

## Proposed FBC Amendments/Interpretations

Form Based Code

Neighborhoods Form Based Code

Map Amendment

Text Amendment

**Topic:** Civic Uses and Civic Building Designations

### Issues:

1. The commercial centers FBC specifically allows modifications for publicly-owned CIVIC BUILDINGS, but does not offer flexibility for privately-owned CIVIC BUILDINGS such as a church, or for CIVIC USES within mixed use development.

**Purpose of Study:** To evaluate the intent for CIVIC BUILDING design and consider how potential flexibility may be given, regardless of ownership, in the commercial centers FBC. To evaluate if CIVIC USES in mixed-use development should have flexibility in meeting design standards.

### FBC References:

#### Commercial centers Form Based Code

##### II. Definitions

Civic Use: Community uses including: meeting halls, libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open to the public; and, other uses as determined by the Zoning Administrator.

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.

##### III. Regulating Plans

B.2.F. Buildings: 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 review process and that, after the proposed modification(s), the subject development will better accomplish the purposes and intent of Article 11.1, 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.

B.5. Retail: List of uses (pgs 3.6-3.7) does not include any Civic Uses

**IV. Building Envelope Standards**

B. Main Street Sites, C. Avenue, D. Local, E. Neighborhood: BES do not indicate Civic Uses

**Neighborhoods Form Based Code**

**Part 2. Administration**

203. Special Exception Use Permit FBC Applications

- C. Request for approval of CIVIC BUILDINGS on sites designated for those uses on the REGULATING PLAN.

205.B.1.h. For publicly-owned CIVIC BUILDINGS in locations designated for such uses on the REGULATING PLAN, publicly-owned PUBLIC ART, and CIVIC BUILDINGS located on County property, the County Board may modify any provisions of this Code when it finds that the DEVELOPMENT PROJECT has undergone a public review process.

**Part 4. Building Envelope Standards**

402.K. Civic Buildings:

- CIVIC BUILDINGS are exempt from Part 6. Architectural Standards and this Part 4 except for 402.D. Neighborhood Manners and all other regulations applicable to lots in an R district or RA district occupied by a one-family detached dwelling.

404 Urban Mixed Use (pg 4.11) and

405 Urban Residential (pg 4.15):

- CIVIC USES are permitted in GROUND STORIES.

**Part 9. Building Use Standards**

- Use Tables (pgs. 9.1 – 9.4)Civic uses include:

Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions or temporary revivals	P
Government, federal, state and local government buildings used exclusively by federal, state, and local governments for public purposes; except penal and correctional institutions	U
Indoor theater or auditorium	P
Public buildings of a cultural, recreational administrative or service type	U
Libraries	U
Museums and art galleries	U
Fire stations	U
Recreational and community center buildings	U
Schools and colleges and other public and private educational institutions, nursery schools, child care centers	U
Transit centers	U

**Part 10. Definitions**

CIVIC BUILDINGS: Buildings that house CIVIC USES and are on sites designated for those uses on the REGULATING PLAN.

CIVIC USE: Those uses set forth as CIVIC USES in Part 9 Building Use Standards. Public ownership is neither sufficient nor necessary for CIVIC USE.

## **Staff Analysis:**

### **1. Background information:**

- 2003 - When the FBC was adopted, it established specific form regulations for redevelopment that would occur along Columbia Pike, primarily expected to be mixed-use projects with office, retail, and/or residential uses. The FBC also specifically defined CIVIC USES and designated several sites as CIVIC BUILDINGS. The FBC was not created to specifically regulate the form and design for these types of uses and buildings in recognition that CIVIC BUILDINGS are traditionally intended to be iconic buildings in the community. Therefore, construction of new CIVIC BUILDINGS may warrant special features or designs which may require flexibility and modification of FBC regulations. The Code could be used, however, to provide general guidance to implement the vision expressed for the Columbia Pike corridor.
- The FBC original definition for CIVIC BUILDINGS included a regulation that permitted relief for publicly-owned CIVIC BUILDINGS from meeting the Building Envelope Standards. The FBC also designated several CIVIC BUILDINGS on the Regulating Plan that are privately owned (Arl Pres Church and Trinity Episcopal) but did not specifically grant flexibility for modifications.
- 2007 – The FBC was amended to broaden the flexibility in order to specifically allow the County Board to modify all elements of the FBC as part of a publicly-owned CIVIC BUILDING, if the proposal is reviewed through a public review process. This amendment was approved as the planning process was underway for the Arlington Mill Community Center. At that time, however, there was no discussion of how the original definition and new regulation may not apply to privately-owned CIVIC BUILDINGS with CIVIC USES.
- 2013 – The N-FBC regulations do not distinguish between public and private ownership when defining and listing CIVIC USES. If a civic use is included in a building that is NOT designated as a CIVIC BUILDING, those uses would be required to comply with all regulations of the Code. Designated CIVIC BUILDINGS are exempt from meeting the Building Envelope Standards (except those that are applicable to Neighborhood Manners and R/RA districts) and Architectural Standards. The County Board has the discretion to modify all other regulations for publicly-owned CIVIC BUILDINGS that are reviewed through a public process.

### **2. What are CIVIC BUILDINGS? CIVIC USES?**

- CIVIC BUILDINGS house CIVIC USES and are places for the community to gather. Ownership alone should not be a prerequisite for whether a building is designated as a CIVIC BUILDING. *[Miami FBC: Civic building uses: This category is intended to encompass land use functions predominantly of community-oriented purposes or objectives including those of not-for-profit organizations dedicated to arts and culture, education, recreation, religion, government, and the like.]*

**3. When should a building be designated as a CIVIC BUILDING?**

- Staff would consider designation of a new building as a CIVIC BUILDING if the majority of the building housed CIVIC USES.
- Publicly-owned CIVIC BUILDINGS may qualify for flexibility from complying with the FBC standards.

**4. Should design flexibility be provided for CIVIC USES in mixed-use development (non-Civic Buildings)?**

- Flexibility is not currently provided in either FBC or N-FBC for CIVIC USES in non-CIVIC BUILDINGS.
- Flexibility from certain BES or architectural standards may be appropriate for CIVIC USES. Adjustments to window openings (% of transparency; size and proportion of windows), entrance spacing, wall/window/door materials, sign locations, and clear heights, may be appropriate based on a particular use’s function and operations. Some design requirements could be adjusted while the CIVIC USE occupied the ground story; while other requirements, such as clear height dimensions, would not be feasibly retrofitted if a traditional retail use occupied the space after CIVIC USE vacated the space. Flexibility could be evaluated on a case by case basis, and modifications of FBC standards could be considered after a review by staff, community, Planning Commission, and the County Board.

**5. Should flexibility be provided for privately-owned CIVIC BUILDINGS?**

- Is this an important and necessary FBC amendment? Are privately-owned CIVIC BUILDINGS expected along Columbia Pike? Standalone CIVIC USES, such as a church, could be developed with the underlying zoning. Sufficient flexibility may be provided with the underlying zoning making FBC development unlikely. Therefore, amending the FBC to allow flexibility for a privately-owned CIVIC BUILDING may be unnecessary.
- If an amendment is pursued, what circumstances should be met in order to allow flexibility for privately-owned CIVIC BUILDINGS? Allowing the County Board to modify all regulations once a project has undergone a public review process is reasonable. If a property owner chose to redevelop with the majority of the project as CIVIC USES and request CIVIC BUILDING designation, it may be appropriate to achieve a special architectural design. In this case, flexibility to modify FBC regulations could be appropriate after a public review process occurs.

**6. Comparison of FBC and N-FBC regulations.** Consistent application of regulations between the two Codes is preferred. The N-FBC regulations have more specificity than the FBC:

		N-FBC	FBC
1	BES indicate where CIVIC USES are permitted	X	
2	Specific CIVIC USES are listed	X	
3	Publicly-owned CIVIC BUILDINGS are not subject to meeting certain BES standards		X

4	CIVIC BUILDINGS are exempt from certain BES standards (w/ exceptions) and Architectural Stds	X	
5	County Board can modify all FBC regulations, for publicly-owned CIVIC BUILDINGS that undergo a public review process	X	X

- Provision 4 described above may be problematic as this allows a blanket exemption for any CIVIC BUILDING without requiring any special public review process. A privately-owned CIVIC BUILDING could have more flexibility than desired. Currently, however, no CIVIC BUILDINGS are identified in the N-FBC Regulating Plans.

**7. Potential revisions to FBC and N-FBC, as specified, could include:**

Code & Regulation	PRO	CON	Potential Revision	Benefit
(N-FBC) CIVIC BUILDINGS are exempt from BES (with exceptions) and Architectural standards	Allows design flexibility	Exemption without special review or CB approval may result in unintended consequences	- delete this section and rely on “modification” provision below, or	Requires review process and community input
	Suitable for publicly-owned CIVIC BUILDINGS, that will go through public review process		- change “exemption” to “modification”; or	Eliminates blanket relief from regs
			- limit exemption to public CIVIC BUILDINGS only	Clarifies only public CIVIC BUILDINGS qualify for automatic relief
(FBC/N-FBC) Modifications can be approved for all regulations for Publicly-owned CIVIC BUILDINGS (if a public process occurs and proposal meets the spirit/intent of the FBC).	Allows flexibility  Public review process is open and transparent  County Board assesses if modifications are in keeping with County goals/plans, and intent of FBC/CPI	Flexibility is limited to Publicly-owned CIVIC BUILDINGS and does not allow flexibility for privately-owned CIVIC BUILDINGS (i.e. churches, museum)	strike “publicly owned” to also allow for flexibility for private CIVIC BUILDINGS, through approval of modifications	Offers potential flexibility for private buildings
[FBC/N-FBC] NEW: Allow modifications for CIVIC USES in mixed use development	Allows design flexibility	Form standards are not followed	Regulations could: - indicate the portions of the building that may qualify for modifications, or,	May provide a narrow set of allowable modifications;
	Public review process allows for community review  County Board assesses if modifications are in	Additional review process, lengthens review time  Uncertain outcomes	- be general and allow modifications to be determined on a case by case basis through public review process	Regulations may not suit all CIVIC USES

Code & Regulation	PRO	CON	Potential Revision	Benefit
	keeping with County goals/plans, and intent of FBC/CPI			

**Recommendations**

**FBC AWG Comments**

**ZOCO Comments**

**PC/CB Comments/Recommendation**

**Impact of Proposed Solution (i.e., additional height, more coverage, more gfa, less open space, better architecture, etc) \_\_\_\_\_**

Result: Interpretation \_\_\_\_ FBC Amendment \_\_\_\_