

Tax and Licensing Division
15151 E. Alameda Parkway, Ste. 5700
Aurora, Colorado 80012
303.739.7800



May 27, 2020
Second Amended

Aurora Ramps Up Temporary Outdoor Expansions for Restaurants

Purpose

In anticipation of public health orders allowing limited on-site dining, the City of Aurora is creating a temporary program to allow restaurants and bars to operate in outdoor settings adjacent to their businesses to replace lost indoor seating. The intent of the program is to allow for greater physical distancing and safety for patrons. This program could include expansion into designated outdoor areas such as adjacent parking lots, streets and sidewalks. This temporary program is an economic relief measure that will run through September 7, 2020. The program will be reevaluated at that time to determine if an extension will be permitted. During this time period regulations regarding parking, site plan, signage, use of the city right of way, and alcohol service are relaxed in coordination with an approved plan submitted through a Temporary Use Permit.

This is a guide to assist restaurants and bars in the city to prepare and submit a plan for a temporary outdoor expansion that complies with social distancing guidelines and creates a safe environment for your customers. This guide is created with anticipated guidance from health officials. Follow Tri-County Health's website at TCHD.org for updated guidance and public health orders. The State of Colorado Department of Public Health and Environment's website is Covid19.Colorado.gov.

Regardless of approval by the City for outdoor seating, restaurants will need to ensure that current state and local health orders are followed as they are amended. Tri-County Health is the public health agency encompassing the City of Aurora. Guidance changes frequently and as a responsible business owner / operator you need to be aware of and follow this guidance for the safety of employees and the public. Please refer to industry specific guidance resources at: https://drive.google.com/file/d/1_yyWSUnb40TKDBk9EcvYcSkOzhCDV8NA/view and <https://covid19.colorado.gov/guidance-resources>.

For additional guidance or to request a variance from the public health guidance, the Tri County Health Department has a Business Re-Opening Task Force available from Monday-Friday 8a.m.-5p.m. Businesses can access this service by emailing covidbusinessrecovery@tchd.org or calling 720-713-6030.

The City is relaxing restrictions regarding required parking site plan, signage, use of city right of way, and alcohol service for a temporary time period to allow restaurants and other retail to utilize additional space outdoors to ensure social distancing.

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Submitting your Plan

The City is utilizing the temporary use permit process to evaluate requests for temporary outdoor retail. For businesses with a current permanent location in the city seeking this relief, the \$62 fee for the permit is waived if you utilize the coupon code “COVID” in the “Tax ID for Nonprofits” field. A temporary use permit can be obtained at:

https://www.auroragov.org/business_services/development_center/permits/temporary_use_permits

YOU WILL ALSO NEED TO SUBMIT A SITE PLAN AND A MODIFICATION OF PREMISE FOR ALCOHOL – SEE BELOW:

In addition to the temporary use permit you may need to submit all or some of the following with your permit. Email these documents to businesslic@auroragov.org or to liquor@auroragov.org.

- Site Plan (Submit with liquor modification if liquor licensed):
 - A professional design is not required.
 - Please be as detailed and clear as possible so that review can be done as quickly as possible.
 - Read through the requirements in this document for clearances that may be required
 - Hours of operation
- Liquor License Modification of Premise Application (See Below)
- Permission of the property owner if required
- Permission of a neighboring business if necessary (using space or impacting access)
- Certificate of insurance if using the city right of way: See requirements at the end of this document
- Once the temporary use permit is approved. Post it in a visible location in the extended location.

These requirements may be amended or suspended due to the fluidity of the circumstances and changes in public health orders.

Additionally, violation of city or state codes will lead to termination of the permit.

Liquor Licenses Premise Modification

www.auroragov.org/liq

liquor@auroragov.org

303-739-7057

If you wish to extend your liquor license to an outdoor location, you will need to file for a Temporary Modification of Premises. The State Liquor Enforcement Division released bulletin 20-07 with emergency regulation 47-302. This regulation allows for application for a temporary modification of premise to outside areas that the licensee possesses. These areas must be



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contiguous or adjacent to the licensed premises and appropriately monitored by the licensee. The regulation also removes the requirement for an end date for the modification. This adjustment eliminates half of the cost the modification for the licensee. The cost is \$150 for the temporary modification. This fee is charged by the State. The City does not charge for processing temporary modifications of premise. The State has also announced that the fee can be paid electronically. The city is accepting and prefers to receive modification applications electronically to expedite approval. Note these applications require both state and city approval. Once the city has approved your application for modification, the city's local licensing authority considers your modification to be in compliance and will not be taking enforcement actions if the state has not yet approved the modification and you begin service. This is assuming that your temporary use permit is approved.

Important considerations for liquor control

- Follow all liquor service laws and best practices
- Barriers: ensure that there is adequate control of the service area so that customers are not leaving the designated premises with open containers. You will need to post signage indicating "No Alcohol Beyond this Point". Barriers need not be physical if they provide adequate information to the customer that it is the end point of the service area.
- The area must be adjacent or contiguous to your business, if this involves a fire lane or right of way, take into consideration how to keep those open for emergency service and how you will adjust traffic flow.

The modification of premise checklist can be found here:

https://www.auroragov.org/UserFiles/Servers/Server_1881137/File/City%20of%20Aurora%20-%20Temporary%20Modification%20of%20Premise%20Checklist%20Outdoor.pdf

Fill out form DR8442 which is found at this link. The fee is \$150 payable to the state of Colorado. Leave the end date blank for the temporary modification of premise.

https://www.colorado.gov/pacific/sites/default/files/DR%208442_e_wo_2.pdf

State liquor bulleting on emergency regulation 47-302

<https://www.colorado.gov/pacific/enforcement/led-bulletin-20-07-re-emergency-regulations-47-302-f-covid-19-temporary-modification-premises>

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Parklets

Enable temporary use of on-street parking or other ROW (private or public)

- Traffic operations unchanged
- May not use space designated for disabled-accessible parking stalls
- Subject to landlord/property management pre-approval
- 6-foot separation (backs of chairs) must be met.
- Must remove at closing time, or by sunset if no roadway lighting exists.
- Not within 15 feet of a fire hydrant
- Not within 5 feet of a driveway or disabled-accessible access ramp
- Must be 30 feet from crosswalks, stop signs or traffic signals
- Submit certificate of insurance with \$1.0 million of general liability and \$1.0 million of liquor license liability for use if proposing to use the city right-of-way (ROW) for liquor service
- Consider speed of passing traffic and safety of patrons. Submit as part of your diagram how the area will be defined and protected. For example, will you use, planters, barricades, or decking.
- No obstructions shall be placed within the intersection sight triangles defined in section 4.04.2.10 Sight Triangles of the City of Aurora Roadway Design & Construction Specifications



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Sidewalk Activation

Temporary use of sidewalk for restaurant seating or retail

- Pedestrian through traffic along sidewalks shall be maintained at all times.
- Limited to adjacent frontage
- Submit a site plan to indicate location of tables.
- Subject to landlord / property management approval
- All Americans with Disabilities Act (ADA) and other access standards and guidance apply with a minimum of 36 inches of lateral clearance.
- Maintain 48 inches of clearance on each side of door
- Social distancing separation of tables chairs and groups must be met. (See Public Health order when available)
- Submit certificate of insurance with \$1.0 million of general liability and \$1.0 million of liquor license liability for use if city ROW for liquor service.



Use of Parking Lots

- Use of parking lots for outdoor dining is encouraged over parklets due to risks associated with higher speeds of adjacent motor vehicle traffic.
- The zoning code requiring a certain number of parking spaces is temporarily not enforced with this process.
- Submit a site plan to indicate location of tables.
- Subject to landlord/property management pre-approval
- May not use spaces designated for disabled parking
- Ensure fire lane and fire hydrants remain accessible at all times.
- Ensure disabled parking stalls and access aisles/routes remain open and accessible
- Follow any guidance on tents and canopies.
- Food must be prepared and finished inside of the restaurant
- Consider traffic flow in the parking lot and how vehicular traffic will be routed safely around the service area.
- Ensure proper barrier (pedestrian and vehicular) for liquor service and signage.
- Event area in parking lot should be secured from moving vehicular traffic.
- Provide a detailed diagram showing traffic flow and fire lane access.
- Event area in parking lot should be secured from moving vehicle traffic



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Tents and Canopies

- Canopies are limited to 700 square feet.
- If your canopy will be over 700 square feet or you have multiple canopies within 12 feet of each other totaling more than 700 square feet, prior to submitting an application contact Fire Inspections to discuss an Operational Permit at 303-326-8998.
- Tents over 400 square feet contact Fire Inspections to discuss a plan 303-326-8998.
- Ensure tent does not impact traffic visibility.
- Must be well maintained and made of fire resistant material.
- Submit a site plan to indicate location of tables.
- If occupant load greater than 10, then there shall be a minimum of two-6-foot-wide exits and shall be located so that all points within the tent are 100 feet or less from an exit.
- Guywires or other support shall not cross an exit opening at a height less than 8 feet.
- Ensure that utility location is performed for any staking of tents and canopies
- Tent or Canopy should be placed such that motorists and pedestrians view of other traffic is not restricted.

Fire Safety Guidance

- Fire Hydrants / Fire Lanes cannot be blocked
- If you need to control and area for liquor service area that includes a fire lane, utilize cones or tape so as to not obstruct emergency access
- A designated fire lane must remain at least 20' wide
- Patio heaters that use combustible fuel shall not be closer than 10' to any entrance / exit of any structure.
- Heaters of any kind shall not be used under tents or umbrellas
- Smoking is prohibited in all temporary outside spaces
- Extension cords should be removed each night
- For additional questions regarding fire safety, contact fire inspections at 303-326-8998



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Signage

- City is more lenient on temporary banners as long as they are well maintained (not tattered or flapping) and in relation to supporting an operation impacted by the public health orders. For example, banners advertising curbside pickup, delivery, now open are temporarily allowed without a permit.
- Other signage normally requiring a permit such as pennants will still require a permit.
- Signs or Banners should be placed such that motorists and pedestrians view of other traffic is not restricted.



Noise

- Outdoor operations should not be located so close to residential as to have a negative impact on neighbors.
- Noise will be a consideration in permitting and allowing the outdoor extension to operate.

Public Health and Social Distancing Guidelines

- The purpose of this guidance is to allow restaurants and other retail and service operations temporary relief under the challenges of complying with public health requirements. Be sure to follow the guidance as it is released.
- Food service must be completed inside of the business.
- Restrooms will need to be provided as required by health code.
- If your outdoor seating combined with indoor seating exceeds your current capacity, your plan may not be approved.

Resources

City of Aurora Licensing: BusinessLic@auroragov.org -- 303-739-7057
City of Aurora Fire Inspections: 303-326-8998
City of Aurora Planning: 303-739-7000
City of Aurora Building Division: 303-739-7420
Tri County Health: covidbusinessrecovery@tchd.org --- 720-713-6030

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INSURANCE REQUIREMENTS IF UTILIZING THE CITY RIGHT OF WAY FOR TEMPORARY OUTDOOR SEATING

You must call your insurance agent or broker to request a certificate of insurance specifically for the Temporary Use Permit; a copy of an existing certificate or a copy of your insurance policy declarations page, a "Certificate of Coverage" or insurance binder will not be accepted.

1. The certificate of insurance must show the **City of Aurora, Attn: Risk Management Division, 15151 E. Alameda Parkway, 3rd Floor, Aurora CO 80012** in the space identified for Certificate Holder.
2. The certificate must indicate that the City of Aurora is an additional insured under the permit holder's liability policy in the description of operations box.
3. The certificate of insurance (COI) must indicate a limit of at least \$1,000,000 (or more) per occurrence in liability insurance, and \$2,000,000 (or more) general aggregate.
4. The agent/broker **MUST** describe the activity (Name, location, and date) for which the Temporary Use Permit is being issued in the section of the certificate titled "*Description of Operations/Locations/Vehicles/Exclusions Added by Endorsement/Special Provisions.*"
5. The named insured and the person or business applying for the Temporary Use Permit **MUST** be the same or an explanation (e.g. DBA or description of the event and connection to the party requesting the Permit) must be provided.

If alcohol is going to be served or sold, the liability policy must include and specifically reference liquor legal liability insurance of \$1 million, and it MUST include a description of the operations/location.