CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: October 16, 2014
TIME: 6 p.m.
PLACE: West Conference Room, 1777 Broadway, 1st Floor

---

1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**

3. **PUBLIC PARTICIPATION**

4. **DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS**

   A. **PUBLIC ACCESS EASEMENT VACATIONS** for four sidewalk easements and one road construction easement. These easements were previously dedicated to the City of Boulder to serve the former Golden Buff Motel and EADS Newsstand site at 1725 28th Street. The property is zoned Business Regional 1 (BR-1). Case number is LUR2014-00075.

   B. **Call-Up Item**: Minor subdivision review, case no. LUR2014-00058, for the creation of a second residential lot at 3242 5th Street. Expires: **October 16, 2014.**

   C. **Call-Up Item**: USE REVIEW (LUR2014-00079): Request for a 2,200 square foot retail store with accessory office uses (Smart Beds Boulder). Expires on **October 23, 2014.**

   D. **Information Item:** Agreement and Ordinance Amending Chapter 11-1-15 for Out of City Water Service to 4400 Peach Court

5. **PUBLIC HEARING ITEMS**

6. **MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

   A. Brief Update on the Comprehensive Housing Strategy

   B. Envision East Arapahoe- Scenarios

   C. Update on the Access Management and Parking Strategy (AMPS)

7. **DEBRIEF MEETING/CALENDAR CHECK**

8. **ADJOURNMENT**

CITY OF BOULDER PLANNING BOARD
MEETING GUIDELINES

CALL TO ORDER
The Board must have a quorum (four members present) before the meeting can be called to order.

AGENDA
The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

PUBLIC PARTICIPATION
The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

DISCUSSION AND STUDY SESSION ITEMS
Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS
A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

a. Staff presentation (5 minutes maximum*)
b. Applicant presentation (15 minute maximum*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
c. Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

3. Board Action

d. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
e. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
f. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY
Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT
The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

MEMORANDUM

TO: Planning Board
FROM: Jonathan Woodward, Case Manager
DATE: October 8, 2014
SUBJECT: **Informational Item:**
PUBLIC ACCESS EASEMENT VACATIONS for four sidewalk easements and one road construction easement. These easements were previously dedicated to the City of Boulder to serve the former the Golden Buff Motel and EADS Newsstand site at 1725 28th Street. The property is zoned Business Regional 1 (BR-1). Case number is LUR2014-00075.

This memorandum constitutes official notice as required by Section 79 of the City of Boulder Charter of a request to vacate four public access easements and one right-of-way easement on the property located at 1725 28th Street.

The applicant has requested the vacation of five easements as part of the redevelopment occurring at 1725 28th Street. A Site Review Amendment was approved for the redevelopment by the Planning Board in March of 2014. There is no longer a public purpose for the exiting easements. New easements to accommodate pedestrian and vehicle connections to the site will be dedicated through the formal platting process. The following easements are requested to be vacated:

- Sidewalk easement 933470, dedicated January 9, 1970, is 439 square feet;
- Sidewalk easement 603683, dedicated February 14, 1985, is 1,456 square feet;
- Sidewalk easement 047428, dedicated December 15, 1972, is 7,557 square feet;
- Sidewalk easement 705792, dedicated August 13, 1981, is 808 square feet;
- Right-of-way for road construction easement 705792, dedicated August 13, 1985, is 32 square feet.

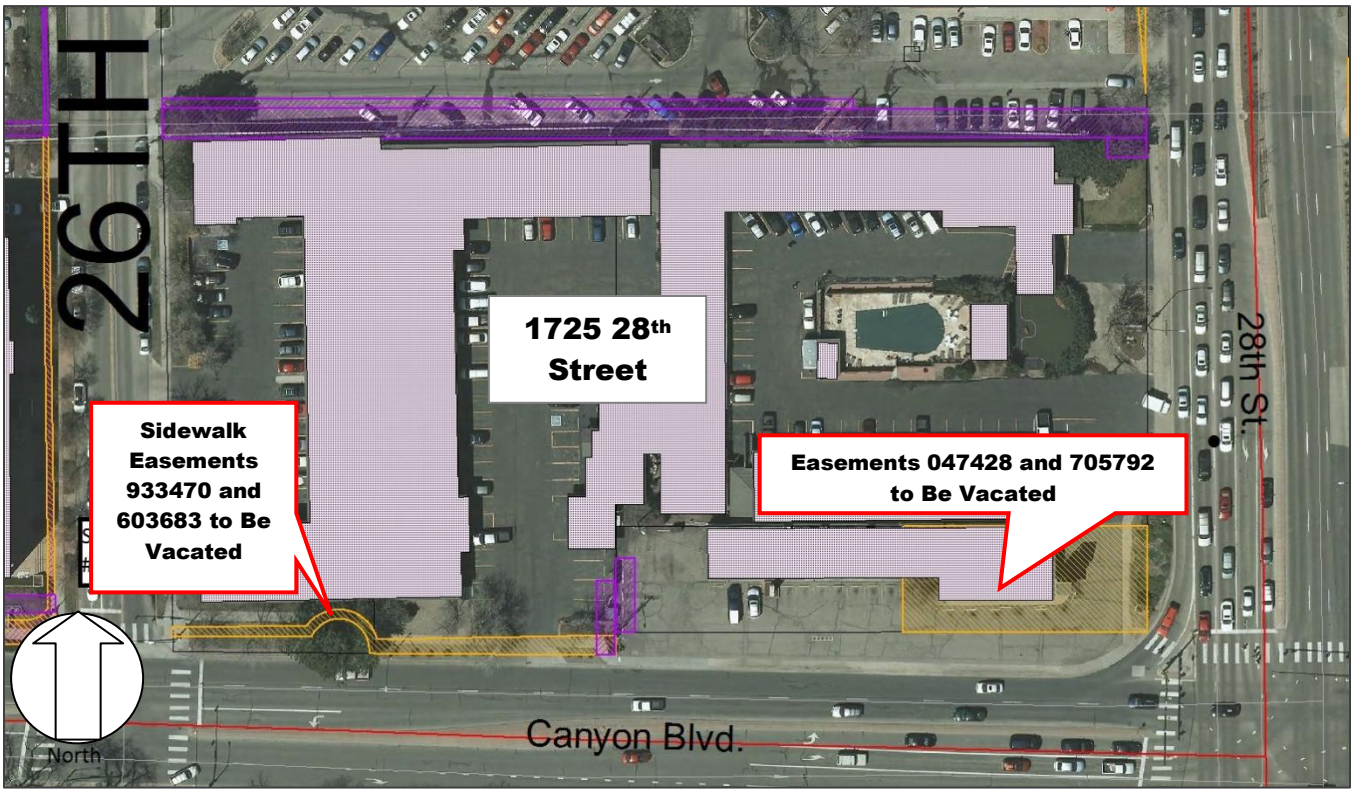


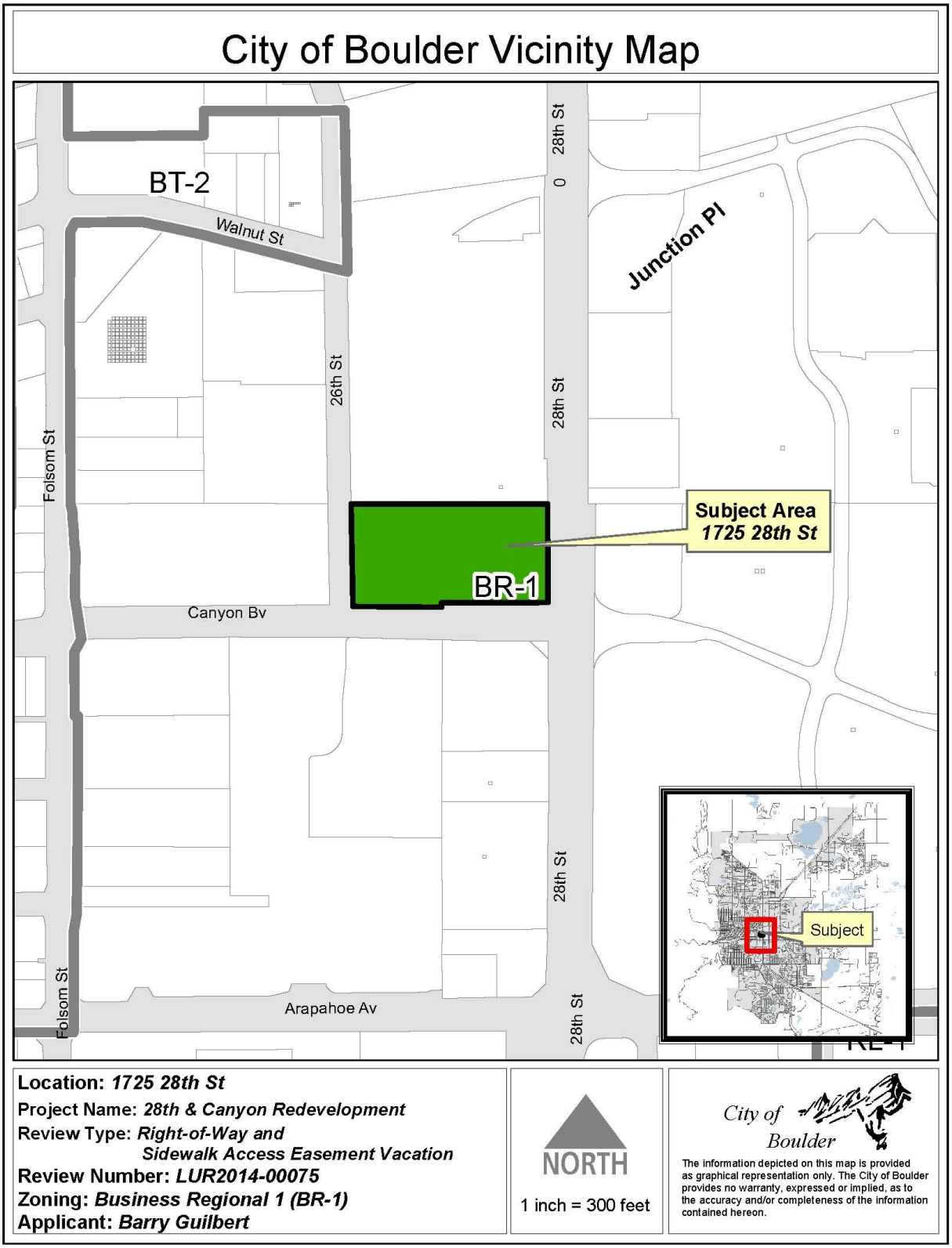
Figure 1: Easements to Be Vacated

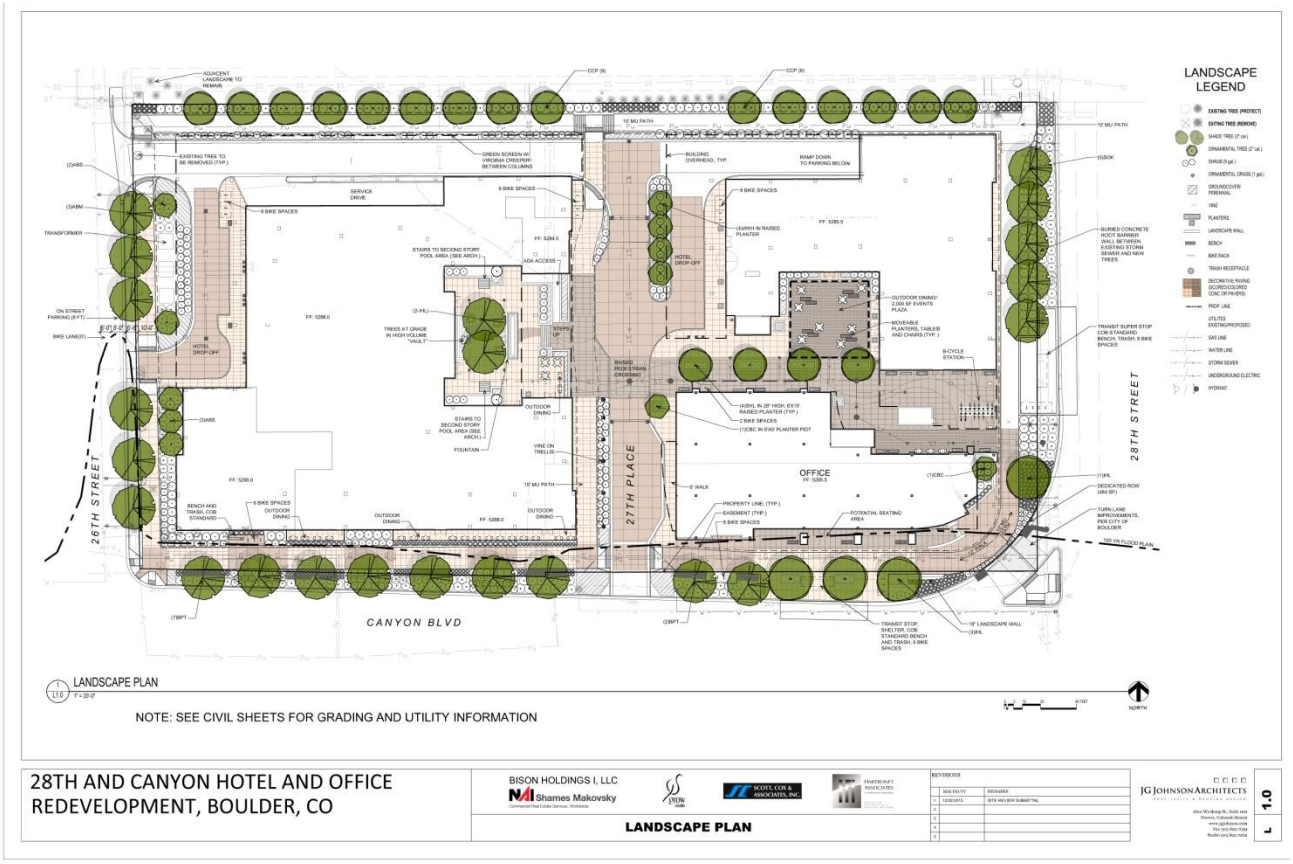
The subject site formerly contained the Eads Shop and Golden Buff Lodge, which have now been demolished. **Figure 1** above shows the former building footprints. The site, at nearly three acres, is undergoing redevelopment and will be home to Embassy Suites and Hilton Garden hotels and one office building. The applicant requests the vacation of five right-of-way easements which were used for access to the previous use. Utility companies Xcel Energy, Centurylink and Comcast have signed their consent and approval of the vacations. There are four additional private easements that will be vacated through a quitclaim deed. Six new right-of-way easements will be recorded on the final plat (case # LUR2014-00034). The vacation of easements must occur through ordinance before new easements can be dedicated on the final plat.

The vacation request will be heard by City Council as an ordinance for two readings on October 21 and November 6, 2014. Questions about the vacation or decision should be directed to Jonathan Woodward at (303) 441-4161 or woodwardj@bouldercolorado.gov.

Attachments:

Attachment A: Vicinity Map
Attachment B: Site Plan
Attachment C: Draft Ordinance
Attachment D: Draft Deed of Vacation


City of Boulder Vicinity Map
BT-2
Walnut St
28th St
Junction Pl
26th St
28th St
Folsom St
Subject Area
1725 28th St
BR-1
Canyon Bv
28th St
Subject
Folsom St
Arapahoe Av
28th St
Location: 1725 28th St
Project Name: 28th & Canyon Redevelopment
Review Type: Right-of-Way and Sidewalk Access Easement Vacation
Review Number: LUR2014-00075
Zoning: Business Regional 1 (BR-1)
Applicant: Barry Guilbert
NORTH
1 inch = 300 feet
City of Boulder
The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.



28TH AND CANYON HOTEL AND OFFICE REDEVELOPMENT, BOULDER, CO

BISON HOLDINGS I, LLC

LANDSCAPE PLAN

JG JOHNSON ARCHITECTS

L 1.0

Attachment C: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION FOR FOUR SIDEWALK EASEMENTS AND/OR RIGHT-OF-WAY AND ONE PUBLIC ROADWAY EASEMENT OR RIGHT-OF-WAY GENERALLY LOCATED AT 1715 AND 1725 28th STREET, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. Chai, LLC, a Colorado limited liability company, owns an undivided 97% interest and Bison Holdings I, LLC, a Colorado limited liability company, owns an undivided 3% interest in the property generally known as 1725 28th Street and more particularly described as Parcels A and B on Exhibit A attached hereto and incorporated herein and LJD-Eads, LLC, a Colorado limited liability company, owns the property generally known as 1715 28th Street and more particularly described as Parcel C on Exhibit A ("Owners"). The Owners have requested that the city vacate four sidewalk easements and/or right-of-way and one public roadway easement and/or right-of-way; and

B. The City Council is of the opinion that the requested vacations are in the public interest and that said easements and/or right-of-way are not necessary for the public use.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council vacates and authorizes the city manager to execute a deed of vacation for the easements and/or right-of-way as more particularly described in the deed of vacation on Exhibit B attached hereto and incorporated herein.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 21st day of October, 2014.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of November, 2014.

_____
Mayor

Attest:

_____
City Clerk

DESCRIBED IN DEED RECORDED IN BOOK 1265 AT PAGE 27 OF SAID BOULDER COUNTY RECORDS; THENCE SOUTH 88 DEGREES 50 MINUTES EAST, 125.42 FEET ALONG THE NORTH LINE OF SAID CANYON BOULEVARD TO THE EAST LINE OF THAT TRACT OF LAND CONVEYED FROM THE UNIVERSITY OF COLORADO TO WESTERN INDUSTRIES, INC., BY QUIT CLAIM DEED RECORDED ON FILM 526 AS RECEPTION NO. 776266 OF SAID BOULDER COUNTY RECORDS; THENCE NORTH 0 DEGREES 11 MINUTES 30 SECONDS WEST, 62.51 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 526 AS RECEPTION NO. 776266 TO A POINT THAT IS 200.00 FEET SOUTHERLY AT RIGHT ANGLES FROM THE NORTH LINE OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 29; THENCE NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST, 273.43 FEET PARALLEL WITH THE NORTH LINE OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 29 TO THE WEST LINE OF 28TH STREET; THENCE NORTH 0 DEGREES 04 MINUTES 10 SECONDS WEST, 200.00 FEET ALONG THE WEST LINE OF SAID 28TH STREET TO THE NORTH LINE OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 29; THENCE SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST, 402.76 FEET ALONG THE NORTH LINE OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 29 TO THE TRUE POINT OF BEGINNING.

PARCEL B: (PER TITLE COMMITMENT 1725 28TH STREET)

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29 FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 29 BEARS SOUTH 0 DEGREES 10 MINUTES 00 SECONDS EAST, 1322.59 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 20 SECONDS EAST, 761.16 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO THE EAST RIGHT-OF-WAY LINE OF 26TH STREET AS DESCRIBED IN DEED RECORDED IN BOOK 1291 AT PAGE 444 OF THE RECORDS OF BOULDER COUNTY, COLORADO AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 55 MINUTES 20 SECONDS EAST, 100.08 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN WARRANTY DEED RECORDED ON FILM 635 AT RECEPTION NO. 879256 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE SOUTH 00 DEGREES 54 MINUTES 30 SECONDS EAST, 261.00 FEET ALONG THE WEST LINE OF SAID TRACT OF LAND DESCRIBED ON SAID FILM 635 AT RECEPTION NO. 879256 TO THE NORTH RIGHT-OF-WAY LINE OF CANYON BOULEVARD (COLORADO STATE HIGHWAY NO. 119) AS DESCRIBED IN DEED RECORDED IN BOOK 1265 AT PAGE 27 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE NORTH 88 DEGREES 40 MINUTES 30 SECONDS WEST, 100.15 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID CANYON BOULEVARD TO THE EAST RIGHT-OF-WAY LINE OF SAID 26TH STREET; THENCE NORTH 00 DEGREES 54 MINUTES 30 SECONDS WEST, 258.54 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 26TH STREET TO THE TRUE POINT OF BEGINNING.

THE ABOVE PARCELS OF LAND (PARCELS A & B) ARE ALSO DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, THENCE NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST, 761.16 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF

EXHIBIT A TO ORDINANCE

LEGAL DESCRIPTION

PARCEL C: (PER TITLE COMMITMENT 1715 28TH STREET)

COMMENCING AT THE SOUTHWEST CORNER OF HARDEN PLACE LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE WITH THE OFFICE OF THE CLERK AND RECORDER OF SAID BOULDER COUNTY;

THENCE EASTERLY ALONG THE NORTH LINE OF COUNTY ROAD NO. 26, KNOWN AS ARAPAHOE OR VALLEY ROAD, A DISTANCE OF 960 FEET;

THENCE NORTHERLY AND PARALLEL TO THE WEST LINE OF SAID SECTION 29 TO A POINT 260 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°11'30" WEST, PARALLEL WITH THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 60.0 FEET;

THENCE NORTH 89°51'50" EAST, PARALLEL AND 200 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 273.43 FEET TO THE WEST RIGHT-OF-WAY LINE OF 28TH STREET, AS DESCRIBED IN DEED RECORDED NOVEMBER 17, 1956 IN BOOK 1030 AT PAGE 94, BOULDER COUNTY RECORDS,

THENCE SOUTH 00°04'10" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF 28TH STREET, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CANYON BOULEVARD (FORMERLY KNOWN AS WATER STREET), DESCRIBED AS "PARCEL NO. 6 REVISED" IN THE RULE AND ORDER OF CIVIL ACTION NO. 16692, RECORDED JULY 17, 1964 UNDER RECEPTION NO. 761009, BOULDER COUNTY RECORDS; THENCE SOUTH 89°51'50" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID CANYON BOULEVARD, A DISTANCE OF 273.30 FEET TO THE TRUE POINT OF BEGINNING. LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF BOULDER IN SPECIAL WARRANTY DEED RECORDED DECEMBER 18, 2013 UNDER RECEPTION NO. 3358084.

COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL A: (PER TITLE COMMITMENT 1725 28TH STREET)

A TRACT OF LAND IN THE SW1/4 OF THE SW1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 29; THENCE NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST, 861.10 FEET ALONG THE NORTH LINE OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 29, TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 58 MINUTES EAST, 259.68 FEET PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF 26TH STREET AS DESCRIBED IN DEED RECORDED IN BOOK 1291 AT PAGE 444 OF THE BOULDER COUNTY RECORDS, BOULDER COUNTY, COLORADO TO THE NORTH RIGHT OF WAY LINE OF CANYON BOULEVARD AS

EXHIBIT A TO ORDINANCE

THE SOUTHWEST QUARTER OF SAID SECTION 29 TO THE EAST RIGHT-OF-WAY LINE OF 26TH STREET IN THE CITY OF BOULDER, COLORADO, AS DESCRIBED IN DEED RECORDED IN BOOK 1291 AT PAGE 444 OF THE RECORDS OF BOULDER COUNTY, COLORADO AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST, 502.70 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO THE WEST RIGHT-OF-WAY LINE OF 28TH STREET IN THE CITY OF BOULDER, COLORADO; THENCE SOUTH 00 DEGREES 04 MINUTES 10 SECONDS EAST, 200.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET;

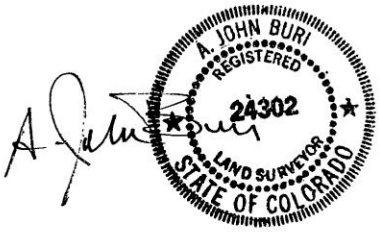
THENCE SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST, 273.43 FEET PARALLEL TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN THAT QUIT CLAIM DEED RECORDED ON FILM 526 AS RECEPTION NO. 776266 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE SOUTH 00 DEGREES 11 MINUTES 30 SECONDS EAST, 62.51 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 526 AS RECEPTION NO. 776266 TO THE NORTH RIGHT-OF-WAY LINE OF CANYON BOULEVARD IN THE CITY OF BOULDER, COLORADO AS DESCRIBED IN BOOK 1265 AT PAGE 27 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE NORTH 88 DEGREES 50 MINUTES 00 SECONDS WEST, 225.42 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID CANYON BOULEVARD TO THE EAST RIGHT-OF-WAY LINE OF SAID 26TH STREET;

THENCE NORTH 00 DEGREES 58 MINUTES 00 SECONDS WEST, 257.41 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 26TH STREET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER, STATE OF COLORADO.



A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
05/05/14
PROJECT NO. 13452F

Attachment D: Draft Deed of Vacation

For Administrative Purposes Only
Address: 1715 28th St & 1725 28th St
Case No.: LUR2014-00075

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owners of the subservient land, in the manner prescribed by Section 43-2-302, C.R.S., the following real property interests:

1) a sidewalk easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Film No. 1290 Reception No. 603683 on the 14th day of February, 1984 located generally at 2625 Canyon Boulevard and 1725 28th Street and more described on Exhibit A attached hereto and incorporated herein by reference; and

2) a public sidewalk easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Film No. 688 Reception No. 933470 on the 9th day of January, 1970 located generally at 1725 28th Street and more described on Exhibit B attached hereto and incorporated herein by reference; and

3) a sidewalk easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Film 1367 Reception No. 00705792 on the 13th day of August, 1985 located generally at 1715 28th Street and more described on Exhibit C attached hereto and incorporated herein by reference; and

4) a public roadway easement for road construction previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Film 1367 Reception No. 00705792 on the 13th day of August, 1985 located generally at 1715 28th Street and more described on Exhibit D attached hereto and incorporated herein by reference; and

5) a public sidewalk easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Film No. 800 Reception No. 047428 on the 15th day of December, 1972 located generally at 1715 28th Street and more described on Exhibit E attached hereto and incorporated herein by reference.

The above easement vacations and releases of said easements at 2625 Canyon Boulevard, 1715 28th Street, and 1725 28th Street shall extend only to the portion and the type of easements specifically vacated. The within vacations are not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated easements.

Executed this _____ day of _____, 20__, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, **pursuant to Ordinance No. _____, adopted by the City Council of the City of Boulder, Colorado.**

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam,
City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

_____
Date

EXHIBIT A TO DEED OF VACATION

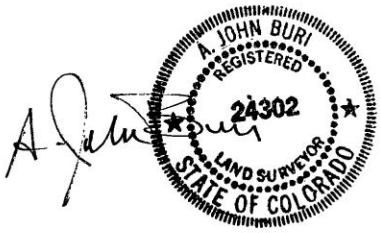
LEGAL DESCRIPTION – SIDEWALK EASEMENT

A SIDEWALK EASEMENT RECORDED FEBRUARY 14, 1984 AT RECEPTION NO. 603683 LOCATED IN THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

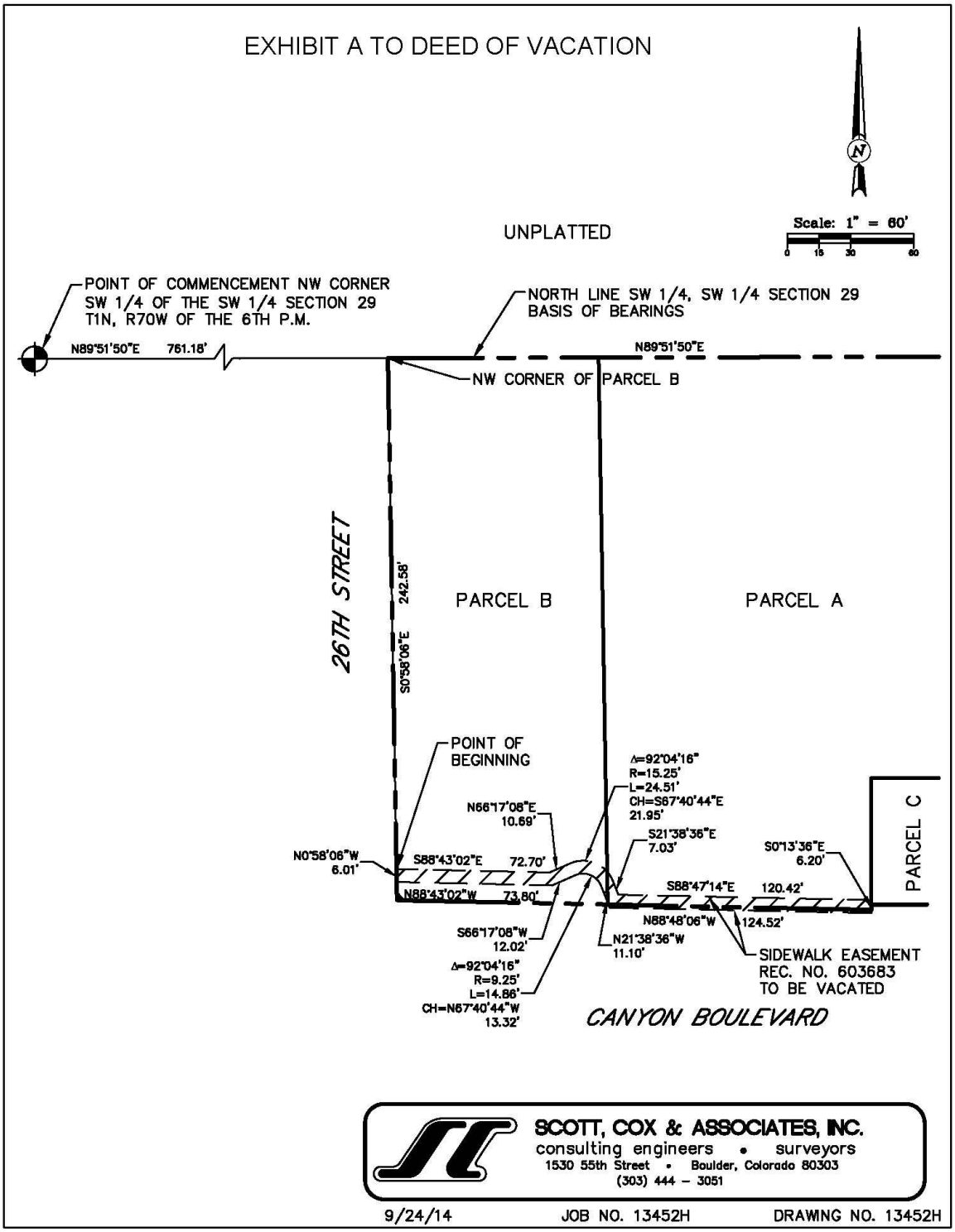
COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P. M.; WHENCE THE NORTH LINE OF SAID SW 1/4, SW 1/4 BEARS N89°51'50"E SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°51'50"E ALONG SAID NORTH LINE A DISTANCE OF 761.18 FEET TO THE NORTHWEST CORNER OF PARCEL B; THENCE S00°58'06"E ALONG THE WEST LINE OF SAID PARCEL B, A DISTANCE OF 242.58 FEET TO THE POINT OF BEGINNING;

THENCE S88°43'02"E, A DISTANCE OF 72.70 FEET; THENCE N66°17'08"E, A DISTANCE OF 10.69 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.25 FEET AND A CENTRAL ANGLE OF 92°04'16" (CHORD BEARS S67°40'44"E, 21.95 FEET), 24.51 FEET; THENCE S21°38'36"E, A DISTANCE OF 7.03 FEET; THENCE S88°47'14"E, A DISTANCE OF 120.42 FEET; THENCE S00°13'36"E, A DISTANCE OF 6.20 FEET; THENCE N88°48'06"W, A DISTANCE OF 124.52 FEET; THENCE N21°38'36"W, A DISTANCE OF 11.10 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 9.25 FEET AND A CENTRAL ANGLE OF 92°04'16" (CHORD BEARS N67°40'44"W, 13.32 FEET), 14.86 FEET; THENCE S66°17'08"W, A DISTANCE OF 12.02 FEET; THENCE N88°43'02"W, A DISTANCE OF 73.80 FEET TO A POINT ON SAID WEST LINE; THENCE N00°58'06"W ALONG SAID WEST LINE, A DISTANCE OF 6.01 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1456 SQUARE FEET OR 0.033 ACRES.



A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
09/24/14
PROJECT NO. 13452H



X:\DRAWINGS\2013 PROJECTS FOLDER\13452 28th and Canyon\13452H.dwg, 9/23/2014 2:11:16 PM

EXHIBIT B TO DEED OF VACATION

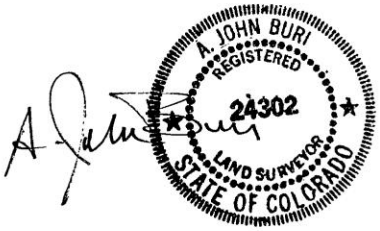
LEGAL DESCRIPTION – SIDEWALK EASEMENT

A SIDEWALK EASEMENT RECORDED JANUARY 9, 1970 AT RECEPTION NO. 933470 LOCATED IN THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

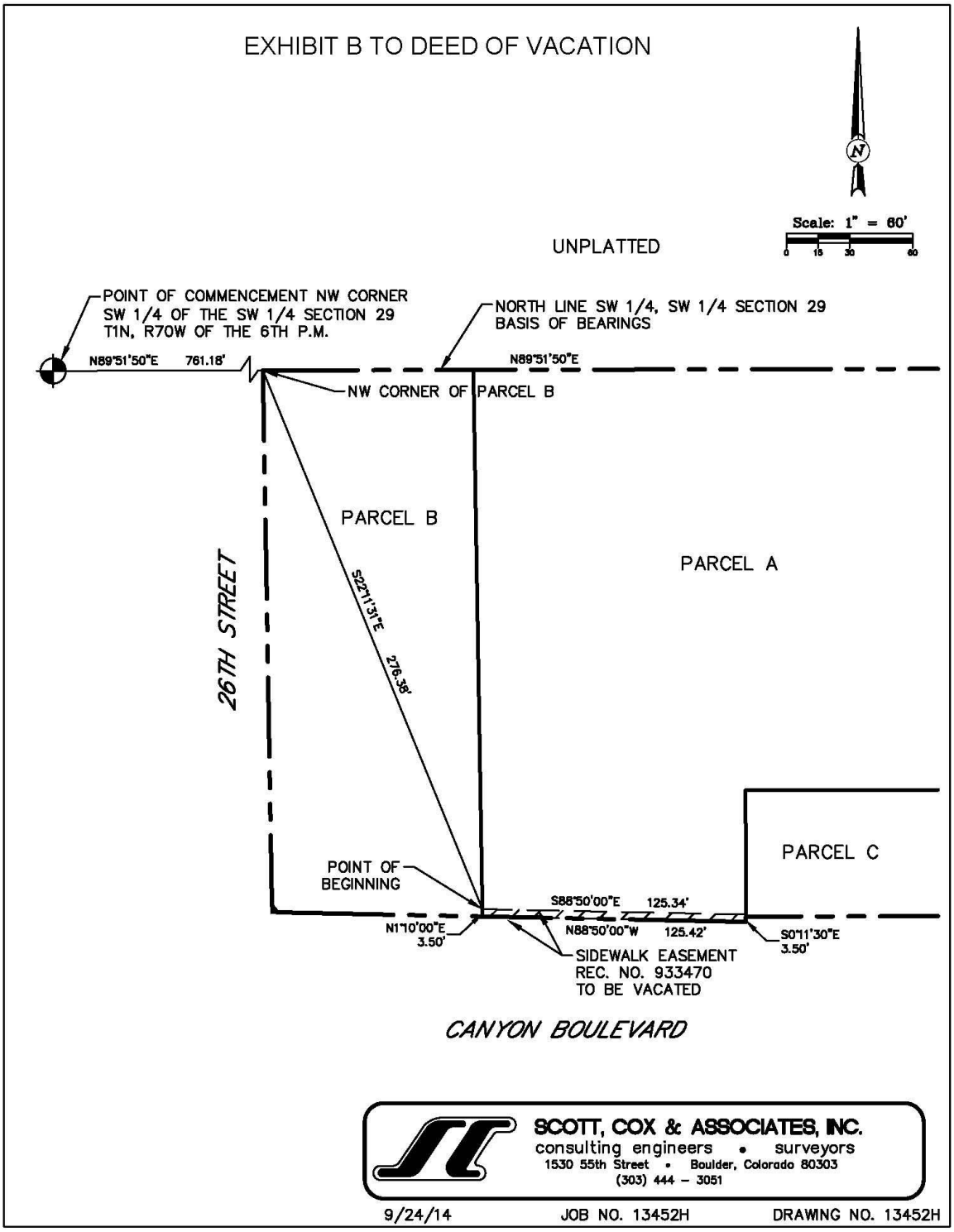
COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P. M., WHENCE THE NORTH LINE OF SAID SW 1/4, SW 1/4 BEARS N89°51'50"E SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°51'50"E ALONG SAID NORTH LINE, A DISTANCE OF 761.18 FEET TO THE NORTHWEST CORNER OF PARCEL B; THENCE S22°11'31"E, A DISTANCE OF 276.38 FEET TO A POINT ON THE WEST LINE OF PARCEL A, AND THE POINT OF BEGINNING;

THENCE S88°50'00"E, A DISTANCE OF 125.34 FEET TO THE EASTERLY LINE OF PARCEL A; THENCE S00°11'30"E ALONG SAID EAST LINE, A DISTANCE 3.50 FEET TO THE SOUTH LINE OF SAID PARCEL A; THENCE N88°50'00"W ALONG SAID SOUTH LINE, A DISTANCE OF 125.42 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE N01°10'00"E ALONG SAID WEST LINE, A DISTANCE OF 3.50 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 439 SQUARE FEET OR 0.010 ACRES.



A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
09/24/14
PROJECT NO. 13452H



X:\DRAWINGS\2013 PROJECTS FOLDER\13452 28th and Canyon\13452H.dwg, 9/23/2014 2:12:49 PM

EXHIBIT C TO DEED OF VACATION

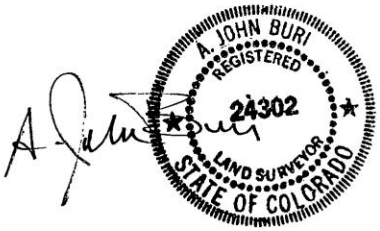
LEGAL DESCRIPTION – SIDEWALK EASEMENT

A SIDEWALK EASEMENT RECORDED AUGUST 13, 1985 AT RECEPTION NO. 705792 LOCATED IN THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P. M., WHENCE THE NORTH LINE OF SAID SW 1/4, SW 1/4 BEARS N89°51'50"E SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°51'50"E ALONG SAID NORTH LINE, A DISTANCE OF 761.18 FEET TO THE NORTHWEST CORNER OF PARCEL B; THENCE S67°52'11"E, A DISTANCE OF 527.82 FEET TO A POINT ON THE NORTH LINE OF PARCEL C, AND THE POINT OF BEGINNING;

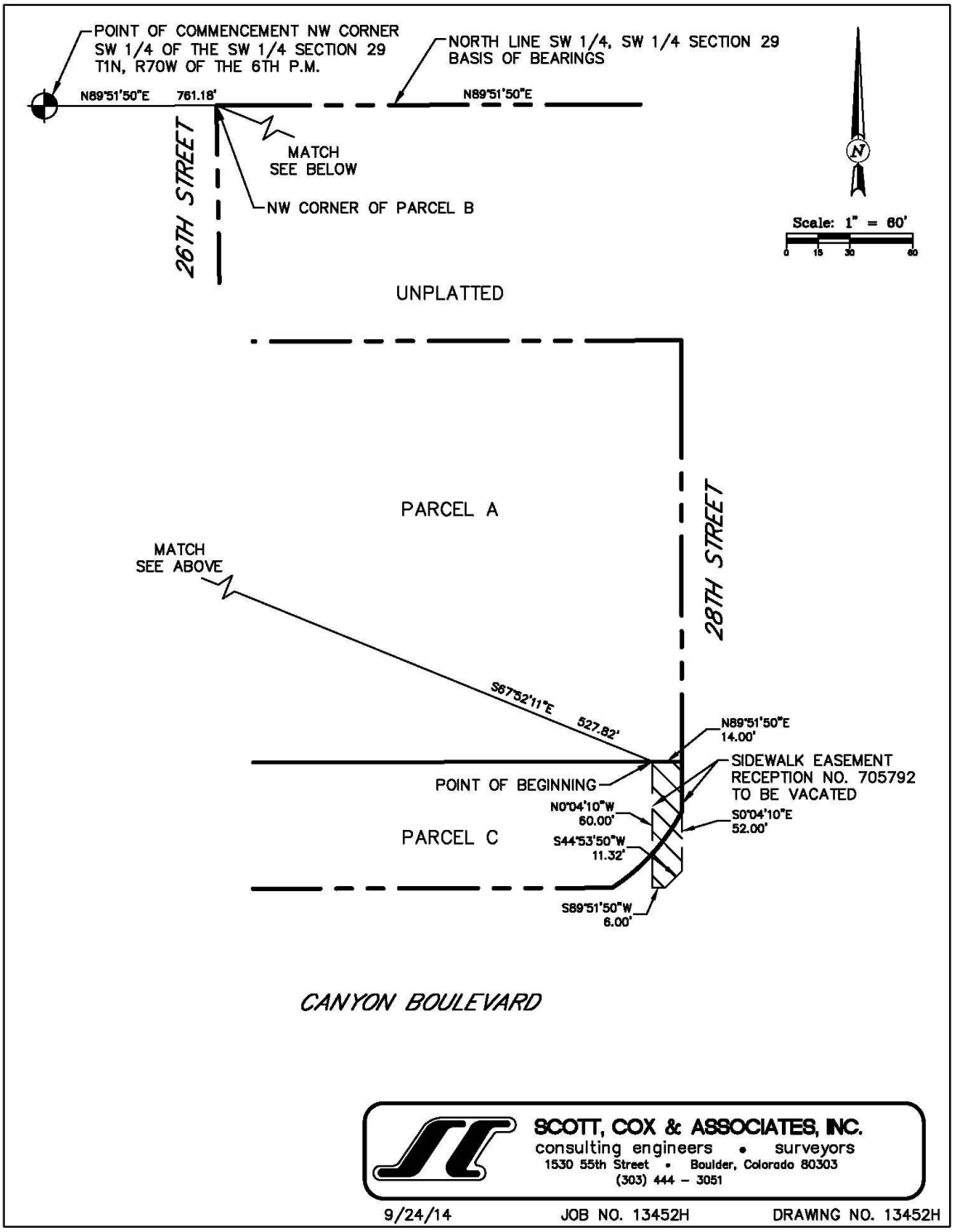
THENCE N89°51'50"E, A DISTANCE OF 14.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL C; THENCE S00°04'10"E, A DISTANCE OF 52.00 FEET; THENCE S44°53'50"W, A DISTANCE 11.32 FEET; THENCE S89°51'50"W, A DISTANCE OF 6.00 FEET; THENCE N00°04'10"W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 808 SQUARE FEET OR 0.019 ACRES.



A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
09/24/14
PROJECT NO. 13452H

EXHIBIT C TO DEED OF VACATION



X:\DRAWINGS\2013 PROJECTS FOLDER\13452 28th and Canyon\13452H.dwg, 9/23/2014 2:08:52 PM

EXHIBIT D TO DEED OF VACATION

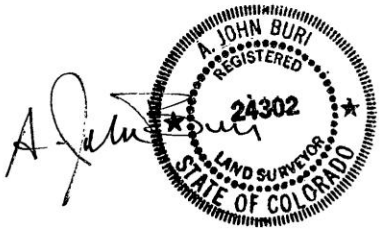
LEGAL DESCRIPTION – PUBLIC ROADWAY EASEMENT FOR ROAD CONSTRUCTION

A PUBLIC R.O.W. FOR ROAD CONSTRUCTION RECORDED AUGUST 13, 1985 AT RECEPTION NO. 705792 LOCATED IN THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P. M., WHENCE THE NORTH LINE OF SAID SW 1/4, SW 1/4 BEARS N89°51'50"E SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°51'50"E ALONG SAID NORTH LINE, A DISTANCE OF 761.18 FEET TO THE NORTHWEST CORNER OF PARCEL B; THENCE S67°52'11"E, A DISTANCE OF 527.82 FEET TO THE NORTH LINE OF SAID PARCEL C; THENCE N89°51'50"E, A DISTANCE OF 14.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL C; THENCE S00°04'10"E, A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING;

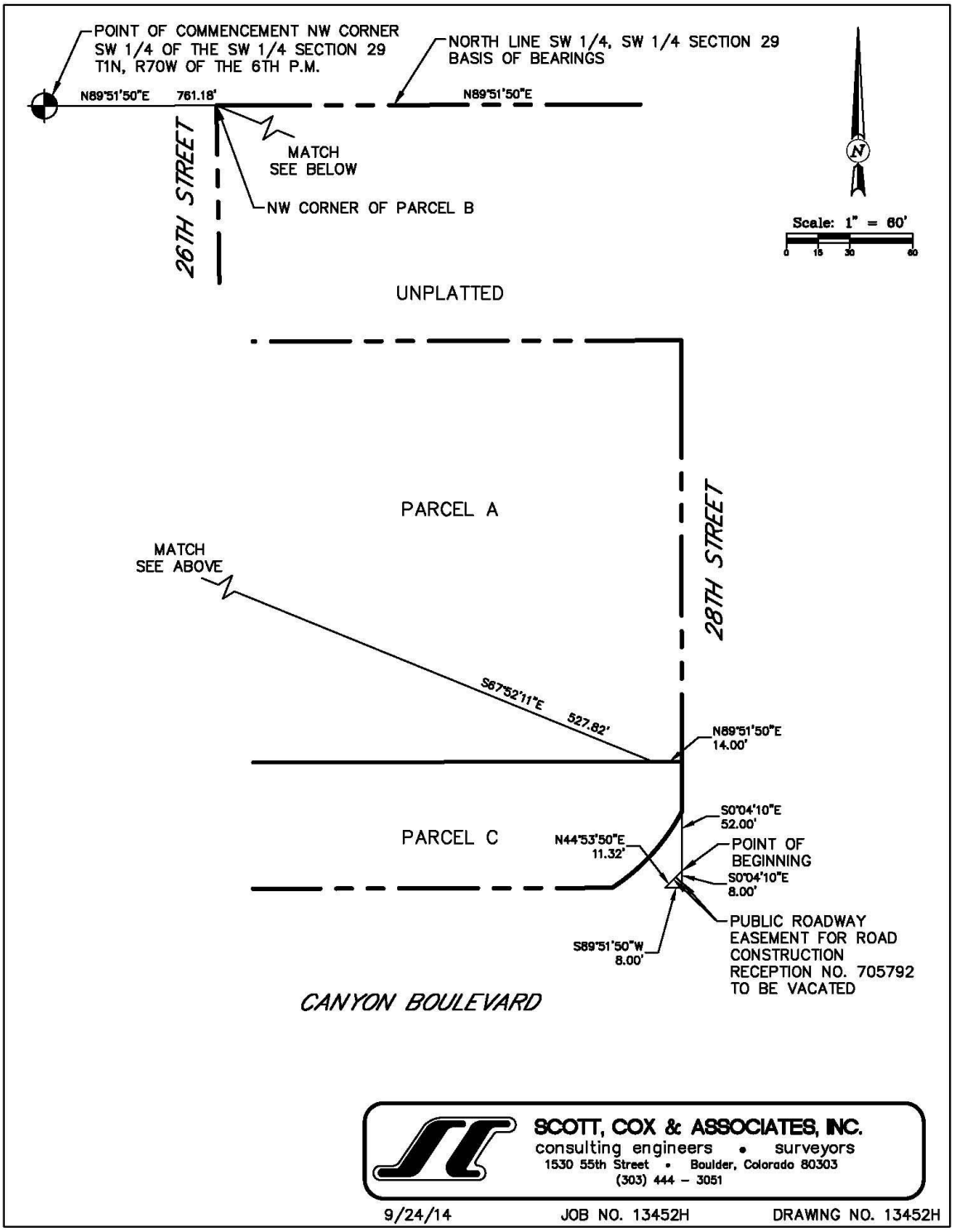
THENCE S00°04'10"E, A DISTANCE OF 8.00 FEET; THENCE S89°51'50"W, A DISTANCE 8.00 FEET; THENCE N44°53'50"E, A DISTANCE OF 11.32 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 32 SQUARE FEET OR 0.001 ACRES.



A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
09/24/14
PROJECT NO. 13452H

EXHIBIT D TO DEED OF VACATION



X:\DRAWINGS\2013 PROJECTS FOLDER\13452 28th and Canyon\13452H.dwg, 9/23/2014 2:08:25 PM

EXHIBIT E TO DEED OF VACATION

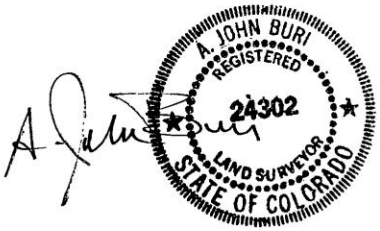
LEGAL DESCRIPTION – PUBLIC SIDEWALK EASEMENT

A PUBLIC SIDEWALK EASEMENT RECORDED DECEMBER 15, 1972 AT RECEPTION NO. 047428 LOCATED IN THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P. M., WHENCE THE NORTH LINE OF SAID SW 1/4, SW 1/4 BEARS N89°51'50"E SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°51'50"E ALONG SAID NORTH LINE, A DISTANCE OF 761.18 FEET TO THE NORTHEAST CORNER OF PARCEL A; THENCE S62°09'20"E, A DISTANCE OF 426.28 FEET TO THE POINT OF BEGINNING;

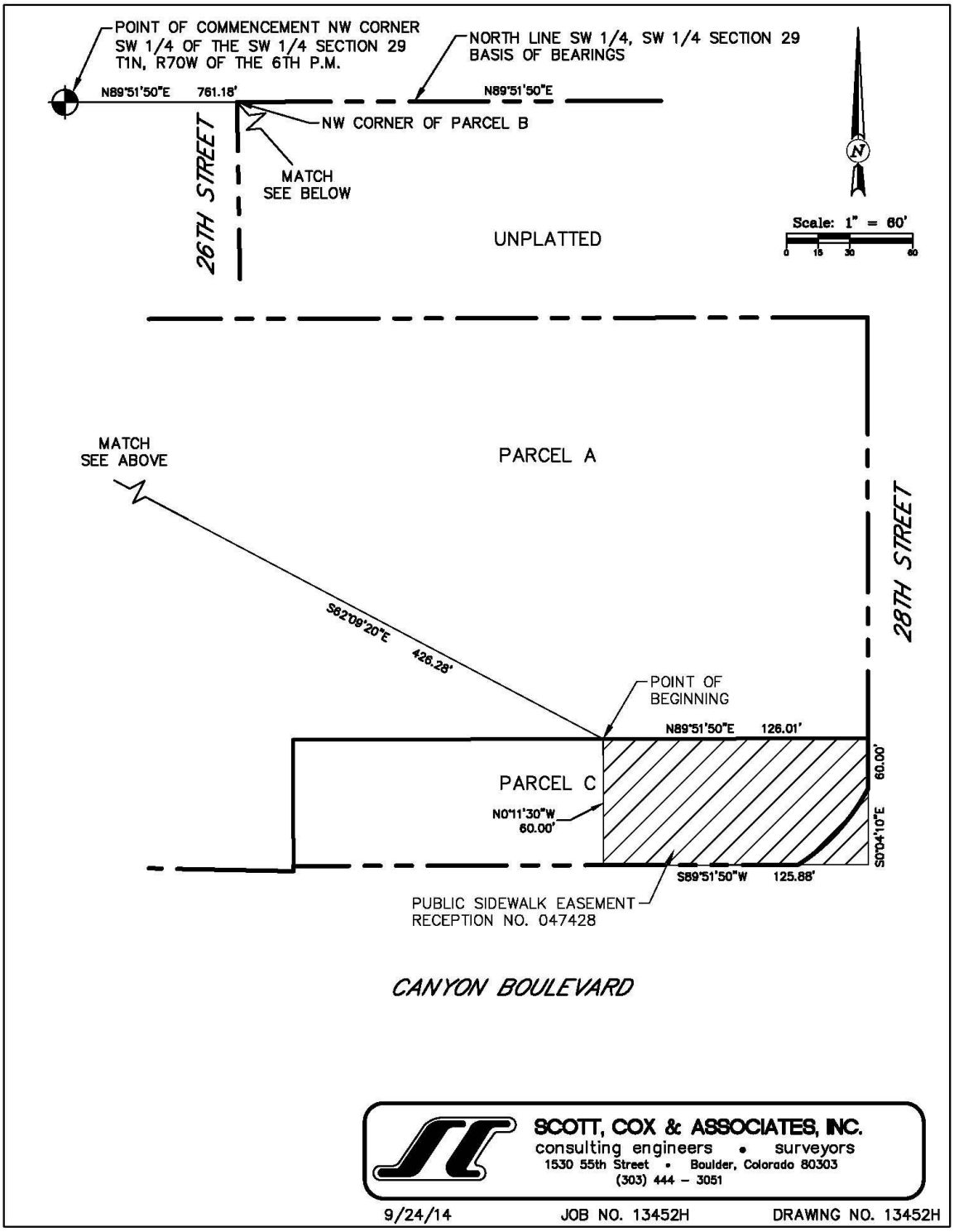
THENCE N89°51'50"E ALONG NORTH LINE OF PARCEL C, A DISTANCE OF 126.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL C; THENCE S00°04'10"E, A DISTANCE 60.00 FEET; THENCE S89°51'50"W, A DISTANCE OF 125.88 FEET; THENCE N00°11'30"W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 7,557 SQUARE FEET OR 0.173 ACRES.



A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
09/24/14
PROJECT NO. 13452H

EXHIBIT E TO DEED OF VACATION



X:\DRAWINGS\2013 PROJECTS FOLDER\13452 28th and Canyon\13452H.dwg, 9/25/2014 10:52:26 AM

MEMORANDUM

TO: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: October 9, 2014
SUBJECT: **Call-Up Item**: Minor subdivision review, case no. LUR2014-00058, for the creation of a second residential lot at 3242 5th Street. Lot 1 is proposed to be 7,003 square feet and Lot 2 is proposed to be 7,001 square feet. This approval is subject to potential call-up on or before **October 16, 2014.**

Attached is the disposition of the conditional approval (see **Attachment A**) of a Minor Subdivision for the subdivision of a residential property within the Residential Low – 1 (RL-1) zoning district to create an additional lot that will front on 5th Street. The resulting Lot 2 will contain the existing single-family home at 3242 5th Street. Lot 1 will contain a building envelope suitable for a future single-family home. Pursuant to section 9-12-5(a), B.R.C. 1981, a Minor Subdivision is required to subdivide the property (see **Attachment B** for Approved Final Plat).

Background. The subject property is a 0.32-acre lot located east of and adjacent to 5th Street, north of Forest Avenue (refer to *Figure 1, Vicinity Map*). The property is currently unplatted and contains a single-family home that was constructed in 1950, which will be preserved. A detached garage, as seen in the aerial photo below, has been removed to accommodate the new lot line. Vehicular access to both lots will be from the existing alley. In order to preserve the existing house and maintain required setbacks, the property line between the lots will jog 23 feet to the south on the east property line (refer to **Attachment B**). The jog in the property line will also accommodate a sanitary sewer connection to Lot 1 from the terminus of existing services in the alley.

Figure 1: Vicinity Map

The project site is zoned Residential - Low 1 (RL-1), which is defined as *"single-family detached residential dwelling units at low to very low residential densities."* The minimum lot area in RL-1 zoning is 7,000 square feet. Both proposed lots meet this minimum lot area requirement. Following subdivision both lots will be limited to a single dwelling unit (unless accessory dwelling units are proposed and approved pursuant to Section 9-6-3(a), "Accessory Units," B.R.C. 1981). Future development of Lot 1 will be subject to compatible development standards, including side yard bulk plane, side yard wall articulation, maximum building coverage, and floor area ratio (FAR) requirements.

Public Comment. Required public notice was provided in the form of written notifications to adjacent property owners of the subject property. In addition, a public notice sign was posted on the property. Therefore, all public notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 were met. Staff did not receive any inquires from interested neighbors.

Conclusion. Staff finds that this application meets the Minor Subdivision criteria set forth in section 9-12-5(e), B.R.C. 1981. Further, the subdivision meets the minimum lot area requirements (Table 8-1: Intensity Standards) and the Standards for Lots and Public Improvements (Section 9-12-12).

This application was approved by Planning and Development Services staff on October 2, 2014 and the decision may be called-up before Planning Board on or before **October 16, 2014**. There is a Planning Board meeting scheduled for the last day of the 14-day call-up period. Questions about the project or decision should be directed to Sloane Walbert at 303-441-4231 or via email walberts@bouldercolorado.gov.

Attachments.
Attachment A: Disposition of Approval
Attachment B: Approved Final Plat for 5th Street Subdivision

ATTACHMENT A

CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in section 9-12-5, B.R.C. 1981, as applied to the proposed development.

DECISION:	**APPROVED**
PROJECT NAME:	**5TH STREET SUBDIVISION**
DESCRIPTION:	**MINOR SUBDIVISION for the creation of a second residential lot fronting on 5th Street. Lot 1 to be 7,003 square feet and Lot 2 to be 7,001 square feet.**
LOCATION:	**3242 5TH ST.**
COOR:	**N05W07**
LEGAL DESCRIPTION:	**See Exhibit A**
APPLICANT/OWNER:	**Gordon Byrn**
APPLICATION:	**LUR2014-00058**
ZONING:	**Residential Low-1 (RL-1)**
CASE MANAGER:	**Sloane Walbert**

THIS IS NOT A SITE SPECIFIC DEVELOPMENT PLAN APPROVAL AND NO VESTED PROPERTY RIGHT IS CREATED BY THIS APPROVAL.

Approved on: 10/2/14
Date

By:
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 10/16/14

CONDITIONS OF APPROVAL

None.

Address: 3242 5TH ST.

EXHIBIT "A" LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF NEWLAND ADDITION TO THE CITY OF BOULDER, ACCORDING TO THE RECORDED PLAT THEREOF, AT A POINT 522.6 FEET WEST OF THE NORTHEAST CORNER OF BLOCK TWENTY-ONE IN SAID ADDITION, AND RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID NEWLAND ADDITION TO THE INTERSECTION WITH THE WEST LINE OF THE ALLEY RUNNING NORTH AND SOUTH THROUGH BLOCK THIRTY-ONE OF SAID NEWLAND ADDITION, THE TRUE POINT OF BEGINNING; AND RUNNING THENCE WEST ALONG THE NORTH LINE OF NEWLAND ADDITION A DISTANCE OF 136.75 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND RECORDED IN BOOK 860 AT PAGE 502 OF THE BOULDER COUNTY, COLORADO, RECORDS; RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID LAST MENTIONED TRACT A DISTANCE OF 108 FEET TO THE NORTHWEST CORNER OF SAID LAST MENTIONED TRACT; RUNNING THENCE EAST ALONG THE NORTH LINE OF SAID LAST MENTIONED TRACT A DISTANCE OF 136.72 FEET TO THE INTERSECTION WITH THE WEST LINE EXTENDED NORTH OF SAID ALLEY RUNNING NORTH AND SOUTH THROUGH SAID BLOCK THIRTY-ONE, NEWLAND ADDIITION, AND RUNNING THENCE SOUTH TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO,

EXCEPT THAT PORTION CONVEYED IN DEED RECORDED APRIL 19, 1954 IN BOOK 949 AT PAGE 120, COUNTY OF BOULDER, STATE OF COLORADO

Address: 3242 5TH ST.

5TH STREET SUBDIVISION

FINAL PLAT

BEING A PORTION OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

TOTAL AREA = 14,004 SQ FT (0.32 ACRES)

SHEET 1 OF 1

Dedication

THAT THE UNDERSIGNED BEING THE OWNER OF THAT REAL PROPERTY BEING A PORTION OF A PARCEL OF LAND DESCRIBED IN BOOK 860 AT PAGE 502, LOCATED THE NORTHWEST 1/4 OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF NEWLAND ADDITION TO BEAR SOUTH 89°42'23" WEST, A DISTANCE OF 944.62 FEET BETWEEN A FOUND CHISELED CROSS AT THE NORTHEAST CORNER OF BLOCK 21, NEWLAND ADDITION AND A FOUND 2" ALUMINUM CAP STAMPED "COB SURVEY POINT PLS 20134" IN A RANGE BOX AT THE INTERSECTION OF THE CENTERLINE OF 5TH STREET AND THE NORTH LINE OF NEWLAND ADDITION, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 31 OF NEWLAND ADDITION TO THE CITY OF BOULDER, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE SOUTH 89°42'23" WEST, ALONG THE NORTH LINE OF SAID NEWLAND ADDITION, A DISTANCE OF 129.98 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY OF 5TH STREET PER THE RECORDED PLAT OF RHODES SUBDIVISION; THENCE NORTH 00°06'43" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 108.00 FEET, TO A POINT ON THE NORTH LINE A TRACT OF LAND DESCRIBED IN BOOK 860 AT PAGE 502; THENCE NORTH 89°42'23" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 129.35 FEET TO THE INTERSECTION WITH THE WEST LINE EXTENDED NORTH OF THE ALLEY RUNNING NORTH AND SOUTH THROUGH SAID BLOCK THIRTY-ONE, NEWLAND ADDITION; THENCE SOUTH 00°26'37" EAST, ALONG THE WEST LINE EXTENDED OF SAID ALLEY, A DISTANCE OF 108.00 FEET TO THE TRUE POINT OF BEGINNING.

CITY OF BOULDER,
COUNTY OF BOULDER,
STATE OF COLORADO.

SAID PARCEL CONTAINING 14,004 SQ FT.

HAS CAUSED SAID PROPERTY TO BE LAID OUT, SURVEYED, SUBDIVIDED AND PLATTED UNDER THE NAME OF "5TH STREET SUBDIVISION," A SUBDIVISION IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

FOR THE APPROVAL OF "5TH STREET SUBDIVISION" AND THE DEDICATIONS AND CONDITIONS WHICH APPLY THERETO THIS _____ DAY OF _____, 20__.

MONGO PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: MONGO FAMILY TRUST U/A 12/28/2012, ITS MEMBER

BY: _____
GORDON STAVERT BYRN
TRUSTEE OF MONGO FAMILY TRUST U/A 12/28/2012
AND MANAGER OF MONGO PROPERTIES LLC

Acknowledgment

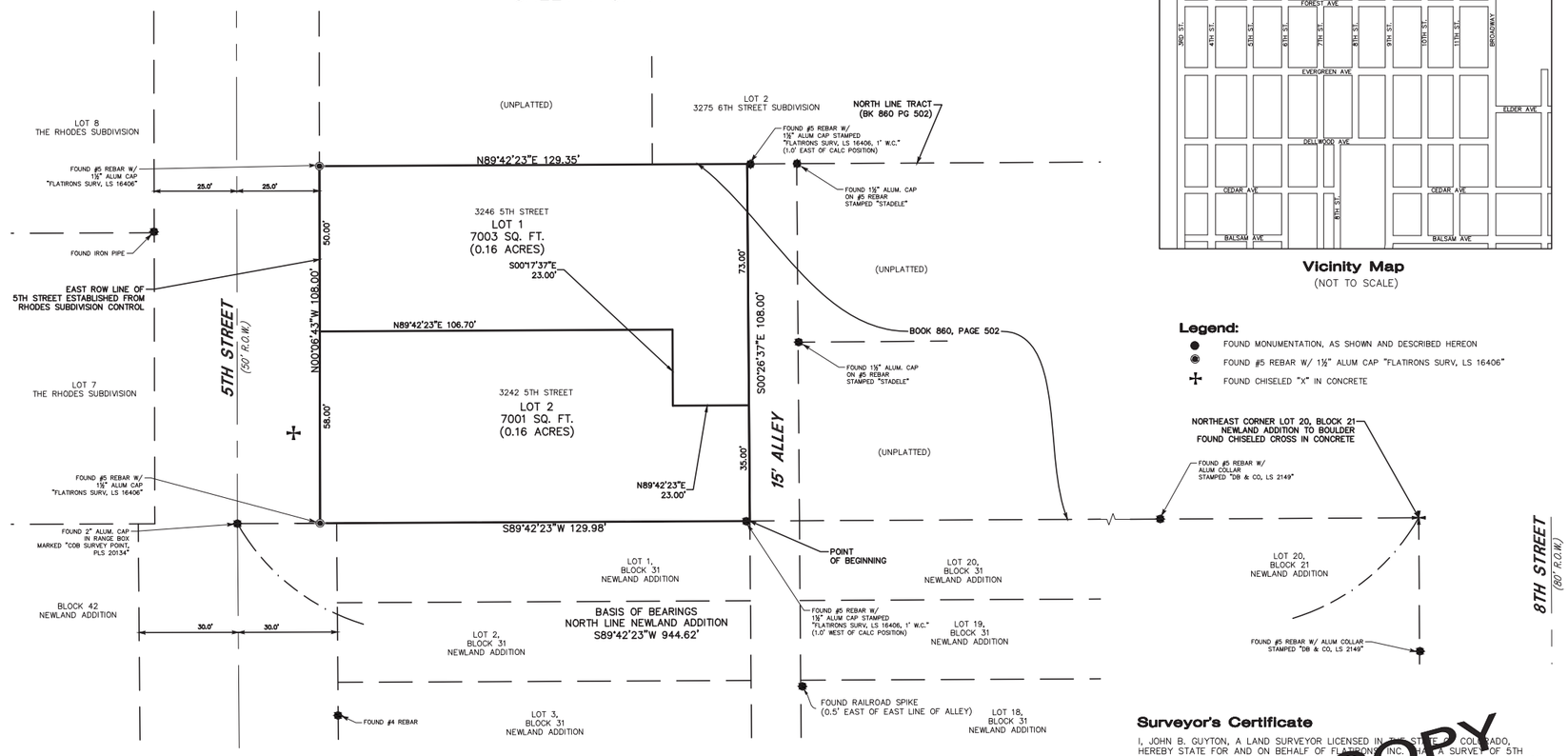
STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

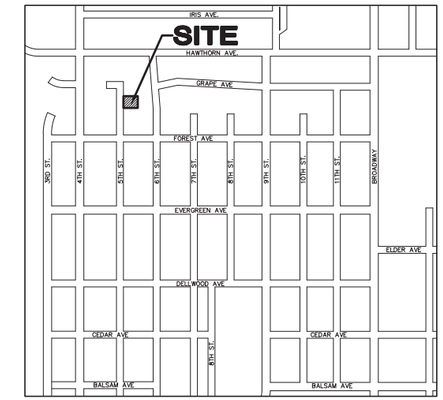
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20__, BY GORDON STAVERT BRYN AS TRUSTEE OF MONGO FAMILY TRUST U/A 12/28/2012, MEMBER OF MONGO PROPERTIES LLC AND AS MANAGER OF MONGO PROPERTIES LLC.

WITNESS MY HAND AND SEAL.
MY COMMISSION EXPIRES: _____

[SEAL]

_____
NOTARY PUBLIC





Vicinity Map
(NOT TO SCALE)

Legend:

- FOUND MONUMENTATION, AS SHOWN AND DESCRIBED HEREON
- FOUND #5 REBAR W/ 1½" ALUM CAP "FLATIRONS SURV, LS 16406"
- FOUND CHISELED "X" IN CONCRETE

Notes

1) LAND TITLE GUARANTEE COMPANY COMMITMENT NUMBER W70284849-2, DATED SEPTEMBER 9, 2010 AT 5:00 P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.

2) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

3) THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.

4) BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF SOUTH 89°42'23" WEST ALONG THE NORTH LINE OF NEWLAND ADDITION, BETWEEN A FOUND CHISELED CROSS AT THE NORTHEAST CORNER OF BLOCK 21, NEWLAND ADDITION AND A FOUND 2" ALUMINUM CAP STAMPED "COB SURVEY POINT PLS 20134" IN A RANGE BOX AT THE INTERSECTION OF THE CENTERLINE OF 5TH STREET AND THE NORTH LINE OF NEWLAND ADDITION AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, COLORADO NORTH 0501 ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.

5) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC. 18-4-508.

6) FLOOD INFORMATION: THE SUBJECT PROPERTY IS LOCATED IN ZONE X UNSHADED, AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP; COMMUNITY-PANEL NO. 08013C0391J, DATED DECEMBER 18, 2012. FLOOD INFORMATION IS SUBJECT TO CHANGE.

7) DATES OF FIELDWORK: NOVEMBER 12 & 13, 2007 AND FEBRUARY 2, 2012. UPDATED AUGUST 8, 2014

8) SEE IMPROVEMENT SURVEY PLAT PREPARED BY FLATIRONS, INC. UNDER JOB NUMBER 14-64,207, DATED AUGUST 15, 2014 FOR ADDITIONAL BOUNDARY INFORMATION.

9) THE TOTAL AREA OF THE SUBJECT PROPERTY IS 14,004 SQ. FT. OR 0.32 ACRES, MORE OR LESS. AREA AS SHOWN HEREON IS A RESULTANT FACTOR, NOT A DETERMINATIVE FACTOR, AND MAY CHANGE SIGNIFICANTLY WITH MINOR VARIATIONS IN FIELD MEASUREMENTS OR THE SOFTWARE USED TO PERFORM THE CALCULATIONS.

Boundary Closure Report

Segment #1	:	Course:	N00°06'43"W	Length: 108.00'
Segment #2	:	Course:	N89°42'23"E	Length: 129.35'
Segment #3	:	Course:	00°26'37"E	Length: 108.00'
Segment #4	:	Course:	S89°42'23"W	Length: 129.98'

Perimeter:	475.33'	Area:	14003.80 Sq. Ft.
Error Closure:	0.00	Course:	S87°39'19"W
Precision	1: 475330000.00		

GRAPHIC SCALE
20 0 10 20 40
(IN FEET)
1 inch = 20 ft.

Surveyor's Certificate

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC. THAT A SURVEY OF 5TH STREET SUBDIVISION WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON AUGUST 8, 2014; AND THAT THE ACCOMPANYING PLAT THEREOF ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION AND THE SURVEY THEREOF.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN & CEO, FLATIRONS, INC.

FSI JOB NO. 12-59,539

DRAFT COPY

Approvals

_____
DIRECTOR OF PLANNING

_____
DIRECTOR OF PUBLIC WORKS AND UTILITIES

City Manager's Certificate

IN WITNESS WHEREOF, THE SAID CITY OF BOULDER HAS CAUSED ITS SEAL TO BE HEREUNTO AFFIXED BY ITS CITY MANAGER THIS ____ DAY OF _____, 20____.

ATTEST:

_____ _____
CITY CLERK CITY MANAGER

Clerk and Recorder Certificate

STATE OF COLORADO)
)SS
COUNTY OF BOULDER)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK ___M., THIS ____ DAY OF _____, 20__, AND IS RECORDED RECEPTION #: _____

FEES PAID: $_____

_____ _____
CLERK AND RECORDER DEPUTY

REVISION	DATE
1 CITY COMMENT REVISIONS	09.10.2014
2 CITY COMMENT REVISIONS	09.19.2014
3	
4	
5	
6	
7	
8	
9	

5TH STREET SUBDIVISION
FINAL PLAT

COPYRIGHT 2014 FLATIRONS, INC.

Flatirons, Inc.
Surveying, Engineering & Geomatics
www.Flatironsinc.com
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4535
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-8930
3660 DOWNING ST
UNIT E
DENVER, CO 80205
PH: (303) 936-6997

(SEAL)

JOB NUMBER:	14-64,207
DATE:	07.28.2014
DRAWN BY:	J. BLASINGAME
CHECKED BY:	NV

SHEET 1 OF 1

BY:JBLASINGAME FILE:64207-PLAT(CSD13).DWG DATE:9/19/2014 12:54 PM

MEMORANDUM

TO: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: October 9, 2014
SUBJECT: **Call-Up Item**: USE REVIEW (LUR2014-00079): Request for a 2,200 square foot retail store with accessory office uses (Smart Beds Boulder). The proposed use would occupy approximately 45% of the existing building located at 2206 Pearl Street. The call-up period expires on **October 23, 2014.**

Attached is the disposition of the conditional approval (see **Attachment A**) of a Use Review to allow a Murphy bed showroom for "Smart Beds" in the existing building at 2206 Pearl St. The proposed 2,200 square foot retail use would also contain a technical office component for the design of systems to maximize customer homes space and functionality. Pursuant to Table 6-1: "Use Table", B.R.C. 1981, a Use Review is required for technical offices without a residential component and retail sales less than 5,000 square feet in the MU-3 zone district (see **Attachment B** for analysis of the Use Review Criteria).

Background. The subject property is a roughly 20,000 square foot lot located in Central Boulder at the southeast corner of Pearl Street and 22nd Street. The site is zoned MU-3 (Mixed Use -3), which is defined as *"areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building"* (section 9-5-2(c)(2)(C), B.R.C. 1981). To the east and west of the subject site along Pearl Street between 18th and 24th Streets is a corridor of MU-3 zoning commonly known as the "East Pearl" area, which contains a variety of retail, restaurant and office uses mixed with residential uses. To the north and south of the East Pearl corridor are primarily residential uses, with the area to the south containing primarily high density residential uses, and the area on the north side of the corridor containing a mix of high and mixed- density residential uses. Refer to **Figure 1** below for a Vicinity Map.

Figure 1: Vicinity Map

The property has exceeded redevelopment thresholds and current landscape and exterior lighting standards will need to be addressed with any future building permit submittal. When redevelopment exceeds seventy-five percent of the Boulder County Assessor's actual value of the existing structure then exterior lighting and landscape standards must be addressed, including street trees, parking lot screening and interior parking lot landscaping (section 9-9-16(c)(1), B.R.C. 1981). At this time no exterior modifications are planned to be made to the site or building (refer to **Attachment C**).

Project Proposal.
There are two existing buildings on the 0.45-acre subject site. The subject building (2206 Pearl) totals approximately 5,000 square feet in floor area divided into two tenant spaces. The west tenant space currently contains an architectural firm (Oz Architecture). The adjacent building (2210 Pearl) comprises only about 500 square feet of floor area and contains an antique retail store (3rd & Vine Design and Antiques). City records indicate that the subject building was constructed in 1963 and was originally used as a construction equipment rental store. In 2013, Planning Board approved a Use Review for 2206 Pearl St. for a professional office and accessory retail use "Made Movement," which has since relocated to a building on west Canyon Blvd. Historically the building has held a medical marijuana dispensary, electric bicycle retail store and repair shop, and political campaign office.

The applicant is requesting approval of a Use Review to allow the "Smart Beds" Murphy bed showroom to locate in the existing building at 2206 Pearl St. (refer to **Attachment C**). The proposed 2,200 square foot retail use would also contain an accessory technical office component for employees to work with customers to design systems to improve the function of spaces in homes, similar to an interior designer. Limited storage related to the retail use would be contained within the interior space. The hours of operation for the proposed use would be from 9:00 a.m. to 6:00 p.m., seven days per week. The applicant expects to have two full-time employees. There are currently 24 on-site parking spaces (including 1 ADA space) on the property where 18 are required by the MU-3 zone parking standards for non-residential uses. Due to the high-ticket and specialty nature of the product, customer traffic is expected to be relatively low at 5 to 10 customer visits per week.

Review Process. Per the use standards found in section 9-6-1, B.R.C. 1981, approval of a Use Review is required for retail sales less than 5,000 square feet and technical offices without a residential component to operate in the MU-3 zone district. Per section 9-4-2, B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. No modifications from the development code have been requested. The proposal meets all of the development standards for the zoning districts and does not trigger or require Site Review.

Analysis. The proposal was found to be consistent with the Use Review criteria pursuant to subsection 9-2-15(e), "*Criteria for Review*," B.R.C. 1981. Refer to **Attachment B** for the complete Use Review analysis.

Public Comment. Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 have been met. Staff received feedback from the Whittier Neighborhood Association and one neighbor, but no one expressed opposition to the proposed use. See **Attachment D** for received feedback.

Conclusion. Staff finds that the proposed project meets the relevant criteria of section 9-2-15, "Use Review," B.R.C. 1981 (refer to **Attachment B**).

The proposal was **approved** by Planning and Development Services staff on **October 9, 2014** and the decision may be called up before Planning Board on or before **October 23, 2014**. There is one Planning Board hearing

scheduled during the required 14 day call-up period on **October 16, 2014.** Questions about the project or decision should be directed to the Case Manager, Sloane Walbert at (303) 441-4231 or at walberts@bouldercolorado.gov.

Attachments:

A. Signed Disposition
B. Analysis of Use Review Criteria
C. Applicant's Proposed Plan
D. Public Comment

CITY OF BOULDER
Community Planning & Sustainability
1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION:	**APPROVED WITH CONDITIONS**
PROJECT NAME:	**SMART BEDS**
DESCRIPTION:	**USE REVIEW: Request for a 2,200 square foot retail store with accessory office uses (Smart Beds). The proposed use would occupy approximately 45% of the existing building located at 2206 Pearl Street.**
LOCATION:	**2206 PEARL STREET**
COOR:	**N03W05**
LEGAL DESCRIPTION:	**Lots 4, 5 and 6, Block 77, East Boulder, City of Boulder, County of Boulder, State of Colorado**
APPLICANT:	**Bob Dergay, Smart Beds LLC**
OWNER:	**2206 Pearl LLC**
APPLICATION:	**Use Review, LUR2014-00079**
ZONING:	**Mixed Use 3 (MU-3)**
CASE MANAGER:	**Sloane Walbert**
VESTED PROPERTY RIGHT:	**NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved On: 10/9/14
Date

By:
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: <u>October 23, 2014</u>

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for ensuring that the development shall be in compliance with all approved plans dated October 9, 2014 and Written Statement dated September 15, 2014 on file in the City of Boulder Department of Community Planning & Sustainability. Further, the Applicant shall ensure that the business is operated in compliance with the following restrictions:

    a. The approved use shall be closed from 6:00 p.m. through 9:00 a.m. seven days per week.

    b. Size of the approved use shall be limited to 2,200 square feet.

2. The Applicant shall **not expand or modify the approved use**, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

__X__ (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The subject site is located in the MU-3 (Mixed-Use 3) zone district, which is defined in section 9-5-2(c)(3)(C), B.R.C. 1981 as "areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building." Per the Use Standards found in section 9-6-1, technical offices without a residential component and retail sales less than 5,000 square feet are allowed in the MU-3 zone district if approved through a Use Review.

_____ (2) Rationale: The use either:

__X__ (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The subject building is currently vacant, but was formerly a temporary space for professional offices and accessory retail sales for Made Movement. Made Movement occupied the entire building and had 25 full-time employees. The proposed showroom space with accessory office use would reduce the overall adverse impacts to the surrounding neighborhood by reducing the number of daily trips to and from the site. Additionally, previous users of the building included retail operations for a medical marijuana dispensary and Pete's Electric Bikes, with large amounts of pedestrian and vehicular traffic.

The proposed use is expected to have two full-time employees and hours of operation from 9:00 am to 6:00 pm, seven days per week. Customer traffic is expected to be relatively low at 5-10 customer visits per week. Deliveries will occur once a week. Smart Beds will have less of an impact in terms of noise and traffic generation on the surrounding residential use than previous uses due to the limited employee and customer traffic.

__N/A__ (B) Provides a compatible transition between higher intensity and lower intensity uses;

Not applicable.

__N/A__ (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

Not applicable.

__N/A__ (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section;

Not applicable.

__X__ 3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

There are a variety of retail, office, personal service and residential uses in the surrounding area. The existing 5,000 square foot building was constructed in 1963, and has been home to a variety of uses over the years, including a construction equipment rental company, several retail businesses and a political office. The scale

and architecture of the building are compatible with the south side of Pearl Street in that area, which contains many older one and two-story buildings from that time period and before. There are currently 24 existing off-street parking spaces located on the property where 18 are required per the MU-3 zone district standards for non-residential uses. The subject use will be allocated 10 spaces. No exterior changes to the building or site are proposed. The proposed hours of operation are from 9:00 a.m. to 6:00 p.m., which is compatible with the surrounding commercial and residential uses. The proposed hours will match those approved for Made Movement. Overall, the proposed use will remain compatible with and have minimal negative impact on the use of surrounding properties.

__X__ (4) Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

The existing infrastructure in the area will be adequate to serve the proposed use, and there will be no additional impacts associated with the use.

__X__ (5) Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

As mentioned above, the character of the area immediately surrounding the site is an eclectic mix of retail, office, personal service and residential uses. The proposed use will not change the character of the surrounding area, as no exterior changes to the building or site are proposed and the operating characteristics are similar to other existing retail and office uses in the area. Given that the site exceeds the required parking for the zone and that there will be less pedestrian and vehicular traffic to and from the site than previous uses, staff finds that the proposed use will have little to no effect on the existing character of the surrounding area and is overall an appropriate use for the site.

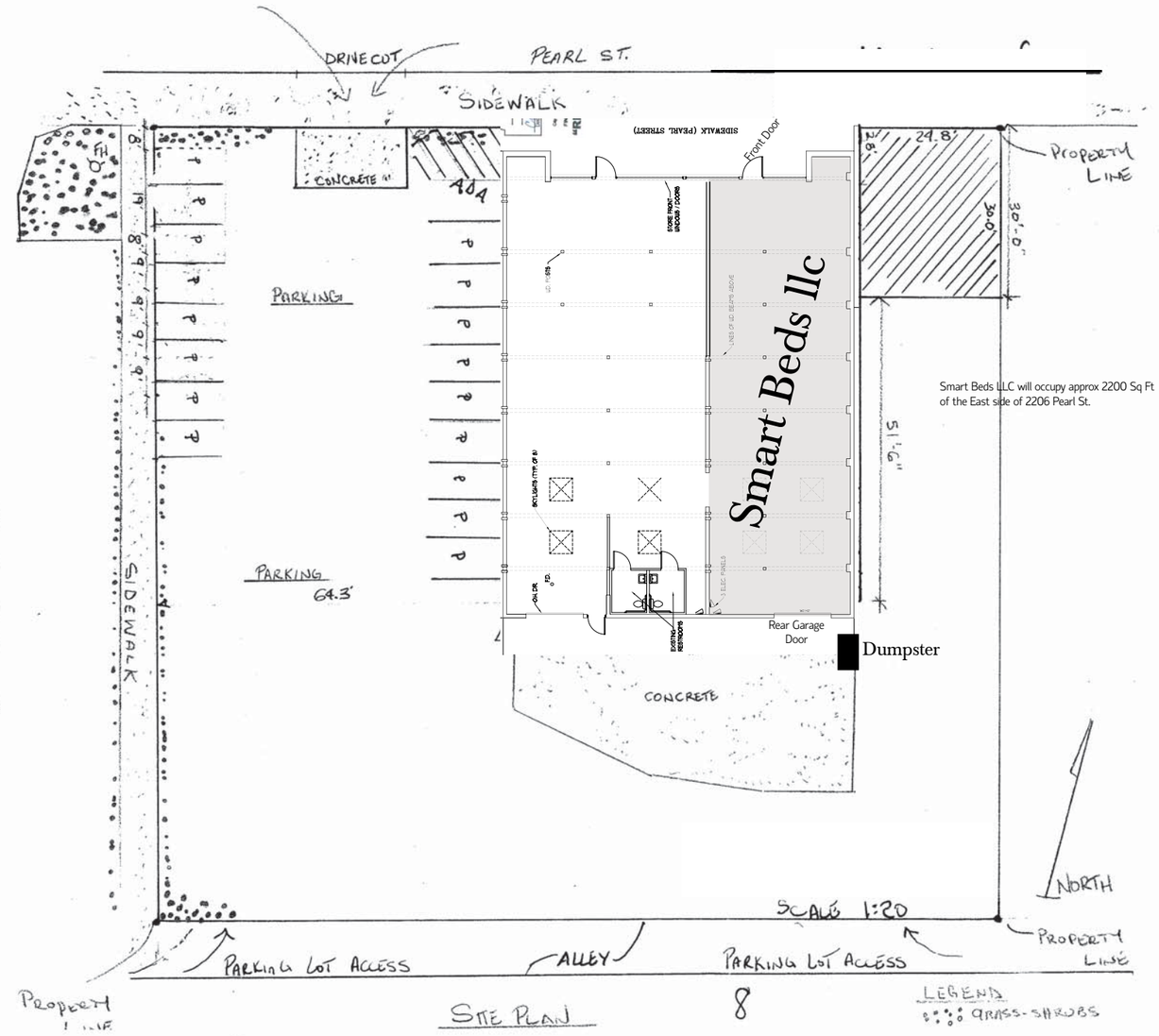
_N/A_ (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable, as there are currently no residential units on the subject property.

Smart Beds llc Site Plan

October 6, 2014

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
APPROVED
FINAL LAND USE DRAWING
S. Walbert 10/9/14
LAND USE REVIEW MANAGER DATE



September 15, 2014

Use Review Written Statement for Smart Beds llc, 2206 Pearl Street, Boulder 8030

Proposed Use: Retail / Office

Hours of Operation: 9:00 am - 6:00 pm Monday - Friday

Smart Beds llc will be Murphy Bed retail store. The company is dedicated to offering surprisingly innovative ways to maximize customer homes' space and functionality. We will offer ways to increase people's limited living spaces, without having to resort to expensive additions.

The business will occupy approx 2200 sq. ft. of space at 2206 Pearl Street. Presently the space is vacant retail/office space. Previously, the building has housed Pete's Electric Bikes retail store and Made Movement, a marketing and retail company.

Initially the company will only have one full-time employee. But it is anticipated that within 6-12 months one additional full-time employee will be hired.

Due the high-ticket nature of the murphy beds, customer traffic is anticipated to be fairly low (5-10 customer visits per week). Furthermore, the business will be quiet. Deliveries will only happen once a week (assuming adequate demand); and considering the traffic noise from Pearl Street, the neighboring businesses won't even notice any deliveries.

The space will be utilized for a showroom, office and some storage space.

From: John Spitzer
To: Walbert, Sloane
Cc: Val Rich Tucker
Subject: 2206 Pearl use review/ Public Notice for Whittier Consideration
Date: Friday, September 26, 2014 10:58:08 AM

Slaone —

On behalf of the Whittier Neighborhood, I have reviewed the proposal for 2206 Pearl (use review — LUR2014-00079, Sept. 16, 2014) with other board members and find it to be acceptable. We are assuming from the application that there will be no net increase in floor area, or any exterior expansion of the existing building.

Please keep me notified of other applications.

John Spitzer
for the Whittier Neighborhood Ass.
303 345 4004

From: enigma@comcast.net
To: Walbert, Sloane
Subject: 2206 Pearl St.
Date: Friday, September 26, 2014 5:47:11 PM

To: Sloane Walbert
From: Judith Jones
1905 22nd St.
303-442-5681
Re: 2206 Pearl St.

I own the Triplex on 22nd. St. I have lived here for over 40 years. Over this time 2206 Pearl St. property has had many different businesses, but none have included a residential component. I see no reason to make that a criteria now. Although the 2206 Pearl St. property interior has been remodeled the outside still has the same asphalt parking area which is a bit of an eyesore. Maybe this could be improved. I have filed many complaints with the city over the stadium lights that surround this building. This lighting does exceed the standard in that the light shines beyond it borders. Our landscaping has now matured enough to block the light but maybe this could be changed for other residents.

Thanks,
Judith Jones

From: enigma@comcast.net
To: Walbert, Sloane
Subject: Re: 2206 Pearl St.
Date: Thursday, October 09, 2014 10:16:13 AM

Sloane,

Thank you for sending me your comments. My concerns are definitely covered by your review comments.

Thanks,
Judith Jones

----- Original Message -----
From: "Sloane Walbert" <WalbertS@bouldercolorado.gov>
To: "Jones, Fred & Judith" <enigma@comcast.net>
Sent: Monday, October 6, 2014 2:40:02 PM
Subject: RE: 2206 Pearl St.

Hello Judith,

I have attached the review comments that were sent to the applicant regarding the use review request at 2206 Pearl St. Please let me know if you have anything to add or if you would like to be notified of the Planning Board date. Thank you,

Sloane Walbert
Planner I, Department of Community Planning and Sustainability
City of Boulder
1739 Broadway, 3rd Floor
P.O. Box 791
Boulder, CO 80306-0791
(303) 441-4231 Direct
WalbertS@bouldercolorado.gov

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM

MEETING DATE: October 16, 2014

AGENDA TITLE: Brief update on the Comprehensive Housing Strategy.

REQUESTING DEPARTMENT:
David Driskell, Interim Housing Director
Susan Richstone, Deputy Director, Community Planning and Sustainability
Jeffrey Yegian, Manager, Division of Housing
Jay Sugnet, Project Manager, Comprehensive Housing Strategy

OBJECTIVE:
Staff will provide a brief update on the status of the Comprehensive Housing Strategy that includes the following:

1. Discussion Draft of the Toolkit of Housing Options;
2. Community engagement process; and
3. Palo Parkway opportunity site.

MEMO ORGANIZATION

I. Background
II. Project Phases
III. Toolkit of Housing Options
IV. Approach to Phase II Community Outreach
V. Opportunity Sites

I. BACKGROUND

In 2013, Council recognized that the city's housing challenges require more than minor adjustments to current programs. City Council held a study session on February 13, facilitated by Charles Buki, and on May 14, to understand the current housing challenges and provide direction on the development of a comprehensive housing strategy. Prior to the May 27, 2014 City Council Study Session, the Planning Board provided input on the planning process, project goals, and short term actions on May 15. City Council formally endorsed the project goals and the public engagement process on September 2.

The Comprehensive Housing Strategy (CHS) is a next generation housing policy framework, combined with an implementation toolkit, that will focus on:

1. Strengthening the city's affordable housing programs for low- and moderate-income households;
2. Expanding housing opportunities for middle-income households; and

3. Exploring innovative approaches to providing additional housing and a broader range of housing options, particularly for housing needs not being met by the market.

The strategy will set forth a creative mix of policies, tools and resources to make progress on multiple fronts, in a manner consistent with the Boulder community's priorities, values and overarching sustainability framework. It will help inform and guide Council decisions on which policies and tools to pursue in the short, medium, and long term within the context of the broader housing strategy. ***The strategy will NOT adopt any specific proposals, but rather identify priorities that will need to be incorporated into the city's work plan.***

The CHS is envisioned as a "living document" that will guide ongoing work related to housing policies and programs. In other words, adoption of the strategy will not signal the end of the city's housing-focused discussions, but rather inform annual work program priorities aimed at continual monitoring, evaluation and action to strengthen and expand housing opportunities through a variety of tools and coordinated strategic initiatives.

In particular, it is anticipated that the Comprehensive Housing Strategy and other 2014 planning initiatives will inform key areas of focus in the 2015 update of the Boulder Valley Comprehensive Plan (BVCP). ***Any of the potential CHS recommendations not consistent with the current BVCP will need to be discussed in this larger effort.***

II. PROJECT PHASES

In 2013, four phases were proposed to develop the strategy:

Phase 1: Foundations for Action. A housing market study was completed in 2013 as a first step to understand the city's housing market, both rental and homeownership, with a particular focus on housing opportunities for workers and low and middle income residents. Comparative data from surrounding communities is also provided where available (see the Boulder Housing Market Analysis). A housing choice survey and analysis was completed in early 2014 and provides data on residents' and in-commuters' housing preferences and needs (see the Boulder Housing Choice Survey and Analysis). Staff also prepared a memo for a May 27, 2014 City Council work session summarizing the results of the foundations work and background materials that led up to the launch of the Comprehensive Housing Strategy (see the May 27 memo.

Phase 2: Strategic Direction. With a better understanding of key issues and informed by further discussion with the community and council, the process will identify key strategic priorities. Starting in spring, draft project goals were defined based on Council discussion in 2013, and an initial list of potential policies of tools was drafted. Additional tools will be identified through the public process as well as through research of best practices in other cities, with the full list evaluated against the project goals. This "bang for your buck" analysis will emphasize what level of effort is necessary or which actions or combinations of actions are needed to achieve the project goals and community priorities for action, which will be shaped through the community engagement process. An early draft strategy is anticipated in the spring of 2015.

Phase 3: Strategic Action. Based on the council-approved Strategic Direction, a detailed work program and implementation schedule will be developed for short, medium and long-term actions. Each of these will involve a customized engagement process depending on the scope and scale of the specific action.

Ongoing: Monitoring, Reflection and Action. As strategic priorities are acted upon, an ongoing process of

monitoring outcomes and conditions, and engaging partners and the community, will help inform periodic discussions with council regarding next-step priorities and strategic course corrections.

III. DRAFT TOOLKIT OF HOUSING OPTIONS

A toolkit is being developed to provide information on the range of actions that could be considered to address the project goals and achieve desired community outcomes. In combination with a databook that is still being created, these documents will help ground the community conversation about our housing affordability challenges and potential responses (see Section IV on approach to outreach). There is not enough time at the Board meeting to discuss the tools in detail, but any comments or suggestions are encouraged and welcome.

The toolkit is a starting point for discussion. The ideas in the document are just that – ideas! As part of the larger CHS process, the city is asking the community to help refine the tools; identify new tools and implementation options; and evaluate which tools might be the most appropriate and effective for Boulder--either citywide or in specific neighborhoods--in terms of potential impact and consistency with other community priorities. The draft tools were generated from the 1999 Housing Strategy Toolkit, the 2010 Affordable Housing Task Force, community input, City Council, consultants and staff. Additional options are expected to come from the upcoming community engagement activities, which will help sort through the many tools and focus on the combination of tools with the most promise of achieving community goals.

IV. APPROACH TO PHASE II COMMUNITY OUTREACH

Based on council feedback in September, staff is exploring options for creating a more inclusive outreach process that invites the full diversity of perspectives in the community and provides everyone the opportunity to participate in a meaningful way. The city recently hired Barbara Lewis, a consultant who assists in designing community engagement processes, to help design a robust and inclusive community engagement process. The overall engagement strategy will be discussed with Planning Board and City Council at the October 14 joint study session.

The overall engagement strategy includes, as one component, five working groups that will explore strategic alternatives to specific aspects of Boulder's affordable housing challenges. These groups will be comprised of community members charged with exploring and evaluating the draft toolkit and will be open to interested members of the public. In addition, it is expected that the working groups will recommend additional tools for consideration. The topical areas are based on the project goals.

Five Working Groups

1. Housing for low- and moderate-income households, including those with special needs and the homeless
2. Housing for middle-income households
3. Housing in single-family neighborhoods
4. Senior housing
5. University housing

The sixth goal will be address as part of the 2015 Comprehensive Plan Discussion

6. 15-minute neighborhoods

<u>Opening symposium</u>

An opening community symposium with guest speakers to provide an outside perspective and inspiration is being planned for November. The symposium will likely include one or more speakers to discuss current

housing challenges, innovative tools being used by other cities, and how those tools may be applicable to Boulder. The event will kick off the community engagement process and provide a basis of understanding of the issues and offer ideas to stimulate creative thinking.

Working groups

Each group will commit to meet 3-5 times starting in November, after the symposium, to review and evaluate potential policies and tools specific to each goal. The only exception is the University working group. That group will be convened in late fall to have the benefit of discussions from the first four working groups. It will bring together traditional and non-traditional partners and stakeholders to discuss implementing specific CHS tools. Prior to the first meeting of each group, common background information in the form of a concise databook and the toolkit will be provided. Also, there will be background materials for each topic and information on current programs. A sample agenda for each meeting is below:

> Meeting 1 - ground rules, process overview, current policy overview, discussion of potential policies and tools and applicability to Boulder;
>
> Meeting 2, 3 and 4 - continuation of potential policies and tools discussion, begin to evaluate policies and tools (bang for your buck);
>
> Meeting 5 - if needed, continue discussion of evaluating potential policies and tools, and which ideas to recommend as part of the larger community process.

At the end of the working group process, each group will prepare a summary of the key issues and identify the most promising tools to address each specific area, *not the final list of what would be in the strategy.* Recommendations on the short list of items would be considered through a community prioritization exercise in early winter.

Community prioritization

The working group results will be shared with the broader community to help prioritize policies and tools. This "bang for your buck" exercise will analyze potential policies and tools against the project goals. This is intended to highlight what level of effort is necessary or which actions or combinations of actions are needed to achieve community goals. Various engagement activities will be employed, including Inspire Boulder, the CHS website, monthly email updates, neighborhood and community forums, meetings with city boards, media releases, and other opportunities for multi-way communications that is innovative, creative, accessible, and fun.

V. OPPORTUNITY SITES

At the 2014 retreat, City Council requested staff identify opportunity sites for housing. These are specific parcels where the city could help facilitate the construction of much needed affordable housing in the near term. On May 27, staff presented two sites that are city owned. The first, Palo Parkway is discussed below. The second, 30th & Pearl, will return to Council in the winter with an update on Pollard Motor's lease and a timeline for discussions and decisions related to the site.

4525 Palo Parkway

The city-owned Palo Parkway site has been intended for affordable and mixed income housing since its purchase in 2006. Moving ahead with a plan for housing on the 3.2 acre site provides the opportunity to produce needed housing in the near term. Staff is working closely with Boulder Housing Partners (BHP) to craft a detailed public engagement process that will provide input for a development program that meets the goals of the Comprehensive Housing Strategy and the community.

In 2006, the city purchased 4525 Palo Parkway from the Boulder Valley School District with the goal of

developing mixed income housing. In 2013, BHP, in partnership with Habitat for Humanity, created a conceptual proposal to develop the site. The concept is to develop 35 one, two and three bedroom affordable rental units and nine affordable homeownership units in a plan similar in scale and design to BHP's Red Oak Park. The site plan and density reflect the established character and development patterns in the area.

The site is in Area II. Because it has contiguity with Area I land, it is eligible for annexation. The annexation process could occur concurrently with the Concept Plan and Site Review process.

Land Use Designation:	Area II, Medium Density Residential
Zoning:	Zoning would be established at annexation
Parcel Size:	3.2 acres
Potential new units:	A maximum of 44, based on BVCP Land Use Designation
Process:	Annexation and Site Review

Council requested the following initial steps for Palo Parkway:

1. Continue to work with BHP to draft a set of desired outcomes for the development of the property that advance the CHS goals and provide for collaborative community engagement;
2. Return to City Council with the draft set of desired outcomes for Council and community input as part of a motion to transfer ownership of the land to BHP;
3. BHP and city staff will engage the community in creating a development program for the site prior to annexation; and
4. Council action on annexation.

A postcard will be sent to residents in the Palo Parkway area that invites the community to participate in the design process and ensure the development proceeds in a manner that respects the established character and development patterns in the area. Staff anticipates returning to Council in November asking for a motion to transfer ownership of the parcel as part of endorsing the draft desired outcomes.

MEMORANDUM

To: Transportation Advisory Board (TAB)
Planning Board (PB)
Downtown Management Commission (DMC)
University Hill Commercial Area Management Commission (UHCAMC)
Boulder Junction Access and Parking Districts Commissions (BJAD)

From: Molly Winter, Director, Downtown and University Hill Management Division/ Parking Services
Kathleen Bracke, GO Boulder Manager
Lesli Ellis, Comprehensive Planning Manager
Jay Sugnet, Senior Planner

Date: October 6, 2014

Subject: Update on the Access Management and Parking Strategy (AMPS)

EXECUTIVE SUMMARY

The purpose of the briefings to the various city boards is to:

1. Review the best practices and innovations research;
2. Seek input on options for Transportation Demand Management policies for new development;
3. Provide an overall project update and status report on the short term parking and bike parking code changes; and
4. Share on-going work plan items.

AMPS is reviewing and updating the current access and parking management policies and programs and developing 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 tailored to address the unique character and needs of the different parts of the city. The project purpose, goals and guiding principles are shown in **Attachment A**.

Outreach to the city advisory boards and the public is essential with the dual purpose of educating the community about the multi-modal access system and seeking input and ideas about the future opportunities for enhancements. City Council is holding a Study Session on the AMPS project on October 28, 2014. Staff will share feedback from the October Board meetings with City Council as part of the October Study Session.

The primary focus of the board briefings is on the best practices and innovation research; however staff is also looking for more detailed input on two early phase components of the AMPS work program: TDM Plan policies for New Private Development and associated code changes. Staff is gathering input from the community, boards and commissions to help identify priorities for further research and community discussion. Board members are welcome to attend an AMPS open house tentatively scheduled for October 20 to provide additional input. Board members may also provide input directly to staff through your board liaison. A future joint board workshop will also be scheduled in January to provide an opportunity for all of the various board members to collaborate on the next stage of the AMPS process.

Questions for Board Members

1. Does the Board have feedback regarding the best practices and innovation research? Specifically, is anything missing?
2. What is the Board's input on the seven key aspects of TDM Plan policies for new private developments?
3. Does the Board have any feedback regarding the short term code changes?
4. Does the Board have any feedback regarding the on-going work plan items?

MEMO ORGANIZATION

I. Background
II. Community, Board and Commission Feedback
III. Best Practices and Innovation Research
IV. Travel Demand Management Plans for New Private Development
V. Short Term Code Changes
VI. Other Ongoing Work Related to AMPS
VII. Timeline
VIII. Next Steps

I. BACKGROUND

The City of Boulder's parking management and parking district system has a long history. Parking meters were first installed on Pearl Street in 1946. Over the past decades, Boulder's parking system has evolved into a nationally recognized, district-based, multi-modal access system incorporating transit, bicycling and pedestrians along with automobile parking in order to meet city goals, support the viability of the city's historic commercial centers and maintain the livability of its neighborhoods. Districts currently are in place in three areas of the community: Downtown, University Hill and Boulder Junction.

The AMPS project approach emphasizes collaboration among city departments and acknowledges the numerous current and anticipated planning efforts and initiatives such as the Transportation Master Plan (TMP) Update, Economic Sustainability Strategy, and Climate Commitment. In addition of considering enhancements to existing district, AMPS will be examining parking and 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.

Elements of the AMPS project approach are:

- AMPS is a strategy which is defined as an integrated planning approach coordinated with other master planning efforts which focuses on a particular set of goals and guiding principles that are cross-cutting and create an adaptable set of tools and methods allowing the city to continually improve and innovate to achieve its goals.
- Evaluating existing and new parking and access management policies and practices within existing districts and across the community including for on- and off-street and public and private parking areas.
- Developing context appropriate strategies using the existing districts as role models for other transitioning areas within the community and incorporating national best practices research.

City Council held study sessions on June 10 and July 29 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. A summary of the two study sessions is available here.

This memo contains a summary of the best practices and innovation research, TDM Plans for new private development, a summary of the short term code changes, updates on other efforts related to AMPS and an updated timeline.

II. COMMUNITY, BOARD AND COMMISSION FEEDBACK

Staff is compiling community, board and commission feedback for inclusion in the October 28 study session. Over late summer and continuing into the fall staff is conducting outreach to residents and commuters through the project website, Inspire Boulder, and a series of coffee talks throughout Boulder to help develop a good understanding of how the community currently views parking and access management. The feedback to date, from the public and boards, although many interviewed are happy with parking and access in the city and did not indicate they would make any changes, others made suggestions based on the following themes:

- Build more parking downtown;
- Expand pay-for-parking approaches in the community;
- Strengthen travel demand management programs;
- Expand approaches to share, unbundle, manage and price parking;
- Convert parking minimums to parking maximums;

- Do not build more parking downtown. Instead better manage public and private parking through ideas such as dynamic pricing, increased bike racks and other infrastructure for non-automotive transportation; and
- Expand innovative approaches to on-street parking such as parklets, bike corrals, carshare parking, etc.
- Improve public transit, primarily the regional service to Boulder with more direct routes and increase service frequency.

These are themes based on initial outreach. Additional events are scheduled as follows:

- October 20 – Open House with special invitation to City Board members
- October 28 – City Council Study Session
- November – City Staff workshop
- 1st Quarter 2015 – Joint Board Meeting
- 1st Quarter 2015 – City Council Study Session
- Spring 2015 – AMPS recommendations for consideration by Boards and City Council

III. BEST PRACTICES AND INNOVATION RESEARCH

This phase of the AMPS project considers best practices in other communities in all the different focus areas. The information gathered from the best practices will provide staff and the communities with approaches and ideas that will inform the AMPS process about how we can "raise the bar" on our existing access and parking management programs, as well as consider new programs throughout the city. Click here to view the full report compiled by Kimley-Horn. **Attachment E** is a summary list of all best practices in the report and **Attachment F** is a list of peer cities. Below are some highlights by focus area.

District Management

Boulder has well defined and successful parking and access management districts in the downtown and University Hill. Elements of these districts have been adapted to create the new access and parking management districts in the Boulder Junction transit oriented development area. The district management focus area will both further enhancement and evolution of existing access and parking districts as well as consider new districts that could be formed to address the specific issues and opportunities in other areas of the city such as North Boulder and along the East Arapahoe Corridor. A tool kit of policies, implementation strategies and operational procedures will be developed to assist in the creation of new districts.

Edge Parking as a Potential Commuter Parking Strategy: Seattle, Washington, Santa Clara Valley, California (Best Practice # 10)

The concept of providing shared remote parking within mixed use development associated with transit oriented development and/or mobility hubs. The plans include coordination with existing districts to develop shared parking options for employees in edge locations with "last mile" transit and bike options. Parking spaces could be shared to maximum benefit with off-site employee parking during the day and residential parking at night.

Neighborhood Parking Management Plans and Benefit Districts – Houston and Austin, Texas (Best Practice # 34 and 35)

These communities are examples of an engagement strategy with neighborhoods, both commercial and residential, to develop specific parking solutions and parking/transportation related investments. Applications have varied in different types of neighborhoods. Strategies include the option of revenue sharing of parking revenues for community benefit.

Integration with Broader Community Planning Strategies – Vancouver, British Columbia, Seattle, Washington and Portland, Oregon (Best Practices #32, 36 and 37)
These cities have taken very broad comprehensive and holistic approach to integrated planning including transportation through either a cluster or district approach addressing multiple sustainability components.

Neighborhood Parking Permit Program Permit Pricing – Seattle, Washington and Charlotte, North Carolina (Best Practice #39)
The different parking permit pricing structures will be reviewed and evaluated with the program goals and pricing, including regional pricing. Potential relationship to the Neighborhood Parking Benefit District Best Practice will be considered.

On & Off Street Parking
One of the significant issues for providing good access to a community is how we allocate our limited curb-side (on-street) space. This space tends to used as unrestricted parking on most roadways, with restricted (either time restricted by sign or meter) in commercial areas like the downtown, University Hill and the North Boulder commercial area. However, there are a lot of other uses for this curb-side space which compete with these general uses. These other uses include handicapped-only designated parking; commercial loading zones; passenger loading zones; taxi stops; RTD bus stops; Bicycle parking corrals; and Parklets, as well as new ideas such as possible on-street B-cycle stations; possible on-street Electric Vehicle (EV) charging stations; or possible designated Car-share parking spaces. The challenge is how to balance the needs for all these different uses of the curb-side space with the limited curb-side supply in a fair and equitable manner which meets the City's various goals and objectives. Staff is pursuing the creation of a "Policy Document" which would guide staff in making these decisions about balancing the use of curb-side space.

Also in this focus area is the off-street parking; either in parking lots or garages. The on-street and off-street parking resources work together to provide a variety of parking access options. On-street is focused on the convenience for the short term parker and the off street parking provides both short term parking and long term, permit parking for employees. Coordinated management of the two different resources is essential to providing access to the variety of different commercial area users and the viability of our commercial areas.

72 Hour On-street Parking: (Best Practice #5)
Currently the B.R.C. restricts on-street parking to no more than 72 hours at a time. A parked vehicle must be moved from the street every 72 hours. This restriction is in place for a variety of reasons. It is used to ensure that vehicles are not left abandoned in the public right-of-way with no resource for removal. It is also used to denote the time requirement in advance of a construction project or special event that "temporary parking restriction" signing be placed on a roadway. If a vehicle must be moved every 72 hours then temporary signing restricting parking

for such events need only be placed 72 hours in advance. It has been suggested that this restriction should be either modified or eliminated. One reason suggested is that a requirement to move a vehicle every 72 hours is counter to some of our transportation (less driving) and environmental (better air quality) goals. Staff is investigating the need for modifying or eliminating this 72 hour restriction, and options for doing so if that is the policy direction.

Coordinated Private Parking Systems: Seattle, Washington (Best Practice #7)
Seattle has addressed the challenge of reduced parking from the waterfront viaduct project by developing a program that provides consistent public access to private parking facilities including coordinated marketing and branding. This approach maximizes utilization of existing parking resources.

Parking Garage Management: San Francisco CA, Seattle WA, Denver CO
Staff will also be considering the off street parking approaches of SF Park, Seattle Free Float Car Share, and Denver Strategic Parking Plan.

Technology
Technology has become an integral part of access and parking management strategies. Currently Boulder has adopted a variety of technologies to make parking more convenient and efficient. Those include a variable messaging system in the downtown garages to monitoring garage occupancy, the on-street parking kiosks and pay by phone. As new technologies evolve, staff will be considering cost-effective, customer-oriented and sustainable apps and systems to enhance the parking and access experience. In addition, the garage gate access and permitting technology systems will be replaced in 2015 and a request for proposal process is underway. (See section VI of the memo).

Parking Apps: Phoenix, Arizona, San Francisco and Los Angeles, California (Best Practice #14)
Parking applications for smart phones, tablets and other electronic devices are valuable tools. Currently we do not have an adequately accurate data base to provide reliable service to our patrons. As we move through the AMPS process, we will be working on developing that data base. The PARCS equipment project for the garages is one means to achieve a consistent count and provide the data base link. Our current level of sophistication with our on-street parking management can provide a lower level of information. In later phases of AMPS we will look at what technology (GIS and transaction data) can provide to provide real time information for available on street parking. We will be looking at what other cities utilizing similar equipment to us to learn from best practices.

Transportation Demand Management
Transportation Demand Management (TDM) involves all programs that reduce single occupant vehicle trips including travel by transit, bikes, walking and car and van pool programs. In addition there are strategies for telecommuting and parking pricing. The TDM focus area includes three primary components; the integration of TDM with Access and Parking Management; refinement of the policies, implementation, and evaluation of TDM Plans in Development Review for private development; and the management of TDM programs in Districts (existing and new/city-wide). The city of Boulder's downtown has a robust and successful employee TDM program which has contributed to a major mode shift of downtown

employees in this high-density area. The free downtown employee EcoPass, support of bike and car share, and providing public bike parking area all elements of our current success.

TDM for New Private Development
This element of the TDM focus area has been a priority and an early work plan item as it is a part of the recently updated Transportation Master Plan (TMP). Staff has worked with Urban Trans, a sub consultant on the project, and detailed information regarding TDM Plan policy options are described later in the memo and in **Attachment B**.

Enhancements to Existing TDM Programs: Ann Arbor, Michigan and Arlington County, VA (Best Practices # 31 and 33)
The best practices research from those two communities focuses on additional opportunities for outreach, education and program development to enhance existing programs and engage constituents. Each community also has an educational component to share information about travel options and evaluation results.

Code Changes (Best Practice #25)
Planning staff is working on updates to the land use code for parking requirements citywide (e.g., adding special parking requirements for uses with low parking demand such as the airport and warehouses where current parking requirements require too much, updating the code to meet ADA requirements). Longer term code changes would respond to recent changes in travel behavior (e.g. increased bicycling and transit use) with changes including but not limited to, increased use of unbundled parking, shared parking requirements, parking maximums, automatic parking reductions and special parking requirements for transit corridors.

The following options are best practices being considered in the Phase II (long-term) parking code changes:

Analyzing current parking requirements to assess whether the appropriate amount of parking is being provided based on contemporary conditions;

Maximum parking requirements in addition to minimum parking requirements;

Allowance of shared parking between properties through agreements if demonstrated that parking needs would be met for land uses on both sites based on different hours of usage;

Considering new parking standards specific to land use rather than generalized per zoning district;

Creation of district specific parking standards such as overlays, special requirements along transit corridors, unbundled parking, transit-oriented development (TOD) areas etc. based on shared parking characteristics of an area (similar to how parking requirements are required and managed in downtown Boulder);

Exploring automatic parking reductions based on set conditions (e.g., car share, transit access, bike parking above required amounts etc.);

Reassessing the city's current parking design standards to determine if alternative car stall sizes are warranted among other design considerations; and

Requiring car charging stations

Communities that have initiated some or all of the above and are being analyzed as part of the process: Fort Collins CO, Arlington VA, Ann Arbor MI, Largo FL, Eugene OR, Portland, OR, Madison WI.

Parking Pricing

Parking pricing and parking enforcement fines will be reviewed and analyzed along with comparisons with other local and regional communities. The SUMP parking principles – shared, unbundled, managed and paid – are the basis for our parking management strategies. It will be important to "right price" the parking in the various areas of the community to meet multiple objectives: manage parking, provide convenient access, encourage multi-modal use, maintain neighborhood livability and ensure economic viability. Public outreach and education will be a major component of the process. This effort will be coordinated with the review of parking enforcement fines. Pricing for both long term (permit) and short term parking will be considered. The following are some parking pricing best practices that will be analyzed.

Performance Based and/or Variable Pricing: Seattle, Washington; San Francisco, Los Angeles and Redwood City, California (Best Practice #22)
Pricing parking based on parking demand – locations with greater demands will have a higher rate, whereas locations with less demand have a lower rate. The intent is balanced parking management and providing availability and turnover in high demand areas. Parking rates can change by time period or location. An optimal industry standard is 85% occupancy.

Progressive Pricing: Albany, New York (Best Practice #23)
Rates in a progressive pricing structure are determined by the length of time a person remains parked. The intent is to provide flexibility by allowing those who wish to park longer to do so at a progressively higher rate. The elevated rate structure deters people from parking long periods of time, thus creating more availability.

Coordinate On and Off Street Parking Rates (Best Practice #4)
On and off street parking rates should be coordinated so that the parking facilities work together as a comprehensive system to achieve a common goal: to encourage longer term parkers to use off street facilities and short term parkers to use the more convenient on-street parking. Higher rates on-street will also encourage greater turnover.

Parking Tax: San Francisco, CA, Pittsburgh, PA, Vancouver, British Columbia, and Sydney, Australia (Best Practice #24)
There are a variety of types of parking taxes. Commercial parking taxes are a special tax applied to parking rental transactions; per space parking levies are a special property tax applied to

parking facilities. Parking taxes can raise funds and help achieve various planning objectives including more compact development and increased use of alternative modes. Additional taxes can be unpopular.

Enforcement
Enforcement is a key to balancing parking access and management through education, customer service and regulation in an effort to better serve those who live, work and visit the City of Boulder.

Development of a Parking Enforcement Manual: variety of communities (Best Practice # 20)
We continue to evaluate current policies and have been provided sample policies from the consultant as best practices gathered from a variety of communities. Kimley-Horn developed a Sample Parking Enforcement Operations Manual and a Sample Parking Enforcement Audit Checklist.

Parking Enforcement Fines: Ft. Collins, Colorado (Best Practice # 19)
While certain parking fines have been increased overtime, the overtime at meter rates have not been increased in at least 20 years. During the AMPS project, a detailed review will be conducted of other peer communities, as well as an analysis of the relationship to the short term parking rates. Graduated or escalating parking fines is an approach used in different communities that focuses on fining repeat violators rather than people who occasionally receive tickets, such as tourists.

Evaluation
Arlington County, Virginia (Best Practice #31)
An essential component of AMPS will be evaluation. First determining the appropriate goals for the different focus areas and then the refinement and enhancement of our methods to determine and evaluate how successful we will be in meeting them, as well as alignment with the AMPS guiding principles. We currently have a variety of surveys – Boulder Travel Survey, Downtown Boulder Employee Travel Survey, Downtown Intercept survey, downtown bike occupancy survey – and other data regarding parking utilization and revenues that provide us with statistics our access and parking management performance. How we use this data to evaluate our success and share it with the public will be an outcome of the AMPS project.

The Arlington County Commuter Services Performance Report is an excellent example of an annual report that tracks their performance and progress towards achieving their defined objectives and goals. They include drive alone commute mode share, average weekday vehicle trips and miles in Arlington, and transit usage in Arlington. Additionally they track bicycle usage, bike share memberships, number of employers with the Arlington Transportation Partners, resident awareness of TDM services and greenhouse gas emission reductions attributed to their programs.

IV. TRAVEL DEMAND MANAGEMENT PLANS FOR PRIVATE DEVELOPMENT

Under current city code which sets policies for Site Review, commercial and residential developments that generate additional vehicle trips over specific amounts are required to submit a Travel Demand Management (TDM) Plan. The TDM Plan demonstrates how they intend to "significantly" reduce vehicle trip generation. The city provides a TDM Toolkit and staff assistance to guide applicants through the Site Review process and develop a TDM Plan. As part of the Transportation Master Plan (TMP) update and the AMPS work program, staff is working to make changes to Site Review TDM Plan policies and process and updating the TDM Toolkit for new developments. The options presented by staff include findings from a review of peer cities and municipalities that have regulated TDM plan for new developments through ordinance. The draft report compiled by UrbanTrans and Kimley Horn's for the AMPS work program can be found at www.bouldertransportation.net.

During City Council study sessions on the TMP and AMPS in June and July of 2014, council members expressed the concept of implementing a TDM program for new developments "with teeth." To implement such a program with "teeth", that being one that is guided by ordinance, monitored and enforced, several key aspects need to be determined including:

- The specific goals and objectives of the TDM plans;
- The target level of the measurable objective(s);
- The trigger(s) for when such plans are required;
- The TDM Plan design;
- The timing and duration of monitoring;
- The enforcement to meet TDM Plan objectives; and
- Program staffing and funding evaluation program.

Attachment B of the memo contains background and questions related to policy options for TDM Plans for new private developments. It is based on current practice in the City of Boulder and our traditional peer cities, as well as municipalities that have ordinances in place to guide the design, implementation, evaluation and enforcement of TDM plans that mitigate the impacts of new developments. **Attachment C** contains the current language of the Design and Construction Standards which currently dictate the TDM Plan process for Site Review in the City of Boulder. **Attachment D** provides a list of potential TDM plan elements that could be included or required as part of TDM Plans.

At this early phase of re-thinking TDM Plans for new developments and modification of the TDM Toolkit, staff is seeking initial feedback from members of our Boards and City Council in regard to the following questions based on the information provided in **Attachment B**:

<u>Measuring Success:</u>

1. Which measurable objective should determine the success of a TDM plan for new developments?
2. Which factors should be taken into account when calculating target levels for the measureable objective?

<u>Triggers and Thresholds:</u>

3. What triggers (and thresholds) should be considered in a regulatory approach to TDM Plans for new developments?

4. Are there TDM Plan elements that should be required based on the characteristics of the development?

Monitoring and Enforcement:

5. What should be the timing and duration of TDM Plan monitoring?
6. What kind of "teeth" and how much "teeth" is right for Boulder?

Funding

7. How will a regulated TDM Plan program be funded and staffed?

V. SHORT TERM CODE CHANGES

As part of the Access Management and Parking Strategy (AMPS) process, staff is bringing forward ordinances that would:

1. Update vehicle parking standards to simplify and correct parts of the vehicle parking requirements that either require too much parking, contain errors or are difficult to implement. Some examples are reducing parking requirements for low parking demand uses (i.e., warehouses, self-storage, and aircraft hangers), simplifying requirements for restaurants and retail in large retail centers, and other clean up items and updates,
2. Revise bike parking requirements for new development to base bike parking requirements on land use type and require both short and long-term bike parking, and
3. Amend the DCS related to bicycle parking design standards.

The report to Planning Board has additional details and the ordinances are scheduled for a Second Reading at City Council on November 6.

VI. OTHER ONGOING WORK RELATED TO AMPS

- Staff is developing with assistance from Kimley Horn a request for proposal for the replacement of downtown garage access and revenue control and permitting systems to a state of the art system that will coordinate with other technologies such as the variable messaging system.
- Negotiations are continuing for a shared parking option between the Central Area General Improvement District (CAGID) and Trinity Lutheran Church in downtown and a public private partnership redevelopment of the University Hill General Improvement District (UHGID) 14th Street parking lot on the Hill with Del Mar interests.
- As one of the action items from the recently updated Transportation Master Plan, the city is exploring the concept of a mobility hub for North Boulder, at the intersection of North Broadway and US36. The mobility hub could include opportunities for enhancing transit station, bike parking, bikeshare/carshare, and potential for edge parking (park & ride), kiss & ride, etc. City is working with CDOT, RTD, Boulder County, and area property owners to develop concept sketches for consideration through fall 2014. In a related effort, staff is in initial discussions with a developer regarding a public private partnership of a shared parking garage that could be used as edge parking for downtown employees.
- Downtown CAGID long term parking permit rate increases are proposed in the 2015 budget for both the downtown and the Hill surface lots and garages. These proposed rates are in line with the private parking rates.
- Potential policy recommendations for on-street car share are under consideration in order to provide the flexibility with new car share programs.

- Implementation of the bi-annual community-wide and downtown employee travel survey is underway this fall. The survey has been done bi-annually for many years and provides valuable information to evaluate and monitor our access and parking management programs.
- Preliminary discussions are underway with the Steelyards Association regarding the potential of a coordinated parking management and TDM program for the mixed use neighborhood in anticipation of the completion of Depot Square
- Parking staff is coordinating with SWEEP and Climate Commitment staff regarding Electric Vehicle charging stations in parking facilities.
- A study is underway to determine potential criteria and locations for parklets in the downtown. The evaluation of the pilot parklet on University Hill will be completed this fall and provide valuable information for the development of future parklets.
- Coordination is ongoing with CP&S and Transportation staff and consultants regarding the parking and access projections for Civic Area planning effort and the integration of future TDM programs and additional parking.
- The downtown bike rack occupancy count was completed in August. This survey provides valuable information and informs staff of locations for additional bike racks. The final report will be distributed in late October.

VII. TIMELINE

Attachment G includes a timeline of the project – along with major milestones and outreach activities.

VIII. NEXT STEPS

A public open house is scheduled for October 20 and boards are encouraged to attend. Input from the community and the Boards will be incorporated into a staff memo for an October 28 City Council study session. A multi-department staff meeting will be scheduled in November to review and plan the next steps including future work plan items and identify areas for policy recommendations. In the first quarter staff will schedule a joint board workshop and Council study session to provide an update on next steps and policy recommendations. Community engagement and outreach will continue to ensure public feedback and participation regarding AMPS.

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

ATTACHMENTS

A. Project Purpose, Goals and Guiding Principles
B. TDM Plan Policy Options for Private New Developments
C. Design and Construction Standards and TDM Plans
D. TDM Plan Elements
E. Summary List of Best Practices Documentation
F. Peer Cities Matrix
G. Project Timeline

ATTACHMENT A: 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.

ATTACHMENT B: TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN POLICY OPTIONS FOR PRIVATE NEW DEVELOPMENT

MEASURING SUCCESS:

Goals and Measurable Objectives TDM Plans 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. However, when designing a new set of policies and a TDM toolkit, it is important to understand the *specific* reasons in terms of new developments.

Currently, the City focuses on vehicle trip reduction as the key measurable objectives of TDM plans. The Design and Construction Standards state that when a commercial development is expected to exceed 100 vehicle trips at peak hour or 20 vehicle trips at peak hour for residential developments, a traffic study is required. See Attachment C for additional background. One element of the traffic study is the design of a TDM Plan, which provides an outline of site design amenities and vehicle trip reduction strategies to mitigate traffic impacts. To be approved, the TDM plan must be judged to provide a "significant" reduction in vehicle trips. However, what is meant by "significant" trip reduction is not defined by ordinance, nor is there any regulatory mechanism to enforce the implementation of the plan or penalties for failing to meet the plan objectives.

In Boulder Junction, the Trip Generation Allowance ordinance is more specific and focuses on allowing just 45 percent of all trips in single-occupant vehicles within the TDM Access District as a whole. It is up to the District to implement, monitor, and intensify the TDM strategies designed to meet the ordinance. As properties redevelop in Boulder Junction, payment-in-lieu-of-taxes (PILOT) fees and property taxes are collected to fund the Boulder Junction TDM program. The funds are being used to provide RTD Eco Passes to all residents and employees within the District, free carshare memberships and subsidized bikeshare memberships. As more properties redevelop and join the District, staff will begin to monitor SOV trips and make adjustments as necessary to meet the target.

In designing a TDM program for new developments with a regulatory approach, policy makers will need to determine what will be the measurable objective that will determine whether a TDM plan is successful or not. A review of peer cities and municipalities that have ordinances in place reveal a limited number of key measures. These include:

- Vehicle trips,
- Single-occupant vehicle trips, more specifically, and
- Average vehicle ridership (AVR)

Typically, the target level of vehicle trip reduction is based on a percent reduction from peak hour ITE trip generation rates based on size and land-use. Our current Site Review traffic studies estimate the number of vehicle trips that a specific-sized land use will generate and the City could determine what percent reduction will align with our wider transportation and sustainability goals. In Fairfax County, Virginia for example, vehicle trip reduction targets vary

based on size and location, specifically proximity to transit oriented development (TOD) locations.

In places where reducing SOV trips is the basis of a TDM ordinance for new developments, the target is generally set by wider city or county goals. For example, our TMP objective is to have just 25 percent of all trips by residents in SOVs by 2025 and currently in Boulder Junction TDM Access District the target is to have just 45 percent of all trips by residents and employees immediately. In Cambridge, Massachusetts TDM plans are required to meet a 10 percent reduction in the SOV mode share from overall drive alone mode share of the census track in which the development is located.

Average vehicle ridership (AVR) is typically found in California where air quality regulations require TDM plans for new and existing developments. AVR is calculated by dividing the number of persons traveling by all persons trips (including transit riders) by the number of private vehicle trips, while taking into account the average vehicle ridership of multiple-occupant vehicles. In Pasadena, California, the peak hour AVR targets range from 1.5 to 1.75 for large commercial developments depending on location and proximity to TOD locations. In California, TDM plans and targets must meet the regional Air Quality Management District's regulations and monitoring requirements as well.

When deciding which measurable objective to use it is important to consider the time and cost to collect the necessary data from property managers, residents and employees. While vehicle trip generation can be measured with driveway counts, SOV mode share and AVR require the administration of surveys to collect the necessary data.

Question for Boards and Council: Which measurable objective should determine the success of a TDM plan for new developments?

Staff Considerations: *Staff is considering using SOV mode share as the primary objective since it is also used as a TMP objective and the key metric of the existing Boulder Junction Trip Generation Allowance ordinance. Tracking of this measurable objective would be accomplished through survey of employees/residents of the development. Staff also is considering the collection of vehicle trip generation data through traffic counts to validate survey findings through the use of pneumatic tube counters at entrances of the development.*

<u>Setting Target Levels</u>

Once a measurable objective is identified, setting the target levels can be a difficult process considering of the level of complexity that can be generated if the calculation of target levels varies based on the characteristics of development. Based on the review of peer cities and municipalities with ordinances in places there is a potentially a large number of characteristics that could influence the target level of the measureable objective. The report on peer cities and existing ordinances provides examples of specific target levels for locations with ordinances in place.

For both commercial and residential developments, the most frequently used characteristics include land-use, size and location. Location is often related to proximity to a TOD location or

transit level of service in general. In our case, the City may also want to consider proximity to our Community Transit Network (CTN) routes and future bus rapid transit (BRT) service specifically, as well as location in a current or future parking management or TDM district. Also, depending what changes, if any, are made to the City's parking code, it may be necessary to include parking supply as an additional factor given the frequency of requests for parking reductions.

For the City, it will be important to align targets with the BVCP, TMP and Sustainability Framework objectives related to SOV mode share, VMT, transportation-related GHG emissions. An option to consider is have targets change over time to match the trajectory of the necessary reductions to meet the goal of an 80 percent reduction in GHG by 2050.

Question for Boards and Council: Which factors should be taken into account when calculating target levels for the measureable objective?

Staff Considerations*: Staff is considering using land-use, size, proximity to CTN or BRT service, location in an existing Parking or TDM Access District, and parking supply in relation to reductions from minimum parking requirements as the key factors in determining specific target levels for the measurable objective(s). For multi-family residential, location in an existing Neighborhood Eco Pass program could also impact specific target levels.*

TRIGGERS AND THRESHOLDS

Triggers for TDM Plan Requirement

In all places with TDM ordinances for new development, there are some projects that are exempt from the requirements. Typically, this is based on size or estimated ITE trip generation rates. As previously stated, the Design and Construction Standards state that when a commercial development is expected to exceed 100 vehicle trips at peak hour or 20 vehicle trips at peak hour for residential developments an approved TDM Plan needs to be submitted. The City may want to revisit these figures and raise or lower the thresholds based on staff feedback on the frequency of exempted Site Review developments.

While trip generation or size measured in square feet, or number of bedrooms for residential, are most typically used, the City may want to consider some other triggers which either exempt or automatically require a regulated TDM plan. As mentioned, a request for parking reduction could automatically trigger the need for a plan. Other options to consider include location within a TOD or sub-plan area or in an existing district such as CAGID or UHGID. Under current code, any property that redevelops in Boulder Junction is already required to meet the Trip Generation Allowance through the District or independently.

Question for Boards and Council: What triggers (and thresholds) should be considered in a regulatory approach to TDM Plans for new developments?

Staff Considerations: *Staff is not considering changing the trip generation thresholds currently in place. Staff is also considering the inclusion of parking reduction requests as a trigger for*

requiring TDM Plans as well as location in an existing parking or TDM Access District, or in an existing or future TOD site.

TDM Plan Design

Once a TDM plan is required for a new development, the plan must be designed through a collaborative process with city staff and the applicants. One of the key aspects to consider in regard to plan design is whether or not there are required elements. For example, parking cash-out programs, in which an employee is financially compensated for not using a parking space, were frequently required in regional California Air Quality Management Districts. On the other side of the spectrum, plans could be flexible and customized to each development without any required elements. TDM plan ordinances that do not require specific elements still meet the overall goals through monitoring and enforcement. When developments are not meeting the target levels are typically required to submit modified plans until the target is reached and in some areas are subject to financial penalties.

In Boulder, RTD Eco Passes for residents or employees could be a required element based on the characteristics of the development. In locations underserved by transit, the unbundling of parking could be a required element of multi-tenant commercial properties or attached multi-family residential projects. There is a long list of TDM plan elements that could be required in addition to Eco Pass and unbundled parking. Attachment D contains a list of residential and commercial TDM plan elements which could be required in certain cases.

Question for Boards and Council: Are there TDM Plan elements that should be required based on the characteristics of the development?

Staff Considerations: *Staff's preference would be to have very few required TDM Plan elements required which would allow TDM Plans to be more flexible and customized for each particular site. If a development is located in an existing District such as CAGID or Boulder Junction for example, participation in certain programs like the Eco Pass would be automatic. However, staff does not recommend that Eco Pass participation be a required element, with the exception of a residential development being located within an existing Neighborhood Eco Pass program. Since Eco Pass participation has proven to be one of the most effective strategies for changing travel behavior it is highly likely that it will be a necessary element to be in compliance with a TDM Plan ordinance wherever transit level of service is adequate.*

The few elements that could be required include:

- *Facilitation of scheduled TDM Plan evaluations or submission of required reporting*
- *Appointment of ETC as a point of contact for commercial developments or residential properties*

Additional elements to consider include:

- *Unbundled parking for multi-tenant commercial or multi-family residential properties with possible size thresholds*
- *Showers and Changing Facilities for commercial developments with possible size thresholds*

- *Neighborhood Eco Pass program participation if development is located within existing program boundaries*
- *Transportation Management Organization (TMO) membership as a way to secure services to meet TDM Plan requirements.*

MONITORING AND ENFORCEMENT

Timing and Duration of TDM Plan Monitoring

Once regulated TDM plans have been implemented they need to be monitored to ensure that the target levels of the measurable objectives are being met. In designing a TDM ordinance for new developments, decisions need to be made about how often and for how long the effectiveness of the TDM plan is evaluated. The review of peer cities and current ordinances in place reveal that plans are typically evaluated annually for a certain number of years. After that period, often three to five years, the requirement either ends or compliance with the ordinance continues but with less periodic monitoring.

A frequent question of Boards and Council specifically concerns the duration of required Eco Pass participation, which in practice has been three years in time. With an ordinance in place that requires permanent compliance to a specific target, the "required duration" of any specific TDM Plan element becomes moot.

Developments are sometimes required to submit annual reports that are based on data collected by themselves or consultants or in some areas by city or county staff. Who actually is responsible for submitting reports and collecting data often depends on staff resources and the number of TDM plans that are required to be monitored.

When a development is not meeting their targets annual evaluations can continue beyond the initial time period. If targets are being met, require annual evaluations can cease or evaluations requirements can change. For example in Cambridge, when a development has been met its objective three years in a row, their file is set aside in a pool of projects that can be randomly selected for a special evaluation every five years.

Question for Boards and Council: What should be the timing and duration of TDM Plan monitoring?

Staff Consideration: *Staff is considering an approach in which compliance to the TDM Plan ordinance is permanent. Developments would have three years to be in compliance and to meet the measurable objective target. During those first three years, annual evaluations would be conducted or annual reporting would be required. If a development is non-compliant in any of the first three years, then action is taken to modify the existing TDM Plan with assistance from GO Boulder and/or Boulder Transportation Connections (BTC), the city's local transportation management organization (TMO).*

If after the initial three years the development is still non-compliant, then additional measures are taken and possible fines or fees are levied. Any fines, fees, or escrowed funds are then reinvested into the development to provide additional programs, services or incentives to

motivate travel behavior change until the development is in compliance. Any development that is in compliance three years in a row would still be required to meet the target, but would no longer be required to be annually evaluated or submit annual reports. Instead the development would be placed in a pool subject to random or periodic review to check for compliance similar to the process used in Cambridge.

TDM Plan Enforcement

The difference in the City's current approach to TDM Plans for new developments and a regulatory approach is the ability to actually enforce that target objectives be met and outline a course of action if targets are not met. There is a wide spectrum of options for how TDM Plans can be enforced. In some areas, developments simply have to make "a good faith effort" to achieve the target levels. In others, like Cambridge, MA, properties face a $10 per parking space per day fine if in non-compliance with the ordinance and the city also has a right to revoke the landowner's parking permits if non-compliance continues. Without the willingness to enforce it, a TDM ordinance is not worth pursuing.

Like in Cambridge, TDM Plan requirements are most often enforced through the use of fines, with a few exceptions. In Fairfax County, letters of credit are held and developments that fail to meet the vehicle trip reduction goals are required to use those funds to implement additional TDM plan elements or strategies. Continued failure to reduction goals in Fairfax County can result in the assessment of fines against the penalty fund. In Bloomington, MN the city requires financial guarantees valued at $50 per parking space. In both places the letter of credit or escrow account funds are returned if the development meets the plan objectives for the required consecutive years. Under current practice in the City, letters of credit or escrowed financial guarantees are used to ensure that commercial developments participate in the Eco Pass programs they have agreed to provide.

In Montgomery County, Maryland and in the Warner Center of Los Angeles, new developments required to have TDM Plans must join their local transportation demand management organization/association (TMO or TMA). In exchange for annual membership fees, the TMO provides programs and services to assist in meeting the target levels. The TMO fees are collected as part of the property's tax assessment. Locally, Boulder Transportation Connections (BTC), in conjunction with DRCOG's Way to GO regional TDM program, could fill a similar role in providing outreach services to assist in the implementation and monitoring of TDM Plans for new developments, which at the same time securing needed funding and cultivating relationships with employers and employees. Instead of membership fees going directly to BTC, any fines imposed on a property could be used to fund BTC outreach to developments that are not meeting their targets. BTC's 2014 scope of work with the city includes conducting evaluations of existing TDM Plans and will commence with evaluations of Two-Nine North on 29th Street and the Whole Foods on Pearl Street this fall.

As the report illustrates, there are a variety of ways to enforce a TDM ordinance and policy makers will need to decide how much "teeth" is the right amount. Before deciding on an enforcement approach, Colorado state and local laws need to be thoroughly reviewed to determine their legality.

Question for Boards and Council: What kind of "teeth" and how much "teeth" is right for Boulder?

Staff Consideration: *The issue of enforcement and just how much "teeth" is the right amount will be one of the more challenging aspects of a TDM Plan ordinance for new developments. Staff is considering an approach based on the use of escrowed financial guarantees that are set aside by developments. The escrowed funds or financial guarantees would be used to pay for additional programs, services or incentives if a development is in non-compliance with the ordinance. The funds could also be released to the local TMO to be used to provide assistance to the development in question. The level of the financial guarantee would need to be high enough to ramp up a development's TDM Plan when there is persistent non-compliance or include additional fees if original financial guarantee is spent. Input from the City Attorney's Office will be critical in development of the ordinance and enforcement procedures.*

FUNDING AND STAFFING

If Boulder were to pass a TDM ordinance for new developments, staffing and funding of the program also need to be taken into account. The ability to monitor, evaluate, enforce, and assist improving TDM plans requires time and money. The City should consider how to provide a sustainable source of funding for the evaluation and enforcement of TDM plans. As previously mentioned some places with ordinance in place, the use of financial guarantees or development impact fees can offset some or all of the cost of monitoring and enforcement. Membership fees to a TMO can also provide funding for evaluation as well as plan modification or the provision of additional services if targets are not being met.

Following the successful ballot initiative for transportation, additional funds from GO Boulder will be used to expand the programs and services provided through BTC including TDM Plan evaluation which is to begin in fall 2014. With staffing limitations with city staff, BTC is a key partner in providing TDM programs and services in Boulder and regionally in conjunction with Boulder County, DRCOG's Way to GO program, 36 Commuting Solutions and Front Range MPO's SmartTrips.

Question for Boards and Council: How will a regulated TDM Plan program be funded and staffed?

Staff Considerations: *One option to consider is using a portion of the required financial guarantee referenced above to fund the TDM Plan program evaluation which could be performed by the City or the local TMO. Staff considers maximizing the use of BTC for TDM Plan evaluation and monitoring. For example, funds could be funneled directly to BTC to perform the evaluations. Another option could be to fund the annual evaluations through required annual membership fees to BTC. If the City wanted program evaluation funds to be separated from TDM Plan financial guarantees, funding could come from increased development excise taxes or impact fees.*

ATTACHMENT C: DESIGN AND CONSTRUCTION STANDARDS: TDM PLANS

The foundation for TDM Plans within the Development Process is located in the Boulder Revised Code 9-2 Review Process under 9-2-14-d-16 of the Site Review section where it states that a traffic study required by city of Boulder Design and Construction Standards.

In section 2.02 of the city of Boulder Design and Construction Standards, it states:

> **(A) Traffic Assessment**
> The Director will require an applicant to submit a Traffic Assessment in order to adequately assess the impacts of any development proposal on the existing and planned transportation system. The Assessment shall include a peak hour trip generation study projection (Refer to 2.03(J)) and may require additional information as determined by the Director.
>
> **(B) Traffic Study Requirements**
> For any development proposal where trip generation from the development during the peak hour of the adjacent street is expected to exceed 100 vehicles for nonresidential applications, or 20 vehicles for residential applications the Director will require an applicant to submit a Traffic Study to evaluate the traffic impacts of any development proposal required to undergo a concept review as set forth in Section 9-4-10, "Concept Plan Review and Comment," B.R.C. 1981. The traffic study may include the information required in Subsections (A) through (K), of Section 2.03, "Traffic Study Format," of these Standards at the discretion of the Director.

The TDM Plan requirements are specifically referred to in section I of Chapter 2:

> **(I) Travel Demand Management Strategies**
> Include an outline of travel demand management strategies to mitigate traffic impacts created by proposed development and implementable measures for promoting alternate modes travel, including but not limited to the following:
> (1) **Site Design:** Incorporate design features that facilitate walking, biking, and use of transit services to access a proposed development, including features such as transit shelters and benches site amenities, site design layouts, orientations and connections to increase convenience for alternate modes and reduce multiple trips to and from the site, and direct connections to existing offsite pedestrian, bicycle, and transit systems.
> (2) **Programs and Education:** Incorporate alternate modes programs, such as providing transit passes to employees and residents, van pooling to the site by a major employer, ride-sharing, parking pricing, and planned delivery services, and educational measures such, as promoting telecommuting, distributing transit schedules and trails maps, signing alternate travel routes, and providing an onsite transportation coordinator or plan to educate and assist residents, employees, and customers in using alternate modes.

ATTACHMENT D: TDM PLAN ELEMENTS

Residential Development Elements	**Commercial Development Elements**
Parking	Parking
Managed On-Site Parking	Managed On-street Parking
Unbundled Parking	Unbundled Parking
Short-term bicycle parking	Short-term Bicycle Parking
Long-term bicycle parking	Long-term Bicycle Parking
Electric Vehicle Parking/Charging	Electric Vehicle Parking/Charging
Carshare Vehicle Parking	Carshare Vehicle Parking
	Preferential Parking
	Employee Paid Parking
	Parking Cash-out Program
Infrastructure/Amenities	Infrastructure/Amenities
Pedestrian Access/Safety Enhancements	Pedestrian Access/Safety Enhancements
Bicycle Access/Safety Enhancements	Bicycle Access/Safety Enhancements
Transit Enhancements	Transit enhancements
Onsite Amenities	Onsite Amenities
Transportation Information Center	Transportation Information Center
	Showers
	Changing Facilities/Lockers
Programs	Programs
NECO Pass Program	BECO Pass Program Participation
Alternative Transportation Subsidy Fund	Alternative Transportation Subsidy Fund
Resident Orientation Packets	Employee/Tenant Orientation Packets
Carshare Membership Subsidy Program	Carshare Membership Subsidy Program
Bikeshare Membership Subsidy Program	Bikeshare Membership Subsidy Program
Pool Bike Program	Pool Bike Program
	Transportation Management Organization Membership
	Financial Incentive/Pre-tax Programs
	Alternative Work Schedules and Policies
	ETC Appointment
	Walk and Bike Month Participation
	Walk and Bike Month Sponsorship
Evaluation	Evaluation
Scheduled TDM Plan Evaluation	Scheduled TDM Plan Evaluation

ATTACHMENT E: SUMMARY LIST OF BEST PRACTICES DOCUMENTATION

PARKING MANAGEMENT STRATEGIES – ON-STREET

1. Evaluate the use and management of loading zones to improve loading efficiency and access to businesses
2. Review implications of new federal regulations related to Accessible (ADA) Parking
3. Assess the use of time zones as a parking management tool in lower demand zones
4. Coordinate on- and off- street parking rates
5. Reassess Boulder's 72 hour on-street parking limitation (abandoned vehicles)
6. Repurpose on-street parking spaces

PARKING MANGEMENT STRATEGIES – OFF-STREET

7. Develop relationships/potential partnerships with private parking providers
8. Evaluate the use of one day parking permits
9. Develop a parking and access management program strategic communication plan and annual report
10. Explore the concept of "edge parking" as potential commuter parking strategy
11. Use parking to create a sense of place
12. Explore "brackets" systems of shared parking

TECHNOLOGY AND INNOVATION STRATEGIES

13. Develop an overview of currently available parking technology options
14. Research the latest developments in parking apps
15. Multi-modal apps and payment options
16. Explore emerging best practices in electric charging stations
17. Automated parking garages
18. Preparing for "driverless cars"

PARKING ENFORCEMENT STRATEGIES

19. Escalating parking fine structures
20. Develop enhanced parking enforcement operations and training manual
21. Develop parking enforcement checklist

PARKING PRICING STRATEGIES

22. Performance based or variable pricing
23. Progressive on-street parking pricing
24. Parking Taxes

PARKING CODE STRATEGIES

25. Review and update parking codes

TDM STRATEGIES

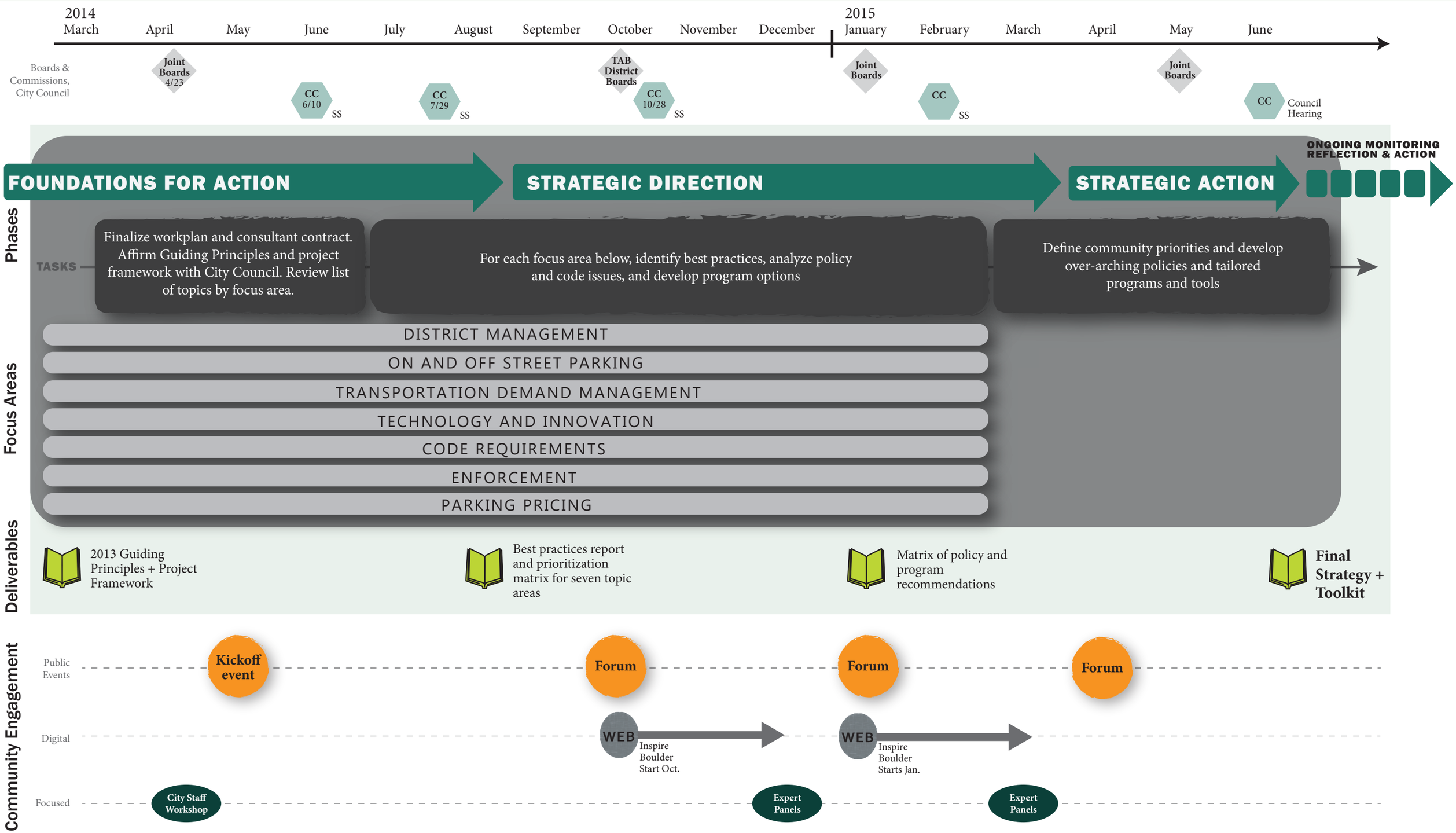
26. Explore "first and last mile" strategies
27. Trip reduction or trip generation allowance
28. Explore the concept of increasing availability by decreasing demand
29. Local government's role in promoting car share

30. Parking cash out options
31. Adopt a research and educational mission to promote all modes of transportation

DISTRICT MANAGEMENT STRATEGIES

32. Livable neighborhood plans
33. Integrated downtown management and TDM programs
34. Neighborhood partnership program
35. Neighborhood district parking management plans and benefit districts
36. Seattle's Urban Village strategy for neighborhood development
37. Industry cluster development
38. Innovation districts
39. Neighborhood parking programs
40. Transit oriented corridor
41. District Trolley

ATTACHMENT F: PEER CITY MATRIX
Access Management and Parking Strategies
Best Practices Research

	District Management	On & Off Street Parking: Parking and Access Management	Trans. Demand Management	Technology and Innovation	Zoning and Code Requirements	Enforcement and Compliance	Performance-Based Pricing
Peer Cities							
Ann Arbor, MI	X	x	X	x	X	x	
Austin, TX		x	x		x		
Berkeley, CA		x	x	x			
Burlington, VT							
Ft. Collins, CO		x			X		
Madison, WI		x	x		x		
Palo Alto, CA		x	x				
Santa Monica, CA		x	x	x	x		x
Cities we can learn from							
Portland, OR	x	x	x		x		
San Francisco, CA	x	x	x	x	x		X
Seattle, WA	x	x	x	x	x	X	X
Potential Additions							
Arlington County, VA			x				
Washington, DC		x	x				X
Los Angeles, CA				x			X
Charlotte, NC		x	x		x		
Raleigh, NC					x		
International?							
Odense, Denmark		x	x		x		x
Frieberg, Germany		x	x		x		x

AMPS Access Management and Parking Strategy Timeline