

ZONING COMMITTEE STAFF REPORT

FILE NAME: 206-208 Bates 4-plex

FILE # 17-082-824

APPLICANT: Autumn Song LLC

HEARING DATE: October 12, 2017

TYPE OF APPLICATION: Nonconforming Use Permit - Reestablishment

LOCATION: 208 Bates Ave, between Plum and Wilson

PIN & LEGAL DESCRIPTION: 332922320144; Auditors Subdivision No 20, Lot 9

PLANNING DISTRICT: 4

ZONING CODE REFERENCE: §62.109(e)

PRESENT ZONING: RT1

STAFF REPORT DATE: October 3, 2017

BY: Bill Dermody

DATE RECEIVED: September 25, 2017

60-DAY DEADLINE FOR ACTION: November 24, 2017

A. **PURPOSE:** Reestablishment of a nonconforming 4-plex residence.

B. **PARCEL SIZE:** 51 ft. (Bates) x 100 ft. = 5227 sq. ft.

C. **EXISTING LAND USE:** Vacant building

D. **SURROUNDING LAND USE:**

To the east, west, and north are multi-family, duplex, and single-family residential uses. To the south at the corner with Plum is a commercial use.

E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.

F. **PARKING:** Zoning Code § 63.207 requires a minimum of 5 parking spaces a new 4-plex with two two-bedroom units and two one-bedroom units, the unit configuration proposed for the reuse of the existing building at 208 Bates Ave. The previous use, a 4-plex with four two-bedroom units, would require 6 parking spaces. No off-street parking spaces are provided. Since the new use requires less parking than the previous use (with its legally nonconforming parking situation), no parking spaces need to be provided.

G. **HISTORY/DISCUSSION:** The building was constructed in 1885 for a commercial use. The site was zoned B3 General Business District in 1975, along with both sides of this block (Bates Ave from Wilson to Hudson). At some point since then the properties were rezoned to RT1 Two-Family Residential District. According to City records, the site has generally been used as a four-plex residence since at least 1977, and has been vacant since at least 2002.

H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the Dayton's Bluff Community Council has not provided a recommendation.

I. **FINDINGS:**

1. The application requests reestablishment of a nonconforming use to permit a 4-plex residence with two two-bedroom units and two one-bedroom units at 208 Bates Avenue, which has been vacant since at least 2002 and previously contained a 4-plex residence.

2. The proposed use received conditional approval for associated exterior work within the Dayton's Bluff Historic District from the Heritage Preservation Commission on August 10, 2017.

3. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*

(a) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The building has been

established as a 4-plex and would require significant additional investment to convert it to a duplex use permitted in the district, while also reducing the number of units available for rent.

- (b) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The proposed 4-plex is equally appropriate to the district as the previous 4-plex. The parking requirement of the proposed use is less than the previous use due to a reduction in the number of bedrooms.
- (c) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use is consistent with the neighborhood's existing character and will improve the neighborhood by allowing occupancy of this long-vacant building.
- (d) *The proposed use is consistent with the comprehensive plan.* This finding is met. The reuse of a historic building is supported by the Historic Preservation Chapter of the Comprehensive Plan, the District 4 Plan Summary, and the Gold Line Station Area Plans. Provision of a 4-plex residence in proximity to existing transit and a few blocks from a planned Gold Line Bus Rapid Transit station is supported by the Housing Chapter of the Comprehensive Plan, which in Strategy H-1.1 calls for an increase in housing choices across the city, and in Strategy H-1.2 for meeting demand for transit-oriented housing.
- (e) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on September 25, 2017: 12 parcels eligible; 8 parcels required; 9 parcels signed.

J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of a nonconforming 4-plex residence at 208 Bates Ave.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102
 Telephone: 651-266-6589

Zoning office use only

File no. 17-082824

Fee _____

Tentative hearing date: _____

PD-4
10-12-17

332922320144

APPLICANT

Name Autumn Song, LLC
 Address 761 3rd St. E
 City Saint Paul St. MN Zip 55106 Daytime Phone 763-656-3366
 Name of owner (if different) Eric Foster
 Contact person (if different) Aaron Rubenstein Phone 651-222-3049

PROPERTY LOCATION

Address/Location 208 Bates Avenue
 Legal description Lot 9, Auditor's Subd. No. 20, St. Paul MN
 Current Zoning RT1
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code.

The permit is for:

- Change from one nonconforming use to another (para. c)
- Re-establishment of a nonconforming use vacant for more than one year (para. e)
- Legal establishment of a nonconforming use in existence at least 10 years (para. a)
- Expansion/Relocation of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

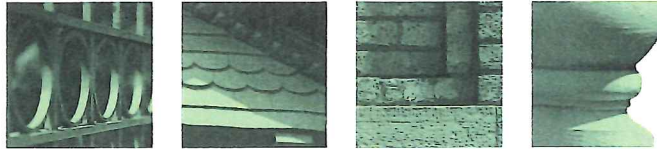
Present/Past Use 4-plex
 Proposed Use 4-plex

Attach additional sheets if necessary:

Please see enclosed letter.

Attachments as required: Site Plan Consent Petition Affidavit

Applicant's signature Aaron Rubenstein Date 8-7-2017 City agent pdd
9-21-17



HISTORIC SAINT PAUL

21 September 2017

Saint Paul Planning Commission
25 4th Street West #1400
Saint Paul, MN 55102

Re: Reestablishment of Nonconforming Use Permit Application for 208 Bates Avenue

Dear Saint Paul Planning Commission Members:

On behalf of developer and applicant Autumn Song, LLC, Historic Saint Paul seeks city approval of a reestablishment of nonconforming use permit for 208 Bates Avenue.

The vacant building on this parcel was last used as a four-plex and that is the proposed use as well.

The building, known as the Schacht Building, was constructed in 1885 with two storefronts on the first floor and two apartments on the second floor. After a number of first-floor commercial uses over the decades, the building contained four dwelling units beginning in 1973 or earlier. It became vacant in 2002 and the city's HRA bought it through eminent domain in 2005. The building has been vacant ever since and the HRA now plans to sell the building to Autumn Song, LLC. Historic Saint Paul is Autumn Song's development consultant/project manager.

Autumn Song, LLC plans to completely rehabilitate the building from top to bottom and from inside out. The anticipated total development cost is \$1,080,000. The building is categorized as pivotal to the character of the Dayton's Bluff Heritage Preservation District.

The proposed use of the building – four dwelling units – conforms to all five required findings.

- 1. The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.*

The existing building area is 5,926 sf and the planned building area is 5,004 sf, creating two first-floor apartments of 790 sf each and two second-floor apartments of 850 sf each. The size and layout of the building lends itself to four dwelling units. To create a conforming use – a duplex or two dwelling units – is not economically viable and rehabilitation of this long-vacant, pivotal building as a conforming use is infeasible. The project budget, as it is, is extremely tight.

2. *The proposed use is equally or more appropriate to the district than the previous nonconforming use.*

The previous use was four two-bedroom units. The proposed use is slightly less intensive – two two-bedroom units and two one-bedroom units.

3. *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.*

The proposed use as a four-plex is compatible and consistent with surrounding and nearby uses. Adjacent to the north at 212 Bates is a three-unit rowhouse constructed in 2003 and across the street at 201-07 Bates is a six-unit rowhouse constructed in 2002. One-half block to the north are a 9-unit apartment building at 224 Bates built in 1962, a four-unit building constructed in 1882 at 719 Wilson, and the 1886 building at 223 Bates now containing six dwelling units. All these residential multi-family buildings are located in a RT1 duplex district. One-half block further north, at Euclid Street, are three multi-unit buildings in a RM2 district: a five-unit rowhouse built in 1981 at 231-39 Bates, the 12-unit Euclid View Flats apartment building at 234-38 Bates, constructed in 1895, vacant since 2010, and owned by the HRA, and, at 243 Bates, a former church building constructed in 1906 that has seven dwelling units.

4. *The use is consistent with the comprehensive plan.*

The proposed use is supported by the following citations from the city's comprehensive plan chapters.

Gold Line Station Area Plans, 2015:

Mounds Station Area/Future Character/Land Use Change:

Established residential areas will maintain their existing character, though minor intensity increases such as infill townhomes should be accommodated, contingent on conformance with relevant historic district guidelines.

Buildings with historic character should be preserved.

Established residential areas outside the Primary TOD Zone should maintain their character.

Infill multi-family units of a lower density, such as townhomes, should be permitted outside the Primary TOD Zone. Accessory dwelling units should be considered.

Infill development, demolitions, and exterior modifications in the Dayton's Bluff Heritage Preservation District should conform to the program for preservation, as applied through Heritage Preservation Commission (HPC) review.

Housing Plan, 2010:

Strategy 1: Build upon Saint Paul's Strengths in the Evolving Metropolitan Housing Market:

1.1. Increase housing choices across the city to support economically diverse neighborhoods.

1.2. Meet market demand for transit-oriented housing.

1.3. Revitalize the city by developing land-efficient housing.

Strategy 2: Preserve and Promote Established Neighborhoods:

2.1. Maintain the vitality and high quality of life in existing stable neighborhoods by engaging in a variety of actions:

g. . . . Preserve properties designated historic.

2.13. Continue to assess vacant housing conditions with City/HRA partners such as community development corporations, nonprofit organizations, private developers, district councils, and block groups, and prioritize City/HRA revitalization assistance to areas with less vibrant housing markets. Demolition should occur only after careful examination of criteria listed in Policy H-2.3.

2.15. Engage the investor and lender communities to revitalize areas with high concentrations of vacant housing and foreclosures.

Strategy 3: Ensure the Availability of Affordable Housing Across the City:

3.2. Support new housing opportunities for low-income households throughout the city.

3.3. Provide affordable housing in new production projects.

f. Explore and implement demonstrated incentive zoning tools, including density bonuses, parking reductions, and other creative mechanisms, to facilitate and encourage the market to produce new affordable housing.

Land Use Plan, 2010:

Strategy 1: Target Growth in Unique Neighborhoods:

1.5 Identify residential areas where single-family, duplex housing, and small multi-family housing predominate as Established Neighborhoods. The City should maintain the character of Established Neighborhoods.

1.8 Encourage the development of townhouses and smaller multi-family developments, compatible with the character of Established Neighborhoods. These developments should occur at the intersections of two streets, either arterials or collectors, located on a transit route.

Historic Preservation Plan, 2010:

Strategy 1: Be a Leader for Historic Preservation in Saint Paul:

1.10. Give equal consideration to historic preservation factors when City action, involvement, or funding is requested or required.

1.12. Prioritize the retention of designated historic resources (or those determined eligible for historic designation) over demolition when evaluating planning and development projects that require or request City action, involvement, or funding.

Strategy 4: Preserve and Protect Historic Resources:

4.5. Acquire key threatened historic properties until a suitable owner can be found.

Strategy 5: Use Historic Preservation to Further Economic Development and Sustainability:

5.4 Invest in historic resources along transit corridors as part of a larger neighborhood revitalization and reinvestment strategy.

5.5. Develop land use and regulatory incentives to make it easier and more feasible to rehabilitate resources designated as heritage preservation sites.

5. *A notarized petition stating support for the proposed use and signed by two-thirds of property owners within 100 feet of the property has been obtained (enclosed).*

Eight signatures are required and nine were obtained.

The site does not lend itself to off-street parking and none is proposed or required. The previous use of the building and site did not include off-street parking.

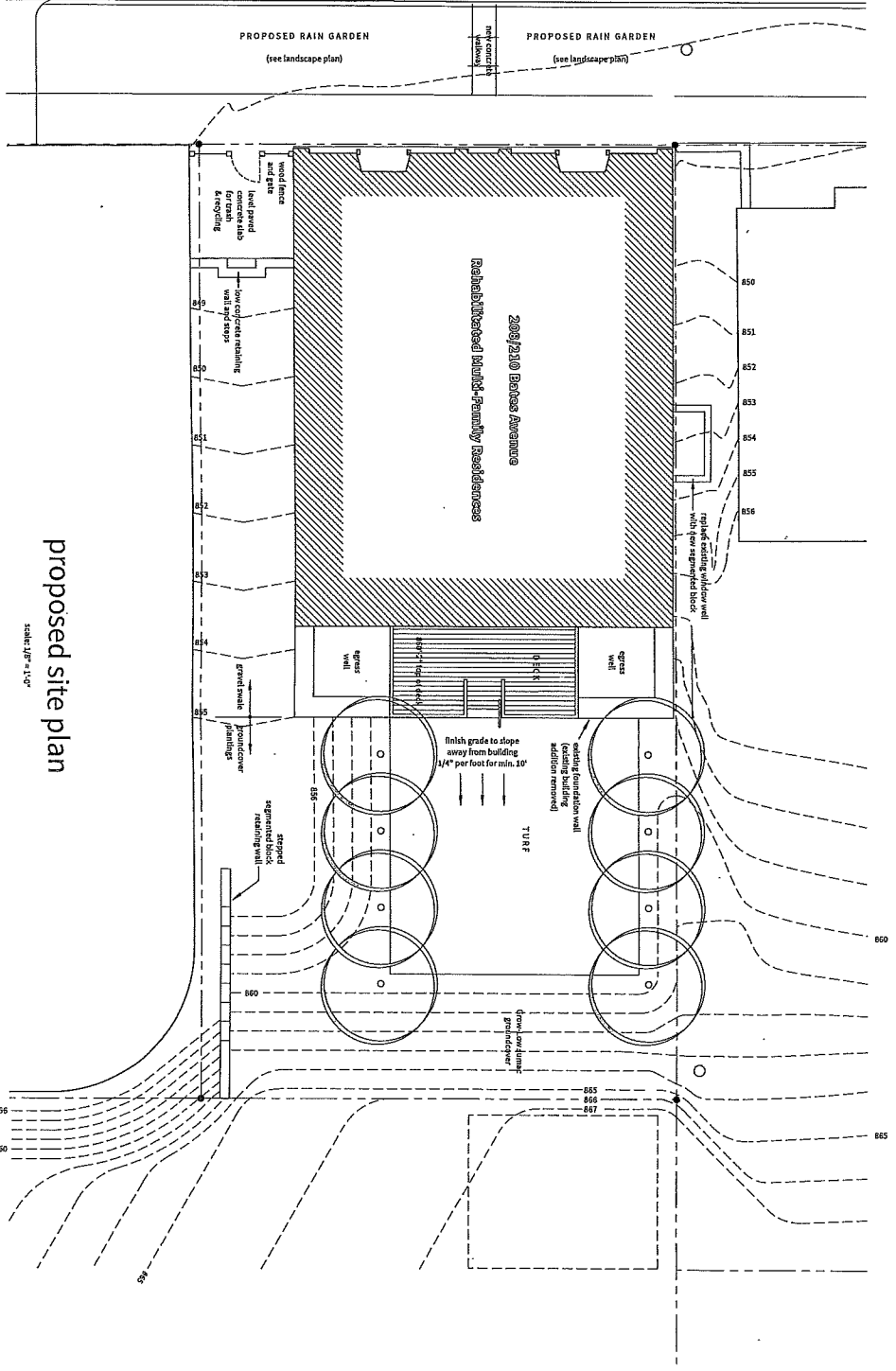
The site plan and other architectural plans for the project are attached, as well as some photographs of the building and a newspaper article about the project.

Please let me know if you have questions or require additional information. Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Aaron Rubenstein".

Aaron Rubenstein
Program Coordinator
Historic Saint Paul

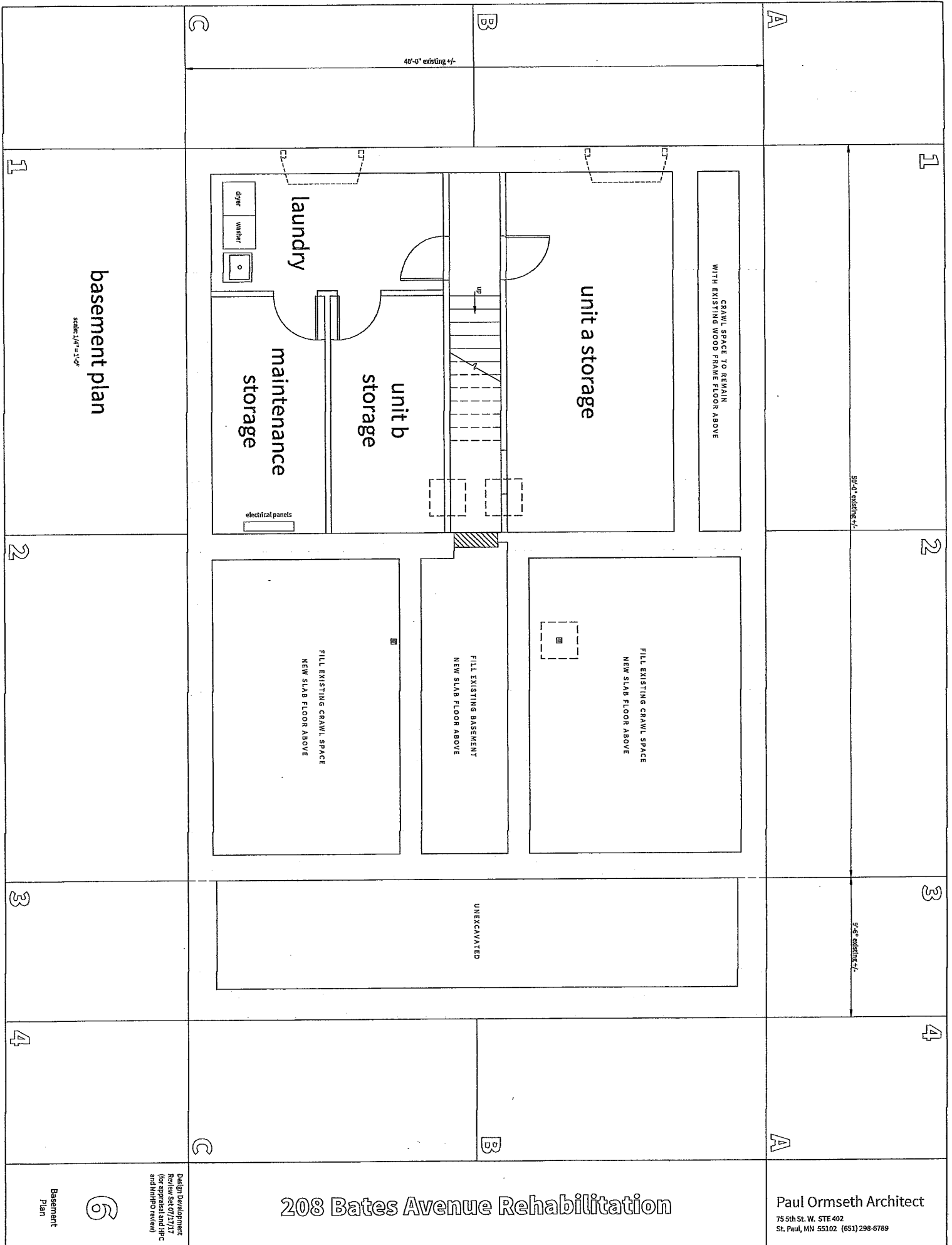


proposed site plan
 scale: 1/8" = 1'-0"

208 Bates Avenue Rehabilitation

Paul Ormseth Architect
 75 5th St. W. STE 402
 St. Paul, MN 55102 (651) 298-6789

Design Development
 Review: 06/27/17
 (for approval and IPC
 and MHPD review)



basement plan

scale: 1/4" = 1'-0"

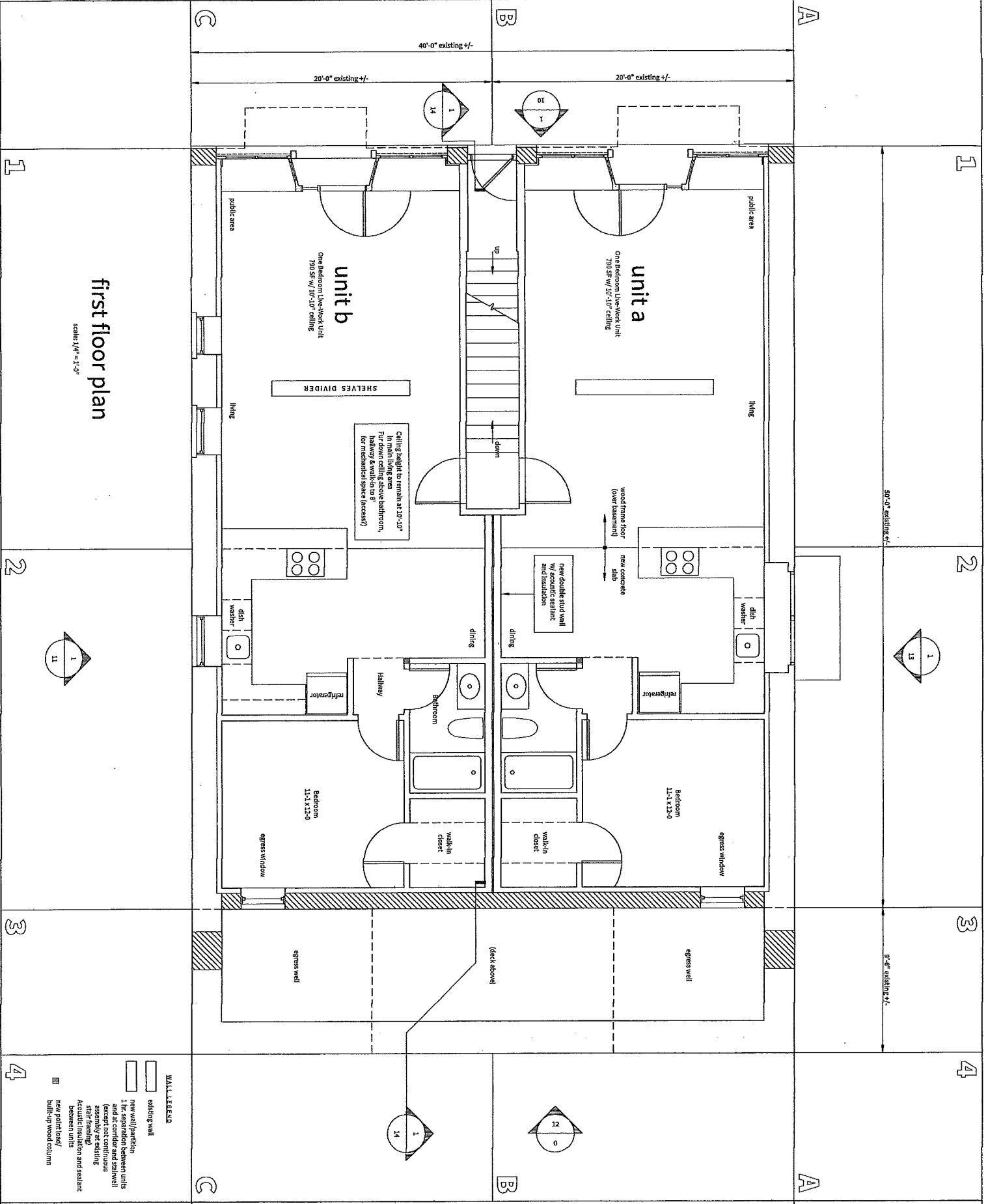
208 Bates Avenue Rehabilitation

Paul Ormseth Architect
 75 5th St. W. STE 402
 St. Paul, MN 55102 (651) 298-6789

Design Development
 Plans prepared and
 reviewed by Paul Ormseth
 and Winnipeg review)

Basement
 Plan





first floor plan

scale: 1/4" = 1'-0"

- WALL LEGEND**
- existing wall
 - new wall/partition
 - 1" separation between units and at corridor and stairwell (except for continuous assembly as existing)
 - Acoustic insulation and sealant between units
 - new joist/raft
 - built-up wood column

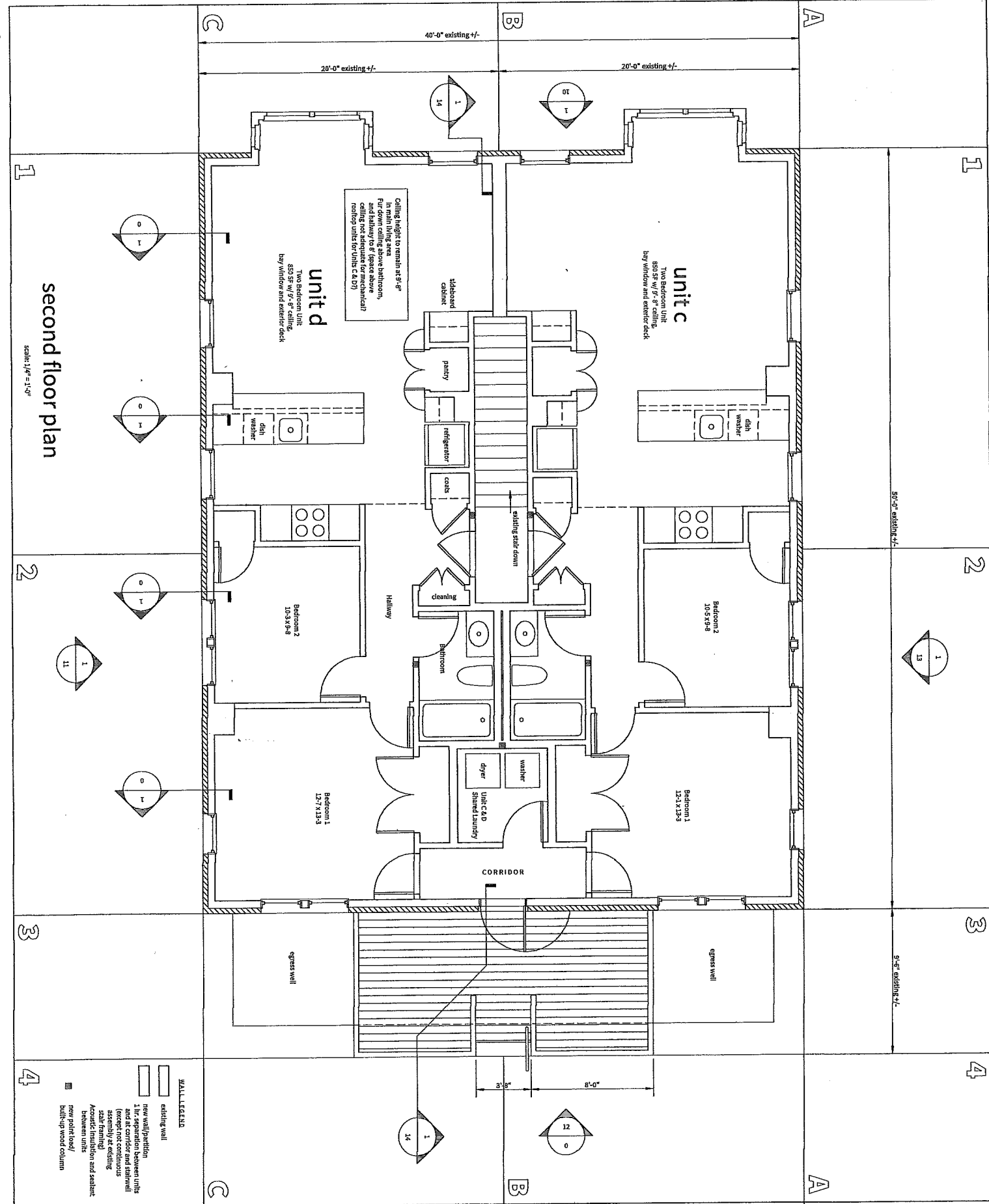
208 Bates Avenue Rehabilitation

Paul Ormseth Architect
 75 5th St. W. STE 402
 St. Paul, MN 55102 (651) 298-6789

Design Development
 Review Set 07/17/17
 (for appraisal and HPC
 and MHPPO review)

7

First Floor Plan



second floor plan

scale: 1/4" = 1'-0"

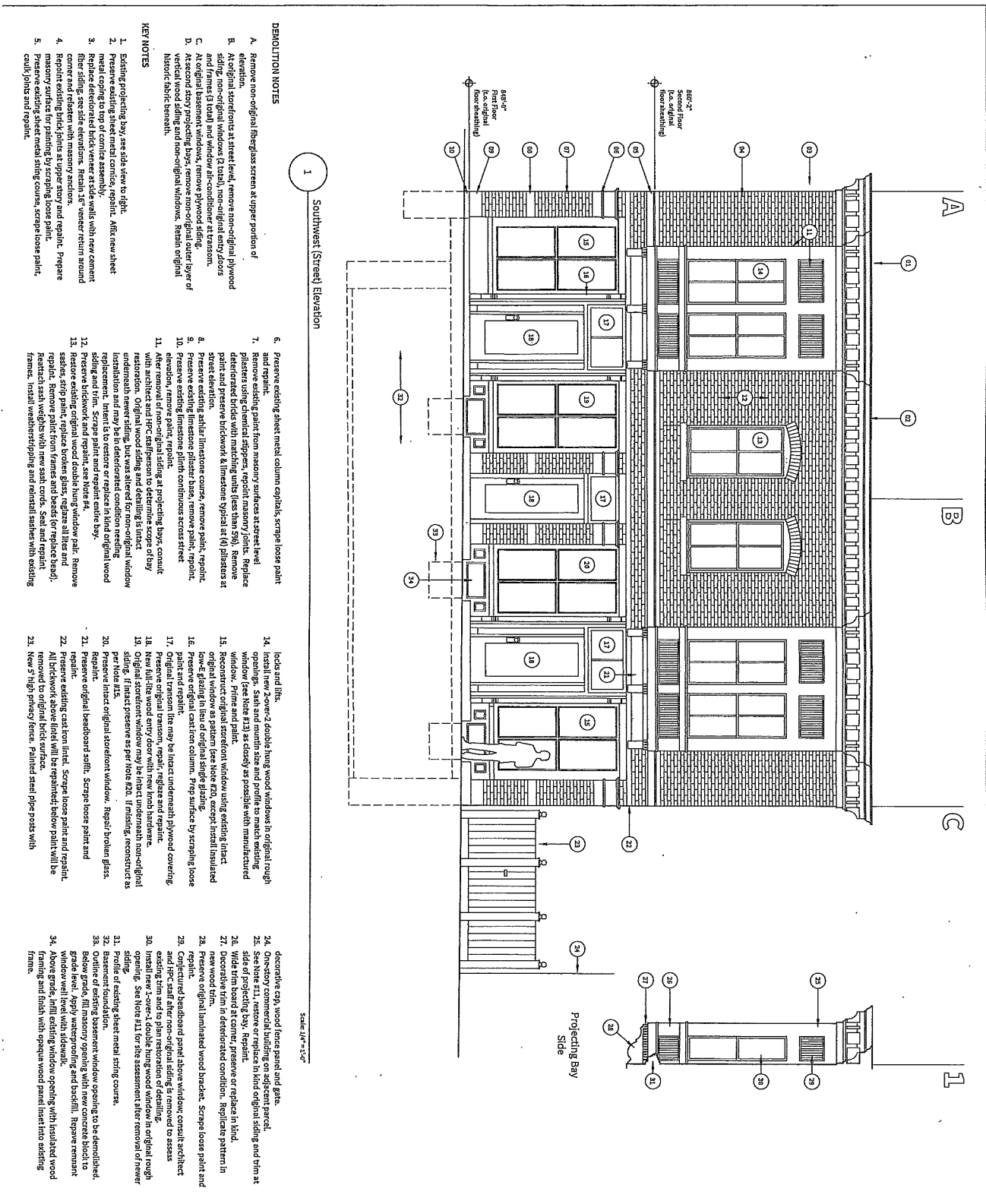
208 Bates Avenue Rehabilitation

Paul Ormseth Architect
75 5th St. W. STE 402
St. Paul, MN 55102 (651) 298-6789

8

Design Development
Review set 07/17/17
(for appraisal and HPC
and MHPD review)

- WALL LEGEND**
- existing wall
 - new wall/partition
 - 1 hr. separation between units and at corridor and shaftwell (except for common areas, including shaft framing)
 - Acoustic insulation and sealant between units
 - new point load/
built-up wood column



- DEMOLITION NOTES**
- A. Remove non-original fiberglass screen at upper portion of elevation.
 - B. At original storefronts at street level, remove non-original plywood siding, non-original windows (2 total), non-original entry doors and frames (3 total) and window above projector at transom.
 - C. At original basement windows, remove plywood siding.
 - D. Remove existing brick piers at upper story and window above projector at transom. Retain layer of historic fabric beneath.

1. Existing projecting bay, see side view to right.
2. Preserve existing sheet metal cornice, repaint. Affix new sheet metal coping to top of cornice assembly.
3. Repoint existing brick piers at upper story and window above cornice and reflect with masonry anchors.
4. Repoint existing brick piers at upper story and repaint masonry surface for painting by scraping loose paint.
5. Preserve existing sheet metal string course, scrape loose paint, caulking joints and repaint.

6. Preserve existing sheet metal column capitals, scrape loose paint and repaint.
7. Remove existing paint from masonry surfaces at street level. Plasters using 1/2 inch strips, repair masonry joints. Replace deteriorated bricks with matching units (less than 5%). Remove paint and preserve brickwork & limestone splay at (4) piers at street elevation. Add limestone course, remove paint, repair.
8. Preserve existing limestone pier base, remove paint, repair.
9. Preserve existing limestone plinth continuous across street elevation, remove paint, repair.
10. After removal of non-original siding at projecting bays, consult with architect and IPC staff person to determine scope of bay underpinning work to be done. Underpinning work to include window roughness, insert it to restore or replace in kind original wood siding and trim. Scrape paint and repaint entire bay.
11. Preserve brickwork and paint, see Note #4.
12. Restore existing original wood double hung window pair. Remove sashes, strip paint, replace broken glass, reglaze all lites and repaint. Remove paint from frames and beads (or replace bead). Reattach sash weights with new steel cables. Repaint and repair frame. Install weatherstripping and external sashes with existing

13. Restore existing original wood double hung window pair. Remove sashes, strip paint, replace broken glass, reglaze all lites and repaint. Remove paint from frames and beads (or replace bead). Reattach sash weights with new steel cables. Repaint and repair frame. Install weatherstripping and external sashes with existing
14. Install new 2-over-2 double hung wood windows in original rough openings. Sash and sash size and profile to match existing window. (See Note #13 as closely as possible with manufacturer window. Prime and paint.
15. Reconstruct original storefront window using existing brick pier. Remove existing brick pier and install insulated frame of original lintel of original single sash.
16. Preserve original cast iron column. Prep surface by scraping loose paint and repaint.
17. Original transom may be intact underneath plywood covering. Preserve original transom, repair, reglaze and repaint.
18. New full-size wood entry door with new knob hardware.
19. Original storefront window may be intact underneath non-original siding. See Note #15.
20. Preserve in-kind original storefront window. Repair broken glass. Repaint.
21. Preserve original beaded soft. Scrape loose paint and repaint.
22. Preserve cast iron lintel. Scrape loose paint and repaint. All brickwork above lintel will be repaired; below piers will be removed or original face. Painted steel pipe posts with
23. New 5" high privacy fence. Painted steel pipe posts with decorative cap, wood fence panel and gate.
24. One-story commercial building on adjacent parcel.
25. See Note #11, restore or replace in kind original siding and trim at side of projecting bay. Repaint.
26. Wide trim board at corner, preserve or replace in kind.
27. Decorative trim in deteriorated condition. Replicate pattern in new wood.
28. Preserve original laminated wood header. Scrape loose paint and repaint.
29. Confirmed header board panel above window, consult architect and IPC staff after non-original siding is removed to assess existing trim and to plan restoration of detailing.
30. Install new 1-over-1 double hung window in original rough opening. See Note #11 for site assessment after removal of newer window.
31. Profile of existing sheet metal string course.
32. Basement foundation.
33. Outline of existing basement window opening to be demolished. Below grade, fill masonry opening with new concrete block to grade level. Apply waterproofing and backfill. Repair remnant window well with sidewalk.
34. Above grade, mill existing window opening with installed wood framing and finish with opaque wood panel insert into existing frame.

Scale: 1/8" = 1'-0"

10
Southwest (Street) Elevation
Paul Ormseth Architect
75 5th St. W., STE 402
St. Paul, MN 55102 (651) 298-6789

ST. PAUL

Developers hope to inspire others with overhaul of aging mixed-use building in St. Paul

Subsidies help buyers save mixed-use St. Paul homes.

By **Jessie Van Berkel** (<http://www.startribune.com/jessie-van-berkel/280701532/>) Star Tribune

OCTOBER 15, 2016 — 5:32PM

It's pretty hideous, Eric Foster said, as he stared at the boarded-up building with peeling beige and brown paint that he is buying from the city of St. Paul. Then, he started picking out interesting architectural details.

"I don't know. Maybe I'm weird, but I see the potential. ... There's beauty here," Foster said of the four-unit building in Dayton's Bluff that once had a storefront on the bottom level and housing above.

Similar small mixed-use buildings, with a commercial space on the bottom level and an apartment or two up top, can be found all over St. Paul's older neighborhoods. But many are aging and in need of an update or new use, said Carol Carey, executive director of Historic St. Paul, the nonprofit partnering with Foster to overhaul the property at 208 and 210 Bates Av. She hopes it can provide an example for what could be done elsewhere in the city.

"The community grew up with small, locally owned businesses that were adjacent to the residential properties," Carey said. "Finding some of these opportunities and transforming these into uses that fit our contemporary lifestyle is an important demonstration."

A year ago, St. Paul was looking at tearing down the building and a number of others in Dayton's Bluff. But, urged by neighborhood residents, the city gave the decrepit, empty buildings one more marketing push — and it worked. The city's Housing and Redevelopment Authority has signed off on the sales of five of the six properties it showcased and is considering an offer on the sixth.

This week the housing authority approved the sale of the Bates Avenue building for \$1 and agreed to a cash subsidy of \$600,000 to help Foster and Historic St. Paul redevelop it.

They plan to turn it into four units of affordable housing, but they want to retain a sense of the original commercial use. So they are looking for artists or craftspeople to live in the first-floor units. They could use the area as a live-work space and hold pop-up galleries to show their work there, Carey said.

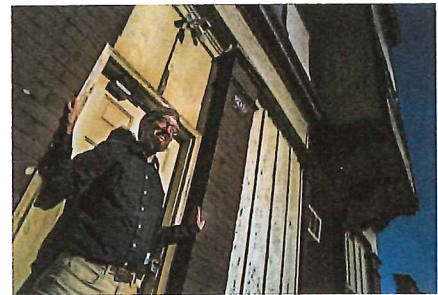
Those kind of events would help connect the community, said Foster, who lives nearby. He has rehabilitated another mixed-use property — the building that houses his restaurant, Ward 6, on Payne Avenue.

It's hard to retain an old building's mix of commercial and residential uses with today's fire codes and insurance policies, Foster said. And at the Bates Avenue building, he said a fully commercial space on the ground floor no longer makes sense because of the neighborhood's evolution.

When the building was constructed in 1885, the area was a commercial hub, said Jonathan Sage-Martinson, St. Paul's planning and economic development director. Now it is a residential neighborhood.

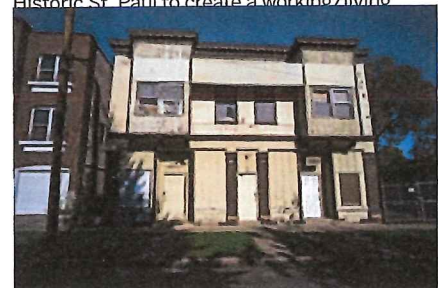
New roles for old buildings

"There's going to have to be a rethinking about the reuse of these kind of properties," he said of the small mixed-use buildings.



(http://stmedia.startribune.com/images/1476570422_10026541+1house101616.JPG)
RICHARD TSONG-TAATARI, STAR TRIBUNE

Eric Foster is working with the nonprofit Historic St. Paul to create a working/living



(http://stmedia.startribune.com/images/1476570482_10026541+2house101616.JPG)
RICHARD TSONG-TAATARI, STAR TRIBUNE

The Dayton's Bluff fourplex once housed a storefront and upper-level apartments.

When St. Paul bought the Bates Avenue building more than a decade ago, it was a “seriously terrible problem property,” Council Member Jane Prince said, and it has fallen further into disrepair.

The gutting and renovation of the building is expected to cost \$952,407, according to city documents. It would likely cost more than that to tear down the building and build four new housing units there, Prince said. The city’s \$600,000 subsidy will come from federal grant money and city dollars allocated to the Invest St. Paul initiative, which targets certain neighborhoods, including Dayton’s Bluff.

The subsidy is in line with what the city has offered other people renovating houses in the targeted neighborhoods — generally \$150,000 for each housing unit created.

When city officials approved the funding Wednesday, Prince said the project was important because it “really keeps alive the history of our working class in St. Paul.”

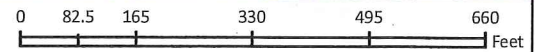
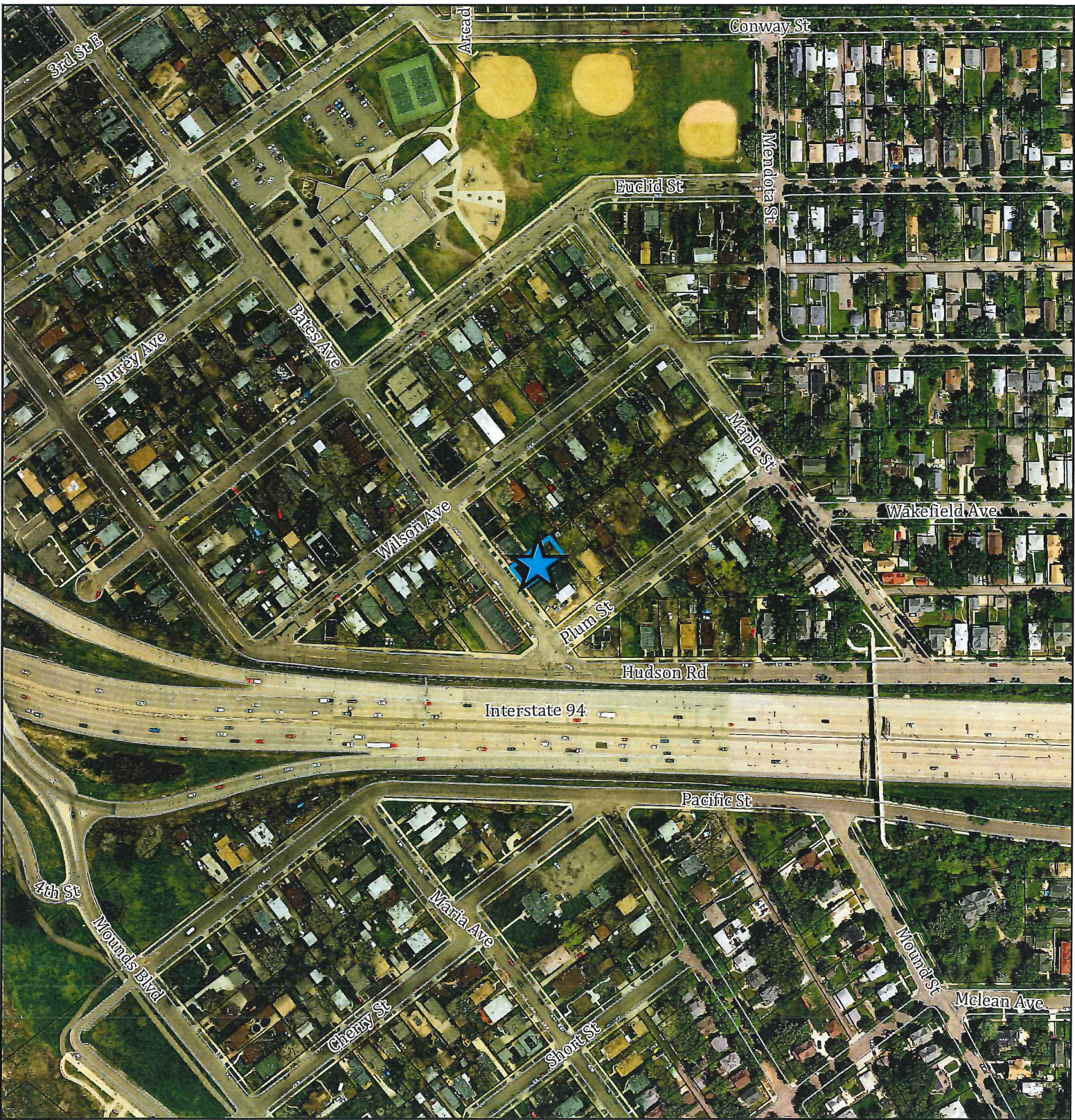
The final Dayton’s Bluff property that the city intends to sell, called the Schornstein Garage, is on the same block as the fourplex. Cory Vandenberghe, a woodworking hobbyist, made an offer on the building. He plans to remodel it and hopes to eventually also sell some of his work out of his home.

While the city has not yet approved Vandenberghe’s plan, Foster is excited about the possibility of having several live-work spaces clustered together.

“I think there’s a chance for kind of a synergy and kind of a revitalization,” Foster said.

Jessie.VanBerkel@startribune.com






FILE NAME: Autumn Song LLC

Aerial

APPLICATION TYPE: Reest. NCUP

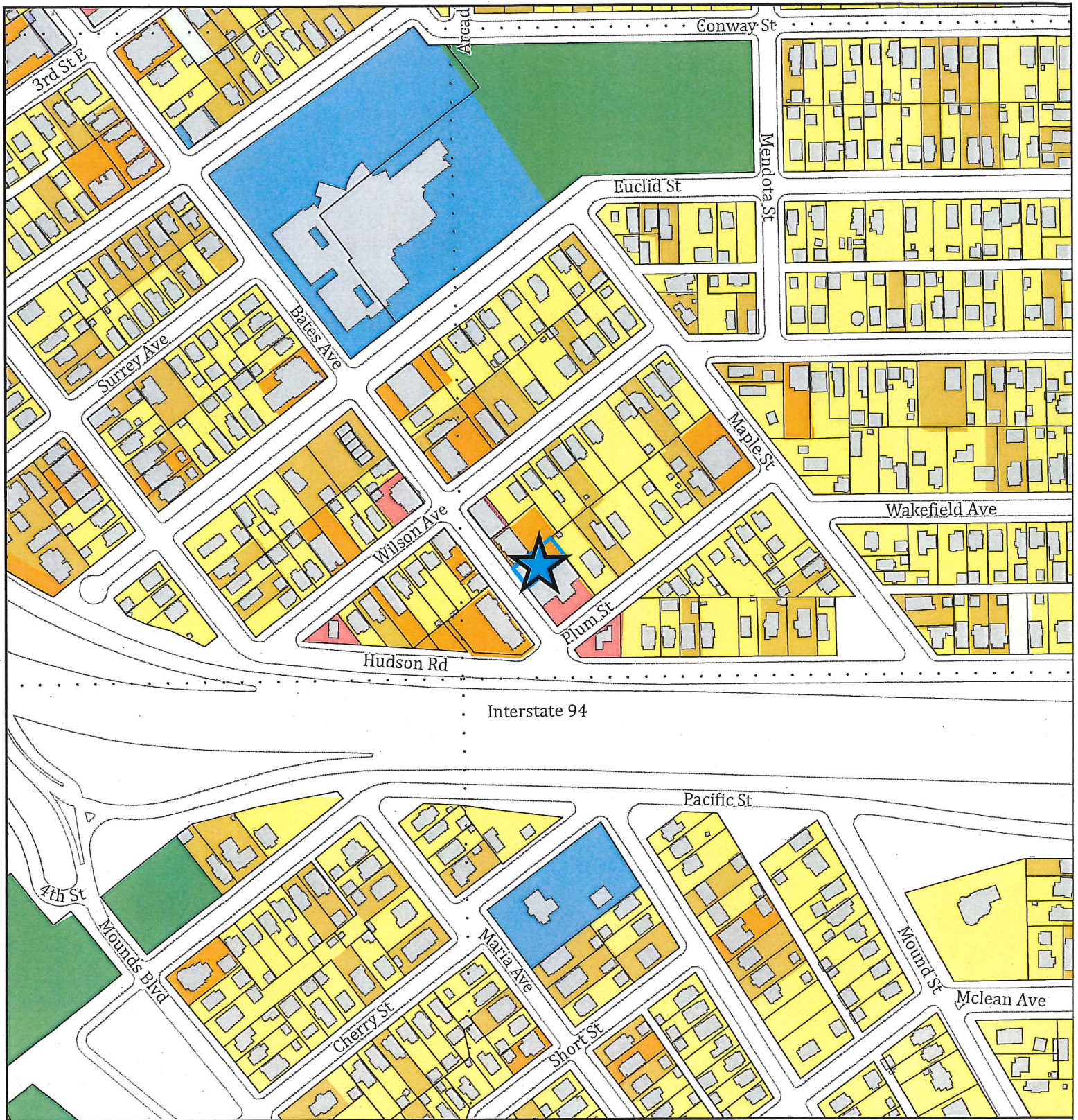
 Subject Parcels

FILE #: 17-082824 DATE: 9/25/2017

PLANNING DISTRICT: 4

ZONING PANEL: 17





FILE NAME: Autumn Song LLC

APPLICATION TYPE: Reest. NCUP

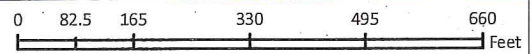
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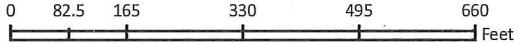
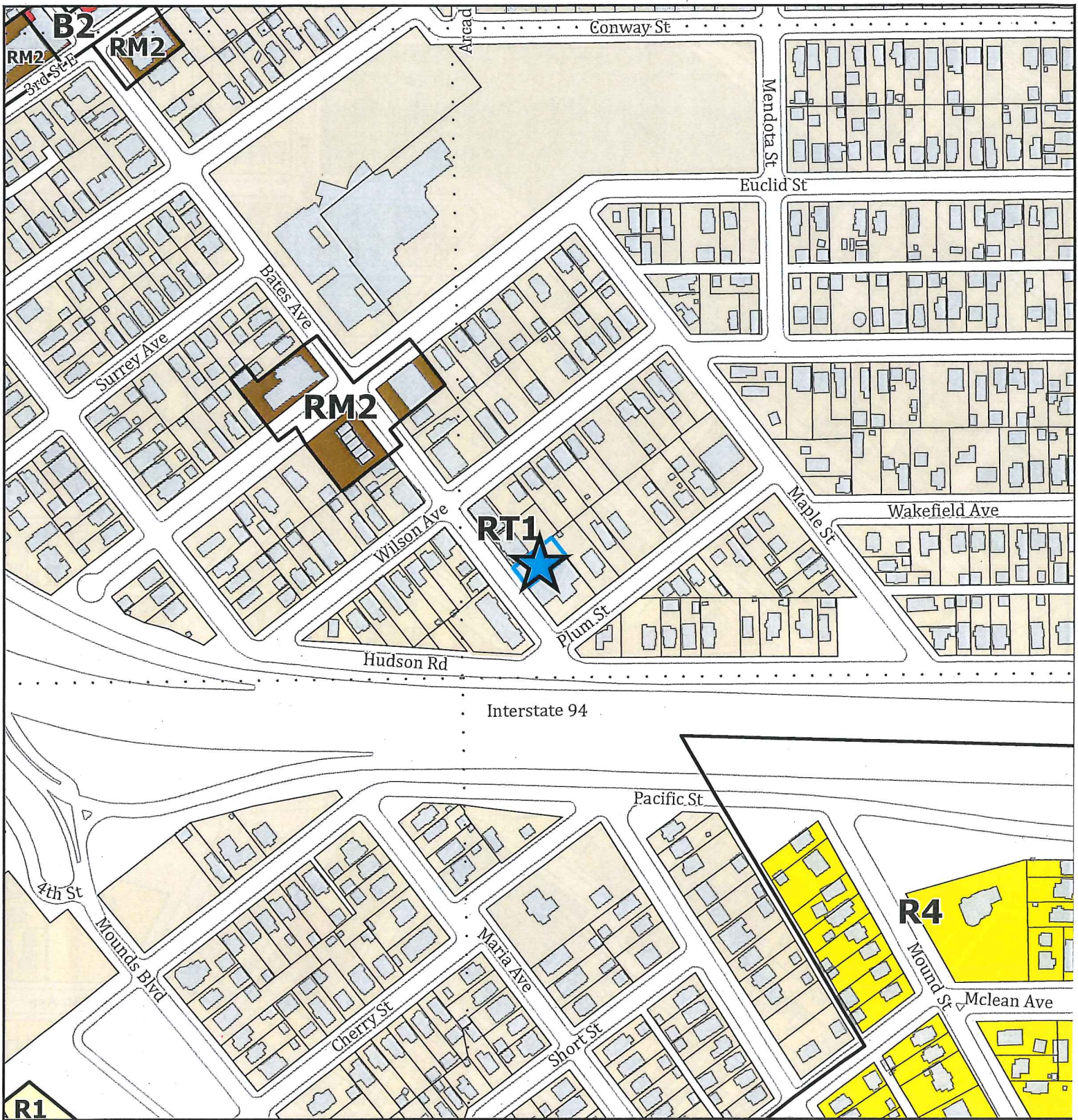
PLANNING DISTRICT: 4

ZONING PANEL: 17

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Subject Parcels
- Section Lines
- Undeveloped












FILE NAME: Autumn Song LLC

APPLICATION TYPE: Reest. NCUP

FILE #: 17-082824 DATE: 9/25/2017

PLANNING DISTRICT: 4

ZONING PANEL: 17

- Zoning**
-  Subject Parcels
 -  Section Lines
 -  R1 One-Family
 -  R4 One-Family
 -  RT1 Two-Family
 -  RM2 Multiple-Family
 -  B2 Community Business

