



## Legislation Details (With Text)

**File #:** RES 22-1781 **Version:** 1

**Type:** Resolution **Status:** Passed

**In control:** City Council

**Final action:** 12/21/2022

**Title:** Approving the application with no new conditions, per the Deputy Legislative Hearing Officer for Em Que Viet LLC (License ID# 20210001847), d/b/a Em Que Viet Restaurant & Bar, to add Liquor Outdoor Service Area (Patio) & (Sidewalk) licenses to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Entertainment (A) licenses, located at 1332 Grand Avenue.

**Sponsors:** Chris Tolbert

**Indexes:**

**Code sections:**

**Attachments:** 1. Minutes, 2. Signed Conditions Affidavit, 3. Good Faith Email from Licensee, 4. Council RES 22-1463, 5. Class N Application, 6. Floor Plan, 7. Sidewalk Seating Plan (attached after hearing), 8. Street Photos, 9. STAMP Activity Report, 10. Incident Report, 11. Letter of Concern & Email Chain, 12. Letter of Support, 13. District Council Letter of Support, 14. Petition Results, 15. Aerial Photo, 16. Zoning Map, 17. Plat Map, 18. 100' Property Ownership, 19. AMANDA Print Screen, 20. Class N Notification, 21. Notification of License Hearing, 22. License Hearing Sign-In Sheet

Date	Ver.	Action By	Action	Result
12/29/2022	1	Mayor's Office	Signed	
12/21/2022	1	City Council	Adopted	Pass

Approving the application with no new conditions, per the Deputy Legislative Hearing Officer for Em Que Viet LLC (License ID# 20210001847), d/b/a Em Que Viet Restaurant & Bar, to add Liquor Outdoor Service Area (Patio) & (Sidewalk) licenses to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Entertainment (A) licenses, located at 1332 Grand Avenue.

WHEREAS, Em Que Viet LLC (License ID# 20210001847), d/b/a Em Que Viet Restaurant & Bar, located at 1332 Grand Avenue, has applied to add Liquor Outdoor Service Area (Patio) & (Sidewalk) licenses to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Entertainment (A) 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 September 2, 2022, to October 21, 2022; and

WHEREAS, during the notification period, objections were received which triggered the hearing and a hearing was held on November 14, 2022; and

WHEREAS, the objection was in the form of a Memorandum of Understanding raising concerns about limiting the patio hours, restricting ingress and egress to the patio from the Grand Street entrance, limiting the maximum number of seats on the patio, placement of the dumpster, limiting the time of bottles disposal, "ambient music on the patio is allowed but no louder than normal conversation", "live music on the patio is allowed, without amplification", doors and windows must be closed to limit noise on the patio, and construction of a 10-foot minimum height fence and placement of rug to limit noise on the patio; 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, the licensee also requested a waiver of the 45-day notice requirement and on September 8, 2022, the Macalester-Groveland Community Council (Planning District Council 14) voted to support the licensee's request to waive the 45-day notice requirement and approve the issuance of the Liquor Outdoor Service Area (Patio) & (Sidewalk) licenses; and

WHEREAS, on September 21, 2022, per RES 22-1463, the City Council voted to approve licensee's waiver of the 45-day notice requirement and approval of the Liquor Outdoor Service Area (Patio) & (Sidewalk) licenses be added to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Entertainment (A) licenses, for Em Que Viet LLC (License ID# 20210001847), d/b/a Em Que Viet Restaurant & Bar, located at 1332 Grand Avenue; 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 (Patio) license at 1332 Grand Avenue 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; and

WHEREAS, forty-seven (47) residential properties are within a 300-foot radius of licensee's proposed Liquor - Outdoor Service Area (Patio) & (Sidewalk) licenses, 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, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from twenty-nine (29) residential owners or sixty-one percent (61%) of support, including receiving support from the Macalester-Groveland Community Council as of September 8, 2022; and

WHEREAS, the licensee submitted a "good faith" letter outlining her attempt to attain signatures required by the City of Saint Paul from residential property owners; 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, after conducting the hearing and considering the testimonies and evidence, the Deputy Legislative Hearing Officer recommends that the application to add Liquor Outdoor Service Area (Patio) & (Sidewalk) licenses to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Entertainment (A) licenses, located at 1332 Grand Avenue, for Em Que Viet LLC (License ID# 20210001847), d/b/a Em Que Viet Restaurant & Bar, be approved with no new conditions. Existing conditions are as follows:

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 Section 409.02 of the City of Saint Paul Legislative Code.
3. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or nonamplified music and/or singing by performers without limitation as to number, and group singing

participated in by patrons of the establishment." (includes karaoke). Entertainment A license does not allow for patron and/or performance dances

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 and submitted on November 17, 2022.