

Overall, I recommend deferring further consideration of this Plan until after the production of a city-wide transportation plan that has been budgeted for next year. Barring that, I have to recommend that the transportation elements of this plan be REJECTED. And, since the transportation elements are not only sprinkled throughout, and sometimes even factually incorrect, that means REJECTING the entire plan. I like it that, among other things, the Plan emphasizes the need for at least one inter-city transit terminal. There are a lot of good elements in the Plan. But they are far outweighed by bad elements. For instance, it calls for more parking, not less. That call is not based on any overarching parking strategy, so simply perpetuates piecemeal planning that should not guide future development. Nor does it say outright that our downtown plan needs to be consistent with a plan for a balanced transportation system, that we need to discourage over-use of the car. Finally, if I did not know better, I'd think that the Dane County RTA actually adopted Transport 2020's love affair with commuter rail while nothing could be further from the truth. In sum, this Downtown Plan should NOT become part of our Comprehensive Plan

My points here concern both parking and transit, even if these interrelated items are artificially separated in the TPC. And they concern the whole geographic area demarcated by the Plan, not just a few blocks surrounding the Square. Recommendations include:

1. **Leave parking policy to the zoning code.** It is not helpful to have potentially contradictory elements in our overall Comprehensive Plan.
2. **Resuscitate the former ad hoc committee mandated to come up with a regional parking strategy** The committee that existed at one time never issued a final report of any kind, and we desperately need one. We need to get a proper handle on identifying the true costs and benefits of parking if we are to address parking intelligently in a Downtown Plan.
3. **Separate out (unbundle) the cost of parking from other costs** so people can see how much parking really costs – rental units that include parking should charge separately for the cost of that parking stall. If renters knew that a significant portion of their rent was going to pay for parking, they might well opt out of having a parking stall. Why should people who walk, ride bikes or take transit, and use something such as Community Car when they drive, pay for the parking that might come with their residential unit? Shouldn't they be able to opt out? My suspicion is that plans for so much new underground parking are devoid of any serious understanding of the cost. Plans need to be guided by a true appraisal of costs and benefits, something not possible now.
4. Beginning with the city itself, **insist on the development of Transportation Demand Management Plans** for all institutions and businesses downtown. Right now, TDM is tacked onto the chapter as an afterthought and does not even make it into the summary of recommendations. Requiring TDM should be one of the first recommendations, up there with having an inter-city transit terminal.
5. Have the city create a position for a **Transportation and Parking Demand Management Director** to manage our assets – I have an example from Cambridge, MASS that could help serve as a template;
6. **Resuscitate the former limitation on parking downtown;**
7. **Stop taking away bus stops for more parking;** Encourage bus use and discourage car use, not the other way around.

8. **Re-evaluate the need for an inter-city train terminal downtown.** Recommendations for its location at the airport were based on thoughtful appraisals while I personally favor the Yahara site. In general, there was insufficient consideration of all the factors involved in locating an intercity train terminal because WisDOT felt compelled to make a decision in a hurry. We are under no such hurry now so the Plan should not embrace a premature and hurried decision.
9. **Stop calling present transit service downtown “excellent.”** It is archaic, barely qualifies as adequate, and is getting worse. There is something very wrong with a scenario in which 55% of all commuters to workplaces downtown ride Single Occupancy Vehicles while only 10% ride the bus and 3% ride bikes. Let’s turn that upside down so only 10% of workers commute by SOV while 55% ride the bus. And I think the Bike Federation is aiming for something like 20% bike ridership by 2020. We can expect more walking too, since more residential development is occurring downtown.
10. **Do not make commuter rail top recommendations** Contrary to what the planners might like you to believe, commuter rail was NOT an integral recommendation of the Dane County RTA’s Transit Plan, and should NOT be an integral part of the Downtown Plan either. In fact, commuter rail did not even appear until the near-final version of DCRTA’s Transit Plan while earlier pleas to adopt Transport 2020 by the DCRTA appeared dismissed. It is therefore sneaky and unprofessional to make commuter rail top recommendations of the Plan. More on this below.
11. **Be less vague about having decent shuttle service** both around downtown itself and between downtown and the airport.
 - a. Many hotels already have private services that could be expanded, and my experience at Monona Terrace suggests visitors are not even informed about the bus service that *does* exist.
 - b. The trial shuttle service between parking lots and shops of a few years ago was ill-conceived and doomed to fail from the start. Metro is presently incapable of providing what is required and should not have been expected to do so. Outline some of the actual requirements.

It is important to point out questionable “facts” about the Dane County RTA written into the Plan. As Susan Schmitz was on the Board, she may be in a good position to clarify matters. On page 74 it is stated that the RTA was eliminated in the latest state budget. That was not my understanding. My understanding is that RTAs were in the budget but were eliminated through separate legislation advanced by Robin Vos. It is also stated on page 74 that the RTA proposed commuter rail. From what I remember, up until the very end it did not. Many places had just held advisory referenda in which people were asked if they wanted commuter rail. Overwhelmingly, they voted “no.” So the Plan for Transit carefully avoided mentioning commuter rail for most of the time. At the very end however, it was added in, perhaps because the RTA Board knew that it was about to be eliminated, and would not take its Transit Plan to referendum. But the main thing is that the Downtown Plan reads as if the Transport 2020 Plan was the plan of the RTA all along, and that is NOT true. The main thrust that I observed was a desire to mold our antiquated bus system into the beginnings of a more modern regional transit system. It is obviously my firm belief that BUSES are the backbone of any transit system, and that enhancing and modernizing our bus system should come before considering commuter rail. Changing commuting patterns so SOVs only account for around 10% of work commutes should be a top recommendation of the Downtown Plan,, and should replace embracing Transport 2020.

1 **Cambridge Municipal Code Chapter 10.18 Parking and Transportation**
2 **Demand Management, Parking Space Registration.**

3
4 **Chapter 10.18 PARKING AND TRANSPORTATION DEMAND MANAGEMENT**
5 **PLANNING; PARKING SPACE REGISTRATION**

6
7 Sections:

- 8 10.18.010 Purpose.
9 10.18.020 Definitions.
10 10.18.030 PTDM Planning Officer.
11 10.18.040 Registration of All Parking Spaces.
12 10.18.050 Parking and Transportation Demand Management Plans.
13 10.18.060 Reduction in Minimum Parking and Maximum Distance Requirements.
14 10.18.070 Requirements Applicable to Small Projects.
15 10.18.080 Enforcement.
16 10.18.090 Evaluation.

17
18 **10.18.010 Purpose.**

19
20 (a) It is the purpose of this Chapter to regulate and control atmospheric pollution
21 from motor vehicles by formalizing parking and transportation demand management
22 planning, programs, and coordination which have been ongoing for a number of
23 years. This Chapter will reduce vehicle trips and traffic congestion within the City,
24 thereby promoting public health, safety, and welfare and protecting the
25 environment. This Chapter requires parking and transportation demand
26 management (PTDM) plans for commercial parking facilities and other types of
27 non-residential parking facilities over a specified size as set forth in 10.18.050 and
28 10.18.070. This Chapter also establishes a process whereby City officials will be able
29 to track the number, use and location of off-street parking spaces in the City.

30
31 (b) A Parking and Transportation Demand Management Planning Officer will be
32 designated by the City Manager with the responsibility for reviewing, conditioning,
33 approving and/or denying PTDM plans. Any project subject to the requirements of
34 this Chapter shall not be qualified to receive a permit from the Planning Board, a
35 commercial parking permit from the Commercial Parking Control Committee, a
36 special permit or variance from the Board of Zoning Appeal, a building permit from
37 the Commissioner of Inspectional Services, a certificate of occupancy from the
38 Commissioner of Inspectional Services, or an operating license from the License
39 Commission absent written approval of its PTDM plan from the PTDM Planning
40 Officer or evidence of registration of its parking spaces with the Department of
41 Traffic, Parking, and Transportation.
42 (1211, Added, 11/16/1998)

43
44 **10.18.020 Definitions.**

45
46 "Commercial Parking Space" means a parking space available for use by the
47 general public at any time for a fee. The term shall not include (i) parking spaces
48 which are owned or operated by a commercial entity whose primary business is
49 other than the operation of parking facilities, for the exclusive use of its lessees,
50 employees, patrons, customers, clients, patients, guests or residents but which are
51 not available for use by the general public; (ii) parking spaces restricted for the use

1 of the residents of a specific residential building or group of buildings; (iii) spaces
2 located on public streets; or (iv) spaces located at a park-and-ride facility operated
3 in conjunction with the Massachusetts Bay Transportation Authority.
4

5 "Commercial Parking Facility" means a parking facility owned or operated by a
6 commercial entity whose primary business is the operation of a parking facility and
7 at which there are at least five (5) Commercial Parking Spaces.
8

9 "Commercial Parking Permit" means a (i) permit issued under chapter 10.16 of the
10 Cambridge Municipal Code, authorizing the use of a designated number of parking
11 spaces at a specified location as Commercial Parking Spaces; (ii) a permit or
12 approval issued prior to the effective date of this Chapter pursuant to the
13 Procedures, Criteria, and Memorandum of Agreement dated November 15, 1984;
14 (iii) a Controlled Parking Facility Permit that expressly authorizes use of the parking
15 facility for Commercial Parking Spaces; or (iv) a letter from the Director confirming
16 the number of spaces at a specified location that were in existence and being used
17 as Commercial Parking Spaces as of October 15, 1973.
18

19 "Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director
20 prior to the effective date of this Chapter, which authorized the construction or
21 operation of a parking space or the construction, operation, or modification of a
22 parking facility.
23

24 "Determination of Exclusion" means a determination made by the Director that a
25 parking facility or a parking space did not require a controlled parking facility
26 permit.
27

28 "Director" means Director of the Cambridge Department of Traffic, Parking, and
29 Transportation.
30

31 "Effective Date" means November 16, 1998, the original date of final adoption of this
32 Chapter of the Cambridge Municipal Code.
33

34 "Existing Parking Facility" shall mean a parking facility for which (i) a certificate of
35 occupancy was issued by the Commissioner of Inspectional Services; (ii) an
36 operating license was issued by the License Commission; or (iii) the Director issued
37 a letter confirming the number of spaces at that location which spaces were in
38 existence and being used as commercial parking spaces as of October 15, 1973 (a
39 "Director's Letter").
40

41 "New Project" means a project to construct or operate parking spaces within a new
42 facility or an existing parking facility which will cause such facility to have a net
43 increase in the number of spaces for which a certificate of occupancy, operating
44 license, variance, special permit, or Director's Letter has not been issued as of the
45 effective date of this Chapter and which is not a park-and-ride facility operated in
46 conjunction with the Massachusetts Bay Transportation Authority.
47

48 "Parking Facility" means any lot, garage, building or structure or combination or
49 portion thereof, on or in which motor vehicles are parked, except any such facility
50 used in association with or by a municipal police or fire station, and in the case of
51 university or college campuses, the stock of parking spaces maintained within the
52 City by the university or college which supports university or college activities

1 within the City.

2
3 "Person" means and includes a corporation, firm, partnership, association, executor,
4 administrator, guardian, trustee, agent, organization, any state, regional or political
5 subdivision, agency, department, authority or board, and any other group acting as
6 a unit, as well as a natural person.

7
8 "Planning Officer" means the City official responsible for PTDM plan reviews.

9
10 "PTDM" means Parking and Transportation Demand Management.

11
12 "Small Project" means a project to construct or operate five (5) to nineteen (19)
13 non-commercial, non-residential parking spaces within a new facility or an existing
14 parking facility which will cause such Facility to have a net increase in the number of
15 spaces for which a certificate of occupancy, operating license, variance, special
16 permit, or Director's Letter has not been issued as of the effective date of this
17 Chapter. To qualify as a Small Project, the total number of non-commercial,
18 non-residential parking spaces at the parking facility must remain at or below
19 nineteen (19).

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21 (Ord. 1287, Amended, 09/12/2005; 1252, Amended, 09/24/2001; 1211, Added,
22 11/16/1998)

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26 **10.18.030 PTDM Planning Officer.**

27
28 Within thirty (30) days of the effective date of this Chapter, the City Manager shall
29 designate a Parking and Transportation Demand Management Planning Officer who
30 shall have responsibility for reviewing, conditioning, approving, and/or denying
31 PTDM plans and who shall report to the City Manager. Said officer shall be a
32 Cambridge resident within six months of employment in this position. Prior to
33 rendering his/her determination(s), the Planning Officer shall consult with the PTDM
34 plan applicant, the Director and the Assistant City Manager for Community
35 Development.

36
37 (1211, Added, 11/16/1998)

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41 **10.18.040 Registration of All Parking Spaces.**

42
43 (a) No person shall build, expand, or reconfigure a parking facility for
44 non-residential parking spaces resulting in a net increase in the number of parking
45 spaces or a change in the use of such spaces based on the categories of use listed
46 below at paragraphs b(v) and (vi), without first submitting a parking registration
47 form to, and obtaining acceptance from, the Director.

48
49 (b) The registration form shall be prepared by the Director and shall be available at
50 the offices of the Department of Traffic, Parking and Transportation. The form will
51 require the following information:
52

- 1 (i) name and address of parking facility owner;
- 2
- 3 (ii) name and address of parking facility operator;
- 4
- 5 (iii) address of parking facility;
- 6
- 7 (iv) total number of existing parking spaces;
- 8
- 9 (v) number of existing parking spaces in each of the following categories:
- 10
 - 11 - residential
 - 12
 - 13 - commercial
 - 14
 - 15 - non-commercial
 - 16
 - 17 - customer
 - 18
 - 19 - employee
 - 20
 - 21 - patient
 - 22
 - 23 - student
 - 24
 - 25 - client
 - 26
 - 27 - guest
 - 28
- 29 (vi) number of parking spaces proposed to be added to the parking facility
- 30 in each of the following categories:
- 31
 - 32 - residential
 - 33
 - 34 - commercial
 - 35
 - 36 - non-commercial
 - 37
 - 38 - customer
 - 39
 - 40 - employee
 - 41
 - 42 - patient
 - 43
 - 44 - student
 - 45
 - 46 - client
 - 47
 - 48 - guest
 - 49
- 50 (vii) identification of any existing parking permits for the parking facility; and
- 51
- 52 (viii) explanation of any enforcement actions against the parking facility.

1 (c) The Director shall accept or return a registration form to the registrant with a
2 request for additional information within thirty (30) days after the form was filed.
3

4 (d) The License Commission shall not issue a license and the Commissioner of
5 Inspectional Services shall not issue a building permit or certificate of occupancy for
6 a parking facility subject to this section without evidence (i) that the registration form
7 has been accepted by the Director; and (ii) if required, that the facility has a PTDM
8 Plan approved by the Planning Officer.
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10 (1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)
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14 **10.18.050 Parking and Transportation Demand Management Plans.**
15

16 (a) No person shall build, expand, or operate a parking facility subject to the
17 Parking and Transportation Demand Management (PTDM) Plan requirements of this
18 Chapter absent a PTDM Plan approved by the Planning Officer.
19

20 (b) The PTDM requirements of this Chapter shall apply to each of the following:
21

22 (i) any commercial parking facility for which a certificate of occupancy or
23 operating license, variance or special permit was not obtained prior to the
24 effective date of this chapter;
25

26 (ii) an existing commercial parking facility at which the number of parking
27 spaces is increased after the effective date of this chapter;
28

29 (iii) any parking facility at which the use of existing or permitted parking
30 spaces is changed to commercial use after the effective date of this chapter;
31

32 (iv) any new project to build or create by change of use twenty or more
33 non-residential parking spaces; and
34

35 (v) any new project to expand an existing parking facility resulting in a total
36 number of non-residential parking spaces of twenty (20) or more.
37

38 (c) The PTDM Plan shall be designed to minimize the amount of parking demand
39 associated with the project and reduce single-occupant vehicle trips in and around
40 Cambridge. The PTDM Plan shall be based on the following facts, projections and
41 commitments:
42

43 (i) Facts and Projections:
44

45 - nature of development and property use;
46

47 - proximity of project to public transit and other non-Single-Occupant Vehicle
48 facilities;
49

50 - availability of and accessibility to offsite parking spaces which could serve
51 the project;
52

- 1 - number of employees and their likely place of origin; and
- 2
- 3 - type and number of patrons/users of proposed parking supply and their
- 4 likely place of origin.
- 5
- 6 - number of vehicle trips expected to be generated by the project and
- 7 description of measures to reduce associated traffic impacts on Cambridge
- 8 streets; and
- 9
- 10 - other factors published by the Planning Officer.
- 11

12 (ii) Commitments:

- 13
- 14 - commitment to work with the Cambridge Office of Work Force
- 15 Development;
- 16
- 17 - commitment to implement vehicle trip reduction measures including some
- 18 or all of the following:
- 19

20 subsidized MBTA passes and other incentives; shuttle services;

21 ride-sharing services; bicycle and pedestrian facilities; flexible

22 working hours; preferential parking for Low Emission Vehicles/Zero

23 Emission Vehicles/bicycles/carpools/vanpools (Note: this list is not

24 meant to preclude implementation of other types of vehicle trip

25 reduction measures). This commitment must be accompanied by a

26 detailed description of the measures proposed to be implemented; and

27

28 commitment to establish and make reasonable efforts to achieve a

29 specified, numeric reduction (or percent reduction) in single-occupant

30 vehicle trips in and around Cambridge. The percent reduction will be

31 based on PTDM practices successfully implemented in reasonably

32 comparable environments and as identified in professional and

33 academic literature and based on analysis of existing trip reduction

34 measures in Cambridge.

35

36 Each PTDM Plan shall identify the total number of existing and

37 proposed parking spaces at the facility and specify how many existing

38 and proposed spaces fall within each of the following categories

39 (explain how many spaces are used for multiple purposes):

40

- 41 - residential
- 42
- 43 - commercial
- 44
- 45 - non-commercial
- 46
- 47 - customer
- 48
- 49 - employee
- 50
- 51 - patient
- 52

1 - student

2
3 - client

4
5 - guest

6
7 Where the parking facility includes or proposes a combination of
8 commercial and non-commercial parking spaces, the Plan shall specify
9 how the parking facility will prevent commercial use of the
10 non-commercial parking spaces.

11
12 Each PTDM Plan shall contain the following certification signed by an
13 authorized corporate officer:

14 "I hereby certify that a commercial parking permit has been obtained
15 for each space being used for commercial parking. None of the other
16 existing or proposed parking spaces at this parking facility have been
17 or will be available as commercial parking spaces until a commercial
18 parking permit therefor has been obtained."
19

20 (d) The Planning Officer shall review, condition, approve and/or deny the PTDM
21 Plan based on the above-listed facts, projections, and commitments. The Planning
22 Officer shall issue his/her decision in writing within 60 days of receipt of the
23 proposed PTDM Plan. The required time limit for action by the Planning Officer may
24 be extended by written agreement between the proponent and the Planning Officer.
25 Failure by the Planning Officer to take final action within said sixty (60) days or
26 extended time, if applicable, shall be deemed to be approval of the proposed PTDM
27 plan. If the project proponent elects to make a request pursuant to 10.18.060, the
28 decision of the Planning Officer shall be expanded to include a recommendation
29 about whether offsite parking should be allowed at distances greater than those
30 allowed in the Zoning Ordinance and/or whether fewer parking spaces than the
31 minimum required in the Zoning Ordinance should be allowed. Decisions of the
32 Planning Officer may be appealed by the project proponent to a review committee
33 composed of the City Manager, or his designee, and two other City staff members
34 designated by the City Manager none of whom may have participated in the initial
35 review of the Plan.
36

37 (e) The Planning Officer shall also make available sample PTDM plans which a
38 project proponent may adapt for their project, such to approval by the Planning
39 Officer.
40

41 (f) No permit, commercial parking permit, special permit, variance, building
42 permit, certificate of occupancy, or operating license shall be issued for any project
43 subject to 10.18.050 by the Planning Board, Commercial Parking Control Committee,
44 Board of Zoning Appeal, Commissioner of Inspectional Services, or License
45 Commission absent a written decision indicating approval from the Planning Officer
46 of the project proponent's PTDM Plan. Any such permit or license shall be consistent
47 with, and may incorporate as a condition, the decision of the Planning Officer and
48 shall include written notice of the requirements of 10.18.050 (g) and (h), below.
49 Nothing in this ordinance shall be construed to limit the power of the Planning Board
50 or Board of Zoning Appeal to grant variances from or special permits under the
51 provisions of the Zoning Ordinance. No project proponent shall be required by the
52 Planning Officer to seek such relief under the Cambridge Zoning Ordinance.

1 (g) Approvals issued by the Planning Officer shall be automatically transferrable by
2 and among private parties, provided that the proposed new owner (the
3 "Transferee") shall continue to operate under the existing PTDM Plan and shall
4 submit to the Planning Officer within thirty (30) days of the title transfer a certification
5 that the existing PTDM plan will remain in effect. The certification shall be submitted
6 on a form issued by the Planning Officer and shall certify that such Transferee
7 commits to implement the existing PTDM plan, as approved; and acknowledges that
8 failure to implement the plan is subject to the enforcement provisions of this
9 Chapter. Where such certification is submitted, the approved plan shall remain in
10 effect as to the Transferee. The Transferee may elect instead to and consult with the
11 Planning Officer within thirty (30) days of title transfer regarding appropriate
12 revisions to the existing plan. Based on such consultation, the Planning Officer may
13 require information from the Transferee concerning proposed changes in use of the
14 parking facility and associated buildings and the relevant facts and projections
15 regarding the proposed changes. Within thirty (30) days of receipt of such
16 information, the Planning Officer may issue a written approval of the revised plan
17 and obligations to the Transferee, or the Planning Officer may require submittal of a
18 new PTDM Plan from the Transferee for review, condition, approval and/or denial.
19 Until such time as a new or revised plan has been approved, the existing PTDM plan
20 shall remain in effect.

21
22 (h) Each PTDM Plan approval issued by the Planning Officer shall contain, at a
23 minimum, the following conditions:

- 24
25 (i) The parking facility owner and operator each commit to implement all
26 elements of the PTDM Plan, as approved, including annual reporting
27 requirements, and to maintain records describing implementation of the Plan;
28
29 (ii) The City shall have the right to inspect the parking facility and audit
30 PTDM implementation records; and
31
32 (iii) The parking facility owner and operator each commit to notify and
33 consult with the Planning Officer thirty (30) days prior to any change in
34 ownership, use or operation of the facility.
35

36 (1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)
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40 **10.18.060 Reduction in Minimum Parking and Maximum Distance Requirements.**
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42 (a) A project proponent may elect to request that the Planning Officer include as an
43 element of its PTDM Plan a plan for fewer parking spaces that the minimum set forth in
44 the Zoning Ordinance. Upon the written request of the project proponent, based on an
45 evaluation of the facts, projections, and commitments listed at 10.18.050 (c), the Planning
46 Officer may make a written recommendation about the maximum number of parking
47 spaces for the project. This recommendation shall remain subject to review and approval
48 by the Planning Board or Board of Zoning Appeal as appropriate.
49

50 (b) A project proponent may elect to request that the Planning Officer include as an
51 element of its PTDM Plan a plan for utilizing off-site parking spaces that are farther from

1 the project site than the maximum distance requirements set forth in the Zoning
2 Ordinance. Upon the written request of the project proponent, based on an evaluation of
3 the facts, projections, and commitments listed at 10.18.050 (c), the Planning Officer may
4 make a written recommendation about how many parking spaces serving the project may
5 be appropriately located at an off-site location and at what distance from the project site.
6 This recommendation shall remain subject to review and approval by the Planning Board
7 or Board of Zoning Appeal as appropriate.

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9 (1211, Added, 11/16/1998)

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13 **10.18.070 Requirements Applicable to Small Projects.**

14
15 The owner or operator of each Small Project shall implement at least three (3) PTDM
16 measures and maintain records of such implementation. A list of acceptable types of
17 measures may be obtained from the Traffic, Parking and Transportation Department, the
18 Inspectional Services Department, the Community Development Department, or the
19 License Commission. The Planning Officer shall create and periodically update this list,
20 which shall include: T-pass subsidies; bicycle parking; changing facilities;
21 carpools/vanpools; financial incentives not to drive alone; or other similar measures.

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23 (1252, Amended, 09/24/2001; 1121, Added, 11/16/1998)

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27 **10.18.080 Enforcement.**

28
29 (a) The Director shall enforce the provisions of this Chapter. If the Director has reason
30 to believe that any provision of this Chapter is being violated, the Director shall
31 investigate the possible violation. If after investigation the Director determines that any
32 provision of this Chapter is being violated, s/he shall provide a first written notice of
33 violation to the person charged with the violation, or the duly authorized representative
34 thereof, of the determination of violation and shall order that the violation cease within
35 thirty (30) days of the issuance of the first written notice. If the violation is not cured
36 within the thirty (30) days after issuance of the determination of violation, the Director
37 may proceed to assess the fines established in this chapter as well as any other remedies
38 available to the city. In addition to all other remedies, if the violation has not ceased
39 within thirty (30) days after the first written notice, then the Director may order shutdown
40 of the parking facility. Second or subsequent written notices to a facility for the same
41 violation shall be immediately effective and shall not provide the thirty (30) day
42 opportunity to cure contained in the first written notice. A determination and order of the
43 Director may be appealed to the City Manager by the person charged with the violation
44 within thirty (30) days of issuance of the Director's determination and order.

45
46 (b) In addition to other remedies available to the City, any person who builds or modifies
47 a parking facility without complying with the provisions of this Chapter shall be subject
48 to a fine of up to \$10.00 per day per parking space for every day that such parking space

1 was operated without a registration accepted by the Director or without a PTDM Plan
2 approval issued by the Planning Officer or in non-compliance with an approved PTDM
3 Plan. On a determination, after investigation, by the Director that this Chapter is being
4 violated, and the exhaustion of any appeal to the City Manager in accordance with (a)
5 above, the Director shall take steps to enforce this chapter by causing complaint to be
6 made before the district court and/or by applying for an injunction in the superior court.
7

8 (c) In addition to other remedies available to the City, a determination that a facility is
9 operating in violation of the provisions of this Chapter shall be ground for revocation by
10 the Director of the facility's parking permit or other form of approval.
11

12 (d) The Planning Officer shall have independent authority to inspect a parking facility
13 and audit its records to determine whether it is in compliance with its PTDM Plan. The
14 Planning Officer shall issue a finding of non-compliance in writing and provide copies to
15 the parking facility owner and operator and to the Director.
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17 (1211, Added, 11/16/1998)
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21 **10.18.090 Evaluation.**
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23 The PTDM Planning Officer shall prepare a report annually on the status and
24 effectiveness of the implementation of this Ordinance.
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26 (1300, Amended, 09/11/2006; 1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)
27