

ALRC Meeting of 15 June 2016

Item #72, Legistar #42980, Paint Café LLC application for a Class B Combination Liquor & Beer

In its meeting of October 15, 2014, the ALRC recommended that the Paint Café LLC (dba Paint Bar) be granted a Class B Beer & Class C Wine license, with conditions. The Council granted the license with the following conditions at its November 18, 2014 meeting.

1. The establishment will continue to meet the definition of a restaurant under Madison General Ordinance 38.02.
2. Food will be available at all times the establishment is open.
3. No DJs.
4. The establishment will close at midnight all days of the week.
5. The establishment will provide point of sale report with license renewal application.

At the 2014 ALRC meeting, Assistant City Attorney Allen opined (minute 1:05) that the Paint Bar was not eligible for a full liquor license unless it fell within a "recreational premise." This is because a Class B license cannot be granted for any premise where any other business is conducted, with specific exceptions. MGO 38.05(9)(d)7.a.

In 2015, the list of exceptions was expanded to include a "painting studio." Legistar #40166. The drafter's analysis explained the ordinance change as incorporating "recent changes in state statutes that permit the issuance of alcohol licenses to business operating as movie theaters and painting studios."

A "painting studio" is defined as "an establishment that is primarily engaged in the business of providing to customers instruction in the art of painting and that offers customers the opportunity to purchase food and beverages for consumption while they paint." MGO 38.02.

The Paint Bar's application, question #26, states that the type of establishment is a restaurant. It does not appear that the Paint Bar can be a restaurant, based on State law and City ordinances. Rather, the Paint Bar needs to meet the definition of a "painting studio." Thus, the application should have checked "other" and specified "painting studio."

I urge the ALRC to continue all existing conditions, should it recommend to grant a Class B license, with the modification that the Paint Bar meet the definition of a painting studio.

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The Committee may also be interested in knowing that I requested a copy of Paint Bar's point of sale report. I was informed by the licensing unit that it did not collect such information. Given that the Paint Bar needs to meet the definition of a painting studio, a change in procedures may be prudent.

Respectfully Submitted,
Linda Lehnertz