



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 17, 2005**

DATE: August 29, 2005

SUBJECT: A) Adoption of Proposed Amendments to Section 20 (Appendix A) "CP-FBC" Columbia Pike - Form Based Code Districts of the Zoning Ordinance to:

- 1) Modify the Building Envelope Standards in Section IV. B., C., D. and E. of the Form Based Code to incorporate a new minimum floor-to-ceiling height requirement for all upper stories; and
 - 2) Add a definition for the term "open contiguous lot area" to Section II. of the Form Based Code.
- B) Defer consideration of revisions to the historic preservation regulations in Section III. B. of the Form Based Code, modifying the height "bonus" to retain appropriate tapering and reduce the impact of new development on surrounding neighborhoods to the November 28, 2005 Planning Commission and December 10, 2005 County Board meetings, respectively.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend Section 20 (Appendix A), "CP-FBC" Columbia Pike – Form Based Code Districts, of the Arlington County Zoning Ordinance listed under Item A above, and defer the item listed under B above.

ISSUE: Citizens have requested addition review of the proposed changes to the historic preservation provisions of the Form Based Code.

SUMMARY: Staff has continually worked with citizens to refine the Form Based Code since its adoption in February 2003 to reflect the community's evolving vision for Columbia Pike. Given concerns regarding historic preservation and building heights, floor-to-ceiling heights and the definition of open space, staff recommends making the following changes to the Form Based Code. First, as a result of concern regarding the potential overall height of projects incorporating historic structures, staff has worked with members of the Historical Affairs and Landmark Review Board (HALRB), the Planning Commission and the Columbia Pike Revitalization

County Manager: _____

County Attorney: _____

Staff: Richard Tucker, DCPHD, Planning Division

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Organization (CPRO) to study potential changes, including tapers, to the Form Based Code that will address this issue. Second, staff recommends modifying the Building Envelope Standards to incorporate a new minimum floor-to-ceiling height range to facilitate the development and redevelopment of the Columbia Pike corridor. Lastly, in order to resolve confusion over the commonly used term “open space,” staff proposes adding a definition for “open contiguous lot area” to the Form Based Code. Therefore, staff recommends that the County Board authorize advertisement of the proposed changes to the Form Based Code so that it can more closely reflect the policy goals of the County Board, address community concerns and better articulate the preferred vision for the development of Columbia Pike.

BACKGROUND: In March of 2002, the Columbia Pike Initiative, A Revitalization Plan was adopted by the County Board. A major recommendation of this plan was to develop a new administrative review process to evaluate redevelopment proposals on Columbia Pike, which became the Columbia Pike Form Based Code. In February 2003, the County adopted the Form Based Code for the Town Center and Village Center development nodes. In February 2004, the Form Based Code was adopted for the Neighborhood Center and Western Gateway. In response to community concerns and input from advisory boards and commissions, staff has initiated amendments in order to clarify the intent of the Form Based Code, while facilitating the redevelopment of Columbia Pike in accordance with the overarching vision for the revitalization of the corridor.

DISCUSSION:

Proposed Changes to the Form Based Code Building Envelope Standards (pages 27-30 of the Form Based Code)

Staff proposes a minimum floor-to-ceiling height of 9' clear for upper stories, with the exception of the uppermost story, for which a minimum floor-to-ceiling height of 10' is proposed. The Form Based Code currently prescribes a minimum floor-to-ceiling height of 9'4", which was suggested by the consultants who originally worked with County staff in drafting the Form Based Code, based on erroneous information. The intent of this provision was to encourage developers to provide more generous floor-to-ceiling heights within individual units. Staff has found that this non-standard requirement has not resulted in more variable floor-to-ceiling heights, but rather only resulted in additional time and expense for developers, as building materials have had to be customized. In discussing this issue with the Zoning Ordinance Committee (ZOCo) of the Planning Commission in June, staff recommended reducing the minimum required height to 9' to reduce developer costs. Planning Commissioners suggested that increasing the minimum required height to 10' would achieve the goal of more generous floor-to-floor dimension and perhaps lead to more varied façade treatments from building to building. At a subsequent ZOCo meeting, held in August, Planning Commissioners and Columbia Pike residents discussed the merits of creating two minimum height requirements; nine feet for lower stories above the first story, and ten feet for the uppermost stories. It is important to note that the first story, which in many cases may contain retail uses, is not affected by this proposed change and shall retain the minimum floor-to-ceiling heights specified in the Code.

Proposed Changes to the Form Based Code Definitions (page 7 of the Form Based Code)

Currently there is no definition for the term “open contiguous lot area ” in the Form Based Code or in other sections of the Zoning Ordinance. This term is sometimes used interchangeably with the term “open space”, which refers to land that is not built upon and is reserved for use by occupants of the development or the general public. “Open space,” as it is used in this sense, can be passively preserved, perhaps to retain mature trees on the site, or can be actively planned and developed with walkways and recreational facilities. This common understanding of “open space” does not conform to the intent of the Form Based Code.

Thus, to bring clarity to discussions regarding the development of Columbia Pike and, more specifically, the Form Based Code, staff proposes to define “open contiguous lot area” to better express the underlying concepts of what has heretofore been referred to as “open space.” Open contiguous lot area will refer to the private spaces within each development site. In addition, except for Neighborhood sites, the “open contiguous lot area” need not be provided within the site on the ground level, but could also be provided on upper-level courtyards, so long as the open contiguous lot area is located no higher on the top of the first story. In no case shall the roof of a building be construed to meet the open contiguous lot area requirement.

During discussions that were held over the Summer months, Planning Commissioners asked whether the proposed definition, which is a clarification of staff’s original intent in drafting the Code, increases the amount of development on a site over what may have previously been understood, and whether there is an increase in lot coverage. Also, staff was asked whether the resulting development pattern is in keeping with the vision for Columbia Pike and Arlington’s overall practices and policies. In looking at the current development pattern for commercially zoned properties along the Pike, which includes small historic buildings, strip retail, and associated surface parking lots, lot coverage is nearly one hundred percent. Form Based Code development will have little net impact on site coverage.

Although the new understanding of the open contiguous lot area provision may increase potential development on a site, the form of the development, in terms of height, massing, and placement, is unchanged. As well, locating the open contiguous lot area on a level above the first story as an option, increases the floor area available within the first story for retail uses, which is a major redevelopment goal, and facilitates off-street loading and underground garage access. For these reasons, the resulting impact may be that redevelopment proposals will more closely adhere to the vision for Columbia Pike.

In terms of public open spaces, the Form Based Code is clear on the types and locations of these public spaces, which are generally referred to as Squares and Civic Greens. These public spaces are identified on the Regulating Plan of the Form Based Code. Such identified public spaces (Squares and Greens) are required to be dedicated to the County in fee as a condition of any redevelopment project incorporating any portion of these spaces.

Proposed Changes to the Form Based Code Regulating Plans (related to Historic Preservation)
(pages 18-19 of the Form Based Code)

Since the Spring, staff has worked with an ad hoc group with representation from HALRB, CPRO and the Planning Commission to discuss revisions to historic preservation regulations of the Code, modifying the height “bonus” to retain appropriate tapering and reduce the impact of new development on surrounding neighborhoods. In developing the Form Based Code, it was determined that a “bonus” was needed to offset the constraints involved in working with historic resources. The Code currently allows an additional two stories of development, while limiting the overall height, for redevelopment projects incorporating historic structures or facades, to 94 feet. The intent in providing the additional height is to create an incentive for developers to incorporate historic structures and or facades into larger redevelopment projects as an alternative to by-right development involving demolition of these resources.

The current language in the Form Based Code does not provide any requirement for tapering the height of buildings with these two extra stories, which could produce undesirable results that are out of scale with the surrounding neighborhood. There are also no provisions that require that new buildings adjacent to historic resources reflect the scale and character of the historic resources being preserved. To this end, discussions have centered on how to add language and/or graphic depictions that provide adequate direction to developers and the community.

Allowing an additional two stories with tapers under the Form Based Code would address the concerns and ensure a better transition from Columbia Pike to adjacent neighborhoods. Although there may be less total developable space under the proposed provisions, as compared to the language currently in effect, it is anticipated that developers will still choose to incorporate historic structures, since what is allowed under the Form Based Code is greater than what can be developed by-right and, in many instances, through the site plan process.

In discussing this issue with the ad hoc committee, HALRB, and ZOCo, two unresolved issues persist; do the proposed changes impact small sites differently than large assembled sites, and what regulations should apply to sites adjacent to historic resources, assuming that the historic resource is not incorporated into the redevelopment proposal? In order to answer these questions, staff will continue to discuss this issue with the HALRB, CPRO and community representatives to determine how best to achieve the goal of providing an incentive for development incorporating historic structures, while providing proper tapering of heights. As part of these ongoing discussions, staff will develop massing drawings to illustrate the impact and effect of the proposed changes to the Code. These continued discussions will be concluded prior to the scheduled County Board meeting in December.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend Section 20 (Appendix A), “CP-FBC” Columbia Pike – Form Based Code Districts, of the Arlington County Zoning Ordinance to modify the Building Envelope Standards in Section IV. B. and C., of the Form Based Code to incorporate a new minimum floor-to-ceiling height requirement for all upper stories; to add a definition for the term “open contiguous lot area” to Section II. of the Form Based Code; and to defer consideration of revisions to the historic preservation regulations in Section III. B. of the Form Based Code, modifying the height

“bonus” to the November 28, 2005 Planning Commission and December 10, 2005 County Board meetings, respectively.

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ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. “CP-FBC” COLUMBIA PIKE FORM BASED CODE DISTRICT [APPENDIX A.] TO DEFINE DEVELOPMENT OPTIONS, INCLUDING MODIFICATIONS TO DEFINITIONS, STREETScape STANDARDS, AND ARCHITECTURAL STANDARDS.

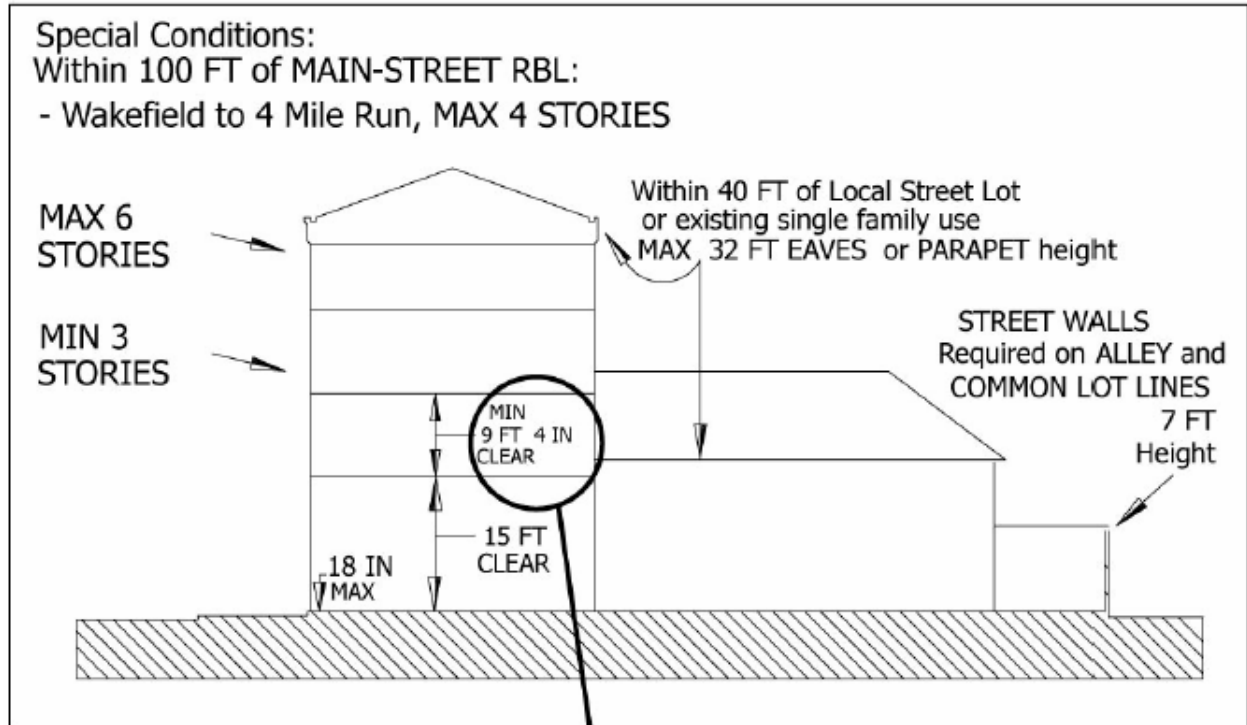
BE IT ORDAINED, by the County Board of Arlington County, that Section 20., “CP-FBC” Columbia Pike Form Based Code District [Appendix A.] of the Zoning Ordinance is amended, reenacted, and re-codified as follows to define permitted use in “CP-FBC” District; to preserve and promote mixed-use retail and other commercial activity within commercial districts; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

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(See Attached)

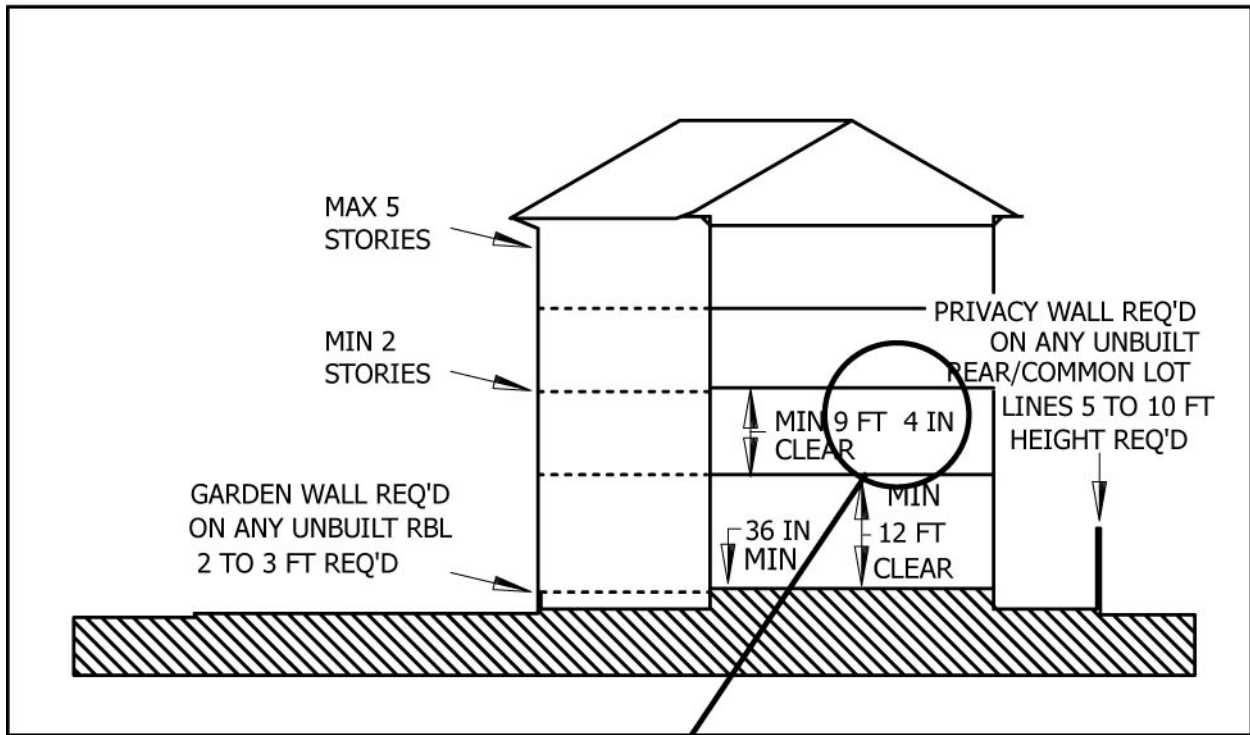
Proposed Changes to the Form Based Code Building Envelope Standards (pages 27-30 of the Form Based Code)

B. Building Envelope Standards: Main Street Sites



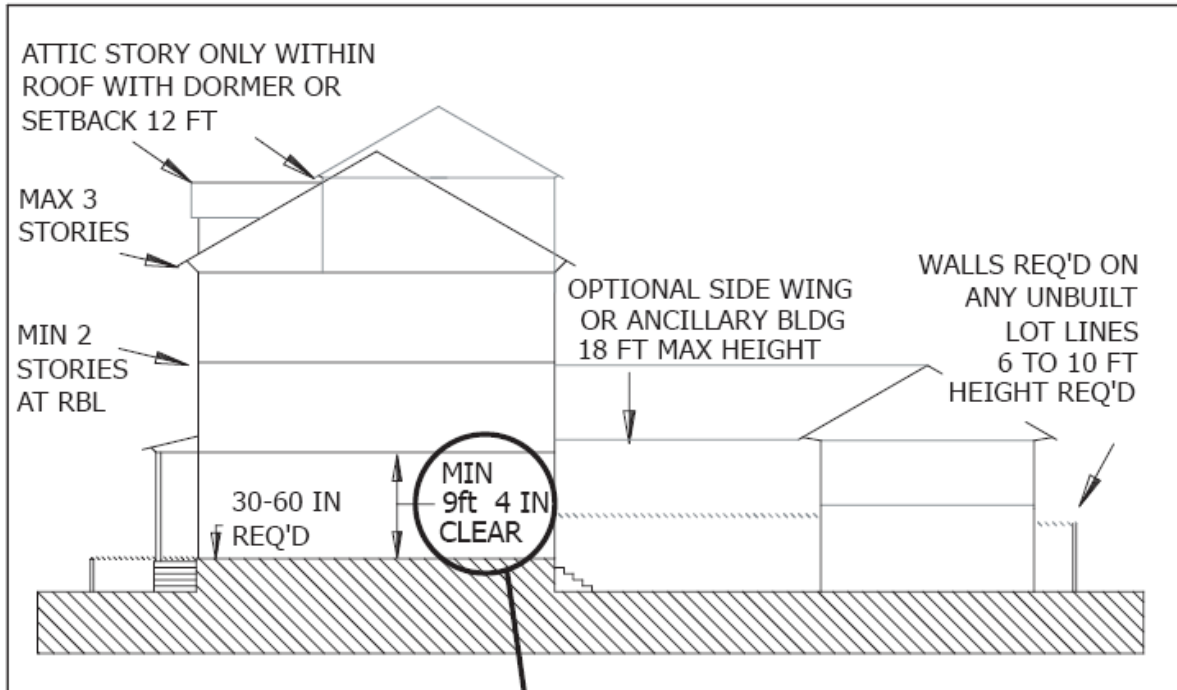
9 feet clear for upper STORIES except uppermost STORY which shall have a minimum clear height of 10 feet.

C. Building Envelope Standards: Avenue Sites



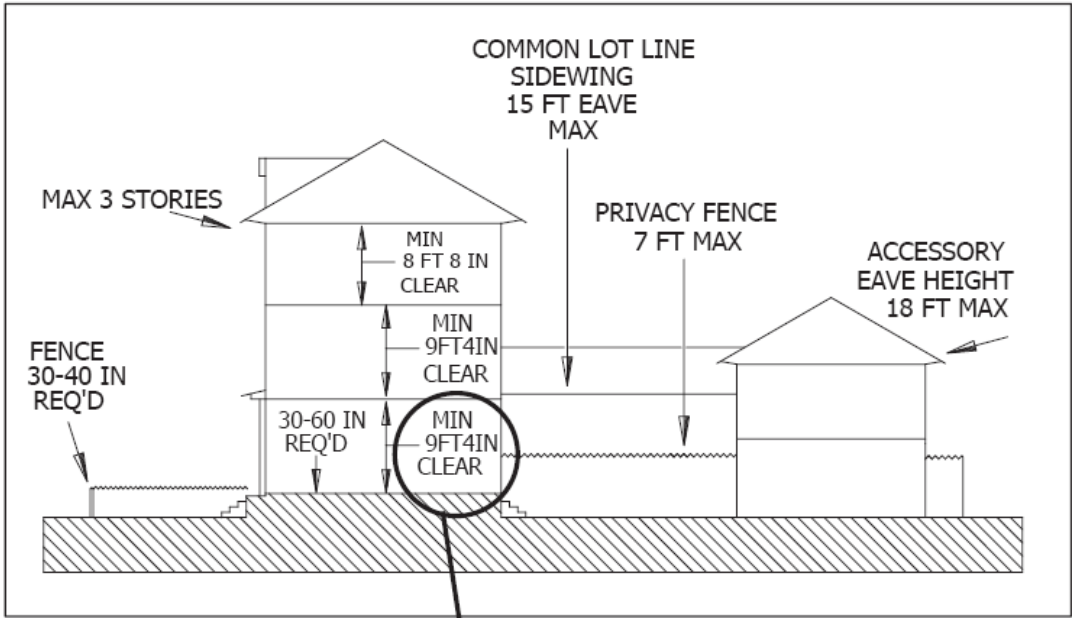
9 feet clear for upper STORIES except uppermost STORY which shall have a minimum clear height of 10 feet.

D. Building Envelope Standards: Local Sites



Proposed change from 9 feet 4 inches to 9 - 10 feet clear.

E. Building Envelope Standards: Neighborhood Sites



Proposed change from 9 feet 4 inches to 9 - 10 feet clear.

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HISTORIC STRUCTURES

Those buildings of historic value as designated in this **Code** and/or are identified on the REGULATING PLAN or designated by the County as historic landmarks or structures pursuant to Section 31A of the Zoning Ordinance. HISTORIC STRUCTURES shall be preserved.

LIVE/WORK

A structure that is specifically built (or altered) to accommodate retail or office commercial uses on the GROUND FLOOR and residential uses on the upper floors. Both the lower and upper levels may be occupied by the same user; however, it is not a requirement for this designation.

LOCAL STREET BUILDING

Buildings as defined in the BUILDING ENVELOPE STANDARD for LOCAL STREET SITES.

LOT

A designated parcel, tract or area of land having its principal frontage upon a STREET or a place permitted under the subdivisions ordinance and established by plat or subdivision or as otherwise permitted by law to be used, developed or built upon as a unit. (Ord. No. 90-14, 6-28-90)

MAIN STREET BUILDING

Buildings as defined in the BUILDING ENVELOPE STANDARD for MAIN STREET SITES.

NEIGHBORHOOD STREET BUILDING

Buildings as defined in the BUILDING ENVELOPE STANDARD for NEIGHBORHOOD STREET SITES.

OPEN CONTIGUOUS LOT AREA

The area within the BUILDABLE AREA, accessible to all occupants of the particular building or site, and open to the sky. OPEN CONTIGUOUS LOT AREA shall not be built-upon, parked or driven upon. OPEN CONTIGUOUS LOT AREA may be located on top of the first STORY, but in no case can it be above the second STORY. For Neighborhood sites, OPEN CONTIGUOUS LOT AREA shall be at grade (unenclosed decks shall not be construed to violate this provision).

PARAPET

Where used to limit building height in the **Code**, PARAPET height shall be measured at the top of the PARAPET, including any coping. An additional 3 feet in height by 12 feet in width (or 15 percent of the façade, whichever is greater) is permitted for a section of...

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