
Zoning Committee of the Planning Commission (ZOCO)

Meeting Summary

July 12, 2022, 7:00pm

Virtual Microsoft Teams Meeting

Planning Commissioners in attendance:

Elizabeth Gearin
Stephen Hughes
James Lantelme
Leonardo Sarli (Co-Chair, ZOCO)

Planning Commissioners absent:

Denyse "Nia" Bagley
Devanshi P. Patel (Co-Chair, ZOCO)
Tenley Peterson
James Schroll
Sara Steinberger
Daniel Weir

Staff in attendance:

Matt Mattauszek, Development Master Planner, CPHD - Planning
Nick Rogers, AICP, CZA, Principal Planner, CPHD – Planning

Neighborhoods Form Based Code Amendment: Western Subarea Regulating Plan (The Haven)

ZOCO Chair Leonardo Sarli opened the meeting at 7:00pm.

Mr. Matt Mattauszek provided an overview of the prospective zoning ordinance amendment. His presentation included a summary of feedback on the Neighborhoods Form Based Code (N-FBC) amendment provided by the Form Based Code Advisory Working Group (FBC AWG) at previous FBC AWG meetings earlier in 2022. He also presented staff's recommendation and the anticipate schedule moving forward for the N-FBC amendment.

Mr. Mattauszek oriented the attendees to the subject property associated with the N-FBC amendment. This property is the Haven Apartments, formerly known as Tyrol Hill Apartments, which were constructed in 1950. The Haven has 118 total dwelling units within 8 separate, garden-style apartment buildings. The total site area is 4.52 acres, and the property was ranked as "Notable" in the 2011 Historic Resources Inventory. The Haven is located within the Arlington Mill neighborhood, and immediately surrounded by a mixture of rental and condominium complexes. He noted that the Haven's apartments were considered a market-rate affordable apartment community since the monthly leasing rates are affordable to households who earn either 60% of the area median income (AMI) or 80% AMI.

Mr. Mattauszek gave a brief overview of the Columbia Pike form based codes, showing the district boundaries for the Commercial Form Based Code (FBC) and their relationship with the N-FBC areas. He discussed the N-FBC regulating plan, showing how the Haven is governed by

two Building Envelope Standard (BES) frontage types shown on the regulating plan – Urban Residential on the southern half of the site, and Townhouse/Small Apartment on the northern half of the site.

Mr. Mattauszek discussed the N-FBC provisions pertaining to conservation areas, displaying that there are two apartment communities – Barcroft Apartments and Fillmore Garden – which are designated as conservation areas on the N-FBC regulating plan. He explained that conservation areas are intended to preserve existing affordable housing supplies, historic architecture, and character/site layouts.

After providing this background information, Mr. Mattauszek outlined a three-part development proposal that involves a requested amendment to the Haven’s existing designation on the N-FBC regulation plan. The three parts consist of the following:

1. Preservation of the Haven through designation as a conservation area on the N-FBC regulation plan. This designation would limit and restrict redevelopment as would otherwise be permitted by the N-FBC;
2. Through County Board action with a use permit approval, a transfer of development rights would be enabled by certifying the Haven as a *sending site* to transfer its development density to another location in Arlington subject to multipliers specified in the N-FBC which dictate the exact amount of density that can be transferred; and,
3. A site plan application for redevelopment, proposed for the current location of the Macy’s in Ballston, which would utilize the Haven’s transferred density as a *receiving site*.

Mr. Mattauszek explained that ZOCO’s review for this meeting would focus on the N-FBC amendment, posing several prompts for ZOCO’s consideration:

- Should the existing Part 3 of the N-FBC be amended to include the Haven as a Conservation Area?
- What are some of the pros/cons of preserving this site (which would impact redevelopment per the N-FBC)?
- Does the Haven share characteristics with the Barcroft and Fillmore Gardens apartment complexes?
- Since this is the first instance of such a request, is the current review relying on clear and objective criteria?

Mr. Mattauszek provided an overview of staff’s analysis on the proposed N-FBC amendment:

- He identified policy precedents in the 2012 Columbia Pike Neighborhoods Area Plan and the 2015 Affordable Housing Master Plan which he identified as in alignment with the conservation area designation.
- He also noted that the 2012 Neighborhoods Plan had categorized the Haven as a historically significant apartment complex contributing positively to the broader Columbia Pike corridor’s identity. Historically significant apartment complexes included those that typically consisted of 2-3 story brick buildings enclosed by courtyards and mature trees and were constructed during the same post-WWII era and designated as either Essential, Important, or Notable in the 2011 Historic Resources Inventory.

- He discussed the implications with conservation area designation for the Haven, which would result in the existing apartments' affordability protected by way of adding all of them to the County's committed affordable unit (CAF) program for a 30-year term. He mentioned that the apartments may need to be renovated to meet Housing Quality Standards set by the U.S. Department of Housing and Urban Development (HUD) in accordance with Part 7 of the N-FBC. He also discussed how the density transfer would be documented by way of a deed of restrictive covenants, CAF agreement, and historic preservation easement.
- He documented the similarities between the Haven and the two other apartment communities – Barcroft Apartments and Fillmore Garden – which are designated as conservation areas on the N-FBC regulating plan. Each of the three complexes share similarities in their construction dates, architectural style, building form/height, open space emphasis, building materials, mature tree canopy, and existing stock of market-rate affordable apartments.

Mr. Mattauszek presented the proposed changes to the N-FBC regulating plan alongside the existing regulating plan for the purposes of comparison. The proposed changes would entail redesignating the Haven's subject property from Urban Residential and Townhouse/Small Apartment to Conservation Area and realigning a proposed alley to border the entire length of the Haven's eastern property boundary. He explained that these changes would enable compatible transitions from the Haven to adjacent sites should they redevelop using the N-FBC optional standards.

Mr. Mattauszek closed his presentation with an overview of the development proposal's review process, showing the N-FBC proposed amendment alongside the density certification use permit and the Ballston site plan. He summarized previous feedback from the FBC AWG, highlighting comments related to this being a precedent for the overuse of the TDR tool. He explained that such requests are extremely rare, requiring agreeable property owners at both the sending and receiving sites. He shared the project's review schedule, which included reviews by the Historical Affairs and Landmark Review Board (HALRB), the Citizens Advisory Commission on Housing, the Planning Commission and the County Board

Commissioner Stephen Hughes provided an overview of previous FBC AWG meetings where the development proposal was discussed. He shared that the AWG had originally had a low level of support for the proposal but developed consensus for a tepid endorsement of the proposal due to the applicant providing additional commitments to providing "workforce" housing for residents who earn up to 80% of AMI at the sending site in Ballston. This demonstrated to the AWG that affordable housing would be provided not just within the Columbia Pike corridor, but also in Ballston.

Commissioner Sarli then facilitated ZOCO's discussion on the following topics:

- The degree of permanence for the Haven's TDR status as a sending site if the Ballston Macy's receiving site were to redevelop again in the future.
 - Mr. Mattauszek explained that conditions would be proposed for adoption with the density certification use permit that would govern the TDR's implementation. These would reference the site's dwelling units' inclusion into Arlington's CAF program, incoming monitoring associated with the CAF program, and the historic preservation easement in perpetuity that would prevent future redevelopment of the Haven.

- The standards and improvements that are triggered by the FBC upon conservation area designation and TDR certification that would ensure the longevity of the preservation of the Haven’s existing buildings.
 - Commissioner Hughes asked if an approved historic district had ever been removed at a later date, and Mr. Mattauszek committed to providing an answer to the question at a future meeting of the Planning Commission. He also inquired as to whether the Code of Virginia had stipulations which would prohibit the removal of a historic district at a later date.
 - Mr. Mattauszek noted that there are different types of land use tools used for historic preservation purposes such as easements. Commissioner Lantelme requested additional information on a previously approved development project in Clarendon by Penzance that had utilized TDR and resulted in 3-4 properties along Wilson Boulevard receiving historic preservation.
- The logistics and mechanics behind whether the TDR can be considered a community benefit for the purposes of the Ballston Macy’s site plan review, and the proximity of an applicant’s proposed improvements to the subject property to be considered a community benefit.
 - Mr. Mattauszek clarified that the Ballston site plan at the Macy’s location has requested bonus density, and that the density can be earned through a number of options permitted in the Zoning Ordinance. In this instance, a significant portion of the requested bonus density would be earned through the TDR process that preserves the open space and the historic character, as well as the affordability of 118 dwelling units at the Haven while transferring a two-times multiplier of an equivalent of 236 dwelling units of density to the Ballston site.
- The distribution of affordable housing between the sending and receiving sites, with a desire to have such housing provided not just with the Haven’s designation as a conservation area but also at the Ballston site where housing costs are comparatively higher.
- The approach that would be utilized by the County and the applicant to establish the Haven’s 118 dwelling units as committed affordable units (CAFs) for residents earning no more than 60% of the AMI, but transitioned in a way so that existing Haven residents who have household incomes above 60% AMI are not evicted or displaced and instead permitted to continue to reside at the Haven.

Public Comments.

Commissioner Sarli invited members of the public in attendance to provide feedback and comment:

- Dr. Bernard Berne, President of the Buckingham Community Civic Association expressed concerns to ZOCO about the overall development proposal. He noted that he had provided written comments to staff in advance of the meeting. He was disturbed with what he felt was the low number of CAFs to be provided at the Ballston site, and saw a need to preserve the existing market-rate affordable dwelling units (MARKs) at the Haven, and not simply convert them to CAFs. He also shared concerns with the proposed demolition of the remaining vestiges of the Parkington Shopping Center if the development proposal was

approved, noting that Parkington was listed on the County's Historic Resources Inventory, and felt that the TDR contradicted the County's historic preservation policies.

The ZOCO meeting was adjourned at 8:16pm.