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Planning Commission
City of Saint Paul
15 Kellogg Blvd., West
St. Paul, MN 55102

Dear Members of the Planning Commission, Zoning Committee Secretary, Ms. Dadlez, and Ms. Skarda:

We are writing this letter to express our opposition to the proposed Treehouse senior housing development currently planned by Trellis developers at 0 Madison Street (ZF# 22-104-395, ZF# 22-116-859, and ZF# 22-104-315, North of 2319 W. 7th St.). We are residents of the neighborhood along the ridge directly above the proposed construction site with property adjacent to the proposed development. We are expressing both our opposition and our frustrations, with the intention of making this part of the public record and persuading the City of Saint Paul to deny the rezoning of the property and to deny all variances requested by Trellis.

1. **Conflict with City Plan.** The proposed Trellis development is directly in conflict with the city's adopted comprehensive plan and specifically the Shepard Davern Area Plan as set forth in 2015. This alone is sufficient to deny the requests of Trellis.

Contrary to the contention of Trellis, the proposed site plan does not preserve the "unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas" as required by the Zoning Code. The Highland Bluff is an iconic natural feature of the City of Saint Paul and preservation of its natural beauty is part of the comprehensive plan for the area. The importance of the Highland Bluff was specifically referenced in the 2015 Shepard Davern Area Plan updated by the Saint Paul City Council in 2015. Specifically, the Shepard Davern Area Plan states that "[t]he concerns for the future are: that new development will be incompatible with the rest of the Shepard Davern area and Highland Park in scale or use, and that development will overshadow the natural environment along the Mississippi River." In fact, the specific bluff in question was mentioned in the Shepard Davern Plan where the Plan recognized this bluff and its natural beauty as a component of an envisioned "Gateway to Saint Paul" when entering the City from Highway 5. Specifically, the Plan sought to "[i]mprove and maintain the appearance of City-owned land on the hill adjacent to West 7th Street north of Saint Paul Avenue (including McDonough Park), in particular to enhance the area and create a Gateway to Saint Paul." Trellis' proposition is to dig away a large portion of this specific area of Highland Bluff, remove more than 50 trees, install a 15-foot tall retaining wall that spans the entire length of the property, and

erect a skyscraper building in a residentially zoned area adjacent to this parkland. It is this commercial activity that is the exact type of development that the City Council sought to prevent in the Shepard Davern Area Plan. This development is in clear opposition to the City Plan as set forth in the Shepard Davern Area Plan. This is not the Gateway to Saint Paul that the City Council planned.

2. **Environmental Destruction.** The environmental impact of destroying a significant portion of Highland Bluff is substantial and inexcusable. The City's policy is to encourage environmental responsibility. The destruction of a natural bluff that can never be replaced is the opposite of environmental responsibility. Trellis proposes an absurd amount of grading, along with an enormous man-made retaining wall, and trenching to shore up the property. None of these uses is compatible with the conditions for variance. And none of this will prevent the erosion that is inevitable on the Highland Bluff. In addition to the visual importance of the Highland Bluff as identified in the Shepard Davern Area Plan, the bluff is home to abundant wildlife, hundreds of trees, and is the site for significant watershed. Trellis requests this committee to recommend a variance to allow destruction of the Highland Bluff. Trellis has not presented engineering, hydrology, erosion, forestry, or other studies regarding the environmental impact of this development. All of the proposed plan, from the grading, to the trenches, to the retaining wall, is man's effort to conform the environment to his man-made reckless adventure. Environmental destruction for the benefit of a few is a thing of the past. It is the City's duty to preserve the environment for all of the citizens of City. Otherwise, there is nothing stopping businesses from building a city into the bluffs all the way down West 7th Street, Shepard and the Mississippi River. Destruction of a natural bluff is contrary to the City's policy and the City Plan commitment to preserve the environment. We call upon the City leadership to hold true to its commitment, do the environmentally correct thing and protect the Highland Bluff as well as all of the bluffs along the Shepard Davern corridor.

3. **Contrary to Established Law.** The proposed development is inconsistent with the City's comprehensive plan; does not satisfy the criteria for site plan approval established by the City's zoning ordinance; and does not satisfy multiple statutory requirements necessary for granting of a zoning variance. Not only does the proposed development not qualify as a matter of law, Trellis cannot demonstrate the necessary standard for granting a variance or a zoning change.

- a. It is zoned for residential use. A skyscraper is not in harmony with the general purposes and intent of the zoning code, which limits the height and density for the building on the property.
- b. The property owner is not proposing a reasonable use of the property. The destruction of the bluff is in no way a reasonable use of the bluff, which is protected by statute and case law from being destroyed as contemplated by Trellis.
- c. Trellis purchased this property knowing that it is not zoned for what they want to use it for. Any zoning change or variance required is due to the plight the landowner created. They knew when they bought the property that an enormous amount of work would need to be done to even lay a foundation. They are creating this problem by their proposed change in the use of the property. This is the landowner's own problem.

- d. The need for the zoning change and variances is purely for the profit of Trellis. If they were limited to the height limitations for property zoned for residential use, the number of units that Trellis could build would deem the project unprofitable. This is the reality of the situation, even if Trellis wants to spin a different story. Bluntly stated, economic considerations are NOT justifications for granting the zoning change and variance.
- e. The variance will absolutely alter the essential character of the surrounding area. A skyscraper in the middle of a bluff surrounded by three-story buildings.

4. **Incompatible Use for Elderly Housing.** Not only is the proposed development in direct opposition to the goals of the Shepard Davern Plan and a destruction of the natural environment, but the contention that this location is appropriate for the type of housing proposed is also false. Trellis has incorrectly represented that this is a quality location for senior housing. This is simply not true. Imagine elderly individuals with mobility issues navigating the high traffic speeds on West 7th Street, lack of a connection to the Mississippi River and a lack of a pedestrian-friendly street environment.

Even with the destruction of the natural bluff, the property is the location of significant run-off during the spring/summer resulting in flooding and during the winter resulting in chronically icy conditions at the base of the bluff. The Highland Chateau actually receives significant runoff issues throughout the year. During the winter/spring this results in a significant amount of flooding and ice production throughout the property.

This concern is exacerbated by the lack of on-site parking and the distance of the property from the road where city transit can be accessed. Elderly residents will be required to traverse this long and icy walkway on a daily basis to reach any outside services or transportation. The property does not have street access for efficient resident, visitor, and/or emergency services. Parking for the structure and nature of the building is grossly insufficient. The proposed structure includes only seven parking spaces for 36 dwelling units. Although additional parking may not be required by ordinance, the proposed structure does not directly abut an actual road with roadside parking. Residents, visitors, and emergency services unsuccessful in their battle for access to the limited on-site parking will be required to park on street. On street parking in the area is already limited by the proximity of the structure to the dangerous intersection already mentioned, by the existing driveways at Highland Chateau, and the presence of existing multifamily residential structures (which are limited to three stories) located adjacent to Highland Chateau. Visitors and residents parking in the street would have to walk through the entire Highland Chateau complex to reach the development. Is this an appropriate senior living situation?

Further, the intersection adjacent to the proposed development is a dangerous intersection as identified by the 2015 Shepard Davern Plan. The Plan specifically notes that one of the most worrisome issues in the Shepard Davern Area is “high traffic speeds on West 7th Street, lack of a connection to the Mississippi River and a lack of a pedestrian-friendly street environment.” The Plan specifically identifies the intersection in front of the proposed development as a “Key Intersection for Safety Improvement” with 4 lanes of road to cross and insufficient pedestrian crossing time and frequent right turns on red. Elderly individuals with mobility issues will not be able to easily access resources along West 7th Street. It simply is not a pedestrian corridor.

Finally, the entire North side of the development will receive no significant sunlight. Residences on the North side of the development will face directly into the 15' tall retaining wall constructed after removing a portion of Highland Bluff. These units will have essentially no outside view and will receive no sunlight throughout the entire year. Is this the best that the City can do for its senior living? Especially when balanced against the environmental cost to the project. With the bluff on the back of the building, what light will this building receive? It is called "TreeTop." But they propose cutting down trees and leaving our trees on our bluff as the trees to which the residents will enjoy. Is this the City of Saint Paul's long term development plan?

5. **Inappropriate Use of Tax Dollars.** It is our understanding that Trellis is receiving supporting tax resources for this building. It is also our understanding that to build on this site, a tremendous amount of resources will be required simply to build retaining walls and mutilate the landscape. And this is going to be done with tax dollars. This is, quite simply, an absolute outrage. For the cost of the building site, the funds could be used on a more appropriate site to build significantly more or better housing for the individuals seeking its care.

Trellis is proposing to build a skyscraper into the natural environment and does not legally qualify for rezoning the property or the requested variance. To have commercial development built into the bluff along West 7th Street and Shepard Road? How about the Mississippi River? At the end of the day, Highland is a community of residents. There are many locations to build housing in compliance with the current zoning regulations, even along West 7th Street. We are not opposed to the development of the housing. It is simply inappropriate to destroy what is a natural part of the landscape with a skyscraper that has no business on that lot.

6. **Lack of Community Involvement.** It is our understanding that Trellis has made representations that they have worked with the neighbors and neighborhood in developing this project. Let us be clear - this is not true. We received one flyer related to an appearance at the Highland Council. We appeared at that meeting to express our opposition to what was presented, which was nothing more than a discussion of preliminary plans. At that meeting, concern was raised about water and run off concerns, including a person knowledgeable about the annual flooding of the Highland Chateau as a result of that run off. Without any further discussion regarding the environmental impact or any other considerations of neighbors who will need to live with this skyscraper in their residential back yard, this was presented for approval by the Highland Council. Trellis has boasted that the Highland Council approved this project with no opposition. In fact, had we known that this was going to be before the Highland Council, we would have presented adamant opposition, as we are now.

7. **Residential Property Reliance.** Before purchasing our property at 2108 Lower Saint Dennis Road, we researched the surrounding properties. The value attributable to our property is the bluff in our backyard and the City's resistance to allowing skyscrapers to be built along the Shepard Road/West 7th Street corridor. We reviewed the property and purchased our property knowing that McDonough Park was the dominate green space at the bottom of the hill. It is our understanding that that land has deed restrictions prohibiting commercial development. We were aware of the Shepard Davern Area Plan. The property purchased by Trellis for less than \$7,000 was zoned for residential property use, which would limit the height of the building. Our

assumption, which is entirely reasonable, was that no property would be built on that land at a height higher than the Highland Chateau. The proposed Trellis skyscraper will tower over all other multi-family housing in the area. Highland Chateau has height limitations. The Jewish Community Center has height restrictions. All of the apartment buildings down St. Paul Avenue have height restrictions. There is absolutely no reason to allow an exception for this property. Trellis is seeking the zoning change to maximize profits by building more units on a site that is inappropriate and will fundamentally change the residential nature of the neighboring homes.

Trellis is seeking a zoning change and variance from the laws in place to protect our natural resources. If established law is ignored and the request granted, Trellis will destroy the bluff and the natural environment. Destruction of the space is directly inapposite to the objectives of the City of Saint Paul to be environmentally responsible. As a developer, Trellis' objective is to maximize profit. It is the City of Saint Paul's responsibility to protect the City's natural environment and the citizens of the city. We are long-time residents of this City, and we have a vested interest in the responsible development of the West 7th and Shepard Road corridor.

Respectfully submitted,

Chad and Jolene Cutshall
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