

**LICENSES AND CONSUMER SERVICES  
LICENSE INSPECTOR'S REPORT  
Extended Hours License  
L317-50007**

**Purpose of Application:** Pizza La Vista is requesting to extend their business's hours of operation to the following:

10:00 am – 4:00 am daily

**Applicant's Name (Legal Entity):** Pasta La Vista, Inc.

**DBA/Trade Name:** Pizza La Vista

**Complete Address:** 504 First Avenue North, Minneapolis, MN 55403

**Telephone Number:** 612-337-6102

**Current Licenses:** The applicant has held a Food Restaurant License at this location since November, 2010.

**Zoning:** B4S-1/Downtown Service District / DP/Downtown Parking Overlay District

**Current Authorized Hours:** 6:00 am – 2:00 am daily

**Neighborhood/Ward:** Downtown West/7

**Date of Application:** July 12, 2011

**Inspector:** Michele Olds, 612-673-5484

**Public Hearing Requirement:** A public hearing is required for this license application. 20 notices were mailed to residents and property owners within 300 feet of the premises, and emailed to the Downtown Minneapolis Neighborhood Organization and the Warehouse District Business Association on August 1, 2011. The public hearing will be held on August 22nd, 2011 at the Regulatory, Energy and Environment Committee meeting. As of August 15, 2011, there have not been any written responses from nearby residents or property owners.

**Background:** The applicant proposes to extend the hours of operation for table service only. There will be no stand up or take away service during the extended hours. Extended hours would be defined as hours beyond what is normally allowed in this zoning district (until 1:00 am Sunday – Thursday, and until 2:00 am Friday and Saturday). The restaurant does not serve alcoholic beverages, have entertainment, nor does it have outdoor seating. Licenses and Consumer Services records show that the applicant reportedly operated later than their allowed hours (per approved Conditional Use Permit) in June, 2011. They were sent a warning notice. Then, they were found to be in violation again on July 24, 2011. A \$200 citation was sent to them for this

violation. **The current Conditional Use Permit allows Pizza La Vista to be open until 2:00 a.m. daily subject to the following Conditional Use Permit conditions:**

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) Uniformed, on-site security shall be provided at a minimum from 10 p.m. until 2 a.m. daily. The applicant shall coordinate with the applicable Police Precinct on an acceptable security plan.
- 3) Compliance with the window sign provision as stated in Section 543.480 of the Zoning Code.
- 4) The hours of operation are specific to the restaurant use only and do not include tobacco sales.
- 5) The extended hours are for table service only, no stand up or take away service during the extended hours.
- 6) The restaurant shall obtain a restaurant license first and the extended hours for the conditional use permit is not effective and the use shall not commence until the applicant obtains a required restaurant license and is in compliance with all other requirements of city code.

**Findings as Required by the Minneapolis Licensing Code:**

The Licenses and Consumer Services Division has analyzed the application and concludes that the application has answered the following:

**A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized:**

There will be at least three employees on-site during extended hours operations on weekends and at least two employees on-site during all extended hours on weeknights. Security personnel will be present from 11:00pm There will be security guards in the form of off-duty police officers or private guards employed on Friday and Saturday night. Security will conduct routine interior patrols every 15 minutes. Security will clear any persons loitering in or adjacent to the restaurant, including during the first 30 minutes following closing. The front sidewalk area is monitored by security camera. Persons loitering, engaging in possible drug-dealing, or disturbing the peace will be reported to the police. Intoxicated persons will not be served or admitted to the premises. In order to facilitate identification of loiterers, all customers will be provided with a receipt upon placing a food order.

**Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise:**

Staff will remove litter nightly. Since there will be no entertainment at this business, noise is not expected to be an issue. If noise becomes an issue, management will make sure that the noise level is kept to a minimum.

**Description of how the business will have people exit the establishment at closing time and during an emergency that requires all people to exit the establishment quickly:**

The rear service door to the restaurant will be signed as an emergency exit. Staff will understand and practice an annual emergency evacuation plan including directing patrons to the designated exits that will be illuminated in the event of power failure. Security and staff will follow the specific direction of the Minneapolis Police Department (MPD) police personnel when told to evacuate the premises.

**Such other reasonable and pertinent information as the city council may require:**

Emergency medical services (EMS) will be offered to any patron or staff when they are injured or require medical services. Security and staff will notify EMS of any serious injury and will notify MPD of any injury resulting from a criminal or violent act. In the event of a crime, security and staff will notify the MPD, attempt to identify and detain any suspects or victims and assist the responding officers. The security plan will be modified in the future based on any criminal activity, licensing checks, community complaints or requests by the MPD in an effort to maintain a safe environment for patrons and others in the vicinity.

**Proximity to permitted or conditional residential uses.**

**Nature of the business and its impacts of noise, light and traffic.**

The closest residentially zoned district is over 500 feet from the business.

**Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.**

The existing business is categorized as a restaurant which is a permitted use in the B4S-1/DP district.

**History of complaints related to the use.**

There are no significant police calls for service at this exact location. However, this location is in an area where there are significant police calls for service that include call types such as: theft, customer trouble, suspicious person, parking problem, assault in progress, drunk/intoxicated person, robbery of person, unwanted person, miscellaneous. Licenses and Consumer Services have received complaints regarding unruly customers and lack of security from the Minneapolis Police Department and from local business owners.

One of Business Licensing's key initiatives of 2011 was to use our resources to assist the Minneapolis Police Department's 1<sup>st</sup> Precinct in reducing the number of calls for service in the Downtown Entertainment District. The goal was to see a 10% reduction in the number of alcohol-related crimes between the hours of 8:00 p.m. and 4:00 a.m., the times in which the most negative impact on the district is seen. Unfortunately, calls for service in 2011 have not decreased, but, in fact, have increased. Business Licensing will continue to work with the 1<sup>st</sup> Precinct to make an impact on negative activities, associated with licensed businesses, occurring in the Downtown Entertainment District which negatively affects businesses and their customers.

### **RECOMMENDATIONS (pending public hearing):**

#### **The Licenses and Consumer Services Division makes the following recommendation regarding this application to extend hours:**

A recommendation of denial is being made for this license application. This recommendation is based on the following:

- The business is located in an area that has a noticeable problem with loitering and other illegal activities that tend to occur in the late night hours. 1<sup>st</sup> Precinct target crime reduction has not been met for the Downtown Entertainment District management initiative.
- Public testimony from a neighboring business was received on 8-22-11 that stated the business owner contributed to the loitering and illegal activities. The testimony asserted that the lack of a secured bathroom was one of the primary causes of the problem. The neighboring business also stated that since Pizza La Vista did not have its own restroom that additional crime-related activity would occur if the business remained open past bar closing time.
- The business is not meeting minimum standards of compliance of all regulations. A summary of the violations are as follows:
  - 1) On 4-20-11, 5-9-11, and 6-5-11 Business licensing received complaints that this business was operating beyond approved hours, creating the opportunity for loitering and illegal activities.
  - 2) On 6-5-11 Business licensing sent the business a violation notice for operating beyond the approved hours of operation.
  - 3) On 7-27-11 Business licensing sent the business a citation for operating beyond the approved hours of operation. The business did not appeal the citation. The citation was paid.

4) On 9-6-11 Business licensing sent the business a citation for not complying with business license conditions. They were in violation of four of the 12 conditions of the license on an inspection conducted on 9-4-11.

5) On 9-6-11 Business licensing sent the business a violation notice for unpaid fees and fines due. This business license will be revoked if fees and fines are not paid.