DATE: April 11, 2006

SUBJECT: Adoption of proposed Amendments to Section 20. (Appendix A) “CP-FBC,” Columbia Pike - Form Based Code Districts, of the Zoning Ordinance to:

1. Revise the definition of the term(s) “Story, Story Height” in, and add a definition for the term “Structural Clear Height” to, Section II.;

2. Ensure consistency with the aforementioned definitional changes by: modifying the definition of “Garage Entry” in Section II.; revising the Building Envelope Standards in Section IV. B., C., D., and E. and the Signage language in Section VI. F. by removing the term “clear” and replacing it with either the wording “unobstructed” or the new term “Structural Clear Height”; and removing the term “Story Height” from the Building Envelope Standards in Section IV. B., C., D., and E.; and

3. Replace the currently specified clear heights in the Building Envelope Standards in Section IV. B., C., D., and E. for Main Street, Avenue, Local and Neighborhood sites with new minimum “Structural Clear Heights.”

C. M. RECOMMENDATION:

Defer consideration of the attached ordinance to amend Section 20. (Appendix A) “CP-FBC,” Columbia Pike – Form Based Code Districts, of the Arlington County Zoning Ordinance to the May 30, 2006 Planning Commission and June 10, 2006 County Board meetings.

ISSUES: Staff needs additional time to address questions and concerns that were raised at the April 10, 2006 Planning Commission meeting.

SUMMARY: Staff has continually worked with citizens to refine the Form Based Code (“FBC”) since its adoption in February 2003 to ensure that it reflects the community’s vision for Columbia Pike. An informal discussion group, consisting of area residents and developers, has met over recent months to discuss and address issues related to interpreting the FBC. The discussion group has recommended modifying the FBC to better define and illustrate the
differences between the terms and concepts related to “story, story height”, “clear height” and “floor-to-floor height”. Doing so will help eliminate confusion over the intent of the FBC with regard to construction requirements and will create buildings along Columbia Pike that are designed in conformance with the community’s vision for the corridor. Staff has taken into consideration the guidance of the discussion group and recommends the modifications to the FBC outlined in the discussion below.

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 FBC. In February 2003, the County adopted the FBC for the Town Center and Village Center development nodes. In February 2004, the FBC was adopted for the Neighborhood Center and Western Gateway. From time to time, staff has initiated amendments in response to community concerns and input from advisory boards and commissions in order to clarify the intent of the FBC, while facilitating the redevelopment of Columbia Pike in accordance with the overarching vision for the revitalization of the corridor.

DISCUSSION: The proposed changes to the FBC essentially deal with how to measure, describe and define the space between floors and stories. Staff recommends making several minor modifications which are enumerated below (Note: Terms are shown in small capital letters when they are specifically defined in the Definitions section of the FBC.):

Proposed Changes to Definitions
On page 8 of the FBC in the Definitions section, staff recommends revising the definition of the term “STORY, STORY HEIGHT” as one step to help clarify issues related to height. Staff proposes a new definition for “STORY,” which more clearly states what is to be measured in determining story height. The proposed new definition reads: “That space within a building, and above adjacent RBL elevation, that is situated between, or the distance between, the top of one slab or other structural portion of one floor level and the top of the slab or other structural portion of the floor level next above, or if there is no floor above, the ceiling or roof above.” Staff further recommends that “STORY HEIGHT” be deleted as a defined term, since it currently has the same definition as the term “STORY,” which is redundant.

In order to clarify the concept of “clear height,” staff also recommends adding a new definition to page 9 of the FBC in the Definitions section. Staff proposes the term “STRUCTURAL CLEAR HEIGHT” to define that space between floors, as differentiated from “STORIES,” that may include the flooring system between the floors. The proposed definition for this new term clearly indicates what is to be measured in determining compliance with the provisions of the FBC. The proposed definition is: “That space bounded by the top of one slab, or other structural portion of one floor, and the bottom of the next slab, or structural portion of a floor.”

Minor Editorial Changes Based on the Aforementioned Definitional Changes
In order to properly integrate the revised concept of “STORY” and the new concept of “STRUCTURAL CLEAR HEIGHT” and to minimize confusion among various terms, staff recommends making several minor editorial changes to the FBC. Staff first recommends changing the words “clear height” on page 6 of the FBC to “unobstructed height” and, at the same time, replacing the words “clear width” with “unobstructed width” on that same page in the definition for “Garage Entry.” Similarly, staff recommends changing the wording on page 48 of
the FBC from “clear height” to “unobstructed height” in the discussion of blade type shop signs. Finally, staff proposes changing the words “clear height” to “unobstructed height” on page 49 of the FBC as it relates to awnings. While in these instances the words “clear height” do not relate directly to the notion of “clear heights” between building floors, staff recommends eliminating all use of such words in order to prevent confusion.

In addition, the Building Envelope Standards for Main Street, Avenue, Local and Neighborhood Sites, found on pages 27 through 30 of the FBC, should be modified by replacing the words “clear height” with the new term of “STRUCTURAL CLEAR HEIGHT.” On these same pages, the term “STORY HEIGHT” should be eliminated. In its stead should be the term “STORY,” followed by the word “height” (in normal font).

Proposed Changes to Clear Heights
Staff recommends that the existing upper story clear height specifications be modified to create generous ceiling heights which would encourage high-quality architecture to be built along the Columbia Pike corridor. Currently, the Main Street and Avenue Building Envelope Standards, on pages 27 and 28 of the FBC, require a minimum clear height of “9 feet clear for upper stories except uppermost story which shall have a minimum clear height of 10 feet.” The Local Building Envelope Standards, on page 29 of the FBC, prescribe a clear height of “9 feet 4 inches clear.”

In order to clarify the intent of the wording, as well as the precise measurements, staff recommends requiring a minimum “STRUCTURAL CLEAR HEIGHT” of 9 feet 6 inches for the upper stories of residential buildings on Main Street, Avenue and Local sites and a “STRUCTURAL CLEAR HEIGHT” of at least 10 feet 6 inches for the upper stories of commercial buildings on Main Street and Avenue sites. The uppermost “STORY,” however, of all buildings on Main Street and Avenue sites should have a “STRUCTURAL CLEAR HEIGHT” of at least 10 feet 6 inches. These increases in minimum heights for upper stories are proposed in order to encourage a resulting finished height of these floors, inclusive of typical mechanical equipment and cosmetic finishes, of at least 9 feet.

The “GROUND STORY” “STRUCTURAL CLEAR HEIGHT” measurements will remain unchanged for all Building Envelope Standards. At this time, staff does not recommend altering the “STRUCTURAL CLEAR HEIGHTS” for “LIVE/WORK” projects on Local sites, as 12 feet is a generous “STRUCTURAL CLEAR HEIGHT.” (See table below.) Staff furthermore does not recommend changing the current upper story clear heights for Neighborhood sites, as there will be no multifamily projects on these sites and as the clear heights for Neighborhood sites were intended to differentiate Neighborhood sites from the Main Street, Avenue and Local sites. Staff does, however, propose using the new term of “STRUCTURAL CLEAR HEIGHTS” to clarify the heights in Neighborhood Building Envelope Standards, as it does for all of the other Building Envelope Standards.

Requiring the aforementioned range of different “STRUCTURAL CLEAR HEIGHTS” is in keeping with the community’s desire to have varied heights within each building. Likewise, mandating “STRUCTURAL CLEAR HEIGHTS” of this magnitude will encourage developers to build high-quality buildings, which is one of the primary revitalization goals of the community. Further, even with final finished ceilings heights, the “clear” space between floors will still be generous and typically no less than 9 feet for all floors except the uppermost floor of Neighborhood site
buildings, even taking into consideration space for mechanical equipment. These height specifications were arrived at through discussions with local developers and architects on standard ceiling heights, the dimensions of slabs, joists and other flooring materials, as well as the space occupied by mechanical equipment, sprinkler systems and the like.

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Public Process
Staff met with citizen representatives at a community meeting on March 1, 2006 to discuss the proposed changes. The Zoning Ordinance Committee (“ZOCo”) of the Planning Commission also reviewed this matter at its meeting on March 13, 2006. Certain minor editorial changes to the report were suggested at these meetings which have been incorporated into this report.

At the April 10, 2006 Planning Commission meeting, Commission members questioned whether specifying a “structural clear height” would effectively determine the resulting clear height within a floor and suggested that a floor-to-floor height specification would better address the issue. Commissioners also expressed concerns related to the ability to convert buildings built to a residential standard to office use. It is likely that a residential building built to the minimum structural clear height standard would not be ideally suited for office use, should conversion for that purpose be contemplated at a later date. The Commission recommended that the proposed changes to the Form Based Code be deferred to the June timeframe in order to allow time for staff to respond to the issues raised by the Commission. Staff does not disagree with the Commission’s recommendation.

CONCLUSION: Staff recommends that the County Board defer consideration of 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 Definitions, Building Envelope Standards, Streetscape Standards and Architectural Standards to the May 30, 2006 and June 10, 2006 meetings of the Planning Commission and County Board, respectively.
Recommended for Deferral

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ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. (APPENDIX A) “CP-FBC,” COLUMBIA PIKE - FORM BASED CODE DISTRICTS, TO DEFINE DEVELOPMENT OPTIONS, INCLUDING MODIFICATIONS TO DEFINITIONS, BUILDING ENVELOPE STANDARDS, STREETSCAPE STANDARDS, AND ARCHITECTURAL STANDARDS.

BE IT ORDAINED, by the County Board of Arlington County, that Section 20. (Appendix A) “CP-FBC,” Columbia Pike – Form Based Code Districts, 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 activities; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

* * *

(See Attached)
Form Based Code

*       *       *

Proposed Changes to the Form Based Code, Section II (page 6 of the FBC)

EAVE HEIGHT
Where used to limit building height in the Code, EAVE HEIGHT shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

FENESTRATION
An opening in the building wall allowing light and views between interior and exterior. FENESTRATION is measured as glass area (excluding window frame elements with a dimension greater than 1 inch) for conditioned space and as open area for parking structures or other unconditioned, enclosed space.

GARAGE ENTRY
An opening (with curb cut) in the building façade and/or STREET WALL where vehicles may enter into the BLOCK interior for general parking and business servicing. GARAGE ENTRIES (excluding those existing prior to December 31, 2002) shall not exceed 16 feet clear unobstructed height and 24 feet clear unobstructed width and shall not be sited within 100 feet of the BLOCK CORNER or another GARAGE ENTRY on the same BLOCK. GARAGE ENTRY portals may be set back up to 24 inches behind the surrounding façade.

GARDEN WALL
A masonry wall defining a REQUIRED BUILDING LINE, property line or delineating a private area. Shall be set back (or forward) not more than 8 inches from the alignment specified in the REGULATING PLAN or BES. A vehicle entry gate (opaque and maximum 12 feet wide) and a pedestrian entry gate (maximum 6 feet wide) are both allowed as limited substitutions within any required GARDEN WALL length.

GROUND FLOOR, GROUND STORY
The first level of MAIN STREET and LIVE/WORK SITE buildings where at least 80 percent of the finished floor elevation is within 18 inches of the adjacent fronting sidewalk level. The next STORY above the GROUND STORY is the second floor. (When a residential use occupies the GROUND FLOOR it shall be 30 to 60 inches above the fronting sidewalk elevation, as indicated in the BUILDING ENVELOPE STANDARDS.)

HISTORIC FACADES
The facades of buildings that have 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 FACADES shall be preserved.
HISTORIC PRESERVATION

HISTORIC PRESERVATION can be conducted through two means: a preservation easement on the structure or façade can be recorded with the Northern Virginia Conservation Trust or the site can be designated as a local historic landmark by the Arlington County Board.

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Proposed Changes to the Form Based Code, Section II (page 8 of the FBC)

PEDESTRIAN PATHWAY

Interconnecting paved ways that provide pedestrian and bicycle passage through BLOCKS running from a STREET to either a STREET, ALLEY or an interior BLOCK parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right of way. The easement width for these pathways shall not be less than 20 feet with a paved walkway not less than 10 feet wide, except where otherwise specified on the REGULATING PLAN, and shall provide an unobstructed view straight through their entire length.

PRIVACY FENCE

An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along ALLEYS and COMMON LOT LINES (where more than 10 feet away from the REQUIRED BUILDING LINE). PRIVACY FENCES shall be 7 feet tall, as measured from the adjacent ground.

PUBLIC ART

Art that is visually or physically accessible to the public and that is acquired by County funds, donated to the County, or provided by a private entity as a community benefit. PUBLIC ART encompasses the broadest definition of visual art including the imaginative use and interplay of artistic disciplines.

REGULATING PLAN

Part of the Code that is the coding key for the BUILDING ENVELOPE STANDARDS that provides specific information for the disposition of each building site. The REGULATING PLAN also shows how each site relates to adjacent STREETS, the overall Columbia Pike Special Revitalization District, and the surrounding neighborhood.

REQUIRED BUILDING LINE (RBL)

The building shall be built to the REQUIRED BUILDING LINE (RBL) as shown on the REGULATING PLAN. The RBL is a requirement, not a permissive minimum as is a set-back. The RBL for each site is shown on the applicable REGULATING PLAN. The minimum length of building that is required to be built to the RBL is shown on the appropriate BUILDING ENVELOPE STANDARD.

SIDEWING

The portion of a building extending along a side LOT line toward the ALLEY or rear of the LOT.

STOOP

An entry platform on the RBL side of a building. STOOPS may be roofed, but they shall not be enclosed.
STORY
That space within a building, and above adjacent RBL elevation, that is situated between, or the distance between, the top of one slab or other structural portion of one floor level and the top of the slab or other structural portion of the floor level next above, or if there is no floor above, the ceiling or roof above. STORY HEIGHT parameters are as specified by the appropriate BUILDING ENVELOPE STANDARDS.

Proposed Changes to the Form Based Code, Section II (page 9 of the FBC)

STREET
Includes all public space (STREETS, SQUARES, PEDESTRIAN PATHWAYS, CIVIC GREENS, parks)—including any transit service operator passenger platform—but not GARAGE ENTRIES or ALLEYS.

STREET FRONTAGE
The LOT line coincident with the RBL or that portion of the building that is coincident with the RBL as required by the Code.

STREET LIGHT
A luminaire installed on both sides of STREETS, along the STREET TREE ALIGNMENT LINE, unless otherwise designated on the REGULATING PLAN, at intervals of no more than 60 feet, measured parallel to the STREET. STREET LIGHTS shall be between 9 and 16 feet above ground in height. Lighting standards for STREETS and ALLEYS should be developed to meet the minimum standards of the Illumination Engineering Society (with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas).

STREETSCAPE
Improvements to a property, including paving, tree and/or other decorative plantings, lighting, and the placement of street furniture, within the STREET.

STREET TREE
A deciduous canopy shade tree as required per the REGULATING PLAN and listed in the Form Based Code. STREET TREES shall be of a proven hardy and drought tolerant species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded. STREET TREES shall be planted and spaced 25 to 30 feet on center. Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements. At no time may spacing exceed 45 feet on center.

STREET TREE ALIGNMENT LINE
A line along which STREET TREES are to be planted. The STREET TREE ALIGNMENT LINE is parallel with the STREET or SQUARE right of way and, unless otherwise specified in the appropriate REGULATING PLAN, is 4 feet from the back of the curb. (Existing trees are not required to be relocated by this requirement.)

STREET WALL
A masonry wall set back (or forward) not more than 8 inches from the RBL or adjacent building façade and built to the height specified in the BUILDING ENVELOPE STANDARDS. A vehicle entry
gate (opaque, maximum 18 feet wide) and a pedestrian entry gate (maximum 6 feet wide) are both allowed as limited substitutions within any required STREET WALL length.

**STRUCTURAL CLEAR HEIGHT**
That space bounded by the top of one slab, or other structural portion of one floor, and the bottom of the next slab, or structural portion of a floor.

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Proposed Changes to the Form Based Code, Section IV (pages 27-30 of the FBC)
Proposed Changes to the Form Based Code, Section VI (page 48 of the FBC)

STANDARDS FOR SIGNAGE (WHERE CLEARLY VISIBLE FROM THE STREET)

General:

- Wall signs are permitted within the area between the second STORY floor line and the first floor ceiling, within a horizontal band not to exceed 2 feet in height. In no case shall this band be higher than 18 feet or lower than 12 feet above the adjacent sidewalk.

- Letters shall not exceed 18 inches in height or width and 6 inches in relief. Signs shall not come closer than 2 feet to an adjacent COMMON LOT LINE.

- Company logos or names may be placed within this horizontal band or placed or painted within GROUND FLOOR or second STORY office windows. Company logos or names shall not be larger than a rectangle of 8 square feet.

- A masonry or bronze plaque bearing an owner’s or building’s name may be placed in the building’s cornice/PARAPET wall or under the eaves, and above the upper STORY windows. Any such plaque shall be no larger than a rectangle of 8 square feet.

- STREET addresses may be placed at STREET entry doors using 6 inch tall, non-cursive type lettering. Such letters shall be between 6 feet and 10 feet above grade.

- Blade type shop signs (not more than 24 inches vertical by 3 feet horizontal and minimum 10 feet clear unobstructed height above the sidewalk) are encouraged and may be hung from an overhang or AWNING. Blade signs shall not be internally illuminated and the company name or logo may occupy no more than one-half of the square footage within the blade sign. Creative art, graphics or materials is encouraged in the area of the blade sign not containing the company name or logo. Blade signs shall be permitted in addition to the permitted square footage of signage affixed to the façade of the building.

- Prohibited Signs: Billboards, canopy signs, marquees, any kind of animation, roof and painted window signs, and signs painted on the exterior walls of buildings are prohibited. No flashing, traveling, animated, or intermittent lighting shall be on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising devices located outside any building are not allowed, pursuant to County regulations.

- External lighting directed towards signage that is not internally illuminated is permitted. The energy efficiency of lighting should be considered.
AWNINGS/OVERHANGS:

When an AWNING or overhang is incorporated into a building, the following requirements must be met:

- Minimum 10 feet **clear unobstructed** height above sidewalk, minimum 6 feet depth out from the building façade (maximum to curb or tree-planting strip/furniture zone, whichever is closer).
- Canvas cloth or equivalent (no shiny or reflective materials), metal or glass.
- No internal illumination through the AWNING/overhang.
- Lettering on AWNING limited to 5 inches tall on vertically hanging fabric at curb side of AWNING.
- No one-quarter cylinder configurations.

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