

MEMORANDUM

To: Mike Nilsson
From: Bonnie Nelson, Linda Rhine, Todd Vogel
Date: August 25, 2008
Subject: DRAFT TDM Ordinance

Introduction/Purpose of Memo/Contents

The City of Glendale is considering adoption of a Transportation Demand Management (TDM) ordinance, to ensure certain strategies are employed by developers and property managers to reduce traffic congestion and improve mobility for residents, employees, and visitors to the City.

Nelson\Nygaard has prepared this memo to help the City better understand options and key considerations for a TDM ordinance. It includes a peer review of TDM ordinances adopted by other cities, a list of key considerations, and suggested elements for inclusion in the ordinance. A draft ordinance based on this analysis is included as Appendix A.

Peer Review – Overview

A peer review was conducted of TDM ordinances enacted by other cities in California. Ordinances from the following cities were reviewed: Burbank, Pasadena, Santa Monica, West Hollywood, Los Angeles, and South San Francisco. A summary of these ordinances is provided in Figure 1 (page 3). The City of Pleasanton was also reviewed, but is not included in the table because their ordinance is voluntary (for both existing and new development). Furthermore, several other cities investigated appear to have no TDM ordinance, including Irvine, Anaheim, Sacramento, Emeryville, and San Mateo (all in California), and the city of Portland, Oregon.

Key Considerations

Significant variations were found between the TDM ordinances reviewed. These variations lead to important questions about what type of ordinance would be appropriate for the City of Glendale. Considerations include:

- To what types of development (land use and size) should the ordinance apply?
- What target should be set for reduction in vehicle trips? How should the baseline rate be determined?
- What facilities to support TDM should be required of new development?
- What TDM programs should be required to help meet the trip reduction goal? Should they be prescriptive (e.g. parking cash-out) or performance-based (e.g. chosen by the developer or property manager)?

- How should monitoring occur, and what level of enforcement should be applied if the target is not met? Who should pay for the monitoring and enforcement?

Recommended Sections of TDM Ordinance

Based on the review of other TDM ordinances, Nelson\Nygaard recommends the following sections be included in the TDM Ordinance for the City of Glendale. A summary of the contents of the ordinance is also included below. Draft text for the full ordinance is included as Appendix A to this memo.

1. **Objectives/Purpose** of the TDM Ordinance, including establishing a target reduction in vehicle trips and defining to what development the ordinance applies.
2. **Definitions of Terms** such as “Transportation Demand Management” and “Carpool.”
3. **Applicability** – defines which types of development will be subject to the terms of the ordinance. Overall, all new development of a minimum size and expansions of existing development will be subject to the ordinance.
4. **Requirements** – stipulates what facilities and programs will be required of new development, or what performance level is required. Facilities include bicycle parking and pedestrian, bicycle, and transit access requirements, and parking for carpools and vanpools. Programs include designation of an on-site transportation coordinator, information sharing and outreach, ridesharing and parking-cash out.
5. **Monitoring and Enforcement** – defines the methodology for monitoring progress towards achieving goals of the ordinance and determines how achievement will be enforced.

Monitoring will include an annual survey and report. Enforcement will be conducted by the City, with a fine assigned until compliance is achieved.

6. **Reimbursement for City Costs** – stipulates which party or parties will pay for monitoring and enforcement actions. Costs are split between the City and developers, employers, or property managers.

Next Steps

This TDM Ordinance would replace the existing Ordinance for the City of Glendale. It should be reviewed by City staff and the Planning Commission before going to the City Council for adoption. Key considerations before adoption of a final ordinance include:

- To what type(s) of development the TDM ordinance will apply
- The amount of bicycle parking required
- Any additional TDM programs or facilities the City would like to see implemented
- The target AVR (average vehicle ridership).
- How to ensure compliance with the ordinance (a nominal fine is recommended)

City	South San Francisco	Pasadena	Pasadena
Participation			
Voluntary or Mandatory?	Mandatory for new non-residential and expansions of existing non-residential	Mandatory for new development, and expansion of existing development, or redevelopment, especially if prior use was nonconforming.	Mandatory for non-residential projects in TOD areas to meet the 1.75 goal within a three year period from the adoption of the Trip Reduction Ordinance.
"Trigger" for TDM requirements	Greater than 100 average daily trips expected, or increase in FAR over base FAR.	Tier 1 - Projects exceeding 25,000 sq ft gross floor area Tier 2 - Projects exceeding 100,000 sq ft gross floor area	TDM Program Plans to be developed for- a) multifamily residential projects with 100 or more units, b) mixed use projects where number of residential units are 50 or more and/or non-residential part of the project is 50,000 sq. ft or more, and c) non-residential projects in TOD areas.
Fees			
TDM Plan Required?	Yes		Yes
TDM Programmatic Requirements	Long varied list required of all projects generating 100 or more trips (see below). Projects seeking increase in FAR must implement programs as determined by Chief Planner.		Trip reduction performance goal.
Opt-out? (e.g. in-lieu fee?)	With approval of Chief Planner, who must set alternative trip reduction target.		Applicant will be required to provide adequate information to demonstrate to the City and Metro that alternative TDM measures have equal or greater ability to reduce trips
Alternative Approach?	n/a		
Must join TMA?	Yes, or organization providing equivalent trip reduction support.		Yes
Performance			
Trip Reduction Target	Non-drive-alone of at least 28%		Average vehicle ridership for non-residential projects to be 1.5 or 1.75 in TOD areas.
Monitoring	Submit annual surveys for all projects, Triennial Reports for Applicants Seeking an FAR Bonus (penalties for non-compliance),		Yes
Enforcement			Yes
Applicant to reimburse city for costs to monitor and enforce?	Yes		No
CEQA / EIR requirements			exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061 and Section 15378.
Specific Programmatic Requirements			
Bicycle Facilities			Yes
Bicycle Racks		Yes - specific number of spaces based on land use	Yes
Bicycle Lockers			Yes
Shower and changing facilities			Yes
Pedestrian Facilities		Tier 2 - full sidewalk connectivity	Yes
Transit			
Connectivity (Site Design)			Yes
Shuttle Services	Yes		
Automobiles	Yes		
Preferential Parking (1)	Yes	At least 10% (plus drop-off area for Tier 2 projects)	Yes
Ridesharing Services			Yes
	Yes, like trails, lighting, landscaping and building orientation, all to enhance pedestrian safety		
Programs and Activities			
Transportation Coordinator/Contact			Yes
Information Board/Kiosk	Yes	Yes	Yes
Guaranteed Ride Home	Yes		Yes
Budget			Yes
Other Programs			Yes
Other Programs/Requirements	Yes		Commuter ridesharing, parking cash out programs,

(1) May include preferential parking for carpools and vanpools, and/or passenger drop-off zone

(2) Employers with less than 25 employees on property owned and occupied by firms with over 25 employees must participate through the larger firm.

City	Santa Monica	West Hollywood	Burbank - Citywide
Participation			
Voluntary or Mandatory?	Mandatory for employers with 10 employees or more, both new and existing. Existing employers cannot be forced to develop trip reduction plans, but have alternative to purchase emission credits (most choose trip reduction plan however).	Mandatory for all employers of five or more employees at a worksite located in the city and in a development of ten thousand or more square feet of enclosed space after the ordinance comes into effect	Tier 1 programs mandatory for non-residential development over 25,000 sq ft; Tier 2 programs mandatory for non-residential development over 50,000 sq ft.; Tier 3 for non-residential development over 100,000 sq ft
"Trigger" for TDM requirements	Employers of 10-49 employees are required to attend a City-sponsored workshop and submit a Worksite Transportation Plan (WTP) to the City each year. Employers of 50 employees or more are required to designate a certified Employee Transportation Coordinator (ETC) and submit an annual Emission Reduction Plan.		
Fees	Employers of 10-49 employees to pay a fee of \$11.38 per employee, and those of 50 or more employees to pay \$8.87 per employee. (Those maintaining the AVR receive discount of 40-60%). Employers of 50 or more employees filing an MSERC plan to pay a flat fee of \$550.00 per worksite located in the City.	To be established by the City Council	
TDM Plan Required?		Yes	
TDM Programmatic Requirements	AVR attainment goal is 1.5 persons per vehicle for the morning & evening commute periods. Current AVR citywide is 1.52, with 70% of employers meeting 1.5 target.		Yes, see below
Opt-out? (e.g. in-lieu fee?)	Employers may purchase Mobile Source Emission Reduction Credits from a certified Broker		No
Alternative Approach?			
Must join TMA?			No citywide TMA.
Performance			
Trip Reduction Target	Employers must submit a plan that they believe will result in an AVR of 1.5 employees per vehicle.	AVR of 1.5 within twelve months after approval of a trip reduction plan	None
Monitoring	Yes	Submit annual progress report to city	Validation that requirements have been met, prior to occupancy permit. No subsequent monitoring.
Enforcement	Yes	Any employer which fails to submit an initial trip reduction plan or annual report, or the revised ones within the time permitted, shall be in violation. Director to have power to inspect on-site and audit files. Employer to be deemed not in violation if he complies with all provisions of its approved plan, but fails to attain AVR of 1.5	Occupancy permit provided only if requirements have been met.
Applicant to reimburse city for costs to monitor and enforce?	The first violation of a plan year will result in a warning notice, carries a fine of \$5.00 per employee per day, and possible revocation of City of Santa Monica business license. A few employers have received minor fines, and then worked to come into compliance.	Penalty to be established by the City Council (can be appealed, and can have a hearing)	
CEQA / EIR requirements			
Specific Programmatic Requirements			
Bicycle Facilities	Yes	Yes	Yes (Tier 2) (no changing/shower)
Bicycle Racks			
Bicycle Lockers			
Shower and changing facilities			
Pedestrian Facilities	Yes	Yes	Yes (Tier 3)
Transit			
Connectivity (Site Design)	Yes	Yes	Bus stop(s), if City determines necessary
Shuttle Services			
Automobiles			
Preferential Parking (1)	Yes	Yes	Yes (Tier 2), with Drop-Off (Tier 3)
Ridesharing Services	Yes	Yes	
Programs and Activities			
Transportation Coordinator/Contact	Yes	Yes	
Information Board/Kiosk	Yes	Yes	Yes (Tier 1)
Guaranteed Ride Home			
Budget			
Other Programs			
Other Programs/Requirements	Parking cash out, employee AVR survey, identifies objectives of plan and proposed duration for achieving AVR levels, marketing plan about alternative commute options, carpooling / vanpooling options, bus stop improvements, emission reduction plan		

City	Burbank Center Overlay Zone	Los Angeles
Participation		
Voluntary or Mandatory?	Mandatory for employers with more than 25 employees or over 25,000 sq ft within the Media District Overlay Zone. (2) Voluntary for others within Zone. Multi-family residential excluded.	Mandatory for construction of new non-residential gross floor area of three types: (a) over 25,000 sq ft of gross floor area (Tier 1), (b) over 50,000 sq ft of gross floor area (Tier 2), and (c) over 100,000 sq ft of gross floor area (Tier 3).
"Trigger" for TDM requirements		See above
Fees		
TDM Plan Required?		
TDM Programmatic Requirements	Suggested strategies, but not required.	See below
Opt-out? (e.g. in-lieu fee?)		
Alternative Approach?		
Must join TMA?	Yes, for those with same requirements as above.	
Performance		
Trip Reduction Target	9.5% reduction after first 5 years, additional 9.5% reduction each subsequent 5 years. If project build-out projections exceeded, any firm with 25 or more employees must achieve 38% reduction in first year of occupancy.	
Monitoring	Annual report of programs and strategies and outcomes (PM peak-hour trips).	Yes, by Department of Transportation
Enforcement	If targets not achieved, City may impose TDM programs to help achieve.	
Applicant to reimburse city for costs to monitor and enforce?		
CEQA / EIR requirements		
Specific Programmatic Requirements		
Bicycle Facilities		Yes (Tier 2 and 3)
Bicycle Racks		See Section 12.21A16
Bicycle Lockers		See Section 12.21A16
Shower and changing facilities		
Pedestrian Facilities		Yes - Sidewalk connectivity (Tier 3)
Transit		
Connectivity (Site Design)		Bus stop(s), if City determines necessary
Shuttle Services		
Automobiles		
Preferential Parking (1)		Yes (Tier 2 and 3)
Ridesharing Services		
Programs and Activities		
Transportation Coordinator/Contact	Yes	
Information Board/Kiosk		Yes
Guaranteed Ride Home		
Budget		
Other Programs		
Other Programs/Requirements		

Appendix:

DRAFT TDM Ordinance for the City of Glendale

Objectives and Goals

Adopted policies, through the General Plan and other commitments, have affirmed the desire of the City of Glendale to reduce traffic congestion, improve air quality, and improve overall mobility for residents, employees, and visitors. These goals apply to travel within Glendale, regional travel with origins or destinations within the City, as well as travelers passing through the City.

This ordinance establishes a quantitative trip reduction goal for new and existing development in the City of Glendale, defines what types of development are subject to the requirements of the ordinance, and identifies specific facilities, programs and strategies that must be implemented by employers and property managers to pursue this goal.

Definitions of Terms

For the purpose of this section, certain words and terms are defined as follows:

Carpool. A vehicle carrying two to five persons to and from work on a regular schedule.

Development. The construction of new non-residential floor area.

Gross Floor Area. That area in square feet confined within the outside surface of the exterior walls of a building, as calculated by adding the total square footage of each of the floors in the building, except for that square footage devoted to vehicle parking and necessary interior driveways and ramps.

Preferential Parking. Parking spaces, designated or assigned through use of a sign or painted space markings for Carpools or Vanpools, that are provided in a location more convenient to the entrance for the place of employment than parking spaces provided for single-occupant vehicles.

Transportation Demand Management (TDM). The alteration of travel behavior through programs of incentives, services, and policies, including encouraging the use of alternatives to single-occupant vehicles such as public transit, cycling, walking, carpooling/ vanpooling and changes in work schedule that move trips out of the peak period or eliminate them altogether (as in the case in telecommuting or compressed work weeks).

Trip Reduction. Reduction in the number of work-related trips made by single-occupant vehicles.

Vanpool. A vehicle carrying six or more persons to and from work on a regular schedule, and on a prepaid basis.

Vehicle. Any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles.

Applicability

The TDM ordinance shall apply to the following developments (hereafter referred to as Tier 1):¹

1. All new non-residential development in the City of Glendale to exceed 25,000 square feet or gross floor area or having 25 employees.
2. Any expansion of existing non-residential development exceeding 25,000 square feet of gross floor area or having more than 25 employees, either prior to or subsequent to the expansion.
3. Any change of use for an existing non-residential development that currently has a nonconforming use, and for which the new use will require a conditional use permit, variance, or amendment to the zoning code or General Plan.
4. All new residential development with 100 or more units, or mixed-use projects with 50 or more residential units and 25,000 gross square feet or more of non-residential floor area.
5. All new development with multiple employers on one site that in combination have more than 25 employees, with the TDM ordinance thereby applying to the property manager of that site.

Developments greater than 50,000 square feet in gross floor area or an expansion resulting in a development greater than 50,000 square feet shall be subject to further requirements defined by this ordinance (Tier 2).

Furthermore, this ordinance defines additional requirements of development exceeding 100,000 square feet, or an expansion resulting in a development greater than 100,000 square feet (Tier 3).

Requirements

New or existing development, for which the TDM ordinance is considered applicable according to the above criteria, shall incorporate each of the listed facilities into the design of the project, and implement each of the listed programs.

Facilities shall be maintained in clean, functional condition for the duration of the project, and programs shall continue to be implemented except by arrangement with the Director of Planning for the City to define alternate strategies expected to be more effective at achieving the goals of this ordinance.

Transportation Demand Management Plan

Prior to obtaining a development agreement or other permits for a project subject to this ordinance, a Transportation Demand Management plan must be developed, with a detailed list of facilities and programs that will be implemented, to meet the requirements of this ordinance, as indicated below. A schedule of implementation for TDM programs, and budget for both programs and facilities, must be included with the Plan. All programs shall be implemented within one year of initial occupancy.

¹ These criteria are a synthesis of requirements in the cities of Burbank, Pasadena, and Los Angeles. The criteria for other cities include a threshold of expected daily trips, an applicant's desire to develop at higher densities, or companies with a fewer number of employees (see Figure 1).

Transportation Management Association

All projects subject to this Ordinance shall become dues paying members of the Glendale Transportation Management Association (TMA), and eligible for participation in the programs and activities of the TMA. Rates shall be set by the Board of the Emeryville TMA and adopted by the City Council, with the provision that they may be increased annually, based on changes to the Consumer Price Index.

Facilities

The following facilities shall be implemented as indicated before a certificate of occupancy may be issued for a development.

Bicycle Facilities

- Secure bicycle parking should be provided for all development subject to the bicycle parking ordinance, at the following rates for various land uses:²

	Long-term	Short-term
Single family and residential with private garage	None	None
Multifamily Residential	1 space per 4 units	1 space per 20 units
Retail	1 space per 12,000 sq ft	1 space per 5,000 sq ft
General Food Sales	1 space per 12,000 sq ft	1 space per 2,000 sq ft
Office	1 space per 10,000 sq ft	1 space per 20,000 sq ft

"Long-Term" bicycle facility means a locker, individually locked enclosure or supervised area within a building providing protection for each bicycles therein from theft, vandalism and weather.

"Short-Term" bicycle facility means a rack, stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein. Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down.

- Tier 2 development shall also provide a changing room and shower facilities.

Pedestrian Facilities

- Tier 1 and Tier 2 facilities shall provide full pedestrian access as required by other sections of the zoning code and design guidelines as adopted by the City.
- Tier 3: Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

Transit Facilities

- The design of all projects should enable safe and convenient access to nearby transit stops and facilities.
- For Tier 3 projects, if so determined by the Director of Planning for the City, a bus stop with shelter and other amenities may be required.

Auto Facilities

- Preferential parking shall be provided for carpools and vanpools (most proximate to main entrances and/or at a reduced price)
- For Tier 3 projects, and for Tier 2 projects at the discretion of the Chief of Planning, a convenient drop-off point for carpools and vanpools should be provided onsite.

² Some cities require bicycle parking as a ratio of automobile parking. However, Nelson\Nygaard recommends against this. A development which reduces its parking supply, in anticipation of generating fewer vehicle trips, might also then reduce its bicycle parking supply, rather than increase it to support a shift from auto to bicycle.

Programs

The following programs shall be implemented within one year of project completion, following the schedule included in the TDM Plan for the project. All employers shall:

- Designate an on-site transportation coordinator to be a point of contact with the City of Glendale and Glendale TMA regarding transportation demand management facilities and programs. For Tier 1 development with multiple employers that in combination have 25 or more employees, the property manager shall designate an on-site transportation coordinator.
- Provide an information board or kiosk in a prominent location for employees, residents, and/or visitors, with information about access to all modes of transportation, as well as the activities of the Glendale TMA
- Participate in the Guaranteed Ride Home program of the Glendale TMA
- Demonstrate proof of compliance with the State of California's parking cash out law
- Develop or participate in a ridesharing program to encourage carpooling and vanpooling

Monitoring and Enforcement

Each project subject to this ordinance shall strive to achieve an average vehicle ridership (AVR) of at least 1.5. AVR is the ratio of the total number of employees or residents to the average daily number of vehicles used.³

All projects subject to this Ordinance shall submit an annual performance report to the City to validate continue compliance with the requirements of the Ordinance. A statistically-valid survey shall be conducted of employees and/or residents of the project, to ascertain the level of success in achieving the goals of the Ordinance. The costs to conduct the survey and produce the report shall be borne by the employer, property owner, or homeowners association, as appropriate.

City staff shall confirm to the City Council on an annual basis that all projects subject to this ordinance are in compliance with its requirements. If a project subject to this ordinance is not in compliance, a nominal fine per employee per day shall be assigned by the City until compliance is achieved.

Staff shall also prepare a summary report evaluating the overall success of achieving the goals of the TDM ordinance. If goals are not being met, staff shall propose alternate programs or strategies that could be pursued to achieve these goals. Costs for preparation of staff reports shall be borne by the City.

³ http://www.metro.net/riding_metro/commute_services/avr_services.htm