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Subject: Agenda #8, Legistar 87784
Date: Wednesday, April 16, 2025 2:29:55 PM

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This application is for a change of premises, one which would extend the premises into the public right-of-way (sidewalk, terrace and parking lane) on "concert/event days." What counts as an event day is unclear since everything that happens at Breese is some sort of event.

MGO 38.07(8) permits drinking in public streets (including sidewalks and alleys) if (1) there is a sidewalk café or (2) a Street Use Permit has been granted and a temporary Class B License has been approved.

As of yesterday morning, Big Top had not applied for a sidewalk café license or associated roadway café license. Nor does the area on page 3 of the application qualify for a sidewalk café. Sidewalk cafes are required to maintain a 6' sidewalk, which this does not. Sidewalk cafes must be at least 10' away from a fire hydrant; the application reflects the fire hydrant being inside of the fence. (The fence runs along the northern side of the crosswalk and the hydrant, though not depicted, is about 5' further north.) Consumption of alcohol beverages in all sidewalk cafes is limited to persons seated at tables in the approved site, this application does not reflect any tables.

In 2024, Breese had 23 dates where Street Use permits were granted, about equally split between closing the road and use of just the parking lane. Perhaps Big Top is seeking a license in conjunction with its Street Use permit. However, the proper application is a "Temporary B License" not a "Change of Premises." Nor is Big Top an organization which could qualify for a temporary license.

Perhaps this corral will be approved by staff and Big Top will still be granted a Street Use permit. But at least the ALRC will have done what it can to protect (as discussed in other comment letters) public health, safety and welfare.

Respectfully Submitted,
Linda Lehnertz