

ZONING ADMINISTRATOR DETERMINATION

March 2, 2011

SUBJECT: OPEN CONTIGUOUS LOT AREA

ISSUE: Members of the development community asked that the definition of OPEN CONTIGUOUS LOT AREA (OCLA)* be amended to allow greater flexibility as to how it may be located on Local sites. The applicant for a proposed development, Columbia Place, at 1100 S. Edgewood Street, a site with both Local and Main Street frontages, had proposed elevating the required OCLA* and/or combining the required OCLA for both frontages in one location on the development site. Elevating the OCLA is only permitted on Main Street sites.

RELEVANT ACZO CITATIONS:

Section 20 (Appendix A) Columbia Pike Form Based Code Districts, Section II Definitions: "OPEN CONTIGUOUS LOT AREA (OCLA)."

Section 20 (Appendix A) Columbia Pike - Form Based Code Districts, Section IV. (D.), The Regulating Plans, Local Sites and Neighborhood Sites

RESPONSE: Staff evaluated possible changes to the permitted location of OCLA* through discussions with the Form Based Code Advisory Working Group and the Zoning Committee of the Planning Commission. Staff evaluated the following options for redefining OCLA:

- A. Locating OCLA* above grade for Avenue, Local and Neighborhood sites, as permitted for Main Street sites.
- B. Locating OCLA outside of the BUILDABLE AREA* for all frontage types.
- C. Aggregating OCLA and locating if "off-site" (i.e. within an area defined by another Building Envelope Standard) for properties with more than one type of frontage.

The Code already allows for more than one configuration to meet the OCLA requirements on Main Street, Local and Neighborhood sites. On Main Street sites, OCLA may be located at grade or elevated above grade. On Local and Neighborhood sites, OCLA may be located on individual townhouse lots or aggregated into one common space within the Buildable Area. For Avenue sites, there is only one at-grade configuration possible.

Conclusion: Staff has comprehensively evaluated alternative options for locating OCLA* and has concluded that amending the current definition of OCLA* would not result in an improved form of development. However, staff concludes that the following interpretation is necessary to clarify the permitted options for the location of OCLA* on Local and Neighborhood sites.

DETERMINATION: OPEN CONTIGUOUS LOT AREA REQUIREMENTS (Form Based Code Determination No. 3):

Under Section 20 (Appendix A) Columbia Pike - Form Based Code Districts of the Arlington County Zoning Ordinance, Section IV. (D.), The Regulating Plans, Local Sites and Neighborhood Sites, the property owner may comply with the Siting Specifications for the OPEN CONTIGUOUS LOT AREA* if either occurs:

- The 15% OCLA* requirement on Local sites (and 30% OCLA* requirement on Neighborhood sites) is calculated on and provided within the BUILDABLE AREA of each LOT*, when treating each individual lot as a “site”; or
- The 15% OCLA* requirement on Local sites (and 30% OCLA* requirement on Neighborhood sites) is calculated on the total Local or Neighborhood site’s BUILDABLE AREA* and is aggregated into in one common space within said BUILDABLE AREA*.

*** Indicates terms defined in the Columbia Pike Form Based Code.**

This is not a determination as that term is contemplated under Section 15.2-2307 of the Code of Virginia. This is, however, a determination as that term is used in Section 15.2-2311 of the Code of Virginia. I note that this determination is true as of today’s date and is subject to change through action by the County Board. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Arlington County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. An appeal application may be obtained from this office or is available on line at www.arlingtonva.us. The appeal fee is \$602.80. This decision is final and unappealable if not appealed within 30 days.

Melinda M. Artman

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Zoning Administrator

CC:

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