

**LICENSES AND CONSUMER SERVICES
LICENSE INSPECTOR'S REPORT**

License Number: L206-50246 & L161-50513

Police File Number: F.13562

Date of Application: July 10, 2014

Inspector: Nicole Anderson

Applicant/Legal Entity: Ling & Louie's Minneapolis, LLC

DBA/Trade Name: Ling & Louie's Asian Bar & Grill

Complete Address: 921 Nicollet Mall, Minneapolis, MN 55413

Licenses Requested: On-Sale Liquor with Sunday Sales, Class E & Sidewalk Café

Current License: None

Responsible person within 75 miles of Minneapolis City Hall: Michael McDermott

Public Hearing Requirement: Required

Neighborhood/Ward: Downtown West / 07

License Conditions: None

Zoning: B4-2/DP/NM - This is a permitted use in the Downtown Business District/Downtown Parking Overlay/ Nicollet Mall Overlay District.

Off-Street Parking: The Office of the Zoning Administrator has determined that zero spaces are required to be provided on site.

Churches or schools within 300 feet of the proposed premises: No

Seating: Inside: 208 Seats
Outside Rooftop Café: 112
Sidewalk Café: 36

Fire Occupancy: Total: 517 Max. Capacity Outside: 132 on rooftop

Food Service Requirement: The applicant will provide food service consisting of no less than four entrees and food service will occur during a substantial portion of the operating hours of the establishment.

Hours of operation proposed: Inside and outside: 11:00 a.m. to 2:00 a.m., daily

Metropolitan Council Service Availability Charges: Twenty-nine (29) SAC units. The SAC charges were paid on March 21, 2014.

HISTORY OF LOCATION

This location previously operated as general retail sales, which do not require a City license.

APPLICANT

The applicant is Ling & Louie’s Minneapolis, LLC doing business as Ling & Louie’s Asian Bar & Grill; a Delaware limited liability company, authorized to do business in Minnesota, formed on March 19, 2013, under Chapter 322B (Charter Number 661190600020). The applicant has provided documentation showing adequate, legal, and traceable funding for this venture. They have the required restriction on the transfer of shares and have the following shareholders and officers:

<u>Name</u>	<u>DOB</u>	<u>Title</u>	<u>Ownership (%)</u>
McMerritt Management, LLC		Company manager	73%
Class A Members, less than 10% each		Class A Members	27%
Michael J. McDermott	2/15/67	Corporate Manger	0%
Jason J. Merritt	5/3/64	Operations Manager	0%

The shareholders and officers of McMerritt Management, LLC are as follows:

<u>Name</u>	<u>Title</u>	<u>Shares</u>
Madox Investments, LLC	Manager	0% Class B
Madox Investments, LLC	Member	50% Class A
Merritt Management, LLC	Member	50% Class A

The shareholder and officer of Madox Investments, LLC is as follows:

<u>Name</u>	<u>Title</u>	<u>Shares</u>
Michael J. McDermott	Manager	50% Class B
Michael J. McDermott	General Partner	50% Class A

The shareholder and officer of Merritt Management, LLC is as follows:

<u>Name</u>	<u>Title</u>	<u>Shares</u>
Jason Merritt	Manager	50% Class B
Jason Merritt	Member	50% Class A

POLICE REVIEW

Police Licensing and this Inspector have reviewed the expenses and source of funds reported in this application. The applicant has provided documentation showing adequate legal and traceable funding for this venture and has passed the criminal background check. The First Precinct of the Minneapolis Police Department has discussed security issues with the applicant.

PREMISES

Ling & Louie’s will be a full service, sit-down restaurant. The licensed premises will consist of approximately 11,927 square feet on the first floor and mezzanine level, 1,323 square feet on the rooftop of the building, and 800 square feet on the sidewalk café. There will be seating for 138 patrons at tables, booths, and a bar on the first floor, 72 seats for patrons at tables on the mezzanine level, 112 seats for patrons at tables and a bar on the rooftop café. The Fire Department has determined an occupant load of 150 for the main dining area, 85 for the

mezzanine level dining, and 132 for the rooftop café. The licensed premises space is compact and contiguous. There are no undefined spaces.

MANAGER

Ling & Louie's will be managed by Misty Saxton. Ms. Saxton has significant experience in large scale restaurant and alcohol service industries. She also has recent experience as a rooftop patio manager in Minneapolis. Ms. Saxton has been a General Manager at Crave Restaurant, and was an Operating Partner and Restaurant Manager for PF Chang's.

BUSINESS PLAN/OPERATIONS

All alcohol servers will complete regular alcohol awareness/alcohol compliance training given by Laura Boyd of Alcohol Compliance Services (ACS). They will continue to retain ACS or another qualified provider for ongoing training and for new employees. Their policy is to check the identification of everyone that orders alcoholic beverages that appear under 35 years of age, in the best judgment of the server. An electronic card reader is not anticipated at this time. Ling & Louie's will immediately terminate any employee that illegally serves a minor any alcohol. Self-audits will be conducted if the business feels the need or suspects issues with alcohol service.

The businesses proposed hours of operation will be 11:00 a.m. until 2:00 a.m. daily.

Ling & Louie's have met with the 1st Police Precinct to discuss security related concerns and anticipate their security needs to be nominal. Management and staff are trained in the basic principles of establishment security and have expected protocols for handling security related issues. Alcohol service will end at 2:00 a.m. with "last call" generally announced at 1:45 a.m.; customers will receive a verbal notice from staff at 1:50 a.m. to finish up their drinks and start exiting the establishment. Around 2:00 a.m. the lights will be turned up. Customers will be directed towards the doors by about 2:15 a.m. to assure a gradual emptying of the restaurant by 2:30 a.m. Security staff will remain outside to assure no one is loitering for 30 minutes after closing.

Entertainment will consist of radio, television, and prerecorded background music.

Prerecorded music will be kept at a background level on a regular basis but may be turned up to a mid-level range with sound still allowing for normal conversation. With the limited entertainment, Ling & Louie's anticipate nominal noise issues; however, if issues arise they will be dealt with in a timely manner by the general manager or supervisor on duty.

Ling & Louie's believe their overall impact on the community will be positive based on the nature of their business and by their anticipated clientele. This location also is in line with the surrounding area's commercial node.

Dedicated staff will be responsible for litter removal daily within 100 feet of the premises prior to opening and just before employees leave for the evening.

The menu offers several varieties of Asian cuisine and American classics along with non-alcoholic beverages.

There will be no charitable gambling, or team sponsorships.

Michael McDermott and Jason Merritt have over 50 years of experience in the restaurant industry, combined. Michael has owned and operated Zapata's, Chi Chi's, and Fuddrucker's in the Twin Cities area and both Michael and Jason have ownership in another Ling & Louie's franchise in Scottsdale, AZ. They both also own and operate Kona Grill and Rojo Mexican Grill.

ROOFTOP PATIO AND SIDEWALK CAFÉ

The rooftop café will have seating for 92 people at tables and 20 people at a bar for a total of 112 people. The fire occupancy for the rooftop is 132 people. The hours of operation for the will be the same as interior hours which is 11:00 a.m. until 2:00 a.m. The rooftop café will have a dedicated kitchen manager along with a security person dedicated to overall security, noise, and behavior management; there will always be at least one security on duty on the rooftop during all public hours of operation. The rooftop café will be designed in a way to absorb sound and minimize unwanted noise. Such design will include the use of wood, fabric, and cushions on the furniture and overhead awning along with shrubbery. At this time they do not anticipate any perimeter speakers, just speakers at the or near the bar area. There will be no live entertainment, as per the Class E license, on the rooftop except when a temporary license is approved. There are no residential units adjacent to the rooftop patio; the closest are approximately two blocks away.

The sidewalk café will be located on Nicollet Mall on both sides of the entrance doors to the establishment. Seating for the sidewalk café will consist of 36 seats for patrons. This sidewalk café plan has been approved by the Minneapolis Downtown Improvement District, serving as the Nicollet Mall Advisory Board along with Minneapolis Public Works. Hours of operation for the sidewalk café will be the same as the interior hours of 11:00 a.m. until 2:00 a.m. The sidewalk café will have approximately 4 speakers that will be installed with speakers oriented inwardly and downwards towards the restaurant guest seating; this is in similar nature to other businesses in the area and background music will be played at a low level to encourage normal conversation.

PUBLIC HEARING SUMMARY

13 notices were mailed to property owners and residents within 300 feet of the main door of the establishment and emailed to Council Member Goodman, the Downtown Minneapolis Neighborhood Association and the Downtown Improvement District Business Association on July 24, 2014. The public hearing is scheduled at the Community Development & Regulatory Committee on August 5, 2014.

RECOMMENDATION

The Licenses and Consumer Services Division recommends approving this application for an On-Sale Liquor with Sunday Sales, Class E license.

LICENSE CONDITIONS

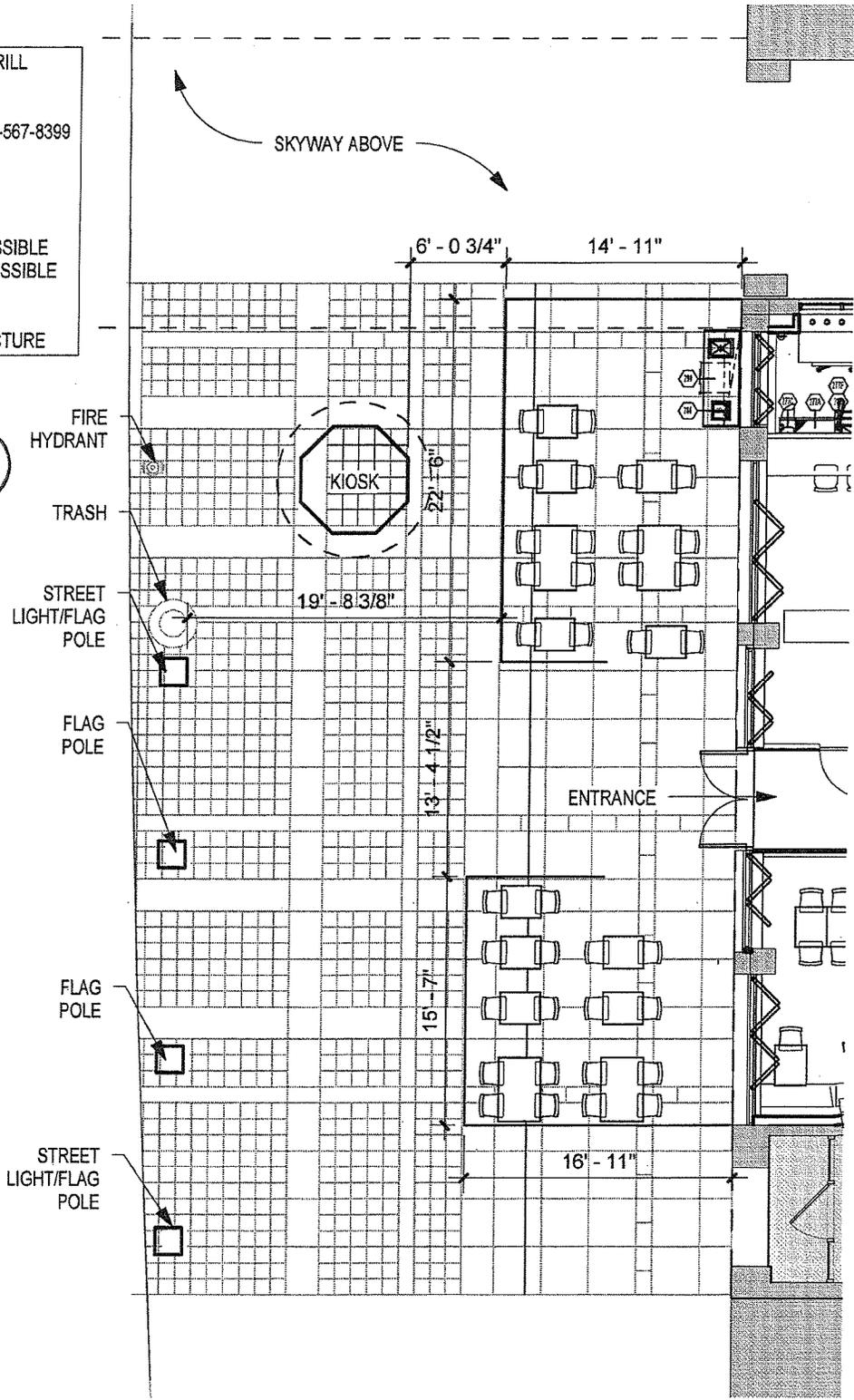
None

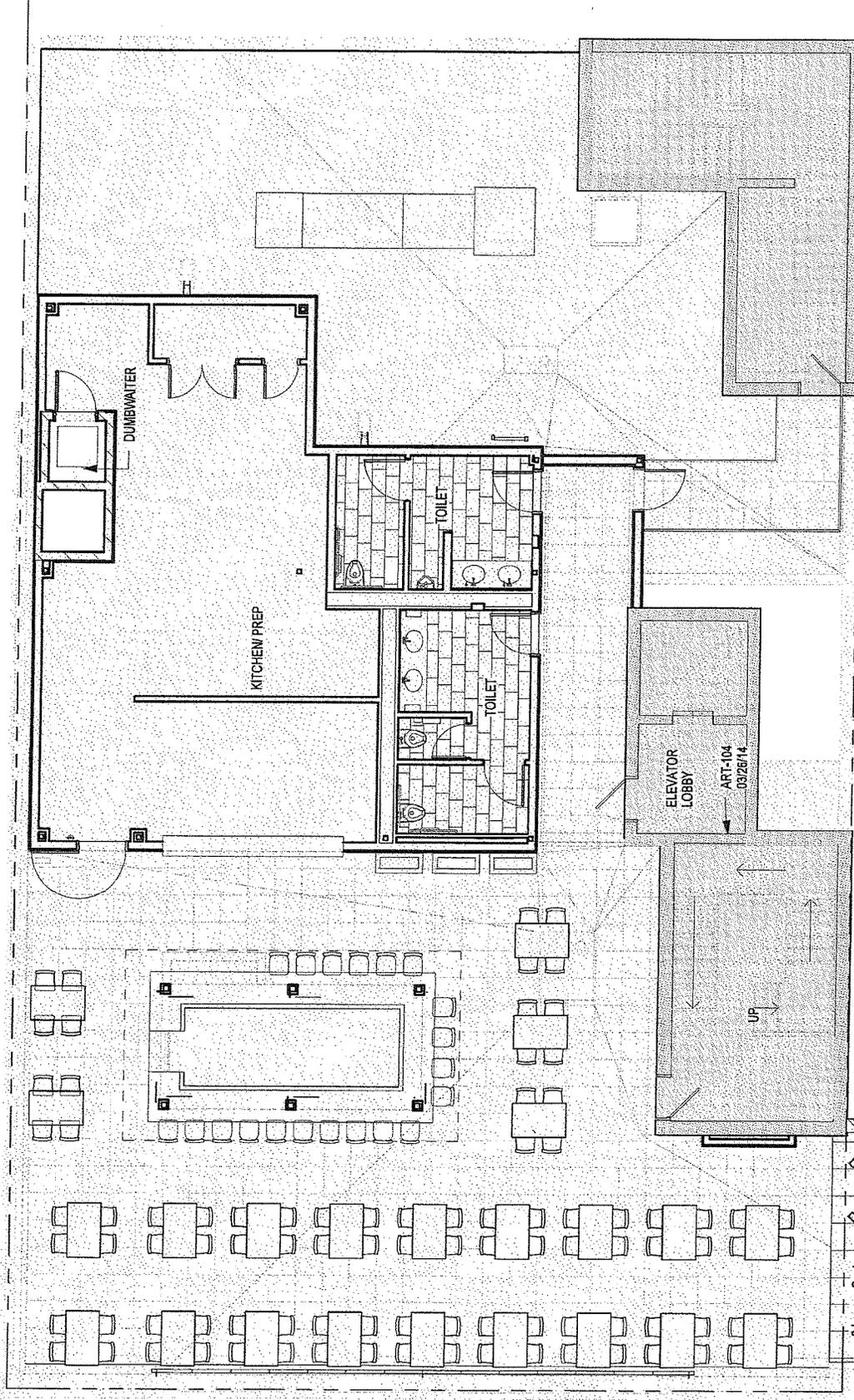
LING & LOUIE'S ASIAN BAR & GRILL
 921 NICOLLET MALL
 MINNEAPOLIS, MN 55402
 MANAGER - MISTY SAXTON 763-567-8399

SIDEWALK CAFE DINING:
 SQUARE FOOTAGE: 800 SF
 SEATING PROVIDED: 36
 4 TABLES: 48" X 30" - ALL ACCESSIBLE
 10 TABLES: 24" X 30" - ALL ACCESSIBLE

PREPARED BY:
 CUNINGHAM GROUP ARCHITECTURE

*7-18-14
 Approved
 BWS*





LING & LOUIE'S ASIAN BAR & GRILL
 921 NICOLLET MALL
 MINNEAPOLIS, MN 55402
 MANAGER - MISTY SAXTON 763-567-8399

PENTHOUSE
 GSF: 1323 SF
 SEATING: 112

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 CUNINGHAM GROUP ARCHITECTURE
 7/1/2014

1 Penthouse Floor Plan
 3/32" = 1'-0"
 A4