



DOCKET ITEM #

***Text Amendment #2013-0009***

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<b>Issue:</b> Initiate and consider a text amendment to Section 11-700 of the Zoning Ordinance to establish new regulations for Transportation Management Plan Special Use Permits.	Planning Commission Hearing:	December 10, 2013
	City Council Hearing:	December 14, 2013
<b>Staff:</b> Megan Cummings, Transportation Planner, T&ES, <a href="mailto:Megan.Cummings@alexandriava.gov">Megan.Cummings@alexandriava.gov</a> Sandra Marks, Division Chief, Transportation Planning, T&ES, <a href="mailto:Sandra.Marks@alexandriava.gov">Sandra.Marks@alexandriava.gov</a>		

This text amendment proposes to amend Section 11-700 of the Zoning Ordinance to update the Transportation Management Plan Special Use Permit program consistent with recommendations resulting from a 2008 study of the City's TMP program.

## **I. Background**

In May 1987, City Council approved the Transportation Management Plan (TMP) Ordinance with the goal of reducing Single Occupant Vehicle (SOV) traffic associated with new development. The purpose of the ordinance was not to limit the number of developments or the size of a development but to address the problem of congestion by managing the transportation demand of a given development. The program requires development projects of a certain size to fund a TMP that includes programming to incentivize non-drive alone transportation (e.g. offering transit subsidies) and provides disincentives to those commuters who drive alone (e.g. market rate parking fees).

In 2008, the City received a Metropolitan Washington Council of Governments (MWCOC) grant to review the City's TMP program, including survey methods and other programs, and make recommendations for revisions to the City's TMP program. The report was received by the City Council, and staff was directed to bring back recommendations for revisions to the program. The report identified challenges with the existing program and opportunities to incorporate national best practices into the program.

In revising the TMP program based on the report and the City Council directive, T&ES and P&Z staff conducted more stakeholder interviews with TMP coordinators for retail, office and residential sites and presidents of community associations. The internal staff working group included representatives from T&ES, P&Z and the City Attorney's Office. Outreach and feedback was received from members of the Northern Virginia Building Industry Association (NVBIA) and NAIOP, The Federation of Civic Associations, land use attorneys, transportation planners, and existing TMP coordinators. As a result, eight recommendations emerged to improve and revise the TMP program.

At its December 14, 2010 meeting, City Council directed staff to move forward with the recommendations to improve the TMP program. The City Council docket memo outlining the specific recommendations is attached as **Attachment #2**.

Since late 2010, City staff has continued to refine the program and develop the details for the updated ordinance text and the Transportation Planning Administrative Guidelines. More outreach has been conducted with TMP Coordinators, civic associations, business groups, transportation planners, and land use attorneys.

## **II. Discussion of Proposed Text Changes**

**Recommendations to Revise the TMP Program:**

The eight major program elements below were identified as areas that may need to be amended in order to address some of the challenges of the existing TMP program.

1. **Simplify language in Zoning Ordinance and update administrative guidelines:** Currently the ordinance contains a detailed outline of TMP program elements which are more appropriately incorporated into administrative guidelines rather than being listed in the Zoning Ordinance. The language in the new ordinance will contain only the regulatory requirements of the TMP program, and administrative guidelines will provide technical requirements.

The new Transportation Planning Administrative Guidelines (Guidelines) provide technical procedures for the preparation of the Transportation Study (Study) and TMP. The document is intended to standardize the submittal requirements and transportation systems evaluated which will provide a comprehensive analysis of impacts related to development proposals. The Guidelines describe the specific program requirements that could be incorporated to create an effective TMP. The study results will be used to assist staff with developing the TMP SUP conditions and provide information to support Planning Commission and City Council with approval of the TMP.

The new ordinance establishes a process for the approval of Administrative Guidelines (Section 11-709) to facilitate the TMP program. The Guidelines are attached as **Attachment #3**, and will be approved by the Planning Commission and City Council with this text amendment. Subsequent updates will be made as part of the annual TMP report to City Council.

2. **Evaluate and adjust TMP requirements every 2-3 years over the life of the TMP:** TMP requirements are currently static over the life of a development. Although the original intent of the TMP revision was to create opportunities to adjust rates based on mode split goal performance, survey responses, and execution of program elements, it is not feasible to adjust Special Use Permits substantively after City Council has approved them. Flexibility to create successful TMPs will be written into the development conditions that will allow TMPs to adjust individual programs as the transportation demand management industry advances.
3. **Incorporate an administrative fee for non-compliance:** Currently, zoning violation fines are capped at \$50 or revoking the SUP and have not served as an effective deterrent. These fines are the only mechanism to address non-compliance for lack of timely submission with the TMP mandatory reporting. Administrative fees have been incorporated into the new ordinance (Section 11-711) to allow the City to address cases of non-compliance with fines based on a percentage of the TMP funds with a set maximum of \$5,000.

4. **Expand the Citywide Transportation Demand Management (TDM)**  
**Program:** Currently the City has a TDM program, Local Motion, to encourage and promote non-drive alone modes of travel including transit, car-sharing, carpooling and vanpooling and non-motorized transportation. The program includes extensive employer outreach, grassroots marketing, resident outreach and runs special events throughout the year like Bike to Work Day and Try Transit Week.

As a part of the new ordinance (11-704(B)), smaller developments will be required to participate in the City’s TMP program and pay into the City’s TDM Fund rather than establishing their own program and funds. The additional resources from these smaller TMP developments will be used to expand the reach of their program, administered by the City, to provide transportation resources and TDM tools for the residents and employees of these developments. Planned expansion for the program includes a City administered Transit Benefit Program, expansion of the Carshare Alexandria! program, website tools, and subsidized Capital Bikeshare memberships.

5. **Establish equitable triggers and fee structure, and lower the threshold for TMPs:** The new ordinance triggers (Section 11-704(A)) are based on the size of the development, as is the current ordinance, and the number of trips by each land use was analyzed to determine the optimal threshold for requiring a TMP. As shown in Table 1, the thresholds have been reduced from the existing Zoning Ordinance, and these thresholds correspond to the increase in trips that a new development will produce.

**Table 1. Land Use Thresholds**

<b>Land Use</b>	<b>Current Ordinance</b>	<b>New Ordinance</b>
Residential	250 du	20 du
Office	50,000 sf	10,000 sf
Retail	40,000 sf	10,000 sf
Hotel	50,000 sf	30 rooms
Industrial/Warehouse	150,000 sf	30,000 sf

*du = dwelling units, sf = square footage*

Although the thresholds are lower, the new City TMP Program as described in number 4 above will be created to provide an efficiency of scale which affords more services and benefits to smaller developments.

**Table 2. Revised TMP Program**

<b>TMP Size</b>	<b>OPTIONS</b>
Developments below the threshold	Do nothing
Tier 1 (small development)	Join City TMP Program and pay into the city’s TDM

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	Fund
Tier 2 (mid-size development)	1. Join City TMP Program and pay into the city's TDM Fund <sup>1</sup> 2. Create a stand-alone TMP <sup>1</sup> <ol style="list-style-type: none"> <li>a. May be encouraged to partner with adjacent TMP</li> </ol>
Tier 3 (large development)	1. Create stand-alone TMP <ol style="list-style-type: none"> <li>a. May be encouraged to partner with adjacent TMP</li> </ol>

<sup>1</sup>Requires agreement of the Director of T&ES and approval through the TMP SUP

The current fee structure is developed using a formula and often adjustments are made to the fee on a case-by-case basis with the end result being variation in the required contribution of different developments. The new program (Section 11-708) will implement a flat fee for each land use type to assure certainty for the development community and ensures appropriate funding levels for TDM administration and programming. The fee structure incorporates a discount of 20% for locating within 1,000 feet of a Metrorail station entrance or BRT/rapid transit station (Station Entrance) on a fully operational corridor, and a 15% reduction for locating within 1,500 feet of a Station Entrance. The new ordinance will indicate annual rates as shown in Table 3, and the rates are tied to the Consumer Price Index.

**Table 3. Base Rates by Land Use in FY14**

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

6. **Establish TMP partnerships:** Partnerships allow for efficiencies in pooling resources to run more effective marketing campaigns and more cost-effective programming such as shuttles and car-sharing programs. By establishing partnerships, the administration of the TMPs can be coordinated and duplicative marketing and reporting efforts will be minimized. While private parties cannot be required to partner with neighboring developments, the new ordinance and TMP conditions will be written that encourages and allows for partnerships. Partnership participation is addressed in the new ordinance in Section 11-704(B).
  
7. **Create an opt-in program for existing TMPs:** The 2008 report identified creating an opt-in program to assist current TMP programs that may be struggling by allowing them to opt in to the new program. If the TMP elects to join the new program, the previous TMP is null and void. If a TMP does not elect to opt-in to the new program, they will maintain the existing TMP.

Staff believes this is a good approach to bring older TMPs into the new program and more easily into compliance. However, more research is needed to explore how this can work by administratively updating the TMP SUPs who elect to join the new program. Therefore, staff recommends establishing the new program first and then reviewing how the opt-in program would work. Staff will bring an amendment to Planning Commission and City Council to establish this opt-in program at a later time.

8. **Non-compliant TMPs required to participate in City TMP program:** The existing TMP ordinance allows the City to take over a development's funding if a TMP is non-compliant. Given the issues with non-compliance, the new program (Section 11-711(B)(2)) will require non-compliant TMPs to pay their fees to support the expanded Citywide TDM program and temporarily run the on-site TMP program until the TMP is compliant.

### **III. Recommendation**

Staff recommends approval of this amendment to section 11-700 to update the City's Transportation Management Plan ordinance. Staff also recommends approval of the Transportation Planning Administrative Guidelines dated March 25, 2013 to supplement the ordinance.

Attachment:

Attachment 1: Proposed Zoning Text Changes

Attachment 2: December 14, 2010 City Council Docket Memo

Attachment 3: Transportation Planning Administrative Guidelines, March 25, 2013