



City of Brisbane
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Memo

Meeting Date: October 19, 2023

From: Ingrid Padilla, City Clerk

Subject: Adoption of an Ordinance, Waiving Second Reading, Amending Chapter 10.52 of the Brisbane Municipal Code to Incorporate Transportation Demand Management (TDM) Requirements

An Ordinance Of The City Of Brisbane To Amend Chapter 10.52, Brisbane Municipal Code Concerning Transportation Demand Management was introduced at the City Council Meeting of October 5, 2023 with an amended Ordinance for a minor clerical correction. It is on this agenda for consideration of adoption as amended.

Attachments:

1. Amended Ordinance
2. Staff Report from the City Council Meeting of October 5, 2023

**Draft
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF BRISBANE
TO AMEND CHAPTER 10.52, BRISBANE MUNICIPAL CODE CONCERNING
TRANSPORTATION DEMAND MANAGEMENT**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Chapter 10.52 of Brisbane Municipal Code is deleted in its entirety and replaced to read as follows:

Chapter 10.52 – Transportation Demand Management

10.52.010 – Findings.

The council of the city finds and determines that:

- A. Continued growth in both the City and the overall region have led to increased vehicle trips, longer commute times, and a continued need for transportation management.
- B. Future development in the City and the region is likely to lead to additional vehicle trips, particularly during the AM and PM commute hours.
- C. A reduction in daily vehicle miles traveled (VMT) for residential and nonresidential developments is proposed to reduce greenhouse gas emissions and improve air quality.
- D. There is limited capacity to expand existing roadway infrastructure and roadway expansions have the potential to induce greenhouse gas emissions, depending on the type of expansion.
- E. Decreasing the amount of VMT during both the peak periods and across the day will improve quality of life, help manage use of existing City infrastructure, and help make Brisbane an attractive and convenient place to live, work, visit and do business.
- F. Transportation demand management programs can help to reduce VMT, and can be even more effective when coordinated at a regional level, and when utilizing acknowledged best practices to encourage mode shift away from single occupant vehicles
- G. Participation in the Peninsula Traffic Congestion Relief Alliance (Commute.org) has helped manage VMT growth in the City, however additional efforts to decrease VMT have been proposed to further reduce VMT and vehicle trips.
- H. Developing additional measures for new developments to ensure they offer robust transportation demand management programs, comply with design best practices to reduce reliance on private automobiles, and work towards the City's goals is the next

logical step in working to alleviate both VMT and the environmental impacts of new developments.

- I. The Sierra Point subarea, due to limited roadway access, experiences higher levels of congestion compared to Brisbane as a whole and may require more aggressive actions to manage VMT and vehicle trips.
- J. The San Mateo County Congestion Management Program requires projects generating more than 100 daily vehicle trips to implement an appropriate TDM Program; this ordinance meets the relevant CMP requirements. Projects which are consistent with the City's TDM Program are considered consistent the C/CAG's CMP TDM Policy.

10.52.020 – Purpose.

The specific purposes of this chapter are:

- A. Reduce the number of VMT generated by new and existing development.
- B. Manage vehicular trips, especially trips associated with drive-alone commute trips during peak traffic periods (6am – 10am and 3pm – 7pm on weekdays).
- C. Promote more efficient utilization of existing transportation facilities and ensure that new developments maximize usage of shuttle services, transit, active transportation, carpooling, and vanpooling.
- D. Increase awareness of and promote greater public use of walking, bicycling, transit, carpooling, and vanpooling.
- E. Develop a set of Transportation Demand Management (TDM) programs designed to ensure the most effective types of TDM measures are included in all new developments.
- F. Achieve compliance with the City/County Association of Governments of San Mateo County's (C/CAG) Congestion Management Program within the City of Brisbane thereby avoiding multiple rounds of regulatory review.

10.52.030 – Definitions.

For the purposes of this chapter, the following definitions apply:

- A. "Average daily trips" shall mean the average number of vehicle trips (inclusive of all auto, freight, and other motorized travel) to and from a project site on a typical weekday, not including holidays and excluding construction vehicle related trips.
- B. "Peak period" shall mean the busiest or most popular travel time on weekdays (6am-10am and 3pm-7pm)

- C. “Project” shall mean any construction, development, or infrastructure project, that requires the issuance of any discretionary planning permit pursuant to Brisbane Municipal Code Title 17 or a building permit under Brisbane Municipal Code Title 15.
1. “Trade Commercial Project” shall mean any nonresidential use, other than warehousing, office, and research and development, defined under Chapter 17.02 that is permitted or conditionally allowed in any Trade Commercial Zoning District.
 2. “Mixed-Use Project” shall mean any project consisting of two or more of the following:
 - i. Residential dwelling units
 - ii. Trade commercial
 - iii. Warehousing, office, and research and development

10.52.040 – Applicability.

The requirements of this chapter shall apply to any of the following:

- A. All projects that generate one hundred (100) or more average daily trips, based on localized factors and reasonable trip generation estimates, which includes, but is not limited to data from the Institute of Traffic Engineers (ITE) trip generation rates, or the trip generation data from Vehicle Miles Traveled (VMT) calculations. As part of this analysis the City may consider the ability of a project to displace existing vehicle trips, i.e. the net change in average daily trips. The Community Development Director, or their designated representative, may determine what constitutes a reasonable trip generation rate.
- B. Any nonresidential project applying for a planning or building permit for improvements valued at more than \$500,000 in construction costs, regardless of the number of average daily trips generated.
- C. Any project involving additions, alterations, or major rebuilds to a lawfully constructed building completed within any five (5) year period subject to the requirements set forth in Chapter 15.10 of Title 15, regardless of the number of average daily trips generated.

10.52.050 – Exemptions.

The following projects are exempt from this chapter:

- A. Specific Plans. All projects in an area subject to a specific plan shall comply with TDM requirements, which shall be at least as stringent as the provisions of this chapter, imposed by that specific plan.

- B. Previously entitled projects. Projects with an approved development agreement or, prior to November 18, 2023, that have an approved vesting tentative map shall be measured according to the performance standards specified in their respective conditions of approval. Projects for which the City has issued a building permit prior to November 18, 2023 shall also be measured according to the performance standards specified in their respective conditions of approval, provided, however, that if such project requires one or more additional building permits one or more of which meet the applicability standards within subsection 10.52.040, the performance standards in this Chapter shall apply.
- C. Affordable Housing. Multifamily residential projects in which one hundred percent (100%) of the dwelling units are designated as Affordable, Inclusionary, or Target Units per BMC Chapter 17.31.
- D. Small residential projects. Any residential project consisting of either of the following:
 - 1. Fewer than twenty (20) multiple-family dwelling units as defined as defined in Section 17.02.235 of Title 17; or
 - 2. Fewer than ten (10) single-family dwellings as defined in as defined in Section 17.02.235 of Title 17; or
 - 3. Fewer than seven (7) duplexes (i.e., fewer than fourteen duplex dwelling units) as defined in Section 17.02.230 of Title 17.
- E. Accessory dwelling units and junior accessory dwelling units. Accessory dwelling units and junior accessory dwelling units, as defined in Section 17.02.235 of Title 17.
- F. Projects with environmental benefits. Any project, as determined by the Community Development Director, which results in an environmental benefit to the City and will not generate new average daily trips (including projects which generate localized trips but displace other existing trips) or are under one hundred (100) average daily trips.

10.52.060 - Project Tier Requirements.

- A. Tiers of Compliance. All projects subject to the requirements of this chapter shall incorporate trip reduction measures, prescribed under Section 2.7 (10.52.070), based on the following three tiers. Mixed-use projects are subject to the highest applicable tier for any single project component:
 - 1. Tier 1. The following projects shall implement all Tier 1 TDM measures, submit an initial self-certification report, and an annual self-certification report thereafter for the first six (6) years after occupancy:

- a. All nonresidential projects that do not meet the criteria for Tier 2 or Tier 3; and
 - b. Residential projects not exempted under Section 2.5 (10.52.050) of this Title.
- 2. Tier 2. The following projects shall implement all Tier 1 and 2 TDM measures, submit an initial self-certification report, an annual self-certification report thereafter and conduct annual mode share surveys for the first twenty (20) years after occupancy:
 - a. Office and Research and Development (R&D) projects between ten thousand (10,000) and fifty thousand (50,000) square feet of gross building square footage; and
 - b. All warehousing and trade commercial projects.
- 3. Tier 3. The following projects shall implement all Tier 1, 2, and 3 TDM measures, submit an initial self-certification report, and annually monitor progress towards a target mode share of fifty-two percent (52%) of employees commuting via driving-alone and annually submit a self-certification report thereafter detailing the findings of yearly surveys and driveway counts in perpetuity:
 - a. Office and R&D projects with greater than fifty thousand (50,000) square feet of gross building square footage.
- B. Annual Compliance Reporting. All projects subject to the requirements of this chapter shall submit a self-certification report one year from issuance of the first certificate of occupancy and/or building permit final, whichever occurs first, and annually thereafter pursuant to subsection A of this section.
 - 1. Exception. Tier 1 and Tier 2 local-serving, nonresidential uses, including retail and hotel, as determined by the Community Development Director, are not subject to annual monitoring by the City unless found to have a significant impact to VMT during environmental review.

10.52.070 - Trip Reduction Measures.

- A. All projects subject to the requirements of this chapter shall implement all the required measures per the applicable tier of compliance prescribed in this section and/or contained within the City of Brisbane's Transportation Demand Management Strategy document or successor TDM document.

1. Tier 1 Measures:
 - a. Designate a dedicated TDM Coordinator to serve as point person of the project and engage in regular marketing activities, including sharing information on transportation alternatives;
 - b. Participate in Commute.org trip reduction programs;
 - c. Provide bicycle and pedestrian-oriented site access;
 - d. Provide bicycle parking per city code;
 - e. Provide upgrades to pedestrian, bicycle, or transit infrastructure along the Project's frontage as requested by the City; and
 - f. Complete an annual self-certification report for a designated time period as required by Section 2.6 (10.52.060) of this Title.
2. Tier 2 Measures – All Tier 1 measures plus all of the following:
 - g. Provide financial contributions toward Commute.org's shuttle operations consortium, or successor organization designated by the City, at a level to be specified by Commute.org (or successor organization designated by the City) based on project's size and proximity to shuttle service; and
 - h. Provide pre-tax commuter benefits to employees.
 - i. Conduct annual employee mode share surveys for informational purposes.
3. Tier 3 Measures – All Tier 1 and Tier 2 Measures plus all of the following:
 - j. Encourage telecommuting and flexible work schedules;
 - k. Right-size parking supply within City required maximums per Chapter 17.34;
 - l. If located within the SP-SCRO Zoning District, provide a fair share financial contribution toward a Commute.org shuttle service (or successor organization designated by the City) proposed to achieve a peak period frequency of 15 minutes or better to BART and Caltrain;
 - m. Provide a subsidized carpool and vanpool program;
 - n. Provide parking cash-out or implement paid parking on-site;
 - o. Provide transit subsidy benefits up to the IRS maximum amount;
 - p. Provide access to end-of-trip bicycle facilities including showers, lockers, and a bicycle repair station on-site, or within 100 yards of the site; and

- q. Conduct annual employee mode share surveys and driveway counts to monitor progress towards a fifty-two percent (52%) drive alone mode share goal.
- B. Additional measures not listed in this section may be applied at the City's discretion.
- C. The City may reduce the requirements of this section or chapter if a project is shown to attain VMT values consistent with local, regional, or state goals without implementation of all measures required herein.

10.52.080 - Submittal Requirements & Approvals Process.

- A. Submittal Requirement. The following TDM documentation shall be submitted with any discretionary planning permit application and/or building permit application:
 - 1. TDM Checklist (all Tiers);
 - 2. (Tier 3 projects only) TDM plan, including:
 - a. A letter documenting the project's proposed trip reduction measures consistent with the requirements identified in Section 2.7 (10.52.070);
 - b. An annotated site plan that designates trip reduction design elements; and
 - c. Property owner certification that the required measures will be implemented and maintained per Section 2.6 (10.52.060) and monitored per Section 2.9 (10.52.090).
 - 3. (If applicable) Tenant concurrence letter demonstrating acknowledgement and cooperation with the proposed trip reduction measures, including:
 - a. Tenant certification that applicable trip reduction measures are identified in their lease; and
 - b. A summary of how the tenant is implementing applicable TDM measures.
 - 4. Additional documentation not listed above may be required at the discretion of the City.
- B. Approvals Process. The Community Development Director shall review the documentation required pursuant to subsection A of this section and determine if the proposed TDM program includes all required TDM measures and is adequate to achieve the relevant performance target for the Project.

10.52.090 - Monitoring & Enforcement.

All projects are subject to the following monitoring and enforcement process:

- A. Initial Compliance Report. Prior to building permit issuance, all projects must submit an initial compliance letter to the Community Development Director documenting trip reduction measures and how their TDM program will be implemented.
- B. Annual Compliance Report. All projects, unless excepted under subsection 10.52.060.B.1, are required to submit an annual compliance report documenting the continued implementation of TDM measures pursuant to the requirements contained within Section 2.6 (10.52.060) to the Community Development Director.
 1. Tier 2 and Tier 3 Projects. Annual Compliance Reports shall include results from surveys and driveway counts pursuant to subsection Section 10.52.060.A.2.
 2. Tier 3 Projects. Tier 3 projects that do not achieve the target drive alone mode share prescribed under subsection 10.52.060.A.3 shall include proposed changes to their TDM Program to further reduce VMT and vehicle trips with the Annual Compliance Report.
- C. Penalty for Noncompliance. The violation of any provision of this chapter is unlawful, hereby declared to be a public nuisance, and shall be subject to the following:
 1. All projects. Failure to submit the required annual compliance report prescribed under subsection B, or submission of an incomplete annual compliance report, shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 2. All projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 3. Tier 3 Projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) and/or if the target mode share is not being achieved shall result in the following penalties
 - a. First Violation. The City will direct the participant to modify its TDM program to achieve compliance.
 - b. Second Violation. The City will direct the participant to coordinate with Commute.org, or successor agency, or retain an independent consultant to identify additional program modifications to achieve compliance.
 - c. Third Violation. The City shall assess a fine per a City Council approved resolution. Fines shall be assessed for each additional violation in subsequent years.

- D. Appeals. Any person receiving a notice of violation or correction issued under this chapter may file a notice of appeal with the city clerk within ten (10) days after receipt of the notice to challenge the determination that a violation occurred, that corrective action is necessary, or in the case of a fine imposed on the owner of a Tier 3 project, the amount of the fine.
1. The city manager, or designee, shall conduct an administrative hearing within thirty (30) days after the filing of the appeal. With the consent of the appellant, the matter may be continued if additional time is needed for the city manager to evaluate the appeal.
 2. The city manager, or designee, shall render a written decision within ten (10) days after the conclusion of the hearing and may affirm, reverse or modify the determination whether there has been a violation, whether corrective action is necessary, and/or the amount of the fine. The city manager, or designee, may consider whether the participant has made a good faith effort to achieve the required alternative mode use.
 3. The decision of the city manager, or designee, shall be final.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: The actions contained in this ordinance comply with the California Environmental Quality Act (CEQA), being statutorily exempt per CEQA Section 15183(a) - Projects Consistent with a Community Plan or Zoning, and categorically exempt per CEQA Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

SECTION 4: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____ 2023, by the following vote:

AYES:
NOES:
ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney



CITY COUNCIL AGENDA REPORT

Meeting Date: October 5, 2023

From: John Swiecki, Community Development Director

Subject: Introduction of a draft ordinance amending Chapter 10.52 of the Brisbane Municipal Code to incorporate Transportation Demand Management (TDM) requirements and finding that this ordinance is statutorily exempt from environmental review under CEQA Guidelines Section 15183(a) - Projects Consistent with a Community Plan or Zoning, and categorically exempt from environmental review under CEQA Guidelines Section 15308 - Actions by Regulatory Agencies for Protection of the Environment.

COMMUNITY GOAL/RESULT

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability.

PURPOSE

To repeal and replace the City's Transportation System Management (TSM) Ordinance, Chapter 10.52 of the Brisbane Municipal Code (BMC), with a citywide Transportation Demand Management (TDM) ordinance in accordance with San Mateo County's Congestion Management Plan.

RECOMMENDATION

1. Introduce the attached draft TDM ordinance;
2. Direct staff to request an exemption from C/CAG's TDM Policy;
3. Direct staff to draft a resolution establishing fines for noncompliant Tier 3 projects at a rate dependent on the size of the employer;
4. Direct staff to amend Chapter 17.34 of the BMC to add parking maximums for office and life science uses and update bicycle parking requirements; and
5. Direct staff to request proposals for a Transportation Impact Fee Nexus Study

BACKGROUND

The City/County Association of Governments of San Mateo County (C/CAG) updated its TDM Policy guidance for the County and it became effective as of January 1, 2022. TDM refers to policies, programs, and strategies that aim to reduce vehicular travel, particularly single-occupancy vehicles, and helps manage vehicle congestion in accordance with San Mateo County's Congestion Management Plan (CMP). TDM measures that reduce single occupancy vehicle travel and shift trips to transit, active transportation, and carpooling can provide a range of benefits, including but not limited to: alleviating traffic congestion, reducing vehicle miles traveled (VMT) and greenhouse gas emissions, and making efficient use of existing transportation systems.

The mandatory countywide TDM policy includes recommended thresholds for residential and nonresidential development projects subject to a TDM program and performance targets for single-occupancy vehicle mode shares as briefly summarized in the table below. C/CAG's TDM

policy allows local jurisdictions to adopt a local ordinance which, at a minimum, meets C/CAG's TDM requirements through the policy exemption process described below.

In 2021, the City Council's ad hoc Transportation Demand Policy Subcommittee discussed the implications of C/CAG's new TDM policy potential and whether a Brisbane-specific TDM ordinance would more effectively result in trip reduction and mode shift than C/CAG's policy. Subsequently, in February 2022 the subcommittee directed staff to move forward with transportation consultant Fehr & Peers to create a TDM strategy for Brisbane to be more responsive to our local challenges and opportunities. On May 24, 2023, the subcommittee reviewed a draft copy of the TDM Strategy Document and ordinance and recommended minor amendments, which have been incorporated.

DISCUSSION

TDM Strategy for the City of Brisbane

The draft TDM Strategy for the City of Brisbane (Attachment 2), prepared by Fehr and Peers and in consultation with City staff, provides a strategy to address land use changes and align with County and State requirements. It includes a proposed TDM Ordinance along with implementation measures related to planning and monitoring TDM measures as well as supportive actions related to funding and parking policies.

Projects consistent with the draft TDM Ordinance would be considered consistent with both General Plan Policy C.38, and its implementing programs, as well as the C/CAG TDM Policy. While it builds upon C/CAG's countywide approach, requirements of the draft Ordinance are tailored to the City of Brisbane and it would also capture more projects that would otherwise not be subject to C/CAG's countywide TDM policy.

Similarities and differences between C/CAG's and proposed City requirements to increase non-auto mode share and reduce drive-alone trips are summarized in the table below and included within Appendix A of the draft TDM Strategy Document. Generally, office/R&D projects, which comprise the primary generator of peak period commute trips and VMT within the City, would be required to achieve a higher non-auto mode share under the draft TDM Ordinance than under C/CAG's recommendations (52 percent drive alone, compared to 67 percent to 73 percent under C/CAG). Large office/R&D projects would also be subject to more frequent surveys, vehicle counts, and enforcement under the draft Ordinance versus C/CAG's policy.

C/CAG vs. City of Brisbane Performance & Monitoring for Nonresidential Uses

Sample Land Use (Tier)	C/CAG		City of Brisbane	
	Drive Alone Mode Share	Monitoring	Drive Alone Mode Share	Monitoring
Office/R&D and any other developments with significant impacts to VMT (Tier 3)	67%-73%	Biennial/ triennial surveys for first 18 years	52%	Annual surveys and counts for lifespan of project
Other employment uses with less-than-significant impacts to VMT (Tier 2)	67%-73%	Biennial/ triennial surveys for first 18 years	52%	Annual surveys for the first 20 years
Other non-residential uses (e.g., retail and hotel) with less-than-significant impacts to VMT (Tier 1 & 2)	67% - 73%	Biennial/ triennial surveys for first 18 years	52%	None (Projects may be subject to C/CAG monitoring)

C/CAG TDM Policy Exemption

Local jurisdictions may request an exemption from the requirement to apply the C/CAG TDM Policy provided they have adopted their own TDM program and can sufficiently prove that their adopted TDM measures meet or exceed trip mitigation impacts required by C/CAG. As indicated above and documented in Appendix A of the draft TDM Strategy Document, the City would achieve a higher non-auto mode share under the proposed draft TDM Ordinance than C/CAG’s recommendations for nonresidential uses and match C/CAG’s performance standards for residential uses. The draft TDM Ordinance would also require more robust monitoring and reporting requirements than C/CAG. Therefore, staff believes the draft Ordinance is more stringent than C/CAG’s policy and C/CAG will grant an exception. Obtaining an exemption would also streamline the TDM process and avoid multiple rounds of redundant regulatory review for applicable projects.

Draft Ordinance Applicability and Requirements

As indicated previously, the draft Ordinance (Attachment 1) would apply to more projects than required under C/CAG’s TDM policy, which only includes projects that generate 100 or more average daily trips. In addition to the above threshold, any nonresidential project applying for a building permit with improvements that exceed \$500,000 in construction costs and any project involving additions or alterations to a building, which calculated together or apart, constitute 50 percent of the pre-existing floor area of the building would also be subject to the draft Ordinance.

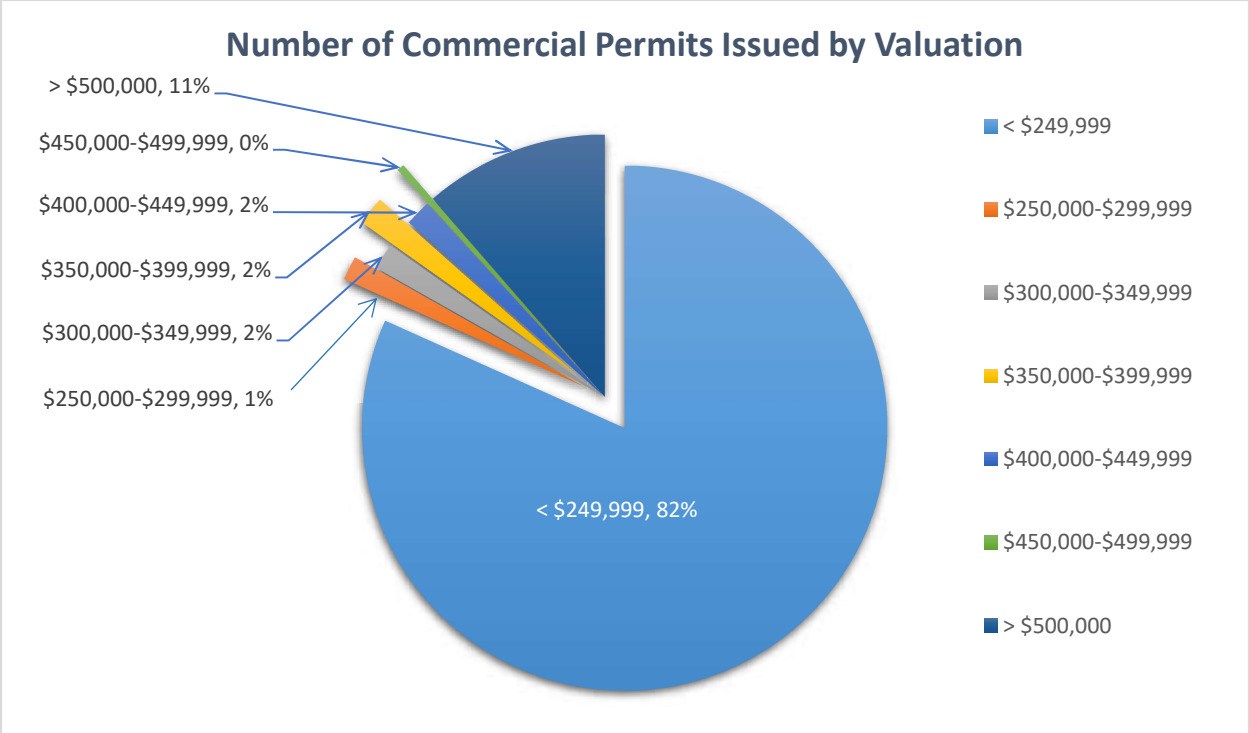
All projects subject to the requirements of the draft Ordinance would be required to incorporate trip reduction measures, based on a tiered system. Tier 1 includes uses with the least traffic impacts, Tier 2 uses have moderate traffic impacts, and Tier 3 uses have the greatest impacts. Applicability and TDM requirements are briefly summarized below:

- Tier 1: These projects would include uses that have a very limited impact on peak period commute trips, such as residential and nonresidential uses that do not qualify as Tier 2 or 3. These projects would be subject to a limited number of TDM measures, such as participation in Commute.org trip reduction programs, and annual reporting for a few years.
- Tier 2: This tier generally would include most commercial uses found within Crocker Industrial Park, such as warehousing, and all office/R&D uses (citywide) between 10,000 and 50,000 square feet. These projects would be subject to all Tier 1 TDM measures plus additional (Tier 2) TDM measures, such as providing financial contributions to Commute.org's shuttle operations, and more rigorous annual reporting requirements.
- Tier 3: This is the most stringent tier and would include all office/R&D uses in the City larger than 50,000 square feet, or the primary generators of peak period commute trips and vehicle miles traveled in the City. These projects would be subject to all Tier 1 and Tier 2 TDM measures plus additional measures to be documented within a TDM plan and even more rigorous annual reporting requirements to be performed in perpetuity.

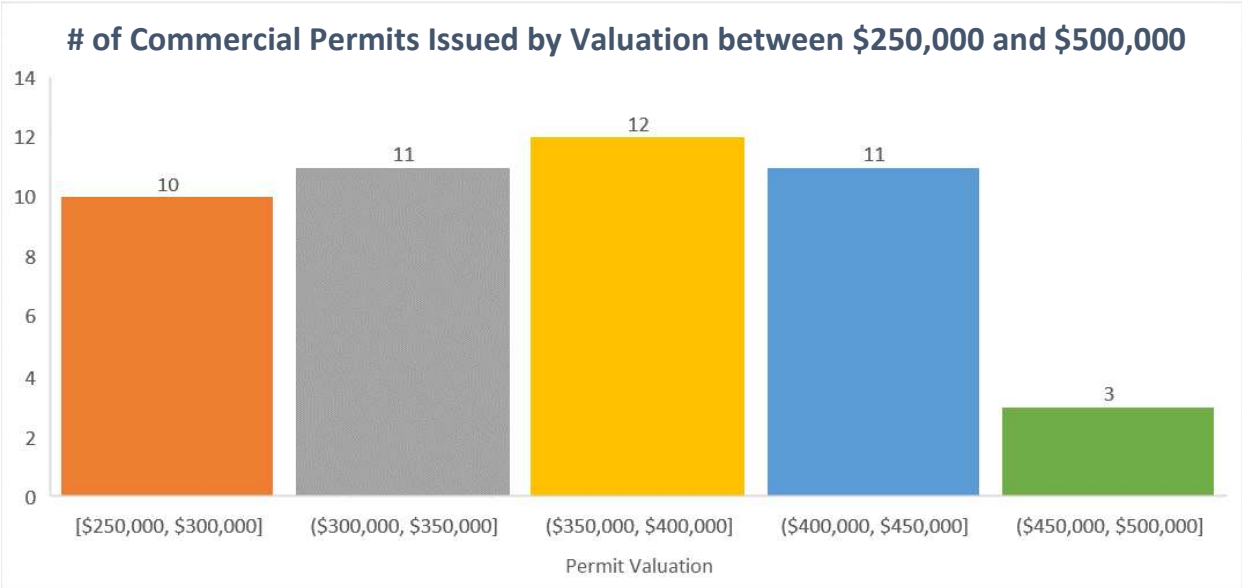
Threshold for Construction Costs

Any nonresidential project applying for a planning or building permit for improvements valued at more than \$500,000 in construction costs, regardless of the number of average daily trips generated would be subject to the draft Ordinance. At the May 24, 2023 Transportation Demand Policy Subcommittee meeting, staff was asked to provide additional information regarding the \$500,000 construction cost threshold for nonresidential projects. This threshold is intended to reduce VMT generated and maximize usage of shuttle services at existing development within the Crocker Industrial Park subarea. A lower number (threshold) would capture additional projects while a higher number would result in fewer projects being subject to the draft TDM Ordinance.

Staff examined all building permits issued between January 1, 2018 and July 3, 2023. A total of 678 permits were issued during that period for commercial construction projects and a summary of the number of permits issued by valuation is depicted below:



- 554 permits or 82% of those permits had a valuation (construction costs) of less than \$250,000. The average costs in this range were less than \$42,000.
- 11% had a valuation of more than \$500,000; the average costs exceeded one million dollars.
- 47 permits had a valuation between \$250,000 and \$500,000, broken down as shown below:



TDM Strategy Implementation

Included within the draft TDM Strategy for the City of Brisbane are additional supportive actions to complement the proposed ordinance. Supportive or follow-up actions include adopting enforcement fines for Tier 3 projects, establishing parking maximums, minimum bicycle parking requirements and consideration of a citywide transportation impact fee, as detailed below.

Enforcement Fines

All projects subject to the draft TDM Ordinance would be subject to the City's existing fines, penalties, and enforcement provisions set forth within Chapters 1.14, 1.16, and 1.18 of the BMC for failure to either submit an annual compliance report or submission of an incomplete report or to implement and maintain trip reduction measures required under the draft Ordinance. Under the BMC, administrative fines are \$100 for a first citation, \$200 for a second citation of the same violation, and \$500 for each additional citation for the same violation within 12 consecutive months.

However, failure to implement and maintain trip reduction measures and/or if the target mode share is not being achieved by larger, Tier 3 projects, the draft Ordinance would allow each participant two violations, with opportunity to correct, before triggering the first fine. Fines would then be administered for each subsequent year of non-compliance after the third violation. The draft TDM Strategy recommends assessing fines for these larger, Tier 3 projects at a rate dependent on the size of the employer, rather than a flat rate (Appendix A). Associating the fine to the number of employees would be a more equitable means to ensure violators with the greatest impact on VMT comply with the requirements of the draft TDM Ordinance. The City Council would need to adopt such fines by resolution.

Based on preliminary research, fines could potentially be between \$50 and \$200 per employee and additionally be assessed at a variable rate dependent upon the size of the employer. Alternatively, the Council could amend the draft TDM Ordinance to apply the fines already established under the BMC for Tier 3 project violators.

Parking Maximums and Bicycle Parking

Aligning parking requirements with TDM performance targets would help the City achieve VMT reductions and mode shifts outlined in the draft TDM Strategy. The City's current minimum requirement for (administrative) office use, which also encompasses life science uses, is one space per 300 square feet and provides enough parking for nearly every employee to drive. Furthermore, life science uses, which typically have one employee for every 350 to 450 square feet, would have a parking supply that exceeds the employee population under the BMC's existing parking minimums.

Recommended parking maximums for office and life science uses, provided within Table D of Attachment 2, should be approximately one space per 500 square feet to one space per

650 square feet to promote alternative transportation use and help achieve the mode share target set forth in the draft TDM Ordinance.

A revision to bike parking standards is also suggested. Brisbane does not currently require residential projects to provide bicycle parking. The bicycle parking requirements in the proposed Baylands Specific Plan (Table E of Attachment 2) is a good example of bicycle parking requirements for residential uses. Requiring minimum long-term bicycle parking facilities in multifamily projects can help enhance the viability of bicycle use as a means to support mode shift.

Transportation Impact Fee

Brisbane's development pipeline and infrastructure needs justify consideration of a transportation impact fee. Transportation impact fees standardize the contributions of developments for potential infrastructure improvements to help ensure that developments are paying their fair share. Impact fees may be enacted with council approval and do not require voter approval, like other funding mechanisms, but a nexus study is required to set an impact fee in relation to capital improvement needs.

Most cities in San Mateo County have transportation impact fees for office and life science projects with fees that range from \$2 to \$29 per square foot. South San Francisco, which covers the southern portion of Sierra Point and shares similarities in its growing life science market and evolving transportation conditions, has the highest fee in the county at \$29 per square foot.

FISCAL IMPACT

None associated with the proposed ordinance or changes to parking or bike parking standards. Subsequent actions related to the consideration of enforcement fines and adoption of transportation impact fees could potentially raise City revenues.

MEASURE OF SUCCESS

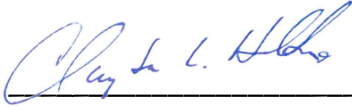
Application of Brisbane-specific TDM measures that would more effectively result in trip reductions, exceeding the minimum requirements under C/CAG's TDM policy, and help meet the goals of the City's General Plan and Climate Action Plan.

ATTACHMENTS

1. Draft Ordinance
2. Draft TDM Strategy Document



John Swiecki, Community Development Director



Clay Holstine, City Manager

**Draft
ORDINANCE NO. _____**

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TO AMEND CHAPTER 10.52, BRISBANE MUNICIPAL CODE CONCERNING
TRANSPORTATION DEMAND MANAGEMENT**

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SECTION 1: Chapter 10.52 of Brisbane Municipal Code is deleted in its entirety and replaced to read as follows:

Chapter 10.52 – Transportation Demand Management

10.52.010 – Findings.

The council of the city finds and determines that:

- A. Continued growth in both the City and the overall region have led to increased vehicle trips, longer commute times, and a continued need for transportation management.
- B. Future development in the City and the region is likely to lead to additional vehicle trips, particularly during the AM and PM commute hours.
- C. A reduction in daily vehicle miles traveled (VMT) for residential and nonresidential developments is proposed to reduce greenhouse gas emissions and improve air quality.
- D. There is limited capacity to expand existing roadway infrastructure and roadway expansions have the potential to induce greenhouse gas emissions, depending on the type of expansion.
- E. Decreasing the amount of VMT during both the peak periods and across the day will improve quality of life, help manage use of existing City infrastructure, and help make Brisbane an attractive and convenient place to live, work, visit and do business.
- F. Transportation demand management programs can help to reduce VMT, and can be even more effective when coordinated at a regional level, and when utilizing acknowledged best practices to encourage mode shift away from single occupant vehicles
- G. Participation in the Peninsula Traffic Congestion Relief Alliance (Commute.org) has helped manage VMT growth in the City, however additional efforts to decrease VMT have been proposed to further reduce VMT and vehicle trips.
- H. Developing additional measures for new developments to ensure they offer robust transportation demand management programs, comply with design best practices to reduce reliance on private automobiles, and work towards the City's goals is the next

logical step in working to alleviate both VMT and the environmental impacts of new developments.

- I. The Sierra Point subarea, due to limited roadway access, experiences higher levels of congestion compared to Brisbane as a whole and may require more aggressive actions to manage VMT and vehicle trips.
- J. The San Mateo County Congestion Management Program requires projects generating more than 100 daily vehicle trips to implement an appropriate TDM Program; this ordinance meets the relevant CMP requirements. Projects which are consistent with the City's TDM Program are considered consistent the C/CAG's CMP TDM Policy.

10.52.020 – Purpose.

The specific purposes of this chapter are:

- A. Reduce the number of VMT generated by new and existing development.
- B. Manage vehicular trips, especially trips associated with drive-alone commute trips during peak traffic periods (6am – 10am and 3pm – 7pm on weekdays).
- C. Promote more efficient utilization of existing transportation facilities and ensure that new developments maximize usage of shuttle services, transit, active transportation, carpooling, and vanpooling.
- D. Increase awareness of and promote greater public use of walking, bicycling, transit, carpooling, and vanpooling.
- E. Develop a set of Transportation Demand Management (TDM) programs designed to ensure the most effective types of TDM measures are included in all new developments.
- F. Achieve compliance with the City/County Association of Governments of San Mateo County's (C/CAG) Congestion Management Program within the City of Brisbane thereby avoiding multiple rounds of regulatory review.

10.52.030 – Definitions.

For the purposes of this chapter, the following definitions apply:

- A. "Average daily trips" shall mean the average number of vehicle trips (inclusive of all auto, freight, and other motorized travel) to and from a project site on a typical weekday, not including holidays and excluding construction vehicle related trips.
- B. "Peak period" shall mean the busiest or most popular travel time on weekdays (6am-10am and 3pm-7pm)

- C. “Project” shall mean any construction, development, or infrastructure project, that requires the issuance of any discretionary planning permit pursuant to Brisbane Municipal Code Title 17 or a building permit under Brisbane Municipal Code Title 15.
1. “Trade Commercial Project” shall mean any nonresidential use, other than warehousing, office, and research and development, defined under Chapter 17.02 that is permitted or conditionally allowed in any Trade Commercial Zoning District.
 2. “Mixed-Use Project” shall mean any project consisting of two or more of the following:
 - i. Residential dwelling units
 - ii. Trade commercial
 - iii. Warehousing, office, and research and development

10.52.040 – Applicability.

The requirements of this chapter shall apply to the following:

- A. All projects that generate one hundred (100) or more average daily trips, based on localized factors and reasonable trip generation estimates, which includes, but is not limited to data from the Institute of Traffic Engineers (ITE) trip generation rates, or the trip generation data from Vehicle Miles Traveled (VMT) calculations. As part of this analysis the City may consider the ability of a project to displace existing vehicle trips, i.e. the net change in average daily trips. The Community Development Director, or their designated representative, may determine what constitutes a reasonable trip generation rate.
- B. Any nonresidential project applying for a planning or building permit for improvements valued at more than \$500,000 in construction costs, regardless of the number of average daily trips generated.
- C. Any project involving additions, alterations, or major rebuilds to a lawfully constructed building completed within any five (5) year period subject to the requirements set forth in Chapter 15.10 of Title 15, regardless of the number of average daily trips generated.

10.52.050 – Exemptions.

The following projects are exempt from this chapter:

- A. Specific Plans. All projects in an area subject to a specific plan shall comply with TDM requirements, which shall be at least as stringent as the provisions of this chapter, imposed by that specific plan.

- B. Previously entitled projects. Projects with an approved development agreement or, prior to November 18, 2023, that have an approved vesting tentative map shall be measured according to the performance standards specified in their respective conditions of approval. Projects for which the City has issued a building permit prior to November 18, 2023 shall also be measured according to the performance standards specified in their respective conditions of approval, provided, however, that if such project requires one or more additional building permits one or more of which meet the applicability standards within subsection 10.52.040, the performance standards in this Chapter shall apply.
- C. Affordable Housing. Multifamily residential projects in which one hundred percent (100%) of the dwelling units are designated as Affordable, Inclusionary, or Target Units per BMC Chapter 17.31.
- D. Small residential projects. Any residential project consisting of either of the following:
 - 1. Fewer than twenty (20) multiple-family dwelling units as defined as defined in Section 17.02.235 of Title 17; or
 - 2. Fewer than ten (10) single-family dwellings as defined in as defined in Section 17.02.235 of Title 17; or
 - 3. Fewer than seven (7) duplexes (i.e., fewer than fourteen duplex dwelling units) as defined in Section 17.02.230 of Title 17.
- E. Accessory dwelling units and junior accessory dwelling units. Accessory dwelling units and junior accessory dwelling units, as defined in Section 17.02.235 of Title 17.
- F. Projects with environmental benefits. Any project, as determined by the Community Development Director, which results in an environmental benefit to the City and will not generate new ADT (including projects which generate localized trips but displace other existing trips) or are under one hundred (100) average daily trips.

10.52.060 - Project Tier Requirements.

- A. Tiers of Compliance. All projects subject to the requirements of this chapter shall incorporate trip reduction measures, prescribed under Section 2.7 (10.52.070), based on the following three tiers. Mixed-use projects are subject to the highest applicable tier for any single project component:
 - 1. Tier 1. The following projects shall implement all Tier 1 TDM measures, submit an initial self-certification report, and an annual self-certification report thereafter for the first six (6) years after occupancy:

- a. All nonresidential projects that do not meet the criteria for Tier 2 or Tier 3; and
 - b. Residential projects not exempted under Section 2.5 (10.52.050) of this Title.
 2. Tier 2. The following projects shall implement all Tier 1 and 2 TDM measures, submit an initial self-certification report, an annual self-certification report thereafter and conduct annual mode share surveys for the first twenty (20) years after occupancy:
 - a. Office and Research and Development (R&D) projects between ten thousand (10,000) and fifty thousand (50,000) square feet of gross building square footage; and
 - b. All warehousing and trade commercial projects.
 3. Tier 3. The following projects shall implement all Tier 1, 2, and 3 TDM measures, submit an initial self-certification report, and annually monitor progress towards a target mode share of fifty-two percent (52%) of employees commuting via driving-alone and annually submit a self-certification report thereafter detailing the findings of yearly surveys and driveway counts in perpetuity:
 - a. Office and R&D projects with greater than fifty thousand (50,000) square feet of gross building square footage.
- B. Annual Compliance Reporting. All projects subject to the requirements of this chapter shall submit a self-certification report one year from issuance of the first certificate of occupancy and/or building permit final, whichever occurs first, and annually thereafter pursuant to subsection A of this section.
1. Exception. Tier 1 and Tier 2 local-serving, nonresidential uses, including retail and hotel, as determined by the Community Development Director, are not subject to annual monitoring by the City unless found to have a significant impact to VMT during environmental review.

10.52.070 - Trip Reduction Measures.

- A. All projects subject to the requirements of this chapter shall implement all the required measures per the applicable tier of compliance prescribed in this section and/or contained within the City of Brisbane's Transportation Demand Management Strategy document or successor TDM document.

1. Tier 1 Measures:
 - a. Designate a dedicated TDM Coordinator to serve as point person of the project and engage in regular marketing activities, including sharing information on transportation alternatives;
 - b. Participate in Commute.org trip reduction programs;
 - c. Provide bicycle and pedestrian-oriented site access;
 - d. Provide bicycle parking per city code;
 - e. Provide upgrades to pedestrian, bicycle, or transit infrastructure along the Project's frontage as requested by the City; and
 - f. Complete an annual self-certification report for a designated time period as required by Section 2.6 (10.52.060) of this Title.
2. Tier 2 Measures – All Tier 1 measures plus all of the following:
 - g. Provide financial contributions toward Commute.org's shuttle operations consortium, or successor organization designated by the City, at a level to be specified by Commute.org (or successor organization designated by the City) based on project's size and proximity to shuttle service; and
 - h. Provide pre-tax commuter benefits to employees.
 - i. Conduct annual employee mode share surveys for informational purposes.
3. Tier 3 Measures – All Tier 1 and Tier 2 Measures plus all of the following:
 - j. Encourage telecommuting and flexible work schedules;
 - k. Right-size parking supply within City required maximums per Chapter 17.34;
 - l. If located within the SP-SCRO Zoning District, provide a fair share financial contribution toward a Commute.org shuttle service (or successor organization designated by the City) proposed to achieve a peak period frequency of 15 minutes or better to BART and Caltrain;
 - m. Provide a subsidized carpool and vanpool program;
 - n. Provide parking cash-out or implement paid parking on-site;
 - o. Provide transit subsidy benefits up to the IRS maximum amount;
 - p. Provide access to end-of-trip bicycle facilities including showers, lockers, and a bicycle repair station on-site, or within 100 yards of the site; and

- q. Conduct annual employee mode share surveys and driveway counts to monitor progress towards a fifty-two percent (52%) drive alone mode share goal.
- B. Additional measures not listed in this section may be applied at the City's discretion.
- C. The City may reduce the requirements of this section or chapter if a project is shown to attain VMT values consistent with local, regional, or state goals without implementation of all measures required herein.

10.52.080 - Submittal Requirements & Approvals Process.

- A. Submittal Requirement. The following TDM documentation shall be submitted with any discretionary planning permit application and/or building permit application:
 - 1. TDM Checklist (all Tiers);
 - 2. (Tier 3 projects only) TDM plan, including:
 - a. A letter documenting the project's proposed trip reduction measures consistent with the requirements identified in Section 2.7 (10.52.070);
 - b. An annotated site plan that designates trip reduction design elements; and
 - c. Property owner certification that the required measures will be implemented and maintained per Section 2.6 (10.52.060) and monitored per Section 2.9 (10.52.090).
 - 3. (If applicable) Tenant concurrence letter demonstrating acknowledgement and cooperation with the proposed trip reduction measures, including:
 - a. Tenant certification that applicable trip reduction measures are identified in their lease; and
 - b. A summary of how the tenant is implementing applicable TDM measures.
 - 4. Additional documentation not listed above may be required at the discretion of the City.
- B. Approvals Process. The Community Development Director shall review the documentation required pursuant to subsection A of this section and determine if the proposed TDM program includes all required TDM measures and is adequate to achieve the relevant performance target for the Project.

10.52.090 - Monitoring & Enforcement.

All projects are subject to the following monitoring and enforcement process:

- A. Initial Compliance Report. Prior to building permit issuance, all projects must submit an initial compliance letter to the Community Development Director documenting trip reduction measures and how their TDM program will be implemented.
- B. Annual Compliance Report. All projects, unless excepted under subsection 10.52.060.B.1, are required to submit an annual compliance report documenting the continued implementation of TDM measures pursuant to the requirements contained within Section 2.6 (10.52.060) to the Community Development Director.
 1. Tier 2 and Tier 3 Projects. Annual Compliance Reports shall include results from surveys and driveway counts pursuant to subsection Section 10.52.060.A.2.
 2. Tier 3 Projects. Tier 3 projects that do not achieve the target drive alone mode share prescribed under subsection 10.52.060.A.3 shall include proposed changes to their TDM Program to further reduce VMT and vehicle trips with the Annual Compliance Report.
- C. Penalty for Noncompliance. The violation of any provision of this chapter is unlawful, hereby declared to be a public nuisance, and shall be subject to the following:
 1. All projects. Failure to submit the required annual compliance report prescribed under subsection B, or submission of an incomplete annual compliance report, shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 2. All projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 3. Tier 3 Projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) and/or if the target mode share is not being achieved shall result in the following penalties
 - a. First Violation. The City will direct the participant to modify its TDM program to achieve compliance.
 - b. Second Violation. The City will direct the participant to coordinate with Commute.org, or successor agency, or retain an independent consultant to identify additional program modifications to achieve compliance.
 - c. Third Violation. The City shall assess a fine per a City Council approved resolution. Fines shall be assessed for each additional violation in subsequent years.

D. Appeals. Any person receiving a notice of violation or correction issued under this chapter may file a notice of appeal with the city clerk within ten (10) days after receipt of the notice to challenge the determination that a violation occurred, that corrective action is necessary, or in the case of a fine imposed on the owner of a Tier 3 project, the amount of the fine.

1. The city manager, or designee, shall conduct an administrative hearing within thirty (30) days after the filing of the appeal. With the consent of the appellant, the matter may be continued if additional time is needed for the city manager to evaluate the appeal.
2. The city manager, or designee, shall render a written decision within ten (10) days after the conclusion of the hearing and may affirm, reverse or modify the determination whether there has been a violation, whether corrective action is necessary, and/or the amount of the fine. The city manager, or designee, may consider whether the participant has made a good faith effort to achieve the required alternative mode use.
3. The decision of the city manager, or designee, shall be final.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: The actions contained in this ordinance comply with the California Environmental Quality Act (CEQA), being statutorily exempt per CEQA Section 15183(a) - Projects Consistent with a Community Plan or Zoning, and categorically exempt per CEQA Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

SECTION 4: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____ 2023, by the following vote:

AYES:
NOES:
ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Transportation Demand Management Strategy

Prepared for:
City of Brisbane

October 2023

FEHR  PEERS

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1. Introduction

1.1 About this Report

Transportation Demand Management (TDM) refers to policies, programs, and strategies that aim to reduce vehicle travel, particularly single-occupancy vehicles. TDM measures that reduce single occupancy vehicle travel and shift trips to transit, active transportation, and carpooling can provide a range of benefits, including but not limited to: alleviating traffic congestion, reducing vehicle miles traveled (VMT) and greenhouse gas emissions, managing parking demand, promoting more physically active communities, and making efficient use of the existing transportation system.

This report provides a TDM Strategy for the City of Brisbane to prepare the City for land use changes and align with policies with county and state requirements. It documents a proposed TDM Ordinance for the City along with implementation measures related to planning and monitoring TDM measures as well as supportive actions for infrastructure, services, funding, and parking policies.

1.2 Policy Context

Numerous plans and policies already in place (at both the local, regional, and State level) support an ordinance promoting provision of TDM programs at new developments.

City of Brisbane General Plan

The City of Brisbane's General Plan Policy C.38 strives to promote TDM as a means of reducing traffic congestion:

Policy C.38 Continue participation in the efforts of subregional and regional transportation agencies to manage transportation systems.

Program C.38.a Continue active participation in the Congestion Management Program.

Program C.38.b Continue active participation in the Peninsula Traffic Congestion Relief Alliance Joint Powers Authority (Commute.org), as a means to cooperatively encourage residents and employees to reduce demand on transportation infrastructure.

Program C.38.c Provide information to citizens, employers, and employees on the alternatives to the single-occupant commute vehicle and the benefits of using the alternatives.

Program C.38.d Provide local incentives for participation in Transportation System Management (TSM) and Transportation Demand Management (TDM) programs.

Program C.38.e Require TSM and TDM measures to help mitigate the traffic and parking impacts of development projects.

Brisbane Municipal Code Chapter 10.52

The City of Brisbane's Municipal Code Chapter 10.52 currently establishes a Transportation System Management Program aimed at reducing automobile trips and vehicle miles traveled. The ordinance codifies the City's participation in countywide efforts to reduce vehicle trips (via the Peninsula Traffic Congestion Relief Alliance, or Commute.org) and the Congestion Management Program. The program proposed below would replace and supersede this program in its entirety.

C/CAG Congestion Management Plan Compliance

TDM helps manage vehicle congestion in accordance with San Mateo County's Congestion Management Plan (CMP). CMP compliance is monitored by the City/County Association of Governments of San Mateo County (C/CAG), which updated its TDM Policy guidance for the county in 2021.¹ C/CAG's guidance includes recommended thresholds for development projects to be subject to a TDM program and includes recommended performance targets for single-occupancy vehicle mode shares. The City of Brisbane retains the ability to develop its own TDM Ordinance consistent with the framework provided by C/CAG.

The City's goal has been to streamline the TDM process and avoid multiple rounds of regulatory review. Therefore, the City's TDM Ordinance below has been drafted to comply with C/CAG's guidance and TDM Policy Update (2021 San Mateo County CMP, Section 6). Consequently, projects which are consistent with the City's program will also be considered consistent with C/CAG's TDM Policy.

¹ Transportation Demand Management Policy Update Approach, C/CAG, September 1, 2021 <https://ccag.ca.gov/wp-content/uploads/2021/09/6.3-A5-CCAG-TDM-Policy-Update-Approach-June-2021-Final-w-redlines.pdf>

2. Proposed TDM Ordinance

The following TDM ordinance is recommended for adoption by the City of Brisbane. This Ordinance would replace and supersede Brisbane Municipal Code Chapter 10.52 in its entirety, and projects which are consistent with the City's TDM Program, would also be considered consistent with both General Plan Policy C.38 and its implementing programs and the C/CAG TDM Policy.

2.1 Findings (10.52.010)

The council of the city finds and determines that:

- A. Continued growth in both the City and the overall region have led to increased vehicle trips, longer commute times, and a continued need for transportation management.
- B. Future development in the City and the region is likely to lead to additional vehicle trips, particularly during the AM and PM commute hours.
- C. A reduction in daily vehicle miles traveled (VMT) for residential and nonresidential developments is proposed to reduce greenhouse gas emissions and improve air quality.
- D. There is limited capacity to expand existing roadway infrastructure and roadway expansions have the potential to induce greenhouse gas emissions, depending on the type of expansion.
- E. Decreasing the amount of VMT during both the peak periods and across the day will improve quality of life, help manage use of existing City infrastructure, and help make Brisbane an attractive and convenient place to live, work, visit and do business.
- F. Transportation demand management programs can help to reduce VMT, and can be even more effective when coordinated at a regional level, and when utilizing acknowledged best practices to encourage mode shift away from single occupant vehicles
- G. Participation in the Peninsula Traffic Congestion Relief Alliance (Commute.org) has helped manage VMT growth in the City, however additional efforts to decrease VMT have been proposed to further reduce VMT and vehicle trips.
- H. Developing additional measures for new developments to ensure they offer robust transportation demand management programs, comply with design best practices to reduce reliance on private automobiles, and work towards the City's goals is the next logical step in working to alleviate both VMT and the environmental impacts of new developments.
- I. The Sierra Point subarea, due to limited roadway access, experiences higher levels of congestion compared to Brisbane as a whole and may require more aggressive actions to manage VMT and vehicle trips.
- J. The San Mateo County Congestion Management Program requires projects generating more than 100 daily vehicle trips to implement an appropriate TDM Program; this ordinance meets the relevant CMP requirements. Projects which are consistent with the City's TDM Program are considered consistent the C/CAG's CMP TDM Policy.

2.2 Purpose (10.52.020)

The specific purposes of this chapter are:

- A. Reduce the number of VMT generated by new and existing development.
- B. Manage vehicular trips, especially trips associated with drive-alone commute trips during peak traffic periods (6am – 10am and 3pm – 7pm on weekdays).
- C. Promote more efficient utilization of existing transportation facilities and ensure that new developments maximize usage of shuttle services, transit, active transportation, carpooling, and vanpooling.
- D. Increase awareness of and promote greater public use of walking, bicycling, transit, carpooling, and vanpooling.
- E. Develop a set of Transportation Demand Management (TDM) programs designed to ensure the most effective types of TDM measures are included in all new developments.
- F. Achieve compliance with the City/County Association of Governments of San Mateo County's (C/CAG) Congestion Management Program within the City of Brisbane thereby avoiding multiple rounds of regulatory review.

2.3 Definitions (10.52.030)

For the purposes of this chapter, the following definitions apply:

- A. "Average daily trips" shall mean the average number of vehicle trips (inclusive of all auto, freight, and other motorized travel) to and from a project site on a typical weekday, not including holidays and excluding construction vehicle related trips.
- B. "Peak period" shall mean the busiest or most popular travel time on weekdays (6am-10am and 3pm-7pm)
- C. "Project" shall mean any construction, development, or infrastructure project, that requires the issuance of any discretionary planning permit pursuant to Brisbane Municipal Code Title 17 or a building permit under Brisbane Municipal Code Title 15.
 1. "Trade Commercial Project" shall mean any nonresidential use, other than warehousing, office, and research and development, defined under Chapter 17.02 that is permitted or conditionally allowed in any Trade Commercial Zoning District.
 2. "Mixed-Use Project" shall mean any project consisting of two or more of the following:
 - i. Residential dwelling units
 - ii. Trade commercial
 - iii. Warehousing, office, and research and development

2.4 Applicability (10.52.040)

The requirements of this chapter shall apply to the following:

- A. All projects that generate one hundred (100) or more average daily trips, based on localized factors and reasonable trip generation estimates, which includes, but is not limited to data from the Institute of Traffic Engineers (ITE) trip generation rates, or the trip generation data from Vehicle Miles Traveled

(VMT) calculations. As part of this analysis the City may consider the ability of a project to displace existing vehicle trips, i.e. the net change in average daily trips. The Community Development Director, or their designated representative, may determine what constitutes a reasonable trip generation rate.

- B. Any nonresidential project applying for a planning or building permit for improvements valued at more than \$500,000 in construction costs, regardless of the number of average daily trips generated.
- C. Any project involving additions, alterations, or major rebuilds to a lawfully constructed building completed within any five (5) year period subject to the requirements set forth in Chapter 15.10 of Title 15, regardless of the number of average daily trips generated.

2.5 Exemptions (10.52.050)

The following projects are exempt from this chapter:

- A. Specific Plans. All projects in an area subject to a specific plan shall comply with TDM requirements, which shall be at least as stringent as the provisions of this chapter, imposed by that specific plan.
- B. Previously entitled projects. Projects with an approved development agreement or, prior to November 18, 2023, that have an approved vesting tentative map shall be measured according to the performance standards specified in their respective conditions of approval. Projects for which the City has issued a building permit prior to November 18, 2023 shall also be measured according to the performance standards specified in their respective conditions of approval, provided, however, that if such project requires one or more additional building permits one or more of which meet the applicability standards within subsection 10.52.040, the performance standards in this Chapter shall apply.
- C. Affordable Housing. Multifamily residential projects in which one hundred percent (100%) of the dwelling units are designated as Affordable, Inclusionary, or Target Units per BMC Chapter 17.31.
- D. Small residential projects. Any residential project consisting of either of the following:
 1. Fewer than twenty (20) multiple-family dwelling units as defined as defined in Section 17.02.235 of Title 17; or
 2. Fewer than ten (10) single-family dwellings as defined in as defined in Section 17.02.235 of Title 17; or
 3. Fewer than seven (7) duplexes (i.e., fewer than fourteen duplex dwelling units) as defined in Section 17.02.230 of Title 17.
- E. Accessory dwelling units and junior accessory dwelling units. Accessory dwelling units and junior accessory dwelling units, as defined in Section 17.02.235 of Title 17.
- F. Projects with environmental benefits. Any project, as determined by the Community Development Director, which results in an environmental benefit to the City and will not generate new ADT (including projects which generate localized trips but displace other existing trips) or are under one hundred (100) average daily trips.

2.6 Project Tier Requirements (10.52.060)

- A. Tiers of Compliance. All projects subject to the requirements of this chapter shall incorporate trip reduction measures, prescribed under Section 2.7 (10.52.070), based on the following three tiers. Mixed-use projects are subject to the highest applicable tier for any single project component:
1. Tier 1. The following projects shall implement all Tier 1 TDM measures, submit an initial self-certification report, and an annual self-certification report thereafter for the first six (6) years after occupancy:
 - a. All nonresidential projects that do not meet the criteria for Tier 2 or Tier 3; and
 - b. Residential projects not exempted under Section 2.5 (10.52.050) of this Title.
 2. Tier 2. The following projects shall implement all Tier 1 and 2 TDM measures, submit an initial self-certification report, an annual self-certification report thereafter and conduct annual mode share surveys for the first twenty (20) years after occupancy:
 - a. Office and Research and Development (R&D) projects between ten thousand (10,000) and fifty thousand (50,000) square feet of gross building square footage; and
 - b. All warehousing and trade commercial projects.
 3. Tier 3. The following projects shall implement all Tier 1, 2, and 3 TDM measures, submit an initial self-certification report, and annually monitor progress towards a target mode share of fifty-two percent (52%) of employees commuting via driving-alone and annually submit a self-certification report thereafter detailing the findings of yearly surveys and driveway counts in perpetuity:
 - a. Office and R&D projects with greater than fifty thousand (50,000) square feet of gross building square footage.
- B. Annual Compliance Reporting. All projects subject to the requirements of this chapter shall submit a self-certification report one year from issuance of the first certificate of occupancy and/or building permit final, whichever occurs first, and annually thereafter pursuant to subsection A of this section.
1. Exception. Tier 1 and Tier 2 local-serving, nonresidential uses, including retail and hotel, as determined by the Community Development Director, are not subject to annual monitoring by the City unless found to have a significant impact to VMT during environmental review.

2.7 Trip Reduction Measures (10.52.070)

- A. All projects subject to the requirements of this chapter shall implement all the required measures per the applicable tier of compliance prescribed in this section and/or contained within the City of Brisbane's Transportation Demand Management Strategy document or successor TDM document.
1. Tier 1 Measures:
 - a. Designate a dedicated TDM Coordinator to serve as point person of the project and engage in regular marketing activities, including sharing information on transportation alternatives;

- b. Participate in Commute.org trip reduction programs;
 - c. Provide bicycle and pedestrian-oriented site access;
 - d. Provide bicycle parking per city code;
 - e. Provide upgrades to pedestrian, bicycle, or transit infrastructure along the Project's frontage as requested by the City; and
 - f. Complete an annual self-certification report for a designated time period as required by Section 2.6 (10.52.060) of this Title.
2. Tier 2 Measures – All Tier 1 measures plus all of the following:
- g. Provide financial contributions toward Commute.org's shuttle operations consortium, or successor organization designated by the City, at a level to be specified by Commute.org (or successor organization designated by the City) based on project's size and proximity to shuttle service; and
 - h. Provide pre-tax commuter benefits to employees.
 - i. Conduct annual employee mode share surveys for informational purposes.
3. Tier 3 Measures – All Tier 1 and Tier 2 Measures plus all of the following:
- j. Encourage telecommuting and flexible work schedules;
 - k. Right-size parking supply within City required maximums per Chapter 17.34;
 - l. If located within the SP-SCRO Zoning District, provide a fair share financial contribution toward a Commute.org shuttle service (or successor organization designated by the City) proposed to achieve a peak period frequency of 15 minutes or better to BART and Caltrain;
 - m. Provide a subsidized carpool and vanpool program;
 - n. Provide parking cash-out or implement paid parking on-site;
 - o. Provide transit subsidy benefits up to the IRS maximum amount;
 - p. Provide access to end-of-trip bicycle facilities including showers, lockers, and a bicycle repair station on-site, or within 100 yards of the site; and
 - q. Conduct annual employee mode share surveys and driveway counts to monitor progress towards a fifty-two percent (52%) drive alone mode share goal.
- B. Additional measures not listed in this section may be applied at the City's discretion.
- C. The City may reduce the requirements of this section or chapter if a project is shown to attain VMT values consistent with local, regional, or state goals without implementation of all measures required herein.

2.8 Submittal Requirements & Approvals Process (10.52.080)

- A. Submittal Requirement. The following TDM documentation shall be submitted with any discretionary planning permit application and/or building permit application:

1. TDM Checklist (all Tiers);
 2. (Tier 3 projects only) TDM plan, including:
 - a. A letter documenting the project's proposed trip reduction measures consistent with the requirements identified in Section 2.7 (10.52.070);
 - b. An annotated site plan that designates trip reduction design elements; and
 - c. Property owner certification that the required measures will be implemented and maintained per Section 2.6 (10.52.060) and monitored per Section 2.9 (10.52.090).
 3. (If applicable) Tenant concurrence letter demonstrating acknowledgement and cooperation with the proposed trip reduction measures, including:
 - a. Tenant certification that applicable trip reduction measures are identified in their lease; and
 - b. A summary of how the tenant is implementing applicable TDM measures.
 4. Additional documentation not listed above may be required at the discretion of the City.
- B. Approvals Process. The Community Development Director shall review the documentation required pursuant to subsection A of this section and determine if the proposed TDM program includes all required TDM measures and is adequate to achieve the relevant performance target for the Project.

2.9 Monitoring & Enforcement (10.52.090)

All projects are subject to the following monitoring and enforcement process:

- A. Initial Compliance Report. Prior to building permit issuance, all projects must submit an initial compliance letter to the Community Development Director documenting trip reduction measures and how their TDM program will be implemented.
- B. Annual Compliance Report. All projects, unless excepted under subsection 10.52.060.B.1, are required to submit an annual compliance report documenting the continued implementation of TDM measures pursuant to the requirements contained within Section 2.6 (10.52.060) to the Community Development Director.
 1. Tier 2 and Tier 3 Projects. Annual Compliance Reports shall include results from surveys and driveway counts pursuant to subsection Section 10.52.060.A.2.
 2. Tier 3 Projects. Tier 3 projects that do not achieve the target drive alone mode share prescribed under subsection 10.52.060.A.3 shall include proposed changes to their TDM Program to further reduce VMT and vehicle trips with the Annual Compliance Report.
- C. Penalty for Noncompliance. The violation of any provision of this chapter is unlawful, hereby declared to be a public nuisance, and shall be subject to the following:
 1. All projects. Failure to submit the required annual compliance report prescribed under subsection B, or submission of an incomplete annual compliance report, shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.
 2. All projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) shall be punishable as set forth in Chapters 1.14, 1.16, and 1.18 of this Code.

3. Tier 3 Projects. Failure to implement and maintain trip reduction measures prescribed under Section 2.7 (10.52.070) and/or if the target mode share is not being achieved shall result in the following penalties
 - a. First Violation. The City will direct the participant to modify its TDM program to achieve compliance.
 - b. Second Violation. The City will direct the participant to coordinate with Commute.org, or successor agency, or retain an independent consultant to identify additional program modifications to achieve compliance.
 - c. Third Violation. The City shall assess a fine per a City Council approved resolution. Fines shall be assessed for each additional violation in subsequent years.
- D. Appeals. Any person receiving a notice of violation or correction issued under this chapter may file a notice of appeal with the city clerk within ten (10) days after receipt of the notice to challenge the determination that a violation occurred, that corrective action is necessary, or in the case of a fine imposed on the owner of a Tier 3 project, the amount of the fine.
1. The city manager, or designee, shall conduct an administrative hearing within thirty (30) days after the filing of the appeal. With the consent of the appellant, the matter may be continued if additional time is needed for the city manager to evaluate the appeal.
 2. The city manager, or designee, shall render a written decision within ten (10) days after the conclusion of the hearing and may affirm, reverse or modify the determination whether there has been a violation, whether corrective action is necessary, and/or the amount of the fine. The city manager, or designee, may consider whether the participant has made a good faith effort to achieve the required alternative mode use.
 3. The decision of the city manager, or designee, shall be final.

Appendix A: TDM Ordinance Implementation

3.1 Consistency with C/CAG Guidelines

The City's TDM Ordinance builds upon C/CAG's countywide approach while tailoring requirements to the City of Brisbane. C/CAG's TDM Policy Implementation Guide states that member jurisdictions may request an exemption to C/CAG's policy provided that it meets or exceeds a single-occupancy vehicle (SOV) trip reduction of 25 percent for transit-oriented development and small residential projects and 35 percent for all other land use types. By achieving a SOV mode share of 73 percent (small projects) or 67 percent (large projects), traffic may be sufficiently addressed and consistent with the Congestion Management Program (CMP).² This section describes the consistency of the ordinance with C/CAG's approach.

Table A summarizes the similarities and differences between C/CAG and proposed City requirements. Office/R&D projects, which comprise the primary generator of peak period commute trips and vehicle miles traveled in the City, would achieve a higher non-auto mode share under the City's TDM Ordinance than C/CAG's recommendations (52 percent drive alone, compared to 67 percent to 73 percent under C/CAG)³. Tier 3 Office/R&D projects would also be subject to more frequent surveys, vehicle counts, and enforcement.

² The C/CAG CMP program and the Brisbane TDM Strategy use two different methods of accounting for percentage reductions. Under the C/CAG CMP, reductions are taken from a presumed 100% drive alone mode share and consistent with C/CAG's checklist of trip reduction percentage, while reductions in Brisbane are based on actual rates of driving within the City. Comparisons between the two programs should focus on the target drive alone mode share rates.

³ As discussed in the Monitoring & Enforcement section, drive alone trips would also include trips by motorcycle, dropped off by a friend/family member, dropped off by Uber, Lyft, taxi, etc., or non-responses

Table A: C/CAG vs. City of Brisbane Performance & Monitoring for Nonresidential Uses

Sample Land Use (Tier)	C/CAG			City of Brisbane		
	Drive Alone Mode Share	Monitoring	Enforcement	Drive Alone Mode Share	Monitoring	Enforcement
Office/R&D and any other developments with significant impacts to VMT (Tier 3)	67%-73%	Biennial/triennial surveys for first 18 years	Voluntary Revisions to TDM Program	52%	Annual surveys and counts for lifespan of project	Fines for Failing to Submit Required Monitoring and Annual Reports Mandatory revisions to TDM Program if goal not achieved Fines for failing to achieve performance target of 52% drive-alone mode share for three years
Other employment uses with less-than-significant impacts to VMT (Tier 2)	67%-73%	Biennial/triennial surveys for first 18 years	Voluntary Revisions to TDM Program	52%	Annual surveys for the first 20 years	Fines for Failing to Submit Required Monitoring and Annual Reports
Other non-residential uses (e.g., retail and hotel) with less-than-significant impacts to VMT (Tier 1 & 2)	67% - 73%	Biennial/triennial surveys for first 18 years	Voluntary Revisions to TDM Program	52%	None (Projects may be subject to C/CAG monitoring)	Voluntary Revisions to TDM Programs

Tier 1 and 2 nonresidential uses, such as retail or hotel developments, would be subject to the same performance standards as C/CAG's recommendations, but would not be subject to annual monitoring by the City unless found to have a significant impact to VMT during environmental review. The City arrived at this recommendation due to the role of such land uses in reducing vehicle miles traveled and supporting multimodal travel behavior in Brisbane:

- In its *Technical Advisory on Evaluating Transportation Impacts in CEQA*, the State of California's Office of Planning and Research states that "of land use projects, residential, office, and retail projects tend to have the greatest influence on VMT" and among retail uses, "local-serving retail development tends to shorten trips and reduce VMT."⁴
- Data from the California Household Travel Survey suggests that for Brisbane residents, only about 39 percent of all trips by residents occur via driving alone, which suggests that most retail and service land

⁴ *Technical Advisory on Evaluating Transportation Impacts in CEQA*, State of California Office of Planning & Research, 2018 https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

uses within the City are already within the C/CAG's mode share standard (33 percent of trips occur via carpooling, 25 percent via walking, two percent via transit, and two percent via biking and other modes).

- The major geographic barriers that separate the City from neighboring communities suggest that increasing the amount of local-serving retail, hotel, and other commercial and service uses would result in fewer and shorter vehicle trips and lower VMT than if included elsewhere.

For these reasons, the City's ordinance would not subject Tier 1 and Tier 2 local-serving nonresidential uses to annual surveys, or potential enforcement, and instead focus limited staff resources on more stringent enforcement of Tier 2 and Tier 3 employment land uses.

Tier 1 residential uses would be held to similar performance standards and monitoring as C/CAG's recommendations. Existing data from the California Household Travel Survey suggests that residential land uses have a lower drive alone mode share than C/CAG's mode share target (Table B). The City would require an annual self-certification instead of biennial for the first six years after occupancy.

Table B: Residential Performance Targets (Tier 1)

Criteria	C/CAG	Brisbane	
	Recommendations	Existing	Proposed Targets
Vehicle Trip Reduction	-25% (TOD) -35% (Other)	N/A	<i>Same as C/CAG</i>
Drive Alone Mode Share (All Trips)	67%-73%	38% (All Trips) ¹	<i>Same as C/CAG</i>
Monitoring Approach	Biennial self-certification for first six years	N/A	Annual self-certification form for the first six years

Sources: ¹California Household Travel Survey, 2012

3.2 List of TDM Measures

The following measures shall be required for each project tier, unless subject to specific exemptions:

Table C: Required TDM Measures by Project Tier

TDM Measure	Tiers Required	Description
A. Designated TDM Coordinator	1, 2, 3	Provide a TDM coordinator or contact person and annually confirm the contact's name, email, and phone number with the City. This individual may either be an employee of the property manager/employer, or may be a contracted through a third-party provider. The TDM coordinator shall provide oversight and management of the program's implementation to the City of Brisbane. Tenants shall be obligated (via lease language) to provide a main point of contact for the Designated TDM Coordinator.
B. Participation in Commute.org and/or Transportation Management Association	1, 2, 3	<p>Sites shall partner with Commute.org (or a successor transportation management association with comparable TDM services), whose role is to coordinate transportation-related programs and services in specific geographic areas.</p> <p>For non-residential projects, there are four components an applicant must fulfill to satisfactorily implement this measure:</p> <ol style="list-style-type: none"> 1. Obtain and maintain certification of participation with Commute.org under their Certified Development Program, or equivalent successor program. 2. Provide commute assistance and ride-matching program 3. Provide Guaranteed Ride Home 4. Supply orientation, education, and promotional programs and/or materials for tenants
C. Bicycle and Pedestrian-Oriented Site Access	1, 2, 3	Design project frontage, driveways, and any internal streets or pathways to provide travel choices and give people the option to avoid traffic congestion, increasing the overall capacity of the transportation network. Street designs shall enable safe access for all users of all ages and abilities. Improving pedestrian and cyclist safety and comfort can increase the use of active transportation for residents or employees of a project site. Examples of this access may include non-motorized pathways internal to the project, orienting the project's main entrance toward an active transportation or transit facility, and minimizing site access barriers along paths of bicycle and pedestrian travel such as driveways, surface parking lots, loading docks, unmarked crosswalks, and meandering sidewalks.
D. Bicycle Parking	1, 2, 3	Provide safe and convenient bicycle parking as required by Section 17.34.070.
E. Bicycle, Pedestrian, and Transit Infrastructure Upgrades	1, 2, 3	Project shall provide offsite upgrades to pedestrian, bicycle, and/or transit infrastructure along its public frontage upon City request to achieve consistency with the City's Circulation Element, other City plans, design guidelines, and/or best practices.
F. TDM Monitoring Checklist	1, 2, 3	Project shall complete an annual TDM program self-certification form. Tier 1 residential projects shall complete the form annually for the first six years (Tier 1 and Tier 2 local serving, non-residential projects (hotel and retail) are exempt from annual reporting but must still file an initial self-certification). Tier 2 projects (employment uses, i.e., other than retail) shall complete the form annually for the first 20 years. Tier 3 projects shall complete the form annually for the project's lifespan.

TDM Measure	Tiers Required	Description
G. Shuttle Participation	2, 3	Participate in funding consortium for Commute.org shuttle service based on fee structures reflecting project size and proximity to shuttle service, as developed by Commute.org.
H. Pre-Tax Commuter Benefits	2, 3	Offer pre-tax commuter benefits available to all employees, allowing withholding of pay on a pre-tax basis to fund transit costs. This may be in the form of cash value on a Clipper card, Caltrans passes, Samtrans passes, or any other eligible public transit network.
I. Annual Employee Mode Share Survey	2, 3	Conduct annual employee mode share surveys.
J. Encourage Telecommuting & Flexible Work Schedules	3	Encourage employees to work remotely at least one day per week to reduce overall vehicle trips. When employees commute to work, encourage flexible work schedules that encourage travel outside of peak hours.
K. Right-Size Parking Supply	3	Total project parking supply must not exceed City parking maximums (if applicable).
L. Shuttle Commitment (Sierra Point Only)	3	If located in Sierra Point Subarea, provide a fair share financial contribution toward a Commute.org shuttle proposed to achieve 15-minute frequencies for BART and Caltrain service during peak periods (approximately six hours per day from 7:00 AM to 10:00 AM and 4:00 PM to 7:00 PM). Contribution may be shared with other participants but must be sufficient to achieve service goal upon reaching 50 percent of building occupancy.
M. Carpool/ Vanpool Programs and Parking	3	Carpooling and vanpooling are types of ridesharing that seek to allow vehicles to carry additional passengers when making a trip, with minimal additional mileage. Carpooling generally uses participants' own automobiles. Vanpooling generally uses leased vans (often supplied by employers, non-profit organizations, car rental businesses, or government agencies). Carpool and vanpool programs shall include subsidies or other monetary incentives from employers (e.g., gas card after carpooling for a given amount of time, or parking subsidies for carpools), as well as ride-matching services to help facilitate these shared trips.
N. Paid Parking or Parking Cash-out	3	<p>Motorists pay directly for using parking facilities (paid parking), or employers offer cash equivalents to the cost of leasing a parking space to employees who do not receive a parking permit (parking cash-out).</p> <p>For paid parking, parking rates shall be at the market rate (minimum \$5 per day) and not subsidized by property owners or employers. Paid parking can result in more efficient use of parking facilities, address specific parking problems, ensure that parking is available for intended users, and reduce total parking requirements.</p> <p>If an employer provides free parking as a benefit to employees, they can instead offer "cash-out" in the form of the equivalent value of the parking space directly to an employee. If the employer leases parking, the cash-out amount shall be equivalent to the cost per space for the employer to lease parking for employees. If the employer owns and manages its own parking facilities, the cash-out value shall be determined based on market rate parking at nearby locations.</p>

TDM Measure	Tiers Required	Description
O. Transit Pass Subsidies	3	<p>Offer public transit passes or subsidies equivalent to the IRS monthly commuter benefit maximum (\$280/month in 2022) to incentivize transit use. This may be implemented through either a direct voucher program provided by the property manager, or through lease terms obligating employers at the site to provide said subsidies.</p> <p>NOTE: Funding contributions towards and/or participation in Commute.org shuttle program does not count for this measure. Passes/subsidies provided must be valid for public transportation options, including but not limited to: BART, Caltrain, SamTrans, ferry, and vanpool subscription (or costs). Subsidies shall be administered through a pre-tax transit benefit program, allowing employees to fully fund their transit use with pre-tax dollars if they opt to. In the Bay Area, the Bay Area Air Quality Management District (BAAQMD) requires that employers with 50+ employees within the Air District provide commuter benefits and annual employer registration.</p>
P. End-of-Trip Bicycle Facilities	3	<p>In addition to required bicycle parking pursuant to Section 17.34.070, office, industrial, warehouse, and research & development projects shall offer showers, changing rooms, and lockers. These amenities serve as end of trip facilities for employees arriving by bike or other active transportation forms. Providing employees with a place to shower, change and store clothes can encourage bicycle commuting. Such facilities may be incorporated into a gym or wellness center for broader employee use.</p> <p>These projects shall also offer a bicycle repair station including a toolkit and air pump within a designated secure area of a building to encourage bicycling and support employees and residents. Tools and supplies can include those necessary for fixing a flat tire, adjusting a chain, and performing other basic bicycle maintenance. Maintenance services can also be offered to each resident or employee at least once annually, covering basic services such as a tune-up and inspection at a local bicycle shop.</p>
Q. Enhanced Monitoring: Survey & Counts	3	<p>Project shall conduct an annual survey of employees to determine rates of automobile use. The City shall identify standard survey requirements for participants in the program and prescribe eligible weeks in which mode share surveys may occur. Generally, surveys should occur during a week in September or October when there isn't a holiday. The survey shall be administered by the participant's designated TDM coordinator.</p> <p>The Project will also engage a qualified consultant to conduct annual driveway counts at all project driveways and report total daily vehicle trips, AM peak hour vehicle trips, and PM peak hour vehicle trips.</p>

3.3 TDM Checklists and Plans

The primary mechanism by which the City reviews compliance with the TDM Ordinance is through submittal of a completed TDM Checklist as part of a letter of compliance included in the application package. The checklists are intended to indicate the types of TDM measures that will be put in place at a given project, while the letter should include a commitment to provide required measures, specify selection of optional measures, and detail how the measures will be implemented or how measures may differ from the standard definition.

For Tier 1 and Tier 2 projects, submittal of a completed checklist and letter of compliance will be considered sufficient in most cases. Tier 3 projects should prepare and submit a brief TDM plan. Recommended contents of a TDM Plan for Tier 3 projects include:

- Summary of existing transit, bicycle, and pedestrian conditions near the project site
- Identification of the nearest shuttle stop or other transit facilities, and documentation of the proposed shuttle operator (if applicable)
- Identification of proposed offsite improvements and description of how these improvements would support mode shift (if applicable)
- Identification of the proposed TDM coordinator, or description of how the TDM coordinator role will be fulfilled
- Acknowledgement of City's required monitoring practices

TRIP REDUCTION MEASURES CHECKLIST

All projects subject to the requirements of this chapter shall implement all the required measures per the applicable tier of compliance prescribed in this section and/or contained within the City of Brisbane's Transportation Demand Management Strategy document or successor TDM document. Additional measures not listed in this section may be applied at the City's discretion. (BMC §10.52.070)

TIER 1 MEASURES (ALL THE FOLLOWING APPLY):		SHEET/PAGE #
<input type="checkbox"/>	Designate a dedicated TDM Coordinator to serve as point person of the project and engage in regular marketing activities, including sharing information on transportation alternatives.	
<input type="checkbox"/>	Participate in Commute.org trip reduction programs.	
<input type="checkbox"/>	Provide bicycle and pedestrian-oriented site access.	
<input type="checkbox"/>	Provide bicycle parking per city code.	
<input type="checkbox"/>	Provide upgrades to pedestrian, bicycle, or transit infrastructure along the Project's frontage as requested by the City.	
<input type="checkbox"/>	TIER 1 PROJECTS SHALL COMPLETE AN ANNUAL SELF-CERTIFICATION REPORT FOR A DESIGNATED TIME PERIOD AS REQUIRED BY BMC §10.52.060.	
TIER 2 MEASURES (ALL TIER 1 MEASURES PLUS ALL THE FOLLOWING APPLY):		
<input type="checkbox"/>	Provide financial contributions toward Commute.org's shuttle operations consortium, or successor organization designated by the City, at a level to be specified by Commute.org (or successor organization designated by the City) based on project's size and proximity to shuttle service.	
<input type="checkbox"/>	Provide pre-tax commuter benefits to employees.	
<input type="checkbox"/>	Conduct annual employee mode share surveys for informational purposes.	
<input type="checkbox"/>	TIER 2 PROJECTS SHALL COMPLETE AN ANNUAL SELF-CERTIFICATION REPORT FOR A DESIGNATED TIME PERIOD AS REQUIRED BY BMC §10.52.060.	
TIER 3 MEASURES (ALL TIER 1 AND TIER 2 MEASURES PLUS ALL THE FOLLOWING APPLY):		
<input type="checkbox"/>	Encourage telecommuting and flexible work schedules.	
<input type="checkbox"/>	Right-size parking supply within City required maximums per BMC Chapter 17.34 .	
<input type="checkbox"/>	If located within the SP-SCRO Zoning District, provide a fair share financial contribution toward a Commute.org shuttle service (or successor organization designated by the City) proposed to achieve a peak period frequency of 15 minutes or better to BART and Caltrain.	
<input type="checkbox"/>	Provide a subsidized carpool and vanpool program.	
<input type="checkbox"/>	Provide parking cash-out or implement paid parking on-site.	
<input type="checkbox"/>	Provide transit subsidy benefits up to the IRS maximum amount.	
<input type="checkbox"/>	Provide access to end-of-trip bicycle facilities including showers, lockers, and a bicycle repair station on-site, or within 100 yards of the site.	
<input type="checkbox"/>	Conduct annual employee mode share surveys and driveway counts to monitor progress towards a fifty-two percent (52%) drive alone mode share goal.	
<input type="checkbox"/>	TIER 3 PROJECTS SHALL COMPLETE AN ANNUAL SELF-CERTIFICATION REPORT FOR A DESIGNATED TIME PERIOD AS REQUIRED BY BMC §10.52.060.	

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3.4 Tenant Concurrence Letter

Although a development's TDM Plan would typically be prepared by a property owner or manager, successful implementation relies on tenants. A tenant would be required to prepare a concurrence letter prior to the approval of a permit for tenant improvements summarizing how it will implement applicable TDM measures in coordination with the property owner/manager. The concurrence letter should include a contact person for the employer, who shall assume responsibility for implementing the relevant programs (if different from the TDM coordinator). The City shall receive and review this letter to confirm the implementation of the proposed TDM program.

3.5 Monitoring

3.5.1 Annual Compliance Report

All projects will be monitored through submittal of an annual compliance report that documents the implementation of required TDM measures. Tier 1 projects must submit this report annually for the first six years after occupancy; Tier 2 projects must submit this report annually for the first 20 years after occupancy; and Tier 3 projects must submit this report annually for the lifespan of the project. Tier 1 and Tier 2 local-serving, nonresidential projects, while required to submit an initial compliance report, are exempt from submitting annual compliance reports

3.5.2 Survey & Count Methods

In addition to filing a compliance report, Tier 3 projects must also monitor progress towards the City's mode share goals, and share results from driveway counts and an annual mode share survey.

Participants have two options in administering a mode share survey:

1. Administer a statistically valid survey to achieve a 90 percent confidence level with a three percent margin of error for the survey population. Documentation of the survey methods and calculations would be provided by an independent consultant.
2. Administer a general survey with a minimum response rate of 75 percent of the employee population.

Sample surveys are available from the City, and an example is included in section 4.5.3 below.

In addition to surveys, Tier 3 projects must also conduct driveway counts of vehicle trips once per year. Counts may be conducted using either tube or video counts, and should cover the AM and PM peak periods for one week. The weekday average will then be presented to the City as part of the site's annual compliance.

In all instances, participants in the program must provide raw data to the City as part of their compliance package, including:

1. Respondent-level survey response data (anonymized)
2. Trip count data as delivered by the contractor providing the counts for each location, with data separated into 15-minute increments or smaller.
3. Current employee population and building gross square footage

Survey results should be provided to the City in a standardized format as specified by staff. Formatted reports are optional but not required.

3.5.3 Standardized Survey Language

The following standardized survey language is recommended for conducting all mode share surveys. The City may consider additional modifications to align its surveys with C/CAG & Commute.org's countywide approach. Previously approved projects would also use this standardized survey language.

1. Which of the following best represents your employment at [location]? (check one)

- Full-time Employee
- Part-time Employee
- Contract Employee

2. In what ZIP code is your home located? (enter 5-digit ZIP code; for example, 94901)

____ [Fill in the blank] _____

- Prefer Not to Answer
 - If prefer not to answer:* Approximately how many miles is it from your home to your office in Brisbane?

3. In the past week, what time did you usually arrive to work (check one)?

____ [Drop down in increments of 30 minutes, from 6 AM – 10AM, before 6AM, or after 10AM] _____

4. In the past week, what time did you usually leave work (check one)?

____ [Drop down in increments of 30 minutes, from 3 PM – 7PM, before 3PM, or after 7PM] _____

5. In the past week, on which days did you use each of the following transportation modes to travel to work? If you used more than one mode, (e.g. you take Caltrain and then bicycle), identify the mode that was the longest part of your trip.

Transportation Mode	Monday	Tuesday	Wednesday	Thursday	Friday
Drove a car or motorcycle alone					
Rode as a carpool passenger					

Drove a carpool with one or more other adults					
Vanpooled or Carpooled with 6 or more people					
Rode a bus, train, ferry, or other public transit					
Rode a Bicycle or Scooter					
Walked all the way					
Dropped off by a friend/family member					
Dropped off by Uber, Lyft, taxi, etc.					
Worked from home / telecommuted / worked offsite					
Did not work this day					
Other (please specify)					

6. [Only ask if respondent answered transit] Which of the following services did you use last week? (Check all that apply)

- Caltrain
- BART
- SamTrans
- Ferry
- Shuttle (such as to/from BART, Caltrain, or ferry)
- Express bus (point-to-point service from near my home)

7. [Only ask if respondent answered carpool or vanpool] If you travel by carpool or vanpool, how many total people traveled with you to work (not including yourself)?

_____ [Fill in the blank with number]

8. [Only ask if respondent answered drive alone] What is the primary reason you choose to drive alone?

_____ [Fill in the blank]

Note: In addition to required survey questions, individual site surveys may add their own questions tailored to their respective TDM programs regarding awareness of services and reason for mode choice, but these questions are not required.

3.5.4 Analysis of Results

To calculate drive alone mode share, City staff would sum the total number of trips completed via the following modes:

- Drove a car alone
- Dropped off by a friend/family member (excluding carpools)
- Dropped off by Uber, Lyft, taxi, etc.
- Non-responses required to achieve required response rate

If the sum of these commute modes exceeds the mode share target (52 percent), the project would be in compliance with its target.

For Tier 3 projects, driveway counts will be used as a secondary source of monitoring information. Count volumes would be compared to the peak-period, peak-direction traffic volumes presented in the Project's relevant transportation analysis or EIR.

3.5.5 Enforcement Fines

The City should administer fines for non-compliance via code enforcement. Fines should be used to fund the operation of transportation services in Brisbane that improve mobility for residents in need, reduce vehicle trips, and reduce VMT. Previously approved projects would be held to the same standard for noncompliance.

All projects should be subject to the City's existing fines, penalties, and enforcement provisions set forth in Chapters 1.14, 1.16, and 1.18 of the BMC for failure to either submit an annual compliance report or submission of an incomplete report or to implement and maintain trip reduction measures required under the Ordinance. For offenses committed by larger, Tier 3 projects, each participant should be allotted two violations, with opportunity to correct, before triggering their first fine. Fines should then be administered for each subsequent year of non-compliance after the third violation.

While the fine amount for these larger, Tier 3 projects is yet to be determined and may change year to year, for illustrative purposes, four fine levels were evaluated, to be assessed at a rate dependent on the size of the employer: \$50 per employee, \$100 per employee, \$150 per employee, and \$200 per employee. The basis for these fine levels is Mountain View's North Bayshore employee tax, which taxes all employers of a certain size between \$75 to \$150 per employee to fund transportation services. For a 400,000 square foot life science campus with 1,000 employees, a \$50 per employee rate would equate to a fine of \$50,000 per year, while a \$200 rate would equate to a fine of \$200,000 per year.

3.6 Zoning Code Updates

3.6.1 Auto Parking Requirements for Office/R&D Uses

Aligning parking requirements with TDM performance targets would assist the City in realizing VMT reductions and mode shifts. As illustrated in Table D, City's current minimum requirement for (administrative) office use (one space per 300 square feet) provides enough parking for nearly every employee to drive. Moreover, for life science uses that typically have one employee for every 350 to 450 square feet, parking supply exceeds employee population.

Table D highlights the recommended parking maximums to align with TDM ordinance requirements. Parking maximums may be set slightly above the required drive alone mode share target to provide some flexibility in accommodating carpools, vanpools, visitors, and parking turnover. The City may also consider allowing additional designated visitor or carpool/vanpool parking.

Table D: Implied Auto Mode Share & Recommended Parking Maximums

Parking Spaces per 1,000 Square Feet	Office	Life Science Office/Lab Mix		Lab
	1 Employee per 250 SF	1 Employee per 350 SF	1 Employee per 450 SF	1 Employee per 550 SF
1	25%	35%	45%	55%
1.25	31%	44%	56%	69%
1.5	38%	53%	68%	83%
1.75	44%	61%	79%	96%
2	50%	70%	90%	100%
2.25	56%	79%	100%	100%
2.5	63%	88%	100%	100%
2.75	69%	96%	100%	100%
3.33 (Current Standard)	83%	100%	100%	100%

Notes: **Highlighting** indicates the estimated parking supply necessary to accommodate a 55 to 60 percent of employees driving to work based on employee densities associated with typical land uses. For example, a typical office project should target a maximum of two spaces per 1,000 square feet, while a life science project should target 1.25 to 1.5 spaces per 1,000 square feet. The City should exercise caution in referencing these calculations for office and tech office uses, as such employees are more likely to work remotely.

The City may consider allowing a higher rate of parking as a conditional use permit if a project expects to serve a higher employee density than a typical use. However, a project's parking supply should align with the designated land use: for example, a project proposed for office use should reflect the designated office maximum; if the applicant wishes to retain flexibility for either office or life science use, then two site plan alternatives should be prepared in alignment with the office and life science parking maximums.

Given the uncertainty of remote work trends emerging from the COVID-19 pandemic, the City should periodically monitor how onsite employee populations may change over time and reassess whether these maximums remain appropriate for such land uses.

3.6.2 Bicycle Parking Requirements for Residential and Other Uses

Currently, Brisbane does not require residential projects to provide bicycle parking. As more multi-family housing is constructed, the City may wish to update its bicycle parking requirements to include minimum long-term bicycle parking facilities (secure shared facilities or lockers) for multifamily developments where units do not have dedicated private garages. The bicycle parking requirements in the Baylands Specific Plan (Table E) provides a good example of what may be adopted for multi-family residential and other uses. Providing bicycle parking in multifamily projects can help enhance the viability of bicycle use within the City.

Table E: Proposed Baylands Specific Plan Bicycle Parking Requirements

Use	Bicycle Parking Requirements	
	Long Term	Short Term
Retail	1 per 12,000 square feet	1 per 4,000 square feet
Parks and Open Space	N/A	6 per acre
Multifamily Residential	1 per 2 units	1 per 10 units
Office	1 per 4,000 square feet	1 per 40,000 square feet

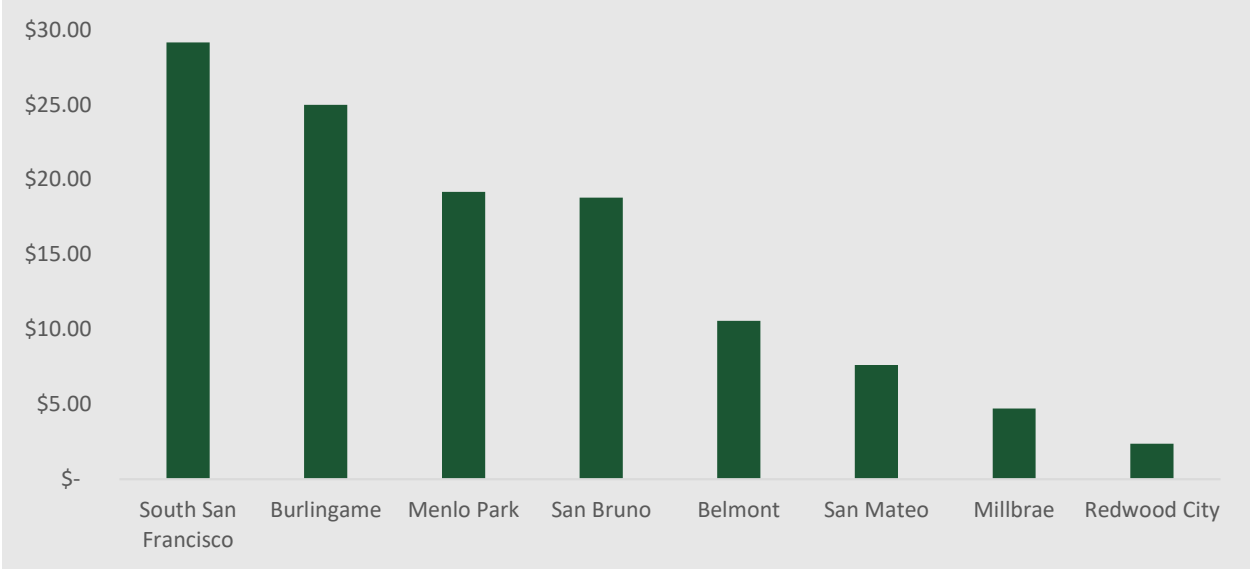
3.7 Potential Citywide Impact Fee

3.7.1 Transportation Impact Fee

Brisbane's substantial development pipeline and unique infrastructure needs may warrant consideration of a new transportation impact fee. Transportation impact fees standardize the contributions of developments for potential infrastructure improvements to help ensure that developments are paying their fair share. A nexus study is required to set an impact fee in relation to capital improvement needs. Impact fees may be enacted with council approval and do not require voter approval like some other funding mechanisms, such as headcount taxes, parcel taxes, business improvement districts, or community facilities districts.

As illustrated in Figure 1, most cities in San Mateo County have transportation impact fees for office/R&D projects. Fees vary from \$2 to \$29 per square foot, equivalent to \$2 million to \$29 million for a one million square foot development. The highest fees in the county occur in South San Francisco, which covers the southern portion of Sierra Point and shares similarities in its growing life science market and evolving transportation conditions.

Figure 1: Impact Fee Comparison, 2022 (\$ per Square Foot)



Note: Two cities not shown have per-trip fees (San Carlos & East Palo Alto), while Daly City has no fee.