

LICENSE HEARING MINUTES
Hodges Bend, 2700 University Avenue W., Suite 100
Thursday, February 15, 2018, 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)

Licensee: Noah Bush, Applicant/Owner

License Application: Liquor On Sale - 100-180 Seats, Liquor On Sale - Sunday

Other(s) Present: James Smith, neighbor

Legislative Hearing Officer Nhia Vang gave the following information about the hearing: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received a letter of concern/objection, 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, Ms. Vang will develop a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda at the City Council meeting.

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 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.

Jeff Fischbach introduced himself and reviewed the application. He read the 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 Section 409.02 of the City of Saint Paul Legislative Code
3. No liquor sales, service, display and/or consumption is allowed outdoors without prior written approval and additional licensing from DSI.
4. No tables/chairs may be placed outdoors, nor any food service provided and/or consumption allowed outdoors until a SAC determination for outdoor seating has been obtained from the Metropolitan Council Environmental Services (MCES), and payment of any SAC fee owed has been submitted to DSI.

He noted that the licensee had not applied for an extension of the liquor license to an outdoor area. and that there could be no tables and chairs or food service outdoors until a SAC determination had been made and any fees paid. He said this was new construction and an area along University had been built

for seating; he said extending food service and non-alcoholic beverages outside could be done without a license extension.

Mr. Noah Bush said he said he was aware of all the requirements but, due to budget constraints, there were no plans to expand outdoors until it was relevant for the business in terms of weather.

Ms. Vang and Mr. Fischbach reviewed the requirements for extending the liquor service area license for outside use. Mr. Fischbach explained that the existing liquor license had been approved with a 45-day waiver because of support from the district council and approval by the City Council, but the correspondence of concern still necessitated a hearing. He said building was approved, licensing was approved with conditions, zoning was approved, and DSI recommended approving the license with conditions, noting that the license had been issued on January 19.

Ms. Vang asked Mr. Bush how long the business had been open and business operations. Mr. Bush said there was a soft opening on January 19 with catering license, and the official opening was the following Monday. In response to questions from Ms. Vang, he said business was great and trending up week to week, and there had been no problems. He said they were a coffee shop as well as a bar, and they were open from 7:00 a.m. to midnight, Monday through Saturday, and open at 9:00 on Sunday. He said there were three servers, three baristas, four bartenders, four kitchen staff. He said most employees lived in the area and parking wasn't an issue. He said the staff had all received alcohol awareness training. He said they planned to submit plans for the SAC determination the following month or when their budget allowed so they could put tables and chairs out.

Ms. Vang invited neighbor Mr. James Smith to testify.

Mr. Smith said he lived in Metro Lofts on the back side of 2700, and the gist of his email was concern about outdoor seating, and noise from outdoor seating at later in the evening. He asked whether the outdoor seating would be on University Avenue.

Mr. Bush said it would be on University and Emerald. Mr. Fischbach and Mr. Bush indicated the area street level photos. Mr. Smith said it looked different on the photos than when they drove down Emerald.

Mr. Smith said he hadn't been aware of the exact location of the seating. He reiterated that his concern was about late-night noise, and said right now the lights around the pool in the courtyard were out about 9:30. He said they hadn't known where the seating might be; Mr. Bush said it would not be in that area. Ms. Vang asked Mr. Smith whether that answered his questions. Mr. Smith said it did. He said knowing now where the seating would be, he didn't currently have any concerns, and wouldn't have any concerns when the seating was added.

Ms. Vang said that based on the testimonies provided, she saw no reason to add additional conditions, and would recommend to the City Council that the license be approved with no changes.

The hearing adjourned at 2:13 p.m.