



Legislation Text

File #: RES 23-874, **Version:** 1

Approving the application with conditions, per the Legislative Hearing Officer, for DWD Group LLC, d/b/a Gather Eatery & Bar (License ID #20230000453), for Liquor On Sale - 291 or more seats, Liquor On Sale - Sunday, Liquor Outdoor Service Area (Patio), Entertainment (B) and Gambling Location licenses, located at 857 Grand Avenue.

WHEREAS, DWD Group LLC, d/b/a Gather Eatery & Bar (License ID #20230000453), located at 857 Grand Ave, has applied for Class N licenses for Liquor On Sale - 291 or more seats, Liquor On Sale - Sunday, Liquor Outdoor Service Area (Patio), Entertainment (B) and Gambling Location licenses; and

WHEREAS, the Summit Hill Association (District Council 16), confirmed on March 3, 2023 that they had been notified prior to the application; and

WHEREAS, §409.21 of the Saint Paul Legislative Code permits issuance of a gambling location license to an on-sale licensee to allow lawful gambling conducted by a qualified charitable organization; and

WHEREAS, the licensee will be working with Climb Theatre, an active lawful gambling organization licensed with the Minnesota Gambling Control Board; and

WHEREAS, the license will allow Gather Eatery & Bar to conduct lawful gambling as defined by §409.21 (a) (1) of the Saint Paul Legislative Code at 857 Grand Avenue; 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 May 4, 2023, to May 19, 2023; and

WHEREAS, during the notification period, objections were received which triggered the hearing and a hearing was held on June 1, 2023; and

WHEREAS, the objections were related to safety and nuisance activities; 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, after conducting the hearing and considering the testimonies and evidence, the Legislative Hearing Officer recommends that the application for DWD Group LLC, d/b/a Gather Eatery & Bar (License ID #20230000453), located at 857 Grand Avenue, be approved with the following conditions:

1. Wait staff, security and/or managers will check government-issued photo identification to ensure that customers/patrons under the age of 21 will not be served or consume alcohol. Licensee will also use an identification card scanner system to record and retain for a minimum of thirty (30) days the identification of all patrons who enter or re-enter the licensed establishment after 10:00 p.m. until closing during any day of operation. If an incident is deemed serious by SPPD, licensee shall make identification card scanner information immediately available for viewing by SPPD. In all other cases, licensee shall provide recorded card scanner information to the authorized requester within 48 hours.

2. Per Fire Inspection Certificate of Occupancy requirements, total occupancy limit is 297. Any addition of billiard tables or other table games will require licensee to notify the Department of Safety and Inspections for reassessment of the total occupancy limit.
3. 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 videos. 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.
4. Licensee shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel staffing shall be sufficient to manage each entrance/exit of the licensed liquor service area(s) as well as conduct roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.
5. Security and/or staff will conduct outside sweeps of the building, including the patio and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.
6. Licensee shall ensure no alcoholic beverages leave the licensed liquor service area(s).
7. Whenever the establishment is open past 11:00 p.m., no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.
8. Licensee understands that Saint Paul Legislative Code sets presumptive penalties for violations under which the City Council could consider adverse action and while these penalties are presumed to be appropriate, the City Council may deviate from the presumptive penalties when City Council finds and determines that there exist substantial and compelling reasons for upward departure. Licensee acknowledges that past adverse actions under which the Licensee was managing the Licensed Premises may be considered as a basis for upward departure if new violations occur in the future.
9. Licensee will ensure all amplified music and all other establishment generated sounds and/or noises are compliant with all pertinent Saint Paul Legislative Code and Minnesota Statutes.
10. Licensee will create and implement an egress and ingress plan for the licensed premise that will 1) ensure individuals and/or groups entering and exiting the premise will be observed by staff and 2) eliminate the gathering of patrons in exterior spaces not readily observable or controllable by staff and/or the licensee. Specifically, the licensee will a) make the front door (facing Grand Avenue) the main entrance of the licensed premises, b) make the back door (into the mall) to be as limited access as is reasonably possible, c) improve observability and eliminate unobservable areas in the patio area as is reasonably possible (minimally moving the sidewalk entrance to the patio to a location which is clearly observable from the interior active areas of the licensed premises, and d) prevent vehicular alley access as is reasonably possible. Reasonably possible shall encompass and not be limited to actions and changes the property owner will or will not allow. Within 6 months of license issuance, the licensee will submit the plan to the SPPD liaison with DSI for review and approval. Implementation of the plan shall occur within 9 months of license issuance. In accordance with this condition, licensee will obtain approval from SPPD for any substantive changes to the approved plan.

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 the approval of the licenses.

The conditions affidavit was signed and submitted on December 11, 2023.