



Legislation Text

File #: RES 18-1235, **Version:** 1

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Alfonso's Inc. ((License ID #20060002197), d/b/a Carbone's Pizza #4, to add a Liquor-Outdoor Service Area (Sidewalk) license to the existing Wine On Sale and Malt On Sale (Strong) licenses, at 1698 Randolph Avenue.

WHEREAS, Alfonso's Inc. ((License ID #20060002197), d/b/a Carbone's Pizza #4 at 1698 Randolph Avenue, has applied for a class N license for to Add a Liquor-Outdoor Service Area (Sidewalk) license to the existing Wine On Sale and Malt On Sale (Strong) licenses; and

WHEREAS, residential properties are within a 300 foot radius of licensee's proposed license to add a Liquor-Outdoor Service Area (Sidewalk) license to the existing Wine On Sale and Malt On Sale (Strong) licenses, and licensee must seek consent of neighboring residential properties and demonstrate that they were able to obtain 90% approval or, in the lesser case, 60% or more approval; 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, licensee was unable to obtain the 90% consent; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from 59.2% of residential owners, including support from the Highland District Council and three emails of support; 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, in response to notification from the Department of Safety and Inspections regarding the license application, the City received two emails in opposition to the license application; and

WHEREAS, the objections were related to traffic, parking, noise, utilization of limited sidewalk space, outdoor alcohol consumption, and proximity to a school; and

WHEREAS, the Deputy Legislative Hearing Officer recommends that the application for Alfonso's Inc., d/b/a Carbone's Pizza #4 at 1698 Randolph Avenue, to add a Liquor-Outdoor Service Area (Sidewalk) license to the existing Wine On Sale and Malt On Sale (Strong) licenses, 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. Entertainment (Karaoke, DJ music, live band, dancing, contests, etc.) is not permitted at this establishment. An Entertainment License is required to conduct this activity.
5. Licensee agrees to close the establishment at 12:00 a.m. midnight each day of the week. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement).
6. Licensee agrees to limit the placement of table(s)/chair(s) on the public sidewalk to the area and number shown on the approved sidewalk seating plan on file with the Department of Safety and Inspections (DSI) and Public Works. Licensee shall take appropriate action to ensure table(s)/chair(s) are contained to this approved area.
7. 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.
8. Licensee agrees to take appropriate action(s) to ensure that the sale, display, and/or consumption of alcoholic beverages is contained within the defined area as per the approved sidewalk seating plan on file with 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 submitted on May 12, 2018.