



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 15, 2008**

DATE: October 20, 2008

SUBJECT: Zoning Ordinance amendment to Section 25B “C-O Rosslyn” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts, Subsection E. Provision for Additional Density and Height, to permit the County Board, through the use of Transfers of Development Rights (TDR), to grant additional density and/or height for receiving sites beyond the current limits of 10.0 FAR and 300 feet for properties located in the “Rosslyn Coordinated Redevelopment District” on the General Land Use Plan.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify Section 25B of the Arlington County Zoning Ordinance to permit the County Board, through the use of Transfer of Development Rights, to grant additional density and/or height beyond the current limits of 10.0 FAR and 300 feet on receiving sites.

ISSUES: This is a Zoning Ordinance amendment to permit the County Board to grant additional density and/or height beyond the current limits of 10.0 FAR and 300 feet on receiving sites located within the “C-O Rosslyn” District through the use of Transfer of Development Rights (TDR). Planning Commission voted to defer the proposed amendment until such time when additional guidance on heights and design requirements related to density transfers was available. Additionally, it was recommended that a Rosslyn Sector Plan be started as soon as it is feasible.

SUMMARY: Currently, TDR projects within the “C-O Rosslyn” Zoning District are required to conform to the same ultimate limits on density and height as any other site plans that do not use TDRs. In an effort to help implement the vision set forth in the “Rosslyn Coordinated Redevelopment District” (RCRD) and accomplish desired community goals through the use of TDRs, the proposed amendment to the “C-O Rosslyn” District would allow additional flexibility for the County Board to allow projects with TDRs to include additional height and density beyond the current limits of 10.0 FAR and 300 feet for properties located within the RCRD on the General Land Use Plan (GLUP). Currently, the County Board can only approve density and heights up to 10.0 FAR and 300 feet, respectively, with additional height up to 490 feet above sea level for Central Place.

County Manager: _____

County Attorney: _____

Staff: Matt Mattauszek and Deborah Albert, Planning Division, DCPHD

PLA-5111

As there is some concern over the proposed amendment not including a limit on density or height, the amendment does stipulate that developments with TDRs are required to be consistent with both sections 36.H.3. and 36.H.5b., which are the provisions by which a TDR site plan project would be evaluated. These standards include consistency with adopted policies and plans. The main policies for this area are the “Resolution Governing Building Heights in Rosslyn” and the “Resolution on Urban Design Principles for Rosslyn Central Place,” both of which are intended to guide development in Rosslyn by calling for the greatest building heights to be located around the Metro Station and tapering down in height toward the boundaries of the RCRD.

BACKGROUND: Leading up to the proposed amendment, a number of resolutions and policies were adopted and approved by the County Board aimed at managing the growth within the “C-O Rosslyn” District while paying specific attention to the design of the Rosslyn skyline. On May 11, 1996 the County Board established the RCRD. The purpose of this district was to encourage the physical and economic development of the Rosslyn area to maximize Rosslyn’s potential over the next 25 years to become a competitive first-class urban center which exemplifies superior architecture and excellent urban design practice. This district also permitted the rezoning of sites, located within its boundaries, to “C-O Rosslyn” Rosslyn Commercial Office Building, Retail, Hotel, and Multiple-Family Dwelling Districts. Lastly, the “C-O Rosslyn” Zoning District allowed the County Board to approve additional building height and density when the County Board determined that the development proposal offered important community benefits identified in approved plans for the area and met the special exception criteria of the Zoning Ordinance.

On September 17, 2002, the County Board adopted a Resolution Governing Building Heights in Rosslyn. The purpose of the resolution was to provide guidance on developing the Rosslyn skyline where the greatest building heights are focused closest to the Metro Station with building heights tapering down as locations are farther away from the station. Additionally, the resolution called for buildings farther from this core and closer to the boundary of the RCRD and adjacent to residential buildings to generally taper down in height and to be designed to achieve transitions to the adjacent planned and zoned land use densities and building heights in a way that furthers sound land use planning and good urban design.

On February 25, 2006, the County Board approved a Zoning Ordinance amendment allowing TDRs. The amendment generally defined the purposes for the use of TDRs to allow a site to send density and/or other development rights to a receiving site for certain purposes, including, but not limited to the preservation or facilitation of open space, historic preservation, affordable housing, community facilities, or community recreation.

On May 5, 2007, the County Board adopted a Resolution on Urban Design Principles for Rosslyn Central Place. The purpose of the resolution was to provide guidance on managing growth within Central Place (defined as the area bounded by 19th Street North, North Lynn Street, Wilson Boulevard, and Fort Myer Drive). It generally called for the greatest building heights to be focused closest to the Metro Station and for any additional building height to

preserve, to the extent feasible, views from any public observation deck (approved or built) within Central Place.

On January 26, 2008, the County Board approved “Policy Guidance for Transfer of Development Rights, Beyond the Arlington County Zoning Ordinance Section 36.H.5.b.,” which set forth purposes for approval for TDRs, a certification process for application of TDRs to specific properties, the eligibility of property for use as sending or receiving sites and the process to be used. The policy document also contained information about the conditions that may be necessary for TDR approval, the types of transfers of rights, and the method the County Board may use to determine how much density is transferred. At that time, the County Board also requested that staff develop a Zoning Ordinance amendment to allow the consideration of additional density and height for TDR proposals above the current limits in the “C-O Rosslyn” Zoning District. The proposed amendment discussed in this document addresses this specific issue.

DISCUSSION: The purpose of the "Rosslyn Coordinated Redevelopment District" is envisioned to be achieved through the development of high quality mixed-use development at the core of Rosslyn, including enhanced residential and hotel resources, and office buildings that are home to regional and national headquarters of major private/public corporations and institutions.

The "C-O Rosslyn" Zoning District, the zoning tool that helps implement the vision for the RCRD, allows the County Board to approve additional building height above 3.8 FAR for office, retail, and service commercial uses, and 4.8 FAR for hotels and multiple-family dwellings, up to a maximum of 10.0 FAR and 300 feet, when it is determined that a development proposal offers important community benefits identified in approved plans for the area and meets other special exception criteria of the Zoning Ordinance. Exceptions to the maximum height within the “C-O Rosslyn” District are allowed in developments located in Central Place where developments can achieve a total height of 490 feet above sea level.

The need for this amendment was identified by the County Board in association with the Site Plan project for 1812 North Moore Street. This was an attractive project due in part to the community benefits it included. In order to be able to provide these benefits, the applicant proposed to include an adjacent parcel containing a Dominion Power substation as part of the site plan. In this way, the density could be averaged across the land area in the site plan. The density across the two adjacent parcels for the project was just under 10.0 FAR, however, the effective density on the site of the proposed new construction was almost 20.0 FAR. As a result, the density on the Dominion Power substation site is locked in, precluding any future redevelopment at a key location in Rosslyn’s urban downtown.

The County Board asked staff to explore other mechanisms to obtain additional density. This included the possibility of utilizing density from one of the applicant’s other properties. Staff informed the Board that this could not be done since the sites were not contiguous such that density could be combined from the two sites. Therefore, the only way to accomplish what was

desired, was to somehow transfer the density. Since “C-O Rosslyn” has an absolute limit on the amount of density the County Board could approve, TDRs could not be used in this case. The conclusion of this discussion was that if we could not use TDRs in Rosslyn, then where could we use them. The County Board directed staff to bring this Zoning Ordinance Amendment forward and address this issue.

In an effort to help continue to implement the vision set forth in the RCRD, including an enhanced Rosslyn skyline, and provide additional flexibility to accomplish desired community goals through the use of TDRs, staff recommends that the “C-O Rosslyn” District be amended to allow the County Board to allow projects with TDRs to include additional height and density beyond the current limits of 10.0 FAR and 300 feet on receiving sites located within the RCRD on the GLUP. Currently the County Board does not have that authority. Although the proposed amendment does not include a specific limit on density or height, it does stipulate that developments with TDRs are required to be consistent with both sections 36.H.3. and 36.H.5b., which include provisions for site plans by which a TDR project would be evaluated, including consistency with adopted plans and policies. The resolutions and principles guiding future development in Rosslyn generally call for:

- New development in the RCRD to benefit from architecturally distinctive buildings with the greatest heights focused around the Metro Station and tapering down in height toward the boundaries of the RCRD.
- New buildings in the RCRD shall be architecturally distinctive with particular attention given to the design of the tops of the buildings and their impact on the Rosslyn Skyline.
- Buildings farther from the core and closer to the boundary of the RCRD and adjacent to residential buildings shall generally taper down in height and shall be designated to achieve transitions to the adjacent planned and zoned land use densities and building heights in a way that furthers sound land use planning and good urban design.
- Consideration will also be given to the impact on “view corridors.”

Community Process: The proposed amendment was discussed by the Zoning Committee of the Planning Commission (ZOCO) at their September 17, 2008 meeting. ZOCO members expressed multiple viewpoints regarding the absence of limitations on density and height on receiving sites within the “C-O Rosslyn” District expressing some apprehension as to whether tapering of building heights would be respected with the proposed amendment. A few members expressed concerns over safety and the role of the FAA in determining building heights in Rosslyn.

Staff attended the October meeting of the Urban Design Committee of Rosslyn Renaissance to discuss the proposed amendment and gather feedback. Committee members were generally receptive to the amendment and believed it served as a good incentive for anyone interested in utilizing a TDR with a receiving site located in Rosslyn. However, a few members echoed the concerns of ZOCO regarding FAA and specific height and density limits. It was suggested that the proposed amendment was consistent with discussions surrounding the initial adoption of “C-

O Rosslyn” in 1996, which raised the issue of providing flexibility in the Zoning Ordinance to achieve an enhanced Rosslyn skyline.

The Planning Commission heard this proposed amendment on November 3, 2008. A number of issues were raised during this meeting, focusing on this amendment’s lack of restrictions on density and height, enforcement of tapering of building heights, respect for the observation deck, and other safety issues regarding FAA regulations and their jurisdiction in the RCRD. After a lengthy discussion about the potential impacts of allowing additional density and/or height for TDR projects in “C-O Rosslyn”, the Planning Commission voted to defer the proposed amendment until such time when additional guidance on heights and design requirements related to density transfers was available. Additionally, it was recommended that a Rosslyn Sector Plan be started as soon as it is feasible.

Staff concludes that flexibility on density and height would help foster the use of TDRs. In order to help guide density and height for TDR projects, the proposed amendment stipulates that developments with TDRs are required to be consistent with Sections 36.H.3. and 36.H.5.b. in the Zoning Ordinance through the site plan process. Additionally, and as a condition of site plan approval, proposed buildings within Rosslyn are required to provide documentation from the FAA that it has found that the proposed building is not a hazard to air navigation prior to issuance of a final building permit.

CONCLUSION: Staff recommends that the County Board adopt the proposed amendment to Section 25B. of the Arlington County Zoning Ordinance to grant additional density and/or height beyond the current limits of 10.0 FAR and/or 300 feet on receiving sites through the use of Transfer of Development Rights.

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING ORDINANCE SECTION 25B. “C-O ROSSLYN” COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS, SUBSECTION E. PROVISION FOR ADDITIONAL DENSITY AND HEIGHT TO PERMIT THE COUNTY BOARD TO GRANT ADDITIONAL DENSITY AND HEIGHT BEYOND THE CURRENT LIMITS OF 10.0 FAR AND 300 FEET ON RECEIVING SITES THROUGH THE USE OF TRANSFER OF DEVELOPMENT RIGHTS.

BE IT ORDAINED THAT, Section 25B. “C-O Rosslyn” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts, Subsection E. Provision for Additional Density and Height of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows to reduce or prevent congestion in the streets, 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 25B. “C-O ROSSLYN” COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS

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E. Provision for Additional Density and Height.

1. In considering the approval of a site plan the County Board may permit additional density, above 3.8 floor area ratio (FAR) for office, retail and service commercial uses, above 4.8 FAR for hotels and multiple-family dwellings, and above the existing density on a site when it is already greater than 3.8 FAR for office, retail and service commercial uses, or above 4.8 FAR for hotels and multiple-family dwellings, up to maximum of 10.0 FAR and/or height up to a maximum of three hundred (300) feet. Increases in density and height may be approved when the County Board finds that the development proposal offers important community benefits identified in approved plans for the area and meets the other special exception criteria of the Zoning Ordinance. In considering such modification, the County Board may also consider characteristics of the site and the area as described in Section 36.H.5. of this ordinance and the plans and policies adopted for the area. Provisions of Section 36.H.7. for the approval of additional height and density shall not be applicable in the “C-O Rosslyn” district. In no case shall application of the modification of use provisions of Section 36.H.5. be applied to permit a density of more than 10.0 FAR or a height of more than three hundred (300) feet except as described below.
2. a. To enable the County to provide for adequate streets the County Board may grant additional density (FAR) within the height limit up to an amount that would be permitted if any area dedicated from the site for street purposes were permitted to be counted in calculating density.

3.
 - b. To enable the County to achieve an enhanced Rosslyn skyline and other community amenities the County Board may grant additional height up to maximum of four hundred ninety (490) feet above sea level for projects within Central Place (defined as the area bounded by 19th Street N., North Lynn Street, Wilson Boulevard, and Fort Myer Drive). Site plan projects within Central Place may be approved when the County Board finds a project is generally consistent with the May 5, 2007 County Board Resolution on Urban Design Principles for Rosslyn Central Place, and additionally meets the standards of Section 36.H.3. of this ordinance.
 - c. Where a proposal is generally consistent with adopted policies and resolutions applicable to development in the “Rosslyn Coordinated Redevelopment District” (RCRD), the County Board may grant additional density and/or height beyond 10.0 FAR and three hundred (300) feet on receiving sites in accordance with the Transfer of Development Rights (TDR) provision in Section 36.H.5.b. and meeting the standards of Section 36.H.3.
2. Signs located above thirty five (35) feet may be approved through special exception by application of Section 34.A.3. of this ordinance. However, in no case shall any sign be permitted above a maximum height of fifty (50) feet on any building located within Central Place that is approved with additional density and height by application of either Section 25B.E.1. or Section 25B.E.3. of this ordinance.

(Ord. No. 96-19, 5-11-96; Ord. No. 97-25, 11-8-97, 5-5-07)

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