



Legislation Text

File #: RES PH 20-19, **Version:** 2

Denying the application submitted by Calsey Smith of 333 on the Park for an exception to the general hours of operation for pedestrian skyway bridges #26 and #36, which serve Timberland Partners. (Amended to approve the application)

WHEREAS, on September 9, 2019, Calsey Smith submitted a request for an exception to the general hours of skyway operation, incorporated herein as Exhibit 1, on behalf of 333 on the Park located at 333 N. Sibley Street to the Department of Safety and Inspections ("Department"); and

WHEREAS, that application requested an exception to the general hours of operation for the portion of the skyway leading from bridges #26 and #36; and

WHEREAS, the exception requested was total closure of the easement to the general public; and

WHEREAS, Council File 08-790, adopted by Council on July 23, 2008 and herein incorporated as Exhibit 2, reduced the hours for the portion of the skyway leading from bridges #26 and #36 to 6:30 a.m. to 6:00 p.m., Monday through Friday and no hours on Saturday and Sunday; and

WHEREAS, Chapter 140.10(b) of the Saint Paul Legislative Code give the Council the power to grant such exceptions and directs that in determining whether to grant or deny the petition, the council shall consider:

- (1) Whether the portion of the skyway system petitioning for alternative hours leads to another portion of skyway system that has the general hours of operation;
- (2) Whether security such as a metal detector or photo identification is required to gain access to the portion of the skyway system requesting the alternative hours;
- (3) Whether there is a contract or other legal document between the property and the city outlining alternative hours that cannot be altered by ordinance;
- (4) Whether retail or other business activities take place within the skyway system and the difficulty of closing off those business areas from the ingress/egress area;
- (5) The reasonableness of the alternative proposed hours;
- (6) Other logistical or financial hardship imposed on the building if it is not granted alternative hours.

and;

WHEREAS, Chapter 140.10(b) directs that the Department forward the petition for an exception to the Skyway Governance/Advisory Committee for a recommendation and requires that the committee forward their recommendation to city council; and

WHEREAS, the Skyway Governance/Advisory Committee considered the request on September 27, 2019 and tabled the recommendation through Resolution 0192719, herein incorporated as Exhibit 3, pending further study of the issues raised regarding incidents in the Skyway; and

WHEREAS, on October 25, 2019 the Skyway Governance/Advisory Committee under Resolution 02102519, herein incorporated as Exhibit 4, took no action to approve or deny the Skyway Hours Exception Application; and

WHEREAS, the Skyway Governance/Advisory Committee considered this application on December 20, 2019 and recommended rejection of the hours exception herein incorporated as Exhibit 5; and

WHEREAS, the Skyway Governance/Advisory Committee included the following as part of its rationale for the recommendation of rejection:

- The City paid for the skyway connection, and the committee wants to maintain the integrity of the system as much as possible.
- People who spoke in favor of the hours exception mainly talked about incidents where they found homeless people in the area they wished to close.
- It was noted that these types of incidents occur throughout the skyway system.
- The committee is committed to continue working with building owners and managers, Saint Paul and Metro Transit Police Departments and other organizations to work toward safety and security improvements that address the issues throughout the skyway system.

and;

WHEREAS, the Council held a public hearing on the application for an exception on February 5, and February 20, 2020 at which time the applicant was given an opportunity to speak, and public testimony was allowed; now therefore be it

RESOLVED, that the Council hereby finds that the factors outlined in Chapter 140.10(b) of the Saint Paul Legislative Code weigh in favor of granting the requested variance; and be it further

RESOLVED, that the Council finds that;

- (1) Although the portion of the skyway system petitioning for alternative hours leads to another portion of skyway system that has the general hours of operation, there is a parallel route available which is more accessible; and
- (2) There are no retail or other business activities that take place within the building or the skyway system that would be closed off if the request or alternative hours is granted; and
- (3) The alternative proposed hours are reasonable and this building and other similar buildings have been granted similar exceptions in the past; and be it further

RESOLVED, that the Council hereby finds that the proposed hours of operation are ~~not~~ reasonable for the above-stated reasons and ~~denies grants~~ denies the request ~~to grant~~ for an exception to the general hours of operation for the portion of the skyway leading from bridges #26 and #36 and to close this portion of the easement to the public.

A copy of this resolution as adopted, shall be sent by first class mail to the applicant.