

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

License Number: L244-50035 **Police File Number:** F13526

Date of Application: May 6, 2014

Inspector: Mohamed Ismail

Applicant/Legal Entity: Em Company Services, Inc.

DBA/Trade Name: Driftwood

Complete Address: 4415 Nicollet Ave
Minneapolis, MN 55419

License Requested: On Sale Wine with Strong Beer, Class C-1 with

Current License: On Sale Wine, Class C-2

Purpose of Application: Driftwood is seeking to upgrade their entertainment class from C-2 to C-1. This would allow Driftwood to have entertainment up to five musicians.

Public Hearing Requirement: Required for an upgrade in entertainment from C-2 to C-1.

Neighborhood/Ward: Kingfield/ Ward 8

Zoning: C-1

Churches or schools within 300 feet of the proposed premises: None

Seating: Interior: 58
Exterior: 12

Food Service requirement: 60/40

Hours of operation proposed: Inside hours will be 11:00a.m to 1:00a.m daily. The sidewalk cafe will close Sunday through Thursday at 10:00 p.m. and Friday and Saturday at 11:00 pm.

Metropolitan Council Service Availability Charges: Paid under the wine license

History of Location

Driftwood had an On-Sale Wine with Strong Beer license since 2007.

APPLICANT

The applicant is EM Company Services, Inc., a Minnesota corporation formed on April 23, 2007, under Chapter 302A (Charter Number 2325573-2), having the required restriction on the transfer of shares and having the following shareholders and officers.

Heidi Fields	79%
Bryce Anderson	21%

MANAGER

The owners are acting as the manager.

POLICE REVIEW

Minneapolis Police Licenses and 5th Precincts have reviewed the application. They found no criminal or financial issued to prevent the issuance of this license.

PREMISES

The restaurant will occupy a single floor on street level consisting of 1595 sq. ft., of which 1033 sq. ft. will be seating. The remainder will be devoted to the kitchen, prep areas, and coolers.

There will be 41 chairs at 12 tables, 7 stools at the bar, and 5 booths. The men's and women's restrooms are both located on this floor.

The sidewalk café is on Nicollet Ave. and consists of six tables that seat two people each.

BUSINESS/PLAN/OPERATIONS

The overall management of the restaurant will be provided by owners Heidi Fields and Bryce Anderson. Ms. Fields reports previous restaurant experience at Adrian's Tavern and the Court Bar, as well as manager and bookkeeper at Figlio. She further reports that she is a CPA and earned her Juris Doctorate degree in 2003. Bryce Anderson reports he is retired, and his restaurant experience consist of serving as night manager/bartender at Westrum's in 1993/1994. The applicant reports that alcohol-server training will be provided to management.

NOISE MANAGEMENT PLAN

Driftwood's noise management plan indicates that they have installed two layers of 5/8" sheet rock and one layer of 5/8" rigid insulation on the north and west interior wall of the building. In addition they have installed 5/8" rigid insulation and 1" stucco on the north exterior wall of the building. According to their plan, they have installed a 2" insulated core steel door at the rear entry. In 2008 they constructed a storage shed with dimensions 10"x 8"x 12" on the northeast exterior of the building. In addition to being a storage shed it also provides a sound barrier. They installed sound absorption panels on the north and south walls. They have repositioned the speakers to face west on to Nicollet Avenue and away from the residential area in the east. Sound person monitors

the bass and drum levels in addition to other instruments to make sure there is not excessive noise. The live performances end no later than 12:30a.m. The speakers are turned off. Customers are told the restaurant is closing 15 minutes prior to closing time or 1:00a.m. There is no alcohol consumption after closing time. At closing time staff including bartender waiter security management ask customers to leave the premises, including sidewalk and parking areas and are given 15 minutes to do so.

The parking lot has limited use and is reserved for employees. Security staff monitors the parking lot at least every 20 minutes and at times more often. Security staff makes sure there is no loud noise or people loitering in the parking lot and makes sure the rear door remains closed during all live musical performances. There is a waiter and bartender on duty and also a manager. While serving customers the waiter and bartender visually observe whether people are entering from the rear of the building. In addition, the manager and security person does regular checks of the parking lot to make sure the back door remains closed during live performances. They placed signage on the outside of the rear door stating "EMPLOYEES ONLY". Also on the interior of the rear door they placed signage stating "EMERGENCY EXIT ONLY" When performers are assigned a date they are instructed via email to check in with sound person at the front door for instructions on where to park and when they can unload instruments. No customers are allowed to use the back door and do not use the parking lot during live performances. If there is excessive noise complaints the manager's cell phone number 612.749.6625 will be made available to MPD and residents to discuss noise concerns.

Their plan indicates that they will measure the sound decibels on the interior of the building during entertainment performances and simultaneously monitor the sound decibels on the exterior of the building to determine the appropriate sound level for performances to meet the requirements. They will use a sound meter both inside and at restaurant property line to measure decibels.

They believe that they do not see that there would be any negative impact with the upgrade to entertainment. The systems and procedures that we have been using for the past 6 years are respectful of the neighbors near the restaurant. They will continue the current vigilant monitoring of the premises.

SPECIAL ORDINANCE REQUIREMENTS

Zoning: The office of the Zoning Administrator has certified that the premises are zoned C-1, a proper classification for the intended use. The commercial area does not contain the requisite seven (7) acres required by Chapter 4, Sec. 5 of the City Charter. However, the 2001 session of the Minnesota Legislature enacted a statute that reads as follows: "Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Minneapolis may issue an intoxicating liquor license to an establishment located at 4415 Nicollet Avenue South, which currently holds an intoxicating malt liquor and wine license." (2001 Session Laws, Ch. 193, S.F. no.1752)

PUBLIC HEARING

A public hearing is required for this license application. 200 notices were mailed to residents and property owners within 600 feet of the premises on June 12, 2014. An electronic hearing notice was e-mailed to Council Member Elizabeth Glidden, the Kingfield Neighborhood Association, the Nicollet/East Harriet Business Association, Nicollet-Lake Business Association, and the 38th and Chicago Business Association on June 12, 2014. Also, seven multi-family buildings were posted. The public hearing was conducted in the community on June 26th, 2014 at the Rev. Dr. Martin Luther King Jr. Recreation Center.

Six people attended the public hearing. Almost all of them were residents that received notices in the mail or saw the posted notice at the restaurant. There were four residents who were not in favor of Driftwood's license application. Two residents were in favor of Driftwood's upgrade entertainment application.

LICENSE CONDITIONS

License conditions were negotiated in August 2009 and remain in effect.

RECOMMENDATIONS

The Business License Division recommends approval of an On Sale Liquor, Class C-1. Subject to the existing license conditions that will remain in effect.

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

BUSINESS LICENSE OPERATING CONDITIONS

EM COMPANY SERVICES INC
HEIDI FIELDS
4415 NICOLLET AVE S
MINNEAPOLIS, MN 55419

14-AUG-09

Request Number: 09-0718453
Re: L245 50044 DRIFTWOOD
for WINE C-2 W/STRONG BEER

Your license(s), if granted, will be based on the following conditions:

1. Driftwood shall close no later than 1:00 a.m. daily, with food service during all hours of operation. Alcohol service will cease thirty (30) minutes before closing. The sidewalk cafe will close Sunday through Thursday at 10:00 p.m. and Friday and Saturday at 11:00 pm. per city ordinance, 265.290. Tables and chairs must be removed and stacked at the closing of the sidewalk café.
2. Driftwood shall maintain a security guard as defined in Minnesota Statute 326.32, subd 13, who will maintain security on-site from Friday and Saturday at 8:00 p.m. to 1:15 a.m. Surveillance cameras must have 30 days of recorded memory. Recording will be made available to licensing inspector or Minneapolis Police Department immediately upon request.
3. Driftwood shall maintain a professional trained manager during all business hours.
4. Driftwood shall not promote or provide any 'happy hours' or other alcoholic drink specials past 8:00 p.m.
5. Driftwood shall maintain the installation of speed bumps every year in the alley between Nicollet and 1st.
6. In and effort to reduce noise issues for the surrounding residence, Driftwood shall not throw out trash after 8:00 p.m. in the evening.
7. No upgrade to a liquor license will be considered until all requirements of the license conditions are and maintained for a period of 12 months of operation.
8. Driftwood shall trespass customers that are refused service due to over intoxication, creating a disturbance or other disruptions.
9. Driftwood shall not alter the dba to include the term "Tavern."

