ATTACHMENT 1

PROPOSED ZONING TEXT CHANGES

Delete Section 11-700 in its entirety and replace with the new text as follows:

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

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

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

11-702 Transportation Management Plan Program.

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

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

(C) The Director of Transportation and Environmental Services shall report on an annual basis to the Transportation Commission, the Planning Commission and City Council on the status of the TMP Program.

11-703 Transportation Demand Management Fund.

(A) There is hereby created a citywide, city-managed dedicated Transportation Demand Management (TDM) Fund (TDM Fund) which will promote and create transportation alternatives to single occupancy vehicles that meet the goals of this section 11-700 and the Transportation chapter of the City of Alexandria Master Plan.

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

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

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

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

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

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

a) *Residential*: more than 20 but no more than 99 residential units;
b) *Commercial or professional office space:* more than 9,999 but no more than 99,999 square feet of Floor Area.
c) *Retail*: either more than 9,999 but no more than 74,000 square feet of Floor Area or more than 3,000 square feet but no more than 10,000 square feet of Floor Area with more than 50 peak hour trips during either peak hour as defined in the administrative regulations authorized by Section 11-709.
d) *Hotels*: 30 rooms or more; and
e) *Industrial or warehouse:* 30,000 or more square feet of Floor Area.

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

a) *Residential*: more than 99 but no more than 349 residential dwelling units;
b) *Commercial and/or professional office space:* more than 99,999 square feet but no more than 249,000 square feet of Floor Area; and
c) *Retail space:* More than 74,999 square feet but no more than 149,000 square feet of Floor Area.

(3) Tier three Uses. The following levels of development typically have a very high level of traffic and related impacts and are regulated as a tier three use.

a) *Residential*: more than 349 dwelling units;
b) *Commercial and/or professional office space*: more than 249,999 square feet of Floor Area; and
c) *Retail space*: more than 149,999 square feet of Floor Area.

(4) Mixed Uses. For a development or building that includes more than one use, each use shall be separately assessed and the highest applicable tier shall apply to the whole development. If a development has more than one use in the same tier, then the next highest tier will be used to define the TMP development tier.

(5) All other uses shall be exempt from the requirements of this section 11-700.

(B) Program participation based on tier status.

(1) Participation. Each TMP project, depending on its development tier, has the following requirements and options with regard to the type of TMP program in which it participates:

a) A tier one use shall be required to participate in the Citywide TMP program.
b) A tier two use shall have the option, with the consent of the Director of Transportation and Environmental Services and approval of this Special Use Permit, of participating in the Citywide TMP program or operating its

own stand-alone TMP and may be encouraged to partner with a neighboring use.

c) A tier three use shall create and operate its own stand-alone TMP and may be encouraged to partner with a neighboring TMP.

(2) Requirements with Respect to participation in the City-wide TMP Program. Each development that is required to participate in the city-wide TMP program must comply with all conditions of the TMP SUP which at a minimum will include:

a) Designation of a TMP Coordinator whose contact information shall be provided to the City;

b) Regular payments will be made into the TDM Fund in accordance with the TMP Assessment as described in Section 11-708 herein; and

c) Access to the property by the City in order to implement TDM measures such as surveys, mailings and hosting events to encourage participation.

(3) Requirements with Respect to Partnering

a) A tier two or tier three use TMP partnership proposal shall be submitted jointly by both parties.

b) The proposal shall be reviewed and approved by the Director of Transportation and Environmental Services.

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

11-705 Application for TMP special use permit

(A) *Application.* A TMP SUP application shall be filed pursuant to section 11-500 of this ordinance and consistent with the administrative guidelines authorized pursuant to section 11-709. The application shall be filed concurrently with the application for approval of a preliminary site plan for the same use as required by section 11-400 of this ordinance.

(B) *Multi-modal transportation scoping requirement.* The application shall include a scoping form which shall conform to the guidelines established with the administrative regulations authorized by Section 11-709 to determine whether a multi-modal transportation study will be required.

(C) *Multi-modal transportation study requirement* If a multi-modal transportation study is required it shall meet the requirements set forth in the administrative guidelines authorized by Section 11-709 herein and at a minimum shall address the following:

(1) Vehicular transportation

(2) Transit service

(3) Bicycle and pedestrian facilities

(4) Parking study and management plan required if parking reduction requested, unless otherwise exempted in the Small Area Plan or other City Council approved plan
(5) Proposed Transportation Management Plan.

(D) *Proposed TMP*. The applicant shall propose a TMP as part of the application which shall conform to the guidelines established by administrative guidelines authorized by section 11-709, and shall at a minimum include the following:
(1) Strategies that influence travel behavior by mode, frequency, time, route or trip length in order to reduce single vehicle occupancy trips.
(2) Specific program components which may include, but are not limited to, a combination of the following: subsidies for transit, carpool, vanpool and shuttles; parking for carpool and vanpool vehicles; carshare or rideshare programs; marketing; teleworking facilities; bicycle facilities.

11-706 Action by city council.

(A) In reviewing an application for a special use permit under this section 11-700, the city council shall consider the traffic, transportation and related impacts of the proposed use, the applicable factors listed in section 11-504, and the following characteristics of the proposed use that will determine or affect the extent of those impacts:

(1) Whether the SUP will encourage the use of travel modes other than single occupancy vehicles and reduce the peak hour traffic impacts associated with new development;

(2) Whether the SUP will maximize the mobility of pedestrians, transit users, bicyclists and motor vehicles and create an integrated, multimodal transportation system that is accessible and safe for all users;

(3) Whether the SUP will maintain the viability of its commercial centers, neighborhoods and growth areas by providing adequate transportation infrastructure and services to support future levels of development; and

(4) Whether the SUP will minimize vehicular impacts associated with new development.

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

those actions, strategies and programs will be taken in conjunction and coordination with the city's transportation demand management program.

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

(A) Coordinator. Each TMP project shall appoint a coordinator responsible for the implementation of the TMP and for coordination with the city.

(B) Surveys. Each TMP project that is not part of the Citywide TMP Program shall be responsible for surveying its residents, tenants, and employees on an annual basis to determine the success of the TMP. The TMP project must demonstrate a good faith effort to achieve response rate targets as set forth in the TMP SUP for the project.

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

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

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

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

Land Use	**Base Rate in FY14**
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

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

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

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

11-710 Reserved

11- 711 Enforcement and civil penalties.

(A) Compliance Required. Each TMP project is required to comply with all conditions of its TMP SUP and with the provisions of this section11-700 and compliance will be assessed on a regular basis as part of required review of the TMP by the city.

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

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

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

(b) If the 30 day compliance period elapses and the violation of the TMP SUP arising from the same set of operative facts continues, a notice of violation with civil penalty in the amount of 5% of the use's annual financial

obligation as provided in the SUP conditions, up to a maximum of $5,000, may be assessed. Such notice shall include an additional 30 day compliance period to correct the violation.

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

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

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

11-712 Permit validity and modification.

(A) Each special use permit issued pursuant to the provisions of this section 11-700 shall expire and become null and void concurrently with the expiration of the site plan approved in connection therewith as provided in section 11-400.

(B) The enlargement, extension or increase of more than five percent in the Floor Area expressed in square feet of any use for which a special use permit has been issued under the provisions of this section 11-700 shall require an application for and approval of a new or amended special use permit governing the entire use as enlarged, extended or increase.

(C) In the case of a mixed-use building or structure for which a special use permit has been issued under this section 11-700, any modification of the mixture of uses which increases or decreases the amount of square feet utilized by the dominant use by more than 20 percent shall require an application for and approval of a new or amended special use permit governing the entire building or structure as modified.

11-713 Nonconforming use status and related matters.

(A) No individual building or structure, otherwise subject to the provisions of this section 11-700, which is in existence on May 16, 1987, or for which a preliminary site plan approved on or before May 16, 1987, continues in force and effect, shall be deemed a nonconforming or noncomplying use by virtue of any provision of this section 11-700, nor shall any such building or structure be subject to the provisions of this section 11-700.

(B) Any TMP SUP granted after May 16, 1987 and before EFFECTIVE DATE remains in full force and effect. No individual building or structure, otherwise subject to the provisions of this section 11-700, which is in existence on EFFECTIVE DATE, or for which a preliminary site plan approved on or before EFFECTIVE DATE, continues in force and effect, shall be deemed a nonconforming or noncomplying use by virtue of any provision of this section 11-700, nor shall any such building or structure be subject to the provisions of this section 11-700.

(C) Any other provision of law to the contrary notwithstanding, the owner, contract purchaser or lessee, or any authorized agent of such party in interest, of any individual building or structure or project, complex or development which is or becomes a lawful nonconforming or noncomplying use under the provisions of this section 11-700, may file an application for the issuance of a special use permit under the provisions of this section 11-700.

11-714 Administration.

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

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