

LICENSE HEARING MINUTES
Molto Inc., 1802 St. Clair Avenue
Thursday, June 9, 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: Stephanie Shimp, Applicant/Co-owner

Others Present: I. Tadeusz Gierymski, 1797 Berkeley Avenue

Molto Inc.: Add a Liquor On Sale – 100 seats or less, and Liquor On Sale-Sunday licenses to the existing Liquor-Outdoor Service Area (Sidewalk) license.

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 stated reviewed the recommended license condition:

1. Sidewalk seating approved for maximum 28 seats.
2. 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.
3. The outdoor service and consumption of food and beverages (both alcoholic and non-alcoholic) shall terminate at 9:00 p.m. on Sunday thru Thursday nights, and at 10:00 p.m. on Friday and Saturday nights.
4. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a “Restaurant”.
5. 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.

The district council submitted a recommendation after the response deadline indicating that given the location of the business, it will have little or no negative impact on the surrounding neighborhood and will be a great addition to the community. (*Email from district council is made a part of this record.*) Building and zoning inspection requirements were still in process; licensing was recommending approval with the recommended condition.

Ms. Vang stated that when she reviewed the license conditions which were approved for this license application in 2011, additional language was added under condition #3 by the councilmember which states: “with reasonable accommodation to allow for patrons to complete food and beverage served within the allowable serving hours under the conditions granted.” She asked Mr. Fischbach to include this language to the current conditions affidavit.

Ms. Vang asked Ms. Shimp if she understood and agreed with the license conditions; she asked her to explain the plans for the revamped restaurant. Ms. Shimp responded that she was in agreement with the conditions and explained that she had requested the language be added to condition #3 back in 2011 to clarify that patrons would not be interrupted in their service to move indoors if they were on the patio past the established times. She explained that Scusi was currently closed as they were remodeling to open their new restaurant. The name of the new restaurant was Bottle Rocket and the menu was changing from Italian to be more in line with the other restaurants they operated; more family oriented. They would now be open every day for lunch and planned to serve breakfast on Saturday and Sunday, as opposed to being only open for dinner under Scusi. Staff who had been working at Scusi had been reassigned to work at other restaurants they owned until they planned to open the new restaurant hopefully in September. As far as parking, they purchased a lot on the corner of Fairview and St. Clair and established a parking lot, approximately 20 spots, which was also shared with some of the other businesses in the area. Ms. Shimp then explained the floor plan to Ms. Vang.

Ms. Vang read into the record an email received from Wendy Ruble, 1781 St. Clair Avenue. (*Said email is made a part of this record.*)

Ms. Vang invited the member of the audience to testify. Mr. Gierymski read an article from the City Pages referring to the best late-night happy hours and Groveland Tap being named to the list, a restaurant owned by Ms. Shimp. He had issues with noise and dumping glass in the late night hours. He said he had complained about it to management but got nowhere so he finally gave up. There was also not enough parking and even with the lot, employees were parking on the street in the neighborhood. He took issue with employees and customers of the restaurant parking in front of his house. He was against the restaurant being granted a full liquor license and suggested the restaurant also had a separate bar area for patrons.

Ms. Vang asked Mr. Fischbach to explain the definition of “restaurant” as recently revised by the City Council. Mr. Fischbach read into the record Ordinance Sec 409.02 of the St. Paul Legislative Code which defines the definition of a restaurant.

Ms. Shimp stated that the separated area was for overflow guests waiting for a table in the main dining room but also served diners who preferred to sit at a high-top table or at the bar; it was not considered a separate bar from the restaurant. Ms. Shimp apologized to Mr. Gierymski concerning his complaint on glass being dumped during late-night hours and getting no response. She said she would discuss the matter with her manager team to make it a best practice at all of their establishments for emptying trash. She gave Mr. Gierymski her business card and asked him to contact her directly with concerns.

Ms. Vang asked Mr. Fischbach if additional parking was required under this license. Mr. Fischbach responded that under current zoning, additional parking was not required.

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 proposed condition:

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The hearing adjourned at 3:00 p.m.

The Conditions Affidavit was signed and submitted on June 9, 2016.