

**Arlington County Planning Commission**

**11.9.2022 ZOCO Hybrid Meeting**

**Missing Middle Housing Study: Phase 3**

**Public Comments Received after 12:00pm, 11.9.2022**

**Public Comment #1**

- I support the innovative and thoughtful framework that Arlington County staff drafted to end exclusionary zoning and restore diverse housing types to Arlington's low-density neighborhoods.

The draft changes to the General Land Use Plan, which is the visionary document for Arlington's growth, outline a new conception of low-density neighborhoods, one that embraces the value of diverse housing for a diverse community.

The staff drafted zoning ordinance amendments that re-legalize "missing middle" style homes through a parallel zoning tool, called "expanded housing options," rather than a change to the underlying zoning. This gives the Board more options and control for regulating this land use.

The Zoning Ordinance Draft maintains the core elements of the Phase 2 framework. Up to 8 units could be allowed on any residential lot, as long as they fit within the same building size and style as a single-family home.

The draft still puts "missing middle" type homes at a disadvantage relative to single-detached homes, which will limit the creation of more attainable and more sustainable homes.

In the draft text, the staff gives the Board choice on how much flexibility "missing middle" style homes can have.

I support allowing up to 8 units per dwelling, so that the most attainable homes can be built (Option 1B).

I support these expanded housing options without lot size tiering (Option 2A), although the tiering scheme provided is generally in line with what the market would build.

I support allowing "expanded housing options" to have additional flexibility with their maximum lot coverage percentage, since they will likely not have detached garages (Option 4B).

I support allowing these homes to reduce their parking requirement through a parking study (Option 5A), although I encourage staff to eliminate the parking requirement for lots near transit.

I support the additional landscaping requirement of planting one shade tree per dwelling unit (Option 6A).

I am very concerned about the prospect of a cap on the development of “expanded housing options.” (Support Option 7B, no cap). We want this type of housing to thrive in Arlington.

I want to encourage conversions of existing buildings into expanded housing options through a use permit. This would give current owners more flexibility and could be an alternative to teardowns. (Option 8A).

#### **Public Comment #2**

- Our county can not sustain all this building. It’s like a war zone of large delivery trucks and building equipment. And it’s dangerous having them on small streets. Make better use of what is already built!

#### **Public Comment #3**

- Strongly urge ZOCO and the Board to delay any decisions on Missing Middle zoning changes until additional data has been gathered and analyzed. This change is too profound to rush it through. Please delay any action until there has been further resident input.

#### **Public Comment #4**

- The JFAC did research on Missing Middle Housing for the County and School Boards and issued a report which has been shared previously with the Planning Commission. The question we researched was "How did other jurisdictions that have adopted Missing Middle Housing policies address impacts on public facilities, including schools?" We researched the following localities: Charlotte, NC; Charlottesville, VA; Minneapolis, MN; Montgomery County, MD; Portland; and Sacramento, CA. I have included some of the report's findings and recommendations below for your consideration:
  - Missing Middle Housing was implemented as part of a broad, long-range planning effort in many of the localities studied. Many jurisdictions have explored Missing Middle housing as part of broader long-range planning efforts, such as Montgomery Thrive 2050, Charlotte Future 2040, and the Minneapolis 2040 Plan. There were extensive public engagement processes that were broad in scope and looked long-term (2040, 2050) asking specifically how the public imagined the

future of their communities, which included planning for schools and public facilities.

- Not every locality studied mirrors Arlington exactly in terms of population, land constraints, and the high real estate costs, but there were some similarities. The expressed goals for pursuing missing middle housing policies in the jurisdictions studied typically included increasing diversity, inclusion, and access to housing opportunity and better affordability. While some of the jurisdictions face similar demographic challenges as Arlington such as limited space for new development, high costs of real estate, and increased school enrollment growth, none of them compared directly with Arlington on the convergence of these challenges.
- Most of the jurisdictions we researched include schools and other public facilities within their comprehensive plans, and some adopted tools to mitigate the impacts of proposed increases in development. Some have a codified mechanism such as an adequate public facilities ordinance (AFPO) or other means of predicting and mitigating public facilities impacts by new proposed developments. For example, Montgomery County recently enacted a Growth and Infrastructure Policy that requires developers to make “utilization premium payments” and additional taxes if the proposed development falls in an area with over-capacity public schools. It should be noted that the County's ability to enact mitigating policies may be impacted by Virginia's status as a Dillon Rule state, so some of the tools mentioned may not be feasible for Arlington to enact.
- Missing middle housing policies were enacted fairly recently across the country, so it is too early to assess whether enacting those policies accomplished the goals set forth by the communities we studied. By the same token, it also may be too early to assess whether significant student enrollment growth or other public facilities impacts have occurred as a result of new policies. Commissioners researched whether new missing middle housing affected student generation factors, but they found either that the implementation was too new for any notable difference or that that information was otherwise unavailable. We did not find that the jurisdictions engaged in a process that looked specifically at schools and public facilities. There were extensive public engagement processes that were broad in scope and looked long-term (2040, 2050) asking specifically how the public imagined the future of their communities, which included schools and other public facilities.
- Consider using information learned from the Missing Middle Housing Study to inform (and to also be informed by) an expanded long-range vision of the future of Arlington as a whole, including considerations for transportation, diversity, equity, parks, environmental conservation, sustainability and schools and public

facilities. Again, many but not all of the jurisdictions studied implemented Missing Middle Housing policies after a broad, public, multi-departmental, long-range planning effort.

- Maintain the close collaboration between the County and APS by continuing to share information on projected student enrollment, new housing developments, student generation factors, and projected capacity utilization of APS facilities—to ensure that APS can successfully anticipate and plan to accommodate enrollment growth that might result from new missing middle housing.
- Continue work to more fully incorporate schools and public facilities into long-range planning processes and the Comprehensive Plan so that there are codified ways to address school and public facility impacts of any future changes to housing policies and zoning. Carefully consider how best to anticipate and mitigate impacts on public facilities from any Missing Middle housing policies that the County may adopt.

Speaking for myself and as a former Planning Commissioner, I believe there is a need to align the Missing Middle framework and Comprehensive Plan elements, specifically but not limited to the GLUP. I note that the GLUP and all County Comp Plan Elements are living documents and are amended frequently, so my comments should not be construed as a delaying tactic or a method for blocking changes that further the County's placemaking goals.

Convening public conversations around significant planning initiatives is an important role of the Planning Commission, and the Commission has a responsibility to advise whether adopted policies are in alignment with stated goals. For example, the Planning Commission may want to clarify items such as GLUP goal 4 that speak about "preserving single-family and apartment neighborhoods." (p 6). Neither "single-family" nor "apartment neighborhoods" are terms that necessarily include the Missing Middle Housing that is envisioned. So what does that goal mean in the context of Missing Middle Housing? Should that language be clarified, amended, or removed? Because some of the special development areas discussed in the GLUP (pp 20 and 22, for example) involved extensive work with and buy-in from various neighborhood working groups, and some mention of "protecting single family" neighborhoods exists in the GLUP as goals for those areas, should those goals be clarified, amended, or discarded before or after the updated zoning ordinance is enacted?

The Planning Commission, as the keepers of the GLUP, should address these questions in a clear, transparent way. I encourage Planning Commissioners to have this discussion at tonight's meeting or in a future meeting. Doing so would further help Arlingtonians

understand how MMH comports with the Comp Plan generally and the GLUP specifically, and is worthy of a public conversation.

Thank you.

**Public Comment #5**

- This week's election demonstrated that the vast majority of Arlington voters supported pro-MM county board candidates. With your meetings coming soon, I wanted to take this opportunity to express my support for missing middle. A vocal minority should not be allowed to sabotage or delay its adoption into the zoning code, especially given that we are in the midst of a housing crisis.

Thank you so much for your consideration of my perspective.

**Public Comment #6**

- As the Planning Commission continues its discussion of the Missing Middle Housing proposal, I urge you to remember that it complements Arlington's long range plans adopted in the Affordable Housing Master Plan. This proposal specifically addresses the need for more housing expressed in Objective 1.21:

1.2 "28.4 percent of new ownership stock added by 2040 should be affordable to households between 80% and 120% AMI. "

By limiting the height and massing of new multi-unit development and distributing it throughout the county other goals and objectives can be reached.

As well as a housing crisis we have a climate crisis. Increasing managed density is an action for now and future generations.

**Public Comment #7**

- Dear Distinguished Members of the Zoning Committee:

John F Kennedy once stated, “[f]or of those to whom much is given , much is required.” As members of the Zoning Committee you have been given the people’s trust to make factually sound prudent decisions in the interest of Arlingtonians. Decisions that are well-reasoned, well-researched, fully investigated and having taken prudent time given the import and impact of the decision. A decision is before you that affects the health and continued flourishing of the neighborhoods our families live in as well as our largest investments – our homes and families.

It is not an exaggeration to say your decision on the politically speculatively named Missing Middle Housing Draft Framework and the associated draft Zoning Ordinance amendments presented less than 2 weeks ago will impact (and likely in significant negative fashion if moved forward) tens thousands of people each and everyday. This responsibility will fall on members of this Committee for moving such a proposal forward without forcing the County to explore less negatively impactful plans, without taking more time to fully investigate the proposals expected impact on schools, trees and the environment, traffic, parking, water runoff and the budget and resources. If the Zoning Committee fails to do it's due diligence, it will have ignored JFK's wise civic call to responsibility that leads to better societies.

While Missing Middle Housing Study was originally suggested as a vehicle to provide affordable housing, the County has admitted it will not do that and is fatally flawed. Instead economists suggest it will actually make housing more expensive and will replace the most affordable family housing with million dollar and similar new constructions. Since then, seemingly for political reasons, the County Board has searched for a justification to continue to pursue Missing Middle – treating this clear-cutting upzoning plan as a [flawed] solution in search of a problem to address. Unfortunately, it clear to the vast majority of Arlingtonians chiming in on the issue in response to County request for input It does not solve problems – only raises new ones.

There is widespread County support for searching for real solutions to challenges regarding housing and if the County was interested in pursuing solutions or even more than this single Missing Middle political phrase as the only solution – residents across all political spectrums recognize Arlington could address – at least in part – these problems. It is the job of the Zoning Committee to ensure Zoning Proposals are prudent, well-considered, in the long term interest of the County and consistent with the existing land use policies of the County. Those proposed on October31 are not good solutions.

First and foremost they conflict the long-standing policy of support for and preservation of single family neighborhoods. They are flawed in their purpose.

More specifically the 42 page memo in dense technical fashion raises a host of proposals of first impression which raise many questions. For example there are now the following proposals that contradict County's messaging thus far on the proposal, to just name a few:

- Ability for developers to exceed height, setback and lot coverage requirements upon BZA approval.
- Increases in maximum lot coverage by 5% in R-5, R-6, R-8, R-10 zones creating disincentives for garages
- Decreases in the minimum lot area required for semi-detached units and townhouse

- Decreases in the minimum width of lot required for semi-detached units in R20, R-10, R-8, R-6, and R-5

Residents lives will forrver be changed by the Zoning Changes for which the County has refused to conduct impact analysis. Those who have studied probable impacts in light of the County's refusal to do so all seem to be finding negative outcomes without promised benefits. Is the Zoning Committee a serious body that performs fact based analysis with data to support wise government decision on behalf of Arlingtonians or a political body that rubber stamps bumper sticker proposals?

I trust the members of the Zoning Committee will take their jobs with the gravity of the decisions before it here. DO the research, seek clarity and facts and take the time to do a full analysis of this proposal and consider whether other options that may be preferable have been considered. In doing so you can to ensure Arlington's future, rather than roll the dice on a bumper sticker.

You have been given responsibility by the people of Arlington, please do not disappoint.

**Public Comment #8**

- I am adamantly opposed to abolition of single-family zoning laws throughout Arlington County. Why not proceed with moderation by loosening up zoning laws only along a few transit corridors and around metro hubs? Given that this initiative, if extended universally, will change the entire character of Arlington County and make it more akin to urban New Jersey, the County Board should put it to a popular vote. Do NOT execute this new zoning law by fiat.

**Public Comment #9**

# Missing Middle: 8-plexes on any lot

**8-plex on 5200 ft<sup>2</sup> lot**

Floors 2&3 shown; floor 1 (units A/B) are 786 ft<sup>2</sup> each.

The County Board (not you) votes **Nov. 2022** on new rules to allow 2-8 unit buildings on any single-family lot. No limit. **28,000 homes** affected.

**County Plan is not affordable** (3-BRs for \$1.15M-\$1.5M; 2-BRs, <1500 ft<sup>2</sup> start at \$571k).

Plan results in **90% 1-2 BRs** by replacing low-cost 3-BR starter homes.

**Not diverse or inclusive.** Plan prices out most minorities, teachers, first responders, seniors.

Get facts & act!  
[asf-virginia.org](http://asf-virginia.org)

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**Public Comment #10**

- I endorse Suzanne Sundberg's comments on the missing middle proposal.

This pernicious, divisive proposal is one of the worst proposals I have ever seen from the Board. It can only be supported by developers and people who want to cash out and move from Arlington. As for current residents, who could possibly want an 8-plex looming over their house? This proposal will not result in more affordable housing and rentals, only displacement of existing residents, and probably lower income residents. Therefore,



it is likely to disproportionately displace Hispanics and persons of color, and could even be found unconstitutional for that reason.

### **Public Comment #11**

- Thank you for taking my comments. My name is Brooke Alexander. I am the Ashton Heights Tree Canopy Fund Coordinator and the Ashton Heights Tree Canopy and Native Plant Coordinator. I am here representing myself tonight. (Our civic association has not had time to digest, discuss, and determine a response to the proposed document, which was issued Oct 31, 9 days ago.)

We need to find a way to have both people AND trees in order to keep Arlington a wonderful place to live. There are lots of variables and I don't think any one person (or commission...no offense) can think of all the iterations and implications of each variable. We need to have collaboration from many parties, and buy in, and that takes time.

I will talk about just one of those variables. Option 6A (p 14) which would require 1 shade tree per dwelling unit. That is appealing, but let me tell you about Ashton Heights, where most of our lots are R6.

I have done more than 200 consultations in Ashton Heights looking to place Tree Canopy Fund trees. I've been able to place most of them. But some of our old houses don't currently have space for a canopy tree. The County requirements to place a tree restrict their placement for the long term benefit of trees. Here are the restrictions:

- 20 feet from power lines;
- 10 feet from a building;
- 4 feet from sidewalks, driveways, patios and fences;
- 5 feet from underground utilities;
- 10 feet from existing small trees; 20 feet from existing large trees.

Look further to the McMansions that are being built in Ashton Heights. Trees are cleared from the lot. Our smaller houses are torn down. When McMansions are built, there remains little potential space for canopy trees to be put back. They leave 25 feet in the front yard and 25 feet in the back yard, and 8 and 10 foot sideyards, and have all those impediments to planting trees mentioned above.

If the McMansion house cover is the base coverage for a Missing Middle house, and if 8 units are put in that space, under Option 6A, 8 trees would be required. But there will not be space for 8 trees, at least not in regulation R5 or R6 lots.

*(Note that a Commissioner questioned whether an 8 plex could be built in R5 or R6. Attached is ASF graphic that shows an 8-plex could physically be placed on a 5200sf lot and meet all the current zoning requirements. As you can see in the attachment, units are*

*502sf and 768sf. These would not be family units, but they would be viable, and comproble to the space available to residents in two group houses down the street from me. One house has 6 young professionals in a 3BR 2.5 bath; one has 4 young professionals with dogs in a 3BR, 1 bath SFH.)*

So, requiring 1 tree per dwelling unit could potentially increase the canopy down the road, if it is over and above the Chesapeake Bay Ordinance requirement of 10%. But what do you do if the trees won't fit?

Now, if we spend the time to think about it, perhaps we could improve on our space for trees. MMH will likely require new water/sewer/gas line from the street. This would give an opportunity to place them in a way that maximizes space for trees.

Perhaps utilities could be clumped together, leaving more space in the ground for tree roots; perhaps electric could be required to be underground, leaving more space above ground for trees. But these requirements would need to be put in the code, and we would need time for that.

As you know from the Draft Forestry and Natural Resources plan put out this year, the SFH residential areas are where the trees are, and also currently contain potential space for more trees. Putting more impermeable surfaces in SFH areas has and will continue to reduce tree canopy. If you truly are looking for places for trees, we need to reduce coverages allowed, as the Urban Forestry Commission recommended.

So in your discussions, please consider recommending more time, so that we can get this right. These Zoning changes will be with us for a long time.

- 20% tree canopy coverage - new - at planting
- 20% tree canopy coverage in 20 years

**Missing Middle: 1,433 8-plexes**

**Lyon Park, Ashton Heights**

The County Board votes Nov. 2022 on new rules to allow 2-8 units on any lot in R-5 to R-20 (single-family) zones. This affects approx. **1,700 lots** in Lyon Park & Ashton Heights.

**1,433 (84%)** of them are 5,200 ft<sup>2</sup> (at left with an 8-plex\*) or larger.

Floors 2&3 shown; floor 1 (units A/B) are 786 ft<sup>2</sup> each. For R5: lot coverage 44%; main building coverage 33%. \*For R6: lot size of 5,278 ft<sup>2</sup> used; lot coverage 43% and main building coverage 32%.

**Follow the facts**  
 asf-virginia.org

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3 large canopy trees

**Public Comment #12**

- I virtually attended the LRPC Meeting last night and was quite surprised to that members did not think that 6-8 unit Missing Middle (MM) buildings could be built on R-5 and R-6 lots. Please see this analytical tool developed by a neighbor:  
<https://www.tawbaware.com/maxlyons/arpex/map.html>

You can look at any residential lot in the County to see what could be built under the current MM proposal. In my R-6 neighborhood, 6 and/or 8 unit buildings will fit on just about every lot. At the Northern VA Realtors Ass workshop in October at GMU, a

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builder said he would construct the densest possible MM on any lot to maximize his profits. I have heard the same from other builders and realtors. This means the least expensive family sized homes (on the smallest lots) will be torn down to build 6-8 unit MM - most likely rentals. The County's own analysis shows that 90% will be 1-2 bedroom and more than 80% will be rentals.