

Chautauqua Lease Committee
May 14, 2015
Final Meeting Summary

Committee Attendance

Tom Carr
 Susan Connelly

George Karakehian
 Tim Plass

Deb van den Honert
 Bob Yates

City Staff: Bill Cowern and Molly Winter

Observers: There were 11 observers present, including Chautauqua residents and interested citizens.

Facilitation: Heather Bergman and David Burchfield

Next Steps

Tom Carr	<ul style="list-style-type: none"> • Will provide lease terms of the BMOCA, Dairy Center, and Boulder History Museum for reference in the term discussion • Will provide a rough summary of discussions to date for presentation to Council for review/feedback from the Committee
Molly Winter, Bill Cowern, and Susan Connelly	<ul style="list-style-type: none"> • Will provide a process plan for the development of the Chautauqua Access Management Plan
Colorado Chautauqua Association	<ul style="list-style-type: none"> • Will send a representative to the upcoming Council meeting for the presentation of process to Council • Will provide historical rationale for current sublease rent rate for June 8 meeting

Agreements

- Parking and access will be approached in two parts:
 - A set of guiding principles to be included in the lease. In addition to those presented, these principles will also include language about safety, shared access and/or pedestrian primacy in the Chautauqua.
 - Where these guiding principles state that “Access management should reflect the mission of the Chautauqua,” this should be changed to “reflect the current mission...” to avert problems associated potential future shifts in the mission.
 - A Chautauqua Access Management Plan (CAMP) to be negotiated as a separate document that applies these guiding principles more specifically. This document would be drafted collaboratively and reviewed and revised on a periodic basis (3-5 years) though it would not require review by Council.
- In the draft lease, in the second-to-last sentence of Paragraph 14, the word “and,” as in “and as necessary,” should be retained in that it maintains greater flexibility in the document.
- The lease should be amended to reflect the agreement by CCA and the cottage owners regarding right of first refusal (see below).
- Several small additional changes should be made to the revised draft lease per suggestions by CCA (see below).

Follow-up to Last Meeting and Reporting to Council

Participant Council members noted that they had not had the opportunity to report to Council on the most recent Colorado Chautauqua Association (CCA) lease meeting and made plans to do so at the 5-28-2015 Council meeting. Participants noted the importance of maintaining such contact with Council lest they respond unfavorably to the Committee's final outputs due to lack of information and opportunities for feedback throughout the process.

Right of First Refusal

Bob Yates reported back on discussions on the right of first refusal held between the CCA and Chautauqua cottage owners as represented by Deb van den Honert. Mr. Yates noted that although this agreement is not between the City and CCA, the CCA requests that it be in the lease to ensure fairness and ease of relations between the City, CCA, and cottage owners. Mr. Yates related that this new agreement diverges from the old agreement primarily in that it no longer requires appraisals and can be based on bona fide third-party offers on the sale of cottages. Under the new arrangement, cottage owners may approach the CCA under two scenarios:

- If a bona fide offer has been made for the purchase of the property, CCA would have the opportunity to match or exceed that offer before the property is sold to a third party.
- If there has been no bona fide offer on the property, a cottage owner may approach CCA to solicit an offer of their desired amount. The cottage owner may then accept CCA's offer or seek a better one on the open market.

Further clarifications were made:

- It is important to note that none of this new language affects the old provision that CCA's first right to purchase applies only to sales outside of the fourth degree of consanguinity, which remains unchanged.

CCA representatives and Ms. van den Honert expressed satisfaction with this new arrangement in that it protects the interests of both parties. Ms. van den Honert polled the 39 cottage owners and of the 27 that responded, all were pleased with this agreement. Other Committee participants were pleased that cottage owners had been so well represented in the process. The Committee agreed that this agreement should be incorporated into the new lease with CCA.

Discussion of Revised Draft Lease

The Committee discussed the initial drafting that Tom Carr had done on the new lease. The facilitator underscored that this draft lease does not represent final agreements but rather represents a reflection of the current state of the group's deliberations. A member of the Committee clarified that the preamble to Section 15 misrepresents the actual plan for sublease renegotiation. Rather than being renegotiated annually, subleases will be coterminous with the general lease. In cases of mid-term subleasing, CCA can grant a mid-term sublease based on its own approval process. This is intended to ensure a good relationship between CCA and mid-term sublessors. The sublease rents are not all the same; they are based on square footage and location.

CCA representatives suggested several changes to the language in the revised draft lease:

- In Section 5, the phrase "balancing use by diverse groups" should say something different and more in line with discussion from the previous meeting.
- The Section 6 preamble may benefit from revision, to be discussed within the parking discussion.
- The Section 14 preamble states "39 cottages" where it should say "currently 39 cottages."
- Section 14 states: "It is the intent of the parties to preserve private cottage ownership at Chautauqua," where it should state that the number of cottages owned by private owners

and CCA “will not change significantly.” The language stating “it is the intent of the parties” should remain.

- Later discussion of the following items is necessary:
 - Lease term in Section 1
 - Rent in Section 2
 - Parking in Section 6
 - Lien Limitation in Section 9
 - Timing of the annual report to the City in Section 13
 - On XVII, what happens if subleases are terminated?

Representing the cottage owners, Ms. van den Honert suggested that in the second-to-last sentence of Paragraph 14, the word “and,” as in “and as necessary,” should be stricken in order to keep the latter clause closely tied to the mission. The group discussed this option and decided that the word maintains greater flexibility in the document, so it was retained.

Parking and Access

2012 Parking and Access Study

City staff members Bill Cowern and Molly Winter presented the findings of a 2012 study on parking and access in Chautauqua. Staff underscored that significant research (background information, surveys, etc.) supported the study and suggested that available current information indicates that the 2012 study is still highly reliable. Though not conclusive, the study produced multiple alternatives based on specific areas within Chautauqua.

Staff presented a slideshow representing the findings of the 2012 study, beginning with a summary of available parking spaces in the area, limited to those streets that are immediately adjacent to the park and Open Space and Mountain Parks (OSMP) land. That study and the suggestions it produced were based on the creation of distinct zones of parking for zone-based interventions.

This presentation was discussed and several points were clarified:

- One participant wished to explore the possibility of technology-based means of making parking space use more efficient, as has been done downtown. The possibility that this would be a departure from the historical context of Chautauqua was noted.
- The number of available spaces on Baseline may change with the development of the new Ballot Issue 2A sidewalk, though this may not be a net loss with some reconfiguring of existing parking on the north side of the Green.
- Demand for parking spaces exceeding supply was understood to be primarily seasonal (primarily May – September) and many weekends outside of that peak period. This information was derived from car counting and surveys in 2011 and 2012. The group agreed that although these numbers have not decreased, they likely have not significantly changed in the interim since the study.
- At peak times, parking demand exceeds available spaces (497 – including the CCA leasehold area, around the Green, in the Ranger Cottage lot, and on Baseline).
- Consideration of special needs unique to this area was extensively discussed
- At one participant’s request, CCA representatives clarified that the Academic Hall parking lot serves as lodging guest check-in and check-out, residents picking up mail and packages, guest parking for the Missions House Lodge and Community House users, and employee parking, and is used for handicapped parking during Auditorium event nights. Several participants noted that parking for the dining hall and lodging (especially at check-in) is a problem.

- Under the existing lease, CCA has the option to restrict access, though it has never done so without collaboration with the City.
- Since this study, several changes have occurred:
 - Improvements in pedestrian access (including along Baseline Road).
 - A change in vendor at the Dining Hall, which has driven higher popularity of the restaurant (and attendant parking needs).
 - The bus pullout on Baseline was completed.
 - Traffic calming projects (“bumpouts” etc.) were completed.

The 2012 study yielded 5 parking alternative options:

- *Alternative 1: Do nothing*
- *Alternative 2: Transfer management of parking to CCA*
- *Alternative 3: Use permits only (with enforcement)*
- *Alternative 4: Permits and Time Zones*
 - This alternative gives preference to residents and lodging guests.
 - Enforcement is not only for time limits and permits, but also for other kinds of parking violations (e.g., parking too close to a driveway, no front license plate, etc.). Currently, enforcement for these violations is exclusively complaint-based. Park enforcement officers are not police and cannot address moving violations.
 - This would reflect standard Neighborhood Parking Programs (NPPs), currently used in other parts of the city.
 - Discussions with residents and observation of efficiency of use led current time-based zones to be reduced from 4 to 3 hours.
 - One participant noted that the peak hours of use are during the daytime.
 - Several participants agreed that current evening parking strategies (for events) seems to be working well.
- *Alternative 5: Designated Residential Spaces*
 - Because this alternative is a significant deviation from current practice, there was some concern that this might lead to inefficient use of parking spaces when spaces are not in use by designated space holders.
 - There are currently 184 spaces for 39 private residences, 60 CCA cottages, the 8-bedroom Missions House Lodge and the 15-unit Columbine Lodge.

No action was taken by Council in 2012 because:

- Policy questions regarding controlled parking programs for residents raised concern. Council was not sure that it wanted to treat visitors to OSMP lands the same way that it was treating CU students and downtown employees.

Neighbors were concerned about potential spillover because parking management did not extend into nearby residential areas.

For the current leasing conversation, staff suggested a two-pronged approach to parking and access management that would:

- Craft lease language around “guiding principles” that covers not only parking, but access and pedestrian mobility as well.
- Create a separate document (Chautauqua Access Management Plan – CAMP) that covers detailed application of these guiding principles on a shorter time scale to be reviewed and revised periodically throughout the term of the lease (e.g., every 3-5 years). This could be framed as a pilot at first.
 - A pilot for 2016 can be developed. It would require some additional public process, but no new information gathering. As parking will be an area of concern in lease

approval discussions with Council, “release valves” like this periodically reviewed sub-plan will be helpful for approval. Committee members agreed that this should not imply or state that periodic review would necessarily require Council approval at each instance.

- Providing early drafts in consultation with Council will also likely be helpful for garnering Council approval. Accordingly, Mr. Carr agreed to put this particular item on the agenda for the next Council meeting and to prepare a short summary for Council.

Suggested Parking/Access Guiding Principles

City and CCA staff met prior to this meeting to discuss access, circulation and parking concerns and options at Chautauqua. Those discussions results in some preliminary guiding principles:

- Unique solutions are needed for a unique place.
- Chautauqua is a shared resource.
- Parking demand exceeding supply is seasonal.
- The mix of uses within the CCA leasehold area needs to be accommodated.
- Use of pilot approaches based on place-based models does not fit City norms but is appropriate for Chautauqua.
- Be flexible.
- Seek multi-modal solutions in alignment with Access Management and Parking Strategy and City policies.
- Emphasize collaboration in a manner consistent with the Chautauqua Guiding Principles.

Participants made several comments on these suggested guiding principles:

- One participant wished to ensure that safety be explicitly mentioned within the guiding principles.
- Another participant expressed that public access should not be significantly diminished in favor of resident interests.
- Another participant stated that a Transportation Demand Management Program be included for CCA and Dining Hall employees and CMF musicians.
- Various participants suggested that Chautauqua should be considered as a special resource with accordingly unique management methods.

The Committee discussed whether or not all users should be treated equally under these provisions. . Many participants suggested that the CAMP might be guided by lease language that states: “Access management should reflect the mission of the CCA.” To allay concerns about a possible modification in mission articulation over time, the Committee agreed to state that prioritization should be guided by the “then-current” mission. Several specific concerns regarding equity and prioritization in access were expressed:

- One participant wished to ensure that those groups not explicitly prioritized retain access.
- Prioritization should reflect geographically relevant uses.
- Language regarding restrictions should specifically state that it pertains to “vehicles.”
- Prioritization should support pedestrian safety and access.
- One participant wanted to include consideration for “guests of residents” in addition to residents in parking availability considerations.

Staff and CCA representatives agreed to draft a process plan for the development of the CAMP for the next meeting, keeping also in mind the interests of private cottagers. Ms. van den Honert expressed a trust in these two parties to uphold the interests of cottage owners.

Next Meetings

The next meeting is May 27 in the downstairs conference room at the City Council building. The Committee will:

- Review Mr. Carr's draft process summary for presentation to Council
- Review Mr. Carr's working revised draft of the lease, which will be revised to reflect the agreements at this meeting
- Review the process plan for the development of the CAMP as drafted by Ms. Winter, Mr. Cowern, and Ms. Connelly
- Discuss:
 - Maintenance responsibilities
 - Capital investments
 - Lease term
- Mr. Carr will provide lease terms from BMOCA, the Dairy Center, and the Boulder History Museum to inform that discussion.

The June 8 meeting will include discussion of CCA rent and cottage owners' sublease rent. CCA representatives will provide an account of historical rationale for the current sublease rent rate. Public Works representatives need to be present at this meeting.

Public Comment

John Kenyon

- Expressed satisfaction with all of the major points of the meeting, with the sole suggestion that one addition be made to the guiding principles:
 - As there are no sidewalks in the Chautauqua, it should be explicitly stated that the area is a "pedestrian campus," thus giving legal primacy to pedestrians in the instance of pedestrian/car confrontation.
 - One Committee participant suggested that the softer language of "shared streets" might accomplish similar ends with less rigid legal implications.
 - There was general support from the Committee for adding some language to this effect to the guiding principles in the lease.

Karl Anuta

- Suggested the posting of signs at all entrances to the area stating that pedestrians have the right of way.
- Stated that much of the discussion should have considered the Green and the Ranger Cottage parking areas, although it did not.
- Noted the potentially problematic absence of OSMP representatives in a discussion that affects OSMP parking.
- Suggested that the lease should specifically focus on the protection of the National Historic Landmark.

Joe Stepanek

- Stated that, as a National Historical Landmark, Chautauqua is a special place that falls under a whole set of unique guidelines that must be honored. From that commitment, all other decisions should follow.

Tom Galey

- In reference to staff's presentation of distinct parking areas, stated that Zone E has the most potential for added parking spaces, which could help avert or reduce a net loss in parking spaces as non-vehicular priorities take on a larger role.

Talley Costa

- Stated that, as the Chautauqua is also a tourist attraction, the City should consider strategies used by other cities for similar resources, such as the use of a trolley.
- Expressed disappointment in safety-related interventions (e.g., cars that speed down adjacent streets like Columbine). One Committee member inquired about the absence of speedhumps. Staff responded that as a codified intervention, speedhumps cannot be developed without meeting certain criteria. Currently, the program to develop this is not funded.
- Though in general agreement with the access discussion, underscored the importance of supporting diversity.

Bill Patterson

- Noted that parking was an issue even in the CCA board minutes from 1901. Accordingly, the lease should provide for flexibility per Chautauqua's dynamic and ongoing nature.

Caroline Stepanek

- Suggested the consideration of alternatives to individual vehicular access to Chautauqua, such as public transit from other locations.
- Noted that although the Committee has adopted language that presumes a 30-year lease, this particular issue has not yet been decided upon and should not be assumed.