

LICENSE HEARING MINUTES
Randolph Craft LLC, DBA A Side Public House, 754 Randolph Ave
Monday, May 17th, 2021, 10:00 a.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 10:01 a.m. A roll call was made to confirm attendees.

Staff Present: Department of Safety and Inspections (DSI) - Ross Haddow, Licensing Staff, and Yaya Diatta, Zoning Administrator; and Council Staff - Nhia Vang, Hearing Officer, Janis Peterson, Recording Secretary, and Dominique Archiebald, Support staff.

Licensee: Travis Temke Applicant/Owner

License Application: Liquor on Sale – 291 or More Seats, Liquor On Sale – Sunday, Malt Off Sale (Growler)

Other(s) Present: Linda Martin, 497 Bay Street

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 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 Randolph Craft LLC, DBA A Side Public House, 754 Randolph Ave applying for a Liquor On Sale – 291 or more Seats, Liquor On Sale – Sunday, and Malt Off Sale (Growler).

Mr. Haddow read the proposed conditions and noted that conditions #1 and #2 are related to the Zoning Conditional Use permit (CUP), Zoning Number 2018-098346.

1. Approval of a parking variance and/or a shared parking agreement to address the parking requirements for Phase 2 of the development, a second-floor banquet hall, prior to Phase 2.
2. The business may operate only during the following hours: Monday - Thursday Taproom/restaurant/banquet hall - 10:00 a.m. - 10:00 p.m., Coffee bar - 6:00 a.m. - 10:00 p.m., Patio - 10:00 a.m. - 9:00 p.m.; Friday - Saturday Taproom/restaurant/banquet hall - 10:00 a.m. - 12:00 a.m., Coffee bar - 6:00 a.m. - 12:00 a.m., Patio 10:00 a.m. - 10:00 p.m.; and Sunday Taproom/restaurant/banquet hall - 9:00 a.m. - 9:00 p.m., Coffee bar - 6:00 a.m. - 9:00 p.m., Patio 9:00 a.m. - 9:00 p.m.

The Department is also recommending additional license conditions per #3 and #4 below:

3. No liquor sales, service, display and/or consumption is allowed outdoors unless prior written authorization and additional licensing is obtained from the Department of Safety and Inspections (DSI).
4. License acknowledges that no entertainment may be provided unless prior written authorization and additional licensing is obtained from DSI.

The neighborhood organization recommendation was no correspondence received; Building is pending because a building inspection is in process; License is approved with conditions; Zoning is approved with conditions. DSI's recommendation is approval with conditions.

Ms. Vang asked questions about conditions #3 and #4 which was included in the application as other licenses being applied for and inquired about the status. Mr. Haddow stated that conditions #3 and #4 are placeholders because they have not been issued. He confirmed that the applications have been applied for and are in process. There is a petition requirement that must be met followed by notices to the community. If the Outdoor Service Area and Entertainment B licenses are approved, conditions #3 and #4 will be removed.

Yaya Diatta, Zoning Administrator for the Department of Safety and Inspections (DSI), was then asked to give a staff report. He stated that, in 2018, the applicant went to the Planning Commission for a Conditional Use Permit (CUP) to convert the fire station into a microbrewery, taproom, restaurant with a full kitchen, coffee bar and banquet hall. There are two phases: Under Phase 1, the business meets a parking requirement for 11 spaces. They are also providing a total of 21 parking spaces, recognizing that at some point in the future they may need a variance for parking to satisfy Phase 2 per a shared parking agreement with a nearby institution for 12 parking spaces.

The Owner/Applicant, Travis Temke, next testified. He has over 20 years in the food and beverage industry and has held liquor licenses in multiple cities. The business includes a Leadership staff of three, who all have a great deal of experience: director of operations, head chef, and a head Brewer. There will also be a total of 15-30 staff members.

When asked about the site plan for the different uses, Mr. Temke noted that the center wall is the existing wall between the two bays. One bay was built in 1885, the other in 1910. There are three walkways in between to get to both sides. There is an interior wall that may look like it's blocking. But it's a divider and there is flow between both spaces. There is an outside patio, which does not have access to the production or cooler storage area, but there is an emergency kitchen exit with an egress which can be used if necessary. There is also a second floor, which is covered by the license, but the second floor is unable to be used until the second phase has been completed.

Phase 1 of construction is completed, and Phase 2 will be completed in a matter of weeks. The final inspection will be scheduled in the next few weeks. The landscaping, asphalt and fencing are being scheduled as soon as possible, and the parking lot will be repaired and repaved. The opening date should be the last week in July. In addition, the building went through a full Historical Preservation review for the exterior. Mr. Temke has also applied for a food license and is currently awaiting final inspection.

Mr. Temke has been in contact with Emily at Fort Road Federation, connected with Councilmember Noecker, and has also maintained a good relationship with the majority of the surrounding neighborhood residents. He is currently working with the district council to satisfy the petition requirements for the Outdoor Service Area and Entertainment B licenses and instead of going door to door during the pandemic, he has sent certified letters to residents about his business plan.

Ms. Vang then opened the next part of the hearing for public input. Given that there is a person on the call, she invited the person to testify.

Linda Martin, 497 Bay Street, St. Paul MN 55102, introduced herself and stated that she is objecting to the exterior lighting on the building. Ms. Martin stated that the lighting is too bright, creating a nuisance and a disruption to sleep and submitted photographic evidence of her objection. Ms. Martin believed that this is a business operating in a residential neighborhood and compared the brightness of the lights to the Mall of America. She also believed that this is a change of occupancy that requires buildings to conform to all the ordinances of building code. She stated that there should not be a grandfather clause since the business installed new lights. Ms. Martin further described the brightness of the lights as seeming brighter as they reflected off the side of the newly painted all white building, and since the building is so tall, the lights are radiating out even though they are facing downward. She gave examples of other businesses in the neighborhood and noted how their lights adhered to the 12-foot maximum height and are facing downward. Ms. Martin also mentioned that there are more lights on the building than were previously installed – the back of the building's lights illuminates directly into her entire back yard and the surrounding area. She is asking that the top lights be removed and be lowered to the 12-foot level like all the other buildings in the area. She further stated that she has never received a certified letter notice as stated earlier by Mr. Temke and would like to receive a Certified letter if possible.

Following up on the concerns raised by Ms. Martin, Ms. Vang then provided Mr. Temke an opportunity to respond.

Mr. Temke acknowledged that currently the lights are too bright because they are set to full capacity while work is being done to the building. To alleviate the brightness, Mr. Temke is working with d3 to make the building less impactful to the environment. He is working with the electrician to determine the settings and other requirements. As such, the lightings are all not programmed yet. The lightings for the entire building will be controlled using a program that can be accessed from an iPad, laptop or other device. Once the installation of the lights is completed, the lights will be dimmed to the appropriate level, with some lights set on a timer. Mr. Temke also informed that the lights will not be on when the business is closed. When asked if there will be any lighting shields as suggested by Ms. Martin, Mr. Temke that he has no plans to install them to deflect the lights, however, Mr. Temke agreed that if the lights are still too bright after the dimming adjustments have been made, then he will have shields installed to keep the light's candle effect within the property line. He also mentioned that the building is an old fire station and had been previously unlit as it had been vacant for quite some time, and that he understands how the lighting and building changes can be impactful to the neighborhood. At that time, Mr. Temke would welcome Ms. Martin's input and invite her to take a look at it again for any additional adjustments. Ms. Martin was also curious about parking and how parking would be situated to the business. Mr. Temke described how parking would be between property lines in the alleyway. That there is also a portion of the alleyway that is an egress between the neighboring church that can be used as an opening for traffic.

Ms. Vang posed questions to DSI staff. Since lighting falls under Zoning review, Mr. Diatta was asked to speak to the matter. Discussion ensued about Ms. Martin's suggestion about pointing the lights downward and not outward and asked whether the light was part of the application review. Mr. Diatta stated that lighting is not a standard review at the time of application. Zoning only respond to complaints on lighting. When a complaint is received, staff measures the intensity of the light at the property line. All exterior lighting should not exceed the 3-foot candle from the property line and shall be shielded so that lighting would not interfere with adjacent properties. Most of the time, inspection reviews showed that complaints do not yield violation of the 3-foot candle measurement. Ms. Vang also asked Mr. Diatta to explain the complaint process and compliance. Mr. Diatta informed that the general number to call for complaints is 651-266-8989. Once a complaint is filed regarding the lights, DSI will route the complaint to Zoning. From there, Mr. Diatta will send an inspector to investigate. The business owner will be made aware so that an inspector will be making a visit. If it is found that Mr. Temke is in violation, DSI will send a letter of violation and given time to comply. Mr. Temke is willing to work with DSI and Ms. Martin to bring the lights to a level that is satisfactory to neighborhood residents while also being compliant with zoning ordinances. After verifying that Ms. Martin had nothing else to add, she noted that since Ms. Martin testified, she will not read her letter of objection. Ms. Vang accepted the letter of objection into the record.

Ms. Vang then read the other letter of objection into the record from Ms. Teresa Goddard of 449 Arbor Street (at Saint James Avenue). The letter of objection was received from Councilmember Noecker's Ward 2 office. Miss Goddard indicated that she objects to the application to permit

291 or more seats and believes that this is a tight urban neighborhood, and that parking is a big concern for her.

Following up on the concerns raised by Ms. Goddard, Ms. Vang then provided Mr. Temke an opportunity to respond.

Mr. Temke responded that the requirements for parking for the license applied have been met. He working to comply with Phase 2, which will satisfy the conditions for the additional use. Mr. Temke informed that he has been working with an agreement since 2018 with the leadership at St. Francis to satisfy an additional 12 parking spaces out of the 60 that St. Francis holds, and an agreement is in place. Ms. Vang asked if the parking agreement is shared with the city. To which Mr. Temke explained that the parking agreement is being worked through and he has asked numerous times for assistance from staff regarding the agreement between St. Francis, A Side Public House and the city. He would like additional assistance from the city to help with the agreements so he can move forward. He informed that he's been working with Mr. Omar of the Zoning team. Mr. Diatta responded that he has been briefed on the situation and that he and Mr. Temke should speak directly outside of the Licensing hearing. Mr. Haddow of DSI advised that until the parking is confirmed and meets all requirements, that license will not be issued as a matter of zoning.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she will recommend to the City Council that they approve the license with the following license conditions:

CONDITIONS #1 - 2 PER ZONING CONDITIONAL USE PERMIT (CUP) #2018-098346

1. Approval of a parking variance and/or a shared parking agreement to address the parking requirements for Phase 2 of the development, a second-floor banquet hall, prior to Phase 2.
2. The business may operate only during the following hours: Monday - Thursday Taproom/restaurant/banquet hall - 10:00 a.m. - 10:00 p.m., Coffee bar - 6:00 a.m. - 10:00 p.m., Patio - 10:00 a.m. - 9:00 p.m.; Friday - Saturday Taproom/restaurant/banquet hall - 10:00 a.m. - 12:00 a.m., Coffee bar - 6:00 a.m. - 12:00 a.m., Patio 10:00 a.m. - 10:00 p.m.; and Sunday Taproom/restaurant/banquet hall - 9:00 a.m. - 9:00 p.m., Coffee bar - 6:00 a.m. - 9:00 p.m., Patio 9:00 a.m. - 9:00 p.m.

ADDITIONAL LICENSE CONDITIONS #3 - 4:

3. No liquor sales, service, display and/or consumption is allowed outdoors unless prior written authorization and additional licensing is obtained from the Department of Safety and Inspections (DSI).
4. License acknowledges that no entertainment may be provided unless prior written authorization and additional licensing is obtained from DSI.

The hearing adjourned at 11:10 a.m.

The Conditions Affidavit was signed on April 19, 2021 and submitted on May 17, 2021.