



## Legislation Details (With Text)

**File #:** RES 22-1857 **Version:** 1

**Type:** Resolution **Status:** Passed

**In control:** City Council

**Final action:** 12/21/2022

**Title:** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Black Hart of Saint Paul LLC (License ID# 20180001270), d/b/a The Black Hart Of Saint Paul, to add a Liquor-Outdoor Service Area (Patio) license to existing Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor-Outdoor Service Area (Sidewalk), Entertainment (B), and Gambling Location licenses located at 1415 University Avenue West.

**Sponsors:** Mitra Jalali

**Indexes:**

**Code sections:**

**Attachments:** 1. Signed Conditions Affidavit, 2. Minutes, 3. Applicant Request/Good Faith Letter, 4. City Council Approval RES 22-1644, 5. Updated Draft Site Plan, 6. Conceptual Site Plan, 7. Street Photos, 8. Stamp Activity Report, 9. Incident Report, 10. Objection #1, 11. Objection #2, 12. District Council Support, 13. Aerial Photo, 14. Zoning Map, 15. Plat Map, 16. 100' Property Ownership, 17. AMANDA Print Screen, 18. Class N Notification, 19. Notification of License Hearing (45-day waiver), 20. License Hearing Sign-In Sheet

Date	Ver.	Action By	Action	Result
12/23/2022	1	Mayor's Office	Signed	
12/21/2022	1	City Council	Adopted	Pass

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Black Hart of Saint Paul LLC (License ID# 20180001270), d/b/a The Black Hart Of Saint Paul, to add a Liquor-Outdoor Service Area (Patio) license to existing Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor-Outdoor Service Area (Sidewalk), Entertainment (B), and Gambling Location licenses located at 1415 University Avenue West.

WHEREAS, Black Hart of Saint Paul LLC (License ID# 20180001270), d/b/a The Black Hart Of Saint Paul, located at 1415 University Avenue West, has applied for a Class N license to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor-Outdoor Service Area (Sidewalk), Entertainment (B), and Gambling Location licenses; and

WHEREAS, a notification regarding the license application was sent from the Department of Safety and Inspections to the affected neighborhood for the period of September 29, 2022, to November 18, 2022; and

WHEREAS, during the notification period, objections were received which triggered the hearing and a hearing was held on November 28, 2022; and

WHEREAS, the objections were related to noise emanating from outdoor patio service, public urination, trash, crime, and parking; and

WHEREAS, in response to the concerns raised, the licensee has agreed to work with the city to comply with the necessary requirements to minimize nuisance activities that would disturb the surrounding residential neighborhood; and

WHEREAS, the licensee also requested a waiver of the 45-day notice requirement and on September 28, 2022, the Hamline Midway Coalition District Council (Planning District Council 11) voted to support the licensee's request to waive the 45-day notice requirement and approve the issuance of the Liquor-Outdoor Service Area (Patio) license; and

WHEREAS, on October 26, 2022, per RES 22-1644, the City Council voted to approve licensee's waiver of the 45-day notice requirement and approval of the Liquor-Outdoor Service Area (Patio) license be added to the existing Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor-Outdoor Service Area (Sidewalk), Entertainment (B), and Gambling Location licenses, for Black Hart of Saint Paul LLC (License ID# 20180001270), d/b/a The Black Hart Of Saint Paul, located at 1415 University Avenue West; and

WHEREAS, licensee was required to seek support from a list of private residences, dwellings and apartment houses within a 300-foot radius of licensee's proposed Liquor-Outdoor Service Area (Patio) license at 1415 University Avenue that was provided by the Department of Safety and Inspection by signatures of approval on petitions; and

WHEREAS, licensee sought support from a list of private residences provided by the Department of Safety and Inspection by signatures of approval on petitions; and

WHEREAS, forty-four (44) residential properties are within a 300-foot radius of licensee's proposed Liquor - Outdoor Service Area (Patio) license, and licensee must seek consent of neighboring residential properties and obtain ninety percent (90%) approval or, in the lesser case, sixty percent (60%) or more approval; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from nineteen (15) residential owners or forty-four percent (44%) of support, including receiving support from the Hamline Midway Coalition District Council as of September 28, 2022; and

WHEREAS, the licensee submitted a "good faith" letter outlining his attempt to attain signatures required by the City of Saint Paul from residential property owners; and

WHEREAS, the Council finds that these efforts constitute a good-faith effort to fulfill all petition requirements, and that the results of the attempts to obtain signatures showed a generally favorable disposition from the surrounding community toward the proposed licensed activity; and

WHEREAS, the Council finds that issuance of the license will not interfere with the reasonable use and enjoyment of neighboring property and residences and will not bear adversely on the health, safety, morals, and general welfare of the community; and

WHEREAS, after conducting the hearing and considering the testimonies and evidence, the Deputy Legislative Hearing Officer recommends that the application to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor-Outdoor Service Area (Sidewalk), Entertainment (B), and Gambling Location licenses, located at 1415 University Avenue West, for Black Hart of Saint Paul LLC (License ID# 20180001270), d/b/a The Black Hart Of Saint Paul, be approved with the following conditions:

1. 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.

2. Licensee agrees to limit the placement of seating on the public sidewalk to the area and number of seats shown on the approved sidewalk seating plan on file with the Department of Safety and Inspections (DSI) and Public Works.
3. Licensee agrees to take appropriate action(s) to ensure that the sale, display, and/or consumption of alcoholic beverages is contained within the defined approved liquor service area on file with DSI.
4. Licensee will provide sufficient security to insure an orderly exit of patrons at bar close. Security will be clearly identifiable. Signage will be posted at the door reminding patrons to leave in an orderly fashion and not disturb the neighbors.
5. Staff will insure that the 48" clear walkway is maintained at all times.
6. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.
7. Any outdoor activities related to the outdoor seating/liquor-service areas on either public or private property shall comply with applicable State and Local rules and regulations, including but not limited to Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with the aforementioned agreed-upon conditions and finds that the license conditions are reasonable, and the application is in order and there are no grounds to deny approval of the licenses.

The Conditions Affidavit was signed and submitted on October 4, 2022.