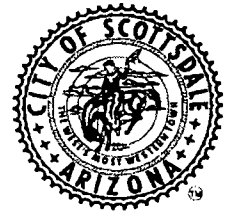


CITY COUNCIL REPORT



Meeting Date: August 18, 2014
General Plan Element: *Land Use*
General Plan Goal: *Support a diversity of businesses.*

ACTION

Permanent Extension of Premise for Sushi Brokers 9-EX-2014. To consider forwarding a recommendation of denial to the Arizona Department of Liquor Licenses and Control for a Permanent Extension of Premise for a series 12 (restaurant) liquor license.

OWNER

Sushi Broker LLC

APPLICANT CONTACT

RL Miller

LOCATION

17025 N Scottsdale Rd

BACKGROUND

This establishment is currently operating with a Series 12 (restaurant) liquor license and has been at this location since 2000.

APPLICANTS PROPOSAL

Goal/Purpose of Request

This request is for an Extension of Premise of a Series 12 (restaurant) liquor license and is requesting to add 405 sq. ft. patio.

IMPACT ANALYSIS

Current Planning Department Development Information.

This establishment is 3,835 sq. ft. in size, including an existing 303 sq. ft. patio and a proposed 405 sq. ft. patio.

Restaurant Operations.

This owner intends to operate 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. The bar service area is 420 sq. ft. or 13 % of gross floor area, and the kitchen area is 800 sq. ft. or 24% of the gross floor area. The operational characteristics and floor plan qualify as a restaurant.

Outdoor Patio.

The proposed patio, on the southwest side of the building is 405 sq. ft. and does not encroach into the adjacent pedestrian walkway. There is a minimum 6 ft. clearance for pedestrian access

Zoning.

This site is zoned Central Business District (C-2). The C-2 district allows restaurants as a permitted use. The applicant has been notified of the City's expectation that the business will operate as a restaurant as defined by City Code.

Parking.

The additional patio space does not increase the parking requirements. Parking is in compliance with the zoning ordinance.

Public Safety

Police Department: Recommendation Denial

The licensee/operator of this establishment, Randon Lee Miller, has not sufficiently demonstrated that he is operating his establishment in a manner that is in the best interest of the community and/or public convenience. The owner has, on more than one occasion, been on or about the licensed premises in a manner that has been disruptive, disorderly, and contrary to the peace and quiet of the community. Mr. Miller has been convicted of Disorderly Conduct, Failure To Obey Police Officer, and Refusing To Provide Lawful Name in conjunction with imbibing in his restaurant. In addition, Mr. Miller has failed to provide complete financial disclosure consistent with ARS 4-202.F."

Major life safety issues: None noted.

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

STATE GUIDELINES FOR CONSIDERING AN APPLICATION

A.R.S. 4-207.01; Granting a License for an Extension of Premise

A spirituous liquor license shall be issued only after satisfactory showing that the best interest of the community will be substantially served by the issuance of an extension of premise for a series 12

(restaurant) liquor license at a particular licensed location.

COUNCIL OPTIONS & STAFF RECOMMENDATION

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 does not meet the criteria imposed for determining that the community's best interest is substantially served by the issuance of the liquor license.

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 approved, the proposed addition will be permanently added to the licensed are of the establishment.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation Division

Public Safety Division

Economic Vitality Division

STAFF CONTACTS (S)

Teri Gleason, Planning Assistant, tgleason@scottsdaleaz.gov

Planning and Development Services

James Wasson, Lieutenant, Special Assignment, jwasson@scottsdaleaz.gov

Public Safety Division

Raun Keagy, Planning, Neighborhood and Transportation Director, rkeagy@scottsdaleaz.gov

Planning and Development Services

APPROVED BY

Tim Curtis, AICP, Current Planning Director

312-4210 tcurtis@scottsdaleaz.gov



7/21/2014

Randy Grant, Director, Planning and Development Services

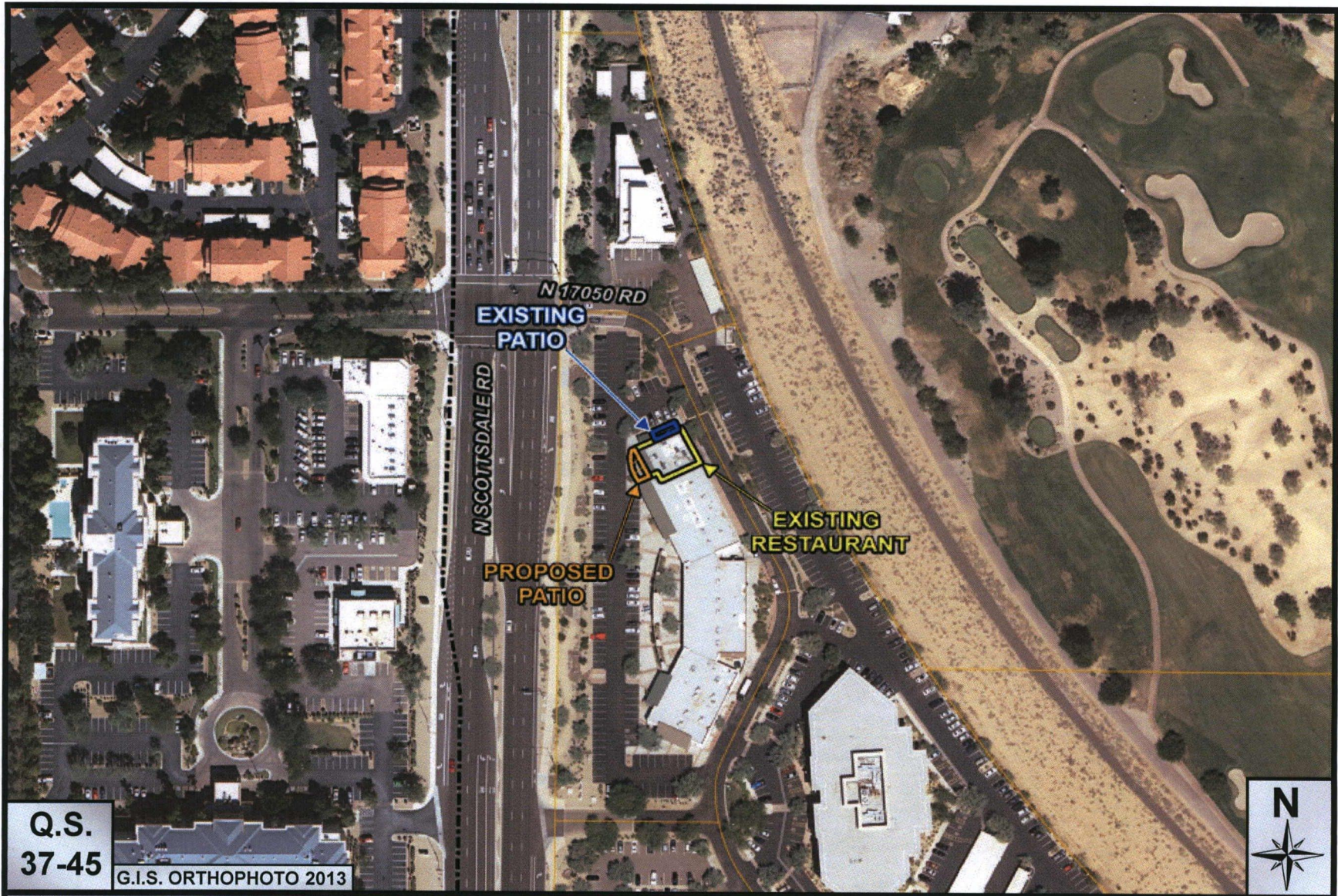
312-2664, rgrant@scottsdaleaz.gov



7/22/14

ATTACHMENTS

- #1: Aerial Map
- #2: Close-up Aerial Map
- #3: State Application
- #4: Floor Plan



Q.S.
37-45

G.I.S. ORTHOPHOTO 2013

9-EX-2014

Sushi Brokers

ATTACHMENT #1



9-EX-2014

Sushi Brokers

ATTACHMENT #2

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

9-EX-2014

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Date payment received _____
CSR Initials _____

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

☒ Permanent change of area of service. A non-refundable \$50 fee will apply. Specific purpose for change: Added a patio to give waiting customers an area to sit and drink.

☐ Temporary change for date(s) of: ___/___/___ through ___/___/___ List specific purpose for change: _____

- Licensee's Name: Miller Randon Lee
Last First Middle
- Mailing Address: 4032 E. Paradise Dr. Scottsdale 85254
City State Zip
- Business Name: Sushi Brokers LLC LICENSE #: 120741009
City COUNTY State Zip
- Business Address: 17025 N. Scottsdale Rd. Scottsdale 85255
City COUNTY State Zip
- Business Phone: (480) 515-5000 Residence Phone: ()
- Do you understand Arizona Liquor Laws and Regulations? ☒ YES ☐ NO Email: SushiBrokers@aol.com
- Have you received approved Liquor Law Training? ☐ NO ☒ YES If so, when does your Certificate expire? 02/09/2019
- What security precautions will be taken to prevent liquor violations in the extended area? Camera + security system added
- Does this extension bring your premises within 300 feet of a church or school? ☐ YES ☒ NO
- IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

☐ Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption: _____

Investigation Recommendation ☐ Approval ☐ Disapproval by: _____ Date: ___/___/___

****After completing sections 1-10, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:

(Authorized Signature)

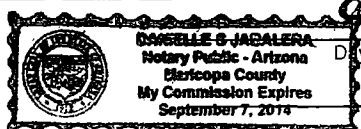
(Title)

(Agency)

I, Randon L Miller, being first duly sworn upon oath, hereby depose, swear and declare, (Print full name)
under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

X [Signature] State of Arizona County of Maricopa
(Signature of Owner or Agent) SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this date

My commission expires on: 9/7/14



April 2014
Month Year
[Signature]
(Signature of NOTARY PUBLIC)

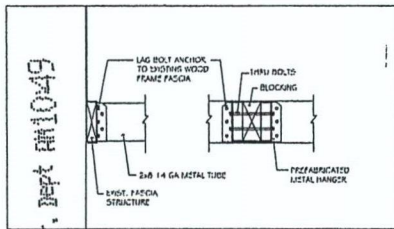
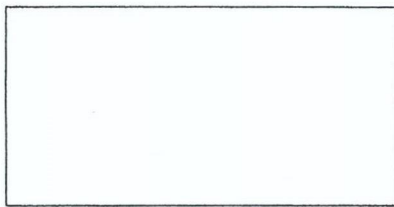
Investigation Recommendation ☐ Approval ☐ Disapproval by: _____ Date: ___/___/___

Director Signature required for Disapprovals _____ Date: ___/___/___

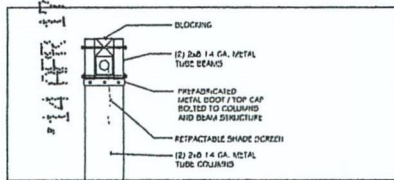
1/7/2014

*Disabled individuals requiring special accommodation, please call the Department (602) 542-5141

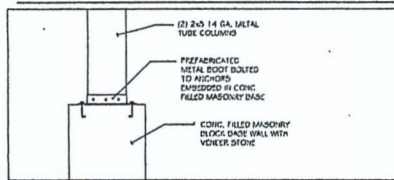
ATTACHMENT #3



BEAM TO EXIST. WALL DTL



COLUMN / BEAM DETAIL



BASE DETAIL - COLUMNS

OCCUPANT LOAD

OCCUPANCY	
EXISTING DINING AREA:	1633 S.F. / 15 = 108
EXISTING KITCHEN/SERVICE:	1192 S.F. / 200 = 6
EXISTING OFFICE / RESTROOMS:	342 S.F. / 100 = 4
NEW PATIO AREA:	405 S.F. / 15 = 27
TOTAL OCCUPANCY LOAD:	= 145

RESTROOM REQUIREMENTS
 TOTAL OCCUPANCY = 145 / 2 = 72.5 MEN / WOMEN
 (WC) WATER CLOSET REQUIREMENTS = 1 PER 75 MF

WATERCLOSETS PROVIDED:
 2 WC / 2 LAVATORIES FOR WOMEN.
 1 WC + 1 URINAL / 1 LAVATORY FOR MEN.

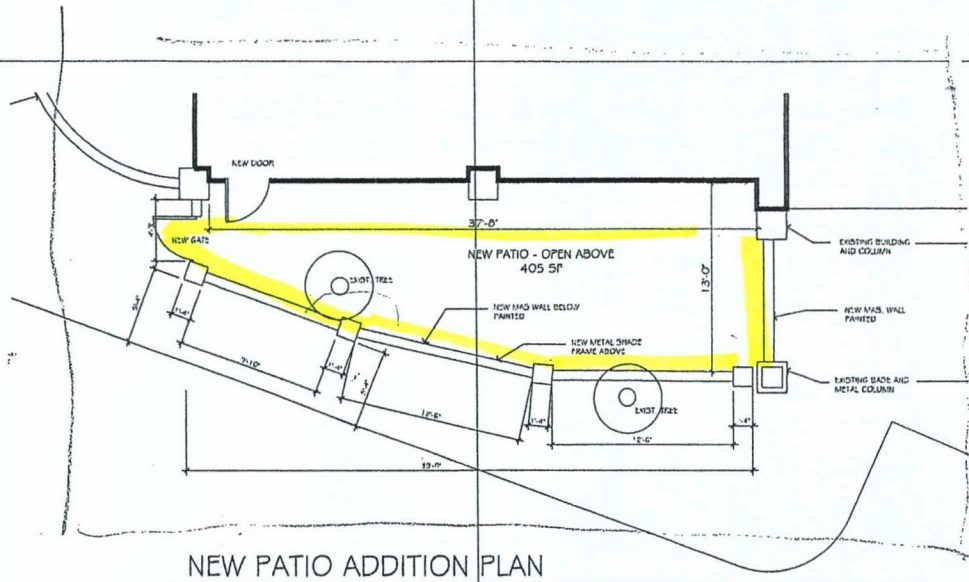
PARKING CALCULATIONS

PUBLIC AREA	
EXISTING DINING AREA:	1633 S.F.
NEW PATIO AREA:	405 S.F.
TOTAL:	2038 S.F.
PARKING REQUIRED:	
PUBLIC AREA:	2038 S.F. / 80 = 25 SPACES
VAN ACCESSIBLE PARKING	= 1 SPACE
PARKING PROVIDED	
EXISTING PARKING	= 30 SPACES
EXISTING ADA PARKING	= 2 SPACES

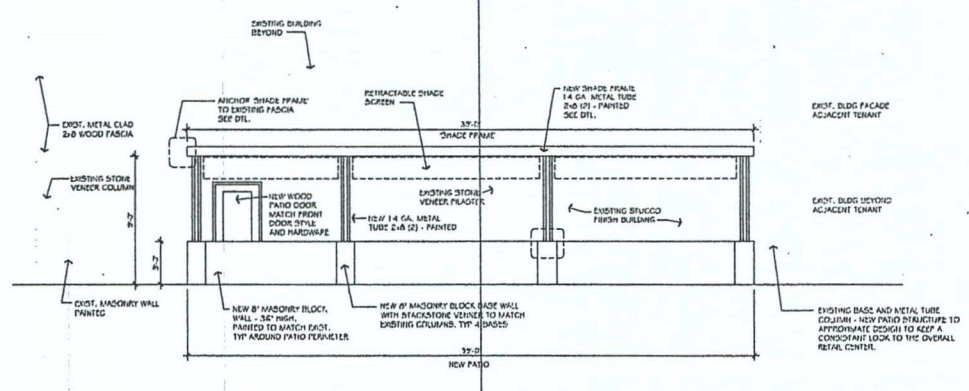
BUILDING CODES - SCOTTSDALE AZ

2012 INTERNATIONAL BUILDING CODE (IBC) (AMEND. ORD. 4059)
 2012 INTERNATIONAL FIRE CODE (IFC) (AMEND. ORD. 4045)
 2012 INTERNATIONAL MECHANICAL CODE (IMC) (AMEND. ORD. 4062)
 2012 INTERNATIONAL PLUMBING CODE (IPC) (AMEND. ORD. 4061)
 2012 INTERNATIONAL GREEN CONSTRUCTION CODE (AMEND. ORD. 4063)
 2011 NATIONAL ELECTRIC CODE (NEC) (AMEND. ORD. 4064)
 2012 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
 2012 INTERNATIONAL EXISTING BUILDING CODE (IEBC)

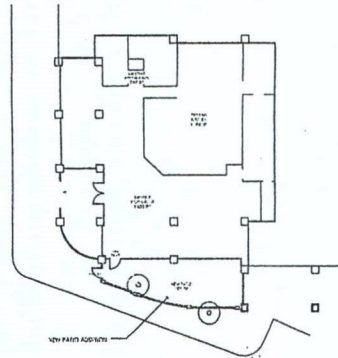
SUSHI BROKERS NEW PATIO ADDITION



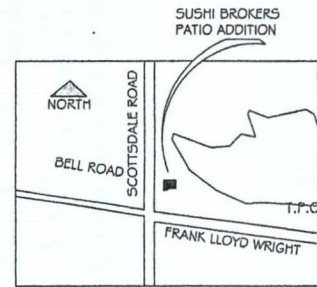
NEW PATIO ADDITION PLAN



NEW PATIO ADDITION ELEVATION



OVERALL PLAN



SUSHI BROKERS RESTAURANT
 17021 N SCOTTSDALE ROAD
 SCOTTSDALE, ARIZONA 85254

GJD
 ARCHITECTURE

DILL JORLING
 PHOENIX, AZ
 602.909.3975
 bill@sjarch.com

NEW PATIO ADDITION
 SUSHI BROKERS

REVISIONS
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SUSHI BROKERS
 17021 N SCOTTSDALE
 SCOTTSDALE, AZ 85254

STORE NUMBER
 001

A I

PATIO ADDITION
 PLAN DETAILS

Request for a Permanent Extension of Premises

Sushi Brokers LLC dba Sushi Brokers
17021 North Scottsdale Road
State License#12074609

Overview

- Sushi Brokers is a restaurant that is presently 3,835-square feet, including a 303-square foot patio.
- Sushi Brokers is requesting a Permanent Extension of their licensed serving area to an additional 405-square feet.
- Sushi Brokers is primarily owned and operated by Randon Lee Miller

Chronology of SPD Incidents Involving Sushi Brokers

- **1/10/13:** Randon Miller behaved in a disorderly manner and attempted to interfere with an investigation being conducted near his licensed premises (SPD DR#13-00675)(No Charges Pending).
- **1/10/13:** Miller was arrested for Disorderly Conduct, Failure To Obey a Police Officer, and Refusal to Provide Lawful Name while drinking in Sushi Brokers (SPD DR#13-00715). Convicted, June 2014
- **4/9/13:** Sushi Brokers paid a fine of \$500 to ADLLC for an Employee Consuming On Duty on 12/31/12.
- **12/29/13:** Miller was arrested on Suspicion of Marijuana Possession, Drug Paraphernalia Possession, DUI-drugs, DUI, DUI-BAC .08 or More (trial pending)(SPD DR#13-29945).
- **1/9/14:** Miller was arrested on suspicion of assault, resisting arrest, disorderly conduct, liquor violations, refusal to allow an inspection, interference with a court order, failure to obey a police officer, and failure to disclose ownership to the Arizona Department of Liquor Licenses and Control (trial pending)(SPD DR#14-00654).
- **2/14/14:** Miller's attorney was served with an ADLLC Subpoena demanding that the licensee provide financial disclosure documents by 3/4/14. Miller has yet to provide the documents as requested.

Statutory Foundations for Opposition

- **ARS 4-202.F:** ADLLC shall not renew a license for any person who fails to provide the ADLLC with complete financial disclosure statements.
- **ARS 4-207.01:** Requires licensee to receive ADLLC approval for greater space or additional entrances before their use.
- **ARS 4-210.A:** ADLLC may suspend, revoke or refuse to renew any license for any of the following reasons:
 1. Repeated acts of violence or disorderly conduct
 2. Licensee fails to maintain capability, qualifications, and reliability requirements per 4-202 or 4-203.
- **ARS 4-244.14:** It is unlawful for a licensee or other person who is disorderly or obviously intoxicated to enter or remain on the premises, to be served, or to remain on or about the premises
- **R19-1-207:** Licensee not to allow service of alcohol outside licensed premises w/o first making application with ADLLC.

Violation of ARS 4-202.F (Failure to Provide Financial Disclosure)

- **ARS 4-202.F: ADLLC shall not renew a license for any person who fails to provide the ADLLC with complete financial disclosure statements.**
- ADLLC served a subpoena upon the licensee's attorney on 2/14/14 which required response by 3/4/14. The licensee has to provide the financial disclosure per that subpoena.

Violations of ARS 4-210.A (Foundation for Refusal to Renew)

- **ARS 4-210.A: ADLLC may suspend, revoke or refuse to renew any license for any of the following reasons:**
 - Repeated acts of violence or disorderly conduct
 - Licensee fails to maintain capability, qualifications, and reliability requirements per 4-202 or 4-203.
- Miller was disorderly on 1/10/13, twice; was disorderly on 1/9/14; has been charged with resisting arrest; has been convicted of disorderly conduct once; has repeatedly interfered with police officers conducting traffic stops near his business; and, has refused to provide financial documents consistent with the subpoena issued by the Director of the Arizona Department of Liquor Licenses and Control.

Violations of ARS 4-244.14 (Allow to Enter, Remain or Serve Obviously Intoxicated or Disorderly Patron/Employee)

- **ARS 4-244.14: It is unlawful for a licensee or other person who is disorderly or obviously intoxicated to enter or remain on the premises, to be served, or to remain on or about the premises.**
- Miller was disorderly inside/outside his establishment on 1/10/13, twice; was charged with resisting arrest on 1/9/14; has been convicted of disorderly conduct once; and, has repeatedly interfered with police officers conducting traffic stops near his business.

Summary of Foundation to Deny a Permanent Extension of Premises

- Applicant has not complied with Arizona Liquor Law in the management and operation of his licensed establishment.
- Applicant has behaved in a disorderly, confrontational and obviously intoxicated manner when police officers are in or around his business.
- Applicant has refused to answer a subpoena issued by the Arizona Department of Liquor Licenses and Control.