

MINUTES OF THE ZONING COMMITTEE
Thursday, January 4, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: DeJoy, Eckman, Edgerton, and Reveal
EXCUSED: Baker, Fredson, Lindeke, and Ochs
STAFF: Jamie Radel, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Scheffer Community Center - 17-221-608 - Conditional use permit for replacement and expansion of community center building, with variances of required parking spaces (22 required, 20 proposed) and front setback (25 ft. required, 18 ft. proposed) at 230 Como Ave., SE corner at Galtier St.

Jamie Radel presented the staff report with a recommendation of approval for the conditional use permit and variance with one condition. District 7 made no recommendation. There were no letters in support and 1 letter in opposition.

The applicant, Chris Stark, City of Saint Paul Parks and Recreation project manager, 25 West 4th Street, said a community request was to make the community center a more prominent feature. For this, the building is proposed to be closer to Como Avenue. The most popular program elements are football and basketball. Adding more parking or setting the building back further from Como Avenue would result in loss of the ability to provide youth football.

Linda McCracken-Hunt, JLG Architects, 322 1st Avenue North, Suite 600, Minneapolis, said she is happy that this community will have a new recreation and community center.

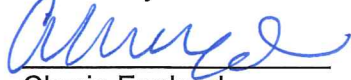
No one spoke in favor or opposition and the public hearing was closed.

Commissioner Reveal moved approval of the conditional use permit and variance with one condition. Commissioner DeJoy seconded the motion.

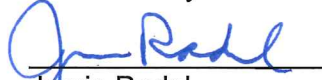
The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:


Cherie Englund
Recording Secretary

Submitted by:


Jamie Radel
City Planner

Approved by:


Dan Edgerton
Chair

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PRESENT: DeJoy, Eckman, Edgerton, Lindeke, and Reveal
EXCUSED: Baker, Fredson, and Ochs
STAFF: Tia Anderson, Kady Dadlez, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Marshall & Moore Apartments - 17-206-385 - Site plan review for a 5-story, 16 unit apartment building with 30 structured parking spaces at 1973-1977 Marshall Ave., NE corner at Moore St.

Tia Anderson presented the staff report with a recommendation of approval with conditions. She noted District 13 recommended denial, and there were 33 letters in support, and 63 letters in opposition.

In response to questions by Commissioner Reveal, Ms. Anderson said the first floor includes one unit and 8 enclosed parking spaces and is within the footprint of the main building. She noted that a historical study has been proposed, but it has not been funded or approved. Although the homes are old, they have not been inventoried or designated as historic. In response to a question by Chair Edgerton, Ms. Anderson said that balconies are subject to lot coverage and setback requirements.

In response to questions by Commissioner Reveal, Ms. Anderson said the moratorium was put into effect for six blocks on Marshall Avenue, between Wilder and Wheeler. It precludes development that would add housing units, but allows projects that were submitted prior to the moratorium going into effect. Ms. Dadlez noted that the moratorium was adopted by City Council on October 18, 2017, for a term of one year, and will expire on October 18, 2018. During that time staff will conduct a zoning and land use study of Marshall Avenue from the Mississippi River to Hamline Avenue to determine if there are any zoning changes needed. Ms. Anderson added that this property is within the student housing overlay district, which applies to single family homes and duplexes, not multi-family housing.

In response to a question by Chair Edgerton, Ms. Anderson said the zoning code is more quantitative and the comprehensive plan provides more general goals and guidelines for development, such as balancing support for greater density and maintaining neighborhood scale. The comprehensive plan is more general, brought to the specific by Zoning Code requirements that are more quantifiable.

The applicant, Jon Schwartzman with MCR Property Holdings, LLC, 10921 Excelsior Blvd., #106, Hopkins said his company owns numerous properties in Saint Paul. He said they bought 1973-1977 Marshall Avenue in 2016 and 2017. Both properties are located within the RM2 zoning code district, which would allow them to develop a multi-family building.

Mr. Schwartzman said the concept for this new apartment building is to provide an affordable rental option for students and young working professionals in an area where there is a rental shortage. He said he attempted to find housing for his children attending college in the area and most young adults find it difficult to find modern, safe, and affordable housing in the area. Young working adults cannot afford to own homes in the area, and are looking for affordable rental options. Old duplexes, 4-plexes, and 50+ year old apartment buildings in the area do not offer the tenant much except high rent. Many are in bad condition, with minimal security, street parking, and antiquated HVAC, appliances, lighting, electrical and plumbing systems. Mr. Schwartzman said that there is a huge gap that needs to be filled with new, affordable rental options. He said the average rental rate for a 700 sq. ft., one-bedroom apartment located in the Union Park area is \$1,435.00 per month, based upon Rent Café data. He added that old is not bad, but the conditions of these properties can be a problem for any renter if they are not maintained and upgraded.

Mr. Schwartzman said that after meeting with Pope Architects and City staff, it was determined that the proposed development for 1973-1977 Marshall Avenue would be feasible and could meet all of the zoning and building code requirements. He added that the houses at 1973-1977 Marshall Avenue are not registered with the City or state as historically significant.

Mr. Schwartzman said they have attended 2 Union Park District Council meetings and listened to the concerns of neighbors. They have made design changes based on neighborhood suggestions and thanked the Union Park District Council for their input. The apartment will feature amenities such as bicycle parking, Wi-Fi, fully furnished, new appliances, in-unit laundry, big screen televisions, security, handicap accessibility, undercover garage parking, vending machines, shuttle service, in-building management, and upgraded finishes. There is a Metro-Transit bus stop in front of the building. Rent will average \$850.00 per tenant, with units ranging in size from 900 sq. ft. to 1,800 sq. ft. Though this project will begin to fill the housing gap in this area, more is needed. He understands that the building is a change for the Marshall Avenue landscape and will not be liked by some neighbors in the area, but feels strongly that the benefits outweigh the objections, many which are unfounded and unfair. Anyone who wants to live in this area should be able to find modern, affordable, and safe housing.

Matt Privretsky, 1237 Hubbard Ave., spoke in support and said the project makes sense and the developer is meeting the City's guidelines. He added that Saint Paul needs new housing and the vacancy rate is just above 2%, one of the lowest vacancy rates in the country, which creates high housing costs.

Kelsey Barnier, 206 S. 19th Street, Omaha, NE, spoke in support and said she graduated from St. Thomas University in 2014 and lived near this location. She and her friends had a hard time finding housing that was updated and secure, and ended up living in a house near campus that was run down and had a rodent problem. She said she would like to move back to St. Paul after graduation, but with the burden of student loans cannot afford to pay over \$1,000.00 per month for a one-bedroom rental. She would like the option of having a safe and secure apartment with parking that would be affordable.

Megan Jeriko, 1006 Grand Ave., spoke in support and said she graduated from St. Thomas University in 2016. It is hard for young adults to find affordable housing that is nice. While in

college she said she dealt with high rent, appliances that did not work, and unsafe conditions. She stayed in Saint Paul after graduation and it has been hard to find affordable housing. Her only option was to live with three other recent graduates and they settled on a house that had only one bathroom, a rodent problem, malfunctioning heat and air-conditioning and a landlord that was unreachable. There is a desperate need for modern and affordable housing in this area for students and young adults, and this proposal would help meet that need.

Max Schwartzman, 2155 Selby Ave., said Jon Schwartzman is his father. He said that he runs the day-to-day operations of the real estate portfolio, manages seven houses, and has seen the demand for rental property and what Saint Paul has to offer. He noted that according to CNBC the national vacancy rate for apartments is 4.4%, the Star Tribune reports that Saint Paul's vacancy rate fluctuates between 1.6% and 2.4% for the past few years and there is a direct correlation between rent prices and vacancy rates. He said with Saint Paul's vacancy rate being twice as low as the national average, the rent prices have skyrocketed because of supply and demand principles. The average rent in the Twin Cities is currently \$1,400.00 per month and the national average is \$1,200.00 per month, which means we are 17% higher than the national average. Many employees in the area do not make enough money to live in the area.

Greg Chmiel, 417 12th Ave. SE, Minneapolis, spoke in support, and said that there is an affordable housing shortage in Saint Paul and in the past three years he has had trouble finding housing near Saint Thomas. He searched for housing a year in advance and was forced to find housing in Minneapolis and drive to school, which is cheaper than if he had stayed in Saint Paul. It feels like he and his peers are being penalized for pursuing a higher education. He said it is not a lot to ask to have new, safe, and affordable housing, and this proposed development is just what young professionals need.

Grant Riessen, 1195 County Rd. E, Arden Hills, spoke in support, said he is a recent graduate of Northwestern University in Saint Paul, and as a young professional in his first job he has a lot to consider financially. Housing is the most expensive thing he pays for each month. There are many new apartment options, but they are \$3.00 per square foot. \$1,600 per month for a 550 square foot apartment would send him into a financial tsunami. He added that he currently pays over half of his salary for housing where he is building no equity.

Sam Daoud, 2155 Selby Ave., spoke in support. He said he is a senior at Saint Thomas and has struggled to find good, affordable housing since his freshman year. His options were slim, generally overpriced, outdated buildings, with few safety features. As a young professional he is again searching for housing, and has found multiple one-bedroom apartments with monthly rent of about \$1,500.00 and cannot afford this. This proposal gives college graduates who are transitioning into careers a shared housing option that is affordable, high quality and safe. He said if given this opportunity, it would also allow him to save money for a down payment on a house of his own.

Beau Walter, 2865 Lexington Ave. N., Roseville, spoke in support and said he is a graduate of the University of Northwestern in Roseville, is working an entry level accounting position in Saint Paul and has had trouble finding housing that is adequately kept up or that would not break the bank in order to be closer to work. He said the bonus of this proposal is that there is a bus stop

right outside the building and he relies heavily on public transportation. He said this proposal would help him to save money, while still living in a safe, high-end apartment.

Lilly Hoyt, 25 Wheeler St. S., spoke in support. She said she is a junior at the University of Saint Thomas and that Saint Paul lacks affordable housing for young adults. She began looking for an apartment in March 2016 and could not find one that was affordable until June 2016. The apartment she found was over 50 years old and overpriced for its condition. She can hear a tenant in another unit snoring, and it only offers on-street parking. She said the safety of private parking and keyless entry at this location appeals to many young adults wishing to live in Saint Paul.

Leandra Aldoff, 1625 Minnehaha Ave. W., spoke in support. She is a recent graduate of Hamline University and has lived in Saint Paul for the past four years. She said she recently toured the apartments above Whole Foods on Snelling Avenue and thought that was where she would live until she discovered that rent would be \$1,400.00 for a studio apartment. This proposed development would give her the opportunity to live in an apartment comparable to the one on Snelling Avenue, but with a more affordable rent. She said Saint Paul is in a housing shortage and landlords are taking advantage of this by asking for higher rent. She said the safety features of 24/7 surveillance and key card access at the front door stood out to her.

Kristen Marttila, a partner at the law firm of Lockridge, Grindal, and Nauen, 100 Washington Ave. S., Minneapolis, submitted a letter and spoke in opposition. She requested more time to speak than the allotted two minutes. She said that the moratorium exempts proposals that are dually submitted to the City in proper form by the deadline, but this application was not in proper form due to the number of elements of the plan. She said those items were outlined in an October 2017 letter from Erick Kaardal and much of that detail is still lacking in the revised site plan. Given the number of changes it makes sense to consider this as a new application that is covered by the moratorium. If the Committee proceeds to consider the proposal despite the moratorium, variance and conditional use permits will not be available for this project and must be in strict compliance with the zoning code. She said that the parking proposal is not compliant with City ordinances, as designed with the parking structure above ground by about two feet, and this changes the lot coverage from just below 35% to 54%. She added that the parking also intrudes upon the required setbacks for the side and rear yards, and the proposal no longer qualifies for the density bonus for 16 units, losing 3 apartments and 13 parking spaces. She said that the site plan review calls for a foot of separation between the 100-year high water level and low floor.

Chair Edgerton noted that they had submitted comments in writing covering many of these items.

Ms. Marttila said some items were covered in writing in some amount of detail. The high water mark was not available to them in advance of the meeting with enough time to submit written comments.

Shanna Sether-Clarksen, 1980 Iglehart Ave., submitted a letter, spoke in opposition, and also submitted a packet at the meeting. She said reading plans can be very complicated and they have identified a comment from the site plan review meeting by Wes Saunders-Pierce outlining the requirement for 1' separation between the 100-year high water level and low floor. She said

the architectural plans that were drafted show the low floor elevation at 891, 891.14 is identified in the civil drawings as the high water mark, and that they need a foot of separation. She said the rendering was done before they knew about the difference in elevation. She added that the structure is above grade and that will allow the developer to over build the lot. As well, density bonuses in a residential corridor are provided to meet density goals and the proposal exceeds those goals with its 16 dwelling units on .323 acres, which calculates to 45.9 dwelling units per acre, and this does not meet the comprehensive plan.

Julie Reiter, Executive Director, Union Park District Council, 1623 Hague Ave., submitted a letter and spoke in opposition. She said the Union Park District board has voted in denial of this site plan and the land use committee had a meeting in October and submitted a letter to the developer and the City with their concerns. The board found that neither the updated site plan, nor the staff report have adequately addressed the key concerns from that letter, which include the scale and height of the building, the high volume of student tenants, traffic and parking issues, preservation of historic character, etc. She added that these concerns are also noted in the January 3, 2018 resolution. She said the board disagrees with the staff report that this project is consistent with the Union Park community plan, which is a part of the City's comprehensive plan. She said the proposed plan does not fit with the character of the neighborhood, does not encourage the rehabilitation of existing housing stock to support preservation, and does not support the development of affordable housing. She said that the Union Park District Council has a record of supporting increased density within the community, but this development is different in quality and quantity.

Mary Anderson, 1969 Marshall Ave., spoke in opposition and said she lives next door to the proposed apartment building and has lived at this address for 65 years. She said she takes pride in her home and neighborhood, which has evolved over the years. She said her home was designed by architect, J. Walker Stevens and built in 1883. She said she was contacted by Sam Doud, who offered to buy her home, but the true buyer was Jon Schwartzman and that is how she said she found out that the two houses next to her had been sold and set for demolition. She said traffic, car noise, lights, and exhaust will impact her side yard at all times, day and night and she is concerned that water and melting snow will flood her property.

Douglas Allchin, 2005 Carroll Ave., submitted a letter, spoke in opposition, and said there are larger issues outside of the boundaries of this property, including the inclusion of the community plan as part of the Zoning code in regard to the scale of the neighborhood, and neighborhood character and scale. He said the proposal gives a vision of the project, but not the context. He took a photo of the property, adding a drawing to show the size of the proposed building next to other homes. The building stands out 4' from the porches and 10' from the first floor of the houses along Marshall Ave., and the proposed roof is 60% over the existing roofline along Marshall Ave. He said this 5-story building would be unprecedented in a square mile from Summit to I94 and Snelling to Cleveland.

Fr. Alvaro Perez, 2001 Dayton Ave., associate pastor at the Church of St. Mark, spoke in opposition and said this is the oldest church in the neighborhood, and founded in 1889. He said they have about 479 families and 2,000 parishioners. He said they also have a school, kindergarten through eighth grade and the increased density of student housing poses a safety

issue for the children and will drive families out of the neighborhood. He said the church of St. Mark is also concerned about parking and traffic issues for the church and school.

Ben Minge, 1449 Goodrich Ave., Mac-Groveland Land Use Committee spoke in opposition and said this is similar to a lot of projects that they have seen. He said they question whether this proposal fits with the neighborhoods character, style, or scale. He said they are not opposed to development, but to put a 5-story building in the middle of a neighborhood does not fit the community plan.

Aaron Rubenstein, 75 5th St. W., Program Director, Historic Saint Paul, spoke in opposition and submitted a letter. He said their mission is to promote the heritage, character, and vitality of St. Paul's neighborhoods. He said the proposed site plan conflicts with the policies under the City's comprehensive plan and does not conform to one of the required findings for site plan review. He said that Historic Saint Paul concurs with Kady Dadlez on the November 9, 2017 site plan review report in which she said, "generally speaking, the comprehensive plan calls for increased density in residential corridors consistent with the prevailing character and the overall density of the area." He said that the Heritage Preservation Commission directed staff to undertake a historic designation study of the Merriam Park area and there is an expectation that the City will provide funding for this. He said it will be up to the Planning Commission to balance what the policies are and how well the project conforms or conflicts with them. He said that issues of community character and scale are vitally important issues that the Planning Commission will have to take into account. He said there is a conflict between the Zoning Code and the Comprehensive Plan.

Vickey Hovza, 1968 Marshall Ave., spoke in opposition and said she is upset by the project displacing animals in the neighborhood. She said she wants to keep her neighborhood quiet and safe. She added that parking is needed for the current residents and church.

Jonathan Lund, 2015 Iglehart Ave., spoke in opposition and said his award nominated gardens with Blooming Saint Paul will be shaded by this proposed building. He said this is simply a dormitory and we have experience with this type of housing. He said that the owner of 301-303 N. Wilder St. decided to not rent his 3 and 4 bedroom apartments to students because they became too destructive, and had too many nuisance calls. He said St. Thomas has resources available to create student housing if they need student housing. He said it is unfair and irresponsible to ask the citizens of the neighborhood to absorb the traffic and disruptions.

Scott Van Wert, 1985 Marshall Ave., submitted a letter, spoke in opposition, and said the student-housing overlay applies to single family homes and duplexes. It allows up to eight students to be in a house in this neighborhood. He said the house here had students who had to move out. He said there were no issues with this living situation and there are many homes in the area where you could convert single-family homes into student housing and still have 150' of separation by code. He said this should be a part of the comprehensive plan. He added that balconies are also a danger for student housing.

Robert Clarksen, 1980 Iglehart Ave., submitted a letter, and spoke in opposition. He said that he and his wife have 30 years of combined practical experience as City Planners for the City of Minneapolis. He said he cannot understand how the City of Saint Paul has determined that this

project is consistent with the comprehensive plan and that it meets zoning code regulations. He said that this 5-story building will destroy the view from his back windows. He said that there is no analysis on the record whether 1973-1977 Marshall had historical value, but we know that the architect that built 1977 Marshall also built the Palace Theatre, several other properties around the city, and over 19 courthouses in the Dakotas and Minnesota. These properties need to be explored for historical value before knocking them down. He displayed a picture of the proposed parking facility in the east and rear yards showing portions of the building within the setbacks, and said parking is not completely below grade.

Dan Weston, 2005 Marshall Ave., submitted a letter, spoke in opposition, and said that this application was filed one day prior to the moratorium going into effect. He said the application does not appear to be complete and because of this he said there have been several modifications that are not due to neighbor requests. He has been a registered structural engineer for 30 years and does not believe that this building works and is not sure that they can get the mechanicals added where they are suggesting them.

Michael Kroona, 1890 Iglehart Ave., submitted a letter and spoke in opposition. He noted that Mr. Schwartzman said rent will be \$800.00 per month, but he said that amount is not guaranteed and until there is a contract signed he can charge whatever he wants for rent. Rent will be determined by supply and demand.

Rachel Westermeyer, 1935 Summit Ave., co-chair of the West Summit Neighborhood Advisory Committee, submitted a letter and spoke in opposition. She said they commissioned Smith and Partners to do a Partnership Feasibility Study in 2010. One part of this study suggests that "an increase to over 30% non-homesteads would generally be considered a "tipping point" for a single family residential neighborhood that could lead to disinvestments and decline." She said this neighborhood is at 51% for non-homestead properties. She said that if student rentals are in these same areas, the neighborhood declines faster. She noted that the University of Minnesota had the same dilemma about 50 years ago. She said back then there were vibrant communities and activities, and today it is beyond the tipping point filled with buildings just like this proposed site plan.

Dean Nelson, 2000 Marshall Ave., submitted a letter and spoke in opposition. He said there are technical problems with this project that violate RM2 zoning. He said the underground parking garage needs to be completely underground and noted that finding 2 of the staff report states that the first floor is above the established grade of 899.7. He said because of this they should be subject to setbacks and should diminish their density bonus. He said the building has no options for variances. He said the height of the building is 50' and the 100-year high water mark was set at 891.14 and the lowest floor in the garage is proposed at 891. He said City staff stated the lowest floor needs to be 1' above the 100-year high water mark, which makes this building taller. He added the parking on the side yard creates a legal nuisance.

Sally Lawrence, 1990 Iglehart Ave., submitted a letter and spoke in opposition. She said she concurs with everyone else in opposition that this building does not fit in the neighborhood. She said the houses directly impacted by the construction are about 110 to 120 years old will experience damage from the vibrations of earth moving equipment and she asked what their recourse would be.

The applicant's representative, Eric Galatz, 1472 Linden Ave., said they have relied on City staff to interpret the code for technical compliance and to meet requirements of the code and have met those requirements. He said that the application was submitted before the effective date of the moratorium and they relied on staff to make a determination as to whether the application was complete. He added that the law requires the zoning code to comply with the City's comprehensive plan and that they are in compliance with the comprehensive plan.

Commissioner Reveal asked about the potential construction risk for surrounding properties. Mr. Galetz said that is not a zoning issue, but in terms of constructions issues it is rare to have damage to surrounding property. He added the law provides remedies and restrictions against undermining other people's foundations and there is insurance for that.

Commissioner Reveal asked if the parking is above or below grade. Paul Holmes said that the garage floor elevation ranges from 892.8 at entry to 891.0 at its lowest point. The 100-year high water mark is 891.14, so at the lowest point of the garage they are below the 100-year high water mark. He said there will be a waterproof, concrete wall to protect this. He added that the entry to the garage is 1.11' above the 100-year high water mark. He noted that the first floor elevation is at 902.0, but it will be sloped at 1.5% to the east to meet the existing grade of 901.0., so the entire parking garage will be below grade and not visible. He said the height of the building will be 10-13' higher than the existing buildings.

Chair Edgerton asked if there will be a drain in the parking garage. Mr. Holmes said there is a floor drain. Eric Meyer, with Larson Engineering, 3524 Labore Rd., White Bear Lake said the floor drains in the garage are required to go into a sanitary sewer, as well as the drains in the elevator pit, because of the potential contamination from vehicles. He added that the storm sewer will take the runoff from the roof and yard only.

In response to a question by Commissioner Lindeke, Mr. Meyer said that the client asked them to include balconies as an amenity to the residents. He said that there was concern expressed at the first meeting with the Union Park District Council, so there will only be four balconies on the Moore Street side of the building to reduce noise to the neighbors.

Mr. Schwartzman said he stands by his initial comments and that this will be a great building and will serve a much-needed purpose in the area, but acknowledged that the proposal is different. He added that they hope to do additional projects like this in the future to satisfy the demand in the area.

The public hearing was closed.

Commissioner DeJoy said this is a site plan review and we are looking at whether it meets the requirements of the zoning code. She asked staff to address challenges associated with some of the findings. Chair Edgerton agreed that because this is a site plan review, we have to determine if the proposal is consistent with the Zoning Code.

In response to a question by Chair Edgerton, Ms. Anderson said a submitted site plan can be a complete application, which is not the same as an approved site plan. She said site plan review applications are reviewed for the required information, followed by a staff meeting for various

City departments to weigh in on the site plan. She said if it is a staff reviewed project we would issue a conditional approval of the plan, which does not mean that the plan has met all of the conditions for approval, but it outlines everything they need to do in order to meet zoning requirements and requirements of all City Departments involved. All departments are required to sign off on the site plan for an approval. In response to a question by Commission DeJoy, Ms. Anderson said it is not unusual for a site plan to be submitted and go through a revision or a number of revisions before it is approved. In response to a question by Chair Edgerton, Ms. Anderson said that this site plan review application was deemed to be a complete submittal upon original receipt. It included the application, fee, the required civil documentation including the survey, existing conditions, demolition plan, utility plan, storm water plan, architectural elevations, and landscape plan.

Ms. Anderson said that she relies on the project architect and civil engineer to show her that lot coverage is met. She said that they have shown that the parking structure is completely underground. She said that they look at lot coverage based on above ground structure as it relates to the lot area. The lot area is both the parcel and half of the alley and based on the above ground portion of the building, including the balconies, to determine the lot coverage percentage. She noted that these calculations are shown on page 2 of the site plan. She added that the building height is measured from the existing established grade and the new grade, but not the below grade items, to determine lot coverage. Chair Edgerton said the argument in public testimony was that the top of the underground parking is above the existing grade, but the determination was that it is underground parking because it is below proposed grade. Ms. Anderson said we measure lot coverage based on what is above grade and none of the below grade parking is exposed and there was a conversation with the architect that if a portion of the below grade parking were to become exposed, then that would be subject to lot coverage. She said there are different calculations in RM2 zoning districts for the requirements of height, density, lot coverage, and parking, even though they are all related.

Commissioner Lindeke asked how existing established grade is calculated. Chair Edgerton said it is a weighted average based on length and elevation. Commissioner Reveal asked if that calculation is used for height. Ms. Anderson said that was correct and it is measured from the established grade to the top of the roof deck, where a building is located on sloping terrain and the height may be measured from the average ground level of the grade of the building wall. Due to the differences in grade, they applied a weighted average to the existing established grade to calculate the height.

Chair Edgerton commented that various departments have reviewed this material and we rely on staff to review this material in detail as to whether it meets the City's zoning code and is consistent with the comprehensive plan. He said part of the zoning code comes out of the comprehensive plan, and meeting zoning code requirements reflects consistency with the comprehensive plan.

Commissioner Reveal moved approval of the new construction with conditions. Commissioner Eckman seconded the motion.

Commissioner Reveal said that these decisions are really tough and change is hard in any community when there are goals ranging from increasing rental housing stock to historic preservation. She said she would be more comfortable with this project if the study was

complete and the historic inventory was done. She said we are constantly confronted with projects that do not request a variance, conditional use permit, nonconforming use permit, and no change in the zoning code and have no rational basis to change it unless we have independent information that enters the record in a legal way that challenges a finding in this record and said she saw no such evidence in this case that this is not allowable. She said she is sympathetic to the neighbors and hopes the developer continues to work on this.

Commissioner DeJoy discussed whether the new development blends with the character of the neighborhood and how to consider that for a site plan review with no variance involved.

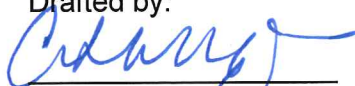


Commissioner Lindeke said that if this was a conditional use permit or variance case this would be a different conversation, but since it is a site plan review he feels limited, even though he empathizes with many of things said in public testimony. It is clear to support the motion.

Commissioner Eckman asked if we could consider the time of day that we hold the public hearing to allow more people to speak who may not be able to take off of work and to allow for more diversity.

Commissioner Reveal said that there has been discussion about this and there is no ideal meeting time. There is also written testimony and a role for community councils.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:	Submitted by:	Approved by:
		
Cherie Englund Recording Secretary	Tia Anderson City Planner	Dan Edgerton Chair