



Legislation Text

File #: RES 19-2071, **Version:** 1

Approving a waiver of the 45-day notice requirement to issue Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, Liquor - Outdoor Service Area (Sidewalk), Liquor - Outdoor Service Area (Patio), and Entertainment (A) licenses with conditions to 858 Payne LLC, d/b/a ESB- East Side Bar (License ID #20190003702) at 858 Payne Avenue.

WHEREAS, 858 Payne LLC d/b/a ESB- East Side Bar (License ID #20190003702) applied for a Liquor On Sale- 100 seats or less, Liquor On Sale- Sunday, Liquor-Outdoor Service Area (Sidewalk), Liquor-Outdoor Service Area (Patio), and Entertainment (A) License for the premises located at 858 Payne Avenue; and

WHEREAS, the licensee requested a waiver of the 45-day notification waiting period for approval of the above -mentioned licenses; and

WHEREAS, the Department of Safety and Inspections received a letter from the Payne-Phalen Community Council on November 21, 2019 in support of a waiver of the 45-day notice requirement and approval of the Liquor On Sale- 100 seats or less, Liquor On Sale- Sunday, Liquor-Outdoor Service Area (Sidewalk), Liquor-Outdoor Service Area (Patio), and Entertainment (A) Licenses; and

WHEREAS, the Department of Safety and Inspections received no objections to the waiver of the 45-day notice requirement and approval of the Liquor On Sale- 100 seats or less, Liquor On Sale- Sunday, Liquor-Outdoor Service Area (Sidewalk), Liquor-Outdoor Service Area (Patio), and Entertainment (A) Licenses; and

WHEREAS, the Council finds that the application is in order and there are no grounds for denial of a waiver of the 45-day notice requirement and approval of the licenses; now, therefore, be it,

RESOLVED, a waiver of the 45-day notice requirement is granted and the Liquor On Sale- 100 seats or less, Liquor On Sale- Sunday, Liquor-Outdoor Service Area (Sidewalk), Liquor-Outdoor Service Area (Patio), and Entertainment (A) License are hereby approved and issued to 858 Payne LLC d/b/a ESB- East Side Bar (License ID #20190003702) for the premises located at 858 Payne Avenue in Saint Paul 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. Licensee agrees to limit the placement of sidewalk 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..

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. 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.

6. Licensee agrees that prior to placement of any items (e.g., seating, tables, planters, etc.) in the public right-of-way they will obtain prior written approval of a sidewalk seating plan from the Department of Public Works. Any changes to an approved plan requires prior approval from Public Works.