



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 19, 2008

DATE: April 2, 2008

SUBJECT: ORDINANCE TO AMEND, REENACT, AND RECODIFY Section 20 “CP-FBC,” Columbia Pike – Form Based Code Districts (Appendix A) of the Arlington County Zoning Ordinance to move the provisions for publicly owned “Civic Buildings” in Section II. Definitions, to a new provision, with modifications, in Section III. Regulating Plans, in order to allow publicly owned Civic Buildings, publicly owned Public Art, or Civic Buildings with public uses on County property to have relief from the prescriptions of the Form Based Code.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify Section 20 “CP-FBC,” Columbia Pike – Form Based Code Districts (Appendix A), Section II. Definitions and Section III. Regulating Plans, of the Arlington County Zoning Ordinance to allow publicly owned Civic Buildings, publicly owned Public Art, or Civic Buildings with public uses on County property to have relief from the prescriptions of the Form Based Code, in order to facilitate the creation of a convenient, attractive and harmonious community; to facilitate the provision of adequate recreational facilities and other public requirements; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

ISSUE: This is a zoning ordinance amendment to allow further relief from the Form Based Code (FBC) regulations beyond the relief from the Building Envelope Standard (BES) regulations that publicly-owned “Civic Buildings” are currently afforded, and to allow similar relief from the FBC regulations to buildings on County property that include publicly owned civic uses. No issues have been identified.

SUMMARY: The FBC is a zoning tool structured to regulate private development, which would typically contain residential, office, retail, hotel, or mixed-use development. It is not a tool intended to rigorously regulate public buildings and public uses. In fact, when the FBC was developed, a provision was included to explicitly indicate that FBC Building Envelope Standards, considered as the most primary regulations for development, would not apply to publicly owned “Civic Buildings” or publicly owned Public Art. However, this relief provision is not currently structured in such a way as to offer relief from other aspects of the FBC provisions such as the Architectural Standards. Therefore, staff recommends that the County

County Manager: _____

County Attorney: _____

Staff: Jennifer Smith, CPHD, Planning

PLA-4926

Board approve proposed amendments to the FBC in order to allow publicly owned Civic Buildings, publicly owned Public Art, and, also Civic Buildings with public uses on County property, to have relief from the prescriptions of the Form Based Code. These types of buildings would undergo a modified review process with the community distinctly different from the typical FBC review process for private redevelopment projects in order to determine the appropriate form and architectural characteristics that meet the spirit and intent of the community-agreed upon vision for Columbia Pike.

BACKGROUND: In March 2002, the *Columbia Pike Initiative-A Revitalization Plan* was adopted by the County Board. A major recommendation of the plan was to develop a new review process to evaluate redevelopment proposals in the corridor, which became the Columbia Pike Form Based Code. In February 2003, the County Board adopted the FBC which applies to a special revitalization district encompassing four development nodes along the Pike corridor and since that time the County Board has approved several amendments to improve the overall use and clarity of the FBC. Two County-owned properties with public facilities currently exist within the Revitalization District boundary including the Arlington Mill Community Center property and the Career Center/Fenwick Library facilities. Redevelopment of these sites following the FBC was envisioned when the FBC was adopted and the two sites were included within the Columbia Pike Special Revitalization District. As part of the ongoing planning process for the redevelopment of the Arlington Mill Community Center, staff and the community sought to utilize the FBC tool to implement the project. In order to fully utilize the FBC, several technical adjustments were needed for the Arlington Mill site, including the expansion of the Special Revitalization District boundary fully around the Arlington Mill property; designation of a portion of Dinwiddie Street as Avenue Frontage type; and a modification to the distance between the Required Buildings Lines along Dinwiddie Street. The County Board approved these FBC amendments in December 2007 and January 2008. However, through the planning process, there was recognition that in order to meet the community center functionality and the distinctive characteristics sought for the civic architecture, some aspects of the proposed building housing community center uses would not be FBC compliant. Therefore, further relief from the FBC requirements for the Civic Building are proposed in keeping with what was expressed as the original intent when the FBC was adopted.

DISCUSSION: The FBC is an optional zoning tool used to guide the development of private property and regulate uses. It is not intended to strictly regulate those structures that house public uses such as fire stations, libraries, or community centers. Instead, these facilities would undergo a process with stakeholders to develop the preferred functions, usage, and design. Through that process, the structure, while meeting the FBC's intent and framework, may for various reasons result in a development that differs from the exact FBC regulations. These structures would be considered civic in design, with distinctive architecture that reflects the community use, gathering functions, and dedication of public resources.

When the FBC was originally approved by the County Board, these publicly owned "Civic Buildings" were expressly afforded a special provision under the FBC which provided relief from meeting the Building Envelope Standards (BES). The BES provisions are considered the most important regulations under the FBC, directing height, massing, siting and placement, use,

and some design details such as the required percentage of fenestration. However, the provision pertaining to publicly owned “Civic Buildings,” contained within the “Civic Buildings” definition, provides relief only to the BES provisions and otherwise requires compliance for all other regulations. This is counter to the original intent of the FBC that publicly owned “Civic Buildings” (as defined by the FBC) would have relief from meeting the FBC regulations. In addition, in light of the County’s interest in utilizing public/private development agreements to obtain public facilities there may be instances where a building on County property may house public uses yet it may not be owned or fully owned by the County. Therefore, the proposed amendment would broaden the FBC to allow buildings on County property with a significant amount of public “Civic Uses,” to have similar relief from meeting the FBC regulations.

Staff recommends that the County Board adopt the proposed Zoning Ordinance amendments to modify the FBC, which would allow publicly owned Civic Buildings, publicly owned Public Art, or Civic Buildings with public uses on County property to have relief from the prescriptions of the FBC, if, after a community review process, the said deviations were determined to improve the overall project while meeting the intent of the FBC. There are only two County-owned properties within the Columbia Pike Revitalization District boundary that offer public civic uses for which this proposed amendment would apply – the Arlington Mill Community Center and the Career Center/Fenwick Library property.

Specifically, the proposed amendment would:

1. Move the regulatory language from the Definitions to the Regulating Plan provisions:
When the FBC was originally approved, some regulations were included within the text of the Definitions. The inclusion of regulations within the Definitions has become problematic and staff recommends separating regulations from definitions. The overall understanding would be improved and a more consistent application of the FBC would result if all FBC regulations were contained within Section III (Regulating Plans), Section IV (Building Envelope Standards), and Section V and VI (Streetscape and Architectural Standards, respectively). Therefore, staff recommends that the last sentence of the “Civic Buildings” definition (“Publicly owned CIVIC BUILDINGS and publicly owned PUBLIC ART are not subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code.”) be moved to a new provision in Section III. Regulating Plans - Buildings.
2. Broaden the scope of the relief to include relief from other aspects of the FBC:
Staff recommends broadening the scope of the above-referenced sentence to allow the County Board to consider further relief from the FBC beyond the BES if it finds, through a community review process, that a proposed structure and its architectural expression provides a more appropriate solution, meeting the County’s and community’s objectives and priorities determined through the design review process.
3. Broaden the scope of relief to include relief for buildings on public property that contain a significant amount of public “Civic Uses”:
In addition, staff recommends broadening the scope of the above-referenced provisions for buildings proposed on County property that would house a significant amount of public “Civic Uses” such as community center uses. Currently, the County is exploring

opportunities to partner with private developers to achieve new public facilities as a way of maximizing County resources; therefore, there may be instances in the future where a mix of public and private uses on County property may be desirable and needed to implement County priorities. For example, at the Arlington Mill Community Center, combining public facilities into a mixed-use building meets the intent of the FBC and provides funding resources for the County to fulfill key policies such as affordable housing. Through the community review process, support was expressed by both the County and community to comply with some FBC regulations and to deviate from others in order to achieve the desired architectural outcome that is landmark and distinctive along the Columbia Pike corridor. In this instance, the building which will house the community center uses will follow a number of substantial FBC criteria such as building height and placement along the Required Building Line; however, the project as proposed, would deviate from some architectural standards that would otherwise apply to the façade. The proposed deviations, which will be presented to the County Board for review later this year (anticipated in May 2008) include items such as the broad use of metal panel wall materials on the facades, window openings that span across more than one floor, and the use of windows at building corners. The community has also expressed a preference for creating a structure that, in its entirety, appears as a civic structure rather than a structure that indicates the private residential uses that sit atop the community center levels; therefore, staff recommends applying relief to the entire building despite the incorporation of private uses. Buildings with only private uses on County property would not be afforded this relief from the FBC and would be required to meet all of the FBC requirements.

4. Reference the intended public facilities review process

Finally, staff recommends indicating that projects which include publicly owned “Civic Buildings,” or buildings with a significant amount of public uses on County property, would be required to undergo a community review process to determine what, if any, deviations from the FBC beyond the Building Envelope Standards, would be recommended to the County Board for approval. The newly formed Public Facilities Review Committee (PFRC) would serve as the forum for the community review process.

Community Process: The Form Based Code Advisory Working Group—a community working group with representation from the Columbia Pike civic associations and the Columbia Pike Revitalization Organization tasked to assist staff in analyzing the FBC, proposed amendments, and project proposals—discussed this proposed amendment and found it to be consistent with the original intent of the FBC when it was adopted in 2003. However, the working group recommended that the amendment include language that mentions the required community review processes, specifically PFRC, and that the relief be provided at the discretion of the County Board. Staff concurs with these suggestions and the proposed amendment contains these elements.

Additionally, the proposed amendment was discussed by the Zoning Committee (ZOCO) of the Planning Commission on March 26, 2008. One commissioner raised the question of whether the proposed amendment would apply to a public Civic Building on private property. The existing language in the FBC, proposed to remain, provides relief for publicly-owned Civic Buildings

even if the building is not on County property; however, the building would have to be owned by a public entity, presumably the County. Other commission members questioned why the County should be afforded further relief from the FBC and if the proposed amendment is an appropriate policy. It has been expressed that the FBC is not structured in a way to regulate civic buildings for public purposes in the same way a private residential or office building would be, for example. It would be difficult for a gymnasium, for example, to comply with the same floor height requirements and window groupings that an office building would otherwise be required. As a result, the FBC was written to allow relief for public Civic Buildings on the assumption that, through a special public facilities design and review process, a distinctive design may be preferred, or determined to be necessary from a functional standpoint, which could vary from the FBC requirements. Therefore, staff continues to recommend the amendment, as proposed. It would allow the community to examine possible FBC modifications through an open process, whereby a discussion of the proposal's merits or disadvantages could occur. Then, the County Board could weigh staff and community recommendations and consider whether the proposal meets the spirit of the *Columbia Pike Initiative Plan* or other County plans and policies.

The Planning Commission considered the proposed amendment at its meeting on April 9, 2008 and voted to approve it with a vote of 8 to 4 with one adjustment (see discussion under #4 below). After concerns were articulated by public speakers from Park Glen on the pending Arlington Mill community center project, the Planning Commission asked for an update on the project status and questioned if any significant changes to the Concept Plan had occurred since the January, 2008 public hearings. Staff indicated that the subsequent focus of work has been to finalize the project details, primarily working through the final architectural details of each of the proposed buildings. Staff has also been working with the developer to finalize the drawing submission in order to move the project forward for final review and consideration by the advisory commissions and County Board, as well as to continue discussions on the final plaza details. Staff indicated that the building massing and heights have not changed since the Concept Plan was approved. Park Glen residents reiterated earlier concerns on the capacity of the proposed street, 9th Street South, abutting its property line including its design, width, entry to its property, construction phasing and impact on the community's access to Dinwiddie Street and Columbia Pike; the design of the proposed residential building's north façade; and parking issues. Staff will continue to work with this community as well as others to discuss and resolve, to the extent feasible, any remaining issues on this project before it moves into the final review process.

On the proposed amendments, the Planning Commission raised the following questions and issues:

1. Why is publicly owned public art included in the language? What restrictions are imposed in the FBC on publicly owned public art? How would the Building Envelope Standards be adjusted for publicly owned public art?

Staff Response: The existing relief in the FBC already includes publicly owned public art. Staff is not recommending a change to the existing language with regards to public art. In addition, the FBC does not prescribe specific requirements or guidelines for public art. Although not expressly written in the FBC, staff conclude that if County resources were used to fund a public art installation, an artist and the proposed public

art design would be reviewed through a process consistent with the County Board approved Public Art Master Plan. Currently, the FBC permits modifications to the Building Envelope Standards for publicly owned public art. These design modifications could include, for example, adjustments to the required fenestration percentages to allow for an integrated public art installation or to modify the Required Building Line to position a public art element at the ground story. Therefore, staff does not recommend a change to the proposed language.

2. Is the proposed amendment allowing unlimited relief from the entire FBC appropriate, or should the relief be more narrowly written to either limit the relief to a particular project at this time (i.e., Arlington Mill Community Center) or limit the relief for specific modifications needed?

Staff Response: Staff continues to recommend that a more comprehensive and flexible approach is preferred rather than possibly having to amend the Zoning Ordinance in the future if other modifications are desired by the community on another County-initiated project. Therefore, staff does not recommend a change to the proposed language.

3. Is it necessary to use the word “better” in the proposed amendment that would require the County Board to evaluate whether the proposed amendment is a superior solution than the option implementing the FBC requirements or merely require the County Board to make a finding that the proposed modification meets the purposes and intent of the FBC and other plans for Columbia Pike?

Staff Response: The language in this section of the proposed amendment is consistent with language that already exists in Section 20 (“CP-FBC”) and describes when the County Board may modify other aspects of the FBC. In addition, the language is not specifically written to require the County Board to compare a FBC compliant design against a modification in isolation. The language is written to establish a threshold for a development project with modifications on whether or not additional County goals above and beyond what is required by the FBC are being met that make the entire project a better solution overall, while meeting the purpose and intent of the FBC. Therefore, staff continues to recommend the proposed language and does not recommend a change.

4. Should the recommended public review process specifically cite the “Public Facilities Review Committee” or should the language be more flexible?

Staff Response: Staff previously recommended specifically referencing this recently established review committee as the appropriate forum for review and discussion of future public projects along Columbia Pike. However, several Commissioners recognized that other review groups and the respective processes may be used to determine whether modifications from the FBC are appropriate, particularly the Public Art Committee and the Site Plan Review Committee. Since the proposed language is connected to both Public Art and public Civic Buildings, and may also use public/private partnerships to construct these projects, staff concurs with the Planning Commission that the language should be more flexible. Therefore, staff recommends that the word “facilities” be removed from the proposed amendment to simply indicate “public review process.”

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify Section 20 of the Arlington County Zoning Ordinance to allow publicly owned Civic Buildings, publicly owned Public Art, or Civic Buildings with public uses on County property to have relief from the prescriptions of the Form Based Code in order to facilitate the creation of a convenient, attractive and harmonious community; to facilitate the provision of adequate recreational facilities and other public requirements; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

**ORDINANCE TO AMEND, REENACT, AND RECODIFY SECTION 20 “CP-FBC,”
COLUMBIA PIKE – FORM BASED CODE DISTRICTS (APPENDIX A) OF THE
ARLINGTON COUNTY ZONING ORDINANCE IN ORDER TO ALLOW PUBLICLY
OWNED CIVIC BUILDINGS, PUBLICLY OWNED PUBLIC ART, OR CIVIC
BUILDINGS WITH PUBLIC USES ON COUNTY PROPERTY TO HAVE RELIEF
FROM THE PRESCRIPTIONS OF THE FORM BASED CODE.**

*BE IT ORDAINED BY the County Board of Arlington County that Section 20 “CP-FBC,”
Columbia Pike – Form Based Code Districts (Appendix A) of the Arlington County Zoning
Ordinance is amended, reenacted, and recodified as set forth below, to facilitate the creation of
a convenient, attractive and harmonious community; to facilitate the provision of adequate
recreational facilities and other public requirements; and for other reasons required by the
public necessity, convenience and general welfare and good zoning practice.*

* * *

(See Attached)

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CIVIC BUILDINGS

Those buildings that house CIVIC USES located on the sites designated on the REGULATING PLAN. CIVIC BUILDINGS and PUBLIC ART are situated at prominent locations within the Columbia Pike Special Revitalization District. ~~Publicly owned CIVIC BUILDINGS and publicly owned PUBLIC ART are not subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code.~~

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B. Rules for the Regulating Plan and New Development Plans

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2. BUILDINGS

- A. The hierarchy of BUILDING ENVELOPE STANDARDS (BES), in descending order is: MAIN STREET SITES, AVENUE SITES, LOCAL SITES, NEIGHBORHOOD SITES.
- B. The maximum building floor-plate (footprint) is 30,000 square feet; beyond that limit a special exception is necessary. Large grocery stores may have a maximum GROUND FLOOR floorplate of 50,000 square feet.
 1. For each BLOCK, building(s) along the RBL shall present a complete and discrete vertical façade composition (e.g., a new façade design) at a maximum average STREET FRONTAGE length of 60 feet. Each façade composition shall include a functioning, primary STREET entry. (This may be satisfied through the use of shops for large floor-plate buildings.) Individual in-fill projects on LOTS with frontage of less than 100 feet are exempted from this requirement.
- C. Consistent BUILDING ENVELOPE STANDARD (BES) sites shall front one another across STREETS. When separated by a SQUARE, CIVIC GREEN or park, building types from adjacent levels (one level difference) may face one another, unless otherwise indicated on the REGULATING PLAN. For example, LOCAL SITES may face NEIGHBORHOOD SITES and/or AVENUE SITES across a CIVIC GREEN—but may not face MAIN STREET SITES, unless otherwise indicated on the REGULATING PLAN.

- D. When separated by an ALLEY, common access easement, COMMON LOT LINE and/or when fronting different STREETS (e.g., a corner LOT and its adjacent LOT), BUILDING ENVELOPE STANDARD types from any category may sit adjacent or share a COMMON LOT LINE, provided that they do not face across a STREET, unless otherwise indicated on the REGULATING PLAN.
- E. When the BUILDING ENVELOPE STANDARD designation changes along a property frontage, the property owner has the option of applying either BUILDING ENVELOPE STANDARD (BES) for a maximum additional distance of 50 feet in either direction along that frontage.
- F. Publicly owned CIVIC BUILDINGS and publicly owned PUBLIC ART are not subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code. The County Board may modify all other provisions of this Code for publicly owned CIVIC BUILDINGS, publicly owned PUBLIC ART, and CIVIC BUILDINGS located on County property which house a significant amount of public CIVIC USES if it finds that the subject development has undergone a public facilities review process and that, after the proposed modification (s), the subject development will better accomplish the purposes and intent of Section 20, and its corresponding Appendix A “CP-FBC,” Columbia Pike – Form Based Code, of the Arlington County Zoning Ordinance than would the development without those modifications and that the proposed uses will not:
1. Adversely impact the health or safety of persons residing or working in the neighborhood of the proposed use;
 2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
 3. Be in conflict with the purposes or vision of the Columbia Pike Corridor as described in the Columbia Pike Initiative Plan *Update (2005)*, as amended, or other master plans of the County.

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