



To: Sebrina Brown

From: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Iron Sushi – 2-Cop Alcoholic Beverage License

Date: December 12, 2014

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I have reviewed the email below, along with the attached City Attorney Opinion, and have had an opportunity to meet with you and the applicant, and review the seating plan. Consistent with the attached Opinion, it is my opinion and interpretation that Iron Sushi can have a 2-COP alcoholic beverage license (for purposes of the City Code) because it is a bona fide restaurant. As the restaurant has less than 50 seats, however, it cannot serve alcohol from a counter or bar, as there are seating requirements to do so under the City Code (50 seats for counter; 200 seats for bar). This opinion and interpretation applies to the City Code. Of course, the applicant must receive any necessary approvals for an alcohol license required from other government entities (such as the State of Florida) as well.

I am issuing this opinion and interpretation pursuant to section 2-201(e)(1) and (8) of the City Code, and ask that it be placed, along with the attachment, in the Opinion Folder.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Friday, December 12, 2014 12:40 PM  
**To:** Brown, Sebrina  
**Cc:** Thornton, Bridgette; Figueroa, Yaneris; Herbello, Stephanie; Parramore, Carol  
**Subject:** RE: Iron Sushi Request  
**Attachments:** Alcohol License Interpretaion.pdf

I have reviewed the email below, along with the attached City Attorney Opinion, and have had an opportunity to meet with you and the applicant, and review the seating plan. Consistent with the attached Opinion, it is my opinion and interpretation that Iron Sushi can have a 2-COP alcoholic beverage license (for purposes of the City Code) because it is a bona fide restaurant. As the restaurant has less than 50 seats, however, it cannot serve alcohol from a counter or bar, as there are seating requirements to do so under the City Code (50 seats for counter; 200 seats for bar). This opinion and interpretation applies to the City Code. Of course, the applicant must receive any necessary approvals for an alcohol license required from other government entities (such as the State of Florida) as well.

I am issuing this opinion and interpretation pursuant to section 2-201(e)(1) and (8) of the City Code, and ask that it be placed, along with the attachment, in the Opinion Folder.

**Craig E. Leen, City Attorney**  
*Board Certified by the Florida Bar in  
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City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
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**From:** Brown, Sebrina  
**Sent:** Friday, December 12, 2014 11:59 AM  
**To:** Leen, Craig  
**Subject:** RE: Iron Sushi Request

Good morning Craig,

As discussed in our meeting this morning with Mr. Masataka Ochi, he is the owner of Iron Suchi which is an existing restaurant with (22) seats inside, located at 70 Aragon Avenue. Mr. Ochi is applying for a 2-COP alcoholic beverage license and he does not meet the minimum (50) seats that's required per Section 6-3 (a) of the City Code, so I'm requesting a legal opinion on the matter from your office.

Please see attached a previous interpretation from your office on the same subject matter.

Kind regards,

**Sebrina Brown**  
**Concurrency Administrator**  
City Of Coral Gables

PH: 305-460-5236  
Fax : 305-460-5261  
[Sbrown@coralgables.com](mailto:Sbrown@coralgables.com)

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**From:** Leen, Craig  
**Sent:** Friday, December 12, 2014 11:35 AM  
**To:** Brown, Sebrina  
**Subject:** Iron Sushi Request

Hi Sebrina, please email me the opinion and a brief synopsis of the request. I will then respond with the opinion. Thanks,  
Craig

**Craig E. Leen, City Attorney**  
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**Brown, Sebrina**

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**From:** Leen, Craig  
**Sent:** Wednesday, July 25, 2012 6:29 PM  
**To:** Tompkins, Jane  
**Cc:** Brown, Sebrina  
**Subject:** RE: Another alcohol license question

This confirms my interpretation that a restaurant may have less than 50 seats and still obtain an alcohol license, although they may not serve alcohol from a bar or counter. I will provide further analysis explaining this opinion in a separate memo. For purposes of your present question, however, the operative word is "restaurant." In other words, the location at issue must be a bona fide restaurant, and not a tavern or other type of facility that is not a restaurant. In determining whether a particular facility has sufficient seating to be a restaurant, you should consider the totality of the circumstances to determine whether the facility is actually operating as a restaurant. Specifically, you should consider whether "the principal and primary business consists of dispensing and serving of food." See generally § 6-3, City Code, which is instructive on this matter.

Please let me know if you have any questions.

Craig E. Leen  
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**From:** Tompkins, Jane  
**Sent:** Wednesday, July 25, 2012 2:42 PM  
**To:** Leen, Craig  
**Cc:** Brown, Sebrina  
**Subject:** Another alcohol license question

Craig,

You've already made the interpretation that a restaurant may have fewer than 50 seats and still obtain an alcohol license. We're now being questioned as to whether there is a minimum number of seats that must be provided in order to obtain a license. Do you see anything in the code that requires a minimum?

Thanks,  
Jane

Jane K. Tompkins, AICP  
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