

## Erwin, Nicole

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**From:** Mark Weber <mrweber@alum.mit.edu>  
**Sent:** Saturday, January 18, 2025 8:07 PM  
**To:** City Council  
**Cc:** City Clerk  
**Subject:** Hoping to stay

Dear Representatives,

I've lived in Cambridge the better part of ten years and hope to one day be able to afford to own a home here.

I am writing to express my strong support for policies that would increase housing development in our city. Our community is experiencing rising rents and home prices that are making it increasingly difficult for residents to find affordable housing.

I urge you to approve the measure that would allow for more housing construction, including multi-family developments and higher-density zoning, without additional concessions. This would help ease our housing shortage, create jobs, and make our city more accessible to people of all income levels. Thank you for considering this important issue.

Sincerely,  
Mark Weber

—

[Mark Weber](#)  
+1 857 209 8374

## Erwin, Nicole

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**From:** Guenoun Gabriel <gabriel.guenoun@gmail.com>  
**Sent:** Friday, January 17, 2025 2:01 PM  
**To:** City Council  
**Cc:** City Clerk  
**Subject:** Zoning change

Dear council,

My name is Gabriel, I am writing to express my strong support for changing the zoning to allow the maximum number of units possible. I am an immigrant from France, and I love living in Cambridge, but the high rents make it hard to stay. In France, 4 to 6 story building are common, and even though there are more jobs in Paris than Cambridge, the denser building help keep the rent affordable. 4 to 6 story buildings are very family friendly and would harmonize well with the city. I strongly advocate for passing the strongest upzoning possible.

Gabriel Guenoun,  
Putnam Ave, Cambridge

## Erwin, Nicole

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**From:** Marilee Meyer <mbm0044@aol.com>  
**Sent:** Friday, January 17, 2025 1:38 PM  
**To:** City Clerk; City Council; Nolan, Patricia; Wilson, Ayesha; Toner, Paul; Simmons, Denise; McGovern, Marc; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Cathie Zusy  
**Subject:** Up-zoning in Austin TX- video

Dear Councillors,

As you move multifamily zoning closer to your artificial deadline, there still remains issues that continue to be expressed and seem harder to articulate for larger comprehension. What I see are a couple of dedicated, myopic single issue councilors who refuse to look at the total context and see how we can integrate and resolve problems for a greater solution.

Cambridge is often mentioned and compared to cities like Vancouver, San Francisco, Minneapolis (which heavily subsidizes their affordable housing), and all of which are multiple-times larger than 6.8 - 7 sq miles of Cambridge. They have hundreds of square miles in their municipalities.

Maybe this video concerning AUSTIN, TX will bring up and make you question what the end game is and who will benefit from this upzoning, what is the practical and realistic result. What is the goal? Housing for 7000 MIT grad students?

I implore you to watch this video below. though it is pre-pandemic, the issues still remain.

At least, this is what concerns me.

Thank you.

Marilee Meyer  
10 Dana st

<https://www.youtube.com/watch?v=qsYOurWEoSc>

## Erwin, Nicole

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**From:** Carl Nagy-Koechlin <carlnagy-koechlin@justastart.org>  
**Sent:** Friday, January 17, 2025 11:45 AM  
**To:** McGovern, Marc; Siddiqui, Sumbul; Simmons, Denise; Wilson, Ayesha; Toner, Paul; Sobrinho-Wheeler, Jivan; Azeem, Burhan; Nolan, Patricia; Catherine Zusy  
**Cc:** Sara Barcan; Mike Johnston; Farooq, Iram; Huang, Yi-An; City Clerk; Cotter, Chris  
**Subject:** JAS, HRI, CHA statement re. MF Zoning process and proposals  
**Attachments:** Joint MF Zoning Statement 1.17.25.pdf

Hi all,

Homeowners Rehab, the Cambridge Housing Authority and Just A Start are sharing the attached joint public statement regarding the Multi-Family Zoning process and proposals. As you'll see from the statement, we have very much appreciated the modifications that the City Council has made to the plan in recent months to assure that it doesn't inadvertently undermine the Affordable Housing Overlay, which has been such an effective affordable housing tool. Although we don't yet know where the process will lead, we feel that it is important at this point in the process for our organizations - the three primary mission-focused affordable housing developers in Cambridge - to communicate that the 4+2 plan, which seems to be the most favored plan, (1) would likely stimulate the development of more housing, (2) would not be detrimental to the AHO and (3) is responsive to resident concerns about consistency with neighborhood scale.

Thanks for all that you do to support the development of housing in Cambridge for people of all income, and thanks also for consulting with us about the Multi-Family Zoning proposals.

Carl Nagy-Koechlin (and Sara Barcan - HRI and Mike Johnston - CHA)

--  
**Carl Nagy-Koechlin | Executive Director**  
**He/Him/His**



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Cambridge, MA 02140  
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[CarlNagy-Koechlin@justastart.org](mailto:CarlNagy-Koechlin@justastart.org)  
[www.justastart.org](http://www.justastart.org) (617) 939-4578

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**Statement from Just A Start, Homeowners Rehab, and the Cambridge Housing Authority  
regarding the Multifamily Zoning process and proposals – 1/15/25**

Just A Start, Homeowners Rehab and Cambridge Housing Authority, Cambridge's three primary developers and operators of affordable housing, agree that recent proposals to allow multifamily development along with increased height and density across the city will increase the housing supply. We believe that this increased supply will help to stabilize the housing market, and to maintain economic and other forms of diversity that make Cambridge such a unique place to live and work.

We also appreciate the compromises that have been reached in recent months through public comment and the City Council process. Specifically, the reduction of as-of-right building heights from 6 to 4 stories (with a bonus of 2 stories for projects with inclusionary units), and re-establishment of setback requirements will mitigate the potential for negative impact on the Affordable Housing Overlay (AHO) and help achieve greater consistency with surrounding context in many established neighborhoods. Given the likely significant impact of this policy initiative, we are very supportive of the 5-year review and possible revisions based on what we learn in the coming few years.

We thank the Council, the City and the community for taking into account how this initiative will impact the AHO, and we pledge to continue to do our best to bring quality affordable housing to our great city.

**Erwin, Nicole**

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**From:** Asha Daniere <asha@ashadaniere.com>  
**Sent:** Friday, January 17, 2025 6:20 AM  
**To:** City Council; City Clerk  
**Subject:** 3+3 versus 4+2

Hello Again Councillors.

Great OC meeting yesterday - lots of progress!

I'm writing because I was quite confused by the discussion around 3+3 vs 4+2 in the meeting and I imagine I'm not alone in that. The deck presented by CDD clearly shows **more market units being built under the 4+2 scenario**. So 3+3 has no impact on inclusionary units and reduces market units. Why would anyone who wants more housing support that? Councillor Wheeler seemed to be saying 3+3 would increase density but that is not what CDD is saying.

Please clarify for folks! I'd do that before the 27th if possible so you don't end up with confused public comment. Also people might use this to attack the plan - eg: "everyone is confused - you can't move forward"

Thanks for your great work!

Asha Daniere  
Clinton St.

**Erwin, Nicole**

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**From:** Heather Hoffman <heather.m.hoffman.1957@gmail.com>  
**Sent:** Thursday, January 16, 2025 4:45 PM  
**To:** City Council; Roberts, Jeffrey; Bayer, Megan  
**Cc:** City Clerk  
**Subject:** limiting the size of a single family home?

My reading of the second paragraph of [c. 40A, sec. 3](#), which is where the Dover Amendment is found, does not permit regulating or restricting the interior area of single family residential buildings, other than through the general dimensional regulations that the Council is dead set on abolishing, like FAR. It has already eliminated the ability of neighborhood conservation districts to consider anything of the sort.

Heather Hoffman  
213 Hurley Street

## Erwin, Nicole

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**From:** Young Kim <ycknorris@gmail.com>  
**Sent:** Thursday, January 16, 2025 4:04 PM  
**To:** McGovern, Marc; Toner, Paul; Simmons, Denise; Azeem, Burhan; Nolan, Patricia; Siddiqui, Sumbul; Sobrinho-Wheeler, Jivan; Wilson, Ayesha; Zusy, Catherine  
**Cc:** Huang, Yi-An; O'Riordan, Owen; Farooq, Iram; Roberts, Jeffrey; City Clerk; Cotter, Chris  
**Subject:** Re: Multifamily Housing Petition  
**Attachments:** Multifamily Zoning Petitions are not ready for final vote by Ordinance Committee.pdf; Citizen Petition submitted by Y Kim.pdf

Honorable Co-Chairs and Members of the Ordinance Committee,  
I am attaching my letter to the Ordinance Committee i asked the City Clerk to distribute and result of Petition asking Committee not to take final action today. Unfortunately I didn't have the time to print out copies to distribute but the City Clerk has a copy.

Thank you for your understanding and consideration,  
Young Kim  
Norris Street



Young Kim

17 Norris Street

1/16/2025 Multifamily Housing Petitions

Multifamily Zoning Petitions are not ready for final vote by Ordinance Committee

- CDD submitted report dated 1/14/2025 responding to
  - Late filed Policy Order POR 2024 #163 for Zoning Ordinance recommended zoning amendment language which was to be reported to the Ordinance Committee by 1/16/2025
  - Policy Order POR 2025 #1 which was “to report back on these policies ... to the City Council in a timely manner”.
  - CDD should have filed two separate reports, one to the Ordinance Committee, the other to the City Council as called for in the Policy Orders
- The Ordinance Committee should not deliberate
  - on the policy related response of POR 2025 #1.
  - without public given a chance to voice their opinion on the amended Petitions.
- The current amendment process is driven by special interests and not transparent. This is not an appropriate way to change 13 of 23 articles of a century-old, formula-based zoning ordinance that must have been revolutionary when introduced – before the computer age – but now needs modernization; that doesn’t mean it needs dismantling.
- We should collaborate with experts, including those we’ve heard from recently from MIT and Harvard as well as those who gave presentations at the Housing Committee 8/21/2024 meeting, to update the zoning ordinance – eliminating obsolete, overlapping and conflicting regulations and transitioning to a form-based system with formulas optimized to meet 21<sup>st</sup> century reality using all available 21<sup>st</sup> century tools including AI.
- CDD’s Housing Projection to 2030 is flawed and inconsistent.
  - Envision Cambridge Housing Goal by 2030 is 12,500 new units by 2030
  - Updated Ordinance Committee CDD presentation was received from Councillor Zusy at 9:40 AM 1/16/2025, too late to analyze. Basing the following on November presentation.
  - They estimated 120 net new units by 2030 and 1630 net new units by 2040 city wide at August 2024 Housing Committee meeting
  - They estimated that “Under current zoning, residential districts are estimated to produce approximately 70 new units by 2030” and “900 – 1630 new housing units” by 2040 under various versions of MFH zoning just 3 months later considering only residential districts
  - 95 units of new family affordable housing of Walden II Project in C-2 residential zone, which the Cambridge Affordable Housing Trust approved construction funding on 10/24/2024, alone will exceed the projected 2030 net new units.
- Even with MFH amendments, City will fall far short of Envision Housing Goal and therefore the housing goal must first be reviewed and revised through proper process before zoning amendments are considered.

## Submitted by Young Kin on Behalf of Undersigned

Email Address	Full Name (e.g. John Doe)	Address (e.g. 24 Main Street, Cambridge)	Check all that apply	Affiliation (e.g. company, community group, lobby, none)	Agree with Citizen Petition
jhanratty@gmail.com	John Hanratty	15 Mount Vernon Street, Cambridge	Home Owner, Work at Home, Car Main Transportation, Bicycle, Public Transportation	None	Yes
ycknorris@gmail.com	Young Kim	17 Norris Street	Home Owner, Retired, Car Main Transportation	None	Yes
ycknorris@gmail.com	Chung Kim	17 Norris Street	Home Owner, Retired, Car Main Transportation	None	Yes
hugmoore183@gmail.com	Gordon Moore	9 Rutland street	Home Owner, Car Main Transportation	Point32Health	Yes
ausmkub@gmail.com	A.M. Kubilius	21 Cogswell Ave	Home Owner, Retired, Car Main Transportation, Public Transportation	None	Yes
gus@tosci.com	Gus Rancatore	18 Amory Street			Yes
renieherman@gmail.com	Irene Herman	21 Cedar Street, Cambridge	Home Owner		Yes
corkela2@gmail.com	Merry White	6 Cypress St	Home Owner	North Walden Neighbors	Yes
elizabethbyron@gmail.com	Elizabeth Loya	21 Field Street	Home Owner		Yes
snelson_us@yahoo.com	Sara Nelson	17 Rockwell Street, Cambridge	Home Owner	CARE	Yes
vote1ilan@gmail.com	Ilan Levy	148 spring st, Cambridge	Home Owner		Yes
seymourkellerman@gmail.com	Seymour Kellerman	21 Cogswell Ave Cambridge	Home Owner, Retired, Car Main Transportation, Public Transportation		Yes
randy@tashmoo.com	Randy Blume	173 Appleton Street, Cambridge	Home Owner, Work at Home, Car Main Transportation		Yes
scibilia@gmail.com	Frank Scibilia	62 Upland Road	Home Owner, Retired, Car Main Transportation, Public Transportation		Yes
branka.whisnant@gmail.com	Branka Whisnant	61 Otis Street	Home Owner, Retired, Work at Home, Car Main Transportation, Public Transportation	Cambridge citizen	Yes
robertcushmanbarber@gmail.com	Robert C Barber	25 Arlington Street, Cambridge		decades long Cambridge resident	Yes

crystalaleslie@gmail.com	CRYSTAL ALISON LESLIR	200 LAKEVIEW AVENUE	Home Owner, Retired, Car Main Transportation, Bicycle	Long term resident who has felt very SHUT OUT from the whole process and who when I reached out in the summer by writing to all the councillors only two responded and neither of them followed up	Yes
jkruzack@gmail.com	Joan D Krizack	79 Pemberton St., Cambridge	Home Owner, Retired		Yes
lashevskaya@yahoo.com	Anna Lashevskaya	96 Larchwood drive	Work at Home	N/A	Yes
daniel.vlock@comcast.net	Daniel Vlock	50 Buckingham St, Cambridge	Home Owner, Work at Home	West Cambridge Neighborhood Coalition	Yes
toledopete@aol.com	john p james	62 Prentiss Street	Home Owner		Yes
maszporluk@comcast.net	Mary Ann Szporluk	9 Maynard place, Cambridge	Home Owner, Retired		Yes
joannebauer@me.com	Joanne Bauer	20 Coolidge Hill Rd.	Home Owner	Home owner	Yes
jravenal@mindspring.com	John Ravenal	48 Winslow Street	Home Owner		Yes
ginnadonovan@comcast.net	Ginna Donovan	1 Malcolm Rd	Home Owner, Retired, Car Main Transportation		Yes
sbsears@comcast.net	Sharon Bushnell	11 Fayerweather Street	Home Owner		Yes
suebell20@gmail.com	Susan Stewart	62 Larchwood Drive, Cambridge, MA 02138	Home Owner	Democrat	Yes
porgif@gmail.com	Porter Gifford	15 Coolidge Hill Road	Home Owner		No
susan.w.pitmanlowenthal@gmail.com	Dr Susan W Pitman Lowenthal	385 Huron Ave Cambridge MA 02138	Renter, Not Working, Retired	Self-employed	Yes
trudigoodman@yahoo.com	Gertrude Goodman	1221 Cambridge Street, Cambridge	Renter, Work at Home	SAG-AFTRA	Yes
Robert@rwinters.com	Robert Winters	366 Broadway, Cambridge, MA 02139	Home Owner	Mid-Cambridge resident	Yes
aj914@hotmail.com	Aj Hodgson	119 Huron Avenue	Home Owner		Yes
lora.farkas@gmail.com	Lora Farkas	154 Coolidge Hill	Home Owner		Yes
nella75@gmail.com	Filomena G. LaRosa-Waters	54 Crescent St, Cambridge, MA 02138, USA	Home Owner, Retired	ORC	Yes
laney576@gmail.com	Helene Bank	174 Putnam Ave, #1, Cambridge	Home Owner, Car Main Transportation		Yes

wmillner@gmail.com	Wallace Michael Millner	6 Coolidge Hill Road	Home Owner, Bicycle, Public Transportation	I support this petition. The current plan is a gift to developers not the people of Cambridge. We need to come up with something better.	Yes
barbara.beal@comcast.net	Barbara Beal	24 Arlington St.	Home Owner		Yes
gilmore.eliz@gmail.com	Elizabeth Gilmore	47 Reservoir Street Cambridge	Home Owner, Retired	CCC	Yes
experienceaxiom@gmail.com	Maureen Mueller	39 Bellis Circle Cambridge	Home Owner		Yes
rterikson@gmail.com	Rolf Erikson	10 Avon Street, Cambridge	Home Owner		Yes
susan.cory@comcast.net	Susan cory	114 Washington Ave. Cambridge, Ma 02140	Home Owner		Yes
tkapur92@gmail.com	Tina Kapur	8 Upton St	Home Owner		Yes
plf245@aol.com	Peter Falb	west Cambridge	Home Owner, Renter, Retired, Car Main Transportation	MIT, Harvard	Yes
pvkelsey1@gmail.com	Peter V Kelsey	Peter V Kelsey	Home Owner, Retired		Yes
mbrueter@comcast.net	Margaret Rueter	2050 Massachusetts Ave, #210	Renter, Retired, Car Main Transportation, Public Transportation		Yes
atin.malaviya@gmail.com	Atin Malaviya	8 Upton Street	Home Owner		Yes
elizabeth.vanranst@verizon.net	Elizabeth Van Ranst	120 Foster Street, Cambridge	Home Owner, Retired		Yes
sepstein.neserve@gmail.com	SUSAN EPSTEIN	23 Willard St	Home Owner, Retired		Yes
ali_sullo@comcast.net	Ali Sullo	44 Concord Avenue.	Home Owner, Retired	4th generation Cantabrigian!	Yes
wgraham@fas.harvard.edu	William A Graham	68 Avon Hill St	Home Owner		Yes
azzone@gmail.com	Vanessa Azzone	36 William Street	Home Owner	none	Yes
RMac55@aol.com	Robin Wolfe	23 Verdun Street, Cambridge, MA 02140	Home Owner	Citizen	Yes
cptessier12@gmail.com	Christine Tessier	37 Wendell Street	Renter		Yes
cbo1066@gmail.com	Carol O'Hare	172 Magazine St., Cambridge, MA 02139	Home Owner, Retired, Car Main Transportation		No
carlosloya@gmail.com	Carlos Loya	21 Field, Cambridge	Home Owner	CARE Housing	Yes
hbursztajn@hms.harvard.edu	Harold J. Bursztajn M.D.	96 Larchwood Drive	Home Owner	Harvard Medical School	Yes
johnkoliverio@gmail.com	John Oliverio	220 Brattle St, Cambridge	Home Owner		Yes
p.illingworth@neu.edu	Patricia Illingworth	30 Lexington Ave	Home Owner		Yes
anne.sundaram@verizon.net	Anne Sundaram	90 larchwood Dr Cambridge,ma 02138	Home Owner	Ccc	Yes

MFRATINI@AOL.COM	MARISA FRATINI	18 Rockwell Street	Home Owner, Retired	Cambridge Citizens Coalition	Yes
Bowman@Jfbfamilyservices.com	Judith Bowman	62 Buckingham Street	Home Owner, Retired	WCNC	Yes
joelaltstein@gmail.com	Joel Altstein	156 Hancock Street	Home Owner	Cambridge resident	Yes
ehenley1948@gmail.com	Edward Henley	237 Franklin St. Apt. 305, Cambridge	Renter, Retired, Car, Main Transportation	Manning Affordable Housing Task Force	Yes
musicamach@gmail.com	Robert Camacho	24 Corporal Burns Road	Home Owner, Retired, Car Main Transportation, Bicycle, Public Transportation	CCC	Yes
robin.f.just@gmail.com	Robin Just	58 Norris St., Cambridge	Home Owner		Yes
BURCHART@FAS.HARVARD.EDU	Ewa Lajer-Burcharth	40 HOLWORTHY ST, Cambridge	Home Owner	Harvard University	Yes
brenemanpaul@gmail.com	Paul Breneman	77 Tremont St., Cambridge	Home Owner, Retired, Bicycle		Yes
poe.ope@comcast.net	Karen Cushing	184 Raymond Street #6	Home Owner, Retired		Yes
sharonstichter@comcast.net	Sharon B Stichter	108 Walden Street	Home Owner, Retired, Work at Home, Car Main Transportation		Yes
Waterbury59@comcast.net	Stuart Gedal	72 Montgomery Street	Home Owner, Retired, Car Main Transportation	Independent Homeowner	Yes
fieldjuma@gmail.com	Alison Field-Juma	363 Concord Avenue	Home Owner		Yes
jwwhisnant@gmail.com	John Whisnant	61 Otis St.	Home Owner, Retired, Work at Home	Loyal and long time Cambridge resident	Yes
amyswartz@gmail.com	Amy Waltz	12 Blakeslee St.	Retired, Bicycle		Yes
agnescriss@gmail.com	Agnes Murphy Criss	76 Antrim Street, Cambridge	Home Owner		Yes
tonigwolfman@verizon.net	Toni G. Wolfman	229 Brattle Street, Cambridge	Home Owner, Retired, Car Main Transportation	None	Yes
gcsimmers@gmail.com	Guillemette Simmers	8 Alpine Street, Cambridge	Home Owner, Work at Home		Yes
mburcharth@gmail.com	Martin Burcharth	40 Holworthy Street	Home Owner, Work at Home, Car Main Transportation, Bicycle, Public Transportation	Journalist	Yes
cmpj2013@gmail.com	Charleen Jue	11 Hutchinson St.	Home Owner, Work at Home	CARE	Yes
Meg_Bond@comcast.net	Meg A. Bond	61 Dudley Street, Cambridge, MA 02140	Home Owner	resident	Yes
mary1ferraro@gmail.com	Mary Louise Ferraro	70 Reed Street, Cambridge	Home Owner	Cambridge home owner	Yes
sapizer@gmail.com	Stuart A. Pizer	152 Brattle Street, Cambridge 02138	Home Owner	Harvard Medical School	Yes

ilisahurowitz@gmail.com	Ilisa Hurowitz	8 Appleton Terrace	Home Owner, Work at Home, Car Main Transportation, Bicycle, Public Transportation	None	Yes
alexvanpraagh@yahoo.com	Alex Van Praagh	66 Antrim Street	Home Owner, Renter, College Housing in Cambridge, Work at Home	Cambridge Resident	Yes
catalarbol@gmail.com	Catalina Arboleda	950 Massachusetts Ave. Apt. 413	Home Owner	self-employed (Catalina Arboleda, PhD)	Yes
jeffpat17@aim.com	Jeff Petrucely	17 Kenwood street	Home Owner, Retired	N/A	Yes
jbern@comcast.net	Jane Bernstein	12 Saville Street	Home Owner		Yes
rakkina@gmail.com	Ryan Akkina	40 Meadow Way			Yes
megan.akkina@gmail.com	Megan Akkina	40 Meadow Way			Yes
emmetfx@gmail.com	Emmet FX Sheehan	237 FRANKLIN ST APT 1801	Renter, Retired	Citizen	Yes
rosemous@rcn.com	Linda Moussouris	2440 Mass. Ave. #30	Home Owner, Retired		Yes
pbkroon@yahoo.com	Peter Kroon	16 Linnaean St	Home Owner	None	Yes
ivanlowenthal@gmail.com	Ivan Lowenthal	385 Huron ave, Apt 1	Home Owner, Retired, Work at Home	none	Yes
wittcreate@gmail.com	William Bloomstein	16 Crescent Street	Home Owner	none	Yes
maryjoanz@gmail.com	Mary Ziegler	5 Howland Steet, Cambridge	Home Owner, Work at Home	none	Yes
karenfalb@gmail.com	Karen Falb	245 Brattle St.	Home Owner, Retired, Car Main Transportation	none	Yes
judycoppolabright@gmail.com	Judy Bright	285 Upland Rd.	Home Owner		Yes
susan.brand@comcast.net	Susan Brand	7 Arlington St, No 22, Cambridge	Home Owner, Retired	None	Yes
sailor.gene@gmail.com	Eugene Kim	29 Wendell Street Apt 2	Home Owner, Work at Home		Yes
colleengillard@gmail.com	Colleen Gillard	82 MAGAZINE ST	Home Owner		Yes
nonie.valentine1@gmail.com	Nonie Valentine	4 Washington Ave.	Renter, Work at Home, Public Transportation	Neighborhood nine	Yes
gregory@therochlingroup.com	Gregory and Helen Rochlin	22 Hutchinson Street, Cambridge	Home Owner	None	Yes
gmetzger@hmfh.com	George Metzger	90 Antrim Street, Cambridge MA	Home Owner, Retired	Friends of Affordable Housing, InmanSq Neighbors Asso, Mid Cambridge Neighborhood Association. CCTV Board	Yes

enduring_gardens@gmail.com	M. Carolyn Shipley	15 Laurel St., Cambridge	Home Owner	Cambridgeport Neighborhood Association	Yes
navaniv@aol.com	Nava Niv-Vogel	159 Hamilton Street	Home Owner, Work at Home, Car Main Transportation	None	Yes
thegroundup@comcast.net	Candace Young	15 Shepard Street, 15 1/2	Home Owner		Yes

## Erwin, Nicole

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**From:** CH JC <chjc@cambridgehousingjustice.com>  
**Sent:** Thursday, January 16, 2025 2:37 PM  
**To:** City Council  
**Cc:** City Clerk  
**Subject:** CHJC Concerns and Questions on 1/16/25 Multifamily Estimates

Dear Councillors:

The Cambridge Housing Justice Coalition is trying to process all the information included in today's CDD report. We are disappointed that this information came out just a few hours before the meeting and, like you, have had little time to review the latest projections on the multifamily housing proposals. However, our review reveals that the report is insufficient and contains errors. Please consider the questions and concerns we're listing below:

1. We find it puzzling that there would be identical estimates of inclusionary units in options 1, 6, and 8 and then also in 7 and 9 (slide 9). What is the methodology that produced these results? CDD should provide the methodology, including assumptions made.
2. Was any attention given to the behavior of market-rate and affordable housing developers?
3. Despite our requests, there is still no presentation of the effects of rezoning on displacement, which has been a top concern of CHJC.
4. There is no estimated number of new projects in this version of the presentation, which would help with projecting the level of displacement.
5. There is no estimate of the number of new 100% affordable units with or without a 5,000 square foot lot minimum. The impact of the zoning on the number of new 100% affordable units is a top concern for us.
6. Some apparent errors: the calculation of the % of lots that are over 10,000 sq ft appears to be miscalculated on slide 14. On slide 9, option 8 and 9 should say three floors, not 4 floors.
7. Are 5 foot rear and side setbacks included in any of the estimates? If so, which?

We appreciate everyone's efforts to come to an informed decision. But we believe that the late sharing of information is unfair to people in the community and that the gaps in data make it insufficient for the ordinance committee to make a recommendation at today's meeting.

Sincerely,  
Andy Nash and Ann Robbart for the Cambridge Housing Justice Coalition

[chjc@cambridgehousingjustice.com](mailto:chjc@cambridgehousingjustice.com)



## Erwin, Nicole

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**From:** Blier, Suzanne <blier@fas.harvard.edu>  
**Sent:** Thursday, January 16, 2025 1:55 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk; Peters, Melissa  
**Subject:** Important Notes on the new CDD report and the meeting on Upzoning today.

Honorable Cambridge City Councillors,

For your Ordinance Committee Meeting Today – some notes:

**On Form Based Housing;** Cambridge has ALREADY started the work toward a modified Form-Based Zoning Plan, and began this in 2021; Key steps are already completed (a GIS database, a 2023 comparative study of neighborhoods; initial neighborhood studies started in 2024. Read our report “Form-Based Zoning: Cambridge Goal Since 2021” (1.12.25): [HERE](#)

**Problems in the newest CDD report completed only hours before the critical City Council Ordinance Committee meeting:**

-As the issue on the 13 stories been resolved with heights at 70’ or do they start at 65’?

--there appears to be no new amendments that would preclude an owner from buying a single-family home or duplex, tearing them down, and building a much larger single-family home or luxury duplex.

-CDD continues to misrepresent the effect of the Green Factor on Open Space (page 27 Graphic

-CDD does not take into account the CO2 impacts of demolitions and other heat island impacts with the necessary loss of many of our mature shade trees.

-there are mistakes in which the 3+3 proposals are written – they speak only of four-story structures without changing the language.

-there appears to be nothing in the report on the Dover amendment and impacts re. institutions purchasing more properties in Cambridge.

-there is nothing in here on the impacts on seniors living on fixed incomes with the likely escalation of property values and real estate taxes if this passes.

- **It is NOT OK to put the greatest density impact on our denser poorer districts:** e.g. the proposal for “Four Story in A & B and 6 Story in C: Four storymultifamily housing allowed in Residential Districts A and B, six stories allowed in Residential District C.” Neither is there any account of the negative impacts on the environment, infrastructure and livability of A and B districts.

**GENTRIFICATION!** This upzoning will lead to far more gentrification in Cambridge!

+Read the document by a Realtor showing a likely 4 fold increase in property values: Cambridge: Up-zoning Increases Gentrification and Reduces Affordability by Realtor, Ed Abrams (1.14.25) [HERE](#)

+Read our own report based on what is happening in Cambridge right now and likely to happen going forward re. different neighborhoods: "Diversity, Bias, Age, Race & Gentrification in Our Zoning Criteria (1.13.25)" [HERE](#)

Read the December 24, 2024 Report by Kim et al. on NYC upzoning as linked to gentrification in their city: [HERE](#)

"[Our]...paper examines how increasing residential development capacity, i.e. upzoning, may change the demographic, socio-economic and housing characteristics of the affected neighbourhoods. We examine the neighbourhood-level upzonings of New York City to answer this question. We find that upzoning is positively associated with signs of gentrification – upzoned neighbourhoods became whiter, more educated and more affluent in the long run. Upzoning is also associated with increases in housing production, but housing prices also increased. Most importantly, we find that these effects varied significantly by the intensity of upzoning and the pre-upzoning local contexts. Neighbourhoods affected by intense upzonings experienced gentrification more intensely, along with greater housing production, rent growth and housing price appreciation. Black-majority and low-income neighbourhoods experienced gentrification to the greatest extent, while neighbourhoods with high demand for housing saw the greatest increases in housing supply."

Cordially,

Suzanne Blier

## Erwin, Nicole

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**From:** Marilee Meyer <mbm0044@aol.com>  
**Sent:** Thursday, January 16, 2025 1:20 PM  
**To:** citycouncilors@cambridgema.gov; City Clerk  
**Subject:** another Ordinance comment

One other thing to note:

the change to eliminate Open Space requirements in non-residential districts would appear on its face to have limited applicability to residential construction, but nothing could be further from the truth. The bulk of new residential units are today constructed in non-residential districts. For example, all of the new large developments, which together constitute a huge percentage of the total new units under construction, are located in non-residential districts. Alewife, for example, is all zoned as either office or as industrial zoning, as are Cambridge Crossing and Kendall Square. So through this single, seemingly small change, they are in fact removing access to open space for all the residents of 60-90% of Cambridge's new residential units.

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Dear Councilors,

At the risk of breaking my confidences, the below comment is from resident readers who continue to find the policy order inconsistent (including heights continuing to be 75' which in AHO triggers 13 stories in all neighborhoods), and some of the graphics don't make sense.

I hope this helps in your deliberations.

Also, the city of NEEDAM rejected the MBTA Communities Law "as written" because of stress on infrastructure and services. They have another chance at amendments and reevaluation coming back in July.

Quoting Prof Cox's "big and bold" mantra, no doubt some have already glommed on to- is not applicable to Cambridge. He was the city planner for Detroit, a distressed, bankrupt city slowly making a come back. They have a great area, lots of empty lots because owners couldn't pay taxed and tore houses down. their residents are lower and middle class. The "bold" architecture was fast and cheap, industrial looking with corrugated metal sides and roofs which is incongruous to the 6-7 acres of Cambridge. They have wider streets.

Design review like at least the AHO is important while looking at specific topographical areas which can accommodate either larger or smaller projects. That is also why permits are important. With one-size-fits-all opportunities are lost in key areas for more height, while ruining small vintage neighborhoods.

Marilee Meyer  
10 Dana St

greater comment:

There is perhaps a new scenario added (page 9):

**2. Four Story in A & B and 6 Story in C:** Four story multifamily housing allowed in Residential Districts A and B, six stories allowed in Residential District C

They are getting tired and sloppy (page 9):

**8. Three + Three Story Bonus Only for Inclusionary Zoning Projects:** Four story multifamily housing allowed in all Residential Districts, with an additional two stories for projects that include affordable housing consistent with the Inclusionary Zoning Ordinance.

**9. Three Story + Three Story Bonus Only for Inclusionary Zoning Projects on 5,000+ sq ft lots:** Four story multifamily housing allowed in all Residential Districts, with an additional two stories for projects on lots 5,000 square feet or larger that include affordable housing consistent with the Inclusionary Zoning Ordinance

There is a special slide (page 12) to show that requiring 5000 sq ft lots for 6 stories causes a significant loss of housing units.

They attempt to justify their below-Envision-level housing unit projections (pages 17-18). I do not find the presentation convincing.

They continue to misrepresent the effect of the Green Factor on Open Space (page 27).

## Erwin, Nicole

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**From:** marie elena saccoccio <saccocciom@yahoo.com>  
**Sent:** Thursday, January 16, 2025 12:40 PM  
**To:** City Clerk; City Council  
**Subject:** Citywide Multifamily Housing Zoning Petition Ordinance Committee Hearing January 16, 2025  
**Attachments:** Arlington-Missing-Middle\_EHO-Lawsuit (1) (1) (1) (1).pdf; Screenshot\_21-12-2024\_10285\_ (1).jpeg; Video (2).MOV; IMG\_3615.jpg; IMG\_3626.jpg; IMG\_3625.jpg; IMG\_3623.jpg

Honorable Mayor and Members of the City Council:

I am just in receipt of the latest version of the proposed Multifamily Zoning Petition for consideration by the Ordinance Committee. Note, this is literally three hours before this fateful consideration of the most impactful zoning changes in over a century.

Just a quick note from a fourth generation East Cambridge resident whose family has paid taxes to this fair city for over a century. So much of this endeavor was premised on ridding this city of racist and exclusionary zoning, especially highlighting single family zoning. Over and over we heard this repeated. What has the city preferred here to remedy this?? The region of the city that truly could be the sole neighborhood engaged in exclusionary zoning and truly with single family zoning and huge yards that most of us in East Cambridge can only dream of, is afforded most consideration with 4 story limit on developments. Now think about East Cambridge, the seat of the first public health trial in the country (Tyler v. Squire's) that essentially resulted in what is today Euclidean zoning; truly redlined in every zoning map available, is allowed 6 story development. Note further, that the setbacks for East Cambridge will be dramatic and put the neighborhood in further peril. Does anyone even recall the fire on Gore street just last year?? The only thing that saved that block was the ability of fire apparatus to access the rooftop from a parking lot on McGrath Highway and abutters' side yards far in excess of 5 feet. I am attaching some photos of the fire and fire apparatus.

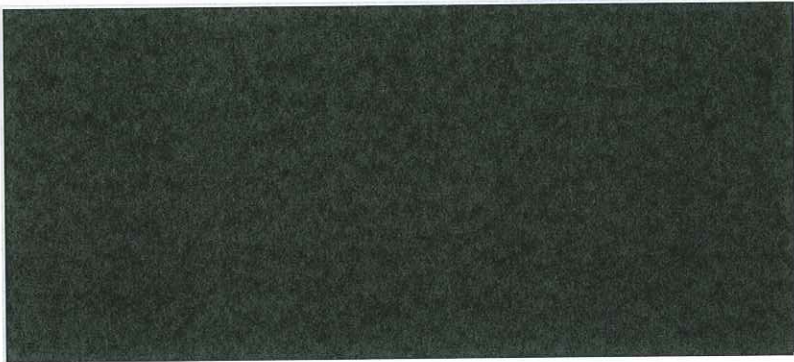
I am also attaching a recent successful complaint and docket sheet of the trial in a very similarly proposed zoning plan in Virginia. After lengthy trial the residents won and based on inadequate assessment of the infrastructure. What has CDD done to assess the adequacy of infrastructure in the city to sustain such potential growth especially in a neighborhood like East Cambridge? Note, Plaintiffs in Virginia presented experts in a weeklong trial and their city did as well. Despite this, they lost.

It has been a world wind tour trying to follow the variations and changes to this proposed zoning.

Respectfully submitted,

Marie Elena Saccoccio, Esquire  
55 Otis street  
Cambridge, MA 02141  
BBO# 552854

[Judge strikes down 'missing middle' zoning plan in Arlington](#)



**Judge strikes down 'missing middle' zoning plan in Arlington**

A judge has ruled in favor of neighbors who filed a lawsuit last year.

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF ARLINGTON**

MARCIA L. NORDGREN, NORMAN )  
TYLER, ALEXANDER MACKENZIE, )  
ROBERT P. PARKER, MONA C. )  
PARKER, KATHERINE PERNIA, )  
MARGARET P. FIBEL, RICARDO J. )  
ROZADA, MABEL GABIG, AND ERIC )  
ACKERMAN )

Plaintiffs, )

v. )

COUNTY BOARD OF ARLINGTON, )  
VIRGINIA )

SERVE: )

MinhChau Corr )  
County Attorney )  
2100 Clarendon Blvd., Suite 403 )  
Arlington, VA 22201 )

ARLINGTON COUNTY PLANNING )  
COMMISSION )

SERVE: )

MinhChau Corr )  
County Attorney )  
2100 Clarendon Blvd., Suite 403 )  
Arlington, VA 22201 )

Defendants. )

Case No.:

RECEIVED  
2023 APR 21 AM 8:43  
JUDGE: [illegible]

**VERIFIED<sup>1</sup> COMPLAINT FOR DECLARATORY JUDGMENT AND  
INJUNCTIVE RELIEF**

COMES NOW Plaintiffs Marcia L. Nordgren, Norman Tyler, Alexander MacKenzie, Robert P. Parker, Mona C. Parker, Katherine Pernia, Margaret P. Fibel, Ricardo J. Rozada, Mabel Gabig, and Eric Ackerman (collectively “Residents”), by counsel, pursuant to Virginia Code § 8.01-184, and request this Honorable Court grant Declaratory Judgment and Injunctive Relief against Defendants County Board of Arlington County, Virginia (the “Board”) and the Arlington County Planning Commission (“Planning Commission”), and as grounds therefor state as follows:

**INTRODUCTION**

On March 22, 2023, the Board enacted the most sweeping and significant change to Arlington’s Zoning Ordinance in more than 50 years—the across-the-board elimination of low-density zones consisting largely of single-family detached homes. The zoning ordinance amendments empower developers to tear down lower-cost existing homes and replace them, by right, with up to six-unit mini-apartments, or “multiplexes,” on lots as small as 6,000 square feet. Termed “Missing Middle Housing” (and rebranded at the last minute as Expanded Housing Option Development (“EHO Development”), the change authorizes by-right construction of 290 multiplexes over the next five years through an unlawful use permit process and allows an unlimited number thereafter. Under the amended Zoning Ordinance, developers can purchase an unlimited number of residential lots with single family homes on them, raze those homes, and replace them with far larger multiplexes, fundamentally changing the density and nature of certain residential neighborhoods. This enormous increase in density will lead to overcrowding

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<sup>1</sup> Mona C. and Robert P. Parker are abroad but authorized the undersigned to insert their facsimile signatures, having read the Complaint and with intent per Virginia Code § 8.01-4.3.



and congestion and have significant adverse impacts on the County's infrastructure, tree canopy, air quality, schools, and public services, among other things.

In seeking to implement this extraordinary change, the Board was not forthright with County residents in explaining the purpose of the Missing Middle Housing proposal, the scope of the changes it contemplated, and the studies and analysis it claimed would be done before the proposal was advertised and submitted to a vote. The Board represented to County residents that their primary purpose was to provide affordable homeownership options to low and middle-income residents; however, the proposal will not do so. The Board represented to County residents that the program would be limited in scope, not an across-the-board upzoning that would eliminate low-density zoning; the proposal it ultimately approved is a County-wide, across-the-board upzoning that does, in fact, eliminate low-density zones in Arlington. The Board also represented to County residents that before it would propose and vote on specific zoning ordinance amendments, it would undertake "detailed studies" of the impact of the Missing Middle Housing proposal on County facilities and infrastructure, traffic congestion, sewer and stormwater management and overcrowding in the public schools, among other things. It conducted no such studies, even though it was required by law to give "reasonable consideration" to all of these issues in formulating the zoning ordinance amendments.

The Board's authority to enact or amend zoning ordinances is granted by, and subject to, statute. The Virginia Code establishes strict procedural and substantive requirements that must be complied with by the Board for any zoning enactment or amendment, much less one of the scope now before the Court. The Supreme Court of Virginia has recently upheld the necessity of a locality's strict compliance with procedural requirements. Literally *the day after* the Board enacted the densification and changes that are the focus of this suit, the Court reaffirmed the

importance of statutory guardrails by invalidating Fairfax County's zoning overhaul on procedural grounds. In so doing, the Court affirmed that compliance with Virginia Code's procedural requirements is not optional.

As shown in greater detail below, the County failed to comply with a number of these statutory requirements. Among other things, it failed to advertise the proposed amendments in accordance with Virginia Code §§ 15.2-2204 and 15.2-2285 and failed to make available to the public "all materials furnished to members of a public body for a meeting . . . at the same time such documents are furnished to the members of the public body," as required by Virginia Code § 2.2-3707(F). Even worse, the County failed to give "reasonable consideration" to the impact of the proposed zoning ordinance amendments on traffic and road congestion, the County's tree canopy, or the County's ability to provide adequate police and fire protection, necessary water, sanitary sewer, and flood protection infrastructure, and adequate schools to handle the significant increase in population density, as expressly required by Virginia Code §§ 15.2-2283 and 15.2-2284. Nor were the Zoning Ordinance amendments designed to give reasonable consideration to "the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality," as required by Virginia Code §15.2-2283(x). To the contrary, the amendments will lead to the loss of lower-cost homes and to the construction of luxury multiplexes affordable only to the most affluent residents in the County.

Further, the Board minimized the effects of this consequential change on issues such as school crowding, stormwater management, parking, and transportation, relying on scarce data and unrealistic estimates. Based on the Board's lack of required studies, one would think that EHO Development was a small change. Yet, the Board's public discussion of the effects and the resulting zoning ordinance and map amendment ("Zoning Amendment") show EHO

Development is a significant and important change that will produce the sort of profound negative impacts the General Assembly intended municipalities avoid by requiring the sort of studies and mandated consideration the Board failed to undertake.

As further detailed below, the Board failed to comply with statutory notice and initiation requirements for approving the Zoning Amendment. The Board cobbled together a slew of confusing options that kept residents in the dark about the nature of the proposed ordinance until the Board discussed the options after it closed time for public comment. Given that the advertisement of the Zoning Amendment omitted a description of the options, including the statutorily-required density range of the proposed change, it was insufficient to inform the public of the confusing nature of what would be discussed at the public hearings held by the Planning Commission and the Board. As detailed below, the Code of Virginia requires that a proposed ordinance be advertised and that the advertisement be accurate in its description of what is proposed. The confusing options were the antithesis of a proposed ordinance, and the advertisement lacked necessary disclosures and was inaccurate and misleading in creating the false impression in the minds of residents that an ordinance had been proposed for advertising when it had not.

Even as so illegally passed, the reasonableness of the Zoning Amendment is not fairly debatable because it only increases density without promoting goals in the public interest such as affordability or homeownership by diverse families and incomes, or preservation of Arlington's tree canopy to mitigate the damage caused by the worsening climate emergency. It will, rather, increase housing type diversity and density without making housing affordable. It also provides housing types, such as one and two-bedroom units, which are readily available in the County. Its actual goal, as ultimately revealed, was only to increase density in low-density neighborhoods

but without any countervailing public benefit and to increase density for density's sake. As such, the Zoning Amendment will intensify gentrification and burden public infrastructure and services without a plan to improve public infrastructure to serve the increased density. And all these effects will occur without legally required study or review by the Board and without the Board complying with its enabling legislation. The effects of this unlawful and rushed Zoning Amendment will have far-reaching and long-term consequences that the Board did not investigate and that Arlington County (the "County") is ill-equipped to handle, including drastically increased density in formerly low-density-zoned neighborhoods.

#### **NATURE OF ACTION**

Pursuant to Virginia Code § 8.01-184, this action seeks declaratory judgment and preliminary and permanent injunctive relief against the Board for unlawfully amending Arlington County's Zoning Ordinance when it enacted EHO Development through the Zoning Amendment. Specifically, Residents request declaratory judgment that the Board acted *ultra vires* in approving the Zoning Amendment because the Board did not comply with statutory notice and initiation requirements, acted outside the scope of its statutorily granted powers, failed to consider factors its enabling authority mandated it consider, unlawfully delegated its legislative authority, acted arbitrarily and capriciously in amending the Zoning Ordinance, and failed to comply with Virginia's Freedom of Information Act ("VFOIA"). In its haste to approve the Zoning Amendment, the Board disregarded the statutory and procedural safeguards the General Assembly mandated localities follow to protect residents, as recently reaffirmed by the Virginia Supreme Court in *Berry Bd. of Sup'rs of Fairfax Cnty.*, Rec. No. 211143 (Va. Mar. 23, 2023). As a result, the Board's Zoning Amendment is void *ab initio*, and the Residents should be granted declaratory and injunctive relief.

## PARTIES

1. Marcia L. Nordgren (“Nordgren”) owns real property located at 3818 Military Road, Arlington, Virginia 22207.
2. Norman Tyler (“Tyler”) owns real property located at 3618 North Monroe Street Arlington, Virginia 22207.
3. Alexander MacKenzie (“MacKenzie”) owns real property located at 1800 North Wayne Street, Arlington, Virginia 22201.
4. Robert P. and Mona C. Parker (the “Parkers”) own real property located at 4507 North 35<sup>th</sup> Street, Arlington, Virginia 22207.
5. Katherine Pernia (“Pernia”) owns real property located at 2026 South Randolph Street, Arlington, Virginia 22204.
6. Margaret P. Fibel (“Fibel”) owns real property located at 3123 2<sup>nd</sup> Road North, Arlington, Virginia 22201.
7. Ricardo J. Rozada (“Rozada”) owns real property located at 1807 North Hollister Street, Arlington, Virginia 22205.
8. Mabel Gabig (“Gabig”) owns real property located at 113 North Granada Street, Arlington, Virginia 22203.
9. Eric Ackerman (“Ackerman”) owns real property located at 3677 North Harrison Street, Arlington, Virginia 22207.
10. The County Board of Arlington County, Virginia is the governing body of the County. Its powers to review, amend, and enact County Zoning Ordinances are conferred and restricted by the General Assembly of the Commonwealth of Virginia.

11. The Arlington County Planning Commission (the “Planning Commission”) advises the Board and was created according to Virginia Code § 15.2-2210 “to promote the orderly development of [the County] and its environs.”

### **OPERATIVE FACTS**

#### ***Zoning District Characteristics Prior to Zoning Amendment***

12. In Arlington, low-density neighborhoods are R-5, R-6, R-8, R-10, and R-20 zoning districts (“Residential Districts”), long-consisting of 1-10 units per acre according to the County’s Comprehensive Plan.

13. Residential Districts contain mostly single-family homes, with an ability to add an accessory dwelling, and also contain some multiplexes in each district either due to special exception permits or nonconforming uses.

14. Residents purchased homes in these Residential Districts due to their locations in quiet, low-density neighborhoods suitable for young children with low traffic volumes, adequate public facilities and parking, and denser tree canopies, and in reliance on low-density zoning that for decades honored the County’s Comprehensive Plan’s commitment to a diversity of density in districts and the preservation low-density areas.

15. In recent years, lots in these Residential Districts have experienced severe flooding, stormwater management system and sanitary sewer back up issues, and other problems caused by climate change and aging infrastructure. These Residential Districts have also suffered the steady erosion of their tree canopies.

#### ***The Board’s Missing Middle Housing Proposal Process***

16. In 2019 and 2020, the Board began discussing and publicizing plans to conduct the Missing Middle Housing study (now EHO Development) to identify gaps in the County’s housing availability and to determine what types of studies and considerations it

would have to conduct, commission, and review to increase housing availability for housing types the Board felt were missing.

17. The Board sold EHO Development to the public as a consequential change to the County that would create affordable housing and would promote diversity and homeownership. On December 18, 2019, the County issued a press release announcing the commencement of the “Missing Middle Housing Study” as a program to determine “if and how missing middle housing could help address Arlington’s limited housing supply and inadequate housing choices.”<sup>2</sup> The press release said that the Board would be “[s]tarting from a blank slate,” and promised that “a County-led team w[ould] use inclusive public engagement, a cross-disciplinary team of experts, extensive data collection and analysis, and an iterative design process to create study recommendations for the Board to consider.” The Board and its members repeatedly claimed that the proposal was designed to provide needed “affordable housing,” that it would be limited in scope, that it would address racial inequity, and that significant study and analysis would be done before a proposal was drafted and enacted.

18. In the very first presentation of the EHO Development plan, the County Manager stated that the purpose of EHO Development was to implement three objectives of the County’s Affordable Housing Master Plan which were to:

“produce and preserve a sufficient supply of affordable homeownership housing to meet future needs;

[i]ncentivize the production of moderately-priced ownership housing through land use and zoning policy; [and]

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<sup>2</sup> <https://www.arlingtonva.us/About-Arlington/Newsroom/Articles/2019/Arlington-County-to-Begin-Missing-Middle-Housing-Study-in-2020>.

[e]ncourage the production and preservation of family-sized (e.g. 3+ bedroom) moderately-priced ownership units.”<sup>3</sup>

19. County staff and the Board and its members also repeatedly stated that the primary purpose of the study was to provide affordable housing for middle- and lower-income households in the County. *See e.g.* County Manager’s Report, *An Expanded Approach to an Equitable, Stable, Adaptive Community*, Dec. 17, 2019 (“There is a need for affordable options and a diversification of housing types”)<sup>4</sup>; County Board Work Session, Sept. 2020 (“Why Conduct the Missing Middle Housing Study?...[to] preserve or increase the supply of affordable housing units.”)<sup>5</sup>; Board Member Matt de Ferranti, Jan. 4, 2021 (“Missing Middle ... can help make the costs of homeownership in Arlington more affordable”)<sup>6</sup>; Board Member Takis Karantonis, Jan. 4, 2021 (I “support...approaches to housing affordability...such as the missing middle study.”)<sup>7</sup>.

20. In presenting the Missing Middle Housing plan to the Board, Arlington’s Housing Coordinator, Richard Tucker added that, “We want to be clear that *the study is not going to lead to an across-the-board rezoning of all single-family areas. This will not eliminate single-family zoning. . . . This will be an honest conversation.*”<sup>8</sup> The County Manager also

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<sup>3</sup> [https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2019/12/HousingArlington\\_PresentationtoCounty-Board\\_121719.pdf](https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2019/12/HousingArlington_PresentationtoCounty-Board_121719.pdf).

<sup>4</sup> [https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2019/12/HousingArlington\\_PresentationtoCounty-Board\\_121719.pdf](https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2019/12/HousingArlington_PresentationtoCounty-Board_121719.pdf).

<sup>5</sup> <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2020/09/Presentation-CB-Work-Session-Sept-22-1.pdf>.

<sup>6</sup> <https://www.youtube.com/watch?v=Lgt6BZAP9g4>.

<sup>7</sup> [https://www.arlingtonva.us/files/sharedassets/public/county-board/documents/210104\\_org-mtg.-remarks-tk-final.pdf](https://www.arlingtonva.us/files/sharedassets/public/county-board/documents/210104_org-mtg.-remarks-tk-final.pdf).

<sup>8</sup> <https://www.youtube.com/watch?v=NOX43RWs9sU>. (Emphasis added).



issued a report in December 2019 at the inception of the program stating that the Missing Middle Housing proposal is not:

- “An across-the-board rezoning of all single-family areas
- A process to eliminate single-family zoning in Arlington
- A process to codify decisions that have already been made
- A process that will lead to incompatible housing types (e.g. high rises) being built in single-family areas.”<sup>9</sup>

21. Board Chair Christian Dorsey stated in December 2019, “Let me be clear—the Board’s direction to the County Manager has not included anything constituting a Countywide up-zoning or blanket change to the zoning ordinance at this time.” As it turned out, however, the Zoning Amendment did, indeed, constitute a Countywide up-zoning that eliminated low-density zoning (generally, 1-10 units per acre) in the County.

22. These representations were later contradicted by the very core of the Zoning Amendment adopted.

23. Yet the county’s own data show that only high-income individuals and families will benefit from these changes as the anticipated units, while more dense than single-family homes, will be priced well above what is affordable to residents earning the average incomes in this region. And among the high-income Arlingtonians who can afford the new units, they are less diverse than the areas the County rezoned.

24. In addition, neither the Board nor the Planning Commission initiated the County’s Zoning Amendment by resolution or motion.

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<sup>9</sup> [https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2019/12/HousingArlington\\_PresentationtoCounty-Board\\_121719.pdf](https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2019/12/HousingArlington_PresentationtoCounty-Board_121719.pdf).

25. After the Board's Phase 1, which would develop the understanding of the need for EHO Development and preliminary ideas and considerations, the Board informed residents that it would conduct "focused study" in Phase 2 before moving on to Phase 3.

26. The Board also informed the residents that in Phase 3 the Board would implement the recommendations for new EHO Development zoning that came out of the studies in Phase 2.

27. The Board proposed to inform its decisions with detailed studies of key considerations including locational factors, such as access to transit, jobs, shopping, and recreational activities, impacts of EHO Development on environmentally sensitive areas, tree canopy, natural resources, stormwater management, energy, parks and public space, and parking, and how to mitigate impacts on tree canopy loss and stormwater management.

28. Throughout the process, Board members spoke about how the plan was designed to remove racially exclusionary zoning policies to increase diversity and affordable housing options.

29. Board member Katie Cristol suggested homeownership would be within reach for medium income Arlingtonians.

30. However, the Zoning Amendment will not promote diversity or affordable housing as Board members had earlier suggested.

31. During Phase 2, the Board commissioned one study, but it did not concern factors such as access to transit, jobs, shopping, and recreational activities, impacts of EHO Development on environmentally sensitive areas, tree canopy, natural resources, stormwater management, energy, parks and public space, and parking, or how to mitigate impacts on tree canopy loss and stormwater management. Rather, it addressed only whether EHO

Development would be attractive to developers with respect to feasible housing types based on lot size, restrictions, and developer preference for constructing various housing types mostly based on potential developer profits.

32. This was the only study commissioned by the Board.

33. The Board did not commission any studies about the impact of the Zoning Amendment on stormwater management, energy, natural resources, tree canopy, parking, traffic and transportation, or sanitary sewer systems.

34. The Board did not itself, nor through County staff, study the impact of the Zoning Amendment on stormwater management, sanitary sewer, energy, natural resources, tree canopy, parking, traffic and transportation, or sanitary sewer systems.

35. The Board informed the public that in Phase 3 the Board would determine whether and what kind of EHO Development policies it wanted to implement before promulgating the policies to the public.

36. However, when the Board released a draft of the Zoning Amendment, it contained optional provisions that may or may not be included in the final draft of the Zoning Amendment, rather than a comprehensive explanation of the Board's proposed EHO Development policies.

37. At the same time, the Board released a draft amendment of one element of the County's Comprehensive Plan ("Comprehensive Plan"): the General Land Use Plan ("GLUP").

38. Yet, the Board did not amend any other element of the Comprehensive Plan to address the dramatic impacts which can be expected from the Board's Zoning Amendment. Specifically, the Board did not investigate needed changes to the County's Stormwater

**Master Plan, Master Transportation Plan, Sanitary Sewer System Master Plan, Recycling Program Implementation Plan, Public Spaces Master Plan, Community Energy Plan, Water Distribution Master Plan, and Chesapeake Bay Preservation Plan.**

**39. Instead, the Board summarily concluded without the benefit of studies that, despite the increased density permitted by the proposed Zoning Amendment, it would have minimal effects on the surrounding properties, neighborhoods, utilities, and services in the Residential Districts.**

**40. Although the Board was required to consider the Comprehensive Plan under Virginia Code § 15.2-2284, the Board did not and could not have considered all the elements of the Comprehensive Plan because no studies regarding these other elements were conducted, and the other elements were not updated to incorporate the intense population density increase permitted by-right by the Zoning Amendment's EHO Development in the Residential Districts.**

**41. The Board did not conduct sufficient studies for reasonable consideration of "the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies" and the community's transportation, schooling, recreational areas, and public services requirements, and flood plain preservation per Virginia Code § 15.2-2284.**

**42. The Board did not consider Arlington's Neighborhood Plans, which seek to maintain the low-density character of their neighborhoods in Residential Districts, although the Board states in the GLUP it considers Neighborhood Plans when considering proposals for GLUP amendments.**

***The Board's EHO Development Zoning and GLUP Amendment Process***

**43. Despite its failure to conduct relevant studies on the substantial effects of its EHO Development policy, the Board continued to push for the Zoning Amendment in Phase 3.**

**44. The Planning Commission conducted public hearings in December 2022 to discuss the potential advertisement of the various options of the draft Zoning and GLUP Amendments.**

**45. The Board conducted public hearings in January 2023 to discuss advertising the draft text of the various options of the draft Zoning and GLUP Amendments.**

**46. The Board made available for public inspection only four letters from the public that were furnished to the Board's members. Three of those letters were from County commissions.**

**47. Instead of one completed draft highlighting the Board's proposed Zoning Amendment, the Board released a draft that contained multiple options for proposed amended language in various article sections and vague directives.**

**48. At least nine subsections in Article 10.4 of the proposed Zoning Amendment had more than one option that the Board could choose between later. For example:**

**a. The draft contained five (5) options for language defining different density and dimensional standards for each lot in each Residential District.**

**b. The draft contained four (4) options of amended language for parking requirements.**

**c. The draft contained proposed language that the Zoning Amendment could (1) exclude all planning districts, (2) include all planning districts, or (3) exclude only some planning districts.**

49. The draft Zoning Amendment also stated that a cap could be imposed but did not provide any method of distribution nor notify residents that the Board could and would impose a method of distribution.

50. The Board did not indicate which optional language it would select and instead framed the proposed language as available options from which it could select to create a final Zoning Amendment no sooner than at the Board's public hearing.

51. The draft GLUP amendment detailed Arlington's history of racially exclusionary zoning and the Board's vision to reshape Arlington's low-density neighborhoods by allowing by-right multiplex housing while maintaining their existing low-density character.

52. The draft GLUP amendment also included an update to the GLUP map key to show the various housing types that would be permitted in low-density districts, encompassing the Residential Districts.

53. In the Residential Districts, low density is defined as a density of 1 to 10 units per acre.

54. The draft GLUP amendment did not change the density of low-density Residential Districts and did not change which districts are marked as low density on the map.

55. On January 25, 2023, the Board voted to advertise drafts of the Zoning and GLUP Amendments for public hearings pursuant to Virginia Code § 15.2-2204.

56. Though the Board updated the draft to reflect some changes made during the public hearing discussing the advertisement, the draft Zoning Amendment still contained multiple and confusing options of proposed amended language for many aspects of the

amendment without any indication of which options the Board recommended or proposed for adoption at the advertised public hearings.

57. During the Board's discussion, but after its vote to advertise, Chair Dorsey stated, "this is really the first step to just authorize really what's on the agenda for the actions that we're going to be taking in March."

58. Dorsey also stated, "The board can always decide to take this [the EHO Development Zoning Amendment] up at any point in time" and indicated the Board could review how EHO Development was working after it was passed.

59. As confirmed by Chair Dorsey's comments following the January 25, 2023 vote to advertise drafts of the Zoning and GLUP Amendments, none of the various and confusing options for the Zoning Amendment had been recommended or proposed for adoption at the advertised public hearings.

60. A version of the proposed advertisement for the draft Zoning and GLUP Amendments was posted online in February 2023.

61. The Board published the advertisement in the *Washington Times* on February 21, 2023, and February 28, 2023, giving notice of its March public hearing regarding the amendments.

62. The advertisement read, in relevant part, as follows:

**GP-357-23-1 GLUP Amendment to establish land use goals and policies to support a wider range of housing options in lower density residential neighborhoods, to update the description of planning history in Arlington County, and to amend the description of typical uses in areas designated "Low" Residential on the GLUP map to include a range of housing types.**

**ZOA-2023-02 An ordinance to amend, reenact, and recodify the ACZO, including Articles 3, 10, 12, 13, 14, 15, 16, and 18, to establish regulations for Expanded Housing Option Development**

(EHO), which would allow for up to 6 dwelling units in a building, for properties zoned R-20, R-10, R-8, R-6, or R-5, including standards for applicability, uses, bulk, coverage, placement, site and lot area and width, building height, gross floor area, accessory uses, site development standards, parking, and signs, provisions to restrict the Board of Zoning Appeals from granting use permits that allow modification of placement requirements, provisions for an annual limit on EHO permits, special exception standards for sites with an area of one acre or greater, provisions for nonconformities for EHO development, provisions for nonconforming two-family dwellings zoned R-5 or R-6, dimensional requirements for required parking areas for one-family, two-family, and EHO development, and revisions to the definition of a duplex.

63. A copy of the advertisement is attached hereto as Exhibit A.

64. The advertisement and the draft Zoning Amendment released with the advertisement did not provide any summary of how permits would be distributed if the Board chose at the advertised public hearing to impose a permit cap, nor did it provide the proposed density range or GLUP density range.

65. The advertisement summary failed to meet the statutory notice requirements in Virginia Code §§ 15.2-2204 and 15.2-2285(B)-(C) and failed to allow residents to be informed to meaningfully participate in the Zoning and GLUP Amendment process.

66. Advertisements of public hearings must “contain a descriptive summary of the proposed action” per Virginia Code § 15.2-2204(A).

67. Virginia Code § 15.2-2204 required the Board to advertise a proposed action.

68. The Board did not recommend a proposed Zoning Amendment until after the conclusion of the advertised public hearings.

69. Virginia Code § 15.2-2285(B) similarly required the Board to refer a proposed amendment to the Planning Commission.



70. Virginia Code § 15.2-2285(C) required that an advertisement of an amendment to the zoning map list the density range of the proposed amendment and the density range listed in the municipality's comprehensive plan. Va. Code Ann. § 15.2-2285(C).

71. The Board's authorization for advertising on January 25, 2023, did not comply with Virginia Code §§ 15.2-2285 and 15.2-2204 because the Board had not yet recommended or proposed any of the various and confusing options. As such, it could not advertise a *proposed action* to the public or refer a *proposed amendment* to the Planning Commission.

72. The advertisement's summary insufficiently described what the Board had authorized for advertisement on January 25, 2023 because the summary did not describe the multiple and confusing options still undecided by the Board, what planning areas may or may not be affected, whether there would be parking standards, and how permits would be distributed.

73. Further, because it purported to increase the density for the various Residential Districts through EHO Development, the Zoning Amendment included an amendment to the County's zoning map.

74. As a result, the advertisement failed to comply with the requirement in Virginia Code § 15.2-2285(C) because it did not state the general usage and density range under the various options.

75. To further compound the confusing advertisement, while the options were being advertised, staff released a February 27, 2023 staff report for the Planning Commission's March 6 and 8, 2023 hearings ("February 27 Staff Report"). The February 27 Staff Report proposed for the first time publicly a geographic distribution method if the Board chose to

legislate a cap on the number of EHO Development permits it issued each year and noted that the Board could provide a method of distribution for the permits upon approval of the Zoning Amendment.

76. This updated draft option contained no indication of what method of distribution was proposed or that the method would be determined by the Board following the closure of public hearings upon the adoption of the Zoning Amendment.

77. During this same time, the Planning Commission conducted public hearings on March 6 and 8, 2023, to discuss recommendations to the Board regarding the final Zoning and GLUP Amendments.

78. The Planning Commission did not make available for public inspection at least one comment from the public that was furnished to the Planning Commission's members.

79. Additionally, in advance of the Board's final public hearings on the Zoning and GLUP Amendments, the Board made available for public inspection only ten letters from the public that were furnished to Board members. Five of those letters were from County commissions.

80. On March 22, 2023, after three days of public hearing and discussion, and after the public hearing was closed, Chair Dorsey presented for the first time publicly a proposed, completed ordinance, which was a combination of the County Manager's recommendations first outlined in the February 27 Staff Report and Chair Dorsey's recommendations on the options for which the County Manager had not provided a recommendation (the "Chair's Mark").

81. The Chair's Mark also proposed a method for distributing the permits that was similar to the February 27 Staff Report's distribution method ("Chair's Distribution") if a yearly cap was adopted from among the various options.

82. The Board did not advertise the County Manager's recommendations, and those recommendations were only released through the February 27 Staff Report.

83. Persons residing in the Residential Districts had no notice of Chair Dorsey's recommendations or the Chair's Distribution before Chair Dorsey produced them following closure of the public hearings.

84. Pursuant to Virginia Code §§ 15.2-2285(B) and 15.2-2204(A), the Chair's Mark—a proposed or recommended ordinance—should have been referred to the Planning Commission and advertised for deliberation at the public hearings before the Planning Commission and the Board, instead of the various confusing options.

85. The Chair's Mark, and with it, the Chair's Distribution, were not advertised for deliberation at the public hearings before the Planning Commission and the Board.

86. The failure to advertise the Chair's Mark, and with it, the Chair's Distribution, violated Virginia Code §§ 15.2-2285(B) and 15.2-2204 and deprived the Residents of substantive and procedural due process because they could not know which of the various and confusing options would be recommended by the Board as of the time the public hearings were advertised.

87. The Board's failure to make available for public inspection the Chair's Mark also violated VFOIA Code § 2.2-3707(F).

***Enacted Amended Zoning Ordinance***

88. Following closure of the public hearings, the Board deliberated from the Chair's Mark and Distribution to produce a final Zoning Amendment from amongst the various options.

89. The Board discussed the studies which staff or the Planning Commission were currently conducting or planned to conduct after the Zoning Amendment's passage that would help the Board assess EHO Development; however this discussion and those studies came too late.

90. The Board adopted the newly finalized Zoning and GLUP Amendments on March 22, 2023.

91. The finalized Zoning Amendment permitted the following:

- a. By-right development of up to six units on site areas 7,000 square feet or larger, provided nonconforming lots meet certain ownership requirements, in R-8, R-10, and R-20 districts, and by-right development of up to six units on site areas 6,000 square feet or larger in the R-5 and R-6 districts.
- b. By-right development of up to four units on all site areas under one acre, including nonconforming lots that meet certain ownership requirements.
- c. A fifty-eight-permit annual cap on EHO Development permits for five years before a self-executing sunset provision will allow unrestricted EHO Development. The Board substantially adopted the Chair's Distribution, with some amendments, which allocated twenty-one permits between R-8, R-10, and R-20 districts, thirty permits in R-6 districts, and seven permits in R-5 districts.

- d. **Minimums of 0.5 on-site parking spaces per unit for multiplexes within a three-quarter mile radius of a metro station or within a half mile radius of a Premium Transit Network stop, except lots fronting a cul-de-sac, which require one space per unit, and one on-site space per unit for all other locations.**
- e. **Maximum lot coverage that largely mirrors single-family dwellings except with a five-percent-increased coverage allowance regardless of whether a detached parking garage is built.**
- f. **Maximum gross floor areas based on the number of units.**
- g. **Minimum shade tree requirements depending on the number of units.**
- h. **EHO Development for certain accessory dwellings.**
- i. **The requirement that lots over one acre undergo the special exception process to develop EHO Development units.**
- j. **The exclusion of planning districts from developing EHO Development units.**
- k. **The exemption of nonconforming dwellings from the special exception use permit process if such dwellings are converted to condominiums or cooperatives for EHO Development.**

92. **The key amendment in the draft Zoning Amendment was the addition of Article 10.4 to include the section for “Expanded Housing Option Development.”**

93. **The proposed EHO Development language in Article 10.4 provided a by-right option for lot owners to erect multiplex dwelling units in the Residential Districts.**

94. **Generally, Article 10 contains exceptions to various general regulations in certain zoning districts to permit Unified Residential Developments (Article 10.1), Unified**

Commercial/Mixed Use Development (Article 10.2), and Residential Cluster Development (Article 10.3).

95. Except for the Expanded Housing Option Development (Article 10.4), all other development in Article 10 requires either a special use permit or site plan to develop these options in certain zoning districts.

96. The Zoning Amendment did not amend Article 5, which contains the general regulations of the Residential Districts.

*Particularized Harm to Plaintiffs*

97. Nordgren purchased her property due to its location in a leafy, low-density neighborhood.

98. Nordgren's property is located in residential district R-10, in which the Zoning Amendment allows by-right up to four units on any size lot under one acre and five-to-six-unit apartments on lots that are 7,000 square feet or larger, with certain restrictions.

99. Nordgren has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will result in higher tax assessments to Nordgren's property due to the higher multiplex use authorized.

100. Under the Zoning Amendment, Nordgren's immediate neighbor will be able to build a large multiplex by-right, while that same neighbor will be insulated from EHO Development next to the neighbor's property because the adjacent lot will need a special exception permit to build EHO Development units. Also, EHO Development units can be built on Nordgren's side of the street while her neighbors across the street will not have multiplexes built because of covenants restricting development to single-family dwellings.

101. The EHO Development will cause Nordgren to experience a disparate impact compared to her next-door neighbors who can develop on their property by-right up to six units unchallenged by Nordgren while those neighbors will be insulated from by-right EHO Development and may challenge their neighbor's request for EHO Development because that other neighbor owns a lot larger than one acre.

102. The direct, pecuniary, and substantial harm to Nordgren set forth hereinabove is different than that suffered by other residents in the County and the R-10 District because of the Zoning Amendment.

103. Tyler purchased his property due to its location in a low-density neighborhood.

104. Tyler's property is located in residential district R-10, in which the Zoning Amendment will allow up to four units on any size lot under one acre and five-to-six-unit apartments on lots that are 7,000 square feet or larger, with certain restrictions.

105. Tyler has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will intensify stormwater runoff and sanitary sewer system use and volume resulting in flooding and sanitary sewer backup on Tyler's property.

106. Part of Tyler's lot is part of a resource protection area and is near a flood zone. Further, part of a stormwater main runs underneath Tyler's property. EHO Development in lots surrounding Tyler's property that are not burdened by a resource protection area will augment flooding risks to and impacts on Tyler's property.

107. The Zoning Amendment will also increase tax assessments on Tyler's property due to the higher multiplex use authorized.

108. The direct, pecuniary, and substantial harm to Tyler set forth hereinabove is different from that suffered by other residents in the County and the R-10 District because of the Zoning Amendment.

109. MacKenzie purchased his property due to its location in a low-density neighborhood with proximity to the city but also because the property had and was surrounded by old-growth trees and was a nature habitat.

110. MacKenzie's property is located in residential district R-6 in which the Zoning Amendment will allow up to four units on any size lot under one acre and five-to-six-unit apartments on lots 6,000 square feet or larger, with certain restrictions.

111. MacKenzie lives within a one-half mile radius of the Courthouse Metro Station, where each EHO Development unit built on a lot only requires 0.5 on-site parking spaces per unit.

112. MacKenzie has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will increase traffic and parking density in MacKenzie's otherwise quiet neighborhood.

113. It will also result in a higher tax assessment due to the higher multiplex use authorized.

114. MacKenzie and several of his neighbors own lots that are smaller than the minimum lot size in the R-6 District, but nevertheless are allowed to construct up to four units per lot under the Zoning Amendment, provided they meet certain ownership requirements. EHO Development on these smaller lots produces an even greater negative impact on MacKenzie's property because it substantially increases the density range to up to thirty-two units per acre.



115. MacKenzie's street is unusually narrow and at times barely passable as emergency and waste-disposal vehicles struggle to access the road.

116. EHO Development in MacKenzie's neighborhood will impose an augmented impact on parking and traffic congestion, crowding his narrow street and making it difficult for emergency and waste management vehicles to provide necessary services to him and his neighbors, especially because of the sheer number of nonconforming lots on which four units can be built by-right in his neighborhood.

117. EHO Development will burden on-street parking near MacKenzie's property and make it more difficult to locate parking on his permit-parking-restricted street because the Zoning Amendment only requires 0.5 on-site parking spaces per unit. This parking burden will be significantly increased considering the increased density resulting from MacKenzie's and his neighbors' non-conforming lots.

118. MacKenzie's proximity to a metro station augments the Zoning Amendment's negative impact on street parking above the impact on persons in the R-6 District living farther than three-quarters of a mile from a metro station.

119. The direct, pecuniary, and substantial harm to MacKenzie set forth hereinabove is different from that suffered by other residents in the County and the R-6 District because of the Zoning Amendment.

120. The Parkers purchased their property due to its location in a low-density neighborhood.

121. The Parkers' property is located in residential district R-10, in which the Zoning Amendment will allow by-right up to four units on any size lot under one acre and five-to-six-unit apartments on lots that are 7,000 square feet or larger, with certain restrictions.

122. The Parkers have a direct, pecuniary, and substantial interest in the Zoning Amendment because it will intensify stormwater runoff and sanitary sewer system use and volume resulting in flooding and sanitary sewer backup on the Parkers' property.

123. It will also result in a higher tax assessment due to the higher multiplex use authorized.

124. The Parkers live near a flood zone and resource protection area and are downhill from lots that are permitted to build EHO Development units. The Parkers also have three stormwater mains running underneath their property.

125. The Parkers suffered significant flood damage in 2019 and damage from a sanitary sewer backup in 2021 under the current, less dense development. EHO Development in the Parkers' neighborhood will increase stress on stormwater management systems surrounding the Parkers' property due to their home's proximity to a flood zone, resource protection area, and County stormwater mains. It will also tax sanitary sewer systems in the Parkers' neighborhood.

126. The direct, pecuniary, and substantial harm to the Parkers set forth hereinabove is different from that suffered by other residents in the County and the R-10 District because of the Zoning Amendment.

127. Pernia purchased her property due to its location in a low-density neighborhood and because of its affordability and the neighborhood's charm.

128. Pernia's property is located in residential district R-6, in which the Zoning Amendment will allow up to four units on any size lot under one acre and five-to-six-unit apartments on lots 6,000 square feet or larger, with certain restrictions.

129. Pernia has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will increase traffic and parking density and noise in Pernia's otherwise quiet neighborhood.

130. It will also result in a higher tax assessment due to the higher multiplex use authorized.

131. Pernia and several of her neighbors own lots that are smaller than the minimum lot size in the R-6 District, but nevertheless are allowed to construct up to four units per lot under the Zoning Amendment, provided they meet certain ownership requirements, which will increase the density range to at least twenty-eight units per acre.

132. EHO Development on these smaller lots will produce an even greater negative impact on parking on Pernia's street than in other areas because parking on Randolph Street is already overcrowded, parking will be further increased by the drastic density increase, and Randolph Street by Pernia's home is not located near a metro station or a Premium Transit Network.

133. Moreover, the Zoning Amendment does not provide many limits on what contractors can build as far as maintaining aesthetic continuity in Pernia's neighborhood nor does it provide for infrastructure improvements for sanitary sewer and flood control, as Pernia lives near Four Mile Run and the accompanying flood zone and resource protection area.

134. The direct, pecuniary, and substantial harm to Pernia set forth hereinabove is different than that suffered by other residents in the County and the R-6 District because of the Zoning Amendment.

135. Fibel purchased her property in 2000 due to its location in a quiet low-density neighborhood with adequate parking, proximity to the city, and an abundance of birds and trees, and because of its affordability.

136. Fibel found her home after a four-year search and twenty years of living in apartments and condominiums in Arlington where parking was difficult to find.

137. Fibel's property is located in residential district R-6, in which the Zoning Amendment will allow up to four units on any size lot under one acre and five-to-six-unit apartments on lots 6,000 square feet or larger, with certain restrictions.

138. Fibel lives within a three-quarter mile radius of two metro stations, where only 0.5 on-site parking spaces per unit are required by the Zoning Amendment.

139. Fibel has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will increase traffic and parking density in Fibel's otherwise quiet neighborhood and will also intensify stormwater runoff and sanitary sewer system use and volume resulting in flooding and sanitary sewer backup on Fibel's property.

140. It will also result in a higher tax assessment due to the higher multiplex use authorized.

141. Fibel and several of her neighbors own large lots on which up to six units can be built, while some of her other neighbors own lots that are smaller than the minimum lot size in the R-6 District, but nevertheless are allowed to construct up to four units per lot under the Zoning Amendment, provided they meet certain ownership requirements.

142. The impacts of EHO Development on the smaller lots, as well as the conforming lots, will increase the density range around Fibel's property to over 20 units per acre to produce an even greater negative impact on Fibel's property than on the property of other

persons in the R-6 District. Moreover, the housing density will dramatically increase in Fibel's neighborhood as real estate investors are already advertising plans to tear down an existing single-family dwelling and develop three \$1.2 million townhomes, even prior to the Zoning Amendment's passage.

143. EHO Development and the increased density permitted by the Zoning Amendment will increase street parking and noise pollution from the influx of cars in Fibel's formerly low-density neighborhood, especially considering the reduced number of on-site parking spaces required per unit due to her proximity to two metro stations. The Zoning Amendment thus augments the negative impact on street parking on Fibel above persons living more than a three-quarter-mile radius from a metro station.

144. Fibel will also experience an augmented impact from the Zoning Amendment on her sanitary sewer system, as she has already experienced sewage backup in her basement when the County performed sewer line maintenance on her street in September 2012.

145. The direct, pecuniary, and substantial harm to Fibel set forth hereinabove is different from that suffered by other residents in the County and the R-6 District because of the Zoning Amendment.

146. Rozada purchased his property due to its location in a low-density neighborhood.

147. Rozada's property is located in residential district R-8, in which the Zoning Amendment allows by-right up to four units on any size lot under one acre and five-to-six-unit apartments on lots that are 7,000 square feet or larger, with certain restrictions.

148. Rozada has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will result in a higher tax assessment due to the higher multiplex use authorized.

149. EHO Development will increase overcrowding in the County's public schools that serve Rozada's neighborhood, all of which are almost at capacity, and where one of Rozada's children currently attends. School overcrowding from EHO Development will increase the number of students per class and increase strain on the cafeteria, gym, library, bathrooms, and other facilities, resulting in negative impacts on education.

150. The direct, pecuniary, and substantial harm to Rozada set forth hereinabove is different from that suffered by other residents in the County and the R-8 District because of the Zoning Amendment.

151. Gabig purchased her property due to its location in a low-density neighborhood.

152. Gabig's property is located in residential district R-6, in which the Zoning Amendment will allow up to four units on any size lot under one acre and five-to-six-unit apartments on lots 6,000 square feet or larger, with certain restrictions.

153. Gabig has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will result in a higher tax assessment based on the higher multi-family use authorized.

154. EHO Development will increase overcrowding in the County's public schools that serve Gabig's neighborhood, several of which are already at or over capacity, as Gabig saw first-hand when she visited schools in her neighborhood to prepare for her son to enter the public school system this fall as a kindergartener.

155. EHO Development in Gabig's neighborhood will also increase overcrowding in the middle and high schools that serve her neighborhood and that her son may eventually attend, especially as those schools are approaching maximum capacity.

156. The direct, pecuniary, and substantial harm to Gabig set forth hereinabove is different from that suffered by other residents in the County and the R-6 District because of the Zoning Amendment.

157. Ackerman purchased his property due to its location on a wooded lot, in a neighborhood that was calm and healthful, owing to its extensive tree canopy.

158. Ackerman's property is located in residential district R-10, in which the Zoning Amendment will allow up to four units on any size lot under one acre and five-to-six-unit apartments on lots that are 7,000 square feet or larger, with certain restrictions.

159. Ackerman has a direct, pecuniary, and substantial interest in the Zoning Amendment because it will result in a higher tax assessment due to the higher multiplex use authorized.

160. EHO Development allowed by the Zoning Amendment will reduce the tree canopy and worsen erosion and flooding near Ackerman's property because Ackerman lives near a resource protection area and flood zone. The flooding impact on his property from EHO Development authorized by the Zoning Amendment is augmented over the impact on other properties in the R-10 District.

161. Under the Zoning Amendment, Ackerman's immediate neighbor and the next house down the street will be able to build large multiplexes by-right, while one of those neighbors will be insulated from EHO Development next to that neighbor's property because the adjacent lot will need a special exception permit to build EHO Development units.

162. EHO Development will cause Ackerman to experience a disparate impact compared to his next-door neighbors who can develop on their properties by-right up to six

units unchallenged by Ackerman while those neighbors will be insulated from by-right EHO Development and may challenge their neighbor's requests for EHO Development because that other neighbor owns a lot larger than one acre.

163. The direct, pecuniary, and substantial harm to Ackerman set forth hereinabove is different from that suffered by other residents in the County and the R-10 District because of the Zoning Amendment.

164. Residents are being harmed and will continue to be harmed by the Board's failure to consider necessary infrastructure improvements to address the increased density due to EHO Development.

165. Residents are being harmed and will continue to be harmed by the failure to include sufficient residential development requirements to address off and on-street parking and traffic congestion and density in otherwise quiet residential neighborhoods exacerbated by increased population and development density.

166. By singling out these Residential Districts without providing for adequate infrastructure and neighborhood-specific development, the Residents will suffer a particularized harm not applicable to the public generally in the form of increased traffic and parking, intensified stormwater runoff and sanitary sewer use and volume leading to flooding and sanitary sewer backups, tree canopy diminution, and prohibitively expensive tax assessments increases.

167. As a result, Residents' properties will suffer noise, safety, flooding, and sanitary sewer impacts as well as loss of residential quietude that will not be suffered by the public generally.

168. Thus, the Residents have been aggrieved by the Board's actions.



*Effects of the Enacted Zoning and GLUP Amendments*

169. Before amending the zoning ordinance, the Board determined that EHO Development's "stormwater runoff would be comparable to current impacts from single-detached redevelopment," despite EHO Development's permitted by-right increase to density and lot coverage.

170. The current stormwater management system is inadequate to address the County's current management needs as demonstrated by the County's search to purchase and tear down single-family dwellings and regrade the lots to manage flooding.

171. The County's current stormwater management system plan does not address the dramatic increase in population density in these low-density districts that is now allowed by-right because of the Zoning Amendment, despite the County's flooding problems.

172. The burden on already overburdened schools will be increased because of EHO Development, resulting in classroom crowding, overburdened bathrooms, overburdened cafeterias, the need for mobile classrooms and other common areas with resulting negative impacts on education.

173. The Board did not address the increased strain on the County's sanitary sewer, energy, and water distribution systems that will be caused by EHO Development. The Zoning Amendment's increase in by-right development of multiplexes will further stress the systems without requiring the necessary upgrades.

174. The Board did not address the increase in traffic and parking due to EHO Development, which will organize substantial community redevelopment away from high-capacity transit in contravention of the Master Transportation Plan.

175. As revealed from VFOIA requests, the Board has not requested any studies on transportation needs in suddenly denser low-density neighborhoods and whether those neighborhoods will be well-served by present public transportation provisions.

176. The Board did not commission nor conduct appropriate and requisite studies and planning to mitigate the Zoning Amendment's increased burden on already overburdened schools and other public facilities, parking and traffic congestion in residential, low-density neighborhoods, flooding and associated stormwater drainage issues, sanitary sewer overflow, and tree canopy degradation, among other things.

177. As of the Zoning Amendment's enactment, fifty-eight owners and developers can now by-right build multiplexes on their lots each year for five years.

178. The fifty-eight-permit cap will expire in five years and then by-right development will be open to all qualifying lots without limits on permits.

179. The Board did not consider EHO Development's increase in permitted density above the GLUP's low-density requirements (1-10 units per acre) in almost every district after the permit cap sunsets automatically in five years and by-right development of multiplexes is no longer capped.

180. Instead, the Board noted it could review the impacts of the permitted EHO Development during the five-year period and take up the amendment at any point.

181. Once owners and developers begin construction, the nature of these Residential Districts will be irreparably altered without the infrastructure and services necessary to support and improve the public health, safety, convenience, and welfare of residents in these districts.

182. The Zoning Amendment will exacerbate gentrification and force low and fixed-income residents out of Arlington, especially out of residential districts previously containing more affordable lots.

183. The Zoning Amendment will increase taxes due to the Virginia Constitution's requirement that taxation be assessed at 100% of the property's fair market value. Houses will invariably be valued at higher rates because of the higher multiplex use authorized, and these increased taxes will burden low and fixed-income homeowners closest to the margins.

184. Moreover, developers will purchase more affordable single-family dwellings to build expensive multiplexes, keeping them out of reach for many Arlingtonians.

185. Many EHO Development units will likely be rentals and have the highest number of permitted units to maximize developer profit, which will result in smaller one or two-bedroom units.

186. Other EHO Development units will be larger luxury units costing over \$ 1 million and thus, unaffordable for low or middle-income families.

187. EHO Development does not promote the original goals of homeownership and three-plus-bedroom units.

188. The units built as EHO Development will not be affordable.

189. EHO Development will not improve access to homeownership for persons of diverse ethnicities.

190. Moreover, EHO Development does not address housing that is actually missing from the County.

191. The County's Affordable Housing Master Plan noted that "the County's current rental stock sufficiently serves both families and single-person households who have incomes above 80 percent of area median income."

192. In fact, Anne Venezia, the housing director for the County, claimed before the EHO Development Zoning Amendment was passed that the County "[could] confidently say we do have enough capacity within our current plans to enable the [housing] production that [the Metropolitan Washington Council of Governments ("COG")] has for Arlington targets." But the Affordable Housing Master Plan determined that the County needs 16,000 affordable units for residents with incomes sixty percent or less of the average median income. EHO Development will not address this need.

**COUNT I - The Board and Planning Commission failed to promulgate an initiating resolution or motion for the Zoning Amendment in accordance with Virginia Law.**

193. The foregoing paragraphs are incorporated herein by this reference.

194. Virginia Code Annotated § 15.2-2286(A)(7) requires amendments to regulations be initiated "(i) by resolution of the governing body [or] (ii) by motion of the local planning commission . . . ."

195. This initiating resolution by a governing body or commission proposing the amendments to regulations shall state the public purposes of "public necessity, convenience, general welfare, or [as] good zoning practice requires." Va. Code Ann. § 15.2-2286(A)(7).

196. "A failure to comply with any step in the [zoning amendment] process" including Virginia Code § 15.2-2286(A)(7) "renders the action of the Board void *ab initio* and of no legal efficacy." *In re Zoning Ordinance Amendments*, 67 Va. Cir. 462, 2004 WL 1158678, at \*6-7 (Loudoun Cnty. 2004).

197. The Board did not pass a resolution and the Planning Commission did not pass a motion that initiated the Zoning Amendment.

198. According to a VFOIA request and response, the only resolution the Board promulgated before the Board approved the Zoning Amendment was a resolution to authorize advertising the public hearing for the Zoning Amendment and GLUP Amendments. *See Exhibit B.*

199. Upon information and belief, including a diligent search, the only motion passed by the Planning Commission before the Board approved the Zoning Amendment was that recommending that the Board pass a resolution advertising the the various options for public hearings.

200. Advertising of public hearings pursuant to Virginia Code § 15.2-2204 is a distinct and subsequent step in the process for adopting zoning ordinance or map amendments from the initiation of a zoning or map amendment pursuant to Virginia Code § 15.2-2286(7).

201. Because the Board did not promulgate an initiating resolution, and because the Planning Commission failed to pass an initiating motion, both also failed to state a public purpose for amending the zoning ordinance and map.

202. The Board and the Planning Commission failed to comply with Virginia Code § 15.2-2286(A)(7) and did not pass a resolution or motion initiating the Zoning Amendment.

203. The Zoning Amendment is "void *ab initio* and of no legal efficacy." *See In re Zoning Ordinance Amendments*, 2004 WL 1158678, at \*6-7.

WHEREFORE, Residents respectfully request this Court find that the Board failed to comply with Virginia Code § 15.2-2286(A)(7), and as such, further find and declare that the

Board's approval of the Zoning Amendment which permits EHO Development in formerly low-density zoning districts was *ultra vires* and thus, the Zoning Amendment is void *ab initio*.

**COUNT II - The Board failed to advertise the Zoning Amendment per Virginia law.**

204. The foregoing paragraphs are incorporated herein by this reference.

205. Virginia Code § 15.2-2204(A) requires that advertisements of public hearings regarding plans, ordinances, or amendments "shall contain a descriptive summary of the proposed action."

206. Virginia Code § 15.2-2204's intent "is to generate informed public participation by providing citizens with information about the content of the proposed amendments."

*Glazebrook v. Bd. of Sup'rs of Spotsylvania Cnty.*, 266 Va. 550, 555, 587 S.E.2d 589, 592 (2003).

207. For a notice to be adequate, a citizen must be able to "reasonably determine, from the notice, whether he or she was affected by the proposed amendments" and not solely "in the most general sense of being located in a particular type of zoning district." *Id.* at 556, 587 S.E.2d at 592.

208. Code § 15.2-2285(C) requires that an advertisement to amend a zoning map include the proposed density range of the amendment and the comprehensive plan's density range for that district.

209. The summary advertised by the Board failed to contain a descriptive summary, generate informed public participation, or allow citizens to reasonably determine if they were affected by the proposal.

210. The draft Zoning Amendment advertised for public hearing contained options without any indication of which option the Board recommended or proposed for deliberation at the advertised public hearings.

211. The draft Zoning Amendment authorized for public hearing contained twelve different sections with anywhere from two to five options or variations to the proposed text for each section.

212. By way of example, the draft Zoning Amendment authorized for public hearing contained five Option 2s, of which some contradicted each other or contained differences based on proximity to transit hubs, while others were hybrids of some options, and none of which provided a clear picture of which option the Board proposed for adoption.

213. Option 10A and 10B stated that properties within planning districts may all be excepted, included, or partially excepted and included from EHO Development.

214. Option 3A would either require properties over one acre to file a special exception to build EHO Development units or allow them to build by-right.

215. Persons residing in these planning districts or owners of lots greater than one acre had no way of knowing whether this Zoning Amendment would affect them despite the Board purporting to advertise a final draft of the Zoning Amendment.

216. Similarly, persons residing in the Residential Districts had no way of knowing which of the Option 2s was recommended for adoption and, therefore, how they would be impacted.

217. Virginia Code § 15.2-2285(B) required the Board to refer a proposed amendment to the Planning Commission.

218. Virginia Code § 15.2-2204 similarly required the Board to advertise a proposed action.

219. The draft amendment released by the Board in conjunction with the request for advertisement in January 2023 contained numerous options that could have resulted in any number of combinations and resulting outcomes and was not, therefore, a proposed amendment or proposed action.

220. The draft released by the Board did not contain the final proposed text of the Zoning Amendment.

221. The draft released by the Board did not contain the proposed method of distribution if the Board capped the number of permits issued each year.

222. Based on the advertisement and the draft, the public had no way of knowing that the Board could or would impose a method of distribution if it imposed a permit cap.

223. The staff report accompanying the request to advertise suggested that permit distribution based on a geographic component, such as by neighborhood, would lack a rational basis and was not recommended for advertisement.

224. After the amendment had been advertised for one week, the February 27 Staff Report suggested a geographic approach to permit distribution that more closely resembled the final Zoning Amendment. It also noted that “[t]he method of distribution for the permits shall be determined by the County Board upon adoption of the ordinance.” The public had no advertised notice of this proposed distribution.

225. The advertisement generally summarized possible amendments and standards for development but did not indicate that each amendment or standard contained multiple options.



226. The advertisement did not adequately describe the uncertainty of the proposed Zoning Amendment options or the uncertainty it created for residents in supporting or challenging the amendments.

227. The advertisement did not inform residents in the Residential Districts living within a three-quarter mile radius from a metro station or one-half mile from a Premium Transit Network that the number of on-site parking spaces required per unit could and would be reduced to 0.5 parking spaces per unit.

228. The advertisement did not inform residents living on a cul-de-sac in Residential Districts that on-site parking spaces per unit could and would be reduced to one space per unit, rather than two.

229. The advertisement did not describe the method the Board would employ to distribute permits.

230. The advertisement did not include the density range permitted by the Zoning Amendment or the GLUP's current density range for the Residential Districts.

231. Density is a quantitative description and means "the quantity per unit of . . . area." Density, *Merriam Webster's Dictionary*, available at <https://www.merriam-webster.com/dictionary/density> (last visited Apr. 18, 2023). The County describes density in terms of "units per acre." See GLUP Map Legend Amendment attached as Exhibit C.

232. The Board's GLUP Amendment does not change the stated density of the Residential Districts on the GLUP map, which states the density range is 1-10 units per acre, nor did the Board amend the zoning district map.

233. Under the Zoning Amendment, if even one conforming lot in the R-6 district builds a six-unit EHO Development, the density increases over the density range listed on the GLUP map.

234. Staff and the Board tacitly admitted that the Zoning Amendment increased density over the range listed in the GLUP map when discussing tree canopy requirements, noting that the tree canopy requirements for EHO Development were equivalent to residential sites zoned for more than ten units per acre, rather than the higher tree canopy requirements for the areas formerly zoned at less than 10 units per acre.

235. The Zoning Amendment allows significant increases in density above the GLUP map range even while the permit cap is in effect. Once the permit cap automatically sunsets, the density allowed increases up to forty-two units per acre.

236. Because a zoning ordinance's legality is reviewed by what may be done under it, *see Bd. of Sup'rs of James City Cnty. v. Rowe*, 216 Va. 128, 132, 216 S.E.2d 199, 205 (1975), the relevant proposed density range is up to forty-two units per acre, not the average density of what the County thinks might happen.

237. The advertisement failed to comply with Virginia Code § 15.2-2285(C) because it did not include the proposed density range and GLUP density range.

238. The advertisement failed to comply with Virginia Code § 15.2-2204 because it did not "contain a descriptive summary of the proposed action" of the multiple options available or of the method of distribution if a cap was implemented.

239. The advertisement failed to comply with Virginia Code § 15.2-2285(B) because it did not refer a proposed amendment to the Planning Commission, and instead, referred various confusing options to the Planning Commission.

240. Further, the advertisement did not generate informed participation of residents because they could not know which options the Board recommended for adoption until after the advertised public hearings were closed.

241. Persons residing in planning districts in the Residential Districts were not reasonably able to determine if the Zoning Amendment would apply to them. *See Gas Mart Corp. v. Bd. of Sup'rs of Loudoun Cnty.*, 269 Va. 334, 346-47, 611 S.E.2d 340, 346-47 (2005).

242. Persons residing in each of the Residential Districts did not know what options may affect them because some options applied to every district, while others only applied to districts near transit hubs.

243. The advertisement ultimately left residents in the Residential Districts uninformed and unable to meaningfully engage with the Zoning Amendment because they could not know which of the various and confusing options the Board proposed for adoption at the advertised public hearings.

244. Given the lack of clarity in the draft amendment and the lack of required information, the advertisement's summary insufficiently described the proposed action.

245. By failing to meet the notice requirements of Virginia Code §§ 15.2-2204, 15.2-2285(B), and 15.2-2285(C), the Board "acted outside the authority granted by the General Assembly" and its approval of the Zoning Amendment is, therefore, void *ab initio*. *Glazebrook v. Bd. of Sup'rs of Spotsylvania Cnty.*, 266 Va. 550, 554, 587 S.E.2d 589, 591 (2003).

WHEREFORE, Residents respectfully request this Court find that the Board failed to comply with Virginia Code §§ 15.2-2204(A), 15.2-2285(B), and 15.2-2285(C), and as such,

further find and declare that the Board's approval of the Zoning Amendment which permits EHO Development in formerly low-density zoning districts was *ultra vires* and thus, the Zoning Amendment is void *ab initio*.

**COUNT III - The Zoning Amendment is void *ab initio* because the Board acted *ultra vires***

**by failing to reasonably consider many Virginia Code § 15.2-2284 factors.**

246. The foregoing paragraphs are incorporated herein by this reference.

247. Local municipalities may exercise only powers that are "expressly or impliedly granted to them." *Town of Jonesville v. Powell Valley Village Ltd. P'ship*, 254 Va. 70, 74, 487 S.E.2d 207, 210 (1997).

248. Municipal action not authorized by statute is *ultra vires* and void *ab initio*. *See id.*

249. Virginia Code § 15.2-2284 provides, in relevant part, that:

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.

250. The Board failed to consider the Comprehensive Plan, which includes the Stormwater Master Plan, the Master Transportation Plan, the Sanitary Sewer System Master Plan, Recycling Program Implementation Plan, Public Spaces Master Plan, the Community Energy Plan, and the Water Distribution Master Plan, among others.

251. Under Code § 15.2-2284, the Board must reasonably consider the Comprehensive Plan when drawing and applying zoning ordinances.

252. “A comprehensive plan provides a guideline for future development and systematic change, reached after consultation with experts and the public. ‘[T]he Virginia statutes assure [landowners] that such a change will not be made suddenly, arbitrarily, or capriciously but only after a period of investigation and community planning.’” *Town of Jonesville*, 254 Va. at 76, 487 S.E.2d at 211 (quoting *Bd. of Supervisors of Fairfax Cnty. v. Snell Constr. Corp.*, 214 Va. 655, 658, 202 S.E.2d 889, 892 (1974)).

253. A comprehensive plan requires “careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants.” Va. Code Ann. § 15.2-2223(A).

254. Relevant surveys for comprehensive plans include “use of land, . . . existing public facilities, drainage, flood control and flood damage prevention measures, dam break inundation zones and potential impacts to downstream properties, . . . the transmission of electricity, . . . road improvements, . . . transportation facilities, transportation improvements, . . . [and] the need for affordable housing,” among other matters. Va. Code Ann. § 15.2-2224.

255. The Board did not consider the various elements of the Comprehensive Plan when drastically increasing density in Residential Districts by adopting the Zoning Amendment.

256. The Board amended the GLUP but did not amend any other elements of the Comprehensive Plan to address the changes wrought by the Zoning Amendment.

257. In amending the GLUP, the Board changed the GLUP Map Legend to reflect that low-density housing of 1-10 units per acre could include the newly permitted housing types;

however, the density authorized by the Zoning Amendment would result in up to 42 units per acre in the Residential Districts, more than four times that envisioned by the GLUP for Residential Districts.

258. In allowing density at a much higher rate than envisioned by the GLUP, the Board did not consider a part of the Comprehensive Plan, the GLUP, in enacting the Zoning Amendment.

259. The Board did not change any other part of the GLUP map, despite the fact that the density permitted under the Zoning Amendment now allows by-right density up to approximately 42 units per acre.

260. The Board could not have considered EHO Development's effects on the County's infrastructure and services addressed by the Comprehensive Plan's other elements because the other elements were drafted and updated before the Zoning Amendment was drafted and approved. Not even the amended GLUP forecasted the density increase permitted in the Residential Districts by-right under the Zoning Amendment.

261. The Board did not conduct necessary and relevant studies on the effects of EHO Development on Arlington's infrastructure and services addressed by the Comprehensive Plan's other elements, including the Stormwater Master Plan, the Master Transportation Plan, the Sanitary Sewer System Master Plan, Recycling Program Implementation Plan, Public Spaces Master Plan, the Community Energy Plan, and the Water Distribution Master Plan, among others. *See Exhibit D.*

262. The Board did not commission or conduct studies or investigations that would have "provide[d] a guideline for future development and systematic change, reached after

consultation with experts and the public.” *Town of Jonesville*, 254 Va. at 76, 487 S.E.2d at 211.

263. Instead, Board members told the public that the Board could check up on EHO Development to see how it was working once it had been in place for a few years.

264. Without adequate studies or investigations, the Comprehensive Plan could not be updated, and the Plan’s elements could not address what is otherwise a drastic increase in density in formerly low-density residential districts.

265. Without an amended Comprehensive Plan to address the Zoning Amendment’s effects, the Board could not have considered, let alone reasonably considered, the Comprehensive Plan in enacting the Zoning Amendment in compliance with Virginia Code § 15.2-2284.

266. The Board also failed to consider the community’s current and future requirements based on appropriate studies, and the community’s transportation, school, recreational facility, and public services requirements.

267. The Board did not commission or conduct studies, save one study addressing the feasibility and desirability of certain housing types to developers, to address these other factors outlined in Virginia Code § 15.2-2284.

268. The Board downplayed EHO Development’s effects, including the drastic increased density by-right in formerly low-density neighborhoods, to justify its lack of studies and review.

269. The Board not only failed to reasonably consider the Comprehensive Plan and other community requirements; it did not consider or investigate many of these aspects at all and only cursorily reviewed other aspects.

270. As a result, the Board failed to abide by and comply with its enabling legislation in enacting the Zoning Amendment.

271. The Board acted outside the scope of its express and implied power to amend zoning ordinances.

272. Because the Board enacted the Zoning Amendment *ultra vires*, the Zoning Amendment is void *ab initio*. See *Town of Jonesville*, 254 Va. at 74, 487 S.E.2d at 210.

WHEREFORE, Residents respectfully request this Court find that the Board violated Virginia Code § 15.2-2284, and as such, further find and declare that the Board's approval of the Zoning Amendment in contravention of its enabling authority *ultra vires*, and thus, the Zoning Amendment is void *ab initio*.

**COUNT IV - The Board unlawfully delegated legislative authority in granting a special exception for EHO Development.**

273. The foregoing paragraphs are incorporated herein by this reference.

274. A political subdivision may exercise legislative power "to regulate the use of land by zoning laws," including regulating special exceptions to the general regulations of a district. Va. Code § 15.2-2286(A)(1); *Bd. of Sup'rs of Fairfax Cnty. v. Southland Corp.*, 224 Va. 514, 521, 297 S.E.2d 718, 721 (1982).

275. A special exception is "a special use that is a use not permitted in a particular district except by a special use permit" under the relevant code section or zoning ordinance. Va. Code § 15.2-2201.

276. Special exceptions are exceptions "to the general regulations in any district". Va. Code § 15.2-2286(A)(1).



277. Such special exception and special use permits must be “submitted to governmental scrutiny in each case” to ensure that the proposed development complies with standards that “protect neighboring properties and the public.” *Southland Corp.*, 224 Va. at 521, 297 S.E.2d at 721-22.

278. The delegated power of Virginia localities to issue special use permits in each case is limited to legislative action. *Id.* at 522, 297 S.E.2d at 722.

279. A public official’s review in exercising this legislative power is “guided by standards set forth in the ordinance.” *Id.*

280. An official exercising such legislative power may grant the special exception permit “under suitable regulations and safeguards,” Va. Code § 15.2-2286(A)(3), and impose conditions and restrictions to “reduce the impact of the use upon neighboring properties and the public to the level which would be caused by those uses permitted as a matter of right.” *Southland Corp.*, 224 Va. at 522, 297 S.E.2d at 722.

281. EHO Development is a special exception to the general regulations of the Residential Districts that is lawfully limited to the exercise of legislative power in granting EHO Development permits.

282. The Zoning Amendment violates Virginia law by allowing by-right administrative exceptions to the general regulations for each affected Residential District without any legislative scrutiny whatsoever.

283. While the permit cap is in place for the next five years, EHO Development, albeit by-right, is a use that is not permitted unless the property owner is one of fifty-eight people who can obtain a permit.

284. Moreover, rather than amending the general regulations for the Residential Districts, which are located in Article 5, the Board amended Article 10.

285. Article 10 contains three other kinds of development, all of which are special exceptions to the general regulations of certain zoning districts and require either special exception or site plan approval.

286. Article 10.4 "Expanded Housing Option Development" with the permit cap creates an exception to the general regulations for Residential Districts outlined in Article 5 that requires a permit.

287. By creating a permit requirement for by-right development in Residential Districts through Article 10.4, and by limiting the number of permits for by-right development, the Board created a special exception to the general regulations for Residential Districts and transformed purportedly "by-right" development into special exception/use development that requires legislative scrutiny in each case.

288. In creating a special exception, the Board illegally delegated its legislative authority to staff members to grant special exceptions that are not submitted to governmental scrutiny in each case and transformed the special exception/use permit process into an illegal administrative action, rather than the required legislative process.

289. Under the guise of by-right development, the Board has enacted a special exception/use permit process that avoids the rigorous special exception/use process, which requires intensive studies, public participation, and negotiation with developers to ensure that neighboring residents, public facilities, and the public generally are protected from the excepted use.

290. By creating a special exception to the general regulations of the Residential Districts without requiring appropriate governmental scrutiny, the Board violated Virginia Code §§ 15.2-2286(A)(1) and (3) and 15.2-2288.1, unlawfully delegated legislative authority to staff members, and subverted the public process required for special exception and use permits.

WHEREFORE, Residents respectfully request this Court find that the Board acted *ultra vires* and violated Virginia Code §§ 15.2-2286(A) and 15.2-2288.1 by unlawfully delegating legislative power, permitting special exceptions without proper governmental scrutiny, and requiring special exception permits for allegedly by-right use where they were not authorized. As a result, this Court should further find and declare that the Zoning Amendment is void *ab initio*.

**COUNT V - The Zoning Amendment is arbitrary and capricious and bears no reasonable relationship to public health, safety, morals, or general welfare.**

291. The foregoing paragraphs are incorporated herein by this reference.

292. The Board may amend zoning ordinances so long as the amendment is reasonable, not arbitrary or capricious, and bears a “reasonable or substantial relation to the public health, safety, morals, or general welfare.” *Norton v. Bd. of Sup’rs of Fairfax Cnty.*, 299 Va. 749, 858 S.E.2d 170, 173 (2021) (quoting *Bd. of Cnty. Sup’rs of Fairfax Cnty. v. Carper*, 200 Va. 653, 660, 107 S.E.2d 390, 395 (1959)).

293. While the supporting documents outlined that EHO Development was to diversify housing types and provide more affordable housing options than the current single-family housing market, Board members sold the EHO Development Zoning Amendment as a policy to produce or preserve family-sized moderately-priced homes and provide access to

the market for ownership and emphasized it was not intended to be an across-the-board rezoning of all low-density neighborhoods.

294. The Board only commissioned one study produced in April 2022, which addressed what types of housing would fit within low-density neighborhood lot requirements and that developers would be incentivized to construct.

295. The Board concluded without the benefit of the required studies that the EHO Development Zoning Amendment would minimally affect surrounding properties, neighborhoods, utilities, services, and infrastructure despite drastically increasing population density in formerly low-density neighborhoods.

296. Moreover, a Board member called the amendment decision consequential while at the same time downplaying the effects of the Zoning Amendment.

297. Board members have suggested that they can adjust the EHO Development Zoning Amendment in the future if problems with EHO Development and its implementation arise, thereby revealing that the required studies to prevent such problems were not commissioned.

298. The Board neither commissioned nor conducted studies on stormwater management, sanitary sewer systems, school density, traffic volume and density, Chesapeake Bay Protection Area impact, public services and utilities impacts, such as water, electricity, and recreational facilities, tree canopy degradation, and flood area impacts. *See Exhibit D.*

299. Nor did it amend any portions of the County's Comprehensive Plan except for the GLUP.

300. In amending the GLUP, the Board changed the GLUP Map Legend to reflect that low-density housing of 1-10 units per acre could include the newly permitted housing types but did not change the density range in the GLUP consistent with the up to 42 units per acre authorized by the Zoning Amendment.

301. In allowing density at a ratio much greater than that envisioned by the GLUP, the Zoning Amendment was inconsistent with the GLUP and, therefore, arbitrary and capricious.

302. The Board eschewed the protections implemented and required by Virginia Code § 15.2-2223 by failing to amend the Comprehensive Plan after investigation, community planning, and consultation with experts and the public and thus, the Board's enactment of the amendment was arbitrary and capricious. *See Town of Jonesville v. Powell Valley Village Ltd. P'ship*, 254 Va. 70, 76, 487 S.E.2d 207, 211 (1997).

303. The Zoning Amendment does not serve the goals the Board championed because EHO Development will create small units the County already has sufficiently in-stock and will mostly be rented rather than purchased.

304. The Zoning Amendment exacerbates the precise problems Board members claimed they sought to address, such as racially exclusive policies, diversity, gentrification, housing affordability, and housing-type diversity.

305. The Board did not reasonably investigate the effects of its Zoning Amendment on Arlingtonians because it failed to reasonably consider the basic statutory requirements outlined in Virginia Code § 15.2-2284, such as transportation requirements, schools, recreation areas and parks, public services, natural resource conservation, flood plain preservation, and property conservation.

306. Similarly, the Board did not design the ordinance to give reasonable consideration to the factors outlined in Virginia Code § 15.2-2283.

307. The Board did not reasonably investigate the basic considerations of modern urban planning when population density is drastically increased by right, such as impacts on stormwater management, flooding, sanitary sewer and waste removal systems, water supply, traffic congestion, and tree canopy depletion.

308. Due to the lack of consideration, study, and planning, the Zoning Amendment is unreasonable, arbitrary and capricious, and bears no reasonable or substantial relation to public health, safety, morals, or general welfare.

309. Rather, the Zoning Amendment will worsen the health, safety, morals, and general welfare of the Residents in Residential Districts.

WHEREFORE, Residents respectfully request this Court find that the Board's Zoning Amendment was arbitrary and capricious and not reasonably related to public health, safety, morals, and general welfare and thus is void *ab initio*.

**COUNT VI - The Zoning Amendment is void *ab initio* because the Board failed to comply with the Virginia Freedom of Information Act's requirements.**

310. The foregoing paragraphs are incorporated herein by this reference.

311. Under Virginia Code § 2.2-3707(F), "all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body."

312. The General Assembly's purpose in enacting VFOIA is to "ensure[] the people of the Commonwealth *ready* access to public records . . ." and to prevent government affairs

from “be[ing] conducted in an atmosphere of secrecy.” Va. Code § 2.2-3700(B) (emphasis added).

313. “Any person . . . denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause.” Va. Code § 2.2-3713(A).

314. A failure to comply with VFOIA “potentially limit[s] public participation and input into the process” and renders a zoning ordinance amendment void *ab initio*. *Berry v. Bd. of Sup’rs of Fairfax Cnty.*, Rec. No. 211143, slip op. at \*28-29 (Va. Mar. 23, 2023).

315. After the time for public comment closed, Chair Dorsey publicly introduced the Chair’s Mark, a memorandum dated March 20, 2023, and addressed to the Board members.

316. The Board did not furnish the Chair’s Mark to Residents at the same time the document was furnished to Board members, presumably March 20, 2023.

317. The Chair’s Mark did not appear in materials furnished to residents online prior to the March 21 or 22 meetings, nor was it available online after the meetings, as was County practice.

318. As demonstrated by the affidavit from Plaintiff Nordgren provided hereinafter as Exhibit E, at least one letter was furnished to the Planning Commission for its March 6 hearing and the Chair’s Mark was furnished to Board members for the Board’s March 21 and 22 hearings.

319. The Planning Commission did not make available for public inspection online nor provide ready access online to the comment from the public that was furnished to the Planning Commission members before the Planning Commission’s final vote to recommend the Zoning and GLUP Amendments.

320. For the request to advertise hearing, the Board provided twenty pages of letters regarding the Zoning and GLUP Amendments, consisting of letters from only four organizations, three of which were from County commissions.

321. For the final public hearing on the Zoning and GLUP Amendments, the Board provided thirty-five pages of letters from only ten organizations regarding the Zoning and GLUP Amendments, five of which were from County commissions.

322. There may be other materials furnished to the Board and Planning Commission for the Planning Commission Hearings on December 12 and 15 and March 6 and 8 and for the Board's January 21, 24 and 25 and March 18, 21, and 22 hearings that were not made available for inspection by the public online, as per County practice, and which are the subject of a pending VFOIA request. *See Exhibit F.*

323. Per the attached affidavit from Plaintiff Nordgren, the Planning Commission failed to make available for public online all materials furnished to it for its March 6, 2023 hearing, and Board failed to make available for public inspection or provide ready access online, as was County practice, all materials furnished to the Board members before the relevant hearings.

324. Residents have been denied the rights and privileges conferred by VFOIA.

325. As a result, the Planning Commission and the Board have violated Virginia Code § 2.2-3707(F), and the Zoning and GLUP Amendments are void *ab initio*.

WHEREFORE, Residents respectfully request this Court find that the Board and Planning Commission violated Virginia Code § 2.2-3707, and as such, further find and declare that the Board's approval of the Zoning and GLUP Amendments was *ultra vires* and that the



Zoning and GLUP Amendments are void *ab initio*. As a result, this Court should award reasonable costs and attorney fees pursuant to Virginia Code § 2.2-3713(D).

**COUNT VII - The landscaping provision of the Zoning Amendment renders the Zoning Amendment void *ab initio* because the Board acted *ultra vires* by acting contrary to Virginia Code § 15.2-961.**

326. The foregoing paragraphs are incorporated herein by this reference.

327. Virginia Code § 15.2-961(A) allows localities within the Chesapeake Bay Watershed, like Arlington County, to “adopt an ordinance providing for the planting and replacement of trees during the development process *pursuant to the provisions of this section.*” (Emphasis added).

328. Virginia Code Annotated § 15.2-961(B) effectively limits the number of trees a locality may require to be planted based on the density for which a property is zoned. Specifically, it requires that a local tree ordinance of the kind allowed by Code § 15.2-961(A),

shall require that the site plan for any subdivision or development include the planting or replacement of trees on site to the extent that, at 20 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as follows . . . (2) Ten percent tree canopy for a residential site zoned 20 or more units per acre; (3) Fifteen percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre; and (4) Twenty percent tree canopy for a residential site zoned 10 units or less per acre.”

329. Virginia Code Annotated § 15.2-961(H) explains that “tree canopy,” as used in that section, “includes all areas of coverage by plant material exceeding five feet in height, and the extent of planted tree canopy at 10- or 20-years maturity” based on “published reference texts.”

330. Virginia Code § 15.2-961(J) provides: “*In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements set forth herein*” (emphasis added).

331. The County long ago enacted the type of tree canopy ordinance allowed by Virginia Code § 15.2-961 and enacted the maximum tree canopy requirements allowed by § 15.2-961(B) through its Chesapeake Bay Preservation Ordinance. *See* Arlington County Code § 61-10(C).

332. The Zoning Amendment for EHO Development allowed for a by-right optional increase in the density in R-5, R-6, R-8, and R-10 Districts from 9 units per acre, meaning a 20% replacement tree canopy, to greater than 20 or more units per acre, meaning a 10% replacement tree canopy; it allowed for a by-right optional increase in the density in zone R-20 from 2 units per acre to 13 units per acre, meaning a 15% replacement tree canopy.

333. In an attempt to compensate for the reduction of the tree canopy through the illegal density increases resulting from the Zoning Amendment, the Zoning Amendment included a “landscaping” provision (the “Landscaping Provision”) that mandates “a minimum of up to four shade trees for sites with 2-4 dwelling units, and a minimum of up to eight shade trees for sites [with] 5-6 dwelling units . . . . This requirement may be satisfied with existing trees and/or by planting trees on-site.”

334. As admitted by County staff in responding to citizen questions about the Landscaping Provision, the Landscaping Provision requirement for EHO Development is in addition to the tree canopy requirements enabled by Virginia Code § 15.2-961 and enacted by the County in Arlington County Code § 61-10(C) (the Chesapeake Bay Preservation Ordinance).

335. County staff stated: “the builder will have to meet both the Chesapeake Bay Preservation Ordinance (CBPO) tree canopy coverage standard (set by state code) and the proposed tree planting standard of the zoning ordinance. However, depending on the lot size, number of units, and tree species, in most cases the one tree per unit zoning requirement *would result in more shade trees than relying solely on the 10% or 15% CBPO standard.*” (Underline in original; italicized for emphasis).

336. The Board’s proposed Landscaping Provision’s shade tree requirement exceeds the maximum tree canopy allowed by the Virginia Code in violation of Virginia Code § 15.2-961(J).

337. In enacting the Landscaping Provision, the County Board understood that the General Assembly had prohibited the Board from exceeding the maximum tree canopy in Code § 15.2-961 but adopted the Landscaping provision anyway to make it appear that the tree canopy would not be negatively impacted by the Zoning Amendment when, in fact, it would be negatively impacted by optional by-right increases in density.

338. The Landscaping Provision was, therefore, an illegal and *ultra vires* attempt to compensate for reduction in tree canopy resulting from the illegal by-right optional density increase authorized by the Zoning Amendment.

339. The Board failed to comply with Virginia Code § 15.2-961 and acted contrary to the statute by exceeding the allowable tree canopy set by the Code.

340. The Zoning Amendment is “void *ab initio* and of no legal efficacy.” *See In re Zoning Ordinance Amendments*, 2004 WL 1158678, at \*6-7.

WHEREFORE, Residents respectfully request this Court find that the Board failed to comply with Virginia Code § 15.2-961(A), -(B), and -(J), and as such, further find and declare

that the Board's approval of the landscaping provisions of the Zoning Amendment was *ultra vires*, and thus, the Zoning Amendment is void *ab initio*.

**Request for Declaratory Judgment and Injunctive Relief**

341. Residents incorporate the preceding paragraphs as if fully restated herein.

342. There is an existing and active dispute concerning the authority of the Board to amend the zoning ordinance without complying with its statutory enabling authority which affects the Residents' property rights, safety, health, morals, and general welfare.

WHEREFORE, for the foregoing reasons, Residents respectfully request this Court grant the foregoing and following relief:

- a. Declare the Zoning Amendment arbitrary and capricious and not bearing "reasonable or substantial relation to the public health, safety, morals, or general welfare."
- b. Declare the Board and Planning Commission failed to initiate by resolution or motion the Zoning Amendment under Virginia Code § 15.2-2286(A)(7).
- c. Declare the Board failed to properly advertise the Zoning Amendment under Virginia Code §§ 15.2-2204 and 15.2-2285.
- d. Declare that the Board failed to advertise a proposed action as required by Virginia Code § 15.2-2204.
- e. Declare the Board did not reasonably consider the factors under Virginia Code § 15.2-2284 when amending the zoning ordinance.
- f. Declare the Board improperly delegated legislative authority without suitable regulations and safeguards under Virginia Code § 15.2-2286.

- g. Declare the Board violated Virginia Code § 15.2-2288.1 by requiring a special exception to develop a by-right use.**
- h. Declare the Board violated Virginia Code § 15.2-961 by exceeding the maximum tree canopy percentage requirement.**
- i. Declare the Board and the Planning Commission violated Virginia Code § 2.2-3707 by failing to comply with VFOIA disclosure requirements.**
- j. Declare the Zoning Amendment in violation of Virginia law under Virginia Code §§ 15.2-2204, 15.2-2284, 15.2-2285, 15.2-2286, 15.2-2288.1, 15.2-961 and/or 2.2-3707.**
- k. Declare the Zoning Amendment void *ab initio* for the Board's failure to comply with Virginia Code §§ 15.2-2204, 15.2-2284, 15.2-2285, 15.2-2286, 15.2-2288.1, 15.2-961 and/or 2.2-3707.**
- l. Enjoin the Zoning Amendment from going into effect July 1, 2023, because it is void *ab initio*.**
- m. Enjoin the Board from implementing or taking any action under the Zoning Amendment until the Board complies with its enabling authority pursuant to Virginia Code §§ 15.2-2200-2316 and VFOIA requirements pursuant to Virginia Code § 2.2-3700-3714.**
- n. Enjoin the Board from issuing permits for or approving applications of EHO Development pursuant to the Zoning Amendment.**
- o. Award attorney fees for violations of Virginia Code § 2.2-3707 pursuant to Virginia Code § 2.2-3713(D).**

Respectfully Submitted,

MARCIA L. NORDGREN,  
NORMAN TYLER, ALEXANDER  
MACKENZIE, ROBERT P.  
PARKER, MONA C. PARKER,  
KATHERINE PERNIA,  
MARGARET P. FIBEL, RICARDO  
J. ROZADA, MABEL GABIG,  
AND ERIC ACKERMAN  
By Counsel

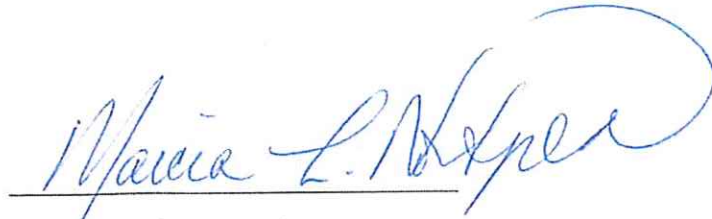
Date: April 20, 2023

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*Counsel for Plaintiffs Marcia L. Nordgren,  
Norman Tyler, Alexander MacKenzie,  
Robert P. Parker, Mona C. Parker,  
Katherine Pernia, Margaret P. Fibel,  
Ricardo J. Rozada, Mabel Gabig, and Eric Ackerman*

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

A handwritten signature in blue ink, reading "Marcia L. Nordgren", written over a horizontal line. The signature is cursive and includes a large loop at the end.

Name: Marcia L. Nordgren

Date: April 18, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

Norman Tyler

Name: Norman Tyler

Date: April 18, 2023



**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.




Name: Alexander MacKenzie

Date: April 16, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

A handwritten signature in blue ink that reads "Katherine Pernia". The signature is written in a cursive style and is positioned above a horizontal line.

Name: Katherine Pernia

Date: April 19, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Ricardo J. Rozada", is written over a horizontal line.

Name: Ricardo J. Rozada

Date: April 18th, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

Margaret P. Fibel

Name: Margaret P. Fibel

Date: April 19, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Eric Ackerman", written over a horizontal line.

Name: Eric Ackerman

Date: April 19, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.



---

Name: Robert P. Parker

Date: April 19, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

*Mona Parker*

---

Name: Mona C. Parker

Date: April 19, 2023

**Verification**

Pursuant to Virginia Code § 8.01-4.3, I declare and verify under penalty of perjury that the allegations in the foregoing Verified Complaint are true to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Mabel Gabig", is written over a solid horizontal line.

Name: Mabel Gabig

Date: April 19, 2023



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## Description

Seller's Comments and Description:

# ARLINGTON, VIRGINIA PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF ARLINGTON CO., VA, on March 6, 2023, at 2100 Clarendon Boulevard, Suite 307, Arlington, Virginia 22201 in a meeting at 7:00 P.M. or as soon thereafter as matters may be heard, will consider the following cases, after offering the public an opportunity to be heard in a public hearing. The public may attend the meeting in person or virtually via live stream at [www.arlingtonva.us](http://www.arlingtonva.us), YouTube and local cable stations on Comcast 25 & 1085 and Verizon FiOS 39 & 40. To sign-up to speak at the meeting either in person or virtually, visit <https://www.arlingtonva.us/Government/Commissions-and-Advisory-Groups/Planning-Commission/Speaker> or call 703-228-0095, for further assistance.



Speaker requests can be completed and submitted to the Clerk at least one week in advance of the meeting. To guarantee public testimony, registration must be completed at least 24 hours in advance of the meeting.

**NOTICE IS HEREBY GIVEN THAT THE COUNTY BOARD OF ARLINGTON CO., VA, on March 18, 2023, at 2100 Clarendon Boulevard, Suite 307, Arlington Virginia 22201 in a meeting at 9:00 A.M. or as soon thereafter as matters may be heard, will consider the following cases, after offering the public an opportunity to be heard in a public hearing.**

**Sign up to speak in advance at <https://www.arlingtonva.us/Government/County-Board> or call 703-228-3130 between 8am and 5pm starting the week before the meeting. Members of the public may participate virtually and in person. Speakers sign up will also be available in-person on the day of the meeting. The meeting will be available via live stream at [www.arlingtonva.us](http://www.arlingtonva.us) and local cable stations on Comcast 25 & 1085 and Verizon FiOS 39 & 40. For reasonable accommodation requests, contact the County Board office at [countyboard@arlingtonva.us](mailto:countyboard@arlingtonva.us) or 703-228-3130.**

**NOTE:** Copies of proposed plans, ordinances, amendments and applications, and related planning case materials may be examined by appointment in the Planning Division Office, Suite 700 , 2100 Clarendon Blvd., Arlington, VA. Appointments may be scheduled by contacting the Planning Division at (703) 228-3525 or [cphd@arlingtonva.us](mailto:cphd@arlingtonva.us); or text of proposed County Code amendments may be examined in the County Board Clerk's Office, Suite 300; 2100 Clarendon Blvd., Arlington, VA by contacting staff at (703) 228-3130 Mon. – Fri. 8am-5pm. The term Site Plan in this notice refers to a Special Exception Site Plan as defined in the Arlington County Zoning Ordinance and is not the same as an engineering site plan or construction plans submitted in satisfaction of other codes or ordinances. The terms ACZO and GLUP means Arlington County Zoning Ordinance and General Land Use Plan, respectively.

**THE FOLLOWING CASE TO BE HEARD BY THE PLANNING COMMISSION ONLY:**

**SUBJECT:** Proposed resolution pursuant to Code of Virginia §15.2-2286 *for consideration to amend Department of Community Planning, Housing and Development (DCPHD) fees in the Zoning Fee Schedule to include a 5.2% inflationary increase, a 6%*

increase to the indirect cost surcharge associated with Inspection Services fees, the establishment of a 21% indirect cost surcharge associated with Zoning fees, and to address technical corrections associated with plumbing fees and a fee exemption.

**THE FOLLOWING CASES TO BE HEARD BY PLANNING COMMISSION AND COUNTY BOARD:**

**Adoption of amendments to the General Land Use Plan and Arlington County Zoning Ordinance to support expanded housing options resulting from the Missing Middle Housing Study.**

**GP-357-23-1** GLUP Amendment to establish land use goals and policies to support a wider range of housing options in lower density residential neighborhoods, to update the description of planning history in Arlington County, and to amend the description of typical uses in areas designated "Low" Residential on the GLUP map to include a range of housing types.

**ZOA-2023-02** An ordinance to amend, reenact, and recodify the ACZO, including Articles 3, 10, 12, 13, 14, 15, 16, and 18, to establish regulations for Expanded Housing Option Development (EHO), which would allow for up to 6 dwelling units in a building, for properties zoned R-20, R-10, R-8, R-6, or R-5, including standards for applicability, uses, bulk, coverage, placement, site and lot area and width, building height, gross floor area, accessory uses, site development standards, parking, and signs, provisions to restrict the Board of Zoning Appeals from granting use permits that allow modification of placement requirements, provisions for an annual limit on EHO permits, special exception standards for sites with an area of one acre or greater, provisions for nonconformities for EHO development, provisions for nonconforming two-family dwellings zoned R-5 or R-6, dimensional requirements for required parking areas for one-family, two-family, and EHO development, and revisions to the definition of a duplex.

**ZOA-2023-03** An ordinance to amend, reenact, and recodify ACZO Articles 3, 4, 5, 6, 7, 8, 11, 12, and 18 as follows:

- To permit stormwater management (SWM) facilities and other types of minor utilities in the S-3A, S-D, and P-S zoning districts;
- To allow SWM facilities to be located within required setbacks;
- To increase the maximum height of fencing for SWM facilities and for publicly operated parks and open spaces to 8 feet;

- To establish a maximum height of 14 feet for flood walls;
- To allow certain types of accessory structures to be located within required setbacks from any street in parks and similar public spaces;
- To permit fencing associated with SWM facilities and parks and similar public spaces greater than 4 feet in height to encroach into a required street setback;
- To establish use standards for fences and walls associated with publicly operated parks and open spaces, including locations proximate to sidewalks that are less than 5 feet wide, the use of open mesh type materials for fences up to 8 feet in height, and a maximum height of 8 feet for retaining walls.
- To exclude handrails and guardrails from the calculations for maximum height for a wall;
- To establish use standards for the location and enclosure of pumps and backup generators for SWM facilities;
- To list stormwater pumping stations and flood walls as examples of minor utilities in the Utilities use category (§12.2.4.K);
- To enable County Board modification through use permit approval for the aforementioned use standards and for the maximum height of a flood wall;
- To incorporate references to use standards for utilities referenced in §12.4.9 in the ACZO's use tables;
- To establish a definition for flood walls; and,
- To make additional editorial changes for improved clarity.

**THE FOLLOWING CASES TO BE HEARD BY COUNTY BOARD ONLY:**

**SITE PLAN AMENDMENTS:**

**SPLA22-00039 ML Century I LLC and ML Century II LLC to convert office space to retail use, in the C-O zoning district under ACZO §7.13, & §15.5. Property is approximately 87,120 sq. ft.; located at 2450 Crystal Drive & 2461 S. Clark Drive (RPC# 34-020-034, -035, -287). Modifications of zoning ordinance requirements include: parking and other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP "High" Office-Apartment-Hotel, Crystal City Coordinated Redevelopment District (GLUP Note #1); Crystal City Sector Plan.**

**SPLA21-00042/UPER21-00042** ASC-Arlington Real Estate, LLC for a site plan amendment to SP #72 and a use permit to permit permanent vehicle sales and service use in the C-O-2.5 zoning district under ACZO §7.12 & §15.5. Property is approximately 35,598 sq. ft.; located at 585 N. Glebe Road (RPC# 14-061-074). Modifications of zoning ordinance requirements include: permit on-site improvements as shown, and allow tree preservation with no screening wall or fence along N. Quincy Street; other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP "Medium" Office-Apartment-Hotel and "North Quincy Street Coordinated Mixed-Use District" (Note 14); North Quincy Street Plan Addendum.

**SPLA22-00061** South Eads VA Partners, LLC for a site plan amendment to SP #337 to amend conditions associated with the renovation of the existing residential building, streetscape and landscaping in the RA-H-3.2 zoning district under ACZO §7.5 & §15.5. Property is approximately 44,182 square feet; located at 1331 S. Eads Street (RPC# 35-001-374). Applicable Policies: GLUP: "High" Office-Apartment-Hotel and Crystal City Coordinated Redevelopment District (Note #1); Crystal City Sector Plan.

**SPLA22-00062** South Eads VA Partners, LLC for a site plan amendment to SP #160 to amend conditions associated with the renovation of the existing residential building and landscaping in the RA-H-3.2 zoning district under ACZO §7.5 & §15.5. Property is approximately 67,106 square feet; located at 1221 S. Eads Street (RPC# 35-001-376). Modifications of zoning ordinance requirements include: other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP: "High" Office- Apartment-Hotel and Crystal City Coordinated Redevelopment District (Note #1); Crystal City Sector Plan.

**SPLA22-00064** Paris Associates Limited Partnership for a site plan amendment to SP #26 to modify the parking ratio for the below-grade parking garage in the C-O-Rosslyn zoning district under ACZO §7.15 & §15.5. Property is approximately 128,578 sq. ft.; located at 1601, 1611, and 1621 N. Kent St. (RPC# 16-039-033). Modifications of zoning ordinance requirements include: parking and other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP "High" Office-Apartment-Hotel; Rosslyn Coordinated Redevelopment District (Note #15); Rosslyn Sector Plan.

**SPLA23-00002** Brookfield Properties for a site plan amendment to SP #105 to allow a vehicle rental establishment in the C-O-2.5 zoning district under ACZO §7.12 & §15.5. Property is approximately 107,063 sq. ft.; located at 601 12th Street South (RPC# 35-004-006). Modifications of zoning ordinance requirements include: required office parking and other modifications as necessary to achieve the proposed development plan. Applicable Policies: "High" Office-Apartment-Hotel; Pentagon City Coordinated Redevelopment District (Note #4); Pentagon City Sector Plan.

**SPLA23-00003** Brookfield Properties for a site plan amendment to SP #105 to allow a vehicle rental establishment in the C-O-2.5 zoning district under ACZO §7.12 & §15.5. Property is approximately 105,422 sq. ft.; located at 701 12th Street South (RPC# 35-004-004). Modifications of zoning ordinance requirements include: required office parking and other modifications as necessary to achieve the proposed development plan. Applicable Policies: "High" Office-Apartment-Hotel; Pentagon City Coordinated Redevelopment District (Note #4); Pentagon City Sector Plan.

**SPLA23-00004** 2000-2001 S. Bell, L.L.C. for a phased development site plan amendment to SP#454 in the C-O Crystal City zoning district under ACZO §7.16 & §15.5. Located at 2050 and 2051 S. Bell Street (RPC# 34-020-283, -284, 34-020-281 part, and 34-020-268 part). Modifications of zoning ordinance requirements include: other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP "High" Office-Apartment-Hotel and Crystal City Coordinated Redevelopment District (Note 1); Crystal City Sector Plan.

**SPLA23-00006** 2000-2001 S. Bell, L.L.C. for a site plan amendment to SP#458 in the C-O Crystal City zoning district under ACZO §7.16 & §15.5. Property is approximately 99,904 sq. ft.; located at 2050 and 2051 S. Bell Street (RPC# 34-020-283, -284, 34-020-281 part, and 34-020-268 part). Modifications of zoning ordinance requirements include: other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP "High" Office-Apartment-Hotel and Crystal City Coordinated Redevelopment District (Note 1); Crystal City Sector Plan.

**SPECIAL EXCEPTION USE PERMITS:**

**UPER23-00001** Steven Kameny and Jennifer Hanely for a use permit amendment to U-3039-02-1 for a deck replacement and expansion on Lot 2 of a Unified Residential Development in the R-5 zoning district under ACZO §5.7 & §15.4. Property is approximately 4,051 sq. ft.; located at 2007 N. Pollard St. (RPC# 06-026-024).

Modifications of zoning ordinance requirements include: setbacks, and other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP: "Low" Residential; Lee Highway-Cherrydale Special Revitalization District (Note 8); Cherrydale Neighborhood Conservation Plan (2005).

**UPER23-00002** Brookfield Properties for a use permit for a vehicle rental establishment in the C-O-2.5 zoning district under ACZO §7.12 & §15.4. Property is approximately 107,063 sq. ft.; located at 601 12th Street South (RPC# 35-004-006). Applicable Policies: "High" Office-Apartment-Hotel; Pentagon City Coordinated Redevelopment District (Note #4); Pentagon City Sector Plan.

**UPER23-00003** Brookfield Properties for a use permit for a vehicle rental establishment in the C-O-2.5 zoning district under ACZO §7.17 & §15.4. Property is approximately 105,422 sq. ft.; located at 701 12th Street South (RPC# 35-004-004). Applicable Policies: "High" Office-Apartment-Hotel; Pentagon City Coordinated Redevelopment District (Note #4); Pentagon City Sector Plan.

**UPER23-00004** McDonald's USA LLC for a use permit for a drive-through window at a restaurant in the C-2 zoning district under ACZO §7.12 & §15.4. Property is approximately 33,229 sq. ft.; located at 4834 Langston Boulevard (RPC# 07-006-002, -003, -004). Applicable Policies: GLUP "Low" Residential.

**THE FOLLOWING ARE USE PERMIT AND SITE PLAN REVIEWS:**

**FOR ONE YEAR:**

**SP220-U-21-1** Ladybug Academy, LLC for a use permit for a childcare center for up to 76 children under ACZO §7.11 and §15.4. Property is approximately 5,486 sq. ft.; located at 2500, 2514, 2522, 2530 Wilson Boulevard (RPC #18-007-006, -008, -009, -010, -011, -012, -021, -022, -029, and -030). Applicable Polices: GLUP "Low" Office-Apartment-Hotel.

**SP122-U-21-1** Northeastern University for a use permit for a college/university use in the C-O zoning district under ACZO §7.13, and §15.4. Property is approximately 411,679 square feet; located at 1300 17th St. N. (RPC# 17-003-031, 17-003-032). Applicable policies: GLUP "High" Office-Apartment-Hotel; Rosslyn Coordinated Redevelopment District (Note #15); and Rosslyn Sector Plan.

**U-3327-12-1** Field to Table, Inc. for use permit for an open-air market in the S-3A zoning district under ACZO §12.5.17 and §15.4. Property is approximately 473,932 sq. ft.; located at 1644 McKinley Rd. (RPC# 10-022-030). Applicable Policies: GLUP "Public".

**U-3606-21-1 Clarendon Alliance** for a use permit for an open-air market in the C-O zoning district under ACZO §7.13 and §15.4. Property is approximately 77,000 sq. ft.; located at 2100 Clarendon Boulevard (RPC# 18-004-065, -067). Applicable Policies: GLUP "Public", "High" Residential and "High" Office-Apartment-Hotel; and Courthouse Square Special District (Note #26); Courthouse Sector Plan Addendum.

**U-3607-21-1 Veritas Collegiate Academy** for use permit for a private school with up to 25 students in the R-5 zoning district under ACZO §5.7 and §15.4. Property is approximately 33,600 sq. ft.; located at 935 23rd Street S. (RPC# 36-032-001, -013, and 023). Applicable Policies: GLUP "Low" Residential.

**Kendra Jacobs,**  
Clerk to the County Board

Publication Dates: February 21st, 2023  
February 28th, 2023

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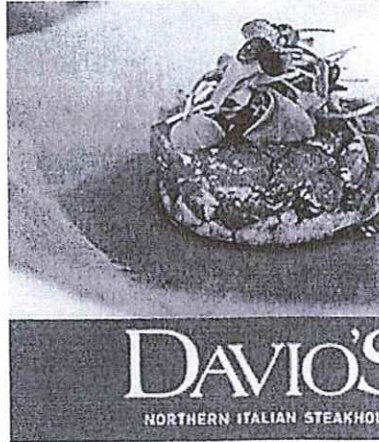
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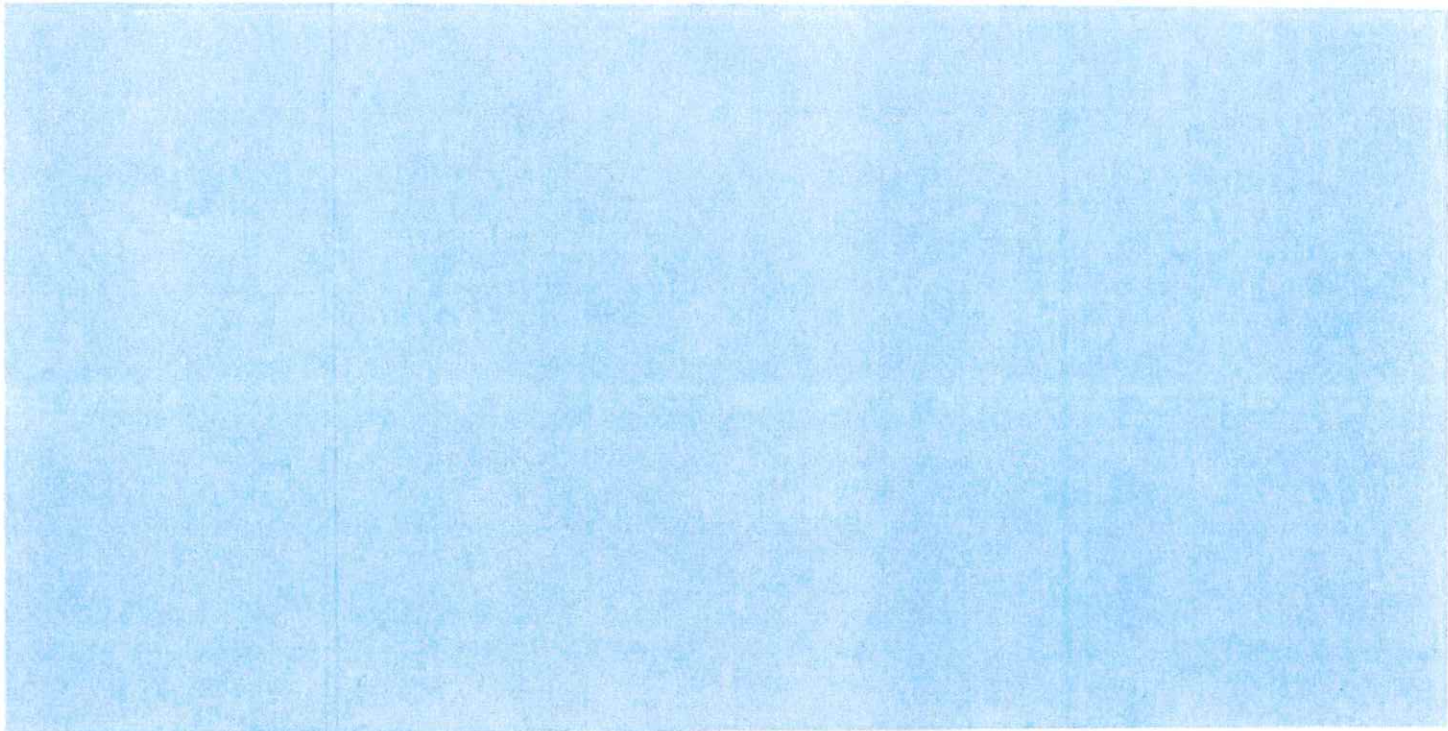
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**From:** Arlington County FOIA Center <arlingtoncountyva@govqa.us>  
**Sent:** Wednesday, March 1, 2023 1:00 PM  
**To:** mnordlaw@aol.com  
**Subject:** [Records Center] County Records Request :: C001939-022223

--- Please respond above this line ---



RE: County Records Request of February 22, 2023, Reference # C001939-022223

Dear Marcia Nordgren,

The Arlington County received a public records request from you on February 22, 2023. Your request mentioned:

All public documents related to the County Board's 2019 initiating resolution for the 'Missing Middle' Zoning Amendments or the 'Missing Middle Housing Study'



Arlington County has reviewed its files and has located responsive records to your request. Please log in to the FOIA Center at the following link to retrieve the responsive records. Per Staff, Zoning Ordinance amendments have not yet been passed or adopted -and have only been advertised for a March hearing.

[County Records Request - C001939-022223](#)

For questions or additional information, please reply to this email.

Sincerely,

Rachel Healy, FOIA Officer  
Arlington County - Office of the County Attorney  
2100 Clarendon Blvd., Suite 403 Arlington, VA 22201  
(C) 703.843.0687 (T) 703.228.3100

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To monitor the progress or update this request please log into the [FOIA Center](#)



A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Blvd. thereof on December 17, 2019 at 3:00 PM.

**PRESENT:** Christian Dorsey, Chair  
Libby Garvey, Vice Chair  
Katie Cristol, Member  
Erik Gutshall, Member  
Matt de Ferranti, Member

**ABSENT:** None.

**ALSO PRESENT:** Mark Schwartz, County Manager  
Stephen MacIsaac, County Attorney  
Kendra Jacobs, County Clerk

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**COUNTY BOARD RECESSED MEETING**

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**I. COUNTY BOARD BUSINESS AND REPORTS**

• County Board Reports

Christian Dorsey presented the 2019 DESIGNArlington Awards.

Christian Dorsey presented the Biophilic City Resolution.

Following a motion by CHRISTIAN DORSEY, Chair, seconded by KATIE CRISTOL, Member, the County Board adopted the Biophilic Cities Resolution.

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows:  
CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member - Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

Christian Dorsey issued a proclamation in recognition of World Aids Day.

Christian Dorsey issued a proclamation in recognition of Sharon Bulova.

Christian Dorsey issued a proclamation in recognition of Kojo Nnamdi.

Christian Dorsey gave a presentation of the National League of Cities Conference.

• Appointments

On a motion by CHRISTIAN DORSEY, Chair, the Board made the following appointments:

**Commission on Aging**

Appoint Chloe Burke for a term ending December 31, 2022

**Commission for the Arts**

Appoint Jordan Lewis for a term ending December 31, 2022

**Partnership for Children, Youth and Families**

Appoint Megan Mack for a term ending December 31, 2021

**Human Rights Commission**

Appoint Daniel Githens for a term ending December 31, 2022

**Teen Network Board**

Appoint Stephanie Achugamonu for a term ending June 30, 2020  
Appoint Jimmy Carcamo Campos for a term ending June 30, 2020  
Appoint Peyton Fern for a term ending June 30, 2020  
Appoint Anna Trainum for a term ending June 30, 2020  
Appoint Georgia Dean for a term ending June 30, 2020  
Reappoint Jason Ho for a term ending June 30, 2020  
Reappoint Yasmina Mansour for a term ending June 30, 2020  
Reappoint William McLennan for a term ending June 30, 2020  
Reappoint Gillian Wagner for a term ending June 30, 2020  
Reappoint Aden Selassie for a term ending June 30, 2020  
Reappoint Ava Boston for a term ending June 30, 2020  
Reappoint Kate Allen for a term ending June 30, 2020  
Reappoint Philip Wince for a term ending June 30, 2020  
Reappoint Marshal Maguire for a term ending June 30, 2020  
Reappoint Paul Cuento for a term ending June 30, 2020  
Reappoint Sophie Snider for a term ending June 30, 2020  
Reappoint Jacke Kabiri for a term ending June 30, 2020

**Urban Forestry Commission**

Appoint Noreen Hannigan for a term ending December 31, 2022  
Reappoint Patricia Norland for a term ending December 31, 2022

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows:  
CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member -  
Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

• Regional Reports

Libby Garvey shared a report on the Council of Governments Emergency Preparedness Council's Table Top exercise on emergency preparedness.

Christian Dorsey shared an update on the proposed WMATA budget.

Christian Dorsey discussed the Council of Governments Award recognizing Victor Hoskins.

• County Manager Reports

Presentation on Census 2020 outreach and impacts

Presentation of the Comprehensive Annual Financial Report

Presentation of the Annual Report

Update on the Arlington Racial Equity Program

Presentation on the ART Operator Transition

Presentation on the Four Mile Run Valley Arts & Industry District

Presentation on the Missing Middle Housing Initiative

Presentation of the annual End of Year Video

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**CLOSED MEETING**



On a motion by CHRISTIAN DORSEY, Chair, seconded by Erik Gutshall, Member, the County Board convened a closed meeting, as authorized by Virginia Code 2.2-3711.A.3, 7 and 8 for the following purposes:

A personnel matter concerning candidates for appointment by the County Board;

Two matters involving the acquisition of real property for public purposes, where, if discussed in an open meeting, the Board's negotiating strategy and bargaining position would be adversely affected;

Consultation with the County Attorney and necessary staff concerning the terms and conditions of a grant of donated services from the Annie E. Casey Foundation;

Consultation with the County Attorney and necessary staff concerning the legal bases for the use of public, education, and government funds obtained from cable tv franchises, and the County's support of Arlington Independent Media; and

Consultation with the County Attorney concerning the legal basis for and enforceability of Executive Order 13880.

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member - Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

**CERTIFICATION OF CLOSED MEETING DISCUSSIONS**

A motion was made by CHRISTIAN DORSEY, Chair, seconded by KATIE CRISTOL, Member, by a vote of 5 to 0 by roll call, the voting recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mr. Dorsey	Aye
Ms. Garvey	Aye
Ms. Cristol	Aye
Mr. Gutshall	Aye
Mr. De Ferranti	Aye

the Board certified that, at the just concluded closed session: (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Board.

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**II. CONSENT ITEMS (Items removed from the Consent Agenda on Saturday, December 14, 2019).**

- 12. U-3515-18-1 Use Permit Amendment to amend Conditions #5 and #7 to modify the approved plans and eliminate the off-site parking requirement for a child care center for up to 235 children (The Children's School); located at 4770 Lee Highway (RPC #07-006-248).

Following a duly advertised public hearing, at which there were speakers, a motion was made by LIBBY GARVEY, Vice Chair, seconded by ERIK GUTSHALL, Member, to approve the use permit amendment to amend conditions #5 and #7 to modify the approved plans and eliminate the off-site parking requirement for a child care center for up to 235 children (The Children's School) located at 4770 Lee Highway (RPC #07-006-248).

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member - Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

The amended conditions read as follows:

- 5. The applicant agrees to submit a traffic management plan (TMP) and obtain the review and approval of such plan by the Zoning Administrator. This plan shall demonstrate how drop-off and pick-up procedures will be managed at the site to mitigate potential queuing on Lee Highway or cause a hazard to pedestrians. The applicant agrees that the plan shall be approved only if it includes:
  - a. The number and location of parking spaces within the on-site underground parking garage dedicated for staff of The Children's School;
  - ~~b. Written agreement that the applicant has the right to use the requisite number of parking spaces required for child care staff in the off-site surface parking lot located at 4822 Lee Highway (RPC #07-006-005). The applicant further agrees that the off-site parking spaces will be available for staff persons of the child care center between the hours of operation specified for the facility.~~
  - c. The number and location of parking spaces within the on-site underground parking garage dedicated for parent drop-off and pick-up procedures.
  - d. Operational procedures for drop-off and pick-up of children attending The Children's School.

The parking spaces within the on-site underground parking garage shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. The TMP shall demonstrate that the child care center meets the parking requirements of the Arlington County Zoning Ordinance (~~1 parking space/employee~~). The Zoning Administrator's approval of the TMP shall be obtained prior to issuance of a certificate of occupancy for the child care use.

- 7. The applicant agrees that the design and layout of The Children's School shall substantially conform with the conceptual drawings submitted as part of this application and dated May 17, 2018 December 2, 2019, with the exception that the outdoor children's garden on the eastern side of the building along Lee Highway may be replaced with a planted area enclosed by a seat wall or other enclosure not including a fenced treatment. Other minor modifications of the approved drawings may be made through administrative change approved by the Zoning Administrator.

#12-Staff Presentation

Board Report #12

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The following items to be heard no earlier than at 6:45 p.m.

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**III. REGULAR HEARING ITEMS**

- 44. ZOA-2019-11. Amendments to Articles, 4, 6, 7, 12, 14, and 18 of the Arlington County Zoning Ordinance (ACZO) to permit the establishment of assisted living facilities, independent living facilities, nursing homes, and continuing care retirement communities in 18 zoning districts; to establish new definitions for undefined terms and revise existing definitions; to establish new minimum parking standards for elder care uses; to add site plan criteria and findings for elder care uses to the Residential Use Standards; to revise and update the terminology used in the household living and group living residential use categories; and to make other editorial changes for purposes of clarity.

Following a duly advertised public hearing, at which there were speakers, a motion was made by KATIE CRISTOL, Member, seconded by LIBBY GARVEY, Vice Chair, to adopt the attached ordinance to amend, reenact, and recodify Articles 4, 6, 7, 12, 14, and 18 of the Arlington County Zoning Ordinance (ACZO) to permit the establishment of assisted living facilities, independent living facilities, nursing homes, and continuing care retirement communities in 14 zoning districts; to establish new definitions for undefined

terms and revise existing definitions; to establish new minimum parking standards for elder care uses; to add site plan criteria and findings for elder care uses to the Residential Use Standards; to revise and update the terminology used in the household living and group living residential use categories; and to make other editorial changes for purposes of clarity as shown in Attachment 1; and to adopt the attached resolution to authorize advertisement of public hearings by the Planning Commission on January 13, 2020 and by the County Board on January 25, 2020 to consider proposed amendments to Articles 7 and 12 of the ACZO, as shown in Attachment 4, to permit elder care uses in the C-3 zoning district on lots within the Clarendon Revitalization District as designated on the General Land Use Plan.

In addition, as part of the motion, the Board directed the County Manager to undertake an interdepartmental review of elder care affordability, with a report on the projected timeline in February/March. Preliminarily, the County Board expects that the project's scope will include a needs assessment, policy review, and analysis of economic factors, such as housing, residential and healthcare services costs related to long-term elder care, consultations with elder care providers and nearby jurisdictions already implementing elder care affordability standards, and identification of tools to facilitate and incentivize affordability in elder care (e.g. assisted living, nursing homes, etc.) site plan projects.

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member – Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

[#44-Staff Presentation](#)

[Board Report #44](#)

[#44-Letter from the Planning Commission \(Posted 12-12-2019\)](#)

[#44-Letters from the Public \(Updated 12-16-2019\)](#)

[Addendum – Ordinances, Amendments, Attachments 1 and 2](#)

45. Increase the authorization for Contract No. 18-020 to Fort Myer Construction Corporation for construction of the Columbia Pike Street Improvement and Utility Undergrounding Project between the Four Mile Run Bridge and South Jefferson Street.

Following a duly advertised public hearing, at which there were speakers, a motion was made by MATT DE FERRANTI, Member, seconded by CHRISTIAN DORSEY, Chair, to authorize an increase to Contract No. 18-020 from \$17,501,280 to \$23,001,280 which is a \$5,500,000 increase to the original contract amount. The original contract amount was of \$14,584,400 and the original contingency was \$2,916,880. The new total contract authorization recommended is \$23,001,280, including the previously authorized contingency of \$2,916,880.

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member – Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

[#45-Staff Presentation](#)

[Board Report #45 \(Posted 12-13-2019\)](#)

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#### IV. ADDITIONAL ITEMS

- A. Deed of easement from Basil M. DeLashmutt, Jr., et al., to the County Board of Arlington County, Virginia conveying a permanent easement on a portion of the property located at 4200 Columbia Pike, Arlington, VA (RPC# 27-002-004).

- B. Deed of easement from Barcroft Number 6 Limited Partnership to the County Board of Arlington County, Virginia conveying a permanent easement on a portion of the property located at 4202 12th Road S., Arlington, VA (RPC# 27-002-005).

Following a duly advertised public hearing, at which there were speakers, a motion was made by LIBBY GARVEY, Vice Chair, seconded by ERIK GUTSHALL, Member, to:

- A. Accept the Deed of Easement ("Deed of Easement"), attached as Attachment 1, from Basil M. Delashmutt, Jr., et al. (the "Owner"), granting to the County Board of Arlington County, Virginia a permanent easement for public sanitary sewer purposes on a portion of the property located at 4200 Columbia Pike, Arlington, VA (RPC# 27-002-004), to authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept the Deed of Easement, on behalf of the County Board, subject to approval as to form of the Deed of Easement by the County Attorney, and to accept the sum of Thirty Thousand Dollars (\$30,000.00) from Pillars Barcroft, LLC for maintenance and relocation of the public sanitary sewer, and authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute a Sanitary Sewer Line Maintenance and Relocation Agreement, providing for deposit and use of such funds, subject to approval as to form of said agreement by the County Attorney.
- B. Accept the Deed of Easement (the "Deed of Easement"), attached as Attachment 1, from Barcroft Number 6 Limited Partnership (the "Owner"), granting to the County Board of Arlington County, Virginia a permanent easement for public sanitary sewer purposes on a portion of the property located at 4202 12<sup>th</sup> Road S., Arlington, VA (RPC# 27-002-005), and to authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept the Deed of Easement, on behalf of the County Board, subject to approval as to form of the Deed of Easement by the County Attorney.

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member - Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

[Additional Item-A \(Posted 12-16-2019\)](#)

[Additional Item-B \(Posted 12-16-2019\)](#)

- C. Memorandum of Agreement between the County Board and the Annie E. Casey Foundation

On a motion by CHRISTIAN DORSEY, Chair, seconded by LIBBY GARVEY, Vice Chair, the County Board approved the Memorandum of Agreement between the County Board of Arlington County and the Annie E. Casey foundation for the donation of services by the foundation relating to the introduction of Restorative Justice practices in the County, and authorized the County manager or his designee to execute the Memorandum of Agreement on behalf of the County Board.

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTIAN DORSEY, Chair - Aye, LIBBY GARVEY, Vice Chair - Aye, KATIE CRISTOL, Member - Aye, ERIK GUTSHALL, Member - Aye, MATT DE FERRANTI, Member - Aye.

[Addendum - Memorandum of Agreement](#)

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Without objection, at 9:06 PM, the County Board Meeting of December 17, 2019 was adjourned.

ATTEST:

\_\_\_\_\_  
Christian Dorsey, Chairman

Kendra Jacobs, Clerk  
Approved: January 25, 2020

January 25<sup>th</sup>, 2023

A Carryover Meeting of the County Board of Arlington County, Virginia, held in Room 307 of the Bozman Government Center thereof on Wednesday, January 25<sup>th</sup>, 2023, at 4:00 PM.

PRESENT: Christian Dorsey, Chair  
Libby Garvey, Vice-Chair  
Takis Karantonis, Member  
Matt de Ferranti, Member  
Katie Cristol, Member

ALSO PRESENT: Mark Schwartz, County Manager  
MinhChau Corr, County Attorney  
Kendra Jacobs, County Board Clerk

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**COUNTY BOARD CARRYOVER MEETING**

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**I. REGULAR HEARING ITEMS**

**33. Request to advertise public hearings by the Planning Commission and County Board to consider the following actions to support expanded housing choice resulting from the Missing Middle Housing Study:**

- A. Amendments to the General Land Use Plan (GLUP) Booklet and Map to establish land use goals and policies to support a wider range of housing options in lower density residential areas (Attachment 2 of the staff report); and
- B. An ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance (ACZO), including Articles 3, 10, 12, 13, 14, 15, 16, and 18, to establish regulations for Expanded Housing Option Development for properties zoned R-20, R-10, R-8, R-6, or R-5 (Attachment 3 of the staff report).

After a duly advertised public hearing, at which there were speakers a motion was made by KATIE CRISTOL, Member, seconded by CHRISTIAN DORSEY, Member, to Adopt the resolution authorizing advertisement of public hearings by the Planning Commission on March 6, 2023, and the County Board on March 18, 2023, to consider the following GLUP and ACZO amendments to implement policies and regulations relating to the Missing Middle Housing Study, in furtherance of the goals of the Affordable Housing Master Plan:

- A. Amendments to the General Land Use Plan (GLUP) Booklet and Map to establish land use goals and policies to support a wider range of housing options in lower density residential areas; and
- B. An ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance (ACZO), including Articles 3, 10, 12, 13, 14, 15, 16, and 18, to establish regulations for Expanded Housing Option Development for properties zoned R-20, R-10, R-8, R-6, or R-5, inclusive of options 1A, 2 A-E, 3A, 4A and B, 5A,B,C and E, 6A, 7 A-C, 8 A and B, 9 A and B, 10 A and B, 11 A and B, and 12 A and B.

A motion to amend was then made by MATT DE FERRANTI, Member, seconded by LIBBY GARVEY, Member, to add the following option 2E to §10.4.4. Density and dimensional standards, relating to minimum site area:

**OPTION 2E**

Type of Standard	R-20	R-10	R-8	R-6	R-5
<b>Site area, minimum (sq. ft.)</b>					
<i>Transit-Proximate Sites</i>					
2 - 4 dwellings	20,000	10,000	8,000	6,000	5,000
<i>All Other Sites</i>					
2-4 dwellings	20,000	10,000	8,000	6,000	5,000
5 dwellings	20,000	12,000	12,000	12,000	12,000
6 dwellings	20,000	12,000	12,000	12,000	12,000
<b>Site area, maximum (sq. ft.)</b>	43,560				
<b>Lot width, minimum (feet)</b>					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
<b>Height, maximum (feet)</b>	35				

1. Any expanded housing option use that is located entirely within the following distances to transit options shall be eligible for the minimum site areas indicated for Transit-Proximate Sites:
  - (a) 1/2 mile radius of a Metrorail station entrance.
  - (b) 1/4 mile radius of a transit stop along the Premium Transit Network, as indicated on the Master Transportation Plan.
2. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.
3. **Nonconforming Lots**
  - (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
  - (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to a minimum site area requirement of 12,000 square feet. Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, that are or located entirely within the transit distances set forth in §10.4.4.A.1 may be occupied by expanded housing option uses with up to 6 dwellings.

January 25<sup>th</sup>, 2023

The motion was adopted and carried by a vote of 3-2, the voting recorded as follows: Christian Dorsey, Chair – Nay; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Nay.

A motion to amend was then made by LIBBY GARVEY, Vice-Chair, seconded by CHRISTIAN DORSEY, Chair, to amend Option 6A of §10.4.6.F Site development standards concerning Landscaping to provide a range of up to 4 shade trees for sites with 2-4 units and a range of up to 8 shade trees for sites with 5-8 units.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Christian Dorsey, Chair – Aye; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

A motion to amend was then made by KATIE CRISTOL, Member, seconded by CHRISTIAN DORSEY, Chair, to:

Amend option 7A of §10.4.7. Annual Limit on Permits, to read "The zoning administrator may approve not more than 58 permits for expanded housing option development in one calendar year."

Add new option 7C to §10.4.7. Annual Limit on Permits, that establishes a 3-year limit, and

Add a note to follow options 7A, 7B and 7C of §10.4.7. Annual Limit on Permits, to read "The method of distribution for the permits shall be determined by the County Board upon adoption of the ordinance."

The motion was adopted and carried by a vote of 4-1, the voting recorded as follows: Christian Dorsey, Chair – Aye; Libby Garvey, Vice-Chair – Nay; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

A substitute motion was then made by TAKIS KARANTONIS, Member, seconded by LIBBY GARVEY, Vice-Chair, to Amend new option 7C of §10.4.7. Annual Limit on Permits, to read "During calendar years 2023-2028, the zoning administrator may approve not more than 58 permits for expanded housing option development in one calendar year. The method of distribution for the 58 permits shall be approved by the County Board."

The substitute motion was adopted and carried by a vote of 3-2, the voting recorded as follows: Christian Dorsey, Chair – Nay; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Nay.

A motion to amend was then made by LIBBY GARVEY, Vice-Chair, seconded by TAKIS KARANTONIS, Member, to strike option 7B of §10.4.7. Annual Limit on Permits.

The motion failed by a vote of 2-3, the voting recorded as follows: Christian Dorsey, Chair – Nay; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Nay; Katie Cristol, Member – Nay.

A motion to amend was then made by MATT DE FERRANTI, Member, seconded by LIBBY GARVEY, Vice-Chair, to strike option 1B from §10.4.3. Uses.

The motion was adopted and carried by a vote of 3-2, the voting recorded as follows: Christian Dorsey, Chair – Nay; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Nay.

A motion to amend was then made by KATIE CRISTOL, Member seconded by LIBBY GARVEY, Member, to strike option 3B from §10.4.4. Density and dimensional standards concerning sites prohibiting expanded housing option development on any lot with an area of one acre or greater.



January 25<sup>th</sup>, 2023

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Christian Dorsey, Chair – Aye; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

A motion to amend was then made by TAKIS KARANTONIS, Member, seconded by MATT DE FERRANTI, Member, to strike option 5D from §10.4.6. Site development standards.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Christian Dorsey, Chair – Aye; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

A motion to amend was then made by KATIE CRISTOL, Member, seconded by CHRISTIAN DORSEY, Chair, to strike option 6B from §10.4.6. Site development standards.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Christian Dorsey, Chair – Aye; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

A motion to amend was then made by MATT DE FERRANTI, Member, seconded by TAKIS KARANTONIS, Member, to strike option 11C from §10.4.4. Density and dimensional standards, regarding maximum gross floor area.

The motion was adopted and carried by a vote of 3-2, the voting recorded as follows: Christian Dorsey, Chair – Nay; Libby Garvey, Vice-Chair – Nay; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

The main motion was then adopted and carried by a vote of 5-0, the voting recorded as follows: Christian Dorsey, Chair – Aye; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

The proposed Ordinance reads as follows:

## Draft Zoning Ordinance Amendment – Missing Middle Housing Study

...

- Proposed amendments are shown with bold underline to denote new text, and ~~bold strikethrough~~ to denote deleted text.
- Where multiple options for amendments are proposed for advertisement, these options are indicated in **red text**.
  - Option numbers from the January 13, 2023, RTA Draft have been retained. Due to the iterative nature of the draft review process, option numbers are not sequential and omit options that were not authorized for advertisement.
  - Notes in **red text** are explanatory and are not intended to be adopted as zoning text.
- New subsection §10.4 is shown with underline only, rather than bold underline, because all of the text is new.
- Where paragraphs are added or deleted, all subsequent paragraphs are renumbered accordingly, and all references throughout the Zoning Ordinance are updated accordingly.

...

### 1 **Article 3. Density and Dimensional Standards**

#### 2 **§3.2. Bulk, Coverage and Placement Requirements**

##### 3 **§3.2.6. Placement**

4 The following regulations shall govern the placement on a lot of any building or structure, or  
5 addition thereto, hereafter erected, except as may be allowed by site plan approval or as  
6 otherwise specifically provided in this Zoning Ordinance:

#### 7 **A. Setbacks (required yards)**

##### 8 **1. Setbacks from any street**

9 No structure shall be located closer to the centerline of any street or officially  
10 designated street right-of-way (as defined in this zoning ordinance) than 50 percent of  
11 the height of the building. For the purpose of determining setbacks, a limited access  
12 highway shall be considered as an abutting lot and not as a street or street right-of-  
13 way. Structures shall be set back from streets no less than as follows:

14 (a) ...

15 (e) For all one- and two-family dwellings, all expanded housing option  
16 development subject to §10.4, and their accessory structures

17 No structure shall be located less than 25 feet from any street right-of-way line,  
18 except that the distance between any street or officially designated street right-  
19 of-way line and the front wall of a structure, with the exception of stoops and  
20 covered or uncovered but unenclosed porches, may be reduced as follows:

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- (1) The distance shall be at least the average of the distances between the street right-of-way line, and the edges of the front walls of existing structures located on the frontage where the structure is proposed to be located, subject to approval by the Zoning Administrator, of a plat showing all existing structures located on the subject frontage;
  - (2) The distance shall be at least 15 feet, provided, however, that no parking garage shall be located closer than 18 feet from the street right-of-way line; and
  - (3) No structure located within 25 feet of a street right-of-way line shall exceed 2 ½ stories.

31 **2. Side and rear yards**

32 No structure shall be located closer to side or rear lot lines than as follows:

- 33 (a) ...
- 34 (b) For all one-family dwellings, all expanded housing option development  
35 subject to §10.4, and their accessory structures
- 36 10 feet, provided that one side yard may be reduced to eight feet. The aggregate  
37 width of both side yards on any lot shall not be less than 30 percent of the required  
38 width of the lot, provided that on interior lots no structure shall be located closer  
39 than 25 feet from a rear lot line.
- 40 (c) ...
- 41 (g) Side yards for expanded housing option development  
42 For the purpose of side yard regulations, a group of semidetached or townhouse  
43 dwellings, subject to §10.4, shall be considered as one building occupying one lot.  
44

45 **Article 10. Unified, Cluster, and Housing Option**  
46 **Developments**

47 **§10.1 Unified Residential Developments**

48 **§10.1.3. Minimum requirements**

49 Any unified residential development shall comply with the zoning requirements applicable to  
50 the site and the following requirements, unless the County Board, after it finds that such  
51 modifications will better accomplish the purposes and intent of §10.1.1, modifies some of  
52 those requirements by use permit, as permitted in §10.1.5:

53 **A. Density**

54 The maximum number of dwelling units shall be determined by the County Board,  
55 depending on the design and configuration of the development, up to a maximum  
56 number arrived at by dividing the site area, together with the area of any part of the site  
57 to be dedicated for public right-of-way, by the required minimum lot area of the district  
58 applicable to the site, as specified in Article 5.

59 **§10.3 Residential Cluster Development**

60 **§10.3.5. Density**

61 The maximum number of dwelling units shall be determined by the County Board, depending  
62 on the design and configuration of the development, up to a maximum number arrived at by  
63 dividing the site area, together with the area of any parts of the site that have been dedicated  
64 for public right-of-way, by the required minimum lot area of the district applicable to the site,  
65 as specified in Article 5.

66 **§10.4. Expanded Housing Option Development**

67 **§10.4.1. Purpose**

68 The purposes of this §10.4 are to:

- 69 **A.** Promote the creation of housing options suitable for meeting the current and future needs  
70 of Arlington;
- 71 **B.** Provide opportunities to increase housing supply and the range of housing options, at  
72 variety of price levels and sizes, available throughout Arlington;
- 73 **C.** Support environmental goals by encouraging more compact housing options, tree  
74 conservation and planting, options for reduced on-site parking requirements, and housing  
75 that can make use of existing infrastructure; and
- 76 **D.** Preserve and enhance valued neighborhood features, including walkability, opportunities  
77 for connections to nature, and a low-rise pattern of development.

78 **§10.4.2. Applicability**

79 Expanded housing option development is allowed within the R-20, R-10, R-8, R-6, and R-5  
80 districts, subject to the issuance of a permit by the zoning administrator, and subject to the  
81 provisions of this subsection.

82 **OPTION 10A**

83 **A. Exception**

84 Properties located entirely or partially within a planning district as identified on the  
85 General Land Use Plan Map are not eligible for expanded housing option development.

86 **OPTION 10B**

This option would remove §10.4.2.A, so that R-5 to R-20 zoned sites within GLUP planning districts would be eligible for expanded housing option development. The County Board could also choose to designate specific planning districts that would be eligible or not eligible.

87

88 **§10.4.3. Uses**

89 Expanded housing option development shall include the following uses:

- 90 **A.** Duplexes
- 91 **B.** Semidetached
- 92 **C.** Townhouses (maximum of 3 units)
- 93 **OPTION 1A**
- 94 **D.** Multiple-family (maximum of 6 units)

95

96 **§10.4.4. Density and dimensional standards**

97 **A. By-right**

98 By-right development in accordance with §10.4 shall comply with the following standards,  
 99 except as otherwise expressly allowed or stated in this ordinance.

100 **OPTION 2A**

Type of Standard	R-20	R-10	R-8	R-6	R-5
Site area, minimum (sq. ft.)	20,000	10,000	8,000	6,000	5,000
Site area, maximum (sq. ft.)	43,560				
Lot width, minimum (feet)					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
Height, maximum (feet)	35				

- 101 1. Semidetached dwelling and townhouse lots may be subdivided into individual  
 102 dwelling lots of no less than 1,300 square feet each, provided that the deed of  
 103 dedication shall commit sufficient common land to satisfy the total site area  
 104 requirements, per §10.4.4.A. The deed of dedication shall provide each lot the right  
 105 to use the common land for:
- 106 (a) Parking, when not located on individual dwelling lots;
  - 107 (b) The right to use land dedicated to other common uses; and
  - 108 (c) for easements for access to public streets and other common area.
- 109 2. Nonconforming lots that were recorded under one ownership at the time of the  
 110 adoption of this ordinance, as set forth in §16.1.1, may be occupied by any use  
 111 allowed in §10.4.3.

112

**OPTION 2B**

Type of Standard	R-20	R-10	R-8	R-6	R-5
Site area, minimum (sq. ft.)					
2 - 4 dwellings	20,000	10,000	8,000	6,000	5,000
5 dwellings	20,000	10,000	9,000	9,000	9,000
6 dwellings	20,000	10,000	10,000	10,000	10,000
Site area, maximum (sq. ft.)	43,560				
Lot width, minimum (feet)					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
Height, maximum (feet)	35				

1. Semidetached dwelling and townhouse lots may be subdivided into individual  
dwelling lots of no less than 1,300 square feet each, provided that the deed of  
dedication shall commit sufficient common land to satisfy the total site area  
requirements, per §10.4.4.A. The deed of dedication shall provide each lot the right  
to use the common land for:
- (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.

**2. Nonconforming Lots**

- (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
- (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to the following minimum site area requirements: 9,000 square feet for 5 units, 10,000 square feet for 6 units.

113

**OPTION 2C**

This option is a hybrid of Options 2A and 2B, which would set higher minimum site area standards only for sites located outside specified distances to transit options.

Type of Standard	R-20	R-10	R-8	R-6	R-5
<b>Site area, minimum (sq. ft.)</b>					
2 - 4 dwellings	20,000	10,000	8,000	6,000	5,000
5 dwellings	20,000	10,000	9,000	9,000	9,000
6 dwellings	20,000	10,000	10,000	10,000	10,000
<b>Site area, maximum (sq. ft.)</b>	43,560				
<b>Lot width, minimum (feet)</b>					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
<b>Height, maximum (feet)</b>	35				

- 1. Any expanded housing option use with 5 to 6 dwellings that is located entirely within the following distances to transit options shall be subject to the minimum site area for 2 to 4 dwellings:
  - (a) 3/4 mile radius of a Metrorail station entrance.
  - (b) 1/2 mile radius of a transit stop along the Premium Transit Network, as indicated on the Master Transportation Plan, or
  - (c) 1/4 mile radius of a transit stop along the Primary Transit Network, as indicated on the Master Transportation Plan.
- 2. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide to each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.

**3. Nonconforming Lots**

- (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
- (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to the following minimum site area requirements: 9,000 square feet for 5 units, 10,000 square feet for 6 units.
- (c) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, that are or located entirely within the transit distances set forth in §10.4.4.A.1 may be occupied by expanded housing option uses with up to 6 dwellings.

**Option 2D**

Option 2D is a transit-oriented approach that would restrict 5-6 dwellings to sites of 6,000 square feet or larger.

Type of Standard	R-20	R-10	R-8	R-6	R-5
<u>Site area, minimum (sq. ft.)</u>					
2 - 4 dwellings	20,000	10,000	8,000	6,000	5,000
5 - 6 dwellings	20,000	10,000	8,000	6,000	6,000
<u>Site area, maximum (sq. ft.)</u>			43,560		
<u>Lot width, minimum (feet)</u>					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
<u>Height, maximum (feet)</u>			35		

1. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide to each lot the right to use the common land for:

- (a) Parking, when not located on individual dwelling lots;
- (b) The right to use land dedicated to other common uses; and
- (c) For easements for access to public streets and other common area.

**2. Nonconforming Lots**

- (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
- (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to the



following minimum site area requirements: 6,000 square feet for 5 or 6 units.

**OPTION 2E**

Type of Standard	R-20	R-10	R-8	R-6	R-5
<b>Site area, minimum (sq. ft.)</b>					
<i>Transit-Proximate Sites</i>					
2-6 dwellings	20,000	10,000	8,000	6,000	5,000
<i>All Other Sites</i>					
2-4 dwellings	20,000	10,000	8,000	6,000	5,000
5 dwellings	20,000	12,000	12,000	12,000	12,000
6 dwellings	20,000	12,000	12,000	12,000	12,000
<b>Site area, maximum (sq. ft.)</b>	43,560				
<b>Lot width, minimum (feet)</b>					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
<b>Height, maximum (feet)</b>	35				

1. Any expanded housing option use that is located entirely within the following distances to transit options shall be eligible for the minimum site areas indicated for Transit-Proximate Sites:
  - (a) 1/2 mile radius of a Metrorail station entrance.
  - (b) 1/4 mile radius of a transit stop along the Premium Transit Network, as indicated on the Master Transportation Plan.
2. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.
3. Nonconforming Lots
  - (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
  - (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to a minimum site area requirement of 12,000 square feet. Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, that are or located entirely within the

transit distances set forth in §10.4.4.A.1 may be occupied by expanded housing option uses with up to 6 dwellings.

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**Option 11A**

<u>Main building gross floor area, maximum (sq. ft.)</u>	2 units: 4,800
	3 units: 6,000
	4 units: 7,200
	5-6 units: 8,000

118

**Option 11B**

<u>Main building gross floor area, maximum (sq. ft.)</u>	Semidetached (2 units): 5,000
	Townhouse (3 Units): 7,500
	All other expanded housing option uses: no maximum

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**Option 3A**

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**B. Special exception**

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1. The purpose and intent of special exception approvals of expanded housing option development on larger sites is to:

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(a) Promote flexible, sustainable design that is in harmony with surrounding neighborhoods by coordinating building forms, the bulk, scale and placement of new buildings, and the relationship between buildings and structures within the development and surrounding properties;

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(b) Support the goals of the Master Transportation Plan, Community Energy Plan, Stormwater Master Plan, and/or the Affordable Housing Master Plan; and

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(c) Preserve natural land forms and significant trees and foliage.

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2. Development with more than one main building including expanded housing option uses on any lot with an area of one acre or greater on [EFFECTIVE DATE] shall require use permit approval as provided in §15.4. All expanded housing option development allowed by use permit shall comply with the following standards and all other by-right standards of §10.4, except as otherwise approved by the County Board.

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Type of Standard	R-20	R-10	R-8	R-6	R-5
<u>Site area, minimum (sq. ft.)</u>			43,560		
<u>Lot area, minimum (sq. ft.)</u>					
<u>Duplexes or multiple-family</u>	20,000	10,000	8,000	6,000	5,000
<u>Semi-detached or townhouses</u>	1,300	1,300	1,300	1,300	1,300
<u>Lot width, minimum (feet)</u>					
<u>Duplexes or multiple-family</u>	100	80	70	60	50
<u>Semi-detached</u>	24	24	24	24	24
<u>Townhouses</u>	16	16	16	16	16
<u>Height, maximum (feet)</u>			35		

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**C. Bulk, coverage, and placement**

**1. Maximum lot coverage shall be as follows:**

**Option 4A**

This option duplicates the current lot coverage standards for one-family dwellings, including allowances for increased lot coverage for development that provides a street-facing porch and/or a rear detached garage.

**MAXIMUM LOT COVERAGE**

Categories	R-5	R-6	R-8	R-10	R-20
Maximum lot coverage (%)	45	40	35	32	25
Maximum lot coverage with one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	48	43	38	35	28
Maximum lot coverage with detached garage in the rear yard (%)	50	45	40	37	30
Maximum lot coverage with detached garage in the rear yard and porch of at least 60 square feet (exclusive of any wrap around or side portion) on the front elevation (%)	53	48	43	40	33

146

**Option 4B**

Compared to Option 4A, Option 4B removes the ability to achieve a 5% increase in lot coverage for providing a rear detached garage. This 5% is reallocated to the "base" coverage amount in the first row.

**MAXIMUM LOT COVERAGE**

Categories	R-5	R-6	R-8	R-10	R-20
Maximum lot coverage (%)	50	45	40	37	30
Maximum lot coverage with one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	53	48	43	40	33

147

**2. Maximum main building footprint shall be as follows:**

**MAXIMUM MAIN BUILDING FOOTPRINT COVERAGE AND CAP**

Categories	R-5	R-6	R-8	R-10	R-20
Maximum main building footprint coverage (%)	34	30	25	25	16
Maximum main building footprint coverage one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	37	33	28	28	19
Maximum main building footprint (sq. ft.)	2,380	2,520	2,800	3,500	4,480
Maximum main building footprint with front porch (sq. ft.)	2,590	2,772	3,136	3,920	5,320

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- 149 (a) Maximum main building footprint coverage on undersized lots in a zoning  
150 district shall be the same square footage as permitted on a standard sized lot  
151 (e.g., 6000 square feet in R-6) in the zoning district, subject to all applicable  
152 setback requirements.  
153 (b) There shall be no more than one main building within a development's site area.  
154

**OPTION 3A ONLY**

- (1) §10.4.C.1.b shall not apply to expanded housing option development approved by special exception as set forth in §10.4.B.

- 155 (c) For the purposes of coverage regulations, a group of semidetached or  
156 townhouse dwellings shall be considered a single main building and maximum  
157 coverage requirements shall be calculated using the entire site area, rather than  
158 individual lots within a subdivision.

- 159 3. For bulk, coverage and placement requirements not listed in this section, see §3.2.

160 §10.4.5. Use standards

161 **A. Accessory Uses**

162 For sites which have established expanded housing option development in accordance  
163 with §10.4, accessory uses shall be permitted as specified in §5.1.4.

164 **OPTION 12A**

165 **B. Accessory dwellings**

166 Notwithstanding the provisions of §10.4.5.A, accessory dwellings shall not be permitted  
167 on sites which are subject to the provisions of §10.4.  
168

**OPTION 12B**

This option would allow accessory dwellings in combination with expanded housing option development only for townhouse and semidetached dwellings or for sites with a detached accessory dwelling that was permitted prior to the effective date of this provision.

**B. Accessory dwellings**

1. Accessory dwellings, subject to the provisions of §12.9.2, shall be permitted within or attached to semidetached or townhouse dwellings permitted under §10.4.
2. Notwithstanding the provisions of §10.4.5.A, accessory dwellings shall not be permitted on lots containing duplex or multi-family dwellings which are subject to the provisions of §10.4.

- (a) Properties with a permitted detached accessory dwelling as of [EFFECTIVE DATE] shall be permitted to establish a duplex within the main building, subject to the provisions of §10.4 and the provisions of §12.9.2

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**§10.4.6. Site development standards**

The site development standards of Article 13 and Article 14 apply to all development, except as otherwise specified below.

**OPTIONS 5A AND 5C**

**A. Parking**

1. Parking for expanded housing option development subject to the provisions of §10.4 shall be provided in accordance with the following standards:

Site Location	Minimum Parking Requirement (spaces)	Additional Requirements
Sites located entirely within a 3/4 mile radius of a Metrorail station entrance	<b>OPTION 5A: 0.5 per dwelling unit</b> <b>OPTION 5C: No minimum requirement</b>	<b>OPTION 5A ONLY: Sites fronting on a cul-de-sac shall provide a minimum of 1 space per dwelling unit.</b>
Sites located entirely within a 1/2 mile radius of a transit stop along the Premium Transit Network as indicated on the Master Transportation Plan		
Sites located entirely within a 1/4 mile radius of a transit stop along the Primary Transit Network as indicated on the Master Transportation Plan		
All other sites	1 space per dwelling unit	

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2. The Zoning Administrator shall approve a reduction in the required number of parking spaces to no fewer than 0.5 spaces per dwelling unit, subject to the following:

- (a) A parking survey determines that the occupancy of on-street parking spaces on the block on which the site area is located is less than 65%;
- (b) The number of reduced spaces, if added to the on-street parking spaces occupied in the parking survey, shall not result in parking occupancy that exceeds 85%; and
- (c) Exception: Sites fronting on a cul-de-sac are not eligible for a parking reduction under the provisions of §10.4.6.A.2.

**Option 5B**  
This option is a variation on Options 5A and 5C that would remove the provision to reduce the parking requirement with a parking survey (§10.4.6.A.2).

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**Option 5E**  
Option 5E is an additional provision that may be applied to Options 5A or 5C.

**3. Exception: If an expanded housing option development would result in a loss of on-street parking spaces equal to or greater than the number of required off-street parking spaces, due to the creation or expansion of a curb cut, no off-street parking spaces shall be required.**

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191 **3. Additional parking standards and exceptions for expanded housing option**  
development are set forth in §14.3.3.

192 **B. Location of parking spaces**

193 **1. Sites zoned R-5, R-6 or R-8**

194 **Up to two surface parking spaces shall be allowed between a building's street-facing**  
195 **facade and the street. For corner lots, up to four surface parking spaces shall be**  
196 **allowed between a building's street-facing facade and the streets on which the site**  
197 **has frontage, with no more than two spaces on a single street frontage.**

198 **2. Sites zoned R-10 or R-20**

199 **Up to three surface parking spaces shall be allowed between a building's street-facing**  
200 **facade and the street. For corner lots, up to four surface parking spaces shall be**  
201 **allowed between a building's street-facing facade and the streets on which the site**  
202 **has frontage, with no more than three spaces on a single street frontage.**

203 **3. Alley access**

204 **If a lot abuts an alley improved to county standards, vehicle access to parking spaces**  
205 **shall be provided from the alley, and parking spaces shall not be allowed between a**  
206 **building's street-facing facade and the street.**

207 **4. Enclosure**

208 **Any parking spaces that are located within the main building footprint and face a**  
209 **street or side yard shall be enclosed within a garage.**

210 **5. Curb cuts**

211 **Curb cuts shall not exceed 17 feet in width measured at the edge of the street**  
212 **cassment or right-of-way.**

213 **C. Garage wall width**

214 **1. If an attached garage entrance faces a street, the width of the garage wall facing the**  
215 **street, measured as the horizontal distance between the interior side walls of the**  
216 **garage, shall be no more than 50% of the building facade along that street. If there are**  
217 **multiple attached garages within a building, this standard shall apply to the sum of all**  
218 **garage walls with entrances facing a street. For the purposes of this calculation, a**  
219 **group of semidetached or townhouse dwellings shall be considered a single building.**

220 **D. Building entrances and orientation**

221 **1. Duplex and multiple-family dwellings**

- 222 (a) At least one exterior entrance shall face a street or open onto a front porch that  
223 faces a street.
- 224 (b) On interior lots, there shall be no more than one exterior entrance facing each  
225 side yard.
- 226 (c) On corner lots, there shall be no more than one exterior entrance facing each  
227 adjacent property line.
- 228 (d) No more than one exterior entrance to a building lobby or common area shall face  
229 a street.

230 **2. Semidetached and townhouse dwellings**

231 Each unit shall have an exterior entrance facing a street or that opens onto a front  
232 porch that faces a street.

233 **E. Upper Story Stairs**

- 234 **1.** All stairs used to access dwellings located entirely above the ground story shall be  
235 enclosed within the building.
- 236 **2.** Exception: The provisions of §10.4.6.E.1 shall not apply to stairs facing a rear yard.

237

238 **OPTION 6A**

239 **F. Landscaping**

- 240 **1.** There shall be a minimum of up to four shade trees for sites with 2-4 dwelling units,  
241 and a minimum of up to eight shade trees for sites 5-6 dwelling units prior to issuance  
242 of a certificate of occupancy. This requirement may be satisfied with existing trees  
243 and/or by planting trees on-site.

244

245 \*\*\* NOTE: Section F.1 was corrected on 2-16-23 to reflect a minimum of 8 shade trees for sites with 5-6  
246 dwelling units. This section had previously stated a minimum of 6 shade trees.

247 ±

248 **(a)** Trees planted to satisfy the requirements of §10.4.6.E.1 shall be species listed in  
249 the Arlington County Recommended Shade Tree List.

250 **(b)** Trees planted to satisfy the requirements of §10.4.6.E.1 shall conform to the  
251 standards set forth in §14.2.2.D.

252 **G. Screening**

- 253 **1.** Heating, air conditioning units and other similar equipment shall be screened from  
254 view of street rights-of-way by fences, walls, or landscaping. Equipment mounted on a  
255 roof shall be sited in a location that is not visible from street rights-of-way. This  
256 provision shall not apply to equipment related to the generation of solar energy.
- 257 **2.** Exterior trash collection and storage areas shall be screened from view of street  
258 rights-of-way and adjacent properties by fences, walls, landscaping, or other  
259 structures.
- 260

261 §10.4.7. Annual Limit on Permits

262 **OPTION 7A**

263 The zoning administrator may approve not more than 58 permits for expanded housing option  
264 development in any one calendar year.

265 Note: The method of distribution for the permits shall be determined by the County Board  
266 upon adoption of the ordinance.

267

**OPTION 7B**

Do not limit the number of permits issued annually for expanded housing option development. Remove §10.4.7.

268

**OPTION 7C**

During the calendar years 2023-2028, the zoning administrator may approve not more than  
58 permits for expanded housing option development in any one calendar year.

Note: The method of distribution for the permits shall be determined by the County Board  
upon adoption of the ordinance.

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**Article 12. Use Standards**

**§12.3 Residential Use Standards**

**§12.3.11. Two-family (duplexes and semidetached) abutting RA, C or M districts or located on a principal or minor arterial street**

- A. Two-family dwellings (semidetached and duplex dwellings), on sites that share a lot line with RA, C, or M districts, shall be located no more than 100 feet from the shared lot line, or on sites that are located on principal or minor arterial streets as designated on the Arlington County Master Transportation Plan provided that the dwellings front on the principal or minor arterial street, exception corner lots where no more than one unit may front on the local street.
- B. §12.3.11.A shall not apply to two-family dwellings permitted under the provisions of §10.4.

Option 12B (See §10.4.5.B)

**§12.9. Accessory Use Standards**

**§12.9.2. Accessory dwellings**

Accessory dwellings are allowed in R districts, subject to issuance of a permit by the zoning administrator and subject to the following:

**A. Standards**

- 1. Accessory dwellings may be within or attached to one-family dwellings, ~~or in detached accessory buildings on lots containing one-family dwellings, or within or attached to semidetached or townhouse dwellings permitted under the provisions of §10.4,~~ subject to the following limitations:
  - (a) An accessory dwelling shall not be permitted on a lot with a family/caregiver suite.
  - (b) Not more than one accessory dwelling shall be permitted on a lot.

283

284	<b>Article 13. Signs</b>
285	<b>§13.5 Signs in R Districts and for One- and Two-Family Dwellings</b>
286	<b>in All Districts</b>
287	<b>§13.5.1. General</b>
288	<b>A. Signs allowed</b>
289	The sign types listed and described in this §13.5 are allowed on private property in <del>one-</del>
290	<del>family-R</del> districts <del>(excluding R-C districts)</del> , <u>for expanded housing option development</u>
291	<u>subject to the provisions of §10.4</u> , and for one- and two-family uses in all districts,
292	subject to all permit requirements, standards and conditions set forth for each sign type.
293	<b>§13.6. Signs in RA Districts and for Townhouses in any Zoning</b>
294	<b>District</b>
295	<b>§13.6.1. General</b>
296	<b>A. Signs allowed</b>
297	The sign types listed and described in this §13.6 are allowed on private property in the
298	RA14-26, RA8-18, RA7-16, and RA6-15 districts, and on townhouse properties in all
299	districts <del>(excluding expanded housing option development subject to §10.4)</del> subject to
300	all permit requirements, standards and conditions set forth for each sign type.
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302 **Article 14. Site Development Standards**

303 **§14.3 Parking and Loading**

304 **§14.3.3. General requirements**

305 The requirements set forth in this article with respect to the location or improvement of  
 306 parking, standing and loading space shall apply to all such space that is provided for any use,  
 307 whether said space is provided in accordance with the requirements of this zoning ordinance,  
 308 or said space is voluntarily provided. Parking, standing and loading space shall comply with the  
 309 following regulations:

310 A. ...

311 C. Dimensional requirements

312 1. Off-street parking spaces and off-street parking aisles

313 In calculating any required parking area, ~~other than for one- and two-family dwellings,~~  
 314 the following minimum dimensions shall be required:

315

Parking Angle (degrees)	Stall Width (feet)	Depth of Stalls Perpendicular to Aisle (feet)	One-way Aisle Width (feet)	Two-way Aisle Width (feet)
<b>Full Size Automobile Spaces</b>				
45	8.5	17.5	12.0	Not permitted
60	8.5	19.5	16.0	Not permitted
90	8.5	18.0	23.0	23.0
Parallel	22.0	8.0	12.0	23.0
<b>Compact Car Spaces</b>				
45	8	16.0	12.0	Not permitted
60	8	16.7	15.0	Not permitted
90	8	15.0	21.0	21.0
Parallel	20.0	8.0	10.0	20.0

NOTE: In the event of a row of nine foot wide stalls is opposite to a row of seven and one-half-foot wide stalls, the aisle size required for nine-foot stalls shall apply.

316 **2. Exception**

317 One- and two-family dwellings and expanded housing option development subject to  
 318 §10.4 shall not be subject to the aisle width requirements set forth in §14.3.3.C.1.

319 **3. ...**

320 D. ...

321 E. Parking in setbacks

322 In all R, RA, C-1 and C-1-O districts, except for one- and two-family dwellings and  
 323 townhouses in R districts and expanded housing option development subject to §10.4,  
 324 no parking or required curb or wall shall encroach on the exterior 10 feet of a setback area  
 325 and such area shall be landscaped and properly maintained at all times.

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F. ...

H. Access to parking spaces

1. Except for one- and two-family dwellings and townhouses in R districts and expanded housing option development subject to §10.4, street rights-of-way shall not be used for maneuvering or direct ingress, or egress to off-street parking spaces.
2. Alleys which are improved to county standards may be used for maneuvering or direct ingress and egress to off-street parking spaces if the required aisle width is provided.

I. Location of parking spaces

1. In any districts, parking spaces for one- and two-family dwellings, and townhouses, and expanded housing option development subject to §10.4 may encroach on the exterior 10 feet of a setback area, provided that they are located on a driveway with an existing or approved curb cut, and they have the minimum dimensions for full size automobile spaces as are required in §14.3.3.C. Parking spaces shall be designed and used so that the automobiles parked on driveways shall not encroach into the public rights-of-way. The setback area used for parking shall be landscaped and properly maintained at all times. The ground surface of the parking space shall be paved with a durable, dust-free and hard material, such as bituminous hot mix or Portland cement concrete or some comparable material, or shall be surfaced with an alternate material, suitable for passage by automobiles, which does not result in excessively dusty or muddy conditions at or around the parking area, as approved by the zoning administrator.
2. Tandem parking spaces may be allowed for off-street parking spaces for one- or two-family dwellings or townhouses, provided that they comply with ~~§14.3.3.J~~ §14.3.3.1.1. Tandem parking spaces shall count as one space for the purposes of complying with off-street parking requirements for expanded housing option development subject to §10.4.

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## Article 15. Administration and Procedures

### §15.6 BOARD OF ZONING APPEALS; APPEALS AND VARIANCES

#### §15.6.6. Use permits

##### A. Authority

The Board of Zoning Appeals may approve use permits that allow modifications of placement requirement for structures on lots in the R-20, R-10, R-8, R-6, R-5, and R2-7 district where there is no option in this zoning ordinance to allow modification of requirements by the County Board, such as special exception use permits described in §15.4 or site plans described in §15.5. The Board of Zoning Appeals shall not grant use permits to modify requirements for expanded housing option development as set forth in §10.4.

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**Article 16. Nonconformities**

**§16.2. Nonconforming Buildings and Structures**

**§16.2.3. Repairs, alterations**

- A. Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alteration shall be made except those required by law or ordinance, or as provided in §16.2. Repairs and alterations to a nonconforming dwelling, building or structure not otherwise permitted under this Zoning Ordinance are prohibited, unless approved under a use permit or variance pursuant to sections §15.6.4 and §15.6.6
- B. Notwithstanding any provision to the contrary in this Ordinance, existing nonconforming one- and two-family dwellings, and nonconforming accessory buildings and structures located in the R and RA districts shall be permitted to make interior repairs and alterations, whether structural or non-structural, provided the repair or alteration is wholly contained within the existing exterior walls of the dwelling, building or structure.
  - 1. Expanded housing option development is permitted to make interior repairs and alterations wholly contained within the existing exterior walls of the building for the purpose of maintaining or adding dwelling units to an existing building under §10.4.

**§16.2.4. Additions, enlargements, moving**

- A. A nonconforming building or structure shall not be added to or expanded in any manner unless such building or structure, including such additions and expansions, is made to conform to all the regulations of the district in which it is located.
- B. A building or structure which does not comply with the height or lot area regulations shall not be added to or expanded in any manner unless such addition or expansion conforms to all the regulations of the district in which it is located; provided, that the total aggregate floor area included in all such separate additions and expansions does not exceed 50 percent of the floor area contained in the existing building or structure, as of July 15, 1950
- C. A building or structure lacking sufficient automobile parking space in connection therewith as required in §14.3 may be altered or expanded, provided additional automobile parking space is supplied to meet, for the entire building, requirements of §14.3.
- D. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.
- E. Exceptions
  - 1. The provisions of §16.2.4.A, §16.2.4.B, §16.2.4.C, and §16.2.4.D do not apply to existing nonconforming one-family dwellings and nonconforming buildings or structures accessory to one-family dwellings located in the R-5, R-6, R-8, R-10, R-20, and R2-7 districts.
  - 2. The provisions of §16.2.4.A do not apply to existing nonconforming two-family dwellings and/or nonconforming buildings or structures accessory to two-family

- 404 dwellings located in the R2-7 district and/or RA14-26, RA8-18, RA7-16, ~~and RA6-15, R-~~  
405 ~~S, and R-6~~ districts.
- 406 **3. The provisions of §16.2.4.A and §16.2.4.B do not apply to existing nonconforming**  
407 **dwellings subject to §10.4, including for the purpose of adding dwellings.**
- 408 (a) A building or structure lacking sufficient parking space as required in  
409 §10.4.6.A may be altered or expanded, provided that sufficient parking space  
410 is supplied to meet, for the entire building, the requirements of §10.4.6.A.
- 411 **4. The additions or expansions permitted through ~~§1.1.1.D~~~~§16.2.4.F~~ shall comply with all**  
412 **current provisions of this zoning ordinance, except as provided in**  
413 **~~§1.1.1.A.4(a)~~~~§16.2.4.F.1~~ §16.2.4.E.4.a.**
- 414 (a) Nonconforming one-family dwellings, and two-family dwellings, and expanded  
415 housing option development subject to §10.4 permitted to add on to or expand  
416 pursuant to ~~§1.1.1.D~~~~§16.2.4.F~~ may construct, within applicable height limits, an  
417 addition over an existing one-family or two-family dwelling encroaching on a  
418 required setback or yard area provided there is no more of an encroachment  
419 into the required setback or yard than that of the existing wall below it, and  
420 providing that new construction may not take place over encroaching garages or  
421 porches.

422 **§16.6. Condominium and Cooperative Conversion**

423 **§16.6.1. Nonconforming land, buildings or structures**

424 **A.** Whenever any land, buildings or structures or the use thereof are proposed to be  
425 converted to condominiums or cooperatives and such land, buildings or structures do not  
426 conform to the regulations of this zoning ordinance, then before such proposed  
427 conversion may take place, a special exception use permit pursuant to §15.4 shall be  
428 obtained unless a variance of the requirements of zoning or land use regulations which  
429 may be granted by the Board of Zoning Appeals pursuant to Chapter 22 of Title 15.2 of the  
430 Code of Virginia is, in fact, granted.

431 **OPTION 8A**

432 **B.** Condominium and cooperative conversions of nonconforming dwellings to expanded  
433 housing option uses pursuant to the provisions in §10.4 are not subject to the provisions  
434 of §16.6.1.

435

**OPTION 8B**

This option would remove new §16.6.1.B. Nonconforming dwellings converted to  
condominium or cooperative dwellings would require approval of a County Board use permit  
or Board of Zoning Appeals variance.

436

Note: In addition to a proposed new definition of "expanded housing option uses," key terms used in this draft Zoning Ordinance amendment are provided for reference. Except for an option that would amend the "duplex" definition (Option 9B), there are no proposed changes to these definitions.

437 **Article 18. Definitions**

438 **518.2. General Terms Defined**

439

440 **Option 9A: Retain current duplex definition.**

441 Duplex. Two attached dwelling units in a single structure on a single lot with dwelling units situated  
442 either wholly or partially over or under the other dwelling unit. The building has all exterior  
443 characteristics of a one-family attached dwelling, having a single front entrance or one front and  
444 one side entrance on the first floor; provided an outside, enclosed stairway located parallel and  
445 abutting the rear of the dwelling shall be permitted for direct access to the second floor level.

**Option 9B**  
Duplex. Two attached dwelling units in a single structure on a single lot with dwelling units situated either wholly or partially over or under the other dwelling unit. The building has ~~all exterior characteristics of a one-family attached dwelling, having~~ a single front entrance, two front entrances, or one front and one side entrance on the first floor; provided an outside, enclosed stairway located parallel and abutting the rear of the dwelling shall be permitted for direct access to the second floor level.

446 ...

447 Dwelling or dwelling unit. A building or portion thereof designed exclusively for residential occupancy by  
448 one family, which includes provisions for living, sleeping, eating, cooking and sanitation,  
449 including One-family detached; Semidetached; Duplex; Townhouse; Multiple-family building.

450 ...

451 Dwelling, two-family. Two-family dwellings include semidetached and duplex dwellings.

452 ...

453 Expanded housing option uses. Two-family dwellings, townhouses with three attached dwelling units,  
454 and multiple-family buildings with up to six dwelling units, as permitted and set forth in  
455 §10.4.

456 ...

457 Multiple-family. A building or portion thereof, designed for occupancy by three or more families living  
458 independently of each other.

459 ...

460 Nonconforming building. A building or structure or portion thereof lawfully existing at the time this  
461 zoning ordinance became effective, that was designed, erected or structurally altered such that  
462 it does not conform to the regulations of the district in which it is located.

463 ...



January 25<sup>th</sup>, 2023

- 464 One-family detached. A residential building containing one dwelling unit designed for one family and  
465 located on a single lot with required yards on all four sides.
- 466 ...
- 467 Semidetached. A residential building with two attached dwelling units located on two lots that share a  
468 common wall along the lot line and where each dwelling unit has its own external entrance.
- 469 ...
- 470 Townhouse. One of a series of three or more attached similar dwelling units, located on separately-  
471 owned lots or on a single lot, separated by common party walls without openings extending  
472 from basement to roof, and where each unit has its own external entrance.

[Board Report #33](#)

[#33-Letter from the Planning Commission](#)

January 25<sup>th</sup>, 2023

#33-Letters from the Public

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**IV. ADDITIONAL ITEMS**

**County Attorney Review of Item #33**

On a motion by CHRISTIAN DORSEY, Chair, seconded by LIBBY GARVEY, Vice-Chair, the County Board authorized the County Attorney to review all motions passed today and make any necessary and appropriate changes to the zoning text to be advertised to correct scrivener's errors, ensure internal consistency, and update cross-references, as needed.

The main motion was then adopted and carried by a vote of 5-0, the voting recorded as follows: Christian Dorsey, Chair – Aye; Libby Garvey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Matt de Ferranti, Member – Aye; Katie Cristol, Member – Aye.

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Without objection, at 7:00 PM, the January 25<sup>th</sup> Carryover County Board Meeting was adjourned.

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CHRISTIAN DORSEY, Chair

ATTEST:

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KENDRA JACOBS, Clerk  
Approved: February 18, 2023

## Draft Zoning Ordinance Amendment – Missing Middle Housing Study

\*\*\*

- Proposed amendments are shown with bold underline to denote new text, and ~~bold strikethrough~~ to denote deleted text.
- Where multiple options for amendments are proposed for advertisement, these options are indicated in **red text**.
  - Option numbers from the January 13, 2023, RTA Draft have been retained. Due to the iterative nature of the draft review process, option numbers are not sequential and omit options that were not authorized for advertisement.
  - Notes in **red text** are explanatory and are not intended to be adopted as zoning text.
- New subsection §10.4 is shown with underline only, rather than bold underline, because all of the text is new.
- Where paragraphs are added or deleted, all subsequent paragraphs are renumbered accordingly, and all references throughout the Zoning Ordinance are updated accordingly.

\*\*\*

### 1 **Article 3. Density and Dimensional Standards**

#### 2 **§3.2. Bulk, Coverage and Placement Requirements**

##### 3 **§3.2.6. Placement**

4 The following regulations shall govern the placement on a lot of any building or structure, or  
5 addition thereto, hereafter erected, except as may be allowed by site plan approval or as  
6 otherwise specifically provided in this Zoning Ordinance:

#### 7 **A. Setbacks (required yards)**

##### 8 **1. Setbacks from any street**

9 No structure shall be located closer to the centerline of any street or officially  
10 designated street right-of-way (as defined in this zoning ordinance) than 50 percent of  
11 the height of the building. For the purpose of determining setbacks, a limited access  
12 highway shall be considered as an abutting lot and not as a street or street right-of-  
13 way. Structures shall be set back from streets no less than as follows:

14 (a) ...

15 (e) For all one- and two-family dwellings, all expanded housing option  
16 development subject to §10.4, and their accessory structures

17 No structure shall be located less than 25 feet from any street right-of-way line,  
18 except that the distance between any street or officially designated street right-  
19 of-way line and the front wall of a structure, with the exception of stoops and  
20 covered or uncovered but unenclosed porches, may be reduced as follows:

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- (1) The distance shall be at least the average of the distances between the street right-of-way line, and the edges of the front walls of existing structures located on the frontage where the structure is proposed to be located, subject to approval by the Zoning Administrator, of a plat showing all existing structures located on the subject frontage;
- (2) The distance shall be at least 15 feet, provided, however, that no parking garage shall be located closer than 18 feet from the street right-of-way line; and
- (3) No structure located within 25 feet of a street right-of-way line shall exceed 2 ½ stories.

**2. Side and rear yards**

No structure shall be located closer to side or rear lot lines than as follows:

(a) ...

(b) **For all one-family dwellings, all expanded housing option development subject to §10.4, and their accessory structures**

10 feet, provided that one side yard may be reduced to eight feet. The aggregate width of both side yards on any lot shall not be less than 30 percent of the required width of the lot, provided that on interior lots no structure shall be located closer than 25 feet from a rear lot line.

(c) ...

(g) **Side yards for expanded housing option development**

**For the purpose of side yard regulations, a group of semidetached or townhouse dwellings, subject to §10.4, shall be considered as one building occupying one lot.**

45 **Article 10. Unified, Cluster, and Housing Option**  
46 **Developments**

47 **§10.1 Unified Residential Developments**

48 **§10.1.3. Minimum requirements**

49 Any unified residential development shall comply with the zoning requirements applicable to  
50 the site and the following requirements, unless the County Board, after it finds that such  
51 modifications will better accomplish the purposes and intent of §10.1.1, modifies some of  
52 those requirements by use permit, as permitted in §10.1.5:

53 **A. Density**

54 The maximum number of dwelling units shall be determined by the County Board,  
55 depending on the design and configuration of the development, up to a maximum  
56 number arrived at by dividing the site area, together with the area of any part of the site  
57 to be dedicated for public right-of-way, by the required minimum lot area of the district  
58 applicable to the site, as specified in Article 5.

59 **§10.3 Residential Cluster Development**

60 **§10.3.5. Density**

61 The maximum number of dwelling units shall be determined by the County Board, depending  
62 on the design and configuration of the development, up to a maximum number arrived at by  
63 dividing the site area, together with the area of any parts of the site that have been dedicated  
64 for public right-of-way, by the required minimum lot area of the district applicable to the site,  
65 as specified in Article 5.

66 **§10.4. Expanded Housing Option Development**

67 **§10.4.1. Purpose**

68 The purposes of this §10.4 are to:

- 69 A. Promote the creation of housing options suitable for meeting the current and future needs  
70 of Arlington;
- 71 B. Provide opportunities to increase housing supply and the range of housing options, at  
72 variety of price levels and sizes, available throughout Arlington;
- 73 C. Support environmental goals by encouraging more compact housing options, tree  
74 conservation and planting, options for reduced on-site parking requirements, and housing  
75 that can make use of existing infrastructure; and
- 76 D. Preserve and enhance valued neighborhood features, including walkability, opportunities  
77 for connections to nature, and a low-rise pattern of development.

78 **§10.4.2. Applicability**

79 Expanded housing option development is allowed within the R-20, R-10, R-8, R-6, and R-5  
80 districts, subject to the issuance of a permit by the zoning administrator, and subject to the  
81 provisions of this subsection.

82 **OPTION 10A**

83 **A. Exception**

84 Properties located entirely or partially within a planning district as identified on the  
85 General Land Use Plan Map are not eligible for expanded housing option development.

86

**OPTION 10B**

This option would remove §10.4.2.A, so that R-5 to R-20 zoned sites within GLUP planning districts would be eligible for expanded housing option development. The County Board could also choose to designate specific planning districts that would be eligible or not eligible.

87

88 **§10.4.3. Uses**

89 Expanded housing option development shall include the following uses:

- 90 A. Duplexes
- 91 B. Semidetached
- 92 C. Townhouses (maximum of 3 units)
- 93 **OPTION 1A**
- 94 D. Multiple-family (maximum of 6 units)

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96 **§10.4.4. Density and dimensional standards**

- 97 **A. By-right**

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By-right development in accordance with §10.4 shall comply with the following standards, except as otherwise expressly allowed or stated in this ordinance.

**OPTION 2A**

Type of Standard	R-20	R-10	R-8	R-6	R-5
Site area, minimum (sq. ft.)	20,000	10,000	8,000	6,000	5,000
Site area, maximum (sq. ft.)	43,560				
Lot width, minimum (feet)					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
Height, maximum (feet)	35				

1. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) for easements for access to public streets and other common area.
2. Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by any use allowed in §10.4.3.

**OPTION 2B**

Type of Standard	R-20	R-10	R-8	R-6	R-5
Site area, minimum (sq. ft.)					
2 - 4 dwellings	20,000	10,000	8,000	6,000	5,000
5 dwellings	20,000	10,000	9,000	9,000	9,000
6 dwellings	20,000	10,000	10,000	10,000	10,000
Site area, maximum (sq. ft.)	43,560				
Lot width, minimum (feet)					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
Height, maximum (feet)	35				

1. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.

**2. Nonconforming Lots**

- (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
- (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to the following minimum site area requirements: 9,000 square feet for 5 units, 10,000 square feet for 6 units.

113

**OPTION 2C**

This option is a hybrid of Options 2A and 2B, which would set higher minimum site area standards only for sites located outside specified distances to transit options.

Type of Standard	R-20	R-10	R-8	R-6	R-5
<u>Site area, minimum (sq. ft.)</u>					
2 - 4 dwellings	20,000	10,000	8,000	6,000	5,000
5 dwellings	20,000	10,000	9,000	9,000	9,000
6 dwellings	20,000	10,000	10,000	10,000	10,000
<u>Site area, maximum (sq. ft.)</u>	43,560				
<u>Lot width, minimum (feet)</u>					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
<u>Height, maximum (feet)</u>	35				

- 1. Any expanded housing option use with 5 to 6 dwellings that is located entirely within the following distances to transit options shall be subject to the minimum site area for 2 to 4 dwellings:
  - (a) 3/4 mile radius of a Metrorail station entrance,
  - (b) 1/2 mile radius of a transit stop along the Premium Transit Network, as indicated on the Master Transportation Plan, or
  - (c) 1/4 mile radius of a transit stop along the Primary Transit Network, as indicated on the Master Transportation Plan.
- 2. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide to each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.



### 3. Nonconforming Lots

- (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
- (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to the following minimum site area requirements: 9,000 square feet for 5 units, 10,000 square feet for 6 units.
- (c) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, that are or located entirely within the transit distances set forth in §10.4.4.A.1 may be occupied by expanded housing option uses with up to 6 dwellings.

114

### Option 2D

Option 2D is a transit-oriented approach that would restrict 5-6 dwellings to sites of 6,000 square feet or larger.

Type of Standard	R-20	R-10	R-8	R-6	R-5
<u>Site area, minimum (sq. ft.)</u>					
2 - 4 dwellings	20,000	10,000	8,000	6,000	5,000
5 - 6 dwellings	20,000	10,000	8,000	6,000	6,000
<u>Site area, maximum (sq. ft.)</u>			43,560		
<u>Lot width, minimum (feet)</u>					
Duplexes or multiple-family	100	80	70	60	50
Semi-detached	24	24	24	24	24
Townhouses	16	16	16	16	16
<u>Height, maximum (feet)</u>			35		

1. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide to each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.

### 2. Nonconforming Lots

- (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
- (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to the

following minimum site area requirements: 6,000 square feet for 5 or 6 units.

115

**OPTION 2E**

Type of Standard	R-20	R-10	R-8	R-6	R-5
<b>Site area, minimum (sq. ft.)</b>					
<i>Transit-Proximate Sites</i>					
2 - 6 dwellings	<u>20,000</u>	<u>10,000</u>	<u>8,000</u>	<u>6,000</u>	<u>5,000</u>
<i>All Other Sites</i>					
2-4 dwellings	<u>20,000</u>	<u>10,000</u>	<u>8,000</u>	<u>6,000</u>	<u>5,000</u>
5 dwellings	<u>20,000</u>	<u>12,000</u>	<u>12,000</u>	<u>12,000</u>	<u>12,000</u>
6 dwellings	<u>20,000</u>	<u>12,000</u>	<u>12,000</u>	<u>12,000</u>	<u>12,000</u>
<b>Site area, maximum (sq. ft.)</b>	43,560				
<b>Lot width, minimum (feet)</b>					
Duplexes or multiple-family	<u>100</u>	<u>80</u>	<u>70</u>	<u>60</u>	<u>50</u>
Semi-detached	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>
Townhouses	<u>16</u>	<u>16</u>	<u>16</u>	<u>16</u>	<u>16</u>
<b>Height, maximum (feet)</b>	35				

1. Any expanded housing option use that is located entirely within the following distances to transit options shall be eligible for the minimum site areas indicated for Transit-Proximate Sites:
  - (a) 1/2 mile radius of a Metrorail station entrance.
  - (b) 1/4 mile radius of a transit stop along the Premium Transit Network, as indicated on the Master Transportation Plan.
2. Semidetached dwelling and townhouse lots may be subdivided into individual dwelling lots of no less than 1,300 square feet each, provided that the deed of dedication shall commit sufficient common land to satisfy the total site area requirements, per §10.4.4.A. The deed of dedication shall provide each lot the right to use the common land for:
  - (a) Parking, when not located on individual dwelling lots;
  - (b) The right to use land dedicated to other common uses; and
  - (c) For easements for access to public streets and other common area.
3. Nonconforming Lots
  - (a) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with up to 4 dwelling units.
  - (b) Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, may be occupied by expanded housing option uses with 5 to 6 dwelling units, subject to a minimum site area requirement of 12,000 square feet. Nonconforming lots that were recorded under one ownership at the time of the adoption of this ordinance, as set forth in §16.1.1, that are or located entirely within the

transit distances set forth in §10.4.4.A.1 may be occupied by expanded housing option uses with up to 6 dwellings.

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**Option 11A**

Main building gross floor area, maximum (sq. ft.)

2 units: 4,800  
3 units: 6,000  
4 units: 7,200  
5-6 units: 8,000

118

**Option 11B**

Main building gross floor area, maximum (sq. ft.)

Semidetached (2 units): 5,000  
Townhouse (3 Units): 7,500  
All other expanded housing option uses: no maximum

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**Option 3A**

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**B. Special exception**

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1. The purpose and intent of special exception approvals of expanded housing option development on larger sites is to:

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(a) Promote flexible, sustainable design that is in harmony with surrounding neighborhoods by coordinating building forms, the bulk, scale and placement of new buildings, and the relationship between buildings and structures within the development and surrounding properties;

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(b) Support the goals of the Master Transportation Plan, Community Energy Plan, Stormwater Master Plan, and/or the Affordable Housing Master Plan; and

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(c) Preserve natural land forms and significant trees and foliage.

131

2. Development with more than one main building including expanded housing option uses on any lot with an area of one acre or greater on [EFFECTIVE DATE] shall require use permit approval as provided in §15.4. All expanded housing option development allowed by use permit shall comply with the following standards and all other by-right standards of §10.4, except as otherwise approved by the County Board.

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Type of Standard	R-20	R-10	R-8	R-6	R-5
<u>Site area, minimum (sq. ft.)</u>	43,560				
<u>Lot area, minimum (sq. ft.)</u>					
<u>Duplexes or multiple-family</u>	20,000	10,000	8,000	6,000	5,000
<u>Semi-detached or townhouses</u>	1,300	1,300	1,300	1,300	1,300
<u>Lot width, minimum (feet)</u>					
<u>Duplexes or multiple-family</u>	100	80	70	60	50
<u>Semi-detached</u>	24	24	24	24	24
<u>Townhouses</u>	16	16	16	16	16
<u>Height, maximum (feet)</u>	35				

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**C. Bulk, coverage, and placement**

**1. Maximum lot coverage shall be as follows:**

**Option 4A**

This option duplicates the current lot coverage standards for one-family dwellings, including allowances for increased lot coverage for development that provides a street-facing porch and/or a rear detached garage.

**MAXIMUM LOT COVERAGE**

Categories	R-5	R-6	R-8	R-10	R-20
Maximum lot coverage (%)	45	40	35	32	25
Maximum lot coverage with one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	48	43	38	35	28
Maximum lot coverage with detached garage in the rear yard (%)	50	45	40	37	30
Maximum lot coverage with detached garage in the rear yard and porch of at least 60 square feet (exclusive of any wrap around or side portion) on the front elevation (%)	53	48	43	40	33

146

**Option 4B**

Compared to Option 4A, Option 4B removes the ability to achieve a 5% increase in lot coverage for providing a rear detached garage. This 5% is reallocated to the "base" coverage amount in the first row.

**MAXIMUM LOT COVERAGE**

Categories	R-5	R-6	R-8	R-10	R-20
Maximum lot coverage (%)	50	45	40	37	30
Maximum lot coverage with one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	53	48	43	40	33

147

**2. Maximum main building footprint shall be as follows:**

**MAXIMUM MAIN BUILDING FOOTPRINT COVERAGE AND CAP**

Categories	R-5	R-6	R-8	R-10	R-20
Maximum main building footprint coverage (%)	34	30	25	25	16
Maximum main building footprint coverage one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	37	33	28	28	19
Maximum main building footprint (sq. ft.)	2,380	2,520	2,800	3,500	4,480
Maximum main building footprint with front porch (sq. ft.)	2,590	2,772	3,136	3,920	5,320

148

- 149 (a) Maximum main building footprint coverage on undersized lots in a zoning  
150 district shall be the same square footage as permitted on a standard sized lot  
151 (e.g., 6000 square feet in R-6) in the zoning district, subject to all applicable  
152 setback requirements.
- 153 (b) There shall be no more than one main building within a development's site area.  
154

**OPTION 3A ONLY**

- (1) §10.4.C.1.b shall not apply to expanded housing option development approved by special exception as set forth in §10.4.B.

- 155 (c) For the purposes of coverage regulations, a group of semidetached or  
156 townhouse dwellings shall be considered a single main building and maximum  
157 coverage requirements shall be calculated using the entire site area, rather than  
158 individual lots within a subdivision.
- 159 3. For bulk, coverage and placement requirements not listed in this section, see §3.2.

160 §10.4.5. Use standards

161 A. Accessory Uses

162 For sites which have established expanded housing option development in accordance  
163 with §10.4, accessory uses shall be permitted as specified in §5.1.4.

164 **OPTION 12A**

165 B. Accessory dwellings

166 Notwithstanding the provisions of §10.4.5.A, accessory dwellings shall not be permitted  
167 on sites which are subject to the provisions of §10.4.  
168

**OPTION 12B**

**This option would allow accessory dwellings in combination with expanded housing option development only for townhouse and semidetached dwellings or for sites with a detached accessory dwelling that was permitted prior to the effective date of this provision.**

B. Accessory dwellings

1. Accessory dwellings, subject to the provisions of §12.9.2, shall be permitted within or attached to semidetached or townhouse dwellings permitted under §10.4.
2. Notwithstanding the provisions of §10.4.5.A, accessory dwellings shall not be permitted on lots containing duplex or multi-family dwellings which are subject to the provisions of §10.4.
  - (a) Properties with a permitted detached accessory dwelling as of [EFFECTIVE DATE] shall be permitted to establish a duplex within the main building, subject to the provisions of §10.4 and the provisions of §12.9.2

169

170 §10.4.6. Site development standards

171 The site development standards of Article 13 and Article 14 apply to all development, except  
172 as otherwise specified below.

173 **OPTIONS 5A AND 5C**

174 **A. Parking**

175 1. Parking for expanded housing option development subject to the provisions of §10.4  
176 shall be provided in accordance with the following standards:

177

<u>Site Location</u>	<u>Minimum Parking Requirement (spaces)</u>	<u>Additional Requirements</u>
<u>Sites located entirely within a 3/4 mile radius of a Metrorail station entrance</u> <u>Sites located entirely within a 1/2 mile radius of a transit stop along the Premium Transit Network, as indicated on the Master Transportation Plan</u> <u>Sites located entirely within a 1/4 mile radius of a transit stop along the Primary Transit Network, as indicated on the Master Transportation Plan</u>	<b>OPTION 5A:</b> 0.5 per dwelling unit <b>OPTION 5C:</b> No minimum requirement	<b>OPTION 5A ONLY:</b> Sites fronting on a cul-de-sac shall provide a minimum of 1 space per dwelling unit.
All other sites	1 space per dwelling unit	

178 2. The Zoning Administrator shall approve a reduction in the required number of  
179 parking spaces to no fewer than 0.5 spaces per dwelling unit, subject to the  
180 following:

181 (a) A parking survey determines that the occupancy of on-street parking spaces  
182 on the block on which the site area is located is less than 65%;

183 (b) The number of reduced spaces, if added to the on-street parking spaces  
184 occupied in the parking survey, shall not result in parking occupancy that  
185 exceeds 85%; and

186 (c) Exception: Sites fronting on a cul-de-sac are not eligible for a parking  
187 reduction under the provisions of §10.4.6.A.2.

188

**Option 5B**

This option is a variation on Options 5A and 5C that would remove the provision to reduce the parking requirement with a parking survey (§10.4.6.A.2).

189

**Option 5E**

Option 5E is an additional provision that may be applied to Options 5A or 5C.

**3. Exception: If an expanded housing option development would result in a loss of on-street parking spaces equal to or greater than the number of required off-street parking spaces, due to the creation or expansion of a curb cut, no off-street parking spaces shall be required.**

190 **3. Additional parking standards and exceptions for expanded housing option**  
191 **development are set forth in §14.3.3.**

192 **B. Location of parking spaces**

193 **1. Sites zoned R-5, R-6 or R-8**

194 **Up to two surface parking spaces shall be allowed between a building's street-facing**  
195 **facade and the street. For corner lots, up to four surface parking spaces shall be**  
196 **allowed between a building's street-facing facade and the streets on which the site**  
197 **has frontage, with no more than two spaces on a single street frontage.**

198 **2. Sites zoned R-10 or R-20**

199 **Up to three surface parking spaces shall be allowed between a building's street-facing**  
200 **facade and the street. For corner lots, up to four surface parking spaces shall be**  
201 **allowed between a building's street-facing facade and the streets on which the site**  
202 **has frontage, with no more than three spaces on a single street frontage.**

203 **3. Alley access**

204 **If a lot abuts an alley improved to county standards, vehicle access to parking spaces**  
205 **shall be provided from the alley, and parking spaces shall not be allowed between a**  
206 **building's street-facing facade and the street.**

207 **4. Enclosure**

208 **Any parking spaces that are located within the main building footprint and face a**  
209 **street or side yard shall be enclosed within a garage.**

210 **5. Curb cuts**

211 **Curb cuts shall not exceed 17 feet in width measured at the edge of the street**  
212 **easement or right-of-way.**

213 **C. Garage wall width**

214 **1. If an attached garage entrance faces a street, the width of the garage wall facing the**  
215 **street, measured as the horizontal distance between the interior side walls of the**  
216 **garage, shall be no more than 50% of the building facade along that street. If there are**  
217 **multiple attached garages within a building, this standard shall apply to the sum of all**  
218 **garage walls with entrances facing a street. For the purposes of this calculation, a**  
219 **group of semidetached or townhouse dwellings shall be considered a single building.**

220 **D. Building entrances and orientation**

221 **1. Duplex and multiple-family dwellings**

- 222 (a) At least one exterior entrance shall face a street or open onto a front porch that  
223 faces a street.
- 224 (b) On interior lots, there shall be no more than one exterior entrance facing each  
225 side yard.
- 226 (c) On corner lots, there shall be no more than one exterior entrance facing each  
227 adjacent property line.
- 228 (d) No more than one exterior entrance to a building lobby or common area shall face  
229 a street.

230 **2. Semidetached and townhouse dwellings**

231 Each unit shall have an exterior entrance facing a street or that opens onto a front  
232 porch that faces a street.

233 **E. Upper Story Stairs**

- 234 **1. All stairs used to access dwellings located entirely above the ground story shall be**  
235 **enclosed within the building.**
- 236 **2. Exception: The provisions of §10.4.6.E.1 shall not apply to stairs facing a rear yard.**

237

238 **OPTION 6A**

239 **F. Landscaping**

- 240 **1. There shall be a minimum of up to four shade trees for sites with 2-4 dwelling units,**  
241 **and a minimum of up to eight shade trees for sites 5-6 dwelling units prior to issuance**  
242 **of a certificate of occupancy. This requirement may be satisfied with existing trees**  
243 **and/or by planting trees on-site.**

244

245 **\*\*\* NOTE: Section F.1 was corrected on 2-16-23 to reflect a minimum of 8 shade trees for sites with 5-6**  
246 **dwelling units. This section had previously stated a minimum of 6 shade trees.**

247 **1.**

248 **(a) Trees planted to satisfy the requirements of §10.4.6.E.1 shall be species listed in**  
249 **the Arlington County Recommended Shade Tree List.**

250 **(b) Trees planted to satisfy the requirements of §10.4.6.E.1 shall conform to the**  
251 **standards set forth in §14.2.2.D.**

252 **G. Screening**

253 **1. Heating, air conditioning units and other similar equipment shall be screened from**  
254 **view of street rights-of-way by fences, walls, or landscaping. Equipment mounted on a**  
255 **roof shall be sited in a location that is not visible from street rights-of-way. This**  
256 **provision shall not apply to equipment related to the generation of solar energy.**

257 **2. Exterior trash collection and storage areas shall be screened from view of street**  
258 **rights-of-way and adjacent properties by fences, walls, landscaping, or other**  
259 **structures.**

260



261 §10.4.7. Annual Limit on Permits

262 **OPTION 7A**

263 The zoning administrator may approve not more than 58 permits for expanded housing option  
264 development in any one calendar year.

265 Note: The method of distribution for the permits shall be determined by the County Board  
266 upon adoption of the ordinance.

267

**OPTION 7B**

Do not limit the number of permits issued annually for expanded housing option development. Remove §10.4.7.

268

**OPTION 7C**

During the calendar years 2023-2028, the zoning administrator may approve not more than  
58 permits for expanded housing option development in any one calendar year.

Note: The method of distribution for the permits shall be determined by the County Board  
upon adoption of the ordinance.

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## Article 12. Use Standards

### §12.3 Residential Use Standards

#### §12.3.11. Two-family (duplexes and semidetached) abutting RA, C or M districts or located on a principal or minor arterial street

- A. Two-family dwellings (semidetached and duplex dwellings), on sites that share a lot line with RA, C, or M districts, shall be located no more than 100 feet from the shared lot line, or on sites that are located on principal or minor arterial streets as designated on the Arlington County Master Transportation Plan provided that the dwellings front on the principal or minor arterial street, exception corner lots where no more than one unit may front on the local street.
- B. §12.3.11.A shall not apply to two-family dwellings permitted under the provisions of §10.4.

Option 12B (See §10.4.5.B)

### §12.9. Accessory Use Standards

#### §12.9.2. Accessory dwellings

Accessory dwellings are allowed in R districts, subject to issuance of a permit by the zoning administrator and subject to the following:

- A. Standards
  - 1. Accessory dwellings may be within or attached to one-family dwellings, ~~or~~ in detached accessory buildings on lots containing one-family dwellings, or within or attached to semidetached or townhouse dwellings permitted under the provisions of §10.4, subject to the following limitations:
    - (a) An accessory dwelling shall not be permitted on a lot with a family/caregiver suite.
    - (b) Not more than one accessory dwelling shall be permitted on a lot.

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**Article 13. Signs**

**§13.5 Signs in R Districts and for One- and Two-Family Dwellings in All Districts**

**§13.5.1. General**

**A. Signs allowed**

The sign types listed and described in this §13.5 are allowed on private property in ~~one-family~~ one-family R districts ~~(excluding R-C districts)~~, for expanded housing option development subject to the provisions of §10.4, and for one- and two-family uses in all districts, subject to all permit requirements, standards and conditions set forth for each sign type.

**§13.6. Signs in RA Districts and for Townhouses in any Zoning District**

**§13.6.1. General**

**A. Signs allowed**

The sign types listed and described in this §13.6 are allowed on private property in the RA14-26, RA8-18, RA7-16, and RA6-15 districts, and on townhouse properties in all districts (excluding expanded housing option development subject to §10.4) subject to all permit requirements, standards and conditions set forth for each sign type.

## Article 14. Site Development Standards

### §14.3 Parking and Loading

#### §14.3.3. General requirements

The requirements set forth in this article with respect to the location or improvement of parking, standing and loading space shall apply to all such space that is provided for any use, whether said space is provided in accordance with the requirements of this zoning ordinance, or said space is voluntarily provided. Parking, standing and loading space shall comply with the following regulations:

A. ...

#### C. Dimensional requirements

##### 1. Off-street parking spaces and off-street parking aisles

In calculating any required parking area, ~~other than for one- and two-family dwellings,~~ the following minimum dimensions shall be required:

Parking Angle (degrees)	Stall Width (feet)	Depth of Stalls Perpendicular to Aisle (feet)	One-way Aisle Width (feet)	Two-way Aisle Width (feet)
<b>Full Size Automobile Spaces</b>				
45	8.5	17.5	12.0	Not permitted
60	8.5	19.5	16.0	Not permitted
90	8.5	18.0	23.0	23.0
Parallel	22.0	8.0	12.0	23.0
<b>Compact Car Spaces</b>				
45	8	16.0	12.0	Not permitted
60	8	16.7	15.0	Not permitted
90	8	15.0	21.0	21.0
Parallel	20.0	8.0	10.0	20.0

NOTE: In the event of a row of nine foot wide stalls is opposite to a row of seven and one-half-foot wide stalls, the aisle size required for nine-foot stalls shall apply.

#### 2. Exception

One- and two-family dwellings and expanded housing option development subject to §10.4 shall not be subject to the aisle width requirements set forth in §14.3.3.C.1.

#### 3. ...

D. ...

#### E. Parking in setbacks

In all R, RA, C-1 and C-1-O districts, except for one- and two-family dwellings and townhouses in R districts and expanded housing option development subject to §10.4, no parking or required curb or wall shall encroach on the exterior 10 feet of a setback area and such area shall be landscaped and properly maintained at all times.

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F. ...

H. Access to parking spaces

1. Except for one- and two-family dwellings and townhouses in R districts and expanded housing option development subject to §10.4, street rights-of-way shall not be used for maneuvering or direct ingress, or egress to off-street parking spaces.
2. Alleys which are improved to county standards may be used for maneuvering or direct ingress and egress to off-street parking spaces if the required aisle width is provided.

I. Location of parking spaces

1. In any districts, parking spaces for one- and two-family dwellings, and townhouses, and expanded housing option development subject to §10.4 may encroach on the exterior 10 feet of a setback area, provided that they are located on a driveway with an existing or approved curb cut, and they have the minimum dimensions for full size automobile spaces as are required in §14.3.3.C. Parking spaces shall be designed and used so that the automobiles parked on driveways shall not encroach into the public rights-of-way. The setback area used for parking shall be landscaped and properly maintained at all times. The ground surface of the parking space shall be paved with a durable, dust-free and hard material, such as bituminous hot mix or Portland cement concrete or some comparable material, or shall be surfaced with an alternate material, suitable for passage by automobiles, which does not result in excessively dusty or muddy conditions at or around the parking area, as approved by the zoning administrator.
2. Tandem parking spaces may be allowed for off-street parking spaces for one- or two-family dwellings or townhouses, provided that they comply with ~~§14.3.3.J~~ §14.3.3.I.1. Tandem parking spaces shall count as one space for the purposes of complying with off-street parking requirements for expanded housing option development subject to §10.4.

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**Article 15. Administration and Procedures**

**§15.6 BOARD OF ZONING APPEALS; APPEALS AND VARIANCES**

**§15.6.6. Use permits**

**A. Authority**

The Board of Zoning Appeals may approve use permits that allow modifications of placement requirement for structures on lots in the R-20, R-10, R-8, R-6, R-5, and R2-7 district where there is no option in this zoning ordinance to allow modification of requirements by the County Board, such as special exception use permits described in §15.4 or site plans described in §15.5. The Board of Zoning Appeals shall not grant use permits to modify requirements for expanded housing option development as set forth in §10.4.

**B. ...**

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## Article 16. Nonconformities

### §16.2. Nonconforming Buildings and Structures

#### §16.2.3. Repairs, alterations

- A. Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alteration shall be made except those required by law or ordinance, or as provided in §16.2. Repairs and alterations to a nonconforming dwelling, building or structure not otherwise permitted under this Zoning Ordinance are prohibited, unless approved under a use permit or variance pursuant to sections §15.6.4 and §15.6.6
- B. Notwithstanding any provision to the contrary in this Ordinance, existing nonconforming one- and two-family dwellings, and nonconforming accessory buildings and structures located in the R and RA districts shall be permitted to make interior repairs and alterations, whether structural or non-structural, provided the repair or alteration is wholly contained within the existing exterior walls of the dwelling, building or structure.
  - 1. Expanded housing option development is permitted to make interior repairs and alterations wholly contained within the existing exterior walls of the building for the purpose of maintaining or adding dwelling units to an existing building under §10.4.

#### §16.2.4. Additions, enlargements, moving

- A. A nonconforming building or structure shall not be added to or expanded in any manner unless such building or structure, including such additions and expansions, is made to conform to all the regulations of the district in which it is located.
- B. A building or structure which does not comply with the height or lot area regulations shall not be added to or expanded in any manner unless such addition or expansion conforms to all the regulations of the district in which it is located; provided, that the total aggregate floor area included in all such separate additions and expansions does not exceed 50 percent of the floor area contained in the existing building or structure, as of July 15, 1950
- C. A building or structure lacking sufficient automobile parking space in connection therewith as required in §14.3 may be altered or expanded, provided additional automobile parking space is supplied to meet, for the entire building, requirements of §14.3.
- D. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.
- E. Exceptions
  - 1. The provisions of §16.2.4.A, §16.2.4.B, §16.2.4.C, and §16.2.4.D do not apply to existing nonconforming one-family dwellings and nonconforming buildings or structures accessory to one-family dwellings located in the R-5, R-6, R-8, R-10, R-20, and R2-7 districts.
  - 2. The provisions of §16.2.4.A do not apply to existing nonconforming two-family dwellings and/or nonconforming buildings or structures accessory to two-family

404 dwellings located in the R2-7 district and/or RA14-26, RA8-18, RA7-16, ~~and RA6-15, R-~~  
405 ~~5, and R-6~~ districts.

406 **3. The provisions of §16.2.4.A and §16.2.4.B do not apply to existing nonconforming**  
407 **dwellings subject to §10.4, including for the purpose of adding dwellings.**

408 (a) A building or structure lacking sufficient parking space as required in  
409 §10.4.6.A may be altered or expanded, provided that sufficient parking space  
410 is supplied to meet, for the entire building, the requirements of §10.4.6.A.

411 **4. The additions or expansions permitted through §1.1.1.D~~§16.2.4.E~~ shall comply with all**  
412 **current provisions of this zoning ordinance, except as provided in**  
413 **§1.1.1.A.4(a)~~§16.2.4.E.1~~ §16.2.4.E.4.a.**

414 (a) Nonconforming one-family dwellings, ~~and two-family dwellings, and expanded~~  
415 housing option development subject to §10.4 permitted to add on to or expand  
416 pursuant to §1.1.1.D~~§16.2.4.E~~ may construct, within applicable height limits, an  
417 addition over an existing one-family or two-family dwelling encroaching on a  
418 required setback or yard area provided there is no more of an encroachment  
419 into the required setback or yard than that of the existing wall below it, and  
420 providing that new construction may not take place over encroaching garages or  
421 porches.

## 422 **§16.6. Condominium and Cooperative Conversion**

### 423 **§16.6.1. Nonconforming land, buildings or structures**

424 **A.** Whenever any land, buildings or structures or the use thereof are proposed to be  
425 converted to condominiums or cooperatives and such land, buildings or structures do not  
426 conform to the regulations of this zoning ordinance, then before such proposed  
427 conversion may take place, a special exception use permit pursuant to §15.4 shall be  
428 obtained unless a variance of the requirements of zoning or land use regulations which  
429 may be granted by the Board of Zoning Appeals pursuant to Chapter 22 of Title 15.2 of the  
430 Code of Virginia is, in fact, granted.

#### 431 **OPTION 8A**

432 **B. Condominium and cooperative conversions of nonconforming dwellings to expanded**  
433 **housing option uses pursuant to the provisions in §10.4 are not subject to the provisions**  
434 **of §16.6.1.**

435

#### **OPTION 8B**

This option would remove new §16.6.1.B. Nonconforming dwellings converted to  
condominium or cooperative dwellings would require approval of a County Board use permit  
or Board of Zoning Appeals variance.

436



Note: In addition to a proposed new definition of "expanded housing option uses," key terms used in this draft Zoning Ordinance amendment are provided for reference. Except for an option that would amend the "duplex" definition (Option 9B), there are no proposed changes to these definitions.

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## Article 18. Definitions

438

### §18.2. General Terms Defined

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#### Option 9A: Retain current duplex definition.

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Duplex. Two attached dwelling units in a single structure on a single lot with dwelling units situated either wholly or partially over or under the other dwelling unit. The building has all exterior characteristics of a one-family attached dwelling, having a single front entrance or one front and one side entrance on the first floor; provided an outside, enclosed stairway located parallel and abutting the rear of the dwelling shall be permitted for direct access to the second floor level.

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#### Option 9B:

Duplex. Two attached dwelling units in a single structure on a single lot with dwelling units situated either wholly or partially over or under the other dwelling unit. The building has ~~all exterior characteristics of a one-family attached dwelling, having~~ a single front entrance, two front entrances, or one front and one side entrance on the first floor; provided an outside, enclosed stairway located parallel and abutting the rear of the dwelling shall be permitted for direct access to the second floor level.

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Dwelling or dwelling unit. A building or portion thereof designed exclusively for residential occupancy by one family, which includes provisions for living, sleeping, eating, cooking and sanitation, including One-family detached; Semidetached; Duplex; Townhouse; Multiple-family building.

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Dwelling, two-family. Two-family dwellings include semidetached and duplex dwellings.

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Expanded housing option uses. Two-family dwellings, townhouses with three attached dwelling units, and multiple-family buildings with up to six dwelling units, as permitted and set forth in §10.4.

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Multiple-family. A building or portion thereof, designed for occupancy by three or more families living independently of each other.

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Nonconforming building. A building or structure or portion thereof lawfully existing at the time this zoning ordinance became effective, that was designed, erected or structurally altered such that it does not conform to the regulations of the district in which it is located.

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464 **One-family detached.** A residential building containing one dwelling unit designed for one family and  
465 located on a single lot with required yards on all four sides.

466 ...







467 **Semidetached.** A residential building with two attached dwelling units located on two lots that share a  
468 common wall along the lot line and where each dwelling unit has its own external entrance.

469 ...

470 **Townhouse.** One of a series of three or more attached similar dwelling units, located on separately-  
471 owned lots or on a single lot, separated by common party walls without openings extending  
472 from basement to roof, and where each unit has its own external entrance.

# GLUP Map Legend Amendment

## Land Use

<u>Land Use Designation*</u>	<u>Range of Density/Typical Use</u>	<u>Zoning**</u>
<b>Residential</b>		
 Low	1-10 units per acre, including one-family dwellings, accessory dwellings, and expanded housing option uses	R-20, R-10, R-10T, R-8, R-6, R-5
 Low	11-15 units per acre	R2-7, R15-30T
 Low-Medium	16-36 units per acre	R15-30T, RA14-26, RA8-18
 Medium	Up to 37-72 units per acre	RA7-16, RA6-15, RA-H
 High-Medium	Up to 3.24 F.A.R. (Floor Area Ratio) Residential	RA-4.8
 High	Up to 4.8 F.A.R. Residential Up to 3.8 F.A.R. Hotel	RA-H-3.2, C-O Rosslyn



**From:** Adrienne Fine <[afine@arlingtonva.us](mailto:afine@arlingtonva.us)>  
**Subject:** RE: [Records Center] County Records Request :: C001631-120722  
**Date:** January 20, 2023 at 7:48:36 AM EST  
**To:** Wally Christensen <[wchristensen@gmail.com](mailto:wchristensen@gmail.com)>  
**Cc:** FOIAOfficer <[FOIAOfficer@arlingtonva.us](mailto:FOIAOfficer@arlingtonva.us)>

Good morning,

Thank you for chatting with me yesterday about your FOIA requests and I hope the below will help us move forward in resolving your concerns.

Regarding request C001631, your concerns were two prong: i) the formal studies and ii) informal studies or analysis that may be captured in email or other correspondence. Our office has inquired with staff and the County's response to your FOIA request for formal studies related to the subject of your FOIA request completed from 9/1/22 to current date is that no responsive records exist.

As we further discussed, in order to respond to any requests for "informal" analysis or studies, the County must search email inboxes and the results must be reviewed to determine whether any responsive records are returned. In an effort to fulfill this FOIA, DTS performed the following search:

**Search Terms:**

- 1) ("Missing Middle" OR "MMH") AND ("environmental impact" OR "carbon neutral") – 745 emails
- 2) ("Missing Middle" OR "MMH") AND "tree canopy" – 4365 emails
- 3) ("Missing Middle" OR "MMH") AND "15.2-2283" – 57 emails
- 4) ("Missing Middle" OR "MMH") AND ("cost" OR "availability" OR "property value") AND ("single family") – 3045 emails
- 5) ("Missing Middle" OR "MMH") AND ("rent" OR "ownership" OR "owner-occupied" OR "for-sale" OR "condo") – 5224 emails

Searched parties:



Planning staff only.

**Date range:**

1/1/2019 to 12/7/2022

Please note that technically, this request would be subject to administrative closure pursuant to VA Code 2.2-3704(F) as there has not been any authorization of the estimate, but we are providing the above in an effort to work through these matters together. Please review the above and advise if you wish to open a new FOIA request. As stated, our goal is to ensure that we all have a clear understanding of the documents that are being provided and transparency in our operations.

You may contact Rachel or I to discuss further.

Best,

Adrienne

---

**From:** Adrienne Fine

**Sent:** Tuesday, January 17, 2023 9:20 AM

**To:** Wally Christensen <[wchristensen@gmail.com](mailto:wchristensen@gmail.com)>

**Subject:** RE: [Records Center] County Records Request :: C001631-120722

Good morning,

I am the attorney that handles FOIA and subpoena compliance for the County and I am reaching out about the below correspondence. Although I'm familiar with your FOIAs, I have some questions and think a phone call would be most helpful in getting on the same page about your concerns.

Please advise as to when would be the best time to discuss this matter further this week.

Best,

Adrienne

Adrienne Sakyi Fine

Assistant County Attorney

Arlington County

One Courthouse Plaza

2100 Clarendon Blvd., Suite 403

Arlington, VA 22201

703-233-0543 (Cellphone)

703-228-7106 (Facsimile)

[afine@arlingtonva.us](mailto:afine@arlingtonva.us)

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender at (703) 228-3100 by telephone and delete this email.

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**From:** Wally Christensen <[wchristensen@gmail.com](mailto:wchristensen@gmail.com)>

**Sent:** Monday, January 16, 2023 11:01 AM

To: FOIAOfficer <[FOIAOfficer@arlingtonva.us](mailto:FOIAOfficer@arlingtonva.us)>  
Subject: Re: [Records Center] County Records Request :: C001631-120722

**EXTERNAL EMAIL**

Dear Ms. Healy - your email below is directly contrary to what you told me during our telephone conversation last week. You specifically said, in response to my direct question, that your search revealed no "formal analyses or studies" other than what was previously produced in response to my County Records Request of September 8, 2022 (Reference # C001243-090822).

You also purposefully misquoted the definition of requested records set forth in my December 6 Records Request, apparently to justify your now admitted failure to search for any formal studies or analyses beyond those previously produced. You assert below that my December 6 Records Request defined "study or analysis" to mean "informal analyses and studies that may be contained in communications between County staff including "the back and forth between staff"". Your assertion is incorrect, and deliberately misleading. The definition of "analysis" set forth in the December 6 Request was, in fact, broader than your characterization, and it specifically included "formal" analyses. As set forth in the December 6 Request: "The term "analysis" means any review, examination (detailed or otherwise) or consideration of data or other information regarding the subject in question, whether formal or informal, and whether set forth in memoranda, graphs, note or emails or other documents, including but not limited to emails to or from members of the County Board and to or from staff of the Planning Commission."

The County initially was required to produce all records responsive to this Request by December 16, 2022. You requested an additional seven working days to respond, extending your deadline to December 28. Your response is now overdue. You may defer the production of emails until we discuss this further, but please produce any "formal studies or analyses" responsive to this Request (other than those previously produced in response to my September 8, 2022 Request) or confirm that there are no additional "formal studies or analyses" other than those previously produced, by no later than January 18, 2023.

Wally Christensen

On Jan 13, 2023, at 11:20 AM, FOIAOfficer <[FOIAOfficer@arlingtonva.us](mailto:FOIAOfficer@arlingtonva.us)> wrote:

Good morning Mr. Christensen,

Your request, Reference No. C001631, was for 5 distinct requests and also indicated:

Where "study or analysis" means informal analyses and studies that may be contained in communications between County staff including "the back and forth between staff"

The content of your request is at the end of this email.

Because of your specification that "study or analysis" means informal analysis and studies contained in communications, we searched all email communications between staff. Due to the nature of the request and your clarification, this means that all emails that populated back from our searches would need to be reviewed to determine if they are responsive to your request.

In response to your question regarding whether formal studies/analysis are included in the search for records responsive to this FOIA, please be advised that the definition that you provided for "studies or analysis" did not include these. Accordingly, any formal studies, if they exist, were not specifically search for, but could be found incidentally with the below search criteria. It may be helpful for you to reach out to staff working on the Missing Middle Housing Study to discuss some of the questions you may have regarding the process.

To obtain the estimate, we ran 5 searches for each of your sub-requests and de-duplicated the results against each other to weed out duplicate emails. Additionally we did not apply a date range because we understood your request to not have a date range. The following are the keyword searches run for each request as well as the results of emails identified as possibly responsive:

1. ("Missing Middle" OR "MMH") AND ("environmental impact" OR "carbon neutral") – 745 emails
2. ("Missing Middle" OR "MMH") AND "tree canopy" – 4365 emails
3. ("Missing Middle" OR "MMH") AND "15.2-2283" – 57 emails
4. ("Missing Middle" OR "MMH") AND ("cost" OR "availability" OR "property value") AND ("single family") – 3045 emails
5. ("Missing Middle" OR "MMH") AND ("rent" OR "ownership" OR "owner-occupied" OR "for-sale" OR "condo") – 5224 emails

Because of the nature of the request, reviewing records for "study or analysis" requires a close and, frankly, subjective review of the records. We run the email search to determine the realm of possibly responsive records to your request. It is very likely that not every email that was returned for the above five searches is actually responsive to your request.

To better help us more specifically identify the records that you are seeking, and possibly reduce the overall cost of your FOIA request, you could consider the following strategies:

- You can identify the specific keywords you would like us to use;
- Apply a date range to a more narrow time period;
- Specifically identify personnel or departments you would like for us to search for responsive records from;
- More specifically describe what it is you are requesting with more definitive language.

Additionally, there are a number of Missing Middle FOIA requests that we have responded to that have been posted to our public archive [here](#). It is possible that the records you are seeking have been previously provided.

Please let me know if you'd like to further discuss ways to possibly narrow your request or if you would like to discuss the records that you are seeking and how we can ensure that our research, review, and reproduction is more narrowly tailored to more accurately respond to your request.

Thank you,

Rachel Healy, FOIA Officer  
Pronouns: she, her, hers  
Office of the County Attorney  
One Courthouse Plaza  
2100 Clarendon Blvd., Suite 403  
Arlington, VA 22201  
(703) 843-0687

From: Wally Christensen <[wchristensen@gmail.com](mailto:wchristensen@gmail.com)>  
Sent: Wednesday, January 11, 2023 11:57 AM  
To: FOIAOfficer <[FOIAOfficer@arlingtonva.us](mailto:FOIAOfficer@arlingtonva.us)>  
Subject: Re: [Records Center] County Records Request :: C001631-120722

**EXTERNAL EMAIL**

Dear Ms. Healy - thank you for taking the time to discuss this request with me yesterday. I had called to inquire about the estimated cost of making this production.

As you know, this request sought an update of records produced in response to my County Records Request of September 8, 2022 (Reference # C001243-090822), and thus excluded records previously produced in response to that Request. You stated, in our conversation, that the cost estimate for the current request was greater than the previous request because it included a broader definition of the term "analysis", to include not just 'formal studies and analyses', but also emails to and from members of the County Board and Planning Commission, among other things. I understood you to say that your current search found no additional 'formal studies and analyses' other than those that were produced in response to the September 8, 2022 Request, but that it did include a large number of intra-County emails that were responsive to the current Request. Would you please confirm that my understanding on this point is correct? Alternatively, if your search found new or different formal studies or analyses other than those produced in response to the September 8 Request, would you kindly identify them for me, and provide me with a cost estimate for the production of those records?

You also said that you were able to break down the aggregate cost estimate into the cost of producing records in response to each of the separate Requests contained herein. Would you please provide me with those Request-specific estimates?

Thanks for your assistance.

Wally Christensen



On Dec 13, 2022, at 7:17 AM, Arlington County FOIA Center  
<[arlingtoncountyva@govqa.us](mailto:arlingtoncountyva@govqa.us)> wrote:

--- Please respond above this line ---

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RE: County Records Request of December 06, 2022, Reference #  
C001631-120722

Dear Wallace Christensen,

Arlington County received a public records request from you on  
December 06, 2022. Your request mentioned:

**Request 1: Any study or analysis performed by, for, or on behalf of the County, or otherwise reviewed by the County, relating to the environmental impact of MMH, including whether MMH will, or will not, be carbon neutral.**

• **Request 2: Any study or analysis performed by, for, or on behalf of the County, or otherwise reviewed by the County, relating to the impact of MMH on Arlington County's tree canopy, including compliance with Arlington County's Tree Preservation Ordinance, Section 67.2 ("There is hereby established a tree preservation ordinance to ensure that the tree cover within Arlington County's boundaries is maintained and improved in order to protect the health, safety, and welfare of County citizens and the general public, to safeguard the ecological and aesthetic environment necessary to a community, to preserve, protect, and enhance valuable natural resources, and to conserve properties and their values.")**

• **Request 3: Any study or analysis performed by, for, or on behalf of the County, or otherwise reviewed by the County, relating to whether MMH will satisfy or impede any of the following purposes for which zoning ordinances shall be designed, as specified in Code of Virginia § 15.2-2283:**

- o to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- o to reduce or prevent congestion in the public streets;
- o to facilitate the creation of a convenient, attractive and harmonious community;
- o to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- o to protect against destruction of or encroachment upon historic areas and working waterfront development areas;

- o to protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
- o to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;
- o to protect surface water and ground water as defined in § 62.1-255.
- Request 4: Any study or analysis performed by, for, or on behalf of the County, or otherwise reviewed by the County, relating to the projected impact of MMH on the cost or availability of detached single family home ownership in Arlington County.
- Request 5: Any study or analysis performed by, for, or on behalf of the County, or otherwise reviewed by the County, relating to the projected extent to which MMH housing units will be owned by persons or entities other than the occupants of the housing units

Where "study or analysis" means informal analyses and studies that may be contained in communications between County staff including "the back and forth between staff"

Please be advised the County is requesting seven additional days to respond to your request due to research and reviewing of any potential responsive records. Therefore, the County is invoking subsection B 4 of § 2.2-3704 to provide us with seven (7) additional working days to respond to your request.

For questions or additional information, please reply to this email.

Sincerely,

Rachel Healy, FOIA Officer  
Arlington County - Office of the County Attorney  
2100 Clarendon Blvd., Suite 403 Arlington, VA 22201  
(C) 703.843.0687 (T) 703.228.3100

To monitor the progress or update this request please log into the [FOIA Center](#)

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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ARLINGTON

MARCIA L. NORDGREN, NORMAN )  
TYLER, ALEXANDER MACKENZIE, )  
ROBERT P. PARKER, MONA C. )  
PARKER, KATHERINE PERNIA, )  
MARGARET FIBEL, RICARDO J. )  
ROZADA, MABEL GABIG, AND ERIC )  
ACKERMAN )

Plaintiffs, )

v. )

COUNTY BOARD OF ARLINGTON )  
COUNTY, VIRGINIA AND ARLINGTON )  
COUNTY PLANNING COMMISSION )

Defendants. )

Case No.:

AFFIDAVIT OF MARCIA L. NORDGREN

I, Marcia L. Nordgren, after being duly sworn, state the following facts from my personal knowledge under oath and subject to the penalty of perjury.

1. I am over the age of eighteen and am otherwise competent to testify to the matters herein stated.

2. On April 9, 2023, I became aware of a memorandum dated March 20, 2023, (the "March 20 Memorandum") that County Board of Arlington County ("Board") Chair Christian Dorsey presented at the Board's March 22, 2023 hearing to discuss the Expanded Housing Option Development zoning ordinance amendment ("EHO Development Zoning Amendment"). Chair Dorsey presented the March 20 Memorandum after the time for public comment had closed.

3. I have thereafter reviewed the March 20 Memorandum, also referred to by Board



members as the "Chair's Mark," from Chair Dorsey dated March 20, 2023.

4. The Chair's Mark detailed Chair Dorsey's recommendations on which options the Board should adopt at the March 22, 2023 hearing.

5. On information and belief, the Chair's Mark was furnished to the Board on March 20, 2023.

6. To the best of my knowledge, the Chair's Mark was not made available online for public inspection, as is County practice, at the same time that it was furnished to members of the Board, presumably, on March 20, 2023.

7. I have searched Arlington County's website for the EHO Development Zoning Amendment, formerly known as the Missing Middle Housing proposal, including its documents and studies, the agenda posted online, and the letters from the public and the Planning Commission.

8. I have been unable to locate a copy of the Chair's Mark available for public inspection online either before or after the March 20, 2023 hearing.

9. The Board was required to make the Chair's Mark available for public inspection when it was furnished to the Board.

10. The Board's failure to so make the Chair's Mark available denied me the right and opportunity to review the materials furnished to the Board for its March 2023 hearings as the Virginia Freedom of Information Act ("VFOIA") mandates.

11. I have also reviewed an email sent by a member of the public to members of the Planning Commission dated March 6, 2023 and timestamped at 11:09 a.m. (the "March 6 Email").

12. The Planning Commission states on its website that written comments received by 12:00 p.m. on the day of any Planning Commission hearing will be provided to the Planning Commission in advance of such hearing.

13. On information and belief, the contents of the March 6 Email were provided to the Planning Commission via the Planning Commission's online form for the March 6 Planning Commission Meeting and via email, consistent with the representation on the Planning Commission website.

14. I have looked for the March 6 Email among the Planning Commission's posted documents online and have been unable to locate the March 6 Email.

15. On information and belief, the March 6 Email was not made available for public inspection online, despite being furnished to the Planning Commission.

16. Because the March 6 Email was furnished to the Planning Commission for the March 6 and March 8, 2023 Planning Commission hearings, the Planning Commission was required to make it available for public inspection online at the same time.

17. The Planning Commission's failure to make the March 6 Email available denied me the right and opportunity to review that document for the March 6 and 8, 2023 Planning Commission public hearing as required by the Virginia Freedom of Information Act.

18. Other residents of Arlington County have shared with me their concern, which mirrors mine, that these violations of the VFOIA warrant review by the Circuit Court for Arlington County and an appropriate order enjoining the Board and/or Planning Commission from violating the requirements of VFOIA, mandating that they comply with the VFOIA in the future, invalidating the EHO Development Zoning and GLUP Amendments, and enjoining the Board and staff from issuing permits for EHO Development.

19. I have submitted VFOIA requests for all materials furnished to the Planning Commission before its December 12 and 15, 2022 and March 6 and 8, 2023 hearings and for all material furnished to the Board before its January 21, 24, and 25, 2023 and March 18, 21, and 22,

2023 hearings. As of the time of executing this affidavit, I have not received responses to these VFOIA requests. As a result, I reserve the right to supplement this affidavit based on information discovered from those VFOIA requests.

20. The foregoing is true and correct to the best of my personal knowledge.

Marcia L. Nordgren 4/19/23  
Marcia L. Nordgren Date

COMMONWEALTH OF Virginia :  
City  
COUNTY OF FAIRFAX : to-wit:

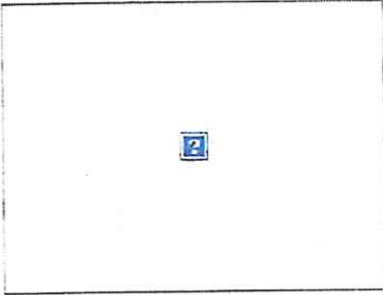
Subscribed and sworn to/affirmed before me on this 19<sup>th</sup> day of APRIL,  
2023, by Marcia L. Nordgren.

Candace Melvin Flossell  
Notary Public

My Commission Expires: 6/30/2024  
My Registration No.: 179857



**From:** Arlington County FOIA Center <arlingtoncountyva@govqa.us>  
**Sent:** Wednesday, April 5, 2023 4:19 PM  
**To:** mnordlaw@aol.com  
**Subject:** County Records Request :: C002133-040523



Dear Marcia Nordgren:

Your request has been received and is being processed. Your request was received in this office on 4/5/2023 and given the reference number C002133-040523 for tracking purposes.

**Records Requested:** 1. All emails, letters, reports and other materials furnished to County Board members (from any person whether given in hard copy, sent to [Countyboard@arlingtonva.us](mailto:Countyboard@arlingtonva.us), or sent to any of their individual email addresses) from January 25, 2023 through March 21, 2023 that mention "missing middle" or "enhanced housing options". 2. All emails, letters, reports and other materials furnished to County Board members (from any person whether given in hard copy, sent to [Countyboard@arlingtonva.us](mailto:Countyboard@arlingtonva.us), or sent to any of their individual email addresses) from January 1, 2023 through January 24, 2023 that mention "missing middle" or "enhanced housing options". 3. All emails, letters, reports and other materials furnished to members of Arlington's Planning Commission (from any person whether given in hard copy or sent to any of the commissioners' email addresses) from January 25, 2023 through March 7, 2023 that mention "missing middle" or "enhanced housing options". 4. All emails, letters, reports and other materials furnished to members of Arlington's Planning Commission (from any person whether given in hard copy or sent to any of the commissioners' email addresses) from November 13, 2023 through December 14, 2023 that mention "missing middle" or "enhanced housing options".

You will receive a response within five working days of your request.



You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

Arlington County

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To monitor the progress or update this request please log into the [FOIA Center](#)





## Erwin, Nicole

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**From:** Signe Taylor <signe.taylor@gmail.com>  
**Sent:** Thursday, January 16, 2025 12:33 PM  
**To:** City Clerk  
**Subject:** Zoning Question and Comment

Hello City Clerk,

Along with my husband, I'm the owner of 95 Avon Hill Street in Cambridge. In looking at the revised documents in front of the Ordinance Committee for today, it looks like District A has been crossed out. Surely that doesn't mean it's removed from being allowed to create ADUs?

I'm writing to strongly advocate for ADUs in the Avon Hill Street neighborhood. This is a neighborhood of huge homes, including mansions, which could easily provide housing for multiple families. I very much hope that the City of Cambridge will not remove the possibilities of creating 2-families and multi-families in this district.

I was born and raised in Cambridge and have watched the Avon Hill Street area slowly evolve into an enclave for the super wealthy. I hope that the City of Cambridge will allow multi-families in this area so we can recreate the economically diverse neighborhood of my youth.

Fight the power!

With thanks and appreciation,

Signe Taylor

## Erwin, Nicole

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**From:** Annette LaMond <annettelamond@gmail.com>  
**Sent:** Thursday, January 16, 2025 11:58 AM  
**To:** City Council  
**Cc:** City Manager; City Clerk  
**Subject:** Zoning Petition

Dear Councillors,

Charles Norris is an urban planner and architect who has lived in Cambridge since attending the Harvard Graduate School of Design in the late 1960s. He knows Cambridge very well and has devoted uncounted hours to Envision Cambridge. I greatly value his opinions.

Charlie shared his letter with me and I urge you to re-read it.

Please accept his recommendation to let the petition expire and develop a new plan – one that can produce more affordable housing.

Thank you,

Annette LaMond

7 Riedesel Avenue  
Cambridge, MA 02138

January 15, 2025

To the City Council

As a Cambridge resident and professional urban planner, I support replacing single family (A-1) and two family zoning (B-1) with a modified zoning code that encourages responsible development of affordable housing objectives city-wide. A reasonable first step would be to replace those initially with C-1 which would allow for added units in those zones. However, such an approach has not been discussed to date.

Based on my understanding of the process and details of the proposed city-wide residential up-zoning to be voted on, I firmly oppose such universal zoning currently being considered, and recommend that the City Council let the current petition expire, and refine the zoning to be form-based consistent with the Envision Plan and with full public engagement and approval.

As stated in previous letters to the Council and now better informed by recent testimony by highly experienced locally based planning professionals, it seems increasingly evident that the petition for up-zoning in all forms under consideration will not result in the widely shared goal of increased housing affordability in Cambridge. To the contrary, many experienced planners have testified that proposals with increased allowable heights, reduced setbacks, and corresponding increases in building mass (including the 3 plus 3

option) are more likely to result in larger and more expensive ownership and rental units, rather than the adding of affordable units, because of a combination of market demand, higher property values, and accelerating construction costs. It is reasonable to assume that with up-zoning across the City, property values will rise in proportion to the allowable added building square footage on a lot by lot basis. That price escalation will immediately raise property values city-wide and make both existing and new housing less affordable for ownership and rental. Most professionals have recommended elimination of A-1 and B-1 districts, but with replacement of current antiquated zoning incrementally with neighborhood oriented, form-based zoning, including selective densification for appropriate sites and streets. This recommended approach tailored to the specific contest has recently proven successful in other communities. By contrast there have been no examples presented based on city-wide universal upzoning (with the possible exception of the recent AHO overlay in Cambridge, which differs in including City subsidies and approvals, and remains a work in progress).

Most other communities addressing State mandated transit oriented zoning have had referendums or Town Meeting votes on new zoning to ensure public engagement, with mixed approval outcomes. By contrast the current Cambridge zoning proposal by petition has not included public engagement with either inclusive communications or resident participation. This has left residents mostly uninformed and all with no say in the outcome, particularly for those of us who had participated in and endorsed the Envision Plan. The petition process seems not only contrary to the character of Cambridge, but unconscionable in that there has been no civic engagement beyond limited voluntary attendance at short notice Council and Committee hearings.

As it is unlikely that the Council's chosen decision making process will change, there are also several important civic safeguards that are recommended.

1. Request Financial Conflict of Interest Declarations by Council Members Voting on the Up-zoning Petition (for all height and setback options): Council members owning any residential property except owner occupied residences, and who would financially benefit from property value increases, should be required to recuse themselves from voting on the petition. As the passage of the zoning relies entirely on Council voting and not on public referendum, such conflict of interest should be revealed and disqualify those members from voting on either the Ordinance Committee version of the petition or any final votes to approve.
2. Quantify the Projected Escalation of Property Values and Taxes Affected by the Up-Zoning: As a recently published property value analysis and graphics indicate, there is a high probability of major value increases when greater lot density is allowed. Before enacting any new zoning, the City Council should ask CDD to quantify the range of property value appreciation and tax increases based on lot size for any specific city-wide up-zoning petition approved at the Ordinance Committee hearing before a final Council vote. Such findings should be communicated to all affected property owners.
3. Consider the Possibility of Resident Legal Challenges to Impacts of Up-Zoning for "Takings" by Abutting Property Development: For residents choosing to remain in their presently owned property (including condominiums) the negative impacts of allowable

height and area increases combined with diminished setbacks may justify legal challenges as a property taking as compared to current zoning allowances. It is possible that either individual or class action suits against the City might be based on such takings. For example, if a lot less than 5000 square feet abuts a larger lot on which new zoning allows a taller, closer, and longer residential structure that negatively impacts the existing abutter (light, shadow, ventilation, open space, tree canopy), the quality and value of the smaller lot house may be measurably diminished. With current zoning such impacts can be addressed through building permit variance reviews, none of which will be possible under proposed up-zoning.

Finally, it has been observed by planners speaking at the January 8 Council Zoning Hearing that once a decision to significantly up-zone has been made, it is virtually impossible to reverse course and take away new acquired development rights. Please allow the petition to expire and set a new course for re-zoning that can actually result in a more affordable Cambridge.

Respectfully Submitted,

Charles Norris

446 Huron Avenue  
Cambridge, MA

Annette LaMond  
7 Riedesel Avenue  
Cambridge, MA 02138  
C: 617-947-1621

**Erwin, Nicole**

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**From:** hwalker434@rcn.com  
**Sent:** Thursday, January 16, 2025 11:55 AM  
**To:** Simmons, Denise; Azeem, Burhan; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine; City Manager  
**Cc:** City Clerk  
**Subject:** Green Factor re: MFH Zoning Petition: One can get away with NO PLANTINGS WHATSOEVER at grade

Dear Mayor Simmons, Members of the Cambridge City Council, and City Manager Huang:

I would like to protest against the continued misrepresentation of the effect that the Green Factor Standard will have on development under the proposed Multifamily Housing Zoning Petition.

Page 6 of the CDD presentation for January 16, 2025, contains the following: **"What's Not Changing? Climate Resilience** All new buildings must protect to future long-term flooding and mitigate heat through trees, plantings, and site design."

# Open Space

District Type	Current Zoning	Original Proposal	Amen Propo
<b>Res. A-1, A-2, B, C</b>	36-50% min. ≥ 50% permeable ≥ 50% private	30% min. ≥ 50% permeable ≥ 50% private	30% I ≥ 50%
<b>Res. C-1</b>	30% min. ≥ 50% permeable ≥ 50% private	≥ 50% permeable ≥ 50% private	≥ 50%
<b>Other Res. Districts</b>	10-15% min.	10-15% min.	10-15
<b>Other Districts</b>	Required for res. only	Not required	Not r

The obvious implication is that turf, planting area, medium trees and large trees will be required under the Green Factor Standard.

Unfortunately, I have run the calculation on an ordinary 8000 sq ft lot and found that the Green Factor Standard can be met with **no plantings at grade whatsoever**. The ordinary 8000 sq ft lot can have permeable pavers at grade and an intensive green roof covering much, but not all, of the roof area (at whatever height above grade - 45 feet, 70 feet). It is extremely misleading to imply that we will be sure to see turf, planting area, medium trees, large trees because of the Green Factor Standard. If we are to see these climate mitigation amenities, **the open space requirements will have to be re-written to include them**. Given the climate crisis, it is irresponsible not to assure these climate mitigation amenities. Neither is it fair to the new residents or to the neighbors not to assure at least some level of these amenities.

I have attached my calculations below.

With many thanks for your consideration,

Helen Walker  
43 Linnaean Street

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Suppose I have an 80' x 100' lot = 8000 sq ft.

I have a front setback of 10', side setbacks of 5' each side, and a rear yard of 15' x 80.'

I consider the rear yard to be both rear setback and Private Open Space (at half the required Open Space area =  $1/2 \times 30\% = 1200$  sq ft.)

I simultaneously consider the rear yard my Permeable Open Space.

My front and side setback and my rear yard are all entirely paved with permeable pavers.

My building footprint is 70' x 75' = 5250 sq ft.

1200 sq ft is a roof deck (additional Private Open Space)

I have now met my total Open Space requirement.

I reserve 350 sq ft for rooftop mechanical equipment.

The remainder of my roof is an intensive green roof at 3700 sq ft.

**Notice that my only plantings are on my intensive green roof.**

**Can I meet the Green Factor Standard without plantings at grade?**

Total Lot Area x Open Space Requirement (min. 20%) = Cool Target

8000 sq ft x 30% = 2400 sq ft

Intensive Green Roof Area = .60 x area in square feet (Note higher value of 1.2x for area within 20 feet of the street.)

3700 sq ft = 700 sq ft within 20 feet of street + 3000 sq ft farther from street

700 sq ft x 1.2 = 840 sq ft

3000 sq ft x .60 = 1800 sq ft

840 sq ft + 1800 sq ft = 2640 sq ft = Cool Area

22.94.3 Cool Score. The Cool Score shall be the Cool Area divided by the Cool Target.

It shall be expressed as a numerical value that is less than, equal to, or greater than 1.0.

(a) A Cool Score of 1.0 or greater shall be considered to meet the Green Factor standard,

**2640 sq ft / 2400 sq ft = 1.1**

**I have met the Green Factor Standard without plantings at grade.**

**That's unfortunate, isn't it?**

## Erwin, Nicole

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**From:** Paul Breneman <brenemanpaul@gmail.com>  
**Sent:** Thursday, January 16, 2025 9:07 AM  
**To:** City Clerk  
**Subject:** resident comment on current zoning proposal

I am a 44 year cambridge resident living just outside Inman Square in the Wellington Harrington neighborhood. I am a founding member of the Community Builders Cooperative which performed renovations and custom woodworking for 40 years mostly in Cambridge and Somerville neighborhoods. In 2020 we negotiated with Just A Start a bargain sale of our shop building on Webster Ave. Somerville to enable them to design and build a multi-unit 100 percent affordable housing development.

I have seen Cambridge change a great deal in the last 40 years and in many ways not for the better. I want this city to be a desirable place to live in with diverse neighborhoods and with resident input regarding city matters.

I strongly oppose the proposed zoning ordinance for the following reasons;

- This proposal has not been fully analyzed by a diverse group of experienced urban planners, environmental impact specialists, and city residents.
- For such a radical zoning change there has been poor outreach to the city residents outlining the proposed zoning changes and the potential repercussions to abutters and neighborhoods. There are many residents who don't even know this is happening. A mailer should have been sent to every resident prior to each zoning proposal meeting with this information and with many options for feedback. If the city views itself as a true democracy, it should act accordingly.
- The zoning changes are far too drastic and out of proportion for most existing neighborhoods. There does not seem to be any consideration by the city as to the neighborhood or environmental impacts of these changes. Just in the Inman Square neighborhoods, I have seen backyards disappear and adjacent houses be shadowed by developers. With the proposed changes, buildings could take up even more of the lot space and be twice the height currently allowed. Mature trees have been threatened by roots being cut and green spaces are being eliminated. Reducing the number of trees, green spaces, and potential future trees runs counter to Cambridge envisioning itself as an environmentally friendly city. Trees and green spaces keep the city cooler and are CO2 sinks. These open spaces also have a positive psychological effect for residents.
- The concept that future development of the city neighborhoods should be in the hands of developers with no community input is absurd. This is especially true with the proposed easing of so many zoning restrictions - building heights, set backs, etc. Development will be determined much more by what makes the most profit than by what is good for the abutters and neighborhood. Environmental effects would be largely ignored. Under the new proposal, little would be done to advance the number of affordable units since the inclusionary rate would only



apply to developments of 10 or more units. This is a terrible plan for future development of neighborhoods that will benefit the city's residents.

Cambridge has historically invited citizen input regarding proposed development, and I believe it is imperative to continue this for Cambridge to be a more livable, democratic place. Cambridge should not make these changes now. More time is needed for community and urban planning input.

I think a large part of the housing problem is that commercial development, mainly bioengineering and high tech, has been overbuilt. The city has had a strong commercial tax base for a long time. I know it has benefitted the residents by keeping the residential tax rate low, but I think it would still be true if commercial development is now curtailed. It is bringing in too many new residents, many of which are high income workers. The combination of high demand for housing and incoming high wage earners drives housing prices much higher. Moderate income earners who do not already own a home are being forced to leave the city. Cambridge was already one of the most densely populated cities in the country before this latest period of development. It seems that the city is viewing all this development through the lens of increasing tax revenue and giving little attention to the quality of life of its residents.

Thank you for reading this.

Paul Breneman

## Erwin, Nicole

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**From:** Karen Falb <karenfalb@gmail.com>  
**Sent:** Thursday, January 16, 2025 8:20 AM  
**To:** City Council; City Clerk  
**Subject:** We are watching and hoping for a productive Ordinance Committee meeting today

Do not do a rush job on urban planning - Prepare to **VOTE** to put in a pausing period to have more review and analysis, state specifics of goals, and know what has worked and what hasn't - allow for more time for residents to know details. Right now you have neighborhoods such as Strawberry Hill that have no clue as to how proposed changes will affect them and the anxiety and worsened personal health that comes from capricious selling and buying and demolition and construction.

Remember, no assessment of reaching goals and fixing problems was done between AHO and AHO2. That's irresponsible. Use Los Angeles fire and destruction of the city to remember the importance of good city policies.

These proposed Ordinances do not cover the whole planning including infrastructure for what is needed by everyone for safety and livability: water, light, space, transportation, parking, **small businesses** (Eversource lot on MA Ave. is one of many stores empty), traffic,

Discuss to include **ADVICE** of what the three Urban Planners said last week.

- FORM BASED CODE "NON-NEGOTIABLE" (CRITICAL COMPONENT TO ZONING)

- COUNCIL MUST COMMIT TO BOLD PROCESS TO CREATE FORM BASED CODE FOR DIFFERENT AREAS OF CITY

- DIFFICULT TO GOING BACK AND ADJUST

- DEFINE NEXT STEPS - VISUALIZE - 2, 4, 6, 12 month plan

Yes, Work hard to have a good meeting today.

Sincerely, Karen Falb 245 Brattle

## Erwin, Nicole

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**From:** Hugh Warren <hugh.warren@comcast.net>  
**Sent:** Wednesday, January 15, 2025 9:53 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Sent from my iPhone

## Erwin, Nicole

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**From:** Catalina Arboleda <catalarbol@gmail.com>  
**Sent:** Wednesday, January 15, 2025 8:01 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor -

As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing.

**You seem to be ignoring the environmental impacts of this city-wide rezoning petition. I urge you to consult your own environmental "czar."**

We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

**Best,  
Catalina Arboleda  
950 Mass. Ave. Apt.413  
Cambridge, MA 02139**

## Erwin, Nicole

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**From:** charles@norrisonorris.com  
**Sent:** Wednesday, January 15, 2025 7:33 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

January 15, 2025

To the City Council

As a Cambridge resident and professional urban planner, I support replacing single family (A-1) and two family zoning (B-1) with a modified zoning code that encourages responsible development of affordable housing objectives city-wide. A reasonable first step would be to replace those initially with C-1 which would allow for added units in those zones. However, such an approach has not been discussed to date.

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As stated in previous letters to the Council and now better informed by recent testimony by highly experienced locally based planning professionals, it seems increasingly evident that the petition for up-zoning in all forms under consideration will not result in the widely shared goal of increased housing affordability in Cambridge. To the contrary, many experienced professional planners have testified that proposals with increased allowable heights, reduced setbacks, and corresponding increases in building mass (including the 3 plus 3 option) are more likely to result in larger and more expensive ownership and rental units, rather than the adding of affordable units, because of a combination of market demand, higher property values, and accelerating construction costs. It is reasonable to assume that with up-zoning across the City, property values will rise in proportion to the allowable added building square footage on a lot by lot basis. That price escalation will immediately raise property values city-wide making both existing and new housing less affordable for ownership and rental. Most professionals have recommended elimination of A-1 and B-1 districts, but with replacement of current antiquated zoning incrementally with neighborhood oriented, form-based zoning, including selective densification for appropriate sites and streets.

This recommended approach tailored to the specific contest has recently proven successful in other communities. By contrast there have been no examples presented based on city-wide universal upzoning (with the possible exception of the recent AHO overlay in Cambridge, which differs in including City subsidies and approvals, and remains a work in progress).

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all with no say in the outcome, particularly for those of us who had participated in and endorsed the Envision Plan. The petition process seems not only contrary to the character of Cambridge, but unconscionable in that there has been no civic engagement beyond limited voluntary attendance at short notice Council and Committee hearings.

As it is unlikely that the Council's chosen decision making process will change, there are also several important civic safeguards that are recommended.

- 1) Request Financial Conflict of Interest Declarations by Council Members Voting on the Up-zoning Petition (for all height and setback options): Council members owning any residential property except owner occupied residences, and who would financially benefit from property value increases, should be required to recuse themselves from voting on the petition. As the passage of the zoning relies entirely on Council voting and not on public referendum, such conflict of interest should be revealed and disqualify those members from voting on either the Ordinance Committee version of the petition or any final votes to approve.
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Finally, it has been observed by planners speaking at the January 8 Council Zoning Hearing that once a decision to significantly up-zone has been made, it is virtually impossible to reverse course and take away new acquired development rights. Please allow the petition to expire and set a new course for re-zoning that can actually result in a more affordable Cambridge.

Respectfully Submitted,

Charles Norris

446 Huron Avenue  
Cambridge, MA

**Erwin, Nicole**

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**From:** Ethan Frank <ethandf2@gmail.com>  
**Sent:** Wednesday, January 15, 2025 6:39 PM  
**To:** City Council  
**Cc:** City Clerk  
**Subject:** Looking forward to the ordinance committee meeting

Hello,

I look forward to hearing the City Staff's updates on outstanding housing questions from previous meetings, and tying up the last loose amendment ends so we can move forward with the petition, which I think is in a very good place.

Sincerely,  
Ethan Frank  
632 Mass Ave

## Erwin, Nicole

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**From:** Carol Lynn Alpert <cal10@icloud.com>  
**Sent:** Wednesday, January 15, 2025 5:24 PM  
**To:** City Council  
**Cc:** City Clerk; City Manager  
**Subject:** zoning: Please start over

Dear councilors and managers of our community,

It's so strange to think of the Cambridge city council doing something akin to what the MAGA people want to do - "drill baby drill" in our national preserves; and you folks - "build baby build" indiscriminately across the fabric of our historic neighborhoods. A few years ago our apparent goal was to be a balanced resilient open diverse green city, celebrating our various neighborhoods, not an open door to unfettered, unmodulated greed-driven development. Please start over with the consultation of experts and a review of the efforts and results from other municipalities seeking to bring in more affordable housing.

Please resist the political pressure to all in one season gamble away our city's historic legacy, neighborhood character, and generational continuity, in such a radical undoing of any urban planning engagement, neighborhood consultation, careful project review, concern for canopy, stormwater absorption, and environmental resiliency. Why should Cambridge, historic graceful, gritty and legendary Cambridge do the work of the entire region in providing more housing, when we have already done so much (I'm thinking Alewife, the redevelopment of Corcoran Park near me, the MIT commitments and more). The new MBTA legislation is going to bring more balanced housing development along transportation corridors miles out from the city. Why should we pretend that leaving it in the hands of the marketplace and developers in Cambridge is going to achieve our ends?

We used to have a significant long green corridor running down the backyards of houses along Holworthy and Cushing. In recent years, this has been filling up with some multifamily homes and some 35 foot tall cubic luxury residences. But, at least when the lots behind our home and those of our neighbors were built, there was a 35 foot height limitation and a 30 foot setback from the back lot borders. Many large canopy trees were taken down, but there was a special permit design review, and that allowed us to request certain considerations like replacement landscaping to preserve some green space, put in some trees, and retain some privacy. Now, because my neighbor on the south side has a lot over 6,000 sf, I am dismayed that my home, yard, and solar panels might end up totally in shadow all day long of a newly allowable 3-9 story building extending from street to back fence with only 5 feet of clearance. As I wrote recently, I honestly feel betrayed by the city proposing to so radically transform my life and those of my neighbors. We chose this neighborhood for many reasons, including the scale of the homes and schools here and the balance of green space, canopy and walkable city context. We already have economic and cultural diversity. I don't want to live in a housing canyon!

I'm very disappointed that all of the proposals wish to raise the height of buildings in our B residential districts, where previously we were all held to 35 feet max, ample setbacks and backyard setbacks of 30 feet. And 35 feet is less high than some three story buildings, depending on story size and raised foundational levels. If a 3-9 story building is erected on the lot to the south of mine with only 5 foot setbacks on all sides, I will lose all access to daylight to all of my windows and to the 19 solar panels on the roof, installed as part of Cambridge's solar condo program.

Bringing in local urban planning experts to provide counsel should have been done from the beginning. Honestly, it seems as if some city councilors got carried away with the term "exclusionary zoning" as if no planning or caretaking of neighborhoods mattered. I am in favor of allowing multifamily housing everywhere, but I would like to retain 35 foot height limits in traditional residential neighborhoods, retain design review with attention to green space, canopy and stormwater drainage, and protection for existing solar installations.



"Form-based zoning," sounds like a good idea. I appreciate its attention to physical and visual aesthetics and its concern for street-level social continuity in architecture. That's what I'd like to see for Cambridge. And municipally-sponsored affordable housing, in scale with the neighborhoods, and allowed taller along our major transportation corridors.

I just think Cambridge ought to go gradually and carefully on this one, heeding the lessons of prior communities and valuing what makes Cambridge such a special one.

Respectfully,  
Carol Lynn Alpert  
Strawberry Hill

## Erwin, Nicole

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**From:** Gordon Moore <hugmoore183@gmail.com>  
**Sent:** Wednesday, January 15, 2025 4:59 PM  
**To:** City Clerk  
**Subject:** Students taking up our rental spaces  
**Attachments:** student housing in cambridge.docx

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Gordon T. Moore MD, MPH (he/him/his)  
Professor of Population Medicine, Harvard Medical  
401 Park Drive, Suite 401, Boston, MA 02215  
[Gordon\\_moore@hms.harvard.edu](mailto:Gordon_moore@hms.harvard.edu) or [Hugmoore183@gmail.com](mailto:Hugmoore183@gmail.com)  
Tel: 617-491-6278  
Cellphone: [617-966-7071](tel:617-966-7071)

**We need to ascertain how many students are in our City apartment units. Should't it be our universities who house them rather than middle income renters whom we seek to encourage?**

**Gordon Moore**

**For Ordinance Committee Meeting 1/16/2025**

I have been suspicious for a long while that the majority of renters in our neighborhood are students. I have been studying the lot and residential apartment lights for 1 Langdon street next door with pictures like this since before Christmas holidays. I did so to get an estimate of how many students might be among the renters. The study demonstrates that there are 17 out of 22 spaces where cars appear to be permanently absent or permanently parked (77%) over the holidays and especially from Jan 6<sup>th</sup> -10<sup>th</sup>, when one would have expected the vast majority of non student renters to have returned. The students are formally on break until around Jan 20<sup>th</sup>. The lights in the units in the building tell the same story. That is, about 75% of the units are dark and one can at least logically assume that they appear to be rented to students.

Why is this important? If this is typical, then we are housing students and it is no wonder that housing is expensive for middle income people. Moreover, a substantial proportion of the students can pay for and presumably afford a car.

It is not just the rich that are raising prices but we are also serving as a dormitory for the Universities and that demand is also raising prices. If we were to build more housing, it would be taken by students as well as the wealthy. Therefore, the argument that we need to build more to lower costs and make housing available for mid-income people is undermined by the fact that we are relieving Harvard of the need to build facilities to house its students at an affordable non-for-profit cost. In some really weird twist of logic, the city is subsidizing at least Harvard and perhaps MIT although the latter has appeared to be more active in building student housing.

This revelation (to me at least) is sobering. We may think we are increasing housing that will attract middle income people but this finding suggests that the students and wealthy will be the ones who snap up the extra housing we are proposing to build. Good luck to the assertion of some councilors that this will make Cambridge more affordable for families and working class people above the poverty line. That is my objective and this petition fails to accomplish that.

I was leaning towards a four plus two plus review but I must say this has changed my mind. We really don't know what we are doing and I do not want to be supporting Harvard. I think we need to stop this petition while we can and begin to study our objectives and determine what

housing and how we can help those middle income folks who need it and will contribute to our diversity.

Please see the attached picture of the parking lot today, which is pretty typical of what it has been mostly like for the whole week.



in the Allston campus, Harvard plans to build 259 commercial residence units after many years of hardly any contribution to housing its students.

## Erwin, Nicole

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**From:** Alison Field-Juma <fieldjuma@gmail.com>  
**Sent:** Wednesday, January 15, 2025 4:52 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Citywide upzoning petition is not the solution  
**Attachments:** Dec. 18 Upzoning Letter.pdf

Dear City Councillor,

It is generally agreed that we need to allow multi-family housing citywide, and I fully support that. I am writing to ask the City Council to put in place a proper consultative process with the input of recognized nonpartisan professionals, based on actual data, rather than accept the citywide multifamily housing zoning proposal currently before you. I will not reiterate what I stated in my letter of Dec. 18, 2024, attached. Unfortunately, the minor amendments made to the proposal since then have not significantly addressed these concerns.

I, and many other Cambridge residents, business and property owners, and City staff spent untold hours—and the City spent a lot of tax dollars—on the Envision process. Envision devoted considerable time addressing housing and provided specific recommendations, which did not include this zoning proposal. This proposal, on the other hand, has had virtually no public process or outreach, and little to no professional input or analysis of impacts other than by interested parties. Why?

I must ask: Why on earth did we participate in the Envision process? Where does zoning with virtually no rules work? Where are the data that show that this proposed approach will meet the City's MANY important goals, and not just create more inequity and market rate (e.g., very expensive) housing while degrading the homes and neighborhoods we currently have?

The deadline for action on this proposal should be allowed to pass and a proper process put in place to seriously assess how to best increase—in particular—the stock of affordable and workforce housing in Cambridge in the context of our citywide goals.

Thank you for your consideration and I hope you will vote NO on this petition and YES for an inclusive and research-based approach to begin without delay.

Thank you,

Alison Field-Juma  
363 Concord Ave.

**Alison Field-Juma**  
363 Concord Avenue  
Cambridge, MA 02138 USA  
fieldjuma@gmail.com

Dear Cambridge City Council,

Re: Citywide multifamily housing zoning proposal

I write reluctantly but feel that this is now too important to stay on the sidelines. I grew up in Boston and Cambridge and own a two-family house in Cambridge. My tenants have always been young families, and I have always kept the rent well below market rate. My cost of owning the house has not increased as fast as rents have, and I see no justifiable reason that I should profit off of that. I am absolutely in favor of more affordable and workforce housing and completely opposed to more “market rate” housing that negatively affects the quality of life and climate resiliency of the city. My background is in environmental science and planning.

First a few observations:

1. **No matter how much housing is built in Cambridge it will not satisfy the demand for housing in Cambridge or Greater Boston.** I have seen no evidence that it will reduce rental or housing costs in Cambridge. This is a very attractive community, with employers and transit—people will always want to live here, it is a magnet. Thousands of housing units have been built in the Alewife quadrangle, triangle and New St. over the past decade, nevertheless housing prices continue to rise. The massive residential construction at Alewife seems to have made no difference to housing affordability. If it has made a difference, let someone show us the data. Cambridge has been doing (more than) its share.
2. **There is a climate crisis as well as a housing crisis.** Cambridge is a very desirable place to live in part because its neighborhoods are so pleasant. The city has invested heavily in having lots of street trees and as a result it is shaded and cooler in the summer, which is critical with increasing summer temperatures making many urban areas nearly unlivable. The city has put a huge amount of effort into making the city climate resilient, reducing the heat island effect, and reduce our GHG emissions. Eliminating side and back yard setbacks and minimizing front yard setbacks torpedoes all this work. We need open green space to absorb stormwater and reduce flooding, and to provide water to the street trees and trees growing in back yards and side yards. No zoning should be adopted without an analysis of how it would impact the city’s climate resiliency and urban forest.
3. **We are steadily losing good workforce housing to luxury houses.** On the street next to mine, within two short blocks, three two-family houses are being converted right now into extremely expensive single-family houses. So, six units lost right now in just two short blocks. I see this happening all over this neighborhood. Since zoning can define the number of units allowed on a site, why can’t downzoning be applied to restrict conversions to one-family homes? Note that these are going on the market at, for example, \$5 million. The developers reap a big profit, and we have lost housing. If we are serious about wanting more housing, then this should be stopped. We have been told by CDD, that this is not a significant loss—it surely is where I live. I’ve also heard that this is hard to do legally—tell us why and try it.
4. **Many Cambridge residents have invested in solar panels on their roofs** which is one reason that Massachusetts is a national leader in distributed solar electricity generation. These should be protected from shading by taller buildings. Many people (as well as the city) care for and have invested in trees on their property—not an easy thing to take care of in a dense city. Some 43% of the tree canopy is based on private lots. Development of a property up to the lot lines not only removes trees, but it is also likely to kill trees on the abutting property and street trees by cutting roots and sunlight. These must also be protected or the damage mitigated.
5. **All Squares and Corridors are not created equal.** Adding density in squares and corridors makes sense in general. However, at least one corridor (Concord Ave. west of Huron Ave.) is no wider than the side streets (I measured it), and buildings over 6 stories would have an outsized negative impact. The designation of Corridors needs to be revisited and applied where it makes sense based on actual conditions.
6. **How does this proposal square with Envision Cambridge and the Urban Forst Master Plan?** Has there been a thorough analysis of the impact, and how to reduce the impact, on these plans which were such a huge investment by the city and its residents?

I can accept change and larger buildings in the city—nothing stays still and that's fine. But only if it is effective, done with care, and for the right reasons—that's why city planning exists. Planning Board review is where the care comes in, as well as well-written and specific zoning (e.g., squares and corridors, setbacks and lot sizes) that keeps the city climate resilient and livable. We have duty of care for our historic districts—they are part of American history. The right reasons are to increase the workforce and affordable housing stock so that Cambridge can house its workers and not become a city of only the very rich and the poor—that will not be a community. Unfortunately, that is where we are headed without more careful planning than this zoning change proposes.

For the above reasons I strongly support citywide multifamily housing that:

- **Is targeted to relate to the surrounding landuse.** Building height over 4 stories should relate to the location of the building, not be the same recipe no matter the context.
- **Provides affordable and workforce housing.** It should not facilitate more luxury/market rate housing unless it includes permanently affordable inclusionary units. Housing built under the zoning change should increase the number of units on the site and in no case reduce the number of units on the site.
- **Maintains front, side and rear setbacks everywhere and a minimum lot size** (to avoid skinny towers with few units). The 30% open space should be permeable open space. Loss of on-site and abutting trees should be mitigated on site or offsite (this is standard for environmental damage mitigation, see the Wetlands Protection Act). Complies with the Green Factor requirement.
- **Ease restrictions on dormers, accessory units and other impediments** to increasing density with less footprint impact.
- **No as-of-right buildings over 4 stories/45' above grade in the new C1 overlay;** maintain binding Planning Board design review for urban design of townhouse and multifamily housing developments that would exceed this, possibly with allowance for more height for added permanently affordable units.
- **Meets the city's climate resiliency guidelines,** especially including permeable open space. **Aligns with Envision Cambridge and Urban Forest Plan goals.** New developments must manage their own stormwater on site.
- **The overlay zoning should not apply in Historic Districts.**
- **Maintain a robust mechanism for public input.**

I very much hope that the City Council supports proposals that meet these values that will result in a healthy, equitable, economically vital and climate resilient city. We all want smart city planning for this century.

Thank you,

Alison Field-Juma

Dec. 18, 2024

## Erwin, Nicole

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**From:** gcsimmers <gcsimmers@comcast.net>  
**Sent:** Wednesday, January 15, 2025 4:03 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.



## Erwin, Nicole

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**From:** John Whisnant <jwwhisnant@gmail.com>  
**Sent:** Wednesday, January 15, 2025 3:35 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

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Best.

John Whisnant  
61 Otis St.

Sent from my iPhone

## Erwin, Nicole

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**From:** Gale Hunt <galestuarhunt@gmail.com>  
**Sent:** Wednesday, January 15, 2025 3:28 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor,

As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

At the least, the proposal should be amended I include:

1. Design review by the City Manager and the neighbors
2. Setbacks of 20' on the front and back to allow for appropriate green space and 10' on side yards to accommodate service to the building
3. 40% open space for environmental reasons so that we can protect tree canopy and offer some shade, cooling and freshen air as heat levels will continue to increase in years ahead.

We are in favor of increasing housing supply as long as there is effort and expertise used to balance other extremely important priorities that directly affect the health and well being of of all Cambridge residents. Until the considerations above are included, this proposal is a destructive means of attempting to allieiate a housing crisis that is a regional one if not national.

Thank you for considering these points and the concerns of Cambridge residents,

Gale and Terry Hunt  
36 Larchwood Drive  
Cambridge

## Erwin, Nicole

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**From:** Susan Bellows <sbellows2@verizon.net>  
**Sent:** Wednesday, January 15, 2025 3:14 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine; City Clerk  
**Subject:** Citywide Upzoning Petition

Dear Councilors,

We are writing to urge you to vote against the proposed citywide upzoning petition. The proposal is vague and lacks design guidelines or sufficient protection of green space. The ordinance fails to provide mechanisms for proper oversight, and essentially provides developers the power to do the zoning for us. Although the ordinance has been promoted as a solution to the city's affordable housing crisis, which we do agree needs addressing, it will primarily benefit investors and developers who will have free rein to build luxury housing that will ultimately exacerbate the city's housing issues, while threatening to destroy the scale, green space, density, and design that makes Cambridge such a desirable place city to live. It will likely increase land costs thus pushing out the very communities it seeks to serve.

We are fully in support of inclusionary multi-family and affordable housing, but this ordinance does not seem the best way to create that. Instead, it risks interfering with Cambridge's climate goals, demolishing the city's historic and eclectic architecture, and only furthering the aims of high-end developers who seek to profit off of our valuable land with luxury units and minimal affordability restrictions. Removing every remaining legal barrier and point of leverage the city has to instead simply trust that wealthy developers will "do the right thing" seems thoughtless and rash, considering that most developers are already proven to have little interest in designing their buildings—with appropriate setbacks, aesthetics, and affordability—to serve the community.

To achieve a goal of affordable multi-family housing, some restrictions will inevitably need to be loosened or lifted, but simply removing all of them benefits wealthy developers—who are often unconcerned with historicity, affordability, and inclusion unless legally forced to be—seems very shortsighted and antithetical to the ideals of Cambridge.

Our family has lived in Cambridge for over thirty years. As lifelong renters who do not own property, we too are often frustrated by the city's high rents and expensive housing. However, this proposal does not seem like it would meaningfully address these issues and instead threatens to radically transform everything we love about this city.

Moving forward, the 3+3 amendment might offer a solution better than total deregulation, but it is unclear whether it includes necessary design guidelines, oversight and protection of green space, so even this may still require further work. We would prefer to allow this petition to expire so that a more thoughtful and Cambridge-centered approach can be taken.

Thank you,

Susan Bellows, Julian Knight and Jeff Knight  
19 Ware Street  
Cambridge, MA 02138

## Erwin, Nicole

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**From:** Sharon Stichter <sharonstichter@comcast.net>  
**Sent:** Wednesday, January 15, 2025 3:08 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

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**Erwin, Nicole**

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**From:** Gordon Moore <hugmoore183@gmail.com>  
**Sent:** Wednesday, January 15, 2025 2:59 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

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## Erwin, Nicole

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**From:** Ayah Roda <ayah@masshousingcoalition.org>  
**Sent:** Wednesday, January 15, 2025 2:51 PM  
**To:** City Council  
**Cc:** City Clerk  
**Subject:** Cambridge Multifamily Zoning - MHC Letter Cambridge City Council  
**Attachments:** Cambridge Multifamily Zoning - MHC Letter Cambridge City Council.pdf

Mayor Simmons and Members of Cambridge City Council,

The Massachusetts Housing Coalition (MHC), representing over 11,000 Commonwealth residents, strongly supports Cambridge's 4+2 Multifamily Housing Zoning Petition as currently drafted. We believe this a bold step toward addressing our housing crisis and strikes the right balance between neighborhood compatibility and housing production in Cambridge.

We also respectfully suggest your consideration, outlined in the attached letter of support, for the Cambridge Planning Board to offer design guidance—not approval authority—for the additional 2 stories of housing being contemplated. This suggestion ensures thoughtful integration of these homes by prioritizing affordable housing and sustainable design, while recognizing and including much-needed neighborhood engagement.

Additionally, we urge the Council to continue its work to increase density in Cambridge's commercial corridors. Cambridge has an opportunity to lead by allowing higher-density housing and unlocking critical housing potential in these areas, however, it is critical that the Council couple the passage of the 4+2 zoning proposal with the corridor zoning reform. We believe these two efforts must work in concert with one another for either of them to be considered a success.

And finally, our organization is strongly advocating for a mixed-income approach to inclusionary zoning, by adjusting HUD criteria to accommodate middle-income families, including teachers, police officers, and trade workers. This approach would diversify affordability and improve the feasibility of future housing projects. And though we understand that this is not currently being considered by the Council, we strongly urge you to consider this reform as part of future housing policy debates this year.

Thank you for your bold leadership on housing. Your consideration of support for this transformative proposal to address our shared housing challenges is truly a breath of fresh air in our ongoing fight to make housing more affordable and available in Massachusetts.

Yours,

Ayah Roda  
Outreach Director, Massachusetts Housing Coalition



Massachusetts  
Housing Coalition

January 15th, 2025

Cambridge City Council  
795 Massachusetts Ave  
Cambridge, MA 02139

Dear Mayor Simmons and Members of Cambridge City Council,

Founded in 2020, MHC's consistently growing membership of 11,305 (and counting) Massachusetts residents have been a strong voice for innovative changes to local zoning codes in order to meet the moment in our housing crisis.

We share the same values as the City of Cambridge and the Cambridge City Council to undertake bold, pro-housing approaches that eliminate the harmful effects that 20<sup>th</sup> Century zoning ordinances have placed on our 21<sup>st</sup> Century housing needs.

With that in mind, we believe that the Cambridge Multifamily Housing Zoning Petition currently being considered with 4 stories by right with 2 additional stories with inclusionary housing as an essential element ("4+2") is the right formula to get Cambridge toward its housing goals again. As many have expressed, and we agree, 6 stories by right citywide is perhaps too broad for an appropriate zoning treatment. Instead, for any new construction under the plan on a 5,000 sq ft lot, the additional two stories should go to the Planning Board for design guidelines appropriate to the neighborhood.

We do not advocate for the Planning Board to have the power to reject or approve the additional height, density or number of units. Rather, we believe it is the duty of the Planning Board to guide the public discussion and feedback on how the design of these dwellings can fit into the surrounding environment today and in the future. This could involve revised design suggestions and offering expertise on use of sustainable materials, fenestration and other elements that impact the streetscape. This design review concept by the planning board is a reasonable approach that maintains neighborhood involvement and encourages housing production that will include the affordable units that we all want and need to see in Cambridge. This amendment to the proposed ordinance would offer valuable quality control for the community and its many members who rightfully spend time thinking and advocating for suitable homes to embrace in their neighborhoods.

## **Corridor Density Zoning Reform is Crucial**

Our organization has consistently advocated for greater density in transit areas and commercial corridors. An essential element to the success of this multifamily housing ordinance is for the Council to encourage greater densities in the commercial corridors in Cambridge.

We are excited to see these efforts underway and an inherent part of the Council's thinking on housing. Additional stories throughout the corridor built environment would mark a significant leap for Cambridge, its residents and its environment. While the MBTA Communities Act has become a bright spot in recent years, our land use planning still suffers from zoning requirements that do not allow multi-story development as is similarly being proposed under the 4+2 plan. We are nowhere near where we should be in making this practice an inherent feature of our zoning codes in Massachusetts, however, MHC as well as numerous other housing organizations recognize the leadership role that the City of Cambridge appears to be taking on this issue.

In truth, this multifamily zoning petition cannot be called a success unless and until an equally innovative ordinance is passed to allow higher and denser housing in the transit areas and commercial corridors. We believe that we must begin adjusting density requirements now in order to jumpstart new construction, rehabilitation, and the improvement to existing housing along these corridor areas in Cambridge.

## **Income Strata in HUD Affordability Criteria**

The Council should also take advantage of this opportunity not only to advance more housing in commercial and transit corridors but to implement strategically important changes to the inclusionary zoning ordinance.

As an organization of tenants, homeowners and housing providers we see the systems change that is needed throughout the housing ecosystem in Massachusetts. We see that for the past 20 years since the Cambridge inclusionary zoning ordinance took effect, the city has either been building luxury housing or low-income housing – very rarely is there anything built in between.

Additionally, housing providers would significantly benefit from flexibility within the 20% inclusion zoning that adjusts the HUD median income requirement allowing for households that make up to 120% of the Area Median Income (AMI). We urge the Council to consider selecting a stratification of HUD median requirements, so that a mix of affordability can attract middle income families that we've lost and who do not qualify for Cambridge's affordable units – teachers, firefighters, police officers, and trade workers.

This would provide true mixed income housing to take hold in Cambridge and allow for these buildings to be financeable with a diversification of affordable incomes. We see this as a way to break the unintended barrier toward 20% affordability being truly included in future housing proposals in Cambridge.



## **Meeting the Moment**

The demand for housing in Massachusetts has moved beyond the crisis point and addressing it with the same old policy ideas only worsens the quality of life in our state while doing nothing to address skyrocketing costs.

We urge the Council to support the 4 stories by 2 story proposal as currently contemplated. With this proposal, the City of Cambridge is not building for the present, it is building for the future. This ordinance could unlock housing potential in a lot of areas where many NIMBY groups have refused to compromise.

In light of that, we further urge the Council not to accept amendments to this ordinance that claim to offer solutions but are clearly masked by NIMBY advocates to preserve the status quo. Cambridge's housing needs will not disappear with any one ordinance, nor will Cambridge's previous housing success be destroyed by it. We understand that housing policies need time to develop their impact over a longer horizon. This, like any housing ordinance, is designed for the future of the city. However, the longer it takes to develop housing units unwittingly increases the cost of production and therefore the cost of each unit - exacerbating our housing crisis.

The Cambridge City Council is taking a bold step that not only aligns directly with the values of the Massachusetts Housing Coalition, but with the generations of individuals and families that will call Cambridge their home in the coming years and decades.

We urge the Council's full support of 4 + 2 Multifamily Housing Zoning Petition and we applaud the efforts of the Council to support the ideas that will bring meaningful change to housing in the city.

Yours in Service,

Board of Directors  
*The Massachusetts Housing Coalition*

## Erwin, Nicole

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**From:** Sandra Tropp <sandy.tropp@gmail.com>  
**Sent:** Wednesday, January 15, 2025 2:00 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Sincerely,

Sandy Tropp

31A Linnaean St.

Cambridge, MA 02138

## Erwin, Nicole

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**From:** bowman@jfbfamilyservices.com  
**Sent:** Wednesday, January 15, 2025 1:41 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring. I am horrified that the current proposal does nothing to ensure that developers dedicate the units they could now build free of any restraints to affordable housing. Thank you, Judith Bowman, Buckingham Street

## Erwin, Nicole

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**From:** Hadley, Shelagh <shadley@bu.edu>  
**Sent:** Wednesday, January 15, 2025 1:14 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councilor

As a longtime Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods.

Please let the current proposal expire and start over again in the spring.

Thanks, Shelagh Hadley

## Erwin, Nicole

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**From:** Ann Haycox <ann.haycox@gmail.com>  
**Sent:** Wednesday, January 15, 2025 12:06 PM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor,

As a long time Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Sincerely,

Ann Haycox  
160 Chestnut Street  
Cambridge, MA

617 416 0733

## Erwin, Nicole

---

**From:** Vanessa Azzone Dhanji <azzone@gmail.com>  
**Sent:** Wednesday, January 15, 2025 11:57 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillors and Mayor of Cambridge,

As a Cambridge resident for almost 30 years, I strongly urge you to oppose the citywide multi-story rezoning petition.

There are too many unresolved questions and issues around the current proposed ordinance to create more housing.

The City of Cambridge still has many more important issues to address. 40 percent of Cambridge drain pipes and sewer pipes are commingled so when it rains a lot and the system is overwhelmed, some runoff/sewage mix is released in the wild.

Adding the enormous amount of units and people without a clear plan will make this just a worse mess. Electric wires are precocious hanging on most of the residential streets and you need a little wind to take them down and block streets/cause damages to properties and cars, and that could also lead to fires and more serious consequences. Construction works around the city is going at a snail pace (River street has been under construction for what, 2 years?). Our school system has been the center of a lot of criticism recently and I could go on and on. I love Cambridge but come on.

The multi-story petition is not well thought out and it is not made to help the city and its residents. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. **Council should let the current proposal expire and start over in the spring.** Cambridge is the Home of MIT and Harvard and so many bright professionals and you should use their help to think this plan very carefully. They are offering and you should take advantage of it and show that you can help Cambridge and its residents work on a better plan.

Best regards

Vanessa Azzone  
36 William street  
Cambridge

## Erwin, Nicole

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**From:** Tim Shaw <tshaw120@gmail.com>  
**Sent:** Wednesday, January 15, 2025 11:38 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

To the City Council:

I first came to Cambridge as a young adult in the early seventies. I immediately fell in love with the city and I have lived here ever since. During my fifty years in Cambridge, I have seen many changes, some good and some bad. But I have never seen a threat to the fabric of my adopted city as dangerous as the massive citywide rezoning plan now being considered. I believe the citywide up-zoning effort is misguided not only because it lacks design guidelines and oversight, removes legal rights from residents and will lead to home demolitions, evictions, and lease terminations, but also because it will cause irreversible harm to our environment and to the character of our city.

Zoning was originally created to separate factories from residential areas, establish and separate commercial districts from housing, and to protect and provide stability for all-income neighborhoods. Far from being an "exclusionary" process, Cambridge has always provided a variety of protections for all neighborhoods. This radical and poorly considered citywide change will only serve to quicken the pace of gentrification and further exclusivity.

I urge the Council to let this petition run out at its termination date in February. The City can start again in the spring to create a better plan, with input from all members of the community.

Tim Shaw  
147 Mount Auburn Street



## Erwin, Nicole

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**From:** Donald Grossman <donald.grossman@gmail.com>  
**Sent:** Wednesday, January 15, 2025 11:33 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** More Multi Family Up-Zoning Awards

To Cambridge City Council:

Recently you had the opportunity to earn the **RFK Junior Profile in Nescience Award**. Now, there are a few more awards up for grabs.

- Maybe the **DJT Rotten Egg Award** for promising the proposed Zoning will somehow make market rate housing affordable?
- How about the **Mike Johnson Legislation by Throwing Spaghetti on the Wall Award**, to see what sticks?
- Perhaps the **DJT Drill Baby Drill Award** for thinking largely wholesale deregulation will not have adverse consequences on traffic, climate, etc.?

Hopefully you will not choose these for your legacy.

Magic thinking that somehow building even 20 percent more units than now exist, by cannibalizing some of the most affordable market rate units, demolishing, and upbuilding, will satisfy the market, is just as mendacious as winning reelection by promising lower egg prices. According to a [recent survey](#), 63 percent of the Cambridge 25-44 year old households have an income in excess of 150K. Demand will readily outstrip supply.

Zoning by proposing an overbroad, draconian set of options, and then taking away some of the spaghetti off the wall, still leaves you with a messy wall. The legislation should be built from the bottom up, knowing what the consequences are. This was substantially supported by last week's Neighborhood and Long Term Planning Committee meeting experts, Ironically, the lack of audio in the broadcast supports the contention that experts are literally not being heard.

Deregulating by allowing broad multifamily zoning is not problematic. However, the one size fits all approach that was originally proffered, or the watered down one size fits most approach, is naive and does not recognize that FAR, setback, and height limits require nuance and understanding of the consequences.

As an example, the one-third acre lot where I live and work could, with 30 percent open space, support 40, 60, or 90 units (1000 sf each) - depending on the mix of affordability. What are the chances that none of those renters or condo owners would want cars? That going from 60 to 30 percent open space would not be adverse? Try to get out of Cambridgeport via the BU Bridge at 4-6 pm with the added burden of substantial additional ingress or egress!

Think the amendments you proffered would make a difference. Consider one of your fellow councillors, who shall be nameless, let's call her CZ, who owing a ~5700 sf lot, with the same 30 percent open space and assumptions, could build 16, 24, or 36 units. I am sure that would endear her

to the neighbors - but although said nameless councillor would never do this, others could helter-skelter as of right.

Hopefully you will elect to pause, reanalyze and not do irreversible damage to the City. Perhaps instead aspire to win the **JEC (of blessed memory) Camp David Accord Award** by hitting reset, respecting and using experts, bringing all constituents together, and working out an agreement that balances and respects the strongly felt needs and desires of all. This will not happen on the current trajectory.

Sincerely,

Donald Grossman  
179 Sidney Street

## Erwin, Nicole

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**From:** OMAR ETON <oncologist@aol.com>  
**Sent:** Wednesday, January 15, 2025 11:17 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Also please delay any decisions on this topic pending further research that leads to better outcomes tailored to each neighborhood in Cambridge!

Omar Eton

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Sent from my iPhone

## Erwin, Nicole

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**From:** John Pena <johncbpena@gmail.com>  
**Sent:** Wednesday, January 15, 2025 10:58 AM  
**To:** City Clerk; City Manager; City Council  
**Cc:** Cathy Pena  
**Subject:** Against upcoming proposal draft

Dear Cambridge City Council:

I am writing in response to the up-zoning proposal that the city councilors are currently discussing. I am strongly opposed to the current upzoning proposal as it is currently drafted. And I think it would be extremely important - as a current Cambridge resident - to get answers/explanations to a few questions before approving any upzoning proposal.

1) Why has the city not carefully analyzed the impact of the proposed upzoning and shared those unbiased, thoughtful analyses with current residents of Cambridge? There will absolutely be increased costs for city services that the city will need to pay for - and it is not clear how these costs will be met. Increased revenue via taxes? While it is easy to say that commercial properties will pay it - as Boston is experiencing - commercial entities are moving out of Boston. This can absolutely happen (and is starting to happen) in Cambridge. Watertown, Waltham, Medford - are all rapidly becoming very attractive locations for businesses.

2) Why has the city council not explained its plan for how this upzoning will lead to affordable housing - which is, I think, the social experiment that many councilors seem to be promoting? It would be (I think) incumbent on the city councilors most in favor of these upzoning policies to describe carefully how they expect this upzoning to lead to significant impact in affordable housing - not just more \$1MM+ condos - and minimal "affordable" condos. There are several examples (in comparable cities to Boston) where, under good intentions, more housing was considered. However, my understanding is that these social experiments in other cities in the USA have not worked out as planned. Cambridge is not the first city to have these ideas - perhaps it would be beneficial to learn from other city experiences. And to have the city council explain to us, your constituents, why your plan will be better/successful.

3) Why does the city council believe that it can act in direct opposition to a large portion of the city residents, to permit upzoning in all segments of the city? I strongly believe that it is short-sighted to make decisions without careful analysis and planning and presentation to all current residents. I also think it is short sighted to push through an agenda that does not resonate with all residents of Cambridge - especially those that do live in single family neighborhoods - and are keen to maintain that environment in Cambridge. It is almost as if the city council is against single family housing - but why? Shouldn't the character of all Cambridge neighborhoods be viewed with equal measure. While I am sure that it is true that there are a few city segments that would like more housing in their already impacted neighborhoods - that is not true of all neighborhoods. I strongly feel that Cambridge will lose its unique character by not trying to maintain/champion ALL neighborhood environments - and to maintain these neighborhoods.

Thank you for your consideration and we all look forward to the City Council pausing on upzoning proposal and undertaking a careful analysis that addresses the concerns that many residents share - particularly when the experience in other cities do not demonstrate feasibility.

Regards,

John Pena

**Erwin, Nicole**

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**From:** Laney Bank <laney576@gmail.com>  
**Sent:** Wednesday, January 15, 2025 10:19 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor,

As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Thank you,

Helene Bank  
Putnam Ave, Riverside

## Erwin, Nicole

---

**From:** Lajer-Burcharth, Ewa <burchart@fas.harvard.edu>  
**Sent:** Wednesday, January 15, 2025 10:10 AM  
**To:** Simmons, Denise; McGovern, Marc; Siddiqui, Sumbul  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Ewa Lajer-Burcharth

Martin Burcharth

40 Holworthy St.

Cambridge, 02138

## Erwin, Nicole

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**From:** Susan Pitman Lowenthal <susan.w.pitmanlowenthal@gmail.com>  
**Sent:** Wednesday, January 15, 2025 9:40 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing.

You have not studied the impact on HISTORIC residential neighborhoods & their streetscapes which are on the National Register of Historic Places of this petition.

We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Since these petitions DO NOT adhere to Envision 2019, Cambridge's Plan of Development, it would be a dereliction of duty, as elected officials accountable to us Citizens of Cambridge, to pass these zoning regs which are incompatible with previously-approved Envision 2019.

Best regards,  
Susan  
Susan W Pitman Lowenthal MD MPH  
385 Huron Ave



## Erwin, Nicole

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**From:** James Bertram <jbertram@me.com>  
**Sent:** Wednesday, January 15, 2025 9:22 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

James Bertram  
Owner, 27 Upland Rd

## Erwin, Nicole

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**From:** Dena Brody <deebrody@gmail.com>  
**Sent:** Wednesday, January 15, 2025 9:20 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor -

As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Thank you.

Dena Feldstein  
661 Green Street

## Erwin, Nicole

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**From:** euphrates425 <blueglassfall@gmail.com>  
**Sent:** Wednesday, January 15, 2025 9:03 AM  
**To:** Simmons, Denise; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Azeem, Burhan; Sobrinho-Wheeler, Jivan; Toner, Paul; Wilson, Ayesha; Zusy, Catherine  
**Cc:** City Clerk  
**Subject:** Please vote NO on citywide upzoning petition

Dear City Councillor - As a Cambridge resident, I strongly urge you to oppose the citywide multi-story rezoning petition. There are too many unresolved questions and issues around the current proposed ordinance to create more housing. We need outside independent professionals to help draft a plan that will do what we really need it to do without harming our environment, pushing out lower-income residents, demolishing existing homes, and transforming neighborhoods. Council should let the current proposal expire and start over in the spring.

Thank you,  
Lahra Tillman  
Dudley street

Sent from my iPhone

## Erwin, Nicole

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**From:** Young Kim <ycknorris@gmail.com>  
**Sent:** Tuesday, January 14, 2025 6:24 PM  
**To:** McGovern, Marc; Toner, Paul; Simmons, Denise; Azeem, Burhan; Nolan, Patricia; Siddiqui, Sumbul; Sobrinho-Wheeler, Jivan; Wilson, Ayesha; Zusy, Catherine  
**Cc:** Huang, Yi-An; O'Riordan, Owen; Farooq, Iram; Planning Board Comment; Roberts, Jeffrey; City Clerk; Joseph, Swaathi; Warren, Dominic; Cotter, Chris  
**Subject:** 1/16 Hearing : Extent of MFH Amendments  
**Attachments:** ZO Table of Contents Short.pdf

### **To the Honorable Co-Chairs and Members of the Ordinance Committee,**

Please see the attached summary of changes to Zoning Amendment Articles 1-5. This is all the time I had to prepare it but I wanted to show you the extent of these massive Multifamily Housing Petitions. This Zoning Amendments are without or sometimes faulty

- stated goal
- analysis of the need for the amendments to achieve the goal
- and analysis of how the amendments will achieve the goal
- thorough impact analysis
- consultation with impartial subject matter experts or at least evenly divided proponent and opponent experts

As I have been stating in my emails, the City is failing every one of the above which I can back up with facts with links to City webpages. The latest email was the Fact Check Survey which you can find at [this link to the survey](#)

I urge you not to take final vote should CDD submit amended MFH Petitions at or before your meeting on 1/16 without Planning Board's and public's review comments on them.

Thank you for your consideration,  
Respectfully yours,  
Young Kim  
Norris Street

Title	Subtitle	Content
ZONING ORDINANCE CITY OF CAMBRIDGE, MASSACHUSETTS		Published in 2019 by Order of the City
ARTICLE 1.000	PREAMBLE	
ARTICLE 2.000	DEFINITIONS	Changed definition Multifamily Dwelling and Subdivided lot
ARTICLE 3.000	ZONING DISTRICTS	Deleted Res A-1, A-2, Res B and Res C Districts
3.10	DIVISION OF THE CITY INTO ZONING DISTRICTS	
3.20	ZONING MAP	Delete the designations "Residence A-1, Residence A-2, Residence B, and Residence C" and change all districts currently designated Residence A-1, Residence A-2, Residence B, and Residence C to a designation of Residence C-1.
3.30	RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES	
ARTICLE 4.000	USE REGULATIONS	
4.10	GENERAL CLASSIFICATION RULES	
4.21, 4.22	SPECIAL CLASSIFICATION RULES	
4.26	Deleted	
4.28,1	No Change	
4.30	TABLE OF USE REGULATIONS	
4.40	FOOTNOTES TO THE TABLE OF USE REGULATIONS	
4.53, 4.54, 4.55	INSTITUTIONAL USE REGULATIONS	
4.60	SHORT-TERM RENTALS	
ARTICLE 5.000	DEVELOPMENT STANDARDS	
5.11, 5.13, 5.14, 5.15	GENERAL REGULATIONS	
5.21.1, 5.21,2	STANDARDS FOR DIMENSIONAL REGULATIONS	amend the first sentence to change Height to Building Height and Stories Above Grade and Exceptions to Height Exceptions
5.23, 5.23.1		
5.23.3	New Section	
5.24.1	Amended	
5.25.4	New Section	

5.26	Deleted
5.27	renumbered 5.25.7
5.28.1	Deleted
5.28.2	Amended with the intent of facilitating as-of-right conversions to residential use if they conform to existing conditions or underlying zoning standards
5.30	Replace in their entirety Sections 5.30 and 5.40 to read as follows. Note that this amendment will
5.40	
5.51,5.52,5.53	Deleted

## Erwin, Nicole

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**From:** Marilee Meyer <mbm0044@aol.com>  
**Sent:** Tuesday, January 14, 2025 3:43 PM  
**To:** City Council; Cathie Zusy; Nolan, Patricia; Toner, Paul; McGovern, Marc; Simmons, Denise; Roberts, Jeffrey; Farooq, Iram; City Clerk  
**Subject:** please let multifamily expire and fix problems

Dear Councilors,

As we get closer to your designated time line, I think it is important to look at some factors that may help you look at your process concerning Multifamily upzoning-- a huge city change that needs more time. It might be useful to look at Somerville and its seven years of research compared with Cambridge's mention a couple of years ago and less than a year process to push this policy order through in the most stream-lined fashion for the easiest implementation. I personally feel that the Housing Committee who orchestrated this zoning to reflect the co-chairs' "personal vision", did not do a thorough or thoughtful study. Economists (which only take a snap shot of existing circumstances) are not city planners, and basing up- zoning on the densest neighborhood area for a city-wide one-size-fits-all, disregards 13 disparate districts with their own flavor, topography, scale, non-conformity. This is not about exclusionary, but context and developmental fabric of Cambridge.

It is interesting to look at Somerville's process which included so much more analysis, and consideration of neighborhoods and communities. Although their zoning is based on form-based, I think it important to see what steps they took and what we can glean from their process for a better outcome.

**G.L. c. 40A. It took Somerville seven years of research and analysis, hundreds of community meetings, multiple public hearings, and extensive review by city staff to create the city's Comprehensive Master Plan that sought to guide development through the year 2030, and then to pass its approximately 500-page comprehensive ordinance.**

Somerville is the densest community in Massachusetts, with nearly 20,000 people per square mile. The 2019 ordinance, which is roughly transect based, divides the city into nineteen zoning districts. See Official Somerville Zoning Atlas, [https:// www.somervillezoning.com/wp-content/uploads/sites/2/2022/07/Zoning-Atlas-07192022.pdf](https://www.somervillezoning.com/wp-content/uploads/sites/2/2022/07/Zoning-Atlas-07192022.pdf). Each district permits various building types, and each building in turn is permitted to have various optional building components based on each building's character.

Of course, this sounds like way too much work for our beleaguered CDD.

To develop form-based regulations, Somerville surveyed the existing urban fabric and identified over twenty distinct building types. City staff then took measurements of buildings and building features such as dormers, bay windows, cross gables, additions, and other building elements to create both typical building types (e.g., triple-deckers and mid-rise block buildings) and building components (e.g., stoops and balconies), which together create a comprehensive "building based" plan.

Cambridge didn't even come close to this kind of study.

...Section 2 of the ordinance provides a glossary that defines all terms used. The remainder of the section provides a detailed explanation of the various zoning districts, building types, standards and measurements, uses and features.

Cambridge is not looking at form-based zoning, but that doesn't mean we should not look at what it entails and what can be gleaned from it for a better product, not just for election brownie points.

Also, based on oversight, Cambridge, would lose of the **DOVER AMENDMENT**. (ACTUALLY, THE EXEMPTION FROM THE DOVER AMENDMENT KEEPING EDUCATIONAL AND RELIGIOUS INSTITUTIONS FROM SPREADING INTO NEIGHBORHOODS).

The entry reads as follows:

#### 4.50 INSTITUTIONAL USE REGULATIONS

4.51 Legal Authority. In accordance with Chapter 565 of the 1979 General Court, and as amended by Chapter 387 of the Acts of 1980, the use of land for institutional purposes in **residentially zoned districts which require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit** shall be governed by the provisions of this Section 4.50.

4.52 Purpose. It is the purpose of this Section 4.50 **to protect lower density residential neighborhoods from unlimited expansion of institutional activities, to reduce pressures for conversion of the existing housing stock to nonresidential uses, to minimize the development of activities which are different from and incompatible with activity patterns customarily found in lower density residential neighborhoods and to provide a framework for allowing those institutions which are compatible with residential neighborhoods to locate and expand there. This Section 4.50 is intended to accomplish these purposes in a manner consistent with the findings and objectives of the Community Development Department's Cambridge Institutional Growth Management Plan (1981)**

The C-1 minimum lot size is **1500 sq ft**. That is listed in existing Section 5.31. But the new markup (December 19th Ordinance version) throws out all of Section 5.30 and replaces the tables with new tables that now longer have any minimum lot sizes. So no more exemption from the Dover Amendment. So if we want the exemption from the Dover Amendment to continue, CDD needs to rewrite Section 5.30 to bring back minimum lot sizes. Yes?

Jeff Roberts admitted that the petition would render ineffective the existing Cambridge exemption from the Dover Amendment. I think we decided that is because the Cambridge exemption was tied to certain lot sizes, and those are being eliminated. Thus, Cambridge would have less ability to control Harvard expansion into residential areas for example.

**I think the more practical issue is whether growing institutions can grow their institutional functions into residential neighborhoods and displace homes to do it, not to mention build much bigger.** City Solicitor Glowa commented with regard to the effect of the Missing Middle petition on the Dover Amendment (June 10, 2021 Ordinance Meeting, pages 35-36):

"So the fact that, uh, we would have less ability to regulate the institutions differently than what we're currently allowed to do under the special legislation, I think is something that needs some additional study and is--is important for the city to, uh, to look at carefully."

Some residents will be alarmed by the loss of the exemption from the Dover Amendment. The loss of the exemption to the Dover amendment would mean that Harvard, (MIT, Lesley and religious institutions) could resume taking over neighborhood real estate and demolishing existing residences for its own purposes.



There are many details like this that have been overlooked for continuity including Conservation Districts. There is a reason for design oversight. Again, we never found out how many projects were held up by review. every housing policy order around includes design review, especially if everything is As of Right, which is again, is a give-away to developers.

New Legislation is based on lazy implementation and lack of detail. In one of the CDD power points for Porter sq, the public quote used was "if I choose to live in a city, I want it to LOOK like a city". That defeats the character and draw of Cambridge. If you want to live in a city, move to Kendall or Alewife, or Union Square or Assembly Mall. We can find housing and keep the street scape. But I don't see the Housing Committee willing to broaden their thinking instead of looking for warehouses for the underserved.

Please consider letting this multi-family zoning expire so more details can be corrected. The city is not "naked". We have C1 for most of it, AHO, AHO2, inclusionary. development will not be moving ahead at a fast clip. We have time, as Councilor McGovern and Azeem keep saying. I also find it frustrating that with all the number - crunching, AHO, inclusionary, trust-funded and other non-profit pipeline units are not included, so the numbers are mis-leading.

This is not a time to pass a half-baked policy order only to fix it later with 87 amendments. It is a waste of time. Do it once, do it right.

Thank you,

Marilee Meyer  
10 Dana St

**Erwin, Nicole**

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**From:** Sasha Resende <sresende@gmail.com>  
**Sent:** Tuesday, January 14, 2025 12:23 PM  
**To:** City Clerk; City Council  
**Subject:** Support for the Multifamily Housing Zoning Petition

Dear Cambridge City Council,

I hope this finds you well.

My name is Sasha Resende and I have been a resident of 235 Brookline Street, Apt 2 in the Cambridgeport neighborhood since August 2023. I have two children under the age of 3 who I hope to send to Cambridge Public Schools. My husband and I are both remote technology workers who choose to live in Cambridge to be close to his parents, who have been Cambridge residents for over 50 years. My husband is a 2005 graduate of Cambridge Rindge & Latin.

I am writing to express support for the Multifamily Housing Zoning Petition and specifically request that the Petition be passed to ensure the maximum number of housing units is produced. Cambridge is fast becoming a city where working class, middle class, and even upper middle class families are priced out. Building more housing is critical to ensure that the city welcomes a diverse group of people into the fold and maintains its historic character. To that end, I hope that the Council votes to ensure that more of Cambridge is zoned to enable more 6-story housing is able to be built without restrictions.

My husband and I hope to raise our expanding family in Cambridge, but if more housing isn't produced to meet rising demand then we will be forced to move to an outer-suburb. We already pay an exorbitant amount of money to send our children to a Cambridge-based daycare and the lack of new, lead-free housing in the area may make the difference as to whether we can stay. If our dual-income family with Cambridge roots is unable to remain in this city then I worry about how hard it may be for middle class or working class families to build their lives in Cambridge.

Thank you for your consideration.

Best,

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