

Request for City Attorney's Office Action

From the D	Department of Safety and Inspections
Date;	07/31/2018
То:	Kris Schweinler
Prepared by:	Jeff Fischbach
Number:	Monkon wh: Corp / ID# 20170004042
Adverse License Action	on Requested:
Туре о	of Violation: Requested Penalty:
	First Violation
1	Second Violation (Within 12 Months)
	Third Violation (Within 18 Months)
	Fourth Violation (Within 24 Months)
\nearrow	Application Denial OtLiq. out. Buy. Area (Patio) lic
	Renewal Revocation/Suspension
Cause for Action:	
Brief Description:	Failed to respond to letters requesting
2	applicant subnit praguired petition
of 5	ypport signatures.
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Commence of the second	
Supporting Documen	ntati <u>on:</u>
- Latter	- dated 04/19/2018
- Fmil	The second state of the se
- / 4 //- 4=	dated 12/20/2017
- STONE OF THE PARTY OF THE PAR	date 10/20/2017
Jagne	el license condition attidavit dated 10/24/2017
	Knowledging no outdoor lig. Service
· · · · · · · · · · · · · · · · · · ·	lowed without additional licensing



CITY OF SAINT PAUL

COMMERCE BUILDING 375 Jackson St, Suite 220 St Paul, Minnesota 55101

 Telephone:
 651-266-8989

 Facsimile:
 651-266-9124

 Web:
 yww.stpaul.gov/dsl

June 19, 2018

Monkon Sushi Corp Attn: Bruce Lee 394 University Ave W St Paul, MN 55103

RE: 394 University Ave W – Monkon Sushi Corp / doing business as Monkon Sushi - Pending License Application to Add a Liquor Outdoor Service Area (Patio) license to the existing Liquor On Sale License ID #20170004042

Dear Applicant,

This letter is to inform you of the status of your pending Liquor Outdoor Service Area (Patio) license application to permit the consumption of alcohol outdoors that was submitted on 10/11/2017. On 10/20/2017 & 12/20/2017 you were informed in writing a petition of support must be submitted with this application request. As of this date the Department of Safety and Inspections (DSI) has not received any petition signatures from you. Your license has not been issued and there should be no sale, service, display, and/or consumption of alcoholic beverages outdoors.

So that DSI may to continue processing your application, you must submit the following additional information to DSI by Tuesday, July 24, 2018:

• Signatures of support from property owners and residents within 300' of your establishment that satisfy the requirements described in the enclosed Liquor Outdoor Service Area (Patio) License Application Requirements Handout. Please remember to have the signatories place the address of the property they own, print their name and their telephone number on any petition form they sign. Enclosed is an updated list of property owners (original list provided to you on 10/20/2017). Please note, if you do not obtain 90% of possible supportive signatures you must submit the additional supportive information as stated in the enclosed application requirements handout.

Failure to take appropriate action in this matter will result in your <u>application being forwarded to the City Attorney</u> with a recommendation it be denied, or could result in adverse action being taken against your existing license if you are currently selling, displaying and/or allowing the consumption of alcohol outdoors.

Alternatively, if you no longer want to obtain a Liquor Outdoor Service Area (Patio) license you may submit a written request to withdraw your application to the attention of Eric Hudak, DSI Licensing Division Manager. You may also include a request for a refund of the application fee in this letter.

Please remember, this license type requires DSI to send a 45 day public notification to neighboring properties and the affected district council representing the area, <u>and</u> then requires City Council approval of the license. Public notification cannot be sent until you have satisfied the petition requirements, DSI has verified the supportive signatures meet applicable requirements, and the application is deemed sufficient for DSI to complete its due diligent review of your request. **NOTE**: this public notification review process may result in the need for a public hearing.

I have enclosed a copy of the above referenced documents/written correspondence. If you have any questions regarding this matter, you may contact Kris Schweinler, DSI Inspector III, at 651-266-9110 or me at 266-9106.

Sincerely,

Jeff Fischbach
DSI Inspector III

enc.

Disclaimer: This letter is not an indication that your application for a license will be granted. This letter is intended, simply, as notice of the ongoing process of your pending application.

Fischbach, Jeffrey (CI-StPaul)

From:

Fischbach, Jeffrey (CI-StPaul)

Sent:

Wednesday, December 20, 2017 2:39 PM

To:

bruceleedu@hotmail.com

Cc:

Schweinler, Kristina (CI-StPaul); 'Lang Vang'

Subject:

394 University Ave W - Monkon Sushi Corp - Liquor On Sale Lic ID #20170004042

Attachments:

20171220144810557.pdf

Bruce,

The approved paperwork for *indoor* liquor service at the above referenced location has been given to State AGED. You now need to contact them at 651-201-7500 to obtain your Buyer's Card #. I'd recommend waiting at least a day so the paperwork can get into the proper persons hands.

The City license for indoor liquor service will print and be mailed out to you.

No outdoor liquor service is permitted at this time. You must complete actions referenced in the attached document to fulfill the application requirements for the pending Liquor Outdoor Service Area (Patio) license so that DSI may continue processing this portion of your license application. This include submitting the required petition of support mentioned on page 2. Alternatively, you may submit a request to withdraw your pending Liquor Outdoor Service Area (Patio) license (this would not affect your ability to resubmit at a later date). Please not, if you have not fulfilled the petition of support requirements within a reasonable period of time DSI may take action to deny your license application.

Finally, you license was issued for a period of time through 10/06/2018. Since you paid for one year and the license was not issued for one full year a credit was placed on your account in the amount of \$1,043. This amount will be applied toward your license fee owed when renewal time comes next year.

Please let me know if you have any questions.

Thanks,

Jeff Fischbach
DSI Inspector III – Licensing Division
City of Saint Paul
Department of Safety and Inspections (DSI)
375 Jackson St, Sulte 220
Saint Paul, MN 55101
P: 651-266-9106 / Fax: 651-266-9124
jeffrey.fischbach@ci.stpaul.mn.us

DEPARTMENT OF SAFETY AND INSPECTIONS Ricarda X. Cervantes, Director



CITY OF SAINT PAUL Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 St Paul, Minnesota 55101-1806

Telephone: 651-266-8989 Facsimile: 651-266-9040 Web: www.stpaul.gov/dsi

October 20, 2017

Monkon Sushi Attn: Bruce Lee 394 University Ave W St Paul MN 55103

RE: License Application for Monkon Sushi Corp, doing business as Monkon Sushi, ID # 20170004042, Located at 394 University Ave W / Liquor On Sale - 181-290 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, and Entertainment (A) licenses

Dear Applicant:

Our review of your application for a license is in process. Notification for the above referenced license types has been sent to the community organization and neighboring property owners for the area in which you intend to operate giving them until Friday, December 8, 2017 to voice any objections to your application. Please note, this notification does not include the request for a Liquor Outdoor Service Area (Patio) license because you failed to provide a petition of support from neighboring property owners to extend liquor to the outside (the previous business did not have this authorization). If no objections are received, your above referenced licenses (excluding the Liquor Outdoor Service Area (Patio) license) could be issued (pending any requirements not completely met) approximately one week past the date given above.

If objections are received a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of the scheduled hearing from the Legislative Hearing Officer. At that hearing, the hearing officer will take testimony from all interested persons and will make a recommendation to the City Council as to whether the license(s) should be approved or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny this license application.

Requirements including the following must be met prior to the issuance of your licenses:

- Sign and return one copy of the enclosed license condition affidavit acknowledging the conditions that will be placed on your license(s). A return envelope has been included for your convenience.
- Provide proof of having obtained a restaurant license from the Minnesota Department of Health (MDH).
- Contact Kris Schweinler, DSI Senior License Inspector, at 651-266-9110 to schedule the required in-house review of DSI's Liquor License Manual.
- Provide a copy of a signed lease (or signed letter) specifically stating the sale of liquor for consumption on the premises is permitted by the property owner.
- Provide your State of Minnesota and Federal taxpayer identification numbers.
- Submit to DSI the enclosed State AGED Optional 2AM Closing application and provide proof of fee payment to AGED.

Finally, if you would like DSI to continue the review of the Liquor Outdoor Service Area (Patio) license, you must submit supportive signatures from the enclosed list of neighboring property owners to satisfy the petition of support requirements stated in the enclosed Liquor Outdoor Service Area (Patio) Application Requirements Handout. Alternatively, you may submit a written request to withdraw this portion of the application to the attention of Erio Hudak, DSI Licensing Division Manager, to the address referenced above. Please remember, <u>until a Liquor Outdoor Service Area (Patio) license is issued you may not sell, serve, display, and/or allow the consumption of alcoholic beverages outdoors.</u> If you have any questions, please contact DSI Inspectors Kris Schweinler (651-266-9110) or myself (651-266-9106).

Sincerely,

Jeff Fischbach DSI Inspector III

enc.

Disclaimer: This letter is not an indication that your application will be granted. This letter is intended simply as notice of the ongoing process of your pending application.

CITY OF SAINT PAUL Christopher B. Coleman, Mayor

Department of Safety & Inspections Ricardo X. Cervantes, Director 375 Jackson Street, Suite 220 Saint Paul, MN 55101-1806

Web Sile Address: www.stpaul.gov/dsl

Telephone: 651-266-8989 Facsimile: 651-266-9124

I agree to the following conditions being placed on the following license(s):

License #:

20170004042

Type of Business:

Alarm Permit (New)

Entertainment (A)

Liquor On Sale - 181-290 Seats Liquor On Sale - 2 AM Closing Liquor On Sale - Sunday

Liquor-Outdoor Service Area (Patio)

Applied for by:

MONKON SUSHI CORP

Doing Business As: MONKON SUSHI

394 UNIVERSITY AVE W

ST PAUL MN 55103

Conditions are as follows:

1. 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.

2. No liquor sales and/or service is allowed outdoors without prior written approval and additional

licensing from DSI.

Licensee

Date



CITY OF SAINT PAUL Christopher Coleman, Mayor

375 Jackson St, Suite 220 Saint Paul, Minnesota 55101-1806 Telephone: 651-266-8989 Fucsimile: 651-266-9124 Web: www.sipanl.gov/dsl

Liquor – Outdoor Service Area (Private Patio) license APPLICATION REQUIREMENTS

This application is subject to review by the public and requires City Council Action

January, 2016

The procedures for obtaining a Liquor - Outdoor Service Area (Private Patio) license are listed below. Items #1-4 must be submitted with all requests, or they will be returned as incomplete.

- 1. A letter requesting that a Liquor Outdoor Service Area (Private Patio) license be added to your existing licenses. Please include specific details on how you will operate the outdoor service area (e.g., how you will control the service of liquor and/or wine/beer in this area, the hours the patio is open, etc.). Submit this letter with payment for annual license fee of \$76.00.
- 2. A consent petition from the owners of all private residences, dwellings and apartment houses located within three hundred (300) feet of the property* where the proposed outside service area is located. Measurements shall be determined from the property line of the licensed premises to the property line of the residential uses; provided, however, where the licensed premises is located within a shopping mall or shopping center the measurements shall be determined from the nearest corner of the building in which the licensed premises is located to the property line of the residential uses. Establishments within the downtown development district are exempt from the petition requirement.

*A map of properties and list of property owners within of 300 feet from your property line is available upon request.

Depending on the number of signatures you obtain, the following additional information will be required:

- A petition containing 90% of the possible signatures If the applicant obtains the signatures of ninety (90) percent or more of such persons, the council may grant the license.
- A petition containing 60-89% of the possible signatures If the applicant obtains the signatures
 of sixty (60) percent to eighty-nine (89) percent of such persons, the following additional
 information must be submitted with your petition:
 - A demonstration in writing that the applicant made a good faith effort to fulfill all petition requirements.
- Consent of less than 60% of owners and occupants within three hundred feet. If the applicant fails to obtain the signatures of sixty (60) percent of such persons, the following additional information must be submitted with your petition:
 - o A demonstration in writing that the applicant made a good faith effort to fulfill all petition requirements.
 - A demonstration in writing that the results of the petition attempt showed a generally favorable disposition from the surrounding community toward the proposed extension of the liquor service area to the patio area.
 - Written confirmation from the district council representing the area showing support for the request to extend the liquor service area to the patio.

NOTE: For applications having a petition showing less than ninety (90) percent support, the Council may only grant a license application upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community.

- 3. Attach a site plan showing the patio area. The site plan should show information including, but not necessarily limited to the following: the placement of tables and chairs, placement of any perimeter barriers delineating the boundaries of the liquor and/or food service (e.g., chain and bollards, fencing etc.). If location of the patio displaces any off-street parking, additional (new) parking spaces must be developed or provided to off-set the space lost to the patio structure. In circumstances where off-street parking cannot be accommodated either on the lot or by other arrangements (e.g. shared parking agreement), a variance of the parking may be considered by the Board of Zoning Appeals (BZA). Request for variance of the zoning code require a public hearing before the BZA. Property owners within 350 feet are notified of the public hearing. There is an additional application fee for this review, and the process takes between 4 -6 weeks to complete. Request for variances or other zoning action will cause delays in the processing and issuance of this business license.
- 4. If food or beverages are prepared outdoors, contact the Minnesota Department of Health (MDH) at 651-201-4500 about any State regulrements.
- 5. A building permit must be obtained to construct the patio. Construction of the patio shall comply with all applicable provision of the Minnesota State Building Code. Construction plans must be drawn to scale (e.g. ¼" = 1foot), dimensioned and; sufficiently detailed to illustrate the scope of work, to be performed and the method of construction. The additional seating provided in this outdoor area is subject to a Service Availability Charge (SAC). This charge is a onetime fee imposed by MCES (Metropolitan Council Environmental Services) for new connections or increased volume discharged to the metropolitan wastewater system. In the case of restaurants, the charge is based on the number of seats. Each municipality, in the Seven County Metro Area must collect this fee at time of permit or license issuance. SAC is a separate fee over and above the permit or license fee. Note: The SAC can be a significant dollar amount to the overall project cost of the patio. See the Metro Council website for further information: www.metrocouncil.org/Wastewater-Water/Funding-Finance/Rates-Charges.aspx
- 6. PROCESSING TIME / NOTIFICATION REQUIREMENT: The average processing time for a Liquor-Outdoor Service Area (private patio) license is 90 days. A forty-five (45) day notification period is required to the community organization and residents within three hundred (300) feet of the property where the proposed outside service area is located. If objections are received, a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of this hearing. The hearing officer will take testimony from all interested persons and will make a recommendation to the City Council. The City Council will take the hearing officer's recommendation under advisement and has final authority to grant or deny all license application requests.
- 7. If you have any questions or require assistance in completing the application and submitting the required supporting documents, please contact a DSI Project Facilitator at 651-266-9103.

EXAMPLE - Petition

Ve, the undersigned,	consent to the waiver relating	to distance	and have no objection	ons to the ap	oproval of the
suance of the follow	wing listed license(s) to		(Business Name)	•	located
t	(Business Address)	•			
List license(s):	•	-	 ,		
			• /	`,	

City of Saint Paul Legislative Code Section 310.02(g) - Waiting period after filing of petition
Any petition required to be filed with the application for any license shall not be considered as officially filed and
irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day
waiting period, any signator of any petition may withdraw his name therefrom by written request, and such request
shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may
not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud
or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case
where the applicant for a license must present a statement in writing signed by a specified number or percentage of

persons that they have given their consent to the grant of the license.

Printed Name	Address (include Apartment # / Unit #) and Daytime Phone Number	Signature
•		
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		•

5. Conventions for Counting Signatures

If two (2) signatures are obtained from a dwelling that offset each other, the AYes@ vote counts as a signature obtained.

If a single unit / single-family home has two (2) or more residents, only one (1) signature is necessary. If a duplex, two (2) signatures are necessary (residents). If a triplex, three (3) signatures are necessary (residents). If a four-plex, four (4) signatures are necessary (residents). If a five-plex, five (5) signatures are necessary (residents). If six and above, the property owner=s signature is necessary.

Owners and occupants = residents of dwellings with 1-5 units, owner of building if more than 5 units

Vacant units = signature of owner

Nursing homes are not considered to be residential property.

Petition signatures are official and irrevocable seven (7) working days after a petition is received by DSI per City of Saint Paul Legislative Code Section 310.02(g) - Waiting period after filing of petition.

Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw his name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.

Measurement - City of Saint Paul Legislative Code Section 409.06(g)(1)

Measurements shall be determined from the property line of the licensed premises to the property line of the residential uses; provided, however, that where the licensed premises is located within a shopping mall or shopping center the measurements shall be determined from the nearest corner of the building in which the licensed premises is located to the property line of the residential uses.

	Α	В	С	D
1	Parcel ID # (PIN)	Property Owner (PO)	PO Mail-to Address	PO Mail-to City State ZIP
2	362923130190	Keren M Orr/Janice V Orr	3549 71st St E	Inver Grove Hghts MN 55076-2605
3	362923130192	Ruthann Godollei	661 Hague Ave	St Paul MN 55104-6604
4	362923130195	Hong V Masica/Tu T Nguyen	8530 Woodland Curv	Saint Bonifacius MN 55375-1245
5	362923130197	Mays Building Inc	635 Western Ave N	St Paul MN 55103-1663
6	362923130199	May Hwai Shiaw Yang	641 Western Ave N	St Paul MN 55103-1663
7	362923130201	Kou Bliaxa Vang/Song Ly Vang	1091 Oryan Trl N	West Lakeland MN 55082-1889
8	362923130202	Son Hong Dao	353 University Ave W	St Paul MN 55103-4431
9	362923240082	My X Lee	386 Sherburne Ave	Saint Paul MN 55103-1941
10	362923240083	An Thi Nguyen	2721 Vera Cruz Ave N	Crystal MN 55422-3429
11	362923240084	J Refugio Martinez	15211 Jackal St Nw	Anoka MN 55303-7130
12	362923240085	Tr Group Llc	2559 7th St W	Saint Paul MN 55116-3027
13	362923240086	Nina C Wong	1500 E Hennepin Ave	Minneapolis MN 55414-2429
14	362923240087	Van Tran/Tuyet Dang	402 Sherburne Ave	St Paul MN 55103-1941
15	362923240088	Hawa Elmi/Hashim Mohamud	406 Sherburne Ave	St Paul MN 55103-1941
16	362923240089	DAVID BUSCH Drb#24 Llc	Po Box 16595	St Paul MN 55116-0595
17	362923240090	Jenny T Nguyen/Kenny Lam	838 Charles Ave	Saint Paul MN 55104-2722
18	362923240099	Phuong La Nguyen	5984 Kalanianaole Hwy	Honolulu HI 96821-2310
19	362923240100	Eric Nguyen	5984 Kalanianaole Hwy	Honolulu HI 96821-2310
20	362923240101	Muyo Bati Properties Llc	3690 Karen Sue Ln	La Canada Flintridge CA 91011-4103
21	362923240102	Muyo Bati Properties Llc	3690 Karen Sue Ln	La Canada Flintridge CA 91011-4103
22	362923240103	Muyo Bati Properties Llc	3690 Karen Sue Ln	La Canada Flintridge CA 91011-4103
23	362923240104	Highland Bank	2100 Ford Pkwy	Saint Paul MN 55116-1994
24	362923240105	Highland Bank	2100 Ford Pkwy	Saint Paul MN 55116-1994
25	362923240106	Highland Bank	2100 Ford Pkwy	Saint Paul MN 55116-1994
26	362923240107	Ericka Trinh/Eric Huynh	397 University Ave W	Saint Paul MN 55103-1934
	362923240108	Ericka Trinh/Eric Huynh	397 University Ave W	Saint Paul MN 55103-1934
28	362923240109	Botha Thin/Lo Meng Se	389 University Ave W	St Paul MN 55103-1934
29		Gladys O Igbo	570 Iglehart Ave	Saint Paul MN 55103-2420
		E Squared Llc	397 University Ave W	Saint Paul MN 55103-1934
31		Dorothy E Gherity	418 Sherburne Ave	Saint Paul MN 55103-1941
32	362923310009	Long D Bui/Nguyen	13722 Saxony Dr	Sugar Land TX 77478-6326
33	362923310012	Long D Bui/Nguyen	13722 Saxony Dr	Sugar Land TX 77478-6326

	А	В	С	D
34	362923310024	Long Cheng Plaza Llc	1075 Arcade St	Saint Paul MN 55106-3213
35	362923310025	Long Cheng Plaza Llc	1075 Arcade St	Saint Paul MN 55106-3213
36	362923310026	Long Cheng Plaza Llc	1075 Arcade St	Saint Paul MN 55106-3213
37	362923310044	Catherine D King/Bobby J King	386 Aurora Ave	St Paul MN 55103-2216
38	362923310045	Margaret B Lafleur	392 Aurora Ave	St Paul MN 55103-2216
39	362923310046	Kevin Anderson/Anderson	400 Aurora Ave	Saint Paul MN 55103-2216
40	362923310047	J And M Boston Properties Llc	1555 Selby Ave Unit 460	Saint Paul MN 55105-6274
41	362923310064	Housing And Redev Authority	25 4th St W 12th Flr	St Paul MN 55102-1634
42	362923310071	Blia Lee/Tria Moua	435 Western Ave N	St Paul MN 55103-2258
43	362923310072	Brenda J Starr	429 Western Ave N	St Paul MN 55103-2258
44	362923310105	Long Cheng Plaza Llc	1075 Arcade St	Saint Paul MN 55106-3213
45	362923310116	Coast To Coast Investment Cor	6252 N Del Loma Ave	San Gabriel CA 91775-2544
46	362923310137	Long Cheng Plaza Llc	1075 Arcade St	Saint Paul MN 55106-3213
47	362923420068	Nicholas Carmichael/Yuan Carmichael	397 Ashland Ave	Saint Paul MN 55102-2003
48	362923420069	Lucas A Hamm/Polly J Hamm	6429 City West Pkwy Apt 4202	Eden Prairie MN 55344-3281
49	362923420070	Ger Lor	1192 Reaney Ave E	Saint Paul MN 55106-4012
50	362923420071	Happy Star Ii Llc	633 Minnehaha Ave W	Saint Paul MN 55104-1623
51	362923420151	St Paul Old Home Retail li Llc	366 S 10th Ave	Waite Park MN 56387-1400
52	362923420152	St Paul Old Home Plaza Lic	366 10th Ave S Po Box 727	Waite Park MN 56387-4582

394 University Ave W - 300' Radius Map (Full Parcel ID # (PIN))





