

LICENSE HEARING MINUTES
Candlestick Hospitality LLC d/b/a Myriel, 470 Cleveland Avenue S.
August 26, 2021, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
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 2:00 p.m. A roll call was made to confirm attendees.

Staff Present: Department of Safety and Inspections (DSI) Licensing Staff, Jeff Fischbach, and Zoning Staff YaYa Diatta and David Eide; and Nhia Vang, Hearing Officer, and Hearing Staff Janis Peterson and Dominique Archiebald.

Licensee: Candlestick Hospitality LLC (License ID# 20210000722), d/b/a Myriel – James Brown.

License Application: to add a Liquor on Sale – 100 seats or less license, located at 470 Cleveland Avenue S.

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a Class N license application. This license application required notification to nearby residents and businesses, including the affected District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection within the notification period, 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.

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's office to take an adverse action on the application, which could involve review by an administrative law judge. The City Council is the final authority on whether the license is approved or denied.

Minutes:

Jeff Fischbach, Licensing Inspector for the Department of Safety and Inspections (DSI), gave a staff report for licensee Candlestick Hospitality LLC (License ID# 20210000722), d/b/a Myriel, located at 470 Cleveland Avenue S. The application is to add a Liquor On Sale – 100 seats or less license.

DSI Licensing recommends approval subject to the establishment closing by 12 a.m. midnight. The reason for that closure at midnight is because this place at its location had prior to or about 2015, the City's licensing ordinance change regarding liquor licensing. Prior to that time, there was a ward system with a limited number of licenses. To allow for more liquor licenses, new liquor licenses could be established but it would have to meet more stringent licensing requirements such as type of facilities and equipment and one of the specific requirements is that businesses must close by midnight and everyone must be off the premises by 12:30 a.m. Candlestick Hospitality LLC, d/b/a Myriel, is one of those establishments that does not pre-date the ordinance change so it must closed by midnight. There has been no correspondence received from any neighborhood organization to recommended or object. The Building inspection is currently in process, building permit # 2021-226364. Zoning is approved. The parking assessment was completed by Mr. David Eide and he determined that the parking requirement would not change because the previous use and the current use is considered a restaurant.; Also, the minimum parking requirement has been abolished by the City Council recently and therefore, there is no minimum parking guideline for the business. DSI recommends approval. Discussion ensued as to why the midnight closing was not included in the notice and whether this requirement should be added as a condition.

Ms. Vang next asked Mr. Brown to testify. She asked him to talk about the business: history, hours of operation, number of employees, floor plan etc.

Mr. Brown gave a brief description of the business. He stated that he is the co-owner with Curran Tomlinson, who is a chef. Myriel is a restaurant that offers dinner and wine between the hours of 5:00 p.m. and 10:00 p.m. from Wednesday to Saturday, and primarily takes reservations for service. The last reservation would be for 9:00 p.m. There will be twelve (12) employees. The current business location, 470 Cleveland Avenue S. has been a restaurant of some sort for the last 30 years and has a capacity of 38 – 40 seats for service. Mr. Brown stated that he currently owns Hi-Lo Diner on East Lake street, and has worked as a contractor to remodel, build, and operate restaurants for several years. He stated that he would like to open the business as soon as the construction work on the ADA bathroom and lighting is complete. The stairs to the basement level had been reconstructed and are now up to commercial code. The remodel included moving the dish washing area to the basement and building an ADA bathroom behind the bar, where the dish washing area used to be.

Ms. Vang then asked how the flow of traffic would be handled. Mr. Brown testified that there is plenty of parking available around the building and being that this establishment is the only restaurant in the area and operates after normal business hours, there should be no pressure on the neighborhood regarding parking, and that there is plenty of parking on Raymond street. He also stated that it's likely most customers would use a Ride-share service as wine is being consumed.

Ms. Vang then asked specific questions regarding trash clean-up and garbage handling. Mr. Brown advised that the building has a shared trash dumpster in the back of the building. Mr. Brown will be onsite before and during operating ours and will be sure to keep the area clean.

Ms. Vang then open the next part of the hearing for public input. There was one (1) letter of objection which triggered the hearing. Given that there are no complainants/objectors on the call, Ms. Vang read the letter into the record. She noted that Mr. Brown would be given an opportunity to respond to the objection letter.

Ms. Vang read Ms. Stephanie King's letter of objection into the record.

Stephanie King, Randolph Avenue, St. Paul, objects to the Liquor on Sale – 100 seats or less license as she believes there are too many young people who congregate at this small area without adequate parking making it difficult for the residents who live on Randolph to park. She also stated that the extra noise generated by the layout is unacceptable.

Mr. Brown acknowledged Ms. King's concerns and said that he understands her concerns about parking. He stated that the operating hours and the entry location the restaurant faces is not on Randolph which should not have too much of a parking impact for the nearby neighbors. Mr. Brown also testified that he and his business partner are experienced in the restaurant business and they will be taking steps to ensure that they are responsible and responsive to the neighborhood should any issues arise.

Ms. Vang then read asked if employees are trained for safety and for handling unruly customers. Mr. Brown advised that all employees go through safety training when hired. He also stated that he and his business partner would be on the premises during operating hours and that he doesn't anticipate these kinds of issues.

Ms. Vang closed the public hearing and noted that there was one (1) follow-up: Mr. Fischbach would draft the condition and would send Mr. Brown and his business partner the Conditions Affidavit to review and sign regarding the midnight closure. She stated that after reviewing the records and testimonies from all parties, she supports DSI's recommendation of adding a condition to specify a midnight closing to distinguish the business as a restaurant instead of a bar. She verified with Mr. Brown for his agreement to the proposed change. She will recommend to the City Council that they approve the license with the condition being added:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant", which includes a requirement for closure of the establishment at 12:00 a.m. (midnight) each day of the week and all patron/customers vacating the premises by 12:30 a.m.

The hearing adjourned at 2:34 p.m.

The Conditions Affidavit was signed on September 14, 2021 and submitted on September 16, 2021.