

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
REPEALING AND REENACTING ARTICLE X OF CHAPTER 19 OF THE MOUNTAIN VIEW CITY
CODE TO ESTABLISH A NEW TRANSPORTATION DEMAND MANAGEMENT PROGRAM

WHEREAS, on June 10, 2025, the Mountain View City Council reviewed and recommended the Transportation Demand Management (TDM) policy framework to support development of a citywide TDM Ordinance; and

WHEREAS, the ordinance implements and supports policies and programs adopted by the City, including the Mountain View 2030 General Plan Mobility Element, the Sustainability Action Plan-4, Housing Element actions, and seeks to align with state and regional legislation addressing congestion management and multimodal transportation planning analysis, including Senate Bill 743; and

WHEREAS, the purpose of the ordinance is to reduce single occupancy vehicle travel, incentivize multimodal transportation options, reduce vehicle miles traveled (VMT), improve air quality and public health outcomes; and

WHEREAS, the City seeks to amend Chapter 19 of the Mountain View City Code to add new sections to Article X (Transportation Demand Management) to update the code, improve its clarity, and standardize TDM requirements for new development and for modifications and expansions of existing buildings and sites, thereby advancing key City goals related to improving efficiency of the roadway system, increasing housing options, sustainable transportation, economic development, and environmental quality; and

WHEREAS, the ordinance establishes consistent TDM Program requirements, including trip reduction standards, monitoring and reporting requirements, and compliance and enforcement provisions; now, therefore,

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 19, Article X, of the Mountain View City Code is repealed in its entirety and reenacted as set forth below.

SEC. 120 - Purpose.

A. The purpose of this ordinance is to:

1. Comply with the provisions of California Government Code Section 65089.3 regarding congestion management on a regional level to improve air quality within the city and the region through reduction of congestion and traffic impacts.

2. Reduce single-occupancy vehicle (SOV) trips for new development and increase use of multimodal transportation options.
3. Expand access to affordable and reliable transportation options for all individuals who live and/or work in the City of Mountain View.
4. Reduce traffic and congestion by optimizing the efficiency of the roadway system and capacity.
5. Address the transportation impacts resulting from new development by providing sustainable, accessible, and affordable transportation options that support the journeys of people of all income levels and modal choices.
6. Ensure that new development is designed to support sustainable transportation choices for residents, employees, and visitors. The provisions contained herein implement the Mobility Element of the 2030 General Plan, Precise Plan requirements, Greenhouse Gas Reduction Program (GGRP), Sustainability Action Plan-4, Housing Element Action Items, state legislation including Senate Bill (SB) 743, the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the California Global Warming Solutions Act of 2006 (AB 32), the California Complete Streets Act of 2008, Employee Parking Cash out Program (AB 2206), and the Bay Area Air District (BAAD) Regulation 14.
7. Improve air quality and public health outcomes, and reduce Mountain View's contribution towards climate change through encouragement of sustainable mobility options and reduction of Vehicle Miles Travelled (VMT) and associated greenhouse gas (GHG) emissions generated by driving.
8. Reduce dependence on drive-alone trips and increase sustainable mode share to comply with the directives of SB 743, including facilitating a multimodal transportation system, and applicable requirements under Bay Area Air District (BAAD) Regulation 14.
9. Support integrating land use and transportation planning by improving efficient use of infrastructure that incentivizes use of multimodal transportation options.
10. Establish citywide requirements for the Transportation Demand Management (TDM) Program, including Transportation Demand Management Plans (TDM Plans) and associated monitoring and reporting to ensure that applicable developments contribute to achieving the City's transportation, sustainability, and mobility goals.
11. Maintain flexibility to incorporate evolving technologies, travel behaviors, and countywide TDM efforts, ensuring the TDM Program reflects changing conditions and travel preferences.

SEC. 121 - Definitions.

- A. The following definitions apply to words and phrases used in this Chapter and any administrative instructions, handbooks, or other materials implementing this Chapter:
1. “Applicant” shall mean any individual, firm, limited-liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation or any other entity whatsoever who applies to the city for the applicable permits to undertake a construction, demolition or renovation project within the city.
 2. “Average daily trips (ADT)” means the average number of vehicle trips recorded at a specific location over a 24-hour period, typically calculated by summing directional counts.
 3. “Average daily trip reduction target (ADT reduction target)” means a goal established to reduce the number of vehicle trips generated by a site on a daily basis, expressed as a percentage of baseline trip generation.
 4. “Certificate of Occupancy” defined as in Section 42.31(a) of the Mountain View City Code as amended from time to time.
 5. “Change of Use Form” is documentation submitted by the Applicant to note a change of land use.
 6. “Conditions of Approval” means requirements imposed by the City as part of the development review process, which must be satisfied for a Project to proceed or receive development permits.
 7. “Developer” as defined in Section 47.3 of the Mountain View City Code as amended from time to time. .
 8. “Developer Handbook” means a guide provided by the City to assist developers in understanding the TDM process during permit review process and instructions for preparing a TDM Plan.
 9. “Development Permit” applies to a fire or building permit, planning permit, or public works permit that is issued by the City allowing construction, alteration, or use of land or buildings in accordance with zoning and building codes.
 10. “Employer” any person, including corporate officers or executives who directly or indirectly through any other person, including through the services of a temporary employment agency, staffing agency, or similar entity, retains, hires, engages, or exercises control over the wages, hours, or working conditions of any other person..
 11. “Enhanced TDM” is any residential Project proposing to enhance features of a TDM Plan by selecting additional TDM strategies or achieving a higher trip reduction goal

than what is required by this Ordinance or state law, allowing the Developer to obtain the benefit of residential parking reductions or exemptions from parking requirements, in accordance with the City's Housing Element.

12. "High-Quality Transit Corridor" has the meaning set forth in California Public Resources Code Section 21155(b), as that section may be amended or renumbered from time to time.
13. "High Quality Transit Area" means those areas within one-half (0.5) mile of a High-Quality Transit Corridor or a Major Transit Stop.
14. "Major Transit Stop" has the meaning set forth in California Public Resources Code Section 21064.3, as that section may be amended or renumbered from time to time.
15. "Mixed-Use" means a development type that integrates residential, commercial, and/or institutional uses within a single building or site used by commuters or travellers within a defined area.
16. "Multi-Modal Transportation Analysis Handbook (MTA Handbook)" means the City of Mountain View document which contains technical guidance for preparing multi-modal transportation analyses for individual development Projects, as may be amended.
17. "Parking Management Plan" means a strategic plan submitted with development proposals that outlines how parking will be provided, managed, and integrated with Transportation Demand Management (TDM) strategies.
18. "Patron-driven Uses" means non-residential uses whose trip generation is primarily patrons, rather than employees, including child care, religious institutions, community centers, indoor recreation and fitness centers, schools, studios, retail (general merchandise, grocery, and similar), restaurants, personal services, entertainment, medical services, banks and financial services, hotels and motels, service stations, repair and maintenance of vehicles and consumer products, and similar uses. The Public Works Department may use any available data to determine if more than 50% of a use's trip generation are typically patrons.
19. "Peak Hour Traffic (PHT)" means the highest volume of traffic observed during a one-hour period, typically during morning or evening commute times.
20. "Peak Period Trips" means trips occurring during designated peak travel periods, usually defined as 6–9 AM and 4–7 PM on weekdays, when traffic congestion is highest.
21. "Planning Permit" means a type of development permit issued by the City allowing for residential or business renovation, new development, or alteration of land or buildings in accordance with zoning and building codes."

22. "Project" means a construction or reconstruction project that requires a zoning permit or building permit under Chapter 47 of the Mountain View Code.
23. "Property Manager" means an individual or entity responsible for the day-to-day operation, maintenance, and oversight of a residential, commercial, and/or mixed-use property.
24. "Property Owner" means any legal person possessing a present possessor interest in real property, including leases with a term of thirty-five (35) years or greater.
25. "Property Transfer Form" means a form used to document the transfer of ownership in real property.
26. "Single-occupancy vehicle (SOV)" means a motor vehicle occupied by only the driver during a commute or trip.
27. "Site" means a parcel or group of parcels of land considered as a unit for development or land use purposes.
28. "Telecommuting" means a work arrangement where employees perform job duties remotely, typically from home, under a formal agreement with their employer.
29. "Transit-Oriented Development (TOD)" means Projects that are located within one-half (0.5) mile of High-Quality Transit as defined in California Public Resources Code, Section 2115(b) and Section 21064.3, as may be amended.
30. "Transportation Coordinator" means a designated individual responsible for implementing and managing Transportation Demand Management (TDM) strategies at a development site, including commuter programs and travel surveys, if applicable.
31. "Transportation Information Worksheet (TIW)" is submitted by the Applicant to the City review of a proposed development Project and/or use permit.
32. "Transportation Demand Management Agreement (TDM Agreement)" means a formal agreement between a developer and the City outlining TDM requirements, including the implementation of TDM Strategies, monitoring, and enforcement provisions.
33. "Transportation Demand Management Plan (TDM Plan)" means a Project's documentation, including a site plan and/or other documentation, that describes the TDM Strategies the Project will implement in order to comply with the TDM Ordinance for the Project site as approved by the Public Works Director or Designee.
34. "Transportation Demand Management Program (TDM Program)" means the City of Mountain View policy requiring Projects to incorporate TDM Strategies in their proposed Projects.

35. "Transportation Demand Management Program (TDM Program) Standards" means the City of Mountain View's Standards that contain details of the TDM Program goals and benefits, processes, ADT targets, TDM Strategies, and evaluation and reporting. These program standards are contained within Appendix J of the City of Mountain View's Multi-Modal Transportation Analysis Handbook.
36. "Transportation Demand Management Report (TDM Report)" means a yearly report submitted by Transportation Coordinators or Property Owners detailing the implementation and effectiveness of TDM strategies, including mode share and trip reduction data.
37. "Transportation Demand Management Strategies (TDM Strategies)" means a programmatic and/or physical strategy that aims to reduce drive-alone trips and/or VMT, and/or encourages sustainable mobility in a way that meets the intent of this Ordinance.
38. "Transportation Demand Management Toolkit (TDM Toolkit)" means a resource guide listing approved TDM strategies, trip reduction potential, and implementation guidelines for Projects to meet ADT reduction targets.
39. "Traffic Counts" means quantitative data representing the number of vehicles passing a specific point over a defined period.
40. "Travel Survey" means a questionnaire distributed to site users (e.g., employees, residents) to collect data on commuting patterns, mode share, and travel behavior.
41. "Trip Cap" means a maximum number of allowable trips generated by a development.
42. "User-Defined TDM Strategy" means a TDM Strategy that is not currently listed in the TDM Program Standards and is proposed by an Applicant for inclusion in a Project's TDM Plan. A proposed User-Defined TDM Strategy shall aim to reduce drive-alone trips and/or VMT, and/or encourage sustainable mobility options in a way that meets the intent of this Ordinance.
43. "Vehicle Miles Travelled (VMT)" means a metric used to measure the total amount of miles driven by motor vehicles within a given area in Mountain View per (day/month/year).
<https://laserfiche.mountainview.gov/WebLink/DocView.aspx?id=232482&dbid=0&repo=CityDocuments&cr=1>
44. "Very Small Project" means any single-family residential development of 12 units or fewer, any multi-family residential development of 20 units or fewer, or any office development that is 10,000 square feet or less.

SEC. 122 - Applicability.

- A. This ordinance applies to all Projects seeking discretionary approval of a Planning Permit, to ministerial approvals, changes of use, or renovation Projects that generate 200 or more net new Average Daily Vehicle Trips (ADT).
- B. TDM Programs shall be required in all new developments and redevelopment meeting the criteria set forth in this chapter. Developments in an area subject to a precise plan shall comply with any additional or different TDM requirements imposed by that precise plan.
- C. The following Projects are exempt from the requirements of this chapter:
 - 1. Projects for which an application has been deemed complete by the City on the date this ordinance goes into effect.
 - 2. Projects with 100% restricted affordable units, excluding unrestricted manager units that are:
 - a. Deed restricted by a public entity for at least 55 years period for rental units and at least 45 years for for-sale units to low-income residents (earning 80 percent or less of the Area Median Income) and;
 - b. Developed at a minimum density of 35 dwelling units per acre, and;
 - c. Located in a High-Quality Transit Area, defined as areas within one-half (0.5) mile of a high-quality transit corridor or major transit stop. A high-quality transit corridor is defined in the California Public Resources Code, Section 2115(b) as may be amended. A major transit stop is defined in the California Public Resources Code, Section 21064.3, as may be amended.
 - 3. Very Small Projects as defined by Section 121 of this Chapter.
 - 4. Patron-driven Uses less than 100,000 feet.

SEC. 123 - Annual TDM Fee.

- A. The Council may establish by resolution an Annual TDM Fee for TDM activities reviewed by the City and monitoring of all sites subject to the requirements of this Chapter. All fees collected pursuant to this Chapter shall be deposited in an account separate from the General Fund. The purpose of the fee is to pay for the costs of administration, maintenance, and enforcement of this Chapter.
- B. The amount of the Annual TDM Fee may be revised annually based on the change in the Consumer Price Index for all Urban Consumers (CPI-U) as published by the Bureau of Labor Statistics for the Metropolitan Statistical Area or Combined Statistical Area inclusive of Mountain View, or any successor index that the City Council may designate by resolution. Any adjustment shall be reflected in the City's Master Fee Schedule.

- C. Details regarding administration of the annual TDM fee are included in the TDM Program Standards.

SEC. 124 - Transportation Demand Management Plan Requirements.

- A. Projects shall submit a Transportation Demand Management Plan (TDM Plan) at the time of formal application for a Planning Permit, Ministerial Approval, or Building Permit. The Planning Permit, Ministerial Approval, or Building Permit shall not be deemed complete until the TDM Plan is submitted and meets the requirements of the City's TDM Program Standards, which are provided in Appendix J of the City of Mountain View Multi-Modal Transportation Analysis (MTA) Handbook.
- B. The City shall prepare and issue a Developer Handbook to the Applicant, Property Owner, Property Manager or Employer that provides an overview of the TDM process during permit review process and instructions for preparing a TDM Plan.
- C. All TDM requirements established in this Chapter shall run with the land and be binding upon all current and future Property Owners. An approved TDM Plan shall be recorded in the Project's Conditions of Approval and memorialized in a TDM Agreement that runs with the land, prior to issuance of building permit(s). If an owner of a Project subject to the TDM ordinance executes a lease with a tenant or sells the property to a new owner, the current owner shall ensure that the terms of the TDM Agreement are disclosed to the new owner or tenant as a condition of sale or lease. Property Owners hold ultimate responsibility for ensuring that all TDM reporting and ADT reductions requirements are met, regardless of whether they are filed by the owner or tenant.
- D. A Property Transfer Form must be completed and submitted to the City within thirty (30) calendar days of any change in property ownership. This form shall document that the new Property Owner is aware of all applicable TDM obligations and agrees to implement the approved TDM Plan associated with the site. Failure to submit the Property Transfer Form shall be subject administrative citation in accordance with City Code Section 1.7
- E. The Applicant will select strategies from the Transportation Demand Management Toolkit, contained in the TDM Program Standards, to achieve the required level of trip reduction in net new ADT. The ADT reduction targets are based on Project size and associated ADT levels (Table 1).
 - a. For the purposes of this chapter, Transit-Oriented Development (TOD) Projects shall be subject to reduced ADT reduction targets. TOD Projects are located within one-half (0.5) mile of High-Quality Transit as defined in California Public Resources Code, Section 2115(b) and Section 21064.3, as may be amended.

Table 1. ADT Reduction Targets by Project Size

<u>Project Size</u>	<u>ADT Reduction Targets</u>	
	<u>Transit-Oriented Development (TOD)</u>	<u>Non-Transit-Oriented Development (Non-TOD)</u>
<u>Small (200–499 ADT)</u>	<u>20%</u>	<u>30%</u>
<u>Medium (500–999 ADT)</u>	<u>30%</u>	<u>40%</u>
<u>Large (1,000+ ADT)</u>	<u>40%</u>	<u>50%</u>

- F. ADT shall be calculated by a Transportation Impact Study (TIS) when a development is anticipated to impact the adjacent roadway network and capacity, where mitigations are necessary to support the mobility and connectivity of the proposed site. The MTA Handbook and associated TDM Program Standards jointly identify effective TDM strategies as a cost-effective means to reduce traffic congestion, improve air quality, address parking demand, provide affordable transportation, improve community health and expand transportation options in all areas of the City.
- G. The TDM Plan will comprise a range of Core Strategies and Auxiliary Strategies to achieve the ADT reduction target. Applicants shall select from a range of strategies based on levels of effectiveness for trip reduction, provided in the MTA Handbook’s TDM Toolkit (TDM Program Standards).
- H. Projects shall select the requisite number of Core Strategies to achieve the required ADT reduction target. Additionally, Projects will be required to adopt Auxiliary Strategies to successfully implement the TDM Plan:
 - 1. Small Projects: At least two (2) Auxiliary Strategies
 - 2. Medium Projects: At least three (3) Auxiliary Strategies
 - 3. Large Projects: At least five (5) Auxiliary Strategies
- I. Residential Projects meeting enhanced TDM criteria shall be exempt from residential minimum parking standards in Chapter 36. Projects may not select reduced parking as a TDM strategy to avoid double-counting towards their ADT reduction target. Enhanced TDM criteria shall include one of the following:
 - 1. The residential Project shall meet an ADT reduction target of at least 5% greater than otherwise required in Table 1; or
 - 2. The residential Project shall adopt one additional core strategy and two additional auxiliary strategies over the minimum requirements of this Chapter.
- J. An Applicant may propose a User-Defined TDM Strategy as an alternative to those contained in the menu of TDM Strategies in the MTA Handbook’s TDM Toolkit (TDM

Program Standards). This process shall be incorporated into the Planning Permit or Ministerial Permit application review. The Public Works Director or the Director's designee, in consultation with the TDM Coordinator, shall have decision-making authority to approve a User-Defined TDM Strategy.

- K. Prior to final inspection granting certificate of occupancy, the Applicant, Property Owner, Property Manager or Employer must show that all TDM Strategies included in the Project Conditions of Approval will be available as soon as the site is occupied. The TDM Plan shall run for the life of a Project, be binding on any current and future Property Owner, Property Manager or Employer and be referenced as part of the Conditions of Approval.

SEC. 125 - Modifications to Approved Transportation Demand Management Plans.

- A. The Property Owner or Developer may submit a request to the City to revise a TDM Plan. The revised TDM Plan will be subject to review by City staff and approval by the Public Works Director or Designee.
- B. All modified TDM Plans must comply with the TDM Program Standards in effect at the time when submitting their first TDM Plan. If the Public Works Department updates the TDM Program Standards subsequent to the date the Applicant submitted a TDM Plan, the Applicant may elect to have their Project be subject to all requirements of the current version of the TDM Program Standards by submitting a revised TDM Plan for approval, unless otherwise required by applicable law.
- C. The TDM Agreement must be updated concurrently with any approved TDM Plan modifications and remain in effect for the life of the property.

SEC. 126 - Administration.

- A. Upon enactment of this ordinance, the City shall establish, maintain and update the TDM Program Standards, which may be modified by the Public Works Director to ensure the ongoing implementation and operations of its provisions, and other necessary components of the TDM Program outlined in this section. The TDM Program Standards shall be consistent with the purpose of this chapter. The TDM Program Standards shall include the following:
 - 1. TDM Program overview;
 - 2. TDM Strategies and their associated ADT reduction levels and cost estimates by various land use types; and
 - 3. TDM Program compliance, monitoring, and reporting requirements.
- B. The TDM Program Standards shall be reviewed and evaluated periodically, as deemed appropriate by the City, to:

1. Provide feasible options to Project Applicants for meeting TDM Program goals and outcomes; and
 2. Reflect best practices in other jurisdictions, emerging technologies, and/or respond to lessons learned from monitoring, reporting, enforcement, and evaluation.
- C. Applicants shall meet all requirements of the TDM Program Standards in effect when the application or SB 330 preliminary application is deemed complete by City staff. If the City updates the TDM Program Standards subsequent to the date the Applicant submitted a TDM Plan, the Applicant may submit a revised TDM Plan for review and approval.

SEC. 127 - Monitoring and Reporting Requirements.

A. Applicable Projects must meet post-occupancy vehicle ADT reduction targets, as demonstrated through traffic counts and/or travel surveys, or an alternative methodology proposed by the Applicant and approved by City staff.

1. Exemptions

- a. The following uses will not be subject to post-occupancy review of ADT reduction targets and site-specific trip caps, and will not be required to submit traffic counts or travel surveys:
 - i. Residential uses
 - ii. Patron-driven Uses

B. All Projects will submit an annual TDM Report to the Public Works Director or Designee on or before January 31, reporting on the previous year, to document the effectiveness of the TDM program in achieving the objectives as outlined in the Project’s TDM Plan. The first annual report shall be submitted one year after the site receives the Final Certificate of Occupancy.

C. The City shall provide a template TDM Report to the Applicant, Property Owner, Property Manager or Employer to use in creating the annual TDM Report. Projects must submit the annual report documenting TDM implementation and outcomes. Reporting requirements are as follows, described in Table 2:

Table 2. TDM Reporting Requirements by Project Size

Reporting Element	Project Size		
	Small (200–499 ADT)	Medium (500–999 ADT)	Large (1,000+ ADT)
TDM Report	Annually, for first 3 years after occupancy	Annually, for first 10 years after occupancy	Annually, for first 20 years after occupancy
Travel Survey	Annually, for 3 years	Annually, for 10 years	Annually, for 20 years

(Except residential and Patron-driven Uses)			
Traffic Counts (Except residential and Patron-driven Uses)	Annually for 3 years	Annually, for 10 years	Annually, for 20 years

SEC. 128 - Compliance and Enforcement.

A. Compliance.

1. The City shall not issue a Planning Permit, ministerially approve a development , a Building Permit, or a Certificate of Occupancy to a Property Owner that is not in compliance with the requirements of this Chapter.
2. Prior to issuance of a Certificate of Occupancy, the Property Owner shall facilitate a site inspection by City staff to confirm that all approved physical improvements related to Project’s TDM Conditions of Approval have been implemented and/or installed. The Property Owner shall also provide documentation that all approved Strategies in the Project’s TDM Plan will be implemented. The process and standards for determining compliance shall be specified in the TDM Program Standards.
3. Compliance with the approved TDM Plan and associated ADT reduction targets shall be determined by monitoring and reporting activities. Requirements to implement and maintain the TDM Plan shall be recorded in the Project’s Conditions of Approval and memorialized in a TDM Agreement that runs with the land, prior to building permit issuance.
4. The site’s Transportation Coordinator shall ensure all reporting and implementation requirements are met.

B. Enforcement.

1. A violation of this Chapter is subject to enforcement in accordance with City Code Section 1.7 (Procedure for Enforcement).
2. A violation of this Chapter is also enforceable through all other civil and administrative remedies available to the City. Violations of this Chapter include:
 - a. Failure to submit a TDM Plan;
 - b. Failure to maintain required TDM Strategies.

- c. Failure to submit a Property Transfer Form or Change of Use Form within thirty (30) calendar days of any change in property ownership.
 - d. Failure to maintain on record with the City the Project's current Transportation Coordinator information.
 - e. Failure to submit annual reporting on time;
 - f. Except residential and Patron-driven Uses, failure to meet ADT reduction target/ exceeding the site's trip cap after two years of annual reporting.
3. The amounts of the fines for violations imposed pursuant to this Chapter shall be set forth in the schedule of fines established by Council resolution and adjusted annually according to the CPI.
 4. If a Project commits a violation, the City shall issue a written warning and the Project shall have thirty (30) calendar days from receipt of the notice to correct the violation. If the Project continues to commit the violation sixty (60) calendar days after receipt of the first written warning, the Project shall be subject to penalties which may include, but not be limited to, actions such as: monetary penalties, administrative fines/citations, and/or withholding of building, grading, demolition, foundation, use of land or change of use permits, or Certificates of Occupancy.
 5. Penalty revenues collected under this Chapter shall be allocated to a dedicated City fund for TDM program administration, monitoring, and enforcement, and may also be used to support citywide or area-wide TDM Strategies and/or multimodal transportation improvements.
 6. Costs incurred by the Property Owner for implementing supplemental TDM Strategies to support returning to compliance may be counted towards penalty fees.
 7. The assessment of such fees may be waived due to no fault of the Project, where:
 - a. The implementation of required TDM strategies is found to be infeasible due to unavailability of a service provider.
 - b. Economic hardship, such as the loss of all viable value or use of the property resulting from Ordinance-related fees
 - c. TDM strategy implementation cannot be maintained due to achieving an insufficient level of vacancy (less than 50% floor area/square footage).
 - d. A conversion of at least 25% of the building to an exempt or patron-based use, or is occupied by a non-profit organization. The project will still be subject to meeting all trip reduction standards applicable to the remaining uses of the project.

- e. Updates to the ITE trip generation manual or other sources, which warrant reviewing the initial assumptions and methodologies of previously established trip generation rates.
- f. City may request supplemental information to substantiate any of the above exemption provisions.

SEC. 129 - Records and Audits.

- A. Projects shall maintain and preserve, for the life of the Project, such records as may be necessary to demonstrate compliance with this Chapter.
- B. Projects may be subject to periodic audits to confirm compliance with the TDM Program. Audits may also include but are not limited to:
 - 1. City-administered traffic counts during a representative week to validate vehicle trip survey data.
 - 2. Review of travel survey data;
 - 3. Other compliance measures as determined by the Public Works Director or Designee.

SECTION 3. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15307 that this ordinance is not subject to the California Environmental Quality Act (CEQA) because it is an action undertaken by a local agency for the purposes of protecting natural resources. The City Council also finds that on a separate and independent basis, pursuant to Title 14 of the California Code of Regulations, Section 15308 that this ordinance is not subject to the California Environmental Quality Act (CEQA) because it is an action undertaken by a local agency for the purposes of protecting the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 5. Publication. Pursuant to Mountain View City Charter section 522, at least two (2) days prior to final adoption of this ordinance, the City Clerk shall post the ordinance in three (3) prominent places in the City and publish in the City's official newspaper notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the ordinance are posted.

SECTION 6. Effective Date. Pursuant to Mountain View City Charter section 519, this ordinance shall become effective thirty (30) days after the date of its adoption.

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