
MEMORANDUM

To: Zoning Committee of the Planning Commission (ZOCO) **Date:** March 12, 2024

From: Valerie Weiner, Commercial Development Specialist, Real Estate Development Group, Arlington Economic Development
Mosi London, Principal Planner, Transportation, Engineering, and Operations Bureau, Department of Environmental Services

Subject: Zoning Ordinance Amendments – Parking-Related Uses (Shared and Off-Site Parking, Health/Athletic Club, and Compact Cars)

Introduction

At their Tuesday March 12th meeting, the Planning Commission's Zoning Committee (ZOCO) will review proposed amendments to Arlington County Zoning Ordinance (ACZO) that would:

- A. Amend shared parking and off-site parking in Article § 7 Commercial Mixed Use (C) Districts,
- B. Amend shared parking, and off-site parking in Article § 14.3 Parking and Loading,
- C. Define shared parking, and off-site parking in Article § 18 Definitions,
- D. Define neighborhood centers and/or retail strips in Article § 18 Definitions,
- E. Amend Article § 7 Commercial Mixed Use (C) Districts to define and permit the establishment of neighborhood centers and/or retail strips,
- F. Define parking and/or loading standards in Article § 14.3 Parking and Loading for neighborhood centers and/or retail strips,
- G. Amend Athletic or health club parking minimum in Table § 14.3.7.A Required parking and standing space, and,
- H. Amend Compact Car Spaces Section § 14.3.3.F.

The regulations are focused on non-Site Plan development and include additional zoning updates to streamline improvements to the regulatory approval process for several parking-related items.

The County Board approved the County Manager's request to authorize Request to Advertise (RTA) at its February 24, 2024 meeting. Public hearings for the proposed amendments are tentatively scheduled for the Planning Commission and County Board meetings in April 2024.

Staff studied the impacts of expanded parking regulations on non-Site Plan development and found the following:

- All proposed updates better align the ACZO with the most recent County policies, Sector, and Area Plans with a move towards a more multimodal community, and support small businesses by streamlining parking regulations.
- Offering shared on-site parking would expedite the process of opening a business in a neighborhood center and allow for that business to maximize available parking.
- An off-site parking regulation would allow businesses to open in vacant spaces with limited on-site parking but with available parking nearby, thus maximizing overparked sites and filling vacant commercial/office space.
- The parking ratio for Athletic or Health Clubs is no longer reflective of public transportation access, density, or future goals for the County. It highlights a need to continue research on the efficacy of other parking minimums as well.
- The prohibitions on compact car parking prevent the maximization of available parking to meet demand and permit new uses in existing vacant spaces. Relaxing these prohibitions would potentially make it easier for previously prohibited businesses to fill vacant space and provide needed services to the community.

These amendments are initial efforts to address the County's often outdated approach to parking. These incremental steps work towards a larger discussion on parking and its role in commercial market resilience and the County as a whole.

Staff's recommended changes to the ACZO are found in Attachment 1.

Background

The proposed ACZO amendment is part of [Commercial Market Resiliency Initiative \(CMRI\) 2.0](#), which is a continuation of the CMRI 1.0 initiated by the County Manager and authorized by the County Board in April 2022 and reconfirmed in September 2022, and throughout 2023 with the adoption of amendments to the ACZO. CMRI allows the County to respond to the quickening pace of economic change and innovation, as

well as shifting consumer behaviors, expectations, and business practices. The key outcomes of CMRI 1.0 included the establishment of commercial uses that were not clearly defined in the ACZO previously, the integration of modern descriptions of uses into the ACZO, and minor restructuring of the ACZO for clarity.

While that effort continues, the County Manager has introduced a subsequent phase of work, referred to as CMRI 2.0, to investigate opportunities to alleviate regulatory hurdles that could impede market solutions to commercial resiliency in Arlington. The County's parking regulations, which have broader impacts than just CMRI, also cause numerous regulatory hurdles for commercial resiliency by making it difficult for a business to meet parking minimums and fill vacant space. In addition to commercial impacts, the County's parking regulations do not match with the County's transportation planning, policies, and vision for the future. Addressing these misalignments goes beyond CMRI, and as such these proposed updates are intended to signal a larger interdepartmental effort to match the ACZO's parking regulations with the County's policies, vision, and support commercial resiliency into the future.

These parking-related updates focus specifically on non-Site Plan development. Parking in Site Plan projects can be examined and negotiated through the Site Plan process and is specific to that site. Developments that was not approved through the Site Plan process, what will be referred to here as 'non-Site Plan' developments, are limited to the regulations and exclusions laid out in the ACZO. Changing the ACZO text is an efficient way to give the property owners, businesses, and staff additional flexibility and efficiency with permits or administrative requests, as the changes would apply to all non-Site Plan development.

The long-term goal is to amend the ACZO so that it reflects both CMRI and the County's transportation vision for the future. This includes reflecting consumer driving behavior, changing business models, diverse transit options, enhanced and safe public transit capacity, and more. In the meantime, staff will continue to propose iterative changes to current regulations to help address the more immediate need of supporting businesses in Arlington including updates to shared on-site parking, off-site parking, the parking ratio for athletic and health clubs and compact car prohibitions.

Shared On-Site Parking

While new development is common in Arlington, existing shopping centers and strip malls offer an alternative to high density development with an accessible, human-scale retail or commercial experience. These spaces offer opportunities for businesses to open near a reliable residential customer base and build a relationship that can help to create both a sense of place and community.

A cornerstone of this type of development is its shared parking lot. These shared lots allow for dynamic flow of parking throughout the day, where peak demand differs depending on the time of day between discrete uses (a medical office versus a restaurant, for example).

As of now, the ACZO is not designed to accommodate shared on-site parking in a way that reflects this characteristic. The ACZO requires by-right individual uses to have a minimum amount of parking available on-site based on the use's square footage, number of seats, number of employees, and other similar measures (see Figure 1). Since these lots are already built, new businesses that are interested in vacant space within the neighborhood center are limited by remaining parking. If the parking minimum for a new business requires more parking than what is available, they can only use as much square footage as there are remaining parking spaces in the lot. These calculations are based on parking minimums set in the 1960s, and as such are limiting businesses based on outdated requirements that do not reflect how consumers use shared lots as well as differences in parking demand between uses at different times during a typical day.

Off-Site Parking

When there is not enough existing available parking on-site and shared parking is not an option (for example, a single business on a single parcel), the ACZO only permits the use of off-site parking to meet the ACZO's minimum parking requirements under specific conditions.

Generally, off-site parking regulations for by-right development treat off-site spaces as overflow parking, meaning it cannot be counted as required parking. Under §14.3.3.G Use of Private Parking areas:

No parking spaces located in a private parking area in R or RA districts shall be used by any persons other than persons engaging in the use for which the parking is provided such as occupants of the premises, their visitors and employees at the site, except as expressly provided in §14.3.3.G.2 and §14.3.7 below.

The following are exceptions to that regulation:

By-right provisions §14.3.3.B.1.a, §14.3.3.B.1.b, §14.3.3.B.3:

1. Off-site parking can count towards your required parking minimum as long as the same owner owns the off-site lot. The off-site parking spots need to be within 600 feet of pedestrian access from one lot to the other.
2. Religious institutions can provide required parking off-site to another principal use which is not open or operating on the days of the week on which the religious institution is regularly used, when such off-site parking area is within 600 ft of the religious institution by shortest pedestrian route.
3. Required parking for religious institutions per §12.2.4.H may be provided in off-site parking areas which are accessory to another principal use which is not open or operating on the days of the week on which the religious institution is regularly used, when such off-site parking area is within 0.75 a mile of the religious institution by the shortest effective vehicular route, and where regular and frequent shuttle service between the religious institution and the off-site parking area is provided on days of regular use and/or assembly at the religious institution.

Via Administrative Review § 14.3.6.B:

4. Restaurants can obtain a notarized, legally binding agreement for the use of off-site parking spaces to meet restaurant parking requirements, subject to specific conditions.

Via Use-Permit § 14.3.6.C:

1. Religious institutions, lodges, or community swimming pool private parking can be used by off-site users as long as it does not exceed either 10 percent of the total number of spaces or 12 parking spaces, whichever is less and for no more than four days per 90-day period. They can apply for a use permit to exceed these requirements, along with a verbal or written contractual agreement with off-site users.
2. Elementary, middle, and high schools, and for uses associated with non-commercial recreation and community center buildings and grounds, childcare centers, and social services institutions can obtain a use permit to modify required parking, as long as evidence of off-site and/or shared parking arrangement is submitted.
3. Restaurants can obtain a use permit to modify parking if within 1000 ft of a Metro Station entrance. This includes modification of the number of on or off-site parking spaces and the distance between the restaurant and the spaces, based on a number of factors.

If the above do not apply, or the business cannot meet or satisfy the additional conditions/requirements, the business would have to find another location or reduce the total square footage of the business to suit remaining parking.

This is a particular issue when there is a change of use in a space, and the new use has a higher parking minimum requirement than the previous use. For example, converting retail to medical office (1 per 250 square feet to 1 per 150 square feet for first 5k square feet) or industrial to retail (1 per 1k square feet to 1 per 250 square feet). The existing site would, hypothetically, not have enough parking to support the change in use and the business would be unable to fill that vacant space or must change its square footage.

Compact Car Prohibitions

Compact spaces can help better serve consumer demand with a lower overall parking footprint to achieve the County's minimum parking requirements in smaller or more uniquely shaped lots. The ACZO's approach to regulating these spaces has changed significantly over time. In the 1980s, the ACZO increased the allowable percentage of compact car spaces permitted from 30 percent of no more than 20 spaces, to 50 percent per 100 spaces, in addition to 30 percent of spaces in any parking area.

In 2002, the County Board approved ACZO amendments that diminished these previously approved increases by one half, and a new prohibition was added that disallowed the use of compact car spaces for certain uses that were assumed to have high turnover. According to the 2002 staff report, high-turnover uses were considered

retail, grocery stores, medical and health care facilities, and “uses where there is likely to be a large number of elderly”.

Today, compact car spaces are prohibited in hospitals, hospital-related medical and health care facilities, medical offices, and retail and service uses. The only way in which they would be permitted would be through a Site Plan application, where this standard can be modified by the County Board if found to not result in adverse impacts. Per Section 14.3.3.F:

Any parking area may include up to 15 percent of the parking spaces for compact cars. In parking areas for office uses containing more than 100 spaces, up to 15 percent of the spaces may be compact spaces. The spaces shall be grouped together and visibly marked for "compact cars only." Aisle size shall not be reduced unless an entire aisle is providing access and maneuvering space for only compact cars. No compact parking spaces are permitted for hospitals, hospital-related medical and health care facilities, and medical offices. Compact parking spaces are not permitted for retail sales and service uses, or for required guest and visitor parking.

Studies have shown that reducing restrictions on compact parking spaces can lead to several well-documented benefits, aligning perfectly with today's transportation landscape. This includes:

-Increased Parking Flexibility: By removing these limitations, we can create a more dynamic parking design. This allows for a mix of standard and smaller spaces, catering to a wider range of vehicles and improving overall parking efficiency.

-Enhanced Consumer Experience: This flexibility directly benefits consumers by offering more parking options, reducing frustration, and potentially even shortening wait times.

-Commercial Market Resilience: A dynamic parking approach can contribute to the overall resilience of the commercial market by attracting a broader customer base with diverse transportation needs and supporting the capacity of these previously prohibited businesses to fill vacant space.

Staff believes this prohibition is worth removing to suit today's transportation landscape and allow for more dynamic parking design to support both consumers and overall Commercial Market Resiliency.

Athletic or Health Club Parking Ratio

The minimum ratio for Athletic or Health Clubs does not reflect current transportation demand, multimodality, and access to public transit, in part because it has not changed since the 1960s. It is a prime example of how parking requirements can limit the capacity or ability of a business to fill vacant space. The existing ratio requires a greater amount of parking (1 space per 50 square feet of gross floor area) in comparison with other uses associated with higher levels of vehicular activity such as general retail and service commercial uses (1 space per each 250 square feet of floor area on the first floor of the building) or the similar indoor/outdoor recreation uses (1 space per 300 square feet of floor area). This regulation is also more restrictive than

required minimum for this use in neighboring jurisdictions (Table 1), including the City of Alexandria and Fairfax County.

City of Alexandria	1 per 400 square feet (same as equipment and repair businesses, garden centers, outdoor markets, funeral homes, and all other commercial not specifically otherwise mentioned in the Ordinance)
Fairfax County	4 per 1,000 square feet (which equates to 1 per 250 square feet) (considered a Health and Exercise Facility)

The minimum parking ratio for Athletic or Health Clubs is a standard set decades ago that does not reflect current land use and development patterns, public transportation access or regulations in Arlington. For example, the Blue Metro Line began operation in 1977, years after this regulation was put in place, and the Orange line followed soon after in 1979-1980. More recently, the rapid bus transit system that connects 4.5 miles of road between Arlington and Alexandria expanded transit options starting in 2014,

Reflecting these changes, this ratio is often amended to the general commercial ratio in the 4.1 Site Plan approval process; therefore supporting the argument that the general commercial ratio is most appropriate since it reflects the most modern practices as determined through the much discussed and reviewed Site Plan process. For example, at approvals, the space could be categorized more broadly as 'retail equivalents' per the 2015 Arlington County Retail Plan, starting at a the baseline 1 per 580 ratio and then relaxed if needed. Staff would not know it is a health club until later in the approvals process. If/when an Athletic or Health Club does lease available space, the Zoning Administrator will apply the site-specific parking ratio that was approved with the 4.1 Site Plan approval. This ratio is in most cases much less restrictive than the current Athletic or Health Club ratio and is still deemed appropriate for the space after lengthy public discourse.

Discussion

These updates are intended to signal a continued effort to modernize the ACZO's current parking regulations for both CMRI and the County's transportation goals. In essence, these items are exclusions to the County's parking minimums because the larger study will take more staff time, scoping, and public discourse. In the meantime, staff will continue to research additional exclusions to the current regulation to modernize the ACZO to reflect consumer behavior and the County's policies and vision for the future.

Shared On-Site Parking

A shared on-site parking regulation, as proposed, would be one of the first steps towards conceptualizing parking around form as opposed to use in the ACZO. There is precedent for taking this approach in other County policies. The Columbia Pike Form Based Code (CP-FBC), for example, regulates parking around seven goals:

- a. Enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian-friendly environments by encouraging SHARED PARKING.
- b. Reduce diffused, inefficient, single-purpose RESERVED PARKING.
- c. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- d. Maximize on-street parking.
- e. Increase visibility and accessibility of parking.
- f. Provide flexibility for redevelopment of small sites and for the preservation of historic buildings. g. Promote early prototype projects using flexible and creative incentives.

The overall goals of the CP-FBC are to:

1. Foster a vital main street for its adjacent neighborhoods through a lively mix of uses—with shopfronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper STORY residences and offices;
2. Create transit, pedestrian-, and bicycle-oriented development, which is dependent on three factors: density, diversity of uses, and design; and
3. Place greatest emphasis on design, or physical form, because of its importance in defining neighborhood character.

To meet these goals, development projects under 20,000 square feet have no parking requirements, and applicants can utilize shared parking to meet their parking minimums.

The [2013 Reduced Parking Policy for Site Plan Office Buildings and Related Recommendations](#) continues this approach, making recommendations based on the form or area of the County. This Policy's goal was to examine the consequences of reduced parking and mitigate the impact of reduced parking on the transportation network. The study found that most Site Plan office buildings were overparked, approved at more relaxed parking ratios, and that the ACZO's minimums were no longer reflecting actual parking demand. The Policy outlines specific recommendations for different districts, for example C-O-Rosslyn, C-O-Crystal City, and Pentagon City, with allowances to modify via financial contributions. The 2013 Reduced Parking Policy recommended a parking ratio of 1 space per 630 square feet of gross floor area for the rest of the County, outside specific neighborhoods. This is the most restrictive of all recommendations from this Policy document as well as ratios approved in some of the County's approved Site Plans. While this study was performed on office Site Plan buildings, the goal with this proposal is to use it as a guidepost as a research-based ratio that identifies a middle ground between our current minimums and what exists in the County.

While the goals of both policies align with the County's more recently updated Sector and Area Plans, like the [Langston Boulevard](#) and [Clarendon Plans](#), the ACZO does not reflect these transportation or CMRI goals. As mentioned, and shown in Figure 1, the ACZO—which regulates the rest of the County outside of the FBC plan area—requires individual uses to have enough parking available to them to meet minimum requirements even if collocated with other uses in a shopping center. This approach can limit business capacity, extend the length of time from lease-up to opening, and does not align with the County's policies.

Recommendation

Staff's recommendation is to create a new use type for smaller scale shopping centers called 'neighborhood centers'. Creating a new use type helps staff to characterize uses that share a lot, as described above, which is currently undefined in the ACZO. The closest ACZO definition is for an 'urban regional shopping center', which is a minimum of 500,000 square feet. This is much larger than the neighborhood shopping centers in Arlington that support more local shops, which typically total approximately 50,000 - 300,000 square feet of leasable area. The definition will therefore include up to but not including 300,000 square feet.

Staff's recommendation is to park this use with a parking requirement that takes into account the geographic location of these uses along major arterials with good multimodal access. Therefore, staff is recommending these uses be parked at a ratio of 1 space per 630 square feet of commercial GFA with the opportunity to modify by Use Permit. This ratio is consistent with the baseline parking ratio for office buildings in Arlington (outside of Rosslyn and Crystal City) as arrived at in the [Reduced Parking Policy for Site Plan Office Buildings](#). As mentioned, the 2013 Policy document recommends several ratios for different neighborhoods in the County; 1 space per 630 square feet was decided as a baseline ratio for all areas outside of C-O Rosslyn, C-O Crystal City, and Pentagon City. This ratio was arrived at through a parking utilization survey at existing office buildings; however, it can be used as a baseline in this scenario based on the neighborhood center sites being located in accessible areas.

Because Site Plan parking ratios vary significantly, the 1:630 ratio is recommended as a step towards a more right-sized approach that is grounded in the County's related research. It represents a shift in how the County thinks about parking, similar to that of the 2013 Reduced Parking study: the County is overparked and there are opportunities for regulation to reflect actual transportation patterns/parking demand. As such, a 1:630 ratio would result in a reduced parking requirement when compared to any other parking requirement for commercial uses in the ACZO (excerpt of § 14.3.7 in Figure 1).

Retail and service commercial uses		
Retail and service commercial uses other than those specified below	1 per each 250 sq. ft. of floor area on the first floor of a building	Plus 1 per each 300 sq. ft. of floor area located elsewhere in the building
Bowling alley	4 per each alley	--
Car wash	20 standing spaces for waiting vehicles for each wash rack	Plus 1 per each two employees.
Drive-through banking & similar "drive-through service establishments	5 standing spaces for each teller or customer window	--
Furniture & appliance stores, furniture repair shops	1 per each 400 sq. ft. of floor area	--
Greenhouses and nurseries	One space for each 400 sq. ft. of floor area, plus such space as may be determined to be necessary as set forth above	--
Athletic or health clubs	1 per 50 sq. ft. of gross floor area	--
Indoor or outdoor recreation (as provided in §12.2.5.F) or entertainment facilities (as provided in §12.2.5.A), other than those specifically listed in this §14.3.7	1 per 300 sq. ft. of indoor floor area or outdoor area used for recreation or entertainment purposes	--
Vehicle sales, rental, or leasing facilities	1 customer and 1 employee parking space for each 1,200 sq. ft. of area, whether or not said area is enclosed.	--
Offices or clinics, medical or dental	1 per each 150 sq. ft. for first 5,000 sq. ft. in each building	Plus 1 per each 200 sq. ft. for next 10,000 sq. ft.; Plus 1 per each 250 sq. feet for area in excess of 15,000 sq. ft.
Other office buildings	1 per each 250 sq. ft. of floor area on the first floor	Plus 1 per 300 sq. ft. of floor area located in the basement or on the 2nd through 5th floors, plus 1 per 400 sq. ft. of floor area located above the fifth floor
Restaurants	1 per each 6 seats (in addition to all parking space provided for service to patrons while seated in automobiles).	--
Tennis, racquet and handball courts	3 per court	--
Theaters, auditoriums and other commercial places of public assembly	1 per each 3 seats or other accommodations, for attendants, employees or participants	--
Undertaking establishments, funeral parlors, mortuaries and funeral homes	1 per 50 sq. ft. of chapel or parlor floor area, provided that there shall be no less than 20 spaces	--
Vehicle service establishments and vehicle body shops	3 standing spaces for each wash rack, lubrication rack, repair bay or similar facility for the servicing or repair of vehicles, not including said rack or bay as a space	Plus 1 per each employee.

Figure 1 Section 14.3.7 Required Parking and Standing Space: Parking requirements for retail and service commercial uses

The Use Permit conditions shall include:

1. Implementing Transportation Demand Management (TDM) strategies, and/or demonstrating that transit or other transportation options exist that may offset parking demand;
2. Utilizing a managed or shared parking program that outlines shifts in demand throughout the day/evening based on the mix of uses within the retail strip

These conditions are taken from those outlined in section §14.3.7.C, mentioned above, which outlines parking regulation modifications via use permit for other uses including elementary, middle, high schools, child care centers, and social services institutions. Using this precedent, staff has the capacity to make determinations based on the information provided in these conditions.

Off-Site Parking

Off-site parking agreements are commonly mentioned in the County's most recent policy documents and throughout the ACZO, as noted above. Specifically, it is mentioned in the following Plans as implementation strategies and goals for the County:

Clarendon Sector Plan (April 2022):

Parking and Curbspace Management Policy # 46 - Increase the application of shared parking in existing facilities to provide visitors to Clarendon options to park once and walk to multiple destinations.

Langston BLVD Area Plan (December 2023):

Sharing of existing and future off-street parking spaces should be encouraged whenever possible to increase utilization of the transportation infrastructure. Through the special exception process, shared parking arrangements are encouraged where: parking spaces in garages built by private developers are shared with the general public; parking spaces are shared by various groups using the spaces at different/complementary times of the day or week; unused or excess parking spaces in existing or future garages are shared to satisfy the parking requirements of other proximate developments through off-site agreements; parking spaces are shared among all users of the garage (i.e. no reserved spaces).

The County is thinking about off-site parking as a viable solution to both overparked sites, such as those noted in the 2013 Reduced Parking Policy study, and infill or new development. For the case of existing sites where the parking is pre-determined, off-site parking agreements are a great way to achieve these goals and fill vacant space.

Lack of off-site parking also presents an issue for businesses trying to bring employees back to work in person. Some businesses decreased their square footage and, therefore, their parking requirement during the pandemic. The previously required, but now excess, parking was reallocated. This leaves a deficit on days when more staff are called in person. Lack of available parking can cause a significant issue, if not a deterrent, for employees when a majority are in person at once. A dynamic off-site parking regulation would help provide creative and more flexible alternatives that

address the current hybrid work environment, without requiring businesses to take on additional, expensive square footage, and maximizing available parking.

As mentioned, the ACZO's current permissions for off-site parking agreements require 1) the off-site location to be under the same ownership as the on-site location, and 2) the off-site location to be no further than 600 feet from the on-site location. Staff has noted it is very difficult to obtain ownership of both on and off-site locations that are appropriate to off-site parking spots, though this option will remain acceptable via administrative approval. In addition, the 600-foot proximity requirement is prohibitively short and not reflective of the County's current measures of walkability. One fourth of a mile is generally considered a reasonably comfortable walking distance for the average pedestrian, and this distance is referenced in the ACZO in sections where walkability is to be encouraged such as in §7.3.1 (R-C Multifamily dwelling and Commercial District) and §7.8.5 (MU-VS Mixed Use Virginia Square District). Expanding

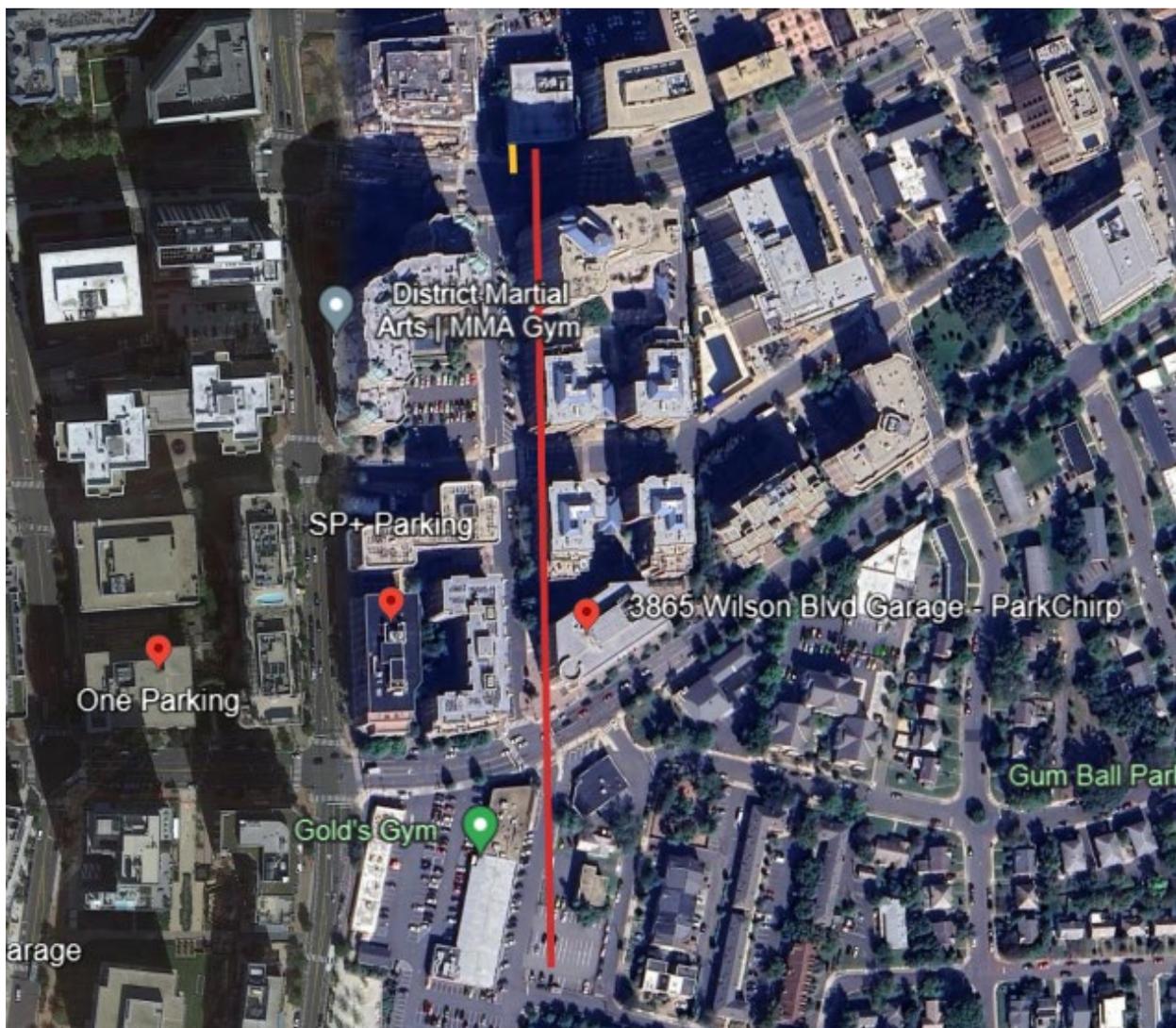


Figure 2 600 ft (yellow line) versus 1/4 mile (red line)

this distance would enable greater opportunities for administrative approval of off-site parking with same ownership.

Anecdotally, and based on engagement with nearby jurisdictions, it is much more common for there to be two different owners of the on and off-site locations. Staff discussed the potential of this option as an administrative process but decided that the Use Permit process can be tailored to and consider the unique circumstances of individual sites. This also includes additional DES and CAO review that would not otherwise be required. After the first round of applications, the goal is to revisit this policy and identify opportunities to further streamline and simplify.

This Use Permit would include standard conditions such as the same safety guidelines as the administrative process (Section § 14.3.3.B.c), requirement that both properties be within Arlington County, and guidelines on what an off-site agreement could look like, within the bounds of the ACZO.

Many jurisdictions require an agreement for off-site parking with multiple owners to have the off-site spots count as required parking. [Hampton, VA](#), [Fairfax County, VA](#), and [Virginia Beach, VA](#), for example, require agreements. Fairfax County uses an administrative process that allows the applicant to determine a shared parking plan based on a provided table that outlines how the County defines parking per use type per time of day. Staff considered providing a table, but decided the Use Permit process can more dynamically respond to trends and specialize the determination to the applicant's specific conditions.

Virginia Beach, VA permits off-site parking in certain business districts, with conditions on distance from on-site parking, pedestrian safety, along with a written agreement that assures the continued availability of the number of spaces with guidelines on discontinuance/violations. Hampton, VA permits off-site parking throughout the jurisdiction, and offers a template agreement for applicants to use as a guide. Out of state off-site parking agreement templates like these from the [Metropolitan Area Planning Council, Portland, Oregon](#), or this template used in [Gardiner, Maine](#), all outline similar core components:

1. Identified parties, number of spaces, location, and safety
2. Use of facilities
3. Maintenance
4. Utilities and taxes
5. Signage
6. Enforcement
7. Cooperation
8. Insurance
9. Indemnification
10. Termination
11. Supplemental Covenants

Some of these template components go above and beyond the land use regulatory capacity of a Zoning Ordinance, so staff recommends maintaining the components

that pertain to land use while providing the opportunity to add additional stipulations through the Use Permit process. This is similar to how the aforementioned § 14.3.6.B Special administrative provisions for meeting parking requirements for restaurants is structured. This section permits restaurants to provide off-site parking as part of their parking requirement through an administrative process with an agreement. As written currently, the agreement must include:

- (a) The name, address, and legal authorization of each signatory to execute the agreement shall be shown on the agreement.
- (b) An agreement for the use of parking spaces shall be for not less than 20 years or shall coincide with the full period of the term of the lease, including options, for use of the land or building for the restaurant, whichever is shorter.
- (c) Verification satisfactory to the zoning administrator that the use for which such parking spaces are required is not open for business between 6:00 p.m. and 6:00 a.m. shall be provided by the applicant.
- (d) A certified survey plat depicting the parking spaces shall be attached to the agreement. The plat shall accurately show the following:
 - (1) The precise locations of the restaurant and the parking spaces.
 - (2) The distance between the restaurant and the parking spaces by the shortest route of effective pedestrian access.
 - (3) The location, dimensions, access aisles, driveways, entrances, and exits of the parking spaces.
 - (4) Any other information required by the general regulations of this section.

Once the notarized copy of said agreement is approved and the parking spaces described on the agreement are certified to comply with all applicable provisions of this zoning ordinance by the zoning administrator, the zoning administrator shall credit such parking spaces toward the parking requirement of the restaurant and shall issue the certificate of occupancy to the restaurant. The applicant shall immediately notify the zoning administrator either before any amendment to or upon termination of the agreement.

- (a) If the validity of any agreement for the use of said parking spaces submitted in compliance with this subsection expires or the agreement for any reason becomes null and void, the certificate of occupancy issued under this subsection shall be automatically suspended for the number of seats affected by said nullification, effective as of the date of such expiration or nullification. The restaurant shall cease operation of said number of seats and shall not resume until such time as a replacement agreement for the use of said parking spaces, approved by the zoning administrator, is made and the requirements of this subsection are satisfied. The applicant shall obtain an amended certificate of occupancy for the seats that are not affected by said voiding.

(b) In the event a certificate of occupancy is suspended as provided in §14.3.6.B.6(a), above, if the applicant applies for a use permit for a modification of parking requirements for the restaurant as described in §14.3.6.C, the restaurant shall be allowed to continue operation for a maximum period of 90 days or until such time as the County Board renders a decision on the use permit request, whichever is shorter.

Acceptance by the zoning administrator of any agreement for the use of parking spaces shall in no way obligate the county to enforce the provisions of said agreement, nor shall it render the county liable for any damages, injury, or loss resulting from the implementation of the provisions of the agreement.

The applicant shall negotiate the renewal of any agreement for the use of said parking spaces prior to its expiration and provide copies of such supplemental agreement to the zoning administrator in the form and manner specified by this subsection.

Staff proposes to simplify this administrative approach by taking the core land use tenants, along with guidance from other jurisdictions, and allowing bespoke review by staff through the Use Permit process.

Recommendation

Staff's recommendation is to extend the allowable distance between on and off-site parking from 600 ft to ¼ mile, permit off-site parking agreements between two different owners and/or beyond ¼ mile via use permit, with conditions similar to §14.3.3.B.1. A condition would also outline that the Use Permit shall include an agreement, like those outlined above, that includes but is not limited to the following:

1. Number and location of spaces,
2. Grantor and grantee of spaces,
3. A term of use,
4. Hours of operation,
5. Grounds for termination and notice of violation.

The Use Permit allows staff the capacity to specialize the determination to each individual applicant, and staff can consider more conditions to the agreement than what is listed. Staff considers these components to be the baseline requirements, allowing both the applicant and the County the opportunity to add additional conditions where/when needed.

Staff also recommends eliminating §14.3.6.B, due to redundancies. This section permits off-site parking for restaurants under very specific conditions, noted above, that make the regulation difficult to utilize. This proposed update will take its' place with a simpler, more generally applicable approach.

Compact Car Prohibitions

Compact parking was prohibited in hospitals, hospital-related medical and health care facilities, medical offices, and retail and service uses because the uses were considered

to have 'high turnover', presuming that high volumes of on-site circulation and vehicles entering and existing a site would be more prone to crashes. The staff analysis at the time asserted that people with packages needed more space to enter their vehicle and the elderly needed more space for door openings. It was presumed that larger vehicles, which had risen in popularity at the time would park in or near compact spots, increase the likelihood of a crash. This approach, however, is both an inefficient use of space when current, actual demand includes smaller car types and does not actually mitigate safety concerns in parking lots.

If the County were to permit the construction/marketing of compact spaces to the level that the market desires for these previously prohibited uses, it becomes easier for a them to meet the parking requirements and provided needed services. This proposal is not suggesting a change to the allowed percentage of compact car spaces, just that these additional uses be allowed to leverage them to meet parking minimums, fill vacant space, and provide needed services to the community.

Recommendation

Remove prohibitions on compact cars, including hospitals, hospital-related medical and health care facilities, medical offices, and retail sales and service uses.

Athletic or Health Clubs

Athletic and health clubs are critical to a thriving commercial ecosystem as they are a high demand amenity for both residents and employees. In the current real estate market, potential office tenants are requiring high class amenities like Athletic or Health Clubs either in the building or in close proximity before signing a lease. The more options and access to these amenities, the more attractive commercial areas are to potential office tenants, related businesses like spas or physical therapy, and residents.

As mentioned, minimum parking ratios can derail an Athletic or Health Club from filling high demand, ideally located vacant space. Updating this ratio is only the start of staff addressing outdated regulations that limit commercial businesses from filling space. It is an example that highlights the need for change to meet current transportation patterns and the County's policies and vision for the future. More recent policies and plans—CP-FBC, Langston BLVD, and Clarendon Sector Plan—advocate for regulating based on form, walkability, and density as opposed to regulating by use. Eliminating this use from the Required Parking and Standing Space table would result in required parking being calculated using the general commercial rate of 1 space per 250 square feet, further moving the ACZO towards a larger conversation about parking regulation generally. In the meantime, this update would help existing and future businesses moving into vacant space by relaxing an outdated ratio to meet modern demands.

Recommendation

Remove Athletic or Health Uses from the Required Parking and Standing Space table, Section 14.3.7.A.

Public Engagement

Given the limited impact of this proposed use, staff is using tools primarily from the Communicate levels of engagement. The proposed changes primarily condense and

clarify existing terms and concepts within the ACZO. Any policy changes reflect existing market trends whose land use impacts cannot be regulated by zoning. Staff did create a memo describing these uses for additional clarity, which was added to the [Commercial Market Resiliency](#) website in April, 2023.

Level of Engagement: **Communicate**

Staff believe this level of engagement is appropriate. This zoning update would not interrupt service for an extended period of time and residents and/or businesses would not be disrupted for an extended period. It is effectively responding to existing market trends by modernizing and simplifying the current ACZO.

Outreach Methods:

Public notice will be given in accordance with the Code of Virginia §15.2-2204. Notices of the Planning Commission and County Board public hearings for this zoning ordinance amendment will be placed in the Washington Times in advance of the Planning Commission and County Board public hearing in May/June 2023. In addition to the above legal requirements:

- A Commercial Market Resiliency web page has been established and includes information about this proposal as well as future proposals. Staff contact information is available, along with a comment feedback form for submitting comments about this and other proposed uses directly to staff.

Anticipated Schedule

- March 12, 2024: Zoning Ordinance Committee Meeting (ZOCO)
- April 8, 2024: Planning Commission public hearing and recommendation
- April 20, 2024: Regular Meeting and June 13th Recessed Meeting County Board public hearing and action

Attachments

- Attachment 1: Draft Zoning Text

Attachment 1: Draft Zoning Ordinance Amendment – Parking-Related Uses

Off-Site Parking

Site Development Standards**§14.3. Parking and Loading****§14.3.3. General requirements****B. Off-site parking****1. Zoning districts other than R and RA districts**

All off-street parking space appurtenant to any use other than a use permitted in any R or RA district shall be on the same parcel of land with the use to which it is appurtenant or on common areas in the same subdivision; provided, however, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convenience, or both, would be better served by the location thereof other than on the same parcel of land with the use to which it is appurtenant, the zoning administrator, acting on a specific application, shall authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following condition:

- (a) Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of parking for certain restaurants, shall conform to the requirements in §14.3.6., with exceptions outlined in 14.3.3.B.1.d.
- (b) A pedestrian entrance to such space shall be located within a distance up to ~~of 600~~ ¼ mile, by the shortest route of effective pedestrian access, entrance to entrance.
- (c) Such space shall be conveniently usable without causing unreasonable:
 - (1) Hazard to pedestrians.
 - (2) Hazard to vehicular traffic.
 - (3) Traffic congestion.
 - (4) Interference with safe and convenient access to other parking areas in the vicinity.
 - (5) Detriment to the appropriate use of business property in the vicinity.
 - (6) Detriment to any residential neighborhood.
- (d) If the space is located on land in different ownership as that of the land on which is located the use to which such space is appurtenant, and/or the pedestrian entrance is greater than a ¼ mile, before approval of a Certificate of Occupancy the applicant is subject to approval of a use permit that shall include but is not limited to the following conditions:
 - (1) Both properties are located in Arlington County
 - (2) Submit an agreement that shall include but is not limited to the following:

1. Number and location of spaces,
 2. Grantor and grantee of spaces,
 3. A term of use,
 4. Hours of operation,
 5. Grounds for termination and notice of violation
- (3) Adherence to §14.3.3.B.1.c

§14.3.6. Parking in Metro station areas

~~B. Special administrative provisions for meeting parking requirements for restaurants~~

~~5. The applicant shall file one copy of a notarized, legally binding agreement for the use of said parking spaces with the zoning administrator for review and approval when any restaurant parking requirement is met through said agreement. Approval by the zoning administrator of said agreement shall be subject to the following conditions:~~

- ~~(a) The name, address, and legal authorization of each signatory to execute the agreement shall be shown on the agreement.~~
- ~~(b) An agreement for the use of parking spaces shall be for not less than 20 years or shall coincide with the full period of the term of the lease, including options, for use of the land or building for the restaurant, whichever is shorter.~~
- ~~(c) Verification satisfactory to the zoning administrator that the use for which such parking spaces are required is not open for business between 6:00 p.m. and 6:00 a.m. shall be provided by the applicant.~~
- ~~(d) A certified survey plat depicting the parking spaces shall be attached to the agreement. The plat shall accurately show the following:
 - ~~(1) The precise locations of the restaurant and the parking spaces.~~
 - ~~(2) The distance between the restaurant and the parking spaces by the shortest route of effective pedestrian access.~~
 - ~~(3) The location, dimensions, access aisles, driveways, entrances, and exits of the parking spaces.~~
 - ~~(4) Any other information required by the general regulations of this section.~~~~

~~6. Once the notarized copy of said agreement is approved and the parking spaces described on the agreement are certified to comply with all applicable provisions of this zoning ordinance by the zoning administrator, the zoning administrator shall credit such parking spaces toward the parking requirement of the restaurant and shall issue the certificate of occupancy to the restaurant. The applicant shall immediately notify the zoning administrator either before any amendment to or upon termination of the agreement.~~

- ~~(a) If the validity of any agreement for the use of said parking~~

~~spaces submitted in compliance with this subsection expires or the agreement for any reason becomes null and void, the certificate of occupancy issued under this subsection shall be automatically suspended for the number of seats affected by said nullification, effective as of the date of such expiration or nullification. The restaurant shall cease operation of said number of seats and shall not resume until such time as a replacement agreement for the use of said parking spaces, approved by the zoning administrator, is made and the requirements of this subsection are satisfied. The applicant shall obtain an amended certificate of occupancy for the seats that are not affected by said voiding.~~

~~(b) In the event a certificate of occupancy is suspended as provided in §14.3.6.B.6(a), above, if the applicant applies for a use permit for a modification of parking requirements for the restaurant as described in §14.3.6.C, the restaurant shall be allowed to continue operation for a maximum period of 90 days or until such time as the County Board renders a decision on the use permit request, whichever is shorter.~~

- ~~7. Acceptance by the zoning administrator of any agreement for the use of parking spaces shall in no way obligate the county to enforce the provisions of said agreement, nor shall it render the county liable for any damages, injury, or loss resulting from the implementation of the provisions of the agreement.~~
- ~~8. The applicant shall negotiate the renewal of any agreement for the use of said parking spaces prior to its expiration and provide copies of such supplemental agreement to the zoning administrator in the form and manner specified by this subsection.~~

§7.8. MU-VS, Mixed Use Virginia Square District

§7.8.5. Site development standards

1. Up to 100 percent of any required parking may be provided off-site if the said parking spaces are located within a ¼-mile radius of the subject site and if a legally binding parking agreement meeting the standards of §14.3.6.3.B is provided to the zoning administrator.

On-site Shared Parking

Article 14. Site Development Standards**§14.3. Parking and Loading****§14.3.7. Required parking and standing space**

- A. Parking shall be provided for all uses in accordance with the following standards unless specified otherwise in this or other sections of this zoning ordinance:

Use Types	Minimum Parking Requirement (spaces)	Additional Requirements
<u>Neighborhood center</u>	<u>1 per each 630 square feet ft. of floor area</u>	<u>Individual uses in a neighborhood center share the same parking lot; parking requirements for this use supersede all individual parking requirements</u>

- C. The County Board may, through Use Permit approval pursuant to §15.4, modify the regulations set forth in §14.3.7, as follows:

- 5. Modify the number of required off-street parking spaces for uses within neighborhood centers, as defined in Article 18, when the County Board finds that the potential adverse impacts associated with the modification can be obviated through measures such as, but not limited to the following:**
- (a) Implementing Transportation Demand Management (TDM) strategies, and/or demonstrating that transit or other transportation options exist that may offset parking demand;
 - (b) Utilizing a managed or shared parking program that outlines shifts in demand throughout the day/evening based on the mix of uses within the retail strip

Article 18. Definitions**§18.2. General Terms Defined**

Neighborhood center. A building(s) for which more than one certificate of occupancy is required or issued, and that includes up to but not including 300,000 square feet of retail and service commercial uses, and has a connected parking lot that is shared by all uses.

Compact Car Spaces

Article 14. Site Development Standards

§14.3. Parking and Loading

§14.3.3. General requirements

The requirements set forth in this article with respect to the location or improvement of parking, standing and loading space shall apply to all such space that is provided for any use, whether said space is provided in accordance with the requirements of this zoning ordinance, or said space is voluntarily provided. Parking, standing and loading space shall comply with the following regulations:

F. Compact car spaces

Any parking area may include up to 15 percent of the parking spaces for compact cars. In parking areas for office uses containing more than 100 spaces, up to 15 percent of the spaces may be compact spaces. The spaces shall be grouped together and visibly marked for "compact cars only." Aisle size shall not be reduced unless an entire aisle is providing access and maneuvering space for only compact cars. ~~No compact parking spaces are permitted for hospitals, hospital-related medical and health care facilities, and medical offices. Compact parking spaces are not permitted for retail sales and service uses,~~ or for required guest and visitor parking.

Athletic/Health Club Parking Ratio

Article 14. Site Development Standards

§14.3. Parking and Loading

§14.3.7. Required parking and standing space

G. Parking shall be provided for all uses in accordance with the following standards unless specified otherwise in this or other sections of this zoning ordinance:

Use Types	Minimum Parking Requirement (spaces)	Additional Requirements
Furniture & appliance stores, furniture repair shops	1 per each 400 square feet ft. of floor area	--
Greenhouses and nurseries	One space for each 400 square feet ft. of floor area, plus such space as may be determined to be necessary as set forth above	--
Athletic or health clubs	1 per 50 square feet ft. of gross floor area	--