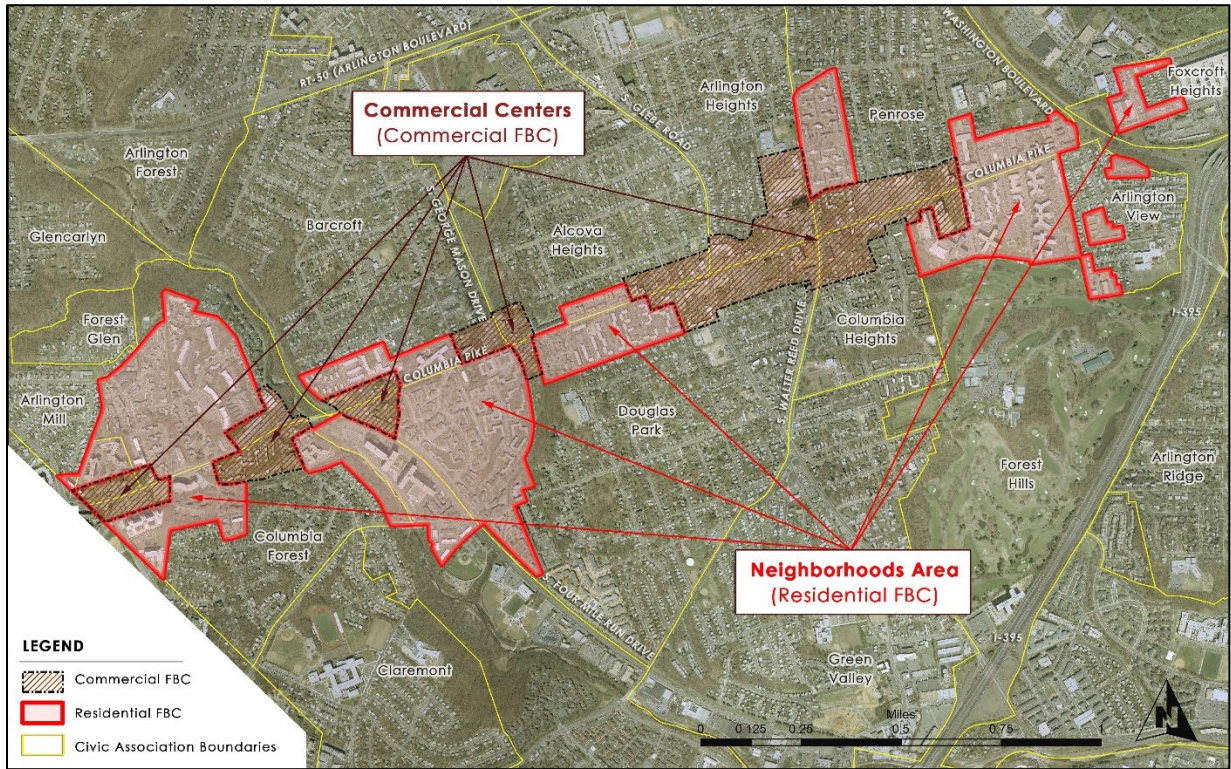


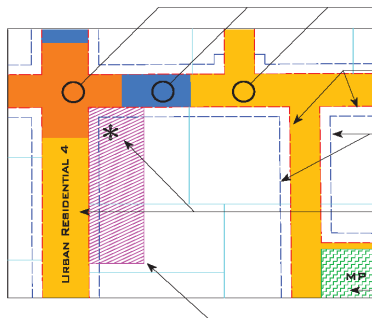
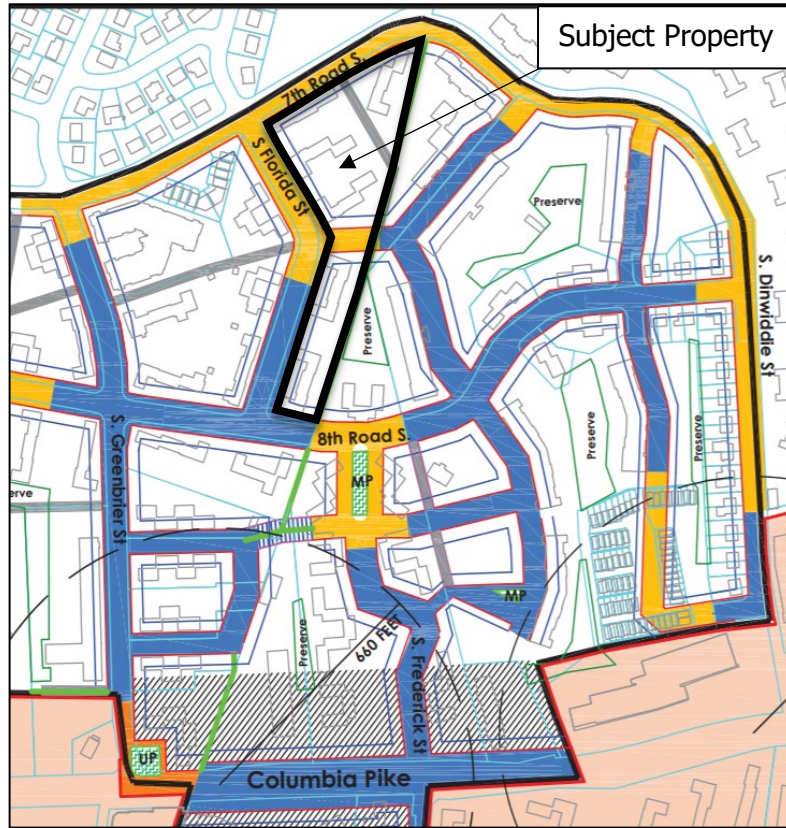
Figure 1. Commercial FBC and Neighborhoods FBC Boundaries



As is the case with the Commercial FBC, the [Neighborhoods FBC’s Regulating Plan](#) is the principal tool for utilizing the N-FBC as it identifies the basic physical placement and characteristics of each new building and its surrounding streetscape environment. This series of maps establishes key redevelopment opportunities for each property, and in some cases, the intended site preservation, as previously identified within adopted plans associated with each Code (see Figure 2 which depicts a portion of the Western Subarea Regulating Plan and its accompanying legend). The Regulating Plans are supported by a prescriptive set of regulations found elsewhere in each of the Codes with the purpose of providing a clear vision for the built environment through the establishment of the building envelope (height and massing) and the use of appropriate building materials, fenestration, streetscape design, parking provisions, and other elements.

The Haven Apartments, as depicted in the Western Subarea Regulating Plan, include multiple parcels fronting S. Florida Street, between 7th Road South and 8th Road South, and are designated by two Building Envelope Standard (BES) frontage types which help identify the permitted scale of density and land use along each street frontage. The southern edge of the property is designated as an Urban Residential frontage (blue) permitting residential uses of up to 6 stories in height while the northern edge of the property is designated as a Townhouse/Small Apartment (orange), which also permits residential uses but at a lower scale of only 3 stories in height. Future alley and new street connections are also depicted within the limits of the subject property.

Figure 2. (Excerpt of) Neighborhoods FBC Western Subarea 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

Transfer of Development Rights: Beyond establishing a vision for revitalizing residential portions of Columbia Pike through redevelopment, the 2012 Columbia Pike Neighborhoods Area Plan also established the goal of preserving 100% of the 6,200 market rate affordable housing units (MARKs) existing at the time along Columbia Pike that were affordable to those earning 80% of the Area Median Income level and below. A significant supply of those units (~1,540) continues to be located in what are identified in the N-FBC as Conservation Areas, comprised solely of portions of the Barcroft and Fillmore Gardens apartment complexes. To assist with the intended preservation of these areas, the two properties are eligible to be certified as “sending sites” for purposes of utilizing the Transfer of Development Rights (TDRs) tool.

TDRs, for the purposes of affordable housing preservation, could allow a “receiving site”, defined as a development site using the Neighborhoods FBC Use Permit on Columbia Pike or a Site Plan application process elsewhere in the County, to obtain additional density for their development from these Conservation Areas or “sending sites.” The receiving site owner would pay the sending site owner (at a mutually agreeable purchase price) for the associated density. In exchange, the sending site property owner would be required convert the associated number of MARKs into committed affordable housing units (CAFs). The conversion to CAFs would entail renovation and commitment of the units to households earning up to 60% of Area Median Income (AMI) for 30 years.

To facilitate the transfer of density from Columbia Pike’s two Conservation Areas, shortly after the creation of the Neighborhoods FBC, the County Board adopted a multiplier which allows more density to be sent to a receiving site than is preserved at the sending site. Specifically, [Section 204.D of the NFBC](#) allows the density eligible for transfer to a receiving site on Columbia Pike to equal 3 times the specified number of committed affordable housing units preserved at the Conservation Area sending site. For example, for every single unit that is converted to a CAF at the sending site, three units can be sent to a Columbia Pike receiving site for use in their N-FBC Use Permit application. The density at the receiving site does not need to be income or rent restricted, since the community benefit will be obtained from the preservation of affordability at the sending site. If the receiving site is located elsewhere in the County, then 2 times the specified number of committed affordable housing units preserved at the Conservation Area sending site could be transferred. These multipliers are intended to help offset the renovation costs and rent subsidies that will be incurred by the Conservation Area sending sites over a 30-year affordability term.

Proposed Zoning Ordinance Amendment

Insight Group, the property owner of the Haven Apartments (see Figure 3), is requesting an amendment to the Neighborhoods Form Based Code which would replace the site’s current Regulating Plan designations of Urban Residential and Townhouse/Small Apartment with Conservation Area. The amendment would adjust the permitted redevelopment options and signify site preservation as specified in the N-FBC. The resulting change would enable the site to become an eligible “sending site” for purpose utilizing the TDR tool in exchange for complying with the N-FBC Conservation Area standards.

Figure 3. Arlington Mill Neighborhood Context (black boundary depicting Haven Apartments)



Staff Analysis

The Haven Apartments are located within the Arlington Mill neighborhood and surrounded by several other residential complexes which are comprised of both rental and condominium units. Built in 1950, the property includes a series of garden-style apartments surrounded by significant open space and tree canopy (see Figure 4). The 118-unit rental complex represents Market Rate Affordable Units (MARKS)¹ serving incomes up to 60% and 80% of the Average Median Income (AMI). The property is also listed as Notable on the 2011 Historic Resources Inventory (HRI).

¹ MARKS are apartments that have rents that are affordable to low- and moderate-income households by virtue of the age, location, condition, and/or amenities of the property. These apartments do not have a maximum income threshold for tenants; thus, they serve low- and moderate-income households, as well as households with higher incomes. The amount of rent paid each month by the tenant is not regulated by Arlington County or any other public agency.

Figure 4. Haven Apartments



In reviewing the property owner's request, staff considered several elements in their analysis which helped develop a recommendation to support the proposed N-FBC amendment.

Consistency with Adopted Policy: Preservation of the Haven Apartments would help meet the primary goal of the 2012 Columbia Pike Neighborhoods Area Plan 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. Relying on the Transfer of Development Rights (TDR) tool and the established Conservation Areas along this corridor represents a key strategy for achieving this goal in the long-term given the significant inventories of MARKs located within Conservation Areas. While not initially identified with this designation, the Neighborhoods Area Plan considered the Haven Apartments as a part of a larger network of historically significant properties that contributed positively to the Columbia Pike corridor.

This acknowledgement aligned with the 2011 Historic Resources Inventory (HRI) which designated the site as "Notable" in its rankings. Among its similarities with the Barcroft and Fillmore Garden apartments, the Haven is representative of a culturally important era in construction along Columbia Pike which produced 2-3 story, high quality brick buildings enclosing a series of courtyard spaces with mature tree canopy. The three complexes share similar architectural features found in many of the structures' windows, entrances, roofs, and building materials.

The 2015 Affordable Housing Master Plan also includes several goals aimed to encourage construction and preservation of affordable housing through land use/zoning policy, while encouraging the production and preservation of family-sized rental units. Specifically, goal 1.1.3 aims to “make every reasonable effort to prevent the loss of market-rate affordable rental housing.” Of the 118 MARKs found in the Haven Apartments, 80 are 2-bedrooms and seven are 3-bedrooms.

Finally, the Neighborhoods Form Based Code identifies several objectives intended for the Conservation Areas to achieve. These are also reflected in the County’s Transfer of Development Rights Policy which establishes a framework whereby density can be transferred in exchange for furtherance of County goals such as historic preservation, creation and preservation of affordable housing, or the creation and preservation of open space, among others.

Considering these factors and relying on specific criteria that establishes a clear relationship between the Haven Apartments and the existing Conservation Areas along Columbia Pike, staff is supportive of the proposed amendment as it could help further multiple County goals. Should the Haven Apartments be incorporated into a TDR proposal, staff would further evaluate the degree to which existing buildings need to be renovated per the N-FBC Conservation Area Standards. Additionally, staff would also use such an opportunity to identify other site improvements that may be identified as necessary to ensure the longevity of the complex or to address any safety issues noted in any inspections or site visits conducted during staff’s review.

Recommended Changes to the N-FBC: The Haven exhibits several similarities to existing Conservation Areas in the Regulation Plan associated with Barcroft Apartments and Fillmore Garden. These include the era of construction, general site layout, and architectural detailing of the individual buildings. Given these similarities, staff does not consider further text revisions necessary to the N-FBC as the Conservation Area Standards found in Part 7 are design-oriented and not specific to any particular site.

The sole change associated with this N-FBC amendment would involve Part 3 where the Western Subarea Regulating Plan is found. On this map, the following adjustments are recommended (and depicted further in Figure 5b):

- Removal of the two Building Envelope Standards (BES) frontage types along the perimeter roadways framing the Haven Apartments including the:
 - Urban Residential frontage (shown in blue); and
 - Townhouse/Small Apartment frontage (shown in orange)
- Removal of the existing alley network and new east/west roadway connection currently depicted on the subject property
- Addition of a light green fill to the private property limits, designating the Haven site as a Conservation Area
- Addition of a new north/south alley (gray line segment) running parallel to the eastern lot line of the Haven Apartments near 7th Road South, within the adjacent properties

The combination of changes would bring the Haven Apartments into alignment with the other Conservation Areas depicted on the Central Subarea (Barcroft Apartments) and Eastern Subarea (Fillmore Gardens) Regulating Plans. The introduction of the new alley on the adjacent properties would also improve the future access to the redevelopment opportunities that may exist in this general area but which, to date, may have relied on the some of the connectivity the Haven Apartments were anticipated to deliver with redevelopment.

As the broader pedestrian pathway/bikeway network would remain in place (designated by a darker green line segment running in a north/south configuration through this western subarea), the proposed alley segment would also have an added benefit of ensuring a buffer would be maintained between the preserved Haven Apartments and the adjacent properties should they redevelop under the N-FBC. The southern end of the Haven Apartments where the planned pedestrian pathway/bikeway continues already includes a preservation area on the adjacent property which reflects that site's existing tree canopy. The combined effect of these two elements would also ensure appropriate buffering from nearby future N-FBC redevelopment.

Figure 5a. Existing N-FBC Regulating Plan for the Haven Apartments

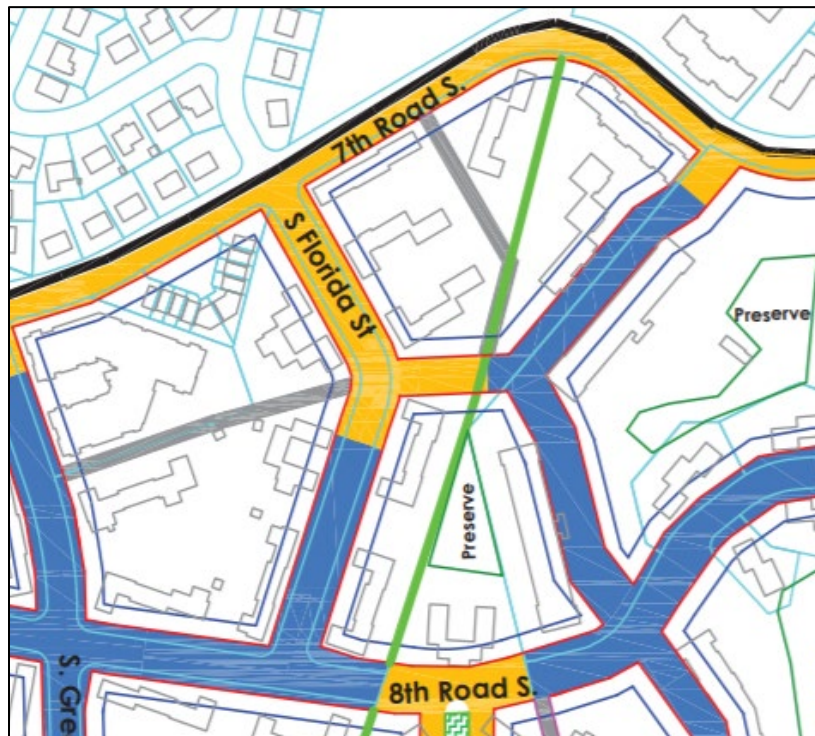
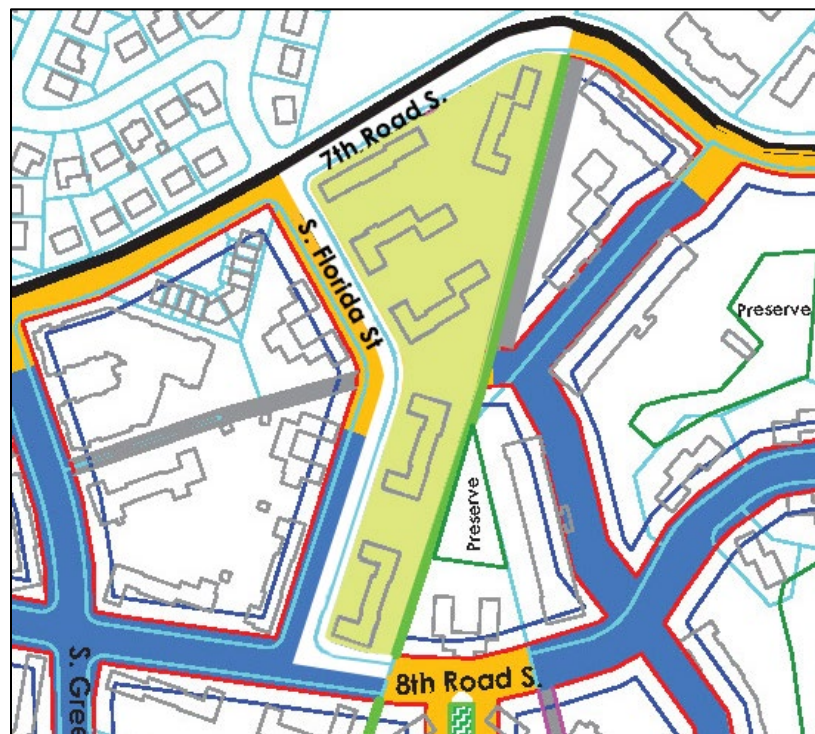


Figure 5b. Proposed N-FBC Regulating Plan Amendment for the Haven Apartments



Community Engagement Process

Staff used engagement tools primarily from the *Communicate* and *Consult* levels of engagement.

Communicate: Public notice will be given in accordance with Code of Virginia § 15.2-2204, with notices for the Planning Commission and County Board public hearings placed in the Washington Times during the two preceding weeks before each meeting. FBC AWG meeting notifications were also distributed to each of the Presidents of the Civic Associations along Columbia Pike, which led to several non-AWG members joining these conversations.

Consult: Staff met with the Form Based Code Advisory Working Group (FBC AWG) on three occasions to discuss this topic, initially on February 16, 2022 to introduce the request and provide a broad overview of the amendment. Staff then presented its analysis and findings on May 11, 2022 and returned on June 15, 2022 to share preliminary recommendations while responding to feedback previously provided by the AWG. In each of its meetings, members of the FBC AWG asked clarifying questions about the proposed amendment, its relationship with the Transfer of Development Rights (TDR) process, and to better understand the likelihood of similar amendments being proposed in the future within other Columbia Pike properties.

In responding to these questions, staff confirmed that requests for a proposal of this kind are rare as the TDR tool typically involves a mutually beneficial agreement among multiple property owners and requires a delicate balance of economic feasibility at both the sending and receiving sites. This unique alignment of circumstances remains part of the reason why the TDR tool has only been successfully implemented a handful of times in Arlington County. Additionally, staff carefully assessed, and ultimately confirmed, that the Haven Apartments share several similarities with the two existing Conservation Areas along Columbia Pike which enabled staff to support the request. However, other sites subject to the N-FBC Regulation Plan should not be construed to automatically meet the same criteria and therefore would not be considered in each instance as appropriate candidates to become Conservation Areas until a similar review could take place. Such criteria encompass the historic character of the Barcroft and Fillmore Gardens apartment complexes, the nature of their open space site configurations, and existing level of housing affordability.

Some apprehension remained throughout the FBC AWG conversations, particularly given the rare circumstances of the request and its potentially precedent-setting nature for subsequent future requests. However, with careful analysis and staff responses to the AWG's feedback, general understanding and support was ultimately expressed by most members at the conclusion of the third meeting. Nonetheless, representatives of the Arlington Mill Civic Association, in which the subject site is located, continue to express concerns regarding the proposed amendment and its anticipated role in an associated TDR for the Ballston Macy's site plan. Given the existing inventory of affordable housing in this western end of Columbia Pike, many in this community strongly advocate for N-FBC redevelopment which would further diversify the neighborhood's existing housing and income mix over preservation. As a result, further preservation of existing conditions on the subject site would run counter to this community sentiment.

Some AWG members also inquired about the permitted level of change to sites once they are designated as Conservation Areas within the N-FBC. Staff confirmed the limited nature of such alterations such as minor additions for purposes of expanding unit sizes and the required process for considering such changes which would involve the Historical Affairs and Landmark Review Board (HALRB). Staff further indicated that once a Conservation Area's existing buildings are preserved and the multiplier density is sent to a receiving site through the TDR tool, future redevelopment or increases in density beyond what exists at the sending site would be prohibited. Additional FBC AWG feedback generally centered around the use of the TDRs and some aspects of the Ballston Macy's site plan which this N-FBC amendment could help facilitate.

Staff and the applicant also met with the Housing Commission at the June 9, 2022 meeting to inform them of this proposed amendment and its associated site plan application, and are scheduled to meet with the Historical Affairs and Landmark Review Board (HALRB) on July 20, 2022 to further discuss the proposed amendment. Both groups will discuss this item again in the fall for further consideration and recommendation to the County Board.

Anticipated Schedule

- July 12, 2022: Zoning Ordinance Committee (ZOCO) Meeting
- July 20, 2022: Historical Affairs and Landmark Review Board (HALRB) Meeting
- October 20, 2022: County Board Request to Advertise (N-FBC Amendment)
- Late Fall 2022: Planning Commission, Housing Commission, and HALRB final consideration and recommendation
- Late Fall 2022: County Board final consideration and action

Attachments

- Attachment 1: Recommended Changes to Sections 302.B of the N-FBC

ATTACHMENT 1: PROPOSED N-FBC MAP CHANGES

302.B. Western Subarea Regulating Plan

