DATE: June 27, 2005

SUBJECT: Request to Advertise Public Hearings on Proposed Amendments to Section 20 Appendix A) Columbia Pike Form Based Code Districts of the Zoning Ordinance to:

a) Revise 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; and

b) 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

c) Add a definition for the term “open contiguous lot area” to Section II. of the Form Based Code.

C. M. RECOMMENDATION:
Authorize advertisement of public hearings by the Planning Commission on September 6, 2005 and the County Board on September 17, 2005 to consider the proposed amendments to Section 20 (Appendix A) of the Arlington County Zoning Ordinance which will serve to facilitate the creation of a convenient, attractive and harmonious community; to protect against destruction of or encroachment upon historic areas; and to encourage economic development activities that provide desirable employment and enlarge the tax base.

ISSUE: None.

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

County Manager: _____________

County Attorney: _____________

Staff: Richard Tucker, DCPHD, Planning Division

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historic structures, staff has worked with members of the Historical Affairs and Landmark Review Board (HALRB), the Planning Commission and the Columbia Pike Revitalization 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 Regulating Plans (related to Historic Preservation) (pages 18-19 of the Form Based Code)

Staff proposes to revise the historic preservation regulations, modifying the height “bonus” to retain appropriate tapering and reduce the impact of new development on surrounding neighborhoods. Staff developed this recommendation in working with an ad hoc group with representation from HALRB, CPRO and the Planning Commission.

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.

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. 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. These continued discussions will be concluded prior to the scheduled County Board meeting in September.

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

Staff proposes advertising a minimum floor-to-ceiling height range of 9’ to 10’ clear, which will encourage a variety of floor-to-ceiling heights. The Form Based Code currently prescribes a minimum floor-to-ceiling height of 9’4”, which is four inches greater than the length of standard pre-cut building materials commonly used by the building industry. This height was suggested by the consultants who originally worked with County staff in drafting the Form Based Code. 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, 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. By advertising a range of minimum floor-to-ceiling heights, it is possible for staff to discuss this matter further with the community to determine the best approach going forward.

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

Currently there is no definition for the term “open space” in the Form Based Code or in other sections of the Zoning Ordinance. Typically the term “open space” 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, staff also proposes that 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. 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.
CONCLUSION: Staff recommends that the County Board adopt the attached resolution authorizing the advertisement of public hearings on proposed amendments to Section 20 of the Zoning Ordinance for a public hearing on September 17, 2005.
RESOLUTION TO ADVERTISE PUBLIC HEARINGS ON ZONING ORDINANCE AMENDMENTS TO SECTION 20. “CP-FBC” COLUMBIA PIKE FORM BASED CODE DISTRICTS [APPENDIX A.], TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, INCLUDING MODIFICATIONS TO REGULATING PLANS (RELATED TO HISTORIC PRESERVATION), DEFINITIONS AND BUILDING ENVELOPE STANDARDS.

The County Board of Arlington hereby resolves that the following amendments to Section 20., “CP-FBC” Columbia Pike Form Based Code District [Appendix A.] of the Zoning Ordinance be advertised for public hearings by the Planning Commission on September 6, 2005 and the County Board on September 17, 2005 to amend, reenact, and re-codify Zoning Ordinance provisions to preserve and promote mixed-use retail and other commercial activity within commercial districts; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice; as well as to facilitate the creation of a convenient, attractive and harmonious community; to protect against destruction of or encroachment upon historic areas; and to encourage economic development activities that provide desirable employment and enlarge the tax base.

* * *
6. HISTORIC PRESERVATION

Certain HISTORIC STRUCTURES and HISTORIC FACADES are viewed as integral to the current and future identity of Columbia Pike. These historic resources are to be preserved (see HISTORIC PRESERVATION, pg. 6) through the use of local incentives, as well as Federal and/or State Historic Tax Credits.

HISTORIC STRUCTURES
Sites containing HISTORIC STRUCTURES may be redeveloped under the Code subject to any special provisions that apply to the site in the REGULATING PLAN and administrative review by the Arlington Historical Affairs and Landmark Review Board (HALRB). When located on any site that is redeveloped pursuant to this Code, HISTORIC STRUCTURES shall be preserved (see HISTORIC PRESERVATION, pg. 6) in their entirety and shall not be subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code.

The following properties are HISTORIC STRUCTURES:

- 2338-2344 and 2408 Columbia Pike, commercial buildings
- 2500-2530 Columbia Pike, Arlington Village Shopping Center
- 2624 Columbia Pike, Arlington Animal Hospital
- 2628 Columbia Pike, Birds N' Things
- 2900 Columbia Pike, Old Dominion Bank/Blanca's Restaurant
- 2903 Columbia Pike, Arlington Theater
- 3014 Columbia Pike, Charles Building
- 805 South Walter Reed Drive, Fillmore Gardens Apartments (The portion of the property south of 9th Street may be redeveloped, on the condition that preservation (see HISTORIC PRESERVATION, pg. 6) is implemented for the portion north of 9th Street.)

HISTORIC FACADES
Sites incorporating HISTORIC FACADES may be redeveloped under the Code subject to any special provisions that apply to the site in the REGULATING PLAN or in this section and administrative review by the Arlington Historical Affairs and Landmark Review Board (HALRB). When located on any site that is redeveloped pursuant to this Code, HISTORIC FACADES shall be preserved (see HISTORIC PRESERVATION, pg. 6) and shall not be subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code.

The following properties contain HISTORIC FACADES:

- 2801-2811 Columbia Pike and 927 South Walter Reed, Elkins Building
- 900 block of South Walter Reed Drive, commercial buildings
- 2906-2922 Columbia Pike, Arlington Hardware

In order to better incorporate HISTORIC STRUCTURES and HISTORIC FACADES into redevelopment scenarios, the following are allowable modifications to the Form Based Code requirements.

- HISTORIC STRUCTURES and HISTORIC FACADE buildings have no minimum parking requirements (redevelopment is not required to obtain this exemption).

- Redevelopment projects incorporating HISTORIC STRUCTURES and HISTORIC FACADES are exempt from the County's parking requirements for that portion of the project that includes the historic property.

- Siting and element requirements of the BUILDING ENVELOPE STANDARDS can be modified for that portion of any redevelopment project that includes a HISTORIC STRUCTURE or HISTORIC FACADE that is preserved.

Optional exceptions:

1. **Up to two additional STORIES, with appropriate design and tapering, subject to HALRB review and approval,** are permitted on the remainder of the site, provided overall building height is within the maximum (in feet) for the site.

   For example, on a MAIN STREET SITE, the maximum height is 6 STORIES, the equivalent to 94 feet under the Form Based Code. (Maximum floor heights are 24 ft., 14 ft., 14 ft., 14 ft., 14 ft., 14 ft.) Thus, up to an additional two STORIES are permitted, but overall building height cannot exceed 94 feet.

2. Developers are exempted from constructing certain STREETSCAPE improvements, including:

   - Utility undergrounding
   - Provision of street furniture
   - Provision of PUBLIC ART
   - Provision of CIVIC GREENS and SQUARES

Developers are required to obtain a Certificate of Appropriateness from the Historical Affairs and Landmarks Review Board (HALRB) for projects involving the identified HISTORIC STRUCTURES and HISTORIC FACADES listed above prior to application submission. Such Certificates of Appropriateness shall be governed by the processes, standards, and rights of appeal as set forth in Section 31A of the Zoning Ordinance.

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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

Special Conditions:
Within 100 FT of MAIN-STREET RBL:
- Wakefield to 4 Mile Run, MAX 4 STORIES

MAX 6 STORIES

MIN 3 STORIES

Within 40 FT of Local Street Lot or existing single family use
MAX 32 FT EAVES or PARAPET height

STREET WALLS
Required on ALLEY and
COMMON LOT LINES
7 FT Height

MIN 9 FT 4 IN CLEAR

15 FT CLEAR

18 IN MAX

Proposed change from 9 feet 4 inches to 9 - 10 feet clear.
C. Building Envelope Standards: Avenue Sites

Proposed change from 9 feet 4 inches to 9 - 10 feet clear.
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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**Proposed Changes to the Form Based Code Definitions (page 7 of the Form Based Code)**

**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 (PRIVATE OPEN SPACE)**
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 (except for emergency access). 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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