

MEMO

TO: Downtown Davis Plan Advisory Committee (DPAC)

COPY: Mayor Brett Lee
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FROM: Greg Rowe, Planning Commissioner

DATE: January 14, 2020

SUBJECT: Reiterated Recommendation to Remove TDM and TMA Requirements from the Draft Downtown Davis Specific Plan (“Downtown Plan”)

This memo again urges the DPAC to remove the draft downtown plan’s compulsory mandates for implementing Transportation Demand Management (TDM) Plans and dues-paying membership in a Transportation Management Association (TMA).¹ Retention of these punitive and dictatorial edicts will discourage future downtown investment and induce resentment among existing business and property owners. As former Ace Hardware owner Jennifer Anderson said at a DPAC meeting last year, starting and operating a successful local business is difficult. The City of Davis should therefore not enact requirements that intensify that difficulty. The downtown plan should not include any provisions that would place Davis in an uncompetitive position relative to other nearby cities.

Expunging the obligatory TDM and TMA provisions of the draft downtown plan would in no way diminish the important goal of reducing air pollution and Greenhouse Gas emissions. I believe, however, that other measures could accomplish the same result without imposing undue burdens on local businesses and employees. Such measures could include voluntary TDM plans and TMA membership, City-sponsored incentives to reduce “drive alone” commuting, and vigorous educational programs emphasizing the advantages of alternative modes of transportation.

Several examples of how TDM and TMA requirements are viewed by current Davis business owners are below. Specific recommendations for amending the draft plan are at the end of this memo. The comments and recommendations herein are mine alone, and do not represent a position of the Davis Planning Commission.

¹ Please see my TDM/TMA memo to the DPAC dated November 26, 2019.

1. **Comments by Former Local Business Owner:** During the most recent DPAC meeting I briefly spoke with the former owner of a long-time downtown Davis business that closed last year. This person is not supportive of mandatory TDM programs, and felt it would have been extremely difficult to implement such a compulsory mandate while operating the former business. Employees of that business commuted to work from throughout Yolo and Solano counties, including Woodland and Dixon. The former owner said that meeting a requirement to provide transit passes and a “guaranteed ride home” to such a geographically dispersed workforce would have been exceedingly difficult and expensive. The record keeping needed to demonstrate compliance with the goal of no more than 50% drive alone commuting by employees would have been a significant (and unfunded) administrative burden.

2. **Comment by Current Local Business Owner:** I regularly patronize a local family-owned business in downtown Davis. In recently discussing the draft downtown plan with the owners, one of them strongly questioned the legal authority of the City of Davis to decree TDM plans and TMA membership, an apprehension I share. In addition to this concern, other provisions of the draft downtown plan have caused anxiety among these business owners relative to what they will be allowed to do with their building due to its potential historic status.

3. **Recommendations:** The DPAC should modify the Downtown Plan and proposed Downtown Zone Article 40.14.050 by removing the following transportation regulations and compulsory requirements.
 - a. **Development-Level Transportation Demand Management Plans (TDMs):** Delete the requirement that new downtown development prepare and implement a TDM Plan.
 - i. Delete verbiage recommending a target of no more than 50 percent of employees driving alone.
 - ii. Delete verbiage requiring developments to achieve a performance standard for reducing vehicle trips from residential development.

 - b. **Transportation Management Association (TMA) Membership:** Delete the requirement that all non-residential developments join Yolo Commute, Yolo County’s TMA, and that all downtown businesses remain dues paying TMA members in perpetuity.
 - i. Delete the requirement that development applicants designate an Employee Transportation Coordinator (ETC) that would serve as the point of contact for the TMA and be responsible for demonstrating compliance with the TDM and monitoring requirements.

4. **Specific Deletion Recommendations:** The mandatory TDM and TMA provisions recommended for deletion are contained in these sections of the draft downtown plan:

- a. Downtown Plan Section 6.7, page 170: “Regulating Private Development: Parking, Loading and Traffic Reduction.” See Attachment 1.
 - b. Downtown Plan Section 8, page 219: Table 8E – Implementation Actions: Parking and Transportation Demand Management, items 3D (Require TDM Plans and Performance Standards) and 3H (Require TMA membership). See Attachment 2.
 - c. Article 40.14: Supplemental to Downtown Zones. Details on the TDM and TMA requirements appear in Article 40.140.050.J. – Commercial Transportation Demand Management (TDM) Standards. See Attachment 3.
5. **Concerns:** The imposition of mandatory TDM standards and regulations, coupled with obligatory TMA membership, will impose unnecessary financial, logistical and administrative burdens that could dissuade potential developers and employers from locating in downtown Davis. The net result would be to impede the commercial and residential development the City desires. Requiring development applicants to create and implement a TDM and compelling permanent TMA membership will impose uncompetitive costs and bureaucratic administrative burdens on downtown Davis developments and tenancy. Based on my professional experience as an environmental planner, compulsory TMPs and TMA participation are not cost-effective, and are a prime example of misguided government efforts to manipulate transportation modal behavior.

Attachments 1 – 3 appear on the following pages.

Attachment 1 – Page 170 of Draft Downtown Plan

6.7 Regulating Private Development: Parking, Loading, and Traffic Reduction

A system of incentives and regulations for new development can improve transportation choices and reduce motor vehicle traffic, pollution, and traffic-related fatalities and injuries.

Strategies for Regulating Private Development

The following requirements for private development are described in detail in Section 40.14.050 (Parking and Loading) of the Downtown Code.

Districtwide Employee Mode Share Target

A districtwide mode share target helps to reduce the traffic impacts of new development. The Specific Plan recommends a target of at least 50 percent of employees commuting by walking, bicycling, ridesharing, or taking public transit or employer shuttles; and no more than 50 percent of employees driving alone by 2040.

Development-Level Transportation Demand Management Plans

Requiring new development to develop a Transportation Demand Management (TDM) Plan helps monitor and achieve mode share targets. The Specific Plan recommends setting a target of no more than 50 percent of employees driving alone. Developments should also be required to achieve a performance standard for reducing vehicle trips from residential development.

Traffic-Minimizing Parking Standards

The Specific Plan recommends that developments be required to unbundle the cost of parking from the cost of other goods and services by charging a separate fee for parking; and to provide carshare

and preferential carpool spaces. Maximum parking requirements should be applied to all developments and there should be no minimum parking requirements. This will allow the emergence of a market for parking where spaces are bought and sold, rented, and leased.

Parking Cash Out

In new developments, parking cash-out programs should be offered by any employer who provides a parking subsidy to employees, to give employees who do not drive a cash benefit equivalent to the value of the offered parking subsidy.

Free Transit for Employees and Residents

Developments should be required to provide passes for local transit service (e.g., a deep-discount group pass similar to YoloBus and Unitrans' unlimited access pass for UC Davis undergraduates) to the development's residents and employees free of charge.

Transportation Management Association (TMA) Membership

All non-residential developments should be required to join Yolo Commute, Yolo County's TMA (described on the next page) and all tenants should remain members in perpetuity.

Monitoring

Monitoring of the results of ongoing efforts should be carried out at both the districtwide level and the level of the individual development.

**Attachment 2 – Page 219 of Draft Downtown Plan
Note: Deletion of items 3D and 3H is recommended**

Table 8E. Implementation Actions: Parking and Transportation Demand Management	
Action	Methodology/ Steps
<p>3. Regulate Private Development</p> <p><i>Note that the actions listed here for regulating private development apply only to new development, as described in the Downtown Code (DMC Articles 40.13 and 40.14). The development standards in the Downtown Code set forth the specific applicability standards and exemptions.</i></p>	<p>3A. Remove minimum parking requirements.</p> <p>3B. Set maximum parking requirements.</p> <p>3C. Require unbundling of parking costs from the cost of other goods and services.</p> <p>3D. Require Transportation Demand Management (TDM) plans and set performance standards for reducing motor vehicle trips from new developments.</p> <p>3E. Require provision of spaces for carshare vehicles and carpools when parking is provided.</p> <p>3F. Require parking cash-out programs.</p> <p>3G. Require provision of free transit passes to residents and employees.</p> <p>3H. Require membership in Transportation Management Association.</p> <p>3I. Monitor ongoing efforts and results at the Plan Area level and the development-specific level.</p>
<p>4. Improve Transportation Choices</p>	<p>4A. Strengthen the existing countywide Transportation Management Association serving Davis.</p> <p>4B. Establish deep-discount group transit pass program.</p> <p>4C. Review and expand local transit networks.</p> <p>4D. Continue improving bicycling facilities and programs.</p>

Attachment 3 – Article 40.14.050.J of Supplemental to Downtown Codes**Note: Deletion of entire subsection 050.J. is recommended****J. Commercial Transportation Demand Management (TDM) Standards.**

1. **TDM Plan Required.** Developments shall be required to prepare and implement a TDM Plan with programs and measures designed to achieve a 50 percent drive-alone employee mode share target. TDM Plans shall comply with the following requirements:
 - a. **TDM Plan Baseline Requirements.** The TDM plan shall include the following measures and shall describe how these measures will be implemented. If any of the measures listed below are provided by a Transportation Management Association (TMA) such as Yolo Commute (the region's TMA) or a similar organization, then those measures may be implemented by ensuring that the development's occupants are enrolled as members in the TMA or similar organization:
 - (i) Employers and employees in the development shall be enrolled as members in a TMA, such as Yolo Commute;
 - (ii) On-site employee transportation coordinator to serve as a liaison between the employer/property owner and the TMA and to oversee the TDM program;
 - (iii) Shared bicycles, if a bikeshare service is not available in the Plan Area;
 - (iv) Telecommute/flexible work schedule program, when feasible;
 - (v) Guaranteed ride home program;
 - (vi) Occupants of the development shall be enrolled as members in a TMA, such as Yolo Commute;
 - (vii) Carpool matching services; and
 - (viii) Marketing of TDM programs to employees.
 - b. **Approval of TDM Plan.** The applicant shall submit the TDM plan to the City for approval. The City may request additional program measures to ensure the proposed plan will achieve the 50 percent drive-alone employee mode share target. The City may require that an applicant hire a third party to review the TDM plan to determine its efficacy in achieving the mode share requirement.
 - (1) The City may allow applicants to provide funding for district-wide programs as part of the TDM plan if it is not possible to achieve the 50 percent employee drive-alone target through a site-specific TDM Plan.
 - c. **Employee Transportation Coordinator.** The applicant shall designate an Employee Transportation Coordinator (ETC). The ETC will serve as the point of contact for the TMA and will provide the TMA and City with materials and data showing compliance with TDM and monitoring requirements.