

Questions for Arlington County Staff on the “Missing Middle” Study

June 17, 2022

1. **What further steps will the County take to raise awareness in a clear and conspicuous manner of (a) its plan to end single-family zoning and (2) how citizens can participate?**

Many neighbors remain unaware of this plan. Setting aside its merits, it is transformative. The County’s April 2022 postcard had no mention of ending single-family zoning and had no timeline. By comparison, trivial variances—like building a fence a few inches higher—require timely mailings to neighbors, large yellow signs “on the property and [at least 4] in the immediate neighborhood,” and newspaper publication. Notices clearly detail the proposal and a date to be heard. Arl. Zoning Ord. § 15.7.7-8. Here, however, citizens face the prospect of being surrounded by 8-unit apartment buildings in the middle of a single-family-home subdivision without similar fair notice.

2. The County’s Consultant stated: “Within each lot size category, we estimate that up to 20 percent of the eligible single-family lots might be developed for Missing Middle Housing ...” 4/8/2022 Consultant Rpt. at 9. **Could you elaborate in detail on the basis for that statement? Also, what constitutes an “eligible” lot? How many lots, by size category, are “eligible”? Given the Consultant’s calculated profits of \$259,000-\$757,700 (*id.*, Table 3) across each lot size category, how did they determine only “up to 20 percent” “might be developed”?**

3. The analysis by the County’s Consultant in applying Staff’s proposed “New Standard” for zoning indicates the vast majority of new “middle” housing units will be 1-2 bedrooms in 7- or 8- unit complexes. Specifically, the Consultant projects 82% of new units will be 700-1,299 square feet each; while the Consultant does not assign bedrooms to building types, Staff projects that units of that size will be in 7-8 unit complexes (and 92% of the 235 units that size on the market now are 1-2 bedrooms per Redfin data). **How does a result where 82% of units are just more of pricey 1-2 bedrooms (in 8-plex buildings, and likely to be rentals) meaningfully solve “the Problem” that Staff *now* identifies as the fact construction here “is primarily 1- to 2-bedroom homes in high-rise apartments”?** See 4/8/2022 Consultant Rpt. at 1 and Table 4; Staff Phase 2 document at 7, 14.b and 20; Redfin.

4. **Why does the Missing Middle Study not consider neighborhood covenants that limit development (e.g., by size or to single family homes), as many do in Arlington? When the covenants are considered, as they surely will be litigated by homeowners, what is the impact on Staff’s projections (e.g., that 20 lots/year would be affected)?** Of note, the Supreme Court of Virginia has upheld such restrictive covenants, which zoning changes cannot trump. See, e.g., *Sloan v. Johnson*, 491 S.E.2d 725 (Va. 1997) (upholding Waycroft one-house-per-lot covenant); *Omega Corp. of Chesterfield v. Malloy*, 319 S.E.2d 728, 732 (Va. 1984) (“Chesterfield’s zoning ordinance cannot relieve the lots in question from the restrictive covenants to which they are subject”).

- 5. Can Staff share all its analyses of “Missing Middle” processes in other communities and how Arlington compares or differs to them?** Relatedly, the Joint Facilities Advisory Commission states in its March 20, 2022 draft report to the County Board that: “It was not clear from Commissioner research that the Missing Middle Housing in the [6] jurisdictions researched were able to accomplish the goals of affordability, diversity, or inclusion” **Will Staff share any information it has that supports or contradicts JFAC’s conclusion?**
- 6.** The gist of “Missing Middle” is to replace detached homes with multi-unit buildings. By definition, this shrinks the supply of detached homes, which already face tremendous demand (prices up 45% from 2010-2019, Bulletin1 at 6). **What analysis has Staff conducted into the impact it will have for the County to *shrink* the supply of detached homes? Relatedly, what analysis is there on the potential impact (value, and otherwise) on a detached home after a newly-upzoned apartment building(s) is built next to it, surrounding it, or near it? Why are these potentially substantial negative externalities not identified or quantified in the Missing Middle materials?**
- 7. Why is there no consideration of upzoning *in a targeted manner*, as opposed to a blanket, County-wide change? Does Staff agree that good governance should consider such an alternative before uprooting decades of reliance on existing zoning?** The Arlington Way has approached land use in very targeted and deliberate ways (*e.g.*, the “Planning Corridors”—Rosslyn-Ballston, Richmond Highway, Columbia Pike). The Research Compendium (Bulletin1 at 3) described the “benefits” of “missing middle” literally as a “*bridge* between low- and high-density areas” and in ways that evoke *transitional* zones along Planning Corridors, not haphazard elimination of all single-family zoning.
- 8. What data can Staff share *now* on the potential for housing unit expansion in existing multifamily-zoned areas? Does Staff agree that good governance should consider such data before jumping into a far more disruptive alternative (*i.e.*, eliminating current single-family zoning)?** The “Missing Middle” materials notably omit such data. This natural place to look is how other communities proceed. For example, research on the “housing types studied” and proposed by Staff (Slide 11 of the Phase 2 document) show Staff’s examples are merely bigger structures on existing multifamily-zoned lots in addition to being outliers to Arlington in several ways:
- a small single-family Atlanta home razed to create a duplex in a zone that already allowed duplexes (3 doors from a 32-unit apartment complex), which turned a home valued at \$234k in 2018 into duplexes valued at \$602k and \$644k in 2021;
 - a (larger) DC townhouse replacing a “dilapidated” historic 1800s townhouse on a “neglected site” after the “site cleared of trees,” along a row of townhouses fronting what had been a 6-lane-wide road;

- a townhouse in Silver Spring as part of a large development of an entire former school campus next to large apartment and commercial buildings;
- a Minneapolis triplex in a duplex zone (next to a 17-unit apartment complex), “unanimously supported” by the neighborhood association;
- a 6-plex in Providence on “one of the most . . . socially troubled streets” amid other multiplexes, bordered by a 6-plex and a 217-bedroom public housing complex; and
- an 8-plex in Toronto from a 4-or-more unit complex on a 4-lane road lined with such buildings and larger apartment complexes.