

**Citizens Advisory Commission on Housing
Virtual Meeting Notes
Missing Middle Housing Study**

The Housing Commission convened its meeting at **7:03pm** on **February 16, 2023**.

PRESENT (VIRTUALLY) Chair Kellen MacBeth
Commissioner Anika Montgomery
Commissioner Michael Hemminger
Commissioner Karen Serfis
Commissioner Sara Rubalcava
Commissioner Paul Browne
Commissioner Laura Saul Edwards
Commissioner Nikki Blake
Commissioner Eric Berkey
Commissioner Margaret McGilvray
Disability Advisory Commission Liaison Doris Ray

ABSENT Commissioner Haley Norris
Commissioner Eric Lee

STAFF Alex McMillen, Anne Venezia, Richard Tucker, Sarah Pizzo, Russell Danao-Schroeder, Matt Ladd, Kellie Brown

[View the Meeting Recording Here](#)

Public Comment – Information

Alice Hogan spoke in support of the Missing Middle Housing Study (MM). She supports Expanded Housing Options (EHO) to bring more housing supply and affordability. She supports the densest options available. She specifically highlighted her support for options 2A, 4B, 5C and 5E. She also mentioned she is opposed to capping the number of permits per year.

Jason Schwartz spoke in support of MM. He spoke about living in missing middle housing types in other areas of the country. This saved him a significant amount of money over the years. He supports the most dense EHO's available.

Patrick Gorospe spoke in support of MM. He notes this is still a market driven approach and it is just provided developers with more options. He spoke against parking minimums and noted MM is a good first step. He supports the widest EHO options available.

Adam Theo spoke about the economics of building MM. He wants to maximize the amount of space for people and not cars. He supports option 4B. He also supports eliminating parking minimums county wide.

Michelle Winters spoke in support of MM. She raised questions about the definition of transit proximity. She also brought up non-conforming lots and how some lots are huge but could be limited to 4 units under some of the options. She also spoke about gross floor area minimums and suggested going with them and taking them out later if they don't work.

Terri (no last name provided) spoke in opposition to MM. She lives in a single-family neighborhood with small lot sizes. She said everybody has cars and there will be parking issues. She said if you add a 6-unit EHO there will be 18 trash cans and they won't fit on the street. She said she spoke to some of her neighbors, and they don't support MM either.

Commission Discussion and Deliberation – Action

Opening Discussion

Kellen MacBeth said he supports the most expansive options. He also said MM is a good first step in righting some of the historical wrongs that have occurred in Arlington. He noted that the Housing Commission wasn't able to provide input in the process before the County Board requested to advertise (RTA) the changes without the option for 7- or 8-unit EHOs. He said he was very disappointed the Commission couldn't weigh in before that decision was made to take the densest options off the table.

Nikki Blake agreed the Commission should use forceful language in explaining their disappointment that 7- and 8-unit EHOs were not advertised by the County Board.

Maximum Number of Units Per Site

Sara Rubalcava said she supports the maximum number of units per site. Laura Saul Edwards said she would have preferred up to 8 units per site but supports 6 units. Margaret McGilvray also supports up to 6 units and would welcome the new neighbors.

Minimum Site Area

Kellen MacBeth supports option 2A. Eric Berkey said he finds option 2E problematic and noted it wasn't included in the consultant's analysis. He said option 2B cuts against the equity goal the Commission has. He supports option 2A but did mention he could support option 2D. He does not support 2E or 2C, primarily because of the definition of transit proximate. He said the whole county could really be considered transit proximate.

Doris Ray noted that if there are 4 or more units for rent or purchase that the units must be in compliance with the Fair Housing Act. She asked the Commission to recommend that new EHOs be compliant with the Fair Housing Act. She noted common areas need to be fully accessible and that some parking needs to be available to disabled parkers. Staff confirmed Arlington cannot supersede federal law. Staff said that accessibility requirements would apply to for ground floor units or buildings with elevators.

Eric Berkey asked staff to explain the differences between options 2A and 2D. Staff showed a map where certain building sizes would be allowed in the county. It shows that option 2A is the most expansive option but that 2D would be the second most expensive option on the table.

Kellen MacBeth asked the Commission if the letter should include language that they support 2A but that their second choice would be 2D. Eric Berkey said they should include reasons for why they support options and why they don't support other options (2C and 2E). Laura Saul Edwards agreed with Eric Berkey's approach.

Margaret McGilvray asked if Paul Browne has any opinions on the topic. Paul Browne said that providing developers the most flexibility will lead to the best outcomes and that he supports option 2A. He also mentioned he doesn't support unit size maximums.

Eric Berkey spoke about a conversation that was had at the Zoning Commission meeting. It revolved around how the County can or cannot jumpstart this type of housing development. He noted we need to make the options as flexible as possible but that the market for this may not jumpstart over night.

The Commission was in overall agreement to support option 2A but recognized option 2D was an acceptable backup option.

Sites Larger than One Acre

Eric Berkey wanted the Commission to not take a position on this topic. He said large sites may be better suited to go through a community engagement process, instead of being approved administratively. Kellen MacBeth said he disagrees and that if single family homes don't have to go through a more extensive community process that EHOs shouldn't have to either.

Eric Berkey said he isn't totally comfortable with option 3A but not enough to stand in the way of it. He said lots that are very big may need more community conversation. He also noted that large lots adding housing may want to consider even more dense multifamily housing options than is attainable under the proposed EHOs. He wasn't sure this falls under the scope of MM.

Laura Saul Edwards asked how many of these lots exist. Staff answered there is about 130 of these lots in the county.

The commission was in overall agreement to support option 3A, with Eric Berkey and Paul Browne not in favor of option 3A.

Lot Coverage Allowances

Eric Berkey said he is undecided on this topic. Kellen MacBeth said he supports option 4B because it is one of the only incentives offered over single-family homes. The garage allowance can be reallocated to living space which is an advantage for EHOs.

Paul Browne asked if option 4B disallows a detached parking garage. Staff confirmed detached garages can still be constructed under option 4B.

Karen Serfis asked for the definition of a garage. Staff answered a garage is supposed to be used for parking cars. Staff did defer further answer to the Zoning Administrator.

Nikki Blake said the commission should be thinking towards the future and how transportation (car usage) will look then. She said she supports option 4B.

The commission agreed to support option 4B, with an abstention from Margaret McGilvray.

Minimum Parking Requirements

Laura Saul Edwards asked for the distinction between premium and primary transit networks. Staff shared a map with the commission showing the delineation.

Eric Berkey asked for more information on option 5B. Staff explained one of the two base options must be approved (5A or 5C). Options 5B or 5E could also be adopted in addition to the base options. Option 5B does not allow for a parking reduction even with a parking survey demonstrating the requirements aren't needed.

Anika Montgomery asked if metered parking is considered in parking requirements. Staff said in general parking meters tend to be in higher density areas. Staff also noted the single-family zoned areas do not have many parking meters, but that transportation staff could provide more information.

Paul Browne said he supports option 5A. He said the changes required in 5A would be done administratively and not be open to a political or community engagement process. Thus, staff could implement parking reductions in the future if needed.

Kellen MacBeth asked for clarification on option 5C. Staff answered that 5C is the same as 5A, except that 5A has the minimum requirements for transit-proximate sites.

Doris Ray asked what would happen if there isn't enough parking for households that need it. Staff answered that if a household finds that a certain parking situation doesn't work for them, they will look for a housing option that meets their needs- a market driven approach.

Eric Berkey said that the fewer parking restrictions the county has will in theory make the housing more affordable. He supports maximum flexibility for developers and supports option 5C.

Nikki Blake asked for clarification on option 5B. Staff answered option 5B would provide less flexibility for developers when building EHOs and affiliated parking.

Kellen MacBeth asked for clarification on option 5E. Staff answered this option applies to certain sties without curb cuts currently. There would be no minimum parking requirement of a new/expanded curb cut would result in loss of an equivalent number of on-street parking spaces.

The commission agreed to support option 5C instead of option 5A, with Paul Browne being the lone dissenter. The commission also agreed to support option 5E and to not support option 5C nearly unanimously.

Tree Requirements

Kellen MacBeth asked if there is just one option on the table for this topic. Staff answered that the County Board can approve tree requirements for up to four shade trees for 2–4-unit EHOs and up to 8 shade trees for 5–6-unit EHOs.

Sara Rubalcava asked what tree species would meet the definition of shade trees. Staff did not have that answer off hand but can provide the commission with that list of species.

Eric Berkey recommended that the commission not take a position on this topic.

Nikki Blake asked if there are tree requirements for single-family homes and all other types of development. This is regulated through the Chesapeake Bay Ordinance, not the Arlington County Zoning Ordinance (ACZO).

Kellen MacBeth said he is generally in favor of more trees but does not have enough information on how many trees make sense for each size site.

The commission agreed they are in favor of trees and would concur with what the subject matter experts say. There is no further opinion by the commission on this topic.

Development Cap

Kellen MacBeth said he favors option 7B, no cap on the development of EHOs. He said there is no cap for single-family home development so there shouldn't be one on EHO development.

Margaret McGilvray asked about geographic caps on permits for EHOs. Staff answered they are not advertising geographic caps due to the County Attorney opinion. They could only legally be enforced if applied to zoning districts, not geography necessarily.

Eric Berkey asked for the breakdown of zoning districts by proportion. Staff answered that two thirds of R-5 to R-20 zones are R-6. Staff also showed a map with the breakdown by percentage and geography. Eric Berkey also asked if future changes would need an ACZO amendment. Staff answered that was correct unless there is a sunset term.

Eric Berkey proposed supporting option 7B. In the event the County Board wants a cap in place they adopt option 7C with a sunset cap of three years instead of the five years proposed. He also doesn't want to restrict permits by zoning district.

Michael Hemminger said the MM policy will impact less than one percent of the county's housing inventory. He also said putting in an arbitrary cap could create more work for everyone in the long run. He also said that we won't see the development of EHOs for a few years. He supports option 7B.

Paul Browne asked if permits are by unit or by lot. Staff answered they are by lot, not unit. Paul Browne said a five-year sunset is reasonable and that he supports option 7C. Margaret McGilvray seconded his comments.

Michael Hemminger asked how many EHOs would be anticipated to be built in the first five years of the policy being implemented. Staff answered it would be about 19-20 projects totaling 100 units per year. One note is that that analysis included the 7 and 8-unit options, which have since been taken off the table.

The commission agreed to support option 7B unanimously. If the County Board does want to implement a cap the commission supports option 7C. The commission also supports not restricting permits by zoning district.

Conversion of Nonconforming Dwellings to Condominium/Cooperative

Kellen MacBeth said he does not have a position on this topic. Eric Berkey said he also does not have a position on this topic.

The commission did not take a position on this topic.

Duplex Definition

Kellen MacBeth asked for clarification on this topic. Staff answered that option 9A is the standard quo. Option 9B allows more flexibility on what can be considered a duplex (concerning front entrances and exterior characteristics requirement).

Sara Rubalcava said she supports option 9B. Eric Berkey echoed her sentiment.

The commission agreed to support option 9B unanimously.

Applicability to GLUP Planning Districts

Kellen MacBeth supports option 10B as it has the fewest restrictions. Eric Berkey said the MM was a county wide process and that it should apply to all planning districts. Laura Saul Edwards said she supports option 10B.

The commission agreed to support option 10B unanimously.

Maximum Gross Floor Area

Kellen MacBeth asked what the advantages are of limiting gross floor area. Staff answered setting a maximum allows for more units to be built in the same area, which helps the housing supply issue. It should in theory also help with affordability of the units.

Eric Berkey said he was previously opposed to maximums for gross floor area. He said he hoped the County Board had advertised option 11C. He said he could be in support of option 11B.

Paul Browne said he wouldn't vote for either option 11A or 11B and was disappointed option 11C was taken off the table. If he had to support one option it would be 11B, but hesitantly.

The commission supported option 11B with a vote of 5-0, notably there were also five abstentions from Commissioners who felt they couldn't vote to support either option. The commission was unhappy with the two options that were presented and wished option 11C had still been on the table.

Accessory Dwellings

Kellen MacBeth supports option 12B as it is the densest option offered. Michael Hemminger, Laura Saul Edwards, and Eric Berkey all agreed.

The commission supports option 12B unanimously.

GLUP Amendment Language

Eric Berkey said the commission should recommend the amendment language is approved as is. The commission agreed in their support for the language.

Other Discussion and Final Vote

Kellen MacBeth stated he would like the letter to include the commission's disappointment in not offering 7- and 8-unit buildings in the final advertisement. He also would like to direct staff to study how 7- and 8-unit buildings can be added in the future.

Eric Berkey also said the letter should thank and acknowledge the county staff for all their work throughout the three-year process.

Eric Berkey made a motion to approve everything that was discussed and decided upon as a commission. Laura Saul Edwards seconded the motion. The motion passed unanimously 9-0.

Meeting adjourned at **10:55pm**.