File #: LA Resolution 06-2021, **Version:** 1

Agenda Date: 11/10/2021

Subject:
LA Resolution 06-2021: Approving a liquor license application for Social Bar and Lounge & Lounge #2, LLC. d/b/a Social Bar & Lounge, 240 Village Park Dr. Unit C, Littleton, CO 80120

Prepared By:	Wendy Shea-Tamag, Deputy City Clerk

PURPOSE:
Whether to issue a Tavern liquor license to Social Bar and Lounge & Lounge #2, LLC. d/b/a Social Bar & Lounge.

PRESENTATIONS:

Staff Presenter(s):	Colleen L. Norton, City Clerk
Additional Presenter(s):	Steve Cominsky, Applicant
	Carol Johnson, LiquorPros

SUMMARY:
The city has received an application for a second location for Social Bar & Lounge. The applicant applied, and was approved, for a Tavern license for the first location, located at 3625 W. Bowles Avenue, in 2019.

Legal Requirements
The following requirements are necessary for issuance of the license:

1. Notice (C.R.S. § 44-3-311)

   The posting and publication requirements of the Colorado Liquor Code have been met as follows:

Publication:	Notice of hearing was published in the local newspaper on October 21, October 28, and November 4, 2021
Posting:	Notice of hearing was posted on the premises on **October 1, & October 25, 2021**

2. Possession of the premises (C.R.S. § 44-3-301(3)(b))

   The applicant has submitted a copy of a lease dated July 27, 2021 valid through 2031.

3. Suitability of the premises (C.R.S. § 44-3-309(3))

   The applicant has submitted a floor plan.

4. Whether existing similar liquor licenses in the designated neighborhood are inadequate to meet the needs and desires of the neighborhood (C.R.S. § 44-3-312(2)(a))

When considering this requirement, the Authority should refer to C.R.S. § 44-3-312(2)(a) which states:

C.R.S. § 44-3-312 Results of investigation-decision of authorities. (2)(a) Before entering any decision approving or denying the application, the local licensing authority shall consider, except where this article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts, the reasonable requirements of the neighborhood for the type of license for which application has been made, the desires of the adult inhabitants, the number, type, and availability of alcohol beverage outlets located in or near the neighborhood under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed; except that the reasonable requirements of the neighborhood shall not be considered in the issuance of a club liquor license.

5. Character, Record and Reputation (C.R.S. § 44-3-307)

When considering this requirement, the Authority should refer to C.R.S. § 44-3-307, which states:

C.R.S. § 44-3-307 Persons prohibited as licensees. (1)(a) No license provided by this article or Article 4 or 5 of this title shall be issued to or held by:

I.	Any person until the annual fee therefor has been paid;
II.	Any person who is not of good moral character;
III.	Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;
IV	Any partnership, association, or company, any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;
V.	Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;
VI.	Any person unless such person's character, record, and reputation are satisfactory to the respective licensing Authority;
VII.	Any natural person under twenty-one years of age.

Factors to Consider related to "Good Moral Character" above as referenced in C.R.S. § 24-5-101(2):

(a)) Whenever any state or local agency is required to make a finding that an applicant for a license, certification, permit, or registration is a person of good moral character as a condition to the issuance thereof, or evaluate the impact of an applicant's criminal record, the fact that such applicant has, at some time prior thereto, been convicted of a felony or other offense involving moral turpitude, and pertinent circumstances connected with such conviction, shall be given consideration in determining whether, in fact, the applicant is qualified. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

(b) In evaluating an applicant, an agency shall comply with subsection (4) of this section and shall not use the determination of the following information as a basis for denial or taking adverse action against any applicant

otherwise qualified:

(I) The applicant has been arrested for or charged with but not convicted of a criminal offense and the criminal case is not actively pending; except that, an agency may consider the conduct underlying the arrest;
(II) The applicant has been convicted of a criminal offense but pardoned;
(III) The applicant has been convicted of a criminal offense but the records of the conviction have been sealed or expunged; or
(IV) A court has issued an order of collateral relief specific to the credential sought by the applicant.

STAFF FINDINGS:
Upon review of the application and subsequent inquiries and processes, staff finds the following necessary criteria to have been met:

1. Notice of the hearing was properly posted and published; and
2. That the applicant has legal possession of the premises and the premises are suitable for the requested license; and
3. That the needs of the neighborhood are not now being met; and
4. That it is the desire of the adult inhabitants of the neighborhood that the license be issued; and
5. That existing similar liquor licenses in the designated neighborhood are not adequate; and
6. That the applicant is of good moral character, record and reputation.

PROPOSED MOTION:
I move that LA Resolution 06-2021 be approved which grants Social Bar & Lounge #2, LLC. d/b/a Social Bar & Lounge, 240 Village Park Dr. Unit C, Littleton, CO 80120 a Tavern liquor license contingent upon approval by the Colorado Liquor Enforcement Division and based upon the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority.

OR

I move that the application for a Tavern liquor license for Social Bar & Lounge #2, LLC. d/b/a Social Bar & Lounge, 240 Village Park Dr. Unit C, Littleton, CO 80120 be denied based on the following findings of fact:

That the applicant is not a person of good moral character, record, and reputation in accordance with C.R.S. § 44-3-307.

AND/OR

That the needs of the neighborhood are now being met.

AND/OR

That it is the desire of the adult inhabitants of the neighborhood that the license not be issued.