

LH-Licensing - License Application Objection - FACES MEARS PARK

From: Patricia Evens <minnesotapatti@msn.com>
To: <lh-licensing@ci.stpaul.mn.us>
Date: 4/30/2012 9:13 PM
Subject: License Application Objection - FACES MEARS PARK
CC: Onthepark Condos <otpcondos198@gmail.com>, KAREN MCCAULEY <kmccauley2001...>

Greetings:

I am a condo owner and resident of On The Park Condominium in Lowertown. The condominium is connected to Cray Plaza and shares in the monthly expenses of the common area. For over a year, the owner of Faces, a restaurant, bakery, and bar, also connected to Cray Plaza, has hired musicians to play music outside of the facility and inside Cray Plaza. The music began as an occasional evening with a performer named Pippi, then included evenings of special events, and finally salsa music and dance every friday night.

Concerns over the noise level of the hired entertainment grew over the last 9 months or so. It is simply unbearable in the halls and various units at On The Park Condominium. The excessive noise also spreads down each of the skyways leading into and out of Cray Plaza. In an attempt to resolve the noise nuisance, several neighborly discussions were held between myself and Mr. Esera Tualo who represented Faces. Mr. Tualo listened to my complaints, and also offered to provide those most affected with a noise blocking headset, yet never provided them. He also offered to have a contractor visit the owners most affected to consult whether their windows facing Faces could be changed out to reduce the noise. This too was a broken promise.

Because Faces was unwilling to approach the situation on a neighborly basis, the road to relief lead to the discovery that an experienced restaurant owner and long time liquor license holder failed to secure an entertainment license. This violation has been in effect for over a year and should not be overlooked when considering future licenses of any kind. Quite frankly, I think a penalty of some sort should be applied in this situation.

Lowertown is a great place to live. Faces is a nice restaurant with good food. However, it is not very neighborly to take it upon oneself to play extremely loud music in a common area where the sound bounces off marble. It is my opinion that the entertainment license requested by Faces should be DENIED and a serious look at the past violations should be pursued.

Thank you for your consideration to my request.

Patricia Evens
198 E 6th Street, Unit 402
St. Paul, MN 55101

651-222-6762
Minnesotapatti@msn.com

LH-Licensing - Fwd: Music in the Common Area of Cray Plaza

From: Karen McCauley <kmccauley2001@gmail.com>
To: <lh-licensing@ci.stpaul.mn.us>
Date: 5/1/2012 9:25 AM
Subject: Fwd: Music in the Common Area of Cray Plaza

Begin forwarded message:

From: OTP <otpcondos198@gmail.com>
Date: April 30, 2012 10:05:32 PM CDT
To: #401 Karen McCauley <kmccauley2001@gmail.com>
Subject: Music in the Common Area of Cray Plaza

I would like to bring your attention to an ongoing noise nuisance in the common area outside of Faces restaurant in Cray Plaza in downtown St. Paul.

I live in On the Park condominiums and our units share a wall with that common area.

I have lived in downtown St. Paul for over seven years and have been excited to see new restaurants, new venues in the park, and more people coming into the area, and I have witnessed a wonderful feeling of energy, pride, and community developing.

Over the years Loto, which is now Faces, has hosted many events in the common area including wedding parties, birthday parties, office parties, etc.. There has always been noise with these events but I never complained because I was happy to see the restaurant thriving and I always knew things would calm down by 10 o'clock.

On August 3, 2011 there was a big change. David Fhima started hosting salsa dancing in the common area. Amplified music would start about 9:30, then a live band with about ten pieces would play from 10:30 to 1:00, followed by more amplified music until 2:00 a.m..

As I share a wall and have kitchen windows overlooking the common area this activity seemed like a novelty in the beginning, but soon turned into a nuisance, and now I look at it as an assault on my private space.

Numerous contacts with David Fhima and Esera Tuaolo have not brought any positive changes. Other agencies that I have spoken with have recommended calling the police which I have done twice and this, also, does not seem to have an effect.

This noise has continued for approximately 36 Fridays and as of late every other Saturday night. For six nights of the month the noise is not conducive for watching television, reading a book, or visiting with company. When I retire to bed I shut the bedroom door and put in ear plugs but am unable to sleep.

I feel this weekly onslaught is really taking a toll on me mentally and physically. I have anxiety leading up to, during, and after the weekly event(s) followed by anger, frustration, and exhaustion on the ensuing days. I implore you to be of assistance in this matter.

Overnight visiting family and friends whom have experienced this noise will no longer stay with me on weekends, and many people have extended invitations for me to stay with them during the weekends to escape the noise. Frankly, I feel I should not have to feel the need to escape my home environment.

I understand David Fhima has applied for a yearly entertainment license, and I ask that you refuse permission. The music should be contained withing the walls of the restaurant.

Sincerely,
Karen McCauley
198 6th St E, #401
St Paul, MN 55101

651 222 7682
651 398 5939

LH-Licensing - Fwd: Noise Pollution

From: Karen McCauley <kmccauley2001@gmail.com>
To: <lh-licensing@ci.stpaul.mn.us>
Date: 5/3/2012 8:10 AM
Subject: Fwd: Noise Pollution

Begin forwarded message:

From: Kathleen Walsh <kathwalshg@gmail.com>
Date: May 2, 2012 7:02:04 PM CDT
To: Johni <kmccauley2001@gmail.com>
Subject: Fwd: Noise Pollution

----- Forwarded message -----
From: Kathleen Walsh <kathwalshg@gmail.com>
Date: Wed, May 2, 2012 at 5:00 PM
Subject: Noise Pollution
To: ward2@ci.stpaul.mn.us

This is a comment about the Friday night music event that takes place weekly at *FACES* Restaurant in downtown St. Paul.

When I come back to Minnesota (I currently live in Palm Springs, California) and my favorite city St. Paul, I stay with my friend Karen McCauley who lives in the *On The Park* condominiums. It has always been a very good experience to be in the heart of that city, to be near many activities, to enjoy Mears Park. But the last several times I have stayed with her, the music from *FACES* was, to say the least, overwhelming, invasive, obnoxious. Bad enough if it played from 8-11 p.m., but to hear it from ten until one, two, three in the morning was beyond acceptance.

Karen's kitchen windows overlook the plaza where the music was "played" (blasted is more like it). They (the windows) actually rattled! There was no place in her home that we could get away from it, by shutting any doors, by turning up the television (which we could not hear), no place. Suddenly, we were captive of that restaurant and that band, and had no alternative but to endure it or leave the premise. It was impossible to sleep. The police were called, the restaurant owners were notified, it seemed an impossible situation. I will not return to *On the Park* condos until it is remedied.

I cannot believe St. Paul, Minnesota would allow such invasive, irresponsible, deafening music to be played at such hours in the middle of a "neighborhood" of responsible condominium owners.

Thank you for your consideration.

Kathleen Walsh
LaQuinta, California

LH-Licensing - music in the common area of Cray Plaza

From: Ann Bailey <annrbailey@hotmail.com>
To: <lh-licensing@ci.stpaul.mn.us>
Date: 5/6/2012 12:15 AM
Subject: music in the common area of Cray Plaza

Sunday, May 6th

I am writing to object to the Entertainment B License requested by David Fhima, operator of Faces Mears Park. I am a friend of Karen McCauley who resides in unit 401 of the "On the Park Condominiums." Formerly I owned a business located on Wacouta just off Mears Park. I live in Montana so the several days I was in St. Paul on business I stayed with Ms. McCauley. I still come back on a regular basis.

Karen has a lovely condo and staying there was always a pleasure until Faces began their music on the weekends. Now, if possible, I avoid staying on the nights the music is playing in the common area right below Karen's kitchen bay window because it is like trying to carry on your night routine and bedtime in the middle of a very, very loud night club. Karen hesitated to complain at first but now she must because it is so invasive and lasts so long and so late.

David Fhima is requesting permission to use a commons area to benefit his business. If permission is given it forces others who share this commons area, many of them residents of private dwellings, to levels of noise that produces real physical and emotional trauma. I think this is an unacceptable violation of their rights. I also believe that it lowers the value of their investment if they were to try and sell.

Sincerely,
Ann Rauvola Bailey
Superior, MT
annrbailey@hotmail.com
406-369-5649 - cell

LH-Licensing - faces noise

From: Jerry Johnson <jerryjohnson2704@gmail.com>
To: <kristina.schweinler@ci.stpaul.mn.us>, <ward2@ci.stpaul.mn.us>, <lh-lice...>
Date: 5/1/2012 9:43 AM
Subject: faces noise

My wife Cheryl and I have lived at On The Park Condominiums for a little over 10 years. When we moved in, the area now used for the dancing area was common element and all the various entities pay monthly for the care and upkeep on the common elements. I do not know when this was changed from common element to part of the restaurants entertainment area. We don't know if Cray Management had the legal right to change that area's classification as we were never consulted or notified.

We live in unit 701 on the atrium end of the building. The friday night music is not so much heard as felt, as we are lucky and do not have a window looking out on the common element. The noise comes through the walls of our living room and bedroom as an annoying vibration. Neighbors calls to the Police Department let us know that indoor noise is apparently not regulated.

Mr. Fima has been having these dances on an occasional thursday night, occasionally on saturday night and almost always on fridays. He has been doing so apparently without the necessary permits. When asked to to turn down the noise to a lower level by Ms. Nardini she was reportedly told that "We can do what we want to"

This attitude is affecting our property values and making living in the homes of some of our residents uninhabitable during the events he hosts.

Please help bring some peace and quiet back to our homes.

Jerry Johnson 198 6th Street Unit 701 651-238-2350.

2 May 2012

On the Park
198 E 6th St #704
St Paul, MN 55101

RECEIVED

MAY 02 2012

CITY CLERK

Legislative Hearing Officer
310 City Hall
15 W. Kellogg Blvd.
St Paul, MN 55102

Dear Sir or Madam:

I am a resident and owner, along with my wife Joan, in On the Park Condominiums in Lowertown. On the Park is part of the former Galtier Plaza, now the Cray Plaza, and to our southwest side, we abut its atrium.

Part of the Cray Plaza atrium on the ground floor is occupied by the Faces restaurant. As the city is now aware, the Faces has for approximately the past 16 weeks had dancing and an orchestra in the atrium space – apparently without a city license or permit. The music and dancing goes on until 2:00 AM. The noise of the orchestra/band is exceedingly loud and rendering life within the four residential units fronting on the atrium, for all purposes, unbearable, or at least that is what the owners are telling us.

Efforts to get this invasion of privacy with both the management of Cray Plaza and Faces have been fruitless.

We personally, being the unit furthest away, do not hear the noise. But if this is permitted to continue, all of the units and unit owners impacted, as well as we by association, will have our property values significantly affected. No one wants to live next to an abattoir or a permanent disturbance. This is why we have land use controls and zoning regulation, namely to keep incompatible uses separated and located to where their impacts on their surroundings are the least intrusive.

The Faces dancing and music may not be a land use matter, but the consequences fit the pattern for why we have separation. The noise is intrusive and adversely impacts the Faces' neighbors' daily lives.

I have not looked up the specific assessed values for all of the units in On the Park, but I would safely say that they come to 3 ½ million. Can the city afford to lose 20, 30 or 40% of our values from its tax roles?

Sincerely,



Charles J. LaVine

LH-Licensing - Corrected Message Content - My Typo Corrections to my message sent at 1:59 PM: Objections to Faces Restaurant adding a Entertainment B License, License Number: 20070000100

From: ma <markbayuk@aol.com>
To: <lh-licensing@ci.stpaul.mn.us>
Date: 5/4/2012 3:40 PM
Subject: Corrected Message Content - My Typo Corrections to my message sent at 1:59 PM: Objections to Faces Restaurant adding a Entertainment B License, License Number: 20070000100
CC: <otpcondos198@gmail.com>

The OTP condo unit numbers are incorrect in my previous message to you. The correct condo numbers are 401,501,601,701. I live in 502 . I emboldened and changed the unit numbers in text below to correct my typo errors.

Mark Bayuk

-----Original Message-----

From: ma <markbayuk@aol.com>
To: LH-Licensing <LH-Licensing@ci.stpaul.mn.us>
Sent: Fri, May 4, 2012 1:59 pm
Subject: Objections to Faces Restaurant adding a Entertainment B License, License Number: 20070000100

I am Mark Bayuk, condo owner/resident and Vice President of On The Park Condominium a/k/a OTP (Legal Description Condo No.274 On The Park) located in the northeast corner of Cray/Galtier Plaza. OTP is just 16 condo units and occupies the 4th to 8th floors of this part of Cray Plaza.

I am writing to you today to notify you that I strongly object to the loud music coming from Faces Restaurant and I do not wish the City to amend the Faces License to include an Entertainment B License to permit music. I will explain my position below.

When Cray/Galtier was constructed in 1985, OTP units **401, 501, and 601** were built with extra light access to the south via sealed normal sound barrier glass windows built into the the wall looking into and over the Cray/Galtier Plaza Atrium on the 4th, 5th, and 6th Floors of On The Park Condo. From 1985 to 2011 music or noise from the Cray Atrium restaurant had never been a recurring or ongoing problem. Noise had never been anticipated as a problem either by the developers of Cray/Galtier Plaza nor the current or future owners of any of the condos in OTP from 1985 through 2011.

Therefore the south facing windows of **401, 501, 601** are normal sound barrier windows that can handle common street or common commercial noise but no more then that.

The OTP windows were not made to act as extra effective sound barriers live band music. This type of noise concern was never envisioned by the developers of Cray/ Galtier Plaza nor the generations of buyers of condo units at On The Park Condominium.

Since summer of 2011, Faces restaurant has been experimenting with the introduction of regular live music in the internal patio inside the Cray/ Galtier Atrium directly in front of Faces restaurant inside the Atrium. The live bands set up on the patio directly below and across from the south facing interior windows of the residents of condos **401, 501, and 601**. The residents of **401, 501, 601** could wave at the band members through their windows if they so wished (and I am sure they do not) and the band members could make similar gestures easily discernible by the OTP residents above. Both parties physical actions can be easily seen by the other. This indicates the music played at Faces, which is Salsa Music, is projected directly into the windows and rooms of these three condos. Unit **701** also has severe sound fatigue from the Salsa Music.

I can vouch that the sound fatigue is visibly detrimental to the health of several of our condo community. Many of our condo residents are senior citizens and it just exactly this segment of OTP that is bearing the brunt of the toxically loud music blasting directly into their condo from the live band stage facing directly at them.

I encourage you to be emphatic to this scenario: at the end of a tiring and exhaustive week being forced to go to out and sit front row enter balcony at a salsa concert when all you wanted to do was to come home at the end of a tiring week to finally relax in the peace and quiet of your home.

Please do not grant a entertainment license amendment to Faces Restaurant to allow this noise fatigue to continue to negatively affect the mental and physical health and well-being of OTP's adversely affected senior citizen residents. It is exactly this segment of OTP residents that is most directly affected by the toxic noise music forced upon them by Faces at a time when all they want is peace.

Very truly yours,

Mark Bayuk
OTP resident Unit **502**
651-222-3287

LH-Licensing - A) Complaints by Salsa Dancers on the loud volume of music in the Cray Atrium at Faces Salsa Friday Night events; B) Objections to Faces Restaurant adding a Entertainment B License, C) License No.: 20070000100

From: ma <markbayuk@aol.com>
To: <lh-licensing@ci.stpaul.mn.us>
Date: 5/14/2012 11:59 AM
Subject: A) Complaints by Salsa Dancers on the loud volume of music in the Cray Atrium at Faces Salsa Friday Night events; B) Objections to Faces Restaurant adding a Entertainment B License, C) License No.: 20070000100
CC: <otpcondos198@gmail.com>, <bamasak@gmail.com>, <freezin_in_minn@yahoo.co...

I am Mark Bayuk, I am the owner/resident of Unit 502 in the On The Park Condos in Cray/Galtier Plaza.

I have the following complaint to relay to you by salsa dancers who are against the extreme volume of sound at the Faces Salsa Music Friday nights in the Cray/Galtier Atrium.

On Saturday May 5th I and my mother attended a University of Minnesota Medical School graduation party for family and friends of a newly graduating MD.

The graduating celebrant was a former salsa teacher, and so 10 to 12 guests were comprised of salsa choreographers, salsa instructors, and salsa dancers.

These were all members of an informal salsa party circuit that for several years has meeting at Salsa venues across the Twin Cities in pursuit of salsa dancing.

At one point in the afternoon event, I found myself in a group of three salsa participants; a salsa teacher named Toni, a salsa dancer named Vance, and another male salsa dancer.

I asked if they ever danced at Faces as I live in one of the condos above Faces and I know it has Salsa events on Friday nights.

Toni and Vance quickly and freely volunteered the following complaint about the salsa venue at Faces without any prompting from myself:

"The music at Faces is so loud that we dancers on the floor have to wear earplugs. The volume of the music is so high we dancers cannot hear or communicate with one another or understand anything said on the dance floor. WE wear the earplugs to protect against the noise. We have

repeatedly asked Faces to turn down the volume so we can take out the earplugs and talk to each as we are dancing on the dance floor , but Faces management has repeatedly refused."

The dancers said they have already been notified on Friday May 4 that future Salsa events will be inside the restaurant and no longer in the atrium. They all felt that Faces' ruined a good venue by not following their own dancers' request to turn down the music volume. T that if they on the dance floor thought the music was too loud, they cannot imagine what is was like in the condos directly facing and overlooking the Faces Atrium Salsa Stage.

Vance further stated that "if we dancers on the dance floor thought the music was too loud, we cannot imagine what it must sound like in the condos we can see from the dance floor directly opposite from the Faces salsa stage in the Galtier Atrium".

I told the dancers that just like the dancers, On The Park Condo owners had also complained to Faces about the noise volume of the music, and we found just like the dancers, it was to no avail.

Sincerely yours,
Mark Bayuk, Resident/Owner Unit 502
On the Park Condos



RECEIVED

MAY 08 2012

CITY CLERK

May 1, 2012

To whom it may concern:

I am writing a personal letter - not computer-generated - to let you know who personal this matter is to me.

David F. Kima, owner of the restaurant, Faces, in the Cray Playa, downtown St. Paul, has proved to be a very bad neighbor to the condo owners of On The Park Condominiums at 198 6th St. E. He conducts, what he calls, "Salsa Nights" every Friday and some Saturdays with live and recorded music for dancing on a open patio in the center of the Playa directly below O.T.P.C. Condos 401, 501 + 601. The music is so loud that it is

Impossible to watch TV in our living rooms and/or sleep without earplugs. All my neighbors - 16 units in all - are concerned about what this noise can do to our property values as well as our sanity.

We have approached Mr. Phina and gotten the response "I rent the space and I can do what I want". We have approached Non Hynes, Craig Ploza manager, and have gotten promises of help but no follow-through.

Now, Mr. Phina is applying for an entertainment license - he has been having "salsa nights" since last August. Please do not grant him this license unless he agrees not to use the patio as a dance floor.

Sincerely,

Connie Nardini

CONNIE NARDINI @ COMCAST.COM
651-293-1972

From: Constance Nardini <connienardini@comcast.net>
To: <LH-Licensing@ci.stpaul.mn.us>
CC: Kristina Schweinler <Kristina.Schweinler@ci.stpaul.mn.us>
Date: 5/14/2012 7:11 PM
Subject: Faces

David Fhima took his "Salsa Night" on Firdays at Faces inside the restaurant as agreed last Friday. A number of my neighbors have told me that they were disturbed with the loud drumming in to the wee hours. I guess his upcoming entertainment license should be severely restricted as to the decibel level allowed as well as the hours he is allowed to continue his music. I will try to attend the legislative hearing when it is scheduled to air these concerns. Connie Nardini

LH-Licensing - Entertainment (B) license for FACES Mears Park

From: YVONNE KLAPPA <yklappa@msn.com>
To: <lh-licensing@ci.stpaul.mn.us>, <kristina.schweinler@ci.stpaul.mn.us>, <...>
Date: 5/3/2012 2:03 PM
Subject: Entertainment (B) license for FACES Mears Park

This is a follow-up e-mail to the cc'd individuals after phone messages I left for them Sunday, April 29, 2012 regarding entertainment at FACES Mears Park.

I am an owner in On the Park Condominiums in Cray Plaza. Although my unit is not impacted as greatly as those closer to the atrium; the way sounds reverberate through that building, I do hear the loud, late music that occurs every weekend. The size and volume of that orchestra until so late is inappropriate for this venue. It is not a nightclub.

It is also all residential on the other side of the atrium.

This has really affected our quality of life and is a potential loss of property value issue.

Please do not grant this entertainment license.

Thank you very much,
Yvonne Klappa
651-699-2136

LH-Licensing - FACES entertainment license

From: YVONNE KLAPPA <yklappa@msn.com>
To: christine rozek <lh-licensing@ci.stpaul.mn.us>, kristina schweinler <kri...>
Date: 5/15/2012 3:34 PM
Subject: FACES entertainment license

This is an additional e-mail regarding this subject since the temporary licences were granted to move the entertainment indoors.

This was helpful to those closest to the atrium but not to the rest of us. It just moved the noise toward the Sibley Street side. I really thought the doors to the outer patio had been opened, it was so loud.

I am requesting that the entertainment license be denied. If it is decided to grant it, which I'm really against, please let it be with severe restrictions to volume, earlier quitting time, and staying indoors, with doors on both atrium and patio side closed. This was to have been a good restaurant, not a nightclub in a residential building.

Thank you very much.

Yvonne Klappa

LH-Licensing - Faces Restaurant Noise Level

From: "Marjorie Reed-Braun" <mrdbrn@comcast.net>
To: <LH-Licensing@ci.stpaul.mn.us>
Date: 5/16/2012 12:37 PM
Subject: Faces Restaurant Noise Level
CC: <kristina.schweinler@ci.stpaul.mn.us>

The noise from the music in and around Faces Restaurant disturbs the quality of life and the property values of those of us with properties nearby. If and when I choose to sell my condo in On the Park, how can I with that racket? It is worse than real estate near the airport, and at least that probably stops well before 2 AM.

Please do not give them any license for any type of live music, inside their restaurant or in their courtyard (which On the Park overlooks). Also, please put some kind of noise cap for anything after 10PM. Even the festivities in Mears Park has to have a permit and allows residents to have a say in whether or not they can perform. These also have a time limit in the evening. Also, they are outside, across the street from any living unit.

Thank you,
Marjorie Reed-Braun
On the Park Condominium Owner

LH-Licensing - Last Friday (May 11) at Faces

From: Richard Masak <rwmasak@msn.com>
To: <kristina.schweinler@ci.stpaul.mn.us>
Date: 5/14/2012 12:31 PM
Subject: Last Friday (May 11) at Faces
CC: <kmccauley2001@gmail.com>, <otpcondos198@gmail.com>, <lh-licensing@ci.st...>

Good Afternoon, Kris.

Thanks for inquiring.

The music was moved inside the restaurant last Friday night as agreed.

While overall noise levels were greatly reduced in our common areas, more residents experienced an increase in vibration nuisance inside their condos as a result of the move. Some of our condominium units are located above the new music location.

Seven On The Park residents attended a Capitol River Council Downtown Life Committee meeting this morning to discuss the ongoing situation. The OTP president plans to attend a full CRC meeting this Wednesday at 7:30 AM to voice our concerns as well. The Wednesday meeting will result in CRC's recommendation to the City Council.

My personal opinion at this juncture is for a denial of the entertainment license. I fear letting the "Cat out of the Bag". The space in question was designed as a dining facility and not a dance hall. The management of the restaurant must be sensitive to the context of the venue and its neighbors. Faces is surrounded by many residential spaces.

Furthermore, I am concerned that approval of an entertainment license for Faces, even with limitations and restrictions, would ultimately place the onus of compliance on nearby residents. I foresee a future of continually calling law enforcement for noise nuisance problems on Friday nights when in fact the police department has more important matters to attend to. Faces management has a history of gradually increasing volume levels, operating without necessary licensing, and being arrogantly dismissive to the concerns of nearby neighbors adversely affected by the loud music.

I will be out of town this Friday night, but I wonder if music will go on "as usual" despite the fact the three temporary permits have now been consumed.

Regards,
Richard Masak
651.398.1179

Date: Mon, 14 May 2012 10:00:13 -0500
From: Kristina.Schweinler@ci.stpaul.mn.us
To: kmccauley2001@gmail.com; rwmasak@msn.com
Subject: Last Fri. at Faces

Just checking to see how last Fri. went. It appeared that there was a banquet being prepared when I left work that evening. Did he do the salsa inside and was there a problem?