

Columbia Pike Neighborhoods Form Based Code | Initial Draft **Supplemental Zoning Information**

Introduction

This document includes the following zoning changes to implement the Columbia Pike Neighborhoods Area Plan and supplements the [Initial Draft Neighborhoods Form Based Code \(FBC\)](#):

- Proposed amendments to the “R”, “RA”, and “C-1” zoning districts, and
- Additional content to include within the [Initial Draft Neighborhoods FBC](#):
 - Part 2: Administration
 - Part 703: Parking Incentives
 - Part 8: Affordable Housing Requirements
 - Part [TBD]: Green Building Standards

Proposed changes to the existing zoning districts in the Arlington County Zoning Ordinance

The proposed, new “CP-NFBC” Columbia Pike-Special Neighborhoods Revitalization District Form Based Code (Neighborhoods FBC) will be a new FBC, separate from the current FBC used in the commercial nodes. Properties zoned with “R”, “RA”, and “C-1” districts and within the [proposed] “Columbia Pike Special Neighborhoods Revitalization District” on the GLUP will be eligible to use the Neighborhoods FBC and property owners would not be required to rezone the property (see proposed GLUP amendments in separate document for more information).¹

Language to be added to each “R”, “RA”, and “C-1” Districts (R-5, R2-7, RA14-26, RA8-18, RA7-16, RA6-15, and C-1):

A. Uses Permitted

[numbering varies for each zoning district]

Properties that are located in the “Columbia Pike Special Neighborhoods Revitalization District” on the General Land Use Plan may be developed in accordance with the “CP-NFBC” Columbia Pike Special Neighborhoods Revitalization District Form Based Code.

Initial Draft Neighborhoods FBC | Part 2 Administration

201. Applicability: Development proposals within the “Columbia Pike Special Neighborhoods Revitalization District” as shown on the General Land Use Plan (GLUP) and zoned with “RA” Districts are permitted to use this Code. If use of this Code is requested, development proposals shall be compliant with all provisions of this Code, unless otherwise modified by the County Board in accordance with Section 203 and 208.

202. By-Right FBC Applications: The Zoning Administrator is authorized to review and approve applications for projects that are fully compliant with this Code, except for those that are otherwise required in Section 203.

¹ Staff is still discussing where the Neighborhoods FBC will be located within the main Arlington County Zoning Ordinance in coordination with the process underway to [reformat the main Zoning Ordinance](#). Staff anticipates providing more information on this at a future time, possibly with the Revised Draft.

203. Special Exception Use Permit FBC Applications: The Special Exception Use Permit process will be required for development projects that meet any of the following circumstances:

- A. Request approval of modifications (as set forth in Section 208), Bonus Stories, or Transfer of Development Rights;
- B. Are proposals for properties or areas Adjacent to FBC Conservation Areas as indicated in Diagram 1 in the *Columbia Pike Conservation Area Architectural Standards* [pending designation in the REGULATING PLAN] and review by the Historic Affairs and Landmark Review Board (HALRB) is required; or
- C. When properties or projects are proposed for partial infill development and modifications of existing zoning regulations are requested in accordance with Section 208.C.

204. FBC Administrative Review Team:

- A. Duties & Operational Procedures: The Administrative Review Team is responsible for reviewing both By-Right and Special Exception Use Permit FBC applications for compliance with this Code. The Administrative Review Team administers the Administrative Regulations 4.1.2x [details to be provided at a later date] which describes the review processes and submission requirements in further detail. The Administrative Review Team forwards its finding of compliance to the Zoning Administrator for By-Right applications or the County Board, for Special Exception Use Permit applications.
- B. The Zoning Administrator may designate the Columbia Pike Initiative Coordinator of the Columbia Pike Administrative Review Team to represent the Zoning Administrator in any function assigned by this Code. The Zoning Administrator, however, shall remain responsible for any final action taken under this Code, unless otherwise specifically approved by the County Board under a Special Exception Use Permit.

205. Application Requirements & Review Processes:

- A. Applicants shall submit:
 1. Documentation, including plans, application forms and fees to the County as set forth in Administrative Regulations 4.1.2x.
 2. Development proposals that include renovation of existing buildings shall submit the necessary plans and documentation indicating the location and condition of existing buildings and proposed improvements.
 3. All applications shall include a LEED scorecard, or equivalent scorecard for another green building standard system, consistent with Section 36.J.1 of the Arlington County Zoning Ordinance.
 4. All applications shall include a Housing Plan comprised of the following information:
 - a. Number of total housing units provided under the development proposal;

- b. Number of total housing units existing on the property;
- c. Number of total units permitted with the underlying zoning;
- d. Number of net new units and the proportional percentage total units to existing units;
- e. Number of low or moderate income housing units provided to meet requirements set forth in Section 803.A;
- f. Income levels of targeted families / households for low or moderate income housing units;
- g. The proposed rents and guarantee of limits on future rent increases or sales prices and the proposed affordability thereof for low and moderate income housing units;
- h. Marketing plan for low and moderate income housing units;
- i. Location of low and moderate income housing units;
- j. Sizes of low and moderate income housing units;
- k. Bedroom counts of low and moderate income housing units;
- l. Amenities provided for low and moderate income housing units; and
- m. Any other information needed to demonstrate compliance with Section 803.

B. Preliminary FBC Applications:

- 1. Preliminary Applications, meeting the requirements of Section 205.A, shall be submitted for review by the Administrative Review Team for all proposals.
- 2. When a preliminary application has been determined by the Administrative Review Team to be compliant with the Neighborhoods FBC, except for those items which may be requested for modification, an applicant may submit a Final Application submission as set forth further in 205.B.
 - a. When an applicant requests a modification to the Regulating Plan, including the placement or alignment of a new street or the addition of a new street not shown on the REGULATING PLAN, a meeting with the Use Permit Review Committee shall occur to review the proposed modification during the preliminary application phase.

C. Final FBC Applications:

- 1. By-Right FBC Applications:
 - a. Form Based Code proposals will be reviewed administratively for conformance with the Code within thirty (30) days of a Final Application Submission and upon completion of such review, applicants will be notified as to whether the submission is in compliance with the Form Based Code, in writing, by the Zoning Administrator.
 - b. Applicants are required to provide a copy of the submission to the Columbia Pike Revitalization Organization and all affected civic associations—for those associations whose boundary abut or are adjacent to the subject site—at the time of submission.
 - c. Once a proposal is approved by the Zoning Administrator, the applicant may apply for construction permits, as provided for in Section 36.C of the Zoning Ordinance, but only for actions consistent with the approved proposal. Proposals that are

determined by the Zoning Administrator to deviate from either the approved proposal or the Form Based Code requirements may not proceed with development, but may submit a revised proposal for review, or may seek approval of a Use Permit, as provided for in Section 36.G of the Zoning Ordinance and Section 205.B.2.

2. Special Exception Use Permit FBC Applications:
 - a. At the time of or prior to filing a Special Exception Use Permit application and any related material, applicants shall provide a copy of the submission to the Columbia Pike Revitalization Organization and all affected and abutting property owners, including properties across the street from the subject property prior to the hearing as required by the Code of Virginia.
 - b. Form Based Code applications shall be filed by the Final Deadline set by the Zoning Administrator, and no less than fifty-five (55 days) before the public hearing, which shall be the first regular meeting of the County Board each month. The County Board may, on its own motion, establish a different date for the public hearing.

206. Effect of Approval [TBD]

- A. Modification of Approved Development Plan
- B. Approval Expiration
- C. Appeal

207. Administrative Adjustments

- A. Purpose: The purpose of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Neighborhoods FBC, with the intent of providing relief where the application of a standard creates practical difficulties in allowing construction of the development project to proceed. These adjustments are intended to provide relief for minor construction and survey errors. They are not intended to provide designed modifications from the Neighborhoods FBC during the project approval process like those governed by Section 208. The Zoning Administrator may approve Administrative Adjustments in accordance with those items listed in B. below. An applicant must submit an Administrative Change application, with fees, for Administrative Adjustment to the Zoning Administrator.
- B. Administrative Adjustment Standards

The Zoning Administrator is authorized to approve Administrative Adjustments in strict conformance with the following standards only:

 1. Height
 - a. Minimum and maximum height: up to five percent (5%) for any cumulative increase or decrease in ULTIMATE BUILDING HEIGHT.
 - b. STREET WALL/fence requirements: up to ten percent (10%).
 - c. Finished Floor Elevation: up to five percent (5%).

2. Siting
 - a. REQUIRED BUILDING LINE: move forward up to six (6) inches.
 - b. REQUIRED BUILDING LINE minimum percentage built-to: reduction of up to five percent (5%) of required length.
 - c. PARKING SETBACK LINE: move forward up to six (6) feet.
 - d. Mezzanine floor area: up to ten percent (10%) additional area.
 - e. STREET WALL requirements: up to ten percent (10%) of the height/FENESTRATION/access gate requirements.
 - f. Entrances (maximum average spacing): up to ten percent (10%) increase in spacing.
3. Elements
 - a. FENESTRATION (minimum and maximum percent): up to five percent (5%).
 - b. Elements (minimum and maximum projections): up to five percent (5%).
4. Streets, Blocks and Alleys
 - a. Street and alley center lines may be moved up to 25 feet in either direction, so long as: (i) the street connectivity is maintained (no cul-de-sacs); (ii) no street intersection occurs within 100 feet of another street intersection; and (iii) the BLOCK configuration meets the standards defined in Section 301.C.2.

208. Modifications of Neighborhoods FBC

- A. Proposals that do not conform to the Neighborhoods Form Based Code: The County Board may modify the provisions of the Form Based Code as set forth in 208.B upon a finding that, after the proposed modification, the subject development will better accomplish the purposes and intent of this Code and the goals of the Columbia Pike Neighborhoods Area Plan than would the development without those modifications and that the proposed uses will not 1) adversely affect the health or safety or persons residing or working in the neighborhood of the proposed use; 2) be detrimental to the public welfare or injurious to the property or improvements in the neighborhood; 3) be in conflict with the purposes of the master plans of the County.
- B. Pursuant to a Use Permit application, the County Board may modify only the following requirements of the Form Based Code:
 1. Height of first floor relative to fronting sidewalk elevation
 2. RBLs for the location of new streets where shown on the REGULATING PLAN, or amend the REGULATING PLAN to add a new street with associated RBLs;
 3. Breaks between buildings;
 4. STREET SPACE standards; and
 5. Design issues related to the inclusion of or compatibility with existing buildings in FBC Conservation Areas or retention of mature trees.

- C. By Use Permit approval, the County Board may approve additions to or enlargement of building (s) on a property, or portion thereof, proposed to be retained, and modification of regulations on setback, yard, coverage, parking, and density as set forth in 208.C.1 through 208.C.4 for those existing buildings when another portion of the property is proposed for new construction using this Code, when it finds that:
- a) the proposal includes a DEVELOPMENT PROJECT that is compliant with this Code; and,
 - b) the entire subject development, with the proposed modification(s), will better accomplish the purposes and intent of this Code and the goals of the Columbia Pike Neighborhoods Area Plan than would the development without those modifications and that the proposed uses will not 1) adversely affect the health or safety or persons residing or working in the neighborhood of the proposed use; 2) be detrimental to the public welfare or injurious to the property or improvements in the neighborhood; 3) be in conflict with the purposes of the master plans of the County.
1. Use & Density: The County Board may approve enlargements to existing buildings. Residential use, or accessory use, shall be retained. If the applicant is retaining existing buildings and meeting the affordable housing requirements of Section 803 within those buildings, the applicant shall comply with the renovation guidelines set forth in the *Columbia Pike Conservation Area Architectural Standards*. Under no circumstances shall the County Board approve a use permit to allow additional density in the existing buildings beyond the number of units already legally existing on the site or that allowed in the zoning district.
 2. Area: The County Board may approve modifications to site area, density, side and rear yards, open space requirements for multiple buildings, and coverage requirements to allow for infill development of a Neighborhoods FBC DEVELOPMENT PROJECT that is compliant with this Code and the Subdivision Ordinance. However, any building within the DEVELOPMENT PROJECT shall be no closer than 30 feet to existing buildings.
 3. Subdividing, Resubdividing, Parcels of Land: The County Board may approve modification of the lot width and lot area requirements.
 4. Parking, Standing or Loading Areas: No parking spaces may be relinquished or reduced in any manner below the requirements of the Arlington County Zoning Ordinance, unless otherwise allowed by this Code as part of Section 804.A.1. The County Board may permit parking spaces required to meet residential uses within existing buildings to be located within the FBC DEVELOPMENT PROJECT.

209. Special Circumstances

- A. Bonus Stories: The County Board may approve up to two to six additional stories, for buildings within areas designated as Bonus Areas on the REGULATING PLAN, when it finds that:
1. The proposal is compliant with the regulations of this Code; and
 2. One of the following is provided:
 - a. Committed low to moderate income housing units beyond the minimum required in Section 803, as set forth in 209.A.3; or
 - b. Public open space shown on the REGULATING PLAN of at least one acre in size, dedicated to the County, and provision of funding for the master planning of such open space, as set forth in 209.A.4.
 3. Committed low to moderate income housing: Provision of low to moderate income housing units used to achieve bonus stories shall occur through one or a more of the following, subject to such conditions as the Board may approve:
 - a. Incorporation of density transferred from a FBC Conservation Area as shown on the REGULATING PLAN for the purposes of preserving affordable housing. In considering the approval of transferred density from a FBC Conservation Area, an applicant shall demonstrate that a specified number of units within the FBC Conservation Area will be rehabilitated and preserved as committed affordable housing as set forth in Section 209.B;
 - b. Incorporation of on-site low and moderate income housing units; and/or
 - c. Provision of low and moderate income housing units at an off-site location within the “Columbia Pike – Special Neighborhoods Revitalization District” as shown on the General Land Use Plan.
 4. Open space: Provision of open space used to achieve bonus stories, shall be either:
 - a. That shown on the REGULATING PLAN for the subject site, or
 - b. Through density transfer from an area proposed for new public open space shown elsewhere on the REGULATING PLAN.
- B. FBC Conservation Areas: In FBC Conservation Areas as shown on the REGULATING PLAN, the County Board may, subject to review by the HALRB similar to 209.C.1, and subject to use permit approval, allow:
1. Additions to existing buildings or new construction, so long as:
 - a. Existing primary buildings are not removed, and building renovations or new construction is completed consistent with the guidelines set forth in the *Columbia Pike Conservation Area Architectural Standards*, and an applicant requests one of the following:
 - i. The low and moderate income housing units for a development application on a property Adjacent to the FBC Conservation Area, as shown on Diagram 1 in the *Columbia Pike Conservation Area Architectural Standards* [pending designation

- on the REGULATING PLAN] and required in Section 903, will be provided within existing buildings in FBC Conservation Areas, or
- ii. Transfer of unused by-right density to another site or other bonus density subject to such conditions as the Board may approve, to be transferred from a FBC Conservation Area to another property.
2. Site improvements including, but not limited to those set forth in 209.B.2.a – 209.B.2.e when the provision of 209.B.1 is requested:
 - a. Reduction/elimination of impervious pavement that is not otherwise required by the underlying zoning requirements for circulation and parking;
 - b. Creation of new open spaces as shown on the REGULATING PLAN;
 - c. Addition of new streets, or street improvements, where shown on the REGULATING PLAN;
 - d. Addition of sidewalks, and pathways internal to the block, to provide improved pedestrian circulation and connectivity; and,
 - e. Other improvements determined by the County Board to be consistent with the general policies of the Columbia Pike Neighborhoods Area Plan.
 3. Modification of existing regulations as described in Section 208.C to comply with 209.B.1.
- C. Development adjacent to FBC Conservation Areas: Applications for new construction within areas shown as “Adjacent to FBC Conservation Areas” in Diagram 1 of the *Columbia Pike Conservation Area Architectural Standards* [pending designation on REGULATING PLAN] shall comply with the provisions of this Code, except for Sections 602-605 and 607-615², and shall be consistent with the guidelines included in the *Columbia Pike Conservation Area Architectural Standards* and policies in the *Columbia Pike Neighborhoods Area Plan*.
1. As part of the preliminary application phase, an applicant shall submit its development proposal to the Historical Affairs and Landmark Review Board (HALRB) at least two (2) times for review and comment. The HALRB, and/or its Design Review Committee (DRC), shall review the proposed architectural design to assess whether the proposal:
 - A. Meets the intent of the *Columbia Pike Conservation Area Architectural Standards*, and
 - B. Is compatible with the existing architecture within the FBC Conservation Area.

² Note: Sections 606, 616 and 617-618 are intended to apply to areas Adjacent to FBC Conservation Areas. Discussion is still underway as to whether those sections would be repeated within the *Columbia Pike Conservation Area Architectural Standards* in which case the above language would be revised as: “...shall comply with the provisions of this Code, except for Part 6, and shall be consistent with the guidelines included in the *Columbia Pike Conservation Area ...*”.

2. The applicant shall return to the HALRB for at least one additional meeting of the HALRB for final review and comment on the architectural design in advance of the County Board public hearing.
3. HALRB shall prepare a written recommendation for consideration by the County Board. The County Board, taking into consideration the HALRB recommendation, shall determine whether the development proposal is consistent with the Code and if it meets the intent of the *Columbia Pike Neighborhoods Area Plan* and *Columbia Pike Conservation Area Architectural Standards*.

Initial Draft Neighborhoods FBC | Part 7, Section 703 Parking Incentives

The minimum parking ratio for residential units may be reduced for low and moderate income units in accordance with Section 804.1.

Initial Draft Neighborhoods FBC | Part 8, Section 803 – 804 Affordable Housing Requirements

803. Affordable Housing Requirements:

- A. Number of Low and Moderate Income Housing Units: The development proposal shall include a minimum of 20% to 30% of the net new units above the number of units allowed by the underlying zoning district, or the existing unit count whichever is higher, as low and moderate income housing units:
 1. The specific percent requirement shall be calculated as the ratio of the proposed total number of units to the maximum number of units allowed by the underlying zoning or existing unit count, multiplied by ten.
 2. If affordable housing units are proposed within existing buildings, the minimum requirement is increased by 5% and it shall be from 25% to 35% of the net new units, based on the same calculation described in 803.A.1.
 3. Example: if 2.4 units are created for every one that currently exists on a site, the applicant would be required to provide 24% of the net new units as new committed affordable housing units, or 29% based on a 5% increase, for units in renovated existing buildings.
- B. Affordability Level & Term: Low and moderate income units shall be committed for a term of no less than 30 years and shall be affordable to households earning up to 60% of the Area Median Income (AMI) as set by CPHD Housing Division at the time of the Final FBC application submission, except as follows:
 1. Projects west of George Mason Drive: An applicant may provide up to 33 percent of the required low and moderate income units at affordability levels of 60% to 80% of the AMI at a rate of two (2) units available at 60% - 80% of the AMI for every one (1) unit required at 60% of the AMI.

2. Projects east of George Mason Drive: An applicant may provide up to 33 percent of the required low and moderate income units at affordability levels of 40% of the AMI at a rate of 0.5 units available at 40% of the AMI for every one (1) unit required at 60% of the AMI.
 3. By use permit approval, the County Board may adjust the proportions described in 803.B.1 and 803.B.2 to allow for larger quantities of units affordable at 60% to 80% of the AMI or 40% of the AMI units, respectively.
- C. Unit Mix: One-half of the quantity of required low and moderate income units shall be 2-bedrooms or greater, of which a minimum of 25% of those units are greater than two bedrooms.
- D. Tenant Relocation Plan: The applicant shall provide information consistent with the Arlington County Tenant Relocation Guidelines including but not limited to tenant profiles, a relocation plan for existing tenants to be displaced with redevelopment, and a description of the relocation assistance proposed (financial and otherwise). The relocation plan shall:
1. Outline strategies the applicant plans to use to mitigate any displacement that may occur as a property is fully or partially redeveloped.
 2. Documentation of timely tenant meetings, relocation payment amounts per bedroom size, eligibility criteria, and the proposal of new rents and utilities.

The applicant is responsible for presenting a draft plan to the Arlington Relocation Coordinator for review and approval prior to review with the Tenant Landlord Commission; and is required to meet monthly to review the ongoing status, as well as provide monthly statistical and tracking reports.

- E. An applicant may meet the low and moderate income housing requirement by providing units either within new construction or may provide the low and moderate income housing units within existing buildings to remain within the development proposal. Units in existing buildings shall be fully rehabilitated to last for the life of the affordability term. The renovation shall include full interior rehabilitation with new kitchens, bathrooms, windows, roofs, HVAC, and electric.
804. Incentives for Additional Low and Moderate Income Housing Units:
- A. The Housing Plan shall indicate whether additional low and moderate income housing units will be provided as encouraged by Arlington County, the number of units, and the proposed unit types and affordability levels. The following incentives are provided to assist in the preservation or creation of additional low and moderate income housing units:
1. Reduced parking ratio: If an applicant provides at least [TBD]% more low and moderate income units in excess of the minimum required quantity, the applicant may reduce the minimum parking ratio for all low and moderate income housing units within the

DEVELOPMENT PROJECT from 1.125 spaces per unit to 0.825 spaces per unit, which includes 0.7 space per unit and 0.125 SHARED space per unit.

2. Bonus Stories: An applicant may request County Board approval of Bonus Stories as set forth in Section 209.A in exchange for additional low and moderate income housing units.

Initial Draft Neighborhoods FBC | Part [TBD] Green Building Standards

- A. All Urban Mixed Use and Urban Residential frontage type development proposals shall meet LEED (Leadership in Energy and Environmental Design) Silver Certification standards.
- B. All Small Apartment, Townhouse, or Detached Residential frontage type development proposals shall meet LEED Certified, Earthcraft certification (with the Energy Star certification compliance path), or equivalent green building certification.
- C. All proposals that include renovation of existing units in either FBC Conservation Areas shown on the REGULATING PLAN, or in other existing buildings proposed to remain, shall meet Earthcraft certification.