

LICENSE HEARING MINUTES
Augustine's, 1668 Selby Avenue
Thursday, October 6, 2016, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:00 p.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Applicant: Anthony Andersen, Applicant/Owner; Emily Brink, Operations Manager

Others Present: Ronald Lindgren, 1242 James Avenue and owner of property at 1664 Selby Avenue

Augustine's: Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, Liquor – Outdoor Service Area (Sidewalk) licenses.

Ms. Vang stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received a letter of concern/objection which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang said she will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Mr. Fischbach reviewed the recommended license 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. Sidewalk seating approved for a maximum of sixteen (16) seats.
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.

The Union Park District Council submitted a letter of support (*letter is made a part of this record*). Building inspection was under review; Zoning recommended approval with conditions; and Licensing recommended approval with conditions. Since this was a new liquor license, the applicant was required to petition the surrounding property owners and obtain signatures in support of their application. The applicant did receive 46 out of 66, equaling 70 percent, signatures in support of their license. They also submitted a good-faith letter outlining the efforts they took to obtain the necessary signatures in support of the license (*letter is made a part of this record*). As for parking, the previous use of the space was a laundromat and zoning determined that additional parking was not required under the code.

Ms. Vang reviewed the floor plan of the proposed establishment and asked Mr. Andersen and Ms. Brink if they had questions about the conditions and what it meant and to explain their business plan: how they intended to operate, hours of service, number of staff, deliveries, trash service, etc.

Ms. Brink stated that they were opening a bakery and coffee bar which would be separate from their full restaurant. The bakery/coffee bar will be open from 7:00 a.m. to 3:00 p.m. featuring take-away or dine-in service. The restaurant will be open from 11:00 a.m. to 11:00 p.m. Monday through Thursday and will close on Fridays at midnight; they would also serve brunch on Saturdays and Sundays. They planned to feature approximately 40 different beers, many from local vendors, in addition to wines. They would likely employ 12 to 15 staff with separate managers operating the bakery/coffee bar and restaurant.

Mr. Andersen stated that as far as trash and recycling service, they planned to have pickups once per week unless it was needed more often. As for deliveries, all would be done in the back of the building with access going directly to the basement; they would likely be two to three times per week.

Ms. Vang asked about lighting and how they planned to manage noise. Ms. Brink responded that lighting would be ambient in nature which would include motion-sensor lighting. As for noise, they would not over-serve alcohol to patrons and if there was a problem with boisterous behavior, they would take immediate action to diffuse a situation before it got out of hand.

Ms. Vang asked about the closing time for sidewalk service. Ms. Brink responded that it was their intention to close outdoor seating by 10:00 p.m. This was highlighted in the petition letter they mailed to property owners. She also made a presentation before the district council indicating outdoor seating would close at 10:00 p.m. She submitted the plan approved by Public Works for their sidewalk café.

Ms. Vang asked Mr. Fischbach to add a condition to include the sidewalk cafe to close at 10:00 p.m. given that they were agreeable to the outdoor seating area closing at 10:00 p.m.

Ms. Vang stated that the following correspondence was received prior to the hearing: email in support from Joe Hughes, owner of 1564 and 1668 Selby Avenue and 1670 Marshall Avenue; letter of concern from Ron Lindgren, owner of property at 1664 Selby Avenue. *Said correspondence is made a part of this record.*

Ms. Vang invited Mr. Lindgren to testify. Mr. Lindgren presented photographs of the buildings which included distance measurements from the proposed sidewalk café as it related to his apartment building (*photos are made a part of this record*). Mr. Lindgren was opposed to the tables abutting Pierce Street

as the sound would bounce over to his building; his tenants would not be able to open their windows without noise from patrons of the restaurant. He suggested the tables be located on Selby Avenue.

Ms. Vang responded that Public Works had reviewed and approved the sidewalk café permit and it was not within her purview to be able to make changes to the plan. Mr. Lindgren responded that he understood the circumstance and if he had any issues or problems with noise or anything else, he would talk to Ms. Brink or Mr. Andersen directly, which they were opened and agreeable to.

Ms. Vang stated that after reviewing the records and testimony presented, she will recommend to the City Council that they approve the license with the additional condition per Mr. Fischbach's proposed language of which was agreed to by Mr. Andersen:

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5. Licensee agrees to close the outdoor sidewalk seating area by 10:00 p.m. each night of the week and have all customers, patrons, and staff vacate the seating area by that time. Licensee shall secure the seating area in a manner that will prevent use of the seats after the area has been vacated.

The hearing adjourned at 2:50 p.m.

The Conditions Affidavit was signed and submitted on October 6, 2016.