



Legislation Text

File #: RES 22-1537, **Version:** 1

Approving the application with no new additional conditions added, per the Deputy Legislative Hearing Officer, for Hogan Bard LLC (License ID# 20210000674), d/b/a Emerald Lounge, to add a liquor-Outdoor Service Area (Sidewalk) license to its existing Liquor On Sale - 100 seats or less, and Liquor On Sale - Sunday licenses located at 455 Seventh Street West.

WHEREAS, Hogan Bard LLC (License ID# 20220000729), d/b/a Emerald Lounge, located at 455 Seventh Street West, has applied to add a liquor-Outdoor Service Area (Sidewalk) license to their existing Liquor On Sale - 100 seats or less, and Liquor On Sale - Sunday 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 July 28, 2022, to September 16, 2022; and

WHEREAS, during the notification period, objections were received which triggered the hearing and a hearing was held on September 22, 2022; and

WHEREAS, the objections were related to noise emanating from outdoor patio service and parking availability; 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, 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 (Sidewalk) license at 455 Seventh Street West 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 as demonstrated in their Letter of Good Faith Effort (See attachment); and

WHEREAS, fifty-four (54) residential properties are within a 300-foot radius of licensee's proposed Liquor - Outdoor Service Area (Sidewalk) 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 was unable to obtain the ninety percent (90%) consent or, in the lesser case, sixty percent (60%) or more; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from twenty-five (25) residential owners or forty-six percent (46%) of support, including receiving support from the West 7th / Forth Road Federation District Council (Planning District Council 9) dated June 27, 2022; 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, the licensee also requested a waiver of the 45-day notice requirement and on June 27, 2022, the West 7th Street/Fort Road Federation (Planning District Council 9) voted to support the licensee's request to waive the 45-day notice requirement and approve the issuance of the Liquor Outdoor Service Area (Sidewalk) license; and

WHEREAS, on October 5, 2022, per RES 22-1262, the City Council voted to approve licensee's waiver of the 45-day notice requirement and approval of the license; 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 (Sidewalk) license to the existing Liquor On Sale - 100 seats or less, and Liquor On Sale - Sunday licenses, located at 455 Seventh Street West, for Hogan Bard LLC (License ID# 20210000674), d/b/a Emerald Lounge, be approved with no new additional conditions other than the following existing conditions previously agreed to:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.
3. No alcohol sales, service, display and/or consumption is allowed outdoors without prior written approval and additional licensing from DSI.

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 on August 29, 2021 and submitted on August 30, 2021. (With no changes to conditions, the Conditions Affidavit signed on August 29, 2021 shall remain and continue in full force and effect.) Also note that a statement documenting a good faith effort to obtain support dated September 20, 2022, was submitted after the hearing.