DATE: April 19, 2006

SUBJECT: 1. Amendments to Sections 27. “C-3” General Commercial Districts and 32. Bulk, Coverage and Placement Requirements of the Zoning Ordinance which amend, reenact and recodify regulations for bulk, placement, coverage and landscaping, to establish the following: building lines; incentives for the construction of streetscape; screening requirements for parking; the location of parking; and a requirement for a certain frequency of building entrances specific to properties zoned “C-3” and located in the “Clarendon Revitalization District” on the General Land Use Plan (see Attachment 1).

2. Request to Advertise additional amendments to Sections 27. “C-3” General Commercial Districts and 32. Bulk, Coverage and Placement Requirements of the Zoning Ordinance which amend, reenact and recodify regulations for bulk, placement, coverage and landscaping, to establish the following: incentives for the construction of streetscape and the dedication of land for new streets; increased building setbacks; screening requirements for parking; the location of parking; and a requirement for a certain frequency of building entrances specific to properties zoned “C-3” and located in the “Clarendon Revitalization District” on the General Land Use Plan (see Attachment 2).

C.M. RECOMMENDATIONS:

1. **Defer** consideration of the adoption of the advertised language for the proposed amendments to the Arlington County Zoning Ordinance until the May 20, 2006 County Board meeting and its associated Planning Commission meeting (see Attachment 1).

2. **Authorize** advertising additional changes to Sections 27. and 32. of the Zoning Ordinance, which would expand the scope of the advertised language in Subject 1, including provisions to increase setbacks instead of creating building lines and an incentive for the dedication of land for the provision of new streets proposed for Clarendon, for public hearings at the May 20, 2006 County Board meeting and its
associated Planning Commission meeting. The proposed Zoning Ordinance amendments would amend, reenact, and recodify the Zoning Ordinance provisions for bulk, placement, coverage and landscaping in order to promote economic development, to encourage the 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 (see Attachment 2).

**ISSUES:** None.

**SUMMARY:** 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. The proposed Zoning Ordinance Amendments are necessary in order to implement the Clarendon Policy Directives. The amendments included in Attachment 2 expand the scope of what was previously advertised by the County Board at their February 28, 2006 meeting. The changes to the advertised language are intended to address issues raised at the Planning Commission meeting on April 10, 2006. The additional changes are related to the screening of parking, building placement, the frequency of building entrances, and incentives for the construction of streetscape and for the provision of land necessary for new streets. Therefore, staff recommends that the County Board defer consideration of the advertised Zoning Ordinance language and recommends advertising the additional changes to be heard at the May 20, 2006 County Board meeting.

**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 Clarendon Policy Directives adopted by the County Board on February 28, 2006. The intent of the proposed amendments is to improve the overall streetscape environment for by-right development and to gain the land necessary for new streets with by-right development in the “Clarendon Revitalization District” identified on the General Land Use Plan.

Since the County Board advertised proposed amendments to the “C-3” by-right development requirements at their February 28, 2006 meeting, staff has met with the Zoning Committee (ZOCO) and the Planning Commission. At those meetings, several significant issues were raised regarding the content of the proposed amendments and as such, staff is proposing that the County Board expand the scope of the previously advertised language. This action, coupled with the deferral of the previously advertised amendments, will allow staff to continue to analyze the proposed amendments to determine the most appropriate set of amendments for County Board adoption.

The advertised amendments (see Attachment 1) were presented to ZOCO on March 13, 2006 and at the Planning Commission meeting on April 10, 2006. The Planning Commission voted unanimously to defer the amendments in Attachment 1 of this report to the May 20, 2006 County Board meeting and its associated Planning Commission meeting. The Commission raised the following issues:
• The landscape waiver would encourage by-right development;
• The landscape waiver should not waive the requirement for a landscape strip to screen surface parking;
• Allow a range in height for the masonry wall required with surface parking, allow for pedestrian access, include the point from which the wall would be measured, and state the intent of the wall in the Zoning Ordinance language;
• Change the spacing requirement for functional building entrances so that entrances are more frequent; and
• Rephrase the provisions for the ground-floor treatment of parking to make the intent more clear.

Considering the issues raised by the Planning Commission, staff proposes expanding the advertised Zoning Ordinance amendment language. The expanded Zoning Ordinance amendments are detailed in Attachment 2 and are summarized below.

• Along Wilson Boulevard, Clarendon Boulevard, 10th Street North, Washington Boulevard, 13th Street North and Fairfax Drive where above-ground surface or structured parking is proposed closer than 120 feet from the centerline of any street such parking would be located behind a structure containing other uses for the entire height of the parking structure and would incorporate functioning building entrances at least every 50 linear feet along the first floor. For structured parking facing other streets, other uses would only be required on the ground floor of the structure. The parking structure above the ground floor would be screened along its entire façade to ensure that vehicles within the structure would not be visible from public rights-of-way. Interruptions in the façade for vehicular and/or pedestrian access would be allowed and counted as functional building entrances.

• Surface parking would be screened (as required in Section 32A.B.5 of the Zoning Ordinance) except that any surface parking lot facing a public right-of-way and not required to be located behind a structure would incorporate a five (5) foot wide landscape strip, as specified in Section 32A.B.5.a, placed at the back of the sidewalk. In addition, a masonry wall of 42 to 48 inches in height would be placed along the outer edge of the parking lot. Interruptions to this screening method would be allowed in order to accommodate vehicular and pedestrian access as further described in Attachment 2.

• In order to encourage the construction of the streetscape proposed for Clarendon, the Zoning Administrator would be able to waive a portion or the full amount of the by-right landscape requirement in exchange for construction of the streetscape and undergrounding of utilities. During the community review process, concerns were raised that a full waiver of the landscaping requirement (10%) in exchange for construction of streetscape and utility undergrounding consistent with County plans is more of an incentive than is necessary to encourage a developer to make these improvements. A counter proposal was offered for only a two percent waiver of the landscape requirement, thereby reducing the overall incentive. Staff is concerned that a two percent waiver may be insufficient incentive to achieve the streetscape and utility undergrounding.
Therefore, staff will continue to analyze this proposal and make a recommendation on an appropriate amount of waiver necessary to encourage construction of the streetscape and utility undergrounding. The proposed amendment in Attachment 2 advertises a range between two and ten percent by which a specific percentage will be determined by the County Board at the time of ordinance adoption.

- Additionally, a proposal was offered to provide an incentive to encourage the dedication of land for new streets as proposed for Clarendon in the Master Transportation Plan. This incentive would further reduce the landscape requirement. Staff requires further time to determine if this proposal is a sufficient incentive to gain the amount of land necessary for new streets.

- Changes proposed to Section 32 Bulk, Coverage and Placement Regulations would modify the by-right regulations for setbacks in order to ensure adequate space for streetscape improvements proposed for Clarendon (see Attachment 2 for specific language). This is a change from the required “building line” established in the advertised language. Requiring a building line that meets the streetscape, instead of a minimum building setback, is still under consideration however the setback would achieve the same objective of ensuring adequate space for the enhanced streetscape proposed for Clarendon. Staff may bring forward Zoning Ordinance amendments to establish a building line at a later date.

Staff anticipates that additional Zoning Ordinance amendments for the Clarendon Metro station area will come forward for advertising at the May 20, 2006 County Board meeting. These amendments include the following: 1) Changes to the Special Exception Site Plan provisions of Section 27. “C-3” General Commercial Districts; 2) Changes to the by-right and Special Exception Site Plan provisions of Section 27A. “C-R” Commercial Redevelopment Districts; and 3) Changes to the by-right provisions of Section 27. in order to discourage the possibility of the so-called “moat” condition. In addition, Zoning Ordinance amendments to Section 36. Administration and Procedures will be brought forward for County Board consideration at their May 20, 2006 meeting. These changes provide density increases for proposals that include preservation of structures identified for preservation in the adopted Clarendon Policy Directives. All of the proposed amendments relate to form, height, density, and preservation and are necessary in order to implement the adopted Policy Directives for Clarendon.

**CONCLUSION:** The subject Zoning Ordinance amendments are generally consistent with the Clarendon Policy Directives but need additional refinement in order to address issues raised at the Planning Commission. The proposed Zoning Ordinance amendments would amend, reenact, and recodify the Zoning provisions for bulk, placement, coverage and landscaping in order to ensure compatibility with the adopted Policy Directives for Clarendon 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 May 20, 2006 County Board meeting and authorize Clarendon Zoning Ordinance Amendments
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advertisement of Subject 2 for consideration at the May 20, 2006 County Board meeting and the associated Planning Commission meeting.
ATTACHMENT 1

ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 27. “C-3” GENERAL COMMERCIAL DISTRICTS AND SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS IN ORDER TO MODIFY BY-RIGHT PLACEMENT AND LANDSCAPING PROVISIONS AND TO REGULATE THE TREATMENT OF PARKING.

BE IT ORDAINED, by the County Board of Arlington that the following amendments to Sections 27. and 32. of the Arlington County Zoning Ordinance is 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.

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SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS

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B. Bulk, Placement and Coverage Regulations.

1. **Height Limit:** No building, nor the enlargement of any building, shall be hereafter erected to exceed seventy-five (75) feet, except by site plan as provided in subsection D. below.

2. **Floor Area Requirements:** The floor area in this district shall not exceed the number of square feet that results from compliance with the requirements stated in the ordinance with no less than nine (9) feet between floors, except by site plan as provided in subsection D. below.

3. **Ground Floor Treatment:** In the “Clarendon Revitalization District”, as designated on the General Land Use Plan, along Wilson Boulevard, Clarendon Boulevard, 10th Street North, Washington Boulevard, 13th Street North, and Fairfax Drive above-ground parking shall be located behind other uses. Such other uses along Wilson Boulevard, Clarendon Boulevard, 10th Street North, Washington Boulevard and Fairfax Drive shall incorporate functioning building entrances at least every 30 to 50 linear feet along the building façade. Additionally, for any structured parking facing other streets such parking shall be located behind other uses on the ground floor. Interruptions in the façade for vehicular access shall be allowed and counted as functional building entrances where required.
In addition, for parking facing other streets:

a. Structured Parking. Structured parking is allowed at the building line above the ground floor. Any parking structure facing a public right-of-way shall be screened above the ground floor along the entire façade of such structure. Screening techniques may include the use of display windows, decorative grill-work, decorative glass, decorative masonry or a combination these methods, or similar methods, so as to ensure, to the satisfaction of the Zoning Administrator, that vehicles within the structure are not visible from public rights-of-way and sidewalks.

b. Surface Parking. Any surface parking lot not required to be located behind another use shall incorporate a five (5) foot wide landscape strip, as specified in Section 32A.B.5.a, placed at the back of the building line. In addition to the landscape strip, a masonry wall of three (3) to four (4) feet in height shall be placed at the back of the landscape strip. Interruptions to this screening method are allowed in order to accommodate vehicular access.

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. The Zoning Administrator may waive this requirement when all frontages of a site are constructed with streetscape built according to the standards of the “R-B Corridor Streetscape Plan” and provided that all aerial utilities on and at the periphery of the lot are undergrounded with new development or redevelopment. Where the location of the building line and the public right-of-way line necessitate it, a portion of the public right-of-way may be used for construction of the streetscape. 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 the periphery of the lot shall be undergrounded with new development or redevelopment.

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SECTION 32. Bulk, Coverage and Placement Requirements

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D. Placement
The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval:

1. **Setbacks:** No structure shall be located closer to the centerline of any street or officially designated street right-of-way than fifty (50) percent of the height of the building. For the purpose of determining setbacks, a limited access highway shall be considered as an abutting lot and not as a street or street right-of-way. Structures shall be set back from streets no less than as follows: (8-18-79).
   a. For all “C” and “M” Districts excepting “C-1”, “C-1-O,” “C-O,” “C-H,” “C-S-C” Forty (40) feet from said centerline except for properties located within the “Clarendon Revitalization District” on the General Land Use Plan and zoned “C-3”.

2. **Building Lines:** In the “Clarendon Revitalization District” for properties zoned “C-3” structures shall be built to a building line as follows:
   a. For properties along Fairfax Drive the building line shall be 50 feet from the centerline of Fairfax Drive.
   b. For properties along a street with: 1) Two or more two travel lanes; and 2) One or more lanes of on-street parking, the building line shall be 50 feet from the centerline of the adjacent street or right-of-way.
   c. For all other properties the building line shall be 40 feet from the centerline of the adjacent street or right-of-way.

* * *
RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS ON PROPOSED ZONING ORDNANCE AMENDMENTS TO SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS AND SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS IN ORDER TO MODIFY BY-RIGHT PLACEMENT AND LANDSCAPING PROVISIONS AND TO REGULATE THE TREATMENT OF PARKING.

The County Board of Arlington hereby resolves that the following amendments to Sections 27. and 32. of the Arlington County Zoning Ordinance shall be advertised for public hearings at the May 8, 2006 Planning Commission meeting and at the May 20, 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.

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SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS

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B. Bulk, Placement and Coverage Regulations.

1. Height Limit: No building, nor the enlargement of any building, shall be hereafter erected to exceed seventy-five (75) feet, except by site plan as provided in subsection D. below.

2. Floor Area Requirements: The floor area in this district shall not exceed the number of square feet that results from compliance with the requirements stated in the ordinance with no less than nine (9) feet between floors, except by site plan as provided in subsection D. below.

3. Regulations in the “Clarendon Revitalization District”: In the Clarendon Revitalization District on the General Land Use Plan, the following additional provisions shall apply:

   a. Treatment Along Major Streets. Structures along Wilson Boulevard, Clarendon Boulevard, 10th Street North, Washington Boulevard, 13th Street North and Fairfax Drive (together referred to in this subsection 27.B.3 as “Major Streets”) shall contain functioning building entrances at least every 30 linear feet along the building façade.

   b. Parking Along Major Streets. Above-ground parking structures or surface parking within 120 feet of the center line of Major Streets shall be located behind a structure containing other uses for the entire height of the parking structure, such that the parking or parking structure is not visible from the frontage of the property along that street. Entrances and exits to parking lots or parking structures on Major Streets shall be allowed only where the Zoning Administrator determines that the only frontage(s) reasonably available for such entrance or exit is on a Major Street.
c. Parking Structures Along Non-Major Streets. Along other public rights-of-way, any parking structure’s ground floor shall be located behind a structure containing other uses, such that the first-floor of the parking structure is not visible from the property’s frontage along such right-of-way. Any parking structure above the first floor that is visible from a public right-of-way shall have all openings screened along the entire façade of such structure. Screening techniques may include the use of display windows, decorative grillwork, decorative glass, decorative masonry or a combination of these methods, or similar methods so as to ensure that vehicles within the structure are not visible from public rights-of-way and sidewalks. Interruptions to this screening method are allowed to accommodate vehicular and/or pedestrian access.

d. Surface Parking Along Non-Major Streets. Surface parking shall be screened as required in Section 32A.B.5 except that any surface parking lot facing a public right-of-way (where no structure containing a use is between the right-of-way and the parking) shall incorporate a landscape strip as specified in Section 32A.B.5.a. Such landscape strip shall be a minimum of five (5) feet wide, placed at the back of the required sidewalk along that right-of-way. In addition, any such parking area shall be screened by a masonry wall of a minimum 42 and maximum 48 inches tall (measured as described in Section 32A.B.5.a), which shall be placed along the outer edge of the parking area, and which may extend no closer to the right-of-way than the distance specified in Section 32.D.1.c. This wall is intended to screen vehicle headlights from pedestrian view from adjacent sidewalks. Interruptions to this screening method are allowed to accommodate vehicular access. In addition, any vehicular access to a surface parking lot shall include sidewalks, a minimum of four (4) feet wide, along each side of the driveway to permit pedestrian access from the street frontage into the parking lot.

* * *

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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SECTION 32. Bulk, Coverage and Placement Requirements

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D. Placement

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval:

1. **Setbacks:** No structure shall be located closer to the centerline of any street or officially designated street right-of-way than fifty (50) percent of the height of the building. For the purpose of determining setbacks, a limited access highway shall be considered as an abutting lot and not as a street or street right-of-way. Structures shall be set back from streets no less than as follows: (8-18-79).
   a. For all “C” and “M” Districts excepting “C-1,” “C-1-O,” “C-O,” “C-H,” and “C-S-C” Forty (40) feet from said centerline except for properties located within the “Clarendon Revitalization District” on the General Land Use Plan and zoned “C-3”.
   b. For all "RA4.8" and "C-O" Districts: Fifty (50) feet from said centerline.
   c. For all “C-3” Districts:
      i. 50 feet from the centerline of Fairfax Drive or any other street containing more than four lanes, including travel lanes or on-street parking lanes, for properties located in the “Clarendon Revitalization District” on the General Land Use Plan.
      ii. 40 feet from the centerline in all other cases.

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