

From: [Lori Brostrom](#)
To: [*CI-StPaul>Contact-Council](#)
Subject: Public Comment in Opposition to Proposed EGAOD Changes
Date: Monday, August 5, 2024 3:01:06 PM

To the St. Paul City Council:

I am writing to highlight my great disappointment with the amendments Councilmember Noecker has proposed to the East Grand Avenue Overlay District. Taken together, her 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.

Her proposed 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
- 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.
- 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.*
- 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 setback 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” setbacks 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.

Lori Brostrom
710 Summit Ave

From: [Sonja](#)
To: [Rebecca Noecker](#)
Cc: [Greg Weiner](#); [Spencer Miller-Johnson](#)
Subject: Re: Public Comment in Opposition to Proposed EGAOD changes. Add a rear setback and step back to the EGAOD.
Date: Monday, August 5, 2024 11:35:28 AM

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

Dear Rebecca,

I would like to address your final statement. The (Neighbor) setbacks are protected by underlining zoning. This is demonstrably untrue, as shown by the built structure at 695 Grand Ave. Developers, use the conditional use, and re-zoning process in order to circumvent the underlying zoning. They developers had vertical “buildable area” close to Grand that was not built, and they use the procedures in order to build as close as possible to the neighbors on all other sides besides Grand.

The images included by Reiter Walton in the public comment show that their intent is to continue to push balconies and vertical walls as close to neighbors as possible.

You are also aware that there have been significant changes to RM2, which used to have a required 25 foot step back that was reduced in the last few years to 9 feet (sides and rear) And 10 feet (front).

Rebecca, we are asking you to introduce a rear yard setback with an angled step back

Please consider the following photos. The first two are multifamily structures built at Selby in Saint Albans, with 20 to 30 foot setbacks from the alley (image 1) or the property line (image 2). Compare that to the image of 695 with the extremely high wall, just 8 feet from the alley. Please note the shadow from the building, which is a permanent shadow.

Here are several positive outcomes from introducing a rear setback

1. It provides space for moving trucks and deliveries that will not need to block the alley or the street
2. It provides space for offstreet parking, which is much less expensive than underground parking and helps create more affordable housing.
3. The building is held back from existing infrastructure, preventing the need to remove powerlines and other expensive & disruptive infrastructure changes.
4. It creates a buffer, preserving privacy and lessening noise impacts from higher intensity, corridors on lower intensity, residential neighborhoods. Notice how the balconies in the third image extend to the property line.
5. Solar access— Pushing tall rear walls, farther from the property line, largely keeps shadows on the high intensity, property, meaning Allys get sunshine that melts snow and neighbors get sunshine for solar panels, gardens, trees, and winter sunlight—preventing seasonal affected disorder.







I would also suggest that after including the rear stepbacks and setbacks in the E. Grand Ave. overlay, you introduce a “good neighbors” provision to protect all residential zoning adjacent to all higher intensity zoning/ mixed used corridors. The neighbors on Dayton and Ottawa, Sherburne and Saratoga, Danforth and Hawthorne Ave East all deserve to have a buffers from high intensity development along mixed use corridors.

Sincerely, Sonja

On Mon, Aug 5, 2024 at 8:36 AM Rebecca Noecker <Rebecca.Noecker@ci.stpaul.mn.us> wrote:

Dear Sonja,

Thank you for writing and I’m sorry for the delayed response while I was out of the office. I’m cc’ing Greg to make sure that your comments are added to the public record for this week’s hearing.

I understand that you disagree with my proposed changes and I’m grateful that you’re willing to take time to share your perspective with me.

My changes originated in testimony we received during the public hearing process about how the amended overlay would work in practice. I found the following points especially compelling:

1. The amendments as they originally came to us would prohibit several of the most architecturally distinct, historic and characteristic existing buildings along Grand.
2. 30 feet is not three stories. The average floor height is closer to 11'-12' rather than 10', especially for buildings along retail corridors where the first floor is often significantly higher in order to allow the taller ceilings, windows, etc that are attractive to retail operators. Given this, stepbacks that begin at 30 feet would actually apply to any building over two stories, which seems excessively restrictive.
3. The more complicated the restrictions the more expensive the project becomes. The angled stepbacks are actually tiered stepbacks and would make construction more costly and difficult – especially for the small-scale developers most likely to build the kind of well-designed, context-sensitive buildings that you and I support.

Finally, to clarify, my amendments did not change the language on setbacks that came to us from the Planning Commission. As you know, residences abutting Grand Ave are protected by the setback requirements in underlying zoning. It is unclear to me why neighbors along Grand would need more protection than is granted to residents along other commercial corridors. If the underlying zoning is not sufficient to protect neighbors from commercial development, we should look at that citywide and not just along Grand.

I am grateful for the work that you and others have put into this process,. It's my role to take a comprehensive look at the final product coming to us at the Council, listen to testimony and make decisions as to whether changes are warranted. Please know that I do so with great respect for the work that's gone before, as well as awareness of my own role in this process. Thank you again for writing to me.

Best,

Rebecca

Rebecca Noecker | Saint Paul City Councilmember, Ward 2

[15 West Kellogg Blvd – Suite 310B | Saint Paul, MN 55102](#)

651.266.8622 | rebecca.noecker@ci.stpaul.mn.us

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From: S Mason <sonjalmason@gmail.com>
Sent: Friday, July 19, 2024 1:00 PM
To: Rebecca Noecker <Rebecca.Noecker@ci.stpaul.mn.us>
Cc: Spencer Miller-Johnson <Spencer.Miller-Johnson@ci.stpaul.mn.us>; *CI-StPaul_Contact-Council <Contact-Council@ci.stpaul.mn.us>
Subject: Public Comment in Opposition to Proposed EGAOD changes. Add a rear setback and step back to the EGAOD.

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

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 stepbacks to respond to the scale and height of adjacent neighborhood buildings
- If buildings **exceed three stories**, they **should include stepbacks, 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.

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And then do whatever you want at Grand. Go ahead and get rid of everything else. As written the height and "capped" setbacks 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.

From: [Bethany Gladhill](#)
To: [Rebecca Noecker](#)
Cc: [Spencer Miller-Johnson](#); [*CI-StPaul Contact-Council](#)
Subject: EGAOD public commentary
Date: Monday, August 5, 2024 3:43:58 PM

Councilmember Noecker,

Thank you for laying over the EGAOD vote in order to gain more public commentary.

Laying any design points aside, I'm focusing on the intent of the EGAOD as a whole. These kinds of districts are established for planning and development purposes. Within the districts, another key point is to help standardize variance requests, presumably to protect the city (as well as elected officials and staff members) from assertions that exceptions granted were arbitrary or capricious, and insulating them from potential litigation.

In order to do so, though, the districts need to conform to basic land use tenets. Specifically, Minn. Stat. 462.357 prohibits the city from allowing variances not permitted under the zoning district ordinance. The counter to this, then, is that districts need to generally adhere to the state standards (same statute as above), particularly the legal standard of "practical difficulties." These factors define variance-inducing elements from the underlying zoning, and there are three main factors:

Factor 1 is "Reasonableness," that the property owner plans to use the property in a reasonable manner. Please note that Statute 462.357 specifically notes that economic considerations alone cannot cause practical difficulties. Just because a property cannot make as much money as it would like to without the variance is not a legal or compelling reason.

Factor 2 is "Uniqueness" — not the uniqueness of the development's design, but that the landowner's plight is due to circumstances unique to the particular property that cannot be resolved without the variance (rather than the personal characteristics or preferences of the landowner). In a 170-year-old city, this factor is almost never legitimately at play, as the property was almost always used as something else before the proposed development.

Factor 3 is the "Essential Character" of the property (out of scale, place, use, or otherwise inconsistent with the surrounding area). It is these factors that the original EGAOD took into strong consideration, and what the compromises hard-fought for in community meetings referred to.

Other considerations include harmony with other land use controls, and community opinion, both of which relate most strongly to point 3.

The good news is that but laying the matter over, the Council has had time to collect and absorb this community feedback. I strongly urge you to, if you change the EGAOD at all, to work with the compromise position negotiated with the neighbors and the Task Force. To ignore this work not only disrespects the community input, but I am afraid puts the city in legal jeopardy and risks the future of the Grand Avenue corridor.

Thank you for your time.

Bethany Gladhill
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From: [Bridget Allan Ales](#)
To: [CouncilHearing \(CI-StPaul\)](#)
Cc: [Rebecca Noecker](#); [Spencer Miller-Johnson](#)
Subject: No to the New EGAOD Amendments, Yes to Angled Stepbacks at the Rear. Yes to Tall Wedding Cake Skylines
Date: Tuesday, August 6, 2024 6:44:13 AM

Dear City Council,

Thanks for laying over the EGAOD revisions.

As Grand Avenue Evolves - **ALLOW THE Big & Tall Development face and hug GRAND AVENUE.** Move the Mass of the Building to Grand Avenue. Provide Sunlight and Air Relief to surrounding and rear Dwelling Units. An example is the Oxford Hill Development at 1060 Grand Avenue.

The mechanism for this is the 45^o Angled STEPBACKS originally proposed.

As a member of the East Grand Avenue Overlay Task force, reasonable limitations to respect the residential neighbors' investments (mortgage and rent payments) met the Spirit of compromise PLUS allow more Housing/Business Development on Grand Avenue.

TWO PROVISIONS:

- Add a rear setback of 25 feet
- Add 45^o angled stepback when adjoining residential or BC property (matching T2 requirements 66.321 (e).—This would affect the rear, and the interior side only when adjoining residential.

Regards,

Bridget Allan Ales
(651)338-4007
St. Paul, MN
bridgetales2@gmail.com