

# CITY COUNCIL REPORT



Meeting Date: April 8, 2014  
General Plan Element: *Land Use*  
General Plan Goal: *Support a diversity of businesses.*

## **ACTION**

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**Restaurant Liquor License Request for Smashburger #1402 16-LL-2014.** To consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location and new owner.

## **OWNER**

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Smashburger Acquisition Phoenix, LLC

## **APPLICANT CONTACT**

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Andrea Lewkowitz

## **LOCATION**

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15801 N Frank Lloyd Wright #100

## **BACKGROUND**

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This request is for a Series 12 (restaurant) liquor license. This has been a licensed location since July 2012, operating with liquor as Smashburger.

The zoning for this site is Central Business District (C-2), which allows restaurants. This establishment is 2,658 sq. ft. including an existing 350 sq. ft. patio.

## **APPLICANT'S PROPOSAL**

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The applicant is seeking a favorable recommendation on a Series 12 (restaurant) liquor license. This allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its total revenue from the sale of food. The applicant has indicated that this establishment will serve liquor between the hours of 10:00 a.m. to 10:00 p.m.; however, due to State liquor license processing

requirements, they are not required to notify the City or the State if they change their hours of operation.

## **PETITIONS FROM PERSONS IN CLOSE PROXIMITY**

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The applicant has maintained the required posting notice for the State mandated 20-day period. No petitions or protests pursuant to A.R.S. 4-201.b. were received during the 20 (twenty) day posting period.

## **OTHER LICENSES & PERMITS**

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### **Financial Management**

Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Spirituos Liquor Tax Permit # Pending.

Scottsdale Transaction Privilege Sales Tax License # Pending.

## **IMPACT ANALYSIS**

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### **Current Planning Department**

There will not be any significant changes to the floor plan.

### **A.R.S. Section 4-112.B.1 R19-1-310 Criteria for Restaurant Operations.**

This owner intends to continue operating this location as a restaurant. Staff has assessed the applicant's responses to the State's Restaurant Operation Plan categories: Personnel, Equipment, Menu, Live Entertainment, Bar Games/Televisions, Name of Establishment, Bar Seating Area and Dinnerware. Staff finds that the establishment is designed and intended to operate as a restaurant. There is no bar service area and the kitchen area is 700 sq. ft. or 30% of the gross floor area. The operational characteristics and floor plan qualify as a restaurant.

### **Public Safety Division.**

**Police Department:** Recommendation No Opposition

**Major life safety issues:** None noted.

**Code Enforcement:** There are no current cases of code violations at this time relevant to the liquor license.

## **STATE GUIDELINES FOR CONSIDERING AN APPLICATION**

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### **A.R.S. Section 4-203.A Granting a License for a New Owner for a Certain Location.**

A spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant.

## COUNCIL OPTIONS & STAFF RECOMMENDATION

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### Council Options

The City Council has the option of recommending approval, denial or no recommendation to the Arizona Department of Liquor Licenses and Control.

### Staff Recommendation

The City of Scottsdale staff has conducted a review and advises that the license request meets the criteria imposed for determining the capability, qualifications and reliability of the applicant.

### Next Steps

The City Council's recommendation of approval, denial or no recommendation will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 105 days of original application.

## RESPONSIBLE DEPARTMENT(S)

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Teri Gleason, Planning Assistant, [tgleason@scottsdaleaz.gov](mailto:tgleason@scottsdaleaz.gov)  
Planning, Neighborhood and Transportation Division

James Wasson, Lieutenant, Special Assignment, [jwasson@scottsdaleaz.gov](mailto:jwasson@scottsdaleaz.gov)  
Public Safety Division

Raun Keagy, Planning, Neighborhood and Transportation Director, [rkeagy@scottsdaleaz.gov](mailto:rkeagy@scottsdaleaz.gov)  
Planning, Neighborhood and Transportation Division

## APPROVED BY

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Tim Curtis, AICP, Current Planning Director  
312-4210 [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)



3/7/2014

Randy Grant, PNT Administrator  
312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

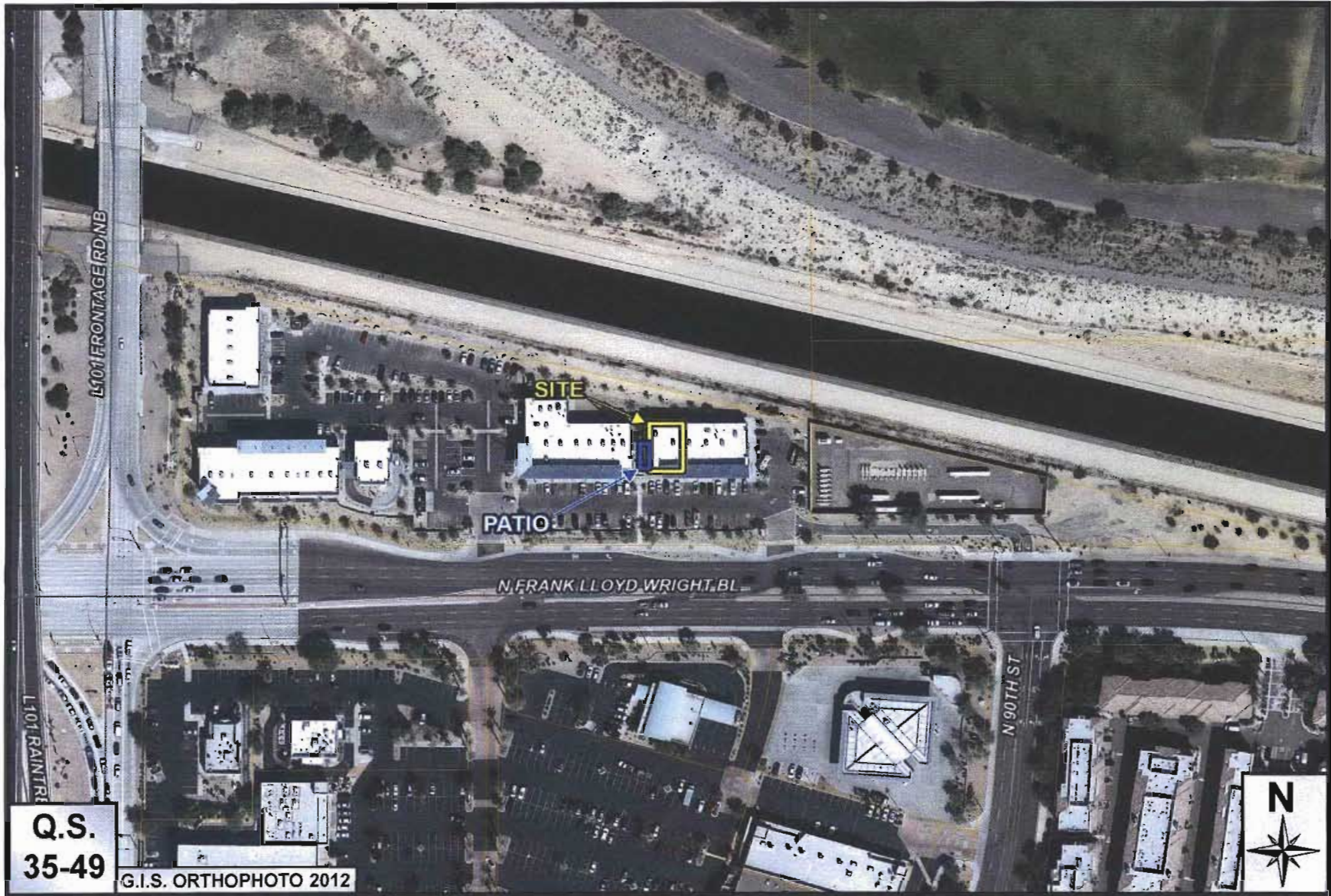


3/10/14

## ATTACHMENTS

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- #1: Aerial Map
- #2: Close-up Aerial Map
- #3: City of Scottsdale Applicant Questionnaire
- #4: State Application



Q.S.  
35-49

G.I.S. ORTHOPHOTO 2012

**16-LL-2014**

**Smashburger #1402**

ATTACHMENT #1



Q.S.  
35-49

G.I.S. ORTHOPHOTO 2012

**16-LL-2014**

**Smashburger #1402**

ATTACHMENT #2



# Liquor License Questionnaire

Please complete all questions and return within 3 business days.

Name of Business: Smashburger Acquisition Phoenix, LLC dba Smashburger #1402

Business Address: 15801 N. Frank Lloyd Wright Blvd. Scottsdale, AZ 85260

Type of Business (restaurant, bar, grocery, retail) Restaurant

Total Gross Square Footage of Establishment: 2,308 sq. ft

Was there a previous business at this location?  Yes  No

If yes, list the previous business: Sunwest Burger LLC dba Smashburger

Was liquor sold at this location prior to this application?  Yes  No

If yes, what type of license? Series 12

Is this business currently open?  Yes  No

If yes, is this business operating with an Interim license?  Yes  No

If no, what is the proposed opening date? \_\_\_\_\_

Is this business under construction or being remodeled?  Yes  No

Does this business have an existing patio?  Yes  No Dimensions of patio 10 x 35

Does this business have a proposed patio?  Yes  No Dimensions of patio \_\_\_\_\_

How many parking spaces are allocated to your business? N/A- Shared Parking Lot

### For Restaurants, Bars and Restaurants/Bars:

Will the bar service area be in excess of 15% of the gross floor area?  Yes\*  No

Will the kitchen be less than 15% of the gross floor area?  Yes\*  No

Will age verification be required/requested for admittance at any time during business operations?  Yes\*  No

Is a cover charge required for admittance at any time during business operations?  Yes\*  No

Will less than 40% of gross revenues be derived from the sale of prepared food?  Yes\*  No

### \*May require a Conditional Use Permit

During what hours will the establishment provide full kitchen service? 10am- 10pm

During what hours will the establishment offer liquor sales? 10am- 10pm

Gross square footage of kitchen: 706 sq. ft.

*(do not include refrigerators or areas used for storage of food or beverages)*

Gross square footage of bar service area: N/A

*(includes the floor area under indoor and outdoor bars and the floor area behind the bars used for storage, prep and serving of food or drinks)*

## Planning, Neighborhood and Transportation Division

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



# Liquor License Questionnaire

Please complete all questions and return within 3 business days.

### Will this business feature any of the following:

- |                      |                               |  |                           |                               |  |
|----------------------|-------------------------------|--|---------------------------|-------------------------------|--|
| Patron Dancing?      | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No | Karaoke?                  | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| Live Bands?          | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No | DJ?                       | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| Amplified music?     | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No | Games?                    | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| Adult Entertainment? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No | Four or more pool tables? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| After hours?         | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |                           |                               |  |

\*May require a Conditional Use Permit

### Applicant Narrative:

ARS 4-201-G: In all proceedings before the governing body of a city or town, the Board of Supervisors of a County or the Board, the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of this license.

1. I have the capability, qualifications and reliability to hold a liquor license because:

As an officer and director of Smashburger I am involved in the operations of the company on a national basis.

My responsibilities are to insure the company follows the guidelines set forth by the board of directors, shareholders and the communities in which we operate.

I will uphold the rules and regulations set forth by the city of Scottsdale and the State of Arizona. I am a US citizen, over the age of 21 and have no arrest record of any kind.

2. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

Smashburger is national restaurant with high quality food, reasonable prices, and an attraction for family occasions where all ages can be satisfied with the menu options. The liquor component however incidental is critical to public convenience and necessity.

3. Please describe your business:

Fast Casual Restaurant serving burgers, fries, sandwiches, salads, beverages as well as beer & wine for on site consumption.

The City's forwarding of a recommendation to the AZ Department of Liquor Licenses and Control does not waive and is not a substitute for the Licensee's obligation to comply with all state, local and federal laws, policies and regulations applicable to the license. The Recommendation is not a permit or regulatory approval to hold any events or construct or demolish any improvements. Zoning processes, building permit processes, and similar regulatory requirements may apply to Licensee's contemplated Improvements and are completely separate from the Recommendation. Licensee shall be responsible to, separate and apart from this Recommendation, directly obtain all necessary permits and approvals from any and all governmental or other entities including the City's having standing or jurisdiction over the subject areas. For more information regarding zoning processes, building permit processes, and similar regulatory requirements and approvals please call 480-312-2611.

Print Name: Cindy Block Signature:  Date: 3/7/14

Submit

### Planning, Neighborhood and Transportation Division

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

14 FEB 20 Lic. Dept AM1047

Arizona Department of Liquor Licenses and Control  
800 West Washington, 5th Floor  
Phoenix, Arizona 85007  
www.azliquor.gov  
602-542-5141

**APPLICATION FOR LIQUOR LICENSE**  
TYPE OR PRINT WITH BLACK INK

16-LL-2014

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

**SECTION 1** This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 11, 13, 15, 16*
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 12, 13, 15, 16*
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE  
*Complete Sections 2, 3, 4, 9, 13, 16* (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

**SECTION 2** Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) \_\_\_\_\_

**SECTION 3** Type of license and fees LICENSE #(s):

1. Type of License(s): Series 12

2. Total fees attached:

Department Use Only  
\$ 250

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.**  
The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

1. Owner/Agent's Name:  Mr. Lewkowicz Andrea Dahlman  
(Insert one name ONLY to appear on license) Last First Middle

2. Corp./Partnership/L.L.C.: Smashburger Acquisition Phoenix, LLC  
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: Smashburger #1402 B1048304  
(Exactly as it appears on the exterior of premises)

4. Principal Street Location 15801 N. Frank Lloyd Wright Blvd # 100 Scottsdale, Maricopa 85260  
(Do not use PO Box Number) City County Zip

5. Business Phone: 480-661-1150 Daytime Phone: 303.633.1544 Email: dflageolle@smashburger.com

6. Is the business located within the incorporated limits of the above city or town?  YES  NO

7. Mailing Address: 3900 East Mexico Ave, Suite 1200, Denver, CO 80210  
City State Zip

8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

**DEPARTMENT USE ONLY**

Fees: 100 Application 100 Interim Permit 50 Site Inspection 0 Finger Prints \$ 250  
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete?  YES  NO

Accepted by: C Bejar Date: 2-25-14 Lic. # 12079824



**SECTION 5 Interim Permit:**

\*14 FEB 20 Lic. Div. 01047

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 12079162
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, Andrea Dahlman Lewkowicz , declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

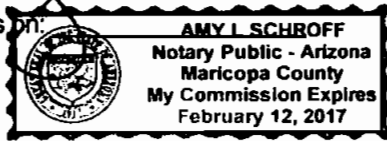
X [Signature]  
(Signature)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

19 day of February 2014  
Day Month Year

My commission expires on:



[Signature]  
(Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.

L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

\*14 FEB 24 Lic. Lic. #M1040

- Name of Corporation/L.L.C.: Smashburger Acquisition Phoenix, LLC  
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
- Date Incorporated/Organized: 12/16/2013 State where Incorporated/Organized: Delaware
- AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
- AZ L.L.C. File No: R1892554-5 Date authorized to do business in AZ: 12/18/2013
- Is Corp./L.L.C. Non-profit?  YES  NO
- List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip	
See attached flow chart				See attached flow chart		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

- List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip	
See attached flow chart				3900 East Mexico Ave, Suite 1200, Denver, CO 80210		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

- If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**AMENDMENT**

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

- Is club non-profit?  YES  NO

- List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
- L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Smashburger Acquisition Phoenix, LLC  
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 12/16/2013 State where Incorporated/Organized: Delaware
3. AZ Corporation Commission File No.: 04495023 Date authorized to do business in AZ: 12/16/2013
4. AZ L.L.C. File No: R1892554-S Date authorized to do business in AZ: 12/18/2013
5. Is Corp./L.L.C. Non-profit?  YES  NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City	State	Zip
See attached flow chart				See attached flow chart			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City	State	Zip
See attached flow chart				3900 East Mexico Ave, Suite 1200, Denver, CO 80210			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit?  YES  NO

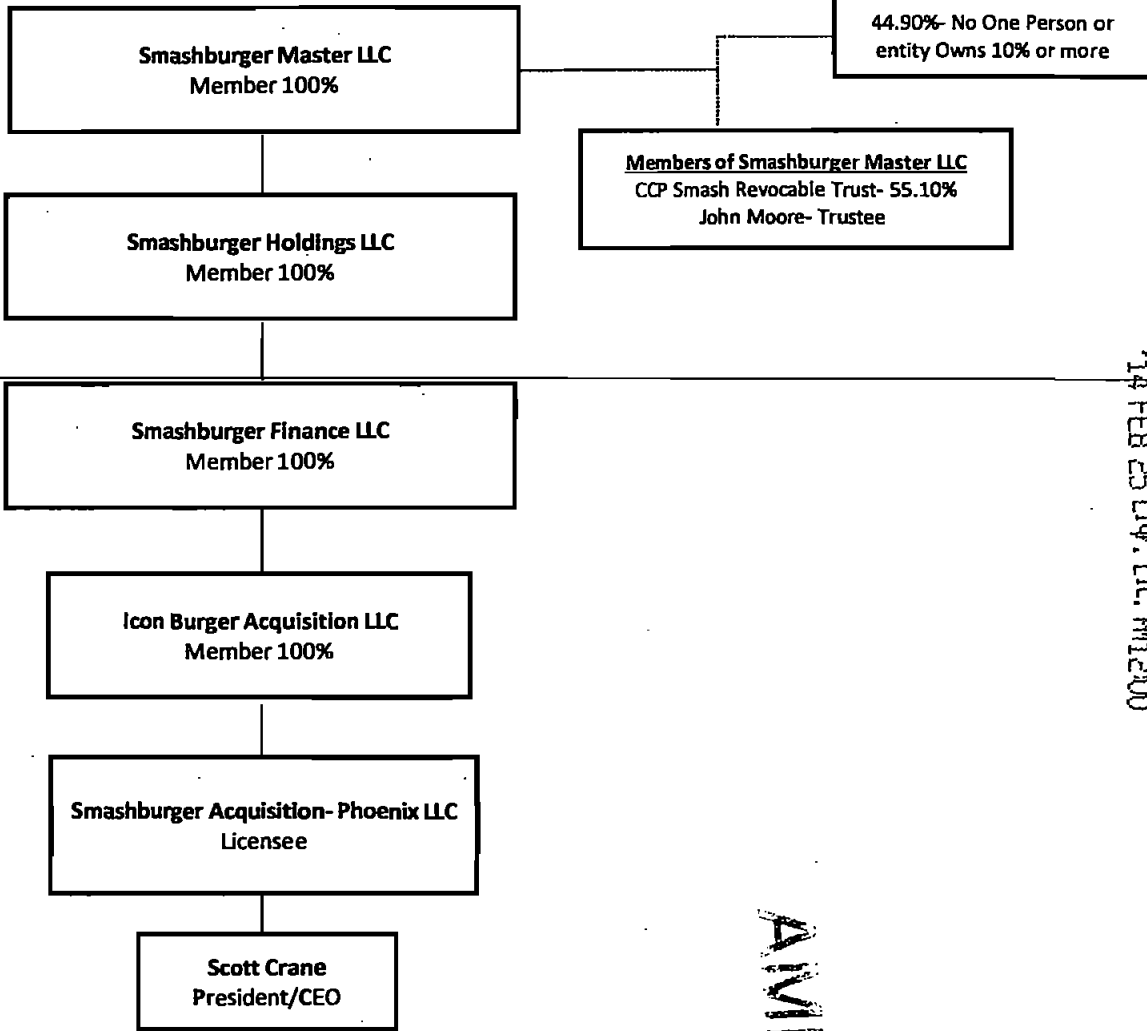
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

14 FEB 20 11:47 AM 1047

**Smashburger Acquisition Phoenix, LLC**

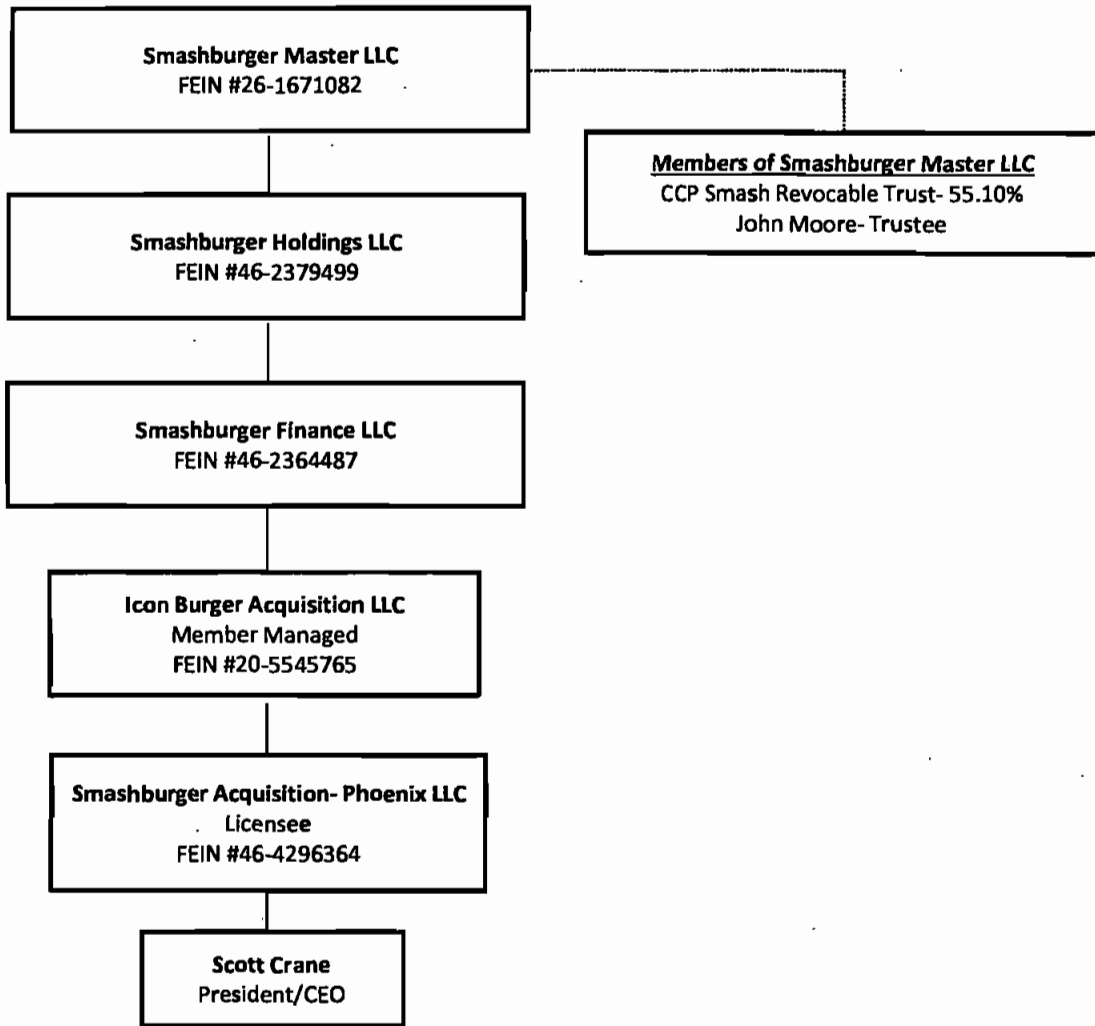


14 FEB 25 11:49 AM '12

**Corporate Mailing Address:**  
Smashburger Corp.  
3900 East Mexico Avenue  
Suite # 1200  
Denver, CO 80210

**AMENDMENT**

**Smashburger Acquisition Phoenix, LLC**



**Corporate Mailing Address:**

Smashburger Corp.  
3900 East Mexico Avenue  
Suite # 1200  
Denver, CO 80210

**SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:**

- 1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle
- 2. Assignee's Name: \_\_\_\_\_  
Last First Middle
- 3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Date of Last Renewal: \_\_\_\_\_
- 4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10 Government: (for cities, towns, or counties only)**

- 1. Governmental Entity: \_\_\_\_\_
- 2. Person/designee: \_\_\_\_\_  
Last First Middle Contact Phone Number

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 11 Person to Person Transfer:**

**Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY Series 06,07, and 09).**

- 1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
- 2. Corporation/L.L.C. Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 3. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 4. Physical Street Location of Business: Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 7. Current Mailing Address: Street \_\_\_\_\_  
(Other than business) City, State, Zip \_\_\_\_\_
- 8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
- 9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
- 10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
(print full name)  
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.  
I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
(print full name)  
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE)

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this  
\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Year

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

14 FEB 20 11:47 AM Dept 441047

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

**APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE**

1. Current Business: Name 14 FEB 27 11:49 AM '08  
 (Exactly as it appears on license) Address \_\_\_\_\_

2. New Business: Name \_\_\_\_\_  
 (Physical Street Location) Address \_\_\_\_\_

3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_

4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_

5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**AMENDMENT**

**SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):**

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2164.8 ft. Name of school Scottsdale Preparatory Academy  
 Address 16537 N. 92nd St., Scottsdale, AZ  
 City, State, Zip \_\_\_\_\_

2. Distance to nearest church: 2164 ft. Name of church Covenant Community Church  
 Address 16415 N. 90th St., Scottsdale, AZ  
 City, State, Zip \_\_\_\_\_

3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)

4. If the premises is leased give lessors: Name Walter Howl- FLW 101 LLC  
 Address P.O. Box 18-2144 Coronado, CA 92178 Attn: Perry Koon  
 City, State, Zip \_\_\_\_\_

4a. Monthly rental/lease rate \$ 6,138.67-8,624.87 What is the remaining length of the lease 8 yrs. 3 mos.

4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other Termination  
 (give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 4,022.00

Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip
N/A						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Fast Casual Restaurant

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

**APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE**

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):**

14 FEB 2019, Dept RM1047

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2164.8 ft. Name of school Scottsdale Preparatory Academy  
Address 16537 N. 92nd St., Scottsdale, AZ  
City, State, Zip \_\_\_\_\_

2. Distance to nearest church: 2164 ft. Name of church Covenant Community Church  
Address 16415 N. 90th St., Scottsdale, AZ  
City, State, Zip \_\_\_\_\_

3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)

4. If the premises is leased give lessors: Name FLW 101 LLC  
Address P.O. BOX 18-2144 Coronado, CA 92178  
City, State, Zip \_\_\_\_\_

4a. Monthly rental/lease rate \$ \_\_\_\_\_ What is the remaining length of the lease \_\_\_ yrs. \_\_\_ mos.

4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? \$ \_\_\_\_\_  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip
N/A						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Fast Casual Restaurant



**SECTION 13 - continued**

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:

License # \_\_\_\_\_ (exactly as it appears on license) Name ANDREA DAHLMAN LEWKOWITZ

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
LEWKOWITZ      ANDREA      DAHLMAN and license #: \_\_\_\_\_  
Last                      First                      Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

~~AMENDMENT~~  
applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicants initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- 1. Check ALL boxes that apply to your business:  
 Entrances/Exits       Liquor storage areas      Patio:  Contiguous  
 Service windows       Drive-in windows       Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? \_\_\_\_\_  
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

\_\_\_\_\_  
applicants initials


**SECTION 13 - continued**

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:

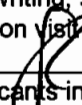
License # 12079162 (exactly as it appears on license) Name Sunwest Burger LLC

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
Sunwest Burgers LLC and license #: 12079162  
Last First Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

  
 applicant's signature

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 applicant's initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- 1. Check ALL boxes that apply to your business:  
 Entrances/Exits     Liquor storage areas    Patio:  Contiguous  
 Service windows     Drive-in windows     Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? \_\_\_\_\_  
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

  
 applicant's initials

14 FEB 20 11 47 AM '11

**SECTION 15 Diagram of Premises**

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

**AMENDMENT**

14 FEB 24 1997 Lic. #M10240

**SECTION 16 Signature Block**

I, SCOTT ALLAN CRANE, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X \_\_\_\_\_  
(signature of applicant listed in Section 4, Question 1)

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this

\_\_\_\_\_ of \_\_\_\_\_  
Day Month Year

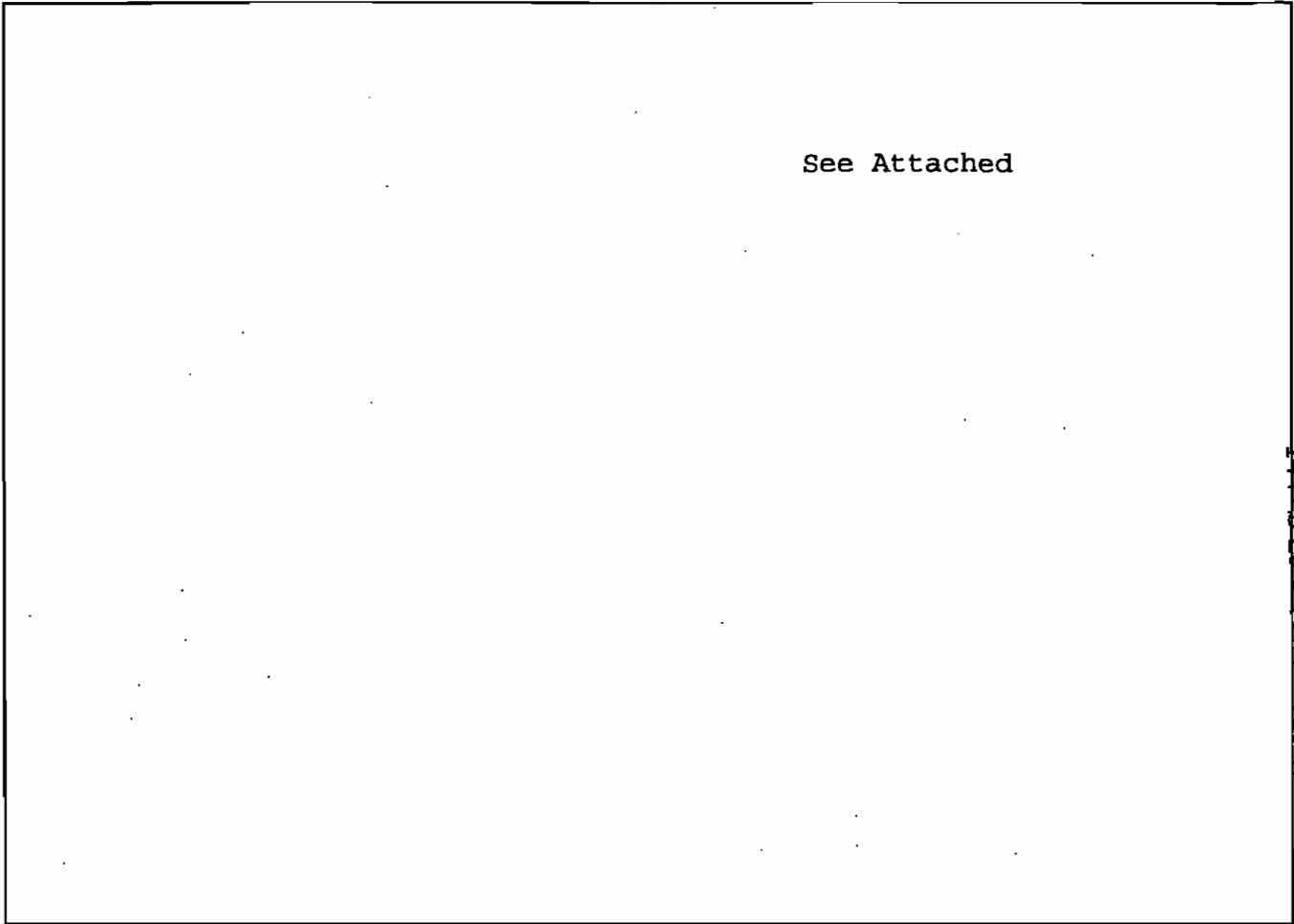
My commission expires on : \_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
signature of NOTARY PUBLIC

**SECTION 15** Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



**SECTION 16** Signature Block

I, Scott Crane, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X [Signature]  
(signature of applicant listed in Section 4, Question 1)

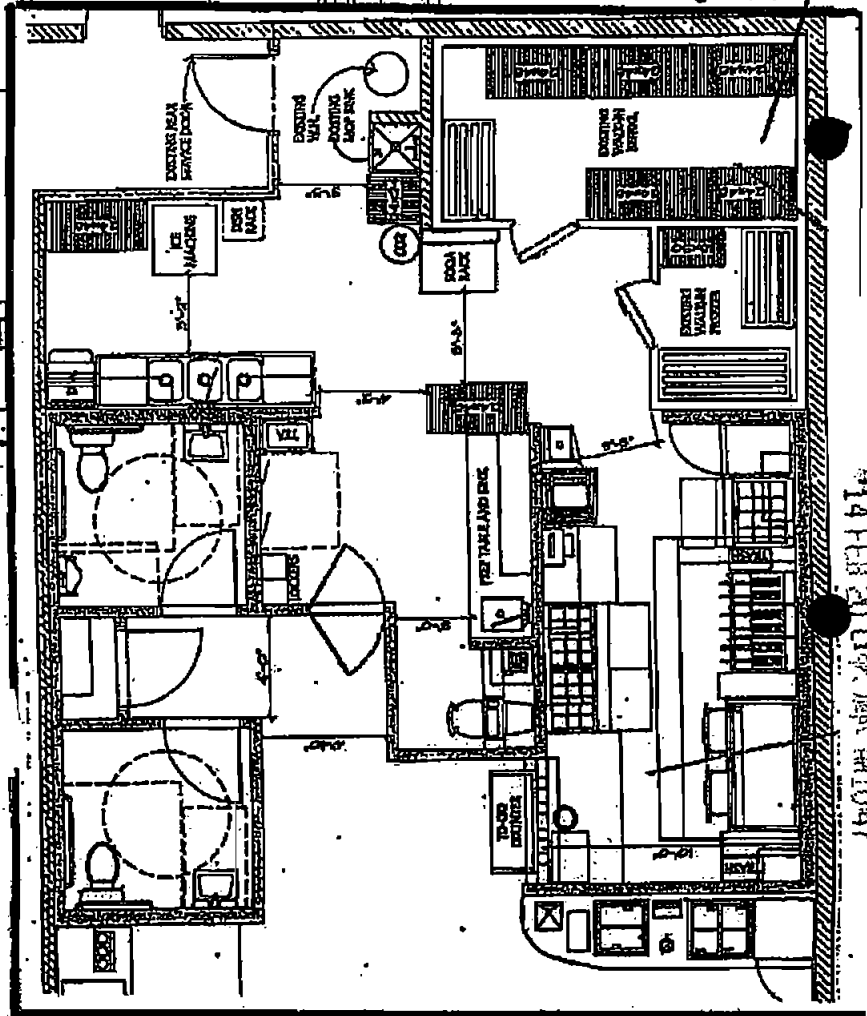
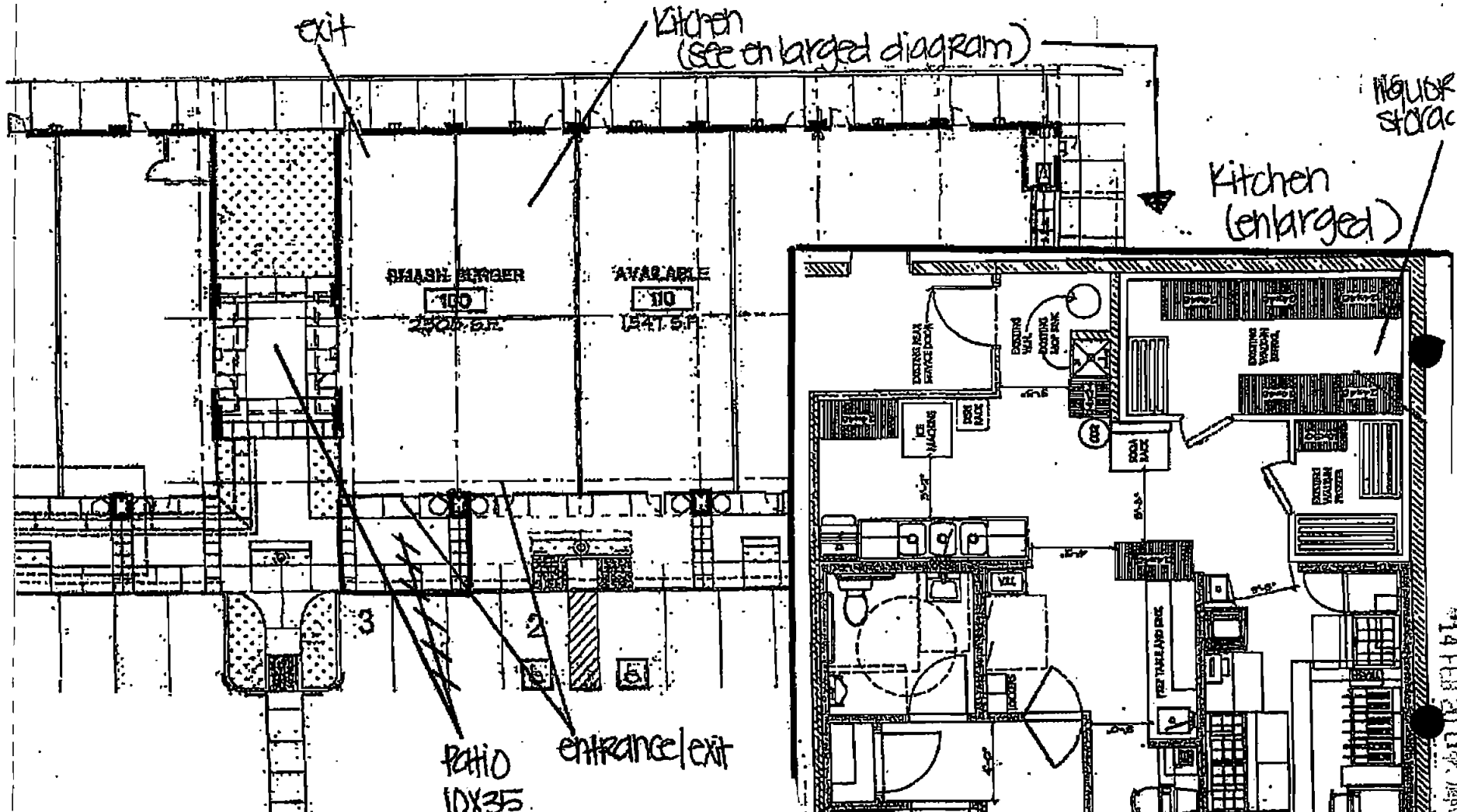
DaSha M. LANDRY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20124056865  
MY COMMISSION EXPIRES AUGUST 24, 2016

My commission expires on : 8/24/2016  
Day Month Year

State of Colorado County of Denver

The foregoing instrument was acknowledged before me this  
14th of February, 2014  
Day Month Year

[Signature]  
signature of NOTARY PUBLIC



14 FEB 20 11:47 Dept 541047

\*amendment #12079102\*

Smashburger #11  
15801 N. FRANK LYND WRIGHT BLVD, #100  
SCOTTSDALE AZ 85260

2308 GFF

# OUR FAVORITES

CLASSIC RECIPES.

## CLASSIC SMASH™

American cheese, **SMASH SAUCE**, ketchup, lettuce, tomato, pickles and onion on an egg bun.

## BACON CHEESEBURGER

Applewood-smoked **BACON**, **AMERICAN CHEESE**, yellow mustard, ketchup, pickles and onion on an egg bun.

## AVOCADO CLUB CHICKEN

**FRESH AVOCADO**, applewood-smoked **BACON**, lettuce, tomato, ranch dressing and mayo on a multi-grain bun.

## SMASHFRIES®

Tossed with **ROSEMARY**, olive oil and garlic.

# smashburger®

SIGNATURE RECIPES.

## REGIONAL BURGERS

Our regional burgers are designed specifically to represent unique **LOCAL FLAVORS**. Check specific market menu for your options.

## BBQ, BACON & CHEDDAR

BBQ sauce, applewood-smoked **BACON**, cheddar and **HAYSTACK ONIONS** on an egg bun.

## TRUFFLE MUSHROOM SWISS

**TRUFFLE** mayo, sautéed **BABY PORTABELLA MUSHROOMS** and aged Swiss on an egg bun.

## SPICY BAJA

**FRESH JALAPEÑOS**, **GUACAMOLE**, pepper jack, lettuce, tomato, onion and chipotle mayo on a spicy chipotle bun.

## AVOCADO CLUB

**FRESH AVOCADO**, applewood-smoked **BACON**, lettuce, tomato, ranch dressing and mayo on a multi-grain bun.

## SPICY VEGGIE BLACK BEAN

**FRESH JALAPEÑOS**, **GUACAMOLE**, pepper jack, lettuce, tomato, onion and chipotle mayo on a spicy chipotle bun.

## CREATE YOUR OWN BURGER

American cheese, egg bun and your choice of any of our **FREE** sauces and toppings or \$1 **PREMIUM** add-ons below.

SMALL, REGULAR, AND BIG  
SIZES AVAILABLE



## \$1 PREMIUM ADD-ONS

APPLEWOOD-SMOKED BACON  
GRILLED MUSHROOMS  
FRESH SLICED AVOCADO  
GUACAMOLE  
FRIED EGG

## FREE SAUCES & TOPPINGS

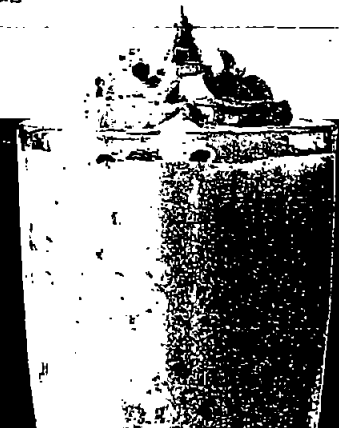
Smash Sauce  
Spicy Chipotle  
BBQ  
Ranch  
Yellow Mustard  
Ketchup  
Mayo

Fresh Jalapeños  
Grilled Onions  
Red Onion  
Lettuce  
Tomato  
Pickles

# SHAKES & MALTS

OREO®, NUTTER BUTTER®,  
BUTTERFINGER®

VANILLA, CHOCOLATE, STRAWBERRY



# SMASHCHICKEN®

©14 FEB 24 Lic. #1040

100% TENDER MARINATED CHICKEN.

## BBQ, BACON & CHEDDAR

BBQ sauce, applewood-smoked **BACON**, cheddar and **HAYSTACK ONIONS** on an egg bun.

## TRUFFLE MUSHROOM SWISS

**TRUFFLE** mayo, sautéed **BABY PORTABELLA MUSHROOMS** and aged Swiss on an egg bun.



## SPICY BAJA

**FRESH JALAPEÑOS**, **GUACAMOLE**, pepper jack, lettuce, tomato, onion and chipotle mayo on a spicy chipotle bun.



## AVOCADO CLUB

**FRESH AVOCADO**, applewood-smoked **BACON**, lettuce, tomato, ranch dressing and mayo on a multi-grain bun.

## CLASSIC

Lettuce, tomato, pickles, red onion and mayo on a **MULTI-GRAIN** bun.

# SALADS

FRESH, CRISP GREENS.

SALAD OPTIONS SUBJECT TO AVAILABILITY

## HARVEST

Fresh greens, balsamic tomatoes, raisins, **DRIED CRANBERRIES**, sunflower seeds, pumpkin seeds, and **BLUE CHEESE** topped with **BALSAMIC** vinaigrette.



## CLASSIC COBB

Fresh greens, fried egg, applewood-smoked **BACON**, tomatoes, onions, cheddar and **BLUE CHEESE** topped with buttermilk ranch dressing.

## BAJA COBB

Fresh greens, applewood-smoked **BACON**, sliced jalapeños, **GUACAMOLE**, cheddar, tomatoes and onions topped with spicy chipotle dressing.

# FRIES & SIDES

SOMETHING FOR EVERYONE.

## FRENCH FRIES

## SMASHFRIES®

## SWEET POTATO FRIES

## HAYSTACK ONIONS

## VEGGIE FRITES

Flash-fried carrot sticks and green beans.



## SIDE GARDEN SALAD

# KIDS MEALS

For kids 12 and under.

Served with fries and a kids soft drink or milk.

**KIDS SMASH™**    **CHICKEN STRIPS**

**HOT DOG**

# BEVERAGES

*Coca-Cola* FOUNTAIN DRINKS

ICED TEA

BEER VARIETIES ALSO AVAILABLE IN SOME LOCATIONS

\*All Smashburger vegetarian items have an animal, poultry, fish or seafood ingredient. Please be aware that due to our kitchen operations, including shared cooking and preparation areas, it is possible for any food item to come into contact with animal products.