

## **Policies and Regulations Subcommittee**

*Meeting minutes*

6/7/05

**Attendees:** Co-chairs Steve Clason and Jan Otto, and subcommittee members Michele Bishop, Hugh Boles, Tom Eldridge, Mark Heinritz, Bill Marine, Molly McKellar, Bruce Sarbaugh, and Grove Stafford.

**City Staff:** Mark Beckner, Ariel Calonne, Mishawn Cook, Jana Petersen, Maureen Rait, and Lynne Reynolds.

**Public:** Ryan Morgan from the Daily Camera and Lisa Spalding, co-chair of the Education and Services Subcommittee.

### **Minutes:**

Introductions and approval of meeting minutes

Minutes from the May 17 meeting were reviewed and approved. Grove Stafford was introduced as a new member of the subcommittee, representing the Rental Housing Association. The subcommittee was reminded that June 21 will be Jana Petersen's last meeting, and a new city staff person will be taking on the role of staff liaison to the subcommittee.

### Orientation

Steve Clason reviewed the past few months of subcommittee activity and the goal to have sufficient cost information to present to City Council for a budget study session planned for Aug. 23. He also reported that the co-chairs of the two subcommittees have met to discuss the alcohol review committee proposal, and the co-chairs of the Policies and Regulations subcommittee will attend the Education and Services subcommittee meeting on June 15 to present information on the proposal.

### Alcohol review committee

Steve Clason provided background on the subcommittee discussion thus far related to the alcohol review committee idea. Outstanding issues appear to be the composition of the group and whether it should be public or private. The focus of the current discussion needs to be on providing sufficient information for staff to determine the potential cost. The concept is for staff members from the city and other agencies to meet monthly, and then report out on their activities to the Council's City/CU Oversight Group, which currently is meeting about every six weeks. Staff time needs to be quantified in order to determine a cost.

Jan Otto said there could be other costs associated with data collection and potential enforcement action if there is noncompliance with the review committee recommendations.

The subcommittee then discussed whether there should be a public record of the businesses that appear before the review committee. Ariel Calonne raised privacy concerns about identifying businesses that have not yet been subject to enforcement activity. Michele Bishop advocated for some record of the "intervention" to be used as an aggravating circumstance if the business is later subject to enforcement activity. The subcommittee seemed to come to agreement that if the business owner is the subject of an alcohol review committee meeting and then later on in court denies knowledge of the problems at the property, the City Attorney's Office could introduce evidence of the prior meeting to impeach the incorrect testimony. This is similar to the process in Lincoln, Nebraska. Additionally, enforcement officers could be made

aware of the noncompliance so they can provide additional scrutiny of the noncompliant business.

Jan Otto clarified that potential data sources for the review committee could include reports from Police, Environmental Enforcement, CU Criminal Justice majors doing compliance checks, GIS data, and last drink data from ARC, BCH and Wardenberg. He will email other data sources to the listserv.

Steve Clason suggested the composition of the committee would include the Police Department, Environmental Enforcement, City Attorney's Office, City Manager's Office, Boulder County Public Health, Boulder Valley School District and the University of Colorado.

### Conditional Use Permits

Mark Heinritz began the discussion by pointing out problems with the current special use review process. The intent in 1997 was for a permit to be based on identified issues that the business owner would address through a management plan, but that's not how it's working. There is also a question about enforcement of the management plans, and whether Police and Environmental Enforcement officers should be involved.

Tom Eldridge expressed a concern about making applicants go through a lengthy, expensive process, particularly if differences in location or other factors mean that the issues that are common at problem establishments don't apply. He suggested a list of criteria that would allow for exemption from the conditional use permit process.

Michele Bishop said she liked the idea of a check list, with different requirements based on different conditions. A big problem for neighbors is when adjacent establishments have changes in use or format. Establishments that meet criteria, such as proximity to a residential district, could then have a higher level of scrutiny.

Jan Otto suggested that conditional use permits also could apply to rental licenses in addition to alcohol-related businesses, because rental licenses are businesses that operate in a residential zone.

Tom Eldridge said there are fairness issues with making landlords responsible for their tenants' behavior. The key to addressing questions of fairness is to make sure that landlords know about the problems.

Jan Otto suggested that rather than having the city inform landlords, the landlords should have the responsibility for tracking information about their properties.

Molly McKellar asked about the responsibility landlords have to inform their tenants of the laws and have contracts that require compliance.

Maureen Rait said that the city requires landlords to disclose certain information to tenants, including the noise ordinance. The city also provides a model lease for rental property owners to use.

The subcommittee discussion then turned to nuisance abatement and its relationship to a potential conditional use permit process for rental properties.

Jan Otto said that nuisance abatement is not effective because it relies on a neighborhood mediation process but there's little recourse if a landlord refuses to sign the action plan developed in the process. There's no way to revoke a rental license.

Ariel Calonne added that neighborhood mediation does work in most cases, but nuisance abatement was designed to be an expensive and limited process, as it was the product of a political compromise.

Steve Clason pointed out that conditional use permitting of 20,000 rental licenses also would be expensive. Paring down the cost by limiting it to only certain, "problem" properties begs the question of how those properties would be selected.

Mark Beckner said that enforcement officers are well aware of which properties are problem properties. Results in enforcing noise and other ordinances are hit and miss, because by the time the officers work through a process and get tenants to comply with the law, then new tenants move in.

Tom Eldridge suggested that landlords might be willing to address certain issues, such as removing a hot tub that causes noise concerns for neighbors, if they know there are problems. Landlords also might be interested in reviewing a database of tenants who have been troublesome for other landlords.

Hugh Boles said that CU's Off Campus Student Services has tried to provide a database of troublesome landlords, but it has not been effective because it's difficult to establish criteria for what makes a "good" or "bad" landlord. There probably would be the same issue with identifying problem tenants.

Maureen Rait pointed out that only two out of every five renters in Boulder are CU students.

Steve Clason suggested that the solution for dealing with rental housing issues might need to be different than the solution for dealing with problematic liquor establishments.

The subcommittee generally agreed that rental housing and licensed liquor establishments should be handled separately. The volunteers who expressed interest in the conditional use permit process were asked to meet prior to the next subcommittee meeting to put something together for the subcommittee to review.

#### Next Meeting

The next meeting of the Policies and Regulations Subcommittee will be at 4 p.m., Tuesday, June 21, 2005, in the Creek Room at the Boulder Public Library, 1000 Canyon Blvd. There is a public parking lot at the Library main entrance, and parking is free for people visiting the library. The Library is also on the Jump bus route.