



Legislation Text

File #: RES 19-2005, **Version:** 1

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Element Boxing & Fitness LLC (License ID # 20130001742), d/b/a Element Boxing & Fitness, to add a Rental Hall license and modify license conditions to permit sporting type events open to the public under an existing Health/Sport Club license at 655 Fairview Avenue North, Suite 190.

WHEREAS, Element Boxing & Fitness LLC (License ID # 20130001742), d/b/a Element Boxing & Fitness, located at 655 Fairview Avenue North, Suite 190, has applied for a Class N license to add a Rental Hall license to permit the rental of the facility in an area of approximately 4,900 square feet in size to outside organizations for events, and modify license conditions to permit the licensee to conduct sporting type events open to the public under an existing Health/Sport Club license; and

WHEREAS, an objection to the application to add a Rental Hall license and modify license conditions to permit sporting type events open to the public under an existing Health/Sport Club license was received within the notification period, and a hearing was held on November 7, 2019; and

WHEREAS, after conducting the hearing and considering testimonies and presented materials, the Deputy Legislative Hearing Officer recommends that the application for Element Boxing & Fitness LLC (License ID # 20130001742), d/b/a Element Boxing & Fitness, at 655 Fairview Avenue North, Suite 190, be approved with the following conditions:

1. Licensee acknowledges that the establishment is issued a Rental Hall license (in addition to the Health/Sport Club license) as defined under Chapter 405 of the City of Saint Paul Legislative Code. There shall be no events/activities at this facility which constitute a "public dance hall" type event as defined under Chapter 405 of the City of Saint Paul Legislative Code unless prior written approval is first obtain from the Department of Safety and Inspections (DSI).
2. Licensee acknowledges the Health/Sport Club licensed premises to be the yellow-striped highlighted area as shown on the plan on file with the Department of Safety and Inspections (DSI) Licensing Division dated 05/10/2019, which includes the restrooms/locker-rooms/showers, and mop-room supporting this use.
3. At least one employee or manager, trained and qualified in first aid and CPR according to standards established by rule by the Department of Safety and Inspections shall be on duty at all times that the licensed premises are in operation or open to members of the public. Such standards shall be in conformity with standards and guidelines established by the American Red Cross with respect to water safety instructors or by the American Heart Association for similar purposes.
4. Boxing or other combative sport type events open to the public (regardless of whether or not a fee is charged for entry) may only be conducted in a space that has received prior written authorization by the City Building Official for occupancy as such use under the Certificate of Occupancy (C of O). Licensee agrees to take appropriate actions to ensure compliance with any occupancy limits and entrance/exiting requirements.
5. Licensee acknowledges that boxing and other combative sport type events which are open to the public where non-members of the Health/Sport Club attend and/or participate in are permitted as an accessory use under the Health/Sport Club license, agrees that the frequency of such events will occur on a limited basis (as described in the plans submitted to DSI and dated 09/23/2019), that such events will be restricted to amateur participants only, and must include as active participants in any event valid registered members of the Licensed Health/Sport Club. Any substantive changes in the method of

- operation must receive prior written approval from DSI.
6. Licensee acknowledges that any boxing or other combative sport type event must be conducted in accordance with applicable State of Minnesota Rules, Regulations, and/or Statutory requirements for the facility, participants, sponsor/promoter of the event, etc.
 7. The Rental Hall licensed premises area shall be limited to the green-striped highlighted area as shown on the plan on file with DSI dated 09/23/2019: the self-contained room at the western edge of the space approximately 3,700 square feet in area. A lobby of approximately 1,200 square feet in area that is compact, contiguous, and immediately adjoining this area may be used as an entrance to the licensed Rental Hall area.
 8. The service, consumption and/or display of alcohol shall be restricted to the Rental Hall licensed premise area shown on the approved plan on-file with DSI dated 09/23/2019. Service, consumption and/or display of alcohol is prohibited in the lobby or any other areas of the premises. Licensee shall take appropriate measures to ensure that alcohol does not leave the approved Rental Hall self-contained room area.
 9. There shall be no sale of intoxicating alcoholic beverages to anyone on the premises at any time unless a legally registered non-profit conducting a bona-fide fundraising event has first obtained a temporary liquor license authorizing such sales.
 10. There shall be no service, consumption, and/or possession of intoxicating alcoholic beverages on the part of underage persons. The licensee shall be subject to adverse license action if a minor is served, consumes or has in his/her possession any alcoholic beverage on the premises.
 11. Licensee acknowledges responsibility for all areas of the licensed premises and accepts responsibility for compliance with applicable ordinance/statutes/rules/regulations/license-conditions related any activities taking place within the licensed premises including but not limited to those found under City of Saint Paul Legislative Code Chapter 427 Health/Sports Clubs, and Chapter 405 Rental Halls; and Minnesota State Statute Chapter 341 Combative Sports.
 12. Licensee agrees that separate security personnel will be hired for any activity taking place after 6:00 p.m. which includes alcohol service. Security shall remain until all patrons, guests, and members of the public who have attended the activity have left the property.

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 and submitted on November 7, 2019.