

PUBLIC WORKS AND COMMUNITY PLANNING & DEVELOPMENT

RULES & REGULATIONS

OF THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS OF PUBLIC WORKS AND
COMMUNITY PLANNING & DEVELOPMENT, CITY & COUNTY OF DENVER

GOVERNING PUBLIC INFRASTRUCTURE MANAGEMENT AT 41st & FOX STATION - EAST

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2, Article VI of the Charter of
the City & County of Denver
and Section 2-91 et seq. and
12-18 of the Revised
Municipal Code

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**DEPARTMENTS OF PUBLIC WORKS AND COMMUNITY PLANNING
AND DEVELOPMENT RULES AND REGULATIONS GOVERNING CITY
AND COUNTY OF DENVER PUBLIC INFRASTRUCTURE
MANAGEMENT AT 41ST & FOX STATION - EAST**

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 and County of Denver’s Executive Director of Public Works (“PW”) pursuant to Article V of Chapter 49 of the DRMC. These rules and regulations are adopted for the purpose of administering and managing available existing public infrastructure in certain identified areas of the City and County of Denver (“City”).

Section 1.02 Intent. The Executive Directors of Public Works (“Director of PW”) and Community Planning and Development (“Director of CPD”) desire to manage the roadway infrastructure resources in certain geographic areas of the City and County of Denver to effectively and efficiently allocate the currently available roadway infrastructure resources. The Director of PW and the Director of CPD have determined that the area set forth on **Exhibit A** is an Area Designated for Infrastructure Management as defined below.

Section 1.03 Severability.

Should any section, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part declared to be invalid.

Section 1.04 Definitions.

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

- (a) “*Allocation of Trips*” means a designation of daily vehicle trips sufficient to accommodate the estimated trip demand generated from a submitted development’s specific project and occurs upon approval of a formal Site Development Plan.
- (b) “*Applicant*” has the meaning set forth in Section 12.3.3.1 of the Denver Zoning Code, as amended from time to time.
- (c) “*Area Designated for Infrastructure Management*” means that area designated jointly by the Director of PW and the Director of CPD in Exhibit A.

- (d) “*Baseline Assumptions*” means the estimated volumes of the Total Trip Capacity and Existing Trip Counts as of July 1, 2018, in the Area Designated for Infrastructure Management.
- (e) “*Concept Plan Submittal*” means a pre-application concept plan review that is a mandatory submittal before the submittal of a formal Site Development Plan application per Section 12.4.3 of the Denver Zoning Code, as amended from time to time.
- (f) “*Complete Application*” has the meaning set forth in Section 13.3 and 12.3.3 of the Denver Zoning Code, as amended from time to time.
- (g) “*Existing Trip Count*” means the current calculated number of vehicular daily trips on the infrastructure roadway system within the Area Designated for Infrastructure Management.
- (h) “*Remaining Trip Capacity*” means the remaining number of vehicular daily trips that can be added to the Area Designated for Infrastructure Management before reaching the Total Trip Capacity.
- (i) “*Reservation of Trips*” means a designation of daily vehicle trips sufficient to accommodate the estimated trip demand generated from a submitted development’s specific project and occurs upon a project’s release from the Concept Plan Submittal.
- (j) “*Site Development Plan*” has the meaning set forth in Section 13.3 of the Denver Zoning Code, as amended from time to time.
- (k) “*Site Development Plan Process*” means the process by which one receives approval of a Site Development Plan and includes the Concept Plan Submittal as well as the formal Site Development Plan submittal, also known as the concept phase and the formal phase.
- (l) “*Total Trip Capacity*” means the expected maximum number of vehicular daily trips that the infrastructure roadway system can accommodate within or adjacent to the Area Designated for Infrastructure Management before reaching an unacceptable level of congestion.

1.05 De-Designation.

The Director of PW and the Director of CPD shall have the authority, by written notice executed by both directors, published at least 30 days prior to the effectiveness of the notice, to de-designate all or a portion of the Area Designated for Infrastructure Management.

ARTICLE II. DENVER PUBLIC INFRASTRUCTURE MANAGEMENT

Section 2.01 Applicability.

The Director of PW and the Director of CPD have determined that the area set forth on Exhibit A is an Area Designated for Infrastructure Management. All development projects requiring review through the Site Development Plan Process within the Area Designated for Infrastructure

Management will be administered in the City’s development process through the process outlined in these Rules and Regulations.

Section 2.02 Establishment of Baseline Assumptions.

The Director of PW, in coordination with the Director of CPD, has established through customary traffic impact studies or other reasonable methods the following Baseline Assumptions in the Area Designated for Infrastructure Management: the Total Trip Capacity is 25,000 trips, and the baseline Existing Trip Count is 13,700 trips (which includes an estimated 1,500 trips for the RTD Park-n-Ride at the 41st and Fox Station). Therefore, the current Remaining Trip Capacity is 11,300 trips, as of July 1, 2018. The Director of PW shall cause these Baseline Assumptions to be published on Community Planning and Development’s Development Services website (www.denvergov.org/ds) or its technological improvement or replacement and shall update the Remaining Trip Capacity from time to time. The City shall rely upon the Baseline Assumptions for calculating the Remaining Trip Capacity until July 1, 2023. After July 1, 2023, the Director of PW may adjust the estimated Total Trip Capacity and re-measure the Existing Trip Count to reflect actual infrastructure operations within and adjacent to the Area Designated for Infrastructure Management; provided, however, that the traffic studies or other reasonable methods used to recalculate the counts and available capacity may commence prior to July 1, 2023.

Section 2.03 Traffic Study and Transportation Demand Management Plan Submittals.

Each Concept Plan Submittal for vertical development within the Area Designated for Infrastructure Management shall include a traffic impact study or traffic memorandum for review and utilization in the City’s determination of a Reservation of Trips for such development. In addition, each Concept Plan Submittal for vertical development within the Area Designated for Infrastructure Management shall include for review a Transportation Demand Management Plan (“TDMP”) as outlined in Exhibit B, or until such time as the City formally adopts a different TDMP submittal requirement. (Concept Plan Submittals occurring after such adoption shall be submitted in accordance therewith). No Concept Plan Submittal shall be allowed to progress to formal Site Development Plan submittal until the traffic impact study or traffic memorandum and the TDMP have been reviewed, which, along with other engineering guidance, shall form the basis for the City’s determination of the volume of the Reservation of Trips for the project. No Concept Plan Submittal shall be allowed to progress to formal Site Development Plan submittal if there is not sufficient Remaining Trip Capacity available to cover the project’s Reservation of Trips. Any approved formal Site Development Plan shall include a note indicating the adoption of a TDMP and the inclusion of the TDMP as a supplement to the Site Development Plan.

Section 2.04 Reservation and Allocation of Trips.

- A. **Available Trips to be Reserved.** The number of available trips at any given time is the Total Trip Capacity minus the Existing Trip Capacity minus all trips that have already been reserved or allocated. The Director of Community Planning and Development shall cause this calculation to be maintained. The City may over-reserve trips by 15% of the Remaining Trip Capacity, since some projects that are released from the Concept Plan

Submittal phase may never achieve Site Development Plan approval or be built, thus resulting in no new additional trips.

- B. **Reservation of Trips.** At the time the City notifies an Applicant that their respective Concept Plan Submittal is released from the concept phase to proceed to formal Site Development Plan, the City shall make a Reservation of Trips for the project and will reduce the Remaining Trip Capacity accordingly. Once a trip is reserved from the Remaining Trip Capacity, then it is unavailable for use by any other development and shall be counted against the Remaining Trip Capacity unless those trips revert to the Remaining Trip Capacity pursuant to Section 2.05.
- C. **Allocation of Trips.** Upon approval of the project's Site Development Plan, any reserved trips associated with an application shall be converted to allocated trips. Once a trip is allocated from the Remaining Trip Capacity, then it is unavailable for use by any other development and shall be counted against the Remaining Trip Capacity unless those trips revert back to the Remaining Trip Capacity pursuant to Section 2.06.
- D. **Expiration of Reserved or Allocated Trips.** Reserved or Allocated trips shall revert back to the Remaining Trip Capacity if the application fails to meet any of the timelines identified in Section 2.05 or 2.06 below.

Section 2.05 Expiration of Reserved Trips.

Reserved trips will revert back to the Remaining Trip Capacity for any application that fails to meet the following timelines:

- A. **Timeframe for Initial Submittal of Formal Site Development Plan Application.** The Applicant shall submit the complete formal Site Development Plan and associated engineering documents no later than one hundred twenty (120) days after the receipt of written notification from the City notifying the Applicant of its release from the concept plan review phase of the Site Development Plan Process. If the formal Site Development Plan is not submitted within that timeframe, then the "reserved" trips will be cancelled and returned to the Remaining Trip Capacity. Thereafter, the Applicant may commence the Site Development Plan Process again in accordance with all applicable City and County of Denver Ordinances, Codes, and rules and regulations, and such application shall be treated as a new application with respect to the reservation and Allocation of Trips.
- B. **Timeframe for Resubmittals of Formal Site Development Plan.** Upon receipt of comments from the City on the formal Site Development Plan, and any subsequent resubmittals of the formal Site Development Plan, the Applicant must resubmit the revised Site Development Plan and associated engineering documents responding to such comments no later than one hundred twenty (120) days following such receipt. If the formal Site Development Plan is not re-submitted within that timeframe, then the Reservation of Trips will be cancelled and returned to the Remaining Trip Capacity. Thereafter, the Applicant may commence the Site Development Plan Process again in accordance with all applicable City and County of Denver Ordinances, Codes, and rules and regulations, and

such application shall be treated as a new application with respect to the reservation and Allocation of Trips.

- C. **Timeframe for approval of the Site Development Plan.** Following the receipt of written notification from the City notifying the development of its release from the concept plan review phase of the Site Development Plan Process, a formal Site Development Plan based on such Concept Plan Submittal must be approved by the City no later than twenty-four (24) months after the date of such receipt of written notification from the City notifying the development of its release from the concept plan review phase of the Site Development Plan Process. If the formal Site Development Plan is not approved within that timeframe, then the Reservation of Trips will be cancelled and returned to the Remaining Trip Capacity. Thereafter, the Applicant may commence the Site Development Plan Process again in accordance with all applicable City and County of Denver Ordinances, Codes, and rules and regulations, and such application shall be treated as a new application with respect to the reservation and Allocation of Trips.
- D. **Applications that Contain Multiple Buildings/Phases or Change in Uses or Intensities.** If a Concept Plan Submittal contains multiple buildings designated for occupied uses, but the formal Site Development Plan does not include all buildings or uses from the Concept Plan Submittal, then the “reserved” trips designated for the buildings or uses not included in a formal Site Development Plan will be cancelled and returned to the Remaining Trip Capacity.
- E. **Applications for Multiple Buildings and Mixed-Use Trip Reductions.** In Concept Plan Submittals containing multiple buildings and mixed-use trip reductions, any trip reduction resulting from the multi-building, mixed use plan, as identified in the approved TIS or Traffic Memo, shall not be “credited” until the last building within the multi-building Concept Plan Submittal has been submitted for formal Site Development Plan review according to these rules and regulations.

Section 2.06 Expiration of Allocated Trips.

Allocated trips shall revert to Remaining Trip Capacity for any approved Site Development Plan that fails to meet the following timelines:

- A. Upon the expiration of any approved formal Site Development Plan for any reason, including but not limited to: (i) lapse of approval of the Site Development Plan as determined by the Denver Zoning Code §12.3.6; or (ii) expiration of an approved building permit or lack of one or more active building permits under such approved formal Site Development Plan, the Allocation of Trips shall be cancelled and returned to the Remaining Trip Capacity.
- B. With respect to the Site Development Plan Timeframe provisions set forth in this Section 2.05, in the event of a conflict between the provisions of these rules and regulations and the provisions of the Denver Zoning Code, the provisions of these rules and regulations shall control.

Exhibit A

41st & Fox Station – East:

The area bounded by I-70 to the north; I-25 to the east and south; and the freight and passenger rail tracks to the west.



EXHIBIT B

TRANSPORTATION DEMAND MANAGEMENT PLAN (TDMP) SAMPLE/Framework/Guide

The following is a set of expected components for a TDMP, but is not meant to be prescriptive regarding content. The development should address the categories enumerated here, but is free to specify how they are addressed in ways that best and most cost-effectively fit the goals and program of the project. By way of suggestion, the following includes an extensive list of TDM features, measures, and strategies from which the development may choose to implement as part of the TDMP. This list, however, is not exclusive, and the development is free to propose alternative or additional approaches to TDM.

Development Identity and Characteristics:

Development is known as _____.

Development is located at _____.

Development consists of the following uses and intensities _____.

Pursuant to Rule/Plan/Ordinance _____, this development is required to submit and implement a Transportation Demand Management Plan ("TDMP").

TDMP Preamble:

This TDMP is a site-specific plan that identifies specific transportation demand management features, measures, and strategies that shall be implemented with the design and ongoing management of the development. These features, measures, and strategies are designed to a) encourage and facilitate residents, visitors, tenants, and employees to reduce single-occupant vehicle (SOV) trips, especially during peak traffic hours; and b) maximize the use of alternative modes of transportation, such as transit, micro-transit, shuttles, car-pooling, car-share, bicycling, bike-share, scooters, and walking.

It is recognized that, in addition to site-specific features, measures, and strategies, the success of TDM is heavily impacted by broad neighborhood-level characteristics: proximity and access to a high-frequency and broadly distributed transit system; proximity and access to a comprehensive alternative mode infrastructure system, such as a bike lane network; the density of surrounding development that includes a broad mix of uses; and the extent of a safe and complete pedestrian network, and traffic calming. These neighborhood-level characteristics may also be included as factors in calculating the development's SOV trip-generation and the impact of its site-specific TDM features, measures, and strategies.

Together with high-density, mixed-use, mode-rich neighborhood characteristics, the achievement of this TDMP's mode-shift and SOV trip-reduction goals will contribute broad public benefits:

- Reducing demand, maintenance, and upgrade costs for roadway and parking infrastructure;
- Freeing development resources for more productive spaces and amenities;
- Maximizing the public value of investments in transit and multi-modal infrastructure;

- Supporting the economy through greater commute flexibility and access to jobs, housing, and community assets;
 - Protecting the environment by reducing emissions of greenhouse gases and other pollutants.
 - Promoting public health by improving air quality and promoting physical activity.
-

TDMP Calculated Impacts:

It is anticipated that the successful implementation of this TDMP will result in a ____% reduction in the SOV trips generated by this development.

The conventional ITE calculation of the SOV trips generated by this project is _____, but it is calculated that only _____ SOV trips will be generated when this TDMP is fully and successfully implemented.

_____% of this calculated SOV trip reduction is reflected in the traffic memo or traffic impact study submitted as part of the Site Development Plan Process for this development.

TDMP Implementation, Phasing, Compliance, & Verification:

In addition to identifying specific TDM features, measures, and programs the development shall implement, the TDMP shall also specify the implementation plan for these activities, and their phasing, if any.

The TDMP shall also specify a compliance and verification program for ensuring that the enumerated TDM activities in this TDMP, and the calculated SOV trip-reductions, are achieved and sustained over time.

TDMP Specific Features, Measures, & Strategies:

The TDMP for this development shall consist of the following specific elements:

[Again, the following is an extensive, but not exclusive or prescriptive, list of TDM features, measures, and strategies from which the development may choose to implement as part of the TDMP. The development is free to propose alternative or additional approaches to TDM that best and most cost-effectively fit the goals and program of the project.]

Transit / Micro-Transit / Shuttle:

- The development shall subsidize and/or promote RTD transit passes for tenants and/or employees
- The development shall promote and provide information on RTD routes and services, and provide information on the most direct and mode-friendly pedestrian and bicycle routes to train and bus stations.
- The development shall subsidize and/or promote micro-transit service and/or membership for tenants and/or employees.
- The development shall subsidize and/or promote a shuttle service for tenants and/or employees.

- A “Transit Screen” shall be installed in the building to provide tenants, employees, and visitors real-time information on all transportation options, including upcoming departure times and locations for nearby train service, bus service, micro-transit service, and shuttle service.

Parking / Car-pooling / Car-share

- On-site parking shall be limited to the following ratios: _____.
- Parking shall be un-bundled from tenant leases, providing opportunities for tenants to save money by forgoing car ownership or on-site parking.
- Parking shall be priced in the following way to establish meaningful incentives for the use of alternative modes and to reflect the market value of parking space: _____.
- Parking spaces numbering _____ shall be dedicated to car-pool or van-pool parking and placed in a prominent and desirable location.
- Parking spaces numbering _____ shall be dedicated to car-share services, such as Car2Go or ZipCar, and placed in a prominent and desirable location.
- Membership in car-share services, such as Car2Go or ZipCar, shall be subsidized and/or promoted for tenants and/or employees.
- Social media platforms or other tools shall be used by property management for education, promotion, and coordination of ride-sharing and car-pooling among tenants and/or employees.
- A “Transit Screen” shall be installed in the building to provide tenants, employees, and visitors real-time information on all transportation options, including location and availability of nearby car-share cars.

Bicycling / Bike-share / Scooters

- Private and secure bike parking spaces numbering _____ (at the rate of _____ /unit or tenant employee) shall be placed in a convenient location to maximize the ease and likelihood of bicycling by tenants and/or employees.
- The development shall promote bicycling among tenants and/or employees provide information and maps regarding commuting and recreational bicycle facilities and routes.
- A bicycle maintenance and repair station with the following characteristics shall be included among the development’s amenities: _____.
- Public bike parking spaces numbering _____ shall be placed in visible and convenient locations to promote and encourage bicycling to the development by visitors.
- The development shall sponsor or support the placement of a B-Cycle station on or nearby the development property by the following contributions or measures: _____.
- The development shall subsidize and/or promote B-Cycle membership for tenants and/or employees.
- The development shall sponsor a round-trip bike-share service, such as Zagster, for the use of tenants and/or employees.
- The development shall sponsor a dockless bike/scooter drop-off location (consistent with City guidelines and regulations) and shall subsidize and/or promote dockless bike/scooter membership among tenants and/or employees.
- The development shall construct or invest in the following off-site improvements to the neighborhood bicycle infrastructure: _____.
- A “Transit Screen” shall be installed in the building to provide tenants, employees, and visitors real-time information on all transportation options, including location and availability of nearby bike-share and scooter vehicles.

Walking

- Consistent with requirements for Site Development Plan approval, the development shall construct a safe, attractive, high-quality pedestrian environment as part of the project, with appropriate street furniture, lighting, landscaping, and other pedestrian-friendly features.
- The development shall construct or invest in the following off-site improvements to the neighborhood pedestrian infrastructure: _____.
- The development shall promote restaurants, shopping, and other amenities within walking distance for tenants.

Regional TDM Support

- The development shall sponsor or support the creation of a local Transportation Management Association (TMA), or become a paying member of an existing TMA, thereby securing ongoing TDM-supportive services and promoting TDM in the neighborhood as a whole.
- The development shall contract with a local TMA to develop, implement, and manage the development's TDMP.