

**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 10, 2007

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an Ordinance No. _____ approving an intergovernmental agreement between the city of Boulder and RTD to conduct master planning and site planning and preliminary construction details for the 11-acre city Housing Division and RTD-owned site known as the "Boulder Transit Village."

PRESENTER/S:

Frank Bruno, City Manager
Stephanie Grainger, Deputy City Manager
Tracy Winfree, Director of Public Works for Transportation
Ruth McHeyser, Acting Planning Director
John Pollak, Co-Director Housing & Human Services
Micki Kaplan, Senior Transportation Planner
Randall Rutsch, Senior Transportation Planner
Louise Grauer, Planner
Michelle Allen, Housing Planner

EXECUTIVE SUMMARY:

In 2004, Regional Transportation District (RTD) (in partnership with the city), received a \$7.8 million federal grant to master plan the city- and RTD-owned 11-acre site and to site plan, design and construct the RTD bus-based transit facilities on the RTD portion of the property at the northeast corner of 30th and Pearl streets. The city Housing Division owns approximately eight acres, of which 5.5 acres are leased to Pollard Motors, until 2016. RTD owns the remaining three acres of the 11-acre site. Together, these land parcels comprise what is known as the "Boulder Transit Village" (BTV). This project initially was scheduled to begin in 2006 and was postponed per request from the city. RTD agreed to postpone this work effort until the Transit Village Area Plan (TVAP) established a vision and framework for the area. The TVAP is nearing adoption and important elements from the TVAP affecting the 11-acre site have been sufficiently resolved to proceed with the master and site planning effort. In order to proceed with the master and site planning project and to begin using the federal grant funds, RTD and the city of Boulder must first approve an intergovernmental agreement (IGA). See Attachment 1.

The purpose of this memo is to request Council to consider an IGA clarifying the respective roles and responsibilities between RTD and the city of Boulder during the master and site planning and construction process. The IGA documents the agencies'

roles at different stages in the project, how the two agencies will work together and how grant funds will be expended. The draft IGA is structured as an “umbrella agreement,” in other words, that there will be future amendments to the IGA after master and site planning are completed and before construction begins to clarify the construction process. RTD is required to follow federal transit administration rules on the grant funds, which must be used primarily for transit-related purposes. The intent of the federal grant is first to ensure that the 11-acre site functions well for transit, yet is integrated with and does not negatively impact the housing and transit-oriented development. RTD’s \$7.8 million federal grant will fund:

- Master planning of the Boulder Transit Village 11-acre site (both RTD and Housing Division-owned land),
- Detailed site planning of the RTD bus/BRT facilities and associated infrastructure
- Engineering, design and construction of the first phase RTD regional bus/BRT facility
- Master planning level concepts for the Housing Division’s eight-acre portion of the site.

The primary objective of the master and site planning project is to ensure a coordinated and integrated approach to development of the site over time. The first step of this work effort is City Council and RTD approval of an intergovernmental agreement (IGA) before RTD’s federal grant funds can be utilized. The Boulder Transit Village master planning and site design work is projected for completion in early 2008, with construction of the first phase bus facility and associated infrastructure such as roads, sidewalks, and stormwater and sewer lines beginning late 2008. The IGA does not regulate the location, use and design of the depot; however, RTD is open to exploring and finding a location for the depot, with the city, as part of the master plan process. Pending the outcome of the master plan, it is possible that the Housing Division may proceed with a first phase of affordable housing on a portion of their property.

BACKGROUND:

The Boulder Transit Village began as a City Council initiative in 2001 to partner with RTD to acquire the 11-acre property at 30th & Pearl streets, long before RTD’s FasTracks program was conceptualized. Council approved the purchase of the site in October 2004 by the city Housing Division with the express purpose of designing and constructing a “transit-oriented development” that would be located near high-frequency transit bus service and provide a mix of housing types including an opportunity to provide a “significant level” of affordable housing. Of the approximately eight acres of land purchased by the Housing Division, 5.5 acres are leased to Pollard Motors until 2016. RTD owns the remaining 3.2 acres of the site. The Boulder Transit Village project has the potential to address all of Council’s top goals of affordable housing, transportation, environmental, economic and social sustainability. Recently, information on the BTV master and site planning project was provided to Council in its 2007 Key Issues booklet and in a weekly information packet (WIP) memo on June 20, 2007. Information on the BTV master and site planning project has also been included as part of various TVAP public open houses and is found on the city’s web site at: www.bouldertransitvillage.net.

RTD Federal Grant

In 2004, RTD, in partnership with the city, received a \$7.8 million federal grant to master plan the Boulder Transit Village 11-acre property and to design and construct the first phase RTD bus/BRT transit facility. This work effort was originally scheduled to begin in 2006, but was postponed, per request by the city of RTD, to wait to plan the 11-acre site and to postpone design and construction of the transit facility until the Transit Village Area Plan (TVAP) was near adoption.

While this delay has allowed the planning process to establish the vision and framework for master and site planning, it is important to note that the RTD grant has a fixed amount of funding. The purchasing power of the grant has been significantly reduced with the recent rapid increase in construction material prices. RTD's federal grant also requires that the funds must be primarily expended in 2008. Per the city's request, RTD has already received one extension for the federal grant to delay the start of this project. Further delay prevents the city and RTD from maximizing this valuable federal resource and could potentially jeopardize loss of the grant funds.

Relationship to the Transit Village Area Plan (TVAP)

TVAP refers to the 160-acre area plan work effort that establishes a vision and guidelines for development. The BTV master and site planning project refers to the 11-acre property that the city's Housing Division and RTD purchased, per direction from City Council in 2004, at the northeast corner of 30th and Pearl streets. The city requested that RTD postpone moving ahead until the Transit Village Area Plan (TVAP) planning was near adoption. The TVAP is nearing adoption and important elements from the TVAP affecting the city Housing Division and RTD-owned 11-acre site have been sufficiently resolved to proceed with the master and site planning effort. The BTV master and site planning work will build on and be consistent with principles and guidelines established in the TVAP, including elements such as incorporating the new street, bicycle and pedestrian network proposed in TVAP.

Project Timeline

Status of the project and estimated timeline follows:

- **Completed:** Site selection, conceptual design and land acquisition of 11-acre site.
- **Summer 2007:** Plan adoption anticipated of the Transit Village Area Plan: the neighborhood ½ mile surrounding city Housing Division/RTD-owned TOD site.
- **July 2007:** IGA review by City Council.
- **Summer 2007:** Develop scope of work and issue Request for Proposal for master planning and transit facility design services.
- **2007:** Develop master plan for the 11-acre TOD site and develop site plan, including transit bus station design.
- **2008:** Concept review for the master plan and site review for the RTD site.
- **2008:** RTD begins first phase transit facility construction.
- **2008:** Potential phase I development of a portion of the Housing Division's site (2.5 acres), pending the outcome of the master plan process.
- **2014-Future phases:** commuter rail station facilities (RTD).

- **2014-2018:** Phase II development of the remaining Housing Division’s site (5.5 acres).

STAFF RECOMMENDATION: Staff recommends adoption of the draft IGA and that the council conduct the first reading and consideration of a motion to order published by title only:

An Ordinance No. _____ adopting an intergovernmental agreement between the city of Boulder and the Regional Transportation District (RTD) relating to master and site planning and preliminary construction details for a regional bus transit facility and related transit-oriented development on parcels of land owned by the city and RTD located at the northeast corner of 30th and Pearl Streets and setting forth related details.

COUNCIL FILTER IMPACTS:

The City Council’s economic, environmental and social sustainability goals were adopted for the Transit Village Area. The master planning process for the “Boulder Transit Village,” which includes the Housing Division-owned and RTD-owned sites, will incorporate many components that address these goals:

- **Economic:** The Housing Division’s portion of the Boulder Transit Village site will include a mix of housing and supportive commercial uses, which are expected to increase economic opportunity in the area. A new transit station, housing and supportive neighborhood commercial uses will be constructed in phases over time in this area. Approximately half of the 200 or more additional housing units will be permanently affordable. Many of these will provide workforce housing for employees working in Boulder. The redevelopment of this site is expected to be a catalyst for other improvements in the area.
- **Environmental:** Increased transit ridership, expanded multimodal connections and increased alternative mode share support the Boulder Valley Comprehensive Plan and Transportation Master Plan goals of reducing dependency on single-occupant automobile use, congestion and emission reductions. The central location of the RTD Bus/BRT transit facility promotes long-term environmental sustainability throughout the city by encouraging transit use. Locating housing and supportive commercial uses in close proximity to a wide variety of alternate modes of transportation encourages residents to reduce vehicle miles traveled and reduce energy consumption. Development of the Housing Division and RTD sites may include participation in a larger area-wide “green” stormwater plan and other “green initiatives” such as design and construction of environmental buildings and programs.
- **Social:** The city-owned portion of the Boulder Transit Village site will include 200 or more new homes approximately half of which will be permanently affordable. The sites are an excellent location in close proximity to employment, transit, shopping, grocery, recreation and other services and amenities that may

make this an attractive location for people with disabilities and/or seniors. The Housing Division will explore options for developing a portion of the permanently affordable housing for these groups. A pocket park and connections within to the RTD bus/BRT facility will be designed to welcome adjacent neighborhood residents and attract a diversity of users. A new transit station and associated connections creates new access options for the public.

OTHER IMPACTS

Fiscal Impacts: A \$7.8 million federal grant (Congestion Mitigation and Air Quality “CMAQ” grant) was awarded to RTD for master planning and site planning the 11-acre site and design and construction of the first phase of the regional/BRT facility. This project will be revenue neutral to the city. Approval of the IGA permits \$7.8 million in federal revenue to “flow through” RTD to the city as revenue to fund the project. The master and site planning phase of the project will include \$165,000 from the federal grant and a local match of \$55,000. The city, since it is taking the lead on master planning, will contribute \$45,000 of in-kind staff time and RTD will contribute \$10,000. RTD’s contribution will be in the form of prospective consultant services for the federally required environmental documentation process and Boulder’s will be in the form of staff time spent on the master and site planning process. For the remainder of the project, RTD will contribute approximately \$2.5 million (from the land purchase) towards the local match for the balance of the grant. Provisions of the CMAQ grant require that the funds be primarily expended in 2008.

Staff Time: The BTV Master Plan will be primarily managed by city Transportation and Housing staff. Additional staff time is anticipated from Planning, Economic Vitality, Finance, City Attorney’s Office, Parks and Recreation, Office of Environmental Affairs, and Utilities. All required staff time is expected to be part of the normal work plan for the applicable department. RTD staff will include their Transit Oriented Development staff team, Facilities Manager, Service Planning staff and other supportive staff.

ANALYSIS AND KEY ISSUES:

City and RTD staff has been meeting since fall 2006 to discuss the federal grant and to develop an intergovernmental agreement (IGA) clarifying roles and responsibilities in the planning and construction process. The IGA documents city and RTD roles, responsibilities at different stages in the project, how the two agencies will work together during the BTV master and site planning effort and how the grant funds will be expended. The IGA includes several key areas worth noting, including:

- 1) The BTV master and site plans will be consistent with the Transit Village Area Plan (TVAP) and the goals of the original 2001 Boulder Transit Village Site Selection and land acquisition.
- 2) The city will take the lead on the “Master Plan” of the 11-acre site and will work in partnership with RTD.

- 3) Upon completion of master planning the 11-acre site, RTD, working in partnership with the city, will take the lead on designing and site planning the RTD bus/BRT transit facility
- 4) After master planning is completed, property boundaries between RTD and the city within the 11-acre site may be reconciled and re-subdivided (if current property boundaries are changed). RTD will own the land area for its transit facility, and the city's Housing Division will own the land area for the "village" portion of the property.
- 5) The BTV master and site plan will include a public process component such as public open houses, and will provide opportunities for public input.
- 6) The RTD transit facility design will go through city concept and site review; however, RTD has expressed concern and included in the draft IGA that it does not want the review to "materially delay" the project to the extent that the federal grant funds would be at risk.
- 7) RTD will fund a share of the infrastructure costs consistent with standard city requirements of a property owner seeking to develop their property. RTD has identified in the IGA that it will use the federal grant funds only for this project. Since the FasTracks Environmental Impact Statement (EIS) is not yet completed, RTD is unable to commit FasTracks funding to this project. There may be opportunity to coordinate with RTD and to utilize FasTracks funds during a future phase.
- 8) RTD will procure a contractor and will manage the construction of the RTD transit facility. This will require an addendum to this IGA in the future to include information on RTD's responsibilities related to construction of their future transit facility.

Options for Council Consideration:

There are three potential outcomes for Council to consider regarding the draft IGA:

Option I: Approve the draft IGA.

This option directs staff to proceed with working in partnership with RTD to master and site plan the 11-acre site. The next step would be to approve the proposed ordinance and the IGA at a second reading at the July 24, 2007 Council meeting. Once the IGA is approved by the city and RTD, staff would proceed with issuing a Request for Proposal to procure a design team to begin the project.

Option II: Refer the IGA back to staff for revisions and renegotiation with RTD.

This option directs staff to continue to negotiate with RTD to modify substantive provisions in the draft IGA that are of concern to Council. This option also extends the timeline and prevents the project from proceeding with hiring a design team to begin working on the project. Additional project delays prevent maximizing this important federal resource.

Option III: Do not proceed with an IGA with RTD.

The master and site planning project would not go forward and could end the partnership with RTD. RTD could choose to return the federal funds, or may choose to proceed with designing and constructing the bus-based transit facilities without coordination or integration with the city Housing Division owned eight-acre portion of the property.

Approved By:

Frank W. Bruno,
City Manager

ATTACHMENTS:

- 1) Ordinance and Draft Intergovernmental Agreement
- 2) Boulder Transit Village Master & Site Planning Project "Fact Sheet" and Map of the 11-acre site.