

Jake Reilly

7/21/2021

Rationale for denial of staff recommendation for ZF #21-269-061 695 Grand CUP and variances

A. First, in *Sec. 61.601 Variances*, the findings are listed in a particular order. They must first be in harmony with the general purposes and intent of the zoning code. That condition can not be met (and I'll note why later).

They must next be consistent with the comprehensive plan.

**B. The attorney for the applicant has stated that the practical difficulty is the incongruity between the City of Saint Paul 2040 Comprehensive Plan and the zoning code.**

This is a false assertion. One of the effects of having a comprehensive plan that is vague enough to support a multitude of possible changes to the built environment in a municipality as diverse geographically, historically, and socio-economically as Saint Paul is that policies in the comp plan - while hopefully not conflict with each other - may be applied differently in different situations. Therefore, it is common to hear in land use law circles that zoning cases rarely set a precedent.

That incongruity, which is not uncommon and is why the Zoning Code language states several times that existing neighborhood plans take precedence, is not unique TO THE PROPERTY, as required in variance finding d.

**C. The applicant has stated that to meet the goals of the 2040 Comprehensive Plan they must construct a building that contains a mix of uses.**

This is also a false assertion. Below are citations from the zoning code, that by law, align with the goals of the Comprehensive Plan. (Keeping in mind that official controls like zoning codes come AFTER the authorization and adoption of a Comprehensive Planning document. The Comp Plan is the vision; the Zoning code is the practical application to achieve the vision)

TN traditional neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented urban villages. All four (4) districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites, and blocks; new development in proximity to major transit streets and corridors; and additional choices in housing.

The T3 traditional neighborhood district provides for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support a mix of uses housing styles etc.... The site has been described as too large to meet the required density and design standards. I argue that based on the PRIMARY intent of the T3 district this site is too small upon which to build a building with this lot coverage, mass, and height.

The secondary intent of T3 is for smaller sites (much like this one) in an existing mixed use "neighborhood center" or "urban village" and this area is not included in the city's 2040 Comprehensive Plan as being defined as either of those things.

*Section 66.343* addresses the applicability of TN design standards and states, "In cases where more specific design standards or guidelines have been developed as part of city council-approved master plans, small area plans, or other city-approved plans for specific sites, those shall take precedence." And there's a reason for that. That is because the burden of producing neighborhood plans has fallen to the Planning Districts' staff and volunteer boards and therefore the ability to amend those plans or write new ones as frequently as every 10 years is impractical.

**D. Zoning should improve the public good – even though zoning is rooted in some inherently racist and classist ideology common in the 1920s.**

The primary intent is listed in sec. 60.103 of the zoning code. In this scenario the following things in that intent statement are being ignored:

- a) *To promote and to protect the public health, safety, morals, aesthetics, economic viability, and general welfare of the community; - economic viability is a BIG statement that looks at the big picture of the city, not the desires of a small group of people or specific impacts to any individuals.*
- b) *To classify all property in such manner as to encourage the most appropriate use of land throughout the city.*
- c) *To regulate the location, construction, reconstruction, alteration and use of buildings, structures, and land.*
- d) *To ensure adequate light, air, privacy, and convenience of access to property.*
- e) *To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character, and urban design of Saint Paul's existing traditional neighborhoods.*
- f) *To provide housing choice and housing affordability.*
- g) *To fix reasonable standards to which buildings, structures and uses shall conform.*

The following portions of Sec. 66.343 (b) are being ignored:

(2) Transitions to lower-density neighborhoods. Transitions in density or intensity shall be managed through *careful attention to building height, scale, massing, and solar exposure.*

(5) "Use established building facade lines. New buildings shall relate to the established building facade line on the block where they are located. On most nonresidential or mixed-use blocks, this is the inside edge of the sidewalk. For corner buildings, each facade that fronts a public street shall maintain the established building facade line. Portions of the facade may be set back a greater distance to emphasize entries or create outdoor seating and gathering areas.

This building has been described by the applicant as being aligned with established building façade lines. Based on the zoning code above, this must be true for the same block façade setbacks. On the same block, the townhomes have front porches, rather than a plain brick wall. Same with the multi-family buildings at the corner of St. Albans and Grand which are essentially windows in the front porches. The other buildings on this block are set back considerably farther than this one as presented. The applicant presented evidence that the setbacks are like other structures IN THE AREA but not on the same block. This violates the spirit and intent of the zoning code.

The following portions of Sec. 66.344. - *Traditional neighborhood district planning requirements* are being ignored:

- (a) Previous plans. Any pre-existing city-approved plans, such as small area plans, station area plans, precinct plans or master plans, prepared for the site or the surrounding area shall be incorporated as appropriate in preparing any development plan for a T3 or T4 traditional neighborhood district site.