

DOWNTOWN MANAGEMENT COMMISSION

April 7, 2014

5:30 p.m. - Regular Meeting

Council Chambers - 1777 Broadway

AGENDA

1. Swearing In of Commissioner: Sue Deans
2. Roll Call
3. Election of Officers
4. Approval March 3, 2014 Meeting Minutes
5. Public Participation
6. Police Update
7. Redevelopment of Downtown Boulder Presentation – Sean Maher
8. Update on the Civic Use Pad – Matt McMullen
9. Parks Update
10. BID Update
11. Feedback on Planning Board Recommendation Regarding Mobile Food Vehicles
12. Joint Meeting of District Boards Agenda
 - Overview of Areas
 - How Districts Compliment Each Other
 - AMPS
 - Public Safety
 - Use of Public Space – What works?
13. Parking Update
14. Matters from Commissioners
 - Board Retreat Location and Dates
15. Matters from Staff
 - Smoking Ban Downtown
 - West Pearl Streetscape Update
 - AMPS Update – April 23rd Joint Board Meeting
 - Trinity Lutheran Parking Partnership Update

Attachments

- Sales and Use Tax Revenue Report – January 2014
- Police Stats
- Downtown Boulder Open/Close List
- Civic Use MOU Framework
- Civic Use MOU Schedule
- City Council Meeting Memo re: Mobile Food Vehicles

DUHMD/PS 2014 Priorities

University Hill

Hill Reinvestment Strategy Development, Adoption and Implementation

- Capital Improvements
- Marketing and Events
- Organizational Structure
- Clean and Safe
- Innovation

Smoking Ban

14th Street Mixed Use Development Partnership

“Parklet” pilot

DMC 2014 Priorities

- Civic Area Plan
- Homelessness
- Downtown Vitality
- West Pearl Streetscape Project

Mission Statement: We serve the downtown, University Hill and affected

Boulder Junction

Implementation of TDM District

- PILOT payments
- Revised budget projections

Depot Square Garage Operations

Parking Plan for future development

Smoking Ban

Downtown

"Parklet" Study

Smoking Ban

Civic Area Plan Participation

Civic Use Pad Recommendation

Implementation of Bond Projects:

- 15th Street Streetscape
- West End Streetscape

Parking

AMPS Phase I Implementation: Work Plan Development, Scope and Phased Implementation

Garage Arts Plan

Parking Philosophy

NPP Expansions

Internal

Division Value Goal: Customer Service

Name Change

Office Space Planning and Remodel Phase II

communities by providing quality program, parking enforcement, maintenance and alternative modes services through the highest level of customer service, efficient management and effective problem solving.

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES FORM**

NAME OF BOARD/COMMISSION: **DOWNTOWN MANAGEMENT COMMISSION**

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: **Ruth Weiss – 303-413-7318**

NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:

BOARD MEMBERS: KOVAL, CRABTREE, SHAPINS, DEANS, MILLSTONE

STAFF: WINTER, JOBERT, JOHNSON, MARTIN, LANDRITH, MARTIN, HERRING,
MATTHEWS, WEISS

GUESTS: SEAN MAHER

TYPE OF MEETING: **Regular** **March 3, 2014**

AGENDA ITEM 1 – Roll Call: Meeting called to order at 5:32 p.m.

AGENDA ITEM 2 – Approval of the February 3, 2014 (See Action Item Below)

AGENDA ITEM 3 – Police Update: Johnson said there are ordinance changes in front of council that will undo a number of ordinances created in the recent past. There will be new sentencing guidelines that will mirror some state statutes. Wednesday night will be the first reading. Winter commented on the February council study session that related to the transient issue. Johnson provided examples of changes.

AGENDA ITEM 4 – Public Participation: None

AGENDA ITEM 5 – Parks Update: Martin mentioned a smoking ban discussion including parks and downtown and that they are working with the Boulder County smoking group on smoking cessation and education to be part of the potential smoking ban. Martin continued that main line irrigation is almost complete; trees on 13th Street by bike lane are to be removed and replaced with other species. Parks and Recreation works to involve the community and is involved with the civic plan, looking to increase activities there and get people involved.

AGENDA ITEM 6 – BID Update: Maher commented that they are working on a marketing campaign with the West End to bring the public in; downtown guidebook is hot off the press; the Social Media Breakfast is coming up; Taste of Pearl is the 13th of April; and mentioned other events taking place. The 1301 Walnut redevelopment project was discussed. Both BID and DBI boards will pursue private security on the mall. Use of ambassadors was discussed. The Camera project was reviewed.

AGENDA ITEM 5 – Joint Meeting of District Boards Agenda: Winter gave historical on previous multi boards meeting and looking to schedule another meeting in June. Three topics per board for the meeting are requested. Winter commented that the Access Management and Parking Strategy could be one topic and it was supported by Deans; Shapins suggested an urban design context as a driver for mixed use walking district conversation; Koval offered the topics of safety and public space. Deans suggested reading Maher’s article on the Hill.

AGENDA ITEM 6 – Transient Issue: Koval commented that it was nice to see it getting action. Shapins gave his opinion on the fencing of the Band Shell.

AGENDA ITEM 7 – AMPS Update: Winter said AMPS is moving along and working with the consultant to define the scope of work and will have a board joint meeting in the next couple of months. Winter continued that they are working with a pay by phone vendor and will advise. Crabtree asked about the Trinity Church project and potential partnership with CAGID. Winter replied that it will have an addition of affordable senior housing with parking underneath. Winter received a report from BuildMark about the church’s cost estimate for parking which is reasonable. Discussions are ongoing with the church.

AGENDA ITEM 8 - Parking Update: Matthews mentioned the electric and solar parking station’s parameters in the garages.

AGENDA ITEM 9 – Matters from the Commissioners: None

AGENDA ITEM 10 – Matters from the Staff: Winter asked the commission about holding a retreat. Crabtree suggested a meeting with Driskell and include the civic area plan. The need for background information was requested by Millstone. Winter said that DMC is an advisory board and the commissioners work to bring public concerns to the city council. AMPS will be a project that the board can get their teeth in. Commission discussed their participation in downtown issues. Commission suggested a two hour meeting, have Driskell present, perhaps in May. Winter queried their specific topics. Millstone offered the commission’s relationship and what they can do to help Downtown Boulder, Inc. Parklets and public art in the garages are also coming up.

The DUHMD/PS has a value goal of customer service for 2014 and would like the board to consider how they can be better served. West End Streetscape projects have a West End Meeting each Friday at 8 am at Centro. Winter gave an overview of construction issues and how it can be minimized. Matthews mentioned the creation of an alley plan and how vendors will be rerouted during construction.

Meeting adjourned at 7:19 p.m.

ACTION ITEMS:

MOTION: Crabtree motioned to approve the February 3, 2014 meeting minutes. Shapins seconded the motion. The motion was approved 4-0 with Koval absent for vote.

FUTURE MEETINGS:

April 7, 2014	Council Chambers	Regular Meeting
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APPROVED BY: DOWNTOWN MANAGEMENT COMMISSION

Attest:
Ruth Weiss, Secretary

Sue Deans, Chair

City of Boulder

Sales & Use Tax Revenue Report

January, 2014

Issued March 21, 2014

This report provides summary information and analysis related to January 2014 sales and use tax collections.

Results are for actual sales activity through the month of January, the tax on which is received by the city in the subsequent month. For clarification of any information in this report, please contact Cheryl Pattelli, Director of Fiscal Services, at (303)441-3246 or cpattelli@bouldercolorado.gov.

PLEASE NOTE: Pursuant to a vote in November of 2013, the tax rate changed on January 1, 2014 from 3.41% to 3.56%. All percentage changes included in this report have been adjusted to reflect the underlying sales activity and exclude the percentage change due solely to the increase in tax rate. This is to allow year over year comparisons from year to year over multiple years.

REVENUE COMPARISONS TO COMPARABLE PERIOD IN PRIOR YEAR

This report for January presents summary level sales and use tax collections. Historically, remittances in January and February have been somewhat erratic and do not provide sufficient information to extrapolate trends for taxable tax activity later in the year. A more detailed analysis will be included in the March 2013 report.

TABLE 1

ACTUAL SALES AND USE TAX REVENUE

TAX CATEGORY	% CHANGE IN REVENUE Increase/(Decrease)	% OF TOTAL
Sales Tax	2.83%	78.43%
Business/Consumer Use Tax	(31.94%)	8.25%
Construction Use Tax	(6.36%)	9.41%
Motor Vehicle Use Tax	14.49%	3.91%
Total Sales & Use Tax	(1.82%)	100.00%

Table 2 illustrates the extreme volatility of January revenue collections, particularly in business/consumer use tax and construction use tax.

TABLE 2

Category	Percent Increase/(Decrease)			
	2011	2012	2013	2014
Retail Sales Tax	17.88%	(0.57%)	3.61%	2.83%
Business/Consumer Use Tax (incl. vehicles)	(81.40%)	(38.79%)	48.28%	(21.74%)
Construction Use Tax	5.29%	38.13%	90.08%	(6.36%)
Total	24.00%	(10.25%)	13.96%	(1.82%)

MEDICAL MARIJUANA RETAIL SALES TAX

Retail sales tax during the month of January, 2014 totaled \$86,993, up by 25.13% from that remitted during the comparable period in 2013. The fact that there are multiple vendors in this category enables the reporting of this data. Such reporting for recreational marijuana will not be possible until multiple vendors begin collecting and remitting tax. The Municipal Code prohibits providing any information that would identify sales by individual vendors.

Jan
\$86,993
25.13%

RECREATIONAL MARIJUANA RETAIL SALES TAX AND EXCISE TAX

There were no sales of recreational marijuana reported in the month of January. We currently expect that a limited number of vendors will complete the licensing process and begin sales during the first quarter of the year. Therefore, we will not begin reporting on activity in this category until multiple vendors have reported so that individual vendors will not have their sales data identified (as noted in the previous paragraph).

ACCOMMODATION TAX

Total year 2014 Accommodation Tax revenue is up by 39.24% from the same period in 2013.

ADMISSIONS TAX

Total year 2014 Admission Tax revenue is down by 22.89% from the same period in 2013.

TRASH TAX

Tax returns for trash tax are not remitted until the first quarter of the year is completed.

MARIJUANA EXCISE TAX

There were no licensed recreational grow operations operating during the January of 2014. When tax collections do occur the information will be provided in a format that does not release individual vendor information.

Total Net Sales/Use Tax Receipts by Tax Category	JANUARY YTD Actual			
	2013	2014	% Change	% of Total
Sales Tax	5,557,163	5,965,991	2.83%	78.43%
Business Use Tax	883,275	627,592	-31.94%	8.25%
Construction Sales/Use Tax	732,539	716,119	-6.36%	9.41%
Motor Vehicle Use Tax	248,740	297,302	14.49%	3.91%
Total Sales and Use Tax	7,421,718	7,607,004	-1.82%	100.00%

Total Net Sales/Use Tax Receipts by Industry Type	JANUARY YTD Actual			
	2013	2014	%Change	% of Total
Food Stores	891,126	969,344	4.19%	12.74%
Eating Places	918,945	970,670	1.18%	12.76%
Apparel Stores	228,804	235,491	-1.41%	3.10%
Home Furnishings	185,869	226,130	16.53%	2.97%
General Retail	1,565,307	1,365,326	-16.45%	17.95%
Transportation/Utilities	646,399	738,921	9.50%	9.71%
Automotive Trade	615,300	644,167	0.28%	8.47%
Building Material-Retail	94,830	266,429	169.12%	3.50%
Construction Firms Sales/Use Tax	631,418	678,071	2.86%	8.91%
Consumer Electronics	161,250	174,773	3.82%	2.30%
Computer Related Business Sector	743,863	456,125	-41.27%	6.00%
All Other	738,608	881,557	14.32%	11.59%
Total Sales and Use Tax	7,421,718	7,607,004	-1.82%	100.00%

Total Net Sales/Use Tax Receipts by Geographic Area	JANUARY YTD Actual			
	2013	2014	% Change	% of Total
North Broadway	104,268	94,458	-13.23%	1.24%
Downtown	442,631	491,529	6.37%	6.46%
Downtown Extension	47,932	86,851	73.56%	1.14%
UHGID (the "hill")	85,315	98,038	10.07%	1.29%
East Downtown	41,250	59,874	39.03%	0.79%
N. 28th St. Commercial	261,714	367,520	34.51%	4.83%
N. Broadway Annex	27,407	21,971	-23.21%	0.29%
University of Colorado	182,541	195,802	2.75%	2.57%
Basemar	136,185	192,590	35.46%	2.53%
BVRC-Boulder Valley Regional Center	1,330,166	1,623,665	16.92%	21.34%
29th Street	486,951	383,762	-24.51%	5.04%
Table Mesa	209,710	207,472	-5.24%	2.73%
The Meadows	23,377	63,724	161.11%	0.84%
All Other Boulder	457,576	463,299	-3.02%	6.09%
Boulder County	55,875	72,796	24.79%	0.96%
Metro Denver	142,315	163,819	10.26%	2.15%
Colorado All Other	10,596	16,169	46.17%	0.21%
Out of State	917,895	583,903	-39.07%	7.68%
Airport	898	2,711	189.17%	0.04%
Gunbarrel Industrial	695,612	420,849	-42.05%	5.53%
Gunbarrel Commercial	106,922	88,905	-20.35%	1.17%
Pearl Street Mall	182,323	166,573	-12.49%	2.19%
Boulder Industrial	676,531	839,036	18.79%	11.03%
Unlicensed Receipts	130,250	110,306	-18.88%	1.45%
County Clerk	248,740	297,302	14.49%	3.91%
Public Utilities	416,738	494,079	13.56%	6.50%
Total Sales and Use Tax	7,421,718	7,607,004	-1.82%	100.00%

Miscellaneous Tax Statistics	JANUARY YTD Actual		
	2013	2014	% Change in Taxable Sales
Total Food Service Tax	42,079	43,412	3.17%
Accommodations Tax	223,781	311,593	39.24%
Admissions Tax	56,451	43,529	-22.89%
Trash Tax	20,632	5,138	-75.10%
Disposable Bag Fee	0	938	na

COMPARISON OF YEAR-TO-DATE ACTUAL REVENUE FOR THE YEAR 2014 TO COMPARABLE PERIOD IN 2013

USE >> SALES

USE TAX BY CATEGORY			SALES TAX BY CATEGORY			
JANUARY YTD Actual			Standard Industrial Code	JANUARY YTD Actual		
2013	2014	% Change		2013	2014	% Change
4,084	8,982	110.66%	Food Stores	887,042	960,361	3.70%
12,991	10,997	-18.92%	Eating Places	905,954	959,673	1.47%
1,122	993	-15.23%	Apparel Stores	227,681	234,498	-1.35%
752	818	4.19%	Home Furnishings	185,117	225,312	16.58%
66,573	60,700	-12.66%	General Retail	1,498,734	1,304,626	-16.62%
9,082	23,031	142.90%	Transportation/Utilities	637,317	715,891	7.60%
287,449	301,677	0.53%	Automotive Trade	327,851	342,491	0.06%
521	2,683	393.23%	Building Material-Retail	94,309	263,746	167.88%
616,333	657,088	2.12%	Construction Sales/ Use Tax	15,085	20,983	33.24%
6,040	974	-84.55%	Consumer Electronics	155,210	173,799	7.26%
607,291	369,128	-41.78%	Computer Related Business	136,572	86,996	-38.98%
252,316	203,943	-22.58%	All Other	486,292	677,615	33.47%
1,864,555	1,641,013	-15.70%	Total Sales and Use Tax	5,557,163	5,965,991	2.83%

USE TAX BY CATEGORY			SALES TAX BY CATEGORY			
JANUARY YTD Actual			Geographic Code	JANUARY YTD Actual		
2013	2014	% Change		2013	2014	% Change
6,733	399	-94.32%	North Broadway	97,535	94,059	-7.63%
61,721	110,205	71.03%	Downtown	380,910	381,325	-4.11%
79	30,468	36841.48%	Downtown Extension	47,853	56,385	12.86%
1,871	14,620	648.48%	UHGID (the "hill")	83,445	83,418	-4.24%
2,890	19,267	538.59%	East Downtown	38,360	40,607	1.40%
50,370	2,366	-95.50%	N. 28th St. Commercial	211,344	365,154	65.50%
218	-5,006	-2299.57%	N. Broadway Annex	27,189	26,977	-4.96%
4	581	13812.99%	University of Colorado	182,537	195,221	2.44%
2,422	57,614	2178.55%	Basemar	133,763	134,975	-3.35%
26,952	19,387	-31.10%	BVRC	1,303,214	1,604,279	17.91%
9,114	3,755	-60.54%	29th Street	477,837	380,007	-23.82%
4,012	1,453	-65.31%	Table Mesa	205,698	206,019	-4.06%
531	297	-46.42%	The Meadows	22,846	63,427	165.93%
271,870	230,690	-18.72%	All Other Boulder	185,706	232,609	19.98%
2,263	14,209	501.43%	Boulder County	53,612	58,587	4.68%
7,964	24,666	196.67%	Metro Denver	134,351	139,153	-0.79%
912	387	-59.35%	Colorado All Other	9,684	15,781	56.09%
258,316	9,022	-96.65%	Out of State	659,579	574,881	-16.51%
234	2,521	931.96%	Airport	663	190	-72.55%
536,657	351,603	-37.24%	Gunbarrel Industrial	158,955	69,246	-58.27%
1,229	2,435	89.78%	Gunbarrel Commercial	105,693	86,470	-21.63%
4,714	2,691	-45.32%	Pearl Street Mall	177,609	163,881	-11.62%
251,136	383,122	46.13%	Boulder Industrial	425,395	455,914	2.66%
108,100	57,285	-49.24%	Unlicensed Receipts	22,150	53,020	129.28%
248,740	297,302	14.49%	County Clerk	0	0	#DIV/0!
5,504	9,675	68.39%	Public Utilities	411,233	484,404	12.83%
1,864,555	1,641,013	-15.70%	Total Sales and Use Tax	5,557,163	5,965,991	2.83%

TOTAL CITY SALES AND USE TAX COLLECTIONS

REVENUE CATEGORY	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	% Change in Taxable Sales
RETAIL SALES TAX	2007	5,118,353	5,014,615	6,918,421	4,965,981	5,500,701	6,712,841	5,565,371	6,393,028	6,954,377	5,747,963	5,695,703	8,411,484	72,998,838	9.34%
Rate Chg 3.56%>3.41%	2008	5,197,400	5,105,109	6,005,946	5,331,447	5,488,450	6,572,335	5,508,795	6,258,640	6,620,535	5,382,779	5,255,155	7,443,455	70,170,045	0.35%
Rate 3.41%	2009	4,919,570	4,659,632	5,850,038	5,077,648	5,131,444	6,428,343	5,206,770	5,790,533	6,093,314	5,170,325	4,735,769	7,814,230	66,877,613	-4.69%
	2010	4,576,034	5,386,190	6,196,697	5,320,225	5,470,595	6,895,283	5,522,076	5,943,315	6,855,385	5,652,938	5,240,211	8,414,157	71,473,106	6.87%
	2011	5,394,367	5,132,437	6,692,597	5,630,200	5,708,608	7,016,826	5,680,953	6,531,707	7,286,644	5,765,805	5,830,545	8,390,145	74,960,833	4.88%
	2012	5,363,541	5,129,096	6,754,740	5,599,150	5,988,770	7,304,270	5,551,489	7,062,958	7,502,227	6,188,194	5,693,025	9,604,529	77,741,989	3.71%
	2013	5,557,163	5,824,808	7,171,949	5,707,649	6,197,302	7,968,604	6,161,076	6,944,797	7,500,133	6,591,707	6,120,225	9,739,609	81,485,022	4.81%
Rate 3.56%	2014	5,965,991												5,965,991	-92.68%
Change from prior year (Month)		2.83%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%		
Change from prior year (YTD)		2.83%	-43.14%	-65.41%	-73.89%	-79.31%	-83.49%	-85.69%	-87.76%	-89.39%	-90.45%	-91.24%	-92.33%		
CONSUMER USE TAX (includes Motor Vehicle)	2007	763,650	574,006	975,178	888,726	733,196	858,072	975,456	652,501	923,667	732,463	716,317	1,575,908	10,369,140	-6.63%
Rate 3.41%	2008	818,034	991,472	1,109,160	669,214	736,901	1,067,769	732,334	596,399	899,934	989,683	599,876	1,253,267	10,464,043	5.35%
	2009	909,658	657,250	1,062,587	997,891	531,724	790,819	858,325	1,299,767	989,089	741,578	698,452	1,600,457	11,137,497	6.44%
	2010	687,502	778,796	913,223	701,931	662,382	945,800	620,328	633,593	909,315	752,143	618,493	1,366,131	9,589,636	-13.90%
	2011	1,247,135	650,595	1,034,670	727,395	850,561	1,166,185	958,724	771,357	1,044,032	703,092	903,665	1,410,793	11,468,205	19.59%
	2012	763,425	768,580	859,971	976,451	1,212,071	1,033,899	729,829	940,127	957,894	1,417,818	737,310	1,469,940	11,867,314	3.48%
	2013	1,132,015	762,369	979,120	866,143	911,993	963,938	835,063	768,003	1,338,726	1,121,736	807,130	1,522,486	12,008,722	1.19%
Rate 3.56%	2014	924,895												924,895	-92.30%
Change from prior year (Month)		-21.74%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%		
Change from prior year (YTD)		-21.74%	-51.18%	-67.81%	-75.27%	-80.12%	-83.53%	-85.66%	-87.19%	-89.19%	-90.44%	-91.18%	-92.30%		
CONSTRUCTION USE TAX	2007	293,078	347,860	112,016	293,061	621,413	430,207	1,119,425	259,226	421,376	286,524	376,978	253,590	4,814,755	-13.02%
Rate Chg 3.56%>3.41%	2008	330,080	347,219	748,549	454,797	327,855	241,649	1,007,759	442,852	347,954	217,885	107,831	381,753	4,048,982	-12.21%
Rate 3.41%	2009	944,905	111,907	425,028	776,511	279,761	995,132	721,209	676,301	235,485	223,169	591,970	1,467,798	7,449,176	83.88%
	2010	591,599	242,591	245,829	362,619	226,230	1,921,675	1,075,078	467,423	245,361	234,021	406,868	531,670	6,550,964	-12.06%
	2011	622,872	281,210	274,661	240,970	2,150,036	352,336	352,846	455,211	478,988	314,958	177,137	471,157	6,172,383	-5.78%
	2012	385,392	1,697,323	315,856	503,719	342,448	375,499	595,334	214,896	422,866	473,523	799,552	371,254	6,497,662	5.27%
	2013	732,539	941,380	298,613	577,351	366,959	728,141	845,123	1,182,131	1,196,147	876,749	622,491	1,511,632	9,879,257	52.04%
Rate 3.56%	2014	716,119												716,119	-92.75%
Change from prior year (Month)		-6.36%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%		
Change from prior year (YTD)		-6.36%	-57.22%	-63.70%	-71.92%	-75.45%	-80.35%	-84.05%	-87.38%	-89.57%	-90.75%	-91.44%	-92.75%		
TOTAL FOR MONTH & CHANGE FROM PREVIOUS YEAR (MONTH & YTD)	2007	6,175,081	5,936,481	8,005,615	6,147,768	6,855,311	8,001,120	7,660,252	7,304,754	8,299,420	6,766,951	6,788,999	10,240,982	88,182,732	5.73%
Rate Chg 3.41%>3.56%	2008	6,345,513	6,443,800	7,863,654	6,455,459	6,553,206	7,881,753	6,341,889	7,297,691	7,868,423	6,590,347	5,962,862	9,078,475	84,683,070	0.26%
Rate Chg 3.56%>3.41%	2009	6,774,033	5,428,789	7,337,653	6,852,049	5,942,929	8,214,294	6,786,304	7,766,601	7,317,887	6,135,072	6,026,191	10,882,485	85,464,286	0.92%
Rate 3.41%	2010	5,855,134	6,407,577	7,355,749	6,384,774	6,359,207	9,762,758	7,217,482	7,044,332	8,010,061	6,639,102	6,265,572	10,311,957	87,613,706	2.51%
	2011	7,264,374	6,064,242	8,001,928	6,598,565	8,709,205	8,535,347	7,758,275	7,758,275	8,809,664	6,783,855	6,911,348	10,272,096	92,601,421	5.69%
	2012	6,512,359	7,594,999	7,930,567	7,079,320	7,543,289	8,713,668	6,876,652	8,217,981	8,882,987	8,079,535	7,229,887	11,445,723	96,106,966	3.79%
	2013	7,421,717	7,528,557	8,449,682	7,151,142	7,476,254	9,660,683	7,841,262	8,894,931	10,035,006	8,590,192	7,549,846	12,773,727	103,373,001	7.56%
	2014	7,607,004	0	0	0	0	0	0	0	0	0	0	0	7,607,004	-92.64%
Less Refunds	2006	-40,302	-5,272	-22,761	-363	-5,099	0	0	-7,568	-806	-5,947	-406	-16,773	-105,296	
	2007	0	-38,291	-2,013	-729	-9,326	-14,547	-14,440	-677	0	-5,963	0	-5,015	-91,001	
	2008	-978	0	-46,974	-1,409	0	-2,375	-445	-9,493	-1,429	0	-48,521	-500	-112,123	
	2009	-3,335	0	0	-1,111	-602	-692	-967	-3,520	-2,747	-179,087	-65,331	-26,376	-283,770	
	2010	-3,469	-68,130	-35,924	-1,444	-43,920	-3,832	-1,648	-4,204	-7,969	0	-12,480	-214	-183,234	
	2011	-8,569	-2,479	-1,188	-2,918	0	0	-7,175	0	0	-182	0	-140,199	-162,690	
Adjusted total	2007	6,175,081	5,898,190	8,003,602	6,147,039	6,845,984	7,986,572	7,645,812	7,304,077	8,299,420	6,760,988	6,788,999	10,235,967	88,091,731	5.76%
	2008	6,344,536	6,443,800	7,816,680	6,454,050	6,553,206	7,879,378	6,341,444	7,288,198	7,866,995	6,590,347	5,914,341	9,077,975	84,570,947	0.23%
Rate 3.41%	2009	6,770,698	5,428,789	7,337,653	6,850,938	5,942,327	8,213,602	6,785,337	7,763,080	7,315,140	5,955,985	5,960,860	10,856,109	85,180,517	0.72%
	2010	5,851,665	6,329,447	7,319,826	6,383,330	6,315,288	9,758,926	7,215,834	7,040,127	8,002,092	6,639,102	6,253,092	10,311,744	87,430,472	2.64%
	2011	7,255,806	6,061,763	8,000,739	6,595,647	8,709,205	8,535,347	7,758,275	7,758,275	8,809,664	6,783,693	6,911,348	10,131,897	92,438,731	5.73%
	2012	6,512,359	7,594,999	7,930,567	7,079,320	7,543,289	8,713,668	6,876,652	8,217,981	8,882,987	8,079,535	7,229,887	11,445,723	96,106,966	3.97%
	2013	7,421,717	7,528,557	8,449,682	7,151,142	7,476,254	9,660,683	7,841,262	8,894,931	10,035,006	8,590,192	7,549,846	12,773,727	103,373,001	7.56%
Rate Chg 3.41%>3.56%	2014	7,607,004	0	0	0	0	0	0	0	0	0	0	0	7,607,004	-92.64%
% Change (month)		-1.82%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%	-100.00%		
% Change (YTD)		-1.82%	-49.12%	-67.49%	-75.10%	-80.00%	-84.05%	-86.30%	-88.19%	-89.78%	-90.84%	-91.60%	-92.64%		

COMMERCIAL AND RESIDENTIAL MALL POLICE CALL STATISTICS

MONTH	Assault		Auto Theft		Burglary		Crim. Mis.		Crim. Tres.		Disturbance		Domestic		Drunk		DUI		Felony Menacing		Fight	
	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013
January	3	3				3	4	4	2	6	23	45		5	20	24	3	2				
February	3	4				1	5	2	1	1	22	20	2		22	5		3				
March	8	5				1	3	4	1	1	39	28	3	3	11	16	3	6				
April		3						4		1		26		2		15		3				
May		4						3		2		31		2		14		2				
June		3				1		2				31		1		17		3				
July		2						4				30		4		9		2				
August		7						7		1		33		4		13		3				
September		8						3				20		2		7		3				
October		7						7				25		4		4		3				
November		6						4		3		28				21		3				
December		3						4				30		3		28		3				
MONTH	Fireworks		Hang Ups		Harassment		Indec. Exp.		Liq. Law Vio.		Littering		Loitering		Narcotics		Noise		Open Door		Party	
	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013
January			14	13	2	17	1			7			12	8	5	5			3	2		
February			5	8	6	3		1	2	8			2	5	2	4			7	3		
March			7	12	5	4		1	4	4			13	9	2	7				2		
April				9		7		1		1				8		8				1		
May				22		8				2				13		9						
June				7		4				1				15		6				2		
July				11		8				1				18		8						
August				10		7		1		10				21		4				1		
September				9		5				2				10		2				1		
October				5		8		3		1				10		3				3		
November				10		9				3				12		1						
December				17		3		3		1				4		4					3	
MONTH	Prowler		Robbery		Sex Assault		Shoplifting		Shots		Stabbing		Suicide		Suspicious		Theft		Trespass		Weapon	
	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013
January					1	2									2		27	31				
February				1											5	2	22	13				
March				1											5	3	29	22				
April						1										6		26				
May						4										4		35				
June																		32				
July																5		34				
August				1												3		33				
September						2										3		25				
October																		15				
November						1										5		23				
December		1		1												1		13				

Opened in 2013

Business			Open Date	Notes
kidrobot	1468	Pearl	September-12	replaces Life is Good/Jake's On Pearl
Rocket Fizz	1441	Pearl	September-12	replaces Pennyweights
Press Play	1005	Pearl	September-12	replaces Round Midnight
West Flanders Brewery	1125	Pearl	September-12	replaces BJ's
Athleta	1133	Pearl	November-12	Women's athletic apparel
Nod and Rose	1220	Walnut	November-12	Apparel
Retail Therapy	1638	Pearl	December-12	Women's apparel (formerly Now & Zen)
Hub Boulder	1877	Bdwy	December-12	Temporary shared office spaces
A Café	2018	Bdwy	December-12	Replaces Crepes ala Cart
Jaipur Indian Restaurant	1214	Walnut	December-12	Replaces Bombay Bistro
Earthbound Trading	935	Pearl	February-13	national soft goods (replacing Eclectix)
Timothy's of Colorado	1136	Spruce	February-13	fine jewelry
Meta Skateboards	1505	Pearl	March-13	
Island Farm	1122	Pearl	April-13	Soft goods/clothing
The Riverside	1724	Bdwy	April-13	Event center, café, wine bar, co-working space
Bohemian Biergarten	2017	13th	April-13	Replaces Shugs
Bishop	1019	10th	April-13	home furnishings (owners of 3rd and Vine)
ReMax of Boulder	1320	Pearl	April-13	replaces Little Buddha
Old Glory Antiques	777	Pearl	May-13	Replaces West End Gardener
Yeti Imports	2015	Brdwy	May-13	Replaces BolderWorld
Into Earth	1200	Pearl	July-13	Replaces LeftHand Books
The Savvy Hen	1908	Pearl	July-13	
The Dragontree	1521	Pearl	July-13	Day Spa
Steele Photography	2039	11th	July-13	
FlipFlopShop	1110	Pearl	August-13	Replaces Blue Skies
BOCO Fit	2100	Pearl	August-13	Fitness gym
Ceder & Hyde	2015	10th	October-13	Apparel
Fjall Raven	777	Pearl	October-13	replaces Old Glory
Lon	2037	13th	November-13	Gifts
Boulder Brands	1600	Pearl	November-13	Marketing services
Wok Eat	946	Pearl	December-13	replaces World Café
Zeal	1710	Pearl	December-13	replaces H Burger
AlexandAni	1505	Pearl	January-14	Jewelry
Made in Nature	1708	13th	January-14	Organic food products
Foundation Health	1941	Pearl	January-14	Medical office
Sforno	1308	Pearl	March-14	replaces Roma

Closed in 2013

Business			Close Date	Notes
Wenger	1122	Pearl	September-12	
Gondolier	1600	Pearl	September-12	
Round Midnight	1005	Pearl	September-12	became Press Play
Eclectix	935	Pearl	September-12	re-located
Crepes ala Carte	2018	Bdwy	November-12	re-branded as Arlene's
Silhouette	2115	10th	January-13	
Shooter's Bar&Grill	1234	Walnut	December-12	
Bombay Bistro	1214	Walnut	December-12	
Sensorielle	1300	13th	January-13	Moved to Lafayette
Little Buddha	1320	Pearl	February-13	Moved to Yehti Imports
Boulder Map Gallery	1708	13th	March-13	Moved to Table Mesa
Blue Skies	1110	Pearl	March-13	

Left Hand Books	1200	Pearl	March-13	
Installation	1955	Bdwy	March-13	
West End Gardener	777	Pearl	March-13	
Bolder World	2015	Bdwy	April-13	replaced by Yeti Imports
Swiss Chalet	1642	Pearl	Jun-13	
Lilli	1646	Pearl	June-13	Chelsea to replace
H Burger	1710	Pearl	June-13	
Timothy's of Colorado	1136	Spruce	July-13	
Atlas Coffee	1500	Pearl	July-13	
Sweet Bird Studio	2017	17th	July-13	
Old Glory Antiques	777	Pearl	July-13	
A Café	2018	Bdwy	September-13	
Independent Motors	250	Pearl	November-13	
Om Time	2035	Bdwy	November-13	
Boulder Mart	1713	Pearl	December-13	
Retail Therapy	1638	Pearl	December-13	
Jovie	2115	13th	December-13	
Holiday & Co	943	Pearl	January-14	
Il Caffè	1738	Pearl	January-14	converted to private event space for Frasca
Roma	1308	Pearl	January-14	being replaced by Sforno
Twirl	1727	15th	January-14	rethinking concept
Bacaro	921	Pearl	March-14	new owner/concept
Mainberry	1433	Pearl	March-14	replaced by gelato
hip consignment	1468	Pearl	March-14	moved out of Downtown
Gaiam Living	1215	Pearl	March-14	
Future				
Business			Open Date	Notes
Cariloha	1468	Pearl	Spring 14	bamboo products
Flor di Latte	1433	Pearl	Spring 14	gelato

DRAFT First Step in the Decision Making Framework:

Memorandum of Understanding for Civic Use Benefit
City of Boulder and St. Julien Partners

Purpose: Conduct the necessary analysis, negotiations and design work in order to enter into a management agreement for civic benefit within the future addition to the St. Julien Hotel.

Statements of Intent	Responsibilities	Areas of Interest
<p>Development of a preliminary agreement (MOU) outlining how to make a civic benefit a reality through a public private partnership.</p> <p>St. Julien: Provide civic benefit through access to the 1st Floor event space & rooftop deck Use of the event space and rooftop for Hotel related uses Addition of hotel rooms connected to the hotel Finance & construct the building Agreement to the operational criteria</p> <p>City of Boulder: Receive civic benefit from the 1st floor and rooftop Design approval of civic spaces Agreement to the operational criteria</p>	<p>Collaboratively develop a common understanding of all the issues and interests of both parties in order to enter into a management agreement</p> <p>St. Julien: Preliminary building design in conjunction with CAGID & COB Proposal for civic space management including the use of outside caterers</p> <p>City of Boulder: Legislative changes/modifications (attached) Analysis and outreach to civic users to understand space needs and parameters Analysis of options for the civic benefit subsidy Criteria for management of the civic spaces Design criteria for pedestrian connection</p>	<p>In developing a proposal for the design and operation of civic benefit space each party will have areas of interest.</p> <p>City of Boulder Design: Transparency of the west wall of the civic use space Design integration of the potential connection of pedestrian bridge over Canyon Blvd. Design of the event space in order to maximize its use for performances and arts events Design and public access to roof deck</p> <p>Management of civic use space for the benefit of the community and non-profits</p> <p>St. Julien: Design: Similar concerns to the City of Boulder</p> <p>Management of civic use space when not reserved for community and non-profit groups</p>

Second Step in the Decision Making Framework:

Management Agreement for Civic Use Benefit
City of Boulder and St. Julien Partners

Purpose: Creation of the legal document which specifies the legal, operational and financial responsibilities of both parties and solidifies the public private partnership.

Civic Use Pad Legislative Changes and Transactional Agreements

March 10, 2014

Document	COB Staff	Planning Board	BURA	CAGID/DMC	CAGID/CC	City Council	Civic Use Task Force	St. Julien	Condo Assoc	Comments:
First steps In sequential order:										
Agreements: By June 2014										
Memorandum of Understanding	DG/MW/BE CP&S/CP&S	N/A	N/A	Information	N/A	Yes	Information/ Recommend	Yes	?, is there a role for the Association	Between the City and St. Julien
9 th & Canyon Urban Renewal Plan	DG, MW, LH, CMO, CP&S	Yes, 2nd	Yes, 1st	Information	N/A	Yes, 3 rd	Information/ Recommend	N/A	N/A	Civic Use % and FAR modification;
Implementation:										
Condo Declaration Lease Amendment	DG, MW, CMO	N/A	N/A	Information	Yes	Yes	Information/ Recommend	Yes	Yes	Condo Association lead: Remove lease; replace with mgt agreement
Site Review Amendment Approval: FAR and other items; include easement Over 10 th Street	DG, CP&S, MW, OSMP	Yes	Covered in earlier ruling	Information	Easement ?	Yes	Information/ Recommend	Yes	Yes	St. Julien lead Change to approved FAR in site review and other items
Second Steps:										
Long term lease for storage space in garage unit	DG, MW, OSMP	N/A	N/A	Yes, 1 st	Yes, 2 nd	N/A	N/A	?	?	Lease for storage space; who is it with St. J or condo?
Management Agreement	DG/MW/ BE/CMO/ CP&S	No	N/A	Information	N/A	Yes	Information/ Recommend	Yes	No	Final document with civic benefit



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: April 16, 2014

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, an ordinance amending Section 9-6-5, "Temporary Lodging, Dining, Entertainment, and Cultural Uses," B.R.C. 1981, by increasing the number of mobile food vehicles allowed on private property in designated zone districts and setting forth related details.

PRESENTER/S

Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director, Community Planning and Sustainability
Molly M. Winter, Director, Downtown & University Hill Management
Division/Parking Services
Jeff Dillon, Director, Parks & Recreation Department
Susan Richstone, Deputy Director, Community Planning and Sustainability
Sandra Llanes, Senior Assistant City Attorney
Mishawn Cook, Tax and License Manager, Finance Department
Sarah DeSouza, Senior Manager for Community Outreach, Parks & Recreation
Lane Landrith, Business Coordinator, Downtown & University Hill Management
Division/Parking Services
Chandler VanSchaack, Associate Planner, P&DS

EXECUTIVE SUMMARY

The purpose of this council agenda item is to update City Council on results from the 2013 summer pilot program for Mobile Food Vehicles and propose a modification to the ordinance. In response to interest expressed by the City Council and licensed operators of Mobile Food Vehicles (MFV) in expanded citywide opportunities (including the downtown), staff developed a pilot program for implementation during the summer of 2013. The proposed pilot program did not include any changes to current regulations prohibiting Mobile Food Vehicles within the downtown core area.

The pilot program included:

- Mobile Food Vehicles adjacent to several city parks
- Mobile Food Vehicle Sunday afternoon gathering, or “podding,” in the Municipal Campus (west of Broadway, south of Canyon Blvd.) parking lot June 2-August 25, 2013, 11:00AM – 4:00 PM
- Mobile Food Vehicle late night “podding” in Park Central parking lot, northwest corner of Broadway and Arapahoe, June 1-September 30, 2013, Thursday through Saturday nights, 11:00 PM – 3:00 AM
- Administrative changes regarding MFV permitting via the Tax and License Manager
- The MFV pilot programs were monitored for compliance and participation

Staff is recommending an increase to the maximum number of MFV’s permitted on private property from two to four within the existing approved zones including downtown. See **Attachment B** for potential downtown private property parking lot locations that would qualify, as seen circled in red.

Allowing MFV’s in the stated city parks will continue as well as the option for podding in the Park Central parking lot as a Special Event, should there be interest.

The Downtown Management Division and the Parks and Recreation Board supported staff’s recommendation. Planning Board supported the staff recommendation and in addition, recommended allowing MFVs in the MU4 zoning district, and considering extending MFVs operating beyond the existing limit of 9pm, allowing MFVs to operate within 150 feet of restaurants when they are closed, and identifying other sites and zones for MFV operation.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce on first reading and order published by title only, an ordinance amending Section 9-6-5, “Temporary Lodging, Dining, Entertainment, and Cultural Uses,” B.R.C. 1981, by increasing the number of mobile food vehicles allowed on private property in designated zone districts and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Mobile Food Vehicles collect and remit required sales tax in accordance with the city’s standard operating procedure.
- Environmental: Availability of food in city park locations would provide options that dissuade community members from driving out to purchase meal selections, then returning.
- Social: Mobile Food Vehicles providing goods and services at city owned facilities may lead to a greater sense of community, offering options for neighbors

to gather inclusively and with fewer economic barriers to entry.

OTHER IMPACTS

Fiscal - Budgetary impacts to the city organization:

Parks and Recreation Department and Licensing Department spent monies on signage, web-based IT expense, and staff hours, none of which were reimbursed by the participating MFV vendors.

BOARD AND COMMISSION FEEDBACK

- Downtown Management Commission (DMC) voted unanimously to support the staff recommendation to amend the city ordinance as proposed.
- Parks and Recreation Advisory Board (PRAB) voted unanimously to support the staff recommendation to amend the city ordinance as proposed.

Planning Board voted unanimously in support of the staff recommendation. In addition, Planning Board recommended: allowing MFVs in the MU4 zoning district (Boulder Junction), considering later hours of operation, considering allowing food trucks to operate within 150 feet of restaurants when those restaurants are closed, and recommending that staff identify opportunity sites and zones where food trucks may be an appropriate use.

PUBLIC FEEDBACK

Downtown Boulder Inc. (DBI) voted unanimously to remain neutral on the proposed ordinance change.

Staff conducted a survey of the MFV's and their feedback can be found in **Attachment C**.

ANALYSIS

Throughout the eleven week pilot program, MFVs were able to park during daylight hours in five of the city's most popular parks (Tom Watson Park, Foothills Community Park, North Boulder Park, Harlow Platts Park and East Boulder Community Park); on Sunday afternoons in the Municipal Campus parking lot; and as a special event in the city-owned Park Central parking lot on Thursday through Saturday late nights. Additionally, during the summer months, MFVs were invited to participate in various Parks and Recreation Department-sponsored events such as Flick and Float, the Concert in the Park series and at the Library Summer Festival.

There was one MFV that regularly conducted business in city parks, while two others visited on two occasions during the eleven week pilot program. Participation in the parks-based MFV pilot program was free for licensed food trucks, and required only that vendors "check in" via email to indicate their arrival and departure times.

No changes to the code are needed to provide the additional park opportunities provided to MFV's in the pilot program because that authority currently exists in Section 9-6-5(d)(1)(C). See code cite below. Over 90% of MFV vendors indicated a desire to park

adjacent to City of Boulder parks and 100% want to continue operating inside high profile parks. Currently mobile food vehicles and carts may be located at Tom Watson Park, Foothills Community Park, North Boulder Park, Harlow Platts Park and East Boulder Community Park. However, MFV's will still need to check in with the parks department to confirm available locations and hours.

B.R.C. 9-6-5(d)(1)(C) No person shall operate a mobile food vehicle in a residential zone district except with prior approval by the city manager in the parking lot or the public right of way adjacent to North Boulder Park or in any other park as approved by the city manager.

Based on feedback from the MFV owners citing inadequate sales, the Sunday "podding" program in the Canyon Boulevard parking lot was discontinued after six weeks.

The Park Central parking lot was selected for the late-night podding based on its location between downtown and the Hill and the distance from the residences at 11th and Arapahoe. The timing was determined based on the operational hours of the existing, adjacent bricks and mortar food establishments (Alfalfa's and Mustard's Last Stand) and the late night pedestrian traffic from downtown to the hill. There was very limited participation in the late night pilot program, starting with week three, no MFV's participated, citing that they did not feel safe due to poor lighting and lack of passing or participating customers. No parked cars were relocated in the Park Central lot to make space for the MFV trucks in order to keep costs down. It is estimated that three trucks could locate in the lot, either on an assigned schedule or a first come, first served basis, in the future provided there were no cars parked in the lot at the time of MFV arrival.

Licensing staff did receive some comments about the late night location, indicating a wish for a city owned location closer to Pearl Street. Some vendors indicated a desire to have better lighting for safety (that was slated to occur in 2014 due to prior bond funding) and operators wished to have an earlier start time (which likely could occur, provided it does not begin prior to 10:15 PM so as not to compete with Mustard's Last Stand or Alfalfa's).

At the conclusion of the pilot program, MFV's were surveyed to assess their opinions about future options for MFV's in Boulder. The survey had an over 80% response rate and yielded the following results:

- Over 90% of vendors indicated a desire to park adjacent to City of Boulder parks and 100% want to continue operating inside high profile parks.
- Over 45% of vendors would like to participate in another late night podding program in the Park Central parking lot or another high profile downtown location.
- 100% of vendors support increasing the mobile food truck limit currently allowed by code in private downtown lots (with owner's permission) from the current two, to four.

Finally, the attached ordinance includes a correction to subparagraph (d)(1)(A)(iii) of Section 9-6-5, B.R.C. 1981 which erroneously listed use modules instead of zoning districts. This clean-up item does not substantively change the code.

Planning Board Feedback

In addition to supporting the staff recommendation, the Planning Board recommended other options for MFV's. The first is allowing MFV presence in the MU4 zoning area which currently only exists in Boulder Junction. The area is currently in varying stages of development – projects about to open (3100 Pearl), under construction (Depot Square), in planning review (properties north of Goose Creek), in concept review (S'Park or Sutherland's site) and parcels currently occupied by a car dealership without any immediate plans for redevelopment (the city property). Staff recommends proceeding cautiously with introducing MFV's in the MU4 zone as the area has yet to get established and no commercial spaces have been leased. Staff will seek feedback from the Boulder Junction Access District (BJAD) Commission and the MU4 property owners and developers at their meeting on April 3rd.

Currently, MFV's have a 150 foot restriction from all restaurants regardless of where they are located unless the use is in connection with a special event. In 2011, when the MFV ordinance was being developed, there was a clear concern expressed by owners and operators of "brick and mortar" establishments about unfair competition from MFV's. "Brick and mortar" establishments pay yearly rent, triple net, parking district taxes and in the downtown, Business Improvement District taxes. Having the ability of a MFV to arrive during prime hours in the downtown and hill, and have the ability to leave when business slows without paying the ongoing costs of a brick and mortar restaurant creates an inequitable situation. Given the density of restaurants within both the hill and downtown, it would be difficult to meet the 150 foot separation restriction since many downtown and hill establishments remain in operation until later in the evening. (**See Attachment D**) Enforcement of the proposal to allow MFV's to be in front of closed restaurants would be challenging for the police as evening hours in the downtown and hill are already a busy time. Access to on-street parking spaces is also a consideration either MFV's occupying spaces for customer parking or MFV's not having access to the on-street spaces which would already be filled. Downtown Boulder Inc. strongly opposes allowing MFV's within the downtown.

The ending time of MFV operations at 9 pm was based on impacts to surrounding properties and businesses, including noise and trash. If a MFV is part of a special event the time of operation would coincide with the approved time of the permit.

Staff supports exploring appropriate additional zoning districts for MFVs since they can easily energize an area with activity and provide a valuable service in areas without many brick and mortar restaurants. This would need to be added to the work program.

RECOMMENDATIONS

Based on the outcome of last summer's eleven week pilot program and feedback from MFV's, staff recommends making minor changes to the existing city code related to

Mobile Food Trucks in order to be in place for the summer season. The proposed change would allow four instead of two MFVs per private property under BRC 9-6-5(d)(1)(A)(iii) in the previously approved downtown area (**Attachment A**). This meets with approval from currently licensed MFV's as a means to attract clients to a pod of vehicles offering a variety of products in one location.

Staff also recommends that spaces in the city's high profile parks, as identified by the Parks and Recreation Department, continue to be made available to licensed MFV's on a first come first served basis during designated times and that MFV's be allowed to park and conduct business on streets adjacent to those approved city parks where public, on-street parking is available.

Lastly, staff recommends a correction to subparagraph (d)(1)(A)(iii) of Section 9-6-5, B.R.C. 1981 which erroneously listed use modules instead of zoning districts. This clean-up item does not substantively change the code

ATTACHMENTS

- A: Proposed Ordinance Change Regarding Mobile Food Vehicle Sales
- B: Downtown Commercial Areas Where Mobile Food Vehicles Could Potentially Operate on Private Property
- C: Mobile Food Truck Vendor Survey Summary
- D: Operational hours of Downtown and Hill Restaurants

ORDINANCE NO. _____

AN ORDINANCE REGARDING MOBILE FOOD VEHICLE SALES, AMENDING SECTION 9-6-5, "TEMPORARY LODGING, DINING, ENTERTAINMENT, AND CULTURAL USES," B.R.C. 1981, BY INCREASING THE NUMBER OF MOBILE FOOD VEHICLES ALLOWED ON PRIVATE PROPERTY IN DESIGNATED ZONE DISTRICTS, AND SETTING FORTH RELATED DETAILS.

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

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

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

...

- (d) Mobile Food Vehicle Sales. The following criteria apply to any mobile food vehicle sales use:
- (1) Standards: The city manager will permit mobile food vehicle sales on private property, public property, or in the public right of way if the use is permitted in the applicable zoning district and meets the following standards and conditions:
- (A) The use shall be located at least:
- (i) one hundred fifty feet from any residential zone districts, except as provided in subsection (d)(1)(C) below;
 - (ii) one hundred fifty feet from any existing restaurant; and
 - (iii) two hundred feet from any other mobile food vehicle with regard to public right of way sales, no more than ~~two~~ four mobile food vehicles per private property in the MU-1, MU-2, MU-3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, DT-5 M1, M2, M3, B1, B2, B3, B4, B5, D1, D2, D3 zone districts, and no limitation on the number of mobile food vehicles per private property with owner's permission in the I industrial zone districts.
- Distances shall be measured by the City on official maps as the radius from the closest points on the perimeter of the applicant's mobile food vehicle to the closest point of the designated

ATTACHMENT A: Proposed Ordinance Change Regarding Mobile Food Vehicle Sales

residential zone or property of the restaurant. For purposes of this section, the term “restaurant” shall include "eating places” and “retail bakeries” as defined by the Standard Industrial Classification Manual, the edition of which shall be determined by the city manager. With regard to measurement between two or more mobile food vehicles in the public right of way, measurement shall be in the form of standard measuring devices including and not limited to a tape measure.

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

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

ATTACHMENT A: Proposed Ordinance Change Regarding Mobile Food Vehicle Sales

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

Field Cod

TITLE ONLY this ____ day of _____, 20__.

Mayor

Attest:

City Clerk

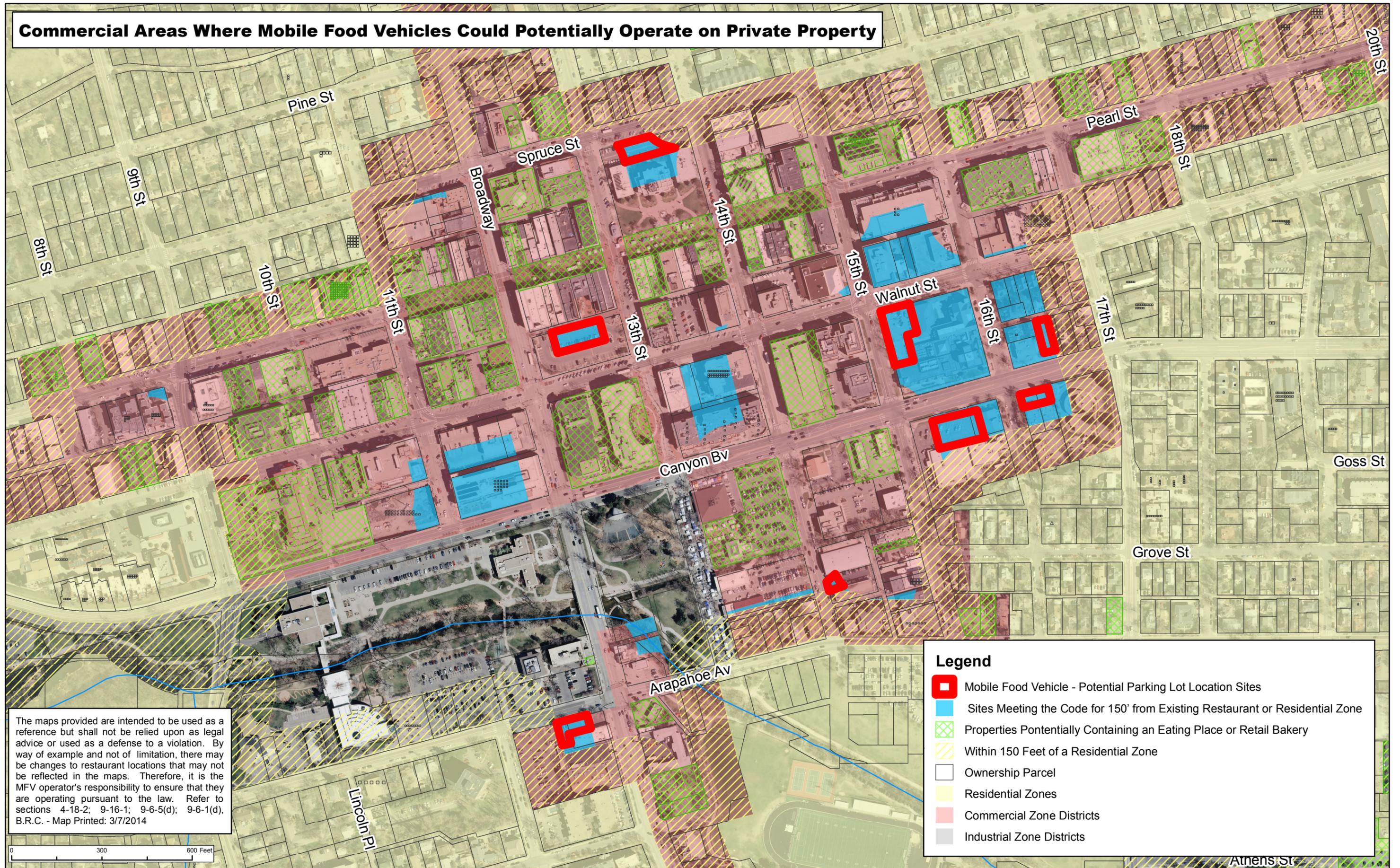
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____, 20__.

Mayor

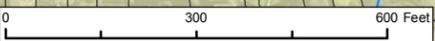
Attest:

City Clerk

Commercial Areas Where Mobile Food Vehicles Could Potentially Operate on Private Property



The maps provided are intended to be used as a reference but shall not be relied upon as legal advice or used as a defense to a violation. By way of example and not of limitation, there may be changes to restaurant locations that may not be reflected in the maps. Therefore, it is the MFV operator's responsibility to ensure that they are operating pursuant to the law. Refer to sections 4-18-2; 9-16-1; 9-6-5(d); 9-6-1(d), B.R.C. - Map Printed: 3/7/2014



Legend

- Mobile Food Vehicle - Potential Parking Lot Location Sites
- Sites Meeting the Code for 150' from Existing Restaurant or Residential Zone
- Properties Pontentially Containing an Eating Place or Retail Bakery
- Within 150 Feet of a Residential Zone
- Ownership Parcel
- Residential Zones
- Commercial Zone Districts
- Industrial Zone Districts

Athens St

Mobile Food Truck Follow Up Survey



1. Please indicate your interest in conducting business in the following areas:

		Response Percent	Response Count
In mobile food vendor parking spots in designated City of Boulder parks		100.0%	13
On street parking adjacent to City of Boulder parks		92.3%	12
Late night podding in Park Central Parking Lot (behind Mustard's Last Stand)		38.5%	5
	Other (please specify)		4
		answered question	13
		skipped question	1

2. If the late night podding pilot program at the Park Central Parking Lot (behind Mustard's Last Stand) was reinstated (nightly from 10:00 p.m. to 3:00 a.m.), would you be interested in participating on a first come, first served basis through the end of April/middle of May?

		Response Percent	Response Count
Yes		46.2%	6
No		53.8%	7
	Other (please specify)		6
		answered question	13
		skipped question	1

ATTACHMENT C: Mobile Food Truck Vendor Survey Summary

3. Are you in support of increasing the mobile food truck limit currently allowed by code in private downtown lots (with owner's permission) from the current two, to four?

		Response Percent	Response Count
Yes		100.0%	14
No		0.0%	0
Other (please specify)			2
answered question			14
skipped question			0

4. Please feel free to provide us your comments.

		Response Count
		8
answered question		8
skipped question		6

ATTACHMENT C: Mobile Food Truck Vendor Survey Summary

Q1. Please indicate your interest in conducting business in the following areas:

1	Food truck night in a busy park (North Boulder Park), with music. Same idea as Prospect Eats.	Oct 30, 2013 8:39 PM
2	Designated street parking spots on downtown streets, everyday of the week. I think it would be great to have the food trucks integrated into the downtown scene through on street parking. However, I realize that an all out free for all would not be feasible, given the limited parking and opposition from established restaurants. If there were a dozen selected parking spots that the trucks could sign up for, then it could be easily regulated and managed. It would be a very nice addition to the downtown Boulder scene.	Oct 29, 2013 7:53 PM
3	A late night spot with more visibility, ie where farmers market is set up	Oct 29, 2013 8:18 AM
4	Late night downtown locations.	Oct 26, 2013 10:19 AM

Q2. If the late night podding pilot program at the Park Central Parking Lot (behind Mustard's Last Stand) was reinstated (nightly from 10:00 p.m. to 3:00 a.m.), would you be interested in participating on a first come, first served basis through the end of April/middle of May?

1	only if it actually works and others get involved	Nov 8, 2013 4:33 PM
2	Bad location	Oct 30, 2013 8:39 PM
3	Once the weather warms and the students are still in session. This could be a big draw.	Oct 30, 2013 5:53 PM
4	Is it possible to start vending earlier than 10:00?	Oct 29, 2013 7:53 PM
5	This location is dark and has little to not visibility especially at night, we need to be in the hill where almost no one serves food after 10pm of near pearl st	Oct 29, 2013 8:18 AM
6	Downrown, this is not a good location.	Oct 26, 2013 10:19 AM

Q3. Are you in support of increasing the mobile food truck limit currently allowed by code in private downtown lots (with owner's permission) from the current two, to four?

1	Pods are huge attractions and draw tourism, generate revenue. I think we need a bi weekly, monthly pod downtown.	Oct 30, 2013 5:53 PM
2	One of the attractions of food trucks is the variety you get with a gathering of trucks. I think you should not set any limits on the number of trucks allowed in private lots, as long as the owner has given his permission. Why have a limit? Let the land owner and the trucks determine the best ratio for whatever event they try to execute.	Oct 29, 2013 7:53 PM

ATTACHMENT C: Mobile Food Truck Vendor Survey Summary

ATTACHMENT C: Mobile Food Truck Vendor Survey Summary

Q4. Please feel free to provide us your comments.

1	I think the downtown late night idea with trucks would be great but the current location behind mustards last stand has no visibility to customers, is dark late and night and creates a security hazard, and is too far away from the pearl street mall to attract any customers. With regard to increasing the number of trucks per private property with owner permission from 2 to 4 is a wonderful idea! I've done events with churches and other downtown businesses that wanted to have trucks come as a service to their customers and were not able to host an event on their own private property because of the existing rules. That's just crazy in my opinion.	Nov 16, 2013 5:04 PM
2	i would support the city of boulder as they try to expand the mobile food truck zones	Nov 8, 2013 4:33 PM
3	Constructive meetings need to be made with food truck owners early this winter to organize next season and make it a success for everybody (trucks, City and customers).	Oct 30, 2013 8:39 PM
4	Food trucks in Boulder have the potential to be a big boost to Boulder. They spur innovation and attract an array of people. I think having pods (groupings of trucks) on a weekly, bi weekly or monthly basis and allowing trucks to serve during off hours could really benefit the downtown/hill areas.	Oct 30, 2013 5:53 PM
5	I believe Boulder is a perfect town to have a vibrant food truck scene. However, the regulations in place are very restricting and have stifled the growth that similar cities have seen in this industry. It has been shown across the country that cities with a healthy food truck scene have increased foot traffic in their downtown areas, which helps all businesses and the city as a whole. With thoughtful regulation, I believe we can develop a great plan that allows food trucks to grow and be successful, while bringing a new vitality to the Boulder food scene, and giving our community another option for getting out and exploring our awesome town. Thanks for listening!	Oct 29, 2013 7:53 PM
6	Thanks for your efforts!	Oct 29, 2013 11:20 AM
7	Food truck need the ability to be in town where people are, we need to have designated areas for food trucks, not 150ft laws where there is not 150ft availability. We need to specify a spot downtown a spot on the hill, and a spot on CU campus where trucks can operate freely. If trucks have to pay the near business's than I'm sure that could be done to have no hard feelings. Food Trucks are the most local a business can be and the trucks are all being pushed say from town.	Oct 29, 2013 8:18 AM
8	Suggest the city of Boulder really discover the nature of the food truck business...you have never asked us, just presented what YOU thought would be cool. I would only be interested in an event that completely highlighted food trucks, not as an afterthought. Only interested in a DOWNTOWN (e.g., Pearl St or mall) location. After the restaurants close but bars are still open.	Oct 26, 2013 10:19 AM

ATTACHMENT D – OPERATIONAL HOURS OF DOWNTOWN AND HILL RESTAURANTS

LATE NIGHT FOOD OPTIONS - DOWNTOWN

Name	Late Night Kitchen Hours	Food Specials
<u>The Attic Bar & Bistro</u>	Monday: Midnight Tuesday-Sunday: 11 p.m.	Upscale Pub
<u>Boulder Baked</u>	Tuesday-Sunday: 4 p.m.-Midnight	Baked to order cookies, brownie sundaes, delicious soups and a variety of grilled cheese sandwiches
<u>Boulder Cafe</u>	Friday-Saturday: 11 p.m.	Boulder Café features fondues, a raw oyster bar and Rocky Mountain cuisine. Happy Hour 3 p.m. till close every day.
<u>Bramble & Hare</u>	Daily: 1:30 a.m.	A variety of farm-to-table a-la-carte specialties.
<u>Brasserie Ten Ten</u>	Friday-Saturday: 11 p.m.	Full Menu
<u>Corner Bar</u>	Saturday-Sunday: 11:45 p.m. Monday-Friday: 10:00 p.m.	A variety of small plates, appetizers, burgers and sandwiches. Full menu served all day
<u>George's Food and Drink</u>	Tuesday-Sunday & Every Boulder Theater Show Night	A variety of pizzas and small appetizers
<u>Hapa Sushi</u>	Thursday-Saturday: 10 p.m.to Midnight	1/2 off of all starters, \$3.50 sake cocktails, \$3.00 hot sake, \$2.50 Hapa beer, and \$3.00 fruit infused sake
<u>Illegal Pete's</u>	Thursday-Saturday: 2:30 a.m. Friday-Saturday: 10:30 p.m.	Giant burritos, fish tacos, nachos, a variety of vegetarian items and delicious sopapillas
<u>Japango</u>	Friday-Saturday: Midnight	Late night happy hour Friday - Saturday 10 – 11 p.m. Happy hour drinks & \$3 off of special rolls.
<u>Lindseys Deli</u>	Friday-Saturday: Midnight Sunday-Thursday: 11 p.m.	Full menu
<u>Lolita's Market</u>	Open 24 Hours a Day	Full service market and deli open all day
<u>Moongate Asian Bistro</u>	Friday-Saturday: 11 p.m.	Full menu
<u>Mountain Sun</u>	Monday-Sunday: 1 a.m.	Full food menu with drink specials. Make sure to try out the homemade brews. You can even get them to-go!
<u>Oak at Fourteenth</u>	Thursday-Saturday: 10 pm to Midnight.	Offers a gourmet, late-night menu that includes: fried pickles, a root beer float, homemade potato chips and braised short-rib tacos.
<u>Old Chicago</u>	Every day: 2 a.m.	Bar food, bar food, bar food and yummy salads. Late night happy hour Sunday -Thursday 10 p.m. till Midnight
<u>Pasta Jays</u>	Every day: 11 p.m.	Since pasta is heavy on the belly, prepare yourself before indulging on this late night meal.

ATTACHMENT D – OPERATIONAL HOURS OF DOWNTOWN AND HILL RESTAURANTS

LATE NIGHT FOOD OPTIONS - DOWNTOWN

<u>Pasta Vino</u>	Every day: 10 p.m.	Late night <u>menu</u> 10 p.m. till Midnight
<u>Pearl St. Pub</u>	Sunday-Sunday: 1:30 a.m.	Mouth-watering hamburgers, fried mac 'n cheese, wings & sliders...
<u>Pita Pit</u>	Sunday-Thursday: Midnight Friday-Saturday: 3 a.m.	White or whole wheat pita your choice of toppings, sauces and a cheese.
<u>Pizza Colore</u>	Thursday-Saturday: 2:30 a.m.	N.Y. style pizza by the slice, fresh calzones, sandwiches, salads and homemade desserts.
<u>Shine</u>	Friday-Saturday: 1 a.m.	Desserts, spirits and great late night happy hour specials many of which are gluten-free and vegan friendly!
<u>Smooch Frozen Yogurt & Mochi</u>	Friday-Saturday: 11 p.m.	A variety of frozen yogurt and mochi!
<u>Sushi Zanmai</u>	Saturday: 10 p.m.	Full menu
<u>Ted's Montana Grill</u>	Friday-Saturday: 11 p.m.	Full menu
<u>Trident Booksellers and Cafe</u>	Every day: 11 p.m.	Serving a variety of drinks and pastries.
<u>Two Spoons</u>	Friday-Saturday: 9 p.m. (winter hours)	A variety of gelato and frozen yogurt.
<u>Walnut Brewery</u>	Monday-Sunday: 10 p.m. (full kitchen) 11:15 p.m. (happy hour)	Late night happy hour: Monday - Friday 10 p.m. till Midnight.
<u>West End Tavern</u>	Sunday-Saturday: 10:00 p.m.-Close	Food ranging from \$3-\$7: Deviled eggs, yam chips, Hummus, Fries, Wings and sliders. Late night happy hour: Friday -Saturday 10 p.m. -11 p.m.
<u>West Flanders Brewing Company</u>	Every day: 10 p.m.	Full menu
<u>Wok Eat</u>	Every day: 10 p.m.	Full Menu
<u>Yellow Deli</u>	Sunday 12:00 p.m. to Friday 3:00 p.m. 24 hours a day	You can order anything on the menu, anytime of the day.
<u>Zoe Ma Ma</u>	Friday-Saturday: 11 p.m.	Full menu

**ATTACHMENT D – OPERATIONAL HOURS OF DOWNTOWN AND HILL RESTAURANTS
LATE NIGHT FOOD OPTIONS - HILL**

Name	Late Night Kitchen Hours	Food Offering
Café Aion	Thursday-Saturday till 11:00PM	Farm to table upscale dining
Bova's Pantry	Everyday till 3:00AM	Market & Deli sandwiches
Cheba Hut	TH-SA till 11:00PM	Toasted sub sandwiches
Cosmo's Pizza	Everyday till 2:30AM	Pizza
Fatty J's Pizza at The Goose	TH-SA till 3:30AM; SU-WE till 12:00AM	Pizza
Five Guys Burgers & Fries	TH-SA till 12:00AM; SU-WE till 11:00PM	Burgers, fries and peanuts
Half Fast Subs	TH-SA till 1:00AM; SU-WE till 11:00PM	Sub sandwiches
Illegal Pete's	TH-SA till 2:30AM; SU-WE till 12:00AM	Burritos
K's China	Everyday till 12:00AM	Chinese fare
Mamacita's Mexican	TH-SA till 12:00AM	Mexican dining
Papa Romano's	TH-SA till 3:00AM; MO-WE till 2:00AM	Pizza & calzones
Qdoba	TH-FR till 12:00AM; SA-WE till 11:00PM	Mexican fare
7-Eleven	Everyday 24-hours a day	Convenience store prepared and packaged food
Tra Lings	TH-SA till 2:30AM; SU-WE till 12:00AM	Chinese fare
University Hill Market & Deli	Everyday till 4:00AM	Convenience mart & deli sandwiches