

CITY OF ST. PAUL

**HIGHLAND BRIDGE
BLOCK 2B – MIXED-USE
Ryan Companies US, Inc.**

Supplement/Applicant Public Comment
January 3, 2025

At the BZA hearing on December 9th,2024 the Commission and members of the public had several questions and comments which this document seeks to clarify and address in preparation for the public hearing on January 6, 2025. The content below is organized by variance request and specifically notes the legal findings that the project meets, by variance, as defined in the City of St Paul zoning code.

Variance Request 1: Floor Area Ratio (FAR)

1. Definition of “Lot, zoning.” BZA commissioners noted that each parcel must be looked at independently when considering FAR; however, this statement ignores the literal definition within the Zoning Code Sec. 60.213 which states: *“A single tract of land which, at the time of filing for a building permit, is designated by its owners or developers as a tract to be used, developed or built upon as a unit, under ownership or control of one (1) person or joint tenants. A zoning lot shall satisfy this code with respect to area, size, dimensions and frontage as required in the district or districts in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the county recorder but may include one (1) or more lots of record.”* Even though the project is seeking a variance, consideration should be given to the fact that the combined originally conceived and platted Block 2 for Highland Bridge (as envisioned in the Ford Site Master Plan) will have an FAR in excess of 1.7 and may have a FAR of 2.0 or greater when fully developed.
2. Legal Findings:
 - a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec. 66.916) and the proposed project is primarily retail (23,500 sf) with some multi-family residential (97 units).
 - b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916). There is no requirement that multifamily is incorporated on upper floors and the design of the proposed buildings orient them to public rights-of-ways and connect to adjacent pathways offering vegetation and areas for outdoor seating for the retail.
 - c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)

- d. **The variance is in harmony with the general purposes and intent of the zoning code** because in order to create a vibrant, economic development focused node the parking demands must be met to support a myriad of tenants and commercial tenant operations. The vehicular parking provided by the proposed project “meets the basic demand created by uses on the site” (p 58 of the Ford Site Master Plan) but reasonably increases the amount of site area necessary compared to the size of the building, which adversely affects the FAR calculation. The city’s FAR calculation method excludes structured parking even though the structured parking is a part of the physical building structure and is included in building lot coverage calculations. If structured parking were included in the calculation, the minimum 2.0 FAR would be achieved. The parking designed and provided in the proposed program (3.5 stalls/1,000 for retail, 1.11 stalls per unit multifamily) is lower than and in conformance with the Maximum Parking Ratios indicated in Table 4.7 of the Ford Site Master Plan (p 58) which indicates a max of 1 space per 200 sf of GFA for non-residential use and 2 spaces per dwelling unit for Residential use.
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because while the project is under the minimum FAR requirement it meets the setback requirement and exceeds the lot coverage requirement, which are other mechanisms the Ford Site Master Plan and zoning code use to manage density (FAR, setbacks, building height, and various lot coverage requirements).
- f. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80) and retail, along with required parking to ensure its success, are at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- g. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has buildings located “at the front of the lot along the primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).
- h. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project with its mixed-use building delivers on these guiding principles through the inclusion of both 97 apartment units as well as 23,500 sf of at grade commercial space.
- i. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18 of the Ford Site Master Plan) which the proposed mixed-use building provides through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- j. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p 19) which is achieved on this block via the proposed project through a design that incorporates

the main pedestrian angled pathway, the accessible routes through the site from Ford Parkway at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Ford Parkway and in the planned structured parking.

- k. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes between the buildings from Ford Parkway.
- l. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by the 23,500 sf of retail included in the proposed development.
- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities” (p 38 of the 2040 Comprehensive Plan). The proposed project provides both housing and employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focuses on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping), multiple pathways through the site, ADA accessible routes, and placing the necessary parking internal to the site and hidden from the pedestrian realms, each of which supports and delivers Policy LU-9 goals.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as

sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the ground level retail uses and related design in the proposal supports and delivers.

- r. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways to break up the scale of a very large block.
- s. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which the proposed project accomplishes through placing the single story buildings along Ford Parkway directly across from other single story buildings in the neighborhood and transitioning to a four story building adjacent to nearby 5 and 6 story buildings.
- t. **There are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed uses are compatible with the surrounding area and comply with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape, grade changes, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. Simply put, a denser project would not be practical at the site, which has been made abundantly clear by ongoing efforts over the last 5 years to do so. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.
- u. **The plight of the landowner is due to circumstances unique to the property not created by the landowner** because the presence and location of the two civic spaces, Outlot B (Civic Square) and Outlot C (Civic Plaza) and City-required pathway easement as identified in the Ford Site Master Plan, are circumstances unique to Block 2B that create a large, awkward shaped land area to be developed and result in inefficiencies within the proposed building resulting in less building square footage. The pathway easement requirement also increases the undevelopable space on the block. If the roadway network and parcel lines for Block 2 were not so distinct and unique and reflected a more standard block, and if there were no site requirements for connections of adjacent parcels, additional density could be added to increase the FAR.

- v. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** a geotechnical site investigation of the property comprising Block 2B revealed a number of existing site conditions affecting the design and development of Block 2B, such as perched water table, shallow shale and limestone bedrock, which, combined with an approximately 16 ft grade change across Block 2B, limit the developable area within the project site because of the desire to create a pedestrian oriented experience while limiting the floor slabs within the shale and groundwater/perched water. This constrains possible parking quantities as well as layout of the buildings and limits achievable FAR.
- w. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the grade change on the project site creates challenges in optimizing Ford Parkway focused retail, while maintaining accessible and convenient access from the parking and through the block in order to entice vibrant retail users to the community. The grade changes constrain the possible layout of the buildings and ultimately affect how large the different building components can be, thus limiting achievable FAR.
- x. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2B project is an allowed use within the F5 Business Mixed District.
- y. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the project site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed development is thoughtfully designed to manage this transition and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city’s zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city’s Comprehensive Plan.

Variance Request 2-4: Building Height

The Block 2B project is compliant with the minimum building height requirement for the four story mixed-use building (Building A). However, staff have indicated zoning dimensional standards are applied to each building within the same lot, thus suggesting the other three buildings within the lot that are shorter than 40 ft require individual variances despite all being part of the same project and within the same project site. If the buildings were connected as one, which would diminish the overall pedestrian focused design, these variances would not be required.

1. Legal Findings:
 - a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec. 66.916) and the proposed project is primarily retail (23,500 sf) with some multi-family residential (97 units).
 - b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed

District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916). There is no requirement that multifamily is incorporated on upper floors and the design of the proposed buildings connect to adjacent pathways offering vegetation and areas for outdoor seating for the retail.

- c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
- d. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80). Retail, along with required parking to ensure its success, are at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has buildings located “at the front of the lot along the primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).
- f. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project with its mixed-use building delivers on these guiding principles through the inclusion of both 97 apartment units as well as 23,500 sf of at grade commercial space.
- g. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18) which the proposed mixed-use building provides through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- h. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p 19) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway, the accessible routes through the site from Ford Parkway at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Ford Parkway and in the planned structured parking.
- i. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the

connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes between the buildings from Ford Parkway.

- j. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- k. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- l. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by the 23,500 sf of retail included in the proposed development.
- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” (p 38 of the 2040 Comprehensive Plan) The proposed project provides both housing and employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focus on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping), multiple pathways through the site, ADA accessible routes, and placing the necessary parking internal to the site and hidden from the pedestrian realms, each of which supports and delivers Policy LU-9 goals.
- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the ground level retail uses and related design in the proposal supports and delivers.
- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual

interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways to break up the scale of a very large block.

- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through placing the single story buildings along Ford Parkway directly across from other single story buildings in the neighborhood and transitioning to a four story building adjacent to nearby 5 and 6 story buildings.
- r. **There are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed uses are compatible with the surrounding area and comply with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape, grade changes, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. Simply put, a more dense and taller project would not be practical at the site, which has been made abundantly clear by ongoing efforts over the last 5 years to do so. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of a viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.
- s. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** a geotechnical site investigation of the property comprising Block 2B revealed a number of existing site conditions affecting the design and development of Block 2B, such as perched water table, shallow shale and limestone bedrock, which, combined with an approximately 16 ft grade change across Block 2B, limit the height of the buildings along Ford Parkway because of the desire to create a pedestrian oriented experience while limiting the floor slabs within the shale and groundwater/perched water.
- t. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the grade change on the project site creates challenges in optimizing Ford Parkway focused retail, while maintaining accessible and convenient access from the parking and through the block in order to entice vibrant retail users to the community. The grade changes constrain the possible layout of the buildings and ultimately affect how tall the different building components can be given the inefficiency within smaller footprints. Separate smaller buildings, as would be delivered under the proposed project, can accommodate the grade while creating the desired pedestrian scaled development along Ford Pkwy. This allows for ample access and permeability between the

primary frontage to the structured parking hidden at the rear of the retail buildings and further into the Highland Bridge development. The separate, smaller buildings are not feasibly developed into 40 ft buildings due to the smaller footprint of the buildings and the use as retail only.

- u. **The plight of the landowner is due to circumstances unique to the property not created by the landowner** because existing grade change of approximately 16 ft across Block 2B limits the building height when measured using the average grade of the lot. Buildings B & C are approximately 5 feet lower in first floor elevation than building A and building D is approximately 5 feet lower in first floor elevation than buildings B & C. While if on a flat grade the three buildings would still not meet the minimum building elevation of 40 ft, the building heights would be closer to the minimum than what they are proposed at due to the sloped site conditions.
- v. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2B project is an allowed use within the F5 Business Mixed District.
- w. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed development is thoughtfully designed to manage this transition and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city’s zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city’s Comprehensive Plan.

Variance Request 5: Building Lot Coverage

1. Definition of “Lot, zoning.” BZA commissioners noted that each parcel must be looked at independently when considering applications; however, this statement ignores the literal definition within the Zoning Code Sec. 60.213 which states: *“A single tract of land which, at the time of filing for a building permit, is designated by its owners or developers as a tract to be used, developed or built upon as a unit, under ownership or control of one (1) person or joint tenants. A zoning lot shall satisfy this code with respect to area, size, dimensions and frontage as required in the district or districts in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the county recorder but may include one (1) or more lots of record.”* Even though the project is seeking a variance, consideration should be given to the fact that when the combined originally conceived and platted Block 2 for Highland Bridge (as envisioned in the Ford Site Master Plan), including the Block 2B and Block 2C projects which if viewed together they achieve a building lot coverage of approximately 63%, the collective building lot coverage is below the maximum requirement and would not require a variance.
2. Legal Findings:
 - a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec. 66.916) and the proposed project is primarily retail (23,500 sf) with some multi-family residential (97 units).

- b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916). The design of the proposed buildings orient them to the public rights-of-way and connect to adjacent pathways offering vegetation and areas for outdoor seating for the retail.
- c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
- d. **The variance is in harmony with the general purposes and intent of the zoning code** because in order to create a vibrant, economic development focused node the parking demands must be met to support a myriad of tenants and commercial tenant operations. The vehicular parking provided by the proposed project “meets the basic demand created by uses on the site” (p 58 of the Ford Site Master Plan) but reasonably increases the amount of site area necessary, which increases the building lot coverage as structured parking is counted in the calculation. The parking designed and provided in the proposed program (3.5 stalls/1,000 for retail, 1.11 stalls per unit multifamily) is lower than the Maximum Parking Ratios indicated in Table 4.7 (p 58) of the Ford Site Master Plan which indicates max of 1 space per 200 sf of GFA for non-residential use and 2 spaces per dwelling unit for Residential use. The structured parking could be built with additional levels above grade to minimize the building lot coverage, but the proposed design and configuration allows for the desired pedestrian connection from Ford Pkwy, to the rear parking, and further into Highland Bridge in better alignment with the city’s comprehensive plan, the Ford Site Master Plan, and the zoning code.
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because while the project exceeds the lot coverage requirement, it meets the setback requirement and is under the minimum FAR requirement, which are other mechanisms the Ford Site Master Plan and zoning code use to manage density (FAR, setbacks, building height, and various lot coverage requirements).
- f. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80) and retail, along with required parking to ensure its success, are at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan. The required parking for a vibrant commercial center increases the lot coverage. While the structured parking could be built with additional levels above grade to minimize the building lot coverage, the proposed design and configuration allows for desired pedestrian connections and screening of the parking in better alignment with the city’s Comprehensive Plan, the Ford Site Master Plan, and the zoning code.

- g. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has buildings located “at the front of the lot along the primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).
- h. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project with its mixed-used building delivers on these guiding principles through its inclusion of both 97 apartment units as well as 23,500 sf of at grade commercial space.
- i. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18) which the proposed mixed-use building provides through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- j. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p 19) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway, the accessible routes through the site from Ford Parkway at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Ford Parkway and in the planned structured parking.
- k. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the various routes between the buildings from Ford Parkway which necessarily breaks up the site into multiple, smaller footprint buildings which also are designed to screen the structured parking, resulting in higher lot coverage but greater compatibility with the comprehensive plan.
- l. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and

expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by 23,500 sf of retail included in the proposed development.

- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” (p 38 of the 2040 Comprehensive Plan) The proposed project provides both housing and employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focus on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping), multiple pathways through the site, ADA accessible routes, and placing the necessary parking internal to the site and hidden from the pedestrian realms which causes it to be spread out over a larger lot coverage area but supports and delivers Policy LU-9 goals.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the ground level retail uses and related design in the proposal supports and delivers.
- r. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways to break up the scale of a very large block.
- s. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through placing the single story buildings along Ford Parkway directly across from other single story buildings in the neighborhood and transitioning to a four story building adjacent to nearby 5 and 6 story buildings.
- t. **There are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed uses are compatible with the surrounding area and comply with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape, grade changes, geotechnical challenges) and the changes that have occurred locally and globally since the

time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. Simply put, a different project with insufficient parking (which contributes to building lot coverage) would not be practical at the site which has been made abundantly clear by ongoing efforts over the last 5 years to do so. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of a viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.

- u. **The plight of the landowner is due to circumstances unique to the property not created by the landowner** because the presence and location of the two civic spaces, Outlot B (Civic Square) and Outlot C (Civic Plaza) and City-required pathway easement as identified in the Ford Site Master Plan, are circumstances unique to Block 2B that create a large, awkward shaped land area to be developed and result in difficulty in designing for adequate parking to support the mix of proposed uses. The pathway easement requirement also increases the undevelopable space on the block.
- v. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** a geotechnical site investigation of the property comprising Block 2B revealed a number of existing site conditions affecting the design and development of Block 2B, such as perched water table, shallow shale and limestone bedrock, which, combined with an approximately 16 ft grade change across Block 2B, constrain the developable area within the project site because of the desire to create a pedestrian oriented experience while limiting the floor slabs within the shale and groundwater/perched water. This constrains possible parking quantities as well as layout of the buildings and necessitates higher lot coverage.
- w. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the grade change on the project site creates challenges in optimizing Ford Parkway focused retail, while maintaining accessible and convenient access from the parking and through the block in order to entice vibrant retail users to the community. The grade changes constrain the possible layout of the buildings while maintaining ample access and permeability between the primary frontage to the structured parking which has greater lot coverage in order for it to be hidden at the rear of the retail buildings and screened from pedestrian pathways.
- x. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2B project is an allowed use within the F5 Business Mixed District.
- y. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed development is thoughtfully designed to manage this transition and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city's zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city's Comprehensive Plan.

Variance Requests 6-7: Window & Door/Opening Percentage

1. Legal Findings:

- a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec. 66.916) and the proposed project is primarily retail (23,500 sf) with some multi-family residential (97 units).
- b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916).
- c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
- d. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80) and retail, along with required parking to ensure its success, are at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has buildings located “at the front of the lot along the primary pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).
- f. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project with its mixed-use building delivers on these guiding principles through its inclusion of both 97 apartment units as well as 23,500 sf of at grade commercial space.
- g. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18) which the proposed mixed-use building provides through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- h. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation

Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p 19) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway, the accessible routes through the site from Ford Parkway at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Ford Parkway and in the planned structured parking.

- i. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes between the buildings from Ford Parkway.
- j. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- k. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- l. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by 23,500 sf of retail included in the proposed development.
- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” (p 38 of the 2040 Comprehensive Plan) The proposed project provides both housing and employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focus on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping), multiple pathways through the site, ADA accessible routes, and placing the necessary parking internal to the site and hidden from the pedestrian realms, each of which supports and delivers Policy LU-9 goals.
- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street

trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the ground level retail uses and related design in the proposal supports and delivers.

- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways to break up the scale of a very large block.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through placing the single story buildings along Ford Parkway directly across from other single story buildings in the neighborhood and transitioning to a four story building adjacent to nearby 5 and 6 story buildings.
- r. **There are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed uses are compatible with the surrounding area and comply with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape, grade changes, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of a viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.
- s. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the grade change on the site creates challenges in optimizing Ford Parkway focused retail maintaining accessible and convenient access from the parking and through the block in order to entice vibrant retail users to the community. The grade changes constrain the possible layout of the buildings.
- t. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2B project is an allowed use within the F5 Business Mixed District.
- u. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed

development is thoughtfully designed to manage this transition and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city’s zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city’s Comprehensive Plan.

Variance Request 8-13: Transparent Glazing Percentage

The Block 2B project is subject to the Design Standards of the Ford Site Master Plan, which apply to specific frontages for each block within the Highland Bridge development. Design Standard section S12 requires that *“The building face shall include a minimum of 65% transparent glazing in the bottom 12 feet of the building for portions of the ground floor not dedicated to residential units.”* While this definition is written in the singular, and suggests that fewer variances would be necessary for this project if only one side of each respective building were considered, staff has indicated that multiple faces shall be considered, increasing the number of requested variances.

- a. **The variance is in harmony with the general purposes and intent of the zoning code** because the project is within the F5 Business Mixed District, which is described as “primarily retail, office and service with some multi-family residential” (p 31 of the Ford Site Master Plan & Zoning Code Sec. 66.916) and the proposed project is primarily retail (23,500 sf) with some multi-family residential (97 units).
- b. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project design complies with the intent of the F5 Business Mixed District which has a design summary providing that “buildings will orient to public right-of-ways and provide dynamic, ground floor activity. Exterior edges will provide attractive vegetation, patios, amenities... that enlivens the public realm. Multifamily buildings MAY be incorporated on upper floors.” (p 38 of the Ford Site Master Plan & Zoning Code Sec. 66.916).
- c. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed uses contribute to the mixed-use fabric in the surrounding F5 Business Mixed zoning district (which includes housing and grocery uses) as required in the “Mix of Uses” section of the Ford Site Master Plan (p 40 & Zoning Code Sections 66.911 and 66.922) which characterizes desired uses by zoning district rather than individual block and notes the goal of “allowing flexibility to allow for the market to make fine-grained decisions about the location of uses... [and] provides the foundation for a financially feasible development.” (p 41)
- d. **The variance is in harmony with the general purposes and intent of the zoning code** because the design standards in the Ford Site Master Plan note that the F5 Business Mixed District “will function as the commercial center of the site” (p 80). Retail, along with required parking to ensure its success, are at the forefront of the design of the proposed project, which indeed will function as the commercial center of the site in conformance with the Master Plan.
- e. **The variance is in harmony with the general purposes and intent of the zoning code** because the proposed project has buildings located “at the front of the lot along the primary

pedestrian-way, with shallow setbacks designed for public use and enjoyment” in conformance with the Ford Site Master Plan (p 91).

- f. **The variance is consistent with the comprehensive plan** because one of the guiding principles of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Mix of Uses and Activities” which provide a “vibrant place to live, work and recreate” (p 18). The proposed project with its mixed-use building delivers on these guiding principles through its inclusion of both 97 apartment units as well as 23,500 sf of at grade commercial space.
- g. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Jobs and Tax Base” with a “range of business and employment opportunities” (p 18) which the proposed mixed-use building provides through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- h. **The variance is consistent with the comprehensive plan** because a guiding principle of the Ford Site Master Plan (which is guided by the Comprehensive Plan) is “Transportation Choice” with a “mix of density of activities” as well as an “interconnected system of ...walkways that is safe and accessible for people of various ages and abilities” (p 19) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway, the accessible routes through the site from Ford Parkway at various points to access the site broadly, as well as transit along Ford Parkway and vehicular parking along Ford Parkway and in the planned structured parking.
- i. **The variance is consistent with the comprehensive plan** because one of the “Site Character & Organization” attributes is “Public Realm” which “is intended to serve as the connective tissue within the site and to the neighborhood beyond. It is made up of the space between buildings” (p 28 of the Ford Site Master Plan) which is achieved on this block via the proposed project through a design that incorporates the main pedestrian angled pathway connecting two civic spaces as well as various routes between the buildings from Ford Parkway.
- j. **The variance is consistent with the comprehensive plan** because the proposed development meets Land Use section Goal 3 of “access to employment and housing choice” and Goal 7 of “quality full-time jobs and livable wages” (p 36 of the 2040 Comprehensive Plan) through its delivery of commercial buildings that can accommodate different sizes and types of business opportunities.
- k. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-5 notes the desire for “flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities” (p 37 of the 2040 Comprehensive Plan) and the proposed project is designed to create a viable project given substantive policy and market changes outside of the property owner’s control since the time of adoption of the Ford Site Master Plan.
- l. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-6 notes the desire to “foster equitable and sustainable economic growth by: 1. Facilitating business creation, attraction, retention and expansion; 7. building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes (p 38 of the 2040 Comprehensive Plan), both of which are met by 23,500 sf of retail including in the proposed development.

- m. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-7 notes the desire for using “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” (p 38 of the 2040 Comprehensive Plan) The proposed project provides both housing and employment opportunities through a reasonable development layout that adapts to a constrained site and economic conditions.
- n. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-9 notes the goal to “promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm” (p 39 of the 2040 Comprehensive Plan). The proposed development focus on several pedestrian friendly features including pedestrian scale design features (windows, lighting, landscaping), multiple pathways through the site, ADA accessible routes, and placing the necessary parking internal to the site and hidden from the pedestrian realms, each of which supports and delivers Policy LU-9 goals.
- o. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-10 notes the goal to “activate streetscapes with active first-floor uses, street trees... outdoor commercial uses and other uses that contribute to a vibrant street life” (p 39 of the 2040 Comprehensive Plan) as well as Policy LU-18 which notes the goal to “support facilities outside public rights-of-way to support pedestrian activity, such as sidewalk access to building entrances, adequate lighting” (p 40 of the 2040 Comprehensive Plan) which the ground level retail uses and related design in the proposal supports and delivers.
- p. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-28 notes the goal of “supporting pedestrian-friendly streetscapes and visual interest through commercial building design” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through pedestrian scale features including landscaping, lighting, windows, quality materials, and pedestrian pathways to break up the scale of a very large block.
- q. **The variance is consistent with the comprehensive plan** because City-wide land use Policy LU-29 notes the goal to “ensure that building massing, height, scale and design transition to those permitted in adjoining districts” (p 41 of the 2040 Comprehensive Plan) which this proposed project accomplishes through placing the single story buildings along Ford Parkway directly across from other single story buildings in the neighborhood and transitioning to a four story building adjacent to nearby 5 and 6 story buildings.
- r. **There are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision** because the proposed development reasonably complies with the spirit and intent of the Ford Site Master Plan in that it will bring jobs and tax base to the City of St. Paul, and will provide a vibrant front door to the Highland Bridge development for years to come. The proposed uses are compatible with the surrounding area and comply with the zoning code. The building is a scale that has the possibility to advance what would be otherwise impractical given the physical site challenges (parcel shape, grade changes, geotechnical challenges) and the changes that have occurred locally and globally since the time of the adoption of the Master Plan including: a worldwide health pandemic leading to increased material costs and supply chain issues, a local rent stabilization policy deterring typical development capital sources, federal tightening of monetary policy, and other micro

and macro-economic factors have resulted in multiple iterations of this block of development at Highland Bridge to stall despite numerous efforts to advance development. The proposed project seeks to accommodate these practical difficulties through this variance, which will allow the delivery of a viable development that reasonably conforms with the spirit and intent of the F5 business mixed district.

- s. **The plight of the landowner is due to circumstances unique to the property not created by the landowner because** the grade change on the project site creates challenges in optimizing the desired Ford Parkway focused retail, while maintaining accessible and convenient access from the parking and through the block in order to entice vibrant retail users to the community. The grade changes constrain the possible layout of the buildings.
- t. **The variance will not permit any use that is not allowed in the zoning district where the affected land is located** because the mixed-use Block 2B project is an allowed use within the F5 Business Mixed District.
- u. **The variance will not alter the essential character of the surrounding area** because there is a mix of single level retail directly across Ford Parkway from the project site (please see attached Exhibit A) stepping up to taller, mixed- use buildings to the south. The proposed development is thoughtfully designed to manage this transition and maintain the essential character of the surrounding area by mimicking its attributes through the use of variances; all while staying true to the general intent of the city's zoning code and Ford Site Master Plan, and remaining consistent with the guiding principles of the city's Comprehensive Plan.

EXHIBIT A

Photos of Surrounding Area





