

DATE: Thursday, September 15, 2022

FROM: Robert Leibman, Property Manager for the residential rental tri-plex
At 853 Randolph Ave., located next door to The Spot Bar

TO: City of St. Paul Licensing/Legislative Hearing Officer
LH-Licensing@ci.stpaul.mn.us

RE: The Spot Bar, 859 Randolph Ave.

I am the property manager for the rental tri-plex at 853 Randolph Ave. The building is next door to The Spot Bar.

The Spot Bar has made a City licensing department request for approval to allow it to permanently expand the bar to add outdoor seating.

On behalf of Xinsong Li, the property owner of 853 Randolph Ave., I object to the expansion for a number of reasons, stated below.

1. The Spot Bar has very limited parking and the expansion will add to traffic congestion and add to the scarcity of street parking. From my visual count today, it appears that there are no more than SEVEN PARKING SPACES behind the bar! That means that all other bar patrons will be parked in the streets nearby. Residential property owners near the bar will be subjected to additional traffic and fewer parking spaces.
2. The bar will have many more patrons. Not only will the bar have patrons inside the bar building, bar patrons will spill out onto the outdoor patio area. More people mean more neighborhood hassles and problems.
3. Noise levels will increase substantially. It is one thing to have bar patrons inside the bar building, but it is an entirely different matter to have them drinking, eating, talking, laughing, etc. when they are outside. Then, *add alcohol to the mix, and people will be talking louder.* This is an unwelcome intrusion into the quiet and peaceful lives that neighbors of the bar deserve. And, if music is played, that would be extremely intrusive for the bar's neighbors!
4. "Light pollution" will be an issue. Prior to the bar having outdoor seating on the East side of the bar building, there was quiet and darkness on that side of the building. However, with outdoor seating in the evening, the bar has to light up the patio area. This additional light is an unwelcome intrusion into the quiet and peaceful lives that neighbors deserve.
5. Not every bar patron will be a good citizen. Human nature being what it is, and *then add alcohol to the mix,* I think it is fair to state that there will occasionally be bar patrons who will litter, talk loudly (and perhaps argue), and possibly pose a physical danger to others. Obviously, that can occur even without the bar's expansion. But, it is logical that adding the outdoor seating area will add additional bar patrons and an additional degree of risk to all neighbors of the bar.

6. **Smoking in the patio will impact close-by neighbors.** Certainly, the property located next door to the bar will receive some of the bar patrons' smoke.
7. **Hours of operation will impact the neighborhood.** It is one thing to have a business which operates during day-time hours. But, it is another thing to operate not only day-time hours but also hours going into the late evening! Adding the outdoor patio means more people will be in the neighborhood, *and outside on the patio*, at late evening hours. Again--- *add alcohol to the mix*, and the result is not something that you would want in your own "back yard".

Please don't force us to have this in our back yard!

Furthermore, looking at Chapter 409.06 Subsection (g), the stated "factors" for allowing the outdoor patio cannot be satisfied.

The Ordinance has three levels of analysis, depending on the percentage of neighbors who consent. I do not anticipate that the "90% approval level" will be obtained. But even if there is a "60% - 89% approval level", the Ordinance mandates that there be a finding that the issuance of the license:

"would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community."

The Ordinance goes on to state 5 factors for making that determination:

1. The effect on the surrounding community and institutions;
2. Noise and likelihood of adverse effect on residential occupants;
3. The possibility of increased traffic;
4. The character of the neighborhood; and
5. Other like uses in the neighborhood.

Given the seven objections raised in this email, I do not believe that such a finding can possibly be made.

Furthermore, if consent of less than 60% of the properties within 300 feet is not obtained, the burden on the bar is even higher. *The Spot Bar would have to prove as to specific properties, including 853 Randolph, next door:*

There is a "generally favorable disposition" from the surrounding community toward the proposed licensed activity'

- a. That the local district council supports the license request;
- b. there be a finding that the issuance of the license:
"would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community."

And, again, the same 5 factors above apply:

1. The effect on the surrounding community and institutions;
2. Noise and likelihood of adverse effect on residential occupants;

3. The possibility of increased traffic;
4. The character of the neighborhood; and
5. Other like uses in the neighborhood.

As a certainty, the standards for allowing the license approval when considering the specific property next door to the bar, at 853 Randolph, cannot be met.

For the above reasons, I urge the City Licensing Dept and the District Council to reject The Spot Bar's application.

Sincerely,

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