



Legislation Details (With Text)

File #: RES 18-1511 **Version:** 1
Type: Resolution **Status:** Passed
In control: City Council
Final action: 9/19/2018

Title: Affirming approval of the application with conditions, per the Deputy Legislative Hearing Officer, for Black Hart of Saint Paul LLC (License ID # 21080001270), d/b/a The Black Hart of Saint Paul, for Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor Outdoor Service Area (Sidewalk), Entertainment (B), Gambling Location, and Cigarette/Tobacco licenses at 1415 University Avenue West.

Sponsors: Mitra Jalali

Indexes:

Code sections:

Attachments: 1. Re-hearing Minutes, 2. Signed Conditions Affidavit 09-14-18, 3. Minutes 7-2-18, 4. Class N Application, 5. Floor Plan, 6. STAMP Activity Report, 7. Incident Report, 8. Street View, 9. Aerial View, 10. Zoning Map, 11. Plat Map, 12. AMANDA Print Screen, 13. 100' Property Ownership, 14. Email of objection, 15. Notification of License Hearing, 16. Notification of License Re-Hearing, 17. Notification to NON-City Parties- License re-hearing, 18. Hearing Sign-in Sheet 7-2-18, 19. Re-Hearing Sign-In Sheet, 20. Garbage Pickup Schedule - 09132018

Date	Ver.	Action By	Action	Result
9/25/2018	1	Mayor's Office	Signed	
9/19/2018	1	City Council	Adopted	Pass

Affirming approval of the application with conditions, per the Deputy Legislative Hearing Officer, for Black Hart of Saint Paul LLC (License ID # 21080001270), d/b/a The Black Hart of Saint Paul, for Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor Outdoor Service Area (Sidewalk), Entertainment (B), Gambling Location, and Cigarette/Tobacco licenses at 1415 University Avenue West.

WHEREAS, the City Council directed a re-hearing on the issuance of license for Black Hart of Saint Paul LLC (License ID # 21080001270), d/b/a The Black Hart of Saint Paul, for Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor Outdoor Service Area (Sidewalk), Entertainment (B), Gambling Location, and Cigarette/Tobacco licenses at 1415 University Avenue West; and

WHEREAS, a legislative hearing was conducted on September 13, 2018 to provide an additional opportunity for concerns about the issuance of said licenses to be reviewed and considered; and

WHEREAS, during the course of the legislative hearing, the Deputy Legislative Hearing Officer, licensee and objector discussed adding an additional condition to post signage encouraging positive patron behavior within the neighborhood; and

WHEREAS, the licensee of The Black Hart of Saint Paul agreed to add an amendment to condition #4 to its existing licenses; and

WHEREAS, the Deputy Legislative Hearing Officer affirms the previous recommendation to the City Council that was approved on July 25, 2018, for Black Hart of Saint Paul LLC, d/b/a The Black Hart of Saint Paul for Liquor On Sale - 101-180 Seats, Liquor On Sale - Sunday, Liquor On Sale - 2 AM Closing, Liquor Outdoor Service Area (Sidewalk), Entertainment (B), Gambling Location, and Cigarette/Tobacco licenses, and

recommends the additional language to condition #4 as follows:

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 cafe 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 area as per the approved sidewalk seating plan 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 and 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. Licensee agrees to complete installation of all video surveillance equipment and lighting in accordance with the approved SPPD video surveillance plan on file with DSI by 11/01/2018. Licensee acknowledges that a security plan must be submitted to SPPD, approved by SPPD, and then all work completed in accordance with the approved plan prior to 11/01/2018 or adverse action will be taken against their license. No further extensions will be granted to complete the security camera work in accordance with an approved plan.

THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby accepts and adopts the recommendation of the Deputy Legislative Hearing Officer with the aforementioned agreed-upon conditions.

The Conditions Affidavit was signed and submitted on September 14, 2018.