

LICENSE HEARING MINUTES
La Cabana Restaurant, 863 7th Street East
Thursday, September 11, 2014, 2:00 p.m.
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: Kris Schweinler, Department of Safety and Inspections (DSI)

Applicant: Juana Bravo, Owner/Applicant

Others Present: Vladimir Storchak, Storchak Dry Cleaners, 857 7th Street E

La Cabana Restaurant: Adding an Entertainment (A) license to the existing Wine On Sale, and Malt On Sale (Strong) 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.

Ms. Schweinler reviewed the existing license conditions:

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.

The department was recommending additional conditions:

4. All windows and doors will remain closed during the times entertainment is being provided.
5. 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.

There was no correspondence from the district council.

Ms. Vang asked Ms. Brava to explain her business plan. Ms. Brava stated that she had operated her restaurant at this location for the past 14 years, was open seven days a week with hours of 9:00 a.m. to midnight. She wanted to offer karaoke on Friday, Saturday and Sunday nights from 6:00 p.m. until midnight. She currently employed six people and would likely hire more staff on the nights she offered entertainment.

Mr. Storchak stated that he had owned his dry cleaning business next to the restaurant for the past 25 years. He took issue with overflowing trash containers, and the smell, in addition to restaurant customers parking in his (*see email which is made a part of this record*). He asked that conditions be added to the license concerning trash and customer parking.

Ms. Brava responded that she understood parking was an issue. The property line abutted the parking lot and her customers didn't necessarily realize the parking was for the dry cleaning business and not the restaurant. The restaurant parking was at the rear of the building and not as convenient for her customers to park. She had never talked to Mr. Storchak or knew about his concerns until she applied for this license and received a copy of his email complaint. She then talked to Mr. Storchak and encouraged him to talk directly to her with any of his concerns about her restaurant. She also said she owned the building, lived in one of the upstairs apartments and rented the other apartment to a tenant.

Ms. Vang asked Ms. Brava how often her trash hauler picked up the garbage at her property. Ms. Brava responded once a week. Ms. Vang asked if she would agree to add a condition to her license to have trash picked up twice per week. Ms. Brava said she would agree to add the condition.

Ms. Vang addressed the parking issue. She asked Mr. Storchak whether he had signs posted in his lot indicating that parking was for his dry cleaning business only. Mr. Storchak responded that there were three signs posted in his lot but people tended to ignore the signs. He suggested that perhaps Ms. Brava install a sign right on the property line informing her customers not to park in his lot. Ms. Brava responded that she was agreeable to posting such a sign.

Ms. Vang asked Ms. Brava if she would consider hiring additional staff to patrol the parking lot on the nights she offered entertainment – Friday, Saturday and Sunday nights. Staff could direct restaurant customers to park away from Mr. Storchak's parking lot. If she was agreeable, she would recommend adding this as a condition to the license. Ms. Brava responded that she would agree to hire staff to patrol the parking lot on days that entertainment was provided.

After reviewing all of the documents of record, Ms. Vang recommended approving the conditions recommended by DSI and adding conditions to include the following: trash collection be picked up two times per week; additional staff be hired to patrol the exterior on the nights entertainment was offered to ensure customers did not park in the neighboring parking lot. The conditions were agreed to by Ms. Brava. Ms. Vang said she will recommend to the City Council that they approve the license with the proposed conditions which are 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.
4. All windows and doors will remain closed during the times entertainment is being provided.
5. 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.

Additional conditions:

6. Licensee will contract for services with their trash collector for collection twice per week.
7. Licensee will patrol the outside of the establishment during the times entertainment is provided to insure patrons do not park in the neighboring parking lot at 857 7th Street East.

The hearing adjourned at 2:30 p.m.

The Conditions Affidavit was signed and submitted on September 12, 2014.