

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

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:

New use definitions (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"> • 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. • 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. 	<ul style="list-style-type: none"> • Unclear whether new definitions will solve the problems associated with “bad actor” establishments. • Establishments that sell more alcohol may not necessarily be high impact establishments. • Could “sweep up the guilty with the innocent.” • Impact on existing businesses is unclear.
Additional zoning requirements (e.g., security guards, security cameras, special signage and lighting etc.)	
<i>Pros</i>	<i>Cons</i>
<ul style="list-style-type: none"> • Could create safer late night licensed establishments and more secure public streets. • Could increase efficacy of existing 	<ul style="list-style-type: none"> • Too ambiguous. No guarantee that new regulations will solve the problem. • If enforcement resources are already limited, new regulations would

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

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

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

Spacing requirements (from one establishment to another)

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

<p>business model.</p> <ul style="list-style-type: none"> • May reduce DUIs by virtue of there being fewer bars for patrons to go. • By spacing only post 11pm establishments, Boulder’s regional reputation as a cheap, late night drinking destination may fade. • Would give the city a tool to implement a “controlled” concentration model. 	<p>dining destination.</p> <ul style="list-style-type: none"> • Existing areas of concentration would remain in place from the time being.
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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"> • Would increase city’s credibility with the state as the city would be fully using all available tools to address alcohol issues. • Would send a message that Boulder is not an alcohol culture. • Would provide clarity for businesses. • Would change the perception that the Hill is the place for cheap drinks. 	<ul style="list-style-type: none"> • Too drastic and blunt. • The 500’ measurement is arbitrary. • Would not address current problems. • Could impact Hill redevelopment. • May increase private residential drinking. • Adds a premium to existing liquor license holders.

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"> • May encourage development of more responsible drinking establishments. • Would have less of a negative impact on reinvestment on the Hill. • Is a strategy targeted specifically at the Hill where most of the problems are. • Demonstrates that we are using the tools the State gave us, albeit in 	<ul style="list-style-type: none"> • May prevent new business investment on the Hill and/or reinforce that the Hill is for young adults only. • 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.

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

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*