

Citizens for a Loring Park Community
Land Use Committee
Thursday, July 16, 2009
6:30 pm to 8:00 pm
Loring Park Community Center

Attendance: Michael Cavitt (Loring Way), Paula Vesely (Loring Way), Anna Cioffi (307 15th Street W), Ede Holmen (Loring Way), Christopher Hoffer (510 Groveland), Rick Bethke (1314 Marquette), Carole Wiederhorn (Loring Way), Brad Shark (Loring Way), Bruce Van (1501 LaSalle), Rose Sandberg (1501 LaSalle), Eric Sandberg (1501 LaSalle), Cathryn Olson (Loring Way), Ray Harris (Loring Way), John van Heel (110 West Grant), Jan Sandberg (1201 Yale Place), Dick Sandberg (1201 Yale Place), David Ferszt (Village Green), Bob Levine (Birch's), David Bank (Birch's), Burt Joseph (Birch's), George Pridmore (City of Minneapolis), Doug Kress (City of Minneapolis)

Summary

The committee first heard factual information from the applicants and City officials. After asking numerous questions, members then expressed opinions about possible noise and the application.

Members then passed the following motion:

Support the application for a Class B liquor license for Birch's on Loring Park (Motion Dick Sandberg, second Carol Wiederhorn) Passed unanimously

Background

The Eitel Building City Apartments (EBCA) received their development approvals from the City of Minneapolis in June of 2006. EBCA contains 215 dwelling units and a small retail space located on the corner of Willow Street and Grant Street West. EBCA received variances several months ago to increase the size of the commercial space and number of seats. In 2008, the Legislature passed language allowing (not requiring) the City to issue a liquor license for this restaurant.

According to the Public Safety and Regulatory Services agenda, July 8, 2009:

Applicant's Names: OJS, LLC.

Trade Name: Birch's on Loring Park

Address and Location: 1359 Willow Street

Phone: (612) 598-8770

Requested License: On Sale Liquor Class B with Sunday Sales

To be used in conjunction with a full service, sit down restaurant with an Outdoor Seating Area.

Location History: This location was part of the former Eitel Hospital.

As part of the licensing process for this location, the State legislature granted the ability for the applicant to obtain a liquor license.

Nature of Entertainment: The applicant intends to offer occasional acoustic music and will not offer live entertainment on the Outdoor Seating Area.

Off Street Parking: This application will meet the off street parking requirements by offering a valet service.

You are invited to be present and to express your opinions, and/or, present such in

writing. Please use the other side to make written comments.

Class B liquor licenses differ from lower class licenses in allowing live music and singing without limitation as to the number of musicians or singers or the type of amplification. Dancing and singing by patrons of the establishment and the use of the services of a disc jockey are permitted.

Factual Presentation

Bob Levine (Birch's) described plans for the restaurant. There is an existing Birch's on Long Lake, designed to be neighborhood friendly with Northern Minnesota cuisine. They have a Class B license at that location although in most cases music consists of acoustic guitars. While they did not look forward to another meeting, their goal is making the customer base happy. Restaurant hours are currently scheduled for 4 p.m. to closing on week nights and on weekends 8 a.m. to closing. Hours could change depending on the wishes of the neighborhood and their customers. They are a small group and will adapt as circumstances dictate – they want success in the neighborhood. Aiming for an urban-feel restaurant with fresh herbs as landscape accents. This is an owner operated restaurant.

Committee members had a number of questions, denoted by ?

? How do you define closing? He thinks this would likely be 10:00 -11:00 p.m. and could be 12:00-1:00 a.m. on weekends. He knows that folks have concern about noise. They plan to place bi-fold doors on the restaurant exterior facing the park which will serve to buffer noise from the main restaurant, add seating and enhance security. The interior plaza area for the Eitel Building to be added next spring could have a fenced area.

?Where is outside seating in relation to building? Most of the outside seating will be on Willow facing the park, minimizing the noise factor for the Grant side and Loring Way. They have looked at doing something with the Grant Street side (that is somewhat isolated from the rest of the restaurant) for small (12 person) parties. This may include the enclosed portico on that side.

?Entrance Patrons will enter on the south side facing the park. There is arrangement for parking via valet service to nearby lots. The valet will be located on Willow across from park near the open plaza area. Doug Kress added later that the building has one drop-off section for the entire building per earlier agreement with Councilmember Goodman's office.

?Plan for acoustical but applying for Class B? Burt Joseph said that at Long Lake when they occasionally use amplified music it is during the three hours in the 7:00-10:00 p.m. period. This allows for dancing to non-amplified music and gives them flexibility. They did not want to go through the process a second time to upgrade the liquor license. Long lake generally had acoustic music or singer/piano—amplified music occurs rarely.

?Seating in bar and restaurant? There will be 110 seats in the bar and restaurant area. The bar seats about 20 people. The bar is on the park side with possibility of outside seating in good weather. The two exterior areas are the portico on west and south sides with space for 50 seats and seating unknown as yet on the plaza. They hope the restaurant to be a major destination for the 6,000 condo/apartment dwellers nearby.

?Is this a bar or restaurant? It is a restaurant that has a bar. Questioners said that if it is a restaurant, then isn't it likely to close earlier? The Nicollet Mall venues operate later vs. Café Lurcat and Joe's Garage. In Long Lake they are 30/70 percent liquor/food.

?How late will valet be available? Later than patrons?

?Member of Loring Way Board visited Birch's in Long Lake and was impressed with the quality of the operation. Some concern about parking in the Loring Way lot. If this happens (possibly due to suburbanite confusion) those cars could be towed.

?Class B license and noise. Since they seem adamant about the Class B license, she wants to express concern about the potential to create considerable noise for Loring Way. Bob Levine responded that they want to be good neighbors and will control the noise. Dave (representing Village Green) expects noise in courtyard and expects their residents to be the first to complain. The lease gives them some power to make changes if there are problems. Village Green is interested in hearing from neighborhood if there are problems.

?510 Groveland similarity– La Belle Vie took over their restaurant and the bar is often open until 2 a.m. They have been able to work through the few problems.

?Groups of 12 persons on Grant Street side in the enclosed portico. Concerned about noise if these doors are opened. He was awakened early this morning by trash being dumped. Note they are spending \$100,000 to enclose the portico.

?Doug Kress clarified that because it is in a residential area, Village Green had to get special legislation to allow an entity to even apply for a liquor license. State legislation makes a liquor license an allowable use. The developer originally asked for beer and wine and in January 2008 the neighborhood passed a recommendation that legislation reference a full liquor license. The application has been heard at the Council's Public Safety & Regulatory Services Committee, which postponed their decision for two weeks because the neighborhood wanted a meeting. The applicant was willing to postpone the decision. During the application process noise came up as an issue and the applicant offered to add the moveable doors that will be open whenever possible. Council Member Goodman lives above a bar and understands their concerns but we live in the city and noise is a part of urban life. Doug offered his phone number and urged those with concerns to call. He and Lisa have been at the Long Lake restaurant where it was full but quiet.

George Pridmore from City Licensing said that the department doesn't have opinions as such but that noise can be an issue. In such a case the City has some ability to require a restaurant/bar to make changes. In the case of a night club in the Warehouse District/North Loop, the City made them put in triple pane glass and then re-gravel the roof. The old noise ordinance was found unconstitutional but a new ordinance requires that excessive noise not extend outside the confines of the facility. Excessive noise leads to a license settlement conference that can trigger to a daily fine of \$250. His understanding of this application is that there are two walls between the noise generators and the exterior. He would not expect there it to be a significant noise problem and if there is, they can come out and issue citation. The applicant is correct that upgrading the license class requires a reiteration of the application process.

?Typical to start with higher level license and downgrade? Higher level licenses are much more expensive and downgrading does not require a hearing.

?Opening date? Target to finish construction is August 15, with soft meals (no free liquor) for 30 days. He hopes that the association will provide a list of possible attendees. They want constructive criticism on the food. They hope for a Grand Opening the second week of September, with nothing on outdoor plaza until next spring.

?Events on top floor? Their arrangement with Village Green is to provide catering services to the top floor and elsewhere (pending a catering license).

?Takeout? If there is a demand they will offer it. It happens now at the Long Lake restaurant.

?Menu? Burt Joseph said that the current restaurant is known for its fried chicken, walleye, home-cut fries, homemade soups, pizzas and Guinness short ribs see web site. They will add smaller plates at the Loring site for the happy hour menu. Burt has worked in various phases of the restaurant business for most of his life.

Opinions

She is a victim of the party crowd late at night on Loring Greenway with the police in chase. It sounds like this is a restaurant.

She is on the Board of Friends of Loring Park. They know that the more folks on the street, the safer it is and she wants them to be successful.

He has lived in the neighborhood for over 30 years. He has been a landlord for seven urban restaurants. It is a miracle to find a quality restaurant opening in this economy. The bottom line is that the quality of the landlord and management is the key to success. It sounds like the landlord and management are committed to making it work and fit the character of the neighborhood. The food was great. There will always be some noise.

He is very excited that they came to the neighborhood. He has lived in south Minneapolis with airplane noise—there is always some issue. We have chosen to live in the urban environment and the important part is amenities. He believes they will be a good addition. The key will be communication if there are any problems. They are not looking to be a nightclub. He was at the meeting and supported the higher level license.

He supports the B license that gives them opportunity to be successful in these time and they are willing to take a risk. Hopefully the brunch lines will be relatively short.

Action

Support the application for a Class B liquor license for Birch's on Loring Park (Motion Dick Sandberg, second Carol Wiederhorn) Passed unanimously