

**DOCUMENTS FROM THE PUBLIC HEARING
RECEIVED BY STAFF FROM PEOPLE IN SUPPORT AND OPPOSITION
OF THE REQUESTED VARIANCES**

FILE

16-06-7184

The problem is not about updating the school- the problem is about expanding the school: SPPS has decided to bring in 3 Pre-K and 3 Fourth Grade classes, or about 135-195 kids, to the lower campus of Linwood Monroe Arts Plus, which has the smallest acreage of any SPPS elementary school.

The open space is already the smallest of all SPPS elementary schools - decreasing this space to build a new expansion only exacerbates existing inequities. For example, the neighborhood school for the Linwood neighbors is Randolph Heights. To compare the inequity: Randolph Heights' 469 students currently have approximately 11,600 sq. ft. of wood chipped playground space, 10,400 sq. ft. of hard court space, 38,700 sq. ft. of open field space, and 46,000 sq. ft. of lawn - for a total of 106,700sq. ft. The proposed 435-495 LMAP students will have approximately 9,200 sq. ft. of wood chipped playground space/s, 2,000 sq. ft. of hard court space, 8,200 sq. ft. of open field space, and 3,000 sq. ft. of lawn that totals 22,400sq. ft. Think that through- about the same amount of kids, but LMAP kids get about 20% of what the Randolph Heights kids get. When the children get separated from their friends in later grades, there will not be enough outdoor play space for them to reunite during recess. In addition, after the proposed construction, what is left of the main open space will be in perpetual shade during the school year. No direct sunshine on our kids during long Minnesota winters.

There are other flaws, too. Currently SPPS Pre-K is only a half-day program. Which means per class, 20 students in the morning and 20 students in the afternoon. How do these 120 matriculate into just 75 Kindergarten spaces? SPPS must trust that a large majority of these Pre-K students would attend another elementary school. Which begs the question: why are we jamming all these kids into this small campus, when acres of space exist at other locations that these families will shift to after one year anyway?

This proposed project is not about ADA updates and student equity. If it were, they could renovate the existing building, add a much needed cafeteria and even add additional classroom spaces without having to exceed Zoning Law requirements. If it were, they would give LMAP kids the same amount of outdoor space that every other SPPS kid gets.

Safety @ Oxford corner stop sign
Blocked by Buses.

Madam Chair, Members of the Board

Let's make no mistake...the expansion project at Linwood Monroe Arts Plus IS about the kids we serve.

FILE
16-06-184

Recently one of our white parents was stopped on the sidewalk by a neighbor and asked if she sends her kids to Linwood Monroe. When she responded affirmatively, she was told that the school was full of "bad" kids.

Last week I gave a tour to a neighbor who stated that she was neutral but that many of her neighbors were against the expansion because: 1) the size of the building on the small lot was packed with too many kids and 2) the social and emotional needs of the students we serve.

"Those" students' social and emotional needs. Students with whom our neighbors have never had the privilege of meeting. This makes me think of the quote by Eduardo Bonilla-Silva, an American political sociologist and professor of sociology at Duke University:

The new racism, like God, works in mysterious ways and is quite effective in maintaining white privilege, for example, instead of saying as they used to say during the Jim Crow era that they do not want us as neighbors, they say things nowadays such as 'I am concerned about crime, property values and schools.'.....or in our case, "Those kids social emotional needs".

So let me tell you about *those* students...

and

- 70% students of color
- 67% free or reduced lunch
- 38% non-native English speakers
- 17% special education, of which most are cognitively delayed

Our aim in expanding our school is strictly aligned with our mission of an inclusive, arts-integrated learning community. We have, I would argue, an arts program second to none; not *despite* our student population, but *because* of our student population. **PAUSE**

~~We need to better align our grade-level configuration for what is best for our students, bringing pre-K and the fourth grade to the Linwood campus accomplishes this.~~

80% of our physical classroom sizes are *below* the Minnesota Department of Education's recommended standard sizes. We're in a building that was built in 1922 for the needs of the students in 1922.

Times have changed, regulations have changed, learning needs of the whole child have changed.

We have been responsive to the concerns of the neighbors. Concerns that have been a moving target. As concerns were raised, more assessments were completed, more studies conducted, and more hoops were jumped through.

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We've even been through *two* historical evaluations that both deemed this project beneficial and *not* detrimental to the historical nature of the site or the neighborhood.

However, I would like to point out that NEVER has the number of students in this building been a concern. In the 80's, when the student population was much more similar to that of the neighborhood which is 90% white, there were more than 500 students in the building. Why was it not a neighborhood concern then? We will not be approaching that number of students even *with* the proposed expansion, yet it is suddenly a concern.

As Tim Wise, a white American anti-racism activist and writer said: "Ignorance of how we are shaped racially is the first sign of privilege. In other words, it is a privilege to ignore the consequences of race in America."

*We also said... **

I stand before you today to represent the many voices of our students whose parents do not have the savviness, the means, and the privilege to stand before you to say once again this expansion project IS...about our kids!

Thank you.

Possible quotes:

1. **Racism is a complex system of social and political levers and pulleys set up generations ago to continue working on the behalf of whites at other people's expense, whether whites know/like it or not. (Scott Woods)**
2. The new racism, like God, works in mysterious ways and is quite effective in maintaining white privilege, for example, instead of saying as they used to say during the Jim Crow era that they do not want us as neighbors, they say things nowadays such as 'I am concerned about crime, property values and schools.'. – **Eduardo Bonilla-Silva**
3. The future we hold in trust for our own children will be shaped by our fairness to other people's children—**Marian Wright Edelman**
4. Racism is when you have laws set up, systematically put in a way to keep people from advancing, to stop the advancement of a people. – **Spike Lee**
- ** 5. "When you're a member of the privileged group, you don't take kindly to someone telling you that you can't do something," **Tim Wise**
6. "Ignorance of how we are shaped racially is the first sign of privilege. In other words. It is a privilege to ignore the consequences of race in America." **Tim Wise**

FILE
16-067184

I am not a good public speaker. Frankly, the idea of standing and giving a speech, particularly one I wrote myself, in front of a roomful of adults, terrifies me. But this is an issue I care about, so here I am.

acts plus campus school

I am opposed to the expansion of the Linwood Monroe Lower School building. Although I applaud the city for its efforts to provide schooling for more students, I think the negative effects on the neighborhood are too great. The proposed elimination of most of the one green space in the neighborhood seems too high of a price to pay.

That one green space, the field and playground on the campus, has been a familiar place for me almost since I was born. I played "Run From the Monster" with my dad there on countless occasions as a toddler, and once I had a sister, that became an extremely common experience for me. Then, around third grade, I made a very exciting discovery: there were other kids in the neighborhood who used the park. I suppose I had known this before, but the implications became very clear to me: *I could go to the park with other kids.* I began to go with my friends, playing Sandman on the playground there, as well as our crazier made-up games such as "Walrus tag." As I became older, the amount of time my friends and I spent at the park only increased. Once we were able to walk to the playground by ourselves, summer would see us there three or four nights a week, playing pickup soccer or baseball. If the expansion goes through, even though there will be some field left, there will not be enough to do that anymore.

I met people I didn't even know existed at the park, and now count some of them among my close friends. Many of them have had similar experiences to me, with the park being a part of their childhood for as long as they can remember.

In conclusion, I ask you to consider the needs of the whole neighborhood instead of just the school. Consider *all* of the needs of the school, including that of enough space. Consider the possibility of expanding in a different location, or that of renovating an unused space. Although I may seem selfish, I ask that you let us keep this centerpiece of our childhoods.

important part neighborhood

I use that space
with my friends a lot
During summer, I go
there with my fri

Chris Wells

FILE
16-067184

I'm here

First, as a St. Paul resident and the parent of three kids at LMAP, thank you for your service to the city. This project is perhaps the most thoroughly vetted construction project in the history of the St. Paul Public School system, and the only unusual thing about it is the over the top reaction of its critics. I urge you to approve the two variances, as the staff report recommends.

I would like to speak to the sixth requirement for requesting a variance--namely, that:

- 6. The variance will not alter the essential character of the surrounding area.

Initially, the main opposition was to the loss of "green space," though the fact that the plan adds more in indoor play space than it cuts in outdoor play space made that critique impossible to sustain. Now, the main claim is that the new classroom wing will be, as one of the most vocal critics has put it, "too big, too tall, too much." None of this trio of claims, however, withstands even modest scrutiny.

① 40% house + garage vs. 38.5%

The building that is supposedly "too big" is barely larger than code allows without a variance, either in relative terms, as an extra 3.5% of a 81,000 sf lot, or in absolute terms, as just 2,849 sf over more than code allows. Because code allows 40% lot coverage when combining the main structure with outbuildings, you can't even reasonably argue that the school's lot coverage, at 38.5%, will be out of character with nearby plots, where homes and garages together ^{can} cover 40% of their ~~own~~ lots.

② Other school, 2 blocks away = same height,

Similarly, the building that critics claim is "too tall" to be in character with the neighborhood is exactly the same height as the building that has been there since it was built in 1922. It also happens to be exactly the same height as Saint Paul Academy's Lower School, located just two blocks away and also built in the 1920s [VISUAL A]. These two schools together have always defined what elementary schools in this neighborhood look like. A three-story addition matching the height of both long-term elementary schools will be very much in character.

both there since 1920s
(11.1)

③ Not just nearby SPA. Nonconforming tall structures

Finally, the addition that critics claim will be "too much" for a quiet residential neighborhood, ignore the fact that the school shares its block with two four-story condo buildings, that it is directly across the street from two large apartment buildings [VISUAL B], and that its neighborhood is liberally sprinkled not only with other tall, nonconforming houses and apartment buildings, but also SPA's identically tall, three-story elementary school. There is nothing about its height, size, or function that will be out of character with its surroundings.

are everywhere
(11.2)

④ HPC + MnHPD have approved on historical pres.

As for aesthetics, the design has been rigorously reviewed by the St. Paul Heritage Preservation Commission and the Minnesota Historic Preservation Office, agencies that are charged with protecting the historical integrity of the neighborhood. Both have concluded that the addition is appropriate "in terms of overall massing, size, and scale," and have determined that the overall aesthetic effect of the addition will be in harmony with the surrounding neighborhood. This is a good project that deserves our support. Thank you.

grounds

⑤ 4th grade = red herring → look at plans

Over 10 years ago I started the adoption process and now I'm the lucky mom of this incredible child. Additional training for potential parents to adopt a child of color was required so that we could carry out the number one job of all good parents: always be an advocate for our child. Children of color require more protection, from any macro and micro-aggressions, intentional or unintentional.

Being an advocate for my son involves three parts. The most important part is to examine my own racial bias. We all have bias, in this society where "all men are created equal" was signed by slave-owners. I work on not being offended when someone calls me out. **They are doing so because they care about me and my son.**

The second piece of advocacy for my son is to trust his instincts when he experiences racial discrimination.

The third piece of advocacy for my son is to always stand up for him in a way that models good behavior. I stand here today in this spirit.

I assume we are appalled by the equity gap, the violence against Asma Jama at Appleby's, and the tragedy of Philando Castille. **As products of a racist and classist society, the most important work we can do is to ask ourselves when and if we might be part of the problem.**

One example of privilege at work was that highway 94 construction resulted decimating the Rondo neighborhood, but the neighborhoods between the Ayd Mill road and 94 were preserved from highway construction. **The Rondo neighborhood didn't have the privilege to fight but the Ayd Mill neighborhood did.**

Please let me be clear: I am **NOT** up here to state that the opponents of proposed variances have racist or privileged intent. But for **10 months**, we have worked hard to explain why the needed Linwood Monroe school improvements can **only** be achieved by granting these variances. We have engaged the SHA neighbors with facts, and compromise, and yet some steadfast opponents refuse to budge.

Regardless of their intentions

It is the outcome of their actions that is racist and classist: they deny the needs of a school with children whose demographic is overall less white and lower in socioeconomic status. As an advocate for my son, everyone at Linwood Monroe, and in the St Paul community, **I must choose to call them out.**

[I ask the opponents to not be offended. I'm calling them out because I care for them too.]

I entreat these steadfast opponents to look in the mirror and ask themselves, how do they want to be perceived?

I want to tell them that that would do very well in mending the strife in the community caused by this conflict by changing their stance.

I want to thank the BZA for allowing me to speak and ask the BZA to support the requested variances.

this the Board of Zoning Appeals

the board

FILE

16-067184

Dennis Grogan Statement for the Board of Zoning Appeals

Hello. Thank you for allowing me to speak on this very busy day. I am Dennis Grogan. I come before you with more than four decades as a licensed general contractor and 35 years as a community activist and leader. In these roles, I have advocated for and against dozens of zoning variances in front of this body and the St. Paul City Council. I am currently in my last semester as a law student at Mitchell Hamline School of Law. I am working on educational legal issues under the supervision of Professor Jim Hilbert, who invited me to get involved in the Linwood School issue.

I have read and reviewed every document and the plans and architectural drawings for each version of the proposed Linwood addition. I am here to support the request for a height variance and a coverage variance.

The original architect of Linwood School designed a building that met the education standards of 1922. St. Paul Public Schools have different standards to address 95 years later. On the federal side of the law, are the American Disabilities Act (ADA) of 1990 and the Individuals with Disabilities Education Act (IDEA), originally passed in 1975. The Minnesota Department of Education (MDE) also has a comprehensive set of standards that schools must strive to achieve.

Linwood School, with its **current** enrollment, has 12 per cent less space per student than current MDE standards. In addition to this shortfall in space, Linwood's physical plant **does not meet** the federal requirements of the ADA or IDEA. Meeting all 3 sets of laws and standards for the interior educational spaces requires an addition to Linwood School.

As designed, the newly remodeled Linwood School will meet all 3 sets of regulations. To do this, matching the height of the original construction is necessary. Space cannot be added to

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the classrooms, hallways, and bathrooms of the original 3rd floor without providing some new 3rd floor space for the expansion. **The addition will match, never exceed, the original building heights.** As per zoning code calculations, this requires a height variance of 17 feet.

The addition to Linwood School will meet or exceed all set back requirements. Therefore, traffic sight lines and related safety issues are **not** a factor here.

The addition and the original building combined will cover 38.5 per cent of the building lot. This exceeds the R4 coverage limit of 35 per cent. In consideration of this coverage variance, please keep in mind that having more than 61 per cent of **this** building lot open is still a very substantial amount of open space. In fact, it is over 48,000 square feet of open space! This is about 8 of the residential lots in the neighborhood. In contrast, the coverage total that exceeds the allowed 35 per cent is less than 2,900 square feet. Furthermore, it is not the responsibility of the St. Paul Public Schools to provide park space. Their priority is and should remain the educational needs of the students, not the recreational needs of the neighborhood.

In closing, the St. Paul Public Schools have designed, with substantial input from neighbors, students, teachers, parents, friends, foes, and multiple agencies, a remodeling project that will bring Linwood School up to 21st century standards, while also gaining the approval of the St. Paul Heritage Preservation Commission, the Minnesota Historic Preservation Office, and your zoning staff.

I ask that the Board of Zoning Appeals would approve these 2 necessary variances without further delay to allow this important improvement for St. Paul to proceed. Thank you again.

FILE
16-067184

February 12, 2017

Room 330

Dear Members of the Board of Zoning Appeals,

* NOTE THAT SUMMIT HILL ASSC. MET AND REVOTED LAST WEEK

I am writing to you with my opposition to, and serious concerns with, the Saint Paul Public Schools Major Variance Application for 1023 Osceola Avenue. This property sits kitty-corner to my own house at 1049 Linwood Avenue, and the proposed project will have serious visual, traffic, open space, and historic character impacts to not only my home, but to the dozens of residences in the direct visual vicinity, as well as to the larger Summit Hill neighborhood and residents.

In reading the recently created BZA Staff Report, I have found significant issues with the report including items A, B and C, with the Findings 1, 2, 3, 4, and 6, with the statement G. Correspondence, and with item H. Staff Recommendation.

Below are my specific comments to the effect of each of these items:

WE SUPPORT THE SCHOOL, THE KIDS AND IMPROVEMENT

A. PURPOSE

The report's stated purpose of the variance, while for construction of an addition, should also clearly indicate that there is no deficiency in the property that requires granting of these variance requests. It is clear that the Saint Paul Public Schools' desire to create space for 165 more students at this campus is their sole reason for asking for variances. All of the other improvements for ADA accessibility, for upgraded classrooms, and for the new cafeteria separate from the gym, can be achieved without variances.

While the variance application expresses the variance is for 17 feet, the staff report should note that the rules for measurement do not account for the fact that the true building height measured to the visual parapet is actually over 52 feet relative to the surrounding grade.

B. SITE AREA AND CONDITIONS:

The site area and conditions description is grossly misleading. Below is a more accurate account of the immediate conditions:

Directly to the west are two single-family residences on Oxford as well as a low-rise [15' high], low-income multi-household apartment building. Additionally the backyard views of 6 more residences are directly affected to the west for families on the south side of Fairmount between Oxford and Lexington.

① *

②

LAST

NUMBER OF PROPERTY OWNERS IMPACTED

HEIGHT RELATIVE TO THE SETBACK LINE

Directly to the south are 7 single-family residences with direct visual impact plus the two [25' high] apartment buildings, each with multiple tenants visually impacted by the proposed expansion.

To the southwest are three more residences directly visually impacted by the school, including my house, which looks out to the school from four bedrooms and from our kitchen.

On a conservative count to the north and east over 25 homes are *directly* impacted by this proposal.

IS NOT STATED IN THIS REPORT BUT

The total number of homes impacted should be stated based upon the 350 foot radius required by major variance notification standards. I'd like to know what this number is, and I think it should be provided to the members of the BZA.

C. BACKGROUND:

Saint Paul Public Schools has stated publicly that their FMP, an internally generated programming document, is the reason they are expanding enrollment at the Linwood property. By all zoning review standards it is clear that the variance request is driven only by their internal decision making, programming, and planning, and therefore the variance requests are not related to any specific limitations inherent to the property.

The improvements of designing for modern standards, learning needs, and ADA accessibility are not in and of themselves deficiencies of the property. Such a modern facility can be built, or the existing building remodeled without necessitating variances to the zoning ordinances. Expanded enrollment is the desired outcome requiring variances. Given the broad opportunity to utilize properties and resources across the district, and to purchase or not sell existing properties, SPPS is on their own, solely responsible for creating this condition.

It is clear that SPPS planning is limited to one decade, ten years, of planning. Their request while serving them for perhaps ten years, means a lifetime of impact on the neighborhood and surrounding residential homes.

E. FINDINGS:

1. *The variances are in harmony with the general purposes and intent of the zoning code.*

In reviewing this finding, it appears the only standard that addresses the condition of **harmony** relates to the applicant desiring a better learning environment allowing similar-aged peer groups together in one building. ~~And~~ ~~see~~ there is nothing about the property that limits pre-k through 4th grade from existing at this property if SPPS so chose to do so. **It is only the desired increase in the number of students [at the smallest property in the**

k-6
k-12
3

FILE
16-061184

ACCORDING TO
RAMSEY CO. PROP RECORDS

district] that creates a problem. Again, this is not an inherent deficiency in the property.

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In my understanding of zoning, the question of harmony is not just an applicant consideration, but also needs to be reviewed, in fact primarily needs to be reviewed from the standpoint of impact upon the surrounding property owners, and what is in harmony with their structures and neighborhood. From this point of view the staff report and the applicant are silent.

Chapter 2.4 of the Comprehensive Plan is cited by the staff report, noting that the plan encourages the development of a strategy for investing in a broad range of infrastructure projects that support the growth of schools. True, investing in schools is important, but what else does the Comprehensive Plan say? According the staff report, apparently nothing else matters. Again staff and the applicant are silent about the impact on the neighborhood and individual property owners, and what the Comprehensive Plan has to say about that, for instance:

*

- The Comprehensive Plan supports the Summit Hill District 16 Neighborhood Plan
- The Summit Hill Plan Section 5.1 states "Neighborhood ambience is defined and enriched by a well-maintained green urban landscape..., and well-designed new and old buildings that reflect the character, mass and scale of nearby buildings." Given that the majority of surrounding homes and apartment buildings are 25 in height, the proposed 47 feet of the applicant's plan, right up to the west setback, would dwarf the surrounding neighbors.
- Section 5.2 states that there "must be better enforcement of current zoning and building guidelines". Everyone should be held to the same standards with city entities not getting a free pass.
- Sections 5.3 through 5.6 advocate for "retention of neighborhood green spaces, such as parks, vegetated bluff areas, and undeveloped portions of properties", "enhance use of existing public spaces and parks"
- The resulting loss of green space, access to light and view, and increased hardcover beyond what is allowed by zoning will be a significant impact on this local neighborhood.
- The playground is a community asset and is proposed to be cut by 40% in size. This impacts the residents as well as the students who will have a sub-standard playground that does not meet Minnesota Department of Education guidelines for outdoor playspace.
- The proposed expansion decreases open space, and decreases the beauty and harmony of the neighborhood.

2. The variance is consistent with the Comprehensive Plan

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The staff report refers to the part of the Comprehensive Plan recognizing that economic sustainability is driven by quality schools. The staff report is silent about the economic impact to the surrounding residences who will have their property values damaged by an oversized addition to this school versus an addition that is in keeping with zoning standards.

Unlike most other schools located within neighborhoods, there is not open enrollment for neighborhood children for the Linwood Elementary site. Our neighborhood children do not get to go to Linwood since it draws students only from across the District as an arts magnet. Typical economic benefit, does not apply to the neighbors surrounding Linwood. Again the staff report is silent on this point.

* [The staff report states that "the request to construct a building addition large enough and tall enough to accommodate *additional students*" is consistent with the vision of the Comprehensive Plan. **A better learning environment can be had for Linwood, and is strongly supported by the neighbors.** For the small size of the Linwood property additional students are a planning wish forced by broader decisions within the SPPS and their 10 year plan. What happens in 10 years as enrollment numbers drop [as they are projected to do], program plans change, and the desires of parents and administrators shift? We will be saddled with an oversized and potentially under-utilized building for the next 50 to 100 years. Again the staff report is silent, and does not reference other parts of the Comprehensive Plan that show this project is not consistent with its vision.

5 [3. ~~Once again~~, it is a desire to shift 165 students to this smallest of district sites that is the only salient issue surrounding the variance request. **All of the educational standards, stated program needs, updates, ADA accessibility laws, cafeteria updates, separate performance spaces, can be met with a building addition that meets all the zoning ordinances.**

* [**There are no practical difficulties that are not of the applicant's own making.** The staff finding stating that conditions have been met are once again looked at only from the perspective of the applicant.

* [In fact, given other available properties under ownership by SPPS, it is wholly possible to construct an addition to such locations as their 5 acre [compared to Linwood's 1.8 acres] Albion property 1.5 miles away, and which is currently for sale by SPPS. Tom Parent from SPPS stated that this option would be too expensive, but my understanding is that economic considerations "alone do not constitute practical difficulties". Who knows what other development possibilities are out

5 CONT ↓

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there to consider. **It is my understanding that no other solutions have been explored with any real reports or fact-finding.**

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The applicant has clearly created their own need with their proposed design. Currently this property functions as a school, and has for close to 100 years in this general configuration and within zoning ordinances. All of their modern educational needs can be met with additions and updates that conform with the zoning ordinances. **Cramming an additional 165 spots at the smallest school site in the district does not constitute a circumstance that is unique to this property.** Common sense clearly shows this condition has not been met.

6. *The variance will not alter the essential character of the surrounding area.*

The staff report breezes over this critical section of the findings. The character of the neighborhood, the overshadowing scale of this addition, its proximity to setback lines, and its overwhelming height in comparison to all the surrounding single family residences, these issues have been ignored.

Apart from the inappropriate scale of this proposal, there will also be a loss of sunlight to surrounding properties, loss of open space, loss of historic viewsheds [please note that neither the HPC nor the SHPO acknowledged this important historic landscape issue in their reports and recommendations], a significant increase to traffic and congestion, an increase in site hardcover, and a loss of recreation space critical to nearby residents.

THE APPLICANT AND THE STAFF REPORT
Yet again, this report has utterly failed to even mention the impacts imparted to the surrounding residents. Apparently even though the city feels it is important to notify residents about significant variance requests within a 350 foot radius of a proposed project, it seems to feel that recognizing the concerns of said residents, even though they have been very vocal, does not need to be covered at all in the staff report.

Not one sentence in this report has acknowledged the surrounding residents and their legitimate opposition to this project as it has been currently planned. Not one sentence has been devoted to the fact that the neighborhood wholeheartedly supports and encourages the improvements to the school that are needed to bring it into modern

compliance with standards. Not one sentence mentions that if the current student body size at this school was maintained at current numbers that none of these improvements would necessitate a variance.

G. CORRESPONDENCE:

It should be noted that of the 163 signatures in opposition to this variance request, all are residents in the Summit Hill District, with names and addresses provided. These signatures were the result of real residents talking with one another about the concerns of their neighborhood.

In contrast the 1100 petition signatures of support have come via an online petition promoted by websites such as the SPFT. This petition does not have any controls based on residency in the neighborhood, or even residency in the city of Saint Paul. To my knowledge no addresses have been provided for the signators to this petition. Such lack of information and transparency brings the validity of this petition into serious question.

This staff report does not address such questions and concerns.

I earnestly hope that the esteemed members of the Board of Zoning Appeals will weigh the clear deficiencies present in both the SPPS application and with the staff report, and will vote to deny the application for Major Variances. Such a denial will be an appropriate step in bringing the SPPS staff to the table with the Summit Hill Association and concerned residents. Such consideration for the serious impacts of this proposed project on the surrounding neighbors, will allow for a new and collaborative proposal to come forward that adequately addresses the zoning ordinances while promoting the much needed improvements to the Linwood Elementary School.

Sincerely,

David O'Brien Wagner, AIA, LEED AP
1049 Linwood Avenue
Saint Paul, MN 55105

584

FILE
16-067184



SAINT PAUL NAACP
Roy Wilkins Memorial Branch
270 North Kent Street
St. Paul, MN 55102

St. Paul NAACP Statement of Support for the Advocates for LMAP

The St. Paul NAACP issues this statement of support for the Advocates for LMAP, a group of parents and neighbors supporting Linwood Monroe Arts Plus pre-K-8 public school ("LMAP") in their efforts to secure necessary improvements to the school.

Education has a special place in our society. The Minnesota State Constitution singles out education to receive special protection and requires unique obligations by the state to provide an adequate education to all students. Our courts have declared that an adequate education is a fundamental right guaranteed to all of our state's children – regardless of race, socioeconomic status, language at home, and disability status – including all of the schoolchildren at LMAP.

The St. Paul School District has approved a plan and committed the necessary funds to make significant renovations to LMAP that would expand classrooms and make the building more accessible for its many students who require accommodations (LMAP is a "DCD hub" with many students who have special mobility needs). Currently the classrooms are too small and out of compliance; many of the facilities of the building, including bathrooms, are not accessible to students using wheelchairs, for example. Members of the NAACP's executive board and education committee recently toured the building and saw for themselves the urgent need for larger classrooms and ADA-compliant facilities.

Despite the urgent need, a small group of residents of Summit Hill apparently oppose the plan. The NAACP stands with the Advocates for LMAP, the St. Paul Federation of Teachers, the St. Paul School District, the leadership of LMAP, and the hundreds of parents and neighbors who have signed a petition in support of these necessary improvements. The needed improvements are a matter of educational equity, so that all of our students can have access to an adequate education. The students of LMAP, who are predominantly students of color, deserve to attend a school with sufficiently large classrooms and the necessary physical accommodations. The St. Paul NAACP will take whatever steps are available to make that happen.

About the St. Paul NAACP

The St. Paul NAACP is part of a national network of more than 2,000 affiliates of the NAACP covering all 50 states and the District of Columbia. As the Nation's oldest and largest civil rights organization, the NAACP has more than 500,000 members in the United States and overseas. The mission of the NAACP and its state and local affiliates is to ensure the political, educational, social, and economic equality of all persons, and to protect constitutional rights. The St. Paul NAACP is the local unit of the NAACP comprising members within St. Paul.

December 13, 2016

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FILE
16-067184

Dennis Grogan Statement for the Board of Zoning Appeals

Hello. Thank you for allowing me to speak on this very busy day. I am Dennis Grogan. I come before you with more than four decades as a licensed general contractor and 35 years as a community activist and leader. In these roles, I have advocated for and against dozens of zoning variances in front of this body and the St. Paul City Council. I am currently in my last semester as a law student at Mitchell Hamline School of Law. I am working on educational legal issues under the supervision of Professor Jim Hilbert, who invited me to get involved in the Linwood School issue.

I have read and reviewed every document and the plans and architectural drawings for each version of the proposed Linwood addition. I am here to support the request for a height variance and a coverage variance.

The original architect of Linwood School designed a building that met the education standards of 1922. St. Paul Public Schools have different standards to address 95 years later. On the federal side of the law, are the American Disabilities Act (ADA) of 1990 and the Individuals with Disabilities Education Act (IDEA), originally passed in 1975. The Minnesota Department of Education (MDE) also has a comprehensive set of standards that schools must strive to achieve.

Linwood School, with its **current** enrollment, has 12 per cent less space per student than current MDE standards. In addition to this shortfall in space, Linwood's physical plant **does not meet** the federal requirements of the ADA or IDEA. Meeting all 3 sets of laws and standards for the interior educational spaces requires an addition to Linwood School.

As designed, the newly remodeled Linwood School will meet all 3 sets of regulations. To do this, matching the height of the original construction is necessary. Space cannot be added to

the classrooms, hallways, and bathrooms of the original 3rd floor without providing some new 3rd floor space for the expansion. **The addition will match, never exceed, the original building heights.** As per zoning code calculations, this requires a height variance of 17 feet.

The addition to Linwood School will meet or exceed all set back requirements. Therefore, traffic sight lines and related safety issues are **not** a factor here.

The addition and the original building combined will cover 38.5 per cent of the building lot. This exceeds the R4 coverage limit of 35 per cent. In consideration of this coverage variance, please keep in mind that having more than 61 per cent of **this** building lot open is still a very substantial amount of open space. In fact, it is over 48,000 square feet of open space! This is about 8 of the residential lots in the neighborhood. In contrast, the coverage total that exceeds the allowed 35 per cent is less than 2,900 square feet. Furthermore, it is not the responsibility of the St. Paul Public Schools to provide park space. Their priority is and should remain the educational needs of the students, not the recreational needs of the neighborhood.

In closing, the St. Paul Public Schools have designed, with substantial input from neighbors, students, teachers, parents, friends, foes, and multiple agencies, a remodeling project that will bring Linwood School up to 21st century standards, while also gaining the approval of the St. Paul Heritage Preservation Commission, the Minnesota Historic Preservation Office, and your zoning staff.

I ask that the Board of Zoning Appeals would approve these 2 necessary variances without further delay to allow this important improvement for St. Paul to proceed. Thank you again.

The Saint Paul Federation of Teachers believes that all students deserve high quality, inclusive learning environments, no matter who they are, where they live, or where they go to school.

This has not necessarily been the case at the lower campus of Linwood Monroe Arts Plus, but we feel fortunate that there is a plan in place to change that. This is a plan that our members at Linwood—teachers and paraprofessionals who are in front of students every day and know what their learning needs are—support and have had input on. ^{Xv} ^{Plan} This is the plan that parents from around the city who send their students to Linwood want and need for their students. As a union, we have always felt that these are the people who should have the most say in what happens to their school—parents and teachers, the people who know our students best.

Our members are concerned that too many outside interests have had influence on our schools, telling teachers and families what should happen with their school, rather than asking. We feel this has led to racial inequalities in our building and racial discrepancies in outcomes across the district. This plan was put together with input from the teachers and families of Linwood. The Saint Paul Federation of Teachers hopes this board will listen to the people who know our students' needs best and approve that plan for the Linwood community.

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