

**ORDINANCE NO. 2503**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY ADDING CHAPTER 48, TRANSPORTATION DEMAND MANAGEMENT, TO THE CITY CODE**

**WHEREAS**, there has been an increase in traffic congestion and Vehicle Miles Traveled (“VMT”) in the City of Redwood City (“City” or “Redwood City”) and in the region; and

**WHEREAS**, the City Council adopted the Citywide Transportation Plan in August 2018 known as “RWCmoves” with the goals of reducing VMT and promoting mobility for all road users and improving alternatives to driving alone; and

**WHEREAS**, Transportation Demand Management (“TDM”) is one tool that Redwood City can use to achieve the goals of RWCmoves; and

**WHEREAS**, the Redwood City TDM Program adopted as Appendix E to RWCmoves serves as the guiding policy to formally establish a TDM Program, subject to adopting an implementing ordinance; and

**WHEREAS**, this ordinance is intended to implement the policies set forth in Appendix E of RWCmoves and to formally adopt the City’s TDM Program.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 48 of the Redwood City Municipal Code is established to read as follows:

**CHAPTER 48 - TRANSPORTATION DEMAND MANAGEMENT**

**Section 48. 1. - PURPOSE:**

The purpose of this Chapter is to implement Redwood City’s adopted TDM Program, as outlined in Appendix E of RWCmoves, and its goals and policies regarding traffic congestion management, sustainable growth, reducing greenhouse gas emissions, enhancing transportation options for all, and promoting safety and equity in Redwood City’s transportation system. Goals of RWCmoves that will be advanced by the TDM Program include:

- A. Create a walking and bicycling-friendly community that provides a safe, balanced, and convenient transportation system;
- B. Provide seamless connections and improved street access to all areas within the City, but especially along mixed-use corridors designated in the General Plan and Citywide Transportation Plan;

- C. Embrace innovation in all forms of emerging technologies, especially in ways to creatively manage congestion and the transportation system; and
- D. Reach over 50% of all trips being by non-driving modes by 2040; remaining automobile trips should be shared rides and/or zero emission trips.

**Section 48.2. - DEFINITIONS:**

For the purpose of this Chapter the following words and phrases shall have the following meanings:

**Annual Report:** Report prepared for sites with a Site TDM Plan describing the operation and utilization of TDM measures.

**Area TDM Plan:** A Transportation Demand Management Plan for a specific area within the City, which includes existing conditions, determination of area-specific drive-alone mode share reduction targets, and a description of the projects and programs that will be implemented by the Transportation Demand Management Association to help reach these targets.

**Bikeshare:** A shared bicycle service that is available to the public, usually for short trips, made up of either regular pedal or electric bicycles and whether docked or not.

**Carpool:** Motor vehicle occupied by two or more persons traveling together to and/or from a destination.

**Certificate of Occupancy:** A document issued by the City certifying that a building is compliant with City building codes and other ordinances and in a condition suitable for occupancy. References to a Certificate of Occupancy in this section shall refer to the first issued.

**Commercial Site:** Any property that is used for commercial activities; including retail, office, industrial, and institutional uses.

**Director:** The Community Development and Transportation Director, or assignee.

**Discretionary Permit:** Any permit requiring a decision-maker to exercise judgment prior to its approval, conditional approval, or denial.

**Downtown Area:** Area as defined by the Downtown Precise Plan, generally bounded by Veterans Boulevard, Maple Street, specified parcels on the west side of El Camino Real and Brewster Avenue.

EV: Electric Vehicle.

Mode Share: The percentage of trips using a particular type of transportation either driving, taking transit, walking, biking, etc.

On-Site Coordinator: An employee or a third party, hired by the applicant, property owner, property manager or employer, who assists with implementation of the approved Site TDM Plan. Duties of an on-site coordinator may include promoting and marketing for mode shift, preparation and submittal of Annual Reports, or revisions to the project specific Site TDM Plan if needed.

Parking Cash Out: An incentive tool to reduce driving, mostly for office buildings; paying employees for not driving to work and not occupying a parking space at a work site.

Rideshare: Any vehicular mode of transportation other than a Single Occupancy Vehicle that transports more than one person to a destination.

Single Occupancy Vehicle: A privately operated motor vehicle whose only occupant is the driver.

Survey: The annual commute survey that is prepared by property owners, employers or property managers that are subject to a Site TDM Plan and distributed to and asks all tenants or employees about their daily commute routine.

Site TDM Plan: A transportation demand management plan that is submitted to the City for review and approval by an applicant, property owner, property manager or employer outlining the site-specific Trip Reduction and TDM measures.

TDM: Transportation Demand Management or TDM is a tool that includes services, policies and incentives to help individuals learn about and use various transportation options such as transit, Carpooling/Ridesharing, car-sharing, bicycling, walking, and Telecommuting.

Telecommuting: Employee working at home, off-site, or at a telecommuting center for a full workday, eliminating the trip to work.

Template Survey: A model for the survey with a list of the minimum recommended questions that is provided by the City to applicants, property owner, employers, business owners, and property managers.

Trip Reduction: Reduction in Single Occupancy Vehicle trips.

### **Section 48.3. – APPLICABILITY:**

The following trigger the requirement to prepare a Site TDM Plan in accordance with the terms of this Chapter:

- A. New residential development either: (1) with twenty-five (25) or more units of single or multi-family homes; or (2) with five (5) or more units and a homeowner's association.
- B. New Commercial Site development either: (1) of ten thousand (10,000) square feet or more; or (2) with ten (10) employees or more.
- C. Existing residential development either: (1) with twenty-five (25) or more units of single or multi-family homes and after request and approval of a Discretionary Permit to change parking supply, use, density, number of units, or square footage; or (2) with five (5) or more units and a homeowner's association and after request and approval of a Discretionary Permit to change parking supply, use, density, number of units, or square footage.
- D. Existing Commercial Site either: (1) of ten thousand (10,000) square feet or more and after request and approval of a Discretionary Permit to change parking supply, use, density, number of units, or square footage; or (2) with ten (10) employees or more and after request and approval of a Discretionary Permit to change parking supply, use, density, number of units, or square footage.
- E. Mixed-use development with at least one component of the development meeting one of the requirements listed above in subsections A to D.

### **Section 48.4. – ANNUAL TDM FEE:**

The Council may establish by resolution an annual TDM fee for TDM activities performed by the City and monitoring of all sites subject to the requirements of this Chapter. The TDM fee may be waived for all sites that meet their annual mode share target as set forth in their Site TDM Plan. If the TDM fee is not waived, the TDM fee is due within 30 days of receipt of the City's notice of review and acceptance of the Annual Report.

### **Section 48.5. – SITE TDM PLAN SUBMITTAL REQUIREMENTS & PROCEDURE:**

- A. All sites to which this Chapter is applicable shall prepare and submit to the City a Site TDM Plan for review and approval.
- B. The City shall prepare and provide a checklist to the applicant, property owner, property manager or employer with required steps to take as part of the development review process and instructions for preparing a Site TDM Plan, including the mode share target.
- C. All TDM Plans shall include a designated contact for the TDM plan. This may be the future on-site TDM coordinator.

- D. The Site TDM Plan is subject to approval by the Director prior to issuance of a Certificate of Occupancy. The Site TDM Plan shall run for the life of a project, be binding on any current and future property owner, property manager or employer and be referenced as part of the conditions of project approval.
- E. Prior to issuance of a Certificate of Occupancy, applicant, property owner, property manager or employer must show that all TDM measures included in the Site TDM Plan will be available as soon as the site is occupied.
- F. All sites subject to a Site TDM Plan and subject to a mode share target as set forth in Section 48.7 shall pay an annual TDM fee to the City as set forth in Section 48.4.
- G. Property owner or developer may submit a request to the City to revise a Site TDM Plan. The revised Site TDM Plan is subject to review and approval by the Director.

**Section 48.6. RECOMMENDED TDM MEASURES:**

All sites that are subject to this Chapter shall implement one or a combination of the measures listed below, or other equally effective measures as approved by the Director, to achieve the mode share target defined in their Site TDM Plan:

- A. On-site information and brochures about transit, bicycling, Carpool, Rideshare, and shuttle programs, in a kiosk, board or similar installation;
- B. Employee pre-tax deduction for transit passes;
- C. Bike racks or indoor bike parking;
- D. Bikeshare station or dedicated bikeshare parking;
- E. Shower for people who commute to work by bicycle;
- F. Well-lit pedestrian path to any adjacent transit stop;
- G. Free or discounted transit passes;
- H. Space for transit stop or hub;
- I. On-site amenities to achieve Trip Reduction such as cafeteria, ATM, or childcare;
- J. Shared parking among multiple uses for mixed-use sites;
- K. Shuttle service or participation in an area-wide shuttle service. Shuttle service shall be open to the public;
- L. Local hiring and/or housing subsidies;
- M. Information about alternative transportation for new employees or new tenants;
- N. Website TDM information page on residential website portals or an internal website for employees;
- O. Participation in annual or regional events promoting TDM programs or services;
- P. Signage for TDM features such as a bus stop or shuttle signs;
- Q. Telecommuting;
- R. Flexible working hours;
- S. Payment in lieu of parking to encourage employees to not drive to work; or
- T. Unbundled parking for residential buildings.

### **Section 48.7. - MODE SHARE TARGETS:**

All sites that are subject to this Chapter and are required to have a Site TDM Plan or an Area TDM Plan, shall have a drive-alone mode share target as follows:

- A. Residential Sites with twenty-five (25) or more units within the Downtown Area shall adopt 33% target mode share.
- B. Residential Sites with twenty-five (25) or more units outside the Downtown Area shall adopt 44% target mode share.
- C. Commercial Sites within the Downtown Area with fifty (50) employees or more shall adopt 33% target mode share.
- D. Commercial Sites outside the Downtown Area with fifty (50) employees or more shall adopt 52% target mode share.
- E. Residential sites with five (5) to twenty-four (24) units are not required to have a target mode share.
- F. Commercial Sites with forty-nine (49) employees or less are not required to have a target mode share.
- G. For mixed-use sites, each land use will have a separate mode share target based on Section 48.7, Subsections A. through F.

### **Section 48.8. - MONITORING AND COMPLIANCE REQUIREMENTS:**

Any site that is subject to this Chapter and has a Site TDM Plan shall monitor the performance of its Site TDM Plan and submit an Annual Report to the City.

- A. An Annual Report is due to the Director on or before January 31, reporting on the previous year. The first annual report shall be submitted after the site has been 50% occupied for a full calendar year. For example, if a site is 50% occupied on September 2022, the first annual report is due on January 31, 2024.
- B. The Annual Report shall include:
  - 1. Site location and description of use.
  - 2. Number of employees or tenants.
  - 3. Survey method and results.
  - 4. Number of responses received.
  - 5. Commute mode share of employees or tenants.
  - 6. Identification of On-Site Coordinator.
  - 7. Number of parking spaces available for each use.
  - 8. Number of shared parking spaces.
  - 9. Number of utilized parking spaces during peak use.
  - 10. Identification of transit line(s) within  $\frac{1}{2}$  and  $\frac{1}{4}$  mile of the site, including shuttle routes.
  - 11. Frequency of transit line(s), including shuttle routes.
  - 12. Presence of bikeshare station(s) within  $\frac{1}{2}$  and  $\frac{1}{4}$  mile of the site.
  - 13. If any other Trip Reduction measure is available, for example: Parking Cash Out program, transit pass subsidy, bicycle locker or bike room, shower, Rideshare, Telecommuting, on-site ATM, café, or childcare.
  - 14. Marketing strategies used to promote mode shift.

- C. City will provide a Template Survey to the applicant, property owner, property manager or employer to use in creating the Survey, the results of which are reported in the Annual Report.
- D. The applicant, property owner, property manager or employer shall collect Survey responses from at least 51% of employees or tenants. A response rate lower than 51% will be considered non-compliant and may trigger penalties.
- E. Within forty-five (45) calendar days of submittal, the Director shall provide the applicant, property owner, property manager or employer with a written response stating whether or not the Annual Report is complete and compliant with the Site TDM Plan.
- F. An Annual Report will be deemed incomplete, and the property owner or developer shall address the incompleteness item within forty-five (45) calendar days, where:
  - 1. Any of the items listed under Section 48.8.B are not included in the Annual Report.
  - 2. Survey responses are not collected from at least 51% of employees or tenants.
  - 3. Failure to report progress made towards a mode share target, if applicable.
- G. Sites that are required to adopt a mode share target (section 48.7) shall report whether or not the mode share target is being met and if and how they are making a good faith effort toward compliance.
- H. In the first and second year, if the Site TDM Plan fails to meet mode share targets as described in Section 48.7, the applicant, property owner, property manager or employer may, in coordination with the City, update and adjust the Site TDM Plan within 60 days of notification from the City that the site's TDM Plan mode share target had not been met, to offer additional incentives to tenant or employees.
- I. In the third year, if the Site TDM Plan fails to meet Trip Reduction targets, property owner or developer in coordination with the City shall update and adjust the Site TDM Plan within 60 days to offer additional incentives to tenant or employees.
- J. If performance of the Site TDM Plan falls below the mode share target for more than three consecutive years, future expansion of the site or additional Discretionary Permits shall not be permitted until the Site TDM Plan makes progress for at least two consecutive years towards the mode share target. Progress shall be defined as a demonstrated quantifiable reduction in the drive alone rate for the site compared to the previous year.
- K. Combined Annual Reports are allowed for sites that are in close proximity and have the same property manager.

**Section 48.9. - FAILURE TO SUBMIT TDM PLAN OR ANNUAL REPORT:**

Failure to submit a Site TDM Plan, Annual Report, or plan update when due, or failure to implement an approved Site TDM Plan as determined by the City is a violation of this Chapter.

- A. If the applicant, property owner, property manager or employer fails to submit and get City approval of a Site TDM Plan, the City may withhold the issuance of building

- permit, Certificate of Occupancy, or business license until the Site TDM plan is submitted and approved by the Director.
- B. If the property owner or developer fails to submit the Annual Report, the City shall send a non-compliance notice to the property owner or developer and will give forty-five (45) days to submit their Annual Report.
  - C. Upon receipt of notice of non-compliance and until the report is received by the City, the owner shall be deemed in violation of this Chapter.

**Section 48.10. – ENFORCEMENT:**

A violation of this Chapter is subject to enforcement under Section 1.7 (General Penalty; Continuing Violations) and Article II (Administrative Code Enforcement) of Chapter 1.

**SECTION 2.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this ordinance shall nonetheless remain in full force and effect. The Council of the City of Redwood City hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

**SECTION 3.** Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to the California Environmental Quality Act (“CEQA”), CEQA Guidelines Section 15061(b)(3), as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

**SECTION 4.** The City Clerk shall certify to the adoption of this Ordinance.

**SECTION 5.** The City Clerk shall publish this ordinance in accordance with the provisions of the City Charter.

**SECTION 6.** This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

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ORDINANCE NO. 2503

At a Joint City Council/Successor Agency Board/Public Financing Authority Meeting thereof held on the 10<sup>th</sup> day of January 2022 by the following votes:

AYES, and in favor of the passage and adoption of the foregoing ordinance:

AYES: Aguirre, Espinoza-Garnica, Gee, Hale, Howard, Reddy and Smith

NOES: None

ABSENT: None

ABSTAINED: None

RECUSED: None



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Giselle Hale  
Mayor of the City of Redwood City

Attest:



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Pamela Aguilar, CMC  
City Clerk of Redwood City

I hereby approve the foregoing Ordinance  
this 10<sup>th</sup> day of January 2022.



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Giselle Hale  
Mayor of the City of Redwood City