

LICENSE HEARING MINUTES
Rice Palace Asian Buffet, 1626 White Bear Avenue North
Thursday, March 28, 2013, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Marcia Moermond, Legislative Hearing Officer

The hearing was called to order at 2:05 p.m.

Staff Present: Kris Schweinler, Department of Safety and Inspections (DSI)

Applicant: Chuedang Vue, owner/applicant

Rice Palace Asian Buffet: Add an Entertainment (A) license to the existing Wine On Sale, Malt On Sale (Strong), and Restaurant (5) – 151 and Over seats licenses

Ms. Moermond 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. Moermond 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.

Ms. Schweinler stated that the existing license conditions were as follows:

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(e), 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.

Recommended Additional License Conditions:

4. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or nonamplified music and/or singing by performers without limitation as to

number, and group singing participated in by patrons of the establishment." (includes karaoke). Entertainment A license does not allow for patron and/or performance dances.

No correspondence was received from the district council. DSI was recommending approval of the license.

Ms. Moermond read an email objecting to the license application received from Mary Engebretson, 1642 Van Dyke Street (*said email is made a part of this record*).

Ms. Schweinler responded to the complainant's objection. The building is located in a strip mall facing White Bear Avenue which has a large parking lot to accommodate all of the businesses in the mall. She believed there was plenty of parking and that providing karaoke at this location would not increase traffic or noise. She also pointed out that the complainant lived several blocks away from the location of this restaurant and she could not envision customers of the restaurant parking near her residence.

Mr. Vue stated that he wished to offer karaoke at his restaurant for his customers who reserve space for large family events, or other large parties, where they wish to be able to sing such as birthday parties. There was plenty of parking in the restaurant's parking lot for customers and employees. He didn't believe any of his customers would ever find the need to park in the surrounding neighborhood.

After reviewing all of the documents of record, Ms. Moermond said she will recommend to the City Council that they approve the license with the conditions recommended by the department. The proposed conditions were agreed to by Mr. Vue and are as follows:

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The hearing adjourned at 2:15 p.m.

The Conditions Affidavit was signed and submitted on March 29, 2013.