

From: Tom Goldstein [mailto:tom_goldstein@comcast.net]
Sent: Friday, July 17, 2015 1:52 AM
To: Vang, Nhia (CI-StPaul)
Subject: FW: From Department of Safety and Inspections, 2011

Dear Ms. Vang:

I was not aware that my email of June 8, 2015 (below) sent to the Union Park District Council was not forwarded to your office to become part of the record concerning Target's application for an off-sale liquor license at the SuperTarget location at 1300 University Avenue West. I would ask that the email and attachments be added to the record as I believe they are particularly germane to this application.

I will attempt to attend the hearing tomorrow so that I may also offer testimony in person in opposition to the application. Thank you.

Regards,

Tom Goldstein
1399 Sherburne Ave
St. Paul, MN 55104
651.644.8558

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

From: Tom Goldstein [mailto:tom_goldstein@comcast.net]
Sent: Monday, June 08, 2015 2:42 PM
To: 'landuse.full@unionparkdc.org'
Cc: 'Julie Reiter'
Subject: FW: From Department of Safety and Inspections, 2011

Dear LUC Members.

As a follow-up to my emails sent yesterday, I have attached what I understand to be a 2011 document from a DSI reference manual that states distance is measured "building from building." However, according to a recent email from DSI that I assume Julie Reiter will be sharing at tonight's meeting, the city's position is that the ½ mile separation measurement is "to be taken from the nearest point of the existing establishment to the nearest point of the proposed establishment." Unfortunately, that conclusion is at odds with a 2005 memo written by the City Attorney, and constitutes a waiver of the distance requirement which is not permissible under the code.

In that memo, written by Deputy City Attorney Gerald Hendrickson for longtime hearing office Marcia Moermund, the city was advised that an argument brought forward by Thomas Liquors claiming that the distance measurement between liquor establishments should be taken from "lot line to lot line" should be rejected and that the liquor store application by the Wine Thief that was approved by LIEP (predecessor to DSI) was a proper determination. However, in doing so, Mr. Hendrickson affirmed that measuring from building to building is "the legally correct method of measurement for that requirement."

Now the city wants to argue that building to building no longer applies and that in fact the measurement should be from establishment to establishment? At the very least, the city needs to explain how the statute has become so malleable that it can be interpreted one way when the argument deals with lots lines and another way when it deals with building distances. A separate entrance for the Target store may be sufficient to create a new establishment for the purposes of the statute, but given the city's own legal position that

measurement should be from building to building, that change should not be allowed to defeat the intent of the distance requirement.

As I stated yesterday, if it is the city's position to allow more liquor establishments in St. Paul through a creative reading of the statute, then the administration or city council should bring forward an amendment to clarify the intent of the language so that we don't have DSI bringing forward arguments in support of an applicant that seem to contradict the previous interpretation by staff and the City Attorney's office.

It is my understanding that Big Top Liquors now has legal representation, so I will defer to whatever arguments their counsel brings forward. Should be an interesting discussion.

Best,

Tom