



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Ordinance: Ord 12-34

Effective 8-8-12

File Number: Ord 12-34

Amending Legislative Code Chapter 67 pertaining to student rental housing.

WHEREAS, as provided under Minn. Stat. § 462.357, Subd. 1, the City's residential-use zoning classifications are established upon legislative determinations that zoning use classifications promote "public health, welfare, safety, morals and general welfare," are well planned, are expected to be somewhat permanent, and are in conformance with the City's Comprehensive Plan; and

WHEREAS, the Council of the City of Saint Paul notes that the Land Use Chapter of the City's Comprehensive Plan calls for maintaining the stability of the City's established residential neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, the Council further notes that the Land Use Chapter states that stabilizing the City's established neighborhoods is achieved through the use of existing as well as new zoning standards which are intended to maintain the prevailing character of these neighborhoods variously described in the Comprehensive Plan as "residential areas of predominately single-family housing" or as being "characterized almost entirely by single-family homes and duplexes" (Land Use Strategy 1: Target Growth in Unique Neighborhoods) and;

WHEREAS, the City's zoning ordinance, duly adopted pursuant to the City's delegated police powers, contains various land-use district classifications including several classifications for residential-use districts; and

WHEREAS, within the zoning ordinance's various residential use classifications, it states that the intent of one-family residential zoning districts is "to provide for an environment of predominantly low-density, one-family dwellings" while the intent of the two-family district is "to provide for an environment of predominantly low density one- and two-family dwellings" and, with respect to two-family dwellings more specifically, "[t]he district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from one-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization;" and

WHEREAS, within the City's limits, there exists nine colleges, universities, and seminaries including the University of St. Thomas ("UST") which describes itself as Minnesota's largest non-public institution of higher learning having, as of Fall, 2009, 5,943 undergraduates enrolled on its Saint Paul Campus; and

WHEREAS, as Minnesota's largest non-public institution of higher learning, UST presently provides on-campus housing for 44% of its undergraduate students: accordingly, the remaining 56% - approximately 3,325 students - reside off-campus. It is further estimated that 50% - approximately 1684 students - reside in "offcampus" housing in that general area surrounding the

UST campus bounded by St. Clair Avenue on the south, and Fairview Avenue on the east. The Mississippi River is the western border south of Marshall Avenue, and Cretin Avenue is the western border north of Marshall Avenue. Interstate Highway 94 is the northern border east of Cretin Avenue, and Marshall is the northern border west of Cretin Avenue; and

WHEREAS, the Council notes that the City's residential zoning classification for areas immediately surrounding the UST campus are primarily R2-R4 one-family and RT1-RT2 two-family districts as well as some scattered RM2 multi-family districts which abut arterial or collector streets, as depicted on the zoning ordinance maps which are attached and incorporated into this resolution, and the Council finds that the predominately low density residential zoning classifications surrounding the UST campus generally fit the description of "established neighborhoods" as set forth in the Land Use Chapter of the Comprehensive Plan; and

WHEREAS, the Council is informed from time to time that one- and two-family homes in the established neighborhoods surrounding the UST campus are acquired either by real estate investors or, in some cases, by the parents of UST students, for the purpose of providing housing for students; and

WHEREAS, the use of neighborhood homes to provide housing for college students notwithstanding, the Council finds that because college students are logically "transient," homes occupied by college students, including those homes purchased by the parents of UST students for the purpose of housing their children while attending UST, are rarely "owner" occupied so that college students are essentially short-term rental property tenants; and

WHEREAS, because college students tend generally to occupy homes for periods shorter than typical for occupants of owner-occupied homes, the Council understands that student-tenants are highly likely to have a different lifestyle and outlook towards property stewardship and living within the community than would more "permanent" neighborhood residents who largely, it is assumed, reside in owner-occupied homes; and

WHEREAS, "permanent" residents from neighborhoods surrounding UST have expressed concern about problems associated with high concentrations of student occupied housing in established neighborhoods and, in particular, that concentrations of student occupied housing within an established neighborhood will, by the transient nature of student housing occupancies, operations, and use, disrupt the intent and purpose of the zoning code's one- and two-family zoning classifications for these established neighborhoods by overcrowding, excessive vehicular traffic, demand for available parking, noise, and other nuisance conditions, in contrast to other low density one- and two-family zoning districts which are not impacted by concentrations of student occupied rental housing; and

WHEREAS, whether neighborhood concerns associated with concentrations of student housing in the established neighborhoods surrounding UST are actual or perceived, the Council nevertheless finds that these concerns as expressed call into question whether the City's present official controls adequately protect the public health, welfare, and safety in these neighborhoods as well as whether the City's official controls are consistent with and will facilitate the goals of the City's Comprehensive Plan; and

WHEREAS, the Council therefore desired to take various steps to protect the health, welfare, and safety of the citizens within the area described above by implementing an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, and directed the planning commission to undertake a study of the impact of student housing in the said area, and to establish during the period the

interim ordinance is in effect certain regulations whose purpose is to preserve the status quo of housing in the study area by generally prohibiting the conversion of one-family homes into two-family homes, prohibiting the conversion of owner-occupied homes into student housing, and limiting the legal occupancy within the study area of any residential dwelling unit with an R1-RM2 zoning classification; and

WHEREAS, on August 10, 2011, the City Council adopted Resolution 11-1406, directing the Planning Commission to "undertake and prepare a formal zoning study and report regarding options to regulate student housing in R1-RM2 residential zoning districts;" and

WHEREAS, on May 4, 2012, the Planning Commission held a public hearing on the Student Housing Zoning Study, including the draft SH Student Housing Neighborhood Impact Overlay District; NOW THEREFORE,

THE CITY COUNCIL OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That Legislative Code Chapter 67 Zoning Code - Overlay Districts is hereby amended as follows:

ARTICLE VII. 67.700. SH STUDENT HOUSING NEIGHBORHOOD IMPACT OVERLAY DISTRICT

Sec. 67.701. Establishment; intent.

The SH student housing neighborhood impact overlay district is established as shown on the official zoning map, generally the area bounded by Mississippi River Boulevard, Marshall Avenue, Cretin Avenue, and Interstate 94, Snelling Avenue, Summit Avenue, Fairview Avenue, and St. Clair Avenue, to ameliorate the impact of dedicated student housing within and preserve the character of predominantly one- and two-family dwelling neighborhoods.

Sec. 67.702. Student dwellings.

Within the SH student housing neighborhood impact overlay district, a student dwelling is a one- or two-family dwelling requiring a fire certificate of occupancy in which at least one unit is occupied by three (3) or four (4) students. For the purposes of this article, a student is an individual who is enrolled in or has been accepted to an undergraduate degree program at a university, college, community college, technical college, trade school or similar and is enrolled during the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution.

Sec. 67.703. Standards and conditions.

Within the SH student housing neighborhood impact overlay district, the following standards and conditions shall apply for student dwellings:

- (a) A student dwelling shall be located a minimum of one hundred fifty (150) feet from any other student dwelling located on a different lot, measured as the shortest distance between the two lots on which the student dwellings are located.
- (b) Parking shall be provided in accordance with the requirements of article 63.200 for new

structures.

Sec. 67.704. Registration and establishment period.

The owner(s) of an existing building possessing either a valid fire certificate of occupancy or provisional fire certificate of occupancy and which, at any time within the eighteen (18) month period immediately preceding the effective date of this ordinance, met the definition of a student dwelling under this ordinance shall submit a written application to register the building within one hundred-twenty (120) days of the effective date of this ordinance to the Department of Safety and Inspections ("DSI"). Upon receipt of the written registration application DSI shall determine whether the building's fire certificate of occupancy or provisional fire certificate of occupancy is valid as of the date of the registration application. Upon such determination, DSI shall issue a written certification to the building's owner(s) of the building's status as an existing student dwelling. Certification shall not unreasonably be withheld. DSI shall establish written standards for verifying and documenting a building as an existing student dwelling prior to the certification of any building under this ordinance and provide a copy to a building owner upon request.

Sec. 67.705. Ineligible properties.

All properties lacking either a fire certificate of occupancy or provisional fire certificate of occupancy or which exceed occupancy limits, as defined in Legislative Code §60.207. F., at the time this ordinance is adopted shall be ineligible for registration and establishment as an existing student dwelling during the registration and establishment period.

Sec. 67.706. Establishing new student dwellings.

Establishing new student dwellings. After sixty (60) days following the conclusion of the registration and establishment period under this ordinance, additional properties may be registered and established as new student dwellings, subject to the standards and conditions specified in Legislative Code §67.703(a-b). A process for reviewing proposed new student dwellings shall be established by the Department of Safety and Inspections. The owner of a building deemed ineligible for establishment as a student dwelling may apply for a variance under Legislative Code §61.601, as applied.

Sec. 67.707. Tracking and renewal of registered and established student dwellings.

The Department of Safety and Inspections shall maintain a current list of all registered and established student dwellings which shall be made available at the office of the Department of Safety and Inspections upon request. All student dwellings shall have and maintain a fire certificate of occupancy that identifies the property as a student dwelling. All student dwellings shall be subject to all terms and conditions of Chapter 40 of this Code, and will be subject to renewal of status as student dwellings on a schedule to be determined by the Department of Safety and Inspections but no less frequently than specified in Legislative Code §40.05. At the time of renewal, properties shall be subject to verification of status as a student dwelling, based on the written standards established by the Department of Safety and Inspections.

Sec. 67.708. Revocation of status as registered and established student dwellings.

The Department of Safety and Inspections may remove properties from the list of registered and established student dwellings under the following circumstances;

- a) suspension or revocation of fire certificate of occupancy
- b) residence by more than four (4) students in any unit

- c) residence by less than three (3) students for ~~a period of one calendar year or longer~~
more than twenty-four (24) of the preceding thirty-six (36) months.

A revocation of student dwelling status may be appealed to the Board of Zoning Appeals pursuant to Legislative Code §61.701 (a-c).

Section 2

That this ordinance shall take effect and be in force thirty (30) days from and after passage, approval and publication.

At a meeting of the City Council on 6/27/2012, this Ordinance was Passed.

Yea: 5 Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, and Councilmember Thune

Nay: 2 Councilmember Bostrom, and Councilmember Tolbert

Vote Attested by
Council Secretary



Trudy Moloney

Date 6/27/2012

Approved by the Mayor



Chris Coleman

Date 7/3/2012

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March 12, 2015

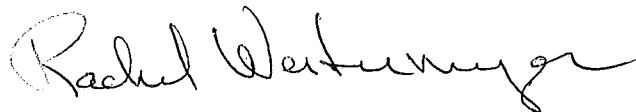
The West Summit Neighborhood Advisory Committee (WSNAC) voted 9–0 (with one abstention) to support the appeal of the variance of the Student Housing Overlay District for 2146 Grand Avenue.

The vote came after a motion by Lincoln Avenue neighbor Cheryl Fogarty — seconded by WSNAC co-chair and Summit Avenue neighbor Rachel Westermeyer — that asked WSNAC to support the appeal.

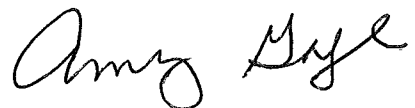
University of St. Thomas Neighborhood Liaison Amy Gage and Vice President Doug Hennes voted “yea,” in support of the appeal (though each argued, at separate Board of Zoning Appeals hearings, to allow the UST students living there currently to remain through May 2015). Assistant Dean of Students Jim Sachs opted to abstain because he lives in Minneapolis.

As co-chairs of WSNAC, Rachel Westermeyer and Amy Gage strongly urge the Saint Paul City Council to vote in favor of this appeal. We are concerned about setting a precedent in the neighborhood that will undermine the overlay district.

Sincerely,



Rachel Westermeyer
1935 Summit Avenue
Co-chair, WSNAC
651-644-3770



Amy Gage
1851 Selby Avenue
Co-chair, WSNAC
651-962-6123



320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

Phone: 651-695-4000
Fax: 651-695-4004
E-mail: mgcc@macgrove.org

January 30, 2015

To Whom It May Concern:

On January 29, 2015, the Housing and Land Use Committee ("HLU") of the Macalester Groveland Community Council ("MGCC") held a public meeting, at which it considered the application for a variance, file number 15-000893, concerning the property located at 2146 Grand Ave. The applicant, Dennis Gudim, appeared to speak to the application and to answer questions.

Prior to the meeting, the HLU received comments from the current tenants of the property in support of the application.

After speaking with the applicant, considering neighborhood feedback, consulting the Macalester Groveland Long Range plan, and assessing the merits of the application, the HLU passed the following two resolutions regarding this variance:

****The Housing and Land Use Committee of the Macalester-Groveland Community Council opposes the variance request, file number 15-000893 for the property at 2146 Grand Ave****

****The Housing and Land Use Committee of the Macalester-Groveland Community Council requests that the City take no enforcement action until June 1, 2015 on file number 15-00089 for the property at Grand Ave.****

Important to the HLU's passage of said resolutions, were the following considerations:

- Considerable effort was made to allow landlords the opportunity to "grandfather in" existing rental properties when the Student Overlay District was implemented. This property owner did not follow the process during the allowable time period. Thus, the hardship created by the situation is not due to property constraints, but instead by the applicant himself.
- The Committee recognized that immediate enforcement of the Student Overlay District requirements would adversely impact the current tenants of the property by causing them to lose their lease at the start of a new semester. As the tenants bear no responsibility for the situation, they should not be negatively impacted by immediate eviction.

If you have questions or concerns, please do not hesitate to contact me.

Liz Boyer
Executive Director
Macalester-Groveland Community Council

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UNION PARK DISTRICT COUNCIL
1602 Selby Avenue, Suite 10, Saint Paul, MN 55104
651.645.6887 | info@unionparkdc.org | www.unionparkdc.org
An Affirmative Action, Equal Opportunity Employer

March 12, 2015

Yaya Diatta, Zoning Inspector
City of Saint Paul
375 Jackson Street, Suite 220
Saint Paul, MN 55101

Dear Yaya,

The Union Park District Council Board, at its March 4, 2015 meeting, voted to support an appeal of the student housing variance granted by the Board of Zoning Appeals to the property owner at 2146 Grand Avenue.

The board supports the appeal for the following reasons, among others:

- The Macalester-Groveland Community Council recommended denial of the variance.
- The City of Saint Paul staff report recommended denial of the variance, for failure to satisfy the elements required for a variance request.
- The variance was granted in part because the property owner claimed that it did not receive the pertinent student housing overlay notice, but both the University of St. Thomas and the City of Saint Paul state that they did indeed contact the property owner.

Please let me know if you need any additional information.

Sincerely,

Julie Reiter
Executive Director
Union Park District Council

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Neighborhood Impact Statement of Excessive Student Rental Housing

As warm weather returns to St. Paul, neighbors in Macalester Groveland and Union Park nearest to the University of St. Thomas become wary. Certain blocks of Lincoln, Fairmount, Selby and Dayton have greater concentrations of student housing than recommended by housing experts and exceed the 30 percent "tipping point" as defined by the Louis Smith Study of 2011 prepared for UST and WSNAC, attached. Consequently, families on these and other blocks have experienced large late night parties, noise you can hear blocks away, fighting, unkempt yards, vandalism, litter, public drunkenness, public urination, and even home invasion.

The worst example of this occurred on a sunny warm Saturday in October 2014 prior to the "Tommie-Johnnie" football game when more than 100 St. Thomas students gathered in a yard at Selby and Finn, many drinking heavily from 10 am until game time at 1 pm and spilling over onto neighbors' property, yelling, cursing, and urinating. St. Paul Police were overwhelmed by the number of drunken partiers and were unable to close down the gathering, they claim, without the risk of rioting and possible injuries. So they simply watched the event until finally students moved on to the stadium. Neighbors were understandably outraged on many levels. To their credit the University apologized to the community.

Because students are young and usually transient residents of our neighborhood many do not have the same regard for quality of life issues that draw families to the area. People trying to raise young children or get to sleep at a reasonable hour for work can be discouraged and leave. Families don't want to have to call the police regularly or work with landlords and University staff just to have a peaceful environment. Some neighbors claim they have become unofficial unpaid Resident Advisors for UST.

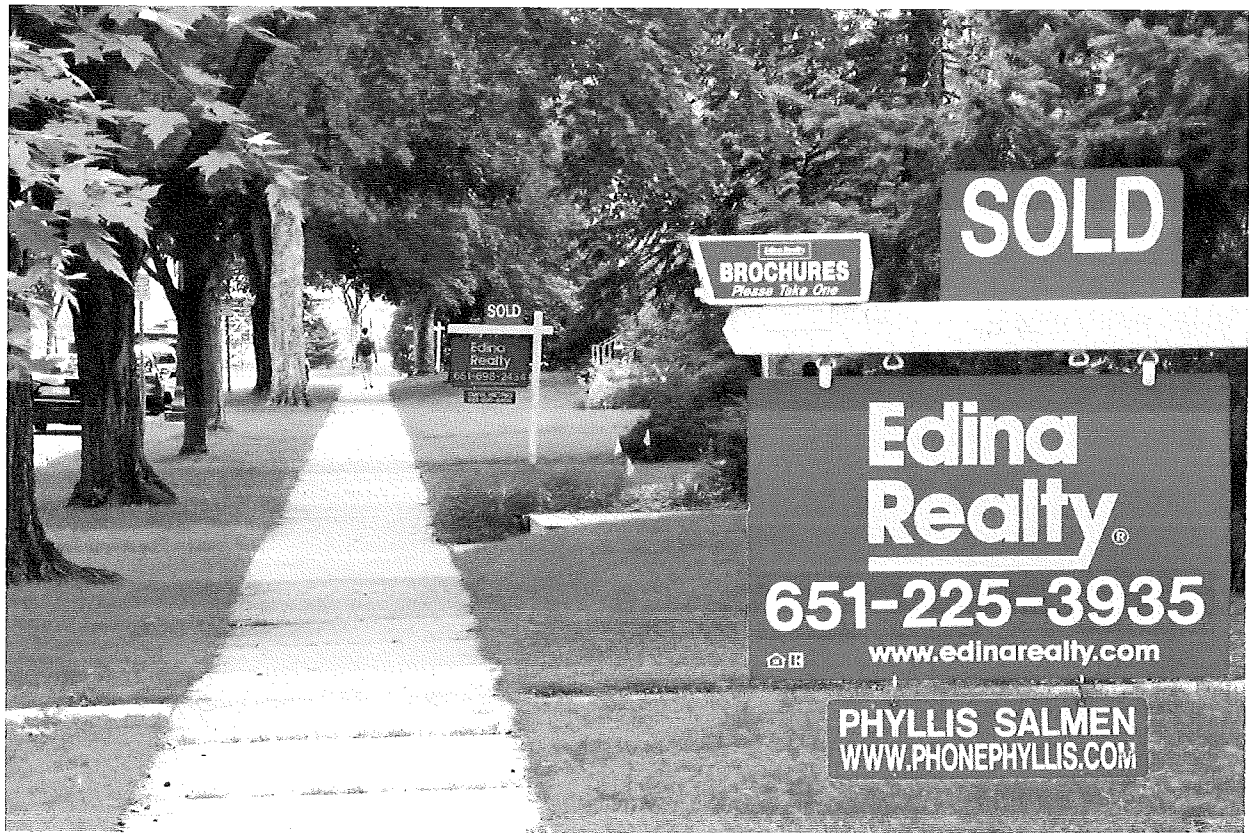
We do not paint all students and landlords with the same brush. Many students are good neighbors, well-behaved and respectful. Many landlords are responsible and take action to prevent and remediate these situations. But each year students turnover and neighbors live with uncertainty about what comes next.

Recognizing these serious issues and the need to protect St. Paul's neighborhoods, the Student Housing Neighborhood Impact Overlay Ordinance was passed in 2012 to help reign in the proliferation of investors buying more and more properties near St. Thomas to cash in on student renters at the expense of our quality of life. The Smith Study reported that non-homesteaded housing in the UST community increased from 10.6% in 2002 to 21.4% in 2009.

We are very aware of the importance of this Ordinance for the future of our neighborhood and are now fighting to protect its integrity. We are alarmed that the BZA granted a variance to 2146 Grand. We see this as a matter of principle and believe this variance weakens and undermines the Ordinance for the future.

(Cheryl Fogarty, 2166 Lincoln Avenue Neighbors United & WSNAC Board Member)

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Lincoln Avenue between Finn and Cretin, summer 2013

Photo by Alyssa Rebensdorf