

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Paula Schad Lilly **FILE #:** 19-017-008
 2. **APPLICANT:** Paula Schad Lilly **HEARING DATE:** March 28, 2019
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 321 Irvine Ave
 5. **PIN & LEGAL DESCRIPTION:** 012823130291; Proposed: THE ELY 10 FT OF THE SLY 122.67 FT OF LOT 16 BLK 69 OF DAYTON AND IRVINES ADD & IN SD DRAKES SUBD THE SLY 122.67 FT OF LOT 5 & LOT 6 LYING WLY OF THE FOL DESC L; COM AT A PT ON THE NLY L OF SD LOT 2 (SAME BEING SLY L OF SUMMIT AVE) DIST 10.87 FT
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** R2 One-Family
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** March 21, 2019 **BY:** Michael Wade
 9. **DATE RECEIVED:** March 7, 2019 **60-DAY DEADLINE FOR ACTION:** May 6, 2019
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- A. **PURPOSE:** Rezone from R2 One-Family Residential to RT1 Two-Family Residential.
- B. **PARCEL SIZE:** 10,018 square feet; 76 feet of frontage on Irvine Avenue and 132 feet deep.
- C. **EXISTING LAND USE:** Undeveloped
- D. **SURROUNDING LAND USE:** One-family and three-family dwellings and undeveloped land adjacent to the parcel; a mix of one-family, two-family, three-family dwellings and townhomes in close proximity. Property is in the Historic Hill Heritage Preservation District.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** Before 2003, 321 Irvine Avenue was part of the 322 Summit Avenue parcel, zoned RT2 Townhouse along with all parcels along Summit Avenue on this block. In 2003 the Irvine Avenue Development Plan was adopted by the City Council, downzoning many of the properties along Irvine Avenue to more restrictive zoning districts. This resulted in 322 Summit Avenue being split-zoned to RT2 along Summit Avenue and R2 along Irvine Avenue. In 2009, the owners split the lot at 322 Summit Avenue, creating 321 Irvine from most of the R2 portion of the lot. This lot split did not coincide with the zone split, causing the southeastern-most portion of the 322 Summit Avenue lot to be R2.

The 2003 Irvine Avenue Development Plan rezoned the land that now includes 321 Irvine Avenue to R2 for four main reasons: "(a) the roadway is too steep and narrow to handle more traffic; (b) there is hardly any on-street parking; (c) development activity should be minimized on steep slopes where erosion and water management are recurrent problems; and (d) the natural tree cover should be retained for its beauty and for erosion control." In addition to rezoning, the Zoning Code requires an engineering report on slope stability and hydrology for residential development on steep slopes before construction plans are approved per § 63.111. More off-street parking is also required for new development on Irvine Avenue per § 63.207.

In 2007, before the lot was split in 2009, a driveway, garage, and rooftop garden were built behind 322 Summit Avenue. According to the applicant, the permitting process required a catch basin to be installed near the garage and a 15' easement to be created on the west side of 321 Irvine through which storm water piping would run. A retaining wall was built in

2005 to facilitate this new construction, which may have resulted in workers cutting a path for vehicles through trees on the lot at 321 Irvine.

The applicant requests rezoning to RT1 in order to build a two-family residential structure. The applicant bought the property in 2013 with the original intention of building a single-family home for themselves. The application suggests the prohibitive costs of “the geotechnical engineering, ground and surface water management, and a foundation system appropriate for the underlying shale” influenced their decision to pursue a two-family dwelling instead.

As a part of the lot split process, in accordance with the Irvine Avenue Development Plan, the applicant contracted with Braun Intertec and Northern Technologies, Inc. (NTI) to produce a site analysis report. After a review of previous site analyses and discussion of the current condition of the site, this analysis lists further engineering work by a civil engineer, geotechnical engineer, and structural engineer to address the slope conditions, surface and ground water effects, and potential foundational issues. The applicant states that borings for this analysis required a small road to be built “about ½ way up the slope” to allow the drill rig to access the boring sites. Upon observation over the course of 2018, the applicant states there has been no water seepage from springs or slope “creep” at the back of the property in any season.

- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 2 spaces per unit plus 1 guest parking area per unit for each dwelling unit on Irvine Avenue. § 63.312 allows a guest parking space to be provided on the driveway or elsewhere for housing on Irvine Avenue. If it is provided elsewhere, a guest parking area is exempt from setback requirements for parking spaces and it may be paved with gravel.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 Summit-University Planning Council has not submitted comment.
- I. **FINDINGS:**
 - 1. The application requests rezoning of 321 Irvine Avenue from R2 One-Family Residential to RT1 Two-Family Residential to allow construction of a two-family dwelling.
 - 2. *The proposed zoning is consistent with the way this area has developed.* Very little development has occurred in this area over the last three decades. Irvine Avenue contains a mix of single-family and two-family homes, townhomes, and multifamily residences. Townhomes (275-285 and 266-268 Irvine Ave) were built in the late nineties. Many properties on Summit Avenue, behind and farther up the slope, have been intensifying use as they are converted to multi-unit condominiums. Despite this slow intensification, Irvine Avenue has not been improved, widened, or reconfigured to accommodate increased use by automobile or pedestrian traffic. The effects of development on surface water and slope erosion of the block as a whole have not been evaluated.
 - 3. *The proposed zoning is consistent with the Comprehensive Plan.* Saint Paul’s 2030 Comprehensive Plan designates this area as an *Established Neighborhood*, which “are characterized almost entirely by single-family houses and duplexes, as well as scattered small scale multi-family housing”, consistent with RT1. Land Use policy 3.9 states: “Consider ground and surface water in preparation of a site for development and in the design and construction of buildings.” This consideration is built into the site plan review requirements of the Irvine Avenue Development Plan, as well as the reasoning behind downzoning this property to R2 originally.

4. The Irvine Avenue Development Plan, adopted by the City Council in 2003, lays out four reasons that this site should be included in the R2 downzoning: "(a) the roadway is too steep and narrow to handle more traffic; (b) there is hardly any on-street parking; (c) development activity should be minimized on steep slopes where erosion and water management are recurrent problems; and (d) the natural tree cover should be retained for its beauty and for erosion control."

Rezoning to RT1 would allow traffic and parking from one extra household. While expanded on-site parking requirements are required in Zoning Code Table 63.207 for Dwellings on Irvine Avenue, roadway use is not accounted for and Irvine Avenue has not been improved, widened, or reconfigured. However, at 10,018 square feet, this lot is larger than the 7,200 square foot minimum lot size in the R2 district.

While the applicant has observed no seepage from springs or instability of the slope on this property, the effect on surface water and ground water over the course of the Irvine Avenue block can be difficult to predict, while also having a widespread effect on neighboring properties. However, any construction proposal would be subject to a site plan review that would analyze the impact on these issues. An increase in building site disturbance in the parcel if zoned RT1 would be subject to the same site analysis and site plan review as under its current zoning, R2.

Regarding conservation of tree cover for beauty and erosion control, currently there are no trees on the lot at 321 Irvine Avenue. While the application suggests trees were affected by previous work at 322 Summit Avenue and during the site analysis on 321 Irvine Avenue, there has been no account of when the remainder of the trees were removed. Regrowth of tree cover would be a distant goal.

5. The proposed RT1 Two-Family zoning is compatible with the single-family homes, two-family homes and townhomes already existing on Irvine Avenue, as well as the multi-unit properties and condos on Summit Avenue.
6. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The land uses allowed in RT1 Two-Family Residential would not be a departure from the land uses existing on Irvine Avenue, Summit Avenue, and Pleasant Avenue.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R2 One-Family Residential to RT1 Two-Family Residential.



PETITION TO AMEND THE ZONING CODE
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

PD=8
 3/5/19
 1260
 pdd

Zoning Office Use Only
 File #: 19-017008
 Fee: _____
 Tentative Hearing Date: 3-28-19
012823130291

APPLICANT

Property Owner(s) Paula Schad Lilly
 Address 516 Summit Avenue
 City St. Paul State MN Zip 55102 Phone 651-290-2681
 Contact Person Gary Findell Phone 651-262-9636
 Email gfindell@comcast.net
 (Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY LOCATION

Address/Location 321 Irvine Avenue, St. Paul, MN
 Legal Description See attached survey
 Current Zoning R2
 (Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, Paula Schad Lilly
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a R2 zoning district to a RT1 zoning district, for the purpose of:

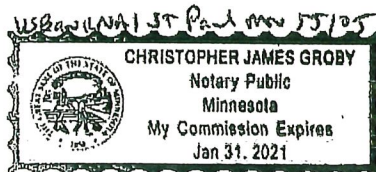
see attached

(Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me
 Date 11th Feb 2019

 Notary Public



By: Paula Schad Lilly
 Fee owner of property
 Title: Property owner

Subscribed and sworn to before me
 Date _____ 20____

 Notary Public

By: _____
 Fee owner of property
 Title: _____

CITY OF ST PAUL - ASSESSME Owners Report

PID: 01-28-23-13-0291

Property Address: 321 IRVINE AVE 55102-2124

Paula Schad Lilly
516 Summit Ave
St Paul MN 55102-2602

Owner
Taxpayer

The Ely 10 Ft Of The Sly 122.67 Ft Of Lot 16 Blk 69 Of Dayton And Irvines Add & In Sd Drakes Subd The Sly 122.67 Ft Of Lot 5 & Lot 6 Lying Wly Of The Fol Desc L; Com At A Pt On The Nly L Of Sd Lot 2 (same Being Sly L Of Summit Ave) Dist 10.87 Ft Ely From The Nwly Cor Of Sd Lot 2, Run Thence From Sd Pt Of Beg In A Straight L In A Sly Direction To A Pt In The Sly L Of Sd Lot 2 Dist 9.13 Ft Ely From The Swly Cor Of 2 Th Cont Sely In A Straight L To A Pt On Sly L Of Sd Lot 6

REZONING NARRATIVE FOR 321 IRVINE AVENUE...

The applicant hereby respectfully requests a rezoning of the property at 321 Irvine Avenue from the current R2 to a RT1 zoning classification. Before going into the reasons and justifications for the rezoning, some history of the parcel is needed. The parcel at 321 Irvine Avenue was originally a part of the parcel at 322 Summit Avenue. The property was divided into two separate parcels in 2005 by the then owner of the parcel. Prior to the lot split, the City of St. Paul in 2003 adopted an Irvine Avenue Development Plan that proposed changing the existing RT2 zoning on the north side of Irvine Avenue to R2, for a number of reasons, including the following:

- a) the roadway is too steep and narrow to handle more traffic;
- b) there is very little on-street parking;
- c) development activity should be minimized on steep slopes where erosion and water management are recurrent problems; and
- d) the natural tree cover should be retained for its beauty and for erosion control.

As a part of the Irvine Avenue Plan, the Mandatory Design Standards below were implemented for the parcels on the north side of Irvine. Additional recommendations were made in the plan, including revisions to the City Hillside Development guidelines. As a part of these guidelines, development will be permitted on Irvine Avenue where the existing building pad slope is up to 25% provided that a building plan is submitted that meets the hillside development guidelines.

We are requesting rezoning to RT1 so we can build a two-unit townhome building on the site. The two-unit townhome building is the most sensible way to develop the site because it allows us to spread the substantial site costs over two units. Site work we will complete as a part of the project will address all of the City mandatory design standards, including:

- a. Geotechnical Engineering report and costs of inspections mandated by City and Engineer
- b. Drainage structures, both above grade and below grade, to manage surface and subsurface water flow
- c. Extraordinary foundation costs to pin the foundation to the underlying shale
- d. Grading of the site, including excavation for the foundation, done in such a way as to minimize the footprint of the house on the site and leave the hillside much as it looks now

As stated on the City website for zoning changes, Planning staff reviews zoning requests and then evaluates the proposal with respect to a number of issues. These issues are below, with our response to each of them.

- *Compatibility with land use and zoning classification of property within the general area.* We propose building a two-unit townhome building that follows the residential land use patterns in the area. The current R2 zoning has a minimum lot size of 7,200 sq ft. We are proposing two 5,000 sq ft lots, one under each of the townhome units. We anticipate site related costs of more than \$150,000 for soils reports, geotechnical engineering, surface and sub-surface water management and a foundation system appropriate for the underlying shale. While this work is essential to build on the property, it adds negligible value to the house itself. To “carry” these costs would require a house that is valued at least \$1,500,000.

- *Suitability of the property for the uses permitted under the existing zoning classification.* The property is suitable for the current permitted use under the existing zoning classification from an aesthetic and land-use perspective. However, as stated above, from the perspective of the realities of the economics of the property, the property is not suited for currently permitted uses. Another piece of evidence pointing to this is that the property has been for sale for more than 2 years during the "hottest" real estate market in decades and there have been no real offers for the property.
- *The trend of development in the area of the property in question.* There has been little if any development along Irvine Avenue recently to identify any recent trends in the area. Over the past 20 years, however, the trend has been to townhome type units to the east on Irvine. 266 and 268 Irvine are in a two-unit townhome building that was built in 1999. Similarly, 275 – 285 Irvine are 3 separate two-unit townhome buildings built in 1997-1998. On Summit, the trend has been to convert a number of the grand mansions into multi-unit condos. 322 Summit, the property of which 321 Irvine used to be a part, was converted into a condo building in 2004.

So, if anything, the trend in the area is to build smaller homes of higher quality, which is exactly what we want to do at 321 Irvine.

- *Consistency with the Comprehensive Plan and District Plan.* Our plan is consistent with the Comp Plan, the District Plan and the Irvine Avenue Plan. Our plan is to build two townhome units in one building. As such, the massing and size of the residential building will be consistent with existing buildings in the area, both along Irvine and Summit Avenues. The design of the building will use similar materials to the existing homes, including masonry or stone retaining walls, masonry material on the lower level, wood siding, many high quality windows and arbor/trellis details on entry and outdoor space.

Below are the reasons originally given by City staff to change the zoning to R2, followed by our response.

a) *the roadway is too steep and narrow to handle more traffic;* We are requesting a zoning change that allows two units instead of one unit. The increased traffic from one more residence on the street will be minor.

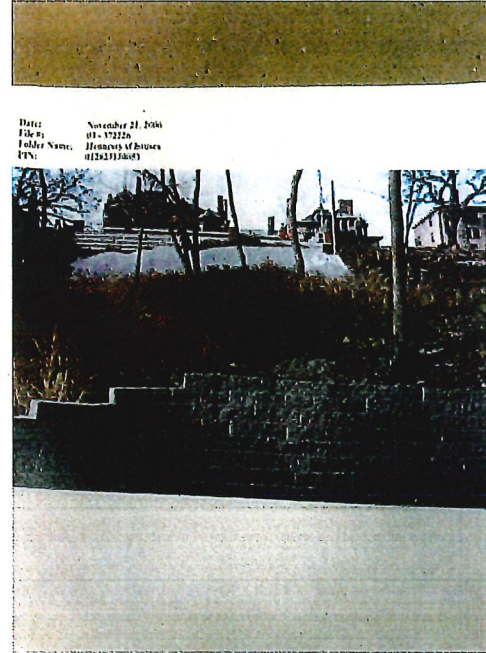
b) *there is very little on-street parking;* Our design will create two off-street parking spaces in a garage for each unit and one off-street parking space in the driveway for each unit for a total of 6 off-street parking spaces for the two units.

c) *development activity should be minimized on steep slopes where erosion and water management are recurrent problems;* This is probably the most important issue for the City and for surrounding residents. Existing soils and geotechnical reports indicate that any development of the site be as close to Irvine Avenue as possible and disturb as little of the site as possible. The proposed footprint of our foundation for the entire structure is only 1,440 sq. ft. or 14.4% of the site and is adjacent to Irvine Avenue as code allows. This compares to typical coverage of 22-27% for a 1800 sq. ft. house with a detached garage on a typical St. Paul lot. Minimizing the building footprint leaves more of the site available for landscaping and water management structures needed to effectively control site water.

d) *the natural tree cover should be retained for its beauty and for erosion control.* While this may be an issue for other sites along Irvine, there are currently no trees on 321 Irvine. The photo on the left below was taken in August 2018 and show grasses only on the site. The trees in the photo are all on adjacent properties and overhang 321 Irvine. The trees are mostly Box Elder and Siberian Elm, not particularly desirable species. The photo on the right shows the property in 2006 as taken by City staff during an inspection of the property. It shows one tree near Irvine and 4-5 other trees further up the slope. Our proposal allows us to plant significantly more trees of higher quality on the site.



321 Irvine Avenue, August, 2018

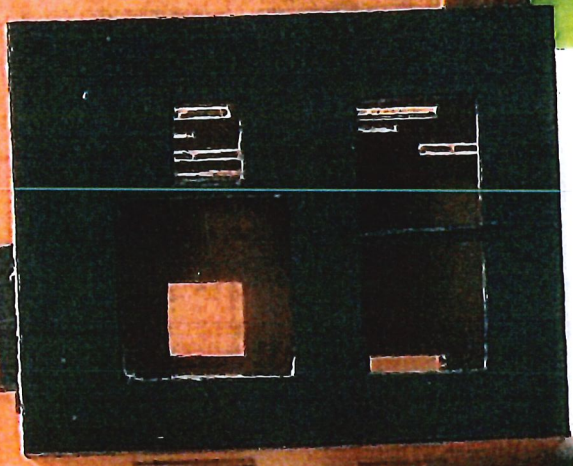


321 Irvine Avenue, November 2006

Thank you for your consideration of this change in Zoning from R2 to RT1. This zoning change makes it more consistent with the zoning of the adjacent property to the north which is RT2. The requested zoning also makes it possible to build housing on the site that is consistent with both City and neighborhood goals.

Preliminary plans for the homes to be built are included with this application. The house is designed by David Salmela, a noted and awarded MN architect. It should also be noted that the house will be built modularly, with the above grade components of the home being built in a factory and then placed with a crane on the foundation. This reduces the construction time on-site by at least 60% and vastly decreases construction traffic and site disruption.

Unit #2



garage
unit 2

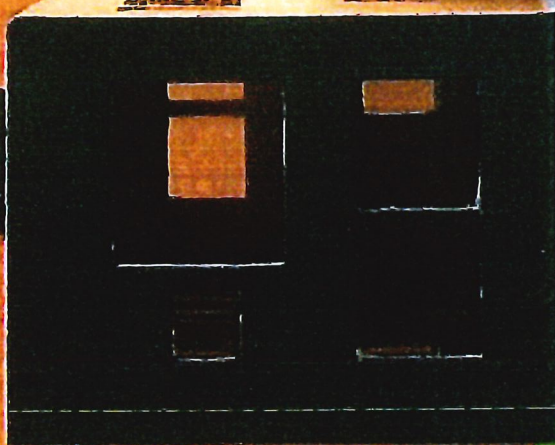
view deck w/ privacy wall
between units

common entry both units

stairs

driveway w/offstreet parking both units

Unit #1

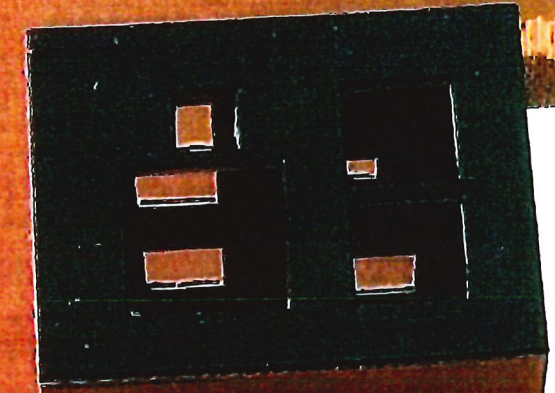


garage
unit 1

IRVINE AVENUE

Unit #2

Unit #1



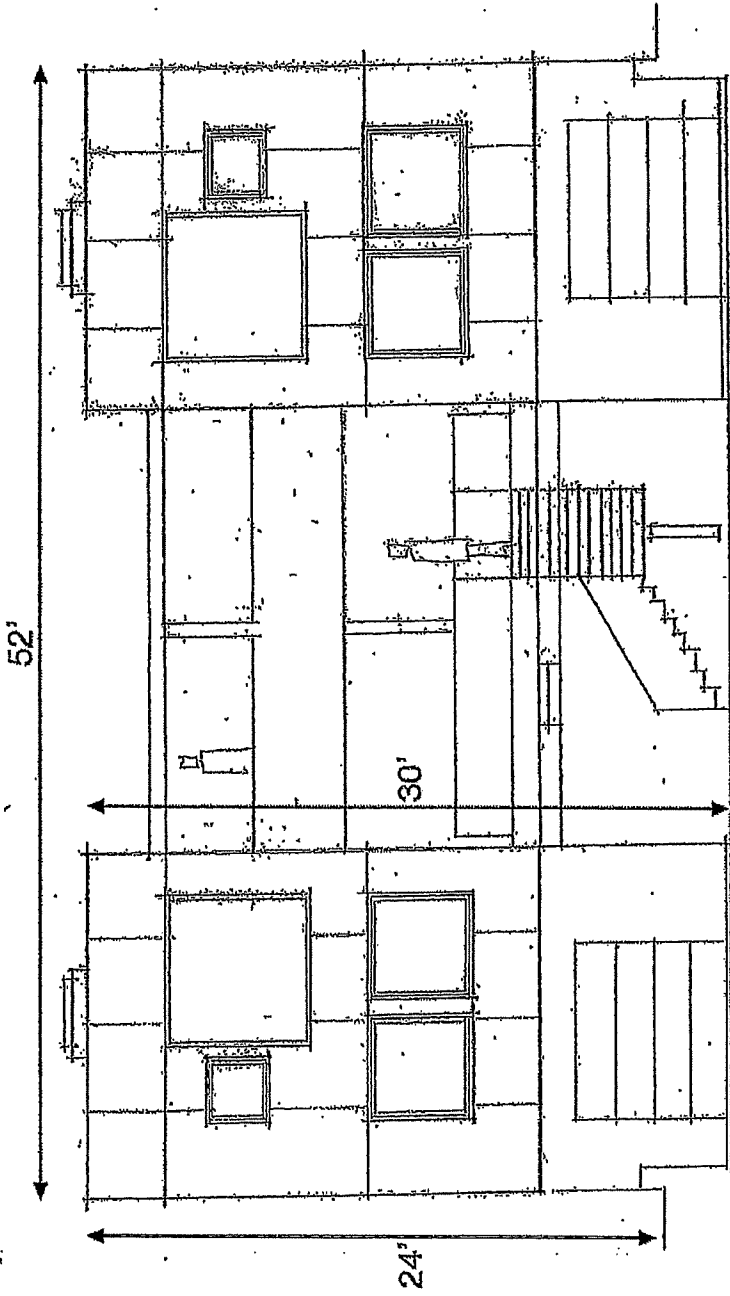
garage
unit 2

garage
unit 1

driveway w/offstreet parking both units

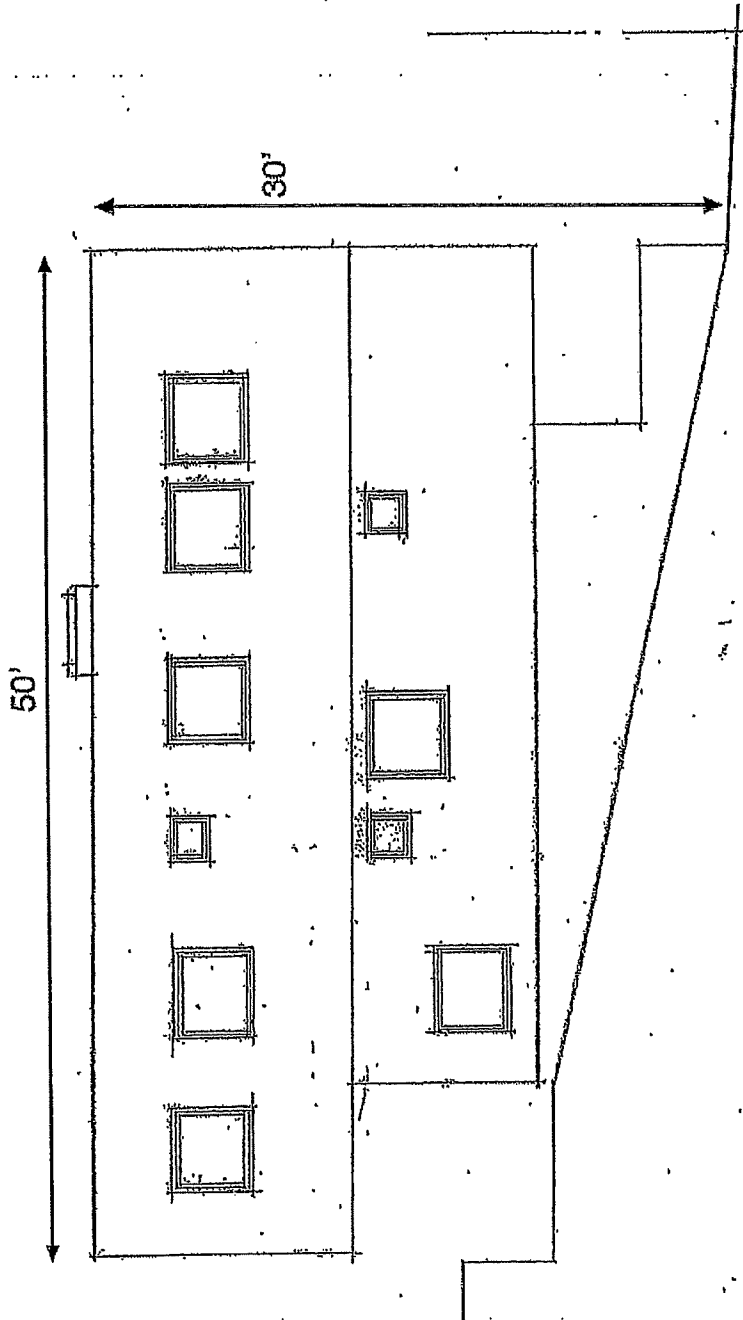
IRVINE AVENUE





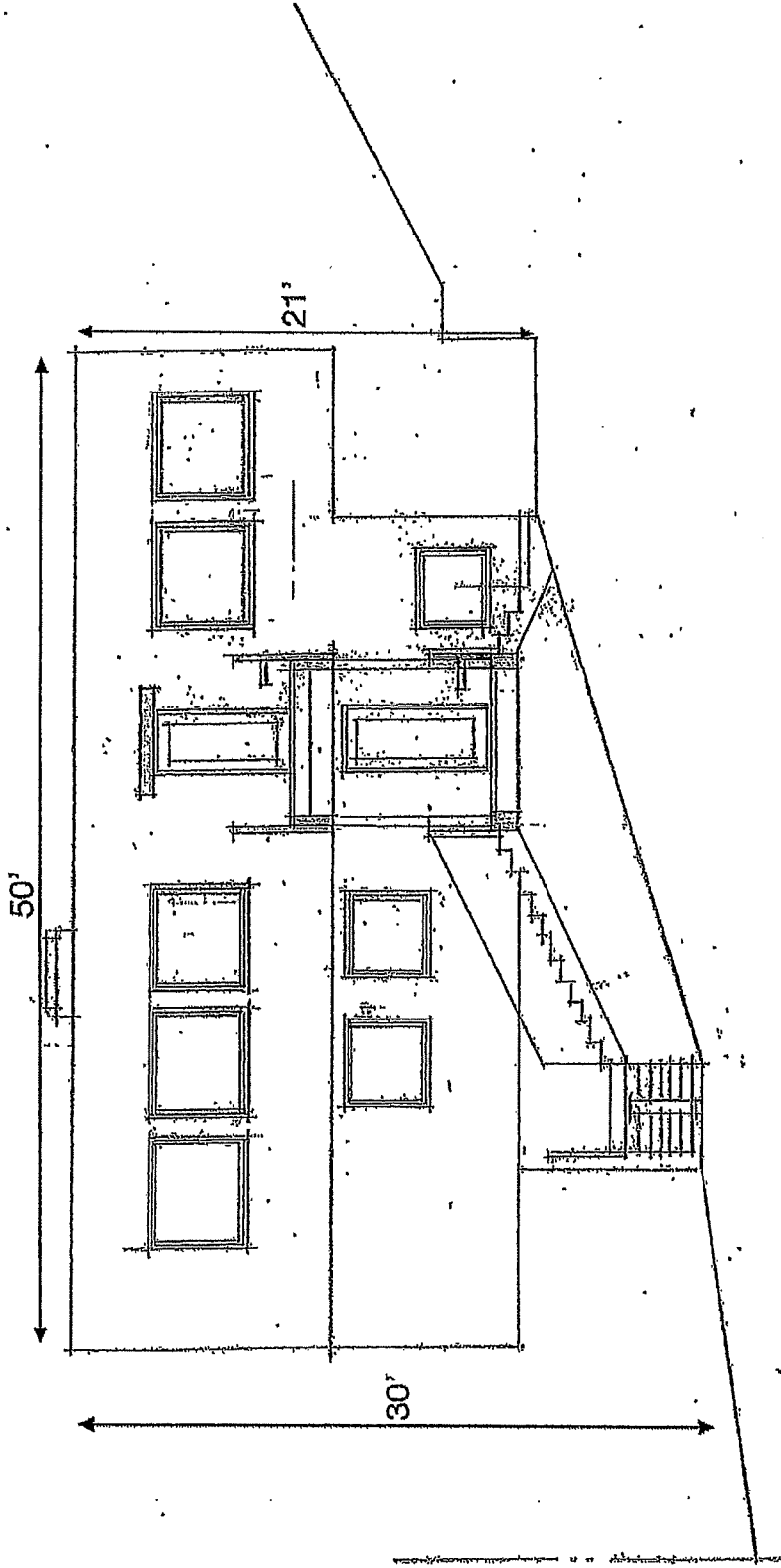
321 Irvine Front (south) Elevation

Preliminary - 3/5/19



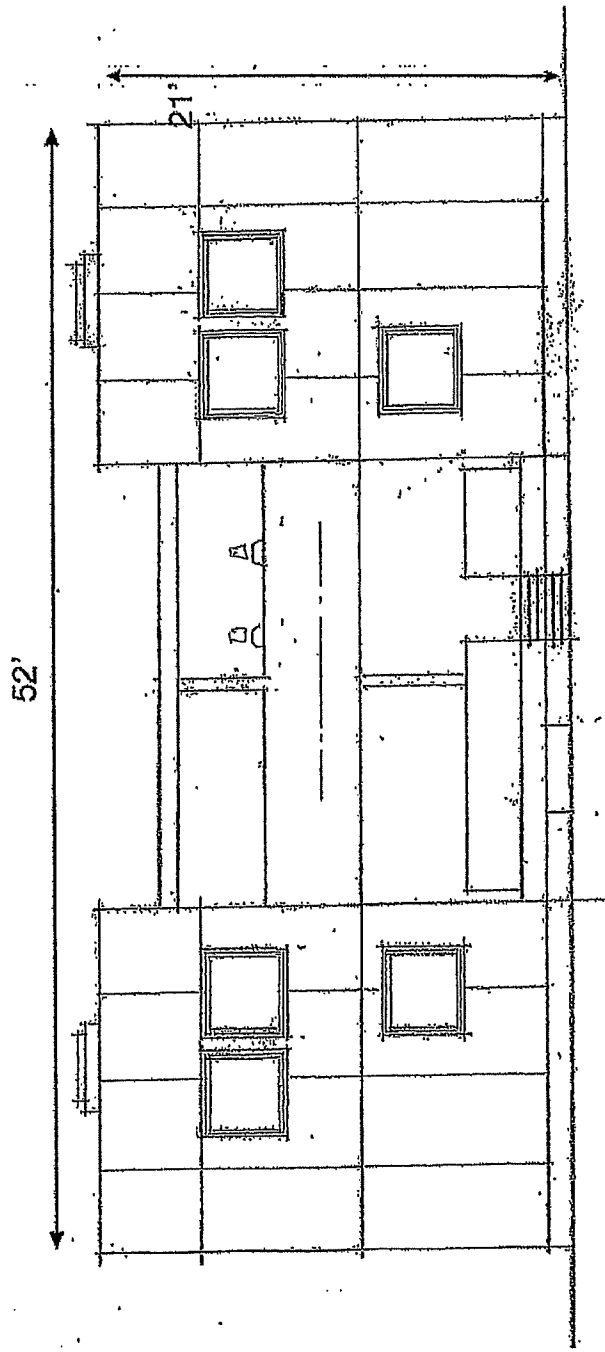
321 Irvine Side (west) Elevation

Preliminary - 3/5/19



321 Irvine Side (east interior) Elevation

Preliminary - 3/5/19



321 Irvine Rear (north) Elevation

Preliminary - 3/5/19

January 5, 2019

Ms. Paula Schäd
516 Summit Avenue
Saint Paul, MN 55102

RE: Site analysis report – 321 Irvine Avenue, St. Paul, MN

The following is a review of the property at 321 Irvine Avenue in Saint Paul.

This report was prepared after a review of the soils and geotechnical reports prepared over the past 15 years and after repeated visits to the site. The reports were prepared by Braun Intertec and Northern Technologies, Inc. (NTI). Following is a summary of the stability and potential constructability of the site as discussed in the engineering reports prepared by these consultants. Additional information was gathered from City of St. Paul Department of Safety and Inspections (DSI).

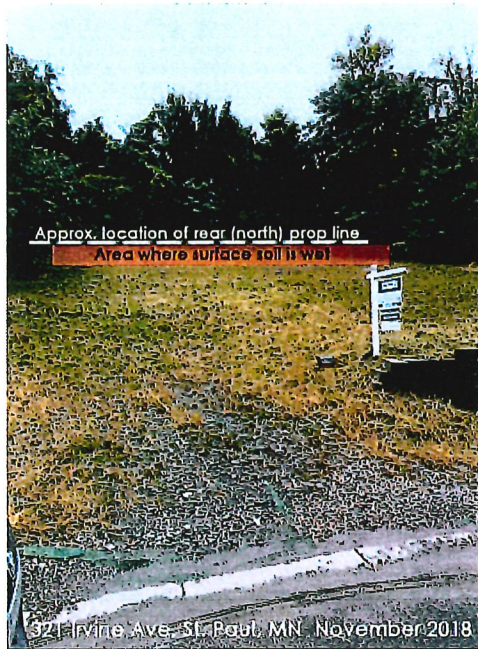


Photo from September, 2018



Ramsey County aerial photo 2006 showing work under way

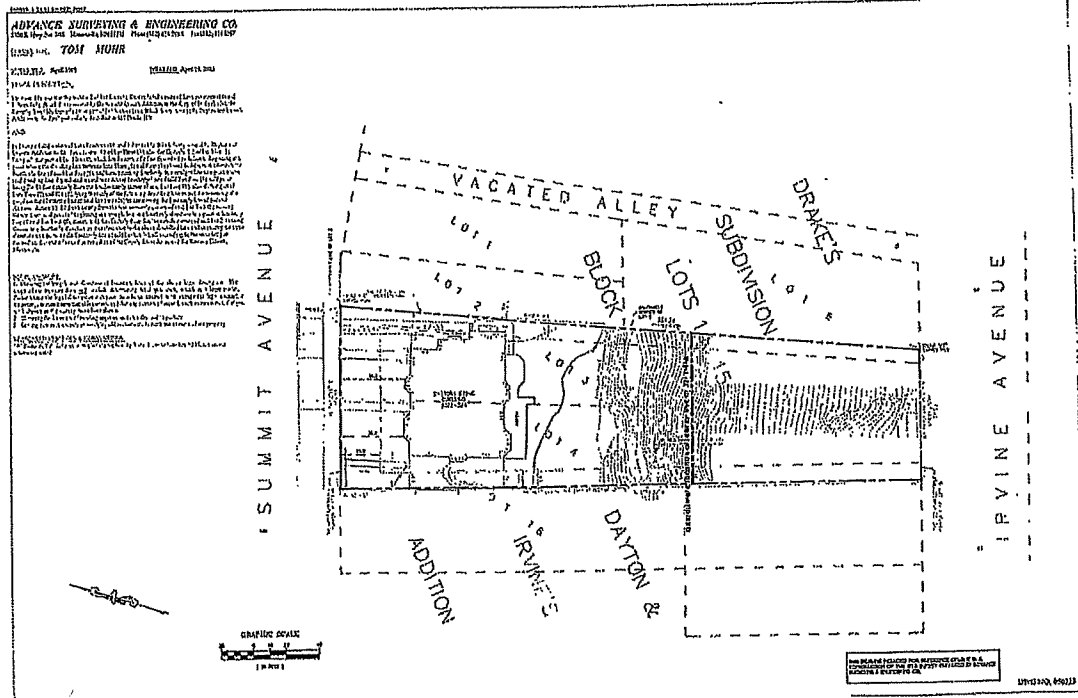
Site history from 2004

The site was originally platted as one lot with the address of 322 Summit Avenue in Saint Paul. The site was divided in 2007 by the then owners of the site. As a part of the lot split process, the Owner had to have a slope stability and storm water analysis of the site to prove to the City that the newly created lot at 321 Irvine was developable as a lot for a new home.

The Owner contracted with NTI, a local engineering and geotechnical company for soil borings, slope stability analysis and storm water analysis. Both of these reports are

321 Irvine Avenue, St. Paul, MN

attached. The original NTI reports were generated before the driveway, garage and rooftop garden were built in 2007. In 2006, the Owner applied for and was issued a permit to build a new garage, retaining wall, and driveway to access the new garage. As a part of the permitting process, the City defined a number of requirements that had to be met before the permit could be approved. Above is a photo of the work under progress from the Ramsey County aerial photograph records. Below is the original survey of the lot showing where the property line is located.



Survey from 2005 showing original parcel and proposed new rear property line for 321 Irvine.

The permit requirements are available from the City of Saint Paul but are not included in this report. As a part of the new construction, a storm water catch basin (CB) was installed near the new garage structure and a connection was made to the sewer on Irvine Ave. As a part of the lot split, a 15' easement was created on the west side of the 321 Irvine Avenue through which the storm water pipe runs. According to City records, the storm water CB and pipe connection to Irvine Avenue was inspected and approved, but copies of the inspection records have not yet been obtained.

There are a number of other permits for the garage and related work that never had final inspections. Attached is a copy of the City inspection records for the property that indicates permits that never had a final inspection. Among the requirements that does not appear to have been met was the planting of 10 new Ash trees downslope from the new retaining wall. The grade on the downside of the retaining wall also appears to have never been cleaned up. There are slabs of concrete, old stone, wood debris and miscellaneous construction debris in the soil material on 321 Irving.

To build the new retaining wall for the driveway and garage in 2005, the contractor at the time brought material up from Irvine Avenue and cut a "road" up from Irvine to

access the retaining wall site. Attached are photos of the work at this time obtained from City records showing the disturbance. Further evidence of this disturbance can be inferred from the recent soil borings. The original borings completed by NTI in 2004 indicated glacial fill under the topsoil, both of which over weathered shale below at approximately 7' depths. Glacial till is a native soil left behind by glaciation.

In the more recent Braun report in 2016, the soils above the shale are identified as "Fill" with some debris and wood in the soils. The photos of the work on the site and the changes in the soils above the shale make it clear that there was significant disturbance of the site between 2004 and 2016, most likely as a part of building the new retaining wall.

The original NTI reports indicate the global slope stability as "marginal" with a safety factor of 1.1, where anything above 1.0 is stable and anything below 1.0 is less than stable. As a part of the permitting the retaining wall and the new garage footings, the City required an engineer's stamp on the drawings. Copies of these engineered drawings are available from DSI.

Observations of the retaining wall and the structures built on top of and behind the wall indicate that the wall is stable and is not moving. The wall is straight both horizontally and vertically and the brick columns on the wall appear (from a distance at least) to be in good shape.

In 2013, Paula Schad and Bruce Lilly purchased the lot with the intention of building a home for themselves on the property. Although they changed their minds about building their own house on the property, they hired Braun Intertec to conduct soil borings on the property to be used by potential future owners of the property.

Three borings were performed by Braun in March of 2016 and a report was issued in July 2016. As a part of doing the borings, Bollig and Sons built a small road about 1/2 way up the slope to the boring sites for the drill rig to get access to the boring locations. Photos of the work done for the borings are not available, but a reasonable assumption is that they took a similar route up the hill as did the contractor doing the work in 2007.

In the report, Braun identifies fill material at depths of 4.5' feet or so on top of the previously mentioned shale layers. Braun makes no mention of slope stability or instability. They do mention potential high ground water and some moisture "seeping" out of the soils at the north end of the property. Currently, there is considerable moisture in the soils approximately 2/3 of the way up the slope near the rear property line of 321 Irving but no visible water is seeping out of the soils.

Neighbors have mentioned the presence of springs on the site. Through the fall of 2018, there has been no indication of a seep or spring on the site. Winter is a particularly good time to notice groundwater seeps because the groundwater freezes as it surfaces, creating ice at the surface of the soil. As of late December, 2018, no evidence of springs or seeps have been present on the site.

Throughout the fall of 2018, has been no evidence of wet soils in the first 100' feet or so up the hill from Irvine Avenue. That part of the site was very dry and solid with no evidence of excessive moisture in the soil observed in Late August through the end of November.

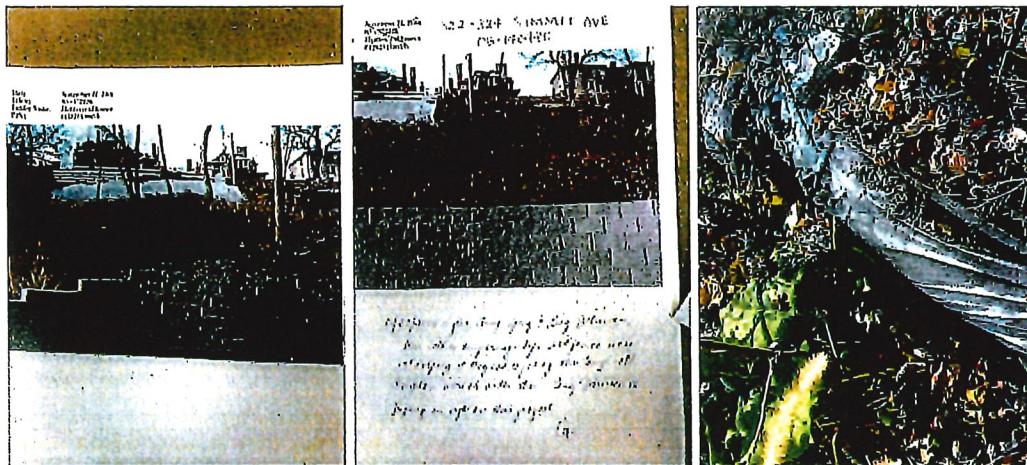
321 Irvine Avenue, St. Paul, MN

Current condition of the site

It appears that the wet soils at the northern edge of the property up the hill are most likely the result of surface water flow from the adjacent property to the north. The surface water coming off the property to the north is exacerbated by the use of reinforced plastic sheeting on the surface of the soil on the property to the north of 321 Irvine. The plastic does not allow water to infiltrate to the ground below and instead directs the flow of rain water to wherever the plastic ends, thus increasing the amount of moisture in the soil immediately below the plastic.

If the wet soils were the result of groundwater, it is almost certain that there would be evidence of this groundwater further down the site. As stated above, there is no indication of wet soils further down the site toward Irvine Ave.

The photos below show the plastic sheeting as placed in 2006 as a part of the work to build the retaining wall above. The current photo shows remnants of that same plastic sheeting. The Ramey County aerial on page 1 also shows the extent of the plastic sheeting that was placed on the site. It is no coincidence that the surface moisture at the northern edge of the 321 Irvine starts at the same location as the end of the plastic sheeting.



City photos from November, 2006 showing plastic sheeting

Photo from September, 2018 sf at approximate north edge of property showing plastic remnants

Reinforced plastic sheeting as was used on the site is never intended to be used for long term slope protection or stabilization because it merely directs all rainwater downslope and does let water infiltrate.

The slope currently appears to be quite stable. There is no visible indication of slope "creep" in the trees growing on the site or on the ground surface of the soil itself. The retaining wall along Irvine shows no sign of failure or movement and there are no visible signs of soil movement at Irvine Avenue.

Site Constructability Issues

As noted in the Braun report, any house designed for the site should take into account the possibility of swelling pressure from the shale that underlies the soil. Ground water controls should be considered to reduce the risk of swell within the native shale. Other issues to be considered include slope stability, lateral wall pressures, frost heaving of exterior slabs, etc. Most of the data needed to design with these issues in mind have been collected, but they will need to be examined with an actual design for a structure in mind.

The following engineering work will be required to determine the buildability of the 321 Irvine Avenue parcel for a specific building. Engineering work for this site cannot be done for a "concept" building. It is important that the engineering is done for a specific building plan.

1. Civil engineer to develop a storm water management plan for the site, including possible groundwater diversion efforts.
2. Geotechnical engineer to give technical data to the structural engineer for the foundation design and structural design of the house as well as a global slope stability analysis.
3. Structural engineer to design the foundation (including any connections to underlying shale), connection of the foundation system to the modular housing components and review of the structural design of the modular components.

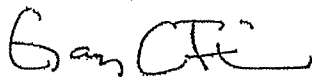
These engineers must coordinate their work with each other and with the architect/designer of the modular components of the house.

With the proper use of engineering professionals, the lot appears to be buildable. With proper design and engineering, the construction of a structure on the site could actually increase overall slope stability. Placing the building as close to Irvine Avenue as possible and minimizing the foundation footprint would likely improve overall slope stability. Diversion of both ground water and surface water is critical to ensure that moisture is not allowed to enter the shales below grade.

If possible, the storm water structure built at 322 Summit should be inspected for proper functioning as should the pipe connection of the structure to the City storm drain in Irvine Avenue. It would be advantageous to coordinate work with the owners at 322 Summit to remove the plastic sheeting that remains and replace, if engineers feel it is needed, with an actual soil stabilization material such as a geogrid fabric.

The site is buildable, but additional work with professional engineers is needed for the actual design of any structures.

Sincerely,



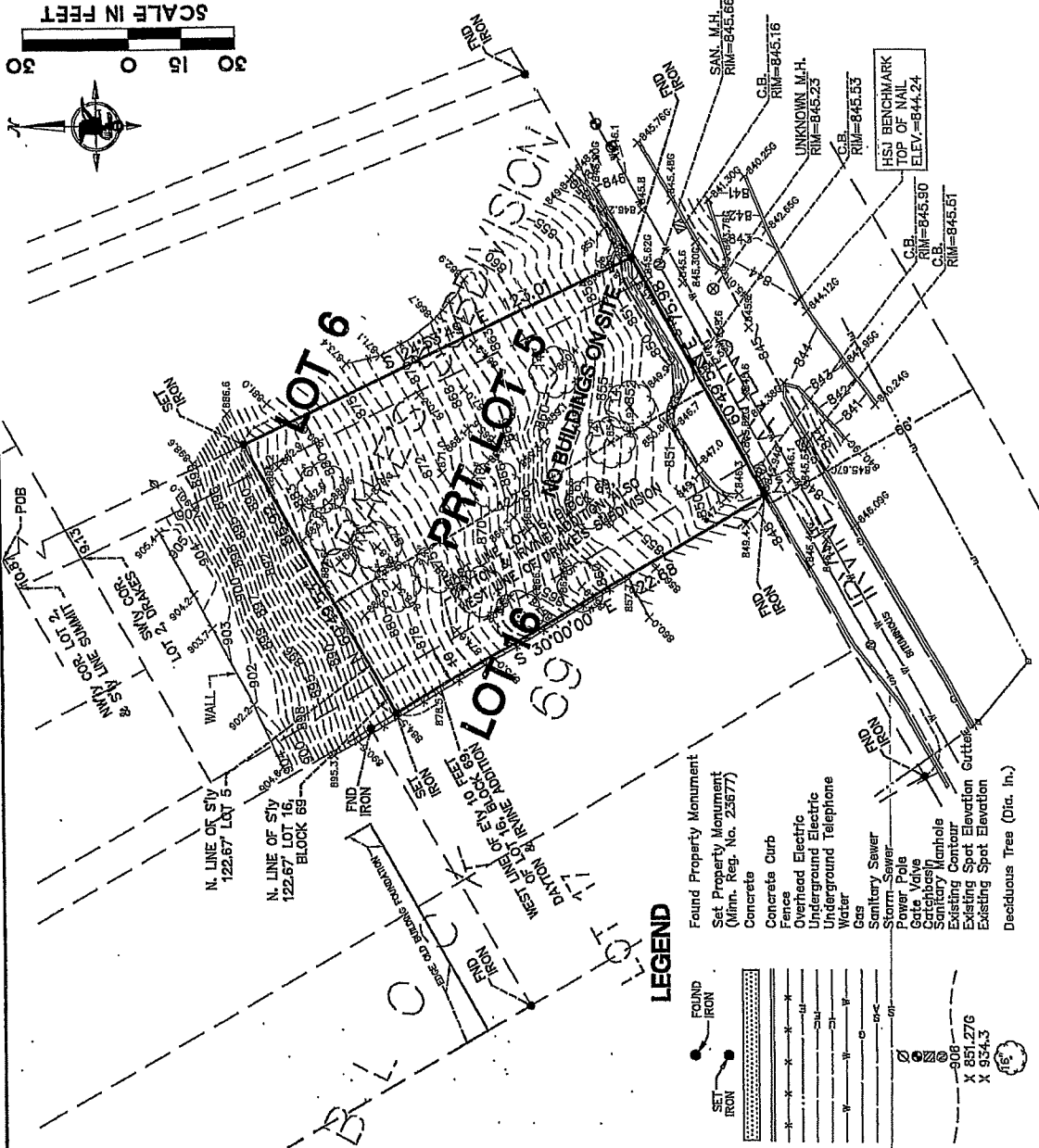
Gary Findell

HARRY S. JOHNSON CO., INC.
 LAND SURVEYORS & CONSULTANTS
 9083 Lyndale Avenue South
 Bloomington, Mn. 55420
 (952) 884-5344 Fax
 (952) 884-5344
 Email: tom@hjsurveyors.com
 Web: www.hjsurveyors.com



LOT CERTIFICATION SURVEY
 WITH TOPOGRAPHY
 for:
COLDWELL BANKER BURNET
SITE: XX IRVINE AVENUE
ST. PAUL, MINNESOTA

Sheet No.	1 OF 1
Job No.	2013489
Field No.	69
Plan No.	1-3-8714M



LEGAL DESCRIPTION:

The Easterly 10 feet of the Southerly 122.67 feet of Lot 16, Block 89, Dayton and Irvine's Addition to the City of St. Paul, Ramsey County, Minnesota; AND

The Southerly 122.67 feet of Lot 5 and the Southerly 122.67 feet of that part of Lot 6, Drake's Subdivision of Lots 14 and 15, Block 89, Dayton and Irvine's Addition to the City of St. Paul lying Westerly of the following described line:

Commencing at a point on the Northernly line of said Lot 2 (the same being the Southerly line of Summit Avenue) distant 10.87 feet Easterly from the Northwesterly corner of said Lot 2, running thence from said point of beginning in a straight line in a Southerly direction to a point in the Southerly line of said Lot 2, distant 9.13 feet Easterly from the Southwesterly corner of said Lot 2, running thence in a Southerly direction on a continuation of the above described line and in exactly the same direction to a point in the Southerly line of said Lot 6, Ramsey County, Minnesota.

Abstract Property

GENERAL NOTES:

1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 2160 CONTACT Gopher State ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Site area = 9,892 square feet = 0.229 acres.
4. This survey was made on the ground.
5. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
6. Elevation datum is based on NAVD 88 data. Benchmark is located Top of Nail (AS SHOWN ON SURVEY) Elevation = 844.24

CERTIFICATION:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: November 13, 2013
 Thomas E. Hodorf
 Minn. Reg. No. 23577

The Easterly 10 feet of the Southerly 122.67 feet of Lot 16, Block 69, Doyton and Irvine's Addition to the City of St. Paul, Ramsey County, Minnesota;

AND
The Southerly 122.67 feet of Lot 5 and the Southerly 122.67 feet of that part of Lot 6, Doyton's Subdivision of Lots 14 and 15, Block 89, Doyton and Irvine's Addition to the City of St. Paul lying Westerly of the following described line:

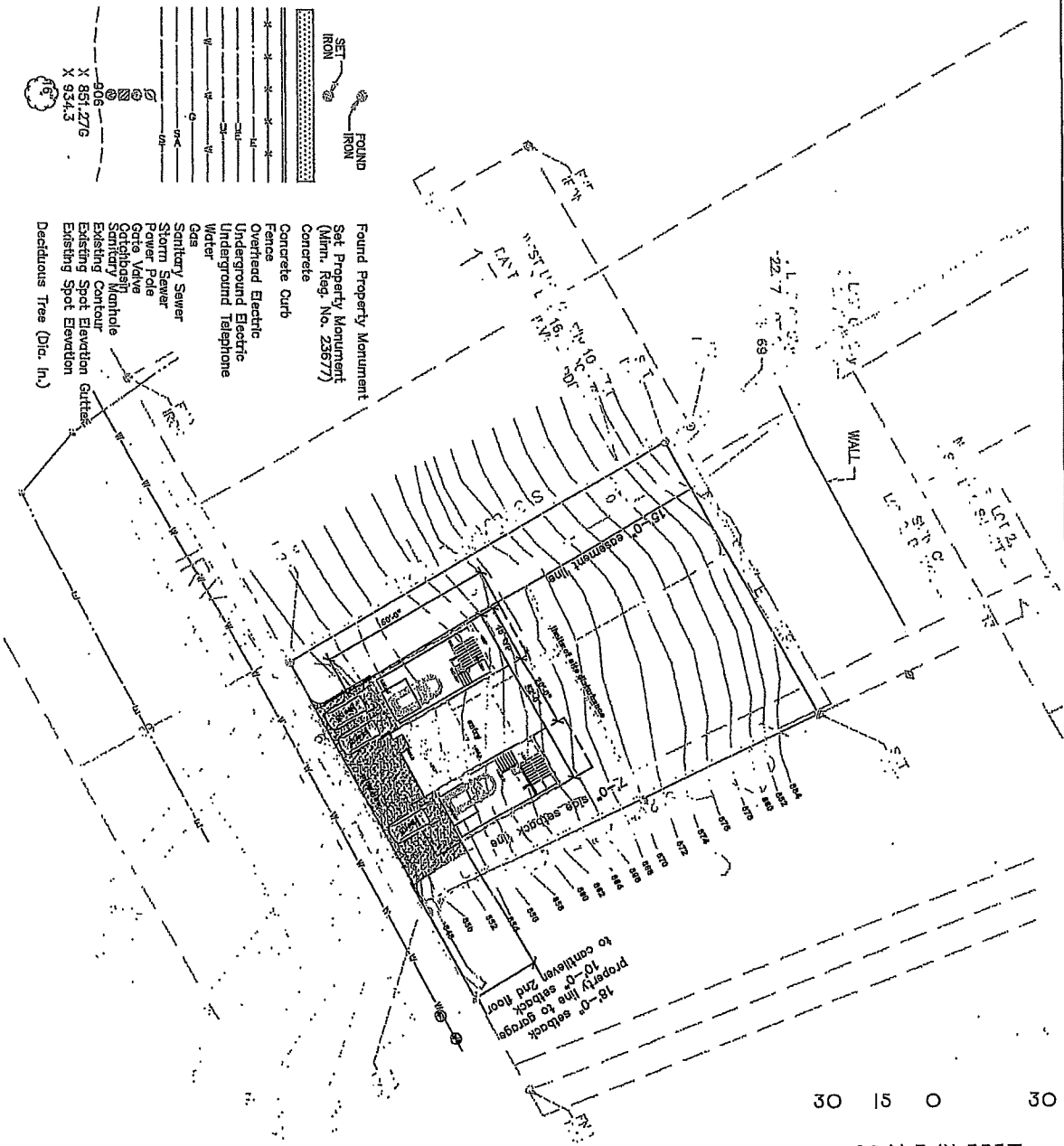
Commencing at a point on the Northerly line of said Lot 2 (the same being the Southerly line of Summit Avenue) distant 10.87 feet Easterly from the Northwesterly corner of said Lot 2, running thence from said point of beginning in a straight line in a Southerly direction to a point in the Southerly line of said Lot 2, distant 9.13 feet Easterly from the Southwesterly corner of said Lot 2, running thence in a Southerly direction on a continuation of the above described line and in exactly the same direction to a point in the Southerly line of said Lot 6, Ramsey County, Minnesota.

Abstract Property

1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only, PURSUANT TO MSA 216D CONTACT Gopher State ONE CALL AT (912) 484-0002 PRIOR TO ANY EXCAVATION.
3. Site area = 9,992 square feet = 0.229 acres. Current Impervious area = 0 sq. ft., 0% of site. Proposed Impervious area = 1,247 sq. ft., 12.5% of site. Plus 953 sq. ft. of pervious paving for driveway = 1% of site area. Total disturbed area during construction = 4,719 sq. ft., or 47% of site.
4. This survey was made on the ground.
5. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
6. Elevation datum is based on NAVD 88 data. Bench mark is located Top of Nail Elevation = 844.24

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: _____
Thomas E. Hedorf
Minn. Reg. No. 23677

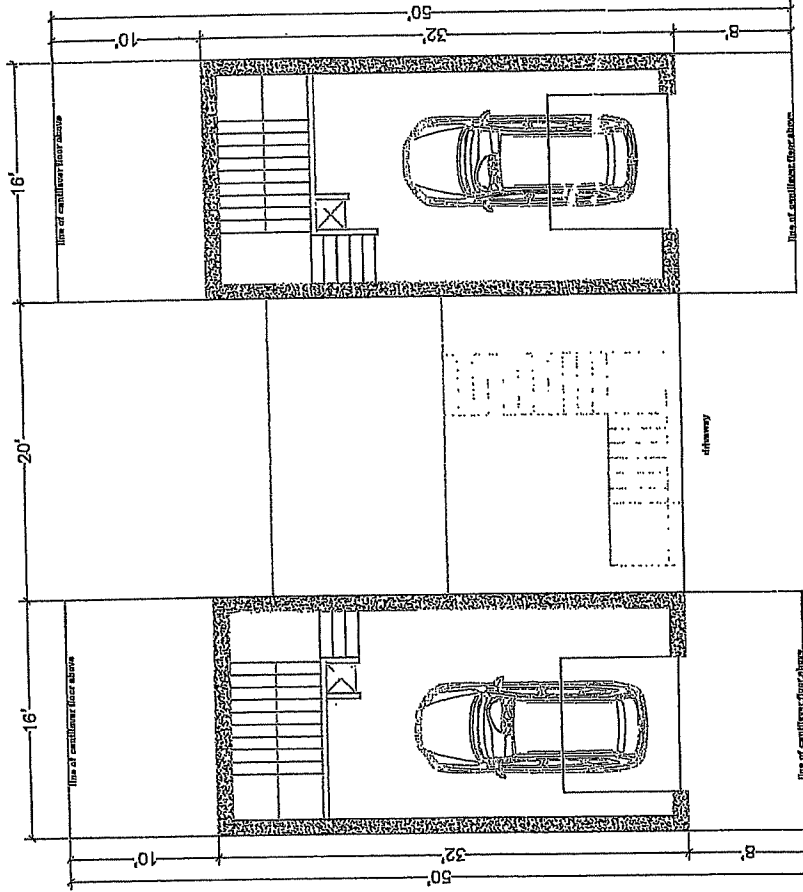


30 15 0 30
SCALE IN FEET

for:
COLDWELL BANKER BURNET
SITE: XX IRVINE AVENUE
ST. PAUL, MINNESOTA

9063 Lyndale Avenue South
Bloomington, Mn. 55420
(952) 884-5341
(952) 884-5344 Fax
Email: tom@hsjsurveyors.com
Web: www.hsjsurveyors.com

1-3-8714	169
2013489	633
1 OF 1	TEH



Garage Level Unit B
512 sq. ft. enclosed area

Garage Level Unit A
512 sq. ft. enclosed area

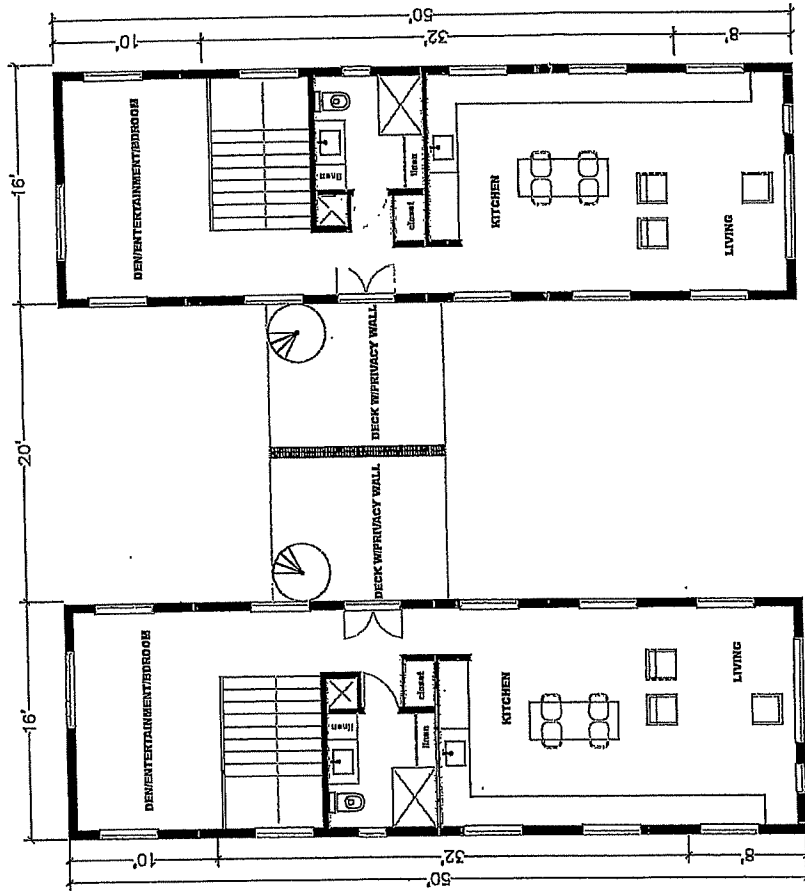
321 IRVINE AVENUE PRELIMINARY PLAN
GARAGE LEVEL PLAN Scale: 1/8" = 1'-0"
3/5/19



Second (entry) Level Unit B
 640 sq. ft. enclosed area

Second (entry) Level Unit A
 640 sq. ft. enclosed area

321 IRVINE AVENUE PRELIMINARY PLAN
ENTRY (2ND) LEVEL PLAN Scale: 1/8" = 1'-0"
3/5/19



Third Level Unit B
800 sq. ft. enclosed area

Third Level Unit A
800 sq. ft. enclosed area

321 IRVINE AVENUE PRELIMINARY PLAN
THIRD LEVEL PLAN Scale: 1/8" = 1'-0"
3/5/19

Amanda conditions:

06/02/2009 Lot split review application (07-054868) for 322 Summit Avenue / 321 Irvine Avenue, with the granting of the variance for a building pad area with a slope greater than 20% (Zoning File #07-072633), has been approved for compliance with the City of Saint Paul's subdivision regulations subject to the following conditions: - the Declaration of Drainage and Utility Easement must be recoded on the deeds of both parcel A and Parcel B at the time of recording the subdivision, and a copy of the recording number must be provided to St. Paul Public Works – Sewer Utility c/o Larry Ackerman; and Site Plan Review approval by the Zoning Administrator, and design approval by the Heritage Preservation Commission, must be obtained prior to construction or grading on the site.

Area Plan Summary

IRVINE AVENUE DEVELOPMENT PLAN

Addendum to the Comprehensive Plan for Saint Paul

Recommended by the Planning Commission, October 11, 2002

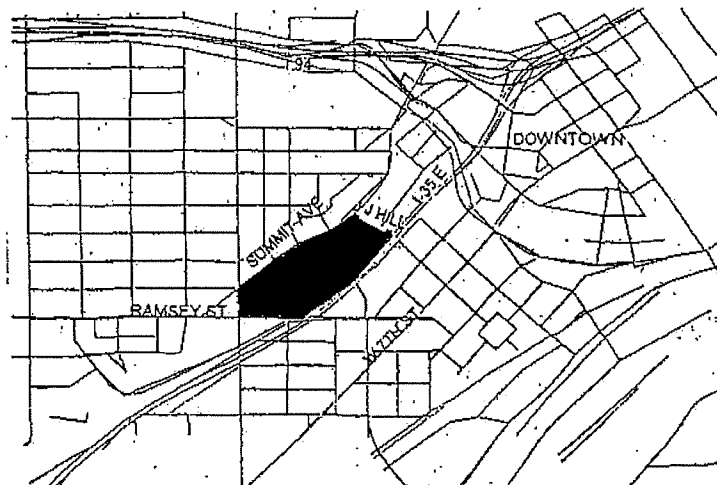
Adopted by the City Council, April 2, 2003

This plan represents the community vision for the preservation the Irvine Avenue hillside and for reasonable, limited development of Irvine and Pleasant Avenue properties. It appends to the Comprehensive Plan. Key actions for Irvine Avenue are:

- *Rezone vacant buildable areas to single family (except lots on Pleasant Avenue between nursing home and Walnut stairs).*
- *Prevent the creation of lots that are too steep to build on.*
- *Require an engineering analysis of surface and ground water before construction plans are approved and require closer monitoring of the actual construction.*
- *Establish hillside development guidelines to be used by the City in reviewing site plans for proposed construction.*
- *Require more off-street parking for new development.*
- *Improve communication between the neighborhood and the City about development projects and enforcement.*

Location

The Irvine Avenue Plan covers the area from Summit Avenue on the north to 1-3 5E on the south and from Ramsey Street on the west to James J. Hill mansion property on the east.



Goal/Vision

Irvine Avenue should remain a low-density residential area due to the steep slopes and the narrow roadway. Seen from a distance—for example, from the High Bridge—the Irvine Avenue hillside should appear predominantly wooded with a few buildings peaking through the trees. On top, Summit Avenue rooflines should play with the tree-tops. Under the trees within the neighborhood, Irvine Avenue should appear as a wooded lane punctuated by buildings and retaining walls. Any new buildings should blend into the historic and natural character of the area. Garage doors should be downplayed architecturally so that the street doesn't end up looking like an alley. Construction should be engineered to take into account the stability and hydrology of the slopes.

Specific Recommendations and Implementation Steps

Zoning Lots and Districts

Most of Irvine Avenue is currently zoned RT-2 for fourplexes and townhouses because most of the lots used to run all the way from Summit Avenue to Irvine. RT-2 is the proper zoning for Summit Avenue, but improper for Irvine. The Irvine hillside should be down-zoned to single family because: (a) the roadway is too steep and narrow to handle more traffic; (b) there is hardly any on-street parking; (c) development activity should be minimized on steep slopes where erosion and water management are recurrent problems; and (d) the natural tree cover should be retained for its beauty and for erosion control.

1. Amend the lot split regulations to prohibit the creation of any new lots where the existing building pad area is steeper than 18 percent (for comparison, Ramsey Street is 11 percent) or where a driveway to the proposed house site is impossible. However, lot splits on Irvine Avenue will be permitted where the existing building pad area is up to 25 percent provided that a building plan is submitted that meets the hillside development guidelines.
2. Rezone houses and vacant land with access along Irvine Avenue from RT-2 (fourplexes and townhouses) to single-family to reduce the lot coverage by buildings and save more trees. The north side of Irvine should be rezoned to R-2, which requires a minimum lot area of 7,200 square feet per unit. The row of houses on the south side of Irvine should be rezoned to R-3, which requires a minimum lot area of 6,000 square feet per unit.

These rezonings, as shown on the proposed zoning map, should apply both to existing Irvine Avenue lots and also to the 150 feet closest to Irvine of large lots that extend through from Summit Avenue or Ramsey Street. Where arbitrary zoning boundaries are drawn 150 feet from Irvine, they will be adjusted automatically by the Planning Administrator to match the actual rear lot lines as new Irvine Avenue lots are created. (On these "through lots", the proposed zoning boundaries will be an exception to the customary zoning practice of avoiding "split zoning"—i.e., more than one zoning

classification on a single parcel of land. But if the Irvine frontage is not rezoned, some fourplexes and townhouses could be built along Irvine on through lots with an existing Summit Avenue residence on top. The current RT-2 zoning, unlike single-family and duplex zoning, allows more than one main building on a single zoning lot.)

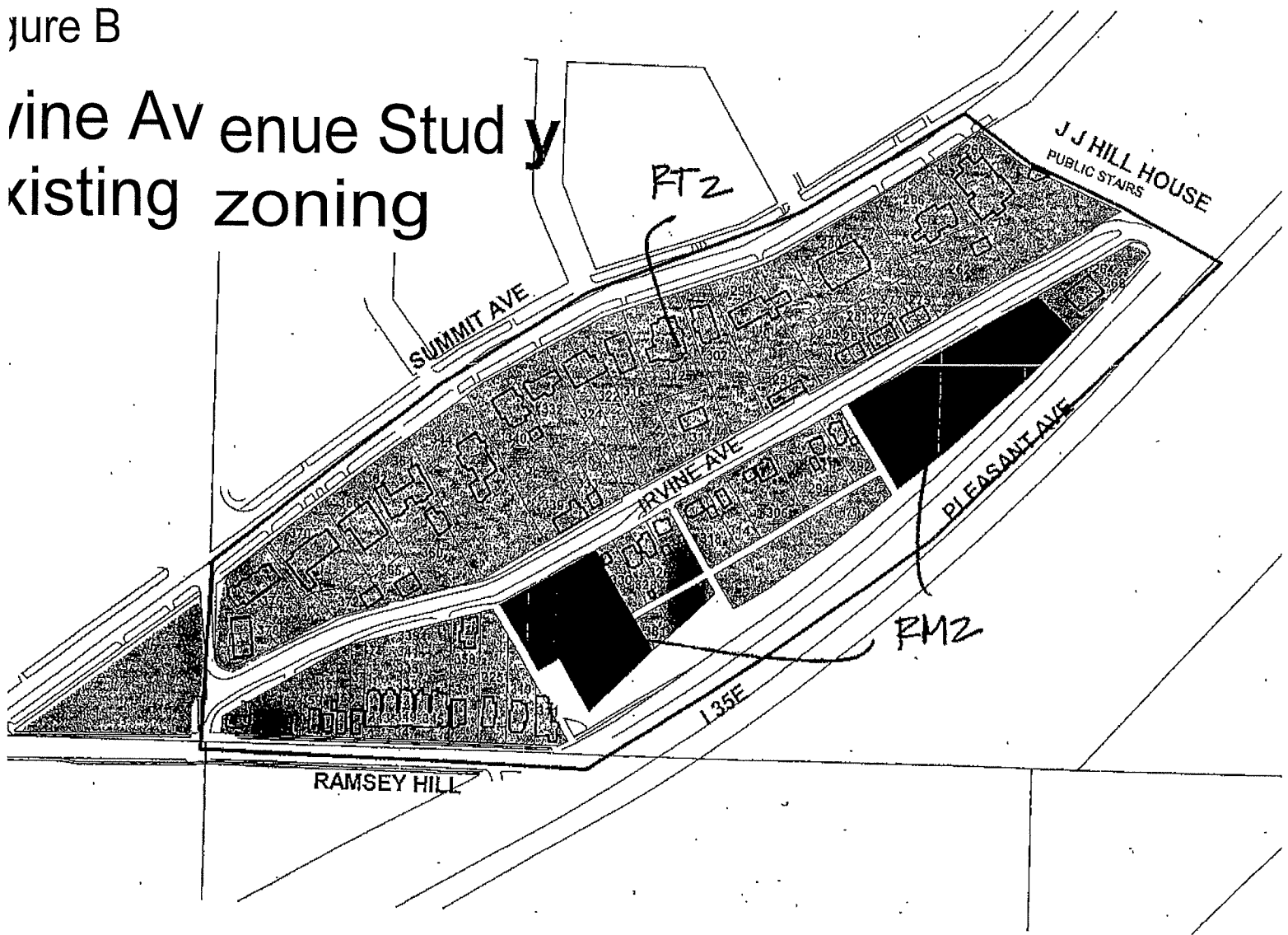
3. The multi-family properties on Irvine should be zoned as they are used, i.e., the "Lander townhouses" at 275-285 Irvine should have RT-1 duplex zoning, and the Irvine Hill Condominiums and the nursing home should remain RM-2.
4. The "nose lot" at the hairpin turn (264-266-268 Irvine) should be kept in its current RT-2 zoning so that the developer of the recently developed double house can build the third unit that was part of his original condominium development plan. This lot can accommodate a third unit because the lot is over 18,000 square feet, has access from Pleasant Avenue, and will cause no groundwater or drainage problems for other parcels.
5. The parcel on Pleasant Avenue just to the west of the Irvine Hill Condominiums should also be kept in its current RT-2 (fourplex/townhouse) zoning because: it faces 1-35E, it has good access from Pleasant Avenue, which has on-street parking; and it will cause no groundwater or drainage problems for other parcels. The front, buildable part of the lot is not very steep and most of the trees are on the steep rear part.

For this property, any future development shall be designed to accommodate views from the houses above on Irvine Avenue. New buildings shall not significantly obstruct views of the river valley from the first floor (i.e., street-level) rear windows of these houses. View protection shall be addressed in the City's site plan review process.

6. The two parcels on Pleasant Avenue adjoining the nursing home parking lot to the east are owned by the nursing home. The nursing home envisions its own future offices and related nursing home facilities on the lot. This plan supports in concept the nursing home's future use of the property and supports rezoning the two parcels to RM-2, which allows apartment buildings and nursing homes, at such time as the nursing home develops

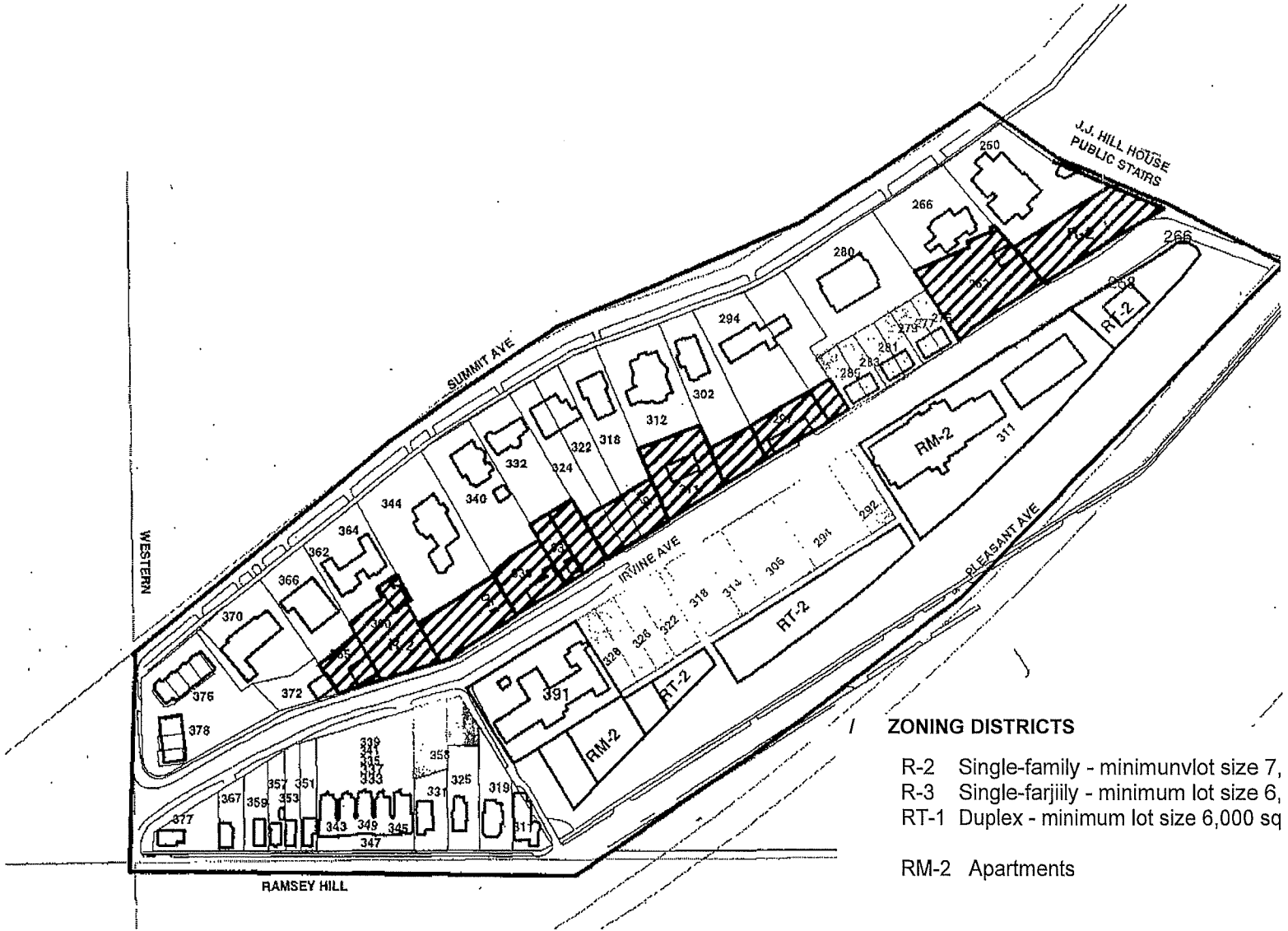
Figure B

Irvine Avenue Study Existing zoning



Avenue Study - Proposed Zoning

Commission Recommendations, 10/11/02. This zoning map was legally adopted by the City Council on 4/2/03.



ZONING DISTRICTS

- R-2 Single-family - minimum lot size 7,
- R-3 Single-family - minimum lot size 6,
- RT-1 Duplex - minimum lot size 6,000 sq
- RM-2 Apartments

Range: Summit Ave, Ramsey St, nursing home, Pleasant Ave frontage lots
 Zone from RT-2 to R-2: Lots on north side of Irvine Rezone from RT-2 to R-3; south
 of Irvine west of condos "Lander Townhouse" rezoned to RT-1 duplex zoning

specific plans. But this plan does not support rezoning to RM-2 right now because, if the nursing home expansion does not come to fruition, the property should remain available for fourplex or townhouse development under RT-2; it should not be zoned for a larger apartment building.

(Figure B shows existing zoning and Figure C shows the proposed zoning.)

Parking

7. Due to the lack of on-street parking, more off-street parking is necessary than for most places in the city. For new construction, require two off-street parking spaces per housing unit that meet all zoning requirements for setbacks and paving. (This is more than the citywide standard of 1.5 off-street parking spaces.) In addition, require a guest parking area for at least one additional vehicle per unit. Guest spaces could be provided on a driveway; they would be exempt from setback requirements and could be paved with gravel.
8. On-street parking should be controlled better by:
 - a. Putting up more signs where parking is currently restricted or prohibited;
 - b. Making the parking restrictions uniform on Pleasant Avenue from Ramsey Street to the hairpin turn. (At present the parking restrictions, due to the placement of signs, appear to end at the Irvine Hill Condominiums.)
 - c. Area residents intend to initiate a residential permit parking district along Pleasant Avenue, along sections of Irvine that have on-street parking, and possibly on Ramsey Street as well. As the hospital has grown and Xcel Arena patrons have learned where they can park for free, the neighborhood streets have turned into parking lots for employees and event goers. (Within residential permit parking districts, residents can buy an annual permit to park on the street; nonresidents are prohibited from parking there.)
9. Traffic speeds need to be controlled on Irvine Avenue because the roadway is narrow with houses close to the pavement and because pedestrians walk in the street. The problem is greatest between the criss-cross and the hairpin turn where there are "straightaways" on both the upper and lower roadways. Public Works will do a speed study on these segments and will discuss the results and engineering options with residents. It is possible that the most feasible solutions may be citizen-initiated traffic calming techniques, for example, those described in *Street Reclaiming* by David Engwicht (New Society Publishers, 1999). The neighborhood can request help from the Saint Paul Traffic Calming Alliance, a citizen organization that was recently funded by the McKnight Foundation.

Hillside Design and Development Guidelines

10. Hillside development guidelines for Irvine Avenue and Pleasant Avenue east of Ramsey Street should be incorporated into the City's Zoning Code. The purposes of these guidelines are to preserve Irvine Avenue's character as predominantly wooded and to protect the geology of the hillside. Surface and ground water management, in particular, have been the greatest source of neighborhood dissatisfaction; changing water movement on any given lot may cause changes on other lots. Items "a" through "h" below are mandatory standards for site plan review. Items "i" through "k" are advisory.

Mandatory Design Standards

- a. An engineering report must be prepared by a registered hydrological, geotechnical or soils engineer and submitted to the City for review and approval before any grading or tree removal occurs. The engineering report must include:
 1. An evaluation of existing conditions including slope stability, ground water, and surface water. Testing should use techniques that minimize disturbance to existing slopes and vegetation (for example, drilling cores for soil samples rather than digging with a back hoe.)
 2. Site-specific recommendations for construction. Recommendations will depend on site conditions but may include construction of a cut-off trench with drain tiles away from the building, installation of drain tiles at or under the foundation, water-proofing and damp-proofing walls, poured concrete foundations and sump pumps. (See Appendix C for information about these and other techniques to mitigate the problems, and Appendix D for a listing problems with past developments along Irvine Avenue.)
- b. At least three on-site inspections must be conducted: prior to grading, after grading, and during installation of any special measures required to deal with slope stability or water conditions. These inspections must be attended by City staff, the builder and the engineer who prepared the report. The engineer must update the report as needed to reflect any conditions observed during these inspections that were not anticipated in the original report. A copy of the updated report must be submitted to the City. To ensure that the project is built according to the approved plans, LIEP staff will require that a security agreement be submitted as specified in Section 62.108 (g) of the Zoning Code.
- c. The height and scale of buildings shall fit within the tree canopy. (This guideline is consistent with the height limits for the residential zoning districts: 30 feet in single-family and duplex zones; 40 feet for townhouses or three- and four-unit buildings; 50 feet for apartment buildings.)
- d. Buildings shall be designed to fit into the hillside with minor or moderate regrading; the hillside shall not be significantly regraded to accommodate new buildings. There is no simple way to quantify this standard, but its purpose is to maintain the stability of slopes and to save trees, while preventing excessively tall retaining walls and unattractive trough-shaped yards between buildings and retaining walls,
- e. Vertical dimensions of buildings shall be emphasized over horizontal dimensions.

Multi-story houses are encouraged; low, horizontal types of houses like ramblers are prohibited.

- f. Garage doors shall be downplayed architecturally and front doors should be made inviting and prominent. While it is aesthetically desirable to put garage doors behind the front door or to the rear or the side of the house, these design alternatives can be impractical for steep lots without alleys and where pavement aggravates run-off problems.
- g. Existing trees (but not buckthorn) shall be preserved where possible. Irvine Avenue itself should appear as a wooded lane. (See Figure D on the Figure-Ground Relationship Between Trees and Building on the Irvine Avenue Hillside.) Trees to be preserved should be protected during construction. New trees should be planted to partially obscure parking lots and new hillside buildings.
- h. New retaining walls shall be built of stone or masonry materials and shall be designed to last. Retaining walls taller than four feet shall be constructed under City permit with frost footings as required by the State Building Code and shall be engineered to retain lateral earth pressures consistent with the principles of soils mechanics, and shall be detailed to minimize hydrostatic pressures. On a case by case basis, LIEP may relax these standards for retaining walls that serve minor landscaping purposes.

Advisory Design Guidelines

- i. Houses should have gable or hipped roofs with angles that respond to the slope of the land.
 - j. Houses should harmonize with the natural environment through the choice of exterior materials and colors. Exterior materials are regulated on the north side of Irvine through the Heritage Preservation Commission; they are not regulated on the south side of the street. The City does not regulate color.
 - k. Since view protection is important to everyone, there should be neighborly contact and "negotiation" during the design stage of new construction or major landscaping projects about its anticipated effects on other homes.
11. The property owners on the Irvine Avenue hillside should continue to work cooperatively to eradicate buckthorn from the hillside. Common buckthorn is an exotic species that was widely used for hedges in the first half of the twentieth century. It has spread widely in parks and natural areas, where it is crowding out native and desirable landscape species. Nurseries have been prohibited from selling it in Minnesota for several years. In the Irvine medians where buckthorn is growing between the buttressing stonework, the buckthorn removal must be done without dislodging the stones or destabilizing the slope. Buckthorn removal projects are already being done in other parts of the city, for example along Mississippi River Blvd. and Linwood Park. Small grants from Parks and Recreation are available in 2002 for volunteer buckthorn removal projects. It is unknown whether there will be funding in future years.

Historic Character

12. The north side of Irvine Avenue is within the Historic Hill District. The guidelines for the historic district should include a policy on preserving Irvine Avenue's historic character as a lane of homes and carriage houses, recognizing how distinct the street is from most of Ramsey Hill~e.g., irregular spacing of buildings; wide variation in setbacks from the street; naturalistic landscaping instead of lawns; and carriage houses facing the street.

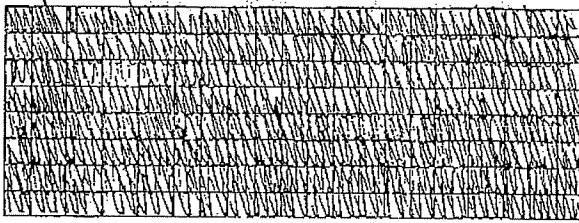
City Communications and Enforcement

13. When construction takes place, communications among the City, community organizations, and immediate residents should be improved. All parties need to be aware of agreements made between a developer and the other parties. District councils and other neighborhood representatives need to submit agreements that have been made with a developer to the appropriate City body in writing so that the City is aware of them. The City will incorporate the terms of these agreements in any City approvals to the extent permitted by City regulations and policy. Developers must adhere to these agreements. If any significant changes are made to the plans that affect these agreements, the City will inform neighborhood representatives, send them a copy of the plan for their review and give them adequate time to respond to the changes.
14. The City must enforce, to the full extent possible, all of the conditions that it places on developments during the review process. Appendix D lists the series of development problems that occurred during the 1990s due to misunderstandings, inadequate regulations, and/or lax enforcement.

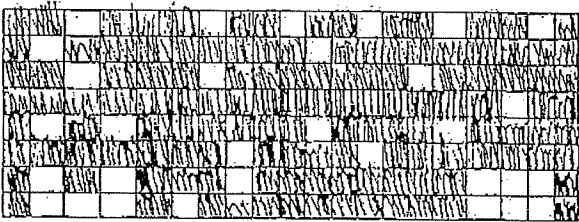
City Actions

- Adopt this plan for Irvine Avenue
- Amend the Zoning Code with regard to: permissible lot splits on steep slopes; parking standards on Irvine; and the hillside development guidelines in this plan, which include standards for hydrology, slope stability, and visual character.
- Amend the zoning maps based on this plan
- Install more signs showing on-street parking restrictions
- Amend the Historic Hill District Guidelines to be more specific about Irvine Avenue
- When development is proposed, improve communications between the City, the neighborhood, and the developer
- Enforce conditions that are attached to development approvals

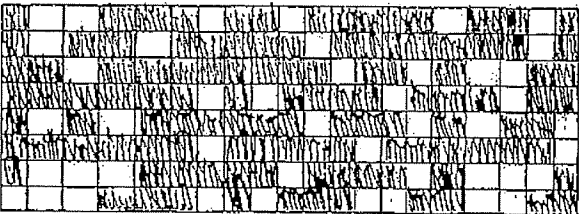
Figure-Ground Relationship Between Trees and Buildings on the Irvine Avenue Hillside



Tree-covered hillside.



Current state of hillside. Tree canopy dominates with limited development.



Hillside with limited additional development permitted by the Irvine Avenue Plan. Tree canopy still dominates.

Potential for hillside without limits on development. Buildings dominate.

Figure D

Planning Commission Finding

The Planning Commission finds that the *Irvine Avenue Development Plan* is consistent with the *Saint Paul Comprehensive Plan* and other adopted City policies.

Planning Process

The Irvine Avenue Plan was prepared in response to a request by the City Council in October 2001. The CapitolRiver Council and the Planning Commission jointly created an Irvine Avenue Planning Committee with representation from Irvine Avenue residents, Summit Avenue residents, the College of the Visual Arts, which also hosted the committee meetings, and the four neighborhood organizations that surround Irvine Avenue (listed below.) The committee was co-chaired by an Irvine Avenue resident and a Planning Commission member. It met six times between November 2001 and April 2002, and held a neighborhood public meeting on its preliminary recommendations in March 2002.

The plan and zoning amendments were supported by the following neighborhood organizations:

CapitolRiver Council on August 26, 2002 Ramsey Hill
Association on August 9, 2002 West Seventh/Fort
Road Federation on May 13, 2002 Summit Hill
Association on July 25, 2002

Several appendices were prepared to give more detail and more technical information in support of the recommendations in the Irvine Avenue Development Plan. The appendices are available from the Saint Paul Department of Planning and Economic Development, 25 W. Fourth Street, Suite 1100, Saint Paul, MN 55102 or by calling Larry Soderholm, Planning Administrator, at 651-266-6575.

Appendix A: City Council Resolution Initiating Irvine Avenue Development Plan
Appendix B: Maps of Land Use, District Council Boundaries, City Council Ward Boundaries,
and the Historic Hill District
Appendix C: Geology and Hydrology of the Irvine Avenue Hillside and Mitigation Techniques
Appendix D: List of Irvine Avenue Development Issues During the 1990s Appendix E: Hillside
Protection Policy: Saint Paul and Cincinnati Appendix H: Proposed Zoning Code Amendments
Appendix F: Membership of the Irvine Avenue Planning Committee

Council File # 03-234

Ordinance # _____

Green Sheet # 204359

ORDINANCE
CITY OF SAINT PAUL, MINNESOTA

33

Presented By _____

Referred To _____ Committee: Date _____

1 An ordinance amending Chapter 60 of the Saint Paul Legislative Code pertaining
2 to zoning for the City of Saint Paul with changes for the Irvine Avenue hillside
3 in the zoning map, in off-street parking standards, and hillside design standards.
4

5 WHEREAS, pursuant to Minnesota Statutes Section 462.357 and Section 64.400 of the Legislative Code, the
6 City Council by its File # 01-1013 requested the Planning Commission to establish a community-based small
7 area planning task force and make recommendations on the proper zoning for Irvine Avenue and Pleasant
8 Avenue between Ramsey Street and the Walnut Street public stairs;
9

10 WHEREAS, in March 2002 the small area planning task force developed a draft *Irvine Avenue Development*
11 *Plan*, which included proposed zoning changes;
12

13 WHEREAS, pursuant to Minnesota Statutes Section 462.355, Subd. 4, the City Council by its File # 02-343,
14 established a moratorium on zoning and building permits that would be contrary to the proposed zoning
15 changes in the draft plan;
16

17 WHEREAS, on August 9, 2002, the Planning Commission held a public hearing on the draft plan, the
18 associated zoning map changes and development standards for the Irvine Avenue study area, at which all
19 interested parties were given an opportunity to be heard; notice of the public hearing was mailed to all
20 property owners in the study area and was published on three successive weeks in the *Saint Paul Pioneer*
21 *Press*
22

23 WHEREAS, on October 11, 2002, the Planning Commission recommended approval of the proposed map
24 rezonings except for two parcels along Pleasant Avenue and the development standards for the Irvine hillside;
25

26 WHEREAS, notice of a public hearing before the City Council on the Irvine Avenue and Pleasant Avenue
27 rezoning proposals and the citywide steep slope regulations was duly mailed to all property owners in the
28 study area and was duly published in the official newspaper of the City on _____ (date) _____; and
29

30 WHEREAS, a public hearing before the City Council having been conducted on _____ (date) _____ at which all
31 interested parties were given an opportunity to be heard, the Council having considered all the facts and
32 recommendations concerning the Irvine Avenue zoning proposals; now, therefore,
33

PUBLISHED

APR 21 '03

34 THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

35
36 Section 1.

37
38 That the zoning map of the City of Saint Paul, Sheet Number 20, as incorporated by reference in
39 Section 60.301 of the Saint Paul Legislative Code, as amended, is hereby further amended as
40 shown on the map attached to this ordinance which shows the following zoning changes:

41
42 That the following lots of record are hereby rezoned from RT-2 (fourplex/townhouse) to R-2 (single family):

43

44	Address	PIN
45	262 Summit Ave. (carriage house lot)	12823140219
46	297 Irvine Ave.	012823130172 and -74
47	311 Irvine Ave.	012823130138
48	333 Irvine Ave.	012823130053 and 012823130141
49	339 Irvine Ave.	012823130054
50	360 Summit Ave. (carriage house lot)	012823130063
51	365 Summit Ave. (carriage house lot)	012823130064

52
53 That for the following lots, that part of the lot lying within 150 feet of the Irvine Avenue right-of-way line is
54 hereby rezoned from RT-2 (fourplex/townhouse) to R-2 (single family):

55

56	Address	PIN
57	260 Summit Ave.	012823140001
58	266 Summit Ave.	012823140218
59	302 Summit Ave.	012823130148-52
60	318 Summit Ave.	012823130139
61	322 Summit Ave.	012823130142
62	324 Summit Ave	012823130049
63	344 Summit Ave.	012823130056

64
65
66
67
68
69

70 That the following lots of record are hereby rezoned from RT-2 (fourplex/townhouse) to RT-1 (duplex):

71

	Address	PIN
73	275 Irvine Ave.	012823140223
74	277 Irvine Ave.	012823140222
75	279 Irvine Ave.	012823140221
76	281 Irvine Ave.	012823140220
77	283 Irvine Ave.	012823140215
78	285 Irvine Ave.	012823130176

79

80 That the following lots of record are hereby rezoned from RT-2 (fourplex/townhouse) to R-3 (single family):

81

	Address	PIN
83	292 Irvine Ave.	012823140081
84	294 Irvine Ave.	012823130155
85	306 Irvine Ave.	012823130153
86	314 Irvine Ave.	012823130154
87	318 Irvine Ave.	012823130092
88	322 Irvine Ave.	012823130093
89	326 Irvine Ave.	012823130094
90	328-330 Irvine Ave.	012823130095 and -6
91	358 Irvine Ave.	012823130107

92

93 That for the following lot, that part of the lot lying within 150 feet of the Irvine Avenue right-of-way line is
94 hereby rezoned from RT-2 (fourplex/townhouse) to R-3 (single family):

95

	Address	PIN
97	325 Ramsey St.	012823130105

98

99

100

101

102

103

104 Section 2.

105
106 That Saint Paul Legislative Code Chapters 62.103 and 62.104 on Off-street Parking Standards
107 be amended to read as follows:
108

109 **Sec. 62.103. Parking requirements.**

110
111 (g) *Parking requirements by use.* Except as provided in section 60.573, the minimum number of off-street
112 parking spaces by type of use shall be determined in accordance with the following schedule:
113

114 Land Use Minimum Number of Parking Spaces Per Unit of Measure

115 RESIDENTIAL

116 Single-family in R-LL zones	2.0 spaces per unit
117 <u>Housing on Irvine Avenue</u>	<u>2.00 spaces per unit plus one (1) guest parking area per unit (Refer to 62.104(18)).</u>
118 Single-family	1.5 spaces per unit
119 Two-family/duplex	1.5 spaces per unit
120 Low/mid-rise apartment	1.5 spaces per unit
121 High-rise apartment	1.5 spaces per unit
122 Condominium	1.5 spaces per unit
123 Housing for elderly	0.33 spaces per unit
124 Community residential facility	1 space per every 2 beds plus 1 space per day shift employee or full-time equivalent

125

126 **Sec. 62.104. Off-street parking facility standards and design.**

127
128 (18) For housing on Irvine Avenue, a guest parking space may be provided on the driveway or elsewhere.
129 If it is provided elsewhere, a guest parking area is exempt from setback requirements for parking
130 spaces and it may be paved with gravel.
131
132

133 Section 3.

134
135 That Saint Paul Legislative Code Chapter 62.108 on Site Plan Review Standards be amended to
136 read as follows:
137

138 *[Note: Sec. 62.108(g)(1-4) in the highlighted text below shows zoning text amendments in a citywide*
139 *companion ordinance on steep slope development that is being proposed simultaneously. The*
140 *highlighted text is not part of this ordinance. Paragraph 5 below relates specifically to the Irvine*
141 *Avenue study area and is part of this ordinance. The highlighted text shows how paragraph 5 will be*

142 *codified. Both proposed ordinances derive from the Irvine Avenue Development Plan.]*
 143

144 **Sec. 62.108. Site plan review (all districts).**

145 (a) *Plan to be submitted.* A site plan shall be submitted to and approved by the planning commission
 146 before a permit is issued for grading or the erection or enlargement of gross floor area for any
 147 development except one- and two-family dwellings, but including the following:

148 (1) Any development of one- and two-family residences which together exceed two (2) acres
 149 (87,120 square feet) in area....

151 (7) Any development on a slope of twelve (12) percent or greater....

152
 153 (g) Review of residential development on steep slopes. In reviewing residential development on
 154 slopes of greater than twelve (12) percent, the zoning administrator shall, in addition to general site
 155 plan standards above, consider the following requirements and standards:

156
 157 (1) An engineering report on slope stability and hydrology, if the zoning administrator determines
 158 that such a report is warranted. The zoning administrator shall establish and maintain written
 159 criteria to use in making this determination, which criteria may include the size of the proposed
 160 development and any official records of soil instability, groundwater, and erosion in the vicinity.
 161 An engineering report must be prepared by a registered hydrological, geotechnical or soils
 162 engineer. Before a grading permit will be issued, the following elements of the engineering
 163 report must be submitted to the City and approved:

164
 165 (a) An evaluation of existing conditions including slope stability, ground water, and surface
 166 water. Testing should use techniques that minimize disturbance to existing slopes and
 167 vegetation (for example, drilling cores for soil samples rather than digging with a back hoe.)

168 (b) Site-specific recommendations for construction. Recommendations will depend on site
 169 conditions but may include the use of drain tiles, water-proofing walls, poured concrete
 170 foundations and sump pumps.

171 (c) A schedule of inspections to be attended by City staff, the builder and the engineer who
 172 prepared the report. As a minimum, inspections shall be scheduled prior to grading, after
 173 grading, and during installation of any special measures required to deal with slope stability or
 174 water conditions.

175
 176 Before any additional building permits will be issued, a post-grading report must be submitted
 177 and approved by the City. This report must document conditions after grading, note any
 178 problems or conditions that were not anticipated or adequately addressed in the pre-grading
 179 portion of the engineering report and make recommendations for solutions to any problems
 180 found.

181
 182 (2) Buildings should be designed to fit into the hillside without significant regrading to protect
 183 the stability of the slope and preserve existing trees while preventing excessively tall retaining
 184 walls and unattractive trough-shaped yards between buildings and retaining walls. Multi-story
 185 buildings are encouraged to reduce the size of the building footprint.
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(3) Existing trees shall be preserved where possible and shall be protected during construction. New trees should be planted to partially obscure new hillside buildings and parking.

(4) Retaining walls taller than four feet shall be constructed under City permit with frost footings as required by the State Building Code and shall be engineered to retain lateral earth pressures consistent with the principles of soils mechanics, and shall be detailed to minimize hydrostatic pressures. On a case by case basis, the zoning administrator may relax these standards for retaining walls that serve minor landscaping purposes.

Remember existing paragraphs (g) and (h).

(5) On Irvine Avenue and on Pleasant Avenue between Ramsey Street and the Walnut Street public stairway, additional hillside design standards and guidelines apply as listed in the Irvine Avenue Development Plan of 2003.

Section 4

This ordinance shall become effective thirty (30) days after its passage, approval, and publication

	Yeas	Nays	Absent
Benanav	✓		
Blakey	✓		
Bostrom	✓		
Coleman	✓		
Harris	✓		
Lantry	✓		
Reiter	✓		
	7	0	0

Requested by Department of:
Planning & Economic Development

By: Martha Fuller
Approved by Financial Services

By: P. V. Warner
Form Approved by City Attorney

Adopted by Council: Date April 2, 2003

Adoption Certified by Council Secretary

By: [Signature]

By: _____
Approved by Mayor for Submission to Council

Approved by Mayor: Date 4-9-03

By: Dennis J. Roberts

By: Dennis J. Roberts

PUBLISHED

APR 21 '03



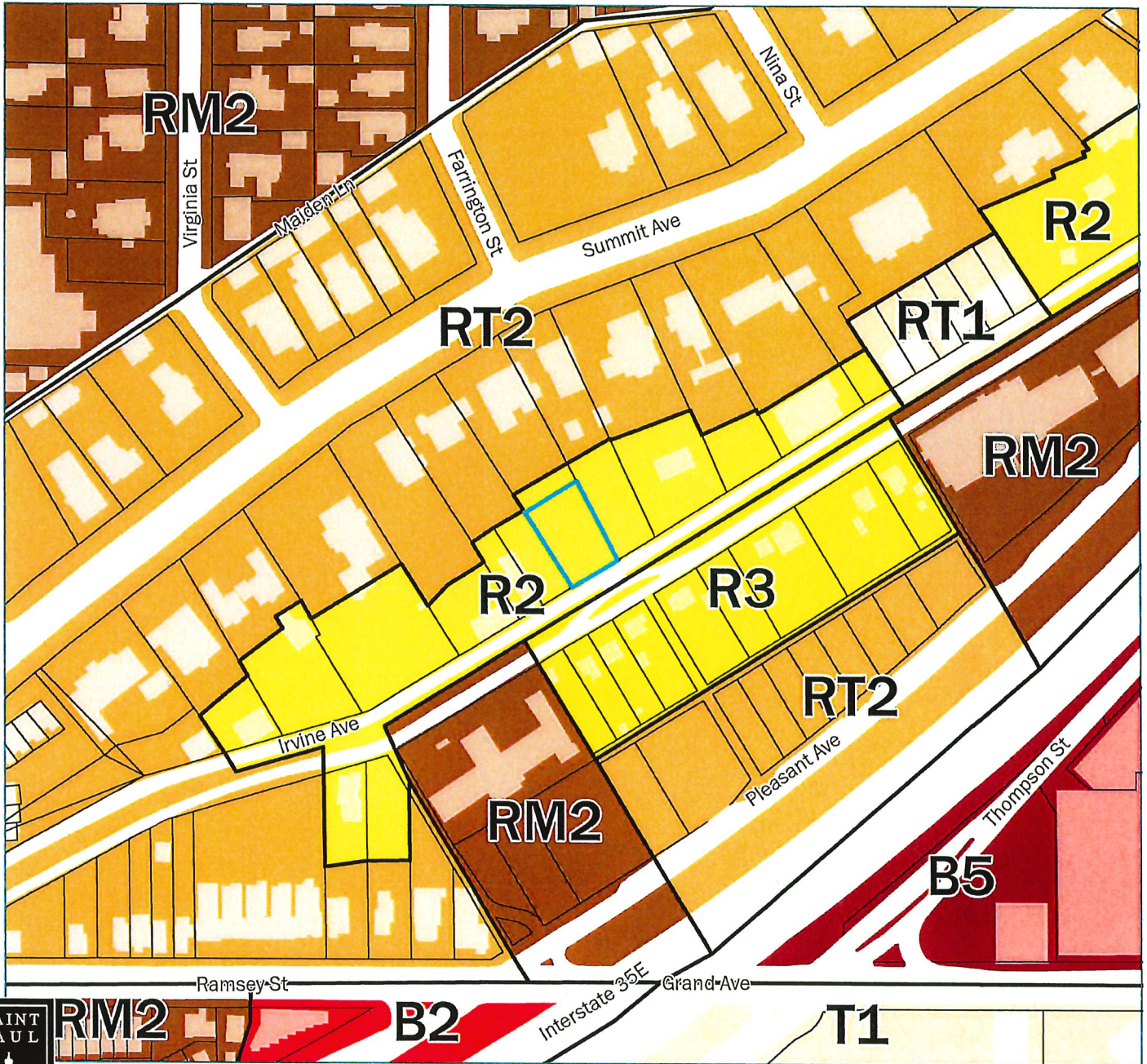
FILE #19-017008 | AERIAL MAP
Application of Paula Schad Lilly

Application Type: Rezone
Application Date: March 5, 2019
Planning District: 8

Subject Parcel Outlined in Blue



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RM2

FILE #19-017008 | ZONING MAP
Application of Paula Schad Lilly

Application Type: Rezone
 Application Date: March 5, 2019
 Planning District: 8



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Subject Parcel Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction



FILE #19-017008 | LAND USE MAP
Application of Paula Schad Lilly

Application Type: Rezone
 Application Date: March 5, 2019
 Planning District: 8



Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |

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