

March 16th, 2021

Dear Council Members,

As you consider the appeal of the Planning Commission's decision to deny the site plan application for 411-417 Lexington Parkway North, I would like to highlight a finding that was cited as a reason for denial that has not received enough attention in the public discourse. **Specifically, I would like to uplift what is cited in Planning Commission meeting minutes as "Finding #2", or noncompliance with the T district design standards in the Saint Paul Legislative Code, as a key reason why the appeal should be denied.**

In order to approve a site plan, the Planning Commission must find that the site plan is consistent with all 11 findings. As cited in the Planning Commission's vote, the site plan failed to comply with **two findings**. Finding #1, inconsistency with the Comprehensive Plan, has been discussed thoroughly. Finding #2, however, should be more closely examined because it is another legal basis for denial of the site plan.

The site plan does not comply with two of the applicable design standards required of all T4 developments in the city, as required by s.66.343(b) of the Zoning Code. The two standards are:

- §66.343(b)(2) - Transitions to lower density neighborhoods. Transitions in density or intensity shall be managed through careful attention to building height, scale, massing and solar exposure.
- §66.343(b)(16)-Interconnected street and alley network. The existing street and alley network shall be preserved and extended as part of any new development. If the street network has been interrupted, it shall be restored whenever possible.

The developer does not dispute their failure to comply with these design standards, and there aren't any circumstances unique to the property that make compliance unreasonable. Saint Paul Legislative Code allows a developer to be exempted from these standards only if they are able to demonstrate either that (1) there are circumstances unique to the property that make it impractical or unreasonable for them to comply with these standards, or (2) that alternative design standards exist that supersede the applicable T district standards. **Neither of these conditions are met – therefore, the Planning Commission's decision to deny based on Finding #2 is correct and lawful, and should be upheld.**

I hope that you honor the analysis, intelligence and care of the volunteer commissioners who made this decision and vote to deny the appeal. There were hours of meetings and discussions during which commissioners deliberated and studied the site plan in relation to the city code, and we did not make this decision lightly. We were appointed to these roles to serve our communities and we take the responsibility of this role very seriously – now, please trust us in our decision-making process.

Best,

Tram Hoang
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