

Jake Reilly
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I'd like to share my reasons for voting "no" to the rezoning application for 695 Grand Avenue Thursday.

I didn't do a good job expressing my concerns at the meeting so I have taken time to collect my thoughts and write them down to share with you. I also shared this with City Attorney Peter Warner, Chair Rangel-Morales, and Commissioner Taghioff who sits on the Summit Hill Association Board.

First, I want to clearly express what I understand to be our role as zoning committee members and planning commissioners. In this case we are charged with making a rational zoning decision that – for a rezoning and a rezoning only – is a legislative decision. And, in any rezoning, the law presumes an existing zoning ordinance constitutional, and an applicant only is entitled to a change if they can demonstrate that the existing zoning is unsupported by any rational basis related to the public health, safety and welfare.

In fact, that is the principal reason for a zoning code of ordinances. Cities use zoning to guide private development and to ensure land gets used in a way that promotes both the best use of the land and the prosperity, health, and welfare of residents. Central to that are zoning regulations that limit the types and location of structures and often control:

- building location, height, width, bulk.
- Number of stories, size of buildings and other structures.
- The percentage of lot space occupied.
- The size of yards and other open spaces.
- The density and distribution of population.
- Access to direct sunlight for solar energy systems.

When we are approached with a rezoning application, we can look at how each of the disparate zoning districts not only identify permitted – conditional or otherwise – uses and prohibited uses as well as setbacks, height, and density requirements. Thus, when a colleague noted most of the complaints about the structure have to do with scale, density and massing issues, which are **not** related to rezoning, I knew I had to develop a clear argument, because they are, indeed, CENTRAL to it. I also tried for concise, but that's hard when the law is involved.

However, it is precisely why I voted to deny the rezoning request. Zoning districts define a building's scale, density, and massing. In this scenario the Commission is being asked to rezone a single parcel to the T3 zoning district. T districts are Saint Paul's mixed-use districts. And, in fact, they echo – and expand upon when appropriate such as on fixed-route transit lines like the Green Line - the historic built environment of the City dating from when there were multiple streetcar lines in the city and region. This is an important framework for this specific parcel and any potential rezoning in its future.

695 Grand Avenue is located in the State Designated Historic Hill District. The block is also surrounded by the LOCAL Heritage Preservation District of the same name. This was not stated in the staff report but I believe it is important context.

The proposed zoning classification is not reflective of the historic nature of the built environment in Saint Paul. The intent of the T3 district, and I quote,

...provides for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

(a) A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;

(b) A mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes;

(c) A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets;

(d) A system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood.

The T3 district is also intended for smaller sites in an existing mixed-use neighborhood center where some of the above elements already exist, or in an area identified in the comprehensive plan as a potential "urban village" site. The above elements may be found within the T3 district or adjacent to it; the intent is that all would be present within a reasonable walking distance.

However, this portion of Grand Avenue is not identified as a potential "urban village" site in the 2040 Comp Plan. And, while the Metropolitan Council offers Route 63 with 15-minute headways (a bus every 15 minutes) during rush hour on weekdays, Route 63 is not part of the transit authority's "high frequency" network. Therefore, this type of zoning in this part of the city is not in keeping with Land Use Policy LU-1. Encourage transit-supportive density and direct most of the growth to areas with the highest existing or planned transit capacity. It is easy to say, "if you create enough density Metro Transit will have to respond," however, that's not how justifying increased or changes in transit levels of service work. Many other factors such as roadway width, potential turning radii, ridership by stop, and proximity to major job and/or housing centers all play into that decision, and it is one that Metro Transit does not take or make lightly. Further, this proposal calls for 99 structured parking spaces dedicated to the 80 rental units, which belies the theory that these residents OR diners will be transit users.

In cities subject to the Metropolitan Planning Act, zoning directives must harmonize with and not contradict a city's comprehensive plan. The comprehensive plan is the document from which all other official controls of the city MUST, according to the Metropolitan Land Use Planning Act, flow. However, this zoning directive is in direct conflict with the City's 2040 Comprehensive Plan.

Policy LU-29. States, "Ensure that building massing, height, scale and design transition to those permitted in adjoining districts." This can not be true for this site if it is rezoned to T3. The site will continue to be surrounded – even if temporarily - by an overlay district that restricts heights to 36 feet, and two zoning districts B2 Community Business which without the overlay restricts heights to 30 feet, with additional height permitted if it is set back farther than the first 30 feet on the lot, and, RM2 medium density multiple family on three of the four sides which permits 50 feet plus a Conditional Use Permit to go higher – were it not for the overlay. In fact, the overlay was partially established to ensure context-sensitive design in and around an historic district, based on design guidelines established by the creation of T districts in Saint Paul. And, in fact, those who worked on the now woefully out-of-date 2006 Summit Hill/District 16 Neighborhood Plan established design standards at that time to meet those of the T2 district, a district whose intent is, "... designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does

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not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.” IF we are using a 2006 plan as our guidepost – again the 2006 Summit Hill Plan is only one of two official documents of record for land use planning in that Planning District and therefore all zoning must respond to it. In that plan, as stated in the staff report, “These design standards reinforce human-scale building characteristics, promote quality in architectural materials, reinforce a pedestrian-focused streetscape, promote underground parking for mixed use developments, and visually-screened surface parking for smaller, single-use developments, and promote signage that is consistent with building architecture and business function, and complements the eclectic nature of the avenue.” The folks who created that comprehensive planning guidance at the time COULD have used the T3 zoning language but chose not to, and I would argue that is because the POTENTIAL scale of redevelopment in a T3 district is out of scale with the way the area has developed, out of scale with and not reflective of the historic districts that surround it – and that it is in – and, is out of scale with the root concept for zoning – promoting the public welfare. I believe that if this rezoning were granted, there would be a substantial increase in traffic in/out of the site in an already congested set of public streets – congested because the widths are such to meet the needs of a pre-automobile society; increased safety hazards, particularly for children, people with disabilities and the elderly; and, perhaps most importantly, an adverse effect on consistent land use policies and practices.

This proposal is inconsistent with the City’s Comprehensive Plan, including policies in the Land Use Chapter, the Transportation Chapter, the Housing Chapter, and the Heritage Preservation Chapter and is not in line with the stated goals of each chapter nor the core values, community priorities, or focus areas identified during that planning processes’ robust and equitable community engagement effort.

If we were to look at other concepts we consider when making zoning decisions, such as practical difficulties or an unnecessary/undue hardship under the existing zoning, I would not feel comfortable approving it because hardship/practical difficulty situations can not be financial in nature and that is the only concern I have been made aware of through the developer and landowner’s testimony.

I fully believe that a reasonable solution may be had in rezoning this property to the T2 district, with its identical design guidelines and more context-sensitive intent, density, and dimensional standards. In fact, the T2 district could allow for the desired 3.0 FAR with the already proposed structured parking.

In fact, given that the Summit Hill Association is rewriting its plan, perhaps a goal to rezone much of the Grand Avenue corridor to T2 would be of great benefit to all of us in Saint Paul. I agree with those in support of the project who spoke about needing more housing units, wanting to keep a long-standing small business owner and successful restaurant concepts in business, and therefore increasing the tax capacity of the City.

However, based on the comments received by the Commission, residents in the neighborhood are 4:1 against the proposed rezoning. And while I certainly cannot argue that the District Council didn’t do their due diligence in working with the developer and neighbors to make sure as many neighborhood residents got to have their say, I must say I am a little baffled by the resulting decision. As a member of this decision-making body, I heard loud and clear the specific, fact-based effects of the proposal on the neighborhood. Public hearings are held because the Municipal Planning Act requires that all parties interested in an application, including the applicant and neighbors, have the opportunity to speak and

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present their views on the application. While broad, general statements of opposition may not qualify as a reasonable finding of fact, specific statements made by the public that are concrete and factual in nature and relate to the public welfare do rise to the level of acceptable finding. Some of those concerns cited include: concerns that the design isn't human centered; concerns that sight lines in/out of the structure are a potential danger to pedestrians; ice as a safety issue in the alley; the shadow effect on structures to the north; increased congestion on the public streets; increased impervious surfaces, etc.

And, all of those concerns can be tied directly back to the density and dimensional standards for the T3 district, much of which can be mitigated by a rezoning to T2.

Gratitude to the League of Minnesota Cities "[Zoning Guide for Cities](#)" which is a must-read for citizen planners, and from which I borrowed heavily because why reword something that is well stated?

Thank you.