

April 13, 2022

Arlington County Dept. of Environmental Services (DES)  
2100 Clarendon Boulevard, Suite 900  
Arlington, VA 22201  
Attn: Greg Emanuel, Chief Environmental Officer

RE: **1425 North Quincy Street | RPC#15-040-067**  
**(the "Subject Property")**

Dear Mr. Emanuel:

This letter is intended to address the various zoning issues put forth in a letter from the Ballston-Virginia Square Civic Association to the Arlington County Board, dated February 13, 2022 (enclosed), concerning the existing and proposed uses at the above-referenced property, identified in the Arlington County Real Estate Assessment records as RPC#15-040-067. Please be advised as follows.

As background, the Subject Property is a 6.11-acre (266,190 sq. ft.) interior lot with frontage and access from North Quincy Street. The Subject Property is split-zoned; with the majority of the lot being zoned **M-1 Light Industrial District**, and the southerly portions being zoned **C-O-1.0 Mixed Use District**, **CM Limited Industrial District**, and **R-5 One-Family and Restricted Two-Family Dwelling District**.



The **M-1** and **CM** districts allow for uses as provided in Arlington County Zoning Ordinance (ACZO) §8.1.2 *Industrial (M) Districts Principal Use Table*, under the development standards contained in ACZO §8.3 *M-1, Light Industrial District* and ACZO §8.2 *CM, Limited Industrial District*. The **R-5** district allows for uses as provided in ACZO §5.1.2 *Residential (R) Districts Principal Use Table* and ACZO §5.1.3 *Residential (R) Districts Transitional Use Table*, under the development standards in ACZO §5.7 *R-5, One-Family and Restricted Two-Family Dwelling District*.

Not all of the issues and concerns cited in the Ballston-Virginia Square Civic Association letter are subject to nor regulated by the Zoning Ordinance; namely, the Licensing Agreement and the Deed of Covenant. For clarity, the specific zoning issues identified include:

- Zoning entitlements and restrictions under special exception site plan #235 (SP#235), granted by the Arlington County Board on July 13, 1985 [referred to as “the 7-13-1985 Ordinance”];
- Use interpretation and compliance standards for the proposed “White Fleet Vans and Other Commercial Vehicle” parking/vehicle storage use, and whether such use is permitted in the C-O-1.0 zoning district and under SP#235;
- Use interpretation and compliance standards for the proposed “ART bus terminal” use, and whether such use is permitted in the M-1 zoning district; and
- Applicability and enforcement of several sections of ACZO §14.3 *Parking and Loading*. Specifically, ACZO §14.3.2 *Reduction of Parking, Standing or Loading Areas*; ACZO §14.3.3.C.2 *Standing Space*; and ACZO §14.3.3.D *Vehicle Access*.

These issues are addressed individually as follows:

#### SP#235 – Entitlements & Restrictions

The portion of the Subject Property in the **C-O-1.0** zoning district is approx. 59,332 sq. ft. [staff report cites 54,099 sq. ft.] of land area and is subject to special exception site plan #235 (SP#235), originally approved by the Arlington County Board on July 13, 1985; concurrent with rezoning Z-2276-85-3 [from **M-1** and **R-5** districts to the current **C-O-1.0**]. The site plan provides for a [then-existing] surface parking lot with approx. 112 spaces and restricts future development to those permitted in the **R-5** zoning district. The site plan was approved with six (6) conditions (enclosed).

Parking as a principal use is identified in the Zoning Ordinance as Commercial Parking, which is characterized as: “*Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.*” [ACZO §12.2.5.E.1]. Where permitted, Commercial Parking areas are subject to the use standards in ACZO §12.5.4 (enclosed).

Normally, Commercial Parking is prohibited in the **C-O-1.0** zoning district, per ACZO §7.1.2. However, under SP#235 – explicitly approved for a (existing) parking area – commercial parking is permitted; with the County Board granting a use modification, per ACZO §15.5.7.A *Modification of Use Regulations*. As such, any use deemed to meet the characteristics for Commercial Parking would be compliant with the currently approved SP#235 and would be permitted in the **C-O-1.0** portion of the Subject Property.

#### White Fleet Van Vehicle Storage:

Based on information provided as of the date of this letter, it is my understanding that the proposed White Fleet Van use consists solely of parking vehicles while not in use. A vehicle storage lot, as defined in the Zoning Ordinance is: “*Any land or building where two or more wrecked, abandoned, impounded or new vehicles of any kind are stored prior to repair, disposal, claim or sale, but does not include the repair,*

wrecking, dismantling or salvaging of said vehicles or their parts.” [ACZO §18.2]. The proposal does not include repair or servicing of said vehicles on the Subject Property and vehicles are not being stored/parked prior to repair, disposal, claim or sales activities. As such, the proposed use is most similar to Commercial Parking, per ACZO §12.2.5.E.1; and would be permitted under the approved SP#235.

ART Bus Terminal:

Bus terminals are categorized as a Passenger Terminals and Services use, per ACZO §12.2.4.G; which is characterized as: “Facilities for the take-off and landing of airplanes and helicopters and terminals for taxi, rail, or bus service.” Examples cited in the zoning ordinance include: “bus, trolley, air, boat and rail passenger terminals, taxi dispatch centers.” Bus terminals are further identified as a specific use within the Passenger Terminals and Services use category; namely as ‘Railroad, Trolley, bus, air, or boat passenger stations.’

‘Railroad, Trolley, bus, air, or boat passenger stations’ are permitted in the **M-1** district as a special exception use, requiring County Board approval of a use permit, and are subject to use standards in ACZO §12.4.5 (enclosed).

The embarkation of passengers is a key component for a use to be deemed a ‘terminal’ or passenger station. Based on information provided as of the date of this letter, it is my understanding that there is no bus stop or passenger component to the proposed use and instead it consists simply of parking buses while not in active use. As such, the proposed use is more similar to Commercial Parking, per ACZO §12.2.5.E *Parking, Commercial*; and would be permitted in the **M-1** district in accordance with the use standards in ACZO §12.5.4. [i.e. parking areas of 20,000 sq. ft. or less are permitted by-right, while parking areas greater the 20,000 sq. ft. require County Board approval of a special exception use permit.]

ACZO §14.3 Parking and Loading:

ACZO §14.3 regulates (1) the provision of required off-street vehicle parking for the various land uses located in the County; (2) the dimensional standards for such required parking; (3) the improvement and placement standards for parking areas generally; and (4) the circumstances for modifying and/or granting relief from these parking regulations.

ACZO §14.3.2 *Reduction of Parking, Standing or Loading Areas* reads in full: “No parking area, parking space, standing space or loading space which existed at the time this zoning ordinance became effective or which subsequent thereto is provided shall thereafter be relinquished or reduced in any manner below the requirements established in this zoning ordinance except as may be permitted by §16.5.”

This subsection prohibits the reduction or elimination of existing parking, if said parking is required by the zoning ordinance. Parking is deemed “required” if providing parking for a specified use, and as such, satisfies the provisions in ACZO §14.3.7 *Required Parking and Standing Space*.

The technical staff report from when SP#235 was adopted in 1985 explicitly states: “*The site plan intends no use other than a surface parking lot.*” The site plan ordinance adopted by the County Board did not restrict the parking lot to provide required parking to a specified use. As such, utilizing the C-O-1.0/SP#235 area of the Subject Property for parking vehicles would not constitute a reduction in required parking, per ACZO §14.3.2.

ACZO §14.3.3.C.2 *Standing Space* reads: “Each required standing space shall be no less than nine by 20 feet and shall have a minimum vertical clearance of no less than seven feet.” The zoning ordinance defines a Standing Space as: “An off-street parking space for the temporary waiting in line of one automobile for service or delivery of goods to the automobile or its occupants at another place on the premises.” [ACZO §18.2].

The requirement to provide standing spaces is derived from ACZO §14.3.7 *Required Parking and Standing Space*. The only uses that specify the provision of Standing Spaces are: Car Washes [20 standing spaces for each wash rack]; drive-thru banking and service establishments [5 standing spaces for each teller or customer window]; and vehicle service establishments and body shops [3 standing spaces per work/repair bay]. None of these uses are located or proposed to be located on the Subject Property. As such, there are no standing spaces required by the zoning ordinance, nor a violation of ACZO §14.3.3.C.2.

ACZO §14.3.3.D *Vehicle Access* reads: “Access and maneuvering space shall be provided in accordance with §14.3.3.C and shall permit the parking and removal of a vehicle without moving other vehicles.” ACZO §14.3.3.C provides the minimum dimensions for parking spaces and drive aisles which are required by ACZO §14.3.7 *Required Parking and Standing Space*. The parking spaces and drive aisles provided under SP#235 is not required by ACZO §14.3.7 but rather constitute a principal use. As such, the provisions of ACZO §14.3.3.D are not applicable.

In summary, it is my determination that the proposed White Fleet Van and ART Bus uses as presented are most similar to Commercial Parking as identified in ACZO §12.2.5.E; and are permitted on the Subject Property in accordance with ACZO §12.5.4 *Commercial Parking*.

This determination is current as of the date of this letter but is subject to change through action by the County Board. This determination applies solely to the proposed use as characterized in this determination. It is not binding upon Arlington County, the Zoning Administrator, or any other official with respect to any other use, proposed or existing.

Please be advised that any person aggrieved, or any officer, department or agency of Arlington County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty (30) days to the Board of Zoning Appeals in strict accordance with §15.2-2311 of the *Code of Virginia*. An appeal application may be obtained from this office or is available online at [building.arlingtonva.us](http://building.arlingtonva.us). The appeal fee is \$649. This decision is final and unappealable if not appealed within thirty days.

I hope this letter adequately addresses your request for determination concerning the subject matter. If there are any questions or need for further clarification, please feel free to contact me at 703-228-3883.

Respectfully,



Arlova J. Vonhm

Zoning Administrator

Enc: Letter from the Ballston-Virginia Square Civic Association, dated February 13, 2022  
Site Plan #235 approved conditions  
ACZO §12.5.4  
ACZO §12.4.5  
Plan "Available Quincy Parking with ART Buses on Site"

AN ORDINANCE PURSUANT TO ZONING APPLICATION Z-2276-85-3 TO AMEND THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PARCELS OF LAND KNOWN AS 1422, 1500 AND PART OF 1510 AND 1511 NORTH NELSON STREET TO THE EXISTING "R-5"/"M-1" ZONING LINE WITHOUT REGARD TO THE CENTERLINE OF 15TH STREET NORTH, AND PART OF 1429 NORTH QUINCY STREET.

The Board adopted the following ordinance:

BE IT ORDAINED that, in order to serve the public necessity, convenience, general welfare, and good zoning practice, the parcels of real property known as 1422, 1500 and part of 1510 and 1511 North Nelson Street to the existing "R-5"/"M-1" zoning line without regard to the centerline of 15th Street North, and part of 1429 North Quincy Street are hereby reclassified from zoning district "R-5n, One-Family Restricted Two-Family Dwelling District, to zoning district "C-0-1.0" pursuant to application Z-2276-85-3 on file in the office of the Zoning Administrator and the zoning map is hereby amended to show this reclassification.

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AN ORDINANCE PURSUANT TO APPLICATION Z-2276-85-3 TO GRANT A SPECIAL EXCEPTION FOR A SITE PLAN ON CERTAIN PARCELS OF LAND KNOWN AS 1422 AND 1500 NORTH NELSON STREET AND PART OF 1429 NORTH QUINCY STREET.

The Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application Z-2276-85-3 on file in the office of the Zoning Administrator for a special exception for a site plan for a parking lot for the parcels of real property known as 1422 and 1500 North Nelson Street and part of 1429 North Quincy Street, approval is granted and the parcels so described shall be used only according to the approval requested by the application, subject to the conditions and modifications stated below:

1. The developer/applicants shall provide a buffer adjacent to the "R-5" residential properties as specified on the landscape plan prepared by Mortensen, Lewis and Scully, Incorporated, dated July 9, 1985, which is preferred by the applicants as an integral part of the site plan. The developer/applicants shall allow additional trellising or further landscaping to be placed; at the neighbors' cost; within, between and on the south side of the proposed landscaping, within approximately three feet of the inside of the property line, to further screen this project from the adjacent residential neighborhood.
2. The applicants shall maintain in a state of good appearance the open space created by the removal of the present access road connecting the western end of the applicants' property to 14th Street, North.
3. Present development shall be limited to those improvements normally required for a surface parking lot and any future development shall be limited to that permitted under the "R-5" district. The applicants have agreed that no gross floor area shall be permitted and no density other than as permitted in the "R-5" district will be allowed, and a covenant to this effect will be proffered in conjunction with the rezoning request. No density shall be transferred outside of the subject site plan area.
4. The applicants shall dedicate to the County sufficient site area adjacent to the proposed North Nelson Street closure to accommodate a hammerhead-type terminus as shown on the submitted graphics dated June 5, 1985.
5. The applicants agree to do those acts necessary to complete the vacation and/or abandonment of North Nelson Street together with dedication of designated site area necessary to accommodate the

hammerhead-type terminus within a period of six months of site plan approval.

6. This site plan approval expires two (2) years after the date of County Board approval if the approved project is not under construction. Extension of this approval shall be at the sole discretion of the County Board.

#### **§12.5.4. Commercial parking**

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Parking lots shall be allowed as follows:

**A. C-1 and C-R districts**

Permitted by use permit, with or without improvements deferred as regulated in §14.3.4.A

**B. C-O-A, C-2, C-TH, C-3, CM, M-1, and M-2 districts**

1. Permitted by right: Up to 50 spaces or lot area of 20,000 square feet
2. Permitted by use permit: More than 50 spaces or lot area of 20,000 square feet

**C. MU-VS district**

1. Permitted by right: Up to 20 spaces or lot area of 20,000 square feet.
2. Parking lots of more than 20 spaces are prohibited.

#### **§12.4.5. Railroad, trolley, bus, air or boat passenger stations**

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The exterior appearance of any building permitted under this paragraph shall be in keeping with the character of the neighborhood in which it is located.

# Figure 1 Available Quincy Parking with ART Buses on Site

Region	# Spaces
R1	18
R2	58
R3	36
R4	73
R5	34
<b>Total</b>	<b>219</b>

