July 20, 2023

| Agenda Item | Approval of Liquor License Request for Bird and Rye |  |  |
| :--- | :--- | :--- | :--- |
| From | Dana Smith | Clerk of the Council Pro Tem |  |
| Contact | recorder@ashland.or.us; 541-488-5307 |  |  |
| Item Type | Requested by Council $\square$ | Update $\square$ | Request for Direction $\square$ | Presentation $\square \quad . \quad$.

## SUMMARY

This is a request for approval of a liquor license application for Bird and Rye, 23 S. 2nd St., Ashland, OR 97520.

## POLICIES, PLANS \& GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review

## BACKGROUND AND ADDITIONAL INFORMATION

This is a liquor license application for a Change of Ownership and Full On-Premises Liquor License.

## FISCAL IMPACTS

N/A

## STAFF RECOMMENDATION

Staff recommends approval of the liquor license application. The City has determined that the location of this business complies with the City's land use requirements. The applicant has a Business License and has registered as a restaurant.

## ACTIONS, OPTIONS \& POTENTIAL MOTIONS

I move to approve the liquor license for Bird and Rye, 23 S. 2nd St., Ashland, OR 97520.

## REFERENCES \& ATTACHMENTS

## Attachment 1: Application

OREGON LIQUOR \& CANNABIS COMMISSION
LIQUOR LICENSE APPLICATION
Instructions

1. Complete and sign this application.
2. Prior to submitting this application to the OLCC, send the completed application to the local government for the premises address to obtain a recommendation.

- If the premises street address is within a city's limits, the local government is the city.
- If the premises street address is not within a city's limits, the local government is the county.

3. You can submit the application if:
4. You have WRITTEN documentation showing the date the local government received the application or;
5. The local government has provided you their recommendation.
6. Email the application that contains the local government recommendation or proof of submission to: OLCC.LiquorLicenseApplication@Oregon.Gov.
7. Do not include any license fees with your application packet (fees will be collected at a later time). When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.

License Request Options - Please see the general definitions of the license request options below:

- New Outlet: The licensing of a business that does not currently hold an active liquor license.
- Change of Ownership: The request to completely change the licensee of record at a licensed business.
- Greater Privilege: The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- Additional Privilege: The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an additional different liquor license type at that same premises location.


## Additional Information

Applicant Identification: Please review OAR 845-006-0301 for the definitions of "applicant" and "licensee" and OAR 845-005-0311 to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.
Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below Authorized Representative area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

## LIQUOR LICENSE APPLICATION

## Page 1 of 4

Check the appropriate license request option:
$\square$ New Outlet | 区 Change of Ownership | $\square$ Greater Privilege | $\square$ Additional Privilege
Select the license type you are applying for.

More information about all license types is available online.
Full On-Premises
区Commercial
$\square$ Caterer
$\square$ Public Passenger Carrier
$\square$ Other Public Location
$\square$ For Profit Private Club
$\square$ Nonprofit Private Club
Winery
$\square$ Primary location
Additional locations: $\square 2$ nd $\square 3$ rd $\square 4$ th $\square 5$ th

## Brewery

$\square$ Primary location
Additional locations: $\square 2$ nd $\square$ 3rd

## Brewery-Public House

$\square$ Primary location
Additional locations: $\square 2$ nd $\square$ 3rd

## Grower Sales Privilege

$\square$ Primary location
Additional locations: $\square$ 2nd $\square$ 3rd
Distillery
$\square$ Primary location
Additional tasting locations: $\square 2$ nd $\square 3$ rd $\square 4$ th $\square 5$ th $\square 6$ th
$\square$ Limited On-Premises
$\square$ Off Premises
$\square$ Warehouse
$\square$ Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY LOCAL GOVERNMENT:
After providing vour recommendation, return this apolication to the applicant WITH the recommendation marked below

## City/County name:

(Please specify city or county)

Date application received:
Optional: Date Stamp Received Below

Recommend this license be granted
$\square$ Recommend this license be denied

Printed Name
Date

## Bird and Rye

Trade Name

## LIQUOR LICENSE APPLICATION

## Page 2 of 4

## APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

| Name of entity or individual applicant \#1: | Name of entity or individual applicant \#2: |
| :--- | :--- |
| Turd Ferguson Llc | Chad Smith |

Name of entity or individual applicant \#3:
Chris Dennett
Name of entity or individual applicant \#4:

## BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
Bird and Rye
Premises street address (The physical location of the business and where the liquor license will be posted):
23 S. 2nd St.

| City: <br> Ashland | Zip Code: $97520$ | County: Jackson |
| :---: | :---: | :---: |
| Business phone number: 5414827437 |  | Business email: chadmbsmith@gmail.com |
| Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].): 23 S. 2nd St. |  |  |
| City: <br> Ashland | State: OR | Zip Code: 97520 |
| Does the business address currently have an OLCC liquor license? $\mathbb{X}$ Yes $\square$ No |  | Does the business address currently have an OLCC marijuana license? $\square$ Yes No |

AUTHORIZED REPRESENTATIVE - A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.
I give permission for the below named representative to:
XMake changes regarding this license/application on my behalf.
XSign application forms regarding this license/application on my behalf.
XReceive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.
Representative Name:
Chad Smith
Phone number:

## LIQUOR LICENSE APPLICATION

Page 3 of 4
APPLICATION CONTACT INFORMATON - Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

## Application Contact Name:

Chad Smith
Phone number:
Email:

## TERMS

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.


## ATTESTATION - OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-005-0311 and attests that:

1. At least one applicant listed in the "Application Information" section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
2. No person not listed as an applicant in the "Application Information" section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
3. The licensed premises at the premises street address proposed to be licensed either:
a. Does not include any common areas; or
b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.

- In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.

4. The licensed premises at the premises street address either:
a. Has no area on property controlled by a public entity (like a city, county, or state); or
b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

## Page 4 of 4

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.


Please Print or Type

## Applicant Name: TURD FErGuson

Phone:
Trade Name (da): BIRD ANO RYE
Business Location Address: $\qquad$ 23 s $2 \sim \mathrm{St}$.

City: Aslant ZIP Code: 97520

## DAYS AND HOURS OF OPERATION

Business Hours:


Outdoor Area Hours:


Monday ___ to Tuesday ___ to Wednesday $\qquad$ to to
$\qquad$ to $\qquad$

The outdoor area is used for:
$\square$ Food service Hours: $\square$ to
$\square$ Alcohol service Hours: $\quad$ to
$\square$ Enclosed, how

The exterior area is adequately viewed and/or supervised by Service Permittees.

Seasonal Variations: $\square$ Yes No If yes, explain:


I understand if my answers arenot tue and complete, the OLCC may deny my license application.
Applicant Signature:


Date:
$6 / 23 / 2023$

FULL ON-PREMISES, COMMERCIAL (F-COM) FULL ON-PREMISES, FOR-PROFIT PRIVATE CLUB (F-FPC) FOOD SERVICE AFFIRMATION

Applicant / Licensee
Trade Name of the Business (Name Customers Will See)

(Number, Street Address, City, and Zip Code)
I affirm that I have read OAR 845-006-0459. OAR 845-006-0460, and OAR 845-006-0466 and
I affirm:

- I understand that "meal" means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to, popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.
- I understand that "dining seats" means seating at tables or food counters as defined in OAR 845-0060340(2)(j) located in areas of the licensed premises regularly open to the public where the Commission determines that each table top or seating area provides a minimum space that will accommodate a place setting consisting of a plate or dish, glassware, napkin and utensils for each seat. Seats at counters in entertainment areas and at bars as defined in OAR 845-006-0340 do not qualify as dining seating.
- I will have at least 30 dining seats during a time period which must last at least two hours prior to 10:00 p.m.
- I will make at least five different meals available at all times and in all areas where alcohol service is available. However, I may make fewer than five different meals available if the OLCC has determined that the clearly dominant emphasis in the areas with alcoholic beverage service is food service.
- I will always have a food preparation area and equipment on my licensed premises that are adequate to meet the food service requirements of this license.
- I am authorized to sign this form on behalf of the applicant or licensee.



## INSTRUCTIONS

1. Your floor plan MUST be submitted on the Floor Plan Form below
2. Use a separate Floor Plan Form for each level or floor of the building. The floor plan(s) must show the specific areas of your premises.
3. Label areas i.e. dining area, bar, lounge, lottery, outside patio and sidewalk cafe areas.
4. Food Counters should be labeled as such, and not as a Bar. At a Food Counter, food service/consumption is the predominant activity. At a Bar, alcohol service/consumption is the predominant activity. Please label Food Counters and Bars accordingly.
5. Include all tables and chairs. (See Example below)
6. If you have an outdoor area, please show it in reference to the licensed building.
7. If you have sidewalk seating please contact your local government to see if a permit is required for use.
8. If this is a Food Cart Pod please label the floor plan where the alcohol will be served from, where food will be served, where the seating will be and any other food carts that are in the pod.

Please do not use complex architect drawings as your floor plan, unless they are clearly readable and show all the tables and chairs.

RESTAURANT EXAMPLE

OREGON LIQUOR \& CANNABIS COMMISSION FLOOR PLAN FORM
Your floor plan must be submitted on this form My Restaurant LLC My Restaurant
Ascoticen rians


## 

FOOD CART POD EXAMPLE

icer 0202:

## Your floor plan must be submitted on this form



[^0]
## WHO MUST COMPLETE THIS FORM?

You must complete this form if:

- Your name is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.
- A corporation is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
$\rightarrow$ President, a Vice President with responsibility over the operation of the business, Secretary, or Treasurer.
$\rightarrow$ A Director.
$\rightarrow$ An individual who owns $20 \%$ or more of issued stock.
- A limited liability company (LLC) is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
$\rightarrow$ A Managing Member of the LLC (this is an individual designated to manage the LLC; it may or may not be the same individual designated to manage the business).
$\rightarrow$ A Member who owns $20 \%$ or more of the membership.
$\rightarrow$ An Officer (such as a President or Secretary) with responsibilities over the operation of the business.
You must work with the OLCC to determine who must complete this form if you are:
- Part of an entity other than a corporation or LLC that is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form, or
- Part of an entity that owns $10 \%$ or more of an entity listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.

IN ADDITION. THE OLCC MAY REQUIRE OTHER PEOPLE TO COMPLETE THIS FORM WHEN THEREIS REASON TO BELIEVEIT MAY HELP THE OLCCINITS INVESTIGATION.

| 1. Name (Print): | DENNETT | MARK | CuR1S IDPUER |
| :---: | :---: | :---: | :---: |

2. Other names used (maiden, other): CrRIS
3. Do vou have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes $\mathbb{X}$ No $\square$

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) \& ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes uniess you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).
4. Do you consent to the OLCC's use of my SSN as described above? Check this box:


12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)
No X
Yes $\square$
Please list licenses (and years) licensed) below Unsure
 Please include an explanation:
13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No $\square$ Yes $\$$ Please list licenses (and year(s) licensed) below Unsure $\square$ Please include an explanation:
Arcalden lu e Db Elements 2006 -Present
smupfiasic le ba Berrudiks 2011 -Present
14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC? No $\square$ Yes $\square$ Please list applications below Unsure $\square$ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, may not sign your form.

## Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.


This box for OLCC use ONLY
Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

## WHO MUST COMPLETE THIS FORM?

You must complete this form if:

- Your name is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.
- A corporation is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
$\rightarrow$ President, a Vice President with responsibility over the operation of the business, Secretary, or Treasurer.
$\rightarrow$ A Director.
$\rightarrow$ An individual who owns $20 \%$ or more of issued stock.
- A limited liability company (LLC) is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
$\rightarrow$ A Managing Member of the LLC (this is an individual designated to manage the LLC; it may or may not be the same individual designated to manage the business).
$\rightarrow$ A Member who owns $20 \%$ or more of the membership.
$\rightarrow$ An Officer (such as a President or Secretary) with responsibilities over the operation of the business.
You must work with the OLCC to determine who must complete this form if you are:
- Part of an entity other than a corporation or LLC that is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form, or
- Part of an entity that owns 10\% or more of an entity listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.


## IN ADDITION. THE OLCC MAY REQUIRE OTHER PEOPLE TO COMPLETE THIS FORM WHEN THERE IS REASON TO BELIEVEIT MAY HELP THE OLCC INITS INVESTIGATION

OREGON LIQUOR \& CANNABIS COMMISSION INDIVIDUAL HISTORY FORM

| 1. Name (Print): | SMITH <br> Last | CHAD | Maruin Bobesy Middle |
| :---: | :---: | :---: | :---: |
| 2. Other names used (maiden, other): N/A |  |  |  |

 your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) \& ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes ( 5 USC§ 552(a).
4. Do you consent to the OLCC's use of my SSN as described above? Check this box:

5. Date of Birth (DOB):
(mm)
6. Driver License or State ID \#: $\square$ 7. State
(yyyy)

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)
No $\square$ Yes $\square$ Please list licenses (and year(s) licensed) below Unsure $\square$ Please include an explanation:
13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure $\square$ Please include an explanation:
14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC? No Yes Please list applications below Unsure $\square$ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, may not sign your form.

## Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.
Name (Print):

This box for OLCC use ONLY
Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?


[^0]:    Bird avo Rye

