



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of May 20, 2006

**DATE:** May 18, 2006

**SUBJECTS:** Zoning Ordinance Amendments for the Clarendon Metro Station area:

1. Amendments to Sections 27. "C-3" General Commercial Districts and 32. Bulk, Coverage and Placement Requirements of the Zoning Ordinance which amend, reenact and recodify regulations for bulk, placement and coverage, to establish the following for properties zoned "C-3" and located in the "Clarendon Revitalization District" on the General Land Use Plan: increased building setbacks; screening requirements for parking; the location of parking; and a requirement for minimum distance between functioning entry doors (see Attachment 1).
2. Amendments to Section 27. "C-3" General Commercial Districts of the Zoning Ordinance which amend, reenact and recodify regulations for landscaping for properties zoned "C-3" and located in the "Clarendon Revitalization District" on the General Land Use Plan to establish incentives for the dedication of streetscape and/or the dedication of land for new streets (see Attachment 2).

#### **C.M. RECOMMENDATIONS:**

1. Adopt the attached ordinance to amend Sections 27. and 32. of the Arlington County Zoning Ordinance related to setback changes, ground floor treatment along "Major Streets", parking location, and parking treatment (see Attachment 1).
2. Defer consideration of the proposed amendments to Section 27. of the Arlington County Zoning Ordinance related to incentives for construction of streetscape and the dedication of land necessary for new streets until the July 8, 2006 County Board meeting and its associated Planning Commission meeting (see Attachment 2).

**ISSUES:** None.

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

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

Staff: Molly Just and Jennifer Smith, DCPHD, Planning Division

PLA - 4293

**SUMMARY:** On February 28, 2006, the County Board adopted the Clarendon Sector Plan Policy Directives and a number of General Land Use Plan and Master Transportation Plan amendments for the Clarendon area. In order to help implement the Clarendon Policy Directives, staff recommends that the County Board adopt changes to the by-right provisions of the “C-3” Zoning District to improve the building form and the overall streetscape environment. The changes include new setback requirements for wider streets and regulations for the screening of parking, parking placement, and the frequency of building entrances. Staff also recommends that the County Board defer action on incentives for the construction of streetscape and dedication of land necessary for new streets as additional time is needed to study those incentives.

**DISCUSSION:** In order to help implement the vision for Clarendon, staff is recommending Zoning Ordinance Amendments to the “C-3” by-right development requirements consistent with the Clarendon Policy Directives adopted by the County Board on February 28, 2006. Changes to Sections 27 and 32 of the Zoning Ordinance are specifically recommended. The intent of the proposed amendments is to improve building form and the overall streetscape environment and to gain the land necessary for new streets with by-right development for properties located in the “Clarendon Revitalization District” as designated on the General Land Use Plan.

The County Board advertised amendments to the “C-3” by-right development requirements at their February 28, 2006 meeting. Since that time, staff met with the Zoning Committee (ZOCO) (March 13, 2006 and May 4, 2006) and the Planning Commission (April 10, 2006 and April 17, 2006) where a number of issues were raised on the proposed amendments, including suggestions to provide incentives for the creation of new streets. After analyzing those proposals further, staff requested that the County Board advertise an additional set of amendments to broaden the advertisement and allow flexibility for staff to determine the appropriate amendments for the “C-3” district. The County Board authorized advertisement of the additional proposals at its April 22, 2006 meeting. The issues raised by the Planning Commission and community members include the following:

- The landscape waiver should not encourage by-right development;
- The landscape waiver should not waive the requirement for a landscape strip to screen surface parking;
- A range in height should be allowed for the masonry wall required with surface parking, allow for pedestrian access, include the point from which the wall would be measured, and state the intent of the wall in the Zoning Ordinance language;
- The spacing requirement for functional building entrances should be changed to enable a variety of commercial tenants;
- The provisions for the ground-floor treatment of parking should be rephrased to make the intent more clear; and
- An incentive for the construction of new streets proposed in the Master Transportation Plan should be provided.

#### Proposed Amendments for Adoption

Staff has considered the issues raised by the Planning Commission and recommends the following amendments to the by-right provisions of the “C-3” Zoning District (see Attachment 1).

- Establishing New Setbacks. Changes proposed to Section 32. Bulk, Coverage and Placement Regulations would modify the by-right regulations for setbacks in order to ensure adequate space for the streetscapes proposed for Clarendon, instead of a required “building line” described in the language advertised at the February 28, 2006 County Board meeting. The minimum setback provision is a better solution as it allows buildings to be placed anywhere behind the proposed setback measured from the centerline of a street. This would enable flexibility based upon individual site conditions and provide for the appropriate space for streetscapes.
- Ground Floor Treatment along Major Streets. Functioning entry doors spaced at least every 50 linear feet along the first floor will be required for any use along Wilson Boulevard, Clarendon Boulevard, 10<sup>th</sup> Street North, Washington Boulevard, 13<sup>th</sup> Street North, and Fairfax Drive (referred to as “Major Streets”). This requirement is intended to achieve multiple entrances into a building along any particular block’s frontage thereby promoting an active streetscape and pedestrian experience consistent with the goals of the adopted Policy Directives and the forthcoming Clarendon Sector Plan – Part 1.
- Parking Placement and Treatment. Along “Major Streets”, where above-ground surface or structured parking is proposed closer than 120 feet from the centerline of any street, such parking would be located behind a structure containing other uses for the entire height of the parking structure. When entrances and exits to parking structures are located on Non-Major Streets, the Zoning Administrator may approve a lesser setback from Major Streets in order to allow for adequate space to access the parking structure above the first floor. For structured parking facing other streets, other uses would only be required on the ground floor of the structure. Openings in the parking structure’s façade above the ground floor would be screened with decorative materials such as grillwork, glass, or masonry along its entire façade to ensure that vehicles within the structure would be screened from the adjacent street and sidewalks. Interruptions in the façade for vehicular and/or pedestrian access would be allowed and counted as functioning entry doors as described above.

The requirement for other uses to be placed in front of parking described above would not be required along alleys and the new North Ivy Street, 12<sup>th</sup> Street North and 10<sup>th</sup> Road North segments as described in the Policy Directives, Master Transportation Plan and forthcoming Clarendon Sector Plan – Part 1 as these streets are primarily intended for parking access and loading points. Lower levels of pedestrian circulation is anticipated along these streets. However, screening of the parking structure as described above with decorative materials incorporated into any openings would be required along the entire height of the structure.

- Surface Parking along Non-Major Streets. All surface parking lots would be screened as required in Section 32A.B.5 of the Zoning Ordinance. Additionally, any surface parking

lot facing a public right-of-way and not required to be located behind a structure would be required to incorporate a five (5) foot wide landscape strip, as specified in Section 32A.B.5.a, placed at the back of the sidewalk. In addition, a masonry wall of 36 to 48 inches in height would be placed along the outer edge of the parking lot. This range in height is consistent with that required for similar walls in other Zoning Districts. The intent of this wall is to partially screen vehicles from pedestrians on the sidewalk and to provide separation between the sidewalk and the parking area. Interruptions to this screening method would be allowed in order to accommodate vehicular and pedestrian access.

#### Proposed Amendments for Deferral

Staff recommends the following proposed amendments for deferral (see Attachment 2):

- Incentives for Streetscape Improvements. Subsequent to the Zoning Ordinance amendments advertised at the February 28, 2006 County Board meeting, concerns were raised that a full waiver of the landscaping requirement (10%) in exchange for construction of streetscape and utility undergrounding would be more generous than necessary of an incentive to encourage a developer to make these improvements (see Attachment 2 – Option A). An alternative proposal was suggested to reduce the waiver by only two percent, thereby reducing the overall incentive (see Attachment 2 – Option B). Staff is concerned that a two percent waiver may be an insufficient incentive to achieve the streetscape and utility undergrounding which is a primary component of the urban design and streetscape envisioned for Clarendon, and needs additional time to identify an appropriate incentive to achieve the desired streetscape condition.
- Incentives for Dedication of Land for New Streets. Additionally, a proposal was suggested to provide an incentive to encourage the dedication of land for new streets as proposed in the Policy Directives and Master Transportation Plan. The proposed amendments would allow the Zoning Administrator to approve a reduction in the landscape requirement by the same number of square feet of land area that is dedicated to the County. Staff needs additional time to study this proposal together with the incentives proposed to achieve streetscapes (see Attachment 2 – Option B).

To address these incentives or a combination of other incentives, an additional Request to Advertise may be necessary.

**CONCLUSION:** The subject Zoning Ordinance amendments recommended for adoption are consistent with the Clarendon Policy Directives. The proposed Zoning Ordinance amendments recommended for deferral need additional refinement in order to bring forward appropriate incentives for the construction of streetscape and the dedication of land for new streets identified for Clarendon. Therefore, staff recommends that the County Board adopt the proposed Zoning Ordinance Amendments for Section 27 and Section 32 related to setback changes, ground floor treatment along “Major Streets”, parking location, and parking treatment. Staff also recommends that the County Board defer consideration of the proposed Zoning Ordinance Amendments for Section 27 related to incentives for construction of streetscapes and the

dedication of land necessary for new streets until its July 8, 2006 County Board meeting and the associated Planning Commission meeting.

## ATTACHMENT 1

### ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTIONS 27. "C-3" GENERAL COMMERCIAL DISTRICTS AND 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS IN ORDER TO MODIFY BY-RIGHT PLACEMENT AND PROVISIONS AND TO REGULATE THE TREATMENT OF PARKING.

BE IT ORDAINED, by the County Board of Arlington that the following amendments to Sections 27 and 32 of the Arlington County Zoning Ordinance is amended in order to encourage economic development; 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 27. "C-3" GENERAL COMMERCIAL DISTRICTS

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##### **B. Bulk, Placement and Coverage Regulations.**

1. *Height Limit:* No building, nor the enlargement of any building, shall be hereafter erected to exceed seventy-five (75) feet, except by site plan as provided in subsection D. below.
2. *Floor Area Requirements:* The floor area in this district shall not exceed the number of square feet that results from compliance with the requirements stated in the ordinance with no less than nine (9) feet between floors, except by site plan as provided in subsection D. below.
3. Regulations in the "Clarendon Revitalization District": In the Clarendon Revitalization District," as designated on the General Land Use Plan, the following additional provisions shall apply:
  - a. Treatment Along Major Streets. Structures along Wilson Boulevard, Clarendon Boulevard, 10<sup>th</sup> Street North, Washington Boulevard, 13<sup>th</sup> Street North and Fairfax Drive (together referred to in this subsection 27.B.3 as "Major Streets") shall contain functioning entry doors at least every 50 linear feet along the building façade.
  - b. Parking Along Major Streets. Above-ground parking structures or surface parking within 120 feet of the center line of Major Streets shall be located behind a structure containing other uses for the entire height of the parking structure, such that the parking or parking structure is not visible from the frontage of the property along that street. Entrances and exits to parking lots or parking structures on Major Streets shall be allowed only where the Zoning Administrator determines that the only frontage(s) reasonably available for such entrance or exit is on a Major Street. When a parking structure is accessed from a Non-Major Street only, the Zoning Administrator may approve a decreased setback from a Major Street where such decrease will allow for adequate space to access the parking structure above the

first floor.

c. Parking Structures Along Non-Major Streets. Along Non-Major Streets, except alleys, North Ivy Street, 12<sup>th</sup> Street North and 10<sup>th</sup> Road North, any parking structure's ground floor shall be located behind a structure containing other uses, such that the first-floor of the parking structure is not visible from such street and its associated sidewalks. Any parking structure above the first floor that is visible from a Non-Major Street shall have all openings screened along the entire façade of such structure. Screening techniques may include the use of display windows, decorative grillwork, decorative glass, decorative masonry or a combination of these methods, or similar methods so as to ensure that vehicles within the structure are screened from the view of cars and pedestrians along Non-Major Streets and their associated sidewalks. Interruptions to this screening method are allowed to accommodate vehicular and/or pedestrian access. Parking structures along alleys and along North Ivy Street, 12<sup>th</sup> Street North and 10<sup>th</sup> Road North are not required to be placed behind other uses on the first floor. However, parking along these streets shall be screened on all floors using the screening techniques listed above.

d. Surface Parking Along Non-Major Streets. Surface parking shall be screened as required in Section 32A.B.5 except that any surface parking lot facing a public right-of-way (where no structure containing a use is between the right-of-way and the parking) shall incorporate a landscape strip as specified in Section 32A.B.5.a. Such landscape strip shall be a minimum of five (5) feet wide, placed at the back of the required sidewalk along that right-of-way. In addition, any such parking area shall be screened by a masonry wall of between 36 inches and 48 inches tall (measured as described in Section 32A.B.5.b), which shall be placed along the outer edge of the parking area, and which may extend no closer to the right-of-way than the distance specified in Section 32.D.1.c. This wall shall be designed to partially screen vehicles from pedestrian view from adjacent sidewalks and to provide separation between pedestrians and parking areas. Reasonable interruptions to this wall are allowed to accommodate vehicular access. Breaks in the masonry wall shall be allowed for pedestrian access but each break shall be a maximum of 48 inches wide. In addition, any vehicular access to a surface parking lot shall include sidewalks, a minimum of four (4) feet wide, along each side of the driveway to permit pedestrian access from the street frontage into the parking lot.

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## **SECTION 32. Bulk, Coverage and Placement Requirements**

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### **D. Placement**

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval:

1. *Setbacks:* No structure shall be located closer to the centerline of any street or officially designated street right-of-way than fifty (50) percent of the height of the building. For the purpose of determining setbacks, a limited access highway shall be considered as an abutting lot and not as a street or street right-of-way. Structures shall be set back from streets no less than as follows: (8-18-79).
  - a. For all “C” and “M” Districts excepting “C-1,” “C-1-O,” “C-O,” “C-H,” and “C-S-C”: Forty (40) feet from said centerline except for properties located within the “Clarendon Revitalization District” as designated on the General Land Use Plan and zoned “C-3”.
  - b. For all "RA4.8" and "C-O" Districts: Fifty (50) feet from said centerline.
  - c. For all properties that are: (1) located in the “Clarendon Revitalization District” as designated on the General Land Use Plan; and (2) zoned “C-3”: fifty (50) feet from the centerline of Fairfax Drive or any street containing more than five lanes, including travel lanes and on-street parking lanes, and 40 feet from the centerline in all other cases.

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## ATTACHMENT 2

### **OPTION A**

#### **ORDINANCE TO AMEND, REENACT, AND RECODIFY SECTION 27. OF THE ARLINGTON COUNTY ZONING ORDINANCE IN ORDER TO MODIFY BY-RIGHT LANDSCAPING PROVISIONS.**

BE IT ORDAINED, by the County Board of Arlington that Section 27. of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified in order to encourage economic development; 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 27. "C-3" GENERAL COMMERCIAL DISTRICTS**

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#### **C. Landscaping.**

Ten (10) percent of total site area is required to be landscaped open space in accordance with the requirements of Section 32A, "Landscaping," except by site plan as provided in subsection D. below. The Zoning Administrator may waive this requirement when all frontages of a site are constructed with streetscape built according to the standards of the "R-B Corridor Streetscape Plan" and provided that all aerial utilities on and at the periphery of the site are undergrounded. Where the location of the building line and the public right-of-way line necessitate it, a portion of the public right-of-way may be used for construction of the streetscape. ~~With the approval of the zoning administrator, a portion of the public right-of-way may be used to meet this landscaping requirement if the streetscape improvements comply with adopted plans and provided that all aerial utilities on and at the periphery of the lot shall be undergrounded with new development or redevelopment.~~

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### **OPTION B**

#### **ORDINANCE TO AMEND, REENACT, AND RECODIFY SECTION 27. OF THE ARLINGTON COUNTY ZONING ORDINANCE IN ORDER TO MODIFY BY-RIGHT LANDSCAPING PROVISIONS.**

BE IT ORDAINED, by the County Board of Arlington that the following amendments to Section 27. of the Arlington County Zoning Ordinance is hereby amended in order to encourage economic development; 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 27. "C-3" GENERAL COMMERCIAL DISTRICTS

\* \* \*

### C. Landscaping.

Ten (10) percent of total site area is required to be landscaped open space in accordance with the requirements of Section 32A, "Landscaping," except by site plan as provided in subsection D. below:

- a. For all property except within the "Clarendon Revitalization District", with the approval of the zoning administrator, a portion of the public right-of-way may be used to meet this landscaping requirement if the streetscape improvements comply with adopted plans and provided that all aerial utilities on and at the periphery of the lot shall be undergrounded with new development or redevelopment; or
- b. For properties within the "Clarendon Revitalization District" on the General Land Use Plan the following may apply:
  - i. (a) If the Zoning Administrator determines that a developer agrees to construct streetscape improvements according to the County's adopted plans and to place all aerial utilities on and at the periphery of the lot underground as part of new development or redevelopment, then the ten (10) percent landscaping requirement may be reduced by [a percentage between two and ten percent approved by the County Board at the time of adoption]. The Zoning Administrator's approval for such a reduction shall not waive the landscape strip required in Section 27.B.3.c; or  
(b) Where a developer agrees to construct streetscape improvements according to the County's adopted plans and to place all aerial utilities on and at the periphery of the lot underground as part of new development or redevelopment, the Zoning Administrator may approve use of a portion of the public right-of-way for that purpose. In this case, the ten (10) percent landscaping requirement shall apply on private property; and
  - ii. Where a developer dedicates land to the County, without other consideration, for a right-of-way called for in the Master Transportation Plan within the area of the "Clarendon Revitalization District" on the General Land Use Plan the Zoning Administrator may approve a reduction in the landscape requirement by the same number of square feet of land area as is dedicated to the County.

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