



OFFICE OF THE CITY CLERK

Received: _____

**LIQUOR LICENSE APPLICATION OR
3.2% FERMENTED MALT BEVERAGE
LICENSE APPLICATION (ALCOHOL BEVERAGE)**

It shall be unlawful for any person to knowingly make any false statement or omit any pertinent information on any application for a license. In the event any person knowingly makes any false statement or omits any pertinent information on any application, that act or omission shall, in addition to all other remedies, be grounds for denial of the license or for suspension or revocation of any license issued upon the basis of the false statement. City Code § 2.1.404.

THIS APPLICATION MUST BE FULLY COMPLETE, WITH APPLICABLE FEES AND ALL REQUIRED ATTACHMENTS.
Return fully completed applications to the City Clerk's Office, 30 S. Nevada Avenue, Suite 101, 80903.

NEW LICENSE TRANSFER OF OWNERSHIP

Type of License applying for (Check One)

- Hotel/Restaurant (or Resort) Hotel/Restaurant w/Optional Tavern Brew Pub
 Distillery Pub Vintner's Restaurant Beer and Wine Optional Premises
 Retail Liquor Store* Liquor Licensed Drugstore* Racetrack Arts
 Lodging & Entertainment 3.2% Beer On Premises 3.2% Beer Off Premises 3.2% Beer On & Off Premises

* New Retail Liquor Store (RLS) and Liquor Licensed Drugstore (LLD) applications may not be within 1500' of an existing RLS or LLD location.

Section A: APPLICANT/LICENSEE INFORMATION	
1. Name of Applicant/Licensee (list Corporation/LLC/Partnership/Association/Sole Proprietor): BBB CS3, LLC	
2. Trade Name (DBA): Smashburger	
3. Premises Address: City, State, Zip: 1634 South Nevada Ave Ste 100	Location Phone: (719) 375-9104
Property Tax Schedule No.: 6430201025	Zoning: C5
4. Mailing Address: City, State, Zip: 1634 South Nevada Ave Ste 100	Alt Phone: 719-375-9588
Primary Contact Name And Title: Lucas Farnham; Managing Member	Email: lucas@smashontherange.com

5. IF THIS IS A TRANSFER OF AN EXISTING LICENSE - THE FOLLOWING MUST BE ANSWERED:			
Present trade name of establishment (dba)	Present State License No.	Present Class of License	Present Expiration Date

6. If the applicant is: a Corporation, Limited Liability Company, Partnership or Association, list all officers, directors, general partners and managing members, position held and percentage owned. Attach supplemental pages as needed. ****NOTE: ATTACH ONE AFFIRMATION AND CONSENT (page 3), and ONE APPLICANT INTERVIEW (page 4), FOR EACH NAME LISTED.**

NAME	POSITION HELD	%OWNED
BBB II, LLC	Owner	100
Lucas Farnham	Managing Member	0
Allyson Farnham	Member	0
Craig Avery	Member	0

Section B: FINANCIAL INFORMATION

7. Source(s) of funds invested for total purchase, startup, and inventory costs (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other). Attach supplemental pages as needed.

THE FOLLOWING INFORMATION MUST REFLECT THE ENTIRE SOURCE OF FUNDS INVESTED. NO OTHER PERSON OR PARTIES MAY HAVE A FINANCIAL INTEREST IN THE BUSINESS FOR WHICH THIS APPLICATION IS SUBMITTED.

NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	FUNDING SOURCE (checking/savings/ loan/ note/ gift)	AMOUNT
BBB II, LLC	Checking	\$ 550,000
TOTAL INVESTMENT IN BUSINESS:		\$ 550,000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Lucas Farnham

9. Terms of legal possession for which application is made: OWN LEASE OTHER

If leased, provide the terms: START DATE: 07/01/2018 END DATE: 06/30/2028

DIMENSIONS OF PREMISES: 83' X 43' 2" TOTAL SQUARE FOOTAGE: 2400

Is there a patio area? Yes No --- If yes, provide dimensions 27' 6" X 23' 10"

Anticipated number of employees: 30 Anticipated opening date: 09/17/2018

Will training be offered or required? Yes No --- If yes, through what agency? LiquorPros

Section D: BACKGROUND INFORMATION

10. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant previously been issued an alcohol beverage license, or have a financial interest in any alcohol beverage license in Colorado?

Yes No IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.

11. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever received a violation notice, suspension, or revocation for any alcohol beverage license law violation, have charges pending, or been denied any alcohol beverage license anywhere in the United States?

Yes No IF YES, ATTACH a statement or affidavit of explanation, including date(s) and location(s).

12. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever been convicted of any crime, received a suspended sentence, a deferred sentence, or have charges pending?

Yes No IF YES, ATTACH statement or affidavit of explanation, including date(s) and location(s).

13. List every individual applicant's prior experience in the sale of alcoholic beverages. Attach supplement as needed.

Business Name & Address	Applicant's Name	Experience/Position	Dates
Black Bear Diner Academy Smashburger Austin Bluffs	Lucas Farnham	Managing Member	8/15/11- Current
Black Bear Diner GOG		Managing Member	9/3/13- Current
		Managing Member	11/15/15- Current

The applicant's ownership also has an ownership interest in:

- BBB CS1, LLC (dba Smashburger) Colorado liquor license #4701728
- Bear on the Range (GOG), LLC (dba Black Bear Diner) Colorado liquor license #4705473
- Bear on the Range, LLC (dba Black Bear Diner) Colorado liquor license #4296991

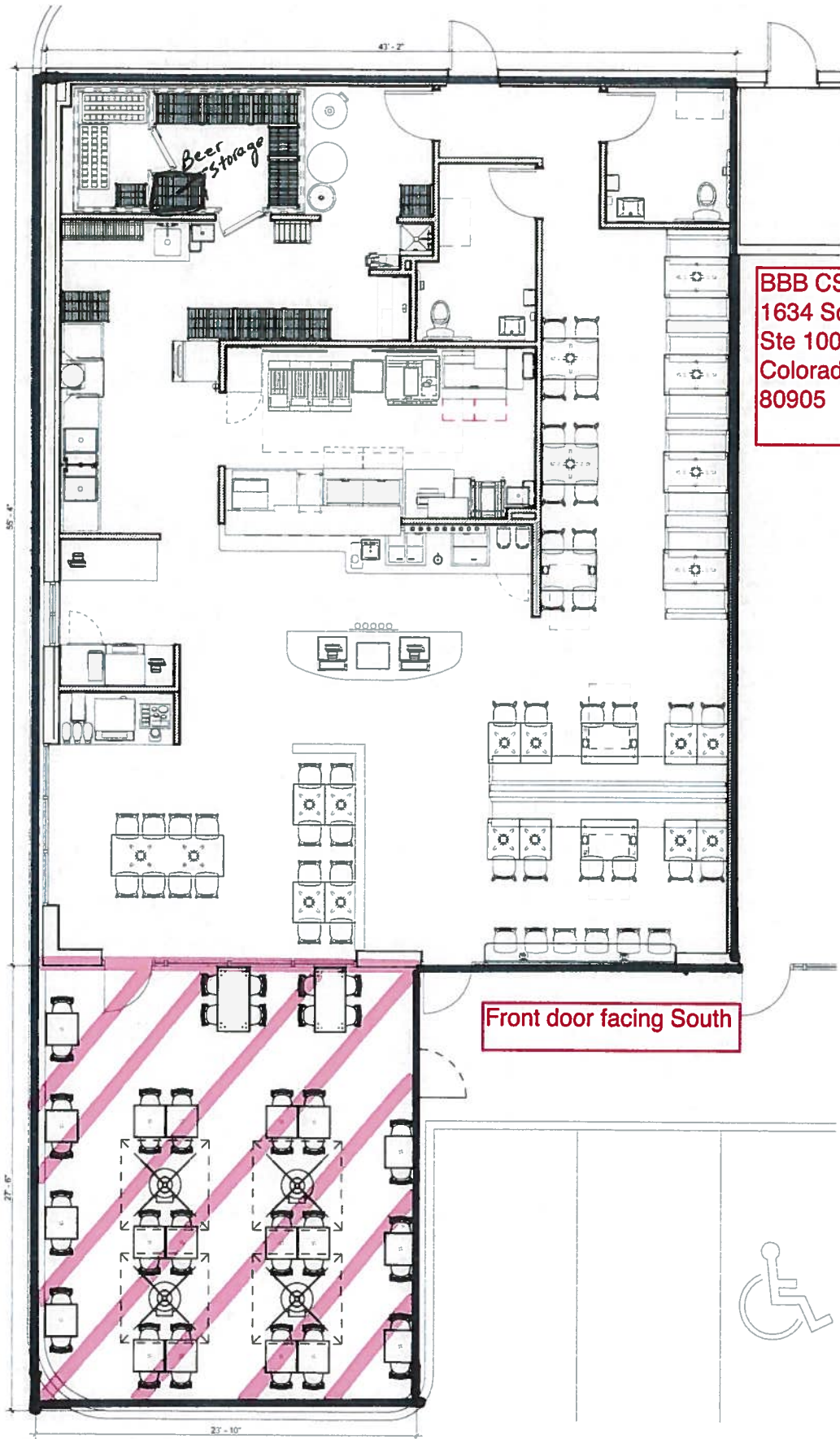
City of Colorado Springs Liquor License Application Additional Information

Section D: Background Information

10. Members have 100% ownership of:

- Bear on the Range, LLC dba Black Bear Diner at 975-A N. Academy Blvd. Colorado Springs, CO 80909.
- Bear on the Range (GOG), LLC dba Black Bear Diner at 1340 Garden of the Gods Road Colorado Springs, CO 80907
- BBB CS1, LLC dba Smashburger 3604 Austin Bluffs Parkway #140 Colorado Springs, CO 80918.

11. Hotel & Restaurant License No. 47-05473 for Bear on the Range (GOG), LLC was suspended for five days from June 24th, 2017 through June 28th, 2017. A fine of \$200.00 was imposed in lieu of the suspension. Training has been conducted with management and staff to ensure 100% ID check all the time.



<p>BEFORE THE LOCAL LIQUOR AND BEER LICENSING AUTHORITY, CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 30 South Nevada Avenue, Suite 101 Colorado Springs, CO 80903 Telephone: (719) 385-5901 Fax Number: (719) 385-5114 Email: cityclerk@springsgov.com</p>	<p>CITY CLERK'S OFFICE 2018 JUN 27 A 9:52 ▲ CLERK USE ONLY ▲</p>
<p>IN THE MATTER OF:</p> <p>APPLICANT BBB CS3, LLC d/b/a Smashburger 1634 S. Nevada Avenue, #100 Colorado Springs, CO 80905 Mailing Address: 1634 S. Nevada Avenue, #100 Colorado Springs, CO 80905</p>	<p>Application No: N-33952</p>
<p>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</p>	

NOTICE OF HEARING

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, July 20, 2018 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon BBB CS3, LLC d/b/a Smashburger (“Applicant”) application for a new Beer and Wine License at 1634 S. Nevada Avenue, #100, Colorado Springs, CO 80905.

At this meeting, the Hearing Officer will consider the factors outlined in Rule No. 9.08 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs (“City Rules”), and it is the Applicant’s burden to provide the necessary evidence to satisfy the Local Licensing Authority.

A public notice poster has been prepared for the Applicant to pick up from the City Clerk’s Office at 30 S. Nevada Avenue, Suite 101. This notice poster must be posted by the Applicant at the proposed premises in a manner that is visible and conspicuous to the public no later than Tuesday, July 10, 2018. Any applicable needs and desires petitions, remonstrances, and other reports or statements in writing must be filed with the City Clerk’s Office by 12:00 P.M. on Tuesday, July 17, 2018.

Pursuant to C.R.S. §12-47-312 and City Rule No. 7, the Local Licensing Authority, through the Office of the City Clerk, has conducted an investigation into Applicant’s application. NOW THEREFORE these Initial Findings of Fact are presented.

INITIAL FINDINGS OF FACT

- I. Applicant's application was filed on May 7, 2018, and within a two (2) year period prior to this date, the Local Licensing Authority has not denied an application at the above referenced location for the reason that the reasonable requirements of the neighborhood were satisfied by existing outlets, pursuant to C.R.S. §12-47-313(1)(a)(I) and City Rule 7.00(A)(1).
- II. Applicant will be entitled to possession of the premises for which the application is made pursuant to a lease, rental agreement, or other arrangement for possession of the premises, or by virtue of ownership thereof as evidence by the possession documents submitted by Applicant and contained in the administrative file, pursuant to C.R.S. §12-47-313(1)(b) and City Rule 7.00(A)(2).
- III. The location of the premises to be licensed appears to be in compliance with the Zoning Ordinances of the City of Colorado Springs as evidenced by the Land use review report submitted by the Planning and Development Department of the City of Colorado Springs, pursuant to C.R.S. §12-47-313(1)(c) and City Rule 7.00(A)(3).
- IV. The location of the premises to be licensed appears to be in compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university or seminary, pursuant to C.R.S. §12-47-313(1)(d) and City Rule 7.00(A)(4).
- V. Pursuant to C.R.S. §12-47-307(1)(a)(VI), the Colorado Springs Police Department has conducted a background investigation into Applicant and there are no objections to Applicant at this time.
- VI. A review of Applicant's finances did not disclose any unlawful financial assistance as prohibited in C.R.S. §12-47-308.
- VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §12-47-307.
- VIII. Pursuant to City Rule 6.01 neighborhood boundaries have been established, and a listing of existing licenses of a similar type that are within the established boundary area for the proposed establishment and boundary map are attached.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done July 27, 2018.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Lee McRae at 719-385-5106.

Liquor Survey Boundaries



BBB CS3, LLC
d/b/a SMASHBURGER
1634 S NEVADA AVE #100

OFFICE OF THE CITY CLERK
License ID: 33952



The survey boundary is 0.5 miles from the establishment

Map Prepared: 6/26/2018 6:48 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 33952

BBB CS3, LLC

d/b/a SMASHBURGER

1634 S NEVADA AVE #100

COLORADO SPRINGS, CO 80905

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) ZOE'S KITCHEN	1612 S NEVADA AVE	Beer & Wine	355.60 ft
2) ARCEO'S	1605 S NEVADA AVE	Hotel & Restaurant	509.13 ft
3) EDELWEISS RESTAURANT, INC.	34 E RAMONA ST	Hotel & Restaurant	665.01 ft
4) IVYWILD TAVERN	1529 S NEVADA AVE	Tavern	730.17 ft
5) PRIME 25	1605 S TEJON ST	Hotel & Restaurant	784.77 ft
6) BLUE STAR, THE	1645 S TEJON ST	Hotel & Restaurant	827.13 ft
7) THE BLUSH SALON	1505 S TEJON ST	Beer & Wine	887.04 ft
8) RANCHO ALEGRE	1899 S NEVADA AVE	Hotel & Restaurant	988.40 ft
9) THE MILLIBO ART THEATRE	1626 S TEJON ST	Arts	1,032.22 ft
10) SUSHI RING RESTAURANT	1861 S NEVADA AVE	Beer & Wine	1,070.05 ft
11) THE OLD SCHOOL BAKERY	1604 S CASCADE AVE	Hotel & Restaurant	1,369.15 ft
12) QDOBA MEXICAN EATS	1916 SOUTHGATE RD	Hotel & Restaurant	2,063.72 ft
13) WINGSTOP #3	1914 SOUTHGATE RD	Hotel & Restaurant	2,126.59 ft
14) LARKBURGER	1904 SOUTHGATE RD	Beer & Wine	2,195.57 ft

CERTIFICATE OF MAILING

I, Lee McRae, hereby certify that I have mailed a true copy of the foregoing **NOTICE OF HEARING AND INITIAL FINDINGS OF FACT** by United States mail, first class postage paid, on July 28, 2018 to the following address of record:

BBB CS3, LLC
dba Smashburger
1634 S. Nevada Avenue, #100
Colorado Springs, CO 80905



Lee McRae
License Enforcement Officer
City Clerk's Office
30 S. Nevada Avenue, Suite 101
Colorado Springs, CO 80903

CC: lucas@smashontherange.com

Lucas Farnham
5345 Vessey Road
Colorado Springs, CO 80908