



Legislation Details (With Text)

File #: RES 11-996 **Version:** 2

Type: Resolution **Status:** Passed
In control: City Council
Final action: 6/1/2011

Title: Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Liquor Outdoor Service Area (Sidewalk) license to the existing Wine On Sale, Malt On Sale (Strong), and Restaurant (4) - 51-150 Seats, for Molto Inc., doing business as Scusi (#20100003233) at 1806 St. Clair Avenue.

Sponsors: Pat Harris

Indexes:

Code sections:

Attachments: 1. Minutes, 2. Conditions Affidavit, 3. District Council Letter, 4. Contested Letters, 5. Request for License, 6. Sign offs for Petition, 7. Sample Permit, 8. Site Plan, 9. Aerial Photo, 10. Photos, 11. Police Incident Report, 12. STAMP Incident Report

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------|--------------------|--------|
| 6/6/2011 | 2 | Mayor's Office | Signed | |
| 6/1/2011 | 1 | City Council | Adopted As Amended | Pass |

Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Liquor Outdoor Service Area (Sidewalk) license to the existing Wine On Sale, Malt On Sale (Strong), and Restaurant (4) - 51-150 Seats, for Molto Inc., doing business as Scusi (#20100003233) at 1806 St. Clair Avenue.

AMENDED June 1, 2011

WHEREAS, Molto Inc., doing business as Scusi (#20100003233) ("Licensee") at 1806 St. Clair Avenue in Saint Paul, has applied for a class N license to add a Liquor Outdoor Service Area (Sidewalk) license to the existing Wine On Sale, Malt On Sale (Strong), and Restaurant (4) - 51-150 Seats licenses; and

WHEREAS, Scusi's fifty-five residential properties are within a 350 300 foot radius of licensee's proposed license to add a Liquor Outdoor Service Area (Sidewalk) license to the existing Wine On Sale, Malt On Sale (Strong), and Restaurant (4) - 51-150 Seats 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 private residences provided by the Department of Safety and Inspection by signatures of approval on petitions; and

WHEREAS, licensee was unable to obtain the ninety percent (90%) consent or, ~~in the lesser case,~~ but did obtain sixty percent (60%) or more consent; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from thirty-four (34) of the possible fifty-five properties, or sixty-two percent (62%) of residential owners, including support, with conditions, from the Macalester-Groveland 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, in response to notification from the Department of Safety and Inspections regarding the license application, the City received four emails, two letters and a phone call in opposition to the license application; and

WHEREAS, that six of the objections were related to parking, and four related to patron noise late at night; and

WHEREAS, six individuals testified in opposition to the license at the Legislative Hearing, five of whom had also submitted written objections; and

WHEREAS, in response to these concerns, Licensee has agreed to close the sidewalk café to service and consumption at 9:00 p.m. Sunday through Thursday, and 10:00 p.m. Friday and Saturday; and

WHEREAS, Licensee has secured agreements with three local businesses to allow Licensee's patrons to use their parking lot after the businesses close for the day; and

WHEREAS, Licensee is also in the process of purchasing a parking lot on the corner of Fairview and St. Clair which will eventually have thirty (30) parking spaces; and

WHEREAS, the Deputy Legislative Hearing Officer recommends that the application for Scusi to add a Liquor Outdoor Service Area (Sidewalk) license to the existing Wine On Sale, Malt On Sale (Strong), and Restaurant (4) - 51-150 Seats 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(d), 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. 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. No outdoor food and/or beverage preparation is allowed on a public sidewalk without prior approval and additional licensing from DSI.
6. The outdoor service and consumption of food, wine, and beer will terminate at 9:00 p.m. on Sunday thru Thursday nights, and at 10:00 p.m. on Friday and Saturday nights, with reasonable accomodation to allow for patrons to complete food and beverage served within the allowable serving hours under the conditions granted.

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 signed on May 12, 2011.