



## Legislation Text

---

**File #:** RES 17-960, **Version:** 1

---

Approving a waiver of the 45-day notification period for the issuance of a Wine On Sale and Malt On Sale (Strong) licenses with conditions to O'Reilly Custom 2 LLC, d/b/a Delicata Pizza & Gelato (License ID #20170002076) at 1341 Pascal Street North.

WHEREAS, O'Reilly Custom 2 LLC, d/b/a Delicata Pizza & Gelato (License ID #20170002076) applied for a Wine On Sale and a Malt On Sale (Strong) license for the premises located at 1341 Pascal Street North in Saint Paul; and

WHEREAS, the licensee requested a waiver of the 45-day notification waiting period for approval of the Wine On Sale and a Malt On Sale (Strong) licenses; and

WHEREAS, the Department of Safety and Inspections received a letter from District 10 Como Community Council in support of issuing the licenses and waiving the 45-day notification waiting period; and

WHEREAS, the Department of Safety and Inspections received no other objections to issuing the licenses and waiving the 45-day notification waiting period; and

WHEREAS, the Council finds that the application is in order and there are no grounds for denial of the licenses and waiver of the 45-day notification waiting period; therefore, be it,

RESOLVED, a waiver of the 45-day notification waiting period is granted and the Wine On Sale and Malt On Sale (Strong) licenses are approved with conditions to O'Reilly Custom 2 LLC, d/b/a Delicata Pizza & Gelato with the following conditions:

1. Five (5) off-street parking spaces shall be maintained in accordance with the site plan on file with the Department of Safety and Inspections (DSI).
2. The floor layout for the restaurant, per the floor plans on file with the Department of Safety and Inspections (DSI), shall not be changed, expanded or altered in anyway without prior approvals of the City's Zoning Administrator and the Building Official.
3. Hours of Operation are limited from 5:00 a.m. until 10:00 p.m. No Wine and/or Malt (i.e., beer) service will be available before 8:00 a.m. each day of the week.

4. 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 of food (menu item only). The sale of Malt (Strong) will also take place only in conjunction with the sale and service of food.
  
5. 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.
  
6. 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.