

February 16, 2024

Fixing the “Special GLUP” and Certain Rezoning

Executive Summary

The County is increasingly using Special GLUP’s (small-parcel changes in land use and zoning) as well as one-off rezonings of certain properties without clear standards for approvals. One County Board member said it best, at the Board’s [organizational meeting on January 2 2024](#): “that’s a few too many ‘specials’ to really call it special” [GLUP]. ASF calls on the County to review the Special GLUP’s and rezonings, to apply holistic fixes as needed (one example may be new approaches for non-profits who own land in Arlington), and to better align all planning processes – for example the recent land use changes effected via Expanded Housing Options – with small parcel changes. ASF asks that the County ensure that its small-parcel actions do not constitute spot zoning, that it properly review all Comprehensive Plan Goals for any projects upzoned, and that it abide by planning precepts and sector/area upzoning plans already in effect.

We also ask the County to remove its special GLUP review from the Commercial Market Resiliency Initiative 2.0 – many of these upzonings are taking place in residential zones unrelated to the commercial market and to consider reinstating certain land uses that existed prior to 2013 in some areas – saving staff and community time and preventing the *exponential height and density increases incurred via Special GLUP’s and rezonings*. Such tools should be rare, the new density granted should fit within existing areas, and the community should consider whether market sales or other fixes should be considered in lieu of land use changes to address changed circumstances. ASF calls on Arlington to reconsider its overuse or misuse of the special GLUP and rezoning process to ensure we:

1. **Respect existing GLUP designations and zoning** in areas that have long-standing sector plans or historic districts or have undergone other similar comprehensive planning efforts and adopt a standardized approach for requested land-use changes or rezonings in areas that have been subject to recent planning efforts (e.g., Clarendon-Courthouse and Pentagon City sector plans, Expanded Housing districts and the Plan Langston Boulevard area);
2. Clarify whether proposed land-use changes/rezonings meet all Comprehensive Plan Goals;
3. Clarify whether land-use and zoning changes are being done to address financial constraints of landowners and whether other tools or market sales could apply;

4. Direct County staff to publish an inventory of properties owned by churches and non-profits designating current development status, current land use/zoning, lot size and stormwater levies (that add to financial pressures). Describe communications between the County and landholding non-profits about future site use and detail the number of entities the county has communicated with since 2019 on this topic;
 5. Restore land uses (by right or by use permit) that were removed by the county from certain zoning districts in 2013;
 6. Address the issue of spot zoning for small parcels (less than 3 acres);
 7. Transfer the review of Special GLUPs out of the Commercial Market Resiliency Initiative;
 8. Clarify agreed community benefits and track them through project completion.
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Background on Special GLUP and Rezoning

For the past several years, the county increasingly has allowed owners of small parcels (generally less than 3 acres) to bypass normal planning processes to add large amounts of density in both residential and commercially zoned areas. A [Special GLUP Study](#) is needed in instances in which a GLUP amendment request has been made where there is no adopted plan or when the request is inconsistent with the guidance of the relevant adopted plan, per [the Special GLUP Study Resolution](#). The “special” GLUP process is supposed to be limited only to those rare cases where an area hasn’t been planned. Today, however, the county ignores both recent and long-standing planning and established zoning countywide, instead allowing individual property owners who are dissatisfied with the limits of their existing zoning to challenge those restrictions with this process. Certain procedural revisions were made in [2019](#)¹, including a new and unsatisfactory two-step approval that separates the project review from the special GLUP study, which has had the effect of muting public inputs in a timely way and which is introducing site planning in areas that are poorly-suited for it.

Often, the Special GLUP process is employed for no apparent reason: five Special GLUP submissions or completions in 2023 set a record for a single year since the process was introduced in 2008. ASF has weighed in on a number of special GLUP cases (Courthouse West, Sunrise N. Glebe, 2500 Wilson Blvd.), raising our standard concerns about the need to plan for services/infrastructure, impacts on diversity, and the need to mitigate impacts with an appropriate level of benefits and review all aspects of the Comprehensive Plan.

By changing [the General Land Use Plan](#) and zoning through a “special GLUP” process, ASF believes the county is undermining existing zoning, sector plans, historic designations and the GLUP on a site-by-site basis (sometimes referred to as “spot zoning.” See our [primer on the General Land Use Plan \(GLUP\) and the Arlington County Zoning Code](#).

As one example, the Arlington County Board and staff recently spent several years reviewing zoning and land-use for residential, “R,” zoning districts. Ultimately, the board chose to modify the existing zoning to allow multifamily density by right (up to 6 units per lot) via the Expanded Housing Option (EHO), formerly Missing Middle, initiative, and still (we believe erroneously) keep the GLUP designation as “low density residential.” At the same time (2019-2023), the county continued authorizing Special GLUPs – and in some cases rezonings that don’t require GLUP changes – in these R districts. Why didn’t the county incorporate “changed circumstances” that spurred those GLUP efforts into the EHO plan? It is inappropriate to maintain an area is unplanned when it just emerged from a major planning effort.

The County is also misusing Special GLUPs in higher density areas such as Courthouse-Clarendon, where it recently signaled amenability to zoning changes via two Special GLUPs on Clarendon/Wilson Blvds. that violate precepts requiring tapering between Metro stations and ignored 5 neighborhoods’ requests by changing maximum building heights from 4 to 14 stories. Planning Commissioner James Schroll noted in discussing the Courthouse West application that “a more comprehensive approach would be preferred, but we’re not doing that now.” The process seems guided not by the Comprehensive Plan but by market-driven exigencies of landowners. It may make sense to consider Special GLUP’s to address high commercial vacancy rates as the county says it intends via the Commercial Resiliency Initiative, but this omits other glaring needs.

Churches and Non-Profits Need Comprehensive Study

- **Special GLUPS.** One example that needs a more comprehensive transparent approach is GLUP’s and rezonings of land owned by churches and other nonprofits to redevelop but in ways that are consistent with established land use and zoning in planned areas and neighborhoods. Many non-profits are facing declining funding, consistent with [national trends](#) where “the next few years could see as many as 100,000 of the nation’s 384,000 churches and other houses of worship close....” Examples of Special GLUPs being approved or pursued on parcels containing non-profits in Arlington since 2017 include Melwood Horticultural, the American Legion and the YMCA, and Clarendon Presbyterian Church. ASF is aware of two other churches exploring GLUP changes in early 2024.
- **Ad Hoc Rezoning.** The County also has rezoned non-profit parcels without land use changes. These have ushered in commercial or high-density residential uses (via site planning) into low-density residential or older low and medium density commercial neighborhoods that should be protected by [GLUP Objectives #3, 4 and 6](#) (p.12 of the PDF). Examples include Church of the Redeemer on S. Glebe Road and the Goodwill at S. Glebe Road, 2/3 of which was zoned for low residential density but which proposes major mixed-use density. Even in high density areas, we have seen at least three churches rezoned, with one in Rosslyn (which of course is a medium-high density area) nonetheless leapfrogging from two to 30 stories with virtually no mitigation or added services to offset impacts of 740 residential and 250

hotel units on this parcel. As with most Special GLUP justifications and upzonings, the county cites one goal each from the GLUP and the [Affordable Housing Master Plan](#) relating to production of new units, while disregarding all the complementary Comp Plan goals that are required for balance the increased density/infill.

- Between Special GLUPs and rezonings it seems we might expect that [70+](#) Christian churches, 3 Latter-Day Saints churches, 8 [nondenominational](#) churches, one Jewish congregation, and a metaphysical chapel will all get to upzone their properties exponentially. Even when density increases are obtained via sector plans instead of Special GLUP's and one-off rezonings (as done for St. Charles Borromeo), Arlington stands to lose a large percent of land governed primarily by public or community interests; this needs broader community review. ASF believes any change in status of these community centered land uses provides an opportunity for the County to facilitate sensitive, scaled redevelopment that must include significant community amenities (parks, schools, large rec/open space, community centers).

County Misuse of Special GLUP and Other Processes

Tier I: The County must assess whether the parcel being re-GLUPped is “part of an existing plan” and whether there are “unanticipated circumstances.” This occurs via Tier I review. Problems include:

- **Staff Ignores Existing Sector or Other Recent Planning Efforts.** Staff has agreed that some special GLUPs may be pursued for parcels that are addressed in existing sector plans (e.g., Melwood). A new special GLUP application for a church site in Lyon Village, if approved, would ignore local residents’ assertion that “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.” The special GLUP for Courthouse West ignored planning principles contained in the GLUP to ensure tapering between Metro stations. Furthermore, the recent EHO and Plan Langston Blvd. planning processes that included low-density residential areas (R-5 to R-20) should preclude the use of the special GLUP process in these zoning districts.
- **Loss of “Predictability:”** The [2008 Special GLUP process](#) requires that “decision making provide predictability to landowners, developers, and the community about the nature and scope of future growth and development.” In cases where the applicant cited unanticipated circumstances, the county is not following up to reevaluate (or cancel the special GLUP preapproval) when the developer fails to submit site plans, as has become common. Introducing site planning into areas that had not seen it before (Kirkwood/Washington Blvd., Sunrise Senior Center N. Glebe) also removes predictability from areas that had not seen such substantial increases in infill and that are not appropriate to areas outside of planned development zones. This risks the county running afoul of the ban on spot zoning or spillover to impose sector plan density outside agreed sectors.

Tier II: After Tier I, the county assesses how a proposal meets Comprehensive Plan goals and the county’s planning precepts via a Tier II “Study Document” that is approved (or not) by the Planning Commission and the County Board. Problems include:

- **Lack of Public Notice of Land Use Changes:** Virginia code requires certain actions to notify the public of a change in land use, and the special GLUP process may be out of compliance, as the notice is occurring outside the scope of the actual land use change.

- **Disregarding the Zoning Ordinance, GLUP and Other Land-Use Plans:** A [November 2022 position paper with regard to a pending special GLUP at the Clarendon Presbyterian Church](#) presented to the County Board notes that the proposal “conflicts with practically all applicable Arlington County Zoning Ordinance provisions, land use policies and plans applicable to the Property.” (See p. 12.)

- **Cherry-Picking Comprehensive Plan Goals:** In many cases, the county is cherry-picking goals, most commonly the goal to “increase the supply of housing by encouraging construction of a variety of housing types and prices at a range of heights and densities in near Metro Station Areas.” This comes at the expense of other key goals: for example, **GLUP goal #4**, committing to preserving existing low-density residential areas, or the Forestry and Natural Resources Goal to ensure 40% tree canopy coverage or the PSMP goal to increase public spaces in Arlington.

- **Bundling of Study Documents:** The Board agreed study documents used for Courthouse West could also be used for the 2500 Wilson Blvd. Special GLUP, violating good planning principles.

- **Ignoring Planning Precept to Complement Surrounding Areas:** Extreme upzoning (from 4 to 14 stories in one case) that adds significant populations (Courthouse West, Sunrise N. Glebe, Melwood, 2500 Wilson Blvd., and N. Pershing at Rt. 50) have been opposed by neighborhood residents as being out of scale with the surrounding neighborhood. Staff offers of higher/denser land use at Sunrise on N. Glebe violate the county’s “Guiding Principle” that new development should “complement rather than overwhelm the surrounding area.”

- **Misleading Community on Benefits.** The county shuts down community voices by staging the approval of Special GLUP Study Documents vs. site plans. It also misleads residents on community benefits such as added tree canopy or affordable housing. In the most egregious example, a Planning Commission chair hinted that a developer’s willingness to help fund a new Metro entrance at Courthouse might be “determinative” to the County Board’s approval of the Courthouse West GLUP Study Documents. When staff revealed that the entrance was being funded by the county CIP, no one walked the claim back and the developer was not asked to provide alternate mitigation. [Staff explained as part of discussion with Planning Commissioners on Courthouse West that Special GLUP’s come with an understanding of a possible “20% affordable housing](#)

[component](#),” or tree canopy percentages that exceed the Virginia canopy requirements. However, the approved Special GLUP projects rarely deliver at these levels: for Courthouse West, the developer revealed that he would deliver only 4-20 additional affordable units if he was granted 16 stories vs. 12; that number will no doubt come in on the low end of that scale. The site plan has not been approved but the total number of affordable units “agreed” per the study document would fall far short of the 20% affordable level.

PC Commissioner Bagley said (minute 2:04:56 at link above) that the Special GLUP for the project was not responsive to real housing needs as it would produce mostly luxury units, The Commission nonetheless recommended 16 stories for Courthouse West (for a ¾ vacant lot with a one-story bank at one corner). ASF is aware of only one Special GLUP that produced tree canopy requirements above the State’s levels, at Washington Blvd. and Kirkwood, requiring an 18% canopy in 20 years instead of 10%. In most cases, the Special GLUPs are reducing green space and canopy from current conditions, even in Ballston and Clarendon. The affordable housing claims were also overhyped in the Tier I/Tier II process for the Days Inn special GLUP at Pershing Drive. The County got only 7 affordable units out of 241 total residential units but the developer got twice as many units on the lot as the previous hotel.

Commercial Market Resiliency Inappropriate for Residential Zones

The County Board in January 2024 told the Civic Federation that it was reviewing its processes for the special GLUP, via a [“Commercial Market Resiliency Initiative”](#) (see p.18 and p.20 for more detail.) The majority of the special GLUP parcels have been in residential zoned areas however, making this a poor fit in our view. ASF suggests separating the special GLUP review from the Commercial Resiliency Initiative.

Overall Process: Special GLUP Neutralizes Community Input

Since 2019, the county has been “preapproving” land use changes with its Tier I/Tier II special GLUP process. By 2023, the study document had become the de facto approval of land use and zoning changes, rendering the subsequent site plan review a foregone conclusion. This directly contravenes Special GLUP guidelines. Further constraints on residents have been imposed: Board member de Ferranti cautioned that the community was not allowed to weigh in on community benefits for a GLUP study until site planning – while the Board, staff, and commissions are under no such constraint. The approvals need to be realigned or community inputs need bolstering.

ASF looks forward to engaging the Board and staff on these suggestions. Thank you
