



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Facchino Block H and Block D Residential Development

Draft Transportation Demand Management (TDM) Plan

Prepared for:

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June 5, 2025

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1.

Introduction

This Transportation Demand Management (TDM) plan has been prepared for the Facchino Lands Block H and Block D residential development to satisfy the requirements of the Berryessa BART Urban Village Plan and Sections 20.70.330 and 20.90.900 of the San Jose Code of Ordinances. The project site is located within the boundaries of the Facchino District within the designated Berryessa BART Urban Village (BBUV). The BBUV is the first regional transit urban village plan to be developed in San José. Regional transit urban villages are locations with access to major transit facilities of regional significance. Recognizing its emerging role as a gateway to the City, the design of new development within this urban village aims for high-quality environments for public circulation and gathering.

The purpose of TDM is to (1) reduce the number of trips generated by new development; (2) promote more efficient utilization of existing transportation facilities and ensure that new developments are designed to maximize the potential for sustainable transportation usage; (3) reduce the parking demand generated by new development and allow for a reduction in parking supply; and (4) establish an ongoing monitoring and enforcement program to guarantee the desired trip and VMT reductions are achieved.

Project Description

The proposed development would consist of the construction of 260 multi-family affordable residential units on “Block H” and “Block D” of the Facchino Master Plan Development. A total of between 170 to 177 parking spaces would be provided within a podium parking level.

The proposed project encompasses a portion of a larger Master Planned Development (Facchino Lands) located at 1655 Berryessa Road that allows for the construction of up to 850 residential units and up to 488,000 square feet (sf) of commercial space. The project site is located within the boundaries of the Facchino District within the designated Berryessa BART Urban Village (BBUV) per the Envision San Jose 2040 General Plan. Therefore, the project is subject to the BBUV plan. The project site location and the surrounding study area are shown in Figure 1. The Facchino Master Plan and Block H/Block D site plans are shown on Figures 2 and 3, respectively.

Location and Proximity to Transit

The project site is adjacent to a major transit station (VTA Berryessa Transit Center) as well as bus stops and bicycle lanes on Berryessa Road. The project site is located in an Urban Village designated

area and is a short walk or bicycle ride from numerous complementary land uses. Chapter 2 describes the existing transit services in the study area.

BBUV TDM Requirements

Each development within BBUV is required to satisfy a 30-point trip reduction goal achieved via implementation of TDM measures from a list of approved strategies. Point values are based on an estimated percentage reduction of VMT per TDM strategy, with one point roughly equivalent to a 1% estimated reduction in VMT. The first 10 out of the 30-point requirement will be met via mandatory TDM measures identified for the BBUV. The subsequent 20 points may be satisfied by selecting from a menu of identified TDM options. In addition, the provision of on-site parking at ratios at or below the City's parking target for BBUV will earn points toward a project's TDM requirement, with the potential to achieve up to 20 possible points, thus fully satisfying all of the project's additional TDM requirements. A development project applicant will work with the City and Transportation Management Association (TMA) and select the TDM programs/measures that best fit that particular project.

This TDM Plan addresses all the requirements of the BBUV TDM requirements and includes a broad range of TDM measures designed to reduce the trips and Vehicle Miles Traveled by residents and visitors. This plan includes the following:

Mandatory TDM Measures

The measures listed below are considered essential for implementing a district parking solution in the plan and therefore are mandatory for all development projects and achieve 10 points of the required 30 points for the project:

- **Transportation Management Association (TMA) Participation** – The project will participate in and pay associated fees of the district's TMA. The TDM plan must be provided to the TMA which will oversee compliance with the TDM plan. A TDM coordinator must be identified and will work with the TMA in submittal of required monitoring and compliance.
- **Education, Marketing, and Outreach** – Residents will be provided with information on available travel options. The information will be conveyed via welcome packets to all new residents and highlights alternative transportation options and benefits to be provided.
- **Transit Pass Subsidy** – Contributions or incentives equivalent to 50% of the Adult-fare cost of a VTA monthly pass would be offered to each dwelling unit each month.
- **Unbundle Parking** – Parking for each unit will be unbundled, or sold separate, of the unit purchase to provide residents with the option to purchase a parking space.

Additional TDM Measures

The remaining 20 points of the point requirement will be achieved with the following measure:

- **Parking Supply** – Proposed on-site parking will be provided at a unit to parking ratio (0.65 to 0.68 spaces per unit) that is less than the standard parking demand ratio of 2.0 spaces per unit.

Report Organization

The remainder of this report is divided into two chapters. Chapter 2 describes the transportation facilities and services in the vicinity of the project site. Chapter 3 describes the TDM measures that would be implemented for the proposed project, including the program for implementing and monitoring the TDM plan.

Figure 1
Project Site Location

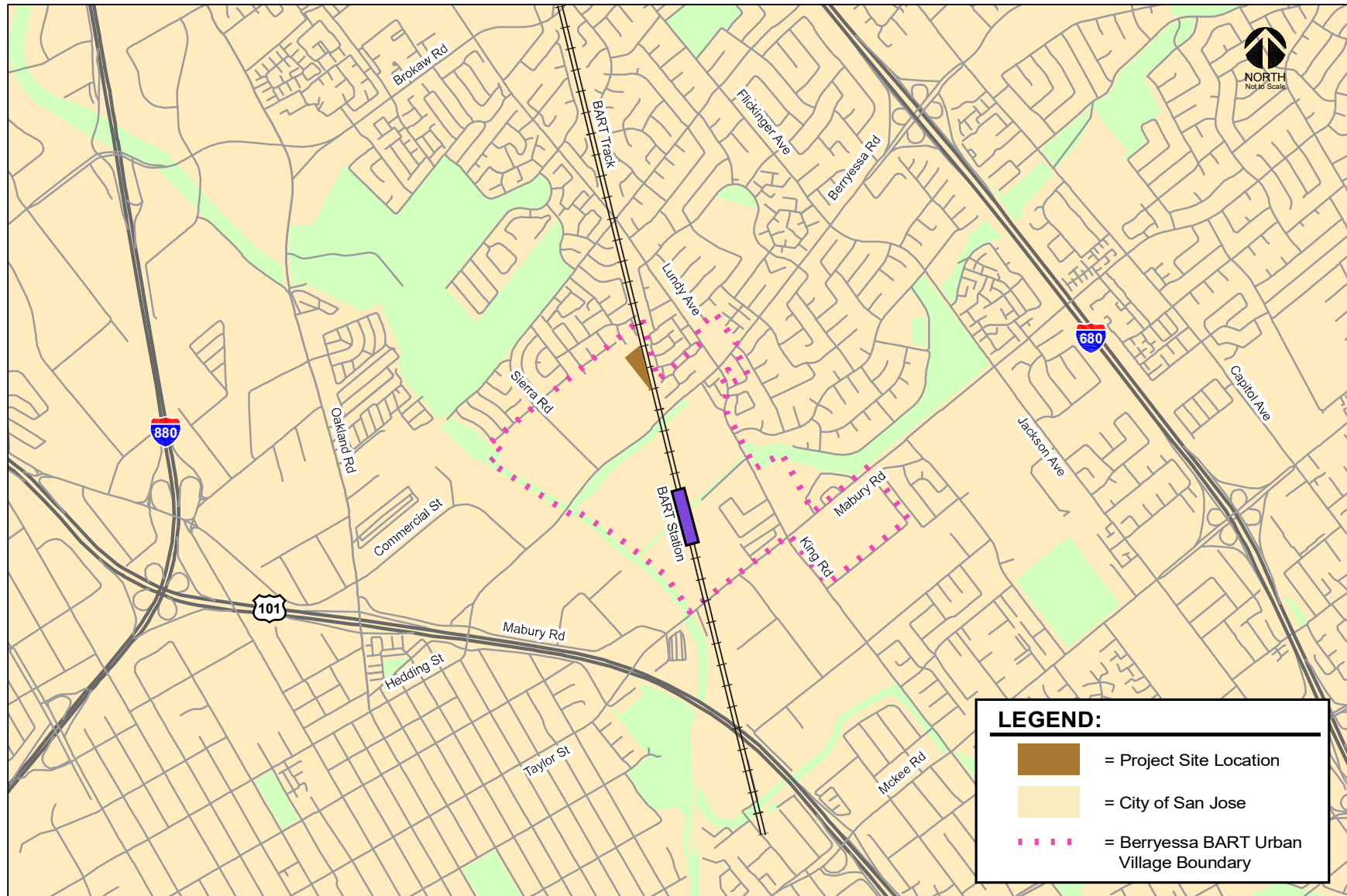


Figure 2
Lands of Facchino Master Plan

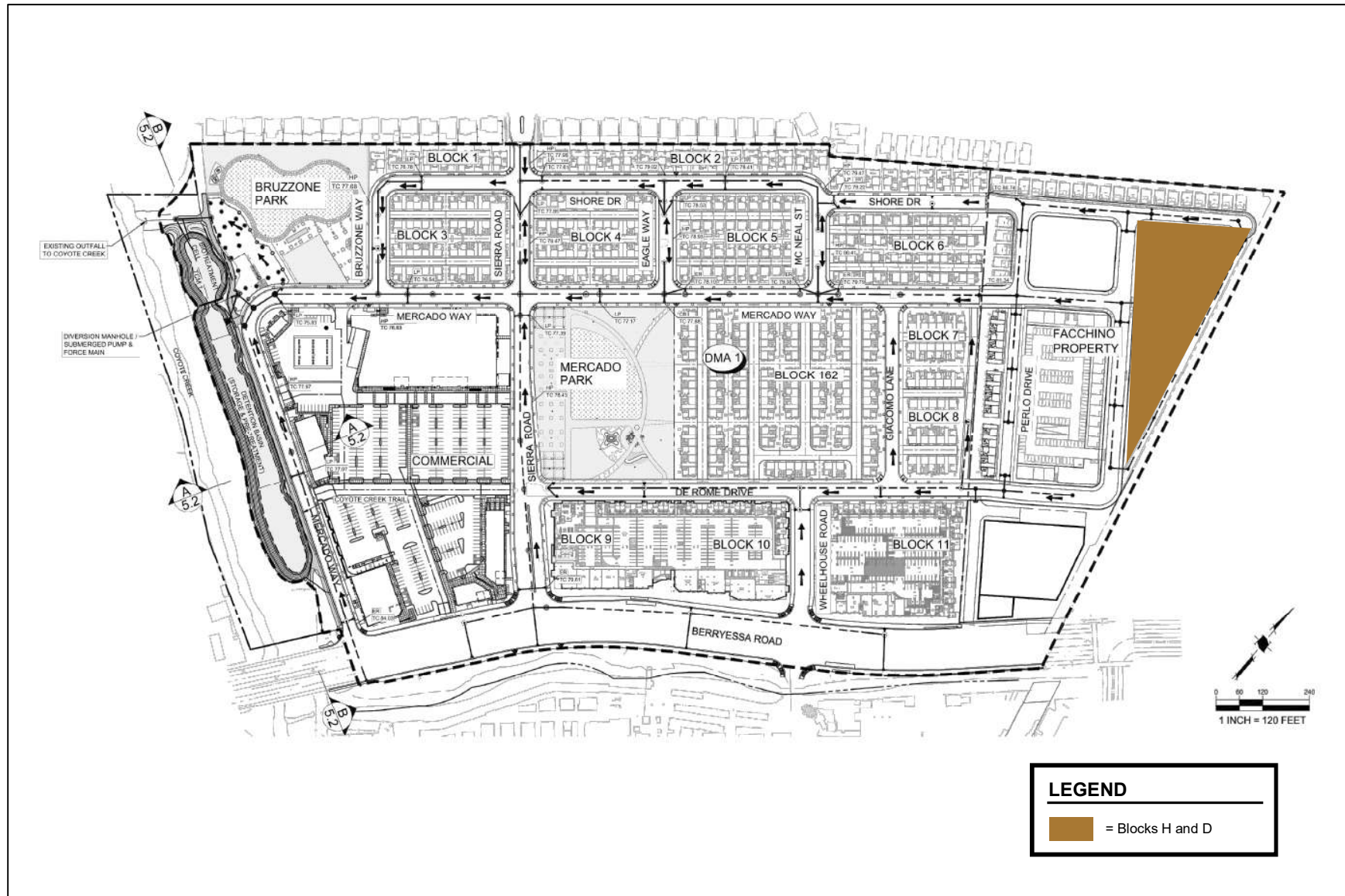
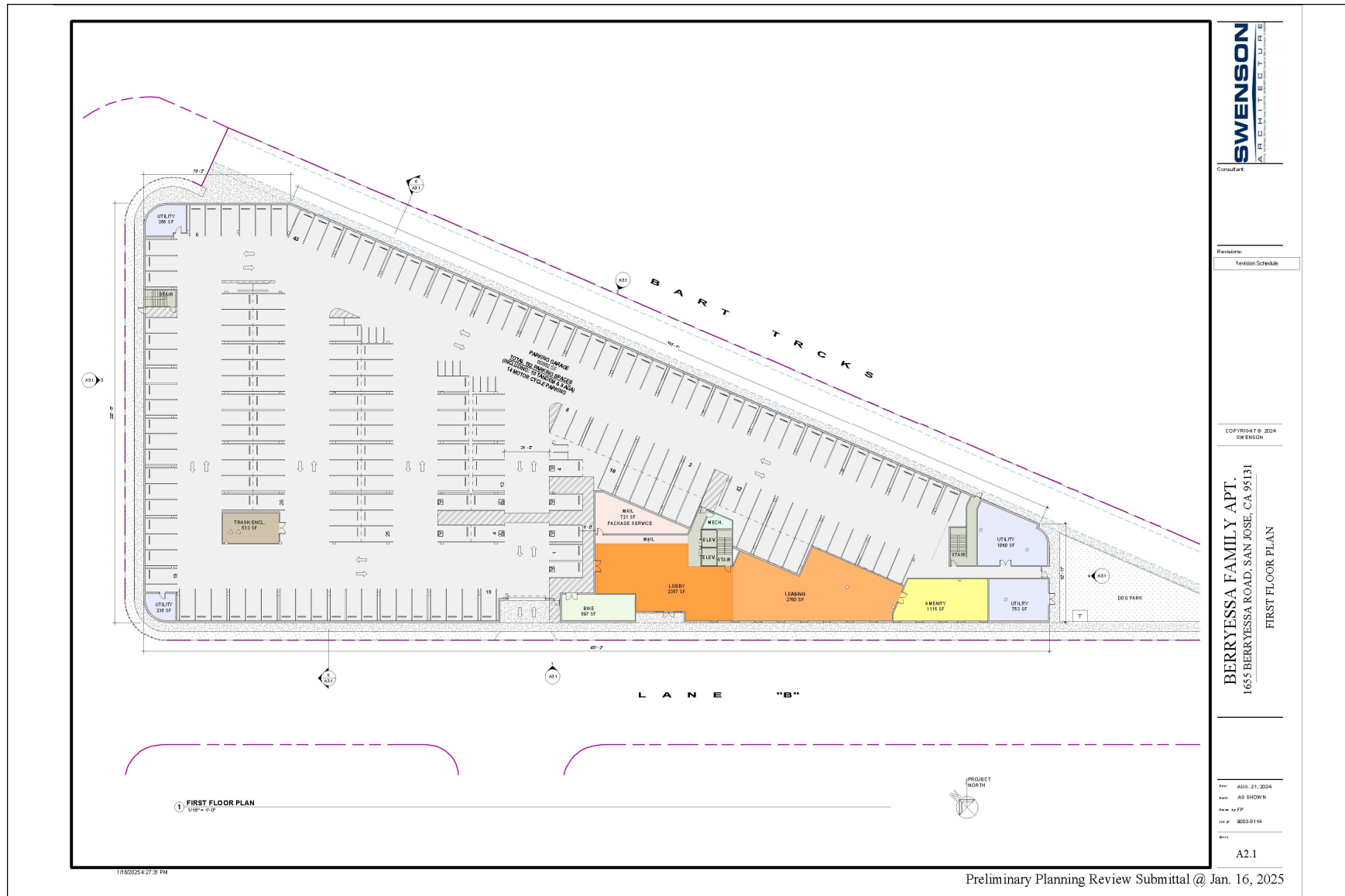


Figure 3
Facchino Block H and Block D Site Plan



2.

Existing Transportation Facilities and Services

Transportation facilities and services that support sustainable modes of transportation include commuter rail, buses and shuttle buses, bicycle facilities, and pedestrian facilities. This chapter describes the existing and future transit services, as well as bicycle and pedestrian facilities, in the vicinity of the project site.

Existing Bicycle and Pedestrian Facilities

All new development projects in San Jose should encourage multi-modal travel, consistent with the goals of the City's General Plan. It is the goal of the General Plan that all development projects accommodate and encourage the use of non-automobile transportation modes to achieve San Jose's mobility goals and reduce vehicle trip generation and vehicle miles traveled. In addition, the adopted City Bike Master Plan establishes goals, policies, and actions to make bicycling a daily part of life in San Jose. The Master Plan includes designated bike lanes along many City streets, including designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities should be encouraged with new development projects.

Note that the City's General Plan identifies both walk and bicycle commute mode split targets as 15 percent or more for the year 2040. This level of pedestrian and bicycle mode share is a reasonable goal for the project, particularly if LRT and bus services are utilized in combination with bicycle commuting. The existing bicycle, pedestrian, and transit facilities in the study area are described below.

Existing Pedestrian Facilities

Pedestrian facilities near the project site consist mostly of sidewalks along the streets in the study area. Sidewalks are found along both sides of all streets near the project site including Berryessa Road, Sierra Road, Shore Road, Mercado Way, and De Rome Drive. Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons at all signalized study intersections.

Pedestrian generators in the project vicinity include commercial uses east of the project site along the north and south sides of Berryessa Road near Lundy Avenue. The project site is within the service boundaries of Vinci Park Elementary School located approximately 0.5 miles east of the project site and Independence High School located approximately one mile south of the project site. Additionally, Challenger School is located at the intersection of Oakland Road and Gish Road, approximately one mile west of the project site.

Existing sidewalks and crosswalks provide a continuous pedestrian connection between the project site and pedestrian destinations in the project vicinity. Sidewalks are provided on both sides of most roadways with the exception of the following:

- A sidewalk is provided along only the east side of King Road between Commodore Drive and Salamoni Court.
- Sierra Road has sidewalks on both sides of the street between Berryessa Road and Hazlett Way and on the south side only between Hazlett Way and Lundy Avenue.

Existing Bicycle Facilities

Class I Bikeway (Bike Path). Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. The Penitencia Creek Trail is located in the project area and is a continuous multi-purpose pathway for pedestrians and bicycles that is separated from motor vehicles. It begins at the Berryessa/North San Jose BART Station and extends to the east of I-680 to Alum Rock Park.

Class II Bikeway (Bike Lane). Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments.

- Berryessa Road – East of Lundy Avenue and west of Mabury Road
- Lundy Avenue – North of Berryessa Road to Murphy Avenue
- Sierra Road – Between Briarcrest Drive and Tourney Drive
- King Road – South of Salamoni Court/Penitencia Creek Trail
- Mabury Road – Berryessa Station Way/Lenfest Road to White Road; Taylor Street to Berryessa Road
- Commercial Street – North of Berryessa Road to Zanker Road

Class III Bikeway (Bike Route). Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. In the vicinity of the project site, the following roadway segments are designated as bike routes:

- Sierra Road – Hazlett Way to Briarcrest Drive
- Commodore Drive – Between Lundy Avenue and Jackson Avenue
- Lenfest Road – South of Mabury Road
- Las Plumas Avenue – Between Lenfest Road and Educational Park Drive
- 22nd Street/Monferino Drive – Empire Street to Taylor Street

Class IV Bikeway (Protected Bike Lanes). Class IV bicycle facilities (protected/buffered bike lanes) are currently being installed throughout the City as part of the Better Bikeways project. Designated Class IV separated bike lanes are currently provided along the following roadways:

- Berryessa Road – 500 feet north of Mabury Road to Lundy Avenue
- Sierra Road – Between De Rome Drive and Hazlett Way
- Taylor Street – 21st Street to Berryessa Station Way

Within the Berryessa/North San Jose BART Station, a bike-only path is provided along the east side of Berryessa Station Way between Berryessa Road and Mabury Road. A second bike path located between the BART tracks and station parking garage provides access between Mabury Road and the station entrance. Bike lockers and bike racks will be provided at the BART Station. The existing bicycle facilities are shown Figure 4.

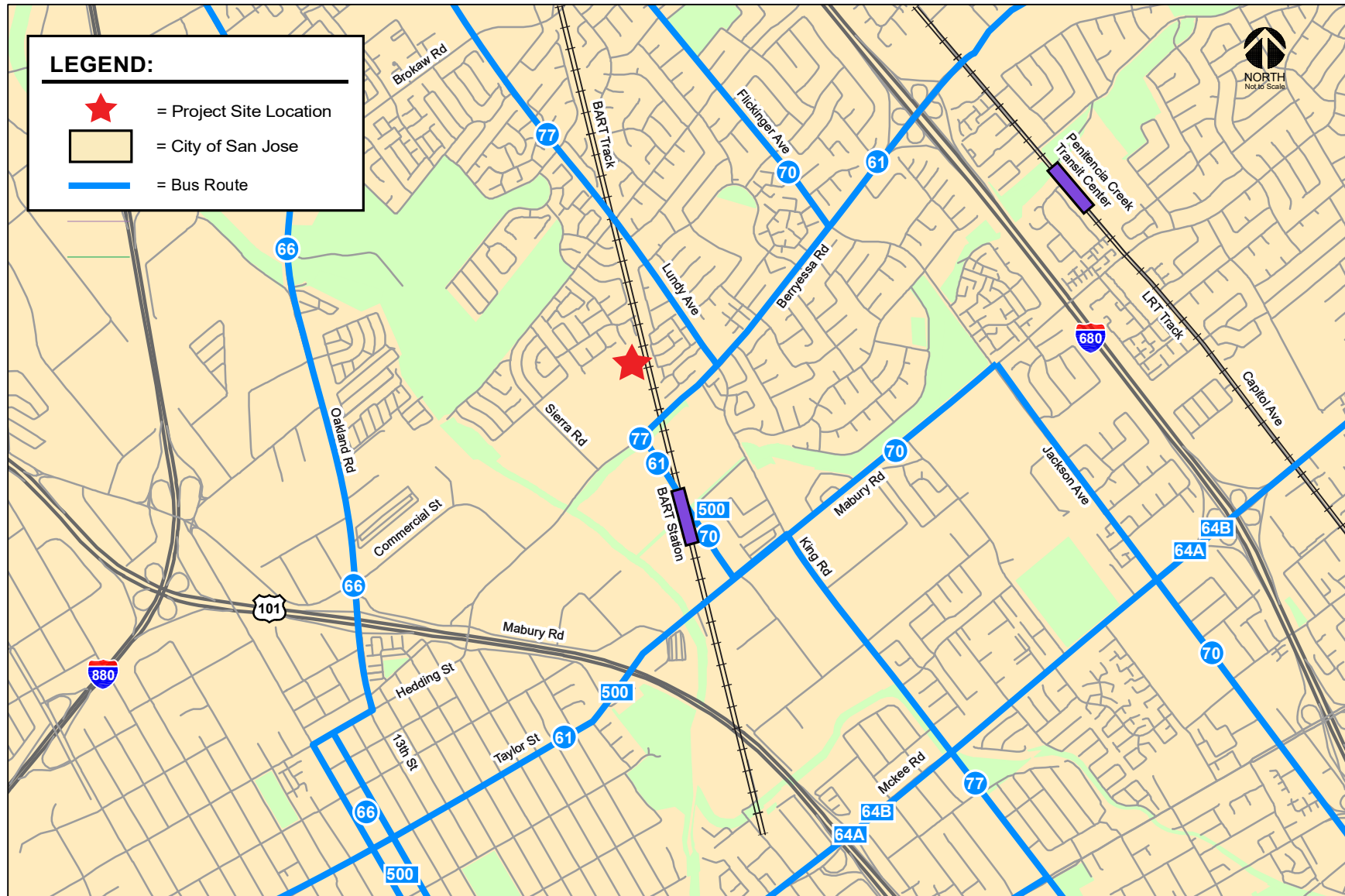
Existing Transit Services

Existing transit services in the study area are provided by the Santa Clara Valley Transportation Authority (VTA) and Bay Area Rapid Transit (BART) and are shown in Figure 5. The project site is located approximately 2000 feet north of the Berryessa Transit Center at which the Berryessa/North San Jose BART Station is located. Figure 1 shows the Berryessa Station location. The transit center provides connections to VTA bus service and BART services. Station facilities are located along Berryessa Station Way that provides a connection to Berryessa Road to the north and Mabury Road to the south. Station facilities include a parking structure for park-and-ride (PNR) commuters, surface parking lots, kiss-and-ride (KNR) drop-off points, and bus transfer bays.

Figure 4
Existing Bicycle Facilities



Figure 5
Existing Transit Services



3.

Compliance with the BBUV Parking and TDM Plan

The TDM measures for the project were developed based on the TDM and parking reduction requirements outlined in the *BBUV District Parking Study* (Parking and TDM Plan), March 2021 and are geared toward meeting the required 30-point reduction that the project needs.

Implementation of the proposed TDM measures would encourage future residents to utilize alternative transportation modes (transit, bicycle, and carpool) to reduce single occupant vehicle (SOV) trips and resulting VMT as well as parking demand generated by the project.

BBUV TDM Program Requirements

Each development within BBUV is required to satisfy a 30-point trip reduction goal achieved via implementation of TDM measures from a list of approved strategies. Point values are based on an estimated percentage reduction of VMT per TDM strategy, with one point roughly equivalent to a 1% estimated reduction in VMT. The first 10 out of the 30-point requirement will be met via mandatory TDM measures identified for the BBUV. The subsequent 20 points may be satisfied by selecting from a menu of identified TDM options. In addition, the provision of on-site parking at ratios at or below the City's parking target for BBUV will earn points toward a project's TDM requirement, with the potential to achieve up to 20 possible points, thus fully satisfying all of the project's additional TDM requirements.

Mandatory TDM Measures

Per the BBUV TDM Plan, mandatory TDM measures are considered essential to implementation of the BBUV parking solution and are therefore mandatory for all development projects. Each of the mandatory measures must be included as components of project specific TDM plans. The mandatory measures will serve to manage trip making and travel mode within the BBUV and consist of the following:

- **TMA Participation** - A Transportation Management Association (TMA) will be established. All tenants and residents in the four Districts will be required to participate in the TMA organization and pay associated TMA fees, if applicable. "Participation" means:
 - Use the TMA to review and confirm compliance of all required surveys, reports, etc.
 - Provide the name of the site's TDM coordinator to the TMA
 - Administer all benefit programs included as TDM measures in an approved TDM Plan

- **Subsidized Transit Passes** - Subsidized transit passes must be offered. The TMA will be available to help support distribution.
- **Education and Marketing** - Education and marketing is an important element of implementing a robust TDM program to ensure people who live and work in the four Districts have access to information to make informed travel choices. The TMA will support tenants in the four Districts to ensure they are distributing travel options information and have a point of contact for residents and employees.
- **Unbundled Parking** – The cost of parking must be detached from all residential leases or purchase fees for the life of the project, when the site is zoned B4 or B5 or located within a half mile of a transit stop served by a VTA. No units may be marketed with the amenity of “free parking” or similar terms. Unbundled spaces must be leased or sold separately so that residents have the option of renting or buying a space at an additional cost, thus presenting cost savings by opting out of renting or purchasing a parking space.
- **Price Parking** – Price parking at hourly rates and do not provide weekly, monthly, annual, or other long-term parking pass options. This may include charging employees for daily parking, implementation market demand rate pricing, and validating parking for invited guests only.

Additional TDM Measures

In addition to the mandatory measures, all projects are required to include measures to achieve the remaining 20-point requirement via various TDM strategies within their TDM plans. A lengthy menu of potential TDM strategies and measures are provided within the BBUV TDM Plan (Attachment A) along with their identified point allocations.

A major portion of the additional 20-point requirement may be achieved via reduced on-site parking. A maximum of 20 points may be achieved with reduced parking if a project proposed to provide on-site parking spaces that is less than the standard parking demand ratio. The actual point allocation is dependent on the extent of parking reduction. Table 1 below provides the point allocation for various parking ratio ranges.

Table 1
Parking Supply Point Allocation

Points	Proposed Parking for Residential (spaces/du)	Proposed Parking for Commercial Office and Retail (spaces/ksf GFA)
20	0.00 – 1.00	0.00 – 1.50
18	1.01 – 1.10	1.51 – 1.65
16	1.11 – 1.20	1.66 – 1.80
14	1.21 – 1.30	1.81 – 1.95
12	1.31 – 1.40	1.96 – 2.10
10	1.41 – 1.50	2.11 – 2.25
8	1.51 – 1.60	2.26 – 2.40
6	1.61 – 1.70	2.41 – 2.55
4	1.71 – 1.80	2.56 – 2.70
2	1.81 – 1.90	2.71 – 2.85
1	1.91 – 1.99	2.86 – 2.99
0	2.00+	3.00+

Source: Berryessa BART Urban Village District Parking Study, March 2021

Notes:
du = dwelling unit; ksf = 1,000 square feet; GFA = gross floor area

Applicants are required to work with the City to identify a package of measures that is applicable to the proposed project. The City also maintains the ability to prioritize certain measures to ensure that transportation improvements meet transportation demands and goals of the BBUV.

4.

Proposed TDM Measures

This chapter describes TDM measures proposed for the project, including proposed off-street parking supply reductions. The recommended TDM measures are intended to encourage future tenants of the residential development to utilize alternative transportation modes available in the area to reduce single occupancy vehicle trips and parking demand generated by the project. The specific TDM measures that are proposed for the project are described below and are based on the measures required and recommended within the BBUV TDM Plan.

Proposed TDM Measures

The TDM measures to be implemented by the project include parking and TDM measures related to the attributes of the site location and on-site amenities. Such measures encourage walking, biking, and the use of transit.

Mandatory TDM Measures

The measures listed below refer to those TDM strategies considered essential for implementing a district parking solution in the plan and therefore are mandatory to all development projects and achieve 10 points of the required 30 points for the project. The mandatory TDM measures are described below and summarized within Table 2. The point allocation for each of the mandatory TDM measures also is identified in Table 2. Note that the price parking mandatory measure is not applicable to the proposed residential uses of the project.

- **Transportation Management Association (TMA) Participation** – The project will participate in and pay associated fees of the district's TMA. The TDM plan must be provided to the TMA which will oversee compliance with the TDM plan. A TDM coordinator must be identified and will work with the TMA in submittal of required monitoring and compliance.
- **Education, Marketing, and Outreach** – Residents will be provided with information on available travel options. The information will be conveyed via welcome packets to all new residents and highlights alternative transportation options and benefits to be provided.
- **Transit Pass Subsidy** – Contributions or incentives equivalent to 50% of the Adult-fare cost of a VTA monthly pass would be offered to each dwelling unit each month. Subsidized transit passes are an extremely effective means of encouraging residents to use transit rather than drive. Transit passes allow residents to save money, as well as help them to avoid the stress of driving during commute periods.

- **Unbundle Parking** – Parking for each unit will be unbundled, or sold separate, of the unit purchase to provide residents with the option to purchase a parking space. With this approach, those tenants without a vehicle would not be required to pay for parking that they do not want or need. This is the most equitable approach and would free up parking for those tenants that require space and are willing to pay for it. The parking spaces will be priced to prevent tenants parking on the streets or in nearby parking lots. Unbundling residential parking costs from the cost of housing can reduce tenant vehicle ownership and parking demand.

Table 2
Mandatory TDM Plan Measures and Point Allocation

Type	Category	Measure	Description	Point ¹ Values
Programs	Programs-1	Transportation Management Association (TMA) Programming	Participate in a few TDM programs provided by an established TMA in a local area such as Downtown and a transit-rich urban village. - Points associated with the TDM programs provided by the TMA will be awarded. The property owner must subscribe to the TMA with payment of annual membership fees.	4
	Programs-2	Education, Marketing, and Outreach	Provide employees and/or residents with information on available travel options. - Two points for providing TDM promotions and welcome packets and enrolling all dwelling units in a TMP.	2
	Programs-3	Transit Pass Subsidy	Provide contributions or incentives towards the equivalent cost of a VTA monthly pass for on-site residences. - Two points for proactively offering contributions or incentives equivalent to 50% of the Adult-fare cost of a VTA monthly pass for each dwelling unit, monthly.	2
Parking	Parking-1	Unbundle Parking	Detach the cost of parking from rents or leases. - Two points for detaching the cost of all parking spaces from all residential lease or purchase fees for the life of the project, when the site is zoned B4 or B5, or located within a half mile of a transit stop served by VTA.	2
Total =				10
Source: Berryessa BART Urban Village District Parking Study, March 2021				
Notes:				
¹ Presumes 4 points for participation in TMA and payment of fees. Implementation of specific TDM programs as part of the TMA will be coordinated with City staff.				

Additional TDM Measures

Proposed Parking Supply

The project proposes to provide a total of between 170 to 177 off-street parking spaces for the proposed 260 residential units. The provided parking spaces represent a ratio of 0.65 to 0.68 spaces per unit and is less than the standard parking demand ratio of 2.0 spaces per unit. Per the BBUV parking supply ratio ranges and point allocations presented in Table 1, the proposed parking will achieve 20 points of the necessary 20 points via implementation of additional TDM measures. The proposed measure is described below and summarized in Table 3.

Table 3
Additional TDM Plan Measure and Point Allocation

Type	Category	Measure	Description	Point Values
Parking	Parking-3	Right-Size Parking Supply	The amount of on-site parking included with the development. - 20 points for proposed residential parking space between 0 - 1.00 space/du.	20
Total =				20
Source: Berryessa BART Urban Village District Parking Study, March 2021				

5. TDM Plan Monitoring

The primary purpose of the BBUV TDM plan is to reduce the SOV trips generated by the districts by up to 35 percent. Per the BBUV Parking and TDM Plan, monitoring will be necessary to ensure that the TDM measures are effective in supporting district goals and continue to be successfully implemented. The BBUV TDM plan monitoring requirements and program is outlined below.

Performance Monitoring

The TMA will track BBUV parking and TDM plan performance, including on-street and off-street parking, mode split and program participation and property adherence to submitted TDM Plans. The TMA will work with district residents, employers and employees, visitors, and external stakeholders such as the City of San Jose and local transit agencies to ensure the TMA and associated properties are meeting the defined BBUV goals and requirements. Property owners will be responsible for ensuring site specific TDM Plans are in compliance.

- On-Street Parking Occupancy: The City will monitor on-street parking prices and occupancy.
- Off-Street Parking Occupancy: The TMA will be responsible for tracking off-street parking occupancy, particularly for any shared parking in the district. Surveys must be conducted in the daytime for employment land uses and nighttime for residential uses to track peak parking-generation rates for each.
- Mode Split: The TMA will develop and administer an annual travel survey for employees, residents, and visitors; property owners will support administration of the survey.
- TDM Program Participation: On an annual basis, the TMA will document program participation, including TMA membership, education, and outreach metrics (described in the figure below), transit pass distribution, and documentation of unbundled parking policies.

Table 4 presents the recommended monitoring performance measures for the four BBUV Districts, including a target (if applicable), metric and method, who is responsible for tracking, and the frequency. The TMA will develop an annual report that documents the metrics outlined in Table 4. The annual report for the district will be submitted to the City of San Jose Public Works Department for review.

Table 4
BBUV Parking and TDM Plan Performance Metrics

Metric	Measure	Target	Method	Responsibility	Frequency
SOV Rate	SOV rate	35% all trips by 2040	Employee, resident and visitor travel survey Trip logging, if applicable	TMA in partnership with property owner	Annual
On-Street Parking					
On-Street Parking Price	Hourly parking rate	Market rate	Annual audit	City	
On-Street Parking Utilization	% capacity by time of day	85% capacity	Parking counts	City	Annual
Off-Street Parking					
Off-Street Parking Price	Hourly and monthly parking rates	Market rate	Annual audit	TMA in coordination with private property owners	Annual
Off-Street Parking Utilization	% capacity by time of day	85% capacity	Parking counts	TMA in coordination with private property owners	Annual
Mandatory TDM Measures:					
Transportation Management Association	# of TMA members	All developments in the four Districts of BBUV. Optional for other developments outside the Districts.	n/a	TMA	Annual
Education, Marketing, and Outreach	Website hits Awareness of programs	n/a	Website hits Annual survey	TMA	Annual
Transit Pass Subsidy	Transit passes distributed	Aligned with target transit mode split goal (TBD)	Track distribution of transit passes Annual survey	TMA Property owners	Annual
Unbundled Parking	Unbundled parking in residential leases	All	Annual audit	TMA Property owners	Annual
Additional TDM Measures					
Property Owner TDM Plans	See standards for maintaining compliance below; the TMA will be responsible for ensuring property owner TDM Plans are in compliance				
Source: Berryessa BART Urban Village District Parking Study, March 2021					

Annual Reporting

The TMA will be responsible for verifying that each of an approved TDM Plan's physical and programmatic measures are maintained, for as long as the property maintains a Certificate of Occupancy. Over this time, the property owner must submit all required monitoring and reporting forms and supporting documentation.

The project applicant must submit this TDM Plan to the City of San Jose and will be responsible for ensuring that the TDM elements are incorporated into the project. After the development is constructed and occupied, the project applicant needs to identify a TDM coordinator. It is assumed that the property manager for the project would be responsible for implementing the ongoing TDM measures. If the TDM coordinator changes for any reason, the City and tenants should be notified of the name and contact information of the newly designated TDM coordinator.

The first submission of reporting documentation is due within 30 calendar days of the 18-month anniversary of the issuance of the initial Certificate of Occupancy. Subsequent annual submissions are also due within 30 calendar days of that date. Upon five years of satisfactory monitoring and reporting compliance, the submittal requirement shifts to every three years. This relaxed timeline can revert back to annual submittal requirements if compliance becomes unsatisfactory. The annual TDM report submitted by the property owner should include a summary of the following:

- Documentation of existing TDM measures: All ongoing TDM measures, and any changes from the original plan or past years should be noted.
- Annual Travel Survey: Property owners will support the TMA in administering an annual travel survey provided by the TMA. Surveys must produce data on trip frequency and trip distance patterns, by mode and by property affiliation (resident, employee, or visitor). Minimum response rates will be set based on peak parking occupancy counts, with resident responses equivalent to or surpassing 25% of peak overnight occupancy counts, and employee response equivalent to or surpassing 25% of peak daytime occupancy counts. The survey instrument will be developed by the TMA to ensure consistency across properties.

Site Inspections

TMA staff may conduct a site visit if the annual report demonstrates any compliance concerns once every three years to confirm all approved physical measures in the development project's TDM Plan continue to be implemented and/or installed. Property owners will be informed in advance of these site visits.

TDM Plan Update Option

A property owner may propose to update an approved TDM Plan by submitting a TDM Plan Update Application. The City will ensure that the updated TDM Plan meets the TDM Program Standards that were in effect at the time of that the previous TDM Plan was approved, or the TDM Program Standards in effect at the time that the TDM Plan Update Application is filed, based on the stated preference of the applicant. Such a process will become necessary in circumstances where an approved TDM Plan includes a measure that is no longer viable, such as subsidized rides for a mobility service provider that has ceased to operate. The process may also be initiated in order to take advantage of newly available and/or approved TDM measures that a property owner prefers to what is included in an approved TDM Plan.