

PLANNING COMMISSION REPORT



Meeting Date: January 13, 2010
General Plan Element: **Land Use**
General Plan Goal: *Create a sense of community through land uses*

ACTION

Dos Diablos
36-UP-2009

Request to consider the following:

1. Approval of a Conditional Use Permit for Live Entertainment for an existing restaurant in a building of approximately 6,875 square feet within an existing shopping center zoned Central Business, Environmentally Sensitive Lands (C-2 ESL) district.
2. Make the findings that the Conditional Use Permit criteria have been met.

Related Policies, References:

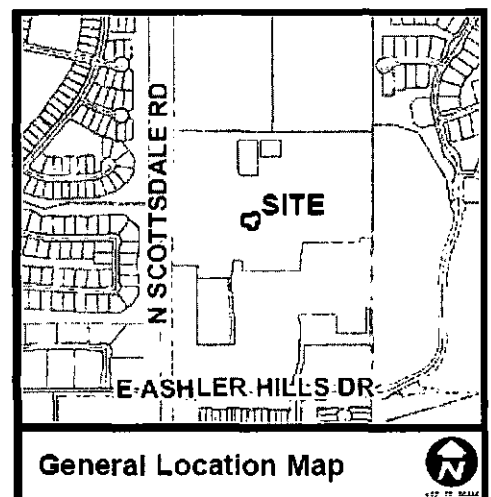
36-ZN-1984: Established Scottsdale zoning on recently annexed areas.
118-DR-1999: Approval of site and elevation plans for the Summit Shopping Center.
26-LL-2009: Approval of a Liquor License for the Dos Diablos restaurant.
124-SA-2009: Approval of an expansion of the patio for Dos Diablos restaurant

OWNER

Donahue Schriber Realty Group L.P.

APPLICANT CONTACT

Theresa Morse
Avante Garde Alcohol Training
480-353-8035



Action Taken _____

LOCATION

32527 N. Scottsdale Rd.

BACKGROUND

Zoning

The site is zoned Central Business, Environmentally Sensitive Lands (C-2 ESL) district. The C-2 zoning district allows for a wide range of retail, business and service uses. The ESL overlay includes development standards that govern development and design in order to preserve the desert environment. Live Entertainment is permitted in the C-2 district as an ancillary use subject to a Conditional Use Permit approval.

Context

The subject property is located in the existing Summit Shopping Center at the northeast corner of E. Ashler Hills Road and N. Scottsdale Road. The tenant mix at the center includes a variety of retail, office and service uses. There are residential areas on the west side of N. Scottsdale Road, on the south side of E. Ashler Hills and in an area northeast of the shopping center. The shopping center provides a buffer area (+/- 254 feet wide) along the southern boundary of the property which is zoned Single Family Residential District, Environmentally Sensitive Lands (R1-43 ESL).

Adjacent Uses and Zoning

- North Existing Shopping center zoned Central Business, Environmentally Sensitive Lands (C-2 ESL) District.
- South Existing Shopping center zoned Central Business, Environmentally Sensitive Lands (C-2 ESL) District and Single Family Residential District, Environmentally Sensitive Lands (R1-43 ESL).
- East Existing Shopping center zoned Central Business, Environmentally Sensitive Lands (C-2 ESL) District.
- West Existing Shopping center zoned Central Business, Environmentally Sensitive Lands (C-2 ESL) District.

Key Items for Consideration

- No external speakers will be provided for the live entertainment use.
- All required parking for the live entertainment use is available on-site.
- No opposition has been received on the proposed use permit request as of the date of this report.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is for a Conditional Use Permit for live entertainment in an existing restaurant during evening hours. Live Entertainment would consist of a disc jockey or live band performances with patron dancing.

Development Information

- Existing Use: Restaurant
- Proposed Use: Restaurant with Live Entertainment
- Parcel Size: Approximately 45 acres (the entire shopping center)
- Building Size: Approximately 6,875 square feet (subject restaurant)
- Parking Required: 130 spaces (live entertainment)
- Parking Provided: 130 spaces (1686 additional spaces within the shopping center)
- Floor Area: 6,875 square feet (gross), 147 square feet has been allocated for the stage area and 150 square feet for the dance area

IMPACT ANALYSIS

Land Use

The proposed live entertainment use would be located within an existing commercial center that provides a variety of retail and service uses to the surrounding area. In addition to the applicant's existing establishment, the current tenant mix includes a grocery store and a retail store as main tenants; a variety of restaurants, a gas station, a museum, a bank and several small retail and service uses. Most of the tenants in the vicinity of the subject site operate during daytime business hours and will be closed during the proposed hours for the live entertainment use.

Traffic

Access to the shopping center on N. Scottsdale Road, which is classified as a Minor Arterial, is provided by two (2) existing driveways. Access to the shopping center is also provided by two (2) existing driveways on E. Ashler Hills Road, a Local Collector. The proposed live entertainment use is not anticipated to generate adverse impacts on the existing traffic circulation.

Parking

Parking for the proposed live entertainment use requires 130 spaces based on the maximum occupancy of the existing building per the zoning ordinance. The existing restaurant requires 86 spaces per the zoning ordinance. The proposed live entertainment is an ancillary use to the existing restaurant and there will be overlapping parking use. The shopping center is required to have 1,576 spaces and the shopping center has 1,816 spaces on site for shared parking.

Public Safety

The nearest fire station is located at 31802 N. Pima Road approximately three miles from the subject site. The Security, Operations and Maintenance Plan submitted by the applicant has been

reviewed and approved by the Scottsdale Police Department. No significant adverse impacts are anticipated to be generated by the proposed use on the existing service levels.

Water/Sewer

There are existing water and sewer improvements on the property to serve the site. The proposal will not generate any additional impacts on the existing infrastructure.

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **This site is occupied by an existing restaurant. No smoke, odor, dust or vibration is anticipated from the proposed live entertainment use. No additional outdoor lighting is proposed for the existing building. Noise impact generated by the proposed establishment is anticipated to be minimal. The proposed live entertainment will be completely contained within an enclosed building. No speakers are proposed for the patio and all doors will remain closed during the times when live entertainment is offered. The closest residential development is located approximately 678 feet to the west across N. Scottsdale Road. The entrance to the subject building is on the east side and is buffered to the north, east and south by other existing buildings and parking lots within the shopping center.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **Access to the primary parking area for the proposed use is from N. Scottsdale Road. The live entertainment will generate additional traffic volume into the shopping center in the evening hours when other retail and office tenants are closed. No significant impacts to existing traffic patterns are anticipated. Sufficient parking is available with parking areas located immediately to the northeast of the building.**
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - **The live entertainment use will be conducted within an enclosed building, the impact of this proposal is not anticipated to be detrimental to surrounding uses and the nearby residential areas. There are no other factors associated with this use that will be materially detrimental to the public.**

- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- a. **The live entertainment use, proposed as an ancillary use to the existing restaurant, is compatible with the uses in the surrounding area within the shopping center.**
- C. The additional conditions in Section 1.403 have been satisfied:
The proposal meets the provisions for Live Entertainment as identified in Zoning Ordinance Section 1.403.J., including:
1. The site plan shall demonstrate that:
 - a) Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - **The site of the proposed live entertainment is located in the center of the shopping center surrounded by other retail and commercial tenants. The shopping center is buffered by a block wall on the east side along the perimeter and a partial block wall on north and south sides of the shopping center. The +/- 254 foot wide buffer area stretching along the southern boundary of the shopping center north of E. Ashler Hills Road is zoned R1-43 district which provides a buffer to the residential development south of E. Ashler Hills Road. The buffer area is also dedicated as Natural Area Open Space (NAOS) for the shopping center. The nearest existing home is +/- 678 feet from the proposed site on the west side of N. Scottsdale Road.**
 - b) All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - **The main entrance to the restaurant is sufficiently illuminated by the existing pole-mounted lighting in the parking lot.**
 2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are provided.
 - **The proposal and the floor plan indicate that all doors and windows will be kept closed during times when live entertainment is being offered. No external speakers will be provided for the live entertainment use.**
 3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.

- **A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and a copy of the plan is kept on file with the Current Planning Department.**
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with Section 7.600 of the zoning ordinance and with the public safety plan guidelines.
 - **All exterior lighting for the shopping center is existing and is in conformance with the original lighting plan approved by the Development Review Board. The existing pole-mounted lighting in the parking lot is sufficient illumination for this use. No additional lighting is proposed or required as part of this application.**
 5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Department staff as complying with the written guidelines of the department, prior to issuance of a business license. The review will be conducted as provided in Section 1.305.
 - **A refuse control plan was approved as part of the Security, Maintenance and Operations Plan. The existing restaurant uses a refuse enclosure at the southwest corner of the building near the employee's entrance.**
 6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
 - **The applicant has provided a floor plan that delineates the proposed stage and dancing areas within the existing restaurant.**
 7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with Transportation Planning Department written guidelines. The plan shall demonstrate to the satisfaction of the Transportation Department that the level of service on all streets accessed by the use shall meet the standard set by the city.
 - **The site can be accessed by two (2) existing driveways on N. Scottsdale Road, a Minor Arterial, and two (2) existing driveways on E. Ashler Hills Road, a Local Collector. The proposed live entertainment will only be operating in the evenings when most of the businesses in the shopping center are closed.**
 8. If the Zoning Administrator determines that a study is necessary, the applicant shall provide a parking study that complies with the written guidelines of the Planning and Development Department.

- The applicant has submitted an updated parking study that was originally submitted in 2004 for this shopping center. The study sufficiently confirms the parking available on-site can accommodate the live entertainment use.
9. The applicant has provided any additional information required by city staffing in order to evaluate the impacts of the proposed use upon the area.
- The documentation provided by the applicant was sufficient for staff to evaluate the potential impacts of the proposed use on the surrounding area.
10. The following operational standards must be met by the use throughout its operation:
- a) All external doors shall be closed but not locked during business hours.
 - b) No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
 - c) The applicant/operator shall comply with all plans approved as provided herein.
 - All external doors will be closed but not locked during times when live entertainment is occurring at the establishment.
 - No external speakers will be provided for the live entertainment use in the patio.
 - The applicant will comply with the submitted floor plan and the Security, Maintenance and Operations Plan.

Community Involvement

The site has been posted and property owners within 750 feet of the shopping center have been notified. The applicant sent out postcards to property owners within 750 feet of the shopping center notifying them of the proposed live entertainment. The owner of the shopping center is supportive of this request for live entertainment. As of the date of this report, staff has not received any comments on the proposed live entertainment request. The neighboring tenants of the subject site have been contacted and are supportive of this request.

Community Impact

The proposed live entertainment will be fully contained within the tenant space. The existing restaurant is located in the center of the shopping center and is buffered by other buildings in the shopping center. All parking for the live entertainment use is on-site. The applicant has submitted and obtained approval of a Security, Maintenance and Operations Plan that will establish maintenance and security operations for the use. The live entertainment use will operate on Thursday through Saturday from 10:00 pm to 2:00 am. The proposed use within an existing restaurant is compatible with the shopping center and surrounding uses.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff finds that the Conditional Use Permit criteria have been met and recommends approval subject to the attached stipulations.

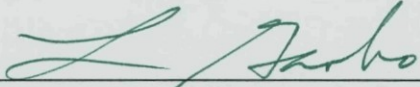
RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation
Current Planning Services

STAFF CONTACTS (S)

Louisa Garbo, AICP
Senior Planner
480-312-2671
E-mail: lgarbo@ScottsdaleAZ.gov

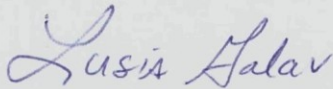
APPROVED BY



Louisa Garbo, AICP, Report Author

Dec 30, 2009

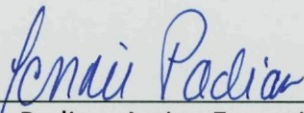
Date



Lusia Galav, AICP, Current Planning Director
480-312-2506, lgalav@scottsdaleaz.gov

12/30/2009

Date



Connie Padian, Acting Executive Director
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

12/31/09

Date

ATTACHMENTS

1. Stipulations
Exhibit A to Attachment 1 (Floor Plan)
2. Project Narrative
3. Context Aerial
- 3A. Aerial Close-Up
4. Zoning Map
5. Citizen Involvement
6. City Notification Map
7. Security, Maintenance and Operations Plan

Conditional Use Permit – Live Entertainment

Stipulations:

Dos Diablos for

Case Number: 36-UP-2009

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

PLANNING/DEVELOPMENT

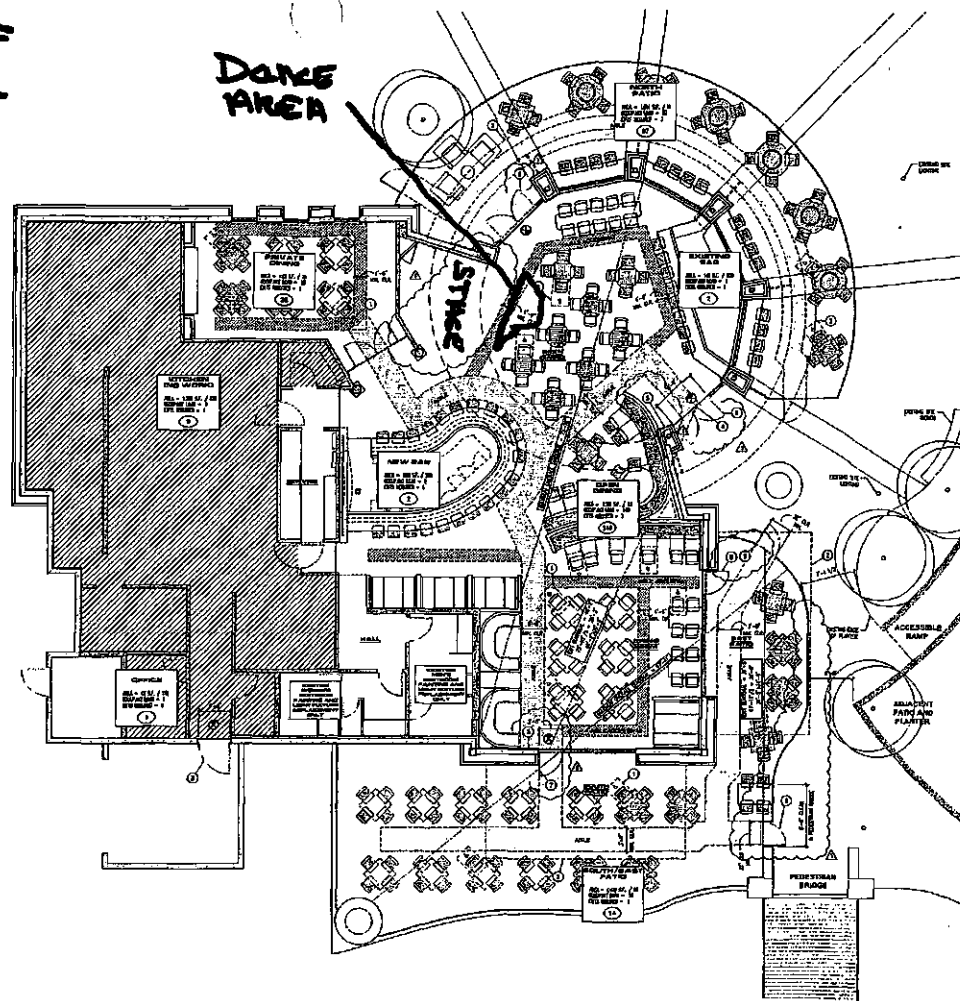
1. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Designers of Progressive Architecture and with the city staff date of 11/20/09, attached as Exhibit A to Attachment 1. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **HOURS OF LIVE ENTERTAINMENT.** The hours of the live entertainment for this establishment shall be limited to Thursday through Saturday from 10:00 p.m. to 2:00 a.m.
3. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The owner/operator(s) shall maintain and conform to the Security, Maintenance, and Operations Plan dated 10/21/09 approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhood and Transportation Department. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhood and Transportation Department. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhood and Transportation Department. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhood and Transportation Department.
4. **REFUSE PLAN.** The owner/operator(s) shall maintain and conform to the refuse plan set forth in the Security, Maintenance, and Operations Plan dated 10/21/09 approved by the Scottsdale Police Department and the Planning, Neighborhood and Transportation Department. The owner/operator(s) shall remove and dispose of litter and debris daily, to the satisfaction of city staff.
5. **NOISE.** Noise generated from this use shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Executive Director of the Planning, Neighborhood and Transportation Department or designee.
6. **EXTERNAL SPEAKERS.** External speakers are not permitted.

7. EXTERNAL DOORS. All external doors shall be closed but not locked during business hours.
8. NOTIFICATION. Within ten (10) days of receiving any complaints regarding the establishment's effect on the adjacent uses and properties, the owner/operator(s) shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the owner/operator(s) to address those complaints.

ADMINISTRATION:

9. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Executive Director of Planning, Neighborhood and Transportation Department or designee, the owner, shall submit a letter to the Executive Director of the Planning, Neighborhood and Transportation Department or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
10. OPERATION CHANGE. Any change in operator/business owner at the subject location shall require an administrative review by the Zoning Administrator for compliance to these stipulations and the approved Security, Maintenance, and Operations Plan. The applicant shall provide notice of any such operator/owner change within 30 days after the change occurs.

DANCE AREA



SCALE IN FEET
SCALE: 3/16" = 1'-0"

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ENTER CALIFORNIA	
TOTAL DOLLARS AND EXPENSES	1
TOTAL NUMBER OF CARS SECURED	2
TOTAL NUMBER OF CARS PROVIDED	3
TOTAL CARS WITH INQUIRIES	4
TOTAL CARS WITH INQUIRIES	5

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TOTAL SAMPLES PROCESSED BY DATE RECEIVED		0.84 ± 0.05
TOTAL SAMPLES PROCESSED BY DATE RECEIVED	24 ± 2%	1.2 ± 0.1
TOTAL SAMPLES PROCESSED BY DATE RECEIVED		0.84 ± 0.05
TOTAL SAMPLES PROCESSED BY DATE RECEIVED	165 ± 9%	5.36 ± 0.58
TOTAL SAMPLES PROCESSED BY DATE RECEIVED		0.84 ± 0.05

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KEY POINTS

THE KEY MOVIES LISTED ARE REPRESENTATIVE OF THE PROGRAM AS A WHOLE. NOT ALL SECTIONS APPLY TO EVERY GRANTING ORGANIZATION. SHOULD BE RESPONSIBLE TO COORDINATE ALL WORK WITH THE STRUCTURE IN YOUR REGION.

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REAL ESTATE/

- ACCESSIBILITY NOTES**
- A. THE MAINSTAY TRAMP, INSTALLED TO AT LEAST ONE END SHALL BE 120 IN IN SPACED LADDER.
 - B. MAINSTAY OCCUPANT LEAD SHOWER SHALL BE PROVIDED IN ALL DORMING AREAS, INCLUDING OVERSEAS SHIPBOARD AREAS.
 - C. EOT DOORS WITH THRESHOLDS SHALL BE 120 IN MINIMUM WALKING SURFACE IS OCCUPIED.
 - D. FOOD WILL BE SUTHERLY EAT.

LEONARD

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- Diagram illustrating the components of a city of 5000 people:
- 1. **5000 PEOPLE** (Total population)
 - 2. **1000 PEOPLE** (Sub-population)
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PROS DIABLOS
NEW RESTAURANT TENANT IMPROVEMENT
3557 NORTH SCOTTSDALE ROAD

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Abstract

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EXHIBIT A TO ATTACHMENT 1

DOS DIABLOS

Conditional Use Permit for Live Entertainment

Project Narrative

For its Project Narrative, in accordance with the requirements of the City of Scottsdale Use Permit Application, SMC Food Services, LLC dba Dos Diablos respectfully requests that the City approve this application for a Use Permit to allow entertainment and patron dancing. Dos Diablos proposes to have entertainment through pre-recorded music played by a disc jockey and/or live band performances on three nights per week (Thursday, Friday and Saturday) between 10pm until 2am. Dos Diablos also requests patron dancing as customers may occasionally want to dance while a band is performing. Restaurant food service will be provided seven days a week until 11pm.

Background

On March 31, 2009 SMC Food Services LLC, dba Dos Diablos submitted an application for a Restaurant Liquor License at the restaurant location formerly known as Mancuso's at the Summit located at 32527 N. Scottsdale Rd Scottsdale, Arizona 85262. This location has been a restaurant since approximately 2003.

The property located on the northeast corner of North Scottsdale Rd. and East Ashler Hills Drive is a 1,037,561 square feet parcel of land. It was purchased by the current landowners, Donahue Schriber Realty Group L.P. in 1999. The owners of the property are supportive of Dos Diablos obtaining a Use Permit for Live Entertainment and patron dancing.

This shopping center has two main anchor retailers; Target and Safeway. The remainder of businesses is clothing, service oriented, miscellaneous shops, restaurants and personal services. Some of the retail spaces are vacant. The entire shopping center has landscaping buffers and block walls on the perimeter of the property. Dos Diablos is located near the center portion of the Summit at Scottsdale Shopping Center. The owners of Dos Diablos obtained appropriate building permits to remodel and update the existing restaurant. The restaurant subsequently opened on September 4, 2009.

Proposal

The primary use of this establishment is to provide quality food to the clientele and create an upscale yet relaxing environment for the customers. It is a family oriented business serving high quality authentic Mexican dishes. This establishment is a full service restaurant with an extensive menu and experienced staff. It will meet all pre-requisites of the city and state as a restaurant.

DOS DIABLOS

It is our desire as owners to entice our customers to remain at the restaurant after dinner by providing entertainment and allowing patron dancing on Thursday, Friday and Saturday nights between 10 pm and 2am. The style of music we wish to provided will include top 40 and 70's, 80's and 90's music.

Dos Diablos is currently open seven days a week as follows. It should be noted that on Sunday only, alcohol service will not commence until 10:00am even though the restaurant opens at 9:00am; in compliance with Arizona Liquor Law; A.R.S. 4-244.17.

Sunday	9am – 12am
Monday	11am – 12am
Tuesday	11am – 12am
Wednesday	11am – 12 am
Thursday	11am – 2am
Friday	11am – 2am
Saturday	11am – 2am

As responsible servers of alcoholic beverages, all of the owners have attended basic and management alcohol awareness training. The entire staff will also be attending the basic training (not mandatory but required by the owners). All servers will validate the identification of any young looking customer who requests alcoholic beverages as well as implementing other security devices to check for fake identification.

Since its grand opening on September 4, 2009, Dos Diablos has conducted business within the guidelines of all City, State, and County laws resulting in no violations. The owners are committed to the city and the community. As responsible business owners, they are mindful of other business owners and residents in the area. Since the opening of the restaurant there have not been any complaints from any business owner(s) or residents from the surrounding area.

The neighborhood was notified of the proposed live entertainment and patron dancing application via postcard mailing. To date of this revised narrative, the applicant has not received any communication regarding the proposal. Personal contact with individual tenants within the Summit at Scottsdale has been initiated by the owners and to date there have been no complaints about the operation of Dos Diablos. All of the tenants contacted to date are supportive of the City of Scottsdale issuing Dos Diablos a Use Permit for live entertainment and patron dancing.

DOS DIABLOS

Conditional Use Permit Criteria

1. The site plan shall demonstrate that:

a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.

There are no immediate residential homes adjacent to Dos Diablos. It is surrounded by other retail shops including Safeway and Target which provide a buffer to the northeast and southeast. The nearest residential property line is approximately 626 feet to the west. Between Dos Diablos and the nearest residence there is an interior driveway running north and south through the shopping center, approximately 346 feet of desert landscaping, a block wall (which surrounds the Summit at Scottsdale), additional natural desert landscape which abuts the east side of North Scottsdale Road, Scottsdale Road, additional desert landscape followed by the residential district. Similarly, there is landscaping, retail spaces and block wall to the north, south, and east.

b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

All interior and exterior lighting previously approved by the City of Scottsdale shall remain unchanged from the previous tenants and no additional lighting shall be implemented. The overall parking lot lighting and building entrance lighting were approved with the overall Shopping Center Development. The shopping center as well as Dos Diablos complies with all of the lighting regulations implemented by the City of Scottsdale. Dos Diablos has adequate and safe lighting to illuminate entrances and exits for the safety of their patrons without negatively impacting surrounding residential properties.

2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.

The proposal is to allow live entertainment and dancing activity within the confines of the building. All doors and windows will be closed but not locked when live entertainment is present to maintain peace and tranquility with neighboring retailers and residents. In addition to the closed windows and doors, as previously stated, there are numerous buildings, parking lots, drive-ways, landscaping and block walls surrounding Dos Diablos affording additional buffering of any sound from the establishment. There will not be any external speakers on the premises.

3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.

DOS DIABLOS

The applicant provides a complete public safety plan as part of the submittal. In addition to the required documentation requested by the City of Scottsdale, Dos Diablos has implemented an internal security plan to protect the safety and welfare of her customers and their staff should an unforeseen incident occur.

a. Security

All employees are required to read and commit to memory the Employee Policies and Procedures, and train for a minimum of five days with a Lead employee. During late hours should the primary purpose of Dos Diablos change to alcohol consumption versus food, employees will not allow any patron to enter who does not have a valid form of identification according to Arizona Revised Statutes 4-241(A) documenting they are at least twenty-one years old. Dos Diablos will not host after hour activities. The establishment ceases all sales of alcohol at 2am. During the hours of operation, Dos Diablos is responsible for the security of all parking areas utilized by its patrons. Patrons accessing Dos Diablos utilize the parking areas on the north side of the building. During peak hours (Friday and Saturday 6 pm – 2 am hours) the parking lot areas utilized by patrons of Dos Diablos, shall be patrolled by Dos Diablos employees at least once every hour for a period beginning at least one half hour before 10 pm and ending no less than one half hour after closure.

Dos Diablos will not knowingly permit any patron in possession of a deadly weapon or dangerous instrument pursuant to A.R.S. § 4-229 to enter or remain on the property.

b. Management

Members of Dos Diablos attend thorough liquor 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 Dos Diablos' policies and procedures including those that pertain specifically to security, liquor sales and public safety. Each employee must attend alcohol awareness training.

c. Dress Code

Dos Diablos does not have a dress code implemented at this time since its primary purpose is restaurant. If there is a need to implement a dress code in the future it will be addressed. Management shall reserve the right at all times to refuse entry to any potential patron for failure to conform to typical dress code regulations so as not to interfere with business and or the comfort of its clientele. Under no circumstances will patrons be allowed to enter wearing clothing that contains an insignia of gang or group affiliation.

d. Patron Conduct – Zero Tolerance Policy

Dos Diablos will maintain a zero tolerance policy toward drug use, as well as disorderly or disruptive conduct. No person will be allowed to enter who

DOS DIABLOS

exhibits the appearance of drug use or obvious intoxication. Dos Diablos will immediately remove any patron from the property if he or she appears to be under the influence of drugs, is obviously intoxicated or is disorderly or disruptive. All efforts shall be made to provide safe transportation to patrons who are exhibiting signs of intoxication.

e. Acts Immediately Reportable to Scottsdale Police Department

Dos Diablos shall immediately notify by telephone or in person the Scottsdale Police Department of any disturbance, acts of violence, acts of intimidation or incidents involving patrons in or on the Property or parking lots using illegal drugs. "Acts of Violence" shall mean an incident consisting of a riot, a brawl or a disturbance, in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require intervention to restore normal order, or an incident in which a weapon is brandished, displayed or used. Dos Diablos and its employees and other staff shall be made available to and cooperate with Scottsdale Police Department for investigative and prosecution purposes. Dos Diablos shall also maintain an accurate log of all reportable acts. The log shall be available to the Community Development Director for inspection upon demand.

f. Procedures and Duties – Personnel procedures will be as follows:

- a) Designate, and monitor waiting entrance and exits
- b) Check proper identification of all youthful looking patrons if primary purpose becomes sale of spirituous liquor or when requesting alcohol during normal restaurant hours. No patron will be served alcoholic beverages who displays an identification that appears to be invalid or suspicious
- c) Enforce dress code dictated by Dos Diablos
- d) Guard all exit doors and secure the Property

g. Patron Control and Ejection

All patrons involved in violent behavior, disorderly or disruptive behavior, or fighting shall be ejected from the property.

The ejection shall be by a means and timing that prevents the behavior from reoccurring in any parking area utilized by facility patrons. Employees of Dos Diablos will act as the complaining party when required by law enforcement officers to talk to effectuate the arrest and prosecution of any patron or non-patron. Dos Diablos shall authorize such action and grant such authority to the employee.

h. Crime Prevention

The Property shall have a Crime Prevention through Environmental Design and fire department inspection. The inspections will be conducted by the Scottsdale Police and Fire Departments. Dos Diablos shall implement all reasonable recommendations.

DOS DIABLOS

i. *Provide written documentation of Emergency Contact*

Dos Diablos shall provide written documentation disclosing the name, and address of each owner, principal, employee, agent and independent contractor connected directly or indirectly with any operation located at 32527 N. Scottsdale Rd. Any changes to this information shall be reported in writing to the City of Scottsdale Police Department within seven (7) days of the change.

4. *The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.*

The applicant, owner, and property owner of Summit at Scottsdale are all in compliance with the lighting requirements set forth within the approved DRB case. The lights along the adjacent public streets (Scottsdale Rd., Ashler Hills Dr., and Dove Valley Rd.) are all in place and provide for a safe environment in and around the shopping center. The shopping center meets all lighting requirements of Section 7.600 of the City's zoning ordinance. The parking areas in and around Dos Diablos are well lit for the safety of their customers entering and leaving the establishment.

The employee entrance is located at the southwest corner of the building and is well lit for the safety of our staff.

5. *The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.*

This submittal includes a written refuse plan. The live entertainment use shall not greatly increase the current restaurant's refuse amount. The refuse is currently handled in the closest dumpster to the restaurant which is located near the employee entrance at the southwest corner of the building. This access way provides employees a safe route to remove refuse without impacting the patrons of the restaurant, surrounding retail shops, and residential neighborhoods.

6. *The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.*

The floor plan demonstrates the stage area and proposed dancing area which are minor as compared to the primary purpose of the establishment as an upscale Mexican food restaurant. There is a stage is approximately 147 square feet and the dance area will encompass approximately 150 square feet within the restaurant.

7. *If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with*

DOS DIABLOS

transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.

The main access to the Summit at Scottsdale is from Scottsdale Road. There are additional driveways off of Ashler Hills Drive. None of the entrances and/or exits requires driving through any residential property. The access to the center is safe and provides customers with direct access to Dos Diablos. The proposed live entertainment use is planned during late evenings three nights a week. There are no perceived access or traffic impacts created by the addition of live entertainment and dancing to an already existing and operational restaurant.

8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.

9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.

Located in the central most part of the Summit at Scottsdale, Dos Diablos is surrounded by retail properties, most of which operate exclusively during the daytime hours. Dos Diablos is open seven days a week and is only open until the legal hour (2:00 am) on three nights per week; Thursday, Friday and Saturday. On Saturday and Sunday the restaurant opens at 9:00 am closing by midnight. On Monday through Wednesday Dos Diablos opens at 11:00 am and closes at midnight or earlier. The nighttime flow of customers while occasionally higher in volume on Friday and Saturday (Peak hours 6pm - 2am), causes no interference with other business activity occurring in the area since the majority of retail businesses in the Summit Plaza are closed. During the day, the flow of customers within Summit Plaza is orderly and not negatively impacted by Dos Diablos which is open primarily for lunch and dinner as well as breakfast on Saturday and Sunday. The issuance of a live entertainment use permit and patron dancing permit will not disrupt the existing balance of daytime and nighttime uses.

Dos Diablos meets the required parking criteria. A breakdown of the parking requirements is attached as a supplemental document. According to the calculations, there is sufficient parking for Dos Diablos to secure a Use Permit for live entertainment and patron dancing.

Dos Diablos first and foremost operates as a restaurant, it is compatible with businesses within the Summit at Scottsdale. On the peak days and during peak hours, the majority of businesses are closed. To the east of Dos Diablos are additional commercial suites, a Safeway Grocery store and Target Store. The south side of Dos Diablos is buffered by additional commercial businesses and additional parking between those building and Ashler Hills Drive. To the north are additional commercial buildings and parking. There are interior roadways within the Summit and especially to the west of Dos Diablos as well as landscaping and other commercial properties. Beyond those

DOS DIABLOS

commercial properties to the west is desert landscaping which borders the east side of Scottsdale Road. There is residential neighborhood on the west side of Scottsdale Rd., south of Ashler Hills Drive and northeast of the Safeway which on the northeast portion of the Summit at Scottsdale. There is no reason for patrons to access the Center through the neighborhoods since the retail center is accessed directly off of Scottsdale Road.

10. The following operational standards must be met by the use throughout its operation:

a. All external doors shall be closed but not locked during business hours.

Dos Diablos will comply with this provision.

b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.

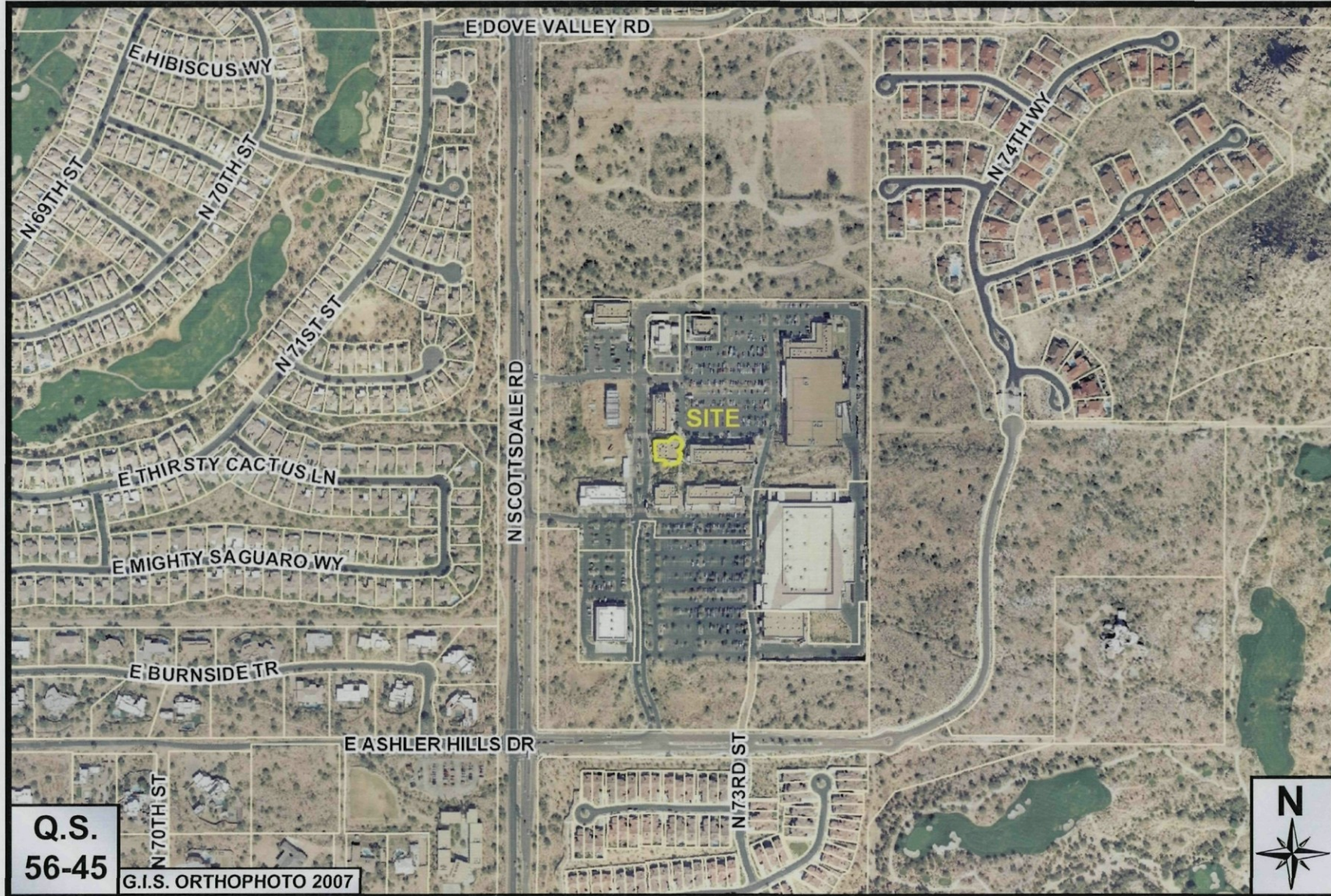
No external speakers for the live entertainment will be utilized by Dos Diablos.

c. The applicant/operator shall comply with all plans approved as provided herein.

The applicant/operator fully intends to comply with all of the submittal documents for the live entertainment and patron dancing conditional use permit and any additional stipulations related to the proposal as the City of Scottsdale deems necessary.

Summary

As indicated in the submittal items, the proposal is to add live entertainment and patron dancing as a component to an existing restaurant. The business recently opened and has received many rave reviews from newspaper and television media as well as the public. The addition of live entertainment and patron dancing on three nights per week will merely enhance the business and will not negatively impact surrounding businesses or residents. Many of the retailers within the Summit at Scottsdale are closed when the live entertainment and patron dancing will occur. Therefore, the parking availability is increased during those timeframes. Additional vehicular traffic and parking can be handled by the existing design of the shopping center. This proposal meets all of the City's conditional use permit criteria. We respectfully and eagerly await the request for approval from the City.



Dos Diablos

36-UP-2009

ATTACHMENT #3



Q.S.
56-45

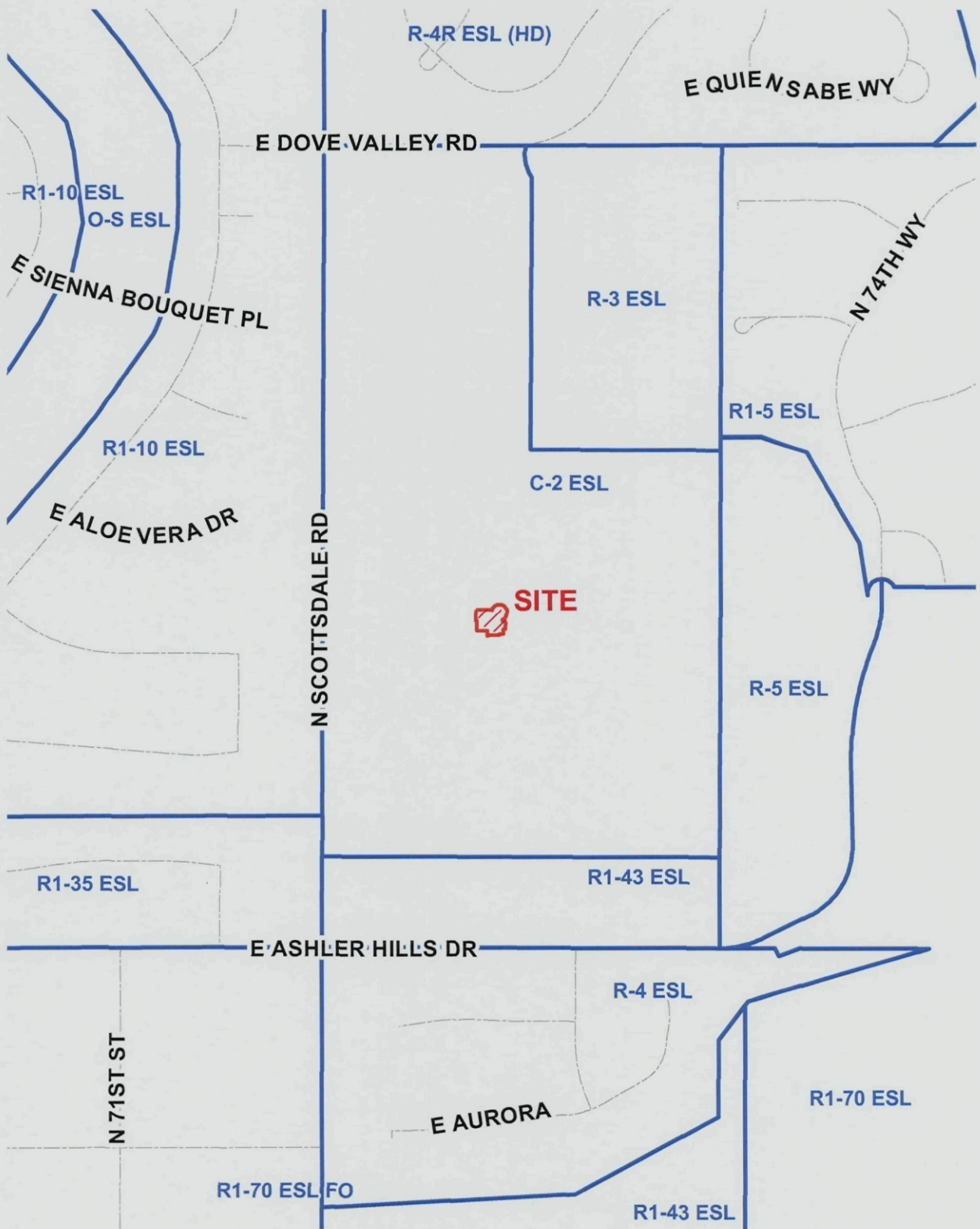
G.I.S. ORTHOPHOTO 2007



36-UP-2009

Dos Diablos

ATTACHMENT #3A



36-UP-2009

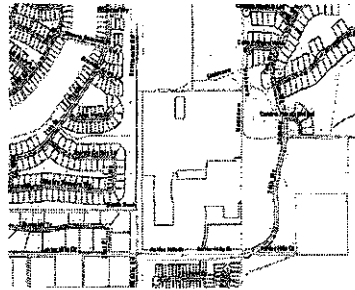
ATTACHMENT #4



practice sheet for Staples brand postcards. Use this practice sheet in your printer to check your layout. Make several copies for future use.

This is a notice of application for a Use Permit to allow live entertainment and patron dancing at 32527 N. Scottsdale Road, Scottsdale Arizona doing business as Dos Diablos, a restaurant which is located within The Summit shopping center. The total square footage of the project (restaurant) is 6,118.

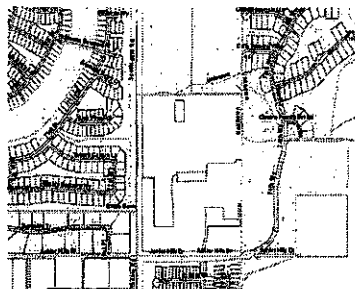
- Project number: 300-PA-2009
- Zoning: C-2
- Applicant: Theresa Morse Contact #: 480-353-8035
- City of Scottsdale Contacts: Don Hadder and Doris McClay 480-312-7000



MAILED 8/14/2009

This is a notice of application for a Use Permit to allow live entertainment and patron dancing at 32527 N. Scottsdale Road, Scottsdale Arizona doing business as Dos Diablos, a restaurant which is located within The Summit shopping center. The total square footage of the project (restaurant) is 6,118.

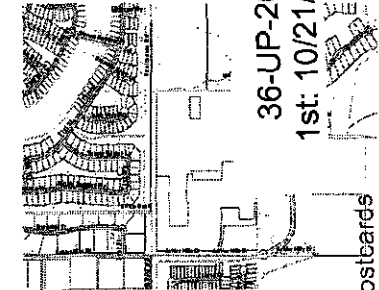
- Project number: 300-PA-2009
- Zoning: C-2
- Applicant: Theresa Morse Contact #: 480-353-8035
- City of Scottsdale Contacts: Don Hadder and Doris McClay 480-312-7000



ATTACHMENT #5

This is a notice of application for a Use Permit to allow live entertainment and patron dancing at 32527 N. Scottsdale Road, Scottsdale Arizona doing business as Dos Diablos, a restaurant which is located within The Summit shopping center. The total square footage of the project (restaurant) is 6,118.

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- Zoning: C-2
- Applicant: Theresa Morse Contact #: 480-353-8035
- City of Scottsdale Contacts: Don Hadder and Doris McClay 480-312-7000



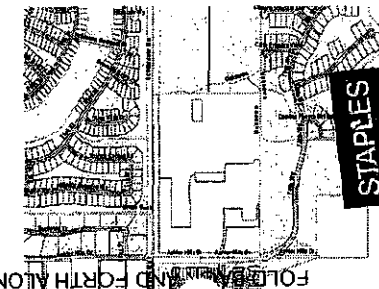
36-UP-2009
1st: 10/21/2009

1-800-425-0049
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Staples® brand postcards

This is a notice of application for a Use Permit to allow live entertainment and patron dancing at 32527 N. Scottsdale Road, Scottsdale Arizona doing business as Dos Diablos, a restaurant which is located within The Summit shopping center. The total square footage of the project (restaurant) is 6,118.

- Project number: 300-PA-2009
- Zoning: C-2
- Applicant: Theresa Morse Contact #: 480-353-8035
- City of Scottsdale Contacts: Don Hadder and Doris McClay 480-312-7000



FOLD HERE AND FORTH ALONG PERFORATION FOR EASY SEPARATION

McClay, Doris

From: THERESA MORSE [theresamorse@msn.com]
Sent: Wednesday, December 23, 2009 10:17 AM
To: McClay, Doris
Subject: Fw: places that we talked to about it...

Hi Doris, These are the establishments which were contacted by the owners. Let me know if you need anything else.

Happy Holidays!

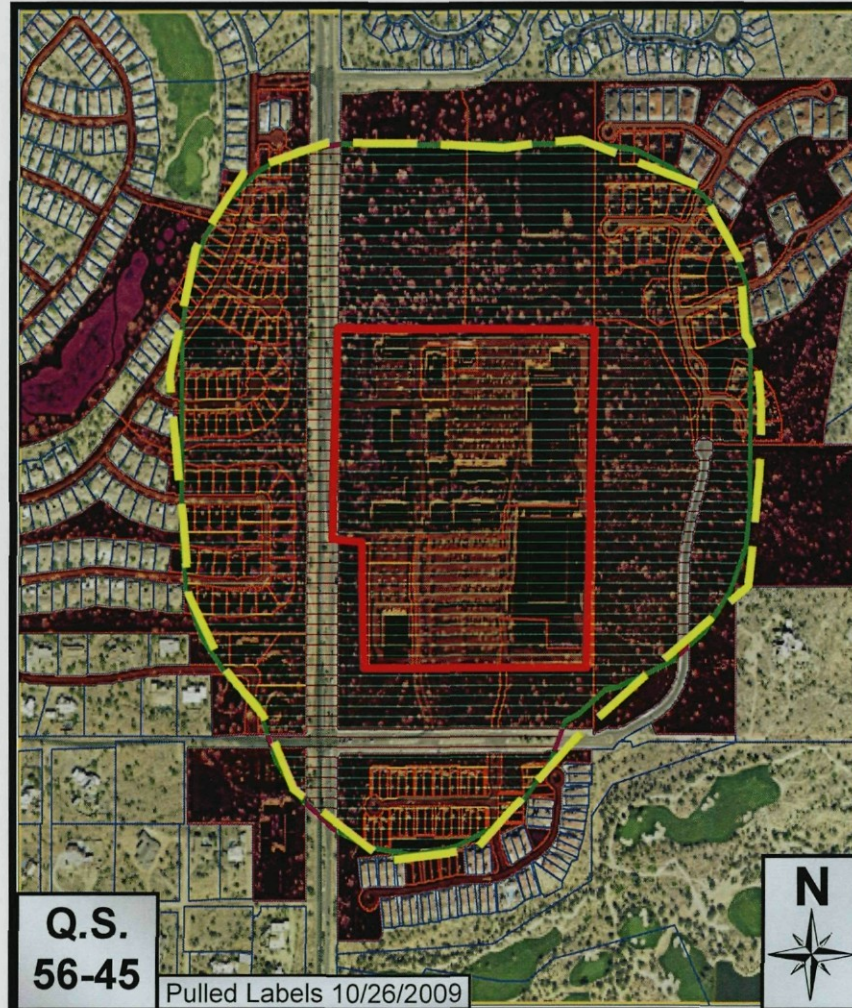
Theresa Morse
480-353-8035 cell
----- Original Message -----

From: David Stone
To: THERESA MORSE
Sent: Tuesday, December 22, 2009 5:23 PM
Subject: places that we talked to about it...

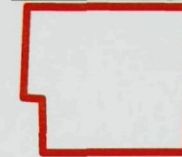
Massage Envy, Kashman's deli (both next door to us) and Pei Wei.

--
Davie Stone
602-430-5336 Cell
480-595-2910 Fax

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- *Interested Parties List*
- *Adjacent HOA's*

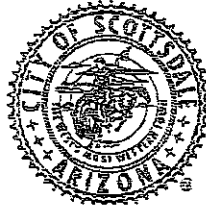
DOS DIABLOS

36-UP-2009

ATTACHMENT #6

SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits



Scottsdale Police Department, 3700 North 75th Street, Scottsdale, AZ 85251

480.312.5000

FAX 480.312.7701

City of Scottsdale Planning, 7447 E. Indian School, Scottsdale AZ 85251

480-312-7000

FAX 480-312-7088

Assigned Planner:

DORIS MCCLAY

Police Detective:

JOHN MILLER

Establishment:

Dos Diablos

Address:

32527 N. SCOTTSDALE RD

Business Phone:

480-575-6695

Business FAX:

Maximum Occupancy:

Effective Date of the Plan:

9/2009

Date of Plan Review:

Use Permit Issue Date:

Liquor License Number:

12077968

Contact Person (1):

DAVID STONE

Home Phone:

602-430-5336

Contact Person (2):

CHARLES "PATRICK" NELSON

Home Phone:

602-301-8680

Purpose of the Plan

To address security measures, maintenance/refuse and operations for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes. These uses typically include a Bar Use Permit and a Live Entertainment Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Any significant increase in vehicular or pedestrian traffic, including effects on parking, traffic and circulation in the area.
- Adequate control of disruptive behavior both inside and outside the premises to include property damage and refuse issues.
- Compatibility with surrounding structures and uses.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

Operations and Hours

1. Permittee: SMC FOOD SERVICES LLC dba Dos Diablos
 Type of Organization: Arizona Corporation Corporation
Sole Proprietorship ✓ LLC
Partnership Other
2. Managing Agents Name: Carlton Cull
 Title: Owner
 Address: 6628 E. LONE MOUNTAIN RD CANYON CREEK
IAZ 85331
 Phone Numbers: 480-600-0621
 Fax or Other Numbers:
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: DAVID STONE 6705 E LONE MOUNTAIN RD CANYON CREEK 85331 602 430 5336
CARLTON CULL 6628 E LONE MOUNTAIN RD CANYON CREEK 85331 480 600 0621
CHARLES NELSON 1716 W OBERLIN WAY PHX 85085 602 301-8680
4. Property Owner or Property Manager (if different from Managing Agent)
 Name, Address, Phone:
5. Hours of Operation:

	Peak/Non-Peak Night	Open to Customers	Liquor Sale Begin	Liquor Sale Ends	Closed to Customers
Monday	Non Peak	11:00AM	11AM	12:00AM	12:00AM
Tuesday	Non Peak	11AM	11AM	12AM	12AM
Wednesday	Non Peak	11AM	11AM	12AM	12AM
Thursday	Non Peak	11AM	11AM	2AM	2AM
Friday	Peak Night	11AM	11AM	2AM	2AM
Saturday	Peak Night	9AM	9AM	2AM	2AM
Sunday	Non Peak	9AM	10AM	12AM	12AM
6. Promotional Events: (Attach an addendum which describes week to week promotional events you plan to have throughout the year i.e. "Ladies night." Do not include special events)
7. Program Format/Entertainment/Advertising: (Complete for Live Entertainment Use Permit Only. Attach addendum that describes

entertainment format i.e. DJ, Live music, Comedy acts etc.) See Scottsdale Revised Code – Appendix B, Zoning Ordinance for definitions.

8. Special Events:

Permittee must give notice to City of Scottsdale Planning and Development at least forty-five (45) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.

9. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: DAVID STONE Address: 6708 E LANE RD Phone: 602-430-5336
CAVE CREEK 85331

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

Security and Maintenance

Security Attire

Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons. Security personnel should wear an appropriate styled shirt with the word "security" on both the front and back, in two (2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

The use of radios should be employed between security staff and management when the size of the establishment limits communication efforts.

Security Officer Responsibilities

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas.

On peak nights, there will be a minimum of 1 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

1. 1 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. 1 Security officer(s) will be responsible for checking identifications at the front door. Acceptable identification are those listed in Arizona Revised Statutes Title 4, section 241A and apply to patrons accessing any area of the licensed premises, including the time period of After-Hours, if applicable. Additional responsibilities shall include: access control, counting of patrons, and prevention of intoxicated persons from entering the business.
3. 1 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.

In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management and/or ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the police department and the State Department of Liquor Licenses.

Management Responsibilities

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

The manager(s) shall ensure that all employees, security staff and off-duty officers (if applicable) be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:

1. There will be a minimum of 2 manager(s) available during peak nights.
2. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
3. A manager shall be identified as the "Security Manager" for the establishment and be responsible for ensuring that a safe environment exists; for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.
4. At least one security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

Uniformed Sworn Officer Responsibilities:

If Off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed.
2. Assist civilian security officer(s) in removal of disorderly and/or intoxicated guests and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.
4. If a valet is utilized, maintain the peace in the area of the valet.
5. Assist Security Officers with maintaining order in the entrance line and assist in discovery of underage patrons attempting admittance.

- ☐ I plan to hire 1 officer(s) during peak nights from (name of agency) UNKNOWN / recommendations helpful
- ☐ I do not plan to hire off-duty law enforcement.

Parking

In order to reduce criminal activity that negatively affects the nearby businesses, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's contracted valet company. It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled by security staff so parking areas are not used: as a gathering place; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

If valet is used, it is the Permittee's responsibility to ensure the valet company meets all the requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting valet business.

Refuse Plan

It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.

At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot (three hundred) radius of the business. This will also include patron parking lot(s), valet parking lot(s) and employee parking lot(s). All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated areas will be placed in the refuse container or cleaned appropriately.

Enforcement of Security Plan

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the establishment.

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
 1. A violation of the Plan.
 2. Violation of the conditions of the Use Permit.
 3. Violation of Scottsdale ordinances or law.
 4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
 5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
 6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
 7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

Dissemination of the Security Plan

- A copy of this security plan must be provided to each security officer and off-duty sworn law enforcement officer as well as the manager(s) and assistant manager(s) employed by the permittee.
- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

Termination of the Plan

This plan terminates on the date that the permittee's use permit terminates, or two (2) years from the security plan's effective date, whichever occurs first.

Enclosures

- ☐ Addendums attached
- ☐ No enclosures

APPLICANT/MANAGEMENT.

Name: Theresa morse / AGENT
 Address: 2 N Central AVE STE 170-153 PLYMOUTH MI 48150
 Phone: 480 353 8035
 Date: 10-20-09
 Signature: [Signature]

APPROVED BY:

Defective: JOHN MILLER
 Phone: 480.312.5852
 Date: 10/26/09
 Signature: [Signature]