



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of February 24, 2024

DATE: February 16, 2024

SUBJECT: Request to authorize advertisement of public hearings by the Planning Commission and County Board to consider proposed amendments to the Arlington County Zoning Ordinance (ACZO) to:

- A. To amend shared parking and off-site parking in Article § 7 Commercial Mixed Use (C) Districts and,
- 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. And amendments for other reasons required by public necessity, convenience, general welfare, and good zoning practice.

C. M. RECOMMENDATION:

Adopt the attached resolution authorize advertisement of public hearings by the Planning Commission and the County Board in April 2024 to consider amending, reenacting, and recodifying the Arlington County Zoning Ordinance (ACZO) to amend shared parking and off-site parking in Article § 7 Commercial Mixed Use (c) Districts and amend shared parking, and off-site parking in Article § 14.3 Parking and Loading, define shared parking, off-site parking Article § 18 Definitions, define neighborhood centers and/or retail strips in Article § 18 Definitions, amend Article § 7 Commercial Mixed Use (C) Districts to define and permit the establishment of neighborhood centers and/or retail strips, define parking and/or loading standards in Article § 14.3 Parking and Loading for neighborhood centers and/or retail strips, and amendments for other reasons required by public necessity, convenience, general welfare, and good zoning practice.

County Manager:

MJS/SFW

County Attorney:

MNC

CR Sanders

Staff: Valerie Weiner, AED and Mosi London, DES

ISSUES: This is a request to authorize advertisement of public hearings to consider amending the ACZO to amend or allow shared parking and off-site parking for retail, service commercial, industrial, public, civic and institutional uses in several zoning districts. No issues have been identified as of the date of this report.

SUMMARY: Consideration of this Zoning Ordinance amendment would allow for staff to explore an expansion existing shared parking and off-site parking regulations for by-right development. For example, existing by-right shopping centers or smaller commercial sites can struggle to meet the ACZO's minimum requirements for providing off-street parking spaces when leasing vacant commercial spaces to new tenants. This is especially true when multiple businesses are required to use the available parking on-site with limited capacity. Expanded shared parking regulations can be an effective measure to help address similar on-site parking deficiencies. To amend and/or create language around this topic, this RTA is also a request to establish a definition for these smaller, neighborhood shopping centers.

Broadening a commercial property owner's ability to meet the ACZO's parking requirements through off-site parking agreements or regulations may be able to address situations where there is insufficient or no available on-site parking, and where existing shared parking provisions are infeasible. This approach can maximize underutilized nearby parking and help to fill commercial and office vacancies in the County. This RTA is not a request to bring forth guidance on amendments to shared or off-site parking for new special exception site plan projects, as shared parking is already discussed through that process. The focus of this RTA is to pursue the formulation of potential shared parking provisions for existing properties developed by right in Arlington.

This request is a continued application of the County Manager's strategy to ensure commercial market resiliency in Arlington. Further research on an amendment would support business attraction and retention by expanding on the County's existing alternative methods property owners or tenants may employ in meeting minimum parking requirements. Following this RTA, staff would continue technical research and conduct public engagement related to any emerging recommendations prior to public hearings by the Planning Commission and County Board.

BACKGROUND: The proposed RTA is part of Commercial Market Resiliency Initiative 2.0, which is a continuation of the [CMRI](#) 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 Zoning Ordinance. 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. Parking regulations coupled with lack of

adequate parking within commercial/mixed use zoning districts are often cited by new businesses as barriers to commercial tenants occupying existing space.

Adjusting the County's Zoning Ordinance provisions specifically related to shared parking and off-site parking can mitigate barriers that impede a business's ability to fill vacant space, while protecting against any undue adverse impacts. In future study, staff will also continue to keep in mind existing and future modal splits between driving, public transit, biking, and walking in Arlington.

DISCUSSION: The RTA is intended to signal the potential formulation of future recommendations regarding shared and off-site parking for existing sites developed as-of-right. Arlington County defines and permits shared parking and off-site parking currently in a limited capacity. In this limited capacity, definitions and standards can be amended to solve on-site parking deficiencies. These concepts are currently permitted in commercial/mixed-use zoning districts for by-right development in the following ways:

Shared Parking

1. Modified use of private parking spaces that allow available parking spaces to be used after hours by the public (§14.3.3.G.4): Parking spaces in C or M districts which are required by the ACZO may be used by persons other than persons engaging in uses on the site, provided that said spaces shall be made available at all times to persons engaging in uses on the site at least at the same rates as to persons not engaging in uses on the site, and provided that there is no demand for said spaces by persons engaging in uses on the site.

Off-Site Parking

1. Modifications to required parking with off-site parking and/or shared parking arrangements (§14.3.7.C.1.b; §14.3.7.C.2.a; §14.3.7.C.3.a): Permitted via use permit for 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. These uses were afforded the opportunity to modify parking requirements because there were a growing number of applicants that required modifications to parking in order to obtain space, and staff found it an adequate solution to permit them to modify parking requirements through mechanisms like reducing parking requirements or through off-site parking.
2. Authority to create parking districts to allow for a universally available parking space in a given area (§14.3.1.B): The responsibility for providing the space required by the ACZO shall be that of whoever establishes the use to which it is appurtenant, except in business districts in which the County Board has declared, by resolution, that permanent parking space (but not loading space) has been provided on a community rather than an individual basis and that such space for such business district, within designated boundaries, shall be prorated against the requirements of the [ACZO]. This provision was established in the 1960s and was intended to create an opportunity for central shared parking facilities, but has yet to be enacted by the Board.

3. Off-site parking permissions for restaurants in Metro areas (§14.3.6.B): Restaurants within 1,000 ft of a Metro station entrance may use off-site parking, under any ownership, if this off-site parking is not required by any other use between 6:00 p.m. and 6:00 a.m., provided the Zoning Administrator approves a legally binding agreement between the two parties.
4. Off-site parking is permitted if off-site land is under the same ownership ((§14.3.3.B): Such space [off-site parking] 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.

The goal of this RTA is to look at the regulations listed above, and others in the ACZO, and see how or whether they can be amended to better resolve the issues experienced by businesses in Arlington.

The resulting updates from this study may have potential additional benefits including:

- *Space Optimization:* Shared parking optimizes land use by maximizing the use of existing parking spaces. This updated regulation would promote creative problem-solving where there is more demand than supply of parking, and vice versa.
- *Cost-Effective Development:* Shared parking reduces parking infrastructure costs, freeing up resources for other project aspects.
- *Equitable Access to Space for Existing Buildings and New Businesses:* This update brings creative solutions for meeting parking demand and utilization to older commercial areas that were developed prior to or without the benefit of the flexibility that the County's site plan process affords.
- *Enhanced Marketability:* Projects with efficient parking solutions offer greater appeal to tenants and buyers.
- *Flexibility and Innovation:* Customized shared parking plans allow developers and landlords to tailor solutions to individual project, building, or tenant needs.
- *Resilience:* The provision of options to accommodate changing parking needs allows for greater flexibility in the use type able to occupy/reuse existing infrastructure supporting a more resilient commercial real estate supply.

PUBLIC ENGAGEMENT: This is a request to advertise the proposed amendments.

Level of Engagement: Communicate

Staff believes this level of engagement is appropriate. This is a request to authorize advertisement that will be followed by a targeted engagement effort prior to Planning Commission and County Board consideration, including a February 29th Transportation

Commission meeting and March Zoning Committee of the Planning Commission (ZOCO) meeting.

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 hearings in April 2024.

In addition to the above legal requirements:

- Upon approval of the RTA, staff would publish information about this study on the [Commercial Market Resiliency Initiative](#) web page. Staff contact information would be made available on the web page, along with a comment feedback form for submitting comments directly to staff.
- Based on further staff analysis and any additional input received, staff will include a descriptive summary of any input received related to the proposed action in a legally required advertisement prior to the public hearings by the Planning Commission and County Board. This descriptive summary would detail the proposed ACZO amendments.

FISCAL IMPACT: There is no fiscal impact of this request to advertise.

CONCLUSION: Staff recommends that the County Board adopt the attached resolution to advertise public hearings for the proposed Zoning Ordinance amendments, for action in April 2024.

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS BY THE PLANNING COMMISSION AND THE COUNTY BOARD IN APRIL 2024 TO CONSIDER AMENDING, REENACTING, AND RECODIFYING THE ARLINGTON COUNTY ZONING ORDINANCE (ACZO) AS FOLLOWS:

- 1. TO AMEND SHARED PARKING AND OFF-SITE PARKING IN ARTICLE § 7 COMMERCIAL MIXED USE (C) DISTRICTS;**
- 2. AMEND SHARED PARKING, AND OFF-SITE PARKING IN ARTICLE § 14.3 PARKING AND LOADING;**
- 3. DEFINE SHARED PARKING, AND OFF-SITE PARKING ARTICLE § 18 DEFINITIONS;**
- 4. DEFINE NEIGHBORHOOD CENTERS AND/OR RETAIL STRIPS IN ARTICLE § 18 DEFINITIONS;**
- 5. AMEND ARTICLE § 7 COMMERCIAL MIXED USE (C) DISTRICTS TO DEFINE AND PERMIT THE ESTABLISHMENT OF NEIGHBORHOOD CENTERS AND/OR RETAIL STRIPS;**
- 6. DEFINE PARKING AND/OR LOADING STANDARDS FOR NEIGHBORHOOD CENTERS AND/OR RETAIL STRIPS IN ARTICLE § 14.3 PARKING AND LOADING;AND**
- 7. AMENDMENTS FOR OTHER REASONS REQUIRED BY PUBLIC NECESSITY, CONVENIENCE, GENERAL WELFARE, AND GOOD ZONING PRACTICE.**

Resolution to authorize advertisement of public hearings by the Planning Commission and the County Board in April 2024 to consider amending, reenacting, and recodifying the Arlington County Zoning Ordinance (ACZO) to amend shared parking and off-site parking in Article § 7 Commercial Mixed Use (c) Districts and amend shared parking, and off-site parking in Article § 14.3 Parking and Loading, define shared parking, off-site parking Article § 18 Definitions, define neighborhood centers and/or retail strips in Article § 18 Definitions, amend Article § 7 Commercial Mixed Use (C) Districts to define and permit the establishment of neighborhood centers and/or retail strips, define parking and/or loading standards for neighborhood centers and/or retail strips in Article § 14.3 Parking and Loading, and amendments for other reasons required by public necessity, convenience, general welfare, and good zoning practice.
