

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB21-0342
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

ABILL

For an ordinance amending Chapter 54 of the Denver Revised Municipal code to enable and administer a transportation demand management program for new developments.

WHEREAS, the city and county of Denver is faced with a growing population and a rapid pace of new development; and

WHEREAS, the city is committed to helping residents and commuters shift from single-occupancy vehicles to more sustainable and efficient forms of transportation; and

WHEREAS, the city has established goals within Blueprint Denver 2019 and the Mobility Action Plan that envision no more than 50% of commute trips be made in single-occupancy vehicles; and

WHEREAS, the city’s Climate Action Plan and Mobility Action Plan call for the city to reduce greenhouse gas emissions 80% by 2050 and driving personal vehicles is a major contributor to greenhouse gas emissions; and

WHEREAS, transportation demand management strategies are proven to reduce single-occupancy vehicle trips; and

WHEREAS, the city has an urgent need to create a transportation demand management program to require new development provide infrastructure and programmatic strategies that are supportive of sustainable and efficient forms of transportation, and to enact the necessary rules and regulations that will provide guidance, clarity, and direction to developers, city officials, and the general public; and

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Division 3 of Article II of Chapter 54 of the Denver Revised Municipal Code be and hereby is enacted, to read as follows:

Article II. TRAFFIC ADMINISTRATION

Division 3. Transportation demand management requirements.

Sec. 54-54. Definitions.

- 1 a. *Transportation Demand Management (“TDM”)* means a collection of strategies that shift the
2 how, when, and where of people’s travel to increase the efficiency of the transportation system by
3 maximizing travel choices.
- 4 b. *Single Occupancy Vehicle (“SOV”)* means a motor vehicle designed to accommodate more
5 than one person but is used to transport only one occupant.
- 6 c. *TDM Plan* means an approved plan of strategies, including TDM Supportive Infrastructure
7 and TDM Programmatic Strategies to maximize options for non-SOV travel modes for building
8 occupants/resident and visitors.
- 9 d. *TDM Strategies* means physical improvements, incentives, and subsidies that encourage the
10 reduction of single-occupancy vehicle travel.

11 **Sec. 54-55. Rules and regulations.**

12 The executive director of the Department of Transportation and Infrastructure (DOTI) and the
13 executive director of Community Planning and Development (CPD) shall have the authority to jointly
14 adopt rules and regulations for the implementation and administration of the City’s TDM Program,
15 as authorized by this article.

16 **Sec. 54-56. Transportation demand management.**

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

- 20 1. Denver Zoning Code:
 - 21 i. Denver Zoning Code, Sec. 12.4.3. Site Development Plan Review; and
 - 22 ii. Denver Zoning Code, Sec. 12.4.12. Large Development Review;
- 23 2. Former Chapter 59:
 - 24 i. Former Chapter 59, Sec. 59-97. Site plan required for development of lots over
25 10,000 square feet;
 - 26 ii. Former Chapter 59, Sec. 59-107. Permitted development in the R-X district;
 - 27 iii. Former Chapter 59, Sec. 59-192. Development plan;
 - 28 iv. Former Chapter 59, Sec. 59-313. Site plan review;

- 1 v. Former Chapter 59, Sec. 59-314. General development plan;
- 2 vi. Former Chapter 59, Sec. 59-315. Development review and approval process;
- 3 and
- 4 vii. Former Chapter 59, Article VIII. Special Zone Lot Plans for Planned Building
- 5 Groups.
- 6 b. Tiers. Requirements for participation shall be divided into at least two tiers in order to
- 7 appropriately account for the ability of developments of different sizes or other characteristics to
- 8 implement a TDM program and comply with TDM regulations.
- 9 c. TDM Menu. The City shall make available to the public a list of TDM strategies (“TDM Menu”)
- 10 that applicants shall utilize to create their TDM Plan.

11 **Sec. 54-57. Monitoring.**

12 Annual monitoring will be required of every property subject to this ordinance.

13 **Sec. 54-58. Enforcement.**

- 14 a. Notice of violation. If it is determined by the manager of DOTI or the manager of CPD, or
- 15 either of them or their designee(s) that a violation of this ordinance or the rules and regulations
- 16 promulgated hereunder has occurred, the manager or his designee shall, in writing, notify the owner
- 17 of the property or responsible party through the issuance of a notice of violation. The notice of
- 18 violation shall require compliance within ten (10) days, unless otherwise specified in the rules and
- 19 regulations. The notice of violation may be served by personal service; first class mail and posting
- 20 the subject property or by posting the subject property and publishing the notice in the official city
- 21 newspaper.
- 22 b. Notice of violation; contents. The notice of violation shall identify the property in violation,
- 23 generally describe the violation, describe the proposed remedy to cure said violation, and give notice
- 24 that failure to cure the violation is prohibited by city law and may lead to legal action. The notice of
- 25 violation shall state that the owner or responsible party may appeal the notice of violation by following
- 26 the appeal process found in section 56-106 of this Code within the same time period allowed to cure
- 27 in the notice of violation, and by paying an appeal fee of one hundred (\$100.00) dollars.
- 28 c. Appeals. An owner who has been affected by a determination made pursuant to the
- 29 provisions of this division 3 may appeal that determination to the manager by following the
- 30 procedures set forth in section 56-106 of this Code. An appeal made pursuant to this section must

1 be filed within the time prescribed for cure in the notice of violation, and an appeal fee of one hundred
2 (\$100.00) must be paid at the time the appeal is filed.

3 d. In addition to any other method of enforcement of this article, the executive director of DOTI,
4 or the executive director of CPD, or either of their respective designees may, by rules and
5 regulations, administer citations pursuant to article XII (Administrative citations), chapter 2, Denver
6 Revised Municipal Code, to enforce this division.

7 COMMITTEE APPROVAL DATE: March 30, 2021

8 MAYOR-COUNCIL DATE: April 6, 2021 by Consent

9 PASSED BY THE COUNCIL: _____ April 19, 2021

10 *Steve Gilmore* - PRESIDENT

11 APPROVED: *[Signature]* - MAYOR _____ Apr 23, 2021

12 ATTEST: _____ - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

16 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: April 8, 2021

17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
18 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
20 §3.2.6 of the Charter.

21 Kristin M. Bronson, Denver City Attorney

22 BY: *Jonathan Griffin*, Assistant City Attorney DATE: Apr 8, 2021