

City Council Member Yang
3rd Floor City Hall
15 W Kellogg
Saint Paul, MN 55102

Dear Council Member Yang and Council Members

The Greater East Side District Council supports Todd Development in their efforts to build a new Bank of America at the corner of Maryland and Prosperity and supports their appeal of the Planning Commission's denial of the minimum floor area ratio variance.

First, to be clear the most significant focus of the Greater East Side District Council for the last twenty years has been the redevelopment of Phalen Village and the nearby neighborhood . At that time this neighborhood had a failed shopping center and some of the least desirable and unsafe housing in the City of Saint Paul. Businesses were leaving and most of the shopping center was boarded up. It would have been hard to imagine then that we would have a major bank looking to locate in the area without substantial subsidy from the City.

The building that Todd Development is looking to demolition was twenty years ago the "Phalen Bank" and then the American Bank, and then the Dakota Bank before it was merged into Dearwood Bank and finally closed roughly ten years ago.

In low income neighborhoods access to banking is a huge concern. One signal to a community of if it is going up or down is if there is access to banking or are you forced to be serviced via "check cashing stores" or as the code calls them "currency exchange businesses." This neighborhood has more than 6,000 people living below the poverty line within 6 blocks of the proposed bank. If this bank is built we will have a Bank of America, a Wells Fargo and a TCF Bank all available to serve these customers. It will be an amazing transition in twenty years. Or you can choose to require the strict interpretation of the zoning code and roll the dice on if Bank of America will pay for a larger bank than it needs.

Second, the Planning Commission errored in its finding. § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

(a) The variance is in harmony with the general purposes and intent of the zoning code. This finding is met. The Planning Commission goes on in great detail about how the structure will not meet the minimum floor area ratio but nobody is disputing that. The intent of the code is to develop an area that is both business and pedestrian friendly. One of those businesses that the community needs are banks and the facilitation of bank buildings is a reasonable intent of the zoning code.

(b) The variance is consistent with the comprehensive plan. This finding is met. Once again the Planning Commission goes on in great detail about the rationale for minimum floor area ratios and nobody disputes the reasons for minimum floor ratios. The issue is does the building of a bank in a low income neighborhood consistent with the comprehensive plan? It further mentions the hostility in the code towards automobile uses over pedestrian uses. What we have witness during the pandemic is that the automobile access to Wells Fargo bank allowed these local residents access to banking while the lack of auto tellers closed the TCF in Cub foods. If access to banking is a priority of the comprehensive plan for low income residence than a variance in this location is consistent with the plan.

(c) The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties. This finding is met. The applicant states that the difficulty in achieving the minimum FAR is due to the site layout issues that emerge when a drive-through with its associated requirements is included.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met. The lot is larger than what is needed to put in a bank and the associate drive through lanes. Part of the eastern property could be subdivided off but even if you do that if you maintain the current curb cut for safety you will still have more land than is needed for the use.

The Greater East Side District Council believes that there is a need for this bank, that the bank may not be developed without these variances and that the Planning Commission erred when it strictly interpreted the zoning code.