

Hello Rebecca,

I'm reaching out to voice my disgust at the meeting minutes included in our appeal packet outlining the Zoning Meeting from 4/23. There are at least a dozen points that are grossly misrepresented. I listened to that entire meeting, as did others involved in the appeal, and it very much seems as though these minutes were specifically tailored to address our objections and concerns in a manner detrimental to our cause. I challenge you to listen to the meeting recording and see for yourself if you don't believe me.

To highlight my point, take this first section outlined:

MINUTES OF THE ZONING COMMITTEE
Thursday, April 23, 2020 - 3:30 p.m.
City Council Chambers, 3rd Floor

PRESENT: Baker, DeJoy, Edgerton, Grill, Hood, Lindeke, and Rangel Morales
EXCUSED: Ochs
STAFF: Anton Jerve, Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely and the public able to submit comments by noon on the day of the meeting and monitor the meeting remotely.

337 7TH ST W - 20-021-233 - Conditional use permit for a maximum building height of 85 feet, variance to increase the maximum floor area ratio (FAR) from 3.0 to 4.1, and a variance to reduce the required number of off-street parking spaces from 136 to 110, at 337 7th St W and 366—372 Smith Avenue.

Anton Jerve presented the staff report with a recommendation of approval with conditions for the conditional use permit and variance. He said District 9 submitted a letter recommending approval, and there were 2 letters in support, and 32 letters in opposition. He said that primary reasons for opposition were height, with many noting they would support nothing above 55 feet, and ongoing parking issues. Other common reasons included the potential for impact to Irvine Park Historic District and differentiating the neighborhood from downtown. All written testimony is published online and was made available to the Zoning Committee members for review before the meeting.

In response to Commissioner Rangel Morales, Mr. Jerve confirmed that the additional apartments they are requesting from the prior application submitted in 2019 are possible because they have reconfigured the parking area and using it more efficiently. It is not because they are increasing the height. Mr. Jerve said the previous application (ZF: 19-103-475) allowed for 153 units and 92 parking spaces and did not include a variance for parking but the applicant was in discussions with the Department of Safety and Inspection about whether a parking variance would be required.

In response to Commissioner Rangel Morales, Mr. Torstenson said that under T2 zoning the maximum height without a conditional use permit (CUP) is 35 feet and 45 feet with a CUP. Mr. Jerve added that in a T3 zoning the maximum height is 55 feet and 90 feet with a CUP.

In response to Commissioner Lindeke, Mr. Jerve clarified conditional use permits. He said CUPs are generally uses that are allowed, but they have several conditions that are associated with them. Sometimes the conditions are listed explicitly in the zoning code for specific uses and other times the uses are required to meet standard conditions for all conditional uses, including height. In a T3 district, heights up to feet are allowed subject to approval of a conditional use permit that is approved through the Zoning Committee and Planning Commission. The Planning Commission can add additional conditions to CUPs. Conditional use permits typically have some type of impact to neighbors and for that reason they require the extra scrutiny from the Planning Commission.

In response to Commissioner Grill, Mr. Jerve agreed that one of his reasons for recommending approval for the height request is because it is surrounded by a variety of different building heights and including some that are substantially taller. The request did not seem out of character with what has been built to the north within a block from the site. There have also been long term plans for wanting to build density along transit and Neighborhood Nodes in Saint Paul.



In the meeting, no mention was made of Historic Irvine Park or the fact that we had concerns about the building being out of alignment with the character of our transitional neighborhood. In fact, I highlighted this point in an email follow up to Anton after the meeting to voice my frustration about that important consideration NOT being discussed. On at least 5 occasions in the zoning meeting, the Irvine Park Towers and hospital were used as precedent. Instead here, they reference alignment with our District Plan. That was not done in the meeting.

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Commissioner Edgerton addressed the public testimony received and their concerns regarding traffic congestion, parking and the impact on the neighborhood. He requested that Mr. Jerve briefly explain reasons for staff recommending approval. Mr. Jerve said that traffic and parking is an identified issue in this area and has been studied to verify what exactly the issues are and how it can be addressed. The West 7th Street Parking Study is available and some of the key findings were to make some modifications to parking permit areas, extending parking meters further down W. 7th Street, and using existing parking ramps for event parking. There are ample parking ramp spaces that could be used to help with parking in the area at key times. The applicant has also done what they can do to make parking efficient and this is a building that can be marketed to attract people who do not own vehicles.

In response to Commissioner Grill asking about practical difficulties for parking, Mr. Jerve said that the shallow bedrock makes it impractical to build underground parking. They want to attract people who are working in the area and our possibly getting their first place as a professional. If they were to build more parking underground, it would increase the cost of the project and make it infeasible. Alternatively building up for parking they will lose efficiency due to having a ramp up to the upper levels and that would mean fewer parking spaces per level and more area of the building devoted to parking instead of housing. He added they will be doing a traffic demand management plan to ensure that they are taking full advantage of the sites accessibility to transit, hospitals, and downtown.

Aron Johnson, DJR Architecture, 4053 Bryant Avenue S, Minneapolis said this is the second time they have been before the Committee and that the applications presented today are representative of rethinking after starting work on the project. They want to make this project innovative and are using a different approach to urbanism. The goal is to leave this site better than they found it. Since the approval of their previous applications, they have updated the District Council on their new designs and intentions. They will continue to do so through the site plan review process. He said that the Ft. Road Federation's support and input have been invaluable. Mr. Johnson addressed the variance for floor area ratio (FAR) and said that previously they had asked for 3.4 and now they are requesting 4.1. He said the gross square footage in the whole building is 6,000 square feet less than their previous application and they want to produce a more efficient building in this part of the City. Some of the outcomes they will achieve from the higher FAR are when they restructure the parking footprint with height, they are opening the building on the north and south side with larger set-backs. They will be opening up more green space and decreasing impervious surface. He said the parking has a lot to do with the height, and the reason for the request is the shallow bedrock. Restructuring the building and using this type of semi-automatic parking was due to a geotechnical report that made it a practical difficulty to provide stormwater in a reasonable way that would be acceptable by the City. The lot is very skinny, and a move had to be made to eliminate the parking ramp on the second floor and utilize one floor of parking. The semi-automatic parking ramp is an innovative way to allow for a full floor of parking that has a tall space that through the aging of this neighborhood becomes a more versatile building space than the previous application. Mr. Johnson said that the height variance request is due to the same practical difficulties of the stormwater, the skinny site, and the bedrock. Their intention is not to go all the way to 85 feet. That number is from what their limits would be from the type of construction that they are choosing from the International Building Code, and right now their approach with using modular construction and the semi-automated parking system, it would push them above 75 feet. As they move through the details the height will fluctuate but remain below 85 feet. The extra height comes from about five feet extra to get the semi-automated parking on the ground floor level and another two feet of added height due to the modular construction of the units. They are utilizing modular construction to speed up the construction to reduce the impacts to the neighborhood during construction and to provide a better product.

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This parking reference is also misstated. Related to the bedrock and parking, Commissioner Morales asked specifically how the developer did not understand the depth of the stone until such a late point in planning, after exploratory engineering work had already been done, and after zoning, CUP, and variances had already been previously applied for and approved. The answer was some rubbish about how the rock depths differ dramatically within a small amount of space. They should have been able to take sufficient samples to better estimate those depths.

I could go on and on, but want to emphasize that I'm very disappointed in the staff behavior and process I've seen throughout this ordeal.

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