



The Emily Program
1295 Bandana Blvd N
Suite 210
Saint Paul, MN 55108

September 21, 2018

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
Saint Paul, MN 55102

Dear Legislative Hearing Officer:

I'm writing this letter regarding a new restaurant establishment (Nico's Taco and Tequila Bar) currently applying for *Liquor on Sale, Liquor on Sale – Sunday, Liquor Outdoor Service Area (Patio)* and *Entertainment (A)* licenses at 2260 Como Ave. The Emily Program respectfully objects to the following recommended licensed conditions:

- "Licensees agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code."
- "Per City of Saint Paul Legislative Code 411.02, the definition of *Entertainment A* is, "Amplified or nonamplified music and /or singing by performers without limitations as to number, and group singing participated in by patrons of the establishment" (includes karaoke). *Entertainment A* licensed does not allow for patrons and/or performance dances."

Our objection is based on our concern regarding the effect these broad licensing conditions would have on the operation of our business, including our vulnerable clients, which are in close proximity to the proposed licensee. We are specifically

apprehensive of the noise level of the establishment, the proposed closing time, and the likely behavior of some patrons leaving the establishment during late hours.

As a general background, The Emily Program is a licensed mental health facility that provides life-saving care to individuals suffering from eating disorders, as well as many other co-occurring disorders such as anxiety and depression. Our facility locations are at 2265 and 2230 Como Ave; both less than a block away from the establishment in question.

Specifically, our facility at 2230 Como Ave is the building directly next door to the establishment in question (circled in red on the Google image on page 4), and to the south. This facility provides 24/7/365 residential eating disorder treatment to adolescents and young adults between the ages of 10 and 21. As a licensed residential treatment facility, adolescents and young adults live at our facility while obtaining treatment for an average of 30-40 days. This building also provides intensive day programming for adolescents at 7 hours per day, 5 days per week.

Given the adolescents in both programs are unable to attend school at their home districts during their treatment at The Emily Program, the Saint Paul Public School District provides education on-site to all students in these programs. The education is provided by a licensed Saint Paul Public School teacher in a designated classroom within our facility for 3 hours each weekday during the St. Paul Public School District's regular academic year. It includes both group and individualized instruction. (The school services are provided under Minn. Stat. §§ 125A.50-56 and Minn. Rules 3525.2325, which require that all students continue to receive school education while in treatment programs like The Emily Program.)

For our adolescent residential clients as young as 10 years of age, the strict bedtime of 9:45 p.m. must be adhered to due to the direct correlation between decreased eating disorder symptoms (e.g. purging) and a consistent and quiet nighttime routine with a full 8 hours of sleep. Because the recommended license conditions state that patrons would not be required to leave the bar until 12:30 a.m., the likely noise coming from the bar's patrons at late hours, as well as the potentially amplified entertainment, would greatly affect our clients' regular routine and would prevent a regimented rest and sleep schedule to aid in the achievement of eating disorder recovery. As difficult as the process already is for parents to send their adolescent children to residential treatment for a life-threatening eating disorder, the last concern we want on a parent's mind is the impact of loud music and intoxicated patrons creating loud noise while drinking on the

bar's patio and while leaving the bar at 12:30a.m., on their child while the child is attempting to sleep and recover 75 feet away.

Other notable considerations includes patrons urinating and vomiting outside the bar, in addition to loud and boisterous talking and yelling while patrons wait for late night transportation that could take up to an additional hour during peak times.

For over a decade, we have enjoyed and supported the previous tenant at the 2260 Como Avenue location (Muffuletta). With hours until 9:00 p.m. and only beer and wine available, this allowed for a quiet neighborhood atmosphere with minimal interruption to adolescents receiving eating disorder treatment. We fear that with the permission of late-night hours, along with hard liquor and loud music, the previous quiet neighborhood atmosphere would deteriorate to something less conducive for our clients' recovery, with more disruptive activity, potential increased police presence (particularly with hard liquor now available and younger patron population), and elevated noise levels (both from live music as well as from an increase in general population activity).

For the reasons outlined above, **The Emily Program would support the following conditions:**

- 1) Closing time of 10:00 p.m. with patrons vacating the premises by 10:30 p.m.;
- 2) No liquor served on the patio past 9:00 p.m.;
- 3) No amplified music past 9:00 p.m. (acoustic permitted); and
- 4) No music on the patio.

We believe the proposed conditions to be a fair and reasonable compromise due to the establishment's introduction of serving hard liquor to younger populations at later times in the evening.

We appreciate your consideration as we treat this debilitating disease in adolescents and young adults and keep them medically and physically stable and safe while they are away from home. For more information on our services, our website is an excellent resource: www.emilyprogram.com. For any other questions, you may reach us at the email address indicated below or (651) 645-5323 ext. 1645.

Sincerely,

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