

LICENSE HEARING MINUTES
Hogan-Bard LLC d/b/a Emerald Lounge, 455 7th St W.
August 5, 2021, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 2:00 p.m. A roll call was made to confirm attendees.

Staff Present: Department of Safety and Inspections (DSI) Licensing Staff, Ross Haddow, and Farhan Omar and David Eide, Zoning Staff also with DSI; Nhia Vang, Hearing Officer, Janis Peterson, Recording Secretary, and Dominique Archiebald, Recording Secretary.

Licensee: Hogan-Bard LLC (License ID# 20210000674), d/b/a Emerald Lounge – Bill Bard, co-owner; Mary Hogan-Bard, co-owner; Molly Bard, General Manager; and Amanda Caruso, Manager.

License Application: to add a Liquor on Sale – 100 seats or less, Liquor on Sale-Sunday licenses, located at 455 7th St W.

Legislative 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. The City received correspondence of concern/objection within the notification period, which triggered this 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. 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 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. The City Council is the final authority on whether the license is approved or denied.

Minutes:

Ross Haddow, Licensing Inspector for the Department of Safety and Inspections (DSI), gave a staff report for licensee Hogan-Bard LLC (License ID# 20210000674), d/b/a Emerald Lounge, located at 455 7th St W. The application is to add a Liquor On Sale – 100 seats or less, Liquor On Sale-Sunday.

There are three (3) existing conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.
3. No alcohol sales, service, display and/or consumption is allowed outdoors without prior written approval and additional licensing from DSI.

DSI recommends approval with the three stated conditions and nonew additional conditions for the Liquor on Sale – 100 seats or less, Liquor on Sale-Sunday license. There has been no correspondence received from any neighborhood organization to recommended or object. The Building inspection is currently in process. The parking assessment completed by Mr. Omar has determined that Emerald Lounge does not need to provide more parking spaces as both the previous and the proposed use require the same amount of parking spaces, which is four (4) spaces. The businesses share the building with four residential apartment units which are located directly above. Residential tenants park in the back of the building while patrons of the Emerald Lounge will park in front of the building.

Ms. Vang next asked Mr. and Mrs. Bard to testify. She asked them to talk about the business: history, hours of operation, number of employees, floor plan etc.

Mr. Bard gave a brief description of the business. He stated that their first business, Claddagh Coffee opened ten (10) years ago. The business provides coffee and bakery items. Emerald Lounge is an extension of Claddagh Coffee and is also operated under Hogan-Bard LLC. Claddagh Coffee. The coffee business is located directly next door to Emerald Lounge, which will be a physical extension of the business. In the day hours, Claddagh Coffee offers coffee and bakery items, while in the evening hours, Emerald Lounge will operate as a hookah and cocktail lounge and wine bar. There will be a doorway connecting the two businesses. The same bathroom and kitchen will be used for both areas. There will be a very casual feel with an open floor plan consisting of booths, couches, and tables. Claddagh Coffee is open from 6:30 a.m. to 3:00 p.m. Emerald Lounge's exact business hours have yet to be determined however, it will be open five (5) days a week during the following times:

Sunday, Wednesday, and Thursday from 4:00 or 5:00 p.m. to 10:00 p.m.
Friday and Saturday from :00 or 5:00 p.m. to 11:00 p.m.

Molly Bard, the General Manager of Emerald Lounge advised that they have applied for sidewalk seating, but likely will not have that as an option until next year, after the winter season.

Ms. Vang then asked specific questions regarding trash clean-up and garbage handling. Ms. Molly Bard advised that they will be adding more dumpsters to the back of the building and will have staff out a bit earlier for dumping trash so as not to cause noise issues for nearby residents. Ms. Vang advised to keep the dumping of bottles for the next day as a courtesy for minimizing noise nuisances at night.

Ms. Vang then open the next part of the hearing for public input. There were two (2) letters of objection which triggered the hearing. Given that there are no complainants/objectors on the call, Ms. Vang read the letters into the record. She noted that Mr. and Mrs. Bard would be given an opportunity to respond to the objection letters.

Cathy Fletcher, 270 Goodrich Avenue, St. Paul

Ms. Fletcher objects to the Liquor on Sale – 100 seats or less, Liquor on Sale-Sunday license as she believes there are too many businesses within one (1) block of the property selling liquor and beer. She also states that there is inadequate parking, causing a burden on the nearby residents.

Brandon Flesher, 239 Goodrich Avenue, St. Paul

Mr. Flesher objects to the Liquor on Sale – 100 seats or less, Liquor on Sale-Sunday license as he believes there is already insufficient parking in the area, and having another business with a Liquor on Sale – 100 seats or less, Liquor on Sale-Sunday license would exacerbate a seemingly unenforceable issue.

Ms. Vang noted that both Ms. Cathy Fletcher and Mr. Brandon Flesher's letters of objection were accepted and received into the record.

Mr. Bard responded to the raised concerns. He noted Ms. Fletcher's concerns and advised that understands the concerns of both Ms. Fletcher and Mr. Flesher, and he understands that parking is an issue in the City. He also advised that due to the Zoning code, Emerald Lounge is not required to provide off-street parking spaces. Additionally, Mr. Bard stated that the business is limited to a capacity of forty (40) people, not the 100 as listed in the license. He also stated that the area usually has ample parking in the evening, and that due to ridesharing, he doesn't believe Emerald Lounge will contribute to a parking issue. Also, Mr. Bard states that he believes Emerald Lounge will have a positive impact on the neighborhood, much like Claddagh has for the past ten (10) years. He then reiterated that Emerald Lounge would close at 10:00 p.m. three days a week and 11:00 p.m. two days a week and would not contribute any further to parking issues.

Ms. Vang then read a list of past complaints for the business from the previous use. She stated that there were issues of water drainage, damage to the courtyard, and advised Mr. and Mrs. Bard to be mindful and to work with the landlord to handle those issues. Ms. Vang then asked Mr. and Mrs. Bard if they understand and agree to the three (3) conditions placed on the issuance of the license.

Mr. Bard advised that they agree to the three (3) conditions. Mr. Ross Haddow will follow with Mr. and Mrs. Bard to sign a Conditions Affidavit if they have not done so already.

Ms. Vang asked the state of the Building permit. Mr. Bard advised that the building permit is in process and was applied for some months ago. He and Mrs. Bard submitted more drawings for the H-VAC system and is hopeful that the business will open no later than November 1, 2021 once construction is complete.

Ms. Vang closed the public hearing and noted that there were no follow-ups. She stated that after reviewing the records and testimonies from all parties, she supports DSI's recommendation of not adding additional conditions to the Liquor on Sale – 100 seats or less, Liquor on Sale-Sunday licenses other than the three (3) existing conditions. She will recommend to the City Council that they approve the license with no new conditions being added to the following existing license condition:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.
3. No alcohol sales, service, display and/or consumption is allowed outdoors without prior written approval and additional licensing from DSI.

The hearing adjourned at 2:32 p.m.

The Conditions Affidavit was signed on August 29, 2021 and submitted on August 30, 2021.