



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 10, 2005

DATE: November 21, 2005

SUBJECT: Adoption of proposed amendments to Section 20 (Appendix A) "CP-FBC"
Columbia Pike - Form Based Code Districts of the Zoning Ordinance to:

- A. Modify 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. Add language to Section I. - Components of the Code, of the Form Based Code to clarify how the Form Based Code is to be interpreted.

C. M. RECOMMENDATIONS:

- 1. Adopt the attached ordinance to amend Section 20 (Appendix A), "CP-FBC" Columbia Pike – Form Based Code Districts, of the Arlington County Zoning Ordinance (Item A. above).
- 2. Defer consideration of Item B., regarding interpretation language to the February 2006 County Board meeting and the corresponding Planning Commission meeting.

ISSUES: Is the Form Based Code amendment regarding interpretation ready for County Board consideration?

SUMMARY: Since its adoption in February 2003, staff has continually worked with citizens to refine the Form Based Code to reflect the community's vision for Columbia Pike. Given concerns regarding the overall height and tapering of projects incorporating 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 building taper, to the Form Based Code (the Code). Additional time is needed to develop these strategies that fully reflect community input. However, staff recommends that the County Board adopt the advertised language, which indicates that a range

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Staff: Richard Tucker, DCPHD, Planning Division

PLA - 4175

of bonus development is available in exchange for preservation of historic properties in conjunction with Form Based Code development.

Community members have also voiced a concern regarding how the provisions of the Code are to be interpreted. Language has been advertised that would set parameters on how the Code is to be interpreted, thereby limiting instances where redevelopment proposals are out of sync with community expectations. The proposed interpretation language, as written, is overly broad and may have a more deleterious effect on development review than intended. Staff recommends deferring consideration of this matter to the February 25, 2006 County Board meeting and to the corresponding Planning Commission meeting. In the interim period, staff will continue to work with community representatives to ensure that the community's vision is adhered to more closely.

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 Board 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 from time to time to refine its provisions 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)

Since the spring, staff has worked with an ad hoc group with representation from the HALRB, CPRO and the Planning Commission to discuss revisions to historic preservation regulations of the Code, including modifying the height "bonus" to require appropriate tapering and reducing the impact of new development on surrounding neighborhoods. 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 for projects incorporating historic structures or facades, while limiting the overall height to the existing 94 feet. The intent in providing additional development potential 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 which would likely result in the demolition of these resources. There are currently no provisions that require setbacks or tapering for either sites containing historic resources, or adjacent sites. This lack of specific guidance could lead to the development of buildings that are out of scale with the surrounding neighborhood or buildings that do not reflect the scale and character of adjacent historic resources.

Possible long term solutions include developing specific design guidelines with setbacks and/or tapering standards that would provide better guidance for development involving historic properties. In discussing this issue with community representatives, including HALRB, there

was a strong sentiment in favor of creating a range of incentives commensurate with the amount of preservation being proposed. Under this scenario, which is still being discussed, a site containing a larger historic property that is to be preserved in its entirety could receive a greater benefit than a site with a smaller historic building or a historic façade. Although progress has been made in discussing alternatives, staff needs additional time to discuss this issue with the community to determine how best to achieve the goal of providing an incentive for development incorporating historic structures, while providing proper setbacks and tapering of heights. As part of these ongoing discussions, staff will develop massing drawings to illustrate the impact and effect of the proposed changes to the Code.

In the interim, staff recommends adoption of the advertised language to allow “up to” an additional two stories of development under the existing height limit. Before site by site design alternatives are developed and approved, all redevelopment proposals involving properties identified as historic in the Code will continue to be reviewed by HALRB and be given official approval by that body. Within the realm of HALRB, appropriate tapering, setbacks and bonus development, up to 2 stories, would be discussed and recommended. Staff has determined that adoption of the proposed change is consistent with the community vision, as expressed by the Columbia Pike Initiative - A Revitalization Plan, as updated in 2005.

Proposed Changes to Section I. of the Form Based Code – Components of the Code (page2)

To date, two Form Based Code projects have been approved by the County Board. In addition, several redevelopment proposals are currently at some stage of preliminary staff review. In examining each of these proposals staff has had to interpret some elements of the Code. In these instances, staff has relied on the intent of the Code to make reasonable determinations as it applies to a development proposal. As a result, staff has provided either informal guidance to developers or, more formally, determinations and interpretations in cases where the intent of the Zoning Ordinance (including the Form Based Code) is not clear. A concern has been voiced by the community that some guidance, determinations and/or interpretations may not be in keeping with the community’s vision. Therefore, new language has been proposed to limit interpretations. Generally, zoning codes are always subject to some level of interpretation.

Staff is currently examining whether the proposed language will have the desired effect or have unintended consequences. Staff has attended two meetings with community members to identify specific issues related to interpretation of the Code for discussion, and a process has been outlined to address each in turn. As staff continues to work through these issues with the community, it is recommended that this matter be deferred to the February 25, 2006 County Board meeting and the associated Planning Commission meeting.

CONCLUSION: Staff recommends that the County Board adopt 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 the historic preservation regulations in Section III. B. of the Form Based Code, modifying the height “bonus”; and to defer consideration of proposed interpretation language to the February 2006 County Board meeting and the associated Planning Commission meeting.

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ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. "CP-FBC" COLUMBIA PIKE FORM BASED CODE DISTRICT [APPENDIX A.] TO DEFINE DEVELOPMENT OPTIONS.

BE IT ORDAINED, by the County Board of Arlington County, that Section 20., "CP-FBC" Columbia Pike Form Based Code District [Appendix A.] 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; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

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(See Attached)

Proposed Changes to the Form Based Code Regulating Plans (related to Historic Preservation)
(pages 18-19 of the Form Based Code)

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 FAÇADE 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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