

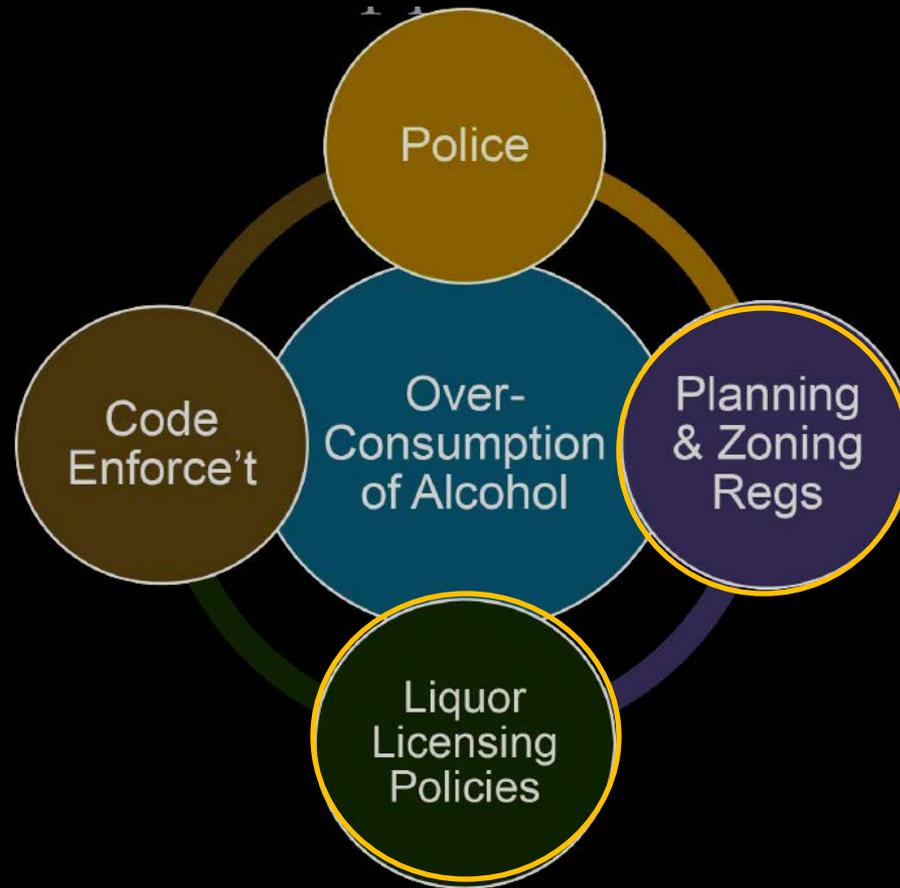
Alcohol Action Plan follow up

- *Hospitality Establishment definitions*
 - *500 foot rule by CU*
 - *Beverage Licensing Authority*

City Council

October 15, 2013

Overconsumption of alcohol & related impacts



- State & Local Liquor Law: Alcohol control
- Zoning Regulation: mitigate impacts on neighborhoods

Background

- Resolution No. 960 (2004)
- Land Use Alcohol Advisory Group (LUUAG)
- Thunderbird Burgers, LLC v. City of Boulder, et al
- City Council: 2009 study session / 2012 check in
- Community working group of stakeholders
- City Council: 2013 Alcohol Action Plan

Public outreach

- Community Working Group
- Met with Board & interested parties
 - Beverage Licensing Authority (BLA)
 - University Hill Commercial Area Management Commission (UHCAMC)
 - Downtown Management Commission (DMC)
 - Responsible Hospitality Group (RHG)
 - Neighborhood representatives
- City Council direction: move forward w/ public hearings

Regulatory options considered

- Consider regulating establishments based on level of impact:
 - *Low impact*: i.e., restaurants that operate no later than 11pm, vs.
 - *Higher impact*: Bars, taverns, other late night establishments
- Spacing requirements? Prohibitions?

Licensing options considered

- Potential changes to BLA?
- 500 foot liquor license waiver around University campus:
 - Revoke?
 - Modify to be Beer & Wine licenses only?
 - Add Beer & Wine to Hotel-Restaurant?

City Council Action Plan (Feb. 2013)

Staff initiated actions:

- Enhance data sharing across city departments
- Focused enforcement resources on "problem" properties
- Pilot joint inspection teams

City Council Action Plan (Feb. 2013)

City Council direction for follow up and decision:

- Increase support to BLA and consider change to structure
- Draft new land use definitions to differentiate between low- and high-intensity uses
- Consider changes to the 500-foot rule

Tonight's considerations

- I. Title 9 (Land Use) New land use code definitions (hospitality establishments)

- II. Title 4 (Licensing & Permitting)
Reconsideration of the 500-foot rule

- III. Title 2 (Government Organization)
Potential changes to BLA

I. Draft Land Use Definitions

- Current Challenges:
 - Limit to what zoning can “fix”
 - Little distinction in use definitions
 - Difficult to determine potential impacts
 - Business Shift from Low- to High-intensity
- Proposed Solution:
 - Draft new land use definitions
 - Distinguish Between Bonafide Restaurant & Establishments that operate late hours

I. *Current regulations*

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 $\frac{1}{3}$ 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 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 with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district.

I. Proposed regulations

New:

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

Updated:

- Brewpub
- Indoor amusement establishment
- Restaurant
- Tavern

I. Proposed regulations

Goals:

- Differentiates between uses/avoid “morphing”
- Better anticipate & reduce impacts
- Appropriate placement

Operating characteristics:

- Hours of operation
- Food service
- Liquor license type

I. Proposed regulations

- Restructuring & simplification of Use table
- Conditional uses (additional criteria)
- More intense uses (e.g., taverns, brewpubs) not permitted in Residential districts
- Uses near residential districts (interface areas) require neighborhood meetings & management plan
- Late hour operations emphasize food/deemphasize hard alcohol

I. *Proposed regulations*

Restaurants:

Café Aion



The Kitchen



Pasta Jay's



I. *Proposed regulations*

Late night restaurants:

Pizza Calore



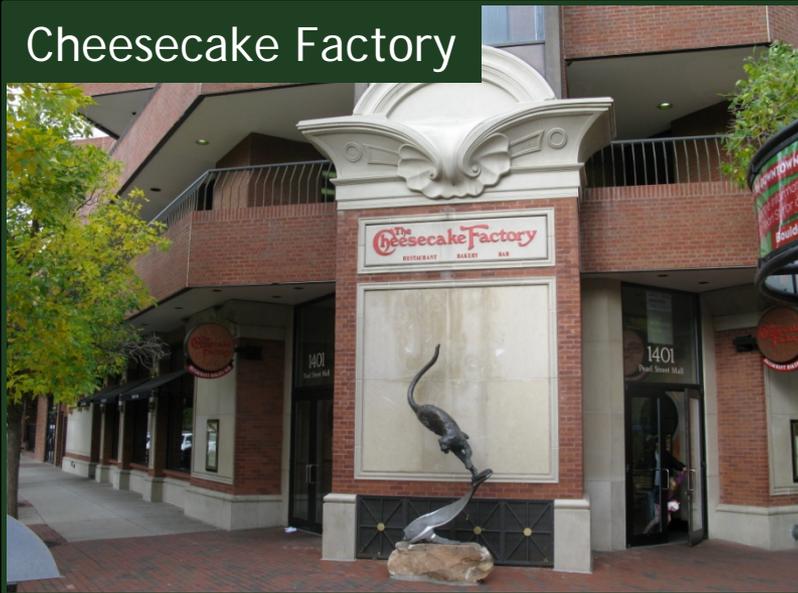
Centro



Illegal Pete's



Cheesecake Factory



I. *Proposed regulations*

Neighborhood Pubs or Bistros:

Zo Ma Ma



Sushi Tora



The Hungry Toad



I. *Proposed regulations*

Brewpubs:

Mountain Sun



Walnut Brewery



West Flanders



I. Proposed regulations

Taverns:

Walrus Saloon



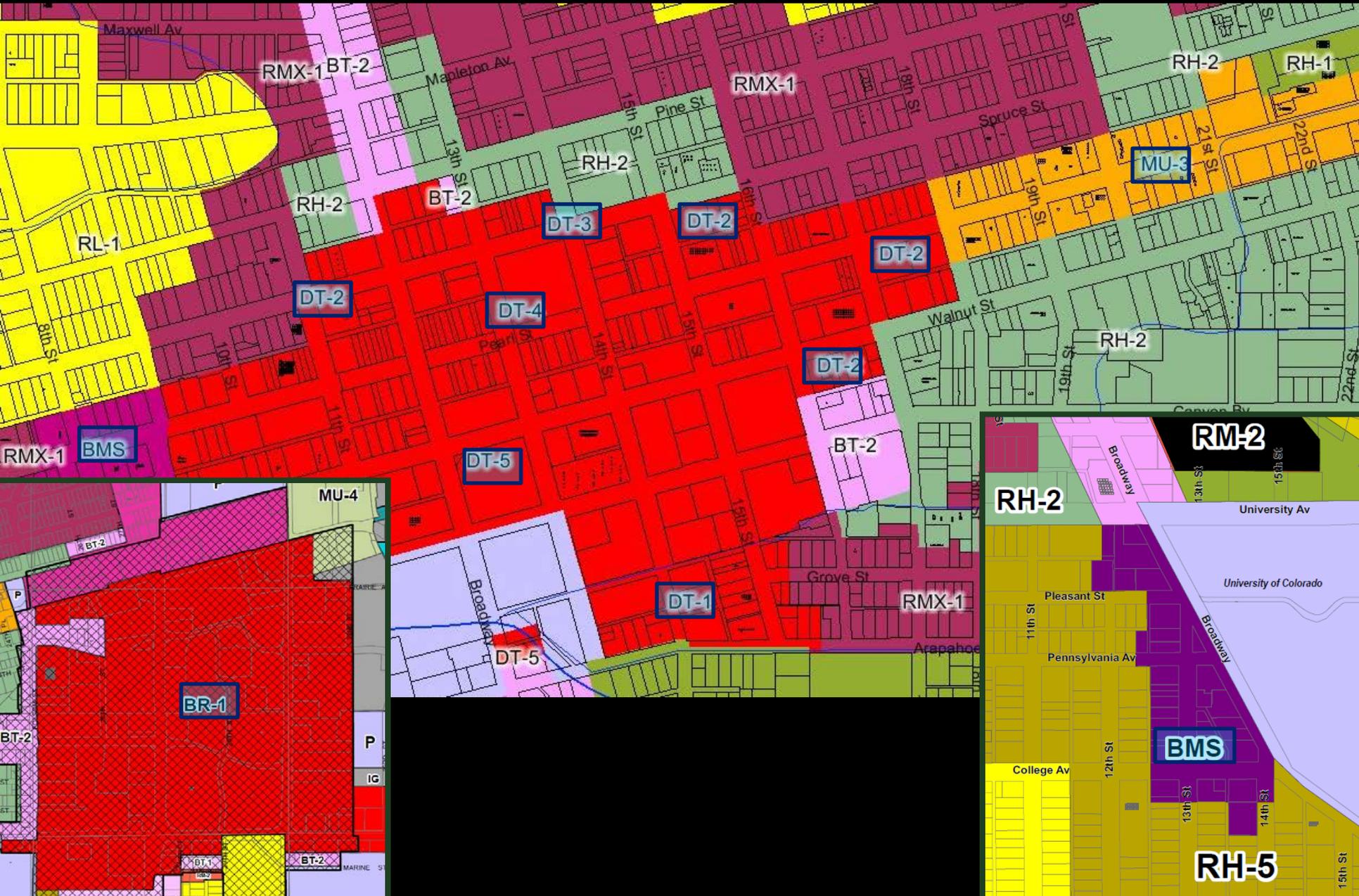
Absinthe House



Pearl Street Pub

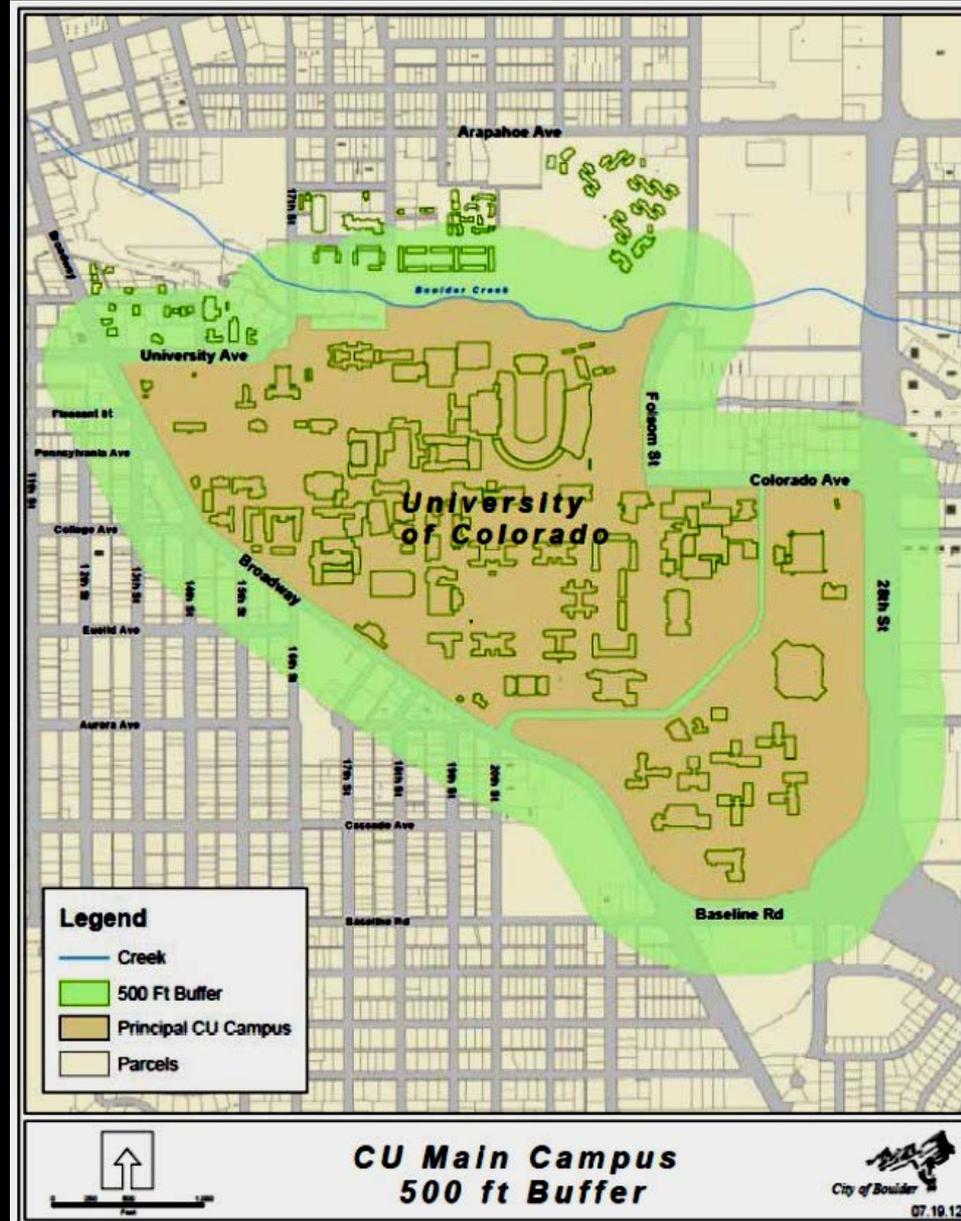


I. Proposed regulations



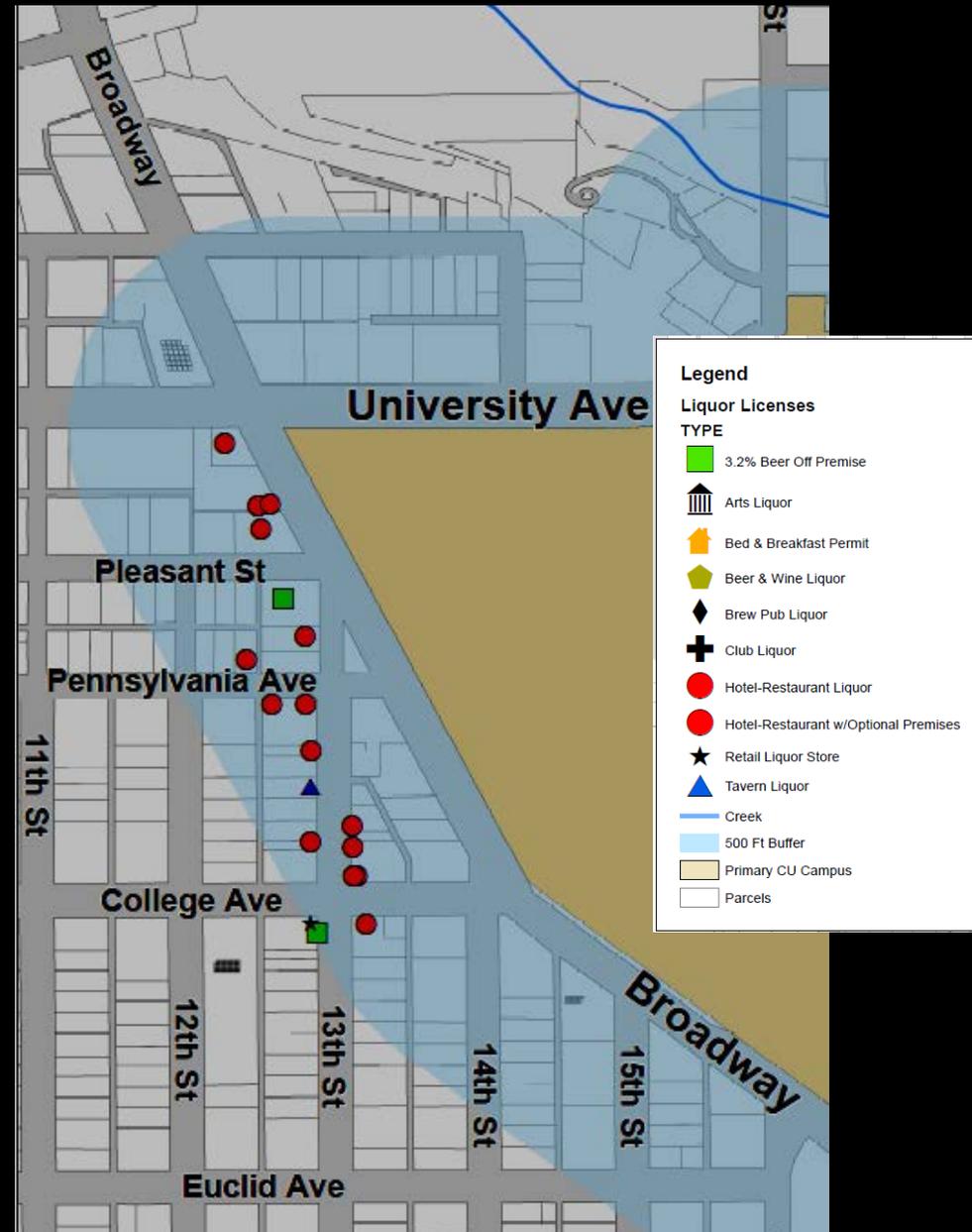
II. *Revisit 500 foot rule*

- Option A
No action on
500-foot rule
- Option B:
Revoke waiver
- Option C:
Modify to allow
Beer & Wine
licenses only



II. *Revisit 500 foot rule*

- Modify to allow Beer & Wine license only
- Balance b/t economic vitality & addressing overconsumption
- Encourages more family friendly restaurants/reduces access to hard alcohol



III. BLA → Hearing Officer

- BLA overview
- Dissolve BLA?
- Municipal Judge or Hearing Officer model?
- Staff recommends a municipal judge as a hearing officer because it would achieve:
 - Reliable/Consistent results
 - Maximum efficiency

Impacts to economic vitality?

- Striking a balance b/t business viability with protection of neighborhoods
- Locations options remain comprehensive city wide
- 500-foot rule changes will limit the possibility of certain businesses locating on the Hill as it does today
- Regs similar to DT-2 zone but expanded to other locations



Staff conclusions

1. Consistent with City Council direction
2. Better distinguishes different uses
3. Avoids conversions of restaurants to taverns
4. Reduces impacts on neighborhoods
5. Avoids shifting problem to other locations
6. Encourages establishments that emphasize food and no hard alcohol
7. More consistent and efficient processing of liquor licenses
8. Sensitive to Boulder's economic vitality

Recommended City Council motions

- I. Title 9- Motion to amend on second reading and order published by title only Ordinance No. 7938 (Attachment A)

- II. Title 4- Motion to adopt Ordinance No. 7939 (Attachment B-2).

- III. Title 4 and 2- Motion to adopt Ordinance No. 7940 (Attachment C-1).

Questions?