SAINT PAUL
PLANNING & ECONOMIC DEVELOPMENT

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
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June 16, 2022

TO: Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

SUBJECT: Zoning Study of Consent Petition Requirements for Certain Zoning Applications

NOTE: Text in yellow highlight is new information in the zoning study.

SUMMARY
This zoning study provides background information and analysis on the consent petition requirement for some zoning applications and proposes amendments to the zoning code to eliminate the petition requirement. It also includes a summary and analysis of testimony public hearing testimony.

Contents

I PURPOSE OF THE STUDY

The purpose of this zoning study is to review language in the zoning code requiring consent petitions for some nonconforming and conditional use permit applications that result in unnecessary hurdles to small-scale commercial and residential development and recommend amendments to address this. This study is one of 15 policy/implementation action priorities of the Planning Commission and helps implement 2040 Comprehensive Plan policies that support more housing, increased residential density, a mix of uses, and the opportunity for all residents to build wealth. The study proposes amendments to the required findings in the zoning code for nonconforming and conditional uses that require petitions.[1]

Context

A consent petition is a prerequisite for some zoning applications. Planning staff works with applicants and would-be applicants who occasionally experience difficulty obtaining consent petitions. Among the reasons for this are nonresponsive and hard-to-contact property owners, nearby condominiums that significantly increase the number of signatures required on the petition, language barriers, concern about potential competition, and racist motivations to oppose legitimate projects. Consent petition requirements can slow a business trying to reoccupy a property when reestablishing a nonconforming use that has been vacant more than one year, including properties affected by the pandemic and civil unrest. Some reasonable and realistic proposals may never make their way to the Planning Commission because the petition requirement hurdle cannot be overcome. This situation may be encountered by applicants or would-be applicants in neighborhoods where a majority of the residents are Black, Indigenous, or people of color and/or neighborhoods with residents of moderate to low incomes. Acknowledgment of the history of this experience, and a way to address it, is reflected in one of the implementation items in the 2040 Comprehensive Plan: *Systematically review and modify the Zoning Code to remove unnecessary hurdles to small-scale commercial and residential development.*

[1] Zoning applications in which State law requires petitions – i.e. rezoning from a residential district to a commercial/industrial district – are not included in the proposed amendments.

II PUBLIC HEARING TESTIMONY

On May 13, 2022, a public hearing on the Petition Requirements Zoning Study and proposed zoning text amendments was held during the regularly-scheduled Planning Commission meeting. Notice of the public hearing was published in the Saint Paul Legal Ledger on April 28, 2022 and sent to the Early Notification System list on April 4, 2022 and again on May 2, 2022. Two people spoke in support of the proposed zoning code text amendments to eliminate the consent petition requirement for certain nonconforming and conditional use permit applications. The speakers noted that current regulation favors owners over renters and gives veto rights to a small number of owners, adding that permit requests will still be carefully considered and that the proposed amendments just remove an unnecessary hurdle for small scale housing projects.

The period to submit written comment was open from April 1, 2022 through close of business on May 16, 2022, during which time six letters/emails were received: three emails from residents; two letters from district councils (Greater East Side Community Council and Macalester-Groveland Community Council); and one letter from Sustain Saint Paul. The written testimony can be found in Appendix C. Five of the six letters/emails were in support of the proposed zoning code text amendments to eliminate the consent petition requirement for certain zoning applications and raised many of the points expressed by the speakers providing oral testimony at the public hearing. These points included equity considerations, not stifling would-be developers of small-scale housing or "gentle density", not allowing the concerns of a few people to outweigh the collective interests of the city, and noting that permit requests will still be carefully considered by the Planning Commission. The Macalester-Groveland Community Council's resolution recommended approval of eliminating the petition requirement, as stated in the zoning study, with the addition of a requirement for a 30-day notice to the district council. Their letter emphasized the importance of notification of permit applications to community members via the Early Notification System and stressed that notice to surrounding property owners and district councils via mail remains an essential part of the public hearing process. One letter/email recommended changes to petition requirements and the process for gathering signatures on petitions, suggesting, in part, that the area of eligible signers be increased from 100 feet to 350 feet and would-be applicants' requests for signatures on petitions be sent by mail to eligible signers of petitions.

III ANALYSIS OF TESTIMONY

There was support for the proposed zoning code text amendments in the written and oral testimony received, though it was not unanimous. The summary above provides details on the testimony received. The reasons stated for the support echoed many of those included in the zoning study memo.

The Macalester-Groveland Community Council's recommendation to add a requirement for a 30-day notice to the district council of permit applications is not practical because of the strict timeline that zoning applications must adhere to, to comply with Minnesota Statute Section 15.99. The so called "60-day rule" requires governmental entities to approve or deny a written

request for certain actions within 60 days or the request is approved; failure of an agency to deny a request within 60 days is approval of the request.

The comment from a resident recommending signatures on a petition come from a larger area (350 feet versus 100 feet) would only increase the number of signatures required, making the hurdle of producing a valid petition even more difficult. In addition, the recommendation to revise the process for gathering signatures on petitions to be conducted by mail would limit a would-be applicant's ability to gather signatures from those willing to sign in person.

No change to the proposed zoning code text amendments is recommended by the committee based on the public hearing testimony.

IV BACKGROUND

1. Nonconforming Use Permits

There are several types of zoning applications that require a consent petition for a complete application. These include applications for nonconforming use permits (to establish, reestablish, expand or relocate nonconforming uses) and for two types of conditional use permit applications (carriage house dwelling and reuse of large structures). The only type of nonconforming use permit application that does not require a consent petition to be submitted as part of a complete application is for a *change* of nonconforming use.

The number of nonconforming use permit applications each year since 2005 has ranged from a low of 6 and 7 in 2020 and 2021respectively, to a high of 18 in both 2011 and 2012 (Table 1). As noted, most of these applications require a consent petition to make a complete application. Tables 2 and 3 show the variety of nonconforming use permit applications submitted in 2020 and 2021. Many of the many of these applications across related to small-scale housing unit increases.

2. History of Petition Requirement for Nonconforming and Conditional Use Permits

The petition requirement for some nonconforming and conditional uses was added to the zoning code sometime between 1975 and 1986. Requiring petitions for nonconforming use permit and conditional use permit applications to allow a use not otherwise permitted in a zoning district was similar to the consent petition requirement in MN Stat. § 462.357, Subd. 5 for rezonings at that time. MN Stat. § 462.357, Subd. 5 now only requires a consent petition for rezoning from residential to commercial or industrial.

3. History of Petition Requirements to Rezone Property as a Context for Understanding Petition Requirements for Zoning Permit Applications

While this zoning study does not deal with the petition requirement for rezoning property, which is regulated by state statute, it is helpful to consider how the change in state statute regarding petition requirements for rezoning property removed a significant hurdle for applicants. Until the state statute regulating rezoning of property was changed in the early 2000s, all rezoning

Table 1 Number of Nonconforming Use Permit Applications 2005 to 2021

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Cases	13	11	12	12	14	15	18	18	10	14	8	10	10	9	8	6	7

Table 2 Nonconforming Use Permit Applications in 2020

Address	Zoning File Number	Type of Application	Approved or Denied	Variance or Waiver of Petition Requirement	District Council Neighborhood
1300 Schletti Street	20-027-532	Establishment of NCU to permit a duplex	Approved	Variance approved by Planning Commission	District 6 North End
1012 7th Street East	20-085-208	Reestablishment of NCU to permit a duplex	Approved	Waived by Executive Order	District 4 Dayton's Bluff
1346 Arcade Street	20-015-283	Change and expansion of NCU to add auto repair and auto sales to auto body shop and dwelling	Approved	Sufficient Petition Submitted	District 5 Payne Phalen
744 3rd Street East	20-069-027	Change of NCU	Approved	Application did not require a petition	District 4 Dayton's Bluff
445 Etna Street	20-071-067	Change of NCU	Withdrawn	Application did not require a petition	District 4 Dayton's Bluff
1346 Arcade Street	20-096-344	Change and expansion of NCU to add auto repair and auto sales to auto body shop and dwelling (revise conditions from earlier approval)	Approved	Waived by Executive Order	District 5 Payne Phalen

Table 3 Nonconforming Use Permit Applications in 2021

Address	Zoning File Number	Type of Application	Approved or Denied	Variance or Waiver of Petition Requirement	District Council Neighborhood
1126 Lincoln Avenue	21-299-256	Establishment of NCU to permit a triplex	Approved	Waived by Executive Order	District 16 Summit Hill
1648 Bush Avenue	21-263-294	Reestablishment of NCU to permit a duplex with reduced parking	Approved	Waived by Executive Order	District 2 Greater East Side
275 Erie Street	21-236-115	Reestablishment of NCU to permit a duplex	Approved	Waived by Executive Order	District 9 West 7th/Fort Rd
549 East Minnehaha Avenue	21-252-047	Reestablishment of NCU to permit a theatre arts teaching studio	Approved	Waived by Executive Order	District 5 Payne Phalen
603 Edmund Avenue	21-241-239	Reestablishment of NCU to permit a duplex	Approved	Waived by Executive Order	District 8 Summit University
1688 Dayton Avenue	21-309-190	Expansion of NCU to permit stairway addition	Approved	Waived by Executive Order	District 13 Union Park
79 North Western Avenue	21-320-126	Establishment/Expansion of NCU to permit expansion of a restaurant dining room	Approved	Waived by Executive Order	District 8 Summit University

applications required a consent petition. After affordable housing advocates in the state pushed to make changes to the petition requirement, the petition requirement was eliminated, except for applications to rezone property from residential to commercial or industrial districts. Now, there are fewer hurdles to rezone property from one residential zoning district to another residential district, from a commercial or industrial zoning district to a residential district, or from a commercial or industrial district to another commercial or industrial district.

If the intent of the petition requirement is for nonconforming use permit and conditional use permit applications to be on similar footing as rezoning applications, then it may make sense not to require petitions for land use changes for residential uses in residential districts because rezoning to a residential district no longer requires a petition. Since rezoning from a residential to a commercial or industrial district requires a petition, it may make sense to require a petition for permit applications that propose a commercial or industrial use in a residential zoning district, where such uses could have more potential effect on nearby residential uses.

4. Petition Requirement Waived During the Pandemic

The petition requirement for nonconforming and conditional use permit applications is currently being waived by a series of mayoral emergency executive orders in response to the COVID-19 pandemic (extended to March 19, 2022 with the most recent order). The waiver has been in place for almost two years with no apparent problems, and has not resulted in a rush of applications to take advantage of the temporary waivers. In fact, from 2005-2021, 2020 and 2021 had the lowest number of nonconforming use permit applications. The temporary waiver has allowed nonconforming use permit applications that otherwise would have been much more difficult, such as one for a location next to a condominium with a large number of signatures needed on a petition. In that case, the applicant had worked with staff in the past to submit an application but never obtained a valid consent petition.

5. History of Amendments to the Nonconforming Use Chapter of the Zoning Code

The nonconforming use chapter of the zoning code was amended extensively in 2012 in response to changes at the state level requiring the city to update some of its language to comply with state requirements. Removal of the petition requirement for establishing and reestablishing nonconforming uses was considered by the Planning Commission at the time, but it was not included in the amendments that were adopted by the City Council. Internal staff discussions in 2012 raised questions about the petition requirement noting that obtaining signatures was becoming more difficult, especially because many properties were owned by financial institutions in other states. Since the petition requirement is a prerequisite to applying for nonconforming use permits to establish, reestablish, expand, or relocate uses, those wishing to use these properties were sometimes prevented from being able to make their case at a public hearing because they were not able to obtain a sufficient number of signatures on a petition. The minutes from the Planning Commission public hearing in 2012 are in Appendix A at the end of this memo and helpful in understanding the concerns about eliminating the petition requirement at that time.

V ANALYSIS

1. Applicants' and Would-be Applicants' Experience with Petitions

While there are no statistics on how many would-be applicants decide not to submit zoning applications due to the petition requirement itself, or due to the inability to obtain a sufficient petition, there is anecdotal evidence from experience that the petition requirement can be onerous and discourages applications. There may be a handful or so of such cases each year. Potential applicants sometimes talk with staff about projects that seem reasonable, but they cannot clear the petition hurdle. This can be an equity issue because sometimes the people the petition hurdle hinders, and who would therefore benefit from changes to the petition requirement, are people of color, immigrants with limited English proficiency, and people of limited means trying to provide housing or start a business to build wealth.

For those who are able to obtain a valid petition, the time it takes to satisfy this requirement often results in a delay in completing the project. Time costs money and affects entrepreneurs' interest and ability to open a business in Saint Paul. Below are various experiences shared by planning staff.

- Staff worked with an applicant trying to make a duplex legal when the applicant was unable to get a valid petition. The applicant almost lost the house in the process due to financing and compliance deadlines but was able to get the needed nonconforming use permit when they obtained a variance of the petition requirement from the Planning Commission.
- Staff worked with an immigrant applicant trying to open a small corner grocery store but the operator of a small grocery store owner across the street, who saw the proposed use as competition, would not sign the petition, contributing to the applicant's inability to obtain a valid petition. The would-be applicant in this case was not able to apply and have his proposal considered.
- Staff worked with an applicant needing a conditional use permit to reuse a large structure (fire house) for a commercial use. The use required a petition as part of the application. It took the applicant many months to obtain the necessary signatures, which delayed the project timeline.
- Staff has worked with applicants in situations where a very large number of signatures on a petition were required due to the proximity of the subject property to condominiums, sometimes with more than 60 signatures needed. In some instances, a variance of the petition requirement has been granted. In other cases, this hurdle led would-be applicants to abandon their plans.
- How much is a signature worth? Some applicants report they have been asked by potential signers of a petition to be paid for their signature.
- Staff worked with an applicant who experienced a situation where another property owner who wanted to purchase the land in question for their own use would not sign the petition for the proposed use of the property.

Below is a recent example of an email communication with a would-be applicant for a nonconforming use permit that summarizes the burden of petition requirements. The writer

points out that though the project is only in the feasibility stage, they see signatures on a petition as a huge barrier. They go on to note that waiving the petition requirement by executive order due to the pandemic really lessens the burden to participate in a zoning process that still involves public notice and participation.

> Good afternoon Luis,
> James Williamette suggested I reach out to you to learn more about the Mayor's order suspending neighbor signatures for projects involving legally non-conforming uses that aim to obtain a permit to improve their properties.
>
> Section 62.109 – Nonconforming use permits indicates that the need for "A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. "
>
> Can you please help me understand the suspension of this requirement or point me to the order for reference? Is it in effect only for a limited timeline or will it presumable be a permanent change to the zoning code?
>
> Signatures for a project we are in the feasibility phase on to make a building accessible is a huge barrier to my client in the Historic Hill District, so this suspension order is great news. We do understand the Planning Commission process for approval of the project will be public and all these neighbors will be invited to attend and comment, but it really lessens the burden to participate in that process.

There have been instances over the years of the Planning Commission granting variances of the petition requirement, due to demonstrated hardships, in conjunction with a permit application like the one noted above, but this is the exception rather than the rule. The findings accompanying these variances typically citied the reasons provided in this study for the difficulty in obtaining signatures.

2. Reasons Applicants Have Difficulty Obtaining Signatures on a Petition

a. Nonresponsive property owners who live out of town, out of state, or are financial institutions
b. Owners not answering doors or responding to letters requesting signatures
c. Condominiums with multiple owners that increase the number of signatures required
d. Secured entrances in condominiums limit access into the building to be able to knock on doors and ask for signatures
e. Language barriers
f. Concern about competition from a new business
g. Racist motivations may cause some owners to oppose legitimate projects and refuse to sign
h. Determining who is eligible to sign for a corporation, trust, or estate can be challenging. The death of a property owner and subsequent settling of an estate can prolong the time it takes to obtain a signature from that party.

3. Rationale for Amending or Eliminating Petition Requirements

a. Early notification of zoning applications is provided to district councils and subscribers to the ENS system (Early Notification System), per city policy. Planning staff encourages applicants to present their proposal to the district council and seek their support prior to

submitting an application (although sometimes planning staff is not aware of an application until after it has been submitted).

b. Notice of a public hearing is required to be given to property owners within 350 feet of the subject property. Owners then have an opportunity to participate and be heard during the public hearing process.
c. The other required findings for the permit that are stated in the zoning code must still be met.
d. Obtaining a valid petition is a hardship for some applicants for the reasons stated in this study.
e. Petition requirements give disproportionate power to a limited number of property owners who are not elected.
f. Obtaining a valid petition can take several months for some applicants, resulting in substantial delays in the zoning process and project completion. Time costs money and affects entrepreneurs' interest and ability to open a business in Saint Paul.
g. Petition requirements may slow down the reestablishment of nonconforming uses that have been vacant for more than one year.
h. Eliminating the petition requirement removes a hurdle to submitting an application. Eliminating the petition requirement does not guarantee approval of the request, it just gives an applicant the right to have the request considered by the Planning Commission. Staff often advises would-be applicants of a likely recommendation for denial, when it is warranted, before an application is submitted. This way, an applicant knows what they are getting into before committing time and money toward the effort.
i. It is reasonable for applicants to be able to submit a proposal, ask for a public hearing, and for the Planning Commission to consider a proposal, after notice to area property owners. Eliminating the petition requirement does not eliminate the possibility that the city says no to a request after reasonable analysis and public hearing.
j. May allow for a modest increase in residential density.
k. May reduce burdens on businesses.
l. May allow for more wealth building.
m. People living and working near a subject property may be more potentially affected by a new use than non-local property owners and to that extent may be the ones to have a say on a proposal. For a petition, however, it would be challenging if not infeasible to determine which non-property owners live or work within 100 feet of the subject property since there is minimal or no documentation of area renters and workers the way there is for property owners.
n. Concern about a possible "taking" lawsuit if a reasonable use of the property is not allowed because a valid petition cannot be obtained. Zoning regulations that prevent property from being reasonably or economically used can result in a "taking." Depending on the circumstances, a taking based on zoning regulations can either be a "partial take" or a "total take" of a property owner's use of the property. In the event a taking is proven, the City can then be required to pay damages to the property owner for the partial or

total loss of the property's use. Provisions to reestablish a nonconforming use under Section 62.109(e) create an option that allows the City to approve a permit for the reestablishment of a nonconforming use when current zoning regulations would otherwise prevent reasonable use of the property. Section 62.109(e) is narrowly written to apply only when it is found that "the structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose."
If a structure cannot reasonably or economically be used for a conforming purpose, and the proposed use can be found to be reasonably consistent with the comprehensive plan and not detrimental to the area, it may not be reasonable to require a petition as a prerequisite for the Planning Commission to hold a public hearing to actually consider the merits of a case. Over time, staff has observed that surrounding property owners might sign a consent petition for some nonconforming uses but not for others. Staff has also observed that petitions are sometimes very difficult and time consuming to obtain for any use, especially when property owners are commercial enterprises from other states or when language and cultural barriers are present. Property owners within 350 feet must be notified of public hearings and their testimony is considered during Planning Commission deliberations. If a petition requirement creates a barrier to holding a public hearing, the Planning Commission is effectively denied the opportunity to evaluate whether a proposal could result in a reasonable and economical use of a building and prevents using the provisions in Section 62.109(e) for reestablishment of a nonconforming use as a means to avoid takings claim through approval of such a request.

4. Reasons Not to Amend or Eliminate Petition Requirements

While there are many reasons to consider amending or even eliminating the petition requirement, there are also reasons to consider retaining the petition requirements:

a. Petition requirement provides area property owners with greater control over proposed land use changes nearby.
b. If there is no petition requirement, the applicant is not compelled to get out in the neighborhood and talk to people about plans for the property and to "sell" the idea to them and receive community input before submitting an application. They may do it because it's good for their case, but they would not be required to do it.
c. If the petition requirement is removed, applicants could sometimes spend time and money on proposals that have little chance of being approved, and neighbors might sometimes feel more compelled than otherwise to organize in opposition to such proposals.

5. Options for Amending the Petition Requirement

There are many ways the petition requirement in the zoning code could be amended to address the concerns raised in this study. A Planning Commissioner suggested several: 1) reduce the percentage of area property owners who need to sign a petition from two-thirds to lower the number of signatures needed; 2) require signatures only from owner-occupied properties in

areas where there are many non-local owners; 3) allow current occupants to sign petitions as well as property owners.

Amending the petition requirement in these ways gets at reducing the number of signatures required and increasing the number of people eligible to sign a petition and this may make it easier and quicker for a potential applicant to produce a valid petition. But these suggestions do not address people who do not answer their doors and condominiums that can significantly increase the number of signatures needed, nor do they address concerns about competition, racist motivations to oppose a project, or language barriers. Also, compared to property owners, it would be difficult to certify or confirm that current occupants are eligible to sign a petition (i.e. confirming that current occupants are actually residents of an area property).

The consensus among planning staff is that the petition requirement for nonconforming and conditional use permits should be eliminated rather than amended. The proposed zoning code text amendments follow this section. There was discussion at the beginning of the zoning study about retaining the petition requirement for certain commercial, industrial, and large-scale uses that are more likely to have adverse effects on nearby residential uses. However, there are sufficient checks in place to encourage public participation in the zoning process with both ENS policy and the required (mailed) public hearing notice to property owners within 350 feet of the subject property. In addition, many district councils have formal processes to weigh in on zoning applications in their areas, in time for the Zoning Committee meeting. Elimination of the petition requirement does not automatically mean that a request will be approved, it only means that the proposal can be considered by the Planning Commission. If the required findings for the proposed use are not met, staff must recommend denial, and unreasonable proposals may be denied by the Planning Commission.

6. Department of Safety and Inspections Study of Petition Requirement

The Department of Safety and Inspections is considering changes to its petition requirement for certain license applications, citing many of the same issues noted in this zoning study, including residents not answering their doors and difficulty contacting owners of non-owner occupied properties. In addition, from an equity perspective, there is a concern about giving a disproportionate amount of power to a limited number of property owners who are not elected.

VI COMMITTEE RECOMMENDATION

The Comprehensive and Neighborhood Planning Committee recommends the Planning Commission adopt the resolution recommending City Council adoption of the proposed text amendments to eliminate petition requirements for some nonconforming use permits and two conditional use permits.

VII PROPOSED ZONING CODE TEXT AMENDMENTS

The following draft text amendments eliminate the consent petition requirement for nonconforming uses and the two conditional uses that require petitions. There are also a couple of typos that are proposed to be corrected. **NOTE**: New language proposed for the zoning code is underlined and language proposed to be deleted from zoning code is ~~struck through~~.

Sec. 62.109

...

(a) *Establishment of legal nonconforming status.* The planning commission may grant legal nonconforming status to uses or structures that do not meet the standards for legal nonconforming status in section 62.102 if the commission makes the following findings:

(1) The use or a nonconforming use of similar or greater intensity first permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application;

(2) The off-street parking is adequate to serve the use;

(3) Hardship would result if the use were discontinued;

(4) Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses;

(5) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and

(6) The use is consistent with the comprehensive plan.~~; and~~

~~(7) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.~~

The application for the permit shall include ~~the petition,~~ evidence of a ten-year period of existence, evidence that conversion of the use and structure would result in hardship, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

(b) *Nonconforming commercial and industrial parking use.* The planning commission may grant legal nonconforming status to allow the use of land without completely enclosed buildings as a parking lot to serve abutting property in OS-B5 Business and I~~T~~R-I1 industrial districts if the commission makes the following findings:

(1) The commercial or industrial parking lot has been paved, maintained and used for commercial or industrial parking for at least ten (10) consecutive years prior to the date of the application;

(2) The parking lot occupies a legally subdivided parcel that is too small for development and has not been owned by a different adjoining property owner for at least ten (10) years prior to the date of the application;

(3) The parking lot is to serve abutting commercially or industrially zoned property;

(4) The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and

(5) The parking lot is consistent with the comprehensive plan~~; and~~.

~~(6) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the parking lot.~~

The application for the permit shall include ~~the petition,~~ evidence of a ten-year period of existence, a site plan meeting the requirements of section 61.401, and other information as required to substantiate the permit.

...

(d) *Expansion or relocation of nonconforming use*. The planning commission may permit the ~~t~~ expansion or relocation of a legal nonconforming use if the commission makes the following findings:

(1) In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units;

(2) For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district;

(3) The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood;

(4) Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses;

(5) Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use;

(6) After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare; and

(7) The use is consistent with the comprehensive plan.~~; and~~

~~(8) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.~~

The application for a permit shall include ~~the petition,~~ a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

(e) *Reestablishment of nonconforming use.* When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:

(1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose;

(2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use;

(3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and

(4) The proposed use is consistent with the comprehensive plan.~~; and~~

~~(5) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.~~

The application for the permit shall include ~~the petition,~~ a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

...

Sec. 65.121. Dwelling, carriage house.

An accessory dwelling in a combined residential and garage building, separate from the main building on the lot, located above and/or adjacent to the garage.

Development standards:

(a) A carriage house building may be regulated as an accessory building or as an additional principal residential building.

Standards and conditions in residential districts:

(b) The building planned for use as a carriage house dwelling had space originally built to house domestic employees.

~~(c) The applicant shall obtain a petition signed by two-thirds (⅔) of the property owners within one hundred (100) feet of the applicant's property line consenting to the carriage house dwelling.~~

~~(d) The applicant shall not reduce the number of existing off-street parking spaces on the property and shall also provide additional off-street parking as required for the carriage house dwelling.~~ **[This is a correction. The clause was deleted with the parking amendments in summer 2021 then inadvertently added back into the code with the 1-4 housing study amendments in winter 2022. The proposed amendment removes the clause, as was intended with the parking amendments.]**

(~~e~~c) A site plan and a building plan shall be submitted to the planning commission at the time of application.

...

Sec. 65.132. Reuse of large structures.

Conversion or reuse of residential structures of over nine thousand (9,000) square feet gross floor area and permitted nonresidential structures such as churches and schools.

Standards and conditions in residential districts:

(a) The planning commission shall find that the structure cannot reasonably be used for a conforming use.

(b) The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.

(c) The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.

(d) Applications for conversion or reuse shall include ~~a notarized petition of two-thirds (⅔) of the property owners within one hundred (100) feet of the property proposed for the reuse,~~ site plans, building elevations, ~~and~~ landscaping plans, and other information ~~which~~ that the planning commission may request. ~~The notarized petition requirement shall be waived for a proposed conversion or reuse to serve residents who are all considered handicapped under the Federal Fair Housing Act Amendments of 1988.~~

APPENDIX A: Minutes from 2012 Planning Commission Meeting

Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West

Minutes April 20, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 20**,** 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present:	Mmes. Merrigan, Noecker, Reveal, Shively, Thao, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Nelson, Ochs, Oliver, Schertler, and Spaulding.
Commissioners Absent:	Mmes. Halverson, *Perrus, *Porter, *Wang, and Messrs. *Lindeke, *Ward, *Wickiser. *Excused
Also Present:	Donna Drummond, Planning Director; Patricia James, Allan Torstenson, Lucy Thompson, Christina Morrison, Kate Reilly and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes April 6, 2012.

MOTION: *Commissioner Nelson moved approval of the minutes of April 6, 2012. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that last Wednesday the City Council approved the North End –South Como District 6 Plan and the rezonings that go along with that plan. The Council also approved the Greater Lowertown Master Plan.

The Hamline United Methodist Church at 1514 Inglewood has announced the church's listing on the National Register of Historic Places. An open house celebration with tours will be held on Sunday from 2:30 to 4:00 p.m.

IV. PUBLIC HEARING: Nonconforming Use Text Amendments – Item from the Neighborhood Planning Committee. *(Patricia James, 651/266-6639)*

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Nonconforming Use Text Amendments. Notice of the public hearing was published in the Legal Ledger on April 9, 2012, and was mailed to the citywide Early Notification System list and other interested parties. Chair Wencl read the rules of procedure for the public hearing.

The following people spoke.

1. Mr. Don Husband, a resident of Saint Paul for over 40 years. He spoke regarding proposed changes to the consent petition requirements, including the comments by PED staff. The process might be cumbersome, but this does not justify protecting the rights of the neighbors. Other changes could be put in place to possibly solve the problem. It is reasonable to assume that obtaining consent from the neighborhood would help and not hinder a developer. It would require them to work closely with the neighborhood from the beginning. The consent petition process should aid the developer in getting the Planning Commission approval. Without the consent process, the neighborhood loses control over the decision unless an appeal is made within an allowable period of time. Any zoning regulation will put a limit on the rights of an owner of property. Zoning regulations are based on the rights of the public to control unwanted or misconceived plans of another property owner. He recommends that the current consent process not be changed.

2. Mr. Jeff Roy, representing Summit Hill Association/District 16 Planning Council, reported that their Zoning & Land Use Committee held a public hearing on April 11, 2012. At the hearing there was strong concern about the impact and possible unintended consequences in the effort to identify options for changing the consent petition requirement for establishing and re-establishing nonconforming use permits. They feel that the current city zoning process requiring the petitioning of property owners within 100 feet of a site is necessary and appropriate. If the petitioning requirement was either eliminated or changed, the local community near the specific property/building would lose a valuable tool with respect to process. The Summit Hill Association and their Zoning & Land Use Committee recommends that there be no change for the re-establishment and establishment of a nonconforming use.

3. Mr. Al Oertwig, President of Payne Phalen District 5 Planning Council, stated that they have not taken a formal position on the proposed amendments. They see the importance of retaining the petition requirement. The petition process helps to surface vital information regarding local impact of proposed changes to a nonconforming use. They do not find the petition requirement burdensome, but rather a safeguard to sustainable development in their area.

4. Mr. Chuck Repke, representing District 2 Community Council, stated that on Wednesday their board voted to express the same concerns about the changes to nonconforming use regulations regarding the petitioning process. Mr. Repke stated that district council staff are there to help people get consent petitions. He is in front of the Planning Commission as many times to advocate for change as he is to oppose change, and he disagrees with the assumption that the power of neighbors to be able to sign the consent petition should be taken away because of the difficulties of some individual applicant in getting signatures when there is a network of organizations out there established to be able to facilitate those kind of communications. District Councils are a resource; direct applicants to the district councils, and they will be able to assist them. If the applicant can't get their neighbors to sign, then maybe it shouldn't happen.

   Commissioner Schertler noted that community public bodies are charged to make decisions on these uses, and are required to meet due process standards. Commissioner Schertler's concern is that an individual is in effect making a regulatory decision by preventing the community from talking about it at a public hearing, and there is no due process check on the individual property owner to find out whether they are acting rationally or not.

   Mr. Repke said that since the petition requirement is for uses that have already been discontinued for a year, it is a request for something beyond the regulation. So whatever be the motivation of the neighbor, it's already well beyond any rights of the new buyer of this property to protect themselves. The City shouldn't weaken the rights of those neighbors to assure that somehow this nonconforming use goes away because of fear of the motives of some neighbor.

Commissioner Schertler said his concern went beyond the motives of a neighbor. If the decision has been made in a community body as opposed to an individual, there is at least some transparency in the process and some ability for people to come in and say, I signed the petition but I disagree with the change and I hope that this isn't allowed to happen. Isn't the City delegating some authority to consider land use decisions to individual property owners that happen to be within 100 feet as opposed to the community process to make the decision in front of everybody?

Mr. Repke reiterated that the petition requirement applies to nonconforming uses that have been gone for a year. These are nonconforming uses which the City's plans say shouldn't be there.

Commissioner Oliver said that the process has already been set up for this permit to be referred to the District Council for comment; it's going to come before the Zoning Committee for public hearing; and all of that then will come before the Planning Commission for a decision, and then the decision is appealable at City Council. Given all that process, why do we need to have a veto point early in the process, especially one that can be exercised by a minority of neighboring properties? If you have ten neighboring properties you need seven signatures; if you only get six signatures, then you can't even turn in your application. Given all the other opportunities to make voices heard and point out that a project doesn't fit and is bad and the neighborhood really wants the use to move on, why do we need to give that veto power in order for neighbors to have their voice heard?

Mr. Repke said that every one of these neighborhoods have neighborhood plans and the City already decided what it is they want the land uses to be in those areas. If a nonconforming use expires after a year, it's dead unless people are willing to say it is okay in this location and they sign the consent petition and move it forward.

Commissioner Nelson asked about vacant homes, foreclosures and banks that you can never get a hold of and that won't respond to any kind of letter. A very good nonconforming use that for some reason happens to go vacant for 366 day - a duplex that's always been a good duplex, was designed originally as a duplex with adequate parking, but then they just can't get the signatures because it's impossible to get a bank to sign a consent petition; it's impossible to find the absentee landlord. What should be done in those kinds of situations, where it seems like this nonconforming use really does make sense but you can't bring it in front of any kind of body because you can't get the adequate number of signatures required?

Mr. Repke said that his board's first comment would be, that's not our problem. The City may need to come up with some solution to deal with that, but it shouldn't take away the rights of all of these citizens in the City of Saint Paul to know what was going to happen to their neighboring property. This may be the situation on some rare blocks, but you're dealing with a small restricted area of current crises. There has to be some other way to deal with that.

Commissioner Spaulding said that one of the conditions of nonconforming use permits is that it be found consistent with the Comprehensive Plan. So technically they would have to find that still consistent with all the plans of the City that's been adopted as part of the Comprehensive Plan.

Mr. Repke agreed, but said that the City could make the argument that housing is a goal of the Comprehensive Plan and it is therefore consistent.

Commissioner Thao stated that market change is quicker than land use planning. How do we account for those situations?

Mr. Repke said he is testifying about taking away the signature requirement on a nonconforming use of a piece of property that's already stopped being what it is. It's dealing with specific pieces of property and not policy.

Chair Wencl asked about District 2's experience with applicants not being able to reach property owners.

Mr. Repke said in District 2 it just has not been a problem, There are limited blocks where you have lost four out of the ten homes that would be within 100 feet or three of the six homes that would be within the 100 feet, and, if it's that bad, then is that really the place where you want to be doing this?

MOTION: ***Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 23, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Schertler seconded the motion. The motion carried unanimously on a voice vote.***

In response to questions from Commissioner Noecker and Commissioner Edgerton, Patricia James, PED staff, explained that one of the two types of permits where the consent petition requirement is not proposed to change are those where the application is to enlarge a nonconforming use, which should have more neighborhood input. The other is for nonconforming parking lots, and there has never been an application for this type of permit, so there wasn't any experience on which to base a change. She also explained that the petition requirement is a local regulation and was not affected by the state law changes that are the reason for some of the other nonconforming use text amendments.

APPENDIX B: Previous Zoning Cases

Information about Previous Zoning Cases to Supplement the Petition Requirement Zoning Study

When the Comprehensive and Neighborhood Planning Committee reviewed the zoning study on March 16, 2022, it asked planning staff to provide the committee with more examples of previous permit applications when the study comes back to the committee after the Planning Commission's public hearing. In particular, the committee asked for instances of commercial uses in residential areas. The information below is provided in response to the request.

The city planner who worked on the first two cases below recalls them standing out because the cases were only about a mile from each other and months apart. Both case were applications to reestablish nonconforming duplexes in R4 districts. Both applicants were "one person shops" who bought the houses as vacant properties with histories of neglect. A distinguishing factor was that the applicant for 863 Watson was a white woman and the applicant for 275 Erie was an immigrant from Ethiopia who did not feel comfortable enough speaking in English to testify on his own behalf at the public hearing. She was able to get the required signatures in 3-4 weeks with some difficulty. The 275 Erie applicant was never able to get the signatures despite two attempts 4 years apart.

1. 863 Watson Avenue - 2020
Application: Nonconforming use permit to reestablish a duplex in an R4 zoning district.
Planning Commission Decision: Permit approved.
Petition Requirement: A sufficient petition was submitted: 16 parcels eligible; 11 parcels required; 12 parcels signed.

2. 275 Erie Street - 2021
Application: Nonconforming use permit to reestablish a duplex in an R4 zoning district.
Planning Commission Decision: Permit approved.
Petition Requirement: The applicant was preparing to apply for a variance of the petition requirement citing racist discrimination. Ultimately, a variance was not needed because the petition requirement was waived by executive order during the pandemic, but this information was retained in the staff report for context and it was discussed at the meeting.
Background: The applicant attempted to get signatures on a petition in 2015 and again in 2019 but was unsuccessful each time. A signed affidavit from the African American applicant states, "Because of the hostility visited upon me and my tenants by these white residents, I can only surmise that the motivation for their resistance and obstruction of my plans to improve the home is race-based." The affidavit goes on to state, "I do not believe it is safe for me to go from house to house to get support. The hostility that has been shown me is because of my race, my coloring and/or national origin. If I have to go through the signature collection process, I will be subjected to more hate, hostility and discrimination. The process of collecting residential assent just is not safe for someone like me." The full affidavit can be found at the end of Appendix B.

3. 1338 Bayard – 2016
Application: Change of nonconforming use from office to mixed-use office/residential in an R4 zoning district.
Planning Commission Decision: Permit approved.
Petition Requirement: No petition was required for a *change* of nonconforming use application.
Background: The Comprehensive and Neighborhood Committee asked staff to look into this case because some remembered it from a few years ago and it related to a commercial use in a residential district. Turns out it was for a *change* of nonconforming use, so no petition was needed in this case.

4. 617 Laurel Avenue – 2019
Application: Conditional use permit for a 5-unit cluster development with modification of lot coverage and setback standards and a parking variance (7 spaces required and 4 proposed). Zoned RM2.
Planning Commission Decision: Permit, modifications, and variance approved.
Petition Requirement: No petition was required for the conditional use permit application.
Background: The Comprehensive and Neighborhood Committee asked staff to look into this case because some remembered it from a few years ago. Turns out it was for a conditional use permit that did not require a petition. The planner working on the case noted that the applicant had at one time attempted to *rezone* the property to a T district to avoid variances but was one signature short of obtaining a sufficient petition and was not able to apply for the rezoning.

5. 1346 Arcade Street – 2020
Application: Change and expansion of nonconforming use to add auto repair and auto sales to an auto body shop in a T2 zoning district.
Planning Commission Decision: Approve permit.
Petition Requirement: A sufficient petition was submitted with the original application. No petition was needed for the second application due to the mayoral executive order waiving the requirement.
Background: This case involved a nonconforming auto body shop use first permitted as a conditional use in a T4 zoning district.

6. 79 Western Avenue North - 2021
Application: Establishment/Expansion of NCU to permit expansion of a restaurant dining room; zoned RM2.
Planning Commission Decision: Approve permit.
Petition Requirement: No petition was needed due to the mayoral executive order waiving the requirement.
Background: This case involved a nonconforming restaurant use first permitted in a T2 zoning district. The property was in close proximity to a condominium, which would have required a petition with a large number of signatures.

7. 549 Minnehaha Avenue East - 2021
Application: Reestablishment of nonconforming use to permit a theatre arts teaching studio in an RT1 zoning district.
Planning Commission Decision: Approve permit.
Petition Requirement: No petition was needed due to the mayoral executive order waiving the requirement.
Background: This case involved an application to reestablish a nonconforming use in a building built for commercial use but in a residential zoning district.

8. 847 Hudson Road - 2022
Application: Reestablishment of nonconforming use to permit auto sales in an RT1 zoning district (previous permitted use was auto repair).
Planning Commission Decision: Approve permit with conditions.
Petition Requirement: No petition was needed due to the mayoral executive order waiving the requirement.
Background: This case involved an application to reestablish a nonconforming use in a building built for commercial use but in a residential zoning district. The Planning Commission decision to approve the permit was appealed by the Dayton's Bluff Community Council. The City Council granted the appeal, thereby overturing the Planning Commission's approval of the permit.

9. 2599 7th Street West – 2017
Application: Expansion of nonconforming use to permit for camper van rental with existing auto repair, and setback variance for additional parking spaces, in an T2 zoning district.
Planning Commission Decision: Approve permit and variance with conditions.
Petition Requirement: A sufficient petition was submitted with the permit application.
Background: This case involved an application to add a new use (camper rental) to an existing nonconforming use (auto repair) in a building built for commercial use in a T2 zoning district.

Affidavit Related to the 275 Erie Street Zoning Case - #2 above

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF EYOB GEBREKRISTOS

Eyob Gebrekristos, being first duly sworn upon oath, deposes and states as follows:

1. I am the property owner located at 275 Erie Street, in the City of St. Paul and County of Ramsey in Minnesota. I am an Eritrean-American, and I speak with an accent that is noticeable.

2. When I purchased the property, it had been condemned and was uninhabitable. I spent thousands of dollars and many months rehabilitating it to a condition in which its habitability could be reinstated. The rehabilitation passed City inspections, and the home was determined to be habitable.

3. For years, the property was zoned a triplex and was, is and continues to be tax-assessed as such even though I was forced by the City to waive its grandfather status, which it lost when it was condemned.

4. My intent when purchasing the property was to return it to a triplex classification or, alternatively, to a duplex in order to make it produce a cash flow that would make the purchase affordable. When I tried to do this, the City told me that I would have to petition the neighbors for approval to reinstate the previous classification. The City gave me a list of the properties I would have to get signatures from.

5. I have taken extraordinary measures to seek reinstatement, including hiring an attorney and a native-speaker to assist me. For months in 2015, 2018 and 2019, we went from house to house on this list, asking residents to support my application for reinstatement. However,

I was treated badly by several of these residents, and I am fearful to approach the others for my safety.

6. I have leased the property to a family. Several of the neighbors have organized together and have repeatedly reported complaints regarding this family. This City has investigated their claims, but not one of these reports proved to be credible. These neighbors are White. My tenants are African-American. Because of the hostility visited upon me and my tenants by these White residents, I can only surmise that the motivation for their resistance and obstruction of my plans to improve the home is race-based.

7. I do not believe that it is safe for me to go from house to house to get support. The hostility that has been shown me is because of my race, coloring and/or national origin. If I have to go through the signature collection process, I will be subjected to more hate, hostility and discrimination. The process of collecting residential assent just is not safe for someone like me.

FURTHER YOUR AFFIANT SAYETH NOT.

Under penalty of perjury the undersigned hereby affirms that everything stated in this document is true and correct.

Dated: November 21, 2019

Eyob Gebrekristos

Sworn/affirmed before me this 21st day of November 2019.

Notary Public \ Deputy Court Administrator

AKLILU DUNLAP

Name: Aklilu Dunlap

Address: 3033 Excelsior Blvd., Ste.100

City/State/Zip: Minneapolis, MN 55416

Telephone: 612.928.7224

APPENDIX C: Written Public Hearing Testimony

Elimination of petition requirements for new housing projects

KD Katherine DuGarm <toastmasterkatherine@gmail.com>
To Dadlez, Kady (CI-StPaul)

Reply | Reply All | Forward | ...
Wed 5/11/2022 8:34 PM

Think Before You Click: This email originated **outside** our organization.

Greetings City Planner Dadlez,

Please eliminate petition requirements for new housing.

The best way Saint Paul can respond to its housing affordability crisis is to facilitate the construction of more housing. We need to eliminate policies and requirements that impede people from building homes in our neighborhoods – including "gentle density" like duplexes and accessory dwelling units.

--
Katherine DuGarm
1142 Norbert Lane
St. Paul, MN 55116

Study Re: Notice (non-conforming applicants)

L louise <originallj@aol.com>
To Dadlez, Kady (CI-StPaul)
You replied to this message on 5/16/2022 9:09 AM.

Reply | Reply All | Forward | ...
Sun 5/15/2022 6:41 PM

Think Before You Click: This email originated **outside** our organization.

To the Planning Comm -
Please include these comments in the record that has been kept open until Monday - May 16.

I have thought of some positive changes but which would not requiring cancelling an obligation to do away with notice "petitions" but would addbe *more democracy and with flexibility for the applicant*.
1. Increase the area required to get notice such as change from 100 feet to 350. This would decrease the influence of any outliers such as the study's examples of a racist stopping non-conforming uses. The widening of the area of notice results in a balance within a larger group which will more accurately represent citizens who largely are not racist. Plus it is more reasonable to recognize that a non-comiformng useis not limited to 100 feet (as to its impact on the community).
2. Change the petition to be by mail. I do recognize that many people don't answer their doors - a problem for door to door petition. The mailed notice could direct comments to the applicant and/or could be directed to PED
3. PED should prepare a form that applicant fills out to make sure it states enough information comparable to that of a conversation at the door with a petition would include.
4. Information about owners of condos and absent owners is available on property records kept by Ramsey County. Out of state entities often have a resitrered agent on the Secretary of State's records.
5. An Applicant could sign and submit an affidavit confirming the notices had been sent. Maining of notice should be at least 15 days before any action.

Doing away with notice just fuels the anger people feel about being impacted by unexpected uses.

Submitted: Louise Jacobs,, 1707 Hague Ave, St. Paul

Support for eliminating petition requirements

MA Michaela Ahern <michaela.ahern@gmail.com>
To Dadlez, Kady (CI-StPaul)
You replied to this message on 5/11/2022 1:10 PM.

Reply | Reply All | Forward | ...
Wed 5/11/2022 9:58 AM

Think Before You Click: This email originated **outside** our organization.

Hello,
I would like to voice my support for the elimination of petition requirements to build ADUs or convert homes into duplexes. We need to open more avenues to getting housing units into St. Paul and this type of requirement seems like an unnecessary impediment.

Michaela Ahern
864 St Paul Ave
St. Paul, MN 55116

Greater East Side Community Council

05/12/22

To: Chair Morales,
Planning Commission

The Land Use Committee of the Greater East Side (District 2) Community Council met on May 10 to review the Zoning Study of Consent Petition Requirements for Certain Zoning Applications.

Although the District 2 board has in the past been in opposition to the removing of these petition requirements, the Committee has decided to support the removal of these requirements. They believe the removal will promote equity especially for those applicants with a language barrier without removing public comment and expression of concerns if the application does not align with neighborhood needs or goals.

Because the neighborhood and residents will still have the same ability to voice concerns on applications, the committee voted to support the removal of the petition requirements for certain zoning applications.

Please let me know if you have any questions or need any clarification

Sincerely on behalf of the Greater East Side Community Council,

Lisa Theis

Lisa Theis, Executive Director

1365 PROSPERITY AVE., ST PAUL, MN 55106 651-774-2220 WWW.GREATEREASTSIDESP.ORG

Macalester Groveland
COMMUNITY COUNCIL

320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

651-695-4000
mgcc@macgrove.org

May 13, 2022

Saint Paul Planning Commission
City Hall, Room 40
15 Kellogg Blvd.
Saint Paul, MN 55102
VIA EMAIL

Re: Zoning Study of Consent Petition Requirements for Certain Zoning Applications

Dear Saint Paul City Planning Commission Members:

On May 13th, 2022, the Board of Directors of the Macalester Groveland Community Council ("MGCC") held a public eMeeting via Zoom, at which it considered a recommendation from its standing Housing and Land Use Committee ("HLU") regarding the proposed amendments for the consent petition requirements for certain zoning applications.

Prior to the meeting, MGCC did not receive any written comments in support or in opposition of the application.

After speaking with staff members from the Department of Planning and Economic Development, considering neighborhood feedback, consulting the Macalester Groveland Long Range plan, and assessing the merits of the proposed alternatives, the Board of Directors passed the following resolution by a final vote of 13-2, with 1 abstention:

> *** The Board of Directors recommends approval of eliminating the petition requirements for non-conforming use and conditional use applications as stated in the Zoning Study of Consent Petition Requirements for Certain Zoning Applications, with the addition of a requirement for 30-day notice to the district council. ***

The following points were important considerations:

- The MGCC Housing and Land Use Committee passed the recommendation shown above with a final vote of 12-7.
- Notification to community members via the Early Notification System and surrounding property owners and district councils via mail remains an essential part of the public hearing process.

If you have questions or concerns, please do not hesitate to contact me.

Alexa Golemo
Executive Director
Macalester-Groveland Community Council

cc (via email): Ward 3 Office, City of Saint Paul
Ward 4 Office, City of Saint Paul
Kady Dadlez, Senior City Planner

Sustain Saint Paul
PO Box 16164
Saint Paul, MN 55116
info@sustainstpaul.org
sustainstpaul.org

Mission

Sustain Saint Paul champions abundant housing, low-carbon transportation, and sustainable land use in the City of Saint Paul through education, advocacy and political action, to ensure a more just and equitable city for all current and future residents.

Sunday, May 8, 2022

RE: Statement of support for amendments to petition requirements

Dear Planning Commissioners,

We represent Sustain St. Paul, a volunteer-led advocacy organization that champions abundant housing, low-carbon transportation, and sustainable land use in the city of Saint Paul. We are writing to express our enthusiastic support for the planning staff's recommendation to eliminate petition requirements for various zoning applications, and we urge you to recommend these amendments to the City Council.

Saint Paul's 2040 Comprehensive Plan calls for amendments to the zoning code "to remove unnecessary hurdles to small-scale commercial and residential development." Petition requirements are one of these unnecessary hurdles. As the planning staff's report describes, evidence suggests that the petition requirement stifles would-be developers of small-scale housing from submitting applications for non-conforming or conditional use permits, because it is so difficult to obtain the needed signatures from nearby neighbors.

There is broad agreement in St. Paul that our city needs to expand the supply of housing. This conviction has been formally established in the 2040 Comprehensive Plan, and reasserted by the Planning Commission, the Mayor's team, and the City Council. Neighboring residents should not be able to effectively block the construction of new housing through a petition requirement, to the detriment of the city and its potential future residents. We cannot allow the self-interested concerns of a few people to outweigh our collective interests as a city.

Thank you for your consideration, and please contact us if you have further questions.

Sincerely,

Luke Hanson, Co-Chair