



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

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June 8, 2011

Mayor Coleman, Council President Lantry and Members of the City Council
Rooms 300, 310, 320 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102

RE: Planning Commission Recommendation on Amendments to Definitions and Off-Street Parking Requirements for Establishments Serving Wine, Beer and Liquor

Dear Mayor Coleman, Council President Lantry and Members of the City Council:

Last June, the City Council passed comprehensive amendments to Saint Paul's off-street parking requirements. Although many simplifications and reductions were adopted, off-street parking requirements for establishments serving wine, beer or liquor were not and the parking requirements remained at:

- 1 space per 125 square feet for establishments serving wine or beer (and with no Entertainment licenses)
- 1 space per 100 square feet for establishments serving liquor or with Entertainment A or B licenses

The planning commission had recommended reduction of required parking for these uses, but concerns about nuisance and parking problems associated with these establishments caused some Council members to not support the changes. Other Council members felt that some reduction to required parking might still be appropriate, if crafted carefully. Therefore, the City Council directed staff from the Departments of Planning and Economic Development, and Safety and Inspections, to examine these issues in greater detail and return to City Council with possible new recommendations for licensing and/or zoning of these establishments.

Between June 2010 and February 2011, staff discussed the issues expressed by City Council members and considered a variety of potential changes. Staff focused on characteristics that differentiate one type of use from another in operations and impact

on the surrounding area. Based on this analysis, staff drafted licensing and code amendments that more clearly differentiate between the variety of establishments providing food, alcohol, and entertainment services.

Staff brought their ideas to the Business Review Council for consideration and feedback in early 2011 and received support for the work.

PED and DSI then sent a status report memo to you and followed up with briefing meetings to answer questions and receive input. Based on the input, staff made some revisions to the proposed amendments and then advanced them for consideration by the Planning Commission. The Comprehensive Planning Committee and then the full Planning Commission considered the proposed amendments and now recommend them to you for approval.

RATIONALE FOR AMENDMENTS

During Planning Commission and City Council review of off-street parking amendments last year, it was clear that uses providing alcohol or entertainment services were of particular interest and concern with regard to parking. These uses in general have more concentrated hours of peak activity than typical commercial businesses, with most patrons coming during mealtimes or for beverage or entertainment service late at night. This creates strong peaks and valleys of parking demand. The more popular an establishment is and the more concentrated the patron use times, the more likely it is that available parking may not be adequate to meet all customer demand during peak use.

The recent off-street parking amendments were adopted acknowledging the intent that they provide adequate parking to meet demand for most uses, most of the time, while perhaps not meeting the demand for the most popular uses at the most popular times. To set parking requirements based on peak demand for the most popular uses, as the City has done in the past, created a widespread oversupply of parking, imposing an unnecessary burden on many property owners and inhibiting growth of the City's economic and tax base. In moving to the lower parking standards, it was recognized that for a handful of businesses with strong peak use, there may be some overflow of parking onto adjacent streets at the peak times; a consequence that neighbors and the City could accept in exchange for parking standards that better met the demand for most businesses.

Parking overflow onto adjacent streets is typically not a nuisance other than creating a more competitive parking situation. However, overflow of patrons onto neighborhood streets can create a problem if the overflow occurs late at night or involves patrons who may be loud or behave inappropriately, which more commonly occurs after people have been drinking. The combination of late night operations and alcohol service has been demonstrated to increase the chance of nuisance behavior, as shown in the attached table of complaints leading to "Adverse Action" by the City Council. Patrons leaving establishments late at night when many neighbors are asleep and things are relatively

quiet in the city, are more likely to be noticed coming and going to parked cars, particularly if the patron or passengers have been drinking and are engaged in loud or rowdy behavior. For this reason, the imposition of overflow parking onto streets resulting from inadequate parking is a greater burden on neighbors late at night and when the patrons are engaged in drinking, than is the case during the day when most people are awake, the city is louder, and patrons are less likely to have been drinking.

Establishments with late night alcohol service and entertainment are also more likely to attract a greater concentration of patrons, with people standing and/or dancing, in addition to sitting at tables. The crowding phenomenon can be observed late at night at any of the popular alcohol service establishments around the city, particularly if the business is offering “Late Night Drink Specials” or other discounts to patrons. This concentration of people is higher than establishments focused on food service, where patrons are seated. Some places may focus on food service during the day and then shift to predominantly alcohol service or entertainment later at night, with a likely increase in patron volume as a result if the place is popular. Therefore, it is expected that parking demand will be higher at popular late night places serving alcohol or providing entertainment than it will be at similarly sized establishments focused on food service.

RECOMMENDED AMENDMENTS

The recommended code amendments are meant to better differentiate between establishments serving alcohol, the impacts they may create, and parking needs. The highlights are described below. (For a full copy of the text amendments, see “Proposed Amendments to Definitions and Off-Street Parking Requirements for Restaurants and Bars”.)

1. Add new use definition – “Bar”

The main change is the addition of a new use definition, “bar”, to differentiate between food and beverage service establishments based on hours of operation.

- “Bars” would be defined as establishments serving wine, beer, or liquor and open after midnight, with or without Class A or B entertainment.

- “Restaurants” would be establishments serving food, with or without wine, beer, or liquor service, that close by midnight. These places would not be open late at night when more concentrated patron activity focused on alcohol service or entertainment occurs.

If the new use definitions are adopted, hours of operation for each establishment would be recorded on City licenses and used for definition purposes. Accompanying licensing amendments provide the mechanism for this change. The new use definitions must then be paired with off-street parking requirements and tables showing which zoning districts the uses are permitted in.

2. Required Parking for “Restaurant”

It is recommended that the off-street parking requirement for establishments defined as “restaurant” be applied at the current rate for eating establishments without wine, beer and liquor service at one (1) space per 400 square feet of building gross floor area – with the rationale being that patron volume and parking demand does not change based on the type of beverage consumed by diners.

3. Required Parking for “Bar”

It is recommended that the parking requirement for “Bar” be higher than for restaurant, due to the potential for increased patron volume and parking demand, with a focus on late night alcohol service and related nuisance concerns from potential overflow parking in the neighborhood. *The Planning Commission considered a variety of possible parking requirements, but ultimately decided not to recommend a specific number to the City Council, instead allowing the City Council to consider the options and determine which level it found most appropriate.*

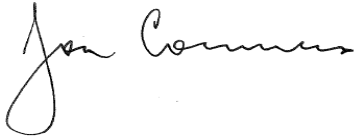
The following table provides a range of parking requirement options for consideration.

Example Businesses that would be defined as “Bars”	Ward	Estimated Building Gross Square Feet (sq ft)	Minimum required = 1/100 (Currently required for places serving liquor or with Entertainment A or B)	Minimum required = 1/125 (Currently required for places serving wine or beer)	Minimum spaces if required parking = 1/150	Minimum spaces if required parking = 1/200
Arcade Bar 932 Arcade St	6	2500	25	20	17	13
The Cherry Pit 735 White Bear Ave N	7	2800	28	22	19	14
Groveland Tap 1834 St. Clair Ave	3	3000	30	24	20	15
Lonetti's Lounge 1091 Rice St	5	3200	32	26	21	16
Gabe's Roadhouse 991 Lexington Ave	4	7400	74	59	49	37
The Lexington 1096 Grand Ave	2	8000	80	64	53	40

CONCLUSION

These recommended amendments would help differentiate between types of food and beverage establishments in our City and provide requirements that better match their operation and impact. As a result, restaurant uses would find it easier to open and operate in our City, while bars would continue to be welcome, but held to requirements that match the higher level of intensity and impacts they may create.

Sincerely,

A handwritten signature in black ink that reads "Jon Commers". The signature is fluid and cursive, with a large initial "J" and "C".

Jon Commers
Chair

- c: Mary Erickson, Council Research
- Cecile Bedor, PED
- Donna Drummond, PED
- Allan Torstenson, PED
- Patricia James, PED
- Merritt Clapp-Smith, PED
- Christine Rozek, DSI
- Wendy Lane, DSI
- Peter Warner, CAO