



ARLINGTON COUNTY, VIRGINIA

FBC-34 | N-FBC-20
**(Parking and housing affordability
for elder care uses)**

Adopted February 24, 2024

Effective February 24, 2024

At the County Board regular meeting on February 24, 2024, on a motion duly made by County Board Member Matt de Ferranti and seconded by County Board Vice-Chair Takis P. Karantonis, the Arlington County Board unanimously adopted the following ordinance, effective immediately, to amend, reenact and recodify Appendix A (Columbia Pike Commercial Form Based Code), and Appendix B (Columbia Pike Neighborhoods Form Based Code) of the Arlington County Zoning Ordinance (ACZO) to establish elder care vehicle parking requirements, elder care bicycle parking requirements, and update the affordability requirements for elder care development projects utilizing the Columbia Pike Neighborhoods Form Based Code, and for other reasons required by the public necessity, convenience, general welfare, and good zoning practice.

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Approved amendments are shown with underline to denote new text, and ~~striketrough~~ to denote deleted text.

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APPENDIX A. Columbia Pike Special Revitalization District Form Based Code

Section 302. Rules for the Regulating Plan and New Development Plans

D. Parking

3. All other DEVELOPMENT PROJECTS not expressly covered by Section III.B.4.B. shall meet the following requirements: ^{18A}
 - a. A minimum of 1 and 1/8 parking spaces per residential dwelling unit, of which a minimum of 1/8 parking space per residential unit shall be provided as SHARED PARKING, except for elder care uses as regulated in 3.b and 3.c below. There are no maximum limits on SHARED PARKING.
 - b. A minimum of 0.4 space per bedroom of any assisted living facilities, independent living facilities, or continuing care retirement communities shall be provided as SHARED PARKING.
 - c. A minimum of 0.4 space per bed within a nursing home shall be provided as SHARED PARKING.
 - ~~bd.~~ For all other uses except hotel uses, a minimum of one space per 1,000 square feet of non-residential Gross Floor Area (GFA) shall be provided as Shared Parking; there are no set maximum limits on SHARED PARKING. New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for SHARED PARKING. Any limitations on the SHARED PARKING (time limits or hours of the day) shall be subject to approval by the Zoning Administrator which shall be given upon a finding that at least 12 hours of public parking are provided in any 24-hour period and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the Zoning Administrator determines that the primary public use will be for commercial or residential uses. ^{20B}
 - ~~ee.~~ For hotel uses, a minimum of 0.5 space per hotel guest room shall be provided as RESERVED PARKING; there are no set maximum limits on SHARED PARKING. In addition, any hotel that includes 7,500 square feet or more of conference room or banquet facility GFA, shall provide additional parking at a rate of 1 space per 1,000 square feet of all conference room/banquet facility GFA.
 - ~~ef.~~ A maximum of one space per 1,000 square feet of non-residential GFA (exclude hotel uses), two spaces per residential dwelling unit, and a maximum of 0.7 space per hotel guest room may be made available for RESERVED PARKING, not counting the additional parking required by subsection 3, above, for hotels that include 7,500 square feet or more of conference rooms or banquet facilities.
 - ~~eg.~~ RESERVED PARKING above the maximum may be provided upon payment to the County. The County Manager shall establish the amount of payment annually based on the approximate cost to build structured parking.

4. Achieving parking requirements

- a. Parking requirements may be met either on-site or within the parking zone in which the development is located.
- b. In lieu of minimum parking requirements, the County may accept a one-time payment per each space of SHARED PARKING. The County Manager shall establish the amount of payment annually based on the approximate cost to build structured parking.
- c. Incentives from the Tax Increment Public Infrastructure Fund (TIPIF) may be used, in accordance with approved TIPIF policy, for eligible projects to meet SHARED PARKING requirements.

5. Bicycle Parking

- a. Bicycle Parking shall be provided for all uses in accordance with the following standards, provided, where application of the requirements would result in a fractional space, any such fraction shall be counted as one space: 20B

Use	Tenant/Employee	Customer/Visitor/Student
Office	1 per 7,500 GFA	1 per 20,000 GFA
Residential	1 per 3 units	1 per 50 units
<u>Elder Care</u> (independent living, assisted living, continuing care retirement communities, and nursing homes)	<u>1 per 10 beds</u>	<u>1 per 50 beds</u>
Hotel	1 per 10 guest rooms	1 per 5,000 GFA
High School and Colleges	1 per 10 employees	1 per 10 students
Middle School	1 per 10 employees	1 per 15 students
Elementary School	1 per 10 employees	1 per 20 students
Governmental Facilities, Hospitals, and Daycare Uses	1 per 25,000 GFA	1 per 10,000 GFA
All Other Civic Uses	1 per 25,000 GFA	1 per 5,000 GFA
Retail Uses	1 per 25,000 GFA	1 per 5,000 GFA (first 50,000 GFA); 1 per each additional 12,500 GFA

- b. All tenant and employee bicycle parking facilities are to be highly visible to intended users and shall be protected from rain and snow within a structure, meeting Class I secure standards as contained in the Arlington County ~~Master Transportation Plan's Bicycle Element (July 2008)~~ Bicycle Parking Standards Guide (2022) and as may be subsequently amended. Where tenant and employee bicycle parking cannot be accommodated within structured parking located on site, the design of the independent bicycle parking facility, also to be located on site, shall be screened from view of pedestrians along a STREET and constructed using the same materials or materials appearing to be the same as those used on the primary building(s). The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.

- c. On-street bicycle parking spaces (as defined in Section ~~V.B.~~ 502 Minimum Standards) may be counted toward the minimum Class III customer/visitor bicycle parking requirement. ⁸⁸

APPENDIX B. Columbia Pike Neighborhoods Special Revitalization District Form Based Code

Section 802. General Standards

A. All DEVELOPMENT PROJECTS shall meet the following requirements:

1. A minimum of 1.125 parking spaces per residential dwelling unit, of which a minimum of 0.125 parking space per residential unit shall be provided for visitors or as SHARED PARKING, except for elder care uses as regulated below.
2. A minimum of 0.4 space per bedroom of any assisted living facilities, independent living facilities, or continuing care retirement communities shall be provided as SHARED PARKING.
3. A minimum of 0.4 space per bed within a nursing home shall be provided as SHARED PARKING.
- ~~24.~~ A minimum of 1 space per 1,000 square feet of non-residential Gross Floor Area (GFA) shall be provided as SHARED PARKING, except for hotel uses as regulated below.
- ~~35.~~ A minimum of 0.5 space per hotel guest room shall be provided as RESERVED PARKING. Any hotel that includes 7,500 square feet or more of conference room or banquet facility GFA, shall provide additional parking at a rate of 1 space per 1,000 square feet of all conference room/banquet facility GFA.
- ~~46.~~ There are no maximum limits on SHARED PARKING.
- ~~57.~~ New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for SHARED PARKING. Any limitations (such as time limits or hours of the day) on the SHARED PARKING (time shall be subject to approval by the Zoning Administrator which shall be given upon a finding that at least 12 hours of public parking are provided in any 24-hour period and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the Zoning Administrator determines that the primary public use will be for commercial or residential uses, respectively.
- ~~68.~~ A maximum of 1 space per 1,000 square feet of non-residential GFA or two spaces per residential dwelling unit may be made available for RESERVED PARKING.
- ~~79.~~ RESERVED PARKING above the maximum may be provided upon payment to the County. The County Manager shall establish the amount of payment annually based on the approximate cost to build structured parking.
- ~~810.~~ Parking spaces for visitors shall be located in a clearly marked and designated common area available to all visitors, except for any parking spaces that may be provided as new on-street SHARED PARKING spaces.
- ~~911.~~ SHARED PARKING shall be designated by appropriate signage and markings as required by County policy.

~~1012.~~ Parking requirements may be met either on-site or within the parking zone in which the development is located.

~~1113.~~ In lieu of minimum parking requirements, the County may accept a one-time payment per each space of Shared Parking. The County Manager shall establish the amount of payment annually based on the approximate cost to build structured parking.

B. Bicycle Parking:

1. For office uses, the developer shall provide a minimum of 1 employee bicycle parking space per 6,000 square feet of GFA and 1 visitor/customer bicycle parking space per 20,000 square feet of GFA.
2. For residential uses, the developer shall provide a minimum of 1 tenant bicycle parking space per 2.5 dwelling units and 1 visitor bicycle parking space per 50 dwelling units, except for elder care uses as regulated below.
3. For elder care uses (independent living facilities, assisted living facilities, continuing care retirement communities, and nursing homes) the developer shall provide a minimum of 1 employee bicycle parking space per 10 beds or portion thereof, and 1 visitor space per 50 beds, or portion thereof.
- ~~34.~~ For retail uses, the developer shall provide a minimum of 1 employee bicycle parking space per 25,000 square feet of GFA and 1 visitor/customer bicycle parking space per 5,000 square feet of GFA for the first 50,000 square feet of retail GFA; and 1 additional visitor/ customer space per each additional 12,500 square feet of retail GFA, or portion thereof.
- ~~45.~~ For hotel uses, the developer shall provide a minimum of 1 employee bicycle parking space per 10 guest rooms or portion thereof, and 1 visitor space per 50 guest rooms, or portion thereof.
- ~~56.~~ All office, residential and hotel visitor bicycle parking shall meet the standards for Class III or Class II bicycle parking as defined in the Arlington County ~~Master Transportation Plan's Bicycle Element (July 2008)~~ Bicycle Parking Standards Guide (2022) and as may be subsequently amended. Where tenant and employee bicycle parking cannot be accommodated within structured parking located on site, the design of the independent bicycle parking facility, also to be located on site, shall be screened from view of pedestrians along a STREET-SPACE and constructed using the same materials or materials appearing to be the same as those used on the primary building(s). The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.
- ~~67.~~ Bicycle parking within the STREET-SPACE (as defined in Part 5. Urban Space Standards, Section 504.F.) may be counted toward the Class III minimum customer/visitor bicycle parking requirement.

Section 902. Affordable Housing Requirements

This Form Based Code provides for additional density above the underlying zoning as an incentive for property owners to create and preserve AFFORDABLE HOUSING to meet the current and future needs of the *Columbia Pike Neighborhoods Special Revitalization District*. Where a property owner takes advantage of the additional density permitted under this Code for the purposes of a commercial, elder care, or mixed-use DEVELOPMENT PROJECT, the affordable housing cash contribution outlined in 902.A

shall be provided and applicable requirements outlined in 902.E shall be met, except as allowed below. Where a property owner takes advantage of the additional density permitted under this Code for the purposes of residential DEVELOPMENT PROJECT, the AFFORDABLE HOUSING requirements outlined in 902.B through F, shall be met, except that for elder care use (independent living facilities, assisted living facilities, continuing care retirement communities, and nursing homes) DEVELOPMENT PROJECTS, the proposal may provide a cash contribution in lieu of on-site AFFORDABLE HOUSING UNITS as set forth in 902.A.

A. Affordable Housing Cash Contribution for ~~Commercial Development Projects~~

1. For commercial DEVELOPMENT PROJECTS (including Commerce, Civic, and Retail) equal to or greater than 1.0 Floor Area Ratio (F.A.R.), the proposal shall include a cash contribution to the Affordable Housing Investment Fund calculated using the following tiers:
 - a. \$2.05 per square foot of Gross Floor Area (GFA) for the first 1.0 F.A.R.; and
 - b. \$5.48 per square foot of GFA above 1.0 F.A.R.
2. For elder care (independent living facilities, assisted living facilities, continuing care retirement communities, and nursing homes) DEVELOPMENT PROJECTS equal to or greater than 1.0 Floor Area Ratio (F.A.R.), the proposal shall, unless provisions of 902.B below are selected, include a cash contribution to the Affordable Housing Investment Fund (in lieu of on-site AFFORDABLE HOUSING UNITS) calculated using the following tiers:
 - a. \$2.05 per square foot of Gross Floor Area (GFA) for the first 1.0 F.A.R.; and
 - b. \$5.48 per square foot of GFA above 1.0 F.A.R.
- ~~23.~~ For mixed-use DEVELOPMENT PROJECTS:
 - a. A cash contribution, as outlined in 902.A.1.and 902.A.2, shall be provided for the proportionate amount of commercial or elder care GFA; and
 - b. On-site AFFORDABLE HOUSING, as outlined in 902.B through F, shall be provided for the proportionate amount of residential units.
- ~~34.~~ The cash contribution will be indexed to the Consumer Price Index for Housing in the Washington-Arlington-Alexandria, DC-VA-MD-WV, as published by the Bureau of Labor Statistics, and adjusted annually, beginning January 2020. Revised amounts apply only to the applications filed after the adjustment date. Amounts for the calculation of the cash contribution shall be established at the time of a Final Neighborhoods Form Based Code Application filing. A cash contribution for residential DEVELOPMENT PROJECTS will not be accepted, except as allowed for elder care uses as described above.

B. Number of On-Site Affordable Housing Units

Each residential DEVELOPMENT PROJECT shall include on-site AFFORDABLE HOUSING UNITS as set forth below, except that for elder care uses (independent living facilities, assisted living facilities, continuing care retirement communities, and nursing homes) the proposal may provide a cash contribution in lieu of on-site AFFORDABLE HOUSING UNITS as set forth in 902.A:

1. The specific percent requirement shall be calculated as a fraction multiplied by ten. That fraction is calculated as the total number of proposed units (new construction and existing) over the maximum number of units permitted by the greater of: 1) the existing underlying zoning or 2) the number of units existing on the site on [time of adoption]. Under no circumstances shall

the number of AFFORDABLE HOUSING UNITS required by this 902.B.1 be less than 20 percent or more than 30 percent of the NET NEW UNITS.

2. If AFFORDABLE HOUSING UNITS are proposed within existing buildings, the percent requirement arrived at through application of 902.B.1 above shall be increased by five.
3. New Construction Example: If 500 units are proposed, and 200 units exist today on site, the fraction equals 2.5, and therefore the applicant will be required to provide 25 percent of the 300 NET NEW UNITS as new committed AFFORDABLE HOUSING UNITS (75 units).

Partial Redevelopment Example: If 500 units are proposed, and 200 units exist today on site, and the applicant chooses to place the AFFORDABLE HOUSING UNITS within the existing buildings (rather than demolish and build new), the fraction equals 2.5, or 25 percent of the of the 300 NET NEW UNITS as committed AFFORDABLE HOUSING UNITS. Because the AFFORDABLE HOUSING UNITS are proposed within existing buildings, the percent requirement arrived at through application of 902.B.1. above shall be increased by five. Therefore, the applicant will be required to provide 30 percent of the NET NEW UNITS as new committed AFFORDABLE HOUSING UNITS (90 units).

C. Affordability Level & Term

AFFORDABLE HOUSING UNITS shall be committed for a term of no less than 30 years and shall be affordable to households earning up to 60 percent of the Area Median Income (AMI) as set by US Department of Housing and Development (HUD) for the Washington, DC Metropolitan Statistical Area, adjusted for household size, commencing at the time of execution of the required documents, except as follows:

1. DEVELOPMENT PROJECTS west of George Mason Drive: An applicant may provide up to 33 percent of the required AFFORDABLE HOUSING UNITS at affordability levels of 60 percent to 80 percent of the AMI at a rate of two (2) units available at 60 percent to 80 percent of the AMI for every one (1) unit required at 60 percent of the AMI.
2. DEVELOPMENT PROJECTS east of George Mason Drive: An applicant may provide up to 33 percent of the required AFFORDABLE HOUSING UNITS at affordability levels of 40 percent of the AMI at a rate of 0.5 units available at 40 percent of the AMI for every one (1) unit required at 60 percent of the AMI.
3. By use permit approval, the County Board may adjust the proportions described in 902.C.1.a and 902.C.1.b to allow for larger quantities of units affordable at 60 percent to 80 percent of the AMI or 40 percent of the AMI units, respectively.

D. Unit Mix

One-half of the quantity of required AFFORDABLE HOUSING UNITS WITHIN NEW CONSTRUCTION shall have 2 or more bedrooms, of which at least 25 percent of those units have more than two bedrooms.

Where AFFORDABLE HOUSING UNITS are provided in existing buildings, one-half of the quantity of required AFFORDABLE HOUSING UNITS shall have 2 or more bedrooms, of which at least 25 percent have more than two bedrooms. If the requisite number of units with two or more bedrooms are not available within the existing building, and additions to the existing building are not proposed, the applicant may provide the required quantity of AFFORDABLE HOUSING UNITS as 2 bedroom units.

E. Tenant Relocation Plan

The applicant shall provide information consistent with the Arlington County Tenant Relocation Guidelines including but not limited to tenant profiles, a relocation plan for existing tenants to be displaced with redevelopment, and a description of the relocation assistance proposed (financial and otherwise). The relocation plan shall:

1. Outline strategies the applicant plans to use to mitigate any displacement that may occur as a property is fully or partially redeveloped.
2. Documentation of timely tenant meetings, relocation payment amounts per bedroom size, eligibility criteria, and the proposal of new rents and utilities.

The applicant is responsible for presenting a draft plan to the Arlington Relocation Coordinator for review and approval prior to review with the Tenant Landlord Commission. Upon review and approval from the Tenant Landlord Commission, and during the duration of the relocation process as specified in the approved Tenant Relocation Plan, the applicant is required to meet monthly with the Arlington Relocation Coordinator to review ongoing status, as well as provide monthly statistical and tracking reports.

F. Affordable Housing Unit Location

An applicant may meet the AFFORDABLE HOUSING requirement by providing units either within new construction or within existing buildings that will remain within the development proposal. All units are subject to the Virginia Uniform Statewide Building Code.

AFFORDABLE HOUSING UNITS in existing buildings shall be renovated sufficiently to meet Housing Quality Standards, set by the U.S. Department of Housing and Urban Development (HUD), and the standards set-forth within the Virginia Uniform Statewide Building Code.
