

Dear City Council Members,

On February 26th, AnnMarie Fox wrote an excellent letter contrasting the proposed parking lot at 1170 Selby with the St. Paul Comprehensive Plan. I'd like to expand on that letter and bring to light the direction provided by the three legacy council plans which now comprise the Union Park community plan.

Broadly, these plans call for support of the alternative modes and transit oriented development. They mention walkability numerous times and call for development that fits the scale of the neighborhood. Specific excerpts include:

- LexHam: *Enhanced pedestrian and bicycle connections centered around Griggs will unify the neighborhood.*
- SnellHam: *The neighborhood is resolute about promoting a walkable, healthy, and safe environment through the use of design principles. Encourage economic development that enhances the pedestrian environment and keeps traffic off of local streets.*
- Merriam Park: *Preserving the pedestrian environment is critical. Additional parking for existing businesses will only be approved if it will qualitatively improve the neighborhood.*

I've also been thinking about 1170 Selby in the light two recent appeals before the City Council and some of the "anti business" criticism that has ensued.

The first, 650 Pelham, was properly decided. Even though that development did not require any variances, it is reasonable to ask a developer to create a site plan that is respectful of the pedestrian realm when that request does not cause undo hardship on the developer. Simple changes that site the building closer to the street, enhance the appearance of the facade, increase the buildings transparency, and move the bulk of parking to the rear are good design principles, especially for a street that is anticipated to bring many riders to Central Corridor LRT.

I believe that in the second, Cupcake on Grand Avenue, the City Council may have erred. If a business believes it can succeed without the required number of off-street parking spaces, and there is no land available to build that parking due to existing development, I think it's prudent to let that business make a go of it. Free and abundant parking is one of the drivers of automobile dependence. When it is subsidized by cash register receipts, as is done by most businesses, it amounts to a tax on all customers including those who arrive by walking, biking, and transit. Our shared goal of transitioning to a transportation system more reliant on the sustainable modes will be reached more quickly if we provide no more parking than is absolutely necessary and insure that the true and full cost of that parking is born by those who utilize it.

Pizza Luce currently has all the parking it is required to have. It is a successful business. Among all of its locations, I understand that Selby is the second most profitable. This seems an ideal time to further build a local and loyal customer base that is rewarded for

walking, biking, and busing. LexHam is a neighborhood that warmly welcomes visitors to its parks, schools, and churches. It also welcomes businesses that fit the scale of the neighborhood and their customers. But like all neighborhoods, it wants to minimize the burden of motor vehicle traffic for reasons we all understand; noise, pollution, and the hazard it poses to people outside of cars.

I ask you to please support the appeal and deny the variances required for the proposed parking lot at 1170 Selby. I believe there are alternative uses for the site that can benefit Pizza Luce from a business standpoint and also be embraced by the neighborhood.

Thank you,
Mike Madden

Dear Councilman Carter:

I am writing in opposition to the variance request for 1170 Selby.

Although it would be convenient for me personally to have another parking lot so close to my home (I have no off-street parking), the impact of the current Pizza Luce parking lot has been so negative that I cannot support and strongly object to a second one. The existing, small and inaccessible lot has created a dangerous situation on that block of Selby because of cars backing out, cars waiting to park, and cars threatening the safety of pedestrians – particularly on weekend nights. Having another back-out only lot so close to the entrance of the first one would significantly more than double the potential for harm.

Thank you for your time and attention.

Deborah Durkin
1163 Hague Ave
St. Paul

Dear Councilmembers Carter, Stark, Bostrom, Brendmoen, Lantry, Tolbert and Thune,

Please oppose the 1170 Selby Avenue parking lot variances. These variances are contrary to principals outlined in the City's Comprehensive Plan to

- Minimize and consolidate driveway curb cuts on commercial streets as opportunities arise, for pedestrian safety and comfort and to maximize on-street parking.
- Promote walkability and transit use, as well as seeking to fund traffic calming measures.
- Discourage new and expanded auto-oriented uses, while instead prioritizing the development of compact commercial areas accessible by pedestrians and transit users over commercial areas more readily accessed by automobile.

An overwhelming majority of residents living adjacent to and near 1170 Selby oppose this parking lot, especially because of safety issues. Pizza Luce does not need this parking lot to meet its current parking requirement. For these reasons, we ask you to oppose these parking variances.

Debbie Meister and Gene Christenson
1312 Portland Avenue, 55104
[651.647.6816](tel:651.647.6816)

Hello, my name is Andrew Faltesek, a homeowner at 1197 Hague Avenue since 1990. I wanted to relay to you my concerns about the proposed 2nd parking lot at 1170 Selby Ave. for Pizza Luce.

Please accept this preface to my comments with two statements. First; I was supportive of Pizza Luce opening in our location, as commercial development occurred and was supported mostly east of Lexington and west of Ayd Mill Road over the years. Pizza Luce was a welcome and positive addition to our neighborhood in its original format. Second; the true renaissance of our neighborhood through various issues was accomplished by the involvement and hard work of the wonderful families I am blessed to count as my neighbors; and as is evident; we are a close, numerous, and unified group.

Included below are relevant issues that are in opposition to us not only as a neighborhood, but also to stated objectives by the City of Saint Paul Comprehensive Plan, as underscored by the excellent work by our neighbors; after my own personal concerns about the parking lot variance request and the responsibilities of both Union Park District Council and Lexington-Hamline Community Council.

While I understand that private businesses are not required to telegraph their business plans, increase of profit, or expansions; and may well conform to procedural requirements for development or variance requests; in the case of this 2nd parking lot and variances, the concerns of the neighborhood residents that might be affected was never addressed until the last moment. Pizza Luce's own Marketing Strategy includes only one real point of working with neighborhoods: Point 5.: "We will work closely with neighborhood associations, schools, colleges, hospitals, arts organizations, and the food co-ops to stimulate word-of-mouth advertising." **The vetting of concerns by affected residents was not attempted outside of the variance notification.**

Notice for the UPDC variance meeting was delivered 10 days prior to the December 27th event. I cannot say what you might have been doing ten days before or two days after Christmas, **but this date was assuredly**

predisposed to minimal involvement...I'm not assigning blame; just pointing out practical reality. Many neighbors had no idea of developments until the residence at 1170 was being demolished. Since then a clear unity and voice has risen from the neighborhood...I paraphrase: " We do not want this parking lot, and despite all suggestions and alternate options offered, Pizza Luce and UPDC support the lot and variance." Opposition to the lot has been characterized as being in "opposition to neighborhood sustainability/livability, commerce, etc."; but I can assure you that we as homeowners are very aware and committed to retaining the character and future of our block. In my 22 years here, we as neighbors have continually improved and solidified our unity and collaborated on issues as diverse as Lex-Ham co-op housing problems; drugs; to even continually treating the mammoth elm tree at 1199 for Dutch Elm disease at our own significant cost. **We are communicative and in agreement.**

My own concerns about the process are: **the procedural timeline and efforts to actually discern concerns of affected homeowners.** Real estate was purchased, plans laid, organizations consulted, and decisions made; many months before homeowners had any knowledge. **I would hope, as I understand by the mission statements of UPDC, Lex-Ham, and City of Saint Paul; that neighborhood/homeowner concerns would be addressed at the initiation of this sort of proposal, not after the fact.**

The parking lot as proposed only multiplies by two; the problems and concerns we as a neighborhood have voiced. It seems that our alternate proposals are to be rejected. UPDC seems to be more worried about admitting to procedural mistakes than addressing homeowners concerns. I have but little input or control to the decisions made by the individuals promoting this parking lot, but hope ultimately, that you...Melvin Carter; and the Saint Paul City Council, will respond to the desires of its constituency; and stop the proposed parking lot at 1170 Hague Avenue.

Most sincerely; Andrew J. Faltesek, 1197 Hague Avenue

I am opposed to the variance requests on the 1170 Selby Avenue property because the lot will create **an inherently unsafe parking** space for our neighborhood, as it is a mirror image of the existing parking lot next to Pizza Luce, a lot I know is hazardous. The Saint Paul Comprehensive Plan seeks to *minimize and consolidate driveway curb cuts on commercial streets as opportunities arise. For pedestrian safety and comfort and to maximize on-street parking (1.7).*

I am opposed to the variance requests on the 1170 Selby Avenue property because the lot will **create more moving traffic in our neighborhood**. Creating addition surface parking, invites and therefore increases traffic on Selby. Increased automobile traffic means less safety for pedestrians, bikers and transit users. This goes against the Saint Paul Comprehensive Plan goals which *promotes walkability and transit use, as well as seeking to fund traffic calming measures (2.2 and 4.11).*

I am opposed to the variance requests on the 1170 Selby Avenue property because adding more **surface parking** goes against the St. Paul Comprehensive Plan. The plan **discourages** new and expanded auto-oriented uses as it seeks to *prioritize the development of compact commercial areas accessible by pedestrians and transit users over commercial areas more readily accessed by automobile (1.52).*

I am opposed to the variance requests on the 1170 Selby Avenue property because **this opens the doors for future expansion of Pizza Luce**. Pizza Luce is planning to add a patio to their Selby location becoming a business that is not scaled to our neighborhood. A patio also means more need for parking. This is not congruent with the **St. Paul Comprehensive Plan as it seeks to:** *Establish boundaries for Mixed-Use Corridors to guide development activity, monitor growth and other development conditions and evaluate performance toward meeting objectives for providing services (1.22).*

Dear City Council member,

I am opposing the variance requests on the 1170 Selby Avenue property because the lot will **create more moving traffic in our neighborhood**. Creating additional surface parking invites and therefore increases traffic on Selby. Increased automobile traffic means less safety for pedestrians, bikers and transit users. This goes against the Saint Paul Comprehensive Plan goals which *promotes walkability and transit use, as well as seeking to fund traffic calming measures (2.2 and 4.11)*.

Sincerely,
Katie Bratsch
671 Ashland Ave., St. Paul

To Whom it may Concern--

Echoing Mr Madden's letter regarding Luce's end-run around established norms when seeking to further support car-culture at the expense of encouragement of more friendly travel via 2-wheels or 2-feet; I'd also like to add that I looked at the now-flattened space in question for moving my 35-year old business into, but was dismayed when I learned it had been bought by Luce across Selby. I expected perhaps another eatery to ape their success across the way or some other interesting and complimentary business.

Imagine my shock Cycling by and seeing the beautiful old storefront gone, and my horror to see it turned into a parking lot! The boldfaced flouting of regulation, to say nothing of the elimination of another (!) resource for the neighborhood or the city of Saint Paul for a pandering parking lot?

I have watched my beloved Uptown in Minneapolis transition from a neighborhood business node with funky small-businesses (like mine) and a walking (and Cycling) culture, to a "destination" shopping-area with big-box stores and ever-present traffic doing what traffic does best: marginalizing Bikes, relegating them to the periphery, as well as Pedestrians who're encouraged to stay just long enough to spend their money and then get back in their cars and go home to their neighborhoods.

Isn't this what we value about Saint Paul? The Neighborhoods that encourage folksy interaction, down on the street, in slow-motion? The building is gone, don't add insult to injury by letting this ugly scar mark what once was an opportunity, rather mark it as a memorial by making it a small park with some Art, or Bicycle parking, or letting a Neighborhood Group plant flowers or topiary.

But a(nother) parking lot? Is that the best we can do? Really?

--Chris Büdel

**SUMMARY OF LAW AS RELATES TO REQUEST FOR
VARIANCES BY PIZZA LUCE
3/13/2012**

Dear Council Members,

It is our understanding of Minnesota Statute 2010, section 394.27, subdivision 7: Variances, and Section 462.375, subdivision 6: Appeals and Adjustments, that granting the major variances for 1170 Selby Avenue is not consistent with State Law, or the 2010 Supreme Court decision to which the law relates.

We cite the following requirements that, by law, need to be met to allow these variances:

1. "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance, and when the variances are consistent with the comprehensive plan."

Fact: The requested variances for 1170 Selby are neither "in harmony with the general purposes and intent of the ordinance" nor "consistent with the comprehensive plan."

It cannot be consistent with the ordinance when the variance creates a safety and livability hazard the ordinance is designed to prevent. Granting of variances should not put the safety of the public at risk.

The proposed variances violate the intent of the comprehensive plan, which includes the following goals:

Consider Scale of Development (Land Use Strategy 1.12 & 1.121): Pizza Luce's Confidential Business Plan and intent to expand is out of proportion to its existence in a residential neighborhood.

Discourage new and expanded auto-oriented uses (Land Use Strategy 1.52, 1.53, 3.1, 3.11): Expanding a surface parking lot is clearly auto-oriented and does not support other modes of transportation.

Permit neighborhood serving commercial businesses compatible with the character of established neighborhoods (Land Use Strategy 1.7) Pizza Luce's scale of operation is not compatible with a residential neighborhood.

Minimize and consolidate driveway curb cuts on commercial streets (Transportation Strategy 1.7) The parking lot would expand the number of curb cuts.

Housing Strategy 2 : Preserve and Promote Established Neighborhoods. The residents of the neighborhood, not an outside corporation, should guide the future of the neighborhood.

Reduce the negative impacts that parking lots in the city have on water quality and water resources (Water Resource Management Strategy 2.9) This lot would be better used as a green space or playground for children in neighboring apartment buildings that now have no outdoor play area..

Historic Preservation Strategy 6: Determine the character-defining features of each neighborhood that should be preserved; incorporate these features into area plans and master plans for new development.

Pizza Luce has exhibited no interest in preserving the unique characteristics of our neighborhood. They have already torn down one useable building that has been a part of our neighborhood for over 80 years and propose to remove a house that is one of the oldest in the neighborhood. Historic preservation discussions should take place before buildings are bulldozed or removed.

2. "The plight of the landowner is due to circumstances unique to the property not created by the landowner."

Fact: Pizza Luce created the need for the variances by purchasing a lot they knew would not conform to their intended use without the variances. Pizza Luce also changed the circumstances of the property by tearing down an existing building.

This lot could be used for other viable purposes that do not require a variance and that would be compatible with the neighborhood and the Comprehensive Plan, but Pizza Luce refuses to consider alternative uses.

3. "The variance, if granted, will not alter the essential character of the locality." Furthermore, the Supreme Court decision cites a precedent that requires that "the variance would not injure the public or private rights of others."

Fact: Numerous residents have already testified that a parking lot at 1170 Selby would have a detrimental effect on the safety and livability of our community and lead to increasing traffic and lower property values.

Furthermore, Pizza Luce has repeatedly claimed that they do not need these additional parking spaces to maintain their current business. The 2/13/2012 letter from Pizza Luce to Councilmember Carter states, "We....received all of the parking variances we needed to succeed." The report by the BZA in May 2006 that allowed Pizza Luce only 8 parking spaces, instead of the required 31, states, "The applicant has conducted an informal parking survey which indicates that there is adequate on-street parking in the immediate area to accommodate the shortfall of off-street parking for the restaurant."

It is apparent that the only reason Pizza Luce is requesting the variances for 1170 Selby is to allow for their continued expansion, a plan the community has consistently opposed as being out of scale for a residential neighborhood. This expansion of Pizza Luce's business would have a serious and lasting impact on the "essential character of the locality."

The city should not reward a corporate entity that purchases a viable commercial building, and then proceeds to tear it down before receiving the variances required for a different use.

Finally, the BZA erred in its reliance on the Union Park District Council (UPDC) letter as their sole input from the community. The reality is that the UPDC Land Use Committee did not notify or consult with the neighborhood surrounding Pizza Luce until after the letter was written and the BZA report was submitted. Then the BZA at the 12/27/2011 public hearing, with the exception of one member, totally disregarded the petition and testimony from the neighbors which was overwhelmingly opposed to the variances.

The input from the neighborhood should have taken place before, not after, the decision was made by the BZA to allow the variances.

The decision by the BZA to approve these major variances is clearly not consistent with the law, the recent Supreme Court decision, or the interests of our neighborhood. On behalf of the concerned citizens involved with Save Our Selby, I ask you to support the Code and the St Paul Comprehensive Plan by denying these variances.

Eunice Smith
1156 Dayton Avenue
Saint Paul MN 55104