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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Section 11-700 (Transportation Management special use permits) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0009.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2013-0009, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 4, 2014 of a text amendment to the Zoning Ordinance to adopt revised Transportation Management Plan Special Use Permit regulations, which recommendation was approved by the City Council at public hearing on February 22, 2014

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-700 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

*Sec. 11-700 Transportation management special use permits.*

*11-701 Purpose and intent.*

(A) There are certain land uses which, by their location, nature, size and/or density, or by the accessory uses permitted or required in connection therewith, or by certain operational or design and engineering characteristics, tend to cause traffic and related impacts which are contrary to the public health, safety and general welfare in that they lead to, generate or exacerbate: danger and congestion in travel and transportation upon the public streets, parking problems, harmful air pollution, wasteful energy consumption, excess noise, and other adverse impacts upon public and private transportation facilities, environmental quality, historic areas and other qualities of the city which make it a desirable, prosperous and attractive residential and commercial community. These uses present a disproportionate danger of such impacts relative to similar uses of a different size and density and to other uses permitted under this ordinance.

(B) These uses may be allowed to locate within designated zones only under a special use permit, as provided in this section 11-700, which, through the imposition of pertinent

1 conditions and requirements, shall ensure that the adverse and disproportionate  
2 traffic, transportation and related impacts of such uses are reduced to levels consonant  
3 with the public health, safety and general welfare, that surrounding land, structures,  
4 persons and property are adequately protected and that public and private  
5 transportation is facilitated.

6 (C) The purpose of this section 11-700 is to mitigate the traffic, transportation and related  
7 impacts of such certain land uses through the requirement that a transportation  
8 management plan for such uses be prepared and that a special use permit be issued for  
9 such uses containing terms and conditions which require the implementation of an  
10 appropriate transportation management plan. The intent of the transportation  
11 management plan is to reduce single occupancy vehicle trips by:

- 12 • encouraging other forms of travel, including transit use,  
13 ridesharing, walking and bicycling to accomplish that reduction  
14 through site-specific controls and conditions;
- 15 • leveraging and sharing planned or existing TMPs and conditions in  
16 neighboring uses,
- 17 • fees paid to a citywide transportation demand management  
18 program,
- 19 • additional measures or a combination thereof, all in coordination  
20 with the city's overall transportation demand management program,  
21 Transportation Master Plan, and the Transportation chapter of the City  
22 of Alexandria Master Plan.

23  
24 *11-702 Transportation Management Plan Program.*

25  
26 (A) There is hereby created a Transportation Management Plan (TMP) Program  
27 designed to accomplish the purpose and intent of this section 11-700 by maximizing  
28 the mobility of all users by encouraging transit use, ridesharing, pedestrian and  
29 bicycle transportation to minimize single vehicle occupancy trips by motor vehicles  
30 and ensuring adequate transportation infrastructure and services to support future  
31 levels of development.

32  
33 (B) The TMP Program shall consist of a citywide TMP (Citywide TMP) as well as  
34 stand-alone TMP programs operated by individual developments.

35  
36 (C) The Director of Transportation and Environmental Services shall report on an  
37 annual basis to the Transportation Commission, the Planning Commission and City  
38 Council on the status of the TMP Program. The annual report shall be distributed to  
39 all developments that contribute to the City-wide and City-managed TDM Fund.

40  
41 *11-703 Transportation Demand Management Fund.*

42  
43 (A) There is hereby created a citywide, city-managed dedicated Transportation  
44 Demand Management (TDM) Fund (TDM Fund) which will promote and create

1 transportation alternatives to single occupancy vehicles that meet the goals of this  
2 section 11-700 and the Transportation chapter of the City of Alexandria Master Plan.  
3

4 (B) Any payments made to the City as a result of the conditions or requirements of an  
5 approved TMP SUP shall be deposited into the city TDM Fund.  
6

7 (C) Funds deposited into the city TDM Fund shall be separately maintained and  
8 segregated and not subject to use other than for its approved program expenditures.  
9

10 (D) As part of its annual report on the status of the TMP Program under section 11-  
11 702(B), the Director of Transportation and Environmental Services shall report on  
12 the status of the TDM Fund, including how funds have been spent in the prior year  
13 and a proposed program of expenditures for the following year. After a public  
14 hearing and consideration by the Transportation Commission and the Planning  
15 Commission, each Commission shall make a recommendation to City Council,  
16 which shall adopt an annual program of TDM expenditures for the city.  
17

18 *11-704 Application of TMP program to development; required participation.* Each  
19 development for which a site plan is required pursuant to section 11-400 of this ordinance may  
20 be required to obtain approval of a TMP SUP, depending on its development tier and the  
21 requirements for participation outlined in this section 11-704.  
22

23 (A) *Development tiers.* The following development tiers represent a graduated level of  
24 development to which TMP requirements apply.  
25

26 (1) *Tier one uses.* The following levels of development typically have a  
27 relatively low level of traffic and related impacts and are regulated as a tier  
28 one use.

29 a) *Residential:* more than 20 but no more than 99 residential units;

30 b) *Commercial or professional office space:* more than 9,999 but no more  
31 than 99,999 square feet of Floor Area.

32 c) *Retail:* either more than 9,999 but no more than 74,000 square feet of  
33 Floor Area or more than 3,000 square feet but no more than 10,000 square  
34 feet of Floor Area with more than 50 peak hour trips during either peak  
35 hour as defined in the administrative regulations authorized by Section 11-  
36 709.

37 d) *Hotels:* 30 rooms or more; and

38 e) *Industrial or warehouse:* 30,000 or more square feet of Floor Area.  
39

40 (2) *Tier two uses.* The following levels of development typically have a moderately  
41 high level of traffic and related impacts and are regulated as a tier two use.

42 a) *Residential:* more than 99 but no more than 349 residential dwelling units;

43 b) *Commercial and/or professional office space:* more than 99,999 square  
44 feet but no more than 249,000 square feet of Floor Area; and

45 c) *Retail space:* More than 74,999 square feet but no more than 149,000  
46 square feet of Floor Area.

- 1  
2 (3) *Tier three Uses.* The following levels of development typically have a very  
3 high level of traffic and related impacts and are regulated as a tier three use.  
4 a) *Residential:* more than 349 dwelling units;  
5 b) *Commercial and/or professional office space:* more than 249,999 square  
6 feet of Floor Area; and  
7 c) *Retail space:* more than 149,999 square feet of Floor Area.
- 8 (4) *Mixed Uses.* For a development or building that includes more than one use,  
9 each use shall be separately assessed and the highest applicable tier shall apply to  
10 the whole development. If a development has more than one use in the same  
11 tier, then the next highest tier will be used to define the TMP development tier.
- 12 (5) All other uses shall be exempt from the requirements of this section 11-700.

13 (B) *Program participation based on tier status.*

- 14  
15 (1) *Participation.* Each TMP project, depending on its development tier, has the  
16 following requirements and options with regard to the type of TMP program in  
17 which it participates:  
18 a) A tier one use shall be required to participate in the Citywide TMP  
19 program.  
20 b) A tier two use shall have the option, with the consent of the Director of  
21 Transportation and Environmental Services and approval of this Special  
22 Use Permit, of participating in the Citywide TMP program or operating its  
23 own stand-alone TMP and may be encouraged to partner with a  
24 neighboring use.  
25 c) A tier three use shall create and operate its own stand-alone TMP and may  
26 be encouraged to partner with a neighboring TMP.
- 27 (2) *Requirements with Respect to participation in the City-wide TMP Program.*  
28 Each development that is required to participate in the city-wide TMP program  
29 must comply with all conditions of the TMP SUP which at a minimum will  
30 include:  
31 a) Designation of a TMP Coordinator whose contact information shall be  
32 provided to the City;  
33 b) Regular payments will be made into the TDM Fund in accordance with the  
34 TMP Assessment as described in Section 11-708 herein; and  
35 c) Access to the property by the City in order to implement TDM measures  
36 such as surveys, mailings and hosting events to encourage participation.
- 37 (3) *Requirements with Respect to Partnering*  
38 a) A tier two or tier three use TMP partnership proposal shall be submitted  
39 jointly by both parties.  
40 b) The proposal shall be reviewed and approved by the Director of  
41 Transportation and Environmental Services.

- 1 c) If a partnership is approved, each use involved in such a TMP partnership  
2 must still independently meet the requirements of its TMP, including  
3 independently submitting all required reports.

4 *11-705 Application for TMP special use permit*  
5

- 6 (A) *Application.* A TMP SUP application shall be filed pursuant to section 11-500 of  
7 this ordinance and consistent with the administrative guidelines authorized  
8 pursuant to section 11-709. The application shall be filed concurrently with the  
9 application for approval of a preliminary site plan for the same use as required by  
10 section 11-400 of this ordinance.  
11
- 12 (B) *Multi-modal transportation scoping requirement.* The application shall include a  
13 scoping form which shall conform to the guidelines established with the  
14 administrative regulations authorized by Section 11-709 to determine whether a  
15 multi-modal transportation study will be required.  
16
- 17 (C) *Multi-modal transportation study requirement* If a multi-modal transportation  
18 study is required it shall meet the requirements set forth in the administrative  
19 guidelines authorized by Section 11-709 herein and at a minimum shall address  
20 the following:  
21 (1) Vehicular transportation  
22 (2) Transit service  
23 (3) Bicycle and pedestrian facilities  
24 (4) Parking study and management plan required if parking reduction  
25 requested, unless otherwise exempted in the Small Area Plan or other City  
26 Council approved plan  
27 (5) Proposed Transportation Management Plan.
- 28 (D) *Proposed TMP.* The applicant shall propose a TMP as part of the application  
29 which shall conform to the guidelines established by administrative guidelines  
30 authorized by section 11-709, and shall at a minimum include the following:  
31 (1) Strategies that influence travel behavior by mode, frequency, time, route  
32 or trip length in order to reduce single vehicle occupancy trips.  
33 (2) Specific program components which may include, but are not limited to, a  
34 combination of the following: subsidies for transit, carpool, vanpool and  
35 shuttles; parking for carpool and vanpool vehicles; carshare or rideshare  
36 programs; marketing; teleworking facilities; bicycle facilities.  
37

38 *11-706 Action by city council.*  
39

- 40 (A) In reviewing an application for a special use permit under this section 11-700, the  
41 city council shall consider the traffic, transportation and related impacts of the  
42 proposed use, the applicable factors listed in section 11-504, and the following

1 characteristics of the proposed use that will determine or affect the extent of those  
2 impacts:

- 3
- 4 (1) Whether the SUP will encourage the use of travel modes other than single  
5 occupancy vehicles and reduce the peak hour traffic impacts associated  
6 with new development;
- 7
- 8 (2) Whether the SUP will maximize the mobility of pedestrians, transit users,  
9 bicyclists and motor vehicles and create an integrated, multimodal  
10 transportation system that is accessible and safe for all users;
- 11
- 12 (3) Whether the SUP will maintain the viability of its commercial centers,  
13 neighborhoods and growth areas by providing adequate transportation  
14 infrastructure and services to support future levels of development; and  
15
- 16 (4) Whether the SUP will minimize vehicular impacts associated with new  
17 development.
- 18

19 (B) The city council may approve an application for a special use permit under this  
20 section 11-700 if it determines (i) that the applicant's transportation management  
21 plan is in accord with the requirements of this section 11-700, (ii) that the  
22 transportation management plan, together with any amendments deemed  
23 appropriate by council, demonstrates that reasonable and practicable actions will  
24 be taken in conjunction with and over the life of the proposed use which will  
25 produce a measureable reduction in the traffic and transportation impacts  
26 consistent with the mode share target as set forth in the TMP SUP, (iii) and that  
27 those actions, strategies and programs will be taken in conjunction and  
28 coordination with the city's transportation demand management program.  
29

30 *11-707 Conditions and Requirements.* In approving a TMP SUP under this section 11-700, city  
31 council may impose such reasonable conditions and restrictions that it determines are necessary  
32 and desirable to ensure that the use will further the intent of this section 11-700, the applicable  
33 factors of section 11-504, and the factors listed in sections 11-706(A). Such conditions shall  
34 include such operational activities and fee payments designed to achieve successful  
35 transportation demand management, including at a minimum the following:

- 36 (A) Coordinator. Each TMP project shall appoint a coordinator responsible for the  
37 implementation of the TMP and for coordination with the city.
- 38 (B) Surveys. Each TMP project that is not part of the Citywide TMP Program shall  
39 be responsible for surveying its residents, tenants, and employees on an annual  
40 basis to determine the success of the TMP. The TMP project must demonstrate a  
41 good faith effort to achieve response rate targets as set forth in the TMP SUP for  
42 the project.

1 (C) Reviews. Each TMP shall be required to report annually on its activities under the  
2 TMP and shall be reviewed by the city to determine its TMP compliance.

3 (D) TMP assessment. Each TMP will be required to pay a TMP annual assessment  
4 pursuant to section 11-708.

5 *11-708 TMP assessment schedule and adjustments.* Each TMP shall be required to make a  
6 monetary payment at a given rate based on the development type and size. The payment shall be  
7 made either into the TMP Fund for the individual project or into the city TDM Fund, depending  
8 on the program participation of the development as defined by Section 11-704 herein. The  
9 amount of the payment shall be based on a standardized rate as that rate may be modified as  
10 provided herein.

11 (A) The base rate applicable to all TMPs subject to the assessment as of EFFECTIVE  
12 DATE is as follows:

<b>Land Use</b>	<b>Base Rate in FY14</b>
Residential	\$81.12 per dwelling unit
Commercial	\$0.254 per square foot of Floor Area
Retail	\$0.203 per square foot of Floor Area
Hotel	\$40.56 per room
Industrial	\$0.101 per square foot of Floor Area

13 (B) The base assessment rate will be adjusted on an annual basis on July 1 of each  
14 year in accordance with the Consumers Price Index (CPI-U) as reported by the  
15 United States Department of Labor, Bureau of Labor Statistics. The base  
16 assessment rate in effect at the time of the project's first certificate of occupancy  
17 permit (CO) is the applicable rate for the project.

18  
19 (C) If any part of the TMP project is within 1,000 feet walking distance of a Metrorail  
20 station entrance or a BRT/fixed transit station entrance (Station Entrance), on a  
21 fully operational corridor, a 20% reduction from the base assessment rate will be  
22 applied. If the TMP project is within 1,500 feet of a Station Entrance, a 15% a  
23 reduction from the base assessment rate will be applied.

24 *11-709 Administrative Guidelines.* The Director of Transportation and Environmental Services  
25 is hereby authorized to promulgate administrative guidelines to supplement this section 11-700  
26 and to facilitate the TMP Program. The guidelines shall be consistent with the provisions of this  
27 section 11-700. They shall include the city's technical assumptions, specifications, submission  
28 requirements, and expectations for applicants and participants in the TMP program and shall be  
29 designed to provide guidance to applicants and their professional consultants and to facilitate  
30 participation by applicants and coordination between development applicants and staff. The  
31 guidelines shall be approved initially by city council and any subsequent changes to the  
32 guidelines shall be made part of the annual reporting required under section 11-702(B).

33 *11-710 Reserved*

1 *11- 711 Enforcement and civil penalties.*

2 (A) Compliance Required. Each TMP project is required to comply with all  
3 conditions of its TMP SUP and with the provisions of this section 11-700 and  
4 compliance will be assessed on a regular basis as part of required review of the  
5 TMP by the city.

6 (B) Failure of a TMP project to comply with its approved TMP shall result in the  
7 assessment of civil penalties or revocation of the approved TMP SUP as follows:

8 (1) A violation of a TMP SUP condition may result in the following cumulative  
9 penalties, which may be accrued in any given 12 month period as follows:

10 (a) If the Director of Transportation and Environmental Services determines  
11 that a violation of the TMP SUP has occurred, he or she may cause a  
12 notice of violation to be served on any such person committing or  
13 permitting such violation. Such notice shall give 30 days for the violation  
14 to be corrected.

15 (b) If the 30 day compliance period elapses and the violation of the TMP SUP  
16 arising from the same set of operative facts continues, a notice of violation  
17 with civil penalty in the amount of 5% of the use's annual financial  
18 obligation as provided in the SUP conditions, up to a maximum of \$5,000,  
19 may be assessed. Such notice shall include an additional 30 day  
20 compliance period to correct the violation.

21 (c) If, after the compliance period in 11-711(B)(1)(b) elapses, the violation of  
22 the TMP SUP arising from the same set of operative facts continues, a  
23 notice of violation with a civil penalty in the amount of 10% of the use's  
24 annual financial obligation as provided in the SUP conditions, up to a  
25 maximum of \$5,000 may be assessed. Such notice shall include an  
26 additional 30 day compliance period to correct the violation.

27 (d) If, after the compliance periods provided in section 11-711(B)(1)(b) and  
28 (c) elapses, the violation of the TMP SUP arising from the same set of  
29 operative facts continues, a notice of violation with a civil penalty in the  
30 amount of 15% of the use's annual financial obligation as provided in the  
31 SUP conditions, up to a maximum of \$5,000 may be assessed.

32 (2) If after assessment of three civil penalties, any use continues to fail to comply  
33 with a condition of its approved TMP, the use may be required to participate  
34 in the Citywide TMP Program, may be subject to increased review and  
35 reporting requirements and may be subject to a staff recommendation for  
36 action by the city council revoke the TMP SUP pursuant to section 11-205 of  
37 this ordinance.



1 *11-712 Permit validity and modification.*

- 2
- 3 (A) Each special use permit issued pursuant to the provisions of this section 11-700
- 4 shall expire and become null and void concurrently with the expiration of the site
- 5 plan approved in connection therewith as provided in section 11-400.
- 6
- 7 (B) The enlargement, extension or increase of more than five percent in the Floor
- 8 Area expressed in square feet of any use for which a special use permit has been
- 9 issued under the provisions of this section 11-700 shall require an application for
- 10 and approval of a new or amended special use permit governing the entire use as
- 11 enlarged, extended or increase.
- 12
- 13 (C) In the case of a mixed-use building or structure for which a special use permit has
- 14 been issued under this section 11-700, any modification of the mixture of uses
- 15 which increases or decreases the amount of square feet utilized by the dominant
- 16 use by more than 20 percent shall require an application for and approval of a new
- 17 or amended special use permit governing the entire building or structure as
- 18 modified.
- 19

20

21 *11-713 Nonconforming use status and related matters.*

22

- 23 (A) No individual building or structure, otherwise subject to the provisions of this
- 24 section 11-700, which is in existence on May 16, 1987, or for which a preliminary
- 25 site plan approved on or before May 16, 1987, continues in force and effect, shall be
- 26 deemed a nonconforming or noncomplying use by virtue of any provision of this
- 27 section 11-700, nor shall any such building or structure be subject to the provisions
- 28 of this section 11-700.
- 29
- 30 (B) Any TMP SUP granted after May 16, 1987 and before March 15, 2014 remains in
- 31 full force and effect. No individual building or structure, otherwise subject to the
- 32 provisions of this section 11-700, which is in existence on March 15, 2014, or for
- 33 which a preliminary site plan approved on or before March 15, 2014, continues in
- 34 force and effect, shall be deemed a nonconforming or noncomplying use by virtue of
- 35 any provision of this section 11-700, nor shall any such building or structure be
- 36 subject to the provisions of this section 11-700.
- 37
- 38 (C) Any other provision of law to the contrary notwithstanding, the owner, contract
- 39 purchaser or lessee, or any authorized agent of such party in interest, of any
- 40 individual building or structure or project, complex or development which is or
- 41 becomes a lawful nonconforming or noncomplying use under the provisions of this
- 42 section 11-700, may file an application for the issuance of a special use permit under
- 43 the provisions of this section 11-700.
- 44
- 45

1 *11-714 Administration.*

2  
3 (A) The director shall administer the provisions of this section 11-700 and shall consult  
4 and coordinate with the directors of transportation and environmental services and of the  
5 transportation planning division and such other divisions of the city government as may  
6 be appropriate.  
7

8 (B) The fee for filing and processing a special use permit application shall be according  
9 to that prescribed by section 11-104 and such fee shall be in addition to any other fees  
10 required under this ordinance.  
11

12  
13  
14 Section 2. That the director of planning and zoning be, and hereby is, directed to  
15 record the foregoing text amendment.  
16

17 Section 3. That Section 11-700, as amended pursuant to Section 1 of this ordinance,  
18 be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.  
19

20 Section 4. That this ordinance shall become effective on the date and at the time of  
21 its final passage, and shall apply to all applications for land use, land development or subdivision  
22 approval provided for under the City of Alexandria Zoning Ordinance which may be filed after  
23 such date, and shall apply to all other facts and circumstances subject to the provisions of the  
24 City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning  
25 Ordinance.  
26

27 WILLIAM D. EUILLE  
28 Mayor  
29

30 Introduction: March 11, 2014  
31 First Reading: March 11, 2014  
32 Publication:  
33 Public Hearing: March 15, 2014  
34 Second Reading: March 15, 2014  
35 Final Passage: March 15, 2014  
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