

Alexandria, Virginia, Zoning >> ARTICLE XI.

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Sec. 11-700 Transportation management special use permits.

11-701 Purpose and intent.

(A)

There are certain uses of land which, by their location, nature or size and 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 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 and related impacts of such certain office, retail, industrial and residential 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.

11-702 Application.

(A)

The following uses, when allowed as a permitted or special use by the use regulations applicable in the zone in which located, shall require a

transportation management special use permit pursuant to the provisions of this [section 11-700](#)

(1)

Any individual building or structure which contains:

(a)

50,000 or more usable square feet of commercial and/or professional office space;

(b)

40,000 or more usable square feet of retail sales space;

(c)

150,000 or more usable square feet of industrial space;

(d)

250 or more residential units; or

(e)

Any combination of space which includes 50,000 or more usable square feet of commercial and/or professional office space, or 40,000 or more usable square feet of retail sales space, or 250 or more residential units.

(2)

Any project, complex or development which is or becomes the subject of common ownership or control, which is or becomes the subject of a common, concerted, coordinated or phased plan of development irrespective of ownership or control, or which is or becomes the subject of a common, concerted, coordinated or phased plan of lease, sale, marketing or operation irrespective of ownership or control, and which when completed or assembled involves two or more buildings or structures containing in the aggregate:

(a)

50,000 or more usable square feet of commercial and/or professional office space;

(b)

40,000 or more usable square feet of retail sales space;

(c)

150,000 or more usable square feet of industrial space;

(d)

250 or more residential units; or

(e)

Any combination of space which includes 50,000 or more usable square feet of commercial and/or professional office

space, or 40,000 or more usable square feet of retail sales space, or 150,000 or more usable square feet of industrial space, or 250 or more residential units.

(B)

All other uses shall be exempt from the requirements of this [section 11-700](#)

11-703 Definitions.

The following words and phrases shall, for purposes of this [section 11-700](#) have the following meanings:

(A)

Bus pool. Subscription bus service on a regular and prearranged basis between locations responsive to commuter needs.

(B)

Car pool. Three or more people traveling together on a continuing and prearranged basis in a private motor vehicle.

(C)

Peak hour. The period of a single hour in the morning and the period of a single hour in the afternoon or evening during which the road system servicing the proposed use is most heavily utilized by motor vehicles other than those traveling to or from the proposed use.

(D)

Peak period. The period from 6:00 a.m. to 9:00 p.m. in the morning and the period from 3:00 p.m. to 7:00 p.m. in the afternoon and evening during which the road system servicing the proposed use is most heavily utilized by motor vehicles other than those traveling to or from the proposed use.

(E)

Projected single occupancy vehicle trips. The projected number of single occupancy vehicle trips generated by the proposed use in a designated time period based upon the size, type and intensity of the proposed use.

(F)

Projected trips, total number of. The projected number of total person trips generated by the proposed use in a designated time period based upon the size, type and intensity of the proposed use.

(G)

Proposed project. A proposed use which consists of more than one building or structure and which may be constructed in phases over time.

(H)

Proposed use. A use which is described in an application for a special use permit filed under this [section 11-700](#)

- (I) *Public transit.* Publicly provided and regularly scheduled transportation, usually by bus or rail, or a combination of both.
- (J) *Retail sales.* The sale of goods or the provision of business or personal services.
- (K) *Ride matching.* The process of identifying interested drivers and interested riders for purposes of ride sharing.
- (L) *Ride sharing.* The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ride sharing arrangements known as car pools, van pools and bus pools.
- (M) *Transit subsidies.* The provision of cash reimbursement or payment and/or transit fare media (e.g., tickets, tokens, flash passes) to tenants and occupants of a building to encourage their use of public transit.
- (N) *Transportation coordinator.* A person responsible for educational, promotional and marketing measures to help the tenants and occupants of a building find and utilize ride sharing or public transit commuting alternatives.
- (O) *Transportation management plan.* A comprehensive, coordinated and continuously operated plan submitted as part of an application for a special use permit under this [section 11-700](#) which demonstrates the administrative activities, the physical facilities and the operational, financial and other commitments which will be undertaken at or in conjunction with a proposed use in order to reduce the traffic and related impacts of the proposed use.
- (P) *Usable square feet.* Floor area of a proposed use, which shall be the sum of all gross horizontal areas under a roof or roofs of all buildings or structures comprising a proposed use, computed by measuring from the exterior faces of walls and from the eaves of all roofs where they extend party walls, and which shall include all space with a headroom of seven feet six inches or more, whether or not provided with a finished floor or ceiling. Excluded shall be elevator and stair bulkheads. No deduction shall be made for columns and projections necessary to the building structure.
- (Q)

Van pool. Eight or more people traveling together on a continuing and prearranged basis in a motor vehicle.

(R)

Variable work hours. Work schedules within which employees choose their arrival and departure times within management imposed limits (also known as flex time).

11-704

Application and procedures for special use permit.

(A)

An application for a special use permit under this [section 11-700](#) shall be made in writing, on such forms as the director shall provide, shall be filed with the director, and shall include all information necessary for appropriate review. The application shall be filed concurrently with the application for approval of a preliminary or combined site plan for the same use, if such site plan is required by [section 11-400](#) of this ordinance.

(B)

The owner, contract purchaser or lessee of real property on or in which a use subject to this [section 11-700](#) is or may be located, or any authorized agent of such party in interest (hereafter referred to as the applicant) may file an application for a special use permit under this [section 11-700](#)

(C)

The city manager shall docket the special use permit application for public hearing and consideration by the city council and shall give notice of the hearing pursuant to [section 11-300](#) of this ordinance. The city manager shall refer the application to the planning commission for public hearing and consideration prior to consideration of the application by city council.

(D)

Prior to the time the planning commission first considers the application, the director shall review the application and submit it to the other departments and offices of the city concerned therewith for their review, and shall transmit their comments and recommendations, together with his own, to the commission.

(E)

Not later than five days prior to the public hearing before city council, the planning commission shall submit to council its recommendations, together with its reasons therefor.

(F)

At the conclusion of its public hearing on the application, city council may approve or deny the application, as provided in [section 11-706](#), or defer

decision on the application for no more than 30 days in order to receive such additional information as it may require.

11-705 Contents of application.

Each such application for a special use permit under this [section 11-700](#) shall contain the following information:

(A)

A clear and concise statement identifying the applicant, including the name and address of each person or entity owning an interest in the applicant and the extent of the ownership interest. If the applicant itself or any of the entities holding an ownership interest in the applicant is a corporation or a partnership, each person owning an interest in excess of ten percent in such corporation or partnership shall be identified by name and address, and the extent of his interest shall be described. For the purpose of this [section 11-705\(A\)](#), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real estate which is the subject of the application.

(B)

A traffic impact study of the proposed use which shall comply with the following requirements.

(1)

The traffic impact study shall be conducted by a qualified transportation planner or traffic engineer who shall meet and confer with the director and the director of transportation and environmental services prior to undertaking the study to define and agree upon the study elements. The extent of the required study will vary depending on the location of the site, the size and nature of the project, and may include some or all of the following elements, to be determined by the directors:

(a)

The streets and intersections to be included in the study;

(b)

The adequacy of available traffic and turning movement counts and the need for additional data;

(c)

The time period of the study (i.e., morning or evening peak period or both);

(d)

The approximate trip generation rates of the proposed use;

- (e) The directional distribution of the traffic generated by the proposed use;
- (f) The modal split and vehicle occupancy assumption to be utilized in the study;
- (g) The trends in the growth of traffic in the area of but not generated by the proposed use;
- (h) The transportation management programs operated by the city or other governmental units in the area of the proposed use, as well as the transportation management programs proposed for the area, to be considered in the study;
- (i) The nature and level of public transit that will service the site of the proposed use;
- (j) The years to be covered by the study;
- (k) The intersection level of service analytical technique to be utilized in the study; and
- (l) The identification of citizen and neighborhood associations whose membership will be proximately affected by the traffic and related impacts of the proposed use.

(2)

Unless otherwise directed by the director or the director of transportation and environmental services, the traffic impact study shall include the following information:

- (a) All mutually agreed upon elements of the study identified in [section 11-705\(B\)\(1\)](#);
- (b) Traffic volumes and levels of service for all designated streets and intersections at the time of the study;
- (c) Projections of future traffic volumes and levels of service for all designated streets and intersections, without consideration

of the proposed use, at the time the proposed use is to be completed or, if applicable, at the time each phase of the proposed project is to be completed;

(d)

Trip generation rates of and directional traffic distribution to and from the proposed use at the time the proposed use is to be occupied or, if applicable, at the time each phase of the proposed project is to be occupied, and, where the proposed use will include on-site parking in excess of the requirements of this ordinance, the trip generation rates and directional traffic distributions which would exist if such excess parking was not included;

(e)

Projections of future traffic volumes and levels of service for all designated streets and intersections and of any other significant traffic and related impacts attributable to the proposed use at the time it is to be occupied or, if applicable, at the time each phase of the proposed project is to be occupied.

(f)

Based on the projections in sections [11-705\(B\)\(2\)\(c\)](#) and (e), projections of the cumulative future traffic volumes and levels of service for all designated streets and intersections and of any other significant traffic and related impacts at the time the proposed use is to be occupied or, if applicable, at the time each phase of the proposed project is to be occupied.

(g)

Identification of all proposed parking facilities, their type of operation (e.g., self-park, valet, attendant), their hours of operation, whether parking in the facilities is to be leased or purchased, and parking charges, including lease rates and purchase prices, for unrestricted and restricted spaces;

(h)

An appendix of all study references and background field data;

(i)

A statement that the applicant has made a good faith effort to discuss the traffic and related impacts of the proposed use with the associations identified pursuant to [section 11-705\(B\)\(1\)\(l\)](#), an identification of the associations with which

discussions have occurred and a summary of the assessments by affected citizen and neighborhood associations of the traffic and related impacts of the proposed use; and

(j)

Such additional information, diagrams and drawings as the director or the director of transportation and environmental services may require in order to consider and evaluate the impacts of the proposed use.

(C)

A transportation management plan for the proposed use which is in narrative form and contains specific detail and supporting documentation to ensure that the use will comply with the provisions of this [section 11-700](#), shall be prepared by a qualified transportation planner or traffic engineer and shall comply with the following requirements:

(1)

The transportation management plan shall include a description of the following procedures:

(a)

Procedures whereby the car pool spaces required and any van pool spaces provided pursuant to Article VIII of this ordinance are restricted to car pool vehicles and van pool vehicles, respectively;

(b)

Procedures whereby car pool vehicles and van pool vehicles are registered with the city's office of transit services and programs;

(c)

Procedures for the management and supervision of on-site parking facilities proposed for the use generally and for the enforcement of the parking facilities management aspects of the transportation management plan; and

(d)

Procedures for the provision of a transportation coordinator for the proposed use who will administer its transportation management plan and coordinate its activities with the city's office of transit services and programs, and whose responsibilities shall include, but not be limited to:

(1)

The distribution, display and promotion of any transportation packet issued by the city's office of transit services and programs.

(2)

In the case of office and industrial uses, a survey, using adequate sampling procedures, of owner/tenant employees at the time 60 percent occupancy is reached to determine the number of employees, their residence, modes of transportation, willingness and ability to use car pooling, van pooling and/or public transit, and such additional information as the director may require, such surveys to be conducted annually thereafter and all surveys to be submitted to the office of transit services and programs to be used for the operation match program.

(3)

The preparation and submission of an annual report, consistent with guidelines established by the director, which discusses the activities taken during the year pursuant to the transportation and management plan for the use which demonstrates that the plan has been complied with fully and continuously during the year and which describes the effect of the plan's activities in reducing the traffic and related impacts of the use.

(e)

Procedures for the phased implementation of the transportation management plan in the event such phased implementation is appropriate.

(2)

The transportation management plan shall include a reasonable and effective combination of some or all of the following elements which shall be appropriate to the size, scale and location of the proposed use and shall demonstrate that reasonable and practicable actions will be taken in conjunction with and over the life of the use which will produce a significant reduction in the traffic and related impacts of the use:

(a)

Ride-sharing incentive programs which may include activities to encourage and assist the formation of car, van and bus

pools, such as cash payments or subsidies and preferential parking charges and parking space location, and other analogous incentive programs;

(b)

Public transit incentive programs which may include the provision of paratransit services to and from convenient public transit sites and to accommodate midday and evening excursions, the construction of transit shelters and amenities, the construction of bus/rail transit stations and related facilities, the dedication of land and the provision of other subsidies for the construction and operation of public transit facilities, the provision of transit fare media subsidies and marketing programs, and the provision of other analogous incentive programs;

(c)

Recommended improvements in public transit which services the site of the proposed use, such as changes in service routes, increases in the frequency of service, alterations in the location of facilities, the establishment of fare incentive programs and other measures designed to make public transit more accessible to occupants of the proposed use;

(d)

Bicycle and pedestrian incentive measures which may include the provision of bicycle parking and storage facilities, the construction and extension of bicycle paths and pedestrian walkways, the provision of shower and locker facilities and similar incentive features;

(e)

In the case of office and industrial uses, variable work hour, or flex time, programs under which employees working at the proposed use will stagger their work hours in order to affect a reduction in the amount of peak period traffic to and/or from the use which would otherwise occur;

(f)

Measures to reduce the reliance on single-occupancy vehicles by employees and others who will travel to and from the proposed use which may include parking fee structures tailored to discourage single-occupancy vehicles, proscription of tenant-employer subsidy of parking costs for single-occupancy vehicles, time and other access restrictions to

parking spaces in on-site parking facilities, and programs to support and encourage the utilization of alternative transportation modes;

(g)

Use and accessory use design options which reduce reliance on single-occupancy vehicles by employees and others who will travel to and from the proposed use, such as the provision of less parking area than that required under the provisions of this ordinance, shared parking arrangements, the incorporation of residential units (in the case of proposed commercial uses) and other analogous design features; and

(h)

Any other technique or combination of techniques capable of reducing the traffic and related impacts of the proposed use.

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 only consider the traffic and related impacts of the proposed use and the following characteristics of the proposed use which will determine or affect the extent of those impacts:

(1)

Traffic. Number of employees, staff, residents and other persons regularly present at the proposed use during normal working hours and other hours of the day, number of guests, service providers and other persons who periodically travel to and from the proposed use, level of vehicular traffic generated by the proposed use, traffic peak characteristics of the proposed use and of the traffic affected by the proposed use, likely vehicle use patterns, extent of traffic congestion in the vicinity of the proposed use, types and number of vehicles associated with the proposed use, and such other operational characteristics of the proposed use as the council may determine substantially affect the traffic and related impacts associated with the proposed use;

(2)

Accessory parking use. Evidence of parking demand created by the proposed use, minimum number of on-site parking spaces required by this ordinance to be provided, number of on-site parking spaces proposed for construction, fee structure for the proposed accessory parking, and such other operational characteristics of the proposed accessory parking use as the council may determine substantially

affect the traffic and related impacts associated with the proposed use;

(3)

Parking overflow. Extent to which adjacent neighborhoods may be affected by vehicles associated with the proposed use which park on the public streets, current availability of off-site, off-street parking in the vicinity of the proposed use, and such other design and operational characteristics of the proposed use as the council may determine substantially affect the parking overflow associated with the proposed use;

(4)

Safety. Number and location of driveways and curb cuts associated with the proposed use, traffic control, accessibility to fire, police and emergency service vehicles, access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks, as well as proposed or planned streets, alleys and sidewalks, design of traffic circulation and control within the site of the proposed use and in coordination with adjoining properties and facilities, vehicle loading and service areas, pedestrian circulation, walkways and safety, and such other design and engineering characteristics of the proposed use as the council may determine substantially affect the traffic and related impacts of the proposed use;

(5)

Location. The location of the proposed use relative to public transit facilities, to public streets and highways, and to geographic areas with eating, shopping and other facilities within pedestrian range.

(B)

The city council will 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](#), and (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 significant reduction in the traffic and transportation impacts of the use. In deciding whether such a determination may be made, council may consider whether either of the following goals for the proposed use will be achieved by the transportation management plan:

(1)

That ten to 30 percent of the total number of projected trips to the use during the a.m. peak hour in the case of commercial, industrial or

retail uses, or from the use during the a.m. peak hour in the case of residential uses, utilize a mode of travel other than the single-occupancy vehicle, and that ten to 30 percent of the total number of projected trips from the use during the p.m. peak hour in the case of commercial, industrial or retail uses, or to the use during the p.m. peak hour in the case of residential uses, utilize a mode of travel other than the single-occupancy vehicle; or

(2)

That the use attains a degree of trip dispersion which results in no more than 40 percent of the number of projected single-occupancy vehicle trips to the use in the case of commercial, industrial or retail uses, or from the use in the case of residential uses, between 6:00 a.m. and 10:00 a.m. occurring during the a.m. peak hour, and no more than 40 percent of the number of projected single-occupancy vehicle trips from the use in the case of commercial, industrial or retail uses, or to the use in the case of residential uses, between 3:00 p.m. and 7:00 p.m. occurring during the p.m. peak hour.

(C)

In approving an application for a special use permit under this [section 11-700](#), city council may place such reasonable conditions and requirements in the permit as it deems necessary to ensure that the transportation management plan for the proposed use, which forms the basis for its determination under [section 11-706\(B\)](#), will, unless revised or rescinded by council, be fully and continuously implemented throughout the life of the proposed use.

(D)

Any special use permit granted by city council under this [section 11-700](#), unless revoked or expired, shall run with the land and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all of their heirs, successors and assigns. Any use authorized by a special use permit granted under this [section 11-700](#) shall be operated in conformity with such permit, and failure to so operate shall be deemed grounds for revocation of such permit, after notice and hearing, by the city council.

11-707 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](#), provided that if no such site plan is required to be submitted and approved,

then the special use permit issued under the provisions of this article shall expire and become null and void 18 months after the date such permit is approved and issued, unless operation of the use authorized by such special use permit is commenced and thereafter diligently continuously pursued within such 18 month period.

(B)

The prior applicant, or the successor in interest thereof, or any authorized agent of such applicant or such successor in interest who is bound by a special use permit issued pursuant to the provisions of this [section 11-700](#), may petition the city council for modification of the permit's transportation management plan, after notice and hearing, consistent with the provisions of this [section 11-700](#). Such petition shall set forth with particularity the modifications desired and the reasons therefor and shall show that the plan as so modified will comply with the provisions of this [section 11-700](#)

11-708 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 or combination 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 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](#)

(C)

(1)

The enlargement, extension or increase of more than five percent in the floor area expressed in usable 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 increased.

(2)

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 usable 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.

(3)

Any change in use of a building or structure for which a special use permit has been issued under this [section 11-700](#) to another use required to obtain such a permit shall require an application for and approval of a new special use permit for the building or structure so changed in use.

(D)

Whenever the use of any land, building or structure required to obtain a special use permit under the provisions of this [section 11-700](#), irrespective of whether or not such permit has been obtained, ceases to be operated for a period in excess of 24 months, or is changed to another use likewise required to obtain a special use permit under the provisions of this [section 11-700](#), then such other use shall require application for and approval of a new special use permit under the provisions of this [section 11-700](#), and the former special use permit, if any, shall expire at the end of such 24-month period in the event operation ceases or at the time the use is so changed in the event of a change in use.

11-709 Relationship with other provisions of law.

(A)

Unless otherwise specifically provided, the provisions of this [section 11-700](#) shall apply in addition to all other requirements and provisions of the city code, the city charter and general law, and compliance with the provisions of this [section 11-700](#) shall not excuse compliance with any other provision or requirement of the city code, the charter and of general law.

(B)

Whenever a proposed individual building or structure or project, complex or development is required to obtain a special use permit under the provisions of [section 11-500](#) of this ordinance as well as under the provisions of this [section 11-700](#), then one joint application without duplication of information shall be filed for both special use permits, and the application for both such permits shall be considered together by the planning commission and city council pursuant to the requirements of both this [section 11-700](#) and [section 11-500](#)

(C)

The provisions of [section 11-500](#) of this ordinance shall not apply to any application for a special use permit filed solely under and as a result of the provisions of this [section 11-700](#)

11-710 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 office of transit services and programs 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.

(Ord. No. 3923, § 8, 4-12-97)