

October 22, 2014

Members of the City Council

I am writing to both support additional restaurants in the Cathedral Hill neighborhood (including the Salt Cellar) and to oppose the Salt Cellar Liquor license at this time, until it can prove that it has adequate parking to meet its needs. By needs, I mean having enough parking to operate without taking stalls away from the existing parking supply in the area which is dramatically undersupplied now.

The reason for my current opposition to the Salt Cellar license is simple. The area simply cannot support another restaurant business until it has at a minimum the number stalls of parking required by the zoning code for a non-varianced, non-grandfathered business. Currently customers of the areas retail/restaurant businesses walk two blocks, because of the current severe parking shortage. There is no possibility that there is enough parking in the immediate area to support this business without damaging others – many of which have been there for years.

In addition to the very real lack of parking, I do not understand how changing the use of the building from a school to a restaurant doesn't fall within Section 63.204 of the City Code "when any existing use within a structure changes to a new use which requires more off street parking spaces than the existing use as determined by Section 63.207, then the additional required off-street parking spaces must be provided."

My perspective comes from being a resident of the neighborhood who has lived within two blocks of Selby & Western since 1971, the developer and owner of W.A. Frost restaurant which I opened in 1975 and still operate, the owner of the Commodore and the University Club, and the past developer of the Blair House Commercial project and a number of other adjacent commercial properties.

I should add that I am less impacted than others – I have three lots, and even these three lots are not enough to support W.A. Frost. I am writing on behalf of all neighborhood businesses. I should also add that over the last 40 years 12 new restaurants have joined WA Frost on Selby, and with each my business went up. Parking is the issue here not a fear of another restaurant.

The current parking crisis is a replay of a number of years ago when the City breached its contract to sell land for a parking lot to the Blair House/Hill Plaza projects and instead sold the land to the Urban League. The city paid the developers \$2,200,000 in damages for breach of contract. This contract breach coupled with selling the community parking lot to the YWCA under very questionable circumstances, which then locked it up, destroyed the areas retail projects, caused the loss of millions and millions of dollars of public and private investment, bankrupted individuals who invested in the neighborhood, lost forever the Blair House/Hill Plaza as retail projects that are now office properties, and closed the three of four restaurants permanently that were operating when the parking disappeared. If the City had not acted then the way it did, I would be supporting the Salt Cellar license today, because area parking would not be a problem.

The City Council has the legal authority and wide discretion to deny the issuance of this liquor license - even if the Salt Cellar was providing the number of parking stalls required by the Zoning Code - which there aren't. The City Council in reaching its decision on the issuance of any liquor license, including this one, must take into consideration the health safety and general welfare of the community. The City Council even has the authority to revoke a license that is not in the public interest, even those that have no parking issues at all.

The bottom line in this case is that no one interested in this matter - including the owners of the Salt Cellar, owners of the real estate that it will be located in, and PED staff - have argued that the neighborhood has enough parking to support the proposed new restaurant. In fact there is no dispute that the area is critically short of parking now - even without the Salt Cellar Restaurant.

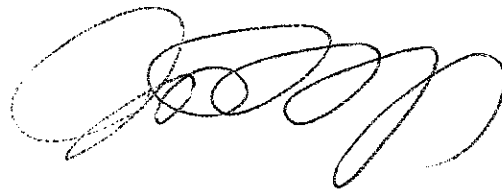
As neighborhood resident, commercial property owner, and neighborhood business owner for over 40 years I suggest that the City Council delay a decision on the liquor license application until:

1. PED staff has time to carefully re-examine its analysis and conclusion that the restaurant meets the off-street parking requirements of the City Code;

2. PED staff has examined and evaluated the parking situation at Western and Selby Avenues and has provided the City Council with an analysis of real world impacts the restaurant would have on parking, other commercial and residential properties, and property values in the neighborhood; and
3. The City Attorney has had an opportunity to review the PED's analysis and advise the City Council on its options

I also request that the neighbors and the affected adjacent property owners and businesses be notified of PED's determinations regarding parking, so that they have an opportunity to appeal PED's findings to the Board Appeals and the City Council as provided by City Code, and possibly on to District Court if they disagree.

Previous City Councils have ignored the parking issues in the neighborhood resulting in business failures and lost commercial and residential property values. There is no need to rush to judgment in the case. Please take the time to carefully look at parking in neighborhood before approving a liquor license.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.