



AFFIDAVIT OF POSTING
PUBLIC HEARING NOTICE

CASE NUMBER: _____

PROJECT NAME: Salty Senorita

LOCATION: 3636 North Scottsdale Road

SITE POSTING DATE: 2-17-06

APPLICANT NAME: John R Casale

SIGN COMPANY NAME: Scottsdale Sign-A-Rama

PHONE NUMBER: 480-994-4000

I confirm that the site has been posted as indicated by the Project Manager for the case as listed. Pictures of site postings have been submitted.

[Handwritten Signature]

Applicant signature

2-21-06

Date

[Handwritten Signature]

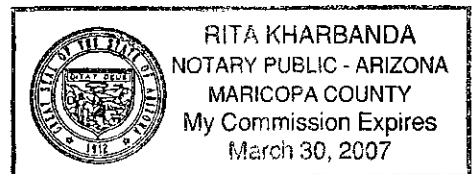
Notary Public

Acknowledged before me this 21st day of February 2006

My commission expires March 30, 2007

Return completed, notarized affidavit and pictures to Current Planning Services at least 20 days prior to Planning Commission hearing.

Current Planning Services
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251
480-312-7000



service utilized frequently by Salty patrons. See attached Exhibits 12 and 13; Salty Set Menus and Catering Menu.

To bolster the quality of our food, the Salty kitchen staff is required to undergo extensive training, committing to memory Salty's unique recipes as well as its policies and procedures so as to maintain a top-notch Back of the House operation. See attached Exhibit 14; Salty Seniorita Kitchen Training Manual. Their hard work has clearly paid off. In the brief twenty-seven (27) months that Salty has been open, it has received numerous awards, several of which recognize Salty's outstanding food, including Best Mexican Food in Phoenix, by CitySearch.com. See attached Exhibit 15.

2. *Salty Seniorita's Stellar Service*

As all good restaurant operators know, service is just as important as the food served and at Salty Seniorita, impeccable service is mandatory. Because of the volume of food and beverage business generated, Salty Seniorita must employ a large service staff. Currently, Salty employs 27 servers, 3 food runners and 5 bussers (as opposed to only 10 bartenders and 4 barbacks). See attached Exhibits 16 and 17; Salty Service Staff Schedule and Bartender Schedule. The members of the service staff are put through rigorous training before they are allowed to work the floor at Salty. Each new hire is given a Salty Training Manual and a Rules and Regulations Packet which they must commit to memory. See attached Exhibits 18 and 19. After successfully completing a series of exams testing their knowledge, the staff member is awarded a Certificate of Achievement and shifts to work. See attached Exhibit 20. However, the training (and scrutiny) does not end here. Salty Seniorita Management, as further discussed hereinafter, is charged with making sure that service knowledge, professionalism and fundamentals do not lapse with time. Accordingly, staff is constantly evaluated with random spot checks to ensure that service fundamentals, like the adherence to acceptable ticket time and delivery guidelines, are followed. See attached Exhibits 21, 22 and 23; Salty Server Spot-Check Sheets, Ticket Time Guidelines and Delivery Time Checks

3. *Anthem Restaurants of America, Inc. and John R. Casale, its President*

Anthem Restaurants of America, Inc., by and through its President, John R. Casale (hereinafter Mr. Casale), has been a responsible owner/operator in the Downtown Scottsdale scene since 1994 and, since that time, Mr. Casale and all of the Anthem employees have prided themselves on running quality establishments. See attached Exhibit 24; Anthem Corporate Snapshot. Mr. Casale has been heavily involved in the community and has participated in numerous City committees over the years discussing and addressing issues important to all merchants in Old Town Scottsdale. His reputation as an effective, hard-working, cooperative and uncompromisingly scrupulous business owner and operator has earned him the respect and friendships of numerous other business owners in town, his business neighbors and many staff within the City of Scottsdale, as well as some local prestige. See attached Exhibit 25; Featured Article on

John Casale. He would never do anything to jeopardize his reputation and, as he has done in the past, will continue to work with all city and state agencies to ensure that he is running his businesses without any negative impact whatsoever. Fun, safe and quality dining establishments are a priority to Mr. Casale as can be readily seen in every Anthem venue. Salty Seniorita is no exception.

4. *Salty Seniorita Operations To Date*

From day one, Salty Seniorita's primary business focus has been on the sale of its food. Each year, the Anthem Restaurants Marketing Department spends a significant amount of its budget on the promotion of lunch, dinner and late night food sales and it will continue to do so. And, our Executive Chef, Jagger Griffin, will continue to participate in all local culinary events which heavily promote our restaurant profile and, of course, food sales. Yet, despite our efforts, Salty Seniorita has fallen just shy of the requisite percentage, which would allow it to keep its Series 12 Liquor License. Specifically, 38% of Salty's current annual sales are derived from food, just short of the 40% mark required by the State. Notwithstanding, in 2005 alone, Salty Seniorita's food sales were in excess of \$1,200,000.00 and its food purchases totaled nearly \$400,000.00. See attached Exhibit 26; Salty's 2005 Revenue Analysis. Furthermore, Salty's kitchen labor hours totaled over 30,000 with almost \$313,000.00 in labor dollars spent to compensate the kitchen staff. Exhibit 26. Indeed, Salty Seniorita is one of Sysco Foods Services of Arizona's largest accounts ranking #103 out of 3,593 accounts Arizona-wide. See attached Exhibit 27, Letter from Sysco's District Sales Manager. In the Scottsdale and Central Phoenix region, by far the busiest restaurant area in the state, Salty ranks in the Top 10 for annual food and food related purchases. Exhibit 27.

Salty Seniorita is also a soundly run business. It maintains an extremely low incident to guest ratio with full support from the City of Scottsdale Police Department. Indeed, upon speaking with Lueitenent Tom Henny of the Department to complete the Security and Maintenance plan packet, he stated that he considers Salty Seniorita extremely well run and expressed that he wished all establishments were run as well as Salty.

Salty has become a downtown staple where visitors and locals alike of all ages come to take a "mini-vacation." Located at the gateway to Old Town Scottsdale, Salty provides a memorable and exciting Downtown Scottsdale entertainment experience. *Indeed, when originally meeting with the City of Scottsdale personnel to decide whether to seek approval expand the existing patio so as to make it more visible from Scottsdale Road, the City supported and even encouraged the patio extension. They (as did we) envisioned a vibrant welcome to Old Town upon seeing Salty's attractive, bustling patio, a sight that greets hundreds even thousands of passers-by each day.*

5. *Neighborhood Support of the License Change*

As a conscientious and courteous business owner, John Casale walked door to door and personally visited and spoke with at length with each of Salty's immediate neighbors to inform them of Salty's Application for a Bar Use Permit and conversion to a Series 6 Liquor License. **The outpouring of support he received was overwhelming and unanimously in favor of Salty.** Each neighbor offered to help in any way they could *proclaiming how much they enjoy Salty Seniorita as their neighbor.* Indeed, each of those neighbors has voluntarily submitted a letter in full support of Salty's license change. See attached Exhibit 28.

6. *Salty Seniorita Post-License Change*

Notwithstanding a change in the type of license held by Salty Seniorita, not one single aspect of Salty's operation and business as a Mexican Restaurant shall change. In fact, Salty's main goal is to continually increase its percentage of food sales to reach the 40% and, ultimately, 45% mark. By taking such steps as implementing a 15% price increase and the hiring of a full-time Director of Catering, among others, it is our sincerely believed that Salty will achieve that goal by summer 2006. See attached Exhibit 29; Steps to be taken to surpass 40% in food sales in 2006.

Further, Anthem Restaurants is growing the Salty Seniorita concept aggressively focusing on new locations that are lifestyle communities where quality food and service are the backbones of success, not bar business. Anthem does not want and cannot have inconsistency within the concept and between the venues. Thus, to anyone other than the State, City and the internal Salty Seniorita Organization, the issuance of a Bar Use Permit and subsequent conversion from a series 12 to a series 6 license will be unnoticeable and seamless. Salty will continue to be a food forward, chef-driven establishment following our business plan as developed over three years ago.

7. *Salty Seniorita Meets Only One Criteria For Consideration As A Bar*

Of the criteria looked at by the City of Scottsdale when determining whether an establishment is a bar, the **only one that pertains to Salty Seniorita is that which requires 40% in food sales**, criteria that Salty fell just short of meeting. Regarding the other criteria:

- * Salty Seniorita's bar service area is 10% of the gross floor area;
- * Salty Seniorita's kitchen area is 38% of the gross floor area;
- * Age verification is not requested for admittance into Salty Seniorita but is required when alcohol is ordered;

- * A cover charge is not required for admittance; and
- * The Salty kitchen is open and serving food until 11 p.m. every night of the week and until 1 a.m. on Thursdays through Sundays.

Salty Seniorita has never and will never charge a cover, play amplified live music, card at the door before 9 p.m. or utilize pool tables or any other games so that we never resemble a bar to the detriment of our dining customers and, consequently, food sales.

B. ZONING CODE, SECTION 1.403

Salty Seniorita responds to the criteria set forth in Zoning Code, Section 1.403 as follows:

1. The Use Shall Not Disrupt Existing Balance of Daytime and Nighttime Uses.

Located at the southern-most part of Old Town Scottsdale on Scottsdale Road, Salty Seniorita and the building within which it is housed is surrounded only by commercial use properties, most of which operate exclusively during the daytime hours. Salty Seniorita is open daily from 11 a.m. (10 a.m. on Sundays) serving lunch, dinner and late night food to those employed in the surrounding businesses and beyond, visitors and locals alike until 11 p.m. nightly. These hours of operation will not change with the issuance of a Bar Use Permit. During the day, the flow of Customers to and from Salty occurs as a natural part of the ordinary course of business and is above all else, orderly. Business generated by Salty Seniorita's lunch crowd causes no interruption whatsoever to any of Salty's neighbors. Likewise, the nighttime flow of Customer's, while higher in volume, causes no interference with other business activity or recreational activities occurring in the area. Because no aspect of Salty Seniorita's business is going to change, the issuance of a Bar Use Permit will not disrupt the existing balance of daytime and nighttime uses.

2. The Use Shall Not Disrupt Pedestrian-Oriented Daytime Activities.

As mentioned-above, Salty Seniorita is located at the southern-most tip of Old Town Scottsdale where there exists little to no retail or other pedestrian-oriented daytime activities. In fact, the only pedestrian activity that occurs on or near the Salty Seniorita parcel is that of individuals utilizing the Salty Seniorita parking lot and walking into the restaurant (or Oregano's Pizza Bistro next door). Thus, the use shall not disrupt pedestrian-oriented activities.

3a. The Use Shall Not Encourage Displacement of Daytime Retail Uses.

Salty Seniorita's operation is one that is maintained within its exterior walls and outdoor open-air patio, causing absolutely no interference to neighboring businesses at any time. Currently, there exists little to no daytime retail use that could potentially be displaced by the issuance of a Bar Use Permit. The only retail use which does exist is that of the two art galleries both located to the West of Salty's Main Building and, therefore, completely shielded from sight and sound generated by Salty business. Both of these galleries are wholesale operators with little or no customer walk-in foot traffic. However, even if there existed significant retail uses around the Salty Seniorita parcel, the issuance of a Bar Use Permit would not encourage displacement of daytime retail use for the following reasons:

- i. Since the Salty parcel has its own dedicated lot, parking by Salty patrons would not infringe on other businesses, retail or otherwise; and
- ii. As set forth in the Noise Study, which accompanies Salty's application, the only noise generated is ordinary restaurant/bar noise, including idle chatter and laughter.

It is likely that the operation of a successful restaurant/bar business in a highly visible spot right on Scottsdale Road would actually encourage daytime retail use seeking to take advantage of the bustling operations of both Salty Seniorita and its neighbor Oregon's.

3b. The Required Parking for the Use Shall Be Within 600 Feet of the Property.

The Salty Parcel has its own massive, private parking lot attached to the business operation, which meets the required parking for the use. Please see the Attached Parking Analysis.

4 a and b. The Use Shall Not Adversely Impact Residential Uses and the Use Shall Provide Methods of Buffering Residential Uses.

There exists minimal residential use within 500 feet of Salty Seniorita. Indeed, the only residential use which does exist are apartments/condominiums (approximately 9 units) on Marshall Way, at the furthest point west of the 500 foot parameter and away from the heart of Salty's business. See attached Exhibit 30. Between the restaurant and that small residential zone lies Salty's huge parking lot and Bishop Lane, which houses commercial properties on both sides of the street. Both thereby shield those residences from what little, if any, noise that may emanate from Salty's building and patio. Furthermore, of those 9 condominium units, currently, three are being utilized for commercial purposes. In addition, upon information and belief, some are utilized only as vacation homes. And, of the permanent residents of that residential area, some have

expressed verbally to John Casale upon his personal visits with them that at no time do they hear noise from Salty Seniorita.

5. An Active Management and Security Plan Shall Be Created, Approved, Implemented, Maintained and Enforced for the Business.

In addition to complying with the Security and Maintenance Plan attached herewith, Salty Seniorita will continue to maintain and enforce internal active management and security plans in place since its inception.

a. Security

All Security Guards are required to read and commit to memory the Employee Policies and Procedures Booklet, be prepared to take two written exams on said policies and train for a minimum of five days with the Head Security Guard. In addition, prior to being put on the schedule for work, Salty Security Guards are required to provide proof of current liquor certification. See attached Exhibit 31, 32 and 33; Salty Security Guard Training Schedule, Security Exam and Salty Security Procedures.

b. Management

Members of the Salty Management team are put through rigorous training before they are permitted to work the floor and are also required to participate in ongoing training thereafter. Most importantly, the management staff is charged with the responsibility of hiring and training employees and making sure that each staff member is knowledgeable and well-versed in all of Salty's policies and procedures including, of course, those that pertain specifically to security, liquor sales and public safety. Exhibits 18 and 19. Indeed, no staff member may work a shift at Salty unless in possession of a current food handlers' card and current certification by Arizona Liquor Industry Consultants (A.L.I.C.) for alcohol service and awareness training. In addition, Salty Seniorita also employs A.L.I.C. for random spot checks each and every month to ensure that Salty management and staff are abiding by Arizona liquor laws.

Management, however, does not go unchecked. Anthem Restaurant Management, Inc., the Manager of Salty Seniorita Scottsdale, L.L.C. and John Casale, its President, are charged with the oversight of Salty management staff. Salty Management must abide by the Salty Management Operation Guidelines. See attached Exhibit 34. Mr. Casale and other Anthem corporate staff make certain that Management is following the Operation Guidelines by the use of a spot check system, and what is know as a red card system for evaluating all aspects of business operation. See attached Exhibits 35 and 36. There are weekly management meetings held with Anthem corporate. And, at the suggestion of Lieutenant Tom Henny of the Scottsdale Police Department, Salty Management will begin meeting on a monthly basis with the bike patrol police in an effort to stay abreast of any new or changing issues, which could affect operations.

Finally, as food is and will remain the primary focus of Salty Seniorita, Management must be current certified Food Managers with the State Health Department.

6. An Exterior Refuse Control Plan

Salty Seniorita implements an aggressive refuse plan so as to maintain an aesthetically pleasant appearance to its guests and surrounding neighbors and to safeguard the integrity of its operation. Specifically, during business hours, Salty Seniorita Management designates staff members to routinely walk the premises as well as the surrounding neighborhood to collect any trash, which may have been left behind by its patrons. After the close of business and before reopening the next day, the Salty Seniorita cleaning and maintenance crew, likewise, scour the premises and neighboring property for additional trash. The Salty Seniorita dumpsters are emptied daily with the exception of Sundays as the waste removal company does offer pick-up that day. And, Salty regularly services its grease traps (at the very least on a quarterly basis) so as to avoid any unpleasant smells emanating from the property. Again, Salty Seniorita routinely checks in with its neighbors to ensure that these measures are taking place to their satisfaction.

7. Noise and Light Generated by the Use Shall be Mitigated

The noise and light generated by the use are minimal and, therefore, easily mitigated. The location of the business on the parcel and the restaurant set up are already designed to prevent noise and light from disturbing the public in any way.

a. Noise

As set forth in the Salty Old Town Noise Study submitted herewith, the building structure is situated at the southeastern most portion of the Lot on Scottsdale Road, a noisy, major artery. Commercial use buildings, including another high volume restaurant, sit immediately adjacent to the North and South of Salty Seniorita. And, the buildings directly across from Salty Seniorita on Scottsdale Road are, likewise, utilized solely for commercial purposes. Thus, noise generated by patrons dining in the restaurant or sitting on the patio are drowned out by the traffic flow occurring on busy Scottsdale Road.

In addition, the massive parking lot which sits to the West of the main building structure is insulated by large trees and bushes and also is surrounded on its remaining three sides by commercial use buildings. Furthermore, Bishop Lane, which runs north/south directly behind the large parking lot, is also lined with commercial buildings on both sides of the street. Thus, it is highly unlikely that, during Salty's busiest hours (after 5 p.m. nightly), any noise incidental to patrons walking to and from the business through the parking lot, would affect any of Salty's neighbors as the buildings are largely vacant during that time. Notwithstanding, on Thursdays through Saturdays, the busiest

days of the week for Salty Seniorita and thereby the days which generate the most traffic, Salty Seniorita contracts a valet company to park its patrons' cars. Thus, any noise generated by patrons walking to and from their cars is virtually eliminated, as patrons are able to drop off their cars right at Salty Seniorita's front entrance and walk right into the restaurant.

b. Light.

All interior and exterior lighting remains unchanged from the previous tenants (Sizzler, Austin's Steakhouse, Whiskey Creek Steakhouse) and, no additional lighting schemes were implemented for the approved patio extension. Not one single aspect of the existing lighting is going to change with the approval of a Bar Use Permit nor is any new additional lighting contemplated or required.

At Salty Seniorita, there is lighting to safely illuminate the parking lot, lights that are affixed to the building, exterior signage lighting and typical overhead interior lighting for illuminating the restaurant. Most of the lighting exists on the eastern side of the building where the patio and front entrance is located because, for obvious reasons, this is where the crux of the business takes place. In fact, it is only the eastern face of the building that provides any opportunity for light (or noise) to escape because all of Salty's windows and doors, with the exception of a service entrance on the west side of the building for staff and deliveries only, face to the east. Each and every window and door directly face Scottsdale Road. Thus, the light (and noise) are significantly muted by the light and noise generated by the continuous traffic on Scottsdale's main artery.

For good measure, however, as mentioned above, Salty Seniorita currently visits quarterly its neighbors on all sides to assess and monitor its impact on the neighborhood and will continue to do to ensure that its noise and light levels are not disruptive in any manner whatsoever.

8. The Use Shall Meet Required Parking and Shall Not Exceed Capacity for Traffic in the Area.

The Bar Use Permit requires that Salty Seniorita have 64 parking credits. Salty Seniorita holds 67 parking credits as well as an additional bike rack credit and, therefore, meets the Required Parking.

Because all of the parking spots are located either within Salty's own parking lot (59 spots) or directly adjacent to Salty's property and because entrances and exits to the lot exist on both Scottsdale Road and Bishop Lane thereby significantly reducing any chance for traffic jams, the use will not exceed capacity for traffic in the area. Indeed, the traffic flow to and from Salty Seniorita since opening in 2003 has been uninterrupted and uninhibited.

And, to Salty's good fortune, Salty has been extremely busy since opening its doors for business and continues to service a tremendous amount of patrons on a daily basis. In fact, at the risk of jinxing its own success, it is unlikely that on most days, Salty could even do more business. Since Salty strictly adheres to its occupancy limits, there are many occasions when additional patrons simply cannot be accommodated. Thus, the issuance of a Bar Use Permit for Salty should be of little significance as it is highly unlikely that it will draw additional patrons and, therefore, traffic should not increase nor negatively impact the area in any way.