



CITY OF SAINT PAUL
Melvin Carter, Mayor

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DATE: February 24, 2021
TO: Comprehensive & Neighborhood Planning Committees
FROM: Bill Dermody, City Planner
RE: Homeless Services Zoning Study

ISSUES/BACKGROUND

In November 2020, an emergency ordinance was approved by the Mayor and City Council to permit services to the city's unsheltered homeless population in a former fire station at 296 7th Street West ("Freedom House") on a temporary basis, tied to the COVID-19 pandemic. An emergency ordinance was needed, in part, because the principal use of daytime services to people experiencing homelessness is not defined by the Zoning Code. Such uses exist in the city as *accessory* uses, both at Listening House in Dayton's Bluff (a special situation where it is permitted through a City Council action and subsequent court ruling to be an accessory use to a religious institution) and as an undefined accessory use on the campus of overnight shelters/emergency housing facilities such as Dorothy Day in downtown. There is a desire to use Freedom House for such daytime services as a principal use past the end of the pandemic, which would require a permanent fix such as the Zoning Code amendment presented here. It is evident that such daytime services are part of functioning city and in demand as stand-alone uses – not solely as accessory uses on campuses dedicated primarily to nighttime shelter.

A scan of comparable and larger U.S. cities' zoning codes reveals no examples of this type of use being explicitly defined and regulated by zoning, as separate from a nighttime shelter principal use. It is possible that edicts outside the zoning codes, such as zoning administrator clarifications or similar use determinations, have addressed the use.

ANALYSIS

The 2040 Comprehensive Plan, in Appendices A and B of the Housing Chapter, identifies a need to decrease homelessness, and to provide supporting services for those experiencing homelessness as an important City action to address the need.

The proposed Zoning Code amendments define "homeless services facility," add standards/conditions for the use, and establish which zoning districts will permit the use. The use is proposed to be classified as a "civic and institutional use." It is proposed to be permitted in the same zoning districts as another use in the same category: "club, fraternal organization,

lodge hall.” That is, it is proposed to be permitted in the T2, T3, T4, B2, B3, B4, B5, IT, and I1 zoning districts by-right, and in I2 with a conditional use permit.

Proposed standards for the new use include that it be located within ½ mile of an overnight shelter or emergency housing facility of a similar or greater scale to the use. This would allow the use to act as, essentially, an off-site accessory use within walking distance of an overnight shelter or emergency housing facility. The Freedom House site, which is 0.4 miles from the Dorothy Day campus, would meet this standard.

Additionally, the proposed amendments allow for a small number of beds for emergency use, whether overnight or during the day. This reflects the Freedom House situation (they have a few beds for occasional use, as needed) and provides a reasonable size limitation to differentiate from an “overnight shelter” or “emergency housing facility” principal use, which have their own zoning code definitions and standards including separation requirements.

The numbers of people who have used Listening House and Freedom House (over 100 per day at each) suggest that a homeless services facility may not be appropriate in residential zoning districts or in B1, BC or T1 districts, which are often embedded among residences, unless part of a larger institutional campus (like a church) with adequate space and facilities to handle such numbers of people and avoid spillover impacts on adjacent properties.

The proposed amendments purposefully do not address how a “homeless services facility” should be permitted as an accessory use to a religious institution, because that is best handled through the upcoming Religious Accessory Uses Zoning Study in order to ensure that sensitive legal protections for religious institutions are abided by fairly for *all* accessory uses. That upcoming zoning study could expand “homeless services facility” to additional zoning districts, including residential zoning districts.

The Zoning Code’s purpose includes promotion of public health, safety, and general welfare. The proposed new use clearly promotes the health, safety, and general welfare of those who use its services. It would also appear to not have negative impacts on the health, safety, and general welfare of its surroundings, based on Saint Paul Police Department analysis. As the Listening House accessory use in Dayton’s Bluff was going through a public hearing process in 2017 (for an appeal of a Zoning Administrator’s decision), neighbors raised concerns and presented evidence regarding public safety concerns reportedly stemming from the organization’s operation shortly after its opening in June 2017. With that history in mind, SPPD conducted an analysis of Part I crimes (assault, theft, etc.) in Listening House’s grid from 2016 to 2018 to determine whether or not crime levels changed. SPPD found a short-term crime spike the month after the facility’s June 2017 opening, but the rates had leveled out by the next year. Part I crimes in 2018 were similar to those observed prior to the facility’s opening. Overall, the SPPD data reasonably suggests that this type of use does not add to criminal activity in the surrounding areas.

STAFF RECOMMENDATION

Staff recommends that the Comprehensive Planning Committee recommends initiation of the Homeless Services Zoning Study, release of the proposed code amendments for public review, and setting a public hearing for April 30, 2021.

Attachments

1. Draft Planning Commission resolution to initiate study
2. Proposed Homeless Services Zoning Study Code Amendments
3. Part I Crimes Comparison for Grid 94

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(a) of the Zoning Code calls for periodic review of said code to reflect current city policies, to address current technology and market conditions, and to bring the zoning code up-to-date; and

WHEREAS, the Zoning Code does not currently address facilities for daytime services to people experiencing homelessness; and

WHEREAS, it has become apparent in recent years that there is a need for daytime services for people experiencing homelessness that are services not necessarily accessory to or on the same premises as overnight shelters, emergency housing, or other such facilities; and

WHEREAS, the 2040 Saint Paul Comprehensive Plan, in Appendices A and B of the Housing Chapter, identifies a need to decrease homelessness, and to provide supporting services for those experiencing homelessness as an important City action to address the need.

NOW, THEREFORE, BE IT RESOLVED, under provisions of Section 61.801(b) of the Legislative Code, that the Planning Commission initiates a zoning study to consider amendments to the Zoning Code to establish a definition and zoning regulations for a homeless services facility that would allow for daytime services to people experiencing homelessness, and any other connected regulations contained in the Zoning Code; and

BE IT ALSO RESOLVED, that the Planning Commission releases the zoning study and proposed amendments for public review and schedules a public hearing for April 30, 2021.

moved by _____
seconded by _____
in favor _____
against _____

Homeless Services Facility Proposed Code Amendments, 2-23-21

Chapter 65. - Zoning Code—Land Use Definitions and Development Standards

ARTICLE III. - 65.200. CIVIC AND INSTITUTIONAL USES

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Secs. ~~65.222-65.229~~ ~~65.232~~. - Reserved.

Sec. ~~65.230~~ ~~65.233~~. – Golf course.

...

Secs. 65.231-65.239. - Reserved.

Sec. 65.240. – Homeless services facility.

A facility that provides services targeted to persons experiencing homelessness, such as meals, counseling, education and practical assistance.

Standards and conditions:

(a) The facility shall be located within one-half (½) mile of an emergency housing facility or overnight shelter, as defined in this Code.

(b) The service capacity of the facility shall be limited to the number of approved beds in emergency housing facilities and overnight shelters within one-half (½) mile.

(c) The facility may provide up to ten (10) beds for use on an emergency basis.

Secs. 65.241-65.249. - Reserved.

Sec. ~~65.250~~ ~~65.234~~. – Museum.

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Secs. 65.251-65.259. - Reserved.

Sec. ~~65.260~~ ~~65.235~~. – Recreation, noncommercial.

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Secs. 65.261-65.269. - Reserved.

Sec. ~~65.270~~ ~~65.236~~. – Religious institution.

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Chapter 66. - Zoning Code—Zoning District Uses, Density and Dimensional Standards

ARTICLE III. - 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Sec. 66.321. - Principal uses.

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1—T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	<i>Development Definition (d) Standards (s)</i>
Civic and Institutional Uses					
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall		P	P	P	(d)
<u>Homeless services facility</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
Museum	P/C	P	P	P	(s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.321, principal uses in traditional neighborhood districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE IV. - 66.400. BUSINESS DISTRICTS

Sec. 66.421. - Principal uses.

Table 66.421, principal uses in business districts, lists all permitted and conditional uses in the OS—B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	<i>Definition (d) Standards (s)</i>
Civic and Institutional Uses								
<i>Social, Cultural, and Recreational Facilities</i>								
Club, fraternal organization, lodge hall				P	P	P	P	(d)
<u>Homeless services facility</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(d), (s)</u>
Museum						P	P	

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in business districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE V. - 66.500. INDUSTRIAL DISTRICTS

Sec. 66.521. - Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
Civic and Institutional Uses					
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall	P	P	C		(d)
<u>Homeless services facility</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>(d), (s)</u>
Museum	P	P	C		

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.521, principal uses in industrial districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

ARTICLE IX. - 66.900. FORD DISTRICTS

Sec. 66.921. - Ford district use table.

Table 66.921, Ford district uses, lists all permitted and conditional uses in the F1-F6 Ford districts, and notes applicable development standards and conditions.

Table 66.921. Ford District Uses

Use	F1	F2	F3	F4	F5	F6	Definition (d) Standards (s)
Civic and Institutional Uses							
Club, fraternal organization, lodge hall		P	P	P	P		(d)
College, university, specialty school		P	P	P	P	P	(d), (s)
Day care, primary and secondary school		P	P	P	P	P	(d), (s)
<u>Homeless services facility</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
Public library, museum	P	P	P	P	P	P	

P—Permitted use C—Conditional use requiring a conditional use permit

Notes to table 66.921, Ford district uses:

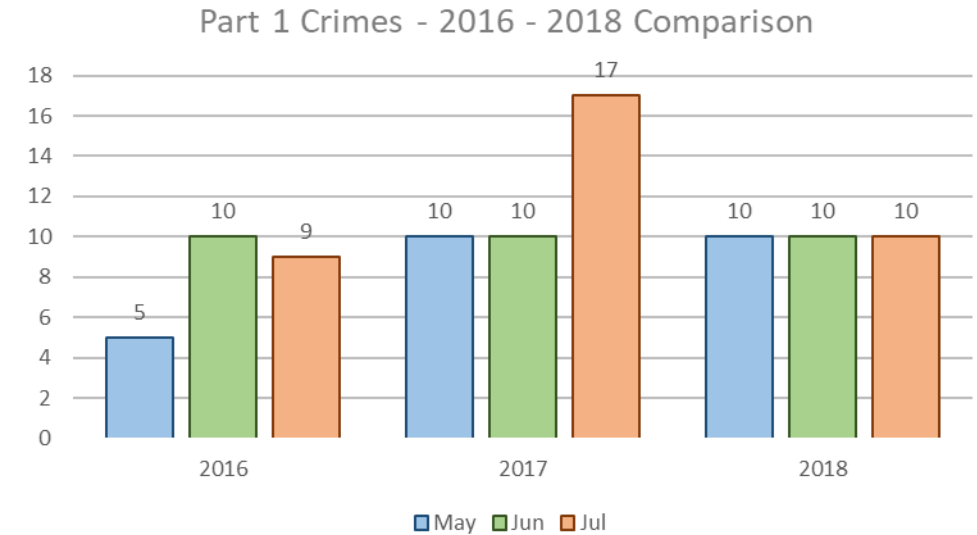
(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

Part 1 Crimes Comparison – 2016-2018

Grid 94, May-July by Year

Part 1 Crimes			
Year	May	Jun	Jul
2016	5	10	9
2017	10	10	17
2018	10	10	10



	AGG ASSAULT	ARSON	AUTO THEFT	BURGLARY	FORCIBLE RAPE	ROBBERY	THEFT	AGG ASLT DMSTIC	Grand Total
2016	2	1	3	5	2	3	8		24
May			1	2			2		5
Jun	1		1	1	2	2	3		10
Jul	1	1	1	2		1	3		9
2017	5	1	4	6	2	4	15		37
May			1	2	1	3	3		10
Jun	1	1	2	2			4		10
Jul	4		1	2	1	1	8		17
2018	1		6	4			14	5	30
May			1	3			4	2	10
Jun			2	1			5	2	10
Jul	1		3				5	1	10
Grand Total	8	2	13	15	4	7	37	5	91