

LEGISLATIVE HEARING OFFICER RECOMMENDATION

December 14, 2023

**RE: DWD Group LLC, dba Gather Eatery & Bar, 857 Grand Ave
Liquor On Sale - 291 or more Seats, Liquor On Sale- Sunday, Liquor-Outdoor Service
Area (Patio), Entertainment (B) and Gambling Location licenses**

To Whom it May Concern,

A notice regarding the application for Liquor On Sale - 291 or more Seats, Liquor On Sale- Sunday, Liquor-Outdoor Service Area (Patio), Entertainment (B) and Gambling Location licenses was mailed on 5/4/2023 with a comment closing date of 5/19/2023 for DWD Group LLC, dba Gather Eatery & Bar, 857 Grand Ave. Correspondence of objection was received related to the license application, which automatically triggered a hearing. The Legislative Hearing was held on: Thursday, June 1, 2023 at 2:00 p.m. in Room 330, City Hall/Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102. The Legislative Hearing Officer stated at the end of the hearing that she would need additional time to examine all evidence before making a recommendation to the City Council. The City Council will have the final authority to grant or deny this license.

After reviewing the records and additional information, and after considering the testimonies from all parties, Hearing Officer Vang will recommend to the City Council that they approve the license with the following agreed-upon conditions:

1. Wait staff, security and/or managers will check government-issued photo identification to ensure that customers/patrons under the age of 21 will not be served or consume alcohol. Licensee will also use an identification card scanner system to record and retain for a minimum of thirty (30) days the identification of all patrons who enter or re-enter the licensed establishment after 10:00 p.m. until closing during any day of operation. If an incident is deemed serious by SPPD, licensee shall make identification card scanner information immediately available for viewing by SPPD. In all other cases, licensee shall provide recorded card scanner information to the authorized requester within 48 hours.
2. Per Fire Inspection Certificate of Occupancy requirements, total occupancy limit is 297. Any addition of billiard tables or other table games will require licensee to notify the Department of Safety and Inspections for reassessment of the total occupancy limit.
3. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded videos. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, licensee shall have the technology, materials, and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.
4. Licensee shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel staffing shall be sufficient to manage each entrance/exit of the licensed liquor service area(s) as well as conduct roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.
5. Security and/or staff will conduct outside sweeps of the building, including the patio and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.
6. Licensee shall ensure no alcoholic beverages leave the licensed liquor service area(s).
7. Whenever the establishment is open past 11:00 p.m., no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.
8. Licensee understands that Saint Paul Legislative Code sets presumptive penalties for violations under which the City Council could consider adverse action and while these penalties are presumed to be appropriate, the City Council may deviate from the presumptive penalties when City Council finds and determines that there exist

substantial and compelling reasons for upward departure. Licensee acknowledges that past adverse actions under which the Licensee was managing the Licensed Premises may be considered as a basis for upward departure if new violations occur in the future.

9. Licensee will ensure all amplified music and all other establishment generated sounds and/or noises are compliant with all pertinent Saint Paul Legislative Code and Minnesota Statutes.
10. Licensee will create and implement an egress and ingress plan for the licensed premise that will 1) ensure individuals and/or groups entering and exiting the premise will be observed by staff and 2) eliminate the gathering of patrons in exterior spaces not readily observable or controllable by staff and/or the licensee. Specifically, the licensee will a) make the front door (facing Grand Avenue) the main entrance of the licensed premises, b) make the back door (into the mall) to be as limited access as is reasonably possible, c) improve observability and eliminate unobservable areas in the patio area as is reasonably possible (minimally moving the sidewalk entrance to the patio to a location which is clearly observable from the interior active areas of the licensed premises, and d) prevent vehicular alley access as is reasonably possible. Reasonably possible shall encompass and not be limited to actions and changes the property owner will or will not allow. Within 6 months of license issuance, the licensee will submit the plan to the SPPD liaison with DSI for review and approval. Implementation of the plan shall occur within 9 months of license issuance. In accordance with this condition, licensee will obtain approval from SPPD for any substantive changes to the approved plan.

More information can be found at the City's website, stpaul.legistar.com, under the agenda item RES 23-874, appearing on the December 20, 2023 City Council Meeting Agenda. If you have any questions, feel free to contact our office at LH-Licensing@ci.stpaul.mn.us or 651-266-8512.

Sincerely,

Greg Weiner
Executive Assistant

Notice Mailed: 12/14/2023 by Greg Weiner, 651-266-8512