

LICENSE HEARING MINUTES
Iron Ranger, 1085 Grand Avenue
Monday, July 1, 2019, 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 10:10 a.m.

Staff Present: Kris Schweinler, Department of Safety and Inspections (DSI)

Licensee: Tom Forti, Applicant/Owner

License Application: Liquor - Outdoor Service Area (Patio)

Other(s) Present: Jada Lewis and Jennifer Brown, attorneys representing neighbors Matt and Julie Layman; Allison Penner-Hurst, Grand Avenue Business Association (GABA); Sara Luoma, The Lexington

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: 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 correspondence 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, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

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.

Minutes:

Kris Schweinler, Department of Safety and Inspections (DSI), gave a staff report. She said Licensing recommended approval, Zoning was approved, and Building approved with the final sign-off after the patio was built and permits were finalized. A petition was submitted with a final count of 32% of the signatures verified. The Summit Hill Association (SHA) submitted a letter outlining what they'd heard, but Ms. Schweinler said she didn't know that it said they supported the application. She said the existing conditions were 1 through 6, and the recommended condition was 7, prohibiting wine and beer in the public right-of-way, i.e. the sidewalk.

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.
4. Licensee agrees to close the establishment at 12:00 a.m. midnight each day of the week. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement).
5. Licensee agrees to limit the placement of table(s)/chair(s) on the public sidewalk to the area and number shown on the approved sidewalk seating plan on file with the Department of Safety and Inspections (DSI) and Public Works. Licensee shall take appropriate action to ensure table(s)/chair(s) are contained to this approved area.
6. 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.

Recommended Additional License Conditions

7. No alcohol sales and/or service (e.g., wine/beer) is allowed in the public right-of-way (i.e., public sidewalk) without prior written approval and additional licensing from DSI.

Ms. Vang asked whether there had been a SAC determination. Mr. Forti said he applied but nothing was due; he said he could send a copy of the letter.

Ms. Vang asked Mr. Forti to review his plan.

Mr. Forti said he had been in that building for three years, two years as Sunrise Market and Café, and a year as Iron Ranger. He said the change had been good for them and well-supported by the neighborhood. He said he reached out to the City in January about building a patio, and satisfied the Zoning requirements with the design and building usage. He said he reached out in January and never received an updated list of people who lived within 300' of the property, so he went back into his records and found a spreadsheet sent to him by (licensing staff) Jeff Fischbach in June 2018. He said he hit the streets and door-knocked and got signatures. Ms. Vang asked Mr. Forti whether he verified with DSI that the list was correct. Mr. Forti said he asked (licensing staff) Ross Haddow for a list; he said it may have been a Friday and he was eager to get started. He said every person on the list was the same as from 2018. He said the challenge with the list was that it included a condominium unit with 24 privately-owned units he couldn't access. He said he used the 2018 list for residents on Summit and Lincoln, and did the condominium units individually. He said he went and got 23 or 24 more over the weekend.

(A copy of the signatures was made for Ms. Schweinler to verify.)

Mr. Forti said he had phone numbers and signatures based on the old list, and understood that didn't meet the requirements, although he didn't agree with it. He said he was trying to move forward and build a patio to improve his business, and planned to expand into the space next door on Grand. He said every person signed except for the neighbors who lived behind them, who had signed and then retracted. He said the neighborhood support was very positive, and other neighbors across the alley on Summit were supportive. He said the Summit Hill Association meeting was a little gray but their letter did say that "on

Thursday, June 13, the Summit Hill Association voted 6 in favor to support the Iron Ranger's application with the following notes."

Ms. Vang asked Mr. Forti how many times he had attempted to get signatures from the condominiums and other neighbors. Mr. Forti said he tried multiple times. He said the updated list was dated January 2019 but he couldn't remember how or when he received it. Ms. Schweinler said the lists were usually emailed. She said the list that was denied was from the sidewalk cafe application in 2016, and the one from the patio was done in 2018. Ms. Vang confirmed that the 2018 list was the correct list. Ms. Schweinler said yes. She said she thought there were some signatures that were on a petition that didn't qualify what he was asking their signatures for, and those were the ones Mr. Haddow disqualified. Ms. Vang confirmed that they were now working off the correct list, which was the 2018 list, and that Mr. Forti believed the additional signatures he'd obtained would bring him close to the 60% requirement. Ms. Vang asked Ms. Schweinler to go back and verify the list.

Ms. Vang asked Mr. Forti if he had a copy of the petition letter he used. Mr. Forti said he did not. He said the original letter he used included the site plan he had submitted to David (Zoning staff). Ms. Vang said she didn't have a copy of it; she asked when it was submitted. Mr. Forti said it was submitted in February.

Ms. Vang obtained a copy of the site plan; she asked how many parking spaces were being displaced for the patio. Mr. Forti said the large HVAC unit that took up about a parking space was being raised up onto a platform and they were going to work underneath it, and they had approval from Zoning to use that configuration. He said the number of parking spaces that appeared on the plan met the City's requirements. He said they were building the patio, and concreting and striping the parking lot, and building a garbage enclosure. Ms. Vang confirmed that, based on the City's approval of the plan, the parking requirement had been met. Mr. Forti said that was correct; he said part of it required an easement with US Bank, the neighbor to the east. He said David (Zoning staff) was working with the contractor who was doing the parking lot striping. He said he had communication with David saying whatever was done with the striping wouldn't affect the schedule of the patio.

In response to questions from Ms. Vang, Mr. Forti described the construction schedule, and said he hope to be done by the end of the month.

Ms. Vang asked about access to the platform. Mr. Forti said the platform was only for repairing and servicing the HVAC unit. He said a structural engineer had signed off.

Ms. Vang asked about handicapped accessibility for the patio and whether patrons accessed it through the restaurant or from the back. Mr. Forti said from the back, and staff would seat them. Ms. Vang asked if there would be a sound barrier. Mr. Forti said there would be a 6' fence; he said sound would come from people talking and eating, and background music. He said there would be planters that looked like speakers set in the corners.

Ms. Vang asked about lighting. Mr. Forti said they were just going to light the fence and hoped that would be enough, along with tea lights on the tables in the evening.

In response to a question from Ms. Vang, Mr. Forti said they opened every day at 11:00 a.m. and their kitchen closed at 10:00 p.m., except on Sunday when they closed at 9:00 p.m. Ms. Vang read from the application letter which stated hours of Sunday through Wednesday from 11:00 a.m. to 10:00 p.m., and Thursday to Saturday from 11:00 a.m. to 11:00 p.m. Mr. Forti said that was correct; he added Friday and Saturday until midnight. Ms. Vang said that was a change from the letter submitted to DSI. Mr. Forti said that was correct. Ms. Vang reviewed: Sunday through Wednesday, 11:00 a.m. to 10:00 p.m.; Thursday, 11:00 a.m. to 11:00 p.m.; Friday and Saturday, 11:00 p.m. to midnight. Mr. Forti said that was correct. Ms. Vang asked what hours were communicated to neighbors during the petition process. Mr. Forti said,

for those who asked, he said the kitchen closed at 10:00 p.m. which would continue to be the case. He said the experience among those in the industry on Grand Avenue was, with serving only beer and wine and with their clientele, they generally didn't do much business after 10:00 because the kitchen closed.

Ms. Schweinler said as a beer and wine license, they had to serve in conjunction with food. She said if they weren't serving food they shouldn't be serving alcohol. Mr. Forti confirmed with Ms. Schweinler that that meant he had to keep the kitchen open for as long as he was serving liquor. He said that's what he might have to do then; he said he wasn't aware of that. Ms. Vang said any time the patio was open until midnight, the kitchen had to be open until midnight.

Ms. Vang reviewed the condition which stated everything had to be closed at midnight and vacated by 12:30 a.m.

Ms. Vang asked Mr. Forti whether he would be increasing staffing. Mr. Forti said not necessarily; it depended, but he guessed he would have to. He said he had six full-time employees and eight or nine part-time.

Ms. Vang said there was also a sidewalk (café) in front but the business did not have an extension of liquor service to the sidewalk. Mr. Forti said they did. Ms. Schweinler said they didn't; it was denied in 2016. She said he had a sidewalk cafe and obstruction permit but not a Liquor Service Area (Sidewalk) license. Mr. Forti said he felt after Grand Old Day, he got the go-ahead from Ross (Haddow, licensing staff). Ms. Schweinler said no; she said she thought she had talked to Mr. Forti before Grand Old Day. Mr. Forti said they hadn't talked before Grand Old Day. Ms. Schweinler said they had. She said the only way Mr. Forti could participate was with GABA's (Grand Avenue Business Association) approval, and they couldn't extend liquor service areas onto a public right-of-way during Grand Old Day. She clarified that Mr. Forti had sidewalk seating and an obstruction permit to put tables and chairs on the sidewalk but did not have a liquor service area for the sidewalk. She reiterated that it was denied in 2016. Ms. Vang said the current liquor service currently only covered the interior of the building. She noted the earlier testimony that Mr. Forti planned to expand into an adjacent space; she asked if he planned to extend liquor to that area. Ms. Schweinler explained the process for requesting an expansion of the liquor service area, including a new SAC determination. Mr. Forti said he had already submitted the SAC request to the Met Council.

Ms. Vang asked Mr. Forti if he had any questions about the one additional condition being recommended from the Department of Safety and Inspection. Mr. Forti asked what was required for him to obtain the extension of liquor service to the sidewalk. Ms. Schweinler said it was another petition and 45-day notification period. Ms. Vang confirmed with Mr. Forti that he was agreeable to the additional condition. Mr. Forti said he was.

Ms. Vang asked how staff handled trash and litter. Mr. Forti said they swept the front regularly, and picked trash up when they saw it. Ms. Vang asked whether they would be using disposable plates and utensils on the patio. Mr. Forti said most things came in baskets, but they used plates and silverware. In response to a question from Ms. Vang, Mr. Forti said staff bused the tables.

Ms. Vang asked how patrons who smoked were accommodated. Mr. Forti said not very many patrons smoked; if they smoked they went out the back door. He said the patio would be smoke-free.

Ms. Vang asked whether the parking was shared with the rest of the building. Mr. Forti said it was a multi-use building with a vacant retail space next door, and a therapist and an apartment upstairs. He said the parking was for the building. Ms. Vang asked whether the spots being utilized for the patio were just

Mr. Forti's spots. Mr. Forti said they were. He said expanding into the adjacent area would not increase the parking available, and he didn't plan to seek out additional parking options.

Ms. Vang asked Mr. Forti whether he had consulted a sound engineer in designing the patio. Mr. Forti said he hadn't. Ms. Vang said that consulting with a sound engineer would be helpful.

Ms. Vang asked Mr. Forti to read and respond to the letter of concern from Matt and Julie Layman at 1082 Summit Avenue. Mr. Forti said he wrote a letter to the Layman's after the Summit Hill meeting addressing all of their concerns, and they chose not to respond to him. He referred to their objection letter and said he thought he had enough signatures, so the signature paragraph could maybe be omitted. Ms. Vang said DSI would deal with that issue. She read from the letter that the Layman's believed the patio would impact their property in terms of smoke, light, noise, traffic, and the possibility of disruptive and disrespectful patrons. They had initially supported the application but rescinded the support due to the change in the proposed closing time. She asked Mr. Forti to outline his plans to alleviate the concerns.

Mr. Forti said he hoped this was something he and the Layman's could work together on, but they would have amplifier outside to control the levels, and four planters that looked like speakers placed in each corner. He said his hope was to work with Matt and Julie (Layman) on monitoring sound from their house. He said it was not his intention to have live music, but if he did it would be a single performer and acoustic music, and his hope was to work with the neighbors on that area as well. He said he was at the business seven days a week. In terms of odor, he said the patio would be smoke free. In terms of increased traffic, he said people did park there, but Grand Avenue parking loosened up later, and most patrons parked and entered from Grand later in the evening. He said the alley and back parking area were dark, and Lexington was a busy street. In response to question from Ms. Vang, Mr. Forti said the alleys were two-way but very narrow and not very user-friendly.

Ms. Vang asked whether there were directional signs or staffing to help monitor the parking area. Mr. Forti said no, but they would have cameras facing the patio and parking lot.

Mr. Forti said his business was important to him and he was aware of everything that happened there, and he had a great staff that knew what was expected and carried out instructions well. He said this was important to the vitality of his business, and if and when something was to happen, it would be dealt with because he was there and accessible. He said he lived five blocks away and was very accessible.

In response to a question from Ms. Vang, Mr. Forti said he had a manager on-site and a great staff. Ms. Vang asked Mr. Forti whether he had shared his own and his manager's contact information with neighbors. Mr. Forti said he had shared his email and phone number with the neighbors on Summit Avenue who were most impacted.

Ms. Vang asked about the type of lighting on the fence. Mr. Forti said part of their vibe was dim and intimate, and the lights would be LED string lights.

Ms. Vang asked whether there had been any disorderly patrons in the time he'd had the business, such as over-served patrons. Mr. Forti said it didn't happen very often, but it was hard to tell when people came in as a group or from other restaurants. He said their clientele was families and older generation from the Iron Range, and they didn't have college kids coming in. He said Grand Avenue was quiet, and their business was right in line with that. Ms. Vang asked whether they'd ever had to call the police. Mr. Forti said there had been one woman off the street who was harassing a customer, and another situation where someone was drunk and harassing a patron. Ms. Vang asked how that was handled. Mr. Forti said they addressed it with the help of GABA and Summit Hill, and the person was banned from the restaurant and hadn't been back.

Ms. Vang asked whether staff was trained. Mr. Forti said they were.

Ms. Vang said the neighbor who wrote the letter of objection had asked for an agreement on a maximum noise volume and time it should stop. She said this was not an Entertainment A license so she didn't know what they could discuss about timing. Ms. Schweinler said she believed Mr. Forti was just planning pre-recorded Muzak-type, because he didn't have an entertainment license. Ms. Vang read from the objection letter asking that measures be taken to address increased parking pressure. She said because they met the Zoning requirement she didn't see anything there she needed to discuss in terms of conditions.

Ms. Vang read from the letter requesting a closing time of 9:30 p.m. or 10:00 p.m. for the patio. She asked what time nearby patios closed. Mr. Forti said The Lexington closed at midnight on Friday and Saturday, and 10:00 p.m. on other days, and Billy's and Dixie's closed later. Ms. Vang said she thought they had a 2:00 a.m. license. Mr. Forti said he wanted to be in line with the Lexington. He said the Lexington's patio was twice as high and they served hard alcohol, and he was just asking for the potential of being open a little later. He said based on what others were telling him, it would be quiet by 10:00 p.m. every night. He said if business didn't dictate being open later, he wouldn't be.

Ms. Vang said they had addressed the concerns raised by the Layman's. She opened the hearing for public testimony.

Jada Lewis, Stinson Leonard Street Attorneys, introduced law student Jennifer Brown who would speak on behalf of their clients the Layman's.

Ms. Brown said the Layman's wanted her to make it clear they were not in opposition to granting the license in total but were seeking clarity on the terms. The largest sticking point was the closing time, which seemed to have changed throughout multiple interactions with Mr. Forti, including during the petition process and at the Summit Hill meeting. She said the Layman's were seeking clarity on last call and closing. She said they would also like to seek agreement in terms of noise and music being played. She said, "background noise" might have different meanings for different people and they were trying to prevent future conflict by addressing these things now.

Mr. Forti said what he proposed at Summit Hill was what he had shared just now: 10:00 p.m., 11:00 p.m. and 12:00 a.m. He said he had a calm conversation with Ms. Layman after the June 11th meeting and then wrote them a letter in good faith and never heard back. He said he'd received a call last night from the attorney asking to meet. He said he had been available all along, and still wanted to talk to the Layman's. He said his reputation as a business owner and as a person mattered to him and reflected on his business. He said he thought the Layman's were in support, and he understood their concerns.

Ms. Vang asked Mr. Forti whether he'd be amenable to adding a noise condition to the license. She said the City typically just cited the noise ordinance, Chapter 293; she read a sample condition. Mr. Forti said he would be amenable. Ms. Brown said she would have to check with the Layman's; she asked the time frame for the restrictions in the ordinance. Ms. Schweinler said she believed allowable levels went down at 10:00 p.m. Ms. Brown said she believed the Layman's would be happy with that.

Ms. Vang asked about clarification for last call and closing. Mr. Forti said he wanted to be able to stay open later but it was also a question of what business would dictate. He said he was looking to what was fair on the avenue and what other restaurants were doing. Sunday 10:00 p.m. closing meant last call at 9:30 p.m.; Monday through Wednesday, 11:00 p.m. closing with last call 10:30; Friday and Saturday, midnight with last call at 11:00. He said he didn't want his employees there late either. Ms. Brown said those seemed like different times than what she had in front of her and she would have to go back and

check with the Layman's. She asked for clarification as to the closing time for the kitchen. Mr. Forti said the kitchen would now need to stay open if he had people outside.

Ms. Brown said the Layman's understood that Mr. Forti needed to run a business and compete with other businesses on Grand, but it sounded like business slowed down around 10:00 p.m. anyway. She said the Layman's were hoping for and trying to work towards a 10:00 p.m. closing time, and wanted to avoid ambiguity where sometimes it might be open later. Mr. Forti said that was reasonable but a lot of other neighbors were supportive, and if the Layman's felt this strongly they'd be present.

Ms. Vang said because they had representation they essentially were in the room. She said she could provide a few minutes for the attorney to give the Layman's a call to discuss it with them, but ultimately the person who had to agree to this was the licensee Mr. Forti. She said it would not be reasonable for her to lay the matter over for them to get back to her with the client's response.

Ms. Lewis said the agreement Mr. Forti said he was amenable to in terms of noise would help this move forward. She said the Layman's were concerned with the changing time parameters, which raised another concern as to what other signatories were told when they signed the petitions, as well as the distance from the establishment. She said the Layman's were the closest, and there may have been a lot of support on Lincoln but they had a different perspective and different interest than someone right across the alley. She said they wanted to be as reasonable as possible and understood that Mr. Forti wanted to have a successful business, but there were uncertainties and ambiguities in the proposal. She said she understood the idea of working together and taking things as they came, but nailing some things down in the beginning would result in a more amicable relationship. She said they really did want to work with Mr. Forti.

Ms. Vang said she was working to find what would be reasonable and what would work. Ms. Lewis asked for some structure as to what was going to happen with the music. Ms. Schweinler said the ordinance regarding sound didn't just apply to music but was the noise decibel level. She said Chapter 293 set a decibel level that went down at 10:00 p.m. to the point where it was almost what they were doing now in conversation.

Ms. Lewis said the agreement as to the ordinance was helpful, but there was still ambiguity that might not be able to be resolved as to the time frames of last call and closing.

Ms. Vang asked whether the City had ever imposed inconsistent hours. Ms. Schweinler said in conditions such as the Lexington they did have a difference between Monday through Thursday, and Friday-Saturday. She said she wasn't sure they were open on Sunday. Ms. Vang suggested they could borrow that language.

Mr. Forti said Sara Luoma, the general manager of The Lexington, was present and could answer questions.

Ms. Luoma said she had been working with Mr. Forti to help him navigate this process, and was hired by the Lexington at the end of their experience with this process. She asked Mr. Forti did not have the size capacity of his proposed patio that the Lexington had. Mr. Forti said 30. Ms. Luoma said theirs was a rooftop patio twice that size. She said she would hesitate to determine last calls as a significant mile-marker for time, but what they tried to do was have a time that they guaranteed the rooftop was completely vacated. She said that was midnight Friday and Saturday, and 10:00 p.m. Sunday through Thursday.

Ms. Vang noted that the Lexington had full liquor and had different hours Sunday through Thursday, and Friday and Saturday. She asked Mr. Forti what he would think of something like that. She asked Ms. Luoma whether there had been any issues with patrons not liking the earlier closing hours. Ms. Luoma said they had been very fortunate; the patio opened six months after the restaurant and had a short and slow first season. She said she had counseled Mr. Forti that the best thing they could do was keep in close contact with their neighbors, which they (The Lexington) had done, and they had had very few complaints. She said she had been in contact with one neighbor about three doors down on Lincoln and across Lexington. She said the neighbors across the alley had been supportive and they not had complaints. She said the amount of traffic and revenue available late night on Grand Avenue was less than they had anticipated.

Ms. Vang said the Layman's were the closest and most impacted neighbors, and having something written saying what the hours would give clarity for the affected residents. She read from the Condition 4 stating the premises must be vacated by 12:30 a.m. and the establishment closed at midnight every day. Ms. Schweinler said that was done to accommodate the parking requirements.

Ms. Vang asked Mr. Forti about separate condition for the patio closing. Ms. Schweinler clarified that Condition 4 was an existing condition related to the restaurant.

Allison Penner-Hurst, GABA interim vice president, said she was interim president during Grand Old Day. She said it was her understanding that Iron Ranger had a liquor license for the sidewalk, and GABA did give him permission to serve wine and beer on Grand Old Day. She said the people she spoke to from the City and police department assured her Mr. Forti did have a license. Ms. Vang asked who she spoke to. Ms. Penner-Hurst said she spoke to the same people Mr. Forti did. Mr. Forti said he spoke to Sgt. Ryan Murphy in the police department, and he knew he spoke to Ross (Haddow, licensing staff) about it. He said he thought he went through the process last year to get the license for it. Ms. Vang said he had a sidewalk permit, but the extension of liquor service to the sidewalk was different. Ms. Penner-Hurst said it was her understanding when she spoke to them as well, on behalf of GABA trying to make sure he complied. Ms. Schweinler asked who she had spoken to. Ms. Penner-Hurst said she believed it was Murphy as well. Ms. Schweinler said Ryan Murphy was with the police department and wouldn't know. Ms. Vang said DSI was the licensing department that would verify.

Ms. Penner-Hurst said she wanted to speak on behalf of Mr. Forti's character. She said he was very reasonable, honest, and easy to work with. She said she felt the patio would be a benefit to the avenue and the businesses. She said she understood there were objections from neighbors, however when people lived that close to commerce, there was going to be some noise, and these people had chosen to live there. She said GABA was behind Mr. Forti in his efforts to open the patio and have some later hours. Ms. Lewis asked whether Mr. Forti would be amenable to a Sunday through Thursday 10:00 p.m. closing for the patio, and Friday through Saturday 11:30 p.m. closing time for the patio, as well as the City ordinance related to noise.

Ms. Vang said the noise condition was agreeable to by Mr. Forti; she asked what he thought about the hours. Mr. Forti said he liked what he had proposed, with the ability to stay open to 10:00 p.m. on Sunday through Wednesday, 11:00 p.m. Thursday, and the ability to stay open until midnight Friday and Saturday.

Ms. Vang asked whether he'd been operating for one year or two years. Mr. Forti said Iron Ranger had been just over a year. Ms. Schweinler said it had been a wine and beer establishment for three or four years; he had changed his d/b/a from Sunrise Market to Iron Ranger. Ms. Vang asked whether there had been any complaints from the Layman's during that time. Ms. Brown said not to her knowledge.

Ms. Penner-Hurst said from GABA's perspective it would be nice to have consistency in terms of hours, because a precedent was being set for other businesses coming in. Ms. Schweinler said the difference was that Iron Ranger was a wine and beer menu item only in conjunction with food; liquor establishments were different. Ms. Vang said the public wouldn't necessarily know the difference; she said she agreed with the need for consistency.

Ms. Luoma said the financial liability was harder for Mr. Forti, because The Lexington could close the kitchen at 8:00 p.m. if there was no one there, and eliminate a huge labor force and expense, and still serve cocktails. She said in Mr. Forti's case, he'd have to be generating revenue in those late-night hours to even warrant wanting to stay open. Mr. Forti said not having hard alcohol, they made more money on food than on beer, so the revenue and labor was a huge piece of it. Ms. Schweinler said Mr. Forti was required to maintain a 60/40 split. Mr. Forti said they did.

Ms. Penner-Hurst said they did want to revitalize the avenue and bring people back, and this was a great example of how they could do that.

Ms. Vang said she did understand the different pressures on a wine and beer establishment, but from the perspective of the public it was good to have consistency. She suggested a 10:00 p.m. closing Sunday through Thursday, with a midnight closing Friday and Saturday. Mr. Forti said he was agreeable.

Ms. Vang read the support letter into the record. Ms. Schweinler noted that the support letter was from the person who owned the building. Ms. Vang read from the Summit Hill Association letter and said she wasn't sure if it indicated was support or concern, and she would follow up for clarity. She said if Mr. Forti didn't meet the 60% petition threshold he would need clear support from the district council.

She said she would withhold her recommendation until the petition signatures were verified.

The meeting adjourned at 11:30 a.m.

The Conditions Affidavit was signed and submitted on July 11, 2019.