

LICENSE HEARING MINUTES
French Meadow Bakery and Café, 1662 Grand Avenue
Thursday, June 7, 2018, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 a.m.

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

Licensee: Steve Shapiro, Applicant/Owner

License Application: Increase Sunday through Thursday outdoor patio seating closing time from 9:30 p.m. to 10:00 p.m.

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.

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report. He said conditions would remain the same as on the current license, with the exception with condition #8 stating that the patio should close by 10:00 p.m. every day. He said the City didn't receive any correspondence from the district council. He said Building was not applicable, License approved with conditions, Zoning approved, and DSI recommended approval with conditions. He stated that another restaurant which is about two doors down had recently upgraded to full liquor and had a 10:00 p.m. (outdoor) closing time; the French Meadow licensee received notice of that change and applied for a change to be consistent with the neighboring business's closing time.

Mr. Fischbach reviewed the license conditions as follows:

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. 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.
4. Sidewalk seating limited to a maximum of twenty-four (24) seats.
5. Licensee agrees to take appropriate action(s) to ensure that the sale, display, and/or consumption of alcoholic beverages is contained within the defined area as per the approved sidewalk seating plan on file with DSI.
6. Any outdoor activities related to the outdoor seating areas on either public or private property shall comply with applicable State and Local rules and regulations, including but not limited to Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code.
7. Licensee shall comply with applicable State and Local rules and regulations regarding the permitted hours for the sale of alcoholic beverages.
8. The outdoor patio seating area located at the rear of the building shall close by 10:00 p.m. each day of the week.

Ms. Vang asked Mr. Shapiro to tell her about the business. Mr. Shapiro said a new standard had been established in the neighborhood to allow patios to be open until 10:00 p.m. and they wanted to try to be comparable to that. He said they'd been there for more than four years and that the business would still close at 10:00 but the patio would also stay open until 10:00. He said they'd be happy to comply with the proposed conditions.

Ms. Vang asked whether there had been changes in that time. Mr. Shapiro said their opening in 2014 had started some changes leading to be more vital, and the person (who submitted a complaint) was not happy with the increased commercial traffic.

Ms. Vang asked about staffing, hours of operations and whether hours of operation had changed. Mr. Shapiro said everything was the same. He said they were open from 7:00 a.m. to 10:00 p.m. in the summer, and to 9:00 p.m. in the winter, with the patio closing at 9:30 p.m. He said staffing had remained the same. There were 30 – 40 full-time and part-time employees. When asked how staff commuted to work, Mr. Shapiro said during the school year many employees walked.

Ms. Vang asked what kind of issues had been encountered in the business and how they were resolved. Mr. Shapiro said they had some conflicts with neighboring businesses at the very beginning, but Macalester had assisted in the resolution of many of the problems. Ms. Vang asked whether they were members of the Grand Avenue Business Association. Mr. Shapiro said they were. Ms. Vang asked whether there had been any enforcement actions against the business. Mr. Fischbach said there had been no enforcement actions.

Ms. Vang said the concerns raised in the letter of objection were noise from trucks, and lighting. She referred to photographs sent by Mr. Shapiro and asked whether the patio lighting shown had always been there. Mr. Shapiro said it had always been twinkle-style lights in the trees. Ms. Vang

asked Mr. Fischbach whether that was considered disruptive. Mr. Shapiro said the light over garage was mentioned in the letter, and that had been taken care of.

Mr. Fischbach asked what time the lights were turned off. Mr. Shapiro said the twinkle lights were turned off at 11:00 p.m. He said they started closing about 10:00 p.m. and were generally done by 11:00 p.m. Mr. Fischbach asked whether it would be an issue to turn them off by 10:30 p.m. as requested in the objection letter. Mr. Shapiro said the manager would prefer the time to do the whole restaurant in an orderly fashion rather than rushing one part. Mr. Fischbach said they would have to send someone out to do an inspection to see if it violated the light ordinance. Ms. Vang asked whether the neighbor had submitted a complaint to DSI about lighting at the establishment or about noise. Mr. Fischbach said there had not been a complaint; he asked whether Ms. Vang was asking him to enter a complaint based on the letter. Ms. Vang said that was not her intention, but it seemed from the letter that there was a history. Mr. Fischbach said there was a history with the security light but it sounded like that had been fixed. Ms. Vang asked whether the twinkling lights could be turned off by 10:30 p.m. Mr. Shapiro reiterated that they would like to keep them on until 11:00 p.m. for clean-up.

Ms. Vang asked Mr. Fischbach whether they'd ever had a condition addressing patio lighting. Mr. Fischbach said he didn't recall lights being an issue but people usually complained about people being on the patio cleaning. Following further discussion, Ms. Vang said she did not want to add a condition but hoped it was something Mr. Shapiro would voluntarily do. Mr. Shapiro said they were doing their best to try to accommodate the neighbor who had written the letter. Ms. Vang asked whether it was possible to turn off some of the lights earlier. Mr. Shapiro said they were all on a timer system and he wasn't sure. He said he would look into putting them on a dimmer. Ms. Vang asked that they voluntarily find ways to make it less disruptive to the neighbor.

Ms. Vang asked about truck deliveries. Mr. Shapiro said there were now four restaurants in that area. Ms. Vang asked if there was an agreement with the other businesses as to delivery times. Mr. Shapiro said they probably had different vendors. Ms. Vang confirmed with Mr. Shapiro that he was cognizant of not impeding traffic with the trucks. Mr. Shapiro said it was not possible for large trucks to avoid obstructing the alley. Ms. Vang asked how often deliveries were made. Mr. Shapiro said the big guys came twice a week and vendors like dairy came quite frequently.

Ms. Vang said, given that there had been no enforcement action taken, and given that Mr. Shapiro was willing to voluntarily work on the concerns addressed, she did not see a need to add additional conditions at this time. She said she would recommend that the City Council support the request with the proposed changes to condition #8.

The hearing was adjourned 10:17 a.m.

The Conditions Affidavit was signed on April 17, 2018.