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To: [*CI-StPaul>Contact-Council](#)
Subject: Opposition to Proposed Trellis Development and Permanent Destruction of Natural Bluff
Date: Wednesday, January 18, 2023 10:51:36 AM

Dear Council Members

I implore the City Council to deny all requests for changes to allow the Tree House development to continue. If this development is allowed to move forward, **the coveted Bluff along West 7th Street will be permanently destroyed.** While the development may go away after it runs its useful life, **the Bluff will never be able to be restored again.** It is the City Council's duty to protect the city and its natural resources. Developers and investors who are in this to make money don't care. This is why the City Council MUST care and MUST step in.

This development could be completed anywhere on West 7th Street. Why are our tax dollars going to building retaining walls and trenches, both of which are strictly prohibited under the law. For more complete analysis, please see correspondence dated November 28, 2022 from Attorney Patrick Steinhoff, which outlines why any approval of this development will be overturned by the courts.

As a matter of law, rezoning the proposed property is not legal because it is inconsistent with the municipality's comprehensive plan. A rezoning decision by a municipality that is inconsistent with the municipality's comprehensive plan lacks a rational basis as a matter of law and is therefore unlawful. *See Mendota Golf, LLP v. City of Mendota Heights, 708 N.W.2d 162, 174 (Minn. 2006).* The City's comprehensive plan requires sustainable development that preserves and protects the City's natural resources and habitats. The rezoning proposed by Trellis will result in destruction of a heavily wooded steep slope and is therefore inconsistent with the City's comprehensive plan. *See Policy LU-7, 8, 19, and 21, Comprehensive Plan, pp. 38-40.*

The Shepard Davern Plan is very clear that the Bluff line approaching the airport is a natural resource that is to be preserved as a gateway to the City. The Highland Chateau is a part of the Shepard Davern Plan. This is too. Who wants to see a skyscraper while driving up the winding Snelling road? This is an area that is protected wildlife reserve, and it is the obligation of this City Council to protect and preserve this area.

Could this development be built on Saint Paul Avenue? Perhaps, but with a 3-story minimum. This proposed building is going to soar in the air above all other buildings. Please note that the height of the building is not measured from the flat West 7th Street. It is actually measured taking into account the extremely steep slope behind. It is substantially taller than you would think. It does not belong in a residential neighborhood. If allowed, you will be permitting a skyscraper to be built into the bluff. This is NOT preservation of the City's natural resources and habitats.

Aside from the permanent natural destruction, this development is a fool's errand. The concept is for low-income housing for seniors. Can't we do better for our poor seniors than put them in a windowless room? If you bothered to visit the site, you would see that the bottom of the slope is a sheet of ice this time of year (6 months out of the year). Can't we do better for our poor seniors than ask them to walk across ice to get to any public resources?

There are 4 parking spaces for residents and visitors. Do our poor seniors not have a need to drive or receive visitors? Or do they need to walk across icy parking lots and dangerous intersections to gain access to amenities. This Bluff is a natural spring and the runoff from the city flows down this Bluff. Constructing on top of this is ill-advised and again, results in the destruction of the City's natural resources and habitats.

If resources are what these seniors need, develop this as part of Sibley Plaza. Don't destroy a Bluff for such an asinine development project. Furthermore, if city tax dollars are allocated to this proposal, then put those tax dollars to work developing more suitable housing instead of a 15 foot retaining wall, which is an eyesore to all. The cost to build a building on this site will be substantially higher than if built on a suitable site. Those dollars could be put to use for amenities for our poor seniors. They get no benefit from a retaining wall and trench.

At previous public hearings, the commissioners noted that "we stole this land from indigenous peoples. We therefore cannot complain about its development today." The citizens most certainly can complain. This is dangerous rhetoric, that the Council MUST address. The fact that something inappropriate occurred in the past not justify the continued behavior. By this theory, slavery can make economic sense. Do we propose returning to such illegal behavior? No. By allowing the commissioner's logic to justify the decision to allow this inappropriate building, this Council will be perpetuating inappropriate behavior. This is not consistent with the view of the voters in this City.

At the end of the day, it is essential that this Council do the right thing and deny the rezoning. This is an ill-advised development. Although this Council has a reputation for doing whatever developers want, this is the opportunity to stand up and do what is right. **Do not allow this development to forever destroy the natural resources of this City.**