



Watertown City Council

Committee on Economic Development and Planning Meeting

Monday, September 30, 2024 at 6:00 PM
Richard E. Mastrangelo Council Chamber - Second
Floor

Agenda

Pursuant to Chapter 2 of the Acts of 2023, the meeting and public hearing will be conducted with remote opportunities for participation. Remote participation and access methods include:

ACCESS INFORMATION:

- A. This meeting will be held on September 30, 2024 at 6:00 P.M. Location: Richard E. Mastrangelo Council Chamber
- B. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/watch-now?site=3>
- C. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/83549340015>
- D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 835 493 40015
- E. Public may comment through email: vpiccirilli@watertown-ma.gov
- F. Please Visit the Committee on Economic Development and Planning Webpage here: <https://watertown-ma.gov/698/City-Council-Committee-Assignments-Meeti>

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- 1. Call to Order
 - 2. Discussion
 - A. Presentation and Discussion of Update on [Watertown Transportation Management Association \(TMA\)](#), including Shuttles and Transportation Demand Management (TDM) Monitoring.

For background and reference, please see [TDM Ordinance](#) and [TDM Regulations](#), and [Transportation Planning - Watertown, MA - Official Website \(watertown-ma.gov\)](#)
 - 3. Adjournment

ELECTED OFFICIALS

Lisa J. Feltner,
Chair

John G. Gannon,
Vice Chair

Vincent J. Piccirilli, Jr.,
Secretary



Steve Magoon
Director
smagoon@watertown-ma.gov

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AN ORDINANCE AMENDING THE TOWN'S GENERAL ORDINANCES

CHAPTER 72: TRANSPORTATION DEMAND MANAGEMENT PROGRAMS

I. GENERAL PROVISIONS

(A) Purpose

The purpose of this Transportation Demand Management (TDM) Ordinance is to encourage reduction in Single Occupant Vehicle (SOV) trips, and thus reduce vehicle miles traveled and carbon emissions, alleviate congestion during peak periods, and improve air quality, all while making better use of existing transportation infrastructure.

This Ordinance provides the framework for strategies that increase over-all system efficiency by encouraging a shift from SOV trips to non-SOV transportation modes and shifting SOV trips out of peak periods.

The Town's goal is to aid in the Town-wide reduction of SOV trips by 20% over baseline data for residents and employees (U.S. Census Bureau, American Community Survey, 2006-2010), which identifies that Watertown residents currently have a SOV mode share of 68% and that Watertown workers have a mode share of 75%.

This Ordinance also establishes the legal authority to ensure compliance with the provisions of this Ordinance through permitting, inspections, monitoring and enforcement.

(B) Applicability

The following projects shall be required to prepare and implement a Transportation Demand Management program:

1. New construction or an addition of ten thousand (10,000) square feet or more, or ten (10) or more dwelling units or
2. Any project that requires Site Plan Review or Special Permit approval per the Watertown Zoning Ordinance (as amended) and will generate more than one hundred and fifty (150) average daily trips, or more than fifteen (15) peak hour trips above the pre-existing conditions using standards and methodologies promulgated by the Institute of Transportation Engineers, the Urban Land Institute, or other appropriate source.

(C) Exemptions

The following are exempt from the requirements of this Ordinance:

1. Land or structures for the primary, accessory or incidental purpose of operating a child care facility;
2. Land or structures owned or leased by the Commonwealth of Massachusetts, its agencies, subdivisions or bodies politic; and
3. Retail customer trips generated from buildings or structures used for retail purposes.

II. AUTHORITY AND ADMINISTRATION

(A) Authority

This Ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, and the Home Rule Statutes.

(B) Administration

The Watertown Department of Community Development and Planning (DCDP) shall administer, implement, and enforce this Ordinance. Any powers granted to or duties imposed upon the DCDP may be delegated to the Department's employees or agents.

(C) Rules and Regulations

The Town Manager or his/her designee may adopt, and periodically amend, Rules and Regulations relating to the detailed requirements, procedures, and administration of this Ordinance, including application and inspection fees. Prior to adopting or amending Rules and Regulations, the Town Manager or his/her designee shall consult with the DCDP. Such Rules and Regulations shall be consistent with the criteria set forth in Section III below.

Failure by the Town Manager or their designee to promulgate such Rules and Regulations, or a declaration of their invalidity by a court of law, shall not have the effect of suspending or invalidating the provisions of this Ordinance or any permit issued hereunder.

Such Rules and Regulations (or amendments thereto) shall become effective five (5) days after being filed with the Town Clerk.

Prior to amending the Rules and Regulations which implement this Ordinance, the Town Manager or their designee shall notify the Town Council of such proposed amendments.

(D) Annual Review

The Town Manager and/or their Designee shall report to the Town Council on an annual basis concerning the Town's progress toward achieving the Town-wide goal described in Section (I)(A) including the status of any ongoing TDM programs in Town.

(E) Appeals

A decision of the DCDP with respect to the Rules and Regulations promulgated under this Ordinance shall be final. A request for relief of a decision of the DCDP may be submitted to the Permit Granting Authority, but in all cases shall be reviewable in a court of competent jurisdiction.

III. COMPONENTS OF THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM REGULATIONS

No project which is subject to this Ordinance may be granted a Special Permit or Site Plan Review unless that project provides the DCDP with a written Transportation Demand Management Program that meets the criteria specified below, at a minimum, and as further specified in the Rules and Regulations promulgated as part of Section II(C), above.

1. Includes program goals and target(s) for trip reduction based on the project's proposed new trips and baseline transportation impacts.
2. Provides a comprehensive list of TDM measures that will be used to guide the project's TDM program and achieve the program goals and trip reductions target(s).
3. Provides a description of post-occupancy TDM monitoring measures, to determine the project's effectiveness in implementing the TDM program and achieving the program's goals and trip reduction target(s).
4. Provides a schedule for post-occupancy TDM monitoring and reporting to the DCDP.
5. Provides a list of corrective measures, including but not limited to additional TDM measures, additional incentives, or potential penalties to be applied by the Petitioner of the development/redevelopment to achieve the program goals and trip reduction target(s).

IV. ENFORCEMENT

The DCDP staff shall have the authority to enforce the TDM Regulations, and shall issue orders, violation notices, and enforcement orders, and may pursue all available civil remedies for such violations.

(A) Notices and Orders

The DCDP staff may issue a written order to enforce the provisions of the TDM Regulations, which may include requirements to:

1. Take steps to implement and conform to the components of the TDM Ordinance
2. Take steps to implement and conform to the Rules and Regulations which implement the TDM Ordinance
3. Comply with the conditions of a Special Permit, approved Site Plan, Building Permit, and/or Certificate of Occupancy which include requirements to implement Section III of the TDM Ordinance, or the Rules and Regulations which implement the TDM Ordinance.

(B) Provision for Action to Remedy a Violation

If a person violates the provisions of the TDM Ordinance, regulations, permit, notice, or order issued thereunder, or fails to implement an approved TDM Plan, the DCDP staff may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(C) Fines

Pursuant to Section 10.99 of the Town Code, any person, Petitioner or project that violates any provision of the TDM Ordinance, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300.00 per violation of an order to implement the TDM Plan to address non-compliance. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.

IV. SEVERABILITY

Any finding of the invalidity of any section, provision, paragraph, sentence, or clause of this Ordinance shall not invalidate any other section, provision, sentence, or clause thereof, nor shall it invalidate any permit or determination that has been previously issued under this Ordinance.

Town of Watertown

Transportation Demand Management (TDM)

Regulations (revised 9/20/19)





Watertown Transportation Demand Management Regulations

Approved and Adopted by Town Manager

Michael J. Driscoll, Watertown Town Manager

Date

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PREFACE

WHAT IS Transportation Demand Management (TDM)?

The purpose of Transportation Demand Management (TDM) is to guide, distribute, and reduce travel demand. It focuses on shifting travel away from driving alone, toward transit, walking, biking, and ridesharing. When done well, TDM should be cost-effective in guiding the design of transportation and physical infrastructure, so that alternatives to driving alone are naturally encouraged and relevant systems are better integrated and balanced.

TDM is an intentional program of information-plus-incentives, which are provided by local or regional organizations and private property owners to help people become aware of and become confident users of all their transportation options, across all modes in the system. To be successful, this program of information-plus-incentives should effectively counterbalance the incentives to drive that exist thanks to the subsidies of parking and roads.

DEFINITIONS

Mode Shift: A shift from one mode of travel to another, i.e. vehicle travel to transit, or pedestrian to bicycle.

Single Occupancy Vehicle (SOV): A Single Occupancy Vehicle is a motorized vehicle of any type carrying only one occupant.

Transportation Management Association (TMA): A Transportation Management Association is a membership based, public-private partnership of businesses, institutions, residential developments, and municipalities that are joined together under a legal agreement for the purpose of providing and promoting transportation solutions for commuters that reduce traffic congestion, improve air quality and increase access to economic opportunities.

BENEFITS OF TDM

There are many important, interrelated benefits to reducing the number of cars on the road and the number of miles driven.

Transportation System Benefits

1. Reduced congestion and commute times
2. Reduced wear and tear on roads and bridges

Environmental Benefits

1. Improved air quality
2. Reduced greenhouse gas emissions
3. Reduced need for paved surfaces
4. Improved water quality
5. Reduced dependence on fossil fuels

Health and Safety Benefits

1. Enhanced quality of life in walkable, bikeable communities
2. Fitness benefits of active transportation, e.g. biking and walking
3. Health benefits of improved air quality
4. Stress reduction

Financial Benefits

1. Reduced costs of vehicle ownership and maintenance
2. Reduced cost of parking

PURPOSE OF THE TDM REGULATIONS

The purpose of Watertown's Transportation Demand Management Regulations is to implement the TDM Ordinance (#O-2017-31), by developing policies to create a mode shift away from Single Occupancy Vehicle (SOV) trips. These Regulations are intended to support TDM efforts to reduce vehicle miles travelled and carbon emissions, alleviate congestion during peak periods, and improve air quality, all while making better use of existing transportation infrastructure throughout the day.

As identified within the TDM Ordinance, the Town's goal is to aid Town-wide reduction of the SOV mode by 20% over baseline data for residents and employees (U.S. Census Bureau, American Community Survey, 2000-2010), which identifies that Watertown residents currently have a SOV mode share of 68% and that Watertown workers have a SOV mode share of 75%. **The goal, therefore, is a Residential SOV mode share of no more than 54% and a Worker SOV mode share of no more than 60%**

The TDM Ordinance also establishes the legal authority to ensure compliance with the provisions of this set of Regulations through permitting, inspections, monitoring and enforcement.

SECTION 1 - TDM REGULATION PROCESS

Table 1-1 provides an overview of the overall process for developing a Transportation Demand Management (TDM) Plan.

TABLE 1-1: OVERALL PROCESS		
PHASE	TASK	DESCRIPTION
TDM Plan Development	1) Determine Applicability (Department of Community Development and Planning (DCDP) staff and property owner)	Determination if the TDM Program is applicable to the Project, and which program is applicable (Basic or Comprehensive).
	2) Submit TDM Plan (property owner and/or Traffic Consultant)	If subject to TDM Program, property owner understands TDM requirements and gathers information necessary for TDM Plan, to be submitted prior to Site Plan Review.
	3) File Plan (property owner)	Property owner submits a TDM Plan for review.
TDM Plan Review	4) TDM Plan Reviewed (DCDP)	DCDP staff reviews the TDM Plan, compares it to the TDM Ordinance Regulations. Modifications may be required.
Project Approval	5) TDM Plan Approval (DCDP staff)	Applicant submits TDM Plan Summary for DCDP approval form, prior to issuance of a Special Permit.
TDM Plan Monitoring and Reporting	6) Pre-Occupancy Site Visit (DCDP staff and property owner)	Prior to the issuance of a First Certificate of Occupancy, the Petitioner and/or property owner shall facilitate a site inspection by DCDP staff to confirm that all approved physical measures in the project's TDM Plan have been implemented and/or installed.
	7) Ongoing Monitoring and Reporting Statement (DCDP staff and property owner)	Within 12 months of full occupancy, the property owner is required to submit a Monitoring and Reporting form which documents baseline information for primary commuting mode, and Pre-Occupancy Monitoring and Reporting Form to document physical TDM elements are in place. DCDP staff will review the form's content to ensure compliance with the final, DCDP-approved TDM Plan, and conduct a site visit to ensure that the form's contents reflect on-site TDM measures. Said form will be filed annually for 3-5 years at the discretion of DCDP, and every two years thereafter. If mode shift goals are not met, additional Measures may be required.

	8) TDM Plan Update (DCDP staff and property owner)	At any time after the project's approval, the Petitioner or property owner may voluntarily initiate review of the TDM Plan by filing a TDM Plan Update Application.
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SECTION 2

TDM PLAN DEVELOPMENT

2.1 Determine Applicability

2.1.1 Applicability

The following development or redevelopment projects shall be required to prepare and implement a Transportation Demand Management program:

- A.** New construction or an addition of ten thousand (10,000) square feet or more, and/or ten (10) or more dwelling units
- B.** Alterations, including new construction and Change of Use, that requires Site Plan or Special Permit Approval and will generate more than one hundred and fifty (150) average daily trips, or more than fifteen (15) peak hour trips above the pre-existing conditions. Trip generation shall use standards and methodologies promulgated by the Institute of Transportation Engineers, the Urban Land Institute or another appropriate source.

2.1.2 Project Type

There are two types of TDM plans determined by the scale of a proposed project. The Basic TDM and the Comprehensive TDM are differentiated by the type of use and total square footage or number of units, as identified below and within Section 2.3 (TDM Plan Content).

A. Basic TDM - Projects which are residential, industrial, commercial, or combine these three uses and fall within the following sizes will be required to complete a Basic TDM program.

- a.** Residential: 10 to 39 residential units
- b.** Commercial and/or Industrial: 10,000 up to 30,000 square feet with fewer than 30 full-time equivalent employees; or over 10,000 sf with fewer than 6 full time equivalent employees and 100 average daily trips
- c.** Projects requiring site plan review with more than 150 average daily trips and/or 15 peak hour trips up to the thresholds of 2.1.2, Section B.

B. Comprehensive TDM - Any project which meets the following thresholds shall develop a Comprehensive TDM program:

- a.** Retail: 30,000 square feet or 30 Full-Time Equivalent Employees or more
- b.** Residential: 40 or more residential units
- c.** Mixed Use: Meets or exceeds the thresholds for Retail or Residential above
- d.** Office: 10,000 square feet or more with 6 or more full time equivalent employees or 100

- average daily trips.
- e. Industrial: 30,000 square feet or 30 Full-Time Equivalent Employees or more

2.1.3 Exemptions

The following are exempt from the requirements of this Regulation:

- A. Land or structures from the primary, accessory or incidental purpose of operating a child care facility;
- B. Land or structures owned or leased by The Commonwealth of Massachusetts, its agencies, subdivisions or bodies politic;
- C. Retail customer trips generated from buildings or structures used for retail purposes.

2.2 TDM Plan Review Application

1. Project name
2. Project address
3. Owner name
4. Contact person
5. Contact address
6. Contact phone
7. Contact Email
8. Project Description
9. Proposed Number of Employee and/or Residential Units
10. Current and proposed employee parking data (if applicable)
11. Proposed employee trip origin data (if applicable)
12. Proposed employee transportation mode data: passenger vehicle, public bus, company shuttle, bicycle, walk (if applicable)
13. Proposed parking usage and count data (if applicable)
14. Square footage of building
15. Number of bike parking spaces
16. Square footage of site
17. Selected TDM Measures (points) per section 2.3.3

2.3 TDM Plan Content

Any project subject to the TDM Program shall submit a TDM Plan and a TDM Application along with any required Development/Permitting Application(s) to the Watertown Department of Community Development and Planning (DCDP). The TDM Plan shall document the project's compliance with the TDM Ordinance.

2.3.1 Basic TDM Plan Requirements

Certain projects, as identified in Section 2.1, because of their size and use, are not required to complete all components of TDM required of projects completing a Comprehensive TDM Plan. A project will have to maintain the measures selected or may update an application as described in Section 6.3, TDM Plan Update. The Basic TDM Plan must include three (3) TDM measures to support the Town's goals for SOV Mode Shift.

2.3.2 Comprehensive TDM Plan Requirements

The Comprehensive TDM Plan must include program goals, target(s), and measures for trip reduction based on the project's proposed use, new trips generated, and baseline transportation impacts. Proposed measures must add up to at least 14 points.

- 2.3.2.1** Identify baseline numbers for trip generation and parking generation for the project, based on existing employees/residents, or projections from Traffic Impact Assessment and Study

(TIAS) data:

- A. Current employee parking data, if available
- B. Employee trip origin data, if available
- C. Employee transportation mode data: SOV, car-pool, public transit, private shuttle, bicycle, walk, etc., if applicable
- D. Parking usage and count data, if applicable

2.3.2.2 Targets - Identify a target to assist in accomplishing the Town's overall goal of reducing the SOV mode by 20% over the ACS 2006-2010 mode share, which is no more than 54% for residential and 60% for workers. Selected target(s) determine the percentage of SOV trips the Petitioner will commit to reducing. Working with DCDP Staff, a Petitioner must create a TDM program that supports the overall goal of the Town, although the Town recognizes that not all uses and projects are the same, so has created multiple options for achieving targets.

Working with DCDP, a Petitioner shall select one of the following options:

- A. Provide a 20 percent reduction from the baseline (Target Residential: no more than 54% and/or Workers: 60%)
- B. Maintain a Use's SOV share if it is already more than 20% less than the baseline
- C. In some instances, a defined target may not be appropriate. In these instances, DCDP Staff shall consider an existing/proposed use (some examples of uses that may not achieve a SOV shift include certain construction/repair/service uses) and set a reasonable outcome in cooperation with a Petitioner.

2.3.2.3 Measures - The TDM Plan shall include a required number of measures (based on a point system) to achieve Mode Shift away from SOVs.

- A. **Comprehensive TDM Plan:** Achieve a minimum of 14 Points and SOV use not to exceed 54% for a residential project and 60% for a commercial or industrial project over time.
- B. **Basic TDM Plan:** Must commit to three specific TDM measures to support the Town's goals for SOV Mode Shift.

2.3.2.4 Monitoring

- A. **Comprehensive TDM Plan:** shall include a monitoring program for the life of the Site Plan Review or Special Permit Approval that includes the requirements in Section 6, below. If SOV use remains above the Town's Mode Shift Goal, additional measures may be required.
- B. **Basic TDM Plan:** may be audited by the Town at the discretion of the Director of DCDP.

TDM Measures for Mode Shift

	Measure	Points	Description
1.	Join Transportation Management Association (TMA)	5	Provides access to shuttles and alternative transportation mode promotion and coordination
2.	Unbundle parking	2	Separate the cost of parking from the cost of renting, leasing or ownership
3.	Parking cash-out	2	Tenants/employees who are offered free parking are also offered the cash equivalent to not use parking
4.	Improve walking conditions	2	Sidewalk, multi-use path, and streetscape improvements to encourage walking
5.	Bicycle parking	2	Provide secure bicycle parking at least 1.5 times above the zoning requirement. Bike racks must be ring and post or inverted "U".
6.	Showers and lockers	2	For non-residential projects, provide on-site showers and lockers to encourage commuting by active modes.
7.	Bike Share Membership	2	Provide bike share membership for residents and employees
8.	Host bike share vehicles on site	2	If available, host a bike docking station or dockless bicycles on site.
9.	Bicycle repair station or service	1	Provide on-site tools or repair service through an on-call mechanic or vouchers to a local shop.
10.	Fleet of bicycles	2	Provide bikes for residents, employees or guest to use
11.	Bicycle equipment	1	Provide helmets and reflective vests for 2% of employees
12.	Promote transit-oriented development	2	Connect development to transit stops with sidewalks
13.	Support transit stops	2	Provide benches or shelters at transit stop
14.	On-site Transportation Coordinator	2	Provide staff to assemble and distribute information on rideshare, transit, biking, coordinate carpools, administer TDM promotions and collect data on commuting mode. TMA can also provide this service.
15.	Car share parking and membership	2	Provide car share parking in excess of zoning, and promote car share membership.
16.	Subsidize MBTA passes	4	Subsidize passes by at least 50%
17.	Offer pre-tax MBTA passes	2	
18.	Join existing shuttle bus service	4	If shuttle bus service is available in the area, join with others to provide service to residents and employees
19.	Provide shuttle bus service for tenants or employees	2	If shuttle bus service is not available, create own shuttle service for residents and employees
20.	Provide carpool matching service	2	Provide carpool matching services and preferential parking for carpool vehicles.
20.	Multi-modal Wayfinding Signage	1	Provide directional signage for locating

			transportation services, such as bus or shuttle stops, bicycle parking, multi-use paths
21.	Real-time Transportation Information Displays	3	Large screen, monitor, or phone app that displays transit arrival and departure information and other information
22.	Tailored Transportation Marketing	3	Provide residents and employees with individualized information about travel options
23.	Flexible Work Schedule	1	Allow/encourage varied times for arrival/departure
24.	Employee Incentive Program	2	Provide incentives to use modes that reduce vehicle trips

SECTION 3

TDM PLAN SUBMITTAL AND REVIEW

3.1 Plan Review

The Petitioner for a project subject to the Ordinance and these Regulations shall submit to the Watertown Department of Community Development and Planning (DCDP) a draft TDM Plan prior to or concurrent with permit application, and a Transportation Demand Management Application. The DCDP staff will review each TDM Plan and Application to ensure it is complete. Once deemed complete, the DCDP will review the Petitioner's draft TDM Plan to ensure the required number of Points (Section 2.3.1.3) has been achieved by a selection of TDM measures.

Once the DCDP staff has completed its initial review and comment on the Petitioner's draft TDM Plan, the Petitioner has the opportunity to make changes to the TDM Plan. After this, the Petitioner will re-submit the TDM Plan for final DCDP staff review and comment. The Final TDM Plan must be approved, or approved with conditions prior to receiving a Special Permit from the Town.

A Petitioner's TDM Plan shall follow the TDM Ordinance and Regulations in effect at the time of submittal or at the time of Plan update for the approval of the Special Permit, Site Plan Review, or other permit submittal for a project.

SECTION 4

APPEAL PROCESS

4.1 Plan Appeal

A decision of the DCDP with respect to the Rules and Regulations promulgated under this Ordinance shall be final. A request for relief of a decision of the DCDP may be submitted to the Permit Granting Authority, but in all cases shall be reviewable in a court of competent jurisdiction.

SECTION 5

PROJECT APPROVAL

5.1 TDM Plan: Condition of Approval

If the Project is approved, the requirement for implementation of TDM Plan will be a Condition of the Permit or Certificate of Occupancy for the project.

SECTION 6

TDM PLAN MONITORING AND REPORTING: FOR COMPREHENSIVE TDM PROJECT ONLY

6.1 Pre-Occupancy Site Visit

Prior to the issuance of Certificate of Occupancy, the Petitioner and/or property owner shall facilitate a site inspection by DCDP staff to confirm that all approved physical measures in the project's TDM Plan have been implemented and/or installed. Prior to the site visit, DCDP staff will provide the Petitioner and/or property owner with a copy of the final, DCDP-approved TDM Plan that outlines the TDM measures that the Proponent and/or property owner is required to provide.

For a project requiring a Comprehensive TDM Plan, following the site visit for physical measures and submittal of any documentation required for physical and programmatic measures, DCDP staff will review the documentation and finalize a Pre-Occupancy Monitoring and Reporting Form. The First Certificate of Occupancy from the DCDP shall not be issued until the property owner receive an approved Pre-Occupancy Monitoring and Reporting Form.

6.2 Ongoing Monitoring and Reporting Form

Once the building is occupied, the property owner is required to submit a Monitoring and Reporting form. DCDP staff will review the form's content to ensure compliance with the final, DCDP- approved TDM Plan, and conduct a site visit to ensure that the form's contents reflect on-site TDM measures. Ongoing monitoring and Reporting Forms shall also include information on commuting mode of residents or employees. Enforcement steps will be taken, if needed, to attain compliance.

6.2.1 The first Monitoring and Reporting form shall be due within 30 calendar days of the 12 month anniversary of the issuance of the First Certificate of Occupancy. For efficiency of monitoring and reporting, DCDP may set up the first meeting less than one full year after occupancy. Subsequent Monitoring and Reporting forms shall similarly be due in 12 month increments with the addition of a 30-day grace period for each submission. Each subsequent form is due 12 months after the previous form.

6.2.2 If a Development Project remains in good standing – where remaining in good standing is defined as submitting satisfactory Monitoring and Reporting forms over four consecutive years, and where SOV rate is 54% or lower for residential developments and 60% or lower for commercial developments, then the Development Project's Monitoring and Reporting form requirement shifts to one submittal every three years. At that point, DCDP staff will conduct a site visit of the project once every three years, rather than every year, to confirm all approved physical measures in the project's TDM Plan continue to be implemented and/or installed and the SOV rate continues to meet Town goals.

6.2.3 If, at any later time, the project fails to meet the Town's SOV goal, or demonstrate satisfactory ongoing monitoring and reporting, the project may be required to revert back to submitting forms on the 12 month schedule until the project again demonstrates four consecutive years of satisfactory monitoring and reporting and meets the SOV goal. Project may also be required to add new TDM measures to reach the Town's SOV goals.

6.2.4 The Monitoring and Reporting form should include all measures in the project's TDM Plan, their current status, and any updates to those measures. All additional voluntary measures added between Monitoring and Reporting forms should also be listed, along with their current status and any updates to those voluntary measures.

Additionally, a TDM Monitoring Plan may be required to monitor onsite and offsite parking, show the ratio of employees to the number of parking spaces used, and take additional steps to reduce trips if the target is not met. These additional steps include, but are not limited to:

- Implement additional TDM Measures
- Institute onsite pay-for-parking
- Institute a penalty for employees that park offsite and on street
- Pay a fee or an additional fee to a Transportation Management Association/Town

6.3 TDM Plan Update

At any time after the project's approval, the Petitioner or property owner may voluntarily initiate review of the TDM Plan by filing a TDM Plan Update Application. The TDM Plan Update Application shall include both existing and new or additional measures the Petitioner or property owner would like to include in the TDM Plan. Submission and review of the TDM Plan Update shall follow the schedule as outlined in Section 3.

SECTION 7

ENFORCEMENT

The DCDP staff shall have the authority to enforce the TDM Regulations, and shall issue violation notices and enforcement orders, and may pursue all available civil remedies for such violations.

7.1 Notices and Orders

The DCDP staff may issue a written order to enforce the provisions of the TDM Regulations, which may include requirements to:

- 7.1.1** Take steps to implement and conform to the components of the TDM Ordinance
- 7.1.2** Take steps to implement and conform to the Rules and Regulations which implement the TDM Ordinance
- 7.1.3** Comply with the conditions of a Special Permit, approved Site Plan, Building Permit, and/or Certificate of Occupancy which include requirements to implement Section III of the TDM Ordinance, or the Rules and Regulations which implement the TDM Ordinance.

7.2 Provision for Action to Remedy a Violation

If a person violates the provisions of the TDM Ordinance, regulations, permit, notice, or order issued thereunder, or fails to implement an approved TDM Plan, the DCDP staff may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

7.3 Fines

Pursuant to Section 10.99 of the Town Code, any person, Petitioner or project that violates any provision of the TDM Ordinance, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300.00 per violation of an order to implement the TDM Plan to address non-compliance. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.