

Arlington's New Take on Density Exclusions



ATTORNEYS

Matthew Roberts

RELATED PRACTICE AREAS

Construction

RELATED INDUSTRIES

Real Estate Development & Investment

Matthew Roberts

BKK Construction & Land Use Newsletter

March 2015

A new memorandum issued by Arlington County's Director of the Department of Community Planning, Housing and Development, Bob Brosnan, is proposing to change which areas in a building developers can expect to exclude from density calculations in a 4.1 Site Plan application.

In Arlington County's Site Plan Special Exception process, it is customary for developers to request that the County Board exclude certain areas of the proposed building from the overall calculation of the building's density. In the past, this has included vents and shafts that run through the building, certain above and below grade mechanical areas, fitness areas and building storage areas, among others. Staff previously supported many of these exclusions on various policy grounds.

The memo, issued on February 9, 2015, would make the following basic change: if the area of the building is located above the garage level and does not fall within the definition of "gross parking area," staff will not support an applicant's request to exclude it from being calculated as "gross floor area." As the memo notes, this specifically affects requests to exclude above-grade areas, such as elevator shafts, vents, fire control rooms, above grade transformers, tenant storage and mechanical closets. Ultimately, this change would increase the building's GFA, which affects the amount of payments made for density bonuses and parking mitigation payments under the County's revised office parking policy.

Left unaffected are requests to exclude up to 1,000 square feet of below-grade fitness center facilities, non-occupied space in the garage and below-grade building storage, structural, engineering, and mechanical areas. County staff is currently requesting feedback on the proposed change.

Matthew Roberts is an associate attorney practicing in the areas of land use law and real estate. He can be reached at 703.525.4000 or mroberts@beankinney.com.