

LICENSE HEARING MINUTES
Piston Automotive Co., d/b/a Piston Auto, 1324 Arcade Street, Unit A
March 10, 2022, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The meeting was called to order at 2:15 p.m.

Staff Present: Department of Safety and Inspections (DSI) Licensing Staff, Ross Haddow, and (via Microsoft Teams) Farhan Omar and Luis Sanchez-Panadero, Zoning Staff also with DSI; Deputy Legislative Hearing Officer Nhia Vang; and Recording Secretary Racquel Naylor.

Licensee: Piston Automotive Co. (License ID# 20210002268), d/b/a Piston Auto, located at 1324 Arcade St. Unit A, Antonio Herrera, co-owner, and David Sanchez, co-owner

Other(s) in Attendance: Adriana Sanchez, Spanish interpreter from University Language Center

License Application: Auto Repair Garage License

Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a Class N license application. This license application required notification to nearby residents and businesses, including the affected District Council about the application and provide them with an opportunity to submit comments. During the notification period of January 31 to March 4, the city received one letter expressing objection to the license, which automatically triggered the hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application and state their recommendation. The applicant will be asked to discuss their business plan and be given an opportunity to respond to questions asked and issues raised by interested parties. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda.

There are three (3) possible outcomes from this hearing: 1) a recommendation that the City Council issue the license without conditions, 2) a recommendation that the City Council issue the license with agreed upon conditions, 3) a recommendation that the City Council not issue this license but refer it to the city attorney's office to take an adverse action on the application, which could involve review by an administrative law judge. That means, it would go through a separate process. The City Council is the final authority on whether the license is approved or denied.

At the conclusion of the hearing, the hearing officer may make a recommendation if there are no outstanding issues or lay the matter over and a recommendation may be made via e-mail to the applicant. Again, the City Council is the final authority on issuance or denial of the license.

Minutes:

Ross Haddow, Licensing Inspector for the Department of Safety and Inspections (DSI) gave a staff report for licensee Piston Automotive Co. (License ID# 20210002268), d/b/a Piston Auto,

located at 1324 Arcade Street, Unit A, Antonio Herrera, co-owner, 612-441-9009, has applied for an Auto Repair Garage License. DSI staff is recommending two (2) conditions be placed on this license:

1. All business vehicles, employee vehicles, and customer vehicles (awaiting repair or that have been repaired and are awaiting pick-up) shall not be parked on the sidewalk or boulevard (paved area between sidewalk and city street).
2. Weather resistant signage shall be installed and maintained on the outside of the building nearby the vehicle entry doors along Ivy Avenue E stating "No parking on the sidewalk or Boulevard" with a minimum two (2) inch letter height.

Mr. Haddow stated as far as neighborhood organization recommendation, DSI has received no correspondence received from the District Council. Building requirements are not applicable. License is approved with conditions. Zoning has approved. Overall, DSI is recommending approval with conditions.

Ms. Vang asked if there are any questions regarding the recommended conditions. Mr. Sanchez, speaking on his behalf and his father and co-owner Mr. Antonio Herrera's behalf, stated that there are no questions.

Ms. Vang followed up with their agreement to conditions. Mr. Sanchez stated that they agreed to the conditions and is aware of violation of conditions.

Mr. Farhan Omar, Zoning Division, was next asked to present their review and recommendation. DSI has approved the use as an allowable use at this location. They have no other conditions other than the ones already stated. Vehicles cannot be parked on the boulevard.

Ms. Vang asked about any parking requirements. Mr. Omar responded that Saint Paul does not require parking requirements. That requirement has gone away.

Mr. Sanchez asked if vehicles can be parked on the street. Mr. Omar responded he does not know if signage is posted, but it is a public street.

Ms. Vang verified whether the street is allowable for employees and customers of Piston Auto, especially vehicles needing repairing. Mr. Omar said non-operable vehicles should not be parking there.

Ms. Vang asked about restricted parking on that street to which Mr. Omar stated, "no".

Mr. Sanchez was asked about his background and experience. Mr. Sanchez shared that, in the past, they used to repair cars for their customers from their garage at home and was worried of being in violation of City requirements though the city never said they couldn't do that. They repaired cars safely and never worked on cars overnight. During the pandemic, they decided that they had the money to buy or rent a complex to do the mechanic business and started looking at various locations before deciding on this location on Arcade. This business will be their first from the start or ground up. Their intention is to do mechanic work. They have a huge clientele and do not want to continue doing mechanic work at home. They found this shop via Facebook Marketplace and contacted the owner and when they looked over the property, they like the place and decided to sign the lease agreement. They knew that in order to do the mechanic work, they had to get a license and that's why they applied.

Ms. Vang asked how often they will open, how many staff, hiring staff, how do they advertise. She discussed signage and consultation with DSI. Mr. Sanchez responded their hours are 9:00 a.m. Monday through Friday until 7:30, Saturday 9:00 a.m. to 5:30, closed on Sunday. He and his father will operate and do the day-to-day management with his brother who will provide backup support. There are no intentions to hire employees at this time. Their clients will see them by appointments and both he and his father will each have their own clients and they book them months out in the past. His brother has no clients.

Ms. Vang asked how they will handle overflow vehicles requiring repair. Mr. Sanchez responded they will see what they have booked for that week, so they don't get a bunch of cars tied up on that day. They strictly go by appointments. They offer walk-ins for oil changes and diagnoses. If a vehicle needs to stay, they make it clear if the client wants to set up the appointment for a different day. They are strategizing that.

Ms. Vang asked about customers who knows them well and just drop their car off. Mr. Sanchez stated that he will let them know if they come in person, if there is space, they can leave their cars, but if there is no availability, an appointment will need to be set up for drop off.

Ms. Vang said one of the conditions is that all vehicles shall not be parked on the sidewalk and boulevard. Mr. Sanchez said he would inform them that they will receive cars on another side where cars can park be parked. If a bumper is missing, they will have to address that.

Ms. Vang asked about their knowledge of the City's penalty matrix and whether they would like more information. Mr. Sanchez responded that he knows what it means and what it is, but his father would like more information on that.

Mr. Hadow said there is a standard penalty matrix across all of their licenses. The first violation is a \$500 fine approved by Council; if there is a second violation within 12 months, there is a \$1,000 fine; if there is a third violation within 18 months of the first violation, it is a \$2,000 fine and up to 18 days suspension; if there is a fourth violation within 24 months, that is a possibility of a revocation of the license. The matrix runs on a rolling calendar. For example, if you have a violation on Day 1 and a violation on the 13th month that would actually count as a first violation going forward because the last one dropped off. Revocation of the license would mean that the City Council approved the revocation and DSI would pull the license which means that the license will no longer be allowed to operate at that location, and no license issuance for one year. Depending on the situation, during those violations, it is possible that the City Council could address additional conditions on the license depending on the nature of the complaint. There is always a possibility that conditions could be added.

Ms. Vang asked about their professional background and how they will respond to neighbors who have issues with the business.

Mr. Sanchez said he would say apologize to the neighbor would assist the person if it the incident is related to improper parking. He would keep a level head, probably just handle it with professionalism and see what he can do to address the situation. If it happened the night before, he would address the situation as appropriate.

Ms. Vang asked whether his father would like to speak. Antonio Herrera responded that he would say the same thing.

Mr. Sanchez said he is 26 years old and learned about the work from his dad who taught him when he was 13.

Mr. Herrera said he has been a mechanic for 30 years and used to rent a mechanic site in Saint Paul, so he is familiar with running this type of operation.

Ms. Vang referenced the site plan and noted that Suite A allows for 4 vehicles and enquired as whether there are 2 doors or 1 door. Mr. Sanchez responded that there are 4 doors.

Ms. Vang asked how many cars can fit inside the building to which Mr. Sanchez responded 8.

Ms. Vang asked about bays that need to lift up. Mr. Sanchez responded they have 2 lifts.

Ms. Vang asked about office space. Mr. Sanchez responded they have discussed expanding the office space to see if they can fit an additional vehicle.

Ms. Vang stated that they should consult with the building official before moving forward with their plan.

Ms. Vang noted the close proximity to nearby residents and asked how they will mitigate noise and smell from the exhaust. Mr. Sanchez responded if they are able to operate in the complex, they will be purchasing the fans. He stated that the fans will address the Co2 fumes and exhaust. The fans will filter all smells and the fumes will not go out into the atmosphere.

Ms. Vang asked about noise being generated from equipment used. They hardly use any electrical power tools. They do own some power tools but will close the doors when they use them. The building is well-insulated so no noise will go out.

Ms. Vang continued to ask if the doors will be open during hot weather season and whether heavy equipment would be used, or music played. Mr. Herrera said no music. Mr. Sanchez added that overall there will be no loud music, no speakers, no bass. They plan to have all 4 doors open and it would be rare for them to use power tools.

Ms. Vang said asked about the property. Since they are leasing Unit A and have the same auto garage license as Unit B, and should an issue arise or people complain, how will people know to distinguish Piston Auto from the next-door business. Mr. Sanchez said there are signs that divide the two businesses. They will divide the building near Door 4 in which they plan to put a divider strip right there to say the business is Piston Auto to avoid creating confusions between the two businesses.

Ms. Vang stated that looking at the plans, both Unit A and Unit B look like one shop under one ownership and asked staff to clarify.

Mr. Haddow said there is a permit to assist with that distinction.

Ms. Vang asked about trash pickup and recycling. Mr. Sanchez responded that they take all the oils to Auto Zone or Discount Tire. Trash and recycling, they will take it to their own home for disposal.

Ms. Vang asked about trash pickup. Mr. Sanchez responded they are waiting for dumpster approval. There is no way to leave the bins outside. They are going to get a rolling dumpster and rolling it out only on trash day.

Ms. Vang next asked about illegal dumping and graffiti and how they intend to address them. Mr. Sanchez said they can paint over graffiti, and they plan to install surveillance cameras. Ms. Vang shared information about the graffiti waiver. Illegal dumping is a bad image, and they will clean it up themselves and hope that the cameras would help catch the person.

Ms. Vang acknowledges there was one letter of objection (with a follow-up) on the record; she will read them into the record and allow them an opportunity to respond to the concerns raised. Ms. Vang referenced that the letter indicated a gun incident that took place nearby; however, she noted that the incident was at another location.

Ms. Vang then read the emails into the record:

Eric Jacobson, 2/24/21: "I'm not happy with having Piston auto repair. I'm not happy with having these auto body shops as close residents due to the fact that they crowd the streets and hire bad employees. Last year, there was a murder one house down from me because of the gangs and the type of employees. I'm 100% against having these businesses in our neighborhood."

Eric Jacobson, 3/7/22: "My name is Eric Jacobson, homeowner of the City of St. Paul. I will not be able to attend the hearing on May 10 at 2 pm due to the fact that I have work and provide for my family. I'm writing another email stating how I feel about these businesses in my neighborhood. These types of businesses attract low income people and low quality employees. My example is right next door at Arcade Automotive. There was a gang murder through the Muslim gangs, and one of my neighbors is friends with this owner. I'm not fine with this at all, and I'm expressing my voice as a tax payer and property owner of St. Paul. I want this riff raff out of my neighborhood."

Mr. Herrera stated that the gun incident occurred at another building.

Mr. Sanchez said the objector is talking about the business on Clear Avenue. Ivy and Arcade is their business. Arcade Automotive does not exist at their location and believes that it is the body shop being referenced here. The letter stated Clear. They are aware of the murder that took place there and determined that it did not take place at their complex. He thinks it was Arcade Auto Body. That body shop has more than 1 employees. Their business is just operated by him, his father and brother. They choose their clientele wisely. As for Muslim gangs, they don't do business with them.

Ms. Vang has no other letter of objections and stated that regardless of the fact that the gun incident is not related to this business, she encouraged Mr. Sanchez and Mr. Herrera to reach out to the district council to educate the community about their business. She emphasized that their business is located near residential.

Ms. Vang verified whether there were other participants online or in-person that wanted to testify.

Ms. Vang next referenced the photo which showed violation of parking on the sidewalk/boulevard and emphasized to Mr. Sanchez and Mr. Herrera to avoid that situation.

She encouraged them to monitor their site well to avoid violating conditions. Mr. Sanchez responded that the photo shows the previous operations but acknowledged that they do not intend to that and asked again where cars can be parked.

Mr. Haddow says the sign meets the requirements of the code which states, "no parking on the sidewalk or boulevard" with minimum letter height of 2 inches..." so no parking is allowed.

Ms. Vang indicated that there have been complaints over the years about vehicles parking on the public sidewalk and want them to be cognizant. She next asked about dumping in the alley and for them to be mindful.

Ms. Vang looked at the police incident report and noted alarm permit which referenced Unit B. She asked Mr. Sanchez whether they have an alarm permit to which he replied in the negative. She advised him to contact DSI about getting a permit.

Ms. Vang noted that there was no district council report and stated that she supports the recommendations made by DSI and will move to approve this license with the agreed upon conditions.

Ms. Vang asked about the signed conditions affidavit. Mr. Haddow said he will e-mail it or, in the alternative, it can be signed and shared following the hearing. *(Note: the conditions were signed by Mr. Sanchez and Mr. Herrera at the end of this hearing.)*

Ms. Vang indicates the next step is her recommendation that will go before Council for their approval in a form of a resolution. She stated that her recommendation would also include minutes of the hearing. There is no public hearing at the City Council meeting. This hearing served as that engagement and if Mr. Sanchez and Mr. Herrera have questions to reach out to the Hearing office. The district council information was shared with the applicants.

Before closing the hearing, Ms. Vang asked when the business will be open. Mr. Sanchez responded as soon as everything gets approved. Right now, they have some vehicles inside and are not fixing vehicles. When asked if he had other questions, Mr. Sanchez asked whether a quick brake job could be done. Mr. Haddow stated that no work can be completed until the license is issued.

The hearing was adjourned at 3:12 p.m.

The Conditions Affidavit was signed on March 10, 2022.