# *DOCKET ITEM #6*
# *Text Amendment #2018-0013*
# *RMF/Residential Multifamily Zone*

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|---|---|---|
| Issue: Creation of the RMF/Residential Multifamily Zone to Incentivize Provision of Affordable Housing.<br>(A) Initiation of a Text Amendment; and<br>(B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Section 1-400(B)(3) for purposes of calculating floor area and density for the RMF zone, add Section 2-128.1 to define committed affordable housing, and add Section 3-1400 to create the RMF/Residential Multifamily zone which provides land areas for multifamily residential development with limited neighborhood serving commercial uses and allows increased floor area in exchange for the provision of affordable housing. | Planning Commission Hearing: | February 5, 2019 |
| | City Council Hearing: | February 23, 2019 |
| Staff: Department of *Planning & Zoning:* Karl W. Moritz, Director; Jeffrey Farner, Deputy Director; Carrie Beach, Division Chief, Heba ElGawish, Urban Planner; Radhika Mohan, Principal Planner; Tony LaColla, Division Chief; Mary Christensen, Zoning Manager; Shaun Smith, Urban Planner; *Office of Housing:* Helen McIlvaine, Director; Eric Keeler, Deputy Director; Tamara Jovovic, Housing Planner. | | |

# I. OVERVIEW

In 2013, City Council approved the City's first Housing Master Plan (HMP) to guide the preservation and development of affordable housing opportunities, sustain community diversity, and enhance economic sustainability in Alexandria. As growth in housing costs continues to outpace income growth and residents become increasingly housing cost burdened, among other tools, the HMP recommends the development of new policy and regulatory tools to incentivize affordable housing preservation and creation. Pursuant to this recommendation, in May 2017, City Council approved an amendment to Section 7-700 to increase the amount of bonus density allowed from 20% to 30% and enhance the production of affordable housing through the development process.

More recently, in September 2018, City Council adopted the South Patrick Street Affordable Housing Strategy (Strategy) to proactively address expiring federal housing assistance contracts that threaten two of the city's deeply affordable communities, The Heritage at Old Town (The Heritage) and Olde Towne West III (OTW). The Heritage and OTW's combined 215 committed affordable units (CAUs) currently serve households with incomes reaching as low as approximately 20-30% of the area median income (AMI) (Attachment 1).

One of the challenges for the Strategy was to identify ways in which these affordable housing resources could feasibly be preserved through redevelopment while minimizing City investment. As part of this analysis, it was determined that the density granted under Section 7-700 was inadequate to preserve the existing levels of affordability at the two properties (See Part C of this report). As a result, one of the early recommended Strategy implementation tasks was to create a new zone that could incentivize more deeply affordable housing and encourage the preservation of existing affordable communities, such as The Heritage and OTW. As proposed, the RMF zone will allow densities up to a 3.0 Floor Area Ratio (FAR) with a special use permit if a minimum of one third of the additional density is provided as committed affordable housing.

The RMF zone will help implement the Strategy as well as expand the City's regulatory toolbox to incentivize deeply affordable housing. The proposed zone will be able to be applied to other parcels citywide if associated rezoning and development special use permit (DSUP) requests are found to be consistent with both the purpose of the zone and the relevant small area plan for the location.

# II. STAFF ANALYSIS

## A. <u>Consistency with the Housing Master Plan</u>

The proposed zone's purpose and affordability requirements ensure its consistency with several HMP goals. HMP goal #1 recommends preserving the long-term affordability of the City's existing publicly-assisted rental housing stock with priority for those units serving households earning below 50% AMI, including households with seniors or persons with disabilities.

HMP goal #2 recommends providing long-term affordability through strategic new development and redevelopment, including developing policies and regulations that incorporate affordable housing units as part of new development and redevelopment.

B. **Consistency with the South Patrick Street Housing Affordability Strategy**

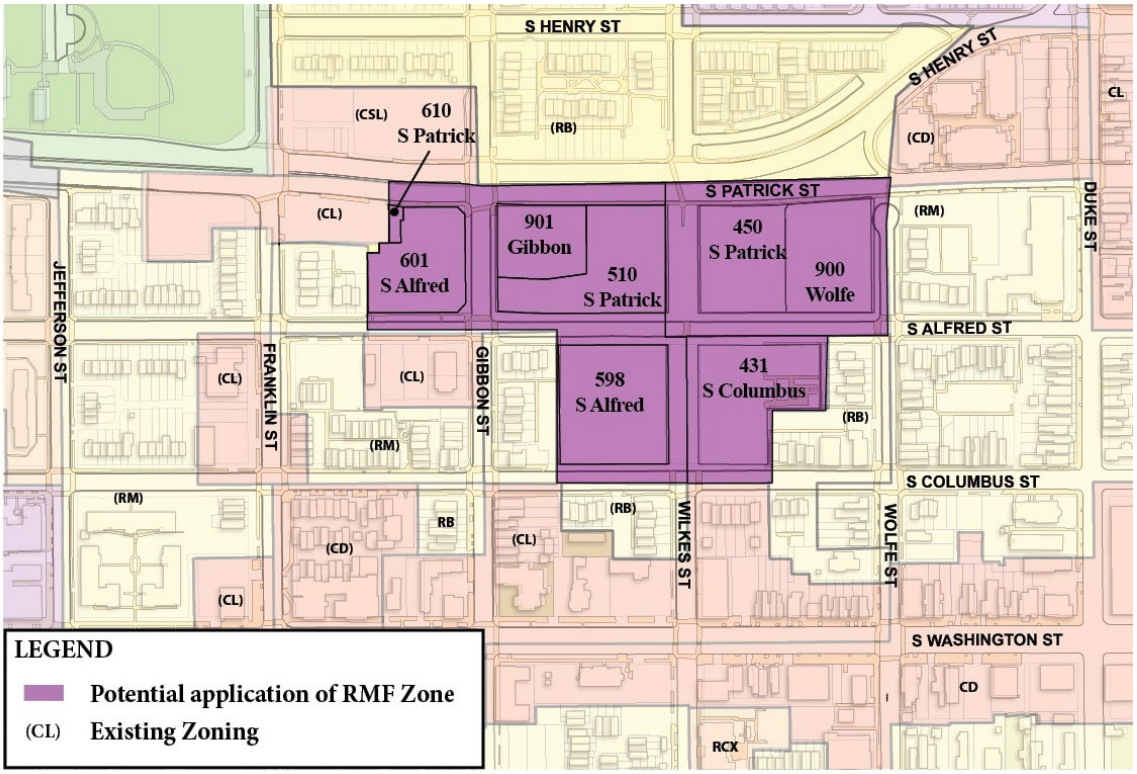
The proposed zone establishes a regulatory foundation for Strategy implementation including two key objectives related to housing affordability as outlined in the Strategy:

- Preserve the long-term affordability of 215 committed affordable units; and
- Retain the existing federal rental subsidy contracts and levels of affordability.

In addition, the requirement to submit an Affordable Housing Plan and Relocation Plan will help ensure a project is committed to ensuring eligible residents have a right to return to the property after redevelopment and receive support and assistance during relocation.

As depicted on the map in Figure 1, the Strategy recommends new zoning for the highlighted sites. The new zone is recommended for The Heritage and OTW sites, identified as Sites 1, 2, 3, 4 and 5, to incentivize the preservation of the existing committed affordable housing following redevelopment. The commercial sites 5, 6, 7, and 8 that meet the intent of the Strategy may also be considered for a rezoning to a different zone consistent with the recommendations of the Strategy. All potential rezonings would occur as a separate process following the City's standard approval and engagement processes.

Figure 1: Parcels Recommended for New RMF Zone



## C. **Economics of Affordable Housing Development**

Currently, the City's primary tool to incentivize affordable housing through the development process is Section 7-700 of the Zoning Ordinance, commonly referred to as the Bonus Density and Height Program. This zoning tool incentivizes the provision of low- and moderate-income housing in exchange for "bonus" (up to 30%) density and/or height (up to 25 feet) in new development, wherein at least one-third of the bonus approved must be affordable. Rental units secured through Section 7-700 are typically committed affordable at 60% AMI for a period of 40 years.

While Section 7-700 permits additional density in excess of 30% to be granted if authorized by the relevant small area plan, the levels and terms of affordability to be preserved at deeply affordable housing communities, such as The Heritage and OTW, or created on other sites necessitate the development of a new zone with tailored floor area ratio requirements, use limitations, and special use permit standards. As with many recent affordable housing projects in the City, additional density is needed to make the preservation of housing affordability at these projects economically feasible.

The additional density allowed by special permit through the proposed zone was based on analysis of recent affordable housing development projects in the city and their ratios of market-rate to affordable units needed to finance (build) and sustain a project. This ratio of market rate to affordable units is a function of many variables, such as unit tenure (rental versus for-sale) of both the affordable and market-rate housing; unit affordability and size; investor objectives, return, and timing; market conditions, including land values; and level of available City investment for housing. Typically, the higher the ratio, the lower the demand for City gap financing.

For example, based on land values and market conditions in 2008 the Braddock East Master Plan indicated that approximately 1.8-2.5 market-rate for-sale units would be required to span the funding gap to replace each public housing unit, along with tax credit equity and short-term City bridge funding. The City's experience at Chatham Square and, subsequently, at Old Town Commons were consistent with this ratio when paired with public financing. Privately owned rental projects, however, typically have higher ratios. For example, Foxchase Alexandria, an established privately-owned 2,113-unit rental community at Duke and North Jordan Streets, has 423 affordable units, for a *four-to-one ratio* of market to affordable units. Recent analysis of a redevelopment concept for the Andrew Adkins site immediately adjacent to the Braddock Metro Station revealed a ratio of greater than *five to one*. (In this case, no City investment was anticipated).

The economically viable approach, both for the City and for the property owners, is to grant the property owners additional density to retain or create new committed affordable units without sacrificing project returns or high-quality design and other community serving amenities. This minimizes the need for City funding for housing at these sites, allowing scarce public resources to be invested in services and infrastructure that serve the community, and in expanding housing affordability and diversity in other parts of the city.

## D. Proposed Residential Multifamily (RMF) Zone

**Zone Purpose:** The purpose of the proposed Residential Multifamily (RMF) zone (Attachment 2) is to allow multifamily development and enhance or preserve the long-term affordability of housing within broader mixed-income communities. In addition to multifamily development, the RMF zone will also permit limited neighborhood-serving commercial uses such as, but not limited to, laundromats, barbershops, beauty salons, day care centers, and retail.

**Floor Area Ratio:** The permitted Floor Area Ratio (FAR) under the RMF zone is 0.75. To incentivize the provision of deeply affordable housing, the FAR may be increased up to 3.0 with a special use permit. In exchange for the increased FAR, projects will be required to provide committed affordable housing equivalent to at least one third of the increase in floor area; the increase in the floor area ratio is the difference between the FAR permitted without a special use permit (0.75), and the requested FAR with a special use permit.

Consistent with other zones, it is noted that this zone does not preclude the application of Section 7-700, to further expand housing opportunity on a site subject to the approval of a special use permit, or Section 1-400 (B) (3) (f) to incentivize the provision of daycare space.

*Affordable Housing Plan and Relocation Plan Requirements:* Under Section 3-1406(B)(3), a request for a special use permit to increase the FAR from 0.75 to 3.0 will require the submission of an Affordable Housing Plan and Relocation Plan consistent with published City standards and policies in effect at the time an application for (re)development is accepted for review by the City.

Each Affordable Housing Plan will be required to include at a minimum as applicable:

1. The number, type (rental/for-sale), size (number of bedrooms), level of affordability (percent of area median income), location, and length and terms of affordability of existing CAUs being demolished as part of the redevelopment;
2. Status of existing and proposed affordable housing financing agreements;
3. Status of tenant relocation plans and outreach to the Landlord Tenant Relations Board;
4. The number, type (rental/for-sale), size (number of bedrooms) and location of proposed CAUs;
5. Justification for the levels (percent of area median income) and the terms (length and any other relevant factors) of affordability of proposed CAUs;
6. Justification for the location of the proposed CAUs in the project;
7. Confirmation that residents of CAUs will have equal access to all amenities available to residents of market-rate rental units; and
8. Description of the phasing of the project and any implications it may have on the delivery of CAUs.
9. Other information deemed necessary consistent with published City standards and policies.

Each Affordable Housing Plan will be subject to the review of the Alexandria Housing Affordability Advisory Committee (AHAAC) and other City Boards and Commission as deemed as appropriate by the Director of Housing prior to the development's public hearings before Planning Commission and City Council.

Each Relocation Plan will be required to include at a minimum:

1. A community profile;
2. The tenant notification and engagement process;
3. The resident right to return policy and process;
4. The city coordination process;
5. Description of relocation services, including temporary and permanent relocation payments; and
6. Other information deemed necessary consistent with published City standards and policies.

Each Relocation Plan will be subject to the review and a public hearing before the Landlord Tenant Relations Board (LTRB) prior to the development's public hearings before Planning Commission and City Council.

*Affordability Terms:* The RMF zone establishes affordability parameters for the committed affordable housing based on the average rents paid by households in the committed affordable units rather than the rents received by the property owners. This distinction is important because it ensures that projects utilizing the zone will be able to provide deeper levels of affordability without restricting the financing mechanisms used by the property owners to successfully redevelop and sustainably operate the affordable units. For example, it allows a property flexibility to accept federal rental housing assistance (also referred to as Project-Based Voucher Contracts) or individual tenant-based Housing Choice Vouchers, and/or to pursue redevelopment through the competitive Low-Income Housing Tax Credit (LIHTC) application process.

In the case of The Heritage and OTW, both properties currently have valuable federal housing assistance contracts. Residents pay the equivalent of 30% of their income on rent and utilities. The contracts guarantee the properties set rents and commit to paying the difference between those rents and the rents afforded by residents. This assures the property owners a reliable stream of income with which to finance their projects (meet loan repayment and other requirements) and cover operating expenses without restricting the depth of the rental assistance provided to households in the committed affordable units.

As a result, the RMF zone requires that rents payable by the households in the committed affordable units shall not, on average over the course of a year, exceed the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 40 percent of the area median income of the Washington D.C. Metropolitan Statistical Area. This means that a range of household incomes could be served by a project proposed under this zone (from under 10% AMI to up to 80% AMI

as defined by the Department of Housing and Urban Development) consistent with the income limits established by each project's financing mechanism(s) (Attachment 1).

To allow for some flexibility over the lifespan of project, the average rents payable by households in the committed affordable units may be permitted to be increased up to the maximum rents allowed under the Federal Low Income Housing Tax Credit program for households with incomes at 50 percent of the area median income of the Washington D.C. Metropolitan Statistical Area subject to the submission of a revised Affordable Housing Plan. Consistent with published City standards, the revised Affordable Housing Plan would be required to be submitted to AHAAC for review and would be subject to final approval by the City Manager.

**Other Standards and Requirements:** Consistent with Development Special Use Permit (DSUP) processes, a request for increased density under the RMF zone will trigger compliance with applicable Small Area Plans and other City plans and policies. For example, under the South Patrick Street Housing Affordability Strategy, redevelopment sites will be required to implement the site design, height and massing recommendations outlined in Chapter 3 of the Strategy as well as streetscape and open space recommendations outlined in Chapter 4.

In addition to an evaluation of any Development Special Use Permit request under the regulations of Section 11-500, the RMF zone is proposed to include two special use permit standards that provide a metric to evaluate a proposed DSUP's quality of site amenities for residents and the surrounding community. These standards include an evaluation of the inclusion and placement of certain site amenities, including open space and other community and cultural uses that would ensure the implementation of urban design and open space guidelines of the RMF zone and small area plans where applicable.

Furthermore, as the RMF zone would allow for limited commercial uses on the ground floor of multifamily buildings as permitted or special use, it is imperative to provide use limitations that would regulate the operation of these uses in order to reduce potential negative impacts on residents and the adjoining community. These use limitations would include development standards for the operation of day care facilities and temporary uses. Additional use limitations would seek to regulate nuisance impacts such as loading and unloading operations, noise, odor, vibration, and glare. These use limitations are consistent with other commercial and mixed-use zones within the city that may incorporate a mixture of residential and commercial uses.

## III. STAKEHOLDER OUTREACH

In addition to the community discussion that occurred through the South Patrick Street Housing Affordability Strategy community process related to regulatory incentives and housing affordability, other stakeholder outreach included:

- Briefings to the Federation of Civic Associations on October 30, 2018 and January 7, 2019;
- Briefings to the Landlord Tenant Relations Board on December 5, 2018;
- Briefings to the Alexandria Housing Affordability Advisory Committee on November 1, 2018 and January 9, 2019, with their final review and endorsement anticipated at the next monthly meeting on February 7;
- Briefings with property owners ARES, Alfred Street Baptist Church, and ARHA, all property owners of parcels that might seek future rezonings to this zone; and
- Public open house held on Thursday, January 17, 2019 where overall feedback was positive; topics discussed included maintaining the zone's affordability standards and the zone's applicability to other parcels throughout the city.

## IV. STAFF RECOMMENDATION

Staff recommends that the text amendments contained in Attachment 2 be initiated and approved.

## V. ATTACHMENTS

1. Levels of Affordability by Household Size
2. Proposed Zoning Ordinance Text Amendment

Attachment 1

2018 Income Limits/Levels of Affordability by Household Size

| % Area median income | 1 Person | 2 People | 3 People | 4 People | 5 People | 6 People |
|---|---|---|---|---|---|---|
| 10% | $ 8,210 | $ 9,380 | $ 10,550 | $ 11,720 | $ 12,660 | $ 13,600 |
| 20% | $ 16,420 | $ 18,760 | $ 21,100 | $ 23,440 | $ 25,320 | $ 27,200 |
| 30% | $ 24,650 | $ 28,150 | $ 31,650 | $ 35,150 | $ 38,000 | $ 40,800 |
| 40% | $ 32,840 | $ 37,520 | $ 42,200 | $ 46,880 | $ 50,640 | $ 54,400 |
| 50% | $ 41,050 | $ 46,900 | $ 52,750 | $ 58,600 | $ 63,300 | $ 68,000 |
| 60% | $ 49,260 | $ 56,280 | $ 63,300 | $ 70,320 | $ 75,960 | $ 81,600 |
| HUD 80% | $ 54,250 | $ 62,000 | $ 69,750 | $ 77,450 | $ 83,650 | $ 89,650 |

Source: Department of Housing and Urban Development; City of Alexandria, Office of Housing

**Sec. 1-400 - Interpretation of ordinance.**

(A) *Interpretation of terms.* For the purpose of this ordinance, the following words and terms are to be interpreted as follows:

(1) Tense, gender, singular, plural. Words used in the present tense can include the future; words used in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

(2) *Shall.* The word "shall" is mandatory.

(3) *Distances.* Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

(4) *Day.* Unless otherwise specified, the term "day" shall mean calendar day.

(5) *Land use.* The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

(6) *Adjacent, abutting.* The word "adjacent" means nearby and not necessarily contiguous; the word "abutting" means touching and sharing a common point or line.

(7) *State, city.* The word "state" means the Commonwealth of Virginia. The word "City" means the City of Alexandria, Virginia.

(8) *City code.* The term "city code" means the Code of the City of Alexandria, Virginia.

(9) *Council, city council.* Wherever the words "council" or "city council" are used, they shall be construed to mean "the city council of the City of Alexandria."

(10) *Charter.* The word "charter" shall mean the Alexandria Charter of 1950, as amended from time to time.

(11) *Person.* The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

(12) *Computation of time.*

(a) Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

(b) Whenever a notice is required to be given, or an act to be done, within a certain period of time after a decision or event, the day on which the decision or event occurs shall not be counted in computing the time, but the day on

which such notice or act is required to be given or done shall be counted in computing the time.

(c) Except as may otherwise be expressly provided by law, when the last day fixed by any provision of this ordinance or by administrative regulation for the commencement of any proceeding, for a paper to be served, delivered, filed, or recorded, or for any other act to be done, in connection with any regulatory proceeding before any city officer, board, commission or agency, or before the city council, falls on a Saturday, Sunday, legal holiday observed by the Commonwealth of Virginia, or any other day on which the city manager authorizes the closing of city offices, the proceeding may be commenced, the paper may be served, delivered, filed or recorded, or the act may be done on the next succeeding day that is not a Saturday, Sunday, or such legal holiday or other day on which city offices are closed.

(13) *Headings and titles.* The headings and titles or catchlines of the several sections of this ordinance printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

(B) *Interpretation of zone regulations.*

(1) If a given use may be construed to fall within a broadly defined use in a zone as well as within a more narrowly defined use in the same or another zone, it shall be interpreted to be allowed only where the narrowly defined use is listed.

(2) Maximum height regulations shall be as specified in a given zone, except as may be qualified by section 6-400 regarding height districts.

(3) Maximum floor area ratio and maximum density shall be calculated as follows:

(a) In every zone, the maximum floor area ratio and maximum density specified for the zone shall be determined on the basis of the gross area of the lot or tract of land involved, which shall include:

(1) Areas to be dedicated for street purposes that are in excess of:

(a) 30 feet from the centerline in the instance of property located in the R-20 through R-2-5 zones, inclusive.

(b) 33 feet from the centerline in the instance of property located in each of the other zones.

(2) Areas located within fire, emergency vehicle, buffer, scenic, channel, bicycle, utility, park or sewer easements.

(b) Except as provided in subparagraph (c) below, compliance with floor area ratio and density requirements shall be determined separately for each individual lot of record.

(c) An applicant for a special use permit for a CDD pursuant to section 5-602(D), for development in a CRMU zone, RMF zone, or for a cluster development may request that the land covered by the application be treated as a "tract" for purposes of calculating floor area ratio and density so as to achieve an overall figure that meets the requirements of the zone without regard to compliance on a lot by lot basis.

(d) Lots created for single-family and two-family dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to three or more dwelling units. Lots created for townhouse dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to more than one dwelling unit, except as allowed pursuant to section 7-1600(F)(2).

(e) Single-family and two-family dwellings on lots which contain public or private streets, including alleys or driveways providing access to three or more dwelling units, and townhouse dwellings on lots which contain public or private streets, including alleys or driveways providing access to more than one dwelling unit, existing on March 1, 2000 or for which a building permit application or preliminary site plan application was filed, and was pending or had been approved on March 1, 2000, shall not be subject to the provisions of clause (d) of this paragraph, shall not be characterized as noncomplying structures or substandard lots, and shall be characterized as structures and lots grandfathered under prior law, pursuant to Section 12-500 of this ordinance.

(f) When calculating the floor area of an office, multifamily or mixed-use building constructed after June 22, 2010, space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:

(1) A maximum of 10,000 square feet of floor area may be excluded under this provision;

(2) Space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.

(4) In the case of a conflict among various zone requirements, such as density, lot size, height and floor area ratio, permitted development shall comply with the most restrictive of such requirements.

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(5) Where residential density is prescribed in a zone for single family, multifamily or townhouse dwellings, the same density limitation shall apply to alternative housing types allowed in such zone unless more than one residential density regulation is provided, in which case the density most appropriate to the specific form of alternative housing being provided shall apply.

**The following text contains proposed additions to the Zoning Ordinance.**

**Section 2-128.1** *Committed Affordable Housing.* Rental or ownership dwelling units available to eligible households through income and/or occupancy restrictions required under federal, state, or local programs.

**Section 3-1400 RMF/Residential multifamily zone.**

*Purpose.* The RMF zone is established to provide land areas for multifamily residential development and to enhance or preserve long-term affordability of housing. The zone would also permit limited neighborhood-serving commercial uses.

**3-1401 - Permitted uses.**

The following uses are permitted in the RMF zone:

(A) Multifamily dwelling;

(B) Accessory uses, permitted by section 7-100;

(C) The following uses shall be permitted within a multifamily building on the ground floor:

(1) Arts and crafts studios or stores;

(2) Appliance repair and rental;

(3) Bicycle repair;

(4) Barbershops and beauty shops;

(5) Dressmakers and tailors;

(6) Dry-cleaning and laundry pickup stations;

(7) Laundromat;

(8) Locksmiths;

(9) Musical instrument repair;

(10) Optical center;

(11) Professional photographer's studios;

(12) Shoe repair;

(13) Furniture upholstering shops;

(14) Watch repair;

(15) Printing and photocopy service;

(16) Business office;

(17) Day care center;

(18) Retail shopping establishment;

(19) Private school, commercial;

(20) Private school, academic (less than 20 students);

(21) Health profession office;

(D) Utilities, as permitted by section 7-1200;

(E) Church;

(F) Public park;

(G) Public Building.

**3-1402- Special uses.**

The following uses may be allowed in the RMF zone pursuant to a special use permit:

(A) Townhouse, up to 30% of the total number of units.

(B) Home for the elderly.

(C) The following uses shall be permitted with a special use permit within a multifamily building on the ground floor:

(1) Restaurant;

(2) Private school; academic with more than 20 students;

(3) Health and athletic club;

(4) Convenience store.

**3-1403 – Prohibited uses.**

Any use which is not a permitted, special, or accessory use pursuant to this section 3-1400 is prohibited.

**3-1404 - Bulk and open space regulations.**

(A) Yard Requirements

(1) *Front Yard.* No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 or the yard standards of the governing small area plan.

(2) *Side Yards.* Each end lot in a group of townhouses shall provide a side yard based on a minimum setback size of eight feet. Each other use shall provide two side yards setbacks of eight feet.

(3) *Rear Yards.* Each use shall provide a rear yard based on a setback minimum size of 8 feet.

(B) *Open Space.* The multifamily residential portion of each development shall provide a minimum of 25 percent of land area as open and usable space. Provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by city council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable or includes comparable amenities.

**3-1405 - Floor area ratio.**

The permitted floor area ratio of a development in the RMF zone shall be as follows:

(A) *Permitted.* The maximum permitted FAR shall not exceed .75.

(B) *Special use permit.* The floor area ratio may be increased to an amount not to exceed 3.0 if the applicant commits to providing committed affordable housing in the building or project which is the subject of the permit application in compliance with the following requirements:

(1) The committed affordable housing shall be equivalent to at least one third of the increase in the floor area ratio above the maximum permitted in Section 3-1405(A).

(2) An Affordable Housing Plan and a Relocation Plan shall be submitted consistent with published City standards for such plans.

(3) Rents payable by households for the committed affordable units shall not, on average, exceed the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 40 percent of the area median income for the Washington D.C. Metropolitan Statistical Area. Average rents payable by households for the committed affordable units may be increased up to the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 50 percent of the area median income for the Washington D.C. Metropolitan Statistical Area subject to the submission of a revised Affordable Housing Plan.

**3-1406 - Height.**

The maximum permitted height of buildings shall be the height as depicted in the governing small area plan.

**3-1407 - Special use permit standards.**

In addition to the regulations listed in section 3-1400 and the procedures and criteria for special use permits listed in section 11-500, council shall consider the following in determining whether to approve a special use permit under section 3-1406(B):

(A) The inclusion of site amenities, open space and other similar features, supporting uses and community and cultural facilities in a manner which encourages pedestrian use and promotes internal compatibility of uses.

(B) The ability of the development to provide residents of all units access to all amenities within the development.

**3-1408 - Use limitations.**

(A) All operations shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director in accordance with section 7-1500.

(B) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

(C) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.

(D) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(E) Loading and unloading operations shall take place entirely within the site and shall be so located so as not to interfere with pedestrian routes and local traffic.

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