

MINUTES OF THE ZONING COMMITTEE
Thursday, October 3, 2024 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Grill, Ochoa, Starling, Syed, and Taghioff
EXCUSED: Hackney and Hood
STAFF: Bill Dermody, Samantha Langer, and Samantha Juneau

The meeting was chaired by Commissioner Taghioff.

470 White Bear Rezoning - 24-078-931 - Rezone from H2 residential district to RM2 medium-density multiple family residential district at 470 White Bear Ave N, between 3rd Street and Conway Street.

470 White Bear CUP - 24-078-938 - Conditional use permit for a supportive housing facility serving more than sixteen (16) facility residents at 470 White Bear Ave N, between 3rd Street and Conway Street.

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He said District 1 submitted a letter recommending approval, and there were 16 letters in support, and 11 letters in opposition.

In response to Commissioner Starling, Mr. Dermody said confirmed that the lot split mentioned in the staff report would be splitting the northern part that faces 3rd Street from the remaining lot.

Mr. Dermody presented the staff report with a recommendation of approval with a condition for the conditional use permit. He said District 1 submitted a letter recommending approval, and there were no letters in support, and 5 letters in opposition.

Commissioner Starling asked that Mr. Dermody elaborate on the scope of the review for the parking facility mentioned in Finding 4(b).

Mr. Dermody said standard process for any development in the city regarding ingress and egress involves our traffic division in Public Works to review and determine if there are the correct number of curb cuts and right location for curb cuts to have adequate vehicular access.

In response to Commissioner Ochoa, Mr. Dermody said this is basically the same application as the rezoning the Committee saw in July and this is a new conditional use permit. He noted that last time any details about the use were supplemental background information and was not being evaluated because we only had the rezoning application that technically could have been for any use that is available withing the RM2 zoning. This time it is pertinent to the conditional use permit because we have a use and not just the class of zoning.

Jim Barnes, Beacon Interfaith Housing Collaborative, 2610 University Avenue W., St. Paul, said this is a project they have been working on for a long time and they are happy to partner with St. Pascals Church. This is an ideal site for putting in new home for individuals that will have a broad range of incomes from 30% AMI to 60% AMI. It is a very diverse population that will be in these new homes.

In response to Commissioner Ochoa, Mr. Barnes explained how they decided upon the number of parking stalls for the site. In working with their architects and civil engineers they are trying to make good use of the site. We don't want to create additional hardscape if we don't need to and based on many of their other projects, they believe that 25 parking stalls will work very well. They are trying to balance the environmental impacts of putting more bituminous on the site and providing more green space for the residents living at the property.

Commissioner Starling asked what changes have been made to the proposal in response to the concerns of the neighbors.

Mr. Barnes said they are looking at options for parking. They are looking at onsite parking or a collaboration with other parking that has already been created. Some of the comments he read on the upkeep of the neighborhood in general are preexisting. They are not in the neighborhood currently. Beacon is very involved in their projects. There isn't any given week where a staff member isn't on site at all their properties. When we go into a new neighborhood we are wanting to become part of that neighborhood.

Father John Mitchell, Pastor at St. Baylon Church, 1757 Conway Street, Saint Paul, spoke in support. He is the co-applicant with Beacon for this project. This project will benefit the homeless population. The sale of this property and the development of the housing will be a way to help our neighbor.

Ann Lemke, 1630 Beech Street, Saint Paul, spoke in support. She has resided in the neighborhood for 51 years and has seen homelessness increase in recent years. She wants to create opportunities for individuals and families with low incomes in our city. Her faith reminds her that caring for the homeless is not a fleeting act of charity, it is meant to be a sustained practice. Whenever possible we need to develop land to serve the people and often it means truly affordable rental income. This land has been vacant for many years and not in service to our community. It makes better sense to zone this land for Beacon to erect the Aragon with more than 50 residential units rather than it remain with zoning for only a few houses at today's market rates. The rezoning proposed is reasonable and appropriate for this site.

Julianne Ludden, 1607 Burns Avenue, Saint Paul spoke in support. For 50+ years she has been an east side homeowner and St. Baylon parishioner. Seeing the empty field that is across from the church turn into affordable supportive housing for over 50 families would be the best use for the land. The families would have access to many services and a place where they can feel safe. This is the best long term solution for those struggling with housing insecurities.

James Reisdorf, 1649 Euclid Street, Saint Paul, spoke in support. He and his wife have lived here for 31 years after purchasing the property from his father-in-law. He is an active parishioner and church trustee of St. Pascal Baylon, the entity that owns the land. When their parish decided to shop this property two years ago, they started with the basic question, can't we do better than a vacant lot. We were hopeful that someone would have a vision on how to do something with this property to turn it into productive land. He is convinced that the proposal put forth by Beacon to build affordable housing does just that remarkably well. It far exceeds whatever expectations he had in mind. In his interactions with Beacon, he gets a strong sense

that they want this project to succeed for all concerned. One example is the conditional use permit they are applying for to provide onsite services to residents to help succeed. He never tires of appreciating what a comfort it is to have a roof over his head and four solid walls especially during a rainstorm, heavy winds, or a cold winter day. He would consider it a privilege to extend that blessing to all future residents of the building proposed by Beacon.

Jonathan Frisch, 1816 Conway Street, Saint Paul, spoke in opposition and confirmed that the Committee received his written testimony. He said he doesn't think the property should be subdivided or rezoned. It would be spot zoning and it's illegal. It meets all the general accepted criteria for spot zoning, in fact, it meets this Committee's criteria that it used to reject another application for the same sort of project by saying it was spot zoning. It's financially detrimental to the city. It will lower property values and taxes. It will enhance the property value of this lot, but it belongs to a nonprofit and nobody pays taxes. He also opposes the conditional use permit. At the last meeting regarding this property the developer stood before this Committee knowing what was happening at Kimball Court and claimed that the clientele in his building were special and they wouldn't cause problems. The August 11, 2024, article in the Star Tribune talks about Kimball Court having a horrific list of crime and police calls. This is another thing that will cost the city money. They have a property that is a nest of drugs and crime and now they want a conditional use permit so they can put another facility like this in right next door to people's houses.

Shawn Peterfesso, 458 White Bear Avenue, Saint Paul, spoke in opposition. He and his wife are new homeowners of two years and have spent countless hours renovating and making this their home. They have seen an influx of homelessness and people who don't care about the residents who live in these neighborhoods. They are willing to do anything to survive and I understand, but it is hard for us to survive in these situations. It's dangerous for the children who go to the schools in this area. It is dangerous for me to be in my front yard. He doesn't know what his future holds being a resident in this area. There are places that we need to house homeless, but not in this part of the city, it isn't safe.

Thomas O'Keefe, 1808 E. 3rd Street, Saint Paul, spoke in opposition. He said Beacon has not been a good neighbor at Kimball Court in the Midway area of Saint Paul. Kimball Court has required 1,200 police calls since 2020. There is open drug and alcohol use by the Kimball residents and the area has more overdoses than anywhere in Ramsey County. Beacon has apologized in the Star Tribune for becoming part of the problem for the Midway area. Please don't make these problems part of our neighborhood. We have two elementary schools that are adjacent to this property and it will be dangerous. Beacon is building a similar 40 unit facility and they are providing 60 underground parking spaces and 20 secure off-street parking spaces. At this site there are only 26 spaces for 53 units. The area streets have limited parking now and there isn't adequate parking proposed for this project. If Beacon decides that they don't need off-street parking they should bid on one of the vacant lots of downtown Saint Paul with starting bids between \$1 and \$129,000. The land at White Bear Avenue costs nearly three million dollars. Beacon could use the building funds to remodel. He would prefer this be an elderly place because they don't drive and we wouldn't have a parking issue.

Anne O'Keefe, 1808 E. 3rd Street, Saint Paul, spoke in opposition. Her family has lived here since 1980. She said the definition for supportive housing is one main building, or portion

thereof, on one zoning lot where persons with mental illness, chemical dependency, physical or mental handicaps, and/or persons who have experienced homelessness reside and wherein counseling, training, support groups and/or similar services are provided to the residents. She doesn't know where they will be able to park legally. They are concerned for children and vulnerable adults living within the facility and children and staff attending the two elementary schools across the street. We believe Aragon represents at least a threat to this neighborhood's quality of life if not to all our lives in general. Beacon claims to be a good neighbor and manager, but they have proven themselves to go to the lowest bar on various issues at the expense of safety and life itself.

Carlos Sanchez, 477 White Bear Avenue Saint Paul, spoke in opposition. He has concerns about parking and there will be overspill onto the area streets. He has seen the same parking issues where he used to live in Minneapolis and they were told by city planners that parking and crime wouldn't be an issue, but they were. He doesn't see that this project will be any different.

Kevin Walker, Vice President of Housing Development at Beacon, 2600 University Avenue W, St Paul, responded to testimony. When Beacon develops supportive housing developments, we have a specific model that we use wherein we pay attention to a particular model and design for each of the properties that we develop. In our portfolio we have a vast array of different types of housing that responds to different levels and types of unmet community need. One of the properties we operate that was mentioned earlier, Kimball Court, is a high fidelity harm reduction model. It is a housing first model that fundamentally meets residents where they are and that includes people dealing with significant obstacles to long-term housing stability such as substance abuse disorders or people who have severe and persistent mental health issues. They partner with a service provider where they endeavor to help them find their way on their journey towards recovery and other ways to move forward. They have strengthened their services at Kimball Court with additional funding and have expanded the services team. The Star Tribune article mentioned by the speakers mentioned some of the challenges that several affordable housing operators faced in the wake of the pandemic. When there was an eviction moratorium, we could not legally evict for anything but an incredibly high bar and that presented significant challenges at that building and others in their portfolio. They since added 24-7 security and are working on a plan to enhance in the ingress and egress at that building to make it work even better. They are very committed to all their properties and they take seriously their commitment to being a good neighbor, and they mean for all their buildings to be a long term asset, both to the community and to the residents they serve within them. The Aragon is a 53 unit property where a minority of the units will be set aside for supportive services. This is a family housing model and not the same model as Kimball Court. Other recent examples of their family housing have been at Cranberry Ridge in Plymouth and Vista 44 in Hopkins and he encourages anyone to tour their family properties. They safety of children is very important and there are screening criteria that are different than a housing first property. They will be designing eligibility criteria and working with different agencies around what type of criteria apply well for an affordable family property. This will serve a vast area of incomes up to 60% of AMI. This will be mostly workforce housing and the demographics will mirror what is currently in the neighborhood.

Chair Taghioff asked how they have reached out to the community to address concerns that they have voiced.

Mr. Walker said that they had a meeting at St. Pascals to engage members of the congregation as well as a broad invitation to neighbors and residents. They did a formal presentation about the project. It is still in the early stages so they are working on various dimensions. They are looking closely at the parking situation to make sure it is adequate for this site. They want it to be appropriately calibrated to the needs of the property and to make sure they are being a good neighbor.

The public hearing was closed.

Commissioner Grill moved approval of the rezoning. Commissioner Syed seconded the motion. The motion passed by a vote of 4-1-0.

In response to Chair Taghioff, Mr. Dermody explained why staff didn't find this to be spot zoning. He said spot zoning is illegal in Minnesota and it applies to zoning changes typically limited to small plots of land that establish a use classification inconsistent with the surrounding uses and creating an island of nonconforming use within a larger zoned property. This is a small plot of land, but the use classification is not inconsistent with the surrounding uses. This is residential near residential on a major thoroughfare that has a mix of densities and a mix of uses. This is consistent with the mix of uses along this White Bear Avenue corridor. He added that the past spot zoning issue on another case brought up during the public hearing was in a different context. It was a small single lot proposed for multifamily zoning on a purely residential local street surrounded by single family houses.

Chair Taghioff asked why is White Bear Avenue as a whole considered to be the relevant zoning context and not the immediate surrounding neighborhood.

Mr. Dermody said even if we look at the immediate surrounding area it is abutting a B2 zoned property and you don't have to go very far to see multifamily in either direction.

Chair Taghioff said that when we make decision on rezonings we are supposed to set aside our feelings on the project and look only at the underlying land use and if it is appropriate for a location. There is a Small Area Plan for the Gold Line Stations and that plan is extraordinarily descriptive on defining what it considers low, medium, and high intensity. It says high intensity should be located right next to I-94 and established residential areas should maintain their character. There is a clear distinction made between the primary TOD zone right around the Station and outside of that is infill up to RT1 and he has a hard time reconciling that study and approved part of the Comprehensive Plan with the conclusions before us today. If we no longer feel that this is an appropriate Small Area Plan and Comprehensive Plan position to take as a city we should amend the plans. He said he will be voting against this rezoning. The application should align with the policy at a high level and in this case, he doesn't feel it does.

Commissioner Ochoa said we can look at the 2040 Comprehensive Plan and see that there are three neighborhood nodes in the general area around I-94 and White Bear Avenue. Along White Bear Avenue there are four nodes and that is why he would agree with staff that the use of that Avenue is such that this use fits in the context.

In response to Commissioner Starling, Mr. Dermody said the H Line is anticipated to run on White Bear Avenue in front of this site. The exact station locations are to be determined. The line will run on Como and Maryland and head south on White Bear Avenue and terminate at Sun Ray transit center.

In response to Commissioner Ochoa, Mr. Dermody said the Purple Line route has not been determined.

The rezoning was adopted. Yeas - 4 Nays - 1 (Taghioff) Abstained - 0

Commissioner Grill moved approval with a condition of the conditional use permit.
Commissioner Syed seconded the motion. The motion passed by a vote of 4-0-1.

Adopted Yeas - 4 Nays - 0 Abstained - 1 (Taghioff)

Drafted by:

Submitted by:

Approved by:

Samantha Langer
Recording Secretary

Bill Dermody
City Planner

Simon Taghioff
Chair