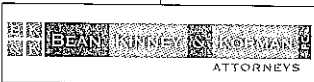
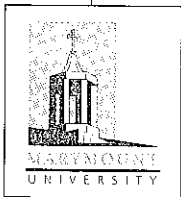
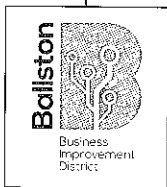
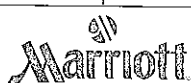


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BAE SYSTEMS



February 20, 2015

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

Dear Chairman Hynes,

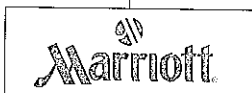
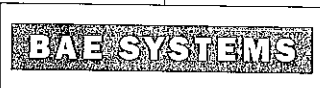
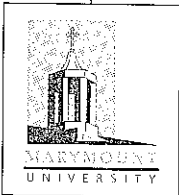
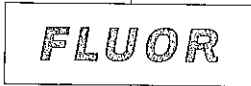
The Arlington Chamber of Commerce is concerned about the Phase IIC update of the Zoning Ordinance as it currently is envisioned. The Chamber believes that the County Board should be aware of the detrimental effect this update could have on business in Arlington if implemented maladroitly. The stated goal of the update is to make the Ordinance easier to use, understand, and administer. Unfortunately, the updates currently make the Ordinance easier to understand and administer, but not to use. This is especially true for small businesses.

The Phase IIC update of the Zoning Ordinance sacrifices both flexibility and certainty for organization.

The Zoning Ordinance update on the whole is a good and necessary overhaul of the existing Ordinance. The County has done a good job compiling and contextualizing the vast amount of information, while explaining the complex changes that are being made. However, some of those changes, especially as it relates to “Retail, Service and Commercial Use Categories” could place a significant burden on businesses if they are not implemented correctly.

1. It is imperative that the use categories are not used to restrict or regulate where a business may locate or to whom a property may lease. This should be done at the zoning district level as it is now. This is not broken, there is no need to fix it. Restricting business location at the use category level is more proscriptive and less flexible than current practices. This could have unintended consequences as uses are allowed to switch to activities that have a lower parking standard and space maximization, but will be limited in flexibility.
2. Restrictions by use category could add unnecessary regulatory burden onto businesses in their nascent stages. While attempting to add

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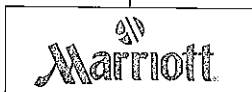
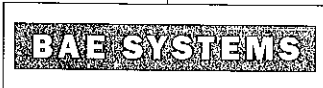
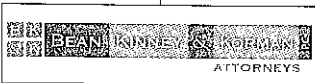
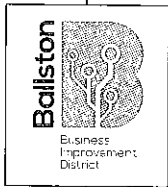
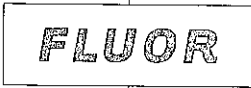
flexibility the changes made could easily lead to uncertainty and lost time for many businesses which could be obviously in compliance with the rules for a zoning district but not specifically listed in the use tables.

3. The Zoning Ordinance update has many similar problems as the Retail Action Plan in regards to attempting to mandate growth. As the Chamber suggested with the Retail Action Plan, a better compromise would be Retail Nodes rather than Retail Streets: Consider focusing retail at key nodes (main and main street or retail centers). Remaining area and streets are “retail eligible,” not mandated. Designation of entire streets and four different retail street types is too prescriptive.
4. Incorporate the special services district (Overlay) currently in place for Crystal City into the Zoning Ordinance for the business improvement districts to enliven the vacant space and the street with temporary uses. The process laid out by the updated Zoning Ordinance can take up to 30 days, while short term uses lasting longer than 90 days which do not comply with an underlying site plan use conditions must actually amend the site plan for a temporary use.
5. The Zoning Ordinance update could better incorporate mixed use principles. This update does not take advantage of numerous opportunities to expand mixed use principles further into the Ordinance. Also, once a status quo has been reached in a certain area (or even building), regulation by use category could lead to outcomes antithetical to mixed use principles if not administered properly.

Conclusion

The County Board should be wary of restricting and regulating businesses based upon use category rather than zoning district. Such a policy is predicated on the County always making the economically correct decision, as it restricts the flexibility markets need to succeed. If used in a restrictive manner, use categories can add additional regulatory burden and uncertainty for any business attempting to change the use of premises.

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The Arlington Chamber of Commerce is firmly of the belief that more work needs to be done to fix the issues outlined above in the Phase IIC Update to the Zoning Ordinance. Whatever the Board ultimately decides and adopts, the most important part of this process will be in its implementation. The Chamber urges the County Board to explicitly ensure that the use categories cannot be used in an overly restrictive manner.

The Chamber looks forward to collaborating with the County to finalize and implement Phase IIC of the Zoning Ordinance Update.

Sincerely,

Kevin Shooshan
 Chair

Kate Roche
 President & CEO

CC: Arlington County Board members Jay Fisette, Libby Garvey, Walter Tejada, John Vihstadt