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**Zoning Committee of the Planning Commission (ZOCO)  
Meeting Summary  
October 10, 2023 7:00pm**

**Bozman Government Center – Conference Room 311  
In-Person & Virtual Microsoft Teams Meeting**

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V= Joined virtually IP= Joined in-person

**Planning Commissioners in attendance:**

Leonardo Sarli, ZOCO Chairman (IP)  
Eric Berkey (V)  
Elizabeth Gearin (IP)  
Tenley Peterson (IP)  
Daniel Weir (V)

**Planning Commissioners absent:**

Jim Lantelme, LRPC Chair  
Denyse “Nia” Bagley  
Karen Guevara  
Devanshi Patel, PC Chair  
Peter Robertson  
Sara Steinberger, PC Vice Chair  
Tony Striner

**Staff in attendance:**

Andrea Mei Gaoat (IP), Fall Intern, CPHD – Planning  
Walter Gonzalez (IP), Associate Planner, DES – Planning and Development  
Irena Lazic (IP), Long Range Park Planning Supervisor, DES – Planning and Development  
Matt Mattauszek (IP), Development Master Planner, CPHD – Planning  
Nicholas Rogers (IP), AICP, CZA, Principal Planner, CPHD – Planning  
Olivia Sontag (IP), Principal Planner, CPHD – Planning

**Members of the public in attendance:**

John Seymour  
Anne Lancaster

**Use Permits for Public Spaces Design Processes**

ZOCO Chair, Comm. Leonardo Sarli commenced the meeting at 7:00PM.

Comm. Sarli invited Mr. Nicholas Rogers to introduce the first item which was a Zoning Ordinance Amendment and Use Permits for Public Spaces Design Processes.

Ms. Irena Lazic spoke about updating the County’s zoning regulations related to parks and public spaces. Ms. Lazic discussed public involvement with public space planning. She said

that they are in Phase 2 of a series of zoning studies to implement recommendations in the Public Spaces Master Plan. She then talked about the integration of the use permit into DPR's standard engagement process. The timeline would as follows:

1. Master Planning
2. Park Design
3. Use Permit
4. Permitting
5. Contract Approval
6. Other

Mr. Rogers took over the next slide to display and discuss a precedent for zoning ordinance amendment that was approved to benefit multiple Arlington Public Schools (APS) construction projects. He mentioned the zoning standards which can be modified via use permit:

- Maximum height
- Maximum setbacks
- Maximum density
- Minimum parking

He then talked about how use permits for childcare centers, live entertainment, bikeshare stations, outdoor café modifications, and schools are commonly reviewed and approved by the County Board.

Mr. Water Gonzalez took over the next slide to talk about flexibility for creative and efficient use of limited public land for public spaces such as parks. He said that they are in Phase 2 of what is anticipated to be three phases of study, and explained how this phase has examined how the County Board could use the use permit approval process to allow increased height, reduced setbacks, and parking modifications for the public space system.

Mr. Gonzalez introduced Jennie Dean Park as a case study for increased height. Mr. Rogers explained that maximum height requirements apply to the following:

- Buildings
- Accessory buildings
- Field lighting
- Play equipment
- Sports field features
- Temporary enclosures
- Any park improvements affixed to the ground

He explained that Jennie Dean Park was rezoned to facilitate the installation of athletic field lighting. Mr. Rogers talked about the setbacks necessary from the park to residential areas.

Mr. Gonzalez displayed the next case study which was Bailey's Branch Park. He explained the constraints that the park yields for future improvements.

- Narrow/linear
- Resource Protection Area
- Topographical challenges
- Heavily forested
- Current S-3A setbacks

Mr. Rogers took over the next slide to talk about flexibility for parking for small/urban parks.

Mr. Rogers talked about flexibility for certain signs in public spaces (e.g., flag signs and freestanding signs).

Mr. Rogers talked about public engagement to date. The public engagement has included an online feedback form. He mentioned that good feedback was received. He displayed the anticipated schedule toward County Board public hearing and action.

Comm. Sarli invited Comm. Gearin to speak. Comm. Gearin expressed that she would be much more comfortable with the zoning ordinance proposed language changes for parking if they said to reduce parking, not just modify. She also expressed that she worries that we do not always meet the people who feel like they want to be part of the discussion and that is where we get a pushback regarding trust and unease with the County Board.

Comm. Sarli invited Comm. Tenley Peterson to ask her question on use permits. Comm. Peterson asked Ms. Lazic about use permits for parks. She also asked Mr. Rogers about the site plan process for private and public development. She also asked why there is a change in permits.

Comm. Sarli invited Comm. Eric Berkey to speak. Comm. Berkey expressed that he is uncertain about being in favor of restricting the County Board either way, although he would prefer less parking but did not feel too strongly about it. He said that he is generally supportive of the ongoing work, and that it is perfectly reasonable to pursue this course. Comm. Sarli talked about the topics that would be addressed as part of the future Phase 3 of zoning work to implement the PSMP's recommendations.

Comm. Peterson asked Ms. Lazic if modifications through a use permit were essential to implement a public space design, which would occur later in the process, would public space planning be more difficult because of the uncertainty of what is going to be approved. She asked Ms. Lazic if she had an idea of what would be approved.

Ms. Lazic responded that it depends on the project in which there will be specific instances. For instance, she mentioned field lighting. She said that when there is existing lighting on a field, and the field itself is not changed, most of the time it is known where the location of the lighting will be. She said the use permit process could be initiated early if that is the only thing that would be encompassed in an individual project's request for the County Board to modify.

Comm. Peterson asked for clarification on what the change would be regarding flagpoles and signs. She wanted to clarify if no flagpoles would be required or if they would just be relocated. Regarding signs, she asked about the maximum signage area and their setback requirement from the sidewalk.

Mr. Rogers responded that flagpoles would just be relocated. He said that the maximum signage area is approximately 60 square feet. He said that instead of establishing a setback of 10 feet away from the sidewalk, it would be more ideal to have the signage right at the back of the sidewalk, so that passers-by and motorists can see it.

Comm. Sarli addressed Comm. Gearin's point about lighting height and people's misconceptions that the taller streetlights are the wider the light spreads. Comm. Sarli invited public comments.

Mr. John Seymour expressed that it was a very robust and broad proposal which deals with lots of contentious zoning issues, issues that have been at the heart of many deep and difficult urban planning debates here in Arlington and elsewhere for years. He also expressed that the process is going fast. He mentioned about his participation in a 2016 zoning study associated with modifying zoning regulations for schools. He closed his comment by saying that it was an extensive revision of a lot of different zoning regulations and is something that the staff should spend more time on.

### **Columbia Pike Neighborhoods Form Based Code: Affordability Requirements for Elder Care Uses**

Ms. Olivia Sontag took over the next slide to transition into the topic of affordability requirements for elder care uses in the Neighborhoods Form-Based Code (N-FBC).

Ms. Sontag explained the background of Arlington County Zoning Ordinance (ACZO) amendments for elder care uses. She explained that the N-FBC has affordability requirements, but the commercial FBC does not. She shared the overview which was the purpose of the amendment, proposed amendments to the ACZO and Appendix B, and the timeline.

She shared the staff analysis which was:

1. 'Elder Care' should be a separate Use Category
2. Independent living should be included in the 'Elder Care' Use Category
3. Cash Contribution option for 'Elder Care' is appropriate and necessary.

She displayed the different categories of the N-FBC:

- Residential
- Civic
- Ground Story Commerce
- Upper Story Commerce
- Upper Story & Ground Story Commerce
- Retail

Ms. Sontag proposed that 'Elder Care' would be a new use category. She said that would be parking standards/requirements applied to the 'Elder Care' use category.

She explained that the existing N-FBC affordability standards require on-site committed affordable units (CAFs) for residential development projects and require a cash contribution for commercial development projects. As 'Residential' uses, development projects proposing Independent Living, Assisted Living, Continuing Care Retirement Communities, and Nursing Homes uses must provide on-site CAFs which continues to be a barrier to elder Care providers. She explained that the amendment would remove Independent Living, Assisted Living, Continuing Care Retirement Communities, and Nursing Homes uses from the 'Residential' use category and relocate them to a new 'Elder Care' use category to be introduced to use tables in the ACZO and Appendix B. Use standards would be introduced into Article 12 of the ACZO, and parking requirements would be established in the N-FBC, consistent with existing requirements in the ACZO. Elder Care uses and Civic uses would be added under the Affordable Housing Cash Contribution section 902.A in the N-FBC requiring a cash contribution to the Affordable Housing Investment Fund (AHIF) to address challenges with meeting the affordability requirements.

She explained the next steps toward the County Board public hearing for the amendment:

- Oct. 16: Commission on Aging (CoA) Meeting
- Oct. 18: Form Based Code Advisory Working Group (FBC AWG) Meeting
- Dec. 4: Planning Commission (PC) Meeting
- Nov. 2/Dec. 7: Housing Commission (HC) Meeting
- Nov. 11 & 14: County Board Hearing for RTA
- Dec. 16 & 19: County Board Hearing for Amendment

Comm. Gearin expressed her concern about the struggles for increasing the County's supply of affordable units.

Comm. Weir said he needed more information on what other jurisdictions do and whether there is a way forward given the need to disaggregate the cost of the unit from the programming.

Mr. Matt Mattauszek said that there is a heavy demand for assisted living but that it is very costly.

Comm. Sarli asked to clarify the definition of what independent living is.

Mr. Rogers said that the independent living is similar to an apartment. Contrasting to assisted living, independent living is a housing arrangement designed for elderly people who can do daily activities without assistance. He said that independent living housing comes in the forms of apartment-style living that the ACZO categorizes as *household living*, similar to single-family detached homes, as opposed to *group living* residential formats.

Comm. Gearin adds that independent living communities offer services such as housekeeping, meals, transportation, and other amenities.

Comm. Sarli adjourned the meeting at 8:35PM.