



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
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Legislation Text

File #: RES 18-2050, **Version:** 1

Amending RES 18-145 by incorporating the changes to the Similar Use Determination, as set forth in the Terms of Agreement contained in the Stipulation for Consent and Order for Entry of Judgment of the Ramsey County District Court, in the matter of Listening House of St. Paul, Inc. v. City of Saint Paul.

WHEREAS, the Council of the City of Saint Paul, in Council Resolution 18-145, memorialized and consolidated its decisions regarding two appeals arising from a Similar Use Determination which allowed the Listening House of Saint Paul, Inc. ("Listening House") to operate in the First Lutheran Church building located at 463 Maria Avenue, subject to certain conditions, as approved by the City's planning commission in Planning Commission Resolution No. 17-64 and

WHEREAS, one of the said appeals was filed by Listening House under City Council File APC 17-2 while the other appeal was filed under City Council File APC 17-3 by neighbors who objected to the City's Similar Use Determination; and

WHEREAS, although Council Resolution 18-145 denied both appeals, with respect to the appeal by filed by Listening House under Council File APC 17-2, the Council amended some of the conditions as reflected in Council Resolution 18-145; and

WHEREAS, Listening House disagreed with some of the conditions in Council Resolution 18-145 and filed a lawsuit in Ramsey County District Court to challenge those conditions under *Listening House of St. Paul, Inc. v. City of St. Paul*, Ramsey County District Court File No. 62-CV-18-2146; and

WHEREAS, in response to the lawsuit, the City and Listening House met and conferred with the mutual interest of resolving differences regarding the conditions set forth in Council Resolution 18-145. The City and Listening House eventually agreed to mutually acceptable terms regarding Council Resolution 18-145; and

WHEREAS, the City and Listening House thereafter submitted a Stipulation for Consent Order and Entry of Judgment to the Ramsey County District Court which memorialized the agreed upon amendments to the conditions of approval attached to the Similar Use Determination as contained in Council Resolution 18-145 and that further provided upon the District Court's acceptance and entry of judgement of the Consent Order, all issues between the City and Listening House would be resolved and that the lawsuit would be dismissed; and

WHEREAS, the Ramsey County District Court reviewed the Stipulation for Consent Order, approved it and, on November 5, 2018 ordered entry of the Consent Order which brought the litigation between Listening House and the City to a close; NOW, THEREFORE,

BE IT RESOLVED, upon the Order of the Ramsey County District Court in the matter of *Listening House of St. Paul, Inc. v. City of St. Paul*, Ramsey County District Court File No. 62-CV-18-2146, as agreed to by the City and Listening House, as reflected in the Stipulation for Consent Order and Entry of Judgment dated November 5, 2018, a copy of which is attached hereto and incorporated by reference, the following paragraphs in Council Resolution 18-145, 5, 6, 7, 8, 9, 10, 12, 13, and 14 are hereby rescinded and shall be revised to read as follows:

5. "Listening House will ensure that guests have left the area after Listening House has closed and will provide bus fares to its guests. Listening House staff must be on-site for two hours before and two hours after the times guests are served at the facility" shall be rescinded and revised to state as follows: "Listening House will encourage its guests to leave the Listening House area after Listening House has closed and will provide bus fair to guests in need. Listening House staff must be on-site one-half hour before and one-half hour after the times guests are served at the facility."

6. "Listening House will not allow the consumption of alcohol or controlled substances anywhere on the First Lutheran Church properties" shall be revised to state: "Listening House will not allow the consumption of alcohol or controlled substances by Listening House guests anywhere on the First Lutheran Church properties."

7. "Listening House will call emergency services when a guest is engaged in behavior that is harmful to self or others" shall be rescinded and revised to state as follows: "Listening House will call emergency services when Listening House observes a Listening House guest behaving in a manner that poses an imminent threat of harm to self or others."

8. "Listening House will give notice on a shared Google site of serious incidents observed that involved their guests" shall be rescinded and revised to state as follows: Listening House will attend regular meetings of the Dayton's Bluff Community Council."

9. "No outdoor patio may exist anywhere on church grounds during Listening House's tenancy" shall be rescinded and revised to state as follows: "Listening House will not construct or use an outdoor patio on church property between the church building and North Street for Listening House program activities. Any patio Listening House uses on the church property for Listening House program activities, if any, will be screened from view from the houses on the north side of North Street by landscaping or a fence."

10. "A sign must be posted in a plainly visible location to restrict after-hours use of the church grounds so as to aid in the enforcement of trespassing violations by Listening House guests or other persons when Listening House is closed" shall be rescinded.

12. "Listening House will review on a daily basis their own camera footage and an online log maintained by neighbors in order to identify issues of concern and potential intervention" shall be rescinded and revised to state as follows: "Listening House will review on a daily basis their own camera footage in order to identify issues of concern and potential intervention."

13. "Listening House will post guest policies regarding 'good neighbor' expectations and consequences, including suspension or barring from Listening House and the church properties. Such policies must be readily visible to guests. Also, the policies must be provided to neighbors and the Zoning Administrator upon request" shall be revised to state as follows: "Listening House will post guest policies regarding 'good neighbor' expectations and consequences. Such policies must be readily visible to Listening House guests. Also, the policies must be provided to neighbors and the Zoning Administrator upon request."

14. "The number of guests will generally be limited to 20 per day. If the number of guests exceeds 20 per day more than twice in any calendar month, notice shall be provided to the Zoning Administrator within 7 days of the end of said month. If the number of guests exceeds 20 per day more than four times in any month, a feasible written plan for reducing the number of guests on the site as soon as reasonably possible shall be prepared and provided to the Zoning Administrator within 30 days of the end of said month for review and approval. Any such written plan for reducing the number of guests approved by the Zoning Administrator must be executed according to the provisions of said plan in order to be in conformance with this condition of approval" shall be rescinded and revised to state as follows: "The number of Listening House guests will be limited to a maximum not to exceed the number of persons permitted by the Minnesota State Building Code, Minnesota Fire Code or any other applicable law during hours of operation."

AND, BE IT FURTHER RESOLVED that the following paragraphs, as numbered and stated hereinafter, shall be adopted as new conditions to Resolution 18-145:

15. The activities of persons served by Listening House which occur outside of the premises of First Lutheran Church at 463 and/or 464 Maria Ave. and outside of Listening House organized and sanctioned activities in the neighborhood shall not be deemed to be "detriments to the residential character of the neighborhood" or annoyances "resulting from the home occupation."

16. The limitations in Section 65.141 g on parking "except those for permitted employees associated with the home business shall not be construed to apply to lawful parking in the church parking lot by Listening House board members, employees, volunteers, or guests (a) while participating in church activities not associated with Listening House or while patronizing local businesses, (b) during Listening House's hours of operation and a reasonable time before and after such hours, (c) with respect to Listening House volunteers, staff and board members, during board meetings and volunteer events, or (d) with respect to Listening House staff, during the half hour before and after Listening House's hours of operation.

17. The requirement for screening spaces Listening House uses for Listening House programs shall not be construed to require screening of outdoor spaces not controlled by Listening House which Listening House guests, employees, volunteers or board members pass through or lawfully use when not participating in Listening House activities.

AND, BE IT FURTHER RESOLVED, that those portions of Council Resolution 18-145 not amended pursuant to the November 5, 2018 Stipulation for Consent Order and Entry of Judgment remain in force and effect; and

AND, BE IT FURTHER RESOLVED, that the Zoning Administrator shall immediately amend the Similar Use Determination letter to reflect these changes in the Similar Use Determination conditions as contained in the in the Stipulation for Consent Order and Entry of Judgment dated November 5, 2018; AND

BE IT FINALLY RESOLVED that the City Clerk shall immediately mail a copy of this Resolution to Listening House of St. Paul, Inc., the Zoning Administrator, the Planning Commission and the Planning Administrator.