

DEPARTMENTS OF TRANSPORTATION AND INFRASTRUCTURE AND COMMUNITY PLANNING AND DEVELOPMENT RULES AND REGULATIONS GOVERNING TRANSPORTATION DEMAND MANAGEMENT

ARTICLE I. GENERAL PROVISIONS

Section 1.01 Authority

These rules and regulations (“Rules and Regulations”) are adopted by the City and County of Denver’s Executive Director of the Department of Community Planning and Development (“Community Planning and Development” or “CPD”) pursuant to Article II of Chapter 12 of the Denver Revised Municipal Code of the City and County of Denver (“DRMC”) and the City of County of Denver’s Executive Director of Transportation and Infrastructure (“DOTI”) pursuant to Article VI of Chapter 2 of the DMRC. These rules and regulations are adopted for the purpose of managing transportation demand in the City and County of Denver (“City”)

Section 1.02 Intent

The Executive Directors of DOTI and CPD desire to implement transportation demand management requirements in the City and County of Denver to effectively and efficiently manage the demand of currently available transportation infrastructure and to meet transit ridership, bicycling, and pedestrian goals established by the Mayor and by City Council adopted plans. The Executive Directors of DOTI and CPD have determined that all incorporated areas of the City and County of Denver are subject to transportation demand management requirements.

Section 1.03 Definitions

Terms or phrases specific to or introduced in this document are defined below

- (a) *“Applicant(s)”* – refers to the applicant of a Site Plan Review application or Large Development Review (LDR) application.
- (b) *“Base SOV Rate”* – the current proportion of commute trips being completed using a single-occupant vehicle (SOV).
- (c) *“Certificate of Occupancy”* – documentation issued by the Chief Building Official that certifies a building has passed all relevant inspections and is ready to be occupied by the general public. For purposes of these Rules and Regulations, a Certificate of Occupancy and a Temporary Certificate of Occupancy shall be considered one and the same for determining monitoring and enforcement timelines.
- (d) *“High Frequency Transit”* – Transit lines identified in the Denver Zoning Code as being high-frequency, in addition to passenger rail stations that provide a comparable level of service.
- (e) *“Single Occupant Vehicle (SOV)”* – a motor vehicle with only one occupant.
- (f) *“SOV Rate”* – the percentage of commute-related trips that occur in a single occupant vehicle during a typical week in which no city-recognized holidays occur. Calculated by dividing the number of commute trips that occur in a SOV by the total number of commute trips that occur.

- (g) *“Maximum SOV Rate”* – a SOV rate a property must achieve through the implementation of an approved TDM Plan. This SOV rate is lower than the SOV Rate that would be expected without implementing TDM Strategies.
- (h) *“TDM Contact”* – A designated point of contact for a property who is familiar with the approved TDM Plan for that property and is the City’s direct point of contact regarding the implementation of the approved TDM Plan. This point of contact is designated by the property owner, property management, or may be established through a partnership with a local Transportation Management Association (TMA).
- (i) *“TDM Plan”* – an approved plan of strategies, including TDM Supportive Infrastructure and TDM Programmatic Strategies to maximize options for and facilitate the use of non-SOV travel modes for building occupants/residents and visitors.
- (j) *“TDM Program Staff”* – The City and County of Denver employees who are responsible for implementing, managing, and enforcing the City’s TDM Program.
- (k) *“TDM Strategies”* – physical improvements, incentives, subsidies, promotions, or other facilities or activities that encourage the reduction of single-occupant vehicle travel. These fall into two categories: *TDM Supportive Infrastructure* and *TDM Programmatic Strategies*.
- (l) *“TDM Supportive Infrastructure”* – TDM strategies that are physical improvements to a site or structure designed to reduce SOV travel. Examples include, but are not limited to: bicyclist amenities (showers & locker rooms, secure parking), and preferential parking for sustainable modes.
- (m) *“TDM Programmatic Strategies”* – TDM strategies requiring on-going human management and implementation designed to reduce SOV travel. Examples include, but are not limited to subsidized transit passes, micromobility credits, and parking cash-out.
- (n) *“Transportation Demand Management (TDM)”* – a collection of strategies that shift the how, when, and where of people’s travel to increase the efficiency of the transportation system by maximizing travel choices.
- (o) *“Transportation Management Associations (TMA)”* – Non-profit organizations specifically designed to work with employers, developers, governments, and the community to implement a variety of TDM plans, services, programs, and studies within a defined geographical service area
- (p) *“Zoning”* – The land use regulations applicable to a property including the Denver Zoning Code and Former Chapter 59, as amended, as well as any custom zoning such as Planned Unit Development

ARTICLE II. TRANSPORTATION DEMAND MANAGEMENT

Section 2.01 Applicability

Any development project subject to one or more of the development review processes listed below shall provide a TDM Plan for review and approval concurrently with their application submittal to CPD:

1. Denver Zoning Code:
 - a. Denver Zoning Code, Sec. 12.4.3. Site Development Plan Review; and
 - b. Denver Zoning Code, Sec. 12.4.12 Large Development Review;
2. Former Chapter 59:
 - a. Former Chapter 59, Sec. 59-97. Site plan required for development of lots over 10,000 square feet;

- b. Former Chapter 59, Sec. 59-107. Permitted development in the R-X district;
- c. Former Chapter 59, Sec. 59-192. Development plan;
- d. Former Chapter 59, Sec. 59-313. Site plan review;
- e. Former Chapter 59, Sec. 59-314. General development plan;
- f. Former Chapter 59, Sec. 59-315. Development review and approval process; and
- g. Former Chapter 59, Article VIII. Special Zone Lot Plans for Planned Building Groups.

Section 2.02 Establishment of Tiers

(a) Requirements for participation shall be divided into tiers, based on the number of dwelling units for residential projects, and interior building square footage for all other projects.

TDM Category	Included Land Use Categories <i>(including but not limited to)</i>	Tier 0	Tier 1	Tier 2
Residential	<ul style="list-style-type: none"> • All household living categories • Congregate Living 	Less than 25 <i>dwelling units</i>	25-49 <i>dwelling units</i>	50 or more <i>dwelling units</i>
Commercial	<ul style="list-style-type: none"> • Residential Care <i>(may also be residential depending on type)</i> • Community/Public Services • Cultural/Special Purpose/Public Parks & Open Space • Education • Public and Religious Assembly • Adult Business • Arts, Entertainment & Recreation • Parking of Vehicles • Eating and Drinking • Lodging Accommodations • Retail Sales, Service & Repair • Vehicle / Equipment Sales, Rentals, Service & Repair • Office – Dental / Medical Office or Clinic 	Less than 25,000 <i>square feet</i>	25,000-49,999 <i>square feet</i>	50,000 or more <i>square feet</i>
Office	<ul style="list-style-type: none"> • Office, All others 	Less than 25,000 <i>square feet</i>	25,000-49,999 <i>square feet</i>	50,000 or more <i>square feet</i>
Industrial	<ul style="list-style-type: none"> • Basic Utilities • Communications and Information • Industrial Services • Manufacturing and Production • Mining & Extraction and Energy Producing Systems • Transportation Facilities • Waste Related Services • Wholesale, Storage, Warehouse & Distribution • Agriculture 	Less than 150,000 <i>square feet</i>	150,000-299,999 <i>square feet</i>	300,000 or more <i>square feet</i>

- a. Square footages represent final building square footage after all construction is complete.
- b. Any proposed uses not found in the table shall be evaluated by DOTI and CPD to determine the correct TDM Category.

(b) Tier 0 Requirements

- (a) Tier 0 properties are exempted from the TDM ordinance.
- (b) Limitations on Exemption.

- a. Any property that is subject to Section 12.4.12 (Large Development Review) of the DZC, or is in receipt of a vehicle parking exemption under Section 10.4.5.1.A of the DZC (Pre-Existing Small Zone Lots [Vehicle Parking Exemptions]) shall be subject to Tier 2 requirements (Section 2.02(d)), and is not eligible for exemption, regardless of size.
- (c) Tier 1 Requirements
- a. Tier 1 properties are required to submit a TDM Plan that utilizes TDM Supportive Infrastructure to achieve the Maximum SOV Rate (Section 2.05).
 - i. Tier 1 properties may utilize TDM Programmatic Strategies, if desired, in addition to TDM Supportive Infrastructure.
 - b. Tier 1 properties shall have a designated TDM Contact.
- (d) Tier 2 Requirements
- a. Tier 2 properties are required to submit a TDM Plan that utilizes both TDM Supportive Infrastructure and TDM Programmatic Strategies to achieve the Maximum SOV Rate (Section 2.05).
 - b. Tier 2 properties shall be required to adhere to the Maximum SOV Rate, as established by Section 2.05.
 - c. Tier 2 properties shall have a designated TDM Contact.
- (e) Mixed-use projects.
- a. Projects comprised of multiple land use categories shall conduct the following analysis to determine whether the project as a whole falls into Tier 0, Tier 1, or Tier 2. Any category achieving a ratio greater than 1.0 must apply the applicable Tier requirements.
 - i. Example. A 12,500 square foot retail establishment with 14 dwelling units.

Tier 1 analysis:

$$12,500 \text{ (proposal)} / 25,000 \text{ (minimum Tier 1 commercial limit)} = 0.50$$

$$14 \text{ units (proposal)} / 25 \text{ units (minimum Tier 1 residential limit)} = 0.56$$

$$\text{Project total for Tier 1: } 0.50 + 0.56 = \mathbf{1.06}$$

$$1.06 > 1.00, \text{ therefore Tier 1 requirements apply}$$

Tier 2 analysis:

$$12,500 \text{ (proposal)} / 50,000 \text{ (minimum Tier 2 commercial limit)} = 0.25$$

$$14 \text{ units (proposal)} / 50 \text{ units (minimum Tier 2 residential limit)} = 0.28$$

$$\text{Project total for Tier 2: } 0.25 + 0.28 = \mathbf{0.53}$$

$$0.53 < 1.00, \text{ therefore Tier 2 does not apply}$$

Section 2.03 High Frequency Transit Area

- (a) The areas identified in Division 13.3 (Definition of Words, Terms and Phrases) of the Denver Zoning Code as a “High-Frequency Transit Corridor” in addition to passenger rail stations.
 - a. These areas shall be further defined using the following walkshed distances:
 - i. Within ¼ mile of a bus stop
 - ii. Within ½ mile of a passenger rail station.

Section 2.04 Establishment of a Base SOV Rate

Applicants of Tier 1 and Tier 2 properties shall utilize the following table to determine the current rate of commute trips being completed using a single-occupancy vehicle (Base SOV Rate) at the site they propose to develop.

Future Neighborhood Context (Blueprint Denver)	Residential	Non-residential
<i>Downtown (high frequency transit area)</i>	40%	58%
<i>Downtown</i>	52%	63%
<i>Urban Center (high frequency transit area)</i>	52%	76%
<i>Urban Center</i>	56%	79%
<i>General Urban (high frequency transit area)</i>	60%	73%
<i>General Urban</i>	64%	73%
<i>Urban (high frequency transit area)</i>	66%	67%
<i>Urban</i>	70%	68%
<i>Urban Edge (high frequency transit area)</i>	75%	71%
<i>Urban Edge</i>	74%	71%
<i>Suburban (high frequency transit area)</i>	75%	79%
<i>Suburban</i>	76%	78%
<i>District</i>	<i>Due to the variation in location & existing conditions of the District designation, please contact TDM Program Staff to determine a property's Base SOV rate.</i>	

- (a) *Modifications to Base SOV Rate.* The Base SOV Rate shall be regularly monitored using the most up to date data from the United States Census, or other reliable sources, and updated accordingly.

Section 2.05 Establishment of a Maximum SOV Rate

Applicants of Tier 1 and Tier 2 properties must develop a TDM Plan that will result in the achievement of an established Maximum SOV Rate, utilizing the established Base SOV Rate (Section 2.04) as a starting point. TDM Program Staff shall establish Maximum SOV Rates that account for neighborhood context, access to high-frequency transit, land use, and assigned tier. Maximum SOV Rates are as follows:

Future Neighborhood Context (Blueprint Denver)	Tier 1		Tier 2	
	Residential	Non-residential	Residential	Non-residential
<i>Downtown (high frequency transit area)</i>	39%	55%	35%	51%
<i>Downtown</i>	51%	60%	46%	55%
<i>Urban Center (high frequency transit area)</i>	51%	72%	46%	68%
<i>Urban Center</i>	55%	75%	50%	70%
<i>General Urban (high frequency transit area)</i>	59%	69%	54%	65%
<i>General Urban</i>	62%	69%	58%	65%
<i>Urban (high frequency transit area)</i>	64%	64%	60%	60%

<i>Urban</i>	68%	65%	64%	61%
<i>Urban Edge</i> <i>(high frequency transit area)</i>	73%	68%	69%	64%
<i>Urban Edge</i>	72%	69%	69%	65%
<i>Suburban</i> <i>(high frequency transit area)</i>	73%	77%	71%	74%
<i>Suburban</i>	74%	76%	72%	73%
<i>District</i>	<i>Due to the variation in location & existing conditions of the District designation, please contact TDM Program Staff to determine a property's Maximum SOV Rate.</i>			

- (b) *Modifications to Maximum SOV Rate.* The Maximum SOV Rate may be modified in the future by amendment to these Rules and Regulations to reflect shifts in transportation patterns, new technologies, enhanced services, build-out of multi-modal facilities, City goals, and the like.
- (c) *Additional reductions required.* The Maximum SOV Rate will decrease further when parking is provided in excess of the minimum parking requirement, per the Denver Zoning Code.
 - a. The impact to the Maximum SOV Rate shall be determined by the project location (Blueprint Context), TDM tier, and percent overparked.

$$\text{Percent Overparked} = \frac{\text{Parking provided} - \text{Denver Zoning Code minimum parking requirement}}{\text{Denver Zoning Code minimum parking requirement}}$$

Additional SOV Reduction Required (percentage points):

<i>Percent overparked</i>	Tier 1		Tier 2	
	Downtown, Urban Center, General Urban, Urban	Urban Edge, Suburban	Downtown, Urban Center, General Urban, Urban	Urban Edge, Suburban
<i>Less than 5%</i>	0	0	0	0
<i>5% - 9.99%</i>	0	0	2	1
<i>10% - 14.99%</i>	2	1	3	2
<i>15% - 19.99%</i>	2	2	4	3
<i>More than 20%</i>	3	2	5	4

- b. For properties where neither a parking minimum nor a parking maximum apply, CPD and DOTI shall determine the application of an appropriate analogous parking minimum from similar contexts and zoning characteristics or may employ the parking maximum in similarly appropriate contexts.

Section 2.06 TDM Menu

The City will make available a list of TDM Supportive Infrastructure and TDM Programmatic Strategies (“TDM Menu”) that applicants shall utilize to create the TDM Plan. Each strategy shall have a SOV reduction value attached to it. The sum of reductions from the developer chosen TDM strategies must result in the Maximum SOV rate for the property, or lower.

- (a) *Menu.* DOTI shall maintain a publicly accessible menu of TDM strategies on the City website. The menu shall be updated as needed at the discretion of the Executive Directors of DOTI and CPD as new data is made available, new strategies are made available, existing strategies are deemed obsolete or ineffective, or other credible rationale.

- (b) *Visitor Strategies for Tier 2 Commercial Properties.* Due to the proportion of visitor trips compared to other land uses, commercial properties in Tier 2 shall be required to select additional TDM Programmatic Strategies from the TDM Menu to account for visitor trips. TDM Programmatic Strategies specifically applicable to visitor trips will be identified in the TDM Menu and be assigned a point value ranging from one (1) to three (3). A Tier 2 Commercial property must select enough visitor TDM Programmatic Strategies that sum to a minimum of three (3) points.
- (c) *Alternate strategies.* Applicants may propose TDM strategies not found on the TDM menu. These strategies must include a detailed description, implementation strategy, and data-informed estimated impact on commute-related SOV rates supported by data.
 - a. Alternate strategies must be approved by TDM Program Staff.
 - b. TDM Program Staff have the right to deny any proposed alternate strategy that does not include a detailed description, implementation strategy, data-informed estimated impact on commute-related SOV rates, or that include incorrect, manipulated, or misrepresented data, or strategies that are not context appropriate.

Section 2.07 Implementation

- (a) TDM strategies included in a City-approved TDM plan shall not be excluded from any tenants.
- (b) TDM Strategies shall be permanently maintained once implemented, unless a replacement strategy has been approved by DOTI.
- (c) TDM Supportive Infrastructure must be in place and available prior to building occupancy.
 - a. *Pre-occupancy inspection.* The City shall inspect the property to verify TDM Supportive Infrastructure has been constructed according to the approved TDM Plan prior to the issuance of any occupancy permit. Failure to have constructed and made available TDM Supportive Infrastructure listed in the approved TDM Plan will result in the denial of a Certificate of Occupancy.
- (d) TDM Programmatic Strategies must be available within six (6) months of receiving a Certificate of Occupancy.
 - a. Verification of Programmatic Strategy implementation shall be provided to the City within this six (6) month timeframe, pursuant to Section 2.09(b).
- (e) Phased Projects must make TDM Programmatic Strategies available upon any building within the subject project within 6 (six) months of the issuance of the first Certificate of Occupancy. Programmatic strategies shall be scaled up at an appropriate scale within three (3) months of each additional Certificate of Occupancy.
 - a. Verification of Programmatic Strategy implementation shall be provided to the City within this six (6) month timeframe, pursuant to Section 2.09(b).

Section 2.08 Monitoring

- (a) *Posting.* The property must post signage in a visible location in a publicly accessible area of a building detailing the TDM Plan approved along with information on how to contact the City with questions or concerns about the program.
 - a. Publicly accessible and visible locations include, but are not limited to building lobbies, break rooms, elevator waiting areas, and other public spaces and common areas within

the development. Postings may also be placed on rotating or static video displays in lobbies, elevators, or other highly visible areas. The notice must be displayed long enough that an average person reading at a rate of 200 words per minute has sufficient time to read the notice. The notice must appear at least once every 15 minutes during times when the building is occupied.

- b. The message must be provided in both English and Spanish. Other languages may be required by the City based on the development's location in areas with high rates of non-English and non-Spanish speaking populations.

(b) Reporting

a. Annual Reports

- i. All Tier 1 and Tier 2 properties shall be required to submit an annual report to the City containing the following information:
 - 1. Contact information for the property's designated TDM Contact.
 - 2. Verification that TDM Supportive Infrastructure is in good working order and is being maintained on a regular basis. This verification should be provided through dated photograph of the TDM Supportive Infrastructure approved in the TDM Plan and a report detailing any maintenance or replacement activity.
 - 3. For Tier 2 properties, verification that TDM Programmatic Strategies continue to be implemented as specified in the approved TDM Plan. This verification shall be provided through contracts, invoices, memorandums of understanding, or other similar City-approved documentation. All documentation shall include information on the services or products, and the timeframe the services/products are being provided.
 - 4. Tenant participation rate in TDM strategies, where applicable.
 - 5. Parking utilization of the on-site parking area
 - a. The City will provide guidance on collection methods.
 - 6. Verification that the required posting (Section 2.08(a)) is posted in a public location on site.

b. Biennial survey

- i. Tier 2 properties are required to participate in a biennial survey of tenants to ensure the Maximum SOV Rate, as established by Section 2.05, is being met.
- ii. The first survey shall establish the biennial timeline and shall occur within one (1) year of receiving the Certificate of Occupancy.
- iii. The city will provide a standard survey and provide guidance on statistically valid survey collection.
- iv. Developers may propose alternative survey methodologies such as parking counts, data from security cameras, and smartphone data that provide data on travel patterns that is equivalent to what would be collected through surveys. TDM Program Staff shall have the authority to approve or deny alternate methodologies.
- v. The City may require that property owners utilize alternative survey methodologies such as parking counts, data from security cameras, and

smartphone data so long as the cost of utilizing such methodologies does not exceed the cost of conducting a survey.

- vi. Anonymized data collected from the surveys shall be shared between property owners, their designees, and/or TDM Contacts and the City.
- vii. If a development meets the Maximum SOV Rate for three (3) consecutive biennial surveys the City may allow the development to adjust their survey cadence to every five (5) years. The property owner and TDM Contact will be notified of this allowance by TDM Program Staff.
- viii. Properties not subject to the biennial survey, but still wish to conduct a survey to understand the effectiveness of their TDM strategies shall have access to the City's standard survey. These properties shall share the anonymized data with the City to help the City better understand the effectiveness of different strategies.

(c) Unannounced verification checks

- a. The City has the authority to conduct random, unannounced checks to ensure that the strategies identified in the approved TDM Plan are being provided and appropriate signage is posted as required by Section 2.08(a).
 - i. Verification checks that find a property in non-compliance with the approved TDM Plan shall be cited via Chapter 2, Article XII (Administrative Citations) of the Revised Municipal Code of the City and County of Denver.

Section 2.09 Enforcement

(a) Process

- a. Notice of violation. If it is determined by the manager of DOTI or the manager of CPD, or either of them or their designee(s) that a violation of this ordinance or the rules and regulations promulgated hereunder has occurred, the manager or his designee shall, in writing, notify the owner of the property or responsible party through the issuance of a notice of violation. The notice of violation shall require the compliance within ten (10) days, unless otherwise specified in the rules and regulations. The notice of violation may be served by personal service; first class mail and posting the subject property or by posting the subject property and publishing the notice in the official city newspaper.
- b. Notice of violation; contents. The notice of violation shall identify the property in violation, generally describe the violation, describe the proposed remedy to cure said violation, and give notice that failure to cure the violation is prohibited by city law and may lead to legal action. The notice of violation shall state that the owner or responsible party may appeal the notice of violation by following the appeal process found in section 56-106 of this Code within the same time period allowed to cure in the notice of violation, and by paying an appeal fee of one hundred (\$100.00) dollars.
- c. Appeals. An owner who has been affected by a determination made pursuant to the provisions of this section may appeal that determination to the manager by following the procedures set forth in section 56-106 of this Code. An appeal made pursuant to this section must be filed within the time prescribed for cure in the notice of violation, and an appeal fee of one hundred (\$100.00) must be paid at the time the appeal is filed.
- d. In addition to any other method of enforcement of this article, the executive director of DOTI, or the executive director of CPD, or either of their respective designees may, by

rules and regulations, administer citations pursuant to article XII (Administrative citations), chapter 2, Denver Revised Municipal Code, to enforce this article.

(b) Violations

a. Adherence to annual reporting

i. Failure to provide an annual report

1. Property owners, TDM Contacts, or their representatives who fail to provide the yearly report, as described in Section 2.08(b)a. may be issued a notice of violation for failure to provide said report.
2. Said notice of violation shall provide the property owner(s), TDM Contact(s), or their representative(s) with sixty (60) days to cure the violation by providing the report.
3. Failure to cure such violation within the prescribed time, may result in the issuance of an administrative citation pursuant to Chapter 2, Article XII (Administrative Citations) of the DRMC.

ii. Submittal of an incomplete report

1. Property owners, TDM Contacts, or their representatives who provide a yearly report, as described in Section 2.08(b)a., that is incomplete, may be issued a notice of violation for such incomplete report.
2. Said notice of violation shall provide the property owner(s), TDM Contact(s), or their representative(s) with sixty (60) days to cure the violation by completing or correcting the report.
3. Failure to furnish a completed and/or corrected yearly report within the sixty (60) days provided, may result in the issuance of an administrative citation pursuant to Chapter 2, Article XII (Administrative Citations) of the DRMC.

b. Adherence to the Implementation of Programmatic Strategies

i. Properties implementing programmatic strategies shall submit substantial evidence demonstrating the programmatic strategy or strategies is/are being implemented.

1. Within six (6) months of the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy property owners, or their designees, shall submit the evidence to TDM Program Staff.
2. Evidence shall constitute official documentation that clearly shows the property is contractually and/or monetarily obligated to offer a particular strategy, as indicated in the approved TDM Plan, to all tenants of the subject property. This includes, but is not limited to contracts, invoices, memoranda of understanding, or other similar document that the City has reviewed and approved to constitute evidence. At a minimum this documentation shall include information on the services or products, and the timeframe the services and/or products are being provided.

- a. TDM Program Staff retain the right to deny any evidence submitted that does not clearly demonstrate the contractual

and/or monetary obligation to provide the programmatic TDM strategy.

3. For properties that have failed to submitted verification within five (5) months of the issuance of their Certificate of Occupancy (“CO”) or Temporary Certificate of Occupancy (“TCO”), the City will issue the Property Owner and the TDM Contact a thirty (30) day compliance reminder of their obligation to submit evidence within six (6) months of their Certificate of Occupancy.
4. A Property Owner’s failure to submit the required verification within six (6) months of their CO or TCO is a violation of these rules and regulations and the city may issue a notice of violation for such failure. Property Owners shall have ten (10) days to cure such violation by submitting the required verification.
5. Failure to cure the notice of violation pursuant to sub-paragraph 4, above may result in the issuance of an administrative citation pursuant to Chapter 2, Article XII (Administrative Citations) of the DRMC.

c. Adherence to Maximum SOV Rates for Tier 2 Properties

- i. Failure to achieve Maximum SOV Rates, as established by Section 2.05, including any additional reductions required, as established by Section 2.05(b), as measured by the required biennial survey (Section 2.08(b)b.), will result in the following enforcement structure:
 1. First Failure: If the results of a survey show that a property failed to meet its Maximum SOV Rates, the property owner or his/her designee will be required to meet with a City employee or area TMA to review the property’s TDM Plan, the manner in which the approved TDM Strategies are being implemented, and identify voluntary remedies to reduce SOV trips.
 2. Second Failure: If a second survey shows that a property is, again, failing to meet its Maximum SOV Rates, the property owner will be required to officially update the TDM Plan. In this case, additional TDM Programmatic Strategies must be added to the plan. The number of TDM Programmatic Strategies that must be added will be determined by the rate at which the property is failing to achieve its Maximum SOV Rate. For example, if a property is missing its Maximum SOV Rate by two (2) percentage points, the property owner must add a sufficient number of TDM Programmatic Strategies to achieve a two (2) percent reduction in the current SOV rate.
 3. Third Failure: If after updating a TDM Plan, a property fails to meet the Maximum SOV Rate, the property owner or his/her designee is required to meet with a City employee or area TMA to review the property’s TDM Plan, the manner in which the approved strategies are being implemented, and identify voluntary remedies to reduce SOV trips.
 4. Fourth Failure: A property that once again fails to achieve its Maximum SOV Rate, after completing the remedies found in subsections i, ii, and

iii above, shall be in violation of these rules and regulations. Each trip over the Maximum SOV Rate shall be a violation and subject to penalties pursuant to Chapter 2, Article XII (Administrative Citations) of the DRMC.

- ii. Properties that fail to achieve their designated Maximum SOV Rate (Section 2.05), rectify the issue as outlined in Section 2.09(b)c.i., and then achieve their Maximum SOV Rate, as measured by the subsequent biennial survey (Section 2.08(b).), shall be removed from the enforcement process outlined in Section 2.09(b)c.i. Subsequent failures, as measured by the biennial survey (Section 2.08(b).), will place the property back at “First Failure,” and follow the process outlined in Section 2.09(b)c.i. until compliance is reached.
- iii. Enforcement applicability.
 - 1. Enforcement shall not commence until four (4) properties within the same Blueprint Denver context are constructed and reporting data through biennial surveys
 - 2. Properties shall be exempt from the enforcement structure outlined in Section 2.09(c) if 25% or more properties within the same Blueprint Denver context are not meeting their Maximum SOV Rates
 - 3. Exemptions are only valid so long as criteria in Sections 2.09(b)c.i and/or 2.09(b)c.ii remain applicable.

(c) Approved TDM Plans shall be binding on any and all successors and assigns.

(d) Whenever a TDM Plan is required, a building permit shall not be issued, and a site development plan shall not be approved unless the owner meets the requirements of this article and rules and regulations promulgated hereunder. The building official may deny, suspend or revoke any building or occupancy permit for a site when they find a violation of article # or the rules and regulations

Section 2.10 Modifications to Approved TDM Plans

Modifications to an approved TDM Plan can be made in response to new TDM Strategies, failure of existing TDM Strategies to achieve goals, or changes made to existing provision of sustainable and efficient transportation services. Building owners, or their designees, may coordinate with TDM Program Staff to update the approved TDM Plan. Any modified TDM Plan shall, at a minimum, adhere to the Maximum SOV Rates provided in the original TDM Plan.

Section 2.11 Fees

All property owners shall be required to pay fees to submit a TDM Plan and annual report. The amount of the fees should be approximately equal to the City’s cost to review the TDM plans and annual reports. DOTI shall maintain a publicly accessible TDM Fee Schedule on the City Website.