

Alcohol License Review Committee  
Meeting of May 18, 2022  
Agenda #70 and #71, Legistar #71461 and 71462

Should this business be rewarded with an expansion of hours and expansion of premises when it has not been in compliance with City ordinances? MGO 38.01 requires "strict accordance with the provisions of this chapter." MGO 38.06(11)(a) requires an entertainment license be obtained before an establishment offers or allows live entertainment. Yet Taco Local has been offering live music – this is the most recent Facebook advertisement of live entertainment.



### **Taco Local on Facebook**

#### Patio

The applicant is requesting an extension of premises to an outdoor patio at the rear of the restaurant, a patio that will be open until 10:00 p.m. This patio became a permitted use earlier this year due to the passage of ORD-22-00016 – but only if the patio closes by 9:00 p.m. Due to the backyard location, which has residential properties on the other side, 9:00 p.m. is a late enough closing time.

In addition, the ALRC should consider whether to limit the opening time of the patio. Taco Local opens at 8 a.m. Tuesday-Friday. That seems a rather early hour for residential neighbors to listen to patio noise (particularly since past neighborhood experience has shown that the noise rises quite easily up the hillside).

The Change of Premises application layout page shows that the patio has seating for 26 persons. The ALRC should make the capacity a license condition to ensure that the space cannot be converted to vertical drinking without ALRC approval.

The Change of Premises application layout page reflects two tables in front of the restaurant, but the application's description of proposed changes does not request extension of premises to these tables. It is questionable whether these tables will even fit in the space. The layout page reflects the building setback from the sidewalk as being approximately the same as the width of the sidewalk plus terrace. That is inaccurate, the setback is more like 4 feet. Also, no enclosure is reflected on the layout page, so will one be required?



The Change of Premises application layout page does not have a storage space. The Change of Conditions application does show storage. So which is accurate? Where will alcohol be stored?

The Change of Premises application layout page reflects a new doorway being cut into the building for patrons to access the patio. Has the applicant received permission for this from the Landmarks Commission/Preservation Planner?

#### Extension of Hours

When Taco Local applied for a Class B Combination Liquor & Beer license, they said they wanted to "create a restaurant that honor's the neighborhood in which it resides" and that they had a "goal of being closed by 10pm nightly except for special events." In addition, they said:

"Our bar is designed to be an addition to our breakfast, brunch, lunch and dinner menus. We do not aim to be a local watering hold."

The neighborhood supported this restaurant. Yet how much food will be served during those later hours? Taco Local is required to meet the definition of a restaurant. Yet, the application uses the same projections, 25% alcohol sales, as was submitted as the estimate of sales with the original application. What has been the percentage of alcohol sales over the past year? What is the estimate with the proposed extension of hours? Will food be served all hours that Taco Local is open? It is also interesting to note that the layout page of the Change of Conditions application labels the business a "Speakeasy."

As Alder Verveer has noted in past ALRC meetings, the neighborhood tends to support alcohol licenses for new establishments that are not bars and generally seeks to place conditions on those establishments so that they cannot turn into bars. The applicant lists on Facebook that 9:00 p.m. is closing time. If the applicant cannot even reach the license maximum closing time of 10:00 p.m., it indicates that there is not enough demand for food at later hours and any extension would focus on drinking.

I request that the ALRC:

- (1) Seek confirmation that the applicant will cease having any live entertainment events until such time that an entertainment license is approved.
- (2) If the ALRC chooses to approve an expansion of the premises, that
  - The front tables are not approved, at least until such time that the applicant provides information to show that there is enough room for the front tables;
  - The back patio be required to close by 9:00 p.m.;
  - The back patio not to be used in any manner after 9:00 p.m. (e.g., as a comfortable smoking place);
  - The back patio cannot open before 10:00 a.m.;
  - The door providing access to the back patio remain closed at all times;
  - The back patio have a maximum capacity of 26 persons; and,
  - The back patio cannot have amplified sound of any kind.
- (3) Not expand the permitted alcohol hours to 2:30 a.m. If the ALRC chooses to approve an extension of hours, that:
  - An extension be limited to Friday and Saturday nights; and,
  - Food is required to be served until an hour before closing time.

Respectfully Submitted,  
Linda Lehnertz