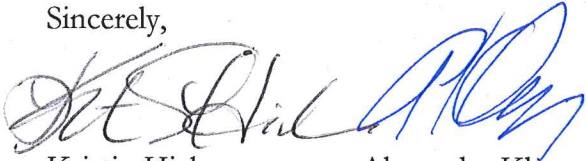


Letter to BZA re: Application for Zoning Variances - Linwood School Addition

Thank you for your consideration.

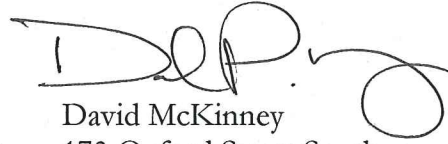
Sincerely,



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cc: Rebecca Noecker, Saint Paul City Council

FILE
16-067184

September 5, 2016

Board of Zoning Appeals
c/o Department of Safety and Inspections Zoning Section
City of Saint Paul
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

Dear Board Members,

We are three residents of the Summit Hill neighborhood who all live within approximately one block of the Linwood School. Among the three of us, we are lawyers and legal educators (with expertise that includes environmental and land use law, administrative law, and litigation), as well as parents of school-age children (including children who have attended Linwood and other public schools in Saint Paul). We are writing regarding a zoning variance request filed by the Saint Paul Public Schools (SPPS) in connection with a large addition to the Linwood School. We understand that the Board of Zoning Appeals (BZA) will consider this variance request at its September 12 meeting, notwithstanding that the City of Saint Paul has not yet completed its environmental review for the addition. Although Environmental Quality Board (EQB) guidance indicates that the sixty-day period imposed by MN Statute 15.99 for acting on zoning variance requests is tolled when projects are going through the environmental review process, we have been told that the BZA nevertheless feels itself pressured to take some action at the present time and may conditionally approve the project pending completion of environmental review.

As you are likely already aware, the Linwood School project is highly controversial. We and many of our neighbors are very concerned about the environmental impact of the project on our neighborhood. We and many of our neighbors eagerly await the City of Saint Paul's completion of its Environmental Assessment Worksheet and the opportunity to submit comments as part of the environmental review process. We have made the EQB and the Summit Hill Association (SHA) aware of these concerns. Because the City has not yet completed its Environmental Assessment Worksheet, however, none of these interested parties has had a meaningful opportunity to participate in the environmental review process. Without a completed environmental review process, we and our neighbors cannot meaningfully participate in the decision making processes of the SHA and the BZA. Without a completed environmental review process, the SHA does not have the information it needs to meaningfully consider and offer an informed assessment of the project to the BZA, and the BZA itself does not have the information it needs to fully review the impacts of the variance request. A conditional approval of the SPPS's variance request at this time would short-circuit the public participation process for this controversial project, would give the impression that the BZA is stacking the deck in the SPPS's favor, and would expose the City of Saint Paul and the BZA to litigation.

Public participation takes time and is often inconvenient, but it serves important purposes as well. The Linwood School addition is controversial in large part because the SPPS failed adequately to consult neighborhood representatives in developing its plans in the first instance. We appreciate that the SPPS feels its own pressure to keep the project moving forward, but we do not believe the BZA

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should compound the SPPS's failure by short-circuiting public participation in its own decision making process. The reason why the Minnesota Environmental Policy Act prohibits responsible governmental units like the City from granting a variance or other approval for projects undergoing environmental review is to ensure that the responsible governmental unit and other interested parties have as much information on the environmental impacts of the project as possible *before* making such decisions. To approve this project, even if the approval is labeled "conditional," prevents a full evaluation of the project's environmental impacts and cannot help but prejudice the final decision by foreclosing potential project alternatives and mitigation measures.

For these reasons, if the BZA feels compelled to take some action at this time, we urge that the more appropriate action for the BZA to take would be to deny the SPPS's zoning variance request without prejudice, allowing the SPPS to refile its zoning variance request and the BZA to consider that request with full information once the environmental review process has been completed. Thank you for your consideration.

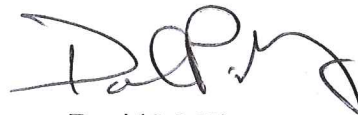
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cc: Rebecca Noecker, Saint Paul City Council
Mark Riegel, Minnesota Environmental Quality Board
Nelima Sitati, Summit Hill Association
Josh Williams, City of Saint Paul Planning and Economic Development

LINWOOD NEIGHBORHOOD FRIENDS:

*OPPOSITION TO APPLICATION FOR VARIANCES PROPOSED
BY THE
SAINT PAUL PUBLIC SCHOOLS*

February 7, 2017

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1. Introduction

The Saint Paul Public School Schools (SPPS) would like to build a very large addition to the Linwood School, which is situated on the smallest elementary school site (1.82 acres) in the whole city of St. Paul. This proposed addition would expand the building's footprint to the extent that approximately one-half of the existing open play space between the school and Fairmount Avenue would be eliminated to make room for the new building. The proposed addition would be over 47 feet, and in some places the height would reach close to 62 feet. This addition, or expansion, is being proposed at a school site situated within an old historic residential neighborhood of Saint Paul that presently reflects the very fabric of Saint Paul's character. A survey of the neighborhood reveals that 85% of the neighbors oppose these variances. The proposed expansion is too big, too high, and too much. The neighborhood does not want it, and we urge you to deny the requests for these variances.

The SPPS states that this addition is a part of its Facilities Master Plan (FMP) and that, "Our school's facility improvement plan is part of the Saint Paul Public Schools (SPPS) two-year Facilities Master Planning process that received input from more than one thousand people. Last spring, a team from our school community – which included staff, families, students and community members – took part in developing a vision for how our school building can better meet the learning needs of students." See <http://www.spps.org/Page/23106> (The Facilities Master Plan for Remodeling Linwood Monroe Lower Campus).

This statement is misleading. First, Saint Paul has a population of nearly 300,000 people. So the fact that only 1,000 people participated in the FMP, which covers many schools in Saint Paul, reveals how limited the input SPPS really received from the community. SPPS would have you believe that members of the Summit Hill neighborhood were well represented in this process. This is not true. Neither the community—the immediate neighbors, the very people that must live with these changes—nor the Summit Hill Association were included in this process, and did not even learn of it until notices of the variances application were filed with the city.

If the neighborhood had been included in the planning process, we are certain we could have worked with the SPPS to create a design that would have preserved the important open area play space. This space is important to many people who live in Summit Hill and beyond. It is a public resource where parents, teenagers, and small children can gather, play, and talk with their friends and neighbors. Parents teach their children how to hit a baseball, play soccer, shoot a basketball, play lacrosse, ride bicycles, and a host of other athletic and fun activities. This space enhances the school and the community in which it sits, and if these variances are approved and the proposed expansion of Linwood School is built, at least one-half of this space will be gone forever.

SPPS states it needs these variances for a variety of reasons including: building a new cafeteria, making classrooms larger, and other required upgrades that are necessary to bring the school building up to ADA standards. **SPPS's proposed expansion is not required to do these important updates.** A new cafeteria and classrooms can be added without exceeding zoning lot coverage codes; ADA upgrades can be made within the existing building; and classrooms can be expanded within the building envelope.

On the other hand, and more importantly, SPPS repeatedly has stated that it must move Pre-K and the 4th grade to the Linwood building. This decision is the main reason for the magnitude of the proposed expansion. It is an ill-considered decision, grounded in two weak arguments.

Their first argument is that best practice pedagogy recommends grouping students Pre-K-3 together. While this may be true, this does not explain the desire to shift 4th grade over. Additionally, nearly 40% of SPPS elementary schools do not follow this idealized Pre-K-5th grade banding: clearly schools can still function without that format.

The second argument results from short-term planning as SPPS attempts to accommodate parents who want to send their kids to Monroe by opening up more middle school spots at the Monroe campus, where Pre-K and 4th grade presently reside. Ramsey Middle School (among others) has become a less desirable option for parents in recent years due to a perception of increased school violence and other issues. Instead of addressing those issues, SPPS proposed expansion is a mere Band-Aid to a larger problem which must be fixed.

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The neighborhood should not be forced to suffer the consequences of SPPS voluntarily choosing to move approximately 120-165 more school children to the district's smallest site, especially when alternative options, which are better for the children and more consistent with state guidelines, are readily available. The Linwood site is simply too small for the larger building and the larger building is only required because of ill-informed, short-sighted education policy decisions. The size of the building can and would be reduced to reasonable proportions if SPPS were to relent on its policy decisions to increase the size of the student population. SPPS has created its need for the variances because of its policy decisions, and we urge you to reject them.

In the remainder of this document, we address, point-by-point, why these variances should be denied. Furthermore, these variances are inconsistent with the Summit Hill Neighborhood Plan and the City's Comprehensive Plan. The neighborhood is overwhelmingly opposed to these changes, which will create a building that is just too big, too tall, and too much. We respectfully urge you to deny these variances.

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2. A Brief History of This Dispute

A brief history of this dispute is listed below:

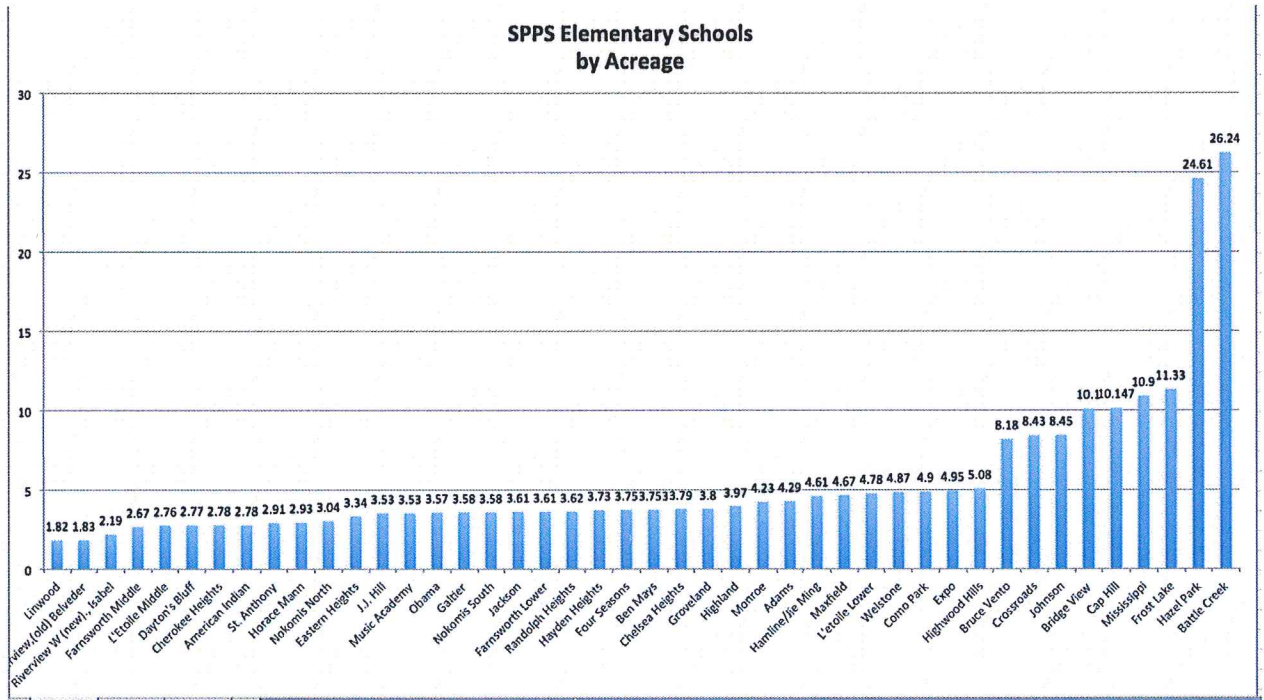
- March 2016 – Some Summit Hill neighbors received notices that SPPS requested three (3) major variances from the BZA with respect a proposed expansion at Linwood School. This is the first time that most neighbors, in particular those within 350 feet of the school, and the SHA, had heard of any proposed expansion. Neighbors later learned that planning for the proposed expansion had been initiated well over a year prior.
- March 2016 - April 2016 – The neighborhood organized its effort and many emails, letters, and other communications were initiated with the SPPS, SHA, BZA, and City Council.
- April 2016 - SPPS withdrew its variance requests.
- April 21, 2016 - SPPS invited neighbors, parents, teachers, administration, and other stakeholders to Linwood to “learn more” about the proposed expansion. The meeting included a presentation from SPPS of “revised plans” for the proposed expansion, despite the absence of any meaningful collaboration with the neighbors regarding the revisions. Input and feedback regarding these revised plans was not encouraged.
- April 26, 2016 - The SPPS Board of Education voted to approve the FMP.
- May 18 and 25, 2016 – The Summit Hill Association (SHA) sponsored a Working Group of school officials, parents, neighbors, and two board members to meet and discuss the SPPS plan and the neighbors’ opposition with the purported intention of arriving at a meaningful dialogue in order to address the parties’ concerns. During the two meetings held by this group, SPPS stressed that the design and variances would not be changed and clearly showed no interest in considering the neighborhood’s concerns and alternative ideas.
- June 2016 – July 2016 – Neighbors continue to express opposition regarding the proposed expansion including its environmental impacts. There is no communication from SPPS during this time.
- August 2016 – SPPS refiles for two (2) major variances with the BZA and, in so doing, SPPS acknowledges that the City of Saint Paul has required full environmental review of the project.

- Labor Day Weekend – Most neighbors receive notice that the SHA and BZA will be acting on a SPPS refiled application within the next week or so, and that any comments must be submitted beforehand.
- An EAW was filed by the City of St. Paul to the Environmental Quality Board as required by law. A public comment period was provided as required by law. A decision was released on February 6th.
- On January 28, 2017, neighbors were notified of the re-filed variance request and BZA hearing scheduled for February 13, 2017.

3. Pertinent Issues

3.1 Size: Too big, too tall, too much for the neighborhood

The Linwood campus is the smallest elementary school site in the city, as shown by the illustration below which lists all of St. Paul’s elementary schools by acreage. Please note that Linwood is listed on the far left as being the smallest site at 1.82 acres.



The existing Linwood site has the smallest contiguous, open play space area among the schools in Summit Hill and surrounding districts. The proposed changes would eliminate approximately one-half of the Linwood open play space.

- Once the open play space is eliminated from the Linwood School site, it will be gone forever.
- 85% of the neighbors are opposed to the proposed height and lot coverage of this expansion. A petition in opposition to the proposed expansion is being provided for your consideration with over 230 signatures.

3.2 Linwood's Play Space: A community resource

The playground of Linwood School is an important community resource. It is used by the students attending Linwood, and it is also used by virtually every age group of the neighbors and larger community surrounding the school, as described below.

- The Linwood School park/playground is the **only** open public park/playground in the Summit Hill District 16 for parents and children to use, aside from Linwood Community Center, which requires children and parents to cross a high traffic road, and thus, not frequently used.
- Many people prefer to use the Linwood School park/playground vs. the Linwood Community Center because:
 - The school park/playground is closer to their home.
 - It is a safe space for kids. The playground is on grade, and visible to two sides, which makes it open to the surrounding neighborhood. The neighbors keep an eye out for what is happening in the playground park. If there is something happening at night that requires a closer look, the police are called by a neighbor.
 - The school is surrounded by homes and other kids.
 - Parents and kids don't have to cross a busy street, like St. Clair, to get there.
 - The Linwood Community Center's access to the play equipment is partially down a hill, which isn't easy for small legs or a parent pushing a stroller. Other than the stairs, access to the play equipment can only be

gained by walking through the parking lot with cars pulling in and backing out, and then through a basketball court, or entering the building and taking an elevator down several floors to get to the equipment.

- The Community Center is out of the way, and doesn't feel as "cozy, safe, and secure" as Linwood park playground that is surrounded on 3 sides by neighborhood homes.
- The Linwood School playground park is a central gathering space from tots to teens, for parents and neighbors to connect, twelve months of the year. Parents watch younger children on the playground while older children and teens enjoy a pick-up game of baseball, soccer, football or basketball. It is a park where three generations of family and multiple ages of users can be using it at a time.
- The Linwood School park/playground is used mornings, afternoons, and evenings virtually every day, 12 months out of the year. Even on the coldest days, you will see people throwing balls for their dogs in the playground park as part of the morning walk ritual.
- Nearly 50% of Summit Hill residents are renters with a mix of socio/economic incomes. Our neighborhood is densely built, and the open space of the playground park is particularly critical to us and especially for those kids and parents who don't have back yards.
- Our neighborhood has been a strong supporter and protector of this space: helping to pay for and construct the original playground, serving as security on evenings, weekends, and summers when school personnel are absent, helping to maintain the playground and green space with weeding, watering, and sweeping, as well as cleaning out street grate drains.

3.3 The Neighborhood: Overwhelming Opposition

Neighbors have expressed their opposition to the proposed variances by taking these actions:

- Conducting a survey of the neighborhood - 85% oppose expansion
- Creating a petition and obtaining over 230 signatures.
- Engaging in correspondence and conversations with:
 - SPPS school board members