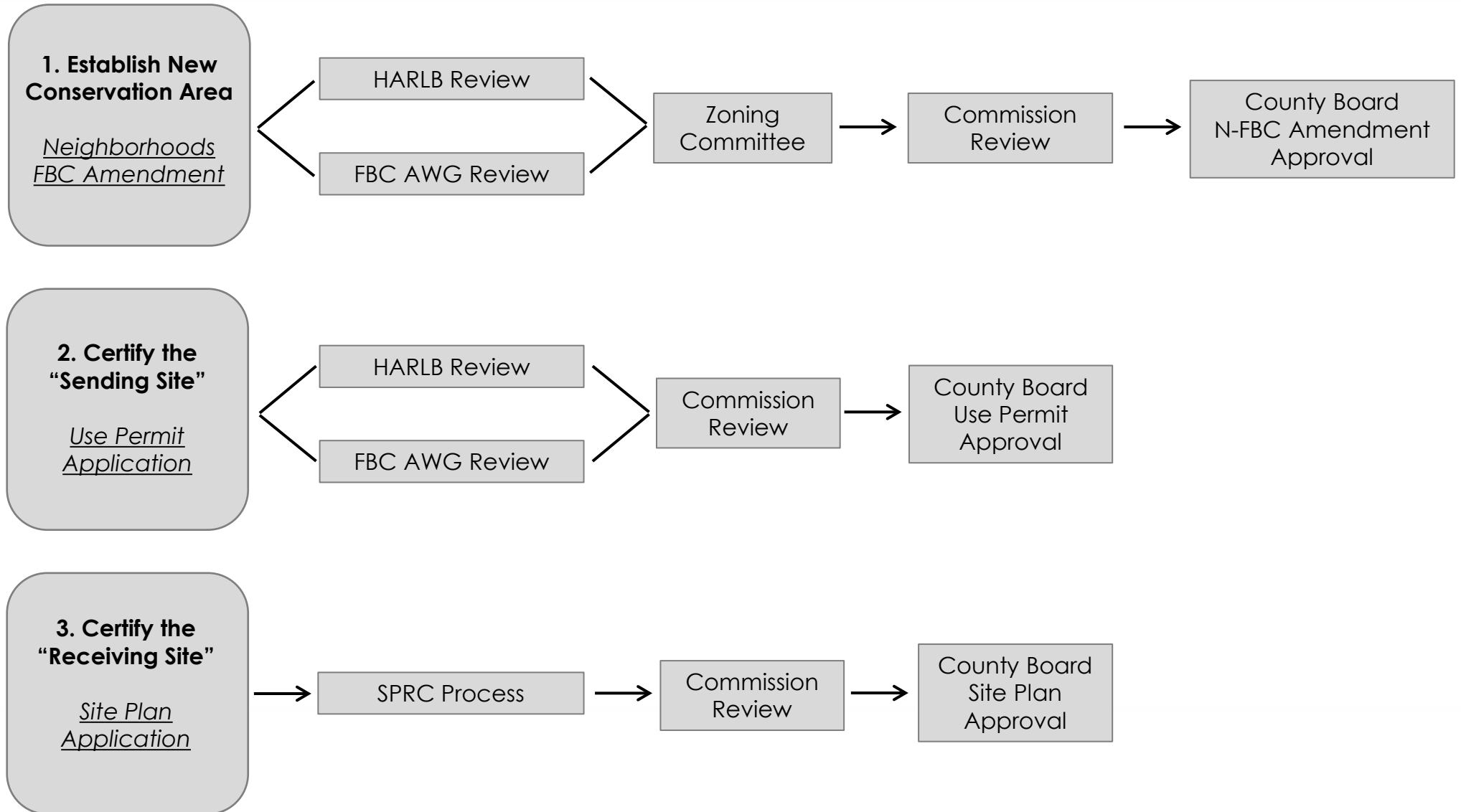
Inventory of historically significant complexes contributing positively to the Columbia Pike corridor:

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- **The Haven**
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Review Process

Overall Review Process



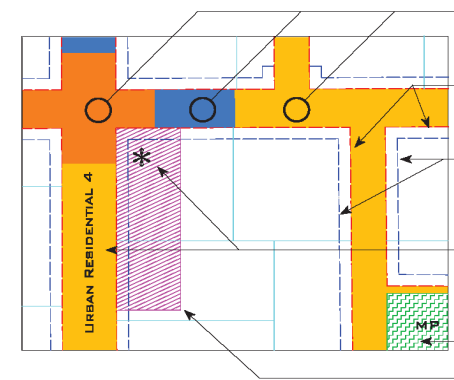
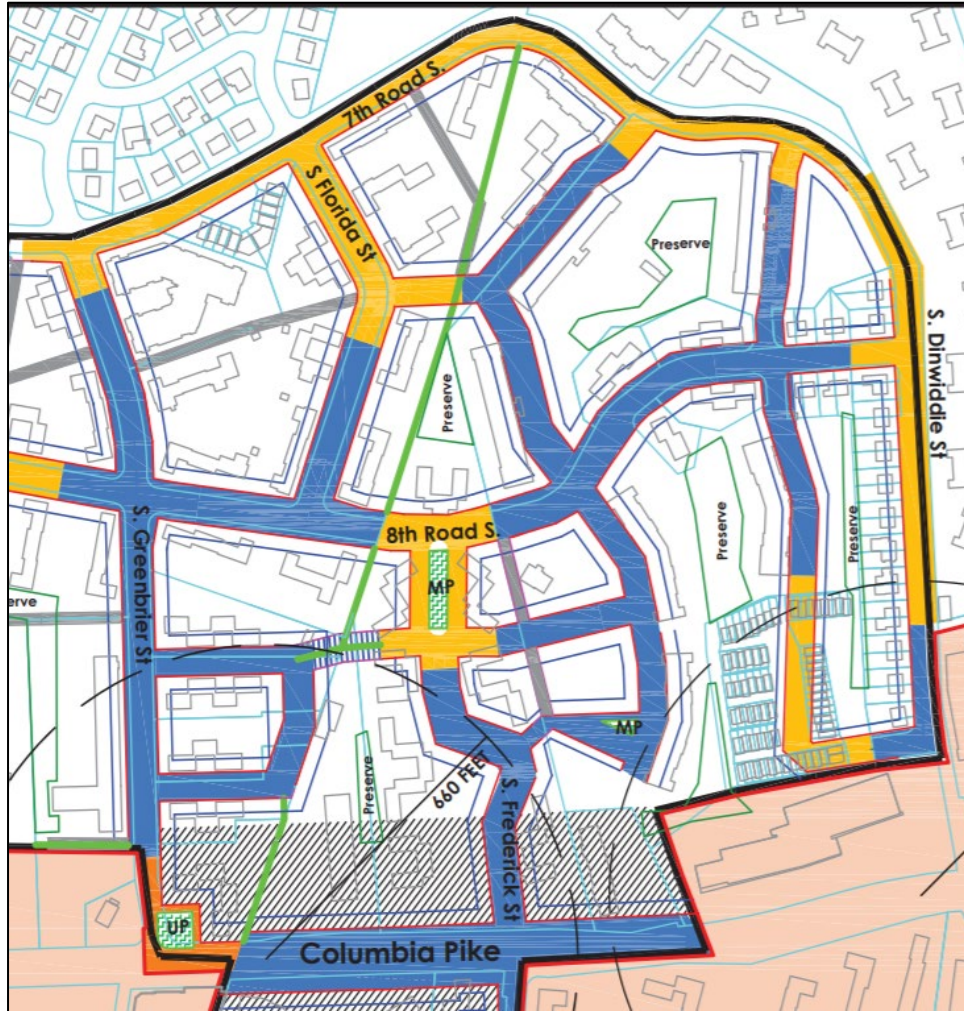
Next Steps

Continue the Discussion with Advisory Groups Through this Spring/Summer:

- Historical Affairs and Landmark Review Board (HALRB)
- Form Based Code Advisory Working Group (FBC AWG)
- Site Plan Review Committee (SPRC)
- Zoning Committee of the Planning Commission (ZOCO)

Backup Slides

Neighborhoods FBC – Regulating Plan



Building Envelope Standard Designation
This indicates the relevant BUILDING ENVELOPE STANDARD (BES).

Required Building Line (RBL)
This line indicates the RBL. The building shall be built to the RBL.

Parking Setback Line
Vehicle parking (above ground) is not allowed forward of this line unless otherwise noted on the Regulating Plan.

Special BES Condition
Specific limitation or allowance regarding allowable height and/or BES frontage standard. (Stories/Ultimate Building Height)

Plaza, Mini-Park, or Neighborhood Park

Potential Bonus Height Area
See Part 2, Administration for details.

BES Designations and Regulatory Elements

- Urban Mixed Use
- Urban Storefront (See Urban Mixed Use BES)
- Urban Residential
- Townhouse/Small Apartment
- Detached
- District Boundary Line
- Required Building Line (RBL)
- Lot Building Line (LBL)
- Parking Setback Line
- Alternative Street
- Alley (Locations may be adjusted)

Special Circumstances

Bonus Areas

- Height Max 6 Stories
Building Height 92 ft
Bonus Height Max up to 2 Add'l Stories
Ultimate Building Height 116 ft
- Height Max 6 Stories
Building Height 92 ft
Bonus Height Max up to 6 Add'l Stories
Ultimate Building Height 164 ft
- Height Max 8 Stories
Building Height 120 ft
Bonus Height Max up to 2 Add'l Stories
Ultimate Building Height 144 ft
- Height Max 8 Stories
Building Height 120 ft
Bonus Height Max up to 6 Add'l Stories
Ultimate Building Height 192 ft

→ Haven site is governed by two BES frontage types:

1. Townhouse/Small Apartment (northern half of site)
2. Urban Residential (southern half of site)

Transfer of Development Rights Policy (2008)

POLICY GUIDANCE FOR TRANSFER OF DEVELOPMENT RIGHTS:

1. TDRs could occur through a site plan or Columbia Pike Form Based Code Use Permit process on the receiving site. County Board must approve all sending and receiving sites.
2. The amount of density transferred would generally be based on the unused by-right density on the site.
3. In cases where certification was based on historic preservation, either a restrictive covenant or historic designation would be required on a sending site at the time that development rights are transferred.
4. Additional density and other development rights associated with TDRs shall be subject to the limitations on maximum height and other building form regulations applicable to the receiving site, as provided for in the zoning district regulations, the adopted General Land Use Plan (GLUP), and other adopted plans for the area.
5. If there are existing or future adopted sector plans or other adopted plans that include TDR policies, the TDR policies within those sector or areas plans supersede this Policy, recognizing that there are a variety of development patterns and community priorities throughout the County.
 - a. The "Clarendon Revitalization District" is one area where specific zoning regulations for TDR have been adopted by the County Board. TDR tools for the purposes of achieving affordable housing, historic preservation, green building (LEED), open space and other extraordinary benefits for Clarendon are found in the "C-3" and Unified Commercial/Mixed-Use Development (UC/MUD) Zoning Tools and allow density to be transferred to and from eligible sites within Clarendon. Adopted zoning allows earned bonus density that does not fit within the prescribed building form (with the exception of excess bonus density earned through a cash contribution on a UC/MUD site), to be transferred to eligible receiving sites within the "Clarendon Revitalization District".
 - b. In the "Fort Myer Heights North Special District," transfer of development rights in accordance with Arlington County Zoning Ordinance §15.5.7.B is permitted for historic preservation, community facilities, open space and affordable housing purposes for sending sites specifically identified in the Plan and located in the "Conservation Area" designated in the Plan, subject to provisions contained in Arlington County Zoning Ordinance §9.3. Additional sending sites that are located within the "Conservation Area" designated in the Plan may be approved by the County Board.
 - c. The Columbia Pike Form Based Code, which is part of the Arlington County Zoning Ordinance, also allows the transfer of Development Rights within the "Columbia Pike Neighborhoods Special Revitalization District" as well as other locations Countywide. The County Board may approve certification of additional density on a sending site, beyond the unused by-right density, for the purpose of achieving historic, open space, or affordable housing preservation as set forth in the Columbia Pike Neighborhoods Form Based Code. When approving Countywide receiving sites, transferred density may not be the sole source of additional earned density so additional community benefits that meet the adopted planning goals for the area are achieved.
 - d. In the "Courthouse Square District," specific zoning regulations for TDR were adopted by the County Board on September 21, 2015. In this District, pursuant to the goals, policies, and recommendations in the Courthouse Sector Plan Addendum: Courthouse Square, additional density shall not be achieved through transfer of development rights provisions in §15.5.7.B of the Arlington County Zoning Ordinance.
6. The owner(s) of both the sending site and the receiving site are required to record deed restrictions on the sites, with substance and form acceptable to the County Attorney.
7. The County Board may allow the following types of transfers: 1) a single transfer of all certified density or other development rights from one sending site to one receiving site, 2) a single transfer of all certified density or other development rights from one sending site to multiple receiving sites, 3) a multiple transfer of certified density or other development rights over time from one sending site to one or more receiving sites.
8. Conversion Table to be used as guide when transferring density from units/acre districts to FAR districts:

Type of Development	Square Footage Conversion
Single-family and Townhouse	3,000 square feet
Multi-family Apartment Unit	1,500 square feet
Commercial	One square feet for one square feet
9. The Manager will promulgate procedures to ensure fair administration of these policies.
10. Ongoing and future land use studies should examine how transfer of development rights could be used to meet County goals.

Adopted by the Arlington County Board on 01/28/2008, with updated in 4/25/2009, 11/16/2013, 12/14/2013, and 2/22/2020.

Historic Resource Inventory (HRI)

- Phase 1 adopted in 2011, focusing on garden apartments, shopping centers, and commercial buildings
- Top rankings include:
 1. **Essential:** County's top priorities for preservation that include the most significant, best preserved, and key resources that best define Arlington's history;
 2. **Important:** Central to County's history, but less distinctive than and/or have less physical integrity than Essential sites;
 3. **Notable:** Have historic elements related to County's history, but lack sufficient historic context, integrity, and/or significance compared to Essential or Important sites

Note: Remaining HRI categories include minor, altered/not historic, and demolished

