



# CITY of BRISBANE

## City Council Meeting Agenda

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Thursday, October 19, 2023 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

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The public may observe/participate in City Council meetings using remote public comment options or attending in person. City Council members shall attend in person unless remote participation is permitted by law. The City Council may take action on any item listed in the agenda.

### TO ADDRESS THE COUNCIL

#### IN PERSON

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masking is not required but according to the California Department of Public Health guidelines, people at higher risk for severe illness should consider masking. To help maintain public health and safety, we respectfully request that people not attend in-person if they are experiencing symptoms associated with COVID-19 or are otherwise ill and likely contagious (e.g., respiratory illnesses).

To address the City Council on any item – whether on the posted agenda or not – please fill out a Request to Speak Form located in the Community Meeting Room Lobby and submit it to the City Clerk. Speakers are not required to submit their name or address.

#### REMOTE PARTICIPATION

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The agenda materials may be viewed online at [brisbaneca.org](https://brisbaneca.org) at least 72 hours prior to a Regular Meeting, and at least 24 hours prior to a Special Meeting.

#### Remote Public Comments:

Remote meeting participants may address the City Council. We also encourage you to submit public comments in writing in advance of a meeting. Aside from commenting personally while in the Zoom Webinar, the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications 1 and 2 or during an agenda item.

**Email:** [ipadilla@brisbaneca.org](mailto:ipadilla@brisbaneca.org) or **Text:** (628) 219-2922

**Join Zoom Webinar:** [zoom.us](https://zoom.us) (please use the latest version: [zoom.us/download](https://zoom.us/download))  
[brisbaneca.org/cc-zoom](https://brisbaneca.org/cc-zoom)

Webinar ID: 991 9362 8666

Call In Number: 1 (669) 900-9128

Note: Callers dial \*9 to "raise hand" and dial \*6 to mute/unmute.

## **SPECIAL ASSISTANCE**

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

## **WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED**

Any writings that are received after the agenda has been posted but before 4pm of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet ([brisbaneca.org/meetings](https://brisbaneca.org/meetings)). Any writings that are received after 4pm of the day of the meeting will be available on the internet at the start of the meeting ([brisbaneca.org/meetings](https://brisbaneca.org/meetings)), at which time the materials will be distributed to the Council.

## **7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

- A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

## **ADOPTION OF AGENDA**

### **ORAL COMMUNICATIONS NO. 1**

### **CONSENT CALENDAR**

- B. Approve Minutes of City Council Meeting of September 21, 2023
- C. Approve Minutes of City Council Meeting of October 5, 2023
- D. Adopt an Ordinance, Waiving Second Reading, Amending Chapter 10.52 of the Brisbane Municipal Code to Incorporate Transportation Demand Management (TDM) Requirements

(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)

## **OLD BUSINESS**

- E. Information Report Concerning Development Impact Fees

F. Short Term Rental Program Implementation

(Council will consider providing direction to staff on the Short-term Rental Program implementation and consider authorizing the City Manager to Execute a one-year extension with Granicus to continue providing short term rental monitoring and Permitting Services. The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services.)

**NEW BUSINESS**

G. Bayshore Boulevard Traffic Calming

**STAFF REPORTS**

H. City Manager's Report on Upcoming Activities

**MAYOR/COUNCIL MATTERS**

I. Countywide Assignments and Subcommittee Reports

J. Written Communications

**ORAL COMMUNICATIONS NO. 2**

**ADJOURNMENT**

**File Attachments for Item:**

B. Approve Minutes of City Council Meeting of September 21, 2023



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**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**JOINT CITY COUNCIL MEETING AGENDA  
THURSDAY, SEPTEMBER 21, 2023**

*HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005*

**7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor Davis called the meeting to order at 7:32 P.M. and led the Pledge of Allegiance.

**ROLL CALL**

**A. Consider any request of a City Councilmember to attend the meeting remotely under the  
“Emergency Circumstances” of AB 2449**

No Councilmembers made a request to attend the meeting remotely.

Councilmembers present: Councilmembers Cunningham, Lentz, Mackin, O’Connell and Mayor Davis

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorro, Finance Director Yuen, City Engineer Breault, Parks and Recreation Director Leek, Assistant to the City Manager Cheung, Police Commander Garcia and Management Analyst Ibarra

**REPORT OUT OF CLOSED SESSION**

City Attorney McMorro reported that direction was given to staff pertaining to the Personnel Matter

**ADOPTION OF AGENDA**

Staff pulled Consent Calendar Item G to correct clerical errors in the minutes. Councilmember O’Connell made a motion, seconded by Councilmember Cunningham, to adopt the agenda as amended. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, O’Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

## **AWARDS AND PRESENTATIONS**

### **B. National Preparedness Month**

Mayor Davis proclaimed September 2023 as “NATIONAL PREPAREDNESS MONTH” and encourage all Brisbane residents to increase their knowledge and awareness of proper safety measures to follow before, during, and after a disaster.

Joel Abelson, Battalion Chief of North County Fire Authority, thanked the Mayor and Council for the proclamation and support of National Preparedness Month.

### **C. National Hispanic and Latinx Heritage Month**

Mayor Davis and the Brisbane City Council proclaimed s the month of September 15, 2023 to October 15, 2023 as National Hispanic and Latinx Heritage Month. San Mateo County Libraries’ Library Manager Cary Mossing accepted the proclamation and announced the upcoming library events being held to celebrate Hispanic & Latinx Heritage Month.

### **D. San Mateo County Libraries' Annual Report**

San Mateo County Libraries’ Library Manager Cary Mossing reported on the San Mateo County Libraries’ Annual Report.

### **E. Class of 2023 City of Brisbane Intern Presentation**

Assistant to the City Manager Cheung introduced the Class of 2023 City of Brisbane Interns and each of the interns presented their summer project. The interns who presented were: Grace Baldwin, Oscar Li and Daniel Moorhatch.

## **ORAL COMMUNICATIONS NO. 1**

Michele Salmon warned the council that the community park playground was unsafe. The sharp edge stars were falling off the concrete wall and the padding by the swings were torn off. She also added that the holiday lights on the light posts should not be on all year. It is not sustainable.

Roland Lebrun commented that he was bounced off the Closed Session Meeting earlier in the evening. He appreciated the opportunity to listen to the city manager recruitment.

City Clerk Padilla noted for the record that Dana Dillworth wrote that a point of order was raised and that the council was to resolve the issue before proceeding with business at the City Council Meeting of September 7<sup>th</sup>, 2023.

## **CONSENT CALENDAR**

### **F. Approve Minutes of City Council Special Meeting of June 29, 2023**

### **~~G. Approve Minutes of Joint City Council, Brisbane GVMID Financing Authority, and Guadalupe Valley Municipal Improvement District Special Meeting of June 29, 2023~~**

### **H. Approve Minutes of City Council Special Meeting of July 6, 2023**

### **I. Approve Minutes of City Council Meeting of September 7, 2023**

### **J. Approve Minutes of City Council Closed Session Meeting of September 7, 2023**

### **K. Accept Investment Reports as of July 2023**

- L. Approve Response to the 2022-2023 Grand Jury Report: “Bike Safety in San Mateo County: Making Cycling Safer in the County”**
- M. Adopt an Ordinance, Waiving Second Reading, Repealing Chapter 8.44 of the Brisbane Municipal Code Enacting a New Chapter 8.44 to the Brisbane Municipal Code to Clarify Existing Definitions and to Enact Additional Requirements for Tobacco Retailer Permits, and Finding that No Further Environmental Review is Required Concerning this Ordinance**
- N. Adopt Resolution Establishing the Business License Tax on Recycling Establishments for Fiscal Year 2023/24**
- O. Adopt a Resolution Authorizing Submission of Applications for all CalRecycle Grants and Payment Programs for which City of Brisbane is Eligible**

Councilmember O’Connell made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Items E, F, and H-M and O. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, O’Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

Mayor Davis recused herself from voting on Consent Calendar Item N. Councilmember Mackin made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Item N. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, and Mayor Pro Tempore O’Connell

Noes: None

Absent: None

Abstain: None

Recused: Mayor Davis

## **OLD BUSINESS**

### **P. Revisit Sierra Point Open Space and Parks Process**

Parks and Recreation Director Leek is seeking direction from Council regarding guidance on next steps in the Sierra Point Open Space and Parks Process.

After Council questions, public comments were made by the following members of the public:

Nancy Lacsamana commented on making the Bay Trail a place to visit, picnic, bike, walk, with a clear outlook on sea level rise.

Ron Davis (read by Michele Salmon) wrote that a community building like the Mission Blue Center is more suitable for the community than a park.

Michele Salmon commented that the City needs to take a pause. The land is continuing to subside. We need to direct resources not on a park but on the boat area as well as the land area of the Marina.

Mea Christie could make the site more appealing and connected to town. Addressing the sea level rise would be the bare minimum.

Linda Dettmer (read by Michele Salmon) commented that a large and beautiful park will do nothing to address our most pressing issues. I appeal to the sensibility of the entire council to do the right thing and forego the impracticality of a

large park project.

Michele Salmon invited the larger community to be engaged and attend upcoming events in the Marina.

After Council discussion, Council directed staff to use funds to finance a Sea Level Rise Study in the Sierra Point site and find a consultant to do the work.

## **NEW BUSINESS**

### **Q. Consider Introduction of an Ordinance, Waiving First Reading, Concerning the Timing of the Construction of Off-Site Improvements**

**(This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it is not a project. CEQA Guidelines section, 15378 (b)(2))**

City Engineer Breault reported that the Municipal Code currently does not have provisions that would require off-site work to be completed before onsite work begins. Staff has drafted the ordinance the purpose of which is to eliminate or substantially reduce neighborhood concerns,

After brief Council questions and no public comment, Councilmember Cunningham made a motion, seconded by Councilmember Cunningham, to introduce an Ordinance, Waiving First Reading, Concerning the Timing of the Construction of Off-Site Improvements. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

## **STAFF REPORTS**

### **R. City Manager's Report on Upcoming Activities**

City Manager Holstine reported on the latest City news and events.

## **MAYOR/COUNCIL MATTERS**

### **S. Review City Council Meeting Schedule and Proposed Meeting on December 14, 2023**

City Clerk Padilla will confirm with Councilmember Cunningham about her availability to meet on December 14, 2023.

### **T. Countywide Assignments and Subcommittee Reports**

Council reported on their subcommittee activities and countywide assignments.

### **U. Written Communications**

Written Correspondence was received from Steve Kerekes on September 10, 2023 regarding Signage to protect dogs.



**ORAL COMMUNICATIONS NO. 2**

Diana Sosa commented that the City needs to revisit the plans at Sierra Point. It is expected in the near future that highway 101 will be underwater.

**ADJOURNMENT**

Mayor Davis adjourned at 10:04 P.M.

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Ingrid Padilla  
City Clerk

DRAFT

**File Attachments for Item:**

C. Approve Minutes of City Council Meeting of October 5, 2023



## BRISBANE CITY COUNCIL

### ACTION MINUTES

## JOINT CITY COUNCIL MEETING AGENDA THURSDAY, OCTOBER 5, 2023

*HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005*

### 7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Davis called the meeting to order at 7:31 P.M. and led the Pledge of Allegiance.

After the Pledge of Allegiance, Mayor Davis noted for the record that the City welcomed speakers providing public comment, and advised that this is a limited public forum. Speakers must stay on-topic if speaking to a particular agenda item, and if speaking during general public comment, they must address matters within the subject matter jurisdiction of the City. If speakers fail to follow these rules, they will be warned, and if they continue to disregard our rules, their opportunity to speak will be ended.

### ROLL CALL

#### **A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449**

No Councilmembers made a request to attend the meeting remotely.

Councilmembers present: Councilmembers Cunningham, Lentz, Mackin, and Mayor Davis

Councilmembers absent: Councilmember O’Connell

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, City Engineer Breault, Community Development Director Swiecki, Parks and Recreation Director Leek, Police Chief Macias, Associate Planner Robbins, and Management Analyst Ibarra

### ADOPTION OF AGENDA

Councilmember Cunningham made a motion, seconded by Council Mackin to adopt the agenda as it stands. The motion was passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, and Mayor Davis

Noes: None

Absent: Councilmember O'Connell

Abstain: None

## **AWARDS AND PRESENTATIONS**

### **B. Proclamation for Domestic Violence Awareness Month**

Mayor Davis proclaimed that the City of Brisbane, designates the month of October 2023 as Domestic Violence Awareness Month, to raise awareness about and encourage all residents and community members to do their part to help rid our community of intimate partner violence.

Norma Alfaro, from CORA (Community Overcoming Relationship Abuse), accepted the City's Proclamation on behalf of her organization.

### **C. Proclamation Condemning Antisemitism and Hate Speech**

Mayor Davis proclaimed that the City of Brisbane stands firmly behind the preservation and protection of basic human rights, dignity, health, and well-being of all people, and encourage community members and organizations to foster a sense of welcoming, belonging, and inclusion. The City Council of the City of Brisbane condemns antisemitism and all forms of hate speech and stands with the Jewish community.

Alejandro Padron, from the Jewish Community Relations Council, accepted the City's Proclamation on behalf of his organization. He thanked the City Council for their support of the Jewish community.

### **D. National Fire Prevention Week**

Mayor Davis proclaimed October 8-14, 2023, as Fire Prevention Week and urged all the people of Brisbane to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of North County Fire Authority and emergency services during Fire Prevention Week 2023.

Safety Inspector Orlando Aguon of North County fire to accepted the Proclamation and thanked the Council for supporting North County Fire Authority's community efforts during National Fire Prevention Week.

### **E. Presentation on the Job Development Component of the City's Equitable Communities Revitalization Grant (ECRG)**

Marlean Session of San Mateo NOVAworks and Dion-Jay Brookter of Young Community Developers presented on their organization's partnership for the Job Development Component of the Equitable Communities Revitalization Grant.

## **ORAL COMMUNICATIONS NO. 1**

No members of the public wished to speak.

## CONSENT CALENDAR

- F. Approve Minutes of the Joint City Council, Brisbane GVMID Financing Authority, and Guadalupe Valley Municipal Improvement District Special Meeting of June 29, 2023
- G. Approve Minutes of City Council Closed Session Meeting of September 21, 2023
- H. Accept Investment Reports as of August 2023
- I. Award the Construction Contract for the Lower Visitation Overlay to G. Bortolotto & Company, Inc. In the Amount Of \$245,000, and Authorize the Mayor to Sign the Agreement for the City
- J. Award The Construction Contract for the Upper Visitation Overlay to Radius Earthwork in the Amount of \$219,174 and Authorize the Mayor to Sign the Agreement for the City
- K. Authorize the City Manager to execute the attached Quitclaim Deed for easements on APN 007-150-030 and 007-150-040
- L. Approve the Brisbane Dance Workshop's Holiday Arts & Crafts Fair as cosponsored event
- M. Approve the Brisbane Lions Club's Flu-Shots, Fun Run, Pumpkin Patch, Worldwide Candle Lighting, Annual Senior Luncheon, and Annual Crab Dinner Dance as cosponsored events
- N. Approve the Mothers of Brisbane's MOB Shop as cosponsored event
- ~~O. Authorize the City Manager to Execute a One-Year Extension with Granicus to Continue Providing Short Term Rental Monitoring and Permitting Services (The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services.)~~
- P. Adopt an Ordinance, Waiving Second Reading, Concerning the Timing of the Construction of Off-Site Improvements  
(This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it is not a project. CEQA Guidelines section, 15378 (b)(2).)

Councilmember Mackin asked to pull Consent Calendar Item O to be discussed at a future council meeting. Councilmember Cunningham made a motion, seconded by Council Lentz to approve Consent Calendar Items F-N and P. The motion was passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, and Mayor Davis

Noes: None

Absent: Councilmember O'Connell

Abstain: None

## NEW BUSINESS

- Q. Consider Introduction of a Draft Ordinance Amending Chapter 10.52 of the Brisbane Municipal Code to Incorporate Transportation Demand Management (TDM) Requirements  
(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 Development Director Swiecki reported that the purpose of this item is 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 Plan that is in accordance with San Mateo County's Congestion Management Plan.

After Council questions, no public comment and Council discussion, Councilmember Cunningham made a motion, seconded by Council Lentz to introduce a draft Ordinance Amending Chapter 10.52 of the Brisbane Municipal Code to Incorporate Transportation Demand Management (TDM) Requirements with a minor clerical correction. The motion was passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, and Mayor Davis

Noes: None

Absent: Councilmember O'Connell

Abstain: None

Council also directed staff to do the following: to request an exemption from C/CAG's TDM Policy, to draft a resolution establishing fines for noncompliant Tier 3 projects at a rate dependent on the size of the employer, to amend Chapter 17.34 of the BMC to add parking maximums for office and life science uses and update bicycle parking requirements, and direct staff to request proposals for a Transportation Impact Fee Nexus Study.

## **STAFF REPORTS**

### **R. City Manager's Report on Upcoming Activities**

City Manager reported on the latest upcoming City events and news.

## **MAYOR/COUNCIL MATTERS**

### **S. Countywide Assignments and Subcommittee Reports**

Council reported on their subcommittee assignments.

### **T. Written Communications**

Council received the following communication from the following members of the public:  
Steven Kerekes (9/22/23) hot Asphalt sign

## **ORAL COMMUNICATIONS NO. 2**

No members of the public wished to speak.

## **ADJOURNMENT**

Mayor Davis adjourned at 8:53 P.M.

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Ingrid Padilla  
City Clerk

**File Attachments for Item:**

D. Adopt an Ordinance, Waiving Second Reading, Amending Chapter 10.52 of the Brisbane Municipal Code to Incorporate Transportation Demand Management (TDM) Requirements

(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)



**City of Brisbane**  
50 Park Place  
Brisbane, CA 94005-1310  
(415) 508-2100  
(415) 467-4989 Fax

# 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. CCAG's TDM

policy allows local jurisdictions to adopt a local ordinance which, at a minimum, meets CCAG'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.

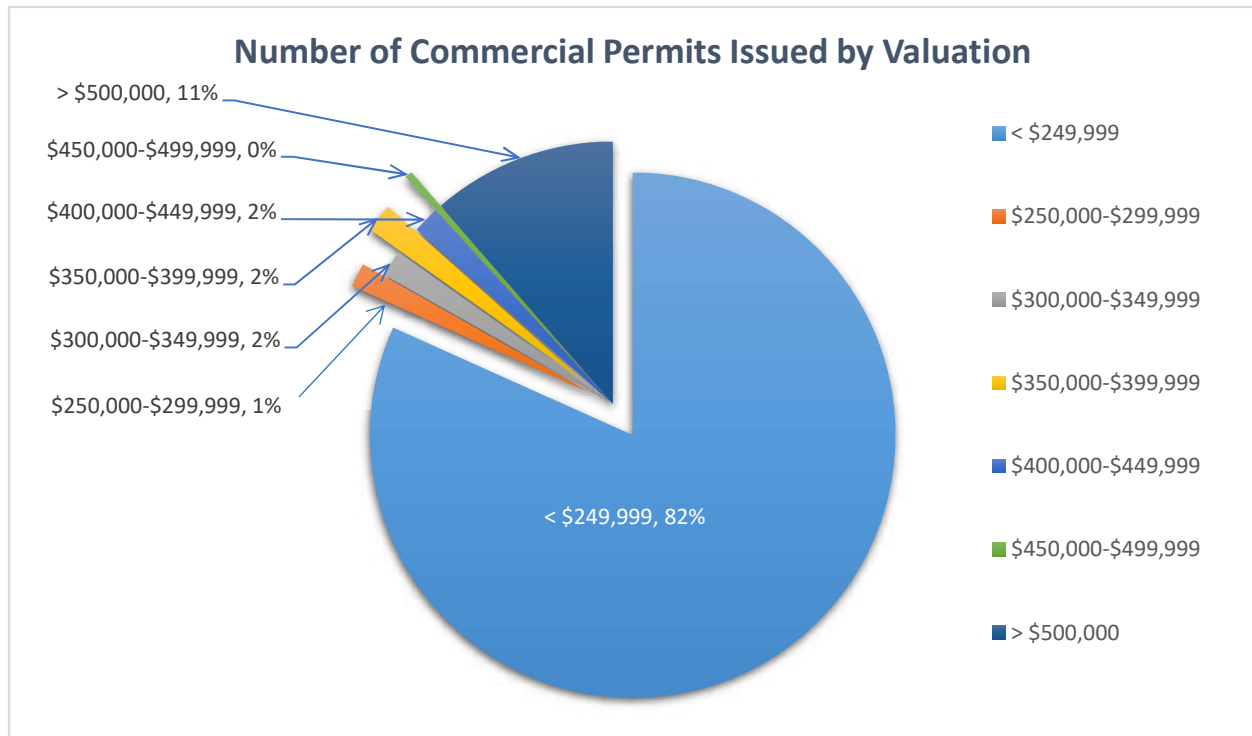
All projects subject to the requirements of the draft Ordinance would be required to incorporate trip reduction measures, based on a tiered system. Tier 1 includes uses with the least traffic impacts, Tier 2 uses have moderate traffic impacts, and Tier 3 uses have the greatest impacts. Applicability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

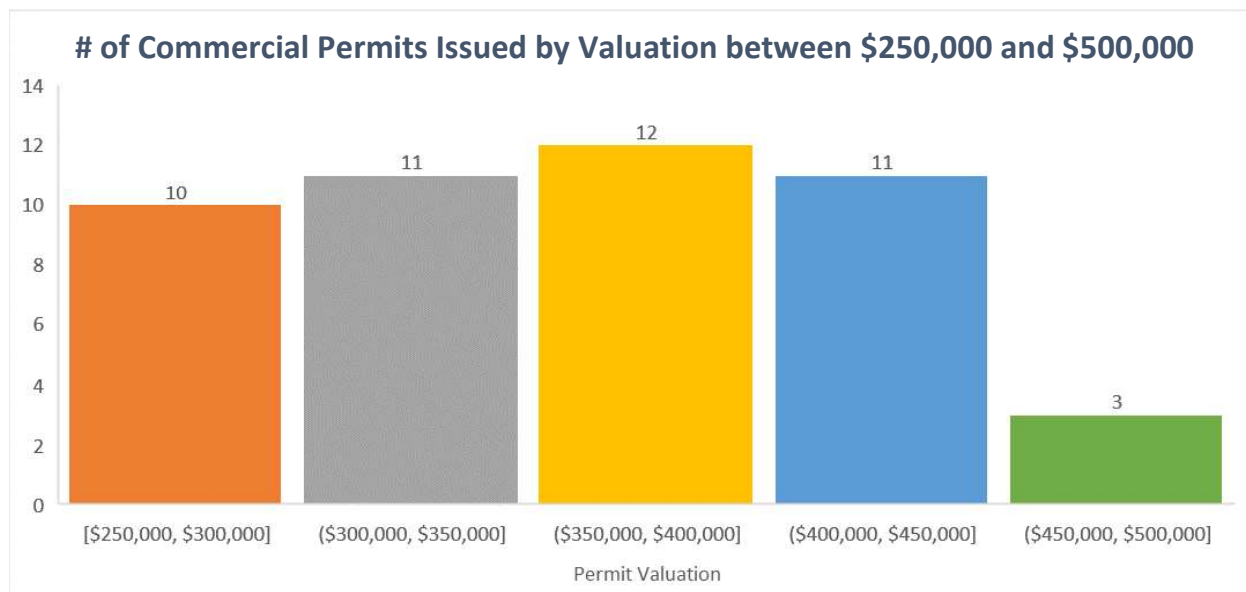
### **Threshold for Construction Costs**

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**

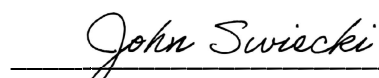
None associated with the proposed ordinance or changes to parking or bike parking standards. Subsequent actions related to the consideration of enforcement fines and adoption of transportation impact fees could potentially raise City revenues.

### **MEASURE OF SUCCESS**

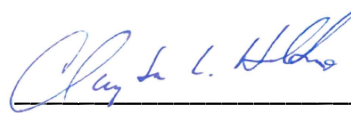
Application of Brisbane-specific TDM measures that would more effectively result in trip reductions, exceeding the minimum requirements under C/CAG's TDM policy, and help meet the goals of the City's General Plan and Climate Action Plan.

### **ATTACHMENTS**

1. Draft Ordinance
2. Draft TDM Strategy Document



John Swiecki, Community Development Director



Clay Holstine, City Manager

**Draft  
ORDINANCE NO. \_\_\_\_\_**

**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 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.<sup>1</sup> 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.

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<sup>1</sup> 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).<sup>2</sup> 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)<sup>3</sup>. Tier 3 Office/R&D projects would also be subject to more frequent surveys, vehicle counts, and enforcement.

<sup>2</sup> 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.

<sup>3</sup> 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."<sup>4</sup>
- 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

<sup>4</sup> *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](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) <sup>1</sup>	<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: <sup>1</sup>California 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**

<b>TDM Measure</b>	<b>Tiers Required</b>	<b>Description</b>
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"> <li>1. Obtain and maintain certification of participation with Commute.org under their Certified Development Program, or equivalent successor program.</li> <li>2. Provide commute assistance and ride-matching program</li> <li>3. Provide Guaranteed Ride Home</li> <li>4. Supply orientation, education, and promotional programs and/or materials for tenants</li> </ol>
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.

<b>TDM Measure</b>	<b>Tiers Required</b>	<b>Description</b>
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 &amp; 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 <a href="#">BMC Chapter 17.34</a> .	
<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.	

October 2023

### 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**

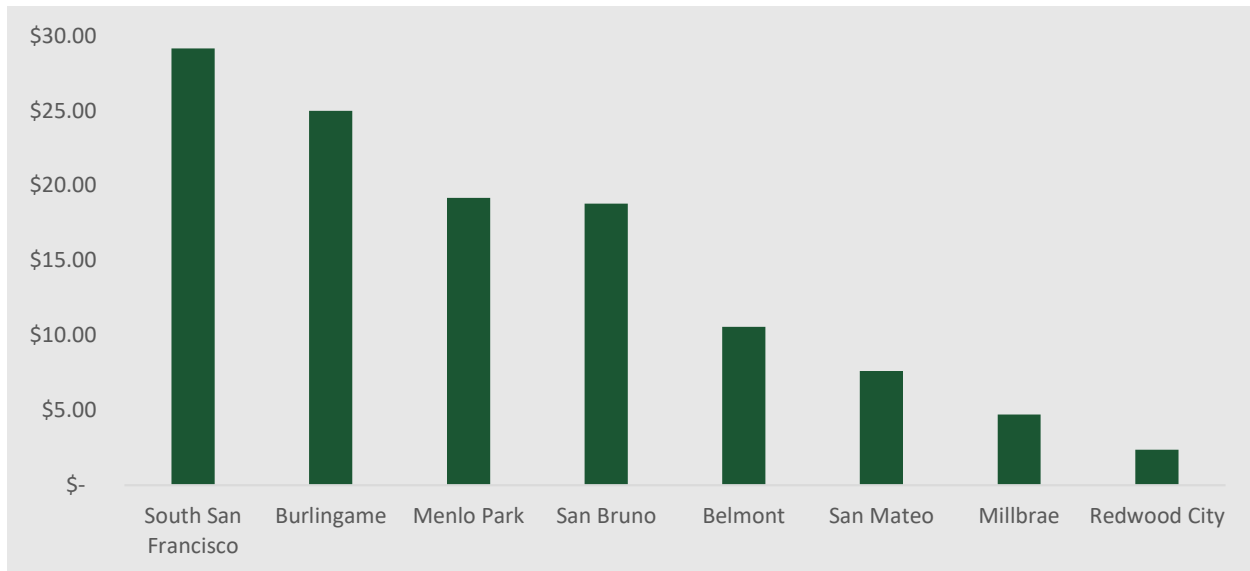
Use	Bicycle Parking Requirements	
	Long Term	Short Term
Retail	1 per 12,000 square feet	1 per 4,000 square feet
Parks and Open Space	N/A	6 per acre
Multifamily Residential	1 per 2 units	1 per 10 units
Office	1 per 4,000 square feet	1 per 40,000 square feet

## 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.*

**File Attachments for Item:**

E. Information Report Concerning Development Impact Fees



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** October 19, 2023

**From:** Clayton Holstine, City Manager & Michael Roush, Legal Counsel

**Subject:** Update on Development Impact Fees

### COMMUNITY GOAL RESULT

Fiscally Prudent

### RECOMMENDATION

Review this Update on Development Impact Fees and provide direction as necessary.

### BACKGROUND

On September 7, 2023, staff presented to City Council an Information Report concerning Development Impact Fees (DIF). The Report discussed the legal authority of the City to impose DIF, explained that certain elements—need, benefit, and proportionality—must be established in order to impose DIF, set forth the current DIF in Brisbane, identified the DIF that were in the “pipeline”, and sought direction from City Council concerning next steps. A copy of that Report is attached for Council’s reference.

Council agreed that it was fair for “new development” to pay its fair share of capital improvements to mitigate the impacts that such development has on the community and that without imposing DIF the current residents would bear the full cost of such improvements. Council was concerned, however, that because DIF may not be used for routine maintenance and services, to the extent new or improved facilities came on line, the cost to maintain those facilities or provide services would need to be borne by the City’s General Fund. Nevertheless, City Council provided direction for staff to continue or proceed with any necessary studies for DIF related to traffic and City facilities. Accordingly, set forth below is the status of the various DIF that staff intends to present to City Council early next year.

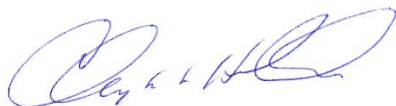
1. DIF for Parkland. Park and Recreation Facilities, Open Space and Trails. The nexus study for this DIF has been completed and will be presented to the City Council when the other studies have been completed.
2. DIF for Affordable Housing. The nexus study for this DIF has been completed and will be presented to the City Council when the other studies have been completed.

3. DIF for Traffic. Council will adopt at its October 19 meeting the Traffic Demand Management Ordinance that will provide the framework for a Traffic DIF. Preparation of the nexus study for this DIF will occur later this year. When the study is completed, the DIF will be presented to City Council along with the other studies.
4. DIF for Capital Facilities. At the September 7 meeting, there was consensus that a DIF for Capital Facilities, such as major renovations of City Hall, a new fire station, etc., should be considered. Accordingly, as with the Traffic DIF, preparation of a nexus study for this DIF will occur later this year. Staff is developing a list of potential capital facilities that would be included in the study. When that study is completed, the DIF will be presented to City Council along with the other studies.

In addition to discussing these nexus studies, there was also discussion about conducting a feasibility study to determine whether the totality of DIF could render development in the City “infeasible” for all practical purposes. That is, notwithstanding that the nexus studies demonstrate that the City has the legal authority to impose a certain amount of DIF, if such DIF were imposed, developers would be unlikely to pay such DIF. Under those circumstances, City Council would want to dial back some or all of the DIF in order to encourage development.

A feasibility study has been conducted for the affordable housing DIF but because of the cost of conducting additional feasibility studies is significant (around \$35,000), staff will undertake a review of what jurisdictions in other communities (primarily in San Mateo County) are charging for DIF and then make an informed recommendation to City Council as to what the City’s DIF should be in order to remain competitive.

Unless directed by Council otherwise, all of the nexus studies for these various DIF will be completed in the first quarter of the new year at which time staff will present to the City Council a complete package of DIF.



Clayton Holstine, City Manager



Michael Roush, Legal Counsel

Attachment: September 7, 2023 Information Report concerning Development Impact Fees





## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 7, 2023

**From:** Legal Counsel and City Manager

**Subject:** Information Report Concerning Development Impact Fees

### RECOMMENDATION

Review the Information Report concerning Development Impact Fees and provide direction concerning such Fees, keeping in mind, as will be explained below, that it is not permissible to adopt one development impact fee that would cover a multitude of improvements.

### BACKGROUND

The City of Brisbane imposes a number of “fees”. Many of those fees are set forth in the City’s Master Fee Schedule. These fees include fees for processing land use applications (Planning), use of City facilities (Parks and Recreation), water services (Finance), copies of police reports (Police), inspections (Fire) and processing grading permits (Public Works). There are also “property related fees”, as defined in Proposition 218, such as ordinary water and sewer charges. In addition, there are development impact fees (“DIF”) that are fees imposed on new development primarily to alleviate the impact such development has on the community.

Regardless of the type of fee, such fees may not exceed the estimated reasonable cost of providing the service or regulatory act for which the fee is charged. If they do, the fees would be considered a special tax and need voter approval. To adopt or increase such fees, the City must (a) hold at least one public hearing, (b) publish notice of the public hearing, (c) send notice to anyone who requested such notice, and (d) make available to the public data indicating the amount of the estimated cost to provide the service for which the fee is charged and the revenue source anticipated to provide the service.

### DISCUSSION

#### Development Impact Fees and Dedications

Cities and counties throughout California charge development impact fees (“DIF”). These fees, imposed on new development, are charges for service or to alleviate impacts that will result from new development. Cities and counties may establish DIF for a broad range of projects by legislation of general applicability or impose DIF on specific projects on an ad hoc basis. If local agencies did not impose DIF, the cost to provide services or to improve existing infrastructure and facilities would fall on existing taxpayers, notwithstanding that the need for such services and improvements were the result of new development. The types of DIF vary from community to community but most often local agencies impose DIF to mitigate the impacts that new development has on traffic, affordable housing, parks, and capital facilities.

Under State law, DIF may include costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the General Plan.

In addition to imposing a fee, a city may, as mitigation, require a “dedication” in connection with the development of real property whereby a property owner/developer must transfer ownership of the property, whether in fee or an easement, to the city.

The authority to exact fees and dedications stems from the city’s police powers under the State Constitution. In addition, several state statutes grant authority to local jurisdictions to impose exactions, for example the Mitigation Fee Act (AB 1600), discussed in more detail below.

There are limits, of course, to imposing DIF and/or dedication. If an exaction “goes too far”, it results in a “taking” for which compensation would need to be paid. In order to avoid that, courts have established what is called a “nexus” test to determine whether a DIF or dedication does not constitute an impermissible taking.

To establish nexus, generally three “reasonable relationship” findings must be made: need, benefit and proportionality.

Concerning need, it must be shown that new development will create a need for the item to be funded by the DIF and without this infusion of fees from new development, the availability of, for example, public facilities throughout the community would be negatively impacted. A DIF, of course, may be imposed only to the extent that new development creates the additional need.

Concerning benefit, it must be shown that new development will benefit from the item to be funded by DIF. To accomplish that, the DIF must be used in a timely manner.

Concerning proportionality, it must be shown that the DIF are proportional to the impact created by a particular development. To make that determination, different methodologies are employed to allocate costs and calculate the fees, depending on the type of infrastructure or facilities at issue. For example, a park improvement fee may be used to upgrade the kitchen facilities at Mission Blue, install a new roof at the Community Center, or replace playground equipment at the Community Park, assuming the nexus study, using an appropriate methodology, determines that the fee is necessary in order to maintain a level of service or achieve a level of service consistent with the General Plan.

#### The Mitigation Fee Act.

State law—the Mitigation Fee Act—often referred to as AB 1600—provides the procedural and substantive provisions that sets forth the requirements for establishing, increasing and imposing many DIF. The Act does not limit the type of infrastructure or facilities

for which DIF may be imposed but broadly defines “public facilities” to include public improvements, public services and community amenities. DIF may not be used, however, for maintenance or operating costs. Moreover, certain fees, such as fees in a development agreement, are not subject to the Act.

For the city to establish, increase or impose DIF under the Act, it must (a) identify the purpose of the fee, (b) identify the use of the fee, and determine issues of reasonable relationship.

As to purpose, imposing DIF is to protect the health, safety and welfare of the community by funding public facilities made necessary by new development and, more specifically, identifying improvements to mitigate the impact of new development.

As to use of the fees, the facilities must be identified in a “capital improvement plan”, for example a General Plan or other public documents, which plan must be updated annually.

As to reasonable relationship, as discussed previously, the use of the DIF and the type of development must be reasonably related; the need for the public facility and the type of development must be reasonably related; and the amount of the DIF and the cost of the public facility attributable to the development must be reasonably related.

*Because each type of DIF has its own peculiarities as to purpose, use, reasonable relationship and proportionality, it is not permissible to adopt a one size fits all DIF. Each category of public facilities—park land, park facilities, affordable housing, traffic impacts, etc.—must be evaluated separately in determining what impact new development has on such facilities. Then, as discussed in the next section, the totality of the DIF must be considered in context of how “feasible” such fees are.*

### Feasibility Studies

In addition to undertaking a nexus study to support imposing DIF, many communities also will undertake a DIF feasibility study to determine whether a DIF, either by itself or in conjunction with other DIF’s, render development within a community “infeasible” for all practical purposes. In other words, even if a nexus study or studies show that a city could impose certain amount of DIF’s, if such DIF’s were imposed, developers would be unlikely to pay such DIF’s. Under those circumstances, a city may want to consider reducing the amount of permissible DIF in order to encourage development in the community.

### Current DIF Within Brisbane

Currently the only DIF that Brisbane imposes on development is the parkland dedication fee on residential development. See Sections 16.24.020 and 16.24.030, Brisbane Municipal Code.

Where the residential development is for more than 50 lots and where land within the proposed subdivision will properly accommodate public recreational facilities, the subdivider must dedicate an area for such purposes on the basis of three acres for each 1000 population within the subdivision, assuming 2.35 persons per household. For example if there were a 100 lot subdivision and the property to be subdivided could accommodate a neighborhood park, the subdivider would be required to dedicate .71 acres ( $100 \times 2.35 = 235/1000 = .235 \times 3 = .71$ )

Where the residential development is for 50 lots or fewer, the subdivider is to pay a fee based on the following formula: the number of proposed units times 2.35 persons per household, divided by 1000 times three acres times the fair market value of one acre of the subject property as determined by the planning director. For example, if there were a 10 lot subdivision and the fair market value of the land to be divided was \$1,000,000 per acre, the fee would be \$90,000 ( $10 \times 2.35 = 23.5/1000 = .0235 \times 3,000,000 = \$70,500$ ).

Although not necessarily a DIF, developers of certain residential and commercial property must also contribute to the City's Public Art Fund. See Section 15.85.050, Brisbane Municipal Code.

For commercial projects that have building development costs between \$1 M and \$5 M, the developer must contribute one percent of such costs to the public art fund. For commercial projects that have development costs above \$5 M, the developer must either contribute one percent of such costs or devote a comparable amount for the acquisition and installation of publicly accessible art.

For residential projects with ten to 20 units, the developer must contribute one half of one percent of building development costs to the fund. For residential projects with more than 20 units, the developer must contribute one percent of the building development costs to the fund. Moreover, regardless of the number of units, if the development costs are above \$10 M, the developer must contribute one percent of the development costs or devote a comparable amount for the acquisition and installation of publicly available art. Building developments designated as low or moderate income housing are exempt from these provisions.

#### DIF in the "Pipeline"

There are currently two DIF in the pipeline: a fee for parks, recreation facilities, open space and trails and an affordable housing fee. The DIF for parks, recreational activities, open space and trails would be applicable to residential and non-residential projects and because it includes a component for parkland, presumably the current provisions in the Municipal Code concerning the dedication of land for parks or payment of an in lieu fee for residential projects would be deleted. The affordable housing fee would be applicable only to non-residential projects in that the City's existing inclusionary housing ordinance requires including affordable housing in certain residential projects.

Also forthcoming will be a Traffic Demand Management Ordinance. That Ordinance, if adopted, may well lead to consideration of a Traffic DIF that could be used, for example, for

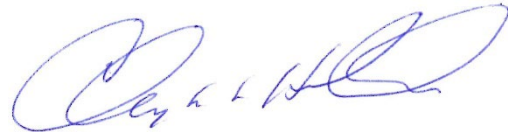
intersection improvements, traffic signals, traffic calming devices, etc. Preparation of the study for a Traffic DIF would likely not occur until late this or early next year.

#### Next steps

As stated above, because the need, benefit and proportionality of any particular DIF must be considered on its own terms, it is not feasible to have an overall DIF that covers a host of public facilities. Accordingly, Staff seeks direction from City Council how it wishes to proceed with DIF in general and, in particular, with the two DIF that are in the pipeline. Concerning the two that are in the pipeline, a feasibility study is underway and staff is prepared to the nexus studies, the feasibility study and proposed DIF to the Council before the end of the year. Unless directed otherwise by Council, staff anticipates preparing additional nexus/feasibility studies for other DIF, such as traffic and capital facilities.



Michael Roush, Legal Counsel



Clay Holstine, City Manager

**File Attachments for Item:**

F. Short Term Rental Program Implementation

(Council will consider providing direction to staff on the Short-term Rental Program implementation and consider authorizing the City Manager to Execute a one-year extension with Granicus to continue providing short term rental monitoring and Permitting Services. The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services.)



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** October 19, 2023

**From:** John Swiecki, Community Development Director

**Subject:** Short Term Rental Program Implementation

### SUPPLEMENTAL REPORT

#### Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

#### Purpose

For the City Council to consider a one-year renewal of the City's current agreement with Granicus (Host Compliance) to provide short term rental (STR) monitoring and permitting services and provide direction regarding other implementation issues pertaining to transient occupancy tax (TOT) collection.

#### Recommendation

That the City Council:

1. authorize the City Manager to execute a one-year extension with Granicus to continue providing STR monitoring and permitting services.
2. Provide direction regarding the penalties for failure to remit required TOT.
3. Provide direction for City staff to explore the feasibility of collecting revenues on rental stays exceeding 30 days in length that advertise of short term rental type platforms

#### Background

The attached October 5 City Council report was prepared to authorize a one-year extension of the City's current agreement with Granicus to provide short term rental (STR) monitoring and permitting services. Prior to the October 5 meeting, questions were raised by City Council members regarding the collection of TOT from STRs. While the Granicus scope of work does not directly cover the issues raised, the matter was continued to tonight's meeting to allow for a comprehensive discussion of matters related to STR program implementation, including TOT collection.

#### Discussion

The first issue was a question of how TOT is collected from STRs and what are the implications if STR operators fail to remit TOT as required. Under current procedures, STR operators are

required to remit TOT quarterly, and they are given 30 days from the end of the quarter to make the required payments. For example for the quarter that ended on September 30, the operators have until October 30 to make payments. Payments can be made through Granicus or directly to the City of Brisbane. All STR permit holders received an email reminder quarterly to remit their TOT. Staff originally envisioned using the annual STR permit renewal process to verify that TOT payment was current, and failure to comply would be grounds for permit non-renewal. Staff recognizes that this approach does not ensure timely TOT payment and starting at the end of October staff will undertake a quarterly review to ensure that all active STRs have remitted TOT.

In regard to the related question of what happens if operators fail to remit TOT as required, BMC Section 3.24.080 addresses this situation. Specifically it sets forth a 10% penalty for delinquent payments, with an additional 10% penalty if payments are delinquent more than 30 days. There are also provisions for an additional 25% penalty if it is determined that nonpayment is a result of fraud. Failure to collect and remit TOT timely are also grounds for suspension, revocation and/or non-renewal of an STR permit. Staff believes this structure provides adequate incentives for compliance, but the City Council has the discretion to direct staff to explore amendments to these provisions it deems appropriate.

Councilmembers have also expressed concerns that stays longer than 30 days but which are advertised on short term rental platforms such as Airbnb or VRBO are not subject to TOT and questioned if there are ways for the City to recoup revenues from such rentals. For example, BMC Section 5.20.035 establishes a daily business license tax on hotels and other places designed for occupancy by transients. Although this fee would likely apply to some rental situations exceeding 30 days but not to the typical kind of residential month to month tenancies, the amount of the tax, because it is based on a daily basis, would not generate significant revenue as does TOT. If the City Council wishes to pursue whether some type of taxing structure for these types of rental situations should be explored, it should direct staff to research and report back.

### **Fiscal Impact**

The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services. The agreement cost in 2021 was \$11,247.00 and \$10,682.24 in 2022 (the 24/7 Hotline service was removed then). Since June 2021, the City has cumulatively collected approximately \$15,000 in TOT from STRs, with about \$3,700 collected this fiscal year. In each of the previous two fiscal years, the City collected an average of \$5,750 in TOT per year.

### **Measure of Success**

Successful implementation of the City's STR Ordinance by permitting STRs consistent with the City's ordinance, eliminating unpermitted STRs and generating and collecting TOT.



## Attachments

October 5, 2023 City Council Report

*John Swiecki*

John Swiecki, Community Development Director

*Clay Holstine*

Clay Holstine, City Manager



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** October 5, 2023

**From:** John Swiecki, Community Development Director

**Subject:** Contract Renewal with Granicus (Host Compliance) - Short Term Rental Monitoring and Permitting

### Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

### Purpose

For the City Council to consider a one-year renewal of the City's current agreement with Granicus (Host Compliance) to provide short term rental (STR) monitoring and permitting services.

### Recommendation

That the City Council authorize the City Manager to execute a one-year extension with Granicus to continue providing STR monitoring and permitting services.

### Background

The City of Brisbane adopted an ordinance which took effect in summer 2020 permitting STRs subject to a number of operational and performance standards. In early 2021 the City entered into a contract with a vendor (Host Compliance, now Granicus) to automate the STR permit process and monitor STR activity on multiple listing sites, allowing the City to initiate code enforcement as needed and pursue the collection of transient occupancy tax (TOT). Lastly, the City Council passed an ordinance, pursuant to SB 60, to increase the fines for STRs operating in violation of the City's regulations on November 18, 2021.

### Discussion

The current agreement with Granicus ends in December 2023 and it is proposed the agreement be extended for an additional 12 months, through December 2024. The system has been in place for two years and staff is generally accepting of its performance, although Granicus' customer service and certain aspects of the system can be challenging. While staff is supportive of extending the agreement an additional year, we will be exploring if the software for the planned electronic permit system upgrade may be able to perform some of the functions currently performed by Granicus, such as permitting and registration. This may have implications on future agreement extensions with Granicus.

Below is a summary of STR activity since the system has been active:

- 12 STRs with active listings were originally identified in June 2021 and the latest data from September 2023 identified four STR units with active listings, the same as reported last year.
- Since October 2021, the City of Brisbane has averaged 4-6 active STR units at any given time. The number varies as new and/or potential units and listings are first identified by Granicus, some of which may be outside city limits or unverified by the system.
- There are no code enforcement cases at the time of the writing of this staff report.
  - A total of four code enforcement complaints have been investigated and resolved in 2023.
  - No STR citations have been issued in 2023.
- The City currently has four active STR permits.
  - Two STR permit applications were approved in 2022, three more in 2023, and renewed an existing STR operating permit in 2023.

Choosing not to extend the agreement would require the City to either find another vendor or transfer enforcement responsibilities to the City's Code Enforcement Officer. Staff received a solicitation from another private firm that provides STR rental monitoring services and included a cost estimate in the range of \$8,000-\$13,000 annually. Staff sees no benefit in considering a change in vendor at this time.

### **Fiscal Impact**

The cost of renewing the service agreement through December 2024 would be \$11,430.37 to retain the current scope of services. The agreement cost in 2021 was \$11,247.00 and \$10,682.24 in 2022 (the 24/7 Hotline service was removed then). Since June 2021, the City has cumulatively collected approximately \$15,000 in TOT from STRs, with about \$3,700 collected this fiscal year. In each of the previous two fiscal years, the City collected an average of \$5,750 in TOT per year.

### **Measure of Success**

Successful implementation of the City's STR Ordinance by permitting STRs consistent with the City's ordinance, eliminating unpermitted STRs and generating and collecting TOT.

### **Attachments**

Granicus Proposal - STR Rental Permitting and Monitoring

  
 \_\_\_\_\_  
 John Swiecki, Community Development Director

\_\_\_\_\_  
 Clay Holstine, City Manager

## Granicus Proposal for Brisbane, CA

### ORDER DETAILS

**Prepared By:** Antonio Magadan  
**Phone:**  
**Email:** antonio.magadan@granicus.com  
**Order #:** Q-299249  
**Prepared On:** 29 Aug 2023  
**Expires On:** 28 Dec 2023

### ORDER TERMS

**Currency:** USD  
**Payment Terms:** Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)  
**Period of Performance:** 12/29/2023 - 12/28/2024

PRICING SUMMARY

The pricing and terms within this Proposal are specific to the products and volumes contained within this Proposal.

Renewing Subscription Fees			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
Address Identification	Annual	62 Rental Listings	\$3,194.24
Mobile Permitting & Registration	Annual	1 Each	\$5,724.50
Compliance Monitoring	Annual	43 Rental Units	\$1,108.11
Rental Activity Monitoring	Annual	43 Rental Units	\$1,403.52
Tax Collection	Annual	1 Each	\$0.00
SUBTOTAL:			\$11,430.37

## PRODUCT DESCRIPTIONS

Solution	Description
Address Identification	<p>Ongoing monitoring of 60+ Short Term Rental websites including major platforms Airbnb, VRBO, HomeAway, Booking.com, FlipKey, &amp; Expedia. Our machine learning will deduplicate all known Listings into unique Rental Units, where our identification team will provide owner contact information for further enforcement. This product includes:- Ongoing monitoring of all listings in your jurisdiction</p> <ul style="list-style-type: none"> <li>- Updating listing activity and details every 3-5 days</li> <li>- Screenshot activity of every listing</li> <li>- Deduplication of listings into unique Rental Units</li> <li>- Activity dashboard and map to monitor trends and breakdown of compliance</li> </ul>
Mobile Permitting & Registration	<p>Mobile-enabled online forms and back-end systems for streamlining the registration/licensing/permitting of individual short-term rental hosts. These registration forms and workflows include:- Parcel Number lookup and validation</p> <ul style="list-style-type: none"> <li>- E-Signatures</li> <li>- ACH, Debit, and Credit Payments exclusively powered by Stripe.com</li> <li>- Registration Number &amp; Certificate creation</li> <li>- Document Upload</li> <li>- Renewals</li> <li>- Email confirmation</li> <li>- Admin approval &amp; denial</li> </ul>
Compliance Monitoring	<p>Compliance monitoring provides up-to-date information for each identified Rental Unit and its compliance status. We configure your compliance definition specific to your jurisdiction rules and ordinances in order to provide up-to-date compliance status of each identified Rental Unit. Additionally, this product will:- Allow your team to send letters to non-compliant properties 24/7</p> <ul style="list-style-type: none"> <li>- Configure letter templates with your branding and letterhead</li> <li>- Add as many letter sequences as you need for escalation</li> <li>- Monitor properties that become compliant after letter enforcement</li> </ul>
Rental Activity Monitoring	<p>Ongoing monitoring of Short Term Rental listings for signs of rental activity including historical revenue estimates &amp; occupancy. Coupled with our Tax Collection product, users can also compare historical revenue estimates to actual reported revenue to identify those that may be underreporting and underpaying sales tax (i.e. TOT).</p>

Solution	Description
Tax Collection	<p>Tax Collection can be built as a separate mobile-enabled form or coupled with Mobile Permitting &amp; Registration in one single portal allowing your users to:- Report revenue monthly, quarterly, or annually and pay sales tax due (i.e TOT)</p> <ul style="list-style-type: none"> <li>- Remind users when they are registering for a permit/license to also report any back taxes</li> <li>- Collect ACH, Debit, and Credit Payments exclusively powered by Stripe.com</li> </ul>

## TERMS & CONDITIONS

- This quote, and all products and services delivered hereunder are governed by the terms located at <https://granicus.com/legal/licensing>, including any product-specific terms included therein (the "License Agreement"). If your organization and Granicus has entered into a separate agreement or is utilizing a contract vehicle for this transaction, the terms of the License Agreement are incorporated into such separate agreement or contract vehicle by reference, with any directly conflicting terms and conditions being resolved in favor of the separate agreement or contract vehicle to the extent applicable.
- If submitting a Purchase Order, please include the following language: The pricing, terms and conditions of quote Q-299249 dated 29 Aug 2023 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.
- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of Brisbane, CA to provide applicable exemption certificate(s).
- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.
- The terms and conditions set forth in the Agreement effective are incorporated herein by reference.



BILLING INFORMATION

Billing Contact:		Purchase Order Required?	<div>[   ] - No</div> <div>[   ] - Yes</div>
Billing Address:		PO Number:	
		<i>If PO required</i>	
Billing Email:		Billing Phone:	

**If submitting a Purchase Order, please include the following language:**  
*The pricing, terms, and conditions of quote Q-299249 dated 29 Aug 2023 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.*

AGREEMENT AND ACCEPTANCE

By signing this document, the undersigned certifies they have authority to enter the agreement. The undersigned also understands the services and terms.

Brisbane, CA	
Signature:	
Name:	
Title:	
Date:	

**File Attachments for Item:**

G. Bayshore Boulevard Traffic Calming



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** October 19, 2023  
**From:** Director of Public Works/City Engineer  
**Subject:** Bayshore Boulevard Traffic Calming

**Community Goal/Result:** Safe Community

**Purpose:** To discuss the community's needs and desires for interim and/or long term traffic calming on Bayshore Boulevard.

**Recommendation:** Provide direction to staff.

### Background

The volume and speed of traffic on Bayshore Boulevard, especially in the reach between Old County/Tunnel and San Bruno Avenue has been a topic of concern for many years. In particular, the west side of Bayshore raises concerns regarding pedestrian safety for tenants of the mobile home park.

Prior to COVID, Bayshore experienced traffic volumes in the range of 20,000 average vehicles per day (this figure includes both north and southbound traffic). More recent studies additionally indicate that as much as two-thirds of this traffic is pass-through, meaning it neither originates from nor ends in Brisbane.

The last Engineering & Traffic Survey conducted to establish speed limits on Bayshore found that 85% of the observed vehicles were travelling at 50 MPH. More recent surveys completed by the Police Department show that current 85<sup>th</sup> percentile speeds may be 6-10 MPH faster during weekday commute periods, and even greater during weekend peak periods.

Based on requests from multiple Councilmembers, the City Engineer proposed a plan to calm this reach of Bayshore through a selective implementation of lane reductions and geometry changes. In 2022, the City received a final report from the Safe Transportations Research and Education Center (SafeTREC), "Brisbane Bayshore Complete Streets Safety Assessment." The report included a citywide assessment of our current best practices and opportunities to increase street safety. Additionally, the report focused on and validated the suggestions for calming this area of Bayshore through lane reductions and multimodal improvements.

To complete the full project, which is addressed in the enclosed select portions of the SafeTREC report, would be a significant undertaking. The primary cost driver is the installation of concrete sidewalks, and that effort would push the cost north of \$1M. Staff continues to monitor grant opportunities closely with assistance from Renne Public Policy Group, but we have not yet found a likely outside funding source for this work.

## Discussion

Staff has recently ordered two radar speed signs for placement on Bayshore on the approach to the mobile home park. These signs include message feedback of TOO FAST for speeding vehicles and THANK YOU for vehicles travelling at the speed limit.

The question now is whether Council desires to have additional traffic calming measures installed in the near term. One concept that could be put in place quickly for less than \$50,000 would be the installation of low profile traffic separators such as the one shown below:



### High-Performance, Low-Profile Traffic Separator Curb

Tuff Curb® XLP is an extreme low profile, high-performance curbing system designed to endure damaging high-speed, high-impact applications. It is ideal for use in cities, on HOV lanes, bridge decks, parking structure decks, for bike lane delineation, or anywhere low-profile traffic separation is required. Tuff Curb® XLP is also approved for installation on curved roadways.

Tuff Curb® XLP is MASH 2016 accepted for reimbursement on federally funded projects.

This curb has undergone extensive testing and analysis. It has been recognized for exceeding safety standard NCHRP-350, is Category 1 Self Certified, and MASH 2016 accepted. This rigorous level of testing ensures optimal performance and maximum durability.

The concept is to place three sets of these on the inside edge of the yellow median stripe adjacent to the #1 lane and on the inside edge of the white bicycle stripe adjacent to the #2 lane. The intent of this installation is to leave the lane widths the same as they are now, but to give drivers the visual impression that the lanes are narrower, which usually results in reduced speeds. An example of this concept applied only to the median of a 2-lane road is shown here:



**Fiscal Impact:** To be determined.

**Measure of Success:** Reduced vehicle speeds on Bayshore Boulevard

### Environmental Review

In the event that Council directs staff to complete the visual road narrowing concept discussed above, that work will be categorically exempt from provisions of CEQA in that the proposal is to alter an existing facility without expanding existing uses (California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19, §15301 "Class 1 – Existing Facilities").

1. Selected portions of 2022 SafeTREC report.

*R.L. Breault*

Randy Breault, Public Works Director

*Clay Holstine*

Clay Holstine, City Manager

# 4. Complete Streets Audit Results and Suggestions

## 4.1 Overview

This Chapter presents the observations and recommendations made during the walking audit conducted in the City of Brisbane along Bayshore Boulevard with City staff and staff from Fehr & Peers on June 2, 2022. The recommendations are based on best practices and discussions with the participant group regarding local needs and feasibility. A glossary of the candidate treatment options is presented in **Appendix A**.

Walking audits are typically conducted to understand the needs, issues, and opportunities associated with walking and biking in the study area. During a walking audit, positive practices are observed, and issues and opportunity areas are noted. Observations are based on how motorists are behaving around pedestrians and bicyclists and how pedestrians and bicyclists are behaving, especially at intersections (for example, if pedestrians are crossing at unmarked locations to avoid certain intersections, why might they feel the need to do so?).

The suggestions in this report are based on general knowledge of best practices in complete streets design and safety as well as limited field observations. As this report is conceptual in nature, the City may conduct more detailed studies before finalizing and implementing any physical changes. Conditions may exist in the focus areas that were not observed and are not compatible with recommendations in this report. City staff may conduct further analysis to refine or discard the recommendations in this report if they are contextually inappropriate or do not improve pedestrian safety or accessibility due to conditions including, but not limited to, high vehicular traffic volume or speeds, physical limitations on space or sight distance, or other unsafe conditions.

## 4.2 Selection of Focus Area

The focus area was chosen based City interest in evaluation and concern over collision risk as interest in and demand for walking, biking and transit along Bayshore Boulevard are anticipated to increase. The audit focused on the southern section of Bayshore Boulevard between Old County Road / Tunnel Avenue and San Bruno Avenue.

**Figure 4-1** shows the study area and surrounding transportation context. Before the construction of US-101, Bayshore Boulevard served as a main thoroughfare connecting San Francisco through Brisbane, down the Peninsula. Previously a Caltrans facility, the corridor is now under the jurisdiction of the City of Brisbane. With the increased development in the area and a transition away from primarily industrial-based land uses, the City aims to transform the corridor from a high-speed, auto-oriented street to one that better serves multimodal needs and the community of Brisbane.

FIGURE 4-1: STUDY AREA AND SURROUNDING CONTEXT.



Bayshore Boulevard has a posted speed limit of 45 miles per hour and is currently designated as a Truck Route due to the connection it provides between industrial land uses and US-101. Based on average weekday traffic volume data collected in May 2022, approximately 11 percent of vehicle volumes along the corridor in Brisbane are trucks, with more truck volumes in the northbound direction. Based on data provided by the City's Police Department collected in September 2018, the 85<sup>th</sup> percentile speed along the corridor was between 56-60 mph for the weekday AM and PM peak periods, between 61-65 mph for the weekend AM period, and between 66-67 mph for the weekend PM peak period. Based on data collected in May 2022, the average weekday AM and PM peak 85<sup>th</sup> percentile speeds were between 50-55 mph. These speeds are notably higher than the posted speed and also higher than desired by the City.

While recognizing the need to maintain the connection to US-101 for trucks, the City desires a more multi-modal-friendly corridor that slows vehicle speeds and provides a separated, protected space for people to bike and walk along the corridor. These spaces can be created while improving parking and maintaining access for the land uses on the west side of the corridor. The City has made investment in spot improvements around bicycle and pedestrian safety infrastructure in the area, but has exhausted low-cost, spot location-based solutions. Recent improvements include a buffered bike lane with rumble strips along the study corridor, accessible pedestrian signals with push buttons at intersections, and prohibiting certain movements to eliminate the potential of conflicts (e.g., eastbound left turn from Valley Drive onto



Bayshore Boulevard). This assessment will help the City consider corridor-wide complete street improvements.

Specific audit focus locations and their suggested improvements are shown in Figures 4-2 through 4-7. The location selected for analysis was the corridor of Bayshore Boulevard between Old County Road and San Bruno Avenue, with consideration of the following intersections and segments:

1. Intersection 1: Bayshore Boulevard / Old County Road
2. Segment 1: Bayshore Boulevard between Old County Road and Van Waters and Rogers Road
3. Intersection 2: Bayshore Boulevard / Van Waters and Rogers Road
4. Segment 2: Bayshore Boulevard between Van Waters and Rogers Road and San Bruno Avenue
5. Intersection 3: Bayshore Boulevard / San Bruno Avenue

A road diet is recommended along the entirety of the corridor to reallocate space and create a separated mixed-use path for non-motorized users along the west side of the corridor. To preserve access to the existing driveways and on-street parking in the southernmost portion of the study corridor, a southbound only frontage road is recommended. The following subsections present the key issues identified during the walking audit, along with suggested improvements responding to the issues at each site.

## 4.3 Location #1: Intersection 1 - Bayshore Boulevard / Old County Road

The intersection of Bayshore Boulevard and Old County Road /Tunnel Avenue is signalized and includes four channelized right-turns. Old County Road provides a connection to the community park, and Tunnel Avenue provides connection to southbound US-101 via Lagoon Road. Bayshore Boulevard has a posted speed limit of 45 mph. Parking is currently prohibited on all legs of the intersection except for the northbound shoulder of Bayshore Avenue north of Tunnel Avenue, which allows for 2-hour parking. There is a bus stop on both the east and west sides of Bayshore Boulevard south of the intersection.

### Suggested Improvements

To improve pedestrian, bicycle and motor vehicle activity at this location, the following improvements are suggested:

- Removed channelized turns on the west side of the intersection (southbound approach of Bayshore Boulevard and eastbound approach of Old County Road).
- Implement a protected intersection<sup>4</sup> on all four approaches.
- Implement a raised and separated multi-use path along eastern edge of Bayshore Boulevard adjacent to southbound traffic with a designated bus pull-out zone.
- Implement a designated bus pull-out zone for northbound buses.
- Stripe high-visibility crosswalks across all legs of the intersection, including both remaining slip lanes.
- Leave current lane configuration until south of existing median.

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4 What is a Protected Intersection: <https://nacto.org/publication/dont-give-up-at-the-intersection/protected-intersections/>



These improvements are shown in **Figure 4-2**.

**FIGURE 4-2: RECOMMENDATIONS FOR BAYSHORE BOULEVARD AND OLD COUNTY ROAD**



## 4.4 Location #2: Segment 1 - Bayshore Boulevard between Old County Road & Van Waters & Rogers Road

Bayshore Boulevard between Old County Road and Van Waters and Rogers Road is a four-lane road with two lanes in each direction and a rumble-strip buffer-separated bike lane on each side. The posted speed limit is 45 miles per hour. There is a median along the entirety of the corridor: at the northern end of this segment, the median includes landscaping, but further south along this segment and along the rest of the corridor, the median is striped. There is one driveway on the west side of the roadway, adjacent to the southbound traffic, for MK Pipelines Inc.

### Suggested Improvements

To improve pedestrian, bicycle and motor vehicle activity at this location, the following improvements are suggested:

- After the landscaped separated median ends, implement a road diet to reduce the number of lanes to one in each direction with a striped median that acts as at center turn lane necessary to access driveways.
- Extend the width of the separated area with the multi-use path to be as wide as possible with the new road diet and provide landscaping adjacent to the path.
- At the existing driveway of MK Pipeline Inc., stripe a high-visibility pedestrian and bicycle crossing adjacent to the western edge of the roadway.

These improvements are shown in **Figure 4-3**.

**FIGURE 4-3: RECOMMENDATIONS FOR BAYSHORE BOULEVARD BETWEEN OLD COUNTY ROAD / TUNNEL AVENUE AND VAN WATERS AND ROGERS ROAD**



Northern segment (left); southern segment (right).



## 4.5 Location #3: Intersection 2 - Van Waters and Rogers Road / Bayshore Boulevard

Van Waters and Rogers Road acts as a driveway for warehousing and industrial land uses. The intersection of Van Waters and Rogers Rd and Bayshore Blvd is signalized. There are channelized northbound and westbound right turns and there are left turn pockets on both the north and south legs of the intersection. There is a bus stop on the east side of Bayshore Boulevard south of the intersection.

### Suggested Improvements

To improve pedestrian, bicycle and motor vehicle activity at this location, the following improvements are suggested:

- Move the bus stop to the north side of the intersection and create a dedicated pull-out zone with sidewalk access.
- Stripe high-visibility crosswalks across Bayshore Boulevard.

These recommendations are shown in **Figure 4-4**.

**FIGURE 4-4: RECOMMENDATIONS FOR BAYSHORE BOULEVARD AND VAN WATERS AND ROGERS ROAD**



## 4.6 Location #4: Segment 2 - Bayshore Boulevard between Van Waters and Rogers Road and San Bruno Avenue

Bayshore Boulevard between Van Waters and Rogers Road and San Bruno Ave is a four-lane road with two lanes in each direction and a rumble-strip buffer-separated bike lane on each side. The posted speed limit is 45 miles per hour. There is a striped median along the entirety of the segment that acts as a two-way left turn lane to access driveways. On the west side of the roadway adjacent to southbound traffic, there is on-street parking and there are multiple driveways for various land uses, including the Sierra Point Trailer Park.

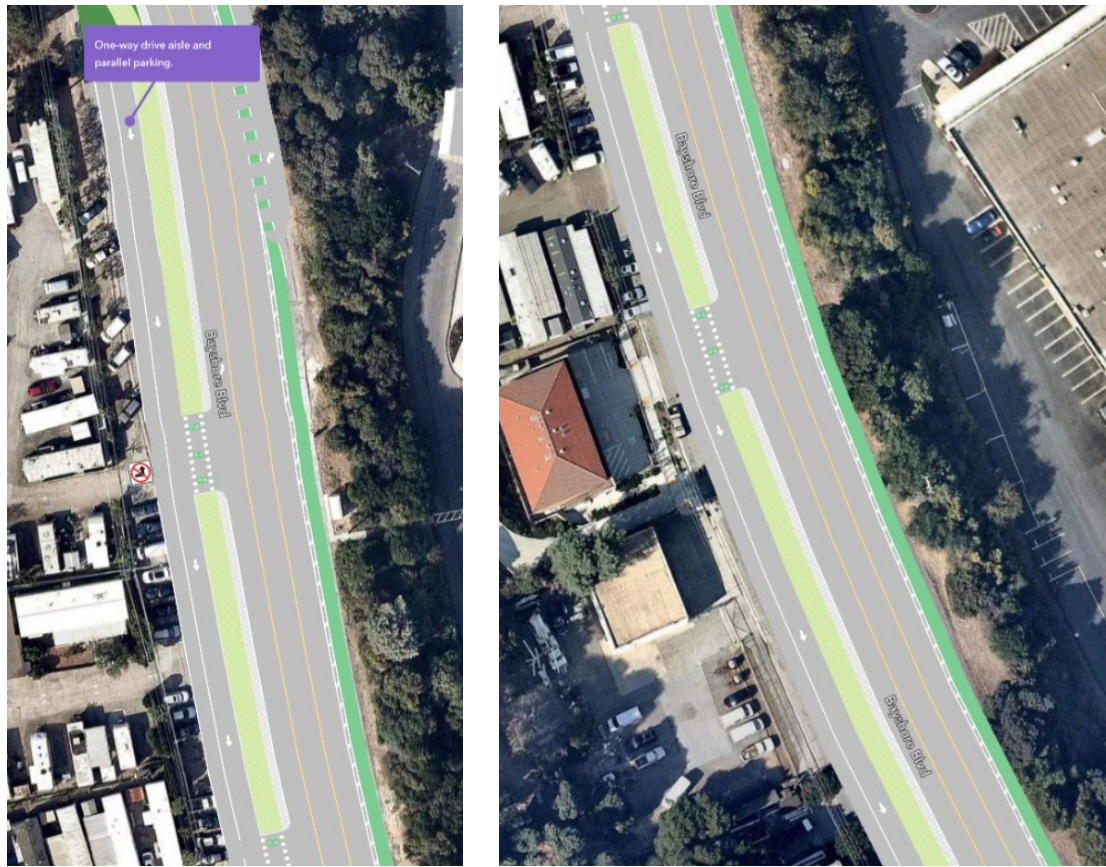
### Suggested Improvements

To improve pedestrian, bicycle and motor vehicle activity at this location, the following improvements are suggested:

- Implement a southbound drive lane and on street parking along the west side of the roadway that can act as a frontage road, be used to preserve access to the adjacent land uses and ensure access to the on-street parking.
- Where there is a need to preserve access to the existing driveways, create breaks in the multi-use path and implement high-visibility crosswalks for bicycles and pedestrians.

These recommendations are shown in **Figure 4-5**.

**FIGURE 4-5: RECOMMENDATIONS FOR BAYSHORE BOULEVARD BETWEEN VAN WATERS AND ROGERS ROAD AND SAN BRUNO AVENUE**



Northern segment (left); southern segment (right).



## 4.7 Location #5: Intersection 3 - Bayshore Boulevard / San Bruno Avenue

The intersection of San Bruno Avenue and Bayshore Boulevard is side-street stop controlled. There is a channelized southbound right turn, and there is a left turn pocket on the northbound approach of the intersection. On the north leg of the intersection, in the median, there is a “Bus Only” red paint zone. Left turns are prohibited from San Bruno Avenue onto northbound Bayshore Boulevard, except for buses.

### Suggested Improvements

To improve pedestrian, bicycle and motor vehicle activity at this location, the following improvements are suggested:

- Continue the road diet through the intersection and transition back to existing lane configuration south of the intersection.
- Consider signalizing the intersection.
- Create signage indicating to drivers approaching from the south that they are entering a slower corridor and alerting them of the presence of pedestrians and bicyclists.

These recommendations are shown in **Figure 4-6**.

**FIGURE 4-6: RECOMMENDATIONS FOR BAYSHORE BOULEVARD AND SAN BRUNO AVENUE**

