

ZF # 17-060-690 Listening House appeal to Planning Commission

The following pages have been distributed to the Planning Commission previously in several stages. They are being provided here all in one packet.

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city of saint paul
planning commission resolution
file number
date

WHEREAS, Rene & Kim Lerma, in File # 17-060-690, have appealed a Zoning Administrator similar use determination for Listening House to provide services at First Lutheran Church under the provisions of §61.106; §61.202; and §61.701(b-c) of the Saint Paul Legislative Code, on property located at 464 Maria Ave., Parcel Identification Number (PIN) 322922130011, legally described as Block 2 Lyman Dayton Addition, and northeasterly 1/2 of vacated Maria Ave accruing; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 3, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. On July 13, 2017, Rene & Kim Lerna filed an appeal of the zoning administrator decision to conditionally permit Listening House as an accessory use at First Lutheran Church, as detailed in a March 20, 2017 Statement of Clarification from DSI. The Listening House use occurs at 464 Maria Ave. in the sanctuary building of the First Lutheran Church campus.
2. In the March 20, 2017 Statement of Clarification, the proposed Listening House use of the site "to provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professionals, and maintaining a food shelf" was evaluated under the four required findings for a similar use determination in §61.106. The use was approved subject to the following conditions:
 1. The nonprofit tenant is limited to uses that are low profile, generate limited traffic, are compatible with the church's presence in the community, and have the potential to complement the activities of the church.
 2. Tenants shall meet the standards and conditions for "home occupation" as listed in Section 65.141 b, c, g and h of the Zoning Code, except that the use is accessory to a church rather than a dwelling unit (and therefore the person conducting the activity need not live on the premises), and that some limited classes may be offered.
 - (b) A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair.

moved by _____
seconded by _____
in favor _____
against _____

- (c) A home occupation shall be carried on whole within the main building. No occupation shall be allowed in detached accessory structures or garages.
 - (g) There shall be no exterior storage of equipment, supplies, or overweight commercial vehicles, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except one business car, pickup truck or small van, nor any additional vehicles except those for permitted employees associated with the home business.
 - (h) There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance resulting from the home occupation.
3. The church shall work with Listening House to prevent scheduling of multiple events that, taken together, would generate considerable traffic and congest neighborhood streets.
3. In 2004, the Planning Commission approved a similar use determination for St. Mary's Episcopal Church at 1895 Laurel Ave. (ZF #04-175-573), which was referred to in the March 20, 2017 Statement of Clarification. The 2004 approval found that leasing space to civic, educational, social, cultural, service, healing arts, performing arts, and studio arts organizations is similar to other accessory church uses, subject to five (5) conditions, including that the tenants meet the standards and conditions for a "home occupation" (except that it's for a church rather than a dwelling unit), and that some limited classes may be offered with no more than 10 persons. Accessory uses noted during a 2008 inspection include a yoga studio, a home health care office, a non-profit travel organization, a massage therapist, a psychologist, a piano teacher, and a counselor.
4. §61.106 states: When a specific use is not listed in the zoning code, ... the planning commission shall determine if a use is or is not similar to other uses permitted in each district. The ... planning commission shall make the following findings in determining one use is similar to another:
- (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* This finding is not met. It has become apparent since the use has become established that it does not operate like the accessory uses permitted via Planning Commission action in ZF #04-175-573, nor like any other uses permitted in the RT1 zoning district. The use has not operated like a home occupation because of its detrimental effect on the neighborhood, with an increase in issues such as littering, public urination, and sleeping in outdoor public and private spaces causing such detriment, including during hours when the facility is closed. The use has not been compatible with the church's presence in the community. With no homeless shelter nearby, and the use's hours limited to 9:00 AM to 5:00 PM Monday through Friday, there is no reliable means to control the problem activities during other hours. Some problem activities have been exacerbated by the proximity to Swede Hollow Park.
 - (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding is met. The property is on a corner lot and has two parking lots available for church and for Listening House staff/customers. The parking lots consist of one with 49 parking spaces of which Listening House will be using 11 parking spaces, and one with 24 parking spaces. The Church primarily uses the parking lot on Sundays with occasional evenings or special events. The lease limits Listening House to Monday through Friday, 9:00 AM to 5:00 PM. The traffic generated is similar to that of a church

with the same programs

- (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is met. The use has been classified as an accessory use, which is permitted in all zoning districts.
- (d) *That the use is consistent with the comprehensive plan.* This finding is not met. The Comprehensive Plan in Housing Strategy H-3.4 calls for supportive housing for homeless, and generally commits the City to work to end homelessness (such as through programs like Listening House). Though the use is consistent with the Comprehensive Plan's general direction to provide support services to homeless, it is not consistent with the Plan's Land Use policies. The Comprehensive Plan designates the site as part of a Mixed Use Corridor centered on E. 7th Street and, in Strategy LU-1.48, calls for compatible mixed uses in such areas whether within buildings or on adjacent properties. As noted in Finding 4(a) above, the use has proven to not be compatible with adjacent properties, and therefore is not consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal of Rene & Kim Lerma of a Zoning Administrator similar use determination for Listening House to provide services at First Lutheran Church at 464 Maria Ave. is hereby granted, thereby reversing the Zoning Administrator's decision to permit the proposed services.

Dermody, Bill (CI-StPaul)

From: Dermody, Bill (CI-StPaul)
Sent: Wednesday, October 4, 2017 5:02 PM
To: Englund, Cherie (CI-StPaul)
Cc: Torstenson, Allan (CI-StPaul); Drummond, Donna (CI-StPaul)
(donna.drummond@ci.stpaul.mn.us)
Subject: Listening House
Attachments: Resident conditions and LH responses - nh summary a.pdf

Cherie,

Please provide the attached document to the Planning Commission. It is a summary created by Nancy Homans of the issues and responses related to Listening House. I should note that the appellants disagree with some of the characterizations herein, so they created their own document that was provided previously as an attachment to Peter Warner's memo. So, I would characterize this document as Nancy's best effort to summarize.



Bill Dermody
City Planner
Planning & Economic Development
25 W. 4th St., 14th Floor; Saint Paul, MN 55102
651-266-6617 Bill.Dermody@ci.stpaul.mn.us

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Swede Hollow Residents' Proposed Condition Presented 9/12/17	Listening House Response 9/13/17	Neighbor Priority Order As of 9/25	Neighbors 9/25/17	Listening House Response 9/26/17	Current Positions 9/27/2017
1. LH to transport their clients from the current location at First Lutheran Church/LH to downtown shelters or other nearby shelters at least three times daily.	Listening House has not formally considered the possibility of offering this service, but has a number of concerns: Many Listening House guests live in the Greater East Side area where transporting to a shelter would put them farther away from their homes. An estimated 20 guests live in the immediate neighborhood and walk home for lunch, sometimes returning after lunch. A bus circulating to downtown shelters at lunch time or the middle of the afternoon would likely draw more people to Listening House from the downtown area. Listening House has, however, committed to ensuring that its guests have left the area surrounding the church at the end of the day. We also recognize that many people in the community use the plaza area, and not all of them are Listening House guests.	5	At the end of each business day LH will provide transportation to downtown or nearby shelters and otherwise ensure that its visitors have left the area. In addition, LH will keep its facility open to visitors during the lunch hour on days that it is open for afternoon hours.	Listening House will encourage guests to leave after LH closes and will provide bus fares to guests who need it. LH will seriously consider the possibility of staying open during lunch.	Listening House will ensure that guests have left the area after LH closes and will continue to provide bus fares to guests who need it (currently \$700/month). Listening House has begun planning the operational changes necessary to stay open during lunch. Neighbors remain committed to the importance of LH providing their own bus service and are concerned that a commitment to plan for revised hours does not constitute an agreement.
2. LH will no longer be a "Low Barrier" establishment. All LH clients will have to be screened for criminal records to be able to use the LH facility. Clients convicted of any sexual crime or felony will not be allowed to use LH facility or to be allowed on church grounds. Any such person trying to enter these areas must be escorted from the area with police assist if required.	The City Attorney has advised that a condition that all guests be screened would be unconstitutional. Listening House has, however, committed that the police will be called if a guest behaves in a way that is threatening to themselves, other guests/staff/volunteers or neighbors and, if the behavior cannot be resolved, the guest will be barred from Listening House. First Lutheran Church does not screen people who come to worship or other functions of the congregation. They do, however, call the police or enlist the help of a social worker if there is an	1	LH will adopt the same screening procedures/criteria utilized by Catholic Charities and the Union Gospel Mission for users of their respective services/facilities.	LH is open to all who visit unless we previously established they couldn't enter. To our knowledge this is the same policy that Catholic Charities applies.	Listening House does not agree to screening all its guests for a number of reasons. It requires that guests have ID cards which many do not. One of the services LH provides is helping guests obtain IDs, which are a prerequisite for shelter. It is inconsistent with LH's mission of welcoming all to conduct an intake process which would be frightening to some of their most fragile guests. It is in relationship with those fragile guests that we eventually build trust and get them connected to needed services.

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	altercation or unacceptable behavior during any of their programs.				The conversation on 9/26 revolved around alternative ways of screening for Level 3 sex offenders. LH has reviewed the current list of Level 3 sex offenders in Ramsey County and indicates that none are or have been listening House guests. Listening House staff is willing to work with Ramsey County Corrections to develop an appropriate protocol for restricting people under their supervision from Listening House. Neighbors maintain that a commitment to future action does not constitute an agreement. They remain committed to their 9/25 position.
3. LH will no longer operate as a "Wet House". Anyone who is intoxicated, consuming alcohol, using drugs or high from drug use is not to be allowed inside Listening House, on church grounds or anyplace within the neighborhood. Police to be called to remove individuals who exhibit this behavior (to include assault).	Listening House is not nor has ever been a "wet house" and does not allow the consumption of alcohol or drug use on the property. Violation is grounds for a guest being barred. If a guest's intoxication level is threatening to other guests/staff/volunteers or neighbors, the police will be called to offer the guest the opportunity to go to the County's "detox" facility. As a harm reduction facility, our preference is to provide care, safety and security for the person, the guests of Listening House and those in the neighborhood by assisting them to a state where they present less harm to themselves and others before being sent back into the community.	4	LH will not accept visitors who are intoxicated or impaired by drug use, and will not allow the consumption of alcohol or controlled substances on site. LH will call police when a person is intoxicated or impaired by drug use to transport the individual to detox or to remove the individual from the facility and surrounding area. LH will call police and file reports on violent or illegal offenses (i.e. assault, fighting, indecent exposure, other dangerous acts).	LH does not and will not allow the consumption of alcohol or controlled substances on site. ("On-site" means the LH premises or on FL grounds, including the FL courtyard, parking lot, and adjacent sidewalks.) LH will call emergency services when a guest is engaged in behavior that is harmful to self or others. LH regularly calls the police and files police reports when deemed necessary. Notice of trespass is provided to police. LH attends community policing meetings.	In addition to the commitments in their 9/26 response, Listening House will continue to walk the surrounding area at key times during the day to see if we can locate people who may be in distress and intervene as necessary. Listening House will give notice on a shared Google site of serious incidents that have caused guests to be trespassed from Listening House. Neighbors continue to believe that LH should not accept guests who are intoxicated or impaired by drug use.

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	First Lutheran Church, as host of weddings, picnics and other gatherings, is not an "alcohol free" environment. They do call the police or enlist a social worker if inappropriate behavior is not contained.		committed on-site or in the immediate vicinity. LH will notify community members of persons reported, arrested, or restricted from the premises that represent a threat of risk. LH will advise the police department of any person it has restricted from the premises and maintain a written record of trespassers persons. FL will post and enforce restrictions on after hours use of the plaza and church grounds.		
4. No outdoor patio will be built outside LH or anywhere on church's grounds.	Listening House agrees to this condition. First Lutheran Church, however, as owner of the property reserves the right to improve its campus, subject to obtaining required site plan approval and/or building permits.	6	First Lutheran will not build or create outdoor recreation/patio areas during LH's tenancy.	For FL to respond. LH expresses concern about the inability of our guests to access shade anywhere on the property.	Listening House will not build—or cause to be built—a patio outside Listening House or anywhere on church grounds.
5. No loitering outside of Listening House doors	We will continue to encourage guests to stay off the North Street side of the church. As we changed our primary entrance from the North Street side to accommodate your prior request, there will often be people outside the Listening House main door and on the plaza. We will frequently monitor for unlawful behavior. It is assumed that all recognize that the plaza is used by Metro State students, Eastside Elder guests, Young Artist Initiative youth and parents, Urban Roots youth and parents, Santo Nino parishioners, First Lutheran members and		<i>While loitering was not specifically mentioned in the 9/25 document, these items related to loitering were</i> FL will post and enforce restrictions on after hours use of the plaza and church grounds. At the end of the business day LH will provide transportation to downtown or nearby shelters and otherwise ensure that its visitors have left the area.	Listening House will encourage guests to leave after LH closes and will provide bus fare to guests who need it. LH will seriously consider the possibility of staying open during lunch.	First Lutheran Church will post a sign restricting after hours use of the plaza/church grounds. They would like to discuss the precise wording of the sign so as not to conflict with wedding receptions and other events that may extend into the evening. Other issues addressed under #1.

Swede Hollow Residents' Proposed Condition Presented 9/12/17	Listening House Response 9/13/17	Neighbor Priority Order As of 9/25	Neighbors 9/25/17	Listening House Response 9/26/17	Current Positions 9/27/2017
	neighbors. Listening House will review overnight camera footage each morning and address any behavior that violates its rules. First Lutheran Church will post a sign restricting after hours use of the plaza/church grounds. They would like to discuss the precise wording of the sign so as not to conflict with wedding receptions and other events that may extend into the evening. The sign will enable Saint Paul police to enforce no trespassing ordinances against those who may be on the premises during those hours.		LH will keep its facility open to visitors during the lunch hour on days it is open for afternoon hours.	LH will continue to monitor the area and ask guests to leave when we are closed.	
6. LH will not extend its shelter into the evening nor offer night shelter services	Listening House agrees to this condition, assuming they would have the option, in dangerous weather, to allow guests to remain inside until the danger is past. First Lutheran reserves the right to extend the hours of its evening Wellness Center.	6	LH will not expand into evening or overnight services or its on-site facilities.	Agreed. LH will not expand into evening or overnight services.	Agreed.
7. LH to provide onsite security from 7 a.m. to midnight	While recognizing that the guests of Listening House and First Lutheran Church are not responsible for all the criminal or concerning activity in the neighborhood, and that the City of Saint Paul provides community emergency response systems for that very purpose, Listening House and First Lutheran Church have agreed to an ongoing discussion with neighbors and community partners about a unified neighborhood security plan. This is an issue	3	LH will maintain a safe environment for its visitors and the surrounding community by providing on-site security and adopting other safety measures. LH will provide qualified security/response staff on-site from the hours of 7:00am to 12:00 a.m. (midnight). Staff will be responsible	LH will address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors onsite during our hours we are open to guests. We will also continue to attend community policing meetings. We are hopeful at some point in the future to work with the neighbors on a unified neighborhood safety plan.	Listening House committed to explore how they might be able to provide after-hours intervention in the area surrounding the church from 7 a.m to midnight, Monday through Friday, with a progress report in 30 days. They will review the details recorded in the neighborhood log to assess any patterns of behavior (times, places,

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	requiring a lot of thought and any action needs to consider both the needs of the neighbors and the mission of Listening House. The initial discussion on September 12, 2017 raised both possibilities and additional questions with respect to the "watch area" boundary, the hours of operation, the qualifications of additional staff, the advisability of having someone located in Listening House that might be seen as a signal that it is open for extended hours, how to partner with existing City resources dedicated to this effort, etc.		to address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors on-site and in the nearby vicinity.		behaviors) that would help them design a program. Listening House further agrees to review their own camera footage and the on-line log on a daily basis and assist the neighbors with addressing issues or areas of concern. Neighbors maintain that a commitment of future action does not constitute an agreement.
8. LH to police the woods in Swede Hollow Park (upper and lower) for encampments every evening and to ensure the removal of said encampments and all the trash left behind.	The City of Saint Paul has instituted an advanced enforcement of its "no camping" ordinance in Swede Hollow.				All agree that this is the City of Saint Paul's responsibility.
9. LH needs to implement a policy and procedures training guideline. LH needs to educate their clients on what they cannot do in our neighborhood.	Listening House will develop, post and discuss with its guests a "Good Neighbor Policy," addressing the issues of concern raised by neighbors.	2	LH and FL will be responsible to prevent, mitigate, and manage nuisance behavior by Listening House visitors, as defined by the Saint Paul Zoning Code Sec 60.215. Sec. 60.215. <i>Nuisance.</i> A substantial unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find	LH and FL agree to abide by the Zoning Code Sec. 60.215. LH has and will continue to develop guest policies for which a guest is trespassing or barred from LH. We take reasonable steps to ensure our guests abide by our policies and enforce them via bars or trespassing. LH will develop with guests and post a "good neighbor policy."	Listening House confirms its commitments in its 9/26 response. Related neighborhood concerns are addressed in responses above.

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			annoying, unpleasant, obnoxious or offensive. LH will develop and post employee and visitor policies, procedures, and implementation plans which outline specific direction for ongoing compliance to rules with enforceable penalties and sanctions		

September 28, 2017

To: Zoning Committee Members

From: Peter W. Warner, Assistant City Attorney

RE: Listening House: PED Zoning File 17-060-690

The initial issue before you is the appeal from a “similar use” decision by the Zoning Administrator that the Listening House operations are “similar to other accessory church based uses.” I advise that this issue be resolved first.

The following zoning code sections may be useful for your deliberations.

I. The ordinance provision under which the Zoning Administrator acted:

Sec. 61.106. - Similar use determination.

When a specific use is not listed in the zoning code, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated herein. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If the zoning administrator finds that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code, any person proposing such use may file an application for the planning commission to determine if a use is or is not similar to other uses permitted in each district. The zoning administrator or planning commission shall make the following findings in determining one (1) use is similar to another:

- (a) That the use is similar in character to one (1) or more of the principal uses permitted.
- (b) That the traffic generated by such use is similar to one (1) or more of the principal uses permitted.
- (c) That the use is not first permitted in a less restrictive zoning district.
- (d) That the use is consistent with the comprehensive plan.

II. The Code's “accessory use” definition applicable here:

- **Sec. 65.910. - Accessory use or accessory.**

A building, structure or use which is clearly incidental to, customarily found in connection with, and . . . [inapplicable parking lot regulations] . . . located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

- (h) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex; greenhouses accessory and incidental to a florist; and auto rental accessory and incidental to a hotel or railroad passenger station.

III. The Code's Home Occupation definition with respect to condition No. 2: "tenants shall meet the standards and conditions for 'home occupation' as listed in Section 65.141 b, c, g, and h except that the use is accessory to a church rather than a dwelling unit [to wit: the person conducting the activity need not live on the premises] and that some limited classes may be offered."

- **Sec. 65.141. - Home occupation.**

An occupation carried on in a dwelling unit by a resident thereof, provided that the use is limited in extent, incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Standards and conditions:

- (a) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit. Such home occupations shall involve only limited retailing, by appointment only, associated with fine arts, crafts or personal services as allowed in the B1 local business district.
- (b) A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property, and shall not involve retailing except as noted in paragraph (a).
- (c) A home occupation shall be carried on wholly within the main building. No home occupation shall be allowed in detached accessory buildings or garages.
- (d) All home occupation activities in dwelling units of less than four thousand (4,000) square feet of total living area, excluding a cellar and attic, shall be conducted by no more than two (2) persons, for one (1) of whom the dwelling unit shall be the principal residence. All home occupation activities in dwelling units of four thousand (4,000) or more square feet of total living area, excluding a cellar and attic, shall be conducted by no more than three (3) persons, for one (1) of whom the dwelling unit shall be the principal residence.

- (e) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
- (f) Service and teaching occupations shall serve no more than one party per employee at a time and shall not serve groups or classes.
- (g) There shall be no exterior storage of equipment, supplies or commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except those for permitted employees identified under paragraph (d).
- (h) There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation or any other annoyance resulting from the home occupation.
- (i) A home occupation may have an identification sign no larger than two (2) square feet in area, which shall not be located in a required yard.
- (j) Home occupations for handicapped persons that do not meet these conditions may be reviewed by the board of zoning appeals, which may modify or waive requirements (a) through (g).
- (k) For the purposes of this section, "principal residence" shall mean the dwelling where a person has established a permanent home from which the person has no present intention of moving. A principal residence is not established if the person has only a temporary physical presence in the dwelling unit.

IV: The Code's provision allowing the imposition of reasonable conditions when granting zoning approvals.

- **Sec. 61.107. - Conditions of approval.**

The planning commission, planning or zoning administrator, board of zoning appeals, or city council may impose such reasonable conditions and limitations in granting approval of a site plan, conditional use permit, similar use determination or other zoning approval as are determined to be necessary to fulfill the intent and purpose of the zoning code, to ensure compliance, and to protect adjacent properties and additionally, when approving a variance, as are directly related to and roughly proportionate to the impact of the variance.

September 28, 2017

To: Zoning Committee Members

From: Peter W. Warner, Assistant City Attorney

RE: Listening House: PED Zoning File 17-060-690

Please find attached a “document that summarizes and prioritizes neighborhood concerns and proposed conditions, the response of L[istening] H[ouse] and final status.”

The document is based upon a matrix initially drafted by Nancy Homans in response to the Committees request for exploration of resolvable issues.

Warner, Peter (CI-StPaul)

From: Homans, Nancy (CI-StPaul)
Sent: Thursday, September 28, 2017 8:10 AM
To: renelemajr@gmail.com; rjlerma@comcast.net; Warner, Peter (CI-StPaul); Dermody, Bill (CI-StPaul)
Cc: cheryl@listeninghouse.org
Subject: FW: Draft Document
Attachments: Swede Hollow Residents to zoning committee 9.28.17.docx

Rene,

By this e-mail, I am forwarding your document in its entirety to the City Attorney working with the Planning Commission. N.



Nancy Homans

Office of Mayor Christopher B. Coleman
390 City Hall
Saint Paul, MN 55102
651-266-8568
Nancy.Homans@ci.stpaul.mn.us

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From: Rene Lerma [<mailto:renelemajr@gmail.com>]
Sent: Thursday, September 28, 2017 7:47 AM
To: Homans, Nancy (CI-StPaul); Dermody, Bill (CI-StPaul)
Cc: rjlerma@comcast.net
Subject: Re: Draft Document

Nancy, attached you will find a document that summarizes and prioritizes neighborhood concerns and proposed conditions, the LH response and final status.

We have placed so much effort into working with LH and 1st Lutheran and as such, feel that the attached document and format represents those efforts and results in a clearer manner.

Please review and consider this an official request to have the attached document submitted to the City Attorney. We have reviewed the draft you sent and cannot and do not authorize this to be representative of our position.

Please acknowledge receipt with your response and also please acknowledge/verify that the city attorney will receive our attached document (word file: Swede Hollow Residents to zoning committee 9.28.17.docx) prior to the Zoning hearing this afternoon (28 Sep. 2017).

Please advise on what happens next, and if you have questions, please let me know.

Rene' Lerma

On Wed, Sep 27, 2017 at 4:06 PM, Homans, Nancy (CI-StPaul) <nancy.homans@ci.stpaul.mn.us> wrote:

Rene—and neighbors,

First of all I want to thank you all for the time you have devoted over the past several weeks to working with me and Listening House to try and forge a path forward. It is tough, but important, work.

I've attached my draft of where I think things were left at the end of the evening. If I missed or misunderstood anything about your positions (outlined in the last column alongside Listening House's positions), please feel free to edit the language.

It would be helpful if I could have this to share with the City Attorney tomorrow morning.

Best,

Nancy



Nancy Homans

Office of Mayor Christopher B. Coleman

390 City Hall

Saint Paul, MN 55102

651-266-8568

Nancy.Homans@ci.stpaul.mn.us

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Summary of Discussions: Listening House/First Lutheran Church/Dayton's Bluff Neighbors participating in appeal

Swede Hollow Residents' Proposed Condition	Listening House Response	
<u>Listening House (LH) to adopt screening procedures for visitors</u> LH will adopt the same screening procedures/criteria utilized by Catholic Charities and the Union Gospel Mission for users of their respective services/facilities.	LH is open to all who visit unless we previously established they couldn't enter. To our knowledge this is the same policy that Catholic Charities applies. Listening House does not agree to screening all its guests for a number of reasons. It requires that guests have ID cards which many do not. One of the services LH provides is helping guests obtain IDs, which are a prerequisite for shelter. It is inconsistent with LH's mission of welcoming all to conduct an intake process which would be frightening to some of their most fragile guests. It is in relationship with those fragile guests that we eventually build trust and get them connected to needed services. The conversation touched on alternative ways of screening for Level 3 sex offenders. LH has reviewed the current list of Level 3 sex offenders in Ramsey County and indicates that none are or have been Listening House guests. Listening House staff is willing to work with Ramsey County Corrections to develop an appropriate protocol for restricting people under their supervision from Listening House.	Neighbors interpret this as no.
<u>There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke, traffic congestion, hours of operation or any other annoyance resulting from the use.</u> Zoning Staff Report (File #17-060-690) Section I: FINDINGS: 2.2.(g) <u>LH and First Lutheran (FL) will control nuisance behavior by LH visitors</u>		Neighbors did not receive a response to this condition.
LH and FL will be responsible to prevent, mitigate, and manage nuisance behavior by Listening House visitors, as defined by the Saint Paul Zoning Code Sec 60.215.	LH and FL agree to abide by the Zoning Code Sec. 60.215. LH will address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors onsite during our hours we are open to guests. LH has and will continue to develop guest policies for which a guest is trespassed	Neighbors do not believe this commitment adequately addresses the impact of LH on the community. It limits LH responsibility to behaviors of LH guests to those committed on site and within business hours. As has been the topic of much discussion and

Summary of Discussions: Listening House/First Lutheran Church/Dayton's Bluff Neighbors participating in appeal

Sec. 60.215. Nuisance. A substantial unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious or offensive. LH will develop and post employee and visitor policies, procedures, and implementation plans which outline specific direction for ongoing compliance to rules with enforceable penalties and sanctions.	or barred from LH. We take reasonable steps to ensure our guests abide by our policies and enforce them via bars or trespassing. LH will develop with guests and post a "good neighbor policy."	documentation between neighbors and LH, many of the nuisance behaviors happen in the area immediately adjacent the site and preceding or post business hours.
<u>LH will maintain a safe environment for its visitors and the surrounding community by providing on-site security and adopting other safety measures</u> LH will provide qualified security/response staff on-site from the hours of 7:00am to 12:00 a.m. (midnight). Staff will be responsible to address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors on-site and in the nearby vicinity. LH will not accept visitors who are intoxicated or impaired by drug use, and will not allow the consumption of alcohol or controlled substances on site. LH will call police when a person is intoxicated or impaired by drug use to transport the individual to detox or to remove the individual from the facility and surrounding area. LH will call police and file reports on violent or illegal offenses (i.e. assault, fighting, indecent exposure, other dangerous acts), committed on-site or in the immediate vicinity. LH will notify	LH will address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors onsite during our hours we are open to guests. We will also continue to attend community policing meetings. Listening House committed to explore how they might be able to provide after-hours intervention in the area surrounding the church from 7 a.m. to midnight, Monday through Friday, with a progress report in 30 days. LH will review the details recorded in the neighborhood log to assess any patterns of behavior (times, places, behaviors) that would help them design a program. Listening House further agrees to review their own camera footage and the on-line log daily and assist the neighbors with addressing issues or areas of concern. Listening House will continue to walk the surrounding area at key times during the day to see if we can locate people who may be in distress and intervene as necessary. Listening House will give notice on a shared Google site of serious incidents that have caused guests to be trespassed from Listening House. First Lutheran Church will post a sign restricting after hours use of the plaza/church grounds. They would like to discuss the precise wording of the sign so as	Overall neighbors perceive this as a no. LH has not committed to providing the security and response neighbors feel is required to mitigate ongoing nuisance behaviors by LH guests before or after business hours. Neighbors feel that the acceptance of intoxicated and/or impaired guests contributes to the level of nuisance behaviors the neighborhood is experiencing. LH is has not committed to addressing that issue. LH has not agreed to call police and file reports on all violent or illegal offenses committed on-site or in the immediate vicinity. We believe we have reached an agreement on notification to community members of persons reported, arrested, or restricted from

Summary of Discussions: Listening House/First Lutheran Church/Dayton's Bluff Neighbors participating in appeal

community members of persons reported, arrested, or restricted from the premises that represent a threat or risk. LH will advise the police department of any person it has restricted from the premises and maintain a written record of trespassers. FL will post and enforce restrictions on after hours use of the plaza and church grounds	not to conflict with wedding receptions and other events that may extend into the evening.	the premises that represent a threat or risk, but that is not specified in their response. LH has agreed to advise the police department of any person it has restricted from the premises and maintain a written record of trespassers. FL has agreed to post restrictions on after hours use of the plaza and church grounds. After hours enforcement is unresolved.
<u>LH will provide transportation to area shelters at the end of the business day</u> At the end of each business day LH will provide transportation to downtown or nearby shelters and otherwise ensure that its visitors have left the area. In addition, LH will keep its facility open to visitors during the lunch hour on days that it is open for afternoon hours.	Listening House will ensure that guests have left the area after LH closes and will continue to provide bus fares to guests who need it (currently \$700/month). Listening House has begun planning the operational changes necessary to stay open during lunch.	LH has not agreed to provide transportation to downtown or nearby shelters or to keeping its facility open to visitors during the lunch hour on days that it is open for afternoon hours.
<u>LH will not expand into evening or overnight services or its on-site facilities</u> LH will not extend its hours into the evening or offer night shelter services. First Lutheran will not build or create outdoor recreation/patio areas during LH's tenancy.	Agreed. LH will not expand into evening or overnight services. Listening House will not build—or cause to be built—a patio outside Listening House or anywhere on church grounds. LH expresses concern about the inability of our guests to access shade anywhere on the property.	LH does not acknowledge or understand that behaviors of some of LH guests – including fights, assaults, profanity, drug use, alcohol consumption and public urination create a disturbance &/or nuisance in the community. Until such time that those behaviors are under control, expanding the footprint of the program to outdoor areas is unwarranted and unreasonable.



CITY OF SAINT PAUL
Mayor Christopher B. Coleman

Civil Division
400 City Hall
15 West Kellogg Blvd
Saint Paul, Minnesota 55102

Telephone: (651) 266-8710
Facsimile: (651) 298-5619

TO: Zoning Committee Members

FROM: Peter W. Warner
Assistant City Attorney

DATE: September 13, 2017

RE: **Zoning File 17-060-690, Response to Zoning Committee Directive to explore potential for additional conditions regarding a determination of similar use decision for Listening House at 463 Maria Avenue**

BACKGROUND

At the conclusion of the Zoning Committee's August 3, 2017 public hearing regarding Zoning File 17-060-690, an administrative appeal from a "similar use" determination allowing Listening House to provide services at First Lutheran Church ("Church"), 463 Maria Avenue, the Committee duly moved to lay the matter over for four-weeks in order to give City Staff an opportunity to work with the parties in this matter - the Appellants, Listening House and the Church - to determine whether any of the issues raised during the hearing were resolvable.

Staff convened to discuss the Committee's directive. Given that Staff had already recommended that the appeal be granted, I recommended, in light of the Committee's directive and under the circumstances, that a "3rd party" rather than Staff undertake the work necessary to respond to the Committee's directive. Staff concurred with this approach. I then suggested Nancy Homans of the Mayor's staff as someone who might work on the matter given her extensive experience as a municipal planner as well as her familiarity with both neighborhood- and city-wide issues due to her position in the Mayor's Office. Staff concurred with this suggestion as well.

I approached Ms. Homans with the idea and, after consideration, she agreed and took the necessary steps to meet and listen to the principal parties, other concerned neighbors and various City department staff regarding this matter. Accordingly, Ms. Homans engaged in a number of conversations and meetings with Appellants, Listening House and the Church, other members of the neighborhood and City employees from the Police Department and the Department of Safety and Inspections and took tours of the neighborhood.

Following these various engagements, I met with Ms. Homans. She provided her thoughts to me regarding the matter and offered suggestions for possible conditions. These suggestions are the product of her time taken to listen to the concerns of all the parties involved and are offered in the spirit of suggesting further ideas for dealing with the noted concerns.

In the event the Committee desires to move in a direction other than that recommended in the Staff Report for this matter and presented to you in your August 3, 2017 public hearing packet, I have distilled Ms. Homans' suggestions into conditions for your consideration together with some background into their formation and present them below.

I want to stress that these possible conditions are provided specifically in response to the Committee's August 3, 2017 directive and must not be interpreted as an alternate staff report or recommendation in this matter to that contained in the July 27, 2017 Staff Report.

I. Neighborhood Concerns

Listening House neighbors seem most concerned about the following activities:

People sit or sleep on benches in the Church courtyard before Listening House opens, during Listening House hours and after Listening House has closed for the day. For this memo's purpose, I'll describe such conduct as "loitering." When called about such conduct, it is said that the police response is that the courtyard is private Church property and that the Church has not indicated that its courtyard is "off limits" at any time of the day.

They also express concern about people walking through the neighborhood to and from Listening House that might be intoxicated, exhibit the symptoms of significant mental illness or trespass on their property. Again, there are various opinions with respect to the relationship these people may have with Listening House. When called upon, it appears that Listening House has intervened with these individuals and assisted in securing necessary services, but neighbors would prefer a greater security presence in the wider neighborhood.

Possible [additional] conditions to consider:

- Listening House, as a lawful possessor under its Lease with Church, must have its staff advise all clients daily that they must leave Church property at the end of business each day. Listening House staff shall remain on the premises to insure that clients have departed. In the event a client should remain on the premises and refuses to leave, staff should demand that client leave and then call the police to trespass the client in the event the client does not leave. Presently, the business hours of Listening House are 9:00-11:30 a.m., Monday through Friday and from 12:45-4:15 p.m. on Monday, Tuesday and Thursday. There are no weekend or evening hours. The purpose of this condition is to advise Listening House clients that they have been requested to depart the premises and that willfully remaining in the courtyard outside of Listening House operating hours will constitute trespassing and that the police can arrest Listening House clients found in the courtyard outside of posted hours.
- On behalf of Listening House as a lawful possessor, Church to post hours that the courtyard is open. Posted hours might consider typical Church operating hours, including special events, but must consider the operating hours of Listening House. The hours must be reasonable and must be approved by the City's Zoning Administrator

- On behalf of Listening House as a lawful possessor, Church must post in the courtyard a notice sign warning against trespassing outside of the posted courtyard operating hours. The sign must comply with Minn. Stat. § 609.605, Subd. 1(a)(5)(i).
- Listening House must advise the Police Department of any person it has trespassed and maintain a written record of trespassed persons.
- Listening House will not extend service hours beyond 4:15 p.m. nor offer night-shelter services.
- Listening House and Church will explore with neighbors and other partners the development of a unified security plan for the neighborhood.

II. Other Neighborhood Topics of Conversation

- Some have suggested that Listening House offer its clients lunch on days when they have a split between morning and afternoon hours so that they would not be required to leave the premises in the middle of the day. Listening House staff would want it known that serving lunch is likely to bring more people to Listening House on days lunch is served.
- Some have requested that there be no loitering outside of Listening House doors nor sleeping on benches. Adding a “trespassing” condition regarding business hours is likely to address this topic.
- Some have requested that there be no outdoor patio built outside of Listening House or anywhere else on church grounds. While it is not clear what situation this topic is intended to address, a condition could be added prohibiting Listening House from extending its footprint outside the building. Church, however, would reserve the right to improve its property for Church purposes subject to first obtaining any required site plan approvals and/or building permits.
- Some have requested initiatives to stop people from coming through the neighborhood in the evening to camp in Swede Hollow. Many neighbors relate an increase in illegal camping in Swede Hollow Park to the opening of Listening House. They encounter homeless people during their visits to the park, find belongings strewn around campsites and experience apparently unsheltered people coming and going to the Park. While some illegal camping and apparently unsheltered people could be Listening House clients, it is also equally likely that some are not Listening House clients. It is unquestionably likely that unsheltered people camped in Swede Hollow before Listening House opened just as it is well settled that there is an increasing number of unsheltered people in the City. Thus it cannot be said with certainty that illegal camping in Swede Hollow is the exclusive result of the opening of Listening House. In any event, addressing illegal camping in Swede Hollow is not the responsibility of Listening House. That responsibility lies with the City. To that end, Ms. Homans has already begun working with City departments to adopt a formal plan to regularly patrol Swede Hollow as well as all City parks and other City owned property for the purpose of enforcing the

- City's no-camping regulations. The plan will involve the Park and Police Departments as well as the Department of Safety and Inspections and the City Attorney's Office. In addition, Ms. Homans informed me that the City and Listening House both participate in "Outside-In" which is a community-wide effort convened by the Saint Paul Foundation as a means to understand the dynamics of the unsheltered people and to recommend initiatives to reduce the number of homeless persons in and around downtown Saint Paul through expanded outreach and additional low income housing opportunities.
- Some have requested that Listening House police upper and lower Swede Hollow Park for encampments every evening and ensure removal of the encampments and all the trash left behind. As noted above, enforcing regulations prohibiting camping in Swede Hollow and all City parks is the City's responsibility.
- Some have expressed concerns regarding "quality of life" behaviors, for example: drinking in public, urinating in public etc. As noted above, while it is not clear that all persons exhibiting these behaviors are Listening House clients, some might. Listening House should develop, post and discuss with their clients "Good Neighbor" reminders about the responsibilities inherent in sharing a neighborhood.
- Some have expressed concerns regarding persons sleeping at the bus stop at the corner of 7th and Maria which is at the edge of the reduced fare zone. Again, while it may be that some people sleeping at this bus stop could be Listening House clients, it is equally likely that they are not. While this is not a problem exclusively attributable to Listening House, Ms. Homans informed me that the City will work with Metro Transit Police to increase patrols of the bus stop.
- There were requests to have the following conditions imposed on the Determination of Similar Use. My legal advice is that these conditions lack the necessary legal nexus required for the City to impose them in the first place and are, therefore not recommended:

Require Listening House to transport its clients.

Require Listening House to screen clients with criminal records and exclude those with a criminal record from using Listening House.

Prohibit Listening House from operating as a "wet house."

Require Listening House to provide on-site security from 7:00 a.m. to midnight.

- Finally, it may be useful to require Listening House to actively participate in some manner of monthly meetings, with members of the immediate neighborhood or the Dayton's Bluff Community Council as a means to get to know one another. Doing this may go a long way towards addressing and facilitating solutions to any on-going concerns.

P.W. Warner memo
September 13, 2017
Listening House Appeal
Page Five

CONCLUSION

As I write this, Listening House, the Church and the neighbors continue to talk about language around possible conditions. They met as recently as yesterday evening. In the event there is any agreement on that language, I will forward it to you prior to convening the Zoning Committee meeting tomorrow.

Z.F.# 17-060-690

From: rlerma@comcast.net
To: [Dermody, Bill \(CI-StPaul\)](#)
Subject: Additional Police Report
Date: Thursday, August 03, 2017 10:00:08 AM
Attachments: [police report.pdf](#)

Dear Bill Dermody,

Additional Police Report for 911 calls made concerning Listening House.

This time frame is after we submitted our appeal.

Thank You.

Best Regards,
Kim & Rene' Lerma
613 North St.

Saint Paul Police Department

Address/Intersection Report

Address Search: 464 MARIA AV
Incident date from 06/30/2017 to 07/31/2017
(Sector 3, Grid 94)

Total Records: 27

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
17177336	07/30/2017 17:27:22	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17170448	07/29/2017 13:19:04	464		FAMILY/CHILDREN/MENTAL/VULNERABLE ADULT	ADV
17176275	07/29/2017 08:21:28	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17174224	07/27/2017 00:59:09	464		DISTURBANCE-SUSPICIOUS PERSON, CAR. ACTIVITY	GOA
17174106	07/26/2017 22:19:39	464		DISTURBANCE-SUSPICIOUS PERSON, CAR. ACTIVITY	ADV
17173747	07/26/2017 15:53:13	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17173221	07/26/2017 00:49:12	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17172673	07/25/2017 15:27:26	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17172603	07/25/2017 10:39:06	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17171930	07/24/2017 15:01:43	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17171766	07/24/2017 11:09:31	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17171680	07/24/2017 07:49:55	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	ADV
17168397	07/20/2017 12:06:17	464		INVESTIGATE-JUVENILE	ADV
17167501	07/19/2017 10:22:59	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	ADV
17166881	07/18/2017 18:54:50	464		DISTURBANCE-SUSPICIOUS PERSON, CAR. ACTIVITY	ADV
17166180	07/16/2017 22:09:54	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	ADV
17163357	07/14/2017 19:52:53	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	GOA
17162265	07/13/2017 17:32:12	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	ADV
17160773	07/12/2017 09:19:41	464		DISTURBANCE-FIGHTS	ADV
17160748	07/12/2017 08:43:36	464		DISTURBANCE-SUSPICIOUS PERSON, CAR. ACTIVITY	ADV
17160705	07/12/2017 07:04:21	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	ADV
17160191	07/11/2017 16:55:18	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	ADV
17157587	07/08/2017 18:04:04	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17156200	07/06/2017 10:33:06	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17152638	07/03/2017 18:44:44	464		DISTURBANCE-DISORDERLY BOYS/GIRLS/PERSONS	ADV
17152538	07/03/2017 17:07:55	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17152251	07/03/2017 09:49:46	464		DISTURBANCE-SUSPICIOUS PERSON, CAR. ACTIVITY	ADV

911 calls → 39 calls since Lft opened

From: [Dermody, Bill \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: Additional Letters against Listening House
Date: Thursday, August 03, 2017 1:24:59 PM
Attachments: [mandyletter.pdf](#)
[ericletter.pdf](#)
[daveg.letter.pdf](#)
[Untitled.pdf](#)
[Listening House .docx](#)
[mayor letter.docx](#)
[colemanletter.pdf](#)

Cherie,

Please provide the attached letters to the Zoning Committee this afternoon.

From: rjlerma@comcast.net [mailto:rjlerma@comcast.net]
Sent: Thursday, August 3, 2017 9:49 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Subject: Additional Letters against Listening House

Dear Bill Dermody,

Please see attached letters to the Zoning Board from residents concerning the Listening House in our residential neighborhood.

There are letters from owner occupied residents and also letters from landlords who are having some problems with keeping leases and renting to future tenants because of the problems with Listening House.

Please add to our existing appeal/documentation packet.

Thank you.

Best Regards,
Kim & Rene' Lerma
613 North Street

Zoning Appeal: Listening House

7.31.2017

Miranda Okonek

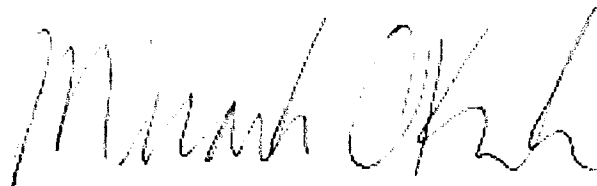
649 North Street

To Whom It May Concern:

My name is Miranda Okonek and have lived on North street for over 13 years. I rented a duplex at 653 North street was married in the backyard overlooking Swede Hollow Park and bought the house next door. I live less than 50 feet from the doors of Listening House. My husband and I love raising our children in a diverse urban environment and are no strangers to crime and homelessness in Saint Paul. Since LH opened I have witnessed a huge uptick in crime and homelessness. Our bike and child carrier lock and ail were recently stolen from our driveway. My daily walks in Swede Hollow Park are witness to more and more tents and encampments popping up right in my back yard. I've started to carry garbage bags with me on walks to pick up empty liquor bottles and trash because the city can't see everything when they drive by in their clean up trucks. Sadly, the number of folks I've seen living in Swede Hollow has increased dramatically and now I have they City Parks and Rec on speed dial. After being confronted by a homeless fellow who was angry because he accused me of calling the cops on him, I no longer bring my 6-year-old daughter into the Hollow. I still walk daily in lower Swede Hollow Park with my dogs and report crime to the proper authorities at my own risk. I've watched and gotten to know many of the guests who frequent LH as folks who are living in the Hollow. Not all of them are scary. I feel bad for the ones who really want help. Unfortunately, most of the folks living in the park are exhibiting behavior that I do not deem suitable for my young child to bear witness. Screaming obscenities while in conversations on their LH provided cell phones, lude behavior, excrement, trash and public intoxication are seen on a daily basis. The LH folks say they are providing mental health and chemical dependency services but I've seen intoxicated guests on their lawn on more than one occasion. My mom came by for a visit and was terrified by the folks she saw walking down my street after LH closed and begged me to move. I refused. In fact, I'm currently working on home improvement projects to increase the value of my home and neighborhood. I'm currently attending Metro State University, where I can walk to class and work on my BA. I love the diversity of my Historic neighborhood, and I love my neighbors. We have worked hard to make Dayton's Bluff a community where people want to move and raise their families. The addition of LH to our neighborhood is a harmful one. They attract a criminal element to our quiet dead-end street and the LH staff are providing the neighbors no accountability for increased crime and trash. In fact, they have never once answered their phone when I've called during business hours on several occasions to address the staff about crime and un savory guests. The similar use Zoning appeal is legitimate. The face of our neighborhood was changed when Listening House opened its doors. Listening House's services are too vague and the risk of harm from their clients to the neighbors is too great. The only similarity I can see between St. Mary's Church and First Lutheran church are the fact that they are both churches located in Saint Paul. St. Mary's church is not located near any green space or a public park. It is not on a dead-end street. I ask that you grant our appeal. Please keep our little neighborhood a safe place where we can live and raise our children in peace.

Kind Regards,

Miranda Okonek



To whom it may concern.

I live at 657 north with my two sons and mother-in-law. We are very close to the Listening House and am very concerned with it being in our neighborhood. Homelessness is something that we have to deal with everywhere we go. The children ride their bikes at the dead end which is right next to LH. We encounter homelessness at the upper and lower swede hollow. We walk to the library almost everyday, our path is right past LH. Also we encounter it at the library.

The other day as I walked with my children to the dead end to ride bikes, a homeless man that was walking to LH screamed at us angrily the whole way. When we go on our walks we find all sorts of garbage, evidence of drinking. I have overheard homeless men discussing where they were going to go urinate. People loitering outside of LH before, during and after hours for LH. Trash piled up beside LH dumpster. Everywhere I go with my children there are homeless and evidence of

I'm very concerned with the affect of LH being in a residential neighborhood. I don't believe LH takes it seriously how much this affects our daily lives. We have to call the police every time something happens. Let alone not feeling safe everyday. Just in the first block of LH there are 15 children which is a big deal when they don't screen their clients. I have no idea who I am dealing with on the street which makes me feel unsafe. I shouldn't be afraid just to go on a walk with my children. I don't believe that a residential neighborhood is the best fit for what LH does.

- MELINDA
SALINAS
WILLIAM
SALINAS

~~ROSE~~ KSON
ROSE SALINAS

ERIC
SALINAS

To whom it may concern,

I, David Gustafson, the property owner of 629 North St. for the last eighteen years. Just found out a week ago, about the homeless day shelter located at the church across the street from my property. My tenants informed me of the situation before i received any notice in the mail, about a homeless shelter at the church. My tenants have witnessed people sleeping outside of the church property on the ground, as well as people arguing outside and asking them for money. My neighbors notified me of several thefts on the block in the past few weeks. Up until this point our neighborhood has been quiet and peaceful. My tenants no longer feel safe, and have resigned a one year lease two months ago. They and are now looking to terminate their lease because of the issues regarding the homeless shelter. I have been at the property the last 3 days doing maintenance and i have also witnessed these problems. As far as i know, there should have been a public hearing before a shelter like this is allowed to be placed in a neighborhood. What seems to be happening when the shelter closes, is that there is nowhere for these people to go so they are sleeping in the neighborhood and swede hollow park behind my property. This shelter placed at the church has caused many issues for my tenants and I. I hope you strongly consider relocating this shelter as i am about to lose my tenants, due to these issues.

Sincerely,

David Gustafson

From Gabriel Harran

(619 North Street multi tenant property owner)

We are having a harder time renting our apartments this summer. We have a standard for our tenants that helps support our responsible neighborhood and we do not want to lower our standard. With the observable behavior that has come along with the Listening House this is much harder to do.

The value of our investment is at risk. We are not a massive real estate company, just a couple who has their eggs in a small basket. Having a service provider move in and not take responsibility for the externalities of their services has major financial implications to our family."

August 1, 2017

Here are 4 emails that I sent out to various individuals about Listening House. They reflect my increasing frustration with the problems that Listening House has brought to our neighborhood.

Jane Carlstrom
619 Bates Avenue

June 1, 2017

Thank you to Chris and Brenda from First Lutheran and to Rosemarie and Axel for being at the neighborhood meeting last night. There was a great deal of tension and frustration expressed on both sides of the issue. The move of the Listening House programs to 8th and Maria took the neighbors by surprise. And, as you know, this neighborhood has gone through some very difficult times with well intentioned but poorly managed programs in the past. I hope we can resolve some of the expressed concerns so that the neighbors can provide a welcoming presence for the people whom Listening House will be serving. Last night's meeting was an essential first step to allow folks to talk about their fears. I am encouraged that we have a follow-up meeting on the calendar in two weeks so that we can work together to create an action plan for the future.

I have heard that we have been labelled NIMBYs by some. Last night I heard someone who knows nothing about our neighbors or neighborhood say that we lack compassion for the vulnerable and that he worries we will do harm to the people you serve. These kinds of attitudes about us are counterproductive, offensive, and will not give rise to the kind of cooperation that we wish to promote. As was pointed out at the meeting, we have 5 homes serving social service functions within the small wedge of neighborhood between First Lutheran and St. John's Lutheran on this side of 7th Street. No one is working to shut them down; they are not disruptive to our community. My hope is that the Listening House will become a positive force in our community. In order for that to happen Listening House needs to earn our trust by addressing the concerns of our community.

I am looking forward to working with you on a plan to keep our neighborhood both safe and welcoming.

July 7, 2017

It is 10:30; I just returned from my usual morning dog walk. In the upper park I encountered a woman with a back pack who was carrying a large can of beer or malt liquor. We greeted each other and she volunteered that she was there to "get away from the men for a while and have a drink." I believe that she, like the many individuals we have seen drinking in Swede Hollow Park, is a client of Listening House.

My husband and I walk our dogs around the neighborhood at least twice a day. We are in the habit of picking up trash along the way. This summer we have picked up more beer cans and liquor bottles than at any time in the past. And we also have picked up more clothing, food wrappers, napkins, rugs, and tarps than ever before. Our past in the

neighborhood extends back decades. Dave has lived here since 1979 and I have been here since 1992.

After the first meeting at Listening House I held out some hope that the organization would take responsibility for the problems it has brought to our neighborhood. I have lost that hope.

I was not able to attend the second meeting about Listening House last month. But reports about the meeting from my neighbors were disappointing. They tell me that rather than addressing the concerns of the neighbors we were once again told that we "lack compassion". One neighbor was told by a Listening House supporter that she has a "dark heart." I was very disappointed to hear that once again people who do not live in our neighborhood and who certainly did not seek to have this program placed in any of their own neighborhoods continue to insult those who express concern about the secretive way this program was dropped on us and who are interested in maintaining a safe and livable neighborhood for our families. Apparently the 2nd meeting did not advance the Listening House cause.

Like many others who live here, Dave and I like the living in a residential area with economic, ethnic, and racial diversity; we choose to live here. It appears that the neither the Listening House employees or First Lutheran staff choose to live with the problems they have brought to the neighborhood and show little interest in dealing with the concerns of the neighbors. Instead they show their "compassion" from 9 to 4:30 and then leave the problems they have brought to us behind as they head to more affluent neighborhoods and suburbs where they do not need to deal with homeless encampments just down the hill from their homes or with daily exposure to public drinking, foul language, and use of our neighborhood park to leave litter, clothing, and human waste. It is interesting to me that those who benefit by drawing a salary or rent from Listening House see themselves as "compassionate." It seems they expect the neighborhood residents to constantly monitor our streets and parks for illegal activities after they and their compassion retreat to their safe, clean neighborhoods.

I have come to the conclusion that Listening House is a program that should not be located in a residential neighborhood. Until it moves to a more appropriate place, the staff should show some willingness to clean up the messes their clients leave behind and to assure after-hour security for our streets and park.

July 12, 2017

Like my neighbors, I am discouraged by the secret way the move was made from downtown to our neighborhood. But the real problem is the the huge increase in the number of homeless individuals who are living in Swede Hollow. Today, I visited an area that Dave and I cleared out just last week. No tent this time, just lots of beer cans, bottles, clothing, food wrappers, plastic bags, cardboard, and used toilet paper...Yuk! Today, there was another fight on the church patio in front of Listening House. The presence of Listening House in our residential neighborhood has significantly reduced our quality of life. I used to enjoy taking walks in Swede Hollow Park. Some of my

neighbors no longer walk down into the Hollow because of the trash (a snowblower...really? in July? grocery carts, and the usual bottles, cans and clothing and because of the many homeless who are living there... one neighbor said it is just "scary" down there. A business, even a well intentioned non-profit business should not be able to destroy the peace and security of the residents who have lived here long before that business arrived and who hope to live here long after Listening House departs.

July 24, 2017

Today there is a person sleeping under a blanket on a bench outside of Listening House. It is 11:30 a.m. and he has been there since before 7:00 this morning. We called the police and an officer responded, but because the church is private property and LH staff are fine with people living outside their doors, the officer told us that there is nothing he can do. Do we need to put up with people living in our residential neighborhood streets and parks? During the LH day, these folks can use the sanitary facilities in Listening House (except for weekends, Wednesday and Friday afternoons, before 9:00 am and after 4:00 pm, or over the noon hour, of course). But for most of the day the homeless who increasingly are coming to live in our neighborhood just head for the woods behind our homes.

I understand that the Burger King on 7th has stopped leaving condiments, including cream for coffee, on the counter and that the Holiday station down the street is considering closing at 10:00 pm because of problems with an influx of homeless individuals in the evenings. The number of beer cans and other alcohol containers that my husband and I pick up on our daily walks with our dogs in Hamm and Swede Hollow Parks has increased since LH came to our neighborhood. None of the LH or First Lutheran Church staff live in our neighborhood and they seem uninterested in the disruption they have caused. No one remains after 4:30 except those of us who live here and the homeless. Of course, the level of trust between the neighbors and LH and First Lutheran is low, because from our perspective they intentionally did not inform or meet with the neighbors before the move of the day shelter for the homeless to our neighborhood was settled and a 10 year lease for 464 Maria was signed.

What can we do, and what will the City of Saint Paul do to deal with the homeless problem in our neighborhood and city?

July, 25th 2017

Dear Mayor Chris Coleman,

My name is Kristenza Nelson. I have resided at 653 North Street for 18 years. My husband and I moved into an old Victorian duplex on the East Side ready to roll up our sleeves and make a difference in our new neighborhood. We volunteered on housing tear offs and I helped maintain the Maria Bates Rain Garden for years.

I had the pleasure of meeting you during a home renovation partnership with Rebuilding Together and HGTV. My sons and I won the national competition to help finish the restoration work on our home my late husband and I began. This was such an honor and gift to our entire neighborhood. Since then many home owners on our historic block have peeled their siding off too! We have worked incredibly hard to create a niche where neighbors not only know one another but readily lend a hand. My previous tenants were married in my back yard and purchased homes on this very block. We love our neighborhood and choose to live here not only because of the diversity found here but also because of beautiful Swede Hollow Park.

I stayed home with my young boys after we lost our beloved Tom. We spent many afternoons in the Hollow, catching toads, watching deer and making watersheds in the creek. There have always been folks hanging in the park, but nothing like I see now. Neighbors over the years have worked together to shut down crack houses on our street. We have built together a wonderful community. My boys are 12 and 13 now and we still love our neighborhood, but there is a new problem property at the end of our street and I no longer feel safe. I am very concerned about the safety of my children and wonder if we will stay.

On June 5th, without a single neighbor being notified, Listening House opened its doors in a residential neighborhood adjacent to Swede Hollow Park. I am quiet sure I could not invite 200 people into my duplex with out some kind of public discourse. There is no screening process (sex offenders/released prisoners) of individuals receiving services and no plan for the guests once they shut their doors at 4:15. LH employees walk past their clients and leave the aftermath for residents to deal with, after assuring us this would not happen. We see public intoxication, passed out clients, public urination and trash. Camps have popped up at an ever increasing amount in Swede Hollow Park. Today, as I walked through the park with my dogs, a Parks and Rec

truck passed me. As I made my way through the Hollow I discovered at least three camps. Perhaps these are not visible from the truck. Again, it is up to me to call DSI and the police when I witness other problems such as drug deals and public drinking. Which I will, do but to what end? We are frustrated beyond belief that a program such as this is able to operate on a block and a half that is home to over a dozen young children. The neighbors on this street have been sold down the river. We are faced with rampant homeless population who have found paradise. They sleep on benches all over the neighborhood and park, which is not a crime, but has certainly leading our neighborhood down a path we have struggled so hard to move up from. The bus stops are popular hangouts where few ever get on a bus. When my nephew rode the bus to our home, he was greeted by 9 squad cars and a stabbing when he exited at 7th and Maria.

I do understand the need for chemically addicted, mentally unstable people to have help. Yes, they certainly need it. I am a compassionate person and am frankly exhausted from having that debate. This programing however is a recipe for disaster to be located with in a residential neighborhood. What I see on my block is a program that enables homeless culture. Clients head to the park with their new sleeping bags when Listening House closes for lunch. They are back to charge their phones and network on the patio when they reopen. We have talked with Listening House, our Police Commander Axel Henry, DSI and Parks and Rec and our Council Member Jane Prince. Now, I am reaching out to you. Please do not stand by while our neighborhood is sent into turmoil. We need leadership to stand up for the people who have made their lives here, who have chosen to make this street a home not only for themselves but for their families and children.

Regards,

Kristenza Nelson
653 North Street
Saint Paul MN, 55106
kristenza.n@gmail.com
651-366-7671

June 26, 2017

Dear Representative Sheldon Johnson,

As you are aware, the Listening House Day Homeless Shelter has now moved into our neighborhood - a residential neighborhood that also backs up to Swede Hollow Park. The move happened on June 5, 2017 and since then we are experiencing worsening negative behavior, not only for the home owners but for the local businesses in the near vicinity.

I don't know if you are aware of how Listening House and First Lutheran Church approached the residents of the neighborhood of their upcoming move into our neighborhood, They didn't! They chose not to notify anyone in the neighborhood, therefore suggesting this was a deliberate tactic so as to prevent any voice of opposition to their plan.

Listening House is a day homeless shelter, which means when the employees lock the doors at 4:15 p.m they go home. We residents have to call the police because of the following: people laying on the ground, on benches, drinking, intoxication, stumbling down our streets, passing out on the ground, profanity, drug use, trash dumped everywhere, abandoned shopping carts, public urination and defecation. The clients of Listening House have no where to go after they close their doors at 4:15 p.m. so they stay in our neighborhood and set up camp in Swede Hollow Park which has resulted in a major problem. We residents are having to clean up the trash that includes liquor bottles, cans, clothes, sleeping bags, used toilet tissue and other items left behind. We are constantly having to call the police and DSI.

My house is located at the dead end of North Street (beside Listening House & First Lutheran Church). Because of our safe location the neighborhood children choose to ride their bikes and play down here, but since LH has opened, fewer children are witnessed playing. Perhaps it has to do with finding a hypodermic needle in the LH parking lot.

We residents have been taking photos and documenting what we have had to encounter. I get multiple emails and texts almost daily from residents about incidents.

Last week my husband and I had to call 911 because five youths had parked in the LH parking lot and then walked across the street from LH to the front of our home and started rolling dice (gambling). They then started yelling & cursing so we called 911. The officers arrived quickly and when they pulled up, one male took off running through our front yard around to our backyard. When we saw officers in our backyard my husband went to talk with officers and was informed that they were looking for possible items disposed of by the youth in our backyard.

Another incident that occurred last week, had to deal with a LH client unbuckling his pants and urinating in public. My husband yelled at him to stop and the LH client's reply was: "Mind your own business, What are you going to do about it?" He was informed the police were being called and his reply: "what are they going to do about it?"

The Burger King which is located on the corner of 7th & Maria have also experienced problems. They are finding needles in their restrooms, homeless sleeping in the bushes in their parking lot, fighting, a knife attack 2 weeks ago and they now have to keep all condiments behind the counter. Holiday Gas Station on 7th has also seen such an increase in homeless people on their property and as a result, they are considering closing early each night. A Holiday employee told one of our neighbors that "they are getting ripped off blind by all the homeless" hence the reason for considering an early closure.

We have witnessed cars pull up and park on North Street (in front of our home) and sleep overnight. In the morning when LH opens they go inside LH. My husband was getting into his car and two homeless people asked him for a ride.

LH bases their services on people wanting help to better their lives and LH is providing this to those people. But the neighborhood has to bear the consequence of those who do not. Evidence of trash dumped on lawns, streets, parking lots, etc., drug use and intoxication proves this. When we first found out that LH was moving here, my husband contacted LH and an employee admitted to him that they (LH) had their reservations about moving to a residential area but they did it anyway knowing what they were going to bring to our neighborhood.

My husband and I moved to our home 12 years ago. We knew this was a transitional area and within a short few years, we neighbors have revitalized this neighborhood! We got rid of two drug houses and the "slum lords". The homes in our neighborhood are majority owner occupied. The few rentals that we do have are not owned by "slum lords". Two homes on North Street alone have won the St. Paul Historic Preservation Award. With the help of the St. Paul Police Force, we accomplished all this to have a safe place for our neighborhood children to play and for us residents to have a safe place to live.

LH does offer help and a service to people in need but this type of establishment does not belong in a residential area. As the weeks go by this is becoming clear. The safety of residents and our quality of life has diminished significantly. Even if we wanted to put our home on the market, I really doubt we could find a buyer that would want to live next to this with people sleeping on the ground, on benches and stumbling down the street because they are intoxicated and all the trash. LH is destroying the neighborhood that we worked so hard to build.

I have been keeping logs of all photos and incidents that we have experienced. I have attached logs 1, 2, 3 & 4.

Representative Johnson, please consider the views and frustrations of residents who have worked hard to revitalize and transform this neighborhood into an area where people want to live and raise their children.

Thank you.

Best Regards,

Kim & Rene' Lerma

613 North Street

rjlerma@comcast.net

612-865-9752

July 31, 2017

Mayor's Office
City Hall
St. Paul, Minnesota

Dear Mayor Coleman, Council Members, and Board Members:

I am writing to state my strong objection to the relocation of the Listening House to 464 Maria Street.

464 Maria is located in a very small neighborhood, five blocks long and at its widest spot, not quite three blocks wide. The area is crescent shaped. East 7th Street bounds the neighborhood along the south and cuts it off on the east. A bluff carved by the Mississippi River sweeps from 7th street on the west, curving north, and acts as a geological barrier. Because of the traffic volume, 7th Street acts to isolate the neighborhood from from the larger residential area across 7th Street to the south. In this small area, we already have five shelters / group homes.

While Swede Hollow, at the base of the bluff, has always attracted homeless people, Listening House has significantly increased the number of homeless, their activity level, and the quality of our lives. I live above the 100 plus steps down to Swede Hollow. I have owned my home since 2001, and lived here most of the time since 2003. The Hollow was one of the reasons I chose to purchase a home in this area. For years, during spring, summer, and fall, I walked my dog in the Hollow both in the early morning before work, and in late afternoon or evening. I now have two dogs, but, since the Listening House arrived, I will no longer walk in the hollow alone, even with the two dogs, because I do not feel safe. Whereas previously I might occasionally see one or two people who I guessed were homeless, I now regularly encounter groups of three or four. They congregate on the landing of the steps. They set up multiple camps visible from the walking paths. For the first time, this year, we see sleeping bags laid here and their on the hillside of the Hollow.

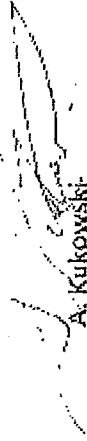
My house also fronts the upper park. Similarly, I rarely to to the upper park anymore because on the men who take up residence on the benches and hang around at the periphery of the park near the old brewery. Thinning the buckthorn on the hillside across the street from my house seems to have discouraged the camping that was going on there.

The newly arrived homeless are much more aggressive than those from previous years. They careen through the Hollow on bicycles, in groups. They chase each other down the street in front of our house yelling. After a series of thuds and bangs, we sighted one running out of our fenced yard. We suspect he was attempting to break in. This is a first for me, in my years of living here.

At our location, two blocks from the Listening House, and without children, our problems pale in comparison to those that our neighbors closer to the site describe. Still, we watch the daily procession down to the Hollow after Listening House closes and its executive director and staff retire to their homes in Crocus Hill, Merriam Park, Highland, and Woodbury. We deal with the increased population of people with no place to go and no gainful activity. We contend with their presence, their litter, their noise, the lack of restroom facilities and all that entails. This weekend, while trimming my bushes, I found two discarded tissues that had been used as toilet paper, another first during my years here. The arrival of the Listening House in our neighborhood has impacted our lives, and not in a good way.

I am surprised that in the capital city of a state whose governor is so concerned for equity that the city would allow this endeavor to move into a neighborhood that has been struggling for decades to reduce crime and become a good neighborhood for families. Isn't it time that the good Christians that the Listening House executive director and its staff claim to be made space in their communities, neighborhoods, and homes for some of the people for who they purport to care so much?

Sincerely,



A. Kukowski

638 Bates Ave, #2

From: [Dermody, Bill \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: 17-060-690 Appeal of Zoning Administrator Determination
Date: Thursday, August 03, 2017 11:08:29 AM
Attachments: [Response to Appeal of Zoning Administrator Determination.PDF](#)
[First Lutheran breakfast evolves into mainstay Twin Cities.PDF](#)

Please provide the attached items to the ZC for today

From: Galatz, Eric [mailto:eric.galatz@stinson.com]
Sent: Thursday, August 3, 2017 10:12 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Cc: 'paul.dubriel@ci.stpaul.mn.us' <paul.dubriel@ci.stpaul.mn.us>; Zacho, Karen (CI-StPaul) <karen.zacho@ci.stpaul.mn.us>; 'Cheryl Peterson' <cheryl@listeninghouse.org>; 'Rosemarie Reger-Rumsey' <rosemarie@listeninghouse.org>; Prince, Jane (CI-StPaul) <Jane.Prince@ci.stpaul.mn.us>; Warner, Peter (CI-StPaul) <peter.warner@ci.stpaul.mn.us>; Page, Lara <Lara.Page@stinson.com>; Lyden, Nicholas D. <nicholas.lyden@stinson.com>; Hughes, Theresa <theresa.hughes@stinson.com>
Subject: 17-060-690 Appeal of Zoning Administrator Determination

See attached response to Staff Report in appeal of First Lutheran Church determination of similar use, on behalf of Listening House.

We're moving! Our new Minneapolis address as of October 1, 2017:

Stinson Leonard Street LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402

Eric H. Galatz | Partner | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.1509 | M: 612.819.4871 | F: 612.335.1657
eric.galatz@stinson.com | www.stinson.com
Legal Administrative Assistant: Janice Snodie | 612.335.1584 | janice.snodie@stinson.com

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Eric H. Galatz
612.335.1509 DIRECT
eric.galatz@stinson.com

August 3, 2017

Via Electronic Mail

Bill Dermody
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

Re: Appeal of Zoning Administrator Determination
First Lutheran Church 463 Maria Avenue Listening House
17-060-690

Dear Mr. Dermody:

Please accept this letter on behalf of Listening House in support of the determination by zoning administrator Karen Zacho that the Listening House uses within First Lutheran Church, 463 Maria Avenue, Saint Paul, Minnesota, are substantially similar to permitted uses of the Church itself and are therefore permitted uses within the residential zoning district.

The zoning administrator properly determined that the use of the Church property by Listening House to "provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professional, and maintaining a food shelf" meet the four required findings under Section 61.106:

- a. That the use is similar in character to one or more of the principal uses permitted.
- b. That the traffic generated on such use is similar to one or more of the principal uses permitted.
- c. That the use is not first permitted in a less restrictive zoning district.
- d. That the use is consistent with the comprehensive plan.

The July 27, 2017 Zoning Committee Staff Report agrees with the findings of the zoning administrator with respect to findings b. (traffic) and c. (not permitted in a less restrictive district). The Staff Report, however, wrongly recommends rejecting the findings of the zoning administrator with respect to findings a. (similar in character) and d. (consistent with the comprehensive plan). Listening House respectfully disagrees with the Staff Report, and asks the Planning Commission to reject the appeal and the Staff Report recommendations, and uphold the zoning administrator's Statement of Clarification for the following reasons:

The zoning administrator correctly found that the use of the Church property by Listening House is substantially similar to permitted uses of the Church property by the Church itself. St. Paul Zoning Ordinance, Table 66.221 list of Principal Uses in Residential Districts includes "Church, chapel, synagogue, place of worship." Service to the indigent and homeless has been a principal use of First Lutheran Church since its founding, as is true for virtually all religious institutions. The City can find the Listening House activities- counseling, education, referrals to other sources of assistance, eating, exercising- in every religious institution in the City. "Food shelf" is the only Listening House activity that is listed in the Zoning Ordinance as an "accessory use" and that accessory use is a permitted use, too. In fact, the Zoning Committee Staff Report includes its earlier report for St. Mary's Episcopal Church File #04-175-573 Section 2(a), which cites zoning code §65.910, and finds, "By including food shelves in the definition of accessory use, the zoning code seems to support uses consistent with the mission of a church that are not directly related to church activities."

The fact that the Listening House use is substantially similar (in fact identical) to a principal Church use is demonstrated by the fact that the Church itself has conducted the same activities directly in previous years. See attached Pioneer Press article from September 27, 2014, updated November 4, 2015, "First Lutheran breakfast evolves into mainstay," reporting on the First Lutheran Church "Wellness Center" at which meals were served, clothes donated, counseling services provided, blood pressure checked, and food distributed. The article does not mention yoga, but it does note "Bruno Franck, a practitioner of Qigong healing and meditation, led a group of four in simple exercises, such as wobbling their hands above their heads to increase circulation." Significantly, the article notes, "The community meal started nearly a decade ago as a Sunday morning breakfast run by a handful of congregation members for some 20 to 25 visitors. It quickly grew to feed more than 200 guests, many of them asking for blankets and other forms of assistance." According to the article, "The gatherings have turned the church cafeteria into a nexus for social service and public health providers to meet with low-income residents who have come in from the East Side, St. Paul's Dorothy Day shelter and elsewhere throughout the city." (Emphasis added). First Lutheran Church invited Listening House to move into the Church building to run a program the Church itself had been running for years. As Pastor Chris Olson Bingea says in her correspondence to you on July 26, 2017, assisting the homeless has been a part of First Lutheran Church since its inception. The phrase "friend to the homeless" is cast in bronze in the building. Pastor Bingea goes on to state that First Lutheran Church and Listening House share the goal of working with the homeless and individuals in low-income housing in the Dayton's Bluff area.

The record does not support the Staff Report assertion that the Listening House "use has not operated like a home occupation because of the detrimental impact on the neighborhood, it is not compatible with the church's presence in the community, and without a homeless shelter nearby and the use's hours limited to 9:00 AM to 5:00 PM Monday through Friday, there is no reliable means to control the problem activities during the other hours." First Lutheran Church invited Listening House in to provide services to individuals in need who were already present in the neighborhood. Chelsea DeArmond resident at 667 North Street on the same block as First Lutheran states in her correspondence to you on July 26, 2017 that "there were homeless people in Swede Hollow Park before Listening House got here."

The fact that there is no homeless shelter nearby is irrelevant. There were homeless people living in the area without any homeless shelter nearby before Listening House moved into the Church. Listening House is simply providing these individuals some much needed assistance. The fact that Listening House has limited hours and thus no means to control the individuals during other hours is also irrelevant. The ordinance does not require any religious institution (or for that matter, any social service organization, business or cultural institution) to operate 24-hours per day, 7-days a week, or to control the behavior of its guests and customers after they leave.

The zoning administrator correctly found that the use of the Church property by Listening House is consistent with the Comprehensive Plan. The Staff Report recognizes that the Comprehensive Plan's general direction to provide support services to end homelessness, but find it is not consistent with the Land Use policies that call for compatible mixed uses in the Mixed Use Corridor. The Listening House use itself is a use that is permitted in a religious institution. Religious institutions are permitted in residential districts. By definition, a permitted use is a compatible use. The plain meaning of the Comprehensive Plan and the use of Listening House to aid the homeless are clearly aligned.

Neighborhood complaints are driven by objections to the people Listening House serves, not the use of the Church property. Appellants assert that they have invested too much in their neighborhood to allow it to be overrun by the types of people who are likely to access services from Listening House. Section 3 of the Appeal states that "neighborhood is already home to many sober houses, public service agencies, probation offices, unofficial half-way houses (apartment buildings full of level three sex offenders, other level of sex offenders and recent releases from strong correctional sentences) and offers a significant volume of section eight and low income housing. If anything, this demonstrates that Listening House is compatible with other established uses in the neighborhood. As Inspector Zacho properly found, the Listening House uses are all consistent with uses common in religious institutions: counseling, education, assistance with food, clothing and shelter. To the extent personal characteristics of likely guests of Listening House are relevant, we cannot imagine a religious institution that would turn away the poor and homeless.

Because the zoning administrator properly made its determination based on findings about the proposed use of the property as required by the Code of Ordinances, and the appellants failed to state any land-use based objections at all, we respectfully ask the planning commission to reject the appeal and uphold the decision of the zoning administrator.

Sincerely,

Stinson Leonard Street LLP



Eric H. Galatz
EHG:ndl

NEWS

First Lutheran breakfast evolves into mainstay



Homemade pies are part of the draw to the weekly “Wellness Center” gatherings at First Lutheran on Maria Avenue, on St. Paul’s East Side. (Pioneer Press: Frederick Melo)

By **FREDERICK MELO** | fmelo@pioneerpress.com | Pioneer Press

PUBLISHED: September 27, 2014 at 11:01 pm | UPDATED: November 4, 2015 at 4:27 am

“We’re having dessert first,” said the Rev. Chris Berthelsen, as dozens of visitors to First Lutheran Church in St. Paul crowded the cafeteria around her.

Curtis Howell eyed the apple pie on his table approvingly. “The pie’s pretty good,” said the St. Paul resident, speaking in a slow drawl. “It’s real good.”

From donated clothing to pie giveaways, Thursday nights have become one of the worst-kept secrets in Dayton’s Bluff. Residents come from blocks around, and even across the city, to stop by First Lutheran on Maria Avenue and get their blood pressure checked, ask for a free coat or sweatshirt or even underwear, and share in a community meal.

The weekly “Wellness Center” gatherings, which have been going on for seven years, draw upward of 100 guests, if not twice that, Berthelsen said. The events are driven by at least 40 volunteers, many affiliated with Metropolitan State University, local nonprofits and the church congregation.

The gatherings have turned the church cafeteria into a nexus for social service and public health providers to meet with low-income residents who have come in from the East Side, St. Paul’s Dorothy Day shelter and elsewhere throughout the city.

More than a quarter of Dayton’s Bluff residents live in poverty, and nearly half of all households get by on less than \$35,000 per year, according to 2012 statistics compiled by the Minnesota Compass project. In the summer, Second Harvest Heartland gives away upward of 3,000 pounds of food at the gatherings. When Metro State is in session, the church hosts sit-down meals, board game activities and health booths.

Last Thursday, a mental health counselor took appointments. The Dayton’s Bluff block nurses met with seniors. Eight undergraduates from Metro State’s nursing program checked blood pressure and screened visitors’ feet for infections.

Foot ulcers and chronic pain are fairly common.

“We have a lot of folks in our community that are diabetic, so that’s a pretty critical piece for them,” said program director Allie Tunseth.

“If you’re someone who stays in a shelter, you’re walking around a lot, and your feet get pretty beat up,” said Tunseth, who has an advanced degree in ministry. “And from the church side of things, discipleship is foot washing.”

The community meal started nearly a decade ago as a Sunday morning breakfast run by a handful of congregation members for some 20 to 25 visitors. It quickly grew to feed more than 200 guests, many of them asking for blankets and other forms of assistance.

The congregation shifted the breakfast to a Thursday night dinner to rope in community volunteers and accommodate visits from Metro State nursing students.

“On an average night, we see 150 people,” Tunseth said. “On a big night, we see over 200. ... It’s a pretty awesome program.”

In a corner, Bruno Franck, a practitioner of Qigong healing and meditation, led a group of four in simple exercises, such as wobbling their hands above their heads to increase circulation.

Robin Hanson, director of the Ministering Angels Closet, which is housed within the church, connected visitors to donated clothing, from boots to backpacks and undergarments.

“Everything is free,” said Hanson, while hurrying up the steps to retrieve an article of clothing from the crowded walk-in closet that gives her organization its name. “We don’t ask questions.”

And then there were the pies. For the past two weekends, August Hoffman, a professor of psychology at Metro State, has organized more than 50 students and faculty from the psychology departments at Metro State and Inver Hills Community College to collect apples at Sunrise River Farm in Wyoming, Minn., north of Forest Lake.

They gathered some 2,000 donated apples in each trip, half of which went into pies distributed at two of First Lutheran’s most recent Thursday night meals. Hoffman’s graduate students and a Hmong professional women’s organization helped with the baking.

The remaining apples were shared with food shelves in western Wisconsin.

Hoffman hopes to turn the university's vacant greenhouse, near the church, into an incubator of sorts for similar community-building projects involving Metro State students and faculty.

Between the church's main sanctuary and its office building, a few urban farmers sell organic produce, woodcarvings, jams and jellies from 4 to 8 p.m. each Thursday. The "Market on the Bluff" events continue through Oct. 30.

Tunseth said church members and community donations have helped keep the gatherings going.

"We're pretty proud of it," she said.

For information on the First Lutheran Church Wellness Center, go to lovegrowshere.net/wellnesscenter.html.

Frederick Melo

Frederick Melo was once sued by a reader for \$2 million but kept on writing. He came to the Pioneer Press in 2005 and brings a testy East Coast attitude to St. Paul beat reporting. He spent nearly six years covering crime in the Dakota County courts before switching focus to the St. Paul mayor's office, city council, and all things neighborhood-related, from the city's churches to its parks and light rail. A resident of Hamline-Midway, he is married to a Frogtown woman. He Tweets with manic intensity at @FrederickMelo.

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By



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VIEW COMMENTS

August 3, 2017

As the oldest Lutheran Church in the State of Minnesota, established in 1854, it was our first resident Pastor, Erik Norelius, who was proclaimed "friend of the homeless" and it has been First Lutheran's legacy ever since. When I came in 2004 up to the present, we have sought to find ways to do this - a free breakfast for three years serving 300 every Sunday, a Wellness Center, serving 100-150 people weekly for ten years providing a meal, free food, free nursing services through the Nursing Department at Metro State, free Mental Health Counseling through the Walk-In Counseling Center of Minneapolis, free clothing, blankets, and housewares through Ministering Angels, free Healing Touch, Massage, and Qigong services, and more.



Then, in 2016, our congregation found out that The Listening House was in need of a new place to reside. By the invitation of the Church Council, the Listening House staff came to discuss being in partnership here in our Sanctuary basement and on our property. The congregation then voted to have The Listening House come to make their new home in the basement of our sanctuary. They have provided much needed improvements to a shared space that is used by guests of the Listening House, members of First Lutheran and Santo Nino Episcopal Parish, Quinceaneras, weddings, funerals, and community gatherings. The Listening House has installed cameras for security, and the plan is to put in new lighting surrounding the building.

As the only Full-time staff person at First Lutheran, to now have five Full-time staff, one Part-time staff, and 40 plus volunteers serving the city's people experiencing poverty right here on the corner of 8th and Maria, gives us the infrastructure and increased capacity to continue doing what we as a congregation, and now in partnership with the Listening House, have already begun doing and will continue to do for many years to come.

Our property here has always been a "resting place" for people in our neighborhood - Metro State students, Urban Roots and Young Artists Initiative participants, guests of the Listening House, and guests of Eastside Elders, as these non-profit organizations are housed in our buildings. It continues to be a space for our own members, too, including those guests of the Listening House-some who are also members of our congregation.

My own grandmother lived in the poor community of Swede Hollow in the early 1900s and found refuge in the First Lutheran Church community. As she and her family, my family, came "up on the street" they made their way to a better life, through community relationships and assistance.

It is our recommendation as a Church to support Listening House in our shared work on the Eastside.

Respectfully,

Pastor Chris Olson Bingea

Pastor Chris Olson Bingea
First Lutheran Church



Listening House of St. Paul, Inc.
464 Maria Ave
Saint Paul, MN 55106
651-227-5911

*...a daytime community center providing hospitality, practical assistance,
and counsel to low-income, homeless, or lonely adults*

August 3, 2017

I am Rosemarie Reger-Rumsey, Executive Director of Listening House. I have been part of the Listening House community for 25 years; 18 1/2 serving as executive director.

Listening House is a 33-year old organization established in 1983 as a mission of hospitality; serving low-income, homeless and lonely adults. Many guests, not all guests, suffer with a mental illness, struggle with addiction or have a traumatic brain injury. Some guests are without permanent housing, but many are housed, live on the eastside, and consider Listening House their community center. This morning 10 people of about 40 guests visiting, live in the immediate neighborhood.

Listening House has a mature, knowledgeable and professional staff trained in crisis de-escalation and able to refer guests directly to needed agencies or professionals. As Chief Harrington once remarked, "Listening House is the bridge from hopelessness to hope."

Listening House guests are expected to respect other guests, staff, volunteers and neighbors. Consequences are given if this rule is violated, based on severity of behavior and other factors that influence conduct. Most bars from the facility are time-limited because behaviors are often secondary to mental health, addiction or brain injury and because forgiveness is a part of our mission. Vulnerable people need a safe, welcoming space and benefit from skilled staff, who can assess needs and connect people to services. Listening House is a "connector."

(Added based on Mr. Sheldon Johnson testimony before me; it is paraphrased) Mr. Johnson remarked how 30 agencies in Minneapolis formed a coalition to address homelessness, and it is ridiculous to think Listening House can tackle it alone. St. Paul/Ramsey County also has a coalition and Listening House staff sits on several committees addressing the problems in St. Paul.

Listening House came to the east side with a solid reputation for collaborating with police, other social service agencies and downtown neighbors & businesses. When Listening House was notified by Catholic Charities that our lease would end due to expansion plans, we assessed gaps in services and held focus groups with those we serve to determine what was needed. Overwhelmingly guests remarked that the worst part of being poor or homeless is a lack of purpose. LH directors researched activities that would add meaning to ones' day with empirical data noting the healing effects produced.

The invitation from First Lutheran Church was not only an invitation to join in their "wellness" efforts, it was to add needed capacity and skill sets that could address the needs of people *already approaching them for help*. Neighbors in the area have made many assumptions about Listening House services and those we serve, but none have accepted our invitation to come in, meet guests and learn about Listening House programs. Neighbors claim crime is up since Listening House arrived, but Chief Axtell recently reported crime is up across the City by 15% compared to last year. Camping is also up across the City.

Listening House staff appreciates that those using our services can be very challenging, but we are sincerely committed to be a good neighbor, listen to neighbor's complaints or concerns and address issues that arise. To date we have:

- Changed primary entrance (day one) at neighbor's request
- Eliminated plans for a patio on the North Street side
- Installed security cameras to monitor the parking lot on the back side, and three-cameras on the 8th Street side that monitor courtyard, parking lot and entrance were recently added
- Monitor numbers of guests using services to ensure appropriate staff & volunteer levels
- Staff and guests clean along 8th Street around the bend and up North Street, plus courtyard and parking lot Monday through Friday
- Clean (staff & guests) in the Upper Park and into Swede Hollow twice weekly
- Invited neighbors into LH and/or to call staff directly about concerns (personal invitations as well as at community meetings and electronically)
- Held community meetings with guests to discuss good neighbor policies

Listening House has been charged with creating garbage and having an overflowing dumpster, but our security cameras show neighbors dumping trash, including a mattress late into the evening.

Listening House remains committed to being a good neighbor and continues to expect those who use our service be good neighbors, too.

Thank you

Rosemarie Reger Burnsey

ZONING COMMITTEE STAFF REPORT

FILE NAME: Listening House

FILE # 17-060-690

APPELLANT: Rene & Kim Lerna

HEARING DATE: August 3, 2017

TYPE OF APPLICATION: Appeal of a Zoning Administrator similar use determination

LOCATION: 464 Maria Ave, NE corner at 8th Street

PIN & LEGAL DESCRIPTION: 322922130011; Block 2 Lyman Dayton Addition, and northeasterly 1/2 of vacated Maria Ave accruing

PLANNING DISTRICT: 4

EXISTING ZONING: RT1

ZONING CODE REFERENCE: §61.106; §61.202; §61.701(b-c)

STAFF REPORT DATE: July 27, 2017

BY: Bill Dermody

DATE RECEIVED: July 18, 2017

60-DAY DEADLINE FOR ACTION: September 16, 2017

- A. **PURPOSE:** Appeal of a zoning administrator similar use determination for Listening House to provide services at First Lutheran Church.
- B. **PARCEL SIZE:** 16,117 sq. ft. (of 2.7-acre church campus)
- C. **EXISTING LAND USE:** Church
- D. **SURROUNDING LAND USE:**
Swede Hollow Park to the northwest; residential uses to the north and east (RT1); First Lutheran Church campus and parking lot to the south and southwest (RT1/B2); Metro State University and commercial uses beyond the campus along 7th Street (B2/T2).
- E. **ZONING CODE CITATION:** §61.106 authorizes the Zoning Administrator to issue a Statement of Clarification finding any specific use not listed in the Zoning Code to be substantially similar (or not) to a use regulated by the Zoning Code. For uses not found to be substantially similar to a regulated use, this section provides for an application process to the Planning Commission (with public hearing before the Zoning Committee) to make a determination. Specific findings must be made. §61.202(a) designates the Planning Commission as the board to review similar use determinations. §61.701(b-c) establishes that Zoning Administrator similar use determinations may be appealed to the Planning Commission.
- F. **PARKING:** The Department of Safety and Inspections has determined that, per Zoning Code § 63.207, the site provides sufficient parking for all uses, including Listening House. Eleven (11) spaces have been identified for use by Listening House.
- G. **HISTORY/DISCUSSION:** On March 20, 2017, the Zoning Administrator's Office in the Department of Safety and Inspections (DSI) issued a Statement of Clarification to First Lutheran Church that determined that Listening House's operations are a permitted accessory use to the church in order "to provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professionals, and maintaining a food shelf," subject to conditions restricting site activities. The Statement of Clarification referred to a 2004 Planning Commission similar use determination (ZF #04-175-573) that found the leasing of space at a different church to organization(s) providing educational, service, performing arts, and studio arts is similar to other (permitted) accessory church uses.
- H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Council has not provided a recommendation.
- I. **FINDINGS:**
1. On July 13, 2017, Rene & Kim Lerna filed an appeal of the zoning administrator decision to conditionally permit Listening House as an accessory use at First Lutheran Church, as detailed in a March 20, 2017 Statement of Clarification from DSI. The Listening House use occurs at 464 Maria Ave. in the sanctuary building of the First Lutheran Church campus.
 2. In the March 20, 2017 Statement of Clarification, the proposed Listening House use of the site "to provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professionals, and maintaining a food shelf" was evaluated under the four required findings for a similar use determination in §61.106. The use was approved subject to the following conditions:
 1. The nonprofit tenant is limited to uses that are low profile, generate limited traffic, are

- compatible with the church's presence in the community, and have the potential to complement the activities of the church.
2. Tenants shall meet the standards and conditions for "home occupation" as listed in Section 65.141 b, c, g and h of the Zoning Code, except that the use is accessory to a church rather than a dwelling unit (and therefore the person conducting the activity need not live on the premises), and that some limited classes may be offered.
 - (b) A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair.
 - (c) A home occupation shall be carried on whole within the main building. No occupation shall be allowed in detached accessory structures or garages.
 - (g) There shall be no exterior storage of equipment, supplies, or overweight commercial vehicles, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except one business car, pickup truck or small van, nor any additional vehicles except those for permitted employees associated with the home business.
 - (h) There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance resulting from the home occupation.
 3. The church shall work with Listening House to prevent scheduling of multiple events that, taken together, would generate considerable traffic and congest neighborhood streets.
 3. In 2004, the Planning Commission approved a similar use determination for St. Mary's Episcopal Church at 1895 Laurel Ave. (ZF #04-175-573), which was referred to in the March 20, 2017 Statement of Clarification. The 2004 approval found that leasing space to civic, educational, social, cultural, service, healing arts, performing arts, and studio arts organizations is similar to other accessory church uses, subject to five (5) conditions, including that the tenants meet the standards and conditions for a "home occupation" (except that it's for a church rather than a dwelling unit), and that some limited classes may be offered with no more than 10 persons. Accessory uses noted during a 2008 inspection include a yoga studio, a home health care office, a non-profit travel organization, a massage therapist, a psychologist, a piano teacher, and a counselor.
 4. §61.106 states: When a specific use is not listed in the zoning code, ... the planning commission shall determine if a use is or is not similar to other uses permitted in each district. The ... planning commission shall make the following findings in determining one use is similar to another:
 - (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* This finding is not met. It has become apparent since the use has become established that it does not operate like the accessory uses permitted via Planning Commission action in ZF #04-175-573, nor like any other uses permitted in the RT1 zoning district. The use has not operated like a home occupation because of its detrimental effect on the neighborhood, with an increase in issues such as littering, public urination, and sleeping in outdoor public and private spaces causing such detriment, including during hours when the facility is closed. The use has not been compatible with the church's presence in the community. With no homeless shelter nearby, and the use's hours limited to 9:00 AM to 5:00 PM Monday through Friday, there is no reliable means to control the problem activities during other hours. Some problem activities have been exacerbated by the proximity to Swede Hollow Park.
 - (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses*

permitted. This finding is met. The property is on a corner lot and has two parking lots available for church and for Listening House staff/customers. The parking lots consist of one with 49 parking spaces of which Listening House will be using 11 parking spaces, and one with 24 parking spaces. The Church primarily uses the parking lot on Sundays with occasional evenings or special events. The lease limits Listening House to Monday through Friday, 9:00 AM to 5:00 PM. The traffic generated is similar to that of a church with the same programs

- (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is met. The use has been classified as an accessory use, which is permitted in all zoning districts.
- (d) *That the use is consistent with the comprehensive plan.* This finding is not met. The Comprehensive Plan in Housing Strategy H-3.4 calls for supportive housing for homeless, and generally commits the City to work to end homelessness (such as through programs like Listening House). Though the use is consistent with the Comprehensive Plan's general direction to provide support services to homeless, it is not consistent with the Plan's Land Use policies. The Comprehensive Plan designates the site as part of a Mixed Use Corridor centered on E. 7th Street and, in Strategy LU-1.48, calls for compatible mixed uses in such areas whether within buildings or on adjacent properties. As noted in Finding 4(a) above, the use has proven to not be compatible with adjacent properties, and therefore is not consistent with the Comprehensive Plan.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends granting the appeal of a Zoning Administrator similar use determination for Listening House to provide services at First Lutheran Church, thereby reversing the Zoning Administrator's decision to permit the proposed services.

Attachments:

1. March 20, 2017 Statement of Clarification
2. January 12, 2017 Letter requesting similar use determination
3. July 3, 2017 Notice of time period to appeal March 20 decision
4. Listening House tenant improvement plans
5. St. Mary's Episcopal Church similar use determination staff report, resolution, and inspection information (7 pages)
6. Appeal application
 - a. Appeal application form
 - b. List of residents who support appeal
 - c. Grounds for Appeal narrative (4 pages)
 - d. Print-outs from City website (5 pages)
 - e. Photos and descriptions (42 pages)
 - f. Police database lists (6 pages)
 - g. Jane Carlstrom letter
 - h. Kristenza Nelson letter
7. Listening House/Galatatz response letter to appeal (3 pages)
8. Additional testimony received (by 2:30 p.m. July 27, 2017 – 9 pages)
9. Maps



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

March 20, 2017

Brenda J. Olson
First Lutheran Church
463 Maria Avenue
St. Paul, MN 55106

Re: 463 Maria Avenue

Dear Ms. Olson,

In response to your request for a determination of similar use as specified under Sec. 61.106 of the Saint Paul Zoning Code received February 21, 2017, this letter is our Statement of Clarification.

This property is located in an RT1, Two-Family Residential Zoning District. A church is a permitted use in this zoning district.

The Saint Paul Planning Commission and City Council previously determined that the application of St. Mary's Episcopal Church for a Determination of Similar Use that leasing space to organization(s) that provide educational, service, performing arts, and studio arts is similar to other accessory church uses (Planning Commission Resolution #04-109, dated November 19, 2004).

Listening House of Saint Paul, Inc. is secondary to the main use of the property for church-related purposes. It is our determination that Listening House is similar to other accessory church uses based on the information you supplied, the previous use noted above determined by the Saint Paul Planning Commission and that it meets the following four required conditions:

1. That the use is similar in character to one (1) or more of the principal uses permitted. The uses to be provided by Listening House of St. Paul (Listening House) are similar to the uses provided by First Lutheran Church (Church). Listening House is a non-profit corporation that has operated in downtown St. Paul as a community center. Listening House will operate a drop-in community center, provide support services including hospitality, disease and mental health management, and offer activities such as storytelling and yoga in the primary structure on the premises for adults who are homeless, disadvantaged, or lonely. The Church currently leases space in a secondary structure to four other community-based non-profit organizations, and has operated their own wellness program for nine years that includes free meals, health assessments, and children's activities.

2. That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.

The property is on a corner lot and has two parking lots available for church and for Listening House staff/customers. The parking lots consist of one with 49 parking spaces of which Listening House will be using eleven (11) parking spaces as shown on the submitted site plan and one with 24 parking spaces. The Church primarily uses the parking lot on Sundays with occasional evenings or special events. The lease limits Listening house to Monday through Friday, 9:00 AM to 5:00 PM. The traffic generated is similar to that of a church with the same programs.

3. That the use is not first permitted in a less restrictive zone.

The uses provided by Listening House are similar to other accessory church-related programs.

4. That the use is consistent with the comprehensive plan.

The Land Use Plan promotes neighborhoods that have commercial, civic, and institutional activities embedded. The Land Use Plan states that City will support compatible mixed uses within a single building.

Based on the above findings, we determine that the use of First Lutheran Church leasing space to Listening House to provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professionals, and maintaining a food shelf is similar to other accessory church uses at 463 Maria Avenue. It is hereby approved subject to the following conditions:

1. The non-profit tenant is limited to uses that are low profile, generate limited traffic, are compatible with the church's presence in the community, and have the potential to complement the activities of the church.
2. Tenants shall meet the standards and conditions for "home occupation" as listed in Section 65.141 b, c, g and h of the Zoning Code, except that the use is accessory to a church rather than a dwelling unit (and therefore the person conducting the activity need not live on the premises), and that some limited classes may be offered.
 - (b) A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair.
 - (c) A home occupation shall be carried on whole within the main building. No occupation shall be allowed in detached accessory buildings or garages.
 - (g) There shall be no exterior storage of equipment, supplies, or overweight commercial vehicles, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except one business car, pickup truck or small van, nor any additional vehicles except those for permitted employees associated with the home business.
 - (h) There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance resulting from the home occupation.
3. The church shall work with Listening House to prevent scheduling of multiple events that, taken together, would generate considerable traffic and congest neighborhood streets.

All construction work at this site shall require submittal of plans to Plan Review, Department of Safety and Inspections, and construction trade permits for review and approval.

If you have questions, please contact me at 651.266.9084 or karen.zacho@ci.stpaul.mn.us

Yours truly,



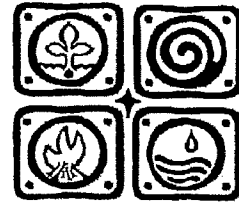
Karen Zacho
DSI Inspector - Zoning



First Lutheran Church est. 1854

463 Maria Avenue
St. Paul, MN 55106
651-776-7210
www.eastsidefirst.net
www.baylakecamp.com

Submitted 2.21.17



Bay Lake Camp est. 1926

January 12, 2017

Ms Wendy Lane
Planning Commission
City of St. Paul

Dear Ms. Lane,

This letter regards a request of "Determination for Similar Use." First Lutheran Church would like to lease space to Listening House of St. Paul, Inc, located at 463 Maria Avenue, a property currently zoned as a RT-1 residential district.

We understand that, in order for you to find that one use is similar to another; you need to make the following findings:

- (1) *That the use is similar in character to one (1) or more of the principal uses permitted:* Permitted in the RT-1 district is . . . "Food shelf when located in dwelling units or an accessory building for the dwelling unit, churches, synagogues and community centers." By using food shelves in the definition of accessory use, the zoning code seems to support uses consistent with the mission of the church that are not directly related to church activities, such as the Wellness Center offered by First Lutheran and our Food at First programs. Listening House (LH) is a low-barrier community center offering hospitality, practical aid and referrals to other organizations or agencies, and they have served low-income, homeless and lonely adults in St. Paul for 33 years. Listening House programs will introduce opportunities such as: music, writing, creative storytelling, yoga, and photography; as well as facilitated groups on disease management (i.e. diabetes) and groups focused on mental health support. These programs all align well with the wellness program that has met weekly at First Lutheran for nine years.
- (2) *That the traffic generated on such use is similar to one or more of the principal uses permitted.* Church services generate most of its traffic on Sundays and less at other times when there are church activities. First Lutheran owns two surface parking lots, which is more than adequate for Listening House staff, (5) volunteers (3) and partner professionals (2) who need parking during the week. Guests to Listening House either walk or use public transportation. Program hours would not over-lap with times when the church has the most traffic.
- (3) *That the use is not first permitted in a less restrictive zoning district.* Churches and church programs are first permitted in the R-1 residential district which is more restrictive than the RT-1 district.
- (4) *That the use is consistent with the comprehensive plan...* The East Seventh Street Design Guidelines, adopted by the St. Paul City Council in December 2009, states: "Mixed use building

* Indicates average number of volunteers or partners at any given time

are strongly encouraged" . . . and further states: "Pedestrian-oriented areas should include both retail and services."

Listening House has served downtown St. Paul for 33 years, but our lease with Catholic Charities ends January 31, 2017. We have been and will continue to be a low-barrier community center that serves an ethnically diverse group of low-income, homeless or lonely adults. Services include hospitality, practical aid and referrals to other professionals or agencies. Onsite partners include specialists in behavioral health, housing, outreach and veteran's assistance.

Additional programs are planned for a new location. Drop-in services will continue, with additional plans to collaborate with professionals in the fields of art and health to introduce opportunities such as: music, writing, creative storytelling, yoga, and photography. We also intend to offer facilitated groups on disease management (i.e. diabetes) and groups focused on mental health support.

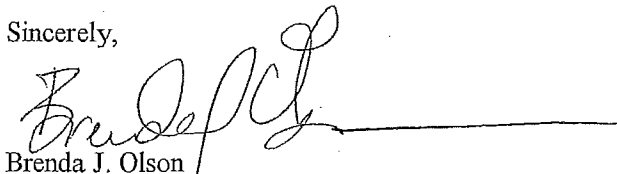
Hours of operation will be Monday through Friday from 9:00 am to 5:00 pm. Programs are designed for adults, 18 years of age and older. Neighborhood residents will be invited to participate with other visiting guests. There are no eligibility requirements for creative and enrichment programs, but participants may be asked to sign-up if class-size is limited. A majority of guests using services either walk or use public transportation. First Lutheran offers adequate parking for staff, (5) volunteers (3) and partners (2) *

The campus at First Lutheran houses two structures: the Sanctuary and Non Profit/Education Center. Currently four community-based nonprofit organizations (Eastside Elders/Block Nurse, Urban Roots, Young Artist Initiative/YouthTheater, & Santo Nino Episcopal Church) lease space in the non-profit/education center. (Head Start leased space, but left two years ago.) The Church Council & Pastor select tenants they believe are compatible with their community goals of: Welcome, Wellness & Worship. Nine years ago First Lutheran started a wellness program that meets every Wednesday. Known as 'Love Grows Here,' the wellness program is open to families and single persons. The creative and enrichment programs planned by Listening House align with the present and future plans of the Wellness Center.

Listening House seeks to use the lower level space of the main church (Sanctuary.) Considered "shared use space," church members may access much of this space on weekends or hours Listening House is not in operation. Design plans address complete restoration of restrooms, new flooring and other upgrades. Enclosed are the design plans for the lower level and parking layout. No children/child care is allowed during regularly scheduled Listening House hours.

Thank you for your consideration. We look forward to working with you in our process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brenda J. Olson", followed by a horizontal line.

Brenda J. Olson
Director of Development, First Lutheran Church

* Indicates average number of volunteers or partners at any given time



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

July 3, 2017

Brenda J. Olson
First Lutheran Church
463 Maria Avenue
St. Paul, MN 55106

Re: 463 Maria Avenue – Statement of Clarification

Dear Ms. Olson,

On March 20, 2017, the Department of Safety and Inspections issued a Statement of Clarification (see attached) which allows Listening House to engage in certain activities deemed accessory to the principal use of that property commonly known as First Lutheran Church, 463 Maria Avenue.

In regards to a request for a determination of similar use as specified under Sec. 61.106 of the Saint Paul Zoning Code, we typically inform the district council that they have a right to appeal a decision of the zoning administration. It is not a requirement of the Legislative Code nor is there a written policy to do so.

There have been recent inquiries regarding the zoning administrator's Statement of Clarification in this matter and, at the direction of the City Attorney's Office, this letter is intended to serve as notice that the zoning administrator's March 20, 2017 Statement of Clarification may be appealed by any person, firm or corporation affected by the Statement of Clarification. Under Legislative Code section 61.701(c) an appeal must be filed within ten (10) days after the date of this letter. The appeal must be filed with the department of Planning and Economic Development. The fee for filing an appeal is \$547.00. A copy of the Appeal form is attached.

If you have questions, please contact me at 651.266.9084 or karen.zacho@ci.stpaul.mn.us.

Yours truly,

Karen Zacho
DSI Inspector - Zoning

- c. Listening House
Dayton's Bluff District 4 Community Council
Wendy Lane, DSI
Jane Prince, Councilmember
Allen Torstenson, PED
Peter Warner, CA



Listening House Tenant Improvements @ First Lutheran Church 463 Maria Ave, Saint Paul, MN 55106

Hand-drawn floor plan for the Listening House, 463 Maria Ave, Saint Paul, MN 55106. The plan shows the layout of the building, including the main entrance, reception area, and various rooms. The plan is oriented with the main entrance at the top. The plan is drawn to scale, with a scale bar indicating 0, 5, 10, and 15 feet. The plan is drawn using a scale of 1/4" = 1'-0". The plan is drawn using a scale of 1/4" = 1'-0".



Listening House Tenant Improvements @ First Lutheran Church
463 Maria Ave, Saint Paul, MN 55106

ZONING COMMITTEE STAFF REPORT

FILE # 04-175-573

1. **APPLICANT:** St. Mary's Episcopal Church
 2. **TYPE OF APPLICATION:** Determination of Similar Use
 3. **LOCATION:** 1895 Laurel Ave., NE Corner at Howell
 4. **PIN & LEGAL DESCRIPTION:** 04-28-23-21-0108; MERRIAM PARK SECOND ADD SUBJ TO ESMTS LOTS 11 12 AND LOT 13 BLK 17
 5. **PLANNING DISTRICT:** 13M
 6. **ZONING CODE REFERENCE:** §61.106
 7. **STAFF REPORT DATE:** November 1, 2004
 8. **DATE RECEIVED:** 10/20/04
- HEARING DATE:** November 9, 2004
- EXISTING ZONING:** R3
- BY:** Patricia James
- DEADLINE FOR COMMISSION ACTION:** December 5, 2004

-
- A. **PURPOSE:** Determination of Similar Use that leasing space to civic, educational, social, cultural, service, healing arts, performing arts, and studio arts organizations is similar to other accessory church uses
 - B. **PARCEL SIZE:** 22,500 sq. ft.
 - C. **EXISTING LAND USE:** St. Mary's Episcopal Church
 - D. **SURROUNDING LAND USE:** The site is surrounded by low density residential development. Multiple family residential uses are located one block east.
 - E. **ZONING CODE CITATION:** §61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in a district. Specific findings must be made.
 - F. **HISTORY/DISCUSSION:** In 1965 a variance of side yard setback for a building addition was approved by the City Council (Z. F. # 5781)
 - G. **DISTRICT COUNCIL RECOMMENDATION:** At the time of this report the District 13 Merriam Park Community Council had not made a recommendation.
 - H. **FINDINGS:**
 1. The applicant currently leases some of the space in their addition to a variety of businesses and organizations. The rector and the vestry currently select tenants they feel are compatible with the church's mission, including those involved in education, neighborhood outreach, service to the underprivileged, minorities, handicapped, etc., self-help/self-improvement, mental, physical and spiritual development disciplines, and healing, performing and studio arts. All of these tenants are secondary to the main use of the property for church-related purposes. The Office of License, Inspections, and Environmental Protection has determined that many of the current uses do not fit under the zoning code definition of accessory uses. The applicant is requesting that the planning commission determine that these uses are similar to other uses accessory to a church, or are consistent with uses permitted in the R3 One-family Residential District such as home occupations and civic and institutional uses.
 2. §61.106 states: When a specific use is not listed in a district the planning commission shall determine if a use is similar to other uses permitted in each district. The planning commission shall make the following findings in determining one use is similar to another:
 - (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* The zoning code defines accessory uses in §65.910. The uses listed include off-street parking and loading, storage, trash containers, signs, swimming pools, newsstands, and antennas. Other uses include "[u]ses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex; greenhouses located on the premises as incidental to a florist." Also

permitted is *"Food shelf when located in dwelling units or an accessory building for the dwelling unit, churches, synagogues, and community centers."* By including food shelves in the definition of accessory use, the zoning code seems to support uses consistent with the mission of a church that are not directly related to church activities (e.g. classroom space for religious education.) The church's written policy regarding rental of space lists a number of classifications of uses and also limits tenants to those that could be classified as home occupations with one employee. They also try to limit the traffic generated by a tenant to what would be caused by a full-time church employee. Finally, the policy prohibits renting to a business involved in the regular sale of goods other than religious books and music. The uses currently housed in the church's building are:

1. Group day care/pre-school for up to 55 children. This use is permitted in church structures in residential districts. (§65.211(3))
2. Yoga studio. This would likely be classified under "Trade school, arts school, dance school", first permitted in the OS Office-Service district, the most restrictive commercial district. Class size averages 8, with 8 classes per week. It could also be considered similar to church-related uses such as religious instruction classes and study groups.
3. Office for Merriam Park Living at Home/Block Nurse Program. If located in a dwelling unit, this use, based on one employee, would be permitted under the zoning code definition of "home occupation," a copy of which is attached to this staff report. Home occupations are permitted in dwelling units in the R3 One-family Residential District (§65.141).
4. Music studio. This use is similar to what is allowed as a home occupation since only individual lessons are given.
5. Office for Global Citizens Network. This use, with a staff of one, could be permitted under the zoning code definition of "home occupation."

(b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* Traffic generated by these uses varies. The church generates most of its traffic Sunday and less at other times when there are church activities. Currently these activities take place mostly on Tuesday, Wednesday, and Thursday evenings. The pre-school has significant traffic as parents drop off and pick up their children. This activity takes place weekdays, when church-related activities are unlikely. The office uses are administrative offices with few employees and are unlikely to generate significant traffic. The yoga studio and music studio have the potential to generate more traffic depending on number of classes/lessons provided and number of participants. These uses are unlikely to generate more traffic than the church or the pre-school, which are permitted as principal uses.

The church currently has no off-street parking. Based on the current list of tenants, none requires more parking than the church. Problems are most likely to arise when more than one use has an event at the same time. The church should ensure that these conflicts are minimized by carefully scheduling events of the church and tenants.

(c) *That the use is not first permitted in a less restrictive zoning district.* With the exception of the yoga studio, all uses are first permitted in single family zoning districts, either as permitted uses or as home occupations. The music studio fits the definition of home occupation as long as only individual lessons are given. As long as class size is limited, the yoga studio use can be considered similar to other accessory church-related educational programs.

(d) *That the use is consistent with the comprehensive plan.* The Land Use Plan promotes

neighborhoods that have commercial, civic, and institutional activities embedded, not isolated in remote, single-use complexes. Land Use Plan Policy 5.2.1 states that “in traditional neighborhoods, the City will support compatible mixed use within single buildings”

3. Other neighborhood institutions, such as schools, also permit use of their space by other groups, although not necessarily on a lease basis. Public schools in Saint Paul regularly hold classes for the general public through the community education program. Many other churches and institutional uses allow community-based groups such as scout troops and support groups to use their building. Conditional use permits can be granted by the Planning Commission for reuse of vacant institutional buildings. The key issues seem to be the kind of activity that takes place and the level of traffic generated. General retail uses that depend on customer traffic would be inappropriate, for example, as would be uses that create noise in the neighborhood or create frequent traffic congestion in the neighborhood. The church's rental policy addresses many of the concerns regarding traffic generated by tenants by limiting the number of employees normally present to one. The restriction on retail sales could be made more similar to that permitted by home occupations. The educational uses also should be limited as to size and number. A yoga studio with one teacher and a class of 8-10 students at a time is very different from a studio with 3 or 4 or 5 teachers and classes of 8-10 at a time. One day care center with up to 55 students is different from two day care businesses with 50 students each, even though day care is a permitted use.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Determination of Similar Use that leasing space to civic, educational, social, cultural, service, healing arts, performing arts, and studio arts organizations is similar to other accessory church uses subject to the following conditions:
 1. The tenants are limited to uses that are low profile, generate minimal traffic, are compatible with the church's mission or presence in the community, or have the potential to complement the activities of the church. Non-profit, community-based organizations are preferred.
 2. Tenants shall meet the standards and conditions for 'home occupation' as listed in Section 65.141 of the Zoning Code, except that the use is accessory to a church rather than a dwelling unit (and therefore the person conducting the activity need not live on the premises), and that some limited classes may be offered.
 3. Tenants offering group lessons or classes are limited to one class at a time with no more than 10 people. The type of class offered should be limited to activities that generate minimal noise and are not disruptive to the surrounding neighborhood.
 4. To prevent congestion of surrounding streets and to minimize traffic disruption to the neighborhood, no more than one day care business is permitted.
 5. The church shall work with their tenants to prevent scheduling of multiple events and classes that, taken together, would generate considerable traffic and congest neighborhood streets.

city of saint paul
planning commission resolution
file number **04-109**
date **November 19, 2004**

WHEREAS, St. Mary's Episcopal Church, File # 04-175-573, has applied for a Determination of Similar Use that leasing space to educational, service, healing arts, performing arts, and studio arts organizations is similar to other accessory church uses under the provisions of §61.106 of the Saint Paul Legislative Code, on property located at 1895 Laurel Ave., Parcel Identification Number (PIN) 04-28-23-21-0108, legally described as MERRIAM PARK SECOND ADD SUBJ TO ESMTS LOTS 11 12 AND LOT 13 BLK 17; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 9, 2004, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant currently leases some of the space in their addition to a variety of businesses and organizations. The rector and the vestry currently select tenants they feel are compatible with the church's mission, including those involved in education, neighborhood outreach, service to the underprivileged, minorities, handicapped, etc., self-help/self-improvement, mental, physical and spiritual development disciplines, and healing, performing and studio arts. All of these tenants are secondary to the main use of the property for church-related purposes. The Office of License, Inspections, and Environmental Protection has determined that many of the current uses do not fit under the zoning code definition of accessory uses. The applicant is requesting that the planning commission determine that these uses are similar to other uses accessory to a church, or are consistent with uses permitted in the R3 One-family Residential District such as home occupations and civic and institutional uses.
2. §61.106 states: When a specific use is not listed in a district the planning commission shall determine if a use is similar to other uses permitted in each district. The planning commission shall make the following findings in determining one use is similar to another:
 - (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* The zoning code defines accessory uses in §65.910. The uses listed include off-street parking and loading, storage, trash containers, signs, swimming pools, newsstands, and antennas. Other uses include "[u]ses clearly incidental to a main use such as, but not limited to, offices of an industrial

moved by **Morton**
seconded by _____
in favor **Unanimous**
against _____

or commercial complex located on the site of the commercial or industrial complex; greenhouses located on the premises as incidental to a florist.” Also permitted is “Food shelf when located in dwelling units or an accessory building for the dwelling unit, churches, synagogues, and community centers.” By including food shelves in the definition of accessory use, the zoning code seems to support uses consistent with the mission of a church that are not directly related to church activities (e.g. classroom space for religious education.) The church’s written policy regarding rental of space lists a number of classifications of uses and also limits tenants to those that could be classified as home occupations with one employee. They also try to limit the traffic generated by a tenant to what would be caused by a full-time church employee. Finally, the policy prohibits renting to a business involved in the regular sale of goods other than religious books and music. The uses currently housed in the church’s building are:

1. Group day care/pre-school for up to 55 children. This use is permitted in church structures in residential districts. (§65.211(3))
 2. Yoga studio. This would likely be classified under “Trade school, arts school, dance school”, first permitted in the OS Office-Service district, the most restrictive commercial district. Class size averages 8, with 8 classes per week. It could also be considered similar to church-related uses such as religious instruction classes and study groups.
 3. Office for Merriam Park Living at Home/Block Nurse Program. If located in a dwelling unit, this use, based on one employee, would be permitted under the zoning code definition of “home occupation,” a copy of which is attached to this staff report. Home occupations are permitted in dwelling units in the R3 One-family Residential District (§65.141).
 4. Music studio. This use is similar to what is allowed as a home occupation since only individual lessons are given.
 5. Office for Global Citizens Network. This use, with a staff of one, could be permitted under the zoning code definition of “home occupation.”
- (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* Traffic generated by these uses varies. The church generates most of its traffic Sunday and less at other times when there are church activities. Currently these activities take place mostly on Tuesday, Wednesday, and Thursday evenings. The pre-school has significant traffic as parents drop off and pick up their children. This activity takes place weekdays, when church-related activities are unlikely. The office uses are administrative offices with few employees and are unlikely to generate significant traffic. The yoga studio and music studio have the potential to generate more traffic depending on number of classes/lessons provided and number of participants. These uses are unlikely to generate more traffic than the church or the pre-school, which are permitted as principal uses.
- The church currently has no off-street parking. Based on the current list of tenants, none requires more parking than the church. Problems are most likely to arise when more than one use has an event at the same time. The church should ensure that these conflicts are minimized by carefully scheduling events of the church and tenants.
- (c) *That the use is not first permitted in a less restrictive zoning district.* With the exception of the yoga studio, all uses are first permitted in single family zoning districts, either as permitted uses or as home occupations. The music studio fits the definition of home occupation as long as only individual lessons are given. As long as class size is limited, the yoga studio use can be considered similar to other accessory church-related educational programs.
- (d) *That the use is consistent with the comprehensive plan.* The Land Use Plan promotes neighborhoods that have commercial, civic, and institutional activities embedded, not isolated in remote, single-use complexes. Land Use Plan Policy 5.2.1 states that “in traditional neighborhoods, the City will support compatible mixed use within single buildings . . .”

3. Other neighborhood institutions, such as schools, also permit use of their space by other groups, although not necessarily on a lease basis. Public schools in Saint Paul regularly hold classes for the general public through the community education program. Many other churches and institutional uses allow community-based groups such as scout troops and support groups to use their building. Conditional use permits can be granted by the Planning Commission for reuse of vacant institutional buildings. The key issues seem to be the kind of activity that takes place and the level of traffic generated. General retail uses that depend on customer traffic would be inappropriate, for example, as would be uses that create noise in the neighborhood or create frequent traffic congestion in the neighborhood. The church's rental policy addresses many of the concerns regarding traffic generated by tenants by limiting the number of employees normally present to one. The restriction on retail sales could be made more similar to that permitted by home occupations. The educational uses also should be limited as to size and number. A yoga studio with one teacher and a class of 8-10 students at a time is very different from a studio with 3 or 4 or 5 teachers and classes of 8-10 at a time. One day care center with up to 55 students is different from two day care businesses with 50 students each, even though day care is a permitted use.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of St. Mary's Episcopal Church for a Determination of Similar Use that leasing space to educational, service, healing arts, performing arts, and studio arts organizations is similar to other accessory church uses at 1895 Laurel Ave. is hereby approved subject to the following conditions:

1. The tenants are limited to uses that are low profile, generate minimal traffic, are compatible with the church's presence in the community, and have the potential to complement the activities of the church. Non-profit, community-based organizations are preferred.
2. Tenants shall meet the standards and conditions for 'home occupation' as listed in Section 65.141 of the Zoning Code, except that the use is accessory to a church rather than a dwelling unit (and therefore the person conducting the activity need not live on the premises), and that some limited classes may be offered.
3. Tenants offering group lessons or classes are limited to one class at a time with no more than 10 people. The type of class offered should be limited to activities that generate minimal noise and are not disruptive to the surrounding neighborhood.
4. To prevent congestion of surrounding streets and to minimize traffic disruption to the neighborhood, no more than one day care business is permitted.
5. The church shall work with their tenants to prevent scheduling of multiple events and classes that, taken together, would generate considerable traffic and congest neighborhood streets.

Date: April 04, 2008
File #: 04 - 175573
Folder Name: St. Mary's Episcopal Church
PIN: 042823210108

Document pasted below provided by St. Mary's office staff during 4/4/08 inspection:

BUILDING USE ANNUAL REPORT

Building use income is reported in the financial section. St. Mary's has leases with the following tenants:

- The Jean Lyle Childrens' Center. JLCC has occupied several office and classroom spaces in the old part of the building for over 30 years. JLCC also uses the Undercroft on a non-exclusive basis. JLCC is a fully accredited pre-school and kindergarten for children ages 3 to 5, and operates as a non-profit 501(c)(3) educational institution. Rica Van heads a faculty of 9 full and part time teachers.
- Laurel Yoga Studio. The studio is led by Gayle Burdick. Studio founder, Faye Berton, returns for occasional workshops. Laurel Yoga Studio occupies Room 106 across the hall from the Choir Room.
- Merriam Park Living at Home/Block Nurse Program. This is a neighborhood-based home health care/support provider and coordinator for seniors in Merriam Park. LAH/BNP operates out of Room 107. Executive Director, Diane Raff, can be reached at (651) 646-2301.
- Global Citizens Network. This non-profit volunteer organization provides cross-cultural travel to third-world countries and Indian reservations in the United States. Linda Stuart serves as Executive Director. Global Citizens (www.globalcitizens.org) occupies the Board Room, the door to which is just off the chancel behind the organ console.
- Burdick Somatic Therapy. Gayle Burdick occupies Room 104 for the practice of therapeutic massage and other bodywork techniques for relieving structural discomfort, as well as a body-mind approach to exploring emotional issues through the body.
- Brad Kinder, MA, LP, LMFT, is a practicing psychologist. His practice is concentrated in individual, couple and family therapy, psychological evaluation and consultation.
- Liz Lupien. Liz brought her Baldwin concert grand piano into St. Mary's in 2006. Liz's studio, "The Piano Garden," offers scheduled piano lessons for children and adults. Liz performs regularly at local venues.
- Stephen Onell, doing business as FathersFIRST! Mr. Onell is a counselor and consultant on parenting and related issues. He is in his second year in Room 208.

Our building continues to host a variety of weekly and occasional building users for meetings, workshops and receptions, for which these users contribute as they are able. Two different families use our building for their annual holiday gatherings. The church has a price guide for receptions in the St. Mary's Room.

Bob Butterbrodt
Building User Coordinator



Application for Appeal
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # _____

Fee 547.00

Tentative hearing date: _____

PD=4

To Be Scheduled
322922130002

Appellant

Name René & Kim Lerma
Address 613 North St.
City St. Paul St. MN Zip 55106 Daytime phone 612-865-9752
Name of owner (if different) _____

Property Location

Address 463 Maria Avenue, St. Paul 55106
Zoning file name Decision from letter dated 3/20/17 to
Legal description: Brenda J. Olson from Karen Zacho
(attach additional sheet if necessary)

Type of Appeal: Application is hereby made for an appeal to the:

- ☒ **Planning Commission**, under the provision of Chapter 61, Section 701, Paragraph C of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator
- ☐ **City Council**, under the provision of Chapter 61, Section 702, Paragraph A of the Zoning Code, of a Decision made by the Planning Commission
- ☒ **Board of Zoning Appeals (BZA)**, under the provisions of Chapter 61, Section 701, Paragraph C of the Zoning Code, to appeal a decision made by the BZA on 3/20/17 File Number _____
(date of decision)

Grounds of Appeal: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission, City Council, or BZA.

Please see Attached "Grounds For Appeal"
we are appealing a decision of the zoning administrative
office of March 20, 2017.
Reference: Brenda Olson
See Attached letter (decision)
CK 5441
547.00

Appellant's signature _____

Date _____

City agent _____

[Signature]

7-13-2017

[Signature]
7-13-17

RESIDENTS WHO SUPPORT THIS APPEAL

Kristenze Nelson
653 North Street

Miranda & Nick Okonek
649 North Street

Ed Phillips
642 North Street

Gabriel Harren
619 North Street

Angela DePaul
635 North Street

Eric & Melinda Salinas
657 North Street

Sue & Terry Walfort
614 Fountain Place

Denise & John Erler
631 Bates Avenue

Steve Gammon & Anne Kukowski
638 Bates Avenue

Dave Decker & Jane Carlstrom
619 Bates Avenue

Karin DuPaul
668 Greenbrier Street

Milan Mockovak
720 E. 7th Street

Grounds for Appeal

1.) The Zoning Commission erred in its failure to hold a public hearing, with ten day notice mailed to all property owners within 350 feet of 463(464) Maria, on its Determination of Similar Use.

Sec. 61.106 of the city code, requires that, “When a specific use is not listed in the zoning code, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated herein. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator.” Saint Paul’s Department of Safety and Inspections, Resident Complaint Handbook, promulgates the process by which Section 61.106 operates in its section outlining Determination of Similar Use. The online handbook for residents concerned about the use of property in their neighborhoods notes that, “Any person proposing such use may then file an application for the Planning Commission to determine if a use is or is not similar to other uses permitted in each district.”

The Resident Handbook’s section on Determination of Similar Use proceeds to describe that an eight member subcommittee of the Planning Commission, referred to as, The Zoning Committee, is to hold **a public hearing** and make a recommendation to the full Planning Commission. (Emphasis added.) The Resident Handbook clearly requires that, “All property owners within 350 feet of the subject property and the Citizen Participation District Council for the area are notified by mail at least ten days prior to the public hearing.” (See **Exhibit 1**, Excerpts from Saint Paul’s Department of Safety and Inspection Resident Handbook for Complaints, printed from the Saint Paul City Website on July 12, 2017.)

The approval of 463(464) Maria, as a host of Listening House did not allow for the public process contemplated in the city code or its Resident Handbook. The attached letter signed by Karen Zacho, DSI Inspector – Zoning, reflects that Brenda Olson of First Lutheran Church (463 Maria) requested a determination of similar use under Sec. 61.106 of the Saint Paul Zoning Code. This existence of this letter and its contents reflect that the Determination of Similar Use process, as referenced in the online Resident Handbook, should have been fully engaged. This process clearly requires notice to the closest neighbors of the 463(464) Maria and a public hearing. While the March 20, 2017 letter signed by Karen Zacho ultimately concludes that the Listening House is similar to other accessory church uses based on the information Ms. Olson supplied to the city, the handbook requires that when a person files, “...an application for the Planning Commission to determine if a use is or is not similar to other uses permitted in each district,” the eight member Zoning Committee must then hold a public hearing and make a recommendations to the full Planning Commission.

None of the residents near the Listening House and none of the similarly situated nearby neighbors received any notice from their neighbor at 463(464) Maria, from any representative at Listening House, or from anyone on the Planning Commission or the Zoning Committee. As dedicated members of the community, our only “notice” occurred because an astute property owner saw “Listening House” on a newly installed HVAC unit just days before its scheduled opening. This was not the notice due to the local public surrounding 463(464)

Maria.

As Ms. Zacho's March 20, 2017 letter observes, the neighborhood is an RT1, Two Family District under Sec. 66.213 which, "...provides for an environment of predominately low density one-and two-family dwellings along with civic and institutional uses and public services and utilities that serve the *residents in the district.*" (Emphasis added.) Listening House has not provided any information, and none of the residents impacted by its presence on a street heavily populated by families with either children or seniors, is aware of district members benefitting from their services. If they exist, Listening House has not demonstrated what portion of their visitors are residents in the district. It is commonly understood that most people accessing Listening House's services, are either homeless, residents of shelters (most of which are not in our district) or precariously residing in difficult circumstances.

Such circumstances often lead to people living out of doors, in public parks or wooded areas. 463(464) Maria and the nearby residential blocks abut a large isolated wooded area known as Swede Hollow. The Hollow and the "Upper Park" just above the Hollow, provide acres of places for people with significant issues such as mental illness and chronic substance abuse to live outside, away from the stability of shelter and supportive services. Indeed, the parking lot of 463(464) Maria sits adjacent to the woods that form part of the Hollow's border.

Since the opening of Listening House, the residents on North, Maria, Bates, Seventh, and Margaret Streets, have all incurred a vast increase in foot traffic, loud, sometimes disrespectful, often intoxicated, sometimes actively psychotic, sometimes criminally engaged, sometimes threatening, sometimes argumentative people making their way to and from the Upper Park, the Hollow, and the Listening House.

The detrimental impact of this exponential increase in disrespectful conduct, public intoxication, day drinking, daytime drug use, drug dealing behaviors, car break ins, property damage, assaults, and other incidents requiring police calls, since Listening House opened, will be detailed below. However, these circumstances could, and should have been addressed by way of due process to the public via notice and the opportunity to be heard. The Zoning Commission should hold a public hearing to address the significant challenges its decision to allow Listening House into a solidly residential family neighborhood has caused.

2.) The Determination that Listening House's use of the property is similar to that contemplated for churches under the existing code, was in error.

During a community meeting between neighbors, church leaders and the staff and directors of Listening House (which only occurred after neighbors' accidental discovery that Listening House was to open at 463(464) Maria) Listening House Staff listened to concerned neighbors.

Questions about who the people accessing their services are, specifically, whether any of them would be sexual offenders, people recently released into the community for the first time following years' of incarceration, or other people about whom neighbors with children

and elderly family, might be concerned were posed to Listening House staff. One of the directors referred to their population as a “low barrier facility” that did not screen its participants. She admitted that their facility could not, and did not, screen for predatory offenders, or people with histories of violence against women, children, or other vulnerable adults. Most of the homes on the street adjacent to 463(464) Maria have minor children. A newly opened apartment building, “The Cambric” (on East Seventh Street) is a fifty-five and older multi-unit apartment building; and it has already started to absorb some of the impact of Listening House. Diagonally across the street from the “Upper Park” where many people accessing Listening House go before and after dropping in at 463(464) Maria, is a nursing care facility called, Dellwood Gardens. These are the people who live in the community that surrounds Listening House. The following are the incidents they have experienced in the weeks that have followed its opening at 463(464) Maria:

Please see attached descriptions of incompatible obnoxious use by Listening House participants. Also attached are photos of some experiences, as well as the number and nature of police calls made in response to Listening House’s presence in the neighborhood.

This is not use that is similar to anything contemplated under the code, even for a benevolently oriented, charitable church organization.

3.) Listening House’s presence in this particular neighborhood, particularly with its proximity to the Hollow and the Park, the socio-economic diversity of the area, and the population Listening House invites into the area, undermines decades of effort a unique combination of people have invested in Dayton’s Bluff.

The East Side of St. Paul, and certainly Dayton’s Bluff has long been the center of a great deal of crime, diminished property values and sluggish business interests. A very talented, energetic and committed base of long term residents on the exact streets most significantly impacted by Listening House’s presence at 463(464) Maria, is facing what may simply be the final straw. It is untenable to expect that the people who have worked so diligently, some for upwards of thirty to thirty-five years, could, or would, continue to invest in revitalizing a neighborhood that is quickly becoming over-run with non-residents engaged in the innumerable incidents of nuisance, crime and obnoxious use outlined above.

These residents have worked tirelessly to save architecturally significant homes and store fronts. On North and Bates alone, they have coordinated in the last ten years to successfully remove two absentee landlords and repurpose “drug houses.” They have invested significant capital to revitalize the beautiful homes and properties available in Dayton’s Bluff. They have invested years of sweat equity and personal skill in these efforts, as these properties would not otherwise have been fiscally viable investments. They have leveraged all the social capital they have in efforts to attract new people with an appreciation for authentic ethnic, socio-economic, and rich cultural diversity, as well as businesses compatible with such a neighborhood.

The neighborhood is already home to many sober houses, public service agencies, probation offices, unofficial half-way houses (apartment buildings full of level three sex offenders, other levels of sex offenders and recent releases from strong correctional sentences) and

offers a significant volume of section eight and low income housing. We are not people who lack compassion for those who have suffered or need assistance. We have been willing urban pioneers in a neighborhood that most people would never consider as a place to call home, a place to raise a family, a place to support others with whom they may not have much in common, a place to live in real diversity. Without the people who have invested so much, so significantly in the blocks closest to 463(464) Maria, Dayton's Bluff would be a completely different place, one even less likely for people to find as an appealing place to build a life. These people should be heard for the significant diminution of the quality of their lives that Listening House presents.

4.) The DSI Inspector's conditions for approval only address traffic issues or concerns about vehicle use.

Karen Zacho's March 20, 2017 letter approving the use of 463(464) Maria by Listening House, focuses on traffic flow, parking and the coordination of events to avoid congestion on the streets. However, the real issues, experienced by the residents of the neighborhood, the actual impact on the neighborhood, are attributable to the after-hours spillover. Listening House is open nine a.m. to four-fifteen p.m. It has no staff or security on hand at the end of their business day. However, this agency serves a largely transient population. They do not leave the area surrounding Listening House, when the staff kills the lights and locks up for the evening.

They loiter in public parks, they break into our vehicles, they urinate in public, they panhandle, they drink, they yell, they pass out, they dump copious amounts of garbage, they harass us and one another, and they discard drug paraphernalia, in areas meant to be zones of leisure for the actual "residents in the district." This is not a traffic issue. The Listening House is a very serious quality of life issue for the residents within three or four blocks of 463(464) Maria.

Sec. 61.106. - Similar use determination.

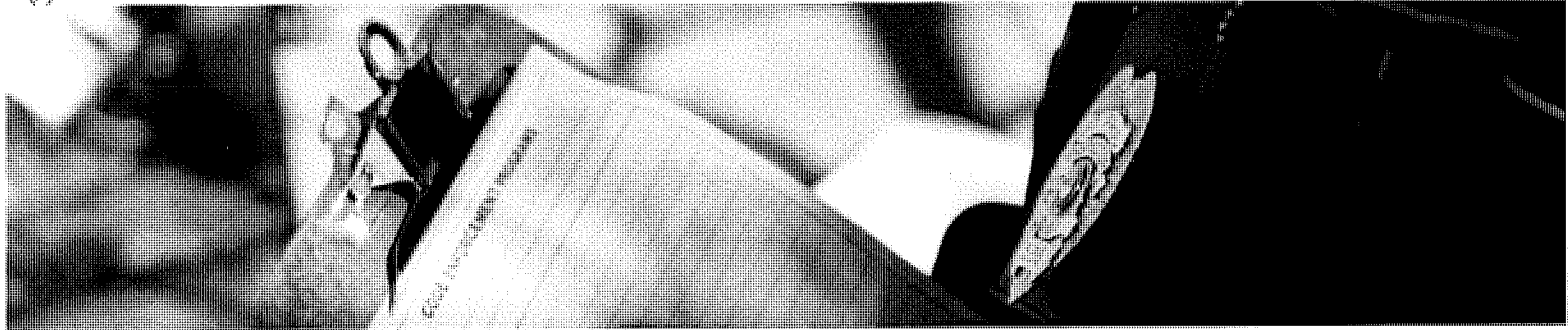
When a specific use is not listed in the zoning code, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated herein. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If the zoning administrator finds that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code, any person proposing such use may file an application for the planning commission to determine if a use is or is not similar to other uses permitted in each district. The zoning administrator or planning commission shall make the following findings in determining one (1) use is similar to another:

- (a) That the use is similar in character to one (1) or more of the principal uses permitted.
- (b) That the traffic generated by such use is similar to one (1) or more of the principal uses permitted.
- (c) That the use is not first permitted in a less restrictive zoning district.
- (d) That the use is consistent with the comprehensive plan.

(C.F. No. 10-349, § 2, 4-28-10)

Sec. 61.303. - Review procedures, hearing and notices required.

The planning commission (when authority has not been delegated to the planning or zoning administrator), the board of zoning appeals, and the city council upon appeal shall make no decision on a specific zoning application until after a public hearing has been conducted by the planning commission or zoning committee of the planning commission, board of zoning appeals, or city council. Notice of the time and place of any hearing shall be sent to the following: for minor variance cases, all owners of record of property within one hundred (100) feet of the premises in question; for all other cases, all owners of record of property within three hundred fifty (350) feet of the premises in question. Such notices shall be delivered personally or by mail addressed to the respective owners at the address given in the most current Ramsey County property taxation records.

[\(/calendar\)](#)
Connect[\(/departments\)](#)
Jobs[\(/maps\)](#)[\(/news-room\)](#)[\(/https://information.stpaul.gov\)](https://information.stpaul.gov)**Applicant
Print-out**[\(/connect\)](#)[\(/departments/human-resources/jobs\)](#)**Saint Paul Minnesota**
*The most livable city in America***RESIDENTS**
(/RESIDENTS)**BUSINESSES**
(/BUSINESSES)**GOVERNMENT**
(/GOVERNMENT)**VISITORS**
(/VISITORS)

[Departments \(/departments\)](#) // [Safety & Inspections \(/departments/safety-inspections\)](#) //

[City Information & Complaints \(/departments/safety-inspections/city-information-complaints\)](#) //

[Resident Handbook \(/departments/safety-inspections/city-information-complaints/resident-handbook\)](#) //

[Zoning \(/departments/safety-inspections/city-information-complaints/resident-handbook/zoning\)](#)

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[Building Trade \(/departments/safety-inspections/licenses/building-trade\)](#)

Determination of Similar Use

General Information

A Determination of Similar Use is when the [Planning Commission \(/https://www.stpaul.gov/departments/planning-economic-development/planning/planning-commission\)](#) determines that a proposed use that is not in the zoning ordinance is "similar" to a use that is in the zoning code. The zoning administrator first issues a statement of clarification finding that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code. Any person proposing such use may then file an application for the Planning Commission to determine if a use is or is not similar to other uses permitted in each district. The Planning Commission is a 21-member citizen board appointed by the Mayor with the consent of the City Council. Their 8-member [Zoning Committee \(/https://www.stpaul.gov/departments/planning-economic-development/planning/zoning-committee\)](#) holds a public hearing and makes a recommendation to the full Planning Commission. All property owners within 350 feet of the subject property and the [Citizen Participation District Council \(/https://www.stpaul.gov/residents/live-saint-paul/neighborhoods/district-councils\)](#) for the area are notified by mail at least 10 days prior to the public hearing. The Zoning Committee holds public hearings every other Thursdays. The hearings start at 3:30 p.m. in City Council Chambers on the third floor of the City Hall/

Courthouse. **It is essential that the applicant or their representative attend the hearing.** At the public hearing, the Zoning Committee hears a staff report and recommendation, hears public testimony and makes a recommendation on the request. The Planning Commission receives the recommendation of their Zoning Committee at its next meeting, 8:30 a.m. on the Friday of the following week, when they approve or deny the application. This is a public meeting, but no public testimony can be heard.

Code Requirements

The Planning Commission must make the following findings in determining one use is similar to another.

- That the use is similar in character to one or more of the principal uses permitted.
- That the traffic generated on such use is similar to one or more of the principal uses permitted.
- That the use is not first permitted in a less restrictive zoning district.
- That the use is consistent with the comprehensive plan.

The Planning Commission may impose such reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of the zoning code and to protect adjacent properties. The Planning Commission may act as the Board of Zoning Appeals and grant Zoning Variances (<https://www.stpaul.gov/departments/safety-inspections/city-information-complaints/resident-handbook/zoning/zoning-variances>) in accordance with the variance provisions in the zoning code for proposals that also require a Determination of Similar Use.

Application Requirements

You must submit an application that includes the following:

- A completed Determination of Similar Use Application Form (/sites/default/files/Media%20Root/Safety%20%26%20Inspections/DSI.zonig_DSUApp_0.pdf)
- The required Fee

All items to be placed on an agenda must be submitted at least three weeks prior to the hearing date, according to the Planning Commission Hearing Schedule (</DocumentCenter/View/76608>). The process for obtaining a Determination of Similar Use takes a minimum of four to six weeks.

Determination of Similar Use - Inspections and Fees

A zoning staff person will visit the site to take photos which will be shown at the public hearing. If a Determination of Similar Use is granted, an inspection is made as part of the building permit or license for the project. Call 651-266-9008 to reach a Zoning Inspector.

News

4/1/17 - Zoning Code Fees Increase - April, 2017 (</news/zoning-code-fees-increase-april-2017>)

2/25/16 - Zoning Code Fees Increase (</news/zoning-code-fees-increase-3-starting-march-3rd-2016>)

2/17/16 - Safety & Inspections Plumbing Permit Policy Change (</news/safety-inspections-plumbing-permit-policy-change>)

More News (/news/?field_department_tid=786)

Fees

Description	Amount
Additional fee if variance required	\$315.00
Determination of Similar Use	\$735.00

Checks should be made payable to the City of Saint Paul. When a zoning application is submitted for a development that has been built or started without the required city permits, a late fee will be assessed. The late fee is double the filing fee.

Expiration/Renewal

No decision of the Zoning or Planning Administrator, Planning Commission, Board of Zoning Appeals or City Council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the Zoning or Planning Administrator grants an extension not to exceed one year.

Please submit the above to:

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex 25 Fourth Street West

Saint Paul, MN 55102



15 Kellogg Blvd. West | Saint Paul, MN 55102 | General Information: 651-266-8989

- Home (/)
- | Translate This Page ([http://translate.google.com/translate?](http://translate.google.com/translate?u=http://www.stpaul.gov/departments/safety-inspections/city-information-complaints/resident-handbook/zoning/determination&langpair=en|es&hl=en&ie=UTF8)
- [u=http://www.stpaul.gov/departments/safety-inspections/city-information-complaints/resident-handbook/zoning/determination&langpair=en|es&hl=en&ie=UTF8](http://www.stpaul.gov/departments/safety-inspections/city-information-complaints/resident-handbook/zoning/determination&langpair=en|es&hl=en&ie=UTF8))
- | Website Policies (/website-policies)
- | Local Tax Notification (/departments/financial-services/sales-and-use-tax-0)



(<http://facebook.com/stpaul>) (<https://www.youtube.com/stpaul>) (<https://twitter.com/stpaul>)

What we have witnessed so far has been chance occurrences. I can only assume that there has been much more but we can not monitor this 24 hours a day.

Everyday there seems to be more and more people starting to come to the Listening House and as such, we residents have seen a increase in the negative and impactful quality of life issues. The photo on page 20 not only enrages me but terrifies me, a hypodermic needle in the church parking lot, the place that our neighborhood children ride their bikes!

As you review the logs, you will see an increase in truly concerning incidents such as:

- * The homeless sleeping on the ground and on benches (these areas are in front or beside our homes!)
- * Trash just dumped everywhere (i.e. toilet paper, clothes, liquor bottles, beer cans, shopping carts, drug paraphernalia etc.)
- * Incidents of assaults.

I ask - Would you want to come home to this or have friends or family over?

Or most importantly, would you want your children playing in this environment?

Thank you.

5-30-17...A man is going through First Lutheran's dumpster, pulls down his pants and starts urinating. I confront the man and he replies "Get ready it will only get worse because Listening House is moving here."

(3)

5-31-17 Morning hours...Man sleeping
on the Church' steps.



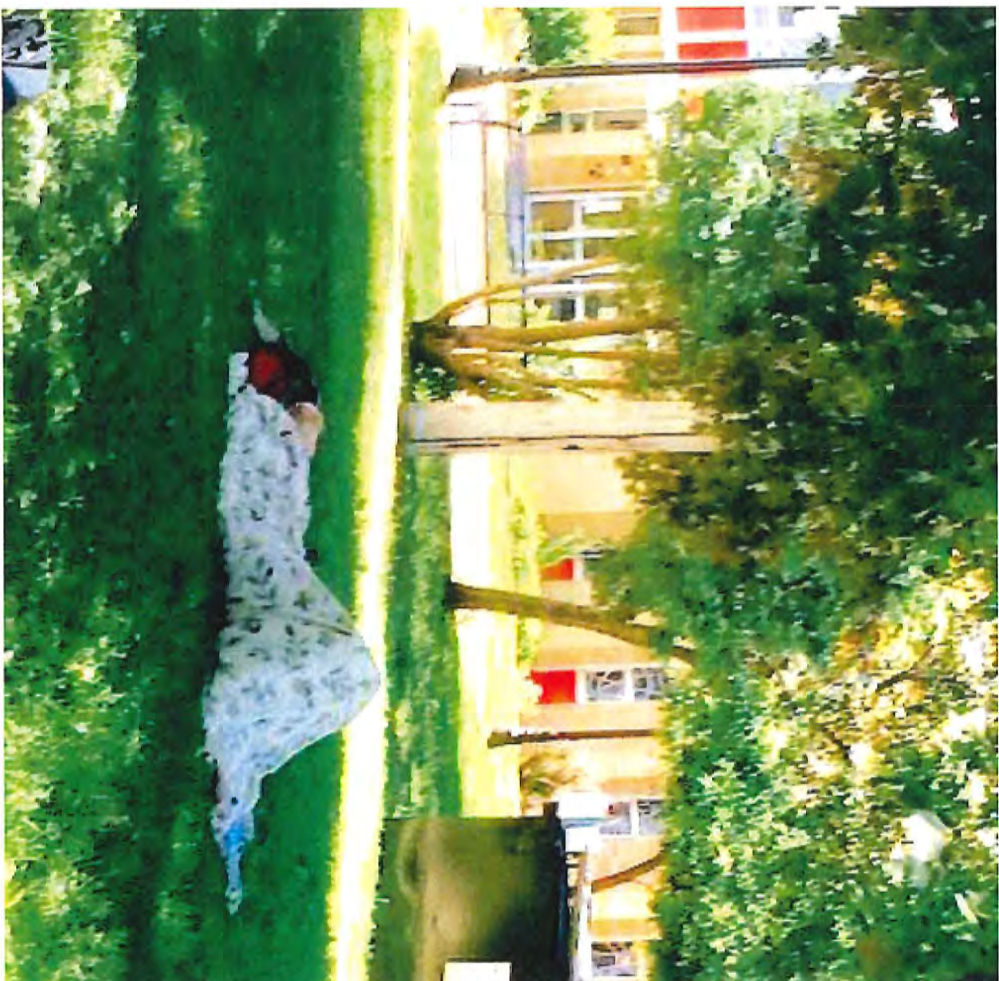


6-2-17....Person sleeping on bench and a person sleeping on the ground with their belongings in Swede Hollow Park.
(Photon taken by Kris)

6-5-17 (Opening Day of Listening House) 11:30 a.m. Man with blanket wrapped around him walks from LH to Terry Walford's parking pad (614 Fountain Place) his parking pad overlooks Swede Hollow Park. He looks over hollow and sees no access then walks back to First Lutheran Church, lays down and pulls blanket over him (at the intersection of North St. & Eighth Street - behind the church). Started to call 9-1-1 when a LH employee walks over to the man and tells him to leave the area.



6-7-17.....2 shopping carts in Swede Hollow Park. One is full of belongings the other is empty and thrown to the ground. (Photo from Mandy)



6-15-17 11:45 a.m. Man is laying on the ground with a blanket over him drinking a "tall boy" beer in First Lutheran/Listening House yard.
(photo taken by Mandy & Kris)

6-15-17 Around 5:30 p.m. 2 men sitting on retaining pavers in the Church's courtyard (One of the men is walking around with just socks no shoes looking through the Church's dumpster). A church or LH employee asks them to leave.

6-15-17 5:45 p.m. Same two men as mentioned above are on the side of the Church facing 8th St. with their belongings and openly drinking a beer.
(Photos taken by Mandy & Kris)





6-15-17 Around 5:53 p.m. Same two men as mentioned above sitting in the rain garden at Swede Hollow Cafe drinking beer. Police were called by at least 4 neighborhood residents.

(Photo taken by Kris & Mandy)

6-16-17... Around 9:30 p.m. I called 9-11 on a burgundy Ford Expedition that pulled into the Church's back parking lot and turned off the vehicles lights. Police arrived and engaged the driver for about 10 minutes then the vehicle left. The next morning I talked with a neighbor who lives on Bates Ave., the same vehicle was parked in the Upper Swede Hollow Park parking lot that morning. Another resident that also lives on Bates Ave. has seen the same vehicle numerous times parked in the Upper Swede Hollow Park parking lot. This is looking like the beginning of homeless sleeping in their vehicles parked in either the church's back parking lot or Upper Swede Hollow Park parking lot. We had this same problem with the Church years ago.

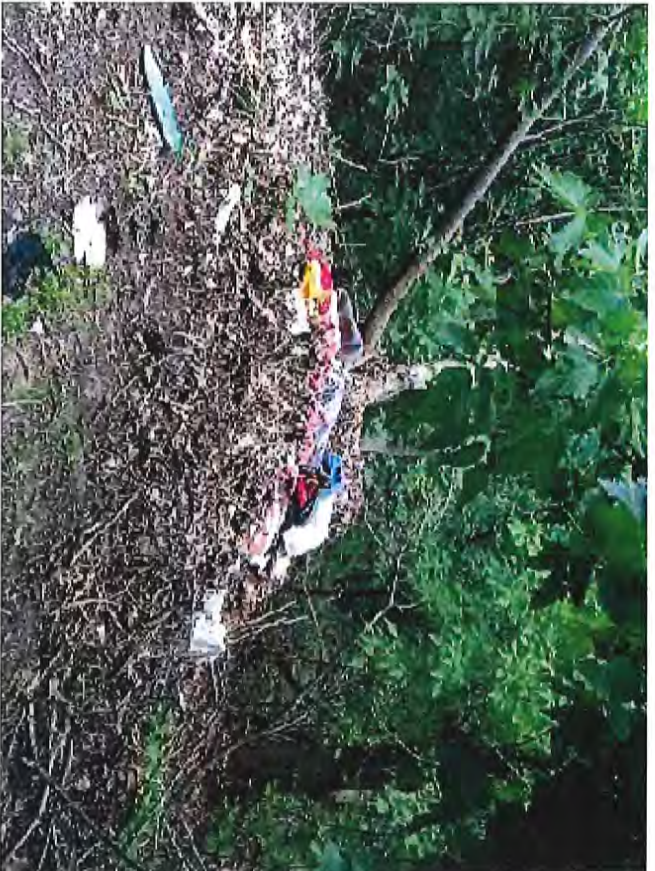


6-16-17 8:30 a.m. Man sitting on Church bench smoking pot.

6-16-17 9:05 a.m. Public drinking. A man drinking beer on Church's property and when finished he enters Listening House. (Photo taken by Mandy)



6-16-17...Late afternoon a man with a backpack walks from the Church down the hill into Swede Hollow Park.



6-17-17 Clothes thrown on Terry Walford's property (614 Fountain Place) by his parking pad that overlooks Swede Hollow Park.



6-19-17...Around 8:00 p.m. Shopping cart outside the entrance of LH. White trash bag thrown on the ground next to the Church's dumpster. A man and a woman with their belongings hanging around the church court yard. The man might have mental problems because he kept emptying his bag on the bench then repacking his bag, he did this about 7 times. They leave around 8:30 p.m.

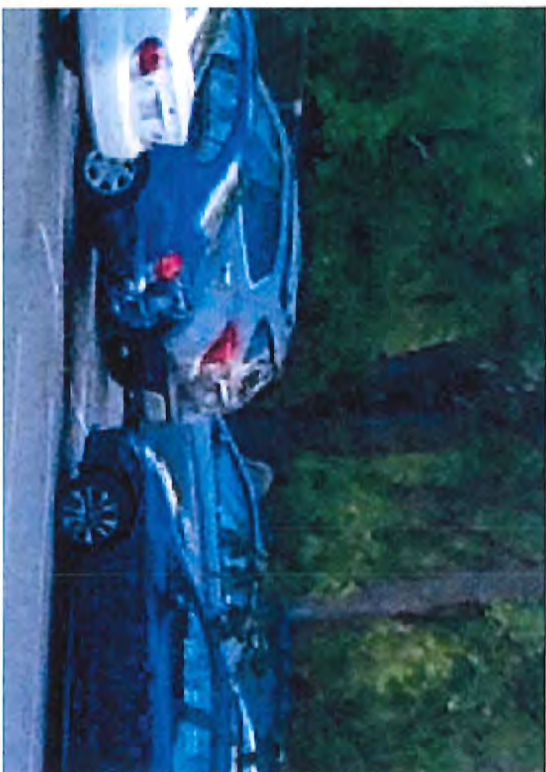


6-20-17 Tent set up on
Terry Walford's property (614
Fountain place).

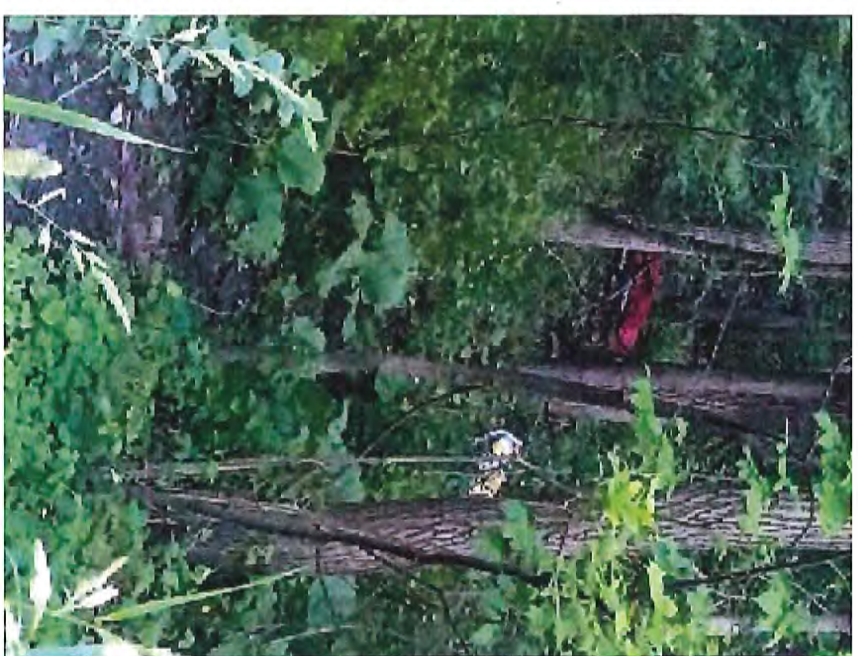




6-20-17 After we left the meeting (LH/FL & Neighborhood meeting) Tuesday evening, we saw 3 people with rolling suit cases and backpacks go to Terry Walford's parking pad (overlooks the hollow), they could not find access into the hollow from there, so they walked to the church's back parking lot and walked behind the chain link fence located at the back of the church's parking lot that goes into Swede Hollow Park.



6-21-17 7:08 a.m. Tent set
up in Swede Hollow Park.
Tent is set up in the trees left
of the 2nd pond in Lower
Swede Hollow Park.
(photo by Mandy)



6-20-17 Terry Giinther
(works at the Library with
Sage) saw a hypodermic
needle on the ground in the
Church's parking lot.
(photo by Terry)



LOG 2

6-21-17.....Witnessed by Kris Nelson. 11:30 p.m. Kris was taking out the trash. She saw 2 adults walking up to LH, she turned off her porch light and watched from the side walk to see if they were coming out the back side onto North Street. That is when an out of sorts female came walking down Bates St. towards Kris. The woman was talking loudly on her cell phone, "Where are you? I'm coming, What's going on? I see you!"

Kris thought she was talking to the adults at LH, but no, she got into a vehicle parked on the street just past Kris's neighbors driveway. The driver in the vehicle was aware of Kris's presence before Kris ever saw him. The driver flashed his lights on and off several times signaling to the people at LH. They came out of the shadows walking towards the vehicle. The vehicle slowly headed down maria out of sight with the 2 adults from LH running after it. Kris is sure she witnessed a drug deal going down and LH was their meeting place and she interrupted them.

6/22/17 Man drinking a beer, finished his beer then walks into Listening House. (Witnessed by Kris)

6/24/176:45 Homeless man sleeping in the entrance of the Cambria Senior Apartments @ 720 E. 7th Street. Police called. (Milan's building)

6/27/17...Shopping cart and big bag of trash @ the bottom of the stairs to Lower Swede Hollow Park.. (Photo by Mandy). Reported to St. Paul



6/27/17....9:30 p.m. Gray Sedan pulls into back Church parking lot, drives to the back corner and turns off lights. 9-11 called. Police arrive, the cars leaves after police engage driver.

6/28/17....(Mandy witnessed) 3 People drinking on stairs to lower Swede Hollow Park. A tent is set up in old train tunnel in the Park. 9-11 was called.

6/29/17...(Mandy witnessed) In Swede Hollow Park encountered a angry man with over 20 garbage bags....Shopping carts and trash everywhere. 9-11 was called.

6/29/17....10:30 p.m. Older burgundy mini van with back window blown out pulls up and stops at the corner of North Street and Fountain Place. Mini van is full of people, white man with white shirt gets out of van and walks into church back parking lot. He walks all the way to the back of the lot into the hollow. 9-11 called.

6/30/17....(witnessed by Mandy) Walking dogs in Swede Hollow Park (near the Payne Ave. entrance) was approached and harassed by 4 drunk men. They knew Mandy has been calling the police and they started yelling at her. One man started to walk towards her and Mandy ran away. 9-11 called.

7-1-17....7:30 p.m. (witnessed by Kris & Mandy) In Swede Hollow Park, people on top of the hill near the tunnel @ Beaumont, they were drunk, being loud and had a fire going in the park. 9-11 called.

7-2-17.....4:00 p.m. A homeless man in the mail room of the Cambria Senior Apartments @ 720 E. 7th. Street. Was told to leave or call the police. (Milan's building)

7-3-17...(from Kris & Mandy) 8:45 a.m. Belongings found dumped all over the ground in the Rain Garden at Swede Hollow Cafe. A flyer stating "At the Listening House behind the Burger King" with a map found with the items dumped on the ground. Evidence of neighborhood overspill, flyers are being passed out, word is spreading.

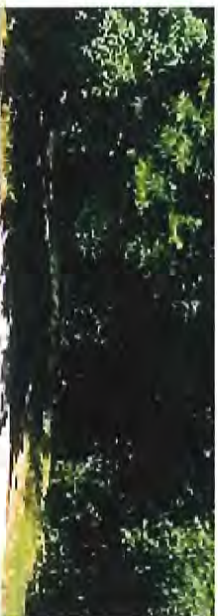


7-3-17....8:40 a.m. 2 men laying on a bench and the ground with their belongings waiting for LH to open their doors. (by Kris & Mandy).

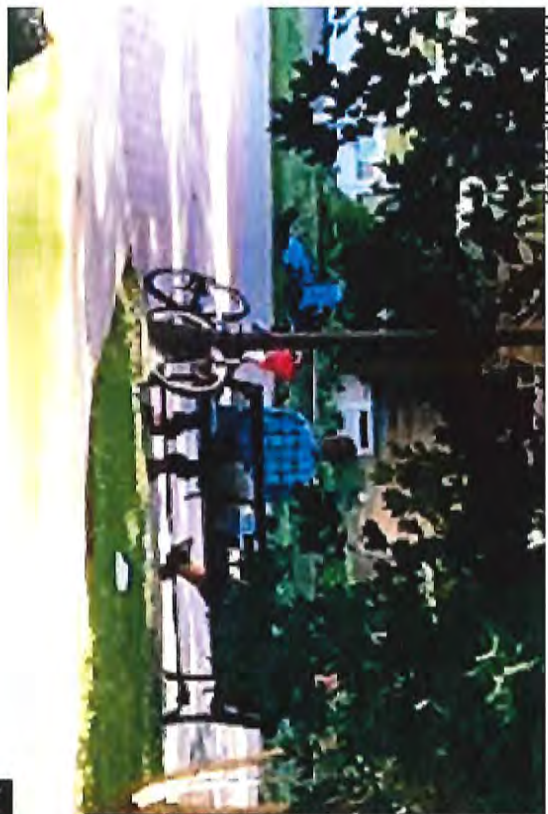


7-3-17....8:45 a.m. Chevy Blazer dark green, license plate 607-VKD (MN). with 2 hispanic men with tatoo on face and neck (tear drop tattoo on face) sitting in church back parking lot. We thought they were waiting for LH to open, but after LH open they did not get out of vehicle. Around 9:30 they moved their vehicle to park on North Street. Between the 2 men they had 3 different cell phones that they were using between the two men. Called 9-11. Rene' talked with officer after the Chevy Blazer left. The officer too thought something was amiss and to call 9-11 again if we see them again.

7-3-17....12:00 p.m. A man and a woman walked from LH to Terry Walford's parking pad and looked over the hollow. She was carrying a baby car seat (see picked up from a neighbor up the street who had put out for free) As Rene' was going to his car the woman asked for a ride. Rene's told them no and when Rene' left the woman threw the baby car seat onto the grassy island on Fountain Place. We had to remove and dispose of the car seat.



7-3-17.....4:45 p.m. Man with belongings on bench slumped over. We called 9-11. 1 LH employee (Julie) walked by him with no action (did not even check to make sure he was okay.) LH stated they would make sure all their clients were gone from property when the employees of LH left for the day. Police and EMTS arrived and woke the man up and checked on him and left. Man still on the bench. Around 5:45 p.m. We see Rosemarie (director of LH) see also walks by man and no action. Rosemarie gets in her car and Rene' flags her down and asks her about the man on the bench, she states "I told him to leave, what do you want me to do Rene,?" Rosemarie leaves. It is now 6:15 and a third man shows up and lays on the grass next to the church annex. 6:20 p.m we call the police again. Police arrives and tells them to leave. (It took 2 hours). LH has no control of their clients after they leave, it is up to the residents to police the area



7-7-17...8:30 p.m. (By Kris) Thin, tall black male, white woman with short blue hair (mid. 40's) & a white male brown hair (early 50's) sitting on ground in the Church's front parking lot with their belongings. White male is carrying a sleeping bag. They leave a bunch of items and trash dumped on the ground.



7-8-17....10:00 a.m. (By Kris) People (homeless) in Swede Hollow Park.



7-8-17.....12:50 p.m. (by Kris) White male who left trash in Church's front parking lot on 7/7/17 @ 8:30 p.m. is laying on wall on the corner of 7th St. and Marie Ave. with his sleeping bag and belongings.



7/8/17...Neighbor (Jerry on North St.) informed us that someone took an ice pick to one of his truck tires last night.

7/8/17...5:45 p.m. Man asleep on Church bench. Police called.



7-10-17....12:05 p.m. Male asleep on ground behind Church (corner of 8th St. and North St.) and another person asleep on Church bench. LH employee sees both and does nothing.



7-11-17.....8:03 a.m. Male sleeping on bench before LH opens.

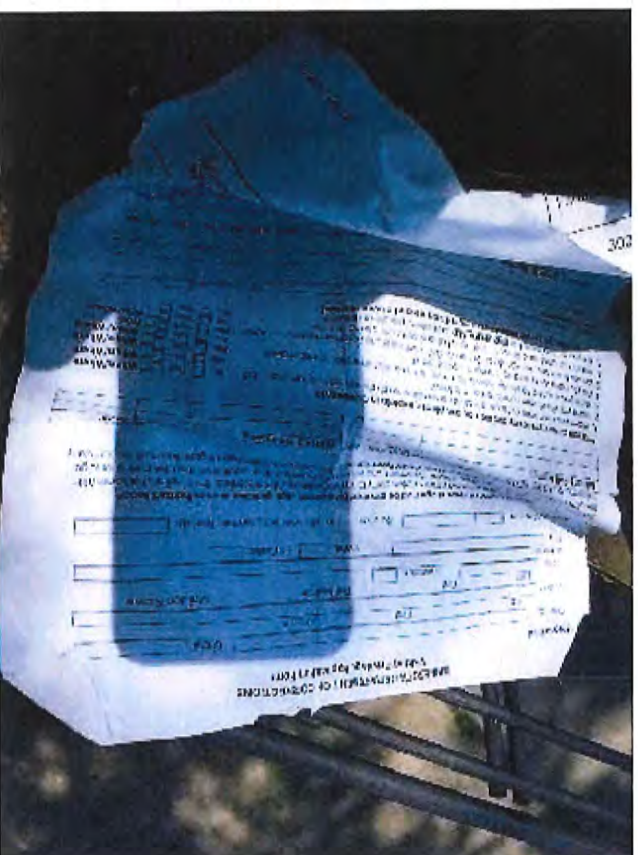


32

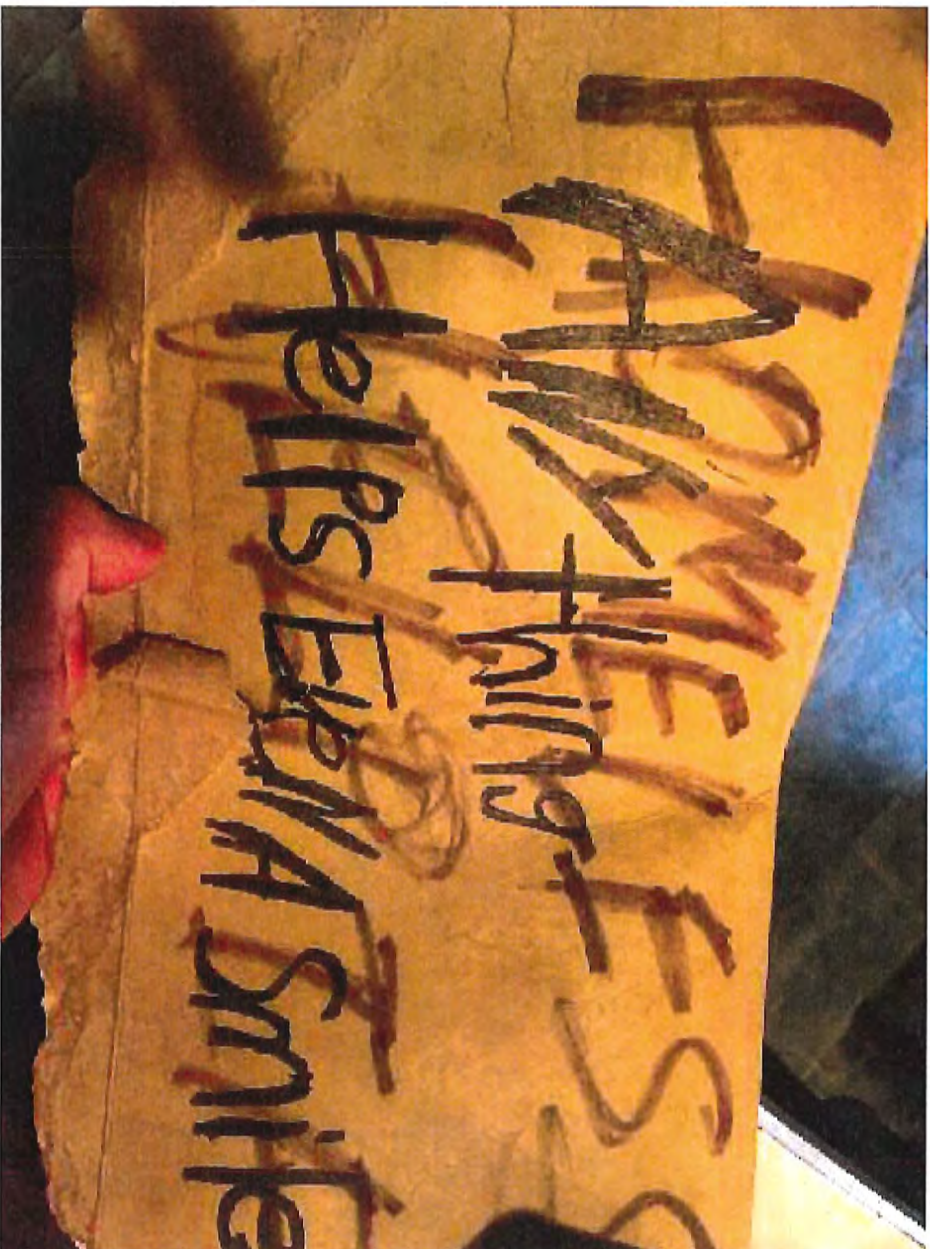
7-11-17....8:45 a.m. (From Kris) Male sleeping on ground in the front parking lot.

33

7-11-17...Bus stop in front of First Lutheran Church. Trash dumped everywhere and a shopping cart abandon full of trash and belongings.



7-11-17...(By Kris) A "Help the homeless" sign made from a beer carton found on the ground in Upper Swede Hollow Park.



7-11-17....(By Kris) Belongings that was dumped in the front parking lot on 7/7/17 still there. This parking lot is where LH is located and they still have not cleaned it up!

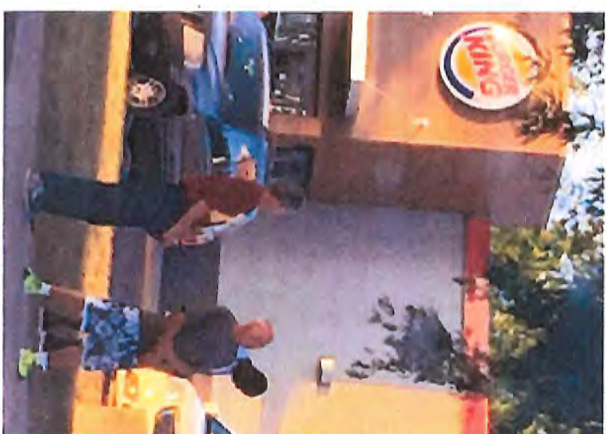


LOG 3



7-11-17....4:50 p.m. White male, no shirt, no shoes in back parking lot acting weird, talking to himself, stumbling, throwing sticks and lumber pieces. Called 9-11. Julie (LH employee) walks out and over to male, talks with him for a minute then gets into her car and leaves. Police show up and engage with him. Police make him leave the area. Rene' talked with officers.(Photo taken)

7-11-17....6:42 p.m....Same white male as above wandering around 7th towards Burger King and again @ 8:00 p.m. hanging on the corner of Maria and 7th. (Photos taken by Kris)



7-11-17...6:00 p.m. Black male walks from LH/Church area and enter woods to Swede Hollow.
(Photo taken)

7-12-17...7:03 a.m. 2 males asleep on benches at LH/Church. 9-11 called (photos taken)

7-12-17...8:41 a.m. White male asleep on ground (Church's front parking lot area, corner of 8th & Maria) 9-11 called (photo taken)



7-12-17.....9:15 a.m..... Rene' talking with police officers outside our home (across from LH/church). LH/Church's courtyard is full with LH people. As Rene' is talking with police officers a fight breaks out over at LH. Police witnessed this scene, they broke up the fight and talked with LH employees. Police recorded the incident. (Third fight, that we know of, since LH opened on 6/5/17.)

7-12-17....12:02 p.m.... 2 LH people walking down North Street and then walked on neighbor's property and stole vegetables from their front yard garden. (photo taken by Kris)



7-12-17...1:30 p.m..... Same white male from yesterday that was escorted out of neighborhood by police is back today with no shirt and sitting at bus stop in front of LH/Church (corner of 7th & Maria). (photo by Kris)



7-12-17...All photos below were taken today throughout the neighborhood and Upper Swede Hollow Park, illustrating the negative increase in quality of life issues through out our neighborhood and us, the residents, who are having to clean up the mess! (1st photo is used toilet paper by the picnic tables in Upper Swede Hollow.)



Continue Photos.





Saint Paul Police Department Address/Intersection Report

Address Search: 464 MARIA AV
Incident date from 06/01/2017 to 07/12/2017
(Sector 3, Grid 94)

Total Records: 11

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
17160705	07/12/2017 07:04:21	464		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
17160161	07/11/2017 16:55:18	464		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
17157567	07/08/2017 18:04:04	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17155200	07/06/2017 10:33:05	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17152638	07/03/2017 18:44:44	464		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
17152538	07/03/2017 17:07:55	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17152251	07/03/2017 09:48:46	464		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV
17149068	06/29/2017 22:33:44	464		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	GOA
17139773	06/19/2017 14:39:28	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17134606	06/12/2017 15:57:32	464		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	GOA
17124310	06/01/2017 20:23:46	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV

Saint Paul Police Department Address/Intersection Report

Address Search: 463 MARIA AV
Incident date from 06/01/2017 to 07/12/2017
(Sector 3, Grid 94)

Total Records: 2

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
17135690	06/13/2017 23:32:22	463		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17131218	06/08/2017 19:26:26	463		POLICE VISIT-PROACTIVE POLICE VISIT	ADV

Saint Paul Police Department

Incident Report

Area Search: Grid 94 Incident date from 07/05/2017 to 07/12/2017

Total Records: 250

CN	Occur Date/Time	Location	Site	Sector	Grid	Incident Type	Disp	Employee
17158426	07/09/2017 18:54:26	746 7 ST E Apt 2		3	94	DISTURBANCE-FIGHTS	ADV	688855
17158426	07/09/2017 18:54:26	746 7 ST E Apt 2		3	94	DISTURBANCE-FIGHTS	ADV	661001
17158463	07/09/2017 19:31:26	776 7 ST E Apt 2		3	94	DISTURBANCE-FIGHTS	ADV	559775
17158463	07/09/2017 19:31:26	776 7 ST E Apt 2		3	94	DISTURBANCE-FIGHTS	ADV	628104
17158463	07/09/2017 19:31:26	776 7 ST E Apt 2		3	94	DISTURBANCE-FIGHTS	ADV	195000
17158544	07/09/2017 21:49:40	696 4 ST E		3	94	POLICE VISIT-PROACTIVE POLICE VISIT	ADV	195000
17158554	07/09/2017 22:07:23	3 ST E MARIA		3	94	INVESTIGATE -JUVENILE	ADV	643205
17158554	07/09/2017 22:07:23	3 ST E MARIA		3	94	INVESTIGATE -JUVENILE	ADV	688855
17158554	07/09/2017 22:07:23	3 ST E MARIA		3	94	INVESTIGATE -JUVENILE	ADV	706833
17158554	07/09/2017 22:07:23	3 ST E MARIA		3	94	INVESTIGATE -JUVENILE	ADV	628104
17158670	07/10/2017 00:51:27	MARIA AV 4		3	94	TRAFFIC-STOP/ADVISE	ADV	504379
17158679	07/10/2017 01:05:36	7 ST E PAYNE		3	94	POLICE VISIT-PROACTIVE POLICE VISIT	ADV	498852
17158679	07/10/2017 01:05:36	7 ST E PAYNE		3	94	POLICE VISIT-PROACTIVE POLICE VISIT	ADV	750421
17158779	07/10/2017 07:10:00	685 3 ST E		3	94	CRIMINAL DAMAGE TO PROPERTY (GM \$501 TO \$1000)	RR	801095
17158936	07/10/2017 11:07:19	FOUNTAIN PL NORTH		3	94	PREVIOUS CN	PCN	280250
17158936	07/10/2017 11:07:19	FOUNTAIN PL NORTH		3	94	PREVIOUS CN	PCN	596000
17158965	07/10/2017 11:21:00	7 ST E HOPE		3	94	TRAFFIC ACCIDENT-PROPERTY DAMAGE ACCIDENT	RR	87700
17159066	07/10/2017 13:41:30	MARGARET ST GREENBRIER		3	94	POLICE VISIT-PROACTIVE POLICE VISIT	ADV	398100
17159066	07/10/2017 13:41:30	MARGARET ST GREENBRIER		3	94	POLICE VISIT-PROACTIVE POLICE VISIT	ADV	552600
17159066	07/10/2017 13:41:30	MARGARET ST GREENBRIER		3	94	POLICE VISIT-PROACTIVE POLICE VISIT	ADV	255900
17159130	07/10/2017 15:01:37	699 3 ST E Apt 1		3	94	DISTURBANCE-DISTURBANCE CALLS	ADV	203900
17159130	07/10/2017 15:01:37	699 3 ST E Apt 1		3	94	DISTURBANCE-DISTURBANCE CALLS	ADV	676500
17159130	07/10/2017 15:01:37	699 3 ST E Apt 1		3	94	DISTURBANCE-DISTURBANCE CALLS	ADV	750368
17159140	07/10/2017 15:20:03	674 4 ST E Apt 1		3	94	DOMESTICS	ADV	280250
17159140	07/10/2017 15:20:03	674 4 ST E Apt 1		3	94	DOMESTICS	ADV	596000
17159140	07/10/2017 15:20:03	674 4 ST E Apt 1		3	94	DOMESTICS	ADV	367000
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	750368
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	280250
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	596000
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	434970
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	566005
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	632480
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	644700
17159161	07/10/2017 16:04:23	359 MARIA AV Apt LOWER		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	674250

Saint Paul Police Department Incident Report

Area Search: Grid 94 Incident date from 07/05/2017 to 07/12/2017

Total Records: 250

CN	Occur Date/Time	Location	Site	Sector	Grid	Incident Type	Disp	Employee
17160338	07/11/2017 19:55:31	7 ST E MOUNDS		3	94	TRAFFIC-STOP/ADVISE	ADV	467906
17160338	07/11/2017 19:55:31	7 ST E MOUNDS		3	94	TRAFFIC-STOP/ADVISE	ADV	453501
17160463	07/11/2017 21:57:50	836 BEECH ST		3	94	ASS-ASSIST FIRE/AMBULANCE	ADV	83000
17160463	07/11/2017 21:57:50	836 BEECH ST		3	94	ASS-ASSIST FIRE/AMBULANCE	ADV	74560
17160463	07/11/2017 21:57:50	836 BEECH ST		3	94	ASS-ASSIST FIRE/AMBULANCE	ADV	172500
17160486	07/11/2017 22:30:56	BEECH ST 7		3	94	ASS-ASSIST FIRE/AMBULANCE	ADV	688855
17160486	07/11/2017 22:30:56	BEECH ST 7		3	94	ASS-ASSIST FIRE/AMBULANCE	ADV	676305
17160524	07/11/2017 23:17:24	MOUNDS BD 6		3	94	TRAFFIC-STOP/ADVISE	ADV	74560
17160524	07/11/2017 23:17:24	MOUNDS BD 6		3	94	TRAFFIC-STOP/ADVISE	ADV	75275
17160524	07/11/2017 23:17:24	MOUNDS BD 6		3	94	TRAFFIC-STOP/ADVISE	ADV	439400
17160525	07/11/2017 23:18:05	645 7 ST E		3	94	INVESTIGATE-AND ALL OTHER	ADV	195000
17160525	07/11/2017 23:18:05	645 7 ST E		3	94	INVESTIGATE-AND ALL OTHER	ADV	559775
17160546	07/11/2017 23:54:40	400 MARIA AV		3	94	INVESTIGATE-AND ALL OTHER	ADV	195000
17160546	07/11/2017 23:54:40	400 MARIA AV		3	94	INVESTIGATE-AND ALL OTHER	ADV	559775
17160562	07/11/2017 23:59:33	309 MAPLE ST		3	94	DRUNKENNESS	ADV	35001
17160562	07/11/2017 23:59:33	309 MAPLE ST		3	94	DRUNKENNESS	ADV	157007
17160562	07/11/2017 23:59:33	309 MAPLE ST		3	94	DRUNKENNESS	ADV	592423
17160562	07/11/2017 23:59:33	309 MAPLE ST		3	94	DRUNKENNESS	ADV	715705
17160610	07/12/2017 01:16:00	7 ST E PAYNE		3	94	OTHER ARRESTS-ALL,EXCEPT TRAFFIC ARRESTS	RR	661001
17160610	07/12/2017 01:16:00	7 ST E PAYNE		3	94	OTHER ARRESTS-ALL,EXCEPT TRAFFIC ARRESTS	RR	692374
17160610	07/12/2017 01:16:00	7 ST E PAYNE		3	94	OTHER ARRESTS-ALL,EXCEPT TRAFFIC ARRESTS	RR	74560
17160610	07/12/2017 01:16:00	7 ST E PAYNE		3	94	OTHER ARRESTS-ALL,EXCEPT TRAFFIC ARRESTS	RR	408505
17160610	07/12/2017 01:16:00	7 ST E PAYNE		3	94	OTHER ARRESTS-ALL,EXCEPT TRAFFIC ARRESTS	RR	504379
17160619	07/12/2017 01:36:52	6 ST E MARIA		3	94	TRAFFIC ACCIDENT-PERSONAL INJURY,HIT & RUN	ADV	280386
17160619	07/12/2017 01:36:52	6 ST E MARIA		3	94	TRAFFIC ACCIDENT-PERSONAL INJURY,HIT & RUN	ADV	501600
17160705	07/12/2017 07:04:21	464 MARIA AV		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	801095
17160705	07/12/2017 07:04:21	464 MARIA AV		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	461851
17160748	07/12/2017 08:43:36	464 MARIA AV		3	94	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV	134040
17160748	07/12/2017 08:43:36	464 MARIA AV		3	94	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV	196260
17160773	07/12/2017 09:18:41	464 MARIA AV		3	94	DISTURBANCE-FIGHTS	ADV	134040
17160773	07/12/2017 09:18:41	464 MARIA AV		3	94	DISTURBANCE-FIGHTS	ADV	196260
17160831	07/12/2017 10:24:42	325 MARIA AV		3	94	PROBLEM PROPERTY	ADV	258050
17160861	07/12/2017 10:47:55	782 7 ST E		3	94	TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS	TAG	553601
17160861	07/12/2017 10:47:55	782 7 ST E		3	94	TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS	TAG	178402
17160873	07/12/2017 10:30:32	695 7 ST E		3	94	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV	114590

Saint Paul Police Department Address/Intersection Report

Address Search: Intersection of 8 ST and MARIA AV
Incident date from 06/01/2017 to 07/12/2017

Total Records: 2

Complaint #	Occur Date & Time	Incident Type	Dispo
17142828	06/22/2017 22:34:25	(70) INVESTIGATE-AND ALL OTHER	ADV
17129545	06/07/2017 08:37:52	(64) ASS-ASSIST FIRE/AMBULANCE	CAN

Saint Paul Police Department

Address Strip Report

Address Search: NORTH ST between BATES AV and MARIA AV Incident date from 06/01/2

Total Records: 4

Complaint #	Occur Date & Time	Address	Incd	Disposition
17156210	07/07/2017 11:41:24	661 NORTH ST	TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS	GOA
17137337	06/15/2017 22:16:06	NORTH ST 8	DISTURBANCE-SUSPICIOUS PERSON, CAR ADV ACTIVITY	ADV
17144167	06/24/2017 05:39:43	NORTH ST BATES	911 HANGUP	GOA
17137154	06/15/2017 17:54:06	NORTH ST BATES	DRUNKENNESS	ADV

Like my neighbors, I am discouraged by the secret way the move was made from downtown to our neighborhood. But the real problem is the the huge increase in the number of homeless individuals who are living in Swede Hollow. Today, I visited an area that Dave and I cleared out just last week. No tent this time, just lots of beer cans, bottles, clothing, food wrappers, plastic bags, cardboard, and used toilet paper...Yuk! Today, there was another fight on the church patio in front of Listening House. The presence of Listening House in our residential neighborhood has significantly reduced our quality of life. I used to enjoy taking walks in Swede Hollow Park. Some of my neighbors no longer walk down into the Hollow because of the trash (a snowblower...really? in July? grocery carts, and the usual bottles, cans and clothing and because of the many homeless who are living there... one neighbor said it is just "scary" down there. A business, even a well intentioned non-profit business should not be able to destroy the peace and security of the residents who have lived here long before that business arrived and who hope to live here long after Listening House departs.

Jane Carlstrom

It is 10:30; I just returned from my usual morning dog walk. In the upper park I encountered a woman with a back pack who was carrying a large can of beer or malt liquor. We greeted each other and she volunteered that she was there to "get away from the men for a while and have a drink." I believe that she, like the many individuals we have seen drinking in Swede Hollow Park, is a client of Listening House.

My husband and I walk our dogs around the neighborhood at least twice a day. We are in the habit of picking up trash along the way. This summer we have picked up more beer cans and liquor bottles than at any time in the past. And we also have picked up more clothing, food wrappers, napkins, rugs, and tarps than ever before. Our past in the neighborhood extends back decades. Dave has lived here since 1979 and I have been here since 1992.

After the first meeting at Listening House I held out some hope that the organization would take responsibility for the problems it has brought to our neighborhood. I have lost that hope.

I was not able to attend the second meeting about Listening House last month. But reports about the meeting from my neighbors were disappointing. They tell me that rather than addressing the concerns of the neighbors we were once again told that we "lack compassion". One neighbor was told by a Listening House supporter that she has a "dark heart." I was very disappointed to hear that once again people who do not live in our neighborhood and who certainly did not seek to have this program placed in any of their own neighborhoods continue to insult those who express concern about the secretive way this program was dropped on us and who are interested in maintaining a safe and livable neighborhood for our families. Apparently the 2nd meeting did not advance the Listening House cause.

Like many others who live here, Dave and I like the living in a residential area with economic, ethnic, and racial diversity; we choose to live here. It appears that the neither the Listening House employees or First Lutheran staff choose to live with the problems they have brought to the neighborhood and show little interest in dealing with the concerns of the neighbors. Instead they show their "compassion" from 9 to 4:30 and then leave the problems they have brought to us behind as they head to more affluent neighborhoods and suburbs where they do not need to deal with homeless encampments just down the hill from their homes or with daily exposure to public drinking, foul language, and use of our neighborhood park to leave litter, clothing, and human waste. It is interesting to me that those who benefit by drawing a salary or rent from Listening House see themselves as "compassionate." It seems they expect the

neighborhood residents to constantly monitor our streets and parks for illegal activities after they and their compassion retreat to their safe, clean neighborhoods.

I have come to the conclusion that Listening House is a program that should not be located in a residential neighborhood. Until it moves to a more appropriate place, the staff should show some willingness to clean up the messes their clients leave behind and to assure after-hour security for our streets and park.

I understand that the Dorothy Day Center will be closing for renovation. I am concerned that the problems we are experiencing in the Upper Swede Hollow neighborhood since Listening House's move to our neighborhood will only become more extreme when other services in downtown are no longer available. I urge you to work out a comprehensive program to provide services for the homeless that will not degrade our residential neighborhoods.

From: Jane Carlstrom
Email: carls004@umn.edu
619 Bates Avenue
Saint Paul

6-22-17

Dear Commander Henry,

My name is Kristenza Nelson. I reside at 653 North Street with my two young sons Andreas,13 and Alex,12. My husband and I bought this home 18 years ago. We poured our hearts and soul into restoring this old home, tearing off siding, rebuilding the porch and painting. I have stayed on North street even though my husband passed away because of my neighbors and the strong community here. We believed in this neighborhood and I still do. You would hear this echo up and down our block. I would like to say thank you for attending our neighborhood meeting with Listening House a few weeks back. At the meeting I expressed concern around accountability for unlawful activity. It seems that this job has been placed squarely on the people who live on this street to report and to your fine officers patrolling. Unfortunately, spill over is occurring. I have called 911 on 3 occasions and have logged complaints with the eastern district number several times for things such as sleeping out on the lawn. Between 5 neighbors we have called 911 a total of 15 times. We learned at the last meeting not all of our calls are being logged to LH. Only 3 call were logged to LH? We are feeling very discouraged. We have started a log of activities and photos I would like to forward to you that my neighbor, Kim Lerma compiled from multiple neighbors. LH is becoming a destination for drug deals and unsavory characters, even if they are providing a couch and an ear for others.

Last night I worked late, getting home around 10:45. Around 11:30 I took the trash out. I saw two adults walking up to LH. I turned off my porch light and watched from the side walk to see if they were coming out the back side onto North St. That is when an out of sorts female came walking down Bates St. toward me. She was talking loudly on her cell phone. "Where are you? Im coming! What's going on. I see You!" I thought she was talking to the adults at LH. To my surprise she got in a vehicle a parked on the street just past my neighbors driveway. He was aware of my presence before I ever saw him. The driver flashed his lights on and off several times signaling to the people at LH. They came out of the shadows walking toward the vehicle. The vehicle slowly headed down Maria out of sight with the two adults from LH running after it. My heart sank, my boys had been home alone tonight.

I could not see the make of the vehicle, the actual color or could I read the plate. I don't know the race or sex of the driver or the people at the LH. I do know that I witnessed a drug deal go down, and LH was their meeting place. I should have called 911. But I had no information. How else can we log these activities? I feel like we fell through the cracks with 911.

LH is unaware of most of these activities, although they are gearing up with extra fencing and cameras (neither of which I have the luxury of implementing). At the last

meeting we were portrayed as un-compassionate and heartless. While we carry the burden of the aftermath when they leave for home.

We are committed to maintaining a safe street for our children and families. I am grateful for your presence in the park and on the block. I am concerned that the fabric of this street is being compromised in detrimental way that we may not come back from. I know LH is not responsible for all of the seedy crime happening on the streets but they ARE becoming a destination! You can see that red cross from much of the east side. Our street unfortunately offers convenient seclusion for illicit activity. Precisely the reason their mission is not a good fit for our neighborhood.

Any suggestions you have for us are greatly appreciated. I will be at your next meeting. I was sorry to learn it was just last night!

Respectfully,
Kristenza Nelson
653 North Street



Eric H. Galatz
612.335.1509 **DIRECT**
eric.galatz@stinson.com

July 25, 2017

By email

Bill Dermody
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634

Re: Appeal of Zoning Administrator Determination
First Lutheran Church 463 Maria Avenue Listening House
17-060-690

Dear Mr. Dermody:

Please accept this letter on behalf of Listening House for the record in the referenced proceeding, in support of the determination of the zoning administrator that the activities of Listening House in First Lutheran Church, 463 Maria Avenue, St. Paul, Minnesota, are substantially similar to activities the City would allow in a church or other religious institution.

At the advice of the City Attorney, in a July 3, 2017 letter to First Lutheran Church with copies to the Dayton's Bluff District 4 Community Council, Listening House and City officials, Karen Zacho, DSI Inspector, Department of Safety and Inspections, as zoning administrator for the City of St. Paul, invited appeals from the March 20, 2017 Statement of Clarification, issued by Inspector Zacho to First Lutheran Church, under Section 61.106 of the St. Paul Code of Ordinances, determining that the Listening House as a tenant of the First Lutheran Churches were substantially similar to uses permitted in the church. Inspector Zacho provided notice of the decision and an opportunity to appeal within ten days after the date of the letter, under Saint Paul Code of Ordinances Section 61.107(c).

In the March 20 Statement of Clarification the zoning administrator found that the proposed use of space within First Lutheran Church by Listening House was substantially similar to other uses permitted in the Church, subject to the following conditions:

- (1) Listening House must limit its activities to uses that are "low profile, generate limited activity, are compatible with the church's presence in the community, and have the potential to complement the activities of the church;" and
- (2) Listening House must meet the requirements of a Home Occupation, adjusted to account for the fact that the principle use is a church, not a home.

Listening House accepted those conditions and has since been providing services to the indigent and homeless from premises in First Lutheran Church.

Appellants Rene and Kim Lerma filed their appeal on July 13.

On behalf of Listening House we respectfully ask the planning commission to uphold the decision of the zoning administrator, and reject the appeal, on the following grounds:

1. Appellants assert that the Code of Ordinances requires a public hearing after the zoning administrator makes its decision. This is just not the case. Section 61.106 provides for an appeal to the planning commission only if the zoning administrator determines the undefined use is not substantially similar:

If the zoning administrator finds that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code, any person proposing such use may file an application for the planning commission to determine if a use is or is not similar to other uses permitted in each district.

Section 61.106 provides the zoning administrator (Inspector Zacho is the current zoning administrator) authority to find that a use that is not otherwise defined in the Code of Ordinance "is or is not substantially similar in character and impact to a use regulated herein." If the zoning administrator finds the undefined use is substantially similar to a defined use, the undefined use will be regulated in the same way the substantially similar defined use is regulated.

Section 61.106 does not specify means by which the zoning administrator is required to give notice of its decision, or even state whether such notice is required to anyone other than the applicant. Appellants also misinterpret the Resident Handbook, which states that the person proposing the similar use "may then apply to the planning commission . . ." The Resident Handbook does not state the circumstances under which an applicant would want to apply to the planning commission. According to the Code of Ordinance, the applicant is not required to apply if the zoning administrator agrees with the applicant.

We do not know what, if any, notice the zoning administrator did provide to anyone other than the applicant here, First Lutheran Church. First Lutheran Church and its tenant, Listening House, have a right to rely on the decision and the procedures of the zoning administrator. The time for appeal expired on March 30, 2017, 10 days after the Statement of Clarification.

2. Appellants assert that the zoning administrator erred in its determination that the services provided by Listening House are substantially similar to service a church might provide. Appellants go on to describe their fears about the kind of people who may seek services. We know of no religious institution that would make such distinctions.

3. Appellants assert that they have invested too much in their neighborhood to allow it to be overrun by the types of people who are likely to access services from Listening House. The zoning ordinance and the planning commission regulate uses not people. As Inspector Zacho properly found, the Listening House activities – or uses – are all consistent with uses

common in religious institutions: counseling, education, assistance with food, clothing and shelter. To the extent personal characteristics of likely guests of Listening House are relevant, we cannot imagine a religious institution that would turn away the poor and homeless.

4. Appellants express concern about after hour impacts. Again, without conceding that the objections are true, this is a complaint about human behavior, not land use.

Because the zoning administrator properly made its determination based on findings about the proposed use of the property as required by the Code of Ordinances, and the appellants failed to state any land-use based objections at all, we respectfully ask the planning commission to uphold the decision of the zoning administrator.

Sincerely,

Stinson Leonard Street LLP

A handwritten signature in black ink, appearing to read "Eric H. Galatz", with a large, stylized flourish extending from the end of the signature.

EHG:SLS

Additional Testimony

Wednesday, July 26, 2017 10:40 AM

Dear Mr. Dermody,

I writing about the appeal concerning Listening House in its current location on Maria St. on the East Side of St. Paul.

I completely understand the neighborhood angst over having a facility like Listening House so close to their properties. Years ago, I would have felt exactly the same way. When we moved to downtown St. Paul 7 years ago, I was taken aback by how many homeless folks were wandering the parks and congregating in front of the Dorothy Day Center. Curiosity got me talking to some of the folks in the parks and on the street corners because I felt that if I knew something about the situation, I could help somehow to change it. To be honest, homeless people made me feel uncomfortable but wishing them away was not going to make it so.

What I found was that every one of the folks I talked with had a different story to tell, and every one could not be more polite in speaking with me. As my fear subsided, I decided to volunteer at Listening House to learn more. So full disclosure here, I have volunteered at Listening House for seven years. What I learned is that if I had experienced some of the hardships they have experienced, I could very well be in their shoes.

Most importantly to the neighbors of the East Side, I learned that if these folks do not have a place to rest, to eat, to get their IDs and other paperwork in order, to learn new skills, to get help applying for jobs and to connect with others in a meaningful way, they will more often be out on the streets and in the parks and doing whatever needs to be done to survive. Without adequate rest, nourishment and care, there is an abundance of stress that can lead to anti-social behavior.

Downtown St. Paul and the East Side have always had homeless people. Listening House did not bring them there. What they provide is a place to be - off the streets and out of the parks. Several times a week, staff and guests, volunteer to pick up trash in the park and around the facility and do their best to address the issues of the neighbors. Having said that, it is not reasonable to expect Listening House to rid the neighborhood of all homelessness and bad behavior. It has always been there. Instead, they wish to alleviate the problems that the neighborhood has experienced over the years. They sincerely wish to help the neighborhood by helping the people who are the focus of complaints. It is my hope that eventually the neighborhood will realize that Listening House is an asset to the community.

Additional Testimony

Mary Makowski

256 Spring Street, Unit 322
Saint Paul, MN . 55102

Wednesday, July 26, 2017 12:48 PM

Dear Bill Dermody,

I live on the same block as the Listening House (667 North Street) and walk past the Listening House at least twice a day on my way to and from work.

I also regularly (at least 3 times a week) walk in Swede Hollow Park and am a member of Friends of Swede Hollow.

There were homeless people in Swede Hollow Park before Listening House got here. I am thankful that Listening House is providing services to this vulnerable population and I support their work in our community.

I would be happy to testify about my observations of the Listening House as an immediate neighbor if that would be helpful.

Sincerely,
Chelsea DeArmond

Wednesday, July 26, 2017 1:14 PM

Dear Bill Dermody,

I am the Pastor of First Lutheran Church at 463 and 464 Maria Ave. where Listening House is now a tenant in our sanctuary building and where the Wellness Center operates as a program of First Lutheran Church from September - May each year. The First Lutheran sanctuary has been here on the Eastside since 1917 and our congregation has been here in St. Paul since 1854. Our first resident pastor in 1860, Erik Norelius, was named "friend to the homeless" which is stated in bronze in our building. There have been people experiencing poverty in our neighborhood and particularly in Swede Hollow since the mid 1800's long before Listening House came here. I am very grateful that Listening House is here providing much needed services on the Eastside and in St. Paul. Our congregation is in support of their work and partner with them through our Wellness Center along with our partner non-profit organizations.

I also believe our efforts as a congregation along with the Listening House and other Eastside Community organizations work together to provide much needed assistance in this neighborhood and in the city of St. Paul. While some who come are experiencing homelessness, there are also

Additional Testimony

many who come who live in low-income housing right here on Dayton's Bluff, who are neighbors, too. I would be happy to speak to the work of the Listening House and our own work as a congregation.

Sincerely,
Pastor Chris Olson Bingea

Chris Olson Bingea

Wednesday, July 26, 2017 1:33 PM

Hello Bill,

I am writing to express my support for the organization Listening House and their new site at First Lutheran Church. I fully support the important work being done by this organization, especially because it provides a much-needed service to Dayton's Bluff. I live on the 700 block of 5th street and can say, as a neighbor to First Lutheran, I have no issues with the location of this organization. I believe that hiding away or ignoring the population that Listening House works with does a disservice to our neighborhood, where many of the client receiving services actually reside. I urge you to make the decision that benefits all of our neighbors by keeping the zoning decision previously made.

Thank You,

Lisa McCarthy

Wednesday, July 26, 2017 1:35 PM

Hi Bill!

Just want to send a quick note to say I am in full support of Listening and First Lutheran Church and what they are doing for the homeless community!

Thank you,
Sara Anderson
1213 Clarence St.
St. Paul 55106

Wednesday, July 26, 2017 1:18 PM

I am a member of First Lutheran Church and I fully support the decision of the City Council allowing Listening House to operate their program at First Lutheran Church.

Additional Testimony

Kristin Wolla

1947 Arona St.
Roseville, MN 55113

Wednesday, July 26, 2017 1:39 PM

Hello, Mr. Dermody,

I write in support of Listening House and its location in First Lutheran Church. I am a member of First Lutheran Church and I am glad and proud that First Lutheran has welcomed Listening House into its space. Listening House's services are very consistent with First Lutheran's mission and values.

The people who come to Listening House are children of God and deserving of respect and dignity. Providing them a safe, supportive place to be, to connect with people who understand, and perhaps to take a step toward a better life is wonderful. It's safer for them and for the community that they have this place.

I hope that the city will not take any action to jeopardize this relationship, but rather to support it. It is an important way to build community.

Thank you,
Deborah Huskins

2624 Windsor Lane
Woodbury, MN. 55125

Wednesday, July 26, 2017 2:05 PM

Hi Bill-

I am a member of First Lutheran Church and live in the 55106 zip code and I support Listening House. It is great for our community.

Thanks!
Kari Anderson
1213 Clarence St
St Paul
55106

Wednesday, July 26, 2017 2:23 PM

Additional Testimony

Hello, Mr. Dermody,

I write in support of Listening House and its location in First Lutheran Church. I am a member and staff person of First Lutheran Church and I am glad and proud that First Lutheran has welcomed Listening House into its space. Listening House's services are very consistent with First Lutheran's mission and values held consistent over the last 160plus years.

The people who come to Listening House are children of God and deserving of respect and dignity. Providing them a safe, supportive place to be, to connect with people who understand, and perhaps to take a step toward a better life is wonderful. It's safer for them and for the community that they have this place, which helps people leave life on the street.

I hope that the city will not take any action to jeopardize this relationship, but rather to support it. It is an important way to build community.

Peace,
Brenda Olson Bingea

Wednesday, July 26, 2017 2:54 PM

July 26, 2017

7804 Hill Road
St. Paul, MN 55125-4384
651-770-3836

Mr. Bill Dermody, City Planner
St. Paul, MN

Dear Mr. Dermody:

This letter is written in support of Listening House, a supportive service agency that is headquartered at First Lutheran Church in St. Paul. Its purpose is to help build a supportive and safe community for clients who stand in need of becoming contributing members to the city of St. Paul.

First Lutheran Church has been a faithful presence in the Dayton's Bluff area for the last 150 plus years. The congregation has opened its doors and its heart to those who search and seek a better place in life & society. Working in partnership with Metro State University and other organizations that stand on the side of "life-giving" to people in need, the church's history of benevolence continues. Listening House wants to be a part of that life-giving force. As involved members of First Lutheran Church, we support the mission of Listening House. We ask that the

Additional Testimony

organization be given a chance to succeed as it works to make the Dayton Bluff area a stronger and safer neighborhood. Thank you.

Sincerely,
Jerry & Arlene Malak

Wednesday, July 26, 2017 2:57 PM

Me and my family are in complete support of Listening House. It is obviously within the right of and church to help the homeless. I still can't believe this is even an issue!

Wade Monn
844 Mound Street
Saint Paul MN 55106

Wednesday, July 26, 2017 3:23 PM

Mr. Dermody,

I have heard and seen the good work the Listening House has done in assisting homeless people and now in helping neighborhood people who are not homeless but are in need of help in order to make their lives better. You are no doubt aware of the fact there are not enough agencies, medical facilities, and churches that are willing to work with this vulnerable population in St. Paul. Please carefully consider what it will mean if Listening is prevented from continuing this valuable work on behalf of this community.

Bob and Dianne Anderson
211 Kenwood Drive West
Maplewood, 55117

Wednesday, July 26, 2017 3:31 PM

Dear Bill,

My name is Barbara Elfstrand I reside at 865 Johnson Pkwy, St Paul MN 55106, I would hope that Listening House and their guest have an honest opportunity to flourish in their current location. I believe there is ample space for all members of our society to grow in this community!

Sincerely,
Barbara Elfstrand

Wednesday, July 26, 2017 6:25 PM

I am writing as soon as I heard of the request for feedback. Whether this comes officially "too late" for inclusion in the upcoming meeting, I can't help at this point. I nevertheless want you to know of my support for the listening house in their current location.

Additional Testimony

People in the neighborhood who are opposed must understand that those served by LH can't simply disappear. They must exist, and deserve to exist, and be respected as humans. The opposed neighbors or council members ought to consider whether this debate would happen if it was any service they themselves need or want: a doctor's office, dentistry office, barber shop/salon, coop grocery store, coffee shop, bike/hardware/pet/other retail store, etc. The stigma of "poverty=dangerous" is harmful and shameful, and above all inaccurate and baseless.

Andy Gable

783 Maryland Ave E
55106

Wednesday, July 26, 2017 2:02 PM

Mr. Dermody, I am a long-time member of First Lutheran Church, and I am writing you to voice my support for continuing to allow Listening House to use our church building for their program. Please do not change the zoning already granted by the City Council. Thank you for your consideration!

Mark E. Hanson
1242 Albermarle St.
St. Paul, MN 55117

Wednesday, July 26, 2017 10:09 PM

Good Evening,

My daughter is an active participant in Young Artists Initiative which is housed in First Lutheran Church. I am also a board member of the organization. My daughter and I both spend quite a bit of time at the church because of our involvement with YAI. I am in full support of the many groups that use the church including Listening House.

Sincerely,

Carrie Schmitt
376 Highpoint Curve South
Maplewood MN 55119

Wednesday, July 26, 2017 3:04 PM

Additional Testimony

Good Afternoon Bill,

I have been living and working in the Dayton's Bluff Neighborhood for the last two years. The community is held together by its fabric of nonprofit and service organizations, of which the Listening House is one. They are doing work that truly has a positive impact on the culture of the East Side.

The community that I want to live in is not one that is hostile and unwelcoming to those in need. Preventing Listening House from serving its patrons in the Dayton's Bluff Neighborhood will not get rid of the people they serve. It would only exacerbate the problems that an at risk population already faces.

The East side has gone through many changes in the last several years and will probably change more in the years to come. I very much hope that our community can retain such a valuable organization.

If you would like to talk more, please don't hesitate to email me or call at [REDACTED]

All the best,

Sam Graf

783 6th Street East
St. Paul MN 55106

Wednesday, July 26, 2017 8:19 PM

I am a life long member of First Lutheran Church and have raised my two sons in this congregation.

We have been very excited and supportive of Listening House leasing space from our church. I/we believe that this is a very positive resource for our community.

It saddens us that some of the neighbors in the area are against it. If they would stop in and check it out, I feel that they would be very impressed.

Bev and Harold Sellie

Additional Testimony

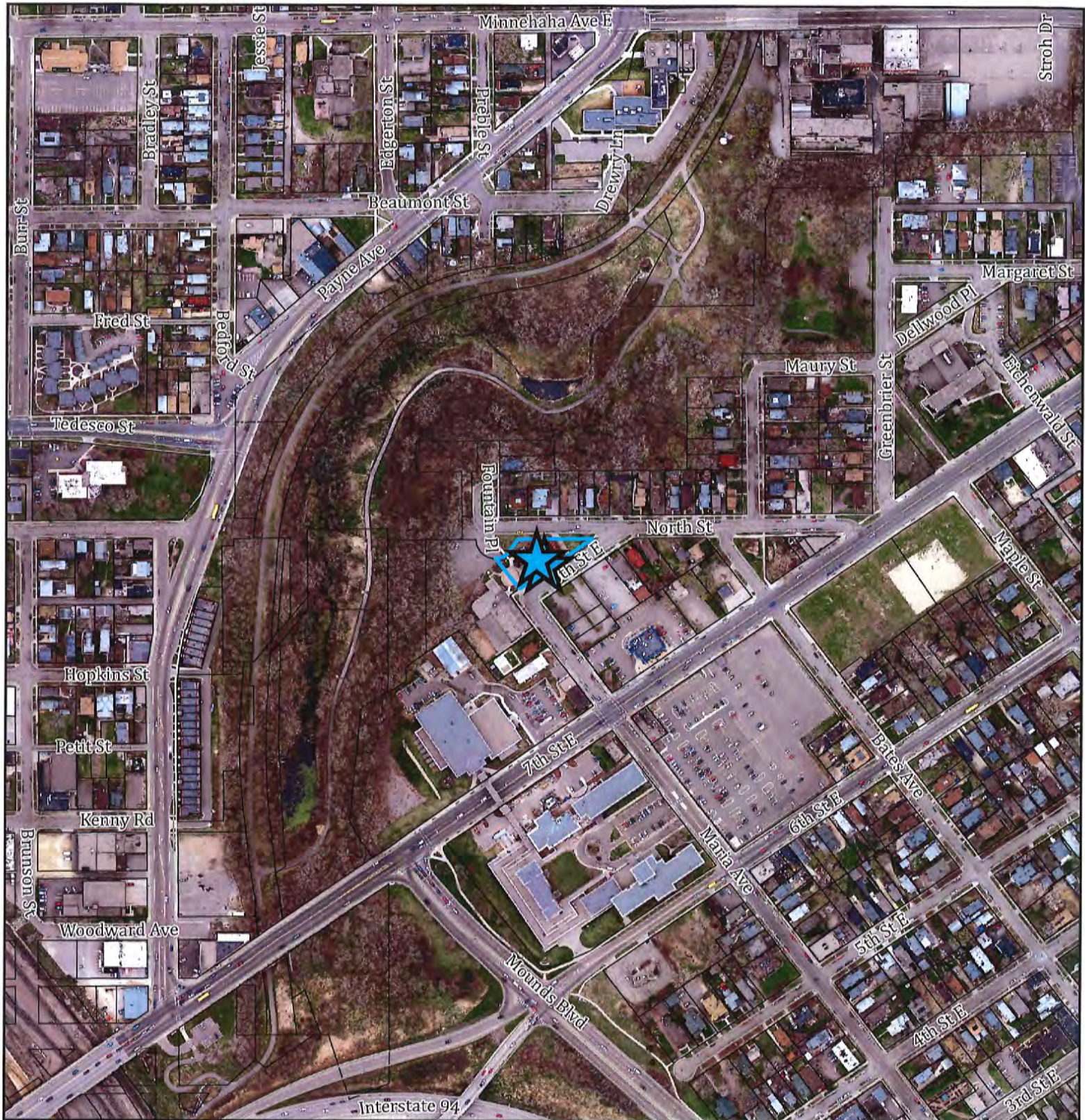
2179 Valley View Place
St. Paul, MN. 55119

Wednesday, July 26, 2017 2:36 PM

As members of First Lutheran please count us as in support of Listening House being at First Lutheran Church. If you need additional information from us please contact us at [REDACTED]

Joan Selnes

Formerly east side residents, we now reside at 170 Emerson Ave. E #104, West St. Paul, MN 55118



FILE NAME: Listening House

APPLICATION TYPE: Appeal

FILE #: 17-060690 DATE: 7/24/2017

PLANNING DISTRICT: 4

ZONING PANEL: 10

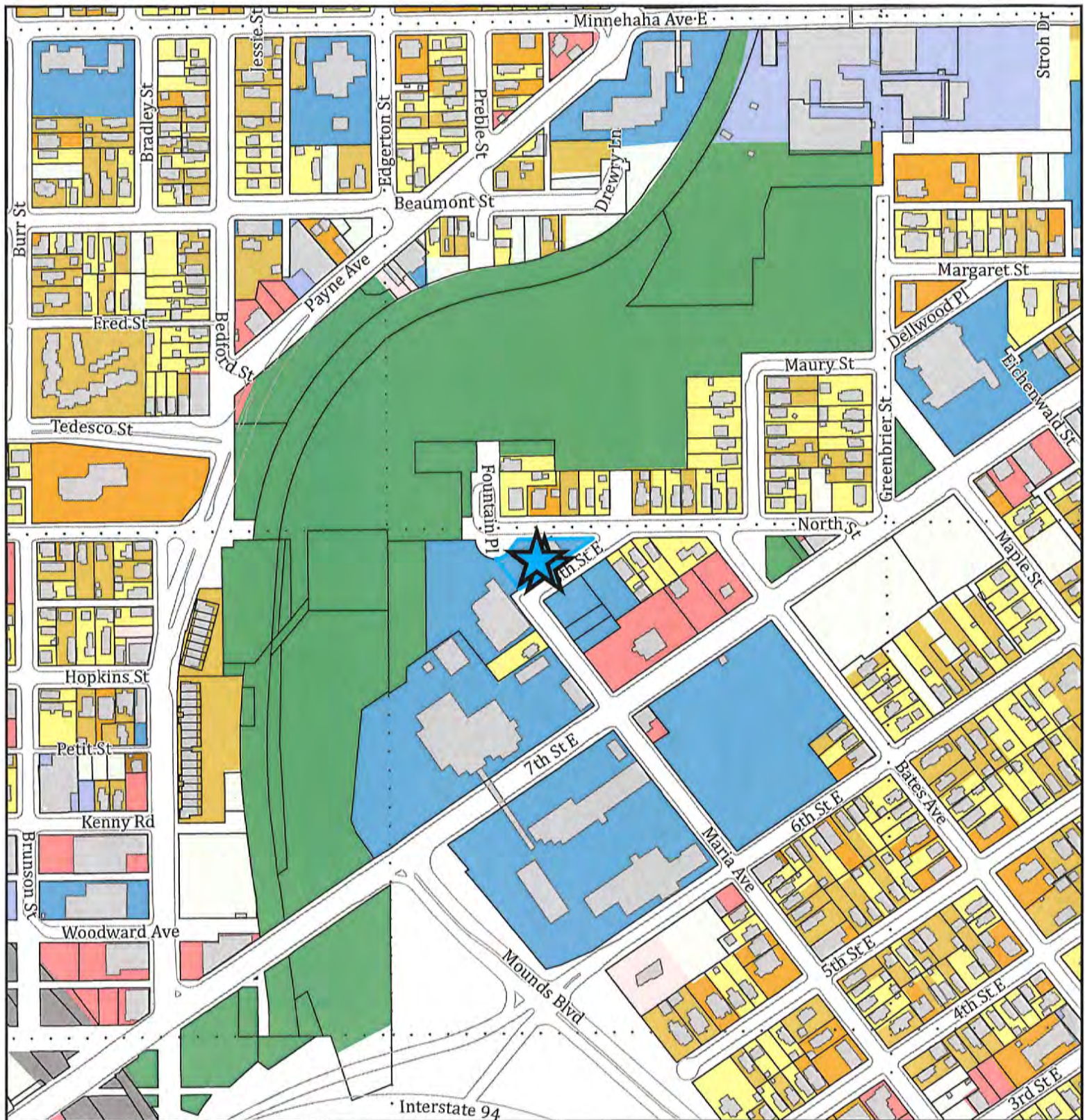
Saint Paul Department of Planning and Economic Development and Ramsey County

Aerial

 Subject Parcels

0 82.5 165 330 495 660 Feet





FILE NAME: Listening House

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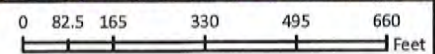
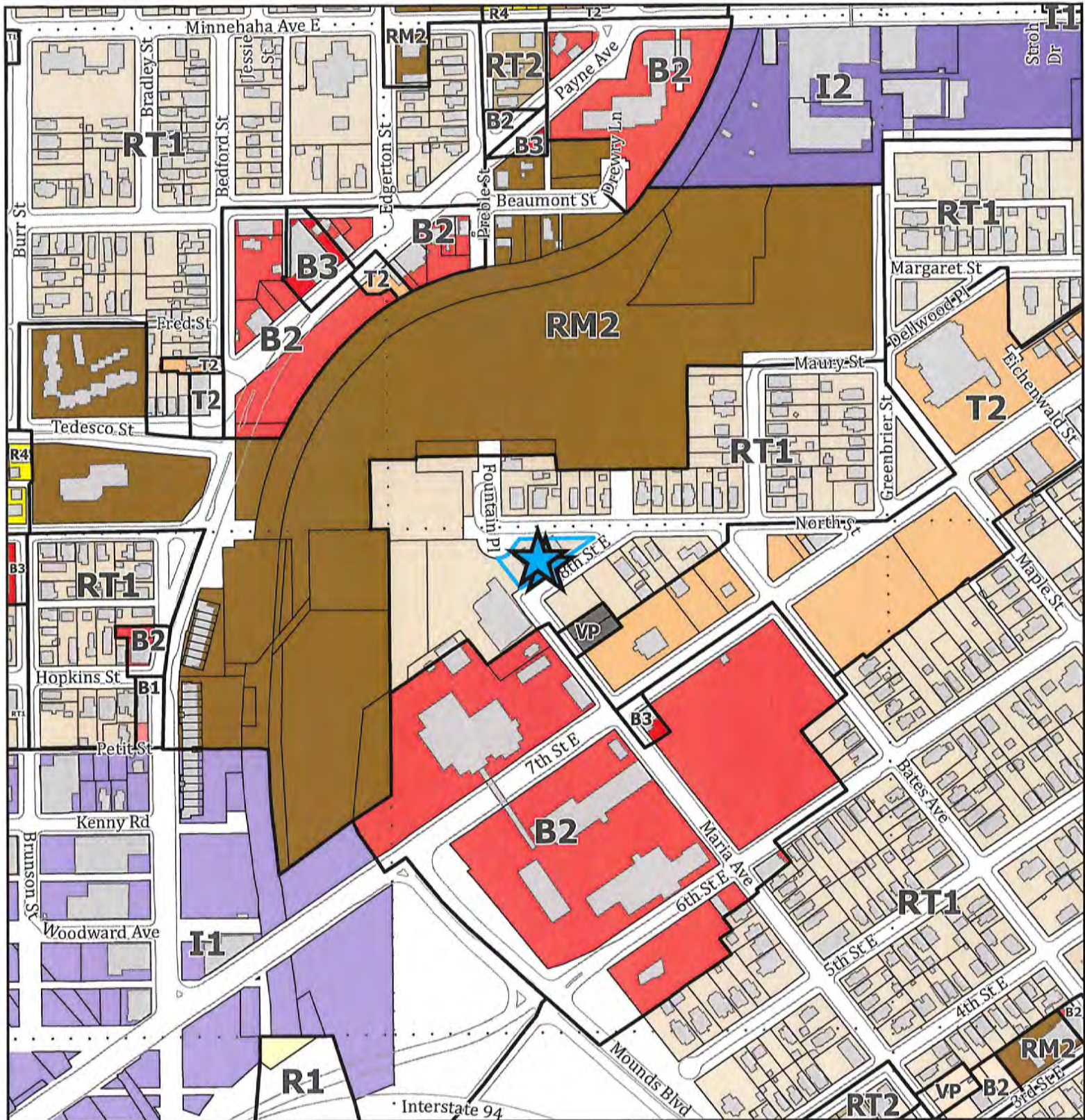
PLANNING DISTRICT: 4

ZONING PANEL: 10

Land Use

- | | |
|--|--|
| Single Family Detached | Institutional |
| Single Family Attached | Park, Recreational or Preserve |
| Multifamily | Railway |
| Office | Undeveloped |
| Retail and Other Commercial | Subject Parcels |
| Mixed Use Residential | Section Lines |
| Industrial and Utility | |





FILE NAME: Listening House

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PLANNING DISTRICT: 4

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Zoning

- Subject Parcels
- Section Lines
- R1 One-Family
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM2 Multiple-Family
- T1 Traditional Neighborhood

- T2 Traditional Neighborhood
- B1 Local Business
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking

