

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLEDAD TO ADOPT DRAFT TRANSPORTATION
DEMAND MANAGEMENT ORDINANCE

WHEREAS, state law requires the development of a countywide Congestion Management Program (AB 471 and 1791) and mandates adoption and implementation of a Trip Reduction and Travel Demand element and ordinance; and

WHEREAS, other Transportation Demand Management (TDM) measures will be adopted for the city/county and region as a result of the updated Air Quality Management Plan prepared by the Monterey Bay Unified Air Pollution Control District (MBUAPCD); and

WHEREAS, various efforts underway including the Congestion Management Program (CMP) recognize and encourage the use of Transportation Demand Management (TDM) strategies to increase mobility and improve the general efficiency of the transportation system by enhancing vehicle flow and shifting demand on existing transportation facilities, and

WHEREAS, continued receipt of approximately \$71,177 in Section 2105 state gas tax funds as well as eligibility for new federal Congestion Mitigation and Air Quality and Surface Transportation Program funds depend upon forwarding a resolution of intent to adopt a TRO by April 1, 1993 and forwarding a Draft Trip Reduction Ordinance to the Transportation Agency of Monterey County by December 31, 1992.

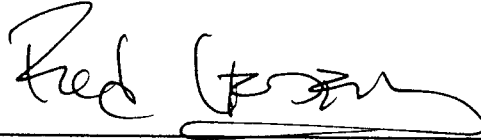
NOW, THEREFORE, BE IT RESOLVED that it is the intent of the City Council of the City of Soledad to adopt the following ordinance establishing transportation demand management and trip reduction requirements for specified development projects, major expansion of existing developments, and employers and employment complexes with more than 50 employees.

PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 28th day of December, 1992, by the following vote.

AYES, and in favor thereof, Councilmembers: John Holguin, Ben Jimenez, Jr., Richard Ortiz, Mayor Pro Tem Fabian Barrera, Mayor Fred Ledesma

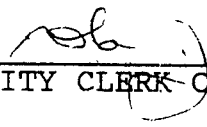
NOES, Councilmembers: None

ABSENT, Councilmembers. None



MAYOR OF THE CITY OF SOLEDAD

ATTEST:


CITY CLERK OF THE CITY OF SOLEDAD

Chapter 10.16

TRANSPORTATION DEMAND MANAGEMENT

SECTIONS.

10.16.010	Definitions
10.16.020	Policy - New Development
10.16.030	Applicability - Threshold Criteria
10.16.040	Facility and Trip Reduction Program
10.16.050	Violation - Penalty
10.16.010	Definition:

For purposes of this Chapter the definitions for the following terms shall apply:

A. "Alternative Transportation Modes" means any mode of travel that serves as an alternative to the single occupant vehicle. This may include all forms of ridesharing such as carpooling or vanpooling, public transit, bicycling, or walking.

B. "Applicable Development" means any new development project that is determined to meet or exceed the employment threshold as defined in this chapter.

C. "Carpool" shall mean any motor vehicle occupied by two (2) or more employees traveling together.

D. "Commute" shall mean a home-to-work or work-to-home trip.

E. "Complex" shall mean any business park, shopping center, or other non-residential development in separate or common ownership, including non-residential developments in separate or common ownership, including non-residential developments within mixed use developments, which can be identified by two or more of the following characteristics.

1. It is governed by a common set of covenants, conditions, and restrictions.

2. It was approved, or is to be approved as an entity by the City/County.

3. It is covered by a single tentative or final subdivision map or has been represented to the City/County as a single site and development.

4. It is located on a single assessor's parcel.

F. "Developer" means the individual or company who is

responsible for meeting the Conditions of Approval.

G. "Employee" means any person employed by a firm, person(s), business, educational institution, non-profit agency or corporation, government agency or other entity which employs 50 or more persons at a single worksite with shifts starting or ending between the hours of 7:00 a.m. to 10:00 a.m. and/or 3:00 p.m. to 6:00 p.m. Exempt from this definition of "employee" are construction workers; temporary employees employed for less than three (3) months; emergency service workers defined as medical doctors, police and fire, and disaster relief workers; and transit employees defined as Coach Operators or Mechanics for public and private bus companies.

H. "Employment Generation Factors" refers to factors used by the City of Soledad to project the potential employment of any proposed development project.

I. "Employer" means any person(s), firm, business, educational institution, government agency, non-profit agency or corporation or other entity which employs 50 or more persons at a single worksite, and may either be a property owner, property manager, complex manager, or tenant of an applicable development project.

J. "Facility(s)" means the total of all buildings, structures and grounds that encompass a worksite, at either single or multiple locations, that comprise or are associated with an applicable development project.

K. "Mixed-Use Development" means any development projects that combine any one of these land uses with another: residential, day care, office, commercial, light industrial, retail, and business park.

L. "New Development Project" means any non-residential project being processed where some level of discretionary action by a decision-making body is required.

M. "Peak Period" means those hours Monday through Friday between 7:00 a.m. and 10.00 a.m. and/or 3:00 p.m. to 6:00 p.m.

N. "Property Owner" means the legal owner of the applicable development project who serves as the lessor to an employer or tenant. The property owner shall be responsible for complying with the provisions of the Ordinance either directly or by delegating such responsibility as appropriate to an employer, tenant, or Transportation Management Association.

O. "Site Development Plan/Permit" means a precise plan of development that may be subject to public hearing before the Planning Commission.

P. "Tenant" means the lessee of facility space at an applicable development project who also serves as an employer. A tenant may be responsible for implementing the provision of this ordinance as determined by the property owner.

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

R. "Trip Reduction" means reducing the number of work related trips taken between 7:00 a.m. and 10:00 a.m. and between 3:00 p.m. and 6:00 p.m. inclusive Monday through Friday in single occupant vehicles.

S. "Vanpool" means seven or more persons traveling to work in one vehicle.

T. "Worksite" means a building or grouping of buildings located within the jurisdiction which are in actual physical contact or separated solely by a private or public roadway or other private or public right-of-way, and which are owned or operated by the same individual.

10.16.020 Policy - New Development

It shall be the policy of the City of Soledad to improve air quality, to reduce motor vehicle emissions, and to improve and maintain the existing transportation system through the implementation of the policies contained within this chapter:

A. The City of Soledad encourages a balance between jobs and housing, discourages commutes from outside its jurisdictional boundaries to employment centers within, encourages the provision of goods, services, and amenities considered usual and customary for an urban setting within its jurisdiction.

B. All new commercial, industrial, and mixed-use development resulting in the employment of 50 persons or more, shall be encouraged to incorporate the use of alternative transportation modes such as ridesharing, carpools, van pools, public transit, bicycles and walking into site and development plans which shall be subject to approval as a condition of development.

10.16.030 Applicability - Threshold Criteria

A. This chapter shall only apply to following:

1. All current employers who employ more than 50 employees between the hours of 7:00 a.m. and 9:00 a.m. and/or 3:00 p.m. to 6:00 p.m.
2. All new development, rehabilitations, or

expansions, that result in a cumulative total of 50 or more employees.

a. The following employee generation factors by type of use shall be considered:

Land Use Category	Gross Square Feet/Employee
Commercial (Regional, Community or neighborhood)	500
Office/Professional	250
Industrial	525
Hotel/Motel	0.8 - 1.2 per room
Mixed use	Employment projection shall be calculated as the sum of the individual figures for each use
Restaurant	1 per 10 seats
Hospital/Other Medical	1 per 4 beds

B. In-lieu of the above, employment projections developed by the project applicant, subject to approval by the City Manager, or his/her designee, may be substituted.

10.16.040 Facility and Trip Reduction Program

A. All applicable developments shall be subject to the facility standards as specified in this Section and shall include in their Site Development Plans provisions to provide no less than one of the following:

1. Preferential Parking for Carpool Vehicles;
2. Preferential Parking for employees who reside in the City of Soledad;
3. Fee Parking for Employees Single Occupant Vehicles who commute from outside the City of Soledad;
4. Pedestrian and bicycle system improvements,
5. Showers and secure locking bicycle storage facilities for employees who bicycle/walk to work;
6. Bus Stop Improvements, transit amenities, and/or pedestrian access;

In-lieu of the above, alternative facility standards may be substituted by the project applicant, subject to the acceptance of the City Manager, or his/her designee.

B. All employers who employ more than 50 employees between the hours of 7:00 a.m. and 9:00 a.m. and/or 3:00 p.m. and 6:00 p.m. shall implement a Trip Reduction program to contain the elements shown below at a minimum. Upon approval of

the employer's Trip Reduction Plan, the employer shall be given a Trip Reduction Permit. The Trip Reduction Permit is part of the Conditional Use/Zoning Permit/Certificate of Occupancy and shall be renewed annually at the discretion of the City Manager, or his/her designee.

The City Manager shall only renew the Trip Reduction Permit after reviewing the progress made by the Employer in meeting the goal of reducing single occupant commute trips by thirty (30%) percent. (For the purposes of this chapter employees who live within the Soledad City limits shall be excluded from the stated goal). Failure to meet the goals of the Trip Reduction Program and/or have a Trip Reduction Permit renewed on time shall result in review by the Planning Commission and/or the City Council of the land use permit authorizing the development and placement of such conditions as are necessary to meet the stated goal.

The above section also applies to all employers who expand so as to exceed the 50 employee/peak hour threshold shown above.

1. No person shall employ 50 or more persons at a common business location with the City of Soledad/County of Monterey without first applying for and obtaining a Trip Reduction Permit. Said permit must be obtained within 180 days of notification. For the purposes of this chapter employees who live within the Soledad City limits shall be excluded from the definition of employee.

2. When a particular person or company has more than one common business location within the unincorporated area, each location employing 50 or more persons, that person may apply for, and subject to meeting the requirements satisfactorily, may be granted a single Trip Reduction Permit applicable to all business locations described in the approved permit.

3. The City Manager, or his/her designee, shall be authorized to issue a Trip Reduction Permit based on satisfactory compliance with the requirements herein. Annual compliance and annual reissuance of the Trip Reduction Permit shall be required except as provided in this chapter. Reasonable administrative procedures to implement the provisions of this chapter may be adopted by the City Manager, or his/her designee.

4. The Council may, by resolution, and from time-to-time, prescribe fees for the issuance and renewal of Trip Reduction Permits. Such fees shall be for the sole purpose of defraying costs incurred in the administration and enforcement of this Chapter.

All fees for the issuance and renewal of permits shall be paid at the time of and with the filing of the application. No application shall be deemed valid or complete until all prescribed fees have been paid.

Unless otherwise prescribed, fees shall not be refundable in whole or in part whether or not the permit is issued or approval granted. Nor shall any such fee be refundable in whole or in part if a permittee ceases operating under the permit in advance of the expiration of the term thereof.

5. The City Manager, or his/her designee, shall notify, in writing, all employers employing over 50 persons during peak hours of the requirement to obtain a Trip Reduction Permit.

6. All Trip Reduction Permits shall be valid for a period of one year from the date of issuance by the City Manager, or his/her designee. The City Manager, or his/her designee may issue a Trip Reduction Permit which is valid for three years to an employer or person who has met the 30 percent trip reduction requirement continuously for a period of two years or more.

7. In order for a Trip Reduction Permit Application to be complete, the information shown below must be provided. This information comprises the Employer's Transportation Plan.

a. Background Information

(1) A description of the employment activity (number of employees by work shift and employment location).

(2) Survey results taken in the previous month describing the current home-to-work trips of all employees. In the event that the facility is a new use and has no employees at the time of application or has only a few employees, it shall be assumed that each employee drives alone to work.

b. Transportation/Trip Reduction Plan.

A Plan to achieve a 30 percent reduction in single occupant vehicle trips among employees of the employer or complex. This means that 30 percent of the employees shall use alternative transportation modes by 1995 which are defined as using transit, carpools of two or more people, telecommuting on two or more days, vanpools of seven or more people, bicycling or walking to work.

c. Transportation Coordinator Responsibilities.

There shall be one management level employee assigned as the Transportation Coordinator for Trip Reduction. The name, mailing address, and phone number of this employee

shall be provided. The Transportation Coordinator for the Employer shall take advantage of such training as the City/County/Ridesharing Coordinator shall provide on the subject of Trip Reduction methods. The employer shall notify the City Manager within 15 days of any change that results in a person being appointed as the Transportation Coordinator employment site. The Transportation Coordinator shall be responsible for all promotion, display of on-site information on alternative modes, employee counseling and information on alternative commute modes, enforcement of any parking restrictions or incentives, trip matching services for vanpools, and transit services.

The Transportation Coordinator shall also be responsible for completing the plan, updating the plan, enforcing the plan requirements, and surveying current commute mode usage for employees.

d. Annual Update of the Trip Reduction Plan.

Information shall be updated annually and shall also include a description of the measures taken to comply with this regulation. The reporting requirement for mode of travel to work shall be a survey to be taken one month prior to the due date of the updated Trip Reduction Plan, which shall be taken on a Wednesday on a non-holiday and non-special event day.

Should the employer discover that the 30 percent reduction in trips by single occupant automobile has not been achieved, he/she shall immediately seek the written input and advice of: the City of Soledad and Monterey Ridesharing Coordinator. Said input shall be incorporated into a new set of mitigations with which to achieve a 30 percent reduction in single occupant vehicle trips by employees.

e. Semi-Annual Update.

Any employer not meeting the 30 percent single occupant vehicle reduction and required to add additional mitigation measures shall file a progress report outlining the trip mode to work being used by employees as of six months from the time the updated plan referenced above is due.

8. Those employers not meeting the 30 percent reduction in trips by single occupant vehicles by 1995 shall be faced with mandatory parking management

actions that may include mandatory parking fees for employees using single occupant vehicles to commute to work.

9. With regard to the employer requirements of this chapter, any employer may request a hearing before the City Council to appeal a decision of the City Manager, or his/her designee. Such appeals must be in writing. Hearings shall be set before the City Council no later than 30 days from the receipt of the appeal.

10.16.050 Violation - Penalty

A. Misdemeanor. Any violation of this chapter shall be a misdemeanor, punishable as provided in Section 1.04.030 of this code, and as set forth in this chapter.

B. Misdemeanor enforcement shall not be pursued against employers and or developers engaged in good faith effort to achieve the goals of this chapter.

C. Notwithstanding the provision of 10.16.050.B., a non-compliance fee of \$50 (per employee annually) for all unmitigated single occupant trips in excess of seventy (70%) percent shall be imposed. Imposition of the above fee may be delayed for one year subject to an extension of time granted by the City Council. Such fee may be amended from time to time by resolution of the City Council.