

**Boulder Junction Access District (BJAD)
Joint Commission – Parking and TDM Meeting
&
Boulder Junction Access District (BJAD) – TDM Meeting
&
Boulder Junction Access District (BJAD) – Parking Meeting
January 21, 2016
4 - 6 pm
1777 West Conference Room, 1777 Broadway**

BJAD Joint Commission Meeting

1. Roll Call
 - BJAD TDM: Hyde-Wright, Koval, Osborne, Pawlowski, Pedersen
 - BJAD Parking: Koval, Osborne, Pedersen, Shanahan, Wells
2. Disclosure of Conflicts of Interest
3. Approval of the December 17, 2015 Meeting Minutes
4. Public Participation
5. Matters from Commissioners
 - Osborne resignation
6. Matters from Staff
 - Community Vitality Department 2016 Priorities
 - Update on Quiet Zones
7. Adjourn as Joint Commission

BJAD TDM Commission Meeting

8. Convene as BJAD TDM Commission
9. Boulder Transportation Connections (BTC) and BJAD – Megan Tolbert, Executive Director; Tracy Foster, BTC
10. Matters from Commissioners
11. Matters from Staff
 - Reve Project intent to join the TDM District
12. Adjourn as TDM Commission

BJAD Parking Commission Meeting

13. Update on Depot Square Parking System – SP+
14. Public Hearing and Consideration of a Motion to Recommend the Depot Square Plaza Rules to the Depot Square Condominium Association
15. Matters from Parking Commissioners
16. Matters from Staff
 - Status of Garage Acceptance
17. Matters from the Parking Commission
18. Adjourn as BJAD Parking Commission

Attachments:

- FF4 - Good News from RTD
- Community Vitality 2016 Priorities
- Depot Square Plaza Rules Memo
- Reve Project Memorandum
- Osborne Resignation
- Update on Quiet Zones

Upcoming Meetings/Topics

BJAD Joint Commission Meeting: February 18, 2016 – Update Re: Boulder Commons Project
Pollard Site Council Study Session: 2nd quarter 2016

Commissioner Terms:

<u>TDM Commission</u>	<u>Term Expires</u>	
John Pawlowski-Chair	3/2018	Property Owner/Rep
John Koval-Vice Chair	3/2016	Property Owner/Rep
Alex Hyde-Wright	3/2020	Citizen at Large
Susan Osborne	3/2019	Citizen at Large
Scott Pedersen	3/2017	Property Owner/Rep

<u>Parking Commission</u>	<u>Term Expires</u>	
Susan Osborne-Chair	3/2019	Citizen at Large
John Koval-Vice Chair	3/2016	Property Owner/Rep
Scott Pedersen	3/2017	Property Owner/Rep
Jeff Shanahan	3/2018	Property Owner/Rep
Thomas Wells	3/2020	Citizen at Large

BJAD 2016 Priorities:

- Participate in the planning for the decisions for the Pollard site in order to enhance the TDM and parking options for the Access Districts
- Pursue “quiet zone” improvements at Pearl and Valmont.
- Improve RTD transit service to Boulder Junction
- Explore and implement “last mile” transportation strategies including a high frequency shuttle service between Boulder Junction and downtown Boulder.

From: Bracke, Kathleen
Sent: Tuesday, January 12, 2016 10:14 AM
To: Sweeney, Michael; GO Boulder team; PW PHS Communications; Audrey DeBarros; Winter, Molly; Megan Tolbert; Winfree, Tracy
Cc: Stiffler, Natalie
Subject: FW: **FF4 - Good news from RTD**

Good news!

RTD is adding additional buses tomorrow on the new Flatiron Flyer #4 route (Boulder Junction to Denver Civic Area route – replaced the HX route) to address overcrowding since the new service began last week – this is impressive responsiveness from RTD with just over a week of new operations, and is wonderful that so many people are interested in riding the new Flatiron Flyer service to/from Boulder Junction.

Kudos to Natalie S for her work to share community feedback with RTD and to RTD for responding so quickly.

Just want to keep you all updated on progress

K

----- Forwarded message -----

From: Erving, Nataly <nataly.erving@rtd-denver.com>
Date: Tue, Jan 12, 2016 at 8:43 AM
Subject: RE: FF4
To: Nicholas Clabbers <nclabbers@kaplankirsch.com>, "Caroline C. Fuller" <CFuller@fwlaw.com>
Cc: "Harrie F. Lewis" <hlewis@lindquist.com>, "Michael T. Gilbert" <mgilbert@lindquist.com>, "Erving, Nataly" <nataly.erving@rtd-denver.com>, "Sisk, Charles" <Charles.Sisk@rtd-denver.com>, "Carter, Jessie" <Jessie.Carter@rtd-denver.com>, "Menter, David" <David.Menter@rtd-denver.com>, "Abel, Bruce" <Bruce.Abel@rtd-denver.com>, "Payne, Connie" <Connie.Payne@rtd-denver.com>, "Ethan J. Birnberg" <ebirnberg@lindquist.com>, "Bagley, Kent" <kwbagley@aol.com>, Bill Silberstein <bsilberstein@kaplankirsch.com>, "Speirs, Joanne (USTP)" <Joanne.Speirs@usdoj.gov>, Hannah Polow <hannah.polow@gmail.com>, "Bushman, Sue D." <sue.bushman@kutakrock.com>, "Hayes, Ian" <IHayes@ltk.com>, "Lubow, Judy" <Judy.Lubow@rtd-denver.com>, "Hoy, Larry" <Larry.Hoy@rtd-denver.com>, "Anderson, Lorraine" <Lorraine.Anderson@rtd-denver.com>

Good Morning,

Please see attached flyer.

As of tomorrow, Wednesday, January 13, 2016, afternoon peak, we will be adding two trippers on the FF4 to address the overloads and balance the load demands.

A Rider Alert will go out on the web, under the FF/FF4 route later on today. We will also distribute this flyer in hard copy this afternoon and tomorrow morning on the FF4 trips.

Thank you, again everyone, for your comments and feedback, in regard to the recent route changes along the US 36 corridor.

Sincerely,

Nataly Erving



Nataly Erving
Senior Service Planner/Scheduler
North Team
RTD
1600 Blake Street - Blk 24
Denver, CO 80202
[303.299.2059](tel:303.299.2059)
[303.299.2227](tel:303.299.2227) (fax)

A smile is a curve that can set a lot of things straight...

*"The single biggest problem in communication is the illusion that it has taken place." -
George Bernard Shaw*

Find out about  rtd-denver.com/2016

Five new services in 2016 – it's going to be big!

Our Mission: To meet our constituents' present and future public transit needs by offering safe, clean, reliable, courteous, accessible and cost-effective service throughout the District.

From: Nicholas Clabbers [mailto:nclabbers@kaplankirsch.com]

Sent: Monday, January 11, 2016 5:45 PM

To: Caroline C. Fuller

Cc: Harrie F. Lewis; Michael T. Gilbert; Erving, Nataly; Sisk, Charles; Carter, Jessie; Menter, David; Abel, Bruce; Payne, Connie; Ethan J. Birnberg; Bagley, Kent; Bill Silberstein; Speirs,

Joanne (USTP); Hannah Polow; Bushman, Sue D.
Subject: Re: FF4

Today's FF4 escapades - we left Civic Center five minutes late because an articulated bus was docked in the slip ahead of us. The driver says this happens every day, and that "there's nothing he can do about it." Minor, I know, and not necessarily related to the design problems with the FF4, but it only compounds the other issues when we're already running late.

In other news, we're packed to the gills at 18th and California. No room for pickups along 20th.

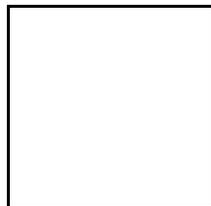
I never thought I would be nostalgic about a bus route, but I sure miss the good old HX.

Nick Clabbers

[Nicholas Clabbers](#)
Kaplan Kirsch & Rockwell LLP
1675 Broadway #2300
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nclabbers@kaplankirsch.com
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<http://www.kaplankirsch.com>



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Please consider our environment before printing this email.

On Jan 11, 2016, at 9:03 AM, Caroline C. Fuller <CFuller@fwlaw.com> wrote:

I blessedly missed the first week of riding the new FF4 route. While the 8:01 from Table Mesa this morning was on time, ran smoothly, and was not SRO, in comparing the old HX schedules to the new FF4 schedule, it appears that RTD added exactly 2 buses for this route during rush hour, which given the anticipated demand, seems to be very poor planning. It is quite apparent that there is significant demand from Broomfield and Sheridan for bus routes to Civic Center – and that is easily accomplished by adding a handful of buses that originate at Broomfield, while returning the FF4 to the old HX route.

I have to say the responsive emails from RTD simply saying they're analyzing the issues are not comforting, particularly when the problems with this scheduling have been apparent at least since the public meeting I attended in Louisville last spring.

RTD, can you please advise when adjustments to the route will be made to accommodate the scheduling and safety issues? Thank you.

Caroline

Caroline C. Fuller

Direct Dial: [\(303\) 894-4475](tel:(303)894-4475)

<image001.png>

Member of MERITAS Law Firms Worldwide

From: Harrie F. Lewis [<mailto:hlewis@lindquist.com>]

Sent: Monday, January 11, 2016 8:20 AM

To: Michael T. Gilbert

Cc: Erving, Nataly; Sisk, Charles; Carter, Jessie; Menter, David; Abel, Bruce; Payne, Connie; Ethan J. Birnberg; Nicholas Clabbers; Bagley, Kent; Caroline C. Fuller;

bsilberstein@kaplankirsch.com; Speirs, Joanne (USTP); Hannah Polow; Bushman, Sue D.

Subject: Re: FF4

Exactly why I abandoned the FF4. It is ridiculously bad as a replacement for the express HX. Correct it and I'll back, but RTD will not even acknowledge there definitely is a problem, let alone commit to a timeframe to address it.

Sent from my iPad

On Jan 11, 2016, at 8:11 AM, Michael T. Gilbert <mgilbert@lindquist.com> wrote:

Good morning RTD:

Please let me know if I need to be copying anyone else from your organization on these emails. Unlike my colleague Mr. Lewis, I have not yet abandoned all hope, although each SRO FF4 ride does squeeze a bit more out of me.

Today I took the 7:12 FF4 from Flatirons. It was pretty full at Flatirons, a bit more full at Broomfield, and then more than SRO at Westminster, where it took a full 5 minutes from offramp to loading to back on the highway. Not all the people waiting at Westminster were able to board: there were at least 12-15 people standing by that point. So at Market Street, most of the SRO crowd had to get off the bus to allow riders to get off at that stop. Then the SRO crowd had to reload onto the bus. Another few minutes. Then the still SRO crowd had to get off yet again at Stout, and reload after that.

RTD, it's time to admit the FF4 mistake and move on. The solution is simple. Reinstate the HX (call it whatever you want, the FF6?) during rush hours at least, and add a new bus to midtown for Broomfield and Westminster (the FF7?).

This will still not make up for the lack of rail service, but would be a vast improvement over the decided "negative improvement" evinced by the highly touted "Flyer" schedule, which is now quite obviously an oxymoron.

Please let us know when we can anticipate a resolution.

Thanks, Michael

Michael Gilbert

Lindquist & Vennum LLP
600 17th Street, Suite 1800 South
Denver, CO 80202
[\(303\) 454-0590](tel:3034540590)

From: Harrie F. Lewis

Sent: Friday, January 08, 2016 5:23 PM

To: Bushman, Sue D.

Cc: Michael T. Gilbert; Erving, Nataly; Sisk, Charles; Carter, Jessie; Menter, David; Payne, Connie; Ethan J. Birnberg; Nicholas Clabbers; Bagley, Kent; CFuller@fwlaw.com; bsilberstein@kaplankirsch.com; Speirs, Joanne (USTP); Abel, Bruce; Hannah Polow

Subject: Flatiron Flyer

RTD, you win. I've had my last SRO commute with 15 other unlucky riders on the FF4. You've forced me to use alternative routes after 30 years. It is hard to imagine how you could have mishandled the new Flatiron Flyer schedule more than what you did on the FF4.

Hal Lewis

Sent from my iPhone

On Jan 8, 2016, at 8:36 AM, Bushman, Sue D. <sue.bushman@kutakrock.com> wrote:

This was a common occurrence on the HX route before HX busses were scheduled to begin/end the route at Stout/California. RTD needs to take this into account. I took a very crowded FF2 this morning from Table Mesa (7:12) and spoke to several people who were once HX riders. They all plan to return to riding an HX type route if one is reinstated.

Thanks!

Sue

From: Michael T. Gilbert [<mailto:mgilbert@lindquist.com>]

Sent: Thursday, January 07, 2016 5:08 PM

To: Erving, Nataly

Cc: Sisk, Charles; Carter, Jessie; Menter, David; Payne, Connie; Harrie F. Lewis; Ethan J. Birnberg; Nicholas Clabbers; Bushman, Sue D.; Bagley, Kent; CFuller@fwlaw.com; bsilberstein@kaplankirsch.com; Speirs, Joanne (USTP); Abel, Bruce; Hannah Polow

Subject: Re: Flatiron Flounder

Once again FF4 4:50 pm stop at 18th and California is SRO. We all look forward to RTD's prompt solution.

Michael Gilbert

Sent from my iPhone

Please excuse typos but blame it on auto correct mostly

On Jan 7, 2016, at 8:28 AM, Erving, Nataly <nataly.erving@rtd-denver.com> wrote:

Good Morning, Mr. Gilbert.

Again, thank you for the additional feedback and your comments.

They have been noted and we are continuing to monitor and will see what adjustments we can make to address these crowding issues on the FF4's.

Sincerely,

Nataly Erving

<image001.gif>

Nataly Erving

Senior Service Planner/Scheduler

North Team

RTD

1600 Blake Street - Blk 24

Denver, CO 80202

[303.299.2059](tel:303.299.2059)

[303.299.2227](tel:303.299.2227) (fax)

A smile is a curve that can set a lot of things straight...

"The single biggest problem in communication is the illusion that it has taken place." -
George Bernard Shaw

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Five new services in 2016 – it's going to be big!

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From: Michael T. Gilbert [<mailto:mgilbert@lindquist.com>]

Sent: Thursday, January 07, 2016 8:09 AM

To: Erving, Nataly; Sisk, Charles; Carter, Jessie; Menter, David; Payne, Connie

Cc: Harrie F. Lewis; Ethan J. Birnberg; Nicholas Clabbers; Bushman, Sue D.

(sue.bushman@kutakrock.com); Ethan J. Birnberg; Bagley, Kent; 'CFuller@fwlaw.com';

'bsilberstein@kaplankirsch.com'; 'Speirs, Joanne (USTP)'; Menter, David; Abel, Bruce; Harrie F. Lewis; Hannah Polow

Subject: RE: Flatiron Flounder

All:

Today the FF4 (7:12 am Flatirons stop) was basically full at Broomfield. At Sheridan, more than 12 people were standing and others waiting were not able to board because the entire aisle was stuffed with SRO riders.

RTD (and your riders) has been fortunate this week because the weather has been good. But Winter is Coming and the current schedule is putting people in danger. RTD should not wait until riders get hurt before doing something about the current scheduling debacle. In that regard, I have copied my email of yesterday to Nataly and Charles below.

Your dedicated riders would appreciate hearing when the obviously needed changes will be made.

Thanks, Michael

Michael Gilbert
Lindquist & Vennum LLP
600 17th Street, Suite 1800 South
Denver, CO 80202
[\(303\) 454-0590](tel:(303)454-0590)

Wed: 1/6/2016 at 8:08 am.

Thanks Nataly. Chuck and Nataly, I certainly appreciate RTD's willingness to address these issues. But I don't believe any of us affected riders have received any indication of a specific timeline for making obviously warranted changes.

I have ridden RTD, and the H (and HX), for 30 years. The recent change to the FF4 is the singular most negative change RTD has made to that route in 30 years. RTD has

effectively eliminated express service from Boulder/Flatirons to midtown/Civic Station, and has turned the HX into a local bus apparently designed to serve primarily Westminster riders. The additional stops at Broomfield and Westminster not only require additional time and waiting through an additional off-highway stoplight at Sheridan, they preclude the FF4 from using the HOV lane. All in all, the changes have added 20 minutes each way to my commute, an additional 3 hours and 20 minutes a week! That's a lot of additional commuting time on overcrowded buses for the additional ridership created by adding the two new stops has resulted in SRO buses and unsafe riding conditions.

The FF2 is not a solution. I work at 17th and Welton, so getting the FF2 requires additional driving time for me to McCaslin (versus Flatirons) and taking an additional bus from Union Station to midtown. Again, another 20 minutes each way.

The solution is simple. During peak hours, add another FF route that tracks the former HX, whose last pick up is Flatirons and then goes express to midtown, and does the reverse during afternoon peak hours.

If RTD's goal with the new FF4 was to add additional midtown service to the Broomfield and Sheridan stops, add another route during peak hours from those stops into and from midtown.

Thanks for your consideration. It would be great to know when we can expect RTD to make these much needed changes.

From: Erving, Nataly [<mailto:nataly.erving@rtd-denver.com>]
Sent: Wednesday, January 06, 2016 4:59 PM
To: Michael T. Gilbert
Cc: Payne, Connie; Carter, Jessie; Menter, David; Harrie F. Lewis; Ethan J. Birnberg
Subject: RE: Flatiron Flounder

Thank you, Mr. Gilbert, for passing this info along. I very much appreciate it.

We have logged it in our data files.
Have a good evening.

Sincerely,

Nataly Erving

<image001.gif>

Nataly Erving

Senior Service Planner/Scheduler
North Team
RTD
1600 Blake Street - Blk 24

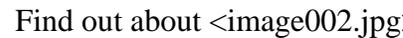
Denver, CO 80202

[303.299.2059](tel:303.299.2059)

[303.299.2227](tel:303.299.2227) (fax)

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From: Michael T. Gilbert [<mailto:mgilbert@lindquist.com>]

Sent: Wednesday, January 06, 2016 4:44 PM

To: Erving, Nataly

Cc: Payne, Connie; Carter, Jessie; Menter, David; Harrie F. Lewis; Ethan J. Birnberg

Subject: Re: Flatiron Flounder

The FF4 that was supposed to pickup at 18th and California at 4:30 pm was a few minutes late but was already full to capacity so had to skip that and all other pickup stops.

Michael Gilbert

Sent from my iPhone

Please excuse typos but blame it on auto correct mostly

On Jan 5, 2016, at 11:50 AM, Erving, Nataly <nataly.erving@rtd-denver.com> wrote:

Thank you, Mr. Gilbert, for passing this along.

We are monitoring the ridership on all of the FF route trips closely. If adjustments will need to be made, due to consistent overloads and/or passups, we will do so, as best as possible.

Sincerely,

Nataly Erving

<>

Nataly Erving

Senior Service Planner/Scheduler

North Team

RTD

1600 Blake Street - Blk 24

Denver, CO 80202

303.299.2059

303.299.2227 (fax)

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From: Michael T. Gilbert [<mailto:mgilbert@lindquist.com>]

Sent: Monday, January 04, 2016 5:32 PM

To: Erving, Nataly

Subject: Fwd: Flatiron Flounder

Michael Gilbert

Sent from my iPhone

Please excuse typos but blame it on auto correct mostly

Begin forwarded message:

From: "Michael T. Gilbert" <mgilbert@lindquist.com>

Date: January 4, 2016 at 5:30:22 PM MST

To: "Sisk, Charles" <Charles.Sisk@RTD-Denver.com>, "Menter, David" <David.Menter@RTD-Denver.com>, "service.changes@rtd-denver.com" <service.changes@rtd-denver.com>

Cc: Hannah Polow <hannah.polow@gmail.com>, "Ethan J. Birnberg" <ebirnberg@lindquist.com>, "Harrie F. Lewis" <hlewis@lindquist.com>, "CFuller@fwlaw.com" <CFuller@fwlaw.com>, "bsilberstein@kaplankirsch.com" <bsilberstein@kaplankirsch.com>, "Speirs, Joanne (USTP)" <Joanne.Speirs@usdoj.gov>, "Bagley, Kent" <kwbagley@aol.com>, Natalie Stiffler <stifflern@bouldercolorado.gov>

Subject: Re: Flatiron Flounder

Here is a photo of the SRO on the FF4 5:15 pm at 18th and California. This is dangerous. You need to delete the Westminster/Broomfield stops from this route. Tomorrow will not be soon enough. In bad weather this could be disastrous.

Michael Gilbert

Sent from my iPhone

Please excuse typos but blame it on auto correct mostly

On Jan 4, 2016, at 8:16 AM, Michael T. Gilbert <mgilbert@lindquist.com> wrote:

RTD:

I rode the 7:12 FF4 (a/k/a, the "Flatiron Flounder") today from Flatirons. I have ridden the HX (and the H before it) for 30 years. The recent scheduling "improvements" are anything but. Today the bus was pretty full before stopping at Broomfield and Sheridan, and standing room only thereafter. The stop at Sheridan requires exiting the highway entirely and waiting through a light. Due to the extra stops, the bus cannot use the HOV lane, and I understand that shoulder-riding is illegal under Colorado law so that will not be an option. All in all, the Flounder will add 15 minutes to my commute each way and looks to be standing room only to boot.

Please restore the old HX (or FF4) line to its former glory. The FF1 can service Broomfield and Sheridan (or even a new 86X (restored)). The scheduling "improvements" are a huge problem for me and others.

On a brighter note, the new lights on Flatiron buses are an improvement -- one can actually use them to read. So thanks for that.

Michael Gilbert

Lindquist & Vennum LLP
600 17th Street, Suite 1800 South
Denver, CO 80202
[\(303\) 454-0590](tel:3034540590)

-----Original Message-----

From: Ethan J. Birnberg
Sent: Monday, January 04, 2016 6:28 AM
To: Harrie F. Lewis; 'Sisk, Charles'; Bagley, Kent; CFuller@fwlaw.com; bsilberstein@kaplankirsch.com; Michael T. Gilbert; 'Speirs, Joanne (USTP)'; 'Menter, David'

Subject: RE: Flatiron Flyer Complaint

Hi Chuck,

I hope you had a nice holiday weekend, and happy new year.

I'm riding the first FF4 of the day, which picks up at 6:10 am at Flatirons. It is standing room only from the back up to the third row on the bus. I look forward to RTD looking into this issue promptly, as it appears that riders will be standing on every trip. Thank you.

Ethan

Ethan J. Birnberg
[\(303\) 454-0534](tel:3034540534)

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-----Original Message-----

From: Harrie F. Lewis
Sent: Friday, December 18, 2015 3:53 PM
To: 'Sisk, Charles'; Bagley, Kent; Ethan J. Birnberg; CFuller@fwlaw.com; bsilberstein@kaplankirsch.com; Michael T. Gilbert; 'Speirs, Joanne (USTP)'

Subject: RE: Flatiron Flyer Complaint

Chuck,

I agree and was in the middle of an email to you essentially suggesting the same. Thank you for staying on top of this. As you can tell from our emails, we have serious concerns from long time riders.

Hal

Hal Lewis / Lindquist & Vennum LLP
[303.454.0507](tel:303.454.0507) (Direct)
[303.573.5900](tel:303.573.5900) (Main)
[303.573.1956](tel:303.573.1956) (Fax)

-----Original Message-----

From: Sisk, Charles [<mailto:Charles.Sisk@RTD-Denver.com>]
Sent: Friday, December 18, 2015 3:48 PM
To: Harrie F. Lewis; Bagley, Kent; Ethan J. Birnberg; CFuller@fwlaw.com; bsilberstein@kaplankirsch.com
Subject: RE: Flatiron Flyer Complaint

Absolutely Hal, but I would like to be in a position to hear from staff so our discussion can have more of a basis for hopefully finding alternatives. Chuck

Charles L. Sisk
Chair - RTD Board of Directors
Director, District O
1600 Blake Street, BLK 36 Denver, CO 80202
[303.299.2730](tel:303.299.2730) Office - [303.956.8336](tel:303.956.8336)
charles.sisk@rtd-denver.com

From: Harrie F. Lewis [hlewis@lindquist.com]
Sent: Friday, December 18, 2015 3:42 PM
To: Bagley, Kent; Ethan J. Birnberg; CFuller@fwlaw.com;
bsilberstein@kaplankirsch.com
Cc: Sisk, Charles
Subject: RE: Flatiron Flyer Complaint

Chuck,

Can we schedule a meeting early in January to discuss our concerns?

Hal

Hal Lewis / Lindquist & Vennum LLP
[303.454.0507](tel:303.454.0507) (Direct)
[303.573.5900](tel:303.573.5900) (Main)

[303.573.1956](tel:303.573.1956) (Fax)

From: Kent Bagley [mailto:kwbagley@aol.com]
Sent: Friday, December 18, 2015 3:35 PM
To: Ethan J. Birnberg; CFuller@fwlaw.com; Harrie F. Lewis;
bsilberstein@kaplankirsch.com
Cc: charles.sisk@rtd-denver.com
Subject: Re: Flatiron Flyer Complaint

Hi, Bill, Ethan, Caroline and Hal,

I have received E-mails from all of you in the Boulder area about the HX Route.

I would suggest that all of you get together with Chuck Sisk, your District O, RTD Board Director to discuss your questions and comments. Since I am on the very south end of the District and represent Highlands Ranch, Cherry Hills Village, Centennial,

Greenwood Village and Littleton; my knowledge of the specifics of the routes to Boulder are much less than that of Chuck Sisk. My understanding is that the route changes to Boulder with the Flatiron Flyer have been determined at this time and will be implemented after the first of the year. Therefore, it may take time to make adjustments until there is more history of the operations.

I do sense that you have serious concerns and believe it would be best to discuss these with your Board member and the RTD staff.

Regards, Kent Bagley

Kent Bagley

Bagley Development Consultants
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Voice:: [303-333-0636](tel:303-333-0636)
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Hannah Polow, AICP
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Department of Community Vitality 2016 Priorities

Access and Parking Management Strategy Phase 2

- District Management
- Pricing
- Alley Master Plan – University Hill Commercial District
- Satellite Parking Lots
- Car Share Policy
- NPP Program Review including CAMP
- Strategy Document and Evaluation
- Education and Outreach

Boulder Junction Access Districts – TDM & Parking

- Access Districts Funds Projections Update
- Monitoring of TDM Programs and Annual Survey

CAGID

- PARC Garage Equipment and Technology Upgrades
- District Access and Parking Options: Shared, Public/Private Partnerships and Satellite Parking
- Replacement of permitting systems
- Garage Art Plan
- CAGID Asset Management Plan
- Trinity Commons Public Private Partnership

Downtown

- Civic Use Pad Development at the St. Julien
- Special Event Procedures

Hill Reinvestment Strategy

- 2A Projects Community Outreach, Design and Construction– Event Street, Irrigation System and Residential Pedestrian Lighting
- Long-term Governance and Funding Recommendations
- Pursue National Register District and Related Façade Improvement Program
- Implementation of Pilot Hill Employee EcoPass Program
- Initiate Alley Enhancement Master Planning Process
- Public Private Partnerships on ‘Catalyst’ Sites (UHGID parking lots and CU Conference Center/Hotel)
- Stakeholder Partnerships including Hillanthropy and CU
- Residential Service District (RSD) Evaluation
- Phase Two Work Plan (2017-2019) for the Hill Reinvestment Strategy

Economic Vitality

- Economic Sustainability Strategy Update

Internal:

- Community Vitality Department
 - Vision, mission and strategies
 - Change Management and Integration
 - Staff On-boarding
- Division Value: Respect

DMC Priorities:

Boulder Junction Priorities:

- Participate in the planning for the decisions for the Pollard site in order to enhance the TDM and parking options for the Access Districts
- Pursue “quiet zone” improvements at Pearl and Valmont.
- Improve RTD transit service to Boulder Junction
- Explore and implement “last mile” transportation strategies including a high frequency shuttle service between Boulder Junction and downtown Boulder.

UHCAMC Priorities:

- Pursue retention/attraction of diverse businesses
- Promote residential diversity, including working with CU
- Pursue creative solutions to district access and connections
- Support the construction of public parking garages on the UHGID lots
- Encourage connectivity with the proposed CU conference center/hotel
- Meet with Council members on a quarterly basis
- Host an open house with Hill businesses
- Explore options for input on the 2017 budget
- Reduce the food sales requirement for liquor licenses
- Streamline the event permitting process, especially for ‘event street’



MEMORANDUM

TO: Boulder Junction Access District Commission Parking

FROM: Molly Winter, Executive Director, Department of Community Vitality

RE: Proposed Depot Square Plaza ("Plaza") Rules

DATE: January 13, 2016

This memorandum is an updated version of the memorandum you received at your December 13, 2015 meeting and includes responses from our city attorney Sandra Llanes to questions asked at the meeting. Staff has sent this memorandum and attachment out to business and property owners in the Boulder Junction Area in order to solicit their feedback and encourage their attendance at the next BJAD-P meeting if they wish. Staff will present what they have heard at the January meeting.

Attached is a draft of proposed rules and regulations, as recommended by staff for the Plaza located within the Depot Square development at Boulder Junction, see attachment A. It is a draft with additional issues to be fleshed out, i.e. the zones and the permitting procedures. The Plaza is part of the condominium community of Depot Square and while it is mainly private property, the Plaza functions as a public area. The condominium declaration governs the Boulder Junction development, addresses the nature of the Plaza, and stipulates that rules be developed and adopted by the condominium board, see attachment B. As one of the unit owners and members of the condo board, staff is seeking your recommendations and thoughts about the proposed draft which is based on existing regulations in the city of Boulder code and drafted by the city attorney's office. The Boulder Junction Executive Team has already provided feedback as the city of Boulder is also a unit owner (the Depot).

The attached map indicates different zones within the Depot Square area. The following is a description of the proposed uses with some questions:

- Emergency Access: this zone would remain clear for access of emergency vehicles;
- Main "plaza" zone: this zone would be available for community events; this area could be combined with the depot "plaza" zone and the seat wall "plaza" zone for larger public events;
- Seat wall "plaza" area and the depot "plaza" zone would be available to be combined with the areas above, or could be used separately for events both public and private. For example, these two areas would be available first priority to unit owners for private events such as events from

the hotel (i.e. a wedding based at the hotel) or if the residents wanted to have a community bbq, or if the Roadhouse wanted to sponsor an October fest event.

- The green public access area is set aside for pedestrian access through the Depot Square area. However, there could be the possibility of opening up this area to supplement a large event, i.e. a farmers market. Additional tents could be provided in select areas if the Condo Board agrees. However the primary focus of these areas is for pedestrian access through the uses in Depot Square.
- The blue area: this zone provides access to housing, garage, the Roadhouse restaurant and RTD. We are proposing that is area is not included in the formal permitting area. It could provide location for support activities for events.

As the basis of the draft Plaza rules, staff used the regulations of the Pearl Street Mall as the starting point. The Condo Declaration states that while condo units are a mix of public and private ownership, the "...Plaza shall be designed and managed such that it is perceived and used as a single, unified space with specific activity zones..." The Condo Declaration also states that areas should be kept clear for travel through the Plaza of different types. The rules will promote and regulate activities and organized events that will enliven the Plaza and act as a gathering place for the surrounding neighborhood as well as a destination of visitors. And finally, the Condo Declaration also states that nothing shall limit the right of the Association to regulate first amendment rights by reasonable time, place and manner restrictions.

Staff is seeking your feedback on the proposed Plaza rules to present to the board of the Condo Association who will adopt the rules and its management company will implement them. Staff has highlighted questions in the margins. The Commission meeting in January is an opportunity for a public hearing and motion from the BJAD Parking Commission, as one of the unit owners. Questions and responses from Commission meeting on 12/17/15:

1. Can I spread a blanket and have a picnic in the middle of plaza or non-plaza?
The answer is dependent on the zone or area of the Plaza that you choose and whether you use a blanket on the ground potentially obstructing pedestrian traffic. The Emergency Access area (see mapped brown boundary) is intended to provide access to emergency vehicles at all times so this area would not be available for any activity. In addition, the Public Access zone (in green), in intended to be a free flowing area that must remain clear for pedestrians to/from housing units, RTD bus area, and hotel. The Seat Wall zone (in orange) would be a good location so long as it isn't being used as a private special event area. The Main Plaza Zone (in black) may also be a good option so long as you don't use a blanket. There are various places in this zone where someone can sit and have a picnic. The Depot Plaza zone (in red on the northwest end) may be an option so long as you aren't obstructing pedestrians flowing through the Plaza and provided the area isn't closed off for a private event. Lastly, the Access Area to Depot Housing RTD (in blue) is dedicated to pedestrian access and would not be available for a blanket picnic but certainly there are spaces to sit and eat.
2. Where can/can't set up special event and when permit required? The special event permit areas are identified in black, red, and orange. Permits are required for every special event.

3. Can you do amplified sound anywhere? The draft rules allow amplified sound but only during approved special events. The rules allow for additional conditions to be imposed at the discretion of the Managing Agent so as to reduce friction among competing uses of the Plaza. In addition, the city's noise ordinances would apply. See Rules V.6 and IX.5
4. Can someone ride their bike through the Plaza? The current rules do not allow people to ride their bikes through the Plaza. Bikers would be required to dismount in the Plaza. This is based on the Pearl St. Mall concept. The idea is to promote pedestrian traffic and ensure safety. See XIV.3 of the proposed rules.
5. How can we have private areas and stop people from speaking, eating reception food, etc.? There are limitations to what you can prevent in an open environment. However, you can certainly create barriers with temporary fences, admission fees, etc.
6. Is panhandling allowed and if so, where? Can it be prohibited? No, but it may be regulated. The current law indicates that members of the public have free speech rights, which extend onto private property where the property has a close relationship with the government or where it has the nature of a public space. The Plaza certainly would fall into that category and panhandling is considered a form of free speech. For those reasons, it is important to ensure that the rules reflect the Condo Boards responsibility to regulate that free speech in a content neutral way with reasonable time, place, and manner restrictions. It is equally as important to provide documentation that would support a regulation that restricts free speech to a particular area of the Plaza. The traditional test for determining the reasonableness of time, place, and manner restrictions is that they be (1) content neutral (2) narrowly tailored to serve a significant government interest, and (3) leave open ample alternatives channels of communication. As explained above, the traditional time, place, and manner test requires the identification of a "significant government interest," but that formulation does not make sense in the context of privately owned land. Instead, the interests that are appropriate to consider are those related to the smooth operation of the businesses on the Plaza as well as the convenience and safety of customers and residents on the Plaza. Colorado cases indicate that premises liability; crowd control, safety, and pedestrian movement could all potentially be valid justifications for regulations. If the Condo Board wishes to can identify areas that would be appropriate for panhandling.

Questions for the BJAD Parking Commission:

- Does the commission have responses to questions highlighted in the draft:
 - Does the commission wish to have amplified sound?
 - Does the commission wish to have mobile vending carts?
 - Does the commission support limited areas to have private events?
 - Does the commission support having limited special event areas within the green zone?
- Does the commission have any further questions regarding the map and proposed rules?
- Does the commission need any further information?
- Does the commission have any comments regarding feedback received, if any?
- Does the commission support making recommendations to the Depot Square Condo Board?

Staff recommends moving forward with the proposed regulations and evaluating how the regulations work and meet the needs of the Condo Board and how they are a means to encourage activation of the area; and will return to the commission with how it is all working and any recommendations for changes.

Attachments:

Attachment A: Draft Depot Square Plaza Rules

Attachment B: Section 13.11 of the Condominium Declaration – Use of Plaza

Attachment C: Draft Plaza map, in color

DEPOT SQUARE PLAZA RULES

I. INTENT OF PLAZA RULES.

1. While ownership of Units within the Project represents a mix of public and private ownership, the Plaza shall be designed and managed such that it is perceived and used as a single, unified space with specific activity zones identified through design and management techniques (e.g. zones that must remain clear for pedestrian and emergency vehicle access to all Units, vending areas if permitted by the Board, and areas for gatherings). The Plaza is surrounded by, and does not include, areas to be kept clear for ingress and egress of pedestrians, bicycles, service vehicles, and visitors to Depot Square (the “Ingress/Egress Zones”).

2. The Plaza Rules shall promote and regulate activities and organized events that will enliven the Plaza, support the Plaza’s role as a gathering area for the Boulder Junction neighborhood as well as a destination for visitors and the broader community, and contribute to the viability of all of the Units, provided that in no event shall activities that are a Nuisance be permitted. The design and management shall also support an attractive and comfortable space that works well for programmed events while also supporting a range of informal activities. The Managing Agent shall also consider opportunities for coordination of programming and activities between the Plaza and the adjacent Boulder Junction Park area.

3. It is not the intent of Depot Square to regulate or establish prior conditions of restraint upon the exercise of personal rights or individuals using the Plaza embraced by the First Amendment to the U.S. Constitution, and Article II. Section 10 of the Colorado Constitution. However, nothing in these rules shall limit the right of the Association to regulate these acts by reasonable time, place and manner restrictions to the fullest extent permitted by law, including requiring permits for various uses of the Plaza, requiring clear and safe pathways for pedestrian movement through the Plaza and to and from the Units, and limiting late evening, night or early morning activities that may interfere with users of the Units.

II. DEFINITIONS.

- A. “Ambulatory vendor” means a portrait, caricature or landscape artist using non-airborne mediums, or any person who engages in the business of selling balloons, balloon sculptures, flowers or shoe shines.
- B. “Association” shall mean Depot Square Owners Association, Inc., a Colorado nonprofit corporation, and its successors and assigns. The Association shall act by and through its Board of Directors and officers unless the Articles, Bylaws or Community Declaration specifically requires otherwise.
- C. “Board of Directors” or “Board” shall mean the governing body of the Association.
- D. “Educational activity” means all noncommercial activity of any person or group directed at informing or persuading the public which is consistent with the provisions of this code and the laws of the state and the United States, and specifically includes the passage of petitions and the advocacy of candidates and issues in any election.

Attachment A: Draft Depot Square Plaza Rules

- E. “Encroachment” means a improvement, structure or obstruction extending into or located within, upon, above or under any plaza right of way or public easement.
- F. “Entertainment” means a performance or show designed to entertain the public but excludes services provided on a one to one basis.
- G. “Managing Agent” shall mean a person or entity engaged by the Association to perform certain duties, powers, and functions of the Association as the Board may authorize from time to time.
- H. “Noncommercial” means that which does not involve the sale of real or personal property or a service.
- I. “Nonprofit group” means an entity which has received a tax status determination by the United States Internal Revenue Service as a Section 501 tax exempt organization, or which is incorporated as a nonprofit corporation under the laws of the state of Colorado, or which is incorporated as a nonprofit corporation under the laws of another state and has been issued a certificate of authority by the secretary of state for Colorado to conduct affairs in Colorado.
- J. “Nuisance” shall mean the unreasonable, unwarranted, or unlawful use of the Plaza in a manner that substantially interferes with the enjoyment or use of another Unit's Boulder Junction property including and not limited to a violation of one or more Plaza Rules or City of Boulder noise restrictions as set forth in Chapter 5-9, "Noise," B.R.C. 1981.
- K. “Personal services” vendor means any person providing personal services on a one on one basis which does not involve the sale of goods.
- L. “Plaza” shall be described as the area depicted on the Community Map attached to these rules and have the meaning set forth in the Community Declaration of Depot Square recorded on July 29, 2013 or any subsequently adopted document. The Board may amend the Community Map from time to time to modify the locations of the Ingress/Egress Zones, including reducing the size of the Plaza, as it deems reasonably necessary to ensure clear access to the Units for owners, permittees, invitees and visitors of Depot Square.
- M. “Sale” or “sell” means the exchange of goods or services for money or other consideration, and includes the offering of goods or services for a donation except when a writing is offered for a donation to express bona fide religious, social, political or other ideological views, and the writing is carried by the person offering it and not set on the ground or any structure.
- N. “Smoke” or “Smoking” shall mean the lighting of any cigarette, cigar, pipe or activation of an electronic smoking device, or the possession of any lighted cigarette, cigar, pipe or activated electronic smoking device regardless of its composition.
- O. “Special entertainment” means any activity which involves the juggling, casting, throwing or propelling of a knife or burning projectile on the Plaza or involves the use of

equipment on the Plaza which is more than six feet above the surface of the Plaza when at rest or when bearing a load while being used in the act.

- P. “Special event” means an educational or cultural event of community-wide interest, including, without limitation, events involving sales, the primary purpose of which is not for profit, which is consistent with the intent of these Rules, and which is scheduled and approved by the Managing Agent, or an activity not involving sales and sponsored by a nonprofit group, that involves the use of a booth, blanket, table, structure, cart, or other equipment on the Plaza. It also means sales conducted as a fundraising activity by a nonprofit group.

III. ENFORCEMENT.

1. The Plaza Rules shall be managed and enforced by the Managing Agent or his/her designee.
2. Violators of Rules shall be provided with a written warning indicating the rule violated, the date and time of such violation, a photograph of the violation if possible, and notification that a subsequent violation of the same rule shall be grounds for a trespass order.
3. Written trespass orders shall be personally served on the person, shall indicate the violation that formed the basis for the trespass order, the expiration date of such order, and shall be signed by the Managing Agent.

IV. DESIGNATION OF ZONES.

1. In order to carry out the provisions of these Rules, the Plaza is divided into the following zones:
 - a. Zone 1 consists of the ten feet of property directly adjacent to the north and south Plaza property lines.
 - b. Zone 2 consists of the areas of Plaza property that have been designated for pedestrian traffic, emergency and service vehicles and street furniture.
 - c. Zone 4 consists of all landscaped areas of the Plaza.
 - d. Zone 5 consists of those areas where the Managing Agent may install a temporary or permanent structure which is managed to answer visitor questions about activities and services on the Plaza and within the City generally.
2. The boundaries of these zones are established as illustrated on maps entitled “Plaza Diagrams 1 through 4,” at the end of this chapter, which are incorporated by reference into this chapter.

Comment [sm1]: Seems like it might be a good idea to have zones to designate fire lanes, etc., and anything else that may be important

V. USES PROHIBITED WITHOUT PERMIT.

1. No person shall sell, display for sale or advertise for sale any goods or services to the public on the Plaza without a valid permit or lease therefor issued under these rules. This subsection does not apply to a sign, including, without limitation, a sandwich board, carried by a person and not set on or affixed to the ground.

2. This subsection does not apply to free distribution of information, flyers, pamphlets or brochures.

3. No person shall conduct any activity or enterprise that involves placement of a cart, unrolled blanket, booth, table, stage, movable structure or other similar equipment on the Plaza without a valid permit therefor issued under these rules.

4. This subsection does not apply to equipment that is intrinsic to an entertainment act, provided that the equipment:

- a. Can be carried or wheeled by the entertainer; and
- b. Is not over six feet in height when:
 - i. At rest; or
 - ii. Bearing a load while being used in the act; and
- c. Covers a rectangular area no larger than five feet by six feet.

5. No person shall install or construct an encroachment on the Plaza without a valid permit or lease therefore issued under these rules.

6. No person shall use amplified sound on the Plaza unless it is part of an approved Special Event permit issued under this chapter allowing such amplified sound.

Comment [T2]: Does the Board want to allow this?

7. No person shall juggle, cast, throw or propel a knife or burning projectile on the Plaza or use equipment which is more than six feet above the surface of the Plaza when at rest or when bearing a load while being used in the act, without a valid special entertainment permit issued under these rules.

8. No person issued a permit under these rules shall violate any term or condition of that permit.

VI. AMBULATORY VENDING PERMIT.

1. Ambulatory vending is permitted only in Zones _____.

2. An ambulatory vendor's permit is valid for a one-month period, as specified in the permit, upon payment of the fee prescribed by the fee schedule adopted by the Board.

3. No ambulatory vendor shall place any cart, unrolled blanket, tent, booth, canopy, stage, table, movable structure or other similar equipment on the Plaza except as otherwise allowed in subsections (d) and (e).

4. A permittee who is a portrait, caricature or landscape artist may use one easel, two chairs and one freestanding sign that does not exceed the size of an eighteen-inch by eighteen-inch board so long as the artist's equipment does not occupy an area of the Plaza larger than five feet by six feet.

5. A permittee may use one small stool.

6. Sales shall be limited to items created at point of sale.

VII. MOBILE VENDING CART PERMIT.

1. Mobile vending carts are allowed only in Zones 2, and 3.

2. The Managing Agent may issue as many mobile vending cart permits as the Managing Agent deems appropriate, but the Managing Agent shall not permit the operation of more than two mobile vending carts on the Plaza at the same time.

3. A mobile vending cart shall remain in operation during the minimum number of retail business hours specified in the permit. This shall not be less than five days per week and four hours per day during the months of May, June, July, August and September, and for such additional hours, which requirement shall not exceed the summer requirement, as the Managing Agent may specify in the permit.

4. A mobile vending cart shall not exceed a size of four feet in width by ten feet in length, excluding roof overhangs and wheels, by eight feet in height.

5. A mobile vending cart permit may be issued only if the proposed vending cart will benefit the public or enhance the ambiance of the Plaza. The Managing Agent may issue regulations establishing a merit system of review of mobile vending cart applications, which may include, without limitation, design quality of the cart, addition of diversity to products available on the Plaza, compatibility with Plaza activities, experience of the applicant, financial feasibility, cost and quality of product and the length of the season during which the product can be marketed.

6. No operator of a mobile vending cart shall conduct the operator's primary trade at locations other than those authorized in the permit. But the operator may sell goods in transit upon request. If an authorized location conflicts with a Special Event, the Managing Agent may temporarily relocate the vendor. The Managing Agent may also approve permanent changes of location as other locations become available, if two permittees agree in writing to exchange locations or temporarily on a month to month basis during September through May if the Managing Agent has reason to believe that the regular vendor will not be using the location.

7. A mobile vending cart shall be in operation as required in subsection (c) of this section or the permit will automatically expire.

Comment [sml3]: No sure if you wanted these type of vendors?

Comment [T4]: Does the Board want to make vendor cart selections or defer to managing agent?

Comment [T5]: Cart dimensions need to be smaller for the Plaza.

8. A permittee is responsible for maintaining the area within and in proximity to the permittee's cart in a neat, clean and hazard-free condition, including, without limitation:

- a. Disposing of all trash off-site; and
- b. Storing all mobile vending carts off the Plaza when not in operation.

9. A mobile vending cart permit is valid for a one-year period, beginning April 1 and ending March 31, with two options to renew for additional one-year periods, upon timely payment of the fee prescribed by the fee schedule. A mobile vending cart permit is not automatically renewable thereafter. A permittee who wishes to continue operating after the expiration of the permit shall follow the application procedures required of a continuing vendor as established by Managing Agent rule in accordance with the section titled "Application Procedures."

10. The holder of a mobile vending cart permit shall indemnify and hold harmless the Association, its officers, employees and agents against any and all claims arising from any occurrence occasioned by the permitted use, and shall maintain during the period of the permit comprehensive general public liability and property damage insurance, as prescribed by the section titled, "Insurance Required," naming the Association, its officers, employees and agents as insureds; providing that the insurance is primary insurance and that no other insurance maintained by the Association will be called upon to contribute to a loss covered by the policy; and providing for thirty days' notice of cancellation or material change to the Association.

11. Each cart shall display a sign at least one foot by one foot visible to the public which contains the required dates and hours of operation, the items for sale, and the prices of the items. The sign shall be presented to the Managing Agent for approval before it is used. All items must be approved by the Managing Agent as part of the application process. The Managing Agent may approve item changes or substitutions upon receiving written application for such change.

12. No person shall fail to maintain, and provide proof when requested, of the permit authorizing such use.

VIII. PERSONAL SERVICES VENDING PERMIT.

1. Personal services vending is permitted only in Zones 1, 2 and 3.

2. A personal services vending permit is valid for one calendar month, as specified in the permit, upon payment of the fee in the fee schedule adopted by the Board.

3. Only two monthly permits may be issued at any one time, at locations specified by the Managing Agent. No permittee shall vend at any location other than that for which the permit has been issued.

4. The permittee may place one table or one blanket, one advertising sign and other equipment intrinsic to the service, so long as all such equipment is hand carried in one trip onto and off the Plaza, and occupies a rectangular area of the Plaza no larger than five feet by six feet.

The advertising sign shall be no larger than eighteen inches by eighteen inches. The applicant shall indicate on the application what equipment is to be used as intrinsic to the service and who will be performing the service, and the Managing Agent shall list on the permit the equipment which is approved as intrinsic to the service and the persons authorized as vendors.

IX. SPECIAL EVENT PERMIT.

Comment [T6]: Allow private exclusive use events?

1. Special Event permits may be issued for zone #_____.
2. A Special Event permit is valid for the approved number of days upon payment of the fee prescribed by the fee schedule adopted by the Board and attached to these Rules.
3. A Special Event permit issued to a Board member is valid for one to ten days per year without a fee.
4. The Managing Agent may, by contract, provide for one or more series of artistic performances for the entertainment of the Plaza public, which series shall involve regularly scheduled performances over four weeks, with a minimum number of performances of once per week, with each performance lasting a minimum of one hour and a maximum of four hours. Such a contract shall serve as a Special Event permit, allowing the use of a stage or other equipment, and amplified sound, as specified in the contract.
5. The Managing Agent may only permit the use of amplified sound in connection with a Special Event, and only if the amplified sound is essential to the exercise of a use allowed under this chapter, and will benefit the public or enhance the ambiance of the Plaza. Every use of amplified sound will comply with City of Boulder noise restrictions as set forth in Chapter 5-9, "Noise," B.R.C. 1981. The managing agent may attach such other reasonable conditions on the use of amplified sound as may reduce friction among competing uses of the Plaza or serve the purposes of this chapter.

X. SPECIAL ENTERTAINMENT PERMIT.

1. Special entertainment permits may be issued only for Zones 1, 2 and 4.
2. The holder of a special entertainment permit shall indemnify and hold harmless the Association, its officers, employees and agents against any and all claims arising from any occurrence occasioned by the permitted use, and shall maintain during the period of the permit comprehensive general public liability and property damage insurance, as prescribed by the section titled "Insurance Required," naming the Association, its officers, employees and agents as insureds; providing that the insurance is primary insurance and that no other insurance maintained by the Association will be called upon to contribute to a loss covered by the policy; and providing for thirty days' notice of cancellation or material change to the Association. The Managing Agent may waive all or any part of this insurance requirement if the special entertainment permit requirement is based solely on the height of the equipment used, if the applicant demonstrates to the Managing Agent's satisfaction a history of safety with respect to the use of such equipment, and if the Managing Agent concludes that the nature of the equipment and its use is such that harm to other Plaza users or to property other than that of the applicant is unlikely to occur.

3. A special entertainment permit is valid for the period and the hours specified in the permit, which shall be for reasonable hours and a reasonable period no greater than one month per permit; no fee will be charged for its issuance. Such a permit is not an exclusive permit for use of the area of the Plaza designated therein. The managing agent may attach such other reasonable conditions on the use of a special entertainment permit as may reduce friction among competing uses of the Plaza or serve the purposes of this subsection.

4. If a special entertainment permit has been granted which involves the use of equipment more than six feet above the Plaza when at rest, the Managing Agent may authorize the permittee to attach or secure objects to Plaza property, and to climb on Plaza property if needed to do so, if the Managing Agent is persuaded that the safety and convenience of Plaza users, including, without limitation, other entertainers, public safety and the service life of Plaza property is not adversely affected thereby.

XI. GENERAL PERMIT AND LEASE REQUIREMENTS.

1. No person shall fail to maintain the area within and in proximity to the location of the leased premises or permitted location in a neat, clean, and hazard-free condition, including, without limitation, disposing of all trash off-site and according to zero-waste industry standards.

2. The Managing Agent may deny a permit, upon a determination that:

- (1) The application does not meet the purposes and requirements and intent of these Rules; would violate any law; or the proposed use would constitute a physical hazard to the public health, safety, or welfare;
- (2) The applicant has failed to supply any of the information required on the application;
- (3) The applicant has provided false information or misrepresented a material fact in connection with an application;
- (4) The applicant has failed to obtain required insurance;
- (5) The applicant has failed to pay the required permit fee or deposit;
- (6) The applicant has within the past three years, from application date, violated a law or condition in a permit governing the activities permitted by the permit;
- (7) The applicant has previously unlawfully conducted activities that require a permit without obtaining such permission in advance;
- (8) The applicant had a city issued permit revoked within the past three years;

- (9) The applicant is not qualified by experience, training, or education to engage in the activity authorized by the permit; or
 - (10) The applicant has been finally convicted of an offense and would create danger to the public health, safety, or welfare if the applicant were to engage in such offensive conduct after the permit were issued.
3. If the Managing Agent denies a permit application under this section, the Managing Agent shall notify the applicant in writing stating the specific grounds for denial. The applicant may thereafter appeal the denial to the **Board's designee for appeals** by submitting a written request for review on a form provided by the Managing Agent and under the procedures set forth in the same form. The Board's designee shall provide the applicant and Managing Agent a final response to the appeal within 3 business working days.

XII. APPLICATION PROCEDURES.

1. The Board shall review each application for a special event permit in accordance with the purposes and requirements of these rules and recommend to the Managing Agent approval, approval with conditions, or denial of the application.
2. The Managing Agent, after receiving a completed application and if applicable, a recommendation from the Board as provided in subsection (a) of this section, shall determine whether each application for a permit or lease meets the purposes and requirements of these rules and approve, approve with conditions, or deny the application.
3. The Managing Agent may require reasonable proof of authority from any person purporting to sign an application for the use of any person or entity other than the signator.
4. The Managing Agent may adopt additional rules and regulations establishing the process for accepting, reviewing and approving all permit and lease applications submitted pursuant to these rules, including the contents of such applications and the specific criteria that will be considered in the review process. Each applicant shall comply with such requirements.
5. Each applicant for a permit shall obtain all required building, health, sales tax or other permits or licenses from all applicable government departments.
6. The permittee shall prominently display the permit.
7. Whenever any permittee desires to change the use or the location of the activity authorized by the permit, the permittee shall follow the review and approval process required of a new applicant.
8. Applications for permits issued on a monthly basis shall be submitted to the Managing Agent between the first and the twenty-fifth day of the preceding month. Applications for daily permits shall be submitted no more than seven days in advance of the day for which

Comment [sml7]: This process needs to be fleshed out

they are to be exercised. No person shall be issued more than three permits of the same type in any seven day period.

9. Permit applications shall be made on the form provided by the Managing Agent for the permit sought, and shall contain all the information required by the form, including any required attachments or exhibits. The Managing Agent may reject incomplete applications.

XIII. TRANSFERS OF PERMITS AND LEASES.

A permit or lease issued under the provisions of these rules is not automatically transferable or assignable. The Board shall review a request to transfer or assign a permit or lease as a new application, and recommend approval, approval with conditions or denial of the request to the Managing Agent.

XIV. PROHIBITED CONDUCT.

1. No person on the Plaza shall ride upon the Plaza any skateboard, skates, coaster, or other similar device.
2. No person shall cast, throw, or propel any projectile on the Plaza. This prohibition includes, without limitation, throwing balls, boomerangs, bottles, darts, Frisbees, and other like devices, model airplanes, rocks, snowballs, and sticks.

This section does not apply to a juggler if the juggler does not cast, throw, or propel a knife, including, without limitation, a knife with a blade three and one-half inches in length or less, or burning projectile, or if the juggler is acting within the terms of a special entertainment permit issued under these Rules.

3. No person shall ride a bicycle in the Plaza.
4. No person shall smoke in the Plaza.

XV. UTILITIES.

A permittee or lessee using water, electrical or sewer service shall pay the costs of such services.

XVI. TERMINATION OF PERMITS.

1. (a) Any permit issued hereunder may be revoked by the Managing Agent, for any violation of law, or breach of a condition in the permit or as follows:
 - (1) The permittee fails to meet the qualifications required of an applicant;
 - (2) The permittee violates any provision of these Rules; or
 - (3) The permittee obtained the permit by fraud or misrepresentation.

(b) If the Managing Agent finds one of the grounds in Subsection (a) of this section or any other ground for suspension or revocation in this code, the Managing Agent shall determine whether to revoke the permit for the remainder of its term or suspend it for any shorter period according to severity of the disqualification, its effect on public health, safety, and welfare, and the time during which the disqualification can be remedied, if at all.

(c) No person whose permit is revoked under this title may receive a refund of any part of the permit fee paid for the permit.

(d) No person who has had a permit suspended or revoked under this title is entitled to obtain the same or any similar permit under this code during the period of suspension or revocation, either in the person's own name or as a principal in another business that applies for a permit. for any violation of law, or breach of a condition in the permit.

2. Upon revocation or expiration of any permit, the permittee shall immediately remove all structures or improvements from the permit area and restore the area to its condition existing prior to issuance of the permit.

3. If a permit is revoked, the permittee may not be approved for the same type of permit for three years after the effective date of the revocation. Approval of applications submitted subsequent to the three year ban are discretionary and subject to the applicant's ability to demonstrate rehabilitation and the likelihood of future permit compliance.

XVII. INSURANCE REQUIRED.

Whenever insurance is required of a permittee under this title, such permittee shall:

(a) At all times maintain workers' compensation insurance, public liability insurance with minimum limits of \$1,000,000 per occurrence and \$2,000,000 in aggregate.

(b) File with the Managing Agent a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies of workers' compensation and public liability and property damage insurance naming the city and its officers and employees as an additional named insured on the liability policy at least to the limits required by Subsection (a) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date, and expiration date of each policy, and a copy of an endorsement placed on each policy requiring ten days' notice by mail to the Managing Agent before the insurer may cancel the policy for any reason.

XVIII. AMENDMENT AND FEE SCHEDULE.

The Managing Agent may recommend Plaza Rule amendments to the Board. Unless indicated otherwise in these rules, the Board shall adopt any amendments to the rules and shall also adopt a **fee and deposit schedule**.

DRAFT

Attachment B: Section 13.11 of the Condominium Declaration - Use of Plaza

Hotel Unit rooms shall not be considered a violation of the commercial use restrictions imposed by this Section 13.7.

13.8 **PARKING USES.** The Parking Units and Parking Spaces may only be used for vehicular parking, storage of vehicles incident to maintenance activities of the Project, bicycle parking and utility functions in accordance with applicable provisions of this Declaration, the Parking Management Agreement and reasonable rules and regulations established from time to time by the Owners of the Parking Units as provided in this Declaration. The permitted use of a Parking Unit may not be changed to any use that would interfere with the use of or cause damage to the RTD Unit without the consent of the Owner of the RTD Unit.

13.9 **DECLARANT'S USE.** Notwithstanding anything to the contrary contained in this Declaration, it shall be expressly permissible and proper for Declarant, its employees, agents, contractors, assigns and representatives, to perform such reasonable activities, and to maintain upon portions of the Project owned by Declarant such facilities as Declarant reasonably deems necessary, convenient or incidental to the completion and sale of the Units. Without limiting the generality of the foregoing, Declarant may maintain management offices, construction facilities and equipment, storage areas, signs, model units, sales offices, parking areas and lighting facilities upon such portions of the Project owned by Declarant. Declarant expressly reserves the right to locate any sales office, management office, or models within any Unit owned by Declarant (other than a Parking Unit) and designated from time to time. The rights retained by Declarant in this Section 13.9 shall terminate with respect to Common Elements other than those Limited Common Elements allocated exclusively to Units owned by Declarant one year after issuance of a certificate of occupancy for all Improvements on the Project. The rights retained by Declarant in this Section 13.9 with respect to Units owned by Declarant and those Limited Common Elements allocated exclusively to Units owned by Declarant shall terminate upon conveyance by Declarant of all of the Units (other than a Parking Unit) to Owners other than Declarant or ten years after the recording of this Declaration, whichever occurs first.

13.10 **PROHIBITED USES.** None of the Units shall be used as an adult bookstore, adult entertainment, adult photo studio, ambulance service, automobile or other vehicle repair facility, blacksmithing shop, bond or check cashing shop, bowling alley, electric substation, fire station, gas regulator station, "head" shop, mortuary, pawn shop, police station, "sex" shop, tattoo or piercing studio, utility pumping station, water reservoir, medical marijuana business (as defined by City law, ordinance, or regulation) or in any other manner that is inconsistent with the customary character of a first class mixed use real property development. Notwithstanding the foregoing, the provision of in-room pay-per-view movies to Hotel Unit rooms shall not be considered a prohibited use described in this Section 13.10.

13.11 **USE OF PLAZA.** Use and management of the Plaza shall be governed by the Depot Square Plaza Rules ("**Plaza Rules**"), which shall implement the intent expressed in this paragraph, and be adopted and amended by the Board. The Plaza Rules shall be managed and enforced by the Managing Agent. While ownership of Units within the Project represents a mix of public and private ownership, the Plaza shall be designed and managed such that it is perceived and used as a single, unified space with specific activity zones identified through design and management techniques (e.g. zones that must remain clear for pedestrian and emergency vehicle access to all Units, vending areas if permitted by the Board, and areas for gatherings). The Plaza is surrounded by, and does not include, areas to be kept clear for ingress and egress of pedestrians, bicycles, service vehicles, and visitors to the Project (the "**Ingress/Egress Zones**"). The Board may amend the Community Map from time to time to modify the location of the boundaries of the Ingress/Egress Zones, including reducing the size of the Plaza, as it deems reasonably necessary to ensure clear access to the Units for Owners, Permittees, invitees and visitors to the Project. The Plaza Rules shall promote and regulate activities and organized events that will enliven the Plaza, support the Plaza's role as a gathering area for the Boulder Junction neighborhood as well as a destination for visitors and the broader community, and contribute to the viability of all of the

Attachment B: Section 13.11 of the Condominium Declaration - Use of Plaza

Units, provided that in no event shall activities that are a Nuisance be permitted. The design and management shall also support an attractive and comfortable space that works well for programmed events while also supporting a range of informal activities. The Managing Agent shall also consider opportunities for coordination of programming and activities between the Plaza and the adjacent Boulder Junction Park area. It is not the intent of the Project to regulate or establish prior conditions or restraint upon the exercise of personal rights of individuals using the Plaza embraced by the First Amendment to the Constitution of the United States, and Article II, Section 10 of the Constitution of Colorado. However, nothing in this Declaration shall limit the right of the Association to regulate these acts by reasonable time, place and manner restrictions to the fullest extent permitted by law, including requiring permits for various uses of the Plaza, requiring clear and safe pathways for pedestrian movement through the Plaza and to and from the Units, and limiting late evening, night or early morning activities that may interfere with users of the Units.

13.12 USE OF COMMON ELEMENTS. Each Owner and Owner's Permittees and invitees may use the Limited Common Elements and Parking Common Elements allocated to the Owner's Unit and the General Common Elements in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other Owners. The Board may adopt Rules or Policies governing or restricting the use of the Common Elements. Each Owner and Owner's Permittee and each GCE/PCE Interest Holder, by acceptance of a deed or other instrument of conveyance or assignment to its Unit, agrees to be bound by any such adopted Rules or Policies. No Owner, Owner's Permittee or GCE/PCE Interest Holder shall cause, or further, an obstruction of the Common Elements, nor shall anything be stored on any part of the Common Elements, without prior written consent of the Board or if appointed by the Board, the Architectural Committee. No maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicle, trailer or boat may be performed or conducted on any Common Element. Nothing shall be altered, constructed on, or removed from the Common Elements except upon the prior written consent of the Board.

13.13 MIXED-USE NATURE OF PROJECT. Each Owner acknowledges and agrees that the Project is a mixed-use project and that traffic, noise, odors and commerce will exist at and within the Project for lawful commercial purposes. Such traffic, noise, odors and commerce will not, however, rise to the level of a Nuisance. The Board shall have the right to regulate or prohibit any use that would create a Nuisance or is prurient in nature. Notwithstanding the foregoing, under no circumstances will the provision of in-room pay-per-view movies to Hotel Unit rooms be considered a Nuisance.

13.14 ZONING RESTRICTIONS. No Unit shall be used for any purpose not permitted by the Site Plan, zoning ordinances of the City for the Project, this Declaration, or not in compliance with any local, state or federal applicable law, statute or other ordinance, regulation or rule.

13.15 RESTRICTIONS CONCERNING VEHICLES.

13.15.1 Abandoned or Stored Vehicles. No abandoned or inoperable vehicle of any kind shall be stored or parked on any of the Common Elements or the Parking Structure. An "**abandoned or inoperable vehicle**" shall be defined as any vehicle that is not capable of being driven under its own propulsion or does not have a registration that is or was valid within the previous six months. Stored vehicles are also prohibited from being parked on the Project. For purposes hereof, a vehicle shall be considered "**stored**" if it remains on the Project without being driven for fourteen (14) consecutive days or longer without prior written Board permission.

13.15.2 Vehicles and Property Prohibited within Project. Boats, trailers, jet-skis and trailers for same, panel trucks, buses, trucks with a load capacity of one (1) ton or more, vans (excluding vans used by handicapped persons, mini-vans or sport utility vehicles used as passenger vehicles), recreational vehicles (RVs and motor homes), vehicles used primarily for commercial purposes, and

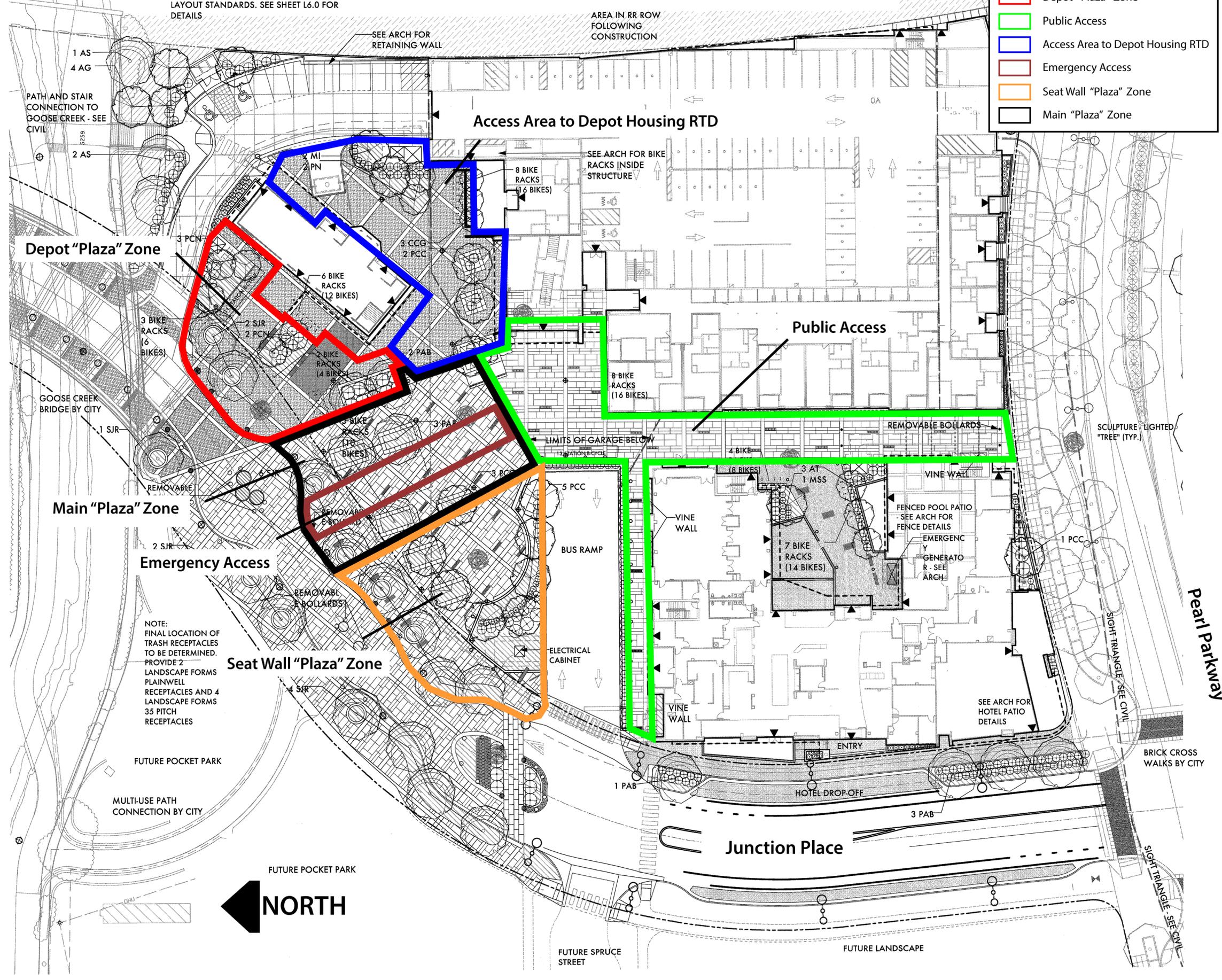
DRAFT

Depot Square Plaza at Boulder Junction

NOTE:
ALL BIKE PARKING SHOWN MEETS COB
LAYOUT STANDARDS. SEE SHEET L6.0 FOR
DETAILS

Legend

- Depot "Plaza" Zone
- Public Access
- Access Area to Depot Housing RTD
- Emergency Access
- Seat Wall "Plaza" Zone
- Main "Plaza" Zone



NOTE:
FINAL LOCATION OF
TRASH RECEPTACLES
TO BE DETERMINED.
PROVIDE 2
LANDSCAPE FORMS
PLAINWELL
RECEPTACLES AND 4
LANDSCAPE FORMS
35 PITCH
RECEPTACLES

NORTH

MEMORANDUM

To: City of Boulder Development Review

From: Steve Tuttle, PE, PTOE

Date: October 1, 2015

Project: Reve

Subject: Transportation Demand Management Plan

The Reve project is proposing medium-high density infill urban development with mixed uses adjacent to the Boulder Junction planning area. Uses are proposed to include 244 apartment units and 138,409 square feet of commercial use with a mix of office, retail, and restaurant use. The project area has extensive bicycle and pedestrian connections, as well as access to existing transit services, the future bus depot, and potential long-term commuter rail. The proposed neighborhood retail uses can service existing office and growing residential use in the area.

The proximity to Boulder Junction provides an opportunity for this site to be integrated within the planning area's Transportation Demand Management (TDM) district to allow residents and employees to efficiently utilize these tools. TDM strategies improve the mobility, encourage multimodal travel, reduce parking needs, and decrease roadway congestion. TDM works best with a variety of land uses and adequate access for all modes, which is what is being proposed for the Reve project.

The property can either meet the City's single-occupancy vehicle (SOV) reduction goal on its own through a TDM plan or the property can join the TDM Access District.

To meet the City requirements of the TDM goals the applicant proposes to join the Boulder Junction TDM District.

The Boulder Junction TDM District has a goal of 55% of all trips must be made without use of the SOV. The district has implemented a Parking Access plan to manage the parking and provide shared structured parking. All of the residents and employees within the district will be provided RTD Eco Passes, free carshare memberships, and discounted annual Boulder B-Cycle

memberships. The district will also have on-street pay stations and pay-by-phone technology, similar to the system in downtown Boulder.

The employees and residents of the Reve will receive Eco Pass and memberships for carshare and B-Cycle. On site there will be adequate bike parking that exceeds the City requirements. Pursuant to section 9-9-6 (8)(g)(1), B.R.C. 1981, bicycle parking is require as follows:

- Restaurant/Brew Pub: 1 per 750 square feet
- Residential: 2 per unit
- Office/Retail Flex: 1 per 750 square feet

The B.R.C. requires 434 long-term bike parking spaces and 161 short-term bike parking spaces, a total of 595 spaces. The Reve project proposes to exceed this requirement by providing a total of 598 bicycle parking spaces (434 long-term and 164 short-term, entry-level spaces). The long-term parking will be located within the secured, covered parking structures. The spaces will be distributed between the north and south sections of the Reve site. In the northern portion there will be 198 long-term bike spaces and 72 short-term bike spaces. In the southern portion there will be 236 long-term bike spaces and 92 short-term bike spaces.

Parking Strategies

Reve will also implement parking management strategies to reduce the non-auto trips, improve multimodal connectivity, and decrease traffic impacts internally and externally to the site. Parking will be clustered and provided by below-grade structured parking that will help the site design to maximize the site area for buildings and pedestrian access. Reve will have a more walkable design with the parking within two structures – one serving the north site and one serving the south side, bisected by the Boulder Slough.

The project will provide unbundled parking and charge for parking throughout the development. Additional parking management details will be refined following further discussion with PD&S and Parking Services staffs.

Residential and office are complementary land uses that can easily share parking spaces since when the residents leave the site, employees arrive and park for the day. In the evening, the employees leave and residents return home. The shared spaces reduces the total demand for parking. Refer to the site plan for the parking requirements, peak demand, and provided parking.

/sgt

January 12, 2016

Dear Molly,

It is with regret that I am resigning from the Boulder Junction Access and Parking Districts. I will happily serve until the City Council appoints a replacement in March or April.

With Susan Connelly's resignation as Chautauqua executive director, I have had a myriad of added responsibilities as CCA board president. Now that a new director has been hired, I anticipate a significant time commitment in 2016 as the staff and I help her "learn the ropes" in a fairly complex non-profit.

I also remain disappointed that the council and staff have decided to continue the current approach of having a mix of commission members serving on one or both commissions. I see from the recruitment information that the intent is to eventually have two separate boards. Perhaps with this recruitment and with both John and I leaving and each of us serving on both commissions, the council should opt to select four applicants.

There is real utility in combining the parking and alternative modes functions it has seemed to me. As Boulder's experiment in new neighborhood design, reduced and "unbundled" parking needs to be paired with trying and testing alternatives to the car. Calibrating both was the goal and to separate those functions is not wise in my opinion. I understand that the parking and access districts have different boundaries and funding sources, but there should be a way to overcome this technicality.

Anyway, it has been good to serve on the commissions. It has been interesting, and the future is bright for Boulder Junction.

Best,
Susan

Susan Osborne
525 College Ave.
Boulder, CO
80302
720-340-0159

Winter, Molly

From: Bracke, Kathleen
Sent: Sunday, January 10, 2016 1:46 PM
To: Winter, Molly; Weiss, Ruth; Matthews, Kurt; Smith, Lisa; Llanes, Sandra; Haddock, Kathy; Hagelin, Chris; Jobert, Donna
Subject: RE: BJAD commission meeting follow

Hi, Molly

Quick update on railroad Quiet Zones.... We are working with regional partners along US36 corridor to pursue DRCOG funding for Quiet Zones as part of a regional grant funding program associated with FasTracks. Likely will be approx \$1 million to City of Boulder to provide initial funding for Quiet Zones – though the total price tag to do QZs at all Boulder area crossings is closer to \$5 million, so we still need to figure out how to fund the balance of the costs, leveraging DRCOG, local public and private dollars, and other potential sources. This is a scheduled work program item for us this year and will include public process for all of the stakeholders along the BNSF corridor in the Boulder area.

Please let me know if you need any more details on this and I would be glad to provide an update to the Boulder Junction board later in 1st quarter when we know more about the timing of the DRCOG funding.

Thanks,

K