

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** November 17, 2008
FROM: CITY ATTORNEY
SUBJECT: AMENDMENTS TO TRIP REDUCTION ORDINANCE

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) AND AMENDING TITLE 10 (VEHICLES AND TRAFFIC) TO MODIFY TRIP REDUCTION REQUIREMENTS FOR NEW DEVELOPMENT

PURPOSE OF ORDINANCE

This ordinance implements the direction given by Council on February 25, 2008, to codify amendments to the City's trip reduction ordinance, with the stated goal of forwarding the City's decision to be a leader in environmental compliance and sustainability efforts. The ordinance imposes an administrative penalty for repeated failure to produce a valid transportation demand management program plan within the limits allowed under the California Government Code.

REASON WHY LEGISLATION IS NEEDED

This legislation is needed to update the City's trip reduction ordinance, and confirm its consistency with the Los Angeles County Metropolitan Transportation Authority's (Metro) Congestion Management Program trip reduction ordinance.

METRO APPROVAL OF ORDINANCE

After first reading by the Council in April of 2008, the ordinance was submitted to Metro for its required review and approval. Metro recently responded to the City, and required deletion of the City's proposed "alternative trip reduction measures" which would have allowed for individual tailoring of transportation demand management programs. With that deletion, Metro found that the ordinance was consistent with the trip reduction ordinance requirements of the Los Angeles County Congestion Management Program.

MEETING OF 11/17/2008

AGENDA ITEM NO. 9.A.1.

The redline version of the ordinance submitted herewith reflects the deletions required by Metro in italic print, on pages 5-6 and 15-16.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Department of Transportation, and the Planning and Development Department, will implement the proposed ordinance.

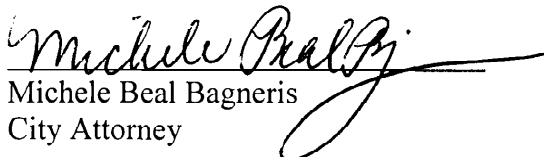
FISCAL IMPACT

There is no fiscal impact implementing the proposed amendments to the Trip Reduction Ordinance.

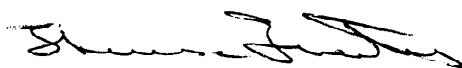
ENVIRONMENTAL REVIEW

On March 19, 2007, Council found the proposed ordinance to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061 and Section 15378.

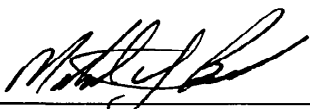
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Assistant City Attorney

Concurred by:


Michael J. Beck
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) AND AMENDING TITLE 10 (VEHICLES AND TRAFFIC) TO MODIFY TRIP REDUCTION REQUIREMENTS FOR NEW DEVELOPMENT

WHEREAS, by Ordinance No. 6172, in 1986, the City of Pasadena (“City”) enacted its first trip reduction ordinance, in recognition that new development and sizable additions to existing development would generate travel and parking demands with resulting adverse impacts on traffic flow and parking in surrounding areas; and

WHEREAS, by Ordinance No. 6573, in 1993, the City revised its trip reduction ordinance consistent with the provisions of the model trip reduction ordinance approved by the Los Angeles County Transportation Commission (now the Los Angeles County Metropolitan Transportation Authority (“Metro”)), to implement the County’s Congestion Management Program (“CMP”) in accordance with California Government Code Sections 65089, et seq.; and

WHEREAS, in 2004, the City adopted the current version of the Land Use Element of its General Plan, wherein one of the guiding principles is that “Pasadena will be a city where people can circulate without cars;” and

WHEREAS, the City has adopted an “Environmental Charter” as follows:

“The City of Pasadena elects to be an environmental advocate and a leader in environmental compliance and protection. The City shall cultivate superior environmental standards that will provide for sustainable municipal development.

The City recognizes that growth and opportunity cannot be conducted at the expense of environmental protection and enhancement, and that growth and environmental stewardship are intimately related.

The City believes that the implementation of an environmental ethic need not interfere with economic development, and that practicing such environmental ethic can ultimately be expected to enhance economic affairs and provide for responsible, farsighted development.

The City believes that the protection of the urban and natural environments is a social responsibility and a fundamental obligation of a democratic government, and that an ecologically impoverished and polluted environment adversely impacts human health.

The City is striving to become a model for environmental excellence and a prevailing force in environmental protection. To accomplish these goals, the City shall establish policies that will incorporate environmental responsibility into its daily management of urban and industrial growth, education, energy and water use, air quality, transportation, waste reduction, economic development, and open space and natural habitat.”; and

WHEREAS, in support of and in compliance with Metro’s CMP, and consistent with the City’s Land Use Element and Environmental Charter, the City Council of the City of Pasadena hereby finds that the following updates to the City’s trip reduction ordinance are required; and

WHEREAS, the City submitted this ordinance to Metro, which approved of the ordinance by letter dated September 30, 2008.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

“Summary

“Ordinance No. _____ amends the Pasadena Municipal Code, Title 17 (the Zoning Code), Article 4, Chapter 17.46, and Title 10 (Vehicles and Traffic), Chapter 10.64, to revise the existing trip reduction requirements consistent with the provisions of the model trip reduction ordinance approved by the Los Angeles County Metropolitan Transportation Authority (“Metro”), to implement Metro’s Congestion Management Program in accordance with California Government Code Sections 65089 and 65089.3. ~~To the extent that Ordinance No. _____ goes beyond Metro’s model ordinance, it does so to forward the City’s election to be a leader in environmental compliance and sustainability efforts.~~ Certain projects will be exempt from these amendments as set forth in the ordinance.

Ordinance No. _____ shall take effect 30 days after publication.”

SECTION 2. The title of Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.290 is amended as follows:

“Trip Reduction Requirements for Residential and Nonresidential Projects.”

SECTION 3. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.290, Paragraph A is amended as follows:

“A. Purpose. The purpose of the trip reduction requirements is to reduce the demand for vehicle commute trips by ensuring that the design of major residential and nonresidential development projects accommodates facilities for alternative modes of transportation.”

SECTION 4. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.290, Paragraph B is amended as follows:

“B. Projects exceeding 25,000 square feet of gross floor area. Nonresidential development projects, and the nonresidential portion of mixed-use development projects, which exceed 25,000 square feet of gross floor area, as a result of new construction or an expansion of an existing use, shall provide ~~meet~~ the following requirements:

- 1. Carpool and vanpool parking.** A minimum of 10 percent of the employee parking spaces shall be ~~reserved~~ for, and designated as, preferential parking for carpool and vanpool vehicles. The parking area shall be in a location more convenient to the place of employment than parking spaces for single occupant vehicles, and shall be located as close as possible ~~practical~~ to the employee entrance.
- 2. Bicycle parking.** Bicycle parking shall be provided on site in compliance with Section 17.46.320 (Bicycle Parking Standards), ~~below.~~ ~~In addition, the bicycle parking shall be located near the employee entrance and shall be conveniently accessible from the external circulation system.~~

3. **Trip reduction plan.** A transportation plan for smaller projects, or a Transportation Demand Management Program (“TDM”) Plan, shall be submitted which complies with Chapter 10.64 of the Municipal Code (Transportation Management Program).~~**Transportation information display.**~~ — A transportation information display (e.g., a bulletin board, display case, or kiosk) shall be located on the development site, situated so as to be seen by the greatest number of employees. Information displayed shall include, without limitation, current maps, routes, and schedules for public transit routes serving the development; the telephone number of referrals for transportation information including the numbers for the regional ridesharing agency and local transit operators; ridesharing promotional materials; bicycle routes and facility information; and a listing of facilities available for bicyclists, carpoolers, pedestrians, transit riders, and vanpoolers at the development.”

SECTION 5. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.290, Paragraph C, is amended as follows:

“C. **Projects exceeding 75,000 ~~100,000~~ square feet of gross floor area.** Nonresidential development projects, and the nonresidential portion of mixed-use development projects, which exceed 75,000 ~~100,000~~ square feet of gross floor area, as a result of new construction or an expansion of an existing use, shall meet the requirements of Subsection B., immediately above, in addition to the following requirements:” (The rest of the paragraph remains unchanged.)

~~— **SECTION 6.** A new subparagraph 4 is added to Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.290, Paragraph C, as follows:~~

~~“4. **Alternative trip reduction measures.** Upon request of the applicant, alternative trip reduction measures may be allowed at the discretion of the Director of Transportation, after consultation with the Los Angeles County Metropolitan Transportation Authority (“Metro”). The applicant shall provide adequate information to demonstrate to the City and Metro that the proposed alternative TDM measures have equal or greater ability to reduce vehicle trips. Failure to achieve the target goal established under an alternative program will result in a one-year period to take corrective action. Failure to achieve the target goal the second year will result in the re-institution of the City’s established program requirements.”~~

SECTION 6. A new Paragraph D is added to Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.290, as follows:

“D. Residential projects. Multi-family projects with 100 units or more, or mixed use projects with 50 units or more, shall submit a TDM Program Plan as required by Chapter 10.64 of the Municipal Code (Transportation Management Program).”

SECTION 7. The table of contents to Chapter 10.64 is amended as follows:

“10.64.005 Purpose

10.64.010 Employee Transportation plan services for smaller projects.

10.64.020 Transportation systems Demand Management Program Plan.”

SECTION 8. Pasadena Municipal Code, Title 10, Chapter 10.64, Section 10.64.005, is added as follows:

“10.64.005 Purpose

It is the purpose of this Chapter 10.64 to implement the requirements of the Los Angeles County Metropolitan Transportation Authority's ("Metro") Congestion Management Program in accordance with California Government Code Sections 65089 and 65089.3, and consistent with the provisions of Metro's model trip reduction ordinance; and to be a leader in environmental compliance and sustainability efforts."

SECTION 9. Pasadena Municipal Code, Title 10, Chapter 10.64, Section 10.64.010, is amended as follows:

"10.64.010 Employee ~~Transportation plan~~ services for smaller projects.

Nonresidential projects, and the nonresidential portion of mixed-use projects, which are between exceed 25,000 square feet and 75,000 square feet of gross floor area, shall provide a commuter matching service for all employees on an annual basis, and for all new employees upon hiring. employee transportation information services and a transportation plan which conforms to the program requirements approved by the City Department of Transportation. This transportation plan shall be reviewed and approved by the Director of Transportation prior to the issuance of a building permit. Thereafter, these projects shall submit for review an annual update on the implementation of the pre-existing transportation plan. The plan requirements include, but are not limited to, the following:

- A. Project description;
- B. Carpool and vanpool preferential parking designation;
- C. Bicycle parking designation;

- D. Commuter matching services, to be provided for all employees on an annual basis, and for all new employees upon hiring;
- E. Transportation information displays, to be provided on site, situated so as to be seen by the greatest number of employees. Information displayed shall include, without limitation, current maps, routes, and schedules for public transit routes serving the development; the telephone number and web sites of referrals for transportation information including the numbers and web sites for the regional ridesharing agency and local transit operators; ridesharing promotional materials; bicycle routes and facility information; and a listing of facilities available for bicyclist, carpoolers, pedestrian, transit riders, and vanpoolers at the development; and
- F. Contact information for responsible party at the site.”

SECTION 10. Pasadena Municipal Code, Title 10, Chapter 10.64, Section

10.64.020, is amended as follows:

“10.64.020 Transportation systems Demand Management Program Plan.

~~All nonresidential development projects, and the nonresidential portion of all mixed used development projects, which exceed 100,000 square feet of gross floor area shall provide a transportation systems management (TSM) program. The TSM program shall be reviewed and approved by the director of public works and transportation prior to the issuance of a building permit and thereafter shall be reviewed and approved annually. The TSM program may include but is not limited to the following items:~~

- ~~A. Private vanpool operation;~~
- ~~B. Transit and vanpool fare subsidies;~~
- ~~C. Pay parking for employees;~~
- ~~D. Provision of subscription bus services;~~
- ~~E. Alternative work hours;~~
- ~~F. Capital improvements for transit services;~~
- ~~G. Reduction of parking fees for carpools and vanpools;~~
- ~~H. Bikeway linkages to established bicycle routes;~~
- ~~I. Provision of an on-site employee transportation coordinator. (Ord. 6573 § 6 (part), 1993)~~

A. Transportation Demand Management Program Plan. TDM Program Plans will be required by the following projects:

1. Multi-family residential developments that are 100 or more units;
2. Mixed-use developments with 50 more residential units; or 50,000 sq. ft. or more of non-residential development; or
3. Nonresidential projects which exceed 75,000 sq. ft.

B. Transportation Demand Management Program Plan requirements. TDM Program Plans shall conform to the program requirements approved by the City Department of Transportation. The TDM Program Plans shall be reviewed and approved by the Director of Transportation prior to the issuance of a building permit

and thereafter shall be reviewed and approved annually. Program requirements will include, but not be limited to, the following:

1. Project description;
2. Site conditions that affect commute travel;
3. TDM Program Plan measures;
4. Evaluation criteria for reviewing TDM Program Plans; and
5. Duties, responsibilities and qualifications of a certified Employee Transportation Coordinator.

C. Average vehicle ridership requirements. Nonresidential development projects, and the nonresidential portion of mixed-use development projects, shall strive to achieve a minimum average vehicle ridership (“AVR”) between 6 a.m. and 9 a.m., Monday through Friday, as follows:

1. All projects shall strive to meet an AVR of 1.5 starting one year from the effective date of this ordinance.
2. All projects that are located within a “Transit Oriented Development” area (as defined in Title 17, Article 8) shall strive to meet a 1.75 AVR starting three years from the effective date of this ordinance.
3. The TDM Program Plan shall include a statement of the property owner’s Chief Executive Officer confirming the owner’s commitment to strive to meet the AVR requirements.

D. Transportation Demand Management Program statement of commitment. The property owner's Chief Executive Officer shall make the following commitments to the program:

1. Commitment to conduct annual surveys in conformance with South Coast Air Quality Management District's guidelines to determine commute travel behavior including collection of data on employee means of travel, arrival time, and interest in information on ridesharing opportunities.
2. Commitment to monitor the TDM Program activities; and
3. Commitment to report on the TDM Program annually in a manner required by the City (e.g., TDM Status Report).

E. Annual Transportation Demand Management Status Report.

1. Property owners shall submit an annual "TDM Status Report" to the City beginning with the first annual reporting date assigned by the City. The City shall provide the property owner with written notification indicating whether the TDM Status Report is approved or is deemed unacceptable within three months of its receipt. Alternatively, the City may notify the owner in writing of an extension of this deadline of no more than 30 days.
2. Annual reports will be reviewed by the City to determine if the property owner has implemented and/or maintained the TDM Program.
3. City staff will determine if a property has met the applicable AVR as measured by responses from the annual commuter survey.

4. City staff may request auditable documentation to determine compliance.
5. If the performance objective has not been achieved, City staff will determine if progress has been made toward meeting the AVR. This will be determined by, among other things, any change in the reported AVR from the prior year.
6. If the AVR requirement has not been met and a property owner has not made progress toward the requirement, the City shall work collaboratively with the owner to identify modifications to the TDM Program and shall direct the owner to revise its program within 60 days to incorporate the modifications. In response to the recommended modifications, the owner shall submit a revised TDM Program Plan, including the requested modifications or equivalent measures, within 60 days of receiving written notice to revise its program. The City shall review the revisions and notify the owner of acceptance or rejection of the revised program. If a revised program is not accepted, the City will send written notice to that effect to the owner within 60 days.

F. Commitment to maintain Transportation Demand Management compliance for the life of a project.

1. Property owners subject to trip reduction requirements shall record a Covenant and Agreement to a property's Codes, Covenants and Restrictions (i.e., CC&Rs) that make the TDM Program a condition of property ownership. The CC&Rs shall include provisions to:

- a. Guarantee adherence to the TDM objectives and perpetual operations of the TDM Program Plan for all legal parcels within the site regardless of property ownership.
 - b. Inform all subsequent property owners of requirements of the TDM Program Plan.
 - c. Inform the City Department of Transportation of any change in property ownership.
 - d. Identify consequences of non-performance.
2. Space use agreements (i.e., lease documents) shall include provisions to inform and commit tenants to and participate in measures of the property's TDM Program, including:
 - a. Encouraging employees to participate in campaigns that promote use of carpools, vanpools, transit, walking and bicycling; and
 - b. Posting transportation information in employee common areas; and
 - c. Participating in the annual employee commute survey; and
 - d. Promoting the availability of preferential car/vanpool parking spaces to employees.

G. Enforcement.

1. Property owners shall submit an annual TDM Status Report and relevant data/reports to document compliance with this Chapter. The City shall monitor

such compliance in a manner it deems appropriate and reasonable. Monitoring mechanisms may include, but not be limited to, the following:

- a. Printed documentation of site features (e.g., location of carpool parking spaces);
 - b. Photographs of TDM Program facilities (e.g., carpool parking spaces);
 - c. Field-site inspections by City staff; or
 - d. Other building site reports/surveys which the City may deem appropriate.
2. Non-compliance includes failure to:
- a. Submit a Transportation Demand Management Program Plan;
 - b. Implement strategies contained in an approved TDM Program Plan;
 - c. Submit Annual TDM Status Reports; or
 - d. Substantially achieve the established AVR requirement.
3. The City shall issue a written notice of non-compliance to owner of properties that are out of compliance with this Chapter. The notice shall indicate the cause for non-compliance (e.g., failure to: submit an approved TDM Program Plan, submit an Annual TDM Status Report, substantially achieve the established AVR requirement) and identify actions necessary to attain compliance. Property owners shall be given 30 days to provide documentation of compliance. Each day that a property owner violates the provisions of this Chapter or the terms and conditions of any approved TDM Program Plan shall constitute a separate violation of this Chapter.

4. Non-compliance will result in one or more of the following:
 - a. Require the addition of elements to the property owner's TDM Program Plan.
 - b. Institute proceedings to revoke any approval of a TDM Program Plan.
 - c. Impose an administrative penalty as provided for in Title 1 (General Provisions) of the Municipal Code.
 - d. Withhold the issuance of building permits, certificates of use and occupancy, and/or other City issued permits or licenses
 - e. Issue a stop work order.
 - f. Request that the City Attorney take appropriate enforcement action. Referral to the City Attorney is not a condition precedent to any enforcement action by the City Attorney.

***SECTION 12.** Pasadena Municipal Code, Title 10, Chapter 10.64, Section 10.64.040 is added, as follows:*

***Alternative trip reduction measures may be allowed.** An applicant may request alternatives to the above requirements. Alternatives to these requirements may be allowed by the Director of Transportation, after consultation with Metro. The applicant shall provide adequate information to demonstrate to the City and Metro that the proposed alternative TDM measures have equal or greater ability to reduce vehicle trips. Failure to achieve the target goal established under an alternative program will result in a one year period to take corrective action. Failure to achieve the target goal the second year will result in the re-institution of the City's established program requirements.*

SECTION 11. This ordinance shall not apply to projects that have submitted a complete set of plans for building permits and paid for all plan check fees prior to the effective date of the ordinance, or which are exempt pursuant to the Subdivision Map Act's vesting tentative tract map provisions.

SECTION 12. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 13. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2008.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2008, by the following vote:

AYES:

NOES:

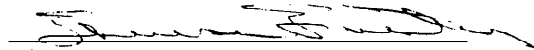
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

TEF Ordinances/ Resolutions
trip reduction ordinance as approved by Metro (redlined)