

On October 27, 2022, a business applied for a Social Equity Marijuana Hospitality License at this location, 3200 E. Colfax Ave. Bldg. 1, Denver, CO 80206.

The name of the entity is Ayan Enterprises, LLC, doing business as Cirrus Social Club; Cirrus, at 3200 E. Colfax Ave. Bldg. 1, Denver, CO 80206. The partners, managers, or officers are: Arend Lenderink, Owner; Edgar Cosman, Owner.

A virtual hearing on this application will be on February 10, 2023 at 9:00 AM. Please contact the Department of Excise and Licenses at 720-865-2685 for participation information. If you would like to request a night hearing, please do so by February 3, 2023. The request must be made in writing at least five days prior to the scheduled hearing date.



Date:

Dear Applicant:

Thank you for the **application** you recently filed for a _____ at _____, Denver, Colorado. The Department of Excise and Licenses is in receipt of your application and has scheduled a public hearing for this application.

Notice of Public Hearing

You are hereby notified to appear remotely for the **public hearing** scheduled on _____ at _____. You can access the remote hearing via telephone by calling _____, code: _____ or via video conference using this link: _____.

Your assigned Licensing Technician is _____. They can be reached at _____ or by emailing _____.

Policies and Procedures for Your Public Hearing

Your public hearing and all related procedures will be governed by the Denver Excise and Licenses Hearing Policies and Procedures, which are available to the public on our [website](#) or by clicking [here](#). **Please read the Hearing Policies and Procedures carefully, paying close attention to the following:**

- Article I – General Provisions
- Article II – Procedures Applicable Only to Needs & Desires Hearings
- Article _____

In addition, please take special notice of the Temporary Modifications to the Hearing Policies and Procedures, which have been included in the attached documents

Posting Notice of Your Public Hearing

You must post notice of your public hearing at your proposed or licensed premises. This notice must be posted for a minimum of _____ calendar days prior to the hearing, and in the manner outlined in Section 2.1.6 of the Hearing Policies and Procedures. Please note that the notice must be posted in a clear manner (not behind tinted glass) at the front entrance of your building or another location that is conspicuous to the public. Failure to properly post may result in the continuance of your hearing or a denial of the application. Included in this hearing packet is a template for the *notice posting language* that must appear on your sign.

You must post the notice of your hearing on _____ no later than **8:00 a.m.**, and you shall maintain the notice posting **through** _____, the date of your hearing.

General Communication Procedures

The procedures for communicating with the Department can be found in Section 1.6.1 of the Hearing Policies and Procedures.

Map of Designated Area

The Department of Excise and Licenses has designated the neighborhood in question by selecting an area surrounding your location. A *Map of the Designated Area* is included in this hearing packet. For complete information about the Designated Area, please refer to the Hearing Policies and Procedures.

Findings

Included in this hearing packet is a *Findings document* stating the findings rendered in this matter. Failure to submit any of the requirements stated in the Findings document may result in a cancellation of the above-set public hearing date, and/or denial of your application that would require you to submit a new application and application fees. Please do not hesitate to contact your Licensing Technician should you have any questions regarding the Findings document.

Circulating Petitions

If you intend to circulate petitions, please read, sign, and return the *Circulating Petitions* form included in this hearing packet. Please note that petitions must be pre-filed with the Department at least seven (7) days prior to the date of the hearing. For complete information regarding the circulation of petitions, please refer to Section 2.1.7 of the Hearing Policies and Procedures.

Legal Representation

As the Applicant, you have the right to be represented by an attorney at your own expense. A corporation or limited liability company must appear before an administrative agency through an attorney, subject to a few exceptions. For complete information regarding legal representation before the Department, please refer to Section 1.5 of the Hearing Policies and Procedures.

If you believe you are exempt from the corporate representation requirements, please complete the *Corporate Resolution Form* included in this hearing packet and submit it to your Licensing Technician via e-mail no later than two (2) days prior to your hearing date.

If you will be represented by an attorney, please have your attorney submit an Entry of Appearance to your Licensing Technician via e-mail no later than two (2) days prior to your hearing date.

Exhibits

All parties are responsible for their own. Except for the Hearing Posting Affidavit, all exhibits must be pre-filed seven (7) days prior to the hearing. All exhibits must be marking in numerical sequence with a pre-identifier (A-1, A-2, A-3...for Applicant; P-1, P-2, P-3... for Protestant, etc.) and emailed to . Applicants may elect to testify at the hearing that all posting requirements have been met, instead of filing a Hearing Posting Affidavit.

Your Burden of Proof at the Hearing

At your public hearing, you will be required to prove why said application should be approved. You will be required to present evidence demonstrating the neighborhood need for the license and that the residents and/or business owners or managers in the area around your location desire that the license issue. You must also establish that the issuance of this license will not have an adverse effect on the health, welfare or morals of the neighborhood in question and that there is not good cause to deny the application. Please refer to the Hearing Policies and Procedures, as well as applicable state and local laws in order to properly understand your burden. You must present this evidence, even if the application is not contested.

Special Circumstances

Virtual Participation in a Hearing: If you have any questions about participating virtually or remotely, please contact your assigned Licensing Technician.

Requesting an Evening Hearing: Any Applicant, Licensee, or Party in Interest may request an evening hearing pursuant to Section 2.2 of the modified Hearing Policies and Procedures.

Contested or Continued Hearings: Hearing dates may be revised or continued at the discretion of the Director or Hearing Officer upon a showing of good cause or for purposes of accommodating opposition to an Application pursuant to Section 1.6 of the modified Hearing Policies and Procedures.

Foreign Language Interpreter: Any Applicant, Licensee, Party in Interest, or City Attorney may request a foreign language interpreter for any hearing. Such requests must be made in writing per the guidelines in Section 1.6.3.8 of the Hearing Policies and Procedures.

Thank you for your attention to these matters.

Molly Duplechian
Executive Director
Denver Department of Excise and Licenses

Certificate of Delivery:

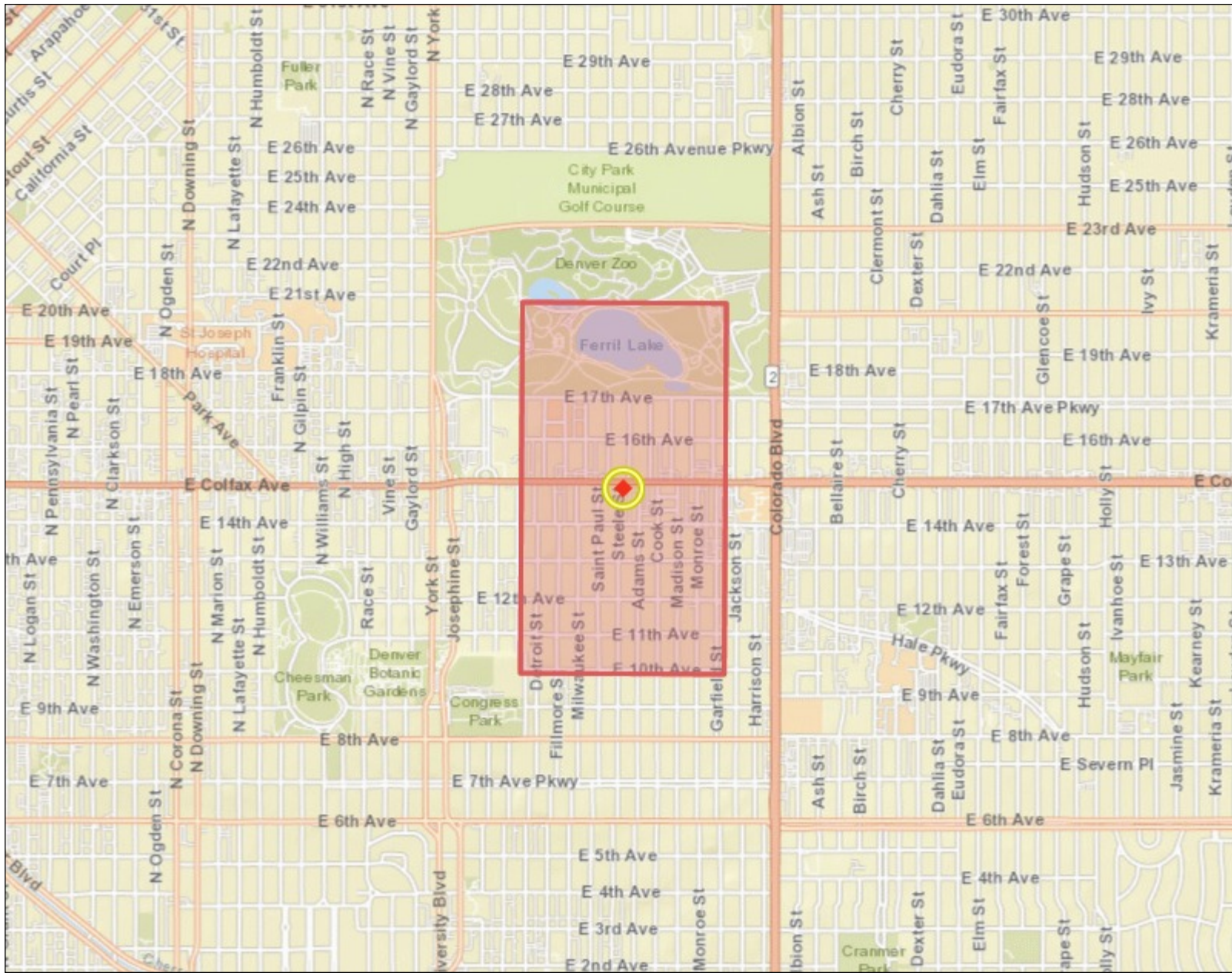
The undersigned hereby states and certifies that one true copy of the foregoing Findings, together with the application hearing packet were e-mailed to the following on the ____ day of _____, 2023.

CC:

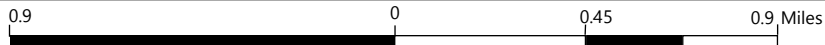


DENVER Cirrus Social Club; Cirrus - 3200 E. Colfax Ave. Bldg. 1

THE MILE HIGH CITY



Legend



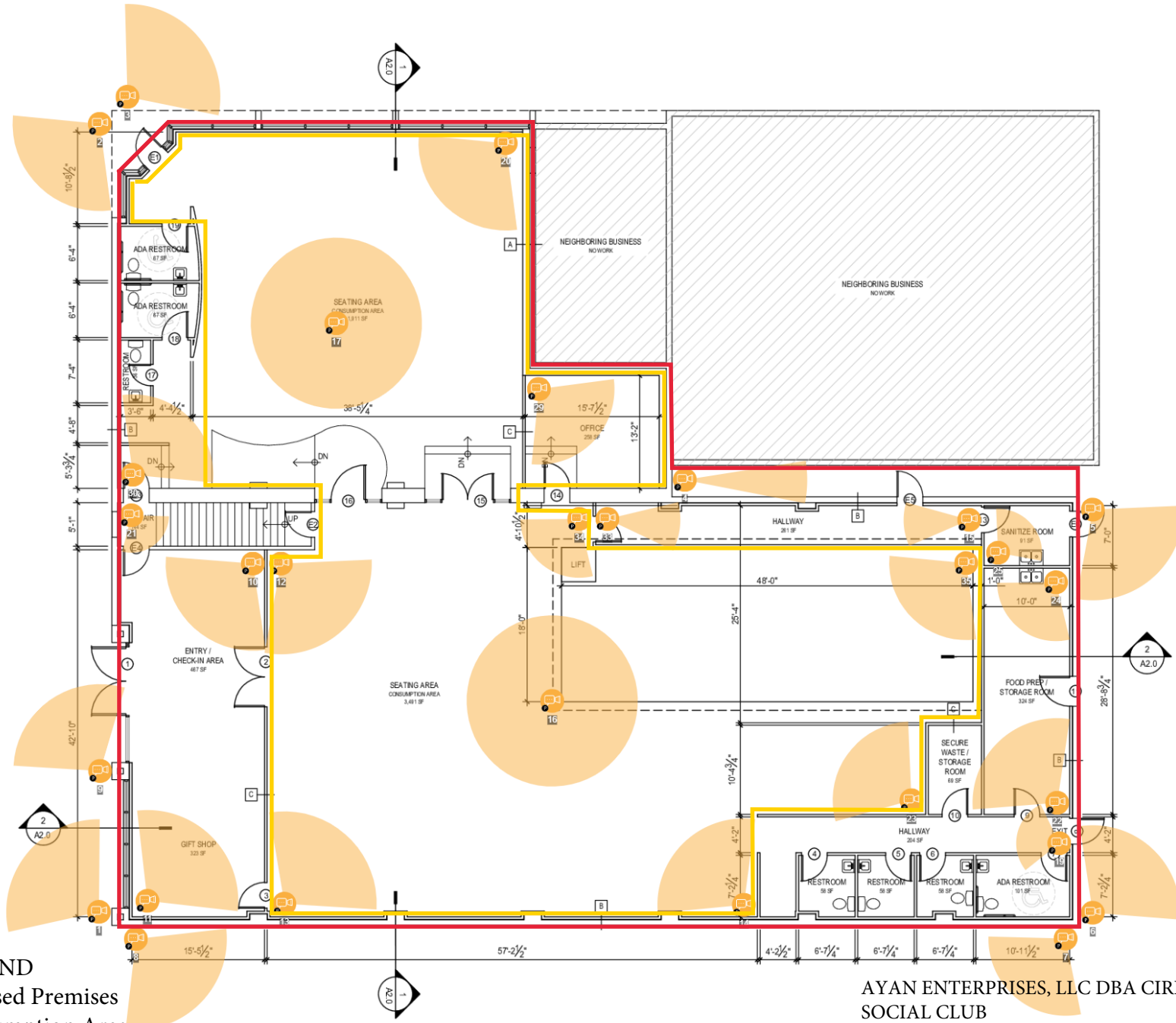
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© City and County of Denver

1:36,112

Map Generated 12/29/2022

The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use.

THIS IS NOT A LEGAL DOCUMENT.

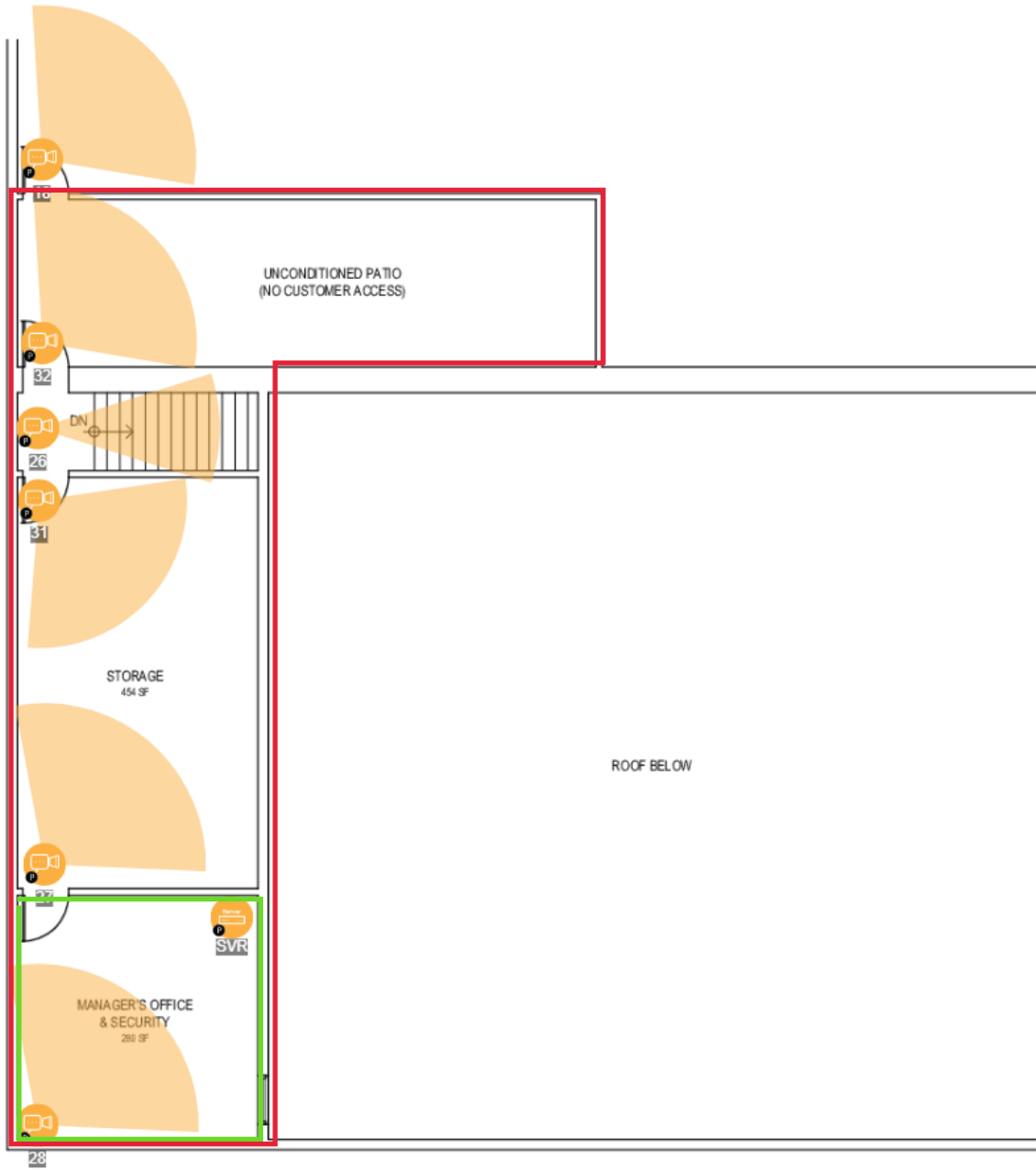


- LEGEND**
- Licensed Premises
 - Consumption Area
 - Limited Access Area
 - Security Camera
 - DVR

1 MAIN FLOOR PLAN
1/8"=1'-0"



AYAN ENTERPRISES, LLC DBA CIRRUS
 SOCIAL CLUB
 3200 E. COLFAX AVE
 1480 STEELE
 DENVER CO 80206
 Denver License: 2022-BFN-0014455 MED
 License: 609H-00014



LEGEND

- Licensed Premises
- Consumption Area
- Limited Access Area
- Security Camera
- DVR

2 UPPER FLOOR PLAN
1/8"=1'-0"



AYAN ENTERPRISES, LLC DBA
 CIRRUS SOCIAL CLUB
 3200 E. COLFAX AVE
 1480 STEELE
 DENVER CO 80206
 Denver License: 2022-BFN-0014455
 MED License: 609H-00014

APPLICATION DETAILS

Record ID: 2022-BFN-0014455
Application Type: Marijuana Hospitality License
Proposed Record Name: Ayan Enterprises LLC
Licensed Establishment Record ID: 2022-LE-0014453
Licensed Establishment Location Name:
Entity Registration Record ID: 2022-ENTITY-0014454

LICENSED ESTABLISHMENT ADDRESS

Proposed Address:
3200 E Colfax AVE, BLDG 1
Denver, CO

PROPERTY OWNER

Proposed Owner:

BACKGROUND CHECK LEVEL

None - MJ

ELIGIBILITY QUESTIONS**APPLICATION SPECIFIC INFORMATION**

Denver Address:	Yes
DDPHE Risk Assessment Level:	High High
License Type:	Hospitality
Social Equity Applicant?:	Yes
Arrest, conviction or civil asset forfeiture criteria:	UNCHECKED
Residence in an opportunity zone or disproportionate impacted area criteria:	UNCHECKED
Income criteria:	CHECKED
Alarm Permit Number:	475950
EIN:	88-3712884
Business License Number:	609H-00014
Business Tax Account ID:	486303
Shared Devices?:	Yes
Retail Food Establishment:	No

STATEMENT OF UNDERSTANDING

:
:

CONTACTS

Proposed Main Contact

First Name	Arend
Last Name	Lenderink
E-mail	arend@cirrusocialclub.com
Phone	[REDACTED]

Proposed Mailing Address

Mail To	Arend Lenderink
Address Line 1	[REDACTED]
Address Line 2	
City	[REDACTED]
State	[REDACTED]
Zip	[REDACTED]

Proposed Optional Email Notification Recipient

First Name	Arend
Last Name	Lenderink
E-mail	arend@cirrusocialclub.com
Phone	[REDACTED]

OATH OF UNDERSTANDING/CERTIFICATION

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge and that all executed documents are valid and enforceable.

I understand that any promise, representation, or any other statement made to me by any agent or employee of the Department or the City that is not contained within this application is null, void, and unenforceable and that I am not relying on any such promise, representation, or statement.

I understand that this application is neither an entitlement nor a vested right, and I acknowledge that I must qualify for and obtain the license or license status that I am seeking prior to operating or otherwise claiming that I have any right to such.

I represent and warrant that I have read this oath of application, that I have had the opportunity to consult with legal counsel, and that I am knowingly and voluntarily submitting my application in compliance with this oath of application and all applicable laws.

The Oath of Understanding certification for this application was agreed upon by Arend Lenderink on Thursday, 27 October, 2022.

**CITY AND COUNTY OF DENVER
DEPARTMENT OF EXCISE AND LICENSES**

MEMORANDUM

TO: All parties in interest for Excise and Licenses hearings
FROM: Molly Duplechian, Executive Director, Excise and Licenses



DATE: February 18, 2022

RE: Modifications to the Department's Hearing Policies and Procedures as applicable to Marijuana Store Licenses, Marijuana Hospitality Licenses, and Marijuana Hospitality and Sales Licenses

INTRODUCTION

The Department's Hearing Policies and Procedures shall be modified as described below. The modifications serve to update language related to medical and retail marijuana store licenses, as well as add necessary provisions for new marijuana hospitality licenses and marijuana hospitality and sales licenses. Finally, the modifications reflect the repeal of cannabis consumption establishment licenses, which are no longer issued by the Department.

These provisions are intended to supplement Chapter 6, Article V of the Denver Revised Municipal Code, also referred to as the Denver Marijuana Code. In April 2021, the Denver Marijuana Code was revised to include new license types, repeal outdated license types, create a Social Equity Program, and conform with changes to the Colorado Marijuana Code. More information about the 2021 update to the Denver Marijuana Code, new marijuana licenses, and application requirements can be found on the Department's [website](#).

In addition, provisions addressing virtual hearings have been utilized by the Department since the onset of the COVID-19 pandemic to allow for the facilitation of electronic and remote participation in Department hearings and increased flexibility for parties in interest who may wish to testify.

Questions about the Hearing Policies and Procedures may be sent to licenses@denvergov.org.

MODIFICATIONS

New language is shown below using a double underscore and omitted language is shown below using a ~~strike through~~. Language adopted in previous Department memos to allow for virtual participation is shown below using **green text**.

1. In **ARTICLE I**, section **1.2 Definitions**, the following language shall be modified:

The following definitions of terms shall apply, unless the context requires otherwise:

~~“Cannabis Consumption Establishment License” means an annual license issued by the Director to an individual(s) or entity allowing for the consumption of marijuana in a Designated Consumption Area located inside of or adjacent to a licensed premise or other business.~~

~~“Cannabis Consumption Special Event License” means a license issued by the Director to an individual(s) or entity allowing for the consumption of marijuana in a Designated Consumption Area temporarily located: (i) on or adjacent to a licensed premise or other business, or (ii) not located on or adjacent to a licensed premise or other business.~~

“Marijuana License” means a license granted to an individual or entity to sell, cultivate, deliver, process, manufacture, test, transport, store, perform research with, or allow the consumption of medical or retail marijuana, pursuant to Chapter 6, Article V ~~or Chapter 24, Article XII~~ of the Code.

2. In **ARTICLE XIV - HEARINGS FOR NEW MARIJUANA STORE AND CENTER LICENSES**, the following language shall be modified:

ARTICLE XIV - HEARINGS FOR NEW MEDICAL AND RETAIL MARIJUANA STORE AND CENTER LICENSES, RETAIL HOSPITALITY LICENSES, AND RETAIL HOSPITALITY AND SALES LICENSES

Section 14.1 Applicability

The provisions contained in Article I (General Provisions) and Article II (Procedures Applicable Only to Needs & Desires Hearings) shall apply to all hearings for new Medical and Retail Marijuana Store and Center Licenses, Retail Hospitality Licenses, and Retail Hospitality and Sales Licenses conducted by the Department. The following provisions of Article XIV apply in addition to those provisions outlined in Article I and Article II. These Hearing Policies and Procedures do not apply to Hospitality Licenses with a mobile licensed premises.

Section 14.2 Pre-Hearing Procedures

14.2.1 Setting of Hearing

All complete applications for new Medical and Retail Marijuana Store or Center Licenses, Retail Hospitality Licenses, and Retail Hospitality and Sales Licenses shall be scheduled for a public hearing not less than (30) days from the date of the application, with notice to be provided to all RNOs within the Designated Area.

14.2.2 Notice of Posting and Publication

The Applicant must post notice of the public hearing at the proposed location for a minimum of ~~twenty (20)~~ ten (10) days or as otherwise provided in the Order.

Section 14.3 Hearing Procedures

14.3.1 Burden of Proof

The Applicant shall have the burden of proving by a preponderance of the evidence that the factors identified in 14.3.2 have been established ~~need and desire~~ for the Medical and/or Retail Marijuana Store and/or Center License, the Retail Hospitality License, or the Retail Hospitality and Sales License in the Designated Neighborhood.

14.3.2 Standards for Issuance

In deciding whether to issue a Medical or Retail Marijuana Store or Center License, a Retail Hospitality License, or a Retail Hospitality and Sales License, the ~~Department~~ hearing officer and/or Director shall consider evidence and testimony presented on ~~each~~ any of the following factors:

- (i) The number and availability of licenses of the same type in or near the neighborhood;
 - (ii) Whether or not the issuance of the license would create a neighborhood of undue concentration;
 - (iii) The reasonable requirements of the neighborhood and the desires of the adult inhabitants therein as evidenced by petitions, remonstrances, or otherwise;
 - (iv) Whether or not the issuance of a license to the applicant would not comply with any applicable state or local law, including, but not limited to, the Colorado Marijuana Code, this article V, and any rules and regulations adopted pursuant thereto;
 - (v) Whether or not a second or additional license to the same applicant would have the effect of restraining competition;
 - (vi) Whether or not the applicant has previously operated a licensed premises in a manner that adversely affects the public health, welfare, or the safety of the immediate neighborhood in which the business is located;
 - (vii) Whether or not the applicant has failed to comply with any terms or conditions that were placed on a license or permit pursuant to an order of the director or state licensing authority in the past;
 - (viii) Whether or not the applicant provides a valid lease, rental agreement, or other documented arrangement for possession showing that the applicant or licensee is entitled to possession of the premises identified in the application;
 - (ix) Whether or not the applicant's criminal character or criminal record poses a threat to the regulation or control of marijuana, subject to the provisions of C.R.S. § 44-10-307, as amended. In doing so, the director may incorporate any findings as to residency, moral character, and criminal character or history, including marijuana convictions, previously made by the state licensing authority.
- (i) ~~Good Cause. Under the Denver Marijuana Code, the Director has the authority to refuse to issue any medical or retail marijuana store license for good cause, subject to judicial review. "Good cause" means:~~
- a. ~~The Applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Medical or Retail Marijuana~~

~~Code or any rule and regulations promulgated pursuant thereto, or the Denver Medical or Retail Marijuana Code or any rules and regulations promulgated pursuant thereto.~~

- ~~b. With respect to a second or additional medical or retail marijuana business license proposed by the same Applicant, the Director shall consider the effect on competition of the granting or disapproving of additional licenses to such Licensee, and no application for a second or additional license that would have the effect of restraining competition shall be approved.~~
 - ~~c. For applications to license any medical or retail marijuana business in the same location where any medical or retail marijuana business is or has previously been licensed, evidence that the licensed premises have been previously operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located.~~
 - ~~d. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the medical or retail marijuana business is proposed to be located.~~
- ~~(ii) Needs and Desires. The Department will consider 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 the Department has placed or may place upon the license.~~
- ~~(iii) Additional Considerations:~~
- ~~a. The number and availability of other medical marijuana centers or retail marijuana stores in or near the Designated Area.~~
 - ~~b. Whether the issuance of such license would result in or add to an undue concentration of medical marijuana centers or retail marijuana stores and, as a result, require the use of additional law enforcement resources.~~

14.3.3 Presentation of Evidence and Testimony

14.3.3.1 Qualified to Testify - Testimony and evidence for or against the application may be considered from the following witnesses:

- (i) The Applicant;
- (ii) Neighborhood Witnesses;
 - a. The Applicant must present at least one Neighborhood Witness (other than the Applicant) to provide testimony establishing the need and desire of the neighborhood for the license to issue. **If authorized by the Department, Neighborhood Witness(es) may participate remotely through the use of a pre-filed affidavit, telephonic testimony, or virtual appearance facilitated by the Department.**
 - b. A maximum of three (3) Neighborhood Witnesses may testify at length in favor or in opposition of the application. This number does not include “en masse” (as a group) testimony.
 - c. Other Parties in Interest who attend the hearing may testify en masse either for or against the issuance of the license. En masse testimony shall be limited to a determination of whether they qualify as a Party in Interest and whether they support or oppose the issuance of the license. En masse witnesses may not be cross-examined, except as to their qualifications to testify. At the Hearing Officer’s discretion, the Hearing Officer may take en masse testimony at any time during of the hearing.
- (iii) City Council Member;

- a. Any member of City Council, whose area of representation includes any part of the Designated Area, shall be allowed to testify in his or her official capacity regarding his or her position on the application and/or to convey the position of his/her constituents.
- (iv) Authorized RNO Representatives;
- a. Any RNO may submit testimony regarding its position on the application and/or to convey the position of its members. Only one representative of each RNO may testify regarding the position taken by the organization on the application.
 - b. If an RNO representative resides within the Designated Area, he or she may also testify en masse or at length as one of the three (3) witnesses allotted to either side.
- (v) Expert Witnesses.
- a. A witness intending to give expert opinion testimony must first be qualified by the Hearing Officer as an expert at the hearing.
 - b. At least five (5) days prior to the hearing, parties shall file a list of any witnesses they intend to call as an expert witness. The list should include the expert's name, the expert's field of expertise, curriculum vitae, and any reports created by the expert or document used to support the expert's opinions.

14.3.3.2 Qualified to Cross-Examine – The City Attorney, the Applicant, and any Party in Interest as defined in Article I may cross-examine witnesses.

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3. In **ARTICLE XV - HEARINGS FOR CHANGES OF LOCATION OF MEDICAL MARIJUANA CENTER OR RETAIL MARIJUANA STORE**, the following language shall be modified:

ARTICLE XV - HEARINGS FOR CHANGES OF LOCATION OF MEDICAL MARIJUANA CENTER OR RETAIL MARIJUANA STORE LICENSES, RETAIL HOSPITALITY LICENSES, AND RETAIL HOSPITALITY AND SALES LICENSES

Section 15.1 Applicability

The hearing procedures for the change of location of a Retail or Medical Marijuana Center or Store License, a Retail Hospitality License, or a Retail Hospitality and Sales License are the same as those for a New Medical or Retail Marijuana Center or Store License, Retail Hospitality License, or Retail Hospitality and Sales License. The provisions in Article I (General Provisions), Article II (Procedures Applicable Only to Needs & Desires Hearings), and in Article XIV (New Medical or Retail Marijuana Center or Store Licenses, Retail Hospitality Licenses, and Retail Hospitality and Sales Licenses) shall apply to all hearings for a change of location of a Medical or Retail Marijuana Center or Store License, Retail Hospitality License, or Retail Hospitality and Sales License ~~change of location~~ conducted by the Department. These Hearing Policies and Procedures do not apply to Hospitality Licenses with a mobile licensed premises.

Section 15.2 Combined Hearings

An applicant may apply to change the location of its co-located ~~medical and retail marijuana store~~ licenses to the extent allowed by the Colorado Marijuana Code and the Denver Marijuana Code. The hearings for the change of location applications may be combined into one hearing at the Director's discretion. The applicant shall have the burden for establishing the qualifications for each change of location.

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4. The following articles shall be repealed in their entirety:
 - a. **ARTICLE XVII - HEARINGS FOR NEW CANNABIS CONSUMPTION ESTABLISHMENT LICENSES**
 - b. **ARTICLE XVIII - HEARINGS FOR RENEWAL OF CANNABIS CONSUMPTION ESTABLISHMENT LICENSE**
 - c. **ARTICLE XIX - HEARINGS FOR SPECIAL EVENT CANNABIS CONSUMPTION LICENSE**