

Transfer of Development Rights

Tonight's Goals

- Review County Board's action/rationale.
- Describe ordinance.
- Answer questions.
- Get suggestions/comments.
- Understand the timeline.

- On 2/7 Civic Federation unanimously passed resolution asking County Board to defer action on TDRs.
- On 2/28, the County Board:
 - Adopted a TDR amendment to the Zoning Ordinance.
 - Directed the County Manager to develop an implementation policy for TDRs through a mutual public process—and then bring the policy to the County Board for adoption.
 - Indicated that TDR authority will not be exercised until such time as the implementation policy is adopted by the Board.

Reasons Given

- County Manager: Development of details will be time-consuming. Should accept authority now and then develop guidelines.
 - Site Plan process will ensure we don't move too quickly.
- Ferguson: State gave authority more than 6 months ago. Need to move on it.
- Fisette & County Attorney: Need to have TDR ordinance in place to ensure legality of Board actions. (Past and future?)

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Transfer of Development Rights (TDRs)



ARLINGTON
VIRGINIA

CIVIC FEDERATION

March 7, 2006

- I. BACKGROUND**
- II. MULTI-STAGE PROCESS**
- III. FIRST STAGE - Zoning Ordinance Amendment**
- IV. NEXT STAGES –**
 - I. Draft Administrative Regulations, Zoning Ordinance Amendments, and/or Policy Document**
 - II. Community Input and Review**
 - III. Program Adoption**

I. BACKGROUND

- On March 26, 2005, the General Assembly of Virginia enacted 15.2-750. This authorizes county boards under the county manager plan of government to provide for the “dedication of density and other development rights” in its Zoning Ordinance.
- The legislation has a contingent expiration date of July 1, 2008. The County Board adopted the Zoning Ordinance Amendment at its February 28 meeting.

II. MULTI-STAGE PROCESS & SCHEDULE

1. Zoning Ordinance language to enable legislation adopted 2/28.
2. Staff to work with ZOCO, the Planning Commission, and the community through the next few months to develop program details.
3. Program adoption (estimated 3-4 months).

III. FIRST STAGE - Completed

TDRs - PROCESS AND TIMELINE



DATE	MEETINGS
	<i>FIRST PHASE - Completed</i>
1/9/06	Planning Commission TDR Information Handout
1/24/06	Notification of ZO Amendment to Civic Federation, Partnerships
1/31/06	Zoning Committee Meeting
2/2/06	Ballston-Virginia Square Presentation
2/15/06	Planning Commission Meeting
2/16/06	Housing Commission Presentation
2/28/06	County Board Meeting

Completed

- Zoning Ordinance Amendment adopted.
- TDR ordinance located under “Section 36. Administration and Procedures” for site plan approvals.
- TDRs not utilized until program details are adopted.

- **The TDRs transferred to a receiving site where additional density is deemed appropriate by the County Board in accordance with the standards in Section 36.H.5. of the Zoning Ordinance. The additional density would be considered through the site plan process and would go through the full community process.**
- **The additional density would be evaluated on a case by case basis in conjunction with existing plans, the site's ability to accommodate additional density and its impact on adjacent properties and uses.**

TDR - ORDINANCE LANGUAGE



H. Site Plan Approval

5. *Uses and Regulations Modified.* The County Board may, in appropriate cases, modify the uses permitted and use regulations in harmony with the general purpose and intent of the districts as follow:

* * *

- b. Transfer of Development Rights: In approving and accepting a site plan, the County Board may, subject to such conditions as the Board may approve, permit the dedication of density or other rights to develop, as determined by the Board, from one or more parcels that are not the subject of a particular site plan application to one or more parcels of property that are the subject of that same site plan application for purposes of, among others, open space, historic preservation, affordable housing (low or moderate income), community recreation, and/or community facilities. In considering the approval of such dedication, the County Board shall consider the appropriateness of the dedicated density or other development rights at the proposed location, and whether the dedication is consistent with the Zoning Ordinance, approved land use policies and plans, and the public health, safety and welfare generally.

IV. NEXT STAGES

- I. Community Input & Draft Administrative Regulations, Zoning Ordinance Amendments, and/or Policy Document**
- II. Community Review**
- III. Program Adoption**

TDRs - PROCESS AND TIMELINE



DATE	<u>FUTURE MEETINGS</u>
3/7/06	<ul style="list-style-type: none">• Civic Federation Presentation and Q&A
3/13/06	<ul style="list-style-type: none">• Zoning Committee (ZOCO) Meeting – first in a series.
3/7/06 to June or July	<ul style="list-style-type: none">• Work with ZOCO, Planning Commission, Civic Federation, and the Community.• Staff will develop draft guidelines and review them with the Zoning Committee and the Planning Commission. These will then be shared with other commissions and community groups for their review and comments.• In addition, staff will post the guidelines on the web and will meet with community groups at their request. Staff will bring program guidelines to the County Board within a few months.

TDRs - Submitted Questions



- 1) Can public property be a sending site? For example, can the unused density on County-owned parks be sold? If this is not the intention, then the wording should be adjusted to say “non public.”

That is not the intent although there may be instances in the future where in order to adequately maintain or reinvest in an existing open space, the County Board might want this as an option.

- 2) You indicated that only properties eligible for site plan could be receiving sites. Where are these located? Could we have a map of eligible receiving sites? Or are all properties in specific zoning categories eligible for site plan? If so, what are those zoning categories?

We are developing a map now. This analysis and review of the map could inform the “appropriateness” criteria for receiving sites.

TDRs – Q & A

- 3) The Zoning Ordinance does not include definitions for each of the purposes of the TDR. One example is “open space.” What is the definition of open space that would be used for TDRs? Is it the portion of a property that has no structure on it (excluding the required building setbacks)? Are surface parking lots open space? Is it too late to add definitions to Section 1. Definitions of the Zoning Ordinance? Did any new definitions have to be advertised?

Some of these clarifications/definitions could be part of the additional work that staff does for the policy doc/admin regs. The intent of open space is the creation of new park space. It is not inconceivable that in the future it might be used to reinvest in existing open spaces.

TDRs – Q & A

- 4) The “metro corridor” is mentioned as a likely receiving site. What is the definition of the metro corridor?

It is the compilation of the five Sector Plan boundaries, which does include single family areas.

- 5) Are there other kinds of corridors that staff thinks would be high-priority receiving sites.

The wording was added to the ZO amendment about transferring density to places where additional density is deemed appropriate. The high density areas are the 5 metro stations in the R-B Corridor, Crystal City, Pentagon City and possibly Potomac Yards. Another one is Shirlington, but that area is pretty well approved and staff would not necessarily envision it as an area for receiving additional density. However, the Nauck Crescent area could be.

TDRs – Q & A

- 6) If the additional density would be on top of what would be allowed by the zoning and GLUP, would the TDR be used in combination with other types of bonuses that developers are eligible for under site plan? For example, would building affordable housing automatically qualify for the TDR?

Yes it would be in addition to other bonuses, only to the degree that the resulting development is acceptable in terms of scale, design and impacts.

- 7) What else besides density does TDRs transfer? The staff report referred to “other rights to develop.”

That was the State Code language.

TDRs – Q & A



8) We understand that some TDRs may be granted to sending sites and put into a kind of TDR bank account until a receiving site is identified.

No, that is not the initial intent, although it would not be ruled out. TDR's are currently envisioned as private market agreements that the County will review and then record/enforce if approved.

9) If the County Board gives a TDR to a sending site, is the County obligated to do the same for a similarly-situated property?

This calls for a legal opinion but from a planning perspective, it depends on whether the sending site is indicated for open space, historic preservation or affordable housing to the same degree as the other site.