

LICENSE HEARING MINUTES
Clairview Holdings LLC, d/b/a Groveland Tap, 1834 St. Clair Avenue
Monday, April 3, 2023 at 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Legislative Hearing Officer

The hearing was called to order at 10:02 AM

Staff Present: Ross Haddow, Department of Safety and Inspections (DSI) Licensing Inspector, YaYa Diatta, DSI Zoning Manager

Licensee: Stephanie Shimp, Applicant/Owner

License Application: Malt On-Sale Strong; Wine On-Sale; Liquor Outdoor Service (Sidewalk); Adding a new Liquor Outdoor Service Area (Patio) and expanding the indoor On-Sale Liquor Service Area license

Other(s) Present: Kellie O'Connor, 1849 Berkeley Avenue; Kim Chapman, 1846 Berkeley Avenue; Robert Tipping, 1837 Berkeley Avenue; Nawojka Lesinski, 1827 Berkeley Avenue

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The city received correspondence of concern/objection, which triggered this hearing. Also received was an email of support from the district council.

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. 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; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 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.

Minutes:

Ross Haddow, Department of Safety and Inspections (DSI) gave a staff report for licensee Clairview Holdings LLC (License ID# 19980003516), d/b/a Groveland Tap, located at 1834 St Clair Avenue. The application is to add a new Liquor Outdoor Service Area (Patio) license and expanding the indoor On-Sale Liquor Service Area licenses to its existing Malt On-Sale Strong;

Wine On-Sale; Liquor Outdoor Service (Sidewalk) licenses. DSI is recommending approval with license conditions:

1. Per City of Saint Paul Legislative Code 409.15(a)(2), On-sale wine license shall mean a license authorizing the sale of wine not exceeding fourteen (14) percent alcohol by volume, for consumption on the licensed premises only in conjunction with the sale and service of food (menu item only). The sale of Malt (Strong) will also take place only in conjunction with the sale and service of food.
2. Per City of Saint Paul Legislative Code 409.15(d), licensee must be able to show that gross receipts are at least sixty (60) percent attributable to the sale of food.
3. Licensee will submit to the Department of Safety and Inspections (DSI) annual gross receipts for food and liquor for each year the license is renewed.
4. Each year prior to the placement of table(s) and/or chair(s) in the public right-of-way (i.e., sidewalk), the licensee agrees to obtain a new Obstruction Permit from the Department of Public Works. Licensee agrees to maintain the sidewalk café in accordance with the conditions placed on an approved Obstruction Permit, acknowledges that an Obstruction Permit is effective on April 1 and expires on October 31 of each year, that table(s) and/or chair(s) may not be placed in the public right-of-way before or after the effective/expiration dates, and that a failure to comply with this condition will result in adverse action being taken against all of their licenses.
5. No outdoor food and/or beverage preparation is allowed on a public sidewalk without prior approval and additional licensing.
6. On a daily basis, the Groveland Tap staff will pick up all the trash on public property in the one-block area on St. Clair Avenue between Fairview Avenue, on the east, and Howell Street, on the west. Additionally, trash will be picked up daily in the chiropractor's office parking lot, located across St. Clair Avenue from the Groveland Tap.
7. Outdoor service and consumption of food, wine, and beer will terminate at 9:00 p.m. on Sunday through Thursday nights, and at 10:00 p.m. on Friday and Saturday nights.
8. The staff will monitor and control patron noise diligently, so that it does not create a disturbance in the neighborhood.
9. Signage shall be prominently posted at all entrances and exits to make patrons aware that when they leave the premises they are exiting into a residential neighborhood and should show respect and consideration for the residents.
10. Signs will be placed on each outdoor table reminding patrons that they are in a residential area. They must show consideration for the neighbors and keep their noise down.

The District Council 14 - Macalester Groveland Community Council submitted an email of support. Building is in process; License is approved with conditions; and Zoning is approved.

Ms. Vang asked about potential updates on the Liquor Outdoor Service (Sidewalk) license.

Ms. Shimp: We are rescinding the sidewalk café license and just moving all outdoor service to the patio in the back.

Ms. Vang: And this has all gone through plan review?

Mr. Haddow: Yes, it has.

Ms. Vang: Will the same number of seats for the sidewalk apply to the patio in the back?

Ms. Shimp: Not necessarily. It has been built, etc.

Ms. Vang asked about the building permit status.

Mr. Haddow: It has actually been approved last I heard informally, but we can look into that.

Ms. Vang asked Ms. Shimp to talk about the business: history, hours of operation, number of employees, etc.

Ms. Shimp: I have owned the business and building since 1998. During covid we were allowed to expand into the parking lot for outdoor service. We put picnic tables out and it was well received by the neighborhood and our guests. Minnesotans love to sit outside our building, but it has also deteriorated substantially over the years and needs repair. We put together a plan for renovations since I own the building. There was a comic book shop and a one-person hair salon within it as well. We gave notice to them, I believe in August of 2021, that we would not be renewing their leases and that they would need to vacate by January 1st. We're going to reclaim those 2 spaces to be able to update our space and then provide an ADA-compliant ramp at the front of the building. Because of our building's age, we were grandfathered in when that became law. Now with new construction though, we need to come into compliance. We've invested \$2 million into the building, including things like: a new HVAC system, updated electronics, and updated plumbing. The city also required us to tear up the street and replace the sewer. The project was started in July of 2022 and completed in December of 2022. Business is open and operating again.

Ms. Vang asked Mr. Diatta to walk through the zoning review.

Mr. Diatta: Typically, for a restaurant, we look to see if the use is allowed. Since the use is allowed, we would then look at parking. However, the city council has voted to get rid of parking minimums throughout the city. So, for zoning, we are good to go.

Ms. Vang: So, Groveland Tap does not have to meet any additional parking requirements, and they can use their parking lot space as a patio?

Ms. Shimp: I don't think we ever had parking minimums.

Ms. Vang: Is that correct?

Mr. Diatta: They were implemented in 1975, so it is possible that is the case if it existed before then.

Ms. Vang: How many seats will be both indoor and outdoor?

Ms. Shimp: I just want to be clear; this has been done and we are open and operating. Let me count the seats. It looks like there are about 100 inside. There are a couple tables inside that are in the drawing but not in use. There are about 13 at the bar. There are about 96 outside. As for parking I don't think the Groveland Tap had conditions on parking when I bought it in 1998. Any parking we offer has always been more than what was required. The existing parking lot remains, and the patio is an addition. On the back side, the patio is only the reverse flag shape on the site plan. It does have a fence and a retractable rooftop. The parking lot is located separately, which I also own. The roof helps contain the noise, and there is also a heavy plastic between the walls and the rooftop to mitigate noise.

Ms. Vang: Is the fireplace for food prep?

Ms. Shimp: It is a real fireplace but is purely decorative.

Ms. Vang asked about staffing.

Ms. Shimp: We have 45-50 employees. Some are part time, and some are full time. We open for lunch at 11am and stay open for dinner. We used to stay open long ago until 2am, and now we only stay open until 10 or 11pm usually. Midnight at the latest. When I initially bought the business, it only had a license for 3.2% alcohol beer.

Mr. Haddow: That is correct. Two and a half years later they applied for a full wine and beer license, as the licensing ordinances changed to allow them to do that.

Ms. Vang: Condition 7 states the hours that the patio must closed by. Could you clarify if 9pm will be last call or the time that people need to be out by?

Ms. Shimp: These were put in place for the sidewalk patio. We will not seat new tables after 9pm. We will bring them inside by 9:30pm on weekdays and 10:30pm on weekends.

Mr. Haddow: While this was initially drafted for the sidewalk license, but it carries over to their new patio based on our judgement about the type of neighborhood it's in. It was drafted before we knew they were not going to be seeking the sidewalk license with this application, but it still applies to the patio.

Ms. Vang asked about staff training.

Ms. Shimp: Training will take place during onboarding and during daily or weekly shift meetings. We have a general manager, Craig Hassell, who has been with us since 1998 who lives in the neighborhood and walks to work. I am active in the business but not there daily. If anyone has an issue they can contact Craig, myself, or my business partner, David. I lived here for 14 years about a half a block away and know the neighborhood well.

Ms. Vang asked about lighting for the patio space.

Ms. Shimp: There is lighting within the ceiling structure like string lights. There are speakers mounted inside the patio as well. We will look into having a sound check to make sure it is compliant. It is a family establishment. This site has been a bar since the 30s and has a long history as such.

Ms. Vang clarified the number of objections as 9 being received before the closing period ended.

Ms. Vang next introduced the objectors wishing to testify. Those in attendance were:

Kellie O'Connor, 1849 Berkeley Avenue
Kim Chapman, 1846 Berkeley Avenue
Robert Tipping, 1837 Berkeley Avenue
Nawojka Lesinski, 1827 Berkeley Avenue

Ms. Vang then invited Ms. O'Connor to testify.

Kelly O'Connor: I will also be reading for my husband, David Connor, who is unable to attend the hearing. This is not just a remodel. This is an expansion into a comic shop and beauty salon. Also, are they in violation of their license since they don't have the expanded service area yet?

Mr. Haddow: At this time, they should not be serving alcohol in the new area. Food is allowed, but alcohol is not allowed yet.

Ms. Vang: So, in the new space you cannot serve wine and beer until this license is approved.

Ms. Shimp: Is it necessary to have the expansion of indoor service on the license, since it's so small?

Mr. Haddow: Yes, since the footprint is significant enough. Because you expanded with the patio, we did an expansion of service area notification as a whole. If it had only been just the additional 13 indoor seats, we probably would not have sought a notification for an expansion of service area. Unfortunately, this does mean that the new addition indoors is encompassed in that and liquor service at that expanded indoor area is not allowed currently.

Ms. Shimp: I was not aware of that. It doesn't seem doable given our service model.

Ms. Vang: Was there a conversation about that with Ms. Shimp?

Mr. Haddow: There were some conversations. There might be a possibility that the bar space can be used to prepare beverages without patrons sitting there.

Ms. Shimp: That was not my understanding at all.

Mr. Haddow: I think I would need to consult the City Attorney's office to delve into this further and will follow the city attorney's guidance regarding next steps.

Ms. O'Connor: What about the issue of a lack of notice? The patio was built well before this notice ever went out to us.

Mr. Haddow: There were some changes recently to sections 310 and 409 of the city code. 409 is our liquor ordinance. Part of that was to streamline and speed up the process. Previously, it was a 3-to-5-month process for liquor license to be issued and now we're in the 45-to-60-day range, though it could potentially go a little longer depending on license hearings and additional things. The way it works is the applicant notifies the District Council beforehand. They have a form that we've created to notify the District Council. Once the District Council has let us know that they've been notified, we then process the application. It's typically a two-week process. We prepare the public notification, do due diligence, and make sure all the paperwork has been turned in. There was less due diligence for this license because it was an existing license that was expanding service area. Essentially, we need to make sure they have updated insurance. We need to make sure that the site plan and the patio has been built to construction standards and come through the plan review. All inspectors need to have signed off on that and any other open permits that are on the establishment. We would verify that all permits have been closed. Back to the notification period, public notification used to be a 45-day waiting period for liquor licenses. The new process is now a 15-day notification period for all licenses. We no longer require a petition for outside use either. There was an understanding when this was done that District Councils would be notified of this ahead of time.

Ms. O'Connor: The District Council doesn't notify the neighborhood. We just have to monitor the Housing and Land Use Committee minutes every week. When I was on the district council, we would go out and look at the site before taking any votes. It seems clear from their minutes that they did not do that. They didn't understand why I was concerned since I was on Berkely Avenue. They thought it only affected Saint Clair Avenue. They didn't understand the impact on the residents across the alley.

Ms. Vang: The pre-notification before public input only goes to the District Council, correct?

Mr. Haddow: Yes. The public input distance was changed from 300 to 350 feet. Some licenses previously had 300, some 350, so we just made them all uniform.

Ms. O'Connor: Once we saw that the patio was built though, there had been no notification of that.

Ms. Vang asked Mr. Haddow to review notification for non-liquor construction.

Mr. Haddow: Building upgrades like patios are not subject to neighborhood notification. They go through a building review process that does not require neighborhood notification. Expanding the liquor outdoor service area is what was subject to that notification.

Ms. O'Connor: We would have liked to know beforehand.

Ms. Vang: We don't have a process for that. I apologize.

Ms. O'Connor: We also have parking concerns. The street is always filled on both sides and that is not reflected in the photos here. I understand that the city doesn't have parking minimums, but adding a patio makes an untenable situation even worse. There are also cars that belong to employees parked on the street, and I know that because they stay there all day. My neighbor gets meals on wheels and when they park in front of the boulevard sidewalks, it is hard for the drivers to get to them. There are also trash concerns that I will let Bob talk about since he lives behind the building. There is also the concern about a violation of their license which we talked about earlier. I would like to treat that as a complaint and have the City Attorney review that. There is also the concern of delivery trucks getting stuck in the alley now that the patio is there since it is so narrow. Regarding the patio and the plastic covering, when will that come down during the year? When will the fireplaces be used?

Ms. Shimp: The patio would extend into seasons like April and maybe October or November. It depends on the weather.

Ms. O'Connor: you have heat lamps out there for that very purpose though?

Ms. Shimp: Yes.

Ms. O'Connor: So that's another thing I would like is a limit on the use of this patio. I mean, first off, I'm objecting to the liquor being served on the patio and objecting to this. I want that to be very clear. It's for all these reasons: The parking, excessive trash, excessive noise, the gross expansion of what used to be a mom-and-pop bar is now it's basically almost the entire block.

Ms. Shimp: That is so untrue. I'm sorry, you can't say that.

Ms. O'Connor: I can say that because I live there and that's exactly what it is, but for the one Food and Gather store next-door and the Pilates. Otherwise, you have the entire block.

Ms. Vang: Do you have anything else to add before I give the applicant an opportunity to respond?

Ms. O'Connor: Yes. I'll let the letter speak for itself.

Ms. Vang: Before we get to Ms. Shimp's response, is there anything in our ordinance, Mr. Haddow, that restricts when a patio can be used during the year?

Mr. Haddow: No. For sidewalks we have those restrictions, but if it's on private property we do not restrict that.

Ms. O'Connor: What do we do if we have complaints? If the noise is hitting a decibel level higher than what is allowed?

Mr. Haddow: The City of Saint Paul works on a complaint basis when it comes to any complaints with any of our business licenses. We have a general, 651-266-8989, phone number which complaints can be put into. There's an email address that complaints can be emailed to.

Those emails get forwarded directly to the licensing division and me and a co-worker who look through the complaints. We send the complaints to the correct inspector who was responsible for whatever happens, be it automotive, liquor, so on and so forth. If this was a noise complaint, it would come to me. My first action in a situation like that would be to contact the owner of the establishment and find out what's going on, so they know that we've received a complaint. We figure out what's going on and essentially it would be: What are you going to do to make sure this is not going to happen again? Should we get another complaint, because it does happen, then a formal letter goes out and that could potentially start the adverse action. So, the way that works is we work on a penalty matrix for all our adverse actions. And that includes noise violations, liquor law violations, overconsumption in selling to minors, staying open later than you're supposed to, failure to have proper insurance. The whole gamut. First violation is a \$500 by a violation for the business. If they should receive a second violation within 12 months, it is \$1000 violation. If they should receive the 3rd violation within the 18 months of the first violation, then it's up to a \$2000 fine and an 18-day suspension. And should there be a 4th violation within 24 months of the first adverse action, then it is a revocation of the license. When a liquor license gets revoked from a specific space, it's what we consider to be scorched earth. No alcohol can be served in that location for 15 years. For all adverse actions, my department sends recommendations to the City Council. They have the right to accept that at face value and get a \$500 fine the first time if it is gross violation, or they could do an upward departure. That means that though it could be their first adverse action, which is normally a \$500 fine; if there is gross negligence in some way, shape or form than that City Council has the right to put that to \$1000, fine or a suspension. That will ultimately be their choice. However, we follow up with all the complaints immediately. Sometimes they come in anonymously. Sometimes they don't. If you were to put in a complaint and you wanted to speak to us, we would call you back and we will find out your side of the story, to figure out what's going on. We would talk to the owner and her general manager and get a response from them. If you wanted to call back based on what they said, I would call you back and let you know what was going on with the city's action. That is a 365-day-a-year process. You don't have to wait for a license renewal or anything like that. If you have an issue today, you can call it in today and it will be inspected as soon as an inspector can get out there.

Ms. O'Connor: One last thing. One of the current conditions for the sidewalk patio was to pick up trash. In my 12 years here, I've never seen anyone from Groveland Tap picking up trash.

Ms. Vang: Just so you know, we don't expect owners to pick up trash and on private property.

Ms. O'Connor: I meant on the boulevard.

Ms. Vang: Does the condition spell out how far they go out, Mr. Haddow?

Mr. Haddow: It does specify. Trash on public property in the one-block area on Saint Clair Avenue between Fairview on the East and Howell on the West.

Ms. O'Connor: The trash I witnessed is all along Howell.

Ms. Vang next gave Ms. Shimp the opportunity to respond.

Ms. Shimp: Looking at the plat map, I am one of 7 plats. I do not cover the whole block. It is completely within my right to reclaim the 800 square feet that I already owned. If I didn't need an ADA-accessible ramp, I could have kept those 2 businesses and the sidewalk café. This is all to accommodate that ramp. I do not have the whole block. We do pick up trash as a courtesy. This condition was written as a courtesy, perhaps by another hearing officer.

Ms. Vang: Do you keep a log of picking up trash?

Ms. Shimp: We can look into doing that. I'd also like to point out that there are residential apartments next to me. We are not the only generators of this trash. There is a lot of density here. Regarding parking, I didn't take up any of the existing parking that I own. That lot has 18-20 spots, less now because of snow accumulation. It is a contaminated space that I cannot put anything else on. I bought a contaminated brownfield to provide parking for the neighborhood. That should be acknowledged.

Ms. O'Connor: I should also acknowledge that St. Paul STAR money was used to assist with that.

Ms. Shimp: That money went towards landscaping and signage. Not for purchase.

Ms. Vang asked about entrance and exit for the parking space.

Ms. Shimp: There is only one entry/exit through the alley.

Ms. Vang asked about patio seating.

Ms. Shimp: Patrons would have to come in through the front and be seated. The other patio door will be for emergency exit.

Ms. Vang asked if Ms. Shimp had a response to the concerns from Mr. David O'Connor who was not in attendance.

Ms. Shimp: We did door knock as a courtesy starting in January of 2022, my general manager and 3 others were involved and did door knocking in the neighborhood. We had our own list.

Ms. Vang: Was the list you used for properties within 300 or 350 feet?

Ms. Shimp: 350 feet, which is not required.

Ms. O'Connor: What was the purpose of the door knock?

Ms. Shimp: To let neighbors know that we were expanding and remodeling.

Ms. O'Connor: If people objected you would not have done it?

Ms. Shimp: No. It was a courtesy.

Ms. O'Connor: Was there count for the people you talked to?

Ms. Shimp: We do not have that number.

Ms. Vang: We can follow-up about that.

Ms. O'Connor: Please do because no one I know was talked to other than one person.

Ms. Shimp: This was a courtesy and not required.

Ms. O'Connor: That's why I don't understand why you're making such a big deal out of the fact that you door knocked, if it didn't matter anyhow.

Ms. Shimp: Would you not want to know?

Ms. O'Connor: I would have wanted to know. No one told us is what I'm saying.

Ms. Shimp: Does it matter if someone tried to tell you?

Ms. O'Connor: No one tried to tell us. Regarding litter, the license condition doesn't say it is at a courtesy. It's required. Is this not happening, because I have never seen anyone picking up litter.

Ms. Vang: Are there some instances where we have conditions like this, that applicants agree to voluntarily?

Mr. Hadow: As clarification, they were only specified to pick up trash on St. Claire. There are occasionally conditions like this, typically with off-sale liquor stores that sell small bottles. For this property, this condition was added in 2003 or 2004 by the prior hearing officer as a courtesy put on there. Because this is a condition they do have to, but we don't request a log or anything like that.

Ms. O'Connor: If this license is granted, which I am objecting to, due to the increased traffic I would ask that it go up the side of Howell and the side of Fairview to Berkeley.

Ms. Vang noted that Mr. O'Connor's objection had been addressed and next invited Mr. Kim Chapman to testify.

Mr. Chapman: I agree with much of what has been said. I oppose the expansion of the patio and outdoor serving towards the alley. Traffic on Saturday and Friday nights can be bad. People have to walk half a block to get to their car. As Kellie mentioned, the people parking is not thinking about how walkways in the boulevards are often blocked. Regarding the lot, if you cleared the snow piles out of that lot by April 1st, I think that would gain you about a quarter of the lot back. Those two piles are really taking up a lot of your lot.

Ms. Shimp: We are experiencing the 3rd largest snowfall in history. It has been really difficult.

Mr. Chapman: Yep, so you just got to get a front-end loader and a dump truck and get that out of that. That will help. Also, striping the lot would also help to use the space more efficiently. There is also another lot nearby that is empty after business hours. Could you negotiate additional use for that lot?

Ms. Shimp: We have tried that, but they have not been letting us do so. They have night classes there several days a week and are not letting us use that exclusively. It is also a liability issue for building owners. Some like to do it. Some don't. We can try again.

Mr. Chapman: That would help. Regarding trash lots does end up on Berkeley Avenue. People put their takeout box on top of their car and then drive away. More people will make that worse. The alley is an even bigger problem since it's right there. There is also a noise concern. People can be boisterous after they leave the tap. When we have our windows open in the summer and some of us get woken up at 10 or 11pm. Some of us go to bed at 9:30pm. This will become worse. The last thing I want to bring up is something that was brought up by the Housing and Land Use Committee: that we should have known what we were getting into when we moved into a mix-used commercial district. However, the neighborhood has changed since some of us moved here 30-40 years ago, or even 5-10 years ago. Back then there was only one restaurant and Estelle's was a bakery.

Ms. Shimp: I was there in 1994 and remember the bakery.

Mr. Chapman: Hartland moved in there which increased parking pressure on St. Claire and thus on our street. This patio now doubles the seating space. This then doubles the pressure on all fronts: trash, traffic, parking, noise.

Ms. Vang: Have you reached out to Ms. Shimp or others with your observations?

Mr. Chapman: No. This has all come to head recently with the discovery of the patio.

Ms. Vang: You raise some good ideas, and I encourage you, Ms. Shimp, to reach out as best as you can.

Ms. Shimp: I wrote down the striping suggestion. I feel like it was striped and worn out. I can reach out to the other owner again also.

Mr. Chapman: What about the chiropractor lot across the street?

Ms. Shimp: We have looked into that. They are now offering additional services, so it is a tough one. We did buy a lot. We spent a hundred-some thousand dollars to provide additional parking.

Mr. Chapman: Well, I oppose the patio going in, but if it goes in, wait it already is in, isn't it? We really need to mitigate the harms caused by it.

Ms. Vang: I hope that you can exchange contact information and to communicate further. I encourage you to communicate with each other.

Mr. Chapman: Following up on trash in the boulevard on Howell, if your employees are walking there, yes, there are apartment dwellers, but they generally don't have takeout boxes. Those are coming from the Tap. It would be great if your employees would pick that up.

Ms. Shimp: We can look into that. There has been an increase in takeout like Grubhub since the pandemic. I don't know that they're all mine but I'm happy to pick them up.

Ms. Vang thanked Mr. Chapman for his testimony and next invited Mr. Bob Tipping to testify.

Mr. Tipping: I have a lot of concerns that have already been said. I would like some of these agreement conditions revisited. Regarding the door knocking, we didn't know about the patio until it was built right by us. I have zoning questions, but this isn't a zoning hearing. So, with the door knocking, our door may have been knocked on, but we never heard anything until the notice of public hearing. The floor plan increases occupancy by at least 40% and now there is also additional seating inside. The patio is now flushed against the edge of their lot, where there used to be dumpsters that would overflow into the alley. The Tap was always helpful about cleaning it up when we complained. The dumpsters are now moved down the alley. So, trash is a concern along with parking and noise. The bottom line for me is that there was no discussion about what the plan was before this was built. The good faith side of things hasn't gone very well.

Ms. Shimp: I'm sorry you feel that way. We did as much door knocking as we could, including myself. This is also not super new, as we had tables out front on the sidewalk that created external points of contact and during covid for 2 summers and we had the parking lot in the back full of picnic tables.

Mr. Tipping: I disagree. The patio will be very different than what was set up in the parking lot. The patio experience is directly behind our house. It's much closer to the building. It's going to be louder. There's going to be more trash and more noise. Sticking to the City noise ordinance is important to us. It shouldn't be characterized as a patio. There are large TVs out there. There's a fireplace. We hang clothes in our backyard in the summertime and I don't want to deal with the smoke. As neighbors, if a neighbor was going to have a party every night, I wouldn't be happy about it. This is literally right across our alley. That experience is not acceptable.

Ms. Vang: Would you like to have a condition put in place regarding noise, though even if it's not spelled out, they still must comply with the noise ordinance.

Mr. Tipping: No. I think I read in here that it applies to the sidewalk.

Ms. Vang: You mean #4?

Mr. Tipping: That's getting scratched though. It refers specifically to sound.

Mr. Hadow: #4 is about placement of...

Mr. Tipping: Sorry, my question about number 4 is about the times of year.

Ms. Vang: Yes, that will go away.

Ms. Shimp: What is the standard noise ordinance in St. Paul?

Mr. Haddow: The standard noise ordinance would be 65 decibels 50 feet from your property line or the closest residential property line. It would be 65 decibels between 6am and 10pm, and then dropping to 55 at 10pm. If we were all talking at the same time with side conversations, that would be about 65 decibels.

Mr. Tipping: I don't have a problem with that I just want to make sure that applies to the patio as well.

Mr. Haddow: This does apply to the patio and across the board.

Mr. Tipping: On condition 4, related to the opening and closing date. Will this patio be open beyond those dates.

Ms. Shimp: Since we aren't doing the sidewalk license that doesn't apply to us.

Mr. Tipping: Can you determine those dates?

Ms. Shimp: No.

Mr. Haddow: From a staff standpoint, weather can change things.

Ms. Vang: Could Ms. Shimp apply for a variance on sound for a big event?

Mr. Haddow: She can also apply for sound level variances which allow for louder noise. They go before Council and are usually for bigger events. It is a 60-day process with public notification. If she knows she is going above the sound level ordinance that would be helpful. The ordinance gets very technical in that they are allowed to exceed the number of decibels for 6 minutes per hour. If there is a complaint, please get in touch. We can go out there with a sound meter and try to bring them into compliance and proceed with adverse action if needed. We try first to bring people into compliance.

Mr. Tipping: We would like a condition written to address trash being picked up in the alley also.

Ms. Vang asked Ms. Shimp for feedback.

Ms. Shimp: That is a bit onerous.

Mr. Tipping: It would be right behind our property. Referring to the pictures my wife sent this morning, this first one is not behind our house. It is on the snowbank on the west side of the alley. These look like sliced bread on the side of the snowbank. We notified Groveland Tap about this Sunday morning. Another one is right outside our garage.

Ms. Shimp: I recognize those french fries, but we don't serve any bread like that. This does not all appear to be our trash. And have heard from Craig that a neighbor does leave things out to feed squirrels. I can't be responsible for all of this.

Ms. Vang: Have you considered a bigger dumpster to avoid overflow with the increase in serving customers?

Ms. Shimp: I do want to say that patios do not typically double capacity. Customer traffic is transferred from inside to outside. We started dumpsters in September. Due to the horrible freeze-thaw we had, they froze shut. The hauler could not get them out. As you know St. Paul doesn't plow alleys. It has been a horrible year for trash. We don't want it to be like this and don't want neighbors to deal with this. So, we switched to residential-style containers. They get full fast and so we increased I'm doing the best I can, and I apologize. This language was written 15 years ago to help people feel good.

Ms. Vang: You do understand though that this is a condition on your license and enforceable?

Ms. Shimp: A lot of what we're picking up isn't ours. We don't serve plastic bottles.

Mr. Tipping: We just want the alley cleaned behind the property.

Ms. Vang: The expectation is that trash gets picked in front and behind the business. I don't expect you to go out beyond that into private property.

Ms. Shimp: I think the neighbors expect that.

Ms. Vang: I don't expect that. That raises safety concerns for me. I don't know how often you sweep up cigarette butts and such, but I would encourage you to do so. There is nothing I can do though to compel you to do beyond what you're expected to do.

Mr. Tipping: Regarding zoning, how was building this patio allowed?

Mr. Diatta: Zoning does not look at the patio. We only look at it if triggers parking, but parking minimums no longer exist. It does not involve a variance or conditional use permit so there would not be neighborhood notification.

Mr. Tipping: Is there a requirement for setbacks?

Mr. Diatta: No. It is not technically considered a new building and is grandfathered in. It is a new patio only.

Mr. Tipping: The patio is a new building. It has a roof and walls.

Mr. Diatta: For B2 zoning districts, no setbacks are required outside of building code.

Mr. Tipping: Is there a building code contact?

Ms. Vang: Mr. Weiner will provide that to you.

Ms. Shimp: Everything we did was compliant with city requirements and followed the United Building Code. We did not do anything out of the ordinary. Regarding deliveries, I don't think there is any requirement for businesses on this.

Ms. Vang: We will look into the matter.

Ms. Vang next invited Ms. Nawojka Lesinski to testify.

Ms. Lesinski: I'm a professor of political science at Saint Catherine University with a particular interest in urban politics in urban space. But my purpose here today, however, it's not academic, it's personal and it's very real. All of us here today are immediate neighbors. I echo my neighbors' concerns, though my biggest concern is a bit different. I am upset with the process and lack of communication. It's a giant permanent structure built mere feet away from other properties. Has the decision already been made or is this decision just a formality.

Ms. Vang: Let's take a step back. The process is the process in terms of notification. The opportunity to participate is set. I don't make the decision on this. The City Council is authorized to make decision. What I'm developing today is a recommendation for them to consider because this is an allowed use. It already has existing licenses. What they are asking for is an expansion of that service. There must be enough information to demonstrate facts that I would consider a denial. I have to weigh if there is enough verifiable information to deny a license application or enough evidence to support that. Your testimony matters, but there needs to be verifiable information. I would rely on the Department of Safety and Inspections to do an investigation. I would also look at police reports to verify that these incidents happened. So, without any supporting documentation, there isn't enough for me to say I would deny this expansion of service. I just wanted to put that out there for you. Plus, it would then have to be adjudicated at by an Administrative Law Judge to verify whether the city carefully and thoughtfully reviewed the application and considered everybody's input. Even then, the City Council is the only body that can authorize issuance of a license. So, the license has not been issued yet to answer your question. And that's what we're discussing today and it's to discuss conditions, that's what's before me as to whether I can put in additional conditions that would help this operator be better at managing the way they operate their business. Your information can shape and help modify these conditions. So, I would say we don't just rubber stamp.

Ms. Lesinski: That was a very genuine question I had, so thank you. I want to reiterate that we are not NIMBYs or prohibitionists. We have been patrons of the Groveland Tap and have turned a blind eye to past issues that were mentioned. But there is a balance that needs to be maintained. I moved here 7 years ago, and the neighborhood has changed. What was once a cozy local

watering hole we now fear is going to play host to loud alcohol fuel outdoor parties with hundreds of guests every single night. That is not what any of us signed up for. This patio, which has already been built, upsets the current balance. The big issue though is the breach of trust, and that is what is hard. I think that's why there's such a feeling of animosity amongst neighbors right now because at no point leading up to today, did any of us of at least the 10 houses that are on the north side street...we're a close-knit community. We are in an email thread. If there's ever any kind of news, we're all on it. None of us had the opportunity for a meaningful discourse. The earliest I think was at the March 22 House and Land Use Committee meeting. Many of my neighbors feel disregarded at best. I think we're asking the wrong question. What we have here is not a question of whether an existing bar should be allowed to serve alcohol. Obviously, we know the bar serves alcohol, right. This is a question of whether they should be allowed to expand their operations in such a way that harms the well-being of the neighbors. I say that for the time being, no. I ask that the council reject this license application. I don't think there is malice, but we need to take a step back and correct things here. I am happy to participate in that dialogue. I know that a lot of my neighbor have solutions like Kim shared when he was giving his testimony. We have ideas.

Ms. Vang: This is your opportunity.

Ms. Lesinski: I mean, at this point, it's a question of damage control, right? And I know we're not talking about what is and isn't allowed in terms of legality. But being a good neighbor goes beyond what is and is not legal and it has to do with an actual open line of communication with those who are directly affected, especially those that are directly adjacent to it. So, the notification about some sort of public hearing...I don't know how it was expressed because none of us heard it. And like I mentioned, we kind of have our finger on the pulse of huge issues.

Ms. Vang: Do you live within 350 feet, and did you get a notification of this hearing?

Ms. Lesinski: Yes, but that was after the March 22 Housing and Land Use Committee meeting with the district council.

Ms. Vang: We don't control the notifications that district councils send out.

Ms. Lesinski: I think that is problematic. Had we received notification and had a conversation before investments were made, we could have come up with a happy solution.

Ms. Vang: I will make a note to follow up with district councils. They operate very differently. We used to have a coordinator and are in the process of filling that position. I will follow up with them to make sure they are noticing neighbors when these things happen. I will do my part.

Ms. Lesinski: We did have someone knock on our door when Estelle was setting up their patio. Many of my neighbors magically open the door when they're making their rounds. Many of us work from home. We answer doors on various occasions. But even if that wasn't the case, we weren't able to come to that. I don't see what the problem would have been to leave a note or a flyer saying to come to the Groveland Tap and have this discussion. Right now, it's just anger

and damage control though. I hope we don't end up using the angry resident's hotline or whatever it's called.

Ms. Shimp: We did door knock. We first engaged with the city in November of 2021. The community council signed off in December of 2021. We submitted permits in January of 2021. Final permits were given in August of 2022. SAC WAC, March of 2022. I've been to the community council twice more since then. I feel a little bit attacked. This is not a problem business. The police report hardly lists anything. We are a good business. I don't know what else we could do. The flyers are good idea, and we could have done that. Hostilities are felt.

Ms. Lesinski: It sounds like the breakdown is in the community council.

Ms. Shimp: I'm not breaking any laws. I made it through zoning and permitting. I've done everything as a business owner that I'm supposed to do, and I feel like I'm getting grilled for wanting to run a successful business. Hostilities are felt.

Ms. Lesinski: I think that could have been avoided by going beyond what should have been done or what needed to be done with the 10 houses behind you. I don't think that's much of an effort.

Ms. Shimp: At any point after construction started last July, someone could have called me. I talked to Bob, but that's not going to stop a project. I think you have unrealistic expectations. You can't stop business that is following rules and abiding by general business conditions. And you're in a mixed use zoned B2 area. The bar has been there longer than anyone.

Ms. Lesinski: But it is significantly changing. The patio is huge. It's the size of our yards.

Ms. Shimp: It's not. The tables that were there are just moved over.

Ms. Lesinski: There weren't patio tables that seated 96 people in the parking lot during covid. We were happy that you were surviving. Just because there weren't complaints doesn't mean we were ecstatic about the situation. We were just aware of the circumstances under which you were operating. That shows that you are not appreciative of your neighbors. If you did everything you were legally obligated to do and think that's enough, I don't think you have a right to feel hurt by the hostilities. You're not recognizing why we're being hostile in the first place. It's not the legality of this that we are questioning. It's the process and lack of input by people who are immediately right there.

Ms. Vang: What is your ask and are seeking? The patio has been built. What we are talking about is an expansion of liquor service to that patio and the newly built in-door space.

Ms. Lesinski: Noise is my main concern. I don't think anything on a wish list I create will be considered.

Ms. Shimp: I will listen, though I am feeling personally beat up.

Ms. Lesinski: That could have been avoided.

Ms. Shimp: In your letter you talked about humanizing my bar?

Ms. Lesinski: Yes, at the Housing Land Use Committee meeting that was a complete farce. It started with introduction from Stephanie talking about how she lived in the neighborhood. None of that matters anymore. She doesn't live in the neighborhood anymore. More importantly, she didn't live directly behind the establishment. I think if she did, her perspective would be considerably different now than what it was 15 years ago.

Ms. Shimp: For the record, I do live behind a restaurant now. I'm 8 blocks down from an operating restaurant with a sidewalk café patio. I don't like how you portrayed me. I'd like you to know that I grew up on food stamps and free hot lunch. I slept on a plywood floor. Didn't have a bed. No one in my family had gone to college on either side and I have grown a company.

Ms. Lesinski: That's fantastic. My letter is not mocking. I'm reframing the image that you provided.

Ms. Shimp: It's a well-run establishment run by people who care and live and work in the neighborhood and serve families.

Ms. Lesinski: Well, I guess the question is who they care for because it's not for the immediate neighbors.

Ms. Vang: In terms of conditions, what do you believe would work? We could draft a noise condition that just clarifies the noise ordinance and emphasizes it.

Ms. Lesinski: Are the outdoor speakers needed?

Ms. Shimp: For ambiance, yes.

Ms. Vang: I would highly recommend that you have a sound engineer do a test on a night where you have people talking and just test what the speaker level is going to look like and what impact that would be.

Ms. Shimp: I have patios in other locations with apartments immediately above. I know how to do this.

Mr. Tipping: I would like clarity that people aren't leaving the building from behind.

Ms. Shimp: It will be for emergency exit only. I'm sure someone will slip out that back door at one time or another, but it is intended as an emergency exit only. No staff will be using it either.

Ms. Vang closed the public hearing and next read into the record letters from several people who were unable to attend the hearing.

Ann Mills, 1823 Berkeley Avenue. Her objection voiced concerns about traffic, parking, garbage, delivery trucks, public notice, noise, and access to her private driveway. She then asked about Ms. Shimp about how often deliveries are dropped off.

Ms. Shimp: It depends. Major food deliveries come in 3 times or so a week. Wine and beer maybe once a week. We have multiple vendors.

Ms. Vang: Do you have staff out there to make sure areas like intersections are kept safe?

Ms. Shimp: I am sure they are parking where it is most safe to be. Sometimes it's in the street or the alley. Sometimes they are semis who can't get into small spaces.

Ms. Vang asked if Ms. Shimp would like to respond to the rest of the letter.

Ms. Shimp declined.

Ms. Vang next read into the record the letter from Pat and Tom Galligan, 1830 Berkeley Avenue. Their objections voiced concerns about the alley, communication, parking, noise, and condition enforcement. Ms. Vang then asked Mr. Haddow about enforcement of conditions.

Mr. Haddow: As was stated earlier, we are complaint-based. If we get a complaint, we do a follow-up. And then based on what the follow-up is we follow through with either working to get them into compliance, working to modify conditions if they need to be modified to gain compliance, or adverse action. All of those can be addressed. If there is a parking issue, the non-emergency police department phone number will get you to the parking enforcement division who is charged with any parking issues. If the parking issue like that does come through my end, I would forward it on. I do have an in-house police sergeant liaison that we work directly, whose office is two doors down from me. I see him on a very regular basis, and he communicates with my licensing manager multiple times a day. The city, unfortunately, is not going to do anything about issues until we know about them. We don't have the staff to drive and look for complaints. I primarily work with the liquor license establishments. Any complaint that comes in comes directly to me and I am the person who deals with it. If you have a complaint about parking, you are eventually going to be speaking with me and I'm going to walk you through all the steps that we have. I'm going to tell you all the legal options that you have. I'm going to tell you exactly what my processes and what all the options are that come out of there. Your complaint is not going into a black hole. They come directly to me. And as the city, we're here to help work with you to the best of our abilities. If you have complaints or concerns, please call the 8989 number and they will get you to the right person depending on this specific complaint. But most likely you will touch base with me in some way, shape or form. And I will work with you to the best of my ability to get any situation addressed if it is within our capabilities. All our conditions are license and property specific. We have some canned conditions that get used for to bars and camera conditions and situations like that. But the conditions that were put on here are specifically for this location. As we stated, there will be some modification of the conditions because there's no longer the sidewalk cafe.

Ms. Vang next read into the record the letter from the Macalester Groveland Community Council, which voiced support for the license application.

Ms. Vang next read into the record the letter from Nicole Newton, 1839 St. Clair Avenue. Her objection voiced concerns about parking and suggested a condition regarding parking. She then asked Mr. Haddow about the situation regarding parking enforcement and towing.

Mr. Haddow: The property is not directly adjacent. While it is possible that people park there to go to the Tap, it is not always possible to prove. Secondly, the applicant does not have legal authority over that lot. She cannot call a tow truck if it's not her property. If they are blocking a right of way, anyone can contact the parking enforcement police nonemergency number, though she does not control that lot specifically.

Ms. Vang: So, the only option is to let her know that she should contact parking enforcement?

Mr. Haddow: Yes. It is difficult for her employees to manage that lot since she doesn't control it. Even if a customer parked there, she could not call a tow to that lot since she does not own it. She could call parking enforcement if they were illegally parked on public property like a right-of-way.

Ms. Vang: The concern is valid, but I don't know if a condition can be shaped since that is parking on private property and an entity unrelated to the business.

Ms. Shimp: I would encourage anyone who has a problem to call parking enforcement.

Ms. Vang next read into the record the letter from Joseph White; no address provided. His objection voiced concerns about noise, parking, public notice, and alley safety. She then asked Mr. Haddow if there was a complaint logged regarding the parking concern.

Mr. Haddow: I don't recall a formal complaint. I know I talked to a few people. Nothing rises to the level of enforcement action.

Ms. Vang then gave Ms. Shimp the opportunity to respond.

Ms. Shimp declined.

Ms. Vang: I will follow up with the parking enforcement regarding safety. Neighbors raised concerns about getting their cars out of the alley, so I want to research that.

Ms. Vang next read into the record the letter from Elissa Hansen, 1883 Berkeley Avenue. Her objection voiced concerns about garbage, parking, noise, public notice, and condition compliance. She then gave Ms. Shimp the opportunity to respond.

Ms. Shimp: I think trash will be lessened during the summer to allow the haulers better access to the waste bins. The four trash bins may get replaced with a dumpster also.

Ms. Vang encouraged Ms. Shimp to work with their hauler if additional trash storage is needed. She next asked about signage regarding patio hours and exiting.

Ms. Shimp: Patio access is through the front door and through the restaurant. I would have to look at where the most impact would be. I will put it up but not sure where.

Ms. Vang asked about a license condition regarding litter pickup.

Mr. Haddow: That could be done, though I don't think we do that for other businesses.

Ms. Shimp: I just don't want to be set up to fail or have this condition that no one else has when we've been a good business.

Mr. Haddow: There is an expectation for anybody who owns a business that they are responsible for their own property, regardless of there's a condition or not. This would be no different than me having trash in my front yard and my neighbors being upset about it. Ultimately it is my responsibility to pick up the trash. If somebody comes by and dumps a mattress in my front yard, that is still my problem. The expectation across the city is that everybody takes care of their properties. If it is not happening, that's where complaints could come in and they go to our code enforcement who then would do follow-up on the situation. Is it needed in the condition? Unlikely. Potentially adding something to go down the alley, I would need to get approval from the City Attorney and my Licensing Manager. We will make sure you are not set up to fail.

Ms. Vang: Have there been any enforcement actions against this business since she took over in 1998?

Mr. Haddow: No, just minor issues regarding paperwork which did not result in enforcement. The police incident report did not note any major concerns either.

Ms. Vang: I do see parking violations, so it does look like neighbors are calling parking enforcement.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she has a lot to consider and will take everything that was discussed under advisement. She will need some time to develop a recommendation and hope to make that recommendation within a week or two.

The hearing was adjourned at 12:35 PM.

Following the hearing, the Legislative Hearing Officer is recommending approval for expansion of liquor service to the new Liquor Outdoor Service Area (Patio) and expansion of the indoor On-Sale Liquor Service Area licenses to its existing Malt On-Sale Strong; Wine On-Sale licenses with the following conditions:

1. Per City of Saint Paul Legislative Code 409.15(a)(2), On-sale wine license shall mean a license authorizing the sale of wine not exceeding fourteen (14) percent alcohol by volume, for consumption on the licensed premises only in conjunction with the sale and service of food

(menu item only). The sale of Malt (Strong) will also take place only in conjunction with the sale and service of food.

2. Per City of Saint Paul Legislative Code 409.15(d), licensee must be able to show that gross receipts are at least sixty (60) percent attributable to the sale of food.
3. Licensee will submit to the Department of Safety and Inspections (DSI) annual gross receipts for food and liquor for each year the license is renewed.
4. On a daily basis, the Groveland Tap staff will pick up all the trash directly in front the building and directly behind the building in the alley. Additionally, all trash will be picked up daily in the parking lot.
5. Outdoor service and consumption of food, wine, and beer will end at 9:00 p.m. on Sunday through Thursday nights with the area being cleared no later than 9:30pm, and at 10:00 p.m. on Friday and Saturday nights with the area being cleared no later than 10:30pm.
6. The staff will monitor and control patron noise diligently, so that it does not create a disturbance in the neighborhood.
7. Signage shall be prominently posted at all entrances and exits to make patrons aware that when they leave the premises they are exiting into a residential neighborhood and should show respect and consideration for the residents. Additionally, all patrons and staff will exit the premises through the front door facing St. Clair Ave.
8. Signs will be placed on each outdoor table reminding patrons that they are in a residential area. They must show consideration for the neighbors and keep their noise down.
9. All activity taking place on the exterior of the property lot on which the licensed premises is contained must comply with applicable State and Local rules and regulations, including but not limited to Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code.
10. The licensee and/or property owner shall ensure that the existing off-street parking spaces currently located within the lot at O St. Clair Ave remains available for patron parking.

The conditions affidavit was signed and submitted on April 19, 2023.