

Lot Coverage vs. “Low Residential” Study

Bill Richardson

President, Donaldson Run Civic Association

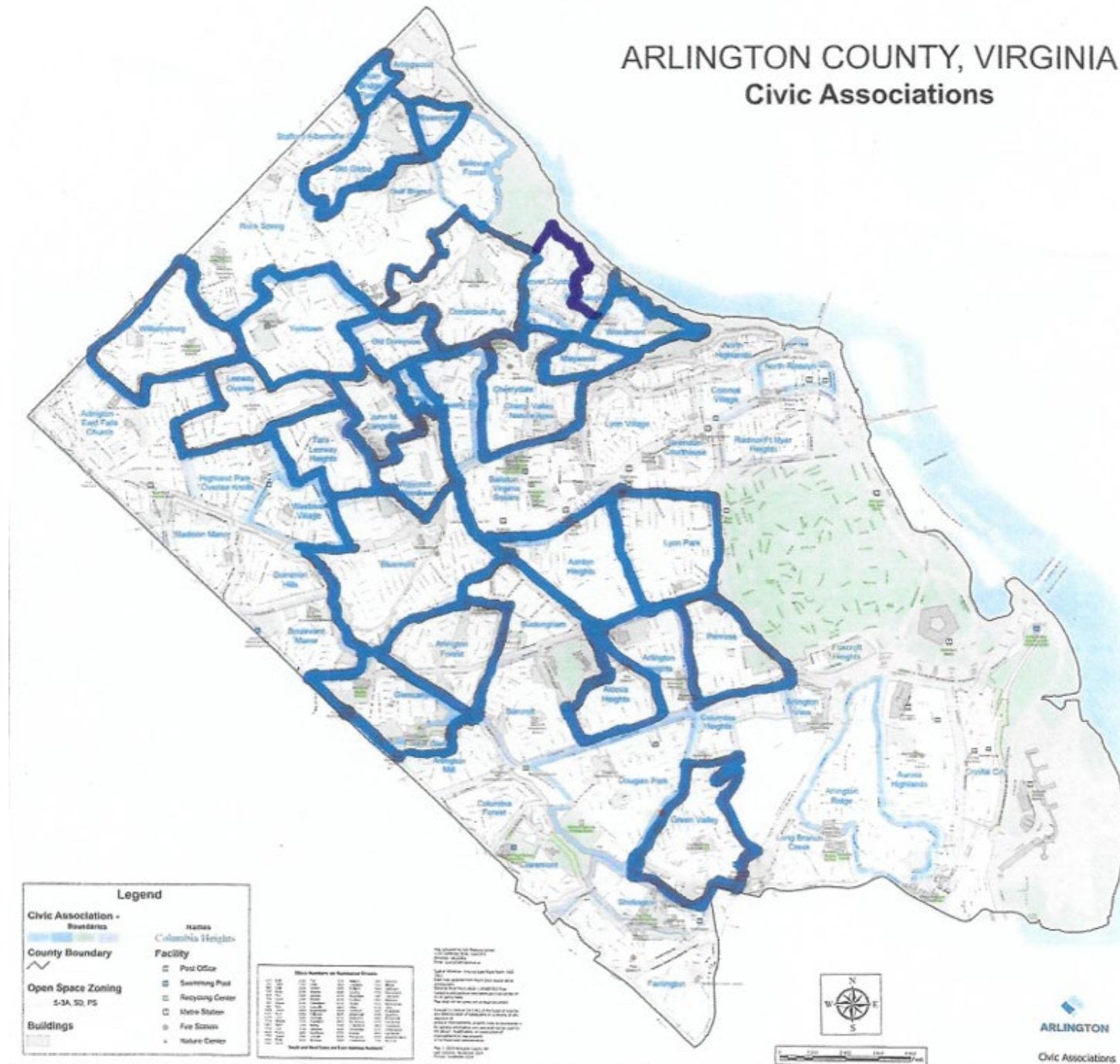
Presentation to Long Range Planning Committee

October 29, 2025

Civic Association Advocacy Group (25,000+ households)

Alcova Heights	Glebewood	Old Glebe
Arlington Forest	Glencarlyn	Penrose
Ashton Heights	Green Valley	Rivercrest
Bluemont	John M. Langston	Tara-Leeway Heights
Chain Bridge Forest	Leeway Overlee	Waycroft-Woodlawn
Cherrydale	Lyon Park	Williamsburg
Donaldson Run	Maywood	Woodmont
Dover-Crystal	Old Dominion	Yorktown

ARLINGTON COUNTY, VIRGINIA Civic Associations



5678 18th Rd N.
(ex-1830 Patrick Henry) –
WESTOVER 2022



Our Group's August 2023 Position Paper

- Lot coverage study is long overdue, ever since staff identified the need in the 2014 Stormwater Management Plan.
- In 2021, FNRP public engagement confirmed the need to
 - “Discourage or limit development of large homes on small lots”
 - “Increase or strengthen requirements for tree protection”
 - “Place restrictions on single-family home sizes.”*
- Lot coverage study should include
 - definition of lot coverage, which now excludes some impervious surfaces
 - oversized lot problem (e.g., 10,000 sq ft lot in R-5 district)
 - main building footprint limits
 - Extra 3% and 5% lot coverage now permitted for front porches, rear garages
- Prompt action critical to stop further irreparable damage from teardowns

“Giant White Houses”* Are the Real Problem

- Clear cutting of mature trees on entire lots
- Heat island, CO2, and related climate effects
- Depletion of dwindling stock of smaller, more affordable homes
- Impacts on adjacent homes (the classic reason we have zoning rules)
- Blocking of access to alternative solar energy sources
- Much greater stormwater runoff problems than sidewalks/patios
- Increased electricity and water consumption

How Big Is This Problem?

- 2014 Stormwater Plan: “issue of single family home redevelopment and lot coverage” needs “a more comprehensive look,” forming 60% of increased area
- The late County Board Member Erik Gutshall agreed:
“Home sizes that were once the theoretical maximum are now the *de facto* minimum for new home rebuilds. Arlington needs to initiate the modernization of our zoning ordinance with a frank discussion of just what character do we want in our neighborhoods.” ArlNow, June 24, 2019.
- **125 homes a year** on average are torn down and replaced with homes **more than three times the size of the original house**, for an average price of \$1.7 million.*
- November 2024 staff report trend line
 - **building footprint** is the principal change: from 21% to 34% of the lot in R-6; from 18% to 28% in R-10
 - other impervious surfaces have increased only “slightly.”

Impervious cover trends over time

1900-present day

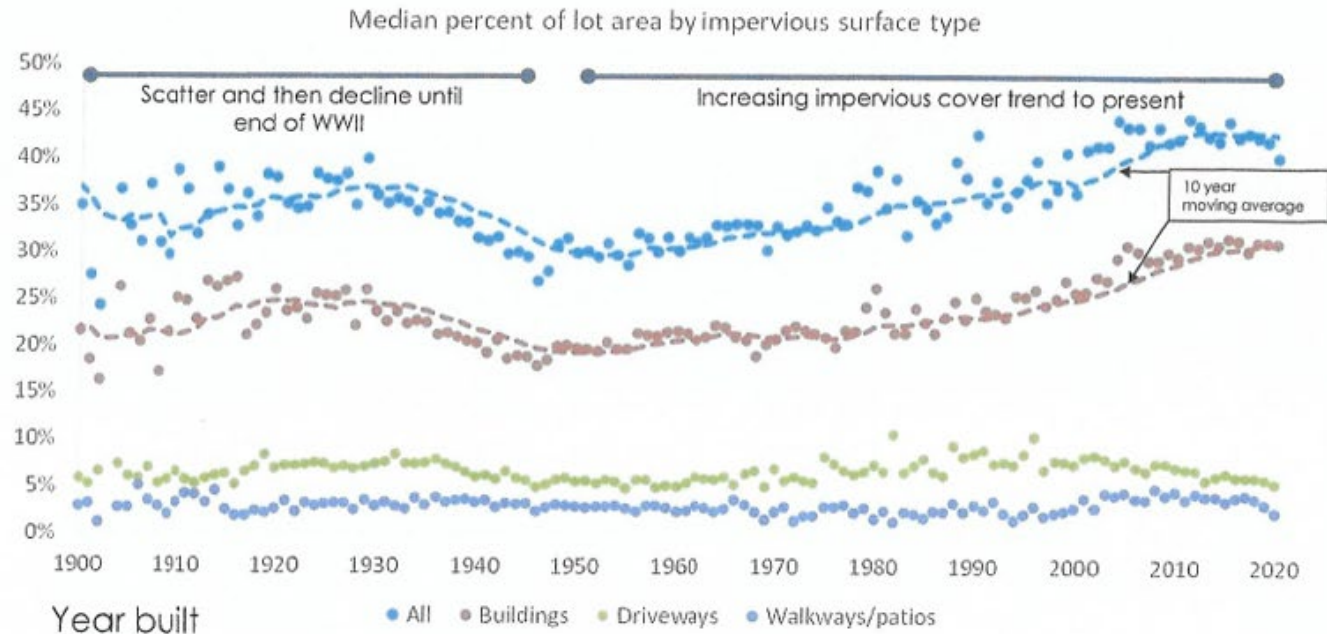
3 main categories:

- Buildings
- Driveways
- Walkways and patios

Total lot impervious area and building footprints have increased over time

For newer homes, most of the lot impervious is from the building footprint

Proportionately less space for driveways and walkways/patios



Board Finally Commits to Lot Coverage Study (Pre-November 2024)

- 2014 Stormwater Plan: need for “more comprehensive look”
- 2019 Stormwater Action Plan again emphasizes need for review
- 2019-2020: DRCA asks CB for review, meets with members
- 2022: majority of CB members ask staff for lot coverage study
- August 2023: civic associations outline scope/timing ideas for study
- 2023: in Forestry & Natural Resources Plan, CB again directs study
- April 2024: CB once again directs study, and funds added planner
- July 2024: civic associations amplify ideas on scope/timing of study

Staff and County Board Reverse Position

- No added planner appears to have ever worked on the CB-directed lot coverage study
- Staff delays meeting on civic associations' July 2024 recommendations until November 2024
- November 13, 2024: staff report to CB changes focus from FNRP-directed lot coverage study to impervious surface approach
- January 23, 2025: staff cancels meeting with civic associations requested to discuss new focus
- January 28, 2025: staff "preliminary thoughts" to CB include more limited option to reject lot coverage study in favor of study of impervious surface limits, with focus on stormwater management
 - Staff recommends CB avoid any study of "[r]educing the existing main building footprint limits"
 - Staff also recommends CB Reject FNRP-directed study of "square footage cap on lot coverage" (e.g., oversized lot problem)
 - Staff includes option not only to ignore but also to **eliminate** lot coverage limits (which include building footprint limits)
- February 2025: CB accepts staff option to change from lot coverage to impervious surface study
- May 2025: staff provides "initial thinking" on staffing, public engagement, and timing of new impervious surface study
- July 2025: civic associations ask CB: "How could impervious surface limits alone capture the principal problem [of] building size?"
- September 2025: CB response does not address this question
- CB agrees to staff timeline for impervious surface study, which does not provide for CB action even on more limited proposals ***until 2027.***

Lot Coverage/Building Footprint Limits Implement State Zoning Authority

- The current lot coverage limits are 20 years old.
- They include limits on “main building footprints.”
- Planning Commission supported these limits, designed for “limiting the large size of one-family dwellings” and “protecting the character of the neighborhoods.”*
- Virginia law provides broad zoning authority for such regulation of “size, height, area, bulk, [and] location” of “structures.” Va. Code 15.2-2280.

Lot Coverage vs. Impervious Surfaces

- Like our group, the FNRP asked whether lot coverage limits should be revised to add in certain impervious surfaces that are not currently counted. Vienna's 25% lot coverage limit does so.
- Instead of looking to plug this hole, the County has now abandoned lot coverage reform, proposing as one option to **repeal** lot coverage limits. These include building footprint limits.
- ***This new approach ignores the elephant in the room:*** there is no assurance that capping impervious surface limits can have any significant impact on the real problem, which is the dramatic increase in building footprints (not sidewalks or patios) since the County last addressed lot coverage 20 years ago.
- In fact, under its new impervious surface approach, the Board hopes to provide flexibility for builders, to expand the size of the house by restricting the size of other impervious surfaces.
- This reversal of approach also misuses **stormwater** rules as an unnecessary overlay on **zoning** regulation, trying to fit a round peg into a square hole.
 - Stormwater rules do not target any of the other **zoning** problems posed by "giant white houses."
 - They do not differentiate between the major stormwater runoff problems of these houses and those of sidewalks/patios.
 - Although these rules provide up to 75% credits for pervious driveways,* the proposal would call them "impervious" for purposes of these new limits.

What “Plantable Spaces” Misses

- While impervious surface limits may create “plantable spaces” in place of sidewalks and patios, this is a minor fix, compared to preserving stands of mature trees from clear cutting for teardowns.
- As noted at the September Restore NoVa Forests dialog, “There is not enough value and emphasis given to the preservation of existing trees and too much to the value of replacement trees, resulting in an ongoing canopy deficit.”
- In the past 3 years, private land redevelopment has destroyed at least 2,487 more trees than trees planted.
- In contrast to their broad zoning authority, local governments in Virginia have limited authority to require planting of new trees to replace mature tree canopy.
 - The maximum is 20%, and only if the new trees mature in 20 years.
 - Even if this could be expanded by changes to state law (over past objections of the homebuilding industry), the County has limited ability to monitor progress of plantings over time, or to apply the obligation to new owners.
- Only lot coverage/building footprint limits can help meet our 40% canopy goal.

Shifting Criticisms of Lot Coverage

- Last year, staff told the Board (for the first time) that it actually didn't have good data on lot coverage.
 - But in 2007, a staff report touted its "GIS analysis capabilities to determine lot coverage characteristics for every single family parcel in the County."
 - While that doesn't include some impervious surfaces, staff says it has the data for those, which can be added to the building footprint data it says it already has.
- Some Board members have suggested that we could try out this new approach, and consider later how well it actually works.
 - Given past delays and flip flops, and the views of other members, this is no solution.
 - Delays from 2014 have already put us on a path of no Board action even on this "low hanging fruit" until 2027.
 - Waiting years more after that, even to assess the effects of such action, would continue to increase the irreparable damage to our neighborhoods that brought us to this point.

What Can the Planning Commission Do?

- Commission serves “primarily in an advisory capacity” to the County Board.*
- Staff has indicated that it cannot change the limits on the Board’s charge.
- There are now widespread concerns, from highly diverse neighborhoods, about the impact from the Board’s abandonment of its commitments in the FNRP.
- These mirror the 2021 FNRP comments.
- Commission should recommend that the Board
 - expand its charge to include options, as in 2005, to address main building footprint and lot coverage limits ***for single-family homes***
 - use funding provided to complete the study and provide CB options by 2Q 2026, to avoid further irreparable damage to our neighborhoods

What About Lot Coverage for EHOs?

- For many years, civic associations have been concerned about lot coverage/building footprint rules ***for single-family homes***.
- The status of the EHO ordinance will likely remain uncertain for some time, pending Virginia Supreme Court review and any necessary proceedings on remand to the lower courts.
- The County should not delay any longer in addressing the irreparable damage from teardowns of smaller homes for larger ***single-family homes***.
- If and when the EHO ordinance is reinstated in some form, the County can determine whether and how lot coverage limits should apply to EHOs.
- This judgment should be informed by a careful analysis of whether any infrastructure costs of EHOs are outweighed by any housing affordability benefits.

Questions?

Bill Richardson

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703 447 8328

July 25, 2025

Takis Karantonis, Chair
Arlington County Board
2100 Clarendon Boulevard, Suite 300
Arlington, VA 22201

Dear Chair Karantonis and Board Members:

Thank you for meeting with our group of now over 20 diverse civic associations to discuss our concerns about the scope and timing of staff's May 2025 suggestions for how to address lot coverage reform for new single-family homes. Given the acknowledged gravity of the problem, we've worked as you have suggested to come up with some specific proposals and an appropriately expedited schedule. We'd like to help make this a constructive discussion and look forward to your thoughts.

The premise for quick action is irrefutable:

- **Accelerated loss of "modest-sized, more affordable homes."** As noted in the Board's recent brief on appeal of the EHO case, "As . . . older homes are torn-down and replaced with much larger, more expensive homes," these teardowns "that maximize a lot's building footprint would outnumber the existing stock of modest-sized, more affordable homes." Thus, the Board pointed out, the average price for a single-family home in Arlington is now \$1.7 million.
 - Arlington's nearly 10,000 single-family homes assessed under \$1 million are ripe for such teardowns.
 - On average, these teardowns replace a 1,515 square foot home with one **over three times that size**.
- **Heightened risk of substantial mature tree canopy loss.** In the last three years, redevelopment on private land has destroyed at least 2,487 more trees than trees planted. These staff data understate the scope of the threat to our trees. Development removes mature trees, and replaces them with saplings that may or may not actually mature after 20 years.

The diversity of our 25 civic associations reflects much greater consensus on the need for lot coverage reform than existed in 2005, when coverage was last reviewed. Many more Arlingtonians now recognize the threats posed by the ensuing epidemic of teardowns, and the building footprints now are much larger. We agree with you that it is important that all stakeholders have input in determining what lot coverage reforms are appropriate. But given the irreparable damage already occurring week after week, and after over a decade of recognizing the problem, staff's proposal to further delay voting on reforms until the end of 2026 is unacceptable.

Moreover, there has already been extensive public engagement. The Forestry & Natural Resources Plan involved **1,000+ submissions**. Among the top themes: "Discourage development of large homes on

small lots,” “Increase or strengthen requirements for tree protection,” and “Place restrictions on single-family home sizes.” The Board agreed, in adopting the FNRP’s call for a study of lot coverage reform.

We are replowing old ground here. But we agree that further public engagement should begin this September. This should include a full range of options, not only the “low hanging fruit” (limits on impervious surface without regard to building footprints). The County should outline the policies served by the proposed reforms, while seeking comment on the tradeoff between these policies and the impact on existing homeowners if they are grandfathered as in the current zoning ordinance.

We propose:

- | | |
|------------------|---|
| July/August 2025 | -- Provide the public with data in a format that can be used to map lot coverage and impervious surfaces for R5, R6, R8, R10, and R20 single-family homes |
| September 2025 | -- Include on your new “low residential study” website <ul style="list-style-type: none">• The full range of options• Links to our prior filings and those of FNRC and ATAG -- E-mail interested members of the public |
| Oct/Nov 2025 | -- Hold open sessions with construction and real estate industry representatives
-- Hold a work session with County Board, staff, and CivFed representatives
-- Conduct in-person neighborhood workshops in north and south Arlington
-- Brief FNRC and other advisory commissions and get their input
-- Make staff available for civic association and environmental group meetings |
| December 2025 | -- Request to Advertise full scope of options for Zoning Ordinance amendments |
| Jan/Feb 2026 | -- Continue more refined public engagement process on all options |
| April 2026 | -- Vote on whether and how to amend Zoning Ordinance |

We provided a number of specific substantive proposals in our August 2023 and June 2024 papers, as well as questions to ascertain whether lot coverage reforms further the type of public interests necessary for land use policies under Virginia law.

To get the ball rolling, we suggest a focus on these issues:

1. How do different types of impervious surface affect stormwater, tree canopy, climate change, heat island effects, sustainability commitments, building size, tax assessments, housing affordability, and impact on neighbors? Should the reforms extend to all impervious surfaces?
2. If so, what limits should be placed?
 - a. This should review what other nearby suburbs do (not just fully urban, high-density areas).
 - b. Vienna’s 25% limit is a good place to start with its many single-family homes near urbanized Tysons Corner.
3. How many existing single-family homes in Arlington would exceed any new limit considered? Of what relevance is that? To what extent does this data reflect the failure for so long to address this well-recognized problem?

4. Should certain districts (e.g., R-5 or R-6) or types of lots (e.g., by size) have larger percentage limits than Vienna's 25%, and if so what should they be?
5. Should the limit be applied to the minimum size of the lot for a district (e.g., 6,000 square feet for all R-6 lots) or to the actual size of an oversized lot?
6. How could impervious surface limits alone capture the principal problem, which is building size?
7. Are there incentives that would be likely to reduce building size or preserve older housing stock?
8. How should setback rules be adjusted to promote tree preservation? Should they permit adjustment where needed to preserve mature trees?
9. Should Arlington adopt Vienna's way of calculating the 35-foot height limit?
 - o Vienna measures to the top of the building, not half the height of many roofs.
 - o Vienna averages height from the front two points, not all four points.

We look forward to discussing these proposals with you. Given the need to expedite staff's proposed schedule, we would appreciate (1) acknowledgement of receipt of this message and (2) hearing back from you by August 15.

Sincerely yours,

Alex Stevens, President
Alcova Heights Citizens Association

Sal D'Itri, President
Arlington Forest Citizens Association

Scott Sklar, President
Ashton Heights Civic Association

Kate Mattos, President
Bluemont Civic Association

Paul Elgin, President
Chain Bridge Forest Civic Association

Jim Todd, President
Cherrydale Citizens Association

Bill Richardson, President
Donaldson Run Civic Association

Laura Johnson, President
GlebeWood Civic Association

Brandon Hemel, President
Glencarlyn Civic Association

Sara Kirwin, President
Green Valley Civic Association

Wilma Jones, President
John M. Langston Citizens Association

Jean Henceroth, President
Leeway Overlee Civic Association

Michael Kunkler, President
Lyon Park Citizens Association

Marc Koblentz, President
Maywood Community Association

Rana Jazayerli Bortot, President
Old Dominion Citizens Association

Howard Solodky, President
Old Glebe Civic Association

Mona Steffen, Former President
Rivercrest Civic Association

Jon Ware, President
Tara-Leeway Heights Civic Association

Michael Bruce, President
Waycroft-Woodlawn Civic Association

Ruth Shearer, President
Williamsburg Civic Association

Zach Newkirk, President
Yorktown Civic Association

November 21, 2024

Libby Garvey, Chair
Arlington County Board
2100 Clarendon Boulevard, Suite 300
Arlington, VA 22201

Dear Chair Garvey and Board Members:

On behalf of the 15 civic associations listed below, we believe that it is imperative that the Board promptly make good on the County's longstanding commitment to study reforms of the lot coverage provisions of the Zoning Ordinance applicable to residential ("R") districts, and to complete that study as soon as possible. As we have discussed, the study should include building height, setback restrictions, and building footprint and maximum square footage limits.

Study Timing. In its letter to you of September 27, 2024, the Forestry and Natural Resources Commission (FNRC) emphasized the need to "direct the County Manager to explicitly identify the lot coverage study [as] a top priority for CPHD." In the Commission's judgment, "explicit priority-setting is essential to send an unambiguous message of how important it is to start work now," because "[d]elay in moving forward only makes the issue all the more pressing as space for trees to grow and thrive is further diminished." (Emphasis by the FNRC.)

We strongly agree. The County has already lost critical time in addressing this issue, posing a real challenge in meeting its goal of increasing our tree canopy given that only 13% of such canopy is on County land. Week after week, year after year, and in neighborhood after neighborhood throughout Arlington, smaller homes that are more affordable have been and continue to be taken down, and mature trees clear cut on these properties to make way for enormous new homes. These homes cover much more of the lot than the houses they replace. They often dwarf neighboring homes. They often cost more than \$2 million and sometimes over \$3 million apiece. A year ago, we provided you with a list of representative examples. These teardowns continue at an accelerated pace.

Study Scope. We believe the study should include each of the questions posed in the civic associations' August 2023 and (slightly restated) July 2024 outlines provided to you (and reattached here). In last week's work session, the staff's focus was only on one of these issues, involving sidewalks and patios. The elephant in the room, however, is not these – which staff showed have remained relatively constant over many decades. It is the shockingly large size of the building footprints of new houses. A few years ago, the late Board Member Erik Gutshall noted that this increase in footprint was totally unforeseen when the County last revisited lot coverage in 2005.

Examining these building footprints is exactly the approach approved by the Board last year in the Forestry and Natural Resources Plan. Page 58 of that Plan charged staff with a study not only of "[w]hat does and does not count as lot coverage" (such as sidewalks and patios), but also:

- "[w]hether to set a square footage cap on lot coverage in addition to the percentage cap,"
- "[w]hether to tie lot coverage regulations to a lot size rather than its zoning district," e.g., to address the oversized lot issue, and
- whether "enhanced standards" for setbacks "could support additional tree canopy, conservation landscapes and RPA buffers."

There is also now widespread consensus for addressing these questions as required by the Plan, and not just from the many civic associations listed below. As the Online Engagement Summary for the Plan noted three years ago, among Arlingtonians' most frequently mentioned themes were the need to "[d]iscourage development of large homes on small lots," to "[p]lace restrictions on single-family home sizes," and to "[i]ncrease or strengthen requirements for tree protection." (Emphasis added.)

We also strongly support Board Members' suggestions at the work session to include in the study the issues regarding step transactions. Under current rules, lot coverage now is permitted to exceed even the current limits, if the owner sequences additional largely unregulated work after the grant of the original building permit.

As Winston Churchill recognized over 80 years ago, "We shape our buildings, and afterwards our buildings shape us." What we do or fail to do here will be our legacy to future generations. Do not wait any longer to initiate – and promptly to conclude – a comprehensive study of whether to recommend changes to these provisions of the Zoning Ordinance. Time is truly running out for these critical elements of our community: its mature trees, its stormwater management, and its diminishing numbers of smaller and more accessible homes.

Sincerely yours,

John Wilson, President
Arlington-East Falls Church Civic Association

Sal D'Itri, President
Arlington Forest Citizens Association

Scott Sklar, President
Ashton Heights Civic Association

Henry McFarland, President
Bluemont Civic Association

Bill Richardson, President
Donaldson Run Civic Association

Brandon Hemel, President
Glencarlyn Civic Association

Wilma Jones, President
John M. Langston Citizens Association

Jean Henceroth, President
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Michael Kunkler, President
Lyon Park Citizens Association

Jason Harrier, President
Lyon Village Citizens Association

Rana Jazayerli Bortot, President
Old Dominion Citizens Association

Howard Solodky, President
Old Glebe Civic Association

Mona Steffen, Board Member
Rivercrest Civic Association

Ruth Shearer, President
Williamsburg Civic Association

Mike Cantwell, President
Yorktown Civic Association

Attachments

cc: County Board Members
County Manager

Lot Coverage/Height/Setbacks Study

1. *Identify the Nature and Significance of the Problems*

- *Stormwater Impact.* In its 2014 Stormwater Management Plan ten years ago, staff recognized the need for “a more comprehensive look” at lot coverage, because of the significant increases in impervious surfaces associated with residential construction.
 - How has impervious surface from residential construction changed since then?
 - Are developers building “to the max” more frequently? EHO applicants?
 - Expand the November 2023 list of examples civic associations have provided, and include more recent EHO applications.
 - How do other County steps in measuring and addressing stormwater affect the analysis?
 - How should we factor in increased frequency and severity of storms?
 - Do steep slopes warrant special treatment, as they do in defining the RPA for purposes of the Chesapeake Bay Ordinance?
 - 61% of Arlington’s tree canopy is on privately owned land. FNRP p. 71. The 10% to 20% tree canopy requirement in these residential neighborhoods (only a prediction for 20 years out) cannot serve to replace the present value of *mature* trees. How have the current lot coverage/height/setbacks limits affected the loss of existing trees? Given the value of trees to “[r]educe stormwater runoff” (FNRP p. 70), what has been the resulting impact on stormwater management?
- *Climate Impact.*
 - How have these current trends in residential impervious surfaces affected the urban heat island problem?
 - The FNRP recognizes (p. 70) that tree canopy can “[r]educe the impacts of climate change.” How much can mature trees mitigate that problem?
 - How can we quantify the climate-related benefits of mature trees as shade cover, e.g., in annual cooling savings? in reducing carbon dioxide emissions (FNRP p. 146)?
- *Amenity Rights of Quiet Enjoyment.* The FNRP also notes (pp. 69-70) that tree canopy is valuable in and of itself, in fostering “[v]ibrant, verdant neighborhoods” that “[p]romote human health and well-being.” How can we quantify the economic value or other benefits of preserving tree canopy?¹ or more generally the reasonable expectations of privacy and quiet enjoyment by neighbors preserved by greater restrictions on lot coverage/height/setbacks?
- *Solar Access.* Are current height and setback limits inconsistent with the federal, state, and County goal of promoting solar access, by permitting larger residential structures that may block such access?

¹ See, e.g., R. McDonald, *Conservation for Cities* at 165-70 (2015) (citing one benchmark of \$48 per square inch of cross-sectional area).

- *Other Impacts.*
 - What is the industry standard for root zone protection areas for qualified species of plantings permitted to satisfy County tree canopy requirements?² To what extent have current lot coverage and setback requirements made it more difficult to provide sufficient space for 20-year expansion and survival of the tree canopy plantings needed to help the County meet its 40% tree canopy goal?
 - The November 2023 list of examples, and more recent EHO applications, show teardowns of smaller homes replaced with much larger and expensive ones. What has been the impact of the current rules on home prices?

2. *Establish a Framework for the Scope of the Rules Under Review*

- *Lot Coverage.* Reflecting the FNRP (p. 58), the study of lot coverage limits should include:
 - Whether the current percentage limits should again be reduced (as in 2005), and if so by how much.
 - Whether the County's 2022 approach to lot coverage parity between single-family and EHO construction should be restored.
 - Whether the limits should differ among residential districts. (The limit now ranges from 45% for R-5 lots to 25% for R-20 lots.)
 - Whether the limits should be reframed as square foot rather than percentage limits.
 - What should count toward lot coverage limits? How should this rule fit with what counts as impervious surface for stormwater management purposes? Currently, the following impervious surfaces do not count for lot coverage purposes:
 - Detached rear garages (5% addition)
 - Front porches of at least 60 square feet (3% addition). See examples of this disproportionate addition in the November 2023 list.
 - Accessory buildings of 150 square feet or less
 - Patios less than 8 inches above finished grade
 - Decks, stoops, and landings less than four feet from finished grade
 - Sidewalks and other pedestrian walkways
 - Exterior basement steps
 - How to address undersized and oversized lots. E.g., why should a new home on a 10,000 square foot lot in an R-5 district, surrounded by lots half its size, be permitted much larger lot coverage than the smaller homes it surrounds? See examples in November 2023 list.
 - The study should explore whether the separate main building limit adopted in 2005 adequately addresses this issue, in light of such examples.
 - In addressing oversized lots, the study should also examine any impact of the subdivision ordinance.
 - As noted above, the study should also look at the impact of current limits on properties with steeper slopes, including oversized lots (e.g., whether to exclude from the total lot area any portion with a greater than 25% slope).

² See N. Metheny & J. Clark, *Trees and Development: A Technical Guide to Preservation of Trees During Land Development* (International Society of Arboriculture 1998); N. Matheny, E. Smiley, & R. Hauer, *Managing Trees During Site Development and Construction: Best Management Practices* (International Society of Arboriculture 3d ed. 2023).

- *Height.* The study of height should include both the 35-foot limit and how to calculate it.
 - The 2005 ordinance addressing lot coverage deferred action on height limits.
 - As long recognized by the Supreme Court, a critical purpose of zoning is to prevent “interfering by . . . height and bulk with the free circulation of air and monopolizing the rays of the sun which otherwise would fall upon the smaller homes.” *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 394 (1926), cited, e.g., in *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2071-72 (2021).
 - The current calculation of height fails to account for the steep slopes in Arlington (by using calculations based on the average height of four corners of the structure). This leads to examples of “looming” structures dominating the neighborhood and surrounding homes.
 - The current calculation also counts only half the height of gables. This leads to a surfeit of overly tall structures, designed to make use of this feature of the rules.
- *Setbacks.*
 - Should the rules require some degree of conformity of setback to the street with those of neighboring homes, in order to avoid “walling off” neighbors? E.g., Example #1 on the November 2023 list (3908 Military Road).
 - Should they promote achievability of tree canopy requirements over time, by expanding side yard setbacks to afford adequate space for expansion and viability of required tree plantings?
 - Do currently permissible intrusions (e.g., for bay windows) unnecessarily frustrate this goal?
 - Do the current rear setback limits provide adequate protection for mature trees?

3. *Examine Lot Coverage, Height, and Setback Rules in Comparable Jurisdictions*

- For example, Vienna’s Zoning and Subdivision Ordinance (18-213 et seq.) relies on 25% lot coverage limits. It calculates height from the average grade only at the *front* of the house, and also measures the 35-foot height limit to *highest point* on the roof.
- Examples should focus on localities with comparable fully-built out urban/suburban areas and comparable tree canopy goals.

Lot Coverage Reform

Recognition of the Problem

- Since February 2022, a majority of the Board have requested staff for a study of the need for reform of the lot coverage provisions of the Zoning Ordinance enacted in 2005.
- In its 2014 Stormwater Management Plan nine years ago, staff recognized the need for “a more comprehensive look” at lot coverage.
- Five years later, in its 2019 Stormwater Action Plan, staff similarly identified the importance of review of lot coverage ratios.
- Now, in the July 2023 draft Forestry and Natural Resources Plan (FNRP), staff also proposes to “re-evaluate” lot coverage (and how to define it).
- This draft plan reflects input from the staff’s 2021 Online Engagement Summary of public comments, compiling 1,018 submissions by 576 participants. These comments identified this issue in various ways, in two of the most frequently mentioned of six major themes:
 - “Find ways to discourage or limit development and impervious surfaces”
 - “Discourage development of large homes on small lots”
 - “Increase or strengthen requirements for tree protection”
 - “Place restrictions on single-family home sizes”
- Lot coverage reform is essential for three independent reasons:
 - Increased impervious surfaces in residential teardowns will continue to pose massive stormwater problems in the face of accelerating climate change.
 - Teardowns result in loss of mature trees as our tree canopy declines, and only 13% of Arlington’s tree canopy is on land owned by the County.
 - The 10% to 20% tree canopy requirement for private residential development – effective only after 20 years -- cannot serve to replace the present value of *mature* trees.
 - The draft FNRP recognizes that such mature tree canopy is valuable “in and of itself,” as well as to “soften the impacts of climate change,” quite apart from its important supplemental role in absorbing stormwater.
 - Preventing massive structures towering over more modest neighboring homes lies at the core of well recognized zoning concerns about privacy and quiet enjoyment.

The Need for Prompt Action

- With every passing month since staff identified this problem nine years ago, teardowns have continued to wreak irreparable damage to Arlington neighborhoods and their mature tree canopy. We have provided the Board with numerous examples. For another recent one, see 3908 Military Road.
- The accelerating frequency and intensity of storms makes the problem even more urgent.
- So does the expansion of these lot coverage provisions to MM/EHO (with an option for 5% extra). This is particularly true in R-5 and R-6 neighborhoods, where 20 MM/EHO applications are already under active review.

- Delay has already forced the County to pay substantial sums to acquire residential properties (e.g., Westover and Waverly Hills) in efforts to mitigate the stormwater management problems that lot coverage reform should be addressing.
- The Board should not delay any longer in addressing this recognized and growing problem. **The study should begin no later than the end of calendar year 2023, with a report due from staff by second quarter 2024.**

The Scope of the Study

- We would like to meet with the Planning Director to discuss this question.
- We agree with the draft FNRP that the study should include:
 - Whether the current percentage limits should again be reduced (as in 2005)
 - Whether the limits should differ among residential districts. (The limit now ranges from 45% for R-5 lots to 25% for R-20 lots.)
 - Whether the limits should be reframed as square foot rather than percentage limits
 - What should count toward lot coverage limits. Currently, the following impervious surfaces do not count:
 - Detached rear garages (5% addition)
 - Front porches of at least 60 square feet (3% addition)
 - Accessory buildings of 150 square feet or less
 - Patios less than 8 inches above finished grade
 - Decks, stoops, and landings less than four feet from finished grade
 - Sidewalks and other pedestrian walkways
 - Exterior basement steps
 - How to address undersized and oversized lots. E.g., why should a new home on a 10,000 square foot lot in an R-5 district, surrounded by lots half its size, be permitted much larger lot coverage than the smaller homes it surrounds?
 - The study should explore whether the separate main building limit adopted in 2005 adequately addresses this issue.
 - In addressing this question, the study should also examine how the subdivision ordinance should apply to oversized lots.
 - Setback and height limits.
 - However, under no circumstances should reduced lot coverage footprints be traded off for *increasing* the 35-foot height limit for residential structures.
 - This would defeat the purpose of zoning as long recognized by the Supreme Court – to prevent “interfering by . . . height and bulk with the free circulation of air and monopolizing the rays of the sun which otherwise would fall upon the smaller homes.” *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 394 (1926), cited, e.g., in *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2071-72 (2021).
 - In fact, although the 2005 ordinance deferred action on height limits, there is widespread recognition that the current height limit is far too generous, because it fails to account for the steep slopes in Arlington (by using calculations based on the average height of four corners of the structure), and counts only half the height of gables.
- The study should include a comprehensive examination of how other comparable jurisdictions address this issue.