



**COLORADO**  
Department of Public  
Health & Environment

June 15, 2020

Mayor Michael B. Hancock  
City and County of Denver  
Office of the Mayor  
City and County Building  
Denver, CO 80202-5390

Robert M. McDonald  
Public Health Administrator, City and County of Denver  
Executive Director, Denver Department of Public Health and Environment  
101 W. Colfax Ave., Suite 800  
Denver, CO 80202

RE: City and County of Denver Variance Request from portions of **Public Health Order 20-28**

Dear Mayor Hancock and Director McDonald:

Thank you for your third application to the Colorado Department of Public Health and Environment (CDPHE) requesting a variance to portions of **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your request for a variance for museums and Four Mile Park, restaurants, the Cherry Creek Mall, gym recreation centers and indoor pools, and horse competitions at the National Western Complex. I have considered the information provided, and determine that the requests are approved, with some amendments, as explained further below. This variance approval is limited to the operations of these specific activities; in all other respects, with the exception of prior variance approvals, the requirements of the Safer at Home Public Health Order, as amended, remain in effect for the City and County of Denver (Denver).

As stated in Appendix G to PHO 20-28, when reviewing a variance request, we evaluate the current prevalence of COVID-19 in the jurisdiction, including whether cases are increasing, stable, or decreasing. Your application addresses particular requirements that you propose as an alternative to the Safer at Home model for each of these areas. The data and information included in your request demonstrates that Denver has reported 6301 COVID-19 cases with 482 cases (excluding cases among residents/inmates of facilities experiencing outbreaks) in the last two weeks, putting Denver in the "high" variance category - see [here](#) for more information. The data and information included in your request demonstrates that Denver has a strong public health surveillance system, sufficient hospital capacity, and appropriate thresholds for rolling back the variance if conditions worsen.

City and County of Denver Third Variance  
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The variance application seeks opening or expanded capacity for all of the following:

- Museums and Four Mile Park operating at 50% occupancy up to 175 people per room
- Restaurants operating at 50% occupancy up to 175 people per room
- The Cherry Creek Mall at 50% occupancy up to 175 people per room
- Gyms, recreation centers and indoor pools at 50% occupancy up to 175 people
- Horse competitions at the National Western Complex with activities limited to 50 people with no public participation

As the disease incidence for the last two weeks in the City and County of Denver is in the high category, the sectors do not qualify for the occupancy limits that are requested in the application. Your variance application for the sectors listed above is approved based upon the alternate requirements contained in the application, but with different capacity limits as follows:

- For all indoor and outdoor spaces, in order to achieve 6 feet distancing, the limit is 50% of the posted occupancy code ensuring a minimum 28 square feet per person not to exceed more than 50 people gathered in a confined indoor space at any given time, and not to exceed 125 in an outdoor space.
- Specifically with respect to the Cherry Creek Mall, it is critical that the indoor common areas be well-managed at all times such that no gatherings are occurring and instead customers are moving from one destination to the next, and admitted into each confined indoor retail space as permitted based on 50% occupancy of that confined indoor space.

This variance approval is granted based on the facts and circumstances today as you have described them in your request, and is subject to adjustment if conditions worsen as described [here](#). If the County observes more than 718 cases (excluding cases among residents/inmates of facilities experiencing outbreaks) in a two week period, notify CDPHE and then implement a mitigation plan for 2 weeks to try and restore virus transmission levels to the baseline under which the variance was approved. If after 2 weeks the levels are not restored, then the capacity limits are automatically adjusted to the maximum of the new level (low goes to medium, medium goes to high). If the county started at the “high” level for the variance, and after the 2 weeks of mitigation the baseline has not been restored, then the variance is rescinded. Additionally, CDPHE reserves the right to modify or rescind this variance approval as circumstances warrant. This approval is in effect until the final expiration of PHO 20-28, which will be extended in some capacity beyond the current expiration date of June 30, 2020.

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Denver residents are safe and healthy as we deal with this global pandemic. Denver is a valued partner, and we are available to answer any questions and work with you on these matters. Please give me a call if you have any questions.

City and County of Denver Third Variance  
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Sincerely,

A handwritten signature in black ink that reads "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH  
Executive Director