



TO: Mayor and Members of City Council  
FROM: Jordan Matthews, City Clerk's Office  
DATE: July 19, 2016  
SUBJECT: Information Packet\*

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**1. CALL UPS**

- A. Vacation of a 10-foot wide public utility easement through the middle of the property located at 1590 Violet Ave (ADR2016-00098).

**2. BOARDS & COMMISSIONS**

- A. Environmental Advisory Board – June 1, 2016

**3. DECLARATIONS**

- A. Shelia Horton Day – July 19, 2016

\*Information Items have been removed as of 7/19/2016 and will be provided under separate cover from the City Manager.



**INFORMATION PACKET  
MEMORANDUM**

To: Members of City Council

From: Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Planning, Housing & Sustainability  
Susan Richstone, Deputy Director of Planning, Housing & Sustainability  
Charles Ferro, Development Review Manager  
Caeli Hill, Associate Planner

Date: July 19, 2016

**Subject: Call-Up Item:** Vacation of a 10-foot wide public utility easement through the middle of the property located at 1590 Violet Ave. (ADR2016-00098).

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**EXECUTIVE SUMMARY:**

In order to develop the property consistent with the zoning, the applicant requests vacation of a 10-foot wide public utility easement located at 1590 Violet Ave (refer to **Attachment D** for exact location). The easement was dedicated on the plat of Moore's Subdivision in the records of the Boulder County Clerk and Recorder at Plat Book 5, Pages 92-94 on May 18, 1954. This easement has never been used, and there are no utilities located within it. There are no indications that it will be needed in the future creating no further public need for the easement. The proposed vacation was approved by staff on June 20, 2016. There is one scheduled City Council meeting within the 30-day call-up period on July 19, 2016.

**CODE REQUIREMENTS:**

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 10-foot wide utility easement. The date of staff approval of the easement vacation was June 20, 2016 (refer to **Attachment E**, *Notice of Disposition*). This vacation does not require approval through ordinance based on the following criteria:

- It has never been open to the public; and
- It has never carried regular vehicular or pedestrian traffic.

The vacation will be effective 30 days later on July 20, 2016 unless the approval is called up by City Council.

**FISCAL IMPACTS:**

None identified.

**COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:**

Economic: None identified.

Environmental: None identified.

Social: None identified.

**BACKGROUND:**

The subject property is approximately 45,851 square feet in area located in the North Boulder subarea (refer to Attachment A, *Vicinity Map*). The site is located in a Residential-Estate (RE) zone district. The owner is requesting the easement vacation so that the property can be subdivided and developed consistent with the zoning. This easement inhibits the subdivision of the property in a way that is consistent with the regulations of 9-12-12, "Subdivision," B.R.C. 1981 and the surrounding neighborhood. The easement was originally established on the plat of Moore's Subdivision and recorded in the records of the Boulder County Clerk and Recorder at Plat Book 5, Pages 92-94 on May 18, 1954. There have never been any utilities located in this easement and there are no plans to locate utilities in this easement in the future. Additionally, approval of the easement vacation has been received from electric/gas, telephone and cable company representatives. There is no further public need for this easement.

Given that there is no public need for the easement for which it was intended, failure to vacate the requested easement would cause hardship to the property owner by limiting the development potential of the property.

**ANALYSIS:**

Staff finds the proposed vacation of a utility easement consistent with the standards set forth in subsection (b) of section 8-6-10, "*Vacation of Public Easements*", B.R.C. 1981. Specifically, staff has determined that no public need exists for the easement to be vacated because new easements will be dedicated to replace the function of the current easement.

No vacation of a public easement shall be approved unless the approving agency finds that:

- 1. Change is not contrary to the public interest.
- 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.
- 3. Consistent with the Comprehensive Plan and Land Use Regulations.
- a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or

*The subject property is designated Low Density Residential which allows for two to six units per acre. It is intended that, after the vacation of the easement, the property will be subdivided which is consistent with the land use designation. If the easement remains in place, development of the property will be hindered which would a hardship on the property owner.*

N/A b. Would provide a greater public benefit than retaining the property in its present status.

**PUBLIC COMMENT AND PROCESS:**

Notice of the vacation will be advertised in the Daily Camera within the 30-day call up period. Staff has received no written or verbal comments adverse to the vacation.

**NEXT STEPS:**

If the requested vacation is not called up by City Council then the Deed of Vacation (**Attachment C**) will be recorded. If the requested vacation is called up, and subsequently denied, the applicant will be limited to development on the property outside of the easement area.

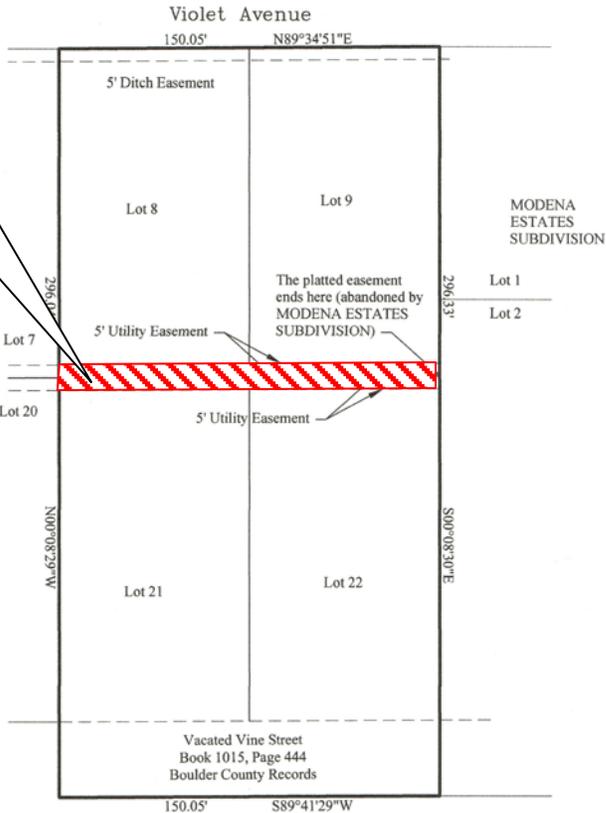
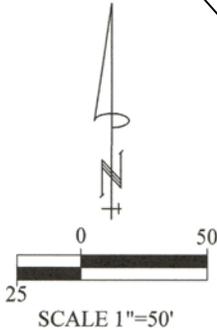
**ATTACHMENTS:**

Attachment A: Vicinity Map  
Attachment B: Site Plan  
Attachment C: Deed of Vacation  
Attachment D: Exhibit A  
Attachment E: Notice of Disposition



# EXHIBIT A

**Subject Easement**



An easement vacation over and across Lots 8-9 & 21-22, Block 3, MOORE'S SUBDIVISION, City of Boulder, County of Boulder, State of Colorado, according to the Plat recorded in Plat Book 5 Pages 92-94, more particularly described as follows:

The Southerly 5 feet of lots 8-9 and the Northerly 5 feet of lots 21-22, Block 3, MOORE'S SUBDIVISION, City of Boulder, County of Boulder, State of Colorado, according to the Plat recorded in Plat Book 5 Pages 92-94, Boulder County records.

I Paul R. Bacus a licensed Professional Land Surveyor in the State of Colorado do hereby state that this easement vacation exhibit was prepared by me. The easements as shown on this document are from the recorded plat of MOORE'S SUBDIVISION, the subject of this abandonment. It is not a Land Survey Plat, Improvement Survey Plat or an Improvement Location Certificate. There is no warranty or guarantee, expressed or implied.



NOTICE: According to Colorado law, you MUST commence any legal action based on any defect in this survey within THREE years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than TEN years from the date of the certification shown hereon.

**Bacus Land Surveying**  
 808 Bass Circle  
 Lafayette, CO 80026  
 Phone : (720) 890-0182



DATE:	5/9/2016
SCALE:	1' = 50'
DRAWN BY:	PRB
REVISION	
JOB NO.	14009
SHEET	1 OF 1

For Administrative Purposes Only  
Address: 1590 Violet Avenue  
Case No. : ADR2016-00098

**DEED OF VACATION**

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in a manner prescribed by Subsection 8-6-10(b), B.R.C. 1981, a ten-foot wide utility easement previously dedicated to the City of Boulder on the final plat of Moore's Subdivision and recorded in the records of the Boulder County Clerk and Recorder at Plat Book 5, Pages 92-94 - Original A1 Pages 225-227 on the 18th day of May, 1954 located at 1590 Violet Avenue and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above easement vacation and release of said easement at 1590 Violet Avenue shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By: \_\_\_\_\_  
Jane S. Brautigam, City Manager

Attest:

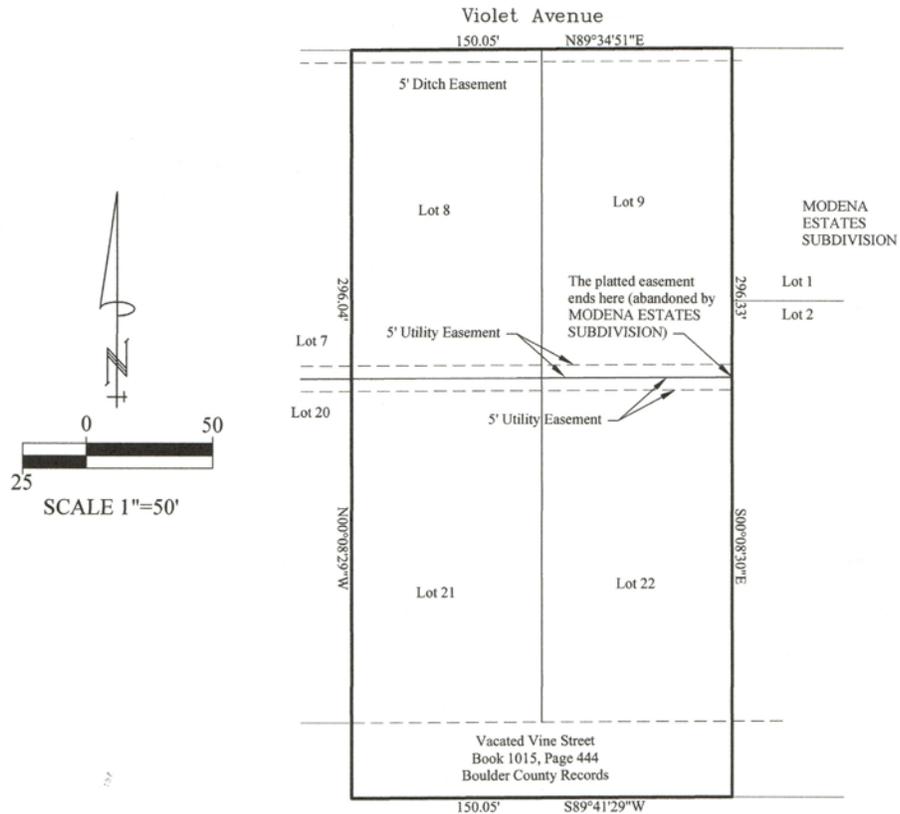
\_\_\_\_\_  
City Clerk

Approved as to form:

Hella Pannucci  
\_\_\_\_\_  
City Attorney's Office

6-7-2016  
\_\_\_\_\_  
Date

# EXHIBIT A



An easement vacation over and across Lots 8-9 & 21-22, Block 3, MOORE'S SUBDIVISION, City of Boulder, County of Boulder, State of Colorado, according to the Plat recorded in Plat Book 5 Pages 92-94, more particularly described as follows:

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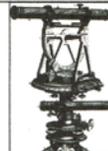
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808 Bass Circle  
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DATE:	5/9/2016
SCALE:	1" = 50'
DRAWN BY:	PRB
REVISION	
JOB NO.	14009
SHEET	1 OF 1



**CITY OF BOULDER  
Planning and Development Services**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • email [plandevlop@bouldercolorado.gov](mailto:plandevlop@bouldercolorado.gov)  
[www.boulderplandevlop.net](http://www.boulderplandevlop.net)

**ADMINISTRATIVE REVIEW  
NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department:

<b>DECISION:</b>	Approved
<b>DATE:</b>	June 20, 2016
<b>REQUEST TYPE:</b>	Vacation/Easement
<b>ADDRESS:</b>	1590 Violet Avenue
<b>APPLICANT:</b>	Jon G. Rush
<b>CASE #:</b>	ADR2016-00098
<b>LEGAL DESCRIPTION:</b>	Lots 8 & 9 & 21 & 22 Block 3 Moores Subdivision, City of Boulder, County of Boulder, Colorado
<b>DESCRIPTION:</b>	ADMINSTRATIVE REIVEW for the vacation of a 10-foot wide public utility easement.

**FINAL DECISION STANDARDS**

Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of a ten-foot wide utility easement, previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the plat of "Moore's Subdivision" at Plat book 5, pages 92-94 on May 18, 1954.

**INFORMATIONAL COMMENTS**

Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

This decision is final and may not be appealed. A new request may be considered only as a new application.

By: Caeli Hill  
Caeli Hill, Planning Department

**CITY OF BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING SUMMARY**

**NAME OF BOARD/COMMISSION:** Environmental Advisory Board

**DATE OF MEETING:** June 1, 2016

**NAME/TELEPHONE OF PERSON PREPARING SUMMARY:** Sandy Briggs, 303-441-1931.

**NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:**

**Environmental Advisory Board Members Present:** Tim Hillman, Brad Queen, Karen Crofton and Christina Gosnell.

**Environmental Advisory Board Members Absent:** Morgan Lommele

**Staff Members Present:** Lesli Ellis, Kara Mertz, Brett KenCairn and Sandy Briggs

**MEETING SUMMARY:**

❖ **Boulder Valley Comprehensive Plan Update**

- A board member asked about the future of resilience staff at the city and how this might affect plan implementation.
- The board agreed that the energy efficiency references in the land use section are vague and will benefit from the planned restructuring to make them more congruent with the Climate Commitment.
- It was suggested to better incorporate energy efficiency modeling that not only utilizes land use snap shots, but scenarios tracking trends in resource consumption and related emissions.
- The board received clarification that the environmental metrics related to the proposed land use changes will be mostly additive, but will also be measured on a per capita basis when appropriate.
- The board was reminded that implications are not just local since Boulder's programs have regional impacts.
- There was interest in including more detail regarding the Citizens Science Data Collection Program, and how it fits in to the BVCP Update picture.

❖ **Universal Zero Waste Ordinance Update**

- The board received clarification about current city diversion rates by sector and type of material and why the ordinance requires haulers to bring all recyclables to the Boulder County Recycling Center.
- As it has traditionally been challenging for special event organizers to garner volunteers to staff zero waste stations per ordinance requirements, the board suggested offering more incentives and asking other organizations like the CU E Center or the Boy Scouts for help.
- The board suggested obtaining load tracking data and tying compliance to the hauler's billing processes to more formally encourage involvement and compliance.
- The board agreed hosting community forums may not be the best format for maximizing participation to gather community input regarding the effectiveness of UZWO implementation. Instead, they suggested using surveys and webinars, going to where

people already are, meeting during business hours and administering mobile surveys while zero waste advisors and community partners are already on the ground at businesses and in neighborhoods.

- Board members suggested including a line item on the Rental Housing Licensing Application Checklist and a section about UZWO in the model lease to inform the public of the ordinance requirements.

#### ❖ **6400 Arapahoe Development Plan Update**

- One board member feels it is not easy to find the current locations and services in place to properly sort and recycle various recyclable items.
- Smaller “transfer stations” were suggested as a way to make recycling of these items easier. This could be done internally in the Recycle Row area, or by setting up drop off points at places around town like Home Depot (similar to Best Buy for electronics).
- It was suggested a website where users could enter a type of item to find out where to take it and facility availability would be a useful tool.
- Other suggestions, like the ability to return borrowed tools to locations other than the ReSource Tool Library, were offered.

### **1. CALL TO ORDER**

Environmental Advisory Board Chair **T. Hillman** declared a quorum called the meeting to order at 6:01 pm.

### **2. APPROVAL OF MINUTES**

On a motion by **B. Queen**, seconded by **K. Crofton**, the Environmental Advisory Board voted 4-0 (**M. Lommele** absent) to approve the May 4, 2016 meeting minutes.

### **3. PUBLIC PARTICIPATION**

None.

### **4. PUBLIC HEARING ITEMS**

None.

### **5. DISCUSSION ITEMS**

#### **A. Boulder Valley Comprehensive Plan Update (Ellis)**

- Comprehensive Planning Manager, **L. Ellis**, updated the board of the current stage of the Boulder Valley Comprehensive Plan with emphasis on the Natural Environment, Climate and Energy, and Resilience policies as well as information about land use scenarios and criteria for evaluation.

The BVCP is an evolving document that is updated every five years and includes undertaking a series of steps to further the understanding of where we are and where we need to go as a community.

The early stages of public engagement began last summer and continue with numerous events planned throughout 2016. The aim is to present a draft plan in the late fall or winter, then start the adoption process in early 2017.

One of the focus areas of the BVCP is addressing changes to the land use plan and the impacts this could have on environmental goals.

There are two chapters of particular interest to the EAB – Chapter 3-Natural Environment

and Chapter 4-Climate, Energy and Resilience. New language has been suggested around these topics, with numerous clarifications and a focus on emerging issues. The BVCP will also be “tightened up” to better align with Boulder’s Climate Commitment. This will include addressing ecosystem management and the wild/urban interface to identify needs across natural areas in addition to creating green infrastructure and biodiversity within city limits.

**B. Universal Zero Waste Ordinance Update (Mertz)**

Local Environmental Action Manager, **K. Mertz**, updated the board regarding implementation of the Universal Zero Waste Ordinance (UZWO) and asked how the EAB would like to be involved moving forward.

She provided statistics regarding past and current waste diversion rates from different city sectors and explained that the city’s zero waste goal is 85% diversion from landfills by 2025.

There is a two-stage implementation plan for property owners and businesses, including special events requirements, and there are City Manager’s Rules that provide the details for implementation. It was noted that for the first year, the city will manage the ordinance to encourage compliance, not punish noncompliance.

She informed the board about the rebates, grants and exemptions that are available and provided a high-level overview of hauler reporting, compliance tracking and the potential for self-reporting requirements if voluntary compliance proves unsuccessful.

After one year, she will return to City Council with a report on compliance and implementation progress in order to determine if a different approach might be necessary.

**C. 6400 Arapahoe Development Plan Update (Mertz)**

Local Environmental Action Manager, **K. Mertz**, informed the board of the 6400 Arapahoe site’s history and current status, asked for their feedback on the Phase II Site Review amendment and for ideas for Phase III development. She further requested advice about how to best sequence the process in order to provide City Council with a broad array of options and a robust analysis of these options in advance of Concept Plan submission. Since it is not currently clear how much the nonprofits will be able to contribute to the development, it may be difficult to do a cost-benefit analysis.

While there is currently no funding available for either project, City Council was asked to approve staff’s proposal to allow application for a minor amendment to the originally approved 2011 site review for Phase II and to retain ownership of the subdivided parcel in order to flesh out Phase II options. They voted 6-2 in favor; Mayor Jones abstained as she is the Executive Director of Eco-Cycle.

Since it’s purchase in 2008 as a permanent home for community partners Eco-Cycle and ReSource, the idea has been to provide longevity for zero waste operations and continue the “Recycle Row” concept to include other creative reuse and repair options. The Phase II Site Review includes expansion plans for both current tenants.

The following ideas for potential new activities on the property for Phase III development were presented:

- Art Parts
- Blue Star Recyclers
- Small business incubator space for start-ups wanting to up-cycle materials

- Satellite parking for downtown employees
- Office space
- Maker space, fix-it clinics
- Housing – homeless, on-site employees, second story living quarters

She also noted that using the site for construction and demolition waste processing was specifically prohibited in the annexation agreement.

She will return to the Board to flesh out the options analysis prior to returning to City Council at a Study Session later this year before development of the Phase III concept plan.

## 6. OLD BUSINESS/UPDATES

### A. City/CPW Meeting Attendance by BBC (Briggs)

EAB Secretary **S. Briggs** informed the board that the BBC would not be allowed to attend CPW meetings with the city at this time and that Urban Wildlife Conservation Coordinator, **Valerie Matheson**, had been and would continue to be in contact with the interested parties regarding this issue. Hard copies of **V. Matheson's** written explanation of these answers and her actions were provided to the board members.

## 7. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER AND CITY ATTORNEY

### A. Continued Joint Board Open House Discussion (All)

The board discussed **B. Queen's** initial communication with Planning Board Chair **John Gerstle** and concluded that a different process was necessary to move forward. The following points were discussed and decisions made to begin and continue collaboration with other boards:

- Schedule a standard annual joint board meeting.
- The objective is to help other boards understand how to consider environmental concerns in their processes and integrate Climate Commitment and environmental issues into their decisions.
- Determine those elements of other boards' charters that are in the EAB's purview and how to share advice about those specific items.
- Start with Planning Board as a "test case" to establish and develop the collaboration and engagement process.
- **B. Queen** will speak with PB Member **Leonard May** about processes and contact PB Chair **John Gerstle** with suggestions that two EAB members attend to speak about EAB collaboration during the public comment period or that a more formal inter-board subcommittee be created.
- **B. Queen** and **C. Gosnell** will attend an upcoming PB meeting and report back.

## 8. DEBRIEF MEETING/CALENDAR CHECK

**S. Briggs** reminded the board that Council Members Matt Appelbaum and Jan Burton have been officially invited to attend a meeting in 2016 but which meeting they will choose is still unknown.

## 9. ADJOURNMENT

The Environmental Advisory Board adjourned at 8:20 pm.

Approved:

A handwritten signature in black ink, appearing to be "Jim [unclear]".

7/6/16

Chair

Date

**Sheila Horton Day  
July 19, 2016**

**WHEREAS**, Sheila's love for Boulder and dedication to this community positively affected renters and rental property owners throughout the city; and

**WHEREAS**, Sheila worked tirelessly and persistently, and always collaborated closely with community members and city staff on issues of importance; and

**WHEREAS**, even when Sheila did not agree with a direction the city was heading, she always made sure she addressed issues directly with honesty and integrity; and

**WHEREAS**, Sheila's involvement in city projects and programs were to ensure there was balanced representation when discussing issues; she was dedicated to fully vetting proposals and as a result the city adopted even more effective and comprehensive programs; and

**WHEREAS**, Sheila's ongoing efforts led to major improvements in the quality of life in Boulder's neighborhoods and the establishment of many of Boulder's trash and energy efficiency regulations; and

**WHEREAS**, Sheila worked closely with staff to ensure the city's zero waste goals were implemented in a way that balanced community values and provided equal access to recycling services; and

**WHEREAS**, she worked year after year with the University Hill Neighborhood Association, University Hill businesses, the University of Colorado, and the City and University restorative justice programs to combat litter, trash and other nuisance issues for the betterment of the neighborhood and initiated the six-day review trash collection program; and

**WHEREAS**, Sheila's passion and dedication in representing the Boulder Area Rental Housing Association led to a robust, effective, balanced and fair public process that resulted in groundbreaking, and first of its kind energy efficiency requirements for rental housing known as SmartRegs.

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the city of Boulder, Colorado, that July 19, 2016 is designated as:

**Sheila Horton Day**

Thank you, Sheila, and the Horton family for all of Sheila's contributions to our community.



**Suzanne Jones, Mayor**