

GENERAL MINUTES
 SKYPE VIRTUAL HEARING
 THE BOARD OF ZONING APPEALS
 SAINT PAUL, MINNESOTA
 June 29, 2020

MEMBERS PRESENT

Luis Rangel Morales
 Thomas Saylor
 Daniel Miller
 Robert Clarksen
 Diane Trout-Oertel
 Joyce Maddox

MEMBER(S) ABSENT: Danielle Swift

STAFF PRESENT

Yaya Diatta DSI
 Maxine Linston DSI
 Randy Sayavong DSI
 Farhan Omar DSI
 Legal: Peter Warner, City Attorney

<u>APPROVAL OF MINUTES for June 15, 2020</u>	<u>Moved By: Miller / Second By: Maddox</u>
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APPROVAL OF RESOLUTIONS - None

Old Business:

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
20-038272	1970 Beechwood Ave.- TJB Homes-Jon Ramey	Miller	Maddox	4-2	Approved

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
20-043220	413 Burlington Road - Trever J Phillips	Morales	Maddox	6-0	Laid over two weeks
20-038888	830 Cretin Avenue – Common Bond Communities (Justin Eilers)	Clarksen	Trout-Oertel	5-1	Variance #1 Denied – Finding #3 not met
20-038888	830 Cretin Avenue - Common Bond Communities (Justin Eilers)	Maddox	Miller	6-0	Variance #2 Approved Off street parking
20-038544	2170 Ford Parkway -RYAN Companies (Joseph Peris) 5 Variances Applied for	Maddox	Clarksen	5-0	Variance #1 Approved Percentage of Glazing
20-038544	2170 Ford Parkway -RYAN Companies (Joseph Peris) 5 Variances Applied for	Morales	Clarksen	5-0	Variance #2 Approved with conditions Height/Setbacks-Interior Lot lines
20-038544	2170 Ford Parkway -RYAN Companies (Joseph Peris) 5 Variances Applied for	Clarksen	Trout-Oertel	5-0	Variance #3 Approved Heights/Setbacks-Corner Element
20-038544	2170 Ford Parkway -RYAN Companies (Joseph Peris) 5 Variances Applied for	Trout-Oertel	Clarksen	4-1	Variance #4 Denied Lot Coverage-Building
20-038544	2170 Ford Parkway -RYAN Companies (Joseph Peris) 5 Variances Applied for	Morales	Clarksen	5-0	Variance #5 Denied Car-share Requirements

Submitted by: Maxine Linston

Matthew Graybar

Approved by:

Daniel Miller, Secretary

BOARD OF ZONING APPEALS HEARING MINUTES

375 Jackson Street – Skype Virtual Meeting

St. Paul, MN, June 29, 2020

PRESENT: Members of Board of Zoning Appeals: Mr. Clarksen, Mr. Miller, Mr. Morales, Mr. Saylor, Ms. Trout-Oertel, Ms. Maddox

Department of Safety and Inspections: Mr. Diatta, Ms. Linston, Randy Sayavong & Farhan Omar

Legal: City Attorney Peter Warner

ABSENT: Danielle Swift

The meeting was chaired by Thomas Saylor.

Mr. Saylor- Maxine please take attendance, so people can verbally indicate that they're present and then we'll be set.

Ms. Maxine: Attendance Roll Call- Miller-Here; Swift-N/A, Clarksen-Here; Trout-Oertel-Here; Morales-Here; Maddox-Here; Saylor-Present.

Mr. Saylor- Thank you. So, we have six Commissioners present today. Also present today, from the Department of Safety and Inspections Yaya Diatta. Our board members are Robert Clarksen, Daniel Miller, Luis Rangel Morales, Diane Trout-Oertel, Joyce Maddox and me Thomas Saylor-Chair. Legal counsel here is Peter Warner. Our secretary from the Department of Safety and Inspections is Maxine.

Mr. Saylor- Good afternoon and welcome to the board of zoning appeals. Our purpose is to review and decide requests for zoning code variances administrative reviews and requests to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we do ask that you say your name and address.

Staff will first show some slides of the property, then followed by staff findings and discussion. I will then call on the applicant, then those in favor and then those opposed. The board does reserve the right to call back the applicant in case we have any additional questions which may arise over today's testimony. I will then close the public portion of the hearing and the board will vote to approve or deny the request. Please note that our vote is final unless appealed to the city council within 10 days.

We will take the cases in the order that they appear on the agenda. Those cases with any opposition present will be moved to the bottom of the agenda. The board does reserve the right to limit speaker time.

A few words on speaker time the board limits this to a total of 30 minutes for those speaking in favor and an equal 30 minutes for those speaking in opposition, individual speakers are limited to three minutes each. Please be mindful of this if you have submitted a letter or email a reminder that there is no need to read those documents as they are already part of the record. Please provide us with your key points without repeating ideas already presented by previous speakers. Thank you very much.

Approval of Minutes for June 15, 2020

Mr. Saylor- So, our first order of business today is the approval of the minutes for June 15, 2020. Is there a discussion or a motion on those minutes?

Moved By: Miller/Second By: Maddox

Mr. Saylor- Our June 15, 2020 minutes have been moved and seconded.

Roll Call Vote- Miller-Yes; Swift-N/A, Clarksen-Yes; Trout-Oertel-Yes; Morales-Yes; Maddox-Yes; Saylor-Yes.

All those in favor of approving the minutes from June 15, 2020, say "I"; opposed like sign. Roll Call-All in *favor*. Minutes for June 15, 2020 have been approved.

Old Business:

1970 Beechwood Avenue-

Mr. Saylor- The applicant is proposing to demolish the existing one-story single-family dwelling and constructed larger two-story single-family dwelling. Following variances are being requested number 1) single family dwellings in district 15 are limited to 22 feet in height 24 feet 6 inches is proposed for a variance of 2 feet 6 inches. Number 2) the zoning code requires that access to off-street parking be from the alley only the proposed garage would be accessed from the street for a variance of this requirement. And Mr. Diatta Are you managing this case today?

Mr. Diatta, Yes.

Mr. Saylor- can you bring us up to speed on this? Where are we with 1970 Beachwood?

Mr. Diatta- Mr. Chairman members of the board. So this was heard on the 15th of this month and it was laid over to allow the district council to chime in and the District Council has met and provided a letter and their recommendation is to denial for street access based on finding on 3 and 6. I can go to the findings again if both prefers.

Mr. Saylor- So let me ask the Commissioners and attendance today. Do we wish to hear the information about 1970 Beachwood again?

Mr. Miller- This is board member Miller. I don't think that we need to although Yaya did break up and I didn't hear what to District council's recommendation was.

Mr. Diatta- I apologize. Mr. Chair, board member Miller, the Council sent a letter and they do *not* support the variance for street access. So, they want them to go through the alley.

Ms. Maddox- I don't believe you need to go through the findings. Although there's probably some questions that we may have thank you.

Mr. Diatta- Just a point Mr. Chair and members of the board. So that letter is on page 49 in your packet from The District Council.

Mr. Saylor- Board members did you have the chance to review that document?

Mr. Clarksen- Did you say 49 as in 4-9?

Mr. Diatta- Board member Clarksen; Yes 49.

Mr. Clarksen- Thank you.

Mr. Saylor- Okay, Mr. Diatta, will you please repeat the conclusion for 1970 so board members can decide on a motion?

Mr. Diatta- The item was laid over to allow to the District Council to chime-in; the District Council provided a letter and it's on page 49 in your packet. The recommendation is for denial based on findings 1, 3 & 6.

Mr. Saylor- Okay Commissioners there is a recommendation and it's time to for discussion or motion on that.

Ms. Maddox- I have a question. I did not get over to that property. There's several properties that it appears do have alley access. So I guess the board was or the BZA was saying that, the access on the street would be okay, but if he can access is there a real problem with accessing through the alley? I guess that's my question.

Mr. Diatta- Board members, chair Maddox. The alley access has a challenge that's a grade change that requires significant excavation to access the garage if the garage would be located in the back and access to alley. So that's the challenge there on that block. There is only houses they have access from the street, but the side of the block right behind the house is a grade change, that could be a challenge to alley access.

Mr. Clarksen- I have a question for Mr. Diatta. Mr. Diatta, did the applicant give any thought to doing some kind of, I'm trying to scroll back to the plan here. Did they look at the opportunity to do like walk out that would allow for a connection via the basement to the garage and you know that would require the excavation but they would be utilizing the property I would think that make sense.

Mr. Diatta- Mr. Chair, board member Clarkson, I had not had a chance to talk to the applicant. Hopefully we can have the applicant talk about it. I know Mr. Graybar may have spoken to the applicant, but I have not directly spoken to the applicant. I just kind of took over the case from Matt but didn't think that I needed to connect with the applicant.

Mr. Saylor- It looks like the applicant Jon Ramey for TJB Holmes is on the list today. Mr. Warner question? We can reopen this hearing to hear from the applicant. Is that correct?

Mr. Warner- Chair, yes. Yes, Sure. That's fine.

Mr. Saylor- Okay, so I will reopen the public portion of the hearing and Mr. Ramey are you here with us today?

Applicant- Mr. John Ramey, I am here.

Mr. Saylor- Yeah, I know you were here. I can see your name. I'm sorry, so again this would give you a chance to make any statements and also Commissioners a chance to ask you any questions.

Mr. Ramey- Okay.

Mr. Saylor- So because we're being recorded, please give us your name and your business address and then we will allow Commissioners to ask questions.

Mr. Ramey- This is John Ramey with TJB Homes, 9100 Baltimore Street Northeast in Blaine, Minnesota 55449.

Mr. Saylor- Hey Commissioners. This is your opportunity to ask questions of the applicant. Remember, if you are asking questions just give your name first and mindful that we are recording.

Mr. Clarksen- Since nobody's jumping; this is Commissioner Clarkson. I'll go ahead and ask the same question that I just asked Mr. Diatta, which is to the builder. Have you given any thought to other potential designs that might take advantage of the opportunity created by the grade change on this site? You have a great opportunity for a walk out here.

Mr. Ramey- Based on where this current survey lies there's a 10-foot drop from the back of the property as its proposed to that alley street. I think it would propose more challenges, more excavation. We'd certainly have to look at redesigning and scoping this whole site and I think due to the 40% lot coverage it would probably pulled that house a lot further back than some of these other properties in being consistent with an average front yard setback. So I feel like this house would look like it was if it was set so far back. It would not look like anything that would fit my neighborhood.

Mr. Clarksen- I guess my thought is it doesn't really look like it would fit in the neighborhood right now with the gigantic garage in the front yard. It just seems a little out of place.

Mr. Ramey- Well, there are seven other homes on this block with front-facing garages.

Mr. Saylor- Commissioners questions for our applicant? Okay, thank you. Mr. Ramey. If we do have additional questions, we may ask you to step forward again.

Mr. Saylor- Commissioners. It's time for a motion on the 1970 Beachwood.

Mr. Miller- This is board member Miller, I guess I would move *approval* based on the staff findings 1 through 6.

Mr. Saylor- Okay, we have a motion is there a second?

Ms. Maddox – I will second that motion.

Mr. Saylor- Okay, we have a motion and a second any additional discussion on the motion. This is to approve.

Mr. Saylor- Maxine, can you do a vote roll call please:

Maxine- Miller-Yes, Clarkson-No, Trout-Oertel-No, Morales-Yes, Maddox-Yes, Saylor-Yes. I'm going to check and see if Danielle's Swift has attended (N/A)

Mr. Saylor- Thank you Maxine, looks like four votes to two. Your variance request has been approved. Good luck with the project.

Mr. Ramey- Thank you, and thank you everybody for your time.

Moved by: Miller / Second by: Maddox

Approved 4-2

New Business Cases:

413 Burlington Road-

*Mr. Saylor-*The bluff line runs through the back of this property making it impractical to construct a garage in the rear yard. This lot has an existing 1040 square foot detached garage in front of the house. The applicant is proposing to construct an additional 600 square foot garage next to the existing garage in the front yard. The following variances are requested there are two of them. 1.) The zoning code requires garage to be set back from the frontline as far as the principal structure the applicant is seeking a variance from this requirement. 2.) Accessory structures cannot exceed 1000 square feet 1,040 square feet exists an additional 600 square feet are proposed for a variance of 600 square feet.

Mr. Diatta- Thank you. We have here a variance for garage in the front and not exceeding the square footage. This is 413 Burlington Road. This is the property in question here. The lot is irregular in shape and there's a big grade change in back where the bluff line runs through the property. So this is the lot with the location before the proposed garage. What you see in there next to it is the existing garage and to the back of it is to the end of the drive where the house is. A closer look at the post-garage location with a yellow box and the existing house right next to it. This is the existing garage on the other side of the property. This is a bluff line in the back of property, steep up there and that's the challenge. The other site plan kind of showing the house with a garage where it will be located. As you can see the house sits to the middle of the lot the lot is pretty deep. The proposed garage would be at least 150 feet from the street. It would be about the same location aligned with the existing garage. Slightly forward, not severely, but not that far off. The elevation of the garage door facing the street and then again, the left side the garage with entry windows provided. This is the back of the garage. I must say that the design will be designed to match this garage and house. So in that sense, aesthetics will be maintained.

The proposed is certainly needed according to the applicant to provide additional storage because they have limited storage in the existing garage. The challenge there is that there's a tree next to the garage for the applicant to expand the existing garage is they have to move a tree which is quite a challenge. And then the garage is located far away from the street and would not impede with site lines or distract from access to the property certainly a request that is increasing with the purpose intended. So need to conserve and improve property values. It also aligns the comp plan by allowing existing property owners to maintain their property improve the neighborhood are the challenges as I stated earlier. The slope in the back, the trees in front, it will be a problem to extend existing garage or also try this driveway all the way to the back to provide a garage in the back. Those are certainly circumstances that are unique to the property. The topography and also the trees in the front garage. The use permitted in the zoning district would not change the zoning classification. The garage will not detract from the character of the neighborhood in this block. Burlington, it's not unusual to see a garage in the front because of slopes in the rear of some of the properties there on Bloomington Road.

Correspondence- Staff have not received a recommendation from the District 1. Staff hasn't received any correspondence at least when the staff report was written. Based on finding 1 through 6, staff recommends approval of

the variances with a couple of conditions: 1.) the exterior finished garage matches the exterior finish of the garage and the house. 2.) the garage is not used for a home occupation because the zoning code does not allow home occupation in a garage or an accessory building. I'm ready for any questions you may have, thank you.

Mr. Saylor- Commissioner's questions for Mr. Diatta?

Mr. Morales- I have a question. This is Commissioner Morales. Mr. Diatta, I'm looking at the practical difficulty finding that the staff made and I'm just wondering, assuming that they could have built in the backyard wouldn't they still be going over the accessories structure limit even if they could build in the backyard.

Mr. Diatta- Board member Morales, correct; regardless of where the garage located the square footage would still count.

Mr. Morales- So I'm having trouble understanding or trying to rationalize that the bluff or the way that the or not the way that the land is, I mean if you already have a thousand-foot garage in the front. Okay. I just wanted to make sure that it does whether it was built in the front or the back had nothing to do with the 1000 foot maximum.

Mr. Diatta- Correct on that.

Mr. Saylor- Commissioners additional questions for Mr. Diatta?

Mr. Miller- This is board member Miller. I have a question, if the new garage were attached to the existing house. Would it be defined as part of the house and no longer an accessory structure?

Mr. Diatta- Commissioner Miller you are correct. If the garage attached to the house it would become the principal structure and it would not be accessory building.

Mr. Saylor- Additional questions for Mr. Diatta?

Mr. Saylor- Is our applicant here today? Trevor Phillips. Trevor Phillips applicant for 413 Burlington Rd.

Mr. Saylor- He's not here.

Mr. Saylor- Okay, then I'll close the public portion of the hearing and entertain discussion or a motion on 413 Burlington Rd.

Ms. Trout-Oertel- This is a very large lot and I think that should be part of our consideration about the maximum of accessory building square footage. Do we know how large, it's probably in the report, but I don't remember if it is; do we know how large this lot is?

Mr. Saylor- Mr. Diatta, can you help us with that.

Mr. Clarksen- This is Commissioner Clarkson. It's a .88-acre lot according to page 50 item B site and conditions.

Ms. Trout-Oertel- Thank you Mr. Clarksen.

Mr. Clarksen- Just under 1 acre.

Ms. Trout-Oertel- There's another thing that makes this more acceptable to me and I am not one in favor of so much garage, but also it seems as though it faces the garage to the street are equipped with windows and so that you aren't really looking at garage doors from the street, which and I'm not even sure you can see these garages from the street. Mr. Diatta, do you know if you can?

Mr. Diatta- Chair, board member Trout-Oertel I have not viewed the site. I can tell you that it's about 150 feet away from the street and there are quite a few trees in the front. So not sure if this will be visible or not. I cannot tell for sure.

Ms. Trout-Oertel- Thank you.

Mr. Saylor- At this point I neglected after finding that the applicant wasn't here. I needed to ask if we have anybody here to speak in favor of or in opposition to this variance request. So with my error, let me go back and ask if we have anybody here with us today who wishes to speak in *favor* of this variance request for 413 Burlington Rd. Do we have anybody with us today who wishes to speak in *opposition* to the variance request for 413 Burlington Rd.?

Mr. Saylor- Okay. So again, I will then close the public portion of the hearing seeing as there is no one here to testify or to speak in favor of or in opposition to the variance request.

Mr. Saylor- So Commissioners you can continue with the discussion or if anyone wishes to they can make a motion on the 413 Burlington Road property.

Ms. Maddox- This is Joyce. I would move to **approve** the variance based on staff findings with the two conditions that the exterior matches the house finish and no home occupation is established in the garage.

Mr. Saylor- Okay Commissioners, we have a motion. Is there a second?

Ms. Trout-Oertel- this is Commissioner Trout-Oertel, I will **second** that motion.

Mr. Saylor- Okay, we have a motion and a second to approve with the two conditions, discussion on this motion?

Mr. Clarksen- This is Commissioner Clarkson. I'm curious if there's any thought to tying action on this item to certain factors of this property, the size of the site, perhaps the distance back to the proposed garage. So that other people couldn't look at this and say this is the same as my thing because this is pretty unique. I don't know. There's a good way to do that here.

Mr. Saylor- Well, let me thank you for your question Mr. Clarksen. Let me check with Mr. Warner.

Mr. Saylor- Mr. Warner, was that something we need to be concerned with or can even actually do?

Mr. Warner- Chair, sorry, I'm assuming you can hear me.

Mr. Saylor- We hear you all right.

Mr. Warner- Yeah this the bluff line setback is relatively unique to certain areas of St. Paul. So the ground conditions alone are somewhat unique and the idea that somebody could make this argument. Their property would have to be situated in virtually absolutely similar to this one and while there are many properties in St Paul that have bluff line setback requirements the vast majority of properties in St. Paul don't; so that's certainly one distinguishing characteristic. You could always augment the findings to reflect that this particular variance is granted due to the specific setback requirements that are unique to properties that have bluff line requirements. That would be certainly a way to limit the scope of the variance.

Mr. Saylor- Thank you Mr. Warner and Commissioner Clarkson for the question. So that would be up to the maker of the motion Commissioner Maddox and whoever seconded the motion whether they want to include that language or not.

Mr. Clarksen- I'm curious what Commissioner made the motion? Commissioner Maddox?

Mr. Saylor- She would have to want to include that language and then it would have to be approved by the person who seconded the motion as well.

Mr. Clarksen- I guess where I was going with this was I was interested in the size of the lot being the unique piece as it relates to the size of the garage has combined because that's 1,600 square feet, but I don't think there are very many lots in St. Paul that are that size.

Ms. Trout-Oertel- This is Commissioner Trout-Oertel, I think there are enough unique things about this lot and we would have to if we added one of the new unique things we have to add two or three and I guess I don't think it's necessary because this this particular situation is so different from anything that would be encountered in the future.

Mr. Saylor- Ms. Maddox is the maker of the motion. How do you feel?

Ms. Maddox- Yes, I agree with the Commissioner Trout-Oertel, that you know, this is a very unique piece of land and to find something that's identical with another variance would certainly be a surprise to me. So I would say I don't think it's necessary.

Mr. Saylor- Very good. Commissioners, we have a motion with a second any additional discussion on that motion again. The motion is to approve with the two conditions.

Mr. Morales- I still have concerns about using the practical difficulties finding to say that it's a practical difficulty that he can build it in the backyard and that's not the question the question really is going beyond the 1,000 feet and not building the garage in general. And I'm looking at the map that is currently up. Well, it was up. Whether it's the topography map or the map where it shows the diagram of where the garage is going to be built a lot of the land looking at the topography of it would not and that's the finding show would not be capable of being built on so although it is a .88-acre lot and they're getting the benefit of including that amount of space in what is considered to be covered land there are still building another 600 square feet of garage. I agree with Commissioner Miller that if they were to attach it to their house and it would become part of their house, but that's not what they're doing. So, I don't think this meets the definition of a practical difficulty. That's just my two cents on it.

Mr. Saylor- Thank you, additional discussion on the motion that we have pending?

Mr. Miller- I guess one. This is Commissioner Miller. It seems like there is another way to do it without the need for a variance for the square footage; seems like a simple breezeway would kind of take care of the variance. So I'm a little skeptical.

Mr. Diatta- Mr. Chair and board members. I hear what is said put a breezeway in the front, the garage is still going to be in front of the house so you need the variance unless they're putting it on the grass somewhere on the side, which I don't think there's enough room. So it's going to need a variance for a garage in front of the structure. So that's the variance and I can also understand where board member Morales is talking about, practical difficulty for the size of the garage. So I understand the location is certainly a difficulty but the size they will still need a variance. If they put it attached to the house, then it wouldn't be an accessory structure. The practical difficulty is therefore the location probably not much for the cycle.

Mr. Saylor- Thank you. Mr. Diatta, additional discussion, Commissioners, before we vote on the motion that has been moved and seconded?

Mr. Clarksen- Well now I guess, this is Commissioner Clarkson, board member Clarkson. I forget what I'm supposed to call myself, if staff is saying that they're questioning whether there is a real practical difficulty related to the size of the structure. Is that consistent with the recommendation or how is the size of this building addressed in the report? I haven't poured through it that great in detail. So I'm confused if we're, if we are trying to find the findings looks like they all say the findings are met but I feel like staff just said you could make a pretty significant argument that finding couldn't possibly be met. So I'm a little confused about the recommendation now.

Mr. Saylor- Commissioner Clarkson, what exactly is your confusion? I'll ask. Mr. Diatta to comment.

Mr. Clarksen- I guess the question is if the staff report says that the findings are met for all of six findings of them seeing here but to make a comment about the size of the structure not really, there's no real practical difficulty for a structure of a combined garage 1,600 square feet. It seems inconsistent with the information in the report and I guess you know, I'm seeing in the first finding here proposing to build a new 600 square foot garage. In addition, there's a thousand-square foot garage the garage results in over a thousand-square foot limit being exceeded hence the request for the additional variances. Additional storage space is required. We hear that a lot. You can't expect you can add additional space to the existing garage without removing trees. So are the removal of trees the hardship that that would then allow for 600 more square feet. I don't really see that either. So I guess I'm looking for where my question is where in the report does the size of this additional structure get addressed in the findings. It doesn't appear to have been. We have

findings that say approve the garage recommendation to approve and we have this issue of size, which is one of the two variances being requested not really being addressed in the report and we have staff kind of tracking back as I heard then on the recommendation as to size.

Mr. Diatta- Board member Clarksen, I'm saying that you cannot locate the garage in the back right now. If you could look in the back, size would be an issue. But the challenge that, based on the findings, this challenge here you have a lot of irregular in shape. It's a huge lot you take the accessory building to 1,000 square feet. If you look at the size of a lot, I think that the proposed coverage is consistent with the size of that. Maybe that was something not articulated in the staff report I do agree that yes, the finding is for the square footage as pointed by Rangel Morales could have been made better.

Mr. Saylor- Thank you. Mr. Diatta additional discussion. We do have a motion to vote on. So are there additional discussions before we have a roll call vote on this motion?

Mr. Saylor- Maxine roll call.

Mr. Saylor- The motion is to approve with the two conditions.

Ms. Maxine roll call vote- Clarkson-No, Trout-Oertel-Yes, Morales-No, Miller-No, Maddox-Yes, Saylor-Yes.

Mr. Saylor- We have a three to three vote, so that motion did not pass. So we need another motion.

Mr. Saylor- Okay Commissioners that motion did not pass. So we need another motion on for 413 Burlington Rd.

Mr. Morales- This is Commissioner Morales, I would be open to finding a yes on this but if someone can articulate another reason why another 600 square feet is necessary in this lot.

Mr. Saylor- Mr. Diatta, that's in your lap.

Mr. Diatta- Look, about numbers. I certainly think that the size of the lot is a case for over this because it is not usual in St. Paul that you find a lot this huge. So the difficulties having so much length that you can build an accessory building that's consistent with the size of a lot. How else are the property owners to enjoy their property and use it? You know, it's reasonable.

Mr. Morales- I wish to follow up or ask additional questions. No, I don't. I think that's it. I just think it's hard. The garage that's on there, correct me if I'm wrong, but might already be a few feet more than the 1,000 feet. That's correct. And the, I mean like a Commissioner Miller said, there's ways in which this can be built without having to ask us to allow this to be a garage, a detached garage. I mean, so the homeowner can definitely move forward with the project or various avenues for him to explore. I just don't think it's appropriate for us to find a practical difficulty in this case. Not one that someone hasn't articulated.

Mr. Saylor- I believe Mr. Warner have a comment or two. So let's let him speak next.

Mr. Diatta- Okay, that's fine. I'll just want to make a correction. It won't be more like a thousand square feet. Did I hear a thousand feet?

Mr. Warner- Chair and Commissioners. The only thing that I would add is I think one of the difficulties that you have here is that the applicant has not made an appearance and you haven't had the opportunity to talk to him. Commissioner Rangel Morales, his last point is well taken and it's really not up to you to craft this to grant his variance. You need to hear from the applicant and I think one of the things that you could certainly do given that there's a three to three tie vote.

That one Commissioner is absent that you could certainly move to lay it over so that you can afford the applicant to have another opportunity to come before you and explain why the applicant needs this variance.

Mr. Morales- I would **move to delay** this for two weeks or to move it onto the agenda in two weeks to either give an opportunity for another Commissioner to be here to break the tie or to give the applicant an opportunity to explain a practical difficulty.

Mr. Saylor- Okay Commissioners. We have a motion to lay it over for two weeks with either to have another Commissioner hear to break the tie or hear from the applicant. Is there a second to that motion?

Ms. Maddox- Second to lay over for two weeks.

Mr. Saylor- Maxine, could you give us a roll call vote on that, please?

Ms. Maxine roll call vote- Clarkson-Yes, Trout-Oertel-Yes, Rangel Morales-Yes, Miller-Yes, Maddox-Yes, Saylor-Yes.

Mr. Saylor- So we're going to lay over 413 Burlington Road for two weeks in order to give the applicant a chance to appear and/or to have an extra Commissioner present. Mr. Diatta, will your office follow up with the applicant?

Mr. Diatta- Yes.

Mr. Saylor- Thank you very much.

Moved by: Morales / Second by: Maddox

Laid Over for 2 weeks

830 Cretin Avenue-

Mr. Saylor- Let's move to our next case, which is 830 Cretin Avenue here. The applicant is proposing to construct a five-story 60 units senior housing building as part of the Ford Redevelopment site. The following variances are requested. There are two of them: 1.) a minimum of 25% of lot coverage for Open Spaces required 16% is proposed for a variance of 9%. 2.) off-street parking spaces are required to be set back four feet from any property line 2 feet is proposed from the north property line for a variance here of two feet.

Mr. Diatta- Chair and members of the board. This is a .53 acre lot, that is part for the Ford Site development as excess Bohland Avenue used Outlet A. The applicant requested three variances, the two of you see and one that talks about EV electric vehicle parking. The applicant subsequently withdrew the EV variance because they came with a redesign that would retrofit the space to make it EV ready. The EV variance is not being considered today. The only variances being considered today are the open space coverage and also set back for the parking lot.

This is a site is showed on the site plan as the picture that on this black square. This is where a 60-unit senior housing is proposed. It is adjacent to the lot immediately to the north.

This is the parking lot that is being constructed on the site requesting a setback variance.

The building elevation. This is a look at the building from the north. This is a south elevation and this is an east and west elevation.

Again, this is a 60-senior housing complex for the Ford site lot as you can see, it is relatively small compared to the lot immediately north of it. It is important to provide the parking that's required and also providing the housing that's needed. This request is consistent with the intent of the code for house affordability and also off-street parking to lessen congestion in the public street. This supports the Comp. Plan with providing infill housing near transit corridors to increase transit-supportive density and housing choices. The requested variances from the open space coverage, the parking setback requirements all harmoniously combine to allow the creation of an affordable senior housing building.

The difficulties again hinged upon the size of the lot because you either provide the required parking or shrink the building on it and require variance for the parking spaces. Bedrock found under the building was another challenge to overcome, causing parking to be provided on the surface lot to the parking requirement.

The proposed housing, building and parking are all allowed in this Zoning in fact, it's not going to change out of the area. The park is going to be there really and setback will not be noticeable. So, it's not going to change the character of the area.

Correspondence- Staff received a letter of support from District Council that is in the packet in the section says letter support. At the time staff report was written there are seven letters of support and 160 letters in opposition. I should mention that the 160 letters in opposition are not strictly just this development, it's a mix bag. Letters lump these two sites (2170 Ford Pkwy and 830 Cretin) as one. For example, some of the letters include the building height, which is in this variance and open space, which is part of the variance requested at 830 Cretin. So, the 166 letters are not a true picture of the opposition to variances on this site, or variances specific to 830 Cretin.

Mr. Diatta- Based on finding one to six, staff recommends approval of the request for this 60-unit senior housing apartment complex.

Mr. Saylor: Thank you. Mr. Diatta- Commissioners questions for Mr. Diatta regarding 830 Cretin.?

Mr. Morales: Could you comment, if they were, with regards to the parking spot for charging if that was included would that mean they would be one spot short and need a variance for that?

Mr. Diatta: No. They meet the parking requirement for regular parking, no shortage of required parking.

Mr. Morales: Could you just clarify? Why they don't want to provide the EV spot? Well, maybe I'll ask the applicant that, you don't need to answer that. Mr. Diatta.

Mr. Diatta: Well, I want to make clear that the EV variance is no longer included as part of the variances because the applicant has accepted to provide that and met the requirements for EV.

Mr. Morales: Thank you.

Ms. Maddox: I'm not sure if you wrote the findings or Mr. Graybar did, but in number 6, I think it was this one. You said that the parking lot visually creates the appearance of open space. Can you explain that?

Mr. Diatta: Board member Maddox. Yes. So the parking lot does not qualify as open space in the definition of open space, which is provided in the staff report. What staff means is, visually, when you look at the parking lot is an open space.

Mr. Saylor: Commissioner Maddox, did that answer your question?

Ms. Maddox: Yes, but I'm not sure if I see "eye to eye" with him on that issue.

Mr. Saylor: Commissioner's additional questions for Mr. Diatta before we move to the applicant?

Mr. Morales: Mr. Diatta, how tall is the building going to be? I'm trying to find it, but it doesn't look like I can.

Mr. Diatta: Mr. Chair & board members, I can look it up on the plan here and get back to you.

Mr. Morales: Yeah. The reason I ask is because it's part of the Master Plan and a big portion of why or what ended up occurring was buildings were allowed to go up to seven stories or something or somewhere along there, so long as they provided more green space. So, it seems counterintuitive to the overall program if we're undermining that one project at a time. So that's just a question and thought that I wanted to put out there.

Mr. Diatta: Okay, let me look it up quick.

Mr. Saylor: Additional questions for Mr. Diatta before we move to the applicant?

Mr. Saylor: And I do see our applicant Justin Eilers in the list of attendees. Mr. Eilers. Are you there? Mr. Eilers-Yes, I am.

Mr. Saylor: Okay again, we're being recorded. So even though I know your name, please give your name and your business address.

Mr. Eilers: Sure, Justin Eilers, senior project manager with Common Bond Communities. Our business address is 1080 Montreal Avenue in St. Paul.

Mr. Saylor: And what would you like to add to the report that Mr. Diatta provided for us today?

Mr. Eilers: I do have a few prepared slides. I think staff are going to help walk through those. I will walk through these quick before turning back for any questions. So, I just wanted to say good afternoon. Mr. Chair and members of the board. Thank you for the opportunity to present this first project for Common Bond Communities and our first affordable rental proposal on the Ford site. I am joined by Brita Carlson from LHB Architects as well as members from Ryan Companies who are acting as civil and landscape for the proposal CommonBond is a non-profit of affordable housing developer manager and service provider. We've been in business for 50 years starting in St. Paul and I'm still there as I mentioned at 1080 Montreal just a couple miles from the Ford site.

My first proposal before you is a 5-story 60 unit affordable housing development as was mentioned this development as 60 units is in line with the density expectation of the Master Plan and redevelopment plan for some of the affordability requirements and generating a project of this size on the site. And this is designated to 55 plus and all units in the property will be available on an income restricted to 30% AMI or below. We're really excited about this site. You have on the first-floor amenities such as the first-floor porch, community room, craft room, and computer lab for residents really activating that first floor. We're also excited to have this development in close proximity to Ryan's block 3 lot 1 project with access to the grocery store and other amenities of the Ford site.

To provide some visual context in terms of our property and how it relates to the lot one proposal. We provided this slide here as you can see, we're just occupying the southern spot of that with the larger development to the north.

Here is another rendering for how this would look from above and how it fits in together between the two properties. As far as the overall site plan, which was previously shown in the slides, the development is 60 units, 29 parking stalls, 11 of which are covered on that southern line of parking stalls on the property and first floor common area amenities the parking lot and access to the building for our residents comes on the east side of a parcel through "Outlot A" to access the site from that side. The site and the topography drops quite a bit from east to west and so we will be parking and coming in on the tall side of the lane here. We really like the turn in and out of this spot instead of having a cutout on an avenue less busy with this way and also provides nice access for residents for any amount of a less busy road. This also provides an opportunity for us to keep active space on the first floor on both the west side of the building along create an avenue and the southside along Bohland. We have walkouts on both of there as both of those spots including a community room on the west side and a porch as you can see on the southern side for people to really have eyes on the street and enjoy a nice walkable space rather than having an underground curb cut of some sort of parking cut off. You have a new issue making it less walkable. Lots of notes on this slide is that we are working to incorporate more Landscaping along the north part of the site along the parking stalls in between Lot 2 Block 3 and a Lot 1 Block 3. And that's in the works to provide some more landscaping rather than the green strip of grass there.

This is just a note as a rendering here to give a look of what this would look like. As you can see, this provides a nice walkable area along both sides of the building on the east side and the south side or the west side and the south Side. Sorry, and the porch on the right side towards the east for using that spot. It also provides some nice glazing on the first floor to give it that more active feel better than just a lot of brick provides another angle of that will get the banks.

So, on the open-space variance, as was previously mentioned, we are requesting a variance to provide 16% rather than the mandatory 25%. This is caused by the surface parking lot as was mentioned where we have 18 surface parking lot stalls and 11 that are covered. Well, we have more than enough open space as was mentioned surface parking doesn't qualify as open space to provide with the Master Plan. To qualify for that you would have to remove another 13 stalls or provide some rather difficult modifications to building in sight scope or to make a less active corner on the west or doing something with curb cuts on the parking. So, we hope you think this is the best approach to make sure we have enough

parking for our residents and also provide a really nice building and walkable community corridor along both Bohland and Cretin. So we'd have concerns if we did have to take out more stalls that we wouldn't have enough for a resonance. And this is a ratio we're hoping to maintain.

As far as the lanes for the north parking lot set back to move that from 4 feet to 2 feet, the point being there is that the drive aisle from getting into the property finding out is expanded a little bit more than mandatory because we were wanting to ensure that our residents have a drive in and out that is safer for residents of all different abilities. A lot it provides more buffer for turning lanes in and out since there's one access point and some stuff, some additional room for cars and vehicles and up some more spaces along that drives along the southern side where it's close to the building and just ensures that there is ample room for residents to maneuver to be able to work in and out of our lot. With that I can open for questions and appreciate your time.

Mr. Saylor: Thanks for that presentation. Commissioners questions for Mr. Eilers on this information?

Mr. Morales: is CommonBond developing all the affordable housing on the Ford site?

Mr. Eilers: No. CommonBond is one of the two primary affordable housing developers. One of which is CommonBond and the other being Project for Pride and Living (PPL).

Mr. Morales: Are you all going to be the one developing affordable housing down by the baseball field?

Mr. Eilers: Down by the baseball fields I believe there's one property that would be developed by CommonBond and one by PPL each down there.

Mr. Morales: I'm a little thrown so this is the largest project for affordable housing?

Mr. Eilers: I'm sorry, I couldn't hear the question that broke up a little bit,

Mr. Morales: Down fields in the F1 District or F1 is it F5 District? That's the largest development for affordable housing is that correct?

Mr. Eilers: I believe that's one of the larger ones down by the ball field. I believe that's correct. But I don't know if it is the largest, that larger one.

Mr. Morales: Is it the larger one that CommonBond is developing?

Mr. Eilers: I believe that we have one property there that's one of the larger size and that PPL has one of the larger size that is called for.

Mr. Morales: Do you know what the plans are in terms of what type of affordable housing is going to go there?

Mr. Eilers: Just to be clear. This is on a different parcel by the ball fields. I believe that when we get to that site, that one is called for more family or general occupancy. You would say affordable rental.

Mr. Morales: There's a certain threshold that needs to be built 30% AMI. Am I right to assume that the majority of that 30% AMI is going to be built for seniors?

Mr. Eilers: No, one of the first projects, one of the first projects that PPL is developing is for primarily for those at 30% AMI that is non-senior so there will be a number of populations.

Mr. Morales: How many units of that. Do you know?

Mr. Eilers: I don't recall offhand.

Mr. Morales: I appreciate that. We need affordable housing for all levels. For all ages and different types of units for different people depending on their family and things like from studios to three-bedroom apartments or larger? I'm a little taken aback by this proposal to be honest with you. I sit on the Planning Commission, and when I saw that all the affordable housing was limited to three or four or five different spots mainly. I was a little taken aback by that and now

to hear that the affordable housing is being limited at least with this application to a senior living to me that is not the purpose of what we are trying to incorporate affordable housing into the Ford site plan was meant to do and I don't know. I don't even know what else to say about it to be honest.

Mr. Saylor: Should your question be directed to Mr. Diatta, maybe this could have or should have been considered in the findings of that correct?

Mr. Morales: It's more about, well, on this particular application and taken into consideration the Master Plan of the Ford site and what the goal of the Ford site was to do. I just wanted the Commissioners to know by my comments sort of where the Ford site plan is going. I'm sitting in the BZA now through the Planning Commission and I believe that that role is for purposes such like this when things are going on in the commission level and that the BZA can also understand what's going on. So what I was trying to articulate is the Planning Commission, we learned that Ryan Companies had worked with other developers that focus on affordable housing and I think that's great, you know there's a lot of regulations that these types of agencies are really familiar with that. I think a typical developer probably is not for developing affordable housing units, but as part of that we learned in the commission that certain areas have been blocked off for affordable housing and that those areas are sort of pinpointed to certain areas of the Ford site, which to me is concerning because we are sort of placing people of affordable housing within buildings that are going to be classified as affordable housing, which I think takes away the intent of trying to incorporate members of our city that are low resource as members of our community without specifically identifying them as low members or low-income members of our community. What I'm more taken aback by this particular project is there's a certain number that have to be at 30% AMI and it appears that a significant percentage being met by senior living which is great of the included inclusivity of the Ford site plan in general it almost serves as to me as I like. I don't want to say it's a loophole although affordable housing I think is welcomed, but it's problematic to me.

Mr. Eilers- Please, so as far as the redevelopment agreement and what was signed in December of last year as you can see that's all public record that there is a schedule of affordable housing development to take place throughout the site over the course of projected 15 plus years that master schedule accommodates for a host of different ages. And there is a host of different unit types from seniors to families to singles with different levels being served at different properties throughout the entire site. There is a total of 10 different properties throughout the Ford site. Not just two or three that are going to be developed with affordable housing. And so, to say that this first project is going to take care of a lot of the 30% AMI that is by the part of a master schedule that also includes many other projects that will serve families or singles also at 30% AMI included. Reading the PPL building, I'm referencing which is thirty-one of their first two buildings. I believe is enough to age the nature of 60 to 65 units serving 30% AMI or below and they also have another family property that they're working on that. I can't speak to specifically because it's not ours, but there are many different locations around the Ford site and made different populations and a host of area median income level that will be served over the course of 15 years.

Mr. Morales: To paraphrase based on that, it is my understanding that there's some sites, but the majority of it is late. It is on the F5 districts both in the entry-level. Thank you. The entry-level right there the block 3, I think that's what we're reviewing and then the two units at the bottom the Block 33. So, in any event I defer.

Mr. Saylor: For the benefit of the Commissioners and anyone else. Can you safely summarize your concerns?

Mr. Morales: My concern is I know that there's a certain number 10% percent of the units that have to be built, I forget the exact percentages, but it commits Councilmember Dai Thao when the Master Plan was approved and incorporated at a percentage of the units built in to the Ford site would be at 30% AMI. My concern is that we and again I'm not trying to speak against the affordable housing of senior living. I think that is incredibly important and we need to incorporate it in all aspects of our city. What concerns me is that the significant portion of the 30% AMI units are focused on senior living and I don't know how many more are going to be left to be built throughout other portions of the Ford site.

Mr. Saylor: Okay. Thank you, Commissioners, additional questions for our applicant?

Mr. Eilers: Mr. Chair just to respond that really quick to the previous statement just to say on what Morales that half of the affordable units. So, a total of a projected 760 total affordable units are projected to be developed and half of those will be targeted to 30% AMI or below. So, there are 60 of those remaining (380 units).

Mr. Saylor: Thank you. Commissioners Trout-Oertel is that you. Yes, thank you.

Ms. Trout-Oertel: I have a couple of concerns and I would like to you to describe where the residents will congregate outside the building. I don't see any green area where they could do that and the other thing is our winters are severe. The parking in winter is problematic in this design because there will be snow removal requirements for well most of the parking spaces. And so, I wondered if you considered putting or making the first floor covered parking and then the shared spaces. I know that would add to the height of the building but I don't know how much leeway you have there. So, could you address those two concerns?

Mr. Eilers: I appreciate the comments. We did consider doing the first floor all as a podium parking. Our concern with that was that it would take away from that first-floor active space for residents to enjoy and sort of the community room. That we can walk out from the street or the part of the porch as well along the southern part of the building. So, it kind of deactivate the eyes on the street. It would be more blocked off on that first-floor level, which we feel doesn't quite create the traditional or the neighborhood district feel that we'd like by having the kind of glassy windows and having that community room and is the ability for people to be able to step right out and get to where they need to go. I do understand the concern. I would also as far as congregating and where to congregate outdoors part of the reason that the porch was being designed as it is to provide some of that space for congregating what we do have some interior space made several interior sessions and say to get together in that porch is dedicated for some of that. Is for residents to be able to look out and talk and enjoy the weather door during the better seasons of the year.

Ms. Trout-Oertel: Well, I was thinking more in terms of the first floor being divided between community and activity areas and parking and I know this is a very small site. So, you know, there wouldn't be a lot of leftover open space but these are concerns that I think are very important and I don't see them being addressed adequately.

Mr. Saylor: Commissioner Clarkson you have a comment.

Mr. Clarksen: Yeah, thanks. A couple things, I will try to be concise. So, the question that I wanted to ask Justin is are you developing the I think it's Lot 2? I think it's immediately to the north of this project are you involved in that?

Mr. Eilers: No. The Lot 1 project is the Ryan project to the north.

Mr. Clarksen- Okay, thank you. Part of the reason that I asked is in your comments you made some reference to trying to increase the amount of, I think you said landscaping or green space, in that narrow strip that makes up the rest of your property to the north of the parking area. Are you proposing to do something in an agreement with that neighboring property owner in that area there that's in white, but it looks like it's just to the south of their building and between to the north of the narrow portion?

Mr. Eilers: Yes, it was a work thing we are in the midst of developing signing landscaping. Ryan Companies who has the proposal and the proposal coming after this development. We have been working collaboratively as they are civil and landscape for our proposal as well as they have their own. That's why we're bringing them together at the same time to demonstrate that we are working together to try to make a really dynamic block for the Ford site. And so, we are working with them on a way to incorporate more greenery and more shrubs and more trees in that green strip between a lot 1 and a lot 2 and with Ryan acting as a landscape between both properties.

Mr. Clarksen- Okay. Now that I'm looking at it again more closely. I see there's a door there. So, there must be a walkway throughout a major portion of that. So, I'm going to guess that about half of the white area to the south of that building is going to have to be a sidewalk which means there's probably really only about 6 feet of green a potential green there in three feet of that is probably walk away. So, there's not a real gigantic opportunity for much additional landscaping there, which is quite honestly small potatoes in comparison to I think the point that was raised earlier by a couple other folks wanted to ask the question to see what the thought process was. Yes, something else that I heard you

say is in regard to additional parking inside the building. I think your comments had something to do with additional parking will take away from the indoor active space. I couldn't help but latch onto that because at the same time we're being asked to look at this variance as an opportunity to create open space by having parking which to me seems like a lot. I mean it's about the most disastrous way to look at open space. I would hesitate to think that I would send my kids out to play in a playground that was you know, marked and stripe for cars and with older folks. It just doesn't seem to meet the intent or purpose of having an open space requirement and I'd hate to see that be the first project to that gets approved by the City in the Ford Site. I think it would make a lot of people feel pretty unsettled about the way this is going to go. So, I am really concerned about that. You have any comments related to just I mean, how is an adequate open space provided on this? I'm not sure that the porch really does it. I think the previous Commissioner sort of asked a similar question about open space. When my grandparents were in an assisted living facility like this we had places to gather there was a gazebo to go and sit out and enjoy, you know, cool nights and things like that. There's no place for that here whatsoever. It's really not a very inviting space from what I've seen.

Mr. Eilers: In response to questions or comments on open space. I understand the thoughts as far as the variance and the surface parking along the north side just to reiterate some of the comments that have come before us about the difficulty of this site of the trade-offs there that we have to make it will probably turn to Brita Carlson whose our architect on this property to help explain this a bit more. We had booked the difficulty or trade off in order to adequately serve our residents with parking and to meet the open space criteria the challenge that's created is a trade-off that would require most likely a drive or underground parking from the Cretin side so the additional could cut on the treatment side in order to go underground and also create potentially an issue with the bedrock under the property while also considering what could be you know difficult design standards as far as in and out of that that parking underneath which could create more green and open space above, but we also see that there are trade-offs to that where you're also now creating and drive and parking entrance along with could be a nice and walkable area along Cretin and also any busier street for that use but the topography of the strike the site is sloped quite a bit which difficulty and Brita, I don't know if you would speak to that a bit more for the Commissioner.

Ms. Brita Carlson: This is Britt Carlson. I'm a designer with LHB we are the architect on the project. Our address is 701 Washington Avenue North Suite 200 Minneapolis Minnesota, and I yeah, just to kind of piggyback off of Justin's comments. You know, we were looking at parking. I don't think we considered one of the parking as a replacement for the open space. That's not the intent. I think we were trying to meet the needs of common bond for the parking that they anticipate with their senior projects and what they have seen on senior projects that they have done in other locations. And so, in order to meet that need which is a just under .5 parking spaces per unit. We had to kind of look at various parking scenarios and felt that this was the best and I think in terms of creating open space for the residents what's not shown in this particular plan is in adjacent to the patio, which is on the south end the building on Bohland Avenue. It's kind of that white space which will be just kind of a trellis, metal trellis covered area is several community spaces. And so the idea is that community space would then be kind of this extension inside and outside for the residents and for us the trade-off of the open space is that you know, we would lose we'd certainly gain more open space for the residents, but we would lose kind of the needed parking that Common Bond identifies for this particular type of project in population. And for the people kind of surveying this group. I don't know if that addresses your question.

Mr. Eilers: Just to interject real briefly Mr. Chair & Commissioner Mr. Clarksen, we are one part one small piece of very small parcel as a part of a giant master plan that includes 55 acres of green space open space parks that are walkable from this location a couple blocks away. So, the understanding that we are asking a variance on this particular block. There's also a much wider neighborhood and access to green space that is going to be available to residents very close by.

Mr. Saylor: Thank you for that comment.

Mr. Saylor: Commissioners additional questions for the applicant team here?

Mr. Morales: To those last comments mentioned by the by the person making the application about how this is one small parcel in a larger master plan and I think between this and the upcoming application what we're going to see is that I would request from my fellow Commissioners and board members is each one of these applications is going to come in as an individual parcel or an individual project and slowly just to take into consideration that slowly by considering one at a time we may lose the forest for the individual trees here of what the master plan was intended to do. So just to take that into consideration.

Mr. Saylor: Commissioner Clarkson you want to make a comment?

Mr. Clarksen- So I guess I'm trying to sort a lot out here. But I think what I'm coming to is the is the proposal for the property to the north to include underground parking as well because there's a driveway there that on this drawing at least shows what appears to be an entrance to an indoor parking facility. And I guess where I'm going with that is if that's possible on the property next door are the site conditions in the geology such that it changes within a matter of a few feet?

Mr. Saylor: We're going to Mr. Clarksen and are you asking whether that would be feasible or possible here? Is that the question?

Mr. Clarksen: Yeah, it is. That's what I'm getting at. If it appears that it can be done on the property next door. I guess I'm a little unsure of why it can't be done here. I just, if there's gigantic rocks underneath the Ford site. I imagine they're bigger than this small site.

Ms. Trout-Oertel: This is Commissioner Trout-Oertel, the parking lot for Lot 1 Block 3 is on the first floor. It's not underground. So apparently there's some problem with the bedrock here, but I guess, I mean, this is such a huge project there's some consideration must have been taken to decide what goes where in relation to the bedrock. I have no idea how far it extends across the site. However, I just thought I'd mention that, that is a first-floor parking for the lot to the north there.

Mr. Saylor: Thank you Commissioner Trout-Oertel.

Mr. Saylor: Commissioners additional questions for the applicant team before we move on?

Mr. Saylor: Okay, thank you. Mr. Eilers and Ms. Carlson, after we hear those in favor and those in opposition we may ask you back for additional questions.

Mr. Saylor: Okay with this point I want to move on to those who are here to speak in *favor*. And those who are here to speak in *opposition*. Just a reminder from the comments I made in the introduction today about speaker time. The board does limit this to a total of 30 minutes for those speaking in favor and an equal 30 minutes for those speaking in opposition. Individual speakers are limited to three minutes each. Please be mindful of this if you have submitted a letter or email reminder there is no need to read these documents as they are already part of the record. So please provide us your key points without repeating ideas already presented by previous speakers. Thank you very much. So let me ask among are those with us today online. Is anyone here to speak in favor of this variance request?

Anyone here to speak in favor of this current request for 830 Cretin Avenue? Anyone here to speak in opposition to the variance request for 830 Cretin Avenue?

Mr. Saylor: I see Maureen Michalski. You wish to speak again. Go ahead speak, please.

Ms. Maureen Michalski- with Ryan Companies: We are the next presenter, but I wanted to speak in favor of this development and address some of the items that were brought up in terms of the plan.

Mr. Saylor: Speaking on the record here give us your name and your company and your business address, please.

Ms. Maureen Michalski- Ryan companies by 533 South Third Street Suite 100.

Mr. Saylor: And you want to speak in favor of this support proposal?

Ms. Michalski: So a few things to just maybe comment on. We're the lot owner to the north and the developer to the north. So that should be mentioned first the overall master plan and most of us in our side showed for this area a mixed-use area with a variety of retail and dining other establishments and orienting along the public right-of-way the building and common bonds building is oriented along the public right-of-way with the parking of course behind the building. They have a particular use because they have a senior affordable housing project that of course with the variety of funding sources, they need, you know, creates another layer of development, but they need to take into account their development phases and fronts of the public right-of-way is just being friendly and it is not there as Justin mentioned, there are 55 acres of public expand in the development that will not change and is not changing block by block by variances that Common Bond or Ryan is bringing forth today. So those items are in the master plan. They were made in the master plan and that is not impacted by this particular development. The layout of their building is similar in alignment with what was proposed in the Ryan development plan that went through as of massing and scale and density and just wanted to highlight a couple of those main points in that it aligns with the spirit of the master plan and in those regards.

Mr. Saylor: Thank you very much for your comments and favor.

Mr. Saylor: Anyone else here to speak in favor or because I'd already asked in opposition to the variance request for 830 Cretin Avenue. Anyone in favor or anyone wish to speak in opposition for 830 Cretin Avenue?

Mr. Saylor: I did say I would invite the applicant team to make any final comments to all ask them right now if they wish to do that since we did have one person speak in favor. Mr. Eilers or Ms. Carlson.

Mr. Eilers: Mr. Chair & Commissioners of the board I would just I would just state along the same lines of what Maureen has stated as far as expectations on expectations of affordability and density along this site that align with the master plan in the redevelopment agreement in the projections of the city are two created a very affordable housing comment on this location on a very tight location that requires a lot of nuance to create and generate something that could develop a very high quality development for residents at this location. And so we just want you to say that we're excited to be part of this master planning, creating something here that will serve residents quite well for long time to come so appreciate that.

Mr. Saylor: Thank you Mr. Eilers.

Mr. Saylor: Well with that I will close the public portion of the hearing and ask Commissioners for motion and the recommendation for 830 Cretin Avenue provided by Mr. Diatta was for approval of the requested variances based on findings 1 through 6. Discussion or motion on the staff recommendation for approval?

Ms. Trout-Oertel: I have a question. I don't know if this is an appropriate time to ask this question. Probably wish I had done it a little earlier, but I understand that 16% of the lot versus 25% is considered open space, but I want to know what is being considered open space in this particular project could we just do that one point?

Mr. Saylor: Very good. I'll ask Mr. Diatta to address that question.

Mr. Diatta: Members of the board, if you look at the zoning staff report that would be under C, it talks about setbacks and talk about open space. So, what's interpreted as open space is area covered by landscape material gardens, walkways patios recreation or play areas so that's what is defined is open space.

Ms. Trout-Oertel: Does it include the parking lot?

Mr. Diatta- No, it doesn't include the parking lot. And I apologize if board member Clarksen misunderstood what I meant. I intended to say the parking lot is visually open space bit it does not qualified as open space.

Mr. Clarksen- Thank you. Mr. Diatta.

Mr. Saylor- So Commissioners, discussion or motion on the recommendation for approval for 830 Cretin Avenue?

Mr. Clarksen: This is Commissioner Clarkson. I would just like to say first to Mr. Diatta. Thank you for the clarification. I actually think I understood what you were trying to say with the open space. But there's no better way to really say it. I feel like it's a little disingenuous to say that a parking area is consistent with open space when we would go you listed the things that could qualify and it's walkways and gardens and recreational facilities and there's such limited land. Keeping on this property. I really struggle with getting there. So I appreciate the unique approach. Just think it falls short.

Mr. Miller- This is Commissioner Miller. I also have a comment before we bring something to a vote. It seems like finding the practical difficulty in number 3 is going to be difficult to get to when the kind of the parameters in the spaces and the rules in the master plan were set forth before the planning phase really began for this. Seems like knowing that you're not going to be able to comply with your open space and you are parking requirement without including underground parking should have just been part of the formula from the very beginning. That's my comment.

Mr. Saylor: Thank you Commissioner Miller.

Ms. Maddox: I would just like to thank Commissioner Morales for his insight with sharing the planning commission's view and I also really have concern over the number of letters. We have received a hundred and sixty-six letters in opposition listening to the community is part of what we do and people are finding this time just not being able to attend a public hearing and person is a difficult time. So I'm having a problem with this first project really coming out and having so much opposition and you know again the public spaces is not there. Thank you.

Mr. Morales: So this is Commissioner Rangel Morales while I was speaking earlier someone noted on the comments and it was someone from Ryan Companies and I'll just note what it is that they said one second. So I just know what they said because I believe it's true. I don't know and I'm not an expert on this and I appreciate them correcting me. Mr. Barranco did, so what he noted was that 10% of all the units built in the Ford site will be at 30% AMI which equals to about 380 units, five percent of the units at 50% AMI which equals to about a hundred and ninety units and 5% of all, 60% I am I had 190 units. I think my overall and so like the applicant said this is just one component of the affordable housing goal that was made in part of the plan and I want to thank Mr. Barranco for providing me those stats on the fly here, but I think the other Commissioners speak to a larger point, which is no, the we're trying to meet all these goals and one of the goals as well is having open space and try to make this not as just have open space in general and because this property has already been designated as a place where affordable housing is going to be the Common Bond is kind of in a tough position because they're don't have the same resources that another developer might so they're trying to work with the space that they essentially were, you know, sort of designated. And so this makes it really hard for me in terms of what does this mean for the project overall for a common bond in terms of being able to build something that is you know pleasant to live in and inclusive and open and while also meeting the other requirements of the Ford site, which is open space and so on and so forth. So I think what I was trying to get at earlier is it's very complicated. It's a very complicated decision I think for me.

Mr. Saylor: Thank you Commissioner.

Mr. Saylor: Commissioners, I appreciate your comments. We still need some motion on the recommendation for approval here.

Mr. Clarksen: This is Commissioner Clarkson. I'm going to try to take a stab at a motion here, and I'm going to preface that with just a suggestion that perhaps we're trying really hard for good reasons to do too many things with a space that everybody has already said it's too small and maybe that has something to do with what we're now in the midst of discussing; which is we've discussed some other properties, the thing on 2100 Grand that got appealed to the Council we said that the site was too small for too tall of a building and there was too much going on. They requested a bunch of variances for parking. I think that some of the same arguments might be able to be made here in a vastly different context and this is ridiculously confusing. There's a lot going on with the Ford site that I'll admit. I haven't studied in a lot of detail, but I do think that there's something to be said about when you send your grandparents to an assisted living facility or to a senior facility you want them to have a comfortable environment that's inviting and I'm not sure that's the right approach to that. To suggest that we have a 50-acre development where we can say go walk down the street to

find the nearest park. I'm really concerned. That's the wrong message to send. I do think that this site is suffering from a lack of open space, true, real, open space. Some of those things need to be walkways gardens and recreational facilities, I think about a gazebo or a place to sit, you know, perhaps there be a place to do that on the roof of this building. There's a lot of roof up there, you know, maybe it would be a, could be like a lawn where you could have a small structure where you could go up there and just recreate and that that's one way to take advantage of what's left of this site. It hasn't been discussed. But I'll leave it there.

Mr. Clarksen: I would propose or move to recommend **denial** based on the fact that I don't know that we have established practical difficulties related to the open space and I don't think that the provision of open space in a parking area is a reasonable mechanism to suggest that the open space requirements in the zoning code have been met. So I'll start with that as an attempt to make a finding that Finding # 3 has not been met and there could be potentially some degree of economic considerations about the site where we know we have to build it up to a certain number of units probably to make the numbers work and then that backs you into a corner with the amount of space that's utilized and what's left over and it there's there seems to be a mismatch happening here. And so that's what I'm latching onto but I'm making a motion to deny based on the fact that practical difficulties associated with landscaping requirements and open space requirements in finding number 3 have not been met.

Mr. Saylor: Okay Commissioners. You've heard Commissioner Clarkson's motion. It is to deny based on finding number 3.

Mr. Diatta: I just want to keep the record straight. I understand that Mr. Clarksen's comment about this being assisted living this is a senior independent living. This is not assisted living.

Mr. Clarksen: Thank you.

Mr. Clarksen: I appreciate that clarification. I misspoke. It's senior living not assisted.

Mr. Saylor: Commissioners, is there a second to Commissioner Clarkson's motion to deny.

Ms. Trout-Oertel: I will **second**.

Mr. Saylor- We have a motion to deny based on Finding number 3 and it has been moved and seconded. Is there discussion on that motion?

Mr. Morales- I have a question for Mr. Diatta, this is Commissioner Rangel-Morales. My question is if this project was smaller, so my understanding is the requirements for affordable housing have to be met somewhere in the Ford site. So, my question then is if this project was to be smaller in some capacity would that then take away the need for all the parking spots that are currently being applied then it could actually be called green space.

Mr. Diatta- Mr. Chair, board member Morales could you repeat the question? I couldn't understand what you meant.

Mr. Morales- So my question is if the project was smaller and they were able to take away some of the parking spots that would be covered over with that would then be considered green space, right?

Mr. Diatta- So if they are providing fewer units?

Mr. Morales- So what I'm saying is the Ford site has this mandatory minimum of how many a third affordable units need to be built and I think Commissioner Clarksen and I are sort of think the same thing, is this project is as big as it is because there's a need to try to make the numbers work, but if this project was smaller those affordable units would just be diverted to another location and provide the green space that the Ford master plan is looking for. So my question is how much smaller would this project need to be on this lot to take away several of those parking spots in order to have that be green space.

Mr. Diatta- Chair & Board member Morales I do not know that on the fly, but I would say this if they bring down the required parking in order to meet the open space requirement, then you are looking at a parking variance, but how much I do not know.

Mr. Morales: Okay. Thank you.

Mr. Saylor: This is the discussion, it is a discussion on the motion to deny based on finding the 3.

Mr. Clarksen- Really quickly. I think Luis hit a lot of the things I was thinking. I think maybe what would I would just add to what he said was if you actually had fewer units if I'm not mistaken. The parking requirement was like one or two spaces per unit. And so, if you went from 60 units to say 50, wouldn't that drop the parking requirement to 25 and give you about a thousand square feet if a parking space is 200 square, that you could switch back over to a different use so, you know, I think there's something close to that in the math.

Mr. Saylor: That would be a question for Mr. Diatta with regards to the math and a parking spaces.

Mr. Diatta: So that will certainly move the right direction. Parking is tied to the number of units so obviously if we drop the unit's then drop the parking.

Mr. Morales: I only say this and I repeat this because I'm not speaking out against the project per say in itself. I think that there's a way of I know Common Bond is working with what lot they were designated and trying to meet the overall numbers in the Ford site. But to me this just means that the affordable units will be moved to a different area that will either meet or not meet the requirements without a variance.

Mr. Saylor- Okay additional comments questions about our discussion on the motion is on the floor to deny based on finding number 3? Maxine roll call please. Again, remember Commissioners if you say yes, you are agreeing you are voting to deny, and if you say no you're disagreeing with the motion to deny.

Mr. Saylor- Maxine roll call vote, please.

Ms. Maxine- Roll call vote, Morales-Yes, Miller-Yes, Maddox-Yes (finding number three) Mr. Saylor- So Commissioner Maddox just to clarify you are voting you are agreeing voting to deny. Ms. Maddox-Yes, Mr. Saylor- Okay. Trout-Oertel-Yes, Clarkson-Yes, Saylor-No.

Mr. Saylor- your variance request has been **denied** and, your next step will be to appeal to the city council, you're able to appeal to the city council within 10 days.

Mr. Warner- I'm sorry. I could not get my mute button to work again. I just want to remind the Commissioners maybe we can just do this informally given the number of votes but because the staff recommendation was to approve and the motion was denied. For the reasons stated by Commissioner Clarksen the persons who voted yes have to acknowledge the reason for whatever reasons they might provide or that they're simply joining in the reasons provided by Commissioner Clarksen and just for the record, I think we should informally or formally do that so that there's no procedural defect here. And again, I apologize for the technology gap here.

Mr. Saylor: No worries. Thank you, Mr. Warner. Maxine, let's go back and do the roll call again to meet this requirement. Thank you.

Ms. Maxine- Roll call vote: Rangel Morales- Yes, for the reason articulated by Commissioner Clarksen, Miller-Yes, for the reasons stated by Commissioner Clarksen regarding finding three, Maddox-Yes, regarding finding number three, Trout-Oertel-Yes, based on finding three as revised by Commissioner Clarksen, Clarksen-Yes based on finding three as I articulated, Saylor-No.

Mr. Saylor- Okay. The vote is five to one again. The variance request has been **denied** our vote is final unless appealed to the city council within 10 days if you like.

Mr. Diatta- Question, since they have two variances here and we denying one based on # 3? What is with the other variance?

Mr. Saylor- Which variances is that? Mr. Diatta?

Mr. Diatta- So there is a setback for the parking lot and then they have one for open space.

Mr. Saylor- Well from this perspective and I'll ask Mr. Warner to weigh-in if I am mistaken, the two variances requests were not separated in both. We're not pulled apart and vote on it separately. But rather the variance request was voted on. So therefore, they have from my reading both been denied. The package has been denied.

Mr. Warner- Chair I did not really hear any articulation as to the parking lot, the two-foot parking lot variance. So, I guess you have a choice and I thank Mr. Diatta for bringing this up. You could certainly open the matter back up to take a motion on the parking lot set back. I don't think there was anything put on the record to deny that variance as well. I think that you should have a clean record here. And so, either approve it or deny it.

Mr. Saylor- Okay. So, Commissioners we will now deal with the second variance that was requested because as you heard this is for the off-street parking spaces. So again, discussion or a motion on that. You have a comment?

Mr. Clarksen- Yes, I may have gotten lost in all the discussion here, but there's a third variance as well regarding the EV parking space did that get taken off the table since we're doing this? Maybe we can do it once.

Mr. Diatta- Mr. Chair, that was stated right in the beginning. I did say that the EV parking variance was pulled out and is not part of the record because in the beginning I believe that's a question board member Morales brought up.

Mr. Saylor- Thank you. So, we're only dealing with the second variance here for off-street parking spaces.

Ms. Maddox- I would move to **approve** the two feet for the parking variance.

Mr. Saylor- The variance for the off-street parking variance, these are required to be set back for 2 feet from any property line, two feet proposed from the north property line for a variance of 2 feet.

Mr. Saylor- We have a motion to approve that. Is there a second?

Mr. Miller- I'll **second** that.

Mr. Saylor- We have a motion to approve and it has been seconded for the second variance looked at separately for the off-street parking spaces. Is there additional discussion on the motion to approve that one separately? Maxine can you give us a roll call on that one, please.

Ms. Maxine- Roll call vote, Clarksen-Yes, Trout-Oertel-Yes, Miller-Yes, Maddox-Yes, Rangel Morales-Yes, Saylor-Yes,

Mr. Saylor- The second variance voted on separately for the off-street parking spaces has been approved. So, Mr. Warner with that, are we legally speaking, completed with 830 Cretin Avenue?

Mr. Warner- Chair. Yes, you are.

Mr. Saylor- Fantastic. So again, please Mr. Eilers put yourself in communication with Mr. Diatta's office for both of those variances and good luck with the next steps in that property.

Moved by: Clarksen / Second by: Trout-Oertel

Variance#1 Denied 5-1

Moved by: Maddox / Second by: Miller

Variance#2 Approved 6-0

2170 Ford Parkway

Mr. Saylor- Okay Commissioners. Let's move to the final case on our agenda today, which is 2170 Ford Parkway. The applicant is proposing to construct a six-story mixed-use building that will contain a grocery store on the first floor and 230 residential units above. The following variances are requested and there are

five listed in the agenda for today. Number one the Ford site master plan requires buildings in the urban center to have a minimum of 65% transparent glazing in the bottom 12 feet of the building for portions of the ground floor not dedicated to residential units 34% is proposed for a variance of 31%. Number two, the building height is limited to 65 feet in the F5 Zoning District unless the building can meet the minimum interior set back up six feet in the minimum right-of-way setback of 5 feet plus an additional 10 feet for both setbacks. The applicant is requesting a variance from this requirement in order to construct a 75-foot-tall building for a variance of 10 feet. Number three, a tower is proposed as a corner element that exceeds 75 feet in height 90 feet is proposed for a variance of 15 feet. Number four, the maximum lot coverage for the building is 70%, 90.3% is proposed for a variance here of 20.3% number five two designated spaces for Car Share Vehicles. She'll be provided for properties with over 201 units plus one additional space for every 200 units over 200. Additionally, two spaces for Car Share Vehicles shall be provided for parking lots with more than 50 spaces for non-residential use plus one additional space for every 40 spaces over 50 a total of 436 parking spaces are provided requiring 8 cars share spaces. The applicant is proposing 0 spaces for a variance of eight car share spaces. Mr. Diatta?

Mr. Diatta- Thank you Board Chair members. This is a new 2.65-acre parcel that is part of the Ford Site development, located at intersection at Ford Pkwy and Cretin Ave. where the primary pedestrian entrance to the retail use will be located, with a secondary retail entrance and primary residential entrances on Cretin Ave.

Randy, could you go to slide number three? There will be three vehicle access points: a two-way access for retail users mid-block on Cretin Ave; two-way access for residential users from the private alley on Outlot A; and a one-way exit for retail users onto the private alley on Outlot A.

There is a private alley that will also service the retail loading dock and provides for one-way southbound vehicles from Ford Pkwy and two-way traffic for the residential access from Bohland Ave. to the south. This is a private alley, it is not a public right of way. It is owned by the City and will be developed by Ryan and managed by Ryan. I want to make sure we're all on the same page. So this picture is very important to understand the rationale of the staff report as we move along. So bear with me here. So on this map there are two lines pointing to a square that is identified as "Outlot B". This is adjacent to a development that we are talking about which is 2174 Ford Pkwy; which is like this square with the blue hatched marks. The square here is the "Outlot B" in the Master Plan and identified as such on the Plat and the RDA (Re-Development Agreement) between the city and Ryan. This is identified as a Civic Square by both the Plat and the RDA. For buildings that are facing a Civic Square, there is an exemption on the height especially for the side of the building that's facing the Civic Square. The Master Plan calls it a Civic Plaza, which is actually wrong, it is meant to call it a Civic Square and not a Civic Plaza.

For the Master Plan to be consistent with the RDA and the Plat, a code amendment is required for the Master Plan. Given the amount of time it will take to make an amendment to the Master Plan, seeking a variance was determined to be the best option. What I'm saying is if the language were to be changed to what this is intended, the Civic Plaza and the Civic Square would be identified as Civic areas. Building faces facing these civic areas can go as high as 75' by right. I wanted make that clear from the start because it's going to define this staff report as we move along.

Mr. Rangel-Morales-You're saying then the master plan, there is a height exception for buildings that face Civic Square.

Mr. Diatta-Yes, for buildings sides and corner elements are facing a Civic Square.

Mr. Rangel-Morales: I'm just wondering, as you said instead of going through an amendment, they're deciding to do a variance about it?

Mr. Diatta-That is correct.

Mr. Rangel-Morales: So, I'm not sure what the general intent was of that; I believe you and I trust your reading of the provision. In terms of how that provision was handled when this Master Plan was adopted. I don't know if you know this but, was there any consideration by City Council with taking away the height requirements to these areas on how high they could go? I hear that Council Member Tolbert when he proposed the amendment of allowing buildings up to 75' that was specifically with the requirement that the setbacks be bigger or longer, so I don't know.

Mr. Diatta-I have staff on the line, correct me if I'm wrong.

Tia Anderson: I believe what he is talking about, Commissioner Morales, we're talking about we'll talk about from the interior lot lines, which this area that's facing the Civic Square into the lot line where there is this ramp. For other building sites that are facing the public right of way the requirement setbacks should be able to go up after 25 feet.

Mr. Rangel-Morales: Because the building faces a Public Square, that's when that Subdivision D applies?

Mr. Diatta: It is not the side facing the public roadway and Tia, correct me if I'm wrong,

Ms. Anderson: Yes, Yaya, you are correct. The exemption that is in the zoning ordinance is for buildings that face the Civic Square. There's a discrepancy, however, between what the Master Plan identifies as the Civic Plaza and what is identified in the Plat and the RDA as a Civic Square; but our understanding in working with the planning department is that the intention is that both of these the square and the plaza are considered Civic areas and that was the intention of the exemption.

Mr. Saylor-Additional questions?

Mr. Diatta: So, this is sort of similar to the pictures in blue showing the "Outlot A" that I described earlier as a private alley not a public right of way owned by the City, maintained by Ryan. The north elevation of the building, as you can see here, has a grade change on the site and some of the challenges in terms of meeting the glazing requirement. This is the on the west elevation the building. This corner element that you are looking at that looks like flag is what is above the 75' height to a maximum of 90'. This corner element is not a habitable space. So just want to make sure we all know that. This slide is the east elevation, and this is the south elevation. This slide shows the southeast corner of Cretin and Ford Parkway, as you can see that the top element with the flag is anchored in the corner; which is one of the requirements for the Master Plan and because the other side is meant to be a pedestrian-friendly, it is closer to the street to push most of the activities to the interior of the development. Another view of the tower perspective, and again this is showing the grocery store area. And, again the retail and housing development have the required open (green) space, so this not part of the variances requested on this case and I want to make sure that we all know that we are talking about the five variances listed and none of them talk about open space.

The lot has an elevation that is 15' high on the northeast corner compared to the southwest corner. This is the challenge in providing the 65% glazing required which is basically window and door openings. The variance request from the glazing requirement aligns with intent of Sec. 60.103 of the zoning code to fix reasonable standards to which buildings, structures and uses shall conform.

The height of building and the tower element are really intended to anchor the building as I was describing earlier to sort of be the gateway to the general development site. The height variances align with the intent of Sec. 60.103 of the zoning code to promote and to protect the public health, the aesthetics, economic viability and general welfare of the community.

As I was describing earlier the side faces the Civic Square, which is identified in the Ford Site Zoning and Public Realm Master Plan, Chapter 8. And again, the plan that I've described earlier is derived in Section 66.903(d), which exempts the height of corner portions of the building facing the Civic Square. Although there is language conflict between the Master Plan, which calls Outlot B a Civic Plaza, the RDA and the Plat which identify "Outlot B" as a Civic Square, the intent of code language applies to both to the plaza and the square as civic areas.

The building lot coverage they are seeking a variance for is intended to create a structure that accommodates a large retail space on the first floor, required parking while still providing landscaping around the perimeter and an outdoor amenity deck and green roof for additional open space. And this Ford development site is intended to be a pedestrian friendly, which explains the reduced parking at the Ford site compared to the rest of the city.

Regarding the shared space requirement, the city and the applicant are pursuing implementation of shared mobility hub(s) to service the site, which, coupled with at least eight (8) dedicated spots for scooter parking to be provided, align with the intent of Sec. 60.103 of the zoning code to provide for safe and efficient circulation of all modes of transportation.

This property is subject to the Urban Center Frontage, which is intended to ensure that Urban Plaza and Civic square spaces are active and building facades provide an edge to and define the public realm and that public activity in the plaza and square does not negatively impact within the private development.

The amount of glazing proposed will be sufficient to provide vibrancy and an active space that allows pedestrians the see into the spaces within the building. This is consistent consistent with the Ford MP 5.2 Design Standard G16 that calls for windows to be designed with punched and recessed openings and also for glass on windows and doors to be clear or slightly tinted, and allow views into and out of the interior.

The height variance for three sections of the building (northeast, southeast, and southwest corners) conform to the Ford Site MP, as the variance is for the 10' setback along portions of the building that are interior property lines. The additional height is in keeping with the intent of the scale of the building in the Ford Site Master Plan.

The tower element is really intended as an architectural element that create landmark for the site. This building abuts a civic space across Cretin Ave, which is the "front door" of the development and one of the most visible sites in the neighborhood. The entrance and identity of the site hinges on the civic square and plaza, where new buildings must be oriented towards the corner of both streets, Cretin and Ford Parkway.

The intent of both height variance requests is to add character to the building to create a better aesthetic appearance and pedestrian experience for the surrounding area, and to really have the building holding the corner. As I stated again, the intent of Sec.60.903(d) was to exempt corner portions of the building facing the civic square identified in the Ford Site Zoning and Public Realm Master Plan, Chapter 8. Although the Ford Site Master Plan refers to the parcel on Outlot B as the Civic Plaza, the intent, as I described earlier, is to all (Civic Plaza and Civic Square) civic areas.

The building footprint, instead of covering 70% of the lot as permitted under the code, the applicant is proposing a 90%. This lot is located in the F5 Ford district. In this district, the building is expected to provide for a variety of retail stores, dining, office building and service establishments. That would be inconsistent with a smaller footprint building. So that's really the reason behind bumping the coverage to 90% to accommodate these different uses. And, again, a building complies with the current 25% open space requirement with ground level landscaping and a 22,000 square foot outdoor amenity deck and green roof. So the green space is not an issue here.

In terms of the vehicle shared space again, to reiterate what I said earlier, Ryan and the city are working on a provision for public car share hub to be provided at another location on the Ford site instead of this particular location. This will better support the Hour-Car business model and by extension Hour-Car client demand. The variance request to not include car-share parking spaces but provide shared scooter stalls exterior to the site and the required 240 bicycle parking spaces serve as an alternative that aligns with Sec. 1.1 of the Master Plan for accommodating transportation that will focus on all modes of travel.

The point here is the development is intended to balance movement with safety by encouraging trips in and around the site without a car. Vehicles will be accommodated with streets and parking, but not given priority over other forms of travel, safety and livability. All these elements together provide a site that is environmentally, socially and economically sustainable.

Practical difficulties here really stem from the topography of the site that I described earlier as creating a challenge to meet the glazing requirement for the bottom 12' of the building.

The variance for the height/setbacks for interior lot lines applies to three segments of the building - the northeast, southeast, and southwest portions pictured below. The rest of the building meets the Section 66.931 (d) which allows a height of 75' with a minimum of 10' setback from all minimum setback lines above 30'.

The east interior line which adjoins that private alley (Outlot A) described earlier, which is owned by the city, but would be developed and maintained by Ryan, is one element that makes it difficult to meet the needed setback for the 75' building height proposed. If this lot was owned by Ryan, then the additional 10' setback for height would be met, and a variance of the 75' height on this side of the building would not be necessary.

And again, according to the applicant, the height of the building and the tower element are intended to design a building that will "hold the corner," "create an architectural presence," and to be an "iconic gateway feature", which cannot be achieved with a 65' tall building that could be built by right.

The variance from the lot coverage requirement for the building will not take away from the pedestrian experience due to the openness of the adjacent civic area, landscaping, and wide boulevards. The proposed building size is necessary to meet the housing need while providing the required commercial and residential parking within the building footprint.

The proposed building is in compliance with the required Floor Area Ratio for building massing, minimum open space requirement, and the maximum impervious area for stormwater management. The building footprint is a reasonable request that cannot be accomplished without the requested variance.

Mr. Saylor-Thank you Mr. Diatta.

Mr. Diatta: One more point here, the plight of the landowner is due to the change in grade and the height and the additional setback are unique to the property. This is a type of development space that is really not going

to be found anywhere in the City of St. Paul, it is a unique opportunity the City has but it's also challenging because of the unique requirements that must be met. The design of the building is driven by the intent to hold the corner while providing a building that is aesthetically pleasing. It is a challenge that cannot be met without variances. The requested variances would not change the zoning classification of the property because it is still going to be zoned F5. The requested variances are not going to change the character of the area either. This is a unique height and buildings that are going to be constructed next to each other will maintain same heights, so to speak, and they're going to really sync together and not going to change the character of the area.

As I stated similar with the previous variance, we did have 7 letters in support at the time the staff the report was written, and some letters came in today. We also received letter 166 letters in opposition, But again, those letters include open space and open space requirement is not part of this variance. In short, letters lump these two sites (2170 Ford Pkwy and 830 Cretin) as one. For example, some of the letters include the building height, which is in this variance and open space, which is part of the variance requested at 830 Cretin. So, the 166 letters are not a true picture of the opposition to variances on this site, or variances specific to 830 Cretin. I just wanted to make that point clear. District 15 also the supports the five variances and that letter is included in your packet in the attachment labeled "support letters". I am ready for any questions you may have.

Mr. Saylor- First, Mr. Diatta I appreciate the detailed report. There's a lot of information to cover here and you did a nice job. So, let me ask the Commissioners what questions they have for. Mr. Diatta about the presentation he provided for us? Commissioner Clarksen, you have a question.

Mr. Clarksen: Yeah, it would have been really nice to see if this was mapped somehow to get a sense of how close some of these folks are. That also is a little unfair, but I still would like to ask if you know a percentage of these folks are within a certain distance to the site. I think the notice distance for seeing major variances in Paul is 350 feet. So I guess we'll go with that. And then secondly, I thought it'd be nice to put the letter from the district council up on the screen just for the sake of discussion because there was a lot of attachments.

Mr. Diatta: I can probably tell you what the page number is.

Mr. Clarksen: Alternatively, if you want, I could read it because I do have it up.

Mr. Saylor: Well, let's wait Commissioner Clarksen. Let's wait for that to appear on the screen. And while we're waiting, I'll ask Commissioner Rangel-Morales if he wants to ask his question.

Mr. Rangel-Morales: Yes, I've got my headphones briefly disconnected. Could you just state again how they're trying to replace the Car Share Space parking requirement?

Mr. Diatta: Mr. Chair, Commissioner Rangel-Morales. So my understanding is that the City and Ryan are working with a provider whose model is HUB based as opposed to just providing spaces on this site. I am not very knowledgeable about the specifics because I'm not too familiar with it. What I understand is that a ride share hub would be provided somewhere, not on this side, but somewhere on the Ford site development.

Mr. Rangel-Morales: So am I right to assume that it's like that Hour Car or the smart cars that were available, but would be subject to ongoing contractual obligations by the city?

Mr. Diatta: Mr. Chair, I believe so but I am not too familiar with it and I will let the applicant have the opportunity to respond to that.

Mr. Rangel-Morales: Okay, that looks like they're already trying to so I'll ask them the question.

Mr. Saylor: Thank you, Randy. Do you have the document ready the letter?

Randy: No, give me one second. Sorry about that problem.

Mr. Saylor: Commissioners, additional questions for the information provided by Mr. Diatta?

I'm going to turn to the applicant team and if and when that document shows up, put it in the screen and we'll address it later. Are the applicants here today, and can you individually provide your names for us if you're planning to speak and if you're not associated with Ryan Companies, give us your business address, please great.

Ms. Michalski-Thank you Chair Saylor and members of the board, Mr. Diatta. Maureen Michalski, Ryan Companies 533 South Third Street Suite 100, Minneapolis, MN, 55415. With me this afternoon are also Joseph Paris, Lindsay Kefober, Anthony Adams, Tony Bronco and Carl from our Ryan Companies Design and Development team. I will be leading the presentation and I believe Mr. Diatta has our power point that if you would be so kind as to pull up, I can walk through that. Perfect. That looks like the right document. So, as you all know, thank you we are excited to be here this afternoon. This building and site are a key location. It's one of the Gateway buildings to the site and it contains a grocery anchor in addition to the multifamily housing option. Looks like we lost the presentation here. Great, thank you. So when we were talking a little bit about the Master Plan, the blocks redevelopment is grounded in the Master Plan in terms of its massing scale, and use aligns with the spirit while the zoning and Master Plan for the site were set up to create an agreed-upon parameters for the development. It was also contemplated that the Master Plan not be so clearly defined, that it would be the final word and would encompass any permutations on the site. Those were thought that there'd be some additional Community engagement on more dense sites with specific uses such as a grocery anchor that represents the site here and we acknowledge that while we don't want to request variances. We also want to put forward the best possible projects at the site and we believe that's what we're doing here in the variances that we are requesting. So, with that I would like to just flip to the next slide, please, actually probably can go to the next one, please. There we go. So, we're in the F5 business mixed use District up in the northeast corner of the site here. You can see some of the parameters that Mr. Diatta discussed in terms of the height and that corner element specifically with related to height. The majority of the building is in compliance with the Master Plan and we're requesting consideration for some additional height at some key Design Elements. So here are some present images from the Master Plan directly as you can see, they show active street frontages along the public right-of-way to help draw pedestrians through the site and focus on the public spaces, they include embedded parking and materiality scale and design similar to what we're proposing at the site. So, this was the Ryan development plan that came after the Master Plan which we went through the variety of public processes with and I just wanted to show that as an overview you can see what was proposed on the left-hand side in that development plan for the block and then you can see our current plan and common bonds current plan on the right side of the screen basically wanted to show side-by-side that what we're proposing is in line with what the community has seen previously in terms of scale of development at this particular site. Some key takeaways here as I stated earlier. We align with the land use and density proposed in the Master Plan, we're not increasing overall units at the site, the material scale and design aligned with the Master Plan. We are not proposing any loss of park space civic space or any other public spaces on the site, 55 acres of public and open spaces still remain, and they are in the plan. The design elements are proposed for only this site. I related the height, we're in compliance and majority of the building. We're just requesting consideration at some additional key design element, and we've had support letters directly from the Highland District Council and the adjacent neighbors. I think this actually to be helpful in the discussion that was happening before the presentation. And so, I don't know if folks have questions

when I walk through this while we have it up now or if you'd like me to continue to move through the presentation.

Mr. Saylor: Please continue to move to the end of the presentation. It will pick up all the questions then.

Ms. Michalski: Okay, sounds great. So, and if you wouldn't mind, scroll to the next page just wanted to show the support letter here in the resolution. We did get a variety of stakeholder feedback throughout the public process and we did aggregate and read those comments to make sure we understood what the letters were saying. So, this is an aggregation of what that feedback was, and I'd like to just walk through that briefly with the board members. The top one of comments was open space and wanted to clarify that the project is not requesting an open space variance. Number two is height with the second most comments. Again, the height in building is in conformance with the Master Plan and it's for increased height of the corner element. We're requesting consideration along specific areas of the site. Density was the third most commented upon item. We're not requesting any density variances for this project. The building footprint received 44 comments again, as you saw in the previous slide the building aligns with that proposed mass and use in the original development plan and the building footprint furthermore is used to embed and hide that structured parking for the both residential and commercial uses. Traffic did receive the next number of comments, and we did do an AUAR and along with the Master Plan work. We're conforming with that and we will also need to complete a project level traffic demand management plan as part of the public and city process. Next item was parking and we are not requesting any variances for the parking maximums or minimums. And finally, with regards to pollution, we are complying with SP20/30 goals and will receive LEED silver for this building. Yep, so this is just not one of the five variances and we'll go through them one by one. So, this first one is related to the glazing and as was noted in the staff report and by Mr. Diatta. The site has unusual challenges in slope and grade. If we were to have a totally flat site, it would be at about a 60% transparency on the first floor. So, part of the big part of it is the grading at the site and the other part is we wanted to really have a design that matched a more historic neighborhood commercial use in St. Paul. And for that, we have brick and glass as opposed to a more modern storefront file. So, part of that is the site, the style of the building that we are trying to achieve here is a more classical traditional design. This one is a better image that shows just how much glazing there is relative to a pedestrian size and scale so you can see there's quite a bit of glazing all along the first floor. It's simply a matter of the grading at the site and our desire to have those punched openings as opposed to a complete storefront glass look. The next variances for Heights and setbacks. Mr. Diatta went through this rather detailed and so you can see the green areas highlighted. We're requesting exemptions for those interior lot lines. A couple of key things to note that may be relevant or important for the board to know; we have a 36-foot wide alley private way to the north and there's about 62 feet between this building face and the existing Highland Village Shopping Center. Additionally, those alleys separated by those two abutting alleys, are separated by a pretty big grade change and retaining wall on our side of the private alley that goes up to 10 feet and at the back of the site. The reason why I bring that up is because relative side by side to those big buildings as you look at the height, the Highland Village Shopping Center will appear to be higher because it is physically higher in grade by about 10 feet. And then also it is 62' away from the face of that building. Some of the key reasons we wanted to have the setbacks waived at these locations: they are in the private alleys and we wanted to hold the corners at the both Southwest lot line. Work at adjacent the CommonBonds building and the Northeast flatline on that corner since it's a nice prominent area. Additionally. We wanted to have that stair egress or fire Life Safety in the Southeast Corner one vertical as opposed to jogging. And so, here are some additional images that you can see how those areas match the right-of-way and we're having setbacks along the Cretin and Ford sides of the building. You can see those 10-foot setbacks there above the grocery store element. The corner element is the other additional height variance as Mr.

Diatta and the staff report noted. We're requesting a variance for this specific site feature, which is .03% of the site in terms of size. It's less than 350 square feet in area that we're talking about here and which is 20 feet in diameter and extends to about 90 feet. It is not occupiable above that 75 feet, it is strictly a design element and we believe that corner to be a nice way finder for the community and as an entrance into the site and again as Mr. Diatta explained it's across from the public gathering space here, which is the Urban Plaza. And here in relation, you could see that corner element as it's relative to the rest of the site and see that it is just a very small design feature relative to the rest of the site. But when we strongly believe in as a wayfinding element. As you can see, we are we're proposing a grocery store with a fair amount of parking to serve customers, which is one of the main reasons why we need a variance of the lot coverage. This grocery store program requires a certain level of parking and we want to make sure that parking is within the building so that it's not visible from the public right-of-way. The parking element requires a flatter larger foot into the building, but it's a significant amenity to the residents of the community. And one of the considerations that we took into account here, is that in community conversations, parking was a concern, having parking too much park in street overflow in the community. So, we really wanted to accommodate the parking for this strong commercial user in the building. This, you can see here the entrances to the parking. I just wanted to clarify that there is one level of underground parking that serves the residential uses. You can see that entrance to the upper right-hand corner of your screen there going down to the lower level from the private alley. We've got two exits to the building or skinny parking an entrance and exit and into the private alley from the commercial space we have the exit only and to the private alley. So, the residential parking is in the basement or a lower level underground of the building. The structured parking is on level grade or one as well as the second level. You can see that containing a grocery store within a multi-family building creates unique challenges for a site. This picture is the Vintage on Selby which contains the Whole Foods at Snelling and Selby and you can see here that that building lot coverage is 87%. This is a project we worked on not too long ago and it's very similar in scale in terms of that parking and grocery user. So, we are at 90%. This is an example again due to that grocery element. The final variance that we are requesting is for Car Share space variance. To be clear, we are not seeking a variance from the Electrical Vehicle (EV) stall requirements of the Master Plan, we meet that, we are seeking a variance for the car sharing. So, those are two different things. For the car sharing at the site, we would like to do a hub model which would be a more centrally located version as opposed to an in-building car sharing model. We are limited in terms of our local car-sharing providers in our options. And in this market Hour-Car is the only remaining company of scale presently not expanding their captive to a sharing vehicle programs which would use internal combustion engines and be in the building that was with the model that was used in the Master Plan. They are moving towards a point-to-point electric sleep with dedicated curbside Hub locations. And, so we would like to have one of those hubs in a public area on the site and we've discussed that idea with Hour Car. They are still in their funding rounds. And so, we will continue those conversations with Hour Car. Our intent is to not eliminate the car sharing requirement on the site, but rather to site it in utilizing in a different manner. For this specific element, we're also including some scooter sharing spaces as an optional shared transit for the building to serve a larger quantity people. So just key takeaways again; We're aligning with the land use and density in the Master Plan, we're not increasing the overall units of a site. No variance for density or open space requested here. We match the materiality scale and design with the Master Plan. We're not proposing variance of any open space, civic space or any other public spaces again, we're not requesting a Master Plan amendment, these design elements are the ones that we are proposing for this type specifically and we think we are providing the best plan possible for this particular site and related to height again, we're in compliance with the Master Plan for everything except for some additional some key design elements. I think that's it. So, thank you for your time. I really appreciate the opportunity to present and happy to answer any questions.

Mr. Saylor: Thank you for the very helpful visuals, which give the Commissioners a very good opportunity to see as opposed to just hear a description. So, I do want to ask the Commissioners if you have any questions for our presenters.

Ms. Trout-Oertel: Could you please tell me if you have a grocer in mind for this project?

Ms. Michalski: We do but we are not able to share that information at this time.

Ms. Trout-Oertel: Okay, I understand. I'm curious about the things that contribute to the need for a variance for the footprint. And, so I wondered what the parking requirements for the grocery was based on? The question is based on the fact that it just seems that there is usually parking that is not utilized at the Whole Foods site at Selby and Snelling.

Ms. Michalski: Sure, great question members of the board and Chair Saylor. So, we have 436 total parking spaces 210 of which are residential spaces 226 are commercial spaces. And again, remember that we have also a requirement within the Master Plan that we must have some portion of the commercial spaces required to be publicly available without a fee. We also have 10% of the commercial spaces that serve the Master Plan and a requirement for 22 spaces at this location. So, there's a variety of things happening. The residential cells are both fully below grade and separate from the commercial cells which are at grade.

Ms. Trout-Oertel: I did not realize that there was underground parking. I thought it was all on the first floor. How many are underground then on the site?

Ms. Michalski: 210 stalls are underground.

Ms. Trout-Oertel: Okay, so that's quite a bit and yet there's bedrock there you're blasting for them. Is that what you're saying?

Ms. Michalski: Members of the board. There is no bedrock under our particular site.

Ms. Trout-Oertel: Just the neighboring one at 830 Cretin Ave.?

Ms. Michalski: Members of the Board, correct there are variety of earth conditions underneath various parts of the site and they change rather quickly. So, it really is a site-by-site basis on the site.

Ms. Trout-Oertel: Thank you.

Mr. Saylor: Commissioners, any additional questions for our presenters?

Mr. Rangel-Morales: Yes, could you go to the last slide that you had up on the takeaways? So the fourth variance request is for the maximum building lot coverage, where 70% is allowed and 90% is proposed. So I'm reading the one where it says: the materiality scale and design align with the Master Plan as well as the alliance with land use and we're proposing not using any park space or civic space or other public spaces. I mean, I would argue that that building as big as you guys want to build there would be contrary to those things. So I'm just curious as to why Ryan Companies doesn't see it that way.

Ms. Michalski: Commissioner and Members of the Board. So the FAR (Floor Area Ratio) is 2.0 to 4.0 and despite, we're at 2.41. So we're within that range and far exceed that requirement. I would go back to one of the earlier slides in the presentation that showed the Ryan development plan proposal and the layout of the site. I believe that was slide 6 or item 6 and that shows that side by side in terms of what was proposed and communicated with the community in terms of site layout for this particular block. There you go that we are in alignment with that as well. You know, the Master Plan was never meant to, if it covered every possible

permutation at the site, then it would probably be a different plan in terms of the zoning. The zoning was meant to be flexible and guided by the Master Plan, but it was always the intention that not every development would want to be by right within the development because that would then make it so clearly defined as to be the final word without an additional engagement. So, while we don't want to request variances, we think that in terms of density and we're not asking for a variance on that and other things. We're definitely aligned with the intent of what was communicated to the community in terms of the site layout and that is what we're we are seeking. Very specifically for grocery user which we think is a great first commercial user at the site and benefit to the community in order to accommodate a grocery user which has a very flat footprint and needs to be on one level and can't be chopped up as well as the parking that's associated with it. It needs to be a building that has a bigger lot coverage.

Mr. Rangel-Morales: Just a follow-up question and more of a comment. So, I'm looking at the two pictures that you're showing there. I remember when these pictures were presented to us at the Planning Commission (PC) as something that we should take as illustrations of what it could look like, not what it would look like. So, I didn't anticipate that the pictures would look anywhere near or similar to what was drawn out as a proposal. But then to your point that it's closed, you know the picture on the left, and this goes to my question about size and density size of the building and footprint. The picture on the left appears to have a layout of green space in the middle of the picture which was in line to an amendment that was proposed by I think Mr. Bronco in ways of what would constitute Green Space in a building or open Green Space and whether it has to be visible to the public from a right of way, and then the building that you're proposing now that green space, don't correct me.

Ron that's a green roof, correct?

Ms. Michalski: There are a few different things happening on the roof and the image on the right does not show the fully landscaped version of the roof. So, there'll be a variety of things that meet the open space requirement which includes patio space trees, green roof area, plantings to a variety of different elements there that are both able to be used actively or are passive green roof areas. So, there's a few things going on with this plan; it doesn't show the detail on the right there.

Mr. Rangel-Morales: Correct me if I'm wrong, but in order for it to be considered a green space, it has to be visible by the public right of way and contribute to the actual green space, correct?

Ms. Michalski: Again, we are not asking for a variance for open space on site. We are asking for a lot coverage variance not an open space. I understand we meet that requirement.

Mr. Rangel-Morales: I know you're not asking it for it, but you're inherently asking for it because by taking up more space you're taking up green space that's going to be visible on the outside, not in other areas of the building.

Ms. Michalski: No, I disagree with that. Commissioner, Board Members we meet the open space requirement, which is meant for green space and various other open spaces. We meet that definition. This is for lot coverage which are two distinct items in the zoning code. I agree that it is confusing because those things can be seen as similar, but we are not taking away any open space and we're also not doing anything to any public open space or green space.

Mr. Rangel-Morales: This is the second time that that issue comes up. Do you guys have the capacity to take away public space that has already been designated as public space; like public civic areas or parks or anything like that.

Ms. Michalski: Members of the Board and Chair Saylor. We do not, and I'm making that clear because there seems to be some confusion in the letters and in the community, that we're taking away space that is green space and open space and we are not.

Mr. Rangel-Morales: I think in the end, so I understand that you're not and I also believe that you couldn't. I understand that balconies and then if it's a green roof that is visible from someone walking in the street all of that can account to open space for a building. I understand that by definition you're meeting that but also by asking to go bigger and cover up the majority of the lot, you are taking away space. I mean regardless of what the definitions are and practicality that's what is occurring, I'm not trying to argue with you about it. I'm just trying to say that in my opinion, that the way that it's appearing, the way that it's being presented, it is a little disingenuous to the final slide to say that you're not asking for any of those top three things when the third variance is doing exactly that to me and you don't have to convince me. I'm just saying that's the way I'm interpreting it based on the way that this has been presented today. That's all I'm saying.

Mr. Clarksen: I was wishing that Mr. Morales would have continued because I think he was going to a place where I had been thinking about this as we listen to the presentations. I guess the question I'm kind of asking is how much can we torture this notion of open space? Does a lot coverage variance mean that there is building where there may otherwise not be building? And those places in a site plan are typically the places where green space is left over and I think that's what Mr. Morales is getting. You know, so it's this idea that lot coverage is being exchanged for something else and I think the developer has a position on this and I think other people may see otherwise. I guess the approach that I had was, Maureen, in your testimony you made reference to the Vintage on Selby. I was thinking about the Rondo Library as an example of a building that takes up the majority of its site and has underground parking within the structure. The Vintage might be a better example, but I also was wondering and since Ryan did this perhaps you guys can help me out here because I don't remember numbers. But what was the percentage of lot coverage on the Vintage on Selby in regard to the size of that site? I have to believe that it's about half as big as this because it's the end of a short-sided block facing Selby where this is almost twice as wide. So, there must be quite a bit more space here and yet we still have a building that covers about the same amount. I guess that was the point you tried to make and I guess I'm hinting at that might be too much. You're comparing a constrained Urban site on Selby Avenue and Snelling to what is effectively a green field Redevelopment at the end of the day. We were dealing with a giant site. So, I'm a little I'm a little concerned about those things.

Mr. Saylor: Thank you commissioner Clarksen. Commissioners other questions for our applicants? Thank you, Ms. Michalski and others. I'm going to now turn to those who want to speak in support or in opposition and at the conclusion of that will call you back for final comments. This is the letter which was discussed some time ago. Mr. Diatta did you want to speak to this?

Mr. Diatta: Mr. Chair, Members of the Board, I believe Mr. Clarksen wanted the letter up so the board can read it. Do you want me to read?

Mr. Clarksen: I didn't want you to read it. I just wanted it to be shown on the screen for the people who might be in attendance. Because there were so many, I was actually struggling to find it myself and then I lost another document, so I thought it'd be helpful just to show. Thank you.

Mr. Diatta: Thank you. Thank you very much Randy.

Mr. Saylor: Okay at this point, I ask if anybody who's with us today online wishes to speak in support of this set of variances requests? And we have a number of people remaining I will just add this caveat reminder about speaker time. Individual speakers are limited to three minutes each. So please be mindful of this you

have submitted a letter or email a reminder that there is no need to read those documents as they are already part of the record. Please provide us your key points without repeating ideas presented by previous speakers. Thank you. So is anyone here to speak in opposition to this set of variance request? No, is anyone here to speak in support or in favor of or in opposition to this set of variances requests. Hearing and seeing no one here to speak in support or in opposition. I will not turn back to the applicants because no one has spoken in the meantime. And so, I'll close the public portion of the hearing and I will say we do have five variances as part of this package. I did check with Mr. Warner, the City Attorney and he informs me that it is within the Board's discretion how we might pursue, how you wish to proceed with voting you can act on all five areas at once. You can choose to vote on each variance individually. So, let me see if the board has a preference with how they would like to proceed on these variances, either as a package or individually.

Mr. Rangel-Morales: I think it would be easier to vote on one variance at a time. I have a question for staff, please? Could you put up the code on the height limits again?

Okay, so if I'm right there in the one on subdivision D so it says that the building height may exceed 65 feet to a maximum of 75 feet so long as they meet the setbacks lines, or they go back except for corner elements and portions of the building phase in the Civic Square.

Right. Does that preclude us from going bigger? In other words, is that even something that we can grant a variance for if it says that we can't even go to 75 feet. The way I read that it says that they can go up to 75 feet except for Corner elements and that's almost precisely what they're asking for.

Mr. Diatta-That's why they are asking for a variance.

Mr. Rangel-Morales: Okay, but I'm saying that doesn't okay. Never mind. Thank you.

Mr. Saylor: Okay, Commissioners, how do you wish to vote on the five areas that are part of this package? Please indicate your preference so we can come to conclusion here.

Mr. Rangel-Morales: I think it would be easier to do one at a time. But that's just my opinion here.

Mr. Saylor: We have one opinion for doing them individually. Who else has an opinion?

Ms. Trout-Oertel and Ms. Maddox agree with Mr. Rangel Morales.

Mr. Saylor: A majority of Commissioners, we have five of us remaining, Commissioner Miller did have to depart so a majority have voiced the opinion to look at these individually, so that's what we'll do. Variance 1). The first one is for the transparent glazing again.

Ms. Maddox made a motion to approve with Mr. Clarksen seconding the motion.

Mr. Saylor: Is there additional discussion on number one? Maxine can you give us a roll call vote for this variance only.

Ms. Maxine-Rangel Morales

Mr. Rangel-Morales-Yes

Ms. Maxine-Maddox

Ms. Maddox-Yes

Ms. Maxine-Clarksen

Mr. Clarksen-Yes

Ms. Maxine-Trout-Oertel

Trout-Oertel-Yes

Ms. Maxine-Saylor

Mr. Saylor-Yes.

Mr. Saylor- So the first of the five concerning the glazing requirement has been approved.

Mr. Saylor: Let's move to the second one for the 75' building height. Discussion or motion on this variance number two?

Mr. Rangel-Morales: So I'm not prepared to make motion, I just want to say this was by far the most contentious issue and drafting in my opinion and well outside of perhaps the single family homes on the river, but the height requirements were the most contentious issues expressed by community members and it was one of the places where compromise was reached between the City Council and the developer and to a better part of the larger Community whether if half of them still hated the project or not and all the other have loved it. So, it was a very divisive issue. But with that said the compromise was reached on the premise that the higher you go the more setback you provide, and it seems like in this particular case, it is just a couple feet but that's still I mean, it still goes against that compromise in my opinion. So, I think this project could be built, I'm not necessarily advocating for it to be smaller, but maybe differently so that it doesn't need the variance and certainly it just being the first project that's in front of us for it to require a variance, on like I said, the most contentious issue seems a little I wouldn't say alarming but I can certainly a hundred sixty six people took time to write a letter opposing it because of that. I mean it just seems like it's a direct attack on the compromise itself.

Mr. Saylor: Commissioner Rangel-Morales, would you like to make a motion based on your statement or was that just a comment?

Mr. Rangel-Morales: Well, I'll go ahead and make a motion. I'll move to deny the second variance based on finding 3, the Practical difficulties. I don't see why it's practically difficult to comply with the height requirement, considering that this is a design starting from the very beginning and a project that hasn't been built anywhere, why they couldn't design the building to meet those standard requirements.

Mr. Saylor: Commission Clarksen you wanted to make a comment?

Mr. Clarksen: It is a comment. I guess I have a slightly different opinion and I don't have all of the history. So, I'll say that full front but when the site plan was on the screen and the developer was showing the green lines where this issue is taking place, it didn't surround very much of the site. I noted in Maureen's testimony. She talked about how a good portion of that green area was up against an alley that's behind the Lunds & Byerlys right there. I think she said over 60 feet from I believe one building to another I didn't quite catch those details, but nevertheless it was quite distant. There's a big ally there. I think this, I would agree with what Luis is saying if we were talking about this on a more significant portion of the perimeter of the site as it pertains to the perimeter of the property and how that has impacts on neighboring, particularly residential properties, but I think I would venture to guess that the community was concerned with the impacts of a tall building up against other such structures and that's really not what's happening here. And I guess that's why I think that this is livable particularly on that site. I almost wish and perhaps I can ask if we could see that graphic again. To get a sense of what I'm saying as it pertains to there's one other side of the building and I forget now which

one it is where that green line was present and I can't remember what was up against that side, but I latched onto the fact that the alley was there and it was along the Lunds & Byerlys.

Mr. Saylor: So, okay, we do have a motion. Before we move to discussion on this motion, let's see if we can find if there's a second to it and then we can either debate then or let fail and then move on to the image you wish to look at. Is there a second?

Mr. Clarksen: I'll second it for the purposes of discussion then.

Mr. Saylor: So we have a motion and a second to deny the variance 2 on the building height based on Finding # 3 (practical difficulty). So now that's been moved and seconded, discussion can include the image you wish to look at.

Ms. Maddox: Would there be any kind of a compromise as far as not as high that might be acceptable?

Mr. Saylor: The Commissioners can decide that you can obviously mandate that or if you wish we can add that we have not closed the public portion of hearing. So, we're not going to go back to the this point in time to the applicant. Is that the image we wish to see?

Mr. Clarksen: There was one that showed some green space. Yeah, one more. That's this one right here. Yeah, I believe this is one that I was thinking of and so talks about a variance for a 10-foot setback. But only along the interior and private facing lines as noted in green and as I indicated the Northeast and Southeast are both along that private alley which I don't know if that serves anything other than this development, but it's butting up against the backside of the Lunds & Byerlys and then down on the lower right where the rest of it is butting up against the other project we were talking about earlier (830 Cretin Ave.) and there I may have some questions about it, but given that there's I think a five or six story building that I guess when you look at those two projects together assuming they both open and I mean not be as concerned about that. My biggest concern is that this thing is so long, but it's different. It's a different issue.

Mr. Saylor-Correct.

Mr. Rangel-Morales: Can we have the drawing of the East Elevation? There was one where the actual map or drawing like a 2nd drawing of what shows the portion that would be above 75', in the staff's presentation material. Yeah, what portion of the building would be the part that requires the variance based on this picture?

Mr. Clarksen: I think this is the image facing the private alley, facing the Lunds & Byerlys right, or if you're standing in the alley with the one behind you.

Mr. Diatta: This is what you would see, right and I just want to know this elevation will be facing Lunds & Byerlys, yes.

Mr. Rangel-Morales: So, I think commissioner Clarksen makes a great point, but it's the additional 10 feet. That's all the way across the entire lot. That is really what the variance request is doing? So, I'm wondering if it's almost the entire top floor that is essentially being requested by variance?

Mr. Saylor: Mr. Diatta, can you comment on that?

Mr. Diatta: Yes, so that would be correct. Again, the is the east elevation facing along the Lunds & Byerlys and again this private alley that creates a buffer between the building and the adjacent parcels.

Mr. Rangel-Morales: So I'm also understanding the way of you understood.

Throughout the whole time was that on the other corner where the tower would be and where the entrance to the parking would be that does have the 10-foot setback in addition to the six feet of that, correct?

Mr. Diatta- Are you talking about the corner of Ford Parkway and Cretin.

Mr. Rangel-Morales-Yep.

Mr. Diatta: So that is where the tower element is, and again the whole purpose of the Ford site is to create this pedestrian friendly environment with a building whole corner.

Mr. Rangel-Morales: No I am not talking about the corner yet. The way that it was presented by the person from Ryan, they said, as Commissioner Clarksen was saying they're really only requesting for the variance on the alley side of the property and then back facing the property that's going to presumably be an affordable housing unit. So that to me tells me that the other sides if they're as tall to meet the setback requirements in order to go up to 75 feet, or is it like a building like the one on Selby like the one that they highlighted on Selby and Snelling in which, you know, they have taller portions of the building in certain corners. But it doesn't look that way to me. This looks like it's five stories or four stories all the way through.

Mr. Diatta: We're going to have Tia jump in, is Tia available?

Ms. Anderson: Yes, board members. This is Tia Anderson again with the Department of Safety & Inspections. So yes, the other areas of the building that are not being requested for a height variance meet the height requirement with the additional setback above the 30 feet. And so, we have that. We have a sloped site really, the uniform building height for much of the building is that 75 feet you can see on this East Side elevation. So, this is the portion that faces that private alley and so in the center of this, we're seeing where those trees are indicated. That's the green roof and amenity deck space essentially. If you kind of toggle between this image and then the image that was in Maureen's presentation with the green segments that were aligned where the height variance is being requested. I mean, essentially, it's here. It's those dark gray areas. So, if you can see the dark gray area is there on either side of that amenity deck. Those are the portions that are being requested for a height variance without the additional set back on this east elevation and then as discussed there is also a portion on the south elevation that fronts the interior lot line next to the CommonBond proposed surface parking area that is also requesting that additional height up to 75 feet without the additional set back.

Does that answer your question?

Mr. Rangel-Morales: It does, I'm wondering if there is an aerial view of why it's only for those particular areas; it's hard to envision how they're meeting the requirement on all the other portions and to me the only way that it can make sense to me is either they're not going up as high or they're creating a building similar to the one on Snelling and Selby in which the higher they go up, the further the building is set back. It's like building is more recessed into the property but it's hard to tell based on this drawing if that's what's occurring.

Ms. Anderson: Right. Yes, Commissioner Rangel-Morales, Board members. So, you know the flat pictures probably don't do it justice as you can sort of tell from even from this view with the coloring and the shading you can somewhat see where they're trying to indicate this that there are setbacks. So, for example, on again looking at this east elevation where we see the lighter gray there on the left-hand side as well as in the center where there's the amenity deck space. You know that lighter gray gives the illusion or gives the indication of where the building is stepped back there and then achieving the greater height with the setbacks, same thing

on the right hand side of the screen where it's the tan color there; and that's the portion that would be fronting Ford Parkway. You can see there on the far-right hand side, there's a setback there as well, up above once you get up to the residential level, above that grocery store level. But I agree, certainly you know, the flat pictures don't kind of give us the full view. Unfortunately, of all those setback areas, and I don't think we have necessarily a better aerial view of the renderings, the site plan itself. You can kind of see it here too right where there's the dark gray on the south side it is showing us where there's a setback there as well as same thing on that east side up above the loading dock areas and above and where the amenity deck space is; you can see where those setbacks are and then we are meeting this setback requirement from that private alley. I think as data had indicated the private alley actually is being developed with this project, but it's not owned by this this parcel. So, it's not combined with a parcel. But if it were, then clearly it would be meeting that setback requirement to get the additional height, but in this case the alley is remaining city-owned land.

Mr. Saylor: Thank you. Commissioner Clarksen, you had a comment on this as well?

Mr. Clarksen:- Yeah, I think Tia kind of summarized it but in this image it's projecting towards you and I believe it's almost at the lot line and that's the problem because it's supposed to be setback 10 feet, but it's a six-story building at the lot line. So, there's I forget if there's no setback, or there's very little setback, but it's not meeting the requirement and then you go, you know, either to that interior. And now you have a six-story building that's the same height as the part to the left or right of it, but it's all it's now it's all setback quite ways from this elevation. And so, it's meeting that 10-foot requirement in that area.

Mr. Rangel-Morales: I'm just looking at the pictures on page 106 of our packet and I don't see any of the setbacks in the building. Like I don't know. It looks like the building is almost right up to the alley based on those renderings. I don't I don't see the courtyard. I don't see the inlay that I'm visualizing based on what I'm hearing. It looks like it comes through almost right up.

Mr. Saylor: Here's a comment here from Tia Anderson "the 6' setback at the interior property line is met."

Mr. Clarksen: So, Luis, this is the image you are referring to, right? I forgot what page you said? I accidentally deleted my staff report for this, so I've been relying on what's been on the screen. But when you write under the words "Outlot A" at the top there where the alley is, there's that line, that's the property line. So, when Tia says that it's meeting that 6' setback, I think that's the 6' setback she's referring to.

Mr. Rangel-Morales: And where is this, where all the trees are?

Mr. Clarksen: It would be above the words "proposed building" in that picture. Because that courtyard is raised up above.

Mr. Rangel-Morales: Okay.

Mr. Saylor: Okay Commissioners, please. Keep in mind have a motion and a second to deny variance number 2 about the 75' tall building. That's what we're talking about. So again, let's not get too lost in the weeds here, but make sure we make our points and then move this discussion forward. Do we have additional original comments or questions to make before we move to a vote on this second variance request?

Mr. Clarksen:I have nothing further. I'll just leave it at that.

Mr. Saylor- The motion is to deny on the building height. Maxine, roll call please.

Mr. Warner: Staff's recommendation was to approve so you're going to have to state your reasons on the record or join with the maker of the motion.

Ms. Maxine- Trout-Oertel

Ms. Trout-Oertel-No

Ms. Maxine-Morales

Mr. Rangel-Morales-Yes, because well, I made the motion. So, for the reasons I articulated that I don't see a practical difficulty.

Ms. Maxine-Maddox

Ms. Maddox-Yes, I'll refer to the reasons for the motion made and number three.

Ms. Maxine-Clarksen

Mr. Clarksen-No

Ms. Maxine-Saylor

Mr. Saylor-No

Mr. Saylor- That motion did not receive a majority of 4 votes. So, it did not pass.

Mr. Clarksen: I make a motion to approve based on the staff report. I think this one is not as controversial as it may have been portrayed because of the fact that there are limited amount of this building that exceeds this requirement the majority of the structure meets it.

Mr. Rangel-Morales: I would second that if I could add a friendly amendment.

Mr. Clarksen-Please.

Mr. Saylor-What's that amendment?

Mr. Rangel-Morales: The variance is only for the portions indicated today during the presentation and to which Commissioner Clarksen is basing his motion on so the areas in the green lines.

Mr. Warner: I would completely accept that, thank you.

Mr. Saylor: Mr. Warner, is that legally crossing the t's and dotting the i's here? Is that appropriate and correct?

Mr. Warner: That is a reasonable condition, yes.

Mr. Saylor: Thank you. So, the motion is to approve and again Commissioner Rangel-Morales can you please just restate what you just said there?

Mr. Rangel-Morales: That the 10-foot setback request variance only applies to the frontage that has been articulated by the presenter on the eastern portion facing the alley; on the two portions of the eastern part of the lot facing the alley and, on the rear, which would be the southwest corner.

Mr. Saylor-Thank you. The discussion on this motion in this is has been moved and seconded with that amendment, so discussion on this motion to approve with that condition. Okay, Maxine, let's try this one roll call please.

Ms. Maxine- Trout-Oertel

Ms. Trout-Oertel- Yes

Ms. Maxine-Rangel-Morales

Mr. Rangel-Morales-Yes

Ms. Maxine-Maddox

Ms. Maddox- Yes

Ms. Maxine-Clarksen

Mr. Clarksen-Yes

Ms. Maxine-Saylor

Mr. Saylor-Yes.

Mr. Saylor: Variance number two has been approved with the caveat or with the condition that Commissioner Rangel-Morales has added there about these specific locations. Mr. Warner, is that enough language for us to move ahead?

Mr. Warner: Chair, yes, it is.

Mr. Saylor-Commissioners let's move to variance # 3 for the 90' tower element. So, discussion or motion pertained just to that.

Mr. Clarksen- Quick question, just a reminder to myself since I don't have the report in front of me anymore. The recommendation by staff was to approve this element.

Mr. Saylor: That's correct.

Mr. Clarksen: Then I would move it for approval with the staff report.

Mr. Saylor: We have a motion to approve variance # 3, is there a second on the motion?

Ms. Trout-Oertel: I will second it.

Mr. Saylor: We have a motion and a second to approve variance # 3. Is there discussion on this one? Maxine roll call in this one, please.

Ms. Maxine- Rangel-Morales

Mr. Rangel-Morales- Yes

Ms. Maxine-Maddox

Ms. Maddox-Yes

Ms. Maxine-Trout-Oertel

Ms. Trout-Oertel-Yes

Ms. Maxine-Clarksen

Mr. Clarksen-Yes

Ms. Maxine-Saylor

Mr. Saylor-Yes

Mr. Saylor- So variance # 3 about the 90' high tower has been approved.

Mr. Saylor: Now moving on to variance # 4, this is about the lot coverage (building footprint). The maximum permitted is 70%, 98.3% proposed variance of 20.3%. Discussion or motion here.

Ms. Trout-Oertel: I'll move denial of the variance, based on finding # 4; there's a statement in the staff report that I would like to delete it's the second sentence in paragraph four for finding three on page 102. Basically, I don't think that the applicant proved that the footprint needed to be that large. The applicant based it on the need to meet the housing need and provide the associated parking with that particular need for not only the housing but also the grocery store parking. I asked the question, but I really didn't get any answer to it.

Mr. Saylor: For the record it says the proposed building size is necessary to meet the housing need while providing the required commercial and residential parking within the building footprint. So, Commissioner Trout-Oertel that's the sentence you're objecting to.

Ms. Trout-Oertel: Yes. I don't think we have proof that it's the housing need and parking that are driving the variance. The footprint doesn't have to be this large and I think that's a matter of design. Also, they did not prove, not give us any data that would support the parking requirements.

Mr. Saylor: Just to clarify, your motion is to deny for number four based on that argument.

Ms. Trout-oertel-Yes.

Mr. Saylor- So Commissioners were looking for a second for that motion, the motion to deny based on that argument. Someone was to second that?

Mr. Clarksen: I will second it.

Mr. Saylor- So we have a motion to deny variance # 4 based on that language and it has been seconded. Any more discussion on that before we go to a roll call vote?

Mr. Clarksen: I would also like to point out that the applicant indicated during their testimony; there was no bedrock issues beneath the site which is the opposite of what happened with the site immediately to the south that we heard earlier tonight. So, there's at least the potential of an opportunity to investigate going down another level if parking is needed and you can't find it otherwise.

Mr. Saylor: Thank you. There's some discussion here. Randy did you want to add something here.

Mr. Diatta: No.

Mr. Saylor: Maxine let's have a roll call for number four. This is a motion to deny. So, remember Commissioners as Mr. Warner has reminded us earlier if you wish to agree and to vote to deny you'll need to give your reasons for those that were elaborated by the maker of the motion. Maxine.

Ms. Maxine- Maddox

Ms. Maddox-Yes, finding number four.

Ms. Maxie-Rangel-Morales

Mr. Rangel-Morales-Yes, Finding # 4 as well as Finding # 3, I would for the same reason from the last motion. This appears to be a practical difficulty created by the owner as they're just starting this development and they have probably a lot of leeway on how they can move forward.

Ms. Maxine-Trout-Oertel

Ms. Trout-Oertel-Yes based on findings four and I would add 3 because I agree with Commissioner Morales, that it's tied to three and four, same reason.

Ms. Maxine-Clarksen

Mr. Clarksen-Yes, I agree with that.

Ms. Maxine-Saylor

Mr. Saylor-No.

Mr. Saylor: That motion has received four votes, which is enough to pass. So therefore number 4, the maximum lot coverage variance of 20.3% has been denied. Mr. Warner, do we have sufficient argument language there for the report?

Mr. Warner: Chair, yes you do.

Mr. Saylor: Moving to variance # 5, and this is about the designated spaces for Car Share Vehicles. Discussion on the motion for the 8 Car Share Spaces variance. Someone needs to make a motion so we can move this.

Mr. Clarksen: I will move this for approval.

Mr. Saylor: Okay, so we have a motion to approve this variance request for proposal of 0 spaces in a variance of 8 Car Share Spaces. Do we have a second on that?

Ms. Maddox: I would second and though, maybe we need something saying that

what the District Council said that Ryan makes it a priority to develop a strategy for car share hubs.

Mr. Saylor: Let me turn to Mr. Warner here and see how we could add that language appropriately and legally.

Mr. Warner: Chair and Commissioners, what I would do is to take a vote on the motion made by Commissioner Clarksen and then a follow-up with staff to draft a letter to the applicant perhaps for the signature of the Board. Just reminding them to keep in mind what the District Council has requested them to do.

Mr. Saylor: Okay, so it needn't be part of the language that the board is voting on.

Mr. Warner: I suppose you could add some condition that strongly encourages them to, as a condition of approving the variance, they are encouraged to work towards resolving the issue that the District Council has identified.

Mr. Clarksen: As the maker of the motion, I would prefer to do it as a condition of approval.

Mr. Saylor-Okay, but the encouragement as a condition of approval.

Mr. Warner: However you want to say it; I think Mr. Clarksen wants it as condition and so as staff we can draft up language for you to consider in two-week's time when you vote on the memorialization of the resolution.

Mr. Clarksen: Yeah, that'll work.

Mr. Saylor: Very good. Commissioner Maddox?

Ms. Maddox: Yes.

Mr. Saylor: Okay, very good, we have a motion to approve this variance request, # 5 for the proposed 0 spaces and a variance of 8 car share spaces with that language as condition.

Mr. Rangel-Morales: What language as condition?

Mr. Saylor: Mr. Warner, can you give us the language the commissioners have on this before they vote.

Mr. Rangel-Morales: Or just a general outline of what the condition is?

Mr. Warner: Yes, I missed the last part.

Mr. Saylor: Because we've gone from the language for encouragement but also requirement and also condition and those; let's be sure, we know exactly what we're voting on.

Mr. Rangel-Morales: So perhaps Mr. Clarksen can articulate what his condition is.

Mr. Clarksen: I'll try my best. I don't have it in front of me, so I'm kind of going off of memory. It would be a condition of approval that the applicant work with staff to identify mitigating measures in regard to the variance that was requested related to the car share. I don't have the letter in front of me.

Mr. Saylor: Commissioner Rangel-Morales is that sufficient?

Mr. Rangel-Morales: Yes, so I think it's been seconded. Can we have discussion on it?

Mr. Saylor- Yes.

Mr. Rangel-Morales: So my concern with this is we're acting preemptively thinking of believing that this is going to be something that's going to occur "a car-sharing". I'm concerned that we're going to give up the parking spots and that nothing's going to happen so diligently and in good faith working towards implementing a strategy doesn't necessarily arrive us at a goal of having shared cars in the City. My vote would be no, but only because I believe that if in the future it's determined that these eight parking spots are kind of not working. I believe Ryan or whoever owns it can request to remove them when an agreement has actually been reached.

Mr. Saylor: As we are in a discussion phase, I'm going to turn to Tia Anderson. You're still there at you put a good comment in the chat. So, if you want to like just say that, and then elaborate that would be helpful.

Ms. Anderson: Thank you Board members. Yeah, I did want to just highlight that City staff, folks within the Planning and Economic Department (PED) as well as within the Mayor's office, Russ Stark, our Sustainability Coordinator for the City and Samantha Henningson who is working with the City specifically on development of Mobility hubs, are working with Hour Car and with Ryan Companies to explore opportunities for locating some more centralized Mobility Hub Car Share Hubs elsewhere on the site. This would likely be on public property, which is more of the model that Hour Car is moving towards. We don't have an answer for that yet. But as but that is the direction that staff are moving towards, we may also see that staff within PED recommend a minor text amendment to the Master Plan which better aligns with Hour Car's business model.

Mr. Rangel-Morales: So with that said, I think that if that all occurs then this requirement wouldn't even be needed. So, I think we are acting preemptively on this.

Mr. Saylor: Tia sounds like this is a fluid situation and we can't really know in a couple of years, three years four years, what's actually going to be still part of the landscape? Is that correct?

Ms. Anderson: Board members. I think that that is a fair statement, we've all seen the fluidity of this space over the last number of years with other entities who have maybe tried to enter into it in a different business model and have maybe not sustained themselves. And so, you know, I think overall certainly providing various Transportation options and shared Transportation options is certainly a goal of the Ford site. The Public Realm Master Plan as well as the City at large and city staff are exploring ways that we can still achieve those goals, but maybe in a different way than what the Master Plan calls for.

Mr. Saylor: Thank you and commissioner Clarksen. You also had a question with this one.

Mr. Clarksen: I was just wondering if the parking calculation for this car shares are typically a strategy to reduce the required amount of parking in a site. Was there any Transit opportunity or Transit incentive implementation related to this because a lot of times that can be kind of a handy deal. That's a question for staff. Probably if there were if the Car Share was meeting a requirement in the Ford project development is what I'm realizing. I think I answered my own question.

Ms. Anderson: Yes Board Members. Going toward parking requirements are a little bit different than the broader City chapter 63 parking requirements where you do get parking discounts for providing different elements, like car share and bike parking and other things like that. Instead with the Ford site of the F Districts parking requirements they're not discounts. So, there is a minimum and a maximum parking requirement. Currently there is a minimum Car Share and bicycle parking requirement. Those things aren't substituted for one another if that answers your question.

Mr. Clarksen: Thank you, it does.

Mr. Saylor: Additional discussion commissioners before we vote on the motion we have on the floor which is to approve.

Mr. Clarksen: I am actually at the point now where I'm considering withdrawing the motion based on. Mr. Rangel-Morales' comments or we could proceed with it and maybe see it fail. I don't know but I'm moved by the notion that this is preemptive and maybe it doesn't need to happen.

Mr. Saylor: Okay.

Mr. Clarksen: Well nobody was talking so I wanted to make a motion for...

Mr. Saylor: I appreciate that. So, again the point now is you can either leave the motion out there to be voted on because it has been moved and seconded or you can withdraw it.

Mr. Clarksen: I am going to let it go I guess but I'm probably no longer going to vote in favor of my own motion. I don't know if that makes any sense. Maybe I should withdraw it.

Mr. Saylor: It's on the table. So, but you have a choice to make; withdrawn or let it go.

Mr. Clarksen: With respect to the person who seconded I withdraw it.

Mr. Saylor: Okay, now Commissioner Maddox, you if you are perfectly willing to or able to make a motion yourself.

Ms. Maddox: I'll withdraw.

Mr. Saylor: Okay Commissioners, we need a motion on number five, which is about the variance of eight Car Share spaces. A recommendation from staff, Mr. Diatta do you want to give board members a chance of again in your recommendation for number five?

Mr. Diatta: Commissioners, Board members, it is recommendation for approval. The City and Ryan Companies are working on a model that would provide an alternative to Car Share spaces.

Mr. Rangel-Morales: So I'll make a motion to deny the parking Car Share requirement.

Based on finding three that there is no practical difficulty at this time. It's possible that if the City comes with a plan to do a hub for car sharing that they believed would be better for the City or for this site in general that this particular variance can be brought up at that time. But right now, it is still a really fluid situation. And nothing is concrete and so we would possibly be losing the 8 spots for Rideshare or car-sharing without really having a plan in place.

Mr. Clarksen: I'll second that motion.

Mr. Saylor: Okay. So, it's been moved by Commissioner Rangel-Morales and seconded by Clarksen to deny based on Finding 3, which is there is no practical difficulty. Is that correct. Okay, so we do have a motion to deny and has been moved and seconded. Is there additional discussion Commissioners on that motion? Okay, I'm going to call for a roll call vote here. And again, this as a reminder to commissioners that if you vote "Yes", you're voting to deny and you'll have to give your reasons why and if you vote "No", you are not voting to deny. Therefore. You are not going to deny, so Maxine welcome, please.

Ms. Maxine-Trout-Oertel

Ms. Trout-Oertel-Yes, based on there is no practical difficulty as stated.

Ms. Maxine-Maddox

Maddox-Yes based on finding three.

Ms. Maxine-Rangel-Morales

Mr. Rangel-Morales-Yes

Ms. Maxine-Clarksen

Mr. Clarksen-Yes, based on Finding 3 as articulated by Commissioner Rangel-Morales regarding the fact there isn't much of a practical difficulty here and that it might be pre-emptive.

Ms. Maxine-Saylor

Mr. Saylor- Yes, and it's for the reasons as elaborated by the maker of the motion.

Mr. Saylor: So, variance # 5 for the 8 car share spaces has been denied. This one has been denied and can be appealed to the City Council in ten days. I believe, Mr. Warner, even though it's one of a larger package, is that correct?

Mr. Warner: Yes, 10 days from today's date.

Mr. Saylor: Okay. So again, that is the last of the five variances in the package for 2170 Ford Parkway. That is the last case on our agenda today. And if there are final words from Commissioners or staff, I will have those now.

Commissioner Trout-Oertel- I would just like to compliment Chairman Saylor and Mr. Diatta, this was a very difficult meeting to lead and you did a good job.

Mr. Saylor: Thank you very much, it's just thankfully we have good people like all of you commissioners. So, I have very little to say in the interim there. Thanks everyone for hanging in there with us. I want to call out the staff Maxine and Randy and who else is at today? Farhan? Thanks for all the hard work you all do behind it there.

Mr. Diatta: Yeah. Don't forget Tia Anderson.

Mr. Saylor-I'm not going to forget Tia because she made very helpful comments on a number of things. So, thanks to all of you. Thank you and Mr. Warner. Thank you, too.