

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

[9901 PURPOSE](#)

[9902 SCOPE](#)

[9903 DEFINITIONS](#)

[9904 FACILITY STANDARDS](#)

[9905 TRIP REDUCTION/TDM STRATEGY PLAN AND ANNUAL REPORT](#)

[9906 ADMINISTRATION](#)

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9901 PURPOSE

- (a) The purpose of this chapter is to meet the requirements of State law for development of a trip reduction and travel demand element as part of the City's Congestion Management Program (hereafter referred to as CMP) and adoption and implementation of a trip reduction and travel demand ordinance.

New commercial, industrial, and mixed-use development including employment centers of one hundred (100) persons or more may adversely impact existing transportation and parking facilities, resulting in increased motor vehicle emissions, deteriorating levels of service, and possibly significant additional capital expenditures to augment and improve the existing transportation system. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions. The existence of this chapter is intended to achieve the following objectives:

- (1) Reduce the number of peak-period vehicle trips generated in association with additional development;
- (2) 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;
- (3) 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;
- (4) Promote coordinated implementation of strategies on a countywide basis to reduce transportation demand;
- (5) Achieve the most efficient use of local resources through coordinated and consistent regional and/or local transportation demand management (hereafter referred to as TDM) programs. (Ord. No. 1062, Sec. 1, 4-15-91)

9902 SCOPE

- (a) The provisions of this chapter shall apply to all new or expanded projects where additional square footage will result in a total of one hundred (100) or more employees based on a total employment projection developed by the City of Tustin using the employee generation factors by type of use promulgated by the Institute of Transportation Engineers.

ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

The employment projection for a development of mixed or multiple uses shall be calculated based on the proportion of development devoted to each type of use utilizing employee generation factors by type of use promulgated by the Institute of Transportation Engineers.

This chapter is not intended to supersede or replace the obligation of any property owner or business owner to comply with other TDM program requirements including those contained in and implemented by Regulation XV of the Air Quality Management Plan (AQMP). (Ord. No. 1062, Sec. 1, 4-15-91)

9903 DEFINITIONS

The following terms as used in this chapter shall have the following meanings:

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

"Applicable development": Any new development project that is determined to meet or exceed the employment threshold using the criteria contained in [section 9902](#) of this chapter.

"Average vehicle ridership (AVR)": Is calculated by dividing the number of employees who report to the worksite or other work-related activity between 6:00 a.m. and 10:00 a.m., Monday through Friday, by the number of vehicles driven by these employees over that five-day period. The AVR calculation requires that a five-consecutive-weekday average be used. The averaging period cannot contain a holiday. An example of calculating AVR using a weekly averaging period for an employer with three hundred (300) employees all reporting to work between 6:00 a.m. and 10:00 a.m., Monday through Friday, is:

Employees reporting to work:

Monday	—	300
Tuesday	—	300
Wednesday	—	300
Thursday	—	300
Friday	—	+300
		1,500

Total number of commute motorized vehicles driven to the worksite by these employees

Monday	—	270
Tuesday	—	250

ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

Wednesday	—	280
Thursday	—	265
Friday	—	+262
		1,327

1,500 divided by 1,327 equals 1.13 AVR

This calculation does not include any credits for telecommuting, clean fueled vehicles, or compressed workweeks.

"Congestion management program": A State mandated plan implemented through Assembly Bill No. 1791 to promote a coordinated approach to land use and transportation decisions.

"Developer": The builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this chapter as determined by the property owner.

"Discretionary": An action regulated by one's own choice.

"Employee": Any person employed by a firm, person(s), business, educational institution, nonprofit agency or corporation, or other entity which employs one hundred (100) or more persons at a single worksite.

"Employment Generation Factors": Factors developed for use by the jurisdiction for projecting the potential employment of any proposed development project. For purposes of this chapter employee generation factors by type of use shall be those promulgated by the Institute of Transportation Engineers.

"Employer": Any person(s), firm, business, educational institution, nonprofit agency or corporation, or other entity which employs one hundred (100) or more persons at a single worksite, and may either be a property owner or tenant of an applicable development project.

"Facility": The total of all buildings, structures and grounds that encompass a worksite, at either single or multiple locations, that comprise or are associated with an applicable development project.

"Level of service (LOS)": A measure of the operational quality of a road or intersection ranging from LOS A (best) to LOS F (worst). As required by CMP legislation, the LOS standard for the CMP Highway System must be at "E" or at the existing LOS, whichever is further from LOS "A", for any intersection or roadway segment.

"Mixed-use development": New development projects that combine any one of these land uses with another: residential, office, commercial, light industrial, and business park.

"New development project": Any nonresidential project being processed after the effective date of this chapter where discretionary action by a decision-making body is required.

"Operational programs and strategies": Implementation of a range of techniques that require ongoing monitoring that can effect 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

ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

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-period": Those hours of the business day between 6:00 a.m. and 10:00 a.m. inclusive, Monday through Friday.

"Property owner": 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 chapter either directly or by delegating such responsibility, as appropriate, to an employer or tenant.

"Reciprocal preferential carpool parking agreement": A document between landowners and/or tenants which the City approves.

"Site development plan/permit": A precise plan of development that may be subject to public hearing before the Planning Commission and as more fully described in design review [section 9272](#) of the Tustin Municipal Code.

"Tenant": 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 for this ordinance as determined by the property owner.

"Transportation demand management (TDM)": The implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV), such as carpools, vanpools and transit; reduction or elimination of the number of vehicle trips, or shifts in the time of vehicle commutes to other than the peak-period.

"Trip reduction": Reducing the number of work related trips taken between 6:00 a.m. and 10:00 a.m. Monday through Friday, in SOVs.

"Worksite": A building, or grouping of buildings located within the City which is in actual physical contact or separated solely by a private or public roadway or other private or public right-of-way, and which is owned or operated by the same employer or by employers under common control. (Ord. No. 1062, Sec. 1, 4-15-91)

9904 FACILITY STANDARDS

Developers of new and expanded nonresidential properties shall provide the following trip reduction support facilities within each development which the City approves:

**a
Preferential Parking for Carpool Vehicles**

At least ten (10) percent of the employee parking spaces shall be reserved and designated for carpool vehicles by marking such spaces "Carpool Only". Carpool spaces shall be used only by carpool vehicles in which at least two (2) of the persons will be employees or tenants of the proposed project, or where a reciprocal preferential carpool parking agreement with other developments has been established. Such carpool spaces shall be located near the building entrance(s) or at other preferential locations within the employee parking areas as approved by the City's Traffic Engineer or his/her designee.

For purposes of this and other sections, the factors listed below shall be used by the City to determine the number of employee parking spaces. The City recognizes the importance of reserving spaces for visitors, the handicapped and executives in preferential locations.

General Type of Use	Percent of Total Parking Devoted to Employee Parking
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ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

Business and professional offices (excluding medical/dental)	85
Hospital and medical/dental offices	70
Commercial uses	30
Industrial uses	90
Warehousing/storage	90

b
Bicycle Parking Facilities

Bicycle racks or parking facilities shall be provided in a secure location for use by employees or tenants who commute to the site by bicycle. A bicycle parking facility or rack shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user-provided cable, chain and/or lock. Said facility shall support bicycles in a stable position with no damage to wheels, frames or components. Such spaces shall be located near a building's employee entrance(s) or other high visibility locations as approved by the City. The intent of this section is to provide facilities which fulfill security and accessibility needs of bicyclists while preserving the visual appearance of a development. Parking for five (5) bicycles shall be provided for every one hundred (100) employees or fraction thereof.

c
Shower and Locker Facilities

Shower and locker room facilities for employees of each sex shall be provided in each building of one hundred thousand (100,000) or more gross square feet. For any development containing one hundred thousand (100,000) or more total combined gross square feet, but which does not contain any single building of one hundred thousand (100,000) or more gross square feet, the City Planning Commission may elect, at its discretion, to approve a requirement imposed by City staff on such development to provide shower and locker room facilities.

d
Trip Reduction Information

All applicable developments shall include, on site, appropriate signage and/or informational boards for the education of employees and tenants and marketing of alternate commute modes. Applicable developments shall include, in a central location accessible to all employees and tenants, a commuter information center with current transit maps, routes and schedules for public transit; ridesharing match lists; available employee incentives; and ridesharing promotional material supplied by commuter-oriented organizations.

e
Carpool and Vanpool Loading Areas

The City Traffic Engineer or his/her designee shall determine the necessity for the design and location of passenger loading areas to embark and disembark passengers from carpool and vanpool vehicles if determined necessary. A typical passenger loading area shall be equivalent in size to one (1)

ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

percent of the required parking for the site. Such passenger loading areas shall be located as close as reasonable to the building employee entrance(s) and should be designated in a manner that does not impede vehicular circulation in the parking area, City streets, or fire, police and paramedic access to the applicable development.

f

Bus Stop Improvements

Bus stop improvements including bus pullouts, bus pads, bus shelters and any necessary right-of-way for bus shelters, shall be required for all applicable developments located along high traffic volume streets and established bus routes where required by the City.

Bus stop improvements shall be designed and located in accordance with local transit agency design guidelines and is subject to approval of the City Traffic Engineer or his/her designee which approval shall be based on traffic engineering principles including, but not limited to the following:

- (1) The frequency and relative impact of blocked traffic due to stopped buses;
- (2) The level of transit ridership at the location.

Approval from the City's Department of Community Development shall also be required for the actual architectural design of any proposed bus stop improvement or shelter. (Ord. No. 1062, Sec. 1, 4-15-91)

9905 TRIP REDUCTION/TDM STRATEGY PLAN AND ANNUAL REPORT

- (a) Prior to issuance of building permits for any phase of an applicable development, the developer or property owner or their designee shall develop a trip reduction/TDM program for the entire proposed development site, including any anticipated phasing and shall submit such plan to the City Traffic Engineer or his/her designee. The TDM must be designed to reduce trips to achieve one and five-tenths (1.5) AVR. It is the City's objective that the planning of applicable development projects should include facility standards and a trip reduction/TDM strategy plan that is feasible and which has a reasonable expectation of having a measurable impact towards achieving the purpose of this chapter.

The plan shall identify initial trip reduction/TDM proposed programs and strategies to achieve the AVR objectives which may include, but are not limited to, the following:

- (1) Establishment of carpool, buspool, or vanpool programs;
- (2) Vanpool purchase incentives;
- (3) Cash allowances, passes or other public transit subsidies and purchase incentives;
- (4) Parking fees for SOVs;
- (5) Full or partial parking subsidies for ridesharing vehicles;
- (6) Preferential parking for ridesharing vehicles;
- (7) Computerized commuter rideshare matching service;
- (8) Guaranteed ride-home program for ridesharing;
- (9) Alternative workweek and flex-time schedules;
- (10) Telecommuting or work-at-home programs;
- (11) On-site lunch rooms/cafeterias;
- (12) On-site commercial services such as banks, restaurants and small retail;
- (13) On-site day care facilities;

ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

- (14) Designation of an on-site transportation coordinator for the project.
- (b) Single-phase development projects shall achieve TDM AVR objectives within five (5) years of issuance of any certificate of occupancy. Multi-phased projects shall achieve the objectives for each phase within three (3) years of the issuance of any certificate of occupancy.
 - (c) An applicant may perform the TDM programs through tenants or lessees in the project. However, agreements that tenants or lessees will so perform shall not relieve applicant or its successors of that duty to perform or require performance.
 - (d) If conditioned as part of subdivision approval of a project, recorded codes, covenants and restrictions (CC&Rs) shall include provisions to guarantee adherence to the TDM objectives and perpetual operation of the TDM program regardless of property ownership, inform all subsequent property owners of the requirements imposed herein, and identify potential consequences of nonperformance.

Each space use agreement (i.e., lease document) shall also include TDM provisions for the site as a means to inform and commit tenants to and participate in helping specific applicable developments meet TDM performance requirements.

e

Annual report:

- (1) All property owners or their designees shall submit an annual status report on the TDM program to the City Traffic Engineer or his/her designee beginning a year after the issuance of any certificate of occupancy. The report shall be prepared in the form and format designated by the City which must either approve or disapprove the program within sixty (60) days. If no response is sent by the City within sixty (60) days, said report shall be deemed automatically approved.
- (2) The TDM performance reports shall focus on ridesharing and trip reduction incentives offered by the project and shall consist of a report that:
 - a. Estimates AVR levels attained;
 - b. Verifies that the plan incentives have been offered;
 - c. Describes use of those incentives offered by employers;
 - d. Evaluates why the plan did or did not work, and an explanation of why the revised plan is likely to achieve the AVR target levels; and
 - e. Lists additional incentives which can be reasonably expected to correct deficiencies.
 - f. Evaluates the feasibility and effectiveness of trip reduction/TDM program and strategies, as implemented.
- (3) In the event that TDM objectives are not met, the City shall notify the property owner in writing of failure to comply. If the TDM performance objectives are not satisfied, the property owner shall either:
 - a. Submit to the City within thirty (30) days of notification by City a list of TDM measures that will be implemented to meet the TDM objectives within one hundred eighty (180) days of written notification by the City of Tustin. At the end of the one-hundred-eighty-day period, the property owner shall submit a revised performance report to determine compliance with TDM objectives. No further measures will be necessary if the TDM objectives are met.
 - b. Should the TDM objectives not be satisfied by the end of the one-hundred-eighty-day period, the property owner(s) shall pay a TDM penalty fee to the City in an amount determined by resolution of the City Council. Said penalty fee shall be used to improve street capacity through construction of physical improvements to be selected by the City of Tustin from the list of areawide improvements identified in the City's CMP.

ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

Appeal of any decision regarding the trip reduction annual report/TDM may be brought forward to the City Council for appeal pursuant to appeal procedures identified in [section 9906\(d\)](#) and [9906\(e\)](#) of this chapter. (Ord. No. 1062, Sec. 1, 4-15-91)

9906 ADMINISTRATION

- (a) For the purpose of determining whether applicable developments are complying with the provisions of this chapter, the developer shall submit project compliance data/report indicating that requirements of this chapter have been implemented. 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 9904](#)
 - a. Local procedures for design review, as appropriate;
 - b. Field-site inspections;
 - c. Other building site reports/surveys which the City of Tustin may deem appropriate.
 - (2) To monitor compliance with requirements for trip reduction/TDM programs and strategies under [section 9905](#), the City Traffic Engineer or his/her designee may:
 - a. Review and approve the baseline trip reduction/TDM plan submitted per [section 9905](#) following consultation/negotiation with the building owner or designee (employer);
 - b. Review and approve the annual reports per [section 9905](#)
 - c. Require other reports, site surveys, or operational audits which may be deemed appropriate as determined by the City Traffic Engineer or his/her designee.
- (b) For the purpose of enforcing the provisions of this chapter, the City shall initiate enforcement action(s) following written notice to the property owner or designee (employer), which may include, but not be limited to, the following:
- (1) To enforce compliance with the facility standards under [section 9904](#)
 - a. Withhold issuance of a building permit or certificate of use and occupancy;
 - b. Issue a stop work order.
 - (2) To enforce compliance with the trip reduction/TDM programs and strategies under [section 9905](#)
 - a. Withhold issuance of a building permit until the initial plan as specified in [section 9905](#) is submitted.
 - b. Impose a penalty fee, in an amount as may be determined by resolution of the City Council if the annual report is not submitted within thirty (30) days following written notice from the City Traffic Engineer or his/her designee.
 - c. Impose a penalty fee, in an amount as may be determined by resolution of the City Council, if an initial trip reduction/TDM strategy plan or subsequent annual report modifications thereto are not implemented as approved by the City Traffic Engineer or his/her designee.
 - d. Notification of failure to comply with or make reasonable progress toward the AVR performance standards established in [section 9905](#) and those strategies contained in the trip reduction/TDM strategy plan when monitoring by the City Traffic Engineer or his/her designee determines that such compliance or progress is not being achieved. Following such notice, the City may request modifications in the mix of operational programs and strategies under [section 9905](#) to be implemented in order to remedy inadequate or

ARTICLE 9 - LAND USE

CHAPTER 9 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS

nonperformance. If noncompliance or reasonable progress is not completed or remedied following requested modification by the City, the City may impose a performance penalty fee in an amount as determined by resolution of the City Council.

3. The facility standards under [section 9904](#) and the trip reduction/TDM strategy plan under [section 9905](#) can include provisions to guarantee perpetual compliance regardless of changes in property/ownership through recorded CC&Rs.
- (c) For purposes of meeting its obligations under this chapter, the City may impose the following fees:
- (1) A trip reduction/TDM strategy plan review fee at the time of initial project application.
 - (2) A subsequent annual compliance report fee at the time of each trip reduction/TDM strategy report is submitted.

Fees shall be charged to all applicable developments for purposes of defraying the costs of processing and reviewing the trip reduction/TDM strategy plan and subsequent annual compliance reports as contained in [section 9905](#).

The review fee schedule shall be in an amount as established by resolution of the City Council.

- (d) A property owner(s) or designee(s) of any applicable development may request a variance from provisions in the facility standards contained in [section 9904](#) upon submittal of a written request to the City Community Development Department and accompanied by a fee in an amount established by resolution of the City Council. The matter shall be set for consideration by the Planning Commission.

Written notice to the appellant of the time, date and location set for consideration of the appeal shall be provided ten (10) days prior to the hearing date upon the hearing of such appeal. The City Planning Commission may affirm, reject or modify facility standards required by this chapter.

The property owner may appeal any decision of the Planning Commission to the City Council.

- (e) Appeal of other actions. Any decision made by the City Traffic Engineer or his/her designee regarding the provisions contained in sections [9904](#), [9905](#) and [9906\(b\)\(1\)](#) and [\(b\)\(2\)](#) may be appealed to the planning commission upon submittal of a written request to the City of Tustin Community Development Department and accompanied by a fee in an amount to be established by resolution of City Council. The matter shall be set for consideration by the Planning Commission.

The property owner may appeal any decision of the Planning Commission to the City Council. (Ord. No. 1062, Sec. 1, 4-15-91)