



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 14, 2009

SUBJECT: Zoning Ordinance amendments to Sections 1, 19, 26, 26A, 27, 31 and 36 to add a new Unified Commercial Mixed-Use Development Special Exception Use Permit option for properties zoned “C-1”, “C-2”, “C-3” or “C-TH” and designated “Service Commercial” within the “Clarendon Revitalization District” on the General Land Use Plan. The amendments would revise the Zoning Ordinance to implement the goals and policies in the adopted 2006 Clarendon Sector Plan.

C.M. RECOMMENDATION:

Adopt the attached ordinance (Attachment A) to amend, reenact and recodify Sections 1, 19, 26, 26A, 27, 31 and 36 of the Arlington County Zoning Ordinance to add a new Unified Commercial Mixed-Use Development Special Exception Use Permit option for properties zoned “C-1”, “C-2”, “C-3” or “C-TH” and designated “Service Commercial” within the “Clarendon Revitalization District” on the General Land Use Plan, to ensure consistency with the goals and policies set forth in the adopted 2006 Clarendon Sector Plan for the Clarendon Metro area.

ISSUES: This is a Zoning Ordinance amendment to add a new Unified Commercial Mixed-Use Development (UC/MUD) option to permit implementation of the adopted 2006 Clarendon Sector Plan. Concerns raised by some members of the community are as follows:

- Bonus density should be limited to that which can be accommodated on a given site, and should not be available to transfer to other sites.
- A Use Permit option may not be the right zoning tool for sensitive sites in Clarendon that transition to adjacent low-density residential areas, as Use Permits may not allow for enough community input at the time of project review; the community would prefer to see by-right or site plan requirements for edge areas.
- There is too much flexibility built into the proposed zoning.

SUMMARY: In order to implement the policies and other guidelines for development and redevelopment, primarily in the transitional areas of Clarendon, Zoning Ordinance amendments are proposed. The proposed amendments would provide a zoning tool that would encourage any development that occurs to be consistent with the vision established in the adopted 2006 Clarendon Sector Plan. Staff recommends that the County Board adopt the attached Zoning

County Manager: _____

County Attorney: _____

Staff: Deborah Albert and Jennifer Smith, Planning Division, DCPHD

PLA-5220

Ordinance amendments to implement the Clarendon Sector Plan by creating a new UC/MUD Use Permit option for the edge areas of Clarendon. The following information provides a summary of the proposed changes:

Section 1: Add new definitions to the Zoning Ordinance where new terms are used.

Section 27 and 36: Amendments to “C-3” and to subsection 36.H.8 (regulates bonus density for historic preservation in the “Clarendon Revitalization District”) to clarify adopted provisions, maintain consistency with the proposed new UC/MUD and include maps in the Zoning Ordinance. No new policy is proposed in these Sections.

Sections 19, 26, 26A and 27: Amendments to “C-1”, “C-2”, “C-TH” and “C-3” Districts to allow Unified Commercial/Mixed-Use Development in areas planned “Service Commercial” within the “Clarendon Revitalization District,” by Special Exception Use Permit.

Unified Commercial Mixed-Use Development provisions (Section 31): The following are consistent with the Sector Plan recommendations (except as noted, where the Sector Plan is silent on a particular detail).

- Density up to 1.5 FAR with optional increases in density for provision of affordable housing, sustainable design and historic preservation, through additional floors within the maximum height limits, subject to approval by the County Board;
- Residential, commercial, hotel and/or retail uses;
- Height not to exceed the 45- and 55-foot height limits established in the Sector Plan;
- Ground Floor height of 15 feet;
- Placement and Orientation: Build-to lines established in the Sector Plan;
- Step-backs, as determined by the County Board, for historic preservation and adjacent to residential neighborhoods;
- Streetscape consistent with the Streetscape Map and Sidewalk Design Guidelines in the Sector Plan;
- Parking as in adopted “C-3” Site Plan requirements (1 space /580 sf commercial; 1 space/residential unit; 0.7 space/guest room), including other parking incentives (parking relief for small sites and for incorporating preserved structures);
- Entrances and transparency consistent with Frontage Types established in the Sector Plan;
- Landscaping requirement of 10%, similar to other UC/MUDs (not addressed in Sector Plan); and
- Preservation of identified buildings.

BACKGROUND: On June 10, 2006, the County Board adopted Part 1 of the 2006 Clarendon Sector Plan (Sector Plan) with key policies, goals and objectives and on December 9, 2006, adopted Part 2 with the remaining policies integrated into the final document. The process to update the Clarendon Sector Plan involved a comprehensive study of land use, transportation, open space and building form and character issues. Envisioned as an “urban village,” the

Clarendon Metro Station area, as laid out in the adopted 2006 Clarendon Sector Plan, would include: a mix of medium-density residential, office, hotel, and retail uses concentrated in the core of Clarendon; lower levels of density and height closer to surrounding neighborhoods; ground-floor retail along Clarendon's main streets; a mix of old and new structures including several of Clarendon's original commercial buildings; attractive and safe pedestrian walkways; quality open spaces; and improved streets with ample on-street parking. Zoning ordinance amendments for the Clarendon area are necessary to achieve the desired vision and implement the adopted Plan. The proposed amendment would be applicable to areas planned for lower density and height, adjacent to the surrounding residential neighborhoods. Individual properties in these areas incorporate small sites in several existing zoning districts, including "C-1", "C-2", "C-3" and "C-TH". The proposed amendment provides a new Unified Commercial Mixed-Use Development (UC/MUD) special exception Use Permit option. Currently there are two adopted UC/MUD options in the Zoning Ordinance that apply to "C-2" and "C-3" zoning districts, one of which applies generally throughout the County with the exception of Cherrydale, Columbia Pike and Clarendon; the other applies to Nauck. Previous amendments to the Zoning Ordinance related to the Clarendon Sector Plan, include:

- Amendments to the by-right regulations for "C-3", adopted in 2006, to improve the form of development by screening parking and providing incentives for streetscapes and new streets; and
- Amendments to "C-3" Site Plan provisions, in order to implement the Sector Plan for the core areas of Clarendon, adopted in April, 2008.

DISCUSSION: The Clarendon Sector Plan recommends either a new zoning tool or modification of existing zoning tools to implement the vision and adopted policies for the edge areas of Clarendon, where commercial development transitions to residential areas. Through staff analysis, a new UC/MUD tool is proposed. The proposed UC/MUD option would implement the adopted Clarendon Sector Plan in areas designated "Service Commercial" within the "Clarendon Revitalization District" on the General Land Use Plan (GLUP), which are transitional areas adjacent to the residential areas to the north and south of the Clarendon metro station (shown on Attachment 1). While there are properties similarly planned and zoned in areas immediately adjacent to the subject area, these properties outside of the "Clarendon Revitalization District" would not be eligible for the proposed UC/MUD, as the intent of the proposed amendment is to implement Sector Plan policies for the properties that were studied in extensive detail during the Sector Plan process. Proposed amendments to related Zoning Ordinance sections are included to maintain consistency, within the Ordinance, for regulations which implement the Clarendon Sector Plan.

Unified Commercial/Mixed-Use Development (Section 31). A new zoning tool is necessary in order to regulate development activities in a manner consistent with the pattern of development planned for Clarendon, which includes lower densities and heights in transitional areas adjacent to residential neighborhoods. In order to encourage development consistent with the vision described in the Sector Plan for Clarendon, staff developed a new UC/MUD option for

Clarendon, through discussion with the Clarendon Working Group (Working Group), a small representative group of citizens from adjacent civic associations, commissioners, and the development community. A UC/MUD is currently allowed in “C-2” and “C-3” zoning districts throughout the County, with a Use Permit, *except* in Clarendon, Cherrydale and Columbia Pike. The purpose of a UC/MUD, outlined in the Zoning Ordinance, is to allow a residential component within mixed-use development in community business districts, incorporating goals of revitalization, historic preservation (where appropriate) and opportunities to retain local and small businesses, in a form compatible with commercial business districts and surrounding properties.

The proposed UC/MUD, structured similarly to adopted UC/MUDs in the Zoning Ordinance, provides a zoning tool compatible with the goals outlined in the Clarendon Sector Plan for these transitional areas, as it incorporates form-based requirements specifically designed for mixed-use development in community business districts. Staff explored multiple options for implementing Sector Plan recommendations in these areas, and discussed with the Working Group, options including retaining the existing zoning and a new Site Plan option. It was determined that given the size of these sites, a Site Plan option would be too expensive and onerous to make it attractive over by-right options. The by-right zoning would not promote a form or use mix compatible with Sector Plan recommendations, nor would it encourage community benefits identified in the Sector Plan, such as affordable housing, green buildings or preservation of identified historic buildings and structures. In order to further illustrate treatment of specific Sector Plan recommendations under existing and proposed zoning tools, Attachment 2 provides a summary of zoning requirements under existing by-right and proposed UC/MUD Special Exception processes. Attachment 3 illustrates the maximum height and massing that could be achieved through by-right and proposed UC/MUD requirements in the subject areas.

While the requirements of the proposed zoning tool are detailed, the structure is designed to be similar to adopted UC/MUDs. The intent of the proposed zoning is to strike a balance between incorporation of detailed policies that provide assurance that the Sector Plan will be implemented, while allowing for the flexibility, within the adopted policies in the Plan, that on-the-ground development may require. With the exception of maximum height limits, the provisions of the proposed UC/MUD may be modified, subject to approval by the County Board. The following describes the components of the proposed UC/MUD:

- Density. The proposed maximum density level for a Unified Commercial/Mixed-Use Development (UC/MUD), through Special Exception Use Permit, is 1.5 FAR, with options for bonus density, described in further detail below. The four zoning districts in which the UC/MUD would be permitted within the “Clarendon Revitalization District” currently allow only by-right development in these areas, and allow densities ranging from 1.0 FAR in some zoning districts, to proffered development of an unspecified density within established form parameters and a defined height limit, in other districts.
- Use Mix. In order to achieve the “urban village” vision with a mix of uses, the Clarendon Sector Plan identifies specific land uses for some areas of Clarendon. The Plan recommends

residential, commercial, hotel or mixed use in areas that would be eligible for the proposed zoning (see Map in Attachment 2). The current regulations in the commercial zoning districts adjacent to low density residential neighborhoods do not allow for residential or mixed-use development. Only the existing “C-TH” zoning district would allow for residential development, however, the “C-TH” zoning allows for development at higher densities than those planned for these transitional areas, and would not necessarily promote a form of development compatible with Sector Plan policies. Staff would not likely support requests to rezone to “C-TH,” should the proposed UC/MUD be adopted. The proposed amendments incorporate regulations to achieve the mixed-use recommendations included in the Clarendon Sector Plan at densities and heights compatible with the surrounding neighborhoods. Hotel uses would also be allowed under the proposed amendment. Ground floor retail or professional/business service commercial uses would be required for these areas.

- Placement, Orientation and Massing. The proposed amendment establishes a build-to line that sets a requirement for placement of building facades, at the back of the planned streetscape. Step-backs consistent with recommendations in the Sector Plan are incorporated in the proposed UC/MUD to provide development compatible with adjacent low density residential development and with preserved structures. The proposed zoning also incorporates a setback from abutting residentially zoned lots of 25 feet or such lower amount as the County Board determines. A masonry wall is required for all development adjacent to “R” and “RA” districts in order to screen commercial development from adjacent residential properties.
- Streetscape. The proposed amendment provides for streetscapes consistent with standards in the adopted 2006 Clarendon Sector Plan.
- Parking and Loading. Parking ratios in the proposed amendment are generally consistent with those provided in Site Plan districts. In these transitional areas, where parcels are typically small, provisions for off-site and shared parking may help facilitate development consistent with Sector Plan goals. Therefore, consistent with Sector Plan recommendations, the proposed amendments include provisions for the County Board to allow parking to be provided off-site for sites smaller than 20,000 square feet and reductions in required parking for the preservation of identified buildings. Provisions are also included for shared parking and additional short-term, high-turnover parking.
- Building Height and Ground Floor Height. The proposed amendments allow heights of 45 feet north of Wilson Boulevard and 55 feet south of 10th Street North, pursuant to the adopted Sector Plan where a maximum building height (in feet) and a maximum number of floors are established. The County Board may approve modifications to the maximum number of floors in exchange for provision of affordable housing, sustainable design or preservation of designated buildings, as long as the maximum building height is not exceeded. Maximum height limits may not be modified by the County Board even through the provision of bonus density. Mechanical penthouses are allowed up to a maximum of 12 feet, and may exceed the maximum height. For comparison, height limits (exclusive of

penthouses) under existing zoning (“C-1”, “C-2”, “C-3” and “C-TH”) range from 45 to 75 feet. A minimum height of 15 feet is proposed for ground floor retail space.

- Ground Floor Transparency and Building Entrances. Proposed regulations require building facades to be designed consistent with the Frontage Types specified in the Clarendon Sector Plan, with minimum transparency of the ground level façade ranging from 75% on frontages designated as “Main Street” to no transparency required for those designated as “Service.” The proposed zoning further specifies frontages where service and parking entrances/exits may be located and would require screening of service bay entrances and facilities.
- Landscaping. The proposed amendment would require a minimum of ten percent landscaped area. Relief from the minimum landscaped area would incorporate flexibility in the requirements to accommodate preservation of designated buildings. The proposed landscaping requirement is similar to existing UC/MUD requirements, as well as to by-right provisions in the underlying “C-1”, “C-2”, “C-3” and “C-TH” zoning districts.
- Historic Preservation. Preservation would be required for those projects which include buildings identified for full or partial preservation in the Clarendon Sector Plan. Where new construction occurs around existing preserved structures, proposed guidelines seek to gain compatibility with the preserved structures.
- Bonus Density. Under the proposed UC/MUD, the County Board may approve additional density above 1.5 FAR to fulfill identified priority community objectives of affordable housing, historic preservation and sustainable design. However, any additional density must be contained within the maximum building envelope established through the maximum height limits. Additional density can be achieved through the addition of floors beyond the base number of three floors specified in the Plan. In contrast to Site Plan development, where the affordable housing ordinance regulations and other modification of use and bonus density provisions in subsection 36.H. of the Zoning Ordinance apply, Use Permit development is not regulated by the provisions in 36.H. Therefore structured bonus density provisions are included in the proposed UC/MUD in order to achieve adopted policy recommendations in the Sector Plan. This will facilitate provision of Affordable Dwelling Units (ADUs), green buildings and historic preservation where they may not otherwise occur. The proposed UC/MUD would also allow bonus density, achieved through the provision of community benefits, to be transferred to other sites within Clarendon, consistent with recommendations in the Sector Plan.
 - Affordable Housing. A key component of the Sector Plan framework is to obtain a range of housing unit types and to bolster the supply of affordable housing. However, specific affordable housing policy recommendations were not included in the Sector Plan recommendations, relying instead on the adopted affordable housing ordinance, which does not apply to Use Permit development. Therefore, the affordable housing bonus is the only component in the proposed amendment that incorporates new policy. The proposed UC/MUD would allow the County Board to approve up to an additional 1.5 FAR in bonus density for provision of affordable housing equivalent to ten percent of the gross floor area of the bonus density. A residential rental project would be required to

provide the affordable housing on-site if the ten percent was greater than 4,000 square feet. For residential rental projects where the ten percent calculates to less than 4,000 square feet, and for other residential and commercial projects, the applicant could provide either on-site units, or a cash contribution to the Affordable Housing Investment Fund (AHIF) of \$15.00 per square foot of the bonus density.

In order to determine the proposed ADU requirement, staff analyzed the financial return of hypothetical projects with bonus density in the applicable areas and compared returns with varying percentages of affordable units. Staff used an average unit size and assumptions for construction costs, land cost, residential market rents, and annual operating expenses based upon current values. The returns on the proposed ten percent and the \$15.00 contribution value are comparable. The intent of the proposed ADU bonus density is to provide an incentive to achieve affordable housing as recommended in the Sector Plan, in a form compatible with Sector Plan policies. The proposed percentage and cash value aim to balance the incentive with the return such that the community benefit is commensurate with the bonus density awarded, while at the same time not deterring development under the Use Permit option.

- *Historic Preservation.* On June 10, 2006, Subsection 36.H. of the Zoning Ordinance was amended to incorporate new density incentives for full and partial building preservation within the “Clarendon Revitalization District,” consistent with policies set forth in the Clarendon Sector Plan. Identical provisions are included in the proposed UC/MUD to provide for bonus density provisions for preservation of identified buildings and to ensure that comments from the Historical Affairs and Landmarks Review Board (HALRB) are considered for projects incorporating historic buildings.
- *Sustainable Design.* Bonus density may be approved for green building design (LEED), in amounts consistent with established County policy at time of Use Permit approval.

Sections 1, 19, 26, 26A. Amendments to “C-1”, “C-2”, “C-TH” and by reference, “C-3” Districts, to allow the Unified Commercial/Mixed-Use Development in areas planned “Service Commercial” within the “Clarendon Revitalization District,” by Special Exception Use Permit. Amendments to Section 1 add new definitions to define “build-to line” and “step-back,” terms used in the proposed zoning and not previously defined in the Zoning Ordinance.

Section 27 and 36. Amendments to “C-3” and to subsection 36.H.8 (regulations for bonus density for historic preservation in the “Clarendon Revitalization District”) include the following:

- **Maps.** Five maps from the 2006 Clarendon Sector Plan (Building Preservation, Maximum Height Limits, Build-to Lines, Frontage Types, and Streetscapes) are referenced in the proposed UC/MUD, as well as two tables describing Parking Spaces Associated with Recommended Preservation Structures and Sidewalk Design. An additional three maps from the Sector Plan (Use Mix, Receiving Sites and Step-Backs) are referenced in the “C-3” District Site Plan requirements, adopted in April, 2008. The adopted “C-3” provisions

include reference to maps in the Sector Plan. With this amendment, the maps are included as an amendment to Section 27 (“C-3”) of the Zoning Ordinance (and referenced by the proposed UC/MUD in Section 31) in order to fully codify these figures and avoid cross-reference to a Sector Plan document within the Ordinance. These maps and tables include specific provisions for form and design which further the goals and policies set forth in the Clarendon Sector Plan.

- Technical Clarifications. No new policy is proposed for Site Plan provisions in these Sections. However, where identical requirements are included in the proposed UC/MUD and the Site Plan requirements in “C-3” (Section 27) and for historic preservation bonus for Site Plans within the “Clarendon Revitalization District” (subsection 36.H.8), consistent language is used. In drafting the proposed amendments, some technical modifications to the adopted provisions were made to provide additional clarity, and included in both the adopted and proposed zoning.

Community Process:

Clarendon Working Group: Feedback on the proposed amendments was gathered through meetings and discussion with the Clarendon Working Group prior to discussion at the Zoning Committee (ZOCO) of the Planning Commission. On May 27, 2008, staff met with members of the Clarendon Working Group to review details of a proposed new zoning district which would implement the Sector Plan in the edge areas of the “Clarendon Revitalization District.” Feedback from the Working Group at that meeting was that, given the small size of these properties and their limited development capacity, a Site Plan district, and its respective provisions, may not provide enough incentive to encourage that tool to be used over by-right options. Staff agreed to explore other zoning alternatives that could implement the Sector Plan, resulting in the proposed UC/MUD which would entail a shorter, less expensive process, more compatible with these smaller development sites. A draft of the proposed UC/MUD was initially distributed to the Working Group for feedback on August 11, 2008, with several subsequent iterations also distributed, which incorporated comments received. A matrix summarizing all comments with staff responses, as well as all staff initiated modifications, was also distributed with later iterations, in order to keep the community apprised of changes incorporated into the proposal. Most of the comments received resulted in modifications to the proposed zoning. However, some issues remain, related to the interpretation and application of some of the adopted Sector Plan policies in the proposed Zoning Ordinance amendment, and are discussed below as they have been presented by the community in their letters dated February 27, 2009, and March 11, 2009.

February 27, 2009 letter:

- *The maximum density allowed in the UC/MUD district should be limited to what can reasonably fit on the site.* The maximum number of floors specified on the Maximum Height Limits Map can be adjusted so long as the maximum height in feet is respected. This is the very premise of how the Sector Plan is structured to achieve specific community benefits,

and is identified in the Sector Plan in Policies #3 and #19. Under the plan, the designated maximum density levels and number of floors are connected and establish a “base” density and “base” number of floors. If an applicant opts to request bonus density, the maximum density would increase, and the number of floors can increase to accommodate the bonus density. This increase in the number of floors would be accomplished by reducing the individual floor heights in order for the overall building height to remain within the established maximum height limit in feet. Ground floor structural clear height is expected to be a minimum of fifteen feet, regardless of bonus density.

The Sector Plan states in several areas that some sites may not be able to accommodate all earned density within the maximum height limits. Consistent with Sector Plan guidance, the proposed zoning allows density “earned for extraordinary community benefits that cannot fit on site [to be] transferred to another receiving site in Clarendon.” (Sector Plan, p. 61). In response to this concern raised by the community, staff has modified the proposed amendment to ensure that bonus density in the subject area is only allowed for those projects that provide tangible benefits within Clarendon. The proposal would therefore require that bonus density earned through a cash contribution (to AHIF) be accommodated on site. Any density earned through that provision that does not fit within the prescribed building envelope would not be available for transfer to another site. Bonus density earned through provision of on-site Affordable Dwelling Units, green buildings or historic preservation could be transferred if the earned density does not fit on the subject site. Sites within the subject area would not be eligible to be “receiving” sites for density, as “receiving” sites must be under Site Plan, not Use Permit.

- *Densities and uses in the proposed UC/MUD should be consistent with adopted Sector Plan policy goals of building form (including rear step-backs and taper) and service commercial use.*

Density: The proposed base density for all development under the proposed UC/MUD is 1.5 FAR, as recommended on the Maximum Density map (Map 2.3) in the Sector Plan. The Maximum Density Map also indicates that the County Board may consider additional density for certain community benefits. The benefits identified in the Sector Plan are “including but not limited to building preservation, affordable housing, green building design (LEED), and/or public open space.” Because the areas proposed for this zoning tool are not planned for any open space, only the former three listed community benefits can be used to achieve bonus density in the proposed UC/MUD. Where the Building Preservation Map (map 2.6) in the Sector Plan identifies full building preservation or façade or frontage preservation, an applicant would be required to preserve the identified structures.

Use: The proposed UC/MUD would be available to properties planned for “Service Commercial.” Consistent with the “Service Commercial” General Land Use Plan designation, which includes personal and business service uses, the zoning would require that ground floor retail and/or personal/business services be provided (see lines 75-78 in Attachment A) where designated on the Use Mix map (Map 2.5), which includes all properties fronting 10th Street North, Wilson Boulevard and Washington Boulevard. A mix

of uses (residential, commercial or hotel) would be permitted in upper stories, also consistent with Sector Plan recommendations on the Use Mix map. Existing UC/MUD tools in the Zoning Ordinance were specifically designed for the County's small business districts, and similarly require ground floor retail with commercial or residential commercial uses permitted on upper stories.

In response to the community concerns related to rear step-backs, staff has subsequently modified the proposed zoning (subsection 31.A.17.d (2) (b) shown on line 100 of Attachment A) to codify the detailed guidance referenced above for the County Board to use in determining the proper transition on a specific site. Because the Sector Plan only provides detailed guidance for some properties adjacent to "R" districts, the proposed amendment would also require other similarly situated properties to incorporate appropriate transitions to abutting low-density residential properties, as determined by the County Board at the time of project review and approval.

- *The zoning should consider current rights and limitations, capping densities and bonuses at lower levels on "C-1", "C-2" and "C-TH" blocks than on "C-3" blocks.*

Analysis undertaken for the subject properties during the Sector Plan process in order to study the impacts of proposed density, heights, use mix, and other parameters addressed in the Sector Plan, resulted in County Board-adopted policies as shown on all maps included in the plan, several of which are codified in the proposed zoning. Because the maps apply different parameters (i.e. height, density, streetscape) to different geographic areas, they facilitate the use of a single zoning tool to implement the varying treatments in adopted Sector Plan policies.

The proposed amendment does not make any change to existing permitted by-right heights, densities and uses, however, it does provide an additional development option, with some incentives for an applicant to enter into the special exception process rather than develop by-right, such as reduced parking ratios, a mix of uses, and the potential for bonus density. In exchange, the applicant is required to meet specific height, density, form and preservation regulations that would achieve the Sector Plan vision for Clarendon. Despite underlying zoning, all sites in the UC/MUD area are planned for "Service Commercial," and a density of 1.5 FAR. The Sector Plan policies establish a building envelope, formed through the maximum height limits and through specific form parameters (step-backs, setbacks, streetscapes), which allow bonus density to be used in order to provide incentive to achieve desired community benefits, without setting an absolute cap on density (i.e. the maximum density on a specific site is determined by the required building form and maximum permitted height).

- *Development through a Use Permit should not be used for sensitive sites in Clarendon that transition to residential areas, and if a process with limited community review is used, it should limit flexibility (similar to a Form Based Code) and bonuses .*

Flexibility of requirements in the proposed UC/MUD is consistent with structure of other existing UC/MUDs in the Zoning Ordinance, which allow the County Board to modify most

requirements (with a limited set of parameters that cannot be modified) in order to best accomplish the established purposes of the UC/MUD. The proposed UC/MUD for Clarendon does not allow the County Board to modify maximum height limits which, as discussed above, is a critical component of establishing the building envelope. The complexity and detail of the adopted policies for Clarendon are not conducive to by-right requirements and, on the other end of the spectrum, development of the small sites in the subject areas is not likely to occur through the Site Plan process. The proposed UC/MUD zoning establishes expected standards consistent with those adopted policies, and incorporates a community process that also allows the County Board to modify requirements within the maximum height limits, on a site-specific basis, in order to achieve the best possible balance of goals established in the Sector Plan for the entire Clarendon station area.

- *The draft needs a careful community review and vetting.* Staff has been working with the Clarendon Working Group since May 2008, to discuss various aspects of the proposed zoning, and has provided numerous iterations of the draft along with a comments matrix outlining staff responses to all comments received. Staff also recently met with a group of concerned citizens, on March 2, 2009, to discuss details of the issues described above. In response to concerns related to penthouse heights, which are allowed above the established maximum height limits, staff now proposes to limit mechanical penthouses in the subject area to a maximum of twelve feet. The Sector Plan recommends using newer technologies to reduce penthouse heights from the recommended maximum of 18 feet, and given the maximum building heights of 45 and 55 feet for the UC/MUD, which could result in a maximum of four to five floors, staff supports a requirement for a lower penthouse height. The twelve foot height is consistent with the penthouse height in the existing Nauck UC/MUD, which is designed to limit buildings to a similar height. In addition, the proposed zoning now clearly indicates that the penthouse may only house elevator or other rooftop mechanical equipment, and cannot include additional floor space. Twelve feet should be adequate space for a purely mechanical penthouse. Concerns were also raised related to specific treatments of trash enclosures in the proposed zoning. Staff has indicated to the community that such details, including specific heights and treatments of required screening measures, are the types of details that can be addressed on a site-by-site basis through Use Permit conditions at the time of review and approval.

March 11, 2009, letter:

- *Staff has drafted density transfer provisions to be unlike any other in the Zoning Ordinance. Density, including any bonus density, should be limited to the amount that can reasonably be accommodated on the properties in the zoning district.*

The first bullet under the February 27, 2009 letter, discussed above, summarizes the policies laid out in the Sector Plan for bonus density and transfer of density that are codified in the proposed UC/MUD. The TDR provisions in the proposed UC/MUD would allow a site to transfer excess density earned for the provision of community benefits, that cannot be accommodated on site. While TDR is a relatively new policy to the County and there are few precedents in the Zoning Ordinance, similar provisions were adopted by the County

Board in October, 2008, in amendments to Sections 13, “RA6-15” and 15, “RA8-18”, associated with the Fort Myer Heights North Plan. These adopted provisions allow a site to earn bonus density that can be transferred through specific formulas designed to calculate the earned density. Neither the proposed UC/MUD nor the adopted Fort Myer Heights North provisions require a receiving site to be available at the time the density is earned on the sending site.

The Sector Plan process included analysis of individual sites, to which staff referred when drafting the proposed UC/MUD Zoning Ordinance amendment. Analysis shows that some sites in the subject area could accommodate up to approximately 3.0 FAR, while others would be limited to less than that based on required form and preservation, combined with maximum height limits. Staff also looked at sites with approved projects in the subject area, as part of this analysis. The ZOSO (Fillmore St. between 10th and 11th Sts. N.) and Garfield Park (south of 10th St. N. between Garfield St. and Fillmore St.) are approved at 2.89 and 3.03 FAR, respectively. The ZOSO site is similar in depth to sites south of 10th St., and the form is similar to that in the UC/MUD, in that the maximum height is 55 feet, and the first 50-feet of the property adjacent to the residential property includes a step-back with a height of 45 feet. Based on this analysis, staff designed the proposed UC/MUD to allow, through bonus density options, for densities that could realistically fit on some sites.

- *Clarify UC/MUD project review process in conjunction with proposed zoning to ensure adequate neighborhood involvement.*

When staff began drafting a new UC/MUD for Clarendon, staff recognized that the project review process for UC/MUDs had not been well-defined in the past. Discussion of a preliminary draft UC/MUD project review process was included on the agenda at the December 10, 2008, ZOCO meeting. Staff envisions that the UC/MUD review process could be similar to that used for Site Plan review, and hosted by a Planning Commission committee similar to the Site Plan Review Committee (SPRC), including Planning Commission members, representatives of other citizen commissions, as well as citizens from civic associations relevant to the particular project in question. Attachment 4 shows a preliminary diagram of the draft process as compared to the Site Plan review process, which could be modified following additional process discussions with the Planning Commission.

Review for a proposed Use Permit development is theoretically more straight-forward than that for a proposed Site Plan development for two reasons: 1) Use Permit requirements are significantly more detailed in most cases, than Site Plan requirements; and 2) Bonus density provisions in Use Permits include structured formulas, whereas in Site Plans, bonus density requirements are typically developed on a case-by-case basis, and not necessarily limited by specific formulas. If a Use Permit applicant is not asking for any modifications to the UC/MUD requirements, the community review process could be relatively short. However, the more modifications requested by an applicant, the longer the review process is likely to be. The process documents would be Planning Commission documents to outline the review process, and staff continues to work with the Planning Commission on finalizing these documents. Staff is also drafting Administrative Regulations guiding Use Permit approval

(similar to the 4.1 regulations in place for Site Plans), that will set standards for submission requirements. Administrative Regulations would be approved by the County Manager.

- *Strike the following language from the proposed zoning (Lines 108-112 in Attachment A):*
“ . . .unless the County Board finds, in a particular case, that an alternative design that includes a lesser step-back or no step-back would provide appropriate transition to the abutting low density residential properties.”

It is the expectation that new development will implement the required form, however, the language excerpted above builds in some flexibility for the County Board to allow modifications to the required step-backs in order to address unforeseen circumstances which might lead to a superior form, or unreasonably restrict the feasibility of otherwise desirable development. Similar flexibility, consistent with Sector Plan recommendations, is built into the step-backs associated with historic preservation. Staff does not recommend removing this language.

- *Insert the following (underlined) language into the proposed Zoning Ordinance Amendment to further minimize specific impacts to adjacent residential properties:*
 - *To discourage requests for modification:* Section 31.A.17.d(2)(c) (Line 121):
“Where a parcel abuts an “R” or “RA” district, a masonry wall of brick or similar building face material of a height of six (6) feet . . .”
 - *To minimize noise from dumpsters:* Section 31.A.17.d(5) (Line 183): “When the trash collection and storage area is not contained within the main building, it shall not be located within 10 feet of the [abutting “R” lot], and it shall be designed so as to minimize noise and other impact on adjacent properties.”
 - *To reduce impervious surface and heat island effect of any paved rear surfaces:* Section 31.A.17.d(10) (Line 229): “Landscaping: Any Unified Commercial/Mixed Use Development shall provide a minimum landscaped area of 10% of the total development site. If the property abuts an “R” zone, the landscaped area shall include at least the first 5 feet of the property that abuts the “R” zone, which shall be landscaped with grass or other plant material.”

Staff is supportive of measures that minimize impact to adjacent residential properties, however, staff sees these requirements as the types of details that are best worked out on a case-by-case basis at the time of project review and does not recommend inclusion in the Zoning Ordinance. If appropriate for a particular site, requirements similar to those recommended above could be incorporated into Use Permit conditions.

Zoning Committee of the Planning Commission: Updates were included on the June 18, 2008, and September 17, 2008 ZOCO, agendas, where each of the proposals presented to the Clarendon Working Group were discussed at a conceptual level. The proposed amendment was discussed in further detail at the December 10, 2008, and January 28, 2009, ZOCO meetings.

Staff shared the matrix of community comments, and in a presentation, highlighted those areas where comments had been incorporated as well as those where open issues remain. ZOCO asked for additional explanation related to the proposed ADU bonus as well as a written summary of open issues. Expanded discussion of both items is included in this report. A brief update was also included at the February 25, 2009, ZOCO meeting, where staff presented modifications to the proposed amendment to address outstanding community concerns, as discussed in the previous section. Community members present indicated to ZOCO that, while the proposed modifications to penthouse heights, step-backs and setbacks, seemed to resolve issues in those areas, there remain concerns with transfer of density provisions included in the proposed UC/MUD. Some ZOCO members recalled clear discussions during the Sector Plan process leading to adopted Sector Plan policies that allow for the transfer of earned bonus density that cannot fit on a site.

Housing Commission: The proposed provisions related to bonus density for Affordable Dwelling Units were discussed at the Tools and Trends subcommittee of the Housing Commission on November 24, 2008. The provisions were then presented to the full Housing Commission as an information item on December 4, 2008, and as an action item on January 25, 2009, and February 12, 2009. At its January 25, 2009 meeting, the Housing Commission voted to support the proposed housing policy and corresponding zoning text amendment. Subsequent to the January 25 meeting, staff incorporated a dollar amount for the proposed cash contribution related to the ADU bonus, and the Housing Commission voted unanimously at its February 12, 2009, meeting to support the proposed fifteen dollars per square foot amount.

Historical Affairs and Landmarks Review Board (HALRB): The proposed UC/MUD was presented to the HALRB on December 17, 2008, outlining provisions related to historic preservation and associated bonus density. The HALRB voted to recommend approval of the proposed amendments to the County Board. No new policy initiatives are proposed as part of this amendment.

County Board (Request to Advertise): The County Board authorized advertisement of the attached Zoning Ordinance amendment on March 14, 2009. Discussion by the County Board at the public hearing raised the following issues, on which the County Board requested staff to provide additional information.

- *Respond to the joint civic association letter to the County Board, dated March 11, 2009.*
Response is addressed in the Community process section of this report.
- *Comment on the disadvantages of not implementing the proposed zoning.*

If the proposed zoning was not implemented, the only development options available for the edge areas of Clarendon would be under by-right requirements, resulting in three possible scenarios: 1) No redevelopment and sites continue to exist as they do today. Buildings identified in the Sector Plan as historic are preserved by not being redeveloped. 2) No redevelopment and sites may deteriorate or small improvements may be made to existing

structures. Renovation of historic structures without special requirements could result in a loss of historic character. Affordable Housing is unlikely to be generated under this scenario.

3) Redevelopment occurs under by-right requirements. By-right requirements would not incorporate community input, including review by the Historical Affairs and Landmarks Review Board, of modifications to historic structures. By-right requirements allow higher heights than the proposed zoning in some areas. However, by-right parking requirements may limit new development to lower heights and densities than is likely under the proposed UC/MUD. Development could result in stand-alone buildings with surface parking lots. Urban form recommendations in the Sector Plan would be unlikely to be achieved. While amendments to by-right options could accommodate limited incentives, such as those included in “C-3”, to encourage streetscape improvements and undergrounding of utilities, they would be limited in their impact. By-right zoning could not achieve broader community goals such as historic preservation, affordable housing, or green building, which could not be required. The Sector Plan recommends achieving identified benefits through the provision of bonus density, which also cannot be accommodated in a by-right process. Furthermore, by-right requirements cannot require curb and gutter or the detailed urban design requirements that would achieve the form recommended in the Sector Plan, such as build-to lines that would form a consistent streetscape, or retail uses on the ground floor.

- *Describe staff’s assessment of how density transfer might work in Clarendon.*

Staff envisions that density transfer in Clarendon, as elsewhere in the County, would be guided by County Board’s TDR Policy. The policy requires a receiving site for density to be used under Site Plan, and density to be transferred must be approved by the County Board. In both Clarendon, as proposed, and in Fort Myer Heights North, the density available to transfer would be certified by the County Board in conjunction with the sending site. If the applicant wanted to use (transfer) the density, it would then be the applicant’s responsibility to identify an appropriate receiving site, on which the transferred density would have to be approved through the normal Site Plan process. In Clarendon, transferred density could only be used in a site developing under “C-3” site plan provisions, as the TDR Policy requires a receiving site to be under Site Plan, and the only Site Plan option within Clarendon is under “C-3.” Both the “C-3” Site Plan and the proposed UC/MUD Use Permit require that transferred density remain within Clarendon.

- *Ensure that the community has ample opportunity to provide input throughout the process.*

Discussion of the UC/MUD project review process and community involvement in this process is discussed in the Community Process section of this report, in response to the March 11, 2009, Civic Association letter (second bullet). Attachment 4 includes a preliminary flow chart of the SPRC process as compared to a potential UC/MUD review process.

- *Does staff anticipate any legal constraints resulting from the allowance for excess bonus density to be transferred?*

The community raised concern that a developer may claim a right to use all bonus density on

a particular site, thereby jeopardizing step-back requirements and absolute height limits. Staff has consulted with the County Attorney's office on this issue. An applicant's right to develop is based upon clearly articulated height limits, base density limits, form and other requirements in the proposed zoning. These provisions are designed to establish definite limitations on the extent of an applicant's development rights, and should prevent any claim to use excess density from succeeding. Based on this, staff concludes there is no reason to remove the provisions allowing bonus density and the ability to achieve community benefits for the Clarendon areas as called for in the Sector Plan.

- *Provide a map that illustrates the areas affected by the proposed UC/MUD overlaid with areas that could receive additional density and height, as laid out in the Clarendon Sector Plan.*

See Attachment 5.

Planning Commission: At the April 13, 2009, Planning Commission, the commissioners voted to recommend that the County Board approve the proposed Zoning Ordinance Amendment. The Planning Commission also asked staff to provide additional clarity to expectations from the UC/MUD review process. Staff concurs that more clarity about the project review process is needed, and will explore ways to achieve that clarity through future discussions with the Planning Commission.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact and recodify Sections 1, 19, 26, 26A, 27, 31 and 36 of the Arlington County Zoning Ordinance to ensure consistency with the adopted policies set forth in the 2006 Clarendon Sector Plan for the Clarendon Metro Station area, in order 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.

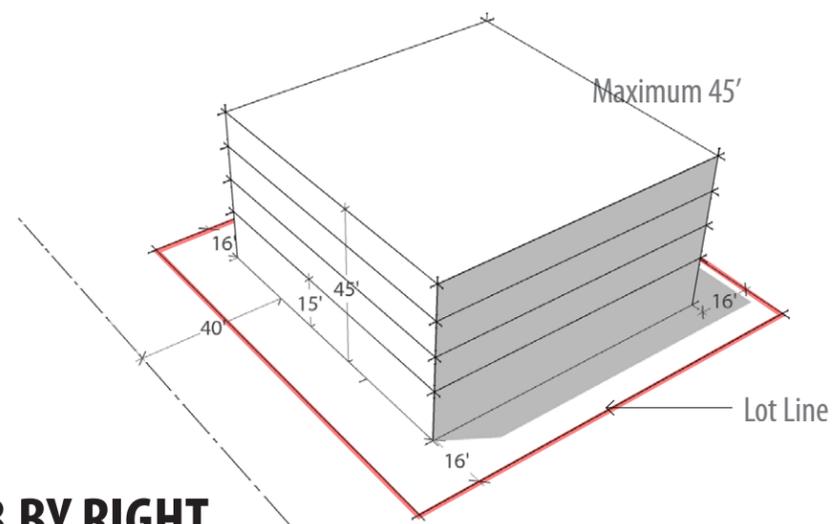
Comparison of Zoning Districts in the Subject Area

	C-1 (by-right)	C-2 (by-right)	C-3 (by-right)	C-TH* (proffered)	Proposed UC/MUD (Use Permit)
Maximum Height (feet)	35	45	75	55 45 maximum within 50 ft of "R" District properties designated "Low" Residential (1-10 units/acre)	45 north of Wilson Blvd. 55 south of N. 10 th St.
Penthouse Height (feet)	23 above maximum height			18 above maximum height	12 above maximum height
Density (FAR)	1.0	1.5	Unspecified	No limitation except for hotel (no more than 110 units/acre)	1.5 - Plus optional bonus density for provision of ADUs, LEED, Historic Preservation
Use	Commercial Office/Retail			Residential, hotel and/or retail/office	Ground Floor retail with Residential, Commercial, Retail and/or Hotel above
Form	Unspecified (generally based on height and setback requirements)			Compatible with residential townhouses in bulk, placement, materials and other ext. characteristics	Step-backs associated with historic preservation, and adjacent to "R" districts, as recommended in Clarendon Sector Plan
Streetscape	Setback 40 ft from centerline	Setback 40 feet from centerline	Setback 50 ft from centerline of Fairfax Drive and 10 th St.; otherwise 40 ft from centerline	Curb, gutter, sidewalk, street lights, street furniture per adopted Sector Plan for the area	Build-to Lines, Streetscape as recommended in Clarendon Sector Plan (Note: Build-to line is 41.5 ft from centerline on Wilson and 50 ft from centerline on N. 10 th St.)
Utility undergrounding	No			Yes	
Landscaping	10% landscaped open space		10% landscaped open space; for Clarendon: may be reduced to 8% for streetscape improvements; or reduced by sf of MTP streets provided.	10% landscaped open space	10% landscaped open space; may be reduced by the area of the footprint of a preserved structure
Historic Preservation	None				Required for structures identified in the Clarendon Sector Plan
Affordable Housing	None			Proffered	10% of gfa of permitted bonus density
Sustainable Design	None			Proffered	LEED may provide bonus density
Parking	Residential: 1.125/du; Comm/office: 1/250 sf for 1 st floor plus 1/300 sf located elsewhere in the building			Residential: 1.5/dwelling unit; Commercial/office: 1:580 sf Hotel: 1/unit	Residential: 1/dwelling unit Commercial/office: 1:580 sf Hotel: 0.7/unit

*Currently, an applicant may request rezoning to "C-TH" for a property planned "Service Commercial" and zoned for general commercial use ("C-3"). If the proposed amendment were to be adopted, staff would no longer support requests to rezone to the "C-TH" District.

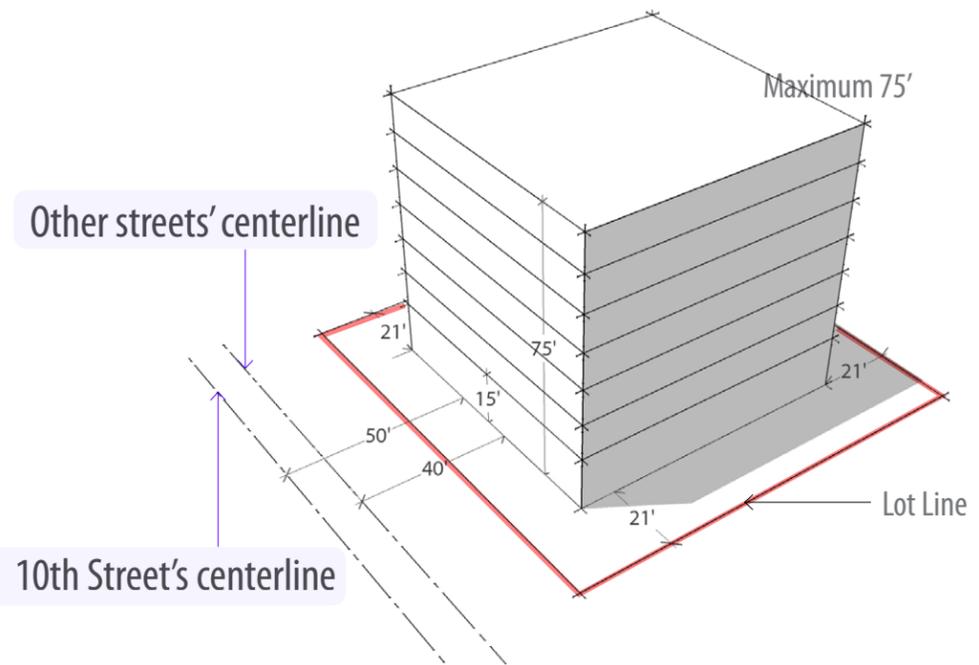
■ C-2 BY RIGHT

- Front: setback of 40' from street centerline
- Side: setback of 16' if building height is 45'
- Rear yards: setback of 16' if building height is 45'



■ C-3 BY RIGHT

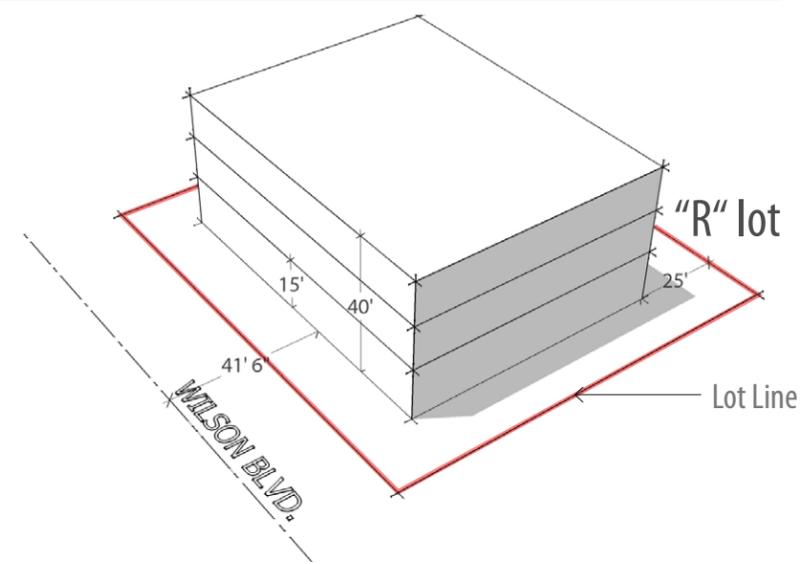
- Front: setback of 40' from street centerline -- 50' from centerline or Fairfax Dr.'s or other street with 5 or more lane sections (10th St.) --
- Side: setback of 21' if building height is 75'
- Rare yards: setback of 21' if building height is 75'



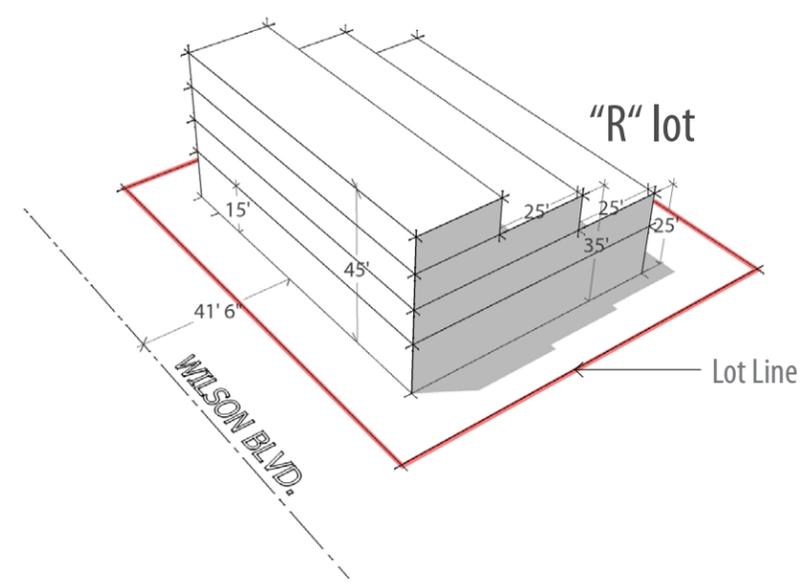
■ PROPOSED UC/MUD

North of Wilson Blvd. (C-2, C-3 Properties)

- Front: Build-To line at 41'6" from Wilson Blvd. centerline
- Rear: 25' Setback where abutting "R" lot
- Not shown: Required front step-backs where preservation is required.

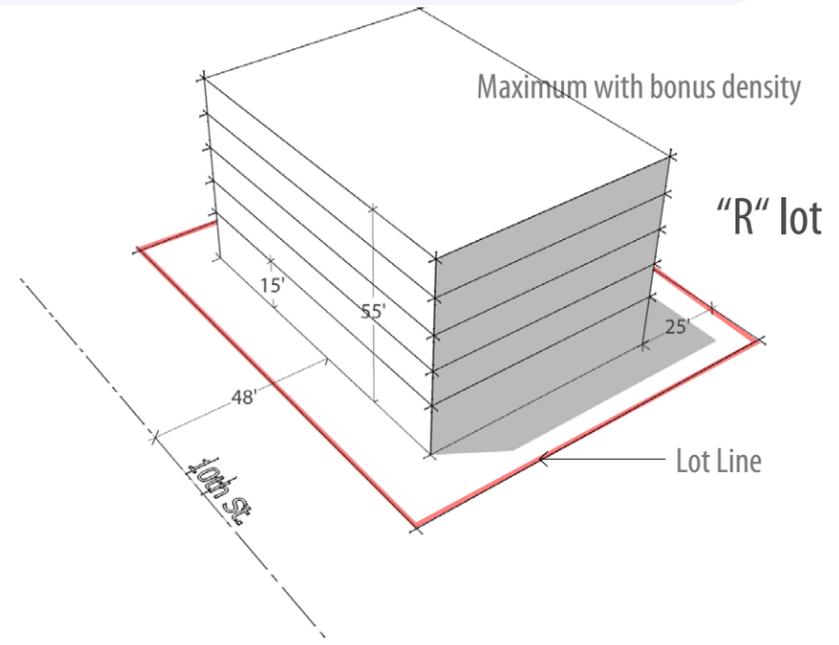


or

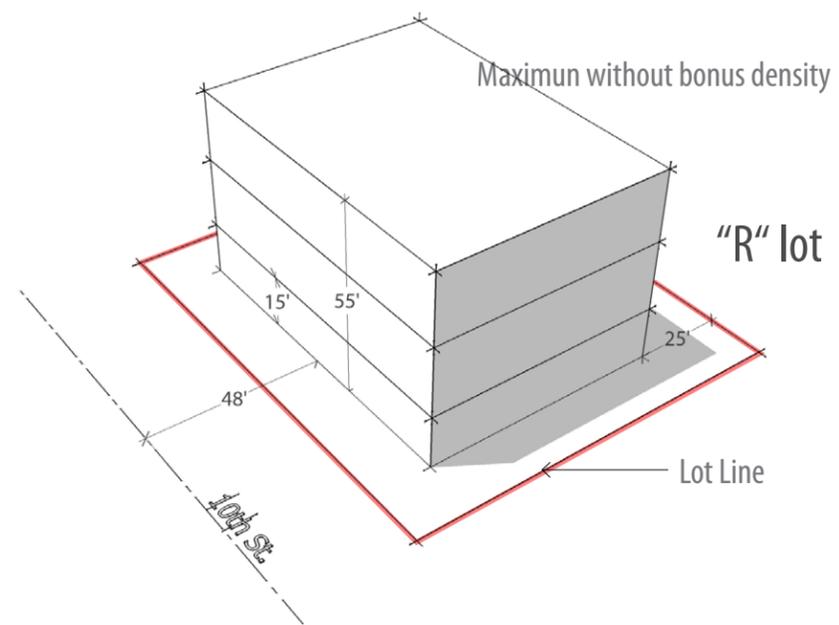


South of 10th St. (C-1, C-2, C-3, and C-TH)

- Front: Build-To line at 48' from Street centerline
- Rear: 25' Setback where abutting "R" lot
- Rear step-backs or other reductions from maximum height may be required, in order to provide transition to abutting "R" lots.

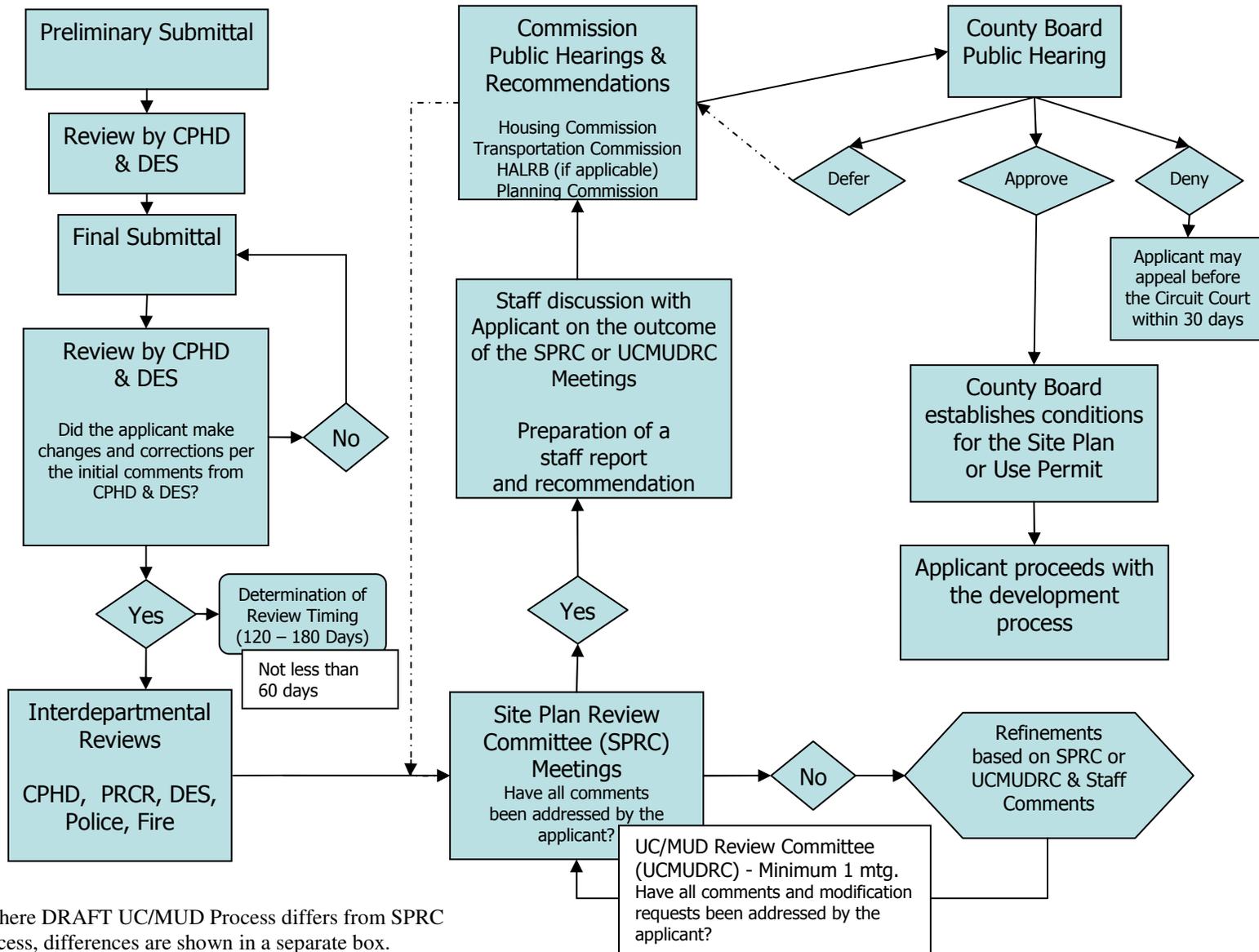


or

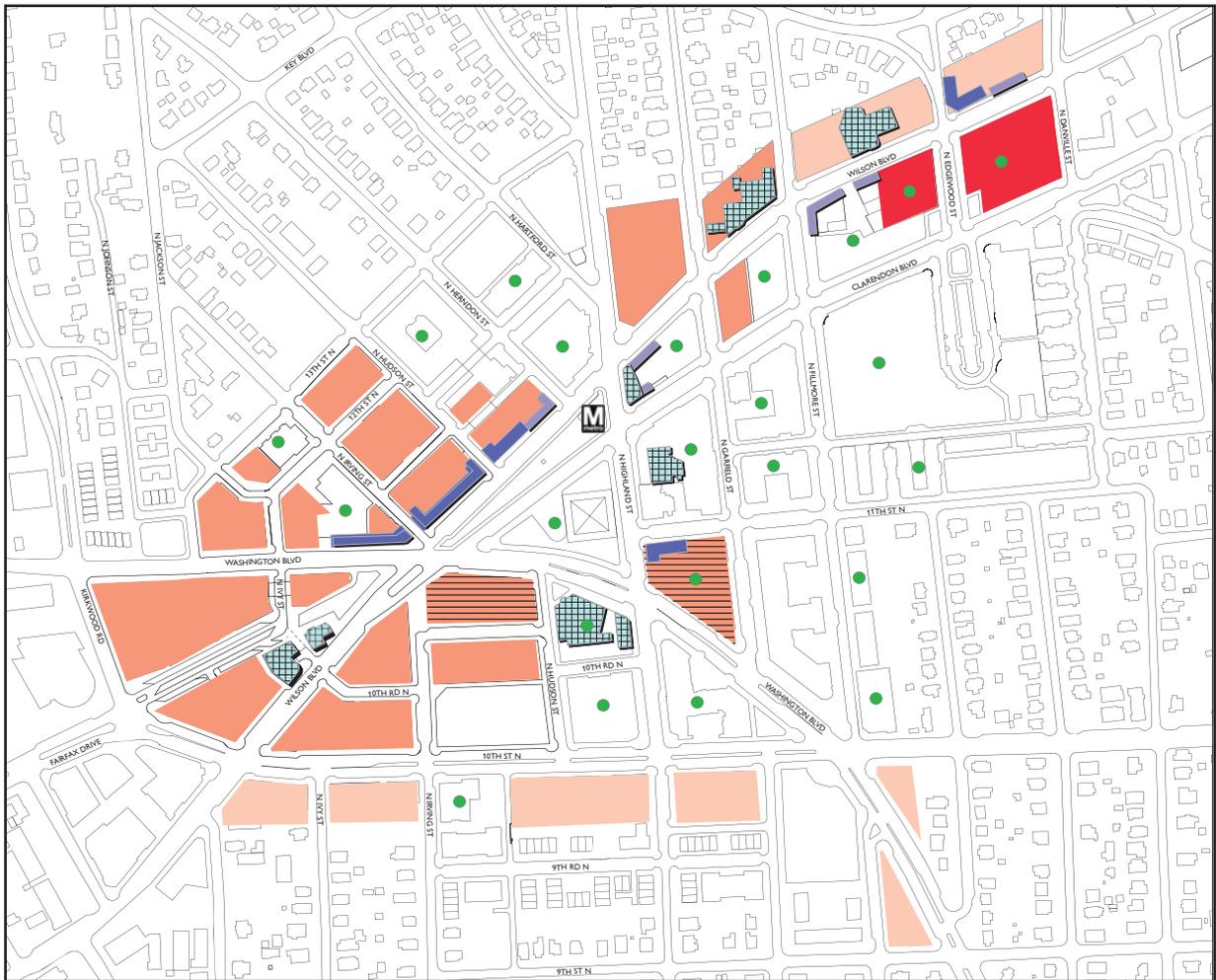


Building height assumptions: Ground floor height = 15'; Typical floor height = 10'

Site Plan Review & DRAFT UC/MUD* Review Processes



*Where DRAFT UC/MUD Process differs from SPRC process, differences are shown in a separate box.



A

Properties eligible for Proposed UC/MUD tool

Density: up to 1.5 FAR

Bonus Density: Additional Density above GLUP may be approved by CB for provision of community benefits (ADU; LEED, Hist Pres)

Height: Maximum Building Height may not be exceeded

TDR: May have the ability to transfer unused, earned bonus density to another site in Clarendon (i.e. sites shown with B-C), via Site Plan process; however, these sites may not “receive” transferred density as these sites since they would not be under Site Plan control.

B

Properties eligible for C-3 Site Plan tool

Density: up to 3.0 FAR

Bonus Density: Additional Density above GLUP for community benefits may be approved by CB (i.e. ADU; LEED, Hist Pres; open space)

Height: Maximum Building Height may not be exceeded



Height: Additional Height above Maximum Building Height, up to 128’, may be approved by CB

TDR: May have the ability to transfer unused, earned bonus density to another site in Clarendon (i.e. sites shown with B-C), via Site Plan process; and, these sites may “receive” transferred density from other sites in Clarendon. All density must fit within building form and height requirements.

C

Properties Controlled by Existing CB Approvals

Density: Density controlled by prior-County Board approved site plans

Bonus Density: Additional Density for community benefits above Existing Approved Site Plan density may be approved by the County Board (i.e. ADU; LEED; Hist. Pres: open space)

Height: Maximum Building Height may not be exceeded

TDR: May “receive” transferred density from other sites in Clarendon. All density must fit within building form and height requirements.



Density controlled under development projects approved by the County Board



Full Building Preservation



Building Frontage Preservation



Building Frontage or Facade Preservation

AN ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 1. DEFINITIONS, SECTION 19. “C-1” LOCAL COMMERCIAL DISTRICTS, SECTION 26. “C-2” SERVICE COMMERCIAL—COMMUNITY BUSINESS DISTRICTS, SECTION 26A. “C-TH” COMMERCIAL TOWN HOUSE DISTRICTS, SECTION 27. “C-3” GENERAL COMMERCIAL DISTRICTS, SECTION 31. SPECIAL PROVISIONS, AND SECTION 36. ADMINISTRATION AND PROCEDURES OF THE ARLINGTON COUNTY ZONING ORDINANCE TO ENSURE CONSISTENCY WITH THE ADOPTED POLICIES SET FORTH IN THE 2006 CLARENDON SECTOR PLAN FOR THE CLARENDON METRO STATION AREA; AND 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.

Be it ordained that Section 1. Definitions, Section 19. “C-1” Local Commercial Districts, Section 26. “C-2” Service Commercial -- Community Business Districts, Section 26A. “C-TH” Commercial Town House Districts and Section 27. “C-3” General Commercial Districts, Section 31. Special Provisions and Section 36. Administration and Procedures of the Arlington County Zoning Ordinance are hereby amended, reenacted and recodified as follows to ensure consistency with the adopted policies set forth in the 2006 Clarendon Sector Plan for the Clarendon Metro station area; and 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:

* * *

SECTION 31. SPECIAL PROVISIONS

* * *

- 17. *Unified Commercial/Mixed Use Development:* the purposes of this subsection are to: (1) provide for flexible, site-specific solutions for the revitalization of existing shopping areas while preserving commercial service levels, including, in certain circumstances, new construction in “C-2” and “C-3” Districts to implement the purposes of the General Land Use Plan and Zoning Ordinance; (2) promote the compatibility of commercial developments within the commercial district and surrounding properties by coordinating building placement, orientation, scale, bulk, parking, signage, landscaping, streetscape, pedestrian facilities, and historical features where applicable; (3) provide for creative opportunities which encourage and retain local and small business; and (4) promote opportunities for affordable housing. Additionally, this subsection will provide for the construction

16 of residential units within “C-2” and “C-3” Districts and within the “Clarendon
17 Revitalization District,” also in “C-1” and “C-TH”, as part of a mixed use
18 development, according to specific guidelines. Where there is sector plan or
19 similar document that is at variance with or in conflict with these requirements
20 the County Board can modify the requirements as set forth in 31.A.17.a
21 ~~31.A.17.b.~~ to achieve a development that is more consistent with such plans.

22 a. Any proposed Unified Commercial/Mixed Use Development shall comply
23 with the standards below in 31.A.17.b, 31.A.17.c or 31.A.17.d, and with
24 any zoning requirements that are consistent with those standards, unless
25 through the use permit process, the County Board modifies such standards
26 or requirements after finding that such modifications will better
27 accomplish the purposes and intent of subsection 31.A.17. Provided,
28 however, that in no event shall the County Board modify the standards in
29 Section 31.A.17.b that pertain to the amount of residential density,
30 building height or density, and in no event shall the County Board modify
31 the standards in Section 31.A.17.d that pertain to the maximum building
32 height (exclusive of penthouses). Projects within the Nauck Village
33 Center Special Revitalization District can be approved pursuant to the
34 requirements of Section 31.A.17.c. below.

35 ab. Unified Commercial/Mixed Use Development Limitations: The County
36 Board may, by use permit approval, approve Unified Commercial/Mixed
37 Use developments in the “C-2” and “C-3” district where such a
38 development is not within the Nauck Village Center Special Revitalization
39 district, the Columbia Pike special Revitalization district, the Lee
40 Highway-Cherrydale Special Revitalization District or the Clarendon
41 Revitalization District and where the development meets the following
42 requirements:

43
44 * * *

45
46 ~~b. — Any proposed Unified Commercial/Mixed Use Development shall comply~~
47 ~~with the above standards and any zoning requirements that are not~~
48 ~~inconsistent with the above standards, unless through the use permit~~
49 ~~process, the County Board modifies such standards or requirements after~~
50 ~~finding that such modifications will better accomplish the purposes and~~
51 ~~intent of subsection 31.A.17. Provided, however, that in no event shall the~~
52 ~~County Board modify the above standards (in Section 31.A.17.a) that~~
53 ~~pertain to the amount of residential density, building height or density,~~
54 ~~except for projects with in the Nauck Village Center Special~~
55 ~~Revitalization District, which can be approved pursuant to the~~
56 ~~requirements of Section 31.A.17.c. below~~

57 c. Unified Commercial/Mixed Use Development in Nauck Village Center
58 Special Revitalization District: The County Board may, by use permit

approval, approve Unified Commercial/Mixed Use Developments in the Nauck Village Center Special Revitalization District where a proposal meets the following minimum requirements:

* * *

d. Unified Commercial/Mixed Use Development in “Clarendon Revitalization District”: The County Board may, by use permit approval, approve Unified Commercial/Mixed Use Developments in areas designated “Service Commercial” on the General Land Use Plan and that are within the “Clarendon Revitalization District,” where a proposal meets the following requirements or where the County Board modifies the following requirements by Use Permit:

(1) Density and Use: Unified Commercial/Mixed Use Developments shall include: residential, commercial, hotel and/or retail uses up to a total FAR of 1.5, except as provided for in Section 31.A.17.d (12) below; and ground floor retail that substantially complies with the Frontage Type guidelines in the Clarendon Sector Plan shall be provided where Retail Frontages are designated on the Use Mix Map (Section 27, Map 2).

(2) Placement, Orientation and Massing: New buildings shall be built to the back of the streetscape where Build-To Lines are shown on the Build-To-Lines Map (Section 27, Map 6), for at least 75 percent of the build-to line on each street frontage of the site. The location of the build-to Line will be based upon street cross-sections shown in the Clarendon Sector Plan. Facades of new structures along a build-to line shall be composed as a simple plane (limited jogs less than 24 inches are considered a simple plane within this requirement) interrupted only by bay windows, shopfronts, other entries to the building, café seating, or for compatibility with a preserved structure.

(a) Where a building frontage or facade identified for preservation in the Clarendon Sector Plan is preserved, a step-back of at least 20’ for a frontage and 10’ for a facade, shall be provided immediately above the preserved portion of the project, pursuant to Sections 31.A.17.d (11) and 31.A.17.d (12)(c)i. below, unless the County Board finds, in a particular case, that a lesser step-back or no step-back is more appropriate to ensure a contextually appropriate definition between the preserved structure and new buildings.

(b) New buildings on parcels north of Wilson Boulevard and east of North Garfield Street that abut “R” districts shall

- 102 incorporate a setback of twenty-five (25) feet from the
103 abutting “R” lot, and shall be limited to a maximum of
104 three (3) floors and forty (40) feet in height; provided,
105 however, that a portion of the building may be constructed
106 up to forty-five (45) feet if step-backs of twenty-five (25)
107 feet each are provided at the twenty-five (25) and thirty-
108 five (35) foot height limits facing the “R” district, unless
109 the County Board finds, in a particular case, that an
110 alternative design that includes a lesser step-back or no
111 step-back would provide appropriate transition to the
112 abutting low density residential properties. Except where a
113 Build-To Line is required pursuant to 31.A.17.d (2) above,
114 all other new buildings that abut “R” districts shall
115 incorporate the aforementioned setback of twenty-five (25)
116 feet from the abutting “R” lot and shall provide step-backs
117 or other reductions from the maximum height, as approved
118 by the County Board in order to provide appropriate height
119 transition to the abutting low-density residential properties.
120 (c) Where a parcel abuts an “R” or “RA” district, a masonry
121 wall of a height of six (6) feet, or such other height as the
122 County Board determines will reasonably protect
123 residential properties shall be provided at the property line.
124 (3) Streetscape: Any street frontage, including any new street as
125 designated in the Master Transportation Plan, shall be improved
126 with streetscapes consistent with the Streetscapes Map (Section 27,
127 Map 5) and Sidewalk Design guidelines (Section 27, Table 1). The
128 clear walkway zone (an unobstructed area serving as circulation
129 space for pedestrians) shall be maintained at a width no less than
130 six (6) feet. All streetscape improvements shall be constructed in a
131 manner consistent with such plan. All aerial utilities on and at the
132 periphery of the site shall be placed underground with
133 redevelopment or new construction.
134 (4) Parking and Loading:
135 (a) The proposal shall include parking as permitted and
136 regulated in Section 27.D.2.g.
137 (b) Surface Parking proposed along streets designated as Main
138 Street or 10th Street frontages on the Frontage Types Map
139 (Section 27, Map 7), shall only be located behind a
140 structure containing other uses. In all other locations, if
141 surface parking lots are provided, the provisions of Section
142 32A.B. shall apply regardless of the number of parking
143 spaces. Furthermore, surface parking shall be screened as
144 required in Section 32A.B.5 except that any surface

145 parking lot facing a public right-of-way (where no structure
146 containing another use is between the right-of-way and the
147 parking) shall comply with the minimum streetscape
148 requirements in Section 31.A.17.d (3) above and in
149 addition, any such parking area is screened by a masonry
150 wall between 42 inches and 48 inches tall (measured as
151 described in Section 32a.B.5.b.), and placed at the back of
152 the required streetscape. This wall shall be designed to
153 partially screen vehicles from pedestrian view from
154 adjacent sidewalks, to provide separation between
155 pedestrians, and parking areas and to continue the build-to
156 line as required in Section 31.A.17.d (2) above.
157 Reasonable interruptions to this wall are allowed to
158 accommodate vehicular access, as provided in Section
159 31.A.17.d (4)(c) below. In addition, any vehicular access
160 to a surface parking lot shall include sidewalks, a minimum
161 of four (4) feet wide, along each side of the driveway to
162 permit pedestrian access from the street frontage into the
163 parking lot. Additional breaks in the masonry wall shall be
164 allowed to accommodate pedestrian access but each break
165 shall be a maximum of 48 inches wide.
166 (c) Off-street parking entrances/exits and loading areas shall
167 be provided as required in Section 33 except that these
168 areas shall be located only in areas designated for
169 “Service” frontages on the Frontage Types Map (Section
170 27, Map 7). If a site does not include any site area
171 designated for Service frontage, the County Board may
172 approve an alternate location for service and/or parking
173 entrances/exits that balances the following considerations:
174 a) the proposed location limits pedestrian and vehicle
175 conflicts; b) the project as designed maximizes the site’s
176 potential for pedestrian street activation along major
177 pedestrian routes; and c) the project is designed to
178 maximize consolidation of loading and/or vehicular
179 entrances with other properties on the same block.
180 (5) Trash collection and storage areas shall be provided inside a main
181 building or in a designated area screened by a solid wall made of
182 materials similar to those used in the construction of the main
183 building and that is at least six (6) feet above the ground.
184 (6) Building Height:
185 (a) No building, except for penthouses or rooftop structures for
186 the housing of elevator or other mechanical equipment,
187 shall be erected to exceed the overall maximum height

- 188 (feet) shown on the Maximum Height Limits Map (Section
189 27, Map 1). Under no circumstances shall the County
190 Board approve a Use Permit for a building (exclusive of the
191 penthouse) that exceeds the overall maximum height (feet)
192 as shown on the Maximum Heights Limits Map.
193 (b) The proposal shall comply with the Maximum Number of
194 Floors shown on the Maximum Height Limits Map
195 (Section 27, Map 1), except as provided for in Section
196 31.A.17.d (12) below.
197 (c) All equipment above the roofline shall be screened from
198 view by walls of equal height, and materials similar to the
199 facades of the building, set back a distance at least equal to
200 their height from the building edge and the height limit line
201 and shall not exceed twelve (12) feet. No penthouse or
202 rooftop structure or any space above the height limit shall
203 include additional floor space.
204 (7) Ground Floor Height: Ground floor space shall be designed and
205 constructed with a Structural Clear Height (the space bounded by
206 the top of one slab, or other structural portion of one floor, and the
207 bottom of the next slab, or structural portion of a floor) of at least
208 fifteen (15) feet, except where the County Board finds that such
209 Structural Clear Height would adversely affect the historical
210 aspects of a structure designated in the Clarendon Sector Plan for
211 full or partial preservation.
212 (8) Ground Floor Transparency: The Ground Floor of all buildings
213 shall provide a minimum transparency consistent with the Frontage
214 Type, as designated on the Frontage Types Map (Section 27, Map
215 7). “Transparent” shall mean using glass or other exterior
216 material offering a view into an area of the commercial
217 establishment where human activity normally occurs and shall not
218 be satisfied by views into areas blocked by display cases, the rear
219 of shelving, interior walls, blinds, hallways, or any other material
220 that could block a view.
221 (9) Building Entrances: Functional entries that substantially comply
222 with the Frontage Type guidelines set forth in the Clarendon
223 Sector Plan shall be provided, except where the County Board
224 finds that such entries would adversely affect the historical aspects
225 of a structure designated in the Clarendon Sector Plan for full or
226 partial preservation.
227 (10) Landscaping: Any Unified Commercial/Mixed Use Development
228 shall provide a minimum landscaped area of 10% of the total
229 development site.
230 (a) When a proposal preserves a building designated for

- 231 preservation according to the Building Preservation Map
232 (Section 27, Map 4), and in accordance with the standards
233 set forth in subsection 31.A.17.d(11) below, the area of the
234 footprint of the structure being preserved may be excluded
235 from the required landscaped area as provided in Section
236 31.A.17.d (10) above.
- 237 (11) Historic Preservation: When a site includes a structure identified
238 for preservation in the Clarendon Sector Plan, the structure shall be
239 preserved in a manner consistent with the Clarendon Sector Plan,
240 other regulations set forth in the District, and the regulations set
241 forth below in Subsection 31.A.17.d (12)(c). New development
242 within the site shall be compatible with the existing structures in
243 terms of material, color, texture, size and fenestration of doors and
244 windows, and cornice lines.
- 245 (12) Bonus Density: Subject to the Maximum Height Limits in
246 31.A.17.d (6), the County Board may approve optional increases in
247 density above 1.5 F.A.R. by approving additional floors above the
248 Maximum Number of Floors established in 31.A.17.d (6)(b), as
249 follows in 31.A.17.d (12)(a), (b) and (c) below. Density approved
250 pursuant to this subsection 31.A.17.d (12) may be accommodated
251 on-site or transferred to another site within Clarendon, except as
252 provided in 31.A.17.d (12)(a)ii.
- 253 (a) Affordable Housing: When a project includes affordable
254 dwelling units (ADUs), pursuant to the definition of ADUs
255 in use by the County at the time of the application, or an
256 equivalent cash contribution, the County Board may permit
257 up to an additional 1.5 FAR of density, as set forth below:
- 258 i. For residential rental projects, ADUs shall be
259 provided on-site as part of the Use Permit Project as
260 a total of at least 10% of the gross square footage
261 (GFA) of the bonus density permitted under this
262 subsection 31.A.17.d (12)(a) when the required
263 10% of the GFA is equal to four thousand (4000)
264 square feet or more.
- 265 ii. For all other projects, ADUs shall be provided on-
266 site as a total of at least 10% of the gross square
267 footage of the bonus density permitted under this
268 subsection 31.A.17.D (12)(a), or the applicant shall
269 make a cash contribution to the Affordable Housing
270 Investment Fund of \$15.00 per square foot of the
271 gross floor footage of the bonus density. The cash
272 contribution will be indexed to the Consumer Price
273 Index for Housing in the Washington-Baltimore

274 MSA as published by the Bureau of Labor Statistics
 275 and shall be adjusted annually based on the January
 276 changes to such index for that year, beginning in
 277 January, 2010. Revised amounts apply only to Use
 278 Permit plans filed after the adjustment date.
 279 Amounts for the calculation of the cash option are
 280 established at the time the Use Permit application is
 281 filed. Bonus density permitted through a cash
 282 contribution shall be accommodated on-site and
 283 shall not be available to transfer to another site.

284 (b) Sustainable Design: For projects that provide green
 285 building design (LEED) and comply with established
 286 County policies for bonus density, the County Board may
 287 approve additional density by Use Permit approval in an
 288 amount equivalent to that identified in established policy
 289 for Site Plan projects.

290 (c) Historic Preservation: When the County Board finds that a
 291 structure identified for preservation in the Clarendon Sector
 292 Plan is preserved in accordance with 31.a.17.d(11) above,
 293 and when the County Board (after review and comment by
 294 the Historical Affairs and Landmarks Review Board at
 295 least 45 days in advance of a public hearing by the County
 296 Board, and upon consideration by the County Board of the
 297 HALRB’s recommendation), has determined that the
 298 project is consistent with the historic preservation
 299 objectives of the adopted polices, then the County Board
 300 may approve an increase above the otherwise allowable
 301 density as follows:

302 i. When an entire building is preserved, the project’s
 303 gross floor area may be increased by an amount of
 304 up to 500% of the first 10,000 square feet of gross
 305 floor area preserved and up to 300% of any square
 306 feet of gross floor area preserved beyond 10,000
 307 square feet.

308 ii. When a building frontage or façade is preserved, the
 309 project’s gross floor area may be increased by an
 310 amount of up to 500% of the square feet of gross
 311 floor area preserved. The square feet of gross floor
 312 area preserved shall be calculated by multiplying
 313 the linear feet of building façade or frontage
 314 preserved by the depth of preservation.

315 de. Procedures for Unified Commercial/Mixed Use Development Approval.
 316 (1) Unified Commercial/Mixed Use Developments shall be permitted

- 317 by use permit approval, as specified in Section 36G.
- 318 (2) An approved use permit for a Commercial/Mixed Use
- 319 Development Plan may be modified or amended as specified in
- 320 Subsection 36.G.
- 321 (3) Fee(s): As specified in Section 36.G.4.e.

322 * * *

323
324
325 **SECTION 1. DEFINITIONS**

326
327 **A. [Terms defined.]**

328 * * *

329
330
331 *Building, main.* A building in which is conducted the principal use of the lot on which it
332 is situated.

333
334 *Build-to Line.* A line established along a street frontage extending the full width of the
335 lot, either on or setback from the right-of-way line, that defines the block face and
336 establishes building placement.

337
338 *Campground.* Same as "Tourist camp."

339 * * *

340
341
342 *Standing space.* One (1) off-street place no less than nine (9) by twenty (20) feet with a
343 vertical clearance of not less than seven (7) feet for the temporary waiting in line of one
344 (1) automobile for service or delivery of goods to the automobile or its occupants at
345 another place on the premises.

346
347 *Step-back.* An area of the façade above the first floor, of a building or structure that is
348 located a set distance further back from the façade or story below it.

349
350 *Story.* That portion of a building included between the surface of any floor and the
351 surface of the next floor above it; or, if there be no floor above it, then the space between
352 such floor and the ceiling next above it.

353 * * *

354
355
356 **SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS**

357
358
359 **B. Special Exceptions.**

Zoning Ordinance Amendment
Clarendon Sector Plan Implementation
Sections 1, 19, 26, 26A, 27, 31 and 36

360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402

The following uses may be established subject to obtaining a use permit under the procedures established in Section 36:

* * *

- 11. Uses in projects that are within the Clarendon Revitalization District and are part of a Unified Commercial/Mixed Use Development as set forth in section 31.A.17.

* * *

SECTION 26. "C-2" SERVICE COMMERCIAL--COMMUNITY BUSINESS DISTRICTS

* * *

B. Special Exceptions.

Any of the following uses may be established subject to obtaining a use permit as provided in Section 36, "Use Permits," for each such use:

* * *

- 21. Uses in projects that are not within the Columbia Pike Special Revitalization District, or the Lee Highway-Cherrydale Special Revitalization District ~~or the Clarendon Revitalization District~~ but are part of a Unified Commercial/Mixed Use Development as set forth in section 31.A.17.

* * *

SECTION 26A. "C-TH" COMMERCIAL TOWN HOUSE DISTRICTS

B. Special Exceptions.

Any of the following uses may be established subject to obtaining a use permit as provided in Section 36, "Use Permits," for each such use:

* * *

- 15. Uses in projects that are within the Clarendon Revitalization District and are part of a Unified Commercial/Mixed Use Development as set forth in

403 section 31.A.17.

404

405 * * *

406

407 **SECTION 36. ADMINISTRATION AND PROCEDURES**

408

409 * * *

410

411 **H. Site Plan Approval.**

412

413 * * *

414

415 8. When a proposal located in the “Clarendon Revitalization District” as designated
416 on the General Land Use Plan preserves a structure identified for preservation in
417 adopted policies for Clarendon, and the County Board finds that the structure is
418 preserved in accordance with such adopted policies, then the County Board may
419 approve an increase above the otherwise allowable density as follows:

420 a. Prior to County Board approval, the County Manager will send the project
421 for review and comment by the Historical Affairs and Landmark Review
422 Board at least 45 days in advance of a public hearing by the County
423 Board, and the HALRB’s recommendation will be considered by the
424 County Board. The County Board shall determine whether the project is
425 consistent with the historic preservation objectives of the adopted policies.

426 b. When an entire building is preserved, the project’s gross floor area density
427 may, by site plan approval, be increased by ~~up to~~ an amount of up equal to
428 500% of the first 10,000 square feet of gross floor area preserved and ~~by~~
429 ~~up to an amount equal to~~ 300% of any square feet of gross floor area
430 preserved beyond 10,000 square feet.

431 c. When a building frontage or façade is preserved, the project’s gross floor
432 area density may be increased by ~~up to~~ an amount of up to equal to 500%
433 of the square feet of gross floor area preserved. The square feet of gross
434 floor area preserved shall be calculated by multiplying the linear feet of
435 building façade or frontage preserved by the depth of preservation.

436 d. Unless the County Board finds, in a particular case, that a lesser step-back
437 or no step-back is more appropriate to ensure a contextually appropriate
438 definition between a structure identified for preservation in the Clarendon
439 Sector Plan ~~the preserved~~ and new buildings, the preservation of building
440 frontages or facades shall provide a step-back of at least 20’ for frontages
441 and 10’ for facades, immediately above the preserved portion of the
442 project.

443

444 * * *

445

446 SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS

447

448

* * *

449

450 D. Special Exceptions.

451

452

* * *

453

454 2. In areas designated "Medium Density Mixed Use" and located within the
455 "Clarendon Revitalization District" as designated on the General Land Use
456 Plan, where the County Board finds that a development proposal furthers the
457 goals, policies, and recommendations identified in the Clarendon Sector Plan, it
458 may, in accordance with subsection 36.H., modify the requirements of subsection
459 27.B. above and 27.E. below by site plan. The following regulations shall apply
460 unless otherwise modified by the County Board by site plan:

461 a. *Density Regulations:*

462 (1) The County Board may approve a density of up to 3.0 F.A.R.
463 subject to the Maximum Number of Floors shown on the
464 Maximum Height Limits Map (Map 1 Map 2.7) ~~in the Clarendon~~
465 ~~Sector Plan.~~

466 (2) As provided in the Clarendon Sector Plan, the County Board may
467 approve optional ~~increases~~ increases in density above 3.0 F.A.R. pursuant
468 to subsection 36.H., by approving additional floors subject to the
469 Maximum Height (feet) on the Maximum Heights Limits Map
470 (Map 1 Map 2.7) and as described in 27.D.2.d. below. Density
471 approved pursuant to section 36.H.5.b shall only be density
472 transferred to or received from other sites within the "Clarendon
473 Revitalization District."

474 b. *Area Requirements:* No minimum site area required.

475 c. *Use Mix Regulations:* The following, (1), (2), and (3) below, shall apply
476 to density of up to 3.0 F.A.R. as approved by the County Board. Any
477 additional density shall not be subject to these restrictions:

478 (1) For sites designated as "Prime Office Sites" on the Use Mix Map
479 (Map 2 Map 2.5) ~~in the Clarendon Sector Plan~~, at least sixty
480 percent (60%) of the density shall consist of commercial uses. For
481 the purpose of this calculation, hotel uses will be counted as non-
482 commercial uses.

483 (2) For sites designated "Residential, Commercial, Hotel, or Mixed
484 Use – Minimum 20% Commercial" on the Use Mix Map (Map 2
485 ~~Map 2.5~~) ~~in the Clarendon Sector Plan~~, at least twenty percent
486 (20%) of the total density shall consist of commercial uses. For
487 the purpose of this calculation, hotel uses will be counted as
488 commercial uses.

- 489 (3) For all sites in the “Clarendon Revitalization District” not covered
490 by subsection 27.D.2.c.1 and 27.D.2.c.2, residential, commercial,
491 hotel, retail, or a combination of those uses shall be permitted.
- 492 (4) The following shall apply to all sites: ground floor retail that
493 substantially complies with the Frontage Type guidelines shall be
494 provided where Retail Frontages are designated on the Use Mix
495 Map (~~Map 2 Map 2.5~~) in the ~~Clarendon Sector Plan~~.
- 496 d. *Height Regulations:*
- 497 (1) No building, except for penthouses, shall be erected to exceed
498 fifty-five (55) feet in height, except as provided below.
- 499 (2) When a structure is farther than one hundred sixty-five (165) feet
500 from an "R" or "RA" zoning district, the height may be increased
501 by one (1) foot for every three (3) feet beyond one hundred sixty-
502 five (165) feet, up to a maximum height of one hundred ten (110)
503 feet.
- 504 (3) Where the Maximum Heights Limit Map (~~Map 1 Map 2.7~~) in the
505 ~~Clarendon Sector Plan~~ shows heights greater than heights allowed
506 in Subsections 27.D.2.d(1) and 27.D.2.d(2), the County Board may
507 allow additional height up to the maximum height shown on the
508 Maximum Heights Limit Map (~~Map 1 Map 2.7~~) and may permit
509 additional height for those sites designated as “Receiving Sites for
510 Additional Height” on the Receiving Sites Map (~~Map 3 Map 2.4~~)
511 in the ~~Clarendon Sector Plan~~.
- 512 Under no circumstances shall the County Board approve a site plan that
513 exceeds the overall height maximum as permitted in this subsection
514 27.D.2.d.
- 515 e. *Coverage Requirements:* Lot coverage as calculated for the property that
516 is the subject of the special exception shall be no greater than eighty
517 percent unless one of the following applies:
- 518 (1) When a development preserves a building designated for
519 preservation according to the Building Preservation Map (~~Map 4~~
520 ~~Map 2.6~~) in the ~~Clarendon Sector Plan~~, and in accordance with the
521 standards set forth in subsection 27.D.2.h.2, the area of the
522 footprint of the structure being preserved may be excluded from
523 the coverage calculation; and
- 524 (2) The Coverage may be increased by the amount of square footage
525 of open space provided off site in the “Clarendon Revitalization
526 District” as designated on the General Land Use Plan; and
- 527 (3) Where new streets are provided and dedicated as designated in the
528 Master Transportation Plan, coverage may be increased for the
529 area of the street from face of curb to face of curb; and
- 530 (4) Coverage may be increased on a site when the site plan meets
531 other design standards set forth in the Clarendon Sector Plan

- 532 pursuant to Section 36.H.3.
- 533 f. *Building Line and Streetscape Requirements:*
- 534 (1) Any street frontage, including any new street as designated in the
- 535 Master Transportation Plan, shall be improved with
- 536 streetscapes consistent with the Streetscapes Map (~~Map 5~~ ~~Map 3.3~~)
- 537 and Sidewalk Design guidelines (~~Table 1~~ ~~Table 3.1~~) ~~in the~~
- 538 ~~Clarendon Sector Plan~~ unless otherwise approved. The clear
- 539 walkway zone (an unobstructed area serving as circulation space
- 540 for pedestrians) shall be maintained at a width no less than six (6)
- 541 feet.
- 542 (2) ~~New S~~structures shall be built to the build-to building line
- 543 specified in the Build-To-Lines Map (~~Map 6~~ ~~Map 3.1~~) ~~in the~~
- 544 ~~Clarendon Sector Plan~~ and shall be built to not less than 75 percent
- 545 of the build-to building line for at least 75 percent of the building
- 546 line on each street frontage along the periphery of the site. The
- 547 location of the build-to Line will be based upon street cross-
- 548 sections shown in the Clarendon Sector Plan as follows: building
- 549 line shall be located at the back of the required streetscape as set
- 550 forth in 27.D.2.f.1 above. Facades of new structures along a
- 551 build-to building line shall be composed as a simple plane (limited
- 552 jogs less than 24 inches are considered a simple plane within this
- 553 requirement) interrupted only by porches, stoops, bay windows,
- 554 shopfronts, balconies, other entries to the building, café seating, or
- 555 for compatibility with a preserved structure.
- 556 (3) All aerial utilities on and at the periphery of the site shall be placed
- 557 underground with redevelopment or new construction.
- 558 g. *Parking Requirements:*
- 559 (1) Except as set forth in (a), (b) and (c) below, one (1) parking space
- 560 for each dwelling unit and one (1) parking space for each five
- 561 hundred eighty (580) square feet of gross floor area not part of a
- 562 dwelling unit, and seven tenths (0.7) parking space for each guest
- 563 room.
- 564 (a) When buildings which have been identified as contributing
- 565 buildings eligible for preservation in the Clarendon Sector
- 566 Plan are preserved in accordance with the standards set
- 567 forth in that Plan, the above parking requirement may be
- 568 reduced as follows:
- 569 i. If a building identified for full preservation is
- 570 preserved, the number of parking spaces provided
- 571 for the gross floor area preserved may equal the
- 572 lesser of either the “Estimated Parking Spaces”
- 573 specified in Table 2 Table 2.2 in the Clarendon
- 574 Sector Plan (“Parking Spaces Associated with

- 575 Structures Recommended for Preservation”) or the
- 576 amount otherwise required.
- 577 ii. If a building identified for partial preservation is
- 578 preserved, the number of parking spaces provided
- 579 for the gross floor area preserved shall equal the
- 580 number of “Estimated Parking Spaces” specified in
- 581 Table 2 ~~Table 2.2~~ prorated by the ratio between the
- 582 floor area preserved and the floor area of the
- 583 original building.
- 584 iii. If a building identified for partial preservation is
- 585 preserved beyond that identified in the Clarendon
- 586 Sector Plan, the County Board may further reduce
- 587 parking requirements for the gross floor area
- 588 preserved equal to the lesser of the pro-rated
- 589 amount based on the ratio between the floor area
- 590 preserved and the floor area of the original building
- 591 or the amount otherwise required.
- 592 iv. The County Board may further reduce parking
- 593 requirements for preserved structures where an
- 594 applicant demonstrates that the number of parking
- 595 spaces specified in Table 2 ~~Table 2.2~~ is greater than
- 596 the number of spaces owned by the preserved
- 597 structure on December 31, 2006.
- 598 (b) Parking for retail uses shall comply with the requirements
- 599 set forth above, or the requirements of Section 33,
- 600 whichever are less stringent.
- 601 (c) The County Board may allow up to one hundred (100)
- 602 percent of parking requirements to be met off-site for sites
- 603 smaller than 20,000 square feet if the County Board
- 604 determines that on site parking is not feasible due to site
- 605 constraints, access limitation or other factors, and required
- 606 parking can be provided within 1000 linear feet of the
- 607 subject property with assurances that such parking will
- 608 remain available for the duration of the site approved plan.
- 609 (2) Parking shall be provided as specified and regulated in Section 33,
- 610 unless otherwise provided for in Section 27.D.2.g (1) above.
- 611 (3) To ensure the availability of short term and shared parking for use
- 612 by visitors, clients and retail patrons in the “Clarendon
- 613 Revitalization District,” a parking management plan (PMP) shall
- 614 be required and shall include provisions for shared parking
- 615 consistent with recommendations in the Clarendon Sector Plan.
- 616 The allocation of shared spaces may be provided out of the total
- 617 building parking requirement if appropriate provisions are made in

- 618 the PMP for such shared use, on terms acceptable to the County
619 Board at the time of ~~site plan~~ approval.
- 620 h. *Design Requirements:* All site plans shall comply with the following
621 design requirements unless otherwise approved by the County Board:
- 622 (1) Buildings including, without limitation, facades and ground floor
623 ceiling heights, shall be designed in a manner consistent with the
624 Frontage Type guidelines set forth in the Clarendon Sector Plan,
625 except for those buildings designated for full or partial
626 preservation.
- 627 (2) When a site includes a structure identified for preservation in the
628 Clarendon Sector Plan, the structure shall be preserved in a manner
629 consistent with the Clarendon Sector Plan, other regulations set
630 forth in this District, and regulations set forth in Section 36.H.8.
631 New development within the site shall be compatible with the
632 existing structures in terms of material color and texture, size and
633 fenestration orientation of doors and windows, and cornice lines.
- 634 (3) Off-street parking entrances/exits and loading areas are to be
635 provided as required in Section 33 except that these areas will be
636 located only in areas designated for Service frontages as
637 designated on the Frontage Types Map (Map 7 Map 3.2) in the
638 Clarendon Sector Plan. If a site does not include any site area
639 designated for Service frontage, the County Board may approve an
640 alternate location for service and/or parking entrances/exits that
641 balances the following considerations: a) the proposed location
642 limits pedestrian and vehicle conflicts; b) the project as designed
643 maximizes the site’s potential for pedestrian street activation along
644 major pedestrian routes; and c) the project is designed to maximize
645 consolidation of loading and/or vehicular entrances with other
646 properties on the same block.
- 647 (4) All equipment above the roofline shall be screened from view by
648 walls of equal height and materials similar to the facades of the
649 building, set back a distance ~~exactly or~~ at least equal to their height
650 from the building edge and height limit line and shall not exceed
651 eighteen (18) feet.
- 652 (5) Where retail space is located on the ground floor, such space shall
653 be designed and constructed with a Structural Clear Height (the
654 space bounded by the top of one slab, or other structural portion of
655 one floor, and the bottom of the next slab, or structural portion of a
656 floor) of at least fifteen (15) feet, except where the County Board
657 finds that such Structural Clear Height would adversely affect the
658 historical aspects of a building designated for full or partial
659 preservation. ~~“Structural Clear Height” is the distance between the~~
660 ~~top of one slab or other structural portion of one floor, and the~~

661
662
663
664
665
666
667
668

- ~~bottom of the next slab or structural portion of a floor.~~
(6) When a building exceeds 60-feet in height, a single step-back of at least 20-feet shall be implemented beginning on the third, fourth or fifth floor, on frontages designated for step-backs on the Step-Backs Map (~~Map 8 Map 2.8~~) ~~in the Clarendon Sector Plan~~, except as provided below.

* * *

SIDEWALK DESIGN

Table 1

Sidewalk Design*	Type			
Total Streetscape Width	20'	18'	14'	12'
Clear Walkway Zone (minimum width although pinch points at a minimum of 6' clear width will be permitted to accommodate building preservation and café space; however, at least 6' minimum clear width should be adjacent to preserved historic structures)	14' (may be reduced to 8' to accommodate Café/Shy Zone)	12' (may be reduced to 6' to accommodate Café/Shy Zone)	8' (may be reduced to 6' to accommodate Café/Shy Zone)	6'
Tree and Furniture Zone (includes 8" brick band, soldier course between back of curb and tree pit, or other suitable material)	6'	6'	6'	6'
Cafe/Shy Zone	6'	6'	2'	See Stoop/Landscape Zone
Stoop/Landscape Zone	n/a	n/a	n/a	6' for Urban Residential Frontage Types
Paving Material & Concrete Curb	concrete w/ complimentary materials outside of Clear Walkway Zone	concrete w/ complimentary materials outside of Clear Walkway Zone	concrete w/ complimentary materials outside of Clear Walkway Zone	Concrete
Tree Pit Size	5' x 12' min.			
Continuous Planting/Utility Strip	n/a	n/a	n/a	Permitted
Light Fixture - Carlisle Light (single globe or double globe)	Double with 16' poles	Double with 16' poles on main streets, single with 12' poles on secondary streets	Single with 12' poles	Single with 12' poles
Utilities (all underground and/or along rear lot line)	Yes	Yes	Yes	Yes
Crosswalks	thermoplastic markings (ladder)	thermoplastic markings (ladder)	thermoplastic markings (ladder)	thermoplastic markings (ladder)
Street Tree Species	See Map 3.4			
Street Tree Spacing (average)	30' on center, coordinated with street light spacing; generally no closer than 12' from street trees	30' on center, coordinated with street light spacing; generally no closer than 12' from street trees	30' on center, coordinated with street light spacing; generally no closer than 12' from street trees	30' on center, coordinated with street light spacing; generally no closer than 12' from street trees
Street Tree Size - Major deciduous trees	4"-6" caliper/16'-30' tall	4"-6" caliper/16'-30' tall	4"-6" caliper/16'-30' tall	4"-6" caliper/16'-30' tall

Note: See Rosslyn-Ballston Corridor Streetscape Standards (updated 2004 or any subsequent updates) for additional details and installation methods

* Streetscape exemptions may apply only to frontages directly adjacent to structures called for historic preservation; all other streetscape areas should be consistent with the streetscape guidelines.

PARKING SPACES ASSOCIATED WITH STRUCTURES RECOMMENDED FOR PRESERVATION

Table 2

Block	Building(s)	Address	Estimated Parking Spaces	Approximate Parking Area (sq. ft.)
1	Meat Market Building	2719 Wilson Blvd.	27	6,500
1	Bike / Garden Shop Building	2727-31 Wilson Blvd.	5	1,300
2	NTB Building	2825 Wilson Blvd.	35	14,750
3	All Buildings	2901-25 Wilson Blvd.	40	12,000
8	All Buildings	3125-41 Wilson Blvd.	30	5,300
10	All Buildings	3165-95 Wilson Blvd.	12	4,200
12	All Buildings	3201-25 Washington Blvd.	6	1,150
18	Clarendon Citizens Hall Building	3211 Wilson Blvd.	5	2,400
19	Kirby Garage Building	3237 Wilson Blvd.	8	5,700
24	USPS	1020 N Highland St	2	470
27	All Buildings	3016-28 Wilson Blvd.	0	0
30	Leadership Building	1101 N Highland St	0	0

Notes:

1. Existing spaces as counted through 12/31/2006.

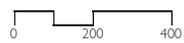
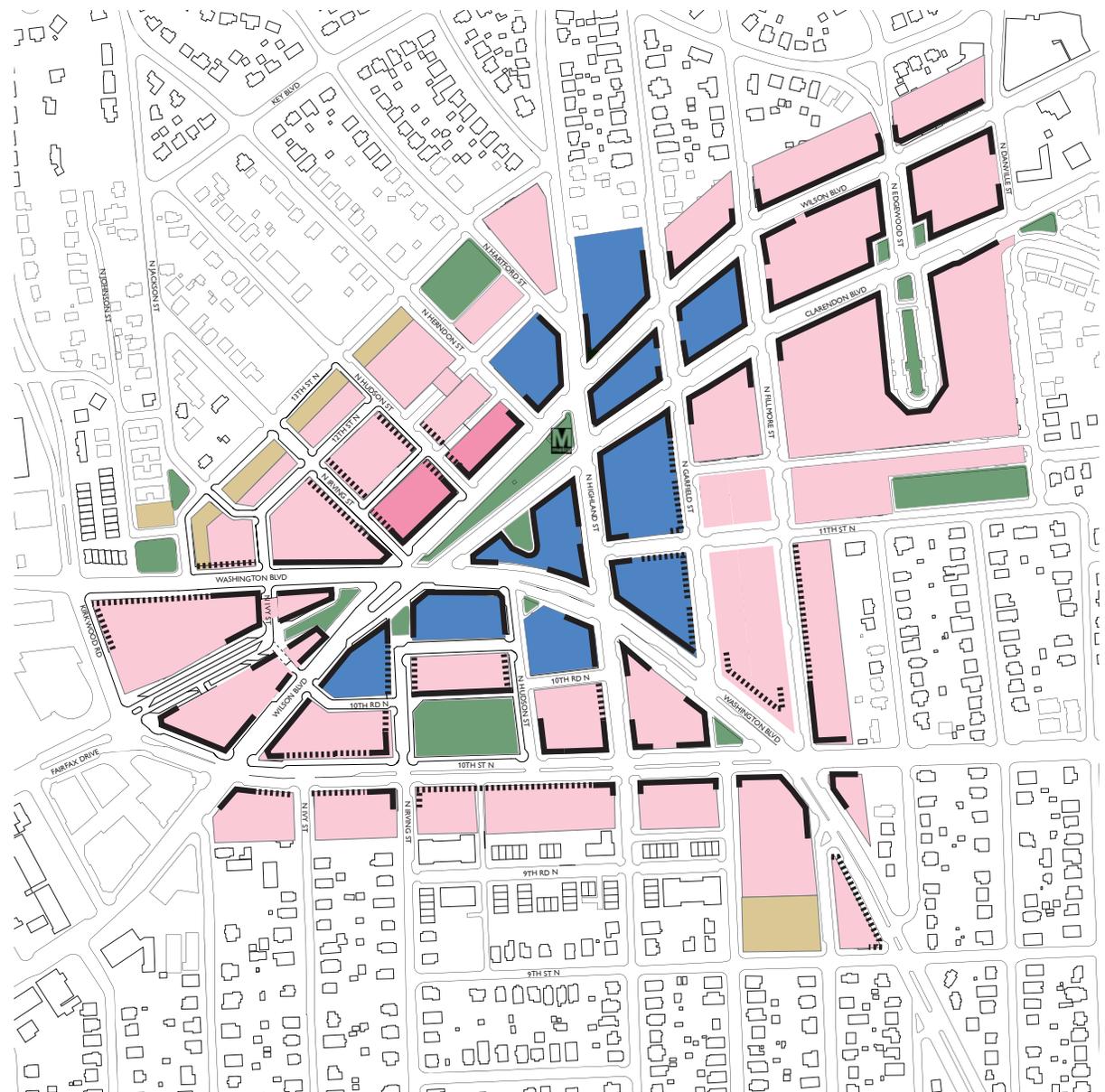
2. The existing estimated parking spaces may or may not conform with existing zoning. In cases where existing spaces are non-conforming, the existing approximate parking area may be used in determining the preferred number of spaces within a conforming parking layout as part of the proposed redevelopment."

Source: Field survey conducted by Arlington County DES.

USE MIX

Map 2

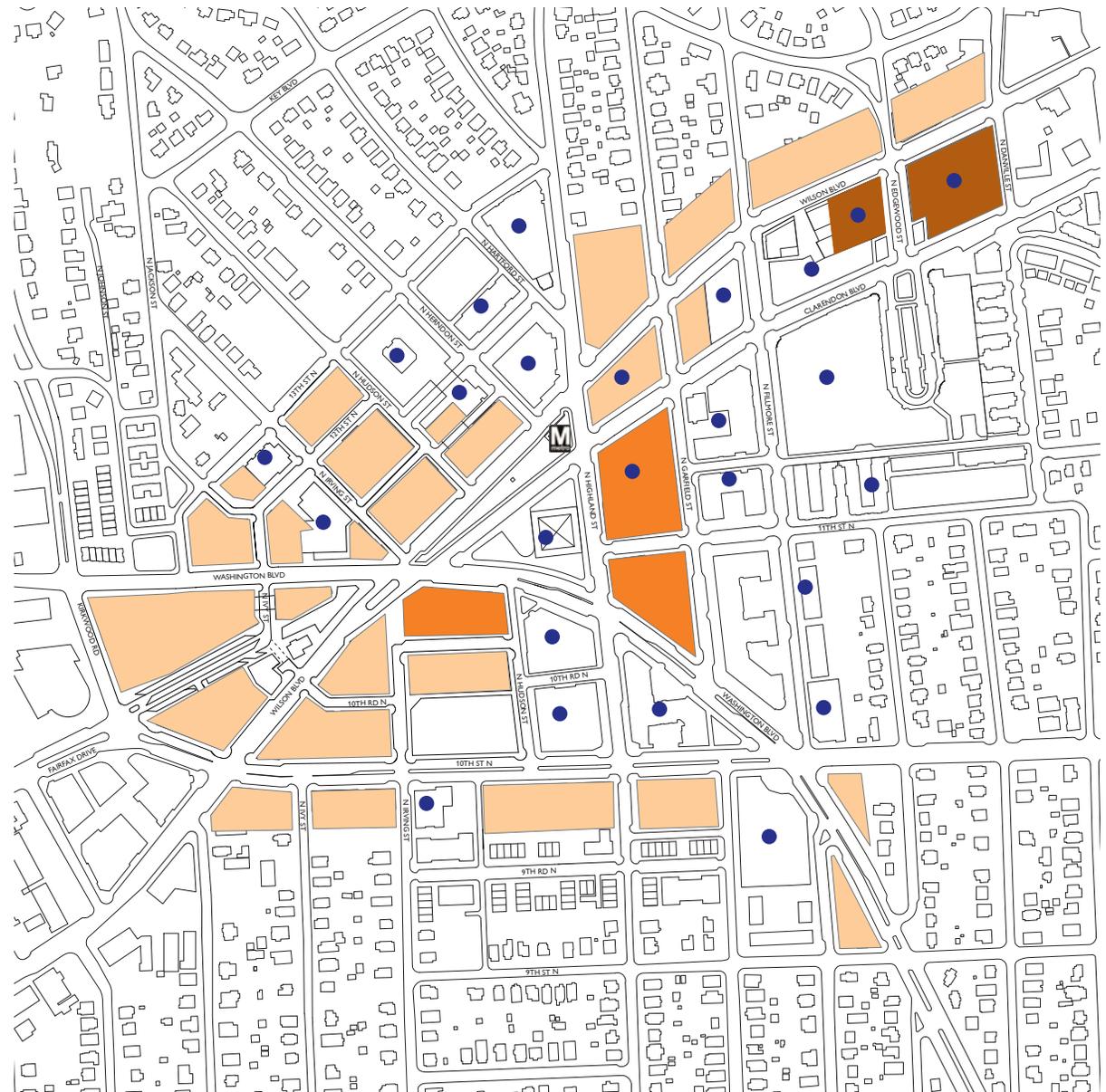
-  Residential
-  Residential, Commercial, Hotel, or Mixed Use
-  Residential, Commercial, Hotel, or Mixed Use - Minimum 20% Commercial
-  Residential, Commercial, Hotel, or Mixed Use - Prime Office - Minimum 60% Commercial
-  Existing & Proposed Open Space
-  Retail Frontages
-  Retail and/or Personal/ Business Service Frontages



RECEIVING SITES

Map 3

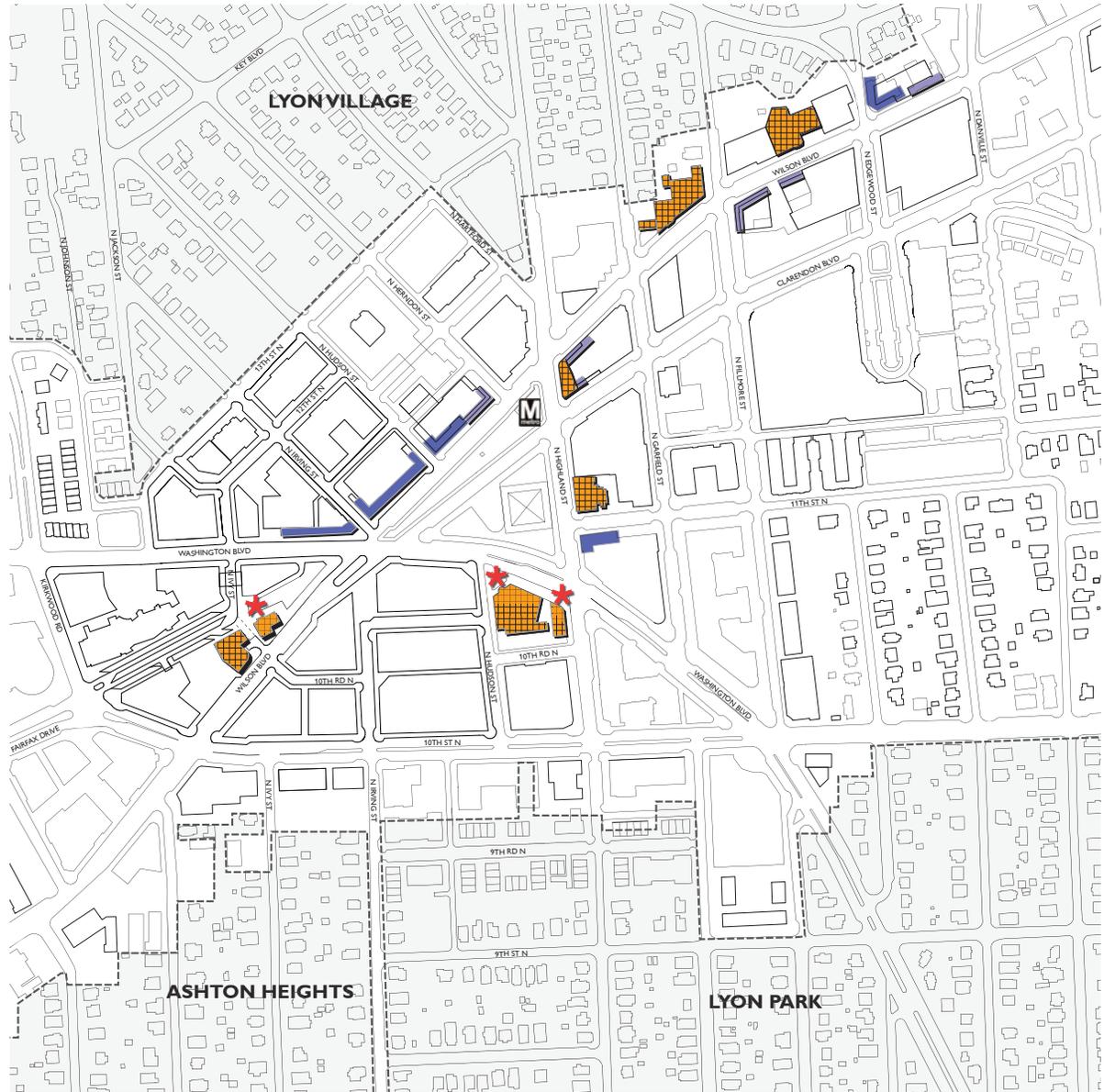
-  Additional Density above GLUP may be approved by County Board; Maximum Building Height may not be exceeded
-  Additional Height above Maximum Building Height and Additional Density above GLUP may be approved by County Board
-  Additional Density above Existing Approved Site Plan Density may be approved by County Board; Maximum Building Height may not be exceeded
-  Density controlled under development projects approved by the County Board



BUILDING PRESERVATION

Map 4

-  Full Building Preservation
-  Local Historic District
 - Joseph L. Fisher Post Office Building*
 - Dan Kain Building*
 - Former Clarendon Citizens Hall (Murky Coffee)*
-  Building Frontage Preservation
-  Building Frontage or Facade Preservation
-  National Register Historic Districts
 - Lyon Village, May 2002*
 - Ashton Heights, April 2003*
 - Lyon Park, November 2003*



STREETSCAPES

Map 5

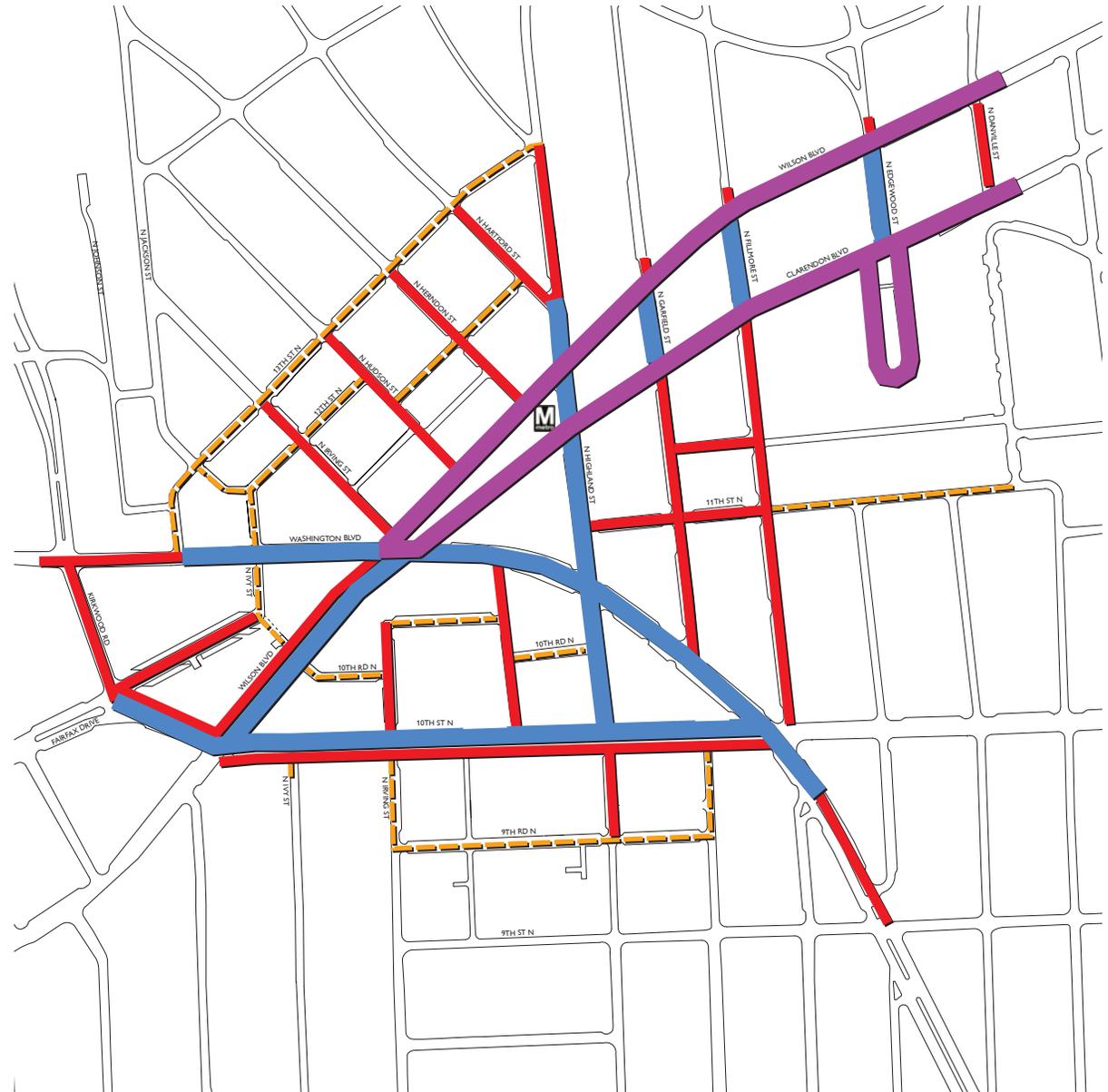
Sidewalk Widths

-  20'
-  18'
-  14'
-  12'

Notes: These widths indicate the anticipated dimensions from the curb face to the build-to line and include the various streetscape zones described in this chapter. Some modification to the streetscape condition, including widths, may be necessary adjacent to buildings, frontages, and facades recommended for preservation.

The streetscape for 9th Road would have a continuous landscape strip located at the back of curb.

See recommended street cross sections in Chapter 2 for any adjustments to the streetscape dimensions due to unique site conditions.



BUILD-TO LINES

Map 6

Note: Parking and loading should be located where build-to lines are not indicated.



FRONTAGE TYPES

Map 7

-  Main Street
-  10th Street
-  Side Street A
-  Side Street B
-  Urban Residential
-  9th Road Residential
-  Service
-  Alley



STEP-BACKS

Map 8

-  Designated Frontages for Step-Backs when Building Heights Exceed 60 Feet - 20' Step-back at 3rd, 4th, or 5th floors
-  Designated Frontages for Step-Backs achieved through Building Facade or Building Frontage Preservation
-  Full Building Preservation
-  Building heights, step-backs, and tapers on blocks marked with asterisks are controlled under development projects approved by the County Board and the building height noted (feet) may be approximate.

