
November 14, 2023

TO: Christan Dorsey, Chair, County Board, Arlington County
Mark Schwartz, County Manager, Arlington County
Devanshi Patel, Chair, Planning Commission, Arlington County
Anthony Fusarelli, Director of Planning, Arlington County

FROM: Tad Lunger, Esq.

RE: Land Use and Zoning Analysis of the General Land Use Plan Amendment
Request for 1305 Jackson Street, Arlington County, Virginia
RPC Nos. 15-077-007; -006; -009; -010 (the "Property")

On behalf of the undersigned residents of Lyon Village and other Arlington County neighbors, please accept this land use analysis in strong opposition to the Special General Land Use Plan ("GLUP") Study application submitted by the Clarendon Presbyterian Church for 1305 North Jackson Street, 1301 North Jackson Street, 1308 North Irving Street, and adjoining lot at North Irving Street (collectively, the "Property"). The purpose of this proposal is to change the GLUP designation from "Semi-Public" to "Low-Medium" Residential and includes an associated Rezoning from the R-5 Zoning District to the RA8-18 Zoning District in order to misuse the unlimited bonus density and additional height provisions provided in Article 12.3.7. and 15.5.9. of the Zoning Ordinance adopted by the County Board in 2019 and 2021.

INTRODUCTION

The residents and neighbors of Lyon Village were blindsided when the Clarendon Presbyterian Church (hereinafter referred to as the "Church" or the "Applicant"), announced, a high-density redevelopment proposal in their existing low-density neighborhood. The Church has proposed a modification to the GLUP and a Rezoning that would allow for high-density development more commonly seen in the core of urban transit areas. This Property was originally and currently zoned for low-density residential uses and is planned for as a housing preservation area, semi-public open space and community-serving uses. This proposal was submitted to Arlington County and accepted before the community was ever informed or involved in the decision-making process.

This totally surprising and sudden proposal will permanently change the unique historic distinctiveness of this existing low-density residential neighborhood in Lyon Village, which consists predominately of single-family homes. Moreover, it creates a precedent that makes it

impossible to anticipate or prepare for unplanned future high-density residential development in Arlington's low-density residential areas. If approved, this proposal would permanently transform the neighborhood's character and greatly impact all aspects of life within it.

The primary issue with the proposal is the scope, size, and intensity of the proposed project at this location, which is characterized by narrow neighborhood streets and is surrounded by existing low-density single-family homes. The proposal will significantly impact the three homes immediately adjacent to the Property, the entire adjacent neighborhood, and the Lyon Village community. We are particularly concerned about the precedent and unpredictable consequences that this proposal will establish for Lyon Village as well as all other low-density residential neighborhoods within Arlington County zoned for low-density residential uses, parks, and open space, as it will enable the placement of new, unplanned, and unanticipated high-density development in established low-density neighborhoods, where only low-density development is planned.

This proposal knowingly, openly and flagrantly violates the Clarendon Sector Plan and the explicit commitments made to the civic associations involved in its creation. The County Board intentionally excluded Lyon Village from the Clarendon Sector Plan and designated it for "Continued Neighborhood Conservation." Accepting this application goes against the explicit written commitment made in the Clarendon Sector Plan to Clarendon-Courthouse, Lyon Park, Lyon Village, Ashton Heights, and Ballston-Virginia Square Civic Associations. If approved, this proposal will be used to justify the use of church properties in any single-family home-zoned neighborhoods or planned parks across Arlington County for high-density multi-family residential purposes.

Implementing such a precedent would enable the arbitrary, unplanned, and unpredictable placement of high-density multi-family development in any low-density neighborhood in Arlington County, without proper consideration for the potential lasting effects on our friends, neighbors, and fellow community members residing in these areas. Such a decision lacks empathy and fails to account for the life-changing and permanent implications that will arise from such a precedent.

I. LAND USE AND ZONING ANALYSIS

The following is a comprehensive Land Use and Zoning Analysis (the "Analysis") of the proposal for a General Land Use Plan Amendment to the above-referenced Property. The Applicant proposes to amend the Property's GLUP designation, Rezone, and redevelop the Property as further described herein (the "Proposal"). The purpose of this Analysis is to provide an evaluation of the land use implications and to assess the Proposal in the context of a Tier 1 Special GLUP Study evaluation. Based on the findings of this Analysis, it is recommended that

the Proposal be denied at the Tier 1 level review. The Analysis clearly establishes that the Proposal does not meet the County’s mandatory criteria for advancing beyond a Tier 1 Special GLUP Study evaluation, as outlined below.

A. Property Characteristics

The Property consists of four parcels amounting to a total of 38,887 square feet (0.893 acres) of land. It includes the Clarendon Presbyterian Church (RPC No. 15-077-007), a residential building owned by the Church (RPC No. 15-077-006), an adjacent lot (RPC No. 15-077-009), and a playground (RPC No. 15-077-010) (see Exhibit A). The Property is surrounded by single-family neighborhoods to the north, east, and west and is positioned near the Clarendon Sector Plan planning area located south of 13th Street. The Property is located within the Lyon Village Civic Association at the convergence of the Clarendon-Courthouse and Ballston-Virginia Square Civic Association boundaries.

B. Historic Property Setting

Established in 1966 under the National Historic Preservation Act (“NHPA”), the National Register of Historic Places (“NRHP”) is the federally recognized list of properties with significant historical or artistic value at the local, state, or national level. The NRHP is administered by the National Park Service (“NPS”). Individuals or groups must submit a nomination through an application review process to have properties listed on the NRHP. State Historic Preservation Offices (“SHPO”) review and evaluate the properties based on four inclusion criteria. These criteria include contribution to a major pattern of American history, association with a significant person in American history, distinctive building characteristics or artistic value, or provision of information on prehistory. The NRHP categorizes properties into districts, sites, structures, buildings or objects, and districts consist of contributing and non-contributing properties within a clearly defined geographical area. The defining properties within a district may determine its historical or artistic significance. After review, the SHPO recommends the nomination for listing on the NRHP, and the NPS makes the final decision to approve or deny the nomination.

Based on the approved 2002 NRHP Application for Lyon Village, it is noted that this residential neighborhood is one of Arlington’s oldest. It is situated immediately north of the Clarendon Commercial District, and is quietly nestled between Wilson Boulevard to the south and Langston Boulevard to the north. The neighborhood extends to North Veitch Street to the east and west to North Kirkwood Road. In the 1920s, “...Lyon Village was landscaped with tree-lined streets, traffic circles, and an intricate system of curvilinear roads that complemented the less-than-one-acre housing lots...”¹ by Frank Lyon, who acquired it from Robrt Cruitt’s heirs in 1923

¹ National Register of Historic Places, Lyon Village Historic District, Arlington County, Virginia, Section 7, Page 1, National Register #000-7822.

(Exhibit B).² It is important to mention that Aurora Heights and portions of Clarendon now fall within Lyon Village’s present boundaries and consist of residential homes that were built prior to Frank Lyon’s acquisition of the Cruit property.

The Lyon Village Historic District showcases a diverse range of architectural styles and building types from the early 20th-century. These include both high style designs to vernacular interpretations of the elaborate styles popular in previous decades. The Lyon Village Historic District features a mix of building forms and styles, from brick Colonial Revival-style dwellings to charming bungalows. This community primarily consists of single-family dwellings, which are supported by neighborhood parks, and low-profile community buildings and churches. Sidewalks and grassy medians provide a pleasant buffer between the buildings and public streets.

Based on the records of the NRHP, the Church at the Property dates from 1924. However, the Property itself was acquired much earlier, in 1905 and 1910 (refer to Exhibit C).³ The Clarendon Presbyterian Church is a relatively modest one-and-a-half-story, shingle-roofed fieldstone church that sits as the centerpiece of the surrounding residential community and “is in scale with the surrounding residential community”⁴. The Church is identified as a contributing structure in the Lyon Village Historic District as it showcases the prominent historic styles and character exhibited by the surrounding dwellings. It is an important contributing property to the Lyon Village Historic District with only a limited number of significant contributing sites identified in the nomination. Redevelopment of the site or significant loss of historic integrity could potentially jeopardize the status of the Lyon Village Historic District. The Proposal will result in the Church being demolished, putting Lyon Village’s historic status at risk.

C. Zoning and Land Use Policy History Relating to the Property

According to records obtained from Land Records at the Circuit Court of Arlington, Virginia and the Department of Real Estate Assessments, the Property was acquired by the Presbytery in 1905 and 1910, following which a fieldstone church was subsequently built. It has been utilized as a church since its construction. It is worth noting that the Church was built well before the adoption of the first Zoning Ordinance for Arlington County by the County Board on April 26, 1930. Pursuant to the 1930 Zoning Ordinance, churches and other places of worship, including parish houses and Sunday schools, were permitted in residential zoning districts without the need for additional approval. The current R-5 Zoning District was established in the 1942 Zoning Ordinance. Consequently, churches and other places of worship, including parish houses and Sunday schools, were and still are allowed in residential districts without the need for additional approval.

² Arlington County, Virginia, Deed Book/Page: 195/515.

³ Arlington County, Virginia, Deed Book/Page: 122/436.

⁴ National Register of Historic Places, Lyon Village Historic District, Arlington County, Virginia, Section 7, Page 12, National Register #000-7822.

Arlington County's initial GLUP was established in 1961 as one component of the County's Comprehensive Plan (attached as Exhibit D). Since its inception, the GLUP has undergone updates and periodic amendments to align with the projected and organized purposes for different locations and areas in Arlington County. From 1961 to 1979, the Property was classified as a "Low Residential" area, permitting 1-10 units per acre. In 1979, as part of a comprehensive GLUP amendment, the Property was reclassified as "Semi-Public," allowing for the use of churches and low-density semi-public recreational facilities. For your convenience, please find a copy of the 1979 GLUP Map as Exhibit E. Over the past 44 years, the Property has consistently held the designation of "Semi-Public," with planned usage for recreational facilities, churches, and private schools (as shown on Exhibit E). In 2023, the GLUP underwent an amendment enabling additional low-density uses per Arlington's Missing Middle Housing Study. However, even with this amendment, the Property's GLUP designation remained unchanged from "Semi-Public."

The Clarendon Sector Plan was originally approved by the County Board in 1984 and later amended in 1990. This plan created the original sector-specific urban planning and design elements desired for the Clarendon Sector Plan area. Thereafter, the 2006 Clarendon Sector Plan was adopted to establish Clarendon as an "urban village," replacing the 1984 and 1990 sector plans. Most recently, in April 2022, the Clarendon Sector Plan was amended to address changes to the office market, public facilities, public open space, and guidance for private development within the study area. Currently, the 2022 Clarendon Sector Plan is the primary planning implementation document for Clarendon. The Property is not located within any sector or small area plan, despite its proximity to the Clarendon Sector Plan. More importantly, the Property *was specifically and intentionally excluded from the 2006 Clarendon Sector Plan and all subsequent amendments.*

II. CURRENT ZONING AND LAND USE POLICY APPLICABLE TO THE PROPERTY

The Property has been located within a single-family residential zoning district since 1930 and the R-5 One-Family and Restricted Two-Family Dwelling Zoning District since that zoning district's creation in 1942, which allows for single-family dwellings. With a 4.1 Site Plan approval, it also allows for two-family dwelling uses. In its most recent amendment in 2023, the R-5 District now permits duplexes, a row of three townhouses, or multi-family buildings with up to 6 units in residential zoning districts that previously only permitted single-family homes. The use table for this Zoning District is provided as Exhibit F. The existing R-5 Zoning District designation is *not* consistent with the "Semi-Public" GLUP designation (Exhibits G.1, G.2 and G.3) for the Property. The "Semi-Public" GLUP designation allows for up to, but *not more than, 3 dwelling units per acre* and envisions the Property's use as "Semi-Public," which includes uses

such as recreational facilities, churches, private schools, and similar establishments.

The adopted land use policies that regulate the Property and the Proposal currently include three principal County documents: (a) the GLUP, (b) the 2023 Expanded Housing Option Development GLUP and Zoning Amendments, and (c) the intentional and deliberate omission of the Property from the Clarendon Sector Plan.

A. The General Land Use Plan

The GLUP serves as the *primary* land use policy guide for future development in Arlington County. The GLUP comprises of a map and a booklet that describes the land use vision for the County as a whole through land use designations, a range of density and uses, and corresponding zoning districts. As stated above, the current GLUP designation and principal land use policy for the Property is “Semi-Public,” allowing for semi-public recreational facilities, churches, private schools, and other similar uses. The associated and appropriate zoning districts for these uses according to the GLUP are the S-3A, Special District, and S-D, Special Development District, both of which are intended for low-density and semi-public, community-oriented purposes. Additionally, the GLUP includes distinct special planning areas that focus on smaller, more specific planning areas based on site-specific studies. These areas provide recommendations on land use, public space, building design, transportation, historic preservation, and retail. It is worth noting that the Property has intentionally not been located or included in any special planning district. It is situated north of the formally established Clarendon Sector Plan boundary line.

B. The Expanded Housing Option Development (the “EHO”) GLUP and Zoning Amendments

Arlington County initiated its Missing Middle Housing Study in 2020 to examine alternative approaches to address specific housing supply requirements in the market. Pursuant to the County’s Missing Middle Study, the GLUP Booklet and Map were amended in March 2023 (the “EHO Amendments”). The recent amendment introduced a new subsection within the “Special Planning Area” section to expand housing options in lower-density residential areas. Section 5.4 *Lower Density Residential Areas: Vision for Greater Sustainability and Expanded Housing Choice*, outlines the County’s objective for adding diversity to housing typology within the lower-density residential areas. The GLUP Map was also updated to include “one-family dwellings, accessory dwellings, and expanded housing option uses” in the low-density residential areas. It is important to note that the EHO Amendments did not amend the uses in the “Semi-Public” GLUP designation for the Property.

In order to expand housing options, the County implemented the EHO Amendments and approved a Zoning Ordinance amendment in March 2023. This amendment allows for a wider

range of low-density housing options in single-family home zoning districts. The approved zoning amendment introduced a new zoning mechanism in Article 10 of the Zoning Ordinance. Article 10 of the Zoning Ordinance provides regulations for Unified Residential, Unified Commercial Mixed-Use, and other cluster development. The proposed EHO development section is similar to these unified development districts as it is only permissible in specific zoning districts. By incorporating the EHO into Article 10 of the Zoning Ordinance instead of individual Residential districts, development can be regulated more comprehensively beyond the residential standards, especially in terms of parking requirements. The EHO development options are exclusively available to properties located within the R-5, R-6, R-8, R-10, and R-20 zoning districts. The EHO Zoning Ordinance amendment did amend the current underlying R-5 District zoning designation of the Property.

C. The Clarendon Sector Plan

In Arlington County, sector and area plans serve as very specific, primary implementation policy documents. These plans are usually incorporated into the GLUP and provide guidelines specific to certain areas or sectors. They include detailed recommendations for site and neighborhood-specific land use, public space, building design, transportation, historic preservation, and retail. Sites located in these area plans are identified on the GLUP Map. Although the Property is not located in the Clarendon Sector Plan, due to its proximity to the Clarendon Sector Plan planning area, there are several recommendations and considerations articulated in the Clarendon Sector Plan as controlling guidance related to Lyon Village. The preservation of low-density neighborhoods adjacent to the Clarendon Sector Plan area is an *essential* goal of the Clarendon Sector Plan, which was developed after extensive planning efforts over many years. The Task Force responsible for the Clarendon Sector Plan, which included representatives from *all five civic associations* touching the Clarendon Sector Plan, including Lyon Village, Ballston-Virginia Square, Clarendon-Courthouse, Ashton Heights and Lyon Park, specifically, conclusively and unequivocally stated in their Vision Statement for Clarendon that “...[t]he integrity of surrounding low-density residential neighborhoods is protected, and higher density development taper up from neighborhoods toward Clarendon’s core.”⁵

Due to the *essential goal* of the Vision Statement for the Clarendon Sector Plan, the sector plan boundary was clearly and deliberately established along the south side of 13th Street North following a community process that took nearly six years. The Clarendon Sector Plan unequivocally states that “[w]hile redevelopment is envisioned for properties closest to the Metro station, redevelopment is not specifically recommended for the surrounding low-density residential areas, as preservation of those areas has been a long-standing policy of the County.”⁶

⁵ Arlington County Board, *Clarendon Sector Plan 2006*, December 9, 2006, page 12, <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/03/Clarendon-SectorPlan06.pdf>.

⁶ Arlington County Board, *Clarendon Sector Plan 2006*, December 9, 2006, page 6, <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/03/Clarendon-SectorPlan06.pdf>.

The established, formal, current land use and planning policy for this area of Lyon Village identifies it as a low-density residential housing preservation area without any caveats or exceptions. The Clarendon Sector Plan carefully defines the “urban village” with a planned higher density at the core in order to “*respect Clarendon’s architectural heritage and conserve the integrity of surrounding neighborhoods,*” as expressly stated in the provided goals of the Clarendon Sector Plan.⁷ The recommendations for 13th Street further confirm and identify the transitional area of the plan as “...[T]he south edge of 13th Street” is to “...[p]rovide a compatible edge between Clarendon’s core and the adjacent low-density residential areas of Lyon Village.”⁸ The Property is located north of 13th Street, beyond the transitional edge to the low-density neighborhood. This means that the transition to the neighborhood is intended to occur south of 13th Street and within the Clarendon Sector Plan area, the transition is not intended to begin north of 13th Street and outside the Clarendon Sector Plan. This is further emphasized and intentionally clarified for the record on the 13th Street Corridor Plan Overview showing Lyon Village, including the Property, as identified and labeled for “Continued Neighborhood Conservation,” as shown on Exhibit H.

The Proposal not only fails to preserve the lower-density neighborhood, but it also disregards specific guidance for Clarendon, including building height limits. The Clarendon Sector Plan sets forth guidelines for redevelopment throughout Clarendon, for example, promoting mixed-use development, housing diversity, diverse retail, and adherence to building height limits. “*Building heights are considered a critical element by the Clarendon community,*”⁹ so the Clarendon Sector Plan outlines specific guidance for determining maximum building heights. The Plan arranges the greatest heights to be concentrated near the Metro and core transit areas, with heights gradually decreasing towards the adjacent single-family home neighborhoods. This height transition is further reinforced by an additional provision in the Clarendon Sector Plan to “*establish heights and step-backs for new buildings that respect adjacent structures recommended for preservation.*”¹⁰ Since the plan has identified the Lyon Village neighborhood for conservation, any proposed new buildings should respect these existing single-family homes. However, the minimum 6-story redevelopment proposed by the Church not only disregards the adjacent existing neighbors but also fails to comply with the Clarendon Sector Plan. In addition to the overall guidance provided for Clarendon as a whole, the sector plan also offers specific recommendations for particular areas and sites.

In both the 2006 and 2022 amendments to the Clarendon Sector Plan, Arlington County

⁷Arlington County Board, *Clarendon Sector Plan 2006*, December 9, 2006, page 13, <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/03/Clarendon-SectorPlan06.pdf>.

⁸ Arlington County Board, *Clarendon Sector Plan 2006*, December 9, 2006, page 16, <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/03/Clarendon-SectorPlan06.pdf>.

⁹ Arlington County Board, *Clarendon Sector Plan 2006*, December 9, 2006, page 15, <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/03/Clarendon-SectorPlan06.pdf>.

¹⁰ Arlington County Board, *Clarendon Sector Plan 2006*, December 9, 2006, page 15, <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/03/Clarendon-SectorPlan06.pdf>.

deliberated and defined the boundaries of the Clarendon Sector Plan. The intention was to preserve the historic low-density residential character of this neighborhood and establish the bright-line boundary of the Clarendon Sector Plan on the south side of 13th Street. The Clarendon Sector Plan, including the 2006 and 2022 amendments, is the current and comprehensive land use planning policy approved by the County Board relating to the Property. Therefore, there is no need for further study or amendments in this regard relating to long-standing, settled land use policy for Lyon Village. The Clarendon Sector Plan is an up-to-date plan, revised as of April 23, 2022, and there is no valid reason to reopen such a recently completed planning study immediately following its completion.

III. APPLICATION OF CONTROLLING ZONING AND LAND USE POLICY TO APPLICANT'S PROPOSAL

On June 29, 2023, the Applicant submitted an application for a Special GLUP Study, seeking a proposed Change in Land Classification (a "Rezoning"). The Applicant is requesting an amendment to the GLUP designation for the Property, specifically changing its current designation from "Semi-Public" to "Low Medium" residential. The purpose for these proposed land use changes sought by this application is to Rezone the Property from its R-5 One-Family and Restricted Two-Family Dwelling Zoning District to the RA8-18 Multi-family Dwelling District *solely for the purpose* of taking advantage of certain amendments to the Zoning Ordinance that were adopted in 2019 and 2021 and are applicable to the RA8-18 District.

Specifically, the Special GLUP Study submitted by the Applicant on June 29, 2023 is: (A) in direct conflict with the 2019 Bonus Density and 2021 Affordable Housing Building Height Zoning Ordinance amendments; (B) inconsistent with the 2023 EHO amendments to the GLUP and Zoning Ordinance; and (C) alludes to Elder Care Uses proposed by the Applicant that are not permitted at the Property pursuant to the proposed Rezoning to the RA8-18 District.

A. Conflict with 2019 (ZOA-2019-10) and 2021 (ZOA-2021-01) Zoning Ordinance Amendments

In 2019 and 2021, Arlington County adopted significant changes to the RA Zoning Districts to the Zoning Ordinance. The intent of these amendments is to support affordable housing projects competing with market-rate residential multi-family projects in certain RA Multi-family Districts by allowing additional height and unlimited bonus density, subject to approval by the County Board via the 4.1 Site Plan process. These Zoning Ordinance amendments specifically apply to the multi-family, RA Districts where the County Board may approve 4.1 Site Plan projects and in areas planned for multi-family development on the GLUP. The purpose of these changes was to level the playing field for affordable housing providers, allowing them to request unlimited density and additional height beyond the limits set in existing multi-family districts to ensure the

ability to compete with market-rate multi-family developers operating in the same districts. These amendments were *never* intended to be used in the R Districts as a tool to gain access to unlimited density and additional height in low-density neighborhoods.

The Applicant is intentionally proposing to Rezone the Property to the RA8-18 Multiple-family Dwelling Zoning District to take advantage of the unlimited density and additional height zoning amendments. The Applicant seeks to apply and utilize these amendments to create a project of disproportional size in a location where it was never intended. The intentional use of the 2019 and 2021 Zoning Ordinance amendments to justify the Proposal constitutes a major and grossly incompatible increase in the allowable rate of density in a neighborhood planned for low-density residential use. The Applicant proposes a GLUP Amendment and Rezoning that would allow density at an incredible rate of approximately 120 units per acre, taking into account density associated with additional proposed mixed uses, far exceeding any reasonable expectation for a proposal for any site subject to all the above-detailed land use policy documents and current zoning applicable to the Property.

B. Conflict with the 2023 EHO Amendments to the GLUP and Zoning Ordinance

The uses proposed by the Applicant are also inconsistent with the recently adopted 2023 EHO Amendments to the GLUP and Zoning Ordinance. The Property is designated for semi-public uses such as parks and open spaces and is therefore not even planned for development at a scale contemplated by the EHO Amendments, which are far less than the Applicant's Proposal. The Property is so small it does not even qualify for a Special Exception option (a Use Permit) pursuant to the 2023 EHO Amendments. The surrounding neighborhood, which is subject to the EHO Amendments, is intended for low-density residential areas, where maximum building heights, lot coverage, building footprints, and minimum setbacks are kept in line with those of single-family detached homes. The existing EHO amendments, however, would allow a path forward for the Applicant at a planned, appropriate scale for the surrounding neighborhood.

C. Conflict with Elder Care Uses in RA8-18 Multi-family Dwelling District

In the Proposal, the Applicant also alludes to the possibility of incorporating some kind of "Senior Housing" into their plans. The term "Senior Housing" is not a term used in the Zoning Ordinance. However, in the RA8-18 District, to which the Applicant proposes Rezoning the Property, Elder Care Uses are permitted via the 4.1 Site Plan process. Elder Care Uses in this district require a minimum lot area of 43,560 square feet. The Property, with a lot size of 38,887 square feet, does not meet the minimum lot size requirements for this use in this district. Consequently, Elder Care Uses are not available use options for the Applicant. Therefore, it seems that although the Applicant suggests the inclusion of Elder Care Uses, their actual proposal is for a fairly-standard multi-family development project. In the RA Districts Use Table, Independent

Living Uses are categorized under Household Living, alongside Multi-family Uses, while also being defined as an Elder Care Use. This is important in understanding how the Applicant is characterizing its intended use. In the RA8-18 District, Elder Care Uses are restricted to a maximum 1.5 Floor Area Ratio (FAR) via the 4.1 Site Plan process, but only if the site area meets the minimum size threshold for such uses, which the Property does not.

Furthermore, in accordance with existing and current Zoning and GLUP designations, Elder Care Use is not permitted on this site. As provided above, the term “Senior Housing” used by the Applicant is not a recognized or defined use in the Arlington County Zoning Ordinance. However, the Arlington County Zoning Ordinance does define Assisted Living Facilities, Continuing Care Retirement Communities, Group Homes, Nursing Homes, and Independent Living Facilities, all of which fall under the Elder Care Use definition and category. Based on the limited description provided in the application materials, the Proposal does not align with any of these defined uses. None of these defined uses are permitted pursuant to existing planning or zoning. The Proposal may be more closely related to Independent Living Facilities, but such facilities -are considered Elder Care Uses and are not permitted at the Property pursuant to existing planning and zoning designations, nor pursuant to the proposed RA8-18 Zoning District due to its failure to meet minimum lot size requirements.

IV. ESTABLISHMENT OF UNDERSIRABLE COUNTY-WIDE PRECEDENT

Put simply, the Applicant’s proposal sets a bad precedent and is a bad idea. There is no legal or land use policy that supports this Proposal for the Property. The Proposal completely goes against all established rules and exceeds the boundaries of reasonableness when considering the County’s planning documents, zoning regulations, and studies for the Property. Understanding the applicable rules and controlling policies, no reasonable person should expect a proposal of approximately 120 units per acre and associated building heights for a site planned as a park in a low-density residential neighborhood specifically protected in a sector plan as a housing conservation area. The Proposal is in conflict with all current zoning and adopted land use policies related to the Property, and is in direct contravention with the bright-line boundary established along the south side of 13th Street as the formally established boundary between the urban core of Clarendon and the historic single-family neighborhood of Lyon Village that lies beyond the boundaries of the Clarendon Sector Plan.

This Proposal will profoundly, immediately and permanently impact the existing neighborhood and its residents. It will irreversibly alter its planned low-density residential character, parking conditions, neighborhood transitions and historic setting. Additionally, it will have a precedent-setting impact on the entire County. Approval of this proposal will establish a precedent for subsequent similar requests in virtually any and all low-density residential neighborhoods County-wide. Even just limiting the application of this precedent to simply all church-owned properties in the low-density residential areas of the GLUP would affect an enormity of residential

neighborhoods and civic associations County-wide. As shown on Exhibit I entitled “Impacted Civic Associations and Residential Neighborhoods,” this precedent would impact church properties located in a vast majority of the County.

Moreover, the Proposal does not limit the application of this precedent to just church-owned properties. It can also be applied to any area currently zoned for low-density residential uses or designated for a park, regardless of the neighborhood within Arlington County. The introduction of high-density residential proposals at approximately 120 units per acre in low-density residential neighborhoods are wildly beyond and in direct conflict with current and long-range County planning, and would lead to a permanent and irreversible alteration of the character of Arlington’s low-density residential neighborhoods. To put it simply, based on the facts of this Proposal, this precedent and the justifications for its allowance can be utilized and implemented anywhere in one of Arlington County’s residential neighborhoods. In addition to drastically altering the character of low-density residential neighborhoods, the unpredictability of unanticipated high-density redevelopment in Arlington’s low-density residential areas will render it difficult for residents to even know whether to expect or plan for such development in their own neighborhoods.

V. CONCLUSIONS

A. LAND USE, ZONING AND POLICY CONCLUSIONS

The Applicant’s proposal is in conflict with practically all applicable Arlington County Zoning Ordinance provisions, land use policies and plans applicable to the Property as follows:

- The proposed use is not permitted pursuant to the existing zoning of the Property;
- The proposed use is in direct conflict with the General Land Use Plan;
- The proposed use is in direct conflict with the Clarendon Sector Plan;
- The proposed use is a betrayal of commitments made to Lyon Village, Lyon Park, Clarendon-Courthouse, Ballston-Virginia Square and Ashton Heights Civic Associations as expressly provided in the Clarendon Sector Plan;
- The proposed use is in direct conflict with the 2023 EHO Amendments to the GLUP and Zoning Ordinance;
- The proposed redevelopment would result in the loss of planned open space and establish a precedent for eliminating planned open space opportunities for high-density multi-family uses in the future;

- The Property is a contributing property to the Lyon Village Historic District, which has only a limited number of significant contributing sites as identified in Lyon Village's status. Consequently, any redevelopment of the site or substantial loss of historic integrity endangers the status of the Lyon Village Historic District designation;
- The utilization of Elder Care Uses is not permitted pursuant to the proposed Rezoning to the RA8-18 District at the Property as suggested by the Applicant;
- The proposed Rezoning of the Property to the RA8-18 District in order to take advantage of the unlimited density and additional height provisions, is not consistent with the intent and is an abuse of purposes of the 2019 and 2021 Zoning Ordinance Amendments. Low-density residential neighborhoods were never intended for the utilization of these amendments;
- The fact pattern of this Proposal would establish a legal precedent applicable to all church properties located in low-density residential neighborhoods anywhere in Arlington County;
- This precedent would introduce an undesirable level of unpredictability and uncertainty concerning planning, zoning, and land use relied on by residents of Arlington County's low-density residential neighborhoods;
- The high-density proposal will create significant challenges for the existing low-density neighborhood. These challenges include practical considerations relating to the scale of impacts a high-density proposal would have on infrastructure and streets designed for low-density capacity; and
- The opposition to this Proposal stems from the extreme scope of the proposed density and height, as well as the potential precedential impact that this large-scaled project would have on the entire County. Alternative proposals at the appropriate scale and adhering to the planning for R districts should be considered.

B. ALTERNATIVES CONSISTENT WITH CURRENT COUNTY POLICY AND LAW

Development and growth throughout Arlington County are dependent on adhering to established governing regulations and policy for continuity, reliability and predictability. The existing EHO policy allows a path forward for the Applicant at a planned, appropriate scale for the surrounding neighborhood.

“Missing Middle” is a term used by Arlington County that refers to the range of housing types that fit between single-family detached homes and mid-to-high-rise apartment buildings. As a result of the Missing Middle Housing Study’s work, Arlington County adopted an amendment to the GLUP booklet and map that added a new subsection within the GLUP Booklet’s “Special Planning Areas” section. The new subsection describes a new vision for Missing Middle development within Arlington’s Low-Density Residential areas shown on the GLUP after the extensive, multi-year Missing Middle Housing Study process. This new policy, adopted this year, is the clear, unequivocal controlling policy for multi-family development in Low-Density Residential areas designated on the GLUP. The adopted amendments to the Zoning Ordinance in Article 10.4 and pursuant to the Missing Middle amendments to the GLUP provide a clear, proportionately correct and planned path forward for development in Low-Density Residential areas on the GLUP.

A proposal consistent with the Missing Middle land use policies and the GLUP and Zoning Ordinance EHO Amendments adopted this year provides the current rules relating to the appropriate scale, density and setting for multi-family development at the Property. It would be consistent with current planning, is expected in Arlington’s Low-Density Residential areas on the GLUP, and would be of a scale, with commensurate height, massing and setting considerations supportable by low-density neighborhoods.

C. ARLINGTON COUNTY SPECIAL GLUP STUDY POLICIES AND PROCEDURES

1. Resultant Necessary Findings of the Long Range Planning Committee and Planning Staff

The policies and procedures established in the *Arlington County Special GLUP Study Process Administrative Guide*, which was adopted in June 2019, outline the necessary evaluation criteria and procedures for determining whether a Special GLUP Study should be accepted and undergo a comprehensive special land use analysis. As part of this process, the Long Range Planning Committee and Planning staff evaluate specific criteria during the Tier I stage to determine whether these criteria have been met before determining whether a special land use study application may advance beyond the Tier I level review.

Specifically, the “Tier I Procedures”¹¹ require the Long Range Planning Committee to conclude to either accept, deny, or deem more appropriate for another form of land use analysis,

¹¹ Arlington County Board, *Special GLUP Study Process Administrative Guide*, June 30, 2019, page 6, <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2019/06/Special-GLUP-Study-Process-June-2019.pdf>

Special GLUP Study requests that come before it for Tier I review, according to the following criteria. These criteria and conclusions provide why the Proposal clearly does not meet the requirements and are as follows:

- a. ***Would the amendment possibly advance broader County goals?*** This Proposal is not compliant with the planning policies, goals, and ordinances established by Arlington County for the Property. It is inconsistent with the Zoning Ordinance, the General Land Use Plan (GLUP), the Clarendon Sector Plan, the EHO Amendments, the 2019 and 2021 Zoning Ordinance Amendments and policy. Moreover, this Proposal does not contribute to any of the county's goals stated in the planning documents concerning the Property.
- b. ***Is there already an existing adopted plan or district designation on the GLUP for the subject area and/or adjacent area? If there is an existing plan or district recommendation for a specific area, a change to the GLUP may be less likely to be recommended. What conditions have changed to warrant revisiting the adopted policy?*** This Proposal and Property are governed by multiple planning, zoning and land use overlays, all of which are up to date as of 2023, particularly the Clarendon Sector Plan and the EHO Amendments. No conditions relating to this Property have changed to warrant a new planning study at this location.
- c. ***Is the area currently under study?*** No, all planning documents relevant to this Property have been recently reviewed, extensively analyzed and concluded, ensuring their current status and accuracy.
- d. ***Is this a larger or more complex (i.e., topographical, contextual, etc.) site? Are surrounding properties similar and should they potentially be included in the study? Would it be more appropriate to address the area through a small area plan?***
 - No, there is nothing unusual or complex about this Property.
 - No, and more emphatically none of the sites surrounding the Property should be included in this study.
 - No, this Proposal is not more appropriate for a small area plan.
- e. ***Is there a Phased Development Site Plan (PDSP)? Would it be more appropriate to undertake a PDSP review as opposed to a Special GLUP Study?*** No, the Property is not located in a PDSP and a PSDP is not appropriate.

2. Required Action by the Long Range Planning Committee and Planning Staff

Therefore, the *Special GLUP Study Process Administrative Guide* mandates that the Applicant's Proposal be denied and not be considered for further review. The required approval criteria are not satisfied, and the land use analysis provided above establishes this conclusively. The Long Range Planning Committee, in its application of existing Arlington County land use policies, has no basis for approval of a Tier I recommendation to allow the commencement of a Special GLUP Study and therefore this request must be denied. The Applicant's Proposal violates or is in direct and explicit conflict with practically every land use policy or Zoning Ordinance provision necessary for its approval.

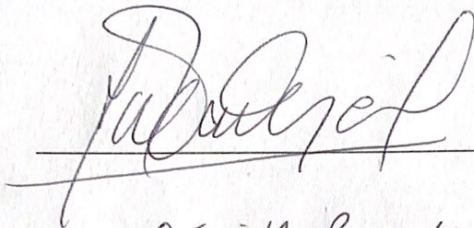
* * *

Smart development and growth throughout Arlington County is dependent on adhering to established governing regulations and policy for continuity, reliability and predictability, and maintaining plan integrity in order to ultimately realize plan goals. Accepting and moving forward with the current application at this scale would be a major deviation from controlling County law, land use policy and long-standing practice. Industry and residents alike of Arlington will continue to lose faith and trust in the predictable and consistent application of Arlington's laws, adopted plans, and policies. This Special GLUP Study would have broader, substantial County-wide impacts too great to be evaluated in the context of a single Special GLUP Study request, and there is no legitimate reason to proceed with any further discussion related to this Proposal.

If any questions arise relating to this Analysis, please feel free to contact me. I will gladly provide additional information or documents you may need. Supporting documents are attached for reference.

[Signatures Appear on the Following Pages]

Resident of Lyon Village Neighborhood:



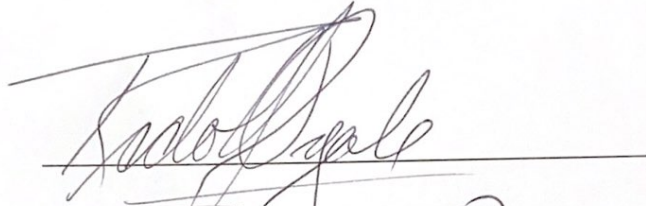
Name: OCELINA PENOVI

Address:

1306 W. JACKSON ST
ARLINGTON, VA 22201

NOVEMBER 15, 2023
Date

Resident of Lyon Village Neighborhood:



Name: RODOLFO ORSALES

Address:

1306 N. JACKSON ST.
ARWINGTON, VA 22201

Nov. 15, 2023
Date

Resident of Lyon Village Neighborhood:

A handwritten signature in black ink, appearing to read "Eric Blazer". The signature is stylized with a large, looped initial "E" and a long, sweeping horizontal stroke at the end.

Eric Blazer

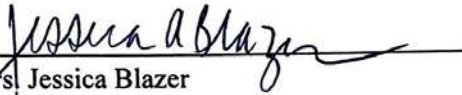
1314 N Jackson St
Arlington, VA 22201

11/15/23

—

Date

Resident of Lyon Village Neighborhood:



Mrs. Jessica Blazer

Owner

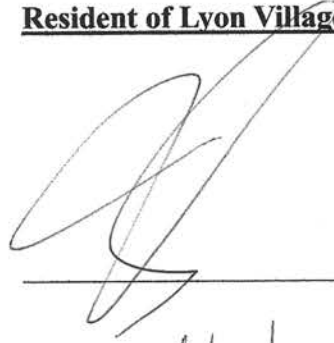
1314 N. Jackson Street

Arlington, VA 22201

11/14/2023

Date

Resident of Lyon Village Neighborhood:



Name:

W. New Willis

Address:

1207 N. JACKSON ST.

ARLINGTON VA 22207

11/14/23

Date

Resident of Lyon Village Neighborhood:




Name: Craig Stephenson

Address:

1201 N. Jackson St
Arlington VA 22201

November 15, 2023
Date

Resident of Lyon Village Neighborhood:



Name: Joseph Gatewood

Address:

1138 N Jackson St.
Arlington, VA 22201

11-15-23
Date

Resident of Lyon Village Neighborhood:

Melissa K. Gatewood

Name: Melissa K. Gatewood

Address:

1138 N. Jackson St.
Arlington, VA 22201

11/15/23
Date

Resident of Lyon Village Neighborhood:

Jennifer Jacob

Name:

Jennifer Jacob

Address:

1400 N. Johnson St.
Arlington, VA 22201

11/14/2023

Date

Resident of Lyon Village Neighborhood:

Kenneth S. Jacob

Name:

Kenneth S. Jacob

Address:

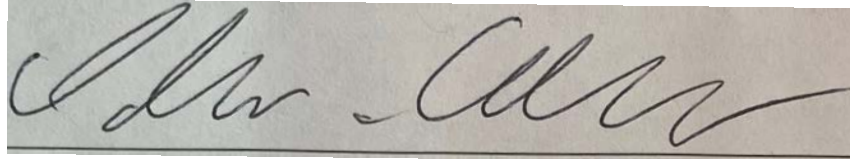
1400 N. Johnson Street

Arlington, VA 22201

11/14/2023

Date

Resident of Lyon Village Neighborhood:

A rectangular area containing a handwritten signature in black ink on a light-colored background. The signature is cursive and appears to read 'Tim Schmidt-Eisenlohr'.

Name: Tim Schmidt-Eisenlohr

Address:

1142 N Jackson St
Arlington, VA 22201

11/15/2023

Date

Resident of Lyon Village Neighborhood:

Joyce B. Stephanson

Name: Joyce B. Stephanson

Address:

1406 N. Jackson St.

Arlington, VA 22201

November 15, 2023

Date

Resident of Lyon Village Neighborhood:

C. Bora

Name: Ceyhun Bora Durdu

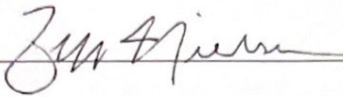
Address:

1206 N Jackson St Arlington VA
22201

11/14/2023

Date

Resident of Lyon Village Neighborhood:

_____

Name: Jeff Nielsen_____

Address:

1321 North Irving Street_____

Arlington, VA 22201_____

November 14, 2023_____

Date

Resident of Lyon Village Neighborhood:

Jennifer Nielsen

Name:

Jennifer Nielsen

Address:

1321 N. Irving St.

Arlington, VA 22201

11/14/2023

Date

Resident of Lyon Village Neighborhood:



Name: Stacy Smith

Address:

1302 N. Jackson St.
Arlington, VA 22201

11/14/23
Date

Resident of Lyon Village Neighborhood:



Name: Christina Smith

Address:

1302 N. Jackson St.
Arlington, VA 22201

11/14/23
Date

Resident of Lyon Village Neighborhood:

Randy Maria Jones

Name: Randall + Maria Jones

Address:

1331 N. Irving Street

Arlington, VA 22201

11/14/23
Date

Exhibits Included:

Exhibit A: Parcel Tax Map

Exhibit B: Deed Book 195 Page 515 (July 26, 1923)

Exhibit C: Deed Book 122 Page 436 (January 5, 1910)

Exhibit D: 1961 General Land Use Plan Map

Exhibit E: 1979 General Land Use Plan Map

Exhibit F: Residential (R) Districts Principal Use Table

Exhibit G.1: 2023 General Land Use Plan Map

Exhibit G.2: 2023 General Land Use Plan Map – Clarendon Sector Plan Area

Exhibit G.3: 2023 General Land Use Plan Map – Site Designation Outside of Clarendon Sector Plan

Exhibit H: 13th Street Corridor Plan Overview, Clarendon Sector Plan (2006)

Exhibit I: Arlington Church Site Inventory of Impacted Civic Associations

Additional Attachments/Links Included:

Zoning Tax Map

Aerial Map

GLUP Tax Map

Topography Map

[2006 Clarendon Sector Plan](#)

[2022 Clarendon Sector Plan](#)

[National Register of Historic Places Lyon Village Nomination \(2002\)](#)

Exhibit A
Parcel Tax Map



Legend

- Arlington County Boundary
- Parcels
- Metro Stations**
- Metro Blue Line Station
- Metro Orange Line Station
- Metro Orange/Blue Line Station
- Metro Orange/Silver/Blue Line Station
- Metro Orange/Silver Line Station
- Metro Yellow/Blue Line Station
- Metro Rail Lines**
- Blue Line
- Blue-Orange Line
- Blue-Orange-Silver Line
- Blue-Yellow Line
- Orange Line
- Orange-Silver Line
- Yellow Line
- Pond
- Streams

1: 1,854

0.1 0 0.03 0.1 Miles

Notes

Exhibit B
Deed Book 195 Page 515
July 26, 1923

H.R. Thomas,
10/5/23.

HARRY R. THOMAS, et als "

to B. & S. "

FRANK LYON "

WHEREAS, Jessie Owen Cugle, Kate
Dean Owen and Evania F. Mackall, were the
joint owners of the tract of land hereinafter

conveyed, seized and possessed thereof jointly under and by virtue of the last will and testament of Robert Cruitt deceased of record in the Clerk's office of Arlington County, in Will Book No. 8, at page 103, and filed their friendly bill in chancery in the Circuit Court of Alexandria County, Virginia, (since called Arlington County) praying for a sale of the said land for partition; and

WHEREAS, pursuant to proceedings regularly and duly had in said, cause a decree was entered, therein on the 24th day of June 1914, directing such a sale and appointing special commissioners to make sale and report the same to said court for its confirmation; and

WHEREAS, pending a sale by said commissioners, all three of said owners, through their agent by a contract in writing, dated May 26, 1922 agreed to sell the said land to Frank Lyon for the sum of \$185,000 upon the basis of an area of 163 acres after making certain reservations with the proviso if a survey demonstrated either a greater or less area, that the said gross purchase price was to be proportionately increased or decreased, of which purchase price \$5000 was paid in cash at the time of the signing of said contract, and \$20,000 additional was agreed to be paid on the delivery of the deed therein contracted for and the residue in certain instalments, as follows, to wit: Three notes of \$8000 one to each of the several vendors, payable one year after date, and four payments of \$34,000 each or in smaller amounts, payable respectively at two, three, four and five years after date, all of said notes to bear interest at the rate of six per cent per annum and to be secured by a deed of trust of even date in which the purchaser was to be authorized and empowered without the joinder of any other person, to plat and record a subdivision of the land in accordance with the law of the State of Virginia, whereby the land included within the public streets in said subdivision upon the recordation of said plat should stand released from the lien of said deed of trust, and such streets dedicated to the public use with a further provision that upon the payment at any time of twelve hundred dollars, (\$1200.00) or more to the trustees, the survivor or his or their successor or successors, was to be bested with full power and it should be his or their duty to release one half of an acre of said land, to be selected from the lots so subdivided by said Frank Lyon, or his assigns, from the lien of said deed of trust, for each twelve hundred dollars (\$1200), so paid and any payment so made in anticipation of maturity of any of said notes should be credited pro rate upon the first note or notes to become due after such payment; and

WHEREAS before the said contract was carried into full effect each principal sought to repudiate the same and attempted to negotiate a second sale thereof and to report the same to the court through said commissioners theretofore appointed to make sale; and

WHEREAS, said Frank Lyon thereupon filed his bill in chancery in the Circuit Court of Arlington County, setting out inter alia the facts aforesaid, making the said three owners of said land and said commissioners as well as the person with whom said second sale was being negotiated, parties defendant praying an injunction to the completion thereof, that his said bill be heard with said partition suit, for approval of his said purchase and for specific performance of his said contract of sale; and

WHEREAS, all of said parties defendant appeared personally and answered said bill and reported said second pretended sale for confirmation, and united in the prayer that both causes be heard together, and said causes were heard by said court according to said prayers, and such proceedings were had therein that on November 23, 1922, a final decree was entered in said causes so heard together granting the prayer of the bill, approving said sale to Frank Lyon, awarding specific performance of his said contract, refusing to confirm said second sale, and decreeing that Evania F. Mackall, Kate Dean Owen and Jessie Owen Cugle execute and acknowledge for records a good and valid deed or deeds conveying to the said Frank Lyon, a good and valid title to the tract of land in the bill and proceedings mentioned with covenants of general warranty of title, in accordance with the terms and provisions of the contract of May 26, 1922, according to its true intent and meaning within sixty days from the rising of the court with a provision in event of default by any, that Harry R. Thomas, thereby appointed special commissioner for the purpose, should make the proper conveyances thereinbefore directed to be made by them respectively, with leave reserved to make further application for any further relief necessary to give full force and effect to said decree, but the operation of said decree was ordered suspended at the instance of the defendants for a period of ninety days upon the execution of a proper suspending bond which was duly executed, thereby suspending the operation of the said decree for the said term of ninety days; and

WHEREAS, the said Evania F. Mackall, Kate Dean Owen, and Jessie Owen Cugle failed to execute or cause to be executed the deed so required and in consequence of said suspension and the death of the said Evania F. Mackall, on the day of February, 1923, the authority and power of the said Harry R. Thomas, to execute a deed under said decree of November, 1922, never vested in him; and

WHEREAS, the said Evania F. Mackall, left a last will and testament which was duly probated before the Registrar of Wills of the County of Lehigh in the State of Pennsylvania, on the 13th day of April, 1923, and which was subsequently duly admitted to record in the County of Arlington, on the 16th day of April, 1923 on which day a decree was entered in the above entitled cause suggesting the death of the said Evania F. Mackall, the probate of her said will and reviving the said cause in the name of her executor and donees, to wit: Bruce McV. Mackall, Daisy Heath Mackall, Robert Upton Mackall, Paul Mackall, Nina Cecile Mackall, and Nina Viola Louisa Whallon; Charles D. Stockley, executor, and Paul Mackall, and the Washington Loan & Trust Company and Holsworth Gordon

Trustees, all of whom by their counsel entered their appearance in said causes and submitted themselves to the jurisdiction of the court.

WHEREAS, in the meantime, the said Jessie Owen Cugle, and Kate Dean Owen while expressing their determination not to execute the deed directed by said decree, asserted on behalf of themselves as well as on behalf of Charles D. Cugle, the husband of said Jessie Owen Cugle, that said decree and any deed executed pursuant thereto would be inoperative to pass to Frank Lyon the courtesy rights or possibilities of said Charles D. Cugle in that respect in said land and that he would not unite either with them or with said commissioner in making said conveyance until and unless large additional compensation was made therefor merely because he had not been made a formal party defendant either to said partition suit or to said suit for specific performance and thus cast a doubt on the title which the said Frank Lyon would obtain under said decree, and interfered seriously with his ability to subdivide said land and to sell the same; and

WHEREAS subsequently, to wit: on the 23rd day of April, 1923, said Frank Lyon be leave filed in the said court a second bill in chancery to enforce the said decree of November 23, 1922 in the causes above mentioned, alleging the foregoing facts making parties defendant thereto the said Kate Dean Owen and Jessie Owen Cugle, the executor, legatees and devisees of the said Evania F. Mackall, aforesaid, and Charles D. Cugle, the husband of said Jessie Owen Cugle, and praying inter alia that the said decree be specifically enforced that a decree be entered ascertaining that upon compliance with said decree of November 23, 1922 any courtesy rights of Charles D. Cugle, in said land would be barred and failing this for indemnity to the plaintiff against loss in event said courtesy rights became consummate and for general and special relief; and,

WHEREAS, on the ___ day of May, 1923, the said Frank Lyon filed an amended and supplemental bill therein, making additional allegations, and praying additionally that the said Charles D. Cugle, be forever, enjoined and restrained from asserting or claiming any right, title or interest in the said land by virtue of any courtesy, rights, real or imaginary, existing or supposed to exist in him by virtue of his marriage with the said Jessie Owen Cugle, and that the title of said Lyon be quieted; and

WHEREAS, all of the parties defendant to the last named original and supplemental bill appeared voluntarily and submitted themselves to the jurisdiction of the court therein, except the said Charles D. Cugle, who being a non-resident was served personally with process outside of the State of Virginia, pursuant to the Statute in that case made and provided and who after the requisite period of time had elapsed to make said service equivalent to an order of publication executed undertook to enter a special appearance in said cause for the purpose of submitting a motion which he termed a motion to quash process and assigned inter alia grounds in writing therefor that his interest in said property was personalty and not realty; that even if the service of process was had within the jurisdiction of this court that his inchoate right of courtesy was incapable of ascertainment; that the plaintiff had proceeded to a final decree without any attempt on his part to make the defendant a party defendant, that it was too late after the final decree to make him a party defendant in another cause to enforce a decree granting all the prayers of the plaintiff

for specific performance, that the plaintiff knew in July, 1922, previous to the decree of November, 1922 that the defendant had an inchoate right of courtesy outstanding and that the defendant was not a party defendant to the original bill; which motion the court after over-ruling treated as equivalent to a demurrer to the said bill and hence a general appearance. The plaintiff thereafter joined in all of the said demurrers of all the defendants, the court then over-ruled all of the said demurrers and the defendants thereupon indicating that they did not wish further to answer it, the said bill was ordered to be taken for confessed as to all of them including said Charles D. Cugle, and a decree was thereupon, on the 26th day of June, 1923 entered upon the said bill so taken for confessed, holding among other things that the plaintiff was entitled under his contract to, and under said decree would acquire a fee simple title, to the land in question, freed and discharged from the possibility of any courtesy rights theretofore or thereafter arising or accruing to the said Charles D. Cugle in virtue of his marriage to the defendant, Jessie Owen Cugle, that neither the said Charles D. Cugle nor any one claiming under him had or could become entitled to any courtesy rights in the land in the bill and proceedings mentioned by virtue of his marriage with the defendant, Jessie Owen Cugle in the event he should survive her as against the said Frank Lyon or those claiming under him by virtue of any deed executed to the latter or his grantees, pursuant to the decree of November 23, 1922; that the said decree of November 23, 1922, as so construed, be forthwith carried into execution that upon compliance with said decree of November 23, 1922, the inchoate courtesy rights as well as any other right, title, possibility or interest, past, present or future, accrued or accruing to the said Charles D. Cugle in or to said land or any part thereof by virtue of his marriage with the said Jessie Owen Cugle, by and the same were thereby ascertained to be barred and the said Charles D. Cugle, and those claiming under, through or by him were forever enjoined and restrained from thereafter claiming any right, title, interest or possibility thereof, in or to said land by virtue of any courtesy rights or interest in or to said land existing or supposed to exist or to thereafter arise, growing out of his said marriage aforesaid, and that the said Frank Lyon his heirs or assigns, be forever quieted in and to their title, to said land in that respect; and the court further directed that if said Kate Dean Owen and Jessie Owen Cugle, and the heirs, personal representatives and devisees of Evania F. Mackall or any of them should fail for twenty days from the rising of the court to execute and deliver the deed thereby ordered to be executed by them in conformity to the contract of May 26, 1922, that then the said Harry R. Thomas was again appointed special commissioner to execute for and on behalf of and in the name of each of them so failing, the conveyance theretofore directed to be made by them conveying the said property to the said plaintiff or to whomsoever, he should in writing direct by deed with general warranty of title on their behalf and special warranty of title on his own behalf and to receive from the plaintiff for them respectively, the proper share of cash and notes for the deferred payments, which they or such of them who failed personally to unite in the conveyance aforesaid would be entitled to receive from the said Frank Lyon under the provisions of the contract of May 26, 1922, aforesaid and under said decree of November 23, 1922; such notes to be properly secured

by deed of trust with appropriate provisions for said releases of said contract of May 26, 1922, and further requiring that before receiving any money or notes under said decree that the commissioner should execute before the clerk of said court a proper special commissioner's bond in the penalty of \$25,000 with surety approved and conditioned, as provided by law; and

WHEREAS, the said court arose on July 5th, 1923, and more than twenty days had elapsed since that time and none of the parties defendant to said bill have executed or attempted to execute to said Frank Lyon or to any one for him the deed thereby required to be executed, though he has been ever ready to comply with said decree upon the delivery to him of the deed thereby required and

WHEREAS, the said Harry R. Thomas has executed before the clerk of the Circuit Court of Arlington County the commissioner's bond with approved security in the penalty of \$25,000 conditioned as required by law, and in conformity with said decree of June 26, 1923; and

WHEREAS, the said Frank Lyon has complied with the alternate provisions of said decree by paying to the said Harry R. Thomas simultaneously with the delivery of this deed the sum of \$20,000, in cash and has delivered to him his fifteen several notes all bearing even date herewith, three for eight thousand dollars (\$8000.00) each, payable one year after date with interest from date--one to Jessie Owen Cugle, one to Kate Dean Owen, and one to Charles D. Stockley, Executor of Evania F. Mackall, and twelve for Eleven thousand, two hundred and fifty and 10/100 dollars (\$11,250.10) each, four payable respectively at two, three, four and five years after date, to Kate Dean Owen, four payable respectively, two, three, four and five years after date, to Jessie Owen Cugle, and four payable respectively two, three four and five years after date to Charles D. Stockley, Executor of the last will and testament of Evania F. Mackall, all secured by a deed of trust bearing even date herewith and executed by the said Frank Lyon to Gardner L. Boothe and Fred S. Swindell, Trustees and likewise delivered to the said commissioner simultaneously with the delivery of this deed and as a part of the same transaction conditioned as required by the decree above recited the receipt whereof is hereby acknowledged, thereby entitling the said Frank Lyon to the execution and delivery of this deed;

NOW, THEREFORE, THIS DEED, made this 26th day of July, 1923, between Harry R. Thomas, Special Commissioner of the Circuit Court of Arlington County, acting for and on behalf of Jessie Owen Cugle, Kate Dean Owen and the heirs devisees and executor of Evania F. Mackall, aforesaid, under and pursuant to the decree of November, 23, 1922, entered in the chancery causes above mentioned styled Frank Lyon. vs. Evania F. Mackall, et als, and Kate Dean Owen et als. v. Evania F. Mackall, respectively, and under and pursuant to the decree of June 26, 1923, in the said chancery cause of Frank Lyon, plaintiff. v. Kate Dean Owen, et als, defendants, as party of the first part, and Frank Lyon, as party of the second part, and all of the county of Arlington, in the State of Virginia.

WITNESSETH that for and in consideration of the premises aforesaid and pursuant to the authority vested in him by the decrees aforesaid, and the further sum of one dollar, (\$1.00) cash in hand paid, receipt whereof is hereby acknowledged the said party of the first part acting as such commissioner in virtue

of the provisions of the said decrees and on behalf of and in the names of the said Kate Dean Owen, Jessie Owen Cugle, Bruce McV. Mackall, Daisy Heath Evans Robert Upton Paul Mackall, in his own right and as trustee under the will of said Evania F. Mackall, Nina Cecil Mackall and Nina Viola Louisa Whallon, heirs at law and devisees of Evania F. Mackall, deceased, Charles D. Stockley, Executor of Evania F. Mackall, Paul Mackall, Trustee, Holsworth Gordon, Trustee, and the Washington Loan and Trust Company, Trustee, under the will of said Evania F. Mackall and for each of them, does hereby give, grant, bargain, sell, release, transfer and convey unto the said party of the second part, the following described tract of land situated in Arlington County, Virginia, adjacent to the lands of Washington & O. D. R. R. Co., and Preston, and the Wilson Boulevard, and known as "The Cruitt Tract", and described in a plat and survey thereof made May 15, 1915 by Joseph Berry, a copy whereof is hereunto attached and made a part of this deed and as containing 165.102 acres, saving and excepting therefrom however, the following parcels of said land reserved from sale as aforesaid in said contract of May 26, 1922, to wit: (1), A lot of one and 754/1000 acres, previously sold to Ralph Baldwin and Jennie F. Baldwin, his wife, but not as yet conveyed beginning at a point where the western line of Waldon Avenue intersects and joins the southern boundary of the tract hereby conveyed, thence with the said southern boundary, N. 88 deg. 57 min. W. 137.82 feet to a cedar stake, thence with the western boundary line as shown on said plat 555 feet to an iron pipe, thence running S. 98 deg. 30 min. E. 137.82 feet to an iron pipe, and thence in a straight line 553.8 feet to the beginning, and (2) a lot containing 11,800 square feet previously sold to Elizabeth H. Thompson but not yet conveyed, beginning at a point in the west line of Walnut Street, as shown on said plat, extended N _____ deg _____ 100 feet from its intersection with the South line of the Georgetown and Ballston County Road, running thence at right angles to the said West line of said Walnut Street, extended in a westerly direction, 118 feet more or less to a stake, thence to the North at right angles and parallel with the west line of said Walnut Street, extended 100 feet to a stake, thence at right angles and easterly and perpendicular to the west line of said Walnut Street as aforesaid, and parallel with the first described boundary line of the parcel being described 118 feet to the west line of Walnut street extended, thence southerly and with the west line of Walnut Street as aforesaid, to the place of beginning, containing 11,800 square feet of land, and 0.2617 of an acre, together with a right of way over the said strip of land mentioned above to be dedicated in extension of Walnut Street southerly to the Georgetown and Ballston road, and (3) the strip of land heretofore taken for a public roadway and now incorporated in Woodmont Avenue lying immediately east of the Bluemont Railway right-of-way in two parcels shown in detail by metes and bounds upon the plat hereto attached and described generally as being (a) a county road 40 feet wide, and 410.98 feet in length comprising .4243 of an acre, extending from the north boundary of the Cruitt tract where it binds with the south boundary of the right of way of the W. & O. D. Rwy at Maywood Station, to the north boundary of the Lee Highway, and (b) a county road 40 feet wide and 461.28 feet in length comprising .542 of an acre, extending from the south boundary of the Lee Highway where the latter binds with the county road, described in (a) above, to the north boundary of the Mollie Harrison Estate

the two parcels aggregating .9663 of an acre.

THE Three parcels thus excepted aggregate 2.982 acres and leave the net quantity of land hereby conveyed as 162.12 acres. The said land is conveyed with covenants of general warranty of title on behalf of and in the name of the said parties defendant above mentioned, save that as to those described as acting in a fiduciary capacity only, such covenants shall not operate upon them nor their successors personally, nor their estates, nor upon the assets in their hands in such fiduciary capacities beyond the value thereof so in their hands, or which should properly be in their hands at the time that any liability hereunder accrues, subject to the easement of the sewer right as now used in the southwest corner of the property so conveyed, and with covenants of special warranty of title, on the part of the said Harry R. Thomas, commissioner as aforesaid.

TO HAVE AND TO HOLD the said land hereby conveyed, in fee simple forever freed and discharged from any right, claim, or interest of any of said parties and freed and discharged forever from any right, title, interest, courtesy right, claim or possibility on the part of Charles D. Cugle, or those claiming under him.

WITNESS THE FOLLOWING SIGNATURE AND SEAL this 26th day of July, 1923.

I. R. STAMP \$184.50

HARRY R. THOMAS, (SEAL)
Special Commissioner

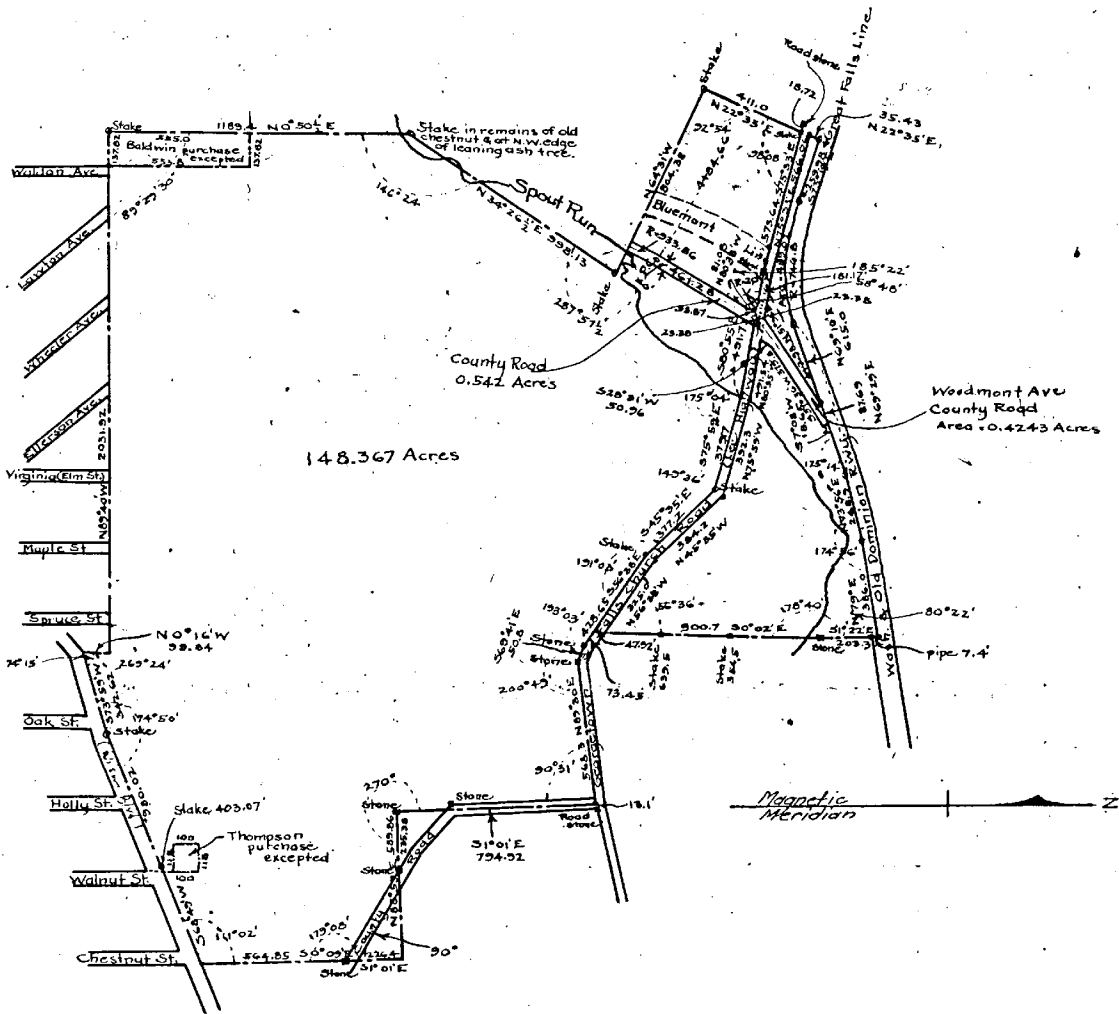
DISTRICT OF COLUMBIA, TO WIT:

I, E. B. Shaver a Notary Public in and for the District aforesaid, whose commission will expire on the 26 day of September, 1925, do hereby certify that Harry R. Thomas, Special Commissioner whose name is signed to the foregoing writing bearing date the 26th day of July, 1923, has acknowledged the same before me in my district aforesaid.

GIVEN under my hand and notarial seal this 26 day of July, 1923.

SEAL.

E. B. SHAVER Notary Public, D. C.



PLAT SHOWING THE
ROBERT CRUIT ESTATE

Arlington County Va.

Surveyed by Joseph Berry C.E.
May 15, 1915; Drawn from blue-
print of original survey, scale 1"=100'
by J. H. Small III Inc. Landscape Architects.
Scale 1"=500'
July 24, 1923.

35

Area South of Georgetown-Falls Church Rd.	148.367 A	
" North " " " " "	16.735	
Total Area	165.102	
Deduction for Baldwin Purchase	1.754	
" " Thompson " "	0.2617	
" " County Road " "	0.9663	
Total	2.9820	Net total 162.12

VIRGINIA

In the Clerk's office of the Circuit Court of Arlington County July 26, 1923
this deed was received, and with the annexed certificate admitted to record at 2 o'clock
P.M.

Teste;


 Clerk

Exhibit C
Deed Book 122 Page 436
January 5, 1910

*B. M. Stoy
Clarendon Va
January 1910*

++++
HARRY C. BIRGE ET UX +

TO: IN TRUST. EXAMD & IND +

THIS DEED

A. D. VICROY ET AL +

MADE this 5th day of January in the year, 1910

++++
between HARRY C. BIRGE and wife JEANNE E. BIRGE, of Falls Church, Fairfax County,

State of Virginia, parties of the first part and A.D.VICROY, ELMER E. SPEER and CLIFFORD M. STOY, parties of the second part,

WITNESSETH, that in consideration of the sum of two hundred dollars, and other valuable considerations to them in hand paid, by the said parties of the second part the said parties of the first part do hereby grant unto the said parties of the second part, in fee simple, as joint tenants, with general warranty,

All those certain pieces or parcels of land, situate in that part of Alexandria County, State of Virginia, called Clarendon, and being all of lots numbered 192, 193, 194, 195 on plat or plan of said Clarendon, surveyed for Wood Harmon real Estate Association by L.T.Haney, County Surveyor, March 31, 1900 and recorded in the clerk's office of said Alexandria County in D.R. # 192, at pages 138, 139 et seq., said lots being the same property conveyed to said Harry C. Birge by deed from Charles N. Whelan dated June 1, 1907, and to said Charles N. Whelan by deed from Robert T. Paine Jr and wife, same being dated March 16, 1903, to which last mentioned deed reference is hereby made for more particular description of said land.

TO HAVE AND TO HOLD unto the parties of the second part as trustees, in fee simple, in and upon the following trusts, to wit; In trust for the sole use and benefit of Clarendon Methodist Episcopal Church, South, and to collect the rents, issues and profits thereof and apply the same to the maintenance and for the benefit of the said Clarendon Methodist Episcopal Church, South.

And in trust further, at any time hereafter to sell, incumber, or otherwise dispose of and to convey in fee simple or by way of deed of trust or mortgage, as the said parties hereto of the second part, the survivor of them, or the trustee acting in execution of the trusts and powers contained herein, may be directed by the Board of trustees of Clarendon Methodist Episcopal Church South, or the body in charge of the work of said Congregation, which authority or direction shall be evidenced by a copy of the resolution passed by said Board and made a part of the deed, mortgage, deed of trust or other conveyance of the property. Said resolution having been previously passed at a meeting of said Board by a majority of the trustees Purchasers and parties loaning money to be relieved from all responsibility as to the proper application of the purchase money or money loaned.

The said Harry C. Birge and wife Jeanne E. Birge covenant that they have the right to convey the said land to the grantees; that they have done no act to encumber the said land; that the grantees shall have quiet possession of the said land, free from all incumbrances, and that they the said parties of the first part, will execute

such further assurance of said land as may be requisite

WITNESS the following signatures and seals.

Jennie M. Ryan, as to both

Harry C. Birge----- (Seal)

Jeanne E. Birge----- (Seal)

DISTRICT OF COLUMBIA, to wit

I, JENNIE M. RYAN, a Notary Public for the city of Washington aforesaid, in the District of Columbia, do certify that HARRY C. BIRGE and JEANNE E. BIRGE, whose names are signed to the foregoing writing bearing date on the 5th day of January, 1910, have acknowledged the same before me in my District aforesaid.

GIVEN under my hand and notarial seal this 6th day of January, 1910

(Seal)

Jennie M. Ryan, Notary Public

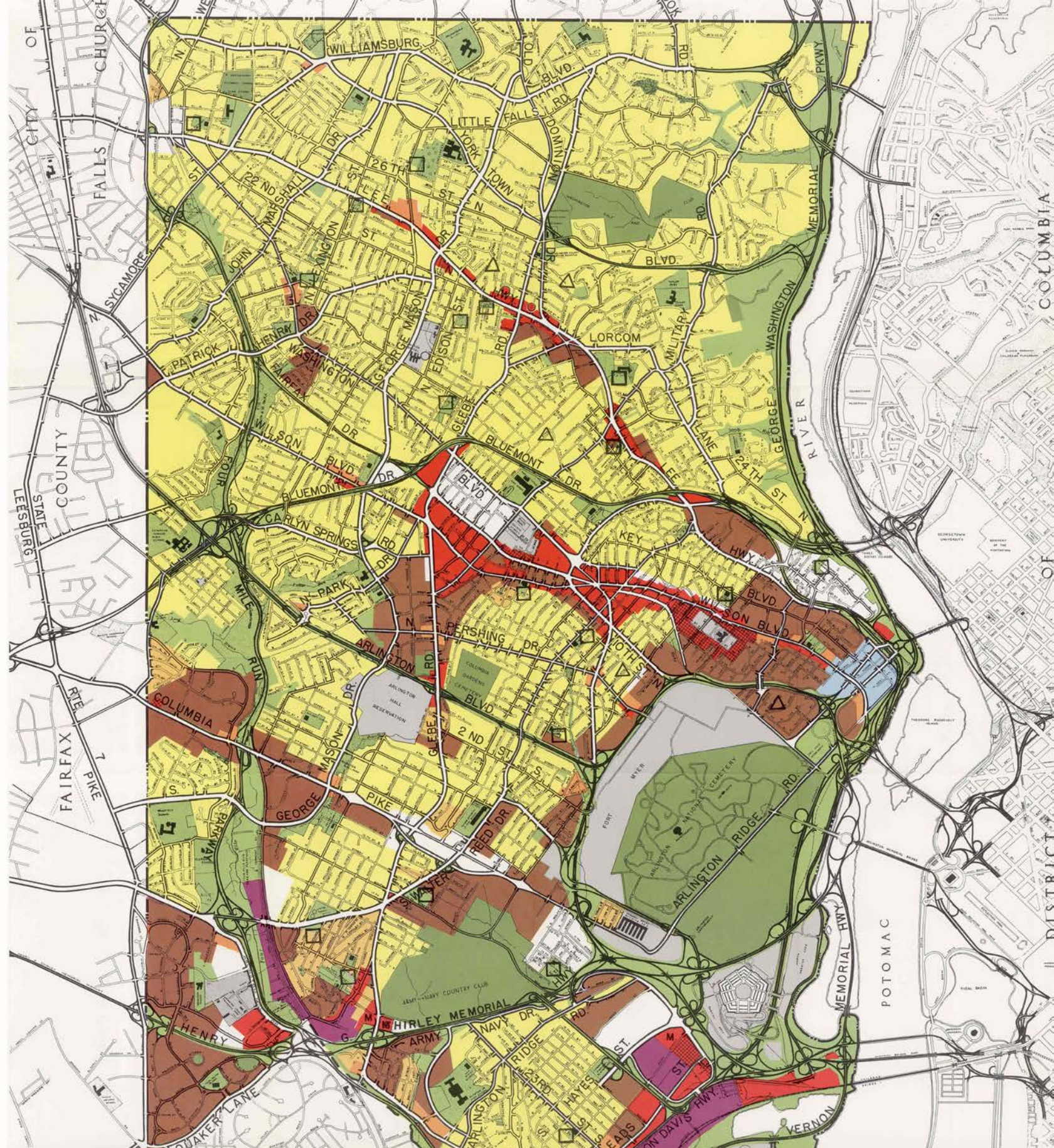
Virginia

In the clerk's office of the Circuit Court of Alexandria County, January 13th 1910, this deed was received and with the annexed certificate admitted to record at 9 o'clock A.M.

Tests;

Geo. H. Richter Clerk

Exhibit D
1961 General Land Use Plan Map



- RESIDENTIAL DENSITIES**
- LOW (SINGLE FAMILY)
0 - 8 DWELLING UNITS PER GROSS ACRE
 - LOW MEDIUM (TWO FAMILY)
9 - 13 DWELLING UNITS PER GROSS ACRE
 - HIGH MEDIUM (MULTI-FAMILY)
14 - 39 DWELLING UNITS PER GROSS ACRE
- OPEN SPACE**
- PUBLIC - OPEN LAND, PLAYGROUNDS, SCHOOLS & PARKS
 - SEMI-PUBLIC - OPEN LAND, INSTITUTIONS, PARKS & RECREATIONAL FACILITIES
 - PRIVATE GREENWAY
 - UNDESIGNATED EXPANSION OF EXISTING NEIGHBORHOOD PLAYGROUNDS
 - GENERAL LOCATION FOR NEW NEIGHBORHOOD PLAYGROUNDS
 - UNDETERMINED EXPANSION OF EXISTING USES
 - UNDETERMINED USES

- COMMERCIAL**
- NEIGHBORHOOD SHOPPING
 - GENERAL BUSINESS
 - OFFICE - BUILDINGS
 - MOTEL
- INDUSTRIAL**
- GOVERNMENT AND COMMUNITY FACILITIES**
- APARTMENTS & OFFICES**
- THOROUGHFARES**
- CONTROLLED ACCESS (freeways, expressways & parkways)
 - MAJOR THOROUGHFARES
 - COLLECTOR STREETS
 - RESIDENTIAL & LOCAL STREETS

THIS MAP SHOWS LAND USE AS PROPOSED ON THE OFFICIAL

ARLINGTON COUNTY GENERAL LAND USE PLAN

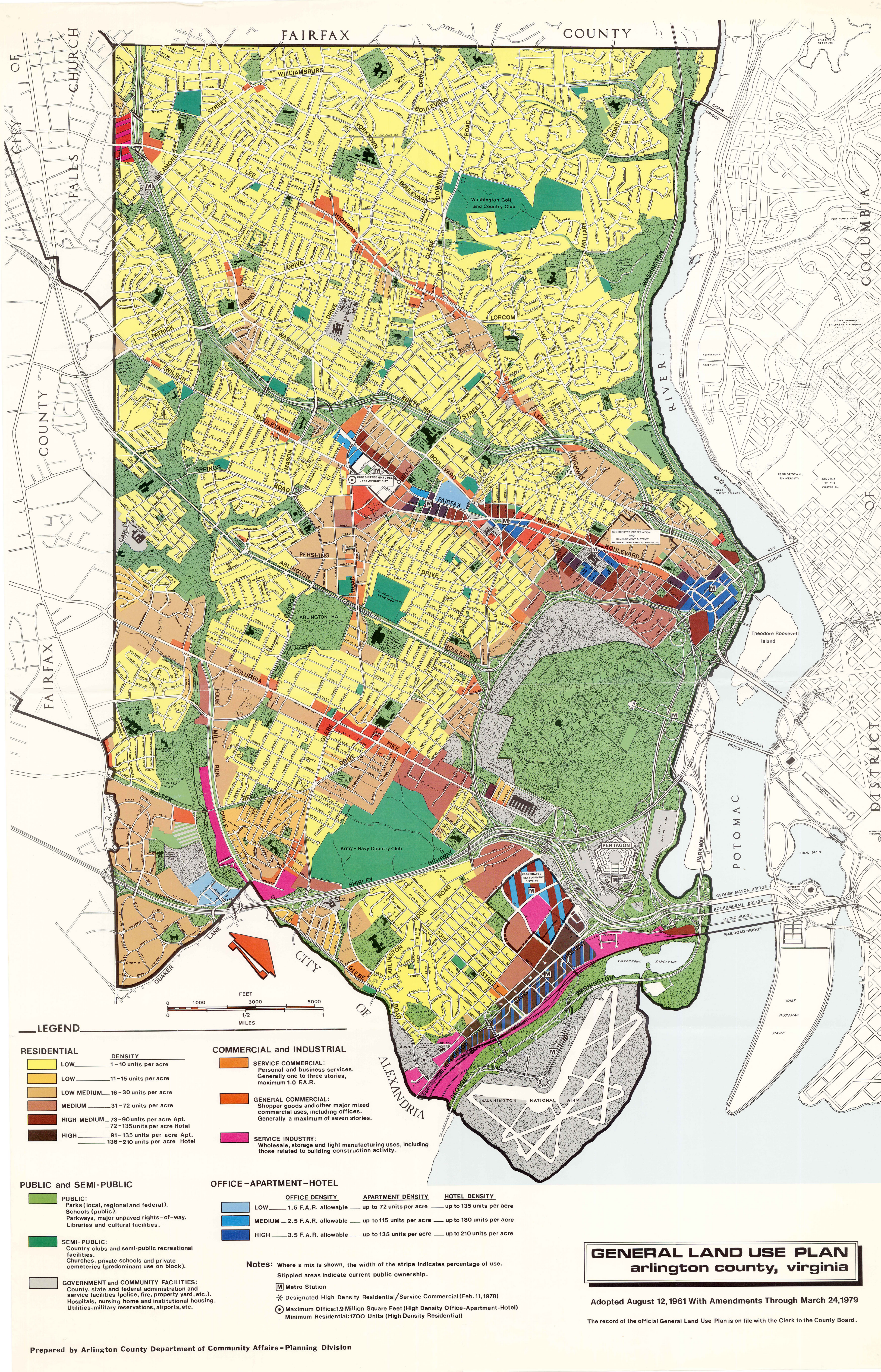


ADOPTED AUGUST 12, 1961

FOR PARTICULAR REFERENCE TO SPECIFIC PROPERTY, REFER TO THE OFFICIAL GENERAL LAND USE PLAN ON FILE WITH THE CLERK OF THE COUNTY BOARD, COURT HOUSE, ARLINGTON, VIRGINIA.



Exhibit E
1979 General Land Use Plan Map



FAIRFAX COUNTY

CITY OF FALLS CHURCH

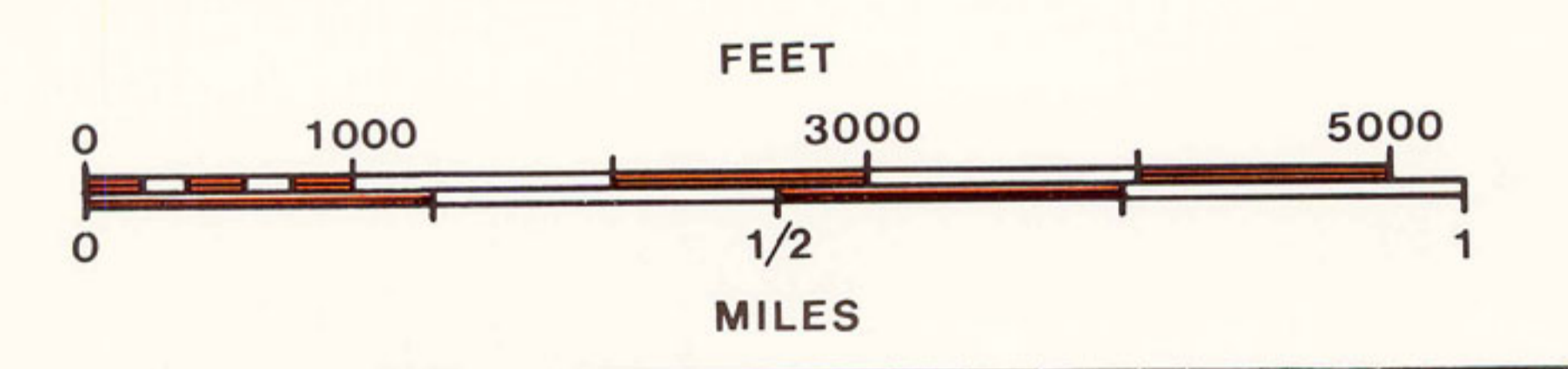
FAIRFAX COUNTY

COLUMBIA

OF

DISTRICT

CITY OF ALEXANDRIA



LEGEND

RESIDENTIAL

DENSITY	Units per acre
LOW	1-10 units per acre
LOW	11-15 units per acre
LOW MEDIUM	16-30 units per acre
MEDIUM	31-72 units per acre
HIGH MEDIUM	73-90 units per acre Apt. 72-135 units per acre Hotel
HIGH	91-135 units per acre Apt. 136-210 units per acre Hotel

COMMERCIAL and INDUSTRIAL

- SERVICE COMMERCIAL:** Personal and business services. Generally one to three stories, maximum 1.0 F.A.R.
- GENERAL COMMERCIAL:** Shopper goods and other major mixed commercial uses, including offices. Generally a maximum of seven stories.
- SERVICE INDUSTRY:** Wholesale, storage and light manufacturing uses, including those related to building construction activity.

PUBLIC and SEMI-PUBLIC

- PUBLIC:** Parks (local, regional and federal). Schools (public). Parkways, major unpaved rights-of-way. Libraries and cultural facilities.
- SEMI-PUBLIC:** Country clubs and semi-public recreational facilities. Churches, private schools and private cemeteries (predominant use on block).
- GOVERNMENT and COMMUNITY FACILITIES:** County, state and federal administration and service facilities (police, fire, property yard, etc.). Hospitals, nursing home and institutional housing. Utilities, military reservations, airports, etc.

OFFICE-APARTMENT-HOTEL

OFFICE DENSITY	APARTMENT DENSITY	HOTEL DENSITY	
LOW	1.5 F.A.R. allowable	up to 72 units per acre	up to 135 units per acre
MEDIUM	2.5 F.A.R. allowable	up to 115 units per acre	up to 180 units per acre
HIGH	3.5 F.A.R. allowable	up to 135 units per acre	up to 210 units per acre

Notes: Where a mix is shown, the width of the stripe indicates percentage of use. Stippled areas indicate current public ownership.
 M Metro Station
 * Designated High Density Residential/Service Commercial (Feb. 11, 1978)
 O Maximum Office: 1.9 Million Square Feet (High Density Office-Apartment-Hotel)
 Minimum Residential: 1700 Units (High Density Residential)

GENERAL LAND USE PLAN
arlington county, virginia

Adopted August 12, 1961 With Amendments Through March 24, 1979
 The record of the official General Land Use Plan is on file with the Clerk to the County Board.

Exhibit F
Residential (R) Districts Principal Use Table

§5.1.2 RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE

F. Accessory and temporary uses

The regulations that apply to accessory and temporary uses are contained in §12.9 and §12.10.

G. Transitional uses

The regulations that apply to transitional uses are contained in §12.8.

H. Use categories

All of the use categories listed in the table below are described in §12.2. The second column of the use table lists some of the specific use types included within the respective use categories.

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Residential Use Categories (See §12.2.3)										
Household Living (See §12.2.3.A)	One-family detached	P	P	P	P	P	P	P	P	§12.3.10
	Duplexes								P S	
	Duplexes, abutting RA, C or M districts, or located on a principal or minor arterial street as designated on the Arlington County Master Transportation Plan						U S	U S		§12.3.11
	Semidetached, abutting RA, C or M districts, or located on a principal or minor arterial street as designated on the Arlington County Master Transportation Plan						U S	U S		§12.3.11
	Semidetached							S	P S	
	Townhouses							S	P	
	Townhouse, semidetached and existing one-family dwellings			S						§5.4.4
	Townhouse, semidetached, one-family and stacked units							S		§5.8.4
Group Living (See §12.2.3.B)	Dormitories	U	U	U	U	U	U	U	U	§12.3.3
	Fraternity and sorority houses:	U	U	U	U	U	U	U	U	§12.3.5
	Group homes	U	U	U	U	U	U	U	U	§12.3.6
Public, Civic and Institutional Use Categories (§12.2.4)										
Colleges (§12.2.4.A)	Colleges and universities	U	U	U	U	U	U	U	U	§12.3.6
Community Service (See §12.2.4.B)	Community centers	U	U	U	U	U	U	U	U	
	Community swimming pools	U	U	U	U	U	U	U	U	§12.4.8
	Libraries	U	U	U	U	U	U	U	U	
	Museums and art galleries or studios	U	U	U	U	U	U	U	U	
Day Care (See §12.2.4.C)	Child care centers	U	U	U	U	U	U	U	U	§12.4.1
	All other day care uses	U	U	U	U	U	U	U	U	
Governmental Facilities (See §12.2.4.D)										
Hospital (See §12.2.4.E)	Hospitals	U	U	U	U	U	U	U	U	§12.4.2
Parks and Open Space (See §12.2.4.F)	Cemeteries	U	U	U	U	U	U	U	U	
	Country clubs and golf courses	U	U	U	U	U	U	U	U	
	Parks, playgrounds and playfields	U	U	U	U	U	U	U	U	

§5.1.2 RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	RT15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Passenger Terminals and Services (See §12.2.4.G)	Airports and aircraft landing fields	U	U	U	U	U	U	U	U	
	Bus, trolley, air, boat and rail passenger terminals	U	U	U	U	U	U	U	U	§12.4.4
Religious Institutions (See §12.2.4.H)	Churches, mosques, synagogues, and temples	P	P	P	P	P	P	P	P	
Schools (See §12.2.4.I)	Schools, elementary, middle and high	U	U	U	U	U	U	U	U	§12.4.1
Social Service Institutions (See §12.2.4.J)	All social service institutions except those of a corrective nature	U	U	U	U	U	U	U	U	
Utilities, major (See §12.2.4.K)	All major utilities	U	U	U	U	U	U	U	U	§12.4.9
	Bus shelters; bike share stations	U	U	U	U	U	U	U	U	
Utilities, minor (See §12.2.4.K)	All other minor utilities	P	P	P	P	P	P	P	P	§12.4.9
	Retail, Service and Commercial Use Categories (See §12.2.5)									
Food Establishments (See §12.2.5.B)	All Food Establishments									
Entertainment (See §12.2.5.A)	Membership clubs and lodges	U	U	U	U	U	U	U	U	§12.5.13
Office (See §12.2.5.C)	Offices, federal, state and local	U	U	U	U	U	U	U	U	
	Offices or clinics, medical or dental					U	U	U	U	§12.5.16
Overnight Accommodations (See §12.2.5.D)	Bed and breakfasts	U	U	U	U	U	U	U	U	§12.5.3
Parking, Commercial (See §12.2.5.E)	All commercial parking uses									
Recreation, Indoor (See §12.2.5.F.2(a))	All indoor recreation uses									
Recreation, Outdoor (See §12.2.5.A)	All outdoor recreation uses									
Retail, Sales (See §12.2.5.G.2(a))	Open-air markets	U	U	U	U	U	U	U	U	§12.5.17
	All other retail sales uses									
Retail, Personal Service (See §12.2.5.G.2(b))	All retail personal service uses									
Retail, Repair (See §12.2.5.G.2(c))	All retail repair uses									
Self-service Storage (See §12.2.5.H)	All self-storage uses									
Vehicle Sales and Service (See §12.2.5.I)	All vehicle sales and service uses									
Industrial Use Categories (See §12.2.6)										

§5.1.3 RESIDENTIAL (R) DISTRICTS TRANSITIONAL USE TABLE

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Light Industrial Service (See §12.2.6.A)	All light industrial uses									
Manufacturing and Production (See §12.2.6.B)	All manufacturing and production uses									
Heavy Industrial (See §12.2.6.C)	All heavy industrial uses									
Warehouse and Freight Movement (See §12.2.6.D)	All warehouse and freight movement uses									
Waste-related Service (See §12.2.6.E)	Recycling centers	U	U	U	U	U	U	U	U	
	All other waste-related service uses									
Wholesale Trade (See §12.2.6.F)	All wholesale trade uses									
Other use categories (See §12.2.7)										
Agriculture (See §12.2.7.A)	All agricultural uses	P	P	P	P	P	P	P	P	§12.7.1
Resource Extraction (See §12.2.7.B)	All resource extraction uses									
Telecommunications Facilities (See §12.2.7.C)	Small cell or micro-wireless facilities	P	P	P	P	P	P	P	P	
	Telecommunications facilities	P	P	P	P	P	P	P	P	§12.7.2
Unclassified (See §12.2.7.D)										

§5.1.3. Residential (R) districts transitional use table

Transitional uses in residential (R) districts shall include the following uses, activities and structures:

RESIDENTIAL (R) DISTRICTS TRANSITIONAL USE TABLE										
Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards	
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Duplexes, abutting other than C-1 or C-1-O districts							U		U	
Semidetached, abutting other than C-1 or C-1-O districts							U		U	
Offices or clinics, medical or dental, in existing one-family detached dwelling	P	P	P	P	P	P	P	P		§12.8.3
Transitional parking areas	U	U	U	U	U	U	U	U		§12.8.5

Exhibit G.1
2023 General Land Use Plan Map



Adopted August 12, 1961 with amendments through June 30, 2023. The record of the official General Land Use Plan is on file with the Clerk of the County Board and the Department of Community Planning, Housing and Development/Planning Division.

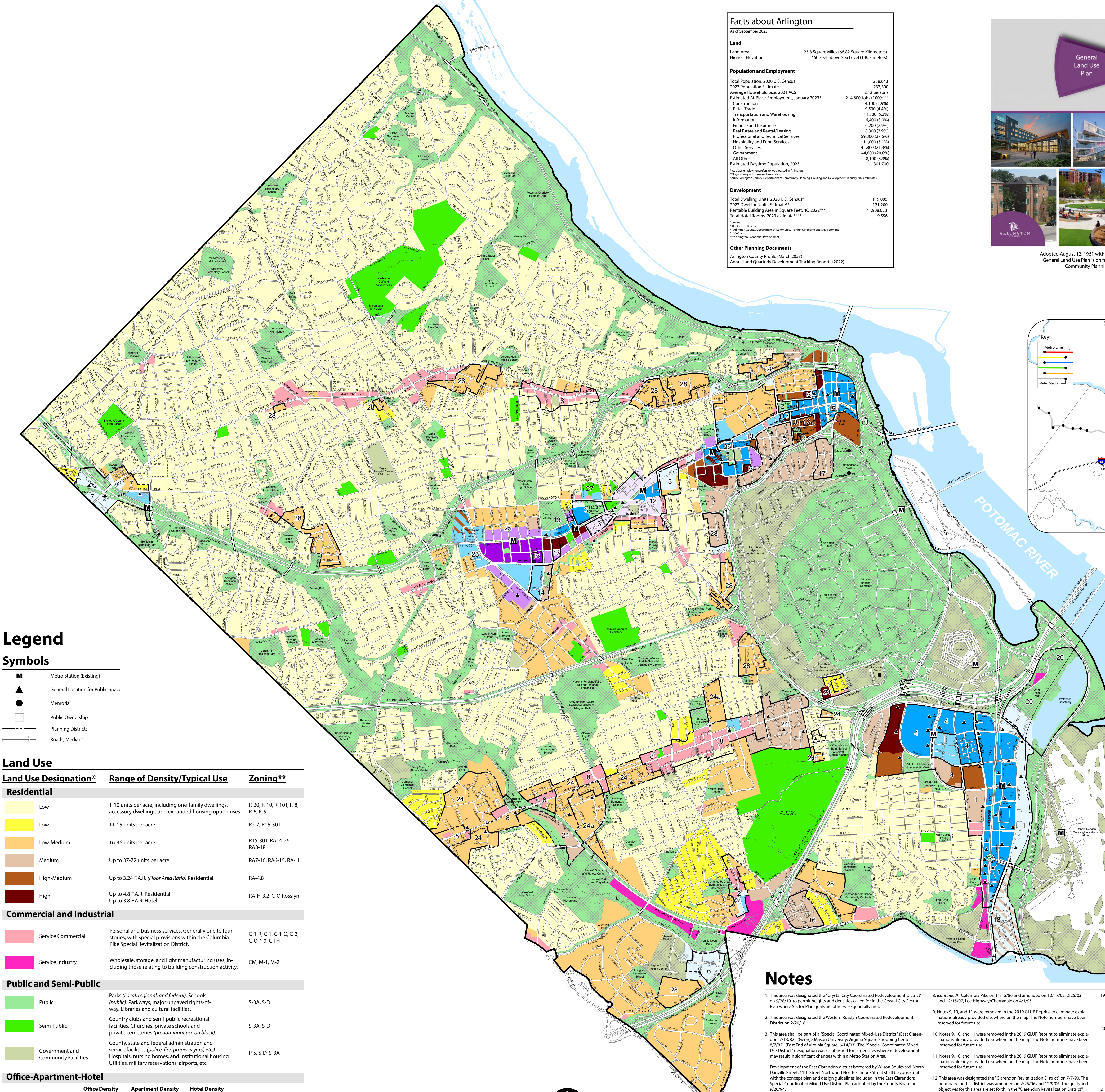
Facts about Arlington

As of September 2023

Land	25.8 Square Miles (66.82 Square Kilometers)
Land Area	460 Feet above Sea Level (140.3 meters)
Highest Elevation	
Population and Employment	238,643
Total Population, 2020 U.S. Census	237,300
2023 Population Estimate	213 persons
Average Household Size, 2021 ACS	214,600 Jobs (100%)**
Estimated At-Place-Employment, January 2023*	4,100 (1.9%)
Construction	9,500 (4.4%)
Retail Trade	11,300 (5.3%)
Transportation and Warehousing	6,400 (3.0%)
Information	6,200 (2.9%)
Finance and Insurance	8,300 (3.9%)
Real Estate and Rental/Leasing	59,300 (27.6%)
Professional and Technical Services	11,000 (5.1%)
Hospitality and Food Services	45,800 (21.3%)
Government	44,600 (20.8%)
All Other	8,100 (3.8%)
Estimated Daytime Population, 2023	301,700
Development	119,085
Total Dwelling Units, 2020 U.S. Census*	121,200
2023 Dwelling Units Estimate**	41,908,023
Rentable Building Area in Square Feet, 4Q 2022***	9,556
Total Hotel Rooms, 2023 estimate****	

Source: *U.S. Census Bureau
**Arlington County, Department of Community Planning, Housing and Development
***Arlington Economic Development
****Arlington Economic Development

Other Planning Documents
Arlington County Profile (March 2023)
Annual and Quarterly Development Tracking Reports (2022)



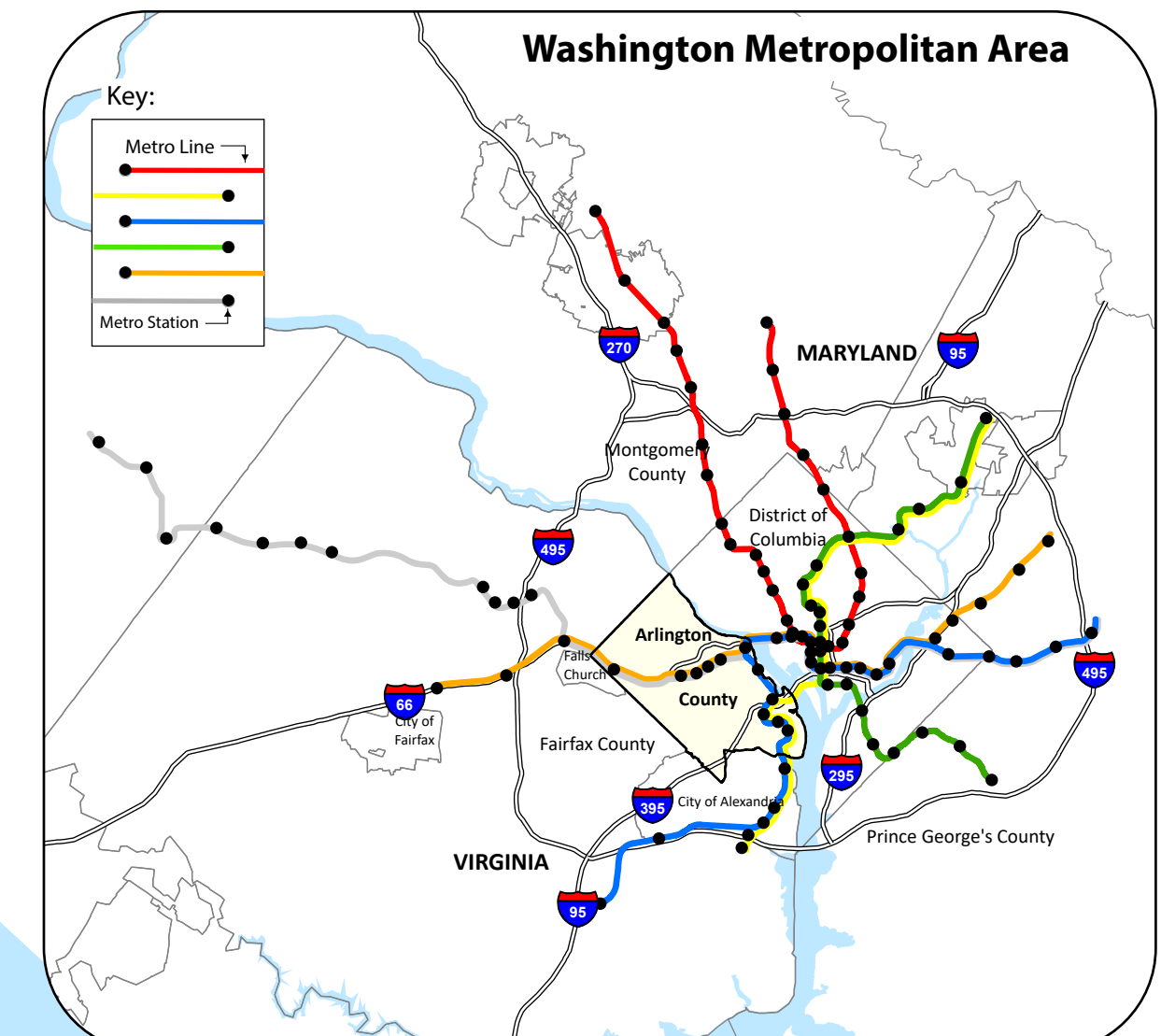
Legend

Symbols

- Metro Station (Existing)
- General Location for Public Space
- Memorial
- Public Ownership
- Planning Districts
- Roads, Medians

Land Use

Land Use Designation*	Range of Density/Typical Use	Zoning**
Residential		
Low	1-10 units per acre, including one-family dwellings, accessory dwellings, and expanded housing option uses	R-20, R-10, R-10T, R-8, R-6, R-5
Low	11-15 units per acre	R2-7, R15-30T
Low-Medium	16-36 units per acre	R15-30T, RA14-26, RA8-18
Medium	Up to 37-72 units per acre	RA7-16, RA6-15, RA-H
High-Medium	Up to 3.24 F.A.R. (Floor Area Ratio) Residential	RA-4.8
High	Up to 4.8 F.A.R. Residential Up to 3.8 F.A.R. Hotel	RA-H-3.2, C-O Rosslyn
Commercial and Industrial		
Service Commercial	Personal and business services. Generally one to four stories, with special provisions within the Columbia Pike Special Revitalization District.	C-1-R, C-1, C-1-O, C-2, C-O-1.0, C-TH
Service Industry	Wholesale, storage, and light manufacturing uses, including those relating to building construction activity.	CM, M-1, M-2
Public and Semi-Public		
Public	Parks (Local, regional, and federal), Schools (public), Parkways, major unopened rights-of-way, Libraries and cultural facilities.	S-3A, S-D
Semi-Public	Country clubs and semi-public recreational facilities, Churches, private schools and private cemeteries (predominant use on block).	S-3A, S-D
Government and Community Facilities	County, state and federal administration and service facilities (police, fire, property yard, etc.), Hospitals, nursing homes, and institutional housing. Utilities, military reservations, airports, etc.	P-5, S-D, S-3A
Office-Apartment-Hotel		
Low	Office Density: Up to 1.5 F.A.R. Apartment Density: Up to 72 units/acre Hotel Density: Up to 110 units/acre	C-O-1.5, C-O-1.0
Medium	Office Density: Up to 2.5 F.A.R. Apartment Density: Up to 115 units/acre Hotel Density: Up to 180 units/acre	C-O-2.5
High	Office Density: Up to 3.8 F.A.R. Apartment Density: Up to 4.8 F.A.R. Hotel Density: Up to 3.8 F.A.R.	C-O, C-O Crystal City, C-O Rosslyn, RA-H-3.2
Mixed Use		
Medium Density Mixed-Use	Up to 3.0 F.A.R. with special provision for additional density within the "Clarendon Revitalization District" (See Note 12) and the "Special Coordinated Mixed-Use District" for East End of Virginia Square (See Note 3)	C-R, C-3, MU-VS
High-Medium Residential Mixed-Use	Up to 2.4 F.A.R. including associated office and retail activities.	R-C
Coordinated Mixed-Use Development	This is a high density mixed-use district with actual density determined by site size. Up to 6.0 F.A.R. with office not more than 3.0 F.A.R.	C-O-A



Notes

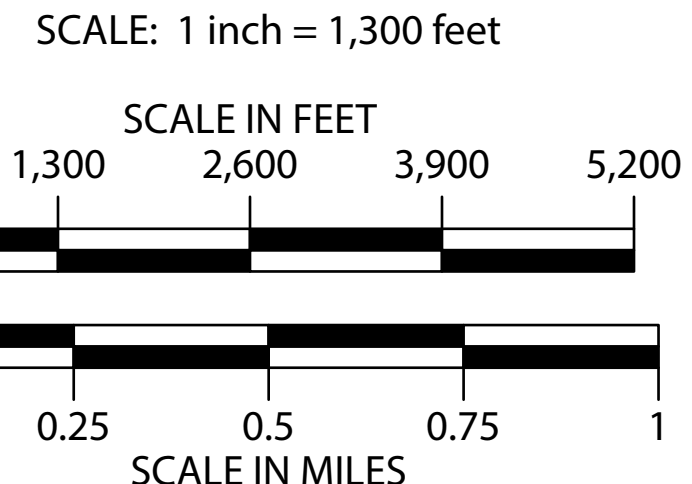
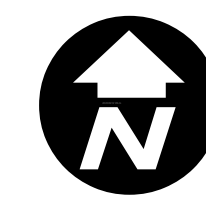
- This area was designated the "Crystal City Coordinated Redevelopment District" on 5/28/10, to permit heights and densities called for in the Crystal City Sector Plan where Sector Plan goals are otherwise generally met.
- This area was designated the Western Rosslyn Coordinated Redevelopment District on 2/20/16.
- This area shall be part of a "Special Coordinated Mixed-Use District" (East Clarendon, 713/822; George Mason University/Virginia Square Shopping Center, 8/7/82); (East End of Virginia Square, 6/14/03). The "Special Coordinated Mixed-Use District" designation was established for larger sites where redevelopment may result in significant changes within a Metro Station Area.
- In the George Mason University/Virginia Square Shopping Center district, the area designated "High Office Apartment Hotel" allows a base F.A.R. of 3.0 Office Hotel; and up to a total of 4.3 F.A.R. in consideration of residential development, community services and cultural facilities (7/1/83). The area bordered by N. Monroe Street, N. Lincoln Street, Washington Boulevard, Kirkwood Road, and Fairfax Drive and designated "Public" is intended to accommodate existing facilities and future expansion of the George Mason University Arlington campus (7/28/01).
- For the East End district of Virginia Square, designated as "Medium Density Mixed-Use" and bordered by Fairfax Drive, Wilson Boulevard, North Lincoln Street, and the intersection of 10th Street North/Wilson Boulevard/Fairfax Drive, shall be developed consistent with the Virginia Square Sector Plan adopted by the County Board on 12/7/02 and any adopted amendments thereto. Allow density up to 3.24 F.A.R. for properties east of North Kansas Street and up to 4.0 F.A.R. for properties west of North Kansas Street.
- This area was designated the "Pentagon City Coordinated Redevelopment District" on 2/12/22, to permit heights and densities called for in the Pentagon City Sector Plan where Sector Plan goals are otherwise generally met.
- This area was designated a "Coordinated Preservation and Development District" on 4/23/27.
- This area is subject to further planning guidance in the Shirlington General GLUP Study Plus and Concept Plan, adopted by the County Board on July 18, 2020.
- On 4/16/11, this area was designated as the "East Falls Church Neighborhood Center District".
- These areas were designated a "Special Revitalization District". (continued)
- (continued) Columbia Pike on 11/5/86 and amended on 12/17/02, 2/25/03 and 12/15/07, Lee Highway/Cherrydale on 4/1/95
- Notes 9, 10, and 11 were removed in the 2019 GLUP Reprint to eliminate explanations already provided elsewhere on the map. The Note numbers have been reserved for future use.
- Notes 9, 10, and 11 were removed in the 2019 GLUP Reprint to eliminate explanations already provided elsewhere on the map. The Note numbers have been reserved for future use.
- Notes 9, 10, and 11 were removed in the 2019 GLUP Reprint to eliminate explanations already provided elsewhere on the map. The Note numbers have been reserved for future use.
- This area was designated the "Clarendon Revitalization District" on 7/7/90. The boundary for this district was amended on 2/25/06 and 12/9/06. The goals and objectives of this area are set forth in the "Clarendon Revitalization District" located in the GLUP Booklet.
- This area was designated a "Special Affordable Housing Protection District": Pollard Gardens/Clarendon Courts on 11/17/90; Twin Oaks on 5/24/00; The Odyssean on 11/20/01; Liberty Center on 1/26/02; WRB Rosslyn Center on 7/20/02; North Monroe Street Residential on 10/18/03; North Troy Street Residential on 2/21/04; Rosslyn Ridge on 7/10/04; Rosslyn Commons on 4/17/08; and 1501 Arlington Boulevard on 4/23/19.
- This area was designated as the "North Quincy Street Coordinated Mixed-Use District" on 2/4/95, and amended on 2/23/13.
- This area was designated a "Special Affordable Housing Protection District": floor area of up to 1.61 million square feet over and above the base density of the site, which may be granted upon fee conveyance by the County of a sufficient amount of property, as determined by the County Board, for parks, open space, and community recreation uses, in accordance with Section 15.5.7 of the Zoning Ordinance. The total base and additional densities shall include a minimum of 1/3 for residential use, including hotel, and a maximum of 2/3 for office and commercial uses.
- The County Board has designated this area as eligible for an additional gross floor area of up to 1.61 million square feet over and above the base density of the site, which may be granted upon fee conveyance by the County of a sufficient amount of property, as determined by the County Board, for parks, open space, and community recreation uses, in accordance with Section 15.5.7 of the Zoning Ordinance. The total base and additional densities shall include a minimum of 1/3 for residential use, including hotel, and a maximum of 2/3 for office and commercial uses.
- Affordable Housing requirements for site plan projects were adopted by the County Board on 12/10/05 for residential and commercial site plan projects within and outside the Metro Corridors as identified on the General Land Use Plan. These provisions are contained in Sections 15.5.8 and 15.5.9 of the Zoning Ordinance.
- This area was designated as the "North Tract Special Planning District" on 4/24/04. In accordance with a revised agreement, dated 9/29/10, between the County and MR Monument View LLC, providing for the exchange of certain property owned by the County and property owned by MR Monument View LLC known as the Twin Bridges site, the County Board, pursuant to Section 15.5.7 of the Zoning Ordinance, and in order to facilitate the implementation of the North Tract Master Plan for Park and Recreational Facilities, has designated the property owned by the County and to be transferred to MR Monument View LLC as eligible for up to 145,797 square feet of additional development density over and above its base density.
- This area was designated the Green Valley Village Center (formerly Nauka) Special Revitalization District on 7/10/04.
- This area was designated the Fort Myer Heights North Special District on 4/16/05.
- Within the area shown as "Medium Office-Apartment-Hotel. In order to provide an appropriate transition to adjacent residential neighborhoods, buildings on the southwest and western portions of the site shall consist of residential uses and have maximum heights of 50 feet.
- These areas were designated a "Special Revitalization District" on 11/16/13 and include Conservation Areas (F24).
- Adopted on 2/24/18 as additional guidance for this area, development along the south side of 11th Street North between North Vermont and North Randolph Streets should be completed and reinforce the overall transition envisioned by the Ballston Sector Plan from Fairfax Drive to 11th Street by:
 - Limiting building heights along 11th Street to 3 to 4 stories for the first 80 feet of block depth; and
 - Encouraging sufficient separation between buildings on adjacent sites.
- This area was designated the "Courthouse Square Special District" on 10/21/17.
- This area is subject to further planning guidance as provided in the "Washington Boulevard and Kirkwood Road Special GLUP Study and Concept Plan," adopted by the County Board on 11/18/17.
- These areas were designated as a "Housing Conservation District" on 12/16/17.

Map prepared by GIS Mapping Center
2100 Clarendon Boulevard
Arlington, VA 22201
Email: GIS@arlingtonva.us
Website: map.arlingtonva.us

Spatial reference: Virginia State Plane North, NAD 1983.
Base map updated from April 2021 digital aerial photography (Intersect). Sheet 100521 254 0000 DC File. Cadastral and political data layers are maintained on an on-going basis. The street network in the GLUP map includes both existing and proposed streets. Maps shall not be construed as legal documents.

Additional information related to this map may be found in the printed version of the GLUP Booklet. In addition, please visit www.arlingtonva.us/arcgis for the most current online version of the General Land Use Plan (Map and Booklet).

Map © 2023 Arlington County, VA
Printed: August 2023



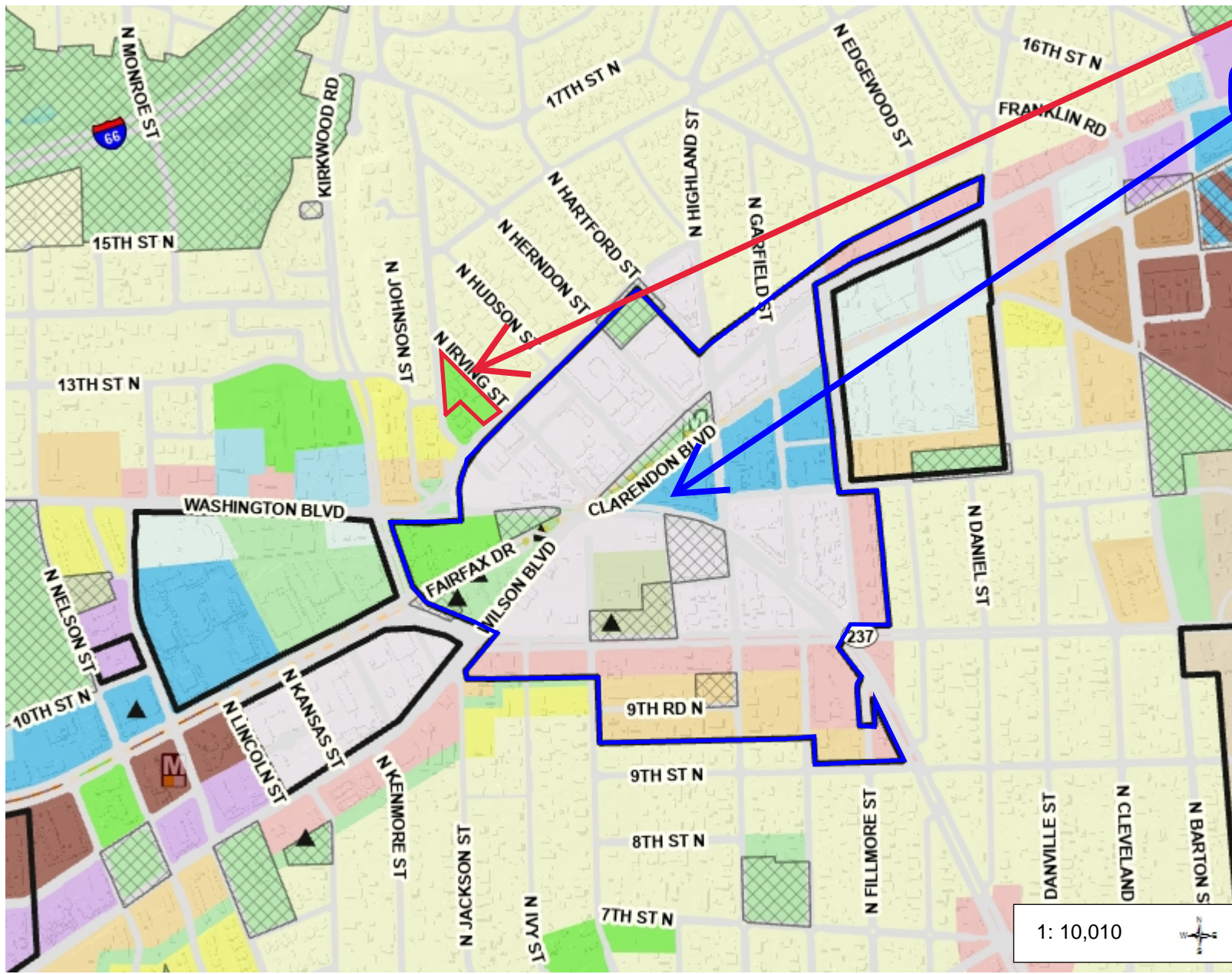
* Each land use designation on the GLUP map indicates a range of densities and typical uses for that general location. An approval by the County Board of a development proposal anywhere within this range would be consistent with the County's goals and vision. The higher end of that density range may not necessarily represent the vision for a specific location. When a development proposal substantially complies with County goals, policies and plans, and is consistent with good zoning practice, and/or assists in achieving the objectives identified in Section 15.5 of the Zoning Ordinance, the County Board may approve that development proposal at the highest end of that density range or within or above the density ranges identified on the GLUP map, as provided by the Zoning Ordinance. Where a mix is shown, the width of the stripe indicates percentage of use. The GLUP Booklet provides additional information of land use designations and zoning.

** The zoning districts which are listed next to each General Land Use Plan designation are those which typically correspond to that specific land use plan designation. However, there may be instances where other zoning categories may apply or cases in which the listed zoning categories are not appropriate, since the determination of an appropriate zoning district for a particular site depends upon factors other than simply the General Land Use Plan designation. This is a guide only. If an area is shown "Public" but is not publicly owned (not cross-hatched) the existing zoning of the property and surrounding land uses should determine the development potential of the site.

Exhibit G.2
2023 General Land Use Plan Map
Clarendon Sector Plan Area

Existing Site outside of the Clarendon Sector Plan

Clarendon Sector Plan



Legend

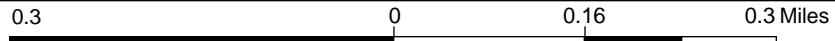
- Arlington County Boundary
- Government Owned
- Sectors
- Open Space

General Land Use Plan

- Res - Low
- Res - Low
- Res - Low-Medium
- Res - Medium
- Res - High-Medium
- Res - High
- Service Commercial
- General Commercial
- Service Industry
- Public
- Semi-Public
- Government and Community Facit
- Off/Apt/Hotel - Low
- Off/Apt/Hotel - Medium
- Off/Apt/Hotel - High
- Medium Density Mixed Use
- High-Medium Residential Mixed-Us
- Coordinated Mixed-Use Developme
- Off/Apt/Hotel - Res
- Off/Apt/Hotel - Res
- Res - Off/Apt/Hotel
- Res - Off/Apt/Hotel
- Res - Off/Apt/Hotel
- Res - Off/Apt/Hotel

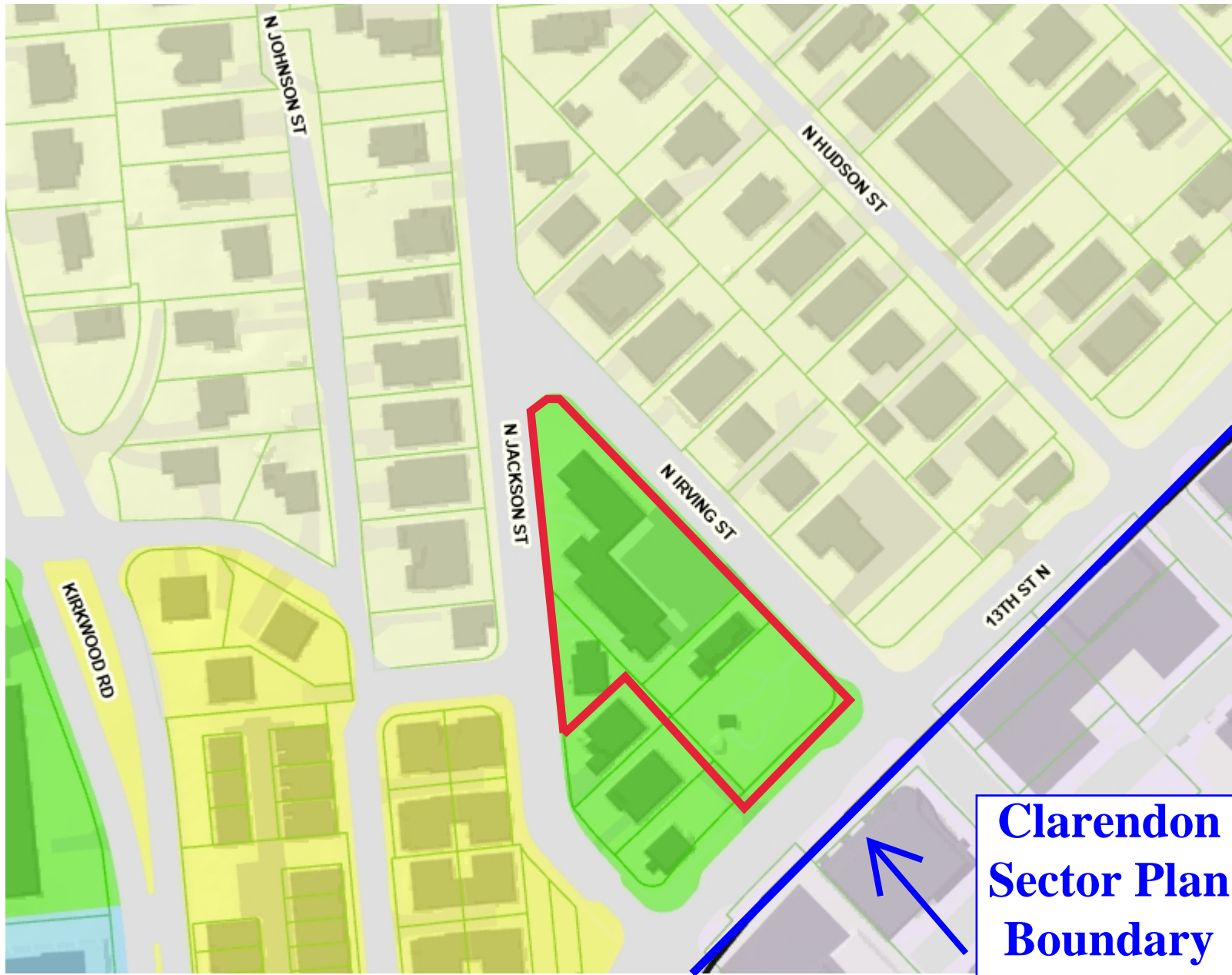
- Parcels
- Metro Stations
- Metro Blue Line Station

1: 10,010



Notes

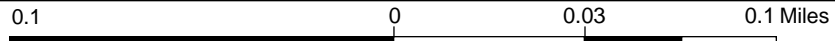
Exhibit G.3
2023 General Land Use Plan Map
Site Designation Outside of Clarendon Sector Plan



Legend

- Arlington County Boundary
- Government Owned
- Sectors
- Open Space
- General Land Use Plan**
 - Res - Low
 - Res - Low
 - Res - Low-Medium
 - Res - Medium
 - Res - High-Medium
 - Res - High
 - Service Commercial
 - General Commercial
 - Service Industry
 - Public
 - Semi-Public
 - Government and Community Facit
 - Off/Apt/Hotel - Low
 - Off/Apt/Hotel - Medium
 - Off/Apt/Hotel - High
 - Medium Density Mixed Use
 - High-Medium Residential Mixed-Us
 - Coordinated Mixed-Use Developme
 - Off/Apt/Hotel - Res
 - Off/Apt/Hotel - Res
 - Res - Off/Apt/Hotel
 - Res - Off/Apt/Hotel
 - Res - Off/Apt/Hotel
 - Res - Off/Apt/Hotel
- Parcels
- Metro Stations
- Metro Blue Line Station

Clarendon Sector Plan Boundary



Notes

Exhibit H
13th Street Corridor Plan Overview
Clarendon Sector Plan (2006)

**13TH STREET CORRIDOR
PLAN OVERVIEW**

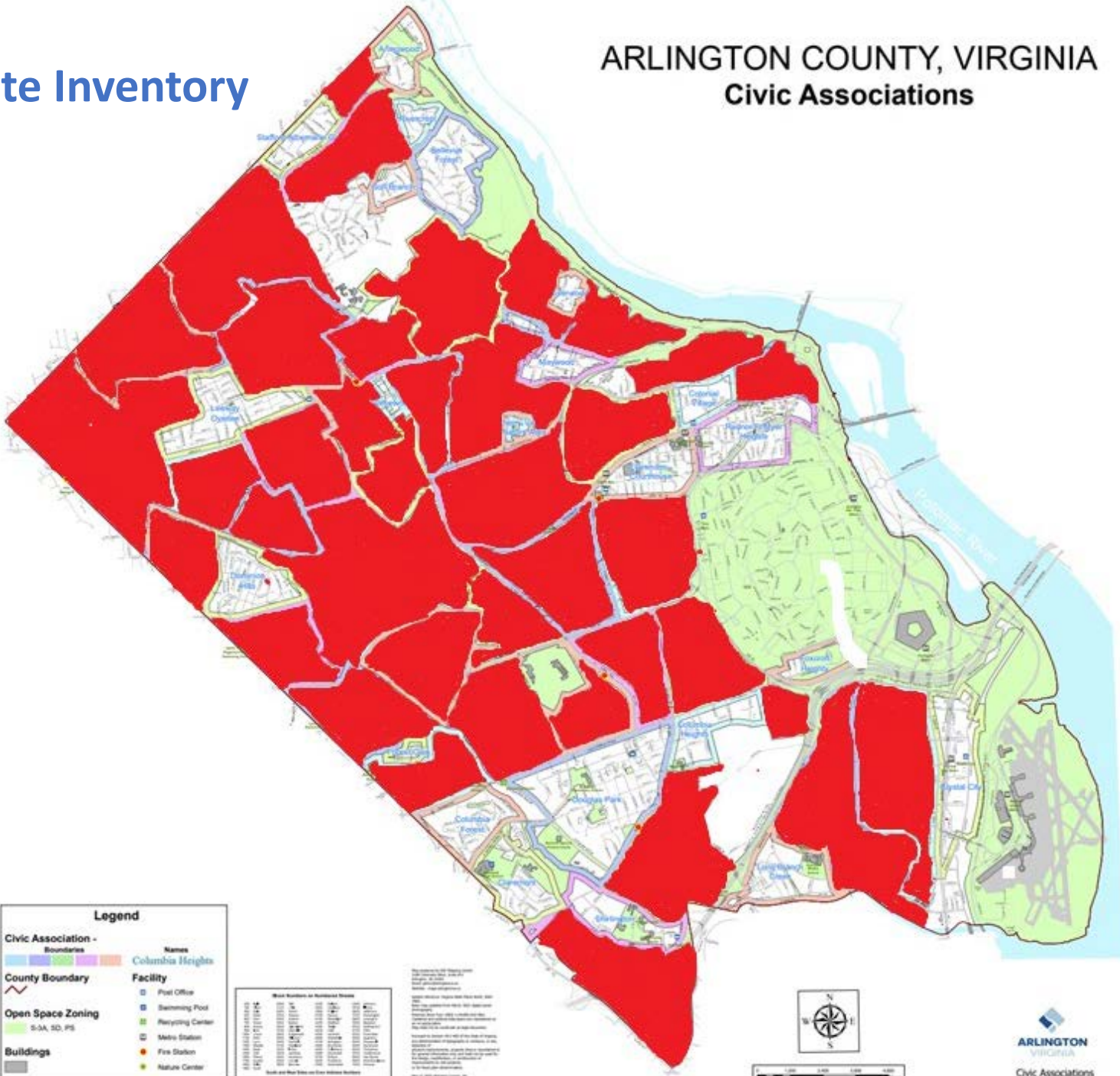
Figure 2.6



Exhibit I
Arlington Church Site Inventory of Impacted Civic Associations

Arlington Church Site Inventory

ARLINGTON COUNTY, VIRGINIA Civic Associations



Legend

Civic Association - Boundaries	Names
[Red]	Columbia Heights
[Green]	
[Purple]	
[Blue]	
[Orange]	
County Boundary	Facility
[Red Line]	[Blue Square] Post Office
Open Space Zoning	[Blue Square] Swimming Pool
[Green]	[Green Square] Recycling Center
S-AA, SO, PS	[Blue Square] Metro Station
Buildings	[Red Circle] Fire Station
[Grey]	[Green Circle] Nature Center

Block Numbers for Reference Purposes

Block numbers are listed in a grid format, corresponding to the map's layout. The grid includes block numbers for various areas, such as Columbia Heights, Columbia Forest, and Columbia Park.



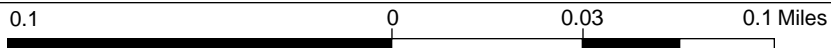
Additional Attachments



Legend

- Arlington County Boundary
- Zoning Boundary
- Historic District
- Open Space Zoning
- Parcels
- Metro Stations**
- Metro Blue Line Station
- Metro Orange Line Station
- Metro Orange/Blue Line Station
- Metro Orange/Silver/Blue Line Station
- Metro Orange/Silver Line Station
- Metro Yellow/Blue Line Station
- Metro Rail Lines**
- Blue Line
- Blue-Orange Line
- Blue-Orange-Silver Line
- Blue-Yellow Line
- Orange Line
- Orange-Silver Line
- Yellow Line
- Pond
- Streams

1: 1,854



Notes



Legend

- Arlington County Boundary
- Metro Stations**
- Metro Blue Line Station
- Metro Orange Line Station
- Metro Orange/Blue Line Station
- Metro Orange/Silver/Blue Line Station
- Metro Orange/Silver Line Station
- Metro Yellow/Blue Line Station
- Metro Rail Lines**
- Blue Line
- Blue-Orange Line
- Blue-Orange-Silver Line
- Blue-Yellow Line
- Orange Line
- Orange-Silver Line
- Yellow Line
- Pond
- Streams

Notes

0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Arlington County, VA. GIS Mapping Center

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Arlington County Boundary
- Government Owned
- Sectors
- Open Space
- General Land Use Plan**
 - Res - Low
 - Res - Low
 - Res - Low-Medium
 - Res - Medium
 - Res - High-Medium
 - Res - High
 - Service Commercial
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 - Medium Density Mixed Use
 - High-Medium Residential Mixed-Us
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 - Off/Apt/Hotel - Res
 - Off/Apt/Hotel - Res
 - Res - Off/Apt/Hotel
 - Res - Off/Apt/Hotel
 - Res - Off/Apt/Hotel
 - Res - Off/Apt/Hotel
- Parcels
- Metro Stations**
 - Metro Blue Line Station

Notes

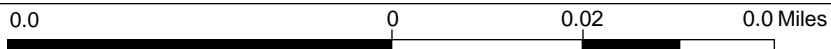
0.1 0 0.03 0.1 Miles



Legend

- Arlington County Boundary
- Address Point
- Contour 2ft**
 - Intermediate Depression
 - Index Depression
 - Intermediate
 - Index
- Parcels
- Metro Stations**
 - Metro Blue Line Station
 - Metro Orange Line Station
 - Metro Orange/Blue Line Station
 - Metro Orange/Silver/Blue Line Station
 - Metro Orange/Silver Line Station
 - Metro Yellow/Blue Line Station
- Metro Rail Lines**
 - Blue Line
 - Blue-Orange Line
 - Blue-Orange-Silver Line
 - Blue-Yellow Line
 - Orange Line
 - Orange-Silver Line
 - Yellow Line
- Pond
- Streams

1: 1,290



Notes