

From: [S Mason](#)
To: [Rebecca Noecker](#)
Cc: [Spencer Miller-Johnson](#); [*CI-StPaul Contact-Council](#)
Subject: Public Comment in Opposition to Proposed EGAOD changes. Add a rear setback and step back to the EGAOD.
Date: Friday, July 19, 2024 1:06:09 PM
Attachments: [1- ANNOTATED Parritz public comment presentation.pdf](#)
[2-ANNOTATED Parritz public comment presentation.pdf](#)
[3-ANNOTATED Parritz public comment presentation.pdf](#)
[4-comments.pdf](#)
[5-Comments.pdf](#)

Rebecca,

Thank you for the reply and for laying over the changes to allow continued public comment. I will not mince my words. I am HUGELY disappointed in your amendments. They come across as nothing short of a gift to developers. You undid the angled setback and gutted the mitigations to be mere empty words, essentially meaningless. You described them to me in your email (directly quotes, but reformatted as bullet points and emphasis added)

- The amendments I proposed would:
 - adjust the setback requirement to begin at 40' on both the front and back of a mid-block property and
 - [adjust the setback requirement to begin at 40' on] the front, back and side street side of a corner property,
 - **cap the setback requirements at 10 feet, and**
 - eliminate a setback exception for the first 15' from the front and side streets for corner properties.

We the neighbors worked hard to find middle ground with the developers, but the developers have pushed back and undone ALL and ANY concessions that were given. We did not love the new rules — existing guidelines are better, frankly—but we had eked a few protections, chief among the angled setback. And you have undone it. Your so-called setback “cap” is a vertical setback by another name. I would like to remind you of the [Advisory Committee Guiding Principles](#), and specifically these four points (quoted below, taken from the staff report) which are not remotely addressed by your amendments to EGAOD (emphasis added):

- **Corner building heights** should be carefully managed
- New development and **taller buildings should be allowed at corners**
- **Taller buildings should be set back from the alley** to allow for parking in the rear and/or include setbacks to respond to the scale and height of adjacent neighborhood buildings
- If buildings **exceed three stories**, they **should include setbacks, reduced lot coverage, and other features to mitigate height relationship, shadows and other impacts to the surrounding neighborhood**

Taken together, your amendments will allow large scale developers to exceed the recommendations in every direction. They do not “right size” and will not encourage/allow smaller scale developments. They will encourage continued up-zoning to T3, T4 and the use of CUPs to build taller, fatter and super profitable (but unaffordable) luxury housing that will squeeze out the affordable rental and condo housing as well as local retail. As our example show, the developers will build toward the residences on the alley, rather than building up Grand Avenue itself. It's more profitable for them.

- Your changes do not ensure that New development **Corner building heights** be carefully managed—they are omitted from the already weak stepback and can be up to unlimited height in B2, RM2, T3 and T4
- Your changes do not ensure that New development and **taller buildings should be allowed at corners** — they will allow developers to build right up against residential neighbors.
- Your changes do not require that Taller buildings **be set back from the alley . In fact developer provided images show their intent to cram the height as close to sensitive residential neighbors and not build toward the Grand Avenue corridor.** *Your changes do not require that stepbacks to respond to the scale and height of adjacent neighborhood buildings, stepback that allow the ice to melt on the alleys, that keep shadows off the residential yards, decks and balconies, and stepbacks that ensure that noise sources can be isolated and screened, and are sufficient distance from neighbors.*
- Your changes do not require that when buildings exceed three stories, they include stepbacks, reduced lot coverage, and other features to mitigate height relationship, shadows and other impacts to the to the surrounding neighborhood. *A 40 foot height limit is three stories only if the floor-to-floor are over 13.3 feet. Is the developers' desire to have high rents from luxuriously high ceiling heights supreme over n neighbors right to sunlight and quiet enjoyment of their properties? Where is the balance? **Why can't we have both development and preserve the sunlight and quiet enjoyment for St Paul's tax paying and voting residents?***

How You can Fix This

The developers don't want stepbacks. They want to build to "underlying zoning " (with up to unlimited heights), ok fine, if that's what you want then let them **build big & tall ONLY AT GRAND**. That's our ask. **Add reasonable limitations specifically to protect the residential neighbors, and to direct building mass toward Grand.** These setbacks and stepbacks would be chiefly at the rear, but when required for housing, in some places at the sides.

We want two, just two, provisions:

- **Add a rear setback of 25 feet**
- **Add 45° angled stepback when adjoining residential or BC property** (matching T2 requirements 66.321 (e).—This would be affective at the rear, and on the interior side only when adjoining residential.

And then do whatever you want at Grand. Go ahead and get rid of everything else. As written the height and "capped" stepbacks are useless. With the spirit mutual benefit and good zoning, please protect the neighboring housing with these two small but very reasonable provisions.

Don't sacrifice whole neighborhoods for developer profits.

Kind Regards,
Sonja Mason

PS

I am including here an excerpt from my earlier public comments, in which we neighbors presented an *Alternative Standards for East Grand Overlay*. *Precisely ZERO* of these are respected

in the proposed amendment I was also very aware that it was NOT included in the public comments this week. Neighbor commentary somehow fell away, in favor of a more recent Pro-developer push.

The alternative was not mine alone, but a group effort, based on many discussions and hours of work with several neighbors. It should be acknowledged that many neighbors continue support the overlay in its current form, but rather than fighting against changes, these neighbors had been seeking a compromise solution. It was pro-developer factions (who by and large do not live anywhere near Grand) who would not compromise.

Please refer to the attached PDF, or review the same [slide show](#) online:

<https://bit.ly/EastGrandAlt>

The slide show provides some of the reasoning behind and includes visual examples. The alternative text is included in the slide show, but here it is in text form as well.

We propose to modify the three proposed provisions into four provisions (for clarity), and add a fifth.

Revisions to Provision #1 (expanded into #1 and #2):

Stepbacks. Structures must be no more than thirty (30) feet high along all minimum setback lines, with exception of corner elements; structures may exceed this thirty (30) foot height limit if stepped back from property lines a distance equal to the additional height.

Corner Elements. Corner elements on the street-facing side(s) of corner lots of up to twenty-five (25) percent of the building must be no more than forty-five (45) feet high along all minimum setback lines; corner elements may exceed this forty-five (45) foot height limit if stepped back from property lines a distance equal to the additional height.

Proposed Revised Language, provision #2 (now #3, and re-named "Setbacks"):

Setbacks (Established building line). The maximum front setback abutting Grand Avenue is ten (10) feet. On corner lots, the maximum side setback abutting the side streets within 50 feet of Grand is ten (10) feet and the minimum side setback within 50 feet of the alley is 10 feet, and can be up to twenty-five (25) feet to relate to the existing established building façade line. Up to forty (40) percent of the building façade on any lot may exceed this maximum setback to create outdoor seating and/or gathering areas. If an interior lot is on or abutting BC or residential zoning, it may have setbacks up to twenty-five (25) feet to relate to the existing established building façade line.

Proposed Revised Language, provision #3: (No text changes, just renumbered to #4)

Frontage elements. The base thirty (30) feet of building sides facing abutting public streets must include elements that relate to the human scale at grade. Elements include doors, windows, projections, awnings, canopies, porches, stoops, etc.

Proposed Additional Provision#5, Scale Transitions:

Scale Transitions. Structures shall be no more than fifteen (15) feet high along side and rear property lines abutting BC or residential zoning and along alleys; structures may exceed this fifteen (15) foot height limit if stepped back from side and rear property lines a distance equal to the additional height

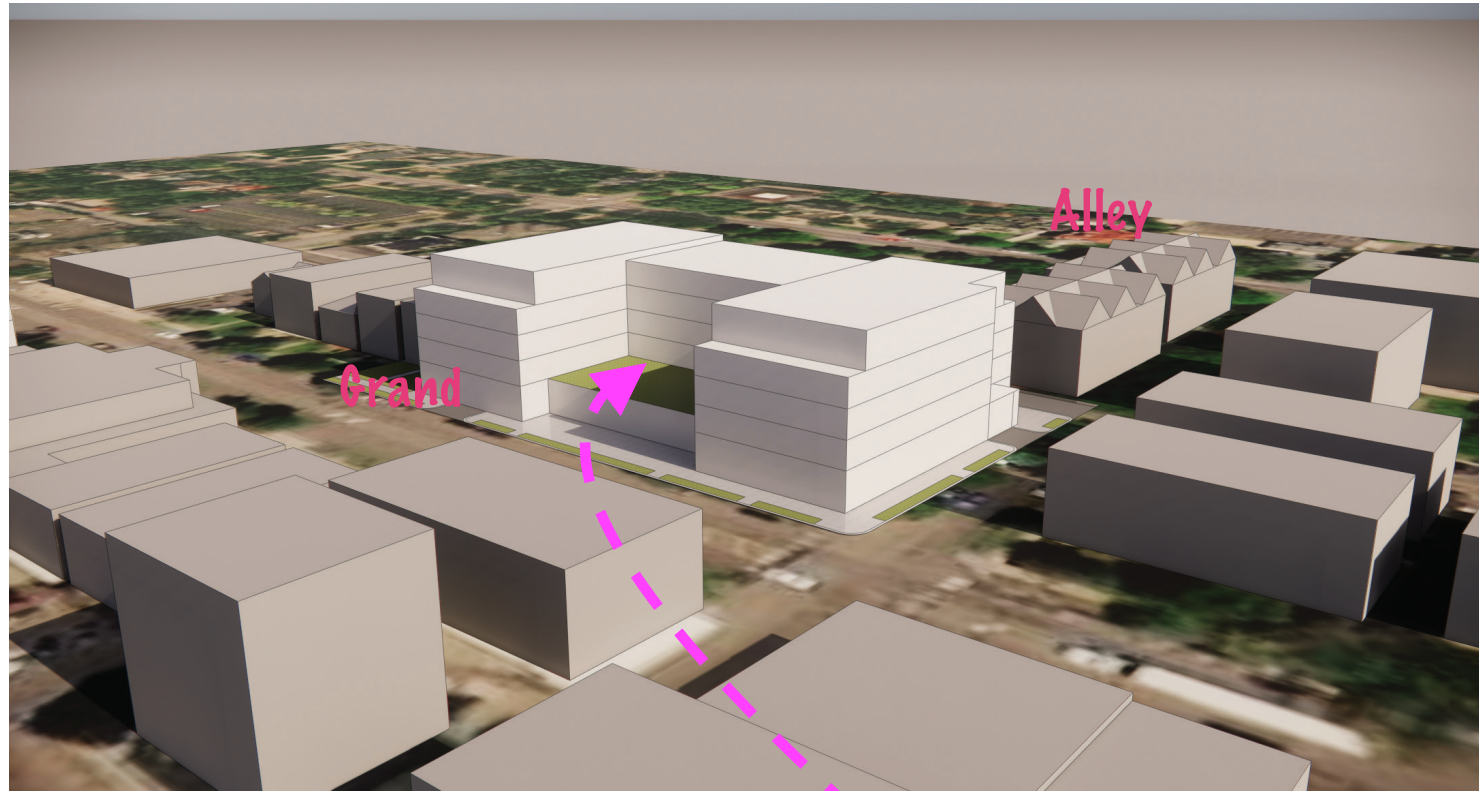
I will close with this quote:

“One of the most difficult challenges to planning more intense community development has been the protection of living conditions in adjacent neighborhoods, especially preserving the privacy, solar access, and character of adjacent residences. **Maintaining livability in nearby residential areas is critically important because the success of mixed-use centers is economically and physically dependent on the support of the adjacent neighborhoods.**” ([MRSC](#), emphasis added)

PPS

I am including annotated images of the Developer provided massing examples, as well as two images illustrating the shadows from 695 Grand.

ANNOTATIONS TO PUBLIC COMMENT IMAGES



695 Grand Ave: Massing as constructed

The green area in the center is buildable.



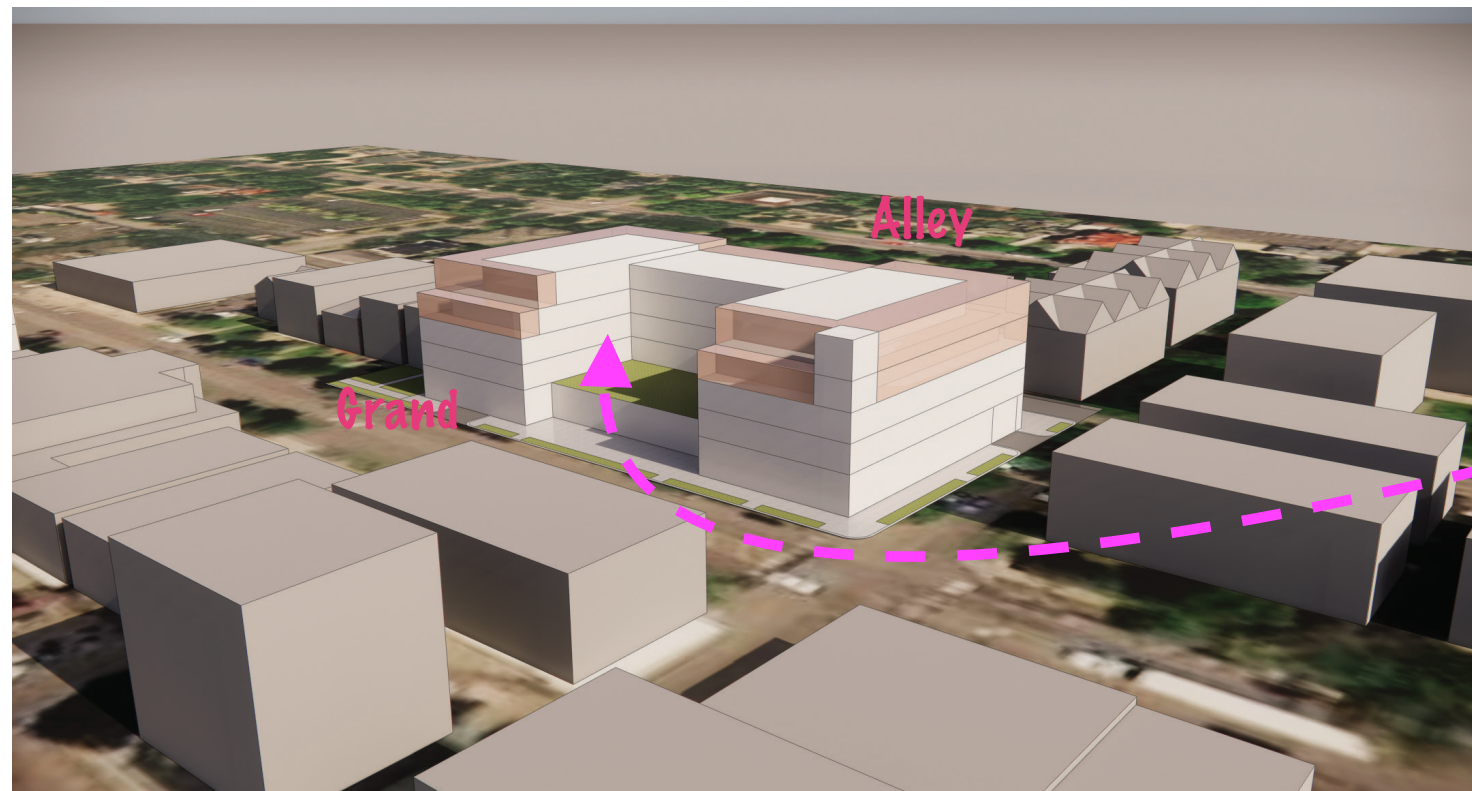
695 Grand Ave: Massing as restricted by proposed amendments

The green area in the center is buildable.

1 Why, in all of these, is there LESS bulk and building mass facing Grand?

And MORE bulk close the neighbors?

Why is there a giant area on Grand that could be built, but wasn't?



695 Grand Ave: Highlighted area of built project that would not be allowed under proposed restrictions

The green area in the center is buildable.

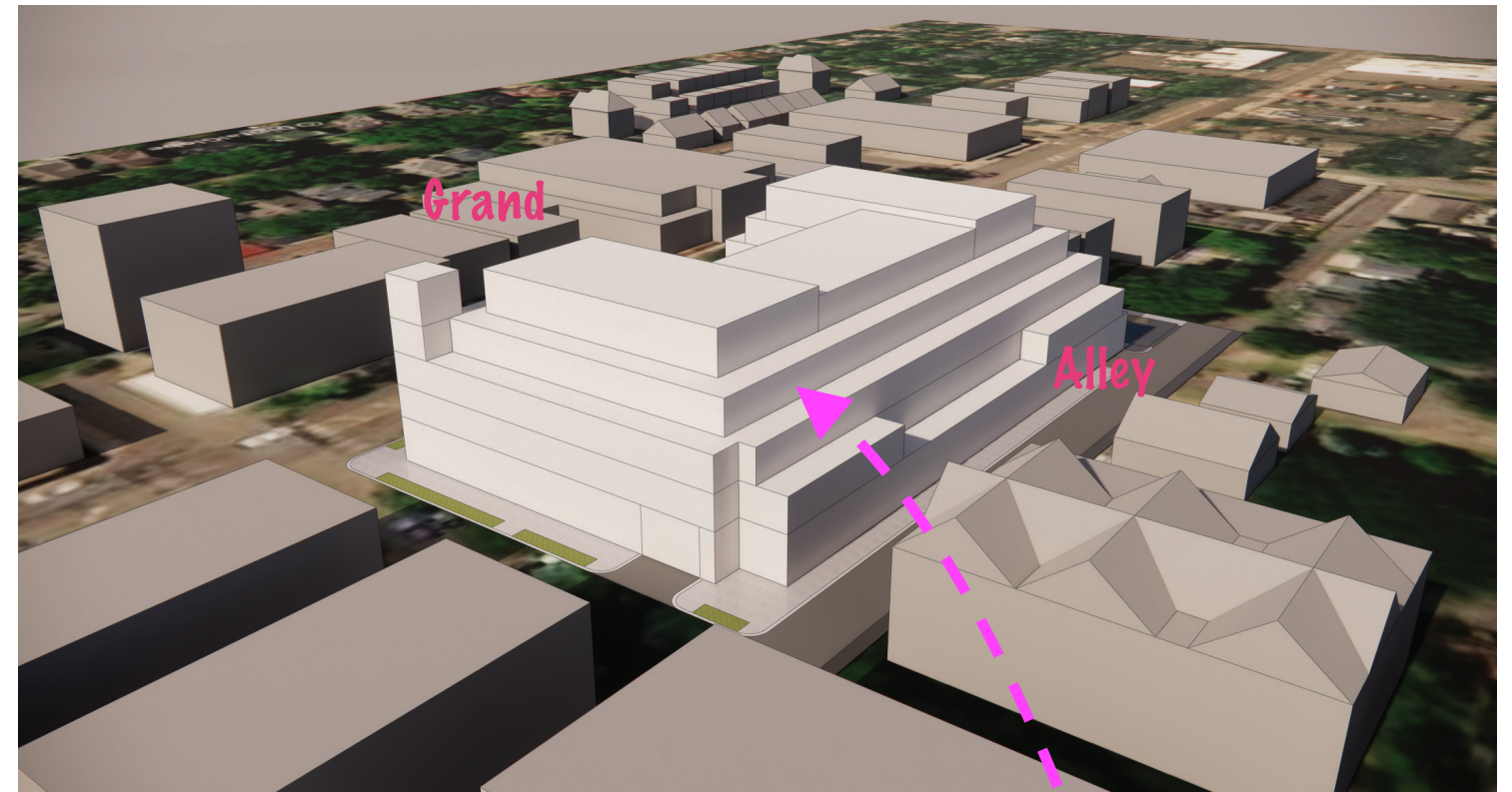
Why is it NOT built?

ANNOTATIONS TO PUBLIC COMMENT IMAGES



695 Grand Ave: Possible Massing

1



695 Grand: Massing as restricted by proposed amendments

2

Imagine this flipped. Why is there more height and more massing at the rear, toward the residential neighborhood?

3

Residential neighbors near 695 Grand have been negatively impacted by the tall walls that were constructed:

- * ice build up in the 6-month fully shadowed alley has impeded access & trash collection
- * a 90 dBA piece of equipment installed in the narrow strip of land along the alley runs 24-7 in the summer, limiting neighbors ability to use outdoor spaces and have open windows.
- * Litter (chiefly cigarette butts & dog poop) is a huge problem as the building has no outdoor space for employee smoking or dog relief.



695 Grand Ave: Highlighted area of built project that would not be allowed under proposed restrictions

4

This would be somewhat better.

Removing the highlighted areas would be an improvement for residential neighbors to the north. However, there is still too much building oriented toward low density.

Why is the building oriented away from Grand?

Since Grand needs development, then the building and its bulk, as well as its noise, deliveries and activity should all be oriented toward Grand

1

These "POSSIBLE MASSINGS" are better than what was built at 695 Grand. The lower images show better "transitions" to sensitive areas, to the housing & neighbors NOT on Grand



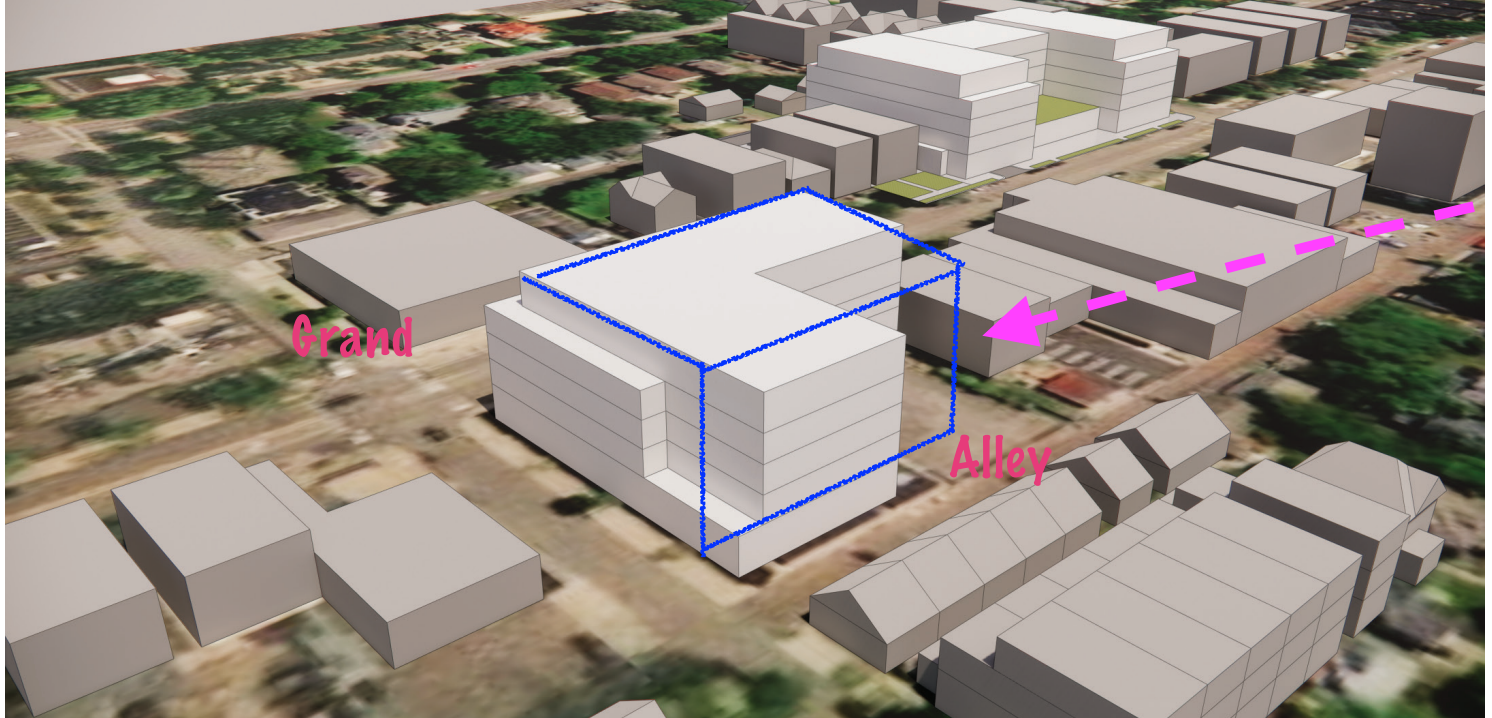
734 Grand Ave: Possible Massing



734 Grand: Massing as restricted by proposed amendments

2

But why does the Tall Height and Large Bulk need to come all the way back to the alley? Why not provide a buffer space to protect the residents on Lincoln from the noise, loss of privacy, etc.



734 Grand

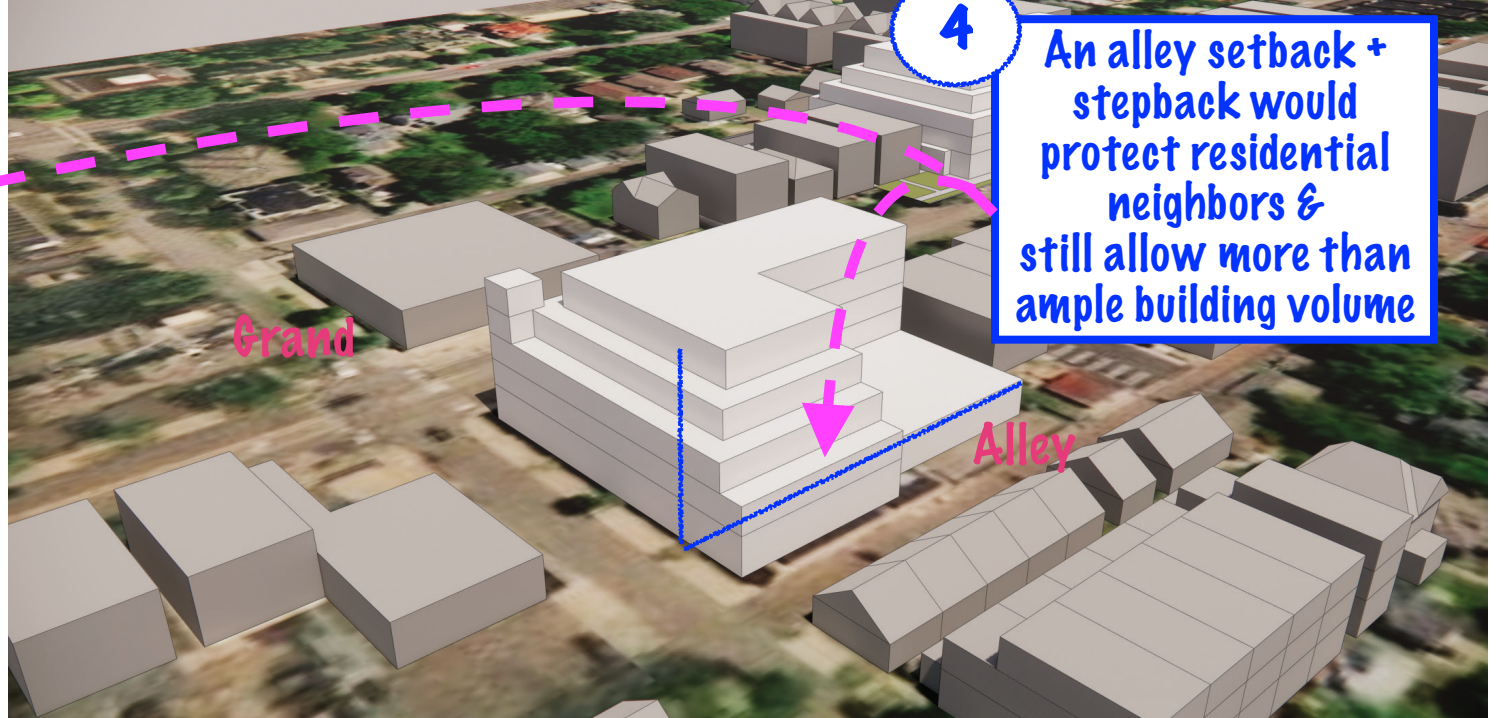
3

This is the Walgreens sight. They currently have a tall fence to protect the neighbors from noise etc. Parking comes from Grand. Deliveries happen from Grand & Grotto. The alley is a quiet buffer, This design puts all the noise, traffic and delivery pressure on the residential alley. There is no place for moving trucks and deliveries for the (presumed) 80+ luxury apartments. This layout would likely have noisy equipment installed right at the alley, close to neighbors. This design reduces privacy & provides no buffer.

The Overlay must provide protections for the neighbors on Lincoln, Summit, & side streets.

4

An alley setback + stepback would protect residential neighbors & still allow more than ample building volume



Here is an image of 695 Grand as built, with December Shadows.

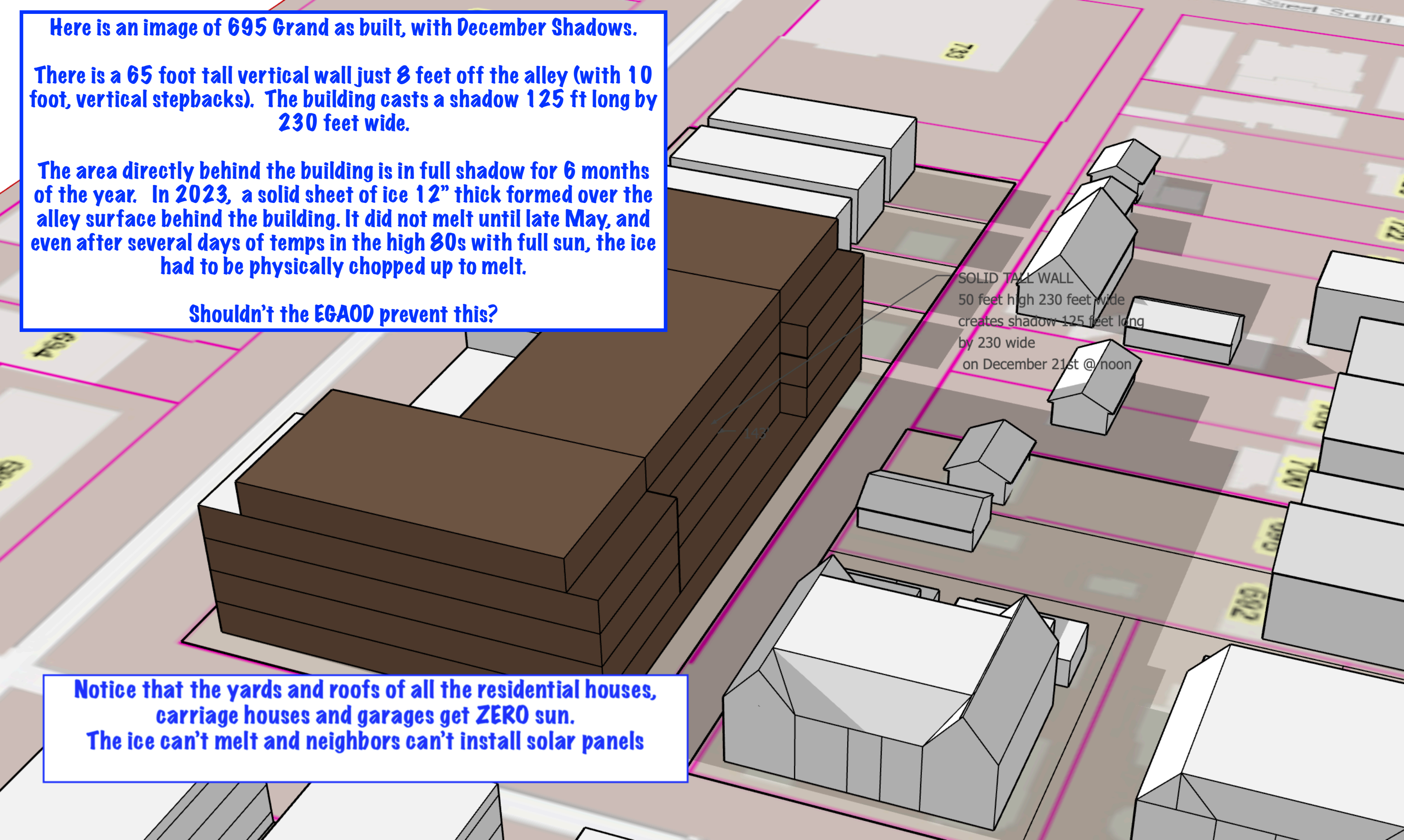
There is a 65 foot tall vertical wall just 8 feet off the alley (with 10 foot, vertical stepbacks). The building casts a shadow 125 ft long by 230 feet wide.

The area directly behind the building is in full shadow for 6 months of the year. In 2023, a solid sheet of ice 12" thick formed over the alley surface behind the building. It did not melt until late May, and even after several days of temps in the high 80s with full sun, the ice had to be physically chopped up to melt.

Shouldn't the EGAOD prevent this?

SOLID TALL WALL
50 feet high 230 feet wide
creates shadow 125 feet long
by 230 wide
on December 21st @ noon

Notice that the yards and roofs of all the residential houses, carriage houses and garages get ZERO sun.
The ice can't melt and neighbors can't install solar panels



Here is an image of 695 Grand flipped, with December Shadows.

This simple move puts the height and massing toward Grand, mitigating negative affects on the residential neighborhood.

Why doesn't the EGAOD require this?

Notice that the yards and roofs of all the residential houses, carriage houses and garages get ice-melting sun.
They can install solar panels

