

ARTICLE XIII. TRANSPORTATION MANAGEMENT

ARTICLE XIII. TRANSPORTATION MANAGEMENT

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Sec. 36-600. Findings.

The city council of the city hereby finds and determines that:

- (a) State law establishing requirements for development of a county wide congestion management program (AB 1791) mandates the inclusion of a trip reduction and travel demand management ordinance.
- (b) Other transportation demand management (TDM) program requirements have been adopted for the region including South Coast Air Quality Management District Rule 2202, as amended, and Appendix IV-E Control Measures of the 1991 Air Quality Management Plan (AQMP).
- (c) The growth management plan included in the revised traffic improvement and growth management ordinance (Measure M) requires jurisdictions to promote alternative forms of transportation and overall transportation system efficiency by maximizing use of the existing transportation network through transportation system management (TSM) and transportation demand management (TDM) and calls for the adoption of a TSM ordinance or alternative mitigation to reduce single occupancy automobile travel.
- (d) Increased traffic congestion contributes to longer travel times, deterioration in air quality, and inefficient use of the existing transportation system.
- (e) The congestion management program (CMP) recognizes and encourages the use of transportation demand management (TDM) strategies to promote alternative transportation methods and improve the general efficiency of the transportation system by enhancing vehicle flow and shifting demand on existing transportation facilities through encouraging changes in individual travel behavior.

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- (f) Implementation of TDM strategies at the local government level would provide public benefits by improving air quality and enhancing the effectiveness of the existing transportation system.
- (g) Coordinated TDM efforts among all local jurisdictions in the county can contribute to improvements in air quality and the efficiency and effectiveness of the transportation system including reductions in traffic congestion.
- (h) This article serves to codify standards of transportation demand management and transportation system management which, prior to its adoption, were imposed on development projects as conditions of approval through the city's environmental review process.

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 2, 8-5-02)

Sec. 36-601. Definitions.

For the purposes of this article, the definitions for the following terms shall apply:

Alternative transportation mode means any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, as well as public transit, bicycling or walking.

Applicable development means any new development project that is determined to meet or exceed the employment threshold using the criteria contained in [section 36-604](#) of this article.

CC&R's means a declaration of covenants, conditions, and restrictions applying to an applicable development site and running with the land, duly executed by the owner thereof, in a form allowing recordation in the office of the county recorder, which binds employers on such site to comply with the TDM program approved for such site and which cannot be amended or extinguished without the consent of the city.

Development project means a development project as defined by [section 41-668](#) of this Code.

Director means the executive director of public works or any employee of the city within the public works agency who is designated by the executive director to act on his or her behalf in the enforcement of this article.

Operational programs and strategies means a range of techniques that require ongoing monitoring, that can affect actual business operations and employee behavior at the facility or worksite to encourage reduction in peak hour vehicle trips and use of alternative transportation modes. These techniques may range from establishment of ridesharing programs to the use of parking fees, cash allowances or other incentives or disincentives. Operational programs and strategies are distinct from facility standards which encourage trip reduction through modifications in facility or worksite design.

Peak hour means any four (4) consecutive fifteen-minute periods that occur during the peak period during which the highest vehicular volumes on the street system adjacent to the project are recorded.

Peak period means those hours of the business day between 6 a.m. and 10 a.m. inclusive, Monday through Friday.

Performance requirement means a specified number of peak hour vehicle trips conforming to the trip generation estimates of a development project after a trip reduction credit has been applied.

Property owner means the legal owner of the applicable development project who serves as the lessor to an employer or tenant. The property owner shall be responsible for complying with the provisions of this article either directly or by delegating such responsibility as appropriate to an employer or tenant.

Site plan means a plan submitted for a development project in accordance with Division 3 (commencing with [section 41-668](#)) of Article V of [Chapter 41](#) of this Code.

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Tenant means the lessee of facility space at an applicable development project who also serves as an employer. A tenant may be responsible for implementing the provisions of this article as determined by the property owner.

TDM penalty fee schedule means a schedule of fees to be imposed if a trip reduction credit is granted and the performance requirement is not satisfied.

TDM annual report means the annual report required to be submitted by the property owner(s) or its designee documenting TDM activities occurring over the past twelve (12) months and activities planned for the next twelve (12) months.

TDM program means a program consisting of a TDM strategy plan and a TDM penalty fee schedule which is prepared by any development project applicant granted a trip reduction credit of up to ten (10) per cent. The TDM program is recorded with the project covenants, conditions and restrictions to assure perpetual operation of the plan regardless of changes in project ownership.

TDM strategy plan means the plan, consisting of operational programs and strategies, prepared by all development project applicants and submitted to the city, whether or not a trip reduction credit is granted.

Transportation demand management (TDM) means programs, plans, policies or projects designed to reduce demand on the transportation system or maximize its efficient use. TDM can include, but is not limited to, an emphasis on alternative travel modes to the single occupant vehicle such as carpools, vanpools and transit; reduction or elimination of the number of vehicle trips; shifts in the time of vehicle commutes to other than the peak period; or programs and projects to increase capacity on the transportation system.

Transportation system management (TSM) means programs and projects to increase the capacity of the existing transportation system. TSM can include, but is not limited to, an emphasis on maximizing the use of the existing transportation system through strategies such as signal coordination, bus turnouts, channelization, one-way street systems, and barrier systems.

Trip reduction credit means the number of peak hour vehicle trips by which an environmental impact report or mitigated negative declaration prepared for a development project has reduced the estimated traffic generated by the project in anticipation of an effective TDM program. The trip reduction credit may not exceed ten (10) per cent of the total number of peak hour trips.

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

Sec. 36-602. Intent of article.

This article is intended to meet the requirements of:

- (a) Government Code Section 65089 (b)(3) which requires development of a trip reduction and travel demand element as part of the congestion management program, and Government Code Section 65089.3(b) which requires adoption and implementation of a trip reduction and travel demand ordinance;
- (b) The Orange County Revised Traffic Improvement and Growth Management Ordinance (approved as "Measure M" by the voters of Orange County in the general election of November 6, 1990) requirement for the adoption of a transportation system management (TSM) ordinance or alternative mitigation to reduce single occupancy automobile travel.

(Ord. No. NS-2124, § 1, 4-15-91)

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Sec. 36-603. Policy.

Any development project that creates a site having two hundred fifty (250) or more employees may adversely impact existing transportation and parking facilities, resulting in deteriorating levels of traffic service, increased motor vehicle emissions, and possibly significant additional capital expenditures to augment and improve the existing transportation system. All such projects shall be required to prepare and submit a TDM strategy plan to the city. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions, it is the policy of the city to:

- (a) Reduce the number of peak period vehicle trips generated in association with additional development.
- (b) Promote and encourage the use of alternative transportation modes such as ridesharing, carpools, vanpools, public bus and rail transit, bicycles and walking, as well as those facilities that support such modes.
- (c) Promote and encourage the implementation of flexible working hours and parking management strategies.
- (d) Achieve related reductions in vehicle trips, traffic congestion and public expenditure and achieve air quality improvements through utilization of existing local mechanisms and procedures for project review and permit processing.
- (e) Promote coordinated interjurisdictional implementation of strategies to reduce transportation demand and increase transportation system capacity.
- (f) Achieve the most efficient use of local resources through coordinated regional and local TDM and TSM programs.
- (g) Complement, not duplicate, the South Coast Air Quality Management District's Regulation XV and Appendix IV-E, Control Measures of the 1991 Air Quality Management Plan.
- (h) Assure perpetual compliance with approved TDM programs regardless of changes in property ownership through recorded covenants, conditions and restrictions (CC&R's).

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

Sec. 36-604. Applicability.

- (a) This article shall apply to all development projects which will result in places of employment that are, in the aggregate, estimated to employ a total of two hundred fifty (250) or more persons, as determined by the methodology in subsection (b) below.
- (b) For purposes of determining whether a development project is subject to this article, the total employment figure shall be determined by using employment projections developed by the project applicant, subject to approval by the city. The project applicant shall use employment generation factors generally consistent with the methodologies recommended by the Urban Land Institute, the Institute of Traffic Engineers, or other acceptable professional practices as determined appropriate by the city.

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

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Sec. 36-605. Facility standards.

All applicable development projects shall be subject to the facility standards as specified in this section. A site plan submitted for city approval by a project applicant shall include improvements and design features required by such facility standards.

(a) *Facility improvements:*

(1) *Preferential parking for carpool vehicles:*

- a. A specified percentage of the employee parking spaces as determined by the project applicant and the city shall be reserved and designated for carpool vehicles by marking such spaces "Carpool Only."
- b. Carpool spaces shall be used only by carpool vehicles in which there are at least two (2) persons.
- c. Such carpool spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the city.

(2) *Bicycle parking and shower facilities:*

- a. Bicycle parking and locker facilities may be provided in a secure location for use by employees or tenants who commute to the site by bicycle. The number of facilities/racks to be provided shall be defined on the approved site plan.
- b. Bicycle accommodations shall be encouraged for those worksites near a regional bike trail and/or within a three-mile radius of residential housing.
- c. Shower facilities may be provided, one (1) each for men and women.

(3) *Information on transportation alternatives:*

- a. A commuter information area shall be provided that offers employees appropriate information on available transportation alternatives to the single occupancy vehicle. This area shall be centrally located and accessible to all employees or tenants.
- b. Information in the area may include, but not be limited to, the following:
 - (1) Current maps, routes and schedules for public transit;
 - (2) Ridesharing match lists;
 - (3) Available employee incentives;
 - (4) Ridesharing promotional material supplied by commuter-oriented organizations.

(4) *Rideshare vehicle loading areas:*

- a. The need for, design and location of areas to load and unload passengers from rideshare vehicles shall be determined by the city.
- b. Passenger loading areas, where required, shall be on-site and shall not conflict with fire lanes or impede on-site circulation.

(5) *Vanpool vehicle accessibility:*

- a. The design of all parking facilities shall incorporate provisions for access and parking of vanpool vehicles.
- b. Where applicable, vanpool vehicle accessibility shall include a minimum seven feet two inches (7'2") clear and unobstructed vertical for those parking spaces and ramps to be used by such vehicles.

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- c. Vanpool parking spaces shall be located near the building's employee entrance(s) or other preferential locations as approved by the city.
 - d. The number of accessible vanpool parking spaces shall be determined by the project applicant and the city.
- (6) *Bus stop improvements:*
- a. Bus stop improvements including but not limited to turnouts, bus pads, and right-of-way for bus shelters may be required for all applicable developments located along high traffic volume streets and established bus routes.
 - b. The location, type(s) of bus stop improvements, and improvement standards shall be determined by the city engineer.
 - c. On-site bus loading facilities may be required for projects which require bus loading.
- (7) *Pedestrian facilities:*
- a. To facilitate pedestrian access to the site, on-site sidewalks or other paved pathways following direct and safe routes from the off-site circulation system to each building in the development shall be provided.
 - b. Pedestrian grade separations over arterial streets connecting compatible facilities may be required.

Compatible facilities include, but are not limited to, worksite to shopping, eating establishments, recreation, parking or transit facilities.

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

Sec. 36-606. TDM strategy plan.

- (a) All applicable development projects which are approved by the city shall be approved subject to conditions designed to implement operational programs and strategies designed to reduce peak hour vehicle trips and promote the use of alternative transportation modes. It is intended that such operational programs and strategies complement the facility standards required in [section 36-605](#). Those applicable development projects for which trip reduction credits are not granted shall not be required to prepare a TDM program and participate in a penalty fee program pursuant to [section 36-607](#) of this article, but shall be required to obtain city approval of a TDM strategy plan pursuant to subsection (b) of this section.
- (b) TDM strategy plans shall be submitted as follows:
 - (1) The owner of any applicable development project site shall obtain the director's approval of a TDM strategy plan prior to the issuance of a site plan approval, building permit or certificate of occupancy, whichever occurs first, or at such earlier time as the director may determine to be necessary for environmental review of the development project.
 - (2) The TDM strategy plan shall describe programs, plans, policies, strategies, actions and projects to reduce peak hour commuter related travel demand at the project site. These may include, but are not limited to:
 - a. Establishment of carpool, buspool or vanpool programs.
 - b. Vanpool purchase incentives.
 - c. Cash allowances, passes or other public transit subsidies and purchase incentives.
 - d. Parking fees for single occupancy vehicles.

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- e. Full or partial parking subsidies for ridesharing vehicles.
 - f. Preferential parking for ridesharing vehicles.
 - g. Computerized commuter rideshare matching services.
 - h. Guaranteed ride-home program for ridesharing.
 - i. Alternative work week and flex-time schedules.
 - j. Telecommuting or work-at-home programs.
 - k. On-site lunch rooms/cafeterias.
 - l. On-site commercial services such as banks, restaurant, and small retail.
 - m. On-site day care facilities.
 - n. Designation of an on-site transportation coordinator for the project.
- (3) The TDM strategy plan shall include a description of the proposed project and a system, parking availability, transit service, bicycle facilities, proximity to other activity centers, commuter characteristics in the project vicinity, and the existence of nearby transportation management association(s), if any. It shall also identify performance measures, TDM actions to be undertaken, trip reduction impacts, and recommended mitigation measures.
- (4) Compliance with the approved TDM strategy plan shall be a condition of approval of the development project.

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

Sec. 36-607. TDM program.

- (a) The city may grant a trip reduction credit of up to ten (10) per cent to a property owner or its designee if a TDM program is prepared and submitted. Receipt of a trip reduction credit shall require participation in a TDM program with a penalty fee schedule approved by the director. The penalty fee schedule shall establish penalty fees in proportion to the excess of peak hour vehicle trips over the performance requirements.
- (b) The TDM program shall describe actions to be taken to reduce peak hour commuter related travel demand, including a discussion of:
 - (1) Responsibilities of property owners and tenants.
 - (2) Facility improvements.
 - (3) Financial incentives.
 - (4) Vehicular operations.
 - (5) Monitoring, reporting, and enforcement.
 - (6) Contingency and remedial actions.
- (c) The TDM program shall be designed and implemented to ensure that traffic generated by the proposed project does not exceed a specified number of peak hour vehicle trips (the performance requirement) conforming to the trip generation estimates in the environmental impact report or mitigated negative declaration issued for the project after the trip reduction credit has been applied.
- (d) Adherence to the performance requirement shall be determined by conducting annual traffic counts at the driveway(s) of the project site. It shall be the responsibility of the owner or associated owners of the project site to provide traffic count documentation in accordance with standards set by the

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director. Such documentation shall be subject to city verification. Vehicles entering and leaving the project site during the peak period shall be counted on Tuesday, Wednesday, and Thursday for two (2) consecutive weeks during the period of January 15 through May 20 or September 20 through November 20. The average peak hour total vehicular volumes shall be calculated and serve as the basis for evaluation.

- (e) The city shall notify the property owner(s) or its designee, in writing, of failure to comply with the performance requirement.
- (f) If the performance requirement is not satisfied, the property owner(s) shall:
 - (1) Submit to the city a list of TDM actions that will be implemented to reduce morning peak hour vehicle trips to meet the performance requirement within one hundred eighty (180) days of written notification by the city.
 - (2) Contingency actions to be taken in the event of not meeting the performance requirement shall be described in the TDM program. Remedies could include but are not limited to:
 - a. Increasing the level of effort (i.e. financial and other resources) for existing on-site TDM activities.
 - b. Initiating new on-site TDM activities.
 - c. Supporting off-site TDM efforts that have the effects of reducing traffic levels in the vicinity of the project.
 - d. Increasing the level of support for areawide TDM efforts.
 - (3) At the end of the one hundred eighty-day period, performance will be evaluated based upon compliance with the performance requirement. No further measures to reduce the project's peak hour vehicle trips will be necessary if the performance requirement is met and continues to be met as described from information provided in the TDM annual report.
 - (4) Should the performance requirement not be satisfied by the end of the one hundred eighty-day period, the property owner(s) shall pay a TDM penalty fee in proportion to the number of peak hour vehicle trips in excess of the performance requirement. The amount of the TDM penalty fee shall be determined in accordance with the penalty fee schedule specified in the TDM program.
 - (5) The TDM penalty fee shall be paid to the city and used as specified in the TDM program, or if no use is so specified, the fee shall be deposited in the appropriate transportation system improvement area fund established pursuant to Article XII of [Chapter 13](#)
- (g) The recorded CC&R's shall include provisions to:
 - (1) Guarantee adherence to the performance requirement;
 - (2) Assure perpetual operation of the TDM program regardless of property ownership;
 - (3) Inform all subsequent property owners of the requirements imposed by the TDM program; and
 - (4) Identify potential consequences of nonperformance, including the penalty fee schedule.
- (h) Each space use agreement (i.e. lease document) shall include relevant clauses of the TDM strategy plan or TDM program as a means to inform and commit tenants to participate in helping the project meet the established performance requirements.
- (i) The property owner(s) and tenants shall participate in an areawide transportation management association if one is established.
- (j) The TDM program shall encourage the response of tenants to applicable regional and/or city transportation management regulations.

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(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

Sec. 36-608. TDM annual report.

All owners of property which is subject to a TDM program shall prepare and submit an annual TDM report to the director within twelve (12) months of the certificate of occupancy, and each subsequent year by the date of each annual report approval. The annual TDM report shall, at a minimum, include:

- (1) Building occupancy percentages;
- (2) Morning peak hour vehicle trip counts;
- (3) Documentation of the means of travel for employees as compiled from an annual survey of employees; and
- (4) A description of TDM activities occurring over the past twelve (12) months and activities planned for the next twelve (12) months;
- (5) Vehicle counts in accordance with [section 36-607](#)(d).

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

Sec. 36-609. Implementation and monitoring.

For the purposes of determining whether applicable developments are complying with the provisions of this article, the city shall monitor such compliance in a manner it deems appropriate and reasonable. Monitoring mechanisms may include, but not be limited to, the following:

- (1) To verify compliance with the facility standards required under [section 36-605](#)
 - a. Local procedures for site plan review, as appropriate;
 - b. Field/site inspections;
 - c. Other building site reports/surveys which the city may deem appropriate.
- (2) To monitor compliance with the TDM strategy plan, TDM program and TDM annual report under sections [36-606](#), [36-607](#) and [36-608](#)
 - a. Review and, if appropriate, approve the TDM strategy plan submitted per [section 36-606](#), following consultation with the property owner or its designee;
 - b. Review and, if appropriate, approve the TDM program submitted per [section 36-607](#) following consultation with the property owner(s) or its designee;
 - c. Review the annual reports submitted per [section 36-608](#)
 - d. Require the owner(s) or its designee to prepare and submit other reports, site surveys, or operational audits which may be deemed appropriate by the city.

(Ord. No. NS-2124, § 1, 4-15-91)

Sec. 36-610. Enforcement and penalties.

For purposes of ensuring that applicable developments comply with the provisions of this article, the city shall, following written notice to the property owner or its designee, initiate enforcement action(s) which may include, but not be limited to, the following:

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- (1) To enforce compliance of multiphased developments with the facility standards under [section 36-605](#), withhold issuance of a building permit.
- (2) To enforcement compliance with the TDM strategy plan and TDM program under sections [36-606](#), [36-607](#) and [36-608](#)
 - a. Withhold issuance of a certificate of occupancy until the initial TDM strategy plan as specified in [section 36-606](#) and a report describing trip generation, level of service, and travel impacts on the street system in the vicinity of the project are submitted to the city;
 - b. Impose TDM penalty fees if the performance requirement established in the TDM program as specified in [section 36-607](#) are not satisfied.

(Ord. No. NS-2124, § 1, 4-15-91; Ord. No. NS-2505, § 3, 8-5-02)

Sec. 36-611. Appeals.

Any decision of the director regarding the provisions of this article may be appealed to the planning commission for resolution. The decision of the planning commission shall be final.

(Ord. No. NS-2124, § 1, 4-15-91)

Secs. 36-612—36-699. Reserved.