



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 15, 2013

AGENDA TITLE: Second reading and consideration of a motion to adopt three ordinances relating to alcohol:

1. Amend on second reading and order published by title only Ordinance No. 7938 amending Chapter 6-3, “Trash, Recyclables, and Compostables,” and Title 9, “Land Use Code,” B.R.C., 1981, to reduce impacts of hospitality establishments on neighboring properties and setting forth related details;
2. Adopt Ordinance No. 7939 amending section 4-2-4, “State Law Procedures Apply,” B.R.C., 1981, to modify the 500-foot Rule to allow Beer and Wine licenses only and setting forth related details; and
3. Adopt Ordinance No. 7940 removing sections 2-3-3, “Beverage Licensing Authority,” and replacing with a new section 4-2-12, “Beverage Licensing Authority,” amending 4-2-3, “Authority to Issue City Licenses,” 2-6-3, “Creation, Jurisdiction, and Powers of Municipal Court,” 2-6-4, “Judges,” B.R.C. 1981, and setting forth related details.

PRESENTER/S

Jane S. Brautigam, City Manager

Paul J. Fetherston, Deputy City Manager

Cross-Departmental Staff Team (*see page 21 for list of team members*)

EXECUTIVE SUMMARY

At a public hearing on Feb. 19, 2013, City Council directed city staff to move forward with the proposed action plan to reduce community impacts from the overconsumption of alcohol. Three elements of the action plan that require further council input include:

1. Amendments to the land use code for hospitality establishments to differentiate between lower and higher intensity uses,
2. Amendments to the city’s 500-foot rule, which governs liquor sales near schools and universities, and
3. Beverage Licensing Authority (BLA) structural changes from a volunteer community board to a hearing officer.

Since the Feb. 19th meeting, staff has also moved forward on the joint inspection teams – another component of the action plan to increase the level of enforcement on hospitality establishments.

The purpose of this item is to consider ordinances to change the following areas related to reducing community impacts from the overconsumption of alcohol:

Land Use Code Changes – The proposed land use code changes are intended to better distinguish between low-intensity and high-intensity hospitality establishments and their respective compatibility with neighboring land uses. Currently, the land use code regulates restaurants and taverns uniformly and in some cases, restaurants approved as such have converted to tavern-like uses in late hours, which present different impacts. The new definitions and standards are focused on operating characteristics of different types of hospitality establishments to regulate them more appropriately and better mitigate impacts. Staff recommends the proposed changes (**Attachment A**) in order to:

- Better differentiate between hospitality establishments as to anticipate impacts and avoid the conversion of restaurants into taverns or night clubs in late hours;
- Place a higher level of scrutiny on establishments in close proximity to residential areas and incentivize establishments without full-service liquor licenses in such areas; and
- Continue to support Boulder’s economic vitality by permitting higher intensity uses in the core of downtown and within the Boulder Valley Regional Center where police and transportation services are already focused to address impacts and promote safety and where impacts to residential areas would be less.

Amend the City’s 500-foot Rule – In September 1987, City Council waived the state requirement, thereby allowing establishments located within 500-feet (ft) of the principal campus of the University of Colorado (CU) to obtain Hotel-Restaurant type liquor licenses only. These licenses permit the sale of beer, wine, and hard liquor.

Three options for the existing 500-ft rule are briefly described below.¹ Any changes to the 500-ft rule would only apply to new businesses. Existing businesses would be grandfathered, unless a business was closed for more than one year, and a business could also transfer their liquor licenses to future owners or tenants.

1. ***Revoke the 500-foot liquor license waiver:*** No additional liquor licenses would be issued within 500-ft of CU. (**Attachment B-1**)
2. ***Modify the 500-foot liquor license waiver to allow beer and wine licenses only:*** This approach would permit additional establishments that wish to serve alcohol within 500-feet of CU, but would prohibit the sale of hard alcohol. (**Attachment B-2**)

¹ As a cleanup matter, each option includes removing the 400 foot waiver in section 4-2-4(a)(2) B.R.C., that applies to Boulder High in order to comply with state law. This waiver includes provisions relating to capacity and square footage. Removal of this section will not have an impact to any existing establishments.

3. **Status Quo:** The existing waiver would remain in place. Existing and new businesses located within 500-ft of CU's principal campus could continue to apply for licenses to sell and serve wine, beer or hard alcohol. (**Attachment B-3**)

Staff has prepared three ordinances for council consideration with each of the options noted above. Staff recommends modifying the existing 500-foot Rule to allow Beer & Wine licenses only (**Attachment B-2**) to:

- Strike a balance between addressing overconsumption of alcohol on the Hill while minimizing the adverse impacts to the economic vitality of the community.
- Allow for more family friendly restaurants while avoiding some of the community impacts that can be associated with the consumption of hard liquor

Beverage Licensing Authority (BLA) Structural Changes – The BLA is a five member volunteer community board that has the responsibility of granting, denying, suspending, and revoking liquor licenses. They are required to apply state law. Suspension or revocation requires what is essentially a trial, with the BLA sitting in the role of a judge. There is no other city board placed in this position. Many other cities use a hearing officer model and it seems to work well. The hearing officer could either be hired by contract or be delegated to a municipal judge. Staff has prepared two ordinances for council consideration with each of the options briefly described below.

1. **Municipal Judge:** Dissolve the BLA and change the structure to a municipal judge model. (**Attachment C-1**)
2. **Hearing Officer:** Dissolve the BLA and change the structure to a contracted hearing officer. (**Attachment C-2**)

Staff recommends dissolving the BLA and adopting a hearing officer model. While a hearing officer can be a municipal court judge or a licensed attorney under contract with the city, staff recommends using a municipal judge² as a hearing officer to handle all liquor licensing matters.³ Approximate costs and resource impacts for both hearing officer options are included in **Attachment D**. Staff is recommending this option in order to:

- Achieve reliable enforcement through predictability of results
- Achieve maximum efficiency

At the first reading of the ordinance on Oct. 1st, City Council posed the following questions/requests of staff:

- What is the stance of University Hill Neighborhood Association (UHNA) on this topic?

² Judge Cooke is very active in collaborative community issues related to alcohol. While not technically a conflict, it would provide a clearer separation if council decided to take the approach that Judge Cahn be appointed as the hearing officer.

³ The city clerk would continue to handle administrative matters.

- How will the proposed changes affect economic vitality? Will there be unintended consequences?
- Why doesn't the definition for restaurants include beer and wine licenses?
- Address the gap between restaurants that must close at 11pm and late night restaurants that can stay open until 12am.
- What are the specific reasons for dissolving the BLA? Provide additional information about municipal hearing officers.

These questions are answered at the end of the 'Analysis' section with this memorandum.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action as follows:

1. Motion to amend on second reading and order published by title only Ordinance No. 7938 amending Chapter 6-3, "Trash, Recyclables, and Compostables," and Title 9, "Land Use Code," B.R.C., 1981, to reduce impacts of hospitality establishments on neighboring properties and setting forth related details.
Attachment A
2. Motion to adopt Ordinance No. 7939 amending section 4-2-4, "State Law Procedures Apply," B.R.C., 1981, to modify the 500-foot Rule to allow Beer and Wine licenses only and setting forth related details **Attachment B-2**.
3. Motion to adopt Ordinance No. 7940 removing sections 2-3-3, "Beverage Licensing Authority," and replacing with a new section 4-2-12, "Beverage Licensing Authority," amending 4-2-3, "Authority to Issue City Licenses," 2-6-3, "Creation, Jurisdiction, and Powers of Municipal Court," 2-6-4, "Judges," B.R.C. 1981, and setting forth related details. **Attachment C-1**.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: The proposed ordinance changes are an attempt to minimize adverse impacts to the economic vitality of the community by focusing on "problem" establishments and improving the use of existing licensing and enforcement tools. However, prohibition of, or additional restrictions on, establishments in certain areas of the city (e.g., University Hill) could have a negative economic impact to local business, the vitality of the areas and revitalization opportunities.
- Environmental: The proposed ordinance changes leverage resources to improve the application of existing tools that impact the quality of life and the physical environment in the Boulder Community.
- Social: Resolution 960, adopted by council in October 2004, recognizes that the city has a responsibility to provide leadership in addressing the critical issues of health, safety and well-being stemming from alcohol abuse and can influence policies, regulations and enforcement. The proposed ordinance changes further the city's work efforts in the areas of beverage licensing, code enforcement, and land use.

OTHER IMPACTS

- **Fiscal:** If the new land use code definitions are adopted, then the number of development review applications that are submitted for administrative (staff level) review would increase. The revenue associated with the increase in administrative reviews would cover the costs of additional staff time and resources. There would be no fiscal impacts related to modifying or revoking the 500-ft rule. If the BLA is replaced with a hearing officer/judge, then an adjustment to the 2014 budget request would be submitted. It is anticipated that a hearing officer would cost either approximately \$16,200/year for an independent contractor or between \$1,800 to \$10,800/year for a municipal court judge (see **Attachment D** for details).
- **Staff Time:** As stated above, with additional development review applications, as well as an increase in the number of required neighborhood meetings, additional staff time would be needed if the new land use code definitions are adopted. If the BLA is replaced with a hearing officer/judge, less attorney staff time is needed to support the BLA and efficiencies would increase. Licensing staff would likely require staff time similar to current practice to process applications under the proposed changes.

BACKGROUND

The proposed changes to the land use code definitions, 500-ft rule, and BLA structure are a few factors in a broader community effort to reduce the effects of overconsumption of alcohol. As such, the proposed changes are one component of a comprehensive action plan that was approved by City Council in Feb. 2013. Details of the comprehensive action plan, status updates on each action plan item, and the larger community efforts can be found at www.bouldercolorado.gov/city-manager/alcohol.

Three elements of the action plan that need further council input include updating of the land use code to reduce impacts of hospitality establishments on neighboring properties, amending the city's 500-foot rule, and restructuring the BLA. At the June 11, 2013 Study Session on the city work plan, there was City Council consensus to update the land use code, bring options pertaining to the 500-foot rule and BLA restructuring forward for consideration through an ordinance process, and schedule council business meetings, including public hearings, for the proposed changes.

BOARD, COMMISSION, AND PUBLIC FEEDBACK

As part of developing the comprehensive action plan approved by City Council in Feb. 2013, staff presented the potential land use and licensing code change options to several boards and reconvened the Community Working Group composed of different stakeholders throughout the community. The options being considered at that time included new land use code definitions, as well as other land use code changes, and revoking or modifying the 500-ft rule. A summary of the public, board and commission feedback can be found at www.bouldercolorado.gov/city-manager/alcohol.

More recently, staff drafted the proposed changes related to the land use code, 500-ft rule and BLA structure, and encouraged members of the Community Working Group, business owners, and public to participate directly in the public hearing process at the Planning Board and City Council meetings. In addition, several boards and commissions

were notified of the proposed changes including the BLA, University Hill Commercial Area Management Commission (UHCAMC), Downtown Management Commission, Downtown Boulder Inc., Downtown Boulder Business Improvement District, and the City/CU Oversight Committee. An executive summary of the proposed changes was distributed to each of the review bodies and interested parties for consideration. Those that provided a recommendation are included below. Details of the specific board and commission member comments can be found on the website at www.bouldercolorado.gov/city-manager/beer. Public comments were also heard at the Aug. 15, 2013 Planning Board meeting, which is discussed below.

Planning Board

Planning Board met on Aug. 15, 2013 and voted unanimously (5-0; May and Young absent) to recommend approval of the proposed land use code changes to City Council but with the following modifications and additional recommendations:

- Change the conditional use category for the DT-1, DT-2, DT-3, BMS, and MU-3 zoning districts for Neighborhood Pub or Bistros smaller than 1,500 square feet to the Use Review category;
- Change the prohibition of Late Night Restaurants in the MU-1, MU-2, and MU-4 zoning district to the Use Review category (supported by 4 board members, Gray opposed);
- Make the requirement for serving solid food until closing stricter where proposed to be required;
- Obtain more data before imposing a food sales percentage requirement; and
- Further explore establishing licenses for late-night hospitality establishments.

Staff has also prepared a matrix that lists the board recommendations and staff's rationale to support or not support the proposed changes (see **Attachment E**). Data from establishments is forthcoming and will be provided to City Council once available. Planning Board did not comment specifically on the 500 foot rule.

Beverage Licensing Authority (BLA)

BLA met on June 19, 2013 and discussed the proposed structural changes. Three options were considered including transfer all BLA functions to a hearing officer, transfer only revocation/suspension hearings to a hearing officer (i.e., bifurcation of the BLA), and maintaining the status quo. In general, BLA did not believe that there is a consistency problem with status quo but supported transferring functions to a hearing officer. Some members felt that the hearing officer should be an independent, outside hearing officer rather than the municipal judge. A majority stated that bifurcation should not be considered an option.

BLA met on July 17, 2013 and discussed the proposed 500-ft rule changes and new land use code definitions. The board has previously recommended to council on several occasions that council revisit the 500-ft rule. Therefore, the board did not make a motion. Additionally, no motion was made on the new land use code definitions. More detailed

comments from the BLA can be accessed at www.bouldercolorado.gov/city-manager/alcohol.

University Hill Commercial Area Management Commission (UHCAMC)

UHCAMC met on July 17, 2013 and provided the following motion (4 in favor and Raj abstaining) for City Council consideration regarding the proposed 500-ft rule changes and new land use code definitions:

UHCAMC does not support the proposed changes to the 500 foot Rule; additionally, we recommend the solutions proposed include more consideration from the working groups and the individuals who presented testimony to us today, addressing education, prevention and enforcement. The proposed changes in the land use code do not appear to us to adequately address the problem given the public testimony we received at our meeting today. Consideration of public input from the working groups and effected parties should be included. Further targeted analysis is needed in the following areas: economic impact to the hill, feedback from the students, impacts on public health, similar university's solutions and proven results, before there are any new definitions created. UHCAMC requests that City Council more carefully define the problem so that tailored solutions can be implemented.

Downtown Management Commission (DMC)

DMC met on Aug. 1, 2013 and all commissioners unanimously approved the motion (4-0).

DMC supports the concepts in the UHCAMC motion regarding this issue made on July 17; and, that the DMC finds some positives in the staff recommendation regarding the concept of the management plan and the additional options for businesses for different types of liquor licenses. It is critical that the City Council listen to input from all of the stakeholders to understand the potential ramifications of any ordinance or code changes; be mindful of unintended consequences from these changes; and, the DMC believes it is premature for the City Council to approve these changes without a clearer mandate of the problem to be solved.

ANALYSIS

Land Use Changes – Currently, the city's land use code does not differentiate between restaurants, bars or taverns and regulates them uniformly. This is problematic as over time, some establishments have functioned more like taverns than restaurants, especially in the evening hours, and had a negative impact on neighboring properties. Proposed changes will create new use categories and update use standards and definitions to help mitigate impacts to residential neighborhoods through appropriate review processes.⁴ It is anticipated that the proposed changes will better distinguish between lower intensity and

⁴ Establishments go through one of the following approval or review processes in order to operate: (1) By-Right – can begin operation without any discretionary approvals and only with a building permit, if necessary; (2) Conditional Use Review – staff level review to demonstrate meeting specific code criteria with no public call-up requirement; or (3) Use Review – generally a staff level review to demonstrate meeting specific code criteria with potential for Planning Board or public call-up.

higher intensity⁵ hospitality establishments, which would enable more effective control over potential impacts of these establishments upon neighboring properties. For specific definitions and information related to where such uses are proposed to be permitted, please refer to **Attachment F** and **G**.

To avoid situations where restaurants function as taverns in later hours, the proposed changes include updating the definition for 'Restaurants' and creating a new 'Late Night Restaurants' definition.

- **Restaurants** – Required closing by 11 p.m.
- **Late Night Restaurants** – Depending on context, late night restaurants would be permitted as follows:
 - ⇒ *Core of downtown, Boulder Valley Regional Center, shopping centers:* Permitted through the Conditional Use Review process to stay open past 11 p.m. in more intense business districts, such as areas of downtown including Pearl Street mall, Twenty Ninth Street, and the 28th Street Corridor.
 - ⇒ *Business areas near residential zones:* Permitted as Conditional Uses in business areas near residential so long as they close at 12 a.m. and do not possess a liquor license. In some business areas (i.e., MU-1, MU-2, MU-4, BMS, DT-1, DT-2 and DT-3) late night restaurants could be permitted through Use Review to operate after 12 a.m. if they do not possess a liquor license.
 - ⇒ *Within High Density Residential zones:* Permitted with Use Review approval to operate so long as they close at 12 a.m., are limited to 1,500 square feet and do not possess a liquor license.

To allow for congenial places for people to socialize that add vitality to existing and planned centers in the community, a definition for 'Neighborhood Pub or Bistro' was created. Some existing establishments that would operate similar to how the proposed use is envisioned would be the Hungry Toad or Café Aion if they were operating with a beer and wine license. Some examples of establishments that hold Beer and Wine liquor licenses are Larkburger, Rincon Argentino and Laughing Goat.

- **Neighborhood Pub or Bistro** – Permits pubs or bistros in residential interface areas and allows operation until 12 a.m. without Use Review approval, but rather staff level review. Also, the use definition is tied to establishments with a Beer and Wine liquor license. The rationale is that hard alcohol allows for quicker intoxication and the possibility for increased impacts on a surrounding area. This proposed use would not include a full service liquor license and would typically have less impact than establishments with full service licenses.

⁵ Typically, higher intensity establishments create higher impacts to the community and are those that serve a greater amount of alcohol than food, including hard alcohol, generally operate late hours (after 11 pm) and/or have outdoor seating in close proximity to residential zones.

Currently, taverns or brewpubs are permitted on a limited basis in some residential zones with special approval (i.e., Use Review). The proposed changes would prohibit tavern or brewpub land uses in residential zones.

- **Taverns and Brewpubs** – Includes bars and night clubs. Taverns and Brewpubs may require Use Review approval depending on location and zoning district. The use definition of ‘Tavern’ includes establishments that have a Tavern liquor license, which has no limitation on types of alcohol sold. The use definition of ‘Brewpub’ is primarily a restaurant where malt liquor is manufactured on the premises as an accessory use. A Brewpub may include some off-site distribution of its malt liquor consistent with state law. Pursuant to state law, Brewpubs are allowed to purchase other alcohol not manufactured at the premises but are limited to a maximum of \$2000/year of purchase from retail liquor stores.

The proposed code changes include a new definition for ‘Retail Liquor Store.’ Currently, liquor stores fall under regular ‘Retail sales.’

- **Retail Liquor Store** –Require Use Review for retail liquor stores in mixed use and residential interface zones. They could operate as an allowable use by-right in other business zones.

Another part of the proposed changes is related to management plans. The effectiveness and accessibility of management plans has been an issue raised by the community. For hospitality establishments that are considered residential interface areas, applicants are required to conduct a meeting with neighborhood members to solicit comment and address potential impacts, which is accomplished through a management plan. This process will continue, but the plans will be more accessible, apply to all establishments near residential areas and require more descriptive information.

- **Management Plans** – Require that management plans be accessible on premises of an establishment and easily accessible at the city offices (on-line). The code would be amended to broaden the requirement for management plans to all establishments located close to residential zones (before it was voluntary and encouraged for some). The code changes also would require more descriptive elements to better understand how a business intends to operate and how they intend to mitigate impacts.

New standards to complement the land use definitions are also proposed and include without limitation, trash and recycling pick up times, bar area limitations and food sale requirements. Staff recommends that council support these land use code changes to:

- Better differentiate between hospitality establishments as to anticipate impacts and avoid the conversion of Restaurants into Taverns or night clubs in late hours;
- Place a higher level of scrutiny on establishments in close proximity to residential areas and incentivize establishments without full-service liquor licenses in such areas; and

- Continue to support Boulder’s economic vitality by permitting higher intensity uses in the core of downtown and within the Boulder Valley Regional Center where police and transportation services are already focused to address impacts and promote safety and where there are less impacts on residential areas.

It should be noted that Ordinance No 7938 related to the land use code changes has been updated since first reading to correct use designations and use standards in the land use table and Paragraph 9-6-5(b)(3) for Restaurants in industrial areas. The intent of the regulations specific to restaurants in industrial areas has not changed from the current code requirements, but the use modules related to industrial districts were erroneously marked in the first reading version of Ordinance No. 7938. This small correction will require a third reading of the ordinance.

500-Foot Rule Changes – Colorado liquor law can be accessed at the following web link: <http://www.colorado.gov/revenue/liquor>

The City of Boulder also has an online map that shows the distribution and type of liquor licenses. This can be accessed at the following web link:

www.bouldercolorado.gov/tax-license

At the webpage select “Liquor Licensing” and then select “Liquor Licenses Map”

In 1987, state liquor laws changed the minimum drinking age from 18 to 21 for 3.2 percent beer (up until that time persons between 18 to 21 years old could lawfully drink 3.2 percent beer) and prohibited the sale of alcohol within 500-feet (ft) of a school or principal campus of a university unless a local ordinance allowed for elimination or reduction of the 500-ft rule.

In response to concerns from the businesses on the University Hill (Hill), City Council approved Ordinance No. 5069 on September 1, 1987, which waived the state requirement, thereby allowing establishments located within 500-ft of the principal campus of the University of Colorado (CU) to obtain “Hotel-Restaurant” liquor license only. Hotel-Restaurant liquor licenses require at least 25 percent food sales and permit the sale of beer, wine, and hard liquor.

The method for measuring the 500-ft distance restriction is set out in the state regulations. In 1991 and pursuant to state law, the principal campus was further defined to exclude other CU properties. The “principal campus” of CU is defined as the area generally bordered by Broadway Street on the west; Baseline Road on the south; 28th Street, Colorado Avenue and Folsom Street on the east; and Boulder Creek, 17th Street and University Avenue on the north (see map in **Attachment H**). The 500-ft area includes most of the Hill along with a majority of the Basemar Shopping Center at the corner of Broadway and Baseline, a variety of commercial properties on the south frontage of Baseline Road and a limited number of commercial businesses on the 28th Street frontage road.

At the direction of City Council on Feb. 19, 2013, changes to the 500-ft liquor license rule are being considered. The proposed changes are intended to address perceived concerns about the overconcentration of liquor establishments on the Hill and the service of hard alcohol, which has the potential to exacerbate the problem of overconsumption as it enables quick intoxication as compared to beer and wine. The three options for changing the existing 500-ft rule along with potential impacts are listed below. Any changes to the 500-ft rule would only apply to new businesses. Existing businesses would be grandfathered, unless a business were closed for more than one year, and could transfer their liquor licenses to future owners or tenants.

(1) Revoke the 500-ft liquor license waiver around CU (Attachment B-1): No additional liquor licenses would be issued within 500-ft of CU. If this option were undertaken, existing establishments (i.e., license owners) would likely see an increase in value by virtue of the diminished likelihood of new competition. Similarly, there could be an economic impact to the Hill as it would turn away some businesses that could support revitalization efforts (e.g., new restaurants that want a full-service liquor license may locate elsewhere).

- ***Impacts to new businesses within 500-feet of CU*** – Would not be permitted to sell any liquor including wine, beer or hard alcohol.
- ***Impacts based on existing land use code definitions*** – Use Reviews for late operating establishments could continue to be requested; however, these and any new hospitality establishments would not be permitted to serve alcohol.
- ***Impacts based on new land use code definitions*** – Neighborhood Pubs or Bistros would not be permitted within 500-ft of CU. Restaurants would be permitted under the zoning code but could not serve alcohol and they would be required to close by 11 p.m. New Taverns and Brewpubs would not be permitted, as Tavern and Brewpub liquor licenses (no limitation on types of alcohol sold) would not be permitted in the 500-ft area. Pursuant to state law, Taverns have no limitation on the types of alcohol sold. Moreover, Brewpubs are allowed to purchase other alcohol not manufactured at the premises but are limited to a maximum of \$2000/year of purchase from retail liquor stores.

(2) Modify the 500-ft liquor license waiver to allow beer and wine licenses only (Attachment B-2): This approach would permit additional establishments that wish to serve alcohol, but would prohibit the sale of hard alcohol. It is anticipated that this approach would likely be less impactful to the economic vitality of the Hill.

- ***Impacts to new businesses within 500-feet of CU*** – Permitted to sell beer and wine but would not be permitted to sell hard alcohol.
- ***Impacts based on existing land use code definitions*** – Use Reviews for late operating establishments could continue to be requested; however, these and any new hospitality establishments could only serve alcohol under a Beer and Wine license if within 500-ft of CU's principal campus.

- **Impacts based on new land use code definitions** – New Neighborhood Pubs or Bistros would be permitted within 500-ft of CU (and could be open to new customers until 12 a.m. without Use Review) and could sell beer and wine. New Restaurants would close by 11 p.m. unless they are Late Night Restaurants, which would be permitted as described on page 6. Restaurants, per the proposed definition, would not be able to hold a liquor license by virtue of the revised 500-foot rule, which only permits Beer and Wine licenses. (A very small area within the 500-ft buffer is zoned to support late night restaurants). New Taverns or Brewpubs would not be permitted, as Tavern and Brewpub liquor licenses (no limitation on types of alcohol sold) would be prohibited in the 500-ft area. Pursuant to state law, taverns have no limitation on the types of alcohol sold whereas brewpubs are allowed to purchase other alcohol not manufactured at the premises but are limited to a maximum of \$2000/year of purchase from retail liquor stores.

(3) Status Quo (Attachment B-3): If the current 500-ft waiver for hotel-restaurant liquor licenses remains in effect, then existing and new businesses located within 500-ft of CU’s principal campus could continue to apply for licenses to sell and serve any liquor, including wine, beer or hard alcohol. If the new land use code definitions were approved then:

- Neighborhood Pubs or Bistros would not be possible on the Hill because per the new definition, they can only operate with a Beer and Wine license. The current 500-ft waiver only applies to a full service hotel-restaurant liquor license.
- Restaurants could operate with the hotel-restaurant liquor license but would be required to close by 11 p.m.
- Late Night Restaurants would only be permitted as described on page 6.

The option above results in somewhat of an anomalous outcome as it prohibits a use that is intended to be more encouraged (i.e., Neighborhood Pub or Bistro). Therefore, this informs staff’s recommendation that the waiver be revised to be Beer and Wine liquor licenses only.

Alternative to the three options above, City Council could also approve changes to Title 4 that would permit more than one liquor license type around the university if so desired. Options (1) and (2) above would effectively grandfather all of the liquor license holding establishments on University Hill as most establishments hold Hotel and Restaurant liquor licenses as a result of the 1987 changes. A list of liquor license types per establishment on University Hill and a description of hours of operation and food service is provided in **Attachment I**.

To give council a better understanding of the relationship between the 500-foot rule and the proposed land use code changes, the following matrix has been provided as a summary:

<u>Different Scenarios assuming proposed Land Use Definitions are adopted</u>	<u>Licensing Implications (Title 4)</u>	<u>Land Use Implications (Title 9)</u>
Scenario A (No action on 500-foot rule,)	Hotel and Restaurant Licenses could continue to be issued on the Hill.	<ul style="list-style-type: none"> • The option for applicants to request Use Review approval to operate after 11pm for restaurants would not exist as restaurants are required to close at 11pm. • Late Night Restaurants could be permitted through the Use Review process (would not be allowed to have a liquor license). • Taverns and Brewpubs would not be permitted as the new definitions would require a Tavern and Brewpub liquor license respectively, which are currently not permitted within 500-foot of the university. • The proposed Neighborhood Pub or Bistro use would not be permitted as Beer and Wine licenses are currently not permitted within the 500-foot waiver area.
Scenario B (Revoke waiver)	Revoking the waiver would not permit any additional liquor licenses on the Hill. Existing license holders would be grandfathered.	<ul style="list-style-type: none"> • Existing hospitality establishments would be grandfathered. • The option for applicants to request Use Review approval to operate after 11pm for restaurants would not exist as restaurants are required to close at 11pm. • Late Night Restaurants could be permitted through the Use Review process.. • No establishment could be established with a new liquor license.
Scenario C (Modify waiver to allow beer and wine licenses only)	Would limit liquor licenses within the 500-foot of the University to Beer and Wine Licenses only. Existing license holders would be grandfathered.	<ul style="list-style-type: none"> • Existing hospitality establishments would be grandfathered. • The option for applicants to request Use Review approval to operate after 11pm for restaurants would not exist as restaurants are required to close at 11pm. • Late Night Restaurants could be permitted through the Use Review process (both restaurants and late night restaurants would not be allowed to

		<p>have a liquor license under this option).</p> <ul style="list-style-type: none"> • Taverns and Brewpubs would not be permitted as the new definitions would require a Tavern and Brewpub liquor license respectively, which are currently not permitted within 500-foot of the university. • Neighborhood Pub or Bistros would be permitted as conditional uses. • Other permitted uses, such as hair salons (defined as personal service uses in the land use code) and gyms could request Beer and Wine liquor licenses since the liquor license type does not require service of meals. Service of beverages at such establishments would have to be accessory to the principal use and an establishment would not be able to function like a restaurant or bar. Alcohol sales at such establishments are only a small portion of their proceeds.
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BLA Structural Changes – One of the challenges to effective alcohol enforcement is adjudicating violations and revocation proceedings. The BLA is a five member volunteer community board that has the responsibility of granting, denying, suspending, and revoking liquor licenses. Suspension or revocation requires what is essentially a trial, with the BLA sitting in the role of a judge. Under Colorado law, liquor licenses can be issued, renewed, or revoked by a local licensing authority. The local licensing authority is the City Council or any authority designated by city ordinance. In 1991, the City Council delegated this authority to the BLA.

The BLA is in a unique position in that it acts as the adjudicative body for liquor violations. In its quasi-judicial role, the BLA must consider evidence, decide on the legal admissibility of evidence, and rule on legal objections. There is no other city board placed in this position. The Planning Board, Landmarks Board and the Board of Zoning Appeals all hear applications, but none sits as a trial court. Only the BLA is required to conduct hearings on violations of state law.

Based on staff research, there are three typical liquor licensing models. Liquor licensing is either handled by (1) a hearing officer (2) city council/board or (3) bifurcation of responsibilities between a hearing officer and council/board.

Many jurisdictions in Colorado use a hearing officer to administer all aspects of liquor licensing. These include Longmont, Greeley, Loveland, Fort Collins, Golden, Grand Junction, Erie, and Denver. The town of Lone Tree and Rifle have a bifurcated liquor licensing structure in which a hearing officer handles violations and renewals and the city council handles all other matters related to licensing.

Maximum efficiency would be achieved if all of the BLA's functions were transferred to a hearing officer. Other jurisdictions have found that hearings do not last as long when they are conducted by a single legally trained hearing officer. Currently BLA meetings require a significant staff commitment. The licensing clerk prepares the board's packet and provides other staff support before, during, and after all hearings. The city attorney's office provides two attorneys to staff the board. Sandra Llanes, staff attorney, provides legal advice and support to the board, while Michael Whitney acts as the prosecutor with regard to violations and contested renewals. A hearing officer/judge would require significantly less legal staff support.

There is also the question of fairness. The BLA turns over completely every five years. There is no requirement that board members have any legal training. Results can change from year to year as the board's composition changes. Reliable enforcement requires predictability of results. This is a challenging aspect for a five member board.

1. **Municipal Judge (Attachment C-1):** Dissolve the BLA and change the structure to a municipal judge model.
2. **Hearing Office (Attachment C-2):** Dissolve the BLA and change the structure to a contracted hearing officer.

City Council questions/requests from the Oct. 1 first reading of the ordinances

- **What is the stance of University Hill Neighborhood Association (UHNA) on this topic?**

A representative from UHNA served on the city's community working group in 2010. UHNA was invited again in 2012, but no executive committee members attended. At council's request, staff has reached out to UHNA and the chair indicated that the group was going to discuss the matter and either provide a position on the proposed changes or at a minimum, members would express their independent opinions on the matter to City Council.

- **How will the proposed changes affect economic vitality? Will there be unintended consequences?**

Resolution No. 960 states: "*The City of Boulder, as part of this community-wide effort, will undertake a review of city beverage licensing policies, code enforcement and zoning and land use regulations in order to identify the existing and relevant authorities available to the city. Staff shall propose policy and ordinance changes, as appropriate, to address identified concerns.*" This goal has informed staff's recommendation on the land use code changes as well as the changes to the 500-foot rule and the restructuring of the BLA.

In this case, the concerns identified and recommendations received in the community working group meetings as well as through public outreach included:

- addressing “bad actor” establishments through more focused enforcement (e.g., joint inspection teams, already in process);
- establishments that morph into more intense drinking establishments in late hours and present impacts to nearby residential neighborhoods;
- easy access to hard alcohol which leads to quicker intoxication resulting in behaviors impacting neighboring properties as well as individuals and the community at large; and
- the efficacy of the BLA, as a civilian volunteer board asked to make decisions like a court of law.

As presented at the Feb. 2013 discussion on the topic, many of the researched studies with respect to alcohol consumption recommend strict control of access to alcohol in order to reduce overconsumption – in essence, make alcohol (particularly hard alcohol) less available. Specifically, many studies recommend limiting alcohol outlet density. This may be accomplished by strict prohibition of additional alcohol serving establishments and/or by spacing requirements that prohibit alcohol serving establishments within a certain distance of residential areas or each other.

If these options were implemented, there would be a significant change in where such hospitality establishments could locate in the city, and there would likely be a negative impact to the city’s economic vitality as a result. Based on this concern, staff did not recommend spacing requirements or prohibitions in business districts. City Council agreed with staff’s recommendation. What was recommended and incorporated into the action plan reviewed in the February discussion were new land use definitions to better differentiate different types of hospitality establishments by level of impact. Staff finds that the proposed changes to the land use code will not deter economic investment, but rather would enable a review of applications for hospitality establishment uses that is based on standards that better anticipate and mitigate the impacts of those uses furthering the city’s goal of mitigating the impacts of hospitality establishments on the community.

While it would be difficult to forecast every potential impact to the city’s economic vitality as a result of the proposed changes, staff finds that the list below may paint a better picture as to the potential outcomes of implementing the new regulations. The list describes what areas of the land use code would become stricter and what other areas would become less strict. This should give the City Council a better idea of what changes would occur and how the changes are meant to better manage and monitor hospitality establishments to address impacts.

Where the regulations would become stricter:

- Many Hospitality establishments currently permitted as by-right uses would become conditional uses (two week or less staff level review/no call up).

- The possibility for brewpubs and taverns within some high density residential zoning districts would be eliminated as these uses would be prohibited in residential zones.
- In interface zones (i.e., zones near residential such as BMS, MU and the DT-1, DT-2 and DT-3 zoning districts), Use Review would automatically be required for brewpubs or taverns where today Use Review would only be required if operating past 11pm.
- In interface zones (i.e., zones near residential such as BMS, MU and the DT-1, DT-2 and DT-3 zoning districts), restaurants that have a liquor license would be required to close at 11pm; restaurants could operate in such areas after 11pm if they did not possess a liquor license. If operating after 12am, a Use Review approval would be required.
- Restaurants that are larger than 1,500 square feet would require Use Review in the BMS zone where the current code permits up to 4,000 square feet if it does not operate after 11pm.
- Late night restaurants operating after 12 am in residential zones would not be permitted.
- Minimum food percentages for restaurants (50%) and Neighborhood Pubs or Bistros (40%) would be added to promote food consumption for alcohol serving establishments.
- Management plans (with additional descriptive elements required) and neighborhood meetings would be required in all interface areas (i.e., zones near residential such as BMS, MU and the DT-1, DT-2 and DT-3 zoning districts) as opposed to just around University Hill under the current regulations. Could be reviewed as part of conditional review (staff level) or Use Review (discretionary review with call up) as applicable.
- Limitation of trash and recycling pick up near residential zones has been added.
- Requirement added for active food preparation area for restaurants and Neighborhood Pubs or Bistros during all business hours.
- Bar areas limited to 35% of dining areas in Neighborhood Pubs or Bistros.
- Retail liquor stores, a new defined use, would require Use Review in interface areas (i.e., zones near residential such as BMS, MU and the DT-1, DT-2 and DT-3 zoning districts) where under current code, would be permitted by-right as a retail store.

Where the regulations would become less strict:

- Where the current code does not permit restaurants in the RH-3, RH-6 and RH-7 (the latter of which is not yet implemented), the proposed changes would permit restaurants or Neighborhood Pubs or Bistros no larger than 1,500 square feet through Use Review to promote mixed use in high density areas.

- Neighborhood Pubs or Bistros and late night restaurants without a liquor license would be allowed to operate until 12am without Use Review.
- The square footage threshold differentiating by-right restaurants in some MU zones has changed from 1,000 square foot to the uniform 1,500 sf. used in other zones.

- **Why doesn't the definition for Restaurants include beer and wine licenses?**

Establishments serving food with a beer and wine liquor license are captured by the neighborhood pub or bistro use. The definitions and regulations for Restaurants and Neighborhood Pub or Bistros largely overlap and the use designation in the use table is the same for the two types of establishments for all zoning districts. Beer and Wine liquor licenses were not included in the definition of Restaurants to avoid ambiguities in the code for establishments with beer and wine licenses that would meet the definitions for both Restaurants and Neighborhood Pub or Bistro. It was assumed that if a Restaurant wanted to only possess a Beer and Wine liquor license they would prefer to be categorized as a Neighborhood Pub or Bistro so that they could operate until 12am as opposed to 11pm. The latter use is incentivized in this manner to encourage establishments that would not have hard alcohol available.

- **Address the gap between Restaurants that must close at 11pm and late night restaurants that can stay open until 12am.**

Initially, staff had drafted code changes where late night restaurants were proposed to be permitted only in the most intense commercial areas of the city (e.g., core of downtown, Boulder Valley Regional Center along 28th Street etc.). Planning Board suggested providing a late night option for restaurants without liquor licenses in other areas like BMS (e.g., the Hill) with a Use Review approval. As such establishments have a lesser impact on neighboring properties than late night restaurants with a liquor license, staff incorporated that recommendation by distinguishing in the use table between late night restaurants with liquor licenses and those without. To avoid a situation where a neighborhood pub and bistro serving beer and wine could stay open until 12 a.m. as a conditional use, while, in the same zoning district, a restaurant without a liquor license would have to go through a Use Review if open until 12 a.m., an additional distinction was created in the use table to avoid that result.

- **What are the specific reasons for dissolving the BLA? Provide additional information about municipal hearing officers.**

Staff recommends dissolving the BLA and adopting of a municipal court judge model for the following reasons:

1. One of the ways to address overconsumption of alcohol is to increase enforcement of licensed establishments that over-serve and to focus on “problem” establishments. Prosecutions of these types of cases are typically more complicated from a legal and enforcement perspective than under-age compliance checks. Suspension or

revocation of a liquor license requires what is essentially a trial. A legally trained hearing officer is much better equipped to handle these types of enforcement cases than a volunteer board.

2. Reliable enforcement requires predictability of results. The makeup of the BLA board changes often and this affects consistency and therefore predictability of results. A legally trained hearing officer would provide the police department and prosecution with the confidence to bring forward the types of cases mentioned above which can be very resource intensive.
3. A municipal judge is familiar with the community's overconsumption of alcohol concerns and with problem liquor establishments because they preside over all municipal court cases including charges such as minor in possession of alcohol, brawling, assault, noise. As a result, they are likely to have a better understanding of the broader impacts of overconsumption of alcohol at liquor establishments in our community than a volunteer board may have.
4. Efficiencies would result from one hearing officer versus a five member board. For example, in a show cause hearing (a trial for a liquor code violation) each witness testifies by answering questions of the prosecutor /defense attorney who has called the witness, is then cross-examined by the opposing party, followed by questions from board members. Each of the five board members individually may ask questions of a witness. Lastly, the party who called the witness has another opportunity to ask the witness questions (redirect). When several witnesses testify, show cause hearings can easily last many hours. A single hearing officer would significantly cut down the hearing time.
5. A reduction in hearing time has a direct impact on Officers. Officers must be subpoenaed for the hearing and are paid time and half for overtime attendance. Spending less time at hearings means that officers can be out doing their primary work.
6. Efficiencies in staff attorney time would result from one hearing officer versus a five member board. Currently, a CAO attorney provides legal support to the BLA board. In its quasi-judicial role, the BLA must consider evidence, decide on the legal admissibility of evidence, and rule on legal objections. This requires a significant amount of attorney time to support the BLA. A hearing officer (judge/licensed attorney) would not require such support. Efficiencies in administrative staff time would also be achieved.
7. If a municipal judge takes over, the municipal court is already set up for hearings, recordings of the record, security, and witness sequestration.
8. Other jurisdictions use this model and have found it to be beneficial for many of the reasons stated above.

The municipal court is working to collect information on court decisions on quality of life offenses through use of their standard reports, and this collected information will be provided as soon as it is available.

- **Provide City Council with a list of every group that has been convened since 1995 to consider any of the following: 1) rebranding the Hill; 2) improving the quality of life on the Hill, land use planning or land use changes related to the Hill; 4) addressing alcohol problems on the Hill. Please provide the name of the group, its mission, whether it drafted a report or recommendation, where that report or recommendation can be found, the date during which the group convened, and the name of the people or entity who convened the group.**

This information was provided to City Council in a HOTLINE response dated Oct. 9, 2013.

- **As part of consideration of land use changes proposed to regulate alcohol licensees, provide City Council with a summary of the history of Whittier's alcohol land use changes. Whittier was the first neighborhood to have an 'interface zone' that regulated size and hours of establishment (not just liquor) and it was expanded with the Downtown Alliance work. The Whittier regulations are widely viewed as being successful in helping to increase the fun and interest surrounding East Pearl. These changes are viewed as successful by residents, businesses and visitors.**

This information was provided to City Council in a HOTLINE response dated Oct. 9, 2013.

ATTACHMENTS

A – Ordinance No. 7938 amending Chapter 6-3, “Trash, Recyclables, Compostables,” and Title 9, “Land Use Code,” B.R.C., 1981, to reduce impacts of hospitality establishments on neighboring properties and setting forth related details.

B – Ordinance No. 7939 amending section 4-2-4, “State Law Procedures Apply,” B.R.C., 1981, and setting for the related details either as Option #B-1 (revoke), Option #B-2 (modify), or Option #B-3 (status quo).

C – Ordinance No. 7940 amending sections 2-3-3, “Beverage Licensing Authority,” 2-6-3, “Creation, Jurisdiction, and Powers of Municipal Court,” 4-2-3, “Authority to Issue City Licenses,” 4-2-12, “Local Liquor Licensing Authority,” B.R.C., 1981, and setting forth related details either as Option #C-1 (municipal judge) or Option #C-2 (hearing officer).

D – Cost Estimates for Beverage Licensing Hearing Officer Options

E – Staff and Planning Board Recommendations for Changes to Land Use Definitions

F – Summary Table of Proposed Land Use Code Definitions

G – Map of City of Boulder Zoning Districts

H – Map of 500-ft Buffer around CU

I- Hospitality establishments and associated liquor licenses on University Hill

Cross-Departmental Staff Team

Bob Eichen, Chief Financial Officer

Mishawn Cook, Licensing and Collections Manager

Tom Carr, City Attorney

David Gehr, Deputy City Attorney

Hella Pannewig, Assistant City Attorney

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Joanna Crean, Public Works Project Coordinator

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ORDINANCE NO. 7938

1 AN ORDINANCE AMENDING CHAPTER 6-3, "TRASH,
2 RECYCLABLES AND COMPOSTABLES," AND TITLE 9,
3 "LAND USE CODE," B.R.C. 1981, REGARDING TRASH
4 REMOVAL AND ZONING STANDARDS FOR HOSPITALITY
5 ESTABLISHMENTS, AND SETTING FORTH RELATED
6 DETAILS.

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
8 COLORADO:

9
10 Section 1. Section 6-3-2, B.R.C. 1981, is amended to read:

11 **6-3-2 Definitions.**

12 The definitions in chapter 1-2, "Definitions," B.R.C. 1981, shall apply to this chapter, including,
13 without limitation, the definitions of *compostables*, *hauler*, *recyclable materials*, *trash*, *trash*
14 *container*, *visible to the public* and *wildlife-resistant container*.

15 The following terms used in this chapter have the following meanings unless the context clearly
16 indicates otherwise:

17 *Person* shall have the meaning set forth in chapter 1-2, "Definitions," B.R.C., and shall also
18 include, without limitation, owner of any property or vacant land; occupant, owner, operator or
19 manager of any single unit dwelling, multi unit dwelling, mobile home, mobile home park,
private club or other similar property; or owner, operator, manager or employee of any business
or business property.

20 *Hospitality establishment* shall have the meaning set forth in Section 9-16-1, "General
21 Definitions," B.R.C. 1981.

22 Section 2. Section 6-3-3, B.R.C. 1981, is amended to read:

23 **6-3-3 Accumulation of Trash, Recyclables and Compostables Prohibited.**

24 (a) No owner of any vacant land or property; occupant, owner or manager of any single
25 family dwelling or similar property; owner, manager or operator of any multiple family
26 dwelling, private club or similar property; or owner, operator, manager or employee of
27 any commercial or industrial establishment or similar property shall fail to:
28

- 1 (1) Prevent the accumulation of trash, recyclables and compostables that are visible to
 2 the public on such property and on the public right of way adjacent to the
 3 property;
- 4 (2) Remove trash, recyclables and compostables located on such property and on the
 5 public right of way adjacent to the property;
- 6 (3) Remove trash frequently enough so that it does not cause putrid odors on the
 7 property.
- 8 (4) Remove or repair broken or damaged windows located on such property.
 9 However, it shall be an affirmative defense to a violation of this provision that a
 10 person is a tenant who, under the terms of the tenancy, is not responsible for the
 11 maintenance of that property and who failed to address a particular maintenance
 12 issue for that reason;
- 13 (5) Remove accumulated newspapers or other periodical publications from such
 14 property when such accumulated newspapers or publications are visible to the
 15 public and remain so for a period of more than twenty-four hours. It shall be an
 16 affirmative defense to any alleged violation of this provision that no more than
 17 three such newspapers or periodicals were accumulated for each residential unit
 18 or each business entity located on the property and that no newspaper or
 19 periodical more than three days old is located on the property; and
- 20 (6) Sufficiently bundle or contain recyclable materials so that those materials are not
 21 scattered onto the public right of way or onto other properties.
- 22 (b) No owner of any property containing one or more rental dwelling units shall fail to
 23 maintain in effect a current and valid contract with a hauler providing for the removal of
 24 accumulated trash from the property, which contract shall provide for sufficient trash
 25 hauling to accommodate the regular accumulation of trash from the property no less
 26 frequently than on a biweekly basis.
- 27 (c) No property owner or contractor in charge of any construction site or responsible for any
 28 construction activity shall fail to:
- (1) Prevent trash from being scattered onto the public right of way or onto other
 properties; and
- (2) Ensure that all trash generated by construction and related activities or located on
 the site of construction projects is picked up at the end of each workday and
 placed in containers sufficient to prevent such trash from being scattered onto the
 public right of way or onto other properties.
- (d) No owner, operator, or manager of any hospitality establishment or any other business
 shall fail to:
- (1) Prevent trash from being scattered from the business property onto the public
 right of way or onto other properties; and
- (2) Remove or cause to remove immediately after closing all trash located on an
 outdoor seating area of the establishment and on the public right of way adjacent
 to the establishment.

(e) The maximum penalty for a first or second conviction within two years, based on date of violation of this section, is a fine of \$500.00. For a third and each subsequent conviction within two years, based upon the date of the first violation, the general penalty provisions of section 5-2-4, "General Penalties," B.R.C. 1981, shall apply.

Section 3. Section 9-2-1, B.R.C. 1981, is amended to read:

Section 9-2-1 Types of Reviews.

(a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in table 2-1 of this section.

(b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

<i>I. ADMINISTRATIVE REVIEWS</i>	<i>II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES</i>	<i>III. DEVELOPMENT REVIEW AND BOARD ACTION</i>
<ul style="list-style-type: none"> • Building permits • Change of address • Change of street name • Demolition, moving and removal of buildings with no historic or architectural significance, per section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981 • Easement vacation • Extension of development approval/staff level • Landmark alteration certificates (staff review per section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981) • Landscape standards variance • Minor modification • Nonconforming use (extension, 	<ul style="list-style-type: none"> • Accessory Units (Dwelling, Owners, Limited) • Antennas for Wireless Telecommunications Services • Bed and Breakfasts • Cooperative Housing Units • Daycare Centers • Detached Dwelling Units with Two Kitchens • Drive-Thru Uses • Group Home Facilities • Home Occupations • Manufacturing Uses with Off-Site Impacts • Neighborhood Service Centers • Offices, Computer Design and Development, Data 	<ul style="list-style-type: none"> • Annexation/initial zoning • BOZA variances • Concept plans • Demolition, moving, and removal of buildings with potential historic or architectural significance, per section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981 • Landmark alteration certificates other than those that may be approved by staff per section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981 • Lot line adjustments • Lot line elimination • Minor Subdivisions • Out of City utility permit

<p>change of use (inc. parking))</p> <ul style="list-style-type: none"> • Parking deferral per subsection 9-9-6(e), B.R.C. 1981 • Parking reduction of up to fifty percent per subsection 9-9-6(f), B.R.C. 1981 • Parking stall variances • Public utility • Rescission of development approval • Revocable permit • Right of way lease • Setback variance • Site access variance • Solar exception • Zoning verification 	<p>Processing, Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts</p> <ul style="list-style-type: none"> • Recycling Facilities • Religious Assemblies • Residential Care, Custodial Care, and Congregate Care Facilities • Residential Development in Industrial Zoning Districts • Restaurants and Taverns <u>Hospitality Establishments</u> • Sales or Rental of Vehicles on Lots Located Five Hundred Feet or Less from a Residential Zoning District • Service Stations • Shelters (Day, Emergency, Overnight, temporary) • Temporary Sales • Transitional Housing 	<ul style="list-style-type: none"> • Rezoning • Site review • Subdivisions • Use review • Vacations of street, alley or access easement
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Section 4. Section 9-2-4, B.R.C. 1981, is amended to read:

9-2-4 Good Neighbor Meetings and Management Plans.

(a) Purpose and Applicability: Good neighbor meetings and management plans are required for some uses, such as shelters and some restaurants and taverns, in order to ensure that applicants, owners and operators of specific uses are informed of the effects of their use upon neighboring properties, and are educated about ways to mitigate, reduce, or eliminate potential impacts upon neighboring properties. The specific use standards of chapter 9-6, "Use Standards," B.R.C. 1981, identify those uses that must complete these procedures.

- 1 (b) Good Neighbor Meeting: When required, owners and operators shall conduct a good
neighbor meeting that meets the following standards:
- 2 (1) Meeting With Surrounding Property Owners Required: Prior to submitting an
3 application, the owner or operator shall be required to organize, host, and
4 participate in a meeting with the surrounding property owners. The time and place
5 of the meeting shall be approved by the city manager. Nothing in this section shall
relieve the owner or operator of the responsibility to otherwise comply with all
6 other laws applicable to the property or business.
- 7 (2) Purpose of Meeting: The purpose of the meeting described in subsection (a) of
8 this section is to provide interested persons in the surrounding neighborhood an
9 opportunity to inform the facility owner or operator of the concerns of the
10 neighborhood. The facility owner or operator shall also provide interested persons
11 in the surrounding neighborhood an opportunity to comment on its proposed
12 management plan. The issues to be addressed at this meeting may include,
without limitation, hours of operation; client and visitor arrival and departure
13 times; coordinated times for deliveries and trash collection; mitigation of noise
14 impacts; security; the facility's drug and alcohol policy; loitering; employee
15 education; the facility's responsibilities as good neighbors; neighborhood outreach
16 and methods for future communication; and dispute resolution with the
17 surrounding neighborhood.
- 18 (3) Notice for the Meeting: Notice of the meeting shall be provided as set forth in
19 section 9-4-3, "Public Notice Requirements," B.R.C. 1981.
- 20 (4) Waiver of Requirement: The city manager may waive the requirement that the
21 applicant organize, host, and participate in a good neighbor meeting upon finding
22 that the applicant will not require a use review, and that the needs of the facility's
23 clients for anonymity and a safe and secure environment will be compromised by
24 such a meeting.
- 25 (c) Management Plan: When required, owners and operators shall develop a management
26 plan that addresses how the applicant will mitigate the potential adverse impacts that a
27 facility may have on the surrounding neighborhood. The approving authority will not
28 approve a management plan unless it adequately addresses such impacts. The following
standards apply to the preparation, submission, and approval of a management plan:
- (1) Elements of a Management Plan: The management plan shall contain the
following components that describe the business operation and address the
mitigation of potential adverse impacts the facility may have on the surrounding
neighborhood, to the extent necessary, including without limitation:
- (A) A description of the food service offered;
(B) Hours of operation;
(C) Client and visitor arrival and departure times;
(D) Coordinated times for deliveries and trash collection;
(E) A description of the type of entertainment provided;
(F) Size, location, and number of electronic amplifiers;
(G) Techniques and strategies to mitigate ~~ion~~ of noise impacts;

(H) A description of how the applicant will prevent littering and maintain an orderly appearance of the premises and any adjacent right of way;

(I) A security plan describing security features, including without limitation personnel and equipment;

(J) ~~¶~~The facility's drug and alcohol policy;

(K) Strategies to avoid loitering;

(L) ~~e~~Employee education;

(M) ~~¶~~The facility's responsibilities as good neighbors;

(N) ~~¶~~Neighborhood outreach and methods for future communication; and

(O) ~~d~~Dispute resolution strategies for any conflicts with the surrounding neighborhood.

- (2) Preparation and Distribution of a Proposed Management Plan: The owner or operator shall prepare a proposed management plan and present it to the surrounding property owners at the good neighbor meeting required by subsection (a) of this section.
- (3) Submission of a Management Plan: After the good neighbor meeting, the applicant shall submit a revised management plan with its application.
- (4) Approved Management Plan: An approved management plan shall be used to define the operating characteristics of a facility and shall be retained by the applicant and the city manager and readily available to any member of the public at all times during business hours. No person shall operate a facility in violation of an approved management plan.
- (5) Amendment of a Management Plan: When the owner or operator changes the operating characteristics in a manner that does not comply with the approved management plan, the owner or operator shall resubmit a management plan. No owner or operator shall fail to resubmit a management plan that meets the requirements of this section. The city manager is authorized to require an owner or operator to organize, host, and participate in a good neighbor meeting if the city manager determines that such a meeting will be of assistance in identifying additional adverse impacts that may have been created by the facility. The amended management plan shall address how the facility will address any additional adverse impacts that have been identified by the city manager. The city manager will approve the amended management plan upon finding that any such additional adverse impacts will be mitigated by amendments to the management plan.
- (6) Management Plan as a Condition of a Use Review Approval: A management plan shall be incorporated into the conditions of approval if the applicant is required to complete a use review pursuant to section 9-2-15, "Use Review," B.R.C. 1981.

Section 5. Section 9-6-1(d), B.R.C. 1981, is amended to read:

(d) Use Table:

TABLE 6-1: USE TABLE

Zoning Districts	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-1	MU-2	MU-3	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	Specific Use Standard
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	
...																												
Dining and Entertainment																												
...																												
Breweries, distilleries or wineries <15,000 square feet and with a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	*	*	9-6-5(b)(3.5)
Breweries, distilleries or wineries <15,000 square feet and without a	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	9-6-5(b)(3.5)

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Restaurant, late night, without a liquor license and which closes after 12 a.m.	*	*	*	*	*	*	*	*	*	U	U	*	U	*	U	C	C	C	C	C	U	U	U	U	*	*	9-6-5(b)	
Restaurant, late night, with a liquor license and which closes after 11 p.m.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	C	C	*	U	U	U	U	*	*	9-6-5(b)
Restaurants (general)	n/a	€	€	€	€	n/a	n/a	9-6-5(b)																				
Restaurants, brewpubs and taverns no larger than 1,000 square feet in floor area, which may have meal service on an outside patio not more than 1/2 the floor area, and which close no later than 11:00 p.m.	*	*	*	*	*	U	A	*	*	A	A	A	n/a	-														
Restaurants, brewpubs and taverns no larger than 1,500 square feet in floor area, which	*	*	*	*	*	n/a	*	*	*	*	A	*	A	U	A	A	A	A	A	A	€	n/a	n/a	n/a	n/a	n/a	n/a	9-6-5(b)

Commercial, Retail and Industrial Uses																												
...																												
Retail Sales Uses:																												
...																												
<u>Retail liquor store</u>	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	A	A	A	A	A	U	*	*	*	*	*	*
...																												

- 6 **A:** Allowed use.
- 7 **C:** Conditional use. See Section 9-2-2 for administrative review procedures.
- 8 *****: Use prohibited.
- 9 **U:** Use review. See Section 9-2-15 for use review procedures.
- 10 **G:** Allowed use provided that it is located above or below the ground floor.
- 11 **M:** Allowed use provided at least 50% of the floor area is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise use review.
- 12 **N:** Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.
- 13 **n/a:** Not applicable; more specific use applications apply.

Section 6. Section 9-6-5, B.R.C. 1981, is amended to read:

9-6-5 Temporary Lodging, Dining, Entertainment, and Cultural Uses.

...

- (b) ~~Restaurants and Taverns~~Hospitality Establishments: The intent of this subsection is to ensure that ~~restaurant and tavern~~hospitality establishment owners and operators in close proximity to residential districts operate their establishments so as ~~are informed of the effects upon neighboring residential properties of operating a business, and are educated about ways to mitigate, reduce or eliminate potential impacts of a restaurant or tavern operation~~their establishments upon neighboring properties.

The applicant shall include all areas inside the restaurant measured to the inside surface of the outside walls, except for floor area that is used exclusively for storage that is located on another floor of the building, when determining whether the floor area thresholds under section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, necessitate review under this subsection.

- (1) General Operating Requirements and Review Processes for Specific Hospitality Establishments:

(A) Brewpub: The following criteria apply to brewpubs:

- (i) Snacks shall be provided for consumption on the premises during all operating hours of a brewpub; and
- (ii) If the use is located within 500 feet of a residential zoning district, trash, recyclables, and compostables shall not be collected between the hours of 10:30 p.m. and 7:30 a.m.

(B) Neighborhood Pub or Bistro: The following criteria apply to neighborhood pubs and bistros:

- (i) The bar area shall not exceed 35% of the dining area in size;
- (ii) A neighborhood pub or bistro shall close no later than 12:00 a.m.;
- (iii) A food preparation area shall be in operation on the premises during all business hours, and solid food, prepared in the food preparation area, shall be offered and available for consumption on the premises during all business hours;
- (iv) Not less than forty percent of the gross income from the sales of food and drink of the establishment over any 30-day period of time must be from sales of food; receipts of all sources of income showing the name of the establishment, the date of sale, a description of each item sold, and the price

1 paid for each item sold shall be retained for one year and must be provided to
2 the city manager within seven days of request; and

- 3 (v) If the use is located within 500 feet of a residential zoning district, trash,
4 recyclables, and compostables shall not be collected between the hours of
5 10:30 p.m. and 7:30 a.m.

6 (C) Restaurant: The following criteria apply to restaurants:

- 7 (i) A restaurant shall close no later than 11:00 p.m.;
8 (ii) A food preparation area shall be in operation on the premises during all
9 business hours, and solid food, prepared in the food preparation area, shall be
10 offered and available for consumption on the premises during all business
11 hours;
12 (iii) Not less than fifty percent of the gross income from sales of food and drink of
13 the establishment over any 30-day period of time must be from sales of food;
14 receipts of all sources of income showing the name of the establishment, the
15 date of sale, a description of each item sold, and the price paid for each item
16 sold shall be retained for one year and must be provided to the city manager
17 within seven days of request; and
18 (iv) If the use is located within 500 feet of a residential zoning district, trash,
19 recyclables, and compostables shall not be collected between the hours of
20 10:30 p.m. and 7:30 a.m.

21 (D) Restaurant, Late Night: The following criteria apply to restaurants, late night:

- 22 (i) In residential districts, late night restaurants shall be limited to a maximum
23 size of 1500 square feet;
24 (ii) A food preparation area shall be in operation on the premises during all
25 business hours, and solid food, prepared in the food preparation area, shall be
26 offered and available for consumption on the premises during all business
27 hours;
28 (iii) Not less than fifty percent of the gross income from sales of food and drink of
the establishment over any 30-day period of time must be from sales of food;
receipts of all sources of income showing the name of the establishment, the
date of sale, a description of each item sold, and the price paid for each item
sold shall be retained for one year and must be provided to the city manager
within seven days of request; and
(iv) If the use is located within 500 feet of a residential zoning district, trash,
recyclables, and compostables shall not be collected between the hours of
10:30 p.m. and 7:30 a.m.

(E) Tavern: The following criteria apply to taverns:

- (i) Snacks shall be offered and available for consumption on the premises during
all operating hours; and

1 (ii) If the use is located within 500 feet of a residential zoning district, trash,
 2 recyclables, and compostables shall not be collected between the hours of
 3 10:30 p.m. and 7:30 a.m.

4 (2) ~~Restaurants and Taverns~~Hospitality Establishments in the DT-1, DT-2, ~~and DT-3,~~
 5 BMS, and MU Zoning Districts and Portions of the BMS Zoning District: The
 6 following criteria apply to hospitality establishments~~Owners and operators of~~
 7 ~~restaurant and tavern uses permitted as a conditional use or pursuant to a use review~~
 8 ~~in the DT-1, DT-2, and DT-3, BMS, and MU zoning districts and those portions of~~
 9 ~~the BMS zoning district that are outside of the University Hill General Improvement~~
 10 ~~District are required to organize and participate in a meeting with the surrounding~~
 11 ~~property owners pursuant to section 9-2-4, "Good Neighbor Meetings and~~
 12 ~~Management Plans," B.R.C. 1981.~~

13 (2) ~~Restaurants and Taverns in the University Hill General Improvement District~~
 14 ~~Within the BMS Zoning District: The following criteria apply to restaurants and~~
 15 ~~tavern uses permitted as a conditional use or pursuant to a use review in the BMS~~
 16 ~~zoning district that is also located within the University Hill General~~
 17 ~~Improvement District:~~

18 (A) Meeting With Surrounding Property Owners Required: ~~Restaurant and~~
 19 ~~tavern~~ Owners and operators of hospitality establishments shall be
 20 ~~required to organize and participate in a good neighbor meeting with the~~
 21 ~~surrounding property owners pursuant to section 9-2-4, "Good Neighbor~~
 22 ~~Meetings and Management Plans," B.R.C. 1981.~~

23 (B) Preparation and Distribution of a Proposed Management Plan: The owner
 24 or operator shall prepare a proposed management plan, pursuant to section
 25 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981,
 26 and present it to the surrounding property owners at the neighbor meeting.

27 (3) Restaurants, Late Night Restaurants, and Neighborhood Pub or Bistros in the
 28 Industrial Districts: The following criteria will apply to restaurant, late night
 29 restaurant, and neighborhood pub or bistro uses located in an Industrial
 30 industrial district except as provided in paragraph (b)(3.5) of this section:

31 (A) The use is intended generally to serve the industrial area in which it is
 32 located;

33 (B) The use is not located along a major street or higher classification street as
 34 shown in appendix A, "Major Streets," of this title;

35 (C) In the IMS district only, the use shall be limited to a maximum size of two
 36 thousand square feet of floor area;

37 (D) Parking for restaurants, late night restaurants, and neighborhood pub
 38 or bistros in industrial districts shall meet the minimum number of off-
 39 street parking spaces per square foot of floor area for nonresidential uses.
 40 The indoor and outdoor seating requirements of Section 9-9-6(b), "Off-
 41 Street Parking Requirements," B.R.C. 1981, shall not be applied to
 42 industrial service centers; and

1 (E) ~~The use may operate daily between the hours of 5:00 a.m. and 11:00~~
 2 ~~p.m.; and~~

3 (F) ~~No person shall operate a late night restaurant use in an industrial~~
 4 ~~district the use between the hours of 11:00 p.m. and 5:00 a.m., unless~~
 5 the use is:

6 ~~(i) Approved through a use review process; and~~

7 ~~(ii) Located~~ located more than ~~five hundred~~ 500 feet from any adjacent
 8 residential use or zone.

9 (3.5) Restaurants in Breweries, Distilleries and Wineries: The following criteria will
 10 apply to any restaurant use located in a brewery, distillery or winery in an
 11 industrial district:

12 (A) The restaurant shall be limited to a maximum size of thirty percent of the
 13 total floor area of the facility, or ~~one thousand~~ 1,000 square feet, whichever
 14 is greater, including any outdoor seating or accessory sales areas;

15 (B) Parking for the restaurant shall meet the parking requirements for
 16 ~~restaurants or taverns~~ hospitality establishments in section 9-9-6, "Parking
 17 Standards," B.R.C. 1981;

18 (C) The use may operate daily between the hours of 5:00 a.m. and 11:00 p.m.;
 19 unless the extended hours are approved through a use review process; and

20 (D) If the restaurant requires a use review, the applicant shall demonstrate that
 21 it meets use review criteria in paragraphs 9-2-15(e)(1), (3), (4) and (5)
 22 "Use Review," B.R.C. 1981, as well as the use standards in paragraph
 23 (b)(4) for outdoor seating areas within ~~five hundred~~ 500 feet of a
 24 residential ~~use module~~ zoning district.

25 (4) ~~Restaurants and Taverns~~ Hospitality Establishments With Outdoor Seating Within
 26 ~~Five Hundred~~ 500 Feet of a Residential ~~Use Module~~ Zoning District: The
 27 following criteria apply to any outdoor seating area that is within ~~five hundred~~ 500
 28 feet (measured from the perimeter of the subject property) of a residential ~~use~~
~~module~~ zoning district. Outdoor dining areas that are within the BMS, DT and I
 zoning districts are also subject to the provisions of subparagraph (b)(4)(A),
 (b)(4)(B) or (b)(4)(C) of this subsection (b)(4), when applicable.

(A) Size Limitations: Outdoor seating areas shall not exceed the indoor seating
 area or seating capacity of the ~~restaurant or tavern~~ hospitality
establishment.

(B) Parking Required: Parking in compliance with section 9-9-6, "Parking
 Standards," B.R.C. 1981, shall be provided for all outdoor seating areas
 except those located in general improvement districts.

(C) ~~Music~~ Outdoor Entertainment: No outdoor music or other outdoor
 entertainment shall be provided after 11:00 p.m.

(D) Sound Levels: The outdoor seating area shall not generate noise exceeding
 the levels permitted in ~~chapter~~ Chapter 5-9, "Noise," B.R.C. 1981.

(E) ~~Restaurant or tavern~~ Trash: All trash located within the outdoor dining area, on the restaurant or tavern hospitality establishment property, and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.

(F) Food service: Any food required to be offered and available for consumption on the premises of the use, shall also be offered and available for consumption on the patio during all operating hours of the establishment.

(G) Use Review: Any hospitality establishment use with an outdoor seating area of 300 square feet or more that is located within 500 feet of a residential zoning district, shall complete a use review and may be approved only if the approving authority finds that the use review criteria of Subsection 9-2-15(e), "Criteria for Review," B.R.C. 1981, and the requirements of this subsection are met.

(5) No owner or operator of any hospitality establishment shall fail to operate the establishment in compliance with the requirements of this Subsection 9-6-5(b), "Hospitality Establishments," B.R.C. 1981, and any approval granted under this title.

Section 7. Section 9-9-6, B.R.C. 1981, is amended to read:

9-9-6 Parking Standards.

(b) Off-Street Parking Requirements: The number of required off-street parking spaces shall be provided in tables 9-1, 9-2, 9-3, and 9-4 of this section:

(4) Supplemental Requirements for Nonresidential Uses:

TABLE 9-4: SUPPLEMENTAL PARKING REQUIREMENTS FOR NONRESIDENTIAL USES IN ALL ZONES

<i>Use</i>	<i>Parking Requirement</i>
Large daycare (less than 50 children)	Determined through review
Nonresidential uses in General Improvement Parking Districts	No parking required
Restaurant or tavern <u>Hospitality establishment</u> – interior seating	Greater of 1 per 3 seats, or the ratio for the use module

1	<u>Restaurant or tavern</u> Hospitality establishment – outdoor seating:	
2	a. Outside seats for restaurant or tavern <u>hospitality establishment</u> with up to and including =50 interior seats if outside seats do not exceed the greater of 6 seats or 25 percent of interior seats or	No additional parking spaces required
3		
4	b. Outside seats for restaurant or tavern <u>hospitality establishment</u> with more than =50 interior seats if outside seats do not exceed the greater of 12 seats or 20 percent of indoor seats	
5		
6		
7	c. Outside seats for restaurant or tavern <u>hospitality establishment</u> in excess of requirements of subsection a or b of this use	1 space per 3 outdoor seats in excess of exempted outdoor seats
8		
9	d. Outside seats for restaurants <u>hospitality establishment</u> that do not meet the parking requirement for their indoor seats	The maximum number of outdoor seats shall be calculated in accordance with the following formula:
10		(the number of parking spaces provided on site) x 3 x (the percentage of seats permitted in subsection a or b of this use) = the maximum number of outdoor seats that may be provided without providing additional parking
11		
12	Motels, hotels and bed and breakfasts	1 space per guest room or unit, plus required spaces for nonresidential uses at 1 space per 300 square feet of floor area
13		
14	Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
15	Gasoline service station	General ratio for the use zone plus storage of 2 vehicles per service bay
16		
17	Religious assembly:	(See paragraph (f)(8) of this section for permitted parking reductions)
18	a. Religious assemblies created prior to 9/2/1993	1:300
19	b. Religious assemblies created after 9/2/1993	1 space per 4 seats, or 1 per 50 square feet of assembly area if there are no fixed seats - assembly area includes the largest room plus any adjacent rooms that could be used as part of the assembly area
20		
21	c. Uses accessory to a religious assembly and created after 9/2/1993	Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use
22		
23	d. Total parking of a religious assembly and accessory uses created after 9/2/1993	Parking for the religious assembly use and any accessory use shall be for the use which has the greatest parking requirement
24	Small recycling collection facility	1 space for attendant if needed
25	Large recycling collection facility	General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
26	Recycling processing facility	Sufficient parking spaces for a minimum of 10 customers, or the peak load, whichever is greater, plus 1 space for each commercial vehicle operated by the facility
27		
28		

1 ...

2 Section 8. Subsection 9-16-1(c), B.R.C. 1981, is amended to read:

3 **9-16-1 General Definitions.**

4 ...

5
6 (c) The following terms as used in this title have the following meanings unless the context
7 clearly indicates otherwise:

8 ...

9 “Bar area” means the cumulative total of indoor and outdoor areas of a hospitality establishment
10 where food or beverages are offered to and consumed by customers seated or standing at a
11 counter rather than tables.

12 ...

13 “Brewery” means a use with a manufacturer or wholesaler license issued under § 12-47-401, et
14 seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq.,
15 C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where malt liquors are
16 manufactured on the premises, that may include a tap room that is less than or equal to thirty
17 percent of the total floor area of the facility or one thousand square feet, whichever is greater.

18 "Brewpub" means an establishment with a brewpub license under § 12-47-415 C.R.S. that is
19 primarily a restaurant where malt liquor is manufactured on the premises and food is offered and
20 available for consumption on the premises as an accessory use. A brewpub may include some
21 off-site distribution of its malt liquor consistent with state law.

22 ...

23 “Dining area” means the cumulative total of indoor and outdoor areas of the hospitality
24 establishment where food or beverages are offered to and consumed by customers seated at
25 tables and not including bar, kitchen, service areas, offices, storage, or restrooms.

26 "Distillery" means a use with a manufacturer or wholesaler license issued under § 12-47-401, et
27 seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq.,
28 C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where spirituous liquors
are manufactured that may include a tasting room that is less than or equal to thirty percent of the
total floor area of the facility or one thousand square feet, whichever is greater.

...

“Food” means nourishment in solid form consumed for the purpose of sustenance, but also
includes soup, coffee and tea drinks, soft drinks, water, fruit juice and smoothies, milk, and milk
and yoghurt products. (Hospitality Establishments)

1 “Hospitality establishment” means the following: a brewpub, neighborhood pub or bistro,
2 restaurant, late night restaurant, and tavern.

3 ...

4 "Indoor amusement establishment" means a commercial operation open to the public without
5 membership requirements, including, without limitation, bowling alleys, indoor arcades, theaters,
6 pool halls, skating rinks, ~~dance halls~~, and reception/banquet facilities.

7 ...

8 “Neighborhood pub or bistro” means an establishment with a beer and wine license issued under
9 § 12-47-409, C.R.S., with a food preparation area, dining room equipment, and persons to
10 prepare and serve, in consideration of payment, food or drinks to guests that closes no later than
11 12:00 a.m.

12 ...

13 "Restaurant" means an establishment with no liquor license or with a hotel and restaurant license
14 issued under § 12-47-411, C.R.S., provided with a food preparation area, dining room
15 equipment, and persons to prepare and serve, in consideration of payment, food or drinks to
16 guests that closes no later than 11:00 p.m. and includes without limitation full-service, fast-food,
17 or drive-through restaurants, cafes, coffee shops, lunchrooms, cafeterias, and delicatessens.

18 “Restaurant, late night” means an establishment with no liquor license or with a beer and wine
19 license issued under § 12-47-409, C.R.S., or a hotel and restaurant license issued under § 12-47-
20 411, C.R.S., provided with a food preparation area, dining room equipment, and persons to
21 prepare and serve, in consideration of payment, food or drinks to guests that may operate after
22 11:00 p.m.

23 “Retail liquor store” means an establishment with a retail liquor store license issued under § 12-
24 47-407, C.R.S., engaged primarily in the sale of malt, vinous, and spirituous liquors and soft
25 drinks and mixers, all in sealed containers for consumption off the premises and otherwise
26 consistent with the definition of retail liquor store under § 12-47-103, C.R.S.

27 ...

28 "Small theater or rehearsal space" means an establishment for live dramatic, operatic, or dance
performances open to the public, without membership requirements, whose seating capacity does
not exceed three hundred seats and seating area does not exceed three thousand square feet, or
any area for the rehearsal of such live performances.

...

"Tavern" means an establishment with a tavern license issued under § 12-47-412, C.R.S., serving
malt, vinous, and spirituous liquors in which the principal business is the sale of such beverages

1 at retail for consumption on the premises and where snacks are available for consumption on the
2 premises, including, but not limited to bars, cabarets, cocktail lounges, dance halls, discotheques,
3 and night clubs.

4 ...
5 "Winery" means a use with a manufacturer or wholesaler license issued under § 12-47-401, et
6 seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq.,
7 C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where vinous liquors are
8 manufactured that may include a tasting room that is less than or equal to thirty percent of the
9 total floor area of the facility or one thousand square feet, whichever is greater.

10 Section 9. This ordinance is necessary to protect the public health, safety, and
11 welfare of the residents of the city, and covers matters of local concern.

12 Section 10. The City Council deems it appropriate that this ordinance be published
13 by title only and orders that copies of this ordinance be made available in the office of the city
14 clerk for public inspection and acquisition.

15 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED
16 BY TITLE ONLY this 1st day of October, 2013.

17
18 _____
19 Mayor

20 Attest:

21 _____
22 City Clerk
23
24
25
26
27
28

1 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED

2 BY TITLE ONLY this 15th day of October, 2013.

3
4
5 _____
Mayor

6 Attest:

7
8 _____
City Clerk

9
10 READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED

11 BY TITLE ONLY this ____ day of _____, 2013.

12
13
14 _____
Mayor

15 Attest:

16 _____
17 City Clerk

1 ~~(1) The principal campus of the University of Colorado is eliminated from the application of~~
2 ~~the five hundred foot distance restriction of subparagraph 12-47-313(1)(d)(I), C.R.S., for~~
3 ~~hotel-restaurant liquor licenses only. For the purposes of this section, the principal campus is~~
4 ~~defined as the area generally circumscribed by Broadway Street on the west; Baseline Road~~
5 ~~on the south; 28th Street, Colorado Avenue and Folsom Street on the east; and Boulder~~
6 ~~Creek, 17th Street and University Avenue on the north.~~

7 ~~(2) The five hundred foot distance restrictions of subparagraph 12-47-313(1)(d)(I), C.R.S. as~~
8 ~~it applies to the principal campus of Boulder High School shall be changed to four hundred~~
9 ~~feet for hotel-restaurant liquor licenses only. In addition, the distance change shall only apply~~
10 ~~to establishments with full kitchen facilities, with a seating capacity not to exceed thirty five,~~
11 ~~and with a square footage not to exceed 1,200 square feet.~~

12 (b) The optional procedures set forth in subsections 12-47-601(3) to (6), C.R.S., are accepted and
13 adopted for application by the Beverage Licensing Authority.

14 Section 2. This ordinance is necessary to protect the public health, safety, and welfare of
15 the residents of the city, and covers matters of local concern.

16 Section 3. The City Council deems it appropriate that this ordinance be published by title
17 only and orders that copies of this ordinance be made available in the office of the city clerk for
18 public inspection and acquisition.

19 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
20 TITLE ONLY this 1st day of October, 2013.

21 _____
22 Mayor

23 Attest:

24 _____
25 City Clerk

1 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
2 PUBLISHED BY TITLE ONLY this ____ day of _____ 2013.

3
4 _____
Mayor

5 Attest:

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7 _____
City Clerk

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1 | ~~(1)~~ The principal campus of the University of Colorado is eliminated from the application of
2 | the five hundred foot distance restriction of subparagraph 12-47-313(1)(d)(I), C.R.S., for
3 | ~~hotel-restaurant-liquor~~ licenses as defined by 12-47-409, C.R.S., only. For the
4 | purposes of this section, the principal campus is defined as the area generally circumscribed
5 | by Broadway Street on the west; Baseline Road on the south; 28th Street, Colorado Avenue
6 | and Folsom Street on the east; and Boulder Creek, 17th Street and University Avenue on the
7 | north.

8 | ~~(2) The five hundred foot distance restrictions of subparagraph 12-47-313(1)(d)(I), C.R.S. as
9 | it applies to the principal campus of Boulder High School shall be changed to four hundred
10 | feet for hotel-restaurant-liquor licenses only. In addition, the distance change shall only apply
11 | to establishments with full kitchen facilities, with a seating capacity not to exceed thirty five,
12 | and with a square footage not to exceed 1,200 square feet.~~

13 | (b) The optional procedures set forth in subsections 12-47-601(3) to (6), C.R.S., are accepted and
14 | adopted for application by the Beverage Licensing Authority.

15 | Section 2. This ordinance is necessary to protect the public health, safety, and welfare of
16 | the residents of the city, and covers matters of local concern.

17 | Section 3. The City Council deems it appropriate that this ordinance be published by title
18 | only and orders that copies of this ordinance be made available in the office of the city clerk for
19 | public inspection and acquisition.

20 | INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
21 | TITLE ONLY this 1st day of October, 2013

22 | _____
23 | Mayor

24 | Attest:

25 | _____
City Clerk

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ORDINANCE NO. 7939

AN ORDINANCE AMENDING SECTION 4-2-4, "STATE LAW PROCEDURES APPLY" OF THE B.R.C. 1981 TO RETAIN THE EXISTING FIVE HUNDRED FOOT DISTANCE WAIVER REGARDING HOTEL AND RESTAURANT LICENSES WITH RESPECT TO THE UNIVERSITY OF COLORADO AND ELIMINATING THE EXISTING FIVE HUNDRED FOOT DISTANCE WAIVER WITH RESPECT TO THE PRINCIPAL CAMPUS OF BOULDER HIGH SCHOOL, AND SETTING FORTH RELATED DETAILS.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THE FOLLOWING:

A. Findings.

1. In 2004, City Council adopted Resolution No. 960 to acknowledge the city's leadership role in addressing overconsumption of alcohol as an important health, safety, and welfare issue in the community.
2. State law mandates that a liquor license cannot be applied for within five hundred feet of a school or principal campus of a university unless there is a local ordinance that allows for elimination or reduction of the five hundred foot rule.
3. On September 1, 1987, the city passed Ordinance No. 5069 that removed the University of Colorado campus from the application of the five hundred foot distance limitation for Hotel-Restaurant liquor licenses only.
4. On May 6, 2003, the city passed Ordinance No. 7276 that removed Boulder High School from the application of the five hundred foot distance limitation by creating an exception which allowed hotel and restaurant liquor licenses within four hundred feet of the school but only to establishments with full kitchen facilities with a seating capacity not to exceed thirty-five, and with a square footage not to exceed 1,200 square feet.
5. City Council has determined that eliminating the existing waiver as it applies to Boulder High School is consistent with state law.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
2 OF BOULDER, COLORADO:

3 Section 1. Section 4-2-4, B.R.C. 1981, is amended to read:

4 **4-2-4 State Law Procedures Apply.**

5 (a) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures
6 for applications, hearing, and decisions for state liquor or fermented malt beverages apply for
7 city licenses.

8 ~~(1)~~ The principal campus of the University of Colorado is eliminated from the application of
9 the five hundred foot distance restriction of subparagraph 12-47-313(1)(d)(I), C.R.S., for
10 hotel-restaurant liquor licenses only. For the purposes of this section, the principal campus is
11 defined as the area generally circumscribed by Broadway Street on the west; Baseline Road
12 on the south; 28th Street, Colorado Avenue and Folsom Street on the east; and Boulder
13 Creek, 17th Street and University Avenue on the north.

14 ~~(2) The five hundred foot distance restrictions of subparagraph 12-47-313(1)(d)(I), C.R.S. as
15 it applies to the principal campus of Boulder High School shall be changed to four hundred
16 feet for hotel-restaurant liquor licenses only. In addition, the distance change shall only apply
17 to establishments with full kitchen facilities, with a seating capacity not to exceed thirty-five,
18 and with a square footage not to exceed 1,200 square feet.~~

19 (b) The optional procedures set forth in subsections 12-47-601(3) to (6), C.R.S., are accepted and
20 adopted for application by the Beverage Licensing Authority.

21 Section 2. This ordinance is necessary to protect the public health, safety, and welfare of
22 the residents of the city, and covers matters of local concern.

23 Section 3. The City Council deems it appropriate that this ordinance be published by title
24 only and orders that copies of this ordinance be made available in the office of the city clerk for
25 public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this 1st day of October, 2013

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____ 2013.

Mayor

Attest:

City Clerk

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ORDINANCE NO. 7940

AN ORDINANCE TO REMOVE SECTION 2-3-3, "BEVERAGE LICENSING AUTHORITY" AND REPLACE WITH A NEW SECTION 4-2-12, "BEVERAGE LICENSING AUTHORITY" AND AMENDING SECTION 4-2-3, "AUTHORITY TO ISSUE CITY LICENSES"; AND 2-6-3, "CREATION, JURISDICTION, AND POWERS OF MUNICIPAL COURT" B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THE FOLLOWING:

A. Findings.

1. From 1967 to 1982 pursuant to Ordinances 3280 and 3321, the City Council served as the city's Liquor Licensing Authority.
2. From 1982 to 1991 pursuant to Ordinances 4651 and 4722, one city council member served as chair and two city residents were appointed by mayor to serve the city's Liquor Licensing Authority.
3. In 1991, the City Council enacted Ordinance No. 5440, which established the Beverage Licensing Authority ("Authority"), consisting of five residents of the city appointed by city council, and set forth the duties and powers of the Authority.
4. In 2004, the City Council adopted Resolution No. 960 to acknowledge the city's leadership role in addressing overconsumption of alcohol as an important health, safety, and welfare issue in the community.
5. The City Council has determined that restructuring the local liquor licensing authority from a board to a municipal court judge supports the goals of Resolution No. 960.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

1 Section 1. Section 2-3-3, B.R.C. 1981, is deleted:

2
3 ~~**2-3-3 Beverage Licensing Authority.**~~

4 ~~(a) The City of Boulder Beverage Licensing Authority consists of five members serving five year~~
5 ~~staggered terms, all of whom are city electors. The council shall appoint members at a~~
6 ~~regular meeting in March of every year. The council shall adjust terms as needed to stagger~~
7 ~~the terms. Vacancies shall be filled for the remainder of the term.~~

8 ~~(b) The city manager shall serve as secretary to the authority. The secretary may be known as the~~
9 ~~licensing clerk, and shall serve as the authority's agent for all functions.~~

10 ~~(c) The authority's functions are:~~

11 ~~(1) To grant or refuse applications for licenses to sell malt, vinous, or spirituous liquor and~~
12 ~~fermented malt beverages;~~

13 ~~(2) To conduct investigations;~~

14 ~~(3) To suspend or revoke such licenses for cause;~~

15 ~~(4) To perform all other acts or duties required to carry out the purposes of the state and city~~
16 ~~liquor and fermented malt beverage licensing laws; and~~

17 ~~(5) To perform all other responsibilities that the council may delegate to it.~~

18 ~~(d) The city manager shall issue all licenses granted by the authority upon receipt of the license~~
19 ~~fees prescribed by sections 4-20-2, "Alcohol and Fermented Malt Beverage License and~~
20 ~~Application Fees," and 4-20-12, "Local Improvement District Fees," B.R.C. 1981.~~

21 ~~(e) Sections 1-3-3, "Notice of Agency Action," 1-3-4, "Exception for Emergencies," and~~
22 ~~subsections 1-3-5(a) and (c), B.R.C. 1981, do not apply to hearings conducted by the~~
23 ~~authority.~~

24 ~~(f) The city council shall establish and adopt by resolution rules of procedure for the authority.~~

25 ~~(g) The authority may adopt supplemental rules of procedure provided that the authority's~~
supplemental rules shall not be in conflict with those adopted by the city council.

1 Section 2. Section 4-2-3, B.R.C. 1981, is amended to read:

2
3 **4-2-3 Authority to Issue City Licenses.**

4 (a) An applicant for a city license under this chapter shall apply therefor to the Beverage
5 Licensing Authority ("Authority") established by section ~~4-2-122-3-3~~, "Beverage Licensing
6 Authority," B.R.C. 1981, on forms provided by the Aauthority.

7 (b) The Aauthority may issue the following types of city licenses:

8 (1) Retail liquor store;

9 (2) Liquor-licensed drugstore;

10 (3) Beer and wine;

11 (4) Hotel and restaurant;

12 (5) Tavern;

13 (6) Club;

14 (7) Arts;

15 (8) Racetrack;

16 (9) Brew pub;

17 (10) Fermented malt beverage on-premises;

18 (11) Fermented malt beverage off-premises;

19 (12) Fermented malt beverage on-premises and off-premises;

20 (13) Hotel and restaurant with optional premises; ~~and~~

21 (14) Tastings of alcoholic beverages conducted on licensed retail liquor stores and liquor-
22 licensed drugstore premises;

23 (15) Art gallery permit;

24 (16) Bed and breakfast permit; and

25 (17) Special Event Permit.

1 (c) In order to qualify for a city license under this chapter, an applicant must meet all conditions
2 for the issuance of the parallel state license prescribed by the Colorado Liquor Code, for
3 malt, vinous, and spirituous liquors, and the Colorado Beer Code, for fermented malt
4 beverages, except that the fees for a city license are those prescribed by section 4-20-2,
5 "Alcohol and Fermented Malt Beverage License and Application Fees," B.R.C. 1981.

6 Section 3. Section 4-2-12, B.R.C. 1981, is created to read:

7 **4-2-12 Beverage Licensing Authority.**

8 (a) The Beverage Licensing Authority ("Authority") shall have all powers and duties granted to
9 local liquor licensing authorities as set forth in Title 12, Articles 46, 47 and 48, C.R.S. The
10 Authority shall have the duty and authority to grant or refuse licenses for the possession, sale
11 and offering for sale of malt, special malt, vinous or spirituous liquors and fermented malt
12 beverages as provided by law, to conduct investigations as are required by law and to levy
13 penalties against licensees in the manner provided by law.

14 (b) The Authority shall consist of a sole Hearing Officer who shall be a judge in the Municipal
15 Court. The term "Hearing Officer" and "Authority" as used in Chapter 4-2, shall be
16 synonymous with "Beverage Licensing Authority".

17 (c) The city manager shall serve as secretary to the Authority. The secretary may be known as
18 the licensing clerk, and shall serve as the Authority's agent for all functions.

19 (d) The Authority's functions are:

20 (1) To grant or refuse applications for licenses to sell malt, vinous, or spirituous liquor and
21 fermented malt beverages;

22 (2) To conduct investigations;

23 (3) To suspend or revoke such licenses for cause;

24 (4) To perform all other acts or duties required to carry out the purposes of the state and city
25 liquor and fermented malt beverage licensing laws; and

(5) To perform all other responsibilities that the council may delegate to it.

(e) The city manager shall issue all licenses granted by the Authority upon receipt of the license
fees prescribed by sections 4-20-2, "Alcohol and Fermented Malt Beverage License and
Application Fees," and 4-20-12, "Local Improvement District Fees," B.R.C. 1981.

1 (f) Sections 1-3-3, "Notice of Agency Action," 1-3-4, "Exception for Emergencies," and
2 subsections 1-3-5(a) and (c), B.R.C. 1981, do not apply to hearings conducted by the
3 Authority.

4 (g) The Authority shall adopt the existing rules of procedure established by the city council.

5 (h) The Authority may adopt supplemental rules of procedure provided that the Authority's
6 supplemental rules shall not be in conflict with those adopted by the City Council.

7 Section 4. Section 2-6-3, B.R.C. 1981, is amended to read:

8 **2-6-3 Creation, Jurisdiction, and Powers of Municipal Court.**

- 9 (a) Pursuant to charter section 86 there exists a municipal court in and for the City of Boulder,
10 Colorado.
- 11 (b) The municipal court has original jurisdiction of all criminal cases arising under the charter,
12 this code, and other ordinances of the city, with power to punish violations thereof by
13 imposing fines and penalties as authorized by this code or any ordinance.
- 14 (c) The municipal court has original jurisdiction of all civil cases arising under the charter, this
15 code, and other ordinances of the city, with power to assess and collect civil penalties, order
16 and enforce by contempt abatement of nuisances, and perform other responsibilities
17 prescribed by the charter, this code, and other ordinances of the city.
- 18 (d) The municipal court has the jurisdiction and powers of an administrative hearing officer,
19 where so provided by this code or other ordinance of the city.
- 20 (e) Each judge is authorized to issue search warrants for the inspection of premises or property
21 by municipal or city-county officials or inspectors in accordance with the Colorado
22 Municipal Court Rules. Each judge may also issue such inspection warrants for the
23 inspection and examination of any structure or property if it satisfactorily appears that the
24 applicant for the warrant is required to make the inspection by any provision of this code or
25 other ordinance of the city or any regulation or routine policy of inspection and enforcement
and that for the purpose of making a complete inspection the applicant is required to go upon
privately owned premises or enter a privately owned structure. But nothing in this subsection
shall be deemed to require the issuance of a warrant for emergency inspections or in any
other case where warrants are not required by law.
- (f) The municipal court is a qualified municipal court of record and shall comply with
requirements of state law and regulations for courts of record. The municipal court shall
furnish the record to any party wishing to appeal from a judgment of the municipal court for
transcription at such party's expense.
- (g) ~~In all cases~~ Except as otherwise provided in this code, when ~~ne~~ a judge acts as an
administrative hearing officer under this code or other ordinance of the city, the judge shall

1 conduct hearings under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings,"
2 B.R.C. 1981. In all such cases, other than "Beverages License" pursuant to Chapter 4-2, the
3 judge may impose court costs in an amount not exceeding the amount specified in section 4-
20-55, "Court and Vehicle Impoundment Costs, Fees and Civil Penalties," B.R.C. 1981.

4 (h) Except as otherwise provided in this code, the municipal court shall be conducted under the
5 procedures prescribed by the Colorado Municipal Court Rules and title 13 of the Colorado
Revised Statutes.

6 (i) Code and ordinance violations for which imprisonment is not a possible penalty and that are
7 not criminal under counterpart state law are civil, but the judge shall follow the Colorado
Municipal Court Rules in all such cases unless the rules are clearly inapplicable.

8 Section 5. This ordinance shall take effect on January 2, 2014.

9 Section 6. Upon the effective date of this ordinance, the terms of any previously
10 appointed members of the Authority shall terminate.

11 Section 7. This ordinance is necessary to protect the public health, safety, and welfare of
12 the residents of the city, and covers matters of local concern.

13 Section 8. The City Council deems it appropriate that this ordinance be published by title
14 only and orders that copies of this ordinance be made available in the office of the city clerk for
15 public inspection and acquisition.

16
17 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
18 TITLE ONLY this 1st day of October, 2013.

19
20 _____
Mayor

21 Attest:

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23 _____
City Clerk

1 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
2 PUBLISHED BY TITLE ONLY this ____ day of _____ 2013.

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Mayor

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City Clerk

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ORDINANCE NO. 7940

AN ORDINANCE TO REMOVE SECTION 2-3-3, "BEVERAGE LICENSING AUTHORITY" AND REPLACE WITH A NEW SECTION 4-2-12, "BEVERAGE LICENSING AUTHORITY" AND AMENDING SECTION 4-2-3, "AUTHORITY TO ISSUE CITY LICENSES" OF THE BOULDER REVISED CODE AND SETTING FORTH RELATED DETAILS

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO,
FINDS AND RECITES THE FOLLOWING:

A. Findings.

1. From 1967 to 1982 pursuant to Ordinances 3280 and 3321, the City Council served as the city's Liquor Licensing Authority.
2. From 1982 to 1991 pursuant to Ordinances 4651 and 4722, one city council member served as chair and two city residents were appointed by mayor to serve the city's Liquor Licensing Authority.
3. In 1991, the City Council enacted Ordinance No. 5440, which established the Beverage Licensing Authority ("Authority"), consisting of five residents of the city appointed by City Council, and set forth the duties and powers of the Authority.
4. In 2004, the City Council adopted Resolution No. 960 to acknowledge the city's leadership role in addressing overconsumption of alcohol as an important health, safety, and welfare issue in the community.
5. The City Council has determined that restructuring the local liquor licensing authority from a board to a sole hearing officer supports the goals of Resolution No. 960.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF BOULDER, COLORADO:

1 Section 1. Section 2-3-3, B.R.C. 1981, is deleted:

2 ~~**2-3-3 Beverage Licensing Authority.**~~

3 ~~(a) The City of Boulder Beverage Licensing Authority consists of five members serving five year~~
4 ~~staggered terms, all of whom are city electors. The council shall appoint members at a~~
5 ~~regular meeting in March of every year. The council shall adjust terms as needed to stagger~~
6 ~~the terms. Vacancies shall be filled for the remainder of the term.~~

7 ~~(b) The city manager shall serve as secretary to the authority. The secretary may be known as the~~
8 ~~licensing clerk, and shall serve as the authority's agent for all functions.~~

9 ~~(c) The authority's functions are:~~

10 ~~(1) To grant or refuse applications for licenses to sell malt, vinous, or spirituous liquor and~~
11 ~~fermented malt beverages;~~

12 ~~(2) To conduct investigations;~~

13 ~~(3) To suspend or revoke such licenses for cause;~~

14 ~~(4) To perform all other acts or duties required to carry out the purposes of the state and city~~
15 ~~liquor and fermented malt beverage licensing laws; and~~

16 ~~(5) To perform all other responsibilities that the council may delegate to it.~~

17 ~~(d) The city manager shall issue all licenses granted by the authority upon receipt of the license~~
18 ~~fees prescribed by sections 4-20-2, "Alcohol and Fermented Malt Beverage License and~~
19 ~~Application Fees," and 4-20-12, "Local Improvement District Fees," B.R.C. 1981.~~

20 ~~(e) Sections 1-3-3, "Notice of Agency Action," 1-3-4, "Exception for Emergencies," and~~
21 ~~subsections 1-3-5(a) and (c), B.R.C. 1981, do not apply to hearings conducted by the~~
22 ~~authority.~~

23 ~~(f) The city council shall establish and adopt by resolution rules of procedure for the authority.~~

24 ~~(g) The authority may adopt supplemental rules of procedure provided that the authority's~~
25 ~~supplemental rules shall not be in conflict with those adopted by the city council.~~

1 Section 2. Section 4-2-3, B.R.C. 1981, is amended to read:

2 **4-2-3 Authority to Issue City Licenses.**

3 (a) An applicant for a city license under this chapter shall apply therefor to the Beverage
4 Licensing Authority ("Authority") established by section ~~4-2-122-3-3~~, "Beverage Licensing
5 Authority," B.R.C. 1981, on forms provided by the Aauthority.

6 (b) The Aauthority may issue the following types of city licenses:

7 (1) Retail liquor store;

8 (2) Liquor-licensed drugstore;

9 (3) Beer and wine;

10 (4) Hotel and restaurant;

11 (5) Tavern;

12 (6) Club;

13 (7) Arts;

14 (8) Racetrack;

15 (9) Brew pub;

16 (10) Fermented malt beverage on-premises;

17 (11) Fermented malt beverage off-premises;

18 (12) Fermented malt beverage on-premises and off-premises;

19 (13) Hotel and restaurant with optional premises; ~~and~~

20 (14) Tastings of alcoholic beverages conducted on licensed retail liquor stores and liquor-
21 licensed drugstore premises;

22 (15) Art gallery permit;

23 (16) Bed and breakfast permit; and

24 (17) Special Event Permits.

1 (c) In order to qualify for a city license under this chapter, an applicant must meet all conditions
2 for the issuance of the parallel state license prescribed by the Colorado Liquor Code, for
3 malt, vinous, and spirituous liquors, and the Colorado Beer Code, for fermented malt
4 beverages, except that the fees for a city license are those prescribed by section 4-20-2,
5 "Alcohol and Fermented Malt Beverage License and Application Fees," B.R.C. 1981.

6 Section 3. Section 4-2-12, B.R.C. 1981, is created to read:

7 **4-2-12 Beverage Licensing Authority.**

8 (a) The Beverage Licensing Authority ("Authority") shall have all powers and duties granted to
9 local liquor licensing authorities as set forth in Title 12, Articles 46, 47 and 48, C.R.S. The
10 Authority shall have the duty and authority to grant or refuse licenses for the possession, sale
11 and offering for sale of malt, special malt, vinous or spirituous liquors and fermented malt
12 beverages as provided by law, to conduct investigations as are required by law and to levy
13 penalties against licensees in the manner provided by law.

14 (b) The Authority shall consist of a sole Hearing Officer who shall serve at the pleasure of City
15 Council. The Hearing Officer shall be appointed by the City Council by resolution and may
16 be removed with or without cause by a majority vote of City Council. City Council may, in
17 its discretion, appoint an Alternate Hearing Officer who may serve in the event that the
18 appointed Hearing Officer is unavailable. City Council shall establish compensation for such
19 Hearing Officer and Alternate Hearing Officer. The term "Hearing Officer" shall be
20 synonymous with "Beverage Licensing Authority".

21 (c) The Hearing Officer and any Alternate Hearing Officer shall be an individual over the age of
22 twenty-one, an attorney at law admitted to practice in the State of Colorado, and with
23 sufficient knowledge and expertise to apply and enforce the State of Colorado Beer Code,
24 Liquor Code, Special Events Code, and Code of Regulations. The Hearing Officer shall not
25 hold any other city office, appointment or position. Additionally, the Hearing Officer shall
not have any financial interest in the operation of any business located or operating in the city
that holds a license pursuant to C.R.S. § 12-46-101 et seq., or C.R.S. §12-47-101 et seq.
Before assuming the office, the Hearing Officer shall take and file with the council an oath or
affirmation to support the Constitution and laws of the United States and of the State of
Colorado and the charter, this code, and other ordinances of the city and faithfully to perform
the duties of the office.

(d) The city manager shall serve as secretary to the Authority. The secretary may be known as
the licensing clerk, and shall serve as the Authority's agent for all administrative functions.

(e) The Authority's functions are:

(1) To grant or refuse applications for licenses to sell malt, vinous, or spirituous liquor and
fermented malt beverages;

1 (2) To conduct investigations;

2 (3) To suspend or revoke such licenses for cause;

3 (4) To perform all other acts or duties required to carry out the purposes of the state and city
4 liquor and fermented malt beverage licensing laws; and

5 (5) To perform all other responsibilities that the council may delegate to it.

6 (f) The city manager shall issue all licenses granted by the Authority upon receipt of the license
7 fees prescribed by sections 4-20-2, "Alcohol and Fermented Malt Beverage License and
8 Application Fees," and 4-20-12, "Local Improvement District Fees," B.R.C. 1981.

9 (g) Sections 1-3-3, "Notice of Agency Action," 1-3-4, "Exception for Emergencies," and
10 subsections 1-3-5(a) and (c), B.R.C. 1981, do not apply to hearings conducted by the
11 Authority.

12 (h) The Authority shall adopt the existing rules of procedure established by the City Council.

13 (i) The Authority may adopt supplemental rules of procedure provided that the Authority's
14 supplemental rules shall not be in conflict with those adopted by the City Council.

15 Section 4. This ordinance shall take effect on February 1, 2014.

16 Section 5. Upon the effective date of this ordinance, the terms of any previously
17 appointed members of the Authority shall terminate.

18 Section 6. This ordinance is necessary to protect the public health, safety, and welfare of
19 the residents of the city, and covers matters of local concern.

20 Section 7. The City Council deems it appropriate that this ordinance be published by title
21 only and orders that copies of this ordinance be made available in the office of the city clerk for
22 public inspection and acquisition.
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25

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this 1st day of October, 2013.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____ 2013.

Mayor

Attest:

City Clerk

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CITY OF BOULDER, COLORADO

Office of the City Attorney
Municipal Building
1777 Broadway
Post Office Box 791
Boulder, Colorado 80306
Telephone (303) 441-3020
Facsimile (303) 441-3859



MEMORANDUM

TO: Mishawn J. Cook, Tax and License Manager
FROM: Sandra Llanes, Assistant City Attorney III
SUBJECT: Cost Estimates for Beverage Licensing Authority (BLA) Hearing Officer
DATE: September 10, 2013

I have compiled some information about the approximate costs and department impacts associated with contracting for an independent hearing officer versus using the existing Associate Municipal Court Judge for Beverage Licensing Board (BLA) liquor hearings. After reviewing the information provided by you, your staff and Lynne Reynolds; Court Administrator, I can offer you the following information.

Breakdown of BLA hearings in 2012:

- 13 New Applications
- 16 Transfer of Ownership
- 9 Permanent Modifications
- 12 Registered Manager, change of location or class or rulemaking hearing items
- 23 Renewal Hearings
- 25 Show Cause Hearing for violations
 - 6 were contested
 - 19 were stipulated to the facts

98 Total Hearings in 2012

Hearing officer/Judge Estimated Workload:

Review monthly packet in preparation for hearing: estimated 4 – 6 hours per month
Conduct hearing: 2-3 hours per month
Total Average: 6 – 10 hours per month

Attachment D - Cost Estimates for Hearing Officer Options

Mishawn Cook, Tax and License Manager

Page 2

September 25, 2013

Re: Cost Estimates for BLA Hearing Officer

Independent Contractor Hearing Officer:

An RFP process would be used to identify and contract with a potential hearing officer.

Contracted hearing officer rates: between \$90 – 150 per hour

Example of City contracted marijuana hearing officer rate: \$135

Average rate of \$135 x 10 hours/month = \$1,350/month or \$16,200/year

Municipal Court judge:

Based on the information provided by Lynne Reynolds regarding the Municipal Court staff and budgetary impacts, the total annual cost of covering liquor licensing responsibilities would range from \$1,800 minimum to \$10,800 maximum per year¹. This range was determined based upon the following assumptions:

- Hearings will be held at the Boulder County Justice Center during regular business hours, one Wednesday a month, beginning at 8:30 AM. This allows for security and will not result in incurring overtime security costs.
- Current courtrooms will be available for all hearings (no expenses for additional courtroom setup or recording equipment is included in these projections).
- Finance department / licensing division will continue to provide administrative support. Additionally, they will attend the Court sessions and perform limited data entry into the Court database.
- Associate Judge Cahn will preside over the liquor licensing sessions.
- Currently, the Court's dockets are full with no open days, and the filing impacts from Minor in Possession of Marijuana and Consumption of Marijuana in Public are largely unknown since the ordinances just went into effect on June 6, 2013. The Court will make every effort to create an available Wednesday, once a month, through increasing the volume of all other dockets. If the Court is unable to create a Wednesday each month for the licensing hearings, then two courtrooms will need to operate simultaneously. Judge Cahn will preside over the licensing hearings and a current contract Relief Judge will preside over the regular Court docket.
- Additionally, the Court will contract with a Relief Judge with appropriate expertise, to be trained as a back-up for Judge Cahn's licensing responsibilities.

¹ If the court is unable to manage all hearings within the current docket then the higher costs would apply. This is not a likely scenario.

Attachment D - Cost Estimates for Hearing Officer Options

Mishawn Cook, Tax and License Manager

Page 3

September 25, 2013

Re: Cost Estimates for BLA Hearing Officer

Cost Savings:

Replacing the BLA with a hearing officer/judge would promote efficiency. Other jurisdictions have found that hearings do not last as long when they are conducted by a legally trained hearing officer. Currently BLA meetings require a significant staff commitment. The licensing clerk prepares the board's packet and provides other staff support before, during, and after all hearings. A change to a hearing officer model would result in an estimated administrative cost savings of \$430 a month or \$5,160 a year and staff resource savings of 5 hours a month or 60 hours a year.

The city attorney's office provides two attorneys to staff the board. I provide legal advice and support to the board, while Michael Whitney acts as the prosecutor with regard to violations and contested renewals. Mr. Whitney would continue as prosecutor. However, a hearing officer would not require legal staff support resulting in an appropriate CAO attorney resource savings of five to ten hours per month.

Expected effective date:

A hearing officer could be hired and in place by February 2014. The Associate Judge could assume the hearing officer responsibilities with six week's notice as the court's dockets are full six weeks into the future. Based on the effective date of the ordinance and court docket, that would translate into starting in January 2014.

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Land use definitions for Hospitality Establishments- Staff and Planning Board recommendations				
Staff recommendation to Planning Board	Planning Board recommendations	Intended impact/Benefit	Potential consequences/Disadvantage	Staff's revised recommendation
<i>Require snacks or food to be served during all business hours for hospitality establishments</i>	<i>Make solid food requirements more strict (i.e., requirement for full service menus)</i>	Encourage more food consumption at establishments to minimize affects of alcohol	None identified	Require kitchen to be open during all business hours to prepare food for certain hospitality establishments
<i>Allow neighborhood pubs or bistros to operate until 12am without Use Review approval (conditional use; staff level)</i>	<i>Revise the Use Table to require Neighborhood Pubs or Bistros to obtain Use Review approval in BMS, MU-3, DT-1, DT-2 and DT-3 instead of just conditional use approval</i>	Enable greater protections for residential neighborhoods; avoids overconcentration of establishments which may impact residential areas with late hours operations	Removes the incentive of encouraging neighborhood pubs or bistros over other establishments like restaurants, which can serve a full range of alcohol with Hotel and Restaurant licenses. Neighborhood pubs or bistros would not be able to serve hard alcohol with Beer and Wine licenses.	Staff does not support this modification and does not anticipate an overconcentration of such establishments
<i>Prohibit late night restaurants in interface areas like MU zones adjacent to residential zones so as to avoid "morphing" issue</i>	<i>Allow Late Night Restaurants in MU-1, MU-2 and MU-4 with Use Review approval (*)</i>	Would allow more late night food options in mixed use areas through Use Review process	Creates conditions where restaurants could morph into more tavern-like establishments in late hours as is currently experienced	Create subcategories for late night restaurants that would not permit liquor licenses after 11 p.m. in MU & DT zones
<i>Prohibit late night restaurants in interface areas like BMS adjacent to residential zones as to avoid "morphing" issue</i>	<i>Allow Late Night Restaurants in BMS with Use Review approval (**)</i>	Allow more late night food options in mixed use areas and encourage more investment in business areas	Creates conditions where restaurants could morph into more tavern-like establishments in late hours as is currently experienced - particularly in sensitive areas like University Hill	Create subcategories for late night restaurants that would not permit liquor licenses after 11 p.m. in the BMS zone
NA	<i>Require Use Review for hospitality establishments in the DT-5 zone within 300 feet of a residential zone (***)</i>	Avoid or mitigate impacts on nearby residential areas from more intense establishments in Boulder's downtown core	Protections already exist in the code such that outdoor patios in DT-5, areas where there could be noise impacts, already require Use Review. Could also impair economic vitality in an area expected for more intense commercial uses	Staff does not support this modification as protections already exist due to Use Review being required for outdoor patios; DT-5 is intended to be one of the most urban, intense zoning districts

(*) Four Planning Board members supported this change; one was opposed
 (**) Three Planning Board members supported this change; two were opposed
 (***) Only two Planning Board members supported this change; no official motion passed

Summary of Proposed Land Use Code Definitions

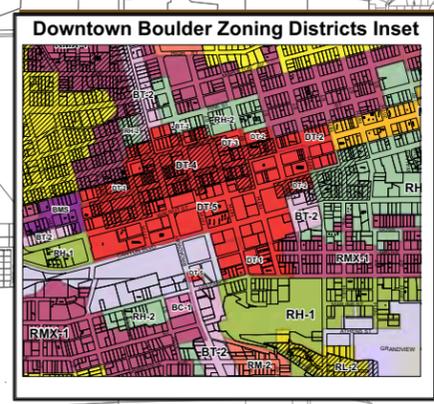
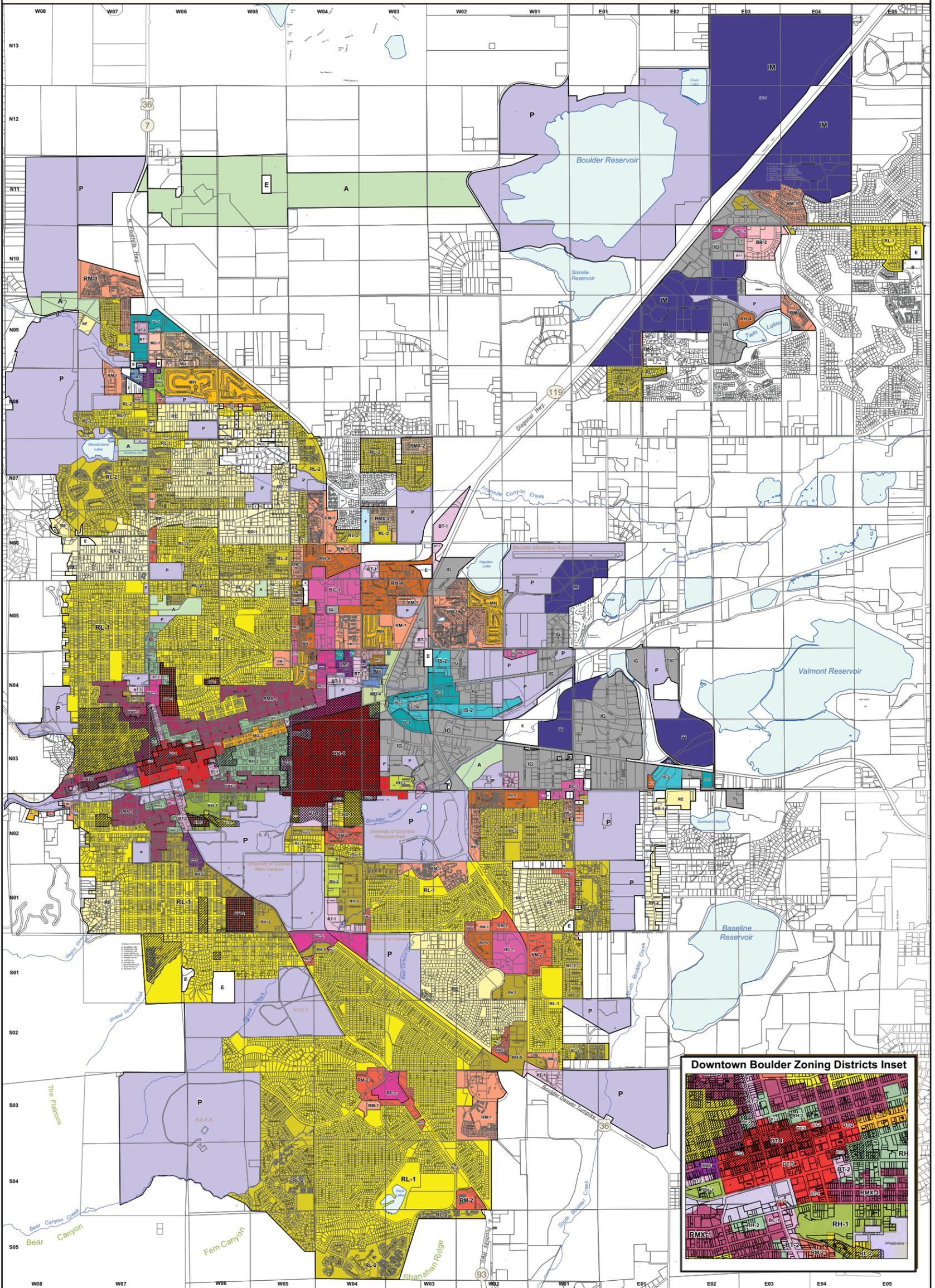
New Land Use Definitions	Review Process & Allowed Zoning District	Liquor License Types
<p>Restaurants < 1500 sf</p> <p>"Restaurant" means an establishment with no liquor license or a hotel and restaurant license issued under § 12-47-401, et seq., C.R.S., provided with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests that must close no later than 11 p.m. and includes without limitation full-service, fast-food, or drive-through restaurants, cafes, coffee shops, lunchrooms, cafeterias, and delicatessens.</p>	<p>USE REVIEW*: RH-1, RH-2, RH-4, RH-5, RH-3, RH-7, RH-6, BT-1, BT-2</p> <p>CONDITIONAL USE**: MU-1, MU-2, MU-3, MU-4, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, DT-5</p>	<p>Beer and Wine License or Hotel Restaurant License (full service) or No liquor license</p>
<p>Restaurants > 1500 sf</p> <p>"Restaurant" means an establishment with no liquor license or a hotel and restaurant license issued under § 12-47-401, et seq., C.R.S., provided with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests that must close no later than 11 p.m. and includes without limitation full-service, fast-food, or drive-through restaurants, cafes, coffee shops, lunchrooms, cafeterias, and delicatessens.</p>	<p>USE REVIEW: MU-1, MU-2, MU-3, MU-4, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3</p> <p>CONDITIONAL USE: BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Beer and Wine License or Hotel Restaurant License (full service) or No liquor license</p>
<p>Restaurants, Late Night</p> <p>"Restaurant, late night" means an establishment with no liquor license or with a beer and wine license or a hotel and restaurant license issued under § 12-47-401, et seq., C.R.S., provided with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests that may operate after 11 p.m.</p>	<p>USE REVIEW (NO LIQUOR LICENSE): RH-1, RH-2, RH-3, RH-4, RH-5, RH-6, RH-7, MU-1, MU-2, MU-4, BMS, DT-1, DT-2, DT-3</p> <p>CONDITIONAL USE: BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Beer and Wine License or Hotel Restaurant License (full service) or No liquor license</p>
<p>Neighborhood Pub or Bistro < 1500 sf</p> <p>"Neighborhood pub or bistro" means an establishment with a beer and wine license issued under § 12-47-401, et seq., C.R.S., with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests where a full food menu is offered and available for consumption on the premises during all business hours. that must close no later than 12 a.m.</p>	<p>USE REVIEW: RH-1, RH-2, RH-3, RH-7, RH-6, BT-1, BT-2</p> <p>CONDITIONAL USE: MU-1, MU-2, MU-3, MU-4, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, DT-5</p>	<p>Beer and Wine Licenses Only</p>
<p>Neighborhood Pub or Bistro > 1500 sf</p> <p>"Neighborhood pub or bistro" means an establishment with a beer and wine license issued under § 12-47-401, et seq., C.R.S., with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests where a full food menu is offered and available for consumption on the premises during all business hours. that must close no later than 12 a.m.</p>	<p>USE REVIEW: RH-1, RH-2, RH-4, RH-5, RH-3, RH-7, RH-6, MU-1, MU-2, MU-3, MU-4BT-1, BT-2, BMS, DT-1, DT-2, DT-3</p> <p>CONDITIONAL USE: BC-1, BC-2, BCS, DT-4, DT-5</p>	<p>Beer and Wine Licenses Only</p>
<p>Tavern</p> <p>"Tavern" means an establishment with a tavern license issued under § 12-47-401, et seq., C.R.S., serving fermented malt beverages and/or malt, vinous, and/or spirituous liquors in which the principal business is the sale of such beverages at retail for consumption on the premises and where snacks are available for consumption on the premises, including, but not limited to bars, cabarets, cocktail lounges, dance halls, discotheques, and night clubs.</p>	<p>USE REVIEW: MU-1, MU-2, MU-3, MU-4, BT-2, DT-1, DT-2, DT-3</p> <p>CONDITIONAL USE: BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Tavern License</p>
<p>Brewpub</p> <p>"Brewpub" means an establishment with a brew pub license issued under § 12-47-401, et seq., C.R.S., that is primarily a restaurant where malt liquor is manufactured on the premises as an accessory use. A brewpub may include some off-site distribution of its malt liquor consistent with state law.</p>	<p>USE REVIEW: MU-1, MU-2, MU-3, MU-4, BT-1, BT-2, BMS, DT-1, DT-2, DT-3</p> <p>CONDITIONAL USE: BC-1, BC-2, BCS, BR-1, BR-2</p>	<p>Brew Pub License</p>
<p>Retail Liquor Store</p> <p>"Retail liquor store" means an establishment with a retail liquor store license issued under § 12-47-401, et seq., C.R.S., engaged primarily in the sale of malt, vinous, and spirituous liquors and soft drinks and mixers, all in sealed containers for consumption of the premises and otherwise consistent with the definition of retail liquor store under § 12-47-103, C.R.S.</p>	<p>USE REVIEW: MU-4, BMS, DT-1, DT-2</p> <p>APPROVED USE BY-RIGHT: BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Retail Liquor License</p>

*Use Review applications are discretionary and may be called-up by neighbors or the Planning Board. Use Review applications can also be referred to the Planning Board for decision by staff.

**Conditional Use applications are reviewed administratively by staff and are not subject to call-up by neighbors or the Planning Board.

Zoning District Map of the City of Boulder, Colorado

Adopted 7/12/2006 (Ordinance 7476)*



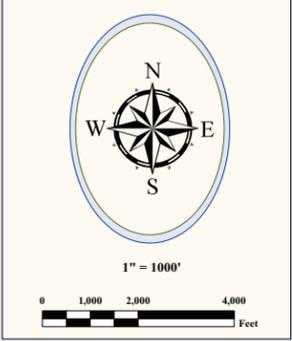
Zoning Districts

(Previous Zoning District Name in Parentheses)

- | | | |
|---|---|--|
| <p>Residential</p> <ul style="list-style-type: none"> MH Mobile Home (MH-E) RE Residential - Estate (RE-E) RH-1 Residential - High 1 (RH-1) RH-2 Residential - High 2 (RH-2) RH-3 Residential - High 3 (RH-3) RH-4 Residential - High 4 (RH-4) RH-5 Residential - High 5 (RH-5) RH-6 Residential - High 6 (RH-6) RL-1 Residential - Low 1 (RL-1) RL-2 Residential - Low 2 (RL-2) RM-1 Residential - Medium 1 (RM-1) RM-2 Residential - Medium 2 (RM-2) RM-3 Residential - Medium 3 (RM-3) RMX-1 Residential - Mixed 1 (RMX-1) RMX-2 Residential - Mixed 2 (RMX-2) RR-1 Residential - Rural 1 (RR-1) RR-2 Residential - Rural 2 (RR-2) | <p>Commercial & Business</p> <ul style="list-style-type: none"> BC-1 Business - Community 1 (CB-D) BC-2 Business - Community 2 (CB-E) BCS Business - Commercial (CS-E) BMS Business - Main Street (BMS-X) BR-1 Business - Regional 1 (RB-E) BR-2 Business - Regional 2 (RB-D) BT-1 Business - Transitional 1 (TB-D) BT-2 Business - Transitional 2 (TB-E) DT-1 Downtown 1 (RB3-X/E) DT-2 Downtown 2 (RB2-X) DT-3 Downtown 3 (RB2-E) DT-4 Downtown 4 (RB1-E) DT-5 Downtown 5 (RB1-X) | <p>Mixed Use</p> <ul style="list-style-type: none"> MU-1 Mixed Use 1 (MU-D) MU-2 Mixed Use 2 (RMS-X) MU-3 Mixed Use 3 (MU-X) MU-4 Mixed Use 4 <p>Industrial</p> <ul style="list-style-type: none"> IG Industrial - General (IG-E/D) IM Industrial - Manufacturing (IM-E/D) IMS Industrial - Mixed Services (IMS-X) IS-1 Industrial - Service 1 (IS-E) IS-2 Industrial - Service 2 (IS-D) <p>Other</p> <ul style="list-style-type: none"> E Enclave (E) Flex (F) Medium Density District Overlay Zone Designated Local Historic Districts Boulder Valley Regional Center |
| <p>Agricultural and Public</p> <ul style="list-style-type: none"> A Agricultural (A-E) P Public (P-E) | | |

***Zoning Map Amendments:**

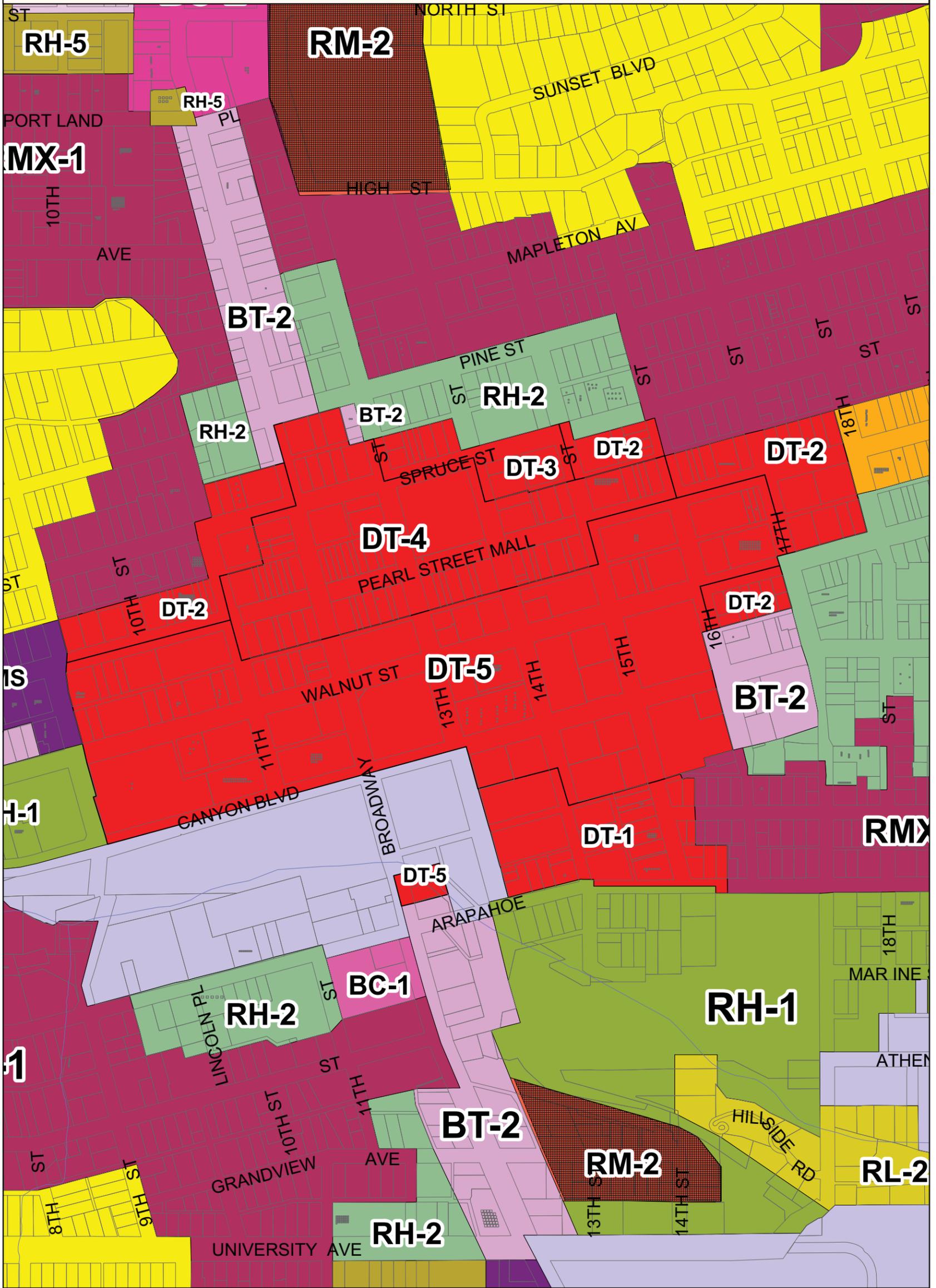
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7369	7/20/2004	7689	10/6/2009	7849	8/7/2012
7374	8/17/2004	7705	12/15/2009	7882	1/22/2013
7407	12/21/2004	7739	8/17/2010	7894	5/7/2013
7425	7/5/2005	7740	8/17/2010		
7429	9/20/2005	7741	8/17/2010		
7431	10/18/2005	7742	8/17/2010		
7446	1/17/2006	7745	8/6/2010		
7455	3/20/2006	7746	8/6/2010		
7476	7/12/2006	7749	9/24/2010		
7490	11/17/2006	7774	1/18/2011		
7533	8/21/2007	7775	1/18/2011		
7586	5/20/2008	7776	1/18/2011		
7587	5/23/2008	7806	10/18/2011		
7609	9/2/2008	7810	10/18/2011		
7637	1/20/2009	7811	10/18/2011		
7655	5/5/2009	7812	10/18/2011		



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Downtown Zoning District Map of the City of Boulder, Colorado

Adopted 7/12/2006 (Ordinance 7476)*



Zoning Districts
(Previous Zoning District Name in Parentheses)

<p>Residential</p> <ul style="list-style-type: none"> MH Mobile Home (MH-E) RE Residential - Estate (ER-E) RH-1 Residential - High 1 (HR-X) RH-2 Residential - High 2 (HZ-E) RH-3 Residential - High 3 (HR-X) RH-4 Residential - High 4 (HR-D) RH-5 Residential - High 5 (HR-E) RH-6 Residential - High 6 RL-1 Residential - Low 1 (LR-E) RL-2 Residential - Low 2 (LR-D) RM-1 Residential - Medium 1 (MR-D) RM-2 Residential - Medium 2 (MR-E) RM-3 Residential - Medium 3 (MR-X) RMX-1 Residential - Mixed 1 (MXR-E) RMX-2 Residential - Mixed 2 (MXR-D) RR-1 Residential - Rural 1 (RR-E) RR-2 Residential - Rural 2 (RR1-E) 	<p>Commercial & Business</p> <ul style="list-style-type: none"> BC-1 Business - Community 1 (CB-D) BC-2 Business - Community 2 (CB-E) BCC Business - Commercial (CS-E) BMS Business - Main Street (BMS-X) BR-1 Business - Regional 1 (RB-E) BR-2 Business - Regional 2 (RB-D) BT-1 Business - Transitional 1 (TB-D) BT-2 Business - Transitional 2 (TB-E) DT-1 Downtown 1 (RB3-X/E) DT-2 Downtown 2 (RB2-X) DT-3 Downtown 3 (RB2-E) DT-4 Downtown 4 (RB1-E) DT-5 Downtown 5 (RB1-X) 	<p>Mixed Use</p> <ul style="list-style-type: none"> MU-1 Mixed Use 1 (MU-D) MU-2 Mixed Use 2 (RMS-X) MU-3 Mixed Use 3 (MU-X) MU-4 Mixed Use 4 <p>Industrial</p> <ul style="list-style-type: none"> IG Industrial - General (IG-E/D) IM Industrial - Manufacturing (IM-E/D) IMS Industrial - Mixed Services (IMS-X) IS-1 Industrial - Service 1 (IS-E) IS-2 Industrial - Service 2 (IS-D) <p>Other</p> <ul style="list-style-type: none"> E Enclave (E) Flex (F) Medium Density District Overlay Zone Designated Local Historic Districts Boulder Valley Regional Center
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Agricultural and Public

- A Agricultural (A-E)
- P Public (P-E)

***Zoning Map Amendments:**

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1" = 1000'

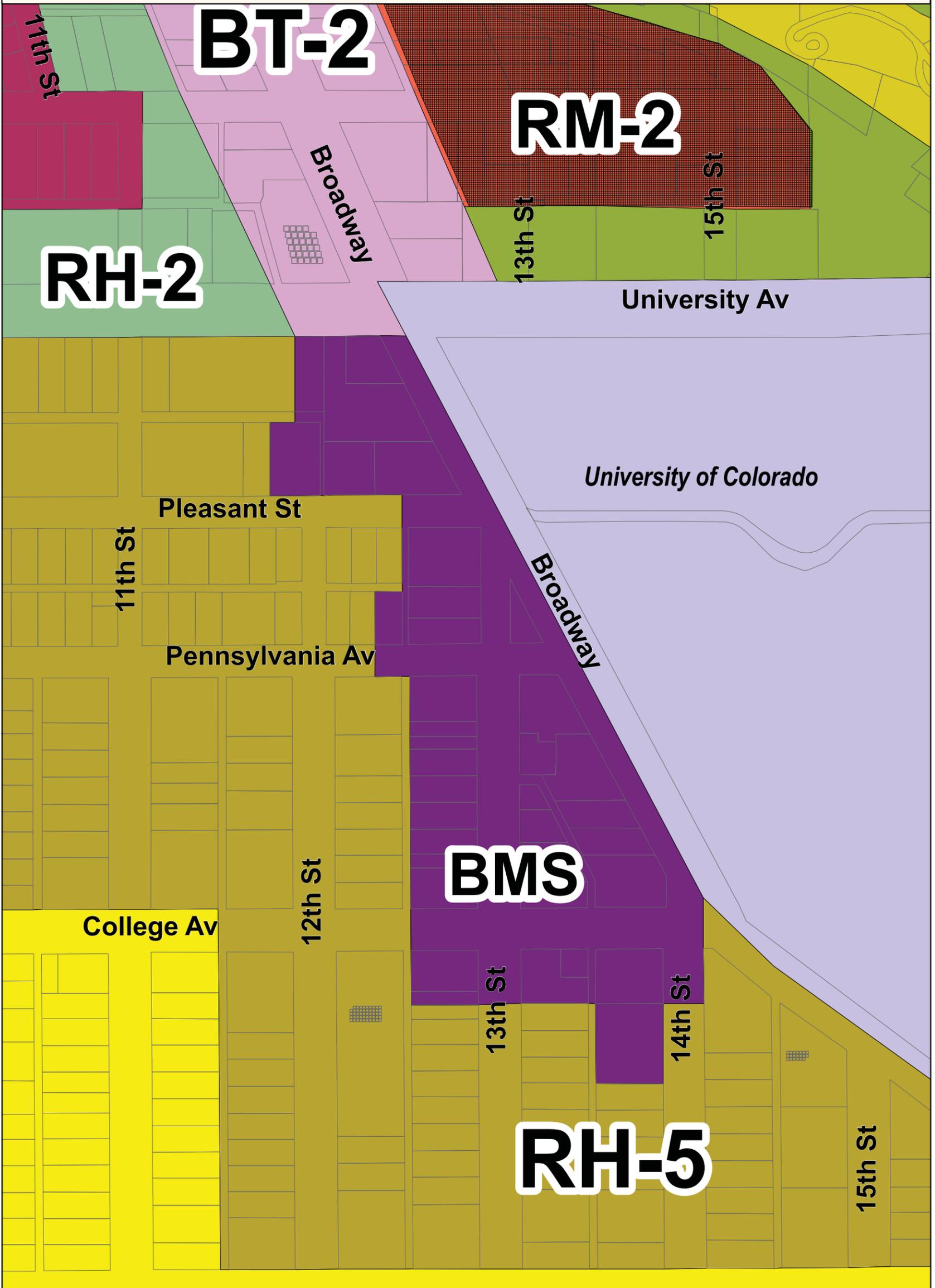
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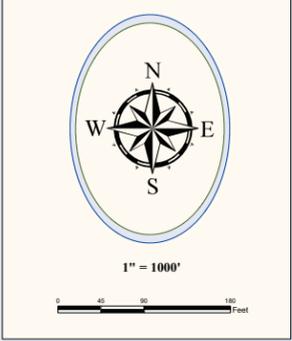
Uni Hill Zoning District Map of the City of Boulder, Colorado

Adopted 7/12/2006 (Ordinance 7476)*

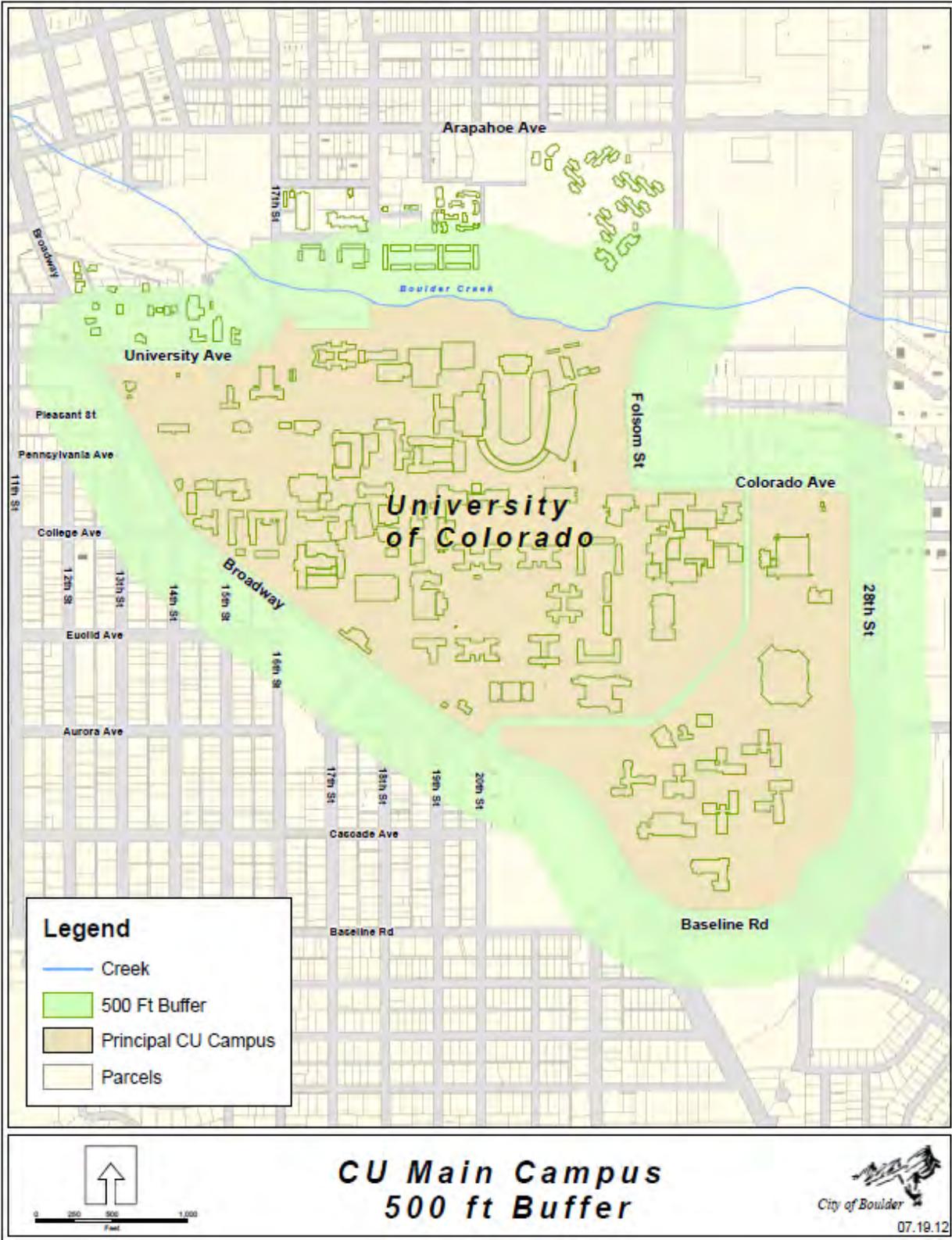


Zoning Districts <i>(Previous Zoning District Name in Parentheses)</i>		
Residential	Commercial & Business	Mixed Use
MH Mobile Home (MH-E)	BC-1 Business - Community 1 (CB-D)	MU-1 Mixed Use 1 (MU-D)
RE Residential - Estate (ER-E)	BC-2 Business - Community 2 (CB-E)	MU-2 Mixed Use 2 (RMS-X)
RH-1 Residential - High 1 (HR-X)	BCS Business - Commercial (CS-E)	MU-3 Mixed Use 3 (MU-X)
RH-2 Residential - High 2 (HZ-E)	BMS Business - Main Street (BMS-X)	MU-4 Mixed Use 4
RH-3 Residential - High 3 (HR1-X)	BR-1 Business - Regional 1 (RB-E)	Industrial
RH-4 Residential - High 4 (HR-D)	BR-2 Business - Regional 2 (RB-D)	IG Industrial - General (IG-E/D)
RH-5 Residential - High 5 (HR-E)	BT-1 Business - Transitional 1 (TB-D)	IM Industrial - Manufacturing (IM-E/D)
RH-6 Residential - High 6	BT-2 Business - Transitional 2 (TB-E)	IMS Industrial - Mixed Services (IMS-X)
RL-1 Residential - Low 1 (LR-E)	DT-1 Downtown 1 (RB3-X/E)	IS-1 Industrial - Service 1 (IS-E)
RL-2 Residential - Low 2 (LR-D)	DT-2 Downtown 2 (RB2-X)	IS-2 Industrial - Service 2 (IS-D)
RM-1 Residential - Medium 1 (MR-D)	DT-3 Downtown 3 (RB2-E)	Other
RM-2 Residential - Medium 2 (MR-E)	DT-4 Downtown 4 (RB1-E)	E Enclave (E)
RM-3 Residential - Medium 3 (MR-X)	DT-5 Downtown 5 (RB1-X)	Flex (F)
RMX-1 Residential - Mixed 1 (MXR-E)		Medium Density District Overlay Zone
RMX-2 Residential - Mixed 2 (MXR-D)		Designated Local Historic Districts
RR-1 Residential - Rural 1 (RR-E)		Boulder Valley Regional Center
RR-2 Residential - Rural 2 (RR1-E)		
	Agricultural and Public	
	A Agricultural (A-E)	
	P Public (P-E)	

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Attachment I - Hospitality Establishments & Liquor Licences on Uni Hill

Hospitality establishments and associated liquor licenses on University Hill

Establishment	Location	Liquor License type	Meal service?	Square footage	Closing time
The Corner	1100 13 th St.	HR*	Yes	1,776 sf	11 pm
Cheba Hut	1315 College	HR	Yes	1,490 sf	11 pm
Illegal Pete's	1320 College	HR	Yes	1,700 sf	2:30 am
Rose Hill Liquor	1089 13th	Retail liquor	Liquor sales only	706 sf	12 am
Qdoba	1119 13th	HR	Yes	2,763 sf	12 am
Fox Theater	1135 Broadway	Tavern	No	-	2 am
Geisty's Dogg House	1114 13th	HR	Yes	2,517 sq. ft.	11 pm
Abo's Pizza	1124 13th	HR	Yes	3,010 sf	2 am
Mamacita's	1149 13th	HR	Yes	1,222 sf	2 am
The Sink	1165 13th	HR	Yes	1,900 sf	2 am
Hapa Sushi	1220 Pennsylvania	HR	Yes	1,741 sf	12 am
Aion Cafe	1235 Pennsylvania	HR	Yes	1,500 sf	11 pm
Half Fast Subs	1215 13th	HR	Yes	-	12 am
Everyday store	1275 13th	off premise 3.2%	No	3,015 sf	12 am
The Goose/Fatty J's	1301 Broadway	HR	Yes	1,768 sf	3 am
Cosmo's Pizza	1325 Broadway	HR	Yes	2,695 sf	2:30 am
Rib House	1335 Broadway	HR	Yes	1,555 sf	11 pm
K's China	1325 Broadway	HR	Yes	3,301 sf	2 am
7-Eleven Store	1091 13th st	off-premise 3.2%	No	2,850 sf	12 am

- “*” Hotel & Restaurant liquor license
- “-“ data not available

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