

EXHIBIT NO. 1

7
3-18-06

Docket Item #10
TEXT AMENDMENT#2006-0002

Planning Commission Meeting
March 9, 2006

CASE: TEXT AMENDMENT #2006-0002
CHANGES TO DEVELOPMENT APPROVALS AND PROCEDURES

ISSUE: Consideration of amendment to Section 11-400 of the Zoning Ordinance to require independent, third party reviews of traffic studies submitted as part of certain development applications

PLANNING COMMISSION ACTION, MARCH 9, 2006: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission recommended approval of the text amendment by a vote of 5-0. Mr. Dunn and Mr. Jennings were absent.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Linda Couture from the Old Town Civic Association spoke in support of the text amendment.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of the following text amendment:

Sec. 11-400 Site Plan

Sec. 11-406 *Contents of preliminary site plan application*

- (C) An application for preliminary site plan approval shall include the following information and material:

* * * * *

[The following is new language]

- (18) In the case of an application for development that generates 500 or more daily trips, as measured by professionally recognized standards, a traffic impact study (TIS) shall be prepared and submitted which complies with the requirements for TISs in section 11-705 (B) of this ordinance. The applicant shall defray the City's cost for the use of a traffic professional who will participate in the required scoping meeting and who will provide staff with an independent assessment of the applicant's study.

DISCUSSION

This text amendment implements the independent review of development applicants' traffic studies as part of a program outlined and approved by City Council.

Background

In response to discussion during several development cases during the past several years, Council asked staff to investigate ways to improve information available to the Planning Commission and Council during their consideration of proposed development projects. Among other items, Council expressed interest in ensuring that traffic impact studies submitted by applicants are objective and properly prepared.

In response staff recommended that it require that applicants who submit traffic impact statements (TIS) also fund independent, third-party reviews of those studies to be performed by qualified, City-selected professional engineers. Staff presented its proposal, including threshold development sizes and fees for the third party review in November 2004.

Council approved the approach outlined by staff as a policy matter in November 2004, but asked that staff meet with the development community to discuss the new approach and refine the details. After further discussion of the proposal with Council in February 2006, Council directed that staff bring forward a text amendment to incorporate the requirement in the zoning ordinance and implement the new policy as part of the development review process. See attached Council docket memos.

Current Traffic Study Requirements and Procedures

Applicants for new development are typically required to submit a traffic study, in order to assess the additional impacts on streets, traffic congestion and circulation patterns that may result from the proposed development. Transportation and Environmental Services (T&ES) and Planning and Zoning (P&Z) staff then work together on the scope of the traffic analysis and on mitigation measures such as transit incentives, lower parking ratios, and street and pedestrian enhancements.

For larger developments (50,000 square feet of office, 40,000 square feet of retail, 150,000 square feet of industrial space, or 250 residential units), the City requires approval of a special use permit for a transportation management plan (TMP). Each transportation management plan is based on a detailed traffic study which evaluates the probable impact of the development on surrounding streets, intersection levels of service, and transit and pedestrian service and facilities as required by Section 11-705(B) of the Zoning Ordinance. The basic requirements of these traffic studies are specified by the Zoning Ordinance. In addition, the applicant must include a comprehensive traffic management plan (TMP) indicating how the development proposes to mitigate potential increases in traffic congestion by implementing and funding measures that encourage transit and pedestrian travel in lieu of vehicular travel. Transportation and Planning staff augment these recommendations with traffic, transit, cyclist and pedestrian measures to further mitigate potential impacts.

For smaller development cases, staff frequently require that applicants provide a similar traffic study, as well as strategies to mitigate any increases in congestion. These studies are required on a discretionary basis, recognizing that a development special use permit or site plan cases of any size must demonstrate that the proposed development will not result in unacceptable negative impacts to the adjacent community. Assessment of traffic and parking impacts, internal as well as external circulation, access issues, and the need for traffic and pedestrian improvements are integral components of each development review. While small developments typically do not significantly impact traffic or the established street system, those over, for example, 100 residential units or 25,000 square feet of commercial development can create impacts that reasonably require mitigation.

Thus, under current policies, traffic studies and analyses were required for recent large development cases, such as the Mark Center/Winkler project, as well as on smaller cases which did not meet the size thresholds for a TMP SUP, such as Hopkins Warehouse, Old Colony, Tuscany on Yoakum Parkway, 800 South Washington Street, Whole Foods, Pentagon Federal Credit Union and Postmasters. Several quite small residential projects, such as Quaker Ridge, Quaker View and Second Presbyterian/Oak Grove, were required to submit traffic impact studies when specific traffic and access became issues for the community.

Currently, the traffic analysis element of development reviews work relatively seamlessly as part of the overall process. During the early concept review stage, applicants meet with staff from T&ES and Planning in order to identify the necessary elements of the traffic study in light of pertinent planning issues and specific issues to be addressed. The purpose of this “scoping meeting” is for staff, the applicant and the traffic consultant to agree on the parameters of the traffic study that is to be performed, including the geographic area to be examined, the background (existing and projected) data to use, study methodology and any necessary assumptions, such as the number of vehicle trips generated by the use and the modal split (how many people will use different levels of travel). When the traffic study is submitted, staff reviews the analyses and conclusions to determine whether correct assumptions and an appropriate methodology were used, and whether the traffic impacts identified are appropriately addressed.

Based on the traffic study findings, the particular development and location proposed, and staff’s own knowledge of traffic conditions and potential impacts, development conditions are included in the staff recommendation to ensure that traffic impacts are appropriately addressed. As part of development cases over several years, SUP conditions have included specific requirements designed to mitigate anticipated traffic impacts. Typical conditions include, street and pedestrian improvements (such as wider sidewalks, pedestrian crossings, street trees, bus shelters, intersection turn lanes and signal control improvements) staggered work hours, car pooling, bicycle facilities, traffic calming measures, flex cars, reduced parking ratios, and DASH and Metro subsidies.

Independent Traffic Study Review Approach

Under the approach approved by Council, independent, third-party reviews be required for traffic impact studies submitted as part of certain development applications. The new program consists of the following features:

- *Application to developments.* The program will apply only to developments of a size significant enough, from a traffic standpoint to warrant a TIS: those that generate 500 or more trips per day. This will capture intermediate and larger scale projects, whether or not a TMP/SUP is required.
- *Cost of independent review.* Applicants will be required to defray the cost of the City's use of an outside traffic expert to help plan and review the required traffic impact studies. A fee of \$3.00 per trip will be assessed to cover the City's expected cost. Thus, a project generating 500 daily trips will pay a review fee of \$1,500, while a project generating 2,500 trips will pay \$7,500.
- *Professional engineers.* The independent reviewer will be selected from among qualified professionals with whom the City has an ongoing consulting relationship.
- *Scope of Review.* The independent reviewer will participate in the scoping meeting that will occur during the concept plan review process, will offer recommendations as to any assumptions necessary for the study, will review the developer's completed traffic impact study and will provide an independent assessment of the study's adequacy, objectivity, methodology and conclusions.
- *Findings.* The independent reviewer's findings will be incorporated in the staff report submitted to the Planning Commission and City Council on the development application.
- *Future monitoring.* The program will be monitored for effectiveness, to determine if it provides better and more objective information about potential traffic impacts. The program will also be monitored to ensure that the fee of \$3.00 per trip actually covers the City's third-party review costs.

Proposed Text Amendment

The text amendment language requires that a traffic impact study (TIS) be submitted for all projects expected to generate 500 or more daily trips, based on recognized professional measuring standards. The requirement is made expressly a required component of an application for site plan, which is required for all development of any size, whether part of a special use permit or not.

The text amendment describes the required elements of a TIS by referencing section 11-705(B), which includes a very detailed list of all necessary data to be included and analyzed as part of a traffic study. That section also outlines the required scoping meeting which is to occur before the preparation of the traffic study, with the directors of P&Z and T&S determining the precise extent of the required study including, for example, the acceptable assumptions to incorporate regarding trip generation rates, the directional distribution of traffic, the modal split, vehicle occupancy assumptions and the trends in growth of traffic in the area .

Finally, the text amendment makes clear that the fee for the independent traffic reviewer is a cost to be defrayed by the site plan applicant. Although the specific fee is not part of the text amendment, Council approved staff's recommendation that applicant's be charged a fee of \$3.00 per trip. That fee will be made part of the City's established development fee schedule, approved and updated periodically by Council, but not part of the City's zoning legislation.

CONCLUSION AND STAFF RECOMMENDATION

Staff believes the new traffic review approach will assist the Commission and Council, as well as the public, in terms of greater understanding of and confidence in the traffic analyses presented as part of development proposals. As indicated above, staff will be monitoring the program to assess its success over time and to determine if refinements are required in the future.

Staff recommends that the Commission recommend approval of the proposed text amendment. .

STAFF

Richard J. Baier, P.E., Director, T&ES

Eileen Fogarty, Director, Planning and Zoning

Tom Culpepper, Deputy Director, T&ES

Jeffrey Farnier, Development Division Chief, Planning and Zoning

ATTACHMENTS

Council docket memorandum from James K. Hartman, City Manager, 2/14/06 #19

Council docket memorandum from Philip Sunderland, City Manager, 11/23/04 #26

19
2-14-06

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 8, 2006
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMANN, CITY MANAGER 
SUBJECT: DEVELOPER-FUNDED REVIEW OF TRAFFIC IMPACT STUDIES

ISSUE: Implementation of policy requiring that applicants provide funding for independent reviews of Traffic Impact Studies submitted as part of the development review process.

RECOMMENDATION: That City Council receive this report implementing the third party review requirement which will be processed as a Code change through the Planning Commission and City Council in March.

BACKGROUND: At the request of Councilman Gaines, Council asked staff to investigate ways to improve the information available to the Planning Commission and Council during their consideration of proposed development projects. Among other items, Council expressed interest in ensuring that traffic impact studies submitted by applicants are objective and properly prepared.

In response, staff recommended to Council that it require that applicants who submit Traffic Impact Statements (TIS) also fund independent, third-party reviews of those studies to be performed by qualified, City-selected professional engineers. Staff presented its proposal, including threshold development sizes and fees for the third party review, in November, 2004.

On November 23, 2004, Council approved, as a policy matter, the approach outlined by staff. Council also requested that staff discuss the issue with the development community and bring forward an ordinance implementing the new requirements for adoption. Staff has met with the development community to discuss the proposed program and will be bringing forward a proposed Code change to be considered by the Planning Commission and Council in March 2006.

Independent Traffic Study Review Approach

Under the approach approved by Council, independent, third-party reviews will be required for traffic impact studies submitted as part of certain development applications. The new program consists of the following features:

- The program will apply only to developments of a size significant enough, from a traffic standpoint to warrant a TIS: those that generate 500 or more trips per day. This will capture intermediate and larger scale projects, whether or not a TMP/SUP is required.
- Applicants will be required to defray the cost of the City's use of an outside traffic expert to help plan and review the required traffic impact studies. A fee of \$3.00 per trip will be assessed to cover the City's expected cost. Thus, a project generating 500 daily trips will pay a review fee of \$1,500, while a project generating 2,500 trips will pay \$7,500.
- The independent reviewer will be selected from among qualified professionals with whom the City has an ongoing consulting relationship.
- The independent reviewer will participate in the scoping meeting that will occur during the concept plan review process, will offer recommendations as to any assumptions necessary for the study, will review the developer's completed traffic impact study and will provide an independent assessment of the study's adequacy, objectivity, methodology and conclusions.
- The independent reviewer's findings will be incorporated in the staff report submitted to the Planning Commission and City Council on the development application.
- The program will be monitored for effectiveness, to determine if it provides better and more objective information about potential traffic impacts. The program will also be monitored to ensure that the fee of \$3.00 per trip actually covers the City's third-party review costs.

Implementing Ordinance

As requested by Council, an ordinance implementing the above program for third-party review of TIS as part of the development process will be brought forth for consideration by the Planning Commission and Council. The ordinance will be an amendment to the development process requirements of the zoning ordinance.

ATTACHMENT: Memorandum from former City Manager Philip Sunderland to Council dated November 18, 2004.

STAFF:

Richard J. Baier, P.E., Director, T&ES
Eileen Fogarty, Director, Planning and Zoning
Tom Culpepper, Deputy Director, T&ES
Jeffrey Farner, Development Division Chief, Planning and Zoning

26
11-23-04

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 18, 2004
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*
SUBJECT: CONSIDERATION OF A POLICY REQUIRING THAT DEVELOPMENT APPLICANTS PROVIDE FUNDING FOR INDEPENDENT REVIEWS OF TRAFFIC STUDIES FOR PROPOSED DEVELOPMENTS WITH SIGNIFICANT TRANSPORTATION IMPACTS

ISSUE: City Council consideration of a policy requiring that applicants provide funding for independent reviews of Traffic Impact Studies submitted as part of the development review process when the project has significant transportation impacts.

RECOMMENDATION: That City Council:

- (1) Approve in concept a policy that requires an independent review of Traffic Impact Studies submitted for development projects having significant traffic impacts and that require the cost of such reviews to be paid by the project applicant according to a fee schedule described below; and
- (2) Request the City Attorney to prepare an ordinance that formally adopts the policy, and docket it for Council consideration after staff have shared the policy with the development community.

BACKGROUND: At the request of Councilman Gaines, Council asked that staff investigate ways to improve the information available to the Planning Commission and Council during their consideration of proposed development projects. Among other items, Council expressed interest in ensuring that traffic impact studies submitted by applicants are objective and properly prepared. In response to this request, staff recommends to Council that it require that applicants, who submit Traffic Impact Studies (TIS) also fund independent, third-party reviews of those studies to be performed by qualified, City-selected professional engineers. The details of this proposed policy are outlined in more detail below.

Current Traffic Study Requirements and Procedures

Applicants for new development are typically required to submit a traffic study, in order to assess the additional impacts on streets, traffic congestion and circulation patterns that may result from the proposed development. Transportation and Environmental Services (TES) and Planning and Zoning (P&Z) staff then work together on the scope of the traffic analysis and on mitigation measures such as transit incentives, lower parking ratios, and street and pedestrian enhancements.

For larger developments (50,000 square feet of office, 40,000 square feet of retail, 150,000 square feet of industrial space, or 250 residential units), the City requires approval of a special use permit for a transportation management plan (TMP). Each transportation management plan is based on a detailed traffic study which evaluates the probable impact of the development on surrounding streets, intersection levels of service, and transit and pedestrian service and facilities as required by Section 11-705(B) of the Zoning Ordinance. The basic requirements of these traffic studies are specified by the Zoning Ordinance. In addition, the applicant must include a comprehensive traffic management plan (TMP) indicating how the development proposes to mitigate potential increases in traffic congestion by implementing and funding measures that encourage transit and pedestrian travel in lieu of vehicular travel. Transportation and Planning staff augment these recommendations with traffic, transit, cyclist and pedestrian measures to further mitigate potential impacts.

For smaller development cases, staff frequently require that applicants provide a similar traffic study, as well as strategies to mitigate any increases in congestion. These studies are required on a discretionary basis, recognizing that SUP or site plan cases of any size must demonstrate that the proposed development will not result in unacceptable negative impacts to the adjacent community. Assessment of traffic and parking impacts, internal as well as external circulation, access issues, and the need for traffic and pedestrian improvements are integral components of each development review. While small developments typically do not significantly impact traffic or the established street system, those over, for example, 100 residential units or 25,000 square feet of commercial development can create impacts that reasonably require mitigation.

Thus, under current policies, traffic studies and analyses were required for recent large development cases, such as the Mark Center/Winkler project, as well as on smaller cases which did not meet the size thresholds for a TMP SUP, such as Hopkins Warehouse, Old Colony, Tuscany on Yokum Parkway, 800 South Washington, Whole Foods, Pentagon Federal Credit Union and Postmasters. Several quite small residential projects, such as Quaker Ridge, Quaker View and Second Presbyterian/Oak Grove, were required to submit traffic studies when specific traffic and access became issues for the community.

Currently, the traffic analysis element of development reviews works relatively seamlessly as part of the overall process. During the early concept review stage, applicants meet with staff from T&ES and Planning in order to identify the necessary elements of the traffic study in light of pertinent planning issues and specific issues to be addressed. The purpose of this "scoping meeting" is for staff, the applicant and the traffic consultant to agree on the parameters of the

traffic study that is to be performed, including the geographic area to be examined, the background (existing and projected) data to use, study methodology and any necessary assumptions, such as the number of vehicle trips generated by the use and the modal split (how many people will use different forms of travel). When the traffic study is submitted, staff reviews the analyses and conclusions to determine whether correct assumptions and an appropriate methodology were used, and whether the traffic impacts identified are appropriately addressed.

Based on the traffic study findings, the particular development and location proposed, and staff's own knowledge of traffic conditions and potential impacts, development conditions are included in the staff recommendation to ensure that traffic impacts are appropriately addressed. As part of development cases over several years, SUP conditions have included specific requirements designed to mitigate anticipated traffic impacts. Typical conditions include, street and pedestrian improvements (such as wider sidewalks, pedestrian crossings, street trees, bus shelters, intersection turn lanes and signal control improvements) staggered work hours, carpooling, bicycle facilities, traffic calming measures, flex cars, reduced parking ratios, and DASH and Metro subsidies.

Proposed Independent Traffic Study Review Process

Staff proposes that independent, third-party reviews be required for traffic impact studies submitted as part of certain development applications. Under this policy, applicants will be required to defray the cost of the City's use of an outside traffic expert to help plan and review the required traffic impact studies. The independent reviewer will be selected from among qualified professionals with whom the City has an ongoing consulting relationship, and will participate in the scoping meeting, review and offer recommendations as to any assumptions necessary for the study, review the developer's completed traffic impact study and provide an independent assessment of the study's adequacy, objectivity, methodology and conclusions. The independent reviewer's findings will be incorporated in the staff report submitted to the Planning Commission and City Council.

The proposed policy would be implemented as follows:

1. When will independent, third-party reviews be required?

Since the City's requirements for transportation management plans define what are considered to be projects with "significant" transportation impacts, requirements for funding independent reviews of traffic impact studies could rationally be based on that same standard. The Zoning Ordinance requires a TMP/SUP for developments exceeding the following thresholds:

Commercial/professional office	50,000 usable square feet
Retail	40,000 usable square feet
Industrial	150,000 usable square feet
Residential	250 residential units

These thresholds require a TMP/SUP for projects expected to generate 550 to 2,400 trips per day, depending on the specific land use. Typically, TMP-level projects can be expected to generate at least 1,200 trips per day.

While this range of trips may be appropriate to trigger a full scale TMP/SUP application, we believe a lower number of trips should trigger the new proposed policy. We believe the policy should apply to any proposed development which is projected to generate 500 or more trips per day and for which staff has recognized a traffic impact study. This will capture the intermediate and larger scale projects that do not trigger a TMP/SUP requirement, as staff understood was Council's interest.

2. How much funding will be required for independent reviews?

The current procedure for Engineering and Surveyors Institute (ESI) peer reviews of final site plans requires that applicants provide a review fee deposit with the first submission of a final site plan. The amount of this deposit is typically \$2,000 to \$2,500; however, it may be increased at staff's discretion for larger projects that require greater review effort. When the ESI review is completed, the City is invoiced by ESI for the review costs. Upon completion of the review, the applicant's initial deposit is reconciled with actual review costs and any overpayment is refundable to the applicant.

For TIS reviews, staff recommends a modified procedure based on a standard review fee. For TIS reviews, the review fee would be determined based on the estimated number of trips generated by the proposed project on a daily basis and a standard review fee based on the number of those trips, subject to a minimum review fee. Based on staff's estimate of typical costs for these reviews, a review fee of \$3.00 per daily trip, subject to a minimum fee of \$1,500, appears reasonable. Thus, a project generating 500 daily trips will pay a review fee of \$1,500, whereas a project generating 2,500 trips will pay \$7,500. In contrast to the ESI review process, it is proposed that there be no project-by-project reconciliation of actual review costs and fees paid. Rather, based on actual experience the standard review fee per trip would be adjusted as necessary to reasonably balance the City's incurred review costs and the applicants' fees on an annual basis and/or to reflect any changes that may be made in review thresholds.

3. How will reviewers be selected and what responsibilities will be assigned?

Staff proposes to issue TIS review assignments to two or more qualified firms currently under contract with the City for engineer-of-record services. As specific development applications are identified as requiring independent review, staff will negotiate with and assign the review to one of these preselected firms. In this way, review assignments can be initiated in a timely manner and will not adversely impact the adopted development review process or schedule. It is anticipated that during the concept review stage, the determination will be made regarding the necessity of preparing a TIS and/or funding an independent review.

The review assignment will typically include the following; however, it may vary based on specific project characteristics.

- Participate in a TIS scoping meeting with staff and the applicant.
- Professionally review the developer-prepared and submitted TIS report, including all supporting data, applied analysis methodologies and assumptions, and conclusions and recommendations, in order to determine whether the study was performed in a manner consistent with accepted professional practices and contains valid conclusions and valid recommendations.
- Provide written findings to staff either confirms the validity and acceptability of TIS report's conclusions and recommendations, or identifies the conclusions and recommendations that are not valid and acceptable, and briefly explains why.
- Review changes and/or corrections made in response to review findings.
- Attend review meetings with staff and applicant as required.

4. How will independent reviews fit into the overall development review process?

Independent reviews of a TIS will be integrated into the existing development review process as outlined below. It is not anticipated that the independent review will change the currently adopted process or schedule.

- *Concept Review* - A determination will be made at the earliest practicable time as to whether a TIS and an independent review of the TIS is required. The latter determination will be based on the "500 vehicle trips a day" standard discussed above. The required TIS scoping meeting will be held prior to conclusion of concept review.
- *Preliminary Site Plan Review* - Where applicable, the applicant's TIS and required review fee will be submitted with the first preliminary site plan. Review by staff and the City's independent reviewer will begin immediately following this submission and conclude prior to completion of preliminary site plan review. The results of the TIS and the City's independent review will be addressed in summary form in the staff report for the project. This may include specific recommended conditions based on the independent review.
- *Final Site Plan Review* - During final site plan review, plans will be checked for inclusion of all mitigation measures included in the final conditions of approval for the project.

5. How will the proposed policy be evaluated?

Staff believes that this new policy must be monitored for effectiveness, and recommend reviews on a periodic basis to determine whether or not:

- It meets Council, Planning Commission and staff expectations by providing better and more objective information about potential traffic impacts;
- The cost of the third party review is greater than expected and comes at the expense of other public benefits and Council priorities such as affordable housing, open space and design; and

- The additional review increases the time required for the overall development review process.

Subject to Council's favorable consideration of these recommendations, staff is prepared to meet with the development community to explain the new policy. Following such meetings, the City Attorney will docket an ordinance incorporating the new policy. We anticipate the ordinance being docketed in February. We recommend that the ordinance, and the new policy, apply to projects for which an application is filed after January 1, 2005.

FISCAL IMPACT: None to the City. Applicant fees will offset the costs of the proposed action. The estimated cost to the applicant is discussed in #2 above.

STAFF:

Mark Jinks, Assistant City Manager for Fiscal and Financial Affairs

Richard J. Baier, P.E., Director, T&ES

Eileen Fogarty, Director, Planning and Zoning

TEXT AMENDMENT # 2006-0002

ISSUE DESCRIPTION: Consideration of amendment to Section 11-400 of the Zoning Ordinance to require independent, third party reviews of traffic studies submitted as part of certain development applications

ZONING ORDINANCE SECTION: Section 11-400

CITY DEPARTMENT: Planning and Zoning

PLANNING COMMISSION ACTION Recommended Approval March 9, 2006 5-0

CITY COUNCIL ACTION 3/18/06 -CC approved the PC recommendation 7-0
