



## CITY OF BOULDER

### PLANNING BOARD STUDY SESSION AND MEETING AGENDA

**DATE:** August 15, 2013

**TIME:** Study Session at 5:30 p.m., Meeting at 7 p.m.

**PLACE:** Council Chambers, 1777 Broadway

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**STUDY SESSION: 5:30 p.m., Council Chambers.**

North Boulder Subcommunity Plan Discussion

**PLANNING BOARD MEETING: 7 p.m., Council Chambers**

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
- 3. PUBLIC PARTICIPATION**
- 4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS**
  - A. Continuation from August 1, 2013 Planning Board meeting: Adoption of final written approval for Use Review, case no. LUR2013-00020, and Site Review, case no. LUR2013-00037.
- 5. PUBLIC HEARING ITEMS**
  - A. Public hearing to consider a recommendation to City Council on an ordinance amending Chapter 6-3, "Trash, Recyclables, and Compostables," and Title 9, "Land Use Code," B.R.C. 1981, to update trash removal standards and zoning standards to reduce impacts of hospitality establishments on neighboring properties.
- 6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**
- 7. DEBRIEF MEETING/CALENDAR CHECK**
- 8. ADJOURNMENT**

**CITY OF BOULDER PLANNING BOARD  
MEETING GUIDELINES**

**CALL TO ORDER**

The Board must have a quorum (four members present) before the meeting can be called to order.

**AGENDA**

The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

**PUBLIC PARTICIPATION**

The public is welcome to address the Board (3 minutes\* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

**DISCUSSION AND STUDY SESSION ITEMS**

Discussion and study session items do not require motions of approval or recommendation.

**PUBLIC HEARING ITEMS**

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

**1. Presentations**

- a. Staff presentation (5 minutes maximum\*)
- b. Applicant presentation (15 minute maximum\*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
- c. Planning Board questioning of staff or applicant for information only.

**2. Public Hearing**

Each speaker will be allowed an oral presentation (3 minutes maximum\*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

**3. Board Action**

- d. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- e. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- f. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

**MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY**

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

**ADJOURNMENT**

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

\*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.



## MEMORANDUM

To: Members of Planning Board

From: David Driskell, Executive Director of Community Planning & Sustainability (CP&S)  
Susan Richstone, Deputy Director, CP&S  
Lesli Ellis, Comprehensive Planning Manager  
Marcy Cameron, Historic Preservation Planner, Planner I  
Jeff Hirt, Planner II

Date: August 15, 2013

**Subject: Discussion Item: North Boulder Subcommunity Plan Update**

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The purpose of this memo is to seek feedback from the Planning Board on the scope of work and community engagement process for the North Boulder Subcommunity Plan update.

On June 6, 2013, staff sent a memo to the Planning Board and community members regarding the North Boulder Subcommunity Plan update. That memo provided an overview of potential scope items and a preliminary planning process. Both Planning Board and community members provided comments (see [Attachment 5: June 6, 2013 Memo Comments](#)), and the comments helped to shape this memo. This memo contains:

1. A description of the overall scope and process (see Project Scope and Process), including:
  - The focus of the analysis and action items to result from the North Broadway Market Study (see [Attachment 3: North Broadway Market Study Summary](#))
  - The level and type of community engagement
2. Next steps

The following attachments provide additional information:

- [Attachment 1: 1995 Plan Background and Plan Implementation Summary](#)
- [Attachment 2: North Boulder Subcommunity Development Activity \(1995-2013\)](#)
- [Attachment 3: North Broadway Market Study Summary](#)
- [Attachment 4: June 6, 2013 Memo Comments](#)
- [Attachment 5: Community Outreach And Feedback Summary –March/April 2013](#)
- [Attachment 6: North Boulder Alliance Comments – April And July 2013](#)

### Planning Board Role

Staff anticipates that the Planning Board will provide guidance at key points throughout the project, in addition to a decision making role. Specifically, per Chapter 4 of the Boulder Valley Comprehensive

Plan, “subcommunity and area plans are adopted by Planning Board and City Council and amended as needed with the same legislative process as originally adopted.”

### **Issue Statement**

Since its adoption in 1995, the North Boulder Subcommunity Plan (1995 Plan) has shaped significant residential, mixed use, and retail redevelopment primarily in the area around Broadway north of Violet Avenue. However, some key elements from the 1995 Plan have not been fully realized. Notably, the “Village Center” concept in and around Yarmouth Avenue and Broadway has been implemented on the east side of Broadway but not the west side. The North Armory site also has short term redevelopment potential.

In 2013, City Council requested a targeted plan update focusing on the Village Center and Yarmouth North area along Broadway (referred to as the North Broadway area in this memo) to address these issues.

<sup>1</sup> Both market and land use policy factors warrant consideration, as do floodplain issues.

Staff anticipates the overall outcome for this project to be a plan amendment to address a focused set of topics and action items that advance the North Boulder Subcommunity Plan’s vision for the North Broadway area, further described in this memo.

<sup>1</sup> See 2013 Council Reference Notebook (Work Plan Items), page 139.

## PROJECT BACKGROUND

The North Boulder Subcommunity Plan is the first and only subcommunity plan in the city.<sup>2</sup> The Planning Board and City Council adopted the original plan in 1995 after a three year process. [Attachment 1: 1995 Plan Background and Implementation Summary](#) provides more information on the 1995 Plan process and content.

The city has held a number of informal community member discussions and assessed the plan's implementation to date. Based on this information and staff's assessment of the 1995 Plan, the plan's overall vision is still largely consistent with community values.<sup>3</sup> However, some of the 1995 Plan's key recommendations need additional action to ensure implementation.

The 1995 Plan identifies the Village Center as the "symbolic heart" of the subcommunity and the future neighborhood center. The Yarmouth North area is also an area of anticipated change that may impact the 1995 Plan's vision for the Village Center area.

The scope is based on City Council's direction for a plan update with a focus on the Village Center and Yarmouth North areas (North Broadway).

## COMMUNITY INPUT TO DATE

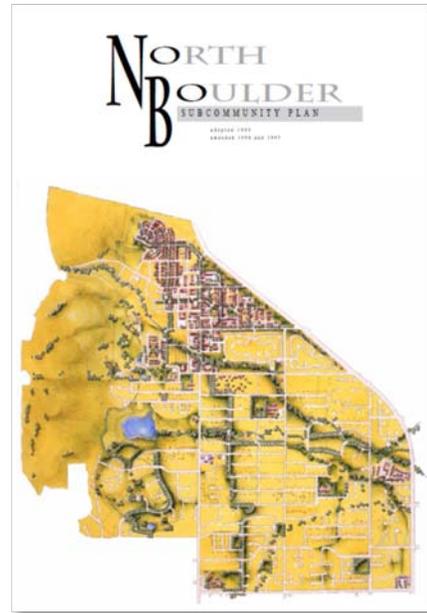
Over the spring and summer of 2013, staff has interviewed over 20 community members to ask about issues that this targeted plan update should address. Those interviewed included residents and neighborhood representatives, developers, land owners, arts community representatives, and community leaders. [Attachment 4](#) provides a detailed summary of these interviews.

In addition, staff sent a memo on June 6, 2013 to the Planning Board and community members to get feedback. [Attachment 5](#) provides a detailed summary of these comments.

This feedback has informed the scope and process summarized in this memo.

It is important to note that community members have also raised additional North Boulder Subcommunity-specific issues that may fall outside of the geographic focus for this project. (See [Attachments 4-6](#) for a detailed summary.)

Some common themes have emerged from this feedback that include:



*North Boulder Subcommunity Plan Cover*



*Yarmouth North and Village Center Areas (approximate)*

<sup>2</sup> The Boulder Valley Comprehensive Plan identifies nine subcommunities. North Boulder is the only one with a plan that encompasses the entire subcommunity.

<sup>3</sup> Attachment 1: 1995 Plan Background further discusses the 1995 Plan's vision.

1. **1995 Plan Vision.** The 1995 Plan’s overarching vision is still valid (primary concepts include strengthening established areas; redevelopment with a focus on walkable, connected, and mixed use places; a diversity of housing choices; new community and civic attractions; improved design quality; an integrated network of parks and open space; and preservation and enhancement of sensitive environmental areas);
2. **North Broadway Area Village Center.** The North Broadway area has the most opportunity and potential for change. Interviewees support some type of anchor land use (either a grocery store or other anchor land use along Broadway) in the North Broadway area and seek to realize the Village Center vision;
3. **Housing.** Since 1995, a diversity of housing choices have emerged, as called for in the plan, but the community believes there may now be an overconcentration of affordable and/or special needs housing (analysis from the Comprehensive Housing Strategy currently underway will help understand how this may relate to the project scope);
4. **Connections.** The 1995 Plan’s vision for connectivity has not been fully realized—there are several missing multi-modal connections and the need for improved transit service; and
5. **Arts District.** The community supports a North Boulder Arts District concept.

***Late Summer/Early Fall 2013  
Events in North Boulder***

*Community engagement will occur throughout the project. Specific fall opportunities will include: (1) a “storefront” workshop in North Boulder, focused around the Transportation Master Plan, and (2) a project “kickoff” event in North Boulder with city representatives from housing, transportation, and the library.*

Staff recognizes that the items identified during interviews are critical towards advancing the 1995 Plan’s vision. Several of these items (such as a library) are being addressed. In addition, parallel initiatives like the new Comprehensive Housing Strategy may be more appropriate venues to address specific issues like housing. The Proposed Scope Items section above provides more detail on the geography and types of issues that the plan update will address.

## PROJECT SCOPE AND PROCESS

The project will focus on identifying and evaluating barriers and opportunities for realizing the North Broadway area vision and providing solutions. Recognizing that much of the 1995 Plan vision is still valid, City Council requested a focused, implementation-oriented plan update.

Staff anticipates the update should take approximately one year. The process will be guided by the following goals, to:

- Be focused and efficient.
- Understand issues and identify opportunities.
- Engage the North Boulder community in meaningful, open, and interactive ways.
- Coordinate with stakeholders at pivotal times.
- Coordinate parallel initiatives within the city to make the process clear and easy for the public.
- Brief the Planning Board and other boards and commissions and seek their guidance.
- Create an actionable final product that reflects the community's vision for the North Broadway area and has tangible action steps to ensure implementation.

*The plan update will focus on the North Broadway geographic area and issues pertinent as barriers and opportunities to the “Village Center” concept. The market study will provide information about barriers and opportunities, including financing, land use, transportation, etc . The North Boulder Alliance has identified a number of issues that will help inform the market study (see [Attachment 6](#)).*

### Proposed Phases

The update will occur through three-phases over one year, all of which will include public engagement:

**Phase 1: Inventory and Kick off**, includes compiling background information and analysis, launching the project, and preparation of a North Broadway market study, all of which will inform Phase 2.

**Phase 2: Options and Analysis**, will explore different options and result in a preliminary plan update.

**Phase 3: Draft Plan and Adoption**, will conclude with the final plan adoption and include implementation items. Phase 3 will inform specific implementation items to be later identified.

### Proposed Scope Components

The list below provides the preliminary scope items that would inform the targeted plan amendments:

- **North Broadway Market Study:** A market study will inform the land use mix on North Broadway and address the viability of commercial space along the corridor, with a focus on the Village Center and Yarmouth North areas. This study will address the feasibility of an “anchor” (such as a grocery store or other) land use and other barriers and opportunities. [Attachment 3](#) provides more detail and a status update.
- **Analysis of Changes Since the 1995 Plan:** An analysis of North Broadway's land use mix, current zoning, and future land use categories in the plan will inform the plan update. A significant amount of work has already been done including an analysis of development activity and plan implementation (See [Attachments 1 and 2](#).) The market study will provide additional analysis.
- **Plan Amendments** – The analysis and community feedback will inform the amendments. The overall outcome will be a plan amendment to address a focused set of topics and subsequent or

parallel action items that advance the North Boulder Subcommunity Plan's (1995 Plan) vision for the North Broadway area. The exact form of these amendments is yet to be determined, but will likely be some type of addendum to the 1995 Plan or a new chapter or section.

### Community Engagement

To allow for meaningful engagement by the community, the city will use a combination of traditional events and meetings and digital methods. The first phase will “kick off” in the fall. Although numerous conversations and feedback portals have already helped to shaped this preliminary scope (See [Attachments 4-6](#)). Public engagement strategies include:

- **Events** – this will include city-hosted events at various key project stages and “piggybacking” on other scheduled community events. For example, staff plans to coordinate outreach activities with the Transportation Master Plan and Comprehensive Housing Strategy to foster a more streamlined feedback portal for a variety of issues identified.
- **Web-based** – The city will use digital engagement tools, including a project website, and is investigating the best approaches through social media.

### Phase 1: Inventory and Assessment - Status

To date, city work has focused on identifying issues and the project approach. The official project “kickoff” is anticipated in the late summer 2013. This will include broader public outreach opportunities noted above in the Project Scope and Process section.

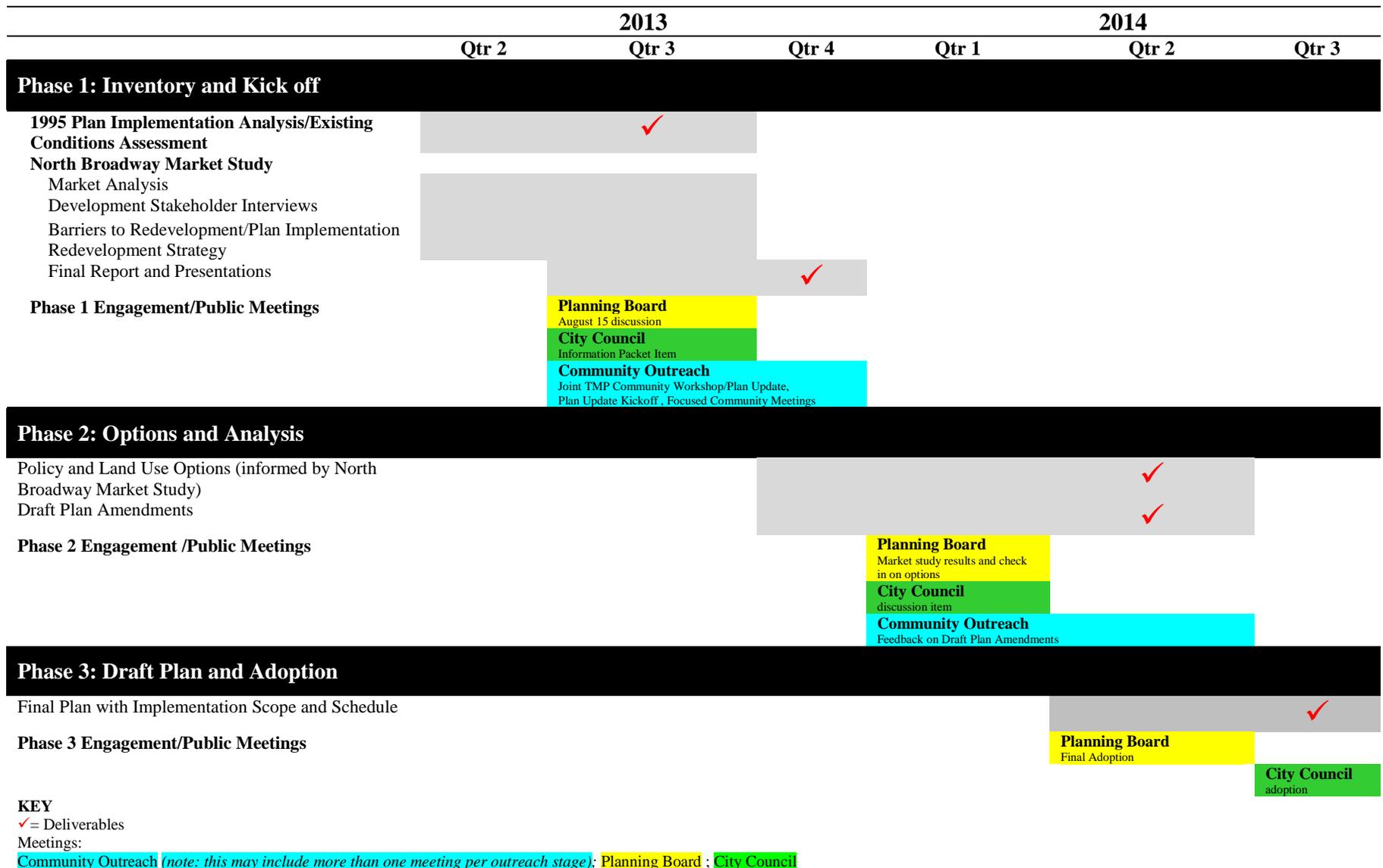
Phase 1: Inventory and Assessment, is underway. The list below summarizes some key tasks completed through July 2013.

- **Conversations** – Staff held focused conversations with over 20 North Boulder community members ranging from the North Boulder Alliance, property owners, developers, and other community members in March and April of 2013. (See [Attachment 4](#).)
- **June 6, 2013, Planning Board Memo** – The June memo summarized issues and a preliminary scope and schedule and sought feedback from the Planning Board and community members. Feedback then informed this memo. (See [Attachment 5](#).)
- **July 13, 2013, Holiday Neighborhood Party** – Staff hosted a booth and provided information about the plan update.
- **North Broadway Market Study** – Staff put the project out to bid, selected a consultant, and scoped a market study for the North Broadway area. (See [Attachment 3](#).)

### Draft Plan Update Process and Timeline

The following table summarizes the anticipated tasks and timeline to complete the plan update in a focused, efficient, and responsive manner.

**FIGURE 1: NORTH BOULDER SUBCOMMUNITY PLAN UPDATE DRAFT PROCESS**



## NEXT STEPS

Next steps include the following:

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Inventory and Assessment	Ongoing
City Council Information Packet on the Plan Update	Late Summer 2013/TBD
“Storefront” workshop - North Boulder-Focused Transportation Master Plan	Late Summer 2013/TBD
“Kickoff” event (with city staff from housing, transportation, library)	Late Summer/Early Fall 2013
North Broadway Market Study	Completed October 2013

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## **Attachment 1: 1995 Plan Background and Plan Implementation Summary**

The 1995 Plan overarching goals and objectives reflect a desire to strike a balance between preserving existing assets and to establish a vision for areas that had yet to develop at that time. A key theme throughout the 1995 Plan is also the goal of “complete, discernible neighborhoods.” It also aims to “preserve positive aspects of the subcommunity and ensure that future changes are beneficial both the subcommunity citizens and the city as a whole.”

The North Boulder Subcommunity Plan is the only such plan in the city. The original 3-year process took place from 1992-1995, involving stakeholders and steering committee. For the most part, the process followed a common set of steps from inventory and analysis, to recommendations, to public review and comment, to adoption before the Planning Board and City Council (August 1995). In 1993, the process was briefly put on hold to address citywide goals through the Integrated Planning Process (IPP).<sup>4</sup>

In 1996 and 1997, the plan was amended to address recommended land use patterns in specific locations. The table on the following page provides a more detailed, chapter-by-chapter summary of the 1995 Plan.

<sup>4</sup> The Integrated Planning Process (IPP) in 1993 was a citywide effort that resulted in several broad goals and objectives (e.g., strengthening and supporting existing neighborhoods), and more specific goals like population targets. City Council requested the North Boulder Subcommunity Plan be suspended pending the outcomes of that project.

**Figure 2: North Boulder Subcommunity Plan Chapters and Key Concepts**

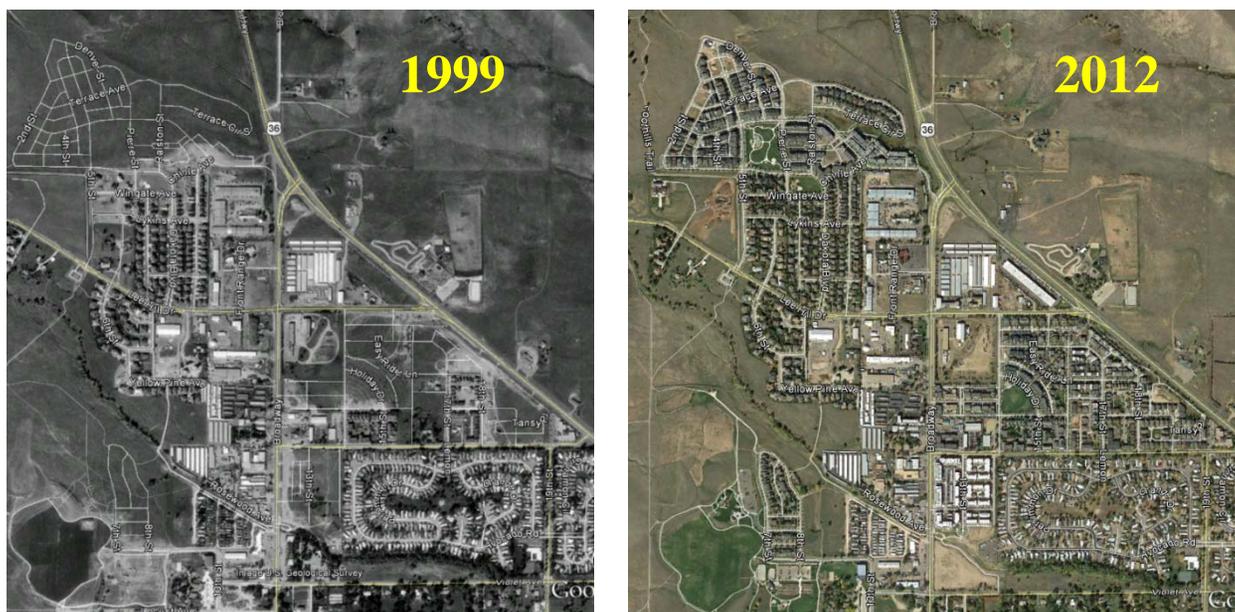
Plan Chapter	Summary and Key Concepts
<p><b>Chapters 1-4</b> Executive Summary, Introduction, History, Existing Conditions</p>	<p>Chapters 1-4 establish the overall framework and process for the 1995 Plan. These chapters also establish overarching goals and objectives with a focus on smart growth principles like walkable, mixed use neighborhoods patterned after the character of historic neighborhoods.</p>
<p><b>Chapter 5</b> Neighborhoods</p>	<p>Chapter 5 establishes an overarching set of goals and objectives for North Boulder neighborhoods and establishes neighborhood-specific development guidelines. This chapter also stresses the protection of the character of existing neighborhoods with guidelines for new neighborhoods. New residential neighborhoods should provide a diversity of housing types with a walkable and connected transportation network.</p>
<p><b>Chapter 6</b> Employment and Retail Centers</p>	<p>Chapter 6 identifies current and expected employment and retail centers within each neighborhood. It includes additional goals and objectives that reflect the desire for “complete, discernible neighborhoods.” The focus areas are the Village Center around Yarmouth Avenue and Broadway and the Service Industrial Areas along Broadway and Lee Hill Road. This chapter identifies the Village Center area as the “symbolic heart” of the subcommunity, with a full complement of neighborhood-scale services. This chapter also recognizes the importance of existing industrial areas that serve a community need and provide affordable nonresidential space.</p>
<p><b>Chapter 7</b> Community Facilities</p>	<p>Chapter 7 sets forth recommendations for new community facilities like libraries, schools, police and fire stations, and social services, while preserving existing community facilities. This chapter also establishes related goals and objectives to better serve subcommunity residents, including a branch library, transit centers at key destinations, and several new parks.</p>
<p><b>Chapter 8</b> Transportation</p>	<p>Chapter 8 sets forth recommendations for a transportation network with an emphasis on creating walkable and well connected streets and blocks. This chapter also includes an “Auto/Transit Improvements Right-of-Way Plan” that guides decision making for new infrastructure.</p>
<p><b>Chapters 9-10</b> Open Space and Natural Resource Protection, Parks and Open Lands</p>	<p>Chapters 9-10 set forth related goals and objectives for view protection, open space, topography, creeks, and irrigation ditches.</p>
<p><b>Chapter 11</b> Future Growth</p>	<p>Chapter 11 contains a summary of the projections and build out analysis that was conducted as part of the Integrated Planning Project (IPP) is included in this chapter. The results of this analysis informed North Boulder subcommunity-wide and neighborhood-specific target density ranges and square footages. This chapter also includes the Land Use Map that summarizes the recommended future land uses.</p>

## North Boulder Subcommunity Plan Implementation Summary

The North Boulder Subcommunity Plan contains numerous recommendations, many of which have been implemented. These recommendations range from new development and design standards, capital investments in civic facilities, and new transportation connections. Some of the key items from the 1995 Plan that the city has implemented include:

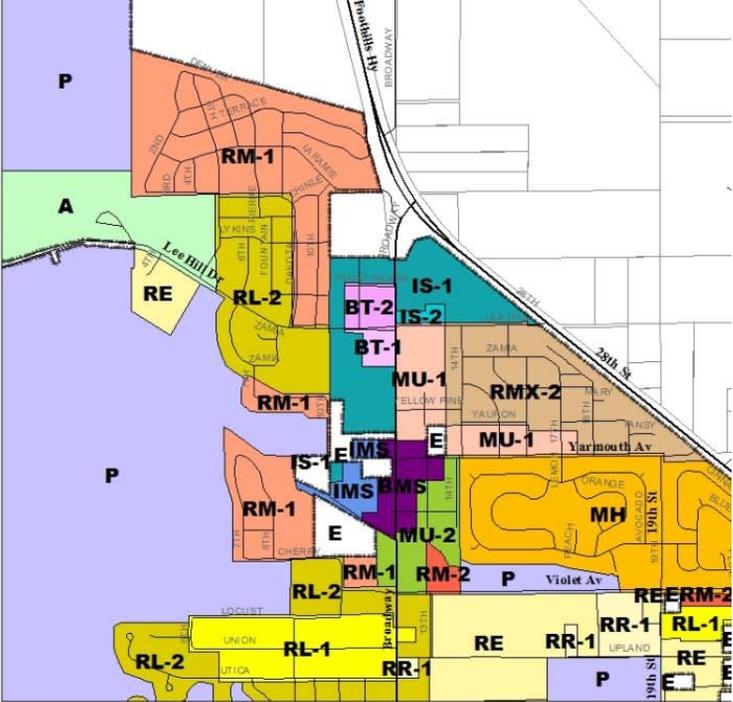
- **Five new zoning districts**, including a Business Main Street (BMS) district that was used for a rezoning for the Village Center area;
- **Numerous new parks** in accordance with the 1995 Plan, including Foothills Community Park and Holiday Neighborhood Park;
- **Several annexations** of county enclaves consistent with the 1995 Plan; and
- **New transportation connections** made in accordance with the 1995 Plan as redevelopment has occurred.

*\*\*NOTE: This is an updated version of the “1995 North Boulder Subcommunity Plan Implementation Status” section of the June 6, 2013 Planning Board memo.*

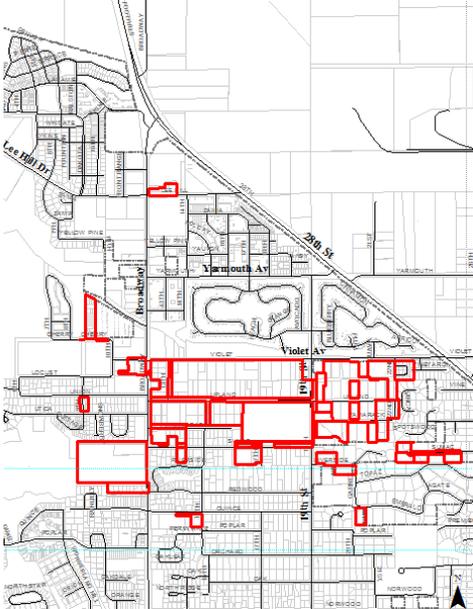


*1999 AND 2012 NORTH BOULDER AERIAL IMAGES*

**FIGURE 9: 1995 PLAN IMPLEMENTATION SUMMARY**

Category	Implementation Item and Description	Implementation Status	
<p><b>Zoning and Land Use</b></p>	<p><b>New Zone Districts and Development Standards</b> The 1995 Plan contains numerous recommendations for new North Boulder zone districts and development standards.</p>	<p>Five new zoning districts were created and properties were subsequently rezoned to:</p> <ul style="list-style-type: none"> <li>• A business main street zone, patterned after historic ‘Main Street’ business districts;</li> <li>• Three mixed use zones that provide a transition between the higher intensity business ‘Main Street’ and surrounding residential or industrial areas; and</li> <li>• A mixed density residential zone district.</li> </ul>	<p style="text-align: center;"><b>CURRENT ZONING MAP</b></p>  <p>The map shows a central area along Broadway and Yarmouth Avenue with various zoning districts. Key districts include RM-1 (Residential - Medium 1), RE (Residential - Estate), RL-1 (Residential - Low 1), RL-2 (Residential - Low 2), BT-1 (Business - Transitional 1), BT-2 (Business - Transitional 2), MU-1 (Mixed Use 1), MU-2 (Mixed Use 2), IS-1 (Industrial - Service 1), IS-2 (Industrial - Service 2), MH (Mobile Home), RR-1 (Residential - Rural 1), RR-2 (Residential - Rural 2), and P (Public). The legend at the bottom provides the key for these colors and codes.</p>
<p><b>North Broadway Area (Village Center and Yarmouth North)</b></p>	<p><b>Village Center</b> The 1995 Plan calls for a Village Center concept on both sides of Broadway at around Yarmouth Avenue.</p>	<ul style="list-style-type: none"> <li>• The city has rezoned properties in the Village Center and Yarmouth North areas to BMS, MU-1, and RMX-2 (see current zoning map to the right).</li> <li>• The east side of the Village Center has seen significant redevelopment, but the west side has not.</li> <li>• These redevelopment areas have been largely consistent with the plan’s goals for vertical mixed use and pedestrian-oriented design.</li> </ul>	<p>This section of the table is integrated into the 'CURRENT ZONING MAP' column, which provides the visual context for the zoning changes mentioned in the text.</p>

**FIGURE 9: 1995 PLAN IMPLEMENTATION SUMMARY**

Category	Implementation Item and Description	Implementation Status
<b>Community Facilities, Parks, and Open Space</b>	<b>Parkland</b> The 1995 Plan recommends several new parks throughout the subcommunity.	Since 1995, the following parks have been built or are in the process of being built: <ul style="list-style-type: none"> <li>• Foothills Community Park</li> <li>• Neighborhood Park on the Mann property</li> <li>• Holiday Neighborhood Park</li> <li>• The Elks Neighborhood Park is in the 2013-2018 Capital Improvements Plan</li> <li>• Dakota Ridge Neighborhood Parks</li> </ul>
	<b>North Boulder Library</b> The 1995 Plan recommends a new Boulder Library branch in North Boulder	The Boulder Public Library Commission recently passed a resolution endorsing the concept of a North Boulder Library Station (570 square feet) operating in the Westview Apartment storefront in the vicinity of the Broadway and Yarmouth intersection. The library staff is currently evaluating costs and benefits of the proposed Library Station.
<b>Annexation</b>	The 1995 Plan supports annexation of county enclaves (Area II properties) in the North Boulder Subcommunity.	Since 1995, several county enclaves have annexed into the city in the North Boulder Subcommunity. The map below highlights these areas: <p style="text-align: center;"><b>ANNEXATIONS SINCE 1995 (OUTLINED IN RED)</b></p> 

**FIGURE 9: 1995 PLAN IMPLEMENTATION SUMMARY**

Category	Implementation Item and Description	Implementation Status
<b>Transportation and Streetscape</b>	<b>Development Compliance with Transportation Plan</b> The 1995 Plan recommended a new requirement for compliance with the Transportation Plan during development or redevelopment.	The city adopted an ordinance that requires dedication or reservation of Rights-of-Way in conformance with the North Boulder Subcommunity Transportation Plan.
	<b>North Broadway Streetscape</b> The 1995 Plan recommended development and implementation of streetscape improvements along North Broadway	A <u>draft</u> North Broadway Streetscape Plan was developed and has been used as a guide to establish the streetscape design for Broadway from US 36 to Upland and improvements that were required when properties redeveloped (e.g., street trees, benches, lighting, on-street parking).
	<b>Auto/Transit Improvements Right-of-Way Plan</b> The 1995 Plan calls for transportation connections that encourage walking, biking, and transit use.	<p><b>Connectivity:</b> As new development has occurred in North Boulder (particularly north of Violet Avenue), connectivity has been enhanced by introducing more of a street grid consistent with the Auto/Transit Improvements Right-of-Way Plan. Streets have generally been designed to be narrower and more pedestrian friendly.</p> <p><b>Enhanced Transit:</b> The 1995 Plan calls for enhanced transit service in North Boulder. The Auto/Transit Improvements Right-of-Way Plan recommends circulator transit routes through some of the North Boulder neighborhoods along with a route along US 36 connecting to shopping areas along 28<sup>th</sup> Avenue. Currently, bus service along Broadway only extends to Front Range Avenue and Broadway (one block north of Lee Hill Road).</p> <p><b>US 36 Gateway:</b> The city has also not implemented a gateway feature where Broadway intersects with US 36, as recommended by the plan.<sup>5</sup></p>

<sup>5</sup> See page 22 of the 1995 North Boulder Subcommunity Plan.

**FIGURE 9: 1995 PLAN IMPLEMENTATION SUMMARY**

Category	Implementation Item and Description	Implementation Status
<p><b>Stormwater Utilities</b></p>	<p>The 1995 Plan recommends protection for riparian areas and utilization of flood plain areas for bicycle and pedestrian travel.</p>	<p>While not a specific implementation item from the 1995 Plan, the city completed the Fourmile Canyon Creek and Wonderland Creek Major Drainageway Planning effort in 2011. This document will inform future planning and development decisions in North Boulder, particularly in the Village Center area. Staff does not anticipate any updates to this study.</p> <div style="text-align: right; padding-right: 50px;"> <p><b>FOURMILE CANYON CREEK AND WONDERLAND CREEK MAJOR DRAINAGEWAY PLANNING</b></p>  <p><b>FINAL PLAN</b> May 2011</p> <p>CITY OF BOULDER URBAN DRAINAGE AND FLOOD CONTROL DISTRICT</p>   </div>

## Attachment 2: North Boulder Subcommunity Development Activity (1995-2013)

The 1995 Plan sets forth specific estimates for future growth in the North Boulder Subcommunity. Staff analysis of building permit records from 1995-2013 reveal the North Boulder Subcommunity is:

- **Approaching the 1995 Plan’s Estimate for New Residential Units** - The 1995 Plan approximated between 1,629-1,784 new housing units would be built within “about 13-17 years” in the subcommunity based on a number of factors.<sup>6</sup> According to city building permit records, approximately 1,700 new housing units have been built since the 1995 Plan. The city’s growth projections for the North Boulder Subcommunity estimate an additional approximately 550 housing units by 2035.<sup>7</sup>
- **Adding More Retail than the 1995 Plan Estimated** – The 1995 Plan estimated 85,000 square feet of new retail subcommunity-wide. Since 1995, about 178,000 square feet of new retail has been built.
- **Adding Office Space at Faster Rate than any other Land Use** – From 1995 to 2013, the amount of new office space increased by 291% from approximately 100,000 square feet to approximately 391,000 square feet, exceeding the 1995 Plan’s estimated new office space of approximately 299,000 square feet.

The tables that follow provide a more detailed summary of residential and nonresidential development activity since the 1995 Plan, along with existing land use and zoning.<sup>8</sup>

**FIGURE 3: LEE HILL ROAD CONCEPT**

1995 Plan Concept for Lee Hill Road Area



2013 Development Pattern



*The above images illustrate how the 1995 Plan helped shaped development patterns.*

<sup>6</sup> These factors included Boulder Valley Comprehensive Plan density assumptions by zone district and growth rates consistent with the North Boulder projections from the Integrated Planning Project.

<sup>7</sup> The city’s growth projections use a variety of factors from current zoning to future land use, to more qualitative analysis of specific sites with growth potential.

<sup>8</sup> SOURCES: North Boulder Subcommunity Plan, city building permit records. The numbers reflect building permits where Certificates of Occupancy (C.O.) were issued between 1995 and 2013. There are several developments under review that have not received C.O.’s to date.

**Table 1: NORTH BOULDER SUBCOMMUNITY-WIDE RESIDENTIAL DEVELOPMENT ACTIVITY (1995-2013)**

	1995 Total	Percent of 1995 Total	1995 Plan Estimate for Future Units	New Since 1995	Total Units 2013	Percent of Total Units 2013	Increase 1995-2013
Attached Units	1,084	27%	n/a	1,096	2,180	38%	101%
Detached Units (includes mobile homes)	2,930	73%	n/a	635	3,566	62%	22%
<b>Total North Boulder Subcommunity Wide Housing Units</b>	<b>4,014</b>	<b>100%</b>	<b>1,629-1,784 New Units</b>	<b>1,731</b>	<b>5,745</b>	<b>100%</b>	<b>43%</b>

**Table 2: NORTH BOULDER SUBCOMMUNITY NONRESIDENTIAL DEVELOPMENT ACTIVITY**

	1995 Count (sq. ft)	Percent of 1995 Total	1995 Plan Estimate for Future Square Footage	New Square Feet Since 1995	Total Square Footage 2013	Percent of Total 2013	Increase 1995-2013
Retail	200,000	27%	85,000	178,177	463,177	28%	89%
Office	100,000	13%	299,000	291,057	690,057	42%	291%
Industrial	450,000	60%	n/a	45,969	495,970	30%	10%
<b>Total</b>	<b>750,000</b>	<b>100%</b>		<b>515,203</b>	<b>1,265,203</b>	<b>100%</b>	<b>69%</b>

## Existing Zoning and Land Use in the North Boulder Subcommunity

The following tables illustrate the current zoning and land use conditions in the North Boulder Subcommunity. Generally, the data shows that:

- Most of the subcommunity is zoned low or medium density residential;
- A significant portion of the subcommunity is zoned and used as public (open space, parks, etc);
- A higher percentage of land is *classified* as a commercial land use than the amount of land that is *zoned* for commercial, and
- A lower percentage of land is *classified* as an industrial land use than is actually *zoned* industrial.

**Table 3: EXISTING LAND USE BY LAND AREA, NORTH BOULDER SUBCOMMUNITY<sup>9</sup>**

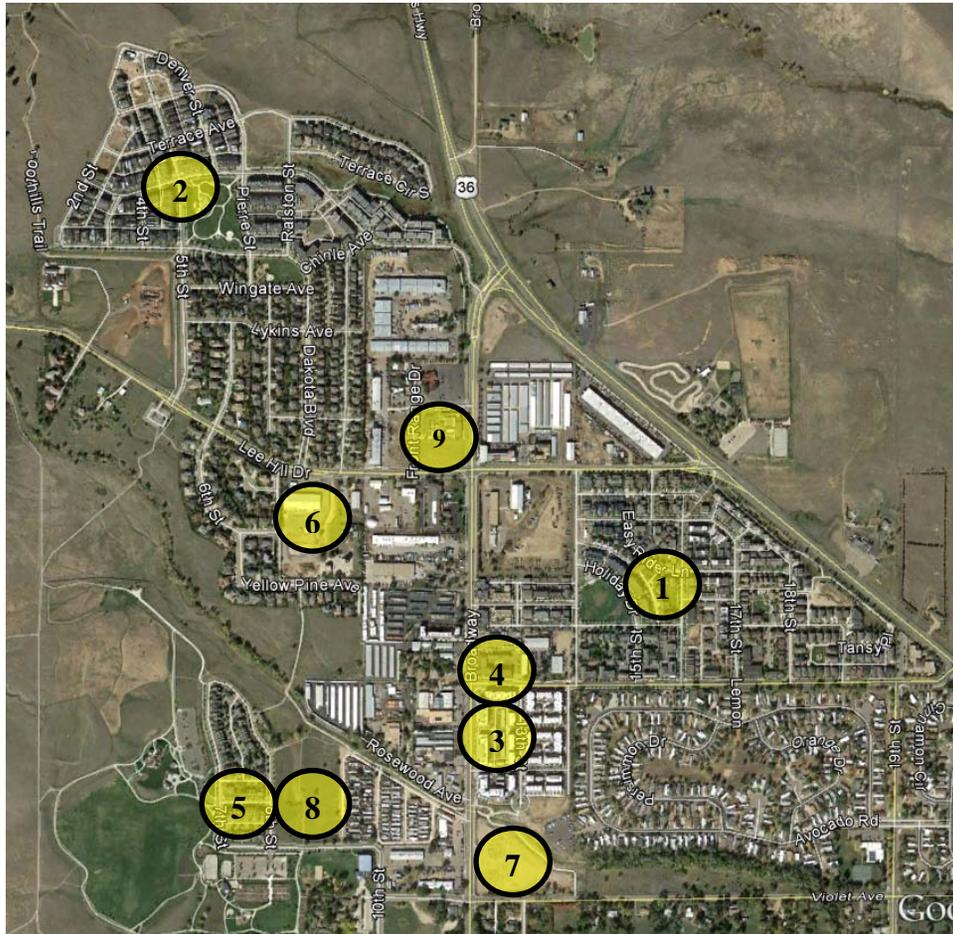
Name	Acres	Percent
Agricultural	1.0	0.07%
Commercial	103.7	6.9%
Industrial	3.7	0.2%
Mixed Use	11.4	0.8%
Residential	1,088.5	72.4%
Public/Institutional	204.7	13.6%
Vacant	90.7	6%

**Table 4: EXISTING ZONING BY LAND AREA, NORTH BOULDER SUBCOMMUNITY**

Zone District Category	Acres	Percent
Agricultural	17.8	1.0%
Commercial	23.9	1.2%
Industrial	120.1	6.0%
Mixed Use	34.8	1.7%
Residential	1,391.1	69.9%
Public/Institutional	222.5	11.2%

<sup>9</sup> SOURCE: Boulder County Assessors Office (based on how the county classifies land uses, which may not align with city zoning classifications).

**FIGURE 8: MAJOR DEVELOPMENTS IN NORTH BROADWAY AREA (1995-2013)**



	Construction Date	Approx. Site Size	Characteristics
<b>1. Holiday</b> 	2003-2005	27 acres	324 residential units (187 market rate units and 137 permanently affordable units), 55,164 square feet of non-residential space and a 1.7 acre park.
<b>2. Dakota Ridge</b> 	2001 – present	42 acres	420 residential units composed of 195 apartments, 65 townhomes and 130 single-family homes, and 30 (possible) commercial area conversion units. In addition, 23,025 square feet of office/retail space is located in the Neighborhood Center.
<b>3. Uptown Broadway</b> 	2003, 2008	8.5 acres	223 residential units and 40,337 square feet of mixed use commercial space
<b>4. Westview</b> 	2011-2012	1 acre	34 permanently affordable residential units that meet the affordable housing requirements for the development for the Residences at 29 <sup>th</sup>
<b>5. Foothills</b> 	2001-2002	5 acres	75 permanently affordable units in duplexes, fourplexes, townhomes, apartments, carriage units, a group home and a community center
<b>Pipeline/Under Review</b>			
<b>6. 820 Lee Hill</b>	2014 (expected)	6 acres	32 single family detached homes proposed
<b>7. Violet Crossing</b>	2013 (expected)	4.7 acres	10 two- and three-story buildings that house 78 market rate apartments and 20 affordable apartments
<b>8. 1000 Rosewood</b>	2013 (expected)	4.5 acres	18 dwelling units (16 single family units, 2 duplex units)
<b>9. 1175 Lee Hill</b>	2014 (expected)	1.2 acres	2 story multifamily transitional housing with 31 units
<b>Total number of housing units in pipeline/under review: 179 (including 31 transitional housing units)</b>			

## Attachment 3: North Broadway Market Study Summary

The plan update should produce outcomes that are based on the current economic and market realities of the North Boulder Subcommunity. The Market Study will help inform the plan. ArLand Land Use Economics will prepare the Market Study that will achieve several purposes, including:

- **A Market Demand Analysis** – The market study will assess the current market demand in North Boulder for different land uses, with an emphasis on the role of an “anchor” land use such as a grocery store (and other potential anchor land uses). This will include focused interviews with developers, commercial brokers, and other area development interests.
- **Barriers Analysis** – The market study will analyze the related barriers towards redevelopment and plan implementation based on the market information.
- **1995 Plan Village Center and Yarmouth North Implementation** – The market study will analyze of the feasibility of fully developing the 1995 Plan’s Village Center concept and evaluate redevelopment potential in the Yarmouth North area.
- **Action Items** – The market study will result in a set of action items based on the market analysis and identified barriers towards realizing the 1995 Plan’s vision.

The schedule below briefly summarizes the anticipated market study schedule and key tasks.

**Figure 10: Anticipated North Broadway Market Study Schedule**

Task	Outcomes	Timeline
<b>Interviews/Roundtable Discussions/Public Meetings</b>	<ul style="list-style-type: none"> <li>• Interviews with area development interests</li> <li>• Public meeting presentation(s)</li> </ul>	Ongoing
<b>Market Analysis</b>	Establish Market Area and Analyze: <ul style="list-style-type: none"> <li>• Population and Demographics</li> <li>• Anchor Land Use Potentials</li> <li>• Office/Employment Potentials</li> <li>• Other Commercial Services and Mixed Use Potentials</li> </ul>	Final Report – Expected October 2013
<b>Barriers to Redevelopment/Plan Implementation</b>	Identify key market barriers and related actions towards realizing the 1995 Plan’s Village Center and Yarmouth North area vision	
<b>Redevelopment Strategy</b>	Recommendations for changes to Village Center and Yarmouth North concepts	
<b>Report and Presentations</b>	Final report summarizing the market analysis, findings from interviews, barriers, and recommendations to inform plan update	

# **Attachment 4: Community Outreach and Feedback Summary –March/April 2013**

Staff has reached out to numerous community members to obtain feedback that has informed the project scope and schedule. The detailed results from community member interviews during March and April of 2013 are included below. In addition, the detailed results from the Planning Board and community member review of the June 6 Planning Board memo are included below. Please note that the Summary of June 6, 2013 Planning Board Memo Comments Section also summarizes these comments along with staff responses.

## **Residents/Neighborhood Groups**

### **General / Planning Process**

- Agrees that we should take a targeted approach to the update
- The North Boulder community would support good planning with this process
- Good planning could also draw more businesses to North Boulder
- The far north and west side of Broadway have the most potential to focus on
- The North Boulder Alliance has about 1,000 members. Their membership stretches from about Lucky's Market to US 36 on both sides of Broadway, but their primary focus is north of Violet Avenue
- Would like to see which major items from the original plan were implemented, and what development activity has occurred
- This process should be more of a conversation between the community and the city
- The area is well served by parks and open space
- Should start the public process at a time when more people are in town
- Everyone outside of this North Broadway area (i.e., south of Violet Avenue) seems to be doing fine and likes things the way they are
- There are not many things that have changed that necessitate an update to the plan - just need to more fully realize the vision and follow through
- Not enough attention paid to constraints in the original plan
- Holiday and the areas with larger lot and larger homes are established and should not be revisited with this process
- North Boulder Alliance Vision for North Boulder:
  - Broadway connects neighborhoods east/west, rather than divides them
  - Retain neighborhood character by requiring new development to be context sensitive
  - Attract businesses with a variety of retail and commercial services
  - Retain a distinct identity and function as northern gateway
- Keep residents well informed and give opportunities to provide input that affects the outcome
- Examine how and why development has occurred since the original plan
- Ideally would complete this update process before any new development is approved

### **Economic Vitality**

- Should consider the economic development component of the plan update (see below)
- Need to look at the economic impacts of anything we propose - it is important to understand this because nothing will happen unless it is economically feasible.
- The small lots on the west side of Broadway make it hard to assemble and redevelop (boulder does not have redevelopment authority to do this)
- There is no imminent development on the west side of Broadway where many of the industrial uses are – they seem to be working and serving a community need

## **Housing**

- Like the diversity of housing in the area
- Need to keep building new housing that is characterized by smaller lots and walkable communities - that will then support more redevelopment along Broadway and other places in North Boulder
- The city's new comprehensive housing strategy may have implications for North Boulder
- There is an overconcentration of special needs/affordable housing in North Boulder
- Three affordable housing projects sprung the neighborhood into action, asking the question - why are we concentrating these uses in North Boulder, and how are we letting developers transfer their affordable housing requirement to North Boulder? The three projects include: 17<sup>th</sup> Street and Yarmouth Avenue, NE; Broadway and Yarmouth Avenue, NE (why do we have 100% residential and affordable on such a key corner); and the Lee Hill/Boulder Housing Partners Project in North Boulder. The whole process for these three was very non-transparent.
- Supports mixed income but has some concerns about overconcentration
- Do not allow the continued concentration of shelters, permanent supported housing, affordable housing, and social services – the area has a disproportionate amount already

## **Arts**

- An arts district is a good idea to build off of the eclectic nature of North Boulder
- There is the opportunity to celebrate North Boulder as the most eclectic part of town
- One way to support the arts district is to brand the corridor with streetscape, signage, building design standards
- Support an arts district in North Boulder with an arts-oriented anchor that is dedicated where the Armory now sits
- The Armory site could become a vibrant, multi-use space where art plays an integral part.
- Some examples of good arts oriented projects include:
  - The Short North arts district in Columbus, OH – it is a good example of how economically advantageous an arts district can be
  - Gallery/artist loft space created in an historic hotel in Fergus Falls, MN
  - An "arts campus" from old Tannery buildings in Santa Cruz, CA
  - A 1920's office building in Michigan City, Indiana will soon be home to artist lofts, classroom, studio and commercial space
  - In Loveland, CO the old Feed and Grain is becoming artists' live/work space, creative business, community space, and an outdoor plaza.

## **Transportation/Connectivity**

- Lack of connectivity is an issue – when this area developed it was more of a suburban, cul-de-sac model
- The north/south connections are especially lacking
- North Broadway needs attention – there may have been some ideas in the 95' plan to address this we could revisit
- Getting across Broadway on foot to any new village center will be problematic
- A traffic light at Yarmouth Avenue would help
- There are still a lot of dead ends and missing links with roads and multi use paths
- The SKIP ends at the homeless shelter – it would get much better ridership if it extended north (for proximity and not feeling comfortable sharing station with homeless shelter)
- Locate a new transit center away from the homeless shelter to get more use
- Speed limits are too high on North Broadway for it to be pedestrian oriented
- The lack of parking in North Boulder has already become an issue as we grow (which we want to happen)
- Residents on the west side of Broadway and up Lee Hill drive here to North Broadway. Those who live in Holiday walk everywhere
- The intersections along Broadway are dangerous and need to be addressed.
- The traffic coming and going due to people who work here but don't live here will only be a bigger issue

- Would like to see more roundabouts or trees and benches along Broadway
- Want to see the Gateway addressed. It only needs landscaping per the plan and we don't even have that
- Would like to see signage as well welcoming people to Boulder
- Create an integrated network of streets
- Use street and pedestrian connections to tie the neighborhoods together
- Transportation improvements should address the traffic impacts of new development on the existing transportation systems

#### **Groceries/Food**

- The neighborhood wants a grocery store
- Like idea for a small scale grocery store
- Like idea of some type of North Boulder farmers market

#### **Land Uses and Zoning**

- The use review process for redevelopment on the west side of Broadway is onerous and costly.
- Even in industrially zoned areas many office uses are not allowed
- Not happy that Violet Crossing and Westview developments have minimal retail space
- Would like to see more contiguous redevelopment
- North Boulder needs land uses that are destinations (Amante and bike shops to some extent now, but need more)
- Some type of entertainment venue could be oriented around music (e.g., how Lyons uses music to draw people)
- North Boulder has a lot of interesting land uses, but they are scattered
- The issue isn't just zoning – e.g., you can't just expect to change the zoning and for development to happen – we need to be more creative and incentivize the right things so they really happen
- Should look at zoning along Broadway between Violet Avenue and Quince Avenue – that area could accommodate more density
- Need to understand what has worked and not worked (and why) with commercial and retail development on the Broadway corridor north of Lee Hill
- Need to understand the advantages and disadvantages of current zoning and potential zoning changes on the corridor
- Need to understand the residential concentration and economic mix that will support viable commercial and cultural development on the Broadway corridor
- The village center concept feels ½ done with west side of Broadway being missing piece. Sees two obstacles to redeveloping rest of this area: the market area is limited (i.e., if you draw a 2 mile radius much of it is open space) and the land use patterns that created North Boulder make it difficult to have an urban, walkable place
- Take a closer look at the zoning and what is allowed – would like more flexibility for the right kind of development
- The MU-1 zoning category may be too restrictive for the market
- The area needs an anchor –a grocery store, a brewpub, or some type of movie theater/brewpub to generate activity and draw people
- Supports some type of live/work spaces on west side of North Broadway
- Interested in a Library and how the plan can benefit North Boulder businesses.
- Do not want to see huge box stores so I like the current zoning

### **Developers, Nonresidential Property Owners, Business Owners**

#### **Land Use and Development**

- The density in Holiday is actually more than the plan calls for in that area
- The assumption for 95,000 square feet of office in the armory area does not make sense anymore
- Some of the commercial space as part of uptown/Holiday took 10 years to lease up

- The area needs some type of anchor before much more retail/nonresidential will be supported
- The village center concept should not just be on four corners – why not extend it north into the armory site?
- The armory site is currently zoned MU-1, which is more restrictive than BMS (MU-1 has restrictions on nonresidential square footage); the intent of the MU-1 district is more for residential with small scale neighborhood-serving retail and other nonresidential
- Concern about affecting the viability of the village center area building out by allowing any more nonresidential and extending the BMS zoning north to the armory site. However, the BMS zoning will not allow for an anchor.
- The market is really different in North Boulder – prices, demand, etc. don't necessarily align with concepts in the plan yet
- Many of the properties will not redevelop because of the zoning
- If there was a way to reduce fees for annexation and then modify the zoning it might work for county enclaves in North Boulder
- Only allowing live/work units in North Boulder is problematic – the city doesn't need it that much
- Income producing light industrial space provides no incentive to redevelop
- North Boulder will never be a “hot item” for commercial because it is on the edge of town
- Would like to see some type of study to evaluate what is really needed in the area – the conditions have changed since 1995 and there may need to be a different land use mix
- The city should be more open to development that may not be consistent with the plan but is responsive to the areas current needs – that would spur more redevelopment
- The development on the west side of Broadway is an eye sore and should redevelop. However, it could price out artists and other unique users. Ideally we would improve the aesthetics but keep it affordable for unique users like this.

#### **Activity in Area**

- Would like to see more pedestrian activity
- The area needs to be more inviting for pedestrians
- Would like to see more retail in the area

#### **Artists Community**

- The NoBo Art District in itself should be promoted as an attraction

#### **Homeless Issue**

- Concern with the homeless population in the area. Routinely see activities disruptive to businesses as a result
- The homeless population is too concentrated in North Boulder.
- Some of the homeless in the area can be aggressive.

#### **Transportation and Parking**

- Parking is of concern. Most people drive to North Boulder now. Having minimal parking is great for the locals that want to live in a walkable community, but not great for businesses who rely on customers finding parking spaces (especially for businesses that directly front on Broadway)
- From an urban design standpoint, minimal parking is good (parking in rear, reduced), but for retailers is it not good
- Could make the southeast corner of Broadway and US 36 a Park N' Ride

### **Nonprofits**

#### **General**

- Should revisit the vision in the plan. Conditions and attitudes about the area have changed (e.g., the rural character may not be as important now as it was in 1995)

### **Zoning and Land Use**

- Should be more flexibility to go outside of zoning code for new interesting projects
- Density bonuses could work
- Could adopt some type of overlay where developers don't have to build affordable housing (if we really want the west side of Broadway to redevelop)
- The zoning code has limited allowances for efficiency units (very small apartments) with minimum square footages – if there was more flexibility for these we may be able to get more density and affordable units
- Keep in mind affordable commercial space

### **Affordable Housing**

- There used to be large scale, multifamily developments in Boulder – hence, it was easier to provide the required 20% affordable housing on site. Now, sites are smaller so developers and the city have to get creative.
- The affordable housing will even out in the rest of the city relative to the disproportionate amount in North Boulder now.
- Research shows that affordable housing can have a positive impact on neighborhoods when there is the right balance of land uses – this includes having a good mix of housing, but also daily services nearby (e.g. grocery store)

### **Economic Vitality**

- Any plan strategies should be backed up by a market study so they are grounded in economic realities
- A Tax Increment Financing (TIF) district could be a tool if we really want this area to redevelop (or some type of district to help with financing for flood issues, affordable housing, etc.)

### **Transportation**

- The plan falsely assumes that Broadway's capacity is fine. With significant redevelopment, it may not be.

### **Library**

- The library site may have water/flood and parking issues
- The library recently did a survey of North Boulder residents regarding community needs

### **Arts District**

- The arts group wants to apply to the state for an arts district designation (a state creative district)
- The state has a tiered process, where the applicant has to get local government approval (via a resolution or similar) before they can apply
- With this, the first step is getting council to approve a resolution recognizing the North Boulder Arts District
- The general process is 1) submit a proposal to the arts commission for a recommendation, 2) city council accepts, 3) apply to the state for designation and funds, and as part of that process set up their own organization with sustainable funding, etc.  
The state sees these districts also as economic engines – could the city as well?

## **Other**

### **Commercial and Neighborhood Issues**

- Lack of change in the commercial areas in last several years is a concern– would really like to see a true neighborhood center
- North Boulder needs to be more of a self-sustaining neighborhood – need day-to-day conveniences like a pharmacy, groceries, etc.

- The small format retail has struggled more so with Uptown than Holiday. Holiday is fully leased, maybe as a function of better design.
- The village center concept in the original plan should remain and not become a strip
- There is no incentive for property owners on the west side of Broadway (between Violet Avenue and Yellow Pine Avenue) to develop
- Focus the plan update on areas of change (north of Violet Avenue)
- A market study of the village center area would inform this process
- Look at the subcommunity as a whole- Table Mesa has a neighborhood/commercial center and so should North Boulder.
- Armory Site (southeast corner of Lee Hill Drive and Broadway)
  - The area needs cultural amenities
  - Naropa consolidating their campuses there would be supported
  - Single-family detached housing would be okay; high density mixed use is over saturated in Boulder
  - Should have heart, occupied 24/7
  - Should be the glue of the community, cohesive, and the entry into the city.

### **Parking, Transportation, and Infrastructure**

- Consider allowing height to compensate for flood mitigation cost
- Explore new approaches to parking. A parking district where users share may be a good solution to avoid seas of asphalt, keep the area pedestrian oriented, and provide adequate parking for retailers/restaurants
- New restaurants on North Broadway can be challenging because there is not enough parking along and near North Broadway
- Garages may not be a solution because they primarily get used for car storage. They benefit some of the residents/offices.
- Would like to see a bus line running along US 36 to the commercial areas along 28<sup>th</sup>/29<sup>th</sup> Streets. This would get good ridership as an underserved route.
- Would support roundabouts at Yarmouth Avenue and Violet Avenue
- Some bicycle connections have been made since the original plan
- North Boulder is the northern gateway to Boulder, it should be welcoming. It is very confusing and dangerous as it is
- Connections needed on west side (pedestrian/bike) to the mobile home parks

### **Land Use Mix**

- Any type of large format retail that could be an anchor is difficult to do with the current zoning along North Broadway
- The whole area north of Violet Street could be one neighborhood center. It doesn't have to be just concentrated in the village center area.
- The MU-1 zone restricts uses to those that are neighborhood serving, but there could be opportunities to expand uses that draw from outside the neighborhood (the North Boulder residents would also benefit from it)
- There is a good mix of tenants right now along the North Broadway commercial area
- Some of the storage units in North Boulder may redevelop soon
- Some area along the west side of Broadway may support a small grocery, but developers may not invest in a grocery store unless there is high-traffic infrastructure to support it (4 lane intersection).
- The existing grocery options need to be better advertised – there is a mexican grocer, a gas station, and some small shops

### **Arts District**

- Arts district may be a good idea if it can integrate with what is already in North Boulder
- Some related businesses may include welding, studio space, live/work, or small coffee shops

- Smaller mixed use commercial is acceptable
- Supports commercial on the east side of the site, but commercial shouldn't extend past Yellow Pine.
- Some existing retail along 28th Street is underused

**Affordable Housing**

- Keeping the area around 40% (near what Holiday is) affordable housing units is a good mix.
- Less concerned than others about overconcentration of affordable housing. However, if we start getting into 60%-70% affordable housing units for the area that might be too high

## Attachment 5: June 6, 2013 Memo Comments

The feedback staff received from the March and April community interviews informed a North Boulder Subcommunity Plan update memo to Planning Board on June 6, 2013. The purpose of that memo was to introduce the Planning Board to the project and solicit feedback. Staff also sent this memo directly to community members for review and comment. Both groups reviewed and commented on the June 6 memo. Staff has also summarized these comments and provided responses below.

### **Comment: Keep It Geographically Focused**

The plan update should not reopen the entire original North Boulder Subcommunity Plan. Staff should focus the effort on the Village Center and Yarmouth North areas.

**Response:** This is consistent with the direction provided by City Council in the 2013 Work Plan.

### **Comment: Broaden the Scope Within the Focused Geographic Area**

The scope should be broadened within the North Broadway geographic focus area to include several other issues, including:

- Transportation and Parking - The transportation network along Broadway may be a barrier towards realization of the Village Center and Yarmouth North concepts. Broadway is not very walkable, and east west connections across Broadway are problematic due to traffic speeds and street widths. Similarly, parking issues present a challenge to balance business needs with the 1995 Plan's vision for a pedestrian scale environment.
- Housing – The overconcentration of affordable and special needs housing in North Boulder, particularly north of Violet Avenue, continues to be a concern. Similarly, the number and types of surrounding housing also relates to the success of the Village Center and Yarmouth North areas.
- Cultural Facilities - Land uses like an arts district and library can contribute to the success of the Village Center and Yarmouth North areas.

**Response:** Staff will be assessing all of the key barriers and opportunities towards realizing the 1995 Plan's vision for the Village Center and Yarmouth North areas. A market study (see [Attachment 3: North Boulder Market Study Summary](#)) will inform what some of these key barriers are. However, the plan update will not address any topics that do not directly relate to these geographic areas.

### **Comment: Citywide Initiatives May Not Adequately Address North Boulder-Specific Issues and Community Involvement**

While there are several citywide efforts to address issues like housing (Comprehensive Housing Strategy) and transportation (Transportation Master Plan) noted in the June 6 Planning Board memo, the North Boulder-specific issues may not get adequately addressed in these broader initiatives. The North Boulder Subcommunity Plan should be the implementation mechanism for the recommendations that come out of these efforts.

The North Boulder Subcommunity Plan update is potentially the most effective process for community feedback on issues around housing, transportation, arts, and the library.

**Response:** Both the Comprehensive Housing Strategy and the Transportation Master Plan (TMP) are citywide efforts that will have opportunities for community feedback and geographically specific implementation items. Both processes are in early stages so it is too soon to tell if there will be any recommendations to integrate into the North Boulder Subcommunity Plan. In order to keep this plan update focused and efficient (and in accordance with the 2013 Work Plan), staff will only focus on issues that relate to the Village Center and Yarmouth North areas, and coordinating with the Comprehensive Housing Strategy and Transportation Master Plan only as they relate to these geographic areas.

Staff is also working with housing and transportation staff to develop more user-friendly communications portals for North Boulder specific issues that may or may not be part of this plan update. This will include joint TMP and North Boulder Subcommunity Plan outreach later in 2013 (see Proposed Update Process and Timeline), and a North Boulder city staff point person to assist community members with addressing their concerns and directing them to the appropriate channels.

### **Specific Comments on June 6, 2013 Planning Board Memo**

#### June 6, 2013 Planning Board Memo Comment 1 (Planning Board Member)

I think the focus on the commercial North Broadway corridor makes a lot of sense. It keeps the scope of the update manageable while addressing the most important issues that the subcommunity faces. However, I think the scope needs to be broadened somewhat from what is proposed in the memo we received. Issues around parking, transportation and housing are central to the success of the commercial area and should be included in the sub-community plan revision.

For example, high traffic speeds along North Broadway along with the lack of crossing opportunities and the absence of a traffic light at Yarmouth and Broadway make it very difficult to realize the walkable, pedestrian friendly vision for the commercial area. The commercial viability of the area could increase dramatically if the two sides of Broadway were better linked and the roadway noise and danger were reduced. The TMP will be looking at issues across the entire city, and the specific needs of the North Broadway area will be easily lost in the larger process. Similarly with parking -- there are great opportunities to increase development feasibility for the west side of Broadway by creating a parking district and/or some kind of parking sharing. Again, the larger parking process wouldn't have the same focus on the needs of the North Broadway area.

Regarding housing, I agree that this is not the place to evaluate the larger issue of the ratio of affordable housing in the region north of Violet. However, how much housing is allowed or encouraged by the zoning is an important factor for the corridor development, and that needs to factor into the discussion.

Finally, an important reason to widen the scope is to make the process viable for neighborhood representatives. It's unreasonable to expect people to advocate for the neighborhood through as many as six separate processes: the sub-community revision, the TMP, the parking strategy, the comprehensive housing strategy, the library commission and the arts district designation. To the extent that we can centralize the process while keeping the focus on the North Broadway commercial corridor, it makes it feasible for residents to stay involved and engaged.

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#### June 6, 2013 Planning Board Memo Comment 2 (Planning Board Member Comment)

In general, I agree that connectivity and multi-modal issues are best addressed in the Transportation Master Plan (TMP). It is an actual plan. I think, however, that because the Housing and Parking are strategies and not plans, the North Boulder Subcommunity Plan (NBSP) update should address housing and parking as it would be the place to implement whatever strategies are developed in the corresponding strategy document.

Specific comments on the 6/6/ memo:

- What constitutes "overconcentration"? Does quantitative criteria exist to define such a condition? Without such definitions, how can we make that call? What are the impacts of overconcentration? Are they negative?

- The subcommunity plan should address the specific issues related to housing, while the housing strategy creates the overarching policies and objectives. Therefore, the housing issues related to this area should be addressed in this document.
- The NBSP should be the implementation tool of these strategies therefore, parking should be addressed as guided by the strategies.
- The TMP is actually a plan and agree that multi-modal and connectivity are addressed more appropriately in that document.
- Shouldn't the NBSP implement strategies defined by the Comprehensive Housing Strategy?
- Does this preclude the planned library? If so, any update to the NBSP should reflect this.
- However, as North Boulder is built out, a library comparable to Reynolds or Meadows would be more appropriate. The incubator station should be treated as a stop gap measure.

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### June 6, 2013 Planning Board Memo Comment 3 (Public Comment)

We appreciate that the City's commitment is not to reopen the Subcommunity plan in its entirety. We agree with limiting the focus. We just want to be sure that the critical elements of the original plan that are not working from our perspective get addressed. We agree with your approach in the following respects:

- Focus on that portion of North Boulder from Violet north to the City limits at Broadway and 36. (We would have the focus start just south of the Broadway Violet intersection, using the Didomenico Art house installation as the southern anchor. An analysis of the commercial viability of the North Broadway corridor would then include its three central intersections: Broadway/Violet; Broadway/Yarmouth and Broadway/Lee Hill.)
- Focus on the commercial/retail viability of this portion of the North Broadway Corridor. We have requested and support a market study that comprehensively examines what is working and not working about commercial development on this corridor. We would like to understand much better than we do the zoning, market, environmental, annexation, property ownership issues and their contribution to this corridor's commercial/retail stagnation. We would also like to understand how/whether the creation of a flourishing Art District in North Boulder, building on our existing artist community, can support commercial/retail development here.

We want to be sure, however, that any tailored reopening of the plan actually focuses on the factors that, from our perspective, are critical to the commercial and retail viability of Broadway North of Violet. Those are primarily transportation, housing and cultural issues.

#### **Transportation and circulation**

We and the North Boulder Alliance both believe that resolution of the transportation and circulation issues inhibiting must be integrated into any update of the Subcommunity Plan. While transportation issues are critical to any planning effort, this proposed update of the plan, after all centers on a transportation artery: Broadway. Many aspects of the current transportation and circulation inhibit the connection between the east and west sides of Broadway and are unsafe. Necessary improvements include:

- Pedestrian and bike friendly improvements: Slow traffic, two lanes, traffic circles
- Motorist friendly improvements: Yarmouth signal, Lee Hill turning lane, adequate parking
- Integrated network of streets improving circulation and providing routes other than Broadway both for everyday use and for emergency access
- Streetscape improvements to Broadway that make it more attractive and comfortable for neighbors and visitors to patronize North Boulder businesses.

#### **Housing**

We and the North Boulder Alliance have stressed repeatedly the importance of constraining the concentration of affordable housing in North Boulder even as we recognize the necessity of increasing housing units in our

community to support the commercial/retail growth we desire. We don't think it is merely an issue of fairness. We are convinced that the commercial/retail viability of our community depends on attracting residents who have the means to support local restaurants and retail.

### **Cultural amenities**

The two cultural amenities we believe are critical to the commercial/retail viability of this portion of the North Broadway corridor are the creation and support of a North Boulder Art District and the fulfillment of the original Subcommunity plan's original commitment to a North Boulder Branch Library.

### **NoBo Art District**

We know plans are underway for designation of a North Boulder Art District. We urge that the Subcommunity plan update be coordinated with this designation because we have become increasingly convinced that a thriving art scene in North Boulder can play a critical role in overcoming the economic stagnation we are experiencing. As it has done in so many other communities, a variety of artistic activity can draw neighbors and visitors, enhancing local businesses and events.

### **Branch Library**

We believe the City's and Boulder Housing Partners' commitment to a library station at WestView will help anchor the Broadway/Yarmouth intersection and enhance its commercial viability. Our primary concern, however, remains the City's lack of follow through on the full service branch for which the site was acquired many years ago.

### **North Armory Site**

We are concerned that the timing of your project will limit the options available to the current option holders on the Armory site. The size, location and major Broadway frontage of this site make it one of the most important remaining parcels in the North Broadway corridor for enhancing the corridor's commercial and retail viability.

In our April 16th note and vision submission to you, we tried briefly to set out the potential elements of a new vision for a viable North Broadway corridor. We took a deliberately brainstorming approach to reflect the diversity of opinion that we know exists in our North Boulder community while at the same time providing a focus on the issues we thought most important. We did not see our note and vision submission included in their entirety in your June 6 Information Item. We would appreciate your including them, as well as this note, in the submission you make to the Planning Board for its August 15th study session. If you would prefer a more focused submission, we're glad to oblige.

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### June 6, 2013 Planning Board Memo Comment 4 (Public Comment)

After reviewing your attachment further I realized that the North Boulder Sub-Community Plan is not intending to address the housing issue. I am a bit confused by the list of what the Plan will address and what it will not. The 'will not address' list is much longer and it seems that many of the concerns we have expressed over the past three months to you are being exempted from the Plan. Why document our concerns if they are not going to be addressed?

Isn't there already a NoBo Business Corridor Plan for the Village Center that is separate from the SubCommunity Plan? It seems short-sighted to not include residential in the Sub-Community Plan? The word community is comprehensive. I am not sure I am understanding the goal of the revisit to the Plan if it does not include all areas of concern.

If the subject of our over-concentration of affordable housing and social services is to be included in the New Comprehensive Housing Strategy for Boulder, then please address these concerns there. I see that both your name and Lesli's are on the staff list for that document. Although reading through the report on the study

session it is clear from the market study that North Boulder is going to be hit even harder due to the amount of developable space. The market study does not go near the topic of concentration, which is a huge oversight. This small community will continue to carry the load of affordable housing for Boulder, thus segregating populations within the city by economics. This is a sure formula for slumming and it is not what the BVSD called for. It is the exact opposite of the dispersal called for in the BVSD. Dispersal is not addressed in depth in the New Comprehensive Housing Strategy study session report.

I believe that the North Boulder SubCommunity Plan needs to address our local community's particular issues and protect our future development, not just along the commercial corridor. The infrastructure of housing will or will not support the business model, depending on the success of the residential community development. The infrastructure of transportation and parking will or will not support the business model, depending on the success of the residential community development. Community facilities and an art district directly impact the success of the commercial corridor.

Please excuse me if I am misunderstanding the scope of the Plan, or lack thereof. It looks like the new plan is only taking into consideration the topics addressed by the old plan. How can we ignore the many changes that have occurred in our community since the first plan was drafted? If we are going to put the time and effort into rethinking this, why not make it as effective as possible?

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#### June 6, 2013 Planning Board Memo Comment 5 (Public Comment)

Thank you for the update: it seems to comprehensively report the various opinions and concerns you have collected on the future development of North Boulder.

One thing caught my eye: the comment that HHS is not concerned about the concentration of affordable housing and social services in Boulder north of Violet Street if it continues to hover around 40%. I am attaching a special report generated by/for her department in November 2010. I hope that you will read it carefully as it expresses concern at that early date that the community is well out of balance with the Boulder Valley Comprehensive Plan. It states, in fact, that the concentration was already well above 40% then. Not included in the count is the 100% affordable Westview apartments, 1175 Lee Hill, 820 Lee Hill, Violet Crossing, the Blue Spruce auto development, Rosewood, the Armory, and whatever else might be developed on the west side of Broadway north of Violet. HHS knows perfectly well that with the completion of these projects the percentage will be in the mid to high 50% range, perhaps over 60%.

HHS was concerned enough in 2010 to order a special study. Now they use casual language and loose statistics to suggest there is no problem. I have presented this document repeatedly in the past to City Council, City Manager, Planning, etc. It is important to understand the full history and momentum of affordable housing in North Boulder. Our Housing and Human Services Department has not been candid with the public or city officials. They continue to ignore their own report of an imbalance in the city's goal of 10% affordable housing dispersed throughout the city of Boulder.

I recommend that Planning order from the Housing and Human Services Department an updated and accurate report on the current and projected percentages of affordable housing in Boulder north of Violet. This is essential to developing a plan for North Boulder that meets the expectations of the BVSD and addresses the concerns of the community. The department needs to be accountable for the situation of imbalance they have created. If I sound bitter and frustrated it is because we continually run up against this HHS "wall of denial" in our efforts to improve the future of our community.

The word 'moratorium' has been brought up by both citizens and several city council members to no avail. Perhaps it is the North Boulder Sub-community Plan that needs to propose this concept. Calling for an

exemption from the 20% affordable requirement for any future development (development that has not to date been issued permit) in the area of Boulder North of Violet between city boundaries west and east.

Please let me know if that is something the citizens of North Boulder could collect and document support for and that you could include in the NBSCP.

# Attachment 6: North Boulder Alliance Comments – April and July 2013

## North Boulder Alliance Comments – April 15, 2013

### Vision for North Boulder

- Broadway connects the neighborhoods to its east and west, rather than divides them, as is currently the case.
- Neighborhoods retain their individual character by requiring new development and redevelopment to be in harmony with the adjacent areas.
- The North Broadway corridor attracts business owners to provide a variety of retail and commercial services.
- The North Broadway corridor has a distinct and coherent visual identity appropriate to its function as Boulder’s northern gateway.

### North Boulder Subcommunity Plan

- Residents of North Boulder need to be well-informed about the process for updating the plan and need multiple opportunities (of varying degrees of intensity) to provide input that actually affects the outcome.
- The update process should examine how and why development since its adoption has deviated from the plan in so many ways and make appropriate policy changes that will address the adverse consequences of those deviations from plan. In particular, the heavy presence of the homeless population has an adverse impact on adjacent neighborhoods, local businesses, pedestrians, and bus ridership.
- The update process should be completed before any significant development/redevelopment projects that are not already approved are allowed to move forward.

### Transportation and Circulation

- A North Boulder transportation plan creates an integrated network of streets that improves circulation and provides alternate routes, both for everyday use and for emergency access and/or evacuation.
- Street and pedestrian connections across Broadway “tie” the neighborhoods together.
- Transportation improvements address the dramatic increase in traffic resulting from recent and new development, especially the more high-density infill developments and redevelopments that are planned. These include upgrading signals at Broadway and Lee Hill, making street connections across Broadway from the residential developments on both sides, making pedestrian movement across Broadway safer and more inviting, adding shelters to bus stops to make them more user-friendly, and filling in missing links in bicycle lanes and multi-use paths.
- A new transit center located away from the Boulder Shelter for the Homeless helps to increase ridership and improve transit users’ perception of safety.
- Streetscape improvements to Broadway will make it more attractive and comfortable for neighbors and visitors to patronize North Broadway businesses. Additional parking will help those businesses attract customers, both from North Boulder and outside.

### Neighborhoods

- The concentration of shelters, permanent supported housing, affordable housing, and social services that has taken place since the adoption of the subcommunity plan should not be allowed to continue. The area north of Violet now has 50% or more affordable housing, in contrast to the citywide goal of 10%. New development should provide no more affordable housing than is required under Boulder’s inclusionary housing ordinance or should use the cash-in-lieu option to build affordable units in under-served neighborhoods. Social service agencies should be encouraged to locate or grow in other parts of Boulder so that they may serve the broader community without having a disproportionate impact on North Boulder.
- North Boulder has a variety of neighborhoods, each of which addresses its residents’ needs and preferences in an effective way. This variety has contributed to the diversity of North Boulder’s population with respect to age, family structure, and income.

- The individual character of these neighborhoods should be respected and protected; infill development should be in harmony with respect to density, home type, and design. Adjacent redevelopment should be designed to provide effective transitions, not harsh contrasts.

### **Business and Retail**

- North Broadway should become a hub for a wide range of businesses that serve both the neighborhood market and that of Boulder as a whole.
- North Broadway's existing low-cost commercial and industrial space on the west side is important for nurturing artists, small business start-ups, and niche businesses. However, streetscape and signage improvements can integrate these businesses into a more coherent North Broadway business district on both sides of the street.
- The North Broadway commercial corridor should be managed as a business center, with efforts to analyze the market for various businesses, recruit business owners, and manage design and parking issues.
- The business components of developments on parcels such as the Armory will be especially critical to the future of North Broadway's economic health. Development of the Armory site should include businesses that attract both daytime and night-time patrons from beyond the neighborhood.

### **Community Facilities and Amenities**

- The village center proposed in the 1995 subcommunity plan should be developed as a focal point that provides a sense of community to the diverse neighborhoods of North Boulder. It would be an excellent location for facilities such as meeting spaces, a police substation, or a library branch (see below).
- The subcommunity plan envisioned a library branch in North Boulder. We are still waiting. We understand that financial limitations make a full branch difficult to build in the near term; there are lower-cost options that could at least provide some service to the growing population of library patrons in North Boulder

# NORTH BOULDER ALLIANCE

*Preserving the integrity of our community as it grows.*

P.O. Box 2063, Boulder, CO 80306

(303) 444-5757

July 31<sup>st</sup>, 2013

Dear Jeff,

The North Boulder Alliance (NBA) would like to offer comments on the proposed scope of the North Boulder Subcommunity Plan (NBSP) update. The planning staff recommended to the Planning Board that the NBSP update focus exclusively on the viability of the North Broadway commercial area -- by focusing on barriers to and opportunities for realization of the 1995 Plan's vision for a village center. Unfortunately, we believe you will find that the principal barriers are issues excluded from the scope, as are the most promising opportunities to achieve the vision for North Broadway and the village center that were embodied in the 1995 plan. We also have concerns about the plans for community engagement and would like to recommend ways to make this a robust and productive partnership.

***Vision for North Boulder:*** The staff document acknowledges that it has received input from some residents, businesses, and taxpayers in North Boulder, but fails to recommend a visioning process that would engage the community in a meaningful way to shape a vision that will have broad public support and will thus be more likely to influence future development.

***Recommendation: Hold professionally facilitated, in-depth visioning meetings in North Boulder.***

***Assessment of Today's North Boulder Relative to the 1995 Plan:*** We question if the staff has really examined the ways in which North Boulder's development has diverged from the 1995 plan. As a small example, referring to WestView as a mixed-use development is gratuitous at best and misleading at worst. Labeling Dakota Ridge North as Wonderland Hills shows a similar lack of familiarity with North Boulder as it exists today.

The staff memo states that "the [1995] plan calls for a Village Center concept on both sides of Broadway at around Yarmouth Avenue. The east side of this area has seen significant redevelopment, but the west side has not. These redevelopment areas have been largely consistent with the plan's goals for vertical mixed use and pedestrian-oriented design."

The above statement is inaccurate in that the northeast corner of Yarmouth and Broadway (the center of the Village Center) commonly known as WestView in no way meets the vertical mixed use/pedestrian-oriented design requirement. In fact, it is 100% affordable rental housing. This raises the question of whether the city really knows whether the plan has been followed at all. We therefore request that the assessment process verify what's really there now.

***Recommendation: Provide a comprehensive assessment of the ways the 1995 NBSP did meet and did not meet its targeted goals.***

***Barriers to a Viable North Broadway Business Corridor/Village Center:*** The growing concentration of social services, shelters, subsidized housing, and vagrants north of Violet has serious implications for the market for businesses on North Broadway, yet these issues are to be excluded from the scope of the NBSP update. Street connectivity, traffic flow, and parking are and will continue to be critical factors in the

accessibility of North Broadway businesses to their local customers, but they are not included in the scope. Similarly, community facilities that serve as a magnet for potential customers (and vagrants) are also excluded from the plan update.

The scoping document also does not acknowledge that a principal barrier to the success of the plan is the city's desire to locate more affordable housing here due to lower land values. This trend could be considered a market reality that must be acknowledged and addressed. The document correctly acknowledges that affordable housing is overly represented in north Boulder compared to other parts of the city but it does not address the reason for this, which, if not addressed, will continue to serve as a barrier to the realization of the plan.

***Recommendation: Explain in detail the barriers that inhibit healthy, thriving business development in North Boulder.***

***Opportunities for a More Viable Business Environment:*** The staff also proposes to exclude two of the more promising opportunities for adding vitality and identity to the business corridor – capital investments in streetscape and signage and the nascent arts district.

By excluding so many of the critical barriers and opportunities for achieving the kind of thriving business district envisioned in the 1995 plan from consideration in the current update, we fear the effort will be doomed to result in recommendations to address the very issues that will not be addressed in the update. Aside from wasting resources in a futile effort, the City and the community risk losing our last opportunity to influence development in a way that realizes the vision of the 1995 plan (which is still supported by so many North Boulder residents, businesses, and taxpayers).

***Recommendation: Incorporate into the 2014 NBSP update clearly defined steps to reverse the barriers into opportunities for business growth in NB.***

***Community Engagement:*** Given recent history in the City's relationship with North Boulder residents, business owners, and taxpayers, it is especially important that the public engagement process be robust and citizen-friendly. Holding public meetings or Planning Board study sessions in prime vacation time would not send the message that the City welcomes citizen engagement. Holding public meetings downtown, rather than in North Boulder, de-emphasizes and dilutes the special importance of these issues to North Boulder neighborhoods. We urge the City to take the time and make the effort to do this right.

***Recommendation: Hold a series of formally scheduled meetings in North Boulder to encourage maximum resident participation and buy-in of the NBSP update process.***

NBA appreciates the opportunity to participate in the NBSP update but believes these issues important to North Boulder residents must be addressed within the City's update process.

Sincerely,

The North Boulder Alliance

cc: Lesli Ellis

**CITY OF BOULDER  
PLANNING BOARD AGENDA ITEM**

**MEETING DATE: August 15, 2013**

**AGENDA TITLE:** Public hearing to consider a recommendation to City Council on an ordinance amending Chapter 6-3, "Trash, Recyclables, and Compostables," and Title 9, "Land Use Code," B.R.C. 1981, to update trash removal standards and zoning standards to reduce impacts of hospitality establishments on neighboring properties.

**REQUESTING DEPARTMENTS:**

David Driskell, Executive Director of Community Planning and Sustainability  
Susan Richstone, Deputy Director of Community Planning and Sustainability  
Charles Ferro, Land Use Review Manager  
Karl Guiler, Planner II/Code Amendment Specialist  
David Gehr, Deputy City Attorney  
Hella Pannewig, Assistant City Attorney  
Linda P. Cooke, Municipal Court Judge  
Mark Beckner, Police Chief  
Greg Testa, Deputy Police Chief  
Jennifer Riley, Code Enforcement Supervisor  
Molly Winter, Director of Downtown/University Hill Management Division/ Parking Services  
Maureen Rait, Executive Director of Public Works  
Joanna Crean, Public Works Project Coordinator  
Mishawn Cook, Licensing and Collections Manager  
Jennifer Korbelik, Community Coordinator

**OBJECTIVES:**

1. Hear Staff presentation
2. Planning Board discussion
3. Recommendations on changes to the code

**EXECUTIVE SUMMARY**

The proposed Land Use Code changes are found within the attached draft ordinance ([Attachment A](#)) and are intended to better distinguish between low-impact and high-impact hospitality establishments and their respective compatibility with neighboring land uses. The new and updated land use definitions and standards are focused on operating characteristics of the different types of hospitality establishments over the impacts of such establishments. The proposed zoning changes are one factor in a broader community effort to reduce the effects of overconsumption of alcohol on the community. As such, the proposed changes are one component of a comprehensive action plan that was approved by City Council in February 2013. The background of the larger project is found within [Attachment B](#), and a detailed description of the proposed changes is found within this memorandum as well as the executive summary in [Attachment C](#). Planning Board is required to provide a recommendation on the changes before the proposed ordinance is brought to City Council, which is tentatively scheduled for first reading (no public hearing) on Oct. 1, 2013 and second reading (public hearing) Oct. 15, 2013.

## STAFF RECOMMENDATION

Staff recommends the proposed new and updated Land Use Code definitions and supplementary standards in order to:

1. Better distinguish between the different types of hospitality establishments and establish appropriate processes for review.
2. Avoid the conversion of restaurants into taverns or night clubs in late hours.
3. Place a higher level of scrutiny on establishments that are in close proximity to residential areas, with conditional use or use review requirements, and prohibit the highest intensity uses (taverns, late night restaurants, and establishments over 1,500 square feet) in or adjacent to residential zone districts.
4. Avoid shifting the problem to other locations by not focusing specifically on one area (e.g., University Hill) but instead regulating areas based on similarity of context (e.g., proximity to residential areas, all BMS zones).
5. In areas adjacent to residential neighborhoods, incentivize establishments (i.e., neighborhood pubs or bistros) that serve food and do not serve hard alcohol as congenial places for people to socialize.
6. Continue to support Boulder's economic vitality by permitting higher intensity uses in the core of downtown and within the Boulder Valley Regional Center (BVRC), thereby protecting residential areas while implementing the "Concentration model" where police and transportation services and attention can be focused to reduce impacts instead of spreading the impacts community wide.
7. Provide more clarity and predictability to residents and business owners about where different types of alcohol establishments are allowed and what rules will apply.
8. Provide review processes that are appropriate to the potential level of impact.
9. Improve existing tools instead of drafting an expanse of new regulations that may or may not be effective at addressing the problem and risk negatively impacting economic vitality.

Staff finds that the proposed changes are consistent with City Council's direction on the matter and therefore recommends that Planning Board recommend approval of an ordinance that amends chapter 6-3, "Trash, Recyclables, and Compostables," and chapters 9-2, "Review Processes," 9-6, "Use Standards," and 9-16, "Definitions," of Title 9, "Land Use Code" B.R.C. 1981 to reduce impacts of hospitality establishments on neighboring land uses.

## PUBLIC COMMENT AND OUTREACH

Staff has presented the potential land use code change options to several boards and met with the community working group composed of different community stakeholders. Simultaneously, as directed by City Council, staff has presented the potential reconsideration of the state's "500 foot rule," which prohibits issuance of liquor licenses within 500-feet of the University of Colorado or other like public institutions. In 1987, the City Council granted a waiver to this requirement consistent with state law, which permits the issuance of Hotel and Restaurant liquor licenses in the areas proximate to University Hill. This is discussed further on page 9. A report from the community working group, which broadly discussed the potential changes to the Land Use and Licensing Codes, is included as [Attachment D](#). Conversations with the Beverage Licensing Authority (BLA) are included in the public outreach summary in [Attachment E](#).

To better understand the community's perspective on the location and specific characteristics of different hospitality establishments and their impacts on the community, staff met with concerned neighborhood residents. Staff also sent out an online survey to the community at-large via press release and social media in November 2012 (see link for survey results: [www.bouldercolorado.gov/alcohol](http://www.bouldercolorado.gov/alcohol)).

The comments collected from each of these groups are summarized in [Attachment E](#). Through this outreach, it became clear that many in the community believe that Land Use Code changes may not solve the problem. If there was any consensus among the various groups, it was that the city would benefit from more effective use of existing laws, rather than enacting new ones. Respondents also raised questions related to the potential of new land use rules to shift the problem to other areas, impair economic vitality and/or create other unintended consequences.

City Council had requested that the proposed changes be advanced to its attention quickly. Staff has sent out the attached executive summary and associated attachments to members of the community working group and review boards such as BLA and University Hill Commercial Area Management Commission (UHCAMC). BLA preliminarily commented on the proposed definitions. The discussion can be found at the following web link:

[BLA meeting- July 17, 2013](#)

UHCAMC provided the following motion for City Council consideration:

*The University Hill Commercial Area Management Commission 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.*

*The motion was four in favor and Raj abstaining.*

Staff will forward this memorandum and the attached ordinance out to the community working group and applicable boards and expects that the public hearings before Planning Board and City Council will likely be important forums for the stakeholders to express their perspectives on the proposed changes.

## **ANALYSIS**

The proposed Land Use Code changes are found in [Attachment A](#) (the proposed ordinance). [Attachment C](#) contains an executive summary that was developed to provide a concise overview to city boards and the public.

### New land use definitions for hospitality establishments

Presently, the City of Boulder Land Use Code does not differentiate between restaurants, bars, or taverns and regulates them uniformly. This has resulted in establishments being classified as restaurants when the operation of those establishments function like and have impacts more similar to those of taverns. One particular problem that has been identified are restaurants that operate as restaurants during the day but evolve into tavern-like establishments in evening hours with negative impacts on neighboring residential areas.

Adding new zoning definitions to differentiate establishments by level of potential impact was an option discussed by the community working group. In staff's research of different peer communities, other

surveyed municipalities were found to have more prescriptive definitions (e.g., restaurant, late night restaurants, bar or tavern, night club, etc.) as compared to Boulder. As stated above, while the city has separate definitions for restaurants, taverns and brewpubs, they are all generally regulated under the same standards as opposed to distinct standards for each. Additional definitions can help differentiate “high-impact” establishments from “low-impact” establishments and enable a more effective review of potential impacts. Typically, higher impact establishments are those that serve a greater amount of alcohol, including hard alcohol, generally operate late hours (after 11pm), and/or have outdoor seating in close proximity to residential zones.

To address this issue and make the code more effective in regulating land uses with differing impacts, staff proposes the following new definitions:

- Bar area
- Dining area
- Food
- Hospitality establishment
- Neighborhood pub or bistro
- Late night restaurant
- Retail liquor store

Updates to the following existing definitions are also proposed:

- Brewpub
- Indoor amusement establishment
- Restaurant
- Tavern

The definition for ‘hospitality establishment’ references all hospitality establishments when necessary to pair them with other regulations, whereas the other definitions for alcohol-serving establishments are written to differentiate between them by using more descriptive terms, including hours of operation (see [Attachment A](#)).

To avoid situations where restaurants morph into bars in later hours, staff updated the definition of “restaurant” to require closure at 11 pm using the assumption that most customers at an establishment during late hours are rarely there for food and more likely for alcohol service. (“Close” in the Land Use Code means “the time at which a business ceases to accept additional patrons for service.”) This would apply largely to restaurants in close proximity to residential areas. In instances where there may be late operating restaurants for customers more interested in food, staff drafted a definition for ‘Late Night Restaurants’ which are permitted to be open after 11 pm and are generally found in the most intense business districts, including the core of downtown (e.g., Pearl Street mall) and the Boulder Valley Regional Center (BVRC, e.g., Twenty Ninth Street, 28<sup>th</sup> Street corridor, etc.). If the proposed code changes are adopted, Late Night Restaurants would not be permitted in close proximity to residential zones, but would be permitted as conditional uses (i.e., staff level review with no call up required) in the DT-4 and DT-5 (Downtown) and BR (Business Regional) and BC (Business Commercial) zoning districts.

Also, City Council noted at the April 14, 2009 study session that the city should “allow for congenial places for people to socialize that add vitality to existing and planned centers in the community.” With this in mind, the proposed Land Use Code changes include a definition for ‘Neighborhood pub or bistro’, which permits pubs in close proximity to residential areas and incentivizes them by allowing them to be open until 12am without special approval (e.g., Use Review). The difference between this establishment and a bar; however, is that the ‘Neighborhood pub or bistro’ would only be permitted to operate with a Beer and Wine Only liquor license. Concerns in the community from the impact of alcohol serving establishments have stemmed from the availability of hard alcohol, which allows for quicker intoxication and is served in many restaurants under a standard Hotel and Restaurant liquor license. A Hotel and Restaurant license permits sales of hard alcohol with a minimum requirement for 25 percent of proceeds from food sales.

Uses that do not fit into these categories would then most likely fall into the tavern or brewpub land use definitions, which may or may not require Use Review approval depending on which zoning district an establishment is located. Taverns (the definition of which includes bars and night clubs) could operate with a Tavern liquor license, which has no limitation on the types of alcohol sold. Staff has also created a definition for ‘Retail liquor store,’ which does not exist in the code today. Under the current code, liquor stores fall under regular “Retail sales.” This change would require Use Review for retail liquor stores in the MU-4 zoning district (i.e., Boulder Junction area), BMS zone (e.g., the Hill, Uptown Broadway) and the DT-1, DT-2, and DT-3 (e.g., downtown areas adjacent to residential zones), all of which are close to residential zones. A liquor store could still operate as an allowed use in other permitted zones.

Implementation through the use standards

Implementation of the new and updated definitions is carried out by integrating them into the use standards table in section 9-7, “Use Standards,” B.R.C. 1981 of the land use code. Today’s use standards table regulates restaurants, brewpubs and taverns uniformly despite a relatively complex system of categorization:

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 ½ the floor area, and which close no later than 11:00 p.m.
Restaurants, brewpubs and taverns no larger than 1,500 square feet in floor area, which may have meal service on an outside patio not more than ½ the floor area, and which close no later than 11:00 p.m.
Restaurants, brewpubs and taverns over 1,000 square feet in floor area, or which close after 11:00 p.m., or with an outdoor seating area of 300 square feet or more
Restaurants, brewpubs and taverns that are: over 1,500 square feet in floor area, outside of the University Hill general improvement district; over 4,000 square feet within the University Hill general improvement district; or which close after 11:00 p.m.
Restaurants, brewpubs and taverns in the University Hill general improvement district that are greater than 1,500 square feet and do not exceed 4,000 square feet in floor area, and which close no later than 11:00 p.m.
Restaurants, brewpubs and taverns with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district

As detailed above, hospitality establishments are currently categorized based on:

- Size of establishment

- Size of outdoor patio
- Patio proximity to residential zones
- Hours of operation
- Location within or outside of a general improvement district

While all of these categories continue to be valid in assessing impacts and will be preserved in the proposed changes, they are somewhat complicated and not necessarily easy to administer when added to the use standards table. Adding new land use definitions to these categories would make the table even more difficult to read and administer. As an alternative, staff created separate conditional use standards in section 9-6, "Use Standards", B.R.C. 1981 similar to other uses in the code. The proposed changes would complement the new definitions but would specify standards regarding bar size limitations, closure times, food service requirements, food to drink sale ratios, and permitted liquor license types per establishment type.

The proposed changes would also result in a significant simplification of the use table, which would be achieved through the following:

- Moving of closure times out of the use table into the conditional use standards (see [Attachment A](#));
- Modification of the maximum by-right allowable floor area to a uniform 1,500 square feet as opposed to the variety of floor areas that exist in the code today (i.e., 1,000 square feet, 1,500 square feet, and 4,000 square feet). This greatly simplifies the table and includes a reasonable size threshold differentiating those that require Conditional Use Review (a staff level review with no call up requirement) from those that require Use Review (generally a staff level review with potential for Planning Board or public call up).
- Moving the patio size limitations out of the use standards table and adding it to the conditional use standards of section 9-6-5(b), B.R.C. 1981. The requirement for Use Review for any patio over 300 square feet within 500 feet of a residential zone would remain for all zoning districts.

In summary, the proposed new use definitions would be regulated in the following manner:

- **Restaurants**, generally low intensity uses, would not be permitted to operate after 11pm. New restaurants would not be permitted to function like taverns, as some currently do, particularly after 11pm. Restaurants would be permitted through Use Review in high density residential districts similar to the current regulations, with the exception that additional high density residential zones added for the Boulder Junction area have been revised to permit restaurants through Use Review if no larger than 1,500 square feet where under the current code they are prohibited. In areas where restaurants are close to residential zones, they would require review through a conditional use review process as indicated by "C" in the use standards table or through Use Review (i.e., "U") if larger than 1,500 square feet which would be similar to current code requirements. These areas are the mixed use (MU) zoning districts, the business main street (BMS) zones, transitional business (BT) zones and the DT-1, DT-2 and DT-3 zones in the downtown. Management Plans would be required in these areas.
- A separate use definition has been created for restaurants that are to be open late into the night, **Late Night Restaurants**. Late Night Restaurants would not be allowed in locations where they may have negative impact to nearby residential uses. Late Night Restaurants would be permitted in the core of downtown (DT-4 and DT-5) and in the business regional and commercial business zones (e.g., BR, BC). These zonings districts are Boulder's most intense zoning districts upon

which police and transportation services are already focused and the areas where the majority of these types of establishments are currently located.

- **Restaurants in industrial zones** would continue to be regulated by the specific standards within use standards as a conditional use.
- As stated earlier in this memorandum, City Council noted that the city should *"allow for congenial places for people to socialize that add vitality to existing and planned centers in the community."* This informed the definition for **Neighborhood Pub or Bistro**, which permits pubs in close proximity to residential areas and incentivizes them by allowing them to be open until 12am without Use Review based on the emphasis on food service and disallowing hard alcohol service. Neighborhood pubs and bistros would generally be permitted as a conditional use in mixed use, business main street, the DT-1, DT-2 and DT-3 zones and with Use Review in some residential and transitional business zones. They would be conditional uses in the other business and downtown districts.
- Lastly, **Brewpubs and Taverns**, generally higher impact uses, would be permitted in a similar fashion to current regulations for any hospitality establishment that operates after 11pm (e.g., either with Use Review in areas near residential uses or as a conditional use in the core of downtown, the BVRC and in suburban shopping centers that are buffered from surrounding residential). More specifically, the core of downtown is zoned DT-4 and DT-5, the BVRC is zoned BR and BC zoning district is generally found in some larger suburban shopping centers. Other districts like BMS or MU (Mixed Use) would require Use Review based on their closer proximity to residential. However, where the current code could permit brewpubs and taverns in some high density residential districts with Use Review approval, the proposed changes would not permit any new brewpubs and taverns in these areas.

#### New standards for hospitality establishments

City Council did not find that new regulations beyond land use definitions were necessary based on concerns that additional distance/spacing standards or outright prohibitions may or may not be effective at reducing the community impacts from hospitality establishments, could be detrimental to the city's economic vitality, and/or could shift the problem to other locations. As stated above some new code changes are proposed, but are meant to complement the proposed definitions and better differentiate between the different use types and their impacts, as well as improving upon the existing process to review applications. These are described as follows:

#### *Good Neighbor Meetings and Management Plans:*

Currently, applicants for hospitality establishments close to residential areas, particularly in the BMS and DT-1, DT-2 and DT-3 zonings districts, are required to conduct a meeting with neighborhood members to learn about and address potential impacts on the neighborhood. Such potential impacts must be addressed in a management plan, which, if approved, becomes part of the approval conditions. This process would not change and will remain a part of the code. However, the effectiveness and accessibility of management plans has been a challenge raised by the community and the proposed changes (listed below) are meant to make the plans more useful and accessible:

- Section 9-2-4(c)(1), B.R.C. 1981 is proposed to be revised to include more descriptive elements to the management plans to understand how a business intends to operate and how they intend to mitigate impacts. The proposed changes are as follows in underline:

(1) Elements of a Management Plan: The management plan shall contain the following components that address the mitigation of potential adverse impacts the facility may have on the surrounding neighborhood, to the extent necessary:

- (i) premise square footage and seating plan
- (ii) a copy of the menu and description of the specific type of hospitality establishment;
- (iii) proposed hours of operation;
- (iv) client and visitor arrival and departure times;
- (v) coordinated times for deliveries and trash collection;
- (vi) description of the type of entertainment, if any, that the applicant intends to offer on the premises;
- (vii) size, location and number of speakers;
- (viii) specific methods of how ~~mitigation of~~ noise impacts will be mitigated;
- (ix) description of how the applicant will maintain the orderly appearance and operation of the premises and surroundings with respect to litter
- (x) a security plan that describes security features, including personnel and equipment, that the applicant intends to employ and how it will be utilized;
- (xi) the facility's drug and alcohol policy;
- (xii) methods to avoid loitering;
- (xiii) employee education, including but not limited to participation in an alcohol serve awareness program;
- (xiv) the facility's responsibilities as good neighbors;
- (xv) neighborhood outreach and methods for future communication; and
- (xvi) dispute resolution with the surrounding neighborhood.

- Section 9-2-4(c)(4), B.R.C. 1981 is proposed to be revised to require that management plans be accessible on the premises of an establishment, in the city's offices and posted online. Accessibility of management plans has been criticized by neighbors.
- The requirement of neighborhood meetings and management plans has been broadened to require them for the applicable DT zones (where they are currently voluntary and encouraged) and the MU zones, as these districts are close to residential zones, similar to the BMS districts.

Please, see [Attachment C](#) for an executive summary of the proposed changes.

#### New Land Use Code definitions and the 500-foot waiver (state law) around the University of Colorado

Lastly, staff will discuss the implications of adding new land use definitions in the Land Use Code in light of City Council's request to consider changes to the 500-foot waiver around the University of Colorado relative to liquor licenses. Staff is not requesting a recommendation from Planning Board relative to the 500-foot waiver as it is a change to Title 4 (Licensing), but as the board will be recommending changes to the Land

Use Code and as new definitions include links to state liquor licenses, the issue is relevant. Background on the 500-foot waiver is enumerated below:

In 1987, state liquor laws changed the minimum drinking age for 3.2 percent beer from 18 to 21. In response, existing businesses licensed to serve 3.2 percent beer on University Hill became concerned that their liquor licenses would no longer be valid since most were within 500 feet of the University of Colorado and state law generally prohibits the sale of alcohol within 500 feet of a school or university unless an authorized local authority has eliminated or reduced this distance restriction in accordance with state law requirements.

In response, in September of 1987, City Council utilized the authority provided under state law to modify the 500 foot distance requirement by adopting **Ordinance 5069**, which waived the 500-foot requirement for the principal campus of the University of Colorado, making establishments located within 500 feet of the university eligible for Hotel & Restaurant Licenses (HR). The HR license type was chosen because of a requirement that 25 percent of revenues be in food sales. Nevertheless, the HR license allows for service of a full range of liquor types (i.e., wine, beer, hard alcohol).

Based on incidents on and around University Hill and approvals of new Use Review applications for late operating restaurants on the Hill, some members of the community have expressed concern about the number of liquor licenses and high availability of hard alcohol on the Hill. The following options have been discussed by the community working group and City Council to address these concerns:

- A. No action relative to the 500-foot waiver. OR
- B. Revoke the 500-foot waiver around the University of Colorado. This would remove the waiver of state law and permit no additional liquor licenses around the university and on the Hill. Existing establishments, however; would be permitted to continue operation and transfer their license to new owners. OR
- C. Modify the 500-foot waiver to replace the HR licenses with Beer and Wine License Only. This option would mandate that no new license holders could serve hard alcohol.

As the proposed land use definitions are linked to liquor license types, City Council's decision relative to the 500-foot waiver and the definitions will have an impact on University Hill. A summary of the potential outcomes is shown below:

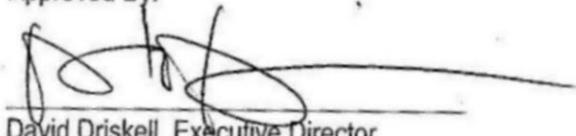
<u>Different Scenarios assuming proposed Land Use Definitions are adopted</u>	<u>Licensing Implications (Title 4)</u>	<u>Land Use Implications (Title 9)</u>
Scenario A (No action on 500-foot rule,)	Hotel and Restaurant Licenses could continue to be issued on the Hill.	<ul style="list-style-type: none"> <li>• 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 and Late Night Restaurants are not permitted in the BMS zoning district.</li> <li>• Taverns would not be permitted as the new</li> </ul>

		<p>tavern definition would require a Tavern liquor license which are currently not permitted within 500-foot of the university.</p> <ul style="list-style-type: none"> <li>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.</li> </ul>
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"> <li>Existing hospitality establishments would be grandfathered.</li> <li>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 and Late Night Restaurants are not permitted in the BMS zoning district.</li> <li>No establishment could be established with a new liquor license.</li> </ul>
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"> <li>Existing hospitality establishments would be grandfathered.</li> <li>Restaurants with no or with a Beer and Wine License only and Neighborhood Pub or Bistros would be permitted as conditional uses.</li> </ul>

**STAFF RECOMMENDATION (MOTION LANGUAGE)**

Staff recommends that Planning Board recommend approval to the City Council on an ordinance amending Chapter 6-3, "Trash, Recyclables, and Compostables," and Chapters 9-2, "Review Processes," 9-6, "Use Standards," and 9-16, "Definitions," of Title 9, "Land Use Code" B.R.C. 1981, to address impacts of hospitality establishments on neighboring properties.

Approved By:



David Driskell, Executive Director  
 Department of Community Planning and Sustainability

**ATTACHMENTS**

- A. Draft ordinance
- B. Background
- C. Executive summary and descriptions of proposed land use code changes
- D. Statement from the community working group
- E. Public outreach summary
- F. Resolution No. 960

## ORDINANCE NO. \_\_\_\_

1 AN ORDINANCE AMENDING CHAPTER 6-3, "TRASH,  
2 RECYCLABLES AND COMPOSTABLES" AND TITLE 9, "LAND  
3 USE CODE," B.R.C. 1981, REGARDING TRASH REMOVAL  
4 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 [REDACTED]. 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,  
or 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, "Definitions,"  
21 B.R.C. 1981.

22 Section [REDACTED]. 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 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"> <li>• Building permits</li> <li>• Change of address</li> <li>• Change of street name</li> <li>• 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</li> <li>• Easement vacation</li> <li>• Extension of development approval/staff level</li> <li>• Landmark alteration certificates (staff review per section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)</li> <li>• Landscape standards variance</li> <li>• Minor modification</li> <li>• Nonconforming use (extension,</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Units (Dwelling, Owners, Limited)</li> <li>• Antennas for Wireless Telecommunications Services</li> <li>• Bed and Breakfasts</li> <li>• Cooperative Housing Units</li> <li>• Daycare Centers</li> <li>• Detached Dwelling Units with Two Kitchens</li> <li>• Drive-Thru Uses</li> <li>• Group Home Facilities</li> <li>• Home Occupations</li> <li>• Manufacturing Uses with Off-Site Impacts</li> <li>• Neighborhood Service Centers</li> <li>• Offices, Computer Design and Development, Data</li> </ul>	<ul style="list-style-type: none"> <li>• Annexation/initial zoning</li> <li>• BOZA variances</li> <li>• Concept plans</li> <li>• 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</li> <li>• 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</li> <li>• Lot line adjustments</li> <li>• Lot line elimination</li> <li>• Minor Subdivisions</li> <li>• Out of City utility permit</li> </ul>

<p>change of use (inc. parking))</p> <ul style="list-style-type: none"> <li>• Parking deferral per subsection 9-9-6(e), B.R.C. 1981</li> <li>• Parking reduction of up to fifty percent per subsection 9-9-6(f), B.R.C. 1981</li> <li>• Parking stall variances</li> <li>• Public utility</li> <li>• Rescission of development approval</li> <li>• Revocable permit</li> <li>• Right of way lease</li> <li>• Setback variance</li> <li>• Site access variance</li> <li>• Solar exception</li> <li>• Zoning verification</li> </ul>	<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"> <li>• Recycling Facilities</li> <li>• Religious Assemblies</li> <li>• Residential Care, Custodial Care, and Congregate Care Facilities</li> <li>• Residential Development in Industrial Zoning Districts</li> <li>• <del>Restaurants and Taverns</del> <u>Hospitality Establishments</u></li> <li>• Sales or Rental of Vehicles on Lots Located Five Hundred Feet or Less from a Residential Zoning District</li> <li>• Service Stations</li> <li>• Shelters (Day, Emergency, Overnight, temporary)</li> <li>• Temporary Sales</li> <li>• Transitional Housing</li> </ul>	<ul style="list-style-type: none"> <li>• Rezoning</li> <li>• Site review</li> <li>• Subdivisions</li> <li>• Use review</li> <li>• Vacations of street, alley or access easement</li> </ul>
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Section     . 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  
6 relieve the owner or operator of the responsibility to otherwise comply with all  
7 other laws applicable to the property or business.
- 8 (2) Purpose of Meeting: The purpose of the meeting described in subsection (a) of  
9 this section is to provide interested persons in the surrounding neighborhood an  
10 opportunity to inform the facility owner or operator of the concerns of the  
11 neighborhood. The facility owner or operator shall also provide interested persons  
12 in the surrounding neighborhood an opportunity to comment on its proposed  
13 management plan. The issues to be addressed at this meeting may include,  
14 without limitation, hours of operation; client and visitor arrival and departure  
15 times; coordinated times for deliveries and trash collection; mitigation of noise  
16 impacts; security; the facility's drug and alcohol policy; loitering; employee  
17 education; the facility's responsibilities as good neighbors; neighborhood outreach  
and methods for future communication; and dispute resolution with the  
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 loud speakers;

(G) Techniques and strategies to mitigate ~~ion~~ of noise impacts;



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

(d) Use Table:

TABLE 6-1: USE TABLE

Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	M H	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Specific Use Standar d
<b>Residential Uses</b>																												
Detached dwelling units	A	A	A	A	C	A	A	*	*	A	U	U	A	A	A	A	*	A	A	A	A	*	U	U	*	U	U	9-8-4
Detached dwelling unit with two kitchens	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6-3(c)
Duplexes	*	A	A	A	C	A	A	*	*	A	A	A	A	A	A	A	*	A	A	A	A	G	U	U	N	U	*	9-8-4
Attached dwellings	*	A	A	A	C	A	A	C	*	A	A	A	A	A	A	A	*	A	A	A	A	G	U	U	N	U	*	9-8-4
Mobile home parks	*	U	U	*	U	U	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Townhouses	*	A	A	A	C	A	A	A	*	A	A	A	A	A	A	A	*	A	A	A	A	G	U	U	N	U	*	9-8-4
Live-work	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	U	U	U	A	*	*	
Cooperative housing units	C	C	C	C	C	C	C	*	*	C	C	C	*	*	*	*	*	*	*	*	*	*	U	U	*	*	*	9-6-3(b)
<b>Efficiency living units:</b>																												
A. If <20% of total units	*	*	*	*	U	A	A	*	*	M	A	A	A	A	G	A	*	A	A	A	A	G	U	U	N	U	*	
B. If ≥20% of	*	*	*	*	*	U	A	*	*	U	A	A	U	U	U	U	*	U	U	U	U	U	U	U	U	U	*	





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Museums	*	*	*	*	*	*	*	*	*	*	*	*	A	U	A	A	A	A	A	A	U	U	U	U	*	*	
<u>Neighborhood Pub or Bistro &lt;1,500 square feet</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>U</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>*</u>	<u>*</u>	<u>9-6-5(b)</u>
<u>Neighborhood Pub or Bistro &gt; 1,500 square feet</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>U</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>*</u>	<u>*</u>	<u>9-6-5(b)</u>
<u>Restaurants &lt;1,500 square feet</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>U</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>*</u>	<u>*</u>	<u>9-6-5(b)</u>
<u>Restaurants &gt; 1,500 square feet</u>	<u>*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>U</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>*</u>	<u>*</u>	<u>9-6-5(b)</u>								
<u>Restaurant, late night</u>	<u>*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>9-6-5(b)</u>														
<u>Restaurants (general)</u>	<u>n/a</u>	<u>9-6-5(b)</u>																									
<u>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>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>U</u>	<u>A</u>	<u>*</u>	<u>*</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>n/a</u>	-													
<u>Restaurants, brewpubs and taverns no larger than 1,500 square feet in floor area, which may have meal service on an outside patio</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>n/a</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>A</u>	<u>*</u>	<u>A</u>	<u>U</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>9-6-5(b)</u>



















Greenhouse and plant nurseries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A	
<b>Accessory</b>																													
Accessory buildings and uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	9-16

**A:** Allowed use.

**C:** Conditional use. See Section 9-2-2 for administrative review procedures.

**\***: Use prohibited.

**U:** Use review. See Section 9-2-15 for use review procedures.

**G:** Allowed use provided that it is located above or below the ground floor.

**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.

**N:** Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.

**n/a:** Not applicable; more specific use applications apply.

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

2  
3 **9-6-5 Temporary Lodging, Dining, Entertainment, and Cultural Uses.**

4 ...

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

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

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

18 (A) Brewpubs: The following criteria apply to brewpubs:

- 19 (i) Snacks shall be provided for consumption on the premises during all operating  
20 hours of a brewpub;  
21 (ii) If the use is located within 500 feet of a residential zoning district, trash,  
22 recyclables, and compostables shall not be collected between the hours of  
23 10:30 p.m. and 7:30 a.m.; and  
24 (iii) The approving authority of a brewpub use for which a use review is required  
25 under Table 6-1 of Subsection 9-6-1(d), "Use Table," B.R.C. 1981, may  
26 impose as a condition of the use review approval a time the use has to close  
27 and a limitation on the size of the establishment; no such closing time or size  
28 limitation may be imposed on a brewpub permitted as a conditional use.

(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 a.m.;  
(iii) Solid food 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

1 establishment, the date of sale, a description of each item sold, and the price  
2 paid for each item sold shall be retained for one year and must be provided to  
3 the city manager within seven days of request; and

4 (v) If the use is located within 500 feet of a residential zoning district, trash,  
5 recyclables, and compostables shall not be collected between the hours of  
6 10:30 p.m. and 7:30 a.m.

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

8 (i) A restaurant shall close no later than 11 p.m.;

9 (ii) Solid food shall be offered and available for consumption on the premises  
10 during all business hours;

11 (iii) Not less than fifty percent of the gross income from sales of food and drink of  
12 the establishment over any 30-day period of time must be from sales of food;  
13 receipts of all sources of income showing the name of the establishment, the  
14 date of sale, a description of each item sold, and the price paid for each item  
15 sold shall be retained for one year and must be provided to the city manager  
16 within seven days of request; and

17 (iv) If the use is located within 500 feet of a residential zoning district, trash,  
18 recyclables, and compostables shall not be collected between the hours of  
19 10:30 p.m. and 7:30 a.m.

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

21 (i) Solid food shall be offered and available for consumption on the premises  
22 during all business hours;

23 (ii) Not less than fifty percent of the gross income from sales of food and drink of  
24 the establishment over any 30-day period of time must be from sales of food;  
25 receipts of all sources of income showing the name of the establishment, the  
26 date of sale, a description of each item sold, and the price paid for each item  
27 sold shall be retained for one year and must be provided to the city manager  
28 within seven days of request; and

(iii) 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;

(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.; and

(iii) The approving authority of a tavern use for which a use review is required  
under Table 6-1 of Subsection 9-6-1(d), "Use Table," B.R.C. 1981, may  
impose as a condition of the use review approval a time the use has to close;

1 no such closing time may be imposed on a tavern permitted as a conditional  
2 use.

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

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

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

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

26 (3) Restaurants in the Industrial Districts: The following criteria will apply to  
27 restaurant uses located in an ~~Industrial~~industrial district except as provided in  
28 paragraph (b)(3.5) of this section:

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

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

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

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

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

1 (F) No person shall operate the use between the hours of 11:00 p.m. and 5:00  
2 a.m., unless the use is:

3 (i) Approved through a use review process; and

4 (ii) Located more than five hundred feet from an adjacent residential  
5 use or zone.

6 (3.5) Restaurants in Breweries, Distilleries and Wineries: The following criteria will  
7 apply to any restaurant use located in a brewery, distillery or winery in an  
8 industrial district:

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

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

15 (C) The use may operate daily between the hours of 5:00 a.m. and 11:00 p.m.;

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

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

28 (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) 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.

(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 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:

(2) 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
<del>Restaurant or tavern</del> <u>Hospitality establishment</u> – interior seating	Greater of 1 per 3 seats, or the ratio for the use module
<del>Restaurant or tavern</del> <u>Hospitality establishment</u> – outdoor seating:	
a. Outside seats for <del>restaurant or tavern</del> <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
b. Outside seats for <del>restaurant or tavern</del> <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	

1	c. Outside seats for <del>restaurant or tavern</del> <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
2		
3	d. Outside seats for <del>restaurants</del> <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:
4		(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
5		
6	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
7		
8	Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
9		
10	Gasoline service station	General ratio for the use zone plus storage of 2 vehicles per service bay
11	Religious assembly:	(See paragraph (f)(8) of this section for permitted parking reductions)
12	a. Religious assemblies created prior to 9/2/1993	1:300
13	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
14		
15	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
16		
17	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
18		
19	Small recycling collection facility	1 space for attendant if needed
20	Large recycling collection facility	General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
21	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
22		

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

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

...

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

1 ...

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

5 ...

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

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

15 ...

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

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

24 ...

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

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

...

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

...

1  
2 “Neighborhood pub or bistro” means an establishment with no liquor license or with a beer and  
3 wine license issued under § 12-47-409, C.R.S., with a food preparation area, dining room  
4 equipment, and persons to prepare and serve, in consideration of payment, food or drinks to  
5 guests that closes no later than 12 a.m.

6 ...

7 "Restaurant" means an establishment with no liquor license or with a beer and wine license  
8 issued under § 12-47-409, C.R.S., or hotel and restaurant license issued under § 12-47-411,  
9 C.R.S., provided with a food preparation area, dining room equipment, and persons to prepare  
10 and serve, in consideration of payment, food or drinks to guests that closes no later than 11 p.m.  
11 and includes without limitation full-service, fast-food, or drive-through restaurants, cafes, coffee  
12 shops, lunchrooms, cafeterias, and delicatessens.

13 “Restaurant, late night” means an establishment with no liquor license or with a beer and wine  
14 license issued under § 12-47-409, C.R.S., or hotel and restaurant license issued under § 12-47-  
15 411, C.R.S., provided with a food preparation area, dining room equipment, and persons to  
16 prepare and serve, in consideration of payment, food or drinks to guests that may operates after  
17 11 p.m.

18 “Retail liquor store” means an establishment with a retail liquor store license issued under § 12-  
19 47-407, C.R.S., engaged primarily in the sale of malt, vinous, and spirituous liquors and soft  
20 drinks and mixers, all in sealed containers for consumption off the premises and otherwise  
21 consistent with the definition of retail liquor store under § 12-47-103, C.R.S.

22 ...

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

27 ...

28 "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  
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.

...

"Winery" means a use with a manufacturer or wholesaler license issued under § 12-47-401, et  
seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq.,  
C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where vinous liquors are

1 manufactured that may include a tasting room that is less than or equal to thirty percent of the  
2 total floor area of the facility or one thousand square feet, whichever is greater.

3 Section [redacted]. This ordinance is necessary to protect the public health, safety, and  
4 welfare of the residents of the city, and covers matters of local concern.

5 Section [redacted] The City Council deems it appropriate that this ordinance be published  
6 by title only and orders that copies of this ordinance be made available in the office of the city  
7 clerk for public inspection and acquisition.  
8

9 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED

10 BY TITLE ONLY this \_\_\_ day of \_\_\_\_\_, 2013.

11  
12  
13 \_\_\_\_\_  
Mayor

14 Attest:

15 \_\_\_\_\_  
16 City Clerk

17 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

18 PUBLISHED BY TITLE ONLY this \_\_\_ day of \_\_\_\_\_, 2013.

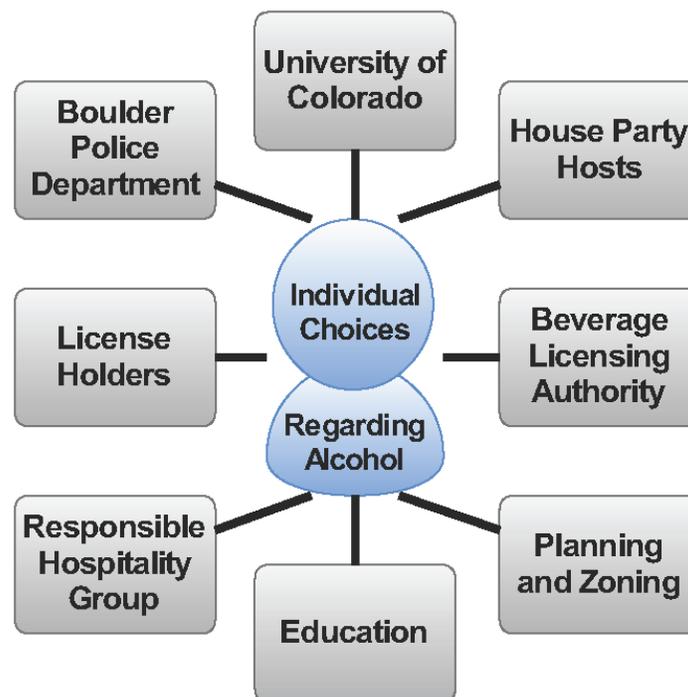
19  
20  
21 \_\_\_\_\_  
22 Mayor

23 Attest:

24 \_\_\_\_\_  
25 City Clerk

## BACKGROUND

The land use alcohol project has been an ongoing effort to reduce overconsumption of alcohol and its effects on the community and has involved a variety of different agencies and organizations – public and private. Endeavors range from police and zoning enforcement to implementation of liquor law by the Beverage Licensing Authority (BLA) to University of Colorado programs aimed at educating students about the ill effects and consequences of overconsumption of alcohol. The changes discussed within this memorandum focus on the zoning component of the project, without which the other aspects of the endeavor would not be as effective as a singular solution. The holistic approach is reflected in the diagram below:



### Resolution No. 960 and 2009 study session

Following adoption of Resolution No. 960 ([Attachment F](#)) on Oct. 19, 2004, the city convened the Land Use Alcohol Advisory Group (LUAAG) to discuss the issue of overconsumption of alcohol in the community from a zoning perspective. City Council provided the following goal/direction on the issue:

*Modify city policies and regulations in order to reduce the impacts of overconsumption of alcohol on the community, allow for congenial places for people to socialize, keep people safe, and minimize impacts to adjacent uses.*

On April 14, 2009, City Council held a study session regarding alcohol abuse prevention. The purpose of the study session was to obtain council's feedback on goals and objectives related to the role of land use regulations and beverage licensing in alcohol abuse prevention; to identify which land use and beverage licensing options to analyze further; and to ask if council would support initiation of a larger alcohol abuse prevention strategy with other partners in the community. The goals and objectives as expressed at the study session are listed below:

- Recognize distinctions between high-risk and low-risk types of licensed alcohol establishments;
- Avoid locating high risk types of licensed establishments near residential neighborhoods, the university and within mixed use developments;
- Minimize external impacts of high-risk type licensed establishments; restrict high-risk uses to defined areas where their impacts can be contained, and education, enforcement and policing efforts can be coordinated (i.e., the “Concentration” policy model);
- Allow for congenial places for people to socialize that add vitality to existing and planned centers in the community;
- Support the city’s long-standing policies and city structure that promote a variety of regional, subcommunity and neighborhood activity centers distributed throughout the community in focused nodes of concentrated activities and with efficient delivery of services (e.g., police and transportation);
- Provide clarity and predictability for residents and business owners about where different types of alcohol establishments are allowed and what rules will apply, and
- Provide review processes that address all the issues while minimizing conflicts between business owners and residents.

At the study session, council directed staff to:

- Declare the work of LUAAG complete. The LUAAG project was dissolved following the outcome of the *Thunderbird Burgers, LLC v. City of Boulder, et. al.* case where it was found that the city had no authority to regulate the specific hours that alcohol could be served. As much of the preliminary work focused on alcohol service, no regulatory changes resulted.
- Develop a work program to create policy and code changes to implement a “Concentration Model” for location of high-risk licensed establishments, and new use definitions and standards for high-risk licensed establishments.
- Establish a new community working group to assist staff in developing the specific regulatory changes.

August 21, 2012 City Council discussion about next steps

As part of the Aug. 21<sup>st</sup> matters discussion, staff presented to the City Council for comment an overview of the land use alcohol process to date, on-going initiatives to address overconsumption of alcohol, an analysis of other peer communities, comments from the community working group (stakeholder) meetings that occurred in 2010, along with several options for changes to the land use code (Title 9) and beverage license code (Title 4), which are listed below:

Land use code (Title 9):	Beverage licensing (Title 4):
<ul style="list-style-type: none"> <li>• New use definitions (i.e., high-intensity vs. low-intensity use)</li> <li>• Additional regulations to minimize impacts</li> <li>• Use Review renewals</li> <li>• Spacing requirements to increase distance from residential and/or avoid overconcentration</li> <li>• Prohibition of high impact uses in certain areas</li> </ul>	<ul style="list-style-type: none"> <li>• Modify 500-foot rule to be Beer and Wine only</li> <li>• Revoke 500-foot rule to not permit any new licenses</li> <li>• Late night business licenses</li> </ul>

The City Council felt that all of the options above should remain on the table for consideration; however, there were concerns and questions relative to what the implications of each option would be on the community if implemented. There was agreement that new use definitions would be appropriate to better anticipate and identify the operating characteristics of proposed businesses (high-impact vs. low-impact use), but hesitation as to how new regulations may impact the economic vitality of city business districts and potentially penalize or discourage good operating establishments. Specifically, there were comments that the rules should not be used as a "blunt instrument." There was clear interest in encouraging responsible drinking establishments and bona fide restaurants as opposed to establishments that create environments that encourage overconsumption of alcohol by accentuating hard alcohol service and drink specials or turn a blind eye to violations.

There was also concern about inadvertently moving the problem to other locations and/or exacerbating the less supervised residential drinking settings (e.g., house parties). Further, there was hesitation and disagreement about applying regulations specific to University Hill. While some council members focused on University Hill as the hub of overconsumption of alcohol in the community, other council members stated a growing awareness of incidents of over-service and police responses in downtown Boulder as well.

Following the Aug. 21<sup>st</sup> discussion, council asked for additional information including more public outreach. After numerous conversations with community members through the community working group composed of a variety of stakeholders, and a review of research, it is not only clear that no single solution will effectively change the culture related to alcohol, but also that there is general agreement on a core set of guiding principles that could be used to develop an action plan to help manage and reduce the community impacts that occur from the overconsumption of alcohol:

- Focus on "bad actors."
- Do not shift the impacts and redistribute the "problem." (e.g., over-service in bars versus house parties; problems Downtown versus on the Hill versus Martin Acres).
- Improve use of existing tools and leverage existing resources.
- Evaluate regulatory changes based on minimizing adverse impacts to economic vitality and improving quality of life for residential neighborhoods.

#### February 19, 2013 City Council discussion about proposed action plan

On February 19, 2013, the City Council considered an action plan that was greatly informed by the community working group. A copy of the memorandum for the February 19 council meeting can be found at the following link: [www.bouldercolorado.gov/alcohol](http://www.bouldercolorado.gov/alcohol). A copy of the community working group statement is found within **Attachment D**.

At the Feb. 19, 2013 public hearing, City Council received public input, evaluated the proposed action plan, and authorized city staff to move forward with the plan with the following key elements:

- Enhance data sharing across city departments;
- Focus enforcement resources on "problem" liquor-licensed establishments and "problem" residential rental properties;
- Pilot joint inspection teams for review of licensees;
- Increase support to Beverage Licensing Authority (BLA) and change the structure for suspension/revocation proceedings;
- Draft new land use definitions to differentiate between low- and high-intensity uses;

- Draft language on the 500-foot rule;
- Explore late-night business licenses; and
- Evaluate impacts of policy changes.

Each of these elements is progressing on divergent timelines and some require more holistic consideration, feedback and research before moving forward. The subject of this memorandum is the proposed new and updated land use definitions and associated land use code changes requested as part of the action plan.

## EXECUTIVE SUMMARY OF PROPOSED CODE CHANGES THAT IMPACT HOSPITALITY ESTABLISHMENTS

### Introduction

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 (details at [www.bouldercolorado.gov/city-manager/alcohol](http://www.bouldercolorado.gov/city-manager/alcohol) ). Two elements of the action plan include drafting new land use code definitions for hospitality establishments to differentiate between lower and higher intensity uses, and drafting changes to amend the city's 500-foot rule, which governs liquor sales near the University of Colorado. At the June 11, 2013 Study Session on the city work plan, there was City Council consensus to address the definitions, bring options pertaining to the 500-foot rule forward for consideration through an ordinance process, and schedule council business meetings, including public hearings, for the proposed changes.

Below is a summary of the proposed code changes that will impact hospitality establishments. These code changes are considered draft and will continue to be refined up until the public hearings for the Planning Board and City Council meetings. The community is encouraged to participate directly in the consideration of these changes through the public hearings at the following meetings:

- **Aug. 15, 2013 – Planning Board** public hearing on land use code definition changes.
- **Oct. 1, 2013 – City Council** first reading on land use code definition changes and the 500-foot rule (no public hearing).
- **Oct. 15, 2013 – City Council** second reading and public hearing.

### Land Use Code Changes

The city is proposing land use code changes to better distinguish between lower intensity and higher intensity<sup>1</sup> hospitality establishments which would enable more effective control over potential impacts of these establishments upon neighboring properties. Currently, the 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. Proposed changes will create new use categories and update use standards and definitions to help protect residential neighborhoods through appropriate review processes.<sup>2</sup> For specific definitions and information related to where such uses are proposed to be permitted, please refer to [Appendix A](#) and [B](#).

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** – 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

Street mall, Twenty Ninth Street, and the 28<sup>th</sup> Street Corridor. New late night restaurants would not be permitted on University Hill or in the East or West Pearl Street neighborhoods.

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.

- **Neighborhood Pub or Bistro** – Permits pubs in residential interface areas and allows operation until 12 a.m. 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 potentially more impacts on a surrounding area.

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. 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.

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. 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). Broaden the requirement for management plans to all establishments located close to residential zones (before it was voluntary and encouraged for some). Revise the management plan requirement to include 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.**

### **500-Foot Rule Changes**

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 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 to obtain “Hotel-Restaurant” liquor license only. Hotel-Restaurant liquor licenses permit the sale of beer, wine, and hard liquor.

At the direction of City Council, the city is now considering changes to the 500-ft liquor license rule around the University of Colorado (CU). Proposed changes to the 500-ft rule are intended to address 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 method for measuring the 500-ft distance restriction is set out in the state regulations. In 1991, the principal campus was further defined to exclude other CU properties. The “principal campus” of CU is now 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 [Appendix C](#)). 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 28<sup>th</sup> Street frontage road.

The two 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 in and their liquor licenses would not change.

- (1) **Revoke the 500-foot liquor license waiver around CU:** Removing the 500-ft liquor license waiver would result in no additional liquor licenses being issued within 500-ft of CU. Existing establishments would be grandfathered and could transfer their liquor licenses to future owners or tenants. 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, such as Café Aion, could not obtain a liquor license and would likely 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 would be prohibited, as Tavern liquor licenses (no limitation on types of alcohol sold) would not be permitted in the 500-ft area.
- (2) **Modify the 500-foot liquor license waiver to allow beer and wine licenses only:** The 500-ft waiver could be changed to permit alternative license types, such as Beer and Wine Licenses only. Existing establishments that have Hotel-Restaurant licenses would be grandfathered and could transfer their liquor licenses to future owners or tenants. This approach would permit

additional establishments that wish to serve alcohol, but would prohibit the sale of hard alcohol. 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.) and could sell beer and wine. New restaurants would close by 11 p.m. and late night restaurants would be prohibited in a majority of the 500-ft buffer area. (A very small area within the 500-ft buffer is zoned to support late night restaurants). New taverns would not be permitted, as Tavern liquor licenses (no limitation on types of alcohol sold) would be prohibited in the 500-ft area.

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 be prohibited on the Hill because per the new definition, they can only operate with a Beer and Wine license. The current 500-ft waiver only provides for 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 not be permitted in the zoning district that affects the University Hill business district (BMS).

## **Appendices**

[Appendix A – Summary Table of Proposed Land Use Code Definitions](#)

[Appendix B – Map of City of Boulder Zoning Districts](#)

[Appendix C – Map of 500-ft Buffer](#)

Summary of Proposed Land Use Code Definitions

Appendix A

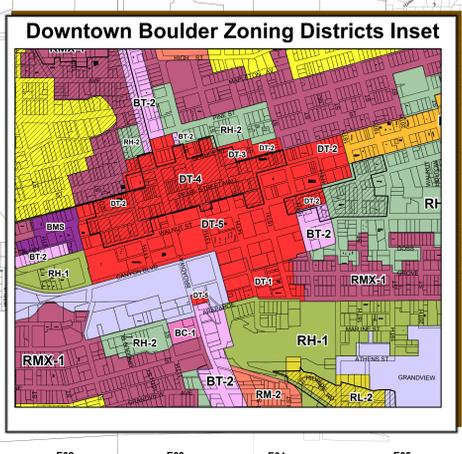
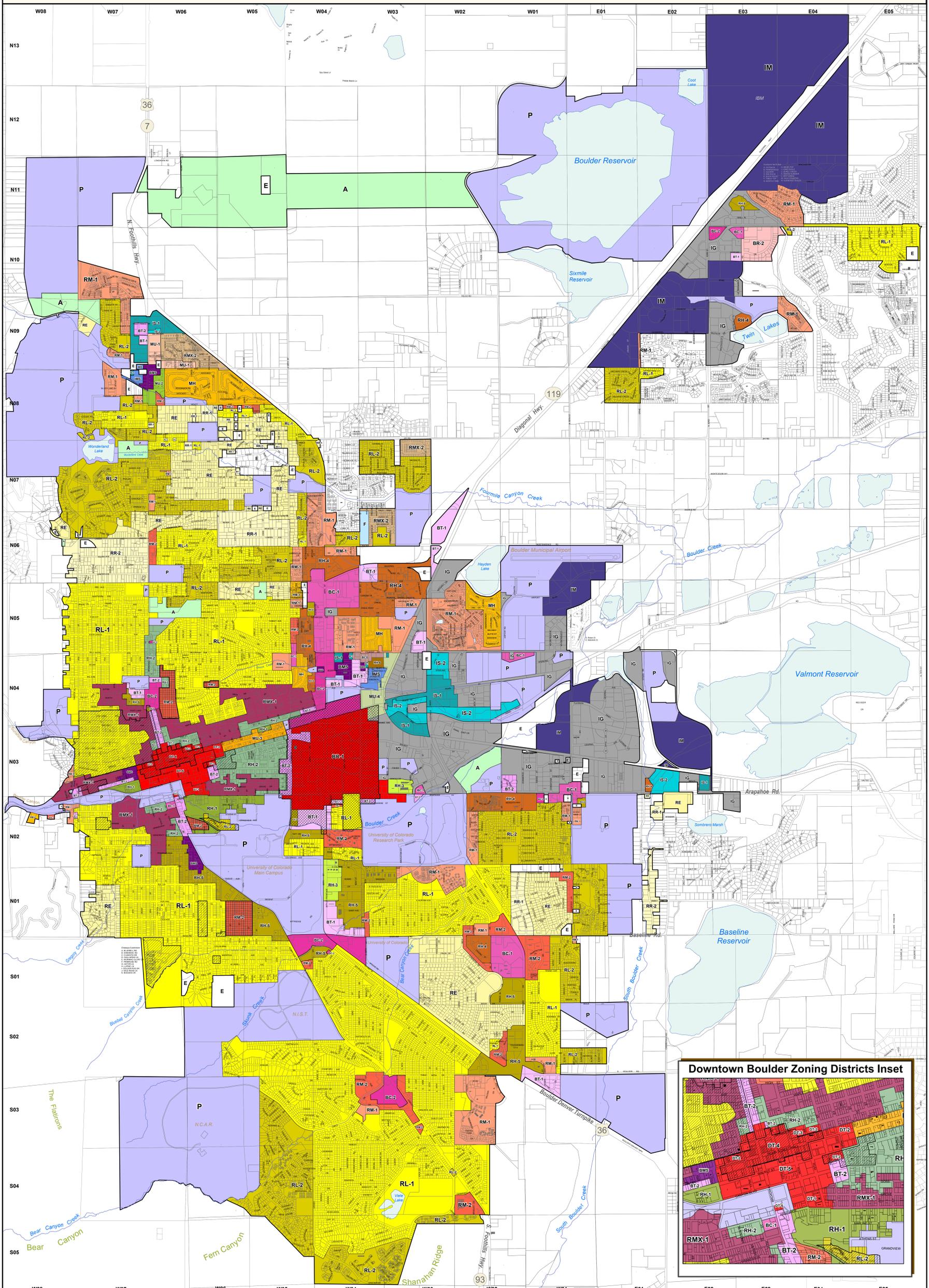
New Land Use Definitions	Review Process & Allowed Zoning District	Liquor License Types
<p><b>Restaurants &lt; 1500 sf</b></p> <p>"Restaurant" means an establishment with no liquor license or with a beer and wine license or a hotel and restaurant license issued under § 12-47-401, et seq., C.R.S., provided with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests that <b>must close no later than 11 p.m.</b> and includes without limitation full-service, fast-food, or drive-through restaurants, cafes, coffee shops, lunchrooms, cafeterias, and delicatessens.</p>	<p><b>USE REVIEW*:</b> RH-1, RH-2, RH-4, RH-5, RH-3, RH-7, RH-6, BT-1, BT-2</p> <p><b>CONDITIONAL USE**:</b> 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 <b>or</b> Hotel Restaurant License (full service)</p>
<p><b>Restaurants &gt; 1500 sf</b></p> <p>"Restaurant" 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 <b>must close no later than 11 p.m.</b> and includes without limitation full-service, fast-food, or drive-through restaurants, cafes, coffee shops, lunchrooms, cafeterias, and delicatessens.</p>	<p><b>USE REVIEW:</b> 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><b>CONDITIONAL USE:</b> BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Beer and Wine License <b>or</b> Hotel Restaurant License (full service)</p>
<p><b>Restaurants, Late Night</b></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 <b>may operate after 11 p.m.</b></p>	<p><b>CONDITIONAL USE:</b> BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Beer and Wine License <b>or</b> Hotel Restaurant License (full service)</p>
<p><b>Neighborhood Pub or Bistro &lt; 1500 sf</b></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 <b>must close no later than 12 a.m.</b></p>	<p><b>USE REVIEW:</b> RH-1, RH-2, RH-3, RH-7, RH-6, BT-1, BT-2</p> <p><b>CONDITIONAL USE:</b> 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><b>Neighborhood Pub or Bistro &gt; 1500 sf</b></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 <b>must close no later than 12 a.m.</b></p>	<p><b>USE REVIEW:</b> 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><b>CONDITIONAL USE:</b> BC-1, BC-2, BCS, DT-4, DT-5</p>	<p>Beer and Wine Licenses Only</p>
<p><b>Tavern</b></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><b>USE REVIEW:</b> MU-1, MU-2, MU-3, MU-4, BT-2, DT-1, DT-2, DT-3</p> <p><b>CONDITIONAL USE:</b> BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Tavern License</p>
<p><b>Brewpub</b></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><b>USE REVIEW:</b> MU-1, MU-2, MU-3, MU-4, BT-1, BT-2, BMS, DT-1, DT-2, DT-3</p> <p><b>CONDITIONAL USE:</b> BC-1, BC-2, BCS, BR-1, BR-2, DT-4, DT-5</p>	<p>Brew Pub License</p>
<p><b>Retail Liquor Store</b></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><b>USE REVIEW:</b> MU-4, BMS, DT-1, DT-2, DT-3</p> <p><b>APPROVED USE BY-RIGHT:</b> 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)\*



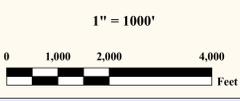
### Zoning Districts

(Previous Zoning District Name in Parentheses)

- Residential**
  - 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 (HRI-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 (RR-E)
- Commercial & Business**
  - 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)
- Mixed Use**
  - 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
- Industrial**
  - 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)
- Other**
  - E Enclave (E)
  - Flex (F)
  - Medium Density District Overlay Zone
  - Designated Local Historic Districts
  - Boulder Valley Regional Center
- Agricultural and Public**
  - A Agricultural (A-E)
  - P Public (P-E)

### \*Zoning Map Amendments:

Ordinance #	Date	Ordinance #	Date	Ordinance #	Date
7363	4/20/2004	7665	6/4/2009	7835	3/7/2012
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		



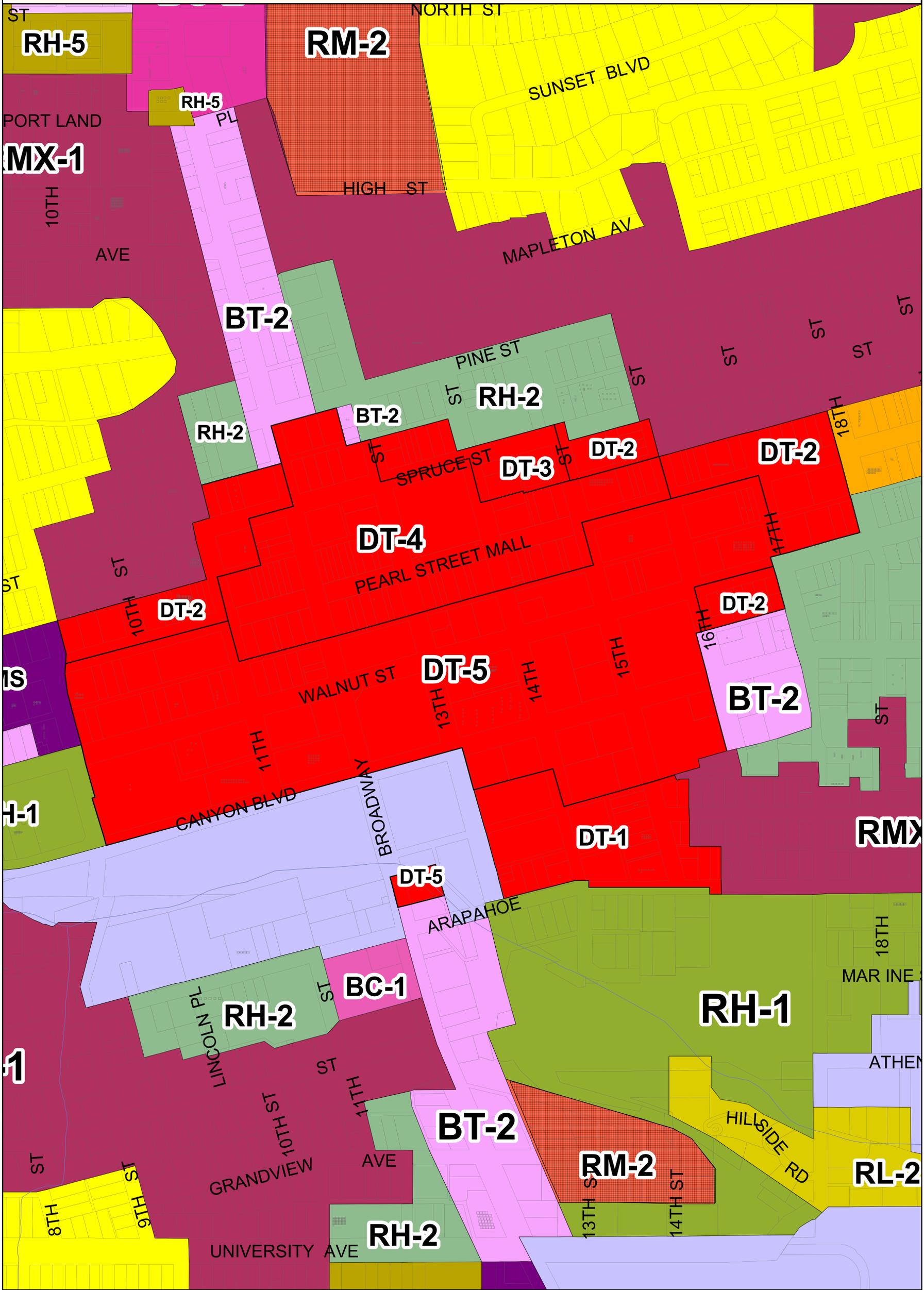
Map produced by the City of Boulder, Planning and Development Services GIS  
 For information call (303)441-1580 or visit us on the web at [www.bouldercolorado.gov](http://www.bouldercolorado.gov)

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# Downtown Zoning District Map of the City of Boulder, Colorado

Adopted 7/12/2006 (Ordinance 7476)\*



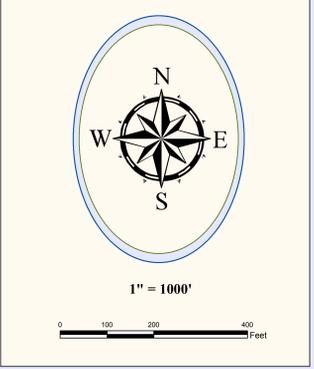
### Zoning Districts

(Previous Zoning District Name in Parentheses)

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

### \*Zoning Map Amendments:

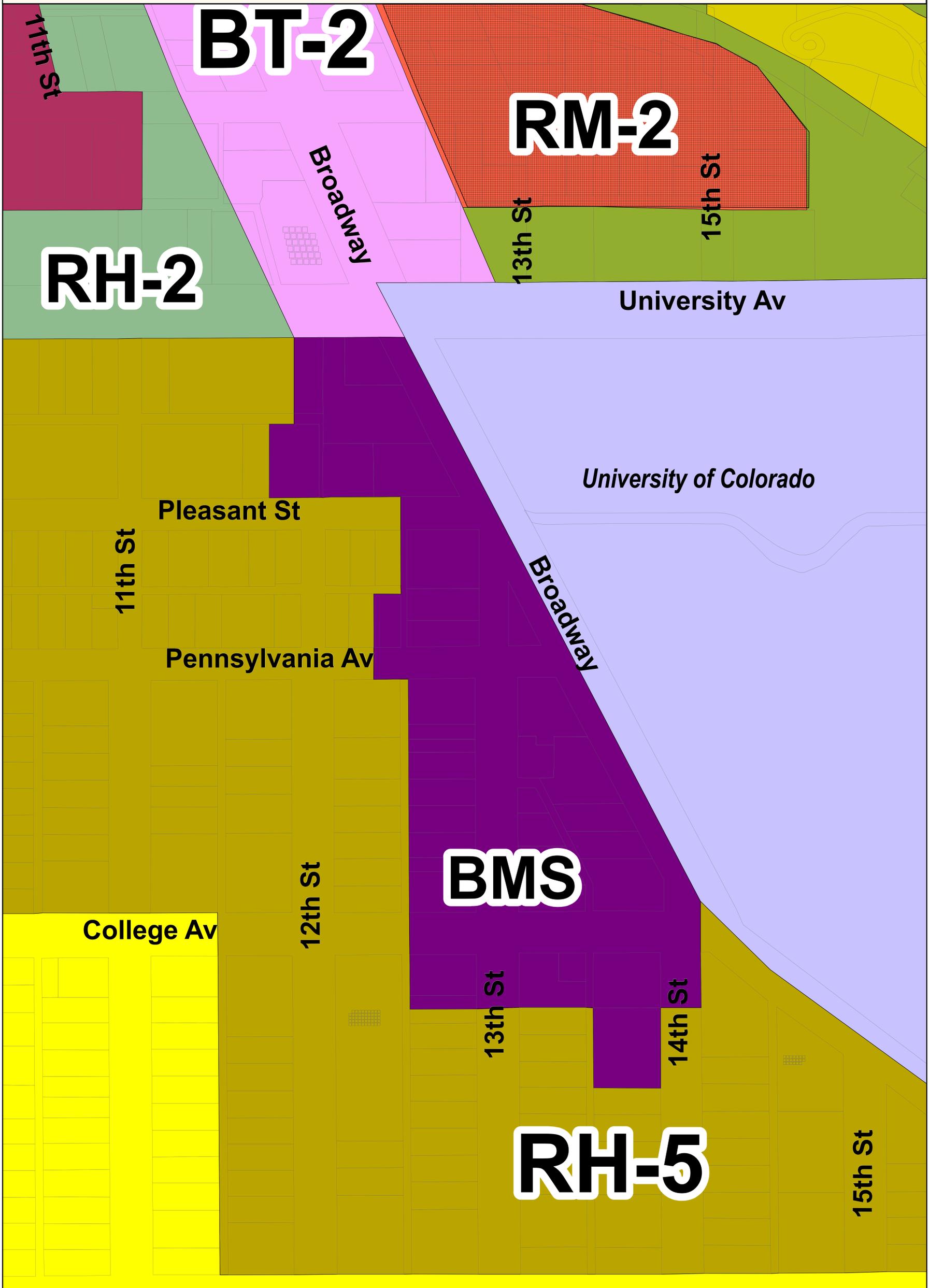
Ordinance #	Date	Ordinance #	Date	Ordinance #	Date
7363	4/20/2004	7665	6/4/2009	7835	3/7/2012
7369	7/20/2004	7689	10/6/2009	7849	8/7/2012
7374	8/17/2004	7705	12/15/2009	7882	1/22/2013
7407	12/21/2004	7739	8/17/2010	7894	5/7/2013
7425	7/5/2005	7740	8/17/2010		
7429	9/20/2005	7741	8/17/2010		
7431	10/18/2005	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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# Uni Hill Zoning District Map of the City of Boulder, Colorado

Adopted 7/12/2006 (Ordinance 7476)\*



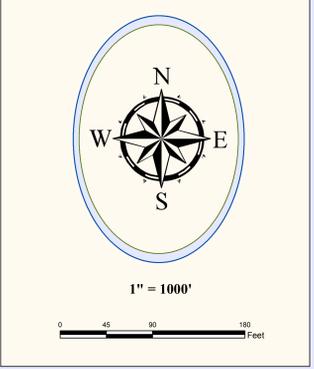
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- MH Mobile Home (MH-E)
  - RE Residential - Estate (ER-E)
  - RH-1 Residential - High 1 (HR-X)
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  - RH-5 Residential - High 5 (HR-E)
  - RH-6 Residential - High 6
  - RL-1 Residential - Low 1 (LR-E)
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  - RR-1 Residential - Rural 1 (RR-E)
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- Zoning Districts**  
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  - 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)
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  - DT-1 Downtown 1 (RB3-X/E)
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  - DT-4 Downtown 4 (RB1-E)
  - DT-5 Downtown 5 (RB1-X)
- Agricultural and Public**
- A Agricultural (A-E)
  - P Public (P-E)

- Mixed Use**
- 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
- Industrial**
- 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)
- Other**
- E Enclave (E)
  - Flex (F)
  - Medium Density District Overlay Zone
  - Designated Local Historic Districts
  - Boulder Valley Regional Center

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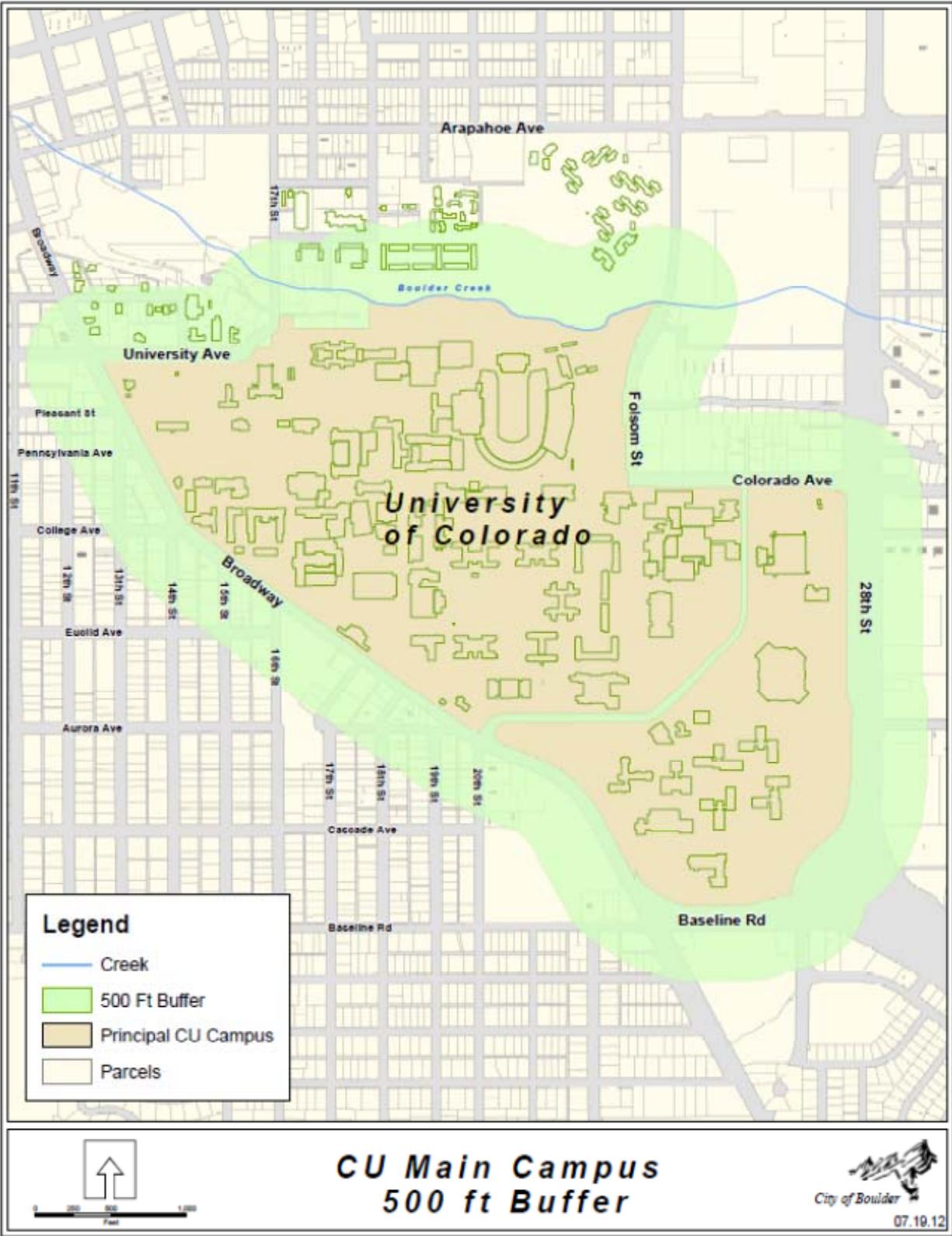


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Attachment C – 500-ft Buffer



**ATTACHMENT D:  
STATEMENT FROM THE CITY OF BOULDER COMMUNITY WORKING GROUP  
IN REGARD TO THE ISSUE OF OVER-CONSUMPTION OF ALCOHOL IN THE COMMUNITY**

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**SENTIMENTS:**

We, the Community Working Group, agree that:

- Data suggests that over-consumption of alcohol is an issue in Boulder, and that steps must be taken to address the issue.
- The goals of the group, which represents a range of stakeholder interests including city of Boulder officials, CU-Boulder representatives, Public Health officials, students, neighborhood residents, and the hospitality industry, are to:
  - *Reduce over-consumption of alcohol*
  - *Promote responsible drinking*
  - *Decrease impacts on neighborhoods and students from behaviors, including violence, attributed to alcohol abuse*
  - *Focus on “bad actor” establishments/properties*
  - *Avoid penalizing “good actor” establishments/properties*
  - *Ensure that City regulations and processes are clear and intuitive for both applicants and residents*
- Effectively addressing these goals will require a comprehensive scheme implemented by multiple entities; no one action or solution will be effective unless it is part of a multi-faceted approach. Stakeholders across the nation are adopting the “Environmental Management” model – a best practices approach – with substantial success. In particular, proposed solutions must go beyond new zoning regulation alone and in a vacuum, instead recognizing the necessity for numerous, interrelated interventions at multiple levels by various stakeholders.

**CONTEXT:**

Over-consumption of alcohol occurs within and affects all demographic and age groups. High school and university students, while often viewed as the sole source of the problem, are frequently the most negatively impacted. Further, irresponsible drinking behaviors by adults, including residents of and visitors to Boulder, contribute to a culture which permits over-consumption of alcohol with impunity, and must also be addressed.

Local data demonstrates that Boulder’s high-school students binge drink at rates higher than both the state of Colorado and the national averages. Data collected by CU Boulder reveals that CU Boulder students are also binge drinking at higher than average rates. Data concerning over-consumption of alcohol by adults locally is not readily available, but there is anecdotal information to suggest that it occurs within this demographic as well.

## **GUIDING PRINCIPLES:**

**“Environmental Management”** is the best practices approach to addressing alcohol issues in college communities. This approach recognizes that environmental influences, as well as individual student characteristics, impact alcohol consumption. Consequently, effective strategies will extend beyond the campus itself to encompass the surrounding community. The focus of Environmental Management is on changing the *culture* of drinking on campuses and the surrounding communities. To achieve a change in culture, interventions must be directed at three levels: at the individual-student level, at the level of the entire student body, and at the community level. Within this overarching structure, the city of Boulder, often acting in conjunction with CU Boulder and other community stakeholders, has opportunities to implement or support initiatives that are tailored to address our community’s specific alcohol-related problems.

The environmental management paradigm includes four overarching strategic goals: (1) Create a Health Normative Environment (which includes providing alcohol-free activities), (2) Limit Alcohol Availability, (3) Restrict the Marketing and Promotion of Alcohol, and (4) Policy Development and Enforcement. Environmental management contemplates that individual strategies will be developed to further these goals. Suggested strategies within each of these areas are defined in the literature, however, communities are encouraged to identify strategies that will address their unique dynamics.

## **CURRENT PERCEPTIONS/OBSERVATIONS:**

### Enforcement

- Enforcement of existing ordinances (e.g., false IDs, noise, littering, nuisance) has not been used to its full potential in the community, particularly in the University Hill neighborhood. Resources for enforcement should be reallocated to more effectively and consistently address over-consumption of alcohol in Boulder.
- To deter the actions of liquor license holders (taverns, restaurants, liquor stores) who routinely violate liquor laws and noise codes (e.g., “bad actor” establishments), and who promote excessive alcohol consumption by their practices, penalties must be swift, certain, and consequential to be effective. Such penalties can deter poor business practices and send a message that behavior or operational characteristics that encourage over-consumption will not be tolerated by the community. Currently, enforcement in this regard is not robust enough to have the desired deterrent effect.
- With respect to residential drinking (house parties, pre-gaming, frat parties), which is a large contributor to the problem, more effective communication efforts to inform tenants of the laws and their consequences must be explored. Currently, these communications frequently occur only after there has been a violation. Further, while there are existing laws for holding landlords accountable for the behavior of their tenants (who are somewhat transient), it appears that little effort is being made to identify properties with an ongoing history of violations and to use existing tools, such as law violations and nuisance abatement, to incentivize landlords to pro-actively address these behaviors.

## Zoning/Land Use

- For the most part, current management plans for liquor license holders have not been useful. They are not readily accessible to the public or police, making it difficult to know when the provisions have been violated, and they are difficult to enforce. Oftentimes, the plans do not or cannot address over-consumption or over-service, as zoning is more specifically applied to operating characteristics (noise, patio size and locations, trash pickup etc.) rather than patron behavior. Current management plans are also ineffective at minimizing behavior impacts and incidents that occur outside of establishments.
- Existing regulations and tools could be used more effectively. There needs to be more clarity in the existing rules and processes so that: liquor license applicants understand community expectations; neighbors understand what role they can play in approval of licenses and enforcement of management plans; and violations can be more easily recognized and effectively subjected to enforcement.

New zoning definitions for establishments that sell alcohol may be necessary to better differentiate lower impact uses and higher impact uses. However, new zoning regulations should not be so draconian as to disrupt the general vitality of Boulder's business districts.

- Any new regulations aimed at liquor license holders should avoid encouraging or exacerbating the residential drinking problem (displacement).

## RECOMMENDED STRATEGIES/SOLUTIONS:

Based on these points, the Community Working Group recommends the following specific actions to the City Council:

### Prevention and Education

- More funding should be allocated to preventative efforts that educate people about the adverse personal and community effects of alcohol over-consumption as well as to provide a clear message about the legal and health consequences.
- Increased coordination between city police and university police should be implemented on preventative and proactive efforts to decrease alcohol over-consumption and related impacts.

### More Effective Enforcement

- Against Licensees:
  - Free up and devote Boulder police and planning resources to more effectively address the problem with greater precision and efficiency. Make Boulder Police's alcohol officer a specialist position with a long-term dedicated officer who can serve the city as an experienced expert on liquor code enforcement. A more dedicated resource as an expert in the following could be more proactive by:
    - monitoring calls for police service,
    - reviewing police reports, liquor licenses, and

- analyzing data on “bad actor” establishments to advise on how police resources could be efficiently applied.

Further, a special zoning enforcement officer specializing in enforcing zoning regulations (e.g., noise, management plans) could be created to process applications, coordinate with police and the Beverage Licensing Authority (BLA), and monitor establishments at times of increased activity.

- Encourage businesses and the city to explore the use of new technologies like ID scanners which have been implemented in nearby communities to increase communication between alcohol establishments so as to monitor patrons that may be overly intoxicated or potentially disruptive or dangerous.
- Against Residential Drinking:
  - Identify and implement effective strategies to deter nuisance parties, including but not limited to educating tenants about consequences (e.g., restorative justice, community living class, move-in orientation).
  - Explore new tools, like a Response Costs Recovery Ordinance, that holds social hosts (including tenants) and landlords/property owners civilly responsible for the costs of police and fire response services to private residential drinking locations.

**Use existing tools more effectively:**

- Against Licensees:
  - Educate and support the BLA, and/or consider changing its structure, so that it becomes more accountable and effective at using existing authority to suspend and revoke licenses for problem establishments.
  - Explore whether replacement of the BLA with a paid municipal judge or hearing officer, as is done in other communities, may be a more effective model for enforcing liquor laws.
  - Enhance coordination among Planning, the BLA, and the Police.
  - Promote a more coordinated review process by having applicants for Use Reviews fill out a city checklists that combines the current City questionnaire for business licenses and Use Reviews, including a fill-in-the-blank questions and answers template to provoke thought and awareness of the common problems and business risks of holding a liquor license, and also solicit problem-solving by prospective new businesses. This process could better communicate the expectations and promotion of best practices for establishments in the community.
  - To make Management Plans more effective and accessible, create an online library accessible to residents, applicants, planning officials and the police so that

they can be referenced to determine whether businesses are following the Management Plans underlying their liquor license approvals.

- Approved management plans should be included with Liquor License applications.
- Against Residential Drinking:
- Revocation of rental licenses could be used in a more robust way than currently as an effective deterrent to unruly house parties.

**Updates to the Land Use Code and Municipal Liquor License Code:**

The Community Working Group advises City Council that there was no consensus on the issue of whether or not new regulatory changes should be implemented to address overconsumption of alcohol. Therefore, it was decided that the most appropriate approach to communicating the differing opinions would be to indicate the pros and cons of each proposed code change option to express the divergent perspectives of the group:

<b>New use definitions</b> (e.g., better differentiation between bona fide restaurants from taverns, night clubs, and liquor stores from other retail stores etc.)	
<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Would address the “bait and switch” issue whereby establishments gain a liquor license by characterizing themselves as restaurants but subsequently evolve into more intense drinking venues after 11pm.</li> <li>• Would make it more clear what type of use is proposed for a location and what process it may have to go through to be approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Unclear whether new definitions will solve the problems associated with “bad actor” establishments.</li> <li>• Establishments that sell more alcohol may not necessarily be high impact establishments.</li> <li>• Could “sweep up the guilty with the innocent.”</li> <li>• Impact on existing businesses is unclear.</li> </ul>
<b>Additional zoning requirements</b> (e.g., security guards, security cameras, special signage and lighting etc.)	
<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Could create safer late night licensed establishments and more secure public streets.</li> <li>• Could increase efficacy of existing</li> </ul>	<ul style="list-style-type: none"> <li>• Too ambiguous. No guarantee that new regulations will solve the problem.</li> <li>• If enforcement resources are already limited, new regulations would</li> </ul>

enforcement and facilitate investigations.	complicate enforcement efforts. May require additional resources from business operators.
<b>Use Review renewals</b> (check in on approved Use Review every three years)	
<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Restaurants with Use Reviews with clear violations of conditions of approval or management plan would be specifically targeted, rather than every business having to go through city process every few years.</li> <li>• Encourages good business practices as the establishments would have increased monitoring.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing Use Review process is already ambiguous, needs further definition, lacks resources for enforcement, and thus lacks consequences.</li> <li>• Repercussions to prospective business investment expected.</li> <li>• Would require additional city resources to identify which establishments to target for Use Review.</li> <li>• Puts burden on neighbors to identify establishments in need of use review, creating the potential for dissension among them.</li> <li>• Contentious items will likely be referred to Planning Board- a board that may not have experience in closing down businesses following Use Review.</li> <li>• Potential for ambiguity between role of BLA and Planning Board.</li> </ul>
<b>Late night business licenses</b> (would apply to any establishment operating after 11pm)	
<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Would have cost recovery component to pay for additional resources.</li> <li>• Better tool for enforcement and ability to shut down “bad actor” establishments.</li> <li>• Encourages good business practices as incentive to keep license.</li> <li>• Viable alternative to other zoning</li> </ul>	<ul style="list-style-type: none"> <li>• Would require amendment to city code to implement.</li> <li>• Cost of licenses may dissuade businesses from setting up with negative financial impact to city.</li> <li>• Legal question whether additional licensing fees could be earmarked to pay for additional resources.</li> </ul>

options.	<ul style="list-style-type: none"> <li>• Unclear what authority and under what grounds a license might be revoked.</li> </ul>
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**Spacing requirements (from establishment to residential zones)**

<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Would decrease impacts on residential neighborhoods.</li> <li>• Could reduce alcohol impacts on the Hill.</li> <li>• Would give businesses a clear idea of where they can or cannot locate.</li> <li>• Could impact the number of liquor licenses by virtue of there being fewer qualifying locations for businesses.</li> <li>• Would encompass the commercial properties on University Hill that fall outside the 500-foot rule.</li> </ul>	<ul style="list-style-type: none"> <li>• With mixed use and infill residential growing in Boulder, the number of possible locations decreases.</li> <li>• Doesn't address current bad actors because would apply only to new licensees.</li> <li>• Could affect new businesses that may not contribute to the problem.</li> <li>• Could impacts property owners who may have difficulty attracting commercial tenants.</li> <li>• Could impact redevelopment on the Hill.</li> <li>• May impact Boulder's reputation as a dining destination.</li> <li>• Might cause displacement to private residences.</li> </ul>

**Spacing requirements (from one establishment to another)**

<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Would prevent an overconcentration of late night liquor establishments on the Hill (e.g., Bourbon Street).</li> <li>• Would reduce alcohol density and the associated alcohol culture and crime across the city.</li> <li>• Encourages diversity of businesses.</li> <li>• Would prevent rent inflation on the Hill by limiting the lucrative alcohol</li> </ul>	<ul style="list-style-type: none"> <li>• Could damage the economic viability of downtown.</li> <li>• May exacerbate private residential drinking.</li> <li>• Could disperses police resources.</li> <li>• May increase instances of DUI with increased distances between alcohol serving establishments.</li> <li>• May impact Boulder's reputation as a</li> </ul>

<p>business model.</p> <ul style="list-style-type: none"> <li>• May reduce DUIs by virtue of there being fewer bars for patrons to go.</li> <li>• By spacing only post 11pm establishments, Boulder’s regional reputation as a cheap, late night drinking destination may fade.</li> <li>• Would give the city a tool to implement a “controlled” concentration model.</li> </ul>	<p>dining destination.</p> <ul style="list-style-type: none"> <li>• Existing areas of concentration would remain in place from the time being.</li> </ul>
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**Revoke 500 foot waiver around University of Colorado** (would permit no additional liquor licenses within 500 feet of CU)

<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Would increase city’s credibility with the state as the city would be fully using all available tools to address alcohol issues.</li> <li>• Would send a message that Boulder is not an alcohol culture.</li> <li>• Would provide clarity for businesses.</li> <li>• Would change the perception that the Hill is the place for cheap drinks.</li> </ul>	<ul style="list-style-type: none"> <li>• Too drastic and blunt.</li> <li>• The 500’ measurement is arbitrary.</li> <li>• Would not address current problems.</li> <li>• Could impact Hill redevelopment.</li> <li>• May increase private residential drinking.</li> <li>• Adds a premium to existing liquor license holders.</li> </ul>

**Modify 500 foot waiver around CU to be Beer and Wine Licenses only**

<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• May encourage development of more responsible drinking establishments.</li> <li>• Would have less of a negative impact on reinvestment on the Hill.</li> <li>• Is a strategy targeted specifically at the Hill where most of the problems are.</li> <li>• Demonstrates that we are using the tools the State gave us, albeit in</li> </ul>	<ul style="list-style-type: none"> <li>• May prevent new business investment on the Hill and/or reinforce that the Hill is for young adults only.</li> <li>• There is currently no minimum food percentage requirement with Beer and Wine licenses so would have to be done in conjunction with land use code changes related to definitions of establishments.</li> </ul>

modified form.	<ul style="list-style-type: none"> <li>• May result in fast casual establishments rather than fine dining.</li> </ul>
<b>Add Beer and Wine licenses to Hotel and Restaurant Licenses within the 500 foot waiver zone</b>	
<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Allows restaurants to open with the option of not serving hard alcohol.</li> <li>• Would allow more diversity of businesses on the Hill.</li> </ul>	<ul style="list-style-type: none"> <li>• No impact to downtown.</li> <li>• Singles out the Hill.</li> <li>• Business likely to get Hotel and Restaurant licenses anyway as they have the ability to make more money with hard alcohol.</li> </ul>
<b>Expand the 500 foot rule to include other Universities like Naropa, and expand definition of “principal campus” for CU.</b>	
<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> <li>• Would prevent the overconcentration of liquor licenses seen on the Hill from spreading to other parts of the city as campuses and student housing expands.</li> </ul>	<ul style="list-style-type: none"> <li>• Could impact redevelopment city wide.</li> </ul>

**Monitoring/Ongoing communication of stakeholders:**

Lastly, the Community Working Group finds that reconvening periodically to review and monitor progress on addressing over-consumption of alcohol in Boulder would be beneficial. This is because the group dynamic has been an effective forum of stakeholders to share divergent opinions in an environment of trust and congeniality, with a clear intent on the part of all stakeholders to improve the community.

**Community Working Group members:**

- Mike Boyers, *Property Owner*
- Mishawn Cook, *City of Boulder*
- Linda Cooke, *Municipal Court*
- Chris Cornelius, *Downtown Management Commission (DMC)*
- Charles Ferro, *City of Boulder*
- Karl Guiler, *City of Boulder*
- Mark Heinritz, *Restaurant Owner*
- Carlene Hoffmann, *Boulder Police*
- Nick Hoover, *Colorado Restaurant Association*
- Jen Korbelik, *City of Boulder*
- Sean Maher, *Downtown Boulder Inc. (DBI)*
- Marry Anne Mahoney, *Boulder Convention and Visitors Bureau*
- Donald Misch, *University of Colorado (CU)*
- Bill Marine, *University Hill Community member*
- Katie McGee, *Boulder Public Health*
- James Pribyl, *University Hill Community Member*
- Coby Royer, *Martin Acres Neighborhood Association*
- Glen Segrue, *Boulder Valley School District (BVSD)*
- Chris Schaufbauer, *CU Student Government*
- Bill Shrum, *University Hill Commercial Area Management Commission (UHCAMC)*
- Lisa Spalding, *Neighborhood representative*
- Iva Townsend, *Responsible Hospitality Group (RHG)*
- Kim Voorhees, *University Hill Neighborhood Association (UHNA)*
- Lexi Winer, *CU Student Government*
- Molly Winter, *City of Boulder*

## **ATTACHMENT E: COMMUNITY OUTREACH**

Since the Aug. 21<sup>st</sup> meeting with City Council, staff has presented the potential land use and licensing code change options to several boards and has reconvened the Community Working Group composed of different stakeholders throughout the community. The comments of each of these groups are summarized below along with the results of a community survey.

### **Beverage Licensing Authority (BLA)**

Staff discussed the proposed code change options with the BLA on Sept. 19<sup>th</sup> and Oct. 17<sup>th</sup> of 2012. As the City Council is aware, the BLA plays a significant role in addressing the impacts of overconsumption in the community. With the decision related to K's China last year, BLA has taken a larger step in asserting its authority to address problem establishments. That said, the BLA expressed that it feels constrained by state law in addressing the problem and feels reliant on zoning authority to fill the gaps. BLA also felt that more resources could be applied to enforcement to reduce overconsumption of alcohol and its impacts. BLA has provided City Council in the past with a list of actions it feels should be considered.

In regard to the proposed land use code changes, the BLA expressed that new use definitions should be created. Boulder, while having a more intensive zoning process for hospitality establishments vis-à-vis many other researched peer communities, has one of the least comprehensive list of definitions with little difference in the definition of restaurant and taverns. Like other communities, the BLA felt that the definition of restaurant should mandate a minimum percentage of food that must be provided at an establishment- 60 percent food was cited. Staff has researched other communities and this percentage generally ranges from 40 to 60 percent for food sales. There was hesitation about tying definitions to Colorado liquor license types, because the only food percentage within the state law is within the Hotel and Restaurant Liquor License at 25 percent, which is considered quite low. The BLA also felt that liquor stores should be included in any new use definitions as liquor stores are presently regulated as retail stores.

The BLA supported the general concept of Use Review renewals by keeping establishments accountable, but did not like that the process would put more burden on the neighborhoods to complain about problem establishments. Alternatively, the BLA was interested in the idea of "Late Night Business Licenses." This concept would require special licenses and fees to support staff resources to administer and would keep establishments that operate after 11pm more accountable for infringements that could lead to their license being revoked. For instance, late night business licenses could be revoked for establishments that have frequent violations related to noise complaints, over-service etc. Staff has researched this idea and found several communities that have a similar process. Minneapolis, for instance, has this process and it is found within their local liquor licensing code. The BLA felt that Late Night Business Licenses, if implemented, should be administered by planning/zoning officials.

In regard to new zoning regulations, there was some interest in requiring security and cameras (as required by other municipalities like Santa Cruz, CA), but felt it would need to learn more about the benefits of such requirements and whether they would be necessary in Boulder. The

BLA found that spacing requirements (i.e., specified distances) between high intensity establishments with each other and with residential areas would be a good idea.

Lastly and specific to Title 4, Beverage Licensing code changes, the BLA expressed support of modifying the 500-foot rule around the University of Colorado to permit Beer and Wine Licenses only to curb the reliance of consuming hard alcohol in student populated areas.

#### **Downtown Management Commission (DMC)**

Staff presented to the DMC on Sept. 10, 2012. The DMC appreciated being made aware of the options being considered, but otherwise did not have specific comments on the proposed changes.

#### **University Hill Commercial Area Management Commission (UHCAMC)**

Staff presented to the UHCAMC on Sept. 19, 2012. The sentiments of UHCAMC were more mixed on the topic of new zoning regulations. One board member felt that Use Review renewals would be a good idea and action should be taken sooner than later, whereas other board members felt that new zoning regulations would hurt local businesses and drive the problem underground. One board member expressed while there may be a few problem establishments, the problem is more concentrated in private establishments rather than at bars and that there should not be “knee-jerk” reactions that attack all hospitality businesses. It was also expressed that if new regulations were created, they should be applied citywide and not to specific areas.

#### **Responsible Hospitality Group (RHG)**

City staff and Dr. Donald Misch from the University of Colorado presented to the RHG on Oct. 3, 2012. No specific comments or questions were received from the group.

#### **Community Working Group**

In 2010, staff convened a community working group representing stakeholders within Boulder including:

- Neighborhood representatives (e.g., University Hill, Downtown, Whittier, Martin Acres etc)
- Hospitality industry representatives (e.g., Responsible Hospitality Group, The Sink)
- Developers/Property owners
- University officials
- City officials (Planning, Licensing, DMC)
- A Boulder Valley School District (BVSD) representative
- Representatives from University Hill Neighborhood Association (UNHA)
- Representatives from BLA and UHCAMC

The group met twice in 2010 and a summary of the group’s discussion is found in the Aug. 21<sup>st</sup> staff memorandum. Staff reconvened the group in September 2012 and the group has met on five occasions.

The group is composed the representatives listed above as well as the new additions of students from the University of Colorado student government and a representative from Boulder County

Public Health. The group discussions have been very productive and while the initial meetings saw varying perspectives on the issue, the theme of the group has been that the group agrees on the vast majority of the issues related to overconsumption of alcohol. Most importantly, the group agrees that there is a problem of overconsumption of alcohol in the community and that actions should be taken to address the problem. Most of the points of consensus relate to the city and university increasing efforts for more targeted and effective enforcement to address the problem. The areas where the group tends to disagree are those related specific to whether new code changes should be enacted to address the problem.

In summary, the group recommends that:

- Increased preventive and education efforts should be implemented by the city and university to educate people about the adverse personal and community impacts and consequences of alcohol overconsumption.
- More targeted enforcement of “bad actor” establishments and unruly house parties should be done. The city has not used enforcement to its potential and should therefore; explore reallocation of existing resources and/or the creation of new police and/or zoning positions as experts in administering state liquor law and local codes for a more proactive approach at allocating enforcement. New technologies like ID scanners should be looked into as well as new methods to deter house parties, such as holding social hosts and landlords responsible for the costs of police and fire responses.
- Existing tools be used more effectively, including but not limited to better coordination between zoning, licensing and police as well as exploring ways to support the BLA or look at alternatives to the BLA like municipal judges or attorney-lead court of appeals, which may be more effective at enforcing liquor laws.

As stated above, most of disagreement on the group relate to what regulatory changes, zoning and/or licensing, should be implemented to address overconsumption of alcohol. On the regulatory issue, the discussion represents a pros and cons approach to each regulatory option and this approach has been helpful in informing the staff analysis of the potential implications of each zoning and licensing option.

### **Additional Public Input**

To better understand the community’s thoughts on overconsumption of alcohol, staff has met with neighborhood residents concerned about the impacts of alcohol serving and late operating establishments. Staff also sent out a survey via press release community wide in November 2012 to obtain a broader read from the residents and others about the issue. The input received from these methods is discussed below:

- ***Neighborhood concerns:*** The neighborhood residents, generally representing University Hill, indicated there is a culture of over-service in the area and present zoning processes were ineffective at curbing the problem. They noted that management plans are generally unenforceable as they cannot address over-service and behaviors that may spill onto streets as opposed to within establishments. Neighborhood access to management plans was also cited as a problem. There were concerns that there is an overconcentration of liquor license establishments on University Hill and that the liquor license waiver around the University of Colorado should be

changed to Beer and Wine Licenses only. This sentiment stems from the perception that students are drinking more hard alcohol to get drunk faster. Further, a change to Beer and Wine licenses could change the culture on University Hill to establishments that would not necessarily encourage the quick path to intoxication.

The residents felt that current state liquor laws are largely ineffective and therefore, linking use definitions to liquor license types would not work. They did support putting minimum food percentages into definitions and potentially not permitting new establishments after 11pm. If establishments were to operate past 11pm, they expressed support for Late Night Business Licenses that could be revoked more readily than Use Reviews for establishments that are problematic.

- **Community wide survey:** The results of the community wide survey reflect somewhat of a divergence from the sentiments of the neighborhood residents discussed above. The release was sent out to regional media outlets including the Daily Camera and was posted on the city web site on News from City Hall. The survey was also sent out to stakeholders within the Community Working Group to send to other constituencies. At over 2,000 respondents, the response rate from the survey is most successful survey that Boulder has conducted.

The results also included a significant number of written responses, which can be accessed at the following link [www.bouldercolorado.gov/alcohol](http://www.bouldercolorado.gov/alcohol).

The survey included questions related to the problem of overconsumption along with requests for feedback on potential solutions. To understand the framework and perspective of many of the responses, the city also asked basic demographic questions. The survey reflected the following:

- Over 50 percent of the respondents were between the age of 21 and 30.
- Almost 60 percent of the respondents were male.
- Nearly 75 percent were residents of Boulder.
- Over 50 percent of the respondents identified themselves as being residents of Boulder.
- Nearly 40 percent identified themselves as people that work in Boulder.
- Over 40 percent identified themselves as students living in Boulder.

Interestingly, over 75 percent of the respondents indicated that overconsumption was not a problem in Boulder. To that end, almost half of the respondents found that there are certainly negative impacts from alcohol abuse, “but they aren’t very significant and are often exaggerated.” Fourteen percent of respondents found that disorderly or unlawful conduct was the principal impact from alcohol with 5 percent reporting noise.

Question no. 7 asks, “In your opinion, what is typically the primary location of overconsumption of alcohol in Boulder?” The top three answers for the question were private residences (nearly 55 percent), none of the above (22 percent), and all of the above (7.5 percent). Six percent found bars, restaurants and liquor stores as the primary location for overconsumption.

Question no. 8 asks, “Do you think that the impacts related to over consumption of alcohol are concentrated in a specific area?” To that question, 45 percent responded that overconsumption was not a problem. Twenty five percent found that the problems are concentrated around University Hill and roughly 13 percent cited downtown. Eleven percent found the problem to be citywide.

With regard to potential solutions, an overwhelming majority of the respondents (86 percent) did not support new zoning regulations for businesses that sell alcohol or operate after 11pm.

Question no. 10 asks about solutions other than new zoning regulations. Again, over 50 percent found that overconsumption of alcohol is not a problem. Twenty five percent found that police enforcement should be increased in residential neighborhoods and another 25 percent found that problem business should be targeted for their violations of operating agreements and/or conditions of approval. Sixteen percent found that existing zoning regulations should be used more effectively with twelve percent saying that police enforcement of business areas should be increased. Lastly, only roughly 4 percent supported restricting the sale of hard alcohol through restricting Hotel and Restaurant license to Beer and Wine licenses only.

RESOLUTION NO. 960

## A RESOLUTION CONCERNING ALCOHOL ABUSE IN OUR COMMUNITY

WHEREAS, the Boulder City Council has a responsibility to lead in addressing the critical issues of health, safety, and well being stemming from alcohol abuse within the city; and

WHEREAS, alcohol abuse is a multi-faceted social problem with many causes, requiring the efforts of the entire community to address; and

WHEREAS, Boulder is not alone in experiencing the impacts of alcohol abuse, as indicated by recent alcohol-related incidents in other communities; and

WHEREAS, leaders of the University of Colorado have re-committed to changing the prominence of alcohol in the culture of student life, and University officials have asked for support from the City in this effort; and

WHEREAS, the City of Boulder participates with the University of Colorado and community members on a University-City Oversight Committee to address issues of mutual concern, including alcohol abuse; and

WHEREAS, the University of Colorado Student Union and the City already cooperate in promoting personal responsibility among students through joint funding of the University Liaison, a position that provides education and outreach to support the quality of life of students who live off campus; and

WHEREAS, the City's ability to influence beverage licensing policies, code enforcement and zoning and land use regulations are other areas where changes in City codes, programs or practices might compliment the efforts of the University of Colorado; and

WHEREAS, ways the City can address alcohol abuse should not focus simply on legal options but also on the City's human service and community education programs as well as partnerships with the University of Colorado, University of Colorado Student Union, Boulder County, the Boulder Valley School District, the Human Services Coordinating Council and others;

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

The City of Boulder recognizes and encourages the University of Colorado's commitment to changing a culture among CU students in which high-risk use of alcohol is tragically too common, and the City of Boulder will cooperate with the University of Colorado's efforts.

The City of Boulder will address, to the extent it is capable, the health and safety issues associated with alcohol abuse in the greater community.

The City of Boulder will participate in community-wide efforts, involving both private and public sector leaders from throughout Boulder County and the region, to better understand the causes of alcohol abuse and consider appropriate, collaborative solutions.

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, if appropriate, to address identified concerns.

The City of Boulder will review the impacts of past efforts to address alcohol abuse and underage alcohol use, including an analysis of the unintended consequences of past efforts.

| Approved this 19th day of October, 2004.

  
Mayor

ATTEST:

  
City Clerk on behalf of the  
Director of Finance and Record