



**McLean Citizens Association Resolution
Fairfax County Parking Reimagined Initiative
July 5, 2023**

Whereas, in 2017 the Fairfax County Planning and Zoning Staff was charged by the Board of Supervisors (“BOS”) with the Zoning Ordinance Modernization Project ("zMOD") a major initiative to modernize Fairfax County's at least 35-year-old Zoning Ordinance, intended to: modernize permitted uses and regulations; make the Zoning Ordinance easier to understand; and create a streamlined, user-friendly document with tables, graphics, and hyperlinks; and

Whereas, as a continuation of zMOD, beginning in August 2021, the Fairfax County (“County”) Departments of Land Development Services (“LDS”) and Planning and Development (“DPD”) staffs (the “Staff”) began a review of Article 6 of the Zoning Ordinance which regulates offstreet parking and loading (this review being known as the Parking Reimagined Initiative “PRI”)); and

Whereas, on March 21, 2023, the Fairfax County BOS published and authorized for public hearings a draft update of Article 6 of the Zoning Ordinance to which MCA’s April 6, 2023 Resolution was responsive; and

Whereas, the BOS suspended action on the March 21 draft to focus attention on the zMOD update (formally known as the 2021 Zoning Ordinance as amended through March 22, 2023) that had been declared void *ab initio* by the Virginia Supreme Court in *Berry et al. v Board of Supervisors of Fairfax County* on March 23, 2023; and

Whereas, in the months following the May 9, 2023 decision of the BOS to re-adopt the 2021 Zoning Ordinance as amended through March 22, 2023, County staff revised the March 21 advertised draft of Section 6 of the ZOA; and

Whereas, on June 27, 2023, the Board of Supervisors approved advertising for public hearing the revised draft of Section 6 of the ZOA (Advertised Text); and

Whereas, the four goals of Parking Reimagined were and are to 1) balance on-site parking supply and demand to meet day-to-day needs ("right-sizing" parking); 2) identify methods to provide more flexibility in the parking regulations to address site and area specific circumstances; 3)

streamline County review and approval of parking proposals; and 4) update vehicle stacking and loading requirements; and

Whereas, the Staff has reiterated numerous times that community values of equity, affordability, the environment, land-use site design, and economics are each a part of the decisions made about parking; and

Whereas, the County hired Nelson/Nygaard as its consultant for the Parking Reimagined project to, among other things, review, analyze, and make recommendations and conduct comparative analysis of parking minimums for the County; and

Whereas, the Staff has held over 100 public and community meetings, including 18 town halls and open houses, and additionally meetings with a Parking Reimagined Working Group that includes representatives from various community and interest groups, including the McLean Citizens Association (“MCA”); and

Whereas, while Parking Reimagined has been the subject of lengthy and considerable efforts by the Staff and includes a number of commendable proposed revisions to the existing Article 6, certain proposed revisions are either undesirable or should be further evaluated for their value and impact on communities, as discussed below; and

Whereas, the Environmental Quality Advisory Committee (EQAC) has expressed similar concerns in its June 14, 2023 communication to the Board of Supervisors and Planning Commission; and

PROPOSED MINIMUM PARKING RATES

Whereas, the MCA recognizes the Staff’s vision as to how residents might meet their work and non-work transit needs in the future and the potential benefits of less reliance on automobiles; and

Whereas, the proposed changes to Article 6 in the Advertised Text will create new parking tiers that align with planned, higher intensity and density development areas defined in the County Comprehensive Plan, and include significant reductions to current off-street minimum parking requirements for multi-family developments located within certain specific planning areas within the County; and

Whereas, the Advertised Text proposes that the minimum off-street parking rates for multifamily dwellings in Suburban Centers and Revitalization Areas (RAs) be calculated on a per unit basis, with an option alternatively to calculate the rate on a per bedroom basis; and

Whereas, the Advertised Text proposes that the minimum off-street parking rates for multifamily dwellings in Transit Station Areas (TSAs), Transit-Oriented Developments (TODs),

and the Planned Tysons Corner Urban District (PTC) be calculated on a per bedroom basis, with an option of calculating the rate on a per unit basis only for TSAs and TODs; and

Whereas, in all cases the Advertised Text provides a range of rates as well as a preferred rate; and

Whereas, the MCA is especially concerned that the minimum parking rates in the Advertised Text for multifamily dwellings in RAs (such as the McLean CBC), TSAs (such as the proposed development on – and close to -- the WMATA property at the West Falls Church Metro Station), TODs and portions of the PTC will not provide adequate parking for future residents who will still need to use personal vehicles for non-work needs (such as to get to doctor's offices, grocery stores, etc.) and for work if their place of employment is not readily accessible by frequent and reliable public transit options, thereby raising the likelihood of "overflow" parking where there are adjacent residential neighborhoods; and

Whereas, the MCA also believes that the Staff's assumptions about lower resident vehicle usage related to the advertised minimum parking rates for multifamily buildings are unrealistic in most areas of the County for at least the next 15-20 years because the current transit infrastructure in the County is inadequate to support resident use of public transit to access locations such as doctor's offices, grocery stores, recreational facilities, religious services, educational facilities, to name but a few examples; and

Whereas, the MCA also believes that in many areas of the County where multifamily buildings are or are expected to be built, the service infrastructure (e.g., doctors' offices, grocery stores, etc.) that is necessary to support the daily non-work needs of residents is not within walking distance of those areas or not likely to be available in close enough proximity for residents to be able to forego use of personal vehicles for quite some time; and

Whereas, the MCA believes that, even in more urban areas of the County, future residents will likely want to utilize their own cars for convenient and safe access to many locations not in the immediate vicinity of their homes or accessible by Metro or bus; and

Whereas, the proposed reductions in minimum parking requirements that the Staff has recommended and the optional rates that it has listed amount to roughly a 20-40% or more reduction in many use categories, but the Staff still has not demonstrated that these reductions are necessary; and

Whereas, for example, assuming the Staff-recommended parking rate of 0.4 spaces per bedroom in a TSA, a 200-unit multifamily building with 100 one-bedroom units and 100 two-bedroom units would only be required to have 120 parking spaces. If the lower end of the optional per unit rate were adopted instead (60% of the base per unit rate of 1.3 spaces per unit), the requirement would be 156 parking spaces, a parking ratio of 0.78 spaces/Dwelling Unit; and

Whereas, for example, the minimum parking rate for a similar multifamily building located within ¼ mile of a Metro Station in the PTC would be 60 parking spaces, a parking ratio of 0.3 spaces/Dwelling Unit; and

Whereas, the only parking utilization study of multifamily residential developments in Fairfax County (“Parking and Trip Generation in Multifamily Residential Developments in Fairfax County, Nelson/Nygaard, September 2016) demonstrates that building residents utilized parking equivalent to a parking ratio of 1.09 to 1.42 in transit station areas, 0.97 to 1.31 in urban areas, and 1.43 to 1.50 in other areas, which does not support the major reductions to the minimum parking requirements proposed by PRI; and

Whereas, the County has indicated there have been no parking utilization studies for multifamily residential buildings in Fairfax County since the Nelson/Nygaard study in 2016 and accordingly there is insufficient data to support the major reductions in minimum parking space ratios proposed by PRI for RAs, TSAs, TODs, and the PTC District; and

Whereas, the Nelson/Nygaard “Task 3.2: Regional Peer Review – Parking Zoning Ordinance” memorandum, prepared for the County on or about January 6, 2022, which was one of the documents considered in the PRI process, contained a major error in asserting that the City of Alexandria’s minimum parking spaces required for multifamily dwelling units in TSAs is 1/8th of a space per bedroom, instead of the actual City of Alexandria zoning ordinance requirement of 8/10th of a space per bedroom, and it is not clear how or if the County factored the correct information into its post-March review of the March 21, 2023 draft version of Section 6; and

PROPOSED AUTHORITIES TO ADJUST MINIMUM PARKING RATES

Whereas, the current Zoning Ordinance states that both the Board of Supervisors and the Director of Land Development Services (LDS Director) may only approve adjustments when “the applicant has demonstrated [to the Board or Director’s satisfaction, as appropriate] that ...[t]he reduction will not adversely affect the site or the adjacent area”; and

Whereas, the Advertised Text would apply the above requirement to requested adjustments to BOS determinations (Section 6100.6.A.1); and

Whereas, the Advertised Text limits the Director’s authority to specified circumstances -- Shared Parking Options (Sections 6100.6.B), Transit-Related Parking Adjustments (Section 6100.6.C), and Off-Street Loading (Section 6101.3.C), but does not require the LDS Director to consider the above requirement in these specific circumstances; and

Whereas, in the case of Section 6100.6.B, the Advertised Text establishes technical parameters that must be met and would permit adjustments that meet these parameters and in Section 6100.6.C, would allow the LDS Director to retain the unilateral authority to make adjustments of up to 30% and would provide an option that would significantly expand the unilateral authority

of the LDS Director to reduce minimum parking requirements to a level that is up to 50% less than the rates otherwise required in the Advertised Text; and

Whereas, the current Zoning Ordinance but not the Advertised Text additionally stipulates as criteria for adjustments in transit-related areas that transit services already exist or are programmed for completion within the same time frame as the completion of the subject development or that there are at least 3 bus routes, at least one of which serves a mass transit station or transportation facility and provides high-frequency service; and

Whereas, in lieu of requiring that transit services exist or are programmed for completion within the same time frame as the completion of the subject development, the Advertised Text merely requires that any rail station or transit facility that does not currently exist be constructed or implemented within 10 years after approval of the adjustment; and

Whereas, the current Zoning Ordinance but not the Advertised Text additionally stipulates that “For the purposes of this provision [determination of when a reduction in off-street parking rates for transit-related areas may be approved], a determination regarding the completion time frame for a mass transit station or transportation facility must include an assessment of the funding status for the transportation project.”

Whereas, County staff has stated that these modifications to the LDS Director’s authority (1) limit that authority and (2) establish technical, measurable criteria upon which all Director decisions would be based. Staff further states that adding in the requirement for the applicant to demonstrate that the requested adjustment will not adversely affect the site or adjacent area would be requiring the LDS Director to make a subjective determination that should only be within the purview of the Board of Supervisors to consider; and

Whereas, nonetheless in Section 6100.6.C.2, a new, arguably subjective criterion is added – namely, that “the applicant demonstrates that the adjustment is proportional...”; and

PROPOSAL FOR PARKING UTILIZATION STUDIES

Whereas, the Advertised Text includes a new provision for an ex post facto parking utilization study that an applicant must submit, if the LDS Director or Board determines that a parking adjustment has resulted in inadequate site parking and has created adverse off-site impacts to public health and safety. This provision includes criteria to which the parking utilization study must adhere and indicates that there will be consequences if a study is not submitted within 90 days after its request or following review of a submitted study (Section 6100.6.A.4); and

Whereas, Section 6100.6.A.4 stipulates that the LDS Director or Board may require alternative measures to satisfy the on-site parking needs of the property, and states that “Such measures may include, but are not limited to, compliance with the parking requirements for the site”; and

PROPOSED LOADING SPACE ADJUSTMENT AUTHORITY

Whereas, Section 6101.3.B and Section 6101.3.C address the authorities of the BOS and LDS Director, respectively, to adjust the number of loading spaces, but only the former explicitly states that the applicant must demonstrate that the adjustment not adversely affect the site or adjacent areas; and

PROPOSED BICYCLE PARKING ADJUSTMENT AUTHORITY

Whereas, Section 6102 (Bicycle Parking Requirement) removes the existing authority for the LDS Director to reduce the number of required bicycle spaces, permitting the LDS Director to approve only a relocation of those spaces due to site constraints; and

ENVIRONMENTAL CONSIDERATIONS

Whereas, one of the original rationales for reducing off-street parking was to help improve the environment of Fairfax County, and in this regard, Staff stated in various White Papers that reducing parking requirements “allows opportunities to provide more green infrastructure for individual sites including open and public spaces, more effective stormwater management, and preservation” along with reducing the impact of “heat islands” caused by excessive asphalt parking; and

Whereas, the May 30 proposed revision to Section 6 of the ZOA does not require developers to add more green space and trees in exchange for reduced off-street minimum parking; and

ROUNDING METHODOLOGIES

Whereas, County staff has proposed in Section 6100.3.B (Calculation of Off-Street Parking) to round down the required number of off-street parking spaces when a calculation results in a number containing a fraction, but provides an option for standard rounding – that is, an option to round down when the fractional unit is less than 0.5 and to round up when the fractional unit is greater than 0.5 – while using standard rounding practices in Section 6101 for the calculation of required loading spaces; and

CONCLUSIONS

Now, therefore, be it resolved, that the MCA supports Parking Reimagined stated goals to 1) balance on-site parking supply and demand to meet day-to-day needs ("right-sizing" parking), 2) identify methods to provide more flexibility in the parking regulations to address site- and area-specific circumstances; 3) streamline County review and approval of parking proposals, and 4) update vehicle stacking and loading requirements; and

Be it further resolved, that while MCA is supportive of the goals of the Parking Reimagined Initiative, it is opposed to certain proposed changes due to the lack of data or analysis that would support the proposed significant reductions in off-street parking, as discussed above; and

Be it further resolved, that, to meet the needs of residents, and avoid overflow parking in adjacent neighborhoods in RAs, MCA believes that the appropriate minimum rate for off-street parking for multifamily buildings in RAs should be at least 1.3 spaces per unit, with additional spaces per unit for units with two or more bedrooms; and

Be it further resolved, that to meet the needs of residents and avoid overflow parking in adjacent neighborhoods in TSAs, TODs, and portions of the PTC, MCA believes that the appropriate minimum rate for off-street parking for multifamily buildings in these areas is 1.0 space per unit with additional spaces per unit for units with two or more bedrooms, and urges the PC to recommend that the BOS adopt a minimum rate of 1.0 spaces per unit for off-street parking for multifamily buildings in TSAs, TODs, and the PTC District and eschew per bedroom rates; and

Be it further resolved, that MCA believes the proposal in Section 6100.6.D to permit adjustments to off-street parking for buildings that exclusively provide affordable dwelling units or workplace housing for individuals with incomes at or below 70 percent of the Area Median Income for the Washington Metropolitan Statistical Area is inconsistent with both the needs of those residents and equity considerations. MCA recommends that the minimum off-street parking requirements for such buildings be based on the criteria used for other residential buildings and that the Advertised Text should make clear that only the Board of Supervisors may address requests for adjustments in such cases and that this limitation on adjustment authority is without regard to the location of the Affordable Housing – e.g., in a Shared Parking area, a Transit-Related Area, or elsewhere. This would ensure that there would be a public hearing and full consideration of the impacts for any applications to reduce parking for buildings that exclusively provide affordable housing; and

Be it further resolved, that MCA recommends that the authority of the LDS Director to approve adjustments be eliminated; and

Be it further resolved, that to the extent that the LDS Director is provided with any unilateral authority in Section 6100.6 to approve reductions from the applicable listed minimum rates in an updated Zoning Ordinance, the BOS should only approve such authority if: (1) there is a requirement that any applicant for an adjustment must demonstrate to the LDS Director's satisfaction that (a) fewer spaces than those otherwise required would adequately serve the use and (b) that the requested reduction would not adversely affect the site or the adjacent area; and (2) that prior to exercising the authority, the LDS Director provides public notice of the requested reductions and opportunities for the public to comment on the requested reduction before a decision is made; and

Now therefore be it further Resolved, that the criterion included in the current Zoning Ordinance requiring that transit services already exist or are programmed for completion within the same time frame as the completion of a subject development requesting an adjustment in a transit-related area replace the criterion in the Advertised text that would only require that any rail station or transit facility that does not currently exist in these areas be constructed or implemented within 10 years after approval of the adjustment.

Now therefore be it further Resolved, that there be a requirement that any determination regarding the completion time frame for a mass transit station or transportation facility include an assessment of the funding status for the transportation project.

Be it further resolved, that MCA urges the Planning Commission to recommend, and the BOS to adopt, a Follow-on Motion requiring Staff to conduct a study to identify possible measures to meet the requirement in Section 6100.6.A.4 (Parking Utilization Study) for adoption and implementation of alternative measures to satisfy the on-site parking needs of the property, including compliance with the pre-adjustment parking requirements for the site. Such a study should focus on possible measures to meet the parking needs when multifamily buildings are affected.

Be it further resolved, that MCA commends the inclusion of reserved parking spaces for loading activities to help to mitigate any existing issues with regard to the accessibility of handicapped spaces for handicapped residents; and

Be it further resolved, that to the extent that the LDS Director is provided with any unilateral authority in Section 6101.3C (Off-Street Loading) to approve reductions from the applicable listed minimum rates for Loading Spaces, that authority must include as a criterion that the applicant demonstrate to the LDS Director's satisfaction that the requested reduction would not adversely affect the site or adjacent areas or the availability of adequate handicapped parking; and

Be it further resolved, that the MCA commends the limitation on the authority of the LDS Director to permit the Director only to modify the location of outdoor racks or storage facilities and not to reduce the number of bicycle spaces in Section 6102 (Bicycle Parking Requirements) and urges evaluation of the feasibility of this approach for addressing requests for adjustments in other off-street parking requirements; and

Be it further resolved, that MCA recommends that any adjustments to off-street parking that may be granted are accompanied by a requirement that provides for increases in open space, tree canopies, and/or landscaping that are proportionate to any resulting increases in building footprint. Such an approach will help to mitigate 'heat islands', assist in addressing climate issues, and stormwater management, and provide environmental benefits; and

Be it further resolved, that MCA opposes the proposal in Section 6100.3.B to round down in all calculations of required off-street parking that result in fractional units and supports a variation of the option provided in that section that would round up when the calculated number of spaces is equal to or greater than 0.5; and

Be it further resolved, that MCA urges the Planning Commission to recommend, and the BOS to adopt a Follow-on Motion requiring Staff to revisit the minimum off-street residential parking requirements for RAs, TSAs, TODs, and the PTC five years after adoption of an updated Section 6 of the Zoning Ordinance, with the purpose of assessing the extent to which: (1) the adopted minimum off-street parking rates have not created adverse off-site impacts to public health and safety or adversely affected the existing site and adjacent neighborhoods and therefore, should continue to be maintained; and (2) the transportation and infrastructure improvements are sufficient to reduce further off-street minimum parking rates in these areas.

Approved by the MCA Board of Directors

Date: July 5, 2023

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