

# Liquor License Building Division Review

**Date prepared:** April 16, 2019

**Name of Business:** Topsy Kow

**Address:** 185 N Apache Trail Suite 6

**Liquor License Applicant:** Duane Earnest Carble

**License requested:** Location transfer 006 Bar

## Background-

This appears to be a request to move the liquor license granted to Mr. Duane Carble for the former Cobb's location to the former Dining Room Café location on N Apache Trail. The Dining Room Café was a restaurant that did not have a liquor license.

On November 8, 2018, planning and building department staff met with Mr. Steve Lytle, co-owner of the strip center at 185 N Apache Trail, to discuss the options and requirements for the opening of a bar in the former Dining Room Café suite. This meeting was requested by Mr. Lytle.

A few weeks later Duane Carble came in to discuss what needed to be done for him to open a bar in the old Dining Room Café space.

The information provided to both Mr. Lytle and Mr. Carble included what type of work required a permit and what would be required to obtain a permit.

This information also addressed the facts that the building that will house the new bar is 9200 square feet and the occupant load for the former restaurant was 49 persons. Based on both of these factors any renovations changes to the suite would require plans stamped and sealed by a registered design professional. It was also noted that any work would have to be performed by licensed contractors. This was all information that had been presented to Mr. Carble on at least two prior occasions, one of which was the presentation by staff at the Chamber of Commerce to multiple restaurant and bar owners.

In both discussions the impacts of increasing the occupant load or altering the space were addressed. An increase in occupant load would impact exiting requirements and could trigger a requirement for the entire building to have an automatic fire suppression system.

## Findings

Per the building code a space that is used for food or drink consumption and has an occupant load of less than 50 persons is consider a Group B- Business occupancy. The Dining Room café appeared to have an occupant load less than 50 so it was considered a "B" occupancy which is less

restrictive than a Group A-2- assembly occupancy. An increase in the occupant load to 50 or more will result in the occupancy changing to an A-2 and would require the space and building to be brought in line with current code requirements. [It was stressed to Mr. Lytle and Mr. Carble that doing anything that would increase the occupant load would trigger significant improvements to be done.]

Under the building code if the space is retained in its current configuration use as a bar is acceptable.

## **Inspection**

Sometime in March 2019, Mr. Carble came to the counter and asked to speak to me regarding work he had done in the old Dining Room café space. He told the front counter person that he added some sinks and built a bar. All of this work was work that Mr. Carble had been told on many occasions required permits and that the work be done by licensed contractors.

I was unable to accommodate Mr. Carble's request for an impromptu meeting to discuss his explicit violation of City ordinances.

On March 20, 2019, I went by 185 N Apache Trail and identified that a new concrete pad had been poured at the rear of suite 6. It appeared that the new pad negatively impacted the exterior exit at the rear of the space and did not comply with accessibility requirements for access. A hand sink had also been installed on the rear exterior wall of the building and the installation did not appear to meet code requirements. An exterior light that was not dark sky compliant was also installed on the rear of the building.

The drawing submitted with the liquor application shows that sinks have been added to the interior and that a new bar has been built.

Staff made several attempts yesterday to set up an inspection of the interior of the space but Mr. Carble voice mail was full which prevented us from leaving any message. Staff did go by the location but was unable to locate anyone that could provide access.

## **Building Division Recommendation**

Building Division staff recommend denial of the location transfer based on multiple violations of city ordinances.

Respectfully submitted,

J. Davis Zellner, CBO  
Building and Safety Manager