

REGIONAL TRANSPORTATION DISTRICT

RESOLUTION No. 17 SERIES OF 2010

(Revised Strategic Plan for Transit Oriented Development)

WHEREAS, the Board of Directors wishes to amend the *2008 Strategic Plan for Transit Oriented Development* (TOD) to accomplish the following:

- Reflect the new federal emphasis on livability and the principles of the federal Partnership for Sustainable Communities in the *Strategic Plan for TOD*;
- Create a more focused policy guiding RTD's encouragement and role in creating mixed-income communities near transit.
- Reflect a new emphasis on creating transit oriented communities which complement the federal emphasis on livability; and,

WHEREAS, the Board of Directors has determined that TOD can enhance the value and effectiveness of transit in the district by increasing ridership, provide opportunities for enhanced transit infrastructure and promote the creation of livable communities; and,

WHEREAS, the federal government has established clear guidelines and policy to promote the development of livable communities near transit including creation of livable communities criteria for federal grant funding; and,

WHEREAS, the FasTracks expansion program and TOD are both transitioning from a planning phase to an implementation phase and require a more focused effort on developing the financial, regulatory, and political means to ensure success; and,

WHEREAS, RTD seeks to implement a revised *Strategic Plan for TOD* that recognizes the expanded interest in TOD, promotes cooperation and communication with other stakeholders, provides a flexible approach to TOD throughout the district, clarifies RTD's and other stakeholder's roles in the TOD process, increases ridership and enhanced passenger amenities for RTD patrons, strongly supports affordable housing development in close proximity to RTD transit services, seeks to capitalize on the lessons learned from other TODs, and provides RTD with a range of participation in public/private partnerships in order to maximize TOD opportunities.

NOW, THEREFORE, BE IT RESOLVED that:

The RTD Board of Directors adopts the attached revised *Strategic Plan for TOD* which shall be used as the framework to support TOD planning and development at existing and future stations throughout the district.

Passed and adopted this 21st day of September 2010.


Lee Kemp
Chair


Kent Bagley
Secretary

Strategic Plan for Transit Oriented Development



Regional Transportation District





Strategic Plan for Transit Oriented Development

Revision 2, September 2010

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Approved By:

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1.0 INTRODUCTION

1.1 Regional Context

The Denver metropolitan area is home to more than 2.7 million people. This represents more than half the population of Colorado, which was the third-fastest growing state in the nation during the 1990s and is the eighth-fastest growing since 2000. Metro Vision 2035, the Denver Regional Council of Governments (DRCOG) 25-year plan for growth and development, projects the region to grow by more than 50 percent to a total of 4.2 million residents —along with 950,000 new jobs —by 2035.

This growth will place a tremendous strain on the region's already congested transportation system. In 2006, DRCOG identified 1,460 lane miles of congested freeways and arterials. This figure is forecast to double by 2035.

FasTracks, the Regional Transportation District's (RTD's) multi-billion dollar comprehensive transit plan, responds to the growing transportation needs of the Denver region by implementing new rapid transit and expanding and improving bus service throughout its service district (see Exhibit 1-1). Passed by a 58-percent majority in 2004, FasTracks plans for 122 miles of new light-rail and commuter rail service, along with 18 miles of bus rapid transit (BRT), and 57 proposed new stations. FasTracks has the following three core goals:

- Provide improved transportation choices and options to the citizens of the District,
- Increase transit mode share during peak travel times, and
- Establish a proactive plan that balances transit needs with future regional growth.

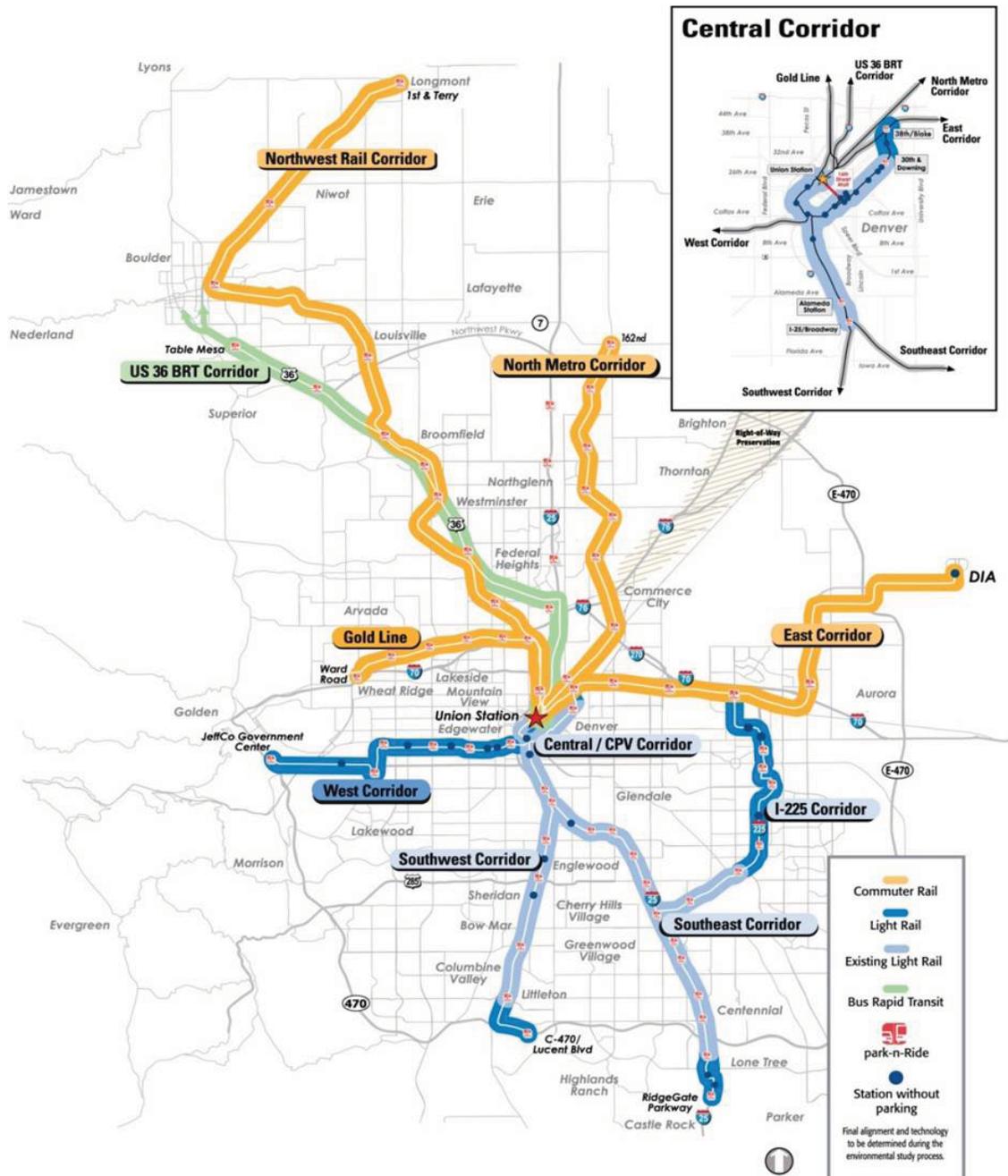
FasTracks offers an unparalleled opportunity—no other U.S. region today is making this scale of commitment to invest in transit. The dividends of this investment will come in the form of an enhanced quality of life, which for decades to come will provide metropolitan Denver with a competitive advantage for economic development opportunities compared to other regions.

One key to realizing these benefits lies with the region's ability to implement transit-oriented development (TOD). TOD is a specific approach to developing the built environment—not a style of urban design or a description of physical location. At its essence, TOD means development with a functional relationship to transit, allowing it to achieve synergies that enhance the value of both. For example, TOD can make transit systems more efficient and cost effective by increasing off-peak ridership. In addition, studies have shown that proximity to transit can yield a premium for property values. In most cases TOD requires collaboration among the parties whose interests converge at transit facilities: the transit agency, local government, private developers/property owners, and community stakeholders to be successful.

As the regional transit agency, RTD's primary role is to develop and operate this public infrastructure system. RTD's expansion of the regional transit system will provide more transportation choices and make public transit a more attractive travel option—the first two goals of FasTracks. But local government jurisdictions will play a key role in determining the success of the third goal, as well as a supportive role for the first two, by using their power

to regulate land use and development. Private developers will play a critical role by proposing new projects and providing their financing knowledge and construction muscle to develop real estate at and around transit facilities. Community stakeholders will prepare the canvas for this development by articulating a vision for their neighborhoods for which transit can act as a catalyst to achieve. As FasTracks moves from planning to implementation, RTD will need to play an expanded role in helping deliver livable communities as a partner with local governments, developers and community stakeholders.

Exhibit 1-1: FasTracks System Map



1.2 Plan Organization

Implementing TOD requires regional collaboration across political boundaries, institutional sectors, and professional disciplines. This document provides a strategic plan for RTD to perform its role in implementing TOD in the Denver region. It establishes RTD's TOD policy, offering the agency's vision for TOD, articulating its goals related to TOD, and recommending strategies for how to achieve each. The Plan also describes the process for how RTD plans to implement TOD, defining its role in relationship to those of other major stakeholders, as well as the timeline and milestones for TOD in relationship to the transit project development process. It describes the process and evaluation criteria for joint development proposals—those both requested by RTD and unsolicited, as well as RTD's internal review protocols for such proposals. Finally, the Plan explains how RTD and its partner institutions will measure and benchmark the implementation of TOD through mechanisms such as RTD's annual TOD Status Report and the Quality of Life (QoL) study.

2.0 TRANSIT ORIENTED DEVELOPMENT POLICY

2.1 Policy Adoption

The RTD Board of Directors passed and adopted the following Transit Oriented Development Policy on the 18th day of April 2006 (amended September 16, 2008 and September 21, 2010) as the framework to support TOD planning and development at existing and future stations throughout the district.

2.2 Definition of TOD

While TOD can have many physical forms, it generally includes the following design principles:

- More compact and dense development within a 10-minute walk or ½ mile distance around transit facilities compared to existing development patterns in the same area;
- A mix of uses—either horizontal or vertical—usually including residential, retail, and office employment;
- High-quality, pedestrian-oriented urban design and streetscapes.

By focusing compact development around transit stations, TOD capitalizes on the value of public infrastructure investments and promotes sustainability. These development synergies promote increased transit ridership and an integrated station environment with more passenger amenities. In addition to increased ridership and more passenger amenities, TOD is also a successful tool for promoting local economic development, helping communities plan for sustainable growth, and increasing the overall quality of life in a region.

Exhibit 2-1: CityCenter Englewood



CityCenter Englewood replaced a declining regional shopping mall with an open-air, mixed-use development adjacent to the Englewood light-rail station. This 55-acre, public-private project focuses development on a central public place and connects the site with walkable streets, civic and cultural uses, public transit, retail and office space, and apartments. It includes 440 residential units, 330,000 square feet of retail space, 300,000 square feet of offices, 50,000 square feet of restaurant space, city offices, public library, municipal courts, and a cultural arts center.

2.3 Basis for TOD Policy

TOD's ability to increase transit usage while achieving valuable ancillary benefits for the region means that it plays a crucial role in fulfilling RTD's organizational mission: "To meet our constituents' present and future public transit needs by offering safe, clean, reliable, courteous, accessible and cost-effective service throughout the district."

RTD's mission is to provide transit service, and RTD recognizes that other public agencies and private developers are responsible for the region's built environment. However, RTD believes that increased coordination among public and private organizations in promoting TOD through land use planning, zoning, and the development process will result in higher-quality, sustainable communities that meet the varying objectives of all parties.

The Federal government has provided direction by recognizing livable communities and the importance of partnerships through the Partnership for Sustainable Communities, which includes the Department of Transportation (DOT), the Environmental Protection Agency (EPA), and the Department of Housing and Urban Development (HUD). The mission of the Partnership for Sustainable Communities is to provide citizens with access to affordable housing, more transportation options, and lower transportation costs, while protecting the environment in communities nationwide. Specifically, the Partnership for Sustainable Communities identified the following guiding principles in a June 16th, 2009 joint press release from DOT, EPA and HUD:

1. Provide more transportation choices: Develop safe, reliable and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health.
2. Promote equitable and affordable housing: Expand location- and energy-efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation.
3. Enhance economic competitiveness: Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets.
4. Target resources to existing communities: Target federal funding toward existing communities through such strategies as transit-oriented, mixed-use development and land recycling to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes.
5. Coordinate and leverage federal policies and investments: Align federal policies and funding to remove barriers to collaboration, leverage funding and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.
6. Value unique characteristics of communities, no matter their size: Enhance the unique characteristics of all communities by investing in healthy, safe and walkable neighborhoods – rural, urban or suburban.

These federal livability principles provide a policy framework which helps guide federal funding decisions. As such, they provide important insight as to what RTD's federal partners consider to be important in fashioning better integration among land use, transportation and the environment.

2.3.1 RTD Power of Eminent Domain

RTD has the power of eminent domain, or condemnation, to carry out the purposes set forth in its enabling act (C.R.S. 32-9-161). Pursuant to its enabling act, RTD is authorized to operate a mass transportation system (C.R.S. 32-9-107). Therefore, RTD may exercise the power of eminent domain as necessary for the operation of its mass transportation system. RTD does not have authority to exercise its power of eminent domain for any other use, even if it serves a public purpose.

2.4 TOD Vision

RTD's vision for TOD is to encourage compact, mixed-use, pedestrian-oriented, high-quality development at and around transit stations consistent with federal requirements, regional goals, and community objectives—including sustainable growth—in partnership with stakeholders while operating an attractive, comfortable, and convenient transit system for the residents of the district.

Since there is no one-size-fits-all approach to TOD, RTD has identified four key goals to best achieve success:

1. Promoting multi-sector, cross-jurisdictional partnerships;
2. Encouraging livable communities and sustainable development that support the transit system;
3. Ensuring a hierarchy of multimodal access; and
4. Protecting and enhancing RTD's transit assets.

2.5 Goals and Strategies

Goal 1: RTD will foster relationships with local jurisdictions, regional agencies, private developers, local residents and businesses, and other stakeholders to support transit station area planning and TOD implementation.

Strategies to achieve this goal include:

- Providing RTD staff expertise and resources to local jurisdictions for station area planning and zoning.
- Supporting efforts to encourage TOD by DRCOG, which include conducting research, sharing information, and providing planning assistance to connect transit service expansion to economic and community development that supports sustainable growth consistent with the DRCOG Metro Vision Plan.

- Working with trade and advocacy organizations—such as the Urban Land Institute (ULI) —to promote TOD education and best practices.
- Promoting and developing partnerships with private developers, public agencies and other stakeholders to advance TOD beyond planning to implementation.

Goal 2: RTD will encourage livable communities and sustainable development that support the transit system.

Strategies to achieve this goal include:

- Collaborating with local jurisdictions on station area planning and TOD for areas within a 10-minute walk of stations or a ½ mile distance.
- Advocating for new development which generally meets the following characteristics in support of federal livability principles:
 - It is denser than existing development patterns in the surrounding area.
 - It contains a mix of uses.
 - It has a compact and attractive urban design.
 - It promotes multimodal access so individuals need not rely on single occupant vehicles and allows easy pedestrian access to transit facilities.
 - It supports a diversity of housing choices, including choices for low and moderate income individuals and families.
 - It incorporates sustainable development strategies such as renewable energy, sustainable building materials, stormwater management, and comprehensive parking management.
- Promoting the development of “transit oriented communities” which embrace livability principles and truly integrate transit facilities with the surrounding community.
- Promoting workforce development to enhance the strength and competitiveness of the local economy.
- Encouraging local jurisdictions to adopt TOD supportive policies, plans and zoning for areas within a 10-minute walk of transit stations within their jurisdiction that provide a flexible framework for TOD and prevent development which does not support transit.
- Participating in joint development projects which provide the opportunity to preserve ridership, build or improve infrastructure to support transit, have local jurisdiction support and embrace the principles of livable communities.

Goal 3: RTD supports multimodal access to the transit system by all users.

Strategies to achieve this goal include:

- Supporting a hierarchy of access to rapid transit which considers the following modes in order of priority: pedestrians, bus riders, bicyclists, vehicles (short-term parking), and vehicles (long-term parking).

- Considering access needs beyond RTD property in the planning and design of transit stations, including:
 - Pedestrian connections to destinations within a 10-minute walk or ½ mile distance.
 - Regional bus transit and bicycle connections.
 - Vehicular access for the station catchment area.
- Strategically managing the use and construction of RTD parking facilities to balance vehicular access and the opportunity for TOD to maximize ridership at stations and minimize the need for single-occupancy vehicle trips by transit riders outside of their trips to stations.
- Optimizing RTD parking at stations by considering: proximity to Downtown Denver (less parking closer in), local feeder bus service (less parking with higher levels of service), and pedestrian connectivity (less parking with good pedestrian connections).

Goal 4: Protect and enhance RTD's transit assets and investments.

Strategies to achieve this goal include:

- Where appropriate, pursuing TOD as a means to increase the transit value of RTD-owned land near stations.
- Encouraging local jurisdictions to support TOD by:
 - Utilizing best practices in TOD planning and implementation around transit stations.
 - Encouraging station area planning early in the transit planning process, consistent with the Federal Transit Administration's (FTA) New Starts guidance for transit-supportive land uses.
- Leveraging federal investment in the regional transit system, recognizing that there is significant competition among regions throughout the country for federal transit support, by:
 - Ensuring consistency of local policy with the FTA's guidelines for transit joint development, which mandate a transit element, economic development, new or enhanced inter-modal coordination, and non-vehicular capital improvements resulting in increased transit usage.
 - Encouraging consistency of local policy with the Federal Partnership for Sustainable Communities which promotes access to affordable housing, more transportation options, and lower transportation costs, while protecting the environment in communities nationwide.
- Where appropriate consider transitioning surface parking to structured parking, other transit-related facilities or TOD (including shared parking with consideration of RTD's Parking Management Program and governing state legislation on parking) and in doing so preserve the operational efficiency of the existing transit facility
- Utilizing shared and joint-use parking when available to reduce parking costs and add ridership, including purchase of parking in private or public parking facilities

on a long term lease or other means through a partnership arrangement with local governments or private developers. Shared and joint-use parking will be developed in coordination with the RTD Parking Management Program and state legislation.

- Favoring the retention of permanent rights (i.e. ground leases instead of outright sale) that meet transit requirements to ensure satisfactory continuing control of RTD property.
- Utilizing joint development as a means to protect and enhance station ridership and build or improve infrastructure needed to support transit and the development of livable communities.
- Where land sales are pursued for joint development projects, ensuring that there will be continuing utilization of the land for TOD purposes.
- Recognizing that RTD will only acquire property for transit purposes (if opportunities arise when those transit purposes can be met as required, and the potential for locally supported and entitled developments at or near RTD stations emerge), RTD will consider such development provided that the proposed development: (i) meets the transit purpose for which the property was required; (ii) complies with all federal, state and local laws; (iii) enhances transit use; and (iv) supports the principles of livable communities.

3.0 TOD PROCESS GUIDANCE

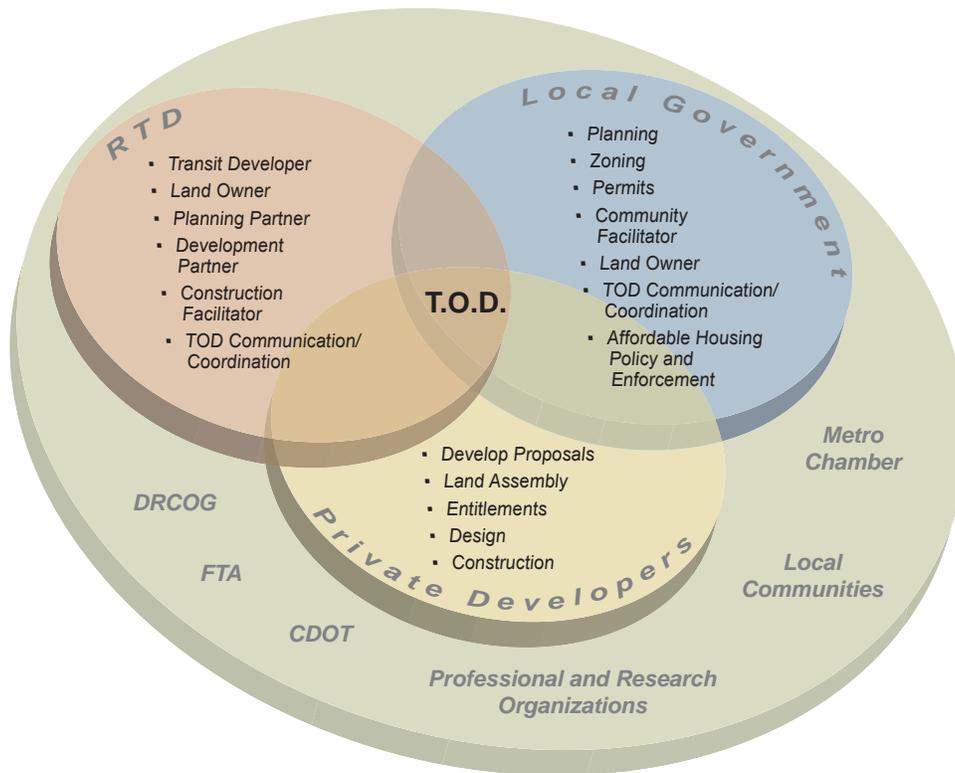
3.1 Roles in TOD Implementation

Transit-oriented development can be difficult to implement, especially in a presently auto-dependent region without many existing models. It takes true collaboration between the transit agency, local government, and real estate developers to overcome the sometimes substantial regulatory market and political hurdles. Each party plays a unique role: the transit agency as the transit infrastructure builder, local governments as the development approval entity, and real estate developers as the actual builders and financiers of development. Because of the regional nature of mass transit systems, a number of regional stakeholders can play key roles as well, including the Metropolitan Planning Organization (MPO), regional chambers of commerce, and planning and development research institutes and professional organizations.

The local community also plays a key role in providing input and feedback, and other stakeholders may be involved as appropriate. RTD is supportive of policy goals, such as the development of mixed-income housing near stations, as reflected by the local jurisdiction's adopted policies. Affordable housing will be defined by the local government with jurisdiction over any proposed development and may include rental or for-sale housing that is deed restricted to maintain long-term affordability for a range of households. Affordability levels will be tied to the Denver Metro Area Median Income levels updated annually by the US Department of Housing and Urban Development (HUD), and adjusted by household size. In the context of this Strategic Plan for TOD, the term "mixed income" housing will be used throughout this document to refer to housing that is affordable, as defined above, as well as to housing that includes both affordable and market rate units. The actual break down of affordable and market rate units for "mixed-income" housing will vary by project and by local jurisdiction preference.

The various roles in the TOD process are defined in detail below and represented in **Exhibit 3-1**.

Exhibit 3-1: Roles in the TOD Process



3.1.1 RTD

Roles for RTD in the TOD process include:

- Land Owner*

RTD owns transit stations, parking facilities, and structures that enable access to these facilities, as well as—in some cases—adjacent land on unused areas of its property. RTD’s primary responsibility is to ensure safe operations of and access to its transit facilities. RTD transit facility access and operations must adhere to local, state and federal standards, for all modes of users. While TOD principles generally enhance station access and safety, RTD will only encourage development outcomes that benefit its riders and promote efficient transit facility operations.
- Development Partner*

RTD may entertain development proposals for the joint use of its transit facilities or property with an incidental (non-transit) use, including use of air rights. In the case of property not currently used for transit purposes, RTD may entertain offers to become a development partner, enter lease agreements, or sell such property outright, as long as it does not limit RTD’s access and operations if such property would be needed for future transit purposes. As a development partner, RTD will coordinate the integration of incidental uses with existing or planned transit infrastructure, but will not have a role in the physical development of non-transit uses. In cases where there is an active transit facility, RTD is seeking to balance

an outcome which meets its transit requirements and results in the development of a livable community. RTD will consider joint development in situations where the resulting development adequately addresses the operations of and access to the transit facility, provides rider amenities and aids in achieving livability principles. In either case, all parties in joint development proposals on federally funded transit corridors would have to satisfy the FTA requirements governing such agreements. Additionally, constraints imposed by U.S. Treasury regulations related to tax-exempt financing will be considered prior to RTD commitment to any such development proposals. RTD will provide infrastructure that is directly related to the transit project but cannot build or pay for infrastructure for TOD unless it is a transit-related element of a joint development (e.g., shared parking facilities, shared infrastructure, signage/wayfinding). Under the environmental process for transit project development, RTD is responsible for mitigating impacts caused by the project but not for adjacent development impacts.

- *Planning Partner*
RTD will partner with local governments to develop station area plans that support TOD in areas where such development is deemed appropriate. RTD will provide support for station area planning by sharing information about its facilities and plans, facilitating collaboration among local governments along the same transit corridors, sharing national best practices and expertise, and providing matching funds in certain instances.
- *Property Seller or Lessee*
RTD has eminent domain powers authorized by the State of Colorado that are narrowly restricted to condemning property for only transit purposes. RTD is not authorized to use condemnation for any other purpose—such as economic development—even if it serves a public purpose. However, because of parcel size, configuration, access or common ownership issues, in some instances RTD will have excess or remnant property that is not needed for transit purposes that may be incorporated into a joint development through a sale or lease of the land.
- *Construction Facilitator*
RTD will provide coordination between a developer’s contractors and RTD’s construction contractor when transit and TOD improvements are either adjacent to each other or being jointly pursued.
- *TOD Coordination/Communication*
RTD shares information with local jurisdictions on developer inquiries and plans for areas around stations.

3.1.2 Local Government

Roles for the local government in the TOD process include:

- *Facilitate Community Process*
Since RTD facilities are located in communities that are part of local cities and counties, it is the role of local government to facilitate interaction with neighborhood-based stakeholders during the planning and development process. RTD, however, will provide any information it can to local governments to assist with community facilitation, and be a willing participant in the process.

- *Planning, Zoning, Permits*

Only local governments are authorized by the State of Colorado to adopt plans, enact zoning codes, implement financing tools, and issue development permits. RTD cannot plan or implement other land-use guidelines for the areas adjacent to its transit facilities. But as a pivotal stakeholder in station areas, RTD is committed to collaborating with local governments during the planning process to ensure that they adopt land-use guidelines that not only foster TOD, but also discourage development that is unfriendly or incompatible to transit.
- *Realize Tax Revenue and Community and Economic Development*

By providing mobility options that create opportunities for new living choices, public transit can enhance the overall quality of life in station areas. When supported by land-use policy, access to transit can improve community and economic development, and the enhanced land values that come with such improvements can provide fiscal benefits to local jurisdictions that support the provision of services.
- *Implementation Tools*

In addition to adopting plans and zoning to foster TOD, local governments have other implementation tools at their disposal. For example, local governments have the ability to build infrastructure that will support TOD, create urban design guidelines, and assemble land. Local governments also have the ability to manage parking in their rights of way, for which RTD will be a willing partner although it is unable to act in an enforcement capacity. In the case of areas that have been planned for redevelopment, local jurisdictions have the ability to assemble land for economic development and utilize public financing (including tax increment financing (TIF) and metro districts) to build public infrastructure and address project feasibility shortfalls. RTD will support requests by local jurisdictions for the ability to use implementation tools when appropriate.
- *TOD Coordination/Communication*

Local jurisdictions share information with RTD on developer inquiries and plans for areas around stations.
- *Land Owner*

Where local governments own land adjacent to or near stations and other RTD facilities, they may be able to leverage their interest in those properties to implement TOD, either through joint development with RTD or through conveyance to private developers.
- *Mixed Income Housing Policy and Enforcement*

Local governments are responsible for the establishment of policy, regulations, and enforcement related to affordable and/or workforce housing issues. At the same time, RTD is committed to strongly encouraging a diverse range of housing options, including affordable units, in close proximity to RTD transit service. With that goal in mind, RTD will work with local governments to understand the affordable housing needs of their communities, and will encourage TOD and/or joint development that address affordability goals of local communities and the region, working within all applicable legal limitations and parameters. A specific process to be used for joint development projects involving RTD is identified in the Appendix.

3.1.3 Developers

The role of real estate developers in this process is to work with the local government to draft and finalize a TOD site plan, obtain the necessary zoning and other approvals, secure financing for projects, complete any needed land assemblages, and manage construction and complete the final project. Ultimately developers need to be able to realize a certain level of profit on the development to maintain and grow their private business.

For joint development projects which include the use of RTD property, the developer will have a more direct relationship with RTD. Under these circumstances the developer will be responsible for:

- Integrating RTD facilities into the development – the developer will be required to work with RTD staff to determine the location of RTD facilities (transit parking, rail platforms, and bus layover facilities) and the phasing of the development so that it benefits transit riders, and promotes efficient transit facility operations.
- Infrastructure financing – the developer will provide the primary funding for infrastructure associated with the joint development. RTD will only contribute funds for the construction of RTD facilities or other infrastructure that supports RTD’s operations and enhances the quality of transit passenger experience. In addition, the developer will be responsible for pursuing the establishment of any urban renewal district or other financing district on RTD land for purposes of gaining access to public financing including TIF.
- Zoning/entitlement approvals for RTD land – prior to the conveyance of any RTD land for joint development, the developer will be required to get all necessary entitlements in place to initiate construction including zoning changes, general development plans or other entitlement mechanisms.

3.1.4 Regional Stakeholders and TOD Resources

Roles of additional participants in the TOD process include:

- *Metro Denver Economic Development Corporation (MDEDC)*
The Denver Metro Chamber of Commerce’s Metro Denver Economic Development Corporation affiliate is supporting implementation of TOD in the region with a funding initiative. RTD strongly encourages participation by the MDEDC in the TOD planning process for corridors and station areas. As a unified voice representing the regional business and economic development agenda, MDEDC can also play a valuable role in facilitating collaboration between local government planning efforts. In support of the MDEDC’s regional role, RTD also encourages the active participation of local and regional economic development councils at the corridor and station level.
- *Research institutes and professional organizations*
The Urban Land Institute (ULI) , the nation’s leading research institute for land use and real estate development, provides technical advice and best practices for implementing TOD. With a funded request by local partners, either the national ULI organization or its Colorado chapter will facilitate a TOD forum for a station area. RTD encourages local governments and other stakeholders to engage ULI

for its TOD expertise and will consider contributing to funding such efforts. The American Planning Association (APA) and American Institute of Architects (AIA), the professional organizations respectively for urban planners and architects—as well as their state chapters—can bring additional resources to help facilitate TOD. Other organizations that can help inform and facilitate TOD include but are not limited to: National Association of Home Builders, National Association of Industrial and Office Properties (NAIOP), Apartment Association, National Association of Realtors, and the International Council of Shopping Center (ICSC).

- *Denver Regional Council of Governments (DRCOG)*

As the Denver region’s officially designated MPO, DRCOG plays an important role in facilitating TOD. The region’s long-range plan calls for greater concentration of development around transit stations, which is consistent with TOD principles. DRCOG has provided funding support for station area planning to local jurisdictions through the authorization of federal Congestion Mitigation Air Quality (CMAQ) grants. DRCOG’s officially adopted TOD program calls for it to provide:

 - Research – identify national TOD success factors and failures; develop an inventory of best management practices; identify common issues all TOD initiatives will need to take into account.
 - Support – make technical assistance available; collect and distribute TOD planning documents and data; convene TOD workshops.
 - Information – develop a web site and newsletter for exchanging information and help local communities coordinate planning efforts; compile local station area plans; organize periodic meetings with other regional agencies involved in TOD planning.
- *Local community*

The local community participates in the TOD planning and zoning process by providing invaluable input about how to best integrate TOD into the surrounding community. The local community also benefits from the resulting amenities that come from TOD including expanded living, shopping and entertainment opportunities. Recognizing the potential for TOD to provide communities with needed economic opportunity, shopping, entertainment and/or services, and the importance of integrating TOD with surrounding neighborhoods, RTD supports the inclusion of residents and stakeholders throughout the planning and development of TOD/joint developments.
- *FTA & other federal agencies*

FTA participates in the TOD process when there are changes to improvements that are federally funded but not addressed in the project Record of Decision (ROD), or when a proposed development would impact an existing transit facility that was built using federal funds. FTA and other federal agencies such as HUD or EPA may provide funding opportunities to support TOD consistent with the principles for the Partnership for Sustainable Communities.
- *Colorado Department of Transportation (CDOT)*

CDOT participates in the TOD process when there are impacts to CDOT infrastructure.

3.2 Station Area Planning and Implementation

Federal guidelines dictate the procedure for transit project development. The procedure for TOD planning and implementation must be viewed within the context of this timeline so that key decisions can be made in concert with the federal requirements (see **Exhibit 3-2**). This coordination will prevent negative impacts to RTD’s project budget and schedule. In order for TOD to be implemented, station area plans need to be created and adopted, and TOD-supportive land-use regulations need to be enabled by the local jurisdiction. It is also important for local jurisdictions to develop a plan for phasing implementation that allows TOD to develop over time and limits non-transit supportive uses in the event that the market for TOD does not materialize quickly or the building of transit is several years away. TOD phasing should be coordinated with RTD transit facilities design to ensure that the transit design does not preclude TOD implementation.

Exhibit 3-2: TOD Relationship to Project Development Process

	PHASE 1	PHASE 2	PHASE 3
Project Development Process	<i>DEIS/EA (Including Alternatives Analysis & Basic Engineering)</i>	<i>PE/FEIS/ Environmental Decision Document</i>	<i>Final Design/ Construction</i>
TOD Process	<i>TOD Assessment</i> <i>Start Station Area Planning</i>	<i>Adopt Station Area Plans</i> <i>Corridor-wide TOD Workshops</i>	<i>Implementation</i> <ul style="list-style-type: none"> • <i>adopt new zoning</i> • <i>public/private partnerships</i> • <i>design/construction</i>

3.2.1 FTA Project Development Process

The FTA is the federal agency that oversees the planning, construction and operation of public transit in the US. FTA is the regulatory agency that oversees federal transit funding for capital projects and transit operations. FTA is also the lead agency for the National Environmental Policy Act (NEPA) process on those corridors which require federal capital funding. The New Starts program is FTA’s capital funding program for new and extensions of fixed-guideway rapid transit projects. New Starts is highly competitive and requires a rigorous application and screening process in order to qualify for federal funds.

The following describes the typical project development process under the New Starts program as a guide or reference for how TOD should be integrated into the project development process. Not all FasTracks corridors will be required to strictly follow the New Starts process because not all corridors will be applying for New Start funds, but the New Starts process provides the best model to determine how the TOD process relates to transit project development. However, this model in no way precludes the ability of developers from working with local jurisdictions to begin land-use planning around stations areas at an earlier time.

Phase 1–Alternatives Analysis (AA)/Basic Engineering (BE) and Draft Environmental Impact Statement (DEIS)/Environmental Assessment (EA)

An AA evaluates several modal and alignment options, in addition to a “no action” alternative, to address mobility needs in a given corridor. It is intended to provide local officials with information about benefits, costs, and potential impacts of alternative transportation investments so they can identify a locally preferred alternative. Funding sources for implementing each alternative are identified and studied, and information required for the FTA New Starts project evaluation criteria is developed. The AA will include development of a DEIS or an EA if federal action is involved (i.e., funding or permitting). An AA is completed when a locally preferred alternative is selected by local and regional decision-makers and adopted by the MPO in its financially constrained, long range transportation plan.

BE is established during the AA process and involves the development of a minimal level of engineering design to be able to screen alternatives and determine their environmental impacts. In most situations, BE is the level of design that is completed for a DEIS or EA.

Phase 2–Preliminary Engineering (PE) and Final Environmental Impact Statement (FEIS)/Environmental Decision Document

During the PE phase, the design of the project is refined to a level of detail necessary to complete the federal NEPA requirements. For New Starts, this usually includes the completion of a FEIS. PE allows for more precise estimates of project costs, benefits, and impacts in which there is a much higher degree of confidence than earlier in the project development process. PE also allows for a refined environmental impact analysis and firm commitment to mitigation measures. Project management plans and fleet management plans are finalized and local funding sources are committed to the project, if they have not already been committed. A comprehensive PE effort will also address the New Starts project evaluation criteria. Information on project justification and the degree of local financial commitment is updated and reported, as appropriate. As part of PE activities, local governments are encouraged to consider policies and actions designed to enhance the benefits of the project, as well as its financial feasibility.

Phase 3–Final Design & Construction

Final Design and construction is the last phase of project development. Final Design includes the preparation of final construction plans (including construction management plans), detailed specifications, construction cost estimates, and bid documents. It is expected that there be a high level of confidence in the project’s baseline cost estimate and the sponsor has identified any risks in maintaining the project cost and schedule, as well as appropriate mitigation measures. Final design activities may also include initiation of right-of-way acquisition, utility relocation, and design of mitigation measures.

Construction is initiated following the completion of final design. The construction procurement method—design-bid-build, design-build, or construction manager/general contractor—will determine the scope and relationship between the construction contractor, RTD staff, and any final design consultants. A Full Funding Grant Agreement (FFGA) from the FTA is expected to be signed at the end of this phase for projects requesting federal funds.

3.2.2 Relationship of the TOD process to FTA Project Development Process

In the instance of a major assembly of privately owned land around a station it may be appropriate for the local jurisdiction to move more quickly through the land-use planning process in collaboration with that private owner. In cases where there are multiple owners more public involvement may be appropriate.

Step 1–Assessment of TOD Potential (to be completed by the AA/DEIS)

As a part of the AA and in partnership with local jurisdictions, RTD will identify TOD potential at each proposed station area within a particular corridor. Demographics, market potential, existing land use, multi modal access, and other elements influencing development will be identified, as well as the status of station area planning and potential adjacent new development, which will yield a range of TOD opportunities at station areas. RTD will work with local governments, DRCOG and other stakeholders during this evaluation, which will culminate in the categorization and identification of TOD potential at various station areas evaluated during the AA/DEIS process.

Step 2–Station Area Planning (started during the AA/DEIS, completed by PE/FEIS)

Station area planning efforts are led by local governments. These plans should include a vision for the station area’s future identifying desired future land uses, opportunity areas for redevelopment, an infrastructure framework for development (i.e., streets, pedestrian/bike connections, and other infrastructure to support development), areas desired for preservation, challenges and constraints for achieving desired changes, a transportation demand management plan, and an evaluation of available and desired implementation tools. Station area plans should be created with the collaboration of community residents and other local stakeholders. These plans should identify what future actions are needed to accomplish TOD, such as zoning changes, and need to be formally adopted by the local jurisdiction.

Step 3–Corridor-wide TOD Workshops (undertaken during the AA/DEIS or FEIS)

RTD will convene an intensive TOD workshop with all the local jurisdictions and other major stakeholders for each corridor. The workshop will seek to maximize both transit operations and TOD—transit designed with development in mind—by approaching the station from the perspective of how it fits in with the broader community and can act as a catalyst to achieve community goals.

The TOD workshop is integrally related to station area planning conducted by local jurisdictions. It can occur during or following station planning efforts by the local jurisdictions. The corridor-wide TOD workshop process ultimately is a tool to formalize how the transit design can better integrate TOD. The level of effort required for the workshop process will vary based on the level of station planning completed at the time the workshop process is initiated.

The workshops address such topics as station function, pedestrian access, parking location, and community partnerships. By working with the stakeholders in each corridor, the workshop imparts a corridor-wide perspective and leads to a corridor TOD action plan. This action plan should result in jurisdictions making changes to comprehensive and neighborhood plans and zoning codes, improving infrastructure, offering financial and regulatory incentives, and identifying private-sector partners to facilitate TOD. The level of effort identified in the action plan will be directly tied to the level of station planning completed by local jurisdictions.

Step 4 – Implementation (started during the FEIS or Final Design)

During implementation, the focus will be on implementing the recommendations from the station area planning process and the corridor-wide TOD workshop. Changes to the regulatory environment such as zoning, the development of public/private partnerships for development, supportive infrastructure improvements, as well as the design and construction of actual TOD will occur. This phase will last well after the construction of the transit line is complete and may involve revisiting the recommendations in the Steps 2 and 3 dependent upon the real estate market, the political climate and other issues impacting TOD implementation.

3.3 RTD Internal Review and Prioritization Process for TOD

This section establishes how RTD staff is organized to evaluate and prioritize TOD projects. The review and prioritization process is important because it establishes how RTD will address TOD internally as a transit agency whose primary mission is to operate a transit system. This context needs to be understood in order to efficiently allocate staff and financial resources within RTD to address TOD.

3.3.1 Staff involved and roles in process

Exhibit 3-3 highlights the different functional groups within RTD and their role in the TOD process.

Exhibit 3-3: RTD Functional Groups’ Role in TOD Process

Discipline	Role in Joint Development Process
Transit Oriented Development	<ul style="list-style-type: none"> • Primary point of contact • Coordinates internal review and evaluation and screens proposals for fatal flaws and missing components • Determines ridership impacts based on changes to land use and density
Property Management	<ul style="list-style-type: none"> • Screens proposals for fatal flaw and missing components • Identifies and defines type of land transaction and access requirements • Determines price for any land transactions or access requirements
Facilities Maintenance	<ul style="list-style-type: none"> • Agreement on proposed landscaping and hardscaping designs; mechanical and electrical parameters • Agreement on maintenance costs and responsibilities
Rail Operations	<ul style="list-style-type: none"> • Agreement on solutions for any rail facility impacts
Bus Operations	<ul style="list-style-type: none"> • Agreement on solutions for any bus transfer facility impacts
Service Development	<ul style="list-style-type: none"> • Agreement on site layout for pedestrian, auto, rail, bus and bicycle connections • Agreement on any temporary accommodations needed for construction
Systems Planning	<ul style="list-style-type: none"> • Agreement on ridership impacts • Agreement on quantity of bicycle and auto parking • Determines need for separate bike/ped connections (e.g., paths, bridges, underpasses)

Discipline	Role in Joint Development Process
Civil Engineering/ Urban Design	<ul style="list-style-type: none"> • Agreement on site layout for location of transit facilities and access • Agreement on urban design elements including landscaping, lighting and style and manufacture of site furnishings style • Agreement on improvement costs & responsibilities • Agreement on life cycle costs and maintenance needs • Define separate utility needs for RTD owned and operated facilities (e.g., driver relief stations, irrigation, electrical, etc.)
Finance	<ul style="list-style-type: none"> • Identify and address potential implications related to tax-exempt financing, voter-approved debt authorization, overall FasTracks financial plan and state TABOR constraints
Legal	<ul style="list-style-type: none"> • Finalize legal documents to consummate deal
Safety/ Security	<ul style="list-style-type: none"> • Agreement on any safety/security issue in accordance with RTD design criteria and supporting documentation.

3.3.1.1 Transit Access Committee

The Transit Access Committee is one of several standing internal management committees for FasTracks. This committee provides multi-disciplinary review and direction on the resolution of transit access issues related to park-n-Rides and stations within RTD’s existing and planned system (See **Exhibit 3-3** for a breakdown of the disciplines and their roles in the joint development review process). Specific topics addressed by the committee include the integration of TOD; planning, design and operation of bus, bicycle and pedestrian facilities; planning, design and operation of transit parking facilities; and incorporation of sustainability and urban design features impacting transit access. The committee addresses transit access issues in three areas:

- *Project specific* – resolving issues that arise during the planning, design, construction and operation of specific stations or park-n-Ride facilities.
- *RTD policy* – providing recommendations for new policies or modifications to existing policies for adoption by the RTD Board of Directors.
- *RTD design guidelines* – developing modifications to existing design guidelines impacting transit access or developing new design guidelines for transit access.

Exhibit 3-4: Boulder Transit Village



Boulder Transit Village is joint development project between RTD and the City of Boulder. RTD and Boulder jointly purchased an 11 acre site at 30th and Pearl Street to develop a regional bus facility integrated with a transit oriented development. RTD will be building out the bus facility in the first phase of development and the City of Boulder will be responsible for pursuing the TOD in phase 2. The graphic shown represents the preferred alternative design for the bus facility with a potential development scheme shown in the background.

3.3.1.2 Role of RTD Board

The RTD Board will provide guidance to RTD staff through the establishment of policies and procedures for the planning and implementation of TOD. The Board will have approval authority over TOD and joint development projects which involve any land transactions or the expenditure of RTD funds. The Board will be updated on TOD plans and projects on a regular basis through presentations and reports by staff.

3.3.2 RTD Prioritization Process for TOD

RTD will strive to work with local jurisdictions, developers and other interests on all aspects of TOD. However, if RTD needs to prioritize how limited resources will be used to support TOD, particularly regarding TOD implementation and joint development, several factors will be considered:

- **Project is within an existing or funded corridor or at a major bus park-n-Ride facility:** Project is within a transit corridor that either exists or funding has been committed and a defined schedule for completion has been established. Projects will also be considered if they are served by a major bus park-n-ride facility. This criterion addresses the timing and certainty of the transit investment.
- **Ability for RTD to participate in TOD implementation through the use of property it owns:** RTD has an opportunity to participate in TOD by allowing its land to be utilized in a joint development.
- **Plan/vision for TOD is in place:** Local jurisdiction has an approved or adopted station area plan in place that clearly defines its vision and intent for development in the station area.
- **Commitment by local jurisdiction towards TOD implementation:** Local jurisdictions show a demonstrated commitment to TOD beyond planning through enacting TOD supportive zoning, funding capital improvements that support development in the station area, and having supportive staff and political leadership to implement TOD.

- **Commitment by developer/property owner:** Developers/property owners have a demonstrated commitment to implementing TOD through an advanced design and development proposal, investment of private funds and/or committed financing, and control of adjacent land.
- **Market potential of station area:** Priority will be given to TOD projects that are planned within a favorable market environment. The existence of a comparable and successful development within the same relative geographical area of the proposed TOD and the presence of a significant daytime/nighttime population will be considered. The proposed TOD should also have adequate visibility, accessibility, and allow for a developer to assemble parcels and bring a project to the market (fragmented parcel ownership throughout the proposed TOD project site could negatively impact development).

3.4 Joint Development

Joint development is defined as a development project that occurs in, on or adjoining an RTD transit facility (e.g., a rail or bus station, maintenance facility, other transit system infrastructure, or administrative office) that involves another public and/or private partner. Joint development may involve air rights development, ground lease arrangements, the outright sale of land or “other initiatives that may promote real estate development at or near transit stations to the mutual benefit of public and private interests.” Joint development is a subset of TOD under which RTD partners with a developer for land use, infrastructure improvements, and shared facilities in addition to coordinating development with any adjacent property owners. The purpose of RTD engaging in joint development is to increase ridership, provide an opportunity for enhanced transit infrastructure, and support the development of livable communities. When proposed for facilities in which the FTA has an interest (i.e., federal funding is involved with the transit facility construction), joint development must conform to federal guidelines. Additionally, consideration will be given to potential constraints imposed by applicable U.S. Treasury regulations related to tax-exempt financing. RTD will ensure that labor practices on joint development projects are consistent with its adopted responsible contracting policy.

Joint development can be approached from several different regulatory and funding perspectives depending on the development scenario, its timing relative to the development of the transit project, and the presence of federal funding. For example, a joint development project might be included as a facility in part of the overall corridor transit project prior to its opening for revenue service. In this scenario, the community and transit impacts of the joint development proposal are evaluated as part of the NEPA process. In cases where the NEPA process has been completed, consultation with FTA will be required to determine if any additional documentation and/or analysis is needed. A different joint development scenario could involve a proposal to improve or alter an existing facility after the completion of the transit project. Under this scenario, federal funds could be applied for use in the joint development project if it meets the requirements listed in the next section—although RTD’s priority for the use of federal funds is for the development of transit. If a private or public entity proposed improving or altering a transit facility after it was completed with federal funding but did not seek additional subsidy for the project it would still need to meet the FTA requirements discussed below. In cases where joint development is proposed for a facility where there is no federal interest, the project can be treated as a typical transportation project enhancement,

but FTA should be informed and consulted. RTD's interest in joint development is to enhance the quality of its transit facilities, to increase transit ridership, and support the development of livable communities.

3.4.1 Joint Development Guidelines and Criteria

Joint development proposals need to conform to FTA guidelines in cases where they involve facilities built with federal funding and Internal Revenue Service (IRS) guidelines in the event tax-exempt financing is applied to the associated RTD asset. This means that RTD must receive a "fair share of revenue" from the improvements (to be used for public transportation), and the joint development partner must pay a "reasonable share of the costs" of the facility, as negotiated with RTD. FTA relies on the transit agency to determine the appropriate use and disposition of real property used in joint development improvements, and its Board of Directors to certify compliance with federal regulations. Joint development for federally funded facilities also requires that there is unimpeded access between the development and the transit facility. For more information, consult FTA's Joint Development Guidance.

Every development opportunity site has unique qualities that ultimately determine a range of feasible build-out scenarios. Being located at or near a transit station does not inherently make a development transit-oriented. TOD has to have a relationship to the transit facility, which is usually achieved by a pedestrian design orientation and a land-use program supportive of transit ridership. What makes TOD distinct are the following characteristics:

- It is denser than existing development patterns in the area
- It contains a mix of uses
- It has a compact and attractive urban design
- It promotes multimodal access so individuals need not rely on single occupant vehicles and allows easy pedestrian access to transit facilities
- It supports a diversity of housing choices, including choices for low and moderate income individuals as identified by local municipalities
- It incorporates sustainable development strategies such as renewable energy, sustainable building materials, stormwater management, and comprehensive parking management.

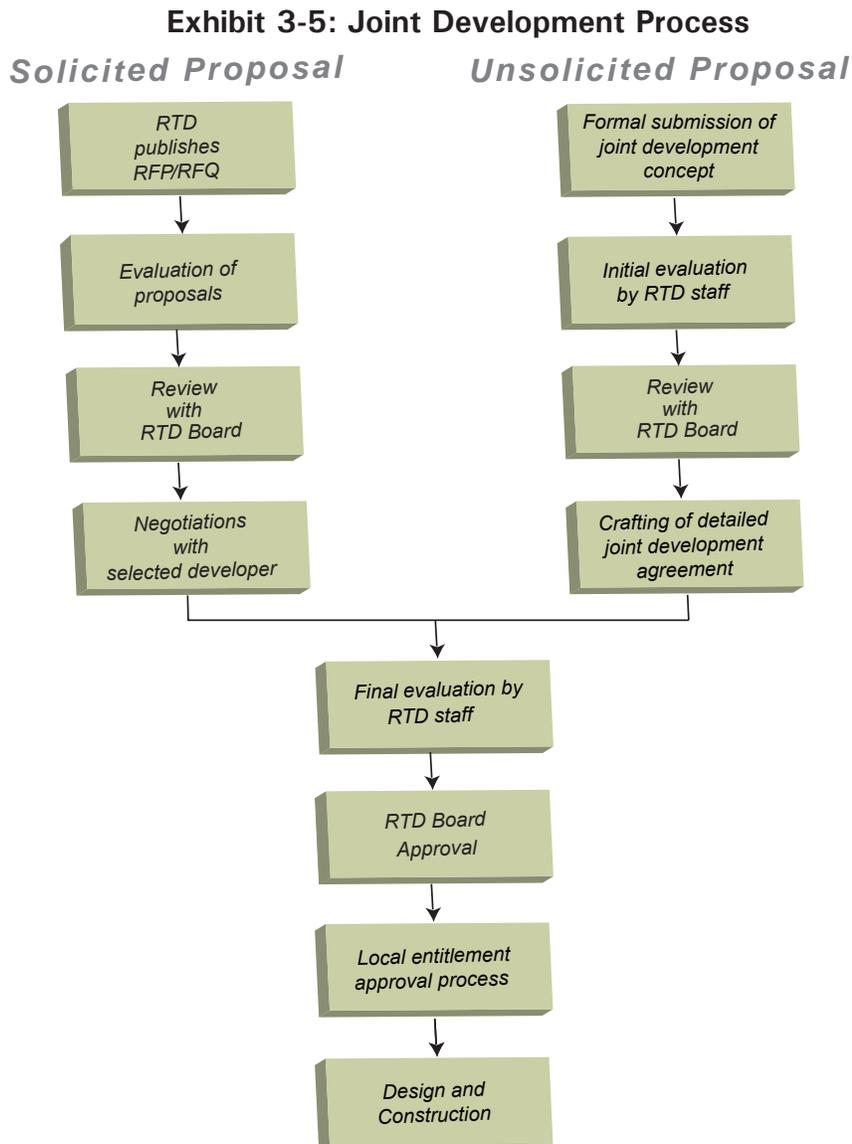
When evaluating joint development projects, RTD will consider both the function and the relationship of transit stations to the surrounding community. In general, proposals should contain the TOD characteristics stated above. Specific topics that should be addressed by both solicited and unsolicited proposals should include how the project:

- Functionally connects to the transit facility
- Increases transit ridership
- Enhances the quality of the rider experience
- Creates a sense of place
- Functionally connects to the adjacent community
- Respects or advances the vision of the adjacent community

- Provides the opportunity for improved transit infrastructure for RTD
- Defines a financial framework for any real estate transaction(s) and/or infrastructure improvements
- Conforms with federal livability principles and locally adopted and expressed plans

3.4.2 Joint Development Proposal Process

Joint developments may be approached either through a solicited proposal process that is initiated by RTD through a Request for Qualifications (RFQ)/Request for Proposal (RFP) or an unsolicited process that is initiated by a private developer or another public entity. Both solicited and unsolicited joint development proposals need to be closely coordinated with local jurisdictions. The overall steps in the process are discussed in detail below and are shown in **Exhibit 3-5**.



3.4.2.1 Solicited Joint Development Proposal Process

Determine Affordability Goals (for Residential Development Only)

Before issuing an RFQ/RFP for property that is expected to include a residential component, RTD will work with the local jurisdiction to determine the affordability goals, if any, according to the process described in Appendix 5.0. These affordability goals will be included in the RFQ/RFP that is subsequently issued.

Publish RFP

The issuance of a RFQ/RFP for joint development will be initiated jointly by staff from the TOD group and the Real Property group from the RTD FasTracks team. The RTD Board of Directors will be briefed on the contents and the intent of the RFQ/RFP prior to issuance. The issuance of the RFQ/RFP will follow RTD's standard procurement process.

Generally, the RFQ/RFP will contain a schedule for the RFQ/RFP selection process including due dates for written proposals, oral interviews and final selection; requirements for the RFQ/RFP submittal; specific proposal evaluation criteria; and required forms and other materials to be submitted with the proposal.

Evaluation of Proposals

RFQ/RFP proposals will be evaluated by RTD staff in coordination with others outside of RTD including staff from the local jurisdiction. Proposals will be evaluated on specific criteria that are consistent with the general evaluation topics discussed in Section 3.4.1. The selection committee which evaluates the proposals will prepare a recommendation to the RTD Board. The recommendation will be reviewed by the Planning and Development Committee of the RTD Board.

Negotiations with Selected Developer

Once the selection of a preferred development proposal is complete, RTD staff will begin negotiations with the selected developer on the joint development. The negotiation process will involve extensive discussions on the structure of the joint development deal including, at a minimum, the following elements:

- preliminary design plans which provide a detailed site layout and identifies the relationship between RTD facilities and the development,
- formal assessment of transportation benefits including an analysis of the physical or functional relationship to the transit facility (i.e., distance to transit facility, access, trip generation impact),
- infrastructure financing responsibilities,
- market and financial assessment with sources and uses of funds including pro formas showing initial and projected cash flows,
- details of any proposed land transactions (leases or sales of property), maintenance responsibilities,
- agreement on a cash dollar amount to secure exclusive negotiation rights for TOD on any RTD property, and
- other issues pertinent to the joint development.

For existing or future RTD facilities that involve the use of federal funds, additional requirements may be necessary. Attached in the Appendix is the joint development checklist provided by FTA in their Joint Development Guidance issued on February 7, 2007.

RTD Board Approval

When the joint development agreement is finalized, RTD staff will develop a Board Report with the terms of agreement attached for Board approval. The report and terms will then be formally presented to the RTD Board for approval. Members of the proposer team will be asked to participate in the presentation to the Board. The Board may request changes to the terms.

Local Entitlement Approval (if necessary)

Zoning changes and other entitlement approvals that may be required may be completed either prior to, in conjunction with, or following negotiations with the selected developer. Not all situations may require zoning changes or other entitlement approvals by local jurisdictions. If required, the timing of the local entitlement process will be dependent upon the situation and the prior level of station area planning completed by the local jurisdiction. For situations where entitlements are required, all approvals must be completed prior to the conveyance of any RTD land to a public or private entity for joint development. In most cases the costs associated with the entitlement approval process will be the responsibility of the private developer or public entity that is partnering with RTD on the joint development.

Design and Construction

The final design and construction of the joint development will occur following Board approval of a joint development agreement and completion of any required entitlement changes within the local jurisdiction. In cases where the joint development project will occur on an existing RTD facility, construction phasing plans must be put in place to allow for the continued operation of the RTD facility with minimal disruption. This may include the temporary and/or permanent relocation of parking or bus operations.

3.4.2.2 Unsolicited Joint Development Proposal Process

In addition to RFPs, RTD is willing to entertain unsolicited joint development proposals. Since every development opportunity is unique, unsolicited proposals will be evaluated on a case-by-case basis. Consistent with RTD's TOD goals, any proposal must clearly state the benefit to and impact on the transit facility and system, and describe how the proposal supports the type of TOD described in Section 3.4.1. Proposals should also provide an evaluation of the trade-offs for RTD comparing what the agency would give versus what it would receive, as relevant over the short-, medium-, and long-term timeframes.

Any unsolicited joint development proposal should be consistent with the local government jurisdiction's neighborhood, comprehensive and/or station-area plan. Like any private property owner, RTD is subject to local land-use regulation on property beyond its transportation infrastructure. Joint development does not exempt a developer from the local government development review process. RTD will not entertain proposals that are clearly inconsistent with adopted or expressed local land-use plans.

Formal submission of joint development concept

RTD staff will not be able to respond to a public or private joint development proposal until a formal submission of a concept is submitted, although staff will be willing to answer questions posed by potential developers. The concept should be submitted by the proposer to RTD's TOD Manager with clear identification of a point of contact and members of the proposer's joint development team. Formal submission should consist of a preliminary proposal with a conceptual level of detail similar to what is customary in a preliminary sketch plan proposed to local jurisdictions.

The concept proposal should include the following elements:

- Land-use program – the proposed type and intensity of land uses.
- Affordability goals for projects with a residential component, if applicable.
- Transit interface – the identification of how the transit interface is proposed to work (i.e., will the RTD facility need to be reconfigured or redesigned and how will a redesigned facility work operationally for RTD).
- Nature of use of RTD property (e.g., sale or lease).
- Support of local government – the identification of the position of the local government. Identify proposal's consistency with local plans, need for entitlement changes, and level of support by the local jurisdiction.
- Plans for staging construction and phasing development (when necessary) – if there is going to be redesign of an existing RTD facility, identify what steps will be taken to minimize the disruption to RTD operations.
- Benefit to RTD – identify the benefit to RTD in terms of increased ridership, potential additional revenue, infrastructure improvements or advancement of livability principles that support local and regional community objectives.
- Control of property – the proposer's development team must demonstrate a controlling interest in the property sought for joint development adjacent to RTD property, either through fee simple ownership, a partnership title, option on the land, development easement, or other documentation.
- Financial Framework – generally identify proposed real estate transaction structure (sale, lease, etc.) and other financial elements of deal (payment for infrastructure or other relevant elements).

Evaluation of joint development concept by RTD staff

RTD's TOD and Real Property staff screen unsolicited joint development proposals for fatal flaws or missing components including consistency with the TOD characteristics described in Section 3.4.1 and with locally adopted or expressed plans. Proposals that are deemed ready are then passed on to the RTD Transit Access Committee to provide multi-disciplinary review of the conceptual design from an access perspective, which takes approximately two months to complete. Parallel to this process, the proposer should be engaged in discussion with RTD's Real Property staff on a financial framework and deal points for a legal agreement. If the Transit Access Committee reaches consensus on access issues, and there is agreement between the parties on a financial framework and deal points, the proposal is advanced for review by RTD's Senior Leadership Team. If approved by the Senior Leadership

Team, RTD staff will provide a recommendation to the Board of Directors regarding whether to move the proposal forward and draft and execute a joint development agreement based on the agreed upon financial framework and deal points. The RTD Board will then either authorize staff to execute an agreement or stop the proposal process.

Crafting of detailed joint development agreement

Upon formal authorization by the RTD Board, RTD staff will initiate detailed negotiations of a formal agreement between RTD and the proposal team. The formal agreement will cover, at a minimum, the following elements:

- preliminary design plans which provide a detailed site layout which identifies the relationship between RTD facilities and the development,
- formal assessment of transportation benefits including an analysis of the physical or functional relationship to the transit facility (i.e., distance to transit facility, access, trip generation impact),
- infrastructure financing responsibilities,
- market and financial assessment with sources and uses of funds including pro formas showing initial and projected cash flows,
- details of any proposed land transactions (leases or sales of property), maintenance responsibilities,
- agreement on a cash dollar amount to secure exclusive negotiation rights for TOD on any RTD property
- affordability goals, if applicable, and
- other issues pertinent to the joint development.

For existing or future RTD facilities that involve the use of federal funds, additional requirements may be necessary as identified by FTA. (See FTA's proposed joint development checklist in Appendix 5.1.)

RTD Board Approval

When the joint development agreement is finalized, RTD staff will develop a Board Report with the joint development agreement attached for Board approval. The report and agreement will then be formally presented to the RTD Board for approval. Members of the proposer team will be asked to participate in the presentation to the Board.

Local Entitlement Approval (if necessary)

Zoning changes and other entitlement approvals that may be required may be completed either prior to, in conjunction with, or following negotiations with the selected developer. Not all situations may require zoning changes or other entitlement approvals by local jurisdictions. If required, the timing of the local entitlement process will be dependent upon the situation and the prior level of station area planning completed by the local jurisdiction. For situations where entitlements are required, all approvals must be completed prior to the conveyance of any RTD land to a public or private entity for joint development. In most cases the costs associated with the entitlement approval process will be the responsibility of the private developer or public entity that is partnering with RTD on the joint development.

Design and Construction

The final design and construction of the joint development will occur following Board approval of a joint development agreement and completion of any required entitlement changes within the local jurisdiction. In cases where the joint development project will occur at an existing RTD facility, construction phasing plans must be put in place to allow for the continued operation of the RTD facility with minimal disruption. This may include the temporary and/or permanent relocation of parking or bus operations.

4.0 BENCHMARKING

RTD tracks all new and proposed development within a half-mile of its existing and future transit stations. RTD's TOD staff prepares an annual report on the status of TOD throughout the Denver metropolitan region, providing quantitative, spatial and trends analysis of development. This report is presented to the Board and made available to the public on RTD's FasTracks website at www.rtd-fastracks.com/TOD. In partnership with RTD, DRCOG has developed a TOD Project Viewer, an interactive web-based mapping tool to allow the public to view all the information in RTD's TOD database. Updates to this database are provided to DRCOG on a quarterly basis. More information is available on DRCOG's TOD webpage at tod.drcog.org.

RTD's Quality of Life (QoL) Study identifies, tracks and measures how the Denver region changes as RTD's transit corridors are planned, constructed and opened for service. The study, which will continue for at least two years after the entire FasTracks Program is opened for service, is focused on areas that are most affected by transit improvements, including mobility, environment, economic activity, and development and land use, collecting data at the regional, corridor, and station-area levels. The QoL Study will measure more than 70 impacts including a broad array of indicators. In addition to including information on new residential and commercial development from the TOD database, the QoL Study also includes other TOD-related measures such as job creation, commercial lease rates, and median apartment rents at station areas. The QoL 2006 Baseline Report is available for download from RTD's FasTracks website at www.rtd-fastracks.com/main_54.

Exhibit 4-1: Denver Union Station



Denver Union Station is the proposed location for a Downtown Multimodal Center, a centrally located intermodal hub for the region providing access to nearly every rapid transit corridor included in FasTracks as well as Regional, Express and Local bus service, the 16th Street Mall, Amtrak, the Ski Train, Greyhound, and the new Downtown Circulator. Located on a 19.5-acre parcel in the Central Platte Valley—which is undergoing massive redevelopment—Denver Union Station also provides an opportunity to create a dense, mixed-use TOD adjacent to the transit facility.

5.0 APPENDIX

5.1 Process to Evaluate Mixed Income Housing Opportunities for Joint Development

The following steps will be followed where the sale or lease of RTD land is being anticipated for residential uses. For the purposes of this process, affordable housing will be defined by local government with jurisdiction over any proposed development and may include rental or for-sale housing that is deed-restricted to maintain long-term affordability for a range of households based on percentages of the Denver Metro Area Median Income as defined by the US Department of Housing and Urban Development and adjusted annually.

Process:

1. Prior to issuance of a RFP or entering into negotiations for a land transaction involving potential residential uses, RTD and the local governmental entity will collaborate to evaluate the subject parcel for a potential affordability goal.
2. In cooperation between RTD and the staff/designees of the local governmental entity where the parcel is located, the following steps shall be taken to evaluate the parcel for an affordability goal:
 - The parties shall consult any existing plans for affordable housing the community may have adopted as well as census or other available data demonstrating housing needs in the local jurisdiction. The affordable housing goals that are set shall conform to the local governmental entities' adopted plans, zoning or regulations governing the parcel. Also taken into consideration during the evaluation process would be the potential for the proposed project to receive any necessary financing.
 - Any affordable housing goal established will identify the level of affordability desired, as well as the number or percentage of units to be provided. In addition, other desired criteria will be considered, including but not limited to particular populations to be served such as seniors, families, etc.
 - Based on the demonstrated need and the potential for increased RTD ridership produced by units housing workers earning between 0 to 50% of the AMI, efforts would be made to match the housing type with the targeted households and potentially seek subsidies to facilitate transactions. However, as defined above, a full range of mixed-income housing types and costs may be considered for any particular goal for a subject property within a given local governmental jurisdiction.
 - Any affordable housing goal established by the various parties to the transaction could vary from goals established on other parcels based on the nature of the specific property. Examples include but are not limited to: For larger parcels that may accommodate several phases of development, goals might seek to achieve mixed housing types serving a variety of income levels. For smaller parcels, a goal might seek to achieve a stand-alone affordable housing outcome for the subject property. If it is determined that affordable housing is not

feasible or contradicts a local governmental entities' adopted plans, zoning or regulations, no goal for affordable housing would be established.

3. RFQs/RFPs will include any affordable and/or mixed-income housing goals established for the property in accordance with the above process, or such goals will be communicated to the developer in writing in the case of an unsolicited proposal. Evaluation of RFQs/RFPs will utilize a preexisting scoring systems prepared by RTD, and, as to those projects that have a goal, will include additional points for projects in alignment with the affordability goal and demonstrated ability to execute.
 - Consideration will be given to proposers experienced with affordable housing projects when specific mixed-income housing goals are established.
 - Proposals will be evaluated with practical feasibility in mind and also with a specific emphasis on the assumptions for the project completion timeline and for the projections for affordable housing resource allocations that can be met.
4. Once a joint development proposal has been selected, the accepted proposal shall be embodied in documents associated with the real estate transaction and contingent upon securing any financing necessary for production of the affordable units if a mixed-income housing component has been included.

5.2 FTA Proposed Joint Development Checklist

Exhibit 5-1: FTA Proposed Joint Development Checklist

Joint Development Checklist

I. PROJECT DESCRIPTION		
Project Sponsor:	Date Submitted:	FTA Project Number (if known):
Project Title:		
Project Location (Include City and Street Address):		
Name of Project Contact:	Phone:	E-mail Address (if available):
Type of Project: <input type="checkbox"/> Commercial development <input type="checkbox"/> Residential development <input type="checkbox"/> Pedestrian or bicycle access to public transportation facility <input type="checkbox"/> Construction, renovation, or improvement of intercity bus or intercity rail station or terminal <input type="checkbox"/> Renovation or improvement of historic transportation facility <input type="checkbox"/> Other		
Description of Project:		

II. MATERIALS SUBMITTED
<input type="checkbox"/> Joint Development Checklist
<input type="checkbox"/> Joint Development Agreement
<input type="checkbox"/> Certification of Compliance <u>or</u>
<input type="checkbox"/> Alternative Certification (with written explanation)

III. APPLICATION OF STATUTORY CRITERIA	
Requirement	Description
Economic Link (check (1) or (2)): <input type="checkbox"/> (1) Enhances economic development <u>or</u> <input type="checkbox"/> (2) Incorporates private investment	
Public Transportation Benefit (check (3) & (4), or (5)): <input type="checkbox"/> (3) Enhances the effectiveness of a public transportation project <u>and</u> <input type="checkbox"/> (4) Relates physically or functionally <u>or</u> <input type="checkbox"/> (5) Establishes New or Enhanced Coordination Between Public Transportation and other Transportation	
Revenue for Public Transportation (check (6)): <input type="checkbox"/> (6) Provides a Fair Share of Revenue for Public Transportation that will Be Used for Public Transportation	
Reasonable Share of Costs (check (7) if applicable): <input type="checkbox"/> (7) Occupants to pay a reasonable share of the costs of the facility through rental payments and other means	

5.3 List of Abbreviations

AA	Alternatives Analysis
AIA	American Institute of Architects
APA	American Planning Association
BE	Basic Engineering
BRT	Bus Rapid Transit
CDOT	Colorado Department of Transportation
CMAQ	Congestion Mitigation Air Quality
DRCOG	Denver Regional Council of Governments
EA	Environmental Assessment
EPA	Environmental Protection Agency
DEIS	Draft Environmental Impact Statement
DOT	Department of Transportation
FEIS	Final Environmental Impact Statement
FFGA	Full Funding Grant Agreement
FTA	Federal Transit Administration
HUD	Department of Housing and Urban Development
ICSC	International Council of Shopping Centers
IRS	Internal Revenue Service
MPO	Metropolitan Planning Organization
MDEDC	Metro Denver Economic Development Corporation
NAIOP	National Association of Industrial and Office Properties
NEPA	National Environmental Policy Act
PE	Preliminary Engineering
QoL	Quality of Life
ROD	Record of Decision
RFP	Request for Proposals
RFQ	Request for Qualifications
RTD	Regional Transportation District
TIF	Tax Increment Financing
TOD	Transit Oriented Development
ULI	Urban Land Institute