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 CHAIR
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February 2, 2005

Arlington County Board
 2100 Clarendon Boulevard
 Suite 300
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SUBJECTS: 2. **ZONING ORDINANCE AMENTMENTS** to Section 20. Columbia Pike Form Based Code Districts of the Zoning Ordinance to:

- a. Modify the Streetscape Standards to incorporate the recommendations of the Columbia Pike Implementation Team regarding sidewalk paving, tree plantings, and the placement of furniture and other fixtures along Columbia Pike; and
- b. Modify the Architectural Standards to incorporate new language to promote energy efficiency and to provide greater flexibility for signage; and
- c. Add a definition for the term “open space” and other minor modifications to the Form Based Code to clarify intent and the practical implementation of the Form Based Code and to reconcile the Form Based Code with other County standards

RECOMMENDATION: **Approve Zoning Ordinance Amendments a. and b. including substituting the following language under Energy Efficiency and Environment Conservation: “LEED standards, or an equivalent standard, should be incorporated into the building design including the submission of a LEED scorecard in the administrative review process.”**

Do not approve Zoning Ordinance Amendment c.

Dear County Board Members:

The Planning Commission heard this item at its January 31, 2005 meeting. Richard Tucker made a presentation on the proposed Zoning Ordinance Amendments to the Columbia Pike Form Based Code. There were no public speakers.

Commissioner Weihe questioned the addition of energy efficiency and environmental conservation guidance without including requirements from LEED (Leadership in Energy and Environmental Design). He opposes the inclusion of the proposed language and instead would support only applying LEED certification to the Form Based Code projects.

Richard Tucker noted that the County's LEED requirements apply to site plans and do not apply to use permits. Currently, there is no LEED requirement for use permits. Use permit applicants do submit a LEED scorecard. The proposed amendment is a follow up by the Environment and Energy Conservation Commission (E2C2) to encourage a good faith effort to respond to the community's sentiment with respect to green building.

Commissioner Weihe continued to stress using LEED certification for consistency purposes and to encourage a certified LEED consultant to be included as part of the development team.

Commissioner Johnson questioned the amendment to add the definition of "open space" and asked whether this refers to the "open contiguous areas" defined in the Building Envelope Standards. If that was the intent, she asked why the term used in the Building Envelope Standards, the regulatory document, was not being defined rather than adding a new term, "open space". She also asked about the purpose of the change. Richard Tucker noted that currently there is no definition of the term "open space" as space within a project available to its occupants or residents but not necessarily open to the public. The intent was to provide direction and to facilitate redevelopment. Commissioner Johnson asked whether this change was responding to a problem with a particular proposed development or if the amendment was necessary to facilitate a particular development. Richard Tucker stated that it is an attempt to clarify the original intent of the FBC. Commissioner Johnson suggested that the definition should relate to the term already used in the Building Envelope Standards, "open contiguous areas," which are shown in the FBC diagrams as percentages of the site on which nothing is built. She asked whether under the proposed definition of "open space" an entire site could be built out and something on top of a structure, such as a roof deck, could count as open space. Richard Tucker stated that if the space is available to the building's population it would count as open space. Commissioner Johnson noted that this would allow a bigger footprint for a building and she questioned why this issue was not raised earlier. Richard Tucker responded that this was a housekeeping matter and noted that the Form Based Code (FBC) always intended that the open space could be on a roof.

Commissioner Hunt noted that the FBC has no limit on density and one way to restrict density is applying the open space requirement on the ground. She further questioned maximum heights and densities being realized with the roof being called open space. Richard Tucker responded that the intent of the FBC is to get development; if open space is located on roof then both goals are achieved. He stressed the need to create the incentive for the properties along Columbia Pike because there is a market inequality that we are attempting to address. Commissioner Hunt stated that she believed that this proposed amendment was more than just housekeeping.

Commissioner Weihe suggested proposed language to substitute for the Energy Efficiency and Environmental Conservation section: *"LEED standards should be incorporated into the building design including submitting a LEED scorecard and utilizing a LEED consultant in the administrative review process."*

Commissioner Foster suggested there are many other environmental interests and that LEED is a brand name. It is measurable. However, there are others and he would like to add the language *"or similar type of organization"* to Commissioner's Weihe proposed language.

Commissioner Malis asked staff to respond to Commissioner Weihe's proposed language change. Richard Tucker stated that he is open to adding this language. He also noted, in reference to previous comments regarding the "open space" definition, that staff is actually defining a term rather than expanding a use. Commissioner Malis also asked staff to provide some examples of how the term "open space" is used in the code that would help put the definition into context.

Commissioner Chávez questioned what prompted the change in the lighting standards. Richard Tucker stated that the comments are from the E2C2 to encourage the use of best practice materials. Commissioner Chávez further questioned the purpose of using the word "encourages" if it should be a requirement. Richard Tucker noted that it would be difficult to come up with requirements for every building and that it is hard to specify specific material for every use. Other than encouraging, E2C2 decided that more specifics were not necessary.

Commissioner Foster noted that the FBC was supposed to be measurable and definable. He is concerned about eroding that purpose with things that are not measurable. He asked if the Columbia Pike Reorganization Organization (CPRO) is up to speed on the proposed changes. Richard Tucker stated that CPRO has seen the proposed changes and supports them because they provide incentives for development on Columbia Pike. Commissioner Foster noted that this is inviting a slippery slope and it clouds the expectation of efficiency.

Commissioner Savela noted that the E2C2 faced the same dilemma because they, too, were interested in supporting the objectives of the FBC. She asked the Chair of E2C2 about the environmental changes, he indicated that there was a lot of give and take, with the understanding that FBC was not intended to include site plan-level requirements. She understands the intent of the language was to avoid placing such a weight that it deters development.

Commissioner Savela questioned the bicycle parking requirements, a ratio of 1 space per 10 units, which are different from the standards currently used with site plan development, a ratio of 1 per 3 units. Richard Tucker stated that the standards were recommended by the Columbia Pike Implementation Team (CPIT). Commissioner Malis noted that the Bicycle Advisory Committee representative on CPIT did review the requirements.

Commissioner Savela questioned the encouragement of a variety of paving materials and whether this would allow materials and patterns to change from block to block. Richard Tucker responded that there was no requirement that each block be the same but noted that a good design on a particular project could evolve into a pattern for the entire Pike. Commissioner Savela also noted that after some development has occurred the requirements on signs might be revisited to add even more flexibility.

Commissioner Fallon asked about the definition of "open space" and the need to distinguish between public and private open space. Given the recent discussion of open space with respect to the Courthouse 21 project and the Commission's recommendation to deny the project, he did not see that we have learned any lessons.

Commissioner Weihe continued to stress the importance of incorporating a LEED certified consultant into the design team for development projects.

Commissioner Malis asked if staff has found an example of how open space is used to show how the definition would not change the use. Richard Tucker referred to space that is not built upon but is not necessarily on the ground level.

Commissioner Johnson questioned whether this change was being driven by a prospective development. Richard Tucker stated that the proposed change is not in response to a developer interest. He noted that there currently is no definition that the Zoning Administrator can support. Commissioner Johnson stated that she is still unclear about the intent of the “open space” definition and how it would relate to the Building Envelope Standards, and does not believe that this particular Zoning Ordinance Amendment is ready.

Planning Commission Motion

Commissioner Johnson made a motion that the Planning Commission recommends that the County Board adopt proposed amendments a. and b. set forth in the staff report, and that the County Board not adopt proposed amendment c. Commissioner Hunt seconded the motion.

Commissioner Hunt said that the definition of open spaces does not go anywhere, and she can see the Courthouse 21 project, for example, coming back with more units and the open space placed on the roof.

Commissioner Chávez stated that she is not comfortable adopting any of the proposed amendments. She is not sure how much outreach was done and does not feel staff is providing clear answers. There is too much ambiguity and the proposed amendments lack a readiness for prime time.

Commissioner Saks stated that he is very uncomfortable with the approach for allowing open space on roofs when it is meant to be located on the ground level. To allow this on a different level is in the wrong direction and detracts from the certainty of the FBC, which made it attractive to the citizens and developers.

Commissioner Malis noted that CPIT, whose members represent the Columbia Pike neighborhoods, either generated and/or reviewed the proposed changes. She suggested that it would be helpful to have letters of support from CPRO and CPIT for the County Board meeting. She further questioned whether the County’s LEED staff person could counsel the developer in order to assist with including green building standards. Richard Tucker noted that in an application filed under Administrative Regulation 4.1.2, the applicant is required to meet with the LEED staff person and that a LEED scorecard is required.

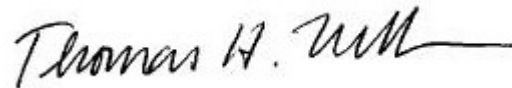
Commissioner Weihe stated that his objective was to clean up language to make it more inclusive. He suggested an amendment to the motion to retain the title Energy Efficiency and Environment Conservation and adds the following language: *“LEED standards, or an equivalent standard, should be incorporated into the building design including the submission of*

a LEED scorecard in the administrative review process.” Language referencing the utilization of a LEED consultant was removed. The proposed amendment was accepted. Commissioner Hunt noted that there were other green language inclusions in the document. Commissioner Johnson stated that it would be difficult to measure the burden of such a requirement on small projects.

Commissioner Savela also noted that the staff report should correctly identify the full name of the E2C2 Commission.

The Planning Commission voted 9-1-1 to approve the motion. Commissioners Fallon, Foster, Hunt, Johnson, Malis, Risher, Saks, Savela, and Weihe supported the motion. Commissioner Chávez opposed the motion. Commissioner Hubbard abstained.

Respectfully Submitted
Arlington County Planning Commission,

A handwritten signature in black ink that reads "Thomas H. Miller" followed by a horizontal line.

Thomas H. Miller
Planning Commission Coordinator