



Council Request Update

May 23, 2019

Council Request: 19-047
Requested by: Mayor Pro Tem Russell, Council Members Barrentine and Martinez
Request: Provide information on food truck licensing and zoning
Assigned to: Finance Department
Response: Please see the response from Finance Director Maria Sobota

Council Request: 19-093
Requested by: Council Member Cuesta
Request: Provide explanation of appeal process
Assigned to: Community Development
Response: Please see the response from Planning Manager Wade Burkholder

Council Request: 19-094
Requested by: Council Member Barrentine
Request: Investigate short-term rental at 4075 South Jason Street
Assigned to: Community Development
Response: Please see the response from Planning Manager Wade Burkholder



To: City Council

From: Maria Sobota, Finance Director

Date: May 23, 2019

Subject: Staff Response - Follow up to Council Request 19-047

Council Request:

On April 4, 2019, Mayor Pro Tem Russell, Council Members Barrentine and Martinez, posed questions relating to food truck licensing and zoning. These questions were originally answered by Interim City Manager Dorothy Hargrove. This Council Request provides additional detail as a follow up to Interim City Manager Dorothy Hargrove's response.

Staff Response:

The City has a goal to provide citizens with the enjoyment of food trucks while ensuring their health and safety through proper licensing. Based upon concerns that have been brought to the attention of City Staff, there may be varying levels of understanding regarding the food industry's requirements for food truck operations.

Food truck operators are required to maintain restaurant levels of ongoing safety and cleanliness. Part of the City's process that must be incorporated into the overall timeline to obtain a license in Englewood is to secure Tri-County Health and Denver Fire Department certifications through the inspection process (see attachment Mobile Food Vendor License Process). The City recommends food truck operators be aware of this crucial step in the process prior to applying for a Business License. These health and safety licenses are subject to annual renewals.

Staff evaluated the timeline for all food truck licenses applied for and/or issued in 2019 (see attached Food Truck Matrix 5/23/2019). The City has received 11 applications in 2019 and has issued 5 food truck licenses. The City currently publishes a 5-10 business day approval process AFTER all information is filed with the City (including but not limited to health and fire inspection, driver's license, and certificate of liability insurance). One of the remaining food truck vendors has indicated he is not moving forward to obtain a license. The remaining 5 vendors are still in the process of obtaining required documents. The City's Business License Technician has emailed each vendor and has received limited or no response.

Staff attended a Food Truck Symposium hosted by the City and County of Denver on April 17th to discuss topics and gather information from other jurisdictions and governmental entities relating to food trucks. During the Symposium, there were various breakout sessions to gain information. In the Q&A session, three vendors spoke candidly, indicating the difficulty they experience in Englewood is the lack of guaranteed sales minimums at most establishments where the food truck is set up with the exception of breweries. The same three vendors expressed that the licensing process in our City is within reason. The specific response to a question posed by Englewood Staff was "No one is paying me to come there (City of Englewood) and the licensing process is not intimidating".

During and after the Symposium, Staff researched the process for securing a food truck license in Denver and surrounding cities. Information is provided in the attachment Surrounding City Food Truck Operations Matrix. Currently, the Cities of Denver and Aurora have similar licensing requirements for food trucks. The City of Littleton does not currently have regulations in place for food truck operations outside of requiring a standard Business License.

Staff has reviewed the City's licensing policies and believe that they are clear and in line with other municipalities around the Denver Metro area. Staff will actively disseminate information related to the process and include the Mobile Food Vendor License Process and Checklist document as a communication aide.

Please let me know if you have further questions. I can be reached at msobota@englewoodco.gov or (303)762-2416.

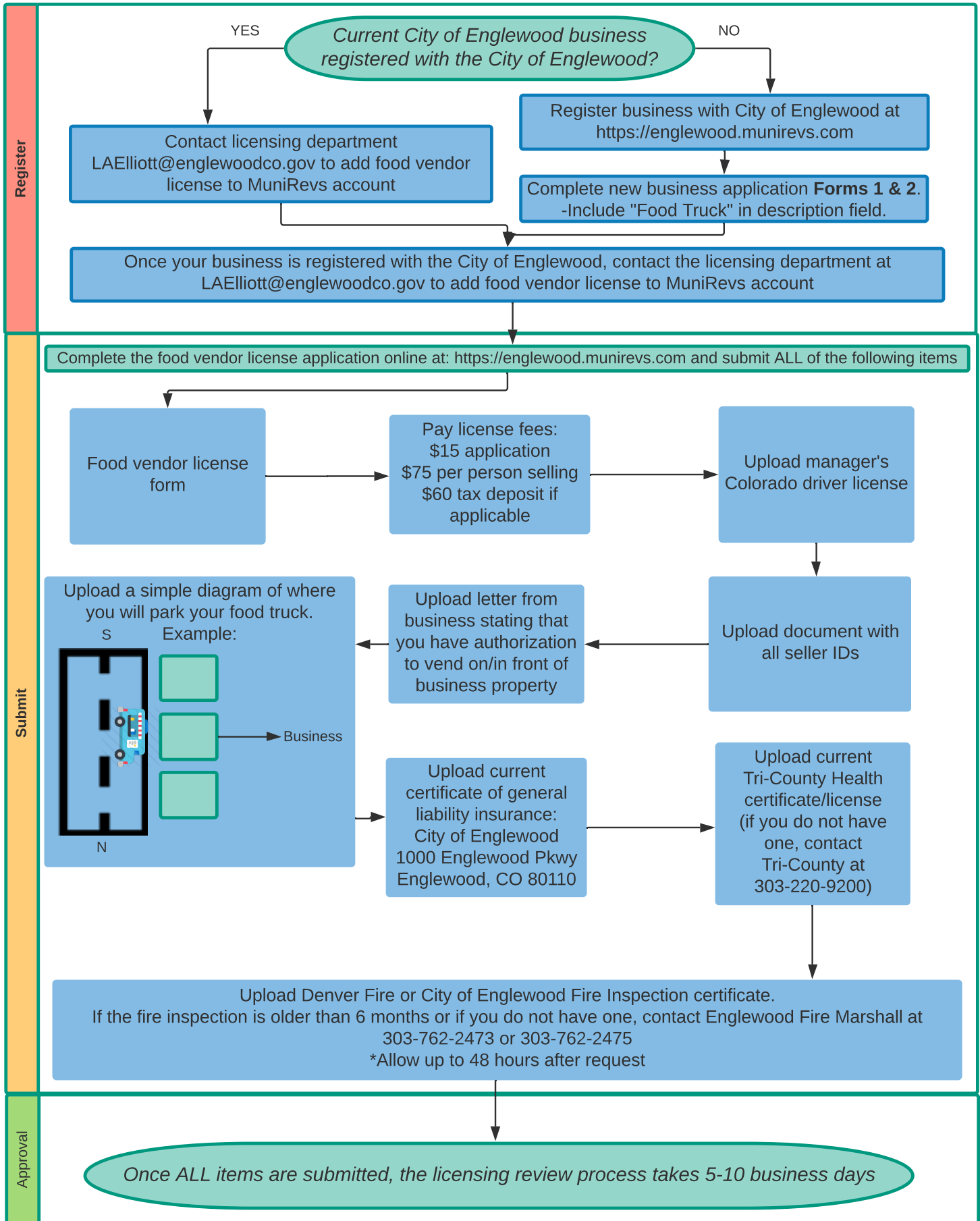
Attachments

Mobile Food Vendor License Process and Checklist
Food Truck Matrix 5/23/2019
Surrounding City Food Truck Operations Matrix



Mobile Food Vendor License Process

City of Englewood | LAElliott@englewoodco.gov





Mobile Food Vendor Licensing Checklist

To acquire a City of Englewood Food Vendor License the following steps will be required:

- Complete a New Business Application at <https://englewood.munirevs.com>
- Complete a Food Vendor License Application via your MUNIRevs account. The following items will be required for submission during this process:
 - Food Vendor License Form
 - Application/ License Fee
 - Copy of Managers Colorado Driver's License
 - List of all sellers, with color copy of ID
 - Property Owner Authorization
 - Simple diagram of where the food truck will be parked on premise (used to determine if a Temporary Use permit is needed as well as parked where the Property Owner has authorized)
 - Valid Certificate of General Liability Insurance, listing City of Englewood as the Certificate Holder (City of Englewood 1000 Englewood Pkwy Englewood CO 80110)
 - Current Tri-County Health Certificate/License (Other State regulated County Health Licenses are accepted, example Jefferson County)
 - Copy of current Denver Fire Inspection or City of Englewood Fire Inspection Certificate - If the Fire Inspection is older than 6 months, contact Englewood Fire Marshall to receive a current Fire Inspection, 303-762-2473 or 303-762-2475. (allow up to 48 hours after request).
 - Once all items are submitted, the review and licensing process is 5 to 10 business days.

Any applications submitted in paper format are subject to a \$25 fee for in-office processing.

2019 City of Englewood Food Truck Applications (Full List)

Food Truck Name	Original Request for License	Last Item of Tax License Provided	Tax License Application Fees Paid	Sales Tax License Issued	Started Food Vendor License	Manager's Drivers License Uploaded	Sellers ID's Uploaded	Property Owner Authorization	Tri County License Provided	Fire Inspection Provided	Certificate of Liability Insurance	Diagram of Truck Parking	Food Vendor License Fees Paid	Food Vendor License Approved	# of Business Days from Final Submission to License Issuance	Notes	
Crock Spot LLC	4/22															N/A - See Comments	Waiting Owners Driver's License (DL), Application Fee, Approval. Has not started Food Vendor Workflow (FVW); Lorna emailed to follow up 5/7, no response.
Estrella De Colima	4/16															N/A - See Comments	Waiting Owners DL, Application Fee, Approval. Has not started FVW Lorna emailed to follow up 5/7, no response.
360 F & C	3/12															N/A - See Comments	Waiting Owners DL, Application Fee, Approval. Lorna e-mailed Taxpayer (TP) 3/13- let them know the FV workflow was uploaded. Lorna emailed 5/7 to check on status, no response.
La Crepe A Papa	1/4	1/4			1/7	1/10	1/10	1/15	1/15	1/15	1/15					N/A - See Comments	E-mails: 1/11/19- TP emailed asking what Property Owner Authorization is, Lorna responded. 1/16/19- TP asked about Fire inspection, Lorna responded with the answers, TP stated "if I had know it was so complicated for Englewood I would not have made the request". 1/30/19- Lorna e-mailed TP asking for a diagram of where the truck would be parked, only a letter from Barnhouse Tap was provided. 2/1/19- TP asked about temp use permit, Lorna passed along Will Charles information. 5/6/2019- Lorna e-mailed to check and see if TP is going to complete license. 5/7/2019- TP responded to Lorna's e-mail stating he could not get a temp use permit so was not going to continue the license process
Tacos y tortas el don	4/11	4/19		4/19	4/12	4/13	4/13									N/A - See Comments	5/7/19 Lorna e-mailed taxpayer to check on status of application, no response.
Crater Investments/Encore Catering	4/30	4/30	4/19	5/20	4/18	4/18	4/18	4/18	4/19		4/19	4/18	4/19			N/A - See Comments	4/19/19 Lorna e-mailed TP to explain why Fire Inspection is needed. Also awaiting Temp use permit.
Cheep Eats, LLC/Migration Taco	3/23	3/26	3/30	4/9	3/26	3/26	3/26	3/26	3/26	3/28	3/26	3/28	3/30	4/9	7		4/1/2019- Lorna emailed TP responding with license review timeline, and clarification of where the license is valid for.
Cyndy's Food-Lish-Us/Food Bus	3/18	3/27	4/10	4/17	3/27	3/27	3/27	3/29	3/27	3/29	3/27	3/29	4/10	4/17	5		3/29/2019-Lorna emailed TP and provided a list of what was outstanding on the FVW application.

Food Truck Name	Original Request for License	Last Item of Tax License Provided	Tax License Application Fees Paid	Sales Tax License Issued	Started Food Vendor License	Manager's Drivers License Uploaded	Sellers ID's Uploaded	Property Owner Authorization	Tri County License Provided	Fire Inspection Provided	Certificate of Liability Insurance	Diagram of Truck Parking	Food Vendor License Fees Paid	Food Vendor License Approved	# of Business Days from Final Submission to License Issuance	Notes
Mile High Cajun, LLC	3/7	3/14	3/14	3/15	3/14	3/14	3/14	3/14	3/15	3/14	3/14	3/15	3/14	3/15	Same Day	3/12/19- Lorna emailed TP and let them know a FVW was added to the account and what needed to be uploaded. 3/14/2019- Lorna e-mailed and requested a current COI as previous one expired 8/27/18. 3/15/2019- Lorna emailed and let TP know about the parking restrictions on Broadway and to let them know the licenses are ready and offered for office pick up or mailing.
Kona Ice of Seven Hills, LLC	3/23	3/23	3/23	4/15	3/23	3/23	3/23	4/15	3/30	4/15	3/30	3/30	4/15	4/15	Same Day	3/22/2019- Lorna e-mailed TP to let them know she added a Sales Tax License workflow and Food Vendor workflow to their MUNIREvs account for completion.
The Veggie Yeti Food Truck	2/22	3/28	3/28	5/10	3/26	3/28	4/2	4/5	4/9	5/10	5/2	4/5	4/5	5/10	Same Day	4/9/2019-Lorna e-mailed TP and let them know that general liability insurance was needed not auto insurance, and a fire inspection. 4/11/2019- Lorna emailed TP to let them know the fire inspection provided was only for a propane inspection. 5/2/2019- Lorna let TP know that she uploaded a new task so the fire inspection can be added. 5/7/2019- Lorna emailed to check and see if TP was planning on following thru with license and that the fire inspection was still needed.

Food Truck License Costs / Additional Information: Municipality Comparison

Englewood		Tax License (One Time)	Business License (Food Vendor) (Annual)	Health (Annual)	Health (Plan Review - One Time)	Fire (Six Months)	Zoning	Total Cost / Process Time / Other Notes	
Application Fee	\$15	\$25	\$75	\$270 - \$385	\$160 - \$580	\$0		\$545 - \$1080	
								Allowed on street without Temporary Use Permit or private locations with a Temporary Use Permit application fee-\$150 Valid for 6 months can be EFD or DFD Annually from Tri-County Conducted by Tri-County	
Denver		PHI/Excise and License	Treasury (Bi-Annually) Tax License Fee	Business License (Food Vendor) (Annual)	Health (Annual)	Health (Plan Review - One Time)	Fire (Six Months)	Zoning	Total Cost / Process Time / Other Notes
Application Fee	\$200	\$375	\$50	\$125					\$750
								Allowed on the street except in the "Central Business District", Not allowed in residential zones. Must be 200' from any eating and drinking establishment & 50' from any residential zone. Certain locations require a zoning use permit \$50 per year Valid for 6 months from DFD Annually from Denver PHI	
Littleton		Business License (One Time)		Health (Annual)	Health (Plan Review - One Time)	Fire (Six Months)	Zoning	Total Cost / Process Time / Other Notes	
Application Fee	\$0		\$0	\$0	\$0	\$0		\$0	
								\$0 The City of Littleton does not issue a specific Food Vendor License, and there is no cost for their Business Licenses. *Independent of the City of Littleton's laws, Tri-County would require their annual review No regulation in place for the Health and Safety of the citizens of Littleton No regulation in place for the Health and Safety of the citizens of Littleton No regulation in place for the Health and Safety of the citizens of Littleton	
Aurora		Tax/Business License (Bi-Annually)		Health (Annual)	Health (Plan Review - One Time)	Fire	Zoning	Total Cost / Process Time / Other Notes	
Application Fee	\$15		\$26	\$270 - \$385	\$160 - \$580			\$471 - \$1006	
								Private Property requires written owner authorization, street parking might require additional permits. Not published for City of Aurora, 14 days Tri-County Annually from Tri-County Conducted by Tri-County No regulation in place for the Safety of the citizens of Aurora	



TO: Mayor Olson and Council Members

THRU: Dorothy Hargrove, Interim City Manager
Brad Power, Community Development Director

FROM: Wade Burkholder, Planning Manager

DATE: May 21, 2019

SUBJECT: Council Request CR 19-093: provide an explanation of the appeal process for 2990 S. Sherman Street

This request was made by Councilmember Cuesta regarding the proposed triplex at 2990 S. Sherman. Per Unified Development Code Section 16-2-19.B, appeals from administrative decisions shall be reviewed by the Board of Adjustment and Appeals. The Board shall reverse or affirm, wholly or in part or modify the notice, order, or decision and may remand the matter to the original decision-maker for further proceedings not inconsistent with the Board's decision. The appeal shall be reviewed by the Board pursuant to the same criteria used by the decision-maker whose notice, order, or decision is being appealed.

The Board will review the Planning Manager's decision and reasons for denying the request. Per the Unified Development Code (UDC), administrative adjustments must meet all of the five listed approval criteria found in Section 16-2-17.F of the UDC and outlined in previous Council Requests or a sixth criteria dealing with Federal Fair Housing Act regulations. The Appellant may make a presentation explaining why they feel the denial decision was reached in error.

The decision of the Board shall be in writing, and a copy of the written decision shall be given to the appellant. The Board's decision on the appeal shall be final.





TO: Mayor Olson and Council Members

THRU: Dorothy Hargrove
Interim City Manager

Brad Power
Community Development Director

FROM: Wade Burkholder
Planning Manager

DATE: May 23, 2019

SUBJECT: Council Request CR 19-094: Complaints about Airbnb per the listing at 4075 S. Jason St.

Councilmember Barrentine sent a Council Request related to complaints received regarding 4075 S. Jason Street. Staff will send a Notice of Violation to the property owner as an attempt to informally abate the nuisance per below:

Under Code Section 15-3-2 (C):

The Code Enforcement Officer(s) shall have the discretion to informally abate the nuisance by speaking with the responsible party. In the event that the informal proceedings fail to abate the nuisance within the seven (7) days or three (3) days in the case of graffiti the Code Enforcement Officer may, at his/her discretion, issue a summons and complaint to the responsible party or shall issue a notice pursuant to E.M.C. 15-3-2(D).

A reporting party is most helpful for enforcement and good customer service along with a note about the specific complaints. At some point, someone will need to testify as to how they know this is an AirBnB and how it is negatively impacting them should the case reach municipal court.

Anyone reporting a Short Term Rental should provide these sufficient details to include the posting on the rental site like was done with this report. This further aids the case and provides additional documentation for the record.

