

CITY CLERK'S OFFICE MEMORANDUM
#10-2020

DATE: June 1, 2020

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *Hmg*

FROM: Johanna Small, City Clerk *J*
Lisa Andrews, Deputy City Clerk – Licensing Specialist

SUBJECT: CB-1946 – Administrative Approval of Temporary Liquor License Modifications
CR-94 – Temporary Modifications of Liquor Licensed Premises for Outdoor Dining

PURPOSE

To consider CB-1946, an emergency ordinance authorizing administrative approval of applications for temporary modification of liquor licensed premises and CR-94, a resolution delegating authority to the City Manager for approval of certain temporary license agreements to allow the use of public property for outdoor dining, waiving city fees, and reimbursing related application fees.

BACKGROUND

Northglenn's businesses have been greatly impacted by the COVID-19 pandemic. On March 16, 2020, the Colorado Department of Public Health and Environment (CDPHE) issued Public Health Order 20-22, which closed bars, restaurants, and similar establishments to the public except for delivery and take-out. Many local restaurants have transitioned to provide carry-out and delivery service while other restaurants have been temporarily closed. COVID-19 has had significant financial impacts on the City's bars, restaurants, and their many employees.

In an effort to begin reopening businesses, Governor Polis and CDPHE recently issued orders and guidance to allow for the reopening of restaurants for in-person limited indoor and outdoor dining. Effective May 27, 2020, restaurants may open to in-person dining at 50% of the indoor posted occupancy limit, not to exceed 50 people, whichever is less. Restaurants must demonstrate compliance with public health orders and must comply with mandatory social distancing requirements. Because seating capacity will be reduced by the requirements that tables are spaced a minimum of 6 feet apart and patrons are limited to groups of no more than 8 people, expanded outdoor dining has been encouraged to lessen the impact of the physical limitations. The CDPHE guidelines for restaurants are included in Attachment 1.

Staff has prepared items for Council's consideration to create a streamlined approval process for outdoor dining with the goal of providing some measure of relief to restaurants by allowing additional occupancy and seating outdoors while ensuring that safety remains a priority. Providing assistance to businesses to utilize outdoor dining is necessary to reduce the spread of COVID-19, enable social distancing, and support the City's businesses and economy.

Staff anticipates that many food service establishments will seek to expand their outdoor seating options to maximize capacity and achieve adequate social distancing. Expansion areas for liquor licensed restaurants may include contiguous or adjacent patios, parking lots, vacant lots, sidewalks, etc. Establishments seeking to expand to certain outdoor spaces are required to obtain a Temporary Use Permit from the Planning and Development Department. In addition, establishments that hold an on-premises liquor license must receive approval from both the

Local and State Liquor Licensing Authorities before modifying the licensed premises to include any new outdoor areas where alcohol will be served or sold.

The Colorado Liquor Enforcement Division (LED) adopted Emergency Regulation 47-302(F) to permit on-premises liquor licensees to temporarily expand their licensed premises to increase social distancing measures while being able to operate a productive and economically sustainable business. The application process for modifying a liquor licensed premises typically takes 4-6 weeks due to consecutive review by the City and then the State. In an effort to reduce hardship to licensees, the LED's emergency rule allows for concurrent review of temporary modification of premises applications at the local and State levels, which reduces the State's processing time from several weeks to approximately 5 days, and reduces the State application fee from \$300.00 to \$150.00. All other requirements related to legal possession and control of the premises for proposed expansions remain in effect. Licensees must also provide a detailed diagram and written control plan for the proposed expansion showing ingress, egress, and boundary controls.

Locally, an application for modification of premises requires the approval of the Northglenn Liquor Licensing Authority, which meets twice per month. Adoption of CB-1946 will allow the City Clerk to administratively approve applications for temporary modifications related to COVID-19, which will reduce the application process to approximately 5-7 days. All permanent modification of premises applications will continue to require approval from the Local Liquor Licensing Authority. The Liquor Licensing Authority will review and make a recommendation on CB-1946 at their meeting on June 1, 2020.

While there is no city fee for the application to modify liquor licensed premises, CR-94 waives the Temporary Use Permit fee associated with new outdoor modifications and also authorizes reimbursement of the \$150.00 State LED fee upon approval of the application. In addition, CR-94 delegates authority to the City Manager to approve any temporary license agreements for the use of public property to expand a liquor licensed premises where deemed appropriate.

COVID-19 related temporary modifications of liquor licensed premises are valid for 120 days, unless the emergency regulation is extended or other actions are taken by the State Licensing Authority.

Any alleged liquor code violations on the modified premises are subject to criminal prosecution for the individual server and administrative hearings with the Local or State Liquor Licensing Authorities for the licensee, which may result in sanctions up to and including suspension or revocation of the liquor license. Any alleged violations regarding social distancing or hygienic practices may be referred to Tri-County Health Department.

STAFF RECOMMENDATION

Staff recommends approval of CB-1946 to authorize administrative approval of temporary modification of premises applications for liquor licensed businesses.

Staff recommends approval of CR-94, which will provide the following authorizations related to temporary modification of premises applications for liquor licensed businesses:

- Authorize the City Manager to approve license agreements for the use of public property
- Waive the \$100.00 Temporary Use Permit fee
- Reimburse the \$150.00 State LED fee

BUDGET/TIME IMPLICATIONS

The number of liquor licensed businesses who will apply to temporarily modify their premises is unknown. The \$150.00 reimbursement for the State LED fee is an eligible expense for CARES Act funding.

The emergency ordinance requires only one reading and will take effect upon adoption. Approval of CB-1946 and CR-94 will allow for a streamlined process which will reduce processing time from 4-6 weeks to 5-7 days. Staff anticipates accepting applications and issuing permits electronically in order to expedite the process.

STAFF REFERENCE

If City Council members have any questions or comments, please contact Johanna Small, City Clerk, at jsmall@northglenn.org or 303.450.8757.

ATTACHMENT

1. CDPHE COVID-19 Guidance for Restaurants and Food Services

CB-1946 – Administrative Approval of Temporary Liquor License Modifications



COLORADO
Department of Public
Health & Environment

COVID-19

Guidance for Restaurants and Food Services

RESTAURANT AND FOOD SERVICES - PICK UP ONLY

GUIDANCE FOR PICK-UP SPACE	GUIDANCE REGARDING EMPLOYEES	GUIDANCE TO PROTECT CUSTOMERS
<ul style="list-style-type: none"> • Limit restaurant service to walk-up/ window/ curbside pick up, or delivery only. • All bars must remain closed to in-person patrons (take-out permitted, e.g. beer sales/cocktail kits from a brewery). • Elevate and increase frequency of cleaning practices, including disinfection of high-touch areas. • Conduct daily disinfection and full cleaning in-between shifts in accordance with CDPHE guidance • Implement symptom monitoring protocols (including workplace temperature monitoring and symptom screening questions) where possible. (Additional Guidance) and encourage sick employees to use the CDPHE Symptom Tracker • Post signage for employees and customers on good hygiene and other sanitation practices • Clearly designate pick-up waiting areas with markers for proper distancing between parties, and ensure they do not interfere with in-establishment dining - whether indoors or outside. 	<ul style="list-style-type: none"> • Provide guidance and encouragement on maintaining 6 foot distancing between employees. • Wear face coverings during customer interactions • Wear gloves and face coverings whenever possible during meal-prep and cleaning. • Institute frequent breaks to wash hands. • Require employees to stay home when showing any symptoms or signs of sickness. • Employers are encouraged to provide high-quality face coverings 	<ul style="list-style-type: none"> • Implement 6 foot distancing measures (i.e., marked space in check-out lines) • Provide contactless payment options whenever possible. • Make accommodations for individuals unable to adhere to mask and physical distancing requirements, such as takeout, curbside or delivery.

RESTAURANT AND FOOD SERVICES - INDOOR AND OUTDOOR ON-PREMISE DINING

*The intent of this guidance is to open establishments for the primary purpose of dine-in service, or what is colloquially referred to as “restaurants.” Any establishment that can adhere to the guidelines below and ensure access to food for on-premise consumption can open. The provision of food/meals must be from a licensed retail food establishment. **Other kinds of establishments that do not serve food will be evaluated in June.***

GUIDANCE FOR FOOD SERVICE SPACE

- Restaurants are encouraged to continue curbside pick-up/delivery, including alcohol pick-up/delivery.
- **Outdoor dine-in service is encouraged. Please work with local authorities to get authorization for expanding space to accommodate outdoor dine-in for adjacent or nonadjacent public or private spaces.** The following requirements must be met:
 - Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables may need to be 6 feet or more to ensure proper physical distancing between diners from different parties.
 - All employees must wear face coverings.
 - Disinfecting and deep-cleaning of all shared surfaces between seatings.
- **Indoor dine-in service can be held at a 50% of the posted occupancy code limit and a maximum of 50 patrons,** if the following requirements can be met:
 - Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables may need to be 6 feet or more to ensure proper physical distancing between diners from different parties.
 - All employees must wear face coverings.
 - Ensure maximum ventilation by opening windows and minimizing air conditioning to the extent possible.
 - Deep clean and disinfect all shared surfaces between parties/at each turnover.
 - Keep parties together, and do not allow them to mingle with each other..
- Limit party size to **eight people or fewer.**
- Make efforts to reduce congregating inside and outside the establishment including:
 - Encouraging reservations, and preferably requiring reservations, if feasible..
 - Waiting parties must not congregate in entrance areas and should wait in their cars or off premises until seating is available.
 - No communal seating.
 - No self-service stations or buffets.
 - No seat-yourself options to ensure that a table has been disinfected prior to a new patron.
 - Do not seat people in the bar if it is being used to prepare food or drink. If the bar area is not being used to prepare food or drink, parties could sit there under the same distancing requirements as a regular table.
 - Clearly mark floor and ground to delineate 6-foot spacing for people in lines, and mark how foot traffic should move. Clearly mark closed tables not available for seating customers.

GUIDANCE REGARDING EMPLOYEES

- Implement symptom monitoring protocols (including workplace temperature monitoring and symptom screening questions) where possible ([Additional Guidance](#)) and encourage sick employees to use the [CDPHE Symptom Tracker](#).
- Appoint one employee per shift to monitor staff and public for adherence to safety measures.
- Require employees to stay home and refer to employer or state support when showing any symptoms or signs of sickness ([Information about emergency sick leave pay](#)).
- Provide guidance, training, and ongoing training on maintaining 6 foot distancing between employees to the greatest extent possible in all areas of operation.
- Implement systems to minimize staff interactions, such as work flows, shift cohorting (same staff on each shift), staggering of shifts, shift changes, and breaks.
- Require employees to wear face coverings while in the establishment.
- Require facel coverings for vendors, suppliers, and contract workers entering the licensed establishment.
- Require gloves or frequent handwashing. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
- Adhere strictly to the hygienic practices listed in the [Colorado Retail Food Regulations](#) including:
 - Not working when sick
 - Frequent hand washing
 - Changing gloves between tasks
 - Using a fresh pair of gloves after each handwashing.

GUIDANCE TO PROTECT CUSTOMERS

- Provide an option for customers to “sign in” to facilitate notifying them if an exposure occurs.
- Provide contactless payment or prepayment options whenever possible.
- Establish customer waiting areas, outdoors if possible, that maintain proper physical distancing from other guests.
- Restrict standing and/or congregating in the bar area, entrance/exit, and any interior spaces.
- Continue curbside pick up/delivery options and recommend them for vulnerable individuals.
- Request customers to wear face coverings when not eating or drinking, e.g., walking past other tables to get to delivery areas or restrooms. .
- Consider refusing service to customers who refuse to adhere to hygiene and physical distancing requirements
- Make accommodations for individuals unable to adhere to masking and physical distancing requirements, such as takeout, curbside or delivery.

- Post clear signs notifying patrons and employees of hygiene and sanitation expectations, including not entering if they or anyone in their household is experiencing any symptoms of illness.
- Minimize objects touched by multiple patrons including:
 - Remove/close games and dance floors that require or encourage standing around (darts/pool tables/shuffleboard, arcade games); remove board games.
 - Discontinue use of tablecloths, or move to single-use, or remove and replace laundered tablecloths between patrons.
- Disinfect any shared objects such as check presenters and POS machines thoroughly between uses.
- Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
 - Use disposable single-use menus, menu boards, or create online menus for guests to review from their electronic device.
 - Provide single-use or single serving condiments.
 - Disinfect restrooms every hour.
 - Block off stalls and urinals with proper signage to support 6 feet between patrons. This may require reduced bathroom capacity or even only one person in a bathroom at a time.
- Provide hand sanitizer at check-in area and throughout the venue.

- Consider modifying the menu to create additional space in the kitchen and promote physical distancing. Implement physical distancing where practicable.
- “All staff” meetings must follow physical distancing. Consider virtual meetings or meetings outside with appropriate distancing.
- Require employees to take home all belongings, including water bottles, after every shift.
- Provide high-quality face coverings for employees as much as possible.

IF THERE IS A CONFIRMED CASE OF COVID-19 AMONG CUSTOMERS OR EMPLOYEES

- The restaurant **must** notify and cooperate with their local public health agency on next steps.
- Local public health agency contacts can be found [here](#).
- Outbreak guidance for non-healthcare facilities can be found [here](#).

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1946
Series of 2020

Series of 2020

A BILL FOR AN EMERGENCY ORDINANCE AMENDING SECTION 18-2-4 BY THE ADDITION THERETO OF A NEW SUBSECTION (c) OF THE CITY OF NORTHGLENN MUNICIPAL CODE TO AUTHORIZE THE ADMINISTRATIVE APPROVAL OF APPLICATIONS FOR THE MODIFICATION OF LIQUOR LICENSED PREMISES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Legislative Findings. The City Council hereby finds and determines that it is in the best interests of the health, safety and welfare of the residents of the City of Northglenn to authorize the administrative approval of applications for the temporary modification of liquor licensed premises.

Specifically, the City Council finds and determines that because of the COVID-19 pandemic, and the resulting statewide and local response to the COVID-19 pandemic, the City Council desires to allow restaurants that have a liquor license, and seek to modify their liquor licensed premises to comply with statewide orders authorizing their reopening, to do so as expeditiously as possible.

Therefore, the City Council finds and determines that allowing the administrative approval of applications for the modification of liquor licensed premises will be in the best interests of the public health, safety and welfare.

The City Council further finds and determines that because of the impacts of the COVID-19 pandemic, the provisions of this Ordinance should take effect immediately, to allow the immediate administrative processing of any such applications for the modification of liquor licensed premises.

Section 2. Section 18-2-4 of the Northglenn Municipal Code is amended, by the addition thereto of a new subsection (c) to read as follows:

Section 18-2-4. Administrative Approval of Certain Applications.

* * *

(c) The City Clerk is authorized in accordance with the provisions of Regulation 47-302 and the provisions of the Colorado Liquor Code to administratively approve an application for a modification or a temporary modification of liquor licensed premises. Nothing in this subsection (c) shall prevent the City Clerk from scheduling action on the application before the

Licensing Authority if the City Clerk determines an administrative approval of such an application is not warranted based on the circumstances of the particular application.

Section 3. The City Council finds and determines that this Ordinance is necessary for the immediate preservation of public property, health, peace, or safety based on the City's response to the COVID-19 pandemic. Accordingly, pursuant to Section 4.11 of the Northglenn City Charter, this Ordinance shall take effect immediately upon enactment.

PASSED ON FIRST AND FINAL READING this ____ day of _____, 2020.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney