

ORDINANCE NO. 2024-1543

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS ASSIGNING A NEW SAN MARCOS MUNICIPAL CODE CHAPTER NUMBER TO THE PREVIOUSLY ADOPTED TRANSPORTATION DEMAND MANAGEMENT PROVISIONS AND FINDING THAT SAID AMENDMENT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

TA 24-0001  
City of San Marcos

WHEREAS, the City Council adopted the Transportation Demand Management ("TDM") Ordinance at its regular meeting held on December 12, 2023 and designated it as "Chapter 20.350" of Title 20 of the Municipal Code; and

WHEREAS, since Chapter Number 20.350 is already in use and is assigned to a different ordinance, staff is requesting that the City Council assign Chapter number 20.360 as the San Marcos Municipal Code reference for the TDM Ordinance for inclusion in Title 20; and

WHEREAS, the Development Services Department reviewed the proposed ordinance and recommends approval of the same; and

WHEREAS, on March 26, 2024, the City Council held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the City Council did review and consider a Categorical Exemption (EX 24- 001) pursuant to CEQA Section 15061 (b)(3); Review of Exemptions – Common Sense Rule, in that it can be seen with certainty that there is no possibility for this action to have a significant effect on the environment.

NOW, THEREFORE, the City Council does ordain as follows:

- A. The foregoing recitals are true and correct and are hereby incorporated by reference into this Ordinance.
- B. The San Marcos Municipal Code reference to the TDM Chapter is amended from Chapter 20.350 of Title 20, to Chapter 20.360, as set forth in Exhibit A to this Ordinance.
- C. The City Council's decision is based on the following findings and determinations:
  1. The proposed numerical change to the Chapter in which the TDM text amendment appears in the San Marcos Municipal Code is consistent with the City's General Plan, in that assigning a new Chapter number does not conflict with any goal, policy, or objective of the General Plan.

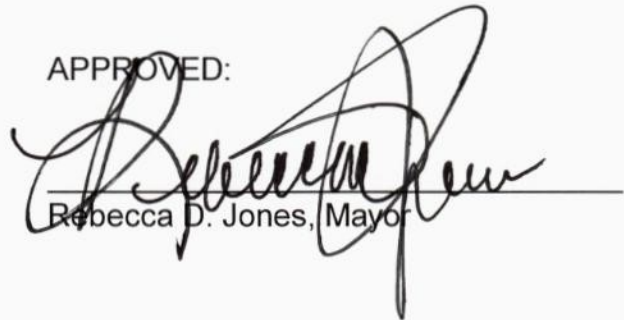
2. The proposed numerical change to the affected Chapter of the San Marcos Municipal Code will not be detrimental to public health, safety, morals and welfare as the sole purpose of the amendment is to assign an unassigned San Marcos Municipal Code Chapter number to the TDM Ordinance.
  3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.
- D. The action undertaken by this Ordinance is Categorically Exempt (EX24-001) from environmental review pursuant to CEQA 15061(b)(3), Review for Exemptions, as it can be seen with certainty that there is no possibility for this action to have a significant effect on the environment.
- E. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall publish this Ordinance or the title hereof as a summary in a newspaper of general circulation in the City as required by law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 26<sup>th</sup> day of March 2024.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 9 day of April 2024, by the following roll call vote:

AYES: COUNCIL MEMBERS: JENKINS, MUSGROVE, NUÑEZ, SANNELLA, JONES  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE

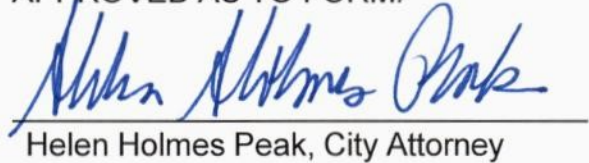
APPROVED:

  
\_\_\_\_\_  
Rebecca D. Jones, Mayor

ATTEST:

  
\_\_\_\_\_  
Phillip Scollick, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Helen Holmes Peak, City Attorney

ATTACHMENTS:

Exhibit A - Chapter 20.360-TDM Ordinance



**EXHIBIT A**

**CHAPTER 20.360**



## CHAPTER 20.360 TRANSPORTATION DEMAND MANAGEMENT

### 20.360.010 Purpose of Chapter.

This Chapter establishes Transportation Demand Management (TDM) Ordinance with the goals of lessening traffic impacts by reducing vehicle miles traveled (VMT) in the City and the region and facilitating the use of alternative modes of transportation by residents, tenants, employees and visitors. The TDM Ordinance also implements the Greenhouse Gas emissions reduction measure of the City's Climate Action Plan.

### 20.360.020 Incorporation of Transportation Demand Management Policy by Reference.

The City Manager or their designee shall establish and maintain the rules, procedures, and additional requirements within a TDM Policy to implement the provisions of this Chapter. The TDM Policy is incorporated by reference into this Chapter. The City Manager or their designee is hereby authorized to modify the TDM Policy as necessary, provided such amendments are consistent with this Chapter and State law.

### 20.360.030 Definitions.

The following words and phrases shall have the meanings below when used in this Chapter. Additional information is provided in the TDM Policy.

- A. **Carpool** shall mean a motor vehicle occupied by two or more persons travelling together.
- B. **Commute** shall mean a regular trip between home and work-related facilities, i.e., home to park-and-ride to work.
- C. **Complex** shall mean either:
  - 1. A business park, shopping center, or other commercial/industrial project in separate or common ownership, which can be identified by any of the following characteristics:
    - (a) It is known by a common name given to the project by its developer or owner(s);
    - (b) It is governed by a common set of covenants, conditions, and restrictions;
    - (c) It was approved, or is to be approved, as an entity by the City;
    - (d) It is covered by a single tentative, final subdivision map or parcel map;
    - (e) It is managed as a single aggregated center by the property owner or management company;  
or
  - 2. Any non-retail multi-tenant building or group of buildings with 50 or more employees at the single site, which is not included within the definition of **complex** pursuant to Section 12.36.030(a) above.
  - 3. Any set of residences served by a single management company, on-site management team, or homeowners association.
- D. **Compressed work week** shall mean a policy and supportive strategies that allow an employee to work fewer but longer days within a week.
- E. **Employee** shall mean any person hired by any employer, including part-time and seasonal employees.
- F. **Employer** shall mean any private or public employer, including the City, who has a permanent place of business in the City.

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- G. **Single-Occupancy Vehicle** shall mean a motor-driven vehicle (to include two-wheel, motor-driven vehicles) occupied by one person. For the purposes of this ordinance, motorized e-bikes and scooters are excluded from this definition.
  - H. **Telecommuting** shall mean a policy and supportive strategies that allow an employee to work wholly or partially from home or other remote location.
  - I. **Transportation Demand Management (TDM)** is a system of strategies, policies, and programs that aim to increase availability and convenience of alternative travel modes to reduce the number of single-occupancy vehicle trips.
  - J. **TDM Coordinator** shall mean an assigned on-site person, by the developer/owner/project operator who is responsible for implementing and monitoring the project's TDM Plan, as approved by the City. The TDM coordinator shall be responsible for sharing TDM information with residents, employees, and other project users, answering questions, and coordinating with the City on matters such as monitoring and reporting.
  - K. **TDM Plan-Applicant** A plan/documentation prepared by the project applicant/developer that shows how a proposed development will show compliance with Chapter 20.350 of the SMMC and adopted TDM Policy. The TDM Plans shall include information on which strategies will be applicable to the project and details on how they will be implemented and monitored over time.
  - L. **Vanpool** shall mean a van occupied by three to 15 people travelling together.

#### **20.360.040 Applicability.**

- A. The standards of this Chapter and the TDM Policy shall apply to all development projects that are not exempt from CEQA and that emit more than 500 metric tons of carbon dioxide (MT of CO<sub>2</sub>) per year.
- B. Projects that are subject to this Ordinance shall submit a project specific TDM Plan for the City's review and approval with the entitlement application to show compliance with this Chapter and the TDM Policy.

#### **20.360.050 TDM Plans.**

- A. Development projects that are subject to the TDM Ordinance and Policy are required to establish project specific TDM Plans that include all mandatory and a selection of optional strategies from the City's TDM Policy. Project applicants shall submit their project's TDM Plans to the City with their entitlement application. A project's TDM Plan is to be considered by the decision making body with project's other entitlements.
- B. After initial approval and during the life of the project, City Manager or designee are authorized to approve amendments to TDM Plans, in consultation with and based on input from the project applicants or successors.
- C. City approved TDM Plans for development projects are binding on the project applicant and successors for the life of the project. The applicant is required to notify the City when administration and monitoring of the TDM Plan transfers to their successor.

#### **20.360.060 Monitoring and Reporting.**

- A. Monitoring. The project applicant or their successor and the TDM Coordinator are responsible for implementation, monitoring, and reporting of their project's TDM Plan. Monitoring mechanisms may include printed copies of materials provided to employees or residents, photographs of installed features, site inspections by City staff, documented site inspections by applicant staff, or surveys of site employees and/or residents to determine the mode share for single-occupancy vehicles, carpooling/vanpooling, public transit, walking, bicycling, and telecommuting. Surveys may also include participation rates for programmatic strategies and usage of infrastructure strategies. Collaboration with City staff is required to determine the monitoring documentation appropriate to the specific measures and nature of the project.



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- B. Reporting. The project applicant/their successor or TDM coordinator shall submit TDM Plan's Monitoring and Compliance Reports to the City, during the first five years of a project's operations, with relevant data and reports to document compliance with the project's TDM Plan. The initial/first Report shall be due to the City after one year of issuance of final Certificate of Occupancy. After the initial report, Monitoring Reports are required to be submitted to the City after every other year. The reports may include results of surveys and mode choices by project residents and/or employees to disclose if mode share goals are being met. The reports should list all the mandatory and optional strategies that a project included in its TDM Plan and show implementation efforts undertaken by the applicant/TDM coordinator. The report should additionally identify participation rate by employees/residents for each strategy. If certain strategies are not able to achieve desired goals of reduction in vehicle trips, the report should identify what strategies the project will employ moving forward to achieve the goal of trips reduction.

#### **20.360.070 Enforcement.**

- A. The City Manager or their designee shall investigate and enforce this Chapter. Any City authorized personnel or enforcement officer may exercise any enforcement power as set forth in Chapter 1.12 of the San Marcos Municipal Code.
- B. The City Manager or their designee may delegate to or enter into a contract with a consulting firm to implement and administer any of the provisions of this Chapter on behalf of the City.
- C. TDM amenities approved and installed pursuant to the provisions of this Chapter and project specific TDM Plan shall be maintained in accordance with the policies and requirements of the TDM Policy. Failure to do so may be subject to enforcement to the provisions of this section. Non-compliance with this Chapter includes failure to submit a TDM Plan when required; failure to submit biennial Monitoring and Compliance Reports or non-implementation of TDM strategies included in a project's TDM Plan.
- D. If the City determines that a project's mode share goals are not being met and strategies included in the TDM Plan are deemed insufficient, the TDM Coordinator shall work with the City to revise the project's TDM Plan to modify or replace strategies.

#### **20.360.080 Fees.**

An applicant for a project subject to this Chapter shall include with the TDM Plan and with subsequent Monitoring and Compliance Reports, all fees established by the City Council by resolution to cover the City's cost to review the TDM documentation packages and any other documents that the city staff reviews pursuant to the requirements of this Chapter, the TDM Policy and the project specific TDM Plan.