

McLean Citizens Association



The Voice of McLean for Over 100 Years

McLean Citizens Association Resolution Fairfax County Parking Reimagined Initiative April 6, 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 off-street parking and loading (this review being known as the Parking Reimagined Initiative “PRI”)); and

Whereas, notwithstanding that zMOD was 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 that Fairfax County subsequently declared that it would revert to operating under the immediately previous version of the Zoning Ordinance, the fundamental policy questions ultimately remain and will likely be addressed by the Board of Supervisors via legislation in the foreseeable future; and

Whereas, the four goals of Parking Reimagined 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 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, as of January 2023, the Staff has held over 60 public and community meetings, including 17 town halls and open houses, and monthly meetings with a Parking Reimagined Working Group that includes representatives from various community and interest groups, including the McLean Citizens Association (“MCA”); and

Whereas, the proposed changes to Article 6 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 MCA is concerned that some of these proposed changes will exacerbate overflow parking in adjacent neighborhoods, which is a concern to residents particularly given the County's lax enforcement of existing off-street parking rules and regulations; and

Whereas, the MCA is especially concerned that the advertised minimum parking rates for multi-family dwellings in Revitalization Areas ("RAs") (such as the McLean CBC), Transit Station Areas ("TSAs") (such as the proposed development on – and close to -- the WMATA property at the West Falls Church Metro Station), and Transit-Oriented Development ("TOD") areas, 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 in adjacent residential neighborhoods; and

Whereas, the proposed reductions in minimum parking requirements that the Staff has recommended amount to roughly a 20-40% reduction in many use categories, but the Staff has not demonstrated that these reductions are necessary; 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 other parking utilization studies for multifamily residential buildings in Fairfax County since 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 transit station areas 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 that the correct information has only recently been provided by the County to the public for consideration after most of the town halls and meetings had already taken place; and

Whereas, Section 5 of Article 6 of the Zoning Ordinance currently confers unilateral authority (meaning without approval of the BOS) to the LDS Director to approve requested reductions in

minimum parking requirements to a level that is up to 30% less than the levels prescribed in Article 6 in certain circumstances, and provides (1) that the LDS Director can only approve such reductions if “the applicant has demonstrated ... that ... [t]he reduction will not adversely affect the site or the adjacent area” and (2) that the BOS can only approve reductions exceeding those that the LDS Director may unilaterally authorize if the applicant makes this demonstration; and

Whereas, the proposed PRI amendments 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 baseline or tiered rates required under the advertised Zoning Ordinance; and

Whereas, the PRI proposal deletes the restriction applicable to LDS Director and BOS determinations that the applicant must demonstrate that the reduction “will not adversely affect the site or the adjacent area” even though the Staff have stated that they do not have data to support the removal of this language; and

Whereas, the proposed changes also include reductions to the off-street loading area for facilities under 10,000 square feet, but allow these facilities to use reserved parking spaces, pull-off areas along the curb, areas within the building, or other facilities deemed appropriate by the LDS Director; and

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 advertised amendment fails to require developers to add more green space and trees in exchange for reduced off-street minimum parking; 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 Parking Reimagined amendments to Section 6 of the Zoning Ordinance proposed by the Staff were authorized for advertisement by the Board of Supervisors for a public hearing at the Planning Commission on April 19, 2023, and a public hearing at the Board of Supervisors meeting on June 6, 2023, but have been postponed until further notice; and

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 MCA believes, however, that the Staff's assumptions about lower resident vehicle usage related to the advertised minimum parking rates for multi-family 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 multi-family 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, 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, on March 3, 2023, a McLean resident asked County Staff whether there have been any parking utilization studies or surveys regarding multi-residential buildings in the PTC District, TSAs, TODs, RAs and/or Suburban Centers since the September 2016 Nelson/Nygaard study titled "Parking and Trip Generation in Multifamily Residential Developments in Fairfax County, VA" document posted on the Parking Reimagined website; and

Whereas, in an email dated March 13, 2023, the Department of Land Development Services FOIA indicated that "It is our understanding that this particular parking utilization study was not commissioned for other areas," which we understand to mean that the County does not have any parking utilization studies for multi-family buildings more recent than the 2016 Nelson/Nygaard study to support the major reductions in minimum parking space rates that it is proposing; and

Whereas, analysis of a FOIA response to another County resident, dated February 21, 2023, identified other areas in which no data or analysis was developed to support other changes, including ensuring adequate residential, guest and delivery vehicle parking in certain of the tiered areas, preventing spillover to neighboring communities, or preventing handicapped people from parking in designated spots; and

Now, therefore, be it resolved, that the MCA supports Parking Reimagined's stated goals 1) to 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.

Be it further resolved, that while MCA is generally 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 these significant reductions in off-street parking, as discussed above.

Be it further resolved, that MCA for the reasons cited above, and, in order to meet the needs of residents and avoid overflow parking in adjacent neighborhoods, opposes the deep reductions in the minimum off-street parking rates proposed for RAs, TSAs, TODs, and the PTC District.

Be it further resolved, that MCA believes that the appropriate minimum rate for multi-family buildings in these locations is 1.0 space per unit and urges the PC to recommend that the BOS adopt a rate of 1.0 spaces per unit for off-street parking for multi-family buildings in RAs, TSAs, the PTC District, and TODs.

Be it further resolved, that MCA believes using different minimum parking rates for buildings that exclusively provide affordable dwelling units or workplace housing is inconsistent with both the needs of those residents and equity considerations, and recommends that the minimum off-street parking requirements for such buildings be based on the criteria used for other residential buildings.

Be it further resolved, that MCA opposes the amendment to Article 6100.6 Adjustments to Minimum Required Off-Street Parking that would greatly expand the unilateral authority of the LDS Director and recommends that the authority to approve adjustments be eliminated.

Be it further resolved, that to the extent that the LDS Director is provided with any unilateral authority to approve reductions from the listed minimum rates in the updated Zoning Ordinance, the BOS should only approve such authority if it is conditioned on public notice of the requested reductions and opportunities for the public to comment on the requested reduction before a decision is made.

Be it further resolved, that MCA opposes the deletion of the requirement that the applicant must demonstrate that the requested reduction “will not adversely affect the site or the adjacent area” in order for the LDS Director or the BOS to approve reductions below the levels in the Zoning Ordinance, and urges that the following language be incorporated in any update to Article 6 of the ZO as applicable to any decision by the LDS Director or the BOS to approve reductions that exceed the minimum parking levels in the Zoning Ordinance: “A reduction may be approved when the applicant has demonstrated that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from its proximity to a mass transit station, transportation facility, or frequent and timely bus service, and that the reduction will not adversely affect the site or adjacent neighborhoods.”

Be it further resolved, that, MCA opposes the amendments to Article 6101 Off-Street Loading Facilities under 10,000 square feet of gross floor area because of its potential impact on handicapped parking, in particular, and MCA urges the Board of Supervisors to ensure there are

adequate loading spaces and opposes any loading space reductions that will reduce the accessibility of handicapped spaces for handicapped residents.

Be it further resolved, that MCA requests that in exchange for approving reduced parking, there be a requirement that developers provide green spaces, tree canopies, and landscaping to mitigate ‘heat islands’, and to assist with climate issues, stormwater management, and other environmental benefits.

Be it further resolved, that MCA urges the Planning Commission to recommend and the BOS to amend Article VI in the advertised Zoning Ordinance to address the concerns noted in the foregoing Resolved clauses or, alternatively, remand the PR initiative to the Staff with the direction to implement changes in the proposed amendment to address these concerns.

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, and TODs five years after adoption of an updated Section 6 of the Zoning Ordinance, with the purpose of assessing the extent to which transportation and infrastructure improvements are sufficient to reduce off-street minimum parking rates in these areas.

Approved by the MCA Board of Directors

Date: April 6, 2023

McLean Citizens Association, P.O. Box 273, McLean, VA 22101

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