

**LICENSES AND CONSUMER SERVICES
LICENSE INSPECTOR'S REPORT**

License Numbers: L245-50050 & L161-50457

Police File Number: 13302

Date of Application: July 19, 2012

Inspector: Michele Harvet, 612-673-5484

Applicant/Legal Entity: New Bohemia NE, LLC

DBA/Trade Name: New Bohemia Sausage & Bier Haus

Complete Address: 233 Hennepin Avenue East, Minneapolis, MN 55414

Licenses Requested: On-Sale Wine with Strong Beer, Class C-2 and Sidewalk Café with 20 Seats

Current License: None

Purpose of Application: To obtain a new On-Sale Wine with Strong Beer License and Sidewalk Café License

Responsible person within 75 miles of Minneapolis City Hall: Jeff Bornmann

Public Hearing Required: Yes

License Conditions: None at this time.

Neighborhood/Ward: Nicollet Island-East Bank / 3

Zoning: C3A/MR/PO – This is a permitted use in the Community Activity Center District/Mississippi River Critical Area Overlay District/Pedestrian Oriented Overlay District

7 acre requirement: Met

Off-Street Parking: The Office of the Zoning Administrator has determined that 5 spaces are required to be provided on site. This requirement has been met with an existing parking ramp behind this establishment.

Churches or schools within 300 feet of the proposed premises: No

Seating: Inside: 110 Seats Outside: 22

Fire Occupancy: Inside: 135 Maximum Capacity Outside: 20

Food Service Requirement: The applicant wants to operate with an On-Sale Wine license and is within 500 feet of a residentially zoned district. They are required to operate as a restaurant subject to the 60/40 ratio of food to alcohol sales. No more than 40% of gross annual sales may be from alcohol.

Hours of operation proposed: Monday to Wednesday from 11:00 A.M. to 11:00 P.M., Thursday, Friday and Saturday from 11:00 A.M. to 2:00 A.M. and Sunday from 11:00 A.M. to 9:00 P.M. The sidewalk café will close at 10:00 P.M. on weeknights and 1:00 A.M. on Friday and Saturday and 9:00 P.M. on Sunday.

Metropolitan Council Service Availability Charges: A new SAC determination advised that three SAC units are due for this business. This has been paid by the applicant.

HISTORY OF LOCATION

Panera Bread operated at this location with a Food Restaurant License from 2002 until April, 2012.

APPLICANT

The applicant is New Bohemia NE, LLC; a Nevada limited liability company, authorized to do business in Minnesota, formed on February 29, 2012, under Chapter 322B (Charter Number 474972300026) having the required restriction on the transfer of shares and has the following owners:

New Bohemia, LLC

<u>Company Name</u>	<u>Member</u>	<u>Shares</u>
Minnetonka Investments, LLC	Robert Sabes (Chairman & CEO)	51%
Aspire Development Associates, LLC	Jeff Bornmann	29%
NTB Management Co.	Noel Bowman	20%
	Lawrence McGough (Secre/Treas)	0%

New Bohemia NE, LLC

<u>Name</u>	<u>DOB</u>	<u>Title</u>	<u>Shares</u>
New Bohemia, LLC		Parent Company	100%
Robert Sabes	3/18/40	Chairman & CEO	0%
Lawrence McGough	9/11/55	Secretary/Treasurer	0%

The applicants have experience in owning and operating restaurants. They meet all minimum requirements including criminal and financial background checks.

MANAGER

The manager at New Bohemia will be Jeff Bornmann. Mr. Bornmann has owned or operated businesses in the food and alcohol service industry since 2004.

POLICE REVIEW

Police Licensing and this Inspector have reviewed the expenses and source of funds reported in this application. The applicant has provided documentation showing adequate legal and traceable funding for this venture and has passed the criminal background check. The Second Precinct of the Minneapolis Police Department has discussed security issues with the applicant.

PREMISES

The premises are on the first floor at street level. The entire premises occupy approximately 2800 square feet. Approximately 1050 square feet is for the seating area. The rest of the establishment consists of a kitchen, coolers, storage areas, employee area and rest rooms. There will be 98 seats at tables and a food service counter. There are 12 seats at a 20-foot-long bar. There are no undefined spaces and the restaurant is compact and contiguous. The men's and women's restrooms are also located on the main floor of this establishment.

SIDEWALK CAFE

There will be a sidewalk café along Hennepin Avenue East with 20 seats.

BUSINESS PLAN/OPERATIONS

New Bohemia Sausage & Bier Haus will be a fast casual sausage restaurant featuring fresh sausages and hand cut, fresh Belgian fries with multiple dipping sauces.

The applicant and staff, including new hires, will receive alcohol server training through an approved alcohol service trainer. Management and staff will request proof of age from any customer who appears to be 30 years of age or younger, and will refuse service to any customer who cannot produce adequate ID. The procedure for checking ID's is included in the Responsible Alcohol Service Plan. They expect to have at least ten employees on duty during a peak shift with entertainment. A staff member shall be assigned to the exit door as patrons depart at closing to insure their peaceful departure. Video cameras will be mounted to cover the entrance, exits, manager's office and pos terminals. Tapes will be made available upon request by the local Police Department. The entry and exit points shall be alarmed with both contact sensors and motion detectors. There will be a panic button located at the cashier station, the bar pos and manager's office. The security system will be monitored 24 hours by an outside alarm service.

The Manager shall regularly patrol the immediate exterior of the building, restrooms and non-public areas doing so on a random basis. At the end of the shift the closing manager and a staff member will walk the perimeter of the storefront to insure no patrons are loitering and that the sidewalk is clean of debris, trash cans have been emptied and outdoor service areas have been secured and locked. The Manager will familiarize all Staff with provisions of the local ordinance for unruly patrons and partner with the 2nd Precinct crime prevention officer to facilitate training and understanding. When a patron acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, the manager will immediately contact the police and request that the police invoke the provisions of the ordinance.

The proposed hours of operation are: Monday to Wednesday from 11:00 A.M. to 11:00 P.M., Thursday, Friday and Saturday from 11:00 A.M. to 2:00 A.M. and Sunday from 11:00 A.M. to 9:00 P.M. The sidewalk café will close at 10:00 P.M. on weeknights and 1:00 A.M. on Friday and Saturday and 9:00 P.M. on Sunday.

Entertainment will be a mix of house amplified music or live small group, non-amplified acoustic music. Entertainment will be featured on Thursday, Friday and Saturday nights starting at 8:30 P.M. and finishing an hour before close or at 1:00 A.M., whichever is sooner. The entertainment will be to provide ambiance and no patron dancing or participation will be allowed. The entertainment will be targeted to their target demographic of 26-35 year-old professionals who appreciate the hand-crafted nature of their food offerings and are avid craft wine and beer fans. There will be no amusement devices or charitable gambling. They are not planning to sponsoring local sports teams, at this time.

The menu will include seventeen different flavor/meat combinations of sausages ranging in price from \$6 to \$7.50 each along with Belgian fries, specialty dipping sauces and side dishes like hot German potato, Bavarian pretzel and cole slaw for \$4.

PUBLIC HEARING SUMMARY

A public hearing is required for these license applications. 802 notices were mailed to residents and property owners within 600 feet of the premises on September 13/14, 2012. Notices were emailed to the Nicollet Island East Bank Neighborhood Association, the Northeast Minneapolis Chamber of Commerce and the Historical Northeast Business Association on September 12, 2012. Six multi-residential buildings were posted, as well. The public hearing will be held on September 24, 2012 at the Regulatory, Energy and Environment Committee meeting.

RECOMMENDATION

The Licenses and Consumer Services Division recommends approving this application for an On-Sale Wine with Strong Beer, Class C-2 License and a Sidewalk Café License.

LICENSE CONDITIONS

None at this time.