



ARLINGTON COUNTY, VIRGINIA

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

DATE: February 21, 2008

SUBJECT: Amendments to the Arlington County Zoning Ordinance, Section 16. "RA4.8" Multiple-Family Dwelling Districts, Subsection 16.B. Special Exceptions to permit street-level commercial uses by site plan approval.

C.M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify the provisions in Section 16 of the Arlington County Zoning Ordinance to permit street-level commercial uses by site plan approval.

ISSUES: This is a zoning ordinance amendment to allow street level retail in the "RA4.8" Multiple-Family Dwelling Districts. No issues have been identified.

SUMMARY: The "RA4.8" zoning district is located in areas adjacent to commercial corridors in which street level retail would contribute to activation of the street and where neighborhood services and shopping uses are generally called for in the County's Retail Action Plan. The "RA4.8" District, however, permits only convenience service uses under site plan approval, which does not allow entrances, window displays or advertising on the street, and limits uses to a small category of general commodities and services. The proposed amendment would allow more substantial commercial uses on the street level, up to 0.5 Floor Area Ratio (FAR) under site plan approval. Street level commercial uses in areas along designated commercial corridors would contribute to the mixed-use environment the County strives to create in medium to high density areas near Metro stations. For areas further from commercial corridors that are zoned RA4.8, the Board would maintain the ability to restrict or condition such uses through the site plan process, where they are not appropriate for a specific site.

BACKGROUND: Subsection 16.B. permits convenience commercial uses by site plan approval. Convenience commercial uses are defined by the Arlington County Zoning Ordinance as a small portion of the total floor area used only as a service to persons living in the building in which the use is located. Such commercial uses are permitted to have entrances accessible only from inside the building and are not permitted to have window displays or advertisements visible from outside of the building. Such uses are also limited to general commodities or services such as groceries, drugs, beauty shop and valet service. The intent of the proposed amendment is to

County Manager: _____

County Attorney: _____

Staff: Deborah Albert, Planning Division, DCPHD

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allow more substantial street level retail uses in these multi-family dwelling districts, limited to no greater than a five-tenths (0.5) FAR.

DISCUSSION: Arlington County encourages an active and vibrant pedestrian realm in many areas throughout the County, particularly along commercial corridors in high-density, mixed-use districts. In these districts, ground floor retail is encouraged in order to activate the street and create walkable neighborhoods that provide local residents, visitors and businesses with essential services allowing them to meet their daily needs nearby. The “RA4.8” district is a high density residential district that allows development up to a 3.24 FAR by site plan approval, however, does not permit the ground floor retail uses that activate the street in such developments. Many areas in this zoning district as well as areas that could be rezoned to “RA4.8” based on their General Land Use Plan (GLUP) designation, occur adjacent to significant commercial corridors, such as Clarendon Boulevard and Jefferson Davis Highway (see attached maps). The County’s Retail Action Plan for the Rosslyn-Ballston Corridor identifies portions of Clarendon Boulevard in the Rosslyn and Courthouse station areas as a shopping street which principally provides personal and business services. A substantial portion of Arlington’s recently created retail space occurs in the ground floor of medium to high density mixed-use development located in Metro station areas. However, the “RA4.8” District, which occurs in these areas, allows only convenience commercial space. By definition, convenience service areas do not activate the street, as they are not permitted to have window displays, advertisements or entrances external to the building in which they are contained. These spaces are convenient to the residents of the building in which they are located, but may be unknown to those who do not have another reason to enter the building. Commercial uses that can serve both residents of a project as well as other nearby residents need a presence on the street in order to attract customers and contribute to the pedestrian realm that is so critical to the success of the County’s mixed-use corridors.

The proposed amendment would allow street level retail uses up to 0.5 FAR in the “RA4.8” zoning district. Retail uses, as opposed to “convenience commercial” uses, would be permitted to have windows on the street as well as window displays and advertisements, subject to sign regulations in Section 34 and Comprehensive Sign Plan requirements associated with Site Plan projects. Limiting commercial uses to 0.5 FAR would maintain the primarily residential uses in the “RA4.8” District, while allowing the ground floor of buildings to be activated with commercial uses and provide vital services to neighborhood residents and visitors. Uses more substantial than those currently allowed would be permitted, only through site plan approval, enabling a specific project to be assessed for suitability for a particular commercial use. In areas further from designated retail or commercial corridors, where ground floor commercial uses or a vibrant pedestrian environment are not appropriate, such uses may be restricted or conditioned through the site plan process.

Permitted ground level commercial uses in the “RA4.8” District would be as permitted in “C-1-R” Restricted Local Commercial Districts. The “C-1-R” District is a commercial district intended for use in areas which are predominantly residential and therefore provides an appropriate list of commercial uses for a residential district in which commercial retail uses are proposed to be extended. In order to retain flexibility in determining appropriate retail uses for a

given location based upon the context of an individual project and site, additional commercial uses could be approved by the County Board. By allowing such uses only through site plan approval, uses deemed inappropriate for a specific location may be restricted or otherwise conditioned through the site plan process.

Public Process: The proposed Zoning Ordinance Amendment was reviewed by the Zoning Committee of the Planning Commission (ZOCO) at meetings on November 14, 2007, December 12, 2007, January 30, 2008 and February 19, 2008. Discussion at ZOCO focused on whether a site plan condition could specify a particular retail use. In order to restrict allowable uses in the proposed “RA4.8” amendment, reference to those uses permitted in the “C-1-R” Restricted Local Commercial Districts was added to the proposed amendment.

The Planning Commission heard this proposed amendment on March 3, 2008 and voted to recommend it as proposed in the staff report. Prior to recommending the amendment there was a discussion regarding some concern with the proposed permitted commercial uses as referenced to the “C-1-R” District. Staff does not anticipate that any of the uses permitted by reference, such as farming or airports, would be incorporated into a mixed-use development.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify the provisions in Section 16 of the Arlington County Zoning Ordinance to permit street-level commercial uses by site plan approval 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.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 16. "RA4.8" MULTIPLE-FAMILY DWELLING DISTRICTS OF THE ARLINGTON COUNTY ZONING ORDINANCE TO PERMIT STREET-LEVEL COMMERCIAL USES BY SITE PLAN APPROVAL.

Be it ordained that Section 16. "RA4.8" Multiple-Family Dwelling Districts, Subsection 16 B. Special Exceptions of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows to reduce or prevent congestion in the streets, to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

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SECTION 16. "RA4.8" MULTIPLE-FAMILY DWELLING DISTRICTS

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B. Special Exceptions.

By site plan approval as specified herein: Multiple-family dwellings ~~and associated convenience-commercial space~~. By site plan approval, commercial uses as permitted in "C-1-R" Districts, or as otherwise approved by the County Board, may be permitted, provided that they are located at street level and do not exceed a five-tenths (0.5) Floor Area Ratio (F.A.R.). No drive-in type uses such as drive-in banks or drive-in restaurants or automobile-oriented uses such as public garages, service stations, car washes, motor vehicle sales or automotive oriented repair uses of any type shall be permitted.

The gross floor area, including any ~~convenience-commercial uses space~~ permitted on a given site, shall be determined by multiplying the site area by 3.24. Any penthouse area in excess of that used for elevator, mechanical or maintenance equipment, shall be counted as gross floor area.

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