

# ***Local Licensing Authority***

## ***Agenda***

**June 24, 2019  
City Hall, Spruce Room  
749 Main Street  
7:00 PM**

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Public Comments on Items Not on the Agenda**
- V. Action on Minutes – 5/20/19**
- VI. Consent Agenda**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Renewal Application – Lucky Pie LLC d/b/a Lucky Pie Pizza – Hotel and Restaurant Liquor License – 637 Front Street
- B. Renewal Application – Cinebarre LLC d/b/a Cinebarre – Hotel and Restaurant Liquor License – 1164 W. Dillon Road
- C. Renewal Application – Via Toscana LLC d/b/a Via Toscana – Hotel and Restaurant Liquor License – 356 McCaslin Blvd.
- D. Renewal Application – KCSP Inc. d/b/a Busaba – Hotel and Restaurant Liquor License – 133 McCaslin Blvd. Unit H
- E. Renewal Application – Hana Japanese Bistro Inc. d/b/a Hana Japanese Bistro – Hotel and Restaurant Liquor License – 1148-6 W. Dillon Rd.
- F. Renewal Application – Albertsons LLC d/b/a Safeway Store #2812

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***City of Louisville***

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– Fermented Malt Beverage License – 910 W. Cherry Avenue

G. Renewal Application – Qdoba Restaurant Corporation d/b/a  
Qdoba Mexican Eats – Hotel and Restaurant Liquor License – 459  
S. McCaslin Blvd Ste. 1

H. Manager Registration – Cerca Trova Southwest Restaurant Group  
LLC d/b/a Outback Steakhouse – Hotel and Restaurant Liquor  
License – 988 W. Dillon Road

**VII. Authority Business**

A. Transfer Application – WELL Balfour Tenant LLC d/b/a The Lodge at  
Balfour – Lodging and Entertainment Liquor License – 1331 E. Hecla  
Dr.

B. Transfer Application – WELL Balfour Tenant LLC d/b/a The  
Residences at Balfour – Lodging and Entertainment Liquor License –  
1336 E. Hecla Dr.

C. Transfer Application – Asian Dragon Inc. d/b/a Asian Dragon – Beer  
and Wine License – 1387 E. South Boulder Road

D. Change in Ownership Structure – Compassionate Pain  
Management LLC d/b/a Ajoya – Combined Retail/Medical  
Marijuana – 1100 W. Dillon Road

**VIII. Police Department Report**

**IX. Secretary's Report**

**X. Authority Attorney's Report**

**XI. Authority Comments**

**XII. Discussion Items for Next Meeting – July 22, 2019 @ 7:00 p.m.**

**XIII. Adjournment**

## ***Local Licensing Authority***

### ***Meeting Minutes***

**May 20, 2019  
City Hall, Spruce Room  
749 Main Street  
7:00 PM**

**Call to Order** – Chairperson Machado called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

Authority Members Present: John Carlson, Matthew Machado, Marguerite Lipton, and Elizabeth Kaufman.

Absent: Bart Watson, Kyle Brown

Staff Members Present: Melinda Culley – Kelly P.C.  
Carol Hanson, Deputy City Clerk

**Approval of Agenda** – Chairperson Machado called for changes to the agenda. Carlson made a motion to approve the agenda. Kaufman seconded. All in favor. Absent: Brown and Watson. Agenda approved.

**Public Comments on Items Not on the Agenda** – None heard.

**Approval of Meeting Minutes** – 04/22/19 – Machado called for any changes to the minutes. Lipton moved to approve the minutes. Carlson seconded. All in favor. Minutes approved.

**Approval of Consent Agenda** – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

A. Special Event Permit Application – Louisville Downtown Business

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Association – Steinbaugh Pavilion and surrounding area – Street  
Faire

- B. Renewal Application – SHI-II Louisville Lodge LLC d/b/a Lodge at Balfour – Lodging & Entertainment Liquor License - 1331 E. Hecla Drive
- C. Renewal Application – SHI-II Louisville Residences LLC d/b/a The Residences at Balfour – Lodging & Entertainment Liquor License – 1336 E. Hecla Drive
- D. Special Event Permit Application – CenterStage Theater Company – 901 Front St. – 5/25/19
- E. Special Event Permit Application – Guys Who Give – Steinbaugh Pavilion – 5/25/19 and 9/21/19
- F. Renewal Application – OYSY Inc d/b/a Sushi Yoshi Restaurant – Hotel and Restaurant Liquor License – 917 Front St. Suite 100
- G. Renewal Application – Marsco LLC d/b/a The Huckleberry – Hotel and Restaurant Liquor License – 700 Main Street
- H. Renewal Application – Lulu’s BBQ LLC d/b/a Lulu’s BBQ – Tavern Liquor License – 701 B Main Street
- I. Renewal Application – Twelve Degree Brewing LLC d/b/a Twelve Degree Brewing – Brew Pub License – 820 Main St. #101

Machado called for any changes to the consent agenda. Lipton noted she had family members living at Balfour and asked if she could vote; members agreed she could. Machado noted he is a member of Guys Who Give, but that would not sway his vote. Carlson moved the consent agenda be approved. Kaufman seconded. All in favor. Consent agenda approved.

### **Authority Business**

- A. Public Hearing - New Retail Marijuana Store Application – J2H2 Holdings d/b/a The Green Room – 1063 Courtesy Road

Chairperson Machado opened the public hearing. Secretary Hanson reported the hearing had been posted and published in accordance with State law, the application was complete with the additional information the members had in front of them and she saw no reason for denial of the application.

Machado asked for any authority disclosures and hearing none, moved the entire application be made a part of the record, Kaufman seconded. All in favor.

Machado called for an applicant presentation. Warren Lindgren, 1084 Northview Drive, Erie, CO and Sean Taggart, general manager, 2535 Sunset Drive, Longmont, CO introduced themselves to the Authority and took the oath. Mr. Lindgren noted he did not have a presentation but they were available to answer any questions. He noted they had been in front of the Authority in January for a store at a different location.

Machado asked if Authority members had any questions. Lipton asked if the drawing of the premises and security plan was current. Mr. Lindgren noted it was and in fact was provided just today.

Machado noted the additional items provided were according to regulations in the municipal code and included a security plan, a list of items to be sold at the store, a signage plan and odor mitigation plan. Machado stated his recollection this company owned two establishments in Boulder.

Mr. Lindgren noted they had sold the establishments in Boulder and this would be the second store in Louisville.

Machado asked if this property was in a proper location. Hanson noted the applicants were a part of the lottery registration and as such had to have this location approved by the planning department.

Lipton asked if identification needed to be presented to get into the actual store area. Mr. Lindgren noted there was a lobby and then identification was checked before anyone could enter the store. Mr. Taggart noted they are using Intellicheck to check id's against a DMV database. It is a state of the art identification system and has made it possible for them to catch fake id's as well as catching folks who try to purchase an amount over the limit. He entered a flyer describing the system into the record. He noted the Boulder police department has been very supportive of the Intellicheck system. Mr. Lindgren noted they had included letters from the Boulder police department.

Machado noted he was very concerned about not selling to minors and not letting people buy more than the limit. He was glad to see they had a system to address those things.

Kaufman asked if the system was linked to other stores. Mr. Lindgren noted it was not tied in to other stores.

Chairperson Machado asked if anyone wanted to speak in favor of the application and hearing none, asked if anyone wished to speak in opposition.

Jason Pardikes, 8989 E. 148<sup>th</sup> Ave., Brighton, CO owner of Renew Movement which will be right next to this store, took the oath and introduced himself to the Authority. He noted he had met the owners. He was concerned about odor mitigation. He noted his shop is now treating young people. An informal survey was conducted and about 70% of the respondents had negative feedback about having the marijuana store next door. He noted his business treats health issues like carpal tunnel and other chronic pain with physical stretching; a cross between physical therapy and massage.

Authority member Kaufman asked if odor was the concern or just that it is a marijuana business.

Pardikes noted odor was an issue and part of it was the health conscious clientele they serve as well as the fact they are now serving families and children.

Lipton asked if there was anything in the guidelines to consider this objection.

Machado noted it was different than liquor licenses. He then asked if the applicant had a closing statement.

Mr. Lindgren noted they do have an odor mitigation plan and having run a cultivation facility are good at odor mitigation. Mr. Taggart noted smell mitigation in a retail store is minimal compared to cultivation.

Mr. Lindgren stated no product is visible from the front of the business.

Lipton asked if the neighbors had been contacted. Mr. Lindgren noted he had spoken to them all including Mr. Pardikes who had toured their store in Boulder.

Machado closed the public hearing and called for member discussion and comments.

Carlson noted that planning and zoning found this location to be in compliance. Attorney Culley noted planning and zoning would have determined if this was in an area zoned correctly and the proper distance from schools. There is nothing in code that prohibits a retail marijuana store being any distance from a business such as Mr. Pardikes described.

Lipton noted there had been some objections heard by Council when they allowed additional stores.

Machado noted the needs of the neighborhood are not a part of the approval process here as it is for liquor licenses. The Authority is allowed to consider the moral character of the applicant, whether the application is complete, any false or misleading information and then a general sentence about the ability to deny a license for good cause.

Authority Attorney Culley stated there is a definition of good cause, but it addresses things the Authority could consider when deciding to suspend or revoke a license including violation of the ordinance or operating in a manner that adversely affects the public health or welfare, safety in the immediate neighborhood and whether they have been found to be delinquent in any sort of taxes. She noted when Council updated the ordinance, there were new stricter regulations concerning odor mitigation.

Machado noted reading the ordinance, he felt the Authority's discretion was fairly limited. In his opinion the application met the standards set forth in the ordinance.

Carlson moved the Local Licensing Authority of the City of Louisville find the applicant is of good moral character and all City and state law requirements have been met and, based on these findings, the Local Licensing Authority approve issuance of a Retail Marijuana Store license for J2H2 Holdings, LLC doing business as The Green Room. Kaufman seconded.

Roll Call Vote: Machado – yes, Carlson – yes, Lipton - no and Kaufman – yes.

- B. Transfer Application – Corner Market 60 LLC d/b/a Corner Market – Fermented Malt Beverage License – 1135 E. South Boulder Road

Lipton moved the transfer be approved. Kaufman seconded. All in favor.

- C. Application for Colorado Liquor Sales Room – Mother Tucker Enterprises d/b/a Mother Tucker Brewery Louisville – 1132 W. Dillon Road Suite 4

Machado noted this is for a sales room and is just a notification. Carlson agreed and noted this is a manufacturing license issued by the state and this is a heads up to the local authority.

- D. Marijuana Lottery Update

Attorney Culley noted the drawing was held on April 23, 2019 in Council Chambers. Some of the registrants attended. There are three licenses available. All twenty names were drawn and the list and order was included in the packet. The first name drawn was for 1655 Courtesy Road, the second for 1063 Courtesy Road which was heard tonight. These are a little over the 1500 feet apart. Numbers 3-9 were all for the same two locations and had contingent leases saying if the location was drawn before, their lease becomes null and void. The next registrant was for 1160 East South Boulder Road and they have withdrawn their registration which leaves 1411 Hecla Way.

Some issues came up with the stacked leases. The lottery rules do not give registrants at the same location an opportunity to find another location only those within 1500 feet of an already chosen location. The Authority will probably see two new applications soon.

**Police Department Reports**

No reports.

**Secretary's Report**

No report.

**Authority Attorney's Report**

No report.

**Authority Comment**

**Adjourn** – Carlson moved to adjourn. Lipton seconded. All in favor. The meeting was adjourned at 7:40 p.m.

**SUBJECT: RENEWAL APPLICATION – LUCKY PIE LLC D/B/A LUCKY  
PIE PIZZA – HOTEL AND RESTAURANT LIQUOR LICENSE  
– 637 FRONT STREET**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Lucky Pie LLC d/b/a Lucky Pie Pizza, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 637 Front Street.

The premises are leased and the current agreement is valid.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports. However, the establishment did serve to an underage patron as a part of a State compliance check.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application and corporate report of changes for– Lucky Pie LLC d/b/a Lucky Pie Pizza – Hotel & Restaurant Liquor License – 637 Front Street.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – CINEBARRE, LLC D/B/A  
CINEBARRE – HOTEL AND RESTAURANT LIQUOR  
LICENSE - 1164 W. DILLON ROAD**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Cinebarre LLC d/b/a Cinebarre, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 1164 W. Dillon Road.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no incidents requiring a police report during the past year.

No employees attended seller/server training during the past year.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for– Cinebarre LLC d/b/a Cinebarre – Hotel & Restaurant Liquor License – 1164 W. Dillon Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – VIA TOSCANA LLC D/B/A VIA TOSCANA – HOTEL & RESTAURANT LIQUOR LICENSE – 356 MCCASLIN BLVD.**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Via Toscana LLC d/b/a Via Toscana, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 356 McCaslin Blvd.

The premises are leased and the current agreement is valid.

Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There have been no liquor incidents over the past year which required police reports to be issued.

City sales tax is current.

**RECOMMENDATION:**

Authority approve the renewal application for Hotel & Restaurant License for Via Toscan LLC d/b/a Via Toscana – 356 McCaslin Blvd.

Alternatively, the Authority may set a hearing on this renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – KCSP, INC D/B/A BUSABA –  
HOTEL AND RESTAURANT LIQUOR LICENSE – 133  
MCCASLIN BLVD. UNIT H**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, KCSP, Inc. d/b/a Busaba, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 133 McCaslin Blvd., Unit H.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for– KCSP, Inc. d/b/a Busaba – Hotel & Restaurant Liquor License – 133 McCaslin Blvd.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – HANA JAPANESE BISTRO,  
INC. – HOTEL AND RESTAURANT LIQUOR LICENSE –  
1148 W. DILLON ROAD, UNIT 6**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Hana Japanese Bistro, Inc. has submitted an application for renewal of its Hotel & Restaurant Liquor License at 1148 W. Dillon Road, Unit 6.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for– Hana Japanese Bistro, Inc. – Hotel & Restaurant Liquor License – 1148 W. Dillon Road, Unit 6.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – ALBERTSON’S LLC D/B/A  
SAFEWAY STORE #2812 – FERMENTED MALT BEVERAGE  
LICENSE - 910 W. CHERRY ST.**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Albertson’s LLC d/b/a Safeway Store #2812, has submitted an application for renewal of its Fermented Malt Beverage License located at 910 W. Cherry Street.

The premises are owned by the licensee.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for a Fermented Malt Beverage License for Albertson’s LLC d/b/a Safeway Store #2812 – 910 W. Cherry Street.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – QDOBA RESTAURANT CORPORATION D/B/A QDOBA MEXICAN GRILL – HOTEL AND RESTAURANT LIQUOR LICENSE – 459 S. MCCASLIN BLVD. UNIT 1**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Qdoba Restaurant Corporation d/b/a Qdoba Mexican Grill, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 459 S. McCaslin Blvd. Unit 1

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for– Qdoba Restaurant Corporation d/b/a Qdoba Mexican Grill – Hotel & Restaurant Liquor License – 459 S. McCaslin Blvd. Unit 1

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT:           MANAGER REGISTRATION – CERCA TROVA SOUTHWEST  
RESTAURANT GROUP LLC D/B/A OUTBACK  
STEAKHOUSE – HOTEL AND RESTAURANT LIQUOR  
LICENSE – 988 W DILLON ROAD**

**DATE:                JUNE 24, 2019**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

Cerca Trova Southwest Restaurant Group, LLC d/b/a Outback Steakhouse. has submitted a manager change for its hotel and restaurant liquor license located at 988 W. Dillon Road.

Patrick Reynolds replaces Grant Hopfenspirger as manager.

**RECOMMENDATION:**

Authority approve the change of manager.

**SUBJECT:           TRANSFER APPLICATION – WELL BALFOUR TENANT LLC  
D/B/A THE LODGE AT BALFOUR – LODGING &  
ENTERTAINMENT LIQUOR LICENSE – 1331 E. HECLA  
DRIVE**

**DATE:                JUNE 24, 2019**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

WELL Balfour Tenant LLC d/b/a The Lodge at Balfour has submitted a transfer application for the Lodging and Entertainment Liquor License located at 1331 E. Hecla Drive.

**RECOMMENDATION:**

Authority approve the transfer application for the Lodging and Entertainment Liquor License for The Lodge at Balfour.

Alternatively, the Authority may set a hearing on the transfer application, which may be held after proper notice.

**SUBJECT:** TRANSFER APPLICATION –WELL BALFOUR TENANT LLC  
D/B/A THE RESIDENCES AT BALFOUR –LODGING AND  
ENTERTAINMENT LIQUOR LICENSE – 1336 E HECLA DRIVE

**DATE:** JUNE 24, 2019

**PRESENTED BY:** CAROL HANSON, AUTHORITY SECRETARY

**SUMMARY:**

WELL Balfour Tenant LLC d/b/a The Residences at Balfour has submitted an application for transfer of the Lodging and Entertainment Liquor License located at 1336 Hecla Drive.

**RECOMMENDATION:**

Authority approve the transfer application for a Lodging and Entertainment Liquor License for The Residences at Balfour.

Alternatively, the Authority may set a hearing on this transfer application, which may be held after proper notice.

**SUBJECT:           TRANSFER APPLICATION – ASIAN DRAGON INC. D/B/A ASIAN  
DRAGON – BEER AND WINE LICENSE – 1387 E. SOUTH  
BOULDER ROAD UNIT G**

**DATE:                JUNE 24, 2019**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

See attached application for Transfer of Ownership of a Beer and Wine Liquor License – Asian Dragon Inc. d/b/a Asian Dragon.

The current license is held by Mr. Sake Sushi & Grill.

**RECOMMENDATION:**

Authority approve the application for Transfer of Ownership of a Beer and Wine Liquor License to Asian Dragon Inc.

Alternatively, the Authority may set a hearing on the transfer application, which may be held after proper notice.

**SUBJECT: CHANGE IN OWNERSHIP STRUCTURE – COMPASSIONATE  
PAIN MANAGEMENT LLC D/B/A AJOYA – RETAIL/MEDICAL  
MARIJUANA LICENSE – 1100 W. DILLON ROAD #3**

**DATE: JUNE 24, 2019**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

Ajoya, a currently licensed Retail/Medical Marijuana Store, has applied to change the ownership structure of their combined use marijuana license.

Shaun Gindi currently owns 100% of the business. The new structure would be Shaun Gindi – 50%, Joseph Gindi – 10%, Francine Gindi – 5% and Jack Gindi – 35%.

**RECOMMENDATION:**

Authority approve the change.