

LICENSE HEARING MINUTES
Bap and Chicken, 1328 Grand Avenue
Monday, July 15, 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 10:00 a.m.

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

Licensee: John Gleason, Applicant/Owner

License Application: Wine On Sale, Malt On Sale (Strong)

Other(s) Present: Christine Van Dongen, Greg Steiner, Michael Lewis

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.

She noted that Mr. Gleason had received 45-day waiver support from the district council and it was approved by the City Council on July 10; she would be considering any modifications or additions to the license conditions.

Kris Schweinler, Department of Safety and Inspections (DSI), gave a staff report. She said it had been approved by Licensing with conditions, approved by Zoning, and Building approvals was in process.

Ms. Vang and Ms. Schweinler reviewed the conditions. Mr. Gleason said he would not be placing tables and chairs on the sidewalk this year; he had benches that had been approved by the City. He would be adding tables and chairs next year and understood there could be no alcohol served there.

Ms. Vang said the conditions affidavit attached to the 45-day waiver resolution included a seventh condition related to an Entertainment A license, but that portion of the application had been withdrawn. She requested a new affidavit without that condition.

Recommended 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 limit the placement of table(s)/chair(s) on the public sidewalk to the area and number of seats shown on the approved sidewalk seating plan on file with the Department of Public Works.
5. 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.
6. No liquor sales and/or service is allowed outdoor on public (i.e., public sidewalk) or private property without prior written approval and additional licensing from DSI.

Ms. Vang asked Mr. Gleason to talk about the business.

Mr. Gleason said it would be a counter service restaurant serving rice bowls and Korean fried chicken, with additional items later. They hoped to employ about 22 employees; he anticipated seven or eight people working at a time at their busiest times. He would be actively managing. He said he had served and cooked in high school and college, and been a general manager and food and beverage director starting with Izzy's ice cream in 2002 and other locations including Big Bowl, Macaroni Grill, St. Olaf cafeteria, Masu Sushi, Giordano's, and most recently at Can Can Wonderland. Most of those establishments had full liquor licenses. His choice to serve wine and beer was because of the concept and because he was within the parameters of a synagogue. Ms. Vang confirmed with Ms. Schweinler that a sign-off by the church was not needed for wine and beer.

Mr. Gleason said he'd wanted to own his own restaurant and had been waiting for the right concept, time, and location. They wanted to be strong contributors to the neighborhood because they relied on the neighborhood to succeed and felt small businesses should give back to the neighborhood. He said it was important that they keep the area clean and be good neighbors and operate as a responsible business. He said they wanted to introduce bibimpap and Korean fried chicken to the city in a fun, welcoming atmosphere; they planned to keep the lights up all night and wanted it to be a place where kids could enjoy themselves. Also, he said they wanted to execute delivery as well. Ms. Vang asked whether the lighting would be disruptive. Mr. Gleason said it would be daytime-level lighting; they wanted it to be a welcoming environment.

Ms. Vang asked about the hours of operation and opening date. Mr. Gleason said all inspections were scheduled for that week, they would start training the next week, and hopefully open July 28 or 29. The hours of operation would be 11:00 a.m. opening every day, close at 9:00 p.m. and 10:00 p.m. on Friday and Saturday, which might change to 10:00 p.m. and 11:00 p.m. during school year, depending on how delivery went. He said he had been checking out neighborhood businesses to see what the late-night flow was. At some point they planned to introduce brunch and would open at 8:00 a.m. or 9:00 a.m. on Saturday and Sunday only. They don't intend to be open until midnight, never past 11:00 p.m.

Ms. Vang confirmed with Ms. Schweinler that there were no additional parking requirements; she asked Mr. Gleason whether he intended to hire from the community. Mr. Gleason said he hired qualified candidates, and was looking for people who were upbeat, energetic and loved food; he didn't look at whether they were local. In response to a question from Ms. Vang, Mr. Gleason described the staff training. He said this was his first restaurant he owns, but the 20th as a General Manager (GM).

Ms. Vang asked Mr. Gleason about issues he'd encountered as a GM and how he'd addressed them. Mr. Gleason said there were staffing issues due to the nature of the industry, and it was something to keep up on through hiring, planning and scheduling. He said it was all about the culture you built, and his priority was to create a great environment for the staff who would create a great environment for the guests. He said there were always some guest issues sometimes, and you let the staff team know they were empowered to ask the manager for help. It was about protecting staff and guests, and that included safe alcohol service, first and foremost. He said they IDed everyone; it was important to ID everyone and be consistent.

Ms. Vang asked about the clean-up process at closing. Mr. Gleason said it was important to have proper checklists. Often that could be started before close, but they wanted to make sure everyone who walked in while they were open got great service. He said they were doing their own clean-up, not hiring a company; he described the process and procedures for quality cleaning.

Ms. Vang asked whether they intended to empty bottles and trash outside at night. Mr. Gleason said it would be emptied at night, and throughout the day. He said they had employed a pest service and would make sure the alley and sidewalk were kept clean. Ms. Vang cautioned about emptying bottles at night and suggested waiting until morning, due to the noise. She asked

whether the trash area was enclosed. Mr. Gleason said they had two 4 x 7 bins in alley. He said the alley space was shared and they had their own containers.

Ms. Vang asked about the food inspection. Mr. Gleason said it was Thursday at 10:30 a.m.

Ms. Vang opened the hearing for public comment.

Chris Van Dongen (1325 Lincoln Avenue) said she had sent a letter of concern. She had lived there for 4-5 years and this was her first time sharing an alley and having close proximity to businesses, and she chose it due to the proximity to business. She said her concerns were noise from music, general night-time activity, people driving through, walking through the alley. Parking was another issue. She said there were some activities that were probably not sanctioned, and there was parking in the alley, which blocked her driveway. Her driveway was directly across from the garbage bins. She said she picked up trash, and the general concern was the ambience of the quiet residential neighborhood. She said she is all in for the Korean food, but the downside of food was that the odor from the garbage from the previous Chinese restaurant tenant was horrific. The placement of the garbage bins was also a problem when there was snow. She said there was a lot of thievery in the back, and that was also a concern.

Ms. Vang invited Mr. Gleason to respond.

Mr. Gleason said the old neighbors had a few events that were unsanctioned; that back-warehouse area was now being used for staging but would be emptied as soon as construction was done. As to garbage, he said they would try to wrap the garbage. He said the odor might have been the oil they were using. Ms. Van Dongen said it was fish products. Mr. Gleason said garbage would be picked up twice a week, and more if need. Ms. Van Dongen said she would like to be able to reach out to Mr. Gleason if there were problems. Mr. Gleason said he would provide his cell phone number, or Ms. Van Dongen could stop in. He said he had reached out about putting his garbage bins in the side alley owned by Green Mill, but right now the answer was no. Ms. Vang asked Mr. Gleason about addressing snow in the alley in winter. Mr. Gleason said they would do their part to shovel and make sure the garbage containers stayed up against the building. Ms. Van Dongen asked about monitoring or checking the consumption of alcohol. Mr. Gleason said part of alcohol training was to always be on the lookout for guests coming in intoxicated, and they would be watching guests from the time they walked in the door. He said it was about teamwork and monitoring guests. Ms. Van Dongen said she'd had no complaint with Green Mill, and she hoped with better food... Ms. Schweinler said Mr. Gleason said with a wine and beer license the business would be more food-focused. Mr. Gleason said counter service was more "you get one order and then you eat and you leave," rather than sitting at a table and continuing to drink and talk. Ms. Van Dongen said her concerns had been addressed, and she was fine with the fun atmosphere as long as it was modulated and having the fun contained.

Ms. Vang accepted Ms. Van Dongen's letter and testimony into the record.

Greg Steiner (3053 Sandy Hook Drive, Roseville), owner of the apartment building on Lincoln behind the restaurant. He said most of his concerns had already been addressed; it sounded like more of a family restaurant and he hoped it was successful. He said his main concern was the

warehouse behind the restaurant which caused a lot of problems for the neighborhood. He said another concern was tables and chairs behind the restaurant; he confirmed with Mr. Gleason that the plan was to have tables and chairs on Grand and not behind. Mr. Gleason said that was correct. Mr. Steiner said parking was already a little bit of a problem on Lincoln Avenue because of Green Mill; they would have to see how things went with Bap and Chicken's 20 employees. Mr. Gleason said his plan was to tell employees not to park on the street, and he would have to extend that farther than one block which would be Lincoln, but didn't like to do that because of employee safety. He said he knew through interviewing, that maybe 1/3 of his employees didn't drive. He also anticipated a higher percentage delivery because of the type of food and business model. He asked Mr. Steiner to let him know if he started seeing the same car. Mr. Steiner said the most important thing was that it was more family and more focused on food. Mr. Gleason said all the beer cans were 12 ounces, except for one that was only be available as a tall boy. Mr. Steiner asked for clarification of the entertainment plans. Mr. Gleason said the plan was music from speakers and possibly some tv music. He said all the doors would be closed, and with the layout of the building, they wouldn't be able to hear anything from the alley.

Michael Lewis (1335 Lincoln Avenue) said their concerns were primarily with garbage disposal and noise. He said everyone had heightened awareness of potential noise due to the experience with the previous tenant of the warehouse in back, but they knew Mr. Gleason wasn't doing that. He said the frequency of trash removal sounded positive. He said, based on Green Mill experience, glass bottles emptied late at night or early in the morning was hard to deal with. He said the tight space in the alley was a concern with delivery vehicles and inclement weather. He said they hoped Mr. Gleason did well and was there as a good neighbor for a long time.

Ms. Vang read a letter from Dan Casebeer at 1341 Lincoln Avenue, expressing concerns about traffic and noise, more police calls, and problems related to the addition of alcohol. Mr. Gleason said they would monitor service and consumption, and make sure everyone was safe, including employees and guests to neighbors.

Ms. Vang said she had no additional questions. She said given that Mr. Gleason was aware of the neighbor's concerns, he would keep noise, garbage and traffic in consideration as the business grew, and would do a good job of training staff on responsible alcohol service and be a good neighbor in that regard. She said she didn't see anything in the record that would lead her to a different recommendation than the City Council already approving the license. She said she didn't see a need for additional conditions, other than signing a new conditions affidavit to reflect that the Entertainment A license had been withdrawn.

She said her recommendation would go before the Council under Consent for approval.

The hearing adjourned at 10:38 a.m.

The Conditions Affidavit was signed and submitted on July 19, 2019.