



## Legislation Text

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**File #:** RES 16-1859, **Version:** 1

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Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Liquor - Outdoor Service Area (Sidewalk) licenses for Augustine's Inc. (I.D. #20160002116), d/b/a Augustine's at 1668 Selby Avenue.

WHEREAS, Augustine's Inc. ("Licensee"), d/b/a Augustine's at 1668 Selby Avenue in Saint Paul, has applied for a class N license for Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, Liquor - Outdoor Service Area (Sidewalk) licenses; and

WHEREAS, Augustine's residential properties are within a 350 foot radius of licensee's proposed Outdoor Service Area (Sidewalk) license; and licensee must seek consent of neighboring residential properties and demonstrate that s/he were able to obtain 90% approval or, in the lesser case, 60% or more approval; and

WHEREAS, licensee sought support from a list of property owners provided by the Department of Safety and Inspection by mailing out letters with a self-addressed, stamped postcard to all property owners requesting they sign and return the postcard indicating support of their application; and

WHEREAS, licensee was unable to obtain the ninety percent (90%) consent or, in the lesser case, sixty percent (60%) or more consent because mail was returned as undeliverable as addressed; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from seventy percent (70%) of residential owners, including support from the Union Park District Council; 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 Deputy Legislative Hearing Officer recommends that the application for Augustine's at 1668 Selby Avenue in Saint Paul for Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, Liquor - Outdoor Service Area (Sidewalk) licenses be approved with the following conditions:

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. Sidewalk seating approved for a maximum of sixteen (16) seats.
4. 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.

5. Licensee agrees to close the outdoor sidewalk seating area by 10:00 p.m. each night of the week and have all customers, patrons, and staff vacate the seating area by that time. Licensee shall secure the seating area in a manner that will prevent use of the seats after the area has been vacated.

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 October 6, 2016.