

From: [Toman](#)
To: [*CI-StPaul_PED-ZoningCommitteeSecretary](#)
Cc: ptoman@comcast.net
Subject: File #& Name ZF#-21-310-795, 1708 Selby Rezoning -- HEARING 11/04/21 @ 3:30 pm
Date: Tuesday, November 2, 2021 1:24:58 PM
Attachments: [Document 1 of 3.pdf](#)
[Document 2 of 3.pdf](#)
[Document 3 of 3.pdf](#)

RE: FILE NAME 1708 Selby Ave. Rezoning
FILE #21-310-795 per Zoning Committee Staff Report
Public Hearing Notice states: File # and Name ZF#21-310-795
1708 Selby Ave Rezoning

APPLICANT: Selby Flats LLC

Location: 1708 Selby Avenue

PIN and Legal Description 4.28.23.12.0028, Lot 2 Block7, Kuhl's Addition

ADDITIONAL INFORMATION PROVIDED STATES: Public Testimony can be submitted by noon Wednesday November 3, 2021 to PED-ZoningCommitteeSecretary@ci.stpaul.mn.us

HEARING DATE: November 4, 2021 @ 3:30 pm

To Whom It May Concern:

Please find attached a submission of written testimony (consisting of three pages) on behalf of myself and the other signators in regard to the above noted rezoning hearing.

Thank you,

Marlene Toman

ptoman@comcast.net

1706 Hague Avenue

St Paul MN 55104

Written Testimony for "Rezoning Request" Hearing

FILE NAME: 1708 Selby Ave. Rezoning*

FILE #21-310-795 per Zoning Committee Staff Report

Public Hearing Notice states: ~~File #~~ **File # and Name: ZF#21-310-795, 1708**

Selby Rezoning (see * below)

APPLICANT: Selby Flats LLC**

Location: 1708 Selby Avenue

PIN and Legal Description 4.28.23.12.0028, Lot 2 Block7, Kuhl's Addition

ADDITIONAL INFORMATION PROVIDED STATES: Public Testimony can be submitted by noon Wednesday November3, 2021 to: **PED-ZoningCommitteeSecretary@ci.stpaul.mn.us**

ATTACHED TO THIS COVER SHEET IS THE WRITTEN TESTIMONY BY THOSE CITIZENS WHO HAVE SIGNED AND THEREBY HAVE PROVIDED THEIR NAMES AND HAVE ALSO INCLUDED THEIR ADDRESSES WITH A STATEMENT THAT THEY ARE OPPOSED TO THE REZONING REQUEST (SEE ATTACHMENTS FOR PARTICULARS).

1

Re: ZF #21-310-795, 1708 Selby Rezoning

We are against the rezoning proposal in our neighborhood.

If it cannot or will not be denied immediately, then it should be continued!

Name	Address
Megan Tiffany	1711 Hague Ave
Zach Tiffany	1711 Hague Ave
Mary Beth Becker - Lauth	1702 Hague Ave #2
Samantha Becker - Lauth	1702 Hague Ave #2
Paul Toman	1706 Hague Ave
MARLENE TOMAN	1706 HAGUE AVE
Harrison Tiffany	1705 Hague Ave #1
Lara Bol	1705 Hague Ave #1
Patrick Brown	1751 Hague Ave
Molly Brown	1751 Hague Ave
Jame Wyles	1703 Marshall Ave
Kate Christianson	1707 Marshall Ave
Clint Chew Horse	1707 Marshall Ave
Adam Pope	1693 Hague Ave
Radul Anderson	1742 Hague Ave
Amanda Olson	1400 Laurel Ave. #W2005
Sherene Azev	1717 Hague Ave.
Andrew Cherry	1717 Hague Ave.
Julie Crow	1721 Hague Ave
Christie Manning	1701 Hague Ave
Cheryl Lorenz	1710 Hague Ave
William Lorenz	1710 Hague Ave

Regarding: ZF #21-316-795, 1708 Selby Rezoning

The Undersigned are opposed to the rezoning proposal referred to above

<u>Name</u>	<u>Address</u>
Quince Jacobs	1707 Hague Ave
David Guetschow	1821 Hague Ave
Earl Jones	1660 Hague Ave
Max Tamm	1706 Hague Avenue St Paul 55104
Nick Tamm	1706 Hague Ave
Hannah Mallow	St Paul
Rianna	1696 Hague Ave. St. Paul 1696 Hague Ave #3 St. Paul
Sarah Watson	1670 Hague Avenue
Greg Hanson	1670 Hague Avenue
KATHLEEN WASH	1725 HAGUE AVE, # 3
Naomi LeBeau	1716 Hague Ave.
Steve LeBeau	1716 Hague Ave.

WRITTEN PUBLIC TESTIMONY

OF

PAUL G. TOMAN

1706 HAGUE AVENUE

ST PAUL MN 55104

RE: FILE NAME 1708 Selby Ave. Rezoning

FILE #21-310-795 per Zoning Committee Staff Report

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1708 Selby Ave Rezoning

APPLICANT: Selby Flats LLC

Location: 1708 Selby Avenue

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HEARING DATE: November 4, 2021 @ 3:30 pm

I would like to give a few points as a neighbor who would be looking at this apartment building and feeling its affects daily. I stand in opposition to this development for the following reasons:

- Aesthetics - A five story apartment building does not fit into the neighborhood in which other apartment buildings and houses are two stories.
- Parking – This is potentially the biggest issue.
 - It would be a snow emergency route forcing tenants to park in the adjacent streets.
 - Current parking on Selby, Hague, Aldine, and Herschel is already full due to several houses without off-street parking, and multiple 5–6-unit apartment buildings without off-street parking. Both Aldine and Herschel are one-way narrow streets restricted to one side parking.
 - Although the city recently rescinded the requirements for rental housing and off-street parking, this should be a heavy consideration due to the already congested parking on Selby and neighboring streets.
 - Although national trends are showing a lessening of tenant's having a vehicle, it is not the norm in this location. Such generalities should not, and cannot be applied in this case, and localized conditions should override their application in this case.
 - In the three 5-unit apartment building on Aldine and Hague, every tenant has at least one vehicle with no available off-street parking spaces.
 - Located blocks from mass transit, and particularly during the winter months, reliance of mass-transit would surely not be a popular option for potential tenants.

- Context - It is an accepted understanding that home ownership breeds a heightened investment by individuals in their community. This neighborhood is predominantly single family-owned houses with a smattering of rental properties primarily to students at the local colleges. We also have had new multi-unit development nearby at Snelling Avenue and Selby Avenue that are not close to being fully occupied. To further introduce more rental units into a neighborhood of this type would further corrode citizen involvement in neighborhood improvements.

In conclusion, I would like to state my complete opposition to this development in all forms. Myself, my family, and my neighbors are committed to opposing this on all fronts. I have stated only a few of my objective points in my argument, and there are more to be brought forward.
Thank you for your consideration.

Paul G. Toman
ptoman@comcast.net
1706 Hague Avenue
St Paul MN 55104

From: [JEROME GUETTLE](#)
To: [*CI-StPaul_PED-ZoningCommitteeSecretary](#)
Subject: File #21-310-795
Date: Monday, November 1, 2021 12:12:57 PM

Jerome and Cindy Guettler
1712 Dayton Ave
Saint Paul , MN. 55104

1688 Dayton probably already uses the third floor as rental but has to make safe egress to satisfy city code. The neighborhood impact of this required improvement is minimal.

We are Both in opposition to the Rezoning to RM2 of 1708 Selby Ave. Saint Paul, MN 55104
The unlimited density demanded by Saint Paul city officials in our neighborhood has made it difficult because of the reduced parking and added traffic.

The soccer stadium was built with no parking ramps and during events at the stadium our street is full of vehicles from people that attend the event's at the soccer stadium. There are time's when we come home only to find the parking in front of our house is full and have to park a block away from our house.

This probably a waste of my time because the Zoning committee and the elected officials of Saint Paul do what they want to do anyway, only to ignore public input and concerns of it's residents. There has to be an independent study on how the unlimited density demanded by our Government's elected officials damages the environment and how it effects Human health. You people are turning Saint Paul into the next Detroit or Chicago so you can maintain a Wage and benefit package that is unavailable to most that work for private company's.

Jerome and Cindy Guettler

Sent from [Mail](#) for Windows

From: [David & Jill Guetschow](#)
To: [*CI-StPaul_PED-ZoningCommitteeSecretary](#)
Subject: Written Testimony for 1708 Selby Rezoning Request Hearing
Date: Tuesday, November 2, 2021 9:03:09 PM

Written Testimony for 1708 Selby Rezoning
File ZF#21-310-795

We have lived in our home at 1721 Hague Ave St. Paul for 23 years. We are well experienced and well versed in issues in our neighborhood related to parking, traffic, pedestrian and bicycle use, home ownership, renters, rental properties, and landlords. We have attended many city meetings related to the above issues, including recent developments at Selby and Snelling Aves.

We object to the proposed rezoning of the property on Selby Ave for multiple reasons, including:

*Our neighborhood, particularly our block, is already high-density, with multiple student rentals and apartment buildings on each of the corners of Hershel & Aldine. We have 10+ rental houses within one block of us. We have 5 apartment buildings and one 4-unit condo building on our block and it's intersections with Hershel and Aldine.

*Parking: due to the above-mentioned high-density, parking is already at a premium in our neighborhood. Only two of the multiple apartment buildings surrounding us have off-street parking.

*Traffic: Selby is a narrow street and already heavily traveled at high speeds due to the long stretch between Snelling and Fairview without any stop signs or stop lights. The recent developments at Selby and Snelling have increased volume and speeds. Our section of Hague is also subject to high speed traffic as there are four blocks without stop signs.

*There are no alley ways to "buffer" properties from single family homes such as are found on Marshall Ave. Not only does this move the proposed five-story structure closer to the living spaces on Hague Ave, this lack of alleys requires all traffic to enter and exit directly onto Selby.

* The architecture in the neighborhood from Snelling to Fairview is under three stories. Houses, businesses, apartments, multiplexes and group homes are of the same then agreed upon height. The proposal, as it reads, is disproportional, domineering and awkward.

Our family is supportive of cooperative, reasonable, proportional and equitable development. This proposal does not meet those standards and for that, we cannot support ZF#21-310-795.

Regards,
David and Jill Guetschow
1721 Hague Ave

From: [louise](#)
To: [*CI-StPaul_PED-ZoningCommitteeSecretary](#)
Subject: Written testimony ZF#21-310-795, 1708 Selby Rezoning
Date: Wednesday, November 3, 2021 11:26:15 AM

This is a written testimony submitted by Louise Jacobs, 1707 Hague Ave Regarding Fil # and Name: ZF#21-310-795, 1708 Selby Rezoning

The text is included in this email.

A. The rezoning request as referred to above should be denied because the application for rezoning and the process related said application fails to meet the requirements of a proper application and hearing process. See below.

B. If the rezoning application is not dismissed as requested (see above) because of fatal flaws in the application and procedural failures, as set out then the request rezoning should be dismissed on the merits. Overwhelming evidence to support denial and dismissal of the rezoning application has been submitted through written testimony.

C. There are legal flaws fatal to the proceeding and which require a dismissal or a continuation of the hearing, See below,

The Committee staff has filed a report that fails by its own words to present any facts to support its recommendations. The report cites statues and policies but does not actual facts. The report relies heavily on unsupported statements, illogical conclusions based on aspirational wording in RM2 zoning standards, and policies, and then attempts to assign a cause and effect relationship to a particular outcome of approval. That is, the author of the report states a statuary goal of 'support and foster' and considers the statutes related to the requested rezoning and then that's it. There is no gathering of facts reported about the applicant for rezoning, no information about the impact of the rezoning on the neighborhood no information about the people who live live there and the impact on their property and neighborhood, It is actually stunning (not in a good way) to witness the disconnect of the report to a meaningful hearing.

The report ignores the interest of property owners and the interested neighbors and people in this community. The report is fatally flawed and biassed as demonstrated by an absolute absence of any meaningful reporting about the residents and neighborhood impacted by the rezoning

request,

The RM2 language quoted in the report is as follows: The RM2 district “is designed ...and intended to foster and support pedestrian and transit-oriented residential development”. The rezoning request relates to a project that would squeeze the largest number of apartments (38) in a 5 storied building on property (if the rezoning is successful) no larger than 120 feet wide and about 110 deep (of course less required setbacks and spacing). The project related to the rezoning request would also include 17 parking slots. The number of residents of such a proposed and related development plan if the application for rezoning is approved is 38 (if every apartment has 1 tenant) but realistically it could be 76 or even more residents who have cars (tenants potentially could be married couples, have girlfriends or boyfriends, or teenagers, or aging parents and the total number of potential owners is actually much higher and all such possible tenants are potential car owners whether they are “fostered and supported” as pedestrian and transit-oriented residents - a identified goal of the proposed zone RM2. The goal does not restrict tenants from being car owners but only include approximately 17 parking slots. The report should have included a finding that the rezoning is likely to increase the numbers of car owners utilizing the surrounding streets for parking since that will be the only option resulting from an approval of the rezoning application.

There should be a finding that neighborhood and property owners and residents in the vicinity will adversely affected. The report should include findings that current capacity for on the street parking is full. I, as a property owner of a single residence have no off street parking and others are in same situation as well, and numerous fourplexes and small businesses also rely only on street parking. BUT surprisingly the report mostly just ignores the neighborhood and even the many people who were entitled to notice of the rezoning application hearing. There should be findings about the property owners and surrounding community. Instead the whole report is in support of the Applicant such that there are no real findings of fact.

There is no evidence and no findings in the report to support a connection between the stated zoning goals and any meaningful progress or success met by such a rezoning request and its related project. There should be a finding that the truth is that no positive connection or even hint of a correlation between the stated zoning goals and the applicable zone

designation requested. And the same conclusion applies to the destructive, corrosive effect such projects have by providing so few parking slots as part of the rezoning request and the related apartment development plan.

The rezoning application report fills nearly a whole page quoting the zone RM2 text as well as the comprehensive plan provisions and policies and then jumps to inappropriately calling the statutory references “findings”. They are not findings of fact. And such do not support any valid conclusion with anything more than reiterating statutes. This is not so much a report and a regurgitation. The following examples illustrate inappropriate and inaccurate use of the term “findings”. There are no “findings” made to support the report’s conclusion.

The staff report states the subject area recommended for rezoning involves a mixed use “which is one where there is a balance of jobs and housing within walking distance of each other”. The report does not actually find that there is such a balance; it just assumes a balance. In fact, it should find that statements again are just meaningless. What there is really a plethora of high density housing developments with little parking and not so many jobs; a balance is not even close to reality. There are two such high density housing developments at the intersection of Snelling and Selby. There are at least two large such developments on Marshall, There is another one further along Selby. There are too many to even count on Snelling near HWY 94, and at Snelling and University Ave. There are no findings of facts that more of such buildings is needed. There would be no truth to such a statement since there is a low occupancy rate for the plethora of developments. The strongest identifying factors are that all have for rent signs that have been in place for months. And there is not any indication of jobs to achieve the balance to which the zoning refers. The staff report provides no evidence of the asserted necessary balance and completely ignores all the existence of unoccupied apartments in the many developments referred to above which are already built and in need of occupants.

The report also presents a “rosy” picture of transit options. Yes a particular bus might go down a particular road, but how often”. No evidence exists to support assumptions made in the report. One might question whether the buses and transit transportation run along a route that has day care facilities so parents can deliver children on the way to work. There could be so many

“non-rosy” findings of fact. The report’s conclusion is concocted from fantasy and cannot be supported.

The local Selby businesses will also be adversely impacted by the high increase in demand for street parking since many rely on street parking also.

But more importantly and shocking is that the report ignores the impact the proposed rezoning or planned development has on the neighborhood, residents, and local businesses. Notices are sent but no interest is demonstrated otherwise. No investigation is conducted and not one statement addresses the residents and neighbor concerns or circumstances. It is an abandonment of duties and responsibilities.

1. The only factual evidence before the decision-makers is presented by the citizens submissions of evidence including my testimony. Certainly this is true as to the neighborhood and property owners but little information is provided about the applicant also.

2. Regarding the neighbors and citizens - the following existing problems will be exacerbated: the parking , traffic, policing. The character of the neighborhood will be adversely affected by the rezoning.

3. A 5 story apartment will stick out and up too high so as to create a blight

4. Nearly 100% of the neighbors oppose the rezoning and have provided written testimony to that effect.

5. The rezoning does not benefit the citizens who live in the area and the developer’s plans are detrimental to citizens residing in the surrounding neighborhoods.

6. The parking problems will be detrimental to those who live in the neighborhood which would even include the tenants in the proposed rezoning and development if it goes forward.

7. The rezoning will not serve anyone except the developer. The target population is overflowing with similar housing opportunities and clearly not enough people wish to be “supported and fostered” in a ridiculously crowded housing development such as the one connected to the requested

rezoning and already exists in surrounding locations as set out above.

8. The negative impacts will fall on the shoulder of a well established neighborhood with long established residents and the small local businesses who also need on street parking. The residents know each other and interact with each other (just note the number of residents opposed to the rezoning). The residents are a diverse group in origin, ages, occupations, skills, talents, education and so on. The impact of rezoning could be and is likely to be devastating if it is approved.

9. The Zoning staff and Council have failed in their civic duties. The staff have acted like assistants and secretaries to the applicant.

10. The duty to the community is not met just by sending notices and then ignoring the residents and the impact of the proposed rezoning completely in the report.

LURKING LEGAL ISSUES RAISED HEREIN

1. Some residents have reported properties in the area of Hague Avenue whose boundaries butt up against the properties acquired by Selby Flats LLC, appear to have inconsistency in the depth of the properties. Some the properties may not be as deep as reported. When Selby Avenue was widened some of those inconsistencies apparently popped up.

2. There are procedure and notice problems including inaccuracies in the Rezoning Notice about the description of properties on Hague Avenue. The notices are inadequate and legally flawed. As to procedure problems, the staff does not fulfill its responsibility by ignoring the makeup of the community, residents, and local business. It shirks its work and calls reiterating parts of the zoning code, policies, etc, to be findings. Such not finding of facts.

3. Untimely notices. Despite the news media reporting change in mail delivery practices announced by the Postmaster, who stated that the delivery of mail was being “slowed down as a cost saving strategy,” the Zoning staff failed to adjust the timing of sending of notices and the concern residents and property owners entitled to notice did not receive timely notice.

4. Despite the general current understanding and focus related to equal

treatment, bias, and institutional bias, unfair and disparate treatment has been visited upon by residents including property owners on Hague Avenue and concerned others. For example the applicant for rezoning was allowed to submit his or her application with no name - only initials (JS). Other people including property owners and residents were required to provide full names and addresses. The person submitting the application- JS- was not required to report his or her relationship to Selby Flats LLC.

The complete failure to include any finding of fact or any scrap of information in the staff report demonstrates bias in favor of the Applicant. JS was not required to provide his or her relationship in regards to Selby Flats, LLC. And no information is provided by Selby Flats, LLC. The Secretary of State lists Selby Flats, LLC as a LLC only since early fall this year. Selby Flats, LLC has not listed a Registered Agent. Yet the internet disclosed another Selby Flats with no LLC and that entity was apparently has been involved in a similar project. Given the author of the Report demonstrated bias is indirectly mentioned above she provides no additional information.

What little information is available seems to just obfuscate matters. And the Zoning staff, and council refer to hearings and notices as (for example) Rezoning Notice. Does that communicate the conclusion is predetermined? Isn't it more accurate and neutral to label such as Hearing of Application for Rezoning? Language does matter.

For all the reasons stated above and more the Rezoning Application should be denied and dismissed.