



## ARLINGTON COUNTY, VIRGINIA

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

**DATE:** March 5, 2008

**SUBJECT:** Request to Advertise public hearings on the proposed Zoning Ordinance amendments to Section 20 (Appendix A) "CP-FBC," Columbia Pike – Form Based Code Districts of the Arlington County Zoning Ordinance to move the provisions for publicly owned "Civic Buildings" in Section II. Definitions, to a new provision, with modifications, in Section III. Regulating Plans, in order to provide greater clarity on the way in which Civic Buildings with public civic uses may have relief from the prescriptions of the Form Based Code as these buildings are not, nor intended to be, regulated by Form Based Code in the same manner as private redevelopment projects.

**C. M. RECOMMENDATION:**

Adopt the attached resolution to advertise public hearings by the Planning Commission on April 7, 2008, and the County Board on April 19, 2008, on the attached ordinance to amend, reenact, and recodify Section 20 (Appendix A) "CP-FBC," Columbia Pike – Form Based Code Districts, Section II. Definitions and Section III. Regulating Plans, of the Arlington County Zoning Ordinance to provide greater clarity on the way in which "Civic Buildings" with public civic uses may have relief from the prescriptions of the Form Based Code as these buildings are not, nor intended to be, regulated by Form Based Code in the same manner as private redevelopment projects in order to facilitate the creation of a convenient, attractive and harmonious community; to facilitate the provision of adequate recreational facilities and other public requirements; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

**ISSUE:** Whether the County Board should allow further relief from the Form Based Code (FBC) regulations beyond the relief from the Building Envelope Standard (BES) regulations that publicly-owned "Civic Buildings" are currently afforded, and whether mixed-use buildings on County property that include publicly owned civic uses should be afforded similar relief from the FBC? No major issues have been raised with this proposal.

**SUMMARY:** Similar to other recent FBC amendments brought to the County Board for consideration in the context of the ongoing Arlington Mill Community Center redevelopment project, staff has determined that a technical adjustment to the FBC is needed to meet the intent of the FBC with regards to publicly owned "Civic Buildings." The FBC is a zoning tool

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Jennifer Smith, CPHD, Planning

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structured to regulate private development, which would typically contain residential, office, retail, hotel, or mixed-use development. It is not a tool to regulate public buildings and public uses. In fact, when the FBC was developed, a provision was included to explicitly indicate that FBC Building Envelope Standards, considered as the most primary regulations for development, would not apply to publicly owned “Civic Buildings” or publicly owned Public Art. However, this relief provision is not currently structured in such a way as to offer relief from other FBC provisions such as the Architectural Standards. Therefore, staff recommends that the County Board advertise proposed amendments to the FBC in order to provide greater clarity on the way in which “Civic Buildings” with public civic uses may have relief from the prescriptions of the Form Based Code as these buildings are not, nor intended to be, regulated by Form Based Code in the same manner as private redevelopment projects. These types of buildings would undergo a modified review process with the community distinctly different from the typical FBC review process for private redevelopment projects in order to determine the appropriate form and architectural characteristics that meet the spirit and intent of the community-agreed upon vision for Columbia Pike.

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

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

When the FBC was originally approved by the County Board, these publicly owned “Civic Buildings” were expressly afforded a special provision under the FBC which provided relief from meeting the Building Envelope Standards (BES). The BES provisions are considered the most important regulations under the FBC, directing height, massing, siting and placement, use, and some design details such as the required percentage of fenestration. However, the provision pertaining to publicly owned “Civic Buildings”, contained within the “Civic Buildings” definition, narrowly provides relief to the BES provisions and otherwise requires compliance for all other regulations. This is counter to the original intent of the FBC that publicly owned “Civic Buildings,” or those buildings on County property with a significant amount of public “Civic Uses,” (as defined by the FBC) would have relief from meeting the FBC regulations. Therefore, staff recommends that the County Board authorize the advertisement of public hearings on a proposed Zoning Ordinance amendment to modify the FBC. The proposed amendment would clarify that publicly owned “Civic Buildings,” or buildings with a significant amount of public “Civic Uses” on public property, would be eligible to deviate from FBC provisions if after a community review process the said deviations were determined to improve the overall project while meeting the intent of the FBC. There are only two County-owned properties within the Columbia Pike Revitalization District boundary that offer public civic uses for which this proposed amendment would apply – the Arlington Mill Community Center and the Career Center/Fenwick Library property.

Specifically, the proposed amendment would:

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

opportunities to partner with private developers to achieve new public facilities as a way of maximizing County resources; therefore, there may be instances in the future where a mix of public and private uses may be desirable and needed to implement County priorities. For example, at the Arlington Mill Community Center, combining public facilities into a mixed-use building meets the intent of the FBC and provides funding resources for the County to fulfill key policies such as affordable housing. This mix of uses has been a challenging factor in achieving a landmark and distinctive design in one structure. Through the community review process, support was expressed by both the County and community to comply with some FBC regulations and to deviate from others in order to achieve the desired architectural outcome. In this instance, the building which will house the community center uses will follow a number of substantial FBC criteria such as building height and placement along the Required Building Line; however, the project as proposed, would deviate from some architectural standards that would otherwise apply to the façade. The proposed deviations, which will be presented to the County Board for review later this year include items such as the broad use of metal panel wall materials on the facades, window openings that span across more than one floor, and the use of windows at building corners. The community has also expressed a preference for creating a structure that, in its entirety, appears as a civic structure rather than a structure that indicates the private residential uses that sit atop the community center levels; therefore, staff recommends applying relief to the entire building despite the incorporation of private uses.

4. Reference the intended public facilities review process

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

**CONCLUSION:** Staff recommends that the County Board authorize advertisement of public hearings by the Planning Commission on April 7, 2008, and the County Board on April 19, 2008, on the attached ordinance to amend, reenact, and recodify Section 20 of the Arlington County Zoning Ordinance to provide greater clarity on the way in which “Civic Buildings” with public civic uses may have relief from the prescriptions of the Form Based Code as these buildings are not, nor intended to be, regulated by Form Based Code in the same manner as private redevelopment projects in order to facilitate the creation of a convenient, attractive and harmonious community; to facilitate the provision of adequate recreational facilities and other public requirements; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

**RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENTS TO SECTION 20 (APPENDIX A) “CP-FBC,” COLUMBIA PIKE – FORM BASED CODE DISTRICTS OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE APRIL 7, 2008 PLANNING COMMISSION AND THE APRIL 19, 2008 COUNTY BOARD MEETINGS TO PROVIDE GREATER CLARITY ON THE WAY IN WHICH CIVIC BUILDINGS WITH PUBLIC CIVIC USES MAY HAVE RELIEF FROM THE PRESCRIPTIONS OF THE FORM BASED CODE AS THESE BUILDINGS ARE NOT, NOR INTENDED TO BE, REGULATED BY FORM BASED CODE IN THE SAME MANNER AS PRIVATE REDEVELOPMENT PROJECTS.**

*The County Board of Arlington County hereby resolves to advertise the following amendments to Section 20 (Appendix A) “CP-FBC,” Columbia Pike – Form Based Code Districts of the Arlington County Zoning Ordinance for public hearings at the April 7, 2008 Planning Commission and the April 19, 2008 County Board meetings. This amendment would amend, reenact and recodify the proposed zoning ordinance provisions in order to facilitate the creation of a convenient, attractive and harmonious community; to facilitate the provision of adequate recreational facilities and other public requirements; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:*

\* \* \*

(See Attached)

Proposed Changes to the Form Based Code Definitions (related to “Civic Buildings”) (page 5 of the Form Based Code)

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**CIVIC BUILDINGS**

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

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Proposed Changes to the Form Based Code Section III. Regulating Plans, B.2. Buildings (pages 12-13)

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**B. Rules for the Regulating Plan and New Development Plans**

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**2. BUILDINGS**

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

LOT LINE, provided that they do not face across a STREET, unless otherwise indicated on the REGULATING PLAN.

- E. When the BUILDING ENVELOPE STANDARD designation changes along a property frontage, the property owner has the option of applying either BUILDING ENVELOPE STANDARD (BES) for a maximum additional distance of 50 feet in either direction along that frontage.

F. Publicly owned CIVIC BUILDINGS and publicly owned PUBLIC ART are not subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code. The County Board may modify all other provisions of this Code for publicly owned CIVIC BUILDINGS, publicly owned PUBLIC ART, and CIVIC BUILDINGS located on County property which house a significant amount of public CIVIC USES if it finds that the subject development has undergone a public facilities review process and that, after the proposed modification (s), the subject development will better accomplish the purposes and intent of Section 20, and its corresponding Appendix A "CP-FBC," Columbia Pike – Form Based Code, of the Arlington County Zoning Ordinance than would the development without those modifications and that the proposed uses will not:

1. Adversely impact the health or safety of persons residing or working in the neighborhood of the proposed use;
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
3. Be in conflict with the purposes or vision of the Columbia Pike Corridor as described in the Columbia Pike Initiative Plan *Update* (2005), as amended, or other master plans of the County.

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