



OFFICE OF THE CITY CLERK

LIQUOR LICENSE OR FERMENTED MALT BEVERAGE LICENSE (ALCOHOL BEVERAGE) APPLICATION

Received CITY CLERK'S OFFICE 2020 JAN 16 A 8:49
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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 (Includes Resort & Campus Complex)
 ☐ 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
 ☐ FMB (Beer) On Premises
 ☐ FMB (Beer) 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):

Birdcall Tutt Blvd, LLC

2. Trade Name (DBA):

Birdcall

3. Premises Address: 6510 Tutt Blvd

City, State, Zip: Colorado Springs, CO 80923

Location

Phone: 720-936-6364

Property Tax Schedule No. : 5307304006

Zoning:

C6 AO

4. Mailing Address: 1890 S. Pearl St

City, State, Zip: Denver CO 80210

Alt Phone:

same

Primary Contact

Name And Title: Peter Newlin - Member

Email:

philippe@gastamogroup.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
N/A	N/A	N/A	N/A

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
BCR Group LLC	Member	100%

**CONFIDENTIAL****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
Midfirst Bank	Business Checking	\$700,000
101 Cook Street Denver, CO 80206		
TOTAL INVESTMENT IN BUSINESS:		\$ 700,000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Varun Balan

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

If leased, provide the terms: START DATE: 11/22/2019 END DATE: 4/22/2030

DIMENSIONS OF PREMISES: 38' x 102' TOTAL SQUARE FOOTAGE: 2677 sq ft

Is there a patio area? ☒ Yes ☐ No --- If yes, provide dimensions 38'x 15'

Anticipated number of employees: 25-30 Anticipated opening date: 7/2020

Will training be offered or required? ☒ Yes ☐ No --- If yes, through what agency? Oedipus Inc

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
See attached	Jean-Phillippe Fallyau	Owner of numerous LLCs	4/2009-Present
See attached	Peter Newlin	Owner of numerous LLCs	1/2010 - Present

Attachment - Homegrown Tap & Dough LLC

13. List every prior experience

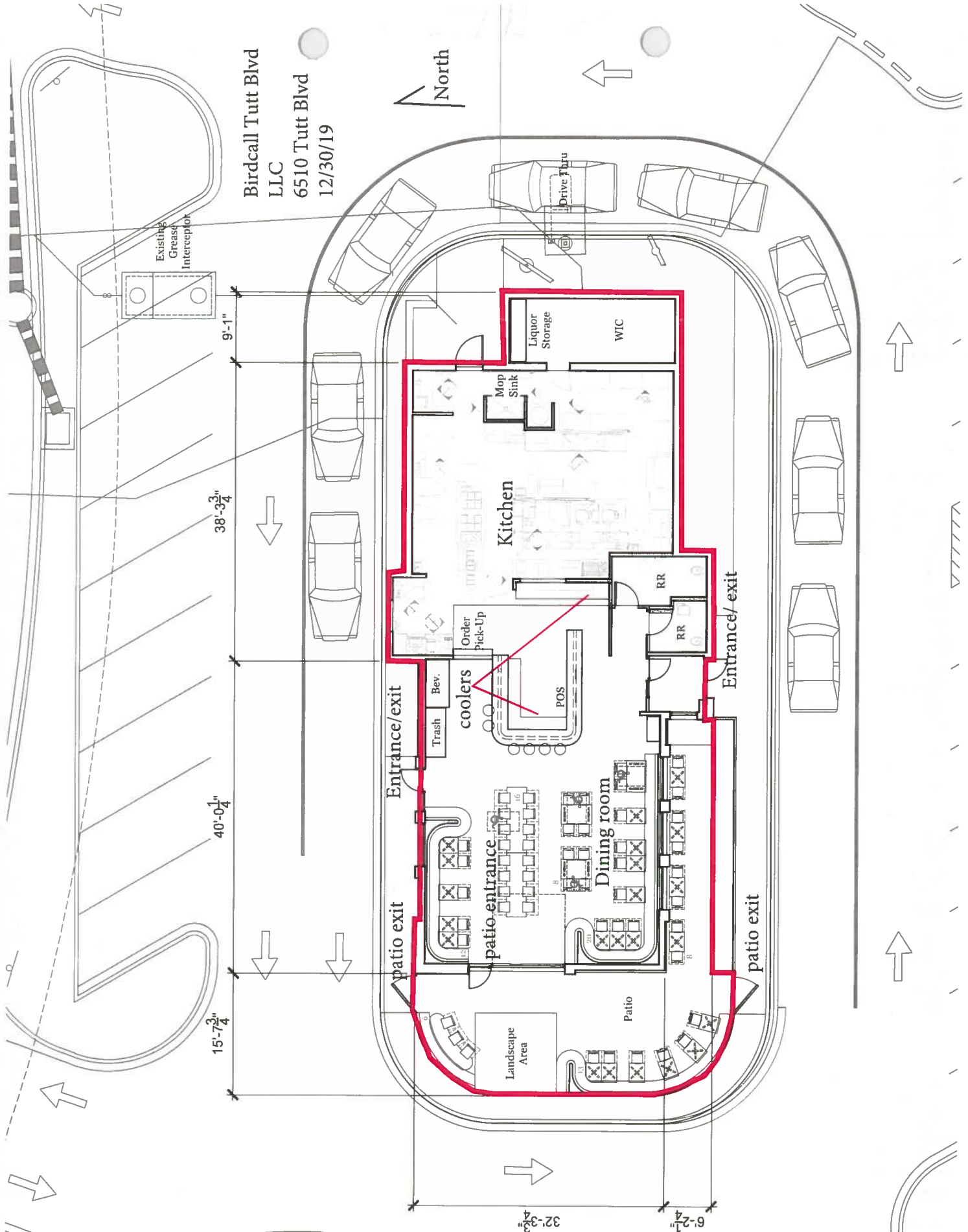
Jean-Philippe Failyau

License / License #	Location	Interest
Park Burger Inc. 42-66534-0000	1890 S. Pearl St Denver	Shareholder
Osteria Marco Inc. 42-54398-0000	1453 Larimer St Denver	Shareholder
Park Burger Highlands Inc 42-88274-0000	2643 W. 32 nd Ave Denver	Shareholder
Park & Company Inc 42-79957-0000	439 E 17 th Ave Denver	Member
Park Burger RiNO Inc 03-06215	2615 Walnut St Denver	President
Park Burger Holly Inc 03-06215	211 S. Holly St Denver	President
Homegrown Tap & Dough Arvada LLC 03-06152	5601 Olde Wadsworth Blvd ste 100 Arvada	Member
800 East 26 th Ave LLC 03-06129	800 East 26 th Ave Denver	Member
800 East 26 th Ave LLC 03-08746	1701 Wewatta St Denver	Member
1535 East Evans Ave LLC 03-08039	1535 East Evans Ave Denver	Member
JPPMEX, LLC 03-11077	1066 S. Gaylord St Denver	Member
Homegrown Tap & Dough Inc 03-04215	1001 S. Gaylord St Denver	Member

Peter Newlin

License / License #	Location	Interest
Park Burger Highlands Inc 42-88274-0000	2643 W. 32 nd Ave Denver	Shareholder
Park Burger RiNO Inc 03-06215	2615 Walnut St Denver	Shareholder
Park Burger Holly Inc 03-06215	211 S. Holly St Denver	Shareholder
Homegrown Tap & Dough Arvada LLC 03-06152	5601 Olde Wadsworth Blvd ste 100 Arvada	Member
800 East 26 th Ave LLC	800 East 26 th Ave Denver	Member

03-06129		
800 East 26 th Ave LLC 03-08746	1701 Wewatta St Denver	Member
1535 East Evans Ave LLC 03-08039	1535 East Evans Ave Denver	Member
JPPMEX, LLC 03-11077	1066 S. Gaylord St Denver	Member
Homegrown Tap & Dough Inc 03-04215	1001 S. Gaylord St Denver	Member



Birdcall Tutt Blvd
LLC
6510 Tutt Blvd
12/30/19



Existing
Grease
Interceptor

Drive Thru

Liquor
Storage

WIC

Mop
Sink

Kitchen

Order
Pick-Up

coolers

Trash

Bev.

POS

RR

RR

Entrance/exit

Entrance/exit

patio entrance

Dining room

Patio

patio exit

32'-3 3/4"

6'-2 1/4"

15'-7 3/4"

40'-0 1/4"

38'-3 3/4"

9'-1"

**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

CITY CLERK'S OFFICE

2020 MAR 20 P 3: 26

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

Birdcall Tutt Blvd, LLC
d/b/a **Birdcall**
6510 Tutt Boulevard
Colorado Springs, CO 80923
Mailing Address:
1890 S. Pearl Street
Denver, CO 80210

Application No: N-36840

NOTICE OF POSTPONED HEARING

WHEREAS, this matter was to come before the Local Licensing Authority Hearing Officer for hearing on Friday, March 20, 2020 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903 regarding an application by Birdcall Tutt Blvd, LLC d/b/a Birdcall ("Applicant") for a new Hotel and Restaurant Liquor License at 6510 Tutt Boulevard, Colorado Springs, CO 80923, as outlined in the Notice of Hearing and Initial Findings of Fact dated February 27, 2020, and incorporated herein by reference; and

WHEREAS, in support of the Mayor's emergency declaration and City efforts to ensure consistency with guidelines from State public health officials and the Centers for Disease Control regarding "social distancing" to protect community members from COVID-19; and

WHEREAS, on March 18, 2020 the Mayor of the City of Colorado Springs ordered the Municipal Court Building be closed to the public; and

WHEREAS, the meeting was therefore cancelled with all scheduled items to be postponed for at least 30 days to the next available meeting date of the Liquor and Beer Licensing Authority; and

WHEREAS, the next available meeting date of the Liquor and Beer Licensing Authority is scheduled for May 1, 2020; and

WHEREAS, the City Clerk has therefore reset the application hearing to the **tentative** postponed date of **May 1, 2020, pending confirmation of resumption of public access to the City Municipal Court Building.**

NOTICE OF POSTPONED HEARING

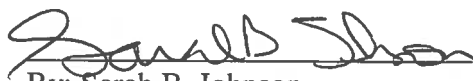
NOW THEREFORE, pursuant to the Local Licensing Authority's order and Rule Nos. 4.03 and 6.03 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Rules"), **YOU ARE HEREBY NOTIFIED** that the new Application Hearing will have a **TENTATIVE** hearing date before the Local Licensing Authority Hearing Officer on **Friday, May 1, 2020 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** regarding the Birdcall Tutt Blvd, LLC d/b/a Birdcall ("Applicant") application for a new Hotel and Restaurant Liquor License at 6510 Tutt Boulevard, Colorado Springs, CO 80923.

This currently tentative hearing date will be confirmed with the applicant by the Office of the City Clerk via email and/or phone as soon as possible, but not later than Tuesday, April 28, 2020.

At this hearing 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. 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, April 28, 2020.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done March 20, 2020.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY

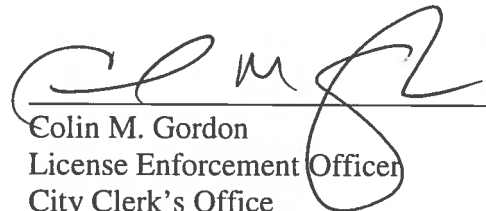

By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

CERTIFICATE OF MAILING

I, Colin M. Gordon, hereby certify that I have mailed a true copy of the foregoing **NOTICE OF POSTPONED HEARING** by United States mail, first class postage paid, on March 20, 2020 to the following address of record:

Birdcall Tutt Blvd, LLC
dba Birdcall
1890 S. Pearl Street
Denver, CO 80210



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

CC: kkiesling@messner.com
peter@parkburger.com

**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

CITY CLERK'S OFFICE

2020 FEB 28 A 8:43

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

Birdcall Tutt Blvd, LLC
d/b/a **Birdcall**
6510 Tutt Boulevard
Colorado Springs, CO 80923
Mailing Address:
1890 S. Pearl Street
Denver, CO 80210

Application No:

NOTICE OF HEARING AND INITIAL FINDINGS OF FACT

NOTICE OF HEARING

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, March 20, 2020 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Birdcall Tutt Blvd, LLC d/b/a Birdcall ("Applicant") application for a new Hotel and Restaurant Liquor License at 6510 Tutt Boulevard, Colorado Springs, CO 80923.

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, March 10, 2020. 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, March 17, 2020.

Pursuant to C.R.S. §44-3-312 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 January 16, 2020, 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. §44-3-313(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. §44-3-313(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. §44-3-313(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. §44-3-313(1)(d) and City Rule 7.00(A)(4).
- V. Pursuant to C.R.S. §44-3-307(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. §44-3-308.
- VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §44-3-307.
- 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 February 27, 2020.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

Liquor Survey Boundaries



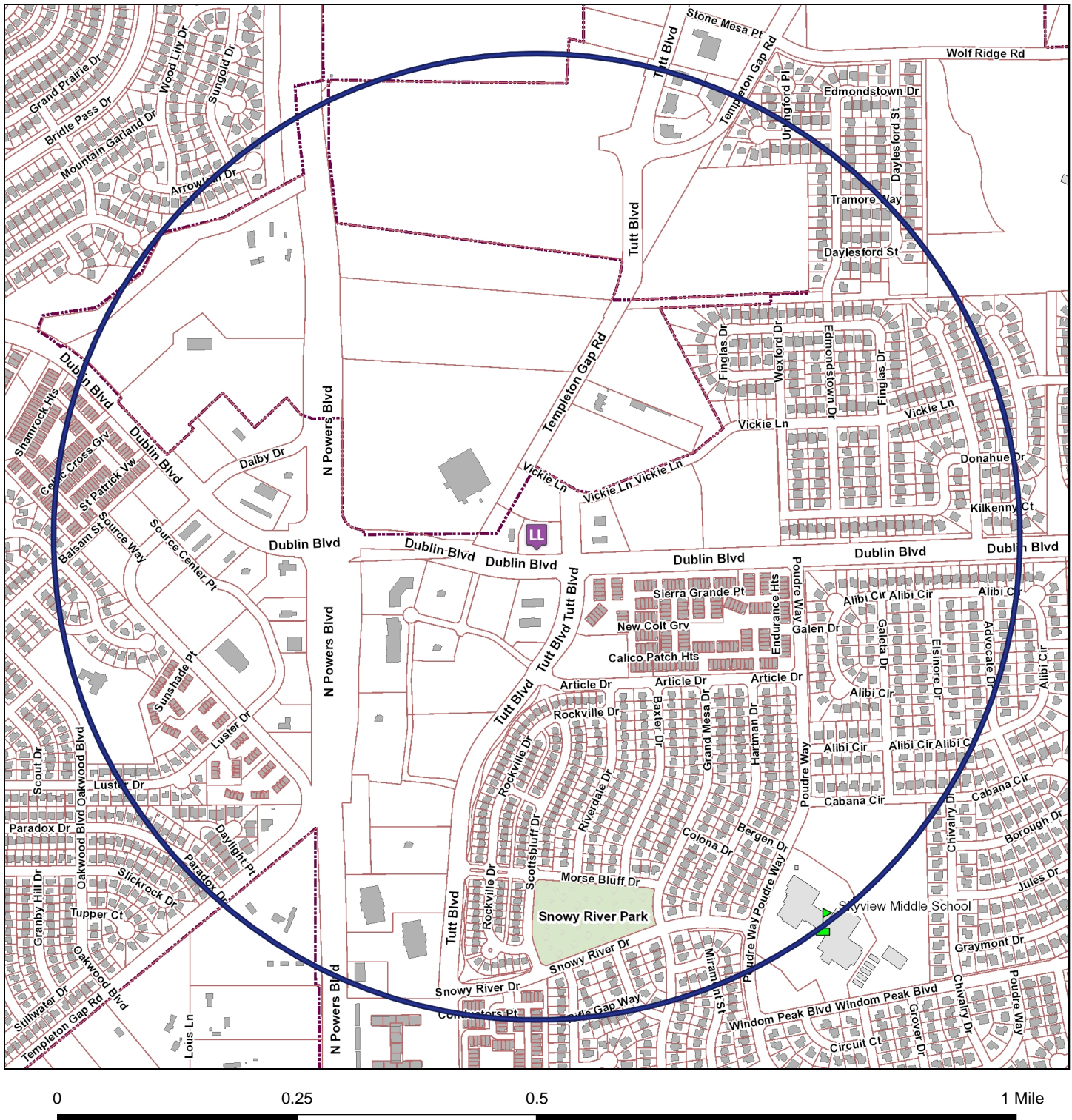
BIRDCALL TUTT BLVD, LLC

d/b/a BIRDCALL

6510 TUTT BLVD

OFFICE OF THE CITY CLERK

License ID: 36840



The survey boundary is 0.5 miles from the establishment

Map Prepared: 2/28/2020 9:21 AM

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N-36840

Liquor Hearing Agenda - 03/20/2020 - Item No. 3C

05/01/2020 - Item No. 3C



OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 36840

BIRDCALL TUTT BLVD, LLC

d/b/a BIRDCALL

6510 TUTT BLVD

COLORADO SPRINGS, CO 80923

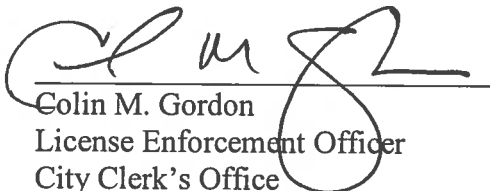
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) FUZZY'S TACO SHOP	5915 DUBLIN BLVD	Hotel & Restaurant	870.51 ft
2) SALSA BRAVA/URBAN EGG	5925 DUBLIN BLVD	Hotel & Restaurant	915.82 ft
3) BEAUTY BAR SALON & SPA	5925 DUBLIN BLVD	Lodging & Entertainment	969.42 ft
4) MOD PIZZA	5925 DUBLIN BLVD	Beer & Wine	1,039.61 ft
5) SKIRTED HEIFER II	5935 DUBLIN BLVD	Hotel & Restaurant	1,069.29 ft
6) COLORADO'S RIB & CHOP HOUSE	5935 DUBLIN BLVD	Hotel & Restaurant	1,141.42 ft
7) KANPAI : JAPANESE RESTAURANT & SUSHI	5935 DUBLIN BLVD	Hotel & Restaurant	1,343.02 ft

CERTIFICATE OF MAILING

I, Colin M. Gordon, 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 February 28, 2020 to the following address of record:

Birdcall Tutt Blvd, LLC
d/b/a Birdcall
1890 S. Pearl Street
Denver, CO 80210



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

CC: kkiesling@messner.com
peter@parkburger.com