

Proposed FBC Amendments/Interpretations

Map Amendment _____

Text Amendment _____

Topic: FBC and N-FBC: Administration

Issues:

1. FBC: a) Section VII. Administration does not include references to Administrative Regulation 4.1.2 or include specific information on submission requirements, review processes, permitting process requirements, and criteria for major/minor amendments and administrative changes; b) some administrative information in Section VII is duplicated in Article 11.1 of the ACZO regulations; and c) Sections I and VII of the FBC do not follow similar format and organization as the Neighborhoods FBC (N-FBC) and other sections of the Zoning Ordinance.
2. N-FBC: Part 2 Administration: a) does not include the process for major/minor amendments and administrative changes; b) does not reflect the notification procedures handled by staff or address feedback from multiple civic associations on the distribution of applications; and c) does not list partial infill development applications under the type of projects that require use permit approval.

Purpose (Why is a change to the FBC needed?) (Examples: Constructability; Change in vision; Precedent; Avoid future results of unintended circumstances):

To improve usability and to provide similar organization and format between the two Codes.

Discussion:

FBC Administration

Section VII. Administration of the commercial centers FBC does not reference the Administrative Regulations 4.1.2, or specifically contain a complete set of review steps and process requirements to obtain approval of FBC applications. Staff proposes to update Section VII Administration to include review and approval criteria for major and minor use permit amendments and administrative changes to already-approved FBC applications. Additionally, the regulations would incorporate changes noted below in the discussion for the Neighborhoods FBC. These elements should be regulated by zoning and not solely in the Administrative Regulations to make the process legally binding and clear and transparent for property owners, developers, and the general public.

Further, the Administration section of the FBC duplicates information contained in Article 11.1 of the Arlington County Zoning Ordinance (ACZO), Administration (§11.1.8), which could lead to discrepancies between the two sections. Consolidating the regulations is more consistent with good zoning practice and avoids duplication. Staff recommends

amending §11.1.8 of the ACZO with a cross reference to Section VII Administration, and providing all the relevant administrative regulations within the FBC.

Beyond these specific revisions, Section I Components of the Code and Section VII Administration of the FBC could be improved if they are comprehensively reorganized and follow a format similar to the one contained in the Neighborhoods FBC. This would provide for consistency between the two codes and adjust the writing style to a clearer set of regulations. These amendments would not add or substantively change current regulations, they would simply consolidate the regulations into one place.

N-FBC Administration

Minor process revisions:

Updates to 206.C are proposed to reflect process changes that staff now handle instead of applicants, including:

- Performing the property owner notifications as required by the Code of Virginia; and,
- Providing electronic application files to community members, including civic associations via the County's webpage.

Property owner notifications: When the commercial centers FBC was originally adopted in 2003, it was envisioned as a streamlined zoning tool, whereby development proposals could be approved administratively by the Zoning Administrator or by special exception use permit approval by the County Board. The FBC tool was new and untested at that time and staff resources were limited; therefore, the property owner notification requirement specified by the Code of Virginia for all special exception applications was placed on the developer and the procedure was documented in the FBC Administrative Regulations. The notification letter is typically sent to all adjacent property owners and generally indicates the property address pertaining to the requested application, the proposed use to be considered by the County Board, the upcoming public hearing dates, and County staff contact information. This procedure, placing the requirement on the applicant, was also established for the Neighborhoods FBC, however, it was codified in the Neighborhoods FBC Administration section 206.C.

More recently, staff have assumed this responsibility for all use permit projects under both codes in order to improve efficiency and achieve consistency among form based code projects as well as consistency with other special exception applications. This amendment will remove the regulation in the N-FBC which currently requires the applicant to fulfill the notification requirements. Updates to the FBC/N-FBC Administrative Regulations 4.1.2 are also in progress and will reflect this change.

Electronic application files: Staff is contemplating a change in how FBC applications (for community review and final review) are shared with the civic associations.

Currently, applicants are required to distribute hard copies, including 24"x36" drawings, to each affected civic association (c/o the respective civic association president), the Columbia Pike Revitalization Organization, and the FBC Advisory Working Group Chair. Recently, staff received feedback from a multiple community members who raised objections to receiving hard copies of plans and asked if digital applications could be shared instead. Staff is open to making a change for the civic association distribution to eliminate hard copy distribution, relying instead on digital files available from the Columbia Pike webpages. Support from all civic associations would be needed to make this change. Otherwise, the current requirement would remain in place. Unfortunately FBC applications are typically large in file size and are not readily sharable by email. Staff would like feedback from the FBC AWG on this subject. The outcome for this potential change would be reflected in both codes and the Administrative Regulations 4.1.2. *[Staff has completed updates to the FBC Administrative Regulations 4.1.2, reflecting the existing and potential new option described above, and will distribute it to the County Manager for final approval.]*

Partial Infill Development: While it was originally envisioned that properties would fully redevelop, possibly in different phases, the N-FBC allows for partial infill development. Partial infill development is a development scenario whereby a developer/property owner would propose new development for only a portion of a site and no subsequent phase (s) of development would be proposed. Staff anticipated that this scenario, for example, would be appealing to some developers (i.e. non-profit affordable housing providers) who may choose to retain and expand existing buildings for committed affordable housing units while another portion of the site is redeveloped.

Partial infill development projects may be approved by the County Board by use permit approval. The use permit process would allow for broader community review to assess how the application complies with the N-FBC regulations for the proposed new construction and to assess how well the remainder of the site meets the N-FBC Regulating Plan and the intent of the Neighborhoods Area Plan. This development scenario is identified in the code as requiring use permit approval, however, it is not specifically listed in the project types that require use permit approval in §203 Administration. Therefore, in order to clarify the requirements in the administration section, the following would be added to §203. Special Exception Use Permit FBC applications:

E. Request for approval of partial infill development as regulated by §201.A.2.

FBC References (section/page #):

FBC

See Section I Components of the Code (pages 1.1-1.2) **and Section VII Administration** (pages 7.1-7.2)

1 **I. Components of the Code**

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3 The **Columbia Pike Special Revitalization District Form Based Code** is designed to foster a vital main
4 street for its adjacent neighborhoods through a lively mix of uses—with shopfronts, sidewalk
5 cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper STORY
6 residences and offices.

7

8 Redevelopment within the Columbia Pike Special Revitalization District may be regulated by the
9 **Columbia Pike Special Revitalization District Form Based Code**, in order to achieve Arlington
10 County’s vision set forth in the Columbia Pike Initiative—A Revitalization Plan, adopted by the
11 County Board on March 12, 2002, the subsequent Columbia Pike Urban Design Charrette and
12 citizen workshops held in September 2002, and any other future addenda.

13

14 While the **Columbia Pike Special Revitalization District Form Based Code** provides a citizen
15 endorsed urban design for the improvement of all properties in designated areas, configurations
16 shown for the Bus Rapid Transit/Light Rail Transit (BRT/LRT) systems are shown only for
17 illustrative purposes and no commitment has yet been made by Arlington County and/or a transit
18 service operator.

19

20 The **Columbia Pike Special Revitalization District Form Based Code** (otherwise referred to herein as
21 “the **Form Based Code**” or “the **Code**”) is a legal document that regulates land development,
22 setting careful and clear controls on building form—with broad parameters on building use—to
23 shape clear public space (good streets, neighborhoods and parks) with a healthy mix of uses.
24 With proper urban form, a greater integration of building uses is natural and comfortable.

25

26 The **Form Based Code** uses simple and clear graphic prescriptions and parameters for height,
27 siting, and building elements to address the basic necessities for forming good public space.
28 Wherever there appears to be a conflict between the **Columbia Pike Special Revitalization District**
29 **Form Based Code**, Article 11.1 of the Arlington County Zoning Ordinance, and other sections of
30 the Zoning Ordinance (as applied to a particular development), the requirements specifically set
31 forth in the **Form Based Code** shall prevail. For development standards not covered by the **Form**
32 **Based Code**, the other applicable sections in the Arlington County Zoning Ordinance shall be used
33 as the requirement. Similarly, all development must comply with all relative Federal, State or local
34 regulations and ordinances including, but not limited to, the Chesapeake Bay Ordinance and
35 other environmental regulations.

36

37 The **Columbia Pike Special Revitalization District Form Based Code** is comprised of: Definitions, the
38 Regulating Plans, the Building Envelope Standards, the Streetscape Standards and the
39 Architectural Standards.

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41

42 VII. Administration

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44 The **Columbia Pike Special Revitalization District Form Based Code** process is intended to provide
45 an incentive to property owners and developers who are willing to develop in a particular form.
46 There are two review processes for the **Form Based Code** option: By-Right (administrative review)
47 and Special Exception. The Special Exception process is dependent upon site size and/or the need
48 for minor variations to the **Code**. Projects approved through the Special Exception process should
49 nonetheless meet the intent of the **Form Based Code**.

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51 Article 11.1 of the Arlington County Zoning Ordinance sets forth the provisions for reviewing and
52 approving development applications within the Columbia Pike Special Revitalization District, as
53 amended, where a landowner or developer chooses to develop pursuant to the **Form Based**
54 **Code**. The intent is to ensure that all development occurring under the **Form Based Code** is
55 consistent with the provisions of that **Code** as they pertain to height, siting, architectural
56 standards, and building form. All five elements of the **Form Based Code** - Definitions, the
57 Regulating Plans, the Building Envelope Standards, the Streetscape Standards and the
58 Architectural Standards—will be applied during review.

59

60 The Columbia Pike Initiative ADMINISTRATIVE REVIEW TEAM, comprised of staff from the
61 Department of Community Planning, Housing & Development, including Planning and Historic
62 Preservation; the Department of Environmental Services; and, Arlington Economic Development,
63 is charged with review of all Form Based Code proposals.

64

65 A. By-Right Option

66 Projects on smaller sites (less than 40,000 square feet) are able to build as a matter of right when
67 they meet all of the standards of the **Form Based Code**. The Columbia Pike Initiative
68 ADMINISTRATIVE REVIEW TEAM will be responsible for reviewing development proposals within
69 30 days of submission of a completed application. Permits will not be issued for building activity
70 until review is completed and a determination made that the proposal is consistent with the **Form**
71 **Based Code**. Applicants also will be required to provide copies of their proposal to the Columbia
72 Pike Revitalization Organization and affected civic associations at the time of submission to the
73 County. Up to two civic association representatives, who will be identified from each adjacent
74 neighborhood, will participate in any administrative review affecting their neighborhood.

75

76 B. Special Exception/Use Permit Option

77 The proposed Special Exception Use Permit process will be required for 1) sites over 40,000
78 square feet or with floorplates over 30,000 square feet and 2) hotels that include 7,500 square
79 feet or more of conference room or banquet facility Gross Floor Area (GFA). Such sites will be
80 required to meet the intent of the **Code** and will be evaluated in terms of how well they conform
81 to the **Code** and meet other objectives of the Columbia Pike Initiative—A Revitalization Plan. The
82 Use Permit process also provides the opportunity for community input as well as fine tuning of a
83 development proposal to address issues that may not have been contemplated by the **Form**
84 **Based Code**.

85

86 The Use Permit process will give the opportunity for appropriate deviations from the **Code** that
87 are consistent with the County's goals and plans to revitalize Columbia Pike as detailed in the
88 Columbia Pike Initiative that was recently adopted by the County Board. Examples of these
89 deviations may include problems related to topography or STREET grade, the location of ALLEYS

90 and STREETS, breaks and passages between buildings, STREETSCAPE details, design issues related
91 to the inclusion of existing buildings, mature trees as part of a development proposal, and parking
92 ratios for hotels and/or associated conference/banquet facilities. Where properties of less than
93 40,000 square feet have such difficulties, they too, could seek a use permit to gain approval of
94 their development with needed variations.

95
96 As currently proposed, the Special Exception process would take approximately 55 days from
97 acceptance of a completed application to public hearing by the Planning Commission and County
98 Board. Applicants will be required to provide copies of their application to the Columbia Pike
99 Revitalization Organization and all affected civic associations at the time of submission to the
100 County. Applicants also will be required to perform property owner notification (affected,
101 abutting and owners across the STREET) as required by the Code of Virginia. At the time an
102 application is received, a Planning Commission representative will be designated and civic
103 association representatives from the affected neighborhood will be contacted to begin
104 coordinating community input on the project.

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106 **N-FBC:**

107 **See Part 1 General Provisions** (pages 1.1 – 1.3) **and Part 2. Administration** (pages 2.1 –
108 2.9)

109
110 **Part 1. General Provisions**

111 **101. Title**

112 This Code is known as the Columbia Pike Neighborhoods Special Revitalization District Form Based Code
113 (Neighborhoods Form Based Code or Code).

114
115 **102. Applicability**

- 116 A. Properties zoned according to the R-6, R-5, R2-7, R15-30T, RA14-26, RA8-18, RA7-16, RA6-15, C-1 or C-
117 O districts and that are located in the “*Columbia Pike Neighborhoods Special Revitalization District*”, as
118 designated on the General Land Use Plan (GLUP), shall be eligible to develop in accordance with the
119 Columbia Pike Neighborhoods Special Revitalization District Form Based Code requirements. After such
120 development all uses permitted in Appendix B of the Zoning Ordinance shall be permitted on the
121 property, subject to all regulations in Appendix B.
- 122 B. The Columbia Pike Neighborhoods Special Revitalization District Form Based Code is an optional zoning
123 tool and property owners retain the zoning rights under the existing zoning. Use of the Form Based
124 Code is selected through the filing of an application for development under the Form Based Code.

125
126 **103. Purposes**

- 127 A. This Columbia Pike Neighborhoods Form Based Code is intended to implement the purpose and goals
128 of the *Columbia Pike Neighborhoods Area Plan* as described in Chapter 1 of that Plan:
- 129 1. Foster a healthy, diverse community with a high quality of life;
 - 130 2. Stabilize and strengthen residential neighborhoods and mixed-use commercial centers;
 - 131 3. Promote creation and preservation of affordable housing and expand housing options;
 - 132 4. Create a pedestrian-friendly and multi-modal corridor;
 - 133 5. Preserve neighborhood character, historic buildings and tree canopy;
 - 134 6. Enhance urban design and architecture; and
 - 135 7. Incorporate sustainable building design.

136 B. The Code implements a primary element of the *Columbia Pike Neighborhoods Area Plan* vision to
137 create transit and pedestrian-oriented development, which is dependent on three factors: density,
138 diversity of uses, and *design*. This Code places greatest emphasis on design, or physical form, because
139 of its importance in defining neighborhood character

140

141 **104. Other Applicable Regulations**

142 Wherever there is a variation or conflict between the Columbia Pike Neighborhoods Special Revitalization
143 District Form Based Code, and other sections of the *Arlington County Zoning Ordinance*, the requirements
144 set forth in this Code shall prevail. For development standards not covered by this Code, applicable sections
145 of the *Arlington County Zoning Ordinance* shall be used as the requirement. Similarly, all development must
146 comply with all Federal, State or local regulations and ordinances including, but not limited to, Chesapeake
147 Bay Ordinance and other environmental regulations.

148

149 **105. Minimum Requirements**

150 The provisions of the Code are the minimum requirements for development under this Code.

151

152 **106. Severability**

153 In the event a court of competent jurisdiction finds any provision of *Part 902 Affordable Housing*
154 *Requirements* to be unconstitutional or otherwise invalid, then this entire Code shall be invalid. Should any
155 other provision of this Code be decided by the courts to be unconstitutional or invalid, that decision shall
156 not affect the validity of the Code other than the part decided to be unconstitutional or invalid.

157

158 **107. Components of the Code**

159 The Code is comprised of the following sections.

160

161 **A. Administration**

162 *Part 2. Administration* covers the application and review process for development plan approval.

163

164 **B. Regulating Plans**

165 The REGULATING PLAN provides specific information on the development parameters for each parcel and
166 shows how each lot or DEVELOPMENT PROJECT relates to the STREET-SPACE and the surrounding
167 neighborhood. The REGULATING PLAN may identify additional regulations and/or special circumstances for
168 specific locations. The Columbia Pike Neighborhood Special Revitalization District is divided into four
169 subareas, each of which is covered by an individual REGULATING PLAN.

170

171 **C. Building Envelope Standards**

172 The BUILDING ENVELOPE STANDARDS (BES), establish basic parameters governing building form, including
173 the envelop for building placement (in three dimensions) and certain permitted/required building elements
174 as they frame the STREET-SPACE or public realm. The BUILDING ENVELOPE STANDARDS establish both the
175 boundaries within which things may be done and specific things that must be done to ensure that the
176 buildings relate to each other and form a functioning and consistent block structure. The applicable
177 standard(s) for a DEVELOPMENT PROJECT is determined by the BES frontage type designated on the
178 REGULATING PLAN.

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182 **D. Street-Space and Other Public Space Standards**

183 The purpose of the Street-Space and Public Space Standards is to ensure coherent STREET-SPACE and to
184 assist developers and owners with understanding the relationship between the public realm and their own
185 DEVELOPMENT PROJECT or building. These standards set the parameters for the placement of street trees,
186 sidewalks, and other amenities or furnishings within the STREET@SPACE as well as the basic configurations
187 for other public spaces, including streets and sidewalks.

188

189 **E. General Architectural Standards**

190 The General Architectural Standards are used to achieve a coherent and high-quality building design. The
191 General Architectural Standards govern a building’s exterior elements and set the parameters for allowable
192 materials, configurations, and techniques.

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194 **F. Conservation Area Standards**

195 The Conservation Area Standards provide additional rules for properties designated on the REGULATING
196 PLAN as CONSERVATION AREAS and areas ADJACENT TO CONSERVATION AREAS.

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198 **G. Parking and Loading Standards**

199 Parking and Loading Standards establish the specific vehicular and bicycle parking ratios required
200 throughout the *Columbia Pike Neighborhoods Special Revitalization District*. Some standards in the
201 *Arlington County Zoning Ordinance* may govern where standards are not included in this Code.

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203 **H. Building Use Standards**

204 Building Use Standards establish the uses allowed and/or required in the Columbia Pike Neighborhoods
205 Special Revitalization District Form Based Code. Affordable housing requirements are also set forth in the
206 Building Use Standards.

207

208 **I. Definitions**

209 Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common
210 usage. Wherever a word is in ALL CAPITALS format, consult *Part 10. Definitions* for its specific and limited
211 meaning within this Code. Words used in the Code, but not defined by the Code, but that are defined in the
212 *Arlington County Zoning Ordinance*, shall have the meanings set forth therein.

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214

215 **Part 2. Administration**

216 **201. Applicability**

217 Development proposals for properties located within R, RA or C Districts of the Arlington County Zoning
218 Ordinance in the “Columbia Pike Special Neighborhoods Revitalization District” as shown on the General
219 Land Use Plan (GLUP) may develop using this Code. If this Code is used, development proposals shall
220 comply with all provisions of this Code, unless otherwise modified by the County Board in accordance with
221 *Sections 203 and 205*.

222

223 A. In areas not identified as CONSERVATION AREAS on the REGULATING PLAN:

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- 225 1. The Zoning Administrator may approve existing structures to remain as part of an interim
226 condition in a phased development as part of a DEVELOPMENT PROJECT that is otherwise in
227 compliance with all provisions of this Code, if such DEVELOPMENT PROJECT meets all standards in
Section 202.B below for infill development.

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2. In areas not identified as CONSERVATION AREAS on the REGULATING PLAN, existing buildings and additions to existing buildings may be approved by the County Board to remain as part of a DEVELOPMENT PROJECT if they are 1) included in an approved DEVELOPMENT PROJECT that is otherwise in compliance with all provisions of this Code, and 2) AFFORDABLE HOUSING meeting the standards in *Part 902* is provided within the existing buildings.
- B. In areas identified as CONSERVATION AREAS on the REGULATING PLAN, existing structures may be approved by the County Board to remain as part of a DEVELOPMENT PROJECT if they are 1) included in an approved DEVELOPMENT PROJECT that is otherwise in compliance with all provisions of this Code, or 2) preserved through a transfer of density to an approved DEVELOPMENT PROJECT that is otherwise in compliance with all provisions of this Code in another location; and in either case, such existing structures are renovated in compliance with the renovation standards in *Part 7 Conservation Area Standards*.

202. By-Right FBC Applications

The Zoning Administrator is authorized to approve:

- A. Applications for DEVELOPMENT PROJECTS consisting only of new structures that are fully compliant with this Code, where no modifications are requested under *Section 205*; and
- B. Applications for DEVELOPMENT PROJECTS that include existing buildings approved administratively prior to November 16, 2013, to be retained as an interim condition as part of a phased DEVELOPMENT PROJECT, provided that:
 1. All new development complies with all provisions of this Code;
 2. Existing buildings remain in existing residential use;
 3. The number of dwelling units in the existing buildings shall not be increased above that legally existing on the site at the time of application;
 4. No additions to, or enlargements of, existing buildings shall be approved, and no additional height or gross floor area shall be approved for an existing building beyond that legally existing on the site on November 16, 2013.
 5. In any single phase of development, the number of parking spaces for existing dwelling units shall meet the requirements of *Section 804*.
 6. The application shall show all proposed phasing in accordance with *Section 206.A.4*, with each of the phases of development resulting in compliance with all provisions of this Code, and that at the end of the final phase, the DEVELOPMENT PROJECT will meet all STREET SPACE requirements for any new streets and PUBLIC SPACES shown on the REGULATING PLAN, as well as all required utility improvements.

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 criteria:

- A. Request for approval of any Special Circumstances set forth in *Section 204*;
- B. Request for approval of any modifications, as set forth in *Section 205*.
- C. Request for approval of CIVIC BUILDINGS on sites designated for those uses on the REGULATING PLAN.
- D. Request for a hotel that includes 7,500 square feet or more of conference room or banquet facility Gross Floor Area (GFA).

274 **204. Special Circumstances**
275 Special Circumstances include bonus stories; property located in an CONSERVATION AREA; or property
276 located in an area ADJACENT TO A CONSERVATION AREA; or transfer of development rights; as set forth
277 below:

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279 **A. Bonus Stories**

280 The County Board may, by use permit approval, allow up to two or up to six additional bonus STORIES
281 (whichever limit is shown on the REGULATING PLAN, and increase the ULTIMATE BUILDING HEIGHT in
282 accordance with *Section 402.M* for each bonus STORY, for buildings within areas designated as BONUS
283 AREAS on the REGULATING PLAN, when it finds that:

- 284 1. The proposal otherwise complies with this Code; and
285 2. Either committed AFFORDABLE HOUSING UNITS or PUBLIC SPACE is provided as set forth below:
286 a. Committed AFFORDABLE HOUSING UNITS beyond the minimum required in Section 902 as
287 follows:
288 i. Preservation of existing buildings and affordable units within a CONSERVATION AREA shown
289 on the REGULATING PLAN, in accordance with *Section 204.D.2*; and/or
290 ii. Inclusion of on-site AFFORDABLE HOUSING UNITS in the DEVELOPMENT PROJECT; and/or
291 iii. Provision of AFFORDABLE HOUSING UNITS at an off -site location within the Columbia Pike
292 Neighborhoods Special Revitalization District.
293 b. Provision of a PUBLIC SPACE within a CONSERVATION AREA or a NEIGHBORHOOD PARK shown on
294 the REGULATING PLAN either for the subject site or elsewhere within the Neighborhoods Special
295 Revitalization District in accordance with *Section 204.D.1*.

296

297 **B. Conservation Areas**

298 In CONSERVATION AREAS shown on the REGULATING PLAN, the County Board may, after review by the
299 HALRB as provided in *Section 206.D*, and by use permit approval as provided in *Section 206.C.2*, allow:

- 300 1. Existing buildings to remain and additions to existing buildings within CONSERVATION AREAS, so long
301 as:
302 a. All existing main buildings remain;
303 b. Building renovations and new construction meet the standards set forth in the *Part 7*.
304 *Conservation Area Standards*; and all new construction included in the DEVELOPMENT PROJECT
305 complies with this Code;
306 c. PUBLIC SPACES shown on the REGULATING PLAN are provided consistent with the standards in
307 *Section 506*; and
308 d. The applicant proposes one of the following:
309 i. The provision of AFFORDABLE HOUSING UNITS in accordance with *Section 902*, in existing
310 buildings within a CONSERVATION AREA designated on the REGULATING PLAN as part of the
311 DEVELOPMENT PROJECT; or
312 ii. Transfer of development rights from the Conservation Area to another property, in
313 accordance with *Section 204.D*, subject to such conditions as the Board may approve.
314 2. Modification of existing regulations as described in *Section 205.B.2*.

315

316 **C. Development Adjacent to Conservation Areas**

- 317 1. Applications for new construction within areas shown on the REGULATING PLAN as ADJACENT TO
318 CONSERVATION AREAS shall, in addition to other applicable requirements of this Code, comply with
319 the standards set forth in *Part 7. Conservation Area Standards*, excepting *Sections 601-604* and *606-*
320 *608*; and shall be consistent with the policies of the *Columbia Pike Neighborhoods Area Plan*.

- 321 2. The County Board may approve modification of existing regulations described in *Section 205.B.2* for
322 applications for new construction within areas labeled as ADJACENT TO CONSERVATION AREAS on the
323 REGULATING PLAN.
- 324 3. In approving applications for new construction in areas ADJACENT TO CONSERVATION AREAS, the
325 County Board shall consider comments from the Historical Affairs and Landmark Review Board
326 pursuant to the process set forth in *Section 206.D* below.

327

328 **D. Transfer of Development Rights**

329 The transfer of development rights is permitted in order to achieve historic preservation, public open space
330 and/or affordable housing within areas designated as CONSERVATION AREAS on the REGULATING PLAN,
331 and for creation of NEIGHBORHOOD PARKS shown on the REGULATING PLAN. As part of a use permit
332 approval for a DEVELOPMENT PROJECT, the County Board may certify the subject DEVELOPMENT PROJECT
333 as a sending site for transfer of development rights in accordance with the following:

- 334 1. In considering the approval of transfer of development rights from a DEVELOPMENT PROJECT in
335 exchange for the dedication of a PUBLIC SPACE within a CONSERVATION AREA or a NEIGHBORHOOD
336 PARK shown on the REGULATING PLAN, subject to such conditions as the County Board may approve,
337 the County Board shall determine that the PUBLIC SPACE will meet the standards consistent with
338 Section 506. The amount of density eligible for transfer shall be equal to the square footage of the
339 dedicated PUBLIC SPACE within a CONSERVATION AREA or a NEIGHBORHOOD PARK. As part of the
340 certification of density or approval of transfer of development rights, the County Board may require
341 assurances that the PUBLIC SPACE will be preserved.
- 342 2. In considering the approval of transfer of development rights from a CONSERVATION AREA, the County
343 Board shall determine that a specified number of units within the CONSERVATION AREA will be
344 renovated consistent with *Part 7 Conservation Area Standards* and preserved as committed
345 AFFORDABLE HOUSING UNITS as set forth in *Section 902*. The amount number of density eligible for
346 transfer shall be equal to 3 times the specified number of committed AFFORDABLE HOUSING UNITS
347 when a Columbia Pike Neighborhoods FBC DEVELOPMENT PROJECT has been identified as the
348 Receiving Site, or 2 times the specified number of committed AFFORDABLE HOUSING UNITS when a
349 Site Plan proposal for a site elsewhere in the County has been identified as the Receiving Site;
350 provided, however, that the aforementioned multipliers shall sunset on December 14, 2015 for density
351 that has not been certified.
- 352 3. Development rights from a sending site may be certified at the time of approval of a Receiving Site.
353 Density may be transferred to either 1) an area designated as a BONUS AREA on the REGULATING
354 PLAN in accordance with *Section 204.A* above; or 2) to another site within the County in accordance
355 with §15.6.7.B of the Zoning Ordinance.

356

357 **205. Modifications**

358 **A. Purpose:**

359 The County Board may, through approval of a use permit, modify the provisions of this Code as
360 set forth in *Section 205.B* upon a finding that, after the proposed modification, the subject
361 development and where applicable, existing buildings and structures to be retained, will better
362 accomplish the purposes and intent of this Code and the goals of the Columbia Pike
363 Neighborhoods Area Plan than would the development without those modifications and that the
364 proposed uses will neither: 1) adversely affect the health or safety or persons residing or working
365 in the neighborhood of the proposed use; nor 2) be detrimental to the public welfare or injurious

366 to the property or improvements in the neighborhood; nor 3) be in conflict with the purposes of
367 the master plans of the County.

368

369 **B. Allowable Modifications**

370 1. In approving a new building as part of a use permit application, the County Board may modify
371 the following requirements of this Code:

372 a. Deviations related to topography or street grade, such as height of first floor relative to
373 fronting sidewalk elevation, spacing of entry doors;

374 b. Locations of RBLS for new streets where shown on the REGULATING PLAN, or amend the
375 REGULATING PLAN to add a new street with associated RBLS;

376 c. Breaks between buildings;

377 d. Sidewalk and Landscape Standards in Section 505;

378 e. Building footprint; and

379 f. Design elements as called for by *Part 7. Conservation Area Standards* to achieve
380 compatibility with existing buildings in CONSERVATION AREAS or retention of mature
381 trees.

382 g. For interim phases only of a phased development plan where existing residential
383 buildings remain, the County Board may reduce the number of required parking spaces
384 upon a finding that a Transportation Demand Management plan submitted by the
385 applicant demonstrates that the reduction in required parking combined with
386 Transportation Demand Management measures, will mitigate any potential adverse
387 impacts of parking demand and potential disruption of parking patterns within affected
388 neighborhoods that could result from the reduction.

389 h. For publicly-owned CIVIC BUILDINGS in locations designated for such uses on the
390 REGULATING PLAN, publicly-owned PUBLIC ART, and CIVIC BUILDINGS located on County
391 property, the County Board may modify any provisions of this Code when it finds that the
392 DEVELOPMENT PROJECT has undergone a public review process.

393 2. Where an existing building is included in an application for use permit approval, the County
394 Board may approve modifications to setback, yard, coverage, parking, lot width, and lot area
395 regulations as they are applicable to the retained existing buildings, including additions to or
396 enlargements of such existing building when the County Board finds that:

397 a. New development on any portion of the DEVELOPMENT PROJECT complies with this
398 Code, or as otherwise modified by *Section 205.B.1* above.

399 b. The applicant is retaining the existing buildings in order to either 1) meet the
400 AFFORDABLE HOUSING requirements of *Section 902* within those buildings; and/or 2)
401 comply with the requirements in *Section 208.B* below and with the renovation standards
402 set forth in the *Part 7. Conservation Area Standards* for buildings in areas identified as
403 CONSERVATION AREAS on the REGULATING PLAN;

404 c. Residential and associated accessory use is retained within the existing buildings;

405 d. No additional density is proposed beyond the number of units legally existing in existing
406 buildings at the time of application;

- 407 e. The height of the existing buildings is not increased beyond the greater of either 1) the
408 height permitted by-right in the underlying zoning district; or 2) the height legally existing
409 on the site at the time of application;
- 410 f. No new building within the DEVELOPMENT PROJECT developed under this Code will be
411 closer than 20 feet to existing buildings being retained.
- 412 g. In each phase of development, the number of parking spaces for existing dwelling units
413 shall meet the requirements of *Section 804*.

414

415 **206. Application Requirements & Review Processes**

416 **A. Submission Requirements**

417 Each preliminary and final application shall include all materials identified in Administrative
418 Regulations 4.1.2, including by way of illustration, and not limitation, the following:

- 419 1. DEVELOPMENT PROJECTS that include renovation of existing buildings shall submit plans and
420 documentation indicating the location and condition of existing buildings and proposed
421 renovation and/or other improvements.
- 422 2. A LEED scorecard, or equivalent scorecard for another green building standard system
423 identified in *Section 403*.
- 424 3. A Housing Plan comprised of the following information:
 - 425 a. Number of total housing units provided in the DEVELOPMENT PROJECT;
 - 426 b. Number of total housing units existing on the property;
 - 427 c. Number of total units permitted with the underlying zoning;
 - 428 d. Number of net new units and the proportional percentage total units to existing units;
 - 429 e. Number of AFFORDABLE HOUSING UNITS provided to meet requirements set forth in
430 *Section 902.A*;
 - 431 f. Income levels of targeted families / households for AFFORDABLE HOUSING UNITS;
 - 432 g. The proposed rents and guarantee of limits on future rent increases or sales prices and
433 the proposed affordability thereof for AFFORDABLE HOUSING UNITS;
 - 434 h. Marketing plan for AFFORDABLE HOUSING UNITS;
 - 435 i. Location of AFFORDABLE HOUSING UNITS;
 - 436 j. Sizes of AFFORDABLE HOUSING UNITS;
 - 437 k. Bedroom counts of AFFORDABLE HOUSING UNITS;
 - 438 l. Amenities provided for AFFORDABLE HOUSING UNITS; and
 - 439 m. Any other information needed to demonstrate compliance with *Section 902*.
- 440 4. A Phasing Plan consistent with the standards below:
 - 441 a. Plans and narratives shall indicate how each of the following elements will be provided
442 during each phase of the DEVELOPMENT PROJECT, including any phase within a phase:
 - 443 i. Proposed new building(s) and any existing buildings to remain;
 - 444 ii. Required STREET-SPACE elements in accordance with this Code;
 - 445 iii. PUBLIC SPACES shown on the REGULATING PLAN whereby any PUBLIC SPACE will be
446 provided when it is adjacent to new buildings of that phase;
 - 447 iv. Overhead utilities that shall be placed underground during each phase of
448 development for all streets; no new aerial poles shall be permitted on County right-

- 449 of-way provided however transitional poles may be permitted during interim phases
450 when located on private property;
- 451 v. All underground utility infrastructure (e.g. water, stormwater, sanitary);
 - 452 vi. Any ordinances of vacations and encroachments to be obtained in the phase of
453 development. All ordinances of vacation and ordinance of encroachments shall be
454 enacted and obtained before issuance of any permit for any work in that phase; and
 - 455 vii. Any deeds of easements and dedications to be granted for the phase of
456 development. All submittals for approval of deeds for each phase shall occur prior to
457 the issuance of Excavation, Sheeting and Shorting Permit and all deeds for each
458 phase shall be recorded among the land records of the Circuit Court of Arlington
459 County prior to the issuance of the First Partial Certificate of Occupancy for the
460 building or any portion thereof.
- 461 b. The applicant shall obtain approval of a Final Phasing Plan from the Zoning Administrator
462 prior to the issuance of any Demolition and Land Disturbance Permit and such Phasing
463 Plan shall accurately reflect the Phasing Plan approved with the FBC approval, provided,
464 however, that any changes to address final revisions made through the final permitting
465 review and approval process for site civil engineering and building permits may be
466 approved as an amended Phasing Plan by the Zoning Administrator. Furthermore, the
467 Final Phasing Plan shall include all elements of 4.a. above.
 - 468 c. The applicant agrees that if the phasing changes over time, or for any one phase, an
469 amended Phasing Plan will be submitted for review and approval by the Zoning
470 Administrator, which shall include the elements listed in a. and b. above. The last
471 approved Phasing Plan shall govern the work.
- 472 5. A Transportation Impact Analysis (TIA) for any development project with 150 or more
473 dwelling units or 100,000 square feet or more of non-residential uses including hotel.

474
475 **B. Preliminary FBC Applications**

- 476 1. Preliminary Applications shall be submitted for review by the Administrative Review Team for
477 all proposals.
- 478 2. When a preliminary application has been determined by the Administrative Review Team to
479 be compliant with the regulations set forth in this Code, except to the extent modifications
480 are being requested through use permit approval:
 - 481 a. The Administrative Review Team will forward the application to the Form Based Code
482 Advisory Working Group (AWG). The AWG will review the proposal and advise the
483 Administrative Review Team as to whether it finds the preliminary application to be in
484 compliance with this Code.
 - 485 b. When an application includes a request for a modification(s) to the REGULATING PLAN
486 requirements, including the placement or alignment of a new street that differs from
487 regulations set forth in *Section 301.C.1* or the addition of a new street not shown on the
488 REGULATING PLAN, a meeting of a committee of the Planning Commission shall occur to
489 review the proposed modification during the preliminary application phase in order to
490 provide comment as to whether the proposed modification is consistent with the

491 purposes and intent of this Code and the goals of the Columbia Pike Neighborhoods Area
492 Plan.

493 3. When the application has been reviewed by the AWG and when necessary, a committee of
494 the Planning Commission, the applicant may submit a Final Application.

495

496 **C. Final FBC Applications**

497 1. By-Right FBC Applications:

498 a. Final By-Right FBC applications will be reviewed administratively for conformance with
499 this Code within thirty (30) days of a Final Application Submission. Upon completion of
500 such review, applicants will be notified in writing by the Zoning Administrator as to
501 whether the submission is in compliance with the Form Based Code.

502 b. At the time of, or prior to filing, applicants shall provide a copy of the application to the
503 Columbia Pike Revitalization Organization (CPRO) and to the civic association (s) in which
504 the subject property is located, and to any immediately adjacent civic associations.

505 c. Once an application is approved by the Zoning Administrator, the applicant may apply for
506 construction permits consistent with the approved application. Applications that the
507 Zoning Administrator determines do not comply with the requirements of this Code may
508 be resubmitted for review as a revised application, or may request approval of a use
509 permit, as set forth in Article 15.5 of the Arlington County Zoning Ordinance.

510 2. Special Exception Use Permit FBC Applications:

511 a. Applications shall perform property owner notification as required by the Code of
512 Virginia.

513 b. At the time of, or prior to filing, applicants shall provide a copy of the application to the
514 Columbia Pike Revitalization Organization (CPRO) and to the civic association(s) in which
515 the subject property is located and to any immediately adjacent civic associations.

516 c. Unless the Zoning Administrator determines that it is in the public interest to accept a
517 later application, a Form Based Code application shall be filed by the Final Deadline set
518 by the Zoning Administrator, and no less than fifty-five (55 days) before the public
519 hearing.

520 d. The County Board shall approve the Development Project if it finds that the
521 DEVELOPMENT PROJECT meets the standards of this Code as modified by the County
522 Board in accordance with this Code, and meets the standards set forth in Article 15.5.3 of
523 the Arlington County Zoning Ordinance.

524

525 **D. Review by Historical Affairs and Landmarks Review Board (HALRB)**

526 DEVELOPMENT PROJECTS within areas designated as CONSERVATION AREAS and areas
527 designated ADJACENT TO CONSERVATION AREAS on the REGULATING PLAN shall be subject to
528 review by the HALRB, as follows:

529 1. As part of the preliminary application phase, an applicant shall submit its DEVELOPMENT
530 PROJECT to the HALRB two meetings (or more, if necessary) for review and comment (HALRB
531 and/or DRC meetings in one month shall count as one meeting). The HALRB, and/or its Design

- 532 Review Committee (DRC), shall review the proposed architectural design to assess whether
533 the application complies with *Part 7. Conservation Area Standards* of this Code.
- 534 2. Upon completion of its preliminary review, the HALRB will provide, in writing, its comments
535 to the applicants stating how the project does or does not comply with *Part 7*.
 - 536 3. The applicant shall address the HALRB comments and return to the HALRB for one additional
537 meeting for final review and comment.
 - 538 4. HALRB shall prepare a written recommendation as to whether the DEVELOPMENT PROJECT
539 complies with *Part 7*, for consideration by the County Board. The County Board will consider
540 the HALRB recommendation in approving a use permit pursuant to *Section 206.C.2.c*.

541

542 **E. Subdivision and Building Permits**

- 543 1. The applicant shall not pursue development permits until such time that either a Letter of
544 Approval by the Zoning Administrator or a Use Permit approval by the County Board has been
545 obtained.
- 546 2. All development shall be consistent with the approved FBC DEVELOPMENT PROJECT.

547

548 **207. Administrative Adjustments to Approved Development Projects**

549 **A. Purpose**

550 Once the Zoning Administrator or the County Board has approved a DEVELOPMENT PROJECT,
551 unless expressly provided otherwise as part of the approval, the Administrative Adjustments
552 outlined below may be approved by the Zoning Administrator. The purpose of these
553 Administrative Adjustments is not to modify the design of a project but to provide relief for minor
554 construction and survey errors identified after approval of a
555 DEVELOPMENT PROJECT.

556

557 **B. Administrative Adjustments**

558 An applicant shall submit an Administrative Change application, with fees, for Administrative
559 Adjustment to the Zoning Administrator. The Zoning Administrator is authorized to approve the
560 following Administrative Adjustments in strict conformance with the following standards only to
561 the extent required to correct minor construction and survey errors:

562

- 562 1. Height
 - 563 a. Minimum and maximum height: up to five percent (5%) for any cumulative increase or
564 decrease in ULTIMATE BUILDING HEIGHT.
 - 565 b. STREET WALL/fence requirements: up to ten percent (10%).
 - 566 c. Finished Floor Elevation: up to five percent (5%).
- 567 2. Siting
 - 568 a. REQUIRED BUILDING LINE: move forward up to six (6) inches.
 - 569 b. REQUIRED BUILDING LINE minimum percentage built-to: reduction of up to five percent
570 (5%) of required length.
 - 571 c. PARKING SETBACK LINE: move forward up to six (6) feet.
 - 572 d. Mezzanine floor area: up to ten percent (10%) additional area.

- 573 e. STREET WALL requirements: up to ten percent (10%) of the eight/FENESTRATION/access
574 gate requirements.
- 575 f. Entrances (maximum average spacing): up to ten percent (10%) increase in spacing.
- 576 3. Elements
- 577 a. FENESTRATION (minimum and maximum percent): up to five percent (5%).
- 578 b. Elements (minimum and maximum projections): up to five percent (5%).
- 579 4. Streets, Blocks and Alleys
- 580 a. Street and alley center lines may be moved up to 5 feet in either direction, so long as: (i)
581 no dead-end streets or cul-de-sacs are created; (ii) no street intersection occurs within
582 100 feet of another street intersection; (iii) the BLOCK configuration meets the standards
583 defined in Section 301.C.2; and (iv) the Street-Space or alley is entirely contained within
584 the subject DEVELOPMENT PROJECT.

585

586 **208. FBC Administrative Review Team Duties & Procedures**

587 The Administrative Review Team is comprised of staff from several County Departments who are
588 responsible to assist the Zoning Administrator in administering the Form Based Code.

- 589 1. The Administrative Review Team shall review both By-Right and Special Exception Use Permit
590 FBC applications for compliance with this Code. The Administrative Review Team shall
591 administer the Administrative Regulations 4.1.2 which describe the review processes and
592 submission requirements in further detail. The Administrative Review Team shall forward its
593 recommendations regarding compliance or noncompliance to the Zoning Administrator for
594 By-Right applications or the County Board, for Special Exception Use Permit applications.
- 595 2. In addition, the Administrative Review Team may be called upon as set forth in this Code or
596 as requested by the Zoning Administrator to provide recommendations on interpretation of
597 this Code. However, the Zoning Administrator is responsible for any final action taken under
598 this Code on By-Right applications.

599

	Article 11.1	Appendix A FBC: VII. Administration	Appendix B N-FBC: Part 2 Administration	Admin Regs 4.1.2
Title			•	
Applicability (conveys zoning/GLUP requirements)	•		• (Part 1)	•
Purposes	•	•	•	
Other Applicable Regs			•	
Min Requirements	• (see §11.1.3)		•	
Severability			•	
Components of the Code			•	
Uses	•			
Applicability (conveys diff types of approvals)			• (Part 2)	•
By Right Applications	• (described as part of "Review Process")	•	•	•
Use Permit Applications	• (described as part of "Review Process")	•	•	•
Special Circumstances (i.e. bonus height)			•	•
Modifications Purpose (CB findings...)	•		•	
Allowable Modifications [list]	•	• lists "examples of deviations"	•	•
Application Requirements & Review Processes	• mixes criteria and review process		•	•
Submission Requirements		• notices to CPRO; civic assoc.	•	•
Prelim Applications			•	•
Final Applications			•	•
Review by HALRB			•	•
Subdivision & Building Permits	• (see §11.1.8.B.2)		•	•
Administrative Adjustment to Approved Development Projects			•	•
FBC Admin Review Team Duties & Procedures			•	•
Reference to Permitting Submission Requirements & Procedures (NEW)				•