

**Liquor Common Consumption
Outreach Report**

Compiled by Erica N. Rogers

May 2019

December 2017: Small EXL/CAO Team.

A small internal group comprised of Excise and Licenses (EXL) representatives and City Attorney's Office (CAO) representatives began doing research on the history of the concept, the state statute, state rules and guidance, and how other jurisdictions had implemented the state statute. This group included:

- Erica Rogers (CAO fellow at the time, now with EXL)
- Molly Duplechian (EXL)
- Ashley Kilroy (EXL)
- Jennifer Heisler (EXL)
- Jordan Sauers (no longer with EXL)

Early 2018: Outreach to other jurisdictions.

As part of this research, we reached out to representatives in other jurisdictions to ask questions about procedure, legal language, and pros and cons perceived in the community. We researched and spoke to representatives from:

- Aurora, CO
- Black Hawk, CO
- Central City, CO
- Glendale, CO
- Greeley, CO
- Mountain Village, CO (Telluride)
- Salida, CO

Spring 2018: Internal Agency feedback meetings.

Once our smaller group had a good idea of how the state statute worked and a list of questions that a municipality would have to answer before drafting, we met with city agency representatives who would need to commit resources to see if this was a concept that we wanted to pursue. Last spring, we met with this group 3-4 times to discuss different policy options to see which had the most agency support. This group deliberated over high-level policy questions, decided that EXL should move forward with the concept, and came up with a proposed model that could be taken to the community for inspection. The high-level concepts that this group recommended are summarized in the appendix to this report. This group included:

- Happy Haynes – Parks and Recreation
- Derek Okubo – Human Rights and Community Partnerships
- Eric Tade – Denver Fire Department
- Kent Rice – Denver Arts & Venues
- James Henning – Denver Police Department
- Marley Bordovsky – City Attorney's Office, Prosecution and Code Enforcement Division
- Joanne Greek – Denver Office of Economic Development
- Mark Heiser – Denver Performing Arts Complex
- David Quinones – Denver Police Department
- Nicholas Williams – Public Works
- Fred Weiss – Finance
- Robert McDonald – Denver Department of Public Health and Environment
- Danica Lee – Denver Department of Public Health and Environment
- Jill Jennings-Golich – Denver Department

- Katy Strascina – Office of Special Events
- Skye Stuart – Mayor’s Office
- John Michael Hill – Office of Economic Development
- Rick Neel – Denver International Airport
- Evan Dreyer – Mayor’s Office
- Ashley Kilroy – EXL
- Molly Duplechian – EXL
- Erica Rogers – EXL (CAO at the time)

Summer 2018: Community Outreach.

Once we had an idea about how the state statute worked, what other jurisdictions were doing, and had received a green light from our internal agency partners, we began our community outreach to see if members of the community were interested in pursuing the model. In August 2018, we held four “cluster” meetings with external community partners. We held a meeting with each group or “cluster” of people to allow for these groups to speak candidly and freely without worrying about the meeting being monopolized by other groups. For example, we didn’t want community members to feel drowned out by BIDS, or tourism to feel drowned out by liquor attorneys – we wanted each group to have time to ask questions, provide feedback, and let us know if they were in favor or opposed. The invitees and attendees for each cluster meeting are as follows:

- Liquor Industry Cluster – August 14, 2018
 - We invited 14 individuals:
 - 5 from law firms who represent liquor licensees in Denver
 - 5 from event firms
 - 4 from various liquor-licensed businesses
 - 9 individuals present at this cluster meeting asked to receive future updates.
- BID Cluster – August 17, 2018
 - We invited 12 BIDs in Denver, including representatives from:
 - Bluebird BID
 - Cherry Creek Area Business Alliance
 - Cherry Creek Mall
 - Cherry Creek North BID
 - Colfax BID
 - Colfax Mayfair BID
 - Downtown Denver BID
 - Federal Boulevard BID
 - Five Points BID
 - RiNo BID
 - West Colfax BID
 - Santa Fe BID
 - 6 individuals present at this cluster meeting asked to receive future updates.
- Arts and Tourism Cluster – August 21, 2018
 - We invited representatives from 8 groups specializing in either arts or tourism (or both):
 - Visit Denver
 - Downtown Denver Partnership
 - Denver Metro Chamber of Commerce
 - Colorado Restaurant Association

- Colorado Hotel and Lodgers Association
 - Denver Performing Arts Complex
 - National Western Center Authority
 - Tavern League of Colorado
 - 2 individuals present at this cluster meeting asked to receive future updates.
- Neighborhood Organization Cluster – August 30, 2018
 - We invited 15 individuals from RNOs and community groups that we felt would be most likely to see this type of license in their neighborhood. We worked with the city’s community outreach team to help us identify which RNOs to invite. We thought the RNOs would have significant interest in this topic so we only limited the number of invited RNOs in order to keep the meeting to a manageable size. The meeting invitation included representatives from:
 - 2 INC representatives
 - 2 representatives from RiNo
 - 2 representatives from LODONA and LODO (1 each)
 - 1 representative from Ballpark Collective
 - 1 representative from Golden Triangle Partnership
 - 1 representative from Curtis Park
 - 1 representative from Jefferson Park United Neighbors
 - 1 representative from Cherry Creek East Neighborhood Association
 - 1 representative from Highlands United Neighbors
 - 1 representative from Cherry Creek North Neighborhood Association
 - 1 representative from Uptown on the Hill
 - 1 representative from West Colfax Association of Neighbors
 - 5 individuals present at this cluster meeting asked to receive future updates.

Fall 2018: Community Outreach, continued.

After hearing a mostly positive response from the attendees at our cluster meetings, we convened our small work group in September 2018 to discuss next steps. While INC representatives had indicated that they were in approval of the path we were developing, one representative mentioned that we might want to slow down and do additional outreach. Additionally, we were surprised to see lower attendance than anticipated at the Neighborhood Organization Cluster meeting on August 30th (above), so we were deliberate about soliciting additional community feedback.

To gather additional feedback from RNOs and community members, we held two additional community meetings in November where we presented the idea and asked for feedback. We held the meetings during the evening, rather than the daytime, and we held them in two different areas of town so people didn’t have to travel downtown to the city building. We invited every RNO registered with the city, as well as the individuals from the cluster groups who had signed up for updates. We also invited every City Council member and their aides, and asked them to share the information with their constituents. We also reached out to INC leadership separately to make sure INC was aware of the community meetings and to offer that we attend an INC meeting for a separate briefing. The meetings were [publicized on the INC website](#) for a month.

The two meetings were held:

- November 13, 2018 at Swansea Rec Center
 - Approximately 30 individuals attended; 9 individuals signed up for future updates.

- November 14, 2018 at Cherry Creek Library
 - Approximately 15 individuals attended; 8 individuals signed up for future updates.
- A few people emailed me in response to the invitation indicating they would like to be included in future updates.

At these meetings, we presented the concept that state statute allows for, as well as some additional features that we felt necessary to address concerns in Denver. We answered questions and received feedback from the members present. We also offered to come speak at individual RNO meetings and received several follow-up calls and emails in response.

Fall 2018: City Council Briefings.

When our small work group met in September, we also decided to reach out to City Council members to offer briefings on the concept and proposed model. We wanted them to be in the know if they received questions from constituents, and we wanted to gauge their support or opposition for the project due to their increased level of interaction with community members. We also invited Councilmembers to the November meetings and asked them to share the information with their constituents. The following council members requested briefings, which we conducted on the following days:

- Flynn (Dist. 2) – October 22
- Lopez (Dist. 3) – November 5
- Black (Dist. 4) – October 23
- Kashmann (Dist. 6) – October 15
- Clark (Dist. 7) – November 27
- Brooks (Dist. 8) – November 5
- New (Dist. 10) – October 30
- Gilmore (Dist. 11) – November 26
- Ortega (At Large) – November 6

Winter 2018 – Spring 2019: Community Outreach, part 3.

Over the holidays and after the new year, we continued to receive questions from the community via email and phone call, as well as requests to present and discuss the information that was shared at the November meetings. Specific people I remember talking to or meeting with include the following (note that this list is not exhaustive):

- A meeting with a representative from Colfax BID
- 2 phone calls and several emails with individuals from RNOs
- A meeting with a liquor licensee and his attorney
- A meeting with a representative from Downtown Denver partnership
- A phone call with a representative from DCPA
- An email exchange with a representative from Federal Boulevard BID
- I presented at the January 10, 2019 board meeting of Cherry Creek North Neighborhood Association as an invited guest.
- I presented at the April 27, 2019 INC ZAP meeting as an invited guest.
- I presented at the May 11, 2019 INC Delegate meeting as an invited guest.

Early 2019: Ordinance drafting.

Reginald Nubine is the assistant city attorney assigned to this project who began helping us draft the language in January/February of this year. We've worked through approximately 13 drafts of the ordinance internally based on feedback and questions received during our outreach efforts. INC ZAP is the only group to have received a draft of the ordinance, which was done in tandem with the April 27, 2019 briefing.

Spring 2019: Community Update.

After incorporating the feedback we received during our community outreach efforts, we held a community update meeting on May 2, 2019. We invited every RNO registered with the city, as well as the individuals from the cluster groups who had signed up for updates and subscribers to our Liquor Bulletin (e-newsletter). The goal for the meeting was to update those who were interested in the project on the progress that had been made since the fall meetings, and provide details of the model we had crafted in response to community feedback received. We also wanted to provide a clear path forward for those who wanted to continue participating in the project.

Spring/Summer 2019 (anticipated): Legislative process.

In addition to updating the community on our progress, we wanted to share our model with City Council. We worked with Councilman New to schedule an update at the May 15, 2019 meeting of City Council's Business, Arts, Workforce & Aviation Services (BIZ) Committee. This meeting would allow us to update City Council on the outreach and research we had done since they heard from us in the Fall. The concept is not being considered for action at this time. Members of the committee will likely ask questions and ask us to return at a later date when the ordinance would be considered for action.

EXL submitted an ordinance request to City Council on May 6, 2019 ahead of this update. The ordinance request is the formal mechanism that begins the process for City Council to consider an ordinance.

Summer 2019 and beyond: Next Steps.

Liquor Bulletin reminders will publicize any meetings with City Council, along with details about how people will be able to participate. Once an ordinance is accepted for consideration, we would also provide information on our website about the model.

If City Council passes an ordinance, the Liquor Bulletin and our website will also be utilized to publicize a Rule Making Advisory Committee, which will weigh in on the details that so many community members expressed an interest in deciding through rule.

Remember, this ordinance would not take effect until 90 days after rules are adopted. This timeline would allow City Council to vote on the creation of a model for Denver while allowing the community to inform the Department through the Advisory Committee on the pieces of this model most important to them.

Appendix A: Internal Agency Document indicating high-level policy decisions.

Entertainment Districts/Common Consumption Areas
Pilot Program

9/21/18

The state passed a statute in 2011 that allowed for creation of Common Consumption Areas – designated areas where patrons over the age of 21 can drink alcoholic beverages in a common space, serviced by existing liquor-licensed establishments. Each Common Consumption Area (CCA) must be located within a designated “Entertainment District” (ED). City Council is the entity that approves the creation of EDs. The applicant for the CCA permit is the “Promotional Association” (PA), which is comprised of businesses surrounding the CCA.

The State statute includes requirements for:

- The maximum size of the ED (≤ 100 acres)
- The minimum square footage of liquor licensed premises that must be in the ED at the time the ED is created (≥ 20,000 sq. ft.)
- Use of physical barriers to close the CCA to motor traffic and limit pedestrian access
- Establishment of needs and desires
- A safety and security plan and annual reports
- PA liability insurance
- Application review and inspections by the local licensing authority (Denver)
- Prohibiting sales of alcohol to persons under 21

Denver is considering implementing a Pilot Program for CCAs and EDs. Key components could include:

1. Pilot Program would last five years, with no limit on the number of EDs/CCA permits
2. Businesses and associations could form PAs and submit CCA applications to City
3. CCAs would be allowed both indoors and outdoors
4. CCAs could operate no later than 2 am, with hours of operation set individually for each CCA
5. City would require the PA to submit each of the following with a CCA permit application:
 - Parking and Transportation Plan
 - Health and Sanitation Plan
 - Site and Security Plan
6. A Needs and Desires Hearing for PA certification and CCA approval