

Target Corporation has applied for an off-sale liquor license for their Target Store T2229 located at 1300 University Avenue in St. Paul. My name is Ellen Saffron and I am here today as a co-owner of Big Top Liquors located at 1574 University Avenue in St. Paul three blocks west of Target store T2229.

Restrictions and rules as they pertain to alcohol are critical in Minnesota, and for good reason. Alcohol is a product that is regulated. Owning a license is a serious responsibility and the precise requirements to qualify for a liquor license must be adhered to in order to protect the public interest.

Big Top Liquor objects to the issuance of this off-sale license because Target Store T2229, at 1300 University Avenue, does not meet several of the requirements of the Saint Paul Legislative code for granting a license. Target is seeking a liquor license at a site that violates three city ordinances.

First - City Code Sec. 409 i 3 states that no license will be issued for an off-sale location which is within 300 feet of a residentially zoned property or a park. Skyline Towers, a large residential housing community is directly across the street from 1300 University Avenue, a distance of only **100 feet**.

Skyline Towers is the largest single HUD-subsidized building in Minnesota and the 22nd-tallest building in Saint Paul. With over 500 units, it is the largest single-building subsidized housing complex in the U.S. west of Chicago. Of the 504 units, 448 are Section 8. The building is run by CommonBond Communities, and has studio, one and two bedroom apartment units.

Skyline Towers is Zoned T4. This is a traditional neighborhood district that is primarily residential and yet allows Skyline Towers to have an on site grocery store, a community room, and a Service Center. The Service Center, which is run and funded by

CommonBond, is designed to improve the skills and earning capacity of its residents. Skyline Towers also has playground equipment and picnic tables gracing their park on the eastern edge of their property facing Target. The zoning at 1247 St. Anthony Avenue is primarily residential. Although additional uses are permitted, clearly Skyline Towers is a vital residential community with hundreds of young families living there.

The intent of the distance restriction is for the protection of the neighborhood, residents, families and children surrounding a liquor store. Off-sale establishments provide intoxicating liquor that will be consumed in environments that are not monitored. The addition of more liquor stores as well as positioning these outlets in close proximity to a large residential community increases access to liquor and contributes to public safety concerns including theft, littering and loitering. The purpose of a proximity clause is to minimize the adverse impact on the community. Skyline Towers is a residential community that deserves a voice. In order to waive the restriction related to the distance from residential and/or park property, the Council must receive a petition from 75% of the tenants of the apartment house stating they have no objection. Skyline Towers residents and families who live across the street from the proposed liquor store have not submitted such a document to the City giving authorization.

Second - City Code Sec. 409.06 i 3 states that no license shall be issued for an off-sale location which is within 300 feet of a licensed child care center. Mr. Lee Mehrkens, on behalf of Community Action Partnership of Ramsey & Washington Counties – Head Start Program, signed a consent to waive the distance requirement and grant the Target store liquor license. However, this was not a clean waiver.

Target was notified Feb. 19, 2015 that their original waiver request was not accepted because there were conditions listed on the consent form that was signed by Mr. Mehrkens. Subsequently, a second consent waiver was resubmitted by Community Action Partnership, and in addition to the child care facility's consent, Rachael Vegas, Vice President of Target Corporation, sent a letter on April 13<sup>th</sup>, 2015, to Community Action Partnership and filed a copy with the City of St. Paul. This letter stated that Community Action Partnership's consent would be conditional on the acceptance and performance of three commitments placed upon Target. Curiously, these were the same conditions that were originally attached to the waiver request. The Community Action - Head Start conditions that Target agreed to were:

1. Keep the alcohol assortment a high-end product mix and not include single servings to drive revenues;
2. Work with Goodwill, Hired or other workforce connection providers in the community; and
3. Continue to communicate with the Community Action Board on the status of the liquor license. Corporate Target stated in the letter that they looked forward to a continued partnership with Community Action.

Lydia Bjorge, the attorney representing Target at the Union Park Land Use Committee meeting in June commented that all Target liquor departments follow this assortment of goods. I have brought photos of products that are sold at the St. Louis Park Target liquor department that shows items not considered high-end products as well as single-serve beers. Will these low end and single serve products also be allowed to be sold at the proposed Target Midway liquor store? Who will monitor their inventories?

What do they mean by work with Goodwill, Hired or other workforce connection providers? Promised jobs? What does a continued partnership with Community Action look like? Does this

mean that Target must continue to support the day care with in-kind gifts and services? These concessions appear to violate basic conflict of interest standards and give Community Action Partnership authority which supersedes the Legislative Code's directives and the St. Paul City Council's authority.

Third - City Code Sec. 409.06 i 2 states that no off-sale license shall be issued to any location within a half-mile radius of any existing off-sale establishment. The most recent opinion for the City on this issue was the 2005 memorandum from the City Attorney which concluded that the legally correct method of measurement is "building-to-building". This was reinforced in the 2011 St. Paul Department of Safety and Inspections Reference Manual that again stated the distance is measured from "building to building".

The distance from Big Top Liquors to 1300 University Avenue is less than ½ mile when measured building to building. Westwood Professional Services on behalf of Ryan Construction and Target Corporation measured from the southeast edge of the Big Top Building at 1574 University Ave. to the eastern edge of the western door of the Target Building at 1300 University Avenue. Choosing this random spot along the north end of the building allowed Target to show that they were in excess of the half-mile requirement by less than 12 feet.

1300 University Avenue is a building that is over 180,000 square feet. Target proposes to add a partition within the store, much as they do for their optical department and their medical clinic to form their liquor department. The optical department and medical clinic have doors facing south but the liquor store's door would face east to the western vestibule of the building in order to enclose a liquor department as required by state law.

Target Store T2229 at 1300 University Avenue is the applicant. 1300 University Avenue – the entire building – is needed to service many essential roles for its proposed liquor store. The building would provide heat, electricity, rest rooms, waste disposal, snow removal, parking, and most importantly, accept deliveries and warehouse inventories for the store.

Liquor stores require delivery to their unique store by law. Deliveries must be made to either the front or the back door of the liquor store. Will all deliveries be made to the front of the store through the common vestibule? This is not the case with the other Minnesota Target liquor stores. The floorplan submitted shows a liquor storage area of 7 ft. 7 in by 14 ft. 6 in. Will all back stock be held in this liquor store storage area? That is not the case with the other Minnesota Target liquor stores.

The measurement – building to building - must therefore be from eastern edge of 1574 University Avenue to the western edge of 1300 University Avenue bordering Hamline Ave. because the proposed Target Midway liquor store is not a stand alone entity. It will require additional services of the entire building to operate as a liquor store.

Finally, Big Top Liquors has a long history with Target. My father helped open the original Target Foods in Roseville and in the 60s and 70s helped Target expand across the country to Denver, St. Louis, Houston and Dallas. But Target today does not appear to be the Target of yesterday. Target has affected over 3,000 local families with layoffs this year. Their bankruptcy in Canada has traumatized many Minnesota vendors. Corporate Target is reporting to Wall Street – no longer to our local main streets. There is no good reason to skirt the City laws to favor Target, or any other applicant. Is all of this just a wink and a nod to allow Target to get the license?

There is neither an outpouring of public demand for another liquor store, nor a cry of dissatisfaction being directed at the liquor stores currently serving this neighborhood.

Big Top Liquors urges you to deny the application for an off-sale liquor license for Target Store T2229 at 1300 University Avenue because it does not meet the criteria required by St. Paul Legislative Code.