



Legislation Details (With Text)

File #: RES 19-1336 **Version:** 1
Type: Resolution **Status:** Passed
In control: City Council
Final action: 8/28/2019

Title: Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Wine On Sale and Malt On Sale (Strong) licenses for Bibimbap LLC (License # 20190001319), d/b/a Bap and Chicken at 1328 Grand Avenue.

Sponsors: Chris Tolbert

Indexes: License, Liquor, Ward - 3

Code sections:

Attachments: 1. Signed Conditions Affidavit, 2. Minutes, 3. Class N Application, 4. Floor Plan, 5. STAMP Activity Report, 6. Street Photos, 7. Aerial Photo, 8. Plat Map, 9. Zoning Map, 10. AMANDA Print Screen, 11. 100' Property Ownership, 12. District Council Waiver of Support, 13. Correspondence of Objection 1, 14. Correspondence of Objection 2, 15. Class N Notification, 16. Notification of License Hearing, 17. Notification to Non-City Parties - email, 18. Notification to Non-City Parties - mail, 19. Hearing sign-in

Date	Ver.	Action By	Action	Result
8/29/2019	1	Mayor's Office	Signed	
8/28/2019	1	City Council	Adopted	Pass

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Wine On Sale and Malt On Sale (Strong) licenses for Bibimbap LLC (License # 20190001319), d/b/a Bap and Chicken at 1328 Grand Avenue.

WHEREAS, Bibimbap LLC (License # 20190001319), d/b/a Bap and Chicken located at 1328 Grand Avenue has applied for class N licenses for Wine On Sale and Malt On Sale (Strong); and

WHEREAS, the licensee received support from the Macalester Groveland Community Council to waive the 45-day notification; and

WHEREAS, per RES 19-1052, adopted July 10, 2019, the City Council voted to waive the 45-day notification period and approve Bap and Chicken's Wine On Sale and Malt On Sale (Strong) licenses with the following conditions:

- 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.
- 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.
- 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.
- 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; and

WHEREAS, objections to the Wine On Sale and Malt On Sale (Strong) licenses were received within the notification period, and a hearing was held on July 15, 2019; and

WHEREAS, after conducting the hearing and considering the testimony, the Deputy Legislative Hearing Officer recommends that the application for Wine On Sale and Malt On Sale (Strong) licenses for Bibimbap LLC (License # 20190001319), d/b/a Bap and Chicken at 1328 Grand Avenue be approved with the following 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.

THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with the aforementioned agreed-upon conditions.

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