



Request for City Council Committee Action from the Department of Regulatory Services

Date: Wednesday, September 23, 2009

To: Council Member Don Samuels

Referral to: Public Safety and Regulatory Services Committee

Subject: Amending Title 14, Chapter 360, of the Minneapolis Code of Ordinances relating to Liquor Licenses.

Recommendation: That the Public Safety and Regulatory Services Committee consider an amendment to Chapter 360 to strike the requirement for patrons in outdoor areas to be seated.

Previous Directives: None.

Department Information

Prepared by: _____
Ricardo Cervantes, Deputy Director
Licenses and Consumer Services

Approved by: _____
Rocco Forte
Assistant City Coordinator
Regulatory Services & Emergency

Preparedness

Presenters in Committee: Ricardo Cervantes

Reviews

Permanent Review Committee (PRC): Approval ___ Date _____
Civil Rights Approval Approval ___ Date _____
Policy Review Group (PRG): Approval ___ Date _____

Financial Impact: This amendment could increase a need for additional inspections

by the licensing and environmental management divisions due to increased complaints of noise and overoccupancy. This amendment does not generate additional revenue to offset these costs.

Community Impact

Neighborhood Notification: Notice of this proposed amendment was sent by email to all City of Minneapolis official neighborhood groups and business groups of record.

During the public hearing process of new on sale establishments, many communities are concerned about how outdoor areas will impact their livability. Licensing has utilized the ordinance to regulate outdoor areas, evaluate their diagrams, and propose conditions based on community concerns.

Supporting Information

Staff Report:

Councilmember Schiff has directed staff to draft an amendment to the ordinance related to outdoor areas of alcohol establishments to no longer require that patrons in outdoor areas to be seated at tables.

At the time of application, alcohol establishments are required to submit premises drawings that include all areas of alcohol service. This includes outdoor areas on private property and sidewalk cafes. Licensing staff evaluate the drawings and make recommendations on outdoor areas based on 360.100 and the sidewalk café ordinance. The amended language will affect our evaluations and we will need to establish occupancy for the outdoor area that will not be solely based on seating and will be based on standing occupancy formulas developed by the building and fire code.

The sidewalk café review is silent on seating requirement and our policy for review focuses primarily on dimensions and access to the sidewalk for pedestrians. The below chart gives some detail about sidewalk cafes in the City:

Precinct	# of Sidewalk Café Licenses	# of Seats
1	77	2,951
2	39	674
3	24	551
4	3	22
5	67	1,322

Comparable Cities

Baltimore "Outdoor table service" added as a condition of license. Bar is inside only. Only table service is allowed, not standing. Fire Department determines how many tabletops can be outside. Fire Department would have to approve standing around. Smokers can take drinks outside with them when they go stand around and smoke.

Must be zoned to have table service. Fire and Building determine whether it's allowable, not the area of the city.

Phoenix Applicants are required to provide a site plan. Department can require hours of operation, etc. Bars can be physically located outside; Planning Department would decide whether to allow it. A hearing officer could decide whether to allow more people on the patio than the number of chairs at a table, but the person I talked with hadn't heard that anyone had actually done a requirement that people had to equal seats. Parking is based on seating.

St. Louis Required to submit a drawing of the patio. Occupancy is based on space, not on table and chairs. They distinguish what is allowed by geographic area. Establishments in residential area have different closing times and noise restrictions. Downtown can have amplified music or live bands.

St. Paul Allows bars to be located on patios. They do not tie the maximum occupancy to the number of chairs. I asked if they would allow 200 people on a patio with seating for 50, and she said yes.

Neighborhood places require petitions signed by neighbors, must have 45-day notice and opportunity for neighbors to ask for a hearing. This is not required for downtown.

East Lansing, Michigan "Bar capacity is based upon safety consideration...we do not consider temporary relaxation of safety standards." Theodore Staton, City of East Lansing

Champaign, Illinois Bar is allowed to be located on patio. Per the fire code, occupancy in outdoor areas is based on area and number of bathrooms.