

CITY OF BOULDER

Modification of Premise – Application Packet

Instructions & Guide: Pages 2-7

Application: Pages 8-12

Last Edited: 2023



MODIFICATION OF LICENSED PREMISES
CHECKLIST OF REQUIRED DOCUMENTS

If license is modifying premise according to state regulations or if applicant is applying for Transfer of Ownership and will be making changes to premise (modifications, include, but not limited to: increasing/decreasing seating capacity, adding/moving bar, adding or deleting a patio, removal of any interior walls, or changing the way alcohol is circulated in the premise etc.) then they are required to also submit the following:

- Zoning/Planning Confirmation Step 1**-(see attached instructions) to confirm that change is in compliance with local Zoning laws (not required for Temporary Modifications).
- Permit Application & Report of Changes** (State Form-DR8442) completed in pertinent areas and signed by authorized representative of applicant.
- Proof of Possession** - Of the new area to be licensed (Deed, Lease, or Landlord Letter for Modification or new Area)
- "Before" Floor Plan** - Must be submitted on 8-1/2" x 11" paper and must include all items referred to in "Rules of Procedure." Use a highlighter to indicate the area(s) that are currently licensed.
- "After" Floor Plan** - Must be submitted on 8-1/2" x 11" paper and must include all items referred to in the "Rules of Procedure." Use a highlighter to indicate the area(s) that you want to have licensed.
- Fees**
 - Permanent Modifications:**
 - State Application Fee \$150.00 - Paid online at <https://secure.colorado.gov/payment/liquor>
 - City Application Fee of \$100.00- Paid online at https://energovcss.bouldercolorado.gov/EnerGov_Prod/SelfService
 - Temporary Modifications for Events:**
 - State Application Fee \$300.00- Paid online at <https://secure.colorado.gov/payment/liquor>
 - City Application Fee \$50.00 - Paid online at https://energovcss.bouldercolorado.gov/EnerGov_Prod/SelfService
- Application Process:** Both Permanent Modifications and Temporary Modifications require a pre-scheduled intake meeting with Licensing staff. Email licensingonline@bouldercolorado.gov to schedule.

Permanent Modifications require posting for the legally required 10 day period, an Application Hearing before the Beverage Licensing Authority (BLA) and petitions should be submitted at least 10 days prior to the application public hearing to indicate the neighborhood's need and desire for the proposed change. If BLA approves application at hearing, licensing database should have change status updated to indicate form forwarded to state. For Permanent Modifications: when received back, applicant should be called or emailed to schedule premise inspection to observe modifications, collect Letter of Completion or Certificate of Occupancy indicating proper building permit close out, and to provide applicant with state approved copy of state form for their records.

Temporary Modifications require that the premise be posted for the legally required 10 day period, but that a BLA Hearing be held only if there is neighborhood or enforcement comment that would require a hearing. If negative comment is not received, Licensing staff may administratively approve Temporary Modifications for the City of Boulder without hearing and mail it to the state liquor enforcement division. Licensing database should have change status updated to indicate form forwarded to state. For Temporary Modifications, when received back, state approved copy of state form should be mailed to licensee applicant's business mailing address for their records.

STEP 1- ZONING APPROVAL OF LOCAL ZONING LAWS & APPLICATION CLINICS- Detailed Process

Explanation

Zoning Confirmation for Beverage Licensing Authority (BLA) is a discretionary review process to determine if the use is appropriate in the proposed location. The review will evaluate the proposed operating characteristics and identify any potential additional reviews required. An approved Zoning Confirmation for BLA constitutes all zoning requirements have been met with the proposed use.

A request for a Zoning Confirmation for BLA is made by completing & submitting an **Administrative Review Application & Zoning Confirmation Application** with the Planning and Development Services Department. The applications can be found at the following links:

- Application Guide: <https://bouldercolorado.gov/media/1447/download?inline>
- Administrative Review Application Form: https://bouldercolorado.gov/sites/default/files/2022-12/PLN_ADR_DEC%202022.pdf
- Zoning Confirmation for BLA Form and Submittal Requirements: https://bouldercolorado.gov/sites/default/files/2022-10/Zoning%20Confirmation%20Attachment%20to%20ADR_Sept%202022.pdf

The Administrative Review Application Form, the Zoning Confirmation for BLA Form, and the submittal requirements listed in the Zoning Confirmation form need to be formatted according to the Application Guide and emailed to PDSskipatrip@bouldercolorado.gov by 10 am on the Application Deadline. Application Deadlines may be found on the Development Review and Plan Case Application [webpage](#); refer to the [2023 ADR track calendar PDF](#).

Should you need additional information on development review application processes and requirements, you can subject a request / report an issue through the Inquire Boulder system at the following link: <https://user.govoutreach.com/boulder/faq.php?cmd=shell&goparms=classificationId%3D42714>

Floor Plans Requirements for Liquor licensed premises according to BLA Rules of Procedure Section 3-3

Section 3-3 Plans & Specifications

The applicant shall file at the time of application plans and specifications for the interior of the building if the building to be occupied is in existence at the time. If the building is not in existence, the applicant shall file a plot plan and a detailed sketch for the interior and submit an architect's drawing of the building to be constructed.

Subsection 3-3-1 Plans & Specifications

All plans, specifications and detailed sketches or drawings shall be to scale on 8-1/2" x 11" paper and shall show the floor plan and layout of the interior of the building where the license is sought to be exercised.

If a liquor or fermented malt beverage on-premise license is applied for, the plans and specifications shall show, as a minimum, the following:

- (A) A separate page for each level or floor to be licensed;
- (B) Walls, partitions, entrances and exits;
- (C) Dimensions of the premises;
- (D) Clearly identify the nearest streets;
- (E) Indicate the North direction;
- (F) Clearly identify the bar(s);
- (G) Clearly identify where alcohol shall be stored;
- (H) Clearly identify any patio(s), if applicable;
- (I) Identify the type of barrier surrounding the patio, if applicable;
- (J) All tables and chairs;
- (K) List the total seating capacity and,
- (L) Where books and records will be stored.

If a hotel-restaurant license is applied for, plans and specifications shall, in addition to the above, show the following:

- (M) The total floor area where meals shall be served;
- (N) Location of all bar counters;
- (O) Size and dimension of the kitchen and other food preparation areas;
- (P) Location, number and kinds of ranges, stoves or ovens, refrigerators, food lockers, dishwashers, sinks and restrooms; and
- (Q) Location and dimension of food storage areas, and any other fixtures and equipment to be installed and used in connection with the preparation and serving of meals.

Boulder Neighborhood Needs & Desire Petitioning

After you have completed your application and submitted it for consideration, the Licensing Office will set hearing dates for your neighborhood boundaries and for your application public hearing.

The neighborhood boundaries set are typically not less than 1/2 mile radius from the site proposed for a liquor license. The public hearing date will be not less than thirty (30) days from the date of receipt of your complete application by the Licensing Office.

The Beverages Licensing Authority (the "Authority") will set your neighborhood boundaries, usually at the hearing the month before your public hearing. You are welcome to attend your boundary setting hearing or to submit suggested boundaries, but you are not required to do so.

Before approving a liquor license application, the Authority must consider the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance, supporting witnesses or other evidence submitted by the applicant and by residents and business owners/managers of the designated neighborhood. In person witness testimony may be given at the hearing. Letters in favor or opposed to the application should be submitted prior to the hearing.

Although the law does not require that an applicant petition the neighborhood, it is the most common form of evidence presented. Signatures obtained from door to door petitioning must be from residents and business owners/managers of the Authority defined neighborhood. Please note that only door to door petitions will be considered by the Beverage Licensing Authority. For the resident petitions, all persons signing must be at least 21 years of age and reside in the neighborhood. For the business petitions, all persons signing must be at least 21 years of age and own and/or manage a business in the defined neighborhood. You must provide the Authority with sufficient evidence to support its findings that: 1) the reasonable requirements of the neighborhood establish a need for the issuance of the requested license, and 2) that the desires of the adult inhabitants dictate the issuance of the license. The Authority will also be looking to assure that a good sampling of the designated neighborhood was taken.

If you choose to use the petitioning method for proving neighborhood needs and desires, the "[Resident Petition Form](#)" and the "[Business Petition Form](#)" created by the Licensing Office must be used in this process. Each door to door petitioner must carry and show at the door a copy of the "[Designated Neighborhood Map](#)" and the "[Existing Licenses List](#)" provided by the Licensing Office. The prepared "[Petition Results Summary](#)" should also be included with your petition signature pages to summarize the results.

Each petitioner who has collected petition results door to door must include a signed "[Affidavit of Circulator](#)" that is notarized indicating that he/she personally witnessed each signature appearing on the petition and that, to the best of his/her knowledge, each signature is the signature of the person whose name it purports to be and that the address given opposite the person's name is the true residential or business address of the person signing the petition. Failure to affix a completed affidavit of circulator, including notarization, may cause petition invalidity concerns to be raised by the Authority.

There are professional petitioning firms that you may contract with; however, the decision to use any such firm is entirely yours. If you choose a professional petitioning firm, they must also use the prepared petition forms and results summary. This information is meant only as a guideline provided as a courtesy by the City of Boulder. Applicants are encouraged to consult a private attorney for answers to legal questions or concerns.

2023 SCHEDULE OF HEARINGS AND APPLICATION DEADLINE DATES FOR LIQUOR LICENSES

Please upload your new/transfer/change of class/change of location/permanent modification application using the secure folder request system on our main web page as soon as you have zoning approval, but not later than 48 hours prior to your virtual intake meeting. You will be contacted to schedule an intake meeting by the staff member assigned to your application, but if you have questions, you may email us at: LicensingOnline@bouldercolorado.gov

Maintenance of this docketing schedule is necessary to ensure timing of corrected documents, proper public notice and premise posting in accordance with State Liquor Code and Beverage Licensing Authority (BLA) Rules.

For 2023, deadline dates are generally on the Monday of each month that is at least 30 days from the earliest BLA hearing date that an application could be scheduled, but we reserve the right to move deadline dates to an earlier week as needed.

BLA public hearings occur on the 3rd Wednesday of every month, begin at 3PM, and generally, if hearings are not being held virtually, occur in City Council Chambers- 2nd floor of City Municipal Building.

Please note: deadline dates for filing will be changed as needed to: I) Tuesday to accommodate city holidays, or II) an earlier Monday so that new application hearings are at least 30 days from filing date.

Deadline to submit application	Date of scheduled application public hearing before BLA
Monday, December 19, 2022	For Applications <u>without</u> petitioning: January 18, 2023 For Applications <u>with</u> petitioning: February 15, 2023
Monday, January 9, 2023	For Application <u>without</u> petitioning: February 15, 2023 For Applications <u>with</u> petitioning: March 15, 2023
Monday, February 13, 2023	For Applications <u>without</u> petitioning: March 15, 2023 For Applications <u>with</u> petitioning: April 19, 2023
Monday, March 13, 2023	For Applications <u>without</u> petitioning: April 19, 2023 For Applications <u>with</u> petitioning: May 17, 2023
Monday, April 17, 2023	For Applications <u>without</u> petitioning: May 17, 2023 For Applications <u>with</u> petitioning: June 21, 2023

Monday, May 15, 2023	For Applications <u>without</u> petitioning: June 21, 2023 For Applications <u>with</u> petitioning: July 19, 2023
Monday, June 12, 2023	For Applications <u>without</u> petitioning: July 19, 2023 For Applications <u>with</u> petitioning: August 16, 2023
Monday, July 10, 2023	For Applications <u>without</u> petitioning: August 16, 2023 For Applications <u>with</u> petitioning: September 20, 2023
Monday, August 14, 2023	For Applications <u>without</u> petitioning: September 20, 2023 For Applications <u>with</u> petitioning: October 18, 2023
Monday, September 18, 2023	For Applications <u>without</u> petitioning: October 18, 2023 For Applications <u>with</u> petitioning: November 15, 2023
Monday, October 9, 2023	For Applications <u>without</u> petitioning: November 15, 2023 For Applications <u>with</u> petitioning: December 20, 2023
Monday, November 13, 2023	For Applications <u>without</u> petitioning: December 20, 2023 For Applications <u>with</u> petitioning: January 17, 2024
Monday, December 11, 2023	For Applications <u>without</u> petitioning: January 17, 2024 For Applications <u>with</u> petitioning: February 21, 2024

Examples of liquor license applications without petitioning are renewal hearing, temporary modifications with comments or concerns, special event liquor permits with comments or concerns, and transfer applications where the criteria require BLA hearing and there are no permanent modifications planned.

Examples of liquor license applications with petitioning are new licenses, change of class, change of location, and permanent modifications with all of these applications requiring neighborhood boundary setting for petitioning during the hearing the month prior to the BLA application hearing.

Permit Application and Report of Changes

Current License Number _____
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee \$ _____

1. Applicant is a <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company	Present License Number _____
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2. Name of Licensee	3. Trade Name
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4. Location Address

City	County	ZIP
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SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ <input type="checkbox"/> Manager's Registration (Hotel & Restr.).....\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) 50.00 <input type="checkbox"/> Change Location Permit (ea) 150.00 <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____ <input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00
Section B – Duplicate License	
• Liquor License No. _____ <input type="checkbox"/> Duplicate License \$50.00	

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.	TOTAL AMOUNT DUE	\$.00
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Instruction Sheet

For All Sections, Complete Questions 1-4 Located on Page 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 5. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

Section C

Check the appropriate box in section C and proceed below.

- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) **To modify Premise, or add Sidewalk Service Area**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) **For Optional Premises** go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) **Campus Liquor Complex Designation**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 8) **To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.

Storage Permit	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> On–Premises Licensee (Taverns, Restaurants etc.)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Off–Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p>				
Change Trade Name or Corporate Name	<p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <ol style="list-style-type: none"> 1. Certificate of Amendment filed with the Secretary of State, or 2. Statement of Change filed with the Secretary of State, <u>and</u> 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Old Trade Name</td> <td style="width: 50%;">New Trade Name</td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name
Old Trade Name	New Trade Name				
Old Corporate Name	New Corporate Name				
Change of Location	<p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="padding-left: 20px;">City _____ County _____ Zip _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="padding-left: 20px;">Address _____</p> <p style="padding-left: 20px;">City _____ County _____ Zip _____</p> <p>(c) New mailing address if applicable.</p> <p style="padding-left: 20px;">Address _____</p> <p style="padding-left: 20px;">City _____ County _____ State _____ Zip _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>				

Change of Manager	<p>8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8).</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only) Former manager's name _____ New manager's name _____</p> <p>(b) Date of Employment _____ Has manager ever managed a liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> Does manager have a financial interest in any other liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, give name and location of establishment _____</p>
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	<p>9. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed _____ _____ _____</p> <p>(b) If the modification is temporary, when will the proposed change: Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? (If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p> <p>(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.</p>
Campus Liquor Complex Designation	<p>10. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Additional Related Facility	<p>11. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature	Title	Date
Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date