Boulder Junction Access District (BJAD)
Joint Commission – Parking and TDM Meeting
&
Boulder Junction Access District (BJAD) – Parking Meeting
October 15, 2015
4 - 6 pm
1777 West Conference Room, 1777 Broadway
REVISED AGENDA

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. Convene as the BJAD – Parking Commission
4. Public participation
5. Status of Depot Square Garage Parking Access System
6. Update on permit parking fees and management
7. Request from 3001 Pearl for the District to Waive the $2000 Penalty in the First Amendment to Depot Square Parking Purchase Agreement
8. Adjourn as the BJAD – Parking Commission
9. Convene as the BJAD Joint Commission
10. Approval of the August 5, 2015 Meeting Minutes
11. Feedback from Both Commissions: AMPS Presentation and Recommendations
12. Discussion of Dual Commission Meeting Format
13. Matters from Commissioners
    - Depot Square Plaza Rules feedback
14. Matters from Staff
    - Update on Depot Square Projects
    - City Council Study Session 10/13/15 – Boulder Junction and Pollards Property
15. Action Items
16. Adjourn as BJAD Joint Commission

Attachments:

- Meeting Minutes August 5, 2015
- AMPS Study Session Memo
- Boulder Junction Study Session Memo
- First Amendment to Depot Square Parking Purchase Agreement
- Second Amendment to Depot Square Parking Purchase Agreement
- Memorandum regarding BJAD Parking Pricing
- Maintenance Agreement

Upcoming Meetings/Topics
AMPS Study Session – November 12

Commissioner Terms:

TDM Commission	Term Expires	
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

Parking Commission	Term Expires	
Susan Osborne-Chair	3/2019	Citizen at Large
John Koval-Vice Chair	3/2016	Property Owner/Rep
Scott Pedersen	3/2017	Property Owner/Rep

BJAD 2015 Priorities:

- Boulder Junction's new community implementation
- Planning on Pollard site
- Installation of quiet zones
- "Last mile" transportation strategies
- Council / Commission knowledge collaboration
- BJAD two boards' consolidation potential
- Informational sessions with City Council

Jeff Shanahan	3/2018	Property Owner/Rep
Thomas Wells	3/2020	Citizen at Large

CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES FORM

NAME OF BOARD/COMMISSION: **BOULDER JUNCTION ACCESS DISTRICT**

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: **Ruth Weiss – 303-413-7318**
NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:
BOARD MEMBERS: **TDM: Pedersen, Pawlowski (absent), Koval, Hyde-Wright, Osborne**
Parking: Pedersen, Shanahan, Koval, Wells (arrived at 10:19 am), Osborne
STAFF: **WINTER, MATTHEWS, WEISS, HAGELIN, GUILER, STAFFORD, GEHR**
GUESTS:

TYPE OF MEETING: **Regular** **August 5, 2015**

AGENDA ITEM 1 – Roll Call: Meeting called to order at 9:10 a.m.

AGENDA ITEM 2 – Approval of the June 3, 2015 Joint Meeting Minutes (Action Item Below)

AGENDA ITEM 3 – Disclosure of Conflict of Interest: Completed.

AGENDA ITEM 4 – Public Participation: None

AGENDA ITEM 5 – Form Based Code - Guiler: Guiler said there is a study session with council next week. Good summary of Form Based Code in study session materials.

AGENDA ITEM 6 – Depot Square Update: Edward Stafford, Development Review Manager in Public Works and the Project Coordinator for Boulder Junction, said the bridge over Goose Creek has been completed and the Pearl Multi Way Boulevard is also completed and open to the public on the north and south sides. Junction Place is open to the public and traffic with some punch list items to complete. The parking garage has a TCO and valet parking is available for the hotel. The Parking Management System is being installed. The hotel is fully open and operational, residential housing is working on TCO this week with punch list items to complete. There are some city payment issues to developer and working on multi party negotiations. August 13th is the grand opening, and RTD to begin service on August 17. Bike Shelter, see revised agenda update attachment; the pocket park is challenging for a shelter. Osborne asked about how much space will be taken from park, Stafford said it has not been determined due to public process on design and conceptually design work is next year and will take several months. Koval asked for the preferred location and Stafford replied it will be integrated into the park.

Pedersen said negotiations have begun with the selected vendor, Protection Tech, who is under contract for the gate access system, Matthews provided feedback to the draft contract. Specifications for the parking access system are compatible for all user groups, the system was ordered, 25% of system was prepaid, equipment installation began three weeks ago, Protection Tech is on site; all available equipment has been installed, and system to go online shortly. Protection Tech will be pulling wires through the conduits, software has been programmed, and computers are ready. The system will go online almost immediately and Protection Tech will be paid upon the installation an additional 50% with the final 25% when system is deemed satisfactory by all users. The system will be operational prior to August 17th. RTD has been working with Protection Tech to make sure they are complying with the Parking Management Agreement. Printers for buses will not be installed until first quarter 2016. License plates will be read and validated one day at a time at Depot Square and fixes are being created for a temporary fix for RTD. Winter said the District needs to know the card access system will work for BJAD permit users. Matthews said cards need to be in the system as a standard with other permits offered by city of Boulder and Protection Tech has not been in touch. Confirmation of the card system RFID capability with the city's system is needed. Pedersen said there was not a date for a system training program for the garage unit owners.

Koval said the system is complex, and asked if staff and developer are on the same page. Winter asked Pedersen to

confirm that all aspects of the access system specs will be happening. Pedersen acknowledged they can sit down with the developer when operational, have all concerned bring their RFID cards and use the system to confirm it works as contracted. Koval is concerned with the ability to deliver the garage with TCO when the residents move in; the garage infrastructure needs to be complete and compatible. It is the responsibility of district to get this access system installed. Pedersen said that the system should function as anticipated when it's brought online and there is financial recourse for an undelivered system. Koval said the garage has to be open to facilitate resident housing. Haddock said the recourse is in the first amendment agreement to the Parking Purchase Agreement: payments by 3001 Pearl LLC of $2000 per day. Winter said there is concern about having the garage open to all users without the software system in place to track which type of user is parking in the garage. Parkers using the garage before the access system is in place and operational has liability issues; who is responsible for damage and maintenance. Osborne said the controlled access system operability is imminent. The 18 month construction project has turned into a 24 month process, hence the delay in an operational garage.

Winter presented the initial set up of parking permit pricing and distribution including information sent to the commission in January; Guiding Principles were discussed and how the program can evolve and the rates change over time. Winter said it's $1.25 per hour to park hourly in the garage and on street; permits are proposed to be $150 a quarter and looking at proportional distribution within the user groups – district residents, employees and customers based on the number of units or employees. Permit holders will need to document living or working within the district. SP Plus will help with the management of the access system. Osborne asked if a Solana individual wanted to use spaces, what is the process. Winter replied permits would be allocated based on the proportional number of units within the current district. If the demand exceeded the number of permits, then there would be a lottery system. After the Boulder Junction area is built out, then the district would conduct another lottery to distribute permits. Hyde-Wright said to increase the permit prices. Winter said it's a matter of knowing who the users are and what the market is for parking permits. Osborne acknowledged that there is free parking at the brewery in the evening and its impact. Winter said the Steelyards has free parking and they have expressed concern. A survey was suggested by Osborne, bikers, bus riders and how to make it work as a TOD. Hyde-Wright asked how the pricing moves people away. Koval said there is a need to meet the obligations of the district to provide parking and there needs to be a balance of the infrastructure and users should not to be priced out. Koval continued that there is an obligation for the district to generate revenue. Koval said that people will pay for parking, particularly for office users. Koval suggested allocated permits and then refigure. Koval continued that there may be a need for a tiered parking system. Winter said they have the ability to adjust and modify the Guiding Principles. Osborne also mentioned that there will be a lot of affordable housing which needs to be accommodated.

Koval asked if we are purchasing the unit as it seems that there is non-payment issue. Haddock said the contractor A&P stopped work on the project and there is also a stop on the project inspections. Koval asked if the district is buying something that is involved in litigation. Haddock responded that staff is working on avoiding that situation. 3001 Pearl and A&P have scheduled mediation.

Pedersen said the district needs to consider the contractual agreement on behalf of the district. Pedersen said there is nothing in the parking agreement about having a functional parking management system and is not a concern of the board. Haddock said that is incorrect and a functional parking system is a requirement in the parking purchase agreement.

Haddock said staff needs guidance: If the closing between 3001 Pearl and the district happens and the district owns the parking unit before there is a functional parking access system who is responsible for liability and does the district agree with needing an as "new" unit, and does the district wish to reduce the requirements in PMA amendments or require more. The maintenance agreement presented by 3001 Pearl had the district responsible for maintenance and liability and is not supported by staff. Koval asked about the district's indemnification in purchasing the unit if there is litigation and if there is a disagreement with deliverables. Haddock presented a worst case scenario: the district owns a unit in a garage without a functional parking system in a project that does not have CO. There was concern expressed about just two parking commissioners taking action. Osborne and Koval will give advice to staff. The commission asked is the district protected against liens, are we compromising the real estate investment. Staff will do everything to protect the district.

Shanahan and Pedersen recused themselves at 10:24 a.m.
Winter sought board feedback from the Commission about the second amendment to the parking purchase agreement and the maintenance agreement for the parking structure before the parking access system is operational. Osborne asked if it is operational as Pedersen represented would this agreement be moot. The response was yes. Winter wanted the same

assurances and discussions that 3001 Pearl has given to the other parking users - RTD and the hotel - about how the system would work for district users. It is simple request. As presented by the developer the maintenance agreement is not satisfactory for the district users as the district would be responsible for maintenance and liable for damage but cannot identify who the district user is without the system. The proposal is that the district accept title to the parking unit so that 3001 Pearl can get its permanent financing. Winter said that the consideration is also to not to stand in the way of the hotel housing and RTD using the parking garage. Item 3 in the agreement lets the garage be used and the developer is responsible for any damage and delivering the garage in "new" condition when the district accepts it.

The commissioners expressed concern about losing leverage to get the parking system fully functional by allowing a TCO for the garage for the other users: housing, hotel and RTD – fearful 3001 Pearl would not be motivated to get the full job done. There is concern about disappointed rate payers. The city is trying to take a global approach to a solution with the city and district. In order for 3001 Pearl to get permanent financing the district and the housing need to take title of their units, getting A&P working to complete the project, have the city paying public improvement funds to get A&P working, and escrowing money to get the parking access system completed and or have the district take over. One solution is to have the district take over the parking access system complete with the escrow from 3001 Pearl. Winter proposed getting Standard Parking and getting the other unit owners involved.

Wells arrived and a brief overview was presented regarding the 2nd amendment and 3001 Pearl presented Agreement for Maintenance of Parking Structure gives use of the garage to the district with the developer responsible for liability and maintenance until the district accepts the access system. There is pressure from the housing to get access to parking to get their CO. Also the bus station will be opening and needs the parking. Stafford reviewed the financial situation.

Koval suggested that the district be flexible. Koval said to go ahead and proceed with the CO and getting the project done, district will continue penalty, and the district has access to the garage. There was support of district taking over the system if it is not protracted. 3001 Pearl responsible to deliver a garage in mint condition. The commissioners said that staff conducted themselves very professionally. There is concern about additional delays in getting the parking access system operational and functional. Osborn suggest if needed to call a special meeting.

Gehr summarized the discussion and the direction from the commission: it is okay to negotiate with 3001 Pearl and have the district take title of garage without an operating parking access system and not make payments until it is deemed functional by the district conditional upon: setting up an escrow by 3001 Pearl to insure that parking system is fully functional as per the parking management agreement, with self help for failure, and in interim period, 3001 Pearl will take liability for any damages responsibility through the maintenance agreements. Payments by the district are not due until there is a functional parking access system. Winter will reach out to the other parking unit owners. The Commission asked the staff if there was clear direction and the staff responded yes. Osborne thanked staff for all their efforts.

AGENDA ITEM 7 – Matters from the Commissioners: Alternate meeting time of first Wednesday at 4 pm preferred.

AGENDA ITEM 8 – Matters from the Staff: Alternate meeting time of 4 pm was discussed later in the day to address conflicts with jobs.

Meeting adjourned at 11:09 a.m.

ACTION ITEMS:

MOTION: Koval motioned to approve the June 3, 2015 meeting minutes with corrections by Koval. Shananan seconded the motion. The motion passed unanimously 4 -0.

FUTURE MEETINGS:

September 17, 2015	**1777 West Conference Room, 4 – 6 p.m.**	**Regular Meeting**

APPROVED BY:

BOULDER JUNCTION ACCESS DISTRICT JOINT COMMISSION

Attest:
Ruth Weiss, Secretary

_____
Scott Pedersen, Chair - Parking

_____
John Koval, Vice Chair - TDM

MEMORANDUM

To: Boulder Junction Access Districts – Parking and TDM

From: Molly Winter, Director, Department of Community Vitality
Kathleen Bracke, GO Boulder Manager, Public Works Transportation
Chris Hagelin, Senior Transportation Planner, GO Boulder
Bill Cowern, Transportation Operations Engineer
Karl Guiler, Senior Planner, Planning Housing + Sustainability
Jay Sugnet, Senior Planner, Planning Housing + Sustainability

Date: October 15, 2015

EXECUTIVE SUMMARY

The purpose of this memo is to:

1. Seek the Boulder Junction Access Districts – Parking and TDM Commission input on draft recommendations for key priorities for 2015 and 2016:
    a. options and draft recommendations on car sharing policy;
    b. options and draft recommendation for parking code amendments; and
    c. draft recommendations for Transportation Demand Management (TDM) policies for new developments.
2. Share ongoing community engagement and work plan items related to AMPS and next steps.

The purpose of AMPS is to review and update the current access and parking management policies and programs and develop a new, overarching citywide strategy in alignment with city goals. The project goal is to evolve and continuously improve Boulder's citywide access and parking management policies, strategies, and programs in a manner tailored to address the unique character and needs of the different parts of the city.

Staff has gathered input from the community, boards and commissions to help identify 2015 priorities for further research and community discussion. Ongoing outreach to the city advisory boards and the community has served the dual purposes of educating the public about the multimodal access system and seeking input and ideas about future opportunities for enhancements. The community and board members attended an AMPS open house in September

2015, and provided the input summarized in Section II below. Staff is preparing the most recent feedback from the boards and commissions, surveys, and September 21 open house, which will be submitted to council prior to the study session.

Questions for the Boards and Commissions

1. What is your input on the following AMPS 2015 priority work program items:

   Updates to Off-Street Parking Code Regulations

   a. Recent parking data shows that current parking requirements generally require more parking city wide than is needed for land uses. Which scenario for parking code changes would be advised moving forward *(see Section III)*?

   TDM Plans for New Development

   b. What are the pros and cons related to the two approaches – district focused and city-wide – for a TDM Plan ordinance for new developments?
   c. Should staff include in the city-wide approach an option to have the trigger based on the number of employees or bedrooms/housing units or number of peak hour vehicle trips?

   Car Share On-Street Parking Policy

   d. Should the city include a designated on-street parking alternative for car share companies in our car share on-street parking policy?
   e. Should the city include a permitting process for geo-tracked car share vehicle to park in undesignated public right-of-way parking spaces in managed districts, in excess of time restrictions present in these areas?

2. Do the Boards and Commissions have any feedback regarding the ongoing AMPS community engagement and related work plan items and next steps?

MEMO ORGANIZATION

I. Background
II. Community, Board and Commission Feedback
III. Updates to Off-Street Parking Code Regulations (Land Use Code)
IV. Transportation Demand Management Plans for New Development
V. Car Share On-Street Parking Policy
VI. Parking Pricing Preview
VII. AMPS Implementation
VIII. Ongoing Work and Coordination Related to AMPS
IX. Next Steps

I. BACKGROUND

The Access Management and Parking Strategy (AMPS) project approach emphasizes collaboration among city departments and close coordination with the numerous interrelated planning efforts and initiatives such as the Transportation Master Plan (TMP), Economic Sustainability Strategy, and Climate Commitment. Guiding principles for AMPS include:

- provide for all transportation modes;
- support a diversity of people;

- customize tools by area;
- seek solutions with co-benefits;
- plan for the present and future; and
- cultivate partnerships.

In addition of considering enhancements to existing districts, AMPS is examining parking and multimodal access policies and strategies outside of the districts, including parking requirements by land use, bicycle parking requirements, neighborhood parking permit program, and on-street parking throughout the community.

Elements of the AMPS project include:

- integrated planning, coordinated with other master planning efforts;
- a focus on goals and guiding principles that create an adaptable set of tools and methods, allowing the city to continually improve and innovate to achieve its goals;
- evaluation of existing and new parking and access management policies and practices within existing districts and across the community, including on- and off-street parking, and public and private parking areas; and
- development of context-appropriate strategies using the existing parking districts as role models for other transitioning areas within the community and incorporating national best practices research.

The full text of the project purpose, goals and guiding principles are shown in **Attachment A**.

City Council held study sessions on June 10, July 29, Oct. 28, 2014 and May 26, 2015 to review work to-date on the seven focus areas (District Management, On- & Off-Street Parking, Technology, Transportation Demand Management, Code Changes, Parking Pricing, and Enforcement) and provide overall direction on the approach for AMPS, as well as short-term code changes. Staff prepared summaries of the study sessions for June and July 2014, October 2014, and May 2015.

It is important to note that if Ballot Questions No. 300 and 301 are passed by the voters on November 3, there will be implications for the AMPS work effort. This memo reflects current staff thinking on AMPS. If the ballot measures pass between now and the City Council Study Session on November 12, staff will need to reevaluate the overall AMPS work plan to reflect the city's approach to implementing the two measures. The City Attorney's Office submitted an information packet memorandum to City Council on Oct. 6 with additional information on plans for implementation of the ballot measures if they pass.

II. COMMUNITY, BOARD AND COMMISSION FEEDBACK

Staff continues to compile community, board and commission feedback to inform the development of AMPS. Staff has been conducting outreach to residents and commuters through the project website, surveys, Inspire Boulder, and a series of coffee talks throughout Boulder to help develop an understanding of how the community currently views parking and access management. To provide feedback on the relationship of potential changes to the parking code and the TDM Plan ordinance for new developments, staff has convened a stakeholder group consisting of neighborhood and business representatives, developers, and transportation

engineers to gather feedback on proposed changes. This group will be meeting throughout the fall of 2015 as staff prepares for the November study session with Council.

Associated with the current phase of work the following community, board and commission activities have occurred or been scheduled.

- September 21 – AMPS Joint Board Workshop
- September 28 – AMPS Open House
- October 5 – Downtown Management Commission
- October 8 – Downtown Boulder Business Improvement District
- October 12 – Transportation Advisory Board
- October 14 – Downtown Boulder, Inc.
- October 15 – Boulder Junction Access Districts Commissions
- October 15 – Planning Board
- October 21 – University Hill Commercial Area Management Commission
- November 12 – City Council Study Session

A summary of feedback from the commissions and boards will be provided at the study session. A summary of recent community engagement, as well as the full documentation of comments received as part of this phase of AMPS, is available on the AMPS website.

III. UPDATES TO OFF-STREET PARKING REGULATIONS (LAND USE CODE)

With the exception of the recently approved "fixes" and addition of new bike parking regulations to the parking code in 2014, the City of Boulder has not conducted a comprehensive review of its parking requirements or updated the standards for some time. The current parking requirements do not reflect the travel mode shift that has occurred in Boulder in recent years or the desired continued mode shift in the future. Boulder's current mode split (including higher than regional and national trends for walking, biking, and transit) is reflected in the high number of parking reductions that are requested and approved for new development projects and in data that shows an increasing use of transit and bike facilities.

As part of the AMPS process, the city is evaluating updates to the land use (zoning) code to ensure that parking is being provided according to contemporary and future travel needs. These needs should take into account the higher percentages of people choosing to walk, bike and ride transit as alternatives to the automobile. This memo outlines the best practices that staff has researched and discussed in previous memoranda, includes new data on parking supply and demand in the city (see **Attachment B** – Parking Study), and specifies three scenarios ranging from conservative to more aggressive related to how much of the parking regulations should be updated. Based on direction received from review boards and council on these scenarios, staff will return with more specific land use changes and analysis for consideration. It should be noted that parking regulations, particularly those that may impact residential areas may be affected if the Ballot Questions 300 and 301 pass on November 3 as discussed in the Executive Summary.

Staff's work on evaluating the current parking requirements are informed by policies in the Boulder Valley Comprehensive Plan, discussed below, and the Transportation Master Plan's (TMP) goals of encouraging transportation options and reducing vehicle miles traveled (VMT).

City policies seek to require more efficient parking solutions and avoid excessive parking as expressed in the two Boulder Valley Comprehensive Plan (BVCP) policies below:

> ***6.09 Integration with Land Use***
> *Three intermodal centers will be developed or maintained in the downtown, Boulder Junction and on the university's main campus as anchors to regional transit connections and as hubs for connecting pedestrian, bicycle and local transit to regional services. The land along multimodal corridors will be designated as multimodal transportation zones when transit service is provided on that corridor. In these multimodal transportation zones, the city will develop a highly connected and continuous transportation system for all modes, identify locations for mixed use and higher density development integrated with transportation functions through appropriate design, and develop parking maximums and encourage parking reductions. The city will complete missing links in the transportation grid through the use of area transportation plans and at the time of parcel redevelopment.*
>
> ***6.10 Managing Parking Supply***
> *Providing for vehicular parking will be considered as a component of a total access system of all modes of transportation - bicycle, pedestrian, transit and vehicular - and will be consistent with the desire to reduce single occupant vehicle travel, limit congestion, balance the use of public spaces and consider the needs of residential and commercial areas. Parking demand will be accommodated in the most efficient way possible with the minimal necessary number of new spaces. The city will promote parking reductions through parking maximums, shared parking, unbundled parking, parking districts and transportation demand management programs.*

Consistent with the policies mentioned above, staff is considering incorporating the following best practices from other communities into the land use code:

- Updated parking requirements that include new parking minimums and parking maximums;
- Shared parking requirements;
- Automatic parking reductions;
- Unbundled parking in areas outside of Boulder Junction; and
- Requirements for electric vehicle charging stations.

Staff worked with Fox Tuttle Hernandez Transportation Consultants on analyzing different land uses throughout Boulder in different contexts (e.g., suburban locations away from transit vs. mixed-use locations along transit routes) to evaluate current parking needs. The study, which looked at the parking supply and demand of over thirty locations during peak and non-peak periods and during the university school year, found that parking supply exceeds demand in all instances. Therefore, consistent with the policy direction provided by the Boulder Valley Comprehensive Plan and goals of the Transportation Master Plan (TMP), reducing parking requirements – principally for commercial and office uses – is warranted.

The data also indicates that there is not a strong correlation between the parking needs of properties in more urban, walkable mixed-use locations versus more isolated, vehicle-oriented, suburban locations. This is due to city's high level of walk-ability, bike-ability and transit access. While differences can be seen between these locations, they are not large enough to necessitate complicated, localized parking requirements, but rather it makes sense to have updated parking requirements per land use citywide.

Based on the parking data results and the intrinsic connection between reducing parking requirements and encouraging transportation options, staff has been working on creating updated parking regulations that are linked to new Transportation Demand Management (TDM) requirements (in addition to those TDM requirements discussed later in this memorandum). The approach is to create new parking maximums and parking minimums per land use such that if a new development includes parking amounts towards the lower end of required parking, the required TDM strategies would need to be more robust to offset the need for parking and encourage transportation options. Staff is looking for direction on whether this is a good approach and also how aggressive the numeric parking amounts should be changed.

Questions:

a. The Fox Tuttle Hernandez parking data shows that current parking requirements generally require more parking city wide than is needed for land uses. Which scenario for parking code changes below would be advised moving forward?

   <u>Scenario 1</u>
   - Minimal change to current parking requirements.
   - Parking lots would continue to take up large portions of sites.
   - Spillover impacts would be largely avoided.
   - May result in continued applications for parking reductions.
   - Would have the least impact to businesses reliant on provision on parking.
   - Least alignment with city BVCP policies and Transportation Master Plan (TMP) goals.

   <u>Scenario 2</u>
   - Recognizes that alternative modes are a growing trend in Boulder based on transit use and bike-ability.
   - Would entail a reduction in parking supply requirements closer to the average parking demand numbers in the data.
   - More flexibility in site design as parking lots would take up some portions of sites.
   - Would likely result in tighter parking availability during peak periods and potential for some spillover for some land uses. If spillover parking into neighborhoods occurred during peak periods, mitigation through the Neighborhood Parking Permit (NPP) program may be necessary.
   - Would include implementation of new TDM requirements in the land use code.
   - Would likely reduce the amount of applications for parking reductions.
   - May have a moderate impact to businesses reliant on provision on parking.
   - Better alignment with city BVCP policies and TMP goals.
   - Would be more of an incremental approach towards TMP goals.

   <u>Scenario 3</u>
   - Recognizes that use of transportation options is a growing trend in Boulder based on transit use and bike-ability.
   - Would entail a more significant reduction in parking supply requirements to potentially less than the current demand.

- Greatest level of site design flexibility with parking lots and garages taking up minimal portions of sites.
- Spillover parking may be more likely. If spillover parking into neighborhoods occurred during peak periods, mitigation through the NPP program may be necessary.
- Would include implementation of more robust TDM requirements in the land use code.
- This scenario would result in minimal applications for parking reductions.
- May have a detrimental impact on businesses reliant on provision of parking.
- Most alignment with city BVCP policies and TMP goals.
- May have biggest impact to travel behavior and modal choice if less parking is available.

IV. TRANSPORTATION DEMAND MANAGEMENT PLANS FOR NEW DEVELOPMENT

Staff is developing a Transportation Demand Management (TDM) Plan ordinance for new developments. The work represents a systematic approach to holistically address the impacts of new commercial and residential developments on our transportation system. This TDM Plan ordinance work is moving forward together with two other initiatives that are also addressing the impact of new developments. The two initiatives include changes to the city parking code and an impact fee study that includes evaluating the feasibility, design and implementation of a multi-modal impact fee.

Parking Code Changes

As described above, staff is considering changes to the city parking code which establishes parking supply requirements for new developments. One possible modification includes the establishment of parking maximums in addition to current parking minimums. Due to the connection between parking supply, parking management and TDM, there is a need to evaluate the relationship between the parking code and TDM strategies and move these two work items in tandem. For example, if both parking maximums and minimums were implemented, the closer the parking supply is to the minimum required number of parking spaces, the more robust the TDM program should be to limit parking demand and prevent spillover parking in surrounding areas.

To move the parking code changes together with TDM Plans for new developments, staff formed a new stakeholder group with representatives from the development, commercial and neighborhood communities. The group met in early September and will meet together two more times during the next several months to provide input and feedback on the design of a TDM ordinance within the context of a modified parking code. The need to develop the TDM Plan ordinance and parking code changes together was a direct outcome of earlier input from developers and property owners in the spring of 2015.

Development-Related Impact Fees and Excise Taxes

A second related initiative is the city's update to the development-related fee studies. The city has retained TishlerBise and Keyser Marston Associates to assist in the analysis. The update is examining four different areas:

1. an update of the 2009 Impact Fee study;

2. affordable housing linkage fee on non-residential development;
3. the preparation of a study to create a public art program for new development; and
4. a study of both the capital and operating impacts to multimodal transportation facilities and services of new development.

The last area related to multimodal transportation facilities and services will employ new thinking regarding traditional Transportation Impact Fee and other funding programs. TischlerBise will employ innovative approaches toward Multimodal Mobility Fees that consider different requirements for infill/redevelopment; variations due to geographic subareas and multimodal options; and approaches to recognize the need to move people, not cars, and finding ways to pay for those improvements. For example, the revenue could be used to fund the installation of electric vehicle charging stations, bike-sharing stations, long-term secure bicycle parking, car share vehicles, or transit facility improvements. This type of fee has the potential to work as a foundation for the TDM Plan Ordinance in which the fee provides for initial capital improvements and long-term TDM programs and service commitments are required through the ordinance.

The development related fee study is expected to conclude in 2016.

TDM Plan Ordinance for New Developments

The overarching reasons for incorporating TDM into the Site Review process and regulating implementation and evaluation is to meet the goals and objectives of the Boulder Valley Comprehensive Plan, the City of Boulder's Sustainability Framework and the Transportation Master Plan. At the last AMPS Study Session, City Council directed staff to study two approaches for a TDM Plan ordinance for new developments; a city-wide approach and a district approach.

<u>City-wide Approach</u>

There is wide variety of ways a city-wide TDM Plan ordinance could be designed in terms of:

- what is measured to determine compliance;
- level of the specific targets of the measurable objective(s);
- triggers for requiring compliance;
- required elements of the TDM Plans;
- timing and duration of monitoring; and
- enforcement.

Other considerations include identifying a sustainable way of monitoring and administrating the program. Depending on the triggers and thresholds for compliance, a city-wide TDM ordinance could require significant staff time and resources.

Based on feedback from boards and council, a possible city-wide TDM Plan ordinance would measure single occupant vehicle (SOV) mode share and use vehicle trip generation as a way to verify survey results of residents and employees. The specific targets would be based on existing SOV mode share data, land use, size and location in terms of level of multi-modal access and service. These targets would likely be lowered over time to reflect the city's long-term sustainability and transportation master plan objectives.

The trigger for requiring compliance would be based on peak trip generation as currently outlined in the city's Design and Construction Standards. Currently TDM plans are required when a commercial development is expected to exceed 100 vehicle trips at peak hour and 20 vehicle trips at peak hour for residential developments. Boards and council have discussed lowering the commercial threshold, but there has been no clear consensus.

Another option for a trigger that has come out of the stakeholder process at this point is size of commercial and residential developments in regard to the number of employees or the number of housing units or bedrooms. One advantage of this trigger is that the ordinance would be designed to require the compliance of commercial tenants as oppose to property owners on the commercial side. One of the difficulties of a TDM ordinance linked to the property is that the owner of the property has less influence on the travel behavior of their tenants as a business has on its employees.

In terms of the TDM Plan design and the question of required elements, feedback supports the idea of maintain as much flexibility as possible with very few required elements. Of the wide variety of possible elements, Eco Pass participation, appointment of an employee transportation coordinator, participation in the evaluation process, and the unbundling of parking were identified as being required elements when appropriate.

Based on initial feedback, city boards and council support allowing a three year period to meet targets with annual monitoring. If after three years the property is in compliance, the annual monitoring ends but properties would be periodically monitored as targets are lowered over time. If the property is in non-compliance, a revised TDM plan would be required with additional programs and incentives and the property would have one more year to reach compliance. It has also be discussed as an option to require support from a transportation consultant or membership in transportation management organization to receive the necessary technical assistance if a property is non-compliant after the initial three years. If the property continues to be in non-compliance – an enforcement phase would be initiated.

After several board and council meetings, there remains little consensus on what enforcement looks like. The spectrum of input ranged from making a good faith effort is sufficient to meaningful fines and penalties. Some feedback from the stakeholder groups on this topic is that using fines is counterproductive as it takes away from funding possible TDM programs and services. Often if a property is in noncompliance it is related to the level of multi-modal service. In other words, it may not matter how robust a TDM Plan is or how much "teeth" an ordinance has, if there are no accessible transportation options for employees or residents to use.

District Approach

The district approach is modeled after the system that has been implemented in Boulder Junction. In Boulder Junction, the city adopted a Trip Generation Allowance, which states that only 45 percent of all trips by residents and employees can be completed in a single-occupant vehicle. Rather than meeting the ordinance as individual properties, the owners voted to establish a TDM Access District. The TDM Access District is a general improvement district that collected property taxes to provide TDM programs and services designed to meet the target of

the trip generation allowance. The TDM Access Districts works in conjunction with a Parking Access District that provides funding for parking management and the construction of shared parking structures. The revenue from the TDM Access District is currently used to provide Eco Passes to all residents and employees, discounted bike share memberships and free memberships to car sharing organizations.

There are many benefits of this approach. The taxes provide a sustainable and flexible source of revenue for TDM programs and administration of the district. The focus is not on individual property compliance and monitoring, but on how the district operates as a whole, and providing incentives for travel behavior change by providing the necessary programs and services rather than on the disincentive of fines and penalties. If in non-compliance, enforcement and penalties are not necessarily required as taxes can be raised to provide the necessary programs and services to increase mode shift. The district approach would also provide a way to bring not only new developments, but also existing commercial and residential properties in our highest trip generation area under the ordinance. The citywide model would only cover new developments and has a limited impact on overall trip generation.

If the Boulder Junction model is applied to our current parking districts in downtown and on University Hill, this approach would concentrate resources on the higher density commercial areas of the city where parking demand and vehicle trip generation are the highest. Furthermore, a district approach could be coupled with an ordinance covering any significant developments that occur outside of existing districts. With increased development in North Boulder and along East Arapahoe, a TDM Access District approach combined with capital investments in multi-modal facilities and service could significantly improve long term sustainability and reduce the impacts of new developments. One critical disadvantage of the approach is that the establishment of a general improvement district (GID) requires the vote of property owners even with an ordinance in place. In Boulder Junction, the option to form a district was developed as an alternative to individual properties meeting the requirement of the Trip Generation Allowance on their own.

Next Steps

The next steps in designing a TDM Plan ordinance for new developments is to develop the criteria for setting targets and produce a matrix outline the targets for different land uses, sizes and locations for the city-wide approach. For both approaches, staff will be working with an internal working group and the City Attorney's Office to begin to craft potential ordinances reflective of the two models. Similar to potential parking code changes, the current approach to the TDM Plan ordinance will need to be reevaluated if the Ballot Measures 300 and 301 pass on November 3 as discussed in the Executive Summary.

Questions:

b. What are the pros and cons related to the two approaches for a TDM Plan ordinance for new developments?
c. Should staff include in the city-wide approach an option to have the trigger based on the number of employees or bedrooms/housing units? Or number of peak hour vehicle trips?

V. CAR SHARE ON-STREET PARKING POLICY

Car sharing has been recognized as a viable transportation option for use in urban areas. The City of Boulder currently has a relationship with eGo car share that operates out of public and private parking lots. Staff has been approached by other car share companies wishing to operate in Boulder and a clear on-street parking policy is needed to help guide those conversations.

There are two basic models for on-street car sharing parking. The first is a roundtrip model where the vehicle is located in an assigned position and must be returned to that position. The second model allows for geo-tracked vehicles to be rented from any geo-fenced location, driven to another geo-fenced location, and left for the next customer to find using a GPS-based mobile application. Both business models have asked for (geo-tracked requires) on street parking privileges. The roundtrip model would require a specific marked space in the public right of way, while the geo-tracked, one-way model would require some type of permit or exemption from parking at a pay station or in an NPP or other managed parking location. Current policy is that on-street parking is shared, unbundled, managed and paid (SUMP), to meet these requests would require both a change in policy and in ordinance. A draft consultant report is available for more information.

Questions:

d. Should staff include a designated on-street parking alternative for car share companies in our car share on-street parking policy?
e. Should staff include a permitting process for geo-tracked car share vehicle to park in undesignated public right-of-way parking spaces in managed districts, in excess of time restrictions present in these areas?

VI. PARKING PRICING PREVIEW

Based on the SUMP principles, parking pricing is a key component of parking management ensuring parking turnover and creating an incentive to use other transportation modes. It is also a critical element in creating economically viable and accessible community commercial districts. Since the three access/parking districts – downtown, University Hill and Boulder Junction – are the only commercial centers that have customer paid parking, it is essential to approach parking pricing policies carefully and thoughtfully, mindful of the impacts to businesses and the perceptions of the public consumers who have the alternative to shop, dine and visit commercial areas without paying for parking.

All elements of parking pricing are under consideration: long-term, permit parking, short term, hourly parking, and short term parking fines, as well as the cost of the parking permits in the Neighborhood Parking Permit (NPP) areas. The consideration of parking pricing will be undertaken in a phased approach from 2015 through 2016. Community engagement and outreach will be an important component throughout the process. Please find below an update the status and next steps of parking pricing in all areas:

Progress Update

- Long-term, Permit Rates: Updates to long-term permit rates in the downtown and on the hill, and in NPP commuter permit rates are included in the 2016 budget process which take into account increases in permit parking rates charged in the private and non-profit sector.

Historically, permit rates have been increased on a regular basis. Prior to 2014 the rates were increased every other year. Beginning in 2014, the permit rates have been increased on an annual basis based on demand and monitoring of private parking rates. In the last three years the permit rates have increase 28.6 percent in the downtown. The proposed rates for 2016 are:

- Downtown garages: **$360 per quarter**
- Downtown surface lots: **$210 per quarter**
- University Hill surface lots: **$185 per quarter**
- NPP Commuter permits: **$90 per quarter**

Staff will continue monitoring parking supply and parking rates on a regular basis to recommend further adjustments as needed.

- Parking Fines: The current on-street, overtime at meter parking fines have not been increased for more than 20 years and staff will be presenting council with recommendations for fine increases, as well as considering a graduated fine approach, in the first quarter of 2016. Currently, staff is working with the AMPS consultant, Kimley-Horn, who surveyed communities nationwide and in Colorado to research rates for a number of parking fines. A summary of the research to date is included in **Attachment C**. This background data will inform the recommendations. The rate of the overtime at meter fines has a proportional relationship with the short term parking rates so it is important that these two issues are considered together.

- Short-term, Hourly Parking Rates: The on-street and garage hourly rates will also be reviewed, including the option of variable rates at different times of day or in different locations. Numerous communities across the country have instituted different approaches to short term parking rates using performance or geographically based criteria. A report from Kimley-Horn on potential pricing strategies and applications is available here. Prior to developing any recommended changes the first step will be to determine the goals of parking pricing. Short term parking rates were last increased in 2007. Outreach and community engagement will be critical to arrive at an informed and balanced recommendation. In order to learn directly from other communities, staff will be organizing along with our consultants a panel of representatives from peer municipalities to share their experience with performance based parking pricing.

- Boulder Junction: The Boulder Junction district developed a parking pricing strategy to implement the shared, unbundled, managed and paid (SUMP) principles and reflect the market of the surrounding area. Staff is also phasing in on-street parking management as newly constructed streets become available.

- Neighborhood Parking Program: The rates for the Neighborhood Parking Program (NPP) permits will be evaluated – both business and resident – to ensure a comprehensive pricing approach. Currently, the residential permit rate is $17 per year and the permits for businesses embedded with an NPP is $75 per year. The residential rates were last increased in 2006. Community outreach and engagement will be integrated into every stage of this process. It is estimated a recommendation will be forthcoming in the first quarter of 2016.

Next Steps
Staff will continue to work on the policy options described above and will return to the boards and city council in the first quarter of 2016.

VII. ACTIONS IN PROGRESS

The following are AMPS related action items currently in progress.

New Technology Improvements

- Staff has selected a vendor (contract negotiations are underway) for the replacement of the downtown garage access, revenue control, and permitting systems to a state-of-the-art system that will coordinate with other technologies such as the variable messaging system. Installation is expected in 2015 and will take approximately two months to complete. Installation will be phased and managed to maintain access to the garages.
- With the projected completion of the Depot Square mixed-use development in Boulder Junction in the second quarter of 2015, staff is working with the multiple parties – the hotel, RTD, affordable housing and Boulder Junction Parking District – to implement a parking management system to accommodate the variety of users of the shared parking.
- The Department of Community Vitality is pursuing an innovative pilot program with a downtown Boulder startup company, Parkifi. Parkifi is developing a real-time parking space occupancy technology system and is proposing to pilot the program in the Broadway and Spruce Street surface parking lot, in on-street spaces downtown, and potentially in the downtown garages. The pilot consists of installing sensors in parking spaces at no cost to the city. The sensors are connected to a Parkifi gateway that is connected to a cloud-based dashboard that displays occupancy data. The goal will be to work with the city's existing mobile payment vendor, Parkmobile, to provide real-time parking data to customers. Installation of the sensors is expected within the next couple of months as the details and specifications are worked out.

Shared Parking
The goal of a shared parking partnership policy is to maximize potential opportunities for additional shared and managed parking between private developments and established parking districts. The proposed policy could require a mandatory step in the development review process for projects of a certain size located inside one of the three parking districts (downtown, University Hill and Boulder Junction) to explore options and opportunities for additional parking and/or parking management strategies benefiting the entire district. Partnerships could take a number of different forms, including adding district-funded parking to the private development and/or district management options to increase or maximize private parking utilization to the benefit of the district as well as the private property owner. Staff is proposing the approach of requiring a mandatory discussion between the developer and the parking/access district during the review process with voluntary compliance.

There are several examples of potential and implemented partnerships between Boulder's access districts and private developments. These include St. Julien Hotel and the downtown parking district Central Area General Improvement District (CAGID); the Depot Square garage in Boulder Junction between multiple parties (RTD, Hyatt Hotel, affordable housing, the depot and the Boulder Junction Access District - Parking); the current negotiations between CAGID and

the Trinity Commons project; and the University Hill General Improvement District (UHGID) and Del Mar Interests. Initial discussions are underway between BJAD and the S'Park development in Boulder Junction, and between UHGID and a coalition of property owners for a potential development at the southwest corner of Broadway and University.

Based on Council feedback from the last study session, staff is proceeding with the development of a policy that would be incorporated as a step in the development review process.

District Satellite Parking Strategy

Parking opportunities are becoming more limited for employees in the downtown and the University Hill commercial area. This strategy explores opportunities for shared parking facilities for non-resident employees who commute into Boulder for work along major transportation corridors associated with available transit service, off-street multiuse paths, and on-street bike lanes, and ideally with a multimodal "mobility hub." Commuters could park their vehicle at vacant lots outside of the commercial districts and then finish their trip into work by transit, bike, carpool, bike share, or car share. RTD already has several free Park-n-Ride locations that are primarily used for trips from Boulder to areas outside of the community that could be used by in-commuters. Staff is reviewing different types of locations:

- existing public (city, RTD, CDOT) and/or private parking lots with multimodal amenities;
- existing parking lots that would require amenities such as sidewalks, bus shelters, etc.; and
- locations without existing parking facilities that could become satellite locations.

These types of satellite parking lots could be used by employees driving into the city and finishing their trip by transit, carpool, biking, and/or walking. Satellite parking lots could also be used for special events parking.

As one of the action items from the Transportation Master Plan, the city is continuing to work with CDOT, RTD, Boulder County, and area property owners to explore the concept of a mobility hub for north Boulder, at the intersection of north Broadway and US 36. The mobility hub could include potential opportunities for enhancing transit operations and passenger amenities, bike parking, bike share, car share, and satellite parking (Park-n-Ride), kiss-and-ride, etc. The project team is currently revising the conceptual site plan designs based on prior City Council input.

The city's consultant is working on an analysis of the different potential locations, travel sheds that have the greatest number of employees in-commuting, location assessments, and recommendations regarding the highest priority opportunities both long- and short-term. A presentation of the consultant findings is available here. All sites will be reviewed to ensure compliance with existing zoning regulations and project specific requirements. Staff is pursuing the short term options as well as working with other entities such as CDOT and the County to include satellite parking options in corridor studies along SH119 and East Arapahoe.

Coordination with Civic Area project for access/parking/TDM programs
In conjunction with proposed changes to the Civic Area, staff is working to develop recommendations on how to holistically manage civic area parking and a strategic TDM plan to increase access to the Civic area by city staff, residents, library patrons, and visitors. With construction set to begin in 2016 and the potential loss of some parking spaces, staff will be implementing new TDM strategies and enhancing existing programs to reduce the parking demand by employees of the city government. Some of these programs will be piloted at the end of 2015 and potentially formally adopted in 2016 prior to construction.

VIII. ONGOING WORK AND COORDINATION RELATED TO AMPS

In addition to the items described above, the project team is advancing work in several AMPS focus areas in 2016.

Districts

- Negotiations are continuing for a shared parking option between the Central Area General Improvement District (CAGID) and Trinity Lutheran Church in downtown for a mixed-use project, including senior affordable housing, additional congregational space, and additional parking.
- Negotiations are also continuing for a public-private partnership redevelopment of one of the catalyst sites - the University Hill General Improvement District (UHGID) Pleasant Street parking lot - for a hotel, and a district parking garage.
- Downtown and University Hill development and access projections will be updated during the second and third quarters of 2015 to reflect recent zoning changes on the hill, projected development, and the results of the employee travel surveys. This is a valuable tool in anticipating the access needs, including parking, for the downtown area.
- The downtown bike rack occupancy count was completed in August 2014. This survey provides valuable information and informs staff of locations for additional bike racks. Based on the data from the final report and recommendations, additional bike parking was added to the West Pearl area.
- Staff will be developing recommendations for guidelines for the creation of new access/parking districts. Suggested locations include East Arapaho and North Boulder.

Transportation Demand Management

- The communitywide Boulder Valley Employee Survey was completed at the end of 2014 with a special subsample taken from downtown employees. A survey of the travel patterns of the University Hill commercial district employees was completed in the beginning of 2015. A hill employee pilot Eco Pass program is recommended in the 2016 budget for implementation in 2016.
- The property owner of the future Google campus at the southwest corner of 30th and Pearl streets petitioned to join the Boulder Junction Access District (BJAD) – Travel Demand Management (TDM) and was accepted by the Boulder Junction Access District-Parking. In addition, staff is in initial discussions with the Reve project at the southeast corner of 30th and Pearl about their petitioning to join the TDM district.

On-Street/Off-Street

- A downtown parklet study determined potential criteria and locations, operational parameters and considerations, installation requirements, and recommendations for potential parklet sites. The evaluation of the pilot parklet on University Hill has been completed and provided valuable information for the development of future parklets in the downtown.
- An alley master plan for the University Hill commercial district is proposed in the 2016 budget.
- Beginning in 2015 and continuing into 2016, a review will be conducted of the Neighborhood Parking Permit program's regulations and how the program serves the variety of community needs. Staff will also be preparing the Chautauqua Access Management Plan (CAMP) that is called out in the Chautauqua lease. In addition to the Chautauqua leasehold, the surrounding neighborhoods will be included to address any spillover impacts. Preliminary discussions are underway with the Steelyards Association regarding the potential for a coordinated parking management and TDM program for the mixed-use neighborhood in anticipation of the completion of Depot Square at Boulder Junction. The homeowners' association has expressed interest in creating a form of a NPP in their mixed-use neighborhood.

IX. NEXT STEPS

Information from the community outreach and input from the City Council and boards will be used to refine the AMPS 2016 work plan items. In second quarter of 2016, staff will schedule a joint board workshop in preparation for a council study session to consider a final AMPS Summary Report. Not all AMPS topics will be addressed within the AMPS umbrella, therefore an on-going strategy will identify future action items to address the next generation of Boulder access and parking needs. A timeline of all AMPS work plan items is shown in **Attachment D**.

As noted throughout this memo, the potential passage of Ballot Questions No. 300 and 301 on November 3 will influence the discussion at the City Council study session on November 12. This memo reflects the current thinking on AMPS and if the measures pass, staff will need to reevaluate the overall AMPS work plan to reflect how the city implements the two measures.

Community engagement and outreach will continue to ensure public feedback and participation with the AMPS. **Attachment E** shows an info-graphic that staff will use to help explain the overall purpose of AMPS, moving forward.

For more information, please contact Molly Winter at winterm@bouldercolorado.gov or Kathleen Bracke at brackek@bouldercolorado.gov, or visit www.bouldercolorado.gov/amps.

ATTACHMENTS

A. AMPS Project Purpose, Goals and Guiding Principles
B. Tuttle, Fox Hernandez Parking Study
C. Parking Fines in Boulder and Other Cities
D. AMPS Timeline
E. AMPS Infographic

ATTACHMENT A: AMPS PROJECT PURPOSE, GOALS, AND GUIDING PRINCIPLES

Purpose

Building on the foundation of the successful multi-modal, district-based access and parking system, the Access Management and Parking Strategy (AMPS) will define priorities and develop over-arching policies, and tailored programs and tools to address citywide access management in a manner consistent with the community's social, economic and environmental sustainability principles.

Goals

The Access Management and Parking Strategy (AMPS) will:

- Be consistent with and support the city's sustainability framework: safety and community well-being, community character, mobility, energy and climate, natural environment, economic vitality, and good governance.
- Be an interdepartmental effort that aligns with and supports the implementation of the city's master plans, policies, and codes.
- Be flexible and adapt to support the present and future we want while providing predictability.
- Reflect the city's values: service excellence for an inspired future through customer service, collaboration, innovation, integrity, and respect.

Guiding Principles

1. Provide for All Transportation Modes: Support a balance of all modes of access in our transportation system: pedestrian, bicycle, transit, and multiple forms of motorized vehicles—with the pedestrian at the center.
2. Support a Diversity of People: Address the transportation needs of different people at all ages and stages of life and with different levels of mobility – residents, employees, employers, seniors, business owners, students and visitors.
3. Customize Tools by Area: Use of a toolbox with a variety of programs, policies, and initiatives customized for the unique needs and character of the city's diverse neighborhoods both residential and commercial.
4. Seek Solutions with Co-Benefits: Find common ground and address tradeoffs between community character, economic vitality, and community well-being with elegant solutions—those that achieve multiple objectives and have co-benefits.
5. Plan for the Present and Future: While focusing on today's needs, develop solutions that address future demographic, economic, travel, and community design needs.
6. Cultivate Partnerships: Be open to collaboration and public and private partnerships to achieve desired outcomes.

FOX TUTTLE HERNANDEZ
TRANSPORTATION GROUP

Date: September 11, 2015

To: Karl Gulier – City of Boulder

From: Carlos Hernandez – Fox Tuttle Hernandez Transportation Group
Bill Fox - Fox Tuttle Hernandez Transportation Group
Drew Willsey – Fox Tuttle Hernandez Transportation Group

RE: 2015 Parking Study Results

This memo summarizes the results of a parking study conducted in the City of Boulder between Spring and Fall 2015. This study is an extension of a prior study that was conducted in Summer 2014. The purpose of these studies is to provide the Transportation Advisory Board, Planning Board, and the AMPS project with actual parking data from selected sites around the city. The attached summary presentation provides specific details. The key findings from the 2015 parking study are summarized in Table 1 below. The ranges shown in the table include sites studied in 2014 as well as the ones studied in 2015. A detailed list of all sites studied and when their peak demands occurred can be found at the end of this document.

Table 1: Parking Supply and Demand Rate Ranges (2014 & 2015) by Land Use Type (Not Including On Street)

Land Use Type	Observed Supply Range		Observed Demand Range		Units
	Lowest	Highest	Lowest	Highest	
Residential	0.48	1.72	0.43	1.27	(Spaces per DU)
Commercial	2.57	5.92	1.96	4.39	(Spaces/1000 sq. ft.)
Office	1.92	4.15	0.92	2.79	(Spaces/1000 sq. ft.)
Mixed-use (Residential)	0.82	1.58	0.42	1.17	(Spaces per DU)
Mixed-use (Commercial)	1.69	2.89	1.3	2.22	(Spaces/1000 sq. ft.)

2015 Study Details

In April and early May of 2015, Fox Tuttle Hernandez (FTH) staff conducted a comprehensive city-wide parking study of 6 commercial sites, 5 office/light industrial sites, 8 residential sites, and 3 mixed-use sites. The data-gathering phase of this study was completed before the end of the spring semester at the University of Colorado. Additional follow-up mid-week counts were conducted at selected commercial retail sites in August and September.

Sites were chosen in the interest of obtaining a representative sample of the entire city. Therefore, sites adjacent to the Community Transit Network and bike network were evaluated as well as sites with fewer destinations and higher reliance on motor vehicle access. A visual survey of building occupancy and resident occupancy was also conducted, and only commercial and residential sites that appeared to be near or at full occupancy were studied. Finally, follow-up calls to some of the residential sites were made to determine the ratio of students to non-students for those complexes to enable better understanding of parking patterns of university students.

For all commercial sites, parking demand was sampled 3 times: weekday afternoons between noon and 2 pm, Friday evenings between 5:30 and 7:30 pm, and Saturday afternoons between noon and 2 pm. For all residential sites, parking demand was sampled once on weekdays after 8 pm. For all office sites, parking demand was sampled once on weekday afternoons between 2 and 3 pm. Mixed-use sites were sampled 4 times in order to ensure the peak demand was captured considering the unique and more complex demand fluctuations at those sites. These samples were taken on Friday afternoons between noon and 2 pm, Friday evenings between 5:30 and 7:30 pm, Saturday afternoons between noon and 2 pm, and Saturday evenings between 5:30 and 7:30 pm. Additional mid-week samples were conducted at four commercial retail sites in August and September. These additional samples were taken on Tuesday afternoons between noon and 2 pm and Tuesday evenings between 5:30 and 7:30 pm. Parking supplies were determined at the time of the first demand observation at all sites, and any significant changes in supply that occurred during subsequent samples were noted and taken into account. FTH staff photographed peak demand at all sites when possible (i.e., when peak demand occurred during daylight hours). Supply rates were observed in the field on study days and adjusted when necessary for temporary supply constraints such as special events taking place in the lot.

Results, once entered, were then used in conjunction with gross square footage figures and/or residential unit counts that city planning staff provided to determine the observed supply rates and peak demand rates for all sites (spaces per 1000 square feet for commercial and office sites and spaces per dwelling unit for residential sites). Rates were calculated both including and excluding any applicable on-street parking.

Chart 1: Parking Supply & Highest Demand Rates for Residential Sites (Excluding On Street)

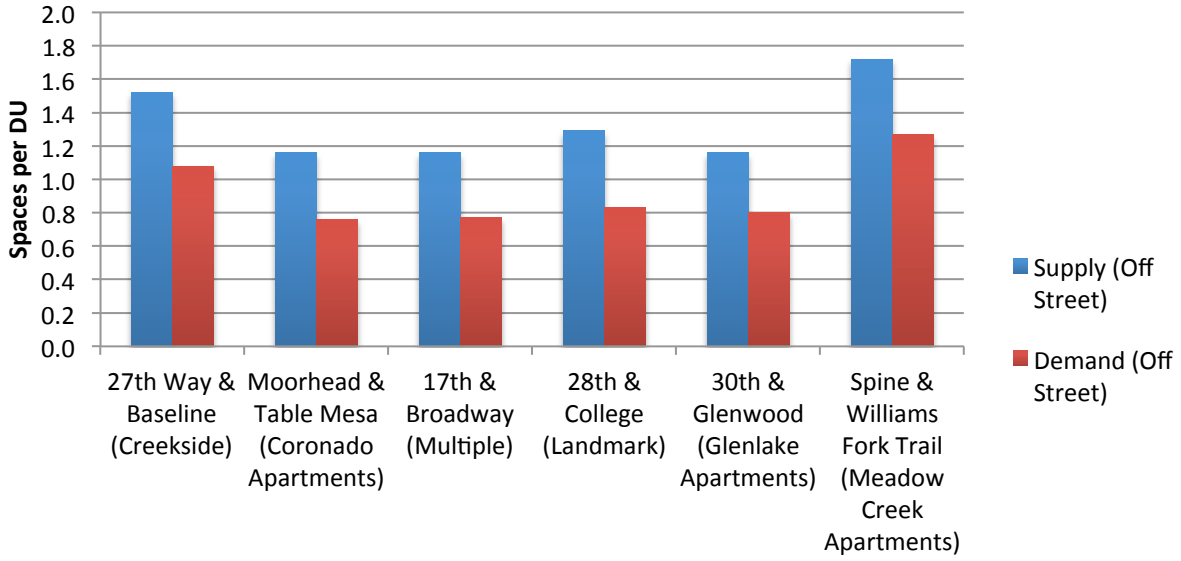


Chart 2: Parking Supply & Highest Demand Rates for Residential Sites

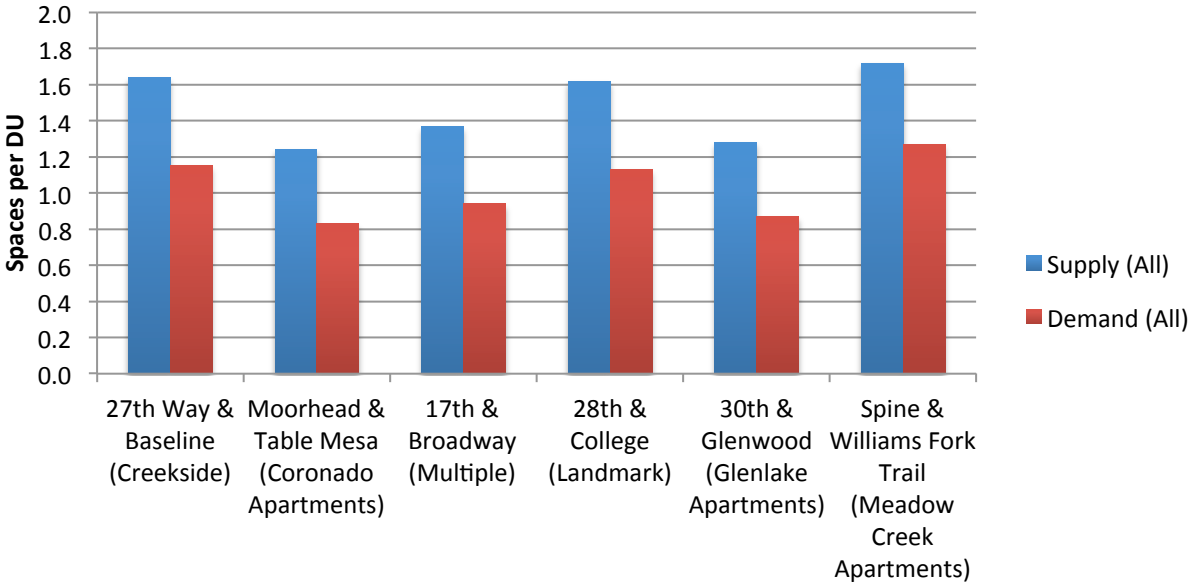


Chart 3: Parking Supply & Highest Demand Rates for Commercial Sites (Excluding On Street)

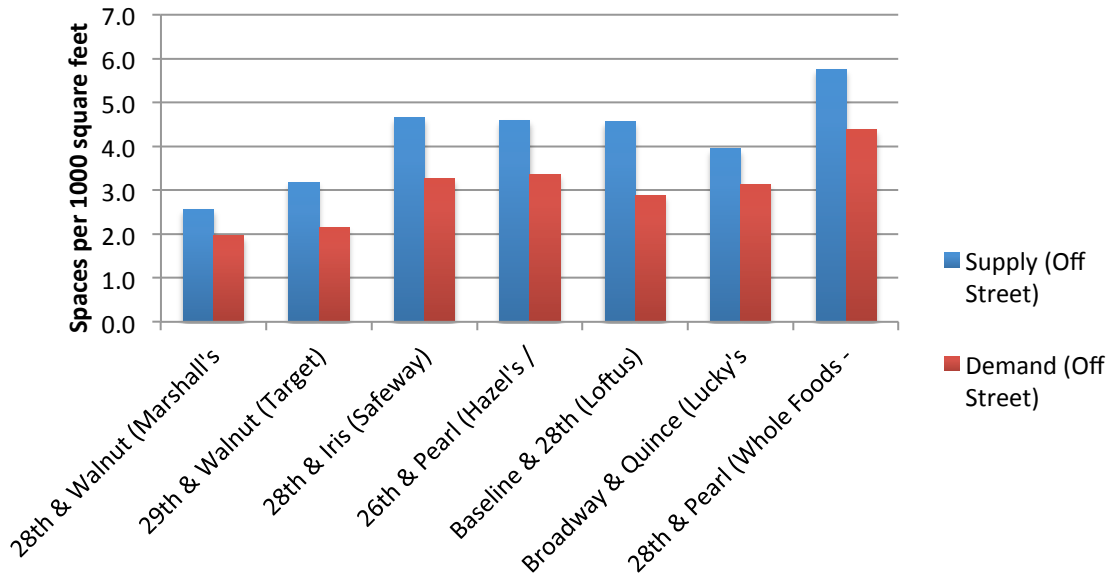


Chart 4: Parking Supply & Highest Demand Rates for Commercial Sites

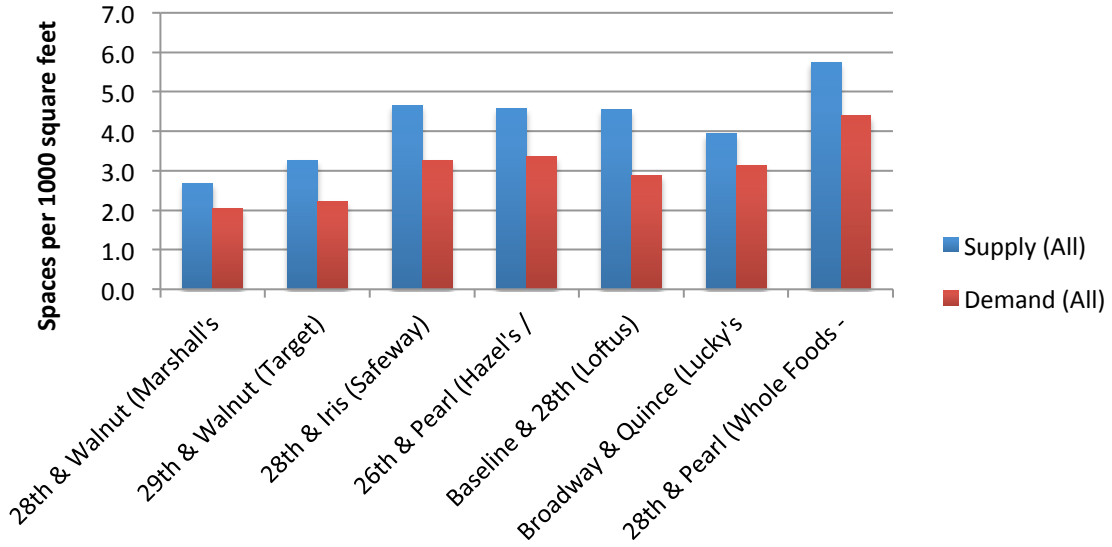


Chart 5: Parking Supply & Highest Demand Rates for Office Sites (Excluding On Street)

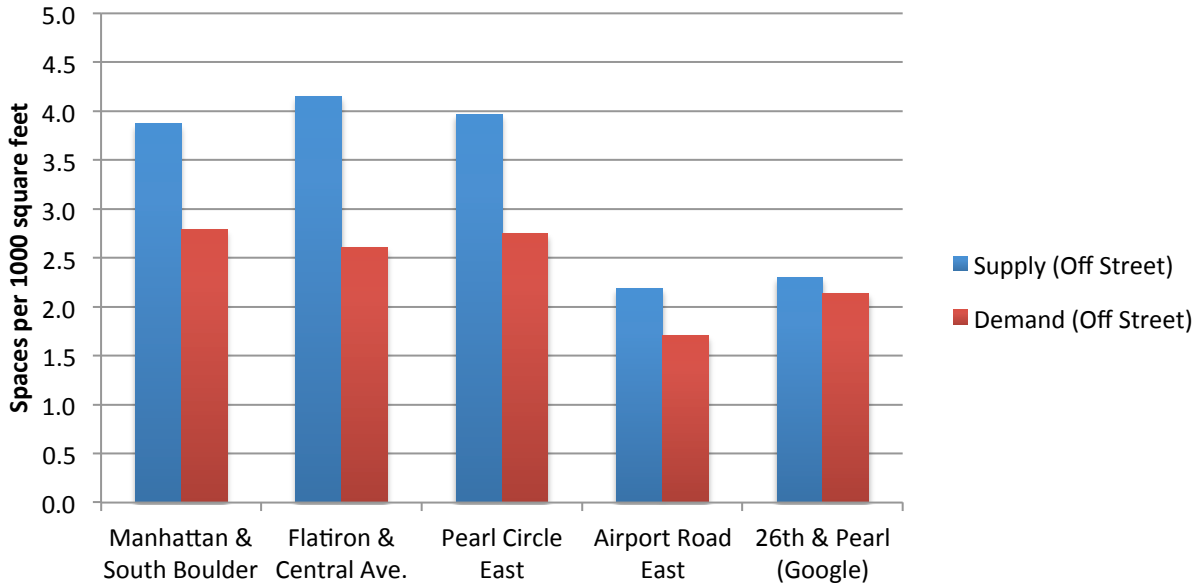


Chart 6: Parking Supply & Highest Demand Rates for Office Sites

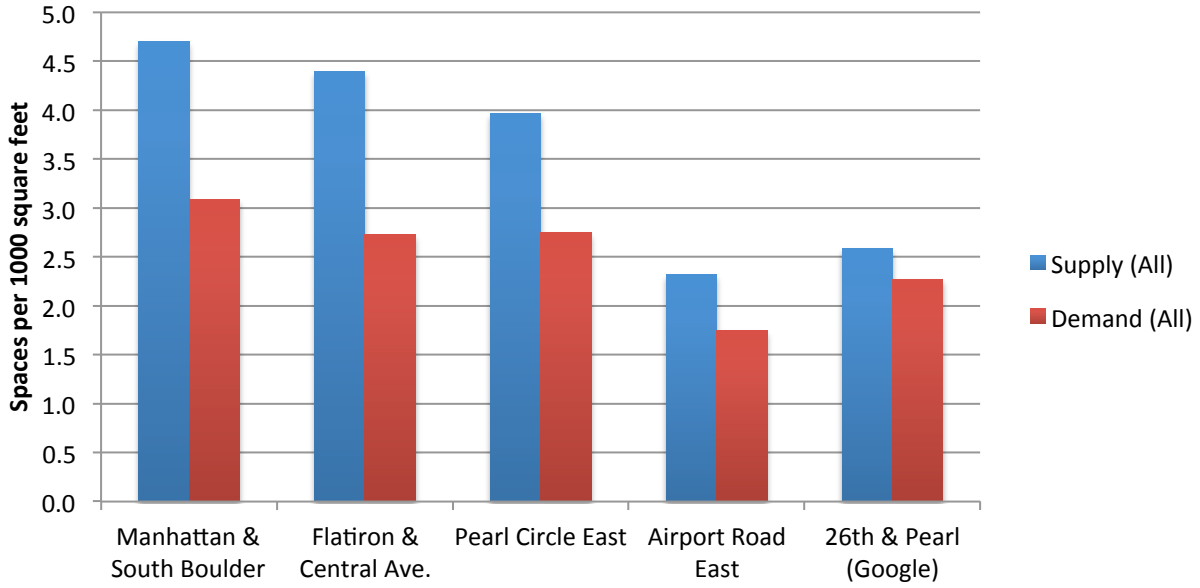


Chart 7: Parking Supply & Highest Demand Rates for Mixed-Use (Residential) Sites (Excluding On Street)

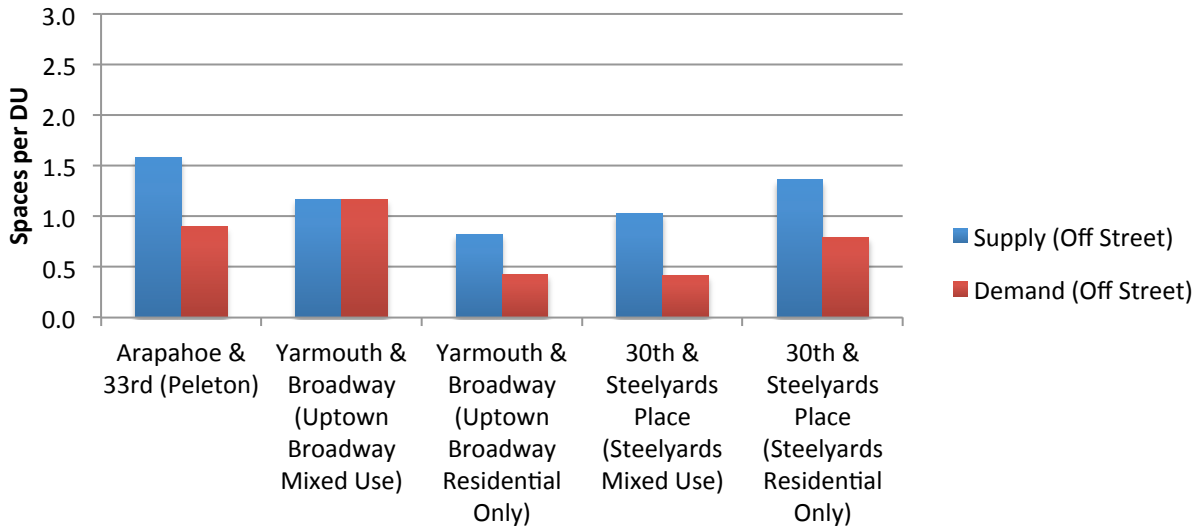


Chart 8: Parking Supply & Highest Demand Rates for Mixed-Use (Residential) Sites

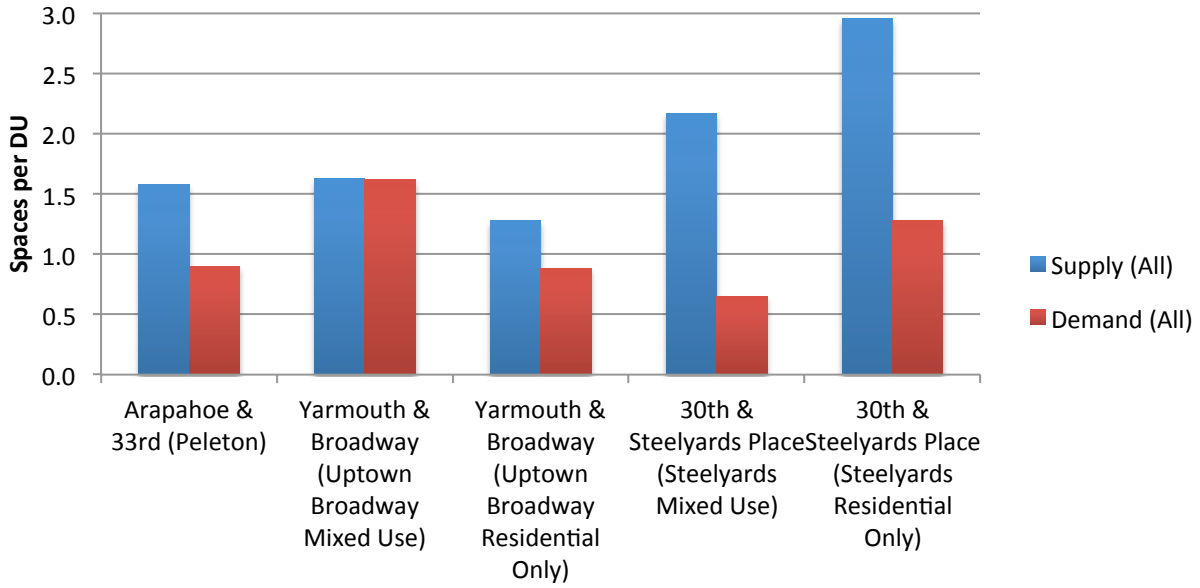


Chart 9: Parking Supply & Highest Demand Rates for Mixed-Use (Commercial) Sites (Excluding On Street)

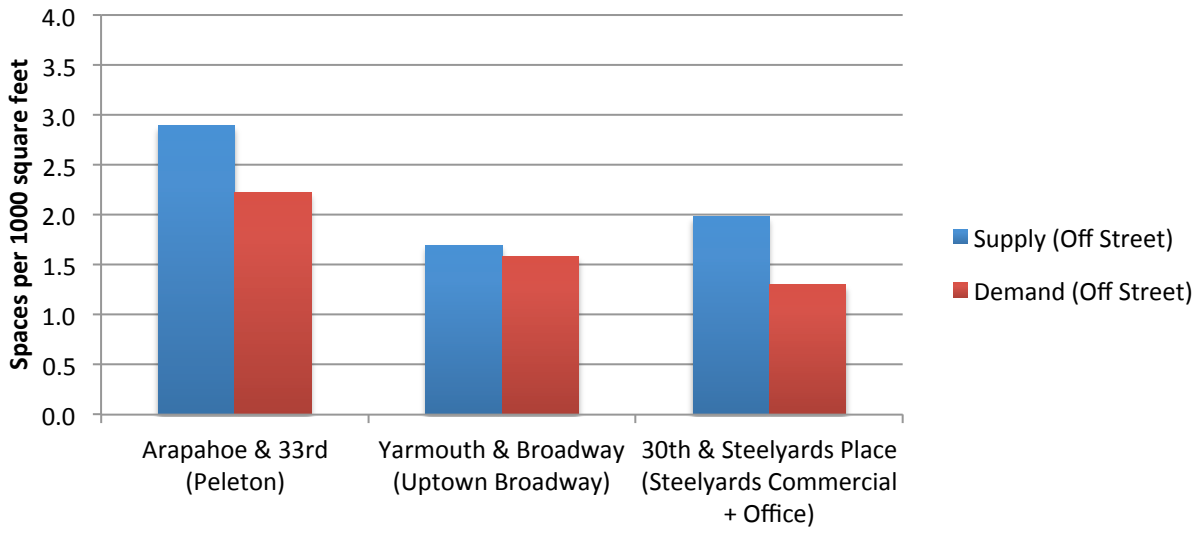
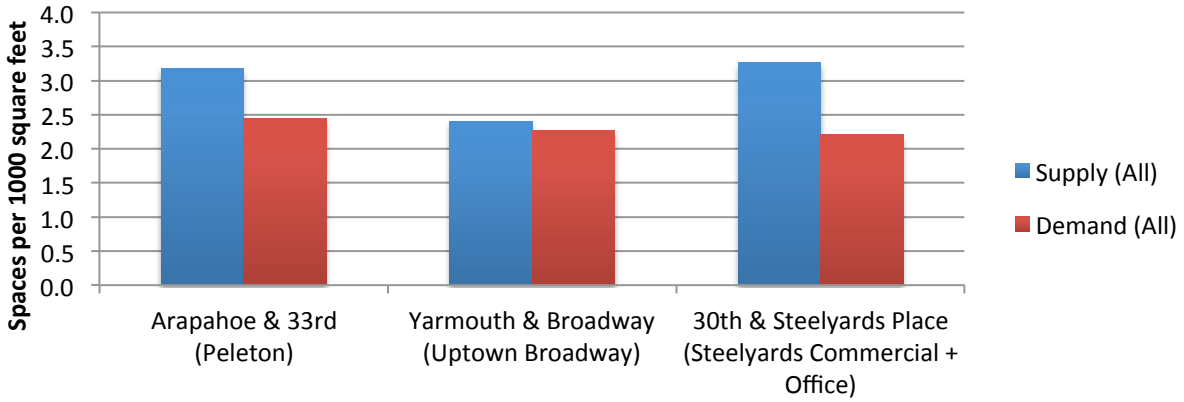


Chart 10: Parking Supply & Highest Demand Rates for Mixed-Use (Commercial) Sites



Comparison to Peer Cities

In order to gather perspective on and context to Boulder's existing parking code, FTH staff reviewed the parking rate requirements of three other selected cities: Davis, CA; Walnut Creek, CA; and Portland, OR. Tables summarizing how Boulder's code compares to these peer cities are given below.

Table 2: Summary of Basic Rate Requirements Across Selected Cities by Major Land Use Type

Use Type	Davis, CA	Portland, OR	Walnut Creek, CA	Boulder, CO
Detatched Dwellings	1 covered space, 1 uncovered space for 0 - 4 bedrooms; 1 additional uncovered space per additional bedroom.	Typically, 1 space per DU.	2 covered spaces per DU.	Typically, 1 space per DU; 0 for MU-4 or RH-7.
Attached Dwellings	1 covered space, 1 uncovered for 0 - 3 bedrooms, 1 additional space per additional bedroom.		1 additional space per DU compared to detatched dwelling requirement.	Minimum: Varies by zoning. Either 1 space per DU; 1 for 1 - 2 bedrooms, 1.5 for 3 bedrooms, and 2 for 4 + bedrooms; or 1 for 1 bedroom, 1.5 for 2 bedrooms, 2 for 3 bedrooms, and 3 for 4 + bedrooms. No minimum for MU-4 or RH-7. Maximum: typically, no maximum except for MU-4 and RH-7 (1 space per DU maximum).
Multi-family Dwellings	1 space for 0 - 1 bedrooms, 1.75 for 2 bedrooms, 3 for for 3+ bedrooms.		1.25 spaces per studio, 1.5 per 1 bedroom, 2 per 2 bedrooms, 2.25 per 2+ bedrooms. At least one space must be covered.	
Retail	1 space per 300 sqare feet of gross area.	Minimum: 1 space per 500 square feet of net building area. Maximum: 1 per 196 square feet.	1 space per 250 square feet of RFA.	Minimum: Varies by zoning. No minimum for RH-3, RH-6, RH-7, MU-4; 1 space per 400 square feet of floor area for BCS, MR-1, IS, IG, IM, A; 1 per 400 sq. ft. if residential is less than 50% of FA (otherwise 1 per 500 sq. ft.) for RMX-2, MU-2, IMS, BMS; 1 per 300 sq. ft. if residential is less than 50% of FA (otherwise 1 per 400 sq. ft.); 1 per 300 sq. ft. of FA for all other zones. Maxiumm: typically, no maximum except for RH-3, RH-6, RH-7, and MU-4 (1 space per 400 sq. ft. of FA if residential is less than 50% of FA, otherwise 1 space per 500 sq. ft.).
Restaurants (Dine-in)	1 space per 3 seats.	Minimum: 1 space per 250 square feet of net building area. Maximum: 1 per 63 square feet.	1 space per 5 seats and 1 per 75 square feet of floor area for portable seats or tables.	
Mixed Use	1 space per 350 square feet of gross commercial area; 1 per DU.	N/A	1 space per 200 square feet of rentable floor area up to 50,000 square feet, 1 per 250 square feet after 50,000. Residential requirement determined on case-by-case basis.	

*** Requirements listed are minimums unless otherwise noted**

Table 3: Examples of Space Requirements per Parking Code by Selected City and Land Use Type (Not Including Reductions)

Example Number of DU's or Amount of Square Feet	Davis, CA	Portland, OR	Walnut Creek, CA	Boulder, CO****
Detatched Dwellings				
1BR DU	2	1	2	1
2BR DU	2	1	2	1
3BR DU	2	1	2	1
4+BR DU	2	1	2	1
Attached Dwellings				
1BR DU	2	1	3	1
2BR DU	2	1	3	1.5
3BR DU	2	1	3	2
4+BR DU	3	1	3	3
Multi-family Dwellings				
1BR DU	1	1	1.5	1
2BR DU	1.75	1	2	1.5
3BR DU	3	1	2.25	2
4+BR DU	3	1	2.25	3
Retail				
5,000 SF	17	10	20	17
15,000 SF	51	30	60	51
40,000 SF	133	80	160	133
Restaurants (Standalone Dine-In)**				
5,000 SF	67	20	40	67
10,000 SF	133	40	80	133
15,000 SF	200	60	120	200
Mixed Use***				
10,000 SF with 10 DU	39	40	60	0 - 43
25,000 SF with 40 DU	111	90	165	0 - 123
50,000 SF with 200 DU	343	300	400	0 - 367

*** Requirements listed are minimums**
**** Assuming 200 seats per 5,000 sq. ft. of restaurant space**
***** Assuming 1 space per DU for Walnut Creek, CA and Boulder, CO mixed-use residential (actual requirement determined on case-by-case basis)**
****** Assuming typical suburban zoning type (highest minimum possible listed; minimums may be lower depending on other criteria)**

Correlations to Transit Network Accessibility and Bicycle Facilities

In addition to comparing Boulder's parking code to that of selected peer cities, FTH staff researched each 2015 study site's proximity to transit routes, both on and off the Community Transit Network (CTN), as well as proximity to existing bicycle facilities, and related those proximities to parking demand in order to ascertain if any correlations exist. These correlation graphs are depicted below.

Chart 11: Commercial Demand versus All Nearby Transit Routes

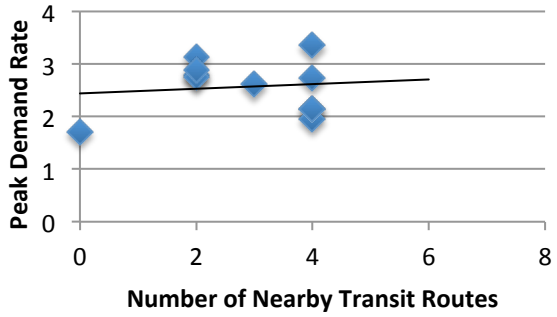


Chart 12: Commercial Demand versus Nearby CTN Routes

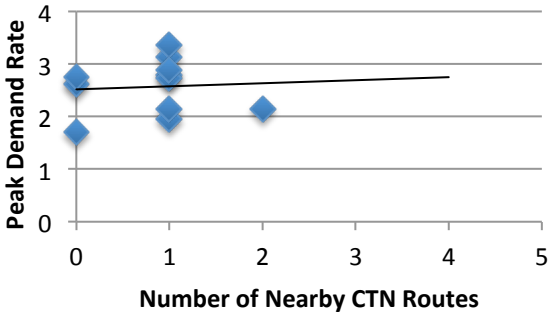


Chart 13: Commercial Mixed Use Demand versus All Nearby Transit Routes

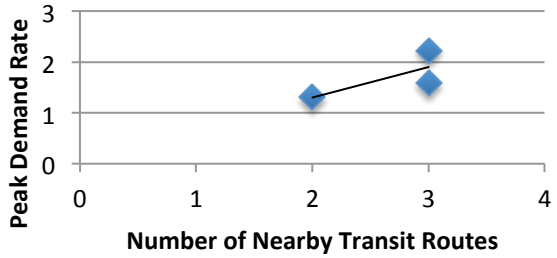


Chart 14: Commercial Mixed Use Demand versus Nearby CTN Routes

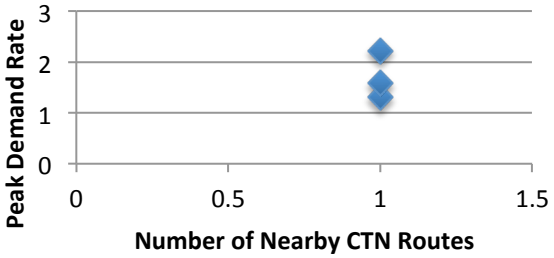


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Chart 15: Residential Demand versus All Nearby Transit Routes

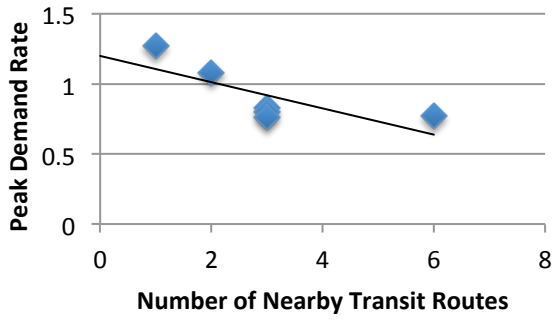


Chart 16: Residential Demand versus Nearby CTN Routes

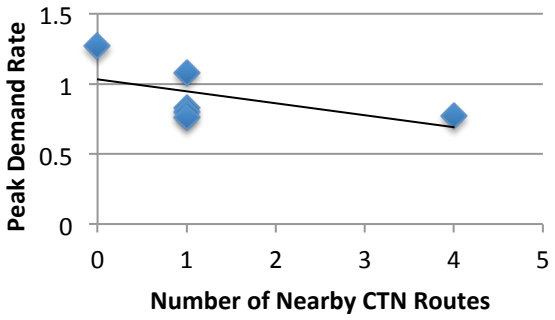


Chart 17: Residential Mixed Use Demand versus All Nearby Transit Routes

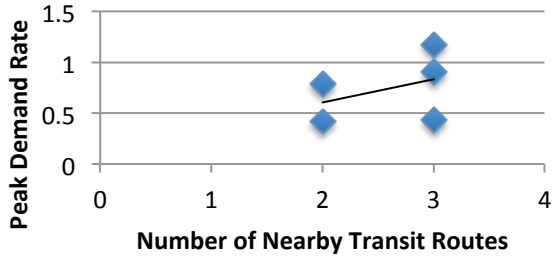


Chart 18: Residential Mixed Use Demand versus Nearby CTN Routes

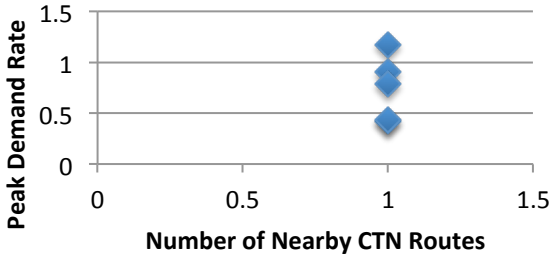


Chart 19: Commercial Demand versus Nearby Bike Facilities

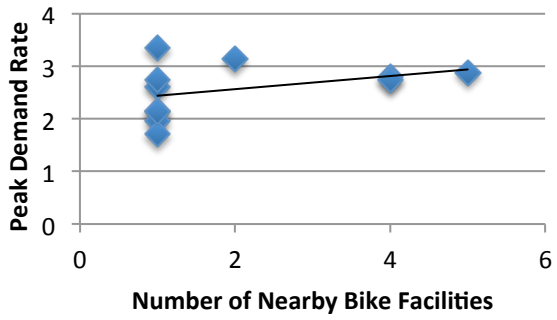


Chart 20: Residential Demand versus Nearby Bike Facilities

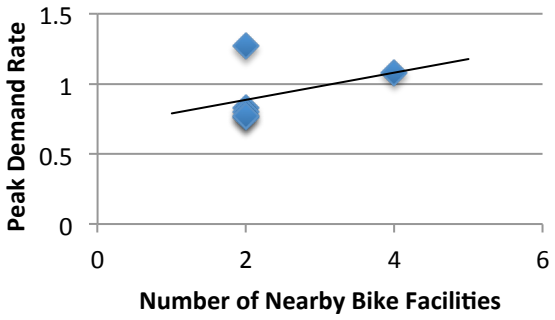


Chart 21: Commercial Mixed Use Demand versus Nearby Bike Facilities

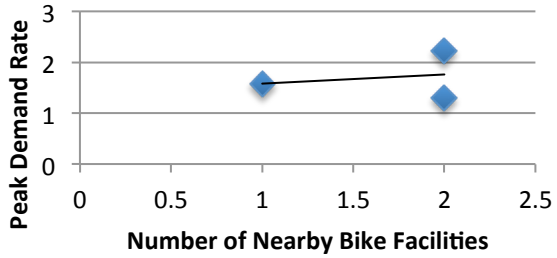
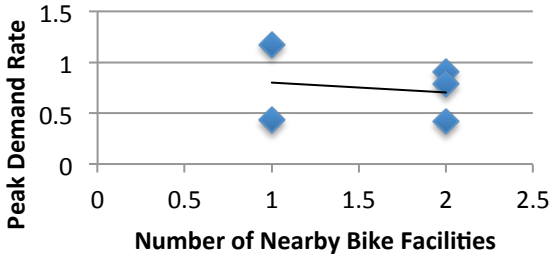


Chart 22: Residential Mixed Use Demand versus Nearby Bike Facilities



Key Questions To Consider

The following questions can be considered as part of upcoming conversations with Transportation Advisory Board and Planning Board regarding parking code adjustments:

- Should new requirement be a parking minimum, parking maximum, or both?
    - If no minimum, should parking reductions be eliminated?
    - If maximum, should a new exception process be created to allow for more parking in certain circumstances and/or when requested?
- Should different parking requirements be created depending on zoning district/typology or by land use type, or a combination of the two?
    - If by typology, should proximity to multi-modal networks or CTN routes be considered?
- If parking reductions are kept, should the criteria for obtaining a reduction be more stringent or more lenient?
- What methodology should be used to determine option ranges (i.e., conservative, moderate, progressive)?
- Can the data determine automatic percentage parking reductions that should apply under certain scenarios?
- How do other AMPS components factor into any proposed code changes (e.g., TDM, district parking enforcement, et cetera)?
- Where should, if at all, unbundled parking be required outside of Boulder Junction?
- Should special considerations be made in the updated code for electric vehicles (EVs)?
    - If so, how many EV stations should be required?
    - What type(s) of EV stations should be required?

Table 4: Summary of Days Observed in 2014 & 2015 by Site

2015 Sites

Site ID Number	Site	Highest Commercial Demand Rate Observed (Excluding On Street)	Highest Residential Demand Rate Observed (Excluding On Street)	Days Studied (Highlighted Indicates Peak Demand Observed)									
				Weekday Afternoon 2 - 3 PM (Tuesday thru Thursday)	Weekday Late Night 8 - 11 PM (Tuesday thru Thursday)	CU Move-in Tuesday Afternoon 12 - 2 PM	CU Move-in Tuesday Evening 5:30 - 7:30 PM	Tuesday Afternoon 12 - 2 PM	Tuesday Evening 5:30 - 7:30 PM	Friday Afternoon 12 - 2 PM	Friday Evening 5:30 - 7:30 PM	Saturday Afternoon 12 - 2 PM	Saturday Evening 5:30 - 7:30 PM
Residential													
2	28th & College (Landmark)		0.83		X								
9	20th & Glenwood (Glenlake Apartments)		0.8		X								
10	27th Way & Baseline (Creekside Apartments)		1.08		X								
14	Spine & Williams Fork Trail (Meadow Creek Apartments)		1.27		X								
16	Moorhead & Table Mesa (Coronado Apartments)		0.76		X								
19	17th & Broadway (Multiple)		0.77		X								
22	20th & Steelyards Place (Residential Only)		0.79		X								
23	Yarmouth & Broadway (Uptown Broadway Residential Only)		0.43		X								
Commercial/Retail													
3	Arapahoe & 33rd (Peleton)	2.22	0.9							X	X	X	X
6	26th & Walnut (Marshall's Plaza)	1.96						X	X	X	X	X	
7	20th & Steelyards Place (Mixed Use Portion)	1.3	0.42							X	X	X	X
8	29th & Walnut (Target)*	2.15				X	X			X	X	X	
12	Broadway & Quince (Lucky's Market/Nomad)	3.14				X	X			X	X	X	
13	Yarmouth & Broadway (Uptown Broadway Mixed Use Portion)	1.58	1.17							X	X	X	X
15	26th & Pearl (Hazel's/Wahoo's)	3.36								X	X	X	
17	28th & Iris (Safeway)	3.26						X	X	X	X	X	
20	Baseline & 28th (Loftus)	2.88								X	X	X	
Office													
1	Manhattan & South Boulder (Multiple)	2.79		X									
4	Flatiron & Central Ave. (Multiple)	2.61		X									
5	Pearl Circle East (Multiple)	2.75		X									
11	Airport Road East	1.71		X									
21	26th & Pearl (Google Campus - Largest Two Buildings)	2.14		X									

* Peak demand (2.61 rate) that occurred on CU move-in day is noted in red highlight. Typical peak demand is highlighted in yellow.

2014 Sites

Site ID Number	Site	Highest Commercial Demand Rate Observed (Excluding On Street)	Highest Residential Demand Rate Observed (Excluding On Street)	Days Studied (Highlighted Indicates Peak Demand Observed)									
				Weekday Afternoon 2 - 3 PM (Tuesday thru Thursday)	Weekday Late Night 8 - 11 PM (Tuesday thru Thursday)	CU Move-in Tuesday Afternoon 12 - 2 PM	CU Move-in Tuesday Evening 5:30 - 7:30 PM	Monday Afternoon 12 - 2 PM	Monday Evening 5:30 - 7:30 PM	Friday Afternoon 12 - 2 PM	Friday Evening 5:30 - 7:30 PM	Saturday Afternoon 12 - 2 PM	Saturday Evening 5:30 - 7:30 PM
Residential													
A	Walnut & 9th (Multiple)		0.43		X								
B	18th & Marine (Multiple)		1.04		X								
C	21st & Goss (Multiple)		0.53		X								
Commercial/Retail													
D	28th & Pearl (Whole Foods Shopping Center)	4.39								X			
E	Broadway & Baseline (Basemar)	3.36								X			
F	Broadway & Table Mesa (King Soopers)	2.77						X					
G	28th & Arapahoe (The Village)	2.77									X		
H	28th & Iris (Willow Springs Shopping Center)	3.16								X			
I	29th & Arapahoe (29th Street)	2.09										X	
Industrial/Office													
J	Pearl & Foothills Northwest Side (Multiple)	1.73		X									
K	Pearl & Foothills Southwest Side (Multiple)	0.92		X									

Table 5: Site Transit & Bike Route Access Analysis

Site	Highest Commercial Demand Rate Observed (Excluding On Street)	Highest Residential Demand Rate Observed (Excluding On Street)	Transit													Bike Facilities								Walkability Rating	Walkability Rating Index
			Boulder Community Transit Network							Other Transit			Total Proximate Boulder Transit Routes	Total Proximate Numbered Transit Routes	Total Proximate Transit Routes (All)	Designated Bike Route	Multi-use Path	On Street Bike Lane	Paved Shoulder	Sidewalk Connection	Soft Surface Multi-use	Street with Single Bike Lane	Total Proximate Bike System Features		
			Existing				Future																		
			1	2	3	4	1	2	3	1	2	3													
1	2.79		DASH				LEAP			206			1	1	2	1		1	1		1		4	36	3
2		0.83	STAM				ORBIT			201	J		1	2	3		1	1					2	36	3
4	2.61						LEAP			206	208	S	0	3	3		1						1	15	1
5	2.75						LEAP			206	S		0	2	2		1						1	15	1
6	1.96		HOP				LEAP	ORBIT	DART	205	F/H/T	206	1	3	4			1					1	70	6
8	2.15		HOP	BOUND			ORBIT	LEAP		205	206		2	2	4		1						1	70	6
9		0.8	BOUND							205	208		1	2	3	1		1					2	57	5
10		1.08	BOUND							204			1	1	2	1	1	1				1	4	57	5
11	1.71												0	0	0		1						1	0	0
12	3.14		SKIP							M			1	1	2	1		1					2	46	4
14		1.27								205			0	1	1	1				1			2	36	3
15	3.36		HOP				ORBIT	DART		205	206	F/H/T	1	3	4			1					1	70	6
16		0.76	DASH				LEAP			204	206		1	2	3			1	1				2	57	5
17	2.73		BOUND				ORBIT			205	208	F/H/T	1	3	4		1	1	1	1			4	70	6
19		0.77	HOP	SKIP	DASH	STAM				203	204		4	2	6	1	1						2	57	5
20	2.88		BOUND							203			1	1	2	1	1	1	1	1			5	70	6
21	2.14		HOP				ORBIT	DART		205	206	F/H/T	1	3	4			1					1	70	6
Mixed Use Sites																									
3	2.22	0.9	JUMP							S	J		1	2	3	1	1						2	57	5
7	1.3	0.42	BOUND							208			1	1	2		1	1					2	70	6
13	1.58	1.17	SKIP							M	204		1	2	3			1					1	57	5
22		0.79	BOUND							208			1	1	2		1	1					2	57	5
23		0.43	SKIP							M	204		1	2	3			1					1	57	5

ATTACHMENT C: PARKING FINES IN BOULDER AND OTHER CITIES

Parking Fines in Boulder and Other Cities

INFRACTION	Boulder, CO	Ann Arbor, MI	Austin, TX	Breckenridge, CO	Colorado Springs, CO	Denver, CO (Including Cherry Creek)	Fort Collins, CO	Longmont, CO	Madison, WI	Pasadena, CA	Portland, OR	Santa Monica, CA	Seattle, WA
Most Recent change	**2007***	2010		2015						2010		2012	
Expired/Unpaid Meter	**$15**	$20	$30	N/A	$20	$25	NA	NA	$25	$47	$60	$53	$44
Overtime Parking-Meter	**$15**	$35	$40	$30-[illegible]**	$30	$25	NA	NA	$35	$47	$39/45/65	$53	$ 47
Overtime -Non-Meter	**$20**	$35	$30	$30-[illegible]**	$30	$25	W-$50**	$20	$35	$47	$39/45/65	$64	$47
Outside Lines/Markings	**$15**	$ 35	$40	$30	$40	$25	$25		$30	$41	$39	$53	$47
Double Parking	**$15**	$50	$70	$30	$50	$25	$ 25	$10	$30	$47	$80	$53	$47
Loading Zones (Commercial)	**$20**	$45	$40	$30	$50	$ 25	$25		$40	$41	$90	$53	$53
No Permit (in Permit Zone)	**$25**	$25	$40	$30		$25	$25		$30	$47		$64	$53
Bus Stop	**$25**	$35	$40	$30		$25	$25		$45	$281	$100	$304	$47
Crosswalk	**$25**	$35	$40	$30	$50	$25	$25	$20	$30	$ 47	$90	$53	$47
Red Zone/Fire Lane	**$50**	$50	$70	$30	$70	$50	$25		$30-100	$58	$80	$53-64	$47
Parking Prohibited	**$25**	$35	$40	$30	$50	$25	$25	$25	$ 30	$47		$64	$47
No Stopping/Standing	**$25**	$35	$40	$30	$50	$25	$25		$30-45	$53	$80	$64	$47
Fire Hydrant	**$50**	$40	$70	$30	$50	$25	$25	$35	$30	$53	$150	$53	$47
Blocking Traffic	**$15**	$35	$40	$30	$50	$25	$25			$41	$50	$53	$47
Disabled Parking	**$112**	$125	$300	$100	$350	$150	$100	$100	$150	$362	$160-435	$ 399	$250
Blocking Driveway	**$25**	$35	$40	$30	$50	$25	$25		$30	$47	$90	$ 53	$ 47

*Increase was for "safety violations" only, not overtime fines.

**Escalating fines: Breckenridge is based on 365 days; Fort Collins has no meters; overtime fine escalated based on 180 days (Initial infraction is warning)

Note: Pasadena fines have been increased based on the CPI so are not in even dollars. Table data is rounded to nearest dollar. Austin has "standard" fines, with a lesser amount accepted for a certain period after issuance. Table displays the reduced "early payment" amounts.

ATTACHMENT D: AMPS TIMELINE
AMPS Summary Report
2nd Quarter 2016

Access Management & Parking Strategy Timeline

★ = City Council Review of Draft Recommendations

● = City Council Review of Policy/Strategy Recommendations

2015 | City Council Study Session on AMPS - Nov. 10, 2015 | 2016

2ND QUARTER | 3RD QUARTER | 4TH QUARTER | 1ST QUARTER | 2ND

District Management

- Analyze Satellite Parking and Other Mobility Options
- Explore Shared Parking Policy with Public-Private Partnerships
- Develop Criteria to Pilot New Multimodal Districts
- Develop Civic Area Access & Parking Strategy

Pricing

- Evaluate Neighborhood Parking Permit Program Pricing
- Evaluate Pricing Options for Parking Rates
- Recommend Amount for Overtime at Meter Fine
- Consider a Graduated Fine Structure

Technology

- Install New PARCS Equipment in Downtown Garages
- Integrate PARCS Software with Existing Technology
- Explore Applications to Enhance the Parking Experience

Parking

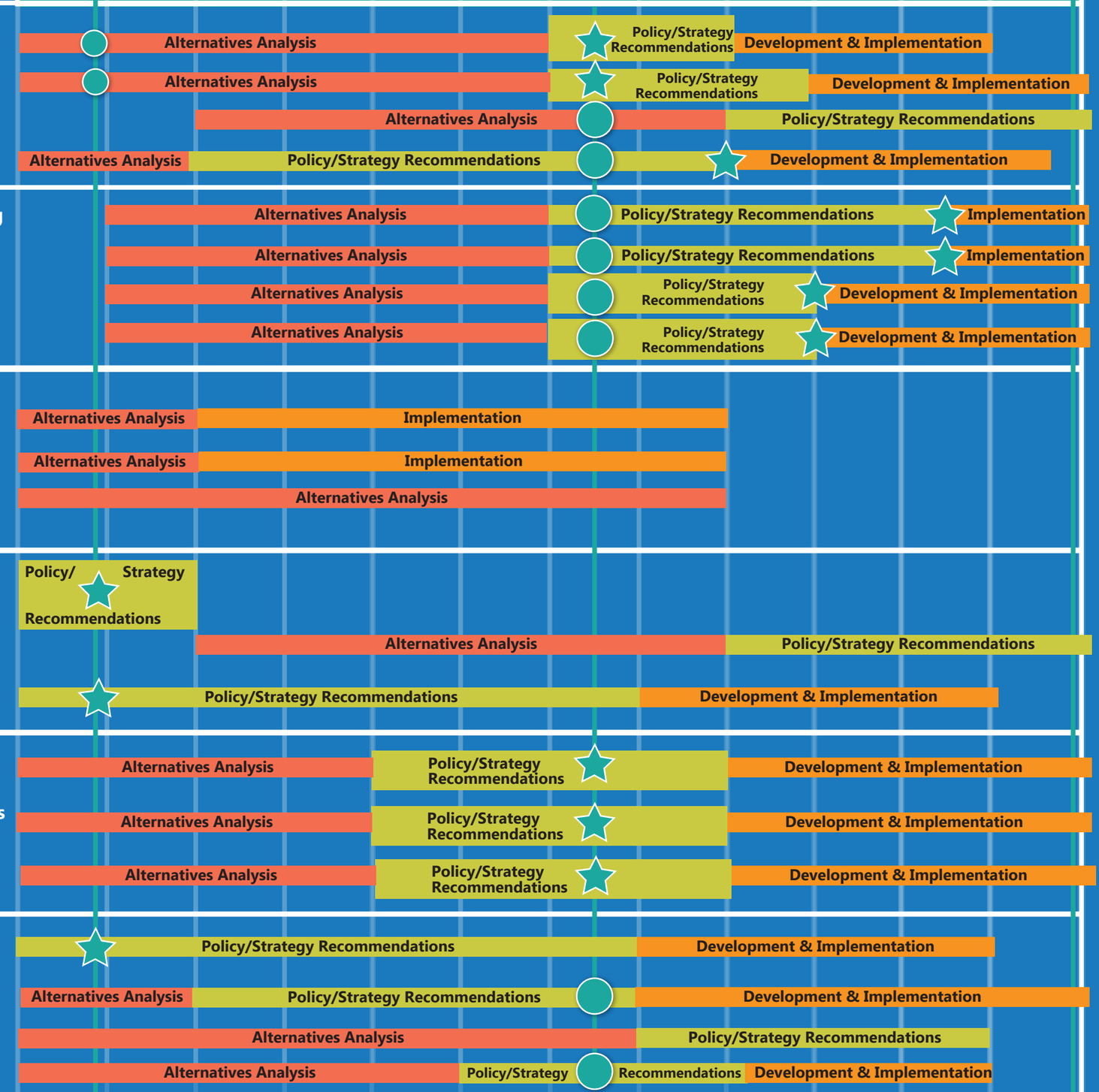
- Reassess Long-term On-Street Parking (72-Hour) Limitation
- Develop a Curbside Space Management Plan
- Explore Transportation Demand Management Options for New Private Developments

Code

- Evaluate & Update Parking Requirements
- Explore Automatic Parking Reductions for Beneficial Projects
- Evaluate Expansion of Shared, Unbundled, Managed & Paid Parking in New Districts or as Potential Overlays

Travel Options

- Transportation Demand Management Toolkit for Private Developments
- Explore Trip Reduction Tools for Existing Commercial
- Investigate Bundled First & Final Mile Strategies
- Explore Parking Cash-Outs for CAGID Employees



ATTACHMENT E: AMPS INFOGRAPHIC

Access Management & Parking Strategy

Boulder is a national leader in providing options for access, parking and transportation. To support the community's social, economic and environmental goals, it is important to create customized solutions that meet the unique access goals of Boulder's diverse districts, residential and commercial.

AMPS: A balanced approach to enhancing access to existing districts and the rest of the community by increasing travel options — biking, busing, walking and driving — for residents, commuters, visitors and all who enjoy Boulder.

TOOLS FOR CHANGE

- district management
- pricing
- technology
- parking
- code
- travel options

mixed use neighbor-hoods
- North Boulder

transit oriented development
- Boulder Junction
- Depot Square

historic commercial
- Downtown
- University Hill

office park
- East Arapahoe
- Flatirons Park

residential
- Mixed Use
- Multi-Family
- Single-Family

suburban commercial
- 29th Street
- Table Mesa
- BaseMar

Mixed-income, mixed-use neighborhoods where residents can easily walk or bicycle to meet all basic daily, non-work needs.

15 minute neighborhood

CITY OF BOULDER

AMPS

bouldercolorado.gov/amps

Study Session
MEMORANDUM

TO: Members of City Council

FROM: Jane S. Brautigam, City Manager
Maureen Rait, Executive Director of Public Works
David Driskell, Executive Director of Planning, Housing and Sustainability
Michael Calderazzo, Fire Chief
David Gelderloos, Administrative Battalion Chief
Molly Winter, Director of Community Vitality
David Gehr, Deputy City Attorney
Susan Richstone, Deputy Director, Planning, Housing and Sustainability
Jeff Yegian, Housing Division Manager
Edward Stafford, Development Review Manager for Public Works
Jay Sugnet, Project Manager – Housing Boulder
Eric M. Ameigh, Public Works Projects Coordinator

DATE: October 13, 2015

SUBJECT: Update on Boulder Junction

I. PURPOSE

The purpose of this study session is to:

1. Update City Council and solicit feedback on the implementation of the Transit Village Area Plan (TVAP) to date;
2. Provide council with preliminary analysis of location options for Fire Station #3;
3. Solicit feedback on possible next steps for the city-owned site at 30th and Pearl streets; and
4. Provide council with an update on general fund finances related to Boulder Junction development.

Since adoption of the Transit Village Area Plan (TVAP) in 2007, the city, RTD and private developers have begun implementing the vision outlined for the Transit Village Area, which is now referred to as Boulder Junction. Significant investment has been made in public improvements, several development projects have been constructed, and more are approved, under construction or in the planning stages. As a result of these investments, there has been

progress toward the vision articulated in the plan. A study session in July 2012 provided council with a comprehensive update on that progress. The purpose of this study session is to share new developments since July 2012 and to provide information and analysis which will frame key 2016 decisions within Boulder Junction.

II. QUESTIONS FOR COUNCIL

1. Does council have questions or feedback regarding the current status of the TVAP's implementation?
2. Does council have questions or feedback regarding preliminary analysis related to the relocation of Fire Station #3?
3. Does council have questions about the next steps proposed for the city-owned site at 30th and Pearl streets?

III. BACKGROUND

In 2000, the city initiated a planning effort for a transit-oriented development (TOD – For more information on the definition and components of the TOD, see *Attachment A*.) in east Boulder as an extension of the 28th Street corridor planning project. The 11.2-acre site at the northeast corner of 30th and Pearl streets (then owned by Pollard Friendly Motors) was identified through a site selection process as the preferred location for a TOD. The site was acquired by the city in October 2004 and named "Boulder Transit Village."

Transit Village Area Plan
The TVAP was adopted in September 2007 after a planning effort that began shortly after the acquisition of the Pollard Motor property in 2004. The plan outlines a set of goals and objectives for achieving a broad vision established for the 160-acre Transit Village Area. The vision for the Transit Village Area as articulated in the plan includes the following:

1. A lively and engaging place with a diversity of uses, including employment, retail, arts and entertainment, with housing that serves a diversity of ages, incomes and ethnicities;
2. A place that is not overly planned, with a "charming chaos" that exhibits a variety of building sizes, styles and densities where not everything looks the same;
3. A place with both citywide and neighborhood-scale public spaces;
4. A place that attracts and engages a broad spectrum of the community, not just people who live and work here or come to access the transit in the area; and
5. A place that emphasizes and provides for alternative energy, sustainability, walking, biking and possible car-free areas, e.g., an "eco-village."

The TVAP Implementation Plan describes the process and timeline for various regulatory changes, funding mechanisms and programs to implement the TVAP. A phased approach to implementation is outlined in the plan as follows:

- Phase I will occur in the first 10 to 15 years in the area between 30th Street and the railroad tracks; and

Figure 1 Phase I Implementation

- Phase II (below) will generally occur thereafter and focus on the areas east of the tracks and west of 30th Street.

Figure 2 Phase II Implementation

The TVAP has been amended twice since adoption in 2007. Amendments in 2010 included the addition of storm water guidelines, design guidelines for the Junction Place Bridge over Goose Creek and the Public Arts Master Plan. Amendments in 2012 included a connections plan and modifications to the street sections for Junction Place and Pearl Parkway.

City-owned Site at 30th and Pearl streets

In 2004, the city purchased eight acres on the west portion of the Pollard Motor site for mixed-use development, and RTD purchased 3.2 acres on the east portion for a transit facility. As part of the purchase agreement, Pollard Motor retained a lease to occupy the western 5.5 acres of the site through 2016. The site was acquired for $9.5 million and funded through the following sources:

1. $2.5 million in funding from RTD;
2. $2.1 million in Community Housing Assistance Program (CHAP) funds;
3. $2.4 million borrowed through a Fannie Mae line of credit established with council approval and repaid with the city's local affordable housing funds; and
4. $2.5 million financed by Pollard (terms: 6.5 percent interest with monthly payments)

The city's goals when it purchased its portion of the site were to:

- advance Boulder's long-range vision for a TOD that maximizes public investment in multimodal transportation, infrastructure improvements and affordable housing;
- create a mixed-use development with predominantly residential uses and some supporting commercial uses as determined by a future market study;
- create a range of housing types;
- create a substantial amount (up to 50 percent) of permanently affordable housing, with the remaining 50 percent of the housing sold or rented at market rates; and
- create a mix of ownership and rental housing at a range of 220 to 300 units.

The city's affordable housing investment in the site, following repayment of the Fannie Mae line of credit and seller financing from Pollard Motor, totals more than $6 million to date. Investment in the property was seen as a way to facilitate a mixed-use, mixed-income TOD while making significant progress towards the city goal of 10 percent permanently affordable housing within the community. The 10-percent goal was initially adopted in 1997 as a policy in the Boulder Valley Comprehensive Plan and became a central component of Boulder's Affordable Housing Strategy in 2000 and was reaffirmed in the 2011 Affordable Housing Task Force Report. The goal, which translates to approximately 4,500 permanently affordable housing units, has served as the basis for most of the city's affordable housing efforts since 2000. To date, the city and its partners have succeeded in achieving 4/5 of that goal citywide (the city passed the 8 percent mark in 2015).

Chapter 3 of the TVAP, titled "Urban Design," envisions that the city-owned site will be used to create a new transit-oriented, mixed-use neighborhood that is predominantly residential, with some retail and office space. Located in the Pearl Street Center District of the planning area, it is envisioned as a high-intensity mix of housing and associated commercial uses, capitalizing on its central location and the regional bus facility. Up to half of the residential units on the city-owned site are envisioned as permanently affordable housing for low- to moderate-income, primarily workforce, households and/or targeted to hard-to-serve populations that would greatly benefit from proximity to transit, such as people with disabilities.

Since 2005, the build-out estimates for the city-owned site have been reduced from 5.5 developable acres to 4.3 developable acres due to a number of factors including the location of a ¾-acre pocket park, realignment of Junction Place, 30th Street and Pearl Parkway redesign, siting of the historic depot building and other public improvements around the site. Accordingly, housing estimates for potential residential apartments or condos, assuming ground floor retail/commercial along Pearl and 30th streets, have been reduced.

The city has leased 4.3 acres of the 5.45-acre property to Pollard Friendly Motor Company through Oct. 30, 2016. The original lease ran through Oct. 30, 2014, but Pollard exercised an option in the lease to extend to 2016 and also to purchase a portion of the city's Municipal Service Center as a site to relocate its business. Pollard is currently working to secure the necessary permits for construction at its new location.

At a July 2012 study session, council discussed the future of the site. It was decided at that time to delay any firm decisions until the first phase of TVAP implementation had progressed further and the real estate market had recovered more fully from the recession.

The Boulder Junction Area since TVAP Adoption

Since the TVAP was adopted in 2007, a number of factors have changed (in particular in economic and market conditions), implementation activities have begun, some modifications to the plan have been approved, and significant public and private investments have been made or are in progress. In addition, several changes to the city-owned site at 30th and Pearl streets have occurred, impacting the lease area for Pollard Motors and reducing the developable size of the site.

Regulatory Changes

Regulatory changes that have been implemented in the Boulder Junction area since TVAP adoption include:

1. BVCP Land Use Map changes for all of Phase I;
2. adoption of new zoning districts and subsequent rezoning including specific "concurrency" criteria to allow rezoning;
3. adoption of new trip generation requirements to mitigate the impacts of traffic;
4. adoption of revised street sections for Junction Place and Pearl Parkway;
5. creation of two general improvement districts; and,
6. modifications to the MU-4 zoning district which, among other things, allowed commercial kitchens and eliminated limitations on non-residential floor area.

See *Attachment B* for details of Boulder Junction regulatory changes.

Public Improvements

Significant public improvements have been completed or are proposed for construction in the near future. The Capital Improvement Bond approved by the voters in November 2011 has supported a number of the key transportation connections in the area. Completed improvements include:

- the relocation of the historic Boulder Jaycees Depot;
- transportation upgrades along 30th Street including new bike lanes;
- a multi-use accessible path connection between 30th Street and the Goose Creek Greenway;
- mid-block pedestrian crossings;
- construction of the new Junction Place street;
- new public plaza that surrounds the depot and transitions into the recently constructed Junction Place;
- new Goose Creek bridge that connects the redeveloped areas to the northern area of Boulder Junction;
- transformation of Pearl Parkway into a pedestrian and bike friendly, multi-way boulevard;
- new traffic signals; and,
- additional multi-use paths.

A future pocket park along the south side of Goose Creek is expected to enter the design phase in 2016. A bike shelter has also been proposed to be included in the pocket park (See Heads Up from Aug. 3, 2015).

See *Attachment C* for details and a map of completed public improvements.

Financing of Public Improvements

The TVAP implementation plan identified nearly $10 million in Phase 1 key public improvements that needed to be constructed in the area, including Junction Pl., the Junction Pl. Bridge over Goose Creek, new traffic signals, Boulder Junction Park, stormwater improvements, and multi-use path improvements. The implementation plan quantified the city's share in the

Phase 1 public improvements at nearly 60 percent of the total cost, with the share attributable to private development at 30 percent (the remaining 10 percent was projected to be paid by FasTracks or TIP funding). In addition, new public improvements were added to the plan in 2012, including the Pearl Parkway multi-way boulevard and the Boulder Slough Bridge and path connections.

An adopted principle for TVAP implementation was that "Any public improvement to be funded by the city should benefit the city as a whole or implement the vision for the area." Given the significant funding needs, a one-time policy decision was made to use excise taxes and construction use tax collected within the area to pay for the key public improvements which would benefit the city as a whole and implement the vision for the area. The fact that the excise and construction use taxes would not materialize until later years created a timing issue for the improvements which needed to be built in the short term. At the time, the CIP was funded at a level lower than today's and the general fund was therefore identified as the best source of funds for the improvements. A plan was put in place for general fund reserves to be loaned as a solution to the timing issue. Future construction use tax, as a general fund revenue, was looked to as the logical mechanism for repayment to the general fund.

However, the 2011 passage of the Capital Improvement Bond and the award of federal transportation grant funds made the general fund loan unnecessary at that time. Instead, the bond funding and the grant funding addressed the timing issue and the loan from the general fund never occurred. Because the loan never occurred, there was no need for construction use tax to be returned to the general fund.

Due to the public improvements still required to fully implement the plan, the excise and construction use taxes from development in the area have been collected and will be spent on future public improvements within Boulder Junction.

Private Development

Following adoption of TVAP, and subsequent city-initiated rezoning (that required property owners to agree to participation in the parking and access districts in order to be eligible for rezoning), the city began receiving applications for private development in the area. Approved and/or completed development projects include the following:

1. Solana (3100 Pearl St.): 319 apartment units along with two retail uses and a fitness facility on the ground floor, with building frontages facing the new street of Junction Place and the recently completed Pearl Parkway. This project is completed.

2. Depot Square (3151 Pearl St.): Nearly completed, 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 apartments that are being rented to qualifying residents as permanently affordable units. Also nearing completion is the restoration of the historic Boulder Jaycees Depot building in Depot Square that will house a new restaurant.

3. Nickel Flats: A 17-unit attached residential condominium building immediately north of Goose Creek on the west side of Junction Place. This project is expected to be completed in the fall of 2015.

4. 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.

5. 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. As a part of this Site Review, changes to the TVAP Connection Plan were also proposed. On Oct. 6, council will consider a motion to approve changes to the Connection Plan as approved by Planning Board.

6. Reve, 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. The developers are currently considering their options for meeting Inclusionary Housing regulations.

See *Attachment C* for details and a map of completed development projects.

Form Based Code Pilot

As part of the Design Excellence Initiative, the city is piloting a Form Based Code (FBC) in Boulder Junction. The city will test FBC as an approach to address design quality and development review issues recently articulated through community, board and council conversations. It is anticipated that council will consider first reading of an ordinance before the end of 2015.

Access and Travel Demand Management

To realize the goals of the TVAP plan and create a transit-oriented development, two general improvement taxing districts were created in 2010: a parking district and a travel demand management (TDM) district. They were named the Boulder Junction Access General Improvement District-Parking (BJAD-P) and Boulder Junction Access General Improvement District-TDM (BJAD-TDM). They are based on the successful downtown parking district and implemented in conjunction with zoning regulations for parking maximums for residential uses to reduce single-occupant vehicle trips and promote transit and other alternative modes of transportation. The TDM district provides funding for EcoPasses and car and bike share programs. The parking district provides mechanisms to create parking that is shared, unbundled, managed, and paid.

Payment in lieu of taxes (PILOT) fees paid by developers for the first two years after issuance of the certificate of occupancy and the property taxes on residential and commercial properties are used by the TDM District to purchase EcoPasses and to provide discounted Boulder B-Cycle memberships and free carshare memberships for all residents and employees of Boulder

Junction. To date, one commercial property and two residential properties are paying into the district, and 355 Eco Passes have been issued.

The development at Depot Square presented the opportunity to construct a shared parking garage between BJAD-P and the other Depot Square uses including the hotel, the Depot, RTD and the housing units. In order to ensure the parking principles that create a TOD will be met, a Parking Management Agreement (PMA) was created by the parking owners and users. The PMA allows for owners to place unused parking spaces into a pool that will be managed by the BJAD Parking District.

The Depot Square parking garage is now shared between five different users through a condominium association, called the Depot Square Owners Association (DSOA). BJAD has 100 spaces to manage with the goal of supporting the access needs of all users within the district. Details on the operation of the garage are currently being finalized. In addition, DSOA will consider the installation of electric vehicle charging stations at its next meeting.

BJAD - Parking Development and Financing

As part of the Depot Square public-private partnership, BJAD-P entered into a lease/purchase agreement with Pedersen Development for the district's condominium unit interest of 100 spaces in the parking structure. The lease/purchase price is $2,606,633 with a repayment term of seven years without interest. The annual payments for the lease/purchase are approximately $372,000, with the first payment due in 2015 and the last payment due in 2021.

New districts of this kind generate low property tax revenues in the early years before the property is developed. The BJAD-P will only have revenues from property taxes and parking fees from users of the parking structure. Therefore, it will not generate sufficient revenues to make the annual payment in the early years. To take advantage of the opportunity to acquire parking spaces for BJAD-P, the city entered into an agreement with BJAD-P to cover the shortfalls in the early years with general fund dollars. When the district generates sufficient revenues to make the annual payments, the city's general fund will be repaid.

The ability of the BJAD-P to make its lease/purchase payments and to repay the city's general fund will be based on the pace of development and the value of property within the district. If the district's revenues rise more quickly than anticipated and the district is better able to make its lease/purchase payments, the annual loan amounts from the general fund may decline. At the end of the seven year repayment period for the parking lease/purchase, staff will identify the amount owed by BJAD-P to the general fund and establish a repayment schedule.

The following table provides the projected loan amounts from the general fund to the parking district through 2019, the last year for which a shortfall is currently projected:

Year	Expected General Fund Loan to BJAD
2015 (Revised)	$324,365
2016 (Recommended)	$312,848
2017 (Projected)	$238,461
2018 (Projected)	$288,106
2019 (Projected)	$9,405

IV. ANALYSIS

TVAP Vision and Goals

At the outset of the Transit Village Area planning process, the City Council and Planning Board adopted six goals for the area. The following is a discussion and analysis of accomplishments to date in achieving those goals.

Goal 1: *Create a well-used and well-loved, pedestrian-oriented place that includes a* special character, a mix of retail and commercial uses, a significant amount of housing and engaging, convenient and safe pedestrian and bike connections.

> *What's happening?* The initial developments and new shared street designs are setting the tone for a pedestrian-oriented place with a distinctive character. A mix of uses is occurring with the addition of the hotel, Depot Square housing, the RTD bus terminal and the new plaza surrounding the Depot, creating a stronger public space and "heart" south of Goose Creek.

Goal 2: *Support diversity through land use and travel options* that expand opportunities for employees and residents of differing incomes, ethnicities, ages and abilities by including a variety of housing types at a range of prices from market rate to affordable; services that support residents, adjacent neighbors and businesses; support for locally owned and minority-owned businesses in the area; public spaces to celebrate diverse ethnicity; space for nonprofit organizations; and affordable spaces for retail, office and service industrial uses.

> *What's happening?* Prior to the S'PARK proposal on the 10.9-acre former Sutherlands Lumber site, the majority of housing built in Boulder Junction has been rental housing in apartment buildings. Largely due to market conditions, this predominance of one- and two-bedroom rental apartments has raised some concerns. S'PARK proposes a richer mix of rental and ownership housing and a greater diversity of housing types and unit sizes, as well as commercial and retail uses. In addition, the public plaza surrounding the Historic Jaycees Depot and pocket park are more predominant as the central public spaces than envisioned in the original plan.

Goal 3: *Enhance economic vitality:* Increase economic activity for businesses, increase revenues for the city of Boulder, reduce transportation costs by including neighborhood-serving retail uses and regional retail uses that complement the large investment of the Twenty Ninth Street project, and provide convenient and safe connections to downtown and to Twenty Ninth Street. Provide additional office uses in locations close to the future transit facilities and new residential areas. To enhance economic vitality, the city should develop a realistic economic development plan that includes implementation techniques for public/private partnerships.

> *What's happening?* Recently constructed and proposed residential projects are adding housing to support new and existing non-residential uses in the area. The partnership on the Depot Square site between a private developer, RTD, and the city led to a successful mixed use development plan that includes a hotel, restaurant/bar, and small retail spaces in addition to the bus station facility. Solana provides both residential units and neighborhood-serving

retail, and both S'PARK and Reve propose to deliver an even greater mix of uses (e.g. office and retail).

Goal 4: *Connect to the natural and built environment:* Create a place that reflects Boulder's commitment to environmental sustainability and "green" development, is integrated with the natural features in the area, and connects to the larger city fabric. Include innovative "green" energy-efficient site planning, architecture and urban design. Develop an overall storm water management plan for the area in lieu of property-by-property storm water detention. Provide connections to existing natural amenities such as the Goose Creek greenway, the Boulder Slough (ditch) and Boulder Creek, and take advantage of views and view sheds from key locations.

What's happening? Depot Square, Junction Place and Pearl Parkway are piloting the use of LED street lighting. The Depot Square development utilized sustainable development features such as permeable hardscape, a living wall and solar photovoltaic panels, and it is anticipated to be LEED certified. Guidelines for storm water low-impact development techniques were approved in August 2010. The developments north and south of Pearl Parkway include key connections to the Boulder Slough and the Goose Creek greenway.

Goal 5: *Maximize the community benefit of the transit investment:* Locate homes and employment to maximize access to local and regional bus service, future commuter rail and bus rapid transit, and to allow for a pedestrian-oriented lifestyle. Develop lively and engaging commuter rail and regional bus locations. Improve the balance of jobs and housing in the community through new mixed-use neighborhoods in areas close to multiple transit facilities. Develop and adopt managed parking strategies; reduced parking requirements in the hub; and transportation demand management strategies. Encourage multimodal access and mobility within the area and to the rest of Boulder.

What's happening? A managed parking strategy with improvement districts has been implemented, and new zoning districts have TDM requirements and parking maximums. The regional bus facility is complete, along with the hotel and a public plaza integrating the historic Boulder Jaycees Depot. Public infrastructure is being designed in a pedestrian-oriented scale, with key connections to the citywide multimodal system. The US 36 Bus Rapid Transit (BRT)/Managed Lanes and Bikeway project is largely complete from Pecos to Broomfield, and the Phase 2 US 36 project all the way to Boulder is anticipated for completion in early 2016. RTD is scheduled to begin the US 36 Flatiron Flyer BRT service in January 2016. Given the FasTracks fiscal realities, it is likely that the US 36 BRT/transit service and Depot Square station will be the primary regional transit connections to TVAP. The number of new jobs in the area is outpacing the creation of new housing units.

In the spring of 2015, the property where the Google campus will be located successfully petitioned into the BJAD-TDM district and will be added to the tax base and receive the benefits of the district TDM programs.

Goal 6: *Create a plan that will adapt to and be resilient for Boulder's long-term future:* the plan builds in flexibility, allowing for serendipity and changes in use over time and provides for increased density in targeted locations.

What's happening? The TVAP has been amended twice since adoption in 2007. In 2010, storm water guidelines, design guidelines for the Junction Place Bridge over Goose Creek and the Public Arts Master Plan were adopted. In 2012, the connections plan and street sections were modified for Junction Place and Pearl Parkway. The sanitary sewer infrastructure serving the site was upsized to accommodate increased development potential.

Housing

Housing development has progressed in Boulder Junction since TVAP adoption. The Depot Square and Solana (3100 Pearl) residential projects are complete, and additional projects are either approved or in the review process.

TVAP originally envisioned 1,400 to 2,400 new residential units. There are currently 490 units in the area with another 245 approved at the S'PARK development and an additional 126 proposed for the portion of the Reve development that falls in the TVAP area. No other residential projects are currently proposed within the TVAP area at this time.

TVAP also envisioned that the percentage of permanently affordable housing units would exceed 20 percent, or what would normally be required through Inclusionary Housing. The current percentage of permanently affordable units is 20 percent. If the S'PARK development is completed as approved, the percentage would increase. The Reve development is still considering options for meeting Inclusionary Housing requirements.

	TVAP Existing (includes Steelyards)	**TVAP Existing + S'PARK (approved)**
Unit Type		
-Affordable Rental	71	148
-Affordable Ownership	27	27
-Market Rental	319	440
-Market Ownership	73	120
Unit Total	490	735
% Perm. Affordable	20%	24%

Fire Station #3

Recent analysis by the Fire Rescue Department has led to the conclusion that Fire Station #3, located at the corner of 30th St. and Arapahoe Avenue, should be relocated for a number of reasons. First, Station #3 is not well positioned to meet minimum standards for response time in its coverage area. Second, it is a critical facility located in the 100-year floodplain and the high hazard flood zone and thus at risk during flood events. Third, it would require significant modifications in order to be brought up to modern professional standards for use by existing and future units, but it cannot be altered due to its location in the flood plain and other site constraints.

In order to achieve the standard four-minute travel time in the station's coverage area that is required in the BVCP and to serve both existing and projected future needs, the station should be moved to a location generally within an area bounded to the north by Valmont Road, to the south by Mapleton Avenue, to the east by 30th Street and to the west by Folsom Street. Additional analysis can be found in the April 14, 2015, study session memo.

There are a number of design considerations for a future Station #3. These include site access, flood plain issues, the desire for the incorporation of a community space, a site area large enough to accommodate the needs of a fire station and the number of floors.

A number of potential sites were previously identified as options, but at this time only three options are under serious consideration for their ability to meet the objectives of relocating the station. They are the Mapleton ball fields site, the city-owned site at 30th and Pearl streets and a future site to be identified and acquired in the 30th Street corridor between Pearl and Valmont. The following is a preliminary analysis of the pros and cons of the three possibilities:

Site	Pros	Cons
Mapleton Ball fields	• City ownership • Flexibility on site size • Could likely accommodate drive-through bays • Good access to Mapleton and 30th • Good location for a community space • Potential for shared parking arrangements • No demolition required	• Possible parking limitations • Possible issue with covenant requiring Parks and Recreation use • In 500-year floodplain – site would need to be raised 5 feet to meet city critical facility floodplain regulations, adding cost and design complications
City-owned Site, 30th and Pearl	• City ownership • Flexibility on site size • Could likely accommodate drive-through bays • Good access to 30th • Good location for a community space • Potential for innovative combination with other site uses	• Possible parking limitations • In 500-year floodplain – site would need to be raised 5 feet, adding cost and design complications • Could possibly reduce potential to achieve TVAP and affordable housing goals
Future Site TBD	• Could possibly find a better site out of floodplain, with sufficient size to accommodate all needs	• Not owned by city • Acquisition process • Acquisition cost • Unknown availability

City-owned Site at 30th and Pearl Streets
TVAP envisions that the city-owned site will be used to create a new transit-oriented, mixed-use neighborhood that is predominantly residential, with some retail and office space. Located in the Pearl Street Center District of the planning area, it is envisioned as a high-intensity mix of housing and associated commercial uses, capitalizing on its central location and the regional bus facility. Up to half of the residential units on the city-owned site are envisioned as permanently affordable housing for low to moderate income, primarily workforce households and/or targeted to hard-to-serve populations that would greatly benefit from proximity to transit, such as people with disabilities. Its MU-4 zoning designation supports these intended uses.

The approach to the future development of the site has been to plan for an issuance of a request for proposals (RFP) closer to the time when the lease with Pollard Motors expires. Similar to the successful process for developing Depot Square, an RFP is envisioned to be used for development of the site, which could include identified criteria for success to guide proposals for development but allow a high level of creativity and a range of design solutions. The city could, at that time, provide the land at little or no cost in return for the delivery of specified community benefits as part of a comprehensive development proposal. Those benefits would include specific unit types and mix as well as income levels, but could also include other priorities (understanding that reduction in affordable housing benefits may require the application of other funds in order to repay the initial investment of affordable housing funds). The developer(s) chosen through the RFP process would develop and sell or lease the commercial spaces and residential units. The criteria for success in the RFP would be developed by an interdepartmental city team with council and board input and would be informed by community forums. This type of process has been successfully utilized in the past, most notably with the Holiday Drive In.

If the site is developed with a mix of commercial space, market rate housing, and/or affordable housing, further progress on the original acquisition goals and the goals of TVAP will be made. However, since the adoption of the TVAP, a number of community needs have emerged that could possibly be addressed at the site. If council believes there is a better use for the site than what is anticipated, the goals for the site could be revisited. If necessary, TVAP could be amended to reflect different priorities.

The design of the eventual redevelopment will be influenced heavily by the FBC pilot.

V. NEXT STEPS

Pollard Site
Between now and the end of 2015, staff will develop a more detailed process and timeline for crafting a RFP and selecting a developer. The process will include consultations with council, all relevant boards and commissions, stakeholders, and the general public. Staff will return to council with a proposed process and a draft RFP in the first quarter of 2016. Council may also choose to consider this item at its January 2016 retreat in the context of all work program priorities.

The development timeline may be longer than the remaining time on the existing Pollard lease. If it appears that redevelopment activities will not commence by the time the lease expires, staff

will explore options to keep the site in productive use until such time as redevelopment work can begin.

Council is also expected to consider first reading of the FBC pilot ordinance before the end of 2015.

Fire Station #3
If council is interested in moving forward on either of the city-owned sites, staff will complete a more detailed analysis of design options and possibilities for overcoming obstacles to development of those sites. The analysis would include an estimate of costs. If council believes the city-owned sites do not represent the most desirable options for relocation of Fire Station #3, staff will develop a proposed strategy for identifying and acquiring a different site in the 30th St. corridor between Pearl Street and Valmont Road. In either case, staff will report back to council during the second quarter of 2016.

Staff is anticipating that funding for a relocation of Station #3 may possibly be placed on the ballot in 2017. In order to achieve that potential objective, rigorous analysis will need to take place in 2016 to prepare for the ballot initiative process in 2017. Council may also choose to consider this item at its January 2016 retreat in the context of all work program priorities.

ATTACHMENTS

Attachment A: Details on the Components and Definition of a Transit Oriented Development
Attachment B: Boulder Junction Regulatory Changes
Attachment C: Completed and Proposed Public Improvements (map included)

Components and Definition of the Boulder Transit Village Transit-Oriented Development (TOD)

In 2000, the city started to formulate a plan for a Transit-Oriented Development (TOD) as an extension of the 28th street corridor planning project. The 11.2-acre site at the northeast corner of 30th and Pearl streets was named the "Boulder Transit Village" (BTV) and identified as the preferred location for a TOD through a site selection process completed in July 2001. Eight acres on the west portion of the site were purchased by the city for mixed-use development and 3.2-acres on the east by RTD for a transit facility. The site is the home to Pollard Friendly Motor Company (Pollard's), which retains a lease option to occupy the western 5.5-acre portion of the site through 2016.

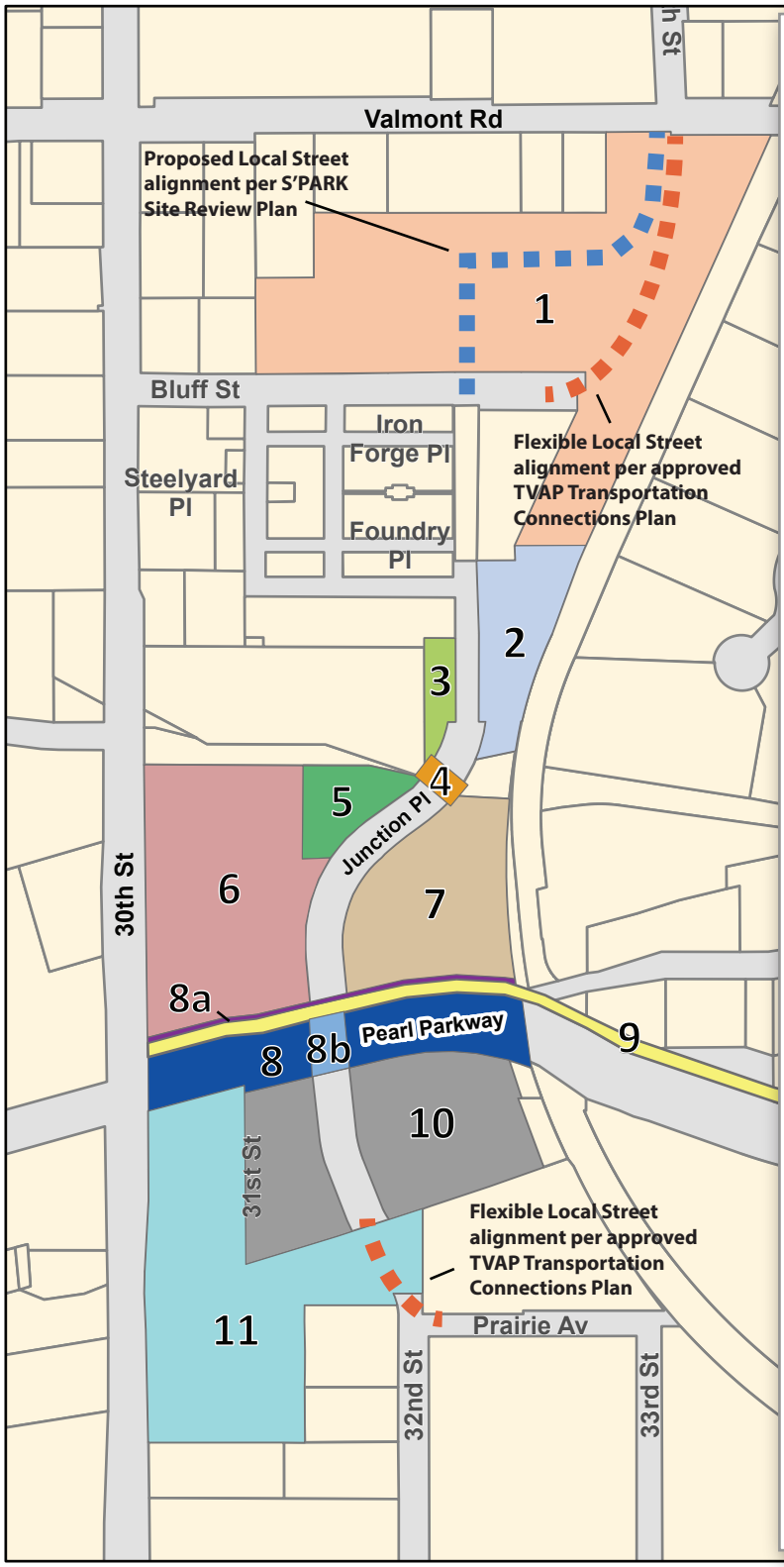
Intensive mixed-use development projects around transit stations are commonly known as transit-oriented developments, or TODs. TOD projects have been very successful in many communities and are considered to have many positive benefits in terms of economic development, transit ridership and congestion management. The following TOD elements would be provided on the 11-acre BTV site:

- a transit station to accommodate safe, efficient and convenient transfers for passengers of the current community transit network, including local and regional service, and future bus rapid transit and commuter rail;
- enhanced pedestrian and bicycle facilities;
- housing, with a significant level of affordable housing; and,
- supportive commercial and retail services.

Boulder Junction Regulatory Changes

Consistent with the actions outlined in the TVAP implementation plan (approved in September 2007) the following has occurred:

- Boulder Valley Comprehensive Plan Land Use Map changes for all of Phase I have been completed.
- New zoning districts were adopted in May 2009, creating a new Mixed Use 4 (MU-4) district, Residential-High 7 (RH-7) district and Residential-High 6 (RH-6) zoning district.
- 19 parcels were rezoned in August 2010 to MU-4, RH-7 or RH-6, consistent with the plan.
- Changes were adopted to the rezoning criteria specifically for the three new zoning districts, including "concurrency" requirements for transportation, water, wastewater and storm water management and flood control, and TDM services.
- New trip generation requirements were adopted in the zoning code to provide approaches to mitigate the impacts of traffic generated by development, ensure that the amount of land used for parking is the minimum necessary and provide opportunities for parking that are efficiently used during all times of the day.
- Two General Improvement Districts were created in July 2010 – the Boulder Junction Access General Improvement District – Parking (BJAGID – Parking), and the Boulder Junction Access General Improvement District – Travel Demand Management (BJAGID – TDM).
- Changes were made to the MU-4 zoning district to allow commercial kitchens, catering and manufacturing uses of less than 15,000 square feet; to prohibit fraternities, sororities and dormitories; to require use review for some larger offices; and to eliminate limitations on nonresidential floor area.



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.

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.

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Feet

What's Happening at Boulder Junction?

City of Boulder

09.30.15

FIRST AMENDMENT TO
DEPOT SQUARE PARKING PURCHASE AGREEMENT
(DISTRICT PARKING UNIT)

THIS FIRST AMENDMENT to the Depot Square Parking Purchase Agreement (the "First Amendment") is executed to be effective as of June 18, 2015 by and between 3001 Pearl, LLC, a Colorado limited liability company ("Seller") and the Boulder Junction Access General Improvement District-Parking, a general improvement district under the laws of the State of Colorado and Charter of the City of Boulder ("BJAD-P") as the First Amendment to the Depot Square Parking Purchase Agreement between the parties dated July 26, 2013, and recorded on July 30, 2013 at Reception No. 03331517 in the records of Boulder County, Colorado (the "Agreement").

Recitals

A. Section 5 of the Agreement provides for the First Note Payment to be made by BJAD-P within 30 days of completion of a list of events, including issuance of a certificate of occupancy for the Parking Structure; and

B. The issuance of a certificate of occupancy for the Parking Structure requires the installation of a working parking management program that, *inter alia*, allows for charging for cars using the Parking Structure (the "Parking Program"), which Parking Program is not yet completed; and

C. All requirements for a certificate of occupancy for the Parking Structure will be completed before the Parking Program which allows for parking management control ; and

D. In order to facilitate the viability of the BJAD-P, the Commissioners of BJAD-P have a fiduciary duty to incentivize the opening of the Parking Structure with an operating Parking Program to avoid any negative impact to BJAD-P if RTD cannot commence using the Parking Structure on its August, 2015 runboard; and

E. However, it is in the interest of both parties for the certificate of occupancy for the Parking Structure to be issued to allow use of the Parking Structure within the Depot Square development;

F. So long as the additional events are added to the list of prerequisites to the First Note Payment, the Seller remains responsible for all maintenance, repair and operations costs and all liability for use and operation of the Parking Structure, and there is a financial penalty for missing the performance date for the Parking Program, all as set forth below, the Commissioners of BJAD-P support the issuance of a certificate of occupancy for the Parking Structure prior to operation of the Parking Program.

Therefore, the parties agree as follows:

1. Section 4 is amended by the addition of a subsection (h) to the requirements of Closing of the District Parking Unit as follows:

h. An agreement, in a form acceptable to the General Manager of the BJAD-P Commissioners, that the Seller will:

(i) remain responsible for all costs of maintenance, repair, operations, damages and all liability for the Parking Structure until the Note Commencement Events occur, except as directly resulting from the use of the District owners/users under (ii) below, and

(ii) allow District owners/users to use the Parking Structure, without charge until all of the Note Commencement Events occur, and

(iii) deliver the GID Parking Unit and the Parking Program in new condition.

2. Section 5 is amended by the addition of a fourth Note Commencement Events which must occur before the First Note Payment is required as follows:

d. The Parking Program shall be operational by August 1, 2015, to allow for the charging for use of the Parking Structure as contemplated by the Parking Management Agreement. In the event that the Parking Program is not operational by August 1, 2015, the Purchase Price shall be reduced by $2000.00 per day for every day between August 1, 2015 and the date the Seller delivers the Parking Program to BJAD-P as required in this amendment. Such amount shall be either (i) deducted from the First Note Payment due under the Promissory Note or (ii) payable directly by Seller within fifteen (15) days after written request from BJAD-P.

3. Section 7 is amended by revising the date of event of default (g) from May 31, 2015, to July 8, 2015.

4. All capitalized terms not defined herein shall have the definition provided in the Agreement.

IN WITNESS WHEREOF, the parties have executed this First Amendment effective as of the day and year first written above.

Seller:

3001 Pearl, LLC, a Colorado limited liability company

By: _____
Scott Pedersen, Manager

Buyer:

Boulder Junction Access General Improvement District - Parking

By: _____
City Manager as General Manager of BJAD-P

SECOND AMENDMENT TO
DEPOT SQUARE PARKING PURCHASE AGREEMENT
(DISTRICT PARKING UNIT)

THIS SECOND AMENDMENT to the Depot Square Parking Purchase Agreement (the "Second Amendment") is executed to be effective as of 13th day of August, 2015 by and between 3001 Pearl, LLC, a Colorado limited liability company ("Seller") and the Boulder Junction Access General Improvement District-Parking, a general improvement district under the laws of the State of Colorado and Charter of the City of Boulder ("BJAD-P") as the Second Amendment to the Depot Square Parking Purchase Agreement between the parties dated July 26, 2013, and recorded on July 30, 2013 at Reception No. 03331517 in the records of Boulder County, Colorado and the First Amendment thereto dated June 18, 2015 (collectively the "Agreement").

Recitals

A. Recitals A-F of the First Amendment are incorporated herein; and

B. The City of Boulder is entering into various agreements with Seller and its contractor and lender to facilitate completing punch list items necessary for issuance of certificates of occupancy for the Parking Structure and the residential and public areas of the Depot Square development; and

C. As part of the City's efforts to facilitate completion of Depot Square, and in order to ensure the completion of the Parking Program, additional amendments to this Agreement are necessary.

Therefore, the parties agree as follows:

1. Section 5 is amended by the following revision to the fourth event and addition of a fifth and sixth Note Commencement Event which must occur before the First Note Payment is required as follows:

d. The Parking Program shall be operational by August 1, 2015, to allow for the charging for use of the Parking Structure as contemplated by the Parking Management Agreement. In the event that the Parking Program is not operational by August 1, 2015, the Purchase Price shall be reduced by $2000.00 per day for every day between August 1, 2015 and the date the Seller delivers the Parking Program to BJAD-P as required in this amendment. Such amount shall be either (i) deducted as a credit towards the First Note Payment due under the Promissory Note or (ii) payable directly by Seller within fifteen (15) days after written request from BJAD-P.

e. In the event that the Parking Program is not operating as required under the Parking Management Agreement by 5:00 p.m. on Friday, August 28, 2015, upon written notice from BJAD-P:

i. Seller shall cause ProtectionTech to amend its existing agreement for the Parking Program to comply with the Parking Management Agreement and allow the City to become the contractor under the agreement.

ii. All costs incurred by the City from August 28, 2015 until completion of the Parking Program to comply with the Parking Management Agreement shall be credited as a payment by the City as part of the First Note Payment

f. Seller shall complete all punch list items and obtain an unqualified certificate of occupancy from the City by August 28, 2015.

2. All capitalized terms not defined herein shall have the definition provided in the Agreement.

IN WITNESS WHEREOF, the parties have executed this First Amendment effective as of the day and year first written above.

Seller:

3001 Pearl, LLC, a Colorado limited liability company

By: _____
Scott Pedersen, Manager

Buyer:

Boulder Junction Access General Improvement District - Parking

By: _____
City Manager as General Manager of BJAD-P

ATTEST:

By: _____
Asst. City Clerk

APPROVED AS TO FORM:

_____
City Attorney's Office

DEPARTMENT OF COMMUNITY VITALITY (DCV)
MEMORANDUM

To: BJAD Parking Commissioners

From: Molly Winter, Director, DCV
Kurt Matthews, Parking Manager, DCV
Donna Jobert, Finance Manager, DCV

Ref: Depot Square BJAD Parking Pricing

Date: October 15, 2015

Background

As part of the Depot Square project, a shared parking garage is being built to provide parking for the district. Garage ownership is shared between the district, RTD, the hotel, and the housing unit as a Condominium Association. A Parking Management Agreement (PMA) is also in place governing aspects of the garage, in that all parking is to be shared, unbundled, managed, and paid (SUMP). (See Attachment A) Each owner will have their own management system. PMA allows for owners to place unused spaces into a pool that would be managed by the BJAD Parking District.

Negotiations are currently underway for the parking access and revenue control system (PARCS) that will control access to the garage and monitor utilization by all condominium members. The garage will be managed via this PARC system, and there will not be a lot attendant present during hours of operation.

The Depot Square garage parking allocation is as follows:

100 - BJAD Parking
71 - Residential units
136 - Hyatt Hotel
75 - RTD
9 - Depot Square Restaurant

Current development projections show that demand on the District spaces will be generated by the overflow RTD bus station patrons, commercial properties, employees and restaurant users. New development is underway north of the new bridge with commercial and residential uses that will also be a factor. Boulder Junction is a nascent district and demand is unknown and very dependent upon development and the types of uses.

Parking Pricing Approach

The BJAD parking pricing approach is based on the SUMP – shared, unbundled, managed and paid - principles, current parking management strategies as well as incorporating the TOD approach of Boulder Junction with the overlay of the BJAD TDM district. Also the Parking District has a fiduciary responsibility to monitor revenues in order to cover expenses as well as repay the City's loan to acquire the spaces. The AMPS project which is developing a citywide strategy for access and parking management will also be applicable to the on-going development of parking management and pricing throughout the city. A key element of the strategy will be to monitor utilization and demand and remain flexible to the evolutionary nature of Boulder Junction.

As background information, below are the essential components of the current parking pricing in the existing access/parking districts:

- Current rates in the Downtown and Hill managed parking are $1.25/hour for on-street parking (average time limit of three hours) and $1.25/hour in the garages for the first 4 hours, then $2.50/hour after that.
- There is no limit on hours charged in the garages; however, we set a $20 maximum per day, which is in line with a lost ticket fee of $20.
- Permit rates are currently $330/quarter in the downtown garages; surface lots are $200/quarter downtown and $175/quarter on the hill. (There is currently a 1200 person waiting list for downtown permits.)

In considering the parking pricing strategy, there are a number of factors that will influence the decisions. These include:

- integration with the TDM access district programs;
- additional demand for residential permits from Solana, Nickel Flats and onsite affordable units;
- the role of parking pricing in supporting the city's sustainability goals: economic, environmental and social;
- consideration of parking pricing rates in the area;
- potential demand for employee permits particularly from the Hotel;
- the short term demand from the Hotel and the Depot restaurant;
- the number of spaces that will be allocated to District management from the other condominium members;
- the spillover parking demand from the RTD station (scheduled to open in August 2015);
- the timing and type of development within the area; and,
- the financial viability of the District.

Staff Recommendations:

Short Term Rates

Staff recommends that the short term District parking rates for the Depot Square garage be consistent with the current on-street parking rate of $1.25/hour in the other access districts. The AMPS project will be considering changes to parking pricing both in terms of rates and how parking is charged by location and by duration.

Regarding the duration of charging for parking, staff is recommending that the short term rates be charged 24/7. There are several reasons for this. First, we are not envisioning a parking lot attendant at this location since there are multiple users with varying needs. Secondly, the district is just one of five garage users and automated entry is the best system to accommodate all users (RTD, housing, Depot, Hotel and the district). All parking rates will be integrated into the PARCS system based on the individual users needs. And finally, given the proximity to the RTD BRT station, it is important that the district spaces are not used for long term storage by individuals that would arrive when parking is not charged; leave their car during vacation and take RTD to DIA; and then return when parking is not charged and depart the garage without paying. It would essentially be providing free long term parking to non-district users.

Long Term Permit Rates

Paying for permit parking is a new concept in the Boulder Junction area – both for residents and employee; and thus there is not a robust market from which to make comparisons. The most immediate comparable is the permit rate at the residential Solana development which is $50/month. To our knowledge, there are not comparables for employee parking permits in the area.

Given the uncertainty of demand and paucity of comparable pricing for long term permit parking and based on input from the Boulder Junction Access District Commissions, staff recommends the rate of $75/month or $225/quarter. It will be very important to closely monitor the demand and utilization during the next several years as the Boulder Junction area and surrounding developments are built out and make the appropriate adjustments. Staff will provide regular updates to the Parking Commission on permit sales and utilization.

Allocation of Parking between Permits and Short Term

As with the permit parking rates, it is currently difficult to have a definitive formula for the allocation spaces between short and long term users. The demand for parking will drive the allocation of the spaces. As a starting point, the initial approach will be to ensure that all user types – permits for residential and employees, and short term users – will have accessibility to parking. A lesson learned from the other districts includes the potential for overselling employee permits. The introduction of residential permits into the parking mix is a new one; the other district management districts do not include residential permits. Again, closely monitoring the situation and remaining flexible and responsive to the evolving demand will be essential to both meet the needs of the Boulder Junction residents, employees and users, and remain consistent with the TOD and SUMP principles.

Based upon the allotment of 100 district parking spaces, and the anticipated growth of the area, staff is recommending not selling all available spaces at the beginning. Staff's recommendation

is an allotment process of 33 (business or employee) and 33 (residential permits – Boulder Junction and Solana). The other spaces will be held for short term use. Staff will be clear that permits are subject to revocation as the district builds out and demand changes. New developments within Boulder Junction will also have permit demand. Once the district is built out then a district wide lottery can be established to allow access of all developments to the permit pool. Also staff can evaluate the amount of oversell that can be established and still maintain access to short term parkers.

The permit acquisition process will involve the potential permit holder to purchase the permit through our office. Staff will then contact the parking operator with the name and permit number and the parking operator will then activate the permit in the system. To secure a permit, purchasers will need to provide proof of employment or residence in the District. Permits will be required to be renewed on a quarterly basis (matches current practice) and require continued validation of residency and employment in the District.

Questions for the Board:

- Does BJAD Parking Commission support the staff approach to the BJAD parking pricing strategy?
- Does BJAD Parking Commission support the staff recommendations regarding: short term pricing, long term permit rates and parking allocation?
- Does BJAD Parking Commission have any other suggestions or comments?

Attachments:

Attachment A: Parking Management Agreement

PARKING MANAGEMENT AGREEMENT
DEPOT SQUARE

This Parking Management Agreement is entered into to be effective the 26TH day of July, 2013, by and between the City of Boulder, a Colorado home rule city (the "City"), 3001 Pearl, LLC, a Colorado limited liability company as owner of the Residential Unit ("Residential Unit Owner"), HP Boulder, L.L.C., a Delaware limited liability company, as owner of the Hotel Unit, ("Hotel Unit Owner"), the Regional Transportation District, a political subdivision of the State of Colorado ("RTD") as Owner of the RTD Parking Unit, Depot Square Owners Association, Inc., the Colorado non-profit corporation formed pursuant to the Declaration defined below (the "Association"), and the Boulder Junction Access General Improvement District-Parking, a general improvement district (the "District"), (individually a "Party" and collectively the "Parties") and 3001 Pearl, LLC, a Colorado limited liability company (the "Declarant") to implement the Parking Program for the use, management and maintenance of the Parking Facilities located at Depot Square, a planned community located in Boulder Colorado.

RECITALS

A. "Depot Square" refers to the planned community created by the Community Declaration thereof recorded on July 29, 2013, at Reception No. 3330983, and the Community Map thereof recorded on July 29, 2013, at Reception No. 3330984 in the records of the Clerk and Recorder of the County of Boulder, State of Colorado (the "Declaration").

B. The District is a general improvement district organized and existing as a general improvement district under the laws of the State of Colorado and the Charter and municipal code of the City formed by the City of Boulder by Ordinance No. 7731 adopted on July 20, 2010 and recorded at Reception No. 03125016 on January 6, 2011 in the records of the Clerk and Recorder of the County of Boulder, and created, *inter alia,* to implement the zoning requirements regarding parking applicable to Depot Square and other properties within the District. The zoning requirements and the formation of the District were adopted and created to further the goals of the City of Boulder set forth in the Transit Village Area Plan dated September, 2007 ("TVAP"). The TVAP requires that Depot Square be constructed in accordance with the requirements of the City, the approved site plan, and the construction documents approved by the City, to create a Transit-Oriented Development ("TOD"). The zoning for Depot Square allows higher densities because of its inclusion into the District and management of its parking in accordance with this Agreement. An integral component of the success of the City's goal for a TOD is the bus transit facility and high density residences and commercial uses which are not dependent on single-use parking within the Boulder Transit Village. This Agreement is to implement the TVAP requirements and for the success of the Parties.

C. The land for Depot Square was jointly purchased by the City and RTD in 2004, for construction of a bus transit facility and development of a TOD. The City and RTD have

agreed to implement the goals agreed upon by them in the Boulder Transit Village Master and Site Planning and Preliminary Construction Agreement between the City and RTD dated September, 2007 as such goals have been further refined by approved development plans and subsequent agreements between the City and RTD and to work collaboratively to utilize new and existing technology to implement a successful shared-management parking facility that does not violate the existing statutory limitations on RTD's ability to charge fees or receive income from patrons utilizing the parking facility.

D. The parking within Depot Square is to be managed as a single unit by the Association in accordance with the terms of this Agreement. This Agreement implements the Parking Program described in Section 16.3 of the Declaration and is the Parking Management Agreement identified in Section 16.4 of the Declaration.

E. Except for the Association, the Parties to this Agreement and Declarant own Parking Units within Depot Square as described in the Declaration and have agreed that all parking and the Parking Units within the Parking Facility are to be governed by this Agreement.

F. The purpose of this Agreement is to:

a. Meet the access needs of all Depot Square owners in order to support a successful mixed use TOD, and for those owners participating in shared parking, in compliance with the TVAP principles, to implement shared, unbundled, managed and paid (SUMP) parking, as such terms are defined in this Agreement as the SUMP Principles;

b. Implement a comprehensive and holistic parking maintenance and management strategy that benefits all users and is more efficient than each Party providing its own services; and

c. Maximize utilization of parking spaces within the Parking Facilities to the benefit of all the Parties. Ownership of a Parking Unit as defined in the Declaration provides that each Party owns a specific airspace in the Parking Facility, without a right to use the spaces within such airspace, but has a right to use a specific number of spaces within the Parking Facility.

G. Except for the RTD Parking Unit which is for RTD Users only, parking within Depot Square is to be shared, unbundled, managed, and paid in accordance with the following definitions collectively referred to as the "SUMP Principles":

a. **Shared:** Shared parking reduces the number of parking spaces needed within an area by allowing different uses to access the same parking spaces. At mixed-use development, the various uses tend to have different parking demand peaks. An office, restaurant and retail store can share parking because the office's peak parking demand will occur in the day, and a restaurant in the evening, and the retail on the weekend. Shared parking allows shared use among different users whose peak parking

demands occur at different times and thus fewer spaces are needed to meet all the different parking demands, reducing development costs and improving urban design. It also allows for more efficient and cost effective use of each space. For example, if there were reserved spaces, the space designated for a single employee would sit empty when the permit holder is on vacation, sick or away from the office. Shared parking allows a smaller parking supply to serve more trips.

b. **Unbundled:** Unbundling refers to separating the cost of parking from the cost of a commercial space or housing units so that real estate is sold or leases are entered into separately from the parking it serves. Unbundled parking allows residents and employers the choice to purchase the amount of parking they need at a given time, separate from their property purchase or lease. For example, rather than renting an apartment with two parking spaces for say $1,000 per month, an individual can rent just the apartment for a lesser amount with no parking spaces and choose to pay a monthly rate for parking spaces as needed. This can significantly reduce the cost of housing for those able to reduce their parking needs. Unbundling parking also leads to an increase in shared parking.

c. **Managed:** Parking management refers to various policies, strategies, tools and programs that result in more efficient use of parking resources. These include parking supply, utilization, technology, coordination with transit demand management principles and pricing. Managed parking is critical to the efficient utilization of parking and to the overall access to an area by incentivizing use of all access modes including transit, walking and biking. Managed parking also maximizes the efficiency of the overall transportation system, the quality of the urban design, and cost effectiveness. Parking management tools can most effectively be used when there are a variety of available alternative modes of transportation.

d. **Paid:** Paying for parking has several objectives: first to off-set the costs of parking by the user (there is no such thing as free parking); second as a tool to manage utilization and location of parking; and finally it is used to encourage and promote the use of other modes of transportation. Maintaining the infrastructure for parking, either on-street, a surface lot or a structure has a real cost that should be covered in some proportion by the actual user rather than the entire community which may or may not utilize the resource. Using varying parking rates can assist users in determining whether they wish to prioritize convenience over cost or encourage users to use different modes of transportation. Event parking charges, either for performances or sporting events, are a practical example of how parking pricing can influence demand and the location of parking – close-in parking is the most expensive; the cost decreases at locations further away from the event venue.

H. The District and the Declarant have entered into a Parking Purchase Agreement dated as of the date hereof (the "Parking Purchase Agreement") pursuant to which the District will purchase 100 spaces for use by the general public that are visitors to the users at Depot

Square. The Parties may pool any or all of their spaces for defined periods of time for use by the general public to maximize the parking available. When a Party pools any spaces, it shall receive the revenue derived from the use of the Pooled Parking as provided herein. The Pooled Parking spaces shall be used for parking after the District Parking Unit is full, and the revenues from the Pooled Parking shall be allocated proportionately among the owners that have contributed spaces for the time the revenue was generated.

I. RTD is currently prevented by C.R.S. 32-9-119.9 from charging for parking except in limited circumstances. Separate provisions are set forth herein for parking by RTD Users while RTD is subject to C.R.S. 32-9-119.9. If the statute is amended or repealed, RTD shall determine whether it shall continue being treated as provided herein, or whether it elects for the RTD Parking Unit to be fully incorporated into the provisions of this Agreement.

COVENANTS

NOW THEREFORE, in consideration of the promises and obligations set forth below, the Parties and Declarant agree as follows:

1. The Recitals above are incorporated as part of this Agreement. This Agreement is entered into to meet the terms and conditions of TVAP and satisfy the requirements of B.R.C. 9-9-22 for the parking within Depot Square.

2. If a conflict should arise between this Agreement and the Declaration, this Agreement shall control so long as this Agreement is consistent with the description of the Parking Management Agreement in Section 16.4 of the Declaration.

3. Declarant shall not be considered a Party to this Agreement unless (a) the Declarant is the Residential Unit Owner, in which case the Declarant is a party as an Owner and not as Declarant, or (b) the District fails to appropriate funds for a payment due by the terms of the Parking Purchase Agreement, and the Subdivided Parking Unit, as defined in the Parking Purchase Agreement is created. In the event (b) occurs, the Subdivided Parking Unit shall be considered Pooled Parking and the Declarant shall be considered an Owner entitled to revenues from such Pooled Parking. Declarant may not use the spaces within the Subdivided Parking Unit except as Pooled Parking.

4. Definitions. The following terms shall have the following definitions. Any capitalized term herein that is not defined below shall have the same definition as in the Declaration. For ease of reference, some of the terms used herein that are defined in the Declaration are attached as Exhibit A. When not inconsistent with context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural. Words not defined in this Section or the Declaration shall be given their common and ordinary meaning.

"**Applicable Laws**" shall mean all laws applicable to Depot Square by any entity with jurisdiction, and specifically includes the parking maximums allowed under the zoning

for Depot Square per the approved site plan, and all other zoning requirements of the City.

"**Board**" shall mean the governing body of the Association.

"**Declaration**" shall have the meaning provided in Recital A.

"Facility Operator" shall have the meaning provided in Section 11 below.

"**General Public User**" shall mean any vehicle parking in the Parking Facility who is not an RTD User, and is not an Owner Parker.

"Owner" shall mean a Party to this Agreement. The Declarant shall be considered an Owner only if it owns the Residential Unit or if the Subdivided Parking Unit is created as provided in the Parking Purchase Agreement.

"**Owner Parker**" shall mean a vehicle driven by a person that is a Permittee of the Owner (which shall include hotel guests and customers that the Hotel Unit Owner has authorized to use spaces allotted to the Hotel Unit) so long as the number of Parking Spaces allocated to the Owner is available for such vehicle. Unless RTD has elected to contribute its spaces to the Pooled Parking, Owner Parker shall not include an RTD User.

"**Parking Facility**" shall mean the Parking Common Elements and the Parking Units collectively including all parking areas within the Parking Structure and the surface parking spaces adjacent to the access drive to the Parking Structure as depicted on the Community Map.

"Parking Management Professional" shall have the meaning provided in Section 9 below.

"**Pooled Expenses**" shall mean the actual expenses of (a) accounting for revenues from General Public Users using Pooled Parking in the Parking Facility; (b) allocating such revenues among the owners of the Pooled Parking; (c) collecting and distributing such revenues; and (d) enforcing the terms of this Agreement to the extent this Agreement provides that recovery from such enforcement shall be paid to Parties contributing spaces to Pooled Parking.

"**Pooled Parking**" shall mean Parking Spaces for which any Party, other than the District, has submitted a writing to the District as provided herein for such spaces to be used by General Public Users.

"**SUMP Principles**" shall mean parking that is shared, unbundled, managed and paid as such terms are more specifically defined in Recital G.

"System" shall mean the entry/exit system and all components thereof that are necessary to track each vehicle entering and exiting the Parking Facility to determine whether the vehicle is a RTD User, an Owner Parker or a General Public User and, upon exit, charge vehicles for parking as determined by this Agreement at the rate determined by the District.

5. Parking Program. Each Party, except RTD, submits its Parking Unit as defined in the Declaration to be governed by the SUMP Principles as set forth herein. This Agreement implements the Parking Program as described in the Declaration. Each Party shall have the use of the number of Parking Spaces as defined in the Declaration. The designation in the initial Declaration are as follows, but the number of spaces defined in the Declaration, if amended, shall control:

Depot:	10
District:	100
Hotel:	136
Residential:	71
RTD:	75
	392

6. RTD Parking Unit and Coordination. Until and unless RTD elects to be treated as other Owners, in order to implement C.R.S. 32-9-119.9 and the SUMP Principles for the other Parking Units, the RTD Parking Unit shall be located at the highest part of the Parking Facilities. No vehicle other than a RTD User may use the RTD Parking Unit until such election is made or RTD has contributed spaces to the Pooled Parking. In addition RTD shall:

a. Work collaboratively with the other Parties for the success of the SUMP Principles at the Parking Facility;

b. Coordinate its use with the System to verify which vehicles that enter and exit the Parking Facilities using the RTD Parking Unit are qualified RTD Users; and

c. Not take any action to interfere with the charging for parking by General Public Users.

7. Rules for Owners. In addition to all other terms of this Agreement, the Owners of the Parking Units agree for their respective Parking Units as follows:

a. Parking Spaces may not be used for any other purpose than parking of vehicles in compliance with this Agreement.

b. Except for RTD Users in the RTD Parking Unit, Owners cannot allow General Public Users to use its spaces except through contribution to the Pooled Parking described herein.

c. Owners cannot reserve any Parking Space for their own use or use of one of its Permittees, except RTD for RTD Users in the RTD Parking Unit.

8. Role of Owners. In their capacity as Owners of the Parking Units, the Parties are each responsible for the following:

a. Management of its allotted Parking Spaces among its users. Such management includes the distribution of passes for the users of their allotted Parking Spaces and, except for RTD, the manner in which it will charge or distribute allotted passes to its users for use of the Parking Spaces in compliance with the SUMP Principles and this Agreement and setting rules therefor.

b. Parking Spaces are used by Owner Parkers only, unless those spaces have been added to Pooled Parking at the time of use by the General Public User.

c. Owners may not set rules for its users that are inconsistent with this Agreement or the Declaration, provided however, RTD may set rules for RTD Users in the RTD Parking Unit that are consistent with Sections 5 and 6 above.

d. Enforce the rules of use of its Parking Spaces that are consistent with this Agreement as approved by the Board.

e. In the event a Party transfers its Parking Unit in violation of the terms of the Declaration, such transfer shall be null and void and the spaces allocated to such Parking Unit shall be deemed contributed to the Pooled Parking.

f. It shall be a breach of this Agreement for any Party to allow the use of any Parking Space to someone other than its Owner Parker other than if the Owner has made such Parking Spaces available for Pooled Parking.

9. Role of Parking Management Professional. The Board shall hire a professional company or individual (the "Parking Management Professional") to provide parking management services as directed by the Board from time to time and including the following:

a. Maintain and manage the System in accordance with this Agreement and Article 16 of the Declaration.

b. Monitor occupancy and report to the Parties.

c. Prepare monthly and quarterly reports reflecting compliance with SUMP Principles for the District and the Association.

d. Make recommendations to the Board for budgets for long term (10, 15 and 20 years) maintenance, preventative maintenance, capital improvements and technology

upgrades, and plan for and implement long-term preventative maintenance and capital improvements as approved by Board.

e. Manage the Pooled Parking pursuant to this Agreement and the rates to be charged set by the District.

f. Provide an account of expenses monthly allocated as Parking Expenses or Pooled Expenses.

g. Provide a monthly account of revenues from General Public Users allocated among the Parties then participating in the Pooled Parking.

h. Provide a monthly report as to violations of this Agreement, enforcement activity and other matters as may be reasonably required by the Board.

i. Promptly notify the Board of any matter that requires the Board's attention.

j. Perform the duties delegated by the Board.

The Board shall negotiate, approve and enter into a separate agreement with the Parking Management Professional outlining responsibilities, fees and compensation and terms of engagement for such Parking Management Professional.

10. Role of District. The Parties recognize and the District agrees that, except for the RTD Parking Unit, the District shall provide the following support and duties in its capacity as the District regardless of whether it owns a Parking Unit:

a. Monitor the use of the Parking Facility to ensure that the SUMP Principles and the rules of the District are complied with.

b. Propose procedure and implement Pooled Parking procedure for Owner approval in accordance with this Agreement and the Declaration.

c. Determine the amount of fees for General Public Users.

d. Seek strategic opportunities to maximize the use of parking in the Parking Facilities and throughout the District.

e. Coordinate with the Boulder Junction Access General Improvement District-Travel Demand Management to implement the goals of both Districts.

f. Provide input to the Budget for the Parking Facility.

11. Role of Facility Operator. The Board shall hire an operator for the Parking Facility (the "Facility Operator"), who shall have the following responsibilities as directed by the

Board (in addition to any other responsibilities as may be determined by the Board from time to time):

a. Daily and periodic maintenance of the Parking Facilities, including without limitation, trash and litter pickup, cleaning, graffiti removal, and routine maintenance.

b. Maintain the Parking Facility in a clean and orderly manner according to the Standards of Maintenance defined by the Association.

c. Perform the duties delegated by the Board.

The Board shall negotiate, approve and enter into a separate agreement with the Facility Operator outlining responsibilities, fees and compensation and terms of engagement for such Facility Operator.

12. Parking Access System. The Parties intend that the System, or any individual system that is added to the System as permitted by this Agreement, is operated as a unified parking system. No System shall be purchased or installed without the prior written consent of each Party, which shall not be unreasonably withheld. The cost of initially purchasing the System shall be paid by Declarant. The System shall be designed to:

a. track each vehicle entering and exiting the Parking Facility for purposes of determining whether the vehicle is an RTD User, or an Owner Parker, or a General Public User;

b. determine the length of time the vehicle was in the Parking Facility;

c. determine when all of the District spaces are used so that the revenues generated from General Public Users in addition to those using District spaces can be allocated to the pool;

d. charge the vehicle upon exit for any fees due by General Public Users; and

e. produce monthly and quarterly reports of the use by each Owner, the revenues collected from General Public Users allocated among the District and other Parties.

In addition, to the extent reasonably possible, the System shall integrate with the property management system and keycard locking system utilized by the Hotel Unit Owner and shall permit "in and out" privileges for Owner Parkers; provided, however, that if the Hotel Unit Owner determines in its reasonable discretion that the System does not integrate with its management system in a manner sufficient to meet its needs, the Hotel Unit Owner, at its cost and expense, may elect to install and operate its own separate parking entry/exit system and all components thereof that are necessary to track each vehicle of its Owner Parkers entering and

exiting the Parking Facility, which separate system shall be integrated with the System. The Hotel Unit Owner shall be responsible for all costs and expenses associated with integrating its own separate parking entry/exit system and all components thereof into the System.

Further, if the RTD Unit Owner determines in its reasonable discretion that the System does not integrate with its management system in a manner sufficient to meet its needs, the RTD Unit Owner, at its cost and expense, may elect to install and operate its own separate parking entry/exit system and all components thereof that are necessary to track each vehicle of its RTD Users entering and exiting the Parking Facility, which separate system shall be integrated with the System. The RTD Unit Owner shall be responsible for all costs and expenses associated with integrating its own separate parking entry/exit system and all components thereof into the System.

For the purposes of this section, "integrate" or "integration" of an individual system into the System means that together, the systems will meet the requirements of the subparagraphs a. through e. above.

13. Pooling of Spaces. To optimize the implementation of the SUMP Principles the spaces within the Parking Facilities may be pooled for use by General Public Users when an Owner elects to contribute spaces to the pool. Each Party may pool any or all of its spaces for particular hours, days, weeks or months as provided in this section. When a Party contributes any spaces to the pool, it shall receive the revenue derived therefrom, calculated as provided in this section.

a. Calculation of Revenues for Pooled Parking. For any General Public Users entering the Parking Facilities after the District spaces are full, the System shall count the vehicles and the fees received for such Pooled Parking. The fee revenue from such Pooled Parking shall be distributed to the Owners pooling spaces on a monthly basis, after deduction of the Pooled Expenses. The formula for distribution of such revenue shall be:

Amount Payable to Owners for Spaces Contributed to Pooled Parking =

(Revenue from Pooled Parking – Pooled Expenses)
Number of spaces in Pooled Parking

X Number of spaces Owner designated for Pooled Parking during period of calculation

b. Procedure for Pooling Spaces. The Party desiring to contribute spaces to the pool shall complete the written form developed by the District, specifying the number of spaces, the time(s), and day(s) for which it desires to contribute spaces to the Pooled Parking. The District may rely on such completed form for programming the System and planning use of the Parking Facilities. The Party may revoke or revise the spaces

contributed to the pool by completing a revised written form and providing such writing to the District.

14. Delineation of Parking Spaces. The initial delineation of each Parking Space marked in the Parking Facility for one vehicle, and whether it is for a handicapped, compact or regular vehicle or a bicycle, is included within the tech docs for Depot Square. In the event that the Parties determine that a reallocation of spaces within the Parking Facilities other than the RTD Parking Unit is necessary to accommodate a different mix of parkers, the District shall propose a revised plan for demarcation to be approved by the Parties. In the event that the revised plan results in more or less parking spaces, the increase or reduction of spaces shall be allocated proportionately among the Owners unless otherwise agreed by the Parties.

15. Enforcement of Agreement. In the event any Party breaches this Agreement, and such breach continues beyond written notice and 10 days to correct the breach, in addition to any other remedy allowed at law or equity, the breaching Party shall pay to the District the amount for its spaces corresponding to the full-time use of the portion of the Parking Spaces related to the breach allotted to its Parking Unit by a General Public User. The District shall distribute any revenues received from a defaulting Party as provided for distribution of other revenue from General Public Users as if the spaces of the Party in breach were part of the Pooled Spaces (but excluding the defaulting Party as a recipient of such revenue).

16. Disputes – mediation. If disputes remain unresolved after negotiations between the Parties, the Parties shall submit the disputes to nonbinding mediation. The Parties shall attempt to jointly select the mediator from a list of proposed mediators generated by the Parties. The Parties may seek the assistance of the American Arbitration Association in generating a list of potential mediators. Each party shall bear its own costs associated with presenting any disputes to the mediator, which costs shall not be recoverable as part of a change order or in any subsequent litigation or arbitration. No decisions or statements of the mediator may be admitted as evidence in any subsequent litigation between the Parties nor may the mediator be called to testify in any litigation.

In the event any dispute, mediation, arbitration, or litigation arises under this Agreement and during the time such dispute, mediation, arbitration, or litigation is pending, the Parties shall continue performance under this Agreement in accordance with the terms and conditions hereof. The submittal of disputes to non-binding mediation shall be a condition precedent to commencing litigation or arbitration by either party. Except as may otherwise be provided by law, no claims, disputes, or other disagreements arising out of this Agreement shall be decided by arbitration.

17. Responsibility. Each party assumes responsibility for itself and its Permittees the actions and omissions to act in the performance or failure to perform work under this Agreement. Neither RTD, the District, nor the City waives or intends to waive the limitations on liability which are provided to RTD, the District and the City, their officers, and employees under the Colorado Governmental Immunity Act, C.R.S. 24-10-101 *et. seq.*

18. Notice. Any notice required by this Agreement shall be in writing, made by hand-delivery or certified mail, return receipt requested, or electronic mail and addressed to the following:

To RTD: Assistant General Manager for Safety, Security and Facilities
1600 Blake Street
Denver CO 80202

With a copy to:
General Counsel
1600 Blake Street
Denver CO 80202

To District: City Manager
With a copy to BJAD-P District Manager
Municipal Building
P.O. Box 791
Boulder, CO 80306

To City: City Manager
Boulder Municipal Building
P.O. Box 791
Boulder, Colorado 80306

To Residential
Unit Owner: 3001 Pearl, LLC
Scott Pedersen, Manager
P.O. Box 328
Boulder, CO 80306

To Hotel
Unit Owner: HP Boulder, L.L.C.
c/o Hyatt Corporation
71 South Wacker Drive
Chicago, IL 60606
Attention: General Counsel
Telephone: 312/750-1234

With a copy to:

Hyatt Corporation
71 South Wacker Drive
Chicago, IL 60606
Attention: Charles Barcus

To Declarant: 3001 Pearl, LLC
Scott Pedersen, Manager
P.O. Box 328
Boulder, CO 80306

Notice given by hand-delivery or electronic mail shall be effective immediately and notice by mail shall be effective three days after it is deposited in the United States mail depository correctly addressed with sufficient postage for delivery.

19. General Provisions

a. Term. Unless otherwise agreed by the Parties in writing, this Agreement shall be effective unless and until the Project is terminated as described in the Declaration.

b. Complete Agreement. This document represents the complete agreement between the Parties with respect to the Parking Management Agreement defined in the Declaration. Parties to this Agreement must be Owners of Parking Units in the Parking Facilities or the District, and no Party shall assign, sublet or transfer its interest in the Agreement separate from ownership of its Parking Units. No amendments or modifications shall be made to this Agreement unless it is in writing and signed by all Parties.

c. Attorney's Fees. If there is a default in the payment or performance of this Agreement, the defaulting party shall pay the other Parties' reasonable attorneys fees and costs incurred to pursue correction of the default, even though no suit or action is filed, as well as any other fees or expenses incurred by the non-defaulting party.

d. Governing Law. This Agreement is governed by the laws of the State of Colorado and the Applicable Laws. Any suit between the Parties arising under this Agreement shall be brought only in a court of competent jurisdiction for the Twentieth Judicial District of the State of Colorado.

e. No Third Party Beneficiaries. This Agreement and all terms in this Agreement are for the benefit of the Parties hereto, and no other party.

f. Binding Effect. This Agreement shall be binding upon the Parties and their successors and assigns. Except for the District, this Agreement is among the Parties in their capacities as Acceptable Owners. Except for the District, no Party may remain a beneficiary of this Agreement if it sells or otherwise conveys its Unit in Depot Square. This Agreement is assignable and shall be assigned by a party if it sells or otherwise conveys its Unit in Depot Square.

g. Waiver. No waiver of any right under this Agreement shall operate as, or be construed to be, a waiver of any subsequent breach of the same or any other provision of this Agreement.

h. Cooperation. Each party agrees to perform all other acts and execute and deliver all other documents as may be necessary or appropriate to carry out the intent and purposes of this Agreement.

i. Severability. Each provision of this Agreement shall be severable. If any provision is held invalid, contrary to, or in conflict with any law or regulation by a tribunal with competent jurisdiction, the remainder of this Agreement shall remain in effect.

j. Counterparts. This Agreement may be signed in counterparts.

CITY:

CITY OF BOULDER

City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney's Office

DECLARANT:

3001 PEARL, LLC, a Colorado limited liability company

By: _____
Scott Pedersen, Manager

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 26th day of July, 2013, by Scott Pedersen, as Manager of 3001 Pearl, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 5/25/2016

_____
Notary Public

COLIN G. SNODY
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 05/25/2016

DISTRICT:

BOULDER JUNCTION AREA GENERAL IMPROVEMENT DISTRICT – PARKING

By _____
City Manager as General Manager of BJAD-P

ATTEST:

By _____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney's Office

RTD:

REGIONAL TRANSPORTATION DISTRICT

By: _____
Phillip A. Washington, General Manager

APPROVED AS TO LEGAL FORM
FOR RTD:

_____
General Counsel

RESIDENTIAL UNIT OWNER: **3001 PEARL, LLC**, a Colorado limited liability company

By: _____
Scott Pedersen, Manager

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 26th day of July, 2013, by Scott Pedersen, as Manager of 3001 Pearl, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 5/25/2016

_____
Notary Public

COLIN G. SNODY
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 05/25/2016

HOTEL UNIT OWNER:

HP BOULDER, L.L.C., a Delaware limited liability company

By: _____
Name: Stephen M. Sokal
Title: Vice President

STATE OF ~~COLORADO~~ Illinois)
) ss.
COUNTY OF ~~BOULDER~~ Cook)

The foregoing instrument was acknowledged before me this 12 day of ~~July~~ August, 2013, by Stephen M. Sokal, as Vice President of HP Boulder, L.L.C., a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: 8/6/2015

Teresa C Brazzale
Notary Public

OFFICIAL SEAL
Teresa C. Brazzale
Notary Public, State of Illinois
My Commission Expires 8/6/2015

ASSOCIATION: **DEPOT SQUARE OWNERS ASSOCIATION, INC.**

By: _____
Name: SCOTT PEDERSEN
Title: President

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 26TH day of July, 2013, by SCOTT PEDERSEN as President of the Depot Square Owners Association, Inc.

Witness my hand and official seal.

My commission expires: 5/25/2016

_____
Notary Public

COLIN G. SNODY
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 05/25/2016

EXHIBIT A

DEFINITIONS FROM DECLARATION

In the event any of the following definitions are revised in the Declaration, the definition of the term in the Declaration shall control

"**Acceptable Owner**" is defined in Section 16.2 of the Declaration.

"**Parking Expenses**" are defined in Section 9.2.3 of the Declaration.

"**Parking Spaces**" shall mean the area delineated by markings within the Parking Facilities for use by one vehicle. References to a Parking Space(s) do not entitle the owner or user thereof to exclusive use of a particular space or area, but only the number of vehicles a Party has a right to park in the Parking Facility.

"**RTD User**" shall mean a vehicle using the Parking Facility while the driver is utilizing the mass transportation system operated by RTD and complying with RTD parking requirements while parked in the Parking Facility, which vehicle is using a Parking Space included in the Parking Unit owned by RTD.

AGREEMENT FOR MAINTENANCE OF PARKING STRUCTURE

This Parking Structure Agreement (this "Agreement") is entered into this 14th day of August, 2015 by and between 3001 Pearl, LLC, a Colorado limited liability company ("Developer"), and Boulder Junction Access General Improvement District-Parking, a general improvement district under the laws of the State of Colorado and Charter of the City of Boulder ("BJAD-P").

RECITALS

A. Developer and BJAD-P are parties to that certain Depot Square Parking Purchase Agreement between the parties dated July 26, 2013, and recorded on July 30, 2013 at Reception No. 03331517 in the records of Boulder County, Colorado (as amended to date by the First Amendment dated June 18, 2015 and the Second Amendment dated August 13, 2015, and as it may be amended by the parties, the "Parking Purchase Agreement") regarding the sale of the GID Parking Unit from Developer to BJAD-P.

B. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Parking Purchase Agreement.

C. Developer has transferred title to the GID Parking Unit to BJAD-P as of the date hereof.

D. The parties wish to enter into an agreement relating to the maintenance, repair and use of the Parking Structure, and as set forth herein.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants set forth below, the parties agree as follows:

1. Parking Structure Maintenance. From the date hereof through the occurrence of the Note Commencement Events (the "Term"), Developer shall be solely responsible for the Parking Structure, including all damage, liability, maintenance and repair. Upon occurrence of the Note Commencement Events, BJAD-P shall assume responsibility for the Parking Structure in "as new" condition.

2. Failure to Maintain. In the event that Developer fails to maintain or repair the Parking Structure in accordance with this Agreement, BJAD-P may provide written notice to Developer, and such notice shall specifically describe the unsatisfactory conditions to be remedied. Developer shall have 10 days from the date of such the written notice is delivered to commence the required maintenance. If Developer does not commence the required maintenance within such 10-day period, then BJAD-P may proceed with the work described in the notice, and Developer shall reimburse BJAD-P for all costs incurred in connection therewith within thirty (30) days of Developer's

receipt of an invoice for such expenses . In the event Developer has not reimbursed BJAD-P for any funds due hereunder, BJAD-P may deduct the unpaid amount from the First Note Payment.

3. Use of Parking Structure. The Parking Structure shall be open to the public for parking without charge until the Parking Program (as defined in the Parking Purchase Agreement is operational to allow charging for the use thereof.

4. Termination. This Agreement shall remain in effect until the occurrence of the Note Commencement Events. Upon expiration of the Term, Developer shall deliver to BJAD-P the Parking Program . If requested by Developer, upon termination, BJAD-P shall confirm in writing that the Note Commencement Events have occurred and this Agreement has terminated.

5. Notice. Any notice hereunder shall be effective upon mailing by certified mail, return receipt requested or by sending by a nationally recognized overnight delivery service, if to Developer at P.O. Box 328, Boulder, Colorado 80306 and if to BJAD-P at P.O. Box 791, Boulder, Colorado 80306.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the day and year first written above.

Developer:

3001 Pearl, LLC, a Colorado limited liability company

By:_____
Scott Pedersen, Manager

BJAD-P:

Boulder Junction Access General Improvement District - Parking

By:_____
City Manager as General Manager of BJAD-P

ATTEST:

By:_____
City Clerk

Approved as to Form:

_____
City Attorney's Office