

LICENSE HEARING MINUTES
Smokin Ninjas, 879 Rice Street
Monday, May 10, 2021 at 10:00 a.m.
Remote License Hearing
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 10:07 a.m. A roll call was made to confirm attendees.

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

Licensee: Sachoua Vang, Applicant/Owner

License Application: Liquor on Sale – 100 seats or less, Liquor on Sale – Sunday, Entertainment (A) License

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 during the notification period.

Ms. Vang stated that this application is a change in ownership for the named business of Smokin Ninja's at 879 Rice Street. The co-owners are Mr. Sachoua Vang and Mr. Houa Vang, the License ID number is 20210000176. Mr. Sachoua Vang is authorized to speak for himself and on his brother's behalf regarding the application for Liquor on Sale – 100 seats or less, Liquor on Sale – Sunday, Entertainment (A) licenses.

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 the business plan and 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 from the Department of Safety and Inspections (DSI) gave a staff report which included the above license information. The conditions are the same as the previous owner. Condition #6 refers to new owners contacting St. Paul Police Department (SPPD) to review their

security system which was already done with a second inspection following recommended changes. These changes must be completed before the license can be issued.

Ms. Vang wanted clarification regarding condition #5 – shared parking spaces.

Mr. Fischbach stated that it is a little bit unusual because there are separate parcels that are owned by the same property owner who owns the building. It's all clear that they are to remain under control of the operator of this because it's required for off-street parking. These parcels of land are the off-street parking spaces, which meets the standards for this off-street parking requirement. The building is on a separate parcel and these three properties have their own parking. There will be a total of 12 off-street parking spaces. Condition #5 is included here to ensure that whenever there is a change in ownership, the property owner and DSI are both aware of the requirement, including when the property is sold off. The reality is to ensure that the building and parking spaces are kept together. The applicant is aware of all the conditions and has agreed to them per the signed conditions affidavit which will be emailed following the hearing.

Ms. Vang asked Mr. Fischbach if the District Council's letter regarding the 45-day waiver had any relevance to today's hearing?

Mr. Fischbach stated that the letter was received too late, May 5th, to process.

Ms. Vang asked about condition #3 which states no use of the second floor upstairs. She also noted a kitchen and inquire how it will be use.

Mr. Fishbach said that it's more of a kitchenette. At one time, it might have been a residential unit but that was removed and discontinued a few owners back. It was once also used as a private lounge but DSI stopped that use and when there was a change of ownership, the department put these conditions to ensure that no liquor service or displays were allowed in that space and should not be treated like bar. Since then, there has not been any issues.

Ms. Vang also asked Mr. Fischbach to explain about the gambling/pull tab areas that was identified on the site plan.

Mr. Fischbach said that the site plan was just carried forward from the previous owners and the current owner does not have any gambling location intentions. If the owner does want to do chartable gambling, he would have to go through the normal gambling location licensing procedures. As previously stated, the applicant is not interested in seeking a gambling location license at this time.

Mr. Vang confirmed with Mr. Vang that he understands and agrees to all of these conditions.

Ms. Vang then asked Mr. Vang to introduce himself and to talk about the business: history, hours of operation, number of employees, etc.

Mr. Vang introduced himself and indicated that his business partner is his younger brother. They both grew up on the east side, went to middle school and are both familiar with the area. They also have a handful of family and friends who live nearby. Their first business started with each opening a food truck business. He is the owner of Ninja Sushi and his brother is the owner of Smoked Session BBQ. When opening this business, they combined their food truck business names to “Smokin Ninjas”. Their mother is also in the food truck business and her business is called, “The Happy Street Foods”. They are a family of food truck entrepreneurs. With the pandemic last year, they were running into issues at their original location. When this business became available, they decided to expand their business. They want this business to incorporate their family food truck business which they will park their truck to allow people and neighbors to come together. They want to change the atmosphere of the corner and turn it into something positive. They are planning to hire security for all hours the business is open: Wed. – Sun. 5:00 - 11:00 p.m. Because his brother is out of town and could not be in the hearing today, Mr. Vang stated that he plans to revisit with his brother the idea of opening later now that the restriction has been relaxed.

Ms. Vang asked if this was their first business as a brick and mortar business?

Mr. Vang said that this was their first business as stated above, to have the food trucks outside. We will have my food truck as well as my mother’s food truck and they will be on the street. We do not have a kitchen in our building, so we do want to be able to serve food. I recently put in my application for the MN Department of Health.

Ms. Vang asked Mr. Diatta if opening up of food trucks at this location complies with the use of this site?

Mr. Diatta said that a food truck can be at this location on private property using his own parking spaces but if they want to be on the public right of way there is a regulation from the state that limits trucks to a certain amount of days per year.

Mr. Fischbach explained that the initial application does not show a food truck parked on the site plan. Mr. Vang will need to submit a separate request to zoning to do a review to make sure that the trucks can be parked there.

Ms. Vang said that this will not hold up the license review at this time and Mr. Vang said he understood. Ms. Vang also inquired about food and liquor and how it will be served.

Mr. Vang replied that they would not be serving food at the bar. In compliance they still need to apply for the Department of Health permit (for the food trucks) but the brick and mortar itself will not be serving any food. If people want food, they need to get it outside at the food trucks and eat it outside. It cannot be brought into the restaurant.

Ms. Vang asked about staff and Mr. Vang replied that he has 2 bar staff lined up for now just because he’s not sure how business is going to go at first and also 3 certified security staff. Which was the recommendation from his head security. Mr. Vang also mentioned that his brother and himself will be the managers.

Ms. Vang asked if this was the first business that Mr. Vang had that served alcohol which he replied that “yes” this was his first business with brick and mortar and serving alcohol.

Ms. Vang mentioned that Mr. Vang needs to go through alcohol training and familiarize his staff with department rules regarding overserved customers, checking identification, and the liquor license manual. This can be arranged with Mr. Haddow. She also asked about hours of operation.

Mr. Vang said that because of the pandemic he would be open Wednesday to Sunday, 5 p.m. to 11:00 p.m., and since his brother and himself are still in the brainstorming stage he will keep it as is.

Ms. Vang told Mr. Vang to please contact DSI and herself if the hours should change so she can keep the Councilmember informed. She also mentioned that should he decide to seek the gambling location license, he will need a license which would follow a similar process. Ms. Vang asked about the clientele and planned entertainment.

Mr. Vang would like to attract more white-collar workers since business is located near the Capitol and hoped that when people to return to work, business will pick up. He is also hoping to attract families. Regarding entertainment, he would like to offer music from local artists, and it should be small, intimate concerts. The place is not very big so there will be no dancing.

Ms. Vang asked how he will tend to customers as they are leaving at the end of the night since they have residents nearby.

Mr. Vang said that they plan to stop offering music early. Throughout the night, the staff will clear bottles so they don't get all piled up and emptied at once, which would reduce the noise levels in the evening. They have closed containers in back with locks and will be sweeping the parking lot daily to ensure that the parking lot is maintained. They have contracted with Aspen for garbage services which will get picked up weekly.

Ms. Vang asked about lighting to ensure that it would not be a nuisance.

Mr. Vang said the lights installed are the existing lights and they surround the building which he believed would not be an issue.

Ms. Vang informed Mr. Vang that should he plan on installing more lights to the exterior to consult with DSI. She then asked about signage.

Mr. Vang said that he's working with the NorthEnd Neighborhood Organization and was recently approved by the organization for a new sign.

Mr. Diatta told Mr. Vang that he should follow-up with David Eide in Zoning because the Zoning Unit regulates signage with regards to size and allowable use according to City code.

Ms. Vang next open the next part of the hearing for public input. Given that there were no interested parties in attendance, she read the letter of objection from Teena Hill, Regional Property Manager (180 Wayzata Street, St. Paul, MN 55117) into the record. The summary of the letter addressed concerns about high traffic and criminal activity attraction. The letter also indicated that over 50% of the residents in Ms. Hill's building housed the disabled community and children). She then invited Mr. Vang to respond.

Mr. Vang responded that change happen if given an opportunity, especially at the corner where the business is located. He would like to help turn the neighborhood around. They hope to change the corner with the hire of security and heavy police presence from the Police's Gang Task Force Unit. He is hopeful that the neighborhood can be turned around.

Ms. Vang also encouraged to Mr. Vang to reach out to the District Council who may be able to offer advice given their ties to the community, especially if issues arise.

Mr. Vang acknowledged and thanked Ms. Vang for the information and will touch base with the district council.

Ms. Vang next reviewed the Stamp Activities report as part of the hearing packet and asked about the status of the Certificate of Occupancy which indicates that inspection is still pending and asked about the occupancy of the bar and restaurant which is under 50 for the space. The first-floor occupancy is for less than 50 and the second floor indicates that it has been vacant for many years. Ms. Vang asked whether the first floor meets existing requirement for A2 Use and asked what that notation mean?

Mr. Fischbach said that A2 Use is an assembly occupancy. The occupancy status is pending because it last passed its inspection and is not due for another one until the end of the year. The first floor is certified for occupancy and for current uses. The A2 use is for this building because it was built before current code standards. Mr. Vang needs to comply with current Fire C of O requirements. The Fire inspector has not assessed it, but he can contact the Fire inspector to see if they want to do an inspection or whether it can wait under the normal inspection cycle. The last inspection was done at the end of 2019 which would make the next inspection the end of 2021. Normally, the inspection would fall into the next cycle. The note is listed in case there is a different inspector than the previous inspector to note that the second floor is an uncertified space and that the space cannot be used.

Ms. Vang asked if Mr. Vang has the license hearing packet in front of him and referenced that the Stamp activities report showed complaints about graffiti and tall grass. Mr. Vang acknowledged that he is following along and is aware.

Ms. Vang asked if he was also the property owner or renting the space. Mr. Vang stated that Mrs. Vue is the owner and he and his brother are renting the building for their use. They have hired for lawn care and winter snow service which would take care of the lot. According to the lease agreement that he has with Mrs. Vue, he would be responsible for lawn care and snow removal. When asked when he intends to open, Mr. Vang stated that they would like to open as soon as the license is approved.

Ms. Vang asked if there was anything else that needed to be addressed before the hearing came to an end. Mr. Fischbach said that he just e-mailed Mr. Vang the contact information for David Eide for signage and a parking for the food trucks. He will also need to follow-up with the police department about the security system. Mr. Vang acknowledged that he would do those follow-ups.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she will recommend to the City Council that they approve the license with the agree-upon license conditions and reminded Mr. Vang that her recommendation will be on the Council's agenda under the consent section.

The hearing adjourned at 10:49 a.m.

The Conditions Affidavit was signed on March 30, 2021.