



ARLINGTON COUNTY, VIRGINIA
ARLINGTON COUNTY PLANNING COMMISSION

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GIZELE C. JOHNSON
CLERK

April 14, 2015

Arlington County Board
2100 Clarendon Boulevard
Suite 300
Arlington, Virginia 22201

SUBJECT: 3. FY 2016 Proposed Zoning Ordinance Priorities

RECOMMENDATIONS: Endorse the preliminary 2015-2016 Planning Division Work Program Zoning Ordinance Amendments as detailed in the memo to the Planning Commission dated April 6, 2015 with the additional note that the Planning Commission further recommends that to the extent that resources become available, the penthouse study be included in the work plan.

Dear County Board Members,

The Planning Commission heard these items at its April 8, 2015 public hearing. Bob Duffy, Planning Division Director, Department of Community Planning, Housing, and Development, Planning (CPHD), presented the FY 2015-2016 Planning Division Work Program for Zoning Ordinance Amendments which is divided into six categories. The work plan is still subject to refinement by the County Manager and County Board. The six areas include 1) Short-term uses and minor technical amendments, 2) Modifications and bonus provisions study, 3) 2015 County Board Management Plan which includes review of Crystal City and Columbia Pike plans, and implementation of the Affordable Housing Plan element of the Comprehensive Plan, 4) Plan Implementation of current planning efforts including Realize Rosslyn Sector Plan Update, Western Rosslyn Area Planning Study (WRAPS), and Court House Square Sector Plan addendum in addition to Form Based Code (FBC) Amendment for commercial nodes as part of implementation of the Columbia Pike plans, 5) Nonconforming One- and Two-Family Dwellings, and 6) Other Potential Amendments which includes telecommunication facilities and other priorities as identified by the County Board. Also present was Deborah Albert, DCPHD, Planning.

Public Speakers

Stuart Stein said that it is important that any reconsideration of the bonus structure for affordable housing include consideration of a requirement for a minimum of full replacement of affordable units on-site or nearby and all current residents of affordable units should be allowed to return to the site or immediate area if the site plan is for commercial use. Additionally, relocation requirements

Informational Item.

for site plan projects should be modified and expanded to allow current residents to return at current rents.

Planning Commission Committee Report

This item was not discussed by ZOCO.

Planning Commission Discussion

Commissioner Forinash asked whether the modification and bonus study item included green building bonuses and other related density bonuses. Ms. Albert responded it is not intended to rethink the policy in terms of how much bonus is given for certain levels of LEED, but certainly the study would take into consideration how the bonus for LEED fits into the broader context of modification and bonus.

Commissioner Cole asked about the focus of the Columbia Pike FBC study and if greater heights and the lack of a provision for affordable housing in residential buildings in the commercial areas are part of this specific effort. Mr. Duffy responded there have been several amendments identified for the commercial part of the FBC, some of which are related to changes incorporated as part of the neighborhood FBC such as incorporating civic or community facility related uses such as daycare. It is not an extensive list and would require working with the FBC Advisory Committee and community outreach in terms of how it will affect the plan. Mr. Duffy responded he did not believe height was a part of it, but how we deal with affordable dwelling units is an aspect that will need to be developed.

Commissioner Sockwell asked Mr. Duffy how the Planning Division will make comments on the Affordable Housing Study. Mr. Duffy responded that staff has been working closely with the Housing Division staff and providing comments all along on the comprehensive plan amendment and as the County Board and Commissions weigh in, staff will continue to look at those recommendations as well, but there is more to come as that moves forward.

Commissioner Gutshall asked about the difference between the two Table 1 lists in the staff report. Mr. Duffy responded there is not a lot of difference in the Table 2 for the March County Board Work Session. Staff did not try to define any order of priority but believes these are consistent with direction received from the Board. Table 1 includes the 2014 work plan and preliminary 2015 work plan. The Table 2 Potential Amendments Identified by County Board, the Board looked at those and made it clear that the issues of non-conforming one and two family dwelling and the by-right as related to pipe-stem lots are related, and staff should investigate how to incorporate those. The Board was very clear they did not want to revisit lot coverage and the penthouse study was not a priority for 2015-2016.

Commissioner Gutshall found it difficult to tell what level of staff effort is required for any one of the items without a measure of staff capacity. Mr. Duffy responded that staff is developing a general schedule, has defined the number of FTEs necessary to complete the work program based on the amount of existing staff capacity, and although some work will extend beyond 2016, the majority can be addressed with current resources. Mr. Duffy has proposed a recommendation for a new Principal Planner to help with Zoning Ordinance work which is still being considered.

Commissioner Forinash reminded the Planning Commission that this is one of the last chances to provide input on the budget process this year, and asked if there are things that are not represented that the Planning Commission would want to advocate for one last time.

Commissioner Siegel asked staff if there is a supported focus on the issues raised by short-term uses and the larger discussion that staff has called out in its report on page 3. Commissioner Gutshall suggested that there is no plan to take up the larger issue. Commissioner Siegel added that she sees it as a modification of minor site plan amendments to make them easier to do and less onerous for business.

Mr. Duffy responded that is not expressly stated and staff has built in a six-month review of the performance of short-term use zoning ordinance amendments. There may be regulatory or legislative tools beyond the zoning ordinance that may be applicable and we may need to be open to a wider range of tools to maybe address some of those issues that could be considered more structural in terms of our local economy which are more geographic. Staff's belief is that we need to be open, innovative, and look for unique ways to address it. Commissioner Siegel expressed concern about hearing the business community raise concerns that the site plan process is onerous and she would like to see it as user friendly as possible.

Mr. Duffy responded that staff agrees and fully supports that point, and in many ways it is separate from the zoning ordinance, although there may be some amendments to the zoning ordinance which would not be as involved or difficult to task as some of the work that is currently on the work program.

Commissioner Harner asked if accessory dwelling units is part of Item 5 and Mr. Duffy responded no it is part of the 2015 County Board Management Plan as related to the Affordable Housing Study or Comp Plan Element. There is an implementation strategy piece that will be part of the plan with a range of potential zoning ordinance amendments, one of which is to revisit that accessory dwelling unit section of the ordinance that was revised several years ago. There is currently an annual cap and there are recommendations to address it. Commissioner Harner said he hoped that the County will look at detached accessory dwelling units as part of this assessment.

Commissioner Harner asked about the timeline for the transportation development plan for Columbia Pike. Mr. Duffy responded it is now underway and scheduled to come forward for review in October. He suggested that the Planning Commission invite Dennis Leach, DES, Transportation, to give the Commission an update on that process since it may have a number of implications for Planning.

Commissioner Iacomini said the penthouse study could possibly be addressed in the bonus density discussion because there are different rules about penthouses and density throughout the County. Mr. Duffy responded that he could consider that and this penthouse study is an area that needs to be addressed because our code desperately needs to be updated.

Planning Commission Motion

Commissioner Gutshall commented that it is hard to validate the work plan with a motion because there is no information on the schedule, the level of effort required behind these, or what criteria were used to prioritize them.

Mr. Duffy responded that he understands that not having a schedule and seeing how things are prioritized over this 18-month period is difficult but that is still to be developed and some of that hinges on the operating plan, budget, and final recommendations from the County Board. Based on further review by the Board, the scheduling and staff resources might shift around. Although there is some uncertainty, the staff responsible for the work believe it can be accomplished in close collaboration with the ZOCO Chair.

Commissioner Forinash said that the level of motion that would be appropriate would be one that expresses support for the set of activities that staff proposes to undertake next year and perhaps expresses that as additional capacity is available or additional staff that the penthouse study would be a high priority for us as a Planning Commission, and perhaps articulating continued support for expanded staff in this area.

Commissioner Iacomini said there is interest on the part of some citizens, which was acknowledged at the County Board Work Session on the Planning Division Work Plan, about re-examining the parts of the Zoning Code dealing with coverage and height in single family neighborhoods. This interest comes as once again Arlington is seeing infill development. Commissioner Iacomini is concerned about how those areas of the Code are working in terms of defining “current” grade and how that works with height determinations. She thinks there are a lot of the right things in the Code but it may be worthwhile to look at some cases and see if the desired effect is occurring. It might be the current Code language just needs some tweaking and working with what has already been adopted from the last study in the early 2000s.

Mr. Duffy responded staff did pose this question to the County Board. The County Board felt the County did manage to address many height and coverage issues through that prior process. The important priority they feel now is to examine how the County is administering zoning regulations dealing with non-conforming one and two family dwellings, and understanding what can be done administratively today, what can be done at the Board of Zoning Appeals and what the County Board can do. The underlying objective was that there should be some ability to address those issues as they relate to those homeowners who would like to stay and invest in those homes and maintain the scale and general character of their neighborhood.

Commissioner Gutshall said in the big picture, how we treat our single family districts and some of the tools in our zoning ordinance can be considered in the scope of the Affordable by Design Study, which is part of the Affordable Housing Study. A lot of the things on this zoning ordinance update suggestion list get to the heart of what it means to have single-family districts, what can they be, how is that working for us, what are the unintended consequences, what does the future hold for them, and what do we want to do to update our code from a more holistic standpoint?

Commissioner Gutshall made a motion that the Planning Commission endorse the preliminary 2015-2016 Work Plan Comprehensive Zoning Amendments as detailed in the memo to the Planning Commission dated April 6, 2015 with the additional note that the Planning Commission further recommends that to the extent that resources become available, the penthouse study be included in the work plan. Commissioner Forinash seconded the motion.

The Planning Commission voted 7-0 to unanimously support the motion with Commissioners Siegel, Iacomini, Forinash, Cole, Harner, Gutshall, and Sockwell in support.

Respectfully Submitted,
Arlington County Planning Commission

A handwritten signature in black ink, appearing to read "Christopher Forinash". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Christopher Forinash
Planning Commission Chair