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**Cc:** [Butler, Sonja \(CI-StPaul\)](#); [#CI-StPaul\\_Ward2](#)  
**Subject:** Proposed Development at 695 Grand Avenue  
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**Think Before You Click:** This email originated **outside** our organization.

The development as proposed for 695 Grand Avenue, with its requested variances and CUP, violates multiple sections of the St. Paul zoning code, does not meet most of the criteria for variances as set forth in same, violates established MN zoning law, and in general is grossly out of character in a neighborhood which is renowned for its historic character and charm, and a location which is literally surrounded by national- and state-designated historic districts. Per Visit St. Paul, Summit Hill is a central attraction to visitors ranging from large conventions to individuals for that reason, and thus, anything that detracts from that character—which this development and those that would surely follow if allowed to happen—would be harmful on multiple levels.

Please consider the following:

**In 2006 the St. Paul City Council voted the East Grand Avenue Overlay District into the zoning code with overwhelming support from Summit Hill neighbors, who wanted to avoid additional high-density, out of scale development and prevent future developments such as the massive Oxford Hill building and the 6-story condo building erected on the corner of Grand and Grotto avenues. Summit Hill neighbors still support the overlay district—the recent survey that the Summit Hill Association completed showed:**

- 89% strongly agree/agree that “The historical buildings and features of the neighborhood attract new residents, visitors, and business to the neighborhood.”
- 63% strongly agree/agree that “property owners and developers are able to make improvements, re-purpose, and build new properties in the neighborhood while staying within current historical preservation guidelines.”
- 49% of respondents feel that the overlay district is “a valuable way to maintain the character of our neighborhood” and another 28% generally believe its valuable with minor changes (unclear whether they want the district to be more vs. less restrictive) vs. just 14% who feel it won’t meet our needs in the future. This overwhelming support comes despite a correction that was made to the wording of the question for the first 21 days of the 34 total days that the survey was available from an initial version that was incorrect, misleading—and clearly biased against the overlay district, including in the unorthodox ordering of the potential responses which was unlike that of any of the other questions. With accurate and unbiased phrasing for this question throughout the survey’s open period, support would likely have been even greater.

**Despite this, Kenefick et al have proposed a development which:**

- Violates the overlay district—which mandates a maximum 3 stories/36’ height for mixed commercial and residential use and 25,000 sf footprint—with a 5-story/60’ tall building and 30,200 sf footprint.
- Would require T3 zoning, intended for “higher-density pedestrian- and transit-oriented mixed-use development” per the St. Paul zoning code and is grossly out context in a primarily residential historic neighborhood, and the site on which it would sit, which is at the corner of a 1-way/1-traffic lane street (St. Albans) which is barely passable in the winter and 2-lane Grand Avenue.
  - Furthermore, even before Covid, ridership on the bus route servicing Grand was poor at best on an absolute basis and with net declines in onboardings and deboardings between 2017 and 2019 on the East Grand Avenue section of the route in both directions.
  - Other than on Snelling and W 7<sup>th</sup> Street, the closest T3-zoned parcel is at the corner of Selby and Dale—both transit corridors—unlike this site on the corner of 1-way/1-lane St. Albans and 2-lane Grand, with a poorly-used bus route.
  - The addition of a CUP would make this even worse—and create a building which would be 67% taller than allowed under the East Grand Avenue Overlay District, and in comparison to nearby buildings in all directions.
- Would create massive negative parking and traffic impacts on St. Albans, Grand and the surrounding alleys compared to the current use due to only 99 parking spaces for 80 residential units and 11,079 sf of commercial use.
  - The current one-story commercial building on site, with three restaurants on a footprint of approximately half the size of the proposed development, has 51 off-street spaces for patrons and 9 for employees; even with that, there is considerable overflow parking on the street in an area where there is already a significant parking deficit. Assuming demand for residential parking of at least 1 space per unit (which is not realistic and doesn’t take into account guests), 19 off-street spaces for commercial customers and employees is wildly inadequate considering the current level of 60 spaces for establishment taking up half the proposed footprint.
  - The traffic generated by the current use already puts a strain on St. Albans at busy times, but at least is limited by the 4-5 busier hours/day. The larger amount of commercial space alone in the proposed development would create more traffic. However, with residents and guests of 80 residential units coming and going for several more hours a day, sometimes with multiple trips, will exacerbate this impact exponentially.
  - The impact of many more commercial trucks (food, supplier and merchandise deliveries), as well as what will likely be multiple other service delivery vehicles (Amazon, UPS, DHL, USPS and other restaurants, groceries and other

tradespeople servicing 80 residential units) will make Grand Avenue almost impassable throughout the day and into the evening. While the plan to confine these deliveries to Grand Avenue and during daytime hours appears to be a much better solution vs. the current practice of alley deliveries, the reality is that there is no way to enforce this once the building is in place.

- Would increase property taxes with its higher valuation resulting from high-end market-rate rentals, making it even harder for the nearby naturally-occurring affordable housing—that the city needs and supposedly values—to survive.

**Furthermore, the requested variances and CUP would clearly constitute spot zoning.**

According to multiple recent City of St. Paul Zoning Committee staff reports: *Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term “applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.”* Plannersweb.com, citing Anderson’s American Law of Zoning, 4th Edition, § 5.12 (1995), refers to spot zoning as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” The City of St. Paul, on its webpage regarding nonconforming uses, states that the Planning Commission must find whether “Rezoning the property would result in “spot” zoning or a zoning inappropriate to the surrounding land uses.”

- As noted earlier, this proposed zoning would clearly be notably inconsistent with the surrounding use.
- The benefit of such rezoning would clearly accrue to the owner of this property to the detriment of the surrounding property owners.

Finally, if approved, this development would be found to **violate several of the six variance criteria** which the applicant needs to meet. Moreover, it also is **inconsistent in multiple areas with the 2040 Comprehensive Plan**.

One needs only to look at the **Uptown area of Minneapolis as a cautionary example**. A couple of decades ago, it was thought of in comparable terms to the Grand Avenue/Summit Hill area. That is no longer the case, as overweening greed and excessive development have replaced the charming, smaller-scale businesses in their vintage buildings, and accessible lower-density housing if the same vintage, with the types of charmless, banal mid-rise mixed use and residential buildings. The result: too much traffic, too little parking, fewer visitors and rents that are so high that the residents who live in these buildings can’t afford to patronize area businesses, which in turn are struggling. The impact: large numbers of empty storefronts, a once-thriving commercial building (Calhoun Square) which is largely an empty shell, and an inability of established businesses to survive. Phil Roberts of Parasole Holdings stated, pre-pandemic in early 2018, that, “Uptown has changed. I don't know if it's people are

house-poor because there's all those apartments being built. They're well-appointed with granite countertops and maybe a single bedroom is 1,900 bucks a month. Maybe that crowd just doesn't have the disposable income." Subsequently, Parasole closed their two area restaurants—Libertine and Chino Latino—in recognition of that dynamic. Thus, contrary to some beliefs, density is not a panacea and in fact, can be harmful.

Peter Kenefick says that he wants to create a legacy. This is not the kind of legacy that the neighborhood which has supported his family's restaurants for 40 years wants or needs. I, like most others, am all for development that is respectful of history, design context, the safety and well-being of the residents, and the zoning laws which support that. He owns the property on which he proposes to build—so he's already far ahead of the game compared to most developers—and by all accounts has had success with a single-story commercial building with three restaurants. He could easily build a 3-story mixed use building with condos—similar to the successful 2-story building across the street—that conforms to the overlay district mandates. The condos would sell out instantly, and his ownership of the first-floor commercial area would ensure his family's continuing presence and ability to create a much more valued legacy.

In conclusion, this development, if allowed to go ahead as proposed, would set **unimaginable precedents** for future development along Grand Avenue. With greatly-increased traffic and more demand for parking—in an area with a long-standing, documented high parking deficit already—and the resulting exacerbation of current pedestrian safety issues, there would be irreparable damage to the historic charm and neighborhood-like feel that residents clearly value and businesses—as demonstrated by an East Grand Avenue commercial landscape that is almost completely rented—benefits from.

Please defend and enforce the East Grand Avenue Overlay District and **deny the variances** being requested for this development.

Respectfully submitted,

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