

APPENDIX J

SAMPLE OF SHARED PARKING AGREEMENT

Agreement No. 1Date of Agreement: 8/1/19

SHARED PARKING AGREEMENT

In conjunction with the development of LOTS A & B located at 6801 ACADEMY PARKWAY N. (the "Property") for which the legal description is attached as *Exhibit A*, the City of Albuquerque has allowed, and JDD FAMILY LIMITED PARTNERSHIP ("Owner") has elected, to reduce off-street parking requirements based upon Section 14-16-3-1-D-6 of the Zoning Ordinance of the City of Albuquerque and currently known proposed tenant uses. The approved site plan, as shown on *Exhibit B*, includes parking and the reduced parking calculations, as shown on *Exhibit C* attached hereto. Under this site plan and using the proposed tenant uses, 2 spaces are required and 6 spaces are provided.

The Owner, and its successors and assigns, agrees that it will not change the tenant uses at the Property in a manner that increases the number of required parking spaces unless additional spaces are provided. In the event that there are changes to the tenant uses, which would increase the number of required parking spaces at the Property, the parking calculations shall be updated by the Owner to reflect such change and presented to the City.

Furthermore, the Owner agrees that the Property shall operate an open/shared parking arrangement, whereby, the Owner shall not segregate property access/parking rights or significantly impair access to parking on the Property by users of any portion of the Property.

The foregoing shall not, however, impair the right of the Owner or its successors to declare exclusive parking areas for such items as employee parking, handicap spaces, loading, designated timed areas such as "15 minute" temporary parking areas, or any other areas set forth on any site plan of the Property approved by the City, or to take commercially reasonable actions to prevent parking in areas which are not designated parking spaces on the site plan.

No sale or transfer of all or any portion of the Property shall be deemed to void or violate this Agreement. The terms of this Agreement shall bind the Owners, successors, and assigns. This Agreement can be

amended by the mutual consent of the Owner and the City of Albuquerque. THIS AGREEMENT SHALL BE RECORDED WITH THE BERNALILLO COUNTY CLERK'S OFFICE PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PROPERTY.

PARKING AGREEMENT

IN WITNESS WHEREOF, the parties have executed this Agreement on the date noted below.

J. Dee Deming
Owner (applicant)

8/4/19
Date

J. Dee Deming
Owner (off-site parking area)

8/4/19
Date

City of Albuquerque,
Planning Director

Date

Approved as to Form – City Attorney

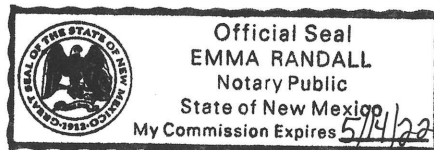
Date

STATE OF NEW MEXICO)
) ss.
County of Bernalillo)

The foregoing instrument was acknowledged before me this 7th day of August, 2019 by Emma Randall, on behalf of the Owner.

My Commission Expires

5/14/2022



Emma Randall
Notary Public

STATE OF NEW MEXICO)
) ss
County of Bernalillo)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____ of the City of Albuquerque on behalf of the City.

My Commission Expires:

Notary Public

PARKING AGREEMENT

EXHIBIT A

Legal Description:

PARKING AGREEMENT

EXHIBIT B

SITE PLAN:

SHARED PARKING CALCULATIONS

EXHIBIT C

The Planning Director or designee may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing on-site parking subject to the following:

The respective hours of operation of the uses do not overlap, as demonstrated by the application of table a below. If one or all of the land uses proposing to use joint parking facilities do not conform to one of the general land use classifications in table a, the applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses. Such data may include information from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), or by a professionally prepared parking study.

Table A. Schedule of Shared Parking Calculations

General Land Use Classification	Weekdays			Weekends		
	midnight to 7 a.m.	7 a.m. to 6 p.m.	6 p.m. to mid.	midnight to 7 a.m.	7 a.m. to 6 p.m.	6 p.m. to mid.
Office and Industrial	5%	100%	5%	0%	60%	10%
Retail	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel	100%	65%	90%	100%	65%	80%
Cinema/theater	0%	70%	100%	5%	70%	100%

How to use the schedule of shared parking.

1. Calculate the number of spaces required for each use.
2. Applying the applicable general land use category to each proposed use, use the percentages to calculate the number of spaces required for each time period (six time periods per use).
3. Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period.
4. Select the time period with the highest total parking requirement and use that total as your shared parking requirement.