



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of April 20, 2024

DATE: April 12, 2024

SUBJECT: ZOA-2024-01 An ordinance to amend, reenact, and recodify Article 14 of the Arlington County Zoning Ordinance, as set forth in Attachment 2, to facilitate the following:

- A. Allowing compact car parking spaces for hospitals, hospital-related medical and health care facilities, medical offices, retail sales, service uses, and guest/visitor parking;
B. The removal of the existing parking requirement for athletic or health clubs in lieu of the existing parking requirement for general retail and service commercial uses; and,
C. For other reasons required by public necessity, convenience, general welfare, and good zoning practice.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify Article 14 of the Arlington County Zoning Ordinance, as set forth in Attachment 2, to facilitate the following:

- A. Allowing compact car parking spaces for hospitals, hospital-related medical and health care facilities, medical offices, retail sales, service uses, and guest/visitor parking;
B. The removal of the existing parking requirement for athletic or health clubs in lieu of the existing parking requirement for general retail and service commercial uses; and,
C. For other reasons required by public necessity, convenience, general welfare, and good zoning practice.

ISSUES: No issues have been identified as of the date of this report.

SUMMARY: The County Board is being asked to review proposed amendments to the Arlington County Zoning Ordinance (ACZO) that would: (A) Amend Athletic or Health club parking minimum in Table §14.3.7.A Required parking and standing space; and, (B) Amend Compact Car Spaces Section §14.3.3.F. At its February 24, 2024, meeting, the County Board

County Manager: MJS/SFW
County Attorney: MNC CR Sanders
Staff: Val Weiner, Real Estate Development Group, Arlington Economic Development
Mosi London, Transportation Engineering and Operations, Department of Environmental Services

authorized advertisement of public hearings by the Planning Commission and County Board on these items.

All proposed updates better align the ACZO with the County's Commercial Market Resiliency goals, as well as most recent County policies, Sector, and Area Plans with a move towards a more multimodal community while supporting small businesses in the following ways:

- Supporting small businesses by decreasing regulatory barriers helps address the County's office vacancy rate by creating a vibrant and attractive place for office tenants and residents.
- The minimum parking ratio for Athletic or Health Clubs no longer reflects public transportation access, density, or future goals for the County. It also highlights a need to continue research on the efficacy of other parking minimums.
- The prohibitions on compact car parking in by-right development 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 in existing buildings and provide needed services to the community. These proposed amendments are initial efforts to like to bring existing parking standards in alignment with current policy and transportation patterns, as well as the County's vision for a multimodal transportation system. 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 draft recommended changes to the ACZO are found in Attachment 2.

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. These businesses are critical to keeping Arlington an attractive place to live and work; supporting them, in turn, supports a low office vacancy rate by offering an interesting and diverse array of services, retail, and food experiences that also make the County an attractive

place to live. In addition to commercial impacts, the County's parking regulations do not match 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.

Changing the ACZO text is an efficient way to give property owners, businesses, and staff additional flexibility and efficiency with permits or administrative requests. 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.

Existing Parking Regulations in the ACZO

The ACZO currently regulates parking for retail and service commercial businesses based on specific parking minimums (see Figure 1). Many of these minimums were established prior to the County's public transit expansions in the 70s and 80s, and published policies that outline the County's vision for a multi-modal, transit, and pedestrian-oriented future.

For example, the ratios for general retail and service commercial, office buildings, tennis courts, and undertaking establishments were all established in the early 80s. The staff report at the time noted that the capacity to modify these minimums via site plan to 1:700 square feet was sufficient to reflect growing density and transit options, and that ratio has since been tightened to 1:580 square feet. They also established exclusions for parking near the Metrorail at the same time, acknowledging the growing demand near Metro allowed for greater pedestrian access and alternatives to driving.

Since then, the County's Metro lines and public transit facilities have expanded and demand to live in the County has also grown, resulting in higher density development. The reasoning behind the 1983 Staff Report still stands, but the County's density, walkability, and public transit accessibility have increased since.

These updates to the athletic or health club parking ratio and compact car prohibitions are not only opportunities to modernize the ACZO’s regulations, but they may also have a significant impact on a business’s capacity to meet parking minimums. By offering alternatives to the required minimums in Figure 1, more businesses of these types can fill vacant spaces, achieving CMRI goals, while also aligning with the County’s multimodal goals and visions for the future.

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

Compact Car Prohibitions

Compact parking 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% of no more than 20 spaces, to 50% per 100 spaces, in addition to 30 % 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 medical and healthcare facilities, medical offices, and retail and service uses, as well as required guest and visitor parking. The only way in which compact spaces would be permitted in these cases 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% of the parking spaces for compact cars. In parking areas for office uses containing more than 100 spaces, up to 15% 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 healthcare facilities, and medical offices. Compact parking spaces are not permitted for retail sales and service uses, or for required guest and visitor parking.

Staff believes these prohibitions are worth removing to suit today’s transportation landscape and allow for a more dynamic parking design to support both consumers and overall Commercial Market Resiliency.

Athletic and Health Club Parking Ratio

The minimum ratio for Athletic and health clubs does not reflect current transportation patterns, in part because it has not changed since the 1960s; it is a prime example of how outmoded 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 sq. ft 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 sq. ft of floor area on the first floor of the building) or the similar indoor/outdoor recreation uses (1 space per 300 sq. ft of floor area). This regulation is also more restrictive than the required minimum for this use in neighboring jurisdictions (Table 1), including the City of Alexandria and Fairfax County.

<u>Table 1: Athletic/Gym/Health Club Ratio</u>	
<u>City of Alexandria</u>	1 per 400 sf (same as equipment and repair businesses, garden centers, outdoor markets, funeral homes, and all other commercial not specifically otherwise mentioned in the Ordinance)
<u>Fairfax County</u>	4 per 1,000 sf (considered a Health and Exercise Facility) (which equates to 1 per 250 sf)

The minimum parking ratio for Athletic and 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.

In addition, this ratio is often amended in the 4.1 Site Plan approval process. Due to the order in which components of a Site Plan are approved and realized, staff won't know who the individual ground floor tenants will be when a project is going through approvals. The space could be categorized more broadly as 'retail equivalents' per the 2015 Arlington County Retail Plan, for example, and the parking ratio would be determined based on the site overall. Staff would not know it is a health club until later in the approval 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 and health club ratio.

DISCUSSION:

Compact Car Prohibitions

Compact parking was prohibited in 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 exiting 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, increasing the likelihood of a crash.

This approach, however, is ineffective for several reasons. Currently, actual parking demand is driven by diverse car types, and expanded public transit options are simultaneously decreasing parking demand. In addition, prohibiting uses from utilizing compact car spaces does not mitigate safety concerns. Enforcement is a critical tool for keeping drivers safe and is regulated separately from the ACZO. The primary benefit of this proposal is that if the County were to permit the construction/marketing of compact spaces to the level that the market desires, it would become easier for a business to meet the parking requirements of an existing lot through methods like restriping, as compact car spaces have smaller dimensional requirements as compared to full-size spaces.

This proposal is also not suggesting a change to the allowed percentage of compact car spaces, just that additional uses can now utilize compact spaces to meet parking minimums.

Athletic and 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 require high-class amenities like Athletic and health clubs either in the building or in 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 deter an Athletic or health club from filling high-demand, ideally located, vacant spaces. 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. 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 move into vacant spaces by relaxing an outdated ratio to meet modern demands.

PUBLIC ENGAGEMENT: Given the limited impact of this proposed use, staff is using tools primarily from the Communicate level of engagement. The proposed changes primarily condense and clarify existing terms and concepts within the ACZO. Staff did create a memo describing these uses for additional clarity, which was added to the [Commercial Market Resiliency](#) website in April 2023.

Staff also presented these items at the March 12 Zoning Ordinance Committee (ZOCO) meeting, as well as the February 29 and March 21 Transportation Commission meetings, and both groups expressed support for these items. This item was heard at the April 10 Planning Commission meeting, where the motion to approve passed 9-0.

Level of Engagement: **Communicate**

Staff believe this level of engagement is appropriate. This zoning update would not interrupt service for an extended period 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 was 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 were placed in the Washington Times in advance of the Planning Commission and County Board public hearing in April 2024. In addition to the above legal requirements:

A Commercial Market Resiliency Initiative 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.

Outreach Schedule

- February 29, 2024: Transportation Commission Meeting (TC)
- March 12, 2024: Zoning Ordinance Committee Meeting (ZOCO)
- March 21, 2021: Transportation Commission Meeting (TC)
- April 10, 2024: Planning Commission public hearing and recommendation
- April 20, 2024: County Board Meeting, public hearing and action

Community Feedback:

The Transportation Commission and ZOCO expressed support for the items and asked that staff continue to pursue further investigation of the County's parking policies.

FISCAL IMPACT: There is no fiscal impact of this proposed amendment.

CONCLUSION: Staff's recommendation to update the parking minimum for athletic or health clubs and compact car prohibitions are intermediary steps towards a review of how parking is regulated in the County. In the meantime, these updates support CMRI by lessening the parking regulatory burden and making it easier for businesses to meet the County's dated parking minimums.

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY ARTICLE 14 OF THE ARLINGTON COUNTY ZONING ORDINANCE, AS SET FORTH IN ATTACHMENT 2, TO FACILITATE THE FOLLOWING:

- A. ALLOWING COMPACT CAR PARKING SPACES FOR HOSPITALS, HOSPITAL-RELATED MEDICAL AND HEALTH CARE FACILITIES, MEDICAL OFFICES, RETAIL SALES, SERVICE USES, AND GUEST/VISITOR PARKING;**
- B. THE REMOVAL OF THE EXISTING PARKING REQUIREMENT FOR *ATHLETIC OR HEALTH CLUBS* IN LIEU OF THE EXISTING PARKING REQUIREMENT FOR GENERAL *RETAIL AND SERVICE COMMERCIAL USES*; AND,**
- C. FOR OTHER REASONS REQUIRED BY PUBLIC NECESSITY, CONVENIENCE, GENERAL WELFARE, AND GOOD ZONING PRACTICE.**

Be it ordained that Article 14 of the Arlington County Zoning Ordinance is hereby amended, reenacted, and recodified, as set forth in Attachment 2, to facilitate the following:

- A. Allowing compact car parking spaces for hospitals, hospital-related medical and health care facilities, medical offices, retail sales, service uses, and guest/visitor parking;*
- B. The removal of the existing parking requirement for athletic or health clubs in lieu of the existing parking requirement for general retail and service commercial uses; and,*
- C. For other reasons required by public necessity, convenience, general welfare, and good zoning practice.*

Attachment 2: Zoning Ordinance Amendment – Parking-Related Uses

Proposed amendments are shown with **bold underline** to denote new text, and **~~bold strikethrough~~** to denote deleted text.

➤ 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:

A. ...

...

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

§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
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 space each 300 sq. ft. of floor area located elsewhere in the building
<u>Athletic or health clubs</u>	<u>1 per 50 sq. ft. of gross floor area</u>	--