

LICENSE HEARING MINUTES
Taco N Madre Taqueria Y Cevicheria, 63 Winifred St. W.
Monday, January 25, 2021, 10:00 a.m.
Remote Hearing Due to COVID-19
Nhia Vang, Deputy Legislative Hearing Officer

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 10:03 a.m. A roll call was made to confirm attendees.

Staff Present: Jeff Fischbach - Department of Safety and Inspections (DSI), Ross Haddow – Department of Safety and Inspections (DSI)

Licensee: Maria Gonzales, Applicant/Owner

License Application: Wine on Sale and Malt on Sale (Strong)

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 3 letters of correspondence -1 letter of objection which triggered this hearing and 2 letters of support, during the notification period.

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.

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report. Ms. Gonzales has applied for a Wine on Sale, Malt on Sale (Strong) license. DSI recommends the following conditions be put on the license:

1. Licensee agrees to close the establishment by 12:00 a.m. midnight, and all patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement).
2. Per City of Saint Paul Legislative Code 409.15(a)(2), On-sale wine license shall mean a license authorizing the sale of wine 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.

3. 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.
4. 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.
5. No liquor sales, service, display and/or consumption is allowed outdoors without prior written approval and additional licensing from DSI.

A letter of support was received from the West Side Community Organization. License and Zoning approved with conditions. DSI has a recommendation of approval with conditions. Mr. Fischbach cleared up some concerns about outdoor liquor service. Liquor served outside requires a separate license. A year prior to outdoor seating, the licensee will need to get an obstruction permit from the City of St. Paul Public Works. DSI has been working on this and will e-mail that information to Ms. Gonzales. Also, parking will be an issue if they decide to sell liquor in the future.

Ms. Vang asked Ms. Gonzales to explain her background: history, ownership, operations, staffing, future liquor sales proposals, and asked whether she had any questions about the proposed conditions recommended by DSI, including violation of conditions.

Ms. Gonzales agreed to conditions and did not have any questions about the condition and understood what it meant to violate conditions. She opened in September of 2020. This business is her first business. It's a family owned and operated and managed by herself, her husband, and family members. It's a fast food service business with counter ordering of food where customers would be given a buzzer to know when their food is ready for pickup. The restaurant provides a little bit of everything from tacos to seafood. She plans on selling wine but is unsure depending on the license and whether she would offer by the glass or bottle. Because her business is family-orientated, she does not plan on selling more than 3 beers per person, including no intention to stay open until midnight. The business hours are 10:00 a.m.-10:00 p.m. Regarding Ms. Gonzales' background, she has worked at different restaurants as a server and has taken the alcohol classes on proper ID and how much to serve people. She will also provide education to her staff regarding alcohol handling.

Ms. Vang asked about outdoor seating, and how Ms. Gonzales' will prevent customers from taking liquor outside when her license is limited to indoor seating.

Ms. Gonzales indicated that she is just serving food right now. If she gets approved for beer and wine, she will address it. Because of COVID, she does not have a lot of staff. She will need a dedicated server instructed on proper handling of liquor and security to keep everyone safe.

Ms. Vang explained to Ms. Gonzales that most customers don't realize that they can't take their wine and beer outside, so she informed Ms. Gonzales that she will need to educate her staff and customers that the license is only limited to the inside of the restaurant and liquor is prohibited outdoors.

Ms. Gonzales stated that if she is approved for this license, she intends to work on getting the extension of liquor service to the patio later. Unfortunately, while she likes the idea, it may not be possible because of budget constraints.

Ms. Vang asked about Ms. Gonzales' past experience of working in the restaurant business with handling combative customers.

Ms. Gonzales indicated that her experience in restaurants include karaoke and opening until 2:00 a.m. These restaurants had security, so it was security who took care of problematic customers.

Ms. Vang asked about the site plan which showed that the interior (e.g., tables and chairs, 2 bathrooms including 1 that is handicap accessible) and exterior spaces (e.g., outdoor seating and 2 parking spaces) and asked about the trees outside whether that would be the location of the outdoor seating.

Ms. Gonzales confirmed that the two trees provide shades to the patio area. She indicated that the patio is really nice with existing holes for outdoor umbrellas.

Ms. Vang stated that she would withhold additional questions to Ms. Gonzales to read the letters of support and objections into the record.

She read the first letter of support that was received on January 18, 2021, from Mr. Scott Morris, residing at 24950 Amlee Road, Shoreview (MN) who stated that he does not have any objections to the licensing of Taco N Madre Taqueria Y Cevicheria LLC. He is the owner of three buildings that are in close proximity of 63 Winifred. They are 87 Winifred, 491 Stryker & 502 Stryker.

The second letter of support was dated January 13, 2021, from Mr. Michael McDowell, Scorecard & Land Use Organizer, of West Side Community Organization (District 3 Planning Council). He stated that the Council met and reviewed the license for Wine on Sale and Malt on Sale at Taco N Madre. The Committee set aside time for questions and answers dialogue with businessowner Ms. Maria Gonzales. Member's concerns were addressed, and they voted unanimously in support of the application. WSCO considers Taco N Madre as an asset to their community and is pleased to support the operation of this establishment in the neighborhood.

Ms. Vang then read the letter of objection that was received on December 7, 2020, from Lance Schultz who is the property owner of 58/60 Winifred St. W. He stated his objections as follows: "The property I own is directly across the street from the subject property and I feel the noise levels that could come from guests of Taco N Madre departing at 12 a.m. with liquor involved could produce a late-night disturbance in the neighborhood. I would find the application acceptable if liquor sales stopped at 10 p.m." Ms. Gonzales was asked to respond to the concerns raised.

Ms. Gonzales stated that her intentions are to keep the business very peaceful with a family environment. She does not intend for her business to get to that point. The music is set to low to allow customers to have conversations during their meal. She would rather serve more food than beer or wine. She grew up on the West Side and is very thankful for this place. This is an amazing neighborhood.

Ms. Vang was encouraged by Ms. Gonzales's intention to close at 10:00 p.m. but wanted her to understand that there is condition language restricting the business to a 12:00 a.m. closing. Ms.

Gonzales acknowledge that she understood and that should things change, she will inform the City.

Ms. Vang also wanted to inform Ms. Gonzales that should her business operation change to allow for live performances, she would need a different license for that and was advised to consult with DSI. Ms. Gonzales indicated that for now, she only has music playing from Bluetooth speakers in the background. The music is not very loud and wants her customer to be able to have conversations. Also, the place is not a big space and would not allow for performances.

Ms. Vang discussed the location of the business and its impact on nearby homes and apartment buildings. Ms. Gonzales confirmed that the business is surrounded by a lot of residential homes but indicated that the business would not be the only business in the area. There was a mechanical shop nearby with people coming in and out and she was not sure if it was currently operating. She also indicated that within the same building that the business is located is another spot that is available for rent.

Ms. Vang asked whether Ms. Gonzales was leasing or had bought the property. She indicated that she was renting the space. Ms. Vang asked that she work with the landlord to discuss any future structural changes and with respect to handling of garbage and snow based on past complaints on the property. Ms. Gonzales stated that there were trash bins and a dumpster in the back which get picked up once or twice a week, but currently, there wasn't anything to be picked up. Ms. Vang enquired about how snow was being handled whether by Ms. Gonzales, her landlord or through a service. (*Ms. Gonzales' response was in inaudible.*)

Ms. Vang was stated to Ms. Gonzales that she was satisfied with her testimony and did not see a need at this time to add additional conditions. She commended Ms. Gonzales for opening and expanding her business in light of Covid-19. She encouraged her to work with the DSI staff should her business model change to get additional licenses, especially future intentions to extend liquor service to the patio/sidewalk. Ms. Gonzales was encouraged to sought out District Council for their guidance, including getting to know them so that they are aware of neighborhood issues. Ms. Gonzales thanked staff and did not have any more questions.

Mr. Fischbach said that he had a signed license condition affidavit from Ms. Gonzales that he will scan and email after the meeting.

Ms. Vang thanked Ms. Gonzales and staff and informed her to contact staff should there be additional questions.

The hearing was adjourned at 10:33 a.m.

The signed Conditions Affidavit was signed on December 8, 2020 and was submitted on January 25, 2021.