

MEMORANDUM

TO: Zoning Committee of the Planning Commission Members

FROM: Matt Mattauszek, CPHD, Planning DATE: September 24, 2015

SUBJECT: Form Based Code Amendment for Allowable Uses

Staff is currently evaluating amendments to the commercial centers Form Based Code (FBC) and the Neighborhoods Form Based Code (N-FBC).

1. FBC: Allowable Uses

Issues to be resolved: To evaluate if specific criteria should be introduced to clearly indicate where certain uses may occur within ground story of mixed-use buildings.

Discussion and Recommendations:

- A. The FBC generally does not regulate land use, except for a few areas where retail or commerce is specified. Main Street Sites, and to a lesser degree Local Sites, have specific requirements for ground story retail. Ground story retail is also permitted on Avenue Sites. The FBC lists specific retail uses that are permitted to occupy those areas in two categories (Primary & Secondary), however, the FBC regulations do not indicate specific locations for either category. As a result, uses identified within each category are permitted along any building frontage.

Staff considers the Columbia Pike and other principal arterial frontages as the location for the most activating ground story retail uses, which would be considered those currently listed in the Primary retail category. In an effort to accurately implement this vision, staff recommends specifying that some of the less activating uses should be limited along Columbia Pike and other principal arterial frontages such as Walter Reed Drive, Glebe Road, George Mason Drive, and Four Mile Run Drive.

- B. The Commercial FBC provides for an expanded range of uses that are permitted in the Ground Story of mixed-use buildings under the category of retail. This list was originally based on the underlying commercial zoning districts within the Columbia Pike corridor, however, it currently excludes civic uses from the ground story of

mixed-use buildings. Civic uses are only permitted when they are proposed as part of a Civic Building.

Civic uses can be a compatible land use on the ground story with other private land uses such as upper story residential or office and are currently permitted in the Neighborhoods FBC to occupy ground stories of Urban Mixed Use and Urban Residential sites. These frontage types typically occur along Columbia Pike or secondary streets in close proximity to Columbia Pike. Buildings in these locations will be typically larger in size and footprint which would provide a suitable scale to accommodate ground story Civic Uses as compared to the Townhouse/Small Apartment frontage type. Additionally, projects in these locations would likely represent higher pedestrian volumes, transit access within a short walking distance, and close proximity to other retail/commerce establishments that could offer a clustering of community amenities.

Staff believes that Ground Stories of mixed-use buildings located in the Commercial FBC district include similar characteristics and therefore recommends amending the existing retail table to allow for civic uses on the ground story.

Staff continues to finalize the implementation of this vision for ground story uses within mixed-use buildings and may refine the proposed language further.

Remaining Questions:

- A. If the Commercial FBC will limit less activating uses along principal arterial streets, should it accomplish this vision through implementing locational restrictions found in the use table?
- B. Should all civic uses (proposed to be added) be treated the same way with regards to locational restrictions and design flexibility?

2. FBC/N-FBC: Design Relief for Civic Buildings

Issues to be resolved: To evaluate the intent of Civic Building design and consider how potential flexibility may be given, based on ownership, in both Form Based Codes.

Discussion and Recommendations:

When the FBC was adopted in 2003, it established specific form regulations for redevelopment that would promote mixed-use projects comprised of 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 FBC originally permitted relief for publicly-owned Civic Buildings from meeting the Building Envelope Standards. The FBC was amended in 2007 to broaden that 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 would be reviewed through a public review process, rather than proceed through the typical FBC review. However, during that time, there was no discussion of applying the original definition and new regulation to privately-owned Civic Buildings with Civic Uses. The N-FBC, adopted in 2013, also exempts designated Civic Buildings from meeting the Building Envelope Standards and Architectural Standards, however that relief is not addressed consistently throughout the Code.

While Columbia Pike is currently home to several churches, staff does not anticipate any new privately-owned Civic Buildings to be proposed through either Form Based Code. Standalone Civic Uses, such as a church, could be developed with sufficient flexibility 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.

Additionally, staff and the FBC Advisory Working Group believe that allowing the County Board to modify all regulations for Civic Buildings is reasonable once a project has undergone a public review process. Should a redevelopment proposal request Civic Building designation without a public review process, that project should be required to comply with all regulations of the Code, consistent with any other FBC proposal.

Since the Neighborhoods FBC includes a regulation which does not distinguish between public and private ownership for Civic Buildings, staff recommends this regulation become consistent with the above approach of only allowing flexibility for publicly-owned Civic Buildings. This will signal to property owners that flexibility to modify FBC regulations would only be considered appropriate once a public review process occurs.



Proposed text changes to Commercial FBC:

Part 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. Those uses set forth as Civic Uses in the Table in Section III. B. 5. GROUND STORY Uses.~~

Part III: The Regulating Plans:

B. Rules for the Regulating Plan and New Development Plans

4. Parking

C. All other sites not expressly covered by Section III.B.4.B. shall meet the following requirements:

1. A minimum of 1 and 1/8 parking spaces per residential dwelling unit, of which a minimum of 1/8 parking space per residential unit shall be provided as Shared Parking. There are no maximum limits on Shared Parking.
2. For all other uses except hotel uses, a minimum of one space per 1,000 square feet of non-residential GFA shall be provided as Shared Parking; there are no set maximum limits on Shared Parking. New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for Shared Parking. Any limitations on the Shared Parking (time limits or hours of the day) shall be subject to approval by the Zoning Administrator which shall be given upon a finding that at least 12 hours of public parking are provided in any 24-hour period and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the Zoning Administrator determines that the primary public use will be for commercial or residential uses.

3. For hotel uses, a minimum of .5 space per hotel guest room shall be provided as Reserved Parking; there are no set maximum limits on Shared Parking. In addition, any hotel that includes 7,500 square feet or more of conference room or banquet facility GFA, shall provide additional parking at a rate of 1 space per 1,000 square feet of all conference room/banquet facility GFA.
4. A maximum of one space per 1,000 square feet of non-residential GFA (excluding hotel uses), two spaces per residential dwelling unit, and a maximum of .7 space per hotel guest room may be made available for Reserved Parking, not counting the additional parking required by subsection 3, above, for hotels that include 7,500 square feet or more of conference rooms or banquet facilities.
5. Reserved Parking above the maximum may be provided upon payment to the County. The County Manager shall establish the amount of payment annually based on the approximate cost to build structured parking.

E. Bicycle Parking

1. For office uses, the developer shall provide 1 employee bicycle parking space per 7,500 square feet of GFA and 1 visitor/customer bicycle parking space per 20,000 square feet of GFA.
2. For residential uses, the developer shall provide 1 tenant bicycle parking space per 3 units and 1 visitor bicycle parking space per 50 units.
3. For retail and civic uses, the developer ~~shall~~ must provide 1 employee bicycle parking space per 25,000 square feet of GFA. For governmental facilities, hospitals, elementary and middle schools, and day care uses, the developer shall also provide and 1 visitor/customer bicycle parking space per 105,000 square feet of GFA for the first 50,000 square feet of retail GFA; and 1 additional visitor/customer space per each additional 12,500 square feet of retail GFA, or portion thereof. For all other retail and civic uses, the developer shall also provide 1 visitor/customer bicycle parking space per 5,000 square feet of GFA for the first 50,000 square feet of GFA; and 1 additional visitor/customer space for each additional 12,500 square feet of GFA, or portion thereof.
4. For hotel uses, the developer shall provide 1 employee bicycle parking space per 10 guest rooms, or portion thereof, and 1 visitor space per 50 guest rooms, or portion thereof.

5. Retail Ground Story Uses

A. General Principles and Intent

~~Generally, retail, service and commercial, or civic uses are is required on the GROUND STORY of MAIN STREET SITES BUILDINGS and, required to a lesser degree on the GROUND STORY of LOCAL SITES STREET BUILDINGS, and are allowed- on the Ground Story of Avenue Buildings. The intent of such uses, combined with storefront design requirements, is to produce GROUND STORIES that achieve a high level of pedestrian activity adjacent to the public sidewalk, interesting design, and transparency into the building. The inclusion of retail enlivens the Street and creates a purpose for being there.~~

B. Allowable GROUND STORY Uses

~~GROUND STORY uses allowed along Columbia Pike, include entertainment, food establishments, recreation, retail sales, personal service and repair, self-service storage, vehicle sales and service, light industrial services and civic uses. Unless otherwise noted, retail is an inclusive phrase that encompasses consumer comparison goods (general merchandise, apparel, furnishings and other types of similar merchandise – commonly referred to as GAFO categories in the retail industry – convenience goods, food/delis, gifts, drugstore items, personal care, cards/stationary), personal business services, professional offices, restaurants, grocery stores, and hotel, theatre, and other uses that provide visual interest and create active street life. Other uses that can similarly provide visual interest and create an active street life may be allowed, if, in which in the judgement of the Zoning Administrator, they are of the same general character as those listed in Table 3.1 below and will not be detrimental to the Columbia Pike Special Revitalization dDistrict in which it is to be located, may be allowed.~~

- ~~● Primary Retail Uses: Generally, uses that provide entertainment or leisure activities, promote high walk in customer counts, or are shopping destinations.~~
- ~~● Secondary Retail Uses: Generally, uses that provide personal or business services.~~

C. GROUND STORY Use Limitations

~~Along Principal Arterials designated in the Arlington County Master Transportation Plan (Columbia Pike, S. Walter Reed Drive, S. Glebe Road, S. George Mason Drive, and S. Four Mile Run Drive) GROUND STORY uses designated as Prohibited (1) in the Table 3.1 Form Based Code Ground Story Use Table below shall be prohibited along the REQUIRED BUILDING LINE (RBL).~~

D. Ground Story Use Table

1. **Permitted Uses**

A “P” indicates that a use is permitted by-right and may be approved administratively, provided that redevelopment conforms to the Form Based Code as adopted by the County Board of Arlington County (see §11.1.3.).

2. **Use permit approval required**

A “U” indicates a special exception use that may be established subject to obtaining a use permit as provided in §15.4, use permits, for each such use, and provided that the property has been redeveloped pursuant to the Form Based Code. The Zoning Administrator may require a use permit for such use, whether the use is located in a building approved administratively or whether located in a building controlled by a use permit.

3. **Uses not allowed**

A blank cell (one without a “P” or “U”) in the use table indicates that a use is not allowed in the respective district. Uses not specifically listed may be allowed pursuant to the similar use determination procedure of §12.2.2.

4. **Use Standards**

Where applicable, the “use standards” reference any specific use standard listed in Article 12 of the Arlington County Zoning Ordinance, which apply to more than one district. Where use standards apply exclusively to a specific district(s), such standards are listed in the respective district(s) regulations.

5. **Use Categories**

All of the use categories listed in the table below are described in §12.2. The second column of the use table lists the specific use types included within the respective use categories.

TABLE 3.1: FORM BASED CODE GROUND STORY USE TABLE

Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	Primary (1) or Secondary (2)	Prohibited (1) on Principal Arterials	Use Standards
Primary Retail					
Retail, Service and Commercial Use Categories					
Entertainment	Theatres	P	±		
	All other entertainment uses	U	±		
Food and Drinking Establishments (see §12.2.5.A)	Restaurant, general	P	±		§12.5.23
	Restaurant, limited	P	±		§12.5.24
	Catering establishment, small scale	P	2	1	
	Food delivery service	U	2	1	
Recreation (see §12.2.5.B)	Miniature golf courses	U	2		
	All other indoor recreation uses	U	±		
Office (see §12.2.5.C)	Audio-visual production studio	U	2		
	College operated as a commercial enterprise	U	±	1	
	<u>Financial services</u>	P			
	Office or clinic, medical or dental	P	2	1	§12.5.16
	<u>Offices, business and professional</u>				
	<u>All other office uses</u>				
Retail, Sales (see §12.2.5.F.2(a))	Drugstore	P	±		§12.5.5. §12.5.22
	Grocery store	P	±		§12.5.10 §12.5.22
	All other retail sales uses	P	±		§12.5.22



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Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	Primary (1) or Secondary (2)	Prohibited (1) on Principal Arterials	Use Standards
Retail, Personal-Service (see §12.2.5.F.2(b))	Animal care facilities, veterinary clinics, animal hospitals	P	2	1	§12.5.2
	Mortuary or funeral home	U	2		§12.5.15
	Pawnshop	P	2		
	All other personal service retail uses	P	2		§12.5.21
Retail, Repair (see §12.2.5.F.2(C))	All retail repair uses	P	2		
Self-service storage uses (see §12.2.5.G)	Self-service storage facilities	U	4	1	§12.5.26
	All other self-service storage uses				
Vehicle Sales and Service (see §12.2.5.H)	Vehicle service establishment	U	2		§12.5.29
	Other other vehicle sales and service uses				
Civic Use Categories					
Colleges (see §12.2.4.A)	Colleges/Universities (public; not-for-profit)	U		1	
Community Service (see §12.2.4.B)	Community Centers	U			
	Libraries	U			
	Museums and Art Galleries or Studios	U			
	Recreation Centers	U			
Religious Institutions (see §12.2.5.H)	Churches, mosques, synagogues and temples	P			
Governmental Facilities (see §12.2.4.D)	Fire and police stations	U			



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Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	Primary (1) or Secondary (2)	Prohibited (1) on Principal Arterials	Use Standards
Hospital	Hospitals	U			
Schools (see §12.2.5.I)	Schools, Elementary, Middle, or High	U		1	§12.4.7
Day Care (see §12.2.4.C)	All day care uses	U		1	
Industrial Use Categories					
Light Industrial Service (see §12.2.6.A)	Carpet and rug cleaning (excluding dying)	U	2	1	
	Medical or dental laboratories	P	2	1	
	Sign painting shop	P	2	1	§12.6.9
	Printing, lithographing, or publishing	P	2	1	
	Upholstery shop	U	2	1	§12.5.27
	All other light industrial uses		2		
Accessory Uses					
Live entertainment		U	1		§12.9.12
Drive-through facilities (restaurants only)		U	1		§12.9.7

Part IV: Building Envelope Standards

B. Building Envelope Standards: Main Street Sites

4. Use Specifications

Ground Story

1. The GROUND STORY shall house retail, service and commercial, or civic uses as defined in Section III. B. 5. Ground Story ~~RETAIL~~ as well as lobby and access for upper STORY uses.
2. There shall be functioning entry door(s) along the STREET façade at intervals not greater than 60 feet within any site.

Upper Stories

Retail uses are not permitted on the upper Stories, ~~(except those of less than 900 square feet, restaurants of any size, and/or second Stories as an extension continuation of the Ground Story use and with direct Columbia Pike frontage).~~ ~~SECOND STORY restaurants do not violate this rule.~~ Upper STORIES shall house residential, office, hotel uses or some combination thereof. ~~Business and professional offices including medical, legal, insurance, philanthropic, real estate, banking, and other offices which in the judgement of the Zoning Administrator with a recommendation from the Administrative Review Team are of the same general character as those listed above may be located on all floors of Main Street sites.~~

C. Building Envelope Standards: Avenue Sites

4. Use Specifications

Ground Story

A GROUND FLOOR may include residential uses and have small professional office, building lobby, or building manager's/maintenance offices (each less than 1,000 square feet). ~~{Retail, service and commercial, or civic uses are permitted on a Ground Floor where the underlying zoning is zoned commercial "C" or where properties are zoned "CP-FBC"}.~~

Part VIII: Attachments

Subsection A. Zoning Ordinance 11.1. "CP-FBC" – Columbia Pike Form Based Code Districts

§11.1.8. Administration

C. Standards for review of use permits

1. Proposals that do not conform to the Form Based Code

(b) Pursuant to a use permit application, the County Board may modify only the following requirements of the Form Based Code. Provided, however, that after such modifications, the County Board is still able to make the finding called for in subsection 1(a) above.

(1) Height of first floor relative to fronting sidewalk elevation;

(2) RBLs for the location of new alleys or streets, for historic buildings and for existing parking garages as of February 25, 2003;

(3) Breaks between buildings;

(4) Streetscape details; ~~and~~

(5) Design issues related to the inclusion of existing or historic buildings or mature trees; and

(6) Shopfront (Ground Floor) window transparency and functioning entry door requirements for civic uses where the County Board finds that the proposed modifications can be retrofitted to meet standard requirements when the subject use is discontinued.



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Proposed text changes to Neighborhoods FBC:

Part 4: Building Envelope Standards

Section 402: General Standards

K. Civic Buildings

Publicly-owned 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 in an RA district occupied by a one-family detached dwelling.
