

**Proposed FBC Amendments/Interpretations**

Form Based Code \_\_\_\_\_

Neighborhoods Form Based Code   **X**  

Map Amendment   **X**  

Text Amendment \_\_\_\_\_

**Topic:** Proposed Neighborhoods Form Based Code (N-FBC) Regulating Plan Amendment to designate the Haven Apartments, located at 5100 7<sup>th</sup> Road South, a “Conservation Area” as defined in the N-FBC.

**Issue:** The 2012 [Columbia Pike Neighborhoods Area Plan](#) (NAP) 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. One way in which the Plan envisioned this being achieved was through the use of the Transfer of Development Rights (TDR) tool, which is available to properties previously designated as Conservation Areas within the N-FBC. Its application is intended to help preserve the affordability and historic character of these properties, as well as the achievement of public open space. Currently, N-FBC Conservation Areas are solely comprised of portions of the Barcroft and Fillmore Gardens apartment complexes which represent Columbia Pike’s only “sending sites” eligible to use the TDR tool.

Developer Insight Property Group has proposed a site plan amendment to the [Ballston-Macy’s Site](#) (685 North Glebe Road) to construct a new apartment building with a grocery store anchor on the ground floor at the former Macy’s department store site. To achieve a portion of the planned density for this site plan, the Developer has requested the use of the TDR tool to transfer the existing density from one of their other properties, the Haven Apartments (sending site), to the proposed Ballston-Macy’s site plan (receiving site). In order to enable this transfer, the Haven Apartments would first need to be designated as a Conservation Area on the N-FBC Regulating Plan and become subject to requirements of Part 7 – Conservation Area Standards where further renovation and redevelopment guidance is provided.

**Background:**

Haven Apartments: Haven Apartments are located at 5100 7<sup>th</sup> Road South and contain 118 garden-style apartment units built in 1950. It is ranked as “Notable” in Arlington County’s Historic Resources Inventory (HRI). All 118-units qualify as MARKS with rents affordable below 80% AMI, with the majority of rents affordable at an even lower 60% AMI level. The existing unit mix includes the following:

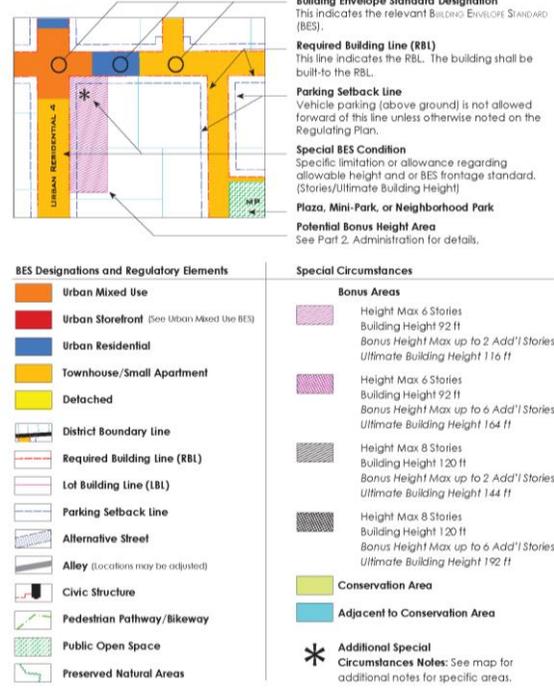
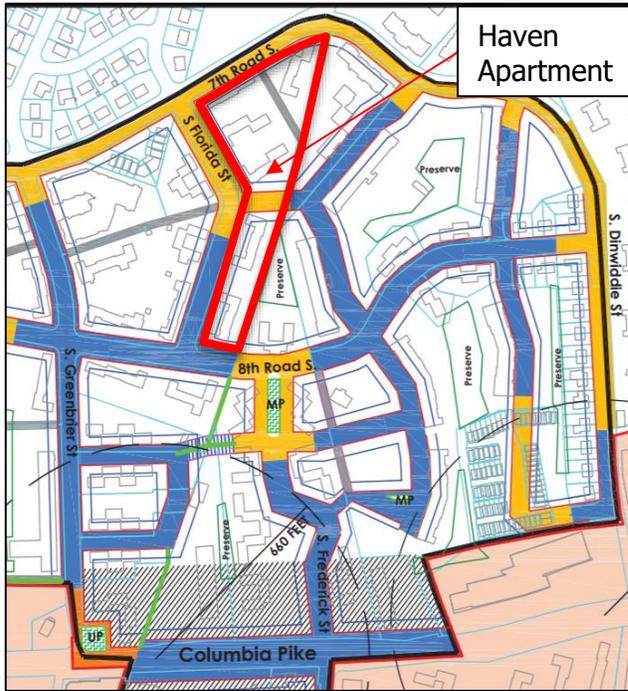
Unit Type	# of Units	% of Units
1-Bedroom	31	26%
2-Bedroom	80	68%
3-Bedroom	7	6%
<b>Total</b>	<b>118</b>	<b>100%</b>

## Location of The Haven Apartments



*Neighborhoods Form Based Code:* The Western Subarea Regulating Plan designates two distinct Building Envelope Standards (BES) to this property. The northern half is designated by a Townhouse/Small Apartment frontage (1 to 3 ½ stories in building height) while the southern half is designated by an Urban Residential frontage (3 to 6 stories in building height), each only permitting residential uses. The northeast edge of the site includes a planned alley to establish vehicular access along its neighboring property as well as a new east/west street connection aligned through the center of the property, representing a segment of a future expanded street network in this area. A pedestrian pathway/bikeway is also identified along the eastern lot line, envisioned to be incrementally delivered through redevelopment of several properties.

## N-FBC Western Subarea Regulating Plan



**N-FBC Conservation Areas:** The N-FBC defines Conservation Areas as:

- Areas designated on the REGULATING PLAN as a Special Circumstance and regulated by the standards in *Part 7 (Conservation Standards)* of the N-FBC, within which existing garden apartment buildings that served as a national prototype for planned multi-family residential communities in the United States, and that were built in the traditional Colonial Revival style.
- Characterized by a series of 2 or 3 story buildings, each containing multiple dwelling units, with a central entrance, no lobby and no elevator, constructed with permanent materials (such as brick and slate), and arranged together in an open setting, defined by interior landscaped courts and perimeter parking

### Transfer of Development Rights (TDR) within the Neighborhoods Form Based Code (N-FBC):

For purposes of achieving affordable housing, historic preservation, or public open space, TDR could allow a receiving site, either along Columbia Pike or elsewhere in the County, to obtain additional density for their development from the N-FBC Conservation Areas or “sending sites.” In an example where affordable housing and historic preservation are the policy reasons to consider a density transfer, as outlined in the Columbia Pike NAP, the sending site would convert the associated number of MARKS into committed affordable housing units (CAFs), through building renovation and conditional terms to ensure affordability 30 years for income qualifying households. A historic preservation easement would also be required, that would contain legally binding covenants preventing demolition.

To facilitate such transfers, the County Board adopted specific multipliers which intentionally allow more density to be sent to a receiving site than what would be preserved at the sending site. Specifically, section 204.D of the N-FBC allows the eligible density (units) transferred 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. In other words, for each unit that is converted to a CAF at the sending site, three units can be sent to the receiving site for use in their Columbia Pike N-FBC Use Permit application. Beyond the minimum N-FBC affordable housing standards which still apply to the base density of all projects, the transferred density at the receiving site does not need to meet affordability terms, including maximum income and rent levels, 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 can be transferred. In this example, should all 118 units be converted to CAFs, 236 units could be transferred to the Ballston Macy's site. 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. The County's overall TDR policy also indicates the purposes for density transfers, specifically for historic preservation, affordable housing, creation of public space and public facilities, which further reinforces the Neighborhoods Area Plan policies and the N-FBC TDR regulations.