



COLORADO
Department of Public
Health & Environment

June 14, 2020

Jason Vahling, Director
Broomfield Public Health and Environment
100 Spader Way
Broomfield, CO 80020

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

Dear Director Vahling:

Thank you for your application to the Colorado Department of Public Health and Environment (CDPHE) of a variance request to portions of **Public Health Order 20-28 Safer at Home**, as amended. Your application seeks variance for public gatherings, indoor malls, libraries and museums, gyms, personal training, and organized sports. I have had an opportunity to review these requests, and I have determined that they are approved, with some amendments, as explained further below.

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 the City and County of Broomfield (Broomfield) has reported 264 COVID-19 cases total with 18 cases (excluding cases among residents of facilities experiencing outbreaks) in the last two weeks, putting Broomfield in the “medium” variance category - see [here](#) for more information. Your application demonstrates that testing services are available and increasing, and that Broomfield relies on surrounding county hospitals to provide necessary services. Children’s Hospital Colorado and UC Health each provided letters documenting capacity for purposes of your variance application.

Your variance application seeks all of the following:

- Expand Public Gatherings up to 50 people with 6 feet distancing
- Indoor Malls may operate in accordance with the Flatiron Crossing Plan and the Re-Opening Operating Procedures
- Libraries and Museums up to 50% building capacity with 6 feet distancing
- Gyms up to 50% building capacity with 6 feet distancing
- Personal Training up to 50% building capacity with 6 feet distancing
- Organized Sports up to 50 people

Broomfield County Variance
June 14, 2020

The application describes the requirements that each of these sectors or activities will need to meet in order to open or expand current capacity, which include required distancing measures and cleaning and disinfection protocols. Continued distancing of non-household contacts remains critical to stopping the spread of COVID-19; as such, your requests are approved, with the addition of the following requirements:

- 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 100 people gathered in a confined indoor space at any given time, and not to exceed 175 in an outdoor space.
- Regarding indoor malls, 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 35 cases in a two week period (more than 50 cases per 100,000 population), notify CDPHE and 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 Broomfield residents are safe and healthy as we deal with this global pandemic. Broomfield 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.

Sincerely,



Jill Hunsaker Ryan, MPH
Executive Director