

**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  
April 21, 2016  
4 - 6 pm  
1777 West Conference Room, 1777 Broadway**

**BJAD Joint Commission Meeting**

1. Swearing in of New Commissioners – Prant and Bush
2. Roll Call - BJAD TDM: Hyde-Wright, Bush, Pawlowski, Pedersen, Prant
3. Roll Call BJAD Parking: Bush, Pedersen, Prant, Shanahan, Wells
4. Disclosure of Conflicts of Interest
5. Approval of the March 14, 2016 BJAD Meeting Minutes
6. Public Participation
7. Matters from Commissioners
  - Representatives to the HOP Refresh Committee – Hyde-Wright
  - Select City Council contacts
8. Matters from Staff
  - Meeting Date and Time
  - Retreat Date
  - Status of the Pollard Site Analysis
  - [Form Based Code pilot for Boulder Junction](#)
9. Adjourn as BJAD Joint Commission

**BJAD Parking Commission Meeting**

10. Convene as BJAD Parking Commission
11. Election of Officers
12. Matters from Parking Commissioners
13. Matters from Staff
  - Update on Depot Square Garage
  - Update on Unbundled Parking
14. Adjourn as BJAD Parking Commission

**BJAD TDM Commission Meeting**

15. Convene as BJAD TDM Commission
16. Election of Officers
17. Matters from Commissioners
18. Matters from Staff
19. Adjourn as TDM Commission

Attachments:

- March 14, 2016 BJAD Meeting Minutes
- BJAD District Boundary Maps
- BJAD Form based code – see link above
- What's Happening at Boulder Junction Map

## Upcoming Meetings/Topics

Next Meeting TBD: Update on Quiet Zones by Kathleen Bracke; Update on City's Resilience Strategy  
Pollard Site Council Study Session: August 30, 2016

### **Commissioner Terms:**

<u>TDM Commission</u>	<u>Term Expires</u>	
John Pawlowski-Chair	3/2018	Property Owner/Rep
Andy Bush	3/2021	Property Owner/Rep
Alex Hyde-Wright	3/2020	Citizen at Large
Susan Prant	3/2019	Citizen at Large
Scott Pedersen	3/2017	Property Owner/Rep

<u>Parking Commission</u>	<u>Term Expires</u>	
Susan Prant	3/2019	Citizen at Large
Andy Bush	3/2021	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.

**CITY OF BOULDER, COLORADO**  
**BOARDS AND COMMISSIONS MEETING MINUTES SUMMARY**

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**NAME OF BOARD/COMMISSION:** BOULDER JUNCTION ACCESS DISTRICTS – Parking and TDM

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**MEETING DATE:** March 14, 2016

**NAME/TELEPHONE OF PERSON PREPARING SUMMARY:** Ruth Weiss, 303-413-7318

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**NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:**

**Board Members:** TDM: Pedersen, Pawlowski (absent), Koval, Hyde-Wright (absent), Osborne  
Parking: Pedersen, Shanahan, Koval, Wells, Osborne  
**Staff:** WINTER, MATTHEWS, WEISS, BRACKE, GUILER, HADDOCK (phoned in)  
**Guests:**

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Meeting opened: 4:07 pm

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**BJAD Joint Commission Meeting**

**BJAD Parking Commission Meeting**

1. Roll Call BJAD Parking: Koval, Osborne, Pedersen, Shanahan, Wells
2. Disclosure of Conflict of Interest: Complete
3. Public Participation – none
4. Recusal of Conflicted Board Members – Koval queried Haddock about Pedersen and Shanahan speaking prior to their recusal. Haddock said the Pedersen and Shanahan would be speaking as developers and not as board members. Pedersen gave out handouts – the First Amendment to the Parking Purchasing Agreement and the Second Amendment. Pedersen said the reason for the First Amendment was to incentivize the developer to have the garage ready for RTD in August. Pedersen continued that the 2<sup>nd</sup> Amendment would be effective on 8/1 in terms of the Parking Management Agreement and as of 8/12; it was operational under the terms of the Parking Management Agreement. Pederson continued that the parking access system was designed to do certain things, track vehicles, log time, etc. The parties to the Parking Management Agreement are all of the owners: 3001 Pearl signed it, the District signed it, RTD and Hyatt signed it. In addition to the extent reasonable possible, the system will integrate with the property management system and the key card system that the hotel has. It was the hotel's responsibility and not the developers. Pedersen continued that the Hotel was in default and responsible to pay for it, and not the developer. Pedersen said that the board needs to go after the hotel for the enforcement of the Parking Management Agreement and not the developer. The system was operational for the district and has been generating revenue since September 12. Pedersen said the \$2,000 a day penalty is steep and there are costs that need to be reimbursed to the District. Pedersen said that the system has generated about \$23,000 and would like the board to consider accepting the system and giving the \$23,000 to the District as sufficient reimbursement and a reasonable solution.

Winter said along with the revenue generated, there are expenses allocated to each garage unit and how will these expenses be paid to the condo association was discussed. Pedersen said they would be responsible for them before 9/12/15. Haddock said that the board is acting as an advisory commission in this and if there is any change to the Parking Management Agreement, it will be subject to council approvals. Pedersen is confident that council will follow the direction of the board. Wells asked the developers if the Parking Management Agreement was met as written on September 12<sup>th</sup> and everything was complete and that there should be no fine after the 12<sup>th</sup>?

Pedersen said that the \$23,000 in revenue generated is a reasonable compromise. Osborne asked if the city sold bonds to build the garage. Winter said no, it's in the Purchase and Sale Agreement where the developer up-fronted the money and the district is paying the developer back in annual payments for seven years. Osborne asked if there was a payment to make. Yes there is a payment to be made. Winter said there is also an agreement between the district and the City of Boulder with the city acting as a line of credit for the district in the early years and cover any annual payments that the district could not cover for the first couple of years and then repay the city back over time through property tax and revenue generated. Osborne asked about the penalty fee. Shanahan said they have financed it for the district with seven years of annual payments for the garage and the district needs to pay. Koval asked where the \$23,000 came from and if it's theirs to give. Pedersen said it's theirs to give since the garage is still theirs until accepted by the district. Koval requested dialogue recap. Haddock said it's not appropriate to have a dialogue recap as it's not a negotiation. Haddock agreed that the reason for the First Amendment had nothing to do with RTD; RTD was never going to charge people for parking in the garage. Haddock said that with regard to council, it's unknown that they would follow the district decision. Haddock continued that the Executive Team (comprised of city department directors and the city manager) would not recommend the reduction of the penalty.

Winter restated the developer offer is \$23,000 to the District in lieu of the penalty, the developer would cover the operating costs of the monthly portion of the 100 spaces until September 12<sup>th</sup>, and asked what is expectation of expenses monthly from September 12<sup>th</sup> until now? The monthly costs include HOA fees, portion of the maintenance fee and a portion of capital replacement funds. Who is responsible for these expenses? Pedersen said the District is responsible for all the operating costs from September 13<sup>th</sup> on.

**4:25 pm** – Shanahan and Pedersen recused themselves.

5. District Acceptance of the Depot Square Garage Parking System as per the Parking Management Agreement and the Second Amendment to the Depot Square Parking Purchase Agreement: Haddock said the summary given was not the position of the city or what the agreements say.

Osborne sought understanding on the date's significance and where in the Parking Management Agreement are said dates. Haddock explained all the dates in her confidential memo to the commission is not aware of the significance of the September date. Haddock said it had nothing to do with RTD, the city and BJAD were giving approval early so 3001 Pearl could get financing to pay off construction loan financing and approval of things to get financing. The loss to the district was not just the \$23,000 from parking revenue. The garage was not functioning as agreed and people could not get out and there was a loss of revenue, see paragraph 12 where the dates are itemized. Osborne said each must bear on some requirement of the Parking Agreement and to accept the parking management system, there must be complete reports and a parking system without any glitches. Koval asked what date staff would use regarding the penalty. Winter said December 17<sup>th</sup> is the date in which the parking software was fixed for accepting all revenues, and there were other issues at that time such as people sneaking through which was fixed with the software glitch (167 people snuck through in November) and the issue with credit cards getting stuck in the machine being resolved. Koval suggested using the December 17 as the date to accept the system and asked what is being given up by acceptance of the \$23,000. Koval said that report functionality is holding off acceptance. It's what the agreement says per Haddock. Haddock said there is over \$300,000 in penalties. Winter questioned who is responsible for the district's monthly expenses from September 2015 through March 2016 which would quickly consume the \$23,000 proffered by the developer. Haddock said the developer is responsible for all expenses to the district until the acceptance of the garage. There is a different dispute with the Homeowner's Association.

Osborne questioned the background about the imposing of the penalty. Koval recalled that the developer needed substantial relief from the city at the time and the board wanted to make sure we weren't giving up the fiduciary responsibilities and understood what the city was giving up and everyone was getting what they needed from the garage except for the city. Koval said there is a void of communication between the developer and the city and

the Executive Team will not recommend to council to give up the penalty. Winter said that it has been tried over and over again to get the parking system to work, staff putt together a matrix of the parking management system requirements with the responses of the unit owners and can they generate the reports? Winter said they kept asking about what can be done to meet the requirements; and there are hotel overlap issues with crediting back revenues to the district. Koval said there should be an alternative solution and they couldn't keep asking the same question. Winter said that in their contract with Protection Tech and they will be able to report and when it didn't happen, SP+ found it. Wells finds it difficult to go against staff, council and executive team and its unfortunate such a large sum has accrued. Wells continued that the developer's offer of \$23,000 is misleading and does not reflect a sincere alternative to the penalty. Wells said that the penalty was put in place to incentivize the developer to get the issue with the parking system resolved in a reasonable time and not to be dragged out. Koval asked Haddock if all of the problems such as unpaid construction bills and the affordable housing, there are so many other things going on that needs to be sorted out; Haddock said the \$2,000 a day was agreed by the board, the executive team and the developer, and the developer has not done the things they said they would do. The system is the key piece to the district.

Osborne is puzzled how to handle. Koval said there is no certain date was decided on by staff. Winter said the date the system began collecting all of the revenue is December 17 and the other issue is getting the monthly reports and only recently has daily reports been generated but still no monthly report. Haddock suggested accepting the December 17 as the date as long as the monthly and quarterly reports and the ability to produce reports by a certain date occur. Winter offered that if there are no reports by the end of March, the penalty fee would resume. Haddock said the executive team would support it and they are being left off the penalty without performance during the interim. Osborne suggested a motion that the penalty for not meeting the terms of the Parking Agreement accrued as of December 17 with further penalty if the reports are not received by the end of March, and/or that the city and the parties meet to negotiate some other dispute resolution. Haddock does not recommend negotiation since the contract is solid. Koval said that the commission represents the city and the district, and it is no one's fault that staff and the developer could not get there. The job is to make the best recommendation to the district.

Osborne said that this is beyond the commission's purview and should be left to staff and the Executive Committee. Wells said if the question is to waive the fine totally, the answer is no.

Osborne recommends the \$2000 fine for an incomplete parking management system begin August 1st and additional penalty be added if by March 31<sup>st</sup>, there are no monthly reports. Haddock recapped that the fine is being held in abeyance from December 17 and will go back into effect on March 31<sup>st</sup> if the reports are not delivered. Wells said to drop the fine from the 17th as long as the reports are done by 3/31. The first payment will not be made until the reports are produced.

The motion by Osborne recommends that the \$2000 a day penalty be accrued from the August date to December 17 and suspended from December 17, 2015 as long as the monthly and quarterly reports as described in the Parking Management Agreement are produced by March 31, 2016; and if the reports are not produced by the end of March, the penalty will go back into effect from December 17th and accrue until the reports are produced. The motion will be conveyed developer's attorney by the City Attorney's Office. All commissioners were in favor (Pedersen and Shanahan were recused) and the motion passed unanimously.

6. District Acceptance of the Depot Square Garage as per the Agreement for Maintenance of the Parking Structure: Winter said that Matthews and Shanahan walked the parking structure. Matthews said they walked the parking structure and there is nothing damaged, basic wear and tear and some paint fading. Osborne asked Matthews if he was comfortable accepting the garage and he replied affirmatively. Matthews mentioned that it could use some painting and restriping. Koval said the Association would do it. Koval asked what is not pristine and clean and Matthews said the main issue is the striping and normal wear and tear. Haddock said the Maintenance Agreement states that it will be received in as new condition and the

power washing would go towards it. Koval said that asking for it to be cleaned is not unreasonable. Revenue and costs were discussed. Osborne leaned towards asking for the power washing and restriping.

Koval motioned that the district garage unit will be accepted upon receipt of satisfactory completion of the Parking Management Agreement, and, restriping and power washing as needed, at the discretion of the Parking Manager, as of that date, we would be assuming the expenses and revenues. Wells seconded and all commissioner were in favor (Shanahan and Pedersen were recused).

7. Reconvene as the Full Board
8. Matters from Parking Commissioners
9. Matters from Staff: None
10. Adjourn as BJAD Parking Commission at 5:33 pm.

**BJAD Joint Commission Meeting 5:36 pm**

11. Roll Call
12. BJAD TDM: Hyde-Wright (absent), Koval, Osborne, Pawlowski (absent), Pedersen (left the meeting)
13. Disclosure of Conflicts of Interest: Complete
14. Public Participation
15. Presentation of TVAP Connection Plan Changes: Karl Guiler - Form Based Code has been updated to the legal regulatory language as in the Land Use Code rather than the instructional way it was written by consultants. There is an endless list of details being worked on regarding the public realm. Going to Planning Board on April 14 and council in May and June.  
Guiler said there will be an additional path on Goose Creek between 30<sup>th</sup> and Junction Place as a pedestrian promenade. Guiler presented a TVAP Connection map and described the main changes. Wells questioned the speed of the roadway and when it would be addressed.
16. Matters from Commissioners
  - Representatives to the HOP Refresh Committee – Bracke extended and invitation to the board to participate in an update process for the HOP service. The HOP is 21 years old and looking for its continued stellar service to connect destinations. A series of stakeholder meetings are planned for this spring. Boulder Junction is an important part of the route. Wells said Hyde-Wright has expressed an interest in this area. If he isn't interested, Wells will represent for the commission.
17. Matters from Staff
  - Boulder Area Realtors Association Tour and Lunch April 6: Winter said that Pinsonneault is working with Matthews to show off Boulder Junction and have asked some developers to make a presentation.
  - Applications to the Commissions: There have been 3 – 4 applications for the board.
  - Wells accepted a position on the EGo Board of Directors.
  - Meeting date and time: to be discussed at April meeting.
18. Thanks to departing Commission Members Osborne and Koval

**BJAD TDM Commission Meeting**

19. Convene as BJAD TDM Commission
20. Matters from Commissioners
21. Matters from Staff
22. Adjourn as TDM Commission at 5:40 pm.

**MOTION: The motion by Osborne recommends that the penalty commencing in August be suspended from December 17, 2015 as long as the monthly and quarterly reports as described in the Parking Management Agreement are produced by March 31, 2016 and if the reports are not produced by the end of March, the penalty will go back into effect from December 17th and accrue until the**

reports are produced. The motion will be conveyed developer's attorney by the City Attorney's Office. All commissioners were in favor (Pedersen and Shanahan were recused) and the recommendation passed unanimously.

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**FUTURE MEETINGS:**

**April 21, 2016**

**1777 West Conference Room, 4 – 6 p.m.**

**Regular Meeting**

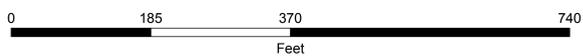
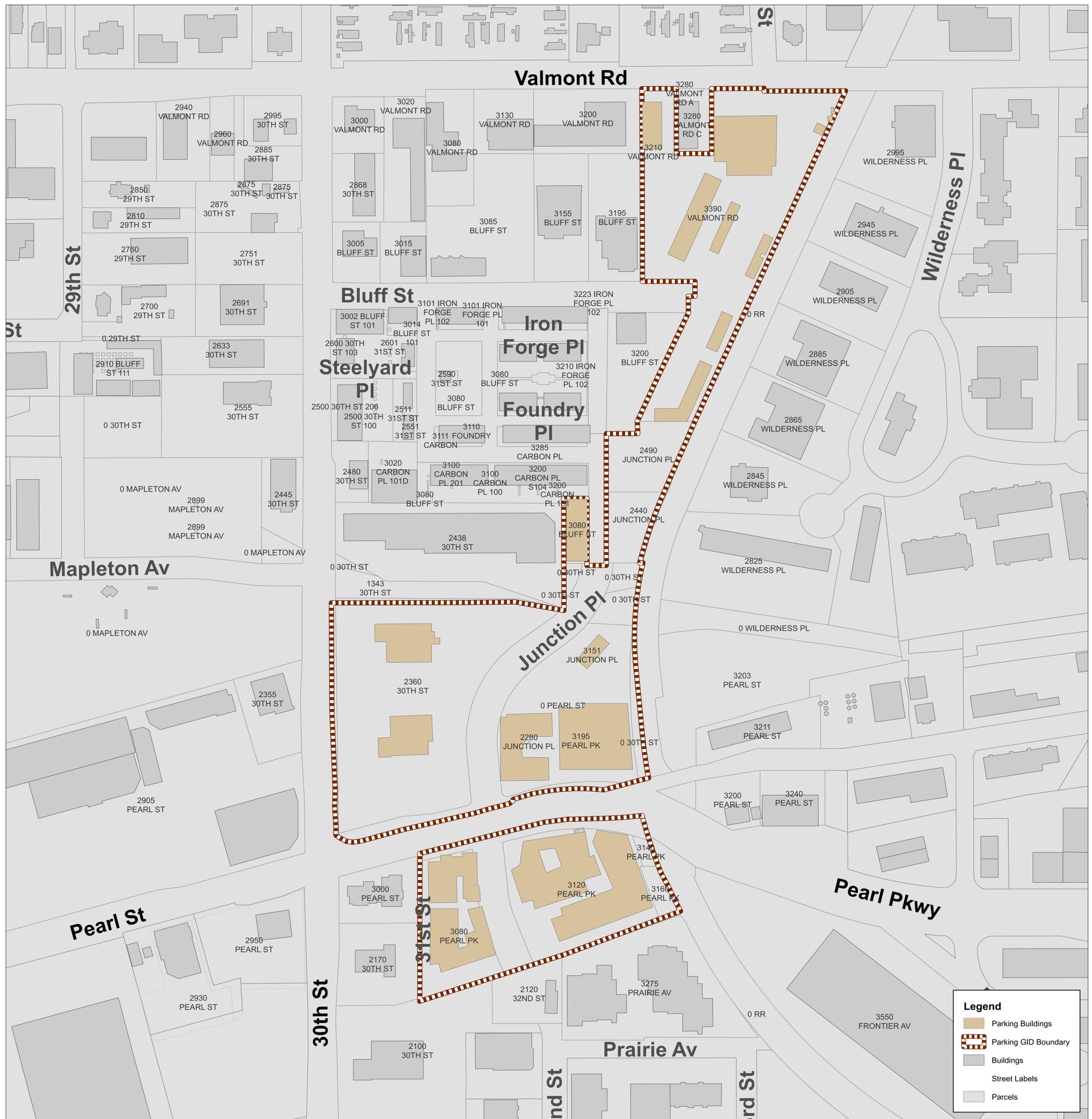
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APPROVED BY:

BOULDER JUNCTION ACCESS DISTRICT  
JOINT COMMISSION

Attest:  
Ruth Weiss, Secretary

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# Boulder Junction Parking District Map

## Boulder, Colorado

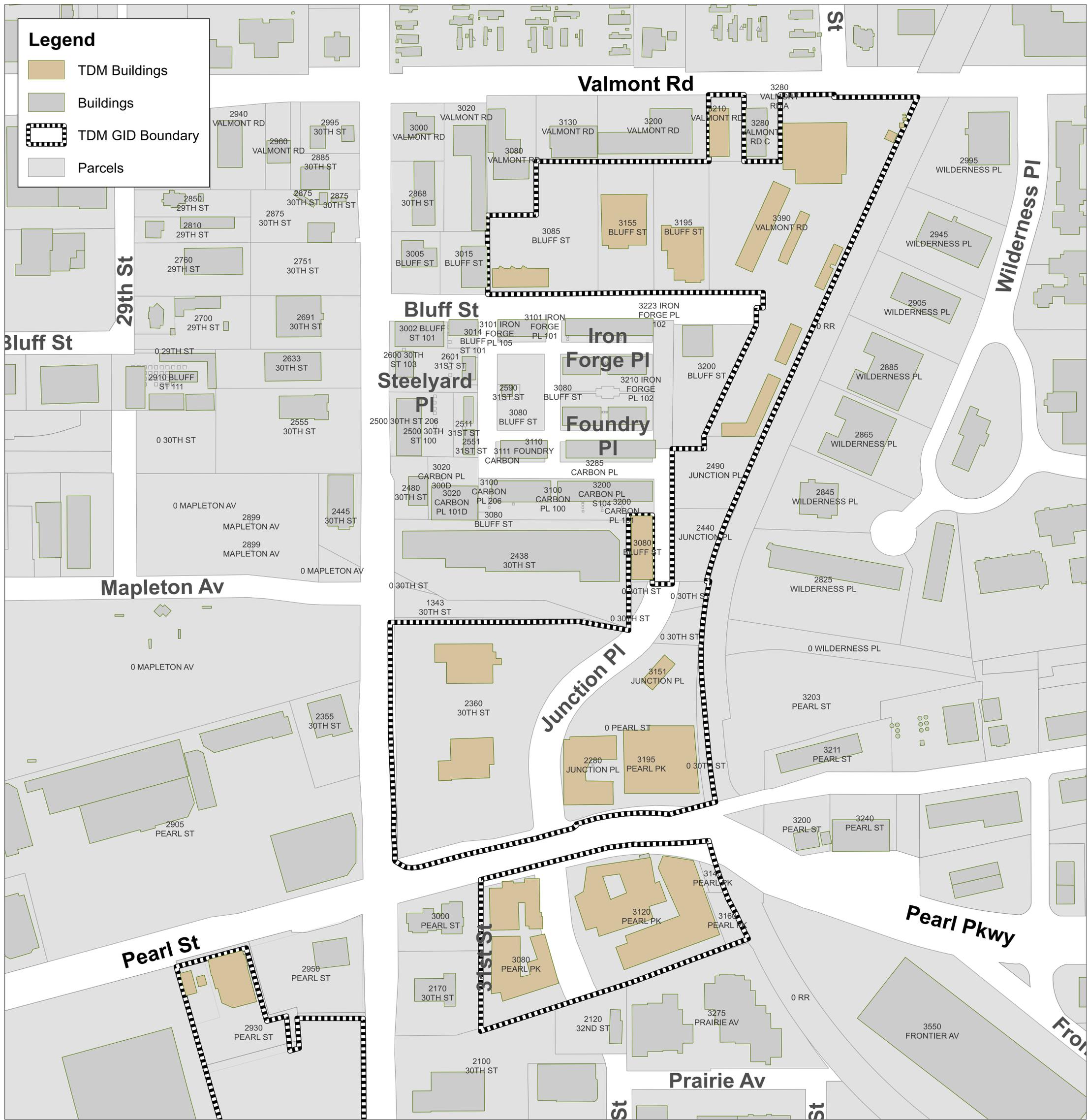


City of Boulder

01.23.16

**Legend**

- TDM Buildings
- Buildings
- TDM GID Boundary
- Parcels

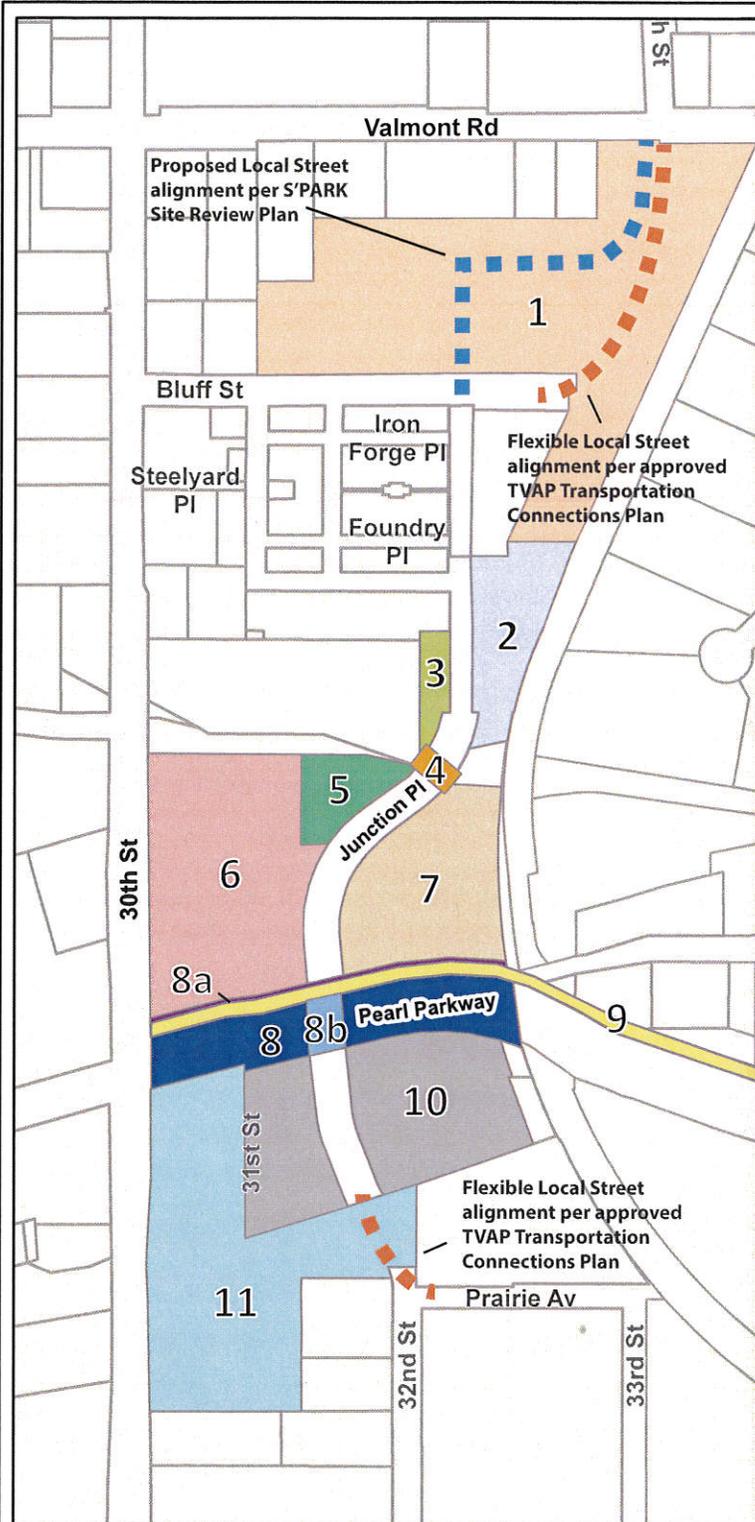


# Boulder Junction TDM District Map

## Boulder, Colorado



01.23.16



There are many public and private development and improvement projects in the area, with more in the pipeline. See below for details and visit [www.bouldercolorado.gov/public-works/boulder-junction](http://www.bouldercolorado.gov/public-works/boulder-junction).

1. **S'PARK** - A planned development within the northern portion of Boulder Junction to create a new mixed-use, mixed-income neighborhood comprised of seven distinct areas which, in total, will contain 168 market-rate housing units, 77 permanently affordable housing units and more than 150,000 square feet of commercial and office space. A Site Review was approved by the Planning Board on Sept. 3, 2015 and is subject to City Council call-up in October.
2. **Boulder Commons** - A Site Review for 100,000 square feet of office and retail space, east of Nickel Flats and across Junction Place, was recently approved by the Planning Board. Construction documents for the project are currently under review.
3. **Nickel Flats** - A 17-unit attached residential condominium building immediately north of Goose Creek on the west side of Junction Place.
4. **Junction Place Bridge at Goose Creek** - A new bridge crossing over Goose Creek and connecting the new Junction Place to 33rd St. This project was completed in coordination with Depot Square. Funding came from the Capital Improvement Bond.
5. **Future Pocket Park** - Design will begin in 2016.
6. **Pollard Site (30th and Pearl)** - A city-owned property purchased with affordable housing funds. The current lease with Pollard Friendly Motors expires in 2016, at which time the site will be available for redevelopment.
7. **Depot Square (3151 Pearl St.)** - This mixed-use development includes an RTD below-grade bus transit facility (opened in August 2015), a 150-room Hyatt Hotel (opened in May 2015) and a four-story parking structure that is "wrapped" on three sides by 71 permanently affordable housing units. Also nearing completion is the restoration of the historic Boulder Jaycees Depot building in Depot Square that will house a new restaurant. Funding for these projects came from a Federal TIP grant, city affordable housing funds, RTD funds, and private financing.
8. **Pearl Parkway Multi-Way Boulevard (30th St. to BNSF Railroad) Project** - A new street design was developed for the section of Pearl Parkway from 30th St. to the railroad. Funding came from both the Capital Improvement Bond and Federal TIP funds.
  - 8a. **Pearl Parkway Electrical Undergrounding** - The overhead utility lines on the south side of Pearl were placed underground on the north side of Pearl from 30th St. east to the railroad. The project was funded with the 1% Xcel underground fund and city transportation funds.
  - 8b. **Traffic Signal at Pearl Parkway and Junction Place** - A new traffic signal was installed and jointly funded by the city and adjoining developments.
9. **Pearl Parkway (30th St. to Foothills Pkwy.) Multi-Use Path Improvement Project** - A multi-use path on the north side of Pearl Parkway was installed from 30th St. to Foothills Pkwy. Funding came from a Federal Transportation Improvement (TIP) grant.
10. **Solana (3100 Pearl St.)** - 319 market rate apartment units along with two retail units and a fitness facility on the ground floor of buildings facing the new street of Junction Place and the recently completed Pearl Parkway.
11. **Reve Pearl District** - A proposed mixed-use development on four separate parcels at the southeast corner of 30th and Pearl Streets, is proposed to contain 244 housing units and more than 130,000 square feet of commercial and office space. As proposed, 126 of the housing units and approximately 20,000 square feet of the commercial and office space would fall within the TVAP area. A Site Review application is currently being reviewed for this project and it is expected to be presented to Planning Board in late 2015 or early 2016.



## What's Happening at Boulder Junction?



City of Boulder

09.30.15