

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: BYRON CLIFF

Police Detective: JOHN MILLER

Establishment: Scottsdale Quarter

Address: 15279 N. Scottsdale Road, Suite 215, Scottsdale AZ 85254

Business Phone: 480-270-8123

Business FAX: _____

Maximum Occupancy: N/A

Effective Date of the Plan: 11/16/10

Date of Plan Review: 11/16/10

Use Permit Issue Date: _____

Liquor License Number: N/A

Contact Person (1): Richard Hunt, General Manager

Home Phone: 614-309-9698

Contact Person (2): Fred Alleva, Operations Manager

Home Phone: 813-957-7296

Instructions for Security and Maintenance Plan

Follow these steps for Review and Approval
Scottsdale Police Department Liquor Investigations

Step 1

Prepare your Security and Maintenance Plan.

Step 2

Contact Detectives to Discuss Your Plan. Send a copy of Your Security and Maintenance Plan to Detectives.

- Detective John Miller
480.312.5252

jmiller@scottsdaleaz.gov

- Detective Mike Fritz
480.312.2942

mfriz@scottsdaleaz.gov

Step 3

Meet with Detectives to review the plan, if needed.

Step 4

Submit your reviewed plan to Planning and Development.

A/M
01/01/11
01/01/11

37-UP-2010
2nd: 11/15/10

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.

000P.182.012

Operations and Hours

1. Permittee: Kierland Crossing, LLC
 Type of Organization: ☐ Arizona Corporation ☐ Corporation
☐ Sole Proprietorship ☒ LLC
☐ Partnership ☐ Other

2. Managing Agents Name: Kierland Crossing, LLC
 Title: General Manager, Richard Hunt
 Address: 15129 N. Scottsdale Road, Suite 215,
 Scottsdale, AZ 85254
 Phone Numbers: 480-270-8123
 Fax or Other Numbers: 480-270-8138

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone:

4. Property Owner or Property Manager (if different from Managing Agent)
 Name, Address, Phone: SDQ Fee, LLC 180 East Broad Street,
 Columbus Ohio 43215 **614.621.9000**

5. Hours of Operation:

| | <u>Peak/Non-Peak Night</u> | <u>Open to Customers</u> | <u>Liquor Sale Begin</u> | <u>Liquor Sale Ends</u> | <u>Closed to Customers</u> |
|-----------|----------------------------|--------------------------|--------------------------|-------------------------|----------------------------|
| Monday | | 9 AM | | | 2:30 AM |
| Tuesday | | 9 AM | | | 2:30 AM |
| Wednesday | | 9 AM | | | 2:30 AM |
| Thursday | | 9 AM | | | 2:30 AM |
| Friday | | 9 AM | | | 2:30 AM |
| Saturday | | 9 AM | | | 2:30 AM |
| Sunday | | 9 AM | | | 2:30 AM |

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:

6

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: Fred Alleva Address: 15279 N. Scottsdale Phone: (480) 270-8120

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 2 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

1. 2 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. 0 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. 2 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 1 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 _____ officer(s) during peak nights from (name of agency) _____
- ☒ 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: Kierland Crossing, LLC
 Address: 15279 N. Scottsdale Road, Suite 215, Scottsdale, AZ 85254
 Phone: 614-887-5691
 Date: November 2, 2010
 Signature: *Mary Conley*

APPROVED BY:

Detective: *J. MILLER*
 Phone: *480-215-6135*
 Date: *11/16/10*
 Signature: *J. Miller*

Addendum:

Applicant acknowledges that the Applicant's Permit does not absolve their commercial tenants of their individual responsibility to apply for a Special Event Permit for those areas outside their establishment when they intend to extend their service liquor areas.

2815-215-0871
11/10
11/10
11/10



Operation Plan

An Operation Plan explains operational characteristics of a proposed use.

1. Business use type: Commerical Mix Use Development
2. Days of Operation: Monday through Sunday
3. Hours of Operation: 9 AM/11 AM to 9 PM/2:30 AM
4. Number of employees Scottsdale Quarter has 15 FT housekeeping / 10 FT Security (this number will increase once all Phases are occupied)
 - a. Full time, indicate work shift Part Time - 6 PT housekeeping / 4 PT Security (this number will increase once all Phases are occupied)
 - b. Part time, indicate work shift
5. Other business officials on site if not employees _____
6. Customer characteristics
 - a. Patron seating will depend on tenant and activity location.
 - b. Frequency and peak time of customer activity _____
7. Outdoor operations
 - a. Explain all outdoor activities (e.g. everything that takes place outside the confines of an enclosed building):
 - Parking On street parking
 - Loading Loading - to street delivery - deliveries before 10 am
 - Storage _____
 - Display _____
 - Product demonstrations/testing tenant events in the quad.
 - Activities that take place within areas that are walled but not roofed or covered _____
 - Entertainment to include live music, recorded music, tenant events, performance entertainment, charity and
 - related tenant events.
8. Description of service activities such as parking lot sweeping, loading, trash hauling and similar associated activities. _____

Parking Lot Sweeping is done in house by our housekeeping staff with our own street sweeper, loading and trash hauling is accomplished by housekeeping. Parking lot sweeping is done daily / trash facilities are located at each building on the property and then portered to one central compactor location. This is done daily depending on load and often more than once a day.

 - a. Frequency of service Activities: days of week, hours of day Monday through Sunday, daily or as needed.
 - b. Location of Service Activities relative to lower intensity uses _____
9. Description of refuse removal:
 - a. The location of anticipated parking area for customers including those located off the site.

During any event we will be able to add additional garbage containers and additional pickups throughout the event.
 - b. The area surrounding the property that will be cleaned of debris by the applicant _____

At the end of the event we will walk entire perimeter to ensure cleanliness.
 - c. Time of day of refuse removal. Daily - End of day and/or end of event.

Planning, Neighborhood and Transportation

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088



Operations Plan

An Operation Plan explains operational characteristics of a proposed use.

10. Description of activities that generate noise that will be apparent to/from adjoining properties.

- Source of noise Scottsdale Quarter live entertainment will be confined within our project.
- Noise level in DBA at source of noise and point of impact Noise will be confined in the tenant space and/or buffered within the Scottsdale Quarter Project.
- Description and diagrams of noise source location _____

Scottsdale Quarter Live Entertainment shall be obtained with the tenant spaces and/or in the quad area.

11. Description and documentation of how noise is abated

- Narrative description _____
- Attach site plans, elevation, and other plans that visually demonstrate noise source and noise levels, and how noise will be abated Noise will be confined in the tenant spaces and must meet code of conduct regulations. Quad area noises are buffered due to the surrounding project's building, landscape and garages.

12. Proposal for noise monitoring and maintenance of acceptable noise level _____

Scottsdale Quarter will comply to all city code noise ordinances. A member of management staff will be on site to monitor acceptable noise level at all events.

Schools Only:

- Number of students on site at any given time: _____
- Frequency of drop offs and pick-ups (start and stop times) on each day of the week; _____

Planning, Neighborhood & Transportation

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088