

On January 25, 2023 the **Arlington County Board voted 5-0 to approve a Request to Advertise "Expanded Housing Options" (EHO), or "Missing Middle" Zoning to allow duplexes up to 6-plexes in areas that currently allow only single-family home construction.** Board members de Ferranti, Garvey and Karantonis delivered majority votes to dial back maximalist options of "8-plexes with no parking and few trees." Despite this positive move, all five Board members strongly supported continued infill -- which contradicts Arlington's Comprehensive Plan pledge to preserve low density in single-family areas. All board members cited the Missing Middle effort as a way to break with the racist past and meet pressing housing needs. The Board in no case admits the county should plan for new services and infrastructure for new residents, nor mitigate displacement effects of new zoning. Nor has the board committed to update the [consultant analysis done last April](#) to include three sets of changes that added lot subdivision, construction of ADU's, tiering and annual caps, all of which wildly alter those consultants' projections. [ASF called the board's vote](#) a "*dismal contrast to the visionary transit-oriented development decisions of the 1970's*" and an abdication of "*balanced planning.*"

January 25 amendments will be published as a set of revised draft ordinances and remain open for public comment until a final vote by the Board on March 18. Many board actions this week are likely barometers of their next vote. You may want to read the summary below in conjunction with [ASF's comprehensive analysis of the plan](#) (based on the October 31 version of draft zoning, prior to successive amendments from the Planning Commission (December 15), county staff (January 13), and the board (January 25). The County's own summary of the new Missing Middle package is [here](#).

On January 25, Board members approved new EHO/Missing Middle options to:

- allow duplexes up to 6-plexes by right in all single-family residential areas, with lower parking requirements than today's levels, ranging from 1 to 1/2 onsite spots per unit;
- add more tree planting provisions, which may not fully make up for deep canopy cuts framed in the current zoning plan;
- amend the optional cap on annual EHO permits from 42 to 58;
- add an option for a sunset clause if caps are approved;
- add Option 2E, incentivizing building 5- and 6-plexes close to transit and on lots over 12,000 sft.

These options are only part of the much larger package and are explained in more detail in the section below. They will help shape numerous items still up for decision:

- the maximum number of units in new EHO buildings;
- "tiering" incentives, to promote transit-proximate development or to ensure larger units only on larger lots;
- the ability to subdivide lots for duplexes and 3-unit townhomes (incentivizing ownership);
- possible geographic distribution of annual caps;
- onsite parking requirements;
- whether to allow accessory dwelling units (ADU's) along with 2- and 3-unit EHO buildings;
- tree canopy guidelines.

Key Action Items from January 25 Missing Middle Discussion by the Arlington County Board

Citations refer to zoning options contained in the [January 21 staff report to the Board](#). Video links to the relevant discussion are included in some cases. Thumbs up shows where the board moved away from maximum positions under review.

6-Plexes are the New Maximum 👍

In its most significant move, the board approved member Matt de Ferranti's motion to take 7- and 8-plexes off the table. (Strikes Option 1B, p. 40.) Board Chair Dorsey and member Cristol strongly objected. De Ferranti argued that 7- and 8-plexes will mostly be 1- and 2-bedrooms, which should be clustered along transit corridors. Garvey said removing the largest units shows the board had heard community concerns. <https://youtu.be/FP26LQV9XQc?t=7328>

Board Retains *Some* Parking Requirements for Builders 👍

Board Retains an Option for Zero Onsite Spaces 🗣️

Board Member Says Leave Parking to Market Forces 🗣️

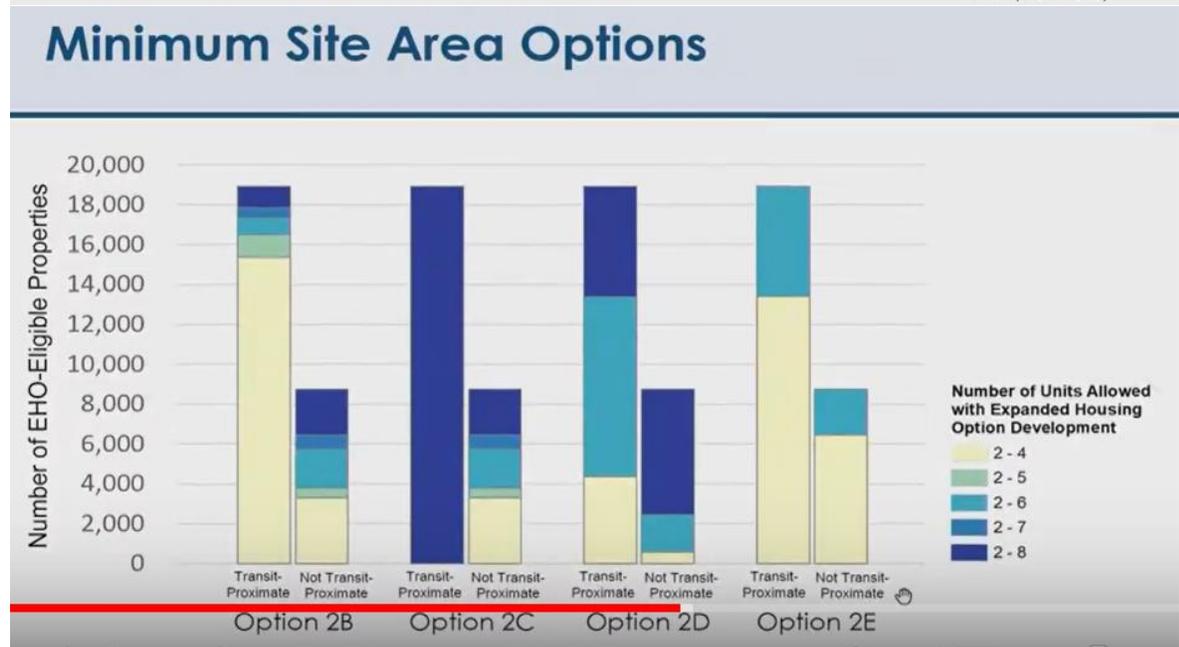
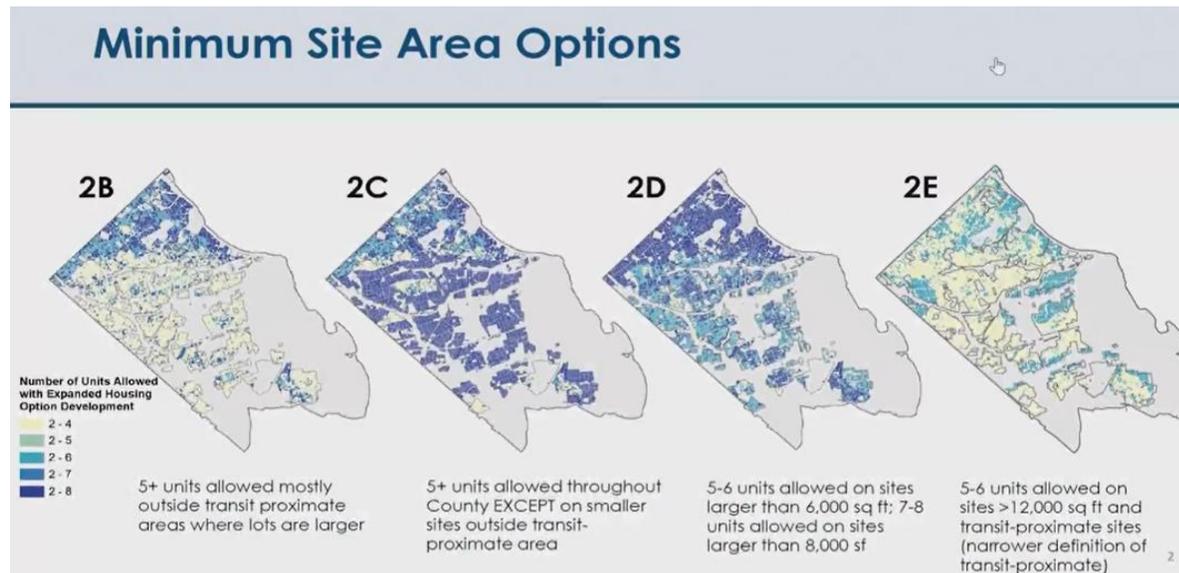
The Board approved Karantonis' motion to remove Option 5D (p. 49) doing away with all on-site parking requirements. The board will now have to choose among options of 0.5 up to 1 on-site spot per unit, based on proximity to transit or cul-de-sac sites. With the new maximum of six-plexes, this means 3 to 6 parking spots for the largest EHO structures. Before we rejoice wildly, the board retained Option 5E to eliminate all onsite parking "if the number of on-street parking spots lost due to curb cuts would be equal to or greater than the number of on-site spots added!!" Member Cristol voted to retain Option 5D, noting "we are not debating how much parking would be built for EHO, we are debating how much government is going to require be built. . . . The market is going to deliver an appropriate amount of parking." (ASF disagrees. To the extent possible, builders will push non-profitable aspects of projects off onto the public resources.) <https://youtu.be/FP26LQV9XQc?t=8470>

New Option Allows 5- and 6-Plexes Only Near Transit or on Lots over 12,000 sqft 👍

In another significant 3-2 vote, the Board approved adding de Ferranti's Option 2 to allow 4-plexes on all lots, and allow 5- and 6-plexes only within 1/2 mile of Metro or 1/4 mile of premium transit networks (Col. Pike, Crystal City, Pentagon City), **OR** on lots over 12,000 square

feet. Option 2E joins options 2A, 2B, 2C, and 2D (p. 41-44) that variously allow: 6-plexes on all lots as per minimum lot size in the respective zone; a sliding scale of duplexes to 6-plexes as lot sizes increase; incentives for transit proximity; and combinations of these variations. 2A-2E have significant impacts on what gets built where, so we include here staff's charts with outcomes and we recommend listening to these clips. Discussion of 2E:

<https://youtu.be/FP26LQV9XQc?t=4895>. Discussion of charts: <https://youtu.be/FP26LQV9XQc?t=532>



Higher Limit for Annual Caps on EHO Permits 🗣️

5-Year Sunset for Caps 🗣️

The Board approved two amendments, one imposes a sunset clause of 5 years for EHO caps, if caps are approved. The board also increased from 42 to 58 the annual cap on EHO permits.

This represents 1/3 of expected new home construction, with single-family homes providing the balance. The Board can reduce the limit below 58 in March if it chooses. (Amends Option 7A and adds Option 7C, p. 52) (NOTE: The 58 EHO units would be split evenly between new units and conversions of existing homes.) <https://youtu.be/FP26LQV9XQc?t=6294>

Geographic Distribution of Caps 🇺🇸

County Attorney Corr told the Board that they could establish caps for EHO across different geographic areas. Corr said the board could not set different caps WITHIN zones (R-6, for example), but could distribute caps "according to a defensible methodology that is permissible." <https://youtu.be/FP26LQV9XQc?t=2732>. This clip continues with discussion of spot zoning, more from Dorsey, and the attorney advising that "as [the Board] gets more specific" with designations, "you might be more at [legal] risk."

Possibly More Trees? 🇺🇸

The Board approved a Garvey amendment to Option 6A (p. 51) that owners provide a "range of up to 4 shade trees for 2-to-4-unit" complexes" and "up to 8 trees for 5-8 units." (This will be amended to reflect maximum EHO option of 6-plexes.) While this item seems to address ideas endorsed by the Arlington Tree Action Group and Sierra Club on January 24, the new language fails to define a minimum planting standard and may not materially change previous landscape requirements offered with Option 6A. Although she voted for the amendment, Cristol expressed concern more trees might "disincentivize" EHO construction; she and Karantonis both predicted that multi-family tenants would be MORE likely to plant new trees or "maintain quality tree canopy" than single-family tenants. <https://youtu.be/FP26LQV9XQc?t=5897>

Trees, Part II 🇺🇸

The Board struck Option 6B, which would have dispensed with new tree-planting requirements to supplement the state's existing Chesapeake Bay Preservation Ordinance planting standard for new EHO construction. See also to tree item above.

Moving Closer to EHO on One-Acre Lots 🇺🇸

To enhance potential EHO development, the board removed Option 3B (p. 45). This would have ruled out EHO redevelopment on sites greater than 1 acre. The board will advertise language now that would allow EHO's on 1-acre sites via special exception process. <https://youtu.be/FP26LQV9XQc?t=8073>.

Board Favors Caps on Gross Floor Area 🇺🇸

The Board removed Option 11C (p. 42) offered by the Planning Commission to limit maximum gross floor area for EHO units. Explaining this as a way to discourage high-priced luxury units, staff had proposed in April a cap of 2,400 sqft on each duplex half, and a maximum of 8,000 sqft for the largest MM units. The Board agreed with staff's thinking.

Non-Action Items from January 25

More Units Per Lot than Just the EHO-Plex: ADU's Still an Option for Duplexes and 3-Unit Townhomes

The Board discussed an option added to the MM package in December by the Planning Commission (PC) to allow accessory dwelling units (ADU's) as part of EHO. The PC had suggested allowing ADU's even for 8-plexes (theoretically allowing 16 units per lot if they met the square footage limit). Staff however narrowed the PC offer to Option 12B (p.53), which would allow only one internal ADU for duplexes and 3-unit townhomes. (ASF objects to 12B, noting it is a back-door way to turn 3-unit townhomes into 6-plexes, also potentially without the guardrails that might be adopted for 6-plexes countywide, such as Option 2E discussed above). <https://youtu.be/FP26LQV9XQc?t=4051>

Changing the General Land Use Plan Low Density Category

The draft GLUP amendment for advertisement would retain (p. 36) "Range of Density/Typical Use" for the "Low" Residential areas at "1-10 units per acre," but would add: "including one-family dwellings, accessory dwellings, and expanded housing option uses." **The new zoning would boost the units per acre allowed** (now ranging from 2-9 units per acre with single family only homes) **to 9-25 units per acre (if zoned for four-plexes) or 13-52 units per acre (if zoned for six-plexes.) Only R-20 could remain below 10 units per acre, in the case of four-plex zoning.** As it seemingly would allow either 25 or 52 units per acre with new multiplexes, this provision seems to render meaningless the 1-10 designation of "low" residential zoning in Arlington.

Hinting at Moving Closer to EHO in Areas with Alternate Planning Frameworks

The Board made no changes but sought explanations from Planning Commissioners Patel and Weir of new Option 10B (p. 40 of the [Staff Report.](#)) Member Cristol seems inclined to expand EHO zoning to areas already covered by other planning frameworks, against staff's earlier recommendation. Three zones are affected, Cherrydale Revitalization District, East Falls Church, and Columbia Pike. 5% of Cherrydale lots would be affected if the Board opts for 10B. <https://youtu.be/FP26LQV9XQc?t=3170>.

Affordable Housing

The County Attorney told the Board that Virginia tightly restricts affordable housing programs, and that Virginia requires a density of 1.0 Floor Area Ratio, or FAR, which exceed levels in the EHO proposal. De Ferranti had cited examples of Portland's MM effort and hinted at requirements for 80% of Area Median Income affordability for Arlington. Cristol noted that as of November 2022 developers had constructed zero MM affordable units. <https://youtu.be/FP26LQV9XQc?t=4537>

Lot Coverage for EHO and Single-Family Project

Karantonis asked if the Board could award bonus lot coverage in Options 4A and 4B (p. 46) to builders who opt for "Green Home Choice" standards or preserve an older building (NOTE: bonus lot coverage is awarded now for certain garages and porches.) Attorney Corr ruled those options out as not having the same "nexus" to zoning elements such as garages and porches.

CPHD lead MM Planner Matthew Ladd and Karantonis discussed lot coverage for single family homes as an element of the new Forestry and Natural Resources Plan; Ladd hinted funding for that effort might need to be added to upcoming budget discussions if the board made it a priority. <https://youtu.be/FP26LQV9XQc?t=1439>

Summations

Summary statements are worth watching. The RTA on Missing Middle culminates for 4 board members three years of effort, and for the 5th (Karantonis) a combination of Board tenure and advocacy via the Alliance for Housing Solutions. Board members made emotional references to the social contract, changes to overarching county planning constructs, opening the housing market after a history of exclusionary actions, and extensive community inputs. Both Chair Dorsey and Ms. Cristol expressed deep disappointment that the Board had chosen to jettison the option of 7 and 8-plex zoning for the RTA. Closing comments begin with Mr. de Ferranti here: <https://youtu.be/FP26LQV9XQc?t=9095>