



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of July 8, 2006

**DATE:** June 23, 2006

**SUBJECTS:** Zoning Ordinance Amendments for the Clarendon Metro Station area:

1. Amendments to Section 27. "C-3" General Commercial Districts of the Zoning Ordinance which amend, reenact and recodify regulations for landscaping for properties zoned "C-3" and located in the "Clarendon Revitalization District" on the General Land Use Plan to establish incentives for the construction of streetscape and the provision of land for new streets with by-right development in Clarendon identified in the 2006 Clarendon Sector Plan and the Master Transportation Plan (see Attachment 1).
2. Amendments to Section 27. "C-3" General Commercial Districts of the Zoning Ordinance which amend, reenact and recodify regulations for landscaping for properties zoned "C-3" and located in the "Clarendon Revitalization District" on the General Land Use Plan to establish incentives for the construction of streetscape and the provision of land in fee simple or through an easement for new streets with by-right development in Clarendon identified in the 2006 Clarendon Sector Plan and the Master Transportation Plan (see Attachment 2 as highlighted).

#### **C.M. RECOMMENDATIONS:**

1. Defer consideration of the proposed amendments to Section 27. of the Arlington County Zoning Ordinance related to incentives for construction of streetscape and the dedication of land necessary for new streets proposed in Clarendon until the September 16, 2006 County Board meeting and its associated Planning Commission meeting (see Attachment 1).
2. Authorize advertising changes to Section 27. of the Zoning Ordinance, which would establish an incentive for the construction of streetscape and the provision of land in fee simple or through an easement for new streets proposed for Clarendon, for public hearings at the September 16, 2006 County Board meeting and its associated Planning Commission meeting (see Attachment 2 as highlighted).

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Molly Just and Jennifer Smith, DCPHD, Planning Division

PLA - 4381

**ISSUES:** None.

**SUMMARY:** The proposed Zoning Ordinance amendments are intended to promote the construction of streetscape and utility undergrounding consistent with the guidelines set forth in the 2006 Clarendon Sector Plan and the allocation of land necessary for new streets set forth in the Sector Plan and the Master Transportation Plan. The amendments provide a modest incentive to a developer. They are not designed to encourage by-right development; however, they may help offset the development costs associated with providing enhanced streetscape and land for new streets. In order to expand the scope of the previously advertised language (Subject 1) and allow for flexibility in how the land would be conveyed for public access, an additional advertisement is requested (Subject 2).

**BACKGROUND:** On February 28, 2006, the County Board adopted the Clarendon Sector Plan Policy Directives and a number of General Land Use Plan and Master Transportation Plan amendments for the Clarendon area. In order to implement the Clarendon Policy Directives, at its May 20, 2006 meeting, the County Board adopted changes to the by-right provisions of the “C-3” Zoning District to include new setback requirements for wider streets and regulations for the screening of parking, parking placement, and the frequency of building entrances. At that time, the County Board deferred action on incentives for the construction of streetscape and provision of land necessary for new streets as additional time was needed to study those incentives.

**DISCUSSION:** In order to help implement the vision for Clarendon, staff is recommending Zoning Ordinance Amendments to the “C-3” by-right development requirements consistent with the Policy Directives adopted by the County Board on February 28, 2006 and the 2006 Clarendon Sector Plan – Part 1 adopted on June 10, 2006. Changes to Section 27. of the Zoning Ordinance are recommended. The intent of the proposed amendments is to improve the overall streetscape environment and to gain the land necessary for new streets with by-right development for properties located in the “Clarendon Revitalization District” as designated on the General Land Use Plan.

Gaining new streets, primarily in mid-block locations are envisioned as integral improvements to the redevelopment activities in Clarendon in the future. These new streets will divide large blocks and will provide additional circulation routes for both pedestrians and vehicles. These streets will also provide locations for parking garage and service or loading areas in order to decrease the potential conflicts with pedestrians and vehicles along primary streets and to enhance the primary walkways in Clarendon. Gaining new streets will be an expected element for site plan projects; however, the County would also prefer to obtain these streets if possible through by-right development with the use of incentives.

Streetscapes are another priority element in Clarendon as well as other Metro Station areas. The 2006 Clarendon Sector Plan – Part 2 is expected to include detailed guidelines for streetscape conditions along all streets including the space and materials for each area of the streetscape. However, the construction of streetscapes pursuant to the sector plan is not required in by-right development. Providing an incentive, therefore, is desired in order to achieve consistent streetscapes in Clarendon to the greatest extent possible.

The County Board advertised amendments to the “C-3” by-right development requirements at their February 28, 2006 meeting. Since that time, staff met with the Zoning Committee (ZOCO) (March 13, 2006 and May 4, 2006) and the Planning Commission (April 10, 2006 and April 17, 2006) where a number of issues were raised on the proposed amendments, including suggestions to provide incentives to gain land for new streets. After analyzing those proposals further, staff requested that the County Board advertise an additional set of amendments to broaden the advertisement and allow flexibility for staff to determine the appropriate incentives. The County Board authorized advertisement of the additional proposals at its April 22, 2006 meeting. The issues raised by the Planning Commission and community members have included the following:

- The landscape waiver should not encourage by-right development;
- The landscape waiver should not waive the requirement for a landscape strip to screen surface parking;
- An incentive for the construction of new streets proposed in the Master Transportation Plan should be provided.

### **Incentives Analyzed**

The by-right provisions of the “C-3” Zoning District have limited restrictions on development including parking, height, set back and landscaping regulations. Staff has analyzed several possible incentives with relief to these various requirements in order to encourage the construction of streetscape, utility undergrounding and the reservation of land for new streets. However, as various conditions are present in this station area from one block to the next such as site size and shape, potential property consolidation, varying conditions for street layout, streetscape conditions, and building heights as set forth in the 2006 Clarendon Sector Plan, determining a straightforward incentive that can be administratively approved is difficult.

Parking and Heights. At this time, parking reductions and/or increases in building height do not appear to be viable or supportable incentives to obtain streetscapes and land for new streets. Increases in building height could conflict with the prescribed heights set forth in the adopted Sector Plan. Parking reductions could provide incentives to develop by-right rather than through the Special Exception Site Plan process. Staff does not want to create incentives that would encourage by-right development.

Setbacks. In conformance with recommendations of the 2006 Clarendon Sector Plan, on May 20, 2006 the County Board adopted Zoning Ordinance amendments that changed the setback for major streets in Clarendon. The new setbacks will ensure adequate space for construction of the streetscape and the proposed street cross section in the Sector Plan. However, in some instances the required setback distance and the preferred back of streetscape do not match. Staff has analyzed the possibility of providing an incentive to give relief from the required setback and allow a developer to build a building to the back of the preferred streetscape if streetscapes and new streets are provided. At this time, staff does not consider this incentive equitable among the properties in Clarendon and does not recommend adjusting the setback requirements.

Landscaping. The existing ten (10) percent landscape requirement may be met anywhere on-site and in some cases, the requirement could be achieved in the required setback. Allocating space for landscaping along the perimeter of a site between the building and the sidewalk area could result in an undesirable urban form and a less-active streetscape. Alternatively, the landscape requirement could be provided to the rear of a building or in another area not accessible to the public. In contrast, the streetscape conditions recommended in the 2006 Clarendon Sector Plan include tree pits and other amenities that create a more urban condition with active and attractive walkways. Therefore, at this time, staff considers a reduction in the landscape requirement as the most viable option to provide as an incentive to gain streetscape, utility undergrounding and land for new streets. This could accomplish the County's goal for a consistent streetscape appearance, reduce awkward landscaping areas in this urban environment, and encourage the reservation of land for new streets.

### **Proposed Amendments**

- Streetscape Improvements. Both Subject 1 and Subject 2 of this report would allow the Zoning Administrator to approve a reduction from the ten (10) percent landscape requirement to eight (8) percent in exchange for construction of streetscape consistent with the guidelines set forth in the 2006 Clarendon Sector Plan and the placement of aerial utilities on or at the periphery of a lot underground. This would provide a modest cost savings to a developer in constructing the streetscape and undergrounding utilities. The value of the two (2) percent reduction equals approximately 17 percent of the combined average cost to underground utilities and construct the streetscape recommended in the Sector Plan.
- Provision of Land for New Streets Proposed for Clarendon. The proposed amendment would allow the Zoning Administrator to approve a reduction in the remaining landscape requirement by the same number of square feet of land area that is allocated to the County for the provision of land for new streets as set forth in the 2006 Clarendon Sector Plan and the Master Transportation Plan. The value of the remaining eight (8) percent reduction ranges from 30% to 50%, on average, of the value lost to the landowner in giving up the right to develop the land provided for the new street.

### **Additional Language for Advertising**

Any land for new streets provided to the County would be in fee simple with no other consideration in Subject 1. Subject 2 of this report expands the scope of the advertised language in Subject 1 to allow a developer to convey land to the County through a public access easement. This public access easement would state the rights that would be granted to the County and those rights that would be maintained by the landowner. This would be done through a standard easement document that would apply in all cases where land is allocated for public street access.

The easement would contrast from the fee simple approach whereby it would allow the landowner to maintain the right to provide parking beneath the new street. In most instances, the new streets bisect existing parcels. This would likely result in the need to construct two buildings on the same lot if the area for the new street is provided, whereas one building could be built if the area for the new street were not provided. Permitting use of the area beneath the

street for parking helps to ensure that multiple parking garages would not necessarily have to be constructed that could raise costs and reduce design efficiency. Parking is a major cost factor in by-right development in “C-3”. By precluding the ability to construct a single parking garage below grade the proposed incentive to reduce the landscape requirement may not be beneficial and may not be considered by a landowner.

Although the subject amendments may not guarantee construction of the streetscape and utility undergrounding or the provision of land for new streets in by-right development, this approach may encourage a developer who is uncertain about undergrounding utilities or constructing widened streetscapes or new streets to do so. This amendment may be an incremental step to gain these desired elements; however, further amendments may be necessary as time permits.

**CONCLUSION:** The subject Zoning Ordinance amendments are generally consistent with the Clarendon Policy Directives and the 2006 Clarendon Sector Plan but need additional refinement in order to expand the scope for the incentive to gain the land area for new streets. The proposed Zoning Ordinance amendments would amend, reenact, and recodify the Zoning provisions for landscaping in order to ensure compatibility with the adopted Policy Directives and 2006 Clarendon Sector Plan and the existing conditions which have experienced significant change since the adoption of the subject provisions; to promote economic development; to encourage orderly development of the “Clarendon Revitalization District”; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice. Therefore, staff recommends that the County Board defer consideration of Subject 1 until the September 16, 2006 County Board meeting and authorize advertisement of Subject 2 for consideration at the September 16, 2006 County Board meeting and the associated Planning Commission meeting.

## ATTACHMENT 1

### ORDINANCE TO AMEND, REENACT, AND RECODIFY SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS OF THE ARLINGTON COUNTY ZONING ORDINANCE IN ORDER TO MODIFY BY-RIGHT LANDSCAPING PROVISIONS.

BE IT ORDAINED, by the County Board of Arlington that the following amendments to Section 27. "C-3" General Commercial Districts of the Arlington County Zoning Ordinance is hereby amended in order to encourage economic development; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

#### SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS

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##### C. Landscaping.

Ten (10) percent of total site area is required to be landscaped open space in accordance with the requirements of Section 32A, "Landscaping," except by site plan as provided in subsection D. below:

- a. For all property except within the "Clarendon Revitalization District", with the approval of the zoning administrator, a portion of the public right-of-way may be used to meet this landscaping requirement if the streetscape improvements comply with adopted plans and provided that all aerial utilities on and at the periphery of the lot shall be undergrounded with new development or redevelopment; or
- b. For properties within the "Clarendon Revitalization District" on the General Land Use Plan the following may apply:
  - i. (a) If the Zoning Administrator determines that a developer agrees to construct streetscape improvements according to the County's adopted plans and to place all aerial utilities on and at the periphery of the lot underground as part of new development or redevelopment, then the ten (10) percent landscaping requirement may be reduced by [a percentage between two and ten percent approved by the County Board at the time of adoption]. The Zoning Administrator's approval for such a reduction shall not waive the landscape strip required in Section 27.B.3.c; or  
(b) Where a developer agrees to construct streetscape improvements according to the County's adopted plans and to place all aerial utilities on and at the periphery of the lot underground as part of new development or redevelopment, the Zoning Administrator may approve use of a portion of the public right-of-way for that purpose. In this case, the ten (10) percent landscaping requirement shall apply on private property; and
  - ii. Where a developer dedicates land to the County, without other consideration, for a right-of-way called for in the Master Transportation Plan within the area of the "Clarendon Revitalization District" on the General Land Use Plan the Zoning Administrator may approve a reduction

in the landscape requirement by the same number of square feet of land area as is dedicated to the County.

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## ATTACHMENT 2

### RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS ON PROPOSED ZONING ORDINANCE AMENDMENTS TO SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS IN ORDER TO MODIFY BY-RIGHT LANDSCAPING PROVISIONS.

The County Board of Arlington hereby resolves that the following amendments to Section 27. of the Arlington County Zoning Ordinance shall be advertised for public hearings at the September 5, 2006 Planning Commission meeting and at the September 16, 2006 County Board meeting in order to encourage economic development; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

#### SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS

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##### C. Landscaping.

Ten (10) percent of total site area is required to be landscaped open space in accordance with the requirements of Section 32A, "Landscaping," except by site plan as provided in subsection D. below:

- a. For all property except within the "Clarendon Revitalization District", with the approval of the zoning administrator, a portion of the public right-of-way may be used to meet this landscaping requirement if the streetscape improvements comply with adopted plans and provided that all aerial utilities on and at the periphery of the lot shall be undergrounded with new development or redevelopment; or
- b. For properties within the "Clarendon Revitalization District" on the General Land Use Plan the following may apply:
  - i. (a) If the Zoning Administrator determines that a developer has entered into a binding commitment to construct streetscape improvements according to the County's adopted plans and to place all aerial utilities on and at the periphery of the lot underground as part of new development or redevelopment, then the ten (10) percent landscaping requirement may be reduced to eight (8) percent. The Zoning Administrator's approval for such a reduction shall not waive the landscape strip required in Section 27.B.3.c; or  
(b) Where a developer has entered into a binding commitment to construct streetscape improvements according to the County's adopted plans and to place all aerial utilities on and at the periphery of the lot underground as part of new development or redevelopment, the Zoning Administrator may approve use of a portion of the public right-of-way for that purpose. In this case, the ten (10) percent landscaping requirement shall apply on private property; and
  - ii. Where a developer dedicates land to the County in fee, with no other consideration, or through an easement in a form approved by the County

Board, for a right-of-way called for in the Master Transportation Plan within the area of the “Clarendon Revitalization District” on the General Land Use Plan the Zoning Administrator may approve a reduction in the remaining landscape requirement by the same number of square feet of land area as is dedicated to the County.